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TO: Kevin Ward
Division Administrator
Federal Highway Administration

FROM: Kyle E. Grayson *KG*
Senior Environmental Specialist

DATE: October 23, 2018

SUBJECT: Local Public Agency (LPA) Project
Riverside Road over Finley River Bridge No. 20900151
Christian County
LPA Job No. BRO-B022(09)
Categorical Exclusion (CE) Environmental Classification

Enclosed is documentation to support a CE environmental classification for the subject LPA project.

Bridge No. 2090015 is a one-lane bridge located on Riverside Road over the Finley River north of Ozark, Missouri, in Christian County. The bridge has been closed to vehicular traffic since July 2015 by the Ozark Special Road District when the bridge was identified with a critical inspection finding due to various structural damages following a storm event earlier that year. The county proposes to replace Bridge No. 2090015 on a new alignment with a new two-lane, concrete, three-span bridge (Bridge No. 20900151) with new abutments, two piers, and redesigned bridge approaches. The new bridge will be located approximately 100 feet downstream or west of the existing bridge. The superstructure of the existing Bridge No. 2090015 will be removed by other forces prior to construction of the new bridge. The county will realign Riverside Road on the south and north sides of the new bridge and retain the existing roadway as a pedestrian/bike path. The new road section will include a new 24-foot wide roadbed with two, 11-foot driving lanes.

The project requires 6.18 acres of new right of way and 0.49 acres of temporary easement.

The project has been requested as an improved FEMA funded project.

MoDOT respectfully requests FHWA concurrence in the CE determination for this project.

Enclosure



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CATEGORICAL EXCLUSION DETERMINATION
[As per 23 CFR 771.117(d)]
Local Public Agency Project

Job Number: BRO-B022(09)

Route: Riverside Road

County: Christian

Project Description: Bridge No. 2090015 is a one-lane bridge located on Riverside Road over the Finley River, just north of Ozark in Christian County. The bridge was closed to vehicular traffic in July 2015 by the Ozark Special Road District (OSRD), as recommended by the Missouri Department of Transportation, after the bridge was identified with a critical inspection finding due to various structural damages following a storm event earlier that month. The county will replace Bridge No. 2090015 on a new alignment with a new two-lane, three-span bridge, including two piers. The county will realign Riverside Road on the south and north sides of the new bridge and retain the existing roadway as a pedestrian/bike path. The road will include a new 24-foot wide roadbed with two, 11-foot driving lanes.

Current ADT: 1,500 (2015, prior to bridge closure)

Future ADT: 3,287 (2035 at 4% annual growth factor)

Right of Way Required (Acres):

New Right of Way 6.18 acres

Permanent Easement 0.00 acres

Temporary Easement 0.49 acres

Displacements (Number/Type):

Residential—0

Commercial—0

Socioeconomic/Community Impacts: Executive Order 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, enacted in 1993, requires each federal agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects on minority and low-income populations.

The project area was reviewed using the U.S. Census Bureau Quick Facts data and the online EJScreen mapping tool provided by the U.S. Environmental Protection Agency. The project is located in Census Tract 29043020 and associated Block Group 3061. Census Tract 29043020 has lower percentages of minority populations (5%) than the state (20%) and county (6.6%) as well as lower percentages of

families whose incomes fall below the poverty level (11.4%) than the state (15.8%) but slightly higher than the county (10.7%). There are no residential or commercial relocations associated with this project. Impacts will be temporary and limited to travel disruptions, construction noise, and fugitive dust in the area of project construction. Proposed improvements and the completed project will not have disproportionate adverse impacts on protected populations.

Area residents and businesses are supportive of the project. The public also has a strong desire to restore this section of Riverside Road between the Greenbridge Road and Riverbluff Road intersections. Regarding traffic volume, at 1,500 vehicles per day prior to the existing bridge closure (source: MoDOT Non-State Structure Inspection Report, July 21, 2015), it was one of the most heavily traveled bridges in Christian County as it provided a vital connection between the City of Ozark and the City of Springfield. Future growth is expected in the area surrounding the bridge. The City of Ozark, located just south of the existing bridge, grew 23% in the last 10 years (source: MO Hometown Locator and Censusviewer websites) and is projected to continue this growth well into the future. Christian County, of which the City of Ozark is the county seat, grew 37% in the last 10 years and is projected to grow 24% in the next 10 years (source: MO Office of Administration, Division of Budget & Planning website). Safety would also be greatly enhanced with a new bridge by allowing quicker access between the City of Ozark and communities to the north for emergency response and other vehicles. The project is programmed in the Ozarks Transportation Organization Fiscal Year (FY) 2018-2021 Transportation Improvement Program to receive FEMA, FHWA, SEMA, and Local funds in FY 2018-19.

Construction will occur Monday-Friday, during normal working hours, lasting approximately nine months. Since the bridge closure in July 2015, Riverside Road has been closed between the Greenbridge Road and Riverbluff Road intersections. This section of Riverside Road will be realigned and improved as part of this project and will remain closed to traffic until the project is complete. However, the Greenbridge Road and Riverbluff Road intersections will be temporarily closed for the relatively short period that construction improvements are made to these intersections. Christian County will publish a notice in the local newspaper in advance of these intersection closures due to construction and will directly notify affected property owners (see Traffic Control Plan Sheet C35). Christian County will ensure a Traffic Management Plan is included in the construction contract to respond to any temporary disruptions in travel patterns and travel time.

The project requires new right-of-way to realign Riverside Road to the new bridge. A temporary construction easement is also required to construct the new alignment of Riverside Road with associated intersections and to extend the driveway at the Martens' property on Riverside Road (see 2018-07-17 PS&E Submittal, Overall Site Plan Sheet C7 and Right-of-Way Plan Sheets RW-1 and RW-2). Christian County will conduct the acquisition of affected properties and provide services to all impacted households without discrimination in accordance with the procedures established in the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970, as amended. The Uniform Act and Missouri state laws require just compensation be paid to owner(s) of private property taken for public use. The Uniform Act is carried out without discrimination and in compliance with Title VI (of the Civil Rights Act of 1964), the President's Executive Order on Environmental Justice, and the Americans with Disabilities Act.

An appraisal of fair market value is the basis for determining just compensation offered to the owners for property acquired. The Uniform Act defines an appraisal as a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

No minority or low-income populations have been identified that would be adversely impacted by the project as determined in the information above. Therefore, in accordance with the provisions of Executive Order 12898 and FHWA Order 6640.23, no further environmental justice analysis is required.

Public Involvement: A public hearing was held on May 17, 2018 at the Christian County Resource Management Office from 4:30 to 6:00 pm. Notice of the hearing was provided via media outlets in advance and impacted property owners were contacted directly by mail. No responses were received from property owners and owners did not attend the public hearing. Two guests attended the public hearing with interest in the project but only provided spoken support for the project.

Farmland Impacts: The Farmland Protection Policy Act (FPPA) mandates agencies identify and consider adverse effects of federal projects on farmland. In cooperation with the local Natural Resources Conservation Service (NRCS) office, the act requires an assessment for potential conversion of farmland to non-farming purposes for all federally funded projects.

The project requires new right of way and, according to the 2010 U.S. Census Bureau Urban Area Reference Map, much of the project site is located outside of an urbanized area. Therefore, the project is subject to the FPPA. On February 26, 2018, a Farmland Conversion Impact Rating Form AD-1006 was submitted to the NRCS for review and response. On April 23, 2018, the NRCS responded that the project area contains 5.75 acres of prime and unique farmland, 4.2% of the farmland is in government jurisdiction with the same or higher relative value, and the major crops identified are forage and small grains. On a scale of 0-100 points, 100 points were assessed by the NRCS for Part V, "Land Evaluation Criterion Relative Value of Farmland to be Serviced or Converted" for Corridor A. Parts VI and VII of the Form were completed by the LPA's engineer consultant, Great River Engineering and 51 points out of 160 were scored in Part VI for Corridor A. The total points scored for Parts V and VI is 151 and based on this score, Corridor A was selected as noted in Part VII.

Wetland/Stream Impacts: Wetlands are defined (*Federal Register*, 1982) as "Those areas that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil condition." Recognizing the variety of beneficial functions performed by wetlands, Executive Order 11990 (Wetlands Protection) mandates consideration of wetland impacts, as does Missouri's Executive Order 96-03. Furthermore, Executive Order 11990 mandates a no-net-loss-of- national-wetlands policy. Section 404 of the Clean Water Act of 1977 authorizes the U.S. Army Corps of Engineers (USACE) to regulate the discharge of dredged or fill material in all waters of the United States, including wetlands.

Impacts will occur to the Finley River with the placement of approximately 160 linear feet of fill material along the north toe bank and 130 linear feet of fill along the south toe bank. For these impacts, the USACE will issue a Section 404 Nationwide Permit (NWP) 14. Christian County will ensure all Section 404 NWP 14 conditions and NWP General Conditions within the General Provisions are implemented during the project. Additionally, Christian County will ensure conditions are followed as specified in the Section 401 Water Quality Conditions.

Water Quality Impacts: The project is located in Christian County's Municipal Separate Storm Sewer System (MS4) area and is subject to the requirements outlined in the county's MS4 permit. Christian County will obtain a National Pollutant Discharge Elimination System (NPDES) and Land Disturbance Permit from the Missouri Department of Natural Resources (DNR) prior to the start of construction. Christian County will implement an on-site Storm Water Pollution Prevention Plan (SWPPP) to prevent or minimize adverse impacts to streams within and adjacent to the project area. This plan will describe best management practices and procedures designed to reduce suspended solids, turbidity, and downstream sedimentation that may degrade water quality and adversely impact aquatic life. The plan will provide for temporary erosion and sediment control measures that will be included within construction contract specifications.

Section 404 Permit Required (Yes/No): Yes, the project is authorized by Section 404 Nationwide Permit (NWP) 14.

Floodplain Impacts: Executive Order 11988—Floodplain Management, and subsequent federal floodplain management guidelines mandate evaluation of floodplain impacts. When available, flood hazard boundary maps produced by the Federal Emergency Management Agency (FEMA) and flood insurance studies prepared for the National Flood Insurance Program for the project area are used to determine the limits of the base floodplain (also known as the one percent and 100-year floodplain) and the extent of encroachment.

FEMA and FHWA guidelines at 23 CFR 650 identify the base flood as the flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is the area of one-percent flood hazard within a county or community. The regulatory floodway is the channel of a stream in addition to any adjacent floodplain areas that must be kept free of encroachment so the one-percent flood discharge can be conveyed without increasing the base flood elevation more than a specified amount. FEMA mandates that projects must cause no rise in the regulatory floodway and a maximum of one-foot cumulative rise for all projects in the base floodplain.

Based on the current FEMA flood insurance rate map for the area, the project is located in the one-percent floodplain. The new bridge will span approximately 360 feet of floodplain and construction of the new roadway will occur in approximately 2,600 feet of floodplain. The project is not mapped in the regulatory floodway; therefore, preparation of a no-rise certification is not required. Christian County will issue a floodplain development permit during final design for work occurring in the floodplain. The county will adhere to all applicable provisions of its local floodplain management ordinance.

Federal Emergency Management Agency Buyout Lands Impacts: The Flood Disaster Protection Act of 1973, as amended by the Disaster Relief and Emergency Assistance Act of 1988 (The Stafford Act), identified the use of disaster relief funds under Section 404 for the Hazard Mitigation Grant Program (HMGP), including the acquisition and relocation of flood-damaged property. The Volkmer Bill further expanded the use of HMGP funds under Section 404 to “buy out” flood-damaged property affected by the Great Flood of 1993. There are numerous restrictions on these FEMA buyout properties and processing an exemption from FEMA to use a parcel can require two to three years. In 2010, with the participation of FEMA, Christian County purchased the property required to replace the existing Riverside Bridge with a new bridge and roadway through the acquisition of flood prone properties. In this process, Deed Restrictions were set for the property. In August 2014, in accordance with those provisions, the OSRD requested approval from FEMA to utilize a portion of this property for the replacement of the Riverside Bridge. The Deed Restrictions included the following provisions:

Paragraph 1.a.

"a. Compatible uses. The Property shall be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions. Such uses may include: parks for outdoor recreational activities; wetland management; nature reserves; cultivation; grazing; camping; unimproved, unpaved parking lots; buffer zones; and other uses consistent with FEMA guidance for open space acquisition, Hazard Mitigation Assistance, Requirements for Property Acquisition and Relocation for Open Space."

"No new structures or improvements shall be erected on the Property other than:

- i. A public facility that is open on all sides and functionally related to a designated open space or recreation use;
- ii. A public rest room; or
- iii. A structure that is compatible with open space and conserves the natural function of the floodplain, including the uses described in Paragraph 1.a., above and approved by the FEMA Administrator in writing before construction of the structure begins."

Since the time that OSRD requested FEMA approval to use a portion of the property to replace Riverside Bridge, U.S. Senate Bill 810 was passed on October 6, 2017 which became Public Law No. 115-67. In summary, the Bill authorizes the Riverside Bridge Project to be carried out notwithstanding 1) any agreement entered into under section 404(b)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and 2) any easement or other Federal restriction pursuant to that Act that requires the covered property to be maintained for open space, recreation, or wetland management. Thus, this project is authorized to proceed on this flood prone property.

Air Quality Impacts: The Clean Air Act (CAA) requires adoption of air quality standards, quality control regions, and state implementation plans. The federal government established the National Ambient Air Quality Standards (NAAQS), to protect public health, safety, and welfare from known or anticipated effects of sulfur dioxide, particulate matter, carbon monoxide, nitrogen dioxide, ozone, and lead. The State of Missouri established additional criteria for hydrogen sulfide and sulfuric acid. Transportation can contribute to four of the six NAAQS pollutants: ozone, carbon monoxide, particulate matter, and nitrogen dioxide. Transportation conformity with the NAAQS, as required by the CAA, ensures that federally funded or approved transportation plans, programs, and projects conform to the air quality objectives established in State Implementation Plans. MoDOT is responsible for implementing the conformity regulation in nonattainment and maintenance areas.

The project is located in non-classified areas as defined by the U.S. Environmental Protection Agency through the CAA. Therefore, the conformity requirements of 40 CFR Part 93 do not apply to this project and no further action is needed. (per the US EPA air quality/green book/map “Counties Designated “Nonattainment””, Christian County is designated nonattainment for zero NAAQS pollutants)

Noise Impacts: The 1972 Federal-aid Highway Act required FHWA to develop a noise standard for new Federal-aid highway projects. FHWA Noise Standards give highway agencies flexibility in conforming to national requirements. MoDOT’s noise policy (found in the Engineering Policy Guide at 127.13) on highway traffic noise and construction noise describes MoDOT's implementation of the requirements of the FHWA Noise Standard at 23 Code of Federal Regulations (CFR) Part 772. MoDOT developed the noise policy, which was approved by FHWA.

The primary sources of highway traffic noise are the tire-pavement interface, engine noise and exhaust noise. In very general terms, the lower threshold of highway noise impact is roughly the point at which interference with normal human speech is appreciable.

Per MoDOT’s response to this project’s Request for Environmental Review, this is not a Type 1 project, thus, noise impacts are not applicable. This is not a Type 1 project because the project site does not halve the distance between the traffic noise source and the closest receptor between the existing condition to the future build condition.

Cultural Resources/Section 4(f) Historic Sites Impacts:

Section 106

Efforts to identify historic properties and assess potential adverse effects have been implemented pursuant to 36 CFR Part 800, Protection of Historic Properties, the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470). A Programmatic Agreement (PA) for ensuring the undertaking of this project complies with Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. 306108) has been signed and executed by the Federal Highway Administration, the Missouri State Historic Preservation Office (SHPO), OSRD, and the Christian County Commission on August 17, 2018. The PA contains mitigation measures for adverse effects on the historic bridge, including transfer of the historic bridge to a party that will relocate the bridge. All stipulations of the PA will be adhered to as dictated in the document. This Agreement is attached to this document.

In July 1993, Fraser's Missouri Historic Bridge Inventory survey first evaluated the Finley Bridge No. 2090015 to be National Register non-eligible as a well-preserved relatively early example of a mainstay structural type. In October 2017, Environmental Research Center of Missouri, Inc., (ERC) submitted a Section 106 Memo to the SHPO, and in November 2017, the SHPO concurred that Bridge No. 2090015 is National Register eligible and that the project will have an “adverse effect” on the historic property. Additionally, ERC submitted a Phase I cultural resources survey and Phase II testing report for the area of potential effect to the SHPO in October 2017. The report identified one previously recorded prehistoric archaeology site within new alternate access road locations. The site, 23CN794, produced insufficient data to warrant National Register eligibility by Criterion D and was recommended not eligible for listing on the National Register of Historic Places. In a November 2017 letter, the SHPO concurred that site 23CN794 was not eligible for inclusion on the National Register and that there would be no historic properties affected within the project area for new access roads.

FHWA is to consult with any Indian tribe that may attach religious and cultural significance to historic properties that may be affected by this undertaking. On May 21, 2018, FHWA provided the tribes that have expressed interest in consulting on Section 106 undertakings in Christian County a copy of the archaeological survey report for comments: the Caddo Nation of Oklahoma, Cherokee Nation, Delaware Nation, Delaware Tribe of Indians, Eastern Shawnee Tribe of Oklahoma, Kickapoo Tribe in Kansas, Kickapoo Tribe of Oklahoma, Miami Tribe of Oklahoma, Osage Nation, Shawnee Tribe, and United Keetoowah Band of Cherokee Indians in Oklahoma. The Cherokee Nation responded on June 4, 2018 that they “do not foresee this project imparting impacts to Cherokee cultural resources at this time.” The Osage Nation responded on August 3, 2018 that they “will not accept reports on cultural resources surveys conducted by consultants that do not provide a standard professional archaeology survey report,” and “requests that additional identification efforts be conducted and a new report be submitted for its review.” MoDOT Historic Preservation staff reviewed the consultant report and concur with the SHPO that an “adequate cultural resources survey has been conducted of the project area.”

Section 4(f) Historic Sites

Section 4(f) is part of the Department of Transportation Act of 1966 designed in part to preserve privately or publicly owned historic sites. Federally funded actions cannot impact Section 4(f) eligible sites unless there is no feasible and prudent avoidance alternative to the use of the land and the proposed action includes all possible planning to minimize harm to the property resulting from such use, or FHWA determines the use of the property will have a de minimis impact.

Ozark Mill, LLC entered into an agreement on July 5, 2018 to maintain the bridge and features that contribute to its historic significance and to assume all future legal and financial responsibility for the bridge. Section 4(f) applies to the Riverside Bridge, due to their being a “use,” as the action will adversely affect the bridge’s historic integrity. A Programmatic Section 4(f) Evaluation was prepared and approved by FHWA

Section 4(f) and Section 6(f) Impacts:

Section 4(f):

Section 4(f) is part of the Department of Transportation Act of 1966 designed to preserve publicly owned parks, recreation areas, and wildlife and waterfowl refuges. Federally funded actions cannot impact Section 4(f) eligible sites unless there is no feasible and prudent avoidance alternative to the use of the land and the proposed action includes all possible planning to minimize harm to the property resulting from such use, or FHWA determines the use of the property will have a de minimis impact.

Section 6(f):

Section 6(f) is part of the Land and Water Conservation Fund (LWCF) Act, designed to provide restrictions for public recreation facilities funded with LWCF money. The LWCF Act provides funds for the acquisition and development of public outdoor recreation facilities that could include community, county, and state parks, trails, fairgrounds, conservation areas, boat ramps, shooting ranges, etc. Facilities that are LWCF-assisted must be maintained for outdoor recreation in perpetuity and therefore require mitigation that includes replacement land of at least equal value and recreation utility.

Christian County authorities have verified that there are no recreational lands in the project area.

Threatened and Endangered Species Impacts: The Endangered Species Act (ESA) provides for the protection of threatened and endangered species, both plants and animals, and the habitats that are considered critical to the survival of these species, e.g., breeding, nesting, roosting, and foraging areas. The ESA requires FHWA and MoDOT to consult with the U.S. Fish and Wildlife Services (USFWS) regarding their projects and measures that can be implemented to minimize or eliminate project impacts to these species. MoDOT as the non-federal representative for FHWA makes species determinations for ESA consultation.

Projects also must address potential impacts to state listed species. The State of Missouri maintains endangered species legislation that protects these species (state ESA). The state ESA and the Missouri Wildlife Code protect state listed species. The Missouri Cave Resources Act protects caves from trespass, vandalism, contamination, and destruction. The Missouri Department of Conservation (MDC) is the administrative, regulatory, and enforcement agency for state sensitive species.

From the USFWS official species list, the following were listed as threatened or endangered for this project site: Virginia Sneezeweed (*helenium virginicum*), Gray Bat (*myotis grisescens*), Indiana Bat (*myotis sodalis*), and Northern Long-eared Bat (*myotis septentrionalis*).

From the MDC's Natural Heritage Review Report, Indiana Bats are listed as federal- and state-listed endangered species, and Northern Long-eared Bats are identified as federal-listed endangered species. Additionally, the USFWS Information, Planning, and Conservation (IPaC) Official Species List (OSL) (Consultation Code: 03E14000-2018-SLI-0150, 10/24/2017; Event Code: 03E14000-2018-E-00319, 10/24/2017, Project Name: 3848 Riverside) indicated there are no federally designated critical habitats in or near the project area and there are no refuges or fish hatcheries within the project area.

MoDOT's Threatened and Endangered Species Biologist reviewed all required documentation submitted including the Threatened and Endangered Species report by the consultant with seasonal tree clearing commitment, USFWS IPaC Official Species List (MoDOT update in September 2018), MDC Natural Heritage Review Level 2 Report (possible state resource issues), project area mapping, aerial imagery of the project location, project description, project plans including the grading plan sheet, photographs of the existing bridge and trees to be removed, species assessment report, the Missouri Department of Conservation Natural Heritage Database (v. July 2018), and the MO Speleological Survey cave information (v. 2017) for additional natural resource information near the project area. There are no federally designated critical habitats in the project area.

Construction for this project is planned to begin in fall and winter 2018-2019. There will be less than 1.0 acres of tree clearing needed for the construction of this project and some of these trees have suitable summer bat roost habitat characteristics. The construction contract will mandate that such suitable trees shall only be removed during the non-active season between November 1 and March 31.

Bridge photos from Feb 2018 and description of presence/absence search for bird nests from April 2018 show no nests present under the existing bridge. There will be no conflict with Migratory Bird Treaty Act.

Virginia Sneezeweed is an herbaceous, fibrous-rooted perennial that grows up to 5 feet in height. Preferred habitat includes shorelines and plains around sinkholes, low lying fields, ponds, and wet meadows. MoDOT verified there are no Virginia sneezeweed records within several miles of the

project area are no suitable habitat in the project limits. There will be **No Effect on Virginia Sneezeweed**.

Gray Bats roost in caves or mines year-round. Although there are several known caves within 1.0 mile, none are known to support bats (MSS cave info). MoDOT agrees with the consultant/sponsor that this project will have **No Effect on Gray Bats**.

Indiana and Northern Long-Eared Bats hibernate in caves or mines only during the winter between November 1 and March 31, and this project is not near any known caves or mines. The rest of the year they roost under loose tree bark in tree crevices or cavities during the day and forage around tree canopies of floodplain, riparian, and upland forests at night. Suitable trees which should be considered potential roosting habitat include those exhibiting loose or shaggy bark, crevices, or hollows. Tree species with these features often include, but are not limited to: shellbark or shagbark hickory, white oak, cottonwood, and maple. MoDOT verified the distance to known summer (forested) or winter (occupied cave) records is greater than 7.0 miles from the project area for Indiana and northern long-eared bats. Less than one acre of trees will be removed for this project. Some of these are suitable trees, therefore, this project may affect both species. As a result, the construction contract will mandate that such suitable trees shall only be removed during the non-active season between November 1 and March 31. There is one suitable roost tree beyond 100' from the edge of the existing pavements, therefore, this project does not qualify for Programmatic Range-wide Informal consultation for these species. As the designated non-federal representative for Federal Highway Administration in Missouri for Section 7 ESA requirements, MoDOT has determined that this project **May Affect, but is Not Likely to Adversely Affect the Indiana bat or northern long-eared bat**. To reduce the environmental impacts of removing trees and other vegetation as needed for this project, provisions will be included in the construction contract to minimize the disturbance of vegetation and soils, and to replace removed vegetation with grasses, flowers, and other plants that are native to the area and Missouri.

A Level 2 report was received by the consultant/sponsor on February 15, 2018 indicating potential impacts to two species and a public fishing access. There are records for a species of concern mollusk, Arkansas mudalia snail (*Leptoxis arkansensis*), and Heptageniid mayfly (*Maccaffertium bednariki*) approximately 0.9 miles upstream of the project area. Precautions will be taken to avoid and minimize any negative impacts to the natural stream flow in the Finley River as described in the above "Wetland/Stream Impacts" section. Also, the Ozark Jim Turner Public Fishing Access is about 1.0 mile downstream of the project area. There will be no impacts to that MDC owned resource and these MDC Level 2 conservation issues have no bearing on federally listed resources.

MoDOT submitted a complete Section 7 Endangered Species Act consultation package to the Missouri US Fish and Wildlife Service Field Office on September 24, 2018 requesting concurrence with these May Affect, but Not Likely to Adversely Affect determinations. On October 10, 2018, the USFWS concurred with MoDOT's determination that the proposed work is not likely to adversely affect federally listed species.

Hazardous Waste Impacts: The following sources were reviewed for potential regulated hazardous and solid waste concerns in the project area: Federal Superfund Enterprise Management System (SEMS); National Response Center Hotline database; DNR Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites in Missouri; DNR Missouri Hazardous Waste Treatment, Storage, and Disposal Facilities List; DNR Solid Waste Facilities List; DNR Underground Storage Tank (UST)

database; EPA Enforcement and Compliance History Online (ECHO); Google Earth; and Missouri Petroleum Storage Tank Insurance Fund database.

Based on the sources reviewed, no sites of concern were found within the project area.

The potential to encounter wastes from sites unknown to Christian County should always be a consideration. Christian County's construction inspector shall direct the contractor to cease work at any suspect sites if regulated solid or hazardous wastes are found during construction activities. The construction inspector shall contact an appropriate specialist to discuss options for remediation. The specialist, the county, and the contractor shall develop a plan for sampling, remediation, and continuation of project construction. Independent consulting, analytical, and remediation services shall be contracted, if necessary. The DNR and the EPA will be contacted for coordination and approval of required activities.

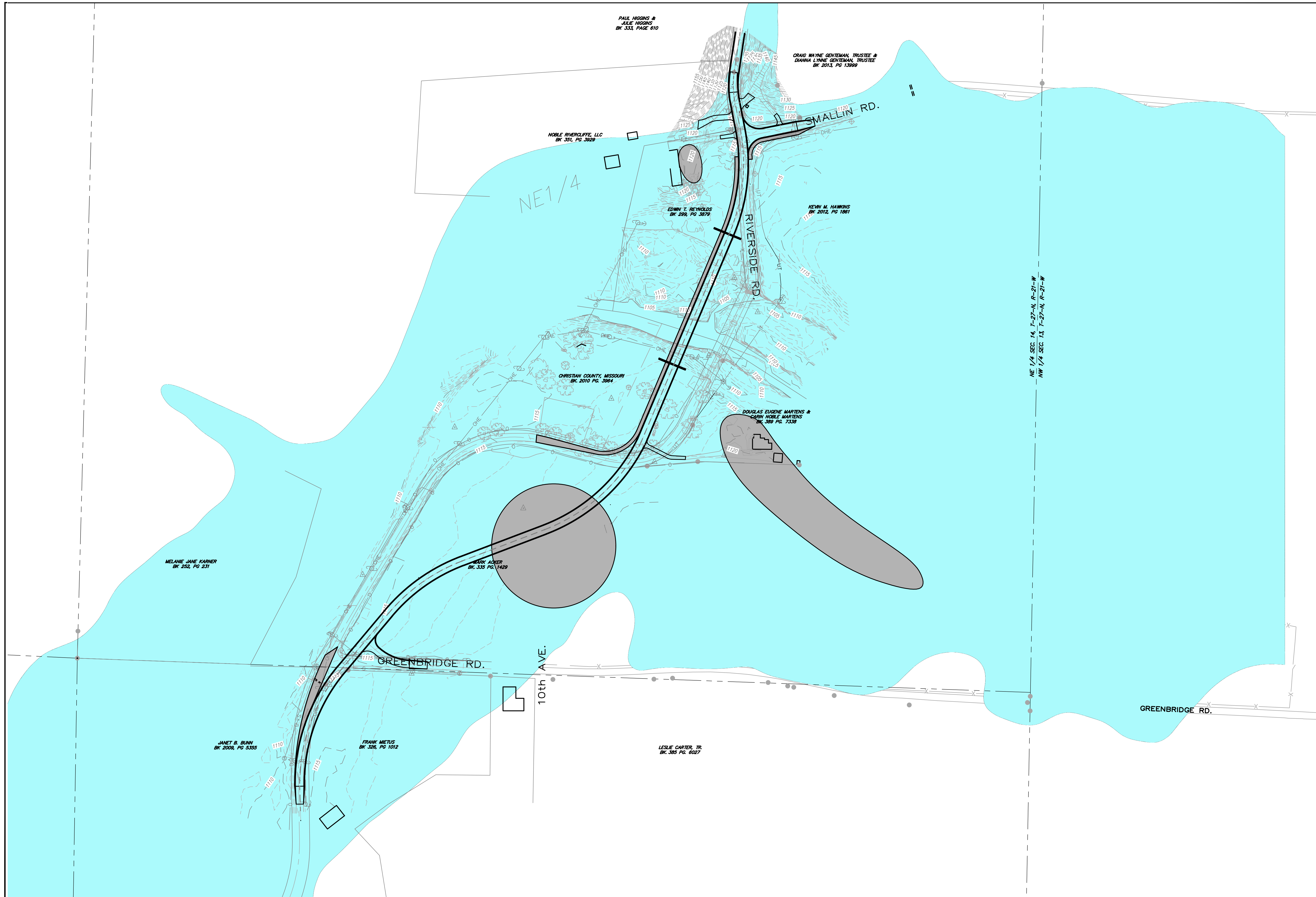
In February 2018, a certified inspector conducted asbestos and lead-based paint surveys of Bridge No. 2090015 on behalf of Christian County. The asbestos inspection was conducted according to DNR standards and asbestos requirements for inspections. No suspect asbestos-containing materials were identified on the bridge. The lead-based paint survey was conducted with a test kit that is EPA-recognized and Environmental Technology Verification (ETV)-tested. The lead paint test results revealed no lead-based paint on the bridge.

DNR must be notified of all bridge demolitions. Christian County will ensure the contractor notifies DNR 10 days in advance of the bridge demolition and include this language in construction contract documents. The disposition of the existing bridge is being coordinated with the Missouri Department of Natural Resources - State Historic Preservation Office and the Historic Preservation Act - Section 106. The bridge is currently being advertised for reuse. If a new owner is not found, the plan is to demolish the bridge.

Environmental Commitments:

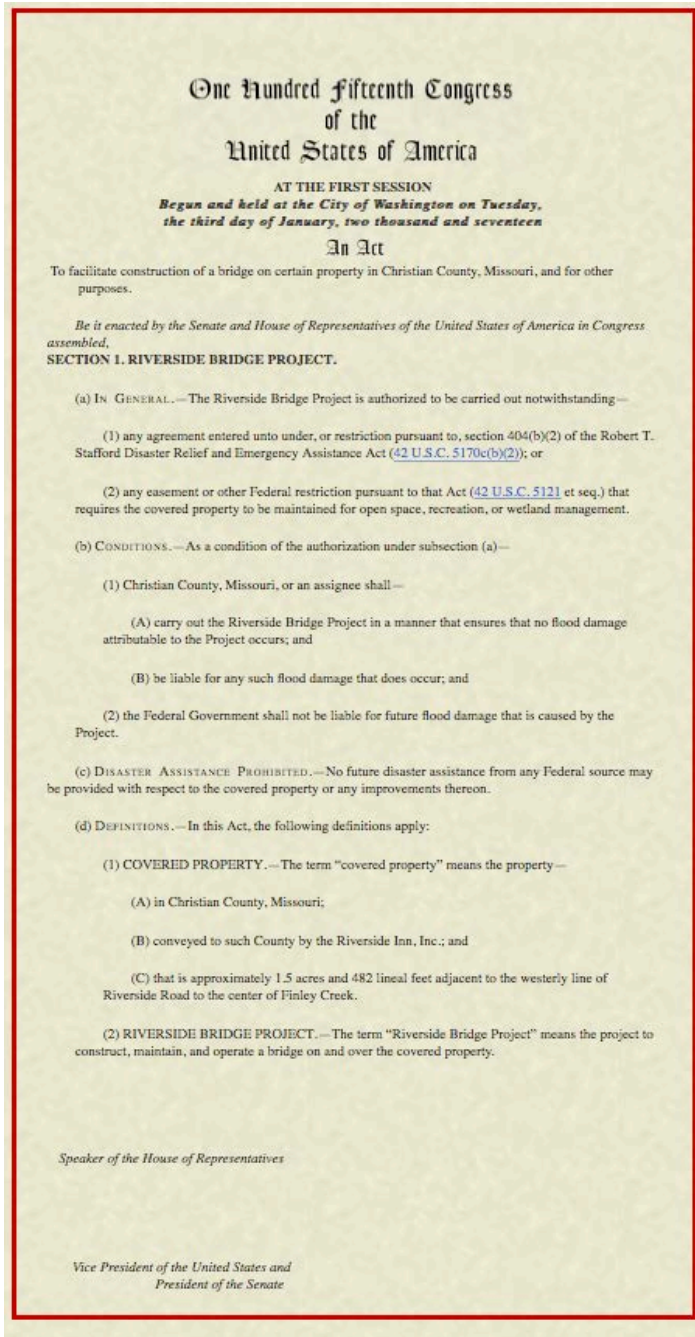
- Christian County will ensure construction occurs Monday-Friday, during normal working hours.
- Christian County will publish a notice in the local newspaper one week in advance of closing the Greenbridge Road and Riverbluff Road intersections for construction and directly notify affected property owners. Details of the placement of road closure signs are at the 2018-07-17 PS&E Submittal, Traffic Control Plan Sheet C35. Christian County will ensure a Traffic Management Plan is included in the construction contract to respond to any temporary disruptions in travel patterns and travel time.
- Christian County will ensure access to local properties within the work zone will be maintained at all times and coordinated with the property owners.
- Christian County will conduct the acquisition of affected properties and provide services to all impacted households without discrimination in accordance with the procedures established in the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970, as amended.
- Christian County will ensure all Section 404 NWP 14 conditions and NWP General Conditions within the General Provisions are implemented during the project. Additionally, Christian County will ensure conditions are followed as specified in the Section 401 Water Quality Conditions.
- Christian County will obtain a National Pollutant Discharge Elimination System (NPDES) land disturbance permit from the Missouri Department of Natural Resources (DNR) prior to the start of construction. Christian County will implement an on-site Storm Water Pollution Prevention Plan (SWPPP) to prevent or minimize adverse impacts to streams within and adjacent to the project area. This plan will describe best management practices and procedures designed to reduce suspended solids, turbidity, and downstream sedimentation that may degrade water quality and adversely impact aquatic life. The plan will provide for temporary erosion and sediment control measures that will be included within construction contract specifications.
- Christian County will issue a floodplain development permit during final design and adhere to all applicable provisions of its local floodplain management ordinance.
- Christian County will adhere to all stipulations of the PA as dictated in the document.
- Christian County construction inspector will ensure the construction plans stipulate that all trees shall only be removed during the period of November 1 to March 31.
- To reduce the environmental impacts of removing trees and other vegetation as needed for this project, provisions will be included in the construction contract to minimize the disturbance of vegetation and soils, and to replace removed vegetation with grasses, flowers, and other plants that are native to the area and Missouri.

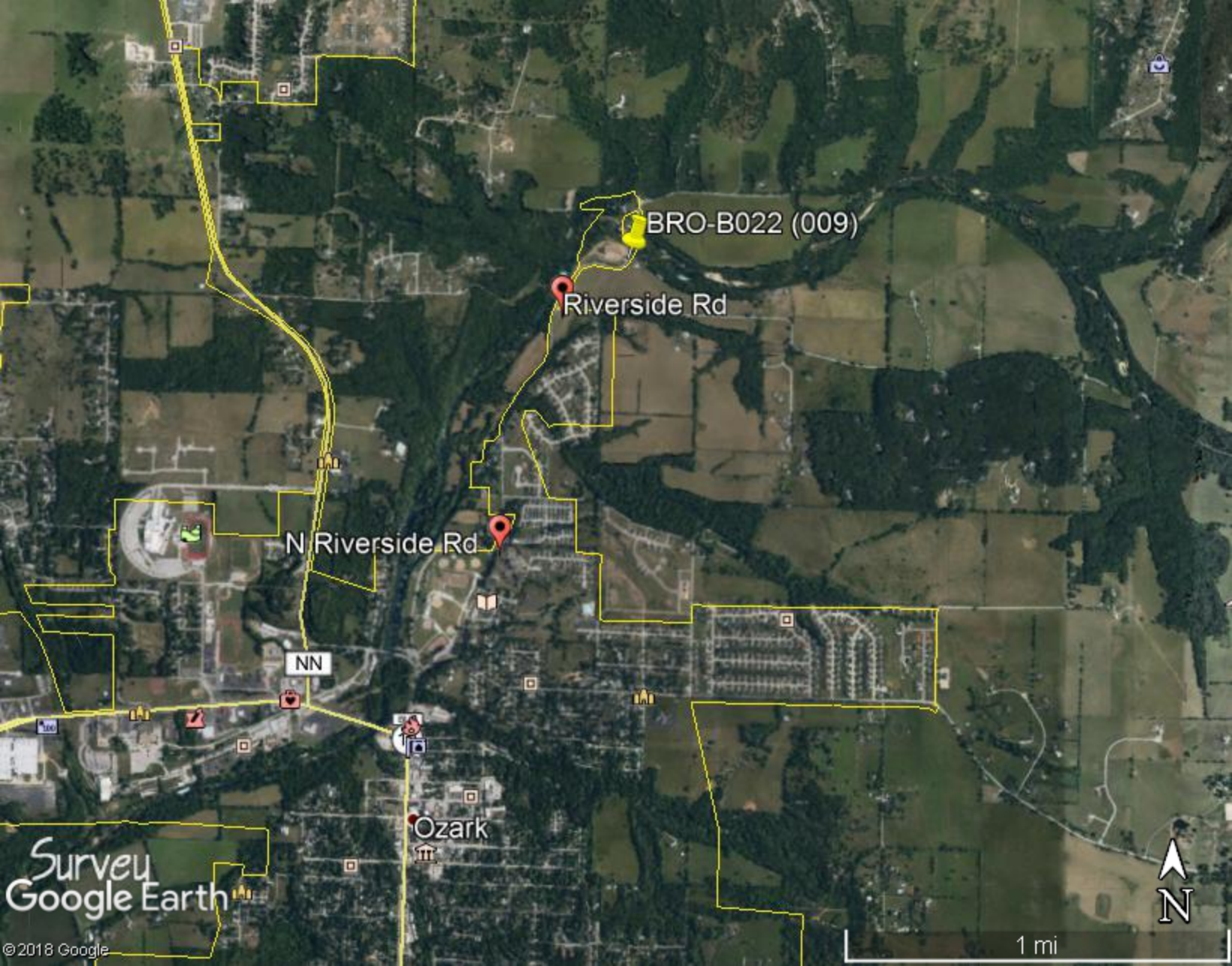
- Christian County's construction inspector shall direct the contractor to cease work at any suspect sites if regulated hazardous or solid wastes are found during construction activities. The construction inspector shall contact an appropriate specialist to discuss options for remediation. The specialist, the county, and the contractor shall develop a plan for sampling, remediation, and continuation of project construction. Independent consulting, analytical, and remediation services will be contracted, if necessary. The DNR and the EPA shall be contacted for coordination and approval of required activities.
- Christian County will ensure the contractor notifies DNR 10-days in advance of the bridge demolition and include this language in construction contract documents.
- If there are changes in the project scope, project limits, existing conditions, pertinent regulations or environmental commitments, Christian County will contact MoDOT's environmental section to re-evaluate potential impacts prior to implementation. Environmental commitments are not subject to change without prior written approval from the Federal Highway Administration.



Date	
Revision/Issue	
No.	▲
<small>GRE Engineering, Inc. Missouri State Certificate of Authority Number: 200703873 Engineering: 200703886, Land Surveying: 200701149, Landscape Architecture: 200703873</small>	
SPENCER N. JONES - ENGINEER <small>MO# PE-28876</small>	
RIVERSIDE BRIDGE No. 20900151 OVER FINLEY RIVER CHRISTIAN COUNTY, MISSOURI COVER SHEET	
DATE: NOV. 10, 2017	
JOB NUMBER: 3848	
SHEET OF 84	
SHEET C1	

A portion of the project was located within property purchased by FEMA Hazard Mitigation Grant Funds. That portion of the project related to the construction of the proposed approach roadway and bridge which had the FEMA deed restrictions removed by legislative action. This was accomplished by Senate Bill 810 - A bill to facilitate construction of a bridge on certain property in Christian County, Missouri and for other purposes, which was passed by both the Senate and the House and signed by the President on 10/06/17 which became Public Law No. 115-67.





BRO-B022 (009)

Riverside Rd

N Riverside Rd

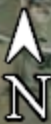
NN

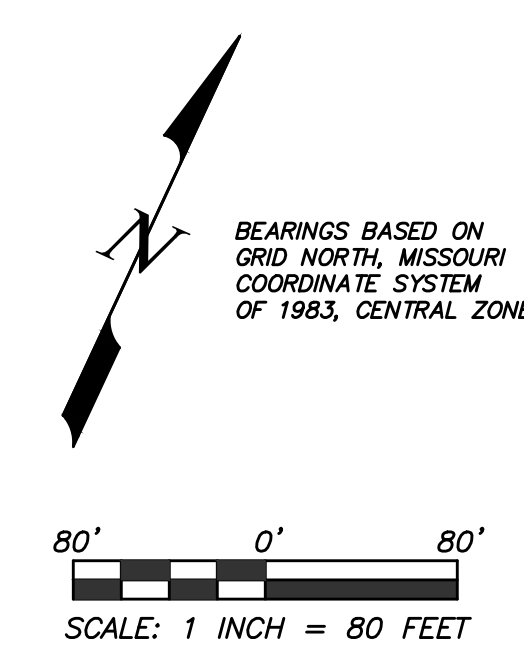
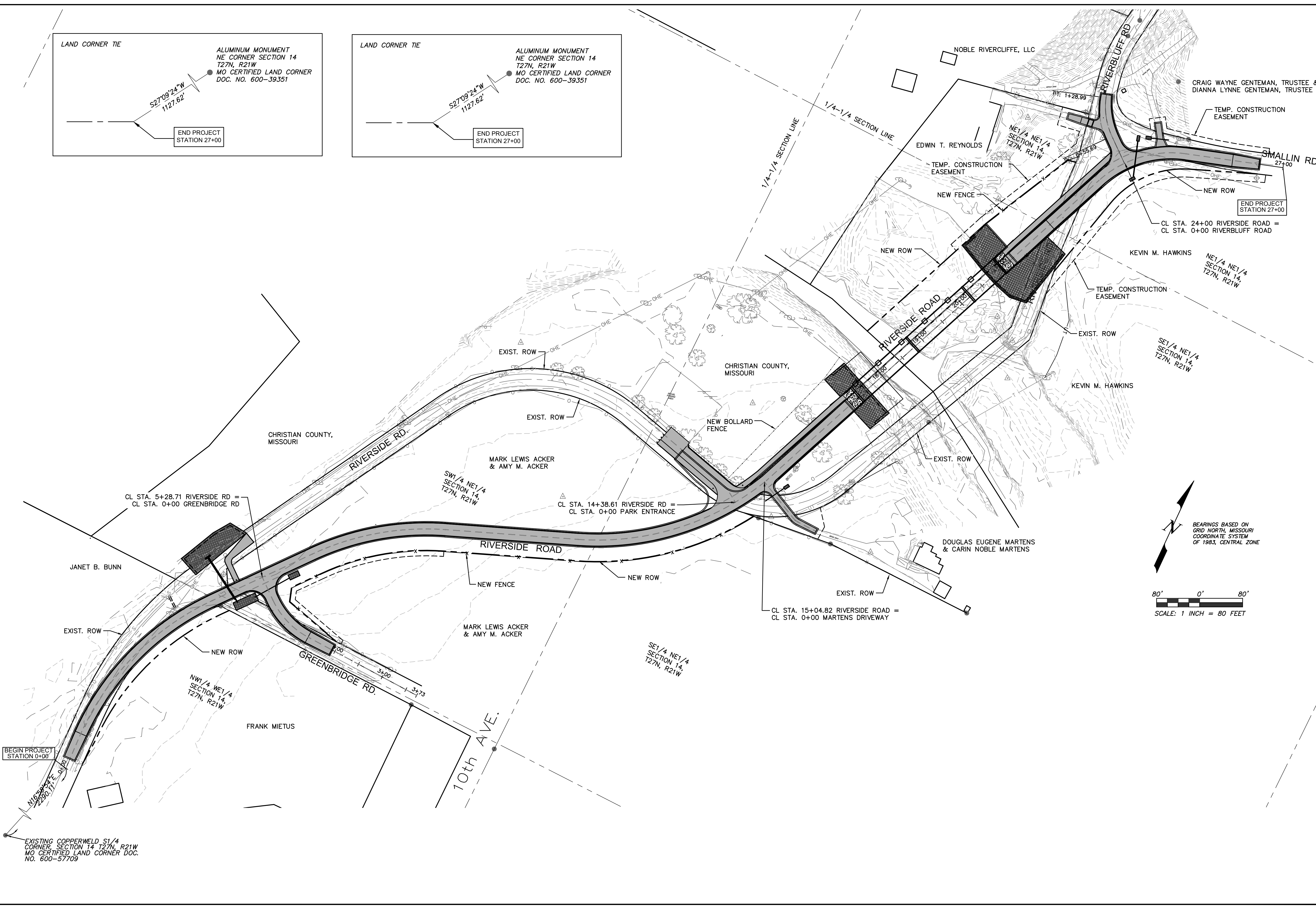
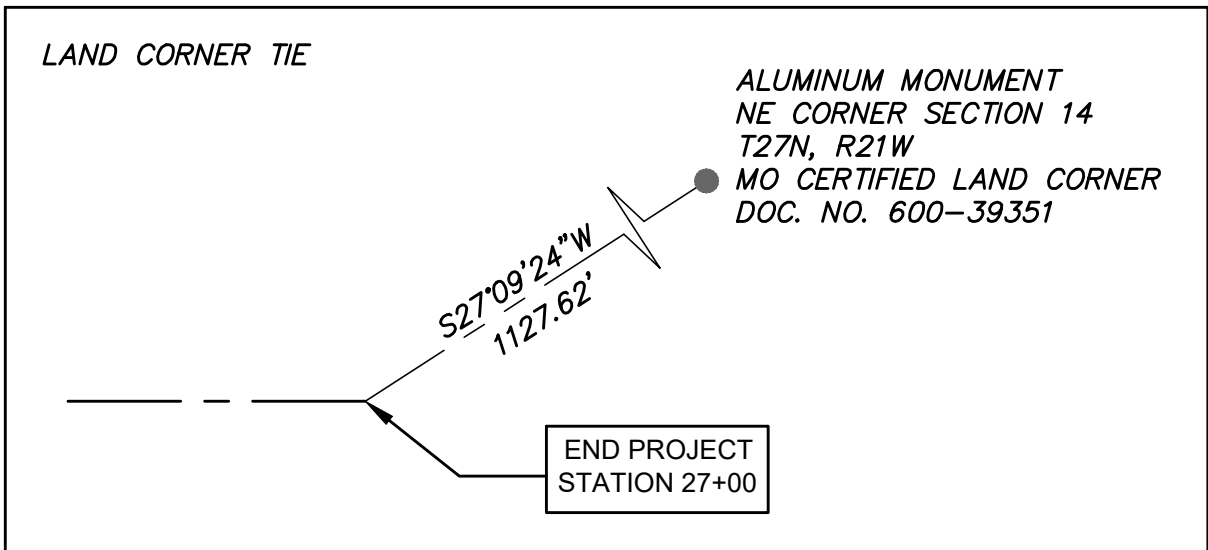
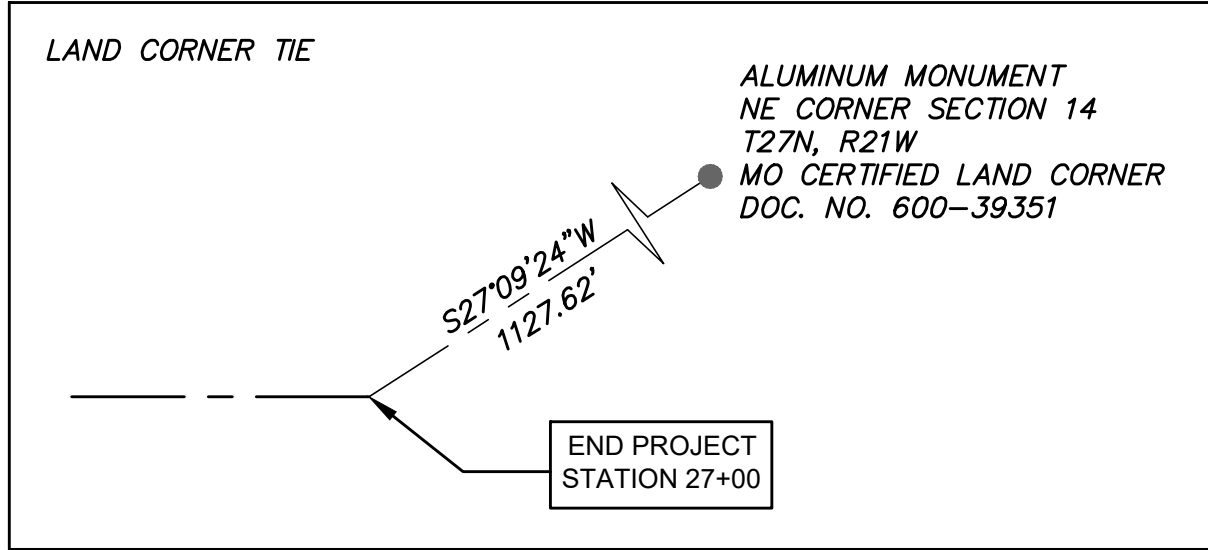
Ozark

Survey
Google Earth

© 2018 Google

1 mi



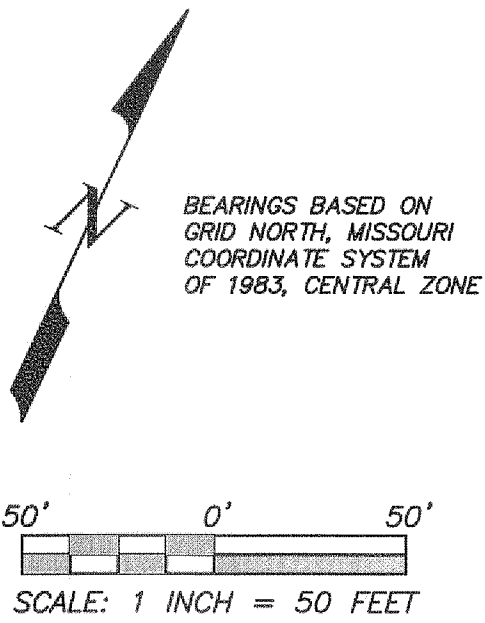
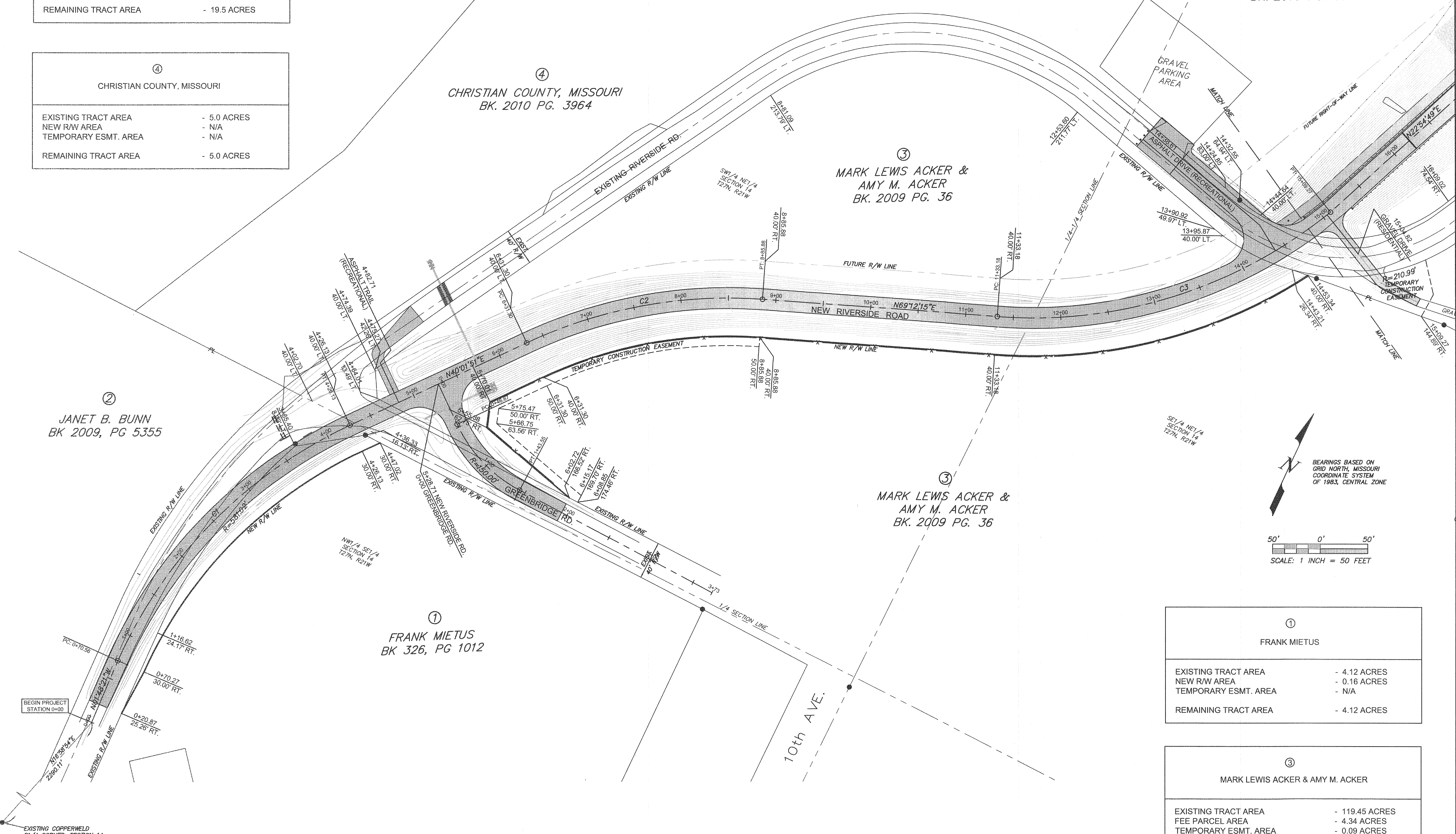


Date	
Revision/Issue	
No.	NEW ROW
<p>RIVERSIDE ROAD BRIDGE OVER FINLEY RIVER BRO-B022(09) BRIDGE NO. 20900151 CHRISTIAN COUNTY, MISSOURI</p>	
<p>OVERALL SITE PLAN</p>	
DATE:	JULY, 2018
JOB NUMBER:	3848
SHEET	7 OF 67
<p>SHEET C7</p>	

② JANET B. BUNN	
EXISTING TRACT AREA	- 19.5 ACRES
NEW R/W AREA	- N/A
TEMPORARY ESMT. AREA	- N/A
REMAINING TRACT AREA	- 19.5 ACRES

④ CHRISTIAN COUNTY, MISSOURI	
EXISTING TRACT AREA	- 5.0 ACRES
NEW R/W AREA	- N/A
TEMPORARY ESMT. AREA	- N/A
REMAINING TRACT AREA	- 5.0 ACRES

Curve Table					
CURVE NO.	DELTA ANGLE	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	040°44'41"	500.00'	355.57'	N19°39'30"E	348.12'
C2	029°10'24"	500.00'	254.58'	N54°37'03"E	251.84'
C3	043°05'52"	500.00'	376.09'	N47°39'19"E	367.29'
C4	050°10'49"	200.00'	175.16'	N48°00'14"E	169.62'



②
JANET B. BUNN
BK 2009, PG 5355

①
FRANK MIETUS
BK 326, PG 1012

③
MARK LEWIS ACKER &
AMY M. ACKER
BK. 2009 PG. 36

③
MARK LEWIS ACKER &
AMY M. ACKER
BK. 2009 PG. 36

④
CHRISTIAN COUNTY, MISSOURI
BK. 2010 PG. 3964

① FRANK MIETUS	
EXISTING TRACT AREA	- 4.12 ACRES
NEW R/W AREA	- 0.16 ACRES
TEMPORARY ESMT. AREA	- N/A
REMAINING TRACT AREA	- 4.12 ACRES

③ MARK LEWIS ACKER & AMY M. ACKER	
EXISTING TRACT AREA	- 119.45 ACRES
FEE PARCEL AREA	- 4.34 ACRES
TEMPORARY ESMT. AREA	- 0.09 ACRES
REMAINING TRACT AREA	- 115.11 ACRES

EXISTING COPPERWELD
S1/4 CORNER, SECTION 14
T27N, R21W
NO CERTIFIED LAND CORNER DOC. NO. 800-57709

NOTE: GRADING/SLOPE LIMITS INDICATED BY
DESIGN CONTOURS AS SHOWN

Date	
Revision/Issue	
No.	
BRIAN D. VIELE, PLS MOR LS-2472	
RIVERSIDE ROAD BRIDGE OVER FINLEY RIVER BRO-B022(09) BRIDGE NO. 20900151 CHRISTIAN COUNTY, MISSOURI	
RIGHT-OF-WAY PLAN	
DATE:	MAY 10, 2018
JOB NUMBER:	3848
SHEET	
SHEET RW1	

⑥ EDWIN T. REYNOLDS	
EXISTING TRACT AREA	- 3.81 ACRES
NEW R/W AREA	- 1.39 ACRES
TEMPORARY ESMT. AREA	- 0.16 ACRES
REMAINING TRACT AREA	- 3.81 ACRES

④ CHRISTIAN COUNTY, MISSOURI	
EXISTING TRACT AREA	- 5.0 ACRES
NEW R/W AREA	- N/A
TEMPORARY ESMT. AREA	- N/A
REMAINING TRACT AREA	- 5.0 ACRES

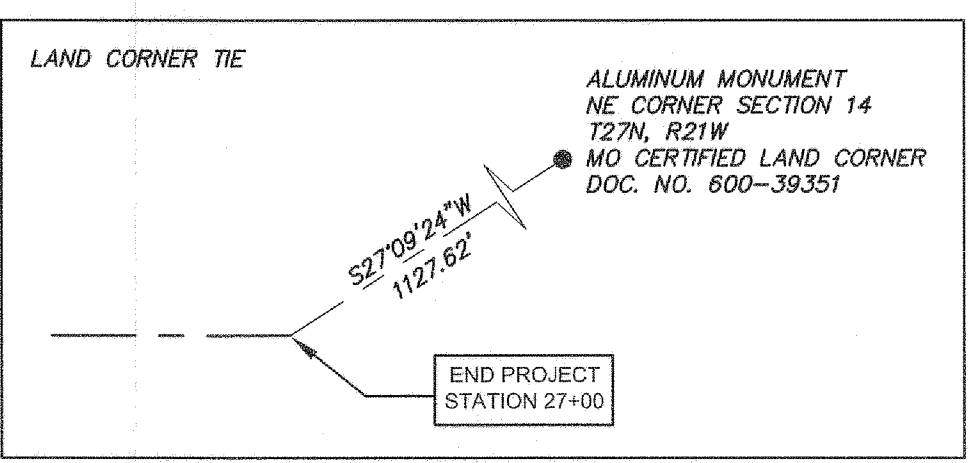
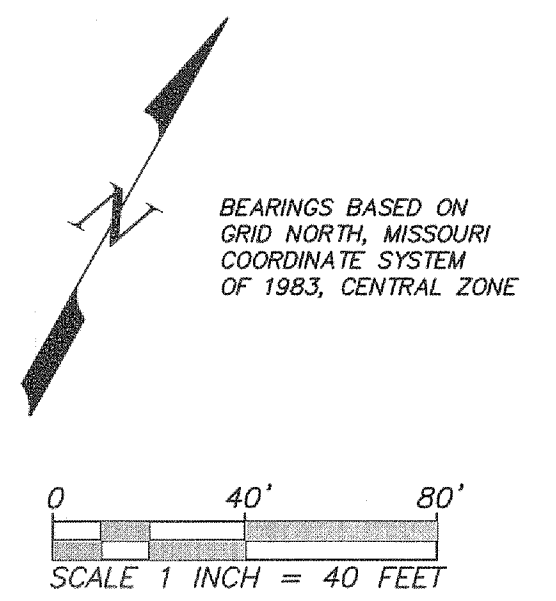
⑨
CRAIG WAYNE GENTEMAN, TRUSTEE &
DIANNA LYNNE GENTEMAN, TRUSTEE
BK 2013, PG 13999

⑥
EDWIN T. REYNOLDS
BK 299, PG 3877

⑦
KEVIN M. HAWKINS
BK 2012, PG 1861

④
CHRISTIAN COUNTY, MISSOURI
BK. 2010 PG. 3964

⑤
DOUGLAS EUGENE MARTENS &
CARIN NOBLE MARTENS
BK. 389 PG. 7337



Curve Table					
CURVE NO.	DELTA ANGLE	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	040°44'41"	500.00'	355.56'	N19°39'30"E	348.12'
C2	029°10'24"	500.00'	254.58'	N54°37'03"E	251.84'
C3	043°05'51"	500.00'	376.10'	N47°39'19"E	367.29'
C4	050°10'49"	200.00'	175.16'	N48°00'14"E	169.62'

⑤ DOUGLAS EUGENE MARTENS & CARIN NOBLE MARTENS	
EXISTING TRACT AREA	- 1.74 ACRES
NEW R/W AREA	- N/A
TEMPORARY ESMT. AREA	- 0.01 ACRES
REMAINING TRACT AREA	- 1.74 ACRES

⑦ KEVIN M. HAWKINS	
EXISTING TRACT AREA	- 72.38 ACRES
NEW R/W AREA	- 0.29 ACRES
TEMPORARY ESMT. AREA	- 0.17 ACRES
REMAINING TRACT AREA	- 72.38 ACRES

⑨ CRAIG WAYNE GENTEMAN, TRUSTEE & DIANNA LYNNE GENTEMAN, TRUSTEE	
EXISTING TRACT AREA	- 17.5 ACRES
NEW R/W AREA	- N/A
TEMPORARY ESMT. AREA	- 0.06 ACRES
REMAINING TRACT AREA	- 17.5 ACRES

NOTE: GRADING/SLOPE LIMITS INDICATED BY
DESIGN CONTOURS AS SHOWN

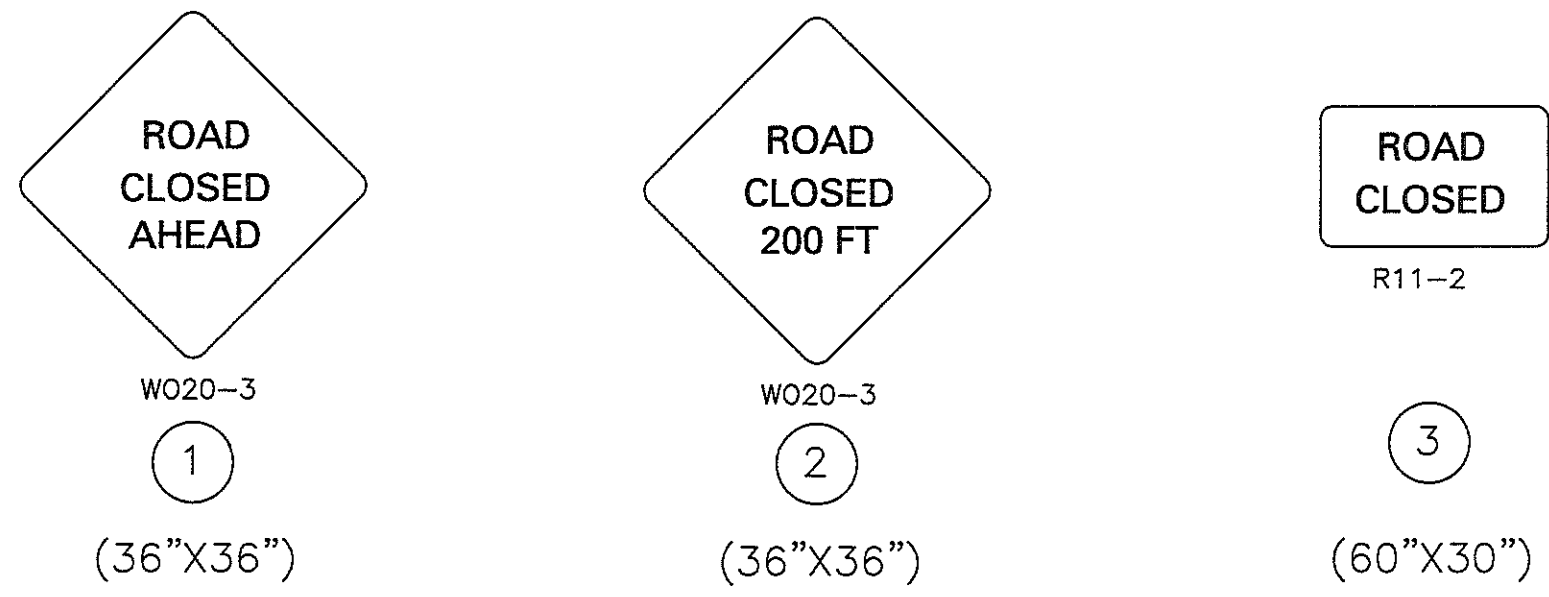
Date: _____
Revision/Issue: _____
No. _____

GRE GREAT RIVER ENGINEERING

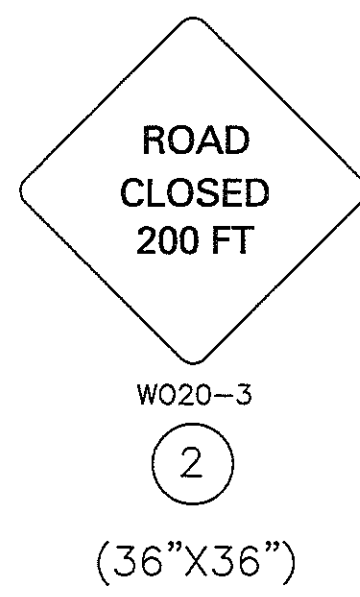
RIVERSIDE ROAD BRIDGE OVER FINLEY RIVER
BRO-B022(09) BRIDGE NO. 20900151
CHRISTIAN COUNTY, MISSOURI

RIGHT-OF-WAY PLAN

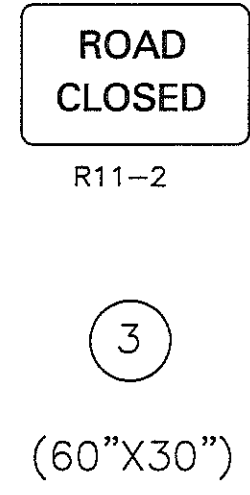
DATE: MAY 10, 2018
JOB NUMBER: 3848
SHEET
SHEET RW2



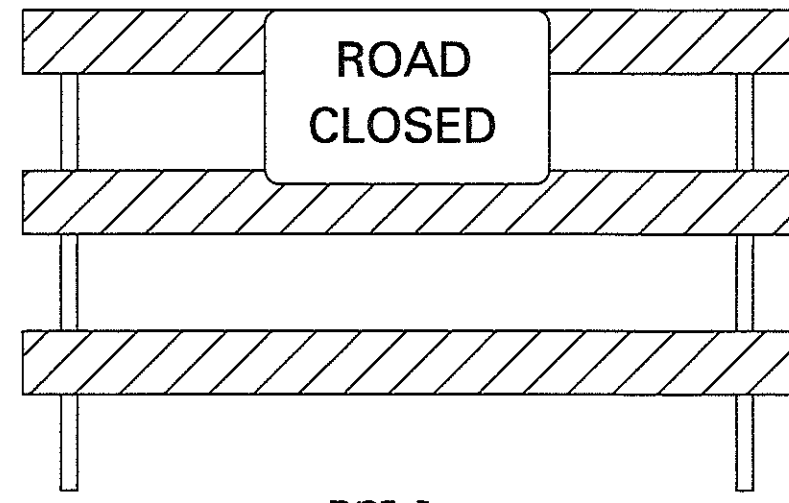
W020-3
1
(36"X36")



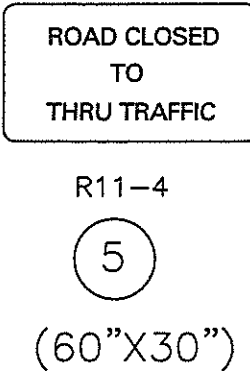
W020-3
2
(36"X36")



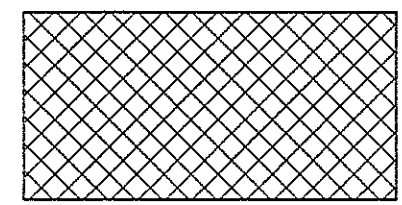
R11-2
3
(60"X30")



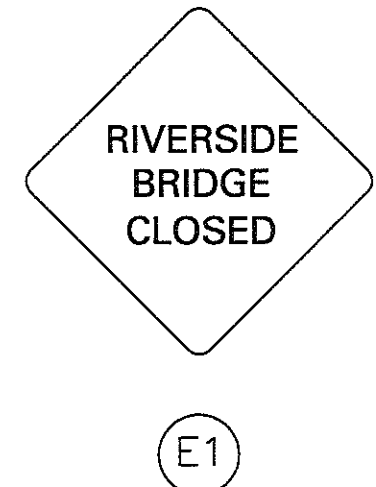
TYPE 3
MOVABLE BARRICADE
4



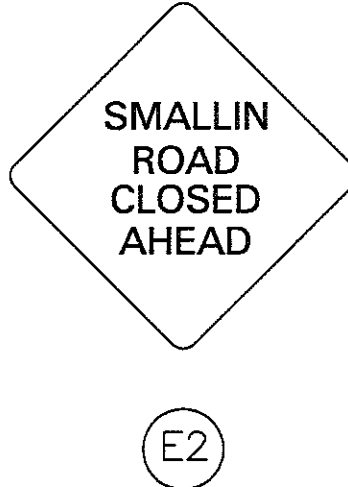
R11-4
5
(60"X30")



6



E1



E2

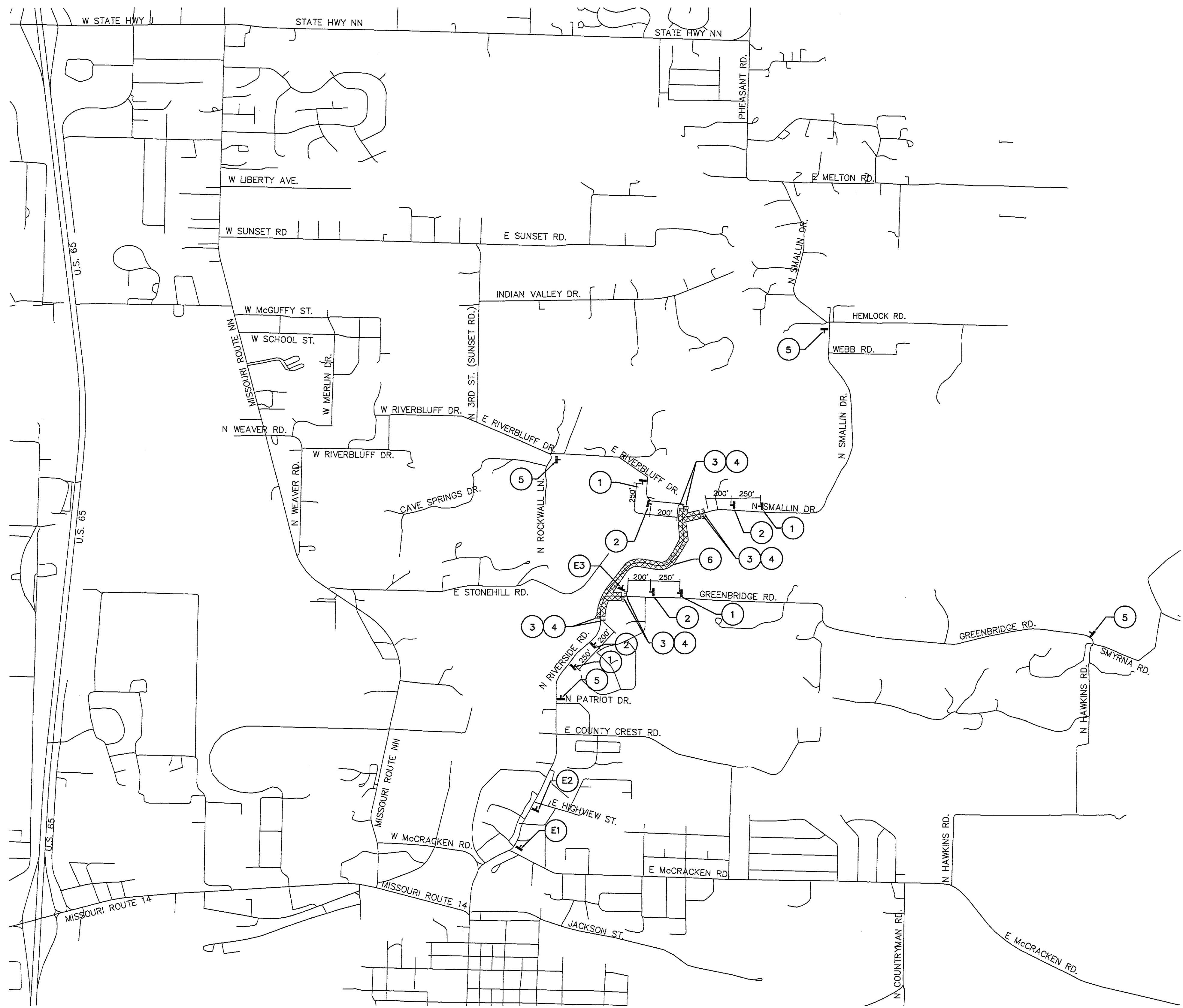


E3

EXISTING ROADWAY SIGNS

TRAFFIC CONTROL NOTES:

1. ALL CONSTRUCTION SIGNS AND BARRICADES MUST BE UTILIZED AND MAINTAINED IN COMPLIANCE WITH PART VI OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2009 EDITION, REVISION 1 OR LATEST REVISION THEREOF.
2. ALL EXISTING SIGNS SHALL BE MAINTAINED AND RELOCATED WHEN NECESSARY. SIGNING SHALL BE INSTALLED PRIOR TO OPENING ANY SECTION OF THE ROADWAY FOR TRAFFIC.
3. SIGNAGE SHOWN SHALL REMAIN IN PLACE FOR THE PROJECT DURATION AND BE MODIFIED AS NECESSARY AND AS DIRECTED BY THE COUNTY.
4. ANY ALTERNATE TRAFFIC CONTROL PLAN MUST BE APPROVED IN WRITING BY THE COUNTY PRIOR TO IMPLEMENTATION.
5. SIGNS MAY BE PLACED ON PORTABLE 7' SIGN POSTS.
6. SIGN 3 MOUNTED ON TYPE 3 BARRICADES SHALL BE LIGHTWEIGHT PLASTIC.
7. ACCESS TO LOCAL PROPERTIES WITHIN THE WORK ZONE SHALL BE MAINTAINED AT ALL TIMES AND COORDINATED WITH PROPERTY OWNER.
8. RIVERSIDE ROAD AT GREENBRIDGE ROAD SHALL BE OPEN TO TRAFFIC AT ALL TIMES EXCEPT WHEN ACTUAL INTERSECTION WORK IS BEING PERFORMED AT THAT LOCATION.



TRAFFIC CONTROL LEGEND

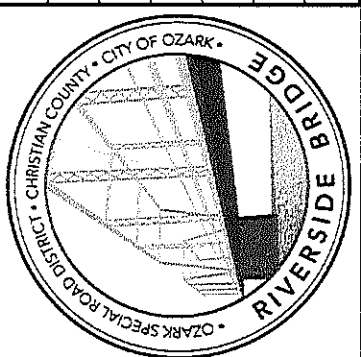
- SIGN (SINGLE SIDED)
- TYPE III MOVEABLE BARRICADE
- WORK AREA

TRAFFIC CONTROL PLAN

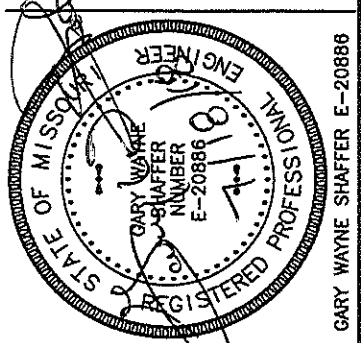
NOT TO SCALE



No.	DESCRIPTION	DATE



SHAFFER & HINES
CONSULTING ENGINEERS - REGISTERED LAND SURVEYORS
P.O. Box 493, Nixa, Missouri, 65714
Tel: (417) 725-4663 - Fax: (417) 725-5230
Email: chines@shafferhines.com



SHAFFER & HINES, INC.
CERTIFICATE OF AUTHORITY
LICENSE NO. 001665

RIVERSIDE ROAD BRIDGE OVER FINLEY RIVER
BRO-B022(09) BRIDGE NO. 20900151
CHRISTIAN COUNTY, MISSOURI
TRAFFIC CONTROL PLAN

DATE: JUNE, 2018
JOB NUMBER: 170035
SHEET 35 OF 67
SHEET C35



October 22, 2018

Taylor R. Peters
Environmental Protection Specialist
Missouri Division Office
Federal Highway Administration
3220 W. Edgewood, Suite H
Jefferson City, Missouri 65109

RE: Timing of Riverside Road Over Finley River Bridge No. 20900151 Project BRO-022(09)
with City of Ozark Parks Master Plan, Riverside Park Trail Head

The City of Ozark Parks Master Plan, adopted in March 2018, indicates a Riverside Park Trail Head within the area of the Riverside Road over Finley River Bridge No. 20900151 Project BRO-022(09). Planning for project BRO-022(09) was underway by Christian County in 2015, soon after the bridge was closed due to a flood event earlier that year that damaged the bridge superstructure. After the County planned to build a new bridge in the vicinity of the damaged bridge which included the realignment of Riverside Road, the City of Ozark capitalized on this planned project by planning a trail from Finley River Park in Ozark, MO, to the proposed new bridge in Christian County that is outside the city limits and north of Ozark. Thus, the project BRO-022(09) transportation facility was reserved before the park/trail was planned by the City (reference: 23 CFR 774.11(i)).

Furthermore, the City of Ozark Parks Master Plan identifies the proposed bridge project site area as "Riverside Park," however, this area is currently not a park. The City of Ozark does not own this property. Christian County, the land owner, has not designated the area as a park. The enclosed letter from the County explains the status of this property in more detail.

If you have any questions, please contact me at 417-886-7171.

Sincerely,
City of Ozark

A handwritten signature in black ink that reads "Steve Childers".

Steve Childers
City Administrator

Enclosure



October 22, 2018

Taylor R. Peters
Environmental Protection Specialist, Missouri Division Office
Federal Highway Administration
3220 W. Edgewood, Suite H
Jefferson City, Missouri 65109

RE: NEPA Action - Floodplain Encroachment Impacts, Riverside Road Over Finley River Bridge No. 20900151, Project No. BRO-B022(09), Addition of 23 Code of Federal Regulations (CFR) Section 650.111, "Location Hydraulic Studies" parts (b), (c), and (d)

23 CFR Section 650.111 (b) Location studies shall include evaluation and discussion of the practicability of alternatives to any longitudinal encroachments.

Project BRO-B022(09), Riverside Road Over Finley River Bridge, does not have any additional longitudinal encroachments of a Zone A floodplain of the Finley River. The new bridge will cross perpendicular to the Finley River and connect to existing area roadways. Also, the new alignment of Riverside Road diverges from the existing road away from, or east of, the Finley River such that the new alignment is eventually 300 feet further from the Finley River than the existing road. Thus, the new alignment will reduce any risk of longitudinal encroachment.

23 CFR Section 650.111 (c) Location studies shall include discussion of the following items, commensurate with the significance of the risk or environmental impact, for all alternatives containing encroachments and for those actions which would support base flood-plain development.

1) The risks associated with implementation of the action are as follows:

The Project scope will not increase the potential for loss of life or property, and therefore would not be considered a significant risk.

2) The impacts on natural and beneficial flood-plain values,

Natural and beneficial floodplain values include, but are not limited to, fish, wildlife, plants, open space, natural beauty, scientific study, outdoor recreation, agriculture, forestry, natural moderation of floods, water quality maintenance, and groundwater. There are no significant encroachments associated with this Project and this work will not have an impact on the natural and beneficial floodplain values.

3) The support of probable incompatible flood-plain development,

As defined by the FHWA, the support of incompatible base floodplain development will encourage, allow, serve, or otherwise facilitate incompatible base floodplain development, such

as commercial development or urban growth. The proposed improvements on this Project would maintain local and regional access to existing rural and agricultural areas and would not create new access to undeveloped lands. Therefore, this highway improvement Project would not support any incompatible floodplain development.

4) The measures to minimize flood-plain impacts associated with the action,

The floodplain analysis and certifications have been completed to comply with floodplain regulations and show minimal impacts to the floodplains along this Project. The effect on the floodplains as a result of this Project, as well as the certification that shows it meets floodplain regulations, has been communicated to the local floodplain Administrators and permits have been obtained and are included in MoDOT's Request for Environmental Review website.

5) The measures to restore and preserve the natural and beneficial flood-plain values impacted by the action.

There will be limited impacts to the natural and beneficial flood-plain values of the floodplains along this Project. Since there will be temporary soil disturbance during construction activities, sediment and erosion control best management practices will be utilized during construction and disturbed areas will be revegetated following construction.

23 CFR Section 650.111 (d) Location studies shall include evaluation and discussion of the practicability of alternatives to any significant encroachments or any support of incompatible flood-plain development.

As defined in 23 CFR 650.105, a significant encroachment involves a significant potential for interruption or termination of a transportation facility which is needed for emergency vehicles or provides a community's only evacuation route, a significant risk meaning potential for loss of life or property, or a significant adverse impact on natural and beneficial flood-plain values.

This Project does not result in a significant potential for interruption or termination of this transportation facility which is needed for emergency vehicles or a community's only evacuation route. It also does not result in a significant risk or potential for loss of life or property. This Project does not result in a substantial adverse impact on natural and beneficial flood-plain values. This highway improvement Project would maintain local and regional access to existing rural and agricultural areas and would not support any incompatible floodplain development.

There are no significant encroachments as a result of this Project and does not support incompatible floodplain development. This Project will not cause a greater risk within a floodplain that potentially impacts an adjacent structure.

If you have any questions, please contact me at 417-886-7171.

Sincerely,

Aaron Benson, P.E.
Great River Engineering



CHRISTIAN COUNTY
HIGHWAY DEPARTMENT

October 17, 2018

Mr. Taylor R. Peters
Environmental Protection Specialist
Missouri Division Office
Federal Highway Administration
3220 W. Edgewood, Suite H
Jefferson City, Missouri 65109

RE: Verification of No Recreational Lands in Area of Project BRO-B022 (09), Riverside Road Over
Finley River Bridge No. 20900151

Dear Mr. Peters:

On behalf of Christian County, thank you for reviewing the Categorical Exclusion Environmental Classification document for the Riverside Road Over Finley River Bridge project. In response to your inquiry regarding the County-owned property to the southwest of the proposed bridge alignment and if it contains any recreational lands, this property does not have any such lands. The land has been owned by the County since approximately 2009 as part of the FEMA buyout program and the County has never designated any portion of the property as a recreational area.

The order referenced on the park sign, which is also attached to this letter, refers to the area as the "Riverside premises." It is strictly County owned land adjacent to the Finley River. It has not been designated as an official County Park, no events have been held on this property, nor has the County had an organization that conducts parks and/or recreation functions during this time period.

Shortly after acquiring the property, Christian County constructed a sign titled, "Welcome to Riverside Inn Park," as well as a gravel parking area on the property. However, the wording on this sign does not designate any of the property area as a park. The sign was placed in order to establish rules as necessary for safety and order in an area with road access to a river that is conducive to recreational visitors.

If you have any questions, please contact me at 417-582-4394 or mbeadles@christiancountymo.gov.

Sincerely,

Miranda Beadles, P.E.
Highway Administrator
Christian County

ORDER
of the
CHRISTIAN COUNTY COMMISSION
OZARK, MISSOURI

DATE: July 31, 2014

SUBJECT: Regulating the Use of the Premises Located at 2629 Riverside Road in Ozark, Missouri for the Purpose of Protecting the Health, Safety, and Welfare of the Public.

WHEREAS, pursuant to Sections 49.266 and 49.270, RSMo., the Missouri Legislature has recognized the authority of county commissions to enact orders to manage and control county property for the safety, health and prosperity, peace and good order, comfort and convenience of the county and its inhabitants, and for the protection of property thereon; and

WHEREAS, the Christian County Commission does find it is necessary and proper to adopt an Order regulating the use of the premises located at 2629 Riverside Road in Ozark, Missouri, (hereinafter, "Riverside premises"), a legal description and a survey thereof being attached hereto as Exhibit "A", which is for the purpose of protecting the health, safety, and welfare of the public.

NOW, THEREFORE, on this 24th day of July, 2014, at a meeting duly called of the Christian County Commission, upon motion made by Commissioner Barnett, seconded by Commissioner Weter, and affirmed by Presiding Commissioner Lou Lapaglia, the Christian County Commission voted unanimously to enact the following Order:

Section 1. Title. This order shall be known as the **Riverside Premises Order**.

Section 2.a. Purpose. The purpose of adopting these rules and regulations is to afford a means of maintaining and enforcing the orderly use of the premises located at 2629 Riverside Road (hereinafter, "Riverside premises") under the jurisdiction of the Christian County Commission, Christian County, Missouri.

Section 2.b. Application. The following rules and regulations shall apply to Riverside premises under the jurisdiction of the Christian County Commission, Christian County, Missouri.

Section 2.c. Construction. In the interpretation of this and all succeeding Riverside premises ordinances, the provisions shall be construed as follows:

- (1) Any term in the singular shall include the plural.
- (2) Any term in the masculine shall include the feminine and the neutral.

- (3) Any requirement or prohibitions of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.
- (4) No provisions hereof shall make unlawful any act necessarily performed by an officer or employee of the County in his or her line of duty or work as such, or by any person, his agent or employees, in the proper and necessary execution of the terms of any agreement with the County.

Section 2.d. Penalty. Any person who shall violate any provision of this Order shall be guilty of a misdemeanor, punishable by imprisonment in the County Jail for not more than 10 days or by a fine of not more than \$1,000, or both for each violation of this Order. In addition, any person who shall violate any provision of this Order may be required to immediately leave the Riverside premises.

Section 2.e. Separability. Every section, provision, or part of this Order is declared separable from every other section, provision, or part herein, to the extent that if any section, provision or part of this Order shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part herein.

Section 3. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words used in the future tense include the past tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) **Adult** means a person age 17 or older.
- (2) **Animal** is any cat, dog, horse, fowl, or any other living creature.
- (3) **County** is the County of Christian County, Missouri.
- (4) **Person** is any person, firm, partnership, association, corporation, company, or organization of any kind.
- (5) **Sheriff Department** means the Christian County Sheriff or any member of the Christian County Sheriff's Department.
- (6) **Vehicle** is any conveyance, whether motor powered, animal-drawn, or self-propelled, and also includes snowmobiles. The term shall include any trailer in tow of any size, kind, or description. Exception is made for wheelchairs, baby carriages and vehicles owned or leased by Christian County.

Section 4.a. Hours. The Riverside premises, and access to the Finley River through the Riverside premises, shall be open to the public from 6:00 a.m. to 10:00 p.m. daily. Except with permission from the Christian County Commission or Sheriff's Department, no person shall enter or remain on the Riverside premises between the hours of 10:00 p.m. and 6:00 a.m. daily.

Section 4.b. Quiet Hours. Quiet hours shall be enforced on the Riverside premises from the hours of 10:00 p.m. to 6:00 a.m. daily. Any conduct which may adversely affect the quiet enjoyment of residents adjacent to the Riverside premises during that time will be considered a violation of this Order.

Section 5. Prohibited Conduct Generally. It shall be unlawful, except with express written permission from the Christian County Commission, for any person on the Riverside premises to:

- (1) Mark, deface, disfigure, injure, tamper with or remove any buildings, bridges, tables, benches, railings, paving materials, water lines or other public utilities, or parts or appurtenances thereof, signs, notices or placards (whether temporary or permanent), monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- (2) Dig or remove any soil, rock, sand, stones, trees, shrubs or plants, or other wood or materials, or make any excavation by tool, equipment, blasting, or other means.
- (3) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into or upon, or access such lands, except with a written permit.
- (4) Damage, cut, carve, mark, transplant, or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.
- (5) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to the Riverside premises or tributary, stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which may result in the pollution of said waters.
- (6) Take into, carry through, or put onto the Riverside premises, any rubbish, refuse, garbage or other materials. Such refuse and rubbish shall be deposited in receptacles so provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the Riverside premises by the person responsible for the waste's presence and properly disposed of elsewhere.
- (7) Bring or consume alcoholic beverages of any kind on the Riverside premises, including on the adjoining bridge.
- (8) Bring any glass beverage container onto the Riverside premises.
- (9) Use Styrofoam or Styrofoam-like products on the Riverside premises or in the Finley River, including coolers, ice chests, cups, plates, toys, floats, kickboards, rings, or swim gear. Styrofoam liners used as floatation devices are exempt if they are encapsulated by a water-based acrylic or latex coating.
- (10) Use of containers without lids, including coolers, secured in the Finley River.
- (11) Access the Finley River via a bridge or dam site.
- (12) Jump or dive from bridges.
- (13) Stand or stop in the spillway of any dam or flood control structure.
- (14) Collect firewood from the Riverside premises.
- (15) Park in a non-designated area.
- (16) Fish in an area not designated for fishing.
- (17) Swim in an area not designated for swimming.
- (18) Camp or stay overnight anywhere on the Riverside premises.
- (19) Allow any domestic animal to be unrestrained on the Riverside premises.

- (20) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw objects at any animal, wildlife, reptile, or bird.

Section 6. Prohibited Conduct Regarding Vehicles. It shall be unlawful for any person to:

- (1) Drive any motor vehicle on any area except the Riverside premises road(s) or designated parking area(s).
- (2) Operate any vehicle upon the Riverside premises, except:
 - a. Handicapped motorized scooters (hereinafter, "scooter") are allowed only for persons with a signed physician's statement of medical necessity. The person for whom the scooter is medically necessary must be on the scooter at any time it is operated within the Riverside premises. If the scooter is operated after sunset or before sunrise there must be an illuminated amber light that is visible to the front and rear of the scooter. In addition, any scooter being operated in a park must have an orange slow moving triangle affixed in a clearly visible space on the rear of the scooter.
- (3) Cause or allow a vehicle's tires to make a squealing noise or to throw or disturb gravel on the park road surface upon acceleration or operation.
- (4) Operate any vehicle in excess of the posted speed or in any way fail to use due care in the operation of a vehicle.
- (5) This Order fully adopts State traffic laws in Chapters 300, 302, and 304.

Section 7. Weapons. It shall be unlawful for any person to bring into or have in his or her possession, concealed or as open carry, on the Riverside premises:

- (1) Any pistol or revolver or objects upon which loaded or blank cartridges may be used.
- (2) Any rifle, shotgun, BB gun, air gun, spring gun, slingshot, blowgun, bow and arrow, or other weapon in which the propelling force is gunpowder, a spring, or air.

Section 8. Fires. No person shall kindle, build, maintain, or use a fire on the Riverside premises. Additionally, no person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material within or against any building, boat, or vehicle, or under any tree or in underbrush.

Section 9. Amplified Music.

- (1) **Generally.** Radios, tape players, CD players, MP3 players, DVD players, or other such music/video devices or televisions may be used on the Riverside premises as long as they do not disturb others on or neighboring the Riverside premises.
- (2) **Amplified Sound.** It shall be unlawful to operate any loud speaker or amplifier or other device by which sounds are magnified and may be heard by persons other than a person using earphones or a hearing aid device.

Section 10. Water Crafts. With respect to waters lying within the boundaries of the Riverside premises, including the Finley River, and waters extending one hundred feet beyond such boundaries, no person shall operate a motorized water craft within a water area which has been marked off or set aside as a swimming or bathing area.

Section 11. Domestic Animals (included but not limited to dogs, cats, and horses).

- (1) All solid waste (*i.e.*, feces) from all domestic animals shall be removed from park property or disposed of in Riverside premises trash receptacles by the owner or individual who has control of said animal.
- (2) All domestic animals shall be on a leash or harness system and under control at all times by the owner.

Section 12. Advertisements. Commercial advertisements shall not be posted, distributed, or displayed in any area of the Riverside premises without written authority from the Christian County Commission.

Section 13. Private Operations. No person, association, or corporation shall engage in or solicit any business within areas affected by this Order, unless authorized in writing by the Christian County Commission.

Section 14. Authority of Sheriff's Department and County Parks Department Employees.

- (1) The Sheriff's Department and/or Parks Department shall have the authority to close areas of the Riverside premises to the public for construction, to prevent access to dangerous areas, to protect seedlings and plantings, for maintenance purposes, and for natural disasters.
- (2) The Sheriff's Department shall, in connection with their duties, enforce the provisions of this Order. They shall have the authority to eject from the premises any person acting in violation of this Order or any state law. They shall also have the authority to seize and confiscate any property, thing, or device on the premises which violates this Order or any state law.

Section 15. Effective Date. This Order shall be effective upon its passage. Copies of the Order shall be maintained in the office of the Christian County Clerk.

Attachment: 07-24-2014-1 Riverside Inn Property - Safety (1788 : Riverside Inn Property Order)

Done this 31st of day of July, 2014, at 10:00 o'clock a.m.

CHRISTIAN COUNTY COMMISSION

Lou Lapaglia 7-31-14
Lou Lapaglia
Presiding Commissioner

Yes

Ray Weter 7/31/14
Ray Weter
Commissioner, Eastern District

Yes

Bill Barnett 7-31-14
Bill Barnett
Commissioner, Western District

Yes

ATTEST:

Kay Brown
Christian County Clerk

APPROVED AS TO FORM:

[Signature]
Christian County Counselor

EXHIBIT "A"

A part of the South Half (S1/2) of the Northeast Quarter (NE1/4) of Section 14, Township 27, Range 21, commencing in the center of Finley Creek under the bridge known as Biers Bridge in the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section 14, Township 27, Range 21, thence following the center of Finley Creek in a west and southerly direction to the South Line of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of said Section 14, Township 27, Range 21, thence east to the west boundary line of the public road now located about fifty feet east of the center of said Finley Creek, and thence following the boundary line of the public road north and east to the center of Finley Creek under the Biers Bridge or the place of beginning, in Christian County, Missouri.

Also:

Beginning at a point on the South Line of an existing county road, said point lying North $50^{\circ}07'26''$ W 1262.27 feet of the East Quarter Corner, Section 14, Township 27N, Range 21W, thence South $25^{\circ}02'33''$ W 24.06 feet, thence southwesterly 238.63 feet along a 170.99 foot radius curve to the right which has a chord that bears South $64^{\circ}59'06''$ W 219.73 feet; thence North $74^{\circ}57'27''$ W 189.35 feet, thence southwesterly 271.99 feet along a 306.48 foot radius curve to the left which has a chord that bears South $79^{\circ}10'47''$ W 263.15 feet; thence northeasterly 372.08 feet along a 266.48 foot radius curve to the right which has a chord that bears North $65^{\circ}02'33''$ E, 342.58 feet; thence South $74^{\circ}57'27''$ E 342.58 feet; thence South $74^{\circ}57'27''$ E 189.35 feet; thence northeasterly 162.54 feet along a 210.99 foot radius curve to the left which has a chord that bears North $82^{\circ}58'18''$ E 158.55 feet to the point of beginning, in Christian County, Missouri.

Also:

Beginning at a point on the East Line of an existing county road, said point lying North $44^{\circ}13'25''$ W 1261.93 feet of the East Quarter Corner of Section 14, Township 27N, Range 21W, thence South $25^{\circ}02'33''$ W 147.66 feet; thence southwesterly 294.49 feet along a 210.99 foot radius curve to the right which has a chord that bears South $64^{\circ}59'06''$ W 271.16 feet; thence North $74^{\circ}57'27''$ W 189.35 feet; thence southwesterly 372.08 feet along a 266.48 foot radius curve to the left which has a chord that bears South $65^{\circ}02'33''$ W 342.58 feet to a point on the East Line of an existing county road; thence North $64^{\circ}67'27''$ W 40.00 feet to the West Line of said county road; thence northeasterly 472.92 feet along a 306.48 foot radius curve to the right which has a chord that bears North $64^{\circ}02'3''$ 394.00 feet; thence South $74^{\circ}57'27''$ E, 189.35 feet; thence northeasterly 238.63 feet along a 170.99 foot radius curve to the left which has a chord that bears North $64^{\circ}59'06''$ E, 219.73 feet; thence North $25^{\circ}02'33''$ E, 147.66 feet to a point on the West Line of said county road; thence South $64^{\circ}57'27''$ E, 40.00 feet to the point of beginning.

Attachment: 07-24-2014-1 Riverside Inn Property - Safety (1788 : Riverside Inn Property Order)