

**DRIVE TO PROSPERITY: MANUFACTURING DRIVE
AND BLUFF BOULEVARD RECONSTRUCTION
FROM US ROUTE 30 TO 7TH AVENUE NORTH AND NORTH 4TH STREET
CLINTON COUNTY, IOWA
HDP-1415(634)--71-23**

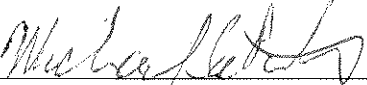
**ENVIRONMENTAL ASSESSMENT
January 2024**

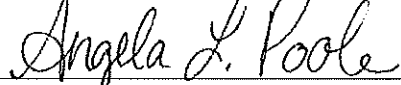
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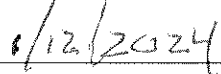
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
And
IOWA DEPARTMENT OF TRANSPORTATION
LOCATION AND ENVIRONMENT BUREAU
And
CITY OF CLINTON, IOWA

The signatures are considered acceptance of the general project location and concepts described in the environmental document unless otherwise specified by the approving officials. However, such approval does not commit to approve any future grant requests to fund the preferred alternative.


For the Iowa Division Administrator
Federal Highway Administration


For the Location and Environment Bureau
Iowa Department of Transportation


For the City Engineer
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Date of Approval for Public Availability

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PREFACE

The Transportation Equity Act of the 21st Century (TEA-21) (23 CFR) mandated environmental streamlining in order to improve transportation project delivery without compromising environmental protection. In accordance with TEA-21, the environmental review process for this project has been documented as a Streamlined Environmental Assessment (EA). This document addresses only those resources or features that apply to the project. This allowed study and discussion of resources present in the study area, rather than expend effort on resources that were either not present or not impacted. Although not all resources are discussed in the EA, they were considered during the planning process and are documented in the Streamlined Resource Summary, shown in Appendix A.

The following table shows the resources considered during the environmental review for this project. The first column with a check means the resource is present in the project area. The second column with a check means the impact to the resource warrants more discussion in this document. The other listed resources have been reviewed and are included in the Streamlined Resource Summary.

Table 1: Resources Considered

SOCIOECONOMIC	NATURAL ENVIRONMENT
☒ ☒ Land Use ☒ ☐ Community Cohesion ☒ ☒ Churches and Schools ☒ ☒ Environmental Justice ☒ ☒ Economic ☐ ☐ Joint Development ☒ ☒ Parklands and Recreational Areas ☒ ☒ Bicycle and Pedestrian Facilities ☒ ☒ Right-of-Way ☒ ☒ Relocation Potential ☒ ☒ Construction and Emergency Routes ☒ ☒ Transportation	☒ ☒ Wetlands ☒ ☒ Surface Waters and Water Quality ☐ ☐ Wild and Scenic Rivers ☒ ☒ Floodplains ☒ ☐ Wildlife and Habitat ☒ ☐ Threatened and Endangered Species ☐ ☐ Woodlands ☐ ☐ Farmlands
CULTURAL	PHYSICAL
☒ ☒ Historical Sites or Districts ☒ ☐ Archaeological Sites ☒ ☒ Cemeteries	☒ ☐ Noise ☒ ☐ Air Quality ☒ ☐ Mobile Source Air Toxics (MSATs) ☒ ☐ Energy ☒ ☒ Contaminated and Regulated Materials Sites ☒ ☐ Visual ☒ ☒ Utilities
☐ CONTROVERSY POTENTIAL: Low.	
☒ Section 4(f): Park and recreational areas and historic sites are present in the study area; however, it is anticipated that FHWA will make a <i>de minimis</i> impact determination for these resources.	

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- Section 4(f) Coordination
- SHPO Coordination
- USFWS Coordination
- Permit Coordination

1. DESCRIPTION OF THE PROPOSED ACTION

The City of Clinton, in coordination with the Iowa Department of Transportation (Iowa DOT) and the Federal Highway Administration (FHWA), is proposing the reconstruction of Manufacturing Drive, Bluff Boulevard, and a small section of 7th Avenue North between US 30 (i.e., southwestern terminus) and North 4th Street (i.e., northeastern terminus), a distance of approximately 3.9 miles (Figure 1). For more detailed maps of the project area, see the Environmental Features Maps in Appendix A. Manufacturing Drive, Bluff Boulevard, and 7th Avenue North are classified as minor arterials with numerous unsignalized and signalized intersections and driveway access points. Manufacturing Drive is four lanes from US 30 to Valley West Drive (0.45 mile) and two lanes from Valley West Drive to where it turns into Bluff Boulevard (1.14 miles). The two-lane section of Manufacturing Drive includes two bridges that span Mill Creek and Hart's Mill Creek. Manufacturing Drive is primarily surrounded by commercial development. Bluff Boulevard is two lanes from Manufacturing Drive to South 14th Street (0.51 mile) and four lanes from South 14th Street to where it turns into 7th Avenue North and transitions back to two lanes at North 5th Street (1.70 miles). From North 5th Street to North 4th Street, 7th Avenue North is two lanes (0.1 mile). Bluff Boulevard and 7th Avenue North are primarily surrounded by residential development.

The proposed improvements would convert the roadways to two travel lanes (one lane in each direction) with raised concrete medians, middle turn lanes, right and/or left turn lanes, sidewalks on one or both sides of the road, and three roundabouts: Manufacturing Drive at South 19th Street; Bluff Boulevard at South 14th Street; and Bluff Boulevard at Springdale Drive, 4th Avenue North, and the entrance to the Springdale Cemetery. Between Bluff Boulevard and North 5th Street, the roadway improvements on 7th Avenue North would transition back to the existing roadway. From North 5th Street to North 4th Street, the pavement along the two-lane section of 7th Avenue North would be replaced. The project would also include the replacement of the bridges over Mill Creek and Hart's Mill Creek, the addition of bus pull-off lanes, upgrading traffic signals, and improvements to storm and sanitary sewer lines and other utilities. The project would be broken down into two construction phases. The first phase would be the proposed improvements along Manufacturing Drive and the second phase would be along Bluff Boulevard.

