

**FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT**

**For Interstate 35 Reconstruction
From Warren/Polk County Line to Approximately
2 Miles South of Iowa Highway 92**

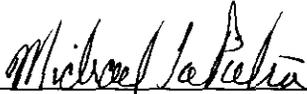
Warren County, Iowa

IMN-35-2(352)54--0E-91

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 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. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the attached EA.

Date

7/8/09


For Division Administrator
Federal Highway Administration

**Federal Highway Administration
Finding of No Significant Impact
Interstate 35 Reconstruction
Warren County, Iowa**

Description of the Proposed Action

The proposed project consists of improving approximately 12.5 miles of Interstate 35 (I-35) in Warren County, Iowa. The project extends from approximately 0.25 mile north of the Warren/Polk County line south to near Clanton Creek, which is located approximately two miles south of Iowa Highway 92 (IA 92). Figure 1 shows the project location.

The preferred alternative is to construct six lanes of traffic generally to the west of the existing I-35 alignment as shown in Figure 2. The preferred alternative includes six, 12 foot wide travel lanes, 12 foot wide paved shoulders, and grassy medians that are 64-112 feet wide. The preferred alternative includes reconstruction of all lanes to correct sub-standard geometry, vertical clearances, and steep side slopes where necessary. The preferred alternatives would achieve the necessary vertical clearances for all overpasses and bridges in the project corridor. In addition, the preferred alternative would allow for two lanes of traffic to remain open in both the north and southbound direction for the majority of the construction of the project.

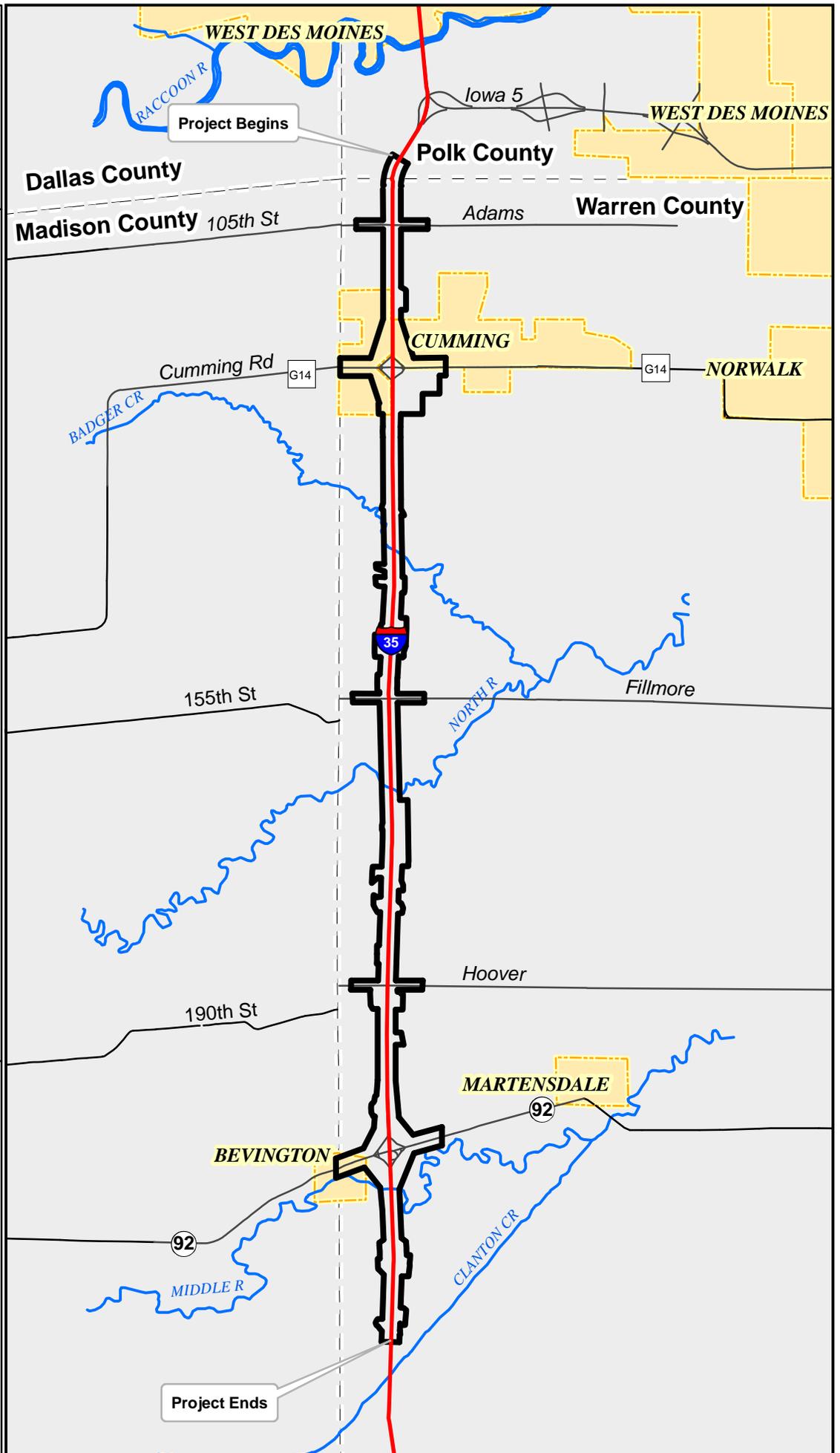
The preferred alternative was selected because of its least overall impact to environmental resources located in the corridor compared to the other alternatives considered. The U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, and the Iowa Department of Natural Resources concurred with the preferred alternative on October 29, 2008.

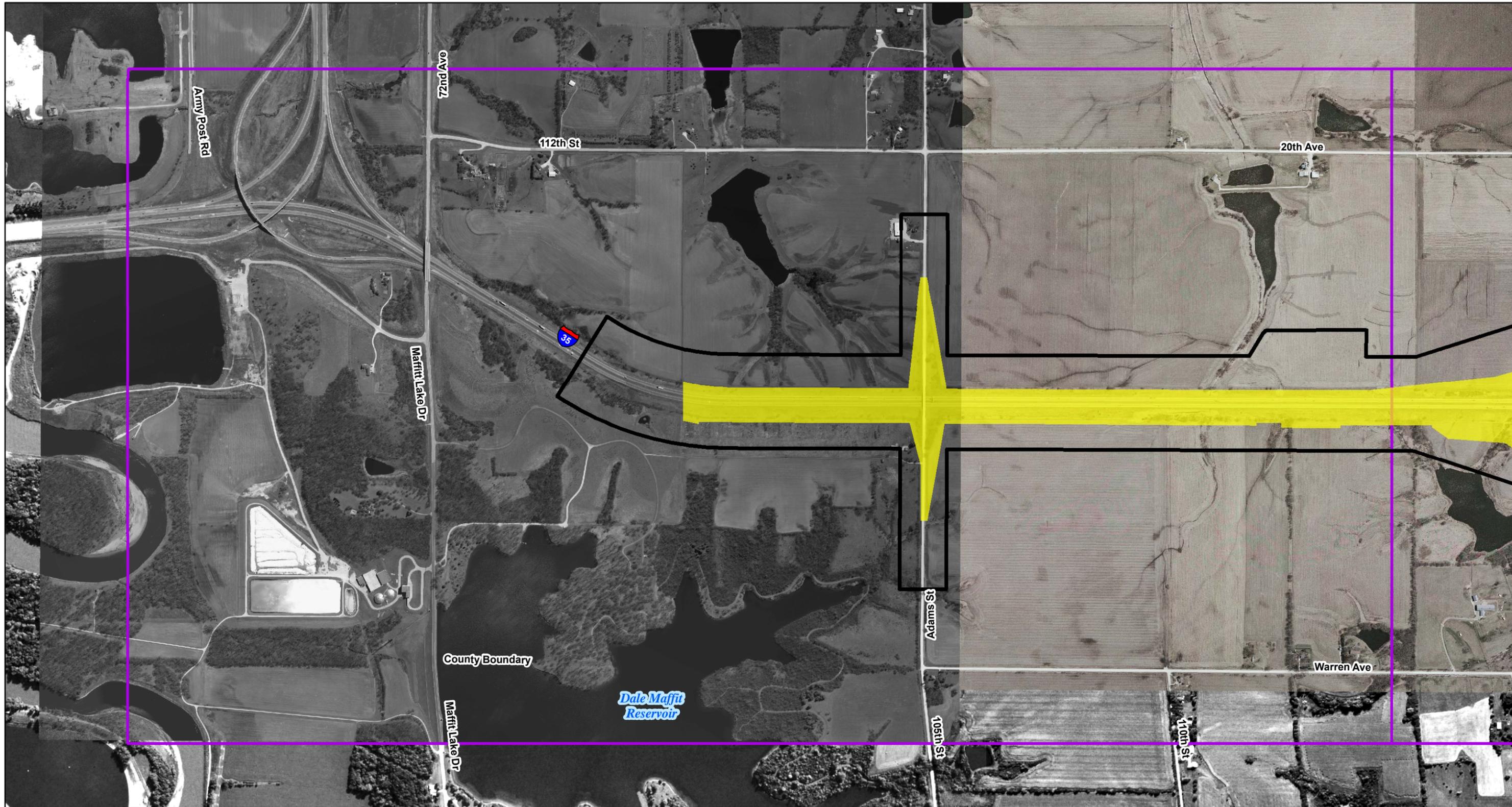
**I-35 Reconstruction
Figure 1
Project Location Map**

**Warren County
Iowa**

Legend

-  I-35 Project Study Area
-  City Boundaries
-  County Boundaries
-  Interstate
-  Roads
-  Rivers and Streams





See Page 2

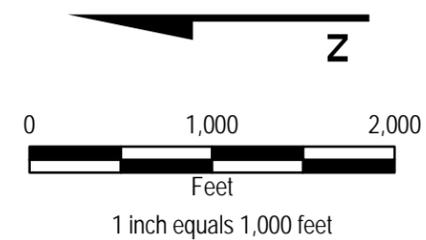
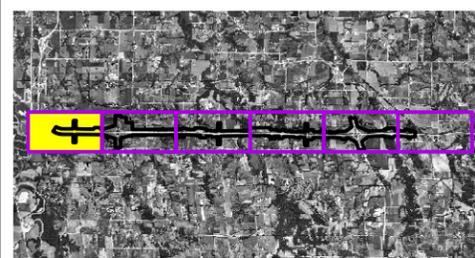
**I-35 Reconstruction:
Figure 2 - Preferred Alternative**

Page 1

**Warren County
Iowa**

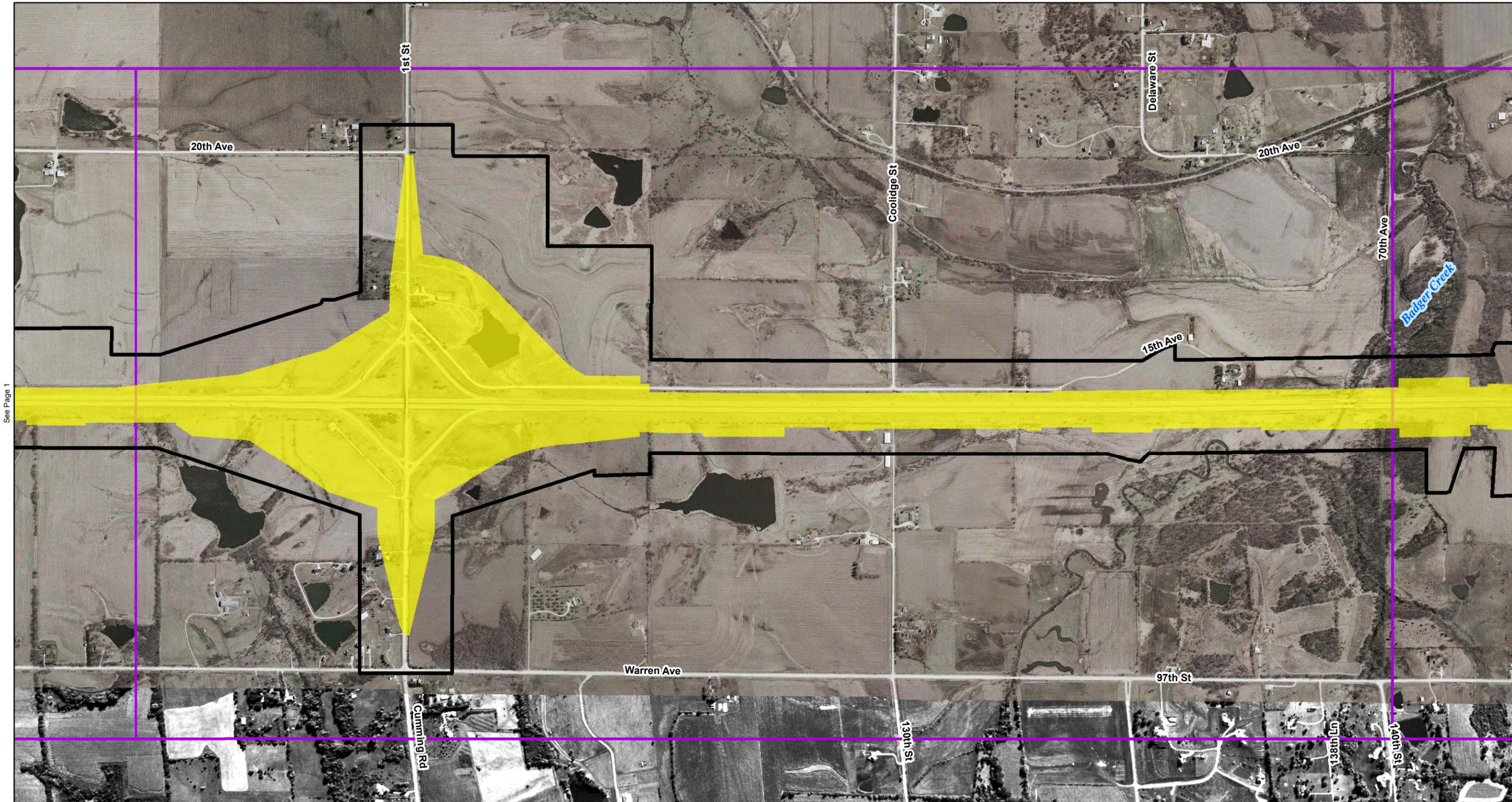
Legend

- Preferred Alternative Footprint
- Project Study Area
- Grid Index



Data Source: Iowa Department of Natural Resources, NRGIS
 Projected Coordinate System: North American Datum 1983
 Universal Transverse Mercator Zone 15 North
 Projection: Universal Transverse Mercator
 Map Published: 11/18/2008
 Authors: Pete Lovell and Anne Packard





