

FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT &
SECTION 4(f) DE MINIMIS DETERMINATION

for the

East 1st Street Interchange and I-35 Widening
From Oralabor Road to MP 94.3
Polk County, Iowa

IM-035-4(140)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 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, environmental issues, and impacts of the proposed project and appropriate mitigation measures.

Furthermore, this Finding of No Significant Impacts also constitutes FHWA's determination of a *de minimis* impact to Section 4(f) property owned by the City of Ankeny.

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

2/18/16
Date

Michael LaPietra
For FHWA

Description of the Proposed Action

The Federal Highway Administration (FHWA) and the Iowa Department of Transportation (Iowa DOT) in coordination with the City of Ankeny are proposing to reconstruct the East 1st Street/Interstate 35 (I-35) interchange, widen and add lanes to approximately four(4) miles of I-35, and widen and improve approximately one(1) mile of East 1st Street in Polk County, Iowa.

The proposed action consists of reconstructing the East 1st Street/I-35 interchange with a Diverging Diamond Interchange (DDI), widening I-35 from four (4) to six (6) lanes and widening East 1st Street from four (4) lanes to five (5) lanes from Delaware Avenue to Frisk Drive. The project also proposes to reconstruct the intersections of East 1st Street/Frisk Drive.

Environmental Assessment Availability

The Environmental Assessment (EA) and Section 4(f) Impact Findings was signed on October 7, 2015 and distributed to selected federal, state, and local resource agencies on November 9, 2015 for review and comment. A notice of the public availability of the EA and notification of a public hearing on December 15, 2015 was published in the legal sections of the Des Moines Register December 5th, 2015. Current project information, EA and associated technical reports are located at the City of Ankeny and the Iowa DOT.

Review and Comment Period

A review and comment period was established for receipt of comments on the EA and Section 4(f) evaluation, with an expiration date of December 29th, 2015 (Appendix A – Public Comments Received During Review Period). A public hearing for the project was held at the Best Western Metro North in Ankeny on December 15, 2015. The public hearing used a combined open forum and formal format. A written record of this meeting has been prepared and is available upon request.

Agency Comments

Three (3) agency communications were received and are included in Appendix B. The comments are summarized as follows with responses presented in italics.

U.S. Department of the Interior, Fish and Wildlife Service (USFWS) – The USFWS concurred with FHWA’s determination the proposed project is not likely to adversely affect federal or state-listed species. The FWS recommended tree clearing be timed, if possible, to minimize adverse impacts to nesting migratory birds.

State of Iowa, Department of Natural Resources (IDNR) – The IDNR stated the June 9, 2009 letter from the IDNR contained both “Water Quality” and “Environmental Services” comments. IDNR requested amendment to Table 15 to indicate the “Iowa Department of Natural Resources, Environmental Services” comments were received on 6/9/2009. *Further coordination with IDNR’s Christine Schwake resulted in the conclusion no changes need to be made to Table 15.*

U.S. Department of Environmental Protection Agency (EPA) – The EPA had the following recommendations with responses presented in italics:

1. To minimize impact to proximate air quality during construction activities:

- Use ultra-low sulfur fuel (<15 ppm) in all diesel engines.
- Use add-on controls such as catalysts and particulate traps where suitable.
- Minimize engine idling during periods of inactivity (e.g., 5-10 minutes/hour).
- Use equipment that runs on clean, alternative fuels as much as possible.
- Use updated construction equipment that was either manufactured after 1996 or retrofit to meet 1996 emissions standards.
- Refrain from engine tampering and practice continuing adherence to manufacturers' recommendations.
- Maintain engines in top running condition tuned to manufacturer's specifications.
- Phase project construction to minimize exposed surface areas.
- Reduce speeds to 10 and 15 mph in construction zones.
- Conduct unannounced site inspection to ensure adherence to prescribed practices.
- Locate haul truck routes and staging areas away from sensitive population centers.

The recommendations to minimize impact proximate air quality will be used during construction activities.