2. PROJECT HISTORY

In July 2021, the City submitted a Rebuilding American Infrastructure with Sustainability & Equity (RAISE) grant application for Manufacturing Drive and a section of Bluff Boulevard from College Avenue to 7th Avenue North in order to obtain federal funding. It was referred to as the Drive to Prosperity: Manufacturing Drive and Bluff Boulevard Reconstruction Project.

On November 19, 2021, the City of Clinton was awarded \$15 million from the RAISE grant for the Drive to Prosperity Project, which is the subject of this Environmental Assessment (EA).

Public involvement and agency coordination for the development of the project has included three public open houses, several stakeholder meetings, and the distribution of early coordination letters to local, state, and federal agencies and tribes (see Section 7). This ongoing coordination informed and further refined the alternative development and analysis process.

Figure 1: Project Location



3. PURPOSE AND NEED FOR ACTION

3.1. PROJECT PURPOSE

Based on the project needs (see Section 3.2), the purpose of this project is to improve safety, pedestrian/bicycle access, roadway conditions, and geometric deficiencies along Manufacturing Drive, Bluff Boulevard, and 7th Avenue North from US 30 to North 4th Street.

3.2. PROJECT NEED

Safety:

- Iowa DOT's Potential for Crash Reduction (PCR) website was used to identify the PCR levels of the intersections within the project corridor for a 5-year period from 2016 to 2020 (<https://iowadot.maps.arcgis.com/apps/MapSeries/index.html?appid=6920b9b36fa54caa90c25bd6dcdd0c7e>). The PCR levels are grouped into the following three categories:
 - **High PCR Level** intersections and segments will likely qualify for safety funds and will require a consultation with Traffic and Safety Bureau to determine potential safety improvements.
 - **Medium PCR Level** intersections or segments have room for improvement and may qualify for safety funds.
 - **Negligible PCR Level** intersections or segments are performing better than expected.

Based on the information provided on the website, there are no intersections with a high PCR level, four intersections with a medium PCR level, and 38 intersections with a negligible PCR level. The following intersections have a medium PCR level, which indicates that there is room for safety improvements.

- Manufacturing Drive and Bluff Boulevard
 - Bluff Boulevard and Terrace Drive
 - Bluff Boulevard and 7th Avenue South/South 12th Street
 - Bluff Boulevard and Springdale Drive
- There are 77 private driveways along the corridor and 48 roadway and alley intersections with no left turn lanes except at the following three locations: westbound Manufacturing Drive at South 19th Street; eastbound Manufacturing Drive at Bluff Boulevard and College Avenue; and westbound Bluff Boulevard at South 14th Street. As a result, vehicles making a left turn have to frequently stop and block traffic on the inside travel lane of the four-lane sections and completely block traffic on the two-lane sections while waiting for an opening from oncoming traffic. This also means that there are numerous, uncontrolled, left turn movements from private driveways, public roads, and alleys.
 - There are currently no pull-off lanes for buses, which causes traffic and safety issues because the buses are blocking the travel lanes while passengers get on and off the buses.

Geometric Deficiencies:

- The horizontal curves between Douglas Court and 5th Avenue South are less than 510 feet, minimum radius, which does not meet current design standards.
- The stopping sight distances at the following side streets are less than 250 feet, which does not meet current design standards.
 - Bluff Heights Road
 - Terrace Drive
 - Crescent Drive
 - Glenwood Place
- The following nine intersections are less than 145 feet apart, which does not meet current design standards.
 - 14th Avenue South and South 18th Street
 - South 18th Street and 13th Avenue South
 - South 13th Street and 8th Avenue South
 - 7th Avenue South/Thorwaldsen Place and South 12th Street
 - Woodlawn Avenue and Melrose Court/Hillcrest Drive
 - Kenilworth Court and 5th Avenue South
 - South 9th Street and 3rd Avenue South
 - 1st Avenue South and Ike's Peak Road
 - North 6th Street and 3rd Avenue North

Roadway/Pavement Conditions:

Based on the Center for Transportation Research and Education's (CTRE) Iowa Pavement Management Program (IPMP), the Ride Roughness rating for the majority of Manufacturing Drive and Bluff Boulevard is greater than 170, which is considered poor condition.

Pedestrian/Bicycle Access:

- There is no pedestrian access along Manufacturing Drive across the railroad tracks and between South 21st Street and Bluff Boulevard.
- The sidewalk is closed along Bluff Boulevard between 8th Avenue South and Elmhurst Court due to poor conditions.
- Pedestrian crossings do not have accessible ramps compliant with the Americans with Disabilities Act (ADA).
- The sidewalks along the corridor are approximately 4 feet wide and do not accommodate bicycle traffic. As a result, bicyclists must drive on the roadway.
- The overall condition of the sidewalks along Bluff Boulevard is poor with settled panels, no curb ramps, and cracked panels.

4. ALTERNATIVES

This section discusses the alternatives investigated to address the project's purpose and need. The No Build Alternative, the alternatives considered but dismissed, and the Proposed Alternative are discussed below.

4.1. NO BUILD ALTERNATIVE

Under the No Build Alternative, no improvements would be made to the existing roadway corridor. Only routine maintenance and repair would be done. The roadway's geometric features and access would remain the same, as would the existing sidewalk and the sewer and stormwater systems. The No Build Alternative would not have any direct or indirect impacts to adjacent properties. No additional right-of-way would be acquired, and no modifications would be done to the roadway. As planned and future development would continue to occur in this area, increased traffic would travel on the existing roadway corridor and access cross streets and driveways at existing locations/configurations.

The No Build Alternative would not meet the purpose and need for the project. It would not improve the safety or access along Manufacturing Drive and Bluff Boulevard in Clinton, nor would it improve existing conditions or deficiencies. Although it does not meet the purpose and need, consideration of a No Build Alternative is required by the Council on Environmental Quality regulations for implementing NEPA (40 CFR 1500-1508), and the No Build Alternative will be carried forward to provide a baseline for comparing the potential impacts of the Proposed Alternative.

