RECORD OF DECISION

Federal Highway Administration

In Cooperation with the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Mississippi Department of Wildlife, Fisheries and Parks, and the Mississippi Department of Archives and History

FHWA-MS-EIS-04-01-ROD
PROJECT NCPD-1069-00(001)
INTERSTATE 69, SECTION OF INDEPENDENT UTILITY # 11
FROM BENOIT TO ROBINSONVILLE
Bolivar, Coahoma, Tunica and Sunflower Counties, Mississippi
September 20, 2010

Decision

The project is for the construction of a 120 mile multi-lane divided interstate highway in a southwest-northeast direction from south of Benoit near State Route 1 (SR 1) in Bolivar County to east of Robinsonville near SR 304 in Tunica County, Mississippi. The four study area counties of Bolivar, Coahoma, Tunica and Sunflower are located in the northwest part of the state within the Mississippi Delta region. The selected alternative is a modified version of the Central Alternative, which uses existing US 61 to the greatest extent feasible. In addition to the 120 miles of Interstate highway, the selected alternative includes improving or constructing connector roads at interchange locations and the widening of SR 8 to four lanes between SR 1 in Rosedale and the five-lane section west of Cleveland in Bolivar County. The project is identified as Section of Independent Utility Number 11 (SIU 11) of the national I-69 Corridor.

Alternatives Considered

The Final Environmental Impact Study (FEIS) describes all of the alternatives evaluated during the development of the project. Initially, there were 38 one-mile-wide preliminary alternative segments developed. Bolivar County contained eight segments, Coahoma County had 10 segments and Tunica County contained 20 segments. The 38 segments were then combined to produce 17 alternative corridors for initial screening.

The 17 preliminary corridors were then refined and narrowed to nine 1,000 foot wide corridors based on environmental and engineering studies, input from the public and regulatory/resource agencies, and field visits to verify conditions. Each of the nine refined alternative corridors connected SIU 12, which had an eastern terminus east of the Great River Bridge near SR 1 and Benoit in Bolivar County, with SIU 10 which had a southern terminus near SR 304 and Robinsonville in Tunica County.

The 1,000-foot-wide alternative corridors were further narrowed and refined to become the build alternatives chosen for detail study in the FEIS. These alternatives were chosen by calculating impacts of the corridors based on both GIS and field investigation of the alternative corridors, analysis of economic development potential, and agency/public comments. A no-build alternative, a transportation systems management alternative, other modes of transportation, and three build alternatives were examined in detail in the FEIS.

The three south-north build alternatives selected for detailed study in the FEIS were referred to as the Western, Central, and Eastern alternatives. Due to the length of the project and to facilitate a combination of segments, the build alternatives were divided into southern, middle and northern sections with common termini.

The geographic study area is in the Delta region of northwest Mississippi. It is located east of the Mississippi River; south of the Tunica/DeSoto County Line; west of US 49W and SR 3; and, north of SR 442 and SR 448. The study area includes the majority of Bolivar, Coahoma, and Tunica Counties, as well as the northwestern portion of Sunflower County. Most of the land in the study area is rural and agricultural activity is the predominant land use. The soils within the Lower Mississippi Delta Region make up some of the richest soils in the region. Most of the rural land is farmed for cotton, rice, soybeans, or converted into ponds for aquaculture. In the rural environment, most of the uncultivated land is in low areas around lakes and streams. More than half of the total acres in the study area are considered prime farmland.

In addition to large farming operations, constraints affecting the choice of alignments for I-69 within the study area included cities and towns, numerous wetlands and watercourses, roads and railroads, airports, major utility corridors, public facilities such as schools and other public buildings, Dahomey National Wildlife refuge, multiple conservation easements, hazardous material sites, historic and archaeological sites, and protected species habitats and populations.