See Page 1

See Page 3

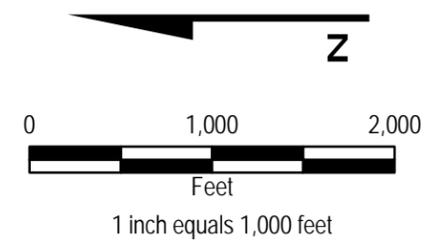
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Figure 2 - Preferred Alternative**

Page 2

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Iowa**

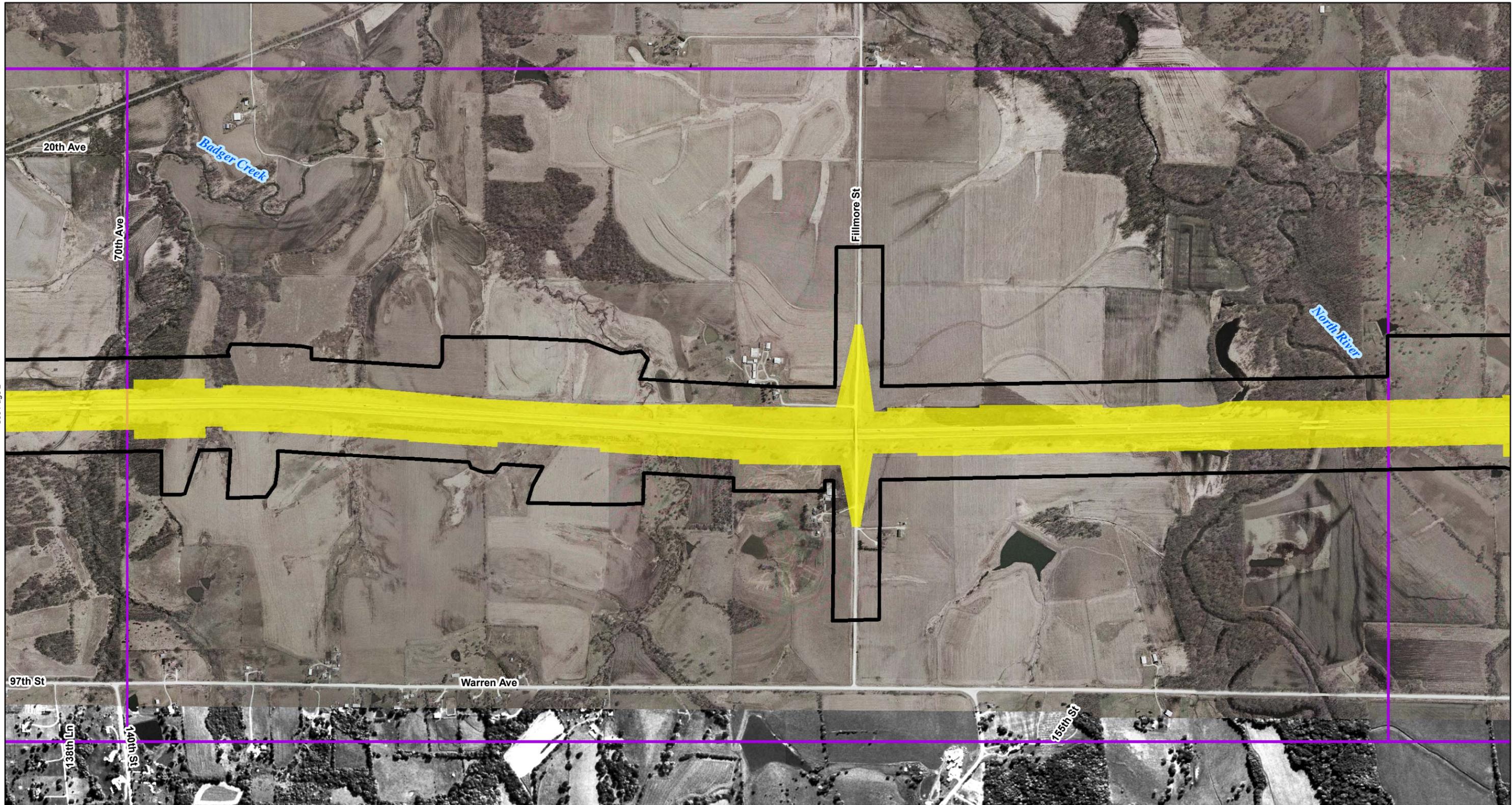
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See Page 4

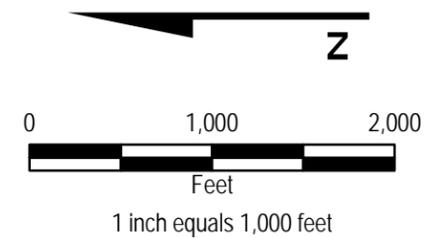
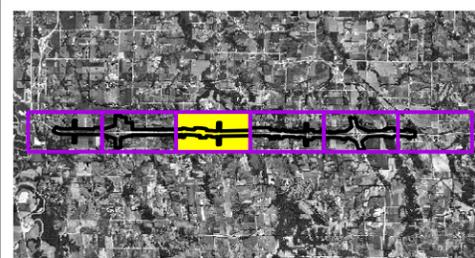
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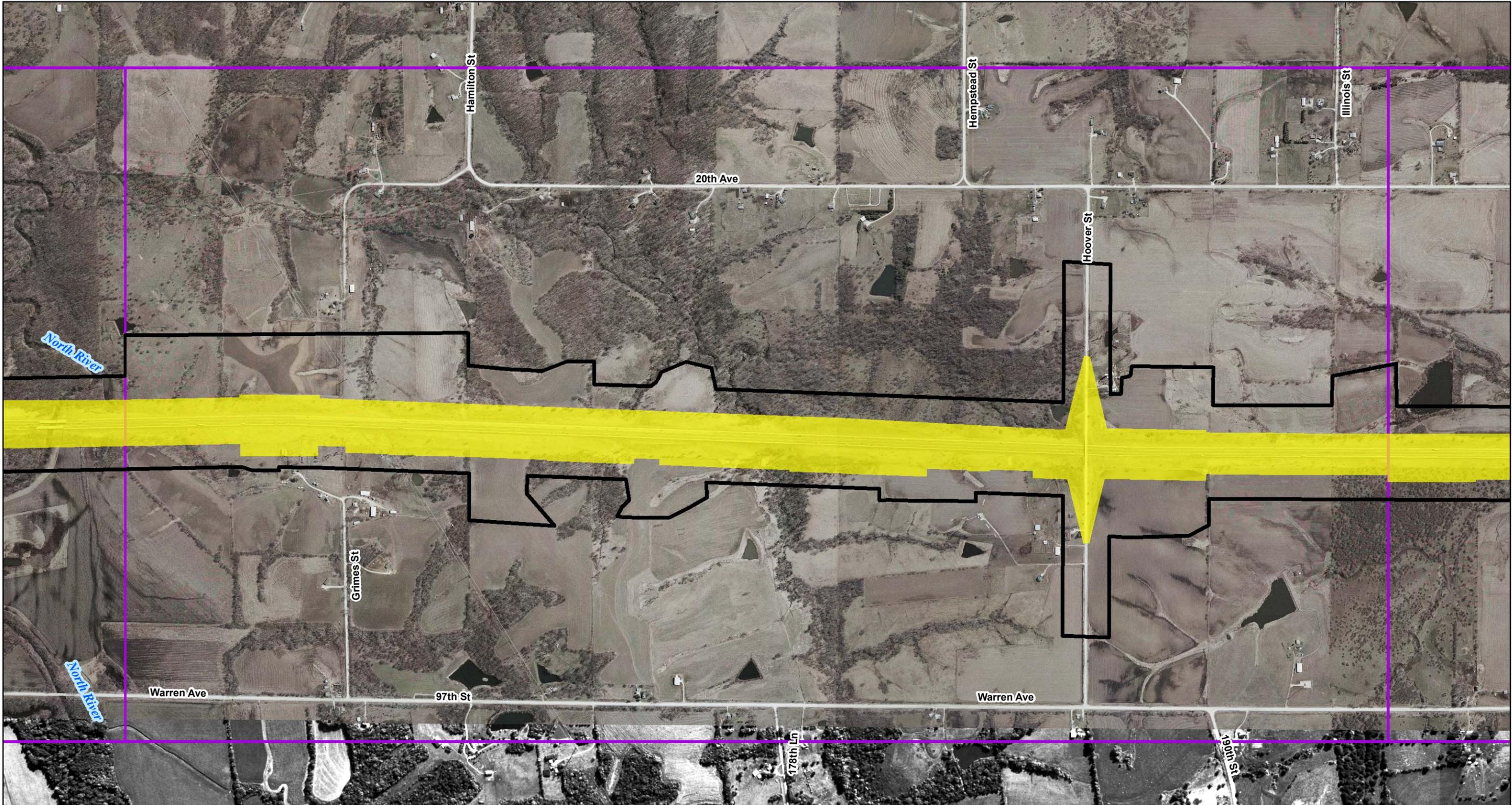
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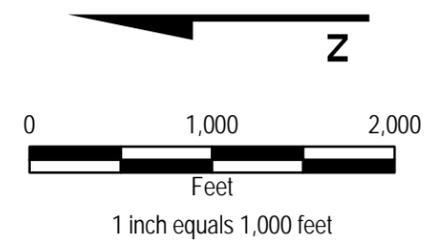
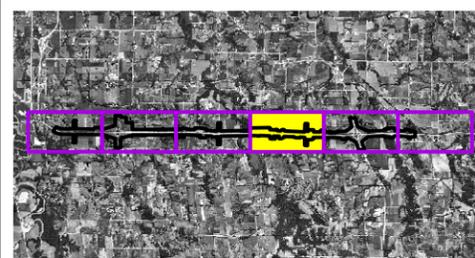
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Iowa**

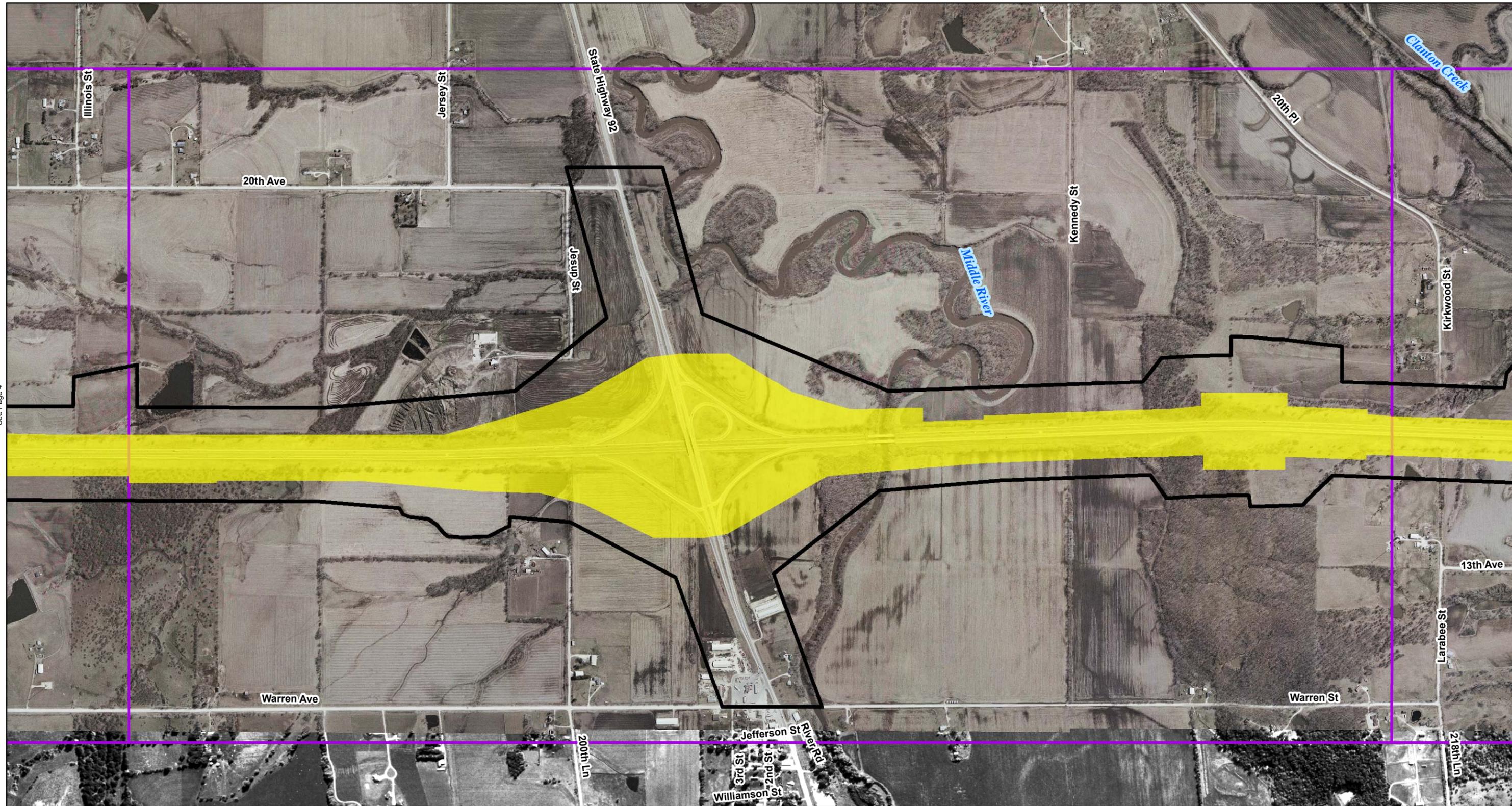
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See Page 6

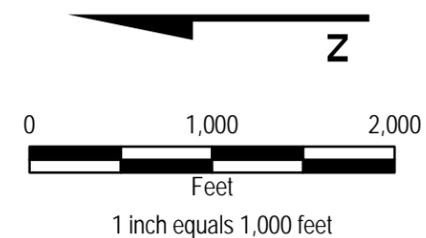
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**Warren County
Iowa**