4.2. ALTERNATIVES CONSIDERED BUT DISMISSED

Early in project development, an analysis of the existing (2022) and future (2046) traffic levels of service (LOS) indicated that the existing four-lane sections of both Manufacturing Drive and Bluff Boulevard could be reduced to two lanes with middle turns lanes or concrete medians where applicable and that the existing two-lane sections could be widened to also include a middle turn lane or concrete median where applicable. Since most of this work could occur within the existing right-of-way while satisfying the project's purpose and need, the range of alternatives was limited to the reconstruction of existing Manufacturing Drive and Bluff Boulevard within the previously stated study area and termini. Although slight variations in the design were considered during the design process, these variations were not considered significant enough to warrant the development of separate alternatives. As a result, no other alternatives were developed and evaluated for the project other than the Proposed Alternative, which was developed based on public and agency coordination to avoid and minimize potential impacts to the maximum extent possible.

4.3. PROPOSED ALTERNATIVE

The improvements associated with the Proposed Alternative are shown on the Environmental Features map in Appendix B. The Proposed Alternative would convert both Manufacturing Drive and Bluff Boulevard, which are existing two- and four-lane roadways, to a three-lane urban roadway with curb and cutter throughout the corridor. There would be two through lanes and a center two-way-left-turn lane, which would add the necessary capacity to mitigate existing congestion and crashes caused by left turning vehicles. Additionally, the horizontal curves (i.e., curves in the roadway alignment) would be realigned to meet current design standards. On 7th Avenue North between Bluff Boulevard and North 5th Street, the

roadway improvements would transition back to the existing roadway configuration. From North 5th Street to North 4th Street, the pavement along the two-lane section of 7th Avenue North would be replaced.

To accommodate widening the existing two-lane sections of Manufacturing Drive over Mill Creek and Hart's Mill Creek, the bridges over those creeks would be replaced. The replacement bridges would also be increased in length and widened to allow for greater hydraulic area under the bridge to reduce the frequency and severity of flooding on Manufacturing Drive and the surrounding area.

The Proposed Alternative would also include the construction of single-lane roundabouts at the following three intersections:

- Manufacturing Drive and South 19th Street (four-leg roundabout);
- Bluff Boulevard and South 14th Street (three-leg roundabout); and
- Bluff Boulevard and Springdale Drive, 4th Avenue North, and the entrance to Springdale Cemetery (five-leg roundabout).

Other intersections along the corridor would be improved to increase capacity and reduce crashes, including: realignment from skewed angles to create 90-degree intersection(s); the addition of left-turn lanes and right-turn lane(s), where warranted; and other reconfigurations to increase sight distance and safety. Where applicable, some private and public access points to Manufacturing Drive/Bluff Boulevard would be removed or modified, including at the following 11 intersections (access would be removed unless otherwise noted):

- | | |
|--|---------------------------------|
| • 14 th Avenue South | • South 12 th Street |
| • South 18 th Street | • Kenilworth Court |
| • Bluff Blvd and 13 th Avenue South
(relocated to create one intersection) | • 3 rd Avenue South |
| • South 17 th Street | • Locust Place |
| • South 13 th Street | • Adams Place |
| | • 3 rd Avenue North |

Existing signals would be replaced and interconnected to the other signals on the corridor to allow for progression of traffic and help alleviate existing congestion. Emergency preemption (i.e., giving priority to provide a green light to approaching emergency vehicles) would be added to the traffic signals to assist with emergency response.

To address pedestrian and bicycle access, a continuous sidewalk would be provided on the southeast side of both roadways and the proposed bridges to accommodate both pedestrian and bicycle traffic. The width of this sidewalk would be 10 feet along Manufacturing Drive (from the south end at US Route 30 to 13th Avenue South) and 8 feet along Bluff Boulevard. Additionally, in some locations, a 5-foot sidewalk would also be provided on the northwest side of both roadways, which would be mostly continuous along Manufacturing Drive and along Bluff Boulevard where space permits. Enhanced transit infrastructure – such as new shelters or benches – would also be installed along the corridor to serve the existing bus routes that travel along and/or cross the roadway corridor. Additionally, to enhance safety and access, separated bus pull-off lanes would be added at three locations along Bluff Boulevard at: Bluff Elementary School (northbound), 3rd Avenue South (northbound), and northeast of the Nottingham Apartments (southbound).

Another bus pull-off lane would be added along Manufacturing Drive (northbound) in front of the Clinton Community College Technical Center.

Additionally, a new storm sewer system would be constructed to collect storm water from the right-of-way and discharge it to nearby creeks and streams. Bioretention cells, rain gardens, and bioreactors, among other practices, would be installed, where space permits, to capture rainwater and filter storm water to reduce pollutant loads discharging in to the nearby waters. Other project improvements would include signing and pavement marking, LED streetlights, numerous tree plantings, sanitary sewer improvements where necessary, and a joint utility trench throughout the corridor.

The Proposed Alternative would meet the purpose and need of the project. By addressing intersection improvements, sight distance improvements, horizontal and vertical alignment, lane width, and drainage, the Proposed Alternative would improve safety, access, and roadway conditions along Manufacturing Drive and Bluff Boulevard in Clinton and address the identified deficiencies.

The preliminary construction cost estimate of the Proposed Alternative is a total of approximately \$37.9 million for the roadway component (which includes \$21.1 million in 2022 dollars for the Bluff Boulevard portion of the project and \$16.8 million in 2021 dollars for the Manufacturing Drive portion). Final selection of an alternative, including a construction scenario, will not occur until FHWA, Iowa DOT, and the City of Clinton evaluate all comments received as a result of public and agency review of this EA and the public hearing on this document. Following public and agency review of this EA, FHWA, Iowa DOT, and the City of Clinton will determine if an Environmental Impact Statement (EIS) is required. If an EIS is required, then a preferred alternative will be selected through that process. If an EIS is not required, the selected alternative will be identified with a Finding of No Significant Impact (FONSI) document for this EA as a basis for federal-aid corridor location approval.

