

FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
and
SECTION 4(f) *DeMinimis* IMPACT FINDING
for
Interstate 35 and NE 36th Street Interchange
Ankeny, Iowa
Polk County

IM-035-4 (125)92—13-77

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

2-26-09

Date


For Division Administrator
Federal Highway Administration

Federal Highway Administration Finding of No Significant Impact Interstate 35 and NE 36th Street Interchange Ankeny, Iowa

Description of the Proposed Action

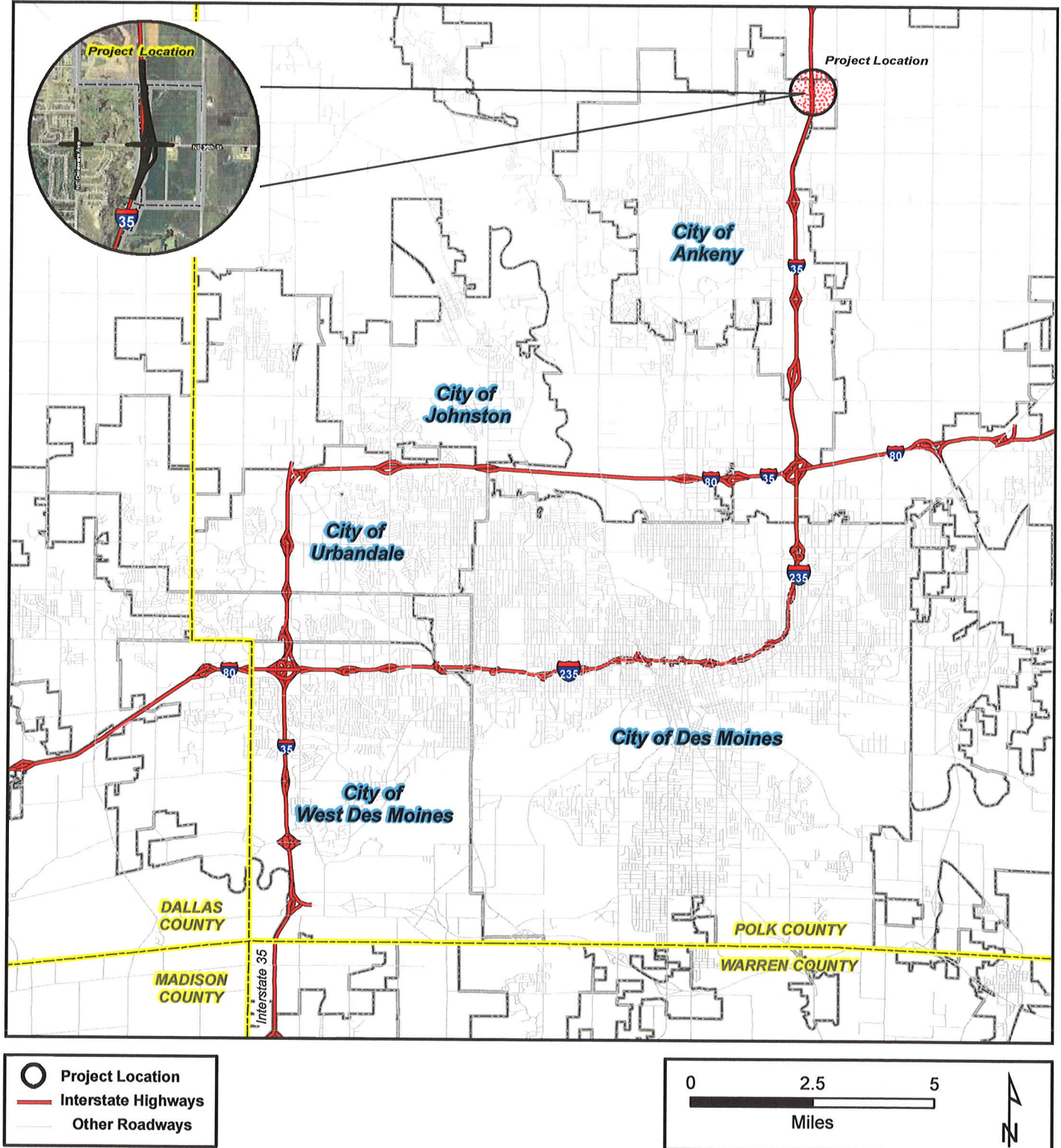
The proposed project consists of constructing an Interstate 35 (I-35) interchange at or near NE 36th Street in Ankeny, Iowa. Most of the project area is located in the northeast portion of the City of Ankeny but small portions are also located in unincorporated Polk County. The project area includes the I-35 corridor beginning at the existing Iowa Department of Transportation (DOT) rest area, approximately 0.5-mile south of NE 36th Street, and extending northward to NW 54th Street, approximately 1.5 miles north of NE 36th Street. The proposed project also includes capacity and safety improvements at the intersection of NE 36th Street and Delaware Avenue, including turning lanes and signalized traffic control. **Figure 1** shows the project location.

