

## **Appendix B Agency Correspondence**

Early coordination  
Invitation to scoping meeting  
Correspondence with Native American Tribes  
Invitation to Native American consultation meeting  
Agency comments on the DEIS  
Agency preferred alternative concurrence  
Memorandum of Agreement  
Cultural Resources Correspondence  
RWD-600  
Water Management Unit and Conservation Easement Correspondence  
Cooperating Agency Signature Sheets  
US Environmental Protection Agency Correspondence



**Appendix B**  
**Agency Correspondence**

Early coordination







# Mississippi Department of Archives and History

Historic Preservation Division

PO Box 571 • Jackson, MS 39205-0571 • 601 / 359-6940 • Fax 601 / 359-6955 • mdah.state.ms.us

October 1, 2001

Mr. Andrew H. Hughes  
Division Administrator  
Federal Highway Administration  
Mississippi Division  
666 North Street, Suite 105  
Jackson, Mississippi 39202

**RECEIVED**  
NEEL-SCHAFFER, INC

OCT 15 2001

ONIG  
02-4345-07

NAME	<input type="checkbox"/>
ROSEN	<input type="checkbox"/>
HJRS	<input type="checkbox"/>

Dear Mr. Hughes:

RE: Cooperating Agency Status  
Interstate 69/Section 11

We have received your letter of September 19, 2001, asking that the Department of Archives and History join as a cooperating agency in the development of the Environmental Impact Statement (EIS) for Section 11 of the new Interstate 69. We are aware of the importance of this project for both Mississippi and the nation and will be happy to join in the development of the EIS as a cooperating agency on the terms outlined in your letter.

Our staff are available to provide any appropriate information, participate in coordination meetings and joint field reviews, and review and comment on any technical studies from the standpoint of effects on historic and cultural resources. As this effort proceeds, Tom Waggener, our Review and Compliance Officer, at 601-359-6940, will be the initial point of contact and coordination. Please feel free to contact him or other staff as needed.

Sincerely,

Elbert R. Hilliard  
State Historic Preservation Officer

cc: Mr. E. Claiborne Barnwell



United States Department of Agriculture

Suite 1321, Federal Building 100 West Capitol Street Jackson, MS 39269 COM: (601) 965-5205 FAX: (601) 965-4940

RECEIVED NEEL-SCHAFFER, INC

ILG-0

DA SEC

OCT 15 2001

October 3, 2001

Handwritten routing slip with checkboxes and initials.

Vertical routing slip with checkboxes and initials for various departments like ADA, DED, A-1, A-2, A-3, ASIA, CR, etc.

Mr. Andrew H. Hughes, Division Administrator U.S. Department of Transportation Federal Highway Administration Mississippi Division 666 North Street, Suite 105 Jackson, MS 39202

Dear Mr. Hughes:

Thank you for your letter of September 19, 2001, inviting the Natural Resources Conservation Service to be a cooperating agency in the environmental study of proposed new Interstate 69/Section 11.

The NRCS welcomes the opportunity to be a part of this great endeavor and would like to offer any assistance available to make it a success.

Please keep us informed of activities associated with this project.

Sincerely,

Handwritten signature of Homer L. Wilkes and typed name: Homer L. Wilkes, State Conservationist

cc: Reginald M. Spears, Assistant State Conservationist (PROG), NRCS, Jackson, MS Al Garner, Assistant State Conservationist (OP), NRCS, Jackson, MS James E. Johnson, Assistant State Conservationist (FO), NRCS, Greenwood, MS

Handwritten note: copy for farmland file

JUL. 30. 2003 1:44PM



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

October 23, 2001

U.S. Department of Transportation  
Federal Highway Administration  
Mississippi Division  
666 North Street, Suite 105  
Jackson, Mississippi 39202

Subject: Participation of EPA, Region IV as a Cooperator in the Preparation of a Draft Environmental Impact Statement (DEIS) for the Interstate 69 - Section 11

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Dear Andrew Hughes:

This is in reference to your subject request of September 19, 2001, for assistance in the development of the above EIS. We accept the role of a cooperating agency subject to further discussion as to our specific involvement. The level of our participation may also be constrained by staff and travel resources. After this dialogue a Memorandum of Agreement (MOA) may be necessary to formalize our responsibilities. In the past we have been able to assist in activities associated with the scoping process, participate in site inspections of the subject area, and help in the development of some aspects of the study plan (e.g., alternatives analysis, environmental justice).

Further, we will be able to provide review and comment on preliminary documents above and beyond our normal responsibilities. Of course, any involvement as a cooperating agency will not negate our responsibilities for review and comment pursuant to Section 309 of the Clean Air Act and Section 102 (2)(C) of the National Environmental Policy Act. With these general qualifications we are willing to provide assistance.

An example of a Memorandum of Agreement which we have used in the past to define the basics for our cooperative effort is attached.

When we can be of further assistance in this matter, Ntale Kajumba (404-562-9620) will serve as initial point of contact.

Sincerely yours,

Heinz J. Mueller, Chief  
Office of Environmental Assessment  
Environmental Accountability Division

Attachment



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
Mississippi Division  
666 North Street, Suite 105  
Jackson, Mississippi 39202

File 2-4345-07

November 28, 2001

IN REPLY REFER TO  
HRW-MS

Mr. Heinz J. Mueller, Chief  
Office of Environmental Assessment  
Environmental Accountability Division  
U.S. Environmental Protection Agency  
Atlanta Federal Center, 61 Forsyth St., NW  
Atlanta, GA 30303-8960

Dear Mr. Mueller:

Subject: Cooperating Agency Status  
Interstate 69/Section 11

Thank you for your October 23, 2001, letter accepting the role of a cooperating agency for the development of the EIS for this project. We understand that all agencies' participation in such activities is at times restricted by staff and travel resources.

We find the MOA you provided to be a good basis for our roles as lead and cooperating agencies. A signed copy is attached.

Sincerely yours,

*Lawrence J. Kastner*

Andrew H. Hughes  
Division Administrator

Attachment

cc: Robert Walker, Neel-Schaffer ✓

RECEIVED  
NEEL SCHAFFER, INC.

NOV 29 2001


## MOA with MDOT and FHWA

### I. Introduction and Purpose

The Federal Highway Administration (FHWA), in cooperation with the Mississippi Department of Transportation (MDOT), has begun an Environmental Impact Statement (EIS) for Section 11 of the proposed new Interstate 69. The proposed corridor is part of a 1,650-mile long continuous national highway that will start at the Michigan/Canada Border and end at the Texas/Mexico Border. The proposed project extends from SR 304 east of Robinsonville in Tunica County to the Great River Bridge crossing of the Mississippi River near Benoit in Bolivar County.

The document will address various environmental impacts associated with selected alignments. EPA's review of a prospective NEPA document will consist of an examination of the proposed projects environmental impacts on the water quality, air quality, hazardous waste, natural resources and socioeconomic issues.

The purpose of this Memorandum of Agreement (MOA) is to establish an understanding between MDOT, FHWA, and the U.S. Environmental Protection Agency (EPA) regarding certain conditions and procedures to be followed in the proposed cooperation.

In accordance with the FHWA's request under 40 CFR Part 1501.6, EPA agrees to be a Cooperating Agency in the preparation of the EIS on the basis of its special expertise in environmental areas. Specifics in this regard will be determined during staff contacts.

The parties intend that the development and the preparation of the information provided for the EIS will satisfy the requirement of National Environmental Policy Act (NEPA).

### II. General Provisions

1. FHWA and MDOT shall act as the lead agency and shall be responsible for assuring compliance with all applicable requirements of NEPA and other pertinent regulations. FHWA and MDOT, with consultation, advise, and assistance from EPA.

2. The FHWA and MDOT will consider any additional alternatives developed by EPA during preparation of the EIS.

3. EPA, as a cooperating agency, will assist in scoping, development of alternatives, participate in site investigations, and other areas to be determined. EPA has the right of concurrence on language in the EIS on all matters relating to its input.

4. The EIS will include a complete review of alternatives considered by the FHWA and MDOT including the criteria used in alternative selection and the relative environmental impacts of alternatives.

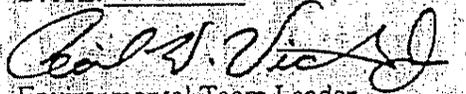
5. EPA retains its review or comment authority over the EIS under Section 309 of the Clean Air Act.

6. An EPA representative may attend public hearings and other meetings and will be available to respond to inquiries, correspondence, etc., pertinent to any information prepared by EPA.

DATE: \_\_\_\_\_

Environmental Accountability Division  
EPA, Region IV

DATE: NOV 28 2001

  
Environmental Team Leader  
FHWA Mississippi Division







U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Memphis Area Office  
One Memphis Place  
200 Jefferson Avenue, Suite 1200

January 17, 2002

Mr. Andrew H. Hughes  
Division Administrator  
U.S. Department of Transportation  
Federal Highway Administration  
666 North Street, Suite 105  
Jackson, Mississippi 39202

Dear Mr. Hughes:

Subject: Cooperating Agency Status  
Interstate 69/Section 11

This is in response to your letter regarding Cooperative Agency Status Interstate 69/Section 11.

We have been active and expect to continue our involvement and partnership with Federal Highway Administration (U.S.DOT)/Mississippi Department of Transportation (MDOT), as a cooperating agency.

We believe the I-69 project is vital to the economic development and tourism in the Lower Mississippi Delta Region and key to the success of the Delta Initiative. Therefore the Department of Housing and Urban Development looks forward to a continued productive working relationship with U.S. Dept. of Transportation/MDOT regarding Delta Initiatives.

Please direct inquiries, invitations, concerns and information regarding the I-69/Section 11 to Ben Davis, Special Programs Officer/Delta Initiatives, 200 Jefferson Ave. Suite 1200, Memphis, TN 38103 or call 901-544-3457.

Sincerely Yours,

Benjamin F. Davis, Jr.  
Special Programs Officer/Delta  
Initiatives

July 15, 2004

Mr. E. Claiborne Barnwell  
Environmental Division Engineer  
Mississippi Department of Transportation  
Post Office Box 1850  
Jackson, Mississippi 39215-1850

RE: Cultural Resources Survey of the Proposed Route of Interstate 69 Between  
Robinsonville and Benoit, Bolivar, Coahoma, Tunica and Sunflower Counties,  
Mississippi; MDOT Project No. NCPD-1069-00(001)/103104/101000  
Report # 04-106

Dear Mr. Barnwell:

We have reviewed the February 2004, cultural resources survey report of Coastal Environments, Inc. for the above referenced undertaking pursuant to our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. We concur with the recommendations presented in Table 8-1. The 43 sites considered eligible should be avoided or proposed mitigation measures addressed in an MOA.

The National Register Bulletin: *Guidelines for Evaluating and Registering Archaeological Properties* asserts, "Overlooking the significance of small sites may skew our understanding of past lifeways as those sites not only receive less research attention, but also are destroyed without being recorded thoroughly because they are 'written off' as ineligible for listing in the National Register.

Due to the large number of archaeological sites that will be affected by the proposed undertaking, there is a high probability that small or overlooked sites are included in the identified sample of 217 sites recorded. Because of the potential loss of unrecognized significant site types, we recommend that a small sample (ca. 10%) of the archaeological sites determined ineligible be considered for additional archaeological investigations to ensure that these often ignored sites are adequately considered. The sample should include a range of site types and investigative techniques.

If you need additional information or have questions about this letter, please contact Cliff Jenkins or me at 601-576-6940.

Sincerely,

*Thomas H. Waggener*

BY: Thomas H. Waggener  
Review and Compliance Officer

cc: Clearinghouse for Federal Programs





**Appendix B**  
**Agency Correspondence**

Invitation to scoping meeting



MISSISSIPPI'S PRIORITY



ROBINSONVILLE TO BENOIT — SECTION 11

ROBERT WALKER • I-69 PROJECT MANAGER • P. O. BOX 22625 • JACKSON, MISSISSIPPI 39225-2625  
TELEPHONE: 601.948.3071 • FAX: 601.948.3178 • EMAIL: i69@neel-schaffer.com • WEBSITE: www.msdoti69.com

August 14, 2002

Ms. Susan P. Hampton  
Chief, Regulatory and Environmental Compliance Branch  
U. S. Army Corps of Engineers  
Mississippi River Commission/Mississippi Valley Division  
P. O. Box 80  
Vicksburg, MS 39181-0080

SUBJECT: AGENCY-NATIVE AMERICAN SCOPING MEETING  
INTERSTATE 69, SECTION OF INDEPENDENT UTILITY NUMBER 11  
PROJECT NUMBER NCPD-I-69(1); 103104 / 101000

Dear Ms. Hampton:

The Mississippi Department of Transportation and the Federal Highway Administration invite you and/or your representative(s) to attend this coordination meeting. The meeting will be conducted in Clarksdale at the Headquarters of the Delta Regional Authority, located in the old federal building, from 1:30 PM to 4:30 PM on Wednesday, September 4, 2002. Attached is a map to this downtown meeting location at the corner of Third Street and Sharkey Street.

The purpose of the meeting is to update the cooperating agencies, other key governmental agencies, and the Native Americans on the status of the project and to obtain input on a limited number of merited alternative corridors that the project team believes should be taken forward for detailed study in the Draft Environmental Impact Statement (DEIS). For your reference, attached are the map and the screening analysis for the alternative corridors the project team presented to the public on July 16-18, 2002.

The agenda for this coordination meeting is attached. During the opening session, attendees will be furnished the project's status and presented the alternative corridors that the project team believes merit further study. Break-out sessions will be offered for the Benoit to Clarksdale and Clarksdale to Robinsonville segments. The goal of the two break-out sessions is to discuss the alternative corridors in sufficient detail to develop organized comments for presentation in the closing session. The closing session will consist of presenting and discussing the break-out session comments, and developing a plan to resolve issues delaying the selection of the alternative corridors for detail study in the DEIS.

A field visit will be offered the following day on September 5. To assist us in preparing for the meeting, please complete the attached post card and return it to us by Monday, August 26, 2002. If you have any questions, please give me a call at 601-948-3071.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Walker'.

Robert Walker, P.E.  
I-69 Project Manager

Attachments

pc: Mr. E. Claiborne Bamwell – MDOT Environmental Division Engineer  
Mr. Cecil Vick – FHWA, Mississippi Division



FEDERAL HIGHWAY ADMINISTRATION



MISSISSIPPI TRANSPORTATION COMMISSION  
ZACK STEWART  
DICK HALL  
WAYNE BROWN



NEEL-SCHAFFER, INCORPORATED

Following Federal agencies, or their designee, were mailed the same invitation correspondence to this meeting as that mailed to Ms. Susan P. Hampton of the U.S. Army Corps of Engineers.

Federal Highway Administration  
Jackson, MS

U.S. Army Corps of Engineers  
Vicksburg District  
Regulatory Branch  
Vicksburg, MS

U.S.D.A. Forest Service  
Atlanta, GA

U.S.D.A. Forest Service  
Jackson, MS

U.S.D.A. - Natural Resources Conservation Service  
Jackson, MS

U.S.D.A. - Natural Resources Conservation Service  
Clarksdale, MS

U.S.D.A. - Natural Resources Conservation Service  
Cleveland, MS

U.S.D.A. - Natural Resources Conservation Service  
Ridgeland, MS

U.S.D.A. - Natural Resources Conservation Service  
Tunica, MS

U.S. Dept. of Housing and Urban Development  
Delta Initiative Program Officer  
Memphis, TN

U.S. Environmental Protection Agency  
Atlanta, GA

U.S. Fish and Wildlife Service  
Atlanta, GA

U.S. Fish and Wildlife Service  
Jackson, MS

U.S. Fish and Wildlife Service  
Boylé, MS

U.S. Fish and Wildlife Service  
Grenada, MS

The following state agencies, or their designee, were mailed the same invitation correspondence to this meeting as that mailed to Ms. Susan P. Hampton with the U.S. Army Corps of Engineers.

Arkansas Highway and Transportation Dept.  
Environmental Division  
Little Rock, AR

HNTB Corporation  
Kansas City, MO

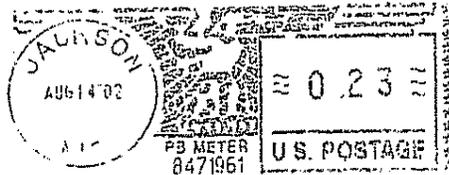
INTERSTATE 69  
SECTION OF INDEPENDENT UTILITY #11  
ENVIRONMENTAL IMPACT STATEMENT

NATIVE AMERICAN - AGENCY SCOPING MEETING  
DELTA REGIONAL AUTHORITY HEADQUARTERS  
CLARKSDALE, MISSISSIPPI  
1:30 PM, SEPTEMBER 4, 2002

MEETING AGENDA

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- **OPENING SESSION** 1:30 – 2:30 PM
  - Welcome and Introductions Claiborne Barnwell  
MDOT
  - Project Status Update Robert Walker  
Neel-Schaffer
  - Agency Coordination Cecil Vick  
FHWA
  
- **BREAK-OUT SESSIONS (Attend One of Two Options)** 2:30 – 3:30 PM
  - Option One Benoit to Clarksdale Alignments
  - Option Two Clarksdale to Robinsonville Alignments
  
- **CLOSING SESSION** 3:30 – 4:30 PM
  - Break-Out Session Report Project Team  
Representative(s)  
Benoit to Clarksdale Alignments
  - Break-Out Session Report Project Team  
Representative(s)  
Clarksdale to Robinsonville Alignments
  - Issues Needing Addressing Prior to Selecting the R. Walker, C. Vick &  
Claiborne Barnwell  
(Moderators)  
Alternatives for Detailed Study in the Draft EIS  
And an Action Plan for Addressing Those Issues
  - Closing Claiborne Barnwell

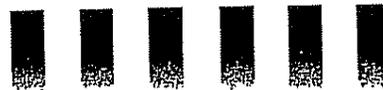


**NEEL-SCHAFFER, INC.**

**I-69 Corridor Project Manager  
P.O. Box 22625  
Jackson, MS 39225-2625**



MISSISSIPPI PRIORITY



ROBINSONVILLE TO BENHAT - SECTION 11

**SCOPING MEETING SEPTEMBER 4, 2002  
FIELD VISIT REQUEST SEPTEMBER 5, 2002**

**Please provide us the following information for the September 4 (Wed.) Scoping Meeting:**

Agency (Name): \_\_\_\_\_

Agency contact person and telephone number:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Phone Number

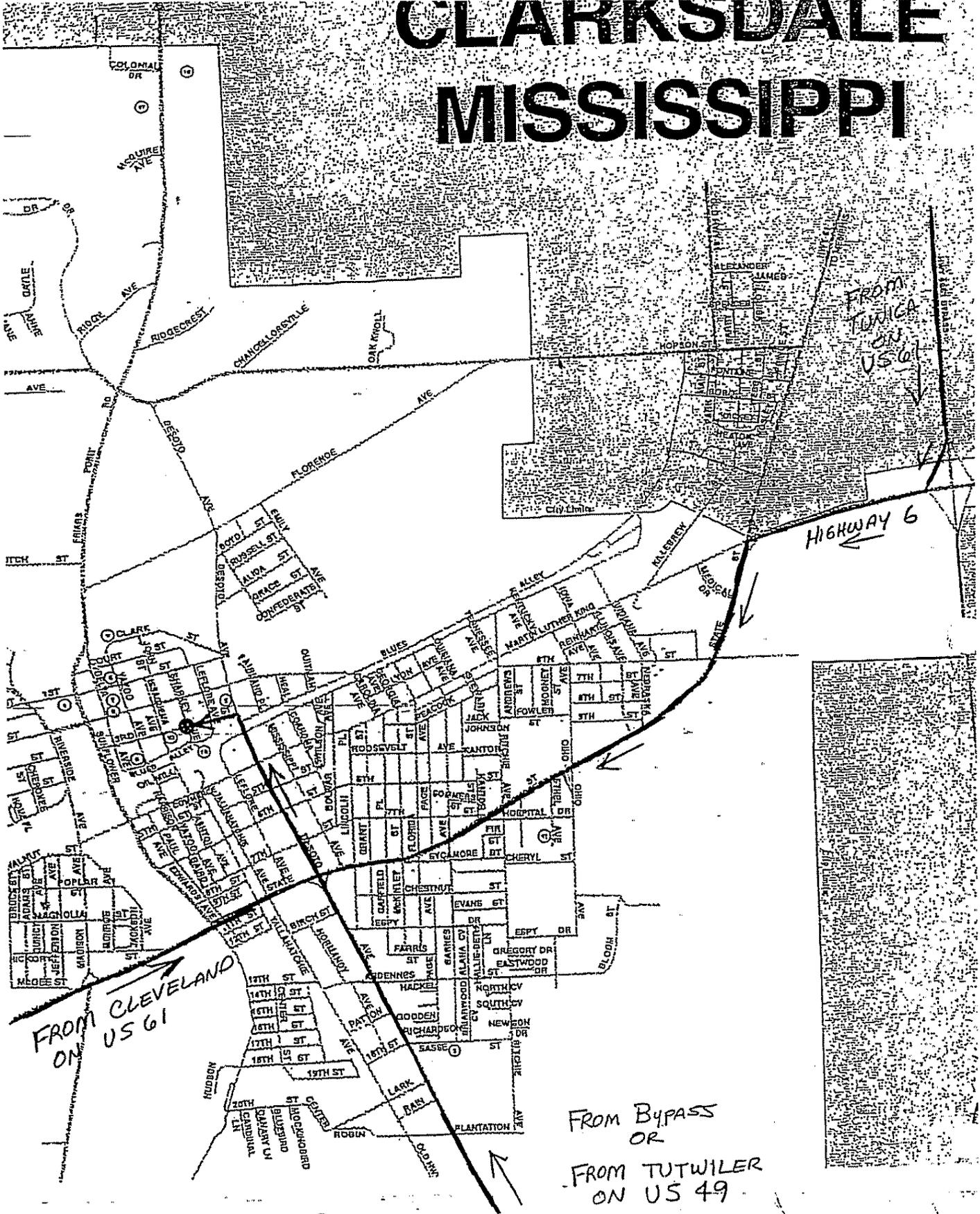
Number of representatives that will attend: \_\_\_\_\_

**To request a field visit for September 5 (Thurs.), please provide us the following information:**

Number of representatives that will attend: \_\_\_\_\_

Your requested field visit is to the following location (s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# CLARKSDALE MISSISSIPPI





122

		West	Central	East
Length (miles)	Existing Alignment	19.3	31.3	16.7
	New Alignment	48.4	63.8	89.5
	Total Length	107.7	115.2	116.2
Crossings	Intermittent Streams	110	115	124
	Perennial Streams	17	18	20
	Railroads	4	4	6
	Transmission Lines	5	6	7
Acreage within Corridor	Gas Pipelines	11	14	10
	Fermland	6,576.7	6,822.2	6,077.1
	Open Water	22.0	18.9	35.8
	Cattfish Ponds	11.4	58.3	2.8
	100-Year Floodplain	403.0	1,168.8	1,174.4
Other	Potential Wetlands	249.8	163.7	170.1
	Conservation Areas	156.7	210.2	117.5
	Archaeologic Sites	1	1	0
	Environmentally Sensitive Areas	0	0	1
	Historic Structures	0	0	1
		High	Highest	Higher

Northern Alternatives

		West 1	West 2	Central 1	Central 2	East 1	East 2
Length (miles)	Existing Alignment	0.0	2.4	0.0	2.4	2.4	0.0
	New Alignment	35.2	32.9	34.9	32.8	32.1	33.7
	Total Length	35.2	35.3	34.9	35.2	34.5	33.7
Crossings	Intermittent Streams	47	48	39	37	41	37
	Perennial Streams	7	7	7	7	6	5
	Railroads	2	2	2	2	2	2
	Transmission Lines	2	2	2	2	2	2
Acreage within Corridor	Gas Pipelines	3	3	3	3	4	1
	Fermland	2,352.0	2,281.9	2,380.2	2,310.3	2,117.0	2,148.5
	Open Water	5.1	3.1	1.7	1.7	8.0	5.0
	Cattfish Ponds	0.0	0.8	0.0	0.0	0.0	0.0
	100-Year Floodplain	255.4	144.5	300.7	239.8	231.7	552.8
	Potential Wetlands	28.8	30.4	22.7	41.2	26.8	25.4
Other	Conservation Areas	74.4	73.5	111.7	106.8	61.8	84.7
	Archaeologic Sites	0	0	0	0	0	0
	Environmentally Sensitive Areas	0	0	0	0	0	0
	Historic Structures	0	0	0	0	1	1

Southern Alternatives

		West 1	Central 1	Central 2	East 1	East 2
Length (miles)	Existing Alignment	18.8	31.3	31.2	16.7	16.7
	New Alignment	65.4	49.0	49.0	65.8	65.2
	Total Length	72.4	80.3	80.3	82.5	82.9
Crossings	Intermittent Streams	63	70	74	87	84
	Perennial Streams	10	11	11	16	15
	Railroads	3	2	2	3	3
	Transmission Lines	3	3	3	5	5
Acreage within Corridor (acres)	Gas Pipelines	8	1	1	11	9
	Fermland	4,284.7	4,542.0	4,550.7	4,531.8	4,502.2
	Open Water	18.9	18.2	20.3	30.8	18.8
	Cattfish Ponds	11.4	58.3	58.3	2.8	2.8
	100-Year Floodplain	258.5	810.1	857.7	821.8	671.2
	Potential Wetlands	210.2	114.0	98.3	144.7	173.8
Other	Conservation Areas	33.2	18.5	63.1	50.8	55.0
	Archaeologic Sites	1	1	1	0	0
	Environmentally Sensitive Areas	0	0	0	1	1
	Historic Structures	0	0	0	0	0

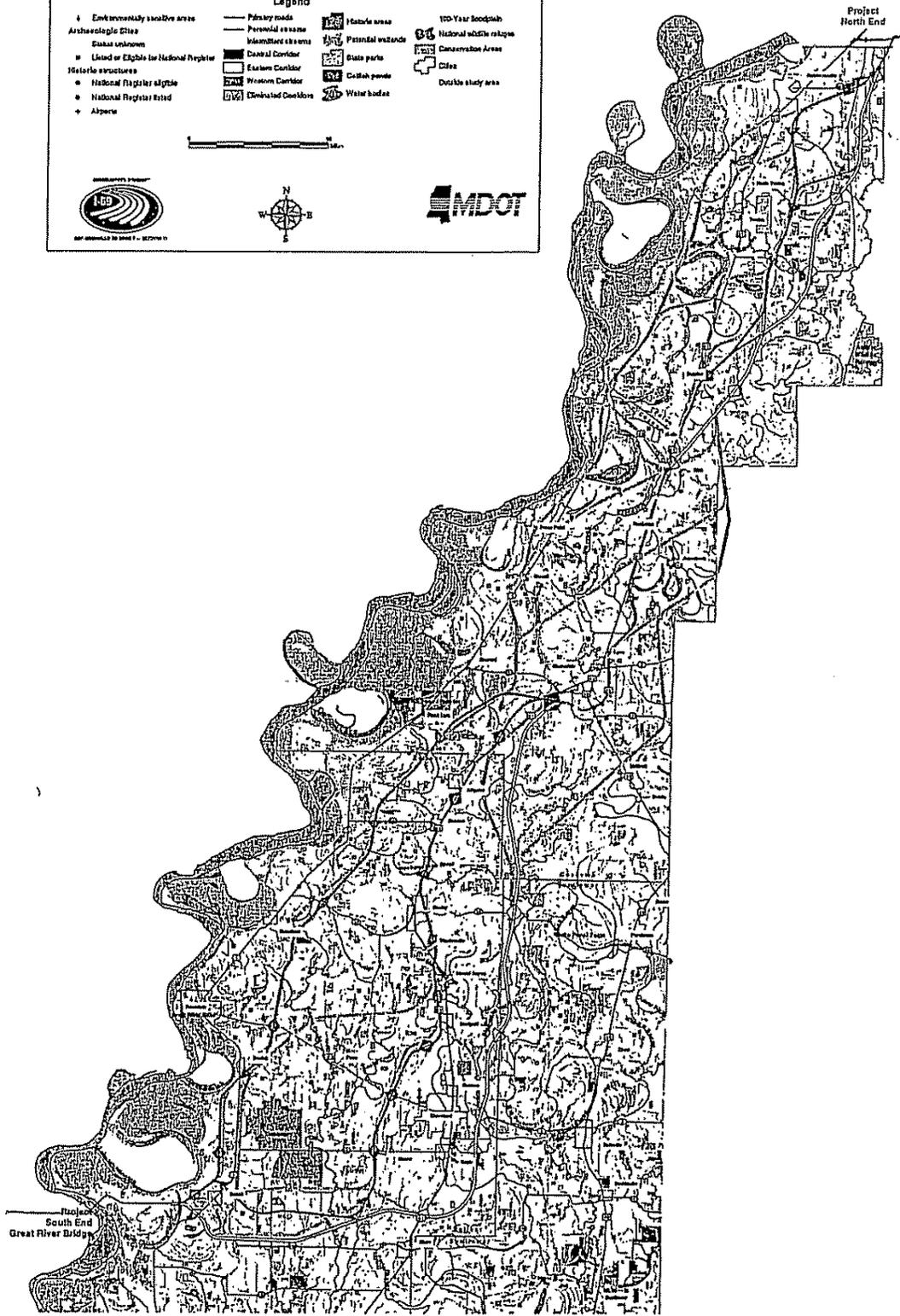
**Legend**

<ul style="list-style-type: none"> <li>◻ Environmentally sensitive areas</li> <li>◻ Archeological Sites</li> <li>◻ Status unknown</li> <li>◻ Listed or Eligible for National Register</li> <li>◻ Historic structures</li> <li>◻ National Register eligible</li> <li>◻ National Register listed</li> <li>◻ Appare</li> </ul>	<ul style="list-style-type: none"> <li>— Primary roads</li> <li>— Perennial streams</li> <li>— Intermittent streams</li> <li>◻ Central Corridor</li> <li>◻ Eastern Corridor</li> <li>◻ Western Corridor</li> <li>◻ Eliminated Corridors</li> </ul>	<ul style="list-style-type: none"> <li>◻ Historic areas</li> <li>◻ Potential wetlands</li> <li>◻ State parks</li> <li>◻ Cotton ponds</li> <li>◻ Water bodies</li> </ul>	<ul style="list-style-type: none"> <li>◻ 100-Year floodplain</li> <li>◻ National wildlife refuges</li> <li>◻ Conservation Areas</li> <li>◻ Cities</li> <li>◻ Double study area</li> </ul>
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ROBINSONVILLE TO BENOIT -- SECTION 11

ROBERT WALKER • I-69 PROJECT MANAGER • P. O. BOX 22625 • JACKSON, MISSISSIPPI 39225-2625  
 TELEPHONE: 601.948.3071 • FAX: 601.948.3178 • EMAIL: i69@neel-schaffer.com • WEBSITE: www.msdoti69.com

August 14, 2002

Mayor Robert Fava, Jr.  
 Town of Alligator  
 P.O. Box 95  
 Alligator, MS 38720

SUBJECT: MAYORS AND COUNTY SUPERVISORS COORDINATION MEETING  
 INTERSTATE 69-SIU 11; FROM NEAR BENOIT TO NEAR ROBINSONVILLE  
 PROJECT NUMBER NCPD-I-69(1); 103104 / 101000

Dear Mayor Fava:

The Mississippi Department of Transportation and the Federal Highway Administration invite you to attend a coordination meeting for the referenced project. The meeting will be conducted in Clarksdale at the Headquarters of the Delta Regional Authority, located in the old federal building, from 9:00 AM to Noon on Wednesday, September 4, 2002. Attached is a map from US 61 to this downtown meeting location at the corner of Third Street and Sharkey Street.

The meeting will update the mayors and county supervisors on the results of the public meetings conducted on July 16-18, 2002. For your information attached are the map and the screening analysis on the alternative corridors presented at those meetings.

The agenda for this coordination meeting is also attached. During the opening session, attendees will be furnished the project's status and presented the alternative corridors that the project team believes merit consideration for detailed study in the Draft Environmental Impact Statement (EIS). Break-out sessions will then be conducted concurrently for each of the counties represented at the meeting. At least one project team member will attend each session. At these sessions, attendees will be encouraged to make comments and ask questions about the merited alternative corridors. The project team representative at the break-out sessions will address comments, answer questions, and take sufficient notes to furnish a report during the closing session. The closing session will consist of presenting and discussing the break-out session reports, and developing a plan to resolve issues delaying the selection of the alternative corridors for detail study in the Draft EIS.

A field visit will be offered on September 5. To assist us in preparing for the meeting and possible field visit(s) the following day, please complete the attached post card and return it to us by Monday, August 26, 2002. If you have any questions, please give me a call at 601-948-3071.

Sincerely,

Robert Walker, P.E.  
 I-69 Project Manager

Attachments

pc: Mr. E. Claiborne Bamwell – MDOT Environmental Division Engineer  
 Mr. Cecil Vick – FHWA, Mississippi Division



FEDERAL HIGHWAY ADMINISTRATION



MISSISSIPPI TRANSPORTATION COMMISSION  
 ZACK STEWART  
 DICK HALL  
 WAYNE BROWN



NEEL-SCHAFFER, INCORPORATED

The following Bolivar County and municipal officials were mailed the same invitation correspondence to this meeting as that mailed to Mayor Robert Fava, Jr., of the Town of Alligator.

Bolivar County Board of Supervisors  
Cleveland, MS

Mayor, Town of Benoit  
Benoit, MS

Mayor, Town of Beulah  
Beulah, MS

Mayor, Town of Boyle  
Boyle, MS

Mayor, City of Cleveland  
Cleveland, MS

Mayor, Town of Duncan  
Duncan, MS

Mayor, Town of Gunnison  
Gunnison, MS

Mayor, Town of Merigold  
Merigold, MS

Mayor, City of Mound Bayou  
Mound Bayou, MS

Mayor, Town of Pace  
Pace, MS

Mayor, City of Rosedale  
Rosedale, MS

Mayor, City of Shaw  
Shaw, MS

Mayor, City of Shelby  
Shelby, MS

Mayor, Town of Winstonville  
Winstonville, MS

The following Coahoma County and municipal officials were mailed the same invitation correspondence to this meeting as that mailed to Mayor Robert Fava, Jr., of the Town of Alligator in Bolivar County.

Coahoma County Board of Supervisors  
Clarksdale, MS

Mayor, City of Clarksdale  
Clarksdale, MS

Mayor, Town of Coahoma  
Coahoma, MS

Mayor, Town of Friars Point  
Friars Point, MS

INTERSTATE 69  
SECTION OF INDEPENDENT UTILITY #11  
ENVIRONMENTAL IMPACT STATEMENT

MAYORS-COUNTY SUPERVISORS COORDINATION MEETING  
DELTA REGIONAL AUTHORITY HEADQUARTERS  
CLARKSDALE, MISSISSIPPI  
9:00 AM, SEPTEMBER 4, 2002

MEETING AGENDA

---

- |   |  |   |
|---|--|---|
| ▪ | OPENING SESSION  | 9:00 – 10:00 AM   |
|   | • Welcome and Introductions  | Claiborne Barnwell<br>MDOT  |
|   | • Project Status Update  | Robert Walker<br>Neel-Schaffer  |
| ▪ | BREAK-OUT SESSIONS   | 10:00 – 11:00 AM  |
|   | • Five One-Hour Sessions Conducted Simultaneously  |   |
| ▪ | CLOSING SESSION  | 11:00 AM – Noon   |
|   | • Reports on Break-Out Sessions  | Project Team<br>Representatives   |
|   | • Issues Needing Addressing Prior to Selecting the Alternatives for Detailed Study in the Draft EIS And an Action Plan for Addressing Those Issues | R. Walker, C. Barnwell<br>& FHWA representative<br>Cecil Vick will moderate |
|   | • Closing  | Claiborne Barnwell  |



MAYORS-COUNTY SUPERVISORS MEETING SEPTEMBER 4, 2002  
FIELD VISIT REQUEST SEPTEMBER 5, 2002

Please provide us the following information for the September 4 (Wed.) Meeting:

Municipality or County (Name): \_\_\_\_\_

Contact person and telephone number:

\_\_\_\_\_  
Name Phone Number

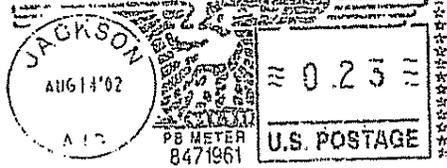
Number of representatives that will attend: \_\_\_\_\_

To request a field visit for September 5 (Thurs.), please provide us the following information:

Number of representatives that will attend: \_\_\_\_\_

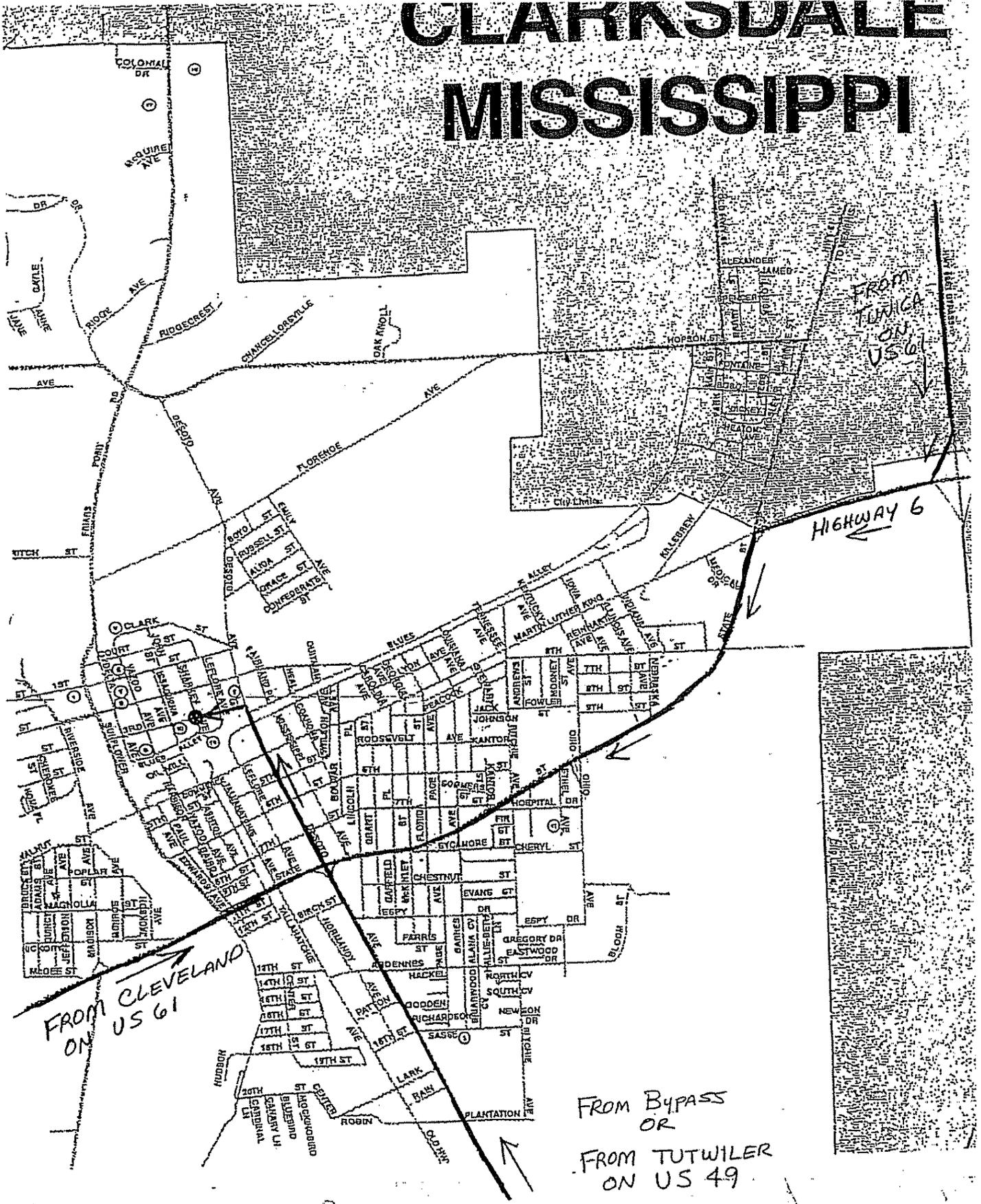
Your requested field visit is to the following location (s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



**NEEL-SCHAFFER, INC.**  
I-69 Corridor Project Manager  
P.O. Box 22625  
Jackson, MS 39225-2625

# CLARKSDALE MISSISSIPPI



FROM  
TUNICA  
ON  
US 61

HIGHWAY 6

FROM CLEVELAND  
ON US 61

FROM BYPASS  
OR  
FROM TUTWILER  
ON US 49



1,000-Foot Corridor Screening Analysis  
I-69 Corridor: S1U 11  
Bolivar, Coahoma, and Tunica Counties  
East, Central, and West Corridors



	West	Central	East	
Length (miles)	Existing Alignment	19.2	31.3	16.7
	New Alignment	88.4	83.8	99.5
	Total Length	107.7	115.2	118.2
Crossings	Intermittent Streams	110	115	124
	Perennial Streams	17	18	20
	Roads	4	4	5
	Transmission Lines	8	6	7
	Gas Pipelines	11	14	10
Average in Corridor	Farmland	8,578.7	8,922.2	8,877.1
	Open Water	22.0	10.8	35.8
	Cattish Ponds	11.4	68.3	2.8
	100-Year Floodplain	403.6	1,168.8	1,174.4
	Potential Wetlands	240.6	103.7	170.1
Other	Conservation Areas	168.7	210.2	117.5
	Archaeologic Sites	1	1	0
	Environmentally Sensitive Areas	0	0	1
	Historic Structures	0	0	1
Economic Impacts	High	Highest	Higher	

Northern Alternatives

	West 1	West 2	Central 1	Central 2	East 1	East 2	
Length (miles)	Existing Alignment	0.0	2.4	0.0	2.4	2.4	0.0
	New Alignment	35.2	32.8	34.9	32.8	32.1	33.7
	Total Length	35.2	35.3	34.9	35.2	34.5	33.7
Crossings	Intermittent Streams	47	45	39	37	41	37
	Perennial Streams	7	7	7	7	8	8
	Roads	2	2	2	2	2	2
	Transmission Lines	2	2	2	2	2	2
	Gas Pipelines	3	5	3	5	4	1
Average within Corridor	Farmland	2,252.0	2,281.8	2,388.2	2,310.2	2,117.0	2,145.8
	Open Water	3.1	3.1	1.7	1.7	2.0	6.0
	Cattish Ponds	0.0	0.0	0.0	0.0	0.0	0.0
	100-Year Floodplain	205.4	144.5	300.7	239.8	291.7	352.6
	Potential Wetlands	28.8	30.4	29.7	41.2	18.8	25.4
Other	Conservation Areas	78.4	73.5	111.7	108.8	61.8	62.7
	Archaeologic Sites	0	0	0	0	0	0
	Environmentally Sensitive Areas	0	0	0	0	0	0
	Historic Structures	0	0	0	0	1	1

Southern Alternatives

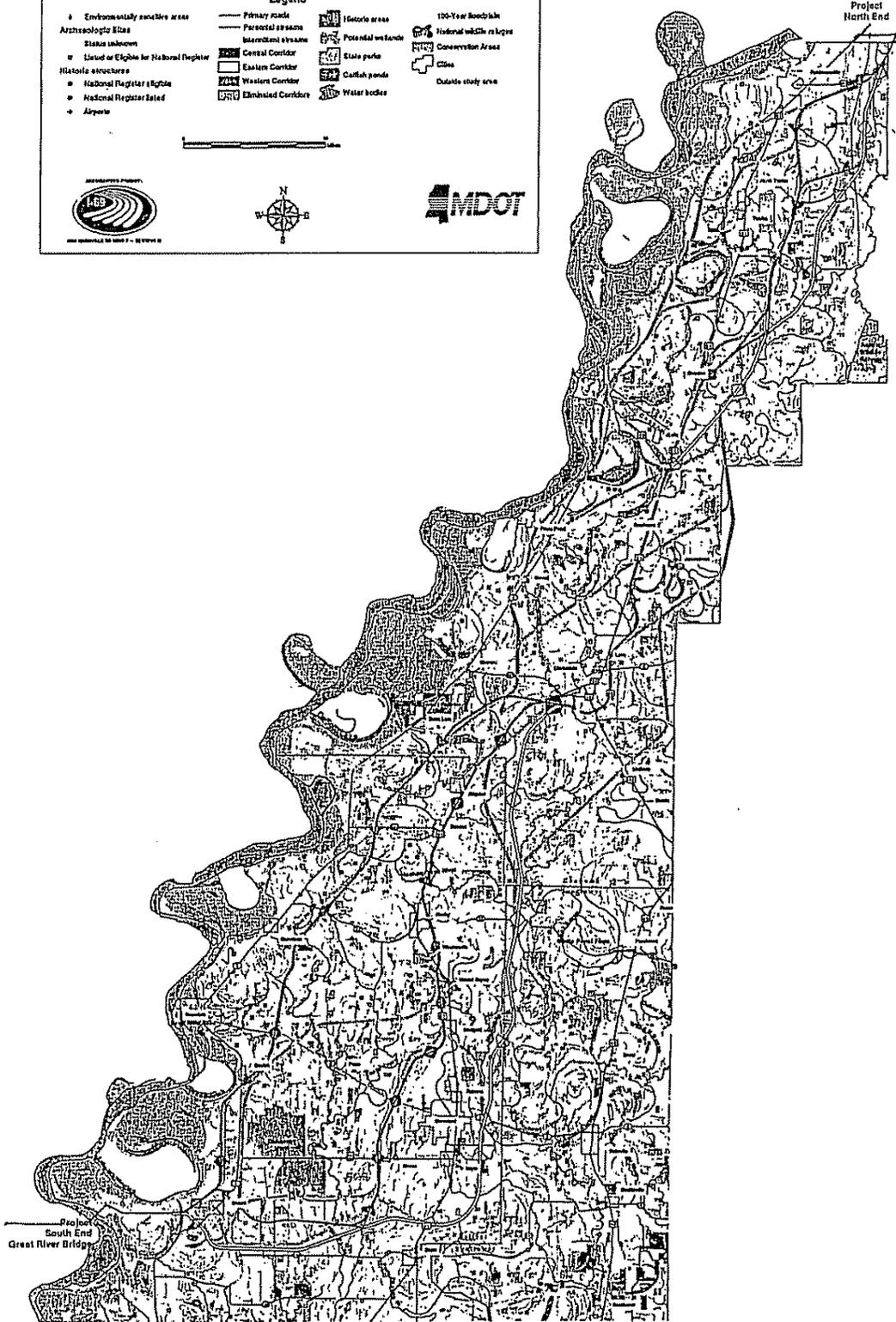
	West 1	Central 1	Central 2	East 1	East 2	
Length (miles)	Existing Alignment	18.9	31.3	31.3	18.7	18.7
	New Alignment	55.4	49.0	49.0	65.8	65.2
	Total Length	74.4	80.3	80.3	82.5	82.9
Crossings	Intermittent Streams	65	76	76	87	86
	Perennial Streams	10	11	11	15	16
	Roads	2	2	2	3	3
	Transmission Lines	3	3	3	5	5
	Gas Pipelines	6	1	1	11	8
Average within Corridor	Farmland	4,294.7	4,542.0	4,550.7	4,231.8	4,562.2
	Open Water	18.8	18.2	30.5	30.8	18.0
	Cattish Ponds	11.4	58.3	58.3	2.6	2.8
	100-Year Floodplain	258.8	866.1	857.7	821.8	871.9
	Potential Wetlands	210.2	124.0	88.3	144.7	172.8
Other	Conservation Areas	33.2	98.5	62.1	30.8	86.0
	Archaeologic Sites	1	1	1	0	0
	Environmentally Sensitive Areas	0	0	0	1	1
	Historic Structures	0	0	0	0	0

**Legend**

● Environmentally sensitive areas	— Primary roads	■ Historic areas	■ 100-Year floodplain
■ Archeological sites	— Potential streams	■ Potential wetlands	■ National wildlife refuges
■ Status unknown	■ Intersected streams	■ State parks	■ Conservation Areas
■ Status of Eligible for National Register	■ Central Corridor	■ Catfish ponds	■ Cities
■ Historic structures	■ Eastern Corridor	■ Water bodies	■ Outside study area
■ National Register eligible	■ Western Corridor		
■ National Register listed	■ Eliminated Corridor		
■ Airports			

Scale: 0 10 20 Miles

MDOT





U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
Mississippi Division  
666 North Street, Suite 105  
Jackson, Mississippi 39202

IN REPLY REFER TO  
HRW-MS

August 22, 2002

Chief Phillip Martin  
Mississippi Band of Choctaw Indians  
P.O. Box 6010  
Philadelphia, MS 39350

Dear Chief Martin:

Subject: Agency-Native American Scoping Meeting  
Interstate 69, Section of Independent Utility Number 11  
Project Number NCPD-I-69(1); 103104 / 101000

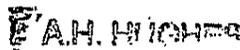
The Mississippi Department of Transportation and the Federal Highway Administration invite you and/or your representative(s) to attend the above noted coordination meeting. The meeting will be conducted in Clarksdale, MS at the Headquarters of the Delta Regional Authority, located in the old federal building, from 1:30 PM to 4:30 PM on Wednesday, September 4, 2002. Attached is a map to this downtown meeting location at the corner of Third Street and Sharkey Street.

The purpose of the meeting is to update Native Americans, cooperating agencies, and other key governmental agencies on the status of the project and to obtain input on a limited number of merited alternative corridors that the project team believes should be taken forward for detailed study in the Draft Environmental Impact Statement (DEIS). For your reference, attached are the map and the screening analysis for the alternative corridors the project team presented to the public on July 16-18, 2002.

The agenda for this coordination meeting is attached. During the opening session, attendees will be furnished the project's status and presented the alternative corridors that the project team believes merit further study. Break-out sessions will be offered for the Benoit to Clarksdale and Clarksdale to Robinsonville segments. The goal of the two break-out sessions is to discuss the alternative corridors in sufficient detail to develop organized comments for presentation in the closing session. The closing session will consist of presenting and discussing the break-out session comments, and developing a plan to resolve issues delaying the selection of the alternative corridors for detail study in the DEIS.

A field visit will be offered the following day on September 5. To assist us in preparing for the meeting, please complete the attached post card and return it to us by Monday, August 26, 2002. If you have any questions, please contact Mr. Cecil Vick or Mr. Dickie Walters at (601) 965-4217.

Sincerely yours,

  
Andrew H. Hughes  
Division Administrator

Attachments:

Meeting Location Map; Meeting Agenda  
Alternative Corridors Analysis; Field Visit Post Card

Cc: Mr. Claiborne Barnwell, 87-01

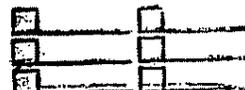
Pickering Environmental Consultants, Inc.

Mr. Jimmy Shirley ✓  
Neel-Schaffer, Inc.

\*Each person on the attached list received the same letter.

**RECEIVED**  
NEEL-SCHAFFER, INC.

AUG 24 2002



Chief Phillip Martin  
Mississippi Band of Choctaw Indians  
P. O. Box 6010  
Philadelphia, MS 39350

Chief Gregory E. Pyle  
Choctaw Nation of Oklahoma  
P. O. Box 1210  
Durant, OK 74702

Mr. Olin Williams  
Asst. NAGPRA Representative  
Choctaw Nation of Oklahoma  
P. O. Box 1210  
Durant, OK 74702

Ms. Christine Norris  
Tribal Council Member  
Jena Band of Choctaw  
P. O. Box 14  
Jena, LA 71342

Ms. Rena Duncan  
Director of Cultural Preservation  
Chickasaw Nation  
P.O. Box 1548  
Ada, OK 74821-1548

Mr. Earl J. Barbry, Sr.  
Tribal Chairman  
Tunica-Biloxi Indians of Louisiana, Inc.  
P.O. Box 1589  
Marksville, LA 71351

Mr. Brent Barbry, Sr.  
Assistant Tribal Historic Preservation Officer  
Tunica-Biloxi Indians of Louisiana, Inc.  
P.O. Box 1589  
Marksville, LA 71351

Mr. James Bird, Tribal Historic Preservation Officer  
Eastern Band of Cherokee Indians  
Qualla Boundary  
P. O. Box 455  
Cherokee, NC 28719

Dr. Richard Allen, Research and Policy Analyst  
Cherokee Nation of Oklahoma  
P.O. Box 948  
Tahlequah, OK 74464

Mr. Ken Carleton  
Tribal Historic Preservation Officer  
Mississippi Band of Choctaw Indians  
P.O. Box 6257  
Philadelphia, MS 39350-6257

Mr. Terry Cole  
NAGPRA Representative  
Choctaw Nation of Oklahoma  
P. O. Box 1210  
Durant, OK 74702

Chief B. Cheryl Smith  
Jena Band of Choctaw  
P. O. Box 14  
Jena, LA 71342

Ms. Stephanie Seeley  
Tribal Historic Preservation Officer  
Chickasaw Nation  
P.O. Box 1548  
Ada, OK 74821-1548

Mr. Kirk Perry, Administrator of Cultural Preservation  
Chickasaw Nation  
Tribal Chairperson - Quapaw Tribe of Oklahoma  
P.O. Box 765  
Quapaw, OK 74363

Mrs. Carrie V. Wilson  
NAGPRA Representative  
Quapaw Tribe of Oklahoma  
P. O. Box 765  
Quapaw, OK 74363

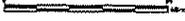
Mr. Earl J. Barbry, Jr.  
Tribal Historic Preservation Officer  
Tunica-Biloxi Indians of Louisiana, Inc.  
P.O. Box 1589  
Marksville, LA 71351

Mr. Leon Jones, Principal Chief  
Eastern Band of Cherokee Indians  
Qualla Boundary  
P. O. Box 455  
Cherokee, NC 28719

Mr. Chadwick Smith  
Principal Chief  
Cherokee Nation of Oklahoma  
P.O. Box 948  
Tahlequah, OK 74464

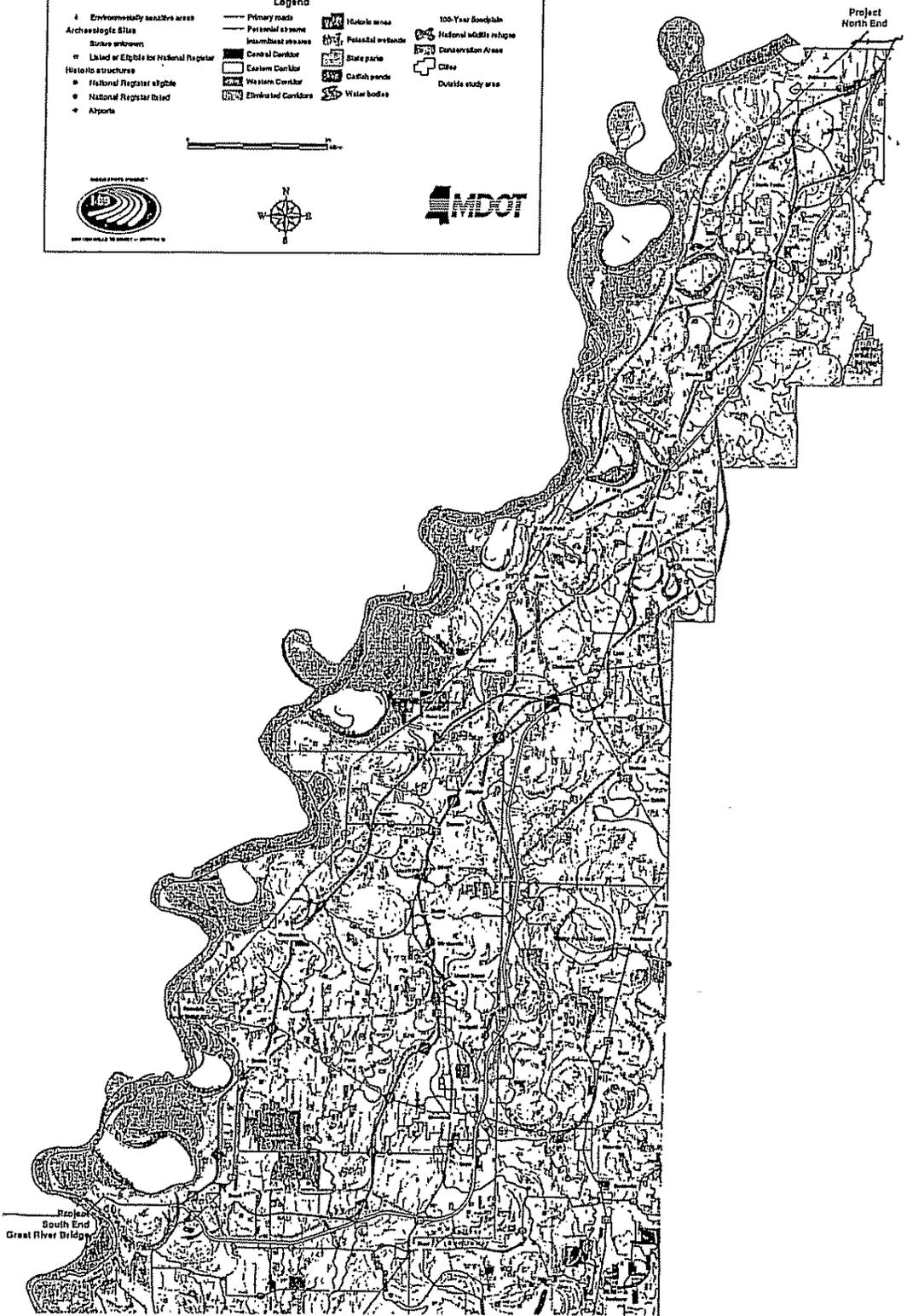
**Legend**

<ul style="list-style-type: none"> <li>• Environmentally sensitive areas</li> <li>Archaeologic Sites               <ul style="list-style-type: none"> <li>• Status unknown</li> <li>• Listed w/ Eligible for National Register</li> <li>Historic structures                   <ul style="list-style-type: none"> <li>• National Register eligible</li> <li>• National Register listed</li> <li>• Airports</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>— Primary roads</li> <li>— Potential streams</li> <li>▨ Inhabited zones</li> <li>▨ Central Corridor</li> <li>▨ Eastern Corridor</li> <li>▨ Western Corridor</li> <li>▨ Elevated Corridors</li> </ul>	<ul style="list-style-type: none"> <li>▨ Historic areas</li> <li>▨ Potential wetlands</li> <li>▨ State parks</li> <li>▨ Catfish ponds</li> <li>▨ Water bodies</li> </ul>	<ul style="list-style-type: none"> <li>▨ 100-Year Floodplain</li> <li>▨ National wildlife refuge</li> <li>▨ Conservation Area</li> <li>▨ Cline</li> <li>▨ Outside study area</li> </ul>
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ROBINSONVILLE TO BENOIT -- SECTION 11

ROBERT WALKER • I-69 PROJECT MANAGER • P. O. BOX 22625 • JACKSON, MISSISSIPPI 39225-2625  
TELEPHONE: 601.948.3071 • FAX: 601.948.3178 • EMAIL: i69@neel-schaffer.com • WEBSITE: www.msdoti69.com

April 10, 2003

Mr. Gaylon Lawrence  
123 Bayou Road  
Greenville, MS 38701

Subject: Interstate 69 (I-69); Benoit to Robinsonville  
Follow-up Meeting on SR 1 and SR 448 Crossing Alternatives  
Project Number NCPD-I-69(1); 103104 / 101000

Dear Mr. Lawrence:

The Mississippi Department of Transportation, Federal Highway Administration, and the consultant team for the section of I-69 from Benoit to Robinsonville invite you to attend this special follow-up meeting. The 10:00 AM meeting will be conducted at Ray Brooks School in Superintendent Dr. Suzanne Hawley's office on Wednesday, April 30, 2003.

On January 29, 2003, you attended a meeting in Dr. Hawley's Office when alternative locations for I-69 between the Great River Bridge Mississippi River Crossing and two proposed crossings of the Bogue Phalia were displayed on mapping and discussed. The primary discussions at that meeting concerned the four crossings of SR 1 and the two crossings of SR 448 that were shown on the mapping displays. The purpose of the follow-up meeting is to update you on the actions taken since our previous meeting to arrive at a decision on the alternative segments that will be taken forward for further study.

We hope you will be able to attend this April 30<sup>th</sup> follow-up meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Walker'.

Robert Walker, P.E.  
I-69 Project Manager

pc: Mr. E. Claiborne Barnwell – MDOT Environmental Division Engineer  
Mr. Cecil Vick – FHWA, Mississippi Division



FEDERAL HIGHWAY ADMINISTRATION



MISSISSIPPI TRANSPORTATION COMMISSION  
ZACK STEWART  
DICK HALL  
WAYNE BROWN



NEEL-SCHAFFER, INCORPORATED

The following people have received the enclosed I-69 letter:

Ms. Barbara Peeples  
Benoit School District  
P. O. Box 238  
Benoit, MS 38725

Mr. Wayne Farmer  
P. O. Box 239  
Benoit, MS 38725

Mr. Delbert Farmer  
P. O. Box 57  
Benoit, MS 38725

Mr. Early C. Ewing, Jr.  
Chairman  
Benoit I-69 Committee  
P. O. Box 60  
Benoit, MS 38725

Mr. Gaylon Lawrence  
123 Bayou Road  
Greenville, MS 38701

Mr. Sam Crispino  
336 S. Garmwyn Dr.  
Greenville, MS 38701

Mr. Ken Weeden  
Ken Weeden & Associates, Inc.  
P. O. Box 3113  
Wilmington, NC 28406

Mr. Walter G. Lyons  
Third District Engineer  
Mississippi Department of Transportation  
P. O. Box 630  
Yazoo City, MS 39194

Mr. Carl Middleton  
Asst. District Engineer  
Mississippi Department of Transportation  
P. O. Box 630  
Yazoo City, MS 39194



**Appendix B**  
**Agency Correspondence**

Correspondence with Native American Tribes





*the*  
**Chickasaw**  
**Nation** HEADQUARTERS

Arlington at Mississippi / Box 1548 / Ada, OK 74821-1548 / (580) 436-2603

*Bill Anoatubby*  
Governor

*Jefferson Keel*  
Lieutenant  
Governor

November 29, 2001

Mr. Robert Walker  
Federal Highway Administration  
Mississippi Division  
P. O. Box 22625  
Jackson, MS 39225-2625

Dear Mr. Walker:

Thank you for your letter regarding proposed construction. We are not aware at this time of any culturally sensitive or sacred sites in or near the areas outlined for the I-69 Robinsonville to Benoit Corridor (Section 11) located in Bolivar, Coahoma and Tunica counties of Tennessee. However, please understand this project could lead to the uncovering of many more sites. We would then expect any inadvertent discoveries be brought to our attention immediately and all construction cease according to applicable federal laws.

Your sensitivity to these issues is appreciated. If you have any questions, please contact Mrs. Rena Duncan, historic preservation officer, at (580) 332-8685.

Sincerely,

*Bill Anoatubby*  
Bill Anoatubby, Governor  
The Chickasaw Nation

RECEIVED

NEEL SCHERER

12/10/01

DEC 11 2001

Delcopy  Edcopy  
 Nathan  MISC FILE  
 Files



Putting Our Vote to Work!



# CHEROKEE NATION

P. O. Box 948  
Tahlequah, OK 74465-0948  
(918) 456-0671

Chad "Cornassel" Smith  
Principal Chief

Hastings Shade  
Deputy Principal Chief

DA
8EO
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ENV
SC

July 23, 2002

Mr. Andrew H. Hughes  
Federal Highway Division  
Mississippi Division  
666 North Street, Suite 105  
Jackson, MS 39202

Dear Mr. Hughes:

The Cherokee Nation has received your letter dated July 5, 2002 wherein you requested assistance with your site review pursuant to Section 106 of the National Historic Preservation Act as amended regarding construction of the I-69 Interstate Project.

The Cherokee Nation is not presently aware of or able to identify any cultural resources affiliated with the Cherokee Nation within the proposed area of development. However, we are aware that inadvertent discovery may occur as a result of development, archaeological testing, or as project construction activities progress. Such activity has the potential to destroy, damage, or diminish the integrity of any Cherokee resources. Also, any such discovery may result in looting if not adequately protected. Therefore, the Cherokee Nation requests that:

1. In the event of inadvertent discovery of human remains, burial objects, or artifacts that all site surveys or other site activities cease pending notification of the Cherokee Nation;
2. Any and all remains, burial objects or artifacts must be properly secured and protected;
3. The Cherokee Nation opposes any laboratory testing, data retrieval, non-biodegradable shrouding, photographic documentation, public display, or unauthorized removal of ancestral remains or burial objects;
4. Sites known to possess or are discovered to possess ancestral remains or burial objects, or that have historical, cultural, or religious significance to the Cherokee people should be avoided.

There are three federally acknowledged Cherokee entities: the Cherokee Nation; the United Keetoowah Band of Cherokee Indians, and the Eastern Band of Cherokee Indians. Section 106 mandates tribal commentary, review or consultation with federally recognized tribal entities. Therefore, any consultation, commentary or review addressed to state recognized groups, entities, or self-identified individuals purporting to be American Indian representatives does not constitute valid tribal consultation in accordance with the authority and intent of federal legislation.

Should you desire to communicate with the designated tribal representative, you may contact me at (918) 456-0671, extension 2466.

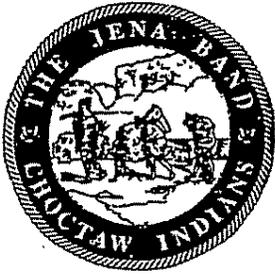
Sincerely,

*Dr. Richard Allen*  
Dr. Richard Allen  
NAGPRA Representative

**RECEIVED**  
NEEL-SCHAFFER, INC.

AUG 1 2002

<input checked="" type="checkbox"/> RW	<input checked="" type="checkbox"/> NA Files
<input type="checkbox"/>	<input checked="" type="checkbox"/> BNP/Wee Manks Files
<input type="checkbox"/>	<input checked="" type="checkbox"/> Misc. Correspondence Files (K'G)



# *Jena Band of Choctaw Indians*

P. O. Box 14 • Jena, Louisiana 71342-0014 • Phone: 318-992-2717 • Fax: 318-992-8244

December 3, 2004

Mr. Robert Walker, P. E.  
Neel-Schaffer, Inc.  
666 North Street, Suite 201  
Jackson, MS 39202

**RE: DEIS FOR THE PROPOSED I-69 SECTION OF INDEPENDENT  
UTILITY # 11 PROJECT.**

To Whom It May Concern:

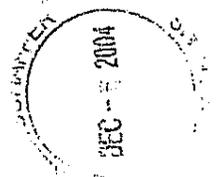
Reference is made to your letter dated November 4, 2004, concerning the above-proposed project.

After thorough review of the document submitted, it has been determined that there will be no significant impact in regards to the Jena Band of Choctaw Indians. We have no objections to its implementation.

If I may be of any further assistance, please do not hesitate to call.

Sincerely,

Lillie Strange  
Environmental Director  
Jena Band of Choctaw Indians  
[Lilliestrange72@aol.com](mailto:Lilliestrange72@aol.com)  
318-992-8258

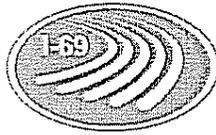




**Appendix B**  
**Agency Correspondence**

Invitation to Native American consultation meeting





ROBERT WALKER • I-69 PROJECT MANAGER • P. O. BOX 22625 • JACKSON, MISSISSIPPI 39225-2625  
 TELEPHONE: 601 948 3071 • FAX: 601 948 3178 • EMAIL: i69@neel-schaffer.com • WEBSITE: www.msdoti69.com

January 8, 2004

Mr. Kirk Perry  
 Administrator of Heritage Preservation  
 Chickasaw Nation  
 P. O. Box 1548  
 Ada, OK 74821

SUBJECT: INVITATION TO CONSULT ON INTERSTATE 69  
 SIU #11 AND SIU # 9  
 BETWEEN BENOIT, MS AND MILLINGTON, TN

Dear Mr. Perry:

In accordance with the formal consultation process under 36 CFR 800, the Mississippi Department of Transportation (MDOT), in concurrence with the Federal Highway Administration (FHWA), invites you and/or your representative(s) to attend a conference on these two sections of the proposed new Interstate 69. The conference will be held at the Grand Casino Tunica Hotel in Robinsonville on February 11-13, 2004.

The proposed Interstate 69 will eventually stretch from Canada to Mexico. Due to its length, the overall route has been divided into segments for individual environmental and cultural resource studies. The segments we would like to meet with you about are *Segment of Independent Utility (SIU) 11 and SIU 9*. SIU 11 is located from near Benoit, Mississippi to near Robinsonville, Mississippi, while SIU 9 is located from near Hernando, Mississippi to near Millington, Tennessee.

To better enable your participation, the MDOT and FHWA are offering to pay the travel expenses for you to send a maximum of two representatives to the conference. The reimbursable travel expenses include air fare, meals, and lodging. Additionally, travel from the Memphis Airport to Robinsonville, travel for the field visits, and travel from Robinsonville back to the Memphis Airport will be provided by the MDOT. After your travel expense receipts are submitted to the MDOT, the MDOT plans to provide the reimbursement. If you desire to drive to the conference, instead of fly, the MDOT will reimburse you at the government rate for your mileage not to exceed the equivalent cost of the lowest airfare rate. A block of rooms is reserved at the Grand Casino Hotel for the conference.

Depending on the travel arrangements for the representatives of the Native American Tribes, the conference will begin with a mid-afternoon meeting on Wednesday, February 11. Unless you are advised otherwise, 3:00 PM will be the starting time for conference. During the afternoon meeting, the alternatives being considered for both studies will be presented, and the attendees will be advised of the influences that environmental constraints had in the development of the alternatives. Detailed mapping displays and other displays will be available for viewing and discussions to supplement the presentations. Possible presenters/participants also will include the archaeologists for both studies along with Mississippi State University's look at the overall history of the areas. The agenda and discussions will be adjusted as requested and directed by the Native Americans. A reception and dinner will be held to conclude the day's activities.



Mr. Kirk Perry  
Page 2  
January 9, 2004

On Thursday, February 12, a field visit is scheduled to tour the SIU 11 alternative locations in the Mississippi Delta between Robinsonville and Benoit. The field trip will begin and end at the Grand Casino Hotel. The tour will concentrate on areas of interest to the Native Americans, and it is anticipated the field visit will take the entire day. When the tour ends, an opportunity will be given for a round table discussion. A dinner will then conclude the activities for the day.

Friday, February 13, will be devoted to a site visit for SIU 9 between Hernando, Mississippi and Millington, Tennessee. The conclusion time for this visit will be determined as is deemed appropriate and agreeable. We suggest scheduling departure flight times in the mid-afternoon or later on Friday.

The following attached information on these two SIUs should benefit you in preparing for this conference:

- A copy of the most recent newsletter for SIU 9;
- A copy of the most recent newsletter for SIU 11; and,
- A copy of the map of alternatives handout presented to attendees at the last series of Public Meetings on SIU 11.

We are particularly interested in finding ways to identify historic properties of importance to Native Americans as well as properties to which one or more tribes may attach religious or cultural significance. After reviewing the attached material on these two SIUs, you may decide that more detailed information is needed before you can make a determination whether or not an alternative would impact one of these historic, religious, or culturally significant sites. If this is the case, please contact me so you can be provided the information at the conference.

In order for us to make the necessary final arrangements in planning the conference, please call me at (601) 948-3071 by January 30, and advise who you will have attending the conference.

Sincerely,

Robert Walker, P.E.  
I-69 SIU 11 Project Manager  
Neel-Schaffer, Inc.

#### Attachments

pc: Mr. Andrew H. Hughes, MS Division Administrator, FHWA  
Mr. E. Claiborne Barnwell, Mississippi Department of Transportation  
Mr. James Q. Dickerson, Mississippi Department of Transportation  
Mr. Walter G. Lyons, Mississippi Department of Transportation  
Mr. Bobby W. Blackmon, TN Division Administrator, FHWA  
Mr. Doug Delaney, Tennessee Department of Transportation  
Mr. Tom Love, Tennessee Department of Transportation  
Mr. Gerald Kline, Tennessee Department of Transportation  
Mr. Ray Brisson, SIU 9 Project Manager, PBS&J

The following individuals were mailed the same correspondence as mailed to Mr. Kirk Perry:

Mr. Kirk Perry  
Administrator of Heritage Preservation  
Chickasaw Nation  
P. O. Box 1548  
Ada, OK 74821

Ms. Rena Duncan  
NAGPRA Representative  
Chickasaw Nation  
P. O. Box 1548  
Ada, OK 74821

Ms. Gigy Nail  
Tribal Preservation Assistant  
Chickasaw Nation  
P. O. Box 1548  
Ada, OK 74821

Mr. Terry Cole  
Cultural Resources Director  
Choctaw Nation of Oklahoma  
P. O. Box 1210  
Durant, OK 74702

Mr. Olin Williams  
Tribal Historic Preservation Officer  
Choctaw Nation of Oklahoma  
P. O. Box 1210  
Durant, OK 74702

Mrs. Carrie V. Wilson  
NAGPRA Representative  
Quapaw Tribe of Oklahoma  
223 East Lafayette  
Fayetteville, AR 72701

Mr. Chip Fisher  
Transportation Director/Council Member  
Jena Band of Choctaw Indians  
P. O. Box 14  
Jena, LA 71342

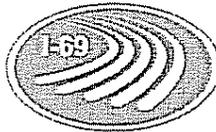
Mr. Earl J. Barbry, Sr.  
Tribal Chairperson  
Tunica-Biloxi Indians of Louisiana, Inc.  
P. O. Box 1589  
Marksville, LA 71351

Mr. Earl J. Barbry, Jr.  
Tribal Historic Preservation Officer  
Tunica-Biloxi Indians of Louisiana, Inc.  
P. O. Box 1589  
Marksville, LA 71351

Mr. Brent Barbry, Sr.  
Assistant Tribal Historic Preservation Officer  
Tunica-Biloxi Indians of Louisiana, Inc.  
P. O. Box 1589  
Marksville, LA 71351

Mr. Ken Carleton  
Tribal Historic Preservation Officer  
Mississippi Band of Choctaw Indians  
P. O. Box 6257  
Philadelphia, MS 39350

Dr. Richard Allen  
Research and Policy Analyst  
Cherokee Nation of Oklahoma  
P. O. Box 948  
Tahlequah, OK 74464



ROBERT WALKER • I-69 PROJECT MANAGER • P. O. BOX 22625 • JACKSON, MISSISSIPPI 39225-2625  
 TELEPHONE: 601.948.3071 • FAX: 601.948.3178 • EMAIL: i69@neel-schaffer.com • WEBSITE: www.msdoti69.com

January 9, 2004

Ms. Ntale Kajumba  
 U. S. Environmental Protection Agency  
 Environmental Accountability Division - NEPA  
 Atlanta Federal Center, 61 Forsyth St., SW  
 Atlanta, GA 30303-8960

SUBJECT: INVITATION TO CONSULT ON INTERSTATE 69  
 SIU #11 AND SIU # 9  
 BETWEEN BENOIT, MS AND MILLINGTON, TN

Dear Ms. Kajumba:

In accordance with the formal consultation process under 36 CFR 800, the Mississippi Department of Transportation (MDOT), in concurrence with the Federal Highway Administration (FHWA), has scheduled a conference with the Native American tribal representatives concerning these two SIUs of the proposed new Interstate 69. The conference will be held at the Grand Casino Tunica Hotel in Robinsonville on February 11-13, 2004, and as a Cooperating Agency contact for one or both of these SIUs you are also invited to attend this important conference.

The sections of the proposed new Interstate 69 that will be discussed are *Segment of Independent Utility (SIU) 11 and SIU 9*. SIU 11 is located from near Benoit, Mississippi to near Robinsonville, Mississippi, while SIU 9 is located from near Hernando, Mississippi to near Millington, Tennessee. A block of rooms has been reserved at the Grand Casino Hotel for the conference.

Depending on the travel arrangements for the representatives of the Native American Tribes, the conference will begin with a mid-afternoon meeting on Wednesday, February 11. Unless you are advised otherwise, 3:00 PM will be the starting time for the afternoon meeting. During this initial meeting, the alternatives being considered for both studies will be presented, and you will be advised of the influences that environmental constraints had in the development of the alternatives. Detailed mapping displays and other displays will be available for viewing to supplement the presentations. Possible presenters/participants will also include the archaeologists for both studies along with Mississippi State University's look at the overall history of the areas. The agenda and discussions will be adjusted as requested and directed by the Tribes. A reception and dinner will be held to conclude the day's activities.

On Thursday, February 12, a field visit is scheduled to tour the SIU 11 alternative locations in the Mississippi Delta between Robinsonville and Benoit. The field trip will begin and end at the Grand Casino Hotel. The tour will concentrate on areas of interest to the Native Americans, and it is anticipated the field visit will take the entire day. At the conclusion of the tour, an opportunity will be given for a round table discussion. A dinner will then conclude the activities for the day.

Friday, February 13, will be devoted to a site visit for SIU 9 between Hernando, Mississippi and Millington, Tennessee. The conclusion time for this visit will be determined as the attendees deem



Ms. Ntale Kajumba

Page 2

January 9, 2004

appropriate and agreeable. We suggest scheduling departure flight times, in the mid-afternoon or later on Friday.

The following attached information on these two SIUs should benefit you in preparing for the conference.

- A copy of the most recent newsletter for SIU 9;
- A copy of the most recent newsletter for SIU 11; and,
- A copy of the map of alternatives handout presented to attendees at the last series of Public Meetings on SIU 11.

We are particularly interested in finding ways to identify historic properties of importance to Native Americans as well as properties to which one or more tribes may attach religious or cultural significance. It is likely the Native Americans will ask questions and make comments or requests about the locations of alternatives relative to their concerns. The project team's response might be of interest to you, and the expertise that you could provide might be of assistance to the project team in responding to issues raised by the Native Americans.

In order for us to make the necessary final arrangements in planning for the conference, please call me at (601) 948-3071 by January 30, and advise who you will have attending the conference.

Sincerely yours,

Robert Walker, P.E.  
I-69 SIU 11 Project Manager  
Neel-Schaffer, Inc.

#### Attachments

pc: Mr. Andrew H. Hughes, MS Division Administrator, FHWA  
Mr. E. Claiborne Barnwell, Mississippi Department of Transportation  
Mr. James Q. Dickerson, Mississippi Department of Transportation  
Mr. Walter G. Lyons, Mississippi Department of Transportation  
Mr. Bobby W. Blackmon, TN Division Administrator, FHWA  
Mr. Doug Delaney, Tennessee Department of Transportation  
Mr. Tom Love, Tennessee Department of Transportation  
Mr. Gerald Kline, Tennessee Department of Transportation  
Mr. Ray Brisson, SIU 9 Project Manager, PBS&J

The following individuals were mailed the same correspondence as mailed to Ms. Ntale Kajumba:

Ms. Ntale Kajumba  
U. S. Environmental Protection Agency  
Atlanta Federal Center, 61 Forsyth St., SW  
Atlanta, GA 30303-8960

Mr. David Felder  
U. S. Fish and Wildlife Service  
6578 Dogwood View Parkway  
Jackson, MS 39213

Mr. Tom Waggener  
Review and Compliance Officer  
Miss. Department of Archives and History  
P. O. Box 571  
Jackson, MS 39205-0571

Mr. Benjamin F. Davis, Jr.  
Special Programs Officer, Delta Initiatives  
U. S. Dept. of Housing and Urban Development  
200 Jefferson Avenue, Suite 1200  
Memphis, TN 38103

Ms. Susan Jarvis  
Regulatory Branch  
Vicksburg District, Corps of Engineers  
4155 Clay Street  
Vicksburg, MS 39183-3435

**Appendix B**  
**Agency Correspondence**

Agency comments on the DEIS



United States Department of Agriculture



Natural Resources Conservation Service  
Suite 1321, Federal Building  
100 West Capitol Street  
Jackson, MS 39269

December 15, 2004

Mr. Robert Walker, P.E.  
Neel-Schaffer, Inc.  
666 North Street, Suite 201  
Jackson, MS 39202



Dear Mr. Walker:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS) for the proposed I-69 Section of Independent Utility #11 project. The Natural Resources Conservation Service is responsible for insuring compliance with the Farmland Protection Policy Act.

In accordance with the Farmland Protection Policy Act (FPPA) of 1981, Federal Programs that contribute to the necessary and irreversible conversion of farmland to nonagricultural uses will be minimized. It follows that Federal programs shall be administered in a manner that, as practicable, will be compatible with state and local government and private programs and policies to protect farmland.

Section "4.2 Farmland," along with Appendix E in the DEIS, adequately address the Natural Resources Conservation Service's responsibility for insuring compliance with the Farmland Protection Policy Act. However, a couple of errors in terminology were noticed:

- (1) National Resources Conservation Service should read Natural Resources Conservation Service.
- (2) Form AD-1006 is actually Form NRCS-CPA-106. See Appendix E.

The Natural Resources Conservation Service concurs in your Draft Environmental Impact Statement.

Sincerely,

A handwritten signature in black ink that reads "Homer L. Wilkes".

Homer L. Wilkes  
State Conservationist

cc: Kim Harris, State Conservation Engineer, NRCS, Jackson, MS  
James Johnson, Area Conservationist, NRCS, Greenwood, MS  
E. Claiborne Barnwell, Project Engineer, MDOT, Jackson, MS



Mr. Robert Walker, P.E.  
Neel-Schaffer, Inc.  
666 North Street, Suite 201  
Jackson, MS 39202

December 15, 2004

Dear Mr. Walker:

Subject: Comments, draft EIS: I-69 Mississippi project

Our Department staff has reviewed the relevant sections of the draft EIS on the effects on wildlife and fisheries resources. Since the final pathway alternative is not chosen, we offer some general comments on the plans as a whole and hope to work with you on refining our comments as the I-69 project continues to take shape. The highway corridor will follow some sections of U.S. 61 that are already developed for roadway use, and the corridor will develop some farmland, and some wetlands and other land into highway bed and right of way. Bridges at stream crossings will be of conventional design from all descriptions.

Our examination revealed that there was little discussion in the document of animal road crossings (especially bear crossings) in known travel corridors whether they are along streams and waterways or between adjacent wooded areas or other major pathways locally known as areas of high use or high probable use by wildlife. Our comments focus on the Black bear, but this species makes a good surrogate for other quadrupeds that will be crossing the new highway. In other words, any animal crossings designed into the I-69 roadway will serve not only bears, but a whole array of wildlife species. The bear is of particular importance because of ongoing efforts to foster the reintroduction of these animals into Mississippi.

The following paragraphs introduce the issues, give justification for a solution to road kills of bears (bear road kills are representative of other wildlife road kills), and provide some suggestions for incorporating wildlife crossings into the design of I-69.

The general area of northwest Mississippi through which I-69 is proposed is an area of increased activity by the Black Bear (*Ursus americanus*), a species listed as Endangered by the State of Mississippi. Over the past five years multiple sightings, human-bear interactions, and vehicular collisions, including road kills, have been documented and are obviously on the increase in the following counties within the project study area: Bolivar, Sunflower, Coahoma, Quitman, and Tunica.

One of the reasons for the apparently increasing bear numbers in this area appears to be the expanding bear population in adjacent southeast Arkansas and its natural dispersal across the Mississippi River. While this natural recolonization of bears into Mississippi is considered a

*Preserving Natural Mississippi*

via

2148 RIVERSIDE DRIVE • JACKSON, MS 39202-1353 • PHONE 601 354-7303 FAX 601 354-7227 • [www.mdwfp.state.ms.us/museum](http://www.mdwfp.state.ms.us/museum)

DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS

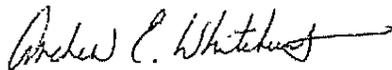
positive event given the current endangered status of Mississippi bears, it does not come without potential problems facing the bears once they begin their eastward and southeastward dispersal once in Mississippi. In the last four years, females with cubs have been documented crossing the Mississippi River into Mississippi; previously, only males, particularly subadult males, were known to swim the Mississippi River. Again, this is a significant development in bear population dispersal but not without potential negative consequences. In recent years, vehicular collisions with bears have occurred on MS Hwy. 3 in Quitman Co., MS Hwy. 1 in Bolivar Co., and MS Hwy. 8 in Bolivar Co. These unfortunate events can be expected to increase as more bears move into or through this area.

In Florida, the Florida Department of Transportation and the Florida Fish & Wildlife Conservation Commission have developed and constructed wildlife underpasses along key areas of Florida roadways which have greatly reduced vehicular collisions with the federally-endangered Florida Panther (*Puma concolor coryi*), black bear and other native wildlife species. Other areas in North America, working with the U.S. Department of Transportation/Federal Highway Administration, have constructed various types of "critter crossings" (underpasses, culverts, funnel fences) to benefit many different species of wildlife. The I-69 project seems to be an ideal project in which to incorporate such design features not only in the interest of wildlife conservation but automobile passenger safety and property loss as well.

According to the FHWA website, the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) provides funding support for such wildlife crossings as well as for habitat connectivity measures. A detailed analysis of our agency's database on the black bear as well as consultation with Florida DOT and Wildlife officials can allow us to pinpoint locations along the I-69 corridor that would be favorable for installation of wildlife underpasses. Our agency has already been consulting with the U.S. Fish & Wildlife Service in recommending priority areas for Wetland Reserve Program (WRP) lands to provide forested corridors from the Mississippi River batture lands to large forest blocks such as Dahomey National Wildlife Refuge as well as other federal and state refuges and wildlife management areas.

I hope these comments will be helpful to you as the I-69 project moves forward. Please let me know if you require more information, or if we can be of assistance. My phone is (601) 354-7303, email: [andrew.whitehurst@mmns.state.ms.us](mailto:andrew.whitehurst@mmns.state.ms.us)

Sincerely,



Andrew Whitehurst, M.S., J.D.  
W/F Coordinator, Environmental Reviews  
Mississippi Department of Wildlife, Fisheries and Parks



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS  
4155 CLAY STREET  
VICKSBURG, MISSISSIPPI 39183-3435

RECEIVED

JAN 11 2005

REPLY TO  
ATTENTION OF:

January 7, 2005

Operations Division  
Regulatory

SUBJECT: Comments on the Draft Environmental  
Impact Statement, Interstate 69, Section of  
Independent Utility 11, Robinsonville to  
Benoit, Mississippi

Mr. Robert Walker, P.E.  
Neel-Schaffer, Incorporated  
666 North Street, Suite 201  
Jackson, Mississippi 39202

Dear Mr. Walker:

I am responding to your letter of November 4, 2004,  
concerning the subject project.

You asked for comments concerning the Draft Environmental  
Impact Statement. We have reviewed all the information you  
provided and have no specific comments to offer at this time.

We will need a copy of the draft intensive cultural resources  
survey report that is to be conducted once the preferred  
alignment is selected, and also an indication of how the tribal  
coordination is progressing.

If you have any questions, please contact Ms. A. Susan Jarvis,  
telephone (601) 631-5146, fax (601) 631-5459 or e-mail address:  
regulatory@mvk02.usace.army.mil. In any future correspondence,  
please refer to identification No. MVK-2001-850.

Sincerely,

Elizabeth S. Guynes  
Chief, Regulatory Branch



January 19, 2005

PO BOX 257  
Stonoville, Mississippi  
38776-0257

Phone (662) 686-3350

Fax (662) 686-3378

Commissioner Dick Hall  
Mississippi Department of Transportation  
P.O. Box 1850  
Jackson, MS 39215

Dear Commissioner Hall,

As we have been evaluating the Draft Report for Interstate 69 through the Delta, we have identified several questions and considerations which we would like for the Mississippi Department of Transportation to review as the process moves along without delay. We appreciate very much the public meetings which the Department held at various locations in the Mississippi Delta and we want to compliment Clairborne Barnwell, Walter Lyons, Jimmy Dickerson, and the very competent staff from Neel Shaffer and Associates for their timely and very clear explanation of the alternatives considered in this project.

Although Delta Council is quite mindful of the environmental and economic considerations of right-of-way issues which accompany any public works project such as this, we are also very sensitive to the needs of local property owners who will be impacted by this project's construction. Compensation by MDOT, extended to local property owners and farm operators, should carefully consider the economic impact of partitioning farms from the standpoint of access, cost of production, safety, and farm management. While we have had no opposition to I-69 from individual or organized farm operators and landowners, the size of fields in the Delta region and the size of farm operations/equipment cause us to specifically remind MDOT that there are special considerations which might be extended to lessen the impact on farm operators and property owners, such as the option of frontage roads and overpasses located on reasonable intervals. It is our view that any such plan, including but not necessarily limited to frontage roads and overpasses at reasonable intervals, should be considered on the basis of a local option for the affected property owners and farm operators in that reach of the highway construction.

Another separate, but very important consideration which Delta Council would like to highlight, is the plan which MDOT will propose relative to the construction timeline on various segments. Since 2005 will represent the first time in history that the central Delta has been opened up to four-laning all the way to Memphis, we feel that any plan which includes reconstruction of existing four-lane U.S. 61 Highway to interstate specifications should also provide a detailed analysis of methods that might be used to avoid the effects of the Delta being returned to two-lane access to Memphis for any extended period of time. To the maximum extent practicable, we would prefer that MDOT develop a plan which would have the least impact on interrupting our current four-lane access to Memphis on U.S. 61. After waiting since passage of the 1987 four-lane act until 2005 for the completion of U.S. Highway 61 four-laning, it would be more than regrettable if we lost this four-lane access for any extended period of time, or if four-lane access was interrupted for years due to the reconstruction of certain segments of U.S. Highway 61 to interstate specifications.

Ken Murphree, Tunica  
*President*

*Vice Presidents*

Jim Lockett, Dublin  
Tom Turner, Belzoni  
Tripp Hayes, Clarksdale

Mike Lamensdorf, Cary  
Harry Simmons, Yazoo City

Joe Ricotta, Indianola, *Treasurer*  
Chip Morgan, *Executive Vice President*

DELTA COUNCIL  
STONEVILLE, MISSISSIPPI

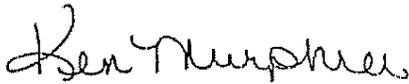
Page -2-  
Letter to Commissioner Dick Hall

In a related matter, we would like to ask MDOT to carefully consider the Benoit-Coahoma County line segment of construction as the segment which has the least impact on disrupting four-lane traffic on U.S. Highway 61. Therefore, it might be helpful to consider the plan, design, and construction of this segment as the initial project activity. This could possibly avoid any disruption of the recently opened four-lane access afforded to the Delta by U.S. 61, for as long as possible.

And finally, we are aware of considerations, regulations, and statutes which currently affect the transport of agricultural commodities from the field to the processing, storage, and shipment points located throughout the region. Weight, height, width and length restrictions are different on interstate highways than those enforced on non-interstate corridors. Certainly, we want these matters taken into consideration when MDOT is evaluating the alternate routes that will be utilized during those times that existing U.S. 61 is being reconstructed to interstate standards. Also, and of similar importance, we need for you to carefully consider the disparities which exist between interstate and non-interstate standards and restrictions on over-height, over-width, over-length, or overweight vehicles which are common during the harvest season in the Delta. These matters have received special consideration by MDOT and the Mississippi Public Service Commission in the past.

We appreciate your examination of these points and we will be happy to discuss them with you at any time in the future. We look forward to your response in this matter.

Sincerely,



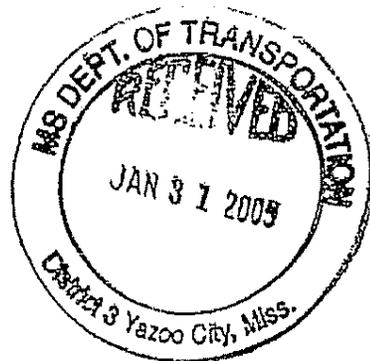
Ken Murphree  
President

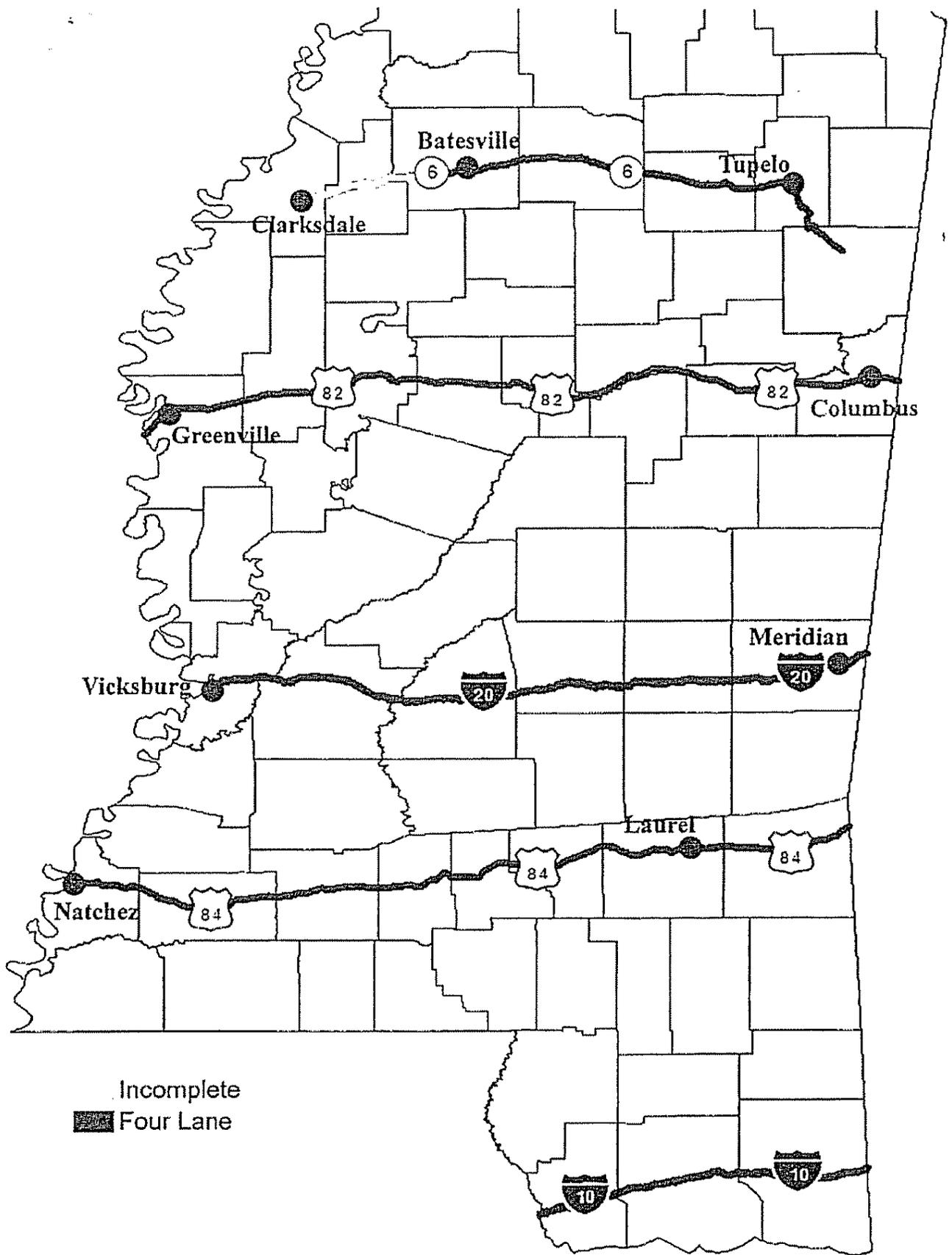


Al Rankins, Chairman  
Highway Improvement and  
Transportation Committee

/tsm

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Construction				
Maintenance				
Fiscal				
Personnel				
Int. Sys.				
Permits				
Spec.				







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 4  
 ATLANTA FEDERAL CENTER  
 61 FORSYTH STREET  
 ATLANTA, GEORGIA 30303-8960

I69, SIU-11

*AD*  
 EMT \_\_\_\_\_  
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FEB 04 2005

Mr Cecil W Vick, Jr  
 Environmental Team Leader  
 Federal Highway Administration  
 666 North Street, Suite 105  
 Jackson, Mississippi 39202-3199

**SUBJECT: EPA Review of Interstate 69 (Segment 11)  
 Draft Environmental Impact Statement (DEIS)  
 From Benoit to Robinsonville  
 Bolivar, Coahoma, Tunica, and Sunflower Counties, Mississippi  
 CEQ #: 040542 ERP #: FHW-E40802-MS**

Dear Sir:

Pursuant to Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA), EPA Region 4 has evaluated the consequence of constructing a 100-mile, multi-lane interstate highway between Benoit and Robinsonville, Mississippi. The highway system is designed to meet traffic demands, increase accessibility to the region, and stimulate economic development.

During this NEPA Process, EPA has participated in several scoping meetings and site visits, provided detailed scoping and pre-DEIS comments along with detailed ecological framework approach using GIS, and conducted and shared our independent alternatives screening analysis report which ranked alternatives based on their projected environmental impacts. Recently, the project team for this proposal visited EPA Region 4 to provide an overview of the project, discuss additional project refinements and detail their interagency coordination efforts during the environmental process. This presentation and discussion were very helpful.

Based on this discussion and the DEIS, we are providing the following comments:

**Alternatives:** The DEIS examines a no build alternative, a transportation systems management alternative, other transportation modes alternative, and three build alternatives (Western, Eastern and Central). Each of the three build alternatives are then divided into a southern, middle, and northern section, resulting in nine potential alternative alignments. Although, the DEIS does not identify a preferred alternative alignment, EPA recommends that the Central Alternative should be identified as the environmentally preferred alternative because it results, on balance, in the fewest overall environmental impacts.

**Impacts:** EPA has primary concerns regarding water quality impacts, land-use/habitat loss and residential relocations. The DEIS indicates that the proposed project, depending on the

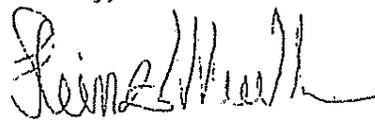
alternative selected, may impact up to 207 acres of wetlands, 17,660 linear feet of perennial streams, 24 303(d)-listed streams, 1,507 acres of floodplains, 299 acres of wildlife/vegetative habitat, 8,296 acres of farmland, 26 conservation easements, 69 or 73 residential and 4 business relocations, and 16 or 17 archeological sites and 4 historic sites (adverse effect), 10 hazardous materials sites and 4 noise sensitive sites

**EPA Assessment:** Overall, the DEIS captures the extensive work that has been done on this project, particularly in terms of alternatives analysis screening and public and resource agency involvement. It also provides a good overview of the project and attempts to address the issue of economic development. However, the DEIS does not examine some of the resources to the degree that would be expected had a preferred alternative been selected. Although we understand the difficulty of doing detailed site assessments of multiple alternatives, as a preferred alternative is identified, a more detailed environmental impact assessment needs to be conducted and documented in the Final EIS (FEIS). Further work is necessary to ensure that jurisdictional wetland determinations have been adequately conducted and that there is refined information available regarding the functional quality of the various wetlands along each of the alignments. Once this information has been developed, further coordination with the cooperating agencies including EPA is recommended to ensure full avoidance and minimization refinements, and appropriate water resource (wetlands, streams and floodplains) mitigation has been achieved.

Based on our review of this project, we have assigned an overall rating of EC-1 (environmental concerns, some information requested) to the document. Even though, substantial avoidance and minimization efforts have been done, environmental impacts still remain. EPA's primary environmental concerns relate to water resource impacts and refining mitigation commitments, land use changes/habitat loss, and residential relocations. More detailed comments are attached to the letter regarding alternatives (preferred alternative), aquatic resources (jurisdictional delineation, quality of resource and mitigation), air quality and others.

Thank you for the opportunity to provide comments on this proposed action. We look forward to working with FHWA and MDOT to address any identified concerns. If we can be of further assistance, please contact Ntale Kajumba of the NEPA Program Office at (404) 562-9620 or William Ainslie of the Wetlands Protection Section at (404) 562-9297.

Sincerely,



Heinz J. Mueller, Chief  
NEPA Program Office  
Office of Policy and Management

Enclosure: Detailed Comments

**EPA Comment Reviews on  
Draft Environmental Impact Statement (DEIS)  
Interstate 69 between Benoit and Robinsonville, MS**

**Environmental Commitments/Requirements Table:** EPA commends FHWA, USDOT and MDOT on the use of the matrix to describe both MDOT's environmental commitments and requirements for the proposed project, and the status of these commitments. However, the commitment status is either incomplete or left blank. In addition, some of the commitments are relatively general. For example, the DEIS states that floodplain impacts will be reduced through the use of bridges, pipes, and box culverts, but it is not specific as to the extent of bridging/pipe/culverts that will be used.

Recommendation: The status of the commitments should state when they will be fulfilled, i.e., phase of the project when commitments will be complete and the responsible official for ensuring the commitments are met. In addition, the environmental impact commitments should be as specific as possible. For example, it should state how much bridging; etc is anticipated to minimize floodplain impacts.

**Summary Table of Comparison of Alternative Combinations and Summary of Impacts:** There appears to be some minor inconsistencies with some of the number of impacts associated with the proposed projects when comparing the two tables (i.e., residential impacts, farmland, floodplains, and hazardous material impacts). These discrepancies may be due to later refinements in the alignments.

Recommendation: The FEIS should ensure that there is consistency in the number of impacts between the two tables. For example, table S-1 states that a maximum of 64 residences will be relocated; whereas table S-2 states that up to 69 residences will be relocated. If these discrepancies are the result of later refinements in the alignments, then the FEIS should state which table is most current.

**Alternatives Considered:** The DEIS does not identify an environmentally preferred alignment. It is difficult to fully assess the project impacts because refined environmental assessments of each of the alignments and their combinations are not thoroughly assessed over approximately 100 miles of proposed alignment. Consequently, more general as opposed to detailed information is provided regarding some of the environmental impact categories.

Recommendation: The FEIS should identify the environmentally preferred alignment. EPA recommends the Central Alternative because, on balance, it results in the fewest overall environmental impacts. However, in order to fully assess the project impacts, the environmental and social impacts for the alternatives carried forward in FEIS needs to be thoroughly analyzed.

**3.7 Air Quality:** The DEIS states that " The EPA Office of Air Quality Planning and Standards (OAQPS) manages EPA programs both to improve air quality in areas where the current quality does not meet air quality standards and to prevent significant deterioration in areas where the air is relatively free of pollution. According to EPA OAQPS, Mississippi does not exceed air quality standards and is in attainment for all criteria air pollutants "

Recommendation: The FEIS should reference the regulatory citations/actions that determined that the area in question is attainment for the national ambient air quality standards (NAAQS) The reference for the 1-hour ozone standard and other NAAQS, with the exception of the 8-hour ozone and fine particulate matter standards, is 40 Code of Federal Regulation Part 81. The reference that announced the determination of this area as being attainment for the 8-hour ozone and fine particulate matter standards are 69 FR23857 (published in the Federal Register on April 30, 2004) and 70FR943 (published in the Federal Register on January 5, 2005), respectively

**4.7. Air Quality:** The DEIS indicates that a carbon monoxide analysis at the edge of existing and proposed rights-of-way (which are representative areas of routine human activity) was not conducted because the project area is in conformance with State Implementation Plan and would not cause violations of the air quality standards

Recommendation: The rationale for the exclusion of this assessment should be modified in the FEIS It is not sufficient to state that because the area is in conformance with the State Implementation Plan that the project would not cause violations of the air quality standards The section should be rewritten to address whether or not localized violations of the carbon monoxide standard, based on the different project alternatives, is anticipated.

**4.8.1. Design year (2030) Build alternative Noise Environment: Noise Methodology:** Noise levels were projected for 291 occupied facilities However, this analysis excluded relocations and abandoned buildings

Recommendation: The DEIS noise analysis should include the total number of facilities that could be impacted by the proposed project This includes those facilities that were excluded from the noise analysis because they were to be relocated. Following this, the DEIS could have stated that the facilities would be relocated due to the projected adverse impacts

**4.17.1. Archeological:** The DEIS examined 33 percent of the alternatives Based on the DEIS, the surveys were concentrated on the high probability areas Most of the sites were found in the Western Alternative (15), followed by the Central and Eastern Alternative (12 and 11), respectively

Recommendation: The remainder of the alternatives should be assessed for archeological impacts to develop more of a basis for selecting a preferred alternative More information is needed to refine alignment and to fully assess impacts Consultation and coordination with the State Historic Preservation Office and the Tribal Historic Preservation Offices regarding further

avoidance, minimization and mitigation should continue as noted in the document.

**4.11 1. Wetlands and Streams Impacts:** Wetland areas were estimated using USGS topographic maps, national Wetland Inventory maps, and aerial photography. Field visits were conducted to verify and identify any additional wetlands. The DEIS does not appear to identify the jurisdictional status of wetlands and streams. Consequently, the functional values or the quality of the wetlands and streams are not discussed in this section. The document states this information will be determined after a preferred alternative is selected. However, more detailed aquatic resource information should be provided for each alternative carried forward in the DEIS, as a basis for selecting a preferred alternative. Once selected, a more specific analysis should be provided to refine the wetland and stream impacts of the preferred alternative.

Recommendation: In order to fully assess proposed project impacts and alternatives, the FEIS needs to provide more details on jurisdictional wetlands and streams (i.e. Waters of the United States). In addition to the quantities of each impact, this information should include the quality and functions of each wetland and stream and identify whether the resources are jurisdictional or isolated. A wetlands functional assessment method such as Hydrogeomorphic Assessment Method or Index of Biological Integrity should be used. These evaluations and results should be quantified and included in the FEIS. EPA is willing to coordinate with the Vicksburg District Army Corps of Engineers, FHWA and MDOT on this process.

**Aquatic Resource Mitigation:** Compensatory mitigation should also be evaluated on a watershed-based approach. The DEIS describes potential opportunities for wetland and stream mitigation near Dahomey National Wildlife Refuge. Mitigation in this area, along the Mississippi River, or others maybe appropriate areas to mitigate. However, the DEIS needs to include more information regarding resource quality, functions and values because this information will be important in determining the appropriate compensatory mitigation.

Recommendation: The FEIS should include a draft mitigation plan to compensate for predicted wetland and stream losses that remain following efforts to avoid and minimize such impacts. The document should discuss mitigation on a watershed basis using COE RGL 02-2 and 1995 EPA Mitigation Banking Federal Guidance and functional assessment based on EPA Region 4's Compensatory Mitigation Policy.

**Water Quality Impacts:** The project area includes segments of the Harris Bayou, Hushpuckena River, and Coldwater River which are 303(d)-listed waters. Such listed waters are impaired water bodies that do not meet water quality standards or their designated uses. Section 230(c) prohibit discharges that cause or contribute to significant degradation of waters of the United States. Significant degradation can include individual or cumulative impacts to human health and welfare; fish and wildlife; ecosystem diversity, productivity and stability; and recreational, aesthetic or economic values. Non-point source pollution associated with project construction can often cause erosion or sedimentation problems downstream. Consequently, appropriate steps should be taken to address potential impacts to water quality within streams and wetlands and to not adversely impact the continued existence of critical habitat for endangered or threatened species in accordance with 40 Code of Federal Regulations (CFR) Section 230.10(b). FHWA

and MDOT are aware of the need for best management practices and the effect that construction can have on these aquatic resources. They plan to closely comply and monitor this situation

Recommendation: EPA notes that the DEIS commits that MDOT will work with MDEQ to determine what pollution control measures should be adopted to advance the state's nonpoint source management plans in the project area. All feasible means will be incorporated to reduce storm water runoff and siltation during and after the construction phase, including but not limited to the use of silt fences, barriers, buffers and storm water detention facilities, where appropriate. The status of development of Total Maximum Daily Loads (TMDLs) for any waterways in the study area should be identified in the FEIS and how the proposed project could affect implementation of restoration efforts in these watersheds. Due to the presence of several impaired waterbodies in the area, we also request the opportunity to review and/or provide assistance in the development of an appropriate storm water management plan to ensure the effective control of polluted stormwater runoff both during and after construction

**Cumulative & Secondary or Indirect Impacts:** One of the key purposes of the I-69 corridor is to promote economic development in the lower Mississippi Delta. However, the induced growth created by the new proposed I-69 project will also result in additional environmental impacts. Although the document has effectively outlined potential locations of induced growth, there does not seem to be a comprehensive plan of how the resulting secondary impacts will be addressed. The document does indicate that "MDOT will provide plans and coordinate with local governments, so that local officials can use the information to guide future land use decisions."

Recommendation: A watershed-based approach to protecting aquatic resources from secondary and cumulative impacts is needed. The EIS should include the type of comprehensive information discussed in the aquatic resource comments regarding project impacts and mitigation so that effective aquatic resource protection decision-making can be made. Conservation easements held by local governments should be considered once valuable aquatic resources are identified.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240



*I 69-SIU 11*

AUG 15 2005

ER 04/885

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Mr Cecil W. Vick, Jr.  
 Environmental Team Leader  
 Federal Highway Administration  
 666 North Street, Suite 105  
 Jackson, Mississippi 39202-3199

Dear Mr. Vick:

As requested in your letter dated November 4, 2004, the Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for I-69 Section of Independent Utility #11, Robinsonville to Benoit; Bolivar, Coahoma, Tunica, and Sunflower Counties, Mississippi, NCPD-1069-00(001). The Department offers the following comments and recommendations for your consideration.

### General Comments

We welcome this opportunity to cooperate with the Federal Highway Administration (FHWA) and the Mississippi Department of Transportation (MDOT) in evaluating a section of the proposed national Interstate 69 (I-69) Corridor. The I-69 Corridor was designated by the United States Congress as a High Priority Corridor of National Significance in the Intermodal Surface Transportation Efficiency Act of 1991. It was further defined and formalized in the National Highway System Designation Act of 1995 and the Transportation Equity Act for the 21st Century.

This proposed project represents one of the Sections of Independent Utility (SIU) that has been identified as part of the nationally designated I-69 Corridor that reaches from Port Huron, Michigan, to the Texas/Mexico border. The project was identified in the I-69 Corridor Special Environmental Study – Sections of Independent Utility as SIU No. 11. The DEIS contains a great deal of valuable information concerning human and natural resources and issues relating to the proposed I-69 Corridor from State Route 1 near Benoit in Bolivar County, to State Route 304 near Robinsonville in Tunica County, Mississippi

The Fish and Wildlife Service (FWS) will provide additional comments on wetland and stream impacts and appropriate compensatory mitigation for lost wetland and stream functions and values during the public notice review of the Corps of Engineers 404 permit application.

Mr Cecil W. Vick, Jr.

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FWS would like to reiterate that field surveys for the presence of the federally listed endangered plant pondberry (*Lindera melissifolia*) and the federally listed threatened bald eagle (*Haliaeetus leucocephalus*) must be conducted once the preferred alternative is selected. These surveys will be coordinated through the FWS Mississippi Field Office. These surveys should be conducted by qualified biologists/botanists during the appropriate season. Formal consultation pursuant to Section 7 of the Endangered Species Act may be necessary.

### Section 4(f) Comments

In the DEIS, FHWA and MDOT identified properties eligible for consideration under Section 4(f) of the Department of Transportation Act of 1966 is in the project area. These included five historic properties listed on or eligible for the National Register of Historic Properties. It was determined that each of the three alternatives will have adverse effects to one or more of five historic properties under section 106 of the National Historic Preservation Act of 1966. Based on the information provided in the DEIS, none of the alternatives will directly use any land associated with these five historic properties but will impact them primarily through visual and noise intrusions.

The regulations for Section 4(f) define "constructive use" of a 4(f) property as proximity impacts so great as to impair the values or the purposes of the property. The FHWA and MDOT have determined there will be adverse effects under Section 106 to these properties through the impacts of visual and noise intrusions into the historic settings of these properties. We find no evidence in the DEIS that the Mississippi State Historic Preservation Officer (SHPO) has concurred or not concurred with these effect determinations. However, should the FHWA and MDOT make the determination that visual or noise intrusions will adversely effect these properties and the SHPO concurs, the Department believes those effects constitute a constructive use.

Therefore, the Department does not concur with FHWA's and MDOT's determination that there are no feasible and prudent alternatives to the proposal that would result in impacts to Section 4(f) properties. The Department also does not agree with FHWA's and MDOT's conclusion that all possible planning needed to minimize potential harm to these resources has been employed.

### Summary Comments

The Section 4(f) evaluation appears to conclude incorrectly there is no constructive use of Section 4(f) properties. Therefore, the Department does not concur with the Section 4(f) evaluation by the FHWA and MDOT for this project.

The Department has a continuing interest in working with the FHWA and MDOT to ensure impacts to resources of concern to the Department are adequately addressed. For continued consultation and coordination with the issues concerning Section 4(f) resources, please contact the National Park Service, Southeast Regional Office, Atlanta

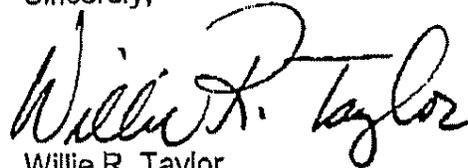
Mr. Cecil W Vick, Jr.

3

Federal Center, 1924 Building, 100 Alabama Street, S.W., Atlanta, Georgia, 30303, telephone 404-562-3124, extension 660. For matters related to threatened and endangered species and other fish and wildlife resources, please contact Mr. David Felder in the Mississippi Field Office, Jackson, Mississippi, at 601-321-1139.

We appreciate the opportunity to provide these comments.

Sincerely,



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

**Appendix B**  
**Agency Correspondence**

Agency preferred alternative concurrence



EXCERPT FROM THE MINUTES OF THE MEETING OF THE MISSISSIPPI TRANSPORTATION COMMISSION, SEPTEMBER 13, 2005

Upon motion duly made with Commissioners Wayne H. Brown, William R. Minor and Dick Hall each voting yes, under the authority of the Commission, in conformity with and as spread on its minutes, the "Environmental Impact Statement" (EIS) for Project Number NCPD-I069-00(001) is hereby approved, with the preferred location identified as the "Central Alternative", to provide a full control interstate facility for Interstate 69, SIU 11, Tunica, Coahoma, Sunflower and Bolivar Counties, from the SR 304 Spur near Robinsonville to the Great River Bridge crossing near Benoit.

\*\*\*\*\*

STATE OF MISSISSIPPI

COUNTY OF HINDS

I, Amy K. Hornback, Secretary, Mississippi Transportation Commission, do hereby certify that the above and foregoing is a true and correct copy of an Order of the Mississippi Transportation Commission of record in Minute Book 11, Page 755 of the Official Minutes of said Commission on file in its offices in the City of Jackson, Mississippi, duly adopted on the 13<sup>th</sup> day of September, A.D., 2005.

Witness my hand and official seal this the 21<sup>st</sup> day of September, A.D., 2005.

  
AMY K. HORNBACK, SECRETARY  
TRANSPORTATION COMMISSION  
STATE OF MISSISSIPPI

62-01



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
Mississippi Division  
666 North Street, Suite 105  
Jackson, Mississippi 39202

IN REPLY REFER TO  
HRW-MS

September 28, 2005

Mr. Larry L. Brown, Executive Director  
Mississippi Department of Transportation  
P. O. Box 1850  
Jackson, Mississippi 39205

Dear Mr. Brown:

Subject: Interstate 69, Section Of Independent Utility Number 11  
Project Number NCPD - I - 69 (1)

As requested by your letter dated September 13, 2005, please note that we concur in the Department's recommendation that the "Central Alternative" be approved as the preferred location for the Section Of Independent Utility Number 11.

If you have any questions, please give me a call or Mr. Cecil Vick at (601) 965-4217.

Sincerely yours,

Andrew H. Hughes  
Division Administrator

cc: Mr. Claiborne Barnwell, 87-01

**Appendix B**  
**Agency Correspondence**

Memorandum of Agreement





Preserving America's Heritage

*I 69, SIU 11*

- EMT
- ADA
- SEC
- CR
- FAT
- FC
- M&F
- CS
- ENV
- PLN
- POST
- A-1
- A-2
- A-3
- SFTY
- PCT
- STR
- ITS
- RSH

July 17, 2006

Mr. Andrew H. Hughes  
 Mississippi Division Administrator  
 Federal Highway Administration  
 U.S. Department of Transportation  
 666 North Street, Suite 105  
 Jackson, MS 39202

Ref: MOA for EIS for Proposed I-69, SIU 11, Robinsonville to Benoit,  
 Mississippi, Federal-aid Project Number NCPD-1-69 (001)

Dear Mr. Hughes:

The Advisory Council on Historic Preservation (ACHP) recently received your notification and supporting documentation regarding the adverse effects of the referenced project on properties listed in or eligible for listing in the National Register of Historic Places. This letter is to inform you that the ACHP has decided not to participate in consultation for this undertaking. However, if we receive a request for participation from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or another consulting party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR 800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA) and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement with us is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. Our office is moving towards transmitting correspondence electronically. Should you wish to correspond with us electronically, please include an e-mail address in all future correspondence with the ACHP. If you have any questions or require our further assistance, please contact me at 202-606-8585, [cfesko@achp.gov](mailto:cfesko@achp.gov), or Carol Legard, our FHWA Liaison, at 202-606-8522, [clegard@achp.gov](mailto:clegard@achp.gov).

Sincerely,

*Charlotte M. Fesko*

Charlotte M. Fesko  
 Historic Preservation Technician  
 Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Received Time <sup>11:00 AM</sup> Jul. 31. 9:28AM  
 1100 P Street, NW, Suite 809 • Washington, DC 20004

**MEMORANDUM OF AGREEMENT (MOA)  
BETWEEN FEDERAL HIGHWAY ADMINISTRATION,  
MISSISSIPPI TRANSPORTATION COMMISSION/MISSISSIPPI  
DEPARTMENT OF TRANSPORTATION,  
MISSISSIPPI STATE HISTORIC PRESERVATION OFFICE,  
THE MISSISSIPPI BAND OF CHOCTAW INDIANS,  
THE CHOCTAW NATION OF OKLAHOMA,  
THE CHICKASAW NATION OF OKLAHOMA,  
THE JENA BAND OF CHOCTAW INDIANS,  
THE QUAPAW TRIBE OF OKLAHOMA,  
AND  
THE TUNICA-BILOXI TRIBE OF LOUISIANA  
FOR THE PROPOSED ROUTE OF INTERSTATE 69  
BETWEEN ROBINSONVILLE AND BENOIT  
BOLIVAR, COAHOMA, AND TUNICA COUNTIES, MISSISSIPPI**

THIS MEMORANDUM OF AGREEMENT PROVIDES FOR MITIGATION OF ADVERSE EFFECTS OF THE PROPOSED INTERSTATE 69 PROJECT (NCPD-I-69(1)/103104/101000) TO SITES 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852 and is entered into by and between the FEDERAL HIGHWAY ADMINISTRATION (hereinafter FHWA); MISSISSIPPI TRANSPORTATION COMMISSION/MISSISSIPPI DEPARTMENT OF TRANSPORTATION (hereinafter MDOT), the MISSISSIPPI STATE HISTORIC PRESERVATION OFFICE (hereinafter SHPO), the MISSISSIPPI BAND OF CHOCTAW INDIANS (hereinafter MBCI), the CHOCTAW NATION OF OKLAHOMA (hereinafter OK Choctaw), the CHICKASAW NATION (hereinafter Chickasaw), the JENA BAND OF CHOCTAW INDIANS (hereinafter Jena), the QUAPAW TRIBE OF OKLAHOMA (hereinafter Quapaw), and the TUNICA-BILOXI TRIBE OF LOUISIANA (hereinafter Tunica-Biloxi).

WHEREAS the Federal Highway Administration is providing financial assistance to the Mississippi Transportation Commission/Mississippi Department of Transportation so that it may construct U.S. Interstate 69 and associated tie-ins and infrastructure improvements between Robinsonville and Benoit in Bolivar, Coahoma, and Tunica Counties, Mississippi (NCPD-I-69(1)/103104/101000); and

WHEREAS FHWA has determined the proposed project will have an adverse effect on nine archaeological resources (see the reports *Cultural Resources Survey of the Proposed Route of Interstate 69 Between Robinsonville and Benoit – Bolivar, Coahoma, and Tunica Counties, Mississippi* [NCPD-I-69(1)/103104/101000] [2004] and *Addendum: Survey of the Preferred Alternative Route for the Proposed Interstate 69 Between Robinsonville and Benoit – Bolivar, Coahoma, and Tunica Counties, Mississippi* [NCPD-I-69(1)/103104/101000] [2005] by Coastal Environments, Inc., [hereinafter CEI]); and WHEREAS FHWA, pursuant to 36 CFR 15 800.4(c), has determined that Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821,

and 22CO852 are eligible for inclusion in the National Register of Historic Places (hereinafter NRHP) under Criterion D; and

WHEREAS FHWA has determined that all feasible and prudent measures have been taken into account to avoid adversely affecting/disturbing these sites; and

WHEREAS FHWA has consulted MDOT, the SHPO, the Advisory Council on Historic Preservation (hereinafter Council), the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470(f) (hereinafter NHPA), and its implementing regulations (36 CFR Part 800) to resolve the adverse effects of the proposed project to Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852; and

WHEREAS, in accordance with 36 CFR Part 800, FWHA acknowledges and accepts the advice and conditions outlined in the Council's "Recommended Approach for Consultation on the Recovery of Significant Information from Archaeological Sites," published in the Federal Register on June 17, 1999; and

WHEREAS the consulting parties agree that recovery of significant information from Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852 may be done in accordance with the published guidance; and

WHEREAS FHWA has notified the Council in writing of this revision to the proposed undertaking and invited their participation (awaiting response); and

WHEREAS in fulfillment of 36 CFR 800.6(a)(4) and 36 CFR 800.11(f), public involvement was solicited through a series of open forum public meetings (July 16, 17, and 18, 2002 in Cleveland, Clarksdale, and Tunica, MS, respectively; and April 30 and May 1, 2003 in Cleveland and Clarksdale, MS, respectively) and open forum public hearings (December 13, 14, 15, and 16, 2004 in Benoit, Cleveland, Clarksdale, and Tunica, MS, respectively); and

NOW, THEREFORE, FHWA, MDOT, the SHPO, the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi agree that upon FWHA's decision to proceed with the proposed undertaking, FWHA will ensure the following stipulations in order to take into account the effects of the proposed undertaking on Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852.

FHWA shall ensure that the following stipulations are implemented:

1. Mitigation of Adverse Effects on Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852.

a. Data Recovery Plan

- (1) FHWA and MDOT have prepared a Data Recovery Plan (hereinafter DRP) for the archaeological investigations to result from this MOA. The DRP (Attachment A) is responsive to the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (36 CFR Part 68) and consistent with the SHPO's *Standards and Guidelines for Archaeological Investigations and Reports in Mississippi* (2001) and the MDOT's *Guidelines for Contractors on Archaeological Investigations and Reports* (2004);
- (2) The SHPO and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi have reviewed the attached DRP and concur with the proposed research questions, field and laboratory methodology, curation and reporting procedures; and
- (3) The MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi, who may attach religious or cultural significance to Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852 have been afforded an opportunity to review and comment on the attached DRP.

b. Inadvertent/Accidental Discovery

- (1) In association with 36 CFR 800.11(a), and prior to initiation of construction activities, FHWA shall ensure of a plan of action is in place should archaeological resources (here defined as cultural features and/or deposits) be inadvertently or accidentally discovered during the construction phase of the project. The plan shall provide for an assessment of the significance of the discovery in consultation amongst the SHPO and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi, and for data recovery/mitigation, if warranted, in accordance with the attached DRP;

- (2) In the event of the discovery of Native American human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001 et seq. [NAGPRA]) during the archaeological investigations for this MOA, FHWA and MDOT will follow procedures as outlined in the MOA with the tribes and follow guidelines as set forth by NAGPRA, the "Native American Grave Protection and Repatriation Act Final Regulations – Updated" (2003) (43 CFR 10), the Council's "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (2007), and in accordance with Mississippi Code (hereinafter MC) §39-7-31, "The Antiquities Law of Mississippi" (1972, amended 1983) and §97-29-19, "Code Against Public Morals."
  - (3) In the event of discovery of Native American human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as described in (2) above, the MDOT will halt all fieldwork at the respective site and pursue submission and issuance of a determination of cultural affiliation within 60 days and submit to the Secretary, as requested and as set forth in NAGPRA, seeking approved Notices in order to initiate repatriation within the shortest possible time as it is determined and is approved; and
  - (4) FHWA and MDOT will provide security for said discoveries to prevent vandalism or inadvertent damage when archaeologists are not present on site; and
  - (5) No photographs will be taken of human remains or open graves other than photo-documentation needed for recording of the excavation, nor will destructive testing will be allowed; and
  - (6) No public access will be allowed and, to the extent possible, the ongoing excavation of said discoveries will be blocked from public view; and
  - (7) A secure facility will be provided for cultural items that are removed and must be temporarily stored off-site.
- c. Curation. FWHA shall ensure that the MDOT will enter into negotiation with the MDAH for the curation of all materials and records resulting from the data recovery in accordance with 36 CFR Part 79.
- d. Documentation. In furtherance of their responsibilities under Section 106 of the NHPA, FHWA shall ensure:

- (1) That all final archaeological reports resulting from actions pursuant to this MOA are provided to the SHPO and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi; and
- (2) That all reports are consistent with contemporary professional standards and with the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (36 CFR Part 68) and consistent with the SHPO's *Standards and Guidelines for Archaeological Investigations and Reports in Mississippi* (2001) and the MDOT's *Guidelines for Contractors on Archaeological Investigations and Reports* (2004).

e. Milestones. FWHA shall ensure that the following milestones are met.

- (1) Fieldwork at each site will be conducted in accordance with the DRP and will begin within 30 days following the issuance of a Notice to Proceed (hereinafter NTP) at each respective archaeological site;
- (2) Within 90 days of the completion of all aspects of fieldwork at each respective site, FHWA will submit individual Management Summaries to MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi summarizing the results of field investigations at each site, respectively. These Management Summaries will contain sufficient information to demonstrate that the field investigation portion of the DRP has been fully implemented;
- (3) Upon receipt of each individual Management Summaries, MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi will respond within 30 days to the information contained within the individual documents;
- (4) Upon MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi acceptance of/concurrence with each individual Management Summaries, FHWA will consider the field investigations at each completed and may proceed with construction in the respective site areas;
- (5) Draft reports will be prepared for each site as provided for in the DRP and submitted to MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi within 16 months (480 days) of completion of all aspects of fieldwork;

- (6) Upon receipt of the draft reports, MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi will respond within 30 days to the information contained within the documents; and
- (7) Final reports will be completed for each site as provided for in the DRP and submitted to MDOT, the SHPO, the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi within 45 days after receipt of MDOT, SHPO, and MBCI, OK Choctaw, Chickasaw, Jena, Quapaw, and Tunica-Biloxi comments on the drafts.

## 2. Administration Stipulations.

- a. Definition of consulting parties. For the purposes of this MOA the term "consulting parties" means FHWA, MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi, each of which has the authority under 36 CFR 800.6(c)(8) to terminate the consultation process.
- b. Professional supervision. FHWA and MDOT shall ensure that all activities regarding archaeology carried out pursuant to this MOA are carried out by or under the direct supervision of a person or persons meeting, at a minimum, the Secretary of the Interior's *Professional Qualifications and Standards for Archaeology* (36 CFR Part 61).
- c. Alterations to project documents. FHWA and MDOT shall not implement any action that results from an altered plan, scope of services, or other document that has been reviewed and commented on in draft without first affording the consulting parties to this MOA the opportunity to review the proposed change or changes and determine whether it or they shall require that this MOA be amended. If one or more such consulting parties determines that an amendment is needed, the consulting parties to this MOA shall consult in accordance with 36 CFR 800.6(c)(7) to consider such an amendment.
- d. Dispute Resolution.
  - (1) Should any consulting party to this MOA object to any action or actions proposed by or carried out with respect to the implementation of this MOA, FHWA shall consult with the objecting party or parties to resolve the objection. If after initiating such consultation, FHWA determines that the objection cannot be resolved through consultation, FHWA shall forward all documentation relevant to the objection to the Council. Within 30 days after receipt of all pertinent documentation, the Council shall exercise one of the following options:

- (a) Advise FHWA that the Council concurs with FHWA's proposed final decision, whereupon FHWA will respond to the objection accordingly;
  - (b) Provide FHWA with recommendations, which FHWA will take into account in reaching a final decision regarding their response to the objection; or
  - (c) Notify FHWA that the objection will be referred for comment pursuant to 36 CFR 800.7(c), and proceed to refer the objection and comment. The resulting comment shall be taken into account by FHWA in accordance with 36 CFR 800.7(c)(4).
- (2) Should the Council not exercise one of the above options within 30 days after receipt of all pertinent documentation, FHWA may assume the Council's concurrence in FHWA's proposed response to the objection.
- (3) FWHA shall take into account any Council recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; FHWA responsibility to carry out all actions under this MOA that are not the subjects of the objection shall remain unchanged.
- e. Duration. This agreement is in effect until final reports are submitted to the SHPO and federally-recognized consulting Indian Tribes, which is to be accomplished within three years (36 months/1,080 days) of completion of all aspects of fieldwork at each site. In the event final reports have not been submitted by this date, the consulting parties may elect to enter into negotiations for a new MOA regarding Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852.
- f. Amendment. Any consulting party to this MOA may propose that the MOA be amended, whereupon, the consulting parties shall consider such amendment(s). 36 CFR 800.6 shall govern the execution of the amendment(s).
- g. Termination.
- (1) If FHWA determines that they cannot implement the terms of the MOA, or if MDOT, the SHPO, or the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi determine that the MOA is not being properly implemented, FWHA, MDOT, the SHPO, or the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi may propose to the other consulting parties that this MOA be terminated.

- (2) The party or parties proposing to terminate this MOA shall so notify all consulting parties to this MOA, explaining the reason(s) for termination and affording them 30 days to consult and seek alternatives to termination.
- (3) Should such consultation fail, FHWA, MDOT, the SHPO, or the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi may terminate the MOA. Should the MOA be terminated, FHWA shall either:
  - (a) Consult in accordance with 36 CFR 800.6 to develop a new MOA;  
or
  - (b) Request the comments of the Council pursuant to 36 CFR 800.7.

Filing. This MOA is not valid until a signed copy of this agreement has been filed with the Council.

Execution of this MOA by FHWA, MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi, and implementation of its terms, evidences that FHWA has afforded the Council a reasonable opportunity to comment on the adverse effects of new construction on Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852, and that FHWA has taken into account the effects of their undertaking on Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852.

**MEMORANDUM OF AGREEMENT (MOA)  
BETWEEN FEDERAL HIGHWAY ADMINISTRATION,  
MISSISSIPPI TRANSPORTATION COMMISSION/MISSISSIPPI  
DEPARTMENT OF TRANSPORTATION,  
MISSISSIPPI STATE HISTORIC PRESERVATION OFFICE,  
THE MISSISSIPPI BAND OF CHOCTAW INDIANS,  
THE CHOCTAW NATION OF OKLAHOMA,  
THE CHICKASAW NATION OF OKLAHOMA,  
THE JENA BAND OF CHOCTAW INDIANS,  
THE QUAPAW TRIBE OF OKLAHOMA,  
AND  
THE TUNICA-BILOXI TRIBE OF LOUISIANA  
FOR THE PROPOSED ROUTE OF INTERSTATE 69  
BETWEEN ROBINSONVILLE AND BENOIT  
BOLIVAR, COAHOMA, AND TUNICA COUNTIES, MISSISSIPPI**

Execution of this MOA by FHWA, MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi, and implementation of its terms, evidences that FHWA will ensure the aforementioned stipulations in order to mitigate the effects of their undertaking on Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852.

FEDERAL HIGHWAY ADMINISTRATION

By: \_\_\_\_\_

Andrew H. Hughes, Division Administrator

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

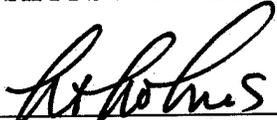
8/28/07

**MEMORANDUM OF AGREEMENT (MOA)  
BETWEEN FEDERAL HIGHWAY ADMINISTRATION,  
MISSISSIPPI TRANSPORTATION COMMISSION/MISSISSIPPI  
DEPARTMENT OF TRANSPORTATION,  
MISSISSIPPI STATE HISTORIC PRESERVATION OFFICE,  
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THE CHOCTAW NATION OF OKLAHOMA,  
THE CHICKASAW NATION OF OKLAHOMA,  
THE JENA BAND OF CHOCTAW INDIANS,  
THE QUAPAW TRIBE OF OKLAHOMA,  
AND  
THE TUNICA-BILOXI TRIBE OF LOUISIANA  
FOR THE PROPOSED ROUTE OF INTERSTATE 69  
BETWEEN ROBINSONVILLE AND BENOIT  
BOLIVAR, COAHOMA, AND TUNICA COUNTIES, MISSISSIPPI**

Execution of this MOA by FHWA, MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi, and implementation of its terms, evidences that FHWA will ensure the aforementioned stipulations in order to mitigate the effects of their undertaking on Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852.

MISSISSIPPI STATE HISTORIC PRESERVATION OFFICER

By: \_\_\_\_\_

  
H.T. Holmes, State Historic Preservation Officer

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

09.24.2007

**MEMORANDUM OF AGREEMENT (MOA)  
BETWEEN FEDERAL HIGHWAY ADMINISTRATION,  
MISSISSIPPI TRANSPORTATION COMMISSION/MISSISSIPPI  
DEPARTMENT OF TRANSPORTATION,  
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THE CHOCTAW NATION OF OKLAHOMA,  
THE CHICKASAW NATION OF OKLAHOMA,  
THE JENA BAND OF CHOCTAW INDIANS,  
THE QUAPAW TRIBE OF OKLAHOMA,  
AND  
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FOR THE PROPOSED ROUTE OF INTERSTATE 69  
BETWEEN ROBINSONVILLE AND BENOIT  
BOLIVAR, COAHOMA, AND TUNICA COUNTIES, MISSISSIPPI**

Execution of this MOA by FHWA, MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi, and implementation of its terms, evidences that FHWA will ensure the aforementioned stipulations in order to mitigate the effects of their undertaking on Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852.

As approved by the Mississippi Transportation Commission on July 10, 2007.

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_

Larry L. "Butch" Brown, Executive Director

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

7-11-07

**MEMORANDUM OF AGREEMENT (MOA)  
BETWEEN FEDERAL HIGHWAY ADMINISTRATION,  
MISSISSIPPI TRANSPORTATION COMMISSION/MISSISSIPPI  
DEPARTMENT OF TRANSPORTATION,  
MISSISSIPPI STATE HISTORIC PRESERVATION OFFICE,  
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THE CHICKASAW NATION OF OKLAHOMA,  
THE JENA BAND OF CHOCTAW INDIANS,  
THE QUAPAW TRIBE OF OKLAHOMA,  
AND  
THE TUNICA-BILOXI TRIBE OF LOUISIANA  
FOR THE PROPOSED ROUTE OF INTERSTATE 69  
BETWEEN ROBINSONVILLE AND BENOIT  
BOLIVAR, COAHOMA, AND TUNICA COUNTIES, MISSISSIPPI**

Execution of this MOA by FHWA, MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi, and implementation of its terms, evidences that FHWA will ensure the aforementioned stipulations in order to mitigate the effects of their undertaking on Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Honorable John M. Fowler, Executive Director

**MEMORANDUM OF AGREEMENT (MOA)  
BETWEEN FEDERAL HIGHWAY ADMINISTRATION,  
MISSISSIPPI TRANSPORTATION COMMISSION/MISSISSIPPI  
DEPARTMENT OF TRANSPORTATION,  
MISSISSIPPI STATE HISTORIC PRESERVATION OFFICE,  
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THE CHICKASAW NATION OF OKLAHOMA,  
THE JENA BAND OF CHOCTAW INDIANS,  
THE QUAPAW TRIBE OF OKLAHOMA,  
AND  
THE TUNICA-BILOXI TRIBE OF LOUISIANA  
FOR THE PROPOSED ROUTE OF INTERSTATE 69  
BETWEEN ROBINSONVILLE AND BENOIT  
BOLIVAR, COAHOMA, AND TUNICA COUNTIES, MISSISSIPPI**

Execution of this MOA by FHWA, MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi, and implementation of its terms, evidences that FHWA will ensure the aforementioned stipulations in order to mitigate the effects of their undertaking on Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852.

MISSISSIPPI BAND OF CHOCTAW INDIANS

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Chief Beasley Denson, Mississippi Band of Choctaw Indians

**MEMORANDUM OF AGREEMENT (MOA)  
BETWEEN FEDERAL HIGHWAY ADMINISTRATION,  
MISSISSIPPI TRANSPORTATION COMMISSION/MISSISSIPPI  
DEPARTMENT OF TRANSPORTATION,  
MISSISSIPPI STATE HISTORIC PRESERVATION OFFICE,  
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THE CHOCTAW NATION OF OKLAHOMA,  
THE CHICKASAW NATION OF OKLAHOMA,  
THE JENA BAND OF CHOCTAW INDIANS,  
THE QUAPAW TRIBE OF OKLAHOMA,  
AND  
THE TUNICA-BILOXI TRIBE OF LOUISIANA  
FOR THE PROPOSED ROUTE OF INTERSTATE 69  
BETWEEN ROBINSONVILLE AND BENOIT  
BOLIVAR, COAHOMA, AND TUNICA COUNTIES, MISSISSIPPI**

Execution of this MOA by FHWA, MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi, and implementation of its terms, evidences that FHWA will ensure the aforementioned stipulations in order to mitigate the effects of their undertaking on Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852.

CHOCTAW NATION OF OKLAHOMA

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Chief Gregory E. Pyle, Choctaw Nation of Oklahoma

**MEMORANDUM OF AGREEMENT (MOA)  
BETWEEN FEDERAL HIGHWAY ADMINISTRATION,  
MISSISSIPPI TRANSPORTATION COMMISSION/MISSISSIPPI  
DEPARTMENT OF TRANSPORTATION,  
MISSISSIPPI STATE HISTORIC PRESERVATION OFFICE,  
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THE CHICKASAW NATION OF OKLAHOMA,  
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THE QUAPAW TRIBE OF OKLAHOMA,  
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FOR THE PROPOSED ROUTE OF INTERSTATE 69  
BETWEEN ROBINSONVILLE AND BENOIT  
BOLIVAR, COAHOMA, AND TUNICA COUNTIES, MISSISSIPPI**

Execution of this MOA by FHWA, MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi, and implementation of its terms, evidences that FHWA will ensure the aforementioned stipulations in order to mitigate the effects of their undertaking on Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852.

CHICKASAW NATION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Governor Bill Anoatubby, Chickasaw Nation

**MEMORANDUM OF AGREEMENT (MOA)  
BETWEEN FEDERAL HIGHWAY ADMINISTRATION,  
MISSISSIPPI TRANSPORTATION COMMISSION/MISSISSIPPI  
DEPARTMENT OF TRANSPORTATION,  
MISSISSIPPI STATE HISTORIC PRESERVATION OFFICE,  
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THE CHOCTAW NATION OF OKLAHOMA,  
THE CHICKASAW NATION OF OKLAHOMA,  
THE JENA BAND OF CHOCTAW INDIANS,  
THE QUAPAW TRIBE OF OKLAHOMA,  
AND  
THE TUNICA-BILOXI TRIBE OF LOUISIANA  
FOR THE PROPOSED ROUTE OF INTERSTATE 69  
BETWEEN ROBINSONVILLE AND BENOIT  
BOLIVAR, COAHOMA, AND TUNICA COUNTIES, MISSISSIPPI**

Execution of this MOA by FHWA, MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi, and implementation of its terms, evidences that FHWA will ensure the aforementioned stipulations in order to mitigate the effects of their undertaking on Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852.

JENA BAND OF CHOCTAW INDIANS

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Chief Christine Norris, Jena Band of Choctaw Indians

**MEMORANDUM OF AGREEMENT (MOA)  
BETWEEN FEDERAL HIGHWAY ADMINISTRATION,  
MISSISSIPPI TRANSPORTATION COMMISSION/MISSISSIPPI  
DEPARTMENT OF TRANSPORTATION,  
MISSISSIPPI STATE HISTORIC PRESERVATION OFFICE,  
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THE CHOCTAW NATION OF OKLAHOMA,  
THE CHICKASAW NATION OF OKLAHOMA,  
THE JENA BAND OF CHOCTAW INDIANS,  
THE QUAPAW TRIBE OF OKLAHOMA,  
AND  
THE TUNICA-BILOXI TRIBE OF LOUISIANA  
FOR THE PROPOSED ROUTE OF INTERSTATE 69  
BETWEEN ROBINSONVILLE AND BENOIT  
BOLIVAR, COAHOMA, AND TUNICA COUNTIES, MISSISSIPPI**

Execution of this MOA by FHWA, MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi, and implementation of its terms, evidences that FHWA will ensure the aforementioned stipulations in order to mitigate the effects of their undertaking on Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852.

QUAPAW TRIBE OF OKLAHOMA

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Tribal Business Committee Chairman John Berrey, Quapaw Tribe of Oklahoma

**MEMORANDUM OF AGREEMENT (MOA)  
BETWEEN FEDERAL HIGHWAY ADMINISTRATION,  
MISSISSIPPI TRANSPORTATION COMMISSION/MISSISSIPPI  
DEPARTMENT OF TRANSPORTATION,  
MISSISSIPPI STATE HISTORIC PRESERVATION OFFICE,  
THE MISSISSIPPI BAND OF CHOCTAW INDIANS,  
THE CHOCTAW NATION OF OKLAHOMA,  
THE CHICKASAW NATION OF OKLAHOMA,  
THE JENA BAND OF CHOCTAW INDIANS,  
THE QUAPAW TRIBE OF OKLAHOMA,  
AND  
THE TUNICA-BILOXI TRIBE OF LOUISIANA  
FOR THE PROPOSED ROUTE OF INTERSTATE 69  
BETWEEN ROBINSONVILLE AND BENOIT  
BOLIVAR, COAHOMA, AND TUNICA COUNTIES, MISSISSIPPI**

Execution of this MOA by FHWA, MDOT, the SHPO, and the MBCI, the OK Choctaw, the Chickasaw, the Jena, the Quapaw, and the Tunica-Biloxi, and implementation of its terms, evidences that FHWA will ensure the aforementioned stipulations in order to mitigate the effects of their undertaking on Sites 22BO584, 22BO669, 22BO808, 22BO814, 22BO825, 22CO731, 22CO795, 22CO821, and 22CO852.

TUNICA-BILOXI TRIBE OF LOUISIANA

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Tribal Council Chairman Earl J. Barbry, Jr. Tunica-Biloxi Tribe of Louisiana



**Appendix B**  
**Agency Correspondence**

Cultural Resources Correspondence





HISTORIC PRESERVATION  
PO Box 571, Jackson, MS 39205-0571  
601-576-6940 • Fax 601-576-6955  
mdah.state.ms.us

January 4, 2005

Mr. E. Claiborne Barnwell  
Environmental Engineer  
Mississippi Department of Transportation  
Post Office Box 1850  
Jackson, Mississippi 39215

RE: Addendum, Cultural Resources Survey Report  
Interstate 69 between Robinsonville and Benoit  
MDOT Project No. NCPD-IO69-00(001); 103104/101000  
Bolivar, Coahoma, Tunica, and Sunflower Counties

Dear Mr. Barnwell:]

We have reviewed the October 2005, cultural resources survey report for the above referenced undertaking pursuant to our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. We concur with your determinations stated in your letter of November 1, 2005.

If you need additional information, please let us know.

Sincerely,

H. T. Holmes  
State Historic Preservation Officer



BY: Thomas H. Waggener  
Review and Compliance Officer

cc: Clearinghouse for Federal Programs



March 16, 2006

Mr. E. Claiborne Barnwell  
Environmental Division Engineer  
Mississippi Department of Transportation  
P. O. Box 1850  
Jackson, Mississippi 39215

RE: R. A. Butler House Evaluation  
Interstate 69 between Robinsonville and Benoit  
MDOT Project No. NCPD-1069-00(001)/103104/101000  
Bolivar County

Dear Mr. Barnwell:

We have reviewed your letter of February 16, 2006, concerning the effect of I-69 on the R. A. Butler House. We concur that the construction and operation of I-69 will result in no adverse effect to the R. A. Butler House and the proposed interchange approximately 3600 feet south of the R. A. Butler House will have no effect on the same.

If you need additional information, please let us know.

Sincerely,

H. T. Holmes  
State Historic Preservation Officer

A handwritten signature in cursive script that reads "Thomas H. Waggener".

BY: Thomas H. Waggener  
Review and Compliance Officer

**Appendix B**  
**Agency Correspondence**

RWD-600



Project Numbers:  
PE: NCPD-1069-00(001)  
ROW:  
CON:

FMS Numbers:  
PE:  
ROW:  
CON:

County: Bolivar, Coahoma & Tunica

Route/Termini: I-69 from SR-1 near Benoit to SR-304 near Robinsonville  
Length: 100 miles

Number of Lanes: 4 Lane Separation: 88 feet  
(Centerline to Centerline)  
Type of Construction: New Construction/Reconstruction

Functional Classification: Freeway Rural/Urban: Rural

Grade    x    Drain    x    Bridge    x    Pave    x    Other       

Number of Existing Interchanges: 0  
Locations:  
Number of New Interchanges: 25  
Locations:

Curb and Gutter Proposed: No Min Median Opening Spacing: Not Applicable

Year	DESIGN TRAFFIC DATA:		
	ADT	Flex Rate	Rigid Rate
		/1000	/1000
		/1000	/1000
		/1000	/1000

DHV = D = % I = %

Bridge Information

	Existing	New
Hydraulic		Hydraulic
Railroad		Railroad
Other		Other
Total		Total

----- Geometric Criteria for Rural Freeway (New Construction/Reconstruction) (Table 2-7B) -----

- \* 1 Design Speed 70 mph
- \* 2 Control of Access Full (Type 1)
- \* 3 Lane Width 12 ft
- \* 4 Outside Shoulder Width, Usable 12 ft (See Footnote 1a)
- \* 4a Outside Shoulder Width, Surfaced 10 ft (See Footnote 1a)
- \* 5 Median Shoulder Width, Usable 8 ft (See Footnote 1)
- \* 5a Median Shoulder Width, Surfaced 4 ft (See Footnote 1)
- \* 6 Travel Lane Cross Slope 2%
- \* 6a Shoulder Cross Slope 4%
- \* 7 New Bridge Structural Capacity HS-20
- \* 8 New Bridge Minimum Width T.W. + 12 ft(Out) + 6 ft(Med)
- \* 9 Existing Bridge Structural Capacity HS-20
- \* 10 Existing Bridge Minimum Width T.W. + 10 ft(Out) + 4 ft(Med)(See Footnote 2)
- \* 11 Roadside Clear Zone (Obstruction) 30 ft (See Footnote 4)
- 12 Cut Foreslope 6:1
- 13 Depth of Ditch 4 ft
- 14 Cut Backslope 3:1
- 15 Safety Slope (Within Clear Zone) 6:1
- 16 Fill Slope (Outside Clear Zone) 3:1
- \* 17 Stopping Sight Distance 615 ft
- \* 18 Maximum Horizontal Curve 3 Deg. 30 Min. (e = 0.10)
- \* 19 Superelevation Rate See Table 3-4A (Emax = 0.10)
- \* 20 Horizontal Sight Distance See Footnote 6
- \* 21 Maximum Grade 3% (Level Terrain) (See Footnote 7)
- \* 22 Vertical Curve K Factor (Crest) 285
- \* 23 Vertical Curve K Factor (Sag) 149
- \* 24 Minimum Vertical Clearance (New) 16.5 ft (See Footnote 8)
- \* 25 Minimum Vertical Clearance (Existing) 16.0 ft
- \* 26 Minimum Vertical Clearance (Sign Truss) 17.5 ft (See Footnote 8)

\* - Indicates Controlling Design Criteria All Footnotes Refer to Design Manual (Table 2-7B)

+++ No Design Elements Have Been Changed From What Is Recommended In DESIGN MANUAL (Table 2-7B) +++

Remarks: Desirable Criteria Used

Approved James W. Stewart  
District Construction Engineer

Approved Joseph C. Pritch  
Roadway Design Section Engineer

Approved C. Keith Purpus  
Roadway Design Division Engineer

Date 8/25/06

GEOMETRIC DESIGN CRITERIA FOR Rural Freeway  
( New Construction/Reconstruction )

Footnotes to Table (Table 2-7B)

1. Shoulder Width. For 3 or more lanes in one direction, the following will apply:
  - a. Outside Shoulder. Where the truck volume exceeds 250 DDHV, a 12 ft. surfaced shoulder should be considered.
  - b. Median Shoulder (Depressed Median). Where the two roadways are separated by a depressed median, provide a 12 ft. usable shoulder and a 10 ft. surfaced shoulder. Where the truck volume exceeds 250 DDHV, a 12 ft. shoulder should be considered
  - c. Median Shoulder (Concrete Median Barrier). Where the two roadways are separated by a CMB, the desirable surfaced median shoulder width is 12 ft ; the minimum surfaced shoulder width is 10 ft. Where the truck volume exceeds 250 DDHV, a 12 ft. width merits stronger consideration
  
2. Bridge Width. For existing bridges to remain in place which are considered major structures (i.e., lengths greater than 200 ft.), the minimum clear width is the width of the traveled way plus 3.5 ft. on each side
  
3. Minimum Right-of-Way Width (Urban). The right-of-way limits in urban areas will be determined by build up, property values, etc
  
4. Roadside Clear Zone. The recommended clear zones are for design speeds of 60 mph - 70 mph, for 6:1 fill slopes or foreslopes and for an ADT > 6000. See Section 9-2.0 for other roadside conditions. All values are measured from the edge of traveled way or auxiliary lane, if present.
  
5. Slopes. If high-volume change soil is present, see Section 12-2.04.
  
6. Horizontal Sight Distance. The necessary middle ordinate will be based on the design speed and degree of curve. See Section 3-5.0 for the applicable criteria.
  
7. Maximum Grades. Grades 1 percent steeper may be used on 1-way downgrades. Grades 1 percent steeper may also be used in restricted urban areas where development precludes use of flatter grades.
  
8. Minimum Vertical Clearances. Table values include an additional 6 in. allowance for future resurfacing.

**Appendix B**  
**Agency Correspondence**

Water Management Unit and Conservation Easement Correspondence



## Preferred Alternative Wetland Reserve Program and Conservation Reserve Program Impacts

For the Final Environmental Impact Statement (EIS), the Mississippi Department of Transportation (MDOT) advised the Neel-Schaffer (N-S) consultant team that more information needs to be provided in the Final EIS on the Preferred Alternative's impacts on Wetland Reserve Program (WRP) and Conservation Reserve Program (CRP) sites.

During the process of preparing this update, N-S learned that WRPs are conservation easements in the form of a legal agreement that ensures the property will be managed in such a way as to promote the restoration, protection, or enhancement of wetlands in exchange for retiring marginal land from agriculture. The U.S. Department of Agriculture (USDA) Soil Conservation Service administers the WRPs. CRPs are 10- to 15-year contracts to protect highly erodible and environmentally sensitive lands with grass, trees and other cover. The USDA Farm Service Agency (FSA) administers the CRPs.

In the Draft EIS, the study alternatives' impacts on Conservation Easements and Agreements (Contracts) were determined based on Geographical Information System (GIS) data provided by the Lower Mississippi Valley Joint Venture (LMVJV).

The LMVJV is a private, state, and federal bird conservation partnership conceived in response to the North American Waterfowl Management Plan of 1986. The Joint Venture established itself as a voluntary, non-regulatory partnership focused on increasing coordination of waterfowl and wetland conservation in the Mississippi Alluvial Valley. Part of its mission includes the development of GIS decision support models and mapping.

When beginning this task for the Final EIS, N-S contacted the U.S. Fish and Wildlife Service (USFWS), and was again referred to the LMVJV. The LMVJV again agreed to provide N-S the GIS shapefiles they had for conservation easements and agreements. When the LMVJV representative was asked if WRPs and CRPs would be included in the shapefiles, he replied that WRPs would be included but shapefiles for CRPs are not available to the LMVJV.

Attached is a copy of a map developed by the N-S consultant team depicting the LMVJV shapefiles impacted by the Preferred Alternative selected for the location of I-69 and the widening of SR 8. Based on the attached map, the table below was prepared to indicate the number and type of LMVJV shapefiles that would be impacted. No WRP impacts would occur based on the LMVJV supplied data.

<b>LMVJV Shapefile Description</b>	<b>Shapefiles Impacted by I-69</b>	<b>Shapefiles Impacted by SR 8</b>
WRP Easements, USDA	0	0
Ducks Unlimited Conservation Easements	0	0
FSA Easements	0	0
State Waterfowl Management Units	0	0
Federal Waterfowl Management Units	0	0
Shorebird Water Management Units	0	0
Private Water Management Units, USFWS	3	1
Private Water Management Units, Ducks Unlimited	10	4

Since the USDA FSA administers the CRPs, the agency was contacted and the request was made for the agency to provide GIS shapefiles for the CRPs. The stated intent was to include the CRPs to the Preferred Alternative Map and to determine the impacts.

Through the attached correspondence and conversations with FSA personnel, N-S learned the following important points:

- CRPs are 10- to 15-year contracts to protect highly erodible and environmentally sensitive lands with grass, trees and other cover.
- Most of the CRPs in Bolivar, Coahoma, and Tunica counties are along stream banks (minimizing stream impacts was one of the constraints N-S used when developing the alternatives for this study).
- Bolivar, Coahoma, and Tunica counties are among the 13 counties located in FSA District One. If a comparison were made between the number of CRPs in Bolivar, Coahoma, and Tunica counties and the number of CRPs in District One's remaining 10 counties, the CRPs in Bolivar, Coahoma, and Tunica counties would be less than those in most of the other 10 counties.
- The FSA does not have any GIS Files available in any format for their CRPs. To determine the CRPs that would be impacted would require a hand search at their offices in Bolivar, Coahoma, and Tunica counties. Due to personnel shortages in two of the three offices, special permission would have to be granted for the search to be allowed.
- The attached letter provided to N-S by Mississippi FSA State Executive Director Mickey Black gave notice that CRP land under threat of condemnation or acquisition by eminent domain is considered an involuntary loss of land by the CRP participant. CRP contract acreage acquired through condemnation or eminent domain would be terminated. Under termination by eminent domain, CRP participants would not be required to submit any refund on annual rental payment or practice cost share payments, nor would contract liquidation penalties be assessed. All payments would be prorated based on the date the land was acquired.

After reviewing the N-S findings on CRPs, the MDOT advised N-S that no further action was needed on CRPs.

When the MDOT reviewed the map and impacts based on data provided by the LMVJV, the MDOT requested N-S further research the USFWS Private Water Management Units (WMUs) that were coded on the map. In response, N-S learned the following.

- Between 1991 and 2000, the USFWS joined forces with Delta Wildlife Foundation and Ducks Unlimited to negotiate contracts with private landowners for the seasonal impounding of water for migratory birds. Most of the contracts were 10 or 15 years in length. The USFWS provided the pipe and miscellaneous materials the landowner would need to impound the water. The landowner was allowed to use the impounded water for duck hunting, and the landowner had control over who hunted on his property. The joint venture program is no longer in existence. Many of the contracts have expired and the last contract will expire in 2015.

- A check of the three WMUs impacted by the I-69 Preferred Alternative revealed the WMU contracts have expired. Attached is the information that was used to make that determination. Copies of the two expired contracts for the WMUs impacted in the middle portion of Tunica County are available at the Delta Wildlife Foundation. A copy of the expired contract for the WMU impacted in the southern portion of Tunica County is available from the Mississippi Chapter of Ducks Unlimited.
- N-S did not have the property ownership for the SR 8 widening. Therefore, the consultant team was unable to determine whether the contract is currently expired. However, since the MDOT's anticipated year for widening SR 8 is 2020 and all these particular contracts will expire by no later than 2015, the one impacted WMU for the SR 8 widening will expire prior to the MDOT's anticipated letting year.

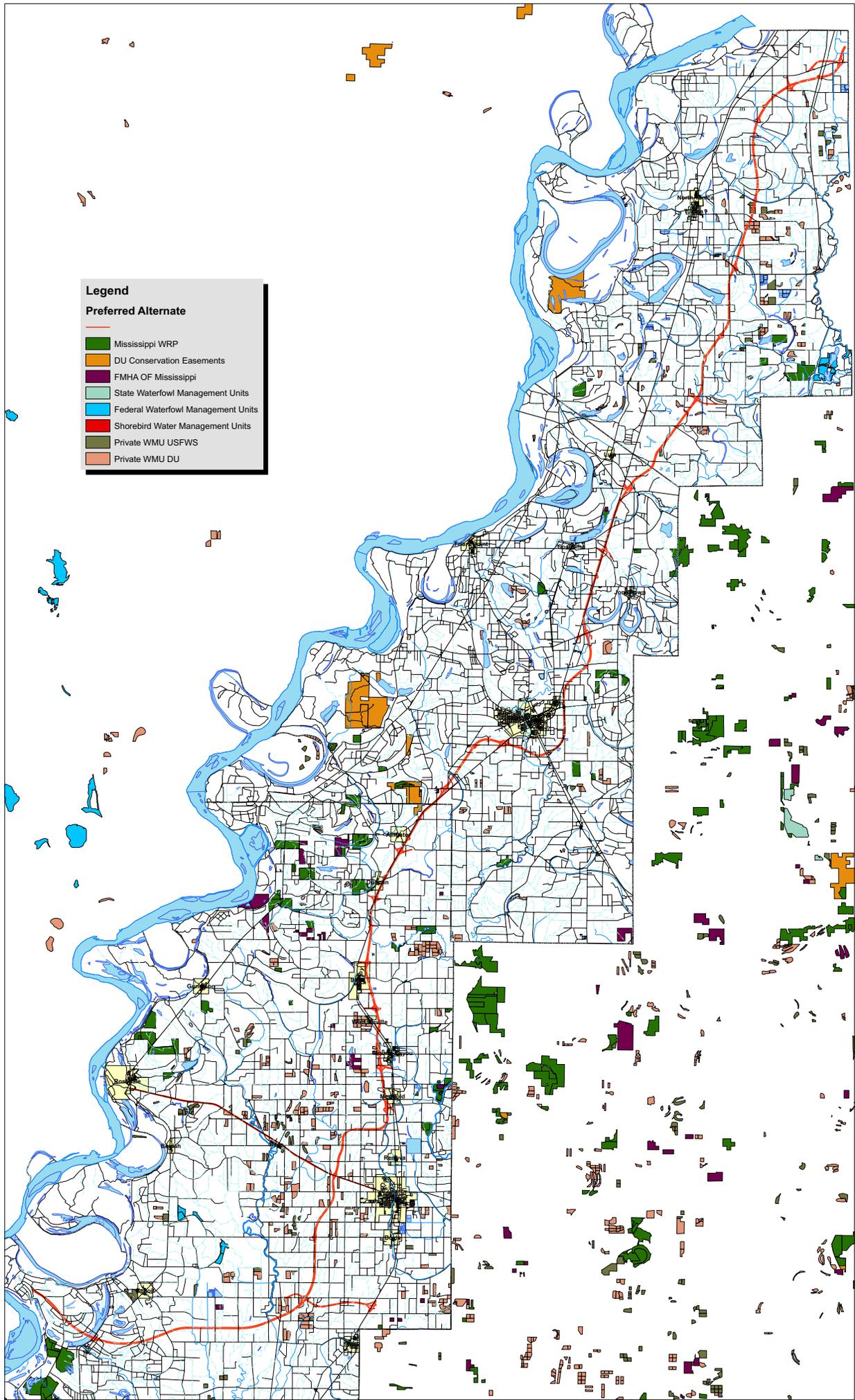
After reviewing the N-S findings on USFWS WMUs coded on the map, the MDOT advised the N-S team that no further action was needed.



**Legend**

**Preferred Alternate**

- Mississippi WRP
- DU Conservation Easements
- FMHA OF Mississippi
- State Waterfowl Management Units
- Federal Waterfowl Management Units
- Shorebird Water Management Units
- Private WMU USFWS
- Private WMU DU





## USFWS Private WMUs

The number designation is 192 on the spreadsheet for the northern Water Management Unit (WMU) contract in Tunica County of Mr. Charles Berry's that would be crossed south of Prichard Road. There are 56.352 acres contained in that contract. The contract start date was 8/13/1996 and 8/31/2006 was the contract end date. The Field Representative identified on the spreadsheet was Rob Ballinger, who now works for the Mississippi Fish and Wildlife Foundation in Leland. The work telephone number for Mr. Ballinger is 662-686-3375.

The number designation is 185 on the spreadsheet for the southern Water Management Unit (WMU) contract in Tunica County of Mr. Charles Berry's that would be crossed south of Prichard Road. There are 93.712 acres contained in that contract. The contract start date was 06/08/1994 and 06/08/2004 was the contract end date. The Field Representative identified on the spreadsheet was Rob Ballinger, who now works for the Mississippi Fish and Wildlife Foundation in Leland. The work telephone number for Mr. Ballinger is 662-686-3375.

On February 28, 2008, Jimmy Shirley and Mr. Ballinger discussed the WMUs. Mr. Ballinger provided Mr. Shirley his 662-820-2776 cell number and told Mr. Shirley that these WMUs were joint venture contracts with landowners for the seasonal impounding of water for migratory birds and that they were used primarily for duck hunting. The USFWS was the lead agency and provided the contracted landowners with pipes that the landowners placed to impound the water. He told Mr. Shirley that most of the contracts were for 10 years and that the landowners were not obligated to abide by the contract after the 10 years expired. He advised that Mr. Trey Cook with the Delta Wildlife Foundation would have a copy of the contract; he gave Mr. Shirley the 662-686-3370 telephone number for Mr. Cook; and offered his assistance if anything else was needed. Mr. Shirley telephoned Mr. Cook and he told Mr. Shirley the contracts were written with flexibility and contained no long-term commitments. He advised Mr. Shirley that it might take a while to find a copy of Mr. Berry's contracts, but he could do so if requested. When Mr. Shirley and Mr. Cook discussed the WMU on Mr. Allan Johnson's property that would be crossed by the Preferred Alternative in the southern portion of Tunica County, Mr. Cook advised the Mississippi Chapter of Ducks Unlimited would need to be contacted to obtain a copy of that expired contract. In conclusion, Mr. Cook advised Mr. Shirley the contract has expired, the joint venture agencies of the USFWS, Delta Wildlife Foundation, and Ducks Unlimited hope the landowners continue to abide by the contracts, and that the joint venture agencies do not have any rights relative to the future acquisition of the WMUs.

The number designation is 882 on the spreadsheet for Mr. Allan Johnson's Water Management Unit (WMU) contract in Tunica County that would be crossed north of Flea Harbor Road. There are 48.861 acres contained in that contract. The contract start date was 11/01/1991 and 03/01/2001 was the contract end date. The Field Representative identified on the spreadsheet was Bob Harris, who now works for Ducks Unlimited in

Grenada. The work telephone number for Mr. Harris is 662-226-6880, and his cell number is 662-417-4133.

On February 28, 2008, Mr. Shirley telephoned Mr. Harris and Mr. Harris verified what Mr. Ballinger and Mr. Cook had discussed with Mr. Shirley in their telephone conversations earlier in the day.

Ms. Hill,

This will confirm our telephone conversation this morning concerning Conservation Easement Impacts that need addressing in the Final EIS we are preparing for Section of Independent Utility Number 11 of the proposed Interstate 69. The Preferred Alternative is located in Bolivar, Coahoma, and Tunica counties. In our telephone conversation, I neglected to let you know that the U.S. Department of Agriculture Natural Resources Conservation Service is a Cooperating Agency in this study.

The data we used for determining Conservation Easement Impacts in the Draft EIS was obtained from the Lower Mississippi Valley Joint Venture (LMVJV). Earlier this week, we contacted Mr. Blaine Elliott of the LMVJV at their office in Vicksburg and asked him to provide us updated GIS data for determining the impacts in the Final EIS. When I contacted Mr. Elliott, I asked him if his updated GIS Data would reflect the data that we could obtain from you. He responded that he believed you had additional GIS Data that was not available to him. Attached is a map of the Preferred Alternative depicting impacts to Conservation Easements based on the updated LMVJV data. The Preferred Alternative is shown in a red color on the map.

In our telephone conversation this morning, we discussed the attached map and how the Preferred Alternative avoided as many impacts to known conservation easements as the study's constraints allowed. You advised me the map would be beneficial in processing our request for your GIS data.

Please review the impacts shown on the attached map against those easements that would be impacted based on your GIS Data. If the map accurately depicts all the impacts, please let us know. If the map does not depict all the impacts, please provide us your GIS Data in a form that would enable us to update the map to accurately depict the impacts. If you need additional information, let me know. Thank you for your help.

Jimmy

Jimmy R. Shirley  
Engineer IV  
Transportation Engineering  
Neel-Schaffer, Inc.  
P.O. Box 22625  
Jackson, MS 39225-2625  
Phone: 601.948.3071  
Fax: 601.948.3178  
[jimmy.shirley@neel-schaffer.com](mailto:jimmy.shirley@neel-schaffer.com)  
<http://www.neel-schaffer.com>



United States  
Department of  
Agriculture

Farm and Foreign  
Agricultural  
Services

Farm Service  
Agency

Mississippi FSA  
State Office  
6311 Ridgewood  
Road, Suite W100  
Jackson, Mississippi  
39211-2035

February 6, 2008

Mr. Jimmy Shirley  
Transportation Engineering  
Neel-Schaffer, Inc.  
P.O. Box 22625  
Jackson, Mississippi 39225-2625

Dear Mr. Shirley:

This responds to your Freedom of Information Act (FOIA) Request received January 25, 2008, in the Mississippi Farm Service Agency (FSA) State Office.

Your request was for GIS CRP Data needed for determining the Conservation Easement Impacts for the Final EIS to be completed for the Independent Utility Number 11 of the proposed Interstate 69 project.

After consulting with the Conservation and GIS Specialists, it was determined that the GIS Data requested is not available from FSA.

However, in your conversation with District I Director Judy Rocconi on February 5, 2008, you revised the request and informed her that a letter would be sufficient to assist you in preparing the EIS.

Therefore, on behalf of the United States Department of Agriculture (USDA) and the Farm Service Agency (FSA) you are hereby given notice that CRP land under threat of condemnation or acquisition by eminent domain for public use is considered an involuntary loss of land by the CRP participant. CRP contract acreage acquired through condemnation or eminent domain will be terminated. Under termination by eminent domain, CRP participants will not be required to submit any refund on annual rental payment or practice cost share payments, nor will contract liquidation penalties be assessed. All payments will be prorated based on the date the land was acquired.

You may appeal the "no record" response within 45 days after receipt of this letter. Both the letter and envelope should be clearly marked "Freedom of Information Act Appeal." The address is:

Administrator  
United States Department of Agriculture  
Farm Service Agency, Stop Code 0501  
1400 Independence Avenue, SW  
Washington, DC 20250-0501

Sincerely,

Mickey L. Black  
State Executive Director

United States Department of Agriculture

87-01



Natural Resources Conservation Service  
Suite 1321, Federal Building  
100 West Capitol Street  
Jackson, MS 39269  
Telephone: 601-965-5205  
Fax: 601-965-4940

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July 11, 2008

Mr. Andrew H. Hughes  
Division Administrator, FHWA  
666 North Street, Suite 105  
Jackson, MS 39202

Dear Mr. Hughes:

Thank you for the preliminary copy of the Final Environmental Impact Statement (EIS) for the section of Interstate 69 from near Benoit in Bolivar County to near Robinsonville in Tunica County, Mississippi.

After reviewing the document, NRCS has determined that no WRP easements will be impacted by the preferred alternative. Since the agency will not be impacted, we have no reservations with the project and request to be removed as a cooperating agency.

Thank you for including NRCS in the EIS process.

Sincerely,

A handwritten signature in cursive script that reads "Homer L. Wilkes".

Homer L. Wilkes  
State Conservationist

cc:

Claiborne Barnwell, MDOT Environmental Division Engineer, 666 North Street, Suite 105,  
Jackson, MS 39202

Handwritten initials, possibly "CB", written in a cursive style.

*Helping People Help the Land*

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**Appendix B**  
**Agency Correspondence**

Cooperating Agency Signature Sheets





## DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS  
4155 CLAY STREET  
VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO  
ATTENTION OF:

August 26, 2008

Operations Division

SUBJECT: Comments on the Final Environmental Impact Statement,  
Interstate 69, Section of Independent Utility 11, Robinsonville  
to Benoit, Mississippi

Mr. E. Claiborne Barnwell, P.E.  
Mississippi Department of Transportation  
Environmental Division Engineer  
Post Office Box 1850  
Jackson, Mississippi 39215-1850

Dear Mr. Barnwell:

I am responding to your letter of July 28, 2008, concerning the subject project.

You asked for comments concerning the Final Environmental Impact Statement (FEIS). We have reviewed all the information you provided and have no specific comments to offer at this time.

Thank you for the opportunity to comment. Enclosed is the signed Cooperating Agency page for the approval of the FEIS. If you have any questions, please contact Ms. A. Susan Jarvis, telephone (601) 631-5146, fax (601) 631-5459 or e-mail address: [regulatory@mvk02.usace.army.mil](mailto:regulatory@mvk02.usace.army.mil). In any future correspondence, please refer to Identification No. MVK-2001-850.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kenneth P. Mosley".

Kenneth P. Mosley  
Acting Chief, Regulatory Branch  
Regulatory Branch

**I-69 FROM BENOIT TO ROBINSONVILLE  
SIU-11  
BOLIVAR, COAHOMA, TUNICA AND SUNFLOWER COUNTIES,  
MISSISSIPPI  
NCPD-1069-00(001)**

**U.S. ARMY CORPS OF ENGINEERS  
ADMINISTRATIVE ACTION  
FINAL ENVIRONMENTAL IMPACT STATEMENT**

**SUBMITTED PURSUANT TO  
NATIONAL ENVIRONMENTAL POLICY ACT  
42 U.S.C. 4332 (2)(c)**

**BY  
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
AND  
MISSISSIPPI DEPARTMENT OF TRANSPORTATION**

**COOPERATING AGENCIES:**

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
U.S. ARMY CORPS OF ENGINEERS  
U.S. FISH AND WILDLIFE SERVICE  
U.S. NATURAL RESOURCES CONSERVATION SERVICE  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS  
MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY**

August 26, 2008

Date of Approval



U.S. Army Corps of Engineers

 Mr. Mike McNair  
Chief of Regulatory Branch  
Vicksburg District, Corps of Engineers  
4155 Clay Street  
Vicksburg, MS 39183-3435

FHWA-MS-FEIS-04-01-F

06/10/2008

**I-69 FROM BENOIT TO ROBINSONVILLE  
SIU-11  
BOLIVAR, COAHOMA, TUNICA AND SUNFLOWER COUNTIES,  
MISSISSIPPI  
NCPD-1069-00(001)**

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
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FINAL ENVIRONMENTAL IMPACT STATEMENT**

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U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
AND  
MISSISSIPPI DEPARTMENT OF TRANSPORTATION**

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U.S. FISH AND WILDLIFE SERVICE  
U.S. NATURAL RESOURCES CONSERVATION SERVICE  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS  
MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY**

*Sept 18, 2008*

Date of Approval

*Heinz Mueller*

U.S. Environmental Protection Agency

Mr. Heinz J. Mueller, Chief  
NEPA Program Office, Region 4  
U.S. Environmental Protection Agency  
Atlanta Federal Center, 61 Forsyth St., SW  
Atlanta, GA 30303-8960

**I-69 FROM BENOIT TO ROBINSONVILLE  
SIU-11  
BOLIVAR, COAHOMA, TUNICA AND SUNFLOWER COUNTIES,  
MISSISSIPPI  
NCPD-1069-00(001)**

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

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U.S. ARMY CORPS OF ENGINEERS  
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U.S. NATURAL RESOURCES CONSERVATION SERVICE  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS  
MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY**

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Date of Approval

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U.S. Dept. of Housing and Urban Development

Mr. Benjamin F. Davis, Jr.,  
Special Programs Officer – Delta Initiatives  
U.S. Dept. of Housing and Urban Development  
200 Jefferson Avenue, Suite 300  
Memphis, TN 38103

I-69 FROM BENOIT TO ROBINSONVILLE  
SIU-11  
BOLIVAR, COAHOMA, TUNICA AND SUNFLOWER COUNTIES,  
MISSISSIPPI  
NCPD-1069-00(001)

MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY  
ADMINISTRATIVE ACTION  
FINAL ENVIRONMENTAL IMPACT STATEMENT

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42 U.S.C. 4332 (2)(c)

BY  
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
AND  
MISSISSIPPI DEPARTMENT OF TRANSPORTATION

COOPERATING AGENCIES:

U.S. ENVIRONMENTAL PROTECTION AGENCY  
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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS  
MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY

Oct. 22, 2008

*H.T. Holmes*

Date of Approval

Mississippi Department of Archives and History

Mr. H.T. Holmes  
Mississippi State Historic Preservation Officer  
Mississippi Department of Archives and History  
P.O. Box 571  
Jackson, MS 39205-0571

**I-69 FROM BENOIT TO ROBINSONVILLE  
SIU-11  
BOLIVAR, COAHOMA, TUNICA AND SUNFLOWER COUNTIES,  
MISSISSIPPI  
NCPD-1069-00(001)**

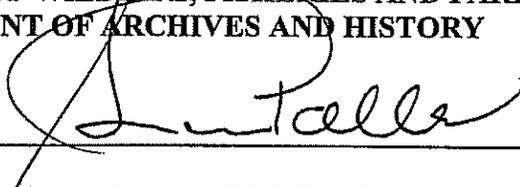
**MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS  
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**COOPERATING AGENCIES:**

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS  
MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY**

9/25/08  
Date of Approval

  
Mississippi Dept. of Wildlife, Fisheries and Parks

Dr. Sam Polles  
Executive Director  
Mississippi Dept. of Wildlife, Fisheries and Parks  
1505 Eastover Drive  
Jackson, MS 39211-6374

**I-69 FROM BENOIT TO ROBINSONVILLE  
SIU-11  
BOLIVAR, COAHOMA, TUNICA AND SUNFLOWER COUNTIES,  
MISSISSIPPI  
NCPD-1069-00(001)**

**U.S. NATURAL RESOURCES CONSERVATION SERVICE  
ADMINISTRATIVE ACTION  
FINAL ENVIRONMENTAL IMPACT STATEMENT**

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS  
MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY**

---

Date of Approval

---

U.S. Natural Resources Conservation Service

Mr. Homer L. Wilkes  
MS State Conservationist  
U.S. Department of Agriculture – Natural Resources Conservation Service  
100 West Capitol Street, Suite 1321  
Jackson, MS 39269

**I-69 FROM BENOIT TO ROBINSONVILLE  
SIU-11  
BOLIVAR, COAHOMA, TUNICA AND SUNFLOWER COUNTIES,  
MISSISSIPPI  
NCPD-1069-00(001)**

**U.S. FISH AND WILDLIFE SERVICE  
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FINAL ENVIRONMENTAL IMPACT STATEMENT**

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U.S. NATURAL RESOURCES CONSERVATION SERVICE  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS  
MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY**

8/13/08

Date of Approval

Ray Aycock  
U.S. Fish and Wildlife Service

Mr. Ray Aycock  
U.S. Fish and Wildlife Service  
6578 Dogwood View Parkway  
Jackson, Mississippi 39202-3199

**Appendix B**  
**Agency Correspondence**

US Environmental Protection Agency Correspondence



Melinda L. McGrath  
Deputy Executive Director/  
Chief Engineer

Brenda Znachko  
Deputy Executive Director/  
Administration



Steven K. Edwards  
Director  
Office of Intermodal Planning

Willie Huff  
Director  
Office of Enforcement

Larry L. "Butch" Brown  
Executive Director

---

P. O. Box 1850 / Jackson, Mississippi 39215-1850 / Telephone (601) 359-7001 / FAX (601) 359-7110 / GoMDOT.com

---

March 25, 2009

Ms. Ntale Kajumba  
Atlanta Federal Ctr, NEPA Prgm 13th Flr  
61 Forsyth Street  
Atlanta, GA 30303-8960

Re: Interstate 69, SIU 11, Environmental Impact Statement  
Coahoma, Bolivar, and Tunica Counties, Mississippi

Dear Ms. Kajumba:

In response to your concerns expressed following the August 2008 Scoping Meeting we are providing the attached information. The format we chose includes a complete synopsis of the meeting and then addresses directly the points you presented. This report then will become a part of the final documentation of the FEIS.

This chapter is the last remaining task before requesting approval for distribution of the FEIS from Federal Highway.

Please call if any additional information is needed or if you wish to discuss any aspect of the responses.

Sincerely,

E. Claiborne Barnwell  
Environmental Division Engineer

Cc: Dickie Walters, Federal Highway Administration

enclosures