5. ENVIRONMENTAL ANALYSIS

This section describes the existing socioeconomic, cultural, natural and physical environments in the project corridor that will be affected by the Proposed Alternative. The resources with a check in the second column on Table 1, located at the beginning of the document, are discussed below.

Each resource section includes a description of the existing conditions to serve as a baseline for evaluating the probable beneficial and adverse social, economic, and environmental effects and also provides an analysis of potential impacts of the No Build Alternative and the Proposed Alternative. The Proposed Alternative and affected environmental resources are shown in the Environmental Features map in Appendix B. The potential impacts discussed in this EA are based on preliminary designs and are subject to change during final design. However, every effort will be made during final design to avoid or minimize these impacts through continued public and agencies coordination.

5.1. SOCIOECONOMIC IMPACTS

Evaluating the direct and indirect impacts that a transportation project has on socioeconomic resources requires consideration of impacts on land use as well as the project's consistency with development and planning by a city or other public entity. In addition, relevant socioeconomic resources evaluated include economics, right-of-way, construction and emergency routes, and transportation. Negligible impacts to

community cohesion would be anticipated from the project, and there are no known or planned joint development opportunities, so those resources are therefore not discussed in this section.

5.1.1. Land Use

Existing land use of parcels in the study area are primarily a combination of residential, commercial, and light industrial. The Manufacturing Drive portion of the project is predominantly commercial and light industrial properties. Common commercial destinations on the west end of Clinton include Walmart, Wild Rose Casino, Hobby Lobby, Kohls, Aldi, and at least 40 other businesses tailored to daily commercial uses. In addition to commercial access, Manufacturing Drive is home to one of the largest employers in the City, Nestle Purina, located at 2200 Manufacturing Drive. The Bluff Boulevard portion of the project is predominantly residential. Residential properties are typically single-family homes along the corridor, though there is a senior living apartment complex and one low-rise apartment complex along Bluff Boulevard. According to the City of Clinton 2032 Comprehensive Plan, future land use and zoning along Manufacturing Drive and Bluff Boulevard is proposed to be similar to existing, with residential, commercial, and industrial uses continuing to develop along the corridor. Planned and future development are summarized in Section 5.5.

No-Build Alternative: The No Build Alternative would not impact existing or future land uses since no construction would occur. No immediate change to land use in the area would occur under the No Build Alternative. The pace and extent of future development may be limited by the existing infrastructure deficiencies on the roadways.

Proposed Alternative: The Proposed Alternative would impact existing land uses by converting approximately 4.03 acres of right-of-way to transportation use, which would include: 1.68 acres of existing residential (including full acquisition of five residential homes, as detailed in Section 5.1.8); 1.39 acres of existing commercial land use; and 0.96 acres of existing industrial land use. Mitigation of impacts would include compensation to property owners for acquired land and reconstruction of impacted facilities (if appropriate), as well as provisions for relocation assistance which is discussed in Section 5.1.8. The Proposed Alternative would provide safer and improved access to the industrial and commercial areas – connecting them to the residential neighborhoods in the study area and to the greater City of Clinton. The Proposed Alternative would be consistent with the City’s Comprehensive Plan.

5.1.2. Churches and Schools

Manufacturing Drive and Bluff Boulevard provide access to several public and private schools. At the southern end of the corridor, the Clinton Community College Technical Center is located at 1983 Manufacturing Drive. Along Bluff Boulevard, Bluff Elementary School is located at 1421 Bluff Boulevard (with driveway access on South 14th Street) and the Lighthouse Schools, which is a private boarding institution opened in 2023 for students in grades 6-12, is located at 400 Bluff Boulevard. Additionally, several schools are located in proximity to the study area but do not directly access Manufacturing Drive or Bluff Boulevard. Jefferson Elementary School, Whittier Elementary School, and Clinton High School (which is currently under renovation) are all located within a half mile of Bluff Boulevard, and the main campus of Clinton Community College is located at 1000 Lincoln Boulevard approximately a quarter mile southeast of Bluff Boulevard.

One church is located in the northern portion of the study area: the First Congregational Church at 700 Bluff Boulevard.

No-Build Alternative: The No Build Alternative would not impact churches or schools within the study area. Existing access to these facilities would remain as-is.

Proposed Alternative: Construction of the Proposed Alternative would require partial acquisition of 0.04 acre of right-of-way from the Clinton Community College Technical Center (Appendix B, Sheet 2) and 0.36 acre of right-of-way from Bluff Elementary School (Appendix B, Sheet 4). The combined 0.40 acre of impacts would be thin linear strips parallel to and abutting the existing sidewalk along the roadway. The Proposed Alternative would also require an additional 0.73 acre of temporary easement from school properties along the roadway for construction purposes and after the necessary construction is completed, would be restored and returned to the property owner.

There would be no permanent or temporary impacts to the First Congregation Church.

Overall, the Proposed Alternative – including the traffic calming roundabouts and bicycle, pedestrian, and transit improvements – would provide a beneficial impact to churches and schools by improving safe access to the facilities along and adjacent to Manufacturing Drive and Bluff Boulevard. Coordination with the schools has been ongoing during the design process to avoid and minimize potential impacts, and will continue during final design and construction. Of note, the Proposed Alternative would construct a roundabout at the intersection of Bluff Boulevard with South 14th Street in front of Bluff Elementary School, which has been discussed with the school. In addition, as part of the project, a new bus pull-off to accommodate three to four buses would be added on Bluff Boulevard, which would further improve accessibility at the school via a new sidewalk connection.

5.1.3. Environmental Justice/Equity

Executive Order (EO) 12898 *Federal Action to Address Environmental Justice in Minority and Low-Income Populations*, dated February 11, 1994, states that, to the extent practicable and permitted by law, neither minority nor low-income populations may receive disproportionately high and adverse impacts because of a proposed project. Additionally, EO 13985 *Advancing Racial Equity and Support for Underserved Communities*, dated January 20, 2021, outlines a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized and adversely affected by persistent poverty. These communities and individuals include Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. Generally, for an impact to be considered an environmental justice (EJ) impact, the affected population must bear a disproportionate share of the project's negative effects as compared to the general population.