2. Incorporate the Council on Environmental Quality (CEQ) December 2014 guidance Green House Gas (GHG) and air emissions into the environmental document. *CEQ released guidance for federal agencies to conduct GHG impact analysis in NEPA reviews of their proposed actions. The guidance, Revised Draft Guidance for Federal Departments and Agencies on consideration of Greenhouse Gas Emissions and the Effects on Climate Change in NEPA Reviews was published in December 2014. The comment period for the guidance closed on March 25, 2015. Currently CEQ is in the process of addressing nearly 500 comment letters before finalizing the guidance. When released as final, the guidance will be effective immediately. While CEQ clarifies that the final guidance will not be legally enforceable, it sets a standard for requiring agencies to:*

- *Assess GHG and climate change impacts*
- *Look at alternatives that reduce GHGs*
- *Use a cost-benefit analysis when choosing an alternative*
- *Encourage the use of mitigation for GHGs and monitoring of effectiveness*

Climate change refers to changes in temperature, precipitation, wind patterns, and other elements of the earth's climatological system. An increasing body of scientific research attributes these changes to greenhouse gas (GHG) emissions. Carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) are included in the list of GHG emissions generated by human activity.

According to the EPA the main source of GHG emissions in the U.S. is electricity generation, followed by transportation. The dominant GHG emission is CO₂, mostly from fossil fuel combustion. Efforts to reduce GHG emissions from transportation sources include improving transportation systems and operational efficiencies, reducing travel activity, the use of lower GHG fuels and improving vehicle technologies and efficiency. To be most effective all of these efforts should be pursued cooperatively.

Currently Polk County's air quality is in attainment, meaning the County meets or exceeds the National Ambient Air Quality Standards. This project intends to improve

traffic congestion and long queues with idling vehicles waiting for traffic signals changes. Shorter queues at traffic signals and reduced idling times will result in reduced local emissions. Traffic moving through the I-35 corridor more efficiently would also improve fuel economy. Minimized right-of-way impacts with the Proposed Alternative would result in fewer impacts to natural resources. Improved traffic efficiency should offset the effects of the removal of trees and other vegetation within the project corridor.

Public Hearing

A public hearing was held on December 15, 2015 at the Best Western Metro North, 133 SE Delaware Ave, in Ankeny, Iowa from 5:00 to 6:30 p.m. The purpose of the hearing was to present the Proposed Alternative and to gather feedback from the public on the Proposed Alternative and the EA. The hearing was conducted utilizing a combined open forum and formal presentation format. The public was invited to attend an informal session any time between 5:00 and 5:30 p.m. During this time attendees were able to speak with City of Ankeny and Iowa DOT representatives. A formal presentation, which was also open to the public, began at 5:30 p.m. and was followed by a question-and-answer session. The public hearing was advertised in the published notice of availability and on the City of Ankeny and the Iowa DOT websites at the links listed below.

<http://www.ci.ankeny.ia.us/Home/Components/News/News/315/16>.

<http://www.news.iowadot.gov/pim/2015/12/i-35-polk-county-.html>.

Seventy-two people registered their attendance at the public hearing. The public had the opportunity to comment verbally or in writing during the hearing, or by sending comments to the City of Ankeny or the Iowa DOT after the meeting. Eight (8) attendees provided verbal comments during the question-and-answer session. A summary of these comments and key discussion points are listed below:

Four (4) attendees expressed concern with noise pollution and asked if noise barriers are being considered. *Iowa DOT responded there is no noise abatement planned at this time.*

A member of the public inquired about the type of bridge structures would replace the bridges on I-35 at the East 1st Street interchange and over Fourmile Creek. *Iowa DOT responded the bridges would be replaced with PC concrete beam bridges and Iowa DOT's modern clearances would be used.*

A landowner that would be directly affected by the project stated disappointment with the decision requiring acquisition of land from his property. *Iowa DOT acknowledged 18 acres of permanent acquisition along the project corridor would be necessary. As the design process proceeds, Iowa DOT and the City of Ankeny will continue to attempt to reduce the amount of right-of-way (ROW) needed for the project, including private lands.*

Members of the public requested clarification on the trail route through the project and the number of lanes to be added to I-35. *Iowa DOT directed their attention to the maps posted around the room that illustrated the trail route and the lane additions. An answer was also provided explaining the trail will be routed along the east and south side of Heritage Park, through the interchange and tie into Ankeny's sidewalk system at Delaware Avenue. I-35 will be converted from 4-lanes to 6-lanes and an auxiliary lane will be constructed from East 1st Street to Oralabor Road.*

Five (5) comment forms and four (4) emails were submitted by residents, property owners and business owners to the City of Ankeny, Iowa DOT and Snyder & Associates, Inc. requesting a response. The City of Ankeny has provided a response to all those providing comments (a transcript is available at the Iowa DOT). A summary of these comments and responses (shown in italics) follows:

- An Ankeny Community School staff member requested more information regarding impacts to Heritage Park. *The Iowa DOT's project website hyperlink was provided containing information about the impacts to Heritage Park.*
- A property owner asked if the lanes being added to I-35 between East 1st Street and Oralabor Road would be added to the east side or west side of the interstate. *An auxiliary lane will be added to the northbound and southbound lanes of I-35 from East 1st Street to Oralabor Road. As a result, a lane will be added to both the east and west sides of I-35.*
- Four (4) residents of Maplewood Village, a representative of the Mallard Creek Townhome Association and a property owner expressed concerns with noise pollution from I-35 and requested consideration of a noise barrier, tree plantings or a berm to be placed between properties and the interstate to decrease noise levels. *According to the Iowa DOT's policy on traffic noise, Highway Traffic Noise: Analysis and Abatement, noise abatement is used where it is reasonable and feasible considering: number of residences benefitted, cost, opinions of affected residents, absolute noise level, change in noise level and timing of adjacent land use construction. Noise abatement features are not likely to be included in the final design for the proposed project due to the following factors: 1) Timing of the adjacent land use construct – the Iowa DOT does not generally construct noise barriers for developments occurring after the original highway construction. 2) The adjacent developments were built well after I-35 was constructed in the 1960s. Change in noise level – the proposed project would move the southbound off-ramp and on-ramp away from development resulting in reduced noise levels.*
- A property owner considers four (4) exits to Ankeny an excellent plan. However, she does not support the redesign of the interchange, feels it is a waste of \$55 million and wonders whether the traffic study for East 1st Street was mixed up with a study for the Oralabor Road exit. *An evaluation in the Interchange Justification Report (IJR), March 2008, provided the necessary documentation to justify the reconstruction of the East 1st Street/I-35 interchange to improve current and future traffic operations. The Amendment to Interchange Justification Report, January 2014, used updated traffic volume forecasts to evaluate the East 1st Street/I-35 interchange. The 2014 IJR analysis demonstrated the proposed interchange reconstruction would provide the necessary safety and operational improvements identified in the 2008 IJR.*
- A local citizen asked for clarification on the route of the pedestrian/bicycle facility through the proposed interchange and wondered if there was a plan for future expansion/connection of the pedestrian/bicycle route north of Heritage Park. Concern was expressed for property acquisition and the cost of a trail expansion/connection in the future. *A map of the pedestrian/bicycle facility through the proposed interchange was provided. There is currently no future planned expansion of the proposed pedestrian/bicycle facility north of Heritage Park.*
- A local resident inquired about proposed project construction schedule. *The project is*

programmed to begin in late 2017/early 2018 and be complete in late 2020.

- A local resident was concerned with the possible increase in traffic on Delaware Avenue during construction. Information was requested regarding a traffic plan for side-streets and heavy commute periods. Ideally, in his opinion, construction of 4-lanes on Delaware would be completed prior to the proposed interchange construction. *Preliminary design for the proposed project has been completed. However, at this design phase a thorough construction staging and phasing plan has not been completed. A staging and phasing plan will be developed during the Final Design phase of the project. Additional traffic control along Delaware Avenue will be reviewed and considered during this design phase. The City of Ankeny performed a traffic study along Delaware Avenue from East 1st Street to NE 36th Street. This study evaluated traffic operations and safety along the corridor. The study also reviewed the potential need to widen the two-lane portion of Delaware Avenue and reviewed potential impacts to traffic operations while the proposed project is under construction. The analyses did not show an immediate need for improvements to the Delaware Avenue corridor. The study did find delays for side street approaches at unsignalized intersections north of 18th Street will increase with expected traffic diversion during the interchange construction. However, acceptable traffic operations are projected. With continued traffic growth along the Delaware Avenue corridor, widening or reconstruction is expected to be needed within 10-15 years. The City will continue to monitor traffic operations and crash history along the corridor to evaluate improvement needs.*

New Information

Since publication of the EA and the public hearing, there have been no changes in the design based on agency and public comments. There has been no new information that changes or updates information presented in the EA.

Basis for Finding of No Significant Impact

Several human and natural environmental resources were not present in the Study Area, and others required only a summary review to confirm that there would be no significant impacts. The following resources were evaluated in detail in the EA and were determined to incur no significant impacts as a result of the project:

- Land Use
- Community Cohesion
- Economic
- Parklands and Recreational Areas
- Bicycle and Pedestrian Facilities
- Right-of-Way
- Construction and Emergency Routes
- Transportation
- Archaeological Sites
- Historic Sites and Districts
- Wetlands
- Surface Waters and Water Quality

- Floodplains
- Threatened and Endangered Species
- Woodlands
- Farmlands
- Noise
- Contaminated and Regulated Materials Sites
- Utilities

This FONSI documents compliance with the National Environmental Policy Act of 1969 (NEPA) and all other applicable environmental laws, Executive Orders, and related requirements.

Special Conditions for Location Approval

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

- Any potential right-of-way requirements will be minimized during the final design process. The State of Iowa will coordinate with business and property owners during the right-of-way acquisition process to negotiate compensation for right-of-way acquired. Relocations will be conducted in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and Iowa Code 316, the Relocation Assistance Law.
- As design advances, efforts will be made to avoid and minimize impact to Waters of the U.S., including wetlands. A Section 404 of the Clean Water Act permit will be acquired from the U.S Army Corps of Engineers (USACE) and a Section 401 water quality certification obtained from the IDNR. Any unavoidable wetland impacts will be offset through the development of wetland mitigation approved by the regulatory agencies through the Section 404 Permit process. All disturbed areas will be seeded with native grasses, and appropriate erosion control measures will be implemented. Clearing of vegetation will be limited to that which is absolutely necessary for construction of the project.
- The project would cross perennial streams with FEMA-mapped floodplains. Consequently, a Floodplain Development Permit and an Iowa Sovereign Lands Construction Permit will be acquired from IDNR.
- A National Pollutant Discharge Elimination System (NPDES) General Stormwater Discharge Permit for Construction will be obtained from the IDNR. Impacts on surface waters from stormwater runoff will be minimized in accordance with the NPDES permit and the Stormwater Pollution Prevention Plan (SWPPP) prepared in compliance with the permit.
- As design advances, construction activities will be coordinated with public utilities to avoid potential conflicts and to minimize planned interruptions of service.
- If any contamination above regulatory limits is encountered from any hazardous material source, the contractor will stop work and notify Iowa DOT, who will coordinate with IDNR. Proper handling and disposal of contaminated soil, groundwater and materials (including decontamination of equipment) encountered will be performed.
- Impacts to protected species habitat will be minimized to the extent practicable during

final design. Clearing of potential habitat will be kept to a minimum, and provisions of laws regarding protected species will be adhered to as applicable.

- Tree removal will be conducted before April 1 and after September 30 in order to avoid the potential to disturb possibly present seasonal populations of the Indiana bat (*Myotis sodalist*) and northern long-eared bat (*Myotis septentrionalis*).
- An Air Quality Construction Permit will be acquired from the IDNR.
- Migratory birds, their occupied nests, and their eggs are protected from disturbance or destruction in Iowa by the Migratory Bird Treaty Act. Active nests are nests containing eggs or young of migratory birds. If evidence of migratory bird nesting is discovered during construction, or in the event that migratory bird nests become established, Iowa DOT will immediately stop work.
- An asbestos inspection will be conducted of East 1st Street Bridge. Demolition of the bridge will require submission of a “Notification of Demolition” form to the IDNR, even if no asbestos exists. The asbestos inspection and removal will be completed prior to demolition.

Appendices

Appendix A – Agency Coordination and Comments

APPENDIX A

AGENCY COORDINATION AND COMMENTS



United States Department of the Interior



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

IN REPLY REFER
TO

FWS/RIFO

November 12, 2015

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

Dear Mr. Rost:

We have received the Environmental Assessment dated October 7, 2015, for East 1st Street Interchange and I-35 Widening from MP 94.3 to Oralabor Road, Polk County, Iowa (Project # IM-035-4(140)92—13-77). We have reviewed the document and have the following comments.

