

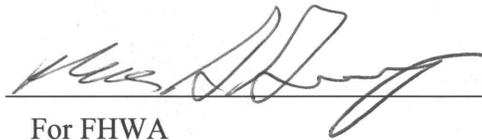
FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
for the
Council Bluffs Interstate System Improvements Project
Tier 2, Segment 3
Pottawattamie County, Iowa
IMN-029-2(55)49-13-78

The Federal Highway Administration (FHWA) has determined that this project would not have any significant impact on the human and natural environment. The finding of no significant impact is based on the attached Environmental Assessment, which the FHWA has evaluated independently and determined to discuss adequately and accurately the environmental issues and impacts of the proposed project. The Environmental Assessment provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

FHWA takes full responsibility for the accuracy, scope, and content of the Environmental Assessment.

8-23-11

Date



For FHWA

Description of Proposed Action

FHWA and the Iowa Department of Transportation (Iowa DOT) are proposing geometric and capacity improvements to the Interstate 29 (I-29) and Interstate 80 (I-80) mainline in Segment 3 and the I-80/I-29 East System interchange, the South Expressway interchange, the U.S. Highway 275 (U.S. 275) interchange, and the Madison Avenue interchange to safely and efficiently accommodate future traffic needs. In support of the Segment 3 Project and overall efficiency of transportation in the City of Council Bluffs, the Iowa DOT is also proposing to eliminate several railroad alignments and to develop new, consolidated tracks in Segment 3. Figure 1 shows the approximate location of Segment 3, as well as the other segments of the Council Bluffs Interstate System Improvements Project.

Notice of Environmental Assessment Availability

The Environmental Assessment (EA) was signed on March 14, 2011 and was distributed to selected resource agencies for review and comment. Notice of the EA's availability for review and the notice of public hearing was published in the *Council Bluffs Daily Nonpareil* and the *Omaha World Herald* on March 10, 2011, and on the *Nuestro Mundo* website (a Spanish-language newspaper website for the Omaha and Council Bluffs areas) for seven days beginning on March 10, 2011. The EA was available for review at the Council Bluffs Public Library, Iowa DOT's office in Atlantic, and Iowa DOT's office and FHWA's office in Ames.

Review and Comment Period

A review and comment period was established for receipt of comments on the EA, with an expiration date of April 18, 2011. Three federal agencies provided written comments on the EA. One public comment letter was received during the comment period. This Finding of No Significant Impact (FONSI) includes a summary of the public hearing. A written record of the hearing was produced as a separate document and is available for review at Iowa DOT's Ames office.

Agency Comments

Agency comments are summarized below from the letters contained in Appendix A:

- The U.S. Department of Housing and Urban Development stated that they do not anticipate any adverse effects on their projects from the proposed Segment 3 improvements.
- The Federal Aviation Administration (FAA) indicated they reviewed the EA and have no comments on environmental matters. The FAA stated that the Segment 3 improvements may require formal notice under Federal Aviation Regulation (FAR), Part 77 Objects Affecting Navigable Airspace. The Project team followed the process described on FAA's website to determine whether the Segment 3 improvements would affect navigable airspace. Inserting the Project information into the FAA's Notice Criteria Tool indicated that formal notice under FAR Part 77 Objects Affecting Navigable Airspace will likely be needed. This issue will be further evaluated during final design and require Iowa DOT to continue coordination with the FAA.
- The Natural Resources Conservation Service had no comment on the Project.

Public Hearing

The public hearing was held on March 31, 2011, at the Mid-America Center in Council Bluffs from 6:30 to 7:00 p.m. The hearing followed an informal open house discussion from 5:00 to 6:30 p.m. Forty people attended the hearing. Attendees discussed the Project with Iowa DOT and consultant staff. One written comment form was submitted at or following the hearing. Overall the attendees were very supportive of the Project. Questions asked by the public and issues discussed at the hearing and during the public comment period are summarized below:

- Will lighting be included along the interstate? *Iowa DOT plans to have lighting along the interstate system within Segment 3 as well as the rest of the Council Bluffs Interstate System Improvements Project.*
- Would a property proposed for acquisition be available for an early hardship acquisition? *Iowa DOT indicated that the residential property in question would be eligible for an early hardship acquisition because it is involved in an estate settlement.*
- Could a property proposed for acquisition be avoided to preclude acquisition? *Iowa DOT indicated that the residential property in question would need to be acquired to facilitate construction of the proposed interstate design.*
- What interstate projects are planned to be let this year? *Iowa DOT used exhibits at the hearing to indicate projects that are planned to commence construction in 2011.*
- Trucks heading south on I-80 use their Jake Brakes ® and generate much noise east of the bridges over Valley View Road and Mosquito Creek. Who has jurisdiction to enforce the resultant high noise levels? *Because this portion of the interstate is within the city limits of Council Bluffs, Iowa DOT has no jurisdiction to ban the use of these brakes. A city ordinance regulating the use of these brakes would need to be enforced by the City of Council Bluffs Police Department. Based on a review of feasibility and reasonableness of traffic noise mitigation in this area, Iowa DOT is considering installation of a noise wall along the interstate at the Valley View Estates apartments.*
- The 29th Avenue relocation concept would be detrimental to my business. *Iowa DOT recognizes that some businesses currently along 29th Avenue east of South Expressway Street would need to be fully acquired, and that other commercial parcels would be partially acquired with potentially an access change to allow overall improvement of the interstate system.*

New Information

Since publication of the EA and the March 31, 2011 public hearing, there have been no changes in the design based on agency and public comments. However, statements in the EA have been clarified based on changed circumstances since the publication of the EA. These changes and clarifications are discussed below:

- Section 2.5.2.2 of the EA indicated that two options existed for reconfiguration of 29th Avenue, and Section 3 of the EA addressed potential impacts of both options. A decision was made to construct the primary option shown on Figure 2-6A of the EA. The figure has been reproduced in this FONSI as Figure 2, with only the selected option shown.

- Section 3.14.3 of the EA addresses avoidance, minimization, and mitigation of impacts to properties protected under Section 4(f) of the Transportation Act of 1966. The text states that FHWA proposes to make a de minimis impact determination for the unnamed trail that would be affected by reconstruction of the US 275 bridge. On April 27, 2011, Iowa DOT sent a letter to the City of Council Bluffs Parks, Recreation, and Public Property Department stating that no comments on the trail impacts and proposed mitigation were received during the public comment period. On May 24, 2011, the City indicated concurrence in consideration of the proposed mitigation for construction of an alternate trail connection, that the Project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection. Appendix B of this FONSI includes the signed concurrence letter.
- Section 3.15, Permits and Related Approvals, of the EA notes that Iowa DOT must obtain railroad agreements with the Burlington Northern Santa Fe Railway (BNSF), Iowa Interstate Railroad (IAIS), and Council Bluffs Energy Center Railway (CBEC) railroads prior to constructing the interstate improvements. Since publication of the EA, meetings between Iowa DOT and the railroads, and among the railroads themselves, have occurred to refine language concerning the necessary trackage and service agreements associated with the proposed Segment 3 railroad improvements. One of the goals of the agreements is to provide equivalent or improved service after the relocation project is completed. Iowa DOT anticipates agreement with all parties by spring of 2012. Until the agreements are finalized, it is unknown whether Surface Transportation Board (STB) approval of the changes will be required. If STB approval is required, consultation with STB will occur after the agreements are signed and the necessary agreements will be acquired before rail construction commences.
- The City of Council Bluffs recently revised its map of existing and proposed trails. The City was contacted and indicated that some trails shown as constructed would not actually be completed until sometime in 2011. Using the provided information, Figure 3-15 (Trails – Segment 3) from the EA has been updated to show the city’s revisions to the trail network; the updated figure is included in this FONSI and renumbered as Figure 3. Due to Missouri River flooding during the summer of 2011, portions of the trail network have been temporarily closed because of potential stress on the levees.
- Section 5.1.2 of the EA addressed concurrence point coordination between FHWA, Iowa DOT, and selected resource agencies. Subsequent to publication of the EA, the agencies reviewed the selection of Revised Build Alternative B as the Preferred Alternative; all agencies concurred with the alternative selected for this milestone (Concurrence Point 4 of Iowa DOT’s NEPA/404 Merge process).
- In the streamlining process, a review of contaminated and regulated material sites was conducted and focused on industrial and commercial sites. Iowa DOT recognizes that regulated materials such as asbestos, lead-based paint, and mercury (within thermostats) could potentially occur within residences within the proposed right-of-way for the Project. Should regulated material issues be encountered during project development or construction, appropriate action will be taken to comply

with all applicable federal and state rules and regulations for proper handling and disposal of these materials.