The preferred alternative includes the construction of a compressed diamond interchange on the I-35 "Shifted East" alignment. The compressed diamond alternative on the I-35 "shifted east" alignment was selected as the build alternative due to its ability to meet forecasted local and regional travel demand needs and improve design geometrics on mainline I-35. This alternative was determined to achieve the project's purpose and need at the least cost while avoiding and minimizing potential environmental impacts in comparison to the other candidate build alternatives described in EA Section 4.0, "Alternatives Considered But Dismissed".

Figure 2 illustrates the preferred alternative. The preferred alternative's compressed diamond concept is similar in layout to traditional diamond interchange configurations, however it features reduced northbound and southbound ramp intersection spacing to minimize right-of-way and environmental impacts. The reduced ramp intersection spacing results in a pinched or "compressed" diamond configuration with elongated ramps to achieve appropriate acceleration and deceleration distances.

Utilizing a compressed diamond configuration and shifting the existing 4-lane I-35 alignment eastward approximately 200-300 feet at NE 36th Street provides an opportunity to improve existing geometric designs associated with the transition from the southbound vertical crest over NE 36th Street to the horizontal curve directly south of the existing overpass. The crest over NE 36th Street allows only limited southbound visual sight distance and hides the approaching curve. This geometric situation leads to issues with driver expectations, especially in low-visibility conditions such as nighttime and inclement weather. Shifting the alignment also avoids potential right-of-way impacts to the city-owned Otter Creek Golf Course and a privately-owned golf course located adjacent to the west side of I-35 right-of-way. Otter Creek Golf Course is a Section 4(f) property, while the private golf course is not.

Project Location



Interstate 35 and NE 36th Street Interchange - Project Number IM-35-4(125)92--13-77