Of the seven census tracts that make up the City of Clinton, the Drive to Prosperity Project is located in four of the seven census tracts. Communities with EJ concerns that could be impacted by the project were identified using data from the US Census Bureau:

- US Census block groups within the study corridor that have a minority, low-income, or persons with disabilities population that is equal to or exceeds 50%.

- US Census block groups within the study corridor that have a minority, low-income, or persons with disabilities population that is 10 percentage points higher than the Community of Comparison (COC). For this evaluation, Clinton County was used as the COC.

Data for EJ was obtained for minority and low-income households and for persons over 18 years of age with disabilities for US Census block groups based on 2021 data. Based on this method, five block groups directly along Bluff Boulevard in the northeast end of the study corridor were identified as communities with EJ concerns (see Figure 2): one for minority, one for low-income, one for disability, one for minority and low-income, and one for minority, low-income, and disability. None of these block groups met the 50% threshold criteria; therefore, they were identified as communities with EJ concerns because they exceeded the COC threshold. Other block groups with identified communities with EJ concerns are present in Clinton in block groups that are not directly adjacent to the roadway corridor.

According to the US Census Bureau, less than 3% of the households in both the City of Clinton and Clinton County speak a language other than English, with Spanish being the other predominant language.

No-Build Alternative: The No Build Alternative would continue to have a negative impact to communities with EJ concerns with regard to safety and poor pedestrian and bicycle access.

Proposed Alternative: The Proposed Alternative would require a total of approximately 4.03 acres of new right-of-way and result in five residential relocations (see Section 5.1.8). Within the block groups with identified communities with EJ concerns, approximately 0.26 acre of right-way would be required (i.e., 6% of the total right-of-way) and one relocation (i.e., 20% of the total relocations). As a result, the project would not result in disproportionately high and adverse impacts to communities with EJ concerns. Moreover, travel within the project area would improve for all residents once the Proposed Alternative is constructed. The Proposed Alternative would provide beneficial impacts to communities with EJ concerns through improved safety, better access to area residents' jobs, schools, and healthcare facilities, improved bicycle and pedestrian facilities, and an improved transportation system for public transportation. Increased safety for pedestrians, bicyclists, and public transit users, as well as separated bus pull-off lanes and ADA-compliant sidewalks and crossings (see Section 5.1.6), would also enhance community cohesion.

As documented in Section 7.2, the City of Clinton mailed invitation letters to the public meetings for the project to all property owners in the project area, which included the areas identified as EJ populations. There were no requests for translation services from individuals with limited English proficiency (LEP) at those meetings. The same process will be used for invitations for the formal public hearing for this EA document, which will include an offer to translate project materials at the public hearing, if needed.

Legend

Study Corridor

US Census Block Groups

EJ Designation

- Non-EJ
- EJ - Low Income
- EJ - Minority
- EJ - Minority & Low Income
- EJ - Disability

Map labels include: 0006003, 0005002, 0005003, 0001001, 0001002, 0003001, 0003002, 0001003, 0004001, 0004002, 0004003, 0004004, 0003003, 0003004, 0003005, 0002002, 0002003, 0002001, 0008005, 730 ft, 714 ft, 13th Ave N, 12th Ave N, 13th Ave S, 12th Ave S, 11th Ave S, 10th Ave S, 9th Ave S, 8th Ave S, 7th Ave S, 6th Ave S, 5th Ave S, 4th Ave S, 3rd Ave S, 2nd Ave S, 1st Ave, 2nd Ave, 3rd Ave, 4th Ave, 5th Ave, 6th Ave, 7th Ave, 8th Ave, 9th Ave, 10th Ave, 11th Ave, 12th Ave, 13th Ave, 14th Ave, 15th Ave, 16th Ave, 17th Ave, 18th Ave, 19th Ave, 20th Ave, 21st Ave, 22nd Ave, 23rd Ave, 24th Ave, 25th Ave, 26th Ave, 27th Ave, 28th Ave, 29th Ave, 30th Ave, 31st Ave, 32nd Ave, 33rd Ave, 34th Ave, 35th Ave, 36th Ave, 37th Ave, 38th Ave, 39th Ave, 40th Ave, 41st Ave, 42nd Ave, 43rd Ave, 44th Ave, 45th Ave, 46th Ave, 47th Ave, 48th Ave, 49th Ave, 50th Ave, 51st Ave, 52nd Ave, 53rd Ave, 54th Ave, 55th Ave, 56th Ave, 57th Ave, 58th Ave, 59th Ave, 60th Ave, 61st Ave, 62nd Ave, 63rd Ave, 64th Ave, 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5.1.4. Economic

The Manufacturing Drive and Bluff Boulevard corridor is a major thoroughfare in Clinton serving residents and commuters to businesses and commercial parks on the west end of Clinton. It is the second busiest transportation corridor in Clinton. The Manufacturing Drive portion of the corridor services many businesses such as Nestle Purina (which was expanded in 2022). At the time of the RAISE Grant Application for the project, there were 6,065,511 square feet of commercial, retail, and manufacturing space being utilized on 548 acres of land with 3,604 employees. The Manufacturing Drive and Bluff Boulevard roadway has 116 total business within 1 block of the road: 18 manufacturing, and 98 service/retail. The Bluff Boulevard portion of the project is predominantly residential.

No-Build Alternative: Under the No Build Alternative, there would be no residential and commercial relocations. However, the continued roadway deficiencies could negatively affect safety and access for local businesses and future development, which could affect the local economy.

Proposed Alternative: The Proposed Alternative would displace five residential properties (see Section 5.1.8). As a result, property tax revenue would be lost when these properties are taken out of the tax base. According to the most recent property tax statements for the displaced properties (2023 or most recent available), the tax base would be reduced by approximately \$6,300, which represents less than 0.05% of the Clinton County's annual estimated tax revenue levied on property. There may also be a minor tax base reduction as a result of partial property acquisition adjacent to the existing right-of-way; however, these reductions would be negligible.