Basis for Finding of No Significant Impact

The EA for Segment 3 of the CBIS is tiered to an Environmental Impact Statement (EIS) on the system-wide CBIS Project that analyzed all relevant resources. Several human and natural environmental resources were not present in the Study Area of Segment 3, and others required only a summary review to confirm that there would be no significant impacts. The following resources were evaluated in detail in the EA for effects they may incur as a result of the Project:

- Land use
- Acquisitions and Displacements/Relocations
- Transportation
- Safety
- Wetlands and Waters of the U.S.
- Floodplains
- Water Quality
- Threatened or Endangered Species
- Cultural Resources
- Noise
- Regulated Materials
- Pedestrian and Bicycle Paths
- Section 4(f) Resources

This FONSI documents compliance with the National Environmental Policy Act (NEPA) and all other applicable environmental laws, Executive Orders, and related requirements.

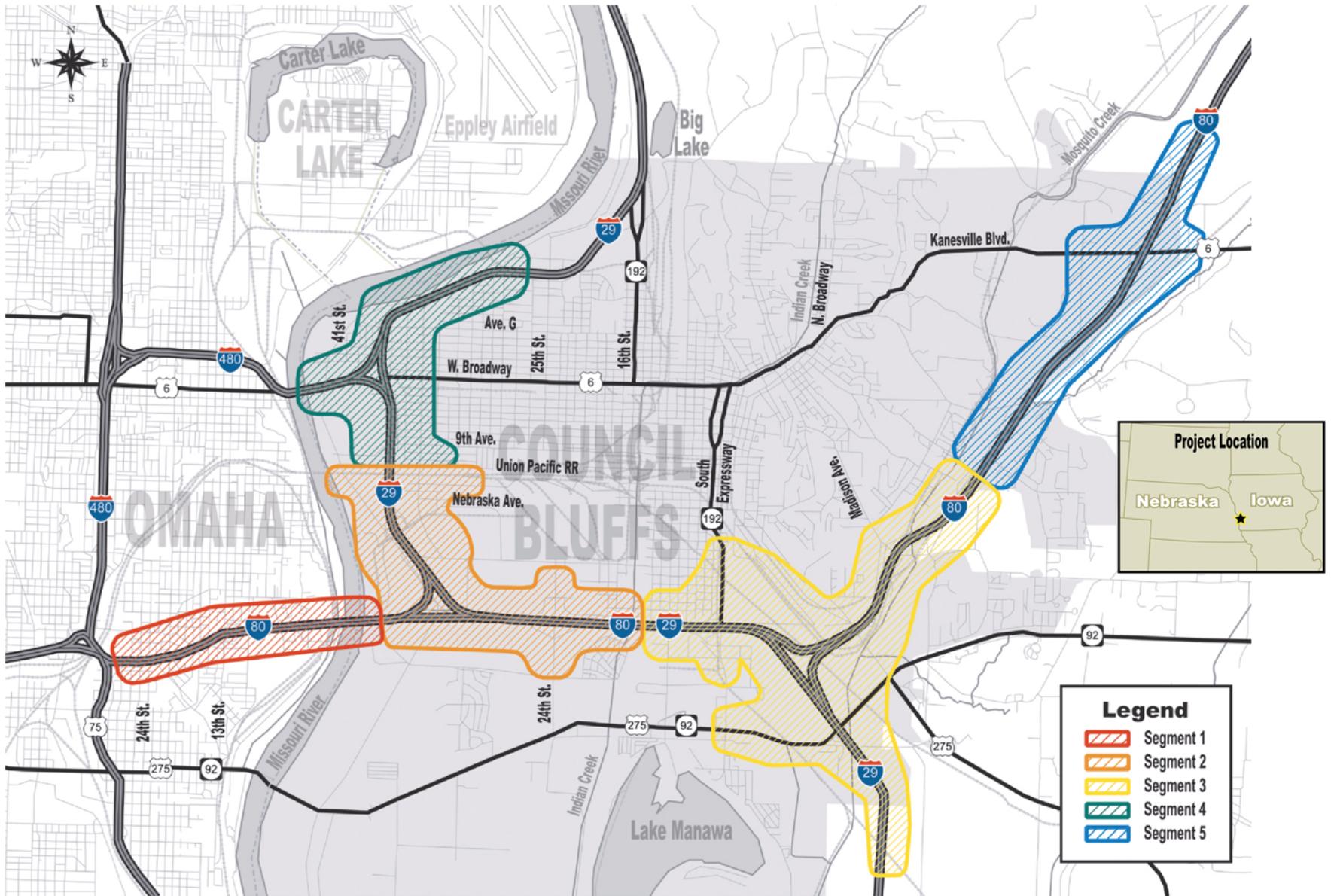
Potential impacts to human and natural resources were evaluated in the EA, and the evaluation of these resources documented the absence of significant impacts associated with implementation of the proposed Project.