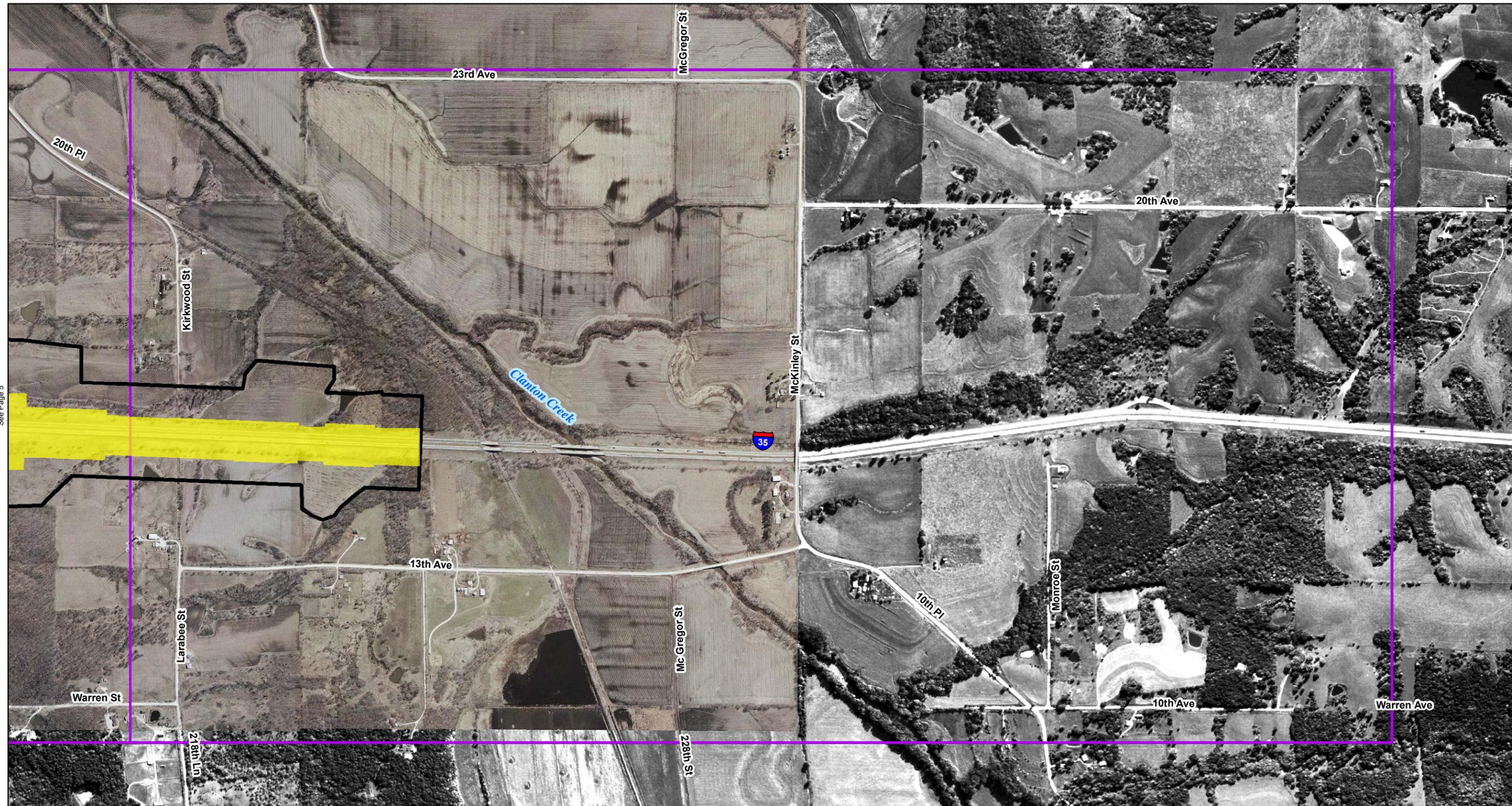
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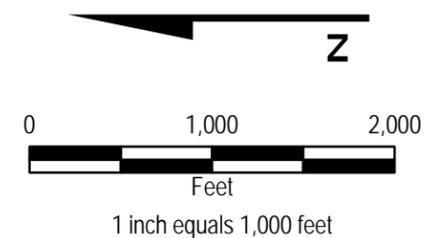
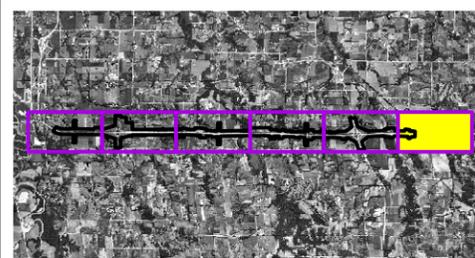
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Notice of Environmental Assessment Availability

Notification of the availability of the Environmental Assessment (EA) was forwarded to federal, state, and local agencies on February 27, 2009. Copies of the EA were made available for public review at the Cumming Post Office, Cumming City Hall, and Golf Car Station & Convenience Store. A notice of public availability of the EA and public hearing for the project was published in the *Des Moines Register* and in the *Record Herald & Indianola Tribune* on March 25 and April 22, 2009. The notice is included in Appendix A.

Review and Comment Period

Following publication of the EA, members of the public and federal/state resource and regulatory agencies were invited to submit comments on the proposed action. Resource and regulatory agency comments received on the proposed action are included in Appendix B and summarized in preceding sections below. Interested persons were invited to attend a public hearing for the project held on April 30, 2009 at Egnacio's in Cumming from 5:00 to 7:00 p.m. A written record of the public hearing was prepared and a summary is provided below. The review and comment period for agencies and the public closed on May 11, 2009.

Agency Comments

Seven written agency responses were received. These comments and responses are included in Appendix B. Agency comments received are summarized in Table 1.

Table 1. Agency Comments

Agency	Date of Response	Comment
Des Moines Area Metropolitan Planning Organization	5/4/09	1) Describes DMAMPO's area of concern. 2) Describes Central Iowa Regional Transportation Planning Alliance's area of concern. 3) Include reference to Iowa DOT's proposed plan to expand I-35 north of this project. 4) Suggest deleting the word "rapid" when referring to growth of the area. 5) What are existing traffic volumes and LOS? 6) How was the SW Connector alleviating traffic? 7) Where are horizontal curves that need to be improved? 8) Make sure future land use includes recent annexation. 9) Make sure existing land use includes recent annexation. 10) Include reference to Iowa DOT's proposed plan to expand I-35 north of this project. 11) Be aware of forested area associated with Badger Creek Watershed that feeds into the North River.

Agency	Date of Response	Comment
Warren County Engineer	3/18/09	1) 15 th Street should be reviewed for impact due to construction in a high cut area. 2) Several level B county roads will be impacted by proposed project. 3) Request that the SW Connector bypass interchange be included in this project.
Iowa Department of Natural Resources (Iowa DNR)	3/17/09	Be aware of Iowa Code 314.23 regarding woodlands. Project may need permits for water and air.
US Army Corps of Engineers (USACE)	3/16/09	Requires an individual permit under Section 404 of the Clean Water Act including a wetland mitigation plan.
Iowa DNR	3/12/09	Build alternative would require floodplain development permits. Be aware of registered underground tanks.
U.S. Department of Housing and Urban Development	3/4/09	Do not contemplate any detrimental effects on any of our projects in the area under review
U.S. Natural Resource Conservation Service	3/3/09	No concerns or comments at this time.

Public Hearing

The public hearing was attended by 44 people. Representatives from Iowa DOT's District 5 Office, Office of Location & Environment, Design, Right of Way, and consultant staff members assisted with conducting the meeting. Displays of EA graphics and the build alternative were presented. Opportunities were made available for persons attending to record verbal and written comments.

Meeting attendees asked about the timeline of the proposed project, how the proposed Southwest Connector project would tie into this project, and how the improvements would be staged during construction. There were no formally recorded verbal comments received. There were no comment forms turned in at the end of the public hearing. Two written comments were received during the comment period. Copies of public comments received during the official comment period and the responses to public comments are included in Appendix C. A summary of the written comments and informal verbal comments heard at the meeting received are summarized in Table 2.

Table 2. Public Comments

Date Submitted	Comment
<i>Written Comments:</i>	
5/11/09	"This is in response to the proposed project at the Cumming Exit on I-35. We own the property on the Southeast corner of the exit. We have a real concern about the new proposed right of way. This will take out the home, buildings and pond on our land causing a real detriment to our property. We would like to be involved in future plans involving this exit and our property. If you have any questions or concerns, please call Mary Middleton, Managing Member at 515-707-4941 or Sue Wiley, Property Manager at 515-238-5649."
5/8/09	"After the meeting on April 30 th , the plans for Adams Street were brought to the property owner's attention. The property owner would like to further discuss the amount of land being taken for the right of way due to the conflict of a field entrance and the potential chance of Adams Street bridge closing with the Southwest Connector project."
<i>Verbal Comments:</i>	
4/30/09	A cell tower located on property near the Interstate that may need to be relocated or acquire for right of way. The tower provides monthly income. How would the property owner be compensated if tower is relocated or property is acquired?
4/30/09	Would like to see this project and the Southwest Connector project constructed as soon as possible.
4/30/09	What is the timing of the project? Who owns the land between the fence and the roadway?
4/30/09	What is the timing of the project?
4/30/09	Wanted to know about where borrow would come from, how a fence would be replaced, what the acquisition process is, and if there is a website for this project. The property owner was also interested in buying another parcel of land west of I-35 south of Hoover.
4/30/09	What is the status of the bat habitat mitigation? The Iowa DOT has contacted him use of 35 acres as mitigation for bat habitat. What is the schedule of construction of the project?
4/30/09	How far into Bevington will IA 92 be rebuilt? What is construction schedule of this project?
4/30/09	Keep the Adams Street Bridge.
4/30/09	Concerns were expressed by several property owners about flooding midway between G14 and Adams along 20 th Street East of I-35. One property owner's house nearest the top of a dike through the pond overtops. Sometimes 20 th Street is overtopped too. The house was built in the 70's after the interstate. About 7 years ago the DOT made a change to the interstate drainage that now causes the flooding. One of the property owners was against the project because of additional lanes on I-35 would result in more drainage into pond and more flooding. He wanted a response from the engineer responsible for the hydraulics analysis.
4/30/09	A property owner was interested in knowing the status of the potential use of his property for mitigation.
4/30/09	One property owners is having trouble resolving a dispute with Herberger Construction relating back to the reconstruction of the bridges over Clanton Creek & the removal of the railroad bridges.

New Information

The U.S. Fish and Wildlife Service (FWS) reviewed the November 2008 Biological Assessment for the proposed reconstruction of Interstate 35 in Warren County, Iowa and its impacts on the federally threatened and endangered species. On July 19, 2009 the U.S. FWS responded with a letter concurring with the findings of the Biological Assessment. The U.S. FWS concurred that the proposed project will have no effect on three plant species (western prairie fringed orchid, prairie bush clover, and Mead's milkweed), and a not likely to adversely affect the Indiana bat based on the measures to minimize habitat loss. A copy of the U.S. FWS correspondence is in Appendix D.

Basis for Finding of No Significant Impact

The EA evaluated resources present in the project study area for effects as they may occur for the construction of the proposed I-35 Warren County Reconstruction improvements. The EA documents the absence of significant impacts associated with the implementation of the preferred alternative.

Special Conditions for Location Approval

The following will be implemented during the design process, prior to construction:

- A National Pollutant Discharge Elimination System (NPDES) general stormwater discharge permit for construction will be required and must be obtained from the Iowa DNR.
- An individual Section 404 permit from USACE will be required for placement of dredged or fill material in wetlands or other waters of the U.S. A permit application including a wetland mitigation plan will be submitted to USACE for approval.
- Section 401 Water Quality Certification from the Iowa DNR will be required concerning the protection of surface water quality.
- A floodplain development permit will be needed from Iowa DNR to construct in a floodplain.
- Adhere to Iowa Code 314.23 - Environmental Protection

Appendix A
Notice of Availability

**NOTICE OF LOCATION DESIGN PUBLIC HEARING
AND ENVIRONMENTAL ASSESSMENT AVAILABILITY FOR THE
PROPOSED RECONSTRUCTION OF I-35 FROM CLANTON CREEK NORTH
TO JUST SOUTH OF THE IA 5 INTERCHANGE AND NOTICE TO ACQUIRE
PRIVATE PROPERTY FOR SAID PROJECT**

TO WHOM IT MAY CONCERN:

Notice is hereby given to all interested persons that an Open Forum Location Design Public Hearing will be held on April 30, 2009, between 5 and 7 p.m., at Egnacio's (former fellowship hall of St. John's Catholic Church), 4225 Alice Avenue, Cumming, Iowa, to discuss the proposed reconstruction of I-35 from Clanton Creek (two miles south of IA 92) north to just south of the IA 5 interchange. The purpose of this hearing is to discuss the Environmental Assessment (EA) completed for this project; the two alternatives, the Build and the No Build, carried forward for additional review and their anticipated impacts.

The Build (preferred) Alternative would involve expanding the interstate from four to six lanes with a portion of the roadway shifted to the west side of the existing alignment. The bridges over Badger Creek, North River, Middle River and at the overpasses would be reconstructed. The completed improvement would provide for three 12 foot wide travel lanes in each direction, 12 foot wide inside and outside shoulders and a grass median.

The Iowa Department of Transportation (DOT) in cooperation with the Federal Highway Administration (FHWA) has prepared an EA for this project. Copies may be obtained by contacting either of the following:

Jim Rost, Director
Office of Location and Environment
Iowa Department of Transportation
800 Lincoln Way
Ames, Iowa 50010
Telephone: 515-239-1798

Lubin Quinones, Division Administrator
Federal Highway Administration
Iowa Division Office
105 Sixth Street
Ames, Iowa 50010
Telephone: 515-233-7300

A copy of the EA will be available for inspection at the hearing and is also available for viewing at the City of Cumming City Hall, 649 North 44th Street; United States Post Office, 121 North 44th Street; and Golf Car Station & Convenience Store, 401 44th Street, Cumming, Iowa.

A review deadline of May 11, 2009, has been established for receipt of comments on this document. All comments received on the EA by that date will be considered by the Iowa DOT and the FHWA in their evaluation of the environmental impacts of the project. Comments on the EA should be submitted to the Director, Office of Location and Environment, at the above address.