During construction of the Proposed Alternative, short-term economic impacts to businesses may occur because of temporary lane reductions/closures or detour routes. Access to some businesses could be temporarily restricted or rerouted; however, some traffic lanes would remain open and access to businesses would be modified, through temporary detours and provision of adjacent access locations, at all times. These short-term impacts may be considered minor. In the long-term, these businesses would benefit from improved access and decreased travel times to and from the businesses.

Short-term economic benefits would be derived from construction of the Proposed Alternative through an increase in construction-related employment. Long-term economic benefits would include the potential for increased economic activity because of safer access, improved access to businesses, improved traffic circulation with fewer delays at intersections, and improved pedestrian and bicycle facilities. Industrial and commercial areas would see increased ease of access, corresponding with increased economic competitiveness in the marketplace. Those living in residential areas would see an increased quality of life as the connections to the community – their schools, hospitals, work places, shopping centers, etc. – strengthen with decreased drive time and increased pedestrian and bicycle access. The Proposed Alternative may also encourage development in some areas, in accordance with the future land use plans; all of which in turn would provide additional employment opportunities and tax revenue. For these reasons, the Proposed Alternative is anticipated to provide benefits to economic development of the City.

5.1.5. Parklands and Recreational Areas

The location of existing parks and recreational areas are shown on the Environmental Features map in Appendix B. One park is directly accessed from Bluff Boulevard: Neubauer Park (Appendix B, Sheet 5), which is an approximately 1-acre park owned and maintained by the City of Clinton. Neubauer Park is an

older pocket park that is a small, triangular area bounded by Bluff Boulevard to the north, 7th Avenue South to the south, and Douglas Court to the east. According to the City of Clinton 2017 *Parks Master Plan*, the park features a play area, a historic gazebo-type structure (and picnic tables. It also contains a time capsule, slated to be opened in 2076. There are no parking facilities associated with Neubauer Park.

While not directly accessible from Bluff Boulevard, the George Morris Park is an approximately 11-acre park located southeast of the Bluff Boulevard intersection with South 14th Street. The park includes a baseball diamond, soccer field, and picnic shelter that can be accessed from South 14th Street, where there is a parking lot (which is in disrepair). The park also features a central clubhouse facility with a nearby playground and adjacent parking lot. Since the publication of the master plan, the Clinton Community College constructed the Clinton Career Advancement Center in the southeastern portion of the park, which opened in 2022 and reduced the overall park area.

There are also outdoor playgrounds associated with Bluff Elementary School, located in the southwestern portion of the school property that are more than 280 feet away from Bluff Boulevard and any improvements associated with the Proposed Alternative.

There are no public parks or recreation lands in the study area that have used funds from the National Park Service's (NPS) Land and Water Conservation Fund (LWCF) for acquisition or development, which are protected under Section 6(f) of the LWCF Act.

No-Build Alternative: The No-Build Alternative would not result in any impacts to existing parks and recreational areas, or the City's ability to implement future planned improvements or new facilities.

Proposed Alternative: In accordance with Section 4(f) of the US Department of Transportation (USDOT) Act of 1966, which governs the use of land from publicly owned parks, recreation areas, wildlife and waterfowl refuges, and public and private historic sites for federal highway projects, FHWA is in the process of making a Section 4(f) determination regarding the project's potential impacts to Neubauer Park. Their final determination will be made after the public hearing for this EA. The following is a summary of those impacts and associated Section 4(f) coordination efforts. Due to the distance of the Bluff Elementary School playgrounds from the Proposed Alternative (i.e., more than 280 feet), there would be no permanent use, temporary occupancy, or constructive use of these playgrounds.

Neubauer Park

The Proposed Alternative would construct a new 8-foot sidewalk along Bluff Boulevard directly adjacent to Neubauer Park. While the proposed sidewalk would be located within the existing Bluff Boulevard right-of-way, it would require modified connections to the existing sidewalks along 7th Avenue South and Douglas Court on the southern and northern sides of the park, respectively, in compliance with the Americans with Disabilities Act (ADA). Both intersections are being realigned as part of the project. The revised sidewalk connections and associated ADA-accessible ramps are required to maintain safe sidewalk connectivity along the entire corridor and would encroach into park property. The Proposed Alternative would impact approximately 0.01 acre of Neubauer Park at these intersections, converting two small grassy areas abutting the existing sidewalk to transportation right-of-way, which would represent a permanent use of the park property. It is anticipated that the proposed sidewalk connections would be similar in nature and size to the existing connections. It is anticipated that FHWA will make a *de minimis* impact determination for this park based on the following criteria:

- The transportation use of the Section 4(f) resource, together with any avoidance, minimization, mitigation, and enhancement measures, does not adversely affect the activities, features, or attributes that qualify it for protection under Section 4(f).
- The public has been afforded the opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

The City of Clinton, the official with jurisdiction over Neubauer Park, was informed of the intent to make the *de minimis* impact determination on September 20, 2023. The City responded on September 28, 2023, and stated that the project “appears to have no impact on the function of the park or its existing amenities” (see Appendix C for a copy of the correspondence). Note that while Neubauer Park was also identified as a Historical Site, which would be subject to Section 4(f), the historic portion is being avoided by the project. FHWA’s final determination will be made after the public hearing and agency and public review of this EA, and will be presented in the decision document for the project.

George Morris Park

The Proposed Alternative would not result in any permanent use or temporary occupancy of George Morris Park, but it would involve improvements to South 14th Street near the entrance of the park that is associated with a proposed roundabout. The entrance to the park will be maintained during and after construction. Since no right-of-way will be required and access will be maintained, no determination from FHWA is required. .

