

**FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACTS
for**

**U.S. 30 Mount Vernon-Lisbon Bypass
From 1.2 Miles West of Mount Vernon to 2.0 Miles East of Cedar/Linn County Line
Linn and Cedar Counties, Iowa**

NHS-30-7(76)- -19-57

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 need, environmental issues, and 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.

3/25/13

Date

Michael S. Sabrin

For FHWA

Description of the Proposed Action

The Iowa Department of Transportation (Iowa DOT) and the Federal Highway Administration (FHWA) are proposing to construct a U.S. 30 bypass of the communities of Mount Vernon and Lisbon, located in Linn and Cedar Counties, Iowa. The proposed project is consistent with the State of Iowa's initiative to widen U.S. 30 to four lanes across Iowa. The proposed project begins where the existing four-lane roadway transitions into a two-lane roadway, approximately 1.2 miles west of Mount Vernon, and would end approximately 2 miles east of the Linn/Cedar line. Alternative E was determined the Preferred Alternative. The Preferred Alternative would include approximately eight miles of four-lane roadway with two proposed interchanges.

Notice of Environmental Assessment Availability

The Environmental Assessment (EA) was signed on September 24, 2012 and was distributed to selected federal, state and local resource/regulatory agencies on October 5, 2012 for review and comment. Copies were also made available for public review at the Cornell College Library (Mount Vernon's public library) and the Lisbon Public Library. A notice of public hearing and EA availability was published in the Mount Vernon-Lisbon *Sun* on October 18, 2012 and in the Cedar Rapids *Gazette* on October 20, 2012. Notice of the public hearing was also included on the Iowa DOT website at www.iowadot.gov/pim.

Review and Comment Period

A review and comment period was established for receipt of comments on the EA. The review and comment period closed on November 12, 2012.

Agency Comments

Table 1 summarizes the comments received from agencies after distribution of the EA. Copies of these letters are included in Appendix A.

Table 1. Summary of Agency Comments

Date	Agency & Comments	Response from Iowa DOT
10/25/12	Iowa DNR Conservation & Recreation Division <ul style="list-style-type: none"> • Permits may be needed before construction begins. • Clearing, grading, excavation may require a storm water discharge permit. • Take precautions to reduce fugitive dust during construction. 	No response needed. Iowa DOT will obtain the necessary permits prior to construction.
10/26/12	Linn County Planning & Development <ul style="list-style-type: none"> • Project is located in Non-Metro Urban Service Area and the bypass may trigger demand for development in agricultural areas which does not support the County's land use policy and plan. • Comprehensive wetland management plan is being completed for the Indian Creek Watershed. If wetland mitigation is needed for the bypass project County suggests working with the Indian Creek Watershed Management Authority to target construction of mitigation. • Floodplain permits and Conditional use permits will need to be obtained by the County prior to construction activities. 	No response needed. Iowa DOT will obtain the necessary permits prior to construction.

10/31/12	<p>Iowa DNR</p> <ul style="list-style-type: none"> • Waters of the U.S. should not be disturbed. Unavoidable adverse impacts should be minimized. Any remaining adverse impacts should be mitigated. • Use best management practices to control erosion and protected water quality near the project. • Any dredged of fill material into waters of U.S. will require a permit from the Army Corps of Engineers and completion of the joint application from the Rock Island District. 	<p>No response needed. Iowa DOT will submit a joint application and obtain the necessary permits prior to construction.</p>
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Public Hearing Summary – Environmental Assessment

A public hearing was held on October 30, 2012 from 5:00 p.m. to 7:00 p.m. at the Lisbon Community School cafeteria. The hearing was conducted using an open forum for the first hour where attendees could speak individually with Iowa DOT and consultant representatives to express their views and ask questions in an informal setting. A formal presentation was given at 6:00 p.m. followed by a question and answer session.

The public hearing was attended by 94 people. The purpose of the public hearing was to receive public comments on the Preferred Alternative. Attendees could provide comments at the hearing either orally or in writing during the meeting or by sending written comments to the Iowa DOT after the meeting. Graphics of the Preferred Alternative and environmental constraints were displayed at the hearing.

A total of 11 people from the community gave oral comments during the question and answer session that occurred after the formal presentation. Table 2 summarized the oral comments received and the oral responses Iowa DOT provided at the hearing.