This public hearing will be conducted utilizing an open forum format. No formal presentation will be made. Interested individuals are encouraged to attend the hearing anytime between 5 and 7 p.m. to express their views about the proposed improvement and the EA. Oral and written statements will be accepted at the public hearing.

For general information regarding the proposed improvement, or the public hearing, contact Pete Tollenaere, Assistant District Engineer, District 5 Office, Iowa Department of Transportation, P.O. Box 587, 307 W Briggs, Fairfield, Iowa 52556-0587, telephone 641-472-4171 or 800-766-4368, e-mail peter.tollenaere@dot.iowa.gov.

Written statements and related exhibits, in place of or in addition to oral statements made at the public hearing, will be accepted at the hearing or may be submitted to the Office of Location and Environment, Iowa DOT, 800 Lincoln Way, Ames, Iowa, 50010. All written material received by May 11, 2009, will be included in the hearing transcript.

All persons interested in the project are invited to attend this hearing. The meeting room is accessible for persons with disabilities. If you require special accommodations at the meeting, please notify Mr. Tollenaere by April 23, 2009, so arrangements can be made.

NOTICE TO PROPERTY OWNERS

A governmental body which proposes to acquire property under the power of eminent domain for a public improvement project is required to give notice of a public hearing to all owners and contract purchasers of record of agricultural land that may be subject to condemnation.

1. DESCRIPTION OF THE PROPOSED IMPROVEMENT.

NOTICE IS HEREBY GIVEN that the Iowa Department of Transportation (DOT) will consider approving the following described project:

The proposed reconstruction of I-35 from Clanton Creek (two miles south of IA 92) north to just south of the IA 5 interchange.

2. PRIVATE PROPERTY MAY BE ACQUIRED BY PURCHASE OR CONDEMNATION.

If the Iowa DOT approves the above-described project, the Iowa DOT will be required to acquire property for the proposed improvements. The Iowa DOT will attempt to purchase the required property by good faith negotiations; however, it may condemn those properties, which it is unable to purchase. The proposed location of the above-described public improvement is shown in the EA.

3. IOWA DEPARTMENT OF TRANSPORTATION PROCESS TO DECIDE TO FUND THE DESIGN, TO SELECT THE ROUTE OR SITE LOCATION, OR TO ACQUIRE OR CONDEMN PROPERTY INTERESTS.

In order to acquire the necessary properties and property interests required for the project, the Iowa Department of Transportation is required to approve the location of the project. The Iowa DOT will hold a public hearing to present to the public the proposed improvement and the anticipated impacts of the improvement.

Persons whose property may be affected by the project, as well as the general public, may comment on the project at the hearing. The comments will be presented to Iowa DOT staff. Based in part on the information received at the hearing, the Iowa DOT will select the location for the project and decide whether to fund the site-specific design and to authorize by purchase or condemnation the acquisition of right of way for the project.

4. OPPORTUNITY FOR PUBLIC INPUT.

As previously stated in this notice, an Open Forum Location Design Public Hearing will be held on April 30, 2009, between 5:00 and 7:00 p.m. at Egnacio's (former fellowship hall of St. John's Catholic Church), 4225 Alice Avenue, Cumming, Iowa. Iowa DOT staff will be available to answer questions about the proposed improvement and the Environmental Assessment. Written statements can be submitted to the Iowa DOT at the hearing, or sent to Office of Location and Environment, Iowa DOT, 800 Lincoln Way, Ames, Iowa 50010.

5. IOWA DEPARTMENT OF TRANSPORTATION CONTACT.

For information regarding the proposed improvement contact:

Pete Tollenaere
Assistant District 5 Engineer
District 5 Office
Iowa Department of Transportation
P. O. Box 587, 307 W Briggs
Fairfield, Iowa 52556-0587
Telephone 641-472-4171 or 800-766-4368
e-mail peter.tollenaere@dot.iowa.gov

6. STATEMENT OF PROPERTY OWNER'S RIGHTS.

Just as the law grants certain entities the right to acquire private property, you as the owner of the property have certain rights. You have the right to:

- a. Receive just compensation for the taking of property. (Iowa Constitution, Article I, Section 18)
- b. An offer to purchase, which may not be less than the lowest appraisal of the fair market value of the property. (Iowa Code section 6B.45, and Iowa Code section 6B.54)
- c. Receive a copy of the appraisal, if an appraisal is required, upon which the acquiring agency's determination of just compensation is based not less than 10 days before being contacted by the acquiring agency's acquisition agent. (Iowa Code section 6B.45)
- d. An opportunity to accompany at least one appraiser of the acquiring agency who appraises your property when an appraisal is required. (Iowa Code section 6B.54)

- e. Participate in good faith negotiations with the acquiring agency before the acquiring agency begins condemnation proceedings. (Iowa Code section 6B.2B)
- f. A determination of just compensation by an impartial compensation commission and the right to appeal its award to the district court if you cannot agree on a purchase price with the acquiring agency. (Iowa Code section 6B.4; Iowa Code section 6B.7; Iowa Code section 6B.18)
- g. A review by the compensation commission of the necessity for the condemnation if your property is agricultural land being condemned for industry. (Iowa Code section 6B.4A)
- h. Payment of the agreed upon purchase price, or if condemned, a deposit of the compensation commission award before you are required to surrender possession of the property. (Iowa Code section 6B.25; Iowa Code section 6B.26; Iowa Code section 6B.54(11))
- i. Reimbursement for expenses incidental to transferring title to the acquiring agency. (Iowa Code section 6B.33; Iowa Code section 6B.54(10))
- j. Reimbursement of certain litigation expenses: (1) if the award of the compensation commissioners exceeds 110 percent of the acquiring agency's final offer before condemnation; or (2) if the award on appeal in court is more than the compensation commissioner's award. (Iowa Code section 6B.33)
- k. At least 90 days written notice to vacate occupied property. (Iowa Code section 6B.54(4))
- l. Relocation services and payments, if you are eligible to receive them, and the right to appeal your eligibility for and amount of the payments. (Iowa Code section 316.9; Iowa Code section 6B.42)

This notice is given by authority of the Iowa Department of Transportation.

This notice is not an offer to buy land nor is it an offer to provide relocation assistance. Affected property owners are not required to move from their residences or relocate their businesses at this time. Eligibility for relocation benefits will not occur until after an offer to purchase has been made to individual property owners.

Federal and state laws prohibit employment and/or public accommodation discrimination on the basis of age, color, creed, disability, gender identity, national origin, pregnancy, race, religion, sex, sexual orientation or veteran's status. If you believe you have been discriminated against, please contact the Iowa Civil Rights Commission at 800-457-4416 or Iowa Department of Transportation's affirmative action officer. If you need accommodations because of a disability to access the Iowa Department of Transportation's services, contact the agency's affirmative action officer at 800-262-0003.



Iowa Department of Transportation

800 Lincoln Way, Ames, IA 50010 515-239-1431

FAX 515-239-1982

March 17, 2009

Ref. No. Warren County
IMN-35-2(352)54--0E-91
Account phone # 239-1431

Sharon Walsh
The Des Moines Register
PO Box 957
Des Moines, IA 50306-0957

Dear Ms. Walsh:

A Notice of Public Hearing and Environmental Assessment Availability, which is to be published in the legal section of the Central Iowa issue of your newspaper on March 25 and April 22, 2009, is attached.

Please include a tear sheet of the notice at the time the bill is submitted. The bill should be addressed to **Mark Kerper, Office of Location and Environment, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa, 50010.**

If you don't use invoices as part of your billing process and submit only monthly statements, please sign the statement and include the following comment. "This bill is correct and unpaid for publishing services on the dates listed on this statement." **In order for payment to be initiated a tear sheet must be provided to Mark Kerper at the above address.**

Sincerely,

A handwritten signature in cursive script that reads "Luella Funnell".

Location and Environment

Attachment

cc: Pete Tollenaere, District 5 Office, Iowa DOT
Mark Kerper, Location and Environment, Iowa DOT



Iowa Department of Transportation

800 Lincoln Way, Ames, IA 50010 515-239-1431

FAX 515-239-1982

March 17, 2009

Ref. No. Warren County
IMN-35-2(352)54--0E-91

Andrea Houghton
The Record Herald & Indianola Tribune
PO Box 259
Indianola, IA 50125-0259

Dear Ms. Houghton:

A Notice of Public Hearing and Environmental Assessment Availability, which is to be published in the legal section of The Record Herald & Indianola Tribune on March 25 and April 22, 2009, is attached.

Please include a tear sheet of the notice at the time the bill is submitted. The bill should be addressed to **Mark Kerper, Office of Location and Environment, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa, 50010.**

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Sincerely,

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Location and Environment

Attachment

cc: Pete Tollenaere, District 5 Office, Iowa DOT
Mark Kerper, Location and Environment, Iowa DOT

Appendix B
Agency Comments and Responses



Merle Hay Centre
6200 Aurora Avenue, Suite 300W
Urbandale, IA 50322-2666
Phone: 515.334.0075

May 4, 2009

Ms. Stacy Woodson, P.E.
Project Manager
Howard R. Green Company
P.O. Box 9009
8710 Earhart Lane SW
Cedar Rapids, IA 52409-9009

Dear Ms. Woodson:

SUBJECT: INTERSTATE 35 RECONSTRUCTION ENVIRONMENTAL
ASSESSMENT IN WARREN COUNTY, IOWA
IMN-32-2(352)54—0E-91

In response to the Howard R. Green Company's solicitation of comments on this project, we make the following comments:

1. Page 2 - The Des Moines Area Metropolitan Planning Organization's (Des Moines Area MPO) comments are related only to that portion of the project included in the Des Moines Area MPO's Planning Area (north of Cumming Road (G-14) west of the Cumming Road Interchange at Interstate 35; south on Interstate 35 to the North River, then following the North River eastward into Warren County), a distance of approximately two (2) miles.
2. Pages 3-5 - The Des Moines Area MPO's Planning Area would cover these Figure 2 pages and we base our comments on that part of the project's study area. The remainder of the project corridor falls under the aegis of the Central Iowa Regional Transportation Planning Alliance (CIRTPA) (Iowa DOT's Region 11). The study did not ask the CIRTPA to comment on this project.
3. Page 9 - The paragraph beginning "A connecting roadway from . . ." discusses the proposed Southwest Connector. Should there have been a comment here about the

No response needed.

No response needed.

Woodson/Kane Letter
I-35 in Warren County, IA
May 4, 2009
Page 2

Iowa Department of Transportation's (Iowa DOT) plans to improve Interstate 35 from the Southwest System Interchange in West Des Moines southward to Iowa Highway 5 (approximately the northern terminus of this project's study area. One does not find reference to the Interstate 35 improvements until Page 49. The recommendation would be to include those comments here as well, even if the text on Page 49 remains and the document contains duplicate textual references regarding this topic. There is a need to ensure that the reader is aware of the Iowa DOT's commitment to improve Interstate 35 north of this project's area, to make sure the reader is aware that the Interstate 35 projects are coordinated and these projects fit together.

Brief descriptions of past, present, and future actions are included in Section 5.5 of the EA document.

4. Page 9 – We would suggest the following textual change: “**Rapid** Growth of the communities . . .”; [Regarding reference to Indianola and Winterset, the growth projections come from the currently adopted CIRTPA *Horizon Year 2030 Long-Range Transportation Plan* (HY 2030 LRTP)?; growth rates and projected growth come from adopted community comprehensive plans and/or the CIRTPA HY 2030 LRTP?

The EA study used traffic forecasts developed by the Iowa DOT Office of System Planning for I-35 in Warren County. The program year is 2012 and the design year is 2032.

5. Page 10 – Comments on the Level of Service discussion given the Iowa DOT Office of Systems Planning staff undertook this work and performed the analysis, the Des Moines Area MPO has minimal comment on Section 3.2 – Need for the Proposed Action. We would be interested in what the traffic volume and LOS were for the corridor prior to going to a LOS B strategy, given that such information is not included in the document.

The existing and forecasted LOS are described in the Howard R. Green Company, September 5, 2007 *Traffic Analysis and Crash History Review**.

6. Page 11 – How was the “. . . approximately three to six percent of the traffic . . .” alleviated by the Southwest Connector project?

The three to six percent was derived from the Howard R. Green Company, September 5, 2007 *Traffic Analysis and Crash History Review**.

7. Page 11 – In reviewing Figure 2, Project Corridor Map, we would ask for a delineation of where there is need for “. . . lengthening the nine curves to improve drivability in bad weather.”

The nine horizontal curves that need to be improved are described in the Howard R. Green Company, September 7, 2007 *Project Concept Statement** developed for this project.

8. Page 22 – 5.1.1 Land Use – This text refers to Warren County's *Master Plan for Future Land Use, Growth, and Development*. Given recent annexation and zoning issues in the area covered by Pages 1-2 of Figure 5, between the City of Cumming and the City of West Des Moines, with Warren County monitoring these activities, one might want to double check the Existing Land Use defined for this area.

Information for the EA study was gathered in late 2007 and 2008. Figure 5, Existing Land Use was developed using GIS files collected direct from Warren County during the data collection phase.

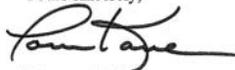
* These technical studies are included in the project files for this project. They are available for review by contacting the Iowa DOT project manager.

Woodson/Kane Letter
I-35 in Warren County, IA
May 4, 2009
Page 3

9. Page 28 – Figure 6 – Same comments as for Comment #5 preceding, but this time regarding the Future Land Use contained in Figure 6.
10. Page 49 – This text, regarding *Present Actions*: text, is the text referred to in Comment #3.
11. Other Comments:
 - a. One should recognize a City of West Des Moines-planned trail on Adams Road and any future bridge structure improvements at this location should anticipate accommodating this future trail;
 - b. Attention should be given to the Badger Creek Watershed feeding into the North River and its associated forest coverage west of Interstate 35; this comment is offered given finding no specific reference to vegetation or forests in the study corridor; and, this point is shared based on the Des Moines Area MPO Stakeholders Working Group's identification of forests as environmentally sensitive areas to be considered; and,
 - c. [Note: In the CIRTPA Planning Area, and according to the Central Iowa Trails Plan Update, the proposed Iowa 92 Trail is near the Interstate 35 at Iowa Highway 92 interchange, crossing Interstate 35 via Iowa Highway 92; this proposed trail should be recognized and accommodated as this project moves forward.]