5.1.6. Bicycle and Pedestrian Facilities

Along Manufacturing Drive, an existing sidewalk is located on the north side from US Route 30 to South 21st Street and on the south side from College Avenue to South 14th Street. Along Bluff Boulevard, an existing narrow sidewalk is located on the southeast side. These existing sidewalks are generally 5-feet wide, are directly adjacent to the existing curb of the travel lanes or separated by a narrow grass strip, and are not continuous throughout the corridor. Additionally, the current sidewalk infrastructure is crumbling and in need of repair. Pedestrian accessibility and mobility are limited by the aging infrastructure that is not compliant with the Americans with Disabilities Act (ADA) and includes gaps in the sidewalk network – which discourages travelers from using non-motorized modes of transportation. There are no dedicated multiuse recreational paths or bicycle trails along the corridor. Springdale Drive and its intersection with Bluff Boulevard includes an on-street designated bicycle lane.

According to the City of Clinton 2032 Comprehensive Plan, improving bicycle and pedestrian safety is a primary concern for the City. The plan documents the incomplete infrastructure that prevents residents from walking and biking, and has recommended locations of several on- and off-road trails and routes, several of which could cross Manufacturing Drive and Bluff Boulevard, to provide improved multimodal accessibility. The existing and proposed future trail locations are also documented in the City’s 2017 Parks Master Plan.

No-Build Alternative: The No Build Alternative would continue to negatively impact pedestrian and bicycle access by not modify the existing deficient sidewalk system.

Proposed Alternative: As detailed in Section 4.3, to accommodate both pedestrian and bicycle traffic, the Proposed Alternative would construct a continuous sidewalk on the southeast side of both roadways and over the proposed bridges – as well as an additional sidewalk along the northwest side of the entire length

of Manufacturing Drive and in a few locations along Bluff Boulevard, where space permits. The proposed sidewalks would be set back from the edge of the roadway to provide safer accommodations and all improvements would be ADA-compliant. Additional crosswalks would be provided along the corridor, which would improve safety, access to public transportation, and connectivity throughout the community. To connect the proposed continuous sidewalks running along Manufacturing Drive and Bluff Boulevard, ADA-compliant crosswalks with curb ramps and stop bars at intersections would be provided at all side streets along the corridor; some of these crosswalks would be striped, primarily at signalized intersections and at the roundabouts noted below. As shown in Appendix B, there would be 13 new striped crosswalks that cross Manufacturing Drive and Bluff Boulevard (listed east to west):

- At US 30;
- Both sides at Valley West Drive (existing, would not be reconstructed as part of the project);
- Mid-block east of Manufacturing Court to serve the proposed bus pull-off location near the Clinton Community College Technical Center;
- On the eastern leg of the proposed roundabout at S 19th Street;
- On both sides of the intersection with College Avenue (signalized intersection);
- On the eastern leg of the intersection with Bluff Heights Road;
- Mid-block on Bluff Boulevard near Bluff Elementary to serve the bus pull off and mail delivery;
- On the eastern leg of the intersection with Terrace Drive;
- On the eastern leg of the intersection with Thorwaldsen Place/7th Avenue South (signalized intersection);
- On both sides of the intersection with 2nd Avenue South (signalized intersection);
- Mid-block on Bluff Boulevard east of the Overlook Apartments to serve the bus pull off;
- On the eastern leg of the intersection with Glenwood Place; and
- On the eastern leg of the proposed roundabout at Springdale Drive.

Wider sidewalks, curb extensions, and traffic calming would further increase pedestrian network connectivity and also reduce crossing distances for pedestrians. Additionally, safe access to the area schools would also be increased by these improvements. The addition of four separated bus pull-off lanes (see Section 5.1.10), and associated sidewalk connections noted above, would additionally enhance safety and access for pedestrians and public transit users. The roundabout that is proposed at Springdale Drive would accommodate the existing on-street bicycle lane, and the bicycle and pedestrian facilities of the Proposed Alternative would support connections to all existing and future sidewalks and trails as outlined in the City of Clinton planning documents.

The Proposed Alternative would be beneficial by providing safe and continuous bicycle and pedestrian facilities along the corridor, addressing gaps in the existing sidewalk network, improving access to public transportation, and better connecting the area neighborhoods, thereby enhancing community cohesion.

5.1.7. Right-of-Way

Much of the reconstruction of Manufacturing Drive and Bluff Boulevard roadway would be constructed within the existing City-owned right-of-way along the corridor. However, minor amounts of property acquisition would be required to accommodate the proposed improvements, particularly in areas where roundabouts and intersection realignments would occur, which are described below. The existing City-owned right-of-way along the corridor is not included in the proposed acquisition of property for the Proposed Alternative.

No-Build Alternative: The No Build Alternative will not require acquisition of property for right-of-way.

Proposed Alternative: Property impacts for permanent right-of-way acquisition for the Proposed Alternative would total approximately 4.03 acres. The Proposed Alternative would require minor partial property acquisition of 72 properties, totaling approximately 2.86 acres. At 46 of these properties, the acquisition would be 0.01 acre or less. The Proposed Alternative would also require the total acquisition of five residences and associated properties, for a total of approximately 1.17 acres. The total acquisitions of the residential properties would generally be located in areas to accommodate the more substantial intersection improvements (i.e., roundabouts and realignments). Of the partial property acquisitions, 49 would be residential, 20 would be commercial, and 3 would be industrial. Partial impacts would include two schools, one park, one cemetery, and one site with Recognized Environmental Conditions (RECs) (i.e., hazardous materials), as summarized separately within those sections of this EA. The partial acquisitions would generally be thin, linear impacts adjacent to the existing transportation right-of-way along Manufacturing Drive and Bluff Boulevard.

Additionally, construction of the Proposed Alternative would require approximately 6.36 acres of temporary construction easements from properties along the corridor. These impacts would be 1.67 acres residential, 4.30 acres commercial, and 0.39 acre industrial. Overall, the temporary construction easement would involve approximately 140 properties, about half of which be 0.01 acre or less of easement. The temporary easements would generally be linear in nature and parallel to the roadway corridor to account for any construction impacts. After the necessary construction is completed, in most cases, the land would be restored to its original condition and returned to the property owner.

5.1.8. Relocation Potential

Iowa Code 316, the Relocation Assistance Law, establishes a uniform policy for the fair and equitable treatment of displaced persons that serves to minimize the hardships of relocation. All right-of-way impacts and relocations would be conducted in conformance with the Uniform Relocation Assistance and Real Property Acquisition Act (URA) of 1970, as amended by the Surface Transportation Assistance Act of 1987 and 49 Code of Federal Regulations, Part 24, effective April 1989. Relocation assistance would be made available to all affected persons without discrimination.

