



## **APPENDIX G**

### **Agency Coordination**

#### **Federal Government Letters**

Tribal Consultation  
April 14, 2005  
April 14, 2005  
April 11, 2005  
April 5, 2005 (8 letters)

U.S. Coast Guard  
February 16, 2006  
August 19, 2004  
July 7, 2004  
November 18, 2003

U.S. Department of the Army Corps  
of Engineers  
March 21, 2006  
March 15, 2006  
September 10, 2004  
August 19, 2004

U.S. Department of Housing  
and Urban Development  
August 19, 2004  
May 18, 2004  
January 15, 2004

U.S. Department of the Interior –  
Fish and Wildlife Service  
January 22, 2004

U.S. Department of the Interior –  
National Park Service  
June 10, 2004

U.S. Department of Transportation –  
Federal Highway Administration  
April 30, 2004

U.S. Environmental Protection Agency  
February 21, 2006  
September 17, 2004  
August 20, 2004  
February 6, 2004

#### **Missouri Government Letters**

Missouri Department of Conservation  
January 9, 2004

Missouri Department of Natural Resources  
June 20, 2005  
May 26, 2005  
February 24, 2005  
January 21, 2005

Missouri Emergency Management Agency  
March 10, 2004  
January 7, 2004

#### **Miscellaneous**

Scoping Meeting Invitation  
April 22, 2004

Tribal Consultation  
April 14, 2005  
April 14, 2005  
April 11, 2005  
April 5, 2005 (8 letters)  
U.S. Coast Guard  
February 16, 2006  
August 19, 2004  
July 7, 2004  
November 18, 2003  
U.S. Department of the Army Corps of Engineers  
March 21, 2006  
March 15, 2006  
September 10, 2004  
August 19, 2004  
U.S. Department of Housing and Urban Development  
August 19, 2004  
May 18, 2004  
January 15, 2004  
U.S. Department of the Interior - Fish and Wildlife Service  
January 22, 2004  
U.S. Department of the Interior - National Park Service  
June 10, 2004  
U.S. Department of Transportation - Federal Highway Administration  
April 30, 2004  
U.S. Environmental Protection Agency  
February 21, 2006  
September 17, 2004  
August 20, 2004  
February 6, 2004

**JIM GRAY**  
Principal Chief

**KENNETH H. BIGHORSE**  
Assistant Principal Chief



**MEMBERS OF COUNCIL**  
MARK FREEMAN Jr.  
TERRY MASON MOORE  
HARRY ROY RED EAGLE  
JODIE SATEPAUHOODLE  
JERRY SHAW  
PAUL R. STABLER  
DUDLEY WHITEHORN  
JOHN W. WILLIAMS

**OSAGE TRIBAL COUNCIL**

April 14, 2005

US Dept. of Transportation  
Federal Highway Administration  
Attn: Peggy Casey  
209 Adams St.  
Jefferson City, MO 65101

RE: I-29/I-35, Jackson and Clay Counties MoDOT Job No. J4I1507

Dear Ms. Casey:

The Osage Tribe of Oklahoma has evaluated the above reference sites, and we have determined that the site could have religious or cultural significance to the Osage Tribe being our former reservation & homeland. However, if construction activities should expose Osage archeological materials, such as bone, pottery, chipped stone, etc., we ask that construction activities cease, and this office be contacted so that an evaluation can be made

Should you have any questions, you can reach me at (918) 287-5446.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Whitehorn", with a long horizontal line extending to the right.

Anthony P. Whitehorn  
ACTING Tribal Enterprise Manager



## *Sac & Fox Tribe of the Mississippi in Iowa*

349 Meskwaki Road, Tama, IA 52339-9629 • (641) 484-4678 FAX (641) 484-5424

"MESKWAKI NATION"

April 14, 2005

Peggy Casey or Bob Reeder  
U.S. Department of Transportation  
Missouri Division  
209 Adams Street  
Jefferson City, MO 65101

Dear Mrs. Casey or Mr. Reeder:

Thank you for your letter of April 5, 2005 concerning the project:

**I-29/I-35, Jackson and Clay Counties  
MoDOT Job NO. JI1507**

At this time, the Historical Preservation Department of the Sac and Fox of the Mississippi in Iowa has determined the above listed has:

- No interest in the area geographically
- No comment on the proposed undertaking
- No objections. However, if human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, please stop immediately and notify the NAGPRA Representative, Johnathan L Buffalo.
- Have an objection or require additional project information. Please send the following:

Sincerely,

Johnathan L. Buffalo  
Historical Preservation Coordinator  
Sac and Fox of the Mississippi in Iowa

Cc: File



## Iowa Tribe of Oklahoma

R.R. 1, Box 721  
Perkins, Oklahoma 74059  
(405) 547-2402  
Fax: (405) 547-5294

4/11/2005

Missouri Dept. of Transportation  
ATTN: Peggy Casey  
209 Adams Street  
Jefferson City, MO 65101

RE: J411507

Dear Peggy Casey:

We received the notification of your district's improvement program. I understand that some of the project is a previous improvement and you do not foresee any impact of Native American or Euro-American archaeological resources.

The Iowa people have an historic presence in Jackson & Clay Counties. Please keep the Iowa Tribe of Oklahoma informed if anything new is discovered.

The historical preservation of the Iowa Tribe of Oklahoma is very important. Many religious and cultural artifacts have been discovered. During excavation if anything is unearthed please give me a call at 405-547-2402 ext. 323 or e-mail me at [etipton@iowanation.org](mailto:etipton@iowanation.org).

Thank you for your cooperation in this matter.

Sincerely,

Erin C. Tipton  
Historical Preservation

ECT/jr

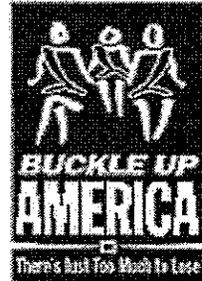


U.S. Department  
of Transportation  
**Federal Highway  
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Missouri Division

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209 Adams Street  
Jefferson City, Missouri 65101  
(573) 636-7104  
Fax (573) 636-9283  
Missouri.FHWA@fhwa.dot.gov

Allen Masuda, Division Administrator



April 5, 2005

Mr. Lewis DeRoin, Chairman  
Iowa Tribe of Kansas and Nebraska  
3345 Thrasher Road #8  
White Cloud, KS 66094

ATTN: Mr. Patt Murphy  
206 S. Buckeye  
Abilene KS 67410

Subject: I-29/I-35, Jackson and Clay Counties  
MoDOT Job No. J411507  
Invitation to Consult

Dear Chairman DeRoin:

The Missouri Department of Transportation (MoDOT) and the Federal Highway Administration (FHWA) have begun the scoping process for the preparation of an Environmental Impact Statement (EIS) for a project on I-29/I-35 in Kansas City, Missouri. We are proposing to reconstruct and widen the existing Interstate I-29/I-35 facility with new interchange configurations, bridges, including the bridge over the Missouri River (known as the Paseo Bridge) and roadways in Clay and Jackson Counties. The project includes the north side of the downtown loop designated as I-29/35 and I-35/70.

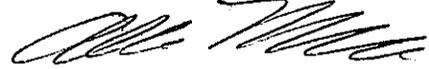
A map showing the location of the project is enclosed. An archaeological survey will be conducted for all new right-of-way. All archaeological sites that may be impacted by the proposed improvements will be evaluated, avoided where feasible, or mitigated if necessary.

On behalf of the FHWA, I invite your tribe to participate in these studies. Please let us know how and if you would like to be consulted on this project. Are you interested in receiving a copy of the draft EIS and the archaeological reports?

If you have any questions or comments, please contact Peggy Casey at (573) 638-2620, or [peggy.casey@fhwa.dot.gov](mailto:peggy.casey@fhwa.dot.gov); or Bob Reeder at (573) 751-0473, or [Robert.Reeder@modot.mo.us](mailto:Robert.Reeder@modot.mo.us).

Additional information concerning this project is available at  
[http://www.modot.mo.gov/kansascity/major\\_projects/I-29,I-35 Study](http://www.modot.mo.gov/kansascity/major_projects/I-29,I-35_Study).

Sincerely yours,



Allen Masuda, P.E.  
Division Administrator

Enclosure

cc: MoDOT/Cultural Resources/Bob Reeder  
MoDOT/Design/Environmental Studies/Kathy Harvey  
HNTB, 715 Kirk Dr., Kansas City MO 64105/Ken Bechtel

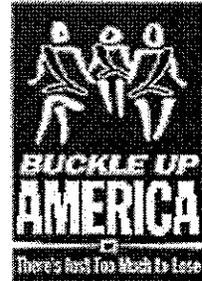


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Fax (573) 636-9283  
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Allen Masuda, Division Administrator



April 5, 2005

Ms. Phoebe O'Dell, Chairwoman  
Iowa Tribe of Oklahoma  
R.R. 1, Box 721  
Perkins, OK 74059

Attn: Marianne Long  
Historic Preservation Office

Subject: I-29/I-35, Jackson and Clay Counties  
MoDOT Job No. J411507  
Invitation to Consult

Dear Chairwoman O'Dell:

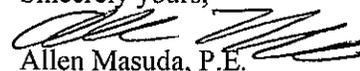
The Missouri Department of Transportation (MoDOT) and the Federal Highway Administration (FHWA) have begun the scoping process for the preparation of an Environmental Impact Statement (EIS) for a project on I-29/I-35 in Kansas City, Missouri. We are proposing to reconstruct and widen the existing Interstate I-29/I-35 facility with new interchange configurations, bridges, including the bridge over the Missouri River (known as the Paseo Bridge) and roadways in Clay and Jackson Counties. The project includes the north side of the downtown loop designated as I-29/35 and I-35/70.

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On behalf of the FHWA, I invite your tribe to participate in these studies. Please let us know how and if you would like to be consulted on this project. Are you interested in receiving a copy of the draft EIS and the archaeological reports?

If you have any questions or comments, please contact Peggy Casey at (573) 638-2620, or [peggy.casey@fhwa.dot.gov](mailto:peggy.casey@fhwa.dot.gov); or Bob Reeder at (573) 751-0473, or [Robert.Reeder@modot.mo.us](mailto:Robert.Reeder@modot.mo.us). Additional information concerning this project is available at [http://www.modot.mo.gov/kansascity/major\\_projects/I-29,I-35\\_Study](http://www.modot.mo.gov/kansascity/major_projects/I-29,I-35_Study).

Sincerely yours,

  
Allen Masuda, P.E.  
Division Administrator

Enclosure

cc: MoDOT/Cultural Resources/Bob Reeder  
MoDOT/Design/Environmental Studies/Kathy Harvey  
HNTB, 715 Kirk Dr., Kansas City MO 64105/Ken Bechtel

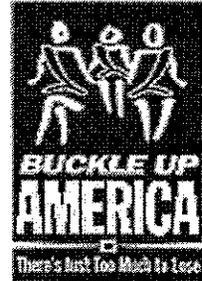


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Fax (573) 636-9283  
Missouri.FHWA@fhwa.dot.gov

Allen Masuda, Division Administrator



April 5, 2005

Mr. Donald Grant, Chairman  
Omaha Tribe of Nebraska  
P.O. Box 368  
Macy NE 68039

ATTN: Mr. Doran Morris

Subject: I-29/I-35, Jackson and Clay Counties  
MoDOT Job No. J4I1507  
Invitation to Consult

Dear Chairman Grant:

The Missouri Department of Transportation (MoDOT) and the Federal Highway Administration (FHWA) have begun the scoping process for the preparation of an Environmental Impact Statement (EIS) for a project on I-29/I-35 in Kansas City, Missouri. We are proposing to reconstruct and widen the existing Interstate I-29/I-35 facility with new interchange configurations, bridges, including the bridge over the Missouri River (known as the Paseo Bridge) and roadways in Clay and Jackson Counties. The project includes the north side of the downtown loop designated as I-29/35 and I-35/70.

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Sincerely yours,

Allen Masuda, P.E.  
Division Administrator

Enclosure

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MoDOT/Design/Environmental Studies/Kathy Harvey  
HNTB, 715 Kirk Dr., Kansas City MO 64105/Ken Bechtel

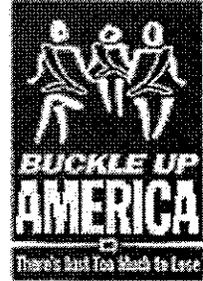


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Allen Masuda, Division Administrator



April 5, 2005

Mr. Jim Gray, Principal Chief  
Osage Tribe, Oklahoma  
P.O. Box 779  
Pawhuska OK 74056

ATTN: Anthony Whitehorn  
  
Subject: I-29/I-35, Jackson and Clay Counties  
MoDOT Job No. J4I1507  
Invitation to Consult

Dear Chief Gray:

The Missouri Department of Transportation (MoDOT) and the Federal Highway Administration (FHWA) have begun the scoping process for the preparation of an Environmental Impact Statement (EIS) for a project on I-29/I-35 in Kansas City, Missouri. We are proposing to reconstruct and widen the existing Interstate I-29/I-35 facility with new interchange configurations, bridges, including the bridge over the Missouri River (known as the Paseo Bridge) and roadways in Clay and Jackson Counties. The project includes the north side of the downtown loop designated as I-29/35 and I-35/70.

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Sincerely yours,

Allen Masuda, P.E.  
Division Administrator

Enclosure

cc: MoDOT/Cultural Resources/Bob Reeder  
MoDOT/Design/Environmental Studies/Kathy Harvey  
HNTB, 715 Kirk Dr., Kansas City MO 64105/Ken Bechtel



U.S. Department  
of Transportation

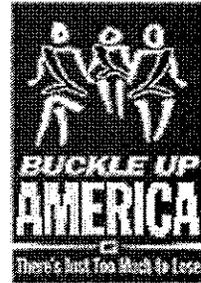
**Federal Highway  
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Fax (573) 636-9283  
Missouri.FHWA@fhwa.dot.gov

Allen Masuda, Division Administrator



April 5, 2005

Mr. James Grant, Chairman  
Otoe-Missouria Tribe of Indians, Oklahoma  
8151 Highway 77  
Red Rock OK 74651

ATTN: Ms. Mildred Hudson, NAGPRA  
612 South 9<sup>th</sup> Street  
Ponca City, OK 74601

Subject: I-29/I-35, Jackson and Clay Counties  
MoDOT Job No. J4I1507  
Invitation to Consult

Dear Chairman Grant:

The Missouri Department of Transportation (MoDOT) and the Federal Highway Administration (FHWA) have begun the scoping process for the preparation of an Environmental Impact Statement (EIS) for a project on I-29/I-35 in Kansas City, Missouri. We are proposing to reconstruct and widen the existing Interstate I-29/I-35 facility with new interchange configurations, bridges, including the bridge over the Missouri River (known as the Paseo Bridge) and roadways in Clay and Jackson Counties. The project includes the north side of the downtown loop designated as I-29/35 and I-35/70.