The Central Alternative, as presented at the public Hearing, was refined based on comments and discovery. Slight adjustments to the alignment were made within the study corridor to lessen impacts to farm properties and to avoid an endangered species habitat. The selection of the modified Central Alternative was made based on the following criteria: environmental impacts; right of way and construction costs; minority and low-income population impacted or served; economic benefit; intermodal connectivity; and community support.

The selected alternative is supported by the EPA as being the least damaging from an ecological standpoint. By following US 61 as much as possible, less additional right of way is needed, and construction on new location is minimized. The selected alternative has the least wetland impacts and would be the least disruptive to wild game and the natural habitat.

The selected alternative is the most cost-effective alternative, costing approximately $40 million dollars less than the next least expensive alternative and with the least amount of maintenance associated costs. In addition, this alternative is the shortest route and thus would minimize road user costs.

The selected alternative best serves the minority and low-income populations. It serves more disadvantaged and minority residents and is the only alternative within the Mid-Delta Empowerment Zone. By passing closest to the minority communities along US 61 and US 49/US 61, the selected alternative best meets Environmental Justice guidelines. The selected alternative has also been endorsed by the leaders of the minority communities along US 61.

Facilitating economic development and enhancing economic growth opportunities are an important part of the purpose and need for the I-69 corridor. The selected alternative would provide the greatest economic benefits. After the public hearing, additional research was conducted into the potential benefits of the I-69 corridor. Based on that study completed in 2005 (*Evaluating Economic Benefits of I-69 in the Mississippi Delta Region,* Wilbur Smith Associates, 2005), alternatives would differ in their potential economic effects. However, the study determined that the Central Alternative, which was altered slightly after the public hearing to become the Modified Central Alternative and the eventual selected alternative, would provide the greatest economic benefit. The report determined that the central alternative:

- Provides the greatest savings in vehicle miles traveled by the total projected traffic throughout the study area;
- Offers the most opportunities for attracting business development and diversifying the economy, with fewer competitive disadvantages; and,
- Offsets potential job loss.

Research from the Delta Regional Authority, as well as by others, shows that economic development is likely to follow a "clustering" concept that involves concentrating public and private investment in key areas or clusters. Cleveland and Clarksdale are key cities for creating an environment for economic development to occur in close proximity. Therefore, population centers and interchanges along I-69 would be prime candidate areas for economic development. In the Southern Section, the selected Modified Central Alternative is closer to more communities than either the East or West Alternatives. Through the Southern and Middle Sections, the selected alternative follows much of US 61 and US 49/US 61 and therefore benefits existing population centers from Cleveland to north of Clarksdale. In addition, the selected alternative has more proposed interchanges and thus provides more access opportunities for economic development.

The selected alternative provides good access to industrial parks. Furthermore, it does more to develop the tourism and heritage efforts of the Blues Corridor by following US 61 and US 49/US 61. By following US 61 and US 49/US 61, the selected alternative provides the least expensive route for manufactures located

between Cleveland and Clarksdale. By being located closer to the communities along US 61 and US 49/US 61, the cost to municipalities of providing utility services to businesses at interchange locations would also be less.

The selected alternative provides the best intermodal connections. It is located closer to the Rosedale-Bolivar County Port than the Eastern Alternative, and the same distance as the Western Alternative. It includes an improved SR 8 connection between Cleveland and Rosedale, which addresses improved access to the Rosedale-Bolivar County Port and other areas of the Delta, such as the industries in Cleveland. In addition, the selected alternative would be located nearest the Cleveland, Clarksdale, and Tunica airports.