No-Build Alternative: The No Build Alternative would not require the relocation of residences or businesses.

Proposed Alternative: As described above in Section 5.1.7 and shown on the Environmental Features map provided in Appendix B, five residences would be relocated by the Proposed Alternative. Three of the relocations (1720, 1735, and 1740 13th Avenue South; Appendix B, Sheet 3) would be required due to the intersection consolidation and realignment of South 13th Street and Bluff Boulevard at Manufacturing

Drive. (Note: Because the construction phase of the Manufacturing Drive section of the project will occur first, these three properties have already been acquired and assistance provided in compliance with the URA. These residents have already been relocated and the buildings demolished.) One relocation (308 South 9th Street; Appendix B, Sheet 6) would be required due to its close proximity to Bluff Boulevard, and another relocation (560 4th Avenue North; Appendix B, Sheet 7) would be required due to the construction of the roundabout on Bluff Boulevard at Springdale Drive and 4th Avenue North. The latter property is located within a community with EJ concerns (see Section 5.1.3). As part of this relocation or any other relocation involving minority or low-income individuals, the City of Clinton will ensure that access to employment, shopping, or support services will not be negatively affected.

According to the Clinton County assessor's online property records, these properties (including house and lot) range in assessed value from \$44,000 to \$105,000. Based on publicly available real estate websites for housing in the City of Clinton, there were approximately 50 single family homes for sale under \$100,000, approximately 20 of which were under \$50,000, as of August 31, 2023. Based on these results, it appears there would be sufficient replacement housing in the area that the displaced residents would be able to relocate within the general vicinity of their current location.

While the Proposed Alternative would change access to several properties, no non-acquired properties would lose access or usability during or after construction. Additionally, for some property owners, mailboxes and trash collection procedures would be required to be relocated – especially homeowners currently located directly on Bluff Boulevard with a steep front yard, retaining wall, or stairs. Coordination with the US Postal Service, City of Clinton Waste Management, and potentially impacted homeowners has been ongoing during the design process (see Section 7.2) and would continue during final design and construction to relocate any services and to ensure uninterrupted or minimally disrupted service during construction.

5.1.9. Construction and Emergency Routes

Several emergency service providers are located in and near the study area. The area's primary hospital is MercyOne Clinton Medical Center, which is a Level IV Community Trauma Care Facility, and located just over half a mile north of the northern end of the study area at 1410 North 4th Street. The South Campus of the Mercy Medical Center, which is a hospital-based nursing home, is located at 638 Bluff Boulevard (Appendix B, Sheet 5) and the MercyOne Urgent Care is located just off of Manufacturing Drive at 2400 Lillian Way (Appendix B, Sheet 1). The nearest fire departments are the Clinton Fire Department located at 344 3rd Avenue South and the Chancy Fire Department located at 2303 South 14th Street, both of which are approximately half a mile from Manufacturing Drive and Bluff Boulevard. The nearest police station is the Clinton Police Department located at 113 6th Avenue South in downtown Clinton, approximately 1 mile southeast of the study area.

No-Build Alternative: There would be no disruption of emergency services as part of the No Build Alternative. However, response times may be limited by ongoing traffic congestion and the existing infrastructure deficiencies on the roadways.

Proposed Alternative: The construction of the Proposed Alternative would be staged so traffic and access to properties along the corridor would be maintained. A global detour would be provided to direct through traffic (non-local traffic) around the construction area, if possible, using existing roadways such as US Route 30 and South 3rd Street (northbound) and South 4th Street (southbound). Access to residential

properties, commercial properties, community facilities, medical facilities, or public/semi-public services located in and adjacent to the study area would be maintained by phased construction, temporary access roads, or other appropriate means. Fully closing portions of the study corridor to construct the Proposed Alternative in sequential stages, if possible, would help minimize the overall duration of construction and associated impacts; however, it is likely that some portions of the corridor would need to be constructed while maintaining local through-traffic to maintain access to properties that do not have a secondary access. Although possible temporary rerouting during construction could occur, these neighborhoods and facilities would have access maintained at all times. Any detours would be temporary and limited in duration to the period of time required to construct the Proposed Alternative improvements. Traffic associated with construction, (e.g., access to the construction area by large trucks, delivery of materials, and worker shift changes), could cause temporary and short-term periods of congestion along the roadway network. A detailed traffic control plan, including potential phases of construction, would be developed during final design in coordination with the City of Clinton and other area stakeholders.

Emergency providers would be able to use the existing roadway to respond to incidents, but emergency vehicles could experience slower response times while traveling through the study area during construction. Coordination with emergency responders has been ongoing during the design process, including the Clinton Fire Department, and would continue prior to and during construction. This coordination would help alleviate impacts to emergency response facilities.

Following construction of the project, the Manufacturing Drive and Bluff Boulevard corridor would be safer for emergency personnel responding to incidents getting access to and from the study area and nearby areas in the City of Clinton. Currently, most of the south end of the project is two lanes and emergency responders must weave between opposing traffic since there is no room to pull over. The addition of a third center turn lane would allow for more room for vehicles thus increasing response times and reducing potential crashes due to unsafe movements. The Proposed Alternative would also have a beneficial impact on the response times in the area because emergency preemption would be added to all traffic signals along the corridor.

5.1.10. Transportation

The Manufacturing Drive and Bluff Boulevard corridor is a major thoroughfare in Clinton. It supports nearly 12 million vehicle miles travelled per year and up to 13,000 vehicles per day, and is the second busiest corridor in the City.

Clinton Municipal Transit Administration (MTA) provides public transit service to and within the City of Clinton. The MTA provides ADA-accessible fixed route service for the general public, paratransit door-to-door service for the elderly and disabled, and special event transportation. Fixed route service operates Monday through Friday 6 AM. to 6 PM and Saturday 8 AM to