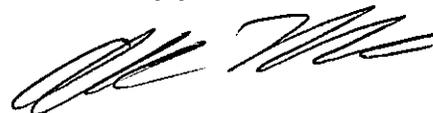
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Additional information concerning this project is available at  
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Sincerely yours,

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Allen Masuda, P.E.  
Division Administrator

Enclosure

cc: MoDOT/Cultural Resources/Bob Reeder  
MoDOT/Design/Environmental Studies/Kathy Harvey  
HNTB, 715 Kirk Dr., Kansas City MO 64105/Ken Bechtel

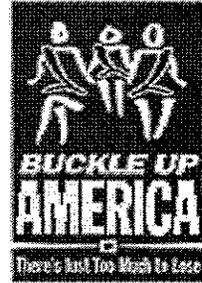


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Jefferson City, Missouri 65101  
(573) 636-7104  
Fax (573) 636-9283  
Missouri.FHWA@fhwa.dot.gov

Allen Masuda, Division Administrator



April 5, 2005

Ms. Kay Rhodes, Principal Chief  
Sac & Fox Nation, Oklahoma  
Route 2, Box 246  
Stroud OK 74079

ATTN: Ms. Sandra Kaye Massey  
Subject: I-29/I-35, Jackson and Clay Counties  
MoDOT Job No. J4I1507  
Invitation to Consult

Dear Chief Rhodes:

The Missouri Department of Transportation (MoDOT) and the Federal Highway Administration (FHWA) have begun the scoping process for the preparation of an Environmental Impact Statement (EIS) for a project on I-29/I-35 in Kansas City, Missouri. We are proposing to reconstruct and widen the existing Interstate I-29/I-35 facility with new interchange configurations, bridges, including the bridge over the Missouri River (known as the Paseo Bridge) and roadways in Clay and Jackson Counties. The project includes the north side of the downtown loop designated as I-29/35 and I-35/70.

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Allen Masuda, P.E.  
Division Administrator

Enclosure

cc: MoDOT/Cultural Resources/Bob Reeder  
MoDOT/Design/Environmental Studies/Kathy Harvey  
HNTB, 715 Kirk Dr., Kansas City MO 64105/Ken Bechtel

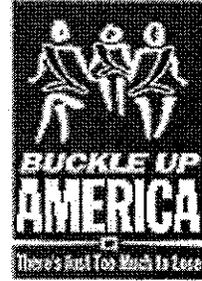


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Allen Masuda, Division Administrator



April 5, 2005

Ms. Sandra Keo, Chairwoman  
Sac & Fox Nation of Missouri in Kansas and Nebraska  
305 N. Main Street  
Reserve KS 66434

ATTN: Ms. Deanne Bahr  
  
Subject: I-29/I-35, Jackson and Clay Counties  
MoDOT Job No. J4I1507  
Invitation to Consult

Dear Chairwoman Keo:

The Missouri Department of Transportation (MoDOT) and the Federal Highway Administration (FHWA) have begun the scoping process for the preparation of an Environmental Impact Statement (EIS) for a project on I-29/I-35 in Kansas City, Missouri. We are proposing to reconstruct and widen the existing Interstate I-29/I-35 facility with new interchange configurations, bridges, including the bridge over the Missouri River (known as the Paseo Bridge) and roadways in Clay and Jackson Counties. The project includes the north side of the downtown loop designated as I-29/35 and I-35/70.

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Sincerely yours,

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Allen Masuda, P.E.  
Division Administrator

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cc: MoDOT/Cultural Resources/Bob Reeder  
MoDOT/Design/Environmental Studies/Kathy Harvey  
HNTB, 715 Kirk Dr., Kansas City MO 64105/Ken Bechtel

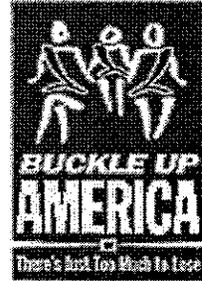


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Allen Masuda, Division Administrator



April 5, 2005

Mr. Homer Bear, Jr., Chairman  
Sac & Fox Tribe of the Mississippi in Iowa  
349 Meskwaki Road  
Tama IA 52339

ATTN: Mr. Johnathan Buffalo  
Historic Preservation Coordinator

Subject: I-29/I-35, Jackson and Clay Counties  
MoDOT Job No. J4I1507  
Invitation to Consult

Dear Chairman Bear:

The Missouri Department of Transportation (MoDOT) and the Federal Highway Administration (FHWA) have begun the scoping process for the preparation of an Environmental Impact Statement (EIS) for a project on I-29/I-35 in Kansas City, Missouri. We are proposing to reconstruct and widen the existing Interstate I-29/I-35 facility with new interchange configurations, bridges, including the bridge over the Missouri River (known as the Paseo Bridge) and roadways in Clay and Jackson Counties. The project includes the north side of the downtown loop designated as I-29/35 and I-35/70.

A map showing the location of the project is enclosed. An archaeological survey will be conducted for all new right-of-way. All archaeological sites that may be impacted by the proposed improvements will be evaluated, avoided where feasible, or mitigated if necessary.

On behalf of the FHWA, I invite your tribe to participate in these studies. Please let us know how and if you would like to be consulted on this project. Are you interested in receiving a copy of the draft EIS and the archaeological reports?

If you have any questions or comments, please contact Peggy Casey at (573) 638-2620, or [peggy.casey@fhwa.dot.gov](mailto:peggy.casey@fhwa.dot.gov); or Bob Reeder at (573) 751-0473, or [Robert.Reeder@modot.mo.us](mailto:Robert.Reeder@modot.mo.us). Additional information concerning this project is available at [http://www.modot.mo.gov/kansascity/major\\_projects/I-29,I-35\\_Study](http://www.modot.mo.gov/kansascity/major_projects/I-29,I-35_Study).

Sincerely yours,

Allen Masuda, P.E.  
Division Administrator

Enclosure

cc: MoDOT/Cultural Resources/Bob Reeder  
MoDOT/Design/Environmental Studies/Kathy Harvey  
HNTB, 715 Kirk Dr., Kansas City MO 64105/Ken Bechtel

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
Eighth Coast Guard District

1222 Spruce Street  
St. Louis, MO 63103-2832  
Staff Symbol: dwb  
Phone: (314) 539-3900, Ext 2382  
Fax: (314) 539-3755  
Email:

16591.6/364.81 MOR  
February 16, 2006

Ms. Lee Ann Kell, P.E.  
Transportation Planning Manager  
Missouri Department of Transportation  
600 NE Colbern Road  
Lee's Summit, MO 64086

Subj: PASEO HIGHWAY BRIDGE REPLACEMENT, MILE 364.81, MISSOURI RIVER

Dear Ms. Kell:

Please refer to your letter dated January 26, 2006 inviting our comments on the Preliminary Draft Environmental Impact Statement (EIS) for the subject bridge. The Coast Guard reviewed the document from the perspective of assessing the impacts of bridge construction on navigation and the environment. The following comments should be addressed in the final environmental document:

- a. On page IV-58, Permits – Section L. Add a separate section titled Bridge Permit (U.S. Coast Guard). Separate the Coast Guard from the Corps of Engineers to reflect a Section 9 permit will be required for the building of a new bridge. In addition, separate Coast Guard approvals will be required for cofferdam construction, steel erection and demolition.
- b. On page IV-77, Bridge Impacts – Change sentence regarding existing river pier removal depths to read: The existing river piers shall be removed down to elevation 698.0, mean sea level vs. three feet below the river channel bottom. Also, Coast Guard approval will be required prior to demolition and will determine adequate removal conditions.
- c. On page IV-81, Navigation Impacts – The EIS should address the Missouri River in terms of the river transportation it supports. Include data on the number, size, and types of vessels currently using the waterway as a basis for evaluating impacts to navigation. This information should be compared with past records and projected future trends for the waterway to better understand how the new bridge will not compromise navigational safety and efficiency.

Change second to last sentence of the first paragraph to read: All new bridges must provide a minimum vertical clearance of 52 feet above 2% flowline.

- d. Since a bridge permit is required for the project the Coast Guard will need a Water Quality Certificate from the Missouri Department of Natural Resources, which states that the project complies with the provisions of Section 401 of the Clean Water Act. This certificate is separate from the Section 404 permit required by the Corps of Engineers.

Subj: PASEO HIGHWAY BRIDGE REPLACEMENT,  
MILE 364.81, MISSOURI RIVER

16591.6/364.81 MOR  
February 16, 2006

- e. Provide a copy of the Biological Assessment along with a signed copy of the Memorandum of Agreement.

Please provide the above requested additional information in order that this document will be acceptable to the Coast Guard. We will also need a signed copy of the Final Environmental Impact Statement.

We appreciate the opportunity to comment n this project in this early stage. Please contact Mr. David Orzechowski at the above telephone number if you have questions regarding our comments or requirements.

Sincerely,



ROGER K. WIEBUSCH  
Bridge Administrator  
By direction of the District Commander



U.S. Department  
of Transportation

**Federal Highway  
Administration**

Missouri Division

*FHWA VISION:*  
"To Create the Best Transportation  
System in the World."

209 Adams Street  
Jefferson City, Missouri 65101  
(573) 636-7104  
Fax (573) 636-9283  
Missouri.FHWA@fhwa.dot.gov

Allen Masuda, Division Administrator



August 19, 2004

Mr. Roger Wiebusch, Bridge Administrator  
U.S. Coast Guard, Bridge Branch  
Eighth Coast Guard District  
1222 Spruce Street  
St. Louis, MO 63103-2832

Subject: I-29/I-35, Clay and Jackson Counties, Missouri  
N/o Rte. 210 to NW Corner of Downtown Freeway Loop (I-35/I-70)  
MoDOT Job No. J4I1507  
Cooperating Agency Request

Dear Mr. Wiebusch:

The Federal Highway Administration (FHWA) in cooperation with the Missouri Department of Transportation (MoDOT) is initiating an Environmental Impact Statement (EIS) for proposed improvements to Interstate 29/35 in Kansas City and North Kansas City, Jackson and Clay Counties, Missouri. Since the proposed project will cross the Missouri River and will require a Coast Guard Bridge Permit and because your agency has jurisdiction under Section 9 of the Rivers and Harbors Act of 1899 over navigable waters of the U.S. and expertise in such matters, we are requesting the U.S. Coast Guard (USCG) to be a cooperating agency.

The study area begins just north of Missouri Route 210 in Clay County, continues south across the Missouri River on I-29/I-35/US 71 and along the north side of the I-35/I-70 (US 24/40) downtown freeway loop to the northwest corner of the downtown loop in the city of Kansas City in Jackson County. The project length is 4.7 miles (7.6 kilometers). Needs to be addressed include replacing the deteriorating facility and substandard interchanges, improving traffic safety, improving the interstate system linkage across the Missouri River, providing sufficient vehicle capacity to accommodate travel demands, improving traffic operation and decreasing congestion, improving access to the CBD and other major activity centers, facilitating the movement of trucks, and enhancing the movement of international trade. The alternatives to be evaluated for addressing these needs are: 1) the "no-build" alternative, 2) build alternatives, and 3) Transportation System Management (TSM) options. Potential environmental concerns in the study area include access changes; residential, commercial, and institutional acquisitions/relocations; threatened and endangered species; public lands; hazardous waste; cultural resources; floodplain and floodway rise restrictions; visual impacts; and noise.

Substantial preliminary coordination with local officials and other interested parties has already occurred. As part of the scoping process for the project, an interagency coordination meeting was held with federal, state, and local agencies on May 12, 2004.

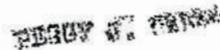
Your agency's involvement should include those areas under your jurisdiction and expertise, with no direct writing or analysis expected for preparation of the EIS. We will take the following actions to maximize interagency cooperation:

- 1) Invite you to coordination meetings;
- 2) Consult with you on any relevant technical studies the project requires;
- 3) Organize joint field reviews as appropriate;
- 4) Provide you with project information, including study results;
- 5) Encourage you to use the above documents to express your agency's views on subjects within its jurisdiction or expertise; and
- 6) Include information in the project environmental documents that your agency needs to discharge its National Environmental Policy Act (NEPA) responsibilities and any other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

The USCG has the right to expect that the EIS will enable you to discharge your jurisdictional responsibilities. Likewise, you have the obligation to tell us if, at any point in the process, your agency's needs are not being met. We expect that at the end of the process the EIS will satisfy your NEPA requirements including those related to project alternatives, environmental consequences, and mitigation. Further, we intend to utilize the EIS and our subsequent Record of Decision as our decision-making documents and as the basis for any permit applications.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the EIS, please contact me at the above address. My telephone number is (573) 638-2620 and my e-mail address is [peggy.casey@fhwa.dot.gov](mailto:peggy.casey@fhwa.dot.gov), 65101.

Sincerely yours,



Peggy J. Casey, P.E.  
Environmental Programs Engineer

cc: MoDOT/Environmental Section/Carole Hopkins

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
Eighth Coast Guard District

1222 Spruce Street  
St. Louis, MO 63103-2832  
Staff Symbol: obr  
Phone: (314) 539-3900, Ext 2382  
Fax: (314) 539-3755  
Email:

16591.1/364.81 MOR  
7 July 2004

Mr. Thomas J. Westerman  
HNTB Corporation  
715 Kirk Drive  
Kansas City, MO 64105

Subj: PROPOSED PASEO BRIDGE REPLACEMENT, MILE 364.51, MISSOURI RIVER

Dear Mr. Westerman:

This is in reply to your letter of May 24, 2004, concerning the proposed bridge project at Mile 364.8, Missouri River.

