

FEDERAL HIGHWAY ADMINISTRATION

FINDING OF NO SIGNIFICANT IMPACT

For

**IOWA 92
FROM INTERSTATE 35 TO INDIANOLA
STP-092-5(46)--2C-91**

WARREN COUNTY, IOWA

The FHWA has determined that this project will not have any significant impact on the human and natural environment. This Finding of No Significant Impact (FONSI) is based on the attached Environmental Assessment which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The FHWA takes full responsibility for the accuracy, scope and content of the attached Environmental Assessment.

12/04/08
Date

Michael LaPelle
For FHWA

COMMENTS AND COORDINATION

Notification of the availability of the Environmental Assessment was forwarded to local, state and federal agencies on May 30, 2008. Public availability of the document was published in The Record Herald and Indianola Tribune newspapers on August 13, 2008. The review period expired on September 8, 2008. Five comment letters were received on the Environmental Assessment from agencies. A copy of each letter is attached in Appendix A. A Location Design Public Hearing was held for this project on August 19, 2008, in Indianola, Iowa. A transcript of the hearing has been prepared and forwarded to the Federal Highway Administration (FHWA). The transcript is available to anyone by request through the Iowa DOT Office of Location and Environment, public hearing section.

Approximately 119 persons were present at the August 19, 2008, Public Hearing held at the Indianola Community Center in Indianola, Iowa. Several persons had questions during the open house style hearing. A total of 19 letters were received following the hearing.

The major issues and questions presented in the letters and at the hearing included: (Responses appear in parenthesis.)

- Some persons inquired if a bike trail be included with the project and what the details are regarding the trail. (*A bike trail was considered as part of the EA, but where it would be constructed (i.e., grade separated or paved shoulder) and what side of the roadway have not been determined and would depend on funding at the time of construction.*)
- Several attendees and comments in letters received following the hearing expressed concerns regarding access to their property. (*Access to existing landowners will be provided either at the existing locations or new locations, as required by the proposed access control spacing. All locations will provide adequate sight distance and will be located to minimize disruption to property owners.*)
- Concerns about traffic safety and need for the project were stated by some persons. (*The proposed project will eliminate substandard geometrics and will include other roadway improvements that are expected to improve overall safety.*)
- Some persons expressed support for the project, while others felt it would create too many impacts to their property and was not necessary.
- The owner of Sarchett Farms Historic District had several concerns regarding the project. He commented about potential impacts to his horses, separation of the building site from the rest of the farm, access, livestock tunnel, water well impacts, request to move the avoidance alignment to the south edge of his property, and the approximate impact in acres to his property with the current proposed alignment. (*Access would be allowed at 600-foot spacing which would allow for one access to this property. The possibility of a livestock tunnel would be examined during final design. Moving the alignment to the south edge of this property has merit but would displace an additional residence, encroach on two farm ponds, create significant diagonal severance of farm fields of adjacent landowners, and require more archaeological survey, environmental assessment, right-of-way cost and roadway excavation costs. During final design, the conceptual line shown at the August 19 Public Hearing can be adjusted to avoid the water well and other features on the property. Approximately 23 acres would be acquired for this project at this property based on an average right-of-way width of 250 feet.*)

- Concern was raised regarding loss of trees on some properties. *(Additional trees could be planted as part of the project to replace those removed for construction.)*
- Several persons who wrote after the hearing, asked about traffic volumes on Iowa 92 and whether traffic warranted the improvements, and why maintenance continues when the road would eventually be reconstructed. *(The Iowa Department of Transportation (DOT) acknowledges that some traffic has been diverted with the addition of the Highway 5 Bypass; however, traffic forecasts show that over the next 20 years, traffic will become higher on Iowa 92. The DOT conducts traffic counts every four years, and the 2008 counts will be available in 2009. Resurfacing Iowa 92 was part of scheduled maintenance of the highway. The proposed upgrade of Iowa 92 is not in the 5-year plan and, thus, could be many years away from completion. Resurfacing will prolong the life of the roadway until such time as this project becomes a reality.)*
- Concerns were expressed about losing property to the proposed roadway. *(During final design, alternatives that could reduce the impact to properties will be evaluated. Some of these alternatives include the construction of retaining walls, planting of additional trees as part of the project, relocating the house elsewhere on the existing property, or modifying ditch sections to reduce the need for land.)*
- A few citizens had suggestions for other alignments instead of improving Iowa 92 at its current location. *(Earth Tech, the consultant hired to study Iowa 92, was asked to stay as close to the existing highway as possible. Relocating the roadway onto new alignment would likely add significant expense to the project, especially in terms of the cost of cultural resource surveys (archaeology and historic architecture), right-of-way (land) acquisition and grading. More of the existing highway right-of-way can be utilized by staying on the existing alignment.)*