Table 2. Summary of Oral Public Hearing Comments

Summary of Comments	Summary of Iowa DOT Responses
<p>Several commenters expressed concern about the impacts the project would have on valuable farmland.</p>	<p><i>The Through Town alternative would have the least potential impact on farmland, but it was determined not to meet the project purpose and need and was dismissed from further consideration. All of the bypass alternatives would have similar impacts to farmland because most of the land in the study area is agricultural.</i></p>
<p>Two commenters expressed concern about how the project would affect access to their properties and objected to the DOT’s determination that the access agreement that was negotiated for the 1994 project is not valid for the current project.</p>	<p><i>The currently proposed project is completely different from the one that was developed in 1994, and it requires a higher level of access control in order to maintain free-flowing traffic over the long term while providing interchanges that allow access to the communities. The portion of the roadway between Irish Lane and Wilcox Road is Priority 2, which means access will only be provided at these two public roadways. This creates a transition zone between the bypass where the only access is at the two interchanges, and the portion of the highway west of Wilcox Road where there are many accesses such as at driveways, businesses,</i></p>

	<p>and other roads.</p> <p><i>The access rights that were negotiated in 1994 would be acquired and extinguished and a new agreement would be negotiated for the current project.</i></p>
<p>One commenter questioned whether the project would affect the contaminated groundwater plume located south of the U.S. Nameplate Company and expressed concern that the plume is larger than what was depicted in the EA.</p>	<p><i>The groundwater plume was considered in the EA and impacts to the plume would be avoided. Note: See the New Information section for information on additional investigation of the groundwater plume that was conducted after the public hearing and modification of the project as a result of the investigation.</i></p>
<p>One commenter expressed concern that when contractors obtain borrow material from a site, the site becomes unusable and suggested that the contractors should have to restore the site.</p>	<p><i>Comment noted.</i></p>
<p>One commenter recalled that the Director of the DOT in 2004 stated that building bypasses is too expensive and questioned why that position has changed. Another commenter suggested that utilities are set far enough off existing U.S. 30 so that it would be possible to widen it instead of building a bypass to the south.</p>	<p><i>The Through Town alternative would not create the free-flowing traffic conditions and would not solve the safety, overall capacity, and access issues that the proposed project is intended to address. As a result, it was determined that the Through Town alternative would not meet the project purpose and need. All the other alternatives considered were bypass alternatives.</i></p>
<p>One commenter questioned why Y-type intersections were used at both ends of the project rather than T-type intersections, which would use less land.</p>	<p><i>The proposed relocated Adams Avenue interchange is now the primary entrance into the City of Lisbon. Therefore, at the connections between this relocated road and existing US 30, relocated Adams Avenue is given the priority. Existing US 30, now a local street, is realigned to meet relocated Adams Avenue at a stop condition.</i></p>
<p>One commenter questioned whether changes in traffic counts had been considered in planning the project.</p>	<p><i>A traffic analysis was conducted. Annual daily traffic for 2035 was projected to range from 13,700 vehicles per day to 19,200, compared to 2009 traffic counts, which ranged from 8,000 to 11,000 vehicles per day. That is an estimated increase in traffic of nearly 50% in the next 20 years.</i></p>
<p>One commenter expressed concern about changes in noise levels and questioned whether noise would be assessed after the project is constructed to verify the projections reported in the EA.</p>	<p><i>If there are concerns about increases in noise levels after construction of the project, the District Office should be contacted.</i></p>

A total of 12 written comments were received, one before the hearing, one at the hearing, and 10 after the hearing. Table 3 summarizes the written comments received from the hearing.