Thank you for the opportunity to comment.

Yours sincerely,



Thomas J. Kane
Executive Director

TK:NP:AN:LW:sr

cc: Steve Larson, Iowa DOT Office of Location and Environment
Brian Morrissey, Iowa DOT District 5 Engineer
Ingrid Teboe, Iowa DOT District 5 Office

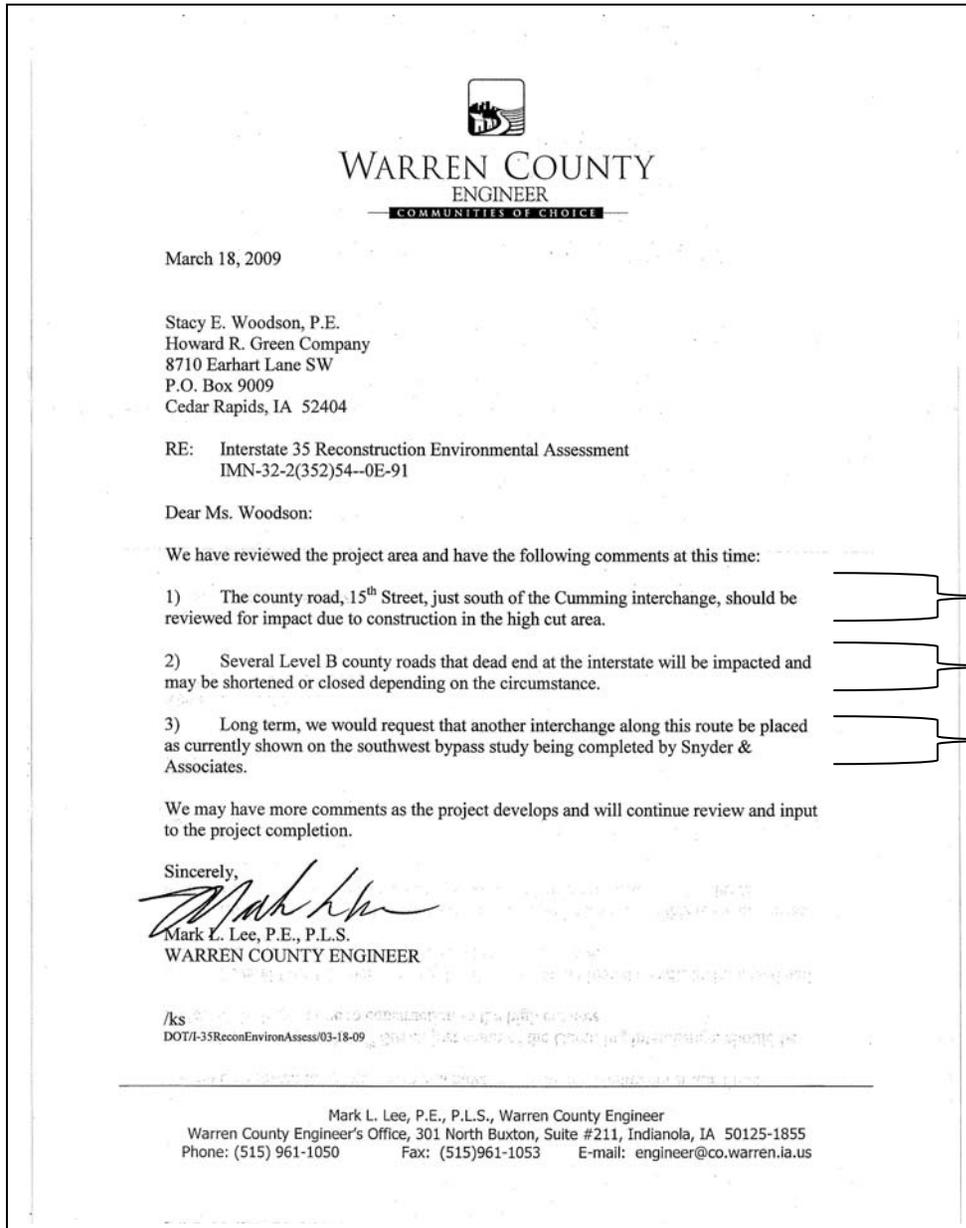
Information for the EA study was gathered in late 2007 and 2008. The May 15, 2002 *Warren County Master Plan for Future Land Use, Growth and Development* was used to develop Figure 6, Future Land Use.

Brief descriptions of past, present, and future actions are included in Section 5.5, *Cumulative* of the EA document.

a. No response needed.

b. The watersheds of Badger Creek, North River, and Middle River were evaluated and are discussed in Sections 5.3.1 - 5.3.4 (Wetlands, Surface Waters, Floodplains, and Threatened and Endangered Species Sections).

c. No response needed.



The EA documents potential impacts associated with a planning level area of potential effect footprint. If the design process identifies areas outside the footprint, those areas will be evaluated for impacts at that time.

The impacts to the Level B County Roads would be during construction of the proposed improvements.

The analysis described in the EA used a conservative approach that did not include the SW Connector interchange per the Howard R. Green Company, September 5, 2007 *Traffic Analysis and Crash History Review**.

* This technical study is included in the project files for this project. It is available for review by contacting the Iowa DOT project manger.



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

March 17, 2009

Stacy Woodson
Howard R. Green Company
8710 Earhart Ln.
PO Box 9009
Cedar Rapids, IA 52409-9009

RE: Environmental Review for Natural Resources
Interstate 35 Reconstruction
IMN-32-2(352)54—0E-91
Warren County

Dear Ms. Woodson:

Thank you for inviting our comments on the impact of the above referenced project. The Indiana bat (*Myotis sodalis*), a state and federally endangered species, is known to inhabit this area of the state and has been documented in the area of this project. Mist netting surveys in June and July 2008 found 12 Indiana bats in the project study area. High quality bat habitat was found in the southern two-thirds of the project area.

The Department recommends that mitigation for the loss of this habitat include preservation of nearby existing tracts of forested riparian habitat, minimize impacts to forested areas during construction, fell trees during winter months when bats are not present, and planting new trees. Iowa Code Chapter 314.23 states that woodland removed shall 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.

This letter is a record of review for protected species, rare natural communities, state lands and waters in the project area, including review by personnel representing state parks, preserves, recreation areas, fisheries and wildlife but does not include any potential comment from the Environmental Services Division of this Department. This letter does not constitute a permit and before proceeding with this project, permits may be needed from this Department or from other state or federal agencies.

Effective March 10, 2003, any construction activity that bares the soil of an area greater than or equal to 1 acre including clearing, grading or excavation may require a storm water discharge permit from the Department. Construction activities may include the temporary or permanent storage of dredge material. For more information regarding this matter, please contact Ruth Rosdail at (515) 281-6782.

The Department administers regulations that pertain to fugitive dust IAW Iowa Administrative Code 567-23.3(2)"c". All persons shall take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of property during construction, alteration, repairing or demolishing of buildings, bridges or other vertical structures or haul roads. All questions regarding fugitive dust regulations should be addressed to Jim McGraw at (515) 242-5167.

Sections 5.3.1 and 5.3.4 of the EA discusses Iowa Code Chapter 314.23 and the likely need for mitigation of wetlands and forested areas including Indiana bat habitat.

Permits and mitigation plans required for the proposed improvements will be submitted during the design phase of the project. The following sections of the EA discuss the types of permits that are anticipated:

- Section 404 wetland permit (Section 5.3.1)
- Section 401 state water quality certificate (Section 5.3.2)
- Floodplain development permits (Section 5.3.3)
- Mitigation for Indiana bat habitat (Section 5.3.4)

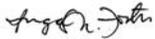
Iowa Department of Natural Resources:
(Page 2 of 6)

Response to Comment:

No response needed.

If you have questions about this letter or require further information, please contact me at (515) 281-8967.

Sincerely,



Inga Foster
Environmental Specialist
Conservation and Recreation Division

FILE COPY: Inga Foster
Tracking Number: 3198

Attachment: Indiana Bat Guidelines

CC: USFWS, Rock Island Field Office, 1511 47th Ave. Moline, IL, 61265-7022
Christine Schwake, Water Quality Bureau, Iowa DNR

No response needed.

Revised June 2007

IOWA DEPARTMENT OF NATURAL RESOURCES

GUIDELINES FOR PROTECTION OF INDIANA BAT SUMMER HABITAT

These guidelines were prepared to provide information about the Indiana bat and its summer habitat requirements in Iowa and to prevent inadvertent harm to the species through various human activities. This update of the guidelines is in response to changes in the U.S Fish and Wildlife Service requirements for protecting this endangered species. The changes include:

- No cut dates changed to April 15 through September 15
- Drop the requirement for the number of roost trees/acre
- Use the U.S. Fish and Wildlife Service guidelines for mist net surveys

The Indiana bat is a federal (50 CFR Part 17) and state (Code of Iowa, Chapter 481B) listed endangered species that occurs in southern Iowa from May through August.

Female Indiana bats have their young beneath the loose or peeling bark of trees. Most nursery colonies have been found beneath the bark of standing dead trees on the trunk or large branches. Dead trees that retain sheets or plates of bark and which provide space beneath the bark such as red oak, post oak, and cottonwood are potential roost trees. Live trees such as shagbark and shellbark hickory are also used at times for roosting. The nursery colonies are located along streams and rivers or in upland forest areas. Riparian areas are also important feeding areas for this species. Indiana bats have been captured on the edge of urban areas. It is likely that the bats would be using only areas on the edge of the town or city and only if there is suitable habitat such as a greenbelt or a large park with a natural forest component that would have the below listed requirements. This would exclude city parks that are maintained as mowed areas.

Counties affected

Summer Range in Iowa:

Appanoose, Clarke, Davis, Decatur, Des Moines, Henry, Iowa, Jasper, Jefferson, Keokuk, Lee, Louisa, Lucas, Madison, Mahaska, Marion, Monroe, Muscatine, Poweshiek, Ringgold, Union, Van Buren, Wapello, Warren, Washington, and Wayne.

The U.S. Fish and Wildlife Service considers all counties south of Interstate 80, including those portions of Dallas, Polk, Jasper, Poweshiek, Iowa, Johnson, Muscatine, and Scott counties south of Interstate 80, as being within the potential range of the species in Iowa.

No response needed.

Survey Methods for Indiana Bat Summer Habitat

Step 1

Determine if there is 15% or greater forest cover and permanent water in a 1/2 mile radius of the project site.

If not, then there is no need to continue survey efforts.
If these requirements are met go to Step 2.

Step 2

Conduct a survey of the project area that will be cleared or cut to determine if suitable roost trees are present. This will include both upland and floodplain forests. Areas that are too large for complete counts may be sampled using techniques such as point-quarter, tenth-hectare quadrats or other acceptable forest sampling techniques. The information to be collected during sampling includes the following:

Standing trees 9 inches or greater (dbh) diameter at breast height per acre -- (alive or dead) shagbark and shellbark hickory (dead) all other species listed above that have 10% or greater loose or peeling bark on the trunks and main limbs. The amount of loose or peeling bark is based on visual estimation.

If clearing and grubbing activities will not begin until after April 15 the survey should extend 50 yards beyond the area to be cleared. This buffer will reduce the potential for harm to roosting bats near the edge of the area to be disturbed.

If a survey of the habitat within the project area finds that suitable summer habitat for the Indiana Bat, as defined above, is present then there are two options available.

Option 1:

Conduct a mist net survey of the project area for Indiana Bats

The U.S. Fish and Wildlife Service developed guidelines for conducting mist net surveys. A copy titled "Mist Netting Guidelines" may be obtained from the following office:

U. S. Fish and Wildlife Service
1511 47th Ave.
Moline, Illinois 61265-7022

Survey results should be submitted to:

Iowa Department of Natural Resources,
Wallace State Office Building
502 East Ninth
Des Moines, IA 50319
(Attention: Daryl Howell)

U.S. Fish & Wildlife Service
1511 47th Ave.
Moline, IL 61265-7022

If Indiana bats are found during the survey then no removal of the trees will be allowed between April 15 and September 15.

Response to Comment:

No response needed.

Option 2:

Conduct tree clearing and cutting between September 16 and April 14 or remove all potential roost trees identified during the habitat survey between these dates.

The IDNR can offer assistance in identifying qualified professionals to conduct habitat surveys and bat surveys. Contact Daryl Howell if you have questions about these guidelines at the above listed address or (515) 281-8524.

Please contact the U.S. Fish and Wildlife Service at the above listed address or (309) 757-5800, for information about the most current federal guidelines for the Indiana bat.

These guidelines may be revised based on the availability of new research or management information or to clarify particular points in the guidelines. You may wish to check with the DNR to determine if you have the most current set of guidelines.

No response needed.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ROCK ISLAND DISTRICT, CORPS OF ENGINEERS
CLOCK TOWER BUILDING - P.O. BOX 2004
ROCK ISLAND, ILLINOIS 61204-2004

<http://www.mvr.usace.army.mil>

March 16, 2009

Operations Division

SUBJECT: Interstate 35 Reconstruction Environmental Assessment,
Warren County, Iowa

Ms. Stacy Woodson
Howard R. Green Company
8710 Earhart Lane SW
P.O. Box 9009
Cedar Rapids, Iowa 52404

Dear Ms. Woodson:

This letter is in response to your request for comments on the Environmental Assessment for the Interstate 35 Reconstruction Project in Warren County, Iowa. Based on the information included in the Environmental Assessment, this project will require an individual permit under Section 404 of the Clean Water Act. A complete application for the project should be submitted as soon as possible.

The application should include final wetland delineations, details of impacts to wetlands and other waters of the United States, and types and relative functions of any wetlands to be impacted. The application must also include a statement explaining how wetland and stream impacts associated with the proposed activity are to be avoided, minimized, and compensated for. Describe why the activity must impact wetlands and/or streams and what actions will be taken to minimize those impacts. Finally, the application must include a complete mitigation plan to replace all wetland and stream functions that will be adversely impacted due to this project.

A complete mitigation plan includes:

- A description of the resource type(s) and amount(s) that will be provided, the method of compensation (i.e., restoration, establishment, enhancement, and/or preservation), and the manner in which the resource functions of the compensatory mitigation project will address the needs of the watershed, eco-region, physiographic province, or other geographic area of interest.
- A description of the factors considered during the mitigation site selection process. This should include consideration of watershed needs, onsite alternatives where applicable, and the practicability of accomplishing ecologically self-sustaining aquatic resource restoration, establishment, enhancement, and/or preservation.

No response needed.

-2-

- A description of the legal arrangements and instrument, including site ownership, that will be used to ensure the long-term protection of the compensatory mitigation project site.
- A description of the ecological characteristics of the proposed compensatory mitigation project site and the impact site. This may include descriptions of historic and existing plant communities, historic and existing hydrology, soil conditions, a map showing the locations of the impact and mitigation site(s) or the geographic coordinates for those site(s), and other site characteristics appropriate to the type of resource proposed as compensation. The baseline information should also include a delineation of waters of the United States on the proposed compensatory mitigation project site.
- A description of the number of credits to be provided including a brief explanation of how the compensatory mitigation will provide the required compensation for unavoidable impacts to aquatic resources resulting from the permitted activity.
- Detailed written specifications and work descriptions for the compensatory mitigation, including, but not limited to, the geographic boundaries of the mitigation; construction methods, timing, and sequence; source(s) of water, including connections to existing waters and uplands; methods for establishing the desired plant community; plans to control invasive plant species; the proposed grading plan, including elevations and slopes; soil management; and erosion control measures. For stream compensatory mitigation, the mitigation work plan may also include other relevant information, such as planform geometry, channel form (e.g., typical channel cross-sections), watershed size, design discharge, and riparian area plantings.
- A description and schedule of maintenance requirements to ensure the continued viability of the resource once initial construction is completed.
- Ecologically-based performance standards that will be used to determine whether the compensatory mitigation is achieving its objectives.
- A description of parameters to be monitored in order to determine if the compensatory mitigation is on track to meet performance standards and if adaptive management is needed. A schedule for monitoring and reporting on monitoring results to the district engineer must be included.
- A description of how the compensatory mitigation project will be managed after performance standards have been achieved to ensure the long-term sustainability of the resource, including long-term financing mechanisms and the party responsible for long-term management.
- A management strategy to address unforeseen changes in site conditions or other components of the compensatory mitigation, including the party or parties responsible for implementing adaptive management measures. The adaptive management plan will guide

U.S. Army Corps of Engineers:
(Page 3 of 3)

Response to Comment:

No response needed.

-3-

decisions for revising compensatory mitigation plans and implementing measures to address both foreseeable and unforeseen circumstances that adversely affect compensatory mitigation success.

- A description of financial assurances that will be provided and how they are sufficient to ensure a high level of confidence that the compensatory mitigation will be successfully completed, in accordance with its performance standards.

Should you have any questions, please contact me by letter, or telephone me at 309/794-5379.

Sincerely,



Neal Johnson
Project Manager
Regulatory Branch

Copy Furnished:

Mr. Stephen Larson
Iowa Department of Transportation
800 Lincoln Way
Ames, Iowa 50010



CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

STATE OF IOWA

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

March 12, 2009

Stacey Woodson, P.E.
Howard R. Green Company
PO Box 9009
Cedar Rapids, IA 52409-9009

Dear Ms. Woodson:

This letter is in response to the March 3rd letter concerning the Warren County I35 project. After a cursory review by our program staff, we have the following comments. You are welcome to visit our offices and conduct a more thorough review of our records.

As noted in the draft environmental assessment, the build alternatives would require floodplain development permits from DNR.

The registered underground storage tank/leaking underground storage tank projects in the vicinity of this project are identified on the attached map.

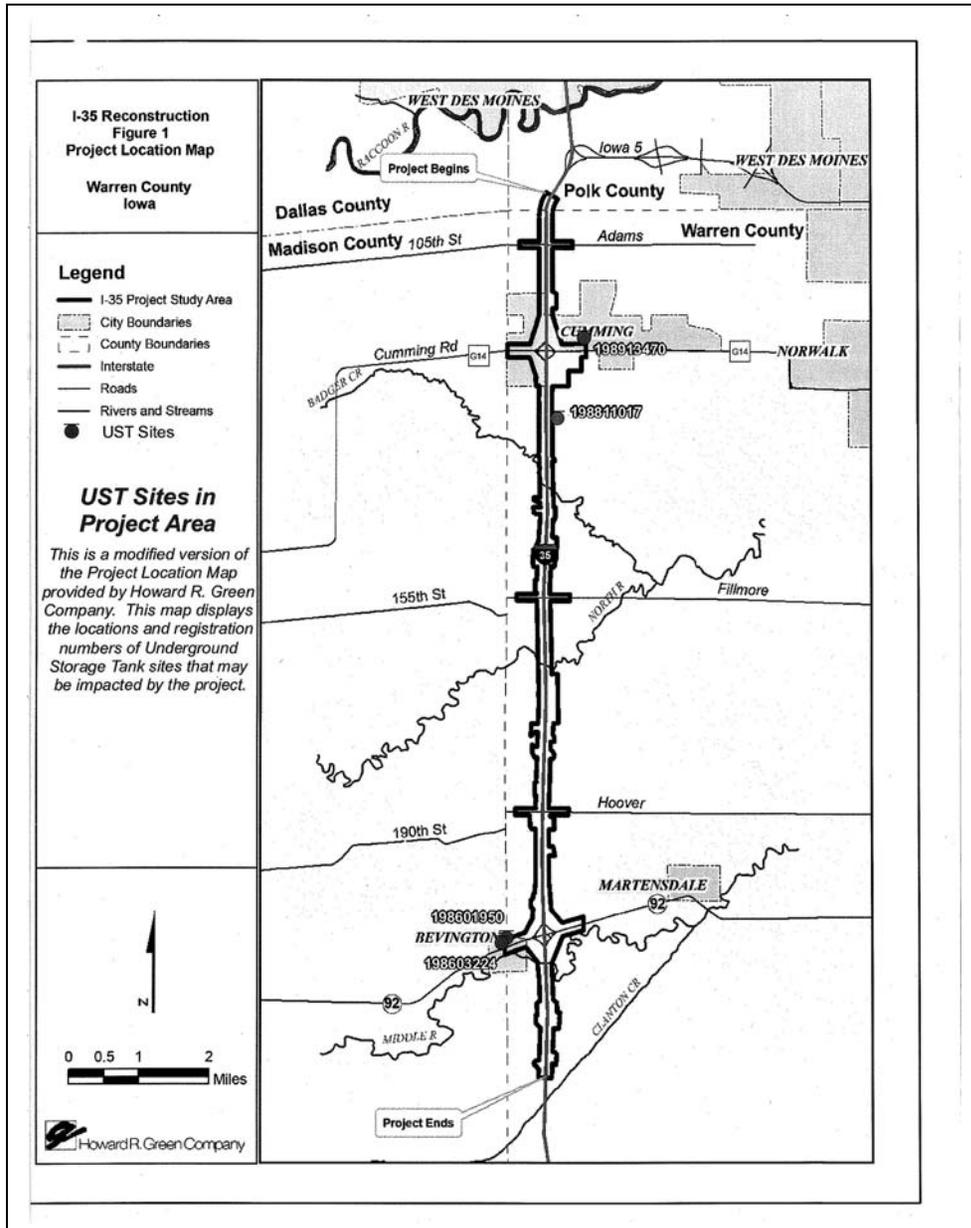
It is our policy that companies and their consultants conduct their own review for these sites. If you need advice for locating relevant information, please call me at (515)281-7276.

Sincerely,

Christine Spackman
Business Assistance Coordinator

The registered underground storage tank/leaking underground storage tanks are shown in the EA on Figure 7, Build Alternative Impacts.

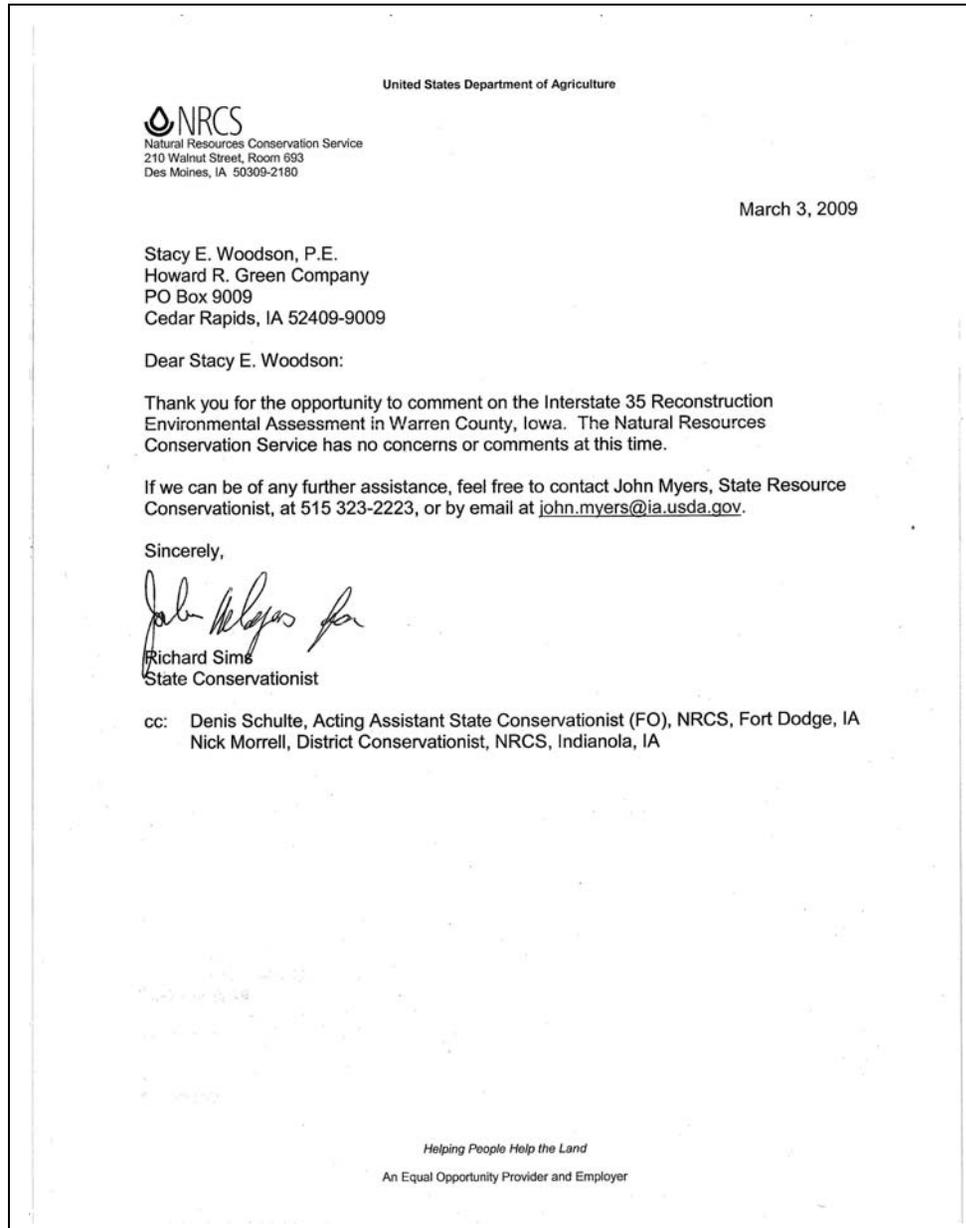
No response needed.



Natural Resource Conservation Service:
(Page 1 of 1)

Response to Comment:

No response needed.



No response needed.



U.S. Department of Housing and Urban Development
Iowa State Office
Federal Building
210 Walnut Street, Room 239
Des Moines, Iowa 50309-2155

March 4, 2009

Stacy E. Woodson
Howard R. Green Company
8710 Earhart Lane SW
Cedar Rapids, IA 52404

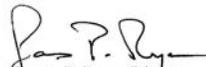
Subject: Interstate 35 Reconstruction Environmental Assessment in Warren County, Iowa
IMN-32-2(352)54—0E-91

Dear Stacy E. Woodson:

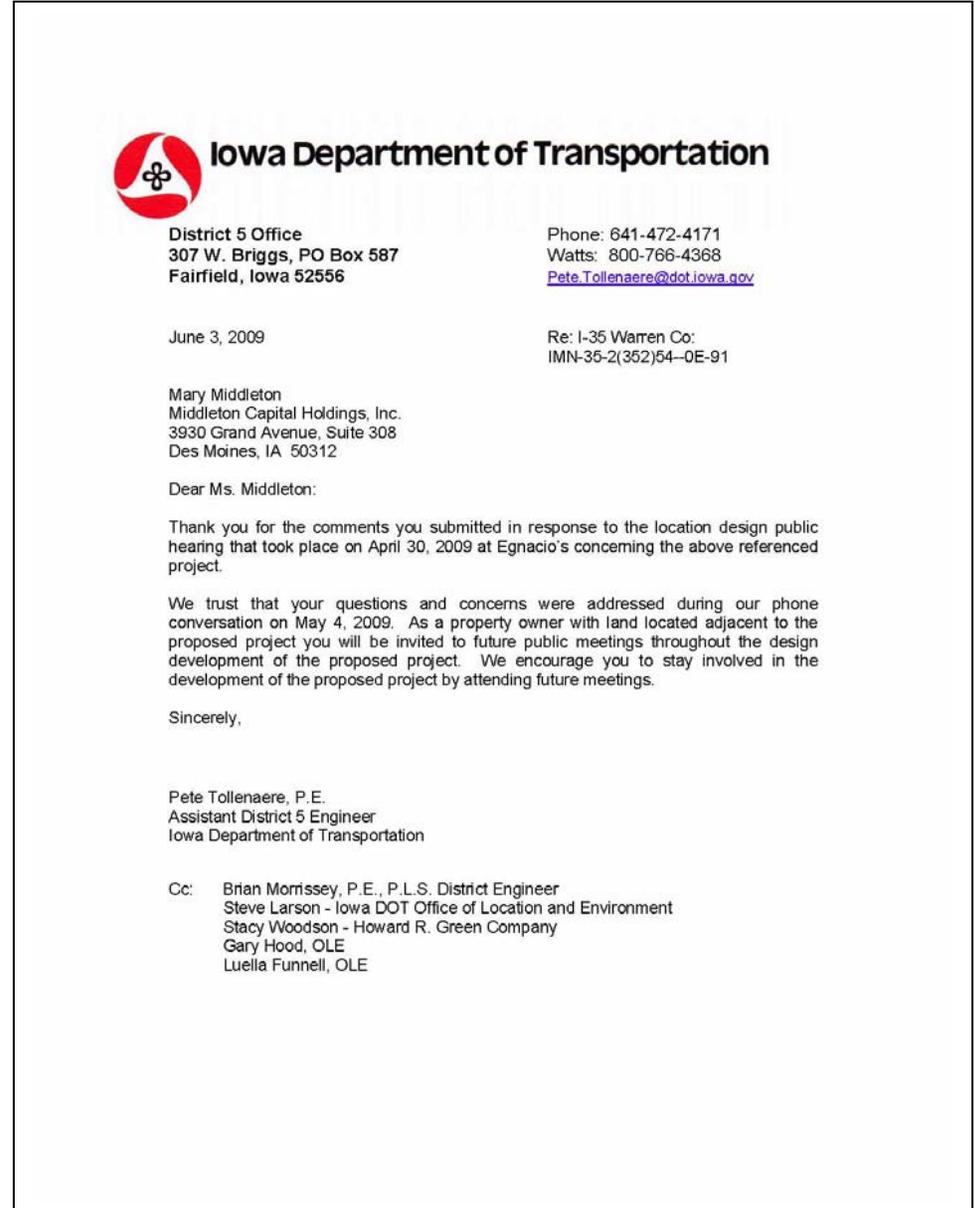
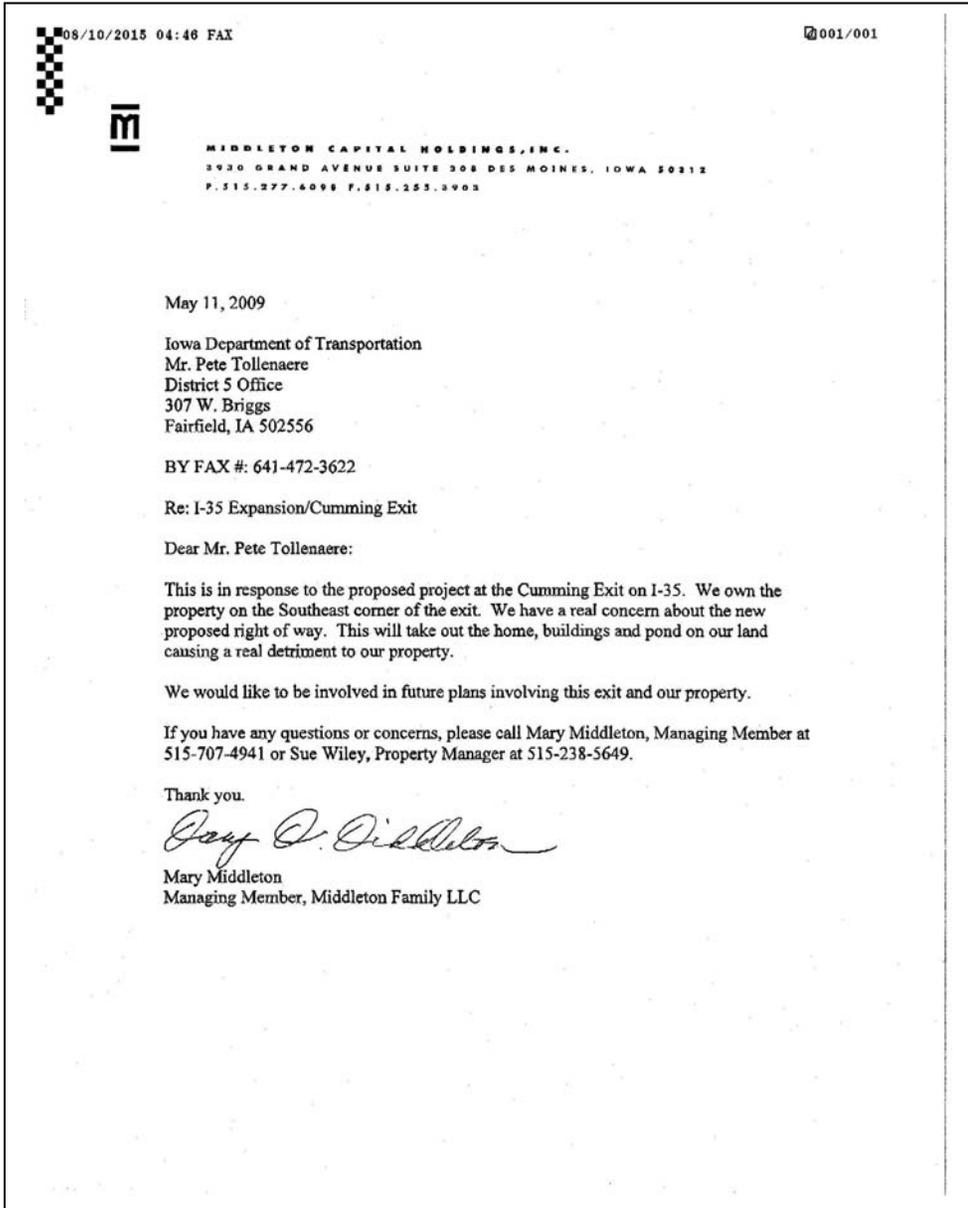
We have received your inquiry to the subject location for Environmental Assessment Documentation and have reviewed such.

We do not contemplate any detrimental effects on any of our projects in the area under review.

Sincerely,


James P. Ryan, Director
Des Moines Multifamily
Program Center

Appendix C
Public Comments and Responses



Wittern Realty Company:
(Page 1 of 1)

WITTERN REALTY COMPANY
8040 University Blvd.
Clive, IA 50325

May 8, 2009

Iowa Department of Transportation
Attention: Mark Kerper
800 Lincolnway
Ames, IA 50010

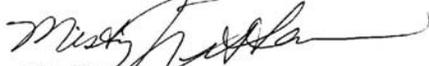
RE: Warren County IMN-35-2 (352) 52—0E-91

Dear Mark:

After the meeting on April 30th, the plans for Adams Street were brought to my attention. I would like to further discuss the amount of ground you are taking for the right of way due to the conflict of a field entrance and the potential chance of Adams Street bridge closing if the southwest connector happens.

Please contact me at 515-238-1080 to discuss these issues.

Sincerely,
WITTERN REALTY COMPANY


Misty Wittern
Vice President

RECEIVED

MAY 12 2009

OFFICE OF LOCATION & ENVIRONMENT

Response to Comment:
(Page 1 of 2)



Iowa Department of Transportation

District 5 Office
307 W. Briggs, PO Box 587
Fairfield, Iowa 52556

Phone: 641-472-4171
Watts: 800-766-4368
Pete.Tollenaere@dot.iowa.gov

June 3, 2009

Re: I-35 Warren Co:
IMN-35-2(352)54—0E-91

Misty Wittern
Wittern Realty Company
8040 University Blvd.
Clive, IA 50325

Dear Ms. Wittern:

Thank you for the comments you submitted in response to the location design public hearing that took place on April 30, 2009 at Egnacio's concerning the above referenced project. This document provides responses to the three concerns mentioned in your letter:

- The amount of potential right of way that would be acquired — While we are willing to meet with you at your earliest convenience, please be aware that the plans at this stage of the project's development are conceptual in nature and will not allow us to determine distances or areas with much accuracy. We can give you a general estimate but no definitive values of how much right of way is needed will be known until final design is conducted.
- A field entrance off of Adams Street — Access to your field would be maintained as part of the project with the location determined during final design.
- The proposed Southwest Connector project and how it would affect the Adams Street Bridge (including its potential closure) — The I-35 project anticipates having a bridge for Adams Street over I-35. The potential impacts of the Southwest Connector project are unknown at this time. It is anticipated that its project would hold public meetings, similar to those held for I-35, when its development is far enough along to begin to identify potential impacts. Meanwhile, if you want more information now, we suggest you to contact the City of West Des Moines (515) 222-3480, City of Des Moines (515) 283-4920, or the Des Moines Area Metropolitan Planning Organization (515) 334-0075 to find out more about the proposed SW Connector project.

We appreciate you taking the time to submit comments for this proposed project. Your comments are included in the official hearing transcript and will be considered throughout the planning process. Please feel free to contact us per the information below if you have additional questions.

Wittern Realty Company:
(Page 1 of 1)

WITTERN REALTY COMPANY
8040 University Blvd.
Clive, IA 50325

May 8, 2009

Iowa Department of Transportation
Attention: Mark Kerper
800 Lincolnway
Ames, IA 50010

RE: Warren County IMN-35-2 (352) 52—0E-91

Dear Mark:

After the meeting on April 30th, the plans for Adams Street were brought to my attention. I would like to further discuss the amount of ground you are taking for the right of way due to the conflict of a field entrance and the potential chance of Adams Street bridge closing if the southwest connector happens.

Please contact me at 515-238-1080 to discuss these issues.

Sincerely,
WITTERN REALTY COMPANY


Misty Wittern
Vice President

RECEIVED
MAY 12 2009
OFFICE OF LOCATION & ENVIRONMENT

Response to Comment:
(Page 2 of 2)

Sincerely,

Pete Tollenaere, P.E.
Assistant District 5 Engineer
Iowa Department of Transportation

Cc: Brian Morrissey, P.E., P.L.S. District Engineer
Steve Larson - Iowa DOT Office of Location and Environment
Stacy Woodson - Howard R. Green Company
Gary Hood, OLE
Luella Funnell, OLE

Staff Comment Summary

County Warren Project IMN-35-2(352)54--0E-91

Name/ parcel/ address/ phone Mrs. Andriano
5737 Cumming Avs. (not 614)

Comments:

*Cell tower income every month. They own land. They rent/ lease. Source of income. How would they be compensated?
Gas pipeline on west of property.
30.5 acres is what they own.
Crown Castle = Internet tower
1 acre of ground in her name.*

Need to have her person figure out how they would be compensated.

Support: High Medium Low No ?? Follow up: Yes No

Name/ parcel/ address/ phone Gary Walters
1407 Walnut Lane
Cumming, IA

Comments:

*Would like to see project started asap *See Connection project also*

Support: High Medium Low No ?? Follow up: Yes No

Name _____ Date _____



Iowa Department of Transportation

District 5 Office
307 W. Briggs, PO Box 587
Fairfield, Iowa 52556

Phone: 641-472-4171
Watts: 800-766-4368
Pete.Tollenaere@dot.iowa.gov

June 3, 2009

Re: I-35 Warren Co:
IMN-35-2(352)54--0E-91

Marvel L. Andriano
5737 Cumming Avenue
Cumming, IA 50061

Dear Mrs. Andriano:

Thank you for attending the location design public hearing that took place on April 30, 2009 at Egnacio's concerning the above referenced project. You had some questions regarding a cell phone tower that is located on your property that may need to be relocated as a result of the proposed project.

Unfortunately, at this stage of the planning process it is unknown if the cell tower on your property would need to be relocated. The displays at the public hearing showed the worse case scenario and showed that the land by the cell tower would be needed for the proposed interstate improvements. As the design of the roadway begins it may be possible to avoid relocating the cell tower. More details will be known as the design progresses.

Should the cell tower need to be relocated, the land that the tower is located on would likely be treated as a leased or rental type property. The state's acquisition process would be used and an appraisal would be done on the property to determine fair market value. The leased agreement with the cell phone company would be taken into consideration in determining the fair market value. Please feel free to contact Mr. Doug Bates, Office of Right of Way, (515) 239-1278 to discuss or to schedule a meeting regarding the right of way acquisition process.

We appreciate you taking the time to talk to us. Your comments are included in the official hearing transcript and will be considered throughout the planning process. Please feel free to contact us per the information below if you have additional questions.

Sincerely,

Pete Tollenaere, P.E.
Assistant District 5 Engineer
Iowa Department of Transportation

Staff Comment Summary

County Warren Project IMN-35-2(352)54--0E-91

Name/ parcel/ address/ phone Mrs. Andriano
5737 Cummins Hrs. (not 614)

Comments:

Cell tower income every month. They own land. They own land. Source of income. How would they be compensated?
Gas pipeline on west of property.
30.5 acres is what they own.
Crown Castle = Internet tower
1 acre of ground in his name.
Need to have Bob person figure out how they would be compensated.

Support: High Medium Low No ?? Follow up: Yes No

Name/ parcel/ address/ phone Gray Walters
1407 Walnut Lane
Cummins, F#

Comments:

Would like to see project started asap * See Connection project also

Support: High Medium Low No ?? Follow up: Yes No

Name _____ Date _____

Cc: Brian Morrissey, P.E., P.L.S. District Engineer
Steve Larson - Iowa DOT Office of Location and Environment
Stacy Woodson - Howard R. Green Company
Gary Hood, OLE
Luella Funnell, OLE

Verbal Public Comments:

Response to Comment:

Staff Comment Summary

County Warren Project IMN-35-2(352)54--0E-91

Name/ parcel/ address/ phone Mrs. Andriano
5737 Cummins Hrs. (not 614)

Comments:

Cell tower income every month. They own land. They're being
leaved. Source of income. How would they be compensated?
600 pipeline on west of property.
30.5 acres is what they own.

Crown Castle = Internet tower
1 acre of ground in his name.

Need to have Bore person figure out how they
would be compensated.

Support: High Medium Low No ??

Follow up: Yes No

Name/ parcel/ address/ phone Gray Walters
~~1700~~ 1407 Walnut Lane
Cummins, F#

Comments:

Would like to see project started asap * SW Connection
project also

Support: High Medium Low No ??

Follow up: Yes No

Name _____

Date _____

No response needed.

Verbal Public Comments:

Response to Comment:

Staff Comment Summary

County Warren Project IMN-35-2(352)54--0E-91

Name/ parcel/ address/ phone Jennifer
Guines Street

Comments:
*What is timing of the project?
Who owns land between Fencer Roadway?*

Support: High Medium Low No ?? Follow up: Yes ___ No ___

Name/ parcel/ address/ phone _____
Hammaker @ 15th Ave.

Comments:
Timing of project & I-35

Support: High Medium Low No ?? Follow up: Yes ___ No ___

Name _____ Date _____

No response needed.

No response needed.