The two options you mentioned in your letter were: (1) add a companion bridge and complete a major rehabilitation on the existing bridge or (2) replace the existing bridge with a new one. If option one were selected, we will require the channel piers of the new companion bridge to match those of the existing Paseo Bridge. For option two, we would require the right descending pier be located on the bank and the left pier a minimum of 450 feet toward the left descending bank. Please provide a drawing that shows water surface elevations and actual pier locations including the pier located on the right descending bank. This drawing will assist us in our review of the required navigational clearance.

The existing bridge can only be retained if it continues to provide a transportation function. Once that function ceases, the bridge must be removed. Please refer any prospective bridge owners to this office so we may explain the responsibility of a bridge owner.

If you have any questions, you can contact Mr. David Orzechowski at (314) 539-3900, Ext. 2382 to discuss this project.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Wiebusch".

ROGER K. WIEBUSCH

Bridge Administrator

By direction of the District Commander

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
Eighth Coast Guard District

1222 Spruce Street  
St. Louis, MO 63103-2832  
Staff Symbol: obr  
Phone: (314) 539-3900, x2382  
Fax: (314) 539-3755  
Email: dorzechowski@cgstl.uscg.mil

16591.1/364.81 MOR  
18 November 2003

Mr. Thomas J. Westerman  
HNTB Corporation  
715 Kirk Drive  
Kansas City, MO 64105

Subj: PROPOSED PASEO BRIDGE REPLACEMENT, MILE 364.81, MISSOURI RIVER

Dear Mr. Westerman:

This is in reply to your letter of September 29, 2003, concerning the proposed bridge project at Mile 364.8, Missouri River.

The General Bridge Act of 1946 requires that the location and plans for bridges over navigable waters of the United States be approved by the Commandant, U.S. Coast Guard prior to commencing construction. The Missouri River is considered to be a navigable waterway of the United States for bridge administration purposes at the bridge site.

Applications for bridge permits should be addressed to Commander (obr), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103-2832, Attention: Bridge Branch. The application must be supported by sufficient information to permit a thorough assessment of the impact of the bridge and its immediate approaches on the environment. We recommend that the impacts of procedures for constructing cofferdams, sand islands, and falsework bents, etc., that will be employed to build the bridge and demolish the old bridge be discussed. The Environmental Assessment (EA) should also contain data on the number, size and types of vessels currently using the waterway. This information should be compared with past and projected future trends on the use of the waterway.

We agree to serve as a Cooperating Agency for the project from a navigation standpoint. We should be given the opportunity to review the EA and be consulted before a decision is made to prepare a FONSI in lieu of an EIS. Our review and recommendations on the vertical and horizontal clearance requirements for river traffic will be coordinated with the (Name State) Department of Transportation Bridge and Structure Division office.

If the old bridge is eligible for the National Register of Historic Places, a Guidance Memorandum signed by the Federal Highway Administration and the Coast Guard requires the preparation of an Environmental Impact Statement (EIS) for demolition of a historic bridge unless the structure is not considered important for preservation. You will note that documentation and coordination beyond Section 106 requirements are necessary in order for us to accept a FONSI for such projects.

Subj: PROPOSED PASEO BRIDGE REPLACEMENT, MILE 364.81, MISSOURI RIVER

You suggested matching the location of new piers with the existing piers or placing a pier about halfway between pier 2 and pier 3. From a navigational viewpoint, neither of these scenarios is acceptable. Currently the navigational channel runs through right descending span. In planning for a new bridge, the location of the right descending pier should be on the bank and the left pier 600 feet toward the left descending bank. The resulting horizontal clearance of 600 feet and vertical clearance of 83 feet would meet the reasonable needs of navigation.

We appreciate the opportunity to comment on the project in this early stage. You can contact Mr. David Orzechowski at the above telephone number if you have questions regarding our comments or requirements.

Sincerely,



ROGER K. WIEBUSCH  
Bridge Administrator  
By direction of the District Commander

Missouri  
Department  
of Transportation



Pete K. Rahn, Director

105 West Capitol Avenue  
P.O. Box 270  
Jefferson City, MO 65102  
(573) 751-2551  
Fax (573) 751-6555  
[www.modot.org](http://www.modot.org)

March 21, 2006

Mr. Doug Berka, Project Manager  
Regulatory Branch, CO-R  
U.S. Army Corps of Engineers  
Kansas City District  
700 Federal Office Building  
601 East 12th Street  
Kansas City, Missouri 64106

Dear Mr. Berka:

Subject: Design – Environmental Section  
I-29/35 Project, Clay and Jackson Counties  
Job No. J4I1507  
Wetland Determination and Section 404 Permit Verification

The Missouri Department of Transportation (MoDOT) and Federal Highway Administration (FHWA) plan to reconstruct and widen Interstate 29/35 with new interchange configurations, bridges, and roadways in an urbanized area of North Kansas City and Kansas City, Missouri in Clay and Jackson counties (MoDOT Job No. J4I1507). The approximate 4.7-mile long study corridor extends between just north of the Route 210/Armour Road interchange and continues south along the I-29/35/US 71 to the northwest corner of the downtown Kansas City central business district (CBD), including the north side of the CBD loop. The project includes the retention and/or demolition of the Paseo Bridge and the construction of a new bridge(s) that spans the Missouri River.

A final design for the I-29/35 Project will not be determined until after the project is awarded to a Design-Build (D-B) team. Following the signing of the Record of Decision (ROD), which completes the National Environmental Policy Act (NEPA) coordination for the project, a final request for proposals will be issued. Selection and award of the project to a D-B team will be based on final proposals received. The Preferred Alternative footprint described as part of the NEPA Draft Environmental Impact Statement (EIS) document is the maximum footprint that best meets the project's Purpose and Need. Due to many constraints, the footprint of the Preferred Alternative, which is the build alternative, is restrained, minimizing impacts while allowing the D-B contractor to consider efficient, yet effective, options.

*Wetland Determination Results:* A wetland delineation of the Preferred Alternative was completed in May 2005, and results were summarized in a preliminary wetland determination

report forwarded to your office on January 31, 2006. During a meeting with you on February 24, 2006, the results of this wetland delineation were discussed. In addition, the D-B process, the project's schedule, and permitting issues associated with the project were discussed. Per this meeting, an additional field visit was completed on March 3, 2006 and a revised preliminary wetland determination report was completed. The revised wetland determination report is attached for your review and includes the additional jurisdictional wetlands and the ephemeral stream north of 16th Avenue not discussed in the original report. This revised report also summarizes results of further investigations into the hydrological connectivity of the waters identified within the Preferred Alternative footprint, as we had discussed on February 24, 2006. Furthermore, MoDOT has further defined proposed impacts to waters of the U.S. identified within the Preferred Alternative footprint.

Seven likely jurisdictional waters of the U.S. were identified within the Preferred Alternative footprint (as summarized in the table below): four streams (including the Missouri River) and three wetlands. One wetland (Wetland 1) identified on the National Wetland Inventory (NWI) map as a palustrine forested (PFO) wetland along the north side of the Missouri River was determined not to contain the three criteria of a jurisdictional wetland. Additionally, the pond (Pond 1), which was also identified on the NWI map, was found to be within the historic Missouri River floodplain but was built above the elevation of the river's floodline, and would therefore not likely be considered a water of the U.S. However, the fringe wetland along the outside of the pond (Wetland 4) was determined to be a likely a jurisdictional water of the U.S. due to its location in the historic Missouri River floodplain. Please refer to the enclosed wetland determination report for locations, photographs, and descriptions of the jurisdictional waters.

Feature Number	Name/Location	Type	Preliminary Jurisdictional Determination	Total Length/Area	Impacted Length/Area	Impact Type
Stream 1	Unnamed tributary of North Hillside Drainage Ditch	Intermittent	Yes (Connected)	130 ft	130 ft, 0.03 ac	Culvert Extension, Fill
Stream 2	North Hillside Drainage Ditch	Intermittent	Yes (Connected)	139 ft	139 ft, 0.03 ac	Culvert Extension
Stream 3	Missouri River	Perennial	Yes (Connected)	0 ft	0 ft, 0.12 ac	Bridge Construction, Temporary Access
Stream 4	Unnamed Drainage Ditch	Ephemeral	Yes (Adjacent)	360 ft	0 ft, 0.00 ac	N/A
Wetland 1	NWI PFO along Missouri River	N/A	No (Not Wetland)	N/A	N/A	N/A
Wetland 2	Along Stream 4	PEM	Yes (Adjacent)	0.27 ac	0.04 ac	Fill
Wetland 3	Along Stream 4	PFO	Yes (Adjacent)	0.02 ac	0.00 ac	N/A
Wetland 4	Pond 1 fringe	PEM/PFO	Yes (Adjacent)	0.04 ac	0.04 ac	Fill
Pond 1	Open Water	Manmade	No (Isolated)	0.56 ac	0.56 ac	Fill

*Impacts to Waters of the U.S.:* Three of the four streams identified within the Preferred Alternative footprint will be impacted by the project, as Stream 4 will be avoided. Up to 130 feet of Stream 1, the intermittent unnamed tributary to North Hillside Drainage Ditch, will be impacted through construction of the project: 15 feet of culvert extension on the upstream end (west side of I-29/35); 15 feet of culvert extension on the downstream end (east side of I-29/35); and 100 feet cut off and filled east of I-29/35. A new channel from the downstream culvert extension of Stream 1 would be cut to tie into the existing stream channel within existing MoDOT right-of-way. Up to 139 feet of Stream 2, the intermittent North Hillside Drainage Ditch, will be impacted through culvert extensions upstream and downstream.

The Missouri River (Stream 3) will be impacted through the placement of up to 0.12 acre of fill for the Paseo Bridge piers. Should the existing Paseo Bridge structure be retained and not demolished, approximately 0.06 acre of the Missouri River will be filled for construction of one set of bridge piers for a companion bridge. The Missouri River will also be impacted for temporary access during construction; however, no causeways will be used. In addition, no approach fills to the river will be required for construction of a companion bridge of the Paseo Bridge.

Two of the three jurisdictional wetlands identified within the Preferred Alternative footprint will be impacted by the project, as Wetland 3 will be avoided. Cumulatively, up to 0.02 acre of forested wetland and 0.06 acre of emergent wetland will be impacted through project construction. A total of 0.04 acre of emergent Wetland 2 will be permanently impacted by the improvements north of 16th Avenue. The wetland fringe around Pond 1 (Wetland 4) will also be filled during modifications north of 16th Avenue: 0.02 acre of emergent wetland and 0.02 acre of forested wetland.

*Avoidance, Minimization, and Mitigation:* The Preferred Alternative footprint, as discussed above, is constrained by many factors in its location along existing I-29/35. Impacts to Wetland 2 have been minimized (0.27 acre within right-of-way footprint; only 0.04 acre impact), and Wetland 3 (0.02 acre in size) has been completely avoided. Stream 4, which is the longest stream identified within the footprint (360 feet), has also been avoided. Impacts to the intermittent Streams 1 and 2 have been minimized through utilizing only existing right-of-way for widening. The only permanent impacts to the Missouri River will be the piers.

MoDOT has proposed on-site wetland mitigation be created adjacent to Wetland 2 east of the existing 16<sup>th</sup> Avenue ramp within MoDOT right-of-way. This portion of MoDOT right-of-way will not be part of a sedimentation basin proposed by a private future development, as had been mentioned at our February 24, 2006 meeting. If practicable, stream mitigation will be completed on-site as well.

*Agency Coordination:* MoDOT has initiated coordination with the U.S. Coast Guard in an effort to reach concurrence regarding the final Paseo Bridge design. Coordination has also been initiated with the USACE Hydrologic Engineering Branch, the North Kansas City Levee District, and the Levee Committee for the East Bottoms to identify construction guidelines that would

Mr. Doug Berka

Page 4

March 21, 2006

apply to activities involving the Missouri River levee and the temporary river access required for this project. Additionally, MoDOT is gathering potential pallid sturgeon (*Scaphirhynchus albus*) habitat data for the Preferred Alternative footprint and is in the process of beginning informal consultation with the U.S. Fish and Wildlife Service regarding potential impacts to this federally endangered species.

The State Historic Preservation Office (SHPO) and FHWA concurred during a December 1, 2004 site visit that, should any of the areas of archaeological interest that were identified in the Phase I archaeological and archival survey be impacted by the project, then the areas shall be examined by professional archaeologists. A phased approach will be followed to first determine if any cultural deposits are present, and then to gather appropriate information to evaluate the eligibility of those properties under the National Register criteria. The Draft EIS will contain a draft Section 106 Memorandum of Agreement for cultural resources; this will be fully executed and included in the Final EIS.

Please provide written concurrence on the enclosed preliminary wetland determination report. Additionally, please provide initial permit verification that will be required for this project. Thank you for your time on this, and if you have questions concerning any portion of this letter or report, please contact me at (573) 526-5647.

Sincerely,



Laura Ruman  
Wetland Specialist

Enclosures

Copies: Ms. Lee Ann Kell – 4  
Mr. Jim Shipley – 4  
Mr. Mark Kross – de  
Mr. Tom Allen – de  
Mr. Michael Stelzleni – de  
Mr. Steve Wells, HNTB



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

March 15, 2006

REPLY TO  
ATTENTION OF:

Regulatory Branch  
(200400768)

Lee Ann Kell, P.E., Transportation Planning Manager  
Missouri Department of Transportation  
District 4 – Kansas City Area  
600 NE Colbern Road  
Lee's Summit, Missouri 64086

Dear Ms. Kell:

As requested in your letter, dated January 26, 2005, the Kansas City District has reviewed a preliminary Draft Environmental Impact Statement (DEIS) titled, "Draft Environmental Impact Statement – North Kansas City & Kansas City Clay & Jackson Counties Missouri". The project consists of a proposal to reconstruct and widen approximately 4.7-mile-long section of Interstate 29/35 with new interchange configurations and bridges (including modification or replacement of the Paseo Bridge over the Missouri River), and improvements to connecting roadways in Clay and Jackson Counties.