Finding of No Significant Impact

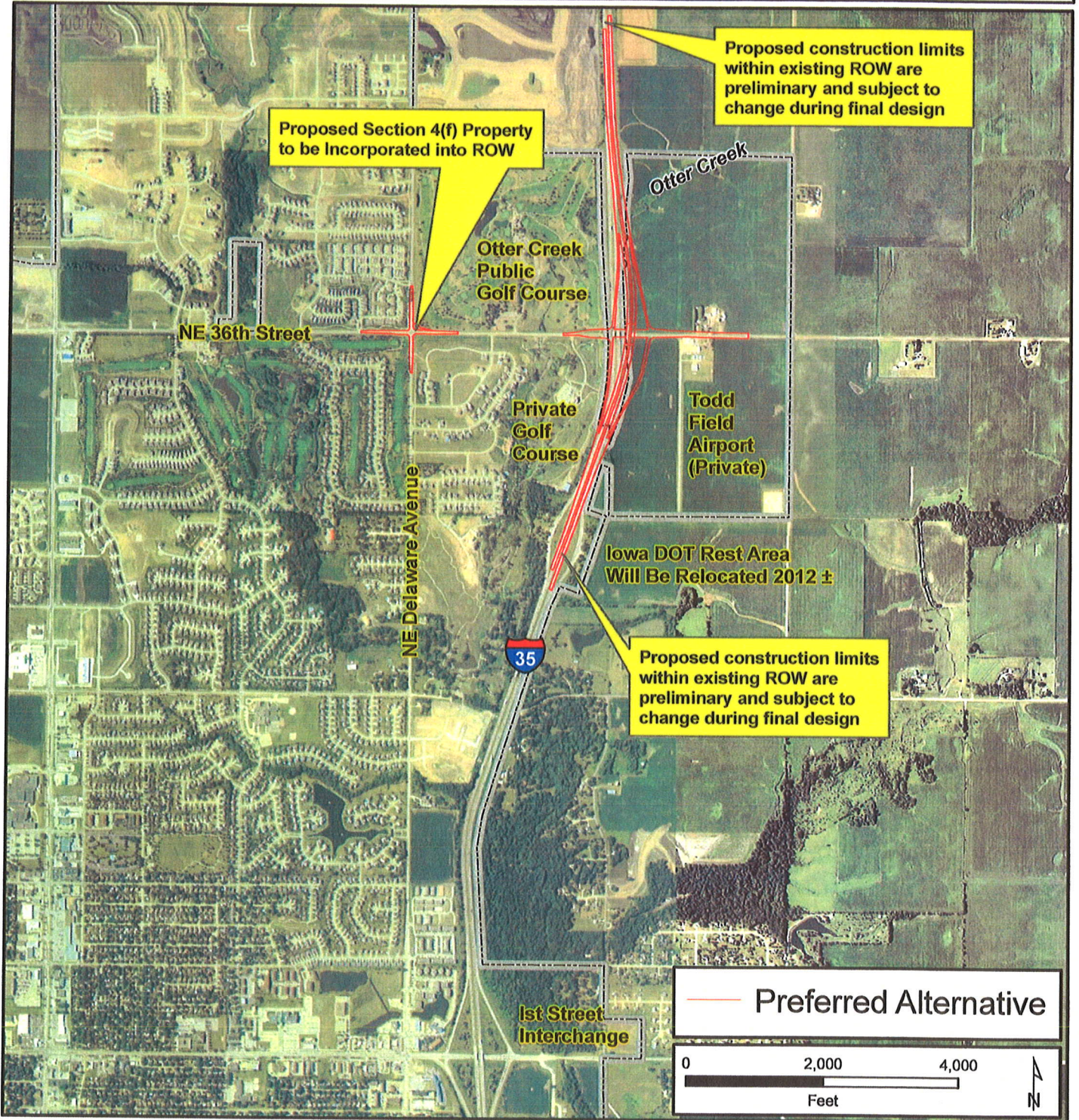
Ankeny, IA - December 2008



Figure
1

Preferred Alternative

Compressed Diamond Alternative on "Shifted East" Alignment (Build Alternative)



Interstate 35 and NE 36th Street Interchange - Project Number IM-35-4(125)92--13-77

Finding of No Significant Impact

Ankeny, IA - December 2008



Figure
2

Implementation of the preferred alternative would have environmental impacts to land use, farmland, noise, utilities, floodplains, and wetlands. However, the magnitude and extent of the impacts of the preferred alternative are small and isolated and not at a level that warrants additional analyses in an Environmental Impact Statement (EIS). The City of Ankeny is addressing the indirect and cumulative impacts of urban growth through the comprehensive planning process as well as through individual regulatory requirements (e.g. storm water control regulations) designed to maintain or improve resource quality.

Improvements associated with the preferred alternative would require the acquisition of a small (0.3 acre) triangular-shaped section of land from the Otter Creek Golf Course, which is a Section 4(f) resource. The acquisition of this land would be necessary to provide adequate sight distance at the NE Delaware Avenue and NE 36th Street intersection, as well as space for future right and left turn lanes and signalized traffic control equipment. The 0.3 acre is passive open space that is outside the 18-hole golf course and is not actively used by golf course patrons. Acquisition of this 0.3 acre would not adversely affect the activities, features, and attributes that qualify Otter Creek Golf Course for protection under Section 4(f). Therefore, it is a *de minimis* impact to the golf course.

Notice of Environmental Assessment Availability

Fifty copies of the environmental assessment (EA) were distributed to federal, state, and local agencies for review and one copy each was sent to the Ankeny and Des Moines, Iowa, Public Libraries. A notice of public availability of the EA and public hearing for the project was published in the *Des Moines Register* on September 17, 2008. The notice is included in Appendix A.