Verbal Public Comments:

Response to Comment:

Staff Comment Summary

County Warren Project IMN-35-2(352)54--0E-91

Name/ parcel/ address/ phone Doug Nona Thompson

Comments:

Borrow
fence replacement
Acquisition Process
Website for neighbor
Interested in buying another parcel (Lake, w/ I-35/54th Ave)

Support: High Medium Low No ??

Follow up: Yes ___ No ___

No response needed.

Name/ parcel/ address/ phone Jim Watts

Comments:

(Call)
• Bat Habitat Mitigation on his land? *Some reviews in prep. No action*
• Schedule Construction? Handout pg 5 *He would be interested in having Bat Mitigation*

Support: High Medium Low No ??

Follow up: Yes ___ No ___

No response needed.

Name Jim Auders

Date 4/30/09

Verbal Public Comments:

Response to Comment:

Staff Comment Summary

County Warren Project IMN-35-2(352)54--0E-91

Name/ parcel/ address/ phone Jim Jerry Basman

Comments: How far into Bevington IA 92 be rebuilt?
Bevington: San. Sewer Plant
Const. Schedule
West vs East Shift { Enviro Resources
more impacted w/ East
than w/ West
Prop. Public Mtg

Support: High Medium Low No ?? Follow up: Yes ___ No ___

Name/ parcel/ address/ phone _____

Comments:

Support: High Medium Low No ?? Follow up: Yes ___ No ___

Name Jim O'Leary Date 4/30/09

No response needed.

Verbal Public Comments:

Response to Comment:

Staff Comment Summary

County Warren Project IMN-35-2(352)54--0E-91

Name/ parcel/ address/ phone Misty - landowner N of Adam St.

Comments:
Keep Adams Street Bridge!

Support: High Medium Low No ?? Follow up: Yes ___ No ___

Name/ parcel/ address/ phone _____

Comments:

Support: High Medium Low No ?? Follow up: Yes ___ No ___

Name _____ Date _____

No response needed.

Holzworth:
(Page 1 of 1)

Response to Comment:
(Page 1 of 2)

Staff Comment Summary

County Warren Project IMN-35-2(352)54--0E-91

Name/ parcel/ address/ phone Michael P. Holzworth, Attorney
Business Card: 5835 Grand Ave, Suite 104
Des Moines, IA 50312
Comments: 515-274-0279

Mr. Holzworth along with 2 ladies expressed concern about flooding of property midway between G14 and Adams along 20th St. East of I-35. The house nearest the pond floods and a "runway" across the top of a dike through the pond overtops. Sometimes 20th St is overtopped also.

Support: High Medium Low (No) ??

Follow up: Yes X No ___

Name/ parcel/ address/ phone _____

continued
Comments:

The house was built in the 70s after the interstate, but "about 7 yrs ago the DOT made a change to the interstate drainage" that now causes the flooding.

He was against the project because additional lanes on I35 would result in more drainage into pond and more flooding.

He wanted a response from the engineer responsible for the hydraulics analysis. I gave him Gary Norey's name.

Support: High Medium Low No ??

Follow up: Yes ___ No ___

Name Keith Cadwell

Date 4/30/09



Iowa Department of Transportation

District 5 Office
307 W. Briggs, PO Box 587
Fairfield, Iowa 52556

Phone: 641-472-4171
Watts: 800-766-4368
Pete.Tollenaere@dot.iowa.gov

June 3, 2009

Re: I-35 Warren Co:
IMN-35-2(352)54--0E-91

Michael P. Holzworth
5835 Grand Avenue, Suite 104
Des Moines, IA 50312

Dear Mr. Holzworth:

Thank you for attending the location design public hearing that took place on April 30, 2009 at Egnacio's concerning the above referenced project. You had some concerns about drainage at your property located east of I-35 on 20th Street midway between G14 and Adams Street. You were interested in talking to the person responsible for the hydraulic analysis of the area and proposed project.

Since no modifications have been made to the I-35 drainage system since it was constructed in the late 1950's, it is difficult to address your concerns without more information. Details on where the flooding is occurring, where existing culverts are located on your property, and understanding what changes have occurred upstream over the last ten years would be helpful. The Iowa DOT conducts routine maintenance on the interstate drainage system when needed. This typically includes the removal of debris from culverts to allow the drainage system to operate as designed. If you are interested in setting up a meeting, please contact me at the information below. Either I or a representative from my office can meet you on site to discuss your concerns in more detail.

We appreciate you taking the time to talk to us. Your comments are included in the official hearing transcript and will be considered throughout the planning process. Please feel free to contact us per the information below if you have additional questions.

Sincerely,

Pete Tollenaere, P.E.
Assistant District 5 Engineer
Iowa Department of Transportation

Holzworth:
(Page 1 of 1)

Response to Comment:
(Page 2 of 2)

Staff Comment Summary

County Warren Project IMN-35-2(352)54--0E-91

Name/ parcel/ address/ phone Michael P. Holzworth, Attorney
Business Card: 5835 Grand Ave, Suite 104
Des Moines, IA 50312
Comments: 515-274-0279

Mr. Holzworth along with 2 ladies expressed concern about flooding of property midway between G14 and Adams along 20th St. East of I-35. The house nearest the pond floods and a "runway" across the top of a dike through the pond overtops. Sometimes 20th St is overtopped also.

Support: High Medium Low (No) ?? Follow up: Yes X No ___

Name/ parcel/ address/ phone _____

continued
Comments: The house was built in the 70s after the interstate, but "about 7 yrs ago the DOT made a change to the interstate drainage" that now causes the flooding.

He was against the project because additional lanes on I35 would result in more drainage into pond and more flooding.

He wanted a response from the engineer responsible for the hydraulics analysis. I gave him Gary Norey's name.

Support: High Medium Low No ?? Follow up: Yes ___ No ___

Name Keith Cadwell Date 4/30/09

Cc: Brian Morrissey, P.E., P.L.S. District Engineer
Steve Larson - Iowa DOT Office of Location and Environment
Stacy Woodson - Howard R. Green Company
Gary Hood, OLE
Luella Funnell, OLE

Johnson:
(Page 1 of 1)

Response to Comment:
(Page 1 of 1)

Staff Comment Summary

County Warren Project IMN-35-2(352)54--0E-91

Name/ parcel/ address/ phone Jim Johnson

3363 218TH ST.

ST. CHARLES, IA 50240

Comments:

PHYAN@NETINS.NET

MR. JOHNSON WAS CONTACTED LAST FALL BY JILL RUDLOFF ABOUT THE ENVIRONMENTAL IMPACTS ALONG THIS CORRIDOR. APPARENTLY THERE WAS SOME DISCUSSION OF USING SOME OF HIS PROPERTY FOR MITIGATION PURPOSES. HE WAS WANTING TO KNOW THE STATUS OF THIS.

Support: High Medium Low No ??

Follow up: Yes No

Name/ parcel/ address/ phone _____

Comments:

Support: High Medium Low No ??

Follow up: Yes No

Name Pete Tollenaere Date 4-30-09



Iowa Department of Transportation

District 5 Office
307 W. Briggs, PO Box 587
Fairfield, Iowa 52556

Phone: 641-472-4171
Watts: 800-766-4368
Pete.Tollenaere@dot.iowa.gov

June 3, 2009

Re: I-35 Warren Co:
IMN-35-2(352)54--0E-91

Jim Johnson
3363 218th Street
St. Charles, IA 50240

Dear Mr. Johnson:

Thank you for attending the location design public hearing that took place on April 30, 2009 at Egnacio's concerning the above referenced project. You were wondering what the status is for the potential bat habitat mitigation plans.

The Iowa DOT's Office of Location and Environment is currently working with the U.S. Fish and Wildlife Service to determine the best option for bat habitat mitigation. When a decision is made you will be contacted. In the mean time, if you have additional questions regarding the bat habitat mitigation plans, please contact Jill Rudloff at (515) 239-1698 or by email at jill.rudloff@dot.iowa.gov.

We appreciate you taking the time to talk to us. Your comments are included in the official hearing transcript and will be considered throughout the planning process. Please feel free to contact us per the information below if you have additional questions.

Sincerely,

Pete Tollenaere, P.E.
Assistant District 5 Engineer
Iowa Department of Transportation

Cc: Brian Morrissey, P.E., P.L.S. District Engineer
Steve Larson - Iowa DOT Office of Location and Environment
Stacy Woodson - Howard R. Green Company
Gary Hood, OLE
Luella Funnell, OLE

Watts:
(Page 1 of 1)

Response to Comment:
(Page 1 of 1)

Staff Comment Summary

County Warren Project IMN-35-2(352)54--0E-91

Name/ parcel/ address/ phone Jim Watts
7803 30th Ave.
NORWALK, IA.

Comments:

JILL RUDLOFF HAD PREVIOUSLY DISCUSSED THE IDEA OF USING APPROX. 35 ACRES OF HIS GROUNDS AS MITIGATION FOR BAT HABITAT. HE WAS WANTING TO KNOW THE STATUS OF THIS ISSUE.

Support: High Medium Low No ??

Follow up: Yes No

Name/ parcel/ address/ phone Naomi Bradbury
13319 13th Ave.

Comments:

ST. CHARLES, IOWA
641-396-2514
MS. BRADBURY IS HAVING TROUBLE RESOLVING A DISPUTE WITH HERBERGER CONST. RELATING BACK TO THE RECONSTRUCTION OF THE BRGS OVER CLANTON CREEK & THE REMOVAL OF THE RR BRGS. HERBERGER APPARENTLY CROSSED HER PROPERTY WHEN HAULING OUT WASTE MATERIAL FROM THE PROJECT & LEFT THE SITE IN AN UNACCEPTABLE CONDITION.

Support: High Medium Low No ??

Follow up: Yes No

Name PETE TOLLENAERE Date 4-30-09



Iowa Department of Transportation

District 5 Office
307 W. Briggs, PO Box 587
Fairfield, Iowa 52556

Phone: 641-472-4171
Watts: 800-766-4368
Pete.Tollenaere@dot.iowa.gov

June 3, 2009

Re: I-35 Warren Co:
IMN-35-2(352)54--0E-91

Jim Watts
7803 30th Avenue
Norwalk, IA 50211

Dear Mr. Watts:

Thank you for attending the location design public hearing that took place on April 30, 2009 at Egnacio's concerning the above referenced project. You were wondering what the status is for the potential bat habitat mitigation plans.

The Iowa DOT's Office of Location and Environment is currently working with the U.S. Fish and Wildlife Service to determine the best option for bat habitat mitigation. When a decision is made you will be contacted. In the mean time, if you have additional questions regarding the bat habitat mitigation plans, please contact Jill Rudloff at (515) 239-1698 or by email at jill.rudloff@dot.iowa.gov.

We appreciate you taking the time to talk to us. Your comments are included in the official hearing transcript and will be considered throughout the planning process. Please feel free to contact us per the information below if you have additional questions.

Sincerely,

Pete Tollenaere, P.E.
Assistant District 5 Engineer
Iowa Department of Transportation

Cc: Brian Morrissey, P.E., P.L.S. District Engineer
Steve Larson - Iowa DOT Office of Location and Environment
Stacy Woodson - Howard R. Green Company
Gary Hood, OLE
Luella Funnell, OLE

Staff Comment Summary

County Warren Project IMN-35-2(352)54--0E-91

Name/ parcel/ address/ phone Jim Watts
7803 30th Ave.
NORWALK, IA.

Comments:
Jill Budloff had previously discussed the idea of using approx. 35 acres of his grounds as mitigation for bat habitat. He was wanting to know the status of this issue.

Support: High Medium Low No ?? Follow up: Yes No

Name/ parcel/ address/ phone Naomi Bradbury
13319 13th Ave.
St. Charles, Iowa
641-396-2514

Comments:
Ms. Bradbury is having trouble resolving a dispute with Herberger Const. relating back to the reconstruction of the BRGS over Clanton Creek & the removal of the RR BRGS. Herberger apparently crossed her property when hauling out waste material from the project & left the site in an unacceptable condition.

Support: High Medium Low No ?? Follow up: Yes No

Name Pete Tollenare Date 4-30-09

The Iowa DOT District 5 Office responded to Ms. Bradbury's comment by phone in May 2009. The comment was in response to an unrelated project located outside the I-35 Warren County project study area. Therefore, a copy of the correspondence is not included.

Appendix D
Biological Assessment Concurrence



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Rock Island Field Office
1511 47th Avenue
Moline, Illinois 61265
Phone: (309) 757-5800 Fax: (309) 757-5807

IN REPLY REFER
TO:

FWS/RIFO

June 19, 2009

Mr. Scott Marler
Iowa Department of Transportation
800 Lincoln Way
Ames, Iowa 50010

Dear Mr. Marler:

We have reviewed your November 2008 Biological Assessment for the proposed reconstruction of Interstate 35 in Warren County, Iowa, and its impacts on the following federally listed species: the endangered Indiana bat (*Myotis sodalis*), the federally threatened western prairie fringed orchid (*Platanthera praeclara*), the federally threatened prairie bush clover (*Lespedeza leptostachya*), and the federally threatened Mead's milkweed (*Asclepias meadii*). With regards to the three plant species, we concur with your findings that the proposed project will have no effect on those species or their habitats.

However, with regard to Indiana bats, the project includes clearing woodland in areas with suitable Indiana bat habitat and known species presence. The proposed project results in a loss of approximately 75 acres of woodland habitat, of which 52 acres are potential Indiana bat summer roosting and maternity habitat. We understand that clearing will be done when bats are not present and that in addition to avoiding direct impacts to the species, plans exist to restore (through tree planting), enhance (through management), and preserve woodland areas within and adjacent to the project corridor. An active forest management plan is currently being developed for the existing timber stands that will be preserved. The habitat improvements provided by managing the existing timber will aid in offsetting the temporal lag time for the mitigation tree plantings which will be of little value for Indiana bats for many years. The Service will work closely with IDOT to implement the plan and monitor the known population of Indiana bats in the area to ensure their continued success.

Based on the above measures to minimize habitat loss and avoid take, we concur with your findings that the proposed project is not likely to adversely affect the endangered Indiana bat. Should the project be modified or new information indicate endangered species may be affected, consultation should be initiated.

Thank you for the opportunity to provide comments. If you have any additional questions or concerns, please contact Joe Slater of my staff.

Sincerely,

for 
Richard C. Nelson
Field Supervisor

cc: IADNR(Howell)

S:\Office Users\Joe\baconcurmlaaidot.doc