Special Conditions for Location Approval

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

- Relocations would be conducted in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and Iowa Code 316, the "Relocation Assistance Law."
- The Segment 3 Project lies inside the Federal Emergency Management Agency (FEMA)-designated floodway and 100-year floodplain of Mosquito Creek; therefore, an Iowa Department of Natural Resources (Iowa DNR) Sovereign Lands Construction Permit, an Iowa DNR Floodplain Development Permit, and a City of Council Bluffs Floodplain Development Permit are required.
- A National Pollutant Discharge Elimination System (NPDES) General Stormwater Discharge Permit for Construction will need to be obtained from Iowa DNR.

- Approval by Iowa DNR would also be required for eliminating groundwater monitoring wells from an active monitoring program at the BP Terminal facility. Iowa DNR has concurred on the proposed approach for eliminating several monitoring wells adjacent to the BP Terminal facility and providing replacement wells to continue the monitoring program. The monitoring wells at the Warren Distribution (Former) site are not part of an Iowa DNR monitoring program; consequently, coordination with the current property owner would occur concerning whether replacement of groundwater monitoring wells would be needed. All monitoring wells within the limits of construction for the Project would be properly abandoned.
- A joint Section 404/Section 10 permit(s) from the United States Army Corps of Engineers (USACE) is required for placement of dredged or fill material in wetlands or other waters of the U.S. Iowa DOT will coordinate with USACE concerning bridge construction and the placement of piers in wetlands and rerouting Drainage Lateral 5. Based on the extent of wetland impacts, it appears that an individual Section 404 Permit may be required. Iowa DOT will likely mitigate the Segment 3 wetland impacts by purchasing certified wetland mitigation credits from the G. William Coulthard Trust Wetland Mitigation Bank located in Harrison County, Iowa. A Section 404 permit application will be submitted to USACE for approval.
- Issuance of a Section 404 permit(s) is contingent on receipt of water quality certification from the Iowa DNR under Section 401 of the Clean Water Act. The certification will be sought in conjunction with the individual Section 404 Permit.
- An Air Quality Construction Permit(s) would be acquired from Iowa DNR by contractors if new emission units (such as a portable batch plant) are determined necessary.
- Noise levels are expected to exceed FHWA noise abatement criteria at several locations. During final design, Iowa DOT will finalize the location and design of the three noise barriers evaluated in the EA that met FHWA guidelines and Iowa DOT feasibility and cost reasonableness criteria.
- A trail connection will be developed including extension of bike lanes on Harry Langdon Boulevard and a trail connection through the Iowa School for the Deaf (ISD) campus. Both the City of Council Bluffs and ISD will be involved in approval of the design of the trail connections.
- Based on the decision of the railroad agreements, STB approval may be required. Any necessary approvals for rail line modification and construction, and change in service providers, would be acquired from STB prior to rail construction.
- Migratory birds, their occupied nests, and their eggs are protected from disturbance or destruction in Iowa by the Migratory Bird Treaty Act. Active nests are nests containing eggs or young of migratory birds. If evidence of migratory bird nesting is discovered after beginning work, or in the event that migratory bird nests become established, the Iowa DOT will immediately stop work.



Project Segments

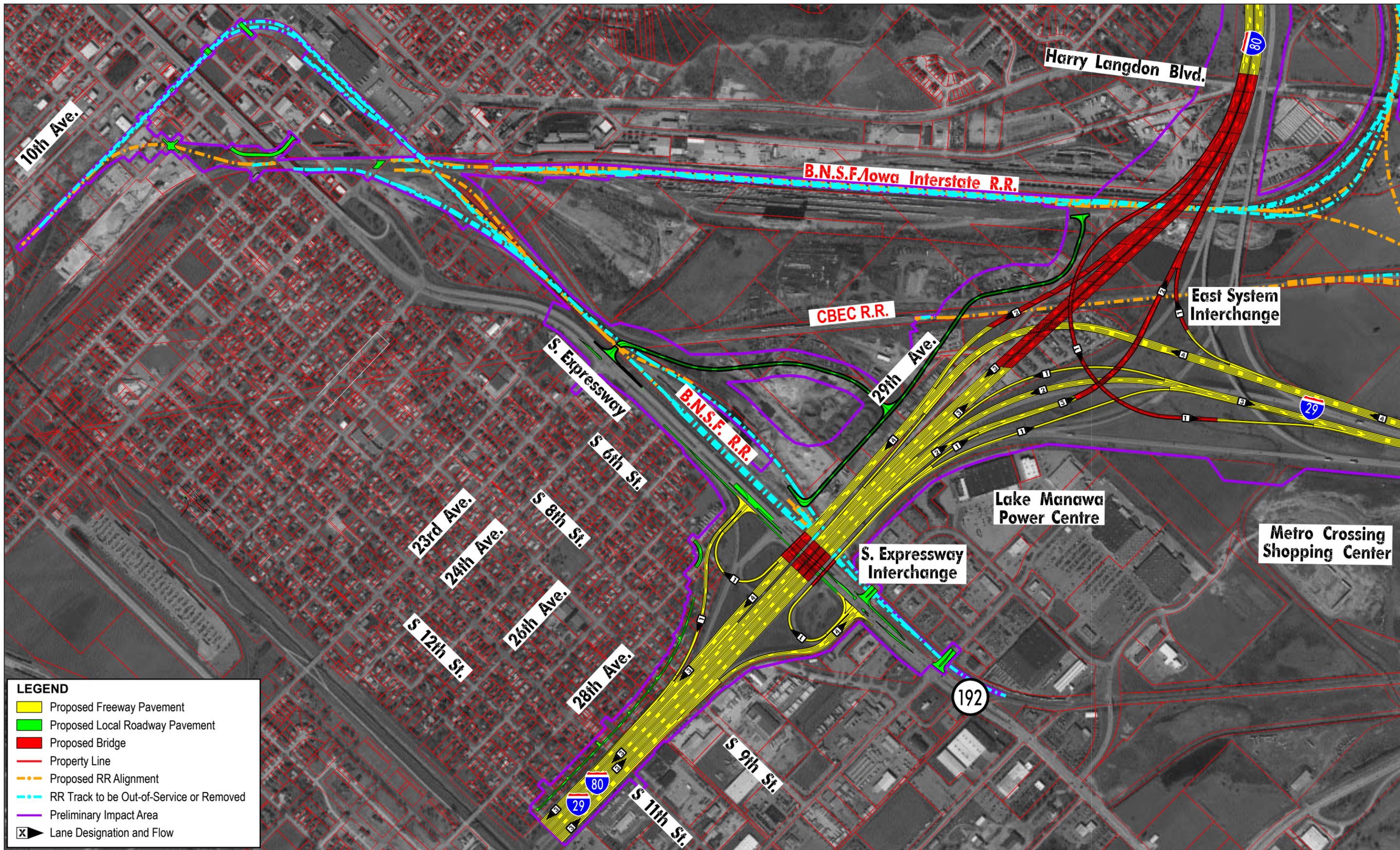
Council Bluffs Interstate System Improvements Project
Council Bluffs, IA

DATE

August 2011

FIGURE

1



LEGEND

- Proposed Freeway Pavement
- Proposed Local Roadway Pavement
- Proposed Bridge
- Property Line
- Proposed RR Alignment
- RR Track to be Out-of-Service or Removed
- Preliminary Impact Area
- Lane Designation and Flow

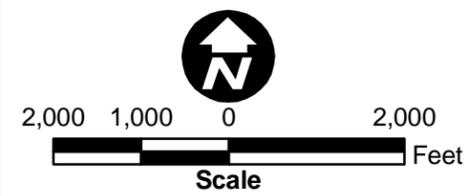
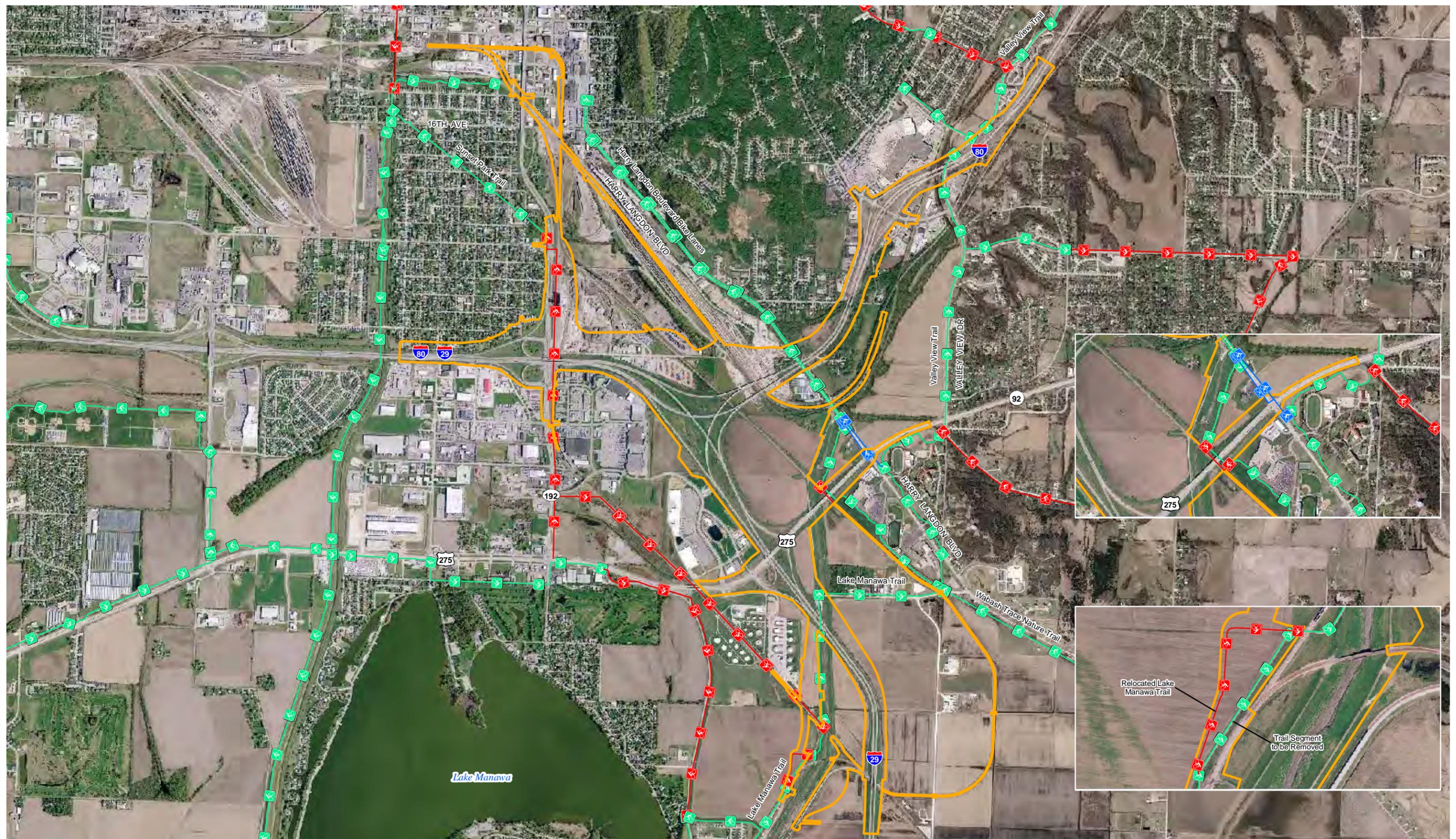
SCALE IN FEET

Sources:
 1. Aerial Photography – MAPA 2008
 2. HDR/CH2M HILL Consultant Team, January, 2010
 3. Property Parcel – Pottawattamie County Assessor's Office, 2009



Revised Build Alternative B
Segment 3—East System Interchange (Not Final – Subject to Change)
 Council Bluffs Interstate System Improvements
 Council Bluffs, IA

DATE	August 2011
FIGURE	2



- Legend**
- Revised Build Alternative B Preliminary Impact Area
 - Existing Trail
 - Proposed Trail
 - Potential Bike Lane



Trails – Segment 3

Council Bluffs Interstate System Improvements
Council Bluffs, IA

DATE
August 2011

FIGURE
3

APPENDIX A

**AGENCY COMMENTS ON THE ENVIRONMENTAL
ASSESSMENT**

U.S. Department of Housing and Urban Development to Iowa DOT, March 17, 2011

U.S. Department of Transportation, Federal Aviation Administration to Iowa DOT, April 8, 2011

U.S. Department of Agriculture, Natural Resources Conservation Service to Iowa DOT, April 8, 2011



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

March 17, 2011

James P. Rost, Director
Office of Location and Environment
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010

RECEIVED

MAR 18 2011

Office of Location & Environment

Subject: Council Bluffs Interstate System (CBIS) Improvements Project Environmental Assessment
Tier 2, Segment 3
Pottawattamie County, Iowa
Project Number: IMN-029-2(55)49—13-78

Dear Mr. Rost:

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,

A handwritten signature in black ink that reads "James P. Ryan".

James P. Ryan, Director
Des Moines Multifamily
Program Center



U.S. Department
Of Transportation

**Federal Aviation
Administration**

Central Region
Iowa, Kansas
Missouri, Nebraska

901 Locust
Kansas City, Missouri 64106-2325

RECEIVED

APR 08 2011

Office of Location & Environment

March 31, 2011

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

Re: Council Bluffs Interstate System (CBIS) Improvements Project
Environmental Assessment – Tier 2, Segment 3
Pottawattamie County, Iowa
Project Number: IMN-029-2(55)49—13-78

Dear Mr. Rost:

The Federal Aviation Administration (FAA) reviews other federal agency environmental documents from the perspective of the FAA's area of responsibility; that is, whether the proposal will have negative effects on aviation. We generally do not provide comments from an environmental standpoint. Therefore, we have reviewed the material furnished with your letter dated March 11, 2011 and have no comments regarding environmental matters.

Airspace Considerations

The project may require formal notice and review for airspace review under Federal Aviation Regulation (FAR) Part 77, Objects Affecting Navigable Airspace. To determine if you need to file with FAA, go to <http://oeaaa.faa.gov> and click on the "Notice Criteria Tool" found at the left-hand side of the page.

If you determine that filing with FAA is required, I recommend a 120-day notification to accommodate the review process and issue our determination letter. Proposals may be filed at <http://oeaaa.faa.gov> (requires free registration).

More information on this process may be found at:
<http://www.faa.gov/airports/central/engineering/part77/>

If you have questions, please contact me at glenn.helm@faa.gov or 816-329-2617.

Sincerely,

Glenn Helm, P.E.
Environmental Specialist



Natural Resources Conservation Service
210 Walnut Street, Room 693
Des Moines, IA 50309-2180

RECEIVED

APR 11 2011

April 8, 2011

Office of Location & Environment

Mr. James Rost
Director, Office of Location & Environment
Iowa Department of Transportation
800 Lincoln Way
Ames, Iowa 50010

RE: Tier 2, Segment 3, Council Bluffs Interstate System, Pottawattamie County, Iowa

Dear Ms. Vine:

The Natural Resources Conservation Service (NRCS) has no comment on this project at this time.

Sincerely,

A handwritten signature in black ink that reads "John Myers".

John Myers
State Resource Conservationist

APPENDIX B
SECTION 4(F) DE MINIMIS CONCURRENCE LETTER



Iowa Department of Transportation

800 Lincoln Way, Ames, Iowa 50010

515-239-1467

Fax: 515-239-1726

April 28, 2011

Mr. Larry Foster
Director, Parks and Recreation Department
209 Pearl Street
Council Bluffs, Iowa 51503

RE: Official with Jurisdiction of Section 4(f) Property's Agreement with Decision
Council Bluffs Interstate System (CBIS) Tier 2 Segment 3 Project
IMN-029-2(55)49-13-78

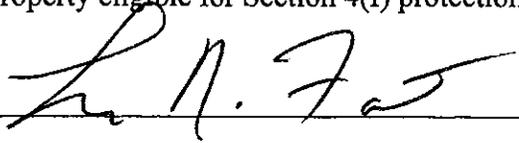
Dear Mr. Foster:

An Environmental Assessment (EA) was prepared on the subject project and the public was given the opportunity for review and comment on the EA from March 14, 2011 to April 18, 2011. The EA analyzed the effects of the CBIS Tier 2 Segment 3 Project on the protected activities, features, and attributes of the unnamed connector trail from the Wabash Trace Nature Trail to the Harry Langdon Boulevard bike lanes. Roughly 400 feet of the trail would be relocated to accommodate some of the piers on the reconstructed U.S. 275 bridge. This segment of the trail would be relocated up to 80 feet from its existing location to the area of the current CBEC railroad grade. The existing connector trail would be closed during construction for three to four years. For mitigation of this impact, Iowa DOT will extend the bike lanes along Harry Langdon Boulevard to the U.S. 275 intersection. The bike lanes will be extended by paving both shoulders of Harry Langdon Boulevard (to the same width as the existing bike lane width) to allow a connection to the Valley View Trail within Iowa School for the Deaf property (Figure 1).

Iowa DOT previously notified you via a letter dated October 5, 2010 that FHWA intended to make a *de minimis* finding characterizing the trail impacts. No comments on the trail impacts and proposed mitigation were received during the public comment period on the EA for the Tier 2 Segment 3 Project.

If you agree with the finding and proposed mitigation, please concur by signing the statement below:

As the official having jurisdiction over the Section 4(f) resource, it is agreed that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.



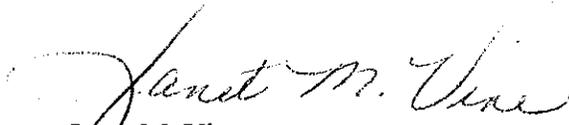
Authorizing Official

5/27/11

Date

You may contact me at 515.239.1467 or janet.vine@dot.iowa.gov if you have any questions or concerns.

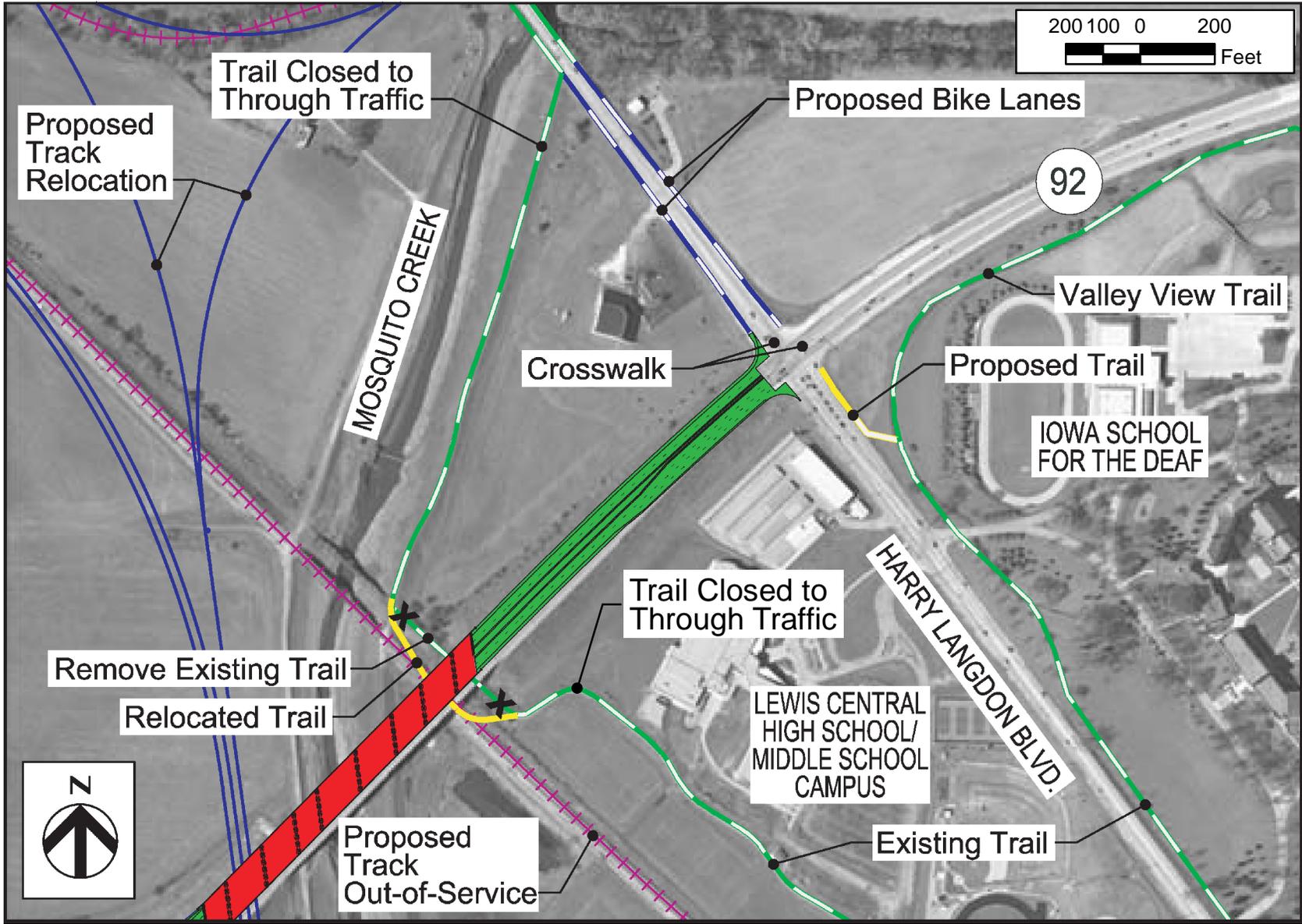
Sincerely,



Janet M. Vine

Iowa Department of Transportation
NEPA Compliance Section

cc: Andy Wilson, FHWA
John Carns, IA DOT – District 4



Proposed Trail System Changes

Council Bluffs Interstate System Project
Council Bluffs, IA

DATE	April 2011
FIGURE	1