Review and Comment Period

The EA was made available for review on September 25, 2008. Following publication of the EA, members of the public and federal/state resource and regulatory agencies were invited to submit comments on the proposed action. Resource and regulatory agency comments received on the proposed action are included in Appendix B and summarized below in the Agency Comments section. Interested persons were invited to attend a public hearing for the project held on October 28, 2008 at the Best Western Metro North Hotel Ballroom in Ankeny from 5:00 to 7:00 p.m. A written record of the public hearing is included as a separate document to this Finding of No Significant Impact (FONSI) document and a summary is provided below. The review and comment period for agencies and the public closed on November 10, 2008.

Agency Comments

One agency comment was received on the circulated EA. The comment, which is included in Appendix B, was received from the US Department of Housing and Urban Development (HUD) on October 22, 2008. HUD indicated that it did not foresee any detrimental effects of the project on its plans and programs.

Public Hearing

Fifty-seven people attended the public hearing, including City of Ankeny, Iowa Department of Transportation (DOT), and consultant staff members who were assisting with conducting the meeting. Displays of EA graphics and the build alternative were presented. Opportunities were made available for people attending to record verbal and written comments.

Informal conversations with persons attending the meeting were generally supportive of the proposed project particularly to relieve traffic congestion at the I-35 and First Street interchange immediately to the south. Meeting attendees asked about future land uses around the proposed interchange and when the project would be implemented. Others asked about pedestrian/bicyclist amenities and private property access along NE 36th Street and plans for the Delaware/NE 36th Street intersection. There were no formally recorded verbal comments received. Informal verbal comments heard at the meeting and written comments received are summarized below.

Verbal Comments

- One person who lives in SE Quadrant of 36th and Delaware Avenue was in favor of the project.
- An interested person wants to be sure of property access maintenance.
- An interested person inquired about sewer extension to the area near the interchange – specifically land north of Otter Creek, east of I-35. This person was also interested in receiving a copy of the project map.
- An interested person concerned about traffic along NE 36th – will widening simply encourage more development and traffic? This person did indicate an understanding of growth in the area that will need to be accommodated by improvements such as the proposed project.
- One person indicated that the project was good for the community.
- One person was interested in the project that works for a utility firm whose transmission line that crosses I-35 at the north end of the project.
- One person who lives in a nearby residential property is supportive of the project, but requested a detailed copy of the plan later in the process
- One person owning property near the interchange would like to see a convenience store built on his property.
- One person was gathering information for a spouse who was overseas and could not personally attend the public hearing. This person requested a copy of the project schedule graphic that was presented at the hearing.

Written Comments

- Positive outlook on this project overall as it is needed to relieve 1st Street exit. Concur about truck traffic with possible commercial zoning of land immediately west of proposed interchange. Hoping the City of Ankeny will incorporate roadside pathways and refine and Delaware and 36th Street intersection.
- Overall looking forward to this project and its completion.
- As significant landowners in the area impacted by this project, we are impressed by the plan as presented and look forward to its implementation.

- As an avid cyclist I am concerned about what the State and City can do to provide bicyclist safe passage east over the intersection. 36th Street is a major recreational route and the interchange will obviously increase traffic. If trails are put in to allow passage I would recommend they be laid out as straight as possible. An ideal solution would be a bike lane in both directions.
- I am in favor of the proposed I-35 and NE 36th Street interchange.
- Very much needed and will greatly enhance the NE Polk County area.
- We live just off NE 36th Street in the Greenview Crossing development on the NE Corner of 36th and Delaware and in full support of the project. Specifically it will provide relief of Delaware Avenue to 1st Street. We commute to Des Moines for jobs and would use it every day.
- One resident expressed concern for the project's need given current funding constraints for bridge and roadway repair and replacement.
- One property owner requested additional information about land acquisition needed from his residential lot for the widening of NE 36th Street east of the proposed interchange.

