

**FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
AND
SECTION 4(f) *DE MINIMIS* IMPACT FINDING
FOR
COUNCIL BLUFFS INTERSTATE SYSTEM
IMPROVEMENTS PROJECT
TIER 2, SEGMENT 4
POTTAWATTAMIE COUNTY, IOWA
Project Number IMN-029-3(166)54—13-78**

The Federal Highway Administration (FHWA) has determined that this project will have no significant impact on the human and natural environment. This Finding of No Significant Impact and Section 4(f) *de minimis* impact finding is based on the attached Environmental Assessment (EA) which has been independently evaluated by FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. The EA provides sufficient evidence and analysis for determining that an EIS is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the attached EA.

10/19/2017
Date

Michael J. Pielke
For FHWA

1.0 Description of the Proposed Action

As part of the Council Bluffs Interstate System (CBIS) program of infrastructure improvements, the Segment 4 project is proposed to include geometric, safety, and capacity improvements to the following:

- Interstate 29 (I-29) and the Interstate 480 (I-480) mainline roadways;
- Directional ramps that comprise the I-29/I-480 system interchange;
- I-480/41st Street interchange;
- The I-29/N. 35th Street and I-29/Avenue G interchange pair; and
- The I-29/9th Avenue interchange.

The proposed action will improve system priority/linkage at the I-29/I-480 interchange, improve the geometry of the roadway, improve safety performance, improve congestion and level of service, and provide a direct connection to West Broadway from I-29.

The Preferred Alternative offers the following design features:

- Reconstruction of the interchange between I-29 and I-480;
- A Combined interchange system that connects 9th Avenue, 2nd Avenue, West Broadway, and Avenue G;
- One-way frontage roadways will provide access between I-29 and West Broadway;
- Access between 9th Avenue and I-480 is provided by slip ramps, similar to existing conditions;
- The 41st Street interchange will be relocated to 40th Street and will provide direct access to I-480 and West Broadway; and
- Removal of the 35th Street interchange and ramps.

The Preferred Alternative is shown on **Exhibit 1**.

2.0 Notice of Availability

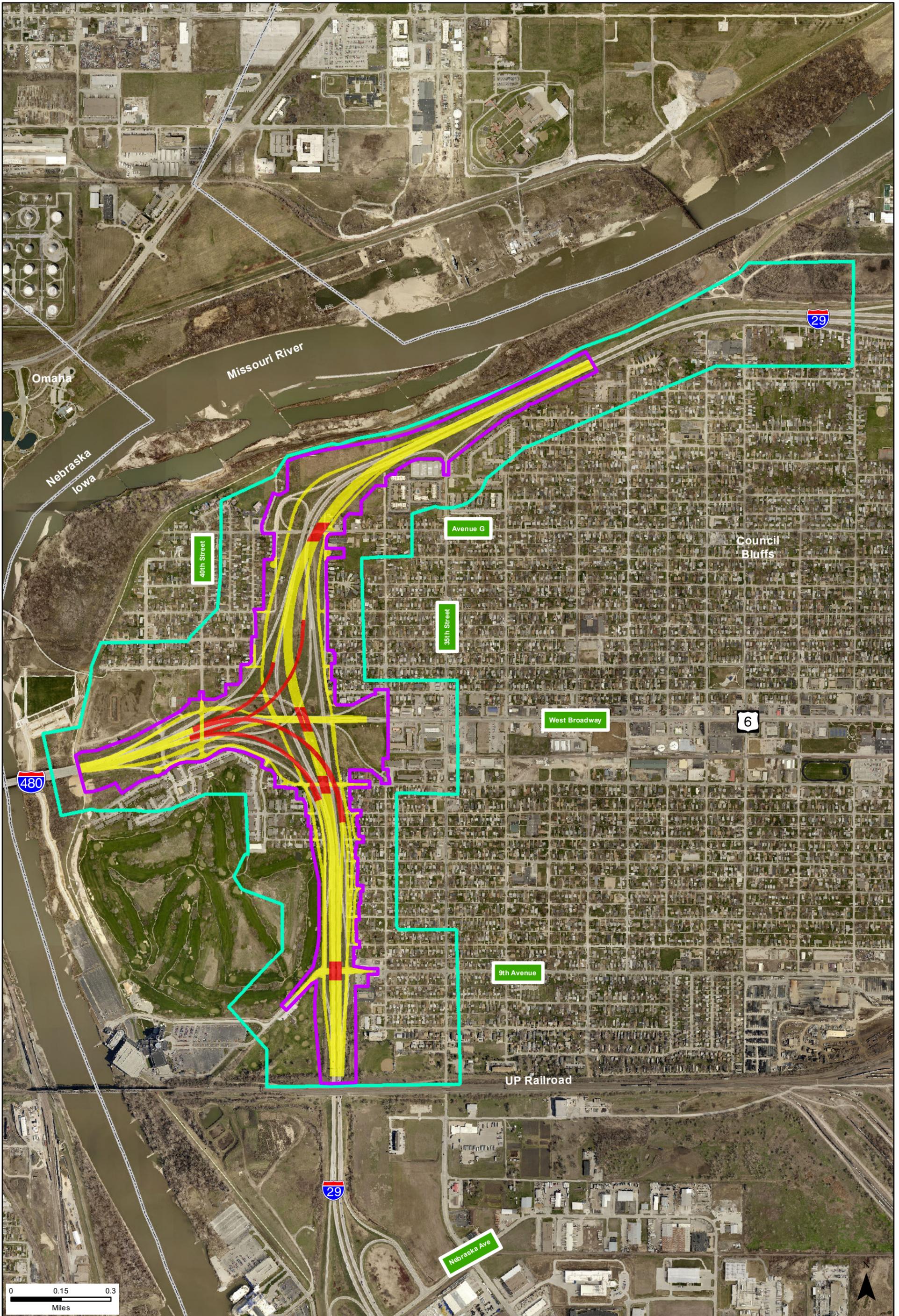
On July 17, 2017, the Environmental Assessment (EA) was signed by FHWA. On July 26, 2017, the EA was distributed to selected federal, state and local agencies for review and copies were made available for public review at the Iowa DOT District 4 office, and the Council Bluffs Public Library. A notice of EA public availability and public hearing on August 15, 2017 was published in the *Omaha World Herald* and *Council Bluffs Daily Nonpareil* newspapers on July 27, 2017.