Table 3. Summary of Written Public Hearing Comments

Summary of Comment	Date of Iowa DOT Response	Summary of Iowa DOT Response
No comment or objections to the proposed action.	NA	No response needed.
Concerns about overpasses, detours, and land acquisition.	12/3/12	Included overpass clearances, described how access will be maintained, included contact info for Dist. 6 and ROW offices.
Concerned about impacts to Sutliff Road and bicyclists who use this route.	12/3/12	Described how Sutliff Road would have 10 foot paved shoulders since its considered a trail.
Concerned about impacts to streams and trees on property.	12/3/12	Described the need to maintain existing drainage patterns with culverts. Expect to maintain the current path of the creek on property and minimize ROW impacts to property.
Requested a copy of the public hearing transcript.	12/4/12	Transcript was mailed on 12/4/12.
In favor of the bypass to reduce traffic noise in town and to improve safety.	12/3/12	Described purpose of project is safety and how the bypass will allow vehicles to flow freely improving safety.
Concerned about access to property and fields. Also concerned with impacts to wetland, loss of crop land and pasture land, prime farmland, air and water quality, and woodlands. Concerned about the funding for construction and future funds to maintain the road.	12/3/12	Described how impacts to farmland was considered and documented in the EA. Described coordination with federal and state agencies that reviewed and concurred on the project and its impacts. Described the DOT's goal to upgrade U.S. 30 to four lanes across the state.
Opposed to project because of concerns of lack of access the farm to market roads (X20, Sutliff Road) have to the bypass.	12/3/12	Described how Alternative E was preferred by City of Lisbon. Described driver expectations and why partial interchanges were not favored for this project.
Concerned about the location and placement of overpasses.	12/3/12	Described how Alternative E provides operational benefits for U.S. 30 to optimize traffic and public benefits compared to the other alternatives.
In favor of the bypass due to safety concerns and accidents occurring in corridor.	12/3/12	Described purpose of the project is safety and how the bypass will allow vehicles to flow freely improving safety.
Concerned about the elevation of bypass in relation to side streets and private access roads as well as location of access points.	11/7/12	Described and included pages of the design showing elevation and access to property.

Opposed to having the Lisbon Interchange south of Windy Ridge Road/122 nd Street and closing Adams Avenue. Would prefer the interchange be located off of X20, Sutliff Road.	12/3/12	Described how alternatives were similar but how Alternative E has slightly better traffic operations and was preferred by City of Lisbon.
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New Information

Several changes have occurred since publication of the EA. These changes are described below.

Additional Investigation of U.S. Nameplate Company Site:

Property owners at the public hearing expressed concerns that the U.S. Nameplate Company groundwater contamination plume located on property south of the company and existing U.S. 30, was larger than what was described in the EA. Additional investigation of public records and coordination with the U.S. Environmental Protection Agency (EPA) revealed the groundwater contamination plume was indeed larger. As a result, the Iowa DOT decided to modify the original plan to minimize the need for excavation in the area of the plume. See Changes to Preferred Alternative below for details of the modification.

The Iowa DOT provided the modified preliminary design to the EPA on November 26, 2012 and no comments were received.

Changes to Preferred Alternative:

The Iowa DOT modified the profiles of the bypass and of Willow Creek Road located on the west end of the corridor. The profile of Willow Creek Road was lowered to go under the bypass and the bypass profile was raised to go over Willow Creek Road. This modification would enable the bypass to be constructed on fill material. Some ditch excavation will be needed, but the modifications will minimize the potential for impacting the groundwater contamination plume. The project study area footprint was expanded slightly in the Willow Creek Road area to accommodate these profile changes. As a result, impacts to some resources changed from what was presented in the EA. Impacts increased for property acquisition, wetlands, streams, and contaminated sites because of the expanded footprint. Impacts decreased for archeological sites because of additional investigation that is described below. The revised impacts for the Preferred Alternative are shown in Table 4.

Table 4. Revised Summary of Impacts

Resource	No Build Alternative	Impacts Described in EA	Preferred Alternative
Potential Right-of-Way (acres)	0	760	799 ¹
Potential Displacements (number)	0	4	10 ²
Historic Sites (number)	0	0	0
Archeological Sites (number)	0	8	0
Wetland Impacts (acres)	0	9.7	10.1
Surface Water Impacts (Streams) (linear feet)	0	12,160	12,238
Floodplain Impacts (acres)	0	9.1	9.1
Indiana Bat Habitat (acres)	0	61.6	61.6
Woodland Impacts (acres)	0	82.6	82.6
Farmland Impacts (acres)	0	426	426

Resource	No Build Alternative	Impacts Described in EA	Preferred Alternative
Noise Impacts (number)	0	4	4
Contaminated Sites (number)	0	2	3
¹ This number represents the area of land that potentially will be transportation use and is a total of existing and proposed roads in the preliminary impact area. ² This number represents the total number of properties affected and has not changed from the EA. The EA documented 6 potential partial acquisitions and 4 potential total acquisitions (displacements). The final determination of partial versus full acquisitions will be made during final design.			