New Information

EA Section 5.4, Page 26 Emergency Services

As discussions among the City of Ankeny and Iowa DOT ensued to plan the project design and temporary accessibility, it became apparent that additional description of access for emergency services vehicles during construction of the project was needed. The first paragraph of page 26 under "Build Alternative Impacts" and the section entitled Build Alternative Mitigation is therefore modified as follows:

Construction of the proposed interchange at I-35 and NE 36th Street would not result in the permanent severing of access to any existing street or properties containing structures. However, during construction of the project, NE 36th Street may be closed for up to two years. This temporary closure could require emergency response vehicles to utilize alternate routes to reach areas directly east of I-35. The nearest routes crossing I-35 are NE 126th Avenue and E. 1st Street. These routes are approximately two miles north and south of NE 36th Street, respectively.

Build Alternative Mitigation

The City of Ankeny will provide notice to emergency service providers that a temporary detour using the E. 1st Street crossing of I-35 and local roads, including NE Frisk Drive, NE 102nd Avenue, and NE 29th Street, will be the primary emergency vehicle access route for properties east of the interchange construction area along NE 36th Street. Emergency service provider routes for locations west of I-35 will remain unchanged, except that the City, Iowa DOT or the contractor will maintain access roads through construction areas to provide emergency vehicle access during closure of NE 36th Street by using either the existing or new half of the travel lanes until construction is complete. The City of Ankeny along

with the Iowa DOT and the contractor will develop and monitor the installation of temporary signage, as appropriate, to notify drivers that temporary access roads are available for construction vehicles, fire trucks, ambulances, and law enforcement vehicles and local resident/business traffic only. Information pertaining to temporary emergency vehicle access will be made available through project construction bulletins which will be distributed by the City of Ankeny to emergency management service providers to ensure up-to-date accessibility information is available for emergency responder personnel. For added safety, temporary access roads will be monitored by construction and law enforcement personnel to prevent unintended usage during construction.

**EA Section 5.7, Page 29
Construction Impacts**

As discussions among the City of Ankeny and Iowa DOT ensued to plan the project's design, including temporary accessibility in the area during construction, it became apparent that clarification was needed in the description of the project's potential construction impacts. The second paragraph under the heading "Build Alternative Impacts" on page 29 has been modified and a new paragraph has been added to the section entitled "Build Alternative Mitigation" as follows:

During construction it will be necessary to temporarily modify and restrict access to NE 36th Street for bridge and roadway construction that could result in short-term inconveniences for residents and businesses in the vicinity of the study area. Construction of the proposed interchange at I-35 and NE 36th Street would not result in the permanent severing of access to any existing street or properties containing structures. However, during construction of the project, NE 36th Street may be closed for up to two years. Access to NE 36th Street would not be restricted for the entire duration of construction.

Build Alternative Mitigation

West of the proposed interchange, the City of Ankeny will develop a plan to provide access to affected properties along NE 36 Street, which will include maintaining access by use of existing or new travel lanes and temporary gravel roads. Local residents and businesses will be allowed to use the same temporary access roads provided for emergency service vehicle access. In the interchange construction area, through access will be maintained if possible with temporary gravel roads, but the movement of earth moving equipment and construction materials will require frequent closures. East of the proposed interchange, use of existing or new travel lanes or temporary gravel roads will be provided to maintain access to private driveway entrances during construction. Temporary access continuity along NE 36th Street from NE Delaware Avenue will be signed by the City of Ankeny and the contractor for emergency vehicle and local residents and business use only (i.e., no through traffic). Prior to the start of construction, affected residents and business owners will be invited by the City of Ankeny and Iowa DOT to attend a right-of-way public information meeting to discuss the project's proposed construction limits. The meeting will include

information pertaining to the project's proposed construction activities, including a review of scheduled activities. After this meeting, residents and business owners will be notified via construction bulletins prepared by and mailed from the City of Ankeny or the Iowa DOT advising of construction activity schedules and safety regulations, short-term occurrences of utility disruptions, methods to minimize nuisances such as fugitive dust and erosion, and a listing of contact personnel for questions or concerns. Periodic bulletins will be mailed to residents and businesses during the course of the construction phase of the project with updates and safety enforcement guidance.