We recommend the following changes to the DEIS:

- Page S-12, Section 3 – PUBLIC/AGENCY PARTICIPATION AND COMMENT, paragraph 2, last sentence. Omit this sentence or rewrite to state that the project appears to be eligible for Section 404 authorization by Nationwide Permit; therefore, a merged review process will not be initiated for the project.
- Page III-27, Section 4 – WATER RESOURCES, paragraph 3, last sentence. Omit this sentence (reference to NWP authorization is predecisional).
- Page IV-50, Section 2 – WETLAND IMPACTS. The 0.56 acre pond described in the DEIS appears to have fringe wetlands. It also appears that wetland vegetation is present in a drainage located immediately adjacent to the pond. Therefore, a potential exists that filling the pond may affect adjacent wetlands by cutting off or altering their hydrology. These issues require further investigation and should be discussed in the DEIS.

If you have any questions concerning this matter, please contact me at (816) 389-3657 or Fax (816) 426-2321.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas R. Berka".

Douglas R. Berka  
Regulatory Project Manager



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

REPLY TO  
ATTENTION OF:

September 10, 2004

(200400768)

Ms. Peggy J. Casey, P.E.  
Federal Highway Administration  
209 Adams Street  
Jefferson City, Missouri 65101

Dear Ms. Casey:

This letter is being provided in response to your August 19, 2004, letter requesting that we become a cooperating agency for a First Tier Environmental Impact Statement to address a proposal requiring Section 404 authorization to improve Interstate 29/35 in Kansas City and North Kansas City, Missouri. Your letter states that the proposed improvements will be sited along a 4.7 mile long route beginning just north of Missouri Route 210 in Clay County, extending south across the Missouri River on I-29/I-35/US 71, and continuing along the north side of the I-35/I-70 (US 24/40) downtown freeway loop to the northwest corner of the downtown loop in Kansas City, in Jackson County.

We are pleased to accept your offer to become a cooperating agency for preparation of the subject Environmental Impact Statement. Mr. Robert Smith of our office will be the District's point of contact for the project.

If you have any questions concerning this matter, please write me or contact Mr. Smith at (816) 983-3656/FAX 426-2321 or by email [robert.j.smith@nwk02.usace.army.mil](mailto:robert.j.smith@nwk02.usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "J. S. Hughes".

Joseph S. Hughes  
Chief, Regulatory Branch  
Operations Division

Copy Furnished:

MoDOT/Environmental Section/Carole Hopkins



U.S. Department  
of Transportation  
**Federal Highway  
Administration**  
Missouri Division

*FHWA VISION:*  
"To Create the Best Transportation  
System in the World."

209 Adams Street  
Jefferson City, Missouri 65101  
(573) 636-7104  
Fax (573) 636-9283  
Missouri.FHWA@fhwa.dot.gov

Allen Masuda, Division Administrator



August 19, 2004

Colonel Donald R. Curtis, Jr.  
U.S. Army Corps of Engineers, Kansas City District  
700 Federal Office Building  
601 E. 12th Street  
Kansas City, MO 64106

Subject: I-29/I-35, Clay and Jackson Counties, Missouri  
N/O Rte. 210 to NW Corner of Downtown Freeway Loop (I-35/I-70)  
MoDOT Job No. J411507  
Cooperating Agency Request

Dear Colonel Curtis:

The Federal Highway Administration (FHWA) in cooperation with the Missouri Department of Transportation (MoDOT) is initiating an Environmental Impact Statement (EIS) for proposed improvements to Interstate 29/35 in Kansas City and North Kansas City, Jackson and Clay Counties, Missouri. Since the proposed project will cross the Missouri River and will require a Section 404 permit and because your agency has jurisdiction over such permits, we are requesting the U.S. Army Corps of Engineers (USCOE) to be a cooperating agency.

The study area begins just north of Missouri Route 210 in Clay County, continues south across the Missouri River on I-29/I-35/US 71 and along the north side of the I-35/I-70 (US 24/40) downtown freeway loop to the northwest corner of the downtown loop in the city of Kansas City in Jackson County. The project length is 4.7 miles (7.6 kilometers). Needs to be addressed include replacing the deteriorating facility and substandard interchanges, improving traffic safety, improving the interstate system linkage across the Missouri River, providing sufficient vehicle capacity to accommodate travel demands, improving traffic operation and decreasing congestion, improving access to the Central Business District (CBD) and other major activity centers, facilitating the movement of trucks, and enhancing the movement of international trade. The alternatives to be evaluated for addressing these needs are: 1) the "no-build" alternative, 2) build alternatives, and 3) Transportation System Management (TSM) options. Potential environmental concerns in the study area include access changes; residential, commercial, and institutional acquisitions/relocations; threatened and endangered species; public lands; hazardous waste; cultural resources; floodplain and floodway rise restrictions; visual impacts; and noise.

Substantial preliminary coordination with local officials and other interested parties has already occurred. As part of the scoping process for the project, an interagency coordination meeting was held with federal, state, and local agencies on May 12, 2004.

Your agency's involvement should include those areas under your jurisdiction and expertise, with no direct writing or analysis expected for preparation of the EIS. We will take the following actions to maximize interagency cooperation:

- 1) Invite you to coordination meetings;
- 2) Consult with you on any relevant technical studies the project requires;
- 3) Organize joint field reviews as appropriate;
- 4) Provide you with project information, including study results;
- 5) Encourage you to use the above documents to express your agency's views on subjects within its jurisdiction or expertise; and
- 6) Include information in the project environmental documents that your agency needs to discharge its National Environmental Policy Act (NEPA) responsibilities, satisfy the requirements of the Section 404 (b)(1) guidelines, and any other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

The USCOE has the right to expect that the EIS will enable you to discharge your jurisdictional responsibilities. Likewise, you have the obligation to tell us if, at any point in the process, your agency's needs are not being met. We expect that at the end of the process the EIS will satisfy your NEPA requirements including those related to project alternatives, environmental consequences, and mitigation. Further, we intend to utilize the EIS and our subsequent Record of Decision as our decision-making documents and as the basis for any permit applications.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the EIS, please contact our office at the above address, or call me at (573) 638-2620 or e-mail at [peggy.casey@fhwa.dot.gov](mailto:peggy.casey@fhwa.dot.gov).

Sincerely yours,

  
Peggy J. Casey, P.E.  
Environmental Programs Engineer

cc: MoDOT/Environmental Section/Carole Hopkins



U.S. Department  
of Transportation  
**Federal Highway  
Administration**  
Missouri Division

*FHWA VISION:*  
"To Create the Best Transportation  
System in the World."

209 Adams Street  
Jefferson City, Missouri 65101  
(573) 636-7104  
Fax (573) 636-9283  
Missouri.FHWA@fhwa.dot.gov

Allen Masuda, Division Administrator



August 19, 2004

Mr. Andrew L. Boeddeker, Director  
Office of Public Housing  
U.S. Department of Housing and Urban Development  
Kansas/Missouri State Office  
400 State Avenue  
Kansas City, Kansas 66101-2406

Subject: I-29/I-35, Clay and Jackson Counties, Missouri  
N/o Rte. 210 to NW Corner of Downtown Freeway Loop (I-35/I-70)  
MoDOT Job No. J4I1507  
Cooperating Agency Request

Dear Mr. Boeddeker:

The Federal Highway Administration (FHWA) in cooperation with the Missouri Department of Transportation (MoDOT) is initiating an Environmental Impact Statement (EIS) for proposed improvements to Interstate 29/35 in Kansas City and North Kansas City, Jackson and Clay Counties, Missouri. Since the proposed project may impact federally assisted public housing, we are requesting the U.S. Department of Housing and Urban Development (USHUD) to be a cooperating agency.

The study area begins just north of Missouri Route 210 in Clay County, continues south across the Missouri River on I-29/I-35/US 71 and along the north side of the I-35/I-70 (US 24/40) downtown freeway loop to the northwest corner of the downtown loop in the city of Kansas City in Jackson County. The project length is 4.7 miles (7.6 kilometers). Needs to be addressed include replacing the deteriorating facility and substandard interchanges, improving traffic safety, improving the interstate system linkage across the Missouri River, providing sufficient vehicle capacity to accommodate travel demands, improving traffic operation and decreasing congestion, improving access to the CBD and other major activity centers, facilitating the movement of trucks, and enhancing the movement of international trade. The alternatives to be evaluated for addressing these needs are: 1) the "no-build" alternative, 2) build alternatives, and 3) Transportation System Management (TSM) options. Potential environmental concerns in the study area include access changes; residential, commercial, and institutional acquisitions/relocations; threatened and endangered species; public lands; hazardous waste; cultural resources; floodplain and floodway rise restrictions; visual impacts; and noise.

Substantial preliminary coordination with local officials and other interested parties has already occurred. As part of the scoping process for the project, an interagency coordination meeting was held with federal, state, and local agencies on May 12, 2004.

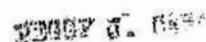
Your agency's involvement should include those areas under your jurisdiction and expertise, with no direct writing or analysis expected for preparation of the EIS. We will take the following actions to maximize interagency cooperation:

- 1) Invite you to coordination meetings;
- 2) Consult with you on any relevant technical studies the project requires;
- 3) Organize joint field reviews as appropriate;
- 4) Provide you with project information, including study results;
- 5) Encourage you to use the above documents to express your agency's views on subjects within its jurisdiction or expertise; and
- 6) Include information in the project environmental documents that your agency needs to discharge its National Environmental Policy Act (NEPA) responsibilities and any other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

The USHUD has the right to expect that the EIS will enable you to discharge your jurisdictional responsibilities. Likewise, you have the obligation to tell us if, at any point in the process, your agency's needs are not being met. We expect that at the end of the process the EIS will satisfy your NEPA requirements including those related to project alternatives, environmental consequences, and mitigation. Further, we intend to utilize the EIS and our subsequent Record of Decision as our decision-making documents and as the basis for any permit applications.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the EIS, please contact me at the address provided above, at (573) 638-2620, or at [peggy.casey@fhwa.dot.gov](mailto:peggy.casey@fhwa.dot.gov).

Sincerely yours,



Peggy J. Casey, P.E.  
Environmental Programs Engineer

cc: MoDOT/Environmental Section/Carole Hopkins

paul\_e\_bilski@hud.gov

05/18/2004 10:08 AM

To Carole.Hopkins@modot.mo.gov

cc paul\_e\_bilski@hud.gov, karen\_schleper@hud.gov

Subject Cooperating Agency

Dear Carole:

Thank you for inviting HUD to be a Cooperating Agency on the I-29, I-35 Paseo Bridge Improvements. We do wish to participate. Please address all letters to:

Andrew L. Boeddeker  
Director  
Office of Public Housing  
U. S. Department of Housing and Urban Development  
Kansas/Missouri State Office  
400 State Avenue  
Kansas City, KS. 66101-2406

If questions call me at 913-551-6988.

Thanks,  
Paul



**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**KANSAS/MISSOURI STATE OFFICE**  
Gateway Tower II, Room 200  
400 State Avenue  
Kansas City, KS 66101-2406  
HUD Home Page: [www.hud.gov](http://www.hud.gov)

January 15, 2004

Mr. Tim Flagler, ASLA  
Senior Environmental Planner  
HNTB Architects Engineers Planners  
P.O. Box 419299  
Kansas City, MO. 64141

Dear Mr. Flagler:

**SUBJECT: I-29/I-35 Improvements Kansas City, Mo. – Environmental Impact Statement**

In accordance with your request of December 15, 2003, please be advised that there are a number of concerns and information that we wish to make you aware of.

Existing HUD assisted housing in the study corridor include the Riverview, Chouteau Court, and Guinotte public housing developments, as depicted on the study corridor map, and a project for elderly tenants located at 801 Pacific Street in the Columbus Park neighborhood.

From the map, it appears that both Chouteau Court, and Guinotte are in both the study area and the study corridor. We are very concerned about any taking of property by eminent domain and the negative impact this would have on property values and the lives of persons living in the area.

Widening of I-29/I-35 will cause a devaluation of adjacent property. The study should address the negative financial impact on properties in the study area and should address compensation of owners for such action.

Increased traffic noise from the proposed roadway improvements will likely adversely impact existing residential uses located in the study corridor. Increased traffic may also negatively impact air quality within the study corridor.

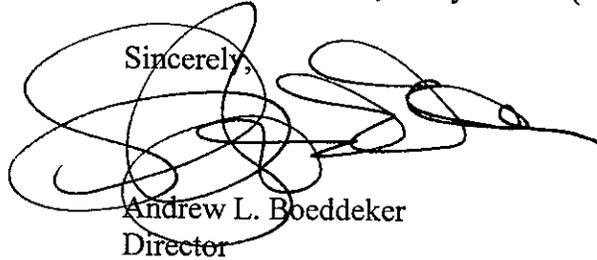
HUD noise regulations (24 CFR Part 51 Subpart B, "Noise Abatement and Control") and associated guidelines provide a means to determine the impact of roadway improvements upon noise sensitive uses within the study corridor. The regulations and guidebook require employment of mitigation measures in an area of "normally unacceptable" noise levels. Achieving adequate noise attenuation may require construction of noise barriers in proximity to residential and other noise sensitive uses.

With regard to the Environmental Impact Statement for this project, HUD recommends the following:

1. A noise assessment should be performed in accordance with HUD's "Noise Assessment Guidelines," guidebook HUD-953-CPD(1). The HUD noise guidebook is available on-line at:  
<http://www.hud.gov/offices/cpd/energyenviron/environment/resources/guidebooks/noise/index.cfm>
2. An assessment of air quality should be performed, including an evaluation of particulates and ultra fine particles (less than 0.1 micrometers in diameter), to determine the project's potential impact upon residential uses.

Thank you for the opportunity to provide input. Please keep us and the Housing Authority of Kansas City full informed of planning aspects and provide us a copy of the Environmental Impact Statement upon completion. Should you have any questions or require additional information, please contact Paul Bilski, of my staff at (913) 551-6988.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew L. Boeddeker", written over the printed name.

Andrew L. Boeddeker  
Director  
Office of Public Housing

Cc: Housing Authority of Kansas City



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Columbia Ecological Services Field Office  
101 Park DeVillie Drive, Suite A  
Columbia, Missouri 65203-0007



Phone: (573) 234-2132 Fax: (573) 234-2181

January 22, 2004

Mr. Tim Flagler  
Senior Environmental Planner  
HNTB  
715 Kirk Drive  
Kansas City, Missouri 64105

Dear Mr. Flagler:

Please refer to your December 16, 2003, letter, requesting information on federally listed species to assist you in preparing an Environmental Impact Statement for the proposed I-29/I-35 Improvements in Kansas City, Missouri. The improvements include roadway widening and a new bridge immediately adjacent to the existing Paseo Bridge across the Missouri River. The U.S. Fish and Wildlife Service (Service) has reviewed that information and submits the following comments pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and the Endangered Species Act of 1973, as amended (16 U.S.C. 1541 et seq.).

The following federally listed species may occur in the study area:

**Bald eagle (*Haliaeetus leucocephalus*), Threatened** – Bald eagles are common migrants and winter residents throughout the state and are uncommon breeders along some of the major rivers and larger reservoirs in the state. During winter, they congregate near rivers and reservoirs with open water and often near large concentrations of waterfowl. Wintering eagles usually occupy river habitats between November 15 and March 1, and use large diameter riparian tree species as daytime perches and night roosts. They usually perch within a riparian corridor or along lake shores and prefer areas with limited human activity. At night, wintering bald eagles may congregate at communal roosts and will travel as much as 12 miles from feeding areas to a roost site. The period January 1 to March 1 is important for initiating nesting activity; March 1 to May 15 is the most critical time for incubation and rearing of young.

Bald eagles are known to prefer trees greater than 11 inches dbh and within 100 to 600 feet of water for perching sites. Eagles also tend to roost on the tallest trees (greater than 63 feet above ground level). Cottonwood (*Populus deltoides*) and sycamore (*Platanus occidentalis*) are often

selected over other trees for perching and roosting. We recommend the project be designed to avoid the loss of trees matching these criteria.

**Pallid sturgeon (*Scaphirhynchus albus*), Endangered** - The pallid sturgeon's range is primarily the Missouri River and the Mississippi River downstream of its confluence with the Missouri River. Limited data is available concerning preferred habitats in Missouri, but the species has been captured in tributary mouths, over sandbars, along main channel borders, and in deep holes (in winter) in the Missouri River. Small sturgeon have been captured in off-channel, shallow water areas.

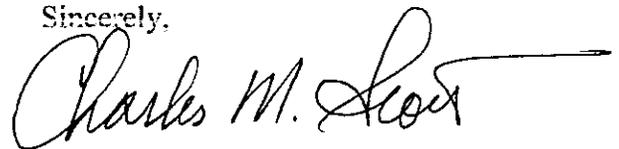
Your document should include as much information as possible regarding project-related activities and their potential effects to habitat for both the bald eagle and the pallid sturgeon. That includes the nature, magnitude, duration, and timing of potential effects during both the construction and maintenance phases of the proposed project.

### **Fish and Wildlife Coordination Act Comments**

The Service is concerned with actions that alter or degrade urban stream corridors. Numerous fish and wildlife species benefit from intact riparian corridors in urban and rural settings. Such corridors also help maintain, and in some cases, improve water quality. To the maximum extent possible, the project should ensure no reduction in the functional floodway of the river in this area. The Kansas City Ecosystem Restoration Project, a Section 1135 environmental project sponsored by the Army Corps of Engineers and the Port Authority, includes the area immediately west of the Paseo Bridge. This restoration project should be adequately considered during your planning process including coordination with Mr. David Combs, Chief of Planning, Kansas City District, Corps of Engineers (816-983-3157). Furthermore, you should contact the local office of the Missouri Department of Conservation (816-227-3100) regarding specific fish and wildlife resource concerns in the project area.

Thank you for the opportunity to comment on the proposed project. If you have any questions regarding our comments, please call Ms. Jane Ledwin at 573-234-2132, extension 109.

Sincerely,



Charles M. Scott  
Field Supervisor

cc: MDC, Jefferson City, MO (Canaday)  
USACE, Kansas City, MO (Attn: Planning)



IN REPLY REFER TO:

# United States Department of the Interior

NATIONAL PARK SERVICE

MIDWEST REGION  
1709 JACKSON STREET  
OMAHA, NEBRASKA 68102-2571

JUN 10 2004

ER-04/0334

Mr. Donald Neumann, Programs Engineer  
Federal Highway Administration, Missouri Division  
209 Adams Street  
Jefferson City, Missouri 65101

Subject: Notice of Intent to Prepare Environmental Impact Statement (EIS) for  
Improvements to I-29/I-35 (Route 71), Jackson and Clay Counties, Missouri  
(ER 04/334)

The Department of the Interior (Department) has requested the National Park Service (NPS) review the notice of intent (NOI) to prepare a draft environmental impact statement for the I-29/I-35 (Route 71) improvements in the Kansas City area.

One of the responsibilities of the Department, often assigned to the NPS, is to comment on projects that pose potential impacts to resources that may be considered under section 4(f) of the Department of Transportation Act of 1966. The NOI identifies several historic properties and public parks within the project area that may be affected by the project and are eligible for the protection under section 4(f).

The Secretary of Transportation may approve a project requiring the use of land of a publicly held park or an historic site of State, national, or local significance only if "...there is no prudent and feasible alternative to using that land..." and "...the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use..."

The NPS also administers the Land and Water Conservation Fund (L&WCF) and Urban Park and Recreation Recovery (UPARR 1010) grants programs. The L&WCF program was established by the L&WCF Act of 1965 (Public Law. 88-578) to stimulate a nationwide action program to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation. The UPARR 1010 program was established by the UPRR Act of 1978 (Title 10 of Public Law 95-625) to help distressed urban areas through the rehabilitation of critically needed recreation sites and facilities, to develop improved recreation programs by encouraging and stimulating local governments to revitalize their park and recreation systems, and make long-term commitments to continuing maintenance of these systems. In accordance with section 6(f) of the L&WCF and UPARR Section 1010 program policies, a conversion of use occurs

when an assisted site is wholly or in part converted to other than public recreation use. Such conversions require the advance approval of NPS and the provision of suitable replacement land.

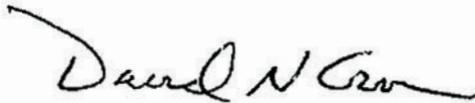
River Forest Park (#29-00480) is an L&WCF 6(f) protected park, and Kessler Tennis Courts (#29-CTY-4120-83-01) located within in Kessler Park is a UPARR 1010 protected park. Two other UPARR 1010 properties, Garrison Recreation Center (#29-CTY-4120-91-01) and Belvadere Playground (#29-CTY-4120-83-01), also seem to be within in the area identified for the project. These park properties are also protected under section 4(f).

In addition to the parks, we strongly encourage you to continue working with the Missouri State Historic Preservation Officer in identifying eligible historic properties in the project area. Historic properties determined to be eligible for listing on the National Register of Historic Places are also considered to be section 4(f) properties, with the exception of archeological sites that do not rely upon their preservation in place for their significance.

The NPS offers this information in order to assist your planning of this project. We have a continuing interest in working with the Federal Highway Administration and the Missouri Department of Transportation. These comments have been provided as early technical assistance and do not necessarily indicate the NPS or the Department's response to future environmental documents prepared in association with the project. For continued consultation and coordination with the NPS, please contact the Regional Environmental Coordinator, Midwest Regional Office, 1709 Jackson Street, Omaha, Nebraska 68102, telephone 402-221-7286, fax 402-221-3470.

We appreciate the opportunity to provide these comments.

Sincerely,



*Er* Ernest Quintana,  
Regional Director

**FOR FURTHER INFORMATION CONTACT:** Jay L. Bruns, Special Negotiator for Conflict Diamonds, Bureau of Economic and Business Affairs, Department of State, (202) 647-2857.

**SUPPLEMENTARY INFORMATION:** Section 4 of the Clean Diamond Trade Act (the "Act") requires the President to prohibit the importation into, or the exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme (KPCS). Under Section 3(2) of the Act, "controlled through the Kimberley Process Certification Scheme" means an importation from the territory of a Participant or exportation to the territory of a Participant of rough diamonds that is either (i) carried out in accordance with the KPCS, as set forth in regulations promulgated by the President, or (ii) controlled under a system determined by the President to meet substantially the standards, practices, and procedures of the KPCS. The referenced regulations are contained at 31 CFR Part 592 ("Rough Diamond Control Regulations") (68 FR 45777, August 4, 2003).

Section 6(b) of the Act requires the President to publish in the **Federal Register** a list of all Participants, and all Importing and Exporting Authorities of Participants, and to update the list as necessary. Section 2 of Executive Order 13312 of July 29, 2003 delegates this function to the Secretary of State. Section 3(7) of the Act defines "Participant" as a state, customs territory, or regional economic integration organization identified by the Secretary of State. Section 3(3) of the Act defines "Exporting Authority" as one or more entities designated by a Participant from whose territory a shipment of rough diamonds is being exported as having the authority to validate a Kimberley Process Certificate. Section 3(4) of the Act defines "Importing Authority" as one or more entities designated by a Participant into whose territory a shipment of rough diamonds is imported as having the authority to enforce the laws and regulations of the Participant regarding imports, including the verification of the Kimberley Process Certificate accompanying the shipment.

#### List of Participants

Pursuant to section 3 of the Clean Diamond Trade Act (the Act), section 2 of Executive Order 13312 of July 29, 2003, and Delegation of Authority No. 245 (April 23, 2001), I hereby identify the following entities as of April 20, 2004, as Participants under section 6(b)

of the Act. Included in this List are the Importing and Exporting Authorities for Participants, as required by section 6(b) of the Act. This list revises the previously published list of November 17, 2003 (68 FR 66523-66524, November 26, 2003).

Angola—Ministry of Geology and Mines.  
 Armenia—Ministry of Trade and Economic Development.  
 Australia—Exporting Authority—Department of Industry, Tourism and Resources; Importing Authority—Australian Customs Service.  
 Belarus—Department of Finance.  
 Botswana—Ministry of Minerals, Energy and Water Resources.  
 Brazil—Ministry of Mines and Energy.  
 Bulgaria—Ministry of Finance.  
 Canada—Natural Resources Canada.  
 Central African Republic—Ministry of Energy and Mining.  
 China—General Administration of Quality Supervision, Inspection and Quarantine.  
 Democratic Republic of the Congo—Ministry of Mines and Hydrocarbons.  
 Republic of the Congo—Ministry of Mines and Geology.  
 Croatia—Ministry of Economy.  
 Czech Republic—Ministry of Finance.  
 European Community—DG/External Relations/A.2.  
 Ghana—Precious Minerals and Marketing Company Ltd.  
 Guinea—Ministry of Mines and Geology.  
 Guyana—Geology and Mines Commission.  
 Hungary—Ministry of Economy and Transport.  
 India—The Gem and Jewellery Export Promotion Council.  
 Israel—The Diamond Controller.  
 Ivory Coast—Ministry of Mines and Energy.  
 Japan—Ministry of Economy, Trade and Industry.  
 Republic of Korea—Ministry of Commerce, Industry and Energy.  
 Laos—Ministry of Finance.  
 Lesotho—Commissioner of Mines and Geology.  
 Malaysia—Ministry of International Trade and Industry.  
 Mauritius—Ministry of Commerce.  
 Namibia—Ministry of Mines and Energy.  
 Poland—Ministry of Economy, Labour and Social Policy.  
 Romania—National Authority for Consumer Protection.  
 Russia—Gokhran, Ministry of Finance.  
 Sierra Leone—Government Gold and Diamond Office.  
 Singapore—Singapore Customs.  
 Slovenia—Ministry of Finance.

South Africa—South African Diamond Board.  
 Sri Lanka—National Gem and Jewellery Authority.  
 Switzerland—State Secretariat for Economic Affairs.  
 Taiwan—Bureau of Foreign Trade.  
 Tanzania—Commissioner for Minerals.  
 Thailand—Ministry of Commerce.  
 Togo—Ministry of Mines and Geology.  
 Ukraine—State Gemological Centre of Ukraine.  
 United Arab Emirates—Dubai Metals and Commodities Center.  
 United States of America—Importing Authority—United States Bureau of Customs and Border Protection; Exporting Authority—Bureau of the Census.  
 Venezuela—Ministry of Energy and Mines.  
 Vietnam—Ministry of Trade.  
 Zimbabwe—Ministry of Mines and Mining Development.

This notice shall be published in the **Federal Register**.

Richard L. Armitage,

*Deputy Secretary of State, Department of State.*

[FR Doc. 04-9846 Filed 4-29-04; 8:45 am]

BILLING CODE 4710-07-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Clay and Jackson Counties, Missouri

**AGENCY:** Federal Highway Administration (FHWA).

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for proposed improvements to Interstates 29 & 35 in Kansas City and North Kansas City, Jackson and Clay Counties, Missouri.

**FOR FURTHER INFORMATION CONTACT:** Mr. Donald Neumann, Programs Engineer, FHWA Division Office, 209 Adams Street, Jefferson City, MO 65101, Telephone Number 573-636-7104; or Mr. Kevin Keith, Chief Engineer, Missouri Department of Transportation, P.O. Box 270, Jefferson City, MO 65102, Telephone Number 314-751-2803.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Missouri Department of Transportation (MoDOT), will prepare an EIS on a proposal to reconstruct and widen the I-29/I-35 (U.S. Route 71) facility with new interchange configurations, bridges including the bridge over the Missouri

River, and roadways in Jackson and Clay Counties, Missouri. It is intended that the reconstructed facility will meet current interstate standards. A location study will run concurrently with the preparations of the EIS and will provide definitive reasonable alternatives for evaluation in the EIS.

The proposed action will accomplish several goals: (1) Replace the deteriorating facility and substandard interchanges, (2) improve traffic safety, (3) improve the interstate system linkage across the Missouri River, (4) provide sufficient vehicle capacity to accommodate travel demands, (5) improve traffic operation and decrease congestion, (6) improve access to the CBD and other major activity centers, (7) facilitate the movement of trucks, and (8) enhance the movement of international trade.