3.0 Review and Comment Period

The EA was made available for review on August 1st, 2017. Following publication of the EA, members of the public and federal, state, and local resource and regulatory agencies were invited to submit comments on the proposed action. The review and comment period was open until September 14, 2017.

Agency Comments

One agency comment letter was received on the circulated EA. Correspondence dated September 13, 2017 from the U.S. Department of Housing and Urban Development (HUD) indicated that the agency has an interest in a property potentially impacted by the interstate



- Proposed Bridge
- Study Area
- Proposed Pavement
- NEPA Impact Limits

**CBIS Segment 4 Tier 2
Environmental Assessment**

Preferred Alternative
Council Bluffs Interstate System Improvements Project
Council Bluffs, IA

Date
August 2017

Exhibit
1

system alterations. HUD requested that Iowa DOT review and implement practical changes to mitigate an adverse impact on Featherstone apartments and its residents, specifically related to air quality and noise. This letter, and Iowa DOT's response can be viewed in **Appendix A**.

Iowa DOT's response to HUD, dated September 18, 2017, was that a noise wall was not being considered for the Segment 4 project because the proposed improvements do not significantly raise future noise levels over what exists today when compared to a no-build scenario. In addition, with the removal of the 35th Street interchange, noise levels will lessen due to the removal of the pavement next to the property. Short term air quality impacts associated with dust and equipment emissions during construction will be controlled by standard contract and equipment specifications.

Public Hearing

A Public Hearing was held at the Council Bluffs Interstate Program Office in the Mall of the Bluffs, 1751 Madison Avenue, Suite 750, in Council Bluffs on August 15, 2017. The meeting was held from 5:00 to 7:00 p.m. and was attended by 258 people. A pre-recorded presentation was presented at 6:00 p.m. followed by a formal opportunity for the public to provide comments and receive responses from the project team. Opportunities were provided during the hearing for those in attendance to record written comments as well.

The purpose of the public hearing was to present the Proposed Alternative for the I-29/I-480/West Broadway Interchange area in Council Bluffs from just north of the Union Pacific Railroad crossing to just south of the 25th Street interchange, as well as to gather feedback from the public regarding the completed EA, the Proposed Alternative, and impacts for the Proposed Alternative, including Section 4(f) property impacts.