**EA Section 5.14, Page 40
Historic Property**

During early agency coordination conducted in 2004, the limits of the proposed project had not yet been determined and concurrence on the project's logical termini had not yet been received from the FHWA. As a result, the State Historic Preservation Officer (SHPO) determined that compliance with Section 106 of the National Historic Preservation Act would need to be reevaluated at a later date. A Phase I Cultural Resources investigation completed in September, 2004, indicated four archaeological sites within the study corridor. Three sites were identified as not eligible for the National Register of Historic Places while one site was recommended for further evaluation to determine eligibility. The SHPO indicated in its early coordination letter that it concurred with the consultant's recommendation for further evaluation of this site on October 9, 2004. This SHPO response letter is included in Appendix A of the EA. With the updated project limits, the Iowa DOT reevaluated the potentially unevaluated archaeological site and determined that it is outside the area of potential effect on November 26, 2008. The SHPO concurred with this determination on December 3, 2008. This determination is included in Appendix B.

**EA Section 5.15, Page 42
Recreation, Parklands, and Section 4(f) Properties**

A concurrence letter from the City of Ankeny for Section 4(f) *de minimis* impact findings for the Otter Creek Public Golf Course was inadvertently omitted from the EA. This letter is dated October 1, 2008 and is included in Appendix B.

Basis for Finding of No Significant Impact

The EA evaluated resources present in the project area for effects as they may occur for the construction of the I-35 and NE 36th Street interchange and related improvements. The EA documents the absence of significant impacts associated with the implementation of the preferred alternative.

Special Conditions for Location Approval

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

- A National Pollutant Discharge Elimination System (NPDES) general stormwater discharge permit for construction will be required and must be obtained from the Iowa DNR.
- A Section 404 permit from the U.S. Army Corps of Engineers (USACE) will be required for placement of dredged or fill material in wetlands or other waters of the U.S. A permit application will be submitted to USACE for approval.
- Section 401 Water Quality Certification from the Iowa DNR will be required concerning the protection of surface water quality if an individual Section 404 permit is needed.

Appendix A
EA Notice of Availability



Iowa Department of Transportation

800 Lincoln Way, Ames, IA 50010

515-239-1577

Fax: 515-239-1982

October 8, 2008

Ref. No.: Polk County

IM-35-4(125)92--13-77

Account # 510785-01

Kristen Davis
The Des Moines Register
P.O. Box 957
Des Moines, IA 50306

Dear Ms. Davis:

A Public Notice display ad, which is to be published in your newspaper on October 16, 2008, is attached. Please include a tear sheet of the display ad at the time the bill is submitted. The bill should be addressed to **Iowa Dept Trans-OLE, Attn: Mark Kerper, 800 Lincoln Way, Ames, Iowa, 50010.**

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

Sincerely,

A handwritten signature in cursive script that reads "Russell Sinram".

Russell Sinram
Location and Environment

RGS

Attachment

cc: Tony Gustafson, District 1 Office, Iowa DOT
Mark Kerper, Location and Environment, Iowa DOT

PUBLIC NOTICE



THE IOWA DEPARTMENT OF TRANSPORTATION will hold a Location Design Public Hearing on October 28, 2008, between 5 and 7 p.m. in the Emerald Room, Best Western Metro North, 133 S.E. Delaware Avenue, Ankeny, IA, to discuss the proposed construction of an Interchange on I-35 at NE 36th Street in Ankeny. The project area is in the I-35 corridor, beginning at the existing rest area, approximately 0.5 mile south of NE 36th Street, and extending northward to NW 54th Street, approximately 1.5 miles north of NE 36th Street.

The Environmental Assessment, which evaluates the various build alternatives considered and the proposed alternative for this improvement, will be available at the hearing for review.

The Public Hearing will also provide an opportunity for public review and comment on the proposed *de minimis* effect of the I-35 project on the Otter Creek Golf Course, which is a Section 4(f) resource. The acquisition of 0.3 acre would be necessary to provide intersection improvements at the NE Delaware Avenue and NE 36th Street intersection. The 0.3 acre is not actively used by golf course patrons and would be a *de minimis* impact to the golf course. As a result, no adverse impacts would occur at the Otter Creek Golf Course.