The Iowa DOT fully expects that impacts will be reduced as the project proceeds through final design and that actual impacts at the time of project construction will be less than the estimates in this Finding of No Significant Impact.

Additional Cultural Resource Investigation:

Phase II investigations were conducted in the fall of 2012 for eight archaeological sites to determine their eligibility for listing in the National Register of Historic Places (NRHP). The report, *Phase II Archaeological Investigations for Eight Archeological Sites, Highway 30 Mt. Vernon/Lisbon Bypass, Linn and Cedar Counties, Iowa* found that none of the sites were eligible for listing on the NRHP and no further work was recommended. Therefore, no impacts to archeological sites would occur. Coordination with the State Historic Preservation Officer (SHPO) took place on January 29, 2013 with the determination that no historic properties would be affected. The SHPO concurred with this determination on February 18, 2013 and this correspondence is included in Appendix B.

NEPA / 404 Merger Coordination:

The meeting for Concurrence Point 4 Preferred Alternative took place on February 12, 2013. The meeting was attended by representatives of the following federal agencies and various offices within the Iowa DOT:

- U.S. Environmental Protection Agency (EPA)
- U.S. Army Corps of Engineers (USACE)
- U.S. Fish and Wildlife Service (FWS)
- Iowa Department of Natural Resources (DNR)

The Iowa DOT presented the Preferred Alternative and answered questions from the agencies. All agencies concurred with the Preferred Alternative.

Additional Coordination with U.S. Fish and Wildlife Service:

On February 13, 2013 the Iowa DOT sent the FWS a letter describing the past correspondence between the agencies and enclosed the July 2012 *Indiana Bat Mist Net Survey*. The FWS responded on February 22, 2013 stating they concur with the determination that the project is not likely to adversely affect the endangered Indiana bat. These letters are included in Appendix B.

Basis for Finding of No Significant Impact

The EA evaluated resources present in the project study area for effects as they may occur related to the construction of the U.S. 30 Mount Vernon and Lisbon Bypass and related improvements. The EA documented the absence of significant impacts associated with the implementation of the proposed project. The following resources were evaluated in detail in for impacts that may result from the

proposed project: land use, churches and schools, economic, right-of-way, relocation potential, construction and emergency routes, historical sites or districts, archaeological sites, wetlands, surface waters and water quality, floodplains, wildlife and habitat, threatened and endangered species, woodlands, farmlands, noise, contaminated sites and regulated materials sites, visual, and utilities.

This Finding of No Significant Impact documents compliance with the National Environmental Policy Act and all other applicable environmental laws, Executive Orders, and related requirements.

Special Conditions for Location Approval

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

- 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.”
- A National Pollutant Discharge Elimination System (NPDES) general stormwater discharge permit for construction is required and will be obtained from the Iowa DNR.
- A Section 404 permit from USACE will be required for placement of dredged or fill material in wetlands and other waters of the US. A permit application including a wetland mitigation plan 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.
- Floodplain permits and Conditional Use permits will be required from Linn and Cedar Counties.
- Iowa DOT will avoid impacting the Mason House, property 57-05656, by minimizing the amount of land needed for reconstruction of IA 1, south of the new U.S. 30 / IA 1 interchange.
- Iowa DOT Standard Note 232-9 will be included in the project plans. Standard Note 232-9 requires tree removal to be conducted after September 15th and before April 15th.
- Impacted woodlands will be replaced with new tree plantings suitable for Indiana bat summer habitat or tree preservation areas with suitable tree species.
- Woodlands not suitable for Indiana bat but impacted by the project will be replaced per Iowa Code 314.23.

Appendix A

Agency Comments Received from Review of EA



STATE OF IOWA

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

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

OCTOBER 25, 2012

IOWA DEPARTMENT OF TRANSPORTATION
ATTN: JANET M. VINE
800 LINCOLN WAY
AMES, IA 50010

RE: Environmental Review for Natural Resources
U.S. 30 Mount Vernon – Lisbon Bypass
Linn and Cedar Counties
Section 7-18, Township 82N, Range 5W
Section 7-10, 14-18, Township 82N, Range 4W

Dear Ms. Vine,

Thank you for inviting Department comment on the impact of this project. The Department has searched for records of rare species and significant natural communities in the project area and found no site-specific records that would be impacted by this project. However, these records and 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. If the construction plans change, the Department should be contacted for another review.

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 comment from the Environmental Services Division of this Department. This letter does not constitute a permit. Other permits may be required from the Department or other state or federal agencies before work begins on this project.

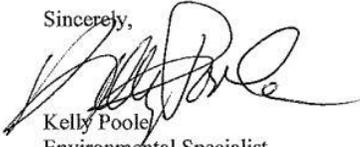
Any construction activity that bares the soil of an area greater than or equal to one acre including clearing, grading or excavation may require a storm water discharge permit from the Department. Construction activities may include the temporary or permanent storage of dredge material. For more information 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 directed to Jim McGraw at (515) 242-5167.

502 EAST 9th STREET / DES MOINES, IOWA 50319-0034
PHONE 515-281-5918 FAX 515-281-6794 www.iowadnr.gov

If you have questions about this letter or require further information, please contact me at (515) 281-8967.

Sincerely,



Kelly Poole
Environmental Specialist
Conservation and Recreation Division
mls

FILE COPY: Kelly Poole
Tracking Number: 8024



Planning & Development
Linn County, Iowa

www.linncounty.org/planning

Public Service Center
935 Second Street Southwest
Cedar Rapids, Iowa 52404-2100

October 26, 2012

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

RECEIVED

OCT 26 2012

Office of Location & Environment

Subject: Environmental Assessment
US 30 Mount Vernon – Lisbon Bypass
NHS-030-7(76)-19-57

Mr. Roost:

The Linn County Planning & Development Department offers the following comments regarding the above-referenced project:

1. Our office made the following comment in June of 2010 when we previously reviewed this project and I think it is worth making again. The majority of the project area is located in the NMUSA (Non-Metro Urban Service Area) of the 2000 Linn County Rural Land Use Plan Map, which is targeted and appropriate for future development in unincorporated Linn County. However, the project area borders and is partially within the AA (Agricultural Area) of the Rural Land Use Plan Map. The by-pass project may trigger demand for development in the AA (Agricultural Area) of the Rural Land Use Plan Map which is not supported by the Goals, Objectives, and Agricultural Area Land Use Policies in the 2000 Linn County Rural Land Use Plan. As a result of this project, our office may need to re-examine appropriate land use plan designations for the area.
2. A Comprehensive Watershed Management Plan is being completed for the Indian Creek Watershed which is located north and west of the project area. Areas within the watershed will be identified and prioritized for restoration or creation of wetlands. If wetland mitigation is necessary as a result of the by-pass project and alternate locations are being identified outside of the project area, Linn County recommends working with the Indian Creek Watershed Management Authority to target construction of mitigation wetlands in prioritized areas of the Indian Creek Watershed as identified in the forthcoming Comprehensive Watershed Management Plan.
3. In addition to the Joint Application, referenced in Section "5.3.3 Floodplains" of the EA, Floodplain Permits and necessary Conditional Use Permits will need to be obtained from Linn County prior to any grading or construction activities within the floodplain in unincorporated Linn County. These permits can be applied for through this department.

Thank you for the opportunity to comment.

Regards,

A handwritten signature in blue ink that reads "Les Beck".

Les Beck, Director
Linn County Planning & Development

www.linncounty.org

phone 319.892.5130 • fax 319.892.5155





STATE OF IOWA

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

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

October 31, 2012

JAMES ROST
IOWA DEPARTMENT OF TRANSPORTATION
800 LINCOLN WAY
AMES IA 50010

RE: U.S. 30 Mount Vernon – Lisbon Bypass
Linn and Cedar Counties
NHS-030-7(76)—19-57
Sections 7-18, Township 82N, Range 5W
Section 7-10, 14-18, Township 82N, Range 4W

Dear Mr. Rost:

This letter is in response to the September 24, 2012 Environmental Assessment concerning the U.S. 30 Mount Vernon-Lisbon Bypass. Thank you for inviting our comments on the impact of this project.

Waters of the United States (includes wetlands) should not be disturbed if a less environmentally damaging alternative exists. Unavoidable adverse impacts should be minimized to the extent practicable. Any remaining adverse impacts should be compensated for through restoration and creation activities (enhancement and/or preservation may be in addition to the restoration/creation). We would ask that Best Management Practices be used to control erosion and protect water quality near the project.

Any proposed placement of dredged or fill material into waters of the United States (including jurisdictional wetlands) requires Department of the Army authorization. When detailed plans are available, please complete and submit the joint application form to the Rock Island District Corps of Engineers (1 copy) and Iowa Department of Natural Resources (2 copies) for processing. The application form may be obtained at <http://www.iowadnr.gov/other/files/jointpermit.pdf>.

An electronic copy of the application form and instructions may also be obtained on the Corps' website: <http://www.mvr.usace.army.mil>. Click on "Obtain a Permit?" on the left side of the screen; then click on "Application Forms & Instructions"; and then "Iowa".

If you have any questions, please call me at (515)281-6615.

Sincerely,

A handwritten signature in blue ink that reads "Christine M. Schwake".

Christine Schwake
Environmental Specialist

502 EAST 9th STREET / DES MOINES, IOWA 50319-0034
PHONE 515-281-5918 FAX 515-281-6794 www.iowadnr.gov

Appendix B

Additional Agency Correspondence Since Signature of EA

***Correspondence and Concurrence from
State Historic Preservation Officer (SHPO)***

FEB 04 2013



Iowa Department of Transportation

800 Lincoln Way, Ames, Iowa 50010

515-239-1097

Fax: 515-239-1726

January 29, 2012

Ref. NHS-30-7(76)-19-57
Linn and Cedar Counties
Primary
R&C: 930857069

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

Dear Doug:

RE: Phase II Archaeological Investigations for Eight Archaeological Sites / U.S. Highway 30 Mt. Vernon/Lisbon Bypass, Linn and Cedar Counties, Iowa.
No Historic Properties Affected- Archaeological Resources

Enclosed for your review are the Phase II Archaeological Investigations for the above-mentioned project. As previously presented, this project purposes the construction of a new divided four-lane highway around the south side of the towns of Mt. Vernon and Lisbon bypassing the current section of U.S. 30 that extends along the south edge of both communities.

During the previous investigation, 24 archaeological sites were recorded and evaluated along with one prehistoric find-spot. In addition to these archaeological sites, 23 architectural properties were evaluated.

Once a preferred alternative was selected for the project, eight archaeological sites, previously determined to require additional Phase II investigations to determine any possible eligibility for the National Register, had Phase II investigations conducted for them. This work was conducted between August 20 and October 26, 2012.

The Phase II investigations conducted for prehistoric / historic archaeological sites 13LN262, 13LN799, 13LN991, 13LN998, 13CD119/13LN1008, 13CD125, 13CD126, and 13CD127, included an extensive review of the previous Phase I investigations. In addition to these reviews, supplemental subsurface testing conducted along with extensive data analysis. During the Phase II investigations, however, none of these sites were determined to be eligible for the National Register and no further work was recommended for them.

Based on the findings of these Phase II investigations, the determination for this project, in regards to archaeological resources is **No Historic Properties Affected**. If you concur with the findings of this survey, please sign the concurrence line below, add your comments and return this letter. If you have any questions, please feel free to contact me at 515-239-1097 or matt.donovan@dot.iowa.gov.

Sincerely,



Matthew J.F. Donovan, RPA
Office of Location and Environment

MJFD:sm

Enclosure

cc: Ken Yanna- District 6 Assistant Engineer
Jane Vine- OLE / NEPA
Chris Schoen- Principal Investigator / Louis Berger Group

Concur Douglas W. Jones Date 2/18/2013
SHPO Archaeologist

***Correspondence and Concurrence from
U.S. Fish and Wildlife Service (FWS)***



Iowa Department of Transportation

800 Lincoln Way, Ames, Iowa 50010

515-239-1510

FAX# 515-239-1726

February 13, 2013

Ref: Reinitiating Consultation
Mount Vernon/Lisbon Bypass
Linn and Cedar Counties
NHS-30-7(76)--19-57
PIN: 95-57-030-050

Richard C. Nelson
U.S. Fish & Wildlife Service
Rock Island Field Office
1511 – 47th Avenue
Moline, IL 61265

Dear Mr. Nelson:

The Iowa Department of Transportation (DOT) is proposing improvements to U.S. Highway 30 (U.S. 30), including a bypass of the communities of Mount Vernon and Lisbon, located in Linn and Cedar Counties, Iowa (Figure 1, enclosed).

