

Record of Decision

BELLEVUE BRIDGE STUDY MILLS COUNTY, IOWA, AND SARPY COUNTY, NEBRASKA

FHWA-IOWA-EIS-2004-2-F

**Iowa DOT Project Number
NHSX-34-1(63)—19-65**

Submitted Pursuant to 42 U.S.C. 4332(2)(c)

by the

**U.S. Department of Transportation
Federal Highway Administration**

DECISION

The Federal Highway Administration (FHWA) hereby approves the selection of the Preferred Alternative for the Bellevue Bridge Study as identified in the Final Environmental Impact Statement (Final EIS). This approval constitutes FHWA acceptance of the Preferred Alternative alignment and completes the approval process for additional access to Interstate 29 (I-29).

This decision is based on the information presented in the Bellevue Bridge Study Final EIS that was prepared by the FHWA, Iowa Department of Transportation (Iowa DOT), and the Nebraska Department of Roads (NDOR) and was released for public review in May 2007. The Preferred Alternative and its alignment are described in summary form in the condensed Final EIS and are addressed in detail in the Draft Environmental Impact Statement (Draft EIS). Both documents and their supporting documentation are available for review upon request to the Iowa Division of FHWA. This Record of Decision (ROD) references both the Final EIS and the Draft EIS because much of the detail in the Draft EIS was not repeated in the Final EIS.

DESCRIPTION OF THE PROPOSED ACTION

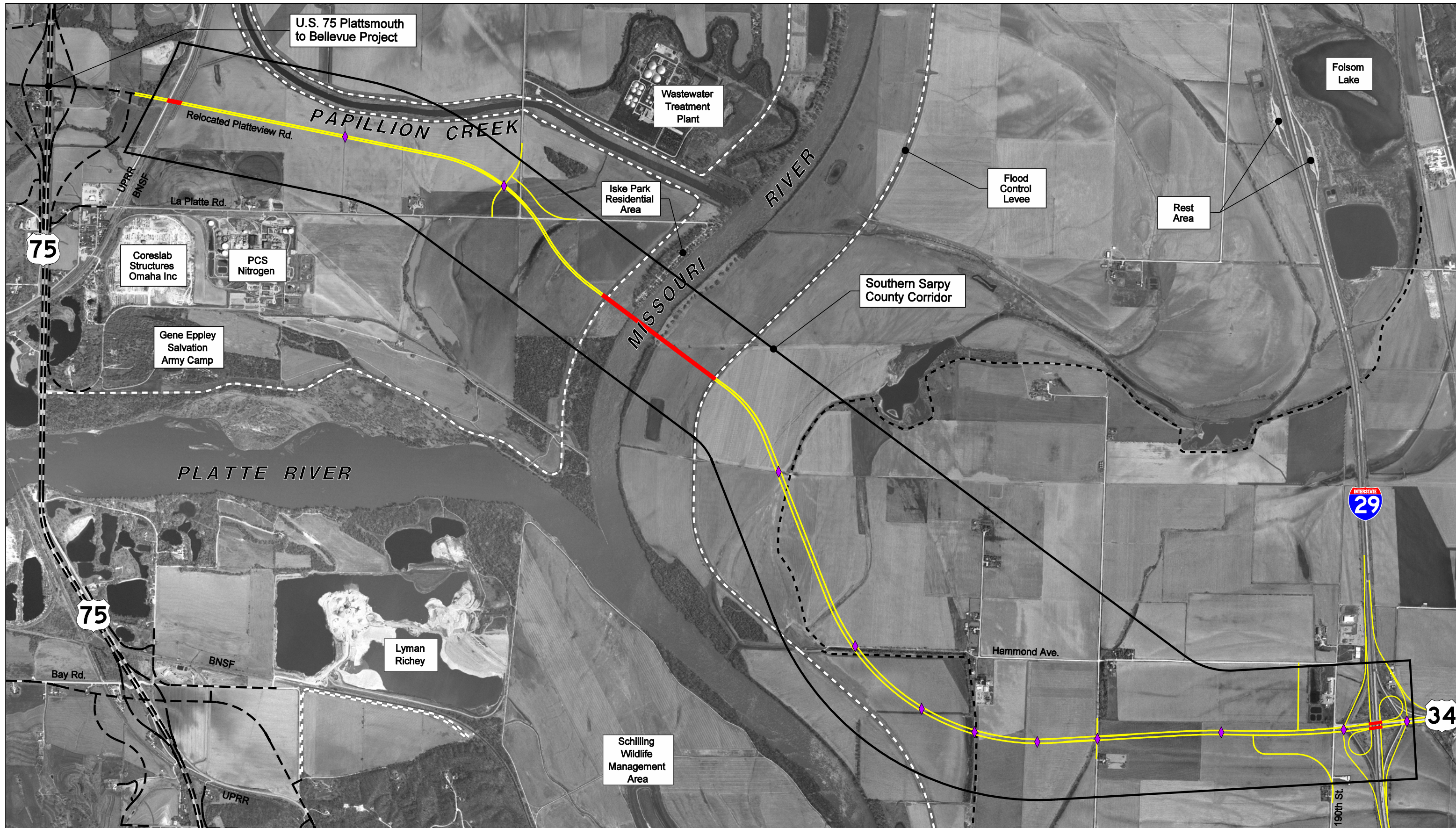
The proposed action (the Project) consists of establishing a new connecting route, approximately 6.7 miles long, from U.S. Highway 75 (U.S. 75) in Nebraska to Interstate 29 (I-29) in Iowa. These termini are logical connection points to the primary regional highway and interstate facilities serving north-south travel in the southern Omaha, Nebraska, metropolitan area.

The purpose of the Project is to improve connectivity and to fulfill transportation needs of the region (that is, the southern Omaha metropolitan area, including eastern Sarpy County and Bellevue as well as western Mills County) by providing a safe and free-flowing connection across the Missouri River from U.S. 75 to I-29.

As shown in Figure 1, the Project begins at the east end of the U.S. 75 interchange with the relocated Platteview Road that is proposed as part of the NDOR U.S. 75 – Plattsmouth to Bellevue project. Four lanes will extend eastward from the interchange, with a four-lane bridge across the Union Pacific Railroad (UPRR) and Burlington Northern and Santa Fe Railway (BNSF) rail lines. The four lanes will continue east/southeast and will cross the Missouri River approximately midway between the points where Papillion Creek and the Platte River flow into the Missouri River and south of the Iske Park residential area. The Missouri River crossing will include a bridge that begins west of the U.S. Army Corps of Engineers (USACE) flood control levee on the Nebraska bank and will continue across the river to the east side of the USACE flood control levee on the Iowa bank. The bridge layout includes a three-span Nebraska approach, three main spans, and a 12-span Iowa approach. One of the main spans will provide a minimum of 450 feet of horizontal clearance and 52 feet of vertical clearance for the navigation channel in the river. The pier layout for the bridge was developed in coordination with the United States Coast Guard (USCG) to minimize navigation impacts.

East of the Missouri River crossing, the alignment curves to the south and then to the east to the northern U.S. 34 interchange with I-29 (the Glenwood exit). The Project includes widening the existing U.S. 34 from a two-lane roadway to a four-lane divided roadway through the existing interchange with I-29 (including replacing the existing diamond interchange with a partial cloverleaf interchange) to connect with the four-lane section of U.S. 34 east of I-29.

Figures 2 and 3 show typical cross sections of the three primary roadway segments of the Project: 1) the western terminus at U.S. 75 to the Missouri River, 2) the bridge over the Missouri River, and 3) the Missouri River to the eastern terminus. These figures include the widths of the shoulders, driving lanes, and median. Of particular note are the widened outside shoulders on the bridge to accommodate potential bicyclist and pedestrian use.



U.S. 75 Plattsmouth to Bellevue Project

Folsom Lake

Wastewater Treatment Plant

PAPILLION CREEK

Iske Park Residential Area

Flood Control Levee

Rest Area

UPRR
BNSF

La Platte Rd.

75

Coreslab Structures Omaha Inc

PCS Nitrogen

Gene Eppley Salvation Army Camp

Southern Sarpy County Corridor

MISSOURI RIVER

PLATTE RIVER

INTERSTATE 29

75

Lyman Richey

Hammond Ave.

Bay Rd.

BNSF






Schilling Wildlife Management Area

34

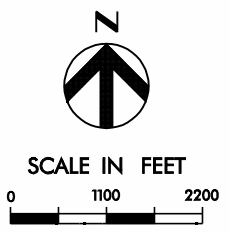
UPRR

190th St.

Legend

-  Preferred Alternative Alignment
-  Proposed Bridge
-  Preliminary Access Locations
-  Flood Control Levee (Federal)
-  Flood Control Levee (Local)

Source:
Western Air Map 2001
Aerial Photography

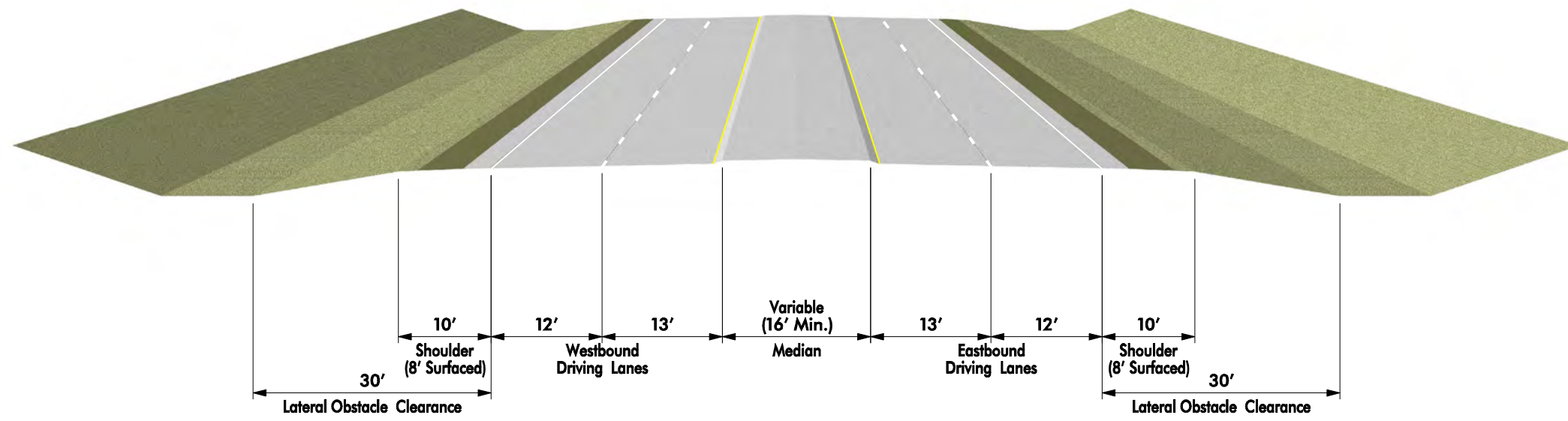


Preferred Alternative Alignment

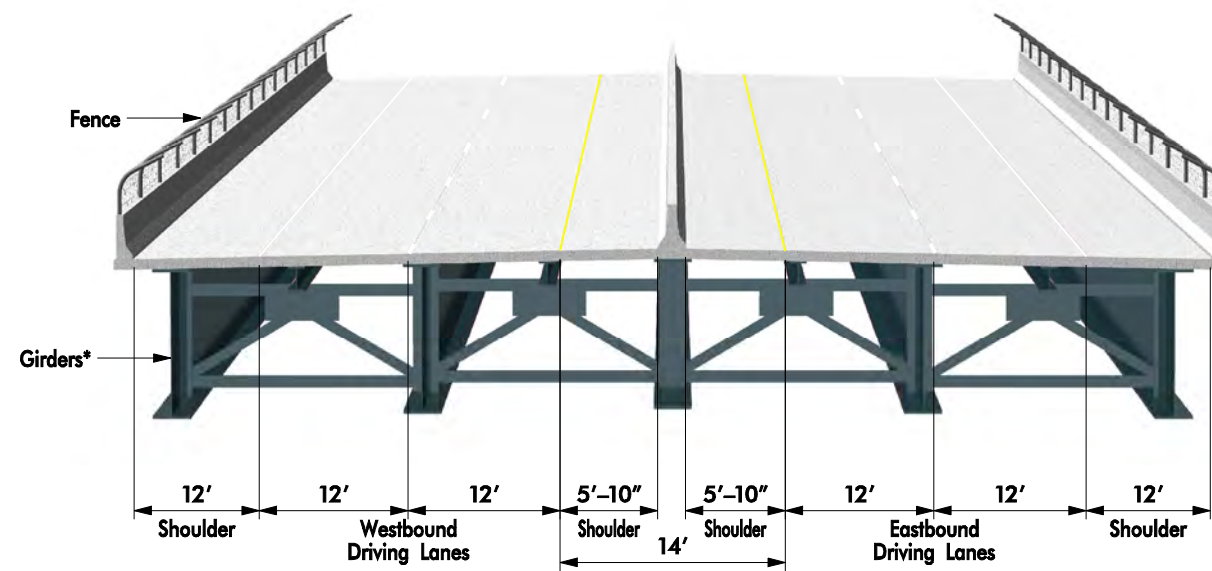
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Figure
1



West Terminus at U.S. 75 to the Missouri River
(Nebraska)



Bridge over the Missouri River

* Girder type and spacing have not been determined.
Shown for illustration purposes only.

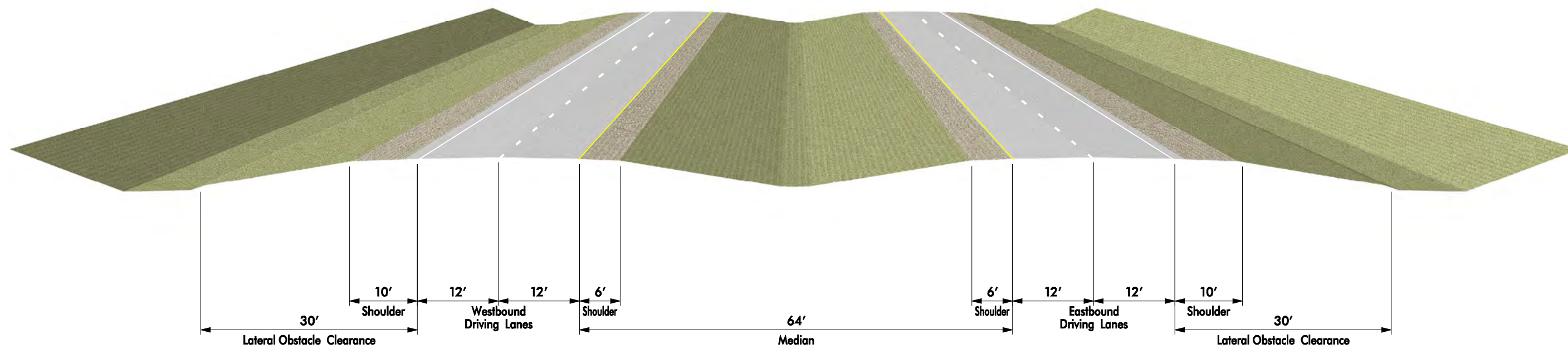


Typical Sections - Nebraska

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Figure
2



Missouri River to East Terminus
(Iowa)



Typical Sections - Iowa

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Figure
3

PREFERRED ALTERNATIVE – BASIS FOR SELECTION

The process used to select the Preferred Alternative for this Project was based on the consideration of social, economic, and environmental impacts; an engineering evaluation; agency coordination; and public input. The preliminary alternatives were screened with respect to their ability to meet the purpose of and need for the Project. The application of criteria tied to the Project purpose and need and to major resource categories resulted in the alternatives that were carried forward for detailed evaluation. This process included several public open house meetings to solicit public input. Agency opinions were also solicited through distribution of the Draft Environmental Impact Statement to 30 Federal, state, and local agencies. Chapter 5, Comments and Coordination, of both the Final EIS and the Draft EIS documents the agencies' input that was used to select the Preferred Alternative.

FHWA, in coordination with Iowa DOT and NDOR, reviewed all reasonable alternatives under consideration (including the No-Build Alternative) with respect to their ability to meet the Project purpose and need. The agencies identified the alignment and features of the proposed action as the Preferred Alternative because they best met the Project purpose and need; would involve fewer direct impacts; would require less funding; would take less time to construct than the other build alternative evaluated in detail; and received the most public support. The selected alternative was also determined to be the environmentally preferred alternative based on a comparison of the potential impacts of the build alternatives, as identified during preparation of the Final EIS.

OTHER ALTERNATIVES CONSIDERED

The following alternatives were initially considered:

No-Build Alternative (Year 2030 baseline conditions) – The proposed action to improve connectivity between the southern Omaha metropolitan area and southwest Iowa would not be implemented. The existing Highway 370 would continue to provide this connection, with ongoing minor maintenance.

Improvements Not Requiring Major Construction – Low- or no-cost improvements, such as transportation system management and travel demand management, would be implemented rather than major new construction.

Improvements to the Existing Roadway and Bridge – Highway 370 would be widened, and the existing Bellevue Bridge would be rehabilitated or replaced.

New Roadway Corridors – North of the existing connecting route, no new corridors to connect U.S. 75 and I-29 were considered because they would have to cross either the developed core of Bellevue or the Fontenelle Forest and Nature Center. South of the existing connecting route, however, two potential corridors to connect U.S. 75 and I-29 were identified in the area between Offutt Air Force Base (AFB) to the north and the Platte River to the south:

- South of Offutt AFB Corridor (similar to Corridor A in the 1996 Draft EIS) – On the west, this corridor would connect to an existing interchange of U.S. 75 with Fort Crook Road and Fairview Road. This corridor would traverse primarily agricultural land and would connect to I-29 at a new interchange east of the Missouri River.
- Southern Sarpy County Corridor (Corridor B in the 1996 Draft EIS) – On the west, this corridor would connect to the proposed interchange of U.S. 75 with the relocated Platteview Road. This corridor also would traverse primarily agricultural land and would connect to the existing interchange of I-29 with U.S. 34 east of the Missouri River.

Of these alternatives, the No-Build Alternative and the two new roadway corridors were carried forward for detailed analysis. Although the No-Build Alternative would not meet the Project purpose and need, it was carried forward to serve as a baseline for comparison of impacts. Improvements not requiring major construction would not be able to address the needs in relation to physical condition and system linkage. The alternative of improving the existing roadway and bridge was not carried forward because the condition of the existing Bellevue Bridge was improved by a separate project but widening of Highway 370 would have caused major impacts on existing properties.

RECENT CHANGES

On June 28, 2007, the bald eagle was delisted as a threatened species protected under the Endangered Species Act. Nevertheless, the level of protection under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act has not changed how the bird and its habitat will be protected under the mitigation measures proposed for the Project.

During the continuing design process in conjunction with the process to meet the requirements of regulations promulgated under the National Environmental Policy Act (NEPA), additional design and research in the Study Area resulted in new information:

- A supplemental archaeological survey was conducted to review land that was not included in the original survey area based on the initial design. No new archaeological sites were found in the area that was recently surveyed. The initial historical property survey had included this area and reported the absence of any properties listed on or eligible for the National Register of Historic Places. A report documenting the supplemental archaeological survey and its lack of findings was prepared and provided to the State Historic Preservation Office (SHPO) of the State Historical Society of Iowa. The SHPO concurred with the “No effect to historic properties” determination. The letter is reproduced in Attachment B.
- The design for the I-29/U.S. 34 interchange changed from a diamond to a partial cloverleaf, as noted in the Final EIS. A privately owned campground (I-29 Highway 34 Campground) which has 42 trailer pad sites, a picnic pavilion, and a building with restrooms and showers, exists northeast of the current interchange. The pad sites are primarily used by laborers working on the Mid-American Energy plant approximately 10 miles north of the interchange but are also used for overnight stays by interstate travelers. The pad sites and the gravel path providing access to the pad sites are outside of future right-of-way (ROW) needed for the partial cloverleaf. The distance from the interstate ROW fence to the gravel path surrounding the campground, currently approximately 45 feet at its closest point, would be reduced to approximately 15 feet in that location.

The traffic noise levels in this area are currently dominated by interstate traffic of approximately 20,000 vehicles per day and 4,000 vehicles traveling on the northbound entrance ramp from U.S. 34. Traffic modeling has predicted approximately 32,000 vehicles per day traveling on the interstate and approximately 6,000 vehicles per day on the reconstructed northbound I-29 ramp in 2030. Noise modeling based on projected 2030 traffic levels has determined that the noise levels at the pad sites would be less than the noise abatement criteria (NAC)¹ for Category B receivers. The maximum estimated noise level would be 63 a-weighted decibels (dBA), and the NAC is 66 dBA. Adverse

¹ Noise abatement criteria determined by FHWA are based on A-weighted decibels (dBA). The criterion for residential land uses is 67 dBA.

noise impacts occur when the predicted traffic noise levels approach² or exceed the NAC or when they substantially exceed³ the existing noise levels.

- Iowa DOT also plans to replace approximately 500 feet of failed pavement on U.S. 34 east of the bridge over the BNSF grade. This improvement would occur within existing ROW and would not adversely affect the surrounding environment.
- Although the Plattsmouth Bridge was studied for possible replacement (as noted in a Draft EIS), current plans are to repair and redeck the existing structure.
- As stated in the Final EIS, an access road to 190th Street near the Lincoln Amoco station located northwest of the I-29/U.S. 34 interchange was shifted west from the location identified in the Draft EIS. The most recent design shifts the access road eastward approximately 1,800 feet from where it was shown in the Final EIS. Figure 1 shows the current location approximately 150 feet west of Lincoln Amoco property.

A former leaking underground storage tank (LUST) has been removed from the Lincoln Amoco property, but monitoring activities are ongoing under the Iowa Department of Natural Resources (Iowa DNR) Risk-Based Corrective Action (RBCA) program. Past remediation included free product gasoline and contaminated soil removal, and soil vapor and groundwater monitoring is ongoing. The soil vapor and groundwater monitoring wells are located on Lincoln Amoco property. A groundwater plume of the gasoline and its constituents (benzene, toluene, ethylbenzene, and xylene) is moving westward from the site. Depth to groundwater typically varies from 10 to 12 feet below ground surface. The planned excavation for constructing the access road is only approximately 2 feet. Consequently, the Project would not adversely affect the RBCA program at the Lincoln Amoco site, and groundwater contamination would not affect construction of the Project.

COMMENTS ON THE FINAL EIS

The FEIS was publicly distributed in May 2007, and the Notice of Availability was published in the *Federal Register* on June 15, 2007 (Volume 72, Number 115). Five agencies provided comments on the document; as cooperating agencies, USCG and the U.S. Fish and Wildlife Service (USFWS) received and commented on a preliminary version of the Final EIS that did not change substantively subsequent to their comments. Agency comment letters are included in Attachment A, along with response letters issued by Iowa DOT, and are summarized as follows (with responses in italics):

- USCG, December 13, 2006 – “The environmental documentation will adequately support an application for a Coast Guard Bridge Permit.”
- USFWS, December 28, 2006 – “The Service has reviewed the pre-Final EIS and finds that it satisfactorily addresses [e]ffects to Federal trust fish and wildlife resources including Federally listed species and migratory birds.”
- Nebraska Department of Environmental Quality (NDEQ), June 5, 2007 – No comments were provided.
- U.S. Environmental Protection Agency (USEPA), June 19, 2007 – USEPA indicated that its comments were adequately addressed regarding the fate of the existing bridge,

² Approach is defined as coming within 1 dBA of the NAC.

³ Substantially exceed is defined by Iowa DOT Noise Policy as a 10 dBA increase above existing noise levels.

wetlands, hazardous materials, and floodplains. In addition, USEPA commended the commitment to create a 167-acre conservation easement for protection of the riverine ecosystem and land management for the benefit of riverine fish and wildlife species.

- Iowa Department of Natural Resources (Iowa DNR), June 27, 2007 – “We have searched our records of the project area and have found no site-specific records of rare species or significant natural communities that would be impacted by this project... If listed species or rare communities are found during the planning or construction phases, additional studies and/or mitigation may be required.” *The potential requirement for future studies has been noted in the “Project Mitigation – Measures to Minimize Harm” section of this ROD.* “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.” *The ROD lists known permits needed for the Project.* The requirements for a stormwater discharge construction permit were noted. *Because the Project will disturb more than 1 acre of ground, a permit application will be prepared and submitted to Iowa DNR.* In accordance with 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.” *Minimizing fugitive dust dispersion will be a best management practice (BMP) for this project.*

Coordination with resource agencies has led to the receipt of other letters addressing environmental issues; these letters are reproduced in Attachment B. Regarding the letter from the Nebraska Department of Aeronautics, potential airspace obstruction requirements were reviewed. The Project is outside the runway protection zone of Offutt AFB. If any construction equipment (such as cranes) used to construct the bridge exceeds 166 feet in height above the existing elevation, Federal Aviation Administration (FAA) Form 7460-1 will be prepared and filed.

COORDINATION

In addition to the coordination with resource agencies and the public described in the preceding section, relevant tribes were notified regarding the Project under the Iowa DOT and NDOR policies on tribal coordination. However, tribal-specific coordination has not occurred since publication of the Draft EIS because, as reported in Section 5.2 of the Draft EIS, comments received from tribes during preparation of the Draft EIS revealed no Project-related tribal issues.

PROJECT MITIGATION – MEASURES TO MINIMIZE HARM

The Project will primarily impact the natural environment rather than the human environment. Only one residential and potentially one business relocation will be required, causing minimal human environment impacts. Although the Project will affect wetlands, floodplains, threatened or endangered species, and other natural resource features, the impacts are not projected to be adverse because permit requirements will be followed and a conservation easement will be acquired to benefit natural resources. The Project is expected to have no effect on historic properties, including archaeological properties. No minimization or mitigation of impacts is proposed for those resources determined to not be adversely affected (namely, social and recreational resources and Section 4(f) properties).

Land Use

The Project is consistent with future land use plans in the area. As detailed design plans are developed for the Preferred Alternative, Iowa DOT and NDOR will continue to coordinate with the Metropolitan Utilities District (MUD) and USACE regarding any plans they might have for

proposed wetland mitigation and restoration sites within or near the planned ROW for the Project.⁴ The detailed design will consider minimizing the area of impact.

Farmland

Because of the constraints of establishing viable alternative corridors in the Study Area, it was not possible to avoid farmland. However, the design process involved consideration of diagonal severance to minimize potential farmland impacts. The Preferred Alternative will result in the conversion of approximately 295 acres of prime farmland but will not have a significant impact on farmland based on the score in Form AD-1006, Farmland Conversion Impact Rating, as determined by the Natural Resource Conservation Service. In addition, the proposed ROW does not contain unique or statewide or locally important farmland. Therefore, no mitigation with respect to farmland is proposed.

ROW and Relocations

Many constraints, including existing property boundaries and locations of structures, were considered during the design process in an effort to avoid and minimize impacts. Approximately 307 acres of new ROW will be acquired. The Preferred Alternative will cause one residential relocation for a property located northeast of the existing I-29/U.S. 34 interchange in Iowa. An acquisition and relocation program will be conducted in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended (42 U.S. Code [USC] 4601 et seq.), the Nebraska Relocation Assistance Act (Neb. Rev. Stat. Section 76-1214 et seq.), and the Iowa relocation assistance law (Iowa Code, Chapter 316).

Railroads and Utilities

Because of key constraints such as avoiding Offutt AFB and crossing the Missouri River at a 90-degree angle, railroads and utilities cannot be avoided. Impacts on rail lines will be minimized by construction of bridges over the lines. Generally, the fiber optic lines and pipelines affected by the Project are perpendicular to the proposed roadway, thereby minimizing the potential area affected. Specific mitigation measures to minimize disruption of service on the MUD sludge line, BNSF and UPRR rail lines, and Omaha Public Power District (OPPD) substation, transmission lines, and other utilities will be determined during the design and construction phases of the Project.

Schedules for railroad-related work, and work windows for Project construction, will be coordinated between NDOR and the railroads prior to implementation of the construction contract; the contract documents will stipulate these conditions. Iowa DOT and NDOR will complete agreements with the utilities before construction. Utility service will continue to be provided to local businesses and residences throughout the construction period, but there may be periods of brief service interruptions for line relocations in accordance with the utility agreements. These interruptions will be advertised and conducted during times that minimize disruptions to local businesses and residents.

Economics

The new bridge over the Missouri River will reduce traffic for the existing Bellevue and Plattsmouth bridges. Projections for the Year 2030 indicate that 2,300 vehicles per day (vpd) will

⁴ MUD owns land in Nebraska near the Missouri River that was originally considered to be one of several sites for development of wetland mitigation sites. However, another site was selected, and USACE is acquiring land for St. Mary's Island restoration site in Iowa. In addition to developing terrestrial habitat, USACE plans to preserve the very limited wetlands present on the site and to establish some aquatic habitat along the Missouri River bank.

use the existing Bellevue Bridge in 2030 compared to the current 2,500 vpd and the 2030 projection of 5,550 vpd if the new bridge were not built. Traffic projections for the Plattsmouth Bridge indicate that 1,750 vpd will use the existing Plattsmouth Bridge in 2030 compared to the 2,200 vpd if the new bridge were not built; current traffic is 1,300 vpd. Consequently, toll revenues from use of the existing Bellevue and Plattsmouth bridges will drop slightly after the new bridge opens. Tolls collected from the existing bridges will be used to operate, maintain, and renovate the bridges. No mitigation is proposed for the potential loss of future toll revenue.

Vehicles, Pedestrians, and Bicyclists

Short-term traffic delays may result from the movement of construction equipment and vehicles to the work sites. A traffic control plan will be developed prior to construction, and details will be finalized during final design of the alignment for the selected alternative. Access will be maintained on local access roads during construction. As part of a traffic control plan, standard safety measures will be implemented to help protect the safety of motorists and pedestrians during construction.

Use of the new bridge over the Missouri River by pedestrians and bicyclists will be facilitated by widened outside shoulders. The Preferred Alternative cannot avoid the proposed La Platte Link Trail and proposed Missouri River Trail/Iowa Riverfront Trail. However, grade-separating the roadway and the proposed trails will minimize permanent impacts on the trails; this will maintain the trails in their proposed locations and will eliminate potential conflicts with vehicles.

Temporary impacts on the proposed trails (which may or may not be constructed by the time the Project is constructed) will occur as a result of short-term closures required for construction of the proposed bridge. In addition, the need to avoid private land in Iowa precludes a reasonable or prudent option for a detour to maintain a continuous trail system (if designated and operating) on the levee in Iowa. The constraints of Papillion Creek and private land in Nebraska make it neither reasonable nor prudent to construct a detour to keep the proposed La Platte Link Trail (if designated and operating) open during construction of the bridge over the Missouri River. Impacts will be minimized through coordination with the trail sponsor.

Air Quality

Air quality impacts during construction will be minor and limited to short-term increases of fugitive dust, particulates, and emissions from mobile sources. The following BMPs from Iowa DOT and NDOR construction manuals will be implemented to minimize air quality impacts during construction:

- Equipment will not be concentrated at locations near any sensitive receptor sites, and no single piece of equipment will result in significant pollution concentrations.
- Construction contractors will be required to comply with the Iowa and Nebraska statutory regulations for air pollution control.
- Construction contracts will stipulate adherence to requirements regarding open burning of grub material, fugitive dust, visible emissions, and permits.
- A schedule of water sprinkling will be developed and followed to control dust.

Noise

Residential and business structures were avoided to the maximum extent possible given requirements for nearly perpendicular approaches at U.S. 75 and I-29 and at intersections with railroad lines and rivers. Eleven receivers in the Iske Park residential area will be adversely affected by increasing average noise levels by 10 decibels or more. The use of noise barriers to reduce future traffic noise along the Preferred Alternative alignment in this area was evaluated, but the cost per benefited receiver would be approximately twice the cost deemed reasonable for mitigation. Other measures, such as buffer zones and traffic management, were also evaluated, but it was determined that no reasonable or feasible measures exist to abate these noise impacts.

BMPs in accordance with Iowa DOT and NDOR construction manuals will be used to mitigate construction-related noise impacts. The BMPs will require that construction be limited to daylight hours, typically 6 a.m. to 6 p.m., adjacent to noise-sensitive areas. This will reduce noise levels during the evening and at night near existing receivers.

Water Quality

Because a river crossing is required for the Project, surface water impacts cannot be avoided. Cofferdams are expected to be used during foundation and pier construction. These cofferdams will contain excavated materials, thereby reducing construction-related increases in sediment in the Missouri River.

The contractor will be required to implement BMPs in accordance with Iowa DOT and NDOR construction manuals to minimize temporary impacts on water quality during construction. Revegetation of exposed soils after construction will minimize erosion and will assist in filtering roadway contaminants before they reach surface waters.

NDEQ and Iowa DNR administer the Federal National Pollutant Discharge Elimination System (NPDES) program and issue general permits for stormwater discharges from construction activities disturbing 1 or more acres. The purpose of the program is to improve water quality by reducing or eliminating contaminants in stormwater. The NPDES program requires preparation of a stormwater pollution prevention plan (SWPPP).

The specific sediment, erosion control, and spill prevention measures will be developed during the detailed design phase and will be included in the plans and specifications. The SWPPP will address requirements specified in Iowa DOT and NDOR construction manuals. It is likely that the SWPPP will include stipulations that silt fences, buffer strips, or other features be used in various combinations and that drums of petroleum products be placed in secondary containment to prevent leakage onto ground surfaces.

As part of standard construction BMPs, water detention basins could also be constructed to minimize pollutant loading of surface waters. Another standard construction BMP is revegetation and stabilization of roadside ditches to provide opportunities for the runoff from the impermeable area to infiltrate, to reduce the velocity of the runoff, and to minimize increases in sedimentation. The states of Iowa and Nebraska will be responsible for maintaining vegetation along roadway drainage ditches to minimize erosion. Future roadway maintenance will be conducted using existing policies.

Although direct impacts on the groundwater monitoring network of PCS Nitrogen will be avoided by shifting the alignment of the Preferred Alternative, the local groundwater table will be negligibly affected by adding fill to the area and introducing an impermeable roadway surface. No mitigation is proposed for the groundwater monitoring well system of PCS Nitrogen.

Wetlands and Other Waters of the U.S.

The design process included efforts to avoid wetlands and waterways and to minimize impacts. Some permanent wetland impacts will be avoided by bridging the Missouri River from the Nebraska levee system to the Iowa levee system, although impacts may occur at pier locations. Based on wetland determinations, approximately 9.0 acres of wetlands could be impacted by the Preferred Alternative. Wetland determination boundaries that have been refined by means of field studies of soil type, vegetation, and hydrology will be used to perform wetland delineations.

During final design, potential minimization of wetland impacts will be evaluated subsequent to the wetland delineations, and the design will be altered to minimize wetland impacts where practical. Section 404 Permit applications⁵ will illustrate the proposed design and will indicate the efforts to minimize impacts on wetlands and other waters of the U.S.

Where wetland impacts, including potential impacts at bridge pier locations, cannot be avoided or further minimized, ratios and locations for mitigation will be determined through consultation with USACE. A preliminary analysis of suitable sites, including mitigation banks, will be performed and included as part of the mitigation concept for the USACE Section 404 Permit applications and the Iowa and Nebraska Section 401 Water Quality Certification for the Preferred Alternative.

Temporary impacts on wetlands as a result of construction may be permitted by USACE under nationwide permits. The Draft EIS provides additional information on potential nationwide permits for the Project.

A Section 10 Permit from USACE was acquired to facilitate drilling of sedimentation core from the Missouri River to assist in design of the bridge. As part of the Section 404 permitting process for construction, Section 10 and Section 401 processes will also be incorporated. Approximately 3,000 feet of intermittent and perennial waterways will be affected by construction of conveyance structures to facilitate potential surface water flow beneath the roadway. These impacts will also be addressed through the Section 404 permitting process.

Floodplains

Because a river crossing is required for the Project, encroachment on floodplains is unavoidable. Approximately 35.2 acres of fill is projected to be placed within interior floodplains (located outside of the Federal levees paralleling the Missouri River). Where encroachment is required, impacts will be minimized by providing mitigation to maintain a no-rise condition in floodways and less than a 1-foot rise in floodplains. Piers will be placed in the Missouri River floodway, but hydraulic modeling has determined that this will result in a no-rise condition. No-rise certification for the portions of the Project in the floodway will be submitted as part of the permit applications for floodplain development. In floodplain areas where roadway fill is required, the rise in the 100-year flood elevation will be minimized to the extent possible by removing fill from the adjacent floodplain through the construction of roadside ditches and other floodplain improvements where practical.

The bridge and roadway will be designed and constructed to avoid degrading the effectiveness of pile dikes and other bank stabilization structures. Conservation measures have been developed to mitigate the potential impact of future floodplain development and to protect existing habitat (see the following text for additional information.)

⁵ One permit application will be needed for wetlands within USACE Omaha District jurisdiction, and another permit application will be needed for wetlands within USACE Rock Island District jurisdiction.

Fish and Wildlife

Many constraints, including wetlands and forested areas, were considered during the design process in an effort to avoid and minimize impacts. Based on the widespread presence of wildlife in the Study Area, impacts on wildlife habitat cannot be avoided. Because river crossings are involved, impacts on fish also cannot be avoided. The following habitat types in the existing and future ROW could be directly affected by construction activities: agricultural (300.0 acres), forested nonwetland (6.6 acres), rangeland nonwetland (101.1 acres), wetlands (9.0 acres), and Missouri River (4.7 acres).

To mitigate for habitat impacts, especially with respect to threatened or endangered species, a 167-acre conservation easement will be acquired. Attachment C contains the Memorandum of Agreement concerning the conservation easement, and specific mitigation measures are noted under the following threatened or endangered species headings. Mitigation and minimization measures that are separate from the aforementioned specific mitigation measures are noted.

Fish

During the design process, the number of piers in the Missouri River channel was minimized. This benefits navigation as well as fish habitat.

Wildlife

Wildlife using the existing Missouri River floodplain for migration can continue to do so after bridge construction because a multi-span bridge over the Missouri River will be constructed from levee to levee. No fill will be placed within the Missouri River floodplain, and tree removal in forested upland and forested wetland areas will be limited to those areas required for bridge construction. As indicated previously, not all wetland acreage (including forested wetland) within the ROW will be converted because the bridge will be above much of the floodway. Measures designed to reduce deer-vehicle accidents, such as the installation of warning signs alerting drivers to possible deer crossings along the roadway, will be implemented. Mitigation to offset the impacts associated with the Preferred Alternative will be conducted according to habitat type, as described in the following paragraphs.

Agricultural Land

Mitigation to offset the loss of agricultural habitat will not be necessary, as suitable agricultural habitat is located in the surrounding area.

Nonwetland

Mitigation to offset the loss of upland habitat in forested areas is required by Iowa Code and could be conducted in several ways. Replacement trees could be planted at a ratio of 1:1 (Iowa DOT, October 20, 2003). Other mitigation options could be developed that are “deemed to be comparable to the woodland removed, including, but not limited to, the improvement, development, or preservation of woodland under public ownership” (Iowa Code, 2003). Replacement of forested areas is not required by Nebraska code; however, the mitigation for Project impacts is expected to be similar in both states.

Wetland

Mitigation of wetland impacts in Iowa and Nebraska, previously discussed, could include the restoration and/or the creation of emergent and forested wetlands.

Migratory Birds

Measures to minimize impacts on migratory birds during construction include:

- Erosion will be controlled in accordance with NPDES construction permitting and SWPPP requirements. Disturbed upland habitat in rangeland areas will be restored by seeding the disturbed areas with a native grass and forb mixture.
- To the extent possible, vegetation-clearing activities along the riparian corridor will be completed outside of the nesting period (primarily between April 1 and July 15) to avoid or minimize adverse impacts on nesting migratory birds. Should clearing activities be required during this time period, a survey of the affected habitats would be conducted to determine if nesting migratory birds are present. This survey would be coordinated with USFWS, and the results would be submitted to USFWS to determine if any migratory birds would be affected.

Threatened or Endangered Species

It was determined that threatened or endangered species are not likely to be adversely affected, given the acquisition of property for the conservation easement and other specified mitigations. Based on interaction with USFWS and other resource agencies, the following mitigation measures will be implemented:

- a. Iowa DOT will acquire a 167-acre conservation easement located west of the Project ROW in Iowa and adjacent to the south side of the proposed St. Mary's Island restoration site. This area will be managed for the benefit of riverine fish and wildlife species, including the pallid sturgeon and bald eagle. The proposed area for the conservation easement includes approximately 3.4 acres of wetlands based on USFWS National Wetlands Inventory boundaries.
- b. The segment of the proposed highway alignment in the vicinity of the conservation easement will be reviewed for a shift northeastward as much as practicable (up to 100 feet). The shift is intended to allow a Federal levee on the Iowa side of the river to be set back to restore riverine processes and functions. The purpose of the highway realignment and levee setback, together with the conservation easement, is to prevent future commercial and industrial developments and subsequent modification of the stormwater regime and water quality in the Platte and Missouri confluence area.
- c. The bridge abutments and earthen embankments will be constructed landward of the current Federal levees to avoid hydrological changes, including passage of flood flows.
- d. Tree clearing will not occur during the bald eagle wintering period and will be minimized during the remainder of the year to the extent possible.
- e. A survey for active bald eagle nests will be completed 60 to 90 days before construction of the Project if construction is planned to occur during the nesting period. If active nest(s) are found within 0.5 mile or line of sight of the Project, all construction activities within 0.5 mile or line of sight of the nest will cease and FHWA will consult with USFWS.
- f. Cofferdam installation and removal as well as pile-driving activities in the Missouri River will occur from July 1 through January 31 to avoid impacts on pallid sturgeon.

-
- g. A minimum of 450-foot clear span will be maintained to prevent the attraction of pallid sturgeon into the mixing zone⁶ of the wastewater treatment plant located upstream and to minimize the number of piers in the river.
 - h. The single river pier and first landward pier on the Nebraska side of the Missouri River will be constructed to minimize scouring of small pool areas above and below the bridge location for the Project and thereby avoid creating wintering habitat for the pallid sturgeon in the area of the mixing zone of the wastewater treatment plant.
 - i. Spill prevention materials and trained personnel will be readily available at the proposed construction site to respond to accidental spills.
 - j. FHWA will reinitiate Section 7 consultation with USFWS if borrow pit(s) on the Nebraska side of the Project result in the exposure of groundwater that may be hydrologically connected to the Platte River.

Specific mitigation for impacts on threatened or endangered species of concern identified by USFWS and other resource agencies are noted, by species, in the following text.

American Bald Eagle

Project planning for the area within the Missouri River floodplain will include consideration of avoiding and minimizing the loss of trees as a result of construction activities. Clearing and grubbing for construction activities will be limited in area to minimize the impact on potential roosting habitat. Trees will be removed only as required for construction activities. The impact on wintering bald eagles can be minimized by completing tree clearing activities outside the wintering period of December 15 through February 20. Mitigation for trees removed within palustrine forested wetlands will be addressed as part of the Section 404 permitting process.

As recommended by USFWS, a survey will be conducted for nesting bald eagles for one nesting season prior to the commencement of construction activities. An area extending approximately 1 mile upstream and 1 mile downstream of the Project site will be surveyed. If this survey identifies active bald eagle nests, no construction activities will commence within 0.5 mile or in line of sight of the nest while the nest is occupied. In addition, if any nesting eagles are encountered within 0.5 miles of the construction area during construction, all construction activities will cease while the nest is occupied. USFWS will be contacted if any active nests are identified prior to or during construction and will be consulted to determine what, if any, construction activities can be conducted without disturbing the nesting eagles.

Interior Least Tern and Piping Plover

Given the likelihood that USACE's ongoing habitat restoration activities will result in habitat changes in the Study Area, a reconnaissance survey for piping plovers and interior least terns within a 0.25-mile radius of the Study Area will be completed prior to any construction activities. If nesting birds are found, USFWS and NGPC will be contacted to determine whether construction activities may adversely affect the nesting birds. If USFWS determines that the construction activities will adversely affect the nesting birds, construction activities will cease until the chicks fledge (that is, leave the nest) or until the construction activities no longer will affect nesting or brooding birds.

⁶ The creation of habitat in the mixing zone is undesirable because water quality at the mixing zone is not required to meet water quality standards for the protection of aquatic life.

Pallid Sturgeon, Lake Sturgeon, and Sturgeon Chub

Specific measures to avoid harming the pallid sturgeon, lake sturgeon, and sturgeon chub will be implemented during construction. These measures will include controlling erosion from construction activities (in accordance with Iowa DOT and NDOR construction manuals); using techniques to avoid water quality impacts on the Missouri River; and timing specific construction activities that may have an appreciable impact on the Missouri River. Main channel margins will also be maintained during bridge construction to minimize the potential for effects on all three species.

Western Prairie Fringed Orchid, Small White Lady's Slipper, and American Ginseng

During a survey of the build alternative corridors for this study, the western prairie fringed orchid, small white lady's slipper, and American ginseng were not observed. However, access was denied to some properties that could potentially contain these species. Prior to construction, therefore, areas within the Project ROW will be surveyed for the presence of these species.

Regulated Materials

The Final EIS noted that the alignment of the Preferred Alternative was shifted in the area of PCS Nitrogen and Lincoln Amoco to avoid acquisition of these two properties with recognized environmental conditions. The distance from the edge of the proposed ROW to monitoring well pair MW-20, located south of the intersection of La Platte Road and Harlan Lewis Road, is approximately 240 feet. The roadway in Nebraska will be slightly elevated (ranging from 3 to 10 feet) compared to the ground surface near PCS Nitrogen, and the groundwater table will be negligibly affected by adding fill to the area and introducing an impermeable roadway surface. No mitigation is proposed for the groundwater monitoring well system of PCS Nitrogen.

The location of the access road connecting the Preferred Alternative alignment with 190th Street north of Lincoln Amoco has been shifted eastward approximately 1,800 feet from where it was shown in the Final EIS. Figure 1 shows the current location approximately 150 feet west of the Lincoln Amoco property boundary. The LUST site currently under RBCA would not be adversely affected by road construction.

Visual

Visual impacts of the Project cannot be avoided. During construction, a 3- to 4-year process, heavy equipment will be involved in clearing new ROW and working within the ROW; this impact will last until construction is completed and the ROW is revegetated. Views of the roadway will be mitigated through landscaping techniques, such as tree and shrubbery plantings, as developed during final design of the Project. BMPs for reseeding with native grass and forb mixtures will be adopted in accordance with Iowa DOT and NDOR construction manuals to help restore the visual quality of the crossing over the Missouri River. To the extent allowed by Iowa DOT and NDOR design standards, railing and safety barriers on the bridge will be designed to avoid unduly restricting the view of motorists.

Navigation

The bridge layout has been coordinated with USCG to minimize navigation impacts. A Section 9 Bridge Permit from USCG is required prior to constructing the bridge. The permit application will be prepared and submitted during final design. Temporary impacts, such as pier construction, will occur during construction of the bridge and affect navigation; however, construction activities will be coordinated with USCG, and the public will be notified of the activities in order to minimize navigation impacts on the Missouri River.

Permits and Approvals

The Draft EIS included Table 4-13 identifying potential permits and approvals needed for the Project. The approvals listed in the table have already been acquired, with the exception of the signed ROD. The Interchange Justification Report has been approved contingent to the outcome of this ROD, which is the decision document for the NEPA process.

Prior to construction, a Section 9 Permit will be acquired from the USCG, a Section 10/404 Permit will be acquired from USACE (Section 401 Water Quality Compliance for the Section 10/404 Permit will be acquired from NDEQ and Iowa DNR), a Floodplain Development Permit (including no-rise certification) will be acquired from Sarpy County, a Joint Floodplain Development Permit and Iowa Sovereign Lands Construction Permit will be acquired from Iowa DNR, NPDES permits will be acquired from NDEQ and Iowa DNR, and a Permit for Occupation of Levee ROW will be acquired from the Papio-Missouri River Natural Resources District.

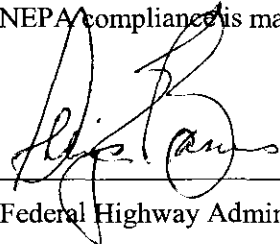
MONITORING – ENFORCEMENT PROGRAM

At this time, no commitments to long-term monitoring have been developed through interaction with resource agencies on this Project. Because the impacts associated with the Project are not substantial enough to warrant long-term mitigation, no formal monitoring or enforcement program will be developed. However, in conjunction with construction activities, the contractor will develop an environmental monitoring program designed to address best management practices, which will be approved by Iowa DOT and NDOR. For example, NPDES permitting will require monitoring of sediment control devices throughout the construction of the Project.

CONCLUSION

Based on the analysis and evaluation contained in the Final EIS, along with input from the public, local governments, and regulatory agencies, FHWA has determined that Iowa DOT and NDOR can proceed with implementation of the Bellevue Bridge Project using the Preferred Alternative.

Completion of the Final EIS and the ROD for the Bellevue Bridge Study denotes completion of the planning and location study phase of project development. The final design and construction phases will follow. As development of the Project continues, FHWA will monitor changes during the final design process so that appropriate follow-up evaluations are completed and NEPA compliance is maintained.



Federal Highway Administration

12/14/2007
Date of Approval

ATTACHMENT A
AGENCY COMMENT LETTERS
ON FINAL EIS



STATE OF IOWA

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

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

RECEIVED

JUL 02 2007

June 27, 2007

OFFICE OF LOCATION & ENVIRONMENT

James Rost
Iowa Dept. of Transportation
800 Lincoln Way
Ames, Iowa 50010

RE: Environmental Review for Natural Resources
Bellevue Bridge Study Final Environmental Impact Statement for Distribution

Dear Mr. Rost:

Thank you for inviting our comments on the impact of the above referenced project. We have searched our records of the project area and found no site-specific records of rare species or significant natural communities that would be impacted by this project. However, our data are not the result of thorough field surveys. If listed species or rare communities are found during the planning or construction phases, additional studies and/or mitigation may be required.

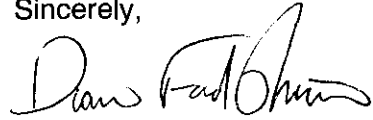
This letter is a record of review for protected species, rare natural communities, state lands and waters in the project area, including review by personnel representing state parks, preserves, recreation areas, fisheries and wildlife but does not include any potential comment from the Environmental 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.

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.

If you have any questions about this letter or if you require further information, please contact me at (515) 281-6341.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Ford-Shivers". The signature is fluid and cursive, with a large initial "D" and "F".

Diane Ford-Shivers
Assistant Division Administrator
Conservation and Recreation Division

FILE COPY: Diane Ford-Shivers

Tracking Number: 1371



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

18 JUN 2007

RECEIVED

JUN 21 2007

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

OFFICE OF LOCATION & ENVIRONMENT

Dear Mr. Rost:

RE: Review of Final Environmental Impact Statement for the Bellevue Bridge Study, Mills, County, Iowa, and Sarpy County, Nebraska, Iowa DOT Project Number – NHSX-34-1(63)-19-65

The Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the Bellevue Bridge Study. Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act (CAA). The DEIS was assigned the Council on Environmental Quality (CEQ) number 2007022.

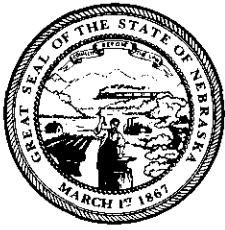
Thank you for addressing our comments regarding the fate of the existing bridge, wetlands, hazardous materials, and floodplains. We commend your efforts to address the floodplain issue including the culvert system design to facilitate drainage and minimize adverse impacts associated with flood events exceeding the 100-year frequency.

The acquisition of the 167-acre conservation easement, as part of this project, is an exemplary example of an ecosystem-based mitigation agreement which demonstrates your commitment to protection of the riverine ecosystem and provides for land management for the benefit of riverine fish and wildlife species, including the federally endangered pallid sturgeon and threatened bald eagle.

We appreciate the opportunity to provide comments regarding this project and the FEIS. If you have any questions or concerns, please contact me at (913) 551-7975.

Sincerely,

Kimberly O. Johnson, P.E.
NEPA Reviewer
Environmental Services Division



RECEIVED

JUN 11 2007

OFFICE OF LOCATION & ENVIRONMENT

STATE OF NEBRASKA

Dave Heineman
Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY
Michael J. Linder
Director

Suite 400, The Atrium
1200 'N' Street
P.O. Box 98922
Lincoln, Nebraska 68509-8922
Phone (402) 471-2186
FAX (402) 471-2909
website: www.deq.state.ne.us

June 5, 2007

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

RE: Bellevue Bridge Study Final Environmental Impact Statement (FEIS) for Distribution

Dear Mr. Rost:

The Nebraska Department of Environmental Quality (NDEQ) has reviewed the above referenced project. We have no comments regarding this project that would fall under the jurisdiction of our programs.

If you have questions about the permitting process, or any other questions, feel free to contact me at (402) 471-8697.

Sincerely,

Hugh Stirts, PhD
NEPA Coordinator



United States Department of the Interior
FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

December 28, 2006

Mr. Michael La Pietra
Realty and Environmental Manager
Federal Highway Administration
105 6th Street
Ames, IA 50010

**RE: Pre-Final Environmental Impact Statement (EIS), Bellevue Bridge Project:
Sarpy County, Nebraska and Mills County, Iowa, Project Number: NHSX-34-
1(63)-19-65**

Dear Mr. La Pietra:

This is in regards to a November 30, 2006, letter requesting that the U.S. Fish and Wildlife Service (Service) review the Pre-Final Environmental Impact Statement (EIS) for the proposed construction of the Bellevue Bridge Project, Sarpy County, Nebraska and Mills County, Iowa, Project Number: NHSX-34-1(63)-19-65. The Service has reviewed the Pre-Final EIS and finds that it satisfactorily addresses affects to federal trust fish and wildlife resources including federally listed species and migratory birds.

The Service appreciates the opportunity to provide comments on the Pre-Final EIS and work cooperatively with Iowa Department of Transportation and Federal Highway Administration to protect federal trust fish and wildlife resources. Should you have any questions regarding these comments, please contact Ms. Brooke Stansberry within our office at Brooke_Stansberry@fws.gov or at (308) 382-6468, extension 16.

Sincerely,


for Steve Anschutz
Nebraska Field Supervisor

CoE; Omaha, NE (Attn: Mike George)
CoE; Omaha, NE (Attn: Randy Sellers)
FHWA; Lincoln, NE (Attn: Ed Kosola)
IDOT; Ames, IA (Attn: James Rost)
NDOR; Lincoln, NE (Attn: Art Yonkey)
IDNR; Lewis, IA (Attn: Angie Bruce)
IDNR; Lewis, IA (Attn: Andy Moore)
IDNR, Des Moines, IA (Attn: Keith Dorman)
NGPC; Lincoln, NE (Attn: Gene Zurlein)
NGPC; Lincoln, NE (Attn: Kristal Stoner)
NGPC; Lincoln, NE (Attn: Carey Grell)

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District

1222 Spruce Street
St. Louis, MO 63103-2832
Staff Symbol: dwb
Phone: (314) 539-3900, Ext 2382
Fax: (314) 539-3755
Email: david.a.orzechowski@uscg.mil

RECEIVED

DEC 26 2006

16591.1/604.1 MOR
December 13, 2006

OFFICE OF LOCATION & ENVIRONMENT

Ms. DeeAnn Newell
Iowa Department of Transportation
Office of Location and Environment
800 Lincoln Way
Ames, IA 50010

Subj: PROPOSED BELLEVUE BRIDGE REPLACEMENT, MILE 604.1, MISSOURI RIVER

Dear Ms. Newell:

Please refer to your letter dated November 30, 2006 regarding the review of the Preliminary Final Environmental Impact Statement. The environmental documentation will adequately support an application for a Coast Guard Bridge Permit. If you have any questions or need further assistance, please call Mr. David Orzechowski at the above telephone number.

Sincerely,

A handwritten signature in black ink that reads "R. K. Wiebusch".

ROGER K. WIEBUSCH
Bridge Administrator
By direction of the District Commander

**ATTACHMENT B
OTHER AGENCY LETTERS**



STATE OF IOWA

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

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

RECEIVED

JUL 25 2007

July 24, 2007

OFFICE OF LOCATION & ENVIRONMENT

Mr. James Rost
Iowa Department of Transportation
800 Lincoln Way
Ames, Iowa 50010

Dear Mr. Rost,

I was recently contacted by Scott Marler regarding the DOT Bellevue Bridge Study. His inquiry related specifically to the IDNR ground water (source water protection) program.

I reviewed the related materials from Scott and have discussed this further with our source water geologist. It was determined the proposed DOT Bellevue Bridge project does not intersect with public water supply wells or their capture zones at this time. I am including a map identifying the area alluvial shallow well systems. The wells are approximately 4 miles from the proposed DOT project area.

If you have further source water/ground water questions, please feel free to contact me.

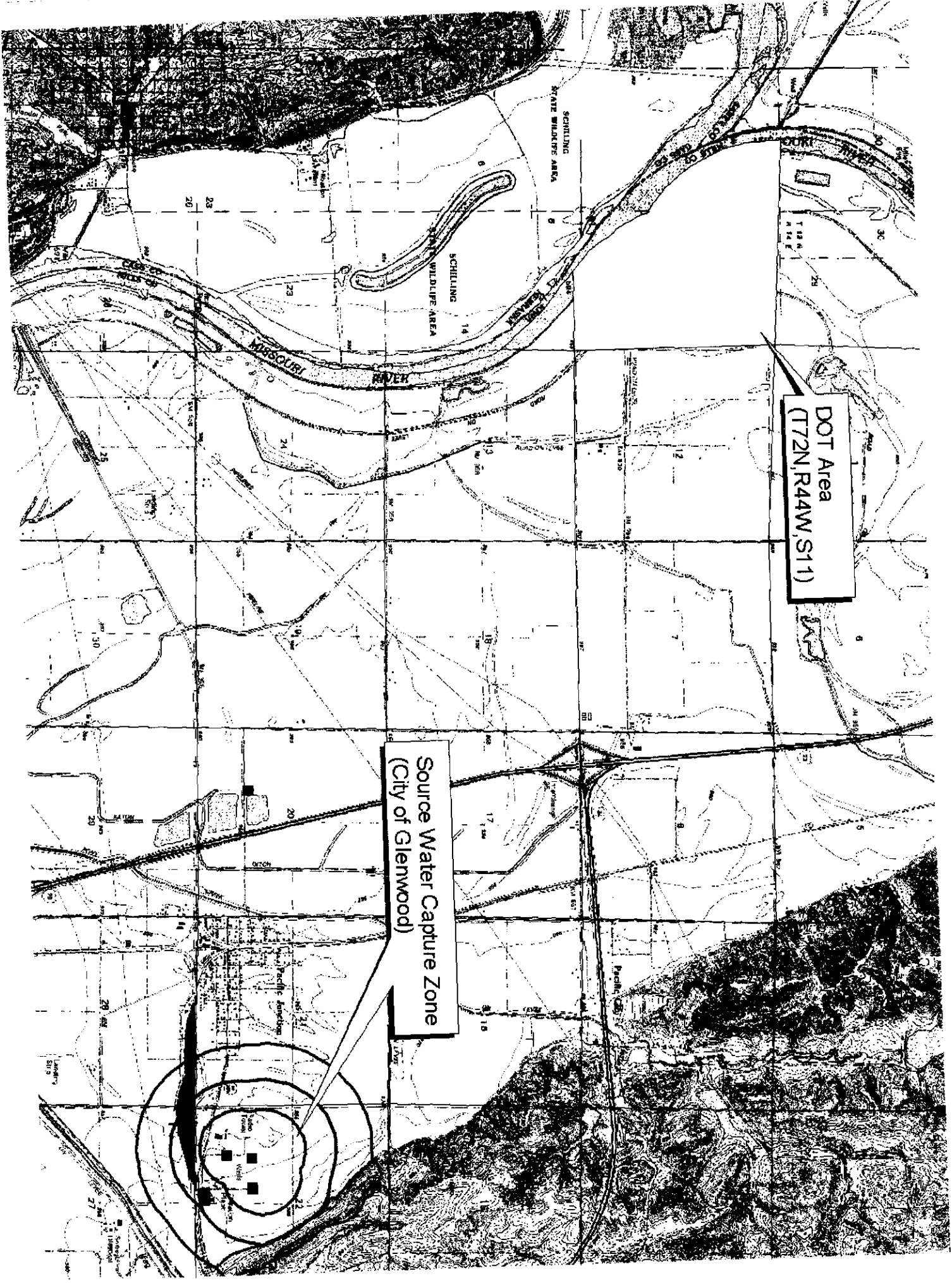
Sincerely,

A handwritten signature in cursive script that reads "Rebecca Ohrtman".

Rebecca Ohrtman, SWP Coordinator
Iowa Dept. of Natural Resources

DOT Area
(T72N, R44W, S11)

Source Water Capture Zone
(City of Glenwood)



NEBRASKA DEPARTMENT OF AERONAUTICS

Dave Heineman
Governor

Stuart MacTaggart
Director

Mr. Wahed Hassani
Nebraska Department of Roads
1500 Highway 2
P.O. Box 94759
Lincoln, NE 68509-4759

June 19, 2007

SUBJECT: Project No. STPD-34-7 (118), C.N. 2217, Nebraska Approach Missouri River


Dear Mr. Hassani:

In reference to your letter regarding the above project, a four lane roadway, if the construction site is located outside of a 3 mile radius from an airport, there will be no impact on aviation. Otherwise, the following regulations should be considered.

1. Height restriction zoning limits the height of structures and equipment within three miles of the airport property to 150' above the nearest airport elevation. The zoning regulations are on file with the local building inspector or are available for review at this office.
2. FAA Form 7460-1 must be filed for all structures that penetrate a 100:1 slope from the nearest runway end. These forms are available at <http://forms.faa.gov/forms/faq7460-1.pdf>
3. Residences and other places of public assembly are prohibited within the runway protection zone (RPZ). The RPZ is a trapezoidal area off the end of the runway intended to enhance the protection of the people and property on the ground. The size of the RPZ depends on the type of aircraft that regularly use the airport. In general, if a structure is within a half-mile of the runway send the location and approximate height to us for review.

If you have any questions, give us a call.

Sincerely,
NEBRASKA DEPARTMENT OF AERONAUTICS


Kevin Delka
Engineering Division

Main Office

Mailing Address
P.O. Box 82088
Lincoln, Nebraska 68501
402.471.2371
402.471.2906 fax

Office Location

3431 Aviation Road Suite 150
Lincoln, Nebraska 68524

www.aero.state.ne.us

Navigational Aids Office

Kearney Municipal Airport
5065 Airport Road
Kearney, Nebraska 68847
308.865.5696
fax 308.865.5697

FEB 22 2007



Iowa Department of Transportation

800 Lincoln Way, Ames, Iowa 50010

515-239-1795

FAX 515-239-1726

February 20, 2007

Ref. No NHSX-34-1(63)—19-65
Mills County
Primary

Doug Jones
Review & Compliance
Department of Cultural Affairs
State Historical Society of Iowa
600 East Locust St.
Des Moines, IA 50319

R&C# 950865153
960200086

Dear Doug:

RE: Supplemental Phase I – US 34 between Missouri River and I-29

Enclosed for your review and comment is the supplemental archaeological report for the above-mentioned project. The report is for the proposed changes to the US 34/I-29 interchange and new local access roads in sections 8,7,18 and 17 – T72N-R43W. Figures 2 show the corridor surveyed for this report in relation to previous surveys. Figure 3 shows the proposed roadway. A total of 63 acres were surveyed.

The survey included background research, previous surveys, investigation of historic maps, pedestrian investigation and 38 surface tests. One archaeological site, a historic scatter was recorded outside the APE along with three previously recorded sites located outside the APE. None of the sites are eligible for the National Register. Access to one parcel was denied along the north side of Hammond Ave. A strip of land only 3 m wide beyond the existing right of way is needed. The area has a low potential for buried archaeological sites. Therefore, no further archaeological investigation are recommended.

Based on the results of the attached archaeological survey report, we have determined that **No Historic Properties** will be affected. If agree with the determination, please sign the concurrence line below and return this letter. If you should require more information or if you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Judy McDonald".

Judy McDonald
Office of Location & Environment
judy.mcdonald@dot.iowa.gov

JM

Enclosure

cc: John Selmer, District 5
Dave Sklogerboe, Road Design
Tom Brekke, Right of Way
DeeAnn Newell, OLE
Leah Rogers, Tallgrass Historians, LC

Concur:

A handwritten signature in cursive script that reads "Douglas W. Jones".

SHPO

Comments:

Date

A handwritten date in cursive script that reads "2/27/2007".

ATTACHMENT C
MEMORANDUM OF AGREEMENT

MEMORANDUM OF AGREEMENT

Among the

**IOWA DEPARTMENT OF TRANSPORTATION
IOWA DEPARTMENT OF NATURAL RESOURCES
US ARMY CORPS OF ENGINEERS
FEDERAL HIGHWAY ADMINISTRATION**

for

RELOCATED U.S. 34 (BELLEVUE BRIDGE) PROJECT

in

**Mills County, Iowa
and
Sarpy County, Nebraska**

**IDOT Preliminary Engineering Project Number
NHSX-34-1(63)--3H-65**

JANUARY 2006

WHEREAS, The Federal Highway Administration, Iowa Division Office (FHWA), in cooperation with the Iowa Department of Transportation (IDOT) and the Nebraska Department of Roads (NDOR), is proposing to improve the connectivity between US 75 south of the Omaha metropolitan area and I-29 in southwest Iowa by relocating U.S. 34 on new alignment between I-29 in Iowa and U.S. 75 in Nebraska, including a new bridge across the Missouri River (the PROJECT):

WHEREAS, FHWA and IDOT have consulted with the Nebraska Field Office of the United States Fish & Wildlife Service (USFWS) pursuant to section 7 of the Endangered Species Act, 50 CFR Part 402:

WHEREAS, the confluence area of the Platte and Missouri Rivers 1) provides important wintering and migratory habitats for the federally threatened bald eagle and 2) has been designated by the Pallid Sturgeon Recovery Plan (USFWS 1993) as a Recovery Priority Management Area (RPMA), an area that is determined to be ecologically important for the conservation and recovery of the federally endangered pallid sturgeon:

WHEREAS, the FHWA has determined in a letter dated October 24, 2005 that that the PROJECT is *not likely to adversely affect* the federally endangered pallid sturgeon and threatened bald eagle, or result in the destruction or adverse modification of federally designated critical habitat, and has committed to implement, as part of the PROJECT, all of the conservation measures described in a USFWS letter dated October 3, 2005:

WHEREAS, the USFWS has concurred in a letter dated November 1, 2005, with the FHWA determination:

WHEREAS, the Omaha District of the U.S. Army Corps of Engineers (USACE) is investigating and pursuing Missouri River mitigation opportunities in the PROJECT area, to include a potential eastward realignment of Missouri River Levee Unit L-611-614:

WHEREAS, the consulting parties agree that it is in the public interest and the best interest of the species within the PROJECT area to expend funds to implement the PROJECT:

AND WHEREAS, the IDOT and NDOR plan to construct the PROJECT and have participated in the consultation with FHWA, USACE, Nebraska Game and Parks Commission (NGPC), Iowa Department of Natural Resources (IDNR), and USFWS:

NOW, THEREFORE, IDNR, IDOT, USACE, and FHWA agree that the undertaking shall be implemented in accordance with the following stipulations relating to potential impacts to fish and wildlife resources, including federally listed species, within the proposed PROJECT area:

STIPULATIONS

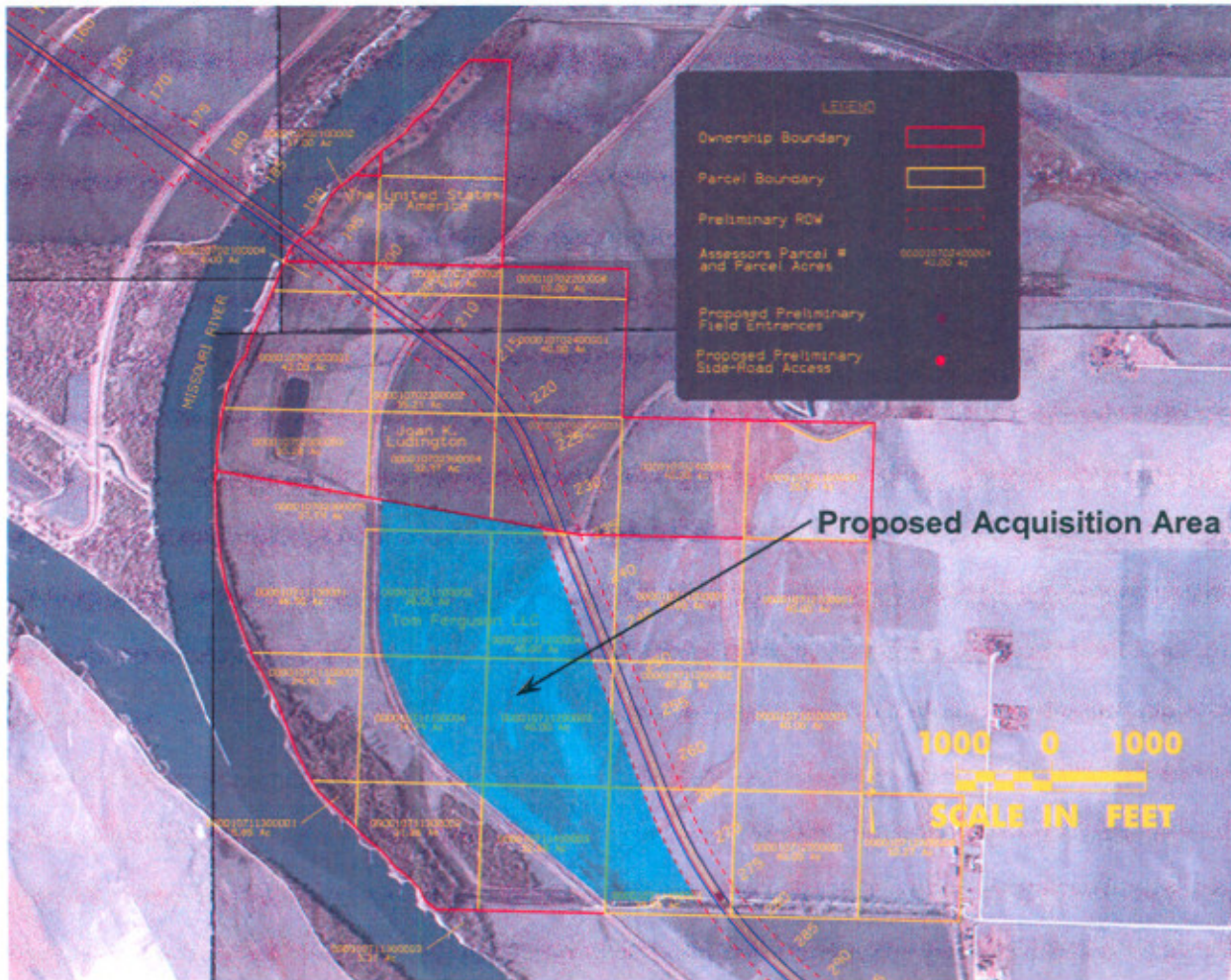
- A. The IDOT will shift the proposed alignment northeast between stations 265+00 (+/-) and 325+00 (+/-) as much as practicable (approximately 100 feet) as shown in Attachment 1. The purpose of the northeastward shift is to accommodate, to the maximum extent possible, a proposal by the USACE to set back a federal levee on the Iowa side of the river to restore riverine processes and functions.
- B. The IDOT will acquire approximately 167 acres of land on the Iowa side of the Missouri River within an area bounded on the west by the federal levee along the east bank of the Missouri River and on the east and north by the proposed highway realignment, as shown in Attachment 1. The land would be purchased in the name of the State of Iowa for the use and benefit of the IDNR. The IDOT reserves the right to remove all necessary fill materials from these sites for the proposed PROJECT. The IDNR may assist in determining the location of fill removal areas after making such request to IDOT. The IDOT also reserves the right to cooperate with IDNR to restore or create wetlands as needed within these sites to serve as wetland mitigation for the proposed PROJECT. Upon completion of the PROJECT, the IDOT will relinquish all rights and interests in the subject properties to the IDNR, except for that portion determined by IDOT to be necessary for highway purposes. The IDNR agrees to accept these premises as provided by the IDOT at the conclusion of the PROJECT and manage the land for the benefit of riverine fish and wildlife species, including the federally endangered pallid sturgeon and threatened bald eagle.
- C. The IDOT will be responsible for obtaining approvals, permits, and clearances for the highway PROJECT.
- D. The IDNR will be responsible for obtaining all necessary approvals, permits, and clearances for future projects associated with the subject properties, including but not limited to Section 404 permits from USACE, threatened and endangered species surveys, Section 106 coordination with the Iowa SHPO, and approvals from the M&P Missouri River Levee District.
- E. The IDNR will be responsible for the development and implementation of habitat restoration and land management plans on the subject properties for the benefit of riverine fish and wildlife species, including the federally listed bald eagle and pallid sturgeon. These habitat restoration and land management plans will be developed in coordination with the Nebraska Field Office of the USFWS as necessary.
- F. The USACE has proposed to move the federal levee on the Iowa side, in the area of the Platte and Missouri River confluence. The IDNR and USACE may cooperate as necessary to move the

federal levee within or along the 167-acre parcel to be acquired by IDOT. The parties understand and agree that IDOT has not designed the PROJECT to act as a flood control levee. It may be necessary for the USACE and IDNR to acquire some additional land area adjacent to the 167-acre parcel to be acquired by IDOT in order to better accommodate any future shift of the federal levee and to optimize the benefits to fish and wildlife resources that would be gained from such an action. Costs, environmental reviews, permits, approvals, and clearances related to moving the federal levee will be the responsibility of the USACE, subject to the availability of funds.

G. For properties owned or acquired by the USACE or IDNR that may be affected by the proposed IDOT PROJECT, USACE or IDNR will provide easements across said properties without monetary consideration to IDOT or FHWA.

H. Agreement Amendments and Termination, and Dispute Resolution:

- (1) Modification, amendment or termination of this agreement as necessary shall be accomplished by the signatories in the same manner as the original agreement.
- (2) Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, any one of the signatories may request the resolution of the dispute by elevating the matter to the appropriate higher level of management.



Attachment 1. Proposed area of acquisition by Iowa DOT, to contain at least 167 acres, T 72N, R 44W, Section 11, Mills County, Iowa.

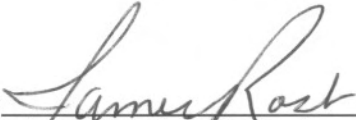
MEMORANDUM OF AGREEMENT
RELOCATED U.S. 34 (BELLEVUE BRIDGE) PROJECT

Signature Page

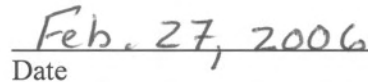
The parties undersigned agree that the undertaking shall be implemented in accordance with the previously described stipulations relating to potential impacts to fish and wildlife resources, including federally listed species, within the proposed PROJECT area.

IOWA DEPARTMENT OF TRANSPORTATION

By:



Director, Office of Location & Environment



Date

MEMORANDUM OF AGREEMENT
RELOCATED U.S. 34 (BELLEVUE BRIDGE) PROJECT

Signature Page

The parties undersigned agree that the undertaking shall be implemented in accordance with the previously described stipulations relating to potential impacts to fish and wildlife resources, including federally listed species, within the proposed PROJECT area.

UNITED STATES ARMY CORPS OF ENGINEERS

By: _____

Name and Title of Signer:

Jeffrey A. Bedey
Colonel, Corps of Engineers
District Commander

3-9-06

Date

MEMORANDUM OF AGREEMENT
RELOCATED U.S. 34 (BELLEVUE BRIDGE) PROJECT

Signature Page

The parties undersigned agree that the undertaking shall be implemented in accordance with the previously described stipulations relating to potential impacts to fish and wildlife resources, including federally listed species, within the proposed PROJECT area.

FEDERAL HIGHWAY ADMINISTRATION

By: Rebecca J. Heath *for* for Iowa Division Administrator

February 7, 2006
Date