The selected alternative has the greatest community support. A total of 679 attendees registered their attendance at the four public hearings. Since the build alternatives share the same alignment in the middle section, the comments received in response to the public hearing on the build alternatives mainly concerned the portions of the alternatives in the southern and northern sections. Relative to the southern section, one comment supported the Western Alternative, 370 the Central alternative and 54 the Eastern alternative. In addition, 19 resolutions of support for the Central Alternative were received from various Bolivar County municipalities, commissions and groups. Relative to the northern section, 12 comments supported the Western Alternative, three the Central Alternative and five the Eastern Alternative. In the northern section, the Western Alternative follows existing US 61 until slightly north of the Welcome Center on US 49 at Lula. The Central and Eastern Alternatives share the same alignment in this area near the Welcome Center. The shared alignment of these two alternatives leaves US 49/US 61 to the east slightly south of Lula to avoid numerous archaeological sites. Although the Western Alternative and the shared Central/Eastern alternative provide good access to the Welcome Center, the proximity of the Western Alternative to the Welcome Center was the primary reason provided on the comments for supporting the western alternative in the northern section. After the hearing, it was determined that the archaeological impacts on the Western Alternative were too severe and that the shared alignment used by the Central and Eastern Alternatives was preferred.

The selected alternative at its northern terminus would provide a safer system of transportation to the casinos at Robinsonville and to the Memphis metropolitan area. At its southern terminus, the selected alternative would connect to a new crossing of the Mississippi River into Arkansas at the Great River Bridge and reduce the exposure time it presently takes for traffic to cross the river into Arkansas by traveling to either Helena or Greenville. An interstate highway of this length would draw appreciable traffic from the existing system of US highways, state highways and county roads. With its control of access to interchange locations, the selected alternative would provide a safer system of transportation for the traveling public that elects to use it instead of the existing system, which primarily has limited or minimal access control. The selected alternative also uses portions of US 61 and US 49/US 61; and, converts those

portions of those highways from sections with less restrictive forms of access control to sections where access is only allowed at interchange locations. Therefore, the selected alternative benefits traffic efficiency and safety.

The FEIS contains an adequately detailed discussion of the following: purpose and need for the proposed action, probable impact of the proposed action, alternatives, unavoidable adverse environmental effects, short-term vs. long-term benefits, irreversible and irretrievable commitments of resources, mitigation, and measures to minimize environmental harm. The proposal conforms to the State's air quality implementation plan and the National Ambient Air Quality Standards.

Section 4(f)

The inventory of land uses included a review of public parks, recreation areas, wildlife and waterfowl refuges of national, state, or local significance, or land of an historic site of national, state or local significance. In accordance with Section 4(f) of the Department of Transportation Act of 1966 (49 USC § 303) and 23 CFR § 774, the FHWA "may not approve the use of land from a significant publicly owned park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that: (i) there is no feasible and prudent alternative to the use of land from the property; and (ii) the action includes all possible planning to minimize harm to the property resulting from such use." A Section 4(f) use may occur when there is a permanent incorporation of land into a transportation facility, an adverse temporary occupancy, or a "constructive use," Constructive use occurs where the proximity impacts of a project on the 4(f) property are so severe that the activities, features or attributes that qualify the property or resource for protection under Section 4(f) are substantially impaired.

There are two wildlife preserves within the study area, the Dahomey National Wildlife Refuge located in southwestern Bolivar County and the Askew Wildlife Management Area located within southeastern Tunica County. No land from these refuges was used by the build alternatives or the selected alternative, nor would constructive use occur.

While there are two historic structures of national, state, or local significance within the study area that could result in a visual effect, it has been determined in consultation with State Historic Preservation Officer (SHPO) that there is no constructive use and therefore no Section 4(f) involvement. Archaeological sites that are elgible for the National Register of Historic places were located, and almost all were avoided through shifts in alignment. There is no Section 4(f) involvement with the impacted sites, as the impacts will be mitigated through data recovery.

Environmental Justice

With the exception of two Census tracts, the entire study area has potential environmental justice (EJ) concerns related to either minority or low-income populations. The EJ analysis included an assessment of how the potential impacts would affect those populations. An EJ outreach plan also was implemented early in the planning process and included contacts with key community leaders. The common message from local community leaders was a desire to share in the benefits of I-69, especially for the prospect of better economic conditions for future generations in their communities. The selected alternative provides access to the greatest percentage of minority and low-income population and uses the highest percentage of US 61 in Bolivar and Coahoma counties south of Clarksdale. This alternative addresses concerns from local residents and officials that the I-69 corridor and the opportunity for economic growth need to be located near existing communities.

Based on a relocation survey and a review of the census data for the affected tracts, none of the build alternatives disproportionately relocate minority or low-income residents. The relocation plan for the project will be conducted in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646); and, the Mississippi Department of Transportation will provide assistance to all relocatees.

In consideration of the potential impacts, the potential opportunities for improved economic conditions, and the level of support among community leaders, the project would have no disproportionate EJ impacts.

Agency and Public Coordination

The study was coordinated with the appropriate Federal, state, and local representatives; and, the public through meetings on a special issue or issues, advertised general type public meetings and the public hearing.

Federal and state agencies who coordinated in the study were: the U.S. Environmental Protection Agency; the U.S. Army Corps of Engineers; the U.S. Fish and Wildlife Service; the U.S. Department of Housing and Urban Development; the U.S. Department of Agriculture – Natural Resources Conservation Service; the U.S. Department of Agriculture – Farm Services Agency; the Mississippi Department of Archives and History (MDAH); and, the Mississippi Department of Wildlife, Fisheries and Parks. These agencies were closely involved in the development of the EIS and played important roles in the decision making process. Since this SIU 11 study of I-69 has a southern terminus with the eastern terminus of the SIU 12 of I-69 being conducted by the Arkansas State Highway and Transportation Department, coordination was required between the two states. The comments received from these agencies and the State of Arkansas were adequately addressed in the FEIS. A ROD was

issued for the SIU 12 study prepared by the Arkansas State Highway and Transportation Department. The selected alternative for this study on SIU 11 does not impact the ROD approved for the SIU 12 study.

Special meetings were held at key times during the study with local mayors, county supervisors, county committees formed to address Environmental Justice issues, and the public. Comments from these local officials, committees and the public were adequately addressed in the FEIS.

Consultation with Native American Indian Tribes

Although the appropriate Native American Indian Tribal representatives were made aware of the study and invited to attend several meetings during the early portions of the study, the formal consultation process described in 36 CFR 800 occurred later in the study between the second and third series of public meetings. The build alternatives that would be studied in the Draft EIS and presented at the public hearings were chosen after the third series of public meetings.

The formal consultation occurred at a Native American Conference in Tunica, Mississippi hosted by the Mississippi Department of Transportation and the Tennessee Department of Transportation. The purpose of the conference was to coordinate with Native American tribal representatives who could possibly identify properties of importance to Native Americans, as well as properties to which one or more tribes may attach religious or cultural significance, relative to the alternatives undergoing further study for SIU 9 and SIU 11. To provide a good cross section of representation for the issues involving the natural and human environments, some Federal and State Cooperating Agencies were invited to send representation.

The following Native American Indian tribes sent representation to the meeting: Mississippi Band of Choctaw Indians; Choctaw Nation of Oklahoma; and, the Chickasaw Nation. Bad weather conditions prevented the Quapaw Tribe of Oklahoma representative from attending the conference. The following Native American tribes were invited to send representation to the conference, but declined: Jena Band of Choctaw Indians; Tunica-Biloxi Indians of Louisiana; and, the Cherokee Nation of Oklahoma.

The following agencies sent representation to the conference: U.S. Environmental Protection Agency; U.S. Army Corps of Engineers; U.S. Department of Housing and Urban Development; U.S. Fish and Wildlife Service; Federal Highway Administration; Mississippi Department of Wildlife, Fisheries and Park; Tennessee Department of Transportation; and the Mississippi Department of Transportation.

Representation from consulting firms involved in both the SIU 9 and SIU 11 studies also attended the conference. Mississippi State University also had representation in attendance.

The conference included field visits of the alignments under consideration for the two SIUs. The main concern on SIU 11 expressed by the Native Americans was impact to the area rich in tribal history adjacent to US 61 in the vicinity of the US 49 intersection at Lula near the Welcome Center. This concern was reflected in the selection of the Preferred Alternative, which avoided this area.

A Memorandum of Agreement between FHWA, MDOT, MDAH, and each of the six federally recognizes Tribes of Mississippi stipulating the required mitigation measures for unavoidable archaeological sites was approved September 24, 2007.

Measures to Minimize Harm

All practicable measures to minimize environmental harm were incorporated in the planning of the proposed action. Measures to minimize harm are as follows.

1. Specific Environmental Commitments: Specific environmental commitments are outlined at the beginning of the Final EIS on yellow sheets entitled *MDOT Commitments to Environmental Excellence.* These commitments are binding on the Mississippi Department of Transportation and on the Federal Highway Administration and are incorporated into this Record of Decision by reference. There are three pages of these commitments.

2. Relocation Assistance: The acquisition and relocation assistance program will be conducted in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970* (Public Law 91-646) and relocation resources will be available to all residential and business relocatees without discrimination.

3. Water Quality: The Mississippi Department of Transportation is working to reduce the impact of highway construction on water quality in a variety of ways. It is an active participant in the Mississippi Department of Environmental Quality statewide basin study of impaired waters. MDOT is currently reviewing its Stormwater Pollution Prevention Plan (SWPPP). Construction inspectors are being trained in the proper implementation and maintenance of Best Management Practices in effort to prevent further degradation of the watersheds and to address the concerns of Total Maximum Daily Loads.

In order to minimize impacts to water quality, MDOT will eliminate scuppers in new bridge designs. Aquatic fish and wildlife movement will be maintained by installing culverts below existing streambed grades and placing appropriate gravel sized substrate above the culvert bottom to historical grade elevations.

4. **Cultural Resources:** The Mississippi Department of Transportation strives to balance historic preservation concerns with the task of planning, designing, constructing, and maintaining Mississippi's transportation infrastructure. In anticipation of data recovery mitigations, the Mississippi Department of Transportation sponsored the compilation and publication of an archaeological synthesis of the Yazoo Basin to identify gaps in the archaeological understanding of the region, understand why such gaps exist, and determine how those gaps might best be filled (published by the University of Alabama Press in 2008: *Time's River, Archaeological Synthesis from the Lower Mississippi River* Valley). This alternative approach to traditional data recovery mitigation cultural background compilations and other forms of alternative mitigation are encouraged under Section 106 of the National Historic Preservation Act (NHPA) [16 U.S.C. section 470f], and its implementing regulations, 36 CFR Part 800.

5. **Wetlands and Waters of the U.S.:** The FEIS commits to avoid wetland effects where practicable and to minimize wetland effects in all locations.

Mitigation of Wetland and Waters of the U.S. Effects

Compensatory wetlands and stream mitigation planning will be coordinated with the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service during the Section 404/401 permitting phase of the project. Compensatory mitigation plans will include a watershed approach for mitigation and consideration of the mitigation priorities specified in the *2008 Compensatory Mitigation for Aquatic Resources; Final Rule*. Appropriate mitigation will be provided within the watersheds of the project where appropriate and will include an evaluation of existing mitigation banks, in-lieu fee programs, as well as permittee (MDOT)-responsible mitigation within or in the vicinity of the Dahomey National Wildlife Refuge and/or the O'Keefe Wildlife Management Area. The mitigation plan will focus on replacing the types of wetland and streams systems impacted by the project as well as replacing the environmental functions provided by these systems. MDOT will coordinate with the U.S. Army Corps of Engineers to identify a functional assessment methodology to apply to impacted sites and potential mitigation sites to determine if the proposed mitigation will adequately replace ecological and functional values impacted by the project.

Since the public hearing, the Mississippi Department of Transportation has pursued establishing additional wetland and stream credit mitigation banks in several watersheds in the project area. Potential exists for establishing ample credits in those watersheds. The MDOT intends to further pursue this type stream credit mitigation in other watersheds, including the Coldwater Basin. MDOT is currently working with the regulatory agencies to finalize approvals for the various stream mitigation banks. Once these banks have received final approval from the agencies, MDOT proposes to utilize one or more of the stream mitigation banks located within one of the project specific watersheds to provide compensatory stream mitigation for the project.

6. Threatened or Endangered Species: No adverse effect on any threatened or endangered species is anticipated. Additional surveys for the bald eagle and the pondberry will be conducted prior to construction and coordinated with the U.S. Fish and Wildlife Service and the Mississippi Natural Heritage Program.

7. Effects related to Construction: The construction effects are generally short-term in nature. Those effects will be controlled, minimized or mitigated through conformance with established construction methods.

During construction operations, all local and through traffic will be adequately and safely accommodated. All construction operations will be scheduled to keep traffic delay minimized, and the contractor will be required to conform to standard construction practices.

The construction noise impacts are expected to be generated by earth moving, hauling, grading and paving work. General noise impacts will be expected from the paving and earth moving equipment. Overall, construction noise impacts are expected to be minimal since the construction noise is relatively short in duration and is generally restricted to daytime hours.

To protect air quality, any burning of materials resulting from clearing and grubbing, demolition, or other operations will be accomplished in accordance with applicable laws, local ordinance, and state regulations.

Erosion of soils is typically the most critical water quality impact resulting from construction activities. An erosion and sedimentation control plan will be prepared as part of the construction documents. Construction activities will also be scheduled to minimize the extent of erosion problems.

Improper disposal and storage of materials, wastes and accidental spills can affect water quality. Contractors will be required to exercise every reasonable precaution to prevent the introduction of construction materials and chemicals into surface waters. The specifications require that potential pollutants are not to be discharged into or alongside streams, rivers, and impoundments. Contractors are required to provide sanitary facilities for employees during construction. The specifications also require that special precautions be taken during construction to ensure that groundwater is not contaminated.

Maximum disruption of wildlife communities would occur when project construction begins as displaced animals are forced to compete for space with other nearby resident wildlife populations. These impacts would be minimized as much as possible by restricting land clearing and construction operations to within the project right of way. Off-site staging and stockpiling areas will be located to impact the least amount of natural habitat as possible and these areas will be re-vegetated after construction to provide replacement habitat for some species.

All modifications, adjustments or relocations of utility service will be coordinated with the affected utility companies to minimize disruptions.

Proper planning and scheduling of pit operations is essential to avoid unnecessary impacts. Approved borrow will be taken from sites in accordance with Federal, state, and local regulations. A determination will be made that the pit sites are satisfactory from an archaeological perspective and all required permits (i.e., utility protection, erosion control, etc.) are obtained before gathering the borrow material.

Monitoring Enforcement Program

A determination of the extent of a formal monitoring program for wetlands and stream mitigation will be made during the U.S. Army Corps of Engineers permitting phase. Normal coordination during design, right-of-way acquisition, and construction will ensure that environmental commitments are fulfilled. The contract will contain all specifications and contract provisions needed to meet the environmental commitments in the FEIS.

The Mississippi Department of Transportation will have an internal monitoring and enforcement program to assure that environmental commitments found on the yellow sheets labeled *MDOT Commitments to Environmental Excellence* are carried out. The Federal Highway Administration will assist the Mississippi Department of Transportation in this effort.

Comments on FEIS

Comments on the FEIS were received only from the U.S. Environmental Protection Agency (EPA) and from a citizen of Bolivar County. The reason the FEIS received so few comments from agencies is a credit to the coordination and cooperation between the agencies and the project development team that occurred throughout the study. The project development team placed special emphasis on working with the commenting agencies between the DEIS and the FEIS and largely resolved these concerns to the satisfaction of the agencies. This process is described in the FEIS and its Appendices.

The EPA advised in the conclusion of their August 9, 2010, comments on the FEIS that:

> *"Overall, major environmentally sensitive areas along the project corridor have been avoided and the magnitude of many of the environmental impacts proposed have been reduced as a result of early coordination with resource agencies and the public. However, impacts still remain primarily related to water resource mitigation. Compensatory mitigation for water resources needs to be further addressed in the Record of Decision (ROD) and during the Section*

404 process. In addition, efforts to minimize relocations should be considered during final design."

Specific comments from EPA included the following on water quality:

- *Compensatory mitigation should be discussed in more detail during the permitting process.*
- *Functional Assessments should be conducted on impact sites if a suitable assessment method is available.*
- *Wetland compulsory mitigation should strive to replace the hydrogeomorphic classes impaced by the project.*
- *Mitigation for stream impacts must take place either at an appropriate bank site or through some other mechanism approved by the 2008 Mitigation Rule.*

In response to the above specific comments, the Mississippi Department of Transportation is committing to the following:

- MDOT will eliminate scuppers in new bridge designs. Aquatic fish and wildlife movement will be maintained by installing culverts below existing streambed grades and placing appropriate gravel sized substrate above the culvert bottom to historical grade elevations.
- Compensatory mitigation plans will include a watershed approach for mitigation and consideration of the mitigation priorities specified in the *2008 Compensatory Mitigation for Aquatic Resources; Final Rule.* Appropriate mitigation will be provided in the watersheds of the project for wetland and stream impacts.
- MDOT will coordinate with the U.S. Army Corps of Engineers to identify a functional assessment methodology to apply to impacted sites and potential mitigation sites to determine if the proposed mitigation will adequately replace ecological and functional values impacted by the project.
- MDOT will coordinate with the U.S. Army Corps of Engineers to identify a functional assessment methodology to apply to impacted sites and potential mitigation sites to insure the proposed mitigation plan will adequately replace ecological and functional values impacted by the project.
- Following the public hearing for this project, the Mississippi Department of Transportation has pursued establishing stream credit mitigation banking. MDOT has been successful and will continue to expand stream banking in multiple watersheds including the Coldwater Basin. Upon approval of the banks by the regulatory agencies, MDOT proposes to utilize one or more of the stream mitigation banks located within one of the project specific watersheds to provide appropriate compensatory stream mitigation for the project.

Regarding concerns about the project's relocation impacts, the project development team is committed to address these concerns during the final design process.

The comments from the Bolivar County resident concerned the omission in the FEIS of a Land Use Development Code adopted by Bolivar County on July 21, 2008, and the omission of the City of Shaw from a list of Bolivar County municipalities within the study area.

Bolivar County officials were actively involved in the EIS process. The Bolivar County Land Use Development Code was adopted in July of 2008, following publication of the DEIS and during development of the FEIS. "Therefore, this ROD recognizes that Bolivar County also has a Land Development Code. However, since the Code was adopted after selection of the Preferred Alternative and Bolivar County had input into the selection, this omission does not affect the validity of the FEIS or the decision process used to select the alternative.

The southern limit of the study area was defined in the FEIS as State Route 448 and State Route 442. State Route 448 goes through the City of Shaw, but the corridor obviously had to be located north of Shaw due to the potential impacts on the human environment. Therefore, the study area map, Figure 1-2 in the FEIS, depicts the study area beginning just north of the City of Shaw.

Conclusion

All of the comments received in response to the Final FEIS were given thorough consideration. Further analysis would not yield any additional meaningful information that would affect the decision to select the modified central alternative. No substantive new issues were raised that would warrant additional NEPA studies at this time. The Final EIS is in conformance with the applicable provisions of 23 CFR 771, Environmental Impact and Related Procedures, and it satisfactorily covers the anticipated environmental impacts, including hypsographic and cultural effects.

September 20, 2010

Andrew H. Hughes
Mississippi Division Administrator
Federal Highway Administration