The proposed project would include approximately eight miles of a four lane roadway with two interchanges. The proposed project begins where the existing four-lane roadway transitions into a two-lane roadway, approximately 1.2 miles west of Mount Vernon and would end approximately 2.0 miles east of the Cedar/Linn County line.

The purpose of this letter is to reinitiate informal consultation in accordance with Section 7(a)(2) of the Endangered Species Act, 50 CFR §402.13, and under the delegation authority of the Federal Highway Administration (FHWA).

Consultation History and Further Biological Reviews

In a letter dated April 4, 2011 the Iowa DOT provided a history of biological reviews performed for the project. The Iowa DOT requested that the U.S. Fish and Wildlife Service (USFWS) concur with the determination that the proposed project was not likely to adversely affect federally or state-listed species or result in the destruction or adverse modification of federally designated critical habitat. At the time concurrence was requested neither Linn nor Cedar Counties were designated by the Iowa Department of Natural Resources (DNR) or USFWS as summer range of the Indiana bat in Iowa. In addition, no known occurrences of Indiana bat or hibernacula were documented in Linn or Cedar Counties.

However, on May 26, 2011 the USFWS updated the range of potential Indiana bat habitat in Iowa, adding Linn and Cedar Counties to the range.

Mr. Richard Nelson
Page 2
February 13, 2013

In a letter dated June 6, 2011 the USFWS did not concur with the Iowa DOT's determination. USFWS stated that winter cutting alone may not be sufficient to eliminate adverse effects. The USFWS recommended a mist net survey to determine whether Indiana bats were present and to evaluate whether take of the species and/or suitable habitat would occur by the proposed project.

In June of 2012, Stantec Consulting Services, Inc. performed an Indiana bat mist net survey of the project area on behalf of the Iowa DOT. Their report, *Indiana Bat Mist Net Survey, U.S. Highway 30 Improvements and Relocation, Mount Vernon and Lisbon Bypass* (Stantec Consulting Services, Inc., July 2012, enclosed) documents that six species of bats were captured during nine nights of netting. No Indiana bats were caught and none of the six bat species caught during the survey are listed as state or federally threatened or endangered.

Avoidance and Mitigation

There are no known occurrences of Indiana bat documented in Linn or Cedar Counties. Also, there are no hibernacula known in Linn or Cedar Counties. However 17 forest cover areas within the project area contain more than 15% forest cover, permanent water within a ½-mile radius and trees that meet criteria for Indiana bat summer habitat.

To avoid potential impacts to Indiana bats the following mitigation strategies are proposed:

- 1) Include Iowa DOT Standard Note 232-9 in project plans. Standard Note 232-9 requires tree removal after September 15th and before April 15th.
- 2) Replace impacted woodland with new tree plantings suitable for Indiana bat summer habitat or tree preservation areas with suitable tree species. In a meeting between Iowa DOT and FHWA on March 23, 2011 the FHWA concurred with replacing the impacted portions of the 17 forest cover areas with an equal amount of tree plantings to provide future habitat for potential use by Indiana bats should they become known in Linn or Cedar County.

Furthermore, woodland not suitable for Indiana bat but impacted by the proposed project will be replaced per Iowa Code 314.23.

As design of the project proceeds and the actual amount of impacts to suitable Indiana bat habitat and woodland is known, a mitigation site will be selected. A mitigation package including the location, proposed plantings and/or preservation, management, maintenance and monitoring details will be submitted for your review.

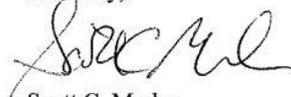
Mr. Richard Nelson
Page 3
February 13, 2013

Determination of Effect

Based on literature, data reviews and field studies for the project, the Iowa DOT has determined, under the delegation authority provided by FHWA, that the proposed project is not likely to adversely affect federally or state-listed species or result in the destruction or adverse modification of federally designated critical habitat. *We request that USFWS concur with this determination.* A Determination of effect form is enclosed.