We understand that approximately 1.75 acres of woodlands within the preliminary impact area for the Preferred Alternative may be cleared. We recommend that tree clearing be timed, if possible, to minimize adverse impacts to nesting migratory birds. The Iowa DOT has determined that, under the delegation authority provided by FHWA, the proposed project is not likely to adversely affect federal or state-listed species or result in the destruction or adverse modification of federally designated habitat. The USFWS concurred with this determination on July 28, 2015.

This precludes the need for further action on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. Should this project be modified or new information indicate endangered species may be affected, consultation should be initiated. Thank you for the opportunity to provide comments. If you have any additional questions or concerns, please contact Heidi Woeber of my staff at extension 209.

Sincerely,


Kraig McPeek
Field Supervisor

Cc: Mark Mueller (City of Ankeny)

s:\office users\heidi\idot\bas bos eas eiss and tech asst\ca - no additional comment - east 1st street to oralabor road, polk county, iowa.doc



STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

November 23, 2015

MR MARK MUELLER
PUBLIC WORKS DEPARTMENT
CITY OF ANKENY
220 W 1ST ST
ANKENY IA 50023

RE: East 1st Street Interchange and I-35 Widening, Milepost 94.3 to Oralabor Road, Polk County
Environmental Assessment and Section 4(f) *De Minimis* Impact Finding
Iowa DOT Project No.: IM-035-4(140)92—13-77

Dear Mr. Mueller:

This letter is in response to the November 6, 2015 letter concerning the East 1st Street Interchange and I-35 Widening project. Thank you for inviting our comments.

Appendix B contains the Agency and Tribal Coordination letters. The June 9, 2009 letter from the Iowa Department of Natural Resources contains both "Water Quality" and "Environmental Services" comments. Please amend Table 15 on page 77 to indicate that the "Iowa Department of Natural Resources, Environmental Services" comments were received on 6/9/2009. In addition, it appears that only the first page of that letter and a map showing the locations of Underground Storage Tank locations are in Appendix B. Please insert any additional pages from that letter (i.e., the signature page with Christine Spackman's name).

If you have any questions, please call me at (515) 725-8399.

Sincerely,

A handwritten signature in cursive script that reads "Christine M. Schwake".

Christine Schwake
Environmental Specialist



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

DEC 17 2015

Mr. Mark Mueller, P.E.
Public Works Department
City of Ankeny
220 W. 1st Street
Ankeny, Iowa 50023

Dear Mr. Mueller:

Thank you for contacting the U.S. Environmental Protection Agency for the Proposed East 1st St. Interchange and I-35 widening, Milepost 94.3 to Oralabor Rd. Environmental Assessment. EPA has evaluated this action using NEPAssist to help determine what environmental issues might arise from this project.

Construction activities may have the potential to impact the proximate air quality for the short term duration of said activities. EPA has the following recommendations regarding the construction period of the project:

- Use ultra-low sulfur fuel (< 15 ppm) in all diesel engines
- Use add-on controls such as catalysts and particulate traps where suitable
- Minimize engine idling during periods of inactivity (e.g., 5-10 minutes/hour)
- Use equipment that runs on clean, alternative fuels as much as possible
- Use updated construction equipment that was either manufactured after 1996 or retrofit to meet the 1996 emissions standards
- Refrain from engine tampering and practice continuing adherence to manufacturers' recommendations
- Maintain engines in top running condition tuned to manufacturers' specifications
- Phase project construction to minimize exposed surface areas
- Reduce speeds to 10 and 15 mpg in construction zones
- Conduct unannounced site inspections to ensure adherence to prescribed practices
- Locate haul truck routes and staging areas away from sensitive population centers



EPA and the Council on Environmental Quality have drafted guidance on calculating and predicting GHG and air emissions for NEPA documents in the December 2014 Draft Guidance on GHG Emissions which can be found here:

<https://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/ghg-guidance>.

EPA recommends the environmental planner become familiar with this website and CEQ's document and recommends incorporating CEQ's guidance into the environmental document. CEQ and the President have placed heavy emphasis on the reduction of GHGs and will require these analyses in future documents.

Again, thank you for contacting EPA. If you have any questions, please contact Joe Summerlin at (913) 551-7029 or at our *new combined email box* at R7_NEPA@epa.gov.

Sincerely,



Joshua Tapp
Deputy Division Director
NEPA Program Manager