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CORPS OF ENGINEERS, KANSAS CITY DISTRICT  
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**U. S. Army Corps of Engineers  
Kansas City District**

## **FINDING OF NO SIGNIFICANT IMPACT**

**For the Proposed**

**Alteration of U.S. Army Corps of Engineers Civil Works Project Pursuant to 33 USC 408 and  
Adoption of Missouri Department of Transportation Final Environmental Assessment**

**US-169/BUCK O'NEIL BRIDGE CROSSING OF THE MISSOURI RIVER  
KANSAS CITY, CLAY COUNTY, MISSOURI**

The Missouri Department of Transportation (MoDOT) published a Final Environmental Assessment (Final EA) dated May 2020 to make improvements to the U.S. Highway (US) 169 corridor from Missouri Highway (MO) 9 to Interstate 35 including the Buck O'Neil Bridge crossing over the Missouri River. On May 15, 2020, the Federal Highway Administration (FHWA) issued a Finding of No Significant Impact (FONSI) for the proposed project. The Final EA and FONSI, titled "US-169/Buck O'Neil Bridge Crossing of the Missouri River, Finding of No Significant Impact, Final Environmental Assessment/Errata", is hereby incorporated by reference.

The proposed project is sponsored by the FHWA, MoDOT, and Kansas City, Missouri (KCMO). The proposed project constructs a new bridge across the Missouri River, west of the existing Buck O'Neil bridge, and makes improvements along US-169, north of the river between MO-9 and the new bridge including access improvements to the Kansas City Downtown Airport (MKC, airport). The proposed project is considered an alteration to the United States Army Corps of Engineers (USACE) federal project, the Missouri River Bank Stabilization and Navigation Project. Access improvements to MKC are located along the east side of the airport and within the Runway 19 Runway Protection Zone (RPZ). MoDOT would acquire approximately 11.3 acres of airport property for highway right-of-way.

The Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) implementing regulations allow for a Federal agency to adopt another agency's environmental assessment (40 CFR § 1506.3). U.S. Army Corps of Engineers Engineer Circular (EC) 1165-2-220 describes policy and procedural guidance for processing requests to alter USACE Civil Work projects pursuant to 33 USC Section 408. EC 1165-2-220 (Appendix D) strongly encourages USACE Districts to adopt and/or incorporate by reference any NEPA documentation that may exist for the Federal project. USACE may adopt, in whole or in part, another Federal agency's draft or final EA, the EA portion of another agency's EA/FONSI, or EIS. When adopting all or portions of another agency's EIS or EA, USACE is still responsible for developing a Record of Decision (ROD) or FONSI, as applicable, to document NEPA compliance for the Section 408 permission decision. This FONSI documents the USACE decision regarding the 408 permission request to alter the federal project.

## **PURPOSE AND NEED FOR THE PROPOSED ACTION**

The Missouri Department of Transportation (MoDOT), in cooperation with the City of Kansas City, Missouri proposes to replace the existing US-169 Buck O'Neil (Broadway) Bridge, which was constructed in 1956. The bridge is near the end of its useful service life and requires continued costly maintenance, including a short-term rehabilitation project in 2018. The existing bridge is an important link across the Missouri River in the regional transportation network. Construction is anticipated to begin in Summer 2021 and conclude in 2024.

## **ALTERNATIVES CONSIDERED**

EC 1165-2-220 states that NEPA compliance for section 408 requests should focus on two scenarios: 1) no action (i.e., no proposed alteration in place) and 2) action (i.e., proposed alteration in place) in compliance with 40 CFR Part 1502.14. MoDOT and FHWA considered alternatives to address the condition of the existing Buck O'Neil Bridge as well as access, mobility, and connectivity needs along US-169 within portions of Jackson and Clay Counties, Missouri. A wide array of alternatives was initially considered and underwent a screening process by the FHWA based on feasibility, ability of the alternative to meet the purpose and need, and weighted performance criteria. A preferred alternative was chosen from an initial list of three action alternatives. This review compares the Requestor's Preferred Alternative and the No Action Alternative, in compliance with 40 CFR Part 1502.14.

### **The No Action Alternative**

No improvements would be made to the existing Buck O'Neil Bridge and a new bridge would not be built. No improvements would be made to the existing access points into MKC from US-169. Only required maintenance along US-169, including the existing Buck O'Neil Bridge, and along Richards Road would occur. The No Action alternative does not meet the project purpose and need.

### **The Requestor's Preferred Alternative**

The Requestor's Preferred Alternative would maintain the crossing infrastructure by providing a bridge structure with a 75 to 100-year life span while also replacing and improving other highway infrastructure components that have reached or are near the end of their useful life. The Requestor's Preferred Alternative would maintain a reliable transportation linkage across the river serving regional traffic destinations through the use of direct connect ramps and by minimizing local traffic conflicts by improving the intersection at Broadway Boulevard and 5th/6th Streets, and making other improvements to the local street network. This alternative would also improve the operational and safety performance of the river crossing by including barrier-separated bicycle and pedestrian accommodations on the bridge ensuring bicycle/pedestrian connectivity across the river. The Requestor's Preferred Alternative would also provide shoulders to accommodate disabled vehicles and the movement of emergency vehicles in response to incidents.

## **AFFECTED ENVIRONMENT**

Chapter 5 of the Final EA addresses the applicable environmental impact areas associated with the Requestor's Preferred Alternative. MoDOT's Final EA and associated correspondence were reviewed by the FAA to determine whether each of the affected impact categories exceeded an established threshold of significance. The USACE has reviewed the evaluation of water resources included in the MoDOT final EA and has determined it is appropriate and applicable to the anticipated effects on the proposed Section 408 alteration.

**Air Quality:** As described in Section 5.5.1 of the Final EA, the Proposed Action is intended to reduce vehicular traffic congestion and improve travel times within the US-169 corridor adjacent to the airport and would not change aircraft activity or fleet mix at MKC. The Proposed Action would not have an impact on this resource except for temporary construction related impacts. The airport is in an attainment area; therefore, a conformity determination is not required. An Air Quality Assessment is not required

because the Proposed Action is not anticipated to increase the number of aviation or aircraft ground surface operations. Impacts to air quality are not anticipated to be significant.

### **Threatened and Endangered Species**

As described in Sections 4.2.3.2 and 5.5.2 of the Final EA, three federally listed bat species are potentially present in the project area – Indiana bat, gray bat, and the northern long-eared bat. The federally listed pallid sturgeon is found within the Missouri River adjacent to MKC, but not located within the footprint of the Proposed Action. No federally designated critical habitats have been identified within the study area.

Areas of potential bat habitat within the anticipated footprint of the Proposed Action, including the riparian area at the south end of MKC, were reviewed by MoDOT biologists and were determined not to contain suitable bat habitat. MoDOT and FHWA determined that the Proposed Action would have “no effect” on the three bat species. USFWS concurred with a “no effect” determination for all three bat species. The USACE has reviewed the USFWS concurrence with MoDOT and has determined that the “no effect” determination for federally listed threatened and endangered bat species is appropriate and applicable to the anticipated effects of the proposed Section 408 alteration.

The Proposed Action as described above would have no adverse effect on the pallid sturgeon. However, MoDOT and FHWA determined, and the USFWS concurred, that in-water construction related to the bridge replacement project (adjacent to MKC) “may affect but is not likely to adversely affect” the pallid sturgeon (see Final EA, Appendix C). The USACE has reviewed and accepts the USFWS concurrence with MoDOT and agrees that the determination for the federally listed threatened and endangered Pallid Sturgeon is appropriate and applicable to the anticipated effects of the proposed Section 408 alteration.

### **Migratory Birds and The Bald and Golden Eagle Act**

The Missouri River potentially supports migratory birds. The Migratory Bird Treaty Act (MBTA) prohibits the take of migratory birds and their eggs, young, or active nests. The Final EA states that nest surveys would be conducted in areas where vegetation would be disturbed prior to initiating clearing or construction in compliance with the MBTA. If occupied nests are found, the vegetation would not be removed until the young fledge. Therefore, the proposed project is not likely to affect migratory birds.

The Bald and Golden Eagle Protection Act prohibits unauthorized take of bald or golden eagles. Bald eagles winter in Missouri and may roost in mature trees along the Missouri River. No nests have been recorded in the vicinity of MKC. No impacts to bald eagles are anticipated. The Requestor’s Preferred Alternative will not jeopardize the continued existence of these species and would not destroy or modify federally designated critical habitat.

### **Cultural and Historic Resources**

This project anticipates adverse effects under Section 106 to the Broadway/Buck O’Neil Bridge and the Harlem Road Overpass because they will be removed by the project. The project will result in no adverse effect to the remaining resources listed on the National Register or determined eligible for the National Register identified during the project survey. The unavoidable effects to these NRHP-eligible resources will be mitigated through implementation of a Programmatic Agreement (PA). A copy of the Draft PA is included in the EA, which is accessible online. A Kansas City District Archeologist has reviewed the evaluation of cultural resources and the findings and conditions laid out within the PA and has determined it is appropriate and applicable to the anticipated effects on the proposed Section 408 alteration.

On September 18, 2018 FHWA notified tribes with historical interests in the area of the study and invited them to participate in Section 106 consultation. On November 8, 2018, MoDOT, in consultation with FHWA, SHPO and the City of Kansas City, identified

other potential consulting parties and invited them to participate. A complete table of identified parties and response can be found in the Final EA. Consultation with interested parties was completed over meetings throughout the development of the project.

### **Water Quality**

Construction activities would result in short-term and temporary effects on surface water quality by increasing the amount of suspended sediments in runoff flowing to receiving waters. Contractors would be responsible for obtaining all land disturbance and construction-related stormwater discharge permits. Stormwater discharges associated with disturbances in exceedance of one acre would require authorization under the Missouri State Operating Permit for Construction or Land Disturbance Activities; under the National Pollutant Discharge Elimination System (NPDES) permitting program administered by the Missouri Department of Natural Resources (MoDNR). Preparation of a Stormwater Pollution Prevention Plan (SWPPP) indicating the best management practices (BMPs) (e.g., silt fencing, silt socks, erosion control blankets, hay bales, etc.) to be implemented to manage stormwater discharges will be developed in association with obtaining the NPDES authorization.

The Requestor's Preferred Alternative would not violate applicable Federal, State, tribal, or local regulations regarding hazardous materials or solid waste management; nor would it produce appreciably different types of hazardous or solid wastes or quantities that would exceed local disposal capacity. The Proposed Action would not adversely affect human health and the environment. Impacts to hazardous materials, solid wastes, and pollution prevention are not anticipated to be significant.

### **Land Use**

As described in Sections 4.29 and 5.5.8 of the Final EA, current land use within and adjacent to MKC and the North Segment consists of industrial and commercial development and zoned for manufacturing uses. No schools, churches, residences, hospitals, or parks are located on or adjacent to the airport. No changes in future land uses are proposed on or adjacent to MKC. Impacts to existing and planned land uses are not anticipated to be significant. The Proposed Action would improve access to MKC at the cost of permanently displacing parking associated within the airport terminal area converted to highway right-of-way. Coordination during the design-build process will continue to evaluate and resolve potential obstructions associated with the Proposed Action that might affect navigable airspace surrounding the airport, including permanent bridge structures, signage and lighting, and temporary construction activities and equipment use. Aviation-related land uses at MKC would not be affected by the proposed improvements.

### **Environmental Justice and Socioeconomics**

Executive Order 12898, Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations, directs Federal agencies to take the appropriate action and necessary steps to identify and address disproportionately high and adverse effects of Federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law.

The USACE reviewed the Environmental Justice analysis conducted by Mid America Regional Council (MARC) for MoDOT. Minority and low-income populations are not anticipated to be negatively affected by the Requestor's Preferred Alternative. Improvement of traffic flow and pedestrian crossings across the bridge could provide a beneficial impact to local communities. The USACE accepts the determination that no further environmental justice analysis is required.

### **Water Resources**

The proposed project area is considered low flood risk, as it is protected from the Missouri River by a flood control levee maintained by KCMO. The 100-year FEMA floodplain is mapped on the riverward

side of the levee. No changes to the levee or levee maintenance would occur due to the Requestor's Preferred Alternative. The improvements proposed at the North Access would not encroach into the floodplain. At the North Access, placement of fill and construction of new pavement on the landward side of the levee is needed to accommodate the new roadway alignment. The proposed project is not anticipated to cause adverse effect on floodplain values.

No wetlands are located within the proposed project area. No fill would be placed in Waters of the United States. It was determined that no Section 404 permit under the Clean Water Act would be required. No drinking water intake wells are located on MKC. The Missouri River is included on the Section 303(d) list of impaired waters in Missouri, primarily due to levels of E. coli from multiple municipal point source and nonpoint source discharges. During construction, BMPs would be implemented to manage stormwater runoff.

### **Agency Coordination and Public Outreach**

Chapter 6 and Appendix J of the Final EA describes the agency coordination and public involvement efforts and Table 6-1 lists the major coordination milestones associated with agency scoping, public on-line meetings, public open houses, stakeholder meetings, and agency consultation. The Final EA was made available for comment and a public hearing was held. No comments were received from agencies, public groups/organizations, or Tribal Nations. Comments received from the public and responses are provided in FHWA's FONSI. This USACE FONSI will be issued for a 15-day public notice on March 15, 2021 and conclude on March 30, 2021. All public comments received in this time frame will be reviewed.

### **Conclusion**

I have determined that the MoDOT Final EA sufficiently evaluates the potential environmental impacts resulting from issuance of a Section 408 permission. All applicable laws, executive orders, regulations, and local government plans were considered in the evaluation of the Proposed Action. It is my determination that the Proposed Action does not constitute a major federal action that would significantly affect the human environment; therefore, preparation of an Environmental Impact Statement is not required.

Date: \_\_\_\_\_

William C. Hannan, Jr.  
Colonel, Corps of Engineers  
District Commander