The project is a federal-aid project. If you have questions or need additional information, please contact me at 515/239-1510 or Jill Rudloff at 515/239-1698.

Sincerely,



Scott C. Marler
Environmental Resources Manager
Office of Location and Environment

SCM:JR:sm

Enclosures

cc: Kelly Poole, DNR
J. Rudloff, Location & Environment (file)

Determination of Effect for Threatened & Endangered Species

Project Name: Mount Vernon/Lisbon Bypass		Highway No.: Hwy 30
Project No.: NHS-30-7(76)--19-57		Station No.:
County: Linn and Cedar	Letting Date:	PLSS/UTM:
Project Description: The proposed project would include approximately eight miles of a four lane roadway with two interchanges. The proposed project begins where the existing four-lane roadway transitions into a two-lane roadway, approximately 1.2 miles west of Mount Vernon and would end approximately 2.0 miles east of the Cedar/Linn County line.		
Are there documented occurrences of T&E species within 1 mile of the project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, list species:</i> Eastern Prairie Fringed Orchid - Fed T, State E		
Are there documented occurrences of T&E species within the limits of construction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, list species:</i>		
Is there likely to be habitat for T&E species within the project's limits of construction? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, list species:</i> Indiana bat - Fed E, State E		
Describe current geographic setting (<i>native habitats, adjacent land use, etc.</i>) and potential project impacts: Much of the study area has been converted to agricultural or residential use but wetland features and mature woodlands are also present.		
Will the project likely require borrow? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
DETERMINATION OF EFFECT - ACTION		
<input type="checkbox"/> No Effect <input type="checkbox"/> No Effect (<i>by following recommendations</i>) <input type="checkbox"/> Needs Further Study <input checked="" type="checkbox"/> May Affect – Not Likely to Adversely Affect <input type="checkbox"/> May Affect – Likely to Adversely Affect		
Further Study – Consisting of the Following	Iowa DOT Recommendations	
	Iowa DOT Standard Note 232-9 will be included in project plans requiring tree removal after September 15th and before April 15th. Replace impacted woodland with suitable Indiana bat tree species to satisfy Iowa Code 314.23 and provide future habitat for potential use by Indiana bats in the project area.	
References: <input checked="" type="checkbox"/> Natural Areas Inventory <input checked="" type="checkbox"/> T&E Species Range Maps <input checked="" type="checkbox"/> Aerial Photos <input type="checkbox"/> Soils of Concern Data <input checked="" type="checkbox"/> Other: Biological Reviews and June 2012 Indiana bat mist net survey		

J. Rudloff
Prepared By:

2/12/2013
Date:



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

RECEIVED

FEB 25 2013

Office of Location & Environment

February 22, 2013

Mr. James P. Rost, Director
ATTN: Mr. Scott Marler
Office of Location and Environment
Iowa Department of Transportation
800 Lincoln Way
Ames, Iowa 50010

Dear Mr. Rost:

Thank you for your letter of February 13, 2013, regarding the Iowa Department of Transportation's (DOT) proposed improvements to U.S. Highway 30 which includes a bypass of the communities of Mount Vernon and Lisbon, located in Cedar and Linn Counties, Iowa.

During June of 2012, Stantec Consulting Services, Inc. performed an Indiana bat mist net survey of the project area on behalf of the Iowa DOT. Their report, *Indiana Bat Mist Net Survey, U.S. Highway 30 Improvements and Relocation, Mount Vernon and Lisbon Bypass*, documents that six species of bats were captured during nine nights of netting. No Indiana bats were caught and none of the six bats species caught during the survey are state or federally threatened or endangered.

We have reviewed the survey results and the avoidance and mitigation measures outlined in your letter. After review of this information the Service **concurs** with your determination that the project is "not likely to adversely affect" the endangered Indiana Bat. We look forward to receiving and commenting on the mitigation package when it is developed.

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

Mr. James P. Rost, Director

2

If you have any questions regarding our comments, please contact Kraig McPeck of my staff at (309) 757-5800, extension 202.

Sincerely,



Richard C. Nelson
Field Supervisor

cc: FHWA (LaPietra)

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