No formal presentation will be made. Personnel will be available anytime between 5 and 7 p.m. to individually discuss the proposed improvement.

All interested persons are invited to attend this hearing. The meeting room is accessible for persons with disabilities. However, if you need special accommodations at the hearing, please notify Tony Gustafson, Assistant District Engineer, District 1 Office, Iowa DOT, 1020 South Fourth Street, Ames, IA 50010, telephone 800-899-0623 or 515-239-1635, by October 20, 2008, so arrangements can be made.

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

Appendix B
Agency Comments Received



MEMORANDUM

October 1, 2008

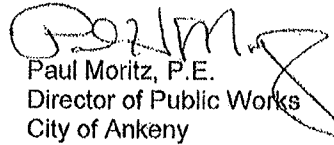
To: David Dougherty, P.E.
Howard R. Green Company

From: Paul Moritz, P.E.

RE: Section 4(f) Decision Process Findings

David:

Please be advised that I have reviewed the attached correspondence from Iowa DOT and FHWA dated May 29, 2008 regarding the Draft section 4(f) Decision Process for the Otter Creek Golf Course. On behalf of the City of Ankeny, I concur with these findings. Please advise if you need additional information at this time. Thank you.


Paul Moritz, P.E.
Director of Public Works
City of Ankeny



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

October 22, 2008

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

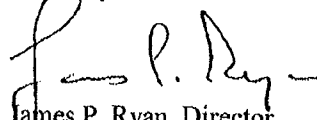
Subject: Interstate 35 and NE 36th Street Interchange
National Environmental Policy Act (NEPA) Document
Ankeny, Polk County, Iowa
Iowa DOT Project IM-35-4(125)92-13-77

Dear Mr. Rost:

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

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

Sincerely,


James P. Ryan, Director
Des Moines Multifamily
Program Center

RECEIVED

OCT 21 2008

OFFICE OF LOCATION & ENVIRONMENT



Iowa Department of Transportation

800 Lincoln Way, Ames, Iowa 50010

515-239-1035 Fax 515-239-1726

DEC 02 2008

November 26, 2008

Ref No: IM-35-4(125)92--13-77

Polk County

Primary

Mr. Doug Jones
Review and Compliance
Bureau of Historic Preservation
State Historical Society of Iowa
600 East Locust
Des Moines, IA 50319-0290

R&C: 040977053

Dear Doug:

RE: Updated project plan along I-35, 36th Street Interchange, City of Ankeny; *No Historic Properties Affected*

Enclosed for your review and comment is an updated project plan for the above mentioned federally funded project. This project proposes construction of an interchange along I-35 and 36th Street near the City of Ankeny. The project area begins at the existing Iowa Department of Transportation rest area, approximately 0.5 miles south of NE 36th Street, and extends northward to NW 54th Street, approximately 1.5 miles north of NE 36th Street.

A Phase I investigation along I-35, extending just north of 1st Street in Ankeny to Elkhart Road, was sent to your office for review and comment on September 7, 2004. This report identified four archaeological sites within the study corridor. Three sites were identified as not eligible for the National Register of Historic Places; the consultant recommended one site to undergo further evaluation to determine eligibility, if affected by the proposed project. You concurred with the consultant's conclusions and recommendations on October 9, 2004. Please review the enclosed project plan against the 2004 Phase I survey, noting that all four sites are outside the APE.

Based on the evaluation of the 2004 Phase I investigation and the current project plan, the determination for this project is **No Historic Properties Affected**. If you concur with the findings of this report, please sign the concurrence line below, add your comments, and return this letter. If you have any questions, please contact me.

Sincerely,

Libby J.C. Wielenga
Office of Location and Environment
Libby.Wielenga@dot.iowa.gov

LJCW

Enclosure

cc: Dee Ann Newell, NEPA / OLE
Scott Dockstader, District 1 Engineer
Tony Gustafson, Assistant District 1 Engineer
Ross Harris, HR Green
Lowell Blikre, Principal Investigator/BCA

Concur: _____

SHPO

Douglas W. Jones Date: 12/3/2008

Comments: