

CHAPTER 1 INTRODUCTION

The Iowa Department of Transportation (Iowa DOT), in conjunction with the Federal Railroad Administration (FRA) and Illinois Department of Transportation (Illinois DOT), is evaluating alternatives for the reestablishment of intercity passenger rail service from Chicago, Illinois, through Iowa, to Omaha, Nebraska (the Project). Iowa DOT's evaluation will be documented in the Chicago to Omaha Regional Passenger Rail System Planning Study (the Study) Tier 1 Service Level Environmental Impact Statement (EIS).

The Tier 1 Service Level EIS will evaluate potential impacts of route alternatives carried forward from the screening process¹ for detailed analysis and comparison. In addition, a No-Build Alternative will be retained for analysis in the Tier 1 Service Level EIS to allow for comparison to the route alternatives carried forward and to help decision makers and the public understand the consequences of taking no action. Ultimately, Iowa DOT, Illinois DOT, and FRA will select one route alternative based on the detailed evaluation in the Tier 1 Service Level EIS and input from resource agencies and the public.

The scoping process as described in the National Environmental Policy Act of 1969 (NEPA) was undertaken in support of the Tier 1 Service Level EIS. Under NEPA regulations issued by the Council on Environmental Quality (CEQ) in 40 Code of Federal Regulations (CFR) Section 1501.7, "Scoping" is defined as "...an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." Under 64 Federal Register (FR) 28545, FRA Procedures for Considering Environmental Impacts, Section 13(c)(2), FRA requires use of a scoping process for preparing an EIS and references Section 1501.7 of the CEQ regulations.

The purpose of the scoping process is to effectively manage preparation of the EIS. Scoping helps identify key issues and concerns of resource agencies and the public early, thereby allowing these issues to be properly studied and minimal effort to be spent on issues of less concern. The scoping process should identify agency and public concerns; clearly define the environmental issues and alternatives to be examined in the Tier 1 Service Level EIS, including the elimination of alternatives that are screened from detailed analysis; and identify and address related environmental requirements of other federal agencies, as well as state and local agencies. An effective scoping process can help reduce unnecessary paperwork and time delays under NEPA by clearly identifying all relevant procedural requirements. Although public meetings to gather scoping input are often held, they are not required; instead the manner in which public feedback is solicited is left to agency preference.

¹ The screening process is used to compare various alternatives against designated criteria for meeting purpose and need, technical feasibility, economic feasibility, and environmental concerns. The process included two steps: an initial coarse-level screening to identify whether any route alternative is hindered by major challenges (and would thus be eliminated from further screening) and a subsequent fine-level screening to evaluate each route alternative in greater quantitative and qualitative detail.

This Scoping Report describes the agency and public scoping processes and activities, summarizes the comments received during scoping, and indicates how the scoping input will be used in the NEPA process. The Scoping Report is a public document and will be included in the Tier 1 Service Level EIS as an appendix. Other public documents have been produced as part of the Study and address the purpose and need for the Project (Iowa DOT, February 8, 2012), and the method and results for identifying, evaluating, and screening alternatives for the Project (Iowa DOT, April 27, 2012). Consequently, this report will focus on the scoping process and will not duplicate extensive background information on the Project, its purpose and need, and the alternatives evaluation process.

This report is organized as follows:

- Chapter 1, Introduction – Describes the scoping process, including specific scoping activities performed in support of the Study.
- Chapter 2, Agency Scoping – Summarizes the findings of the agency scoping process.
- Chapter 3, Public Scoping – Summarizes the findings of the public scoping process.
- Chapter 4, Tribal Scoping – Summarizes the findings of the tribal scoping process.
- Chapter 5, Conclusions – Summarizes key input from the scoping process and describes how the scoping input will be used in the NEPA process.
- Chapter 6, References – Provides detailed information on the sources used to prepare this Scoping Report.

1.1 SCOPING PROCESS

The lead federal agency for this Study is FRA, with Iowa DOT serving as the Study Sponsor; both agencies will be signature authorities on the NEPA documents produced during the Study. NEPA requirements ensure that environmental information is available to public officials and citizens before decisions are made and actions are taken. The scoping process conducted in support of this Study follows CEQ and FRA requirements, and has involved some innovative approaches to facilitate public involvement. The Notice of Intent for the Tier 1 Service Level EIS was published in the Federal Register on March 15, 2012.

Iowa DOT is sponsoring a Study webpage on its website (<http://www.iowadot.gov/chicagotoomaha/>) that hosts information for the Study for both resource agencies and the public. An online open scoping meeting was hosted via the website, soliciting input from February 13 through April 16, 2012, and providing a form for comments. The website is described in more detail in Chapter 3, Public Scoping. Input from the scoping process will be used to focus the Tier 1 Service Level EIS on the relevant issues of concern by resource agencies and the public.

1.2 AGENCY COORDINATION

Agency coordination has included interaction through email notices, email responses, in-person meetings, and teleconferences, as described in this section. For this Study, agencies are categorized as public entities with decision making authority for the public. For example, comments from elected officials (senators, mayors, etc.), councils of government, and

federal, state, and local agencies are considered to be agency comments, whereas input from chambers of commerce, economic development councils, and businesses are included in the public forum for this Project.

1.2.1 Scoping Meetings

To initiate the scoping process, relevant federal and state resource agencies in Illinois, Iowa, and Nebraska were sent an email on February 15, 2012, notifying them of the Study, providing them with a Purpose and Need statement and a figure depicting the five previously established passenger rail routes in the Chicago to Omaha corridor (the Corridor), and inviting them to upcoming agency scoping meetings. The agency scoping meetings were held on February 21, 2012, from 10:00 a.m. to noon in Ames, Iowa, and on February 22, 2012, from 1:00 to 3:00 p.m. in Chicago, Illinois. In addition to agencies participating in person, agencies also participated electronically via Adobe ConnectNow and conference phone lines. The meetings included a PowerPoint presentation introducing the Study and Project, the purpose and need, the alternatives screening process, resource analysis methodologies, and the Project schedule. Agencies asked questions and identified their interests and issues of concern. The agencies were requested to also provide written input on their interests and concerns for consideration in the Tier 1 Service Level EIS. Key points from the meetings are provided and agency comments are summarized in Chapter 2 of this Scoping Report. Appendix A includes a summary of each meeting, including agency questions and input, and the PowerPoint presentation given at both meetings. The meeting summaries were provided to the participants; no additional comments were received.

Pursuant to Section 6 of FRA's Procedures for Considering Environmental Impacts, the lead agency will consult with participating agencies to ensure that the joint effort makes the best use of the areas of jurisdiction and of special expertise of the participating agencies, that the views of participating agencies are considered in the course of the NEPA analysis and documentation process, and that the substantive and procedural requirements of all participating agencies are met.

The following are the key federal and state agencies invited to participate in the NEPA process:

- Federal agencies
 - Federal Aviation Administration (FAA)
 - Federal Emergency Management Agency (FEMA)
 - Federal Highway Administration (FHWA)
 - Federal Transit Administration (FTA)
 - U.S. Army Corps of Engineers (USACE)
 - U.S. Coast Guard (USCG)
 - U.S. Department of Agriculture (USDA)
 - U.S. Department of Army
 - U.S. Department of Housing and Urban Development (USHUD)
 - U.S. Department of Interior (USDOJ)
 - U.S. Environmental Protection Agency (USEPA)
 - U.S. Fish and Wildlife Service (USFWS)
 - U.S. Geological Survey (USGS)

- Illinois agencies
 - Illinois Commerce Commission
 - Illinois Department of Agriculture
 - Illinois Department of Commerce and Economic Opportunity
 - Illinois Department of Human Services
 - Illinois Department of Natural Resources (Illinois DNR)
 - Illinois Division of Aeronautics
 - Illinois Department of Transportation (Illinois DOT) Districts
 - Illinois DOT Bureau of Railroads
 - Illinois Environmental Protection Agency
 - Illinois Historical Preservation Agency (State Historic Preservation Office [SHPO])
 - Illinois Institute for Rural Affairs
 - Illinois Nature Preserves Commission
 - State of Illinois
- Iowa agencies
 - Iowa Agriculture Development Authority
 - Iowa Department of Agriculture and Land Stewardship
 - Iowa Department of Cultural Affairs
 - Iowa Department of Human Services
 - Iowa Department of Natural Resources (Iowa DNR)
 - Iowa Department of Public Health
 - Iowa Department of Transportation (Iowa DOT) Districts
 - Iowa Economic Development Authority
 - Iowa Environmental Protection Commission
 - Iowa State Parks Bureau
 - Iowa State Preserves Advisory Board
 - Iowa Transportation Commission
 - State Historical Society of Iowa (SHPO)
 - State of Iowa
- Nebraska agencies
 - Nebraska Department of Aeronautics
 - Nebraska Department of Environmental Quality (NDEQ)
 - Nebraska Department of Health and Human Services
 - Nebraska Department of Natural Resources (NDNR)
 - Nebraska Department of Roads (NDOR) District 2
 - NDOR, Rail and Public Transportation
 - Nebraska Game and Parks Commission
 - Nebraska State Historical Society (SHPO)
 - State of Nebraska

1.2.2 Early Coordination

As part of the scoping process, an early coordination (EC) packet of information (including a description of the proposed action, background information, and a figure depicting the five previously established passenger rail routes in the Corridor) was distributed to federal, state, and local resource agencies via email on April 1, 2012, with a request for input on the Study; Appendix B includes the EC packet and a list of the agencies to which it was sent. The email message indicated that the Notice of Intent for the Tier 1 Service Level EIS was published in the Federal Register on March 15, 2012.

Iowa DOT coordinated with selected resource agencies from Illinois, Iowa, and Nebraska at selected Project milestones during this Study. These milestones are 1) purpose and need, 2) alternatives to be analyzed, and 3) alternatives to be carried forward. In addition, Iowa DOT will coordinate with the selected resource agencies at a fourth milestone: selection of the preferred alternative. Coordination at these Project milestones helped guide the Study, especially alternatives identification and evaluation.

At each Project milestone, Iowa DOT coordinated with the resource agencies by distributing information for their review. Coordination for milestone 1 was completed after the purpose and need statement was developed. A packet of information, including the purpose and need statement, was distributed to the agencies prior to the scoping meeting for the agencies' review and comment. Coordination for milestones 2 and 3 occurred after coarse-level and fine-level screening of the alternatives was conducted. The results of the screening were documented in the Draft Alternatives Analysis Report, which was made available to the agencies for review and comment. Coordination for milestone 4 will occur after the Tier 1 Service Level Draft EIS has been distributed and the comment period has closed.

Another aspect of agency coordination will be fulfillment of Section 106 requirements under the National Historic Preservation Act. FRA will consult with Illinois, Iowa, and Nebraska State Historic Preservation Offices. Because the Tier 1 NEPA analysis is at the service level, specific Project impacts will not be known at this time. Therefore, Section 106 consultation regarding adverse effects on historic properties is not applicable during Tier 1, but would occur during future Tier 2 Project Level NEPA studies.

1.2.3 Cooperating Agencies

In addition to the EC packet, particular resource agencies have been sent a letter from FRA inviting them to be involved in the NEPA process as a cooperating agency, defined under NEPA at 40 CFR 1508.5. Those agencies invited to be cooperating agencies include:

- FAA
- FHWA Illinois
- FHWA Iowa
- FHWA Nebraska
- FTA Region V
- FTA Region VII
- USACE Chicago District
- USACE Omaha District
- USACE Rock Island District

- USCG District 8
- USCG District 9
- U.S. Department of the Army, Rock Island Arsenal
- USEPA Region 5
- USEPA Region 7
- USFWS Chicago
- USFWS Grand Island
- USFWS Rock Island
- Illinois DNR
- Illinois SHPO
- Iowa Department of Cultural Affairs
- Iowa SHPO
- Nebraska SHPO

Cooperating agencies will be involved in the NEPA process in accordance with CEQ regulations for implementing the procedural provisions of NEPA (40 CFR 1501.6). In addition to participating in scoping, cooperating agencies become involved in the review of NEPA documents before public distribution. This cooperation facilitates the development of the NEPA document so that it may be adopted by the cooperating agencies in at least partial satisfaction of the agencies' NEPA obligations for future approvals/permits/authorizations associated with the Study.

As of July 12, 2012, the following agencies have responded to FHWA's offer to be cooperating agencies: Iowa SHPO and Iowa FHWA accepted, and USACE Rock Island District and FTA Region VII respectfully declined.

1.3 PUBLIC COORDINATION

At the onset of the Study, Iowa DOT conducted a Stakeholder Analysis to identify and document public stakeholders in Illinois, Iowa, and Nebraska that may be affected by or have data related to the Study. As more members of the public engage in the Study through the public outreach process, the list of stakeholders will expand. All identified stakeholders are receiving updates at Study milestones via a Study webpage on Iowa DOT's website (<http://www.iowadot.gov/chicagotoomaha>), email notices, social networking (Facebook, Twitter, and email sharelinks on the Study webpage), a toll-free Study information line (1.800.488.7119), online community tool kits using Study-related education tools in their existing communication networks, and media notices through newspaper and online advertising, and press releases and media advisories. In addition, these communication methods and tools are being used to notify the Study Team of public activity. All information can be requested by mail and can be translated to Spanish or other languages by request. All videos will include closed captioning to accommodate language and communication barriers. An Agency and Stakeholder Involvement Plan developed for the Study includes details of the outreach plan (Iowa DOT, March 2, 2012).

Iowa DOT, in conjunction with FRA, hosted an online open-house meeting from February 13 to April 16, 2012, for the public to understand and comment on the scope of the Study and the initial range of route alternatives. Public comments from the online scoping meeting were collected through online comment forms, email messages, and the toll-free Study information

line. Based on automatic electronic login recordation for the online open-house meeting, there were 2,789 attendees, and 994 comments were collected. Public comments are summarized in Chapter 3.

After a two-step screening process was performed to evaluate the initial range of route alternatives (see Figure 1-1) and the review was documented in the Alternatives Analysis Report (Iowa DOT, April 27, 2011), a second public meeting was held in May 2012 at three locations (Chicago, Illinois, on May 1; Des Moines, Iowa on May 2; and Council Bluffs, Iowa on May 3) to obtain input from the public on preliminary results from the route alternatives screening. The meeting was also hosted online. Chapter 2 of the Tier 1 Service Level Draft EIS will include a summary of the Alternative Analysis process and will present the results of the process.

Another opportunity for the public to review route alternatives and the potential impacts associated with their implementation will be during the public comment period after the Tier 1 Service Level Draft EIS is published. A public hearing will be held during the comment period; an online open-house meeting will be provided as an option to those unable to attend the in-person hearing.

Iowa DOT's website hosts Project information at <http://www.iowadot.gov/chicagotoomaha/>. The webpage includes information on the Tier 1 EIS Schedule, in-person and online public meetings, maps of the initial route alternatives, resources (including media webinar, documents produced for the Study, community toolkit, online surveys, the Notice of Intent, news releases, and links to other resources), and contact information. As new information becomes available, it will be posted on the Study webpage. The webpage contains a link to online meeting information, and a notification email is sent to stakeholders when new information in support of the current meeting is available for review at <http://chicagotoomaha.com/>. This website is not always active, and hosts only the most current information; for example, when public scoping was completed, the scoping information was moved to the Resources page on <http://www.iowadot.gov/chicagotoomaha/resources.html> and the next topic, results of the alternatives analysis screening process and public meetings to review the findings of the analysis, was posted on <http://chicagotoomaha.com/>.

1.4 TRIBAL COORDINATION

Coordination with Illinois DOT, Iowa DOT, and NDOR was conducted to compile a list of Native American groups, including tribes, whose tribal ranges included the portions of Illinois, Iowa, and Nebraska along the route alternatives shown in Figure 1-1. A coordination packet that described the Study and Project and included a figure of the route alternatives was mailed to representatives of each Native American group, including tribes, on May 17, 2012, by FRA, which is the lead federal agency and therefore is authorized to directly interact with Native American groups, including tribes. This packet was the same as the EC packet sent to resource agencies (see Appendix B). The following is the compiled list of the Native American groups, including tribes, to which the packet was sent:

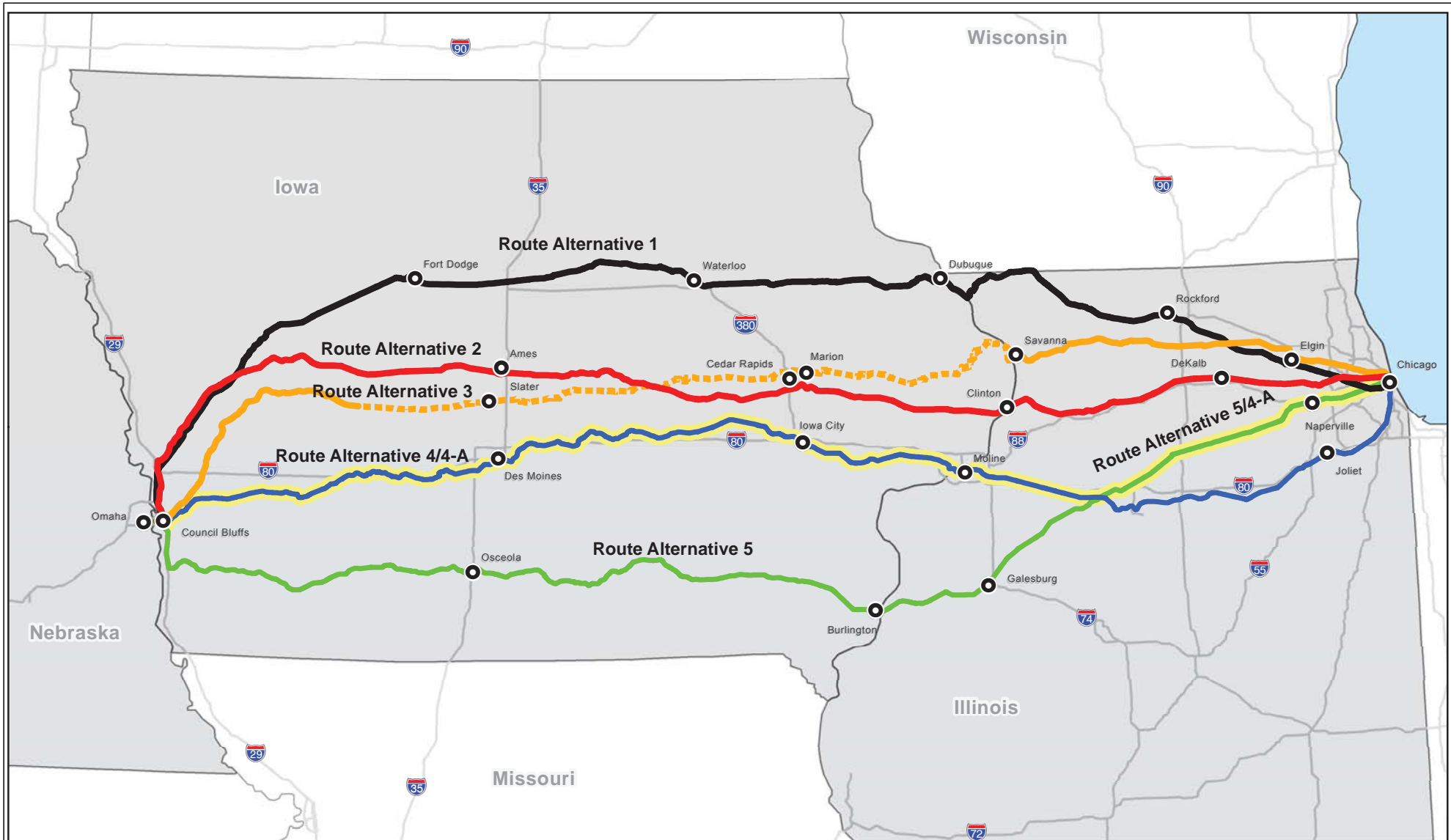
- Ho-Chunk Nation
- Iowa Tribe of Kansas and Nebraska
- Iowa Tribe of Oklahoma

- Kickapoo Tribe in Kansas
- Miami Tribe of Oklahoma
- Omaha Tribe of Nebraska
- Otoe-Missouria Tribe
- Pawnee Nation of Oklahoma
- Peoria Tribe of Indians of Oklahoma
- Ponca Tribe of Nebraska
- Sac and Fox Nation of Mississippi in Iowa
- Sac and Fox Nation of Mississippi in Kansas and Nebraska
- Sac and Fox Nation of Oklahoma
- Winnebago Tribe of Nebraska
- Yankton Sioux Tribe

In response to a request from the Yankton Sioux Tribe, information packets were also sent to the following additional tribes with ancestral lands in the region:

- Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation
- Cheyenne River Sioux Tribe
- Crow Creek Sioux Tribe
- Flandreau Santee Sioux Tribe of South Dakota
- Lower Brule Sioux Tribe
- Lower Sioux Indian Community in the State of Minnesota
- Oglala Sioux Tribe
- Prairie Island Indian Community Mdewakanton Dakota Sioux of Minnesota
- Rosebud Sioux Tribe
- Santee Sioux Nation
- Shakopee Mdewakanton Sioux Community of Minnesota
- Sisseton-Wahpeton Oyate of the Lake Traverse Reservation
- Standing Rock Sioux Tribe of North & South Dakota
- Upper Sioux Community

In addition to the Native American groups, including tribes, listed above, an information packet was sent to the Nebraska Commission on Indian Affairs. Feedback from Native American groups, including tribes, will be considered as part of the Study and documented in the Tier 1 EIS, and establishes coordination for future interaction on the Project. Feedback from Native American groups is included in Chapter 4.



- Legend**
- Route Alternative 1
 - Route Alternative 2
 - Route Alternative 3
 - Route Alternative 3 - Abandoned Portion
 - Route Alternative 4
 - Route Alternative 4-A (Combination of Portions of Route Alternatives 4 and 5)
 - Route Alternative 5



Chicago to Omaha Route Alternatives

Chicago to Omaha Regional Passenger Rail System Planning Study

DATE	April 2012
FIGURE	1-1