The proposed project, which includes the north side of the downtown loop designated as I-35/I-70 (U.S. Routes 24/40), begins at the northwest corner of the downtown freeway loop in the city of Kansas City in Jackson County and continues north on I-29/I-35/US 71 to just north of Missouri Route 210 in Clay County. The project length is 4.7 miles (7.6 kilometers). Known potential impacts include access changes; residential, commercial, and institutional acquisitions/relocations; acquisition of or impacts to National Register of Historic Places—eligible properties including the Paseo Bridge, the Western Union Telegraph Building, and the Old Town and Wholesale Historic Districts; and impacts to parklands including the River Forest Park, Kessler Park, Columbus Park, Margaret Kemp Park, and West Terraces Park, which are eligible for protection under section 4(f) of the Department of Transportation Act of 1966. A Department of the Army Section 404 Permit, a US Coast Guard Bridge Permit, and a floodplain development permit from the State Emergency Management Agency may be required.

Alternatives under consideration include (1) no build, (2) build alternatives, and (3) transportation management options. The 2002 Northland-Downtown Major Investment Study (MIS) recommended widening and upgrading mainline lanes from US 169 to the Downtown Loop to generally provide an eight-lane section with auxiliary lanes as needed, including a new Paseo Bridge. The Kansas City Area Transportation Authority (KCATA) will examine the MIS transit recommendation in a separate environmental document.

To date, substantial preliminary coordination has occurred with local

officials and other interested parties. As part of the scoping process, an interagency coordination meeting will be held with federal, state, and local agencies on May 12, 2004. In addition, public information meetings and further meetings for community officials will be held to solicit public and agency input on the reasonable range of alternatives. A location public hearing will be held to present the findings of the Draft EIS (DEIS). Public notice will be given announcing the time and place of all public meetings and the hearing. The DEIS will be available for public and agency review and comment prior to the public meeting.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA or MoDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 122372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: April 21, 2004.

**Donald L. Neumann,**  
Programs Engineer, Jefferson City.  
[FR Doc. 04-9821 Filed 4-29-04; 8:45 am]

**BILLING CODE 4910-22-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[FRA Emergency Order No. 23, Notice No. 1]

#### **Emergency Order To Prohibit the Continued Use of Certain Railroad Tank Cars Equipped With a Truck Bolster Bearing Either Association of American Railroads (AAR) Identification Number B-2410 and National Castings of Mexico (NCM) Pattern Number 52122 or AAR Identification Number B-2409 and NCM Pattern Number 52202**

The Federal Railroad Administration (FRA) of the United States Department of Transportation (DOT) has determined that public safety compels the issuance of this Emergency Order directing all persons, including, but not limited to owners, shippers, consignees, and railroads, to discontinue the loading and transportation of any railroad tank car with an original built date of 1995, 1996, 1997, or 1998 and stenciled with DOT specification and the packaging

requirements of the commodity table at 49 CFR 172.101, amplified in Part 173 identifying it as capable of transporting hazardous material; that is equipped with a truck bolster bearing either (1) AAR Identification Number B-2410 and NCM Pattern Number 52122 or (2) AAR Identification Number B-2409 and NCM Pattern Number 52202, until each of the described bolsters is removed from the car and replaced with a bolster of suitable design and manufacture.

### Authority

Authority to enforce the Federal railroad safety laws has been delegated by the Secretary of Transportation to the Federal Railroad Administrator. 49 CFR 1.49. The laws apply to all railroads (except self-contained urban rapid transit) and convey on FRA the authority to issue rules and orders covering every area of railroad safety. 49 U.S.C. 20102 and 20103. FRA is authorized to issue emergency orders where "an unsafe condition or practice \* \* \* causes an emergency situation involving a hazard of death or personal injury." 49 U.S.C. 20104. These orders may impose such "restrictions and prohibitions \* \* \* that may be necessary to abate the situation." (*Id.*) Any person who violates such an order is subject to civil penalties (49 U.S.C. 21301) and injunctive relief (49 U.S.C. 20112). FRA also enforces the hazardous materials transportation laws. 49 U.S.C. 5101 *et seq.*; 49 CFR 1.49.

### Background

On December 24, 2002, FRA issued Safety Advisory 2002-03, which identified a problem with potentially defective NCM truck bolsters bearing both AAR Identification Number B-2410 and NCM Pattern Number 52122, which are used in 263,000-pound and 286,000-pound gross rail load freight cars. See 67 FR 79686-87 (December 30, 2002). In that advisory, FRA referenced AAR Maintenance Advisory MA-81 and AAR Early Warning Letters EW-5191, EW-5191-S1, and EW-5191-S2 indicating that there were as many as 15,000 freight cars in revenue service that may be equipped with the NCM bolsters.

Subsequent to the publication of the Safety Advisory, FRA was made aware of second series of bolsters, bearing both AAR Identification Number B-2409 and NCM Pattern Number 52202, which pose a similar safety hazard. The NCM bolsters with NCM Pattern Number 52202 were also referenced in AAR Early Warning Letters EW-5194, EW-5195, EW-5196, and EW-5197.

During March 2003, the AAR conducted fatigue testing under AAR



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

21 FEB 2006

Peggy Casey  
Federal Highway Administration  
3220 W. Edgewood Ste. H  
Jefferson City, MO 65109

Ms. Casey:

Re: I-29/35 Paseo Bridge Corridor Preliminary Draft Environmental Impact Statement

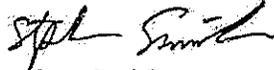
Thank you for the opportunity to comment on this preliminary draft environmental impact statement for the I-29/35 Paseo Bridge Corridor project. I do have two suggested changes to the document, listed below.

**CHAPTER I- Purpose and Need for Action, p. I-5, B. Overview of Purpose and Need:** "The purpose of the proposed project is to evaluate operational and capacity improvements along this 4.7 mile (7.6 kilometer) section of I-29/I-35." This may be a cut-and-paste error or oversight. The purpose of the document (the EIS itself, or any other engineering study) may be to "...evaluate operational and capacity improvements...", but the purpose of the project (the construction of highway and bridge) is something different. It would likely be "...to improve the I-29/35 bridge corridor..." or "...to improve the trafficability and safety of the I-29/35 bridge corridor..." or something similar. Such purpose statements would tie directly into the needs statements listed in the same section (if the purpose of the project is to improve trafficability, the need for the project is established by anticipated traffic loads in 2030, and substandard roadway features. If the purpose is to improve safety, the need is established by the low safety rating of the existing roadway, and so on).

I would also suggest that you use a consistent naming convention when referring to different drafts of the document. The cover letter with the document refers to the "Preliminary Draft EIS", and the document is entitled the "Draft Environmental Impact Statement." This is significant because "Draft Environmental Impact Statement" (DEIS) has particular implications within NEPA (DEIS suggests the actual version that will be entered in the federal register, that will be available for public comment, and that will be formally rated by EPA).

Thank you for the opportunity to comment on this preliminary draft EIS. I look forward to reviewing the official Draft EIS when it is published in the near future. If you have any questions, you can contact me at 913-551-7656.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Smith". The signature is written in a cursive style with a large initial "S".

Stephen Smith  
NEPA Reviewer  
Environmental Services Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

**17 SEP 200**

OFFICE OF  
THE REGIONAL ADMINISTRATOR

Mr. Allen Masuda, Division Administrator  
US Department of Transportation  
Federal Highway Administration Missouri Division  
Attn: Peggy J. Casey, P.E.  
209 Adams Street  
Jefferson City, Missouri 65101

Dear Mr. Masuda:

Subject: I-29/I-35 Proposed Improvements Cooperating Agency Response

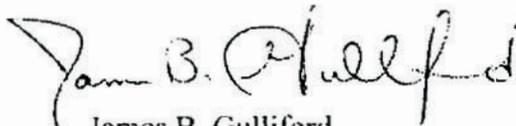
The United States Environmental Protection Agency (EPA) has received your request to be a cooperating agency in the preparation of an Environmental Impact Statement (EIS) for the above-mentioned project. EPA is willing to be a cooperating agency on this project, in the hopes of better serving all stakeholders involved in the project. Our understanding of our obligations under this cooperating agency request, as defined in that request, are reprinted below:

"Your agency's involvement should include those areas under your jurisdiction and expertise, with no direct writing or analysis expected for preparation of the EIS. We will take the following actions to maximize interagency cooperation:

1. Invite you to coordination meetings;
2. Consult with you on any relevant technical studies the project requires;
3. Organize joint field reviews as appropriate;
4. Provide you with project information, including study results;
5. Encourage you to use the above documents to express your agency's views on subjects within its jurisdiction or expertise; and
6. Include information in the project environmental documents that your agency needs to discharge its National Environmental Policy Act (NEPA) responsibilities and any other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances."

Work on this project will be performed by EPA's NEPA team. The team leader is Joe Cothorn. The primary reviewer and point of contact is Stephen Smith. He may be reached at 913-551-7656. We look forward to working with FHWA on this important project.

Sincerely,

A handwritten signature in black ink that reads "James B. Gulliford". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

James B. Gulliford  
Regional Administrator



U.S. Department  
of Transportation  
**Federal Highway  
Administration**  
Missouri Division

*FHWA VISION:*  
"To Create the Best Transportation  
System in the World."

209 Adams Street  
Jefferson City, Missouri 65101  
(573) 636-7104  
Fax (573) 636-9283  
Missouri.FHWA@fhwa.dot.gov

Allen Masuda, Division Administrator



August 20, 2004

Mr. Jim Gulliford, Administrator  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
Attn: Mr. Joe Cothorn

Subject: I-29/I-35, Clay and Jackson Counties, Missouri  
N/o Rte. 210 to NW Corner of Downtown Freeway Loop (I-35/I-70)  
MoDOT Job No. J4I1507  
Cooperating Agency Request

Dear Mr. Gulliford:

The Federal Highway Administration (FHWA) in cooperation with the Missouri Department of Transportation (MoDOT) is initiating an Environmental Impact Statement (EIS) for proposed improvements to Interstate 29/35 in Kansas City and North Kansas City, Jackson and Clay Counties, Missouri. Since the proposed project will cross the Missouri River and will require a Section 404 permit and because your agency exercises oversight for such permits and has expertise in the provisions of Section 309 of the Clean Air Act, we are requesting the U.S. Environmental Protection Agency (USEPA) to be a cooperating agency.

The study area begins just north of Missouri Route 210 in Clay County, continues south across the Missouri River on I-29/I-35/US 71 and along the north side of the I-35/I-70 (US 24/40) downtown freeway loop to the northwest corner of the downtown loop in the city of Kansas City in Jackson County. The project length is 4.7 miles (7.6 kilometers). Needs to be addressed include replacing the deteriorating facility and substandard interchanges, improving traffic safety, improving the interstate system linkage across the Missouri River, providing sufficient vehicle capacity to accommodate travel demands, improving traffic operation and decreasing congestion, improving access to the CBD and other major activity centers, facilitating the movement of trucks, and enhancing the movement of international trade. The alternatives to be evaluated for addressing these needs are: 1) the "no-build" alternative, 2) build alternatives, and 3) Transportation System Management (TSM) options. Potential environmental concerns in the study area include access changes; residential, commercial, and institutional acquisitions/relocations; threatened and endangered species; public lands; hazardous waste; cultural resources; floodplain and floodway rise restrictions; visual impacts; and noise.

Substantial preliminary coordination with local officials and other interested parties has already occurred. As part of the scoping process for the project, an interagency coordination meeting was held with federal, state, and local agencies on May 12, 2004.

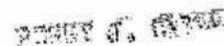
Your agency's involvement should include those areas under your jurisdiction and expertise, with no direct writing or analysis expected for preparation of the EIS. We will take the following actions to maximize interagency cooperation:

- 1) Invite you to coordination meetings;
- 2) Consult with you on any relevant technical studies the project requires;
- 3) Organize joint field reviews as appropriate;
- 4) Provide you with project information, including study results;
- 5) Encourage you to use the above documents to express your agency's views on subjects within its jurisdiction or expertise; and
- 6) Include information in the project environmental documents that your agency needs to discharge its National Environmental Policy Act (NEPA) responsibilities and any other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

The USEPA has the right to expect that the EIS will enable you to discharge your jurisdictional responsibilities. Likewise, you have the obligation to tell us if, at any point in the process, your agency's needs are not being met. We expect that at the end of the process the EIS will satisfy your NEPA requirements including those related to project alternatives, environmental consequences, and mitigation. Further, we intend to utilize the EIS and our subsequent Record of Decision as our decision-making documents and as the basis for any permit applications.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the EIS, please contact me at the above address, at (573) 638-2620, or at [peggy.casey@fhwa.dot.gov](mailto:peggy.casey@fhwa.dot.gov).

Sincerely yours,



Peggy J. Casey, P.E.  
Environmental Projects Engineer

cc: MoDOT/Environmental Section/Carole Hopkins



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

FEB 06 2004

Tim Flagler  
Senior Environmental Planner  
HNTB  
715 Kirk Drive  
Kansas City, Missouri 64105

Dear Mr. Flagler:

RE: I-29/I-35 Improvements (Kansas City, MO)

This is to inform you that the Environmental Protection Agency (EPA) has received your letter initiating the study of environmental impacts caused by a proposed improvement to the existing I-29/I-35 facility in Kansas City, Missouri. We appreciate the opportunity to comment early in the process of preparing the Environmental Impact Statement (EIS) for this project. Your letter listed several issues that you are beginning to study (i.e. RCRA Sites, NPL Sites). Our only suggestion at this time is to be sure and study the environmental justice (EJ) implications of the project.

Thank you for the opportunity to comment on this project. The National Environmental Policy Act (NEPA) team of Region 7 EPA looks forward to working with you on the EIS as more work is done on the study. If you have any questions or require technical assistance you may contact me at 913-551-7656.

Sincerely,

A handwritten signature in black ink that reads "Stephen K. Smith".

Stephen K. Smith  
NEPA Reviewer  
Environmental Services Division

Missouri Department of Conservation  
January 9, 2004  
Missouri Department of Natural Resources  
June 20, 2005  
May 26, 2005  
February 24, 2005  
January 21, 2005  
Missouri Emergency Management Agency  
March 10, 2004  
January 7, 2004



# MISSOURI DEPARTMENT OF CONSERVATION

## *Headquarters*

2901 West Truman Boulevard, P.O. Box 180, Jefferson City, Missouri 65102-0180  
Telephone: 573/751-4115 ▲ Missouri Relay Center: 1-800-735-2966 (TDD)

JOHN D. HOSKINS, Director

January 9, 2004

Mr. Tim Flagler  
HNTB Architects Engineers Planners  
715 Kirk Drive  
P. O. Box 419299  
Kansas City, Missouri 64141

Dear Mr. Flagler:

Re: I-29/I-35 Improvements – Jackson County, MO

Thank you for your letter of December 16, 2003 regarding species of conservation concern within the proposed project area.

A review of our records shows that public lands, sensitive species or communities are known to exist on or near the above-referenced site. Details are provided in the enclosed Heritage Database report which reflects information we currently have in our database. Please be advised this is **not a site clearance letter**. Rather, this letter provides an indication of whether or not public lands and sensitive resources are known to be (or are likely to be) located close to the proposed project.

Incorporating information from our Heritage Database into project plans is an important step that can help reduce unnecessary impacts to Missouri's sensitive natural resources. However, the Heritage Database is only one reference which should be used to evaluate potential adverse impacts. Other types of information, such as wetland and soils maps and on-site inspections or surveys, should be considered. Reviewing current landscape and habitat information and species biological characteristics would additionally ensure that species of conservation concern are appropriately identified and addressed.

Impacts to the aquatic environment should be minimal if the following best management practices for maintaining water quality are followed during project design and construction.

## COMMISSION

STEPHEN C. BRADFORD  
Cape Girardeau

ANITA B. GORMAN  
Kansas City

CYNTHIA METCALFE  
St. Louis

LOWELL MOHLER  
Jefferson City

Mr. Tim Flagler  
Page Two  
January 9, 2004

1. Channel modification or stream relocation should not occur unless conditions of the State Channel Modification Guidelines are met.
2. Grade and seed disturbed areas as soon as possible to minimize erosion. Missouri Department of Conservation seeding and planting recommendations can be provided to enhance site conditions.
3. Disturbance to streambanks and riparian areas should be avoided.
4. Stream flows should not be interrupted. All temporary inchannel fills that could impound water should be culverted.
5. Avoid work in the channel between March 15 and June 15 to the extent possible.
6. Take all necessary precautions to prevent petroleum products from entering the stream.

In addition, we recommend implementation of the following guidelines to reduce impacts to Missouri's fisheries resource if culvert placement is associated with this project.

1. Culverts should be sized and placed to maintain at least six inches (6") of water during average annual discharges.
2. Culverts should be sized and placed so as not to create water velocities in excess of two feet (2') per second during average annual discharge.
3. A drop between the downstream end of the culverts and the downstream water surface should not occur at any time.

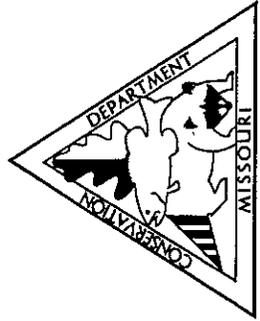
Thank you for the opportunity to review and comment.

Sincerely,



SHANNON CAVE  
PUBLIC INVOLVEMENT COORDINATOR

SDC:be  
Enclosure



**HNTB ARCHITECTS ENGINEERS PLANNERS**  
**715 KIRK DRIVE, P. O. BOX 419299**  
**KANSAS CITY, MO 64141**  
**I-29/I-35 IMPROVEMENTS**

Scientific Name	Common Name	Federal Status	State Status	State Rank	County	Township/Range	Section	Ownership
SCAPHIRYNCHUS ALBUS	PALLID STURGEON	E	E	S1	CLAY	27	050N033V	PRIVATE
FALCO PEREGRINUS	PEREGRINE FALCON	E	E	S1	JACKSON	05	049N033V	PRIVATE
MACRHYBOPSIS STORERIANA	SILVER CHUB		S3	S3	CLAY	17	050N032V	PRIVATE
MACRHYBOPSIS GELIDA	STURGEON CHUB		S3	S3	PLATTE	15	050N033V	PRIVATE

**Additional information for planning purposes:**

The project area occurs in a region of karst geology characterized by subterranean water movement. Features like caves, springs, and sinkholes are common. Cave fauna are influenced by water pollution and other changes to water quality. Every effort should be made to protect groundwater in the project area.

Overwintering bald eagles (*Haliaeetus leucocephalus*, Federally threatened, State endangered) may occur in the project area, as they are common winter residents in big river habitats and major lakes where they feed on fish.

Pallid sturgeons (Federally endangered, State endangered) are big river fish that may range widely in the Mississippi River and Missouri River system. Because the preferred habitat and range of the species are unknown, any project that modifies big river habitat or impacts water quality should consider the possible impact to pallid sturgeon populations.

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**FEDERAL STATUS** - The federal status is derived from the provisions of the federal Endangered Species Act, which is administered by the U.S. Fish and Wildlife Service. The Endangered Species Act provides federal protection for plants and animals listed as Endangered or Threatened. E = Endangered, T = Threatened, C = Candidate, PE = Proposed Endangered for Federal listing.

**STATE STATUS (E)** - The state status is determined by the Department of Conservation under constitutional authority. Rule 3CSR10-4.111 Endangered Species of the Wildlife Code of Missouri and certain state statutes apply to state Endangered species.

**STATE RANK** - A numeric rank of relative endangerment based primarily on the number of occurrences of the species within the state of Missouri. S1 = Critically imperiled in the state, S2 = Imperiled in the state, S3 = Rare and uncommon in the state.

Eastern collared lizard populations, natural communities and geologic features are recognized as sensitive biological resources and may also appear on this report.

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

June 20, 2005

www.dnr.mo.gov

Dr. Robert L. Reeder  
Historic Preservation Coordinator  
MoDOT  
601 West Main Street  
P.O. Box 270  
Jefferson City, Missouri 65102

Re: **SHPO Project Number: 009-CL-05** – Job No. J4I1507, Route I-29, Clay and Jackson Counties, Missouri (FHWA)

Dear Dr. Reeder:

Thank you for submitting additional 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.

After reviewing the additional information, we find it to be adequate. We concur that Kessler Park is eligible for listing on the National Register of Historic Places. Additionally we concur with MoDOT's boundary recommendation. In addition, we concur that the project will have **no adverse effect** on Kessler Park. We look forward to any future consultation in order to resolve or mitigate the adverse effects to other historic properties.

Please be advised that, if project plans change, the project area is increased, cultural materials are encountered during construction or adjacent areas that may contain significant cultural resources may be adversely impacted, appropriate information must be provided to this office for further review and comment.

If you have any questions please write Missouri Department of Natural Resources, State Historic Preservation Office, Attn: Review and Compliance, P.O. Box 176, Jefferson City, Missouri 65102, or call Alison Dubbert at (573) 751-7958. Please be sure to include the **SHPO Project Number (009-CL-05)** 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  
Director and Deputy State  
Historic Preservation Officer

MAM:ad

C: Don Neumann, FHWA  
Jane Beetem, DNR  
Toni Prawl, MoDOT



Missouri  
Department  
of Transportation



Pete K. Rahn, Director

601 West Main Street  
P.O. Box 270  
Jefferson City, MO 65102  
(573) 751-3597  
Fax (573) 526-1300  
www.modot.state.mo.us

May 26, 2005

Mr. Mark A. Miles  
Director SHPO  
MDNR/Outreach Assistance  
P.O. Box 176  
Jefferson City, MO 65102

Dear Mr. Miles:

Subject: Design  
Route I-29  
Clay and Jackson Counties  
Job No. J4I1507  
North of Rt. 210 (Clay County) to north leg of Downtown Freeway Loop, KC  
Cultural Resources Survey, Kessler Park Evaluation

We are forwarding to the staff of the State Historic Preservation Program (SHPO) an inventory form, continuation sheets, photographs, photo key, chronology table, and site plan for Kessler Park (LJA9), a property associated with the above referenced project. The Archaeological Research Center (ARC), the cultural resources consultant for the project, has prepared these materials to replace those found in the draft report, "Archival Search, Architectural Survey, and Archaeological Evaluation of the Proposed I-29/35 Improvements (MoDOT Job No. J4I1507), Jackson and Clay Counties, Missouri" submitted to SHPO on January 21, 2005. Because a portion of Kessler Park is in the project's area of potential effects (APE), the property is being evaluated for its eligibility for the National Register of Historic Places (NRHP). The architectural and historical investigations for this project have been conducted in conjunction with an Environmental Impact Statement (EIS) for proposed improvements to Interstates 29 and 35 in Kansas City and North Kansas City, Jackson and Clay Counties. The Missouri Department of Transportation (MoDOT) concurs with all of ARC's NRHP recommendations except the recommended NRHP boundaries. The Landmarks Commission, Kansas City Planning and Development Department, has been involved in this Section 106 consultation process.

Kessler Park is a long strip of land running east/west along the scenic route of Cliff Drive. North Terrace Park, the oldest component of Kessler Park, was established in 1895 and began as 5.5 acres on Prospect Point. From its establishment into the 1960s, the park grew south, east, and west until it reached its current size of 302.87 acres. The attached Kessler Park Chronology (Table 1) identifies historical milestones including its growth in 1899, 1901, three additions in 1912, and a recent expansion in 1966. In 1973, North Terrace Park was renamed to Kessler Park in honor of George Edward Kessler, a well-known landscape architect who is credited for designing Kansas City, Missouri's park and boulevard system, including Kessler Park. Cliff Drive currently stretches across 6.5 miles, but the western tip of Cliff Drive, its most recently constructed section, is all that is within the I-29/35 APE.

Kessler Park is recommended eligible for the NRHP as a Designed Landscape according to the NRHP Designed Historic Landscape Bulletin under Criterion C for Architecture and Criterion A for the park's historic relationship to the City Beautiful Movement and the Works Progress Administration. The type of historic landscape is a park. Architecture of the park was designed and planned by George Kessler (1862-1923) and the Kansas City Parks Department with the implementation of the plans completed by the Parks

Mr. Mark A. Miles

Page 2

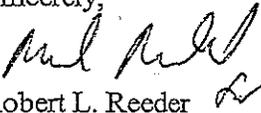
May 26, 2005

Department and the Works Project Administration. The period of significance, 1895-1939, was the period when the land for the park was first acquired and the construction plans were completed. There are fourteen noted contributing resources that pre-date 1939: 1) Pillar Entrance to Kessler Park, 2) Cliff Drive, 3) Reservoir and Iron Fence, 4) North Terrace Lake, 5) Concourse, 6) Tennis Courts, 7) Sailing/Casting Pool, 8) Thomas Hart Benton Memorial, 9) Colonnade, 10) Retaining Walls along Cliff Drive, 11) Limestone Spring and Waterfalls, 12) Limestone Stairs, 13) Indian Mound, and 14) Lafayette Traber Garden. Eight of these features are noted on the enclosed site plan. Non-contributing resources include modern structures and recreational equipment added to the park after 1939 such as the John F. Kennedy Memorial built in 1965, other markers and memorials including the Scarritt Point Memorial erected in 1975 and replaced in 1987, pedestrian bridges, modern playground equipment, tennis court, basketball courts, Frisbee golf courses, and modern street lights.

The park is bordered on the east by Chouteau Trafficway and Belmont Boulevard, on the north by the Missouri Pacific Railroad, on the south by primarily residential areas, and the western border is adjacent of the Paseo extension. The parcel boundaries of the park are delineated in Figure 1 along with ARC recommendations that the parcel boundaries also serve as the park's NRHP boundaries. ARC considers the western-most portion of the park a non-contributing resource to the NRHP-eligible property. Within this section is a partially destroyed limestone wall and two grass covered lots west of Cliff Drive. According to a 1909 Sanborn Map with 1951 paste-overs, this portion of Cliff Drive was part of Paseo Boulevard prior to the mid 1950s construction of the Paseo Boulevard extension and bridge. Because this western-most section of the park was not acquired until 1966, twenty-seven years following the park's period of significance, MoDOT believes that this portion of the park should not be included within the recommended NRHP boundaries and has enclosed a modified Figure 1 to exclude this later addition.

Regardless of the two recommendations for the NRHP boundaries, ARC, MoDOT, and Kansas City Landmarks Commission concur that Kessler Park would not be affected by the proposed project. The significant and contributing elements of Kessler Park, which includes the original 1895 park boundaries, the park boundary additions from 1899 to 1912, and historic structures and landforms dating up to 1939, are all located outside of the APE and will not be affected by I-29/35 improvements. MoDOT requests SHPO's review of the enclosed materials and your concurrence with the recommendations. We would appreciate your views regarding the NRHP boundaries for preparation of the final report. If you have questions please contact Toni Prawl, architectural historian, at (573) 526-3598, or e-mail [toni.prawl@modot.mo.gov](mailto:toni.prawl@modot.mo.gov). Thank you for your assistance with these city and MoDOT projects.

Sincerely,



Robert L. Reeder  
Historic Preservation Coordinator

tmp

Enclosures

Copies: Mr. Doyle Childers-MDNR  
Ms. Peggy Casey-FHWA  
Mr. Bradley Wolf-KC  
Ms. Janet Kneller-ARC  
Mr. Mike Stelzleni-de  
Ms. Beth Wright-4ao

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

February 24, 2005

Dr. Robert Reeder  
Missouri Department of Transportation  
P.O. Box 270  
Jefferson City, Missouri 65102

RE: Project No.: 009-CL-05, Job No. J4I1507, Route I-29, Clay and Jackson Counties, Missouri (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.

After reviewing the Historical and Architectural Survey and Archaeological evaluation, we find it to be adequate, however, we did not receive appendix H (NRHP listed properties). In addition to the buildings already listed on the National Register, we concur that JA4, JA73, JA86, JA89, JA98A, JA107A, JA157, L734R1, and JAB27 are individually eligible for listing on the National Register of Historic Places. In addition, we concur that JA129, JA130, and JA131 are eligible for listing on the National Register of Historic Places as part of a historic district. Additionally, it is our opinion that bridge A4649/JAB24 is eligible for listing on the National Register of Historic Places because of the length of the through-arch truss bridge, the renown of the engineering firm, and the engineering involved in constructing a bridge over the Missouri River. In addition we concur that the remaining architectural resources and bridges addressed in the report are not eligible for listing on the National Register of Historic Places. In addition, we concur with the archaeological recommendations made in the report.

Additionally, in accordance with the Advisory Council on Historic Preservation's regulation Protection of Historic Properties (36 CFR Part 800), Section 800.5, we concur that the proposed project will have an **adverse effect**. If alignments are adjusted to take into consideration the



Dr. Robert Reeder Letter  
February 24, 2005  
Page 2

historic property, please submit additional information so that we may comment on any changes to the effect the project will have on the historic properties. If alignments can not be adjusted, we recommend the preparation of a Memorandum of Agreement (MOA) that outlines the steps needed to mitigate any adverse effect.

If the project continues to have an adverse effect on the historic resource, FHWA shall forward the necessary adequate documentation to the Executive Director, Advisory Council on Historic Preservation, the Old Post Office Building, 1100 Pennsylvania Avenue NW, #809, Washington, D.C 20004, in accordance with Section 800.6(a)(1). Pending receipt of the Council's decision on whether it will participate in consultation, no action shall be taken which would foreclose Council consideration of alternatives to avoid or satisfactorily mitigate any adverse effect on the property in question.

We look forward to reviewing any archaeological reports, the revised bridge information, and any additional project information.

If you have any questions please write Missouri Department of Natural Resources, State Historic Preservation Office, Attn: Review and Compliance, P.O. Box 176, Jefferson City, Missouri 65102, or call Alison Dubbert at (573) 751-7958. Please be sure to include the **SHPO Project Number (009-CL-05)** 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  
Director and Deputy State  
Historic Preservation Officer

MAM:ad

c: Don Neumann  
Jane Beetem  
Toni Prawl

Missouri  
Department  
of Transportation



Pete K. Rahn, Director

601 West Main Street  
P.O. Box 270  
Jefferson City, MO 65102  
(573) 751-3597  
Fax (573) 526-1300  
[www.modot.state.mo.us](http://www.modot.state.mo.us)

January 21, 2005

Mr. Mark Miles, Director SHPO  
MDNR/Outreach Assistance  
P. O. Box 176  
Jefferson City, MO 65102

Dear Mr. Miles:

Subject: Design  
Route I-29, Clay and Jackson Counties  
Job No. J4I1507  
North of Rt. 210 (Clay County) to north leg of Downtown Freeway Loop, KC  
Cultural Resources Survey Report

Please find enclosed the cultural resources technical report for the above referenced project prepared by Archaeological Research Center (ARC), consultants for the Missouri Department of Transportation (MoDOT). This report, "Archival Search, Architectural Survey, and Archaeological Evaluation of the Proposed I-29/35 Improvements (MoDOT Job No. J4I1507), Jackson and Clay Counties, Missouri" and accompanying Appendices A-H, are enclosed in two formats: an unbound, hard copy placed in two file folders, and electronic files stored on two compact discs. The architectural/historic inventory survey forms were hand delivered to staff of the State Historic Preservation Office (SHPO) during site visits to properties in the project area on December 1, 2004. Since that time, a few inventory forms have been updated and will be sent under separate cover as replacement pages. The architectural and historical investigations have been conducted in conjunction with an Environmental Impact Statement (EIS) for proposed improvements to Interstates 29 and 35 in Kansas City and North Kansas City, Jackson and Clay Counties. MoDOT concurs with ARC's report recommendations and conclusions; however, has requested some minor revisions of the bridge discussion. The Landmarks Commission, Kansas City Planning and Development Department, also concurs with the report recommendations.

Following MoDOT/SHPO consultation regarding the project's area of potential effects (APE) and appropriate research and field methods, ARC surveyed 278 architectural resources and 37 bridges during the course of the survey. All of the properties in the APE were examined and assessed for their historical significance, including a number of properties already listed on the National Register of Historic Places (NRHP; see Appendix H). From these, a total of 121 properties were built before 1945 and 26 bridges built before 1961 were recorded. Seven buildings are recommended individually eligible for listing on the NRHP. None of these individually recommended resources are within a currently defined Kansas City Landmarks or NRHP district. The resources are listed in the following table in geographic order from north to south/east to west. The table indicates the location, types of resource, date constructed, architectural style, the eligibility criteria, and anticipated adverse effects the property may encounter. Unless stated

otherwise, the period of significance for each property is its respective construction date, and the boundaries are the lot boundaries for each individual property. Thirty-seven bridges were examined and assessed for historical significance. Within the APE, 34 bridges were previously recorded and are listed in the MoDOT Transportation Management System (TMS) database. Of these, 32 were revisited during the architecture survey and found to be extant. One bridge was removed in 2000 and another has since been filled underneath with earth and is no longer in use as a bridge. Twenty-seven bridges within the APE were constructed prior to 1961; five are previously unidentified. Of the bridges located in the I-29/35 APE, the Paseo Bridge (L734R1) was previously determined NRHP eligible as per the SHPO's concurrence with MoDOT's recommendation on March 29, 2004; and another bridge, JAB27, is recommended eligible for listing on the NRHP and therefore included in the following table.

NRHP-Recommended Individual Properties within the I-29/35 APE

<i>No.</i>	<i>Address/ Location</i>	<i>Type</i>	<i>Construction Date</i>	<i>Style</i>	<i>Criterion</i>	<i>Adverse Effects</i>
JA4	1426 Guinotte	Commercial	c. 1900s	Commercial	C	Yes
JA73	569-571 Campbell	Residential	1883-1884	Italianate	C	Yes
JA86	520-526 Holmes	Apartment	1913	Colonnade Apartment/ Square Brick Column Porch	C	Yes
JA89	611-613 Forest	Apartment	1890s	Italianate	C	Viewshed
JA98A	1015 E. 8 <sup>th</sup> St.	Commercial	1908	Two-Part Commercial	C	Yes
JA107A	703 E. 10 <sup>th</sup> St.	Apartment	1925-1930	Mission	C	Yes
JA157	340 W. 5 <sup>th</sup> St.	Commercial	c. 1920	Two-Part Commercial	C	Yes
JAB27	South of Broadway Bridge	Pencoyd Bridge	1892	Pin-Connected Pratt Through Truss	C	Yes

Within the I-29/35 APE, one district was identified as potentially eligible for the NRHP. This district and its contributing commercial buildings can be found in the table below.

NRHP-Recommended District within the I-29/35 APE

<i>No.</i>	<i>Address</i>	<i>District Name</i>	<i>Date</i>	<i>Style</i>	<i>Criterion</i>	<i>Adverse Effects</i>
JA129	404-406 Admiral	Commercial District	1917	Two-Part Commercial Block	C	Yes
JA130	400 Admiral	Commercial District	1913	Commercial	C	Viewshed
JA131	411-417 E. 6th St.	Commercial District	c.1910	Two-Part Commercial Block	C	Yes

The enclosed report provides background information regarding the potential for archaeological sites in the project area. While 56 properties within the APE contain the possibility of a historic archaeology site, MoDOT archaeological field investigations and site recommendations will not be conducted until a preferred alternative has been selected.

Because historic properties are present within the APE, they will require further Section 106 Review. As part of the concurrent EIS, avoidance alternatives will be created and evaluated, and for historic properties that cannot be avoided, MoDOT will develop historic preservation agreement documents and measures to minimize the project effects through consultation with SHPO and interested parties. MoDOT requests the SHPO review the enclosed materials and concur with the NRHP eligibility recommendations presented. Should you or any of your staff have any questions, please contact Toni Prawl, MoDOT Architectural Historian, at 573.526.3598 or by e-mail at [tprawl@modot.mo.gov](mailto:tprawl@modot.mo.gov).

Sincerely,

Robert L. Reeder  
Historic Preservation Coordinator

Enclosures

Copies: Mr. Mike Wells-MDNR  
Mrs. Beth Wright-4ao  
Mr. Mike Stelzleni-de

## Tim Flagler

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**From:** RANDY SCRIVNER [RANDY.SCRIVNER@sema.dps.mo.gov]  
**Sent:** Wednesday, March 10, 2004 1:45 PM  
**To:** Tim Flagler  
**Cc:** George Riedel; Sheila Huddleston  
**Subject:** Re: I-29 Corridor Flood Buyout

Good afternoon Tim,

As far as I can tell by looking at the map you sent me, the City of Avondale, MO is the only area in your study corridor that might have "Open Space" deed restrictions. The City of Avondale acquired 2608 Ingram, part of vacant lot 19 and vacant lots 20 and 21 located at "Ingram at Rock Creek," as well as 3207 Rock Creek, 3209 Rock Creek and 3211 Rock Creek. I cannot tell more precisely where those properties lie in relation to the map you sent us. If you need more details, you might consult with the the City of Avondale's governing officials.

I am unable to say if CDBG funds were used to purchase other properties in your study area, or if any properties purchased with those funds might be deed restricted now. You might also want to touch base with the CDBG folks at the Missouri Department of Economic Development as well.

Best regards,

Randy Scrivner  
MO SEMA SHMO  
573-526-9116

>>> "Tim Flagler" <TFLAGLER@hntb.com> 03/09/04 04:21PM >>>  
Randy,

Attached is a gif file showing the study corridor on a USGS base. Please take a look at it and let me know if there are any flood buyout areas or properties within the study corridor. Call if you have any questions. I appreciate your help. If you need the map at a higher resolution or a different format, just let me know.

<<I-29\_corridor.gif>>

Tim Flagler, ASLA  
HNTB Corporation (Architects, Engineers, Planners)  
715 Kirk Drive  
Kansas City, Missouri 64105  
(816) 472-1201  
email: tflagler@hntb.com

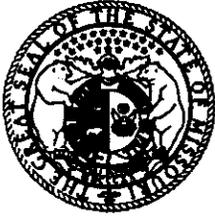
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Bob Holden  
Governor

STATE OF MISSOURI

Jerry B. Uhlmann  
Director

## EMERGENCY MANAGEMENT AGENCY



DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF THE ADJUTANT GENERAL

PO Box 116, Jefferson City, Missouri 65102  
Phone: 573/526-9100 Fax: 573/634-7966  
E-mail: mosema@mail.state.mo.us



January 7, 2004

Mr. Tim Flagler, ASLA  
Senior Environmental Planner  
HNTB  
P.O. Box 419299  
Kansas City, MO 64141

**Re: Comments for the Environmental Study on the Proposed Improvements to the I-29/I-35 Corridor Project Located in Kansas City and North Kansas City, Missouri**

Dear Mr. Flagler:

We very much appreciate the opportunity to comment on the above-mentioned project. Please accept this letter as comment for your environmental study.

The State of Missouri is a participant in the NFIP. Any development associated with this project located within a special flood hazard area (SFHA), as identified by the Federal Emergency Management Agency (FEMA), must meet the requirements of the State of Missouri Executive Order 98-03. This would require obtaining a floodplain development permit for the proposed project. This permit must be obtained prior to the commencement of any construction/development activities. This permit would be obtained from this agency.

If the proposed development is also located within a regulatory floodway, a "No-Rise" Certificate and statement as to the effects of possible flooding, is required before the development can be permitted. This analysis must be performed by a licensed engineer and to current FEMA standards.

If you have any questions concerning this letter or the requirements of Executive Order 98-03, please feel free to contact me a (573) 526-9119.

Sincerely,

A handwritten signature in cursive script that reads "L. Scott Samuels".

L. Scott Samuels, P.E.  
Floodplain Management Engineer

cc: Connie Wisniewski, Mitigation Specialist, FEMA R-VII  
MoDOT File

Scoping Meeting Invitation  
April 22, 2004

**HNTB**

HNTB Architects Engineers Planners  
715 Kirk Drive  
Kansas City, MO 64105-1310  
phone: (816) 472-1201  
fax: (816) 472-4086

April 22, 2004

Re: I-29/35 Environmental Impact Statement  
Scoping Meeting and Field Visit

Dear Scoping Meeting Invitee:

The Missouri Department of Transportation (MoDOT) and the Federal Highway Administration (FHWA) are proposing to evaluate operational and capacity improvements to the existing Interstate 29/35 facility with new interchange configurations, bridges, including the bridge over the Missouri River, and roadways in Clay and Jackson Counties. Early in the planning stages of a transportation study, views are solicited from Federal, State, and local agencies, as well as private organizations or groups, which by law, interest, or expertise have pertinent input with regard to the proposed action. Information from these sources provides valuable assistance to project planners in the timely identification of economic, social, or environmental impacts.

The guiding philosophy with regard to this project is to employ a shared decision-making process; that is, one that invites resource agencies to participate by using mutually agreeable procedures and encouraging agency participation. The Initial Scoping and Solicitation of Views is the first step in this process.

To achieve the optimum benefits of agency involvement, we are proposing to enhance the process by combining the full scoping meeting with a site field visit. The scoping meeting is scheduled for Wednesday, May 12, 2004 from 10:00 a.m. to 11:30 a.m. at the North Kansas City Community Center, with lunch and a field visit immediately following the meeting for those interested. The package enclosed herein includes an itinerary, the meeting agenda, project mapping, a project description and a list of invitees for your use in preparing for both the field visit and your submission of views. We also anticipate the forthcoming publication of the Notice of Intent for the I-29/35 EIS in the Federal Register.

To help us with the logistics involved, we are asking each invitee or invited agency to examine the planned itinerary and then respond with the following RSVP information:

- 1) Number and names of attendees from your agency/group;
- 2) Lunch on Wednesday (yes/no) and I-29/35 Corridor field visit (yes/no)

Please review the attached information concerning this scoping event and respond with your RSVP by May 7 to Betty Burry of HNTB Corporation at (816) 527 – 2679 or [bburry@hntb.com](mailto:bburry@hntb.com). Please let us know if you have any questions or require any clarification.

Very truly yours,

HNTB Corporation

Clyde Prem  
Project Manager



**HNTB**

HNTB Architects Engineers Planners  
715 Kirk Drive  
Kansas City, MO 64105-1310  
phone: (816) 472-1201  
fax: (816) 472-4086

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Attachments: Itinerary  
Meeting Agenda  
Proposed Action  
Study Area Map  
List of Invitees

Cc: Carole Hopkins, MoDOT  
Kent Johnson, MoDOT  
Peggy Casey, FHWA