A letter was sent June 4, 2008, to all resource/regulatory agencies to advise of the EA availability. Letters from the Des Moines Area Metropolitan Planning Organization, U.S. Army Corps of Engineers, U.S. Department of Agriculture – Natural Resources Conservation Service, U.S. Fish and Wildlife Service and Iowa Department of Natural Resources are attached in Appendix A of this Finding of No Significant Impact. Responses to each letter are located next to the letter in Appendix A.

TRAFFIC ACCESS CLARIFICATION

More specific information regarding access spacing is available that was not included in the EA. It is presented here for clarification. This same information was presented at the August 19, 2008, Public Hearing.

Under the Preferred Alternative, from Interstate 35 to 20th Avenue, no access would be allowed. From 20th Avenue to 50th Avenue (about 1.6 miles east of Martensdale), Priority III access would be allowed which allows accesses at ¼-mile, or 1000-foot spacing. From 50th Avenue to County Road R-63, access would be allowed at 600-foot spacing, or Priority IV access control. Beginning at County Road R-63 east to the end of the project in Indianola, existing accesses would be allowed, with new access points restricted to 1000-foot spacing.

SPECIAL CONDITIONS ASSOCIATED WITH LOCATION APPROVAL

Relocation Assistance

New right-of-way for this project will be acquired in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Threatened and Endangered Species

The Iowa Department of Natural Resources (DNR) commented, as part of the Environmental Assessment review, that the Indiana Bat (*Myotis sodalis*; federal and state endangered) may occur within the project area. The U.S. Fish and Wildlife Service (USFWS) commented, as part of reviewing the EA, saying, "With regard to the Indiana Bat, further assessment of the habitat and species is planned in the future. We assume a determination of effects will be forthcoming at that time and informal consultation will continue in the interim as information becomes available."

The EA states that impacts to potential Indiana Bat habitat will be assessed during the design phase of the project. Results of the assessment will be summarized in a technical memorandum and forwarded to DNR and USFWS as part of Section 7 Consultation.

Wetland Impacts

The U.S. Army Corps of Engineers (COE) commented, as part of the Environmental Assessment review, that a wetland delineation will need to be done for the entire corridor. Also, information regarding streams and waterways that will be crossed needs to be included. Wetland impacts greater than 0.10 acre require mitigation, and impacts over 0.50 acre require an individual Section 404 permit.

The EA stated that wetland and surface water areas will be delineated to determine impacts during the design phase of the project. A report summarizing the impacts will be prepared and forwarded to COE as part of the process of obtaining a Section 404 permit.

ERRATA

The Sac and Fox Nation of Missouri in Kansas and Nebraska early coordination response letter, dated February 27, 2008, was inadvertently omitted from Appendix A of the Environmental Assessment. This letter is included, following the agency comment letters.

APPENDIX A
COMMENT LETTERS

APPENDIX A
TABLE OF CONTENTS
List of Comment Letters Received

- U.S. Army, Corps of Engineers
- Natural Resources Conservation Service
- U.S. Fish and Wildlife Service
- Iowa Department of Natural Resources
- Des Moines Area Metropolitan Planning Organization
- Sac and Fox Nation of Missouri in Kansas and Nebraska



DEPARTMENT OF THE ARMY
ROCK ISLAND DISTRICT, CORPS OF ENGINEERS
CLOCK TOWER BUILDING - P.O. BOX 2004
ROCK ISLAND, ILLINOIS 61204-2004

REPLY TO
ATTENTION OF

<http://www.mvt.usace.army.mil>

June 3, 2008

Operations Division

SUBJECT: Iowa Highway 92 improvements from I-35 to Indianola, Iowa
Warren County, Iowa Project (STP-092-5(46)-2C-91
Earthtech Project No, 83340

Ms. Brenda J. Durbahn
501 Sycamore Street
Suite 222
Waterloo, Iowa 50703

Dear Ms.Durbahn:

Our office reviewed all information provided to us concerning the proposed improvements to Iowa Highway 92 in Warren County, Iowa from I-35 to Indianola, Iowa.

Based on your copy of the Environmental Assessment I can offer the following comments;

- 1) It appears that the project will impact wetlands and water of the U.S.. In order for this office to evaluate the project we will need a wetland delineation covering the entire project area.
- 2) The delineation should be done in accordance with the Corps 1987 Wetland Delineation Manual. The wetland delineation should be superimposed over USGS topo maps and aerial photos.
- 3) We will also need information on all the streams and waterways to be crossed. Please include discussion about the flow duration and whether they are perennial, intermittent or ephemeral.
- 4) Any wetland impacts to jurisdictional wetlands over 1/10th of an acre will require wetland mitigation. Impacts greater than 1/2 an acre will require an Individual Permit.

When the wetland delineation is complete, please submit the delineation and a Joint Application to this office for review. At that time we will make a determination for which permit this project qualifies for.

Should you have any questions, please contact Mr. Albert Frohlich in our Regulatory Branch by letter or telephone at 309/794-5859.

Sincerely,

Donna M. Jones, P.E.
Chief, Enforcement Section
Regulatory Branch

Enclosure

Exact wetland impacts will be determined during the final design stage of the project. Depending on the outcome of the delineation(s), a Section 404 permit will be applied for at that time.

Copy Furnished:

Mr. Kelly Stone (3)
Iowa Department of Natural Resources
Floodplain Section
Wallace State Office Building
Des Moines, Iowa 50319-0034

Mr. Steve Akes
Warren County Engineer
301 North Buxton, Suite 211
Indianola, Iowa 50125

United States Department of Agriculture



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

June 9, 2008

Ms. Brenda J. Durbahn
Earth Tech
501 Sycamore St.
Ste. 222
Waterloo IA 50703

Dear Ms. Durbahn:

Thank you for the opportunity to review your Warren County, Iowa project.

No comment necessary.

The Natural Resources Conservation Service has no comments at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Phoukham Vongkhamdy".

Phoukham Vongkhamdy
Acting State Conservationist

cc: Karen Woodrich, Assistant State Conservationist (FO), NRCS, Fort Dodge, IA
Ray Morrell, District Conservationist, NRCS, Indianola, IA



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

July 1, 2008

Ms. Brenda Durbahn
Earth Tech
501 Sycamore Street
Suite 222
Waterloo, Iowa 50703

Re: Iowa 92
Warren County, Iowa
STP-092-5(46)-2C-91
Earth Tech Project No. 83340

Dear Ms. Durbahn:

This letter responds to your June 4, 2008 request for comment on the above referenced project in Warren County, Iowa.

The plans described in your letter should have no significant, long-term impacts on fish and wildlife habitat. We concur the proposed project is not likely to adversely impact the following federally threatened or endangered species as long as eagles, if present, are not disturbed:

Bald Eagle
Prairie Bush Clover
Western Prairie Fringed Orchid
Mead's Milkweed

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. These comments are provided under the authority of and in accordance with the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.; 48 Stat. 401), as amended; and the Endangered Species Act of 1973, as amended.

Ms. Brenda Durbahn

2

With regard to the Indiana bat, further assessment of the habitat and species is planned in the future. We assume a determination of effects will be forthcoming at that time and informal consultation will continue in the interim as information becomes available.

Thank you for the opportunity to provide comments early in the planning process. If you have any additional questions or concerns, please contact Joe Siater of my staff at (309) 793-5800, extension 208.

Sincerely,



Richard C. Nelson
Field Supervisor

Indiana bat impacts will be assessed by conducting a habitat survey when more exact alignment information is available.



Fields of Opportunities

STATE OF IOWA

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

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

June 11, 2008

Ms. Brenda Durbahn
Earth Tech
501 Sycamore Street, Suite 222
Waterloo, IA 50703

Subject: Iowa 92 Project in Warren County
Project Number: STP-092-5(46)—2C-91 (Iowa DOT), 83340 (Earth Tech)

Dear Ms. Durbahn:

This responds to your letter of May 30, 2008, requesting comments on Iowa 92 Project from Interstate 35 to Indianola, Warren County. We have reviewed the information provided and have the following comments.

The Middle River, within the proposed project corridor, is designated as Class A1 Primary contact recreational use. These are waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing. The Middle River, within the proposed project corridor, is also designated as Class B(WW-1) which are waters in which temperature, flow and other habitat characteristics are suitable to maintain warm water game fish populations along with a resident aquatic community that includes a variety of native nongame fish and invertebrate species. The Middle River, within the proposed project corridor, is also designated as Class HH, human health, which are waters in which fish are routinely harvested for human consumption or waters both designated as a drinking water supply and in which fish are routinely harvested for human consumption. All surface waters in Iowa, including wetlands and those designated for Class "A", "B", and/or "C" are classified for the following general uses: livestock and wildlife watering, noncontact recreation, crop irrigation, and industrial, agricultural, domestic, and other incidental withdrawal uses. Every effort should be made to avoid impacting any water of the United States (streams and wetlands). Best management practices should be incorporated into the project design.

The Middle River is on the impaired waters list for Iowa due to "Organic enrichment/Low Dissolved Oxygen—Other habitat alterations". Information regarding impaired waters can be viewed at <http://wqm.igsb.uiowa.edu/WQA/SQ3d.html>. Questions regarding impaired waters can be directed to John Olson at 515-281-8903.

Due to the potential for impact to the endangered Indiana bat (*Myotis sodalis*), if trees must be cleared for this project, you must contact the U.S. Fish and Wildlife Service at 309-793-5800 ext. 215, for further assistance.

The Underground Storage Tank Section of the Iowa Department of Natural Resources asked me to include the attached map that indicates the location of underground storage tanks in the project corridor.

Thank you for the opportunity to provide comments on the proposed project. If you have any questions or comments, please write me at the address shown below, or call (515) 281-6615.

Sincerely,

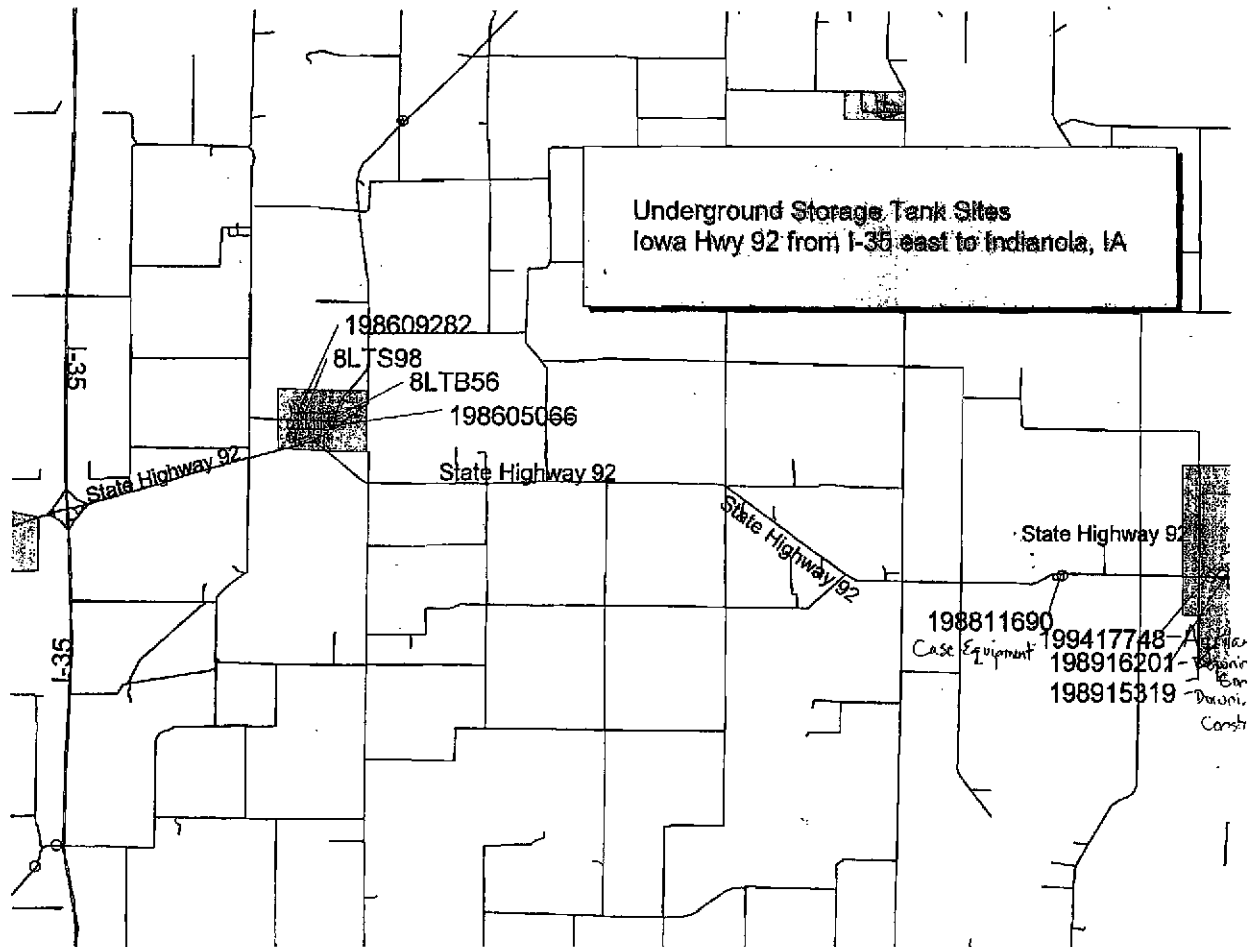
Christine M. Schwake
Environmental Specialist
Water Quality Section

WALLACE STATE OFFICE BUILDING / 502 E. 9th STREET / DES MOINES, IOWA 50319-0034 /
515-281-5145 TDD 515-242-5967 FAX 515-281-8895 www.state.ia.us/dnr

In the final design specifications, provisions will be included to ensure water quality of the Middle River is maintained.

Coordination with USFWS has been conducted and will be ongoing throughout the life of the project.

The underground storage tank locations are noted. None are expected to be impacted by the project.



Merle Hay Center
 8200 Aurora Avenue, Suite 800W
 Urbandale, IA 50322-2888
 Phone: 515.334.0075

June 30, 2008

Ms. Brenda J. Durbahn
 Earth Tech
 501 Sycamore Street, Suite 222
 Waterloo, IA 50703

Dear Ms. Durbahn:

SUBJECT: RE: IOWA 92 FROM INTERSTATE 35 TO INDIANOLA, IOWA.

The Des Moines Area Metropolitan Planning Organization (DMAMPO) staff has received and reviewed the Environmental Assessment for the Iowa 92 project, from Interstate 35 East to Indianola, Iowa. This letter summarizes comments from the DMAMPO staff:

Page 3 – What forecasting method was utilized to estimate future traffic counts? Traffic is forecasted to increase by a range of 1,110 to 1,800 over the next 4-year period, but only 1,800 to 3,500 over the subsequent 20-year time period (2012 to 2032).

Page 5 – What type of trail connection would be provided along the Iowa 92 project corridor? Is it going to be a separate trail or shared-use path/bicycle lane as a portion of the roadway?

Page 6 – The Farmland Conversion Impact Rating of 157 is relatively close to the 160 point threshold. Are there any voluntary mitigation measures being considered given the concerns of the Sarchett Farm owner regarding the disruption in the connectivity of his current farm operations?

Page 6 – Have you confirmed with the Iowa DNR that there are no threatened or endangered plant species recorded along the Iowa 92 corridor, particularly near the beginning point of the project (Interstate 35)?

Page 7 – Besides wetland and surface water areas, are floodplains considered in the EA process? A portion of nearly 1,300 meters of the Iowa 92 project corridor is within the 100-year floodplain. Will safety and emergency management be included in the project review as well?

Page 8 – If the existing roadway between Sarchett Farms will be left intact, who will take responsibility of routine maintenance? Will that section of the road receive upgrades as a part of this project as well?

Page 3 – Traffic forecasts were completed by the Iowa DOT for the Iowa 92 corridor. These forecasts were based on an approximate growth rate of 1.5 percent per year over the forecast period. The growth between 2004 and 2012, as shown in the table, is shown to be higher than the 1.5 percent rate because of the unexpectedly low volumes in the 2004 count period. The 2012 volumes were calculated by using not only the 2004 numbers, but also previous count years (1996 and 2000).

Page 5 – It has not been determined if the trail will be a paved shoulder/bike lane or separated trail alignment.

Page 6 – No mitigation is planned for farmland. NRCS had no comment.

Page 6 – DNR had no record of threatened or endangered species in the Iowa 92 project corridor. Per DNR and the USFWS, a habitat survey will be conducted for Indiana bats once more specific information on the proposed alignment is known.

Page 7 – Flood plains are considered in the process of preparing the EA. In the Natural Environment Resource Summary Section in Appendix A, flood plains are covered.

Page 8 – Iowa 92, within the National Register-eligible Sarchett Farms Historic District, will not be upgraded as part of the project. Maintenance of the existing roadway near the Sarchett Farm properties will be determined by the Transfer of Jurisdiction agreement between the Iowa DOT and Warren County. This document is usually developed during the final design portion of the project development.

Durbahn/Wei Letter

Re: Iowa 92 from Interstate 35 to Indianola, Iowa

June 30, 2008

Page 2

Page 10 – In the Summary of Impacts Table (Table 2), under Noise Impact, the number of receptors decreases from 6 to 2; however, the number of displaced homes will be three.

Page 10 – One of the proposed needs of the project was to address the high crash and injury rates along the project corridor. Is there data to support the anticipated decrease in the number of crashes/traffic incidents from the No Action to the Preferred Alternative? If this information is available, it is recommended that it be included in Table 2.

Page 10 – Was a Benefit-Cost Analysis conducted for the No Action and Preferred Alternatives to accompany the Summary of Impacts Table?

Thank you for the opportunity to comment on the proposed project. Please note that the comments and questions posed above were intended to be observational in nature or included to recommend further clarification on particular issues. If you have any questions, please contact the DMAMPO at (515)334-0075, or by e-mail at lwei@dmampo.org.

Sincerely,



Lan Wei

Transportation Planner

cc: Tom Kane, Executive Director
Tiffany Wilson, Transportation Planning Intern

Page 10 – The decrease in the number of impacted noise receptors is due to proposed shifts in the alignment which move the roadway farther from some houses and, thus, their noise levels decrease. Under the Preferred Alternative, three homes would be displaced. None of these homes are either of the two impacted noise receptors. Displaced homes do not have a noise impact.

Page 10 - Anticipated decreases in crash rates are difficult to predict with any accuracy. The Iowa DOT does provide guidance for estimated crash reduction factors for different highway improvements. For the Iowa 92 corridor, adding turn lanes and channelizing the intersections would be predicted to reduce crashes by 25 percent. For the corridor, improving horizontal and vertical alignment design, along with relocation/consolidation of access points, would be predicted to reduce crashes by 50 percent.

Page 10 – A benefit-cost analysis was not done for this project.



**Sac and Fox Nation of Missouri
in Kansas and Nebraska**

305 North Main Street • Reserve, Kansas 66434
Phone (785) 742-7471 • Fax (785) 742-3785

February 27, 2008

Judy McDonald
Office of Location and Environment
Iowa Department of Transportation
800 Lincoln Way
Ames Iowa 50010

Dear Ms. McDonald:

Thank you for your letter, which is in compliance with Section 106 of the National Historic Preservation Act, and Section 110.

Project: STP-092-5(46)—2C-91

The Sac and Fox Nation of Missouri in Kansas and Nebraska NAGPRA department have determined the above project as:

No objections. However, if human, skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, please stop immediately and notify NAGPRA representative, Johnathan L. Buffalo, at the address below.

There are two other bands of Sac and Fox that also need to be contacted, the Sac and Fox Nation of Oklahoma and the Sac and Fox of the Mississippi in Iowa.

Johnathan Buffalo, NAGPRA Representative
Sac and Fox of the Mississippi in Iowa
349 Meskwaki Rd.
Tama, IA 52339-9629

Sandra Massey, NAGPRA Representative
Sac and Fox Nation of Oklahoma
Rt. 2, Box 246
Stroud, OK 74079

If you have any questions, please contact me at the number or address above.

Sincerely,

Jane Nioce
Sac and Fox Nation of Missouri in Kansas and Nebraska
NAGPRA Contact Representative

RECEIVED

MAR 03 2008

OFFICE OF LOCATION & ENVIRONMENT

This letter was inadvertently left out of the EA. Six tribes were contacted including:

- Sac and Fox of the Mississippi in Iowa
- Sac and Fox Nation of Oklahoma
- Otoe-Missouri Tribe
- Iowa Tribe of Oklahoma
- Iowa Tribe of Kansas and Nebraska
- Sac and Fox of Missouri – If remains are found, work will stop and the NAGPRA representative will be contacted immediately.