The proposed project will impact two publicly owned Section 4(f) recreational properties which were determined to have a *de minimis* impact. Those two properties are Dodge Riverside Golf Course located at 421 Harrah's Boulevard and Westwood Park, located at 1200 South 35th Street. These facilities are owned and operated by the City of Council Bluffs. Displays dedicated to the proposed Section 4(f) *de minimis* impact finding were provided for review at the public hearing. The displays included large maps that highlighted proposed impacts to the golf course and Westwood Park. Opportunities for the public to comment on the proposed Section 4(f) *de minimis* impact finding were provided. No comments were received.

A written transcript of the hearing, including comments, questions, and responses from Iowa DOT and consultant staff, has been prepared and is available upon request. The comments and public hearing transcript were reviewed by Iowa DOT and FHWA and were considered as part of the basis for approval of the FONSI.

Comment Summary

Informal conversations were held with members of the public during the open forum portion of the public hearing and formal comments were recorded during the question and answer session following the formal presentation on the project. Three written comments were received during the public hearing, each dealing with noise and proximity to the existing Interstate and the proposed improvements. In addition, comments were provided to the project team via online submission and by phone prior to and after the public hearing and responses were provided by Iowa DOT staff..

A summary of the public comments received regarding project impacts is provided in the following paragraphs of this section.

Summary Comment #1: Several local area residents inquired about the potential for noise walls to be constructed as part of the Segment 4 project. Many residents also stated that existing noise levels are high in the vicinity of I-29 and I-480.

Summary Comment #2: Many project area residents inquired about whether their residence or property would be purchased for the proposed project to be built. Some residents expressed opposition to their property being purchased, while others inquired about the property acquisition process and how quickly their property could be purchased.

Summary Comment #3: The project impact map published in the newspaper shows that my property is impacted by the project. I was told at the last meeting I was not going to be impacted by the proposed project.

Written Responses

Individual written comments for which responses were prepared by Iowa DOT are summarized below.

Comment #1 – Will noise walls be built for Segment 4?

Response #1 – Iowa DOT staff have acknowledged the comments surrounding highway noise on CBIS projects and how the Iowa DOT decides when and where noise walls are constructed. First, it is important to acknowledge areas within close proximity to the I-29/I-480 interchange do experience significant noise today. Like most urban interstates, this can be expected due to a combination of traffic growth and residential areas being planned right up to the highway. In the case of Segment 4 (and all other CBIS projects) the DOT provides noise abatement when:

1. The proposed improvements result in noise impacts which increase noise levels more than 3 dBA from existing conditions. Anything less than or equal to 3 dBA is not noticeable to the average human.
2. A noise wall is an effective solution, meaning a wall will reduce noise levels significantly (5 dBA or more for a majority of the area impacted).
3. A noise wall is a cost-effective solution.

The Segment 4 noise study showed the proposed elevated roadway will either reduce or have no impact on future noise levels in 50% of the area (22/44 noise receptors). In addition, 43% showed an increase of 2 dBA or less and 7% (3 receptors) showed an increase of 3 dBA. In addition, it is expected that the new pavement will be quieter than what exists today. A noise wall is not being considered for Segment 4 because the proposed improvements do not significantly raise future noise levels over what exists today when compared to a no-build scenario.

Comment #2 – Will my property need to be purchased to build the project? And if yes, what is the process and how quickly can it be done?

Response #2 – The CBIS Segment 4 project will, based on current preliminary design information, need to acquire all or portions of approximately 64 properties, totaling almost 16 acres. 42 residences are anticipated to be acquired in total to construct the project. The project

is undergoing design refinements and it is anticipated that the total number of residential acquisitions will be reduced.

During the public hearing, and preceding public information meetings, residents were shown proposed project construction limit mapping and were spoken to about the likelihood that their property may be acquired. If a property was highly likely to be acquired, Iowa DOT Office of Right of Way staff were present and made available at the public hearing to discuss the acquisition process with potentially affected property owners. Early property acquisition options have been made available to those property owners that are certain to be acquired as part of the project.

A formal right-of-way public hearing is anticipated to be held in November, 2017. At that time, Iowa DOT will provide more detailed property acquisition information. Iowa DOT Office of Right of Way staff will again be available to discuss the property acquisition process with affected residents.

All right of way impacts and relocations will be conducted in conformance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended by the Surface Transportation Assistance Act of 1987 and 49 Code of Federal Regulations, Part 24, effective April 1989. Relocation assistance will be made available to all affected persons without discrimination.

Comment #3 – The project impact map published in the newspaper shows that my property is impacted by the project. I was told at the last meeting I was not going to be impacted by the proposed project.

Response #3 – The map published in the *Council Bluffs Daily Nonpareil* prior to the public hearing displayed the “project study area” boundary and the proposed project impact boundary was not visible. Unfortunately, this led to confusion among the public about the true breadth of impacts created by the proposed project. In short, the project study area boundary indicated the geographic extent to which data was collected to inform potential impacts, and covered a wide enough area to include all possible reasonable alternative improvements. If a property falls within the project study area boundary, it does not necessarily mean that it is impacted, or will be acquired.

4.0 New Information

The following section provides new information or changes since publication of the EA and the August 15, 2017 public hearing.

- EA Section 5.3.1, Wetlands, Table 5-5, page 35 – the bottom number of the “Wetland Size (acres)” column should be corrected from “0.75” to read “0.42”

5.0 Basis for Finding of No Significant Impact

The EA evaluated resources present in the project area for effects as they may occur for the construction of the proposed CBIS Segment 4 project. The EA documents the absence of significant impacts associated with the implementation of the proposed action.

This FONSI documents compliance with NEPA and all other applicable environmental laws, Executive Orders, and related requirements.

6.0 Special conditions for location approval

The following permits will be obtained during design and prior to construction of the project:

- A National Pollutant Discharge Elimination System (NPDES) General Permit No. 2 for Storm Water Discharge Associated with Construction Activities (NPDES Storm Water Permit) from the Iowa Department of Natural Resources will be acquired for minimization of storm water runoff and erosion associated with land disturbance activities.
- A Section 404 Nationwide Permit #14 from the U.S. Army Corps of Engineers, Rock Island District and Section 401 Water Quality Certification from Iowa Department of Natural Resources (Joint Application Form for Protecting Iowa Waters) will be acquired for placement of fill material in waters of the U.S., including wetlands and streams; and for water quality protection. As a condition of that permit, it is expected that stream impact mitigation measures will be required and may include the installation of rock splash basins at the culvert outlets. Wetland mitigation will be fulfilled through the purchase of wetland credits from an approved wetland mitigation bank that has adequate credits at the time of the permit application.
- A Section 408 Approval from the U.S. Army Corps of Engineers, Omaha District will be acquired for approval of work on or near the federal levee along the Missouri River.
- Coordination with the City of Council Bluffs will take place to obtain a floodplain development permit, if required, for impacts to the 500-year floodplain of the Missouri River.
- The proposed action will require a formal Federal Regulation Title 14 Part 77 filing with the Federal Aviation Administration (FAA), because of the project's proximity to Eppley Airfield. Filing will occur in later design phases as design plans progress to where exact elevations are known, but no later than 45 days prior to the start of construction.

Several conditions were identified for approval and will be implemented during the design process, prior to construction, or as mitigation as noted below:

- During the final design phase of the project, right-of-way requirements will be minimized to the extent possible. Relocations and property acquisition would be conducted in conformance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended, and Iowa Code 316, the "Relocation Assistance Law", including relocation assistance advisory services and payment for moving expenses. Complicated relocation problems that may arise will be addressed by the state's commitment to the provisions of 49 CFR 24.404 (Replacement Housing of Last Resort). Relocation assistance would be made available to all affected persons without discrimination. Special assistance in finding suitable and/or ADA accessible housing will be provided to any person with special disability needs or special low-income needs.
- Crosswalks and sidewalk ramps at intersections will comply with Americans with Disabilities Act (ADA) requirements. This applies to both sidewalks constructed as part of the Preferred Alternative and detour routes during construction.

- Impacts to Section 4(f) parks, trails, and recreation resources, and to properties that are listed, or eligible for listing on the National Register of Historic Places (former Myers Elementary School) will be avoided, minimized, or mitigated in accordance with the *de minimis* impacts findings, as discussed in the EA document. In addition, Section 4(f) resources that will be subjected to temporary occupancy during construction will be restored to pre-construction conditions or better.
- In the event that a previously unevaluated historic property, artifacts, or human remains are discovered during construction, all construction and excavation activities will cease immediately within the area. The area will be secured, the material left in place with no further disturbance, and the Iowa DOT, the Iowa SHPO, or the Iowa Office of the State Archaeologist (OSA), as appropriate, will be contacted immediately.
- The proposed action is not expected to impact the woodland in the far northeastern extent of the project study area. However, should it become necessary to clear greater than two acres of woodlands, impacts will be mitigated in accordance with Iowa Code 314.23, Environmental Protection. Woodland removed would be replaced by plantings as close as possible to the initial site; or by acquisition of an equal amount of woodland in the general vicinity for public ownership and preservation; or by other mitigation deemed to be comparable to the woodland removed, including, but not limited to, the improvement, development, or preservation of woodland under public ownership. In addition, should tree clearing in the woodland become necessary, further review by the Iowa DOT and consultation with the USFWS and Iowa DNR will take place, concerning impacts to potential summer roosting habitat of the federally threatened northern long-eared bat.
- The Iowa DOT will implement conservation measures that minimize potential impacts to migratory birds, including clearing of the scattered trees along the right of way outside of the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings. Prior to construction, bridges will also be checked for potential nests.
- All known and unknown hazardous materials encountered during construction will be properly handled and disposed of in compliance with federal, state, and local laws and regulations. Where hazardous material or solid waste is identified in the required right-of-way, resolution with the property owner will be conducted prior to purchase. If an unknown site is encountered during construction, the Iowa DOT and the Iowa DNR will be contacted and appropriate laws and EPA regulations would be followed to eliminate or minimize any adverse environmental consequences. Standard best management practices will be used for demolition, clearing and grubbing. Buildings that are identified for demolition will be thoroughly inspected for both stored hazardous materials and hazardous materials used in the construction of the building (e.g. asbestos, etc.).
- During design and construction, proper coordination with utility companies will take place to determine further details regarding location, extent, and relocation of utilities; to avoid potential conflicts; and to ensure utility service disruptions are minimized.
- If road closures become necessary during construction, a traffic management plan will be developed and implemented during the construction phase of the Project. Access to properties and to the interstate will be maintained by staged construction, temporary access roads, or other appropriate means. Appropriate notification and detours will be

Appendix A
Resource Agency Comments



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
REGION VII

Gateway Tower II, Room 200
400 State Avenue
Kansas City, KS 66101-2406
HUD Home Page: www.hud.gov

September 13, 2017

RECEIVED

SEP 18 2017

Office of Location & Environment

Tamara Nicholson
Director, Office of Location & Environment
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010

Subject: Council Bluffs Interstate System Improvements Project, Tier 2, Segment 4 Environmental Assessment in Pottawattamie County, Iowa

Dear Ms. Nicholson,

Thank you for giving the U.S. Department of Housing and Urban Development's Region 7 Office an opportunity to review and comment on the proposed Council Bluffs Interstate System Improvements Project, Tier 2, Segment 4 Environmental Assessment in Pottawattamie County, Iowa. As noted in the environmental review, proposed changes to the interstate system could encroach on a low-income population, specifically at the Featherstone Apartment complex.

A proposal to serve the Featherstone Apartment complex under HUD's 223(f) mortgage refinance program was recently received. Accordingly, HUD now has an interest in a property potentially impacted by the interchange system alterations. At this time, HUD requests that the Iowa DOT review and implement any practical changes to the interstate system to mitigate an adverse impact on Featherstone Apartments and its residents. Specifically, air quality and noise will likely present a concern to residents, although these may not be the only impacts.

Again, thank you for providing our office the opportunity to comment on this Environmental Assessment.

Sincerely,

Sam Gieryn
Field Environmental Officer

Location and Environment/Project Delivery Bureau

800 Lincoln Way | Ames, Iowa 50014

Phone: 515-239-1791 | Email: wes.mayberry@iowadot.us

September 18, 2017

Sam Gieryn

U.S. Department of Housing and Urban Development Region VII

Gateway Tower II, Room 200

400 State Avenue

Kansas City, KS 66101-2406

Dear Sam,

We received several comments surrounding highway noise on CBIS projects and how the Iowa DOT decides when and where noise walls are constructed. First, it is important to acknowledge areas within close proximity to the I29/I480 interchange do experience significant noise today. Like most urban interstates, this can be expected due to a combination of traffic growth and residential areas being planned right up to the highway.

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A noise wall is not being considered for Segment 4 because the proposed improvements do not significantly raise future noise levels over what exists today when compared to a no-build scenario

In addition, with the removal of the 35th street interchange, noise levels will lessen due to the removal of the pavement next to the property.

As stated in the EA, "Short term air quality impacts associated with dust and equipment emissions during construction are to be controlled by standard contract and equipment specifications. As such, short term air quality impacts are not anticipated to be significant."

Sincerely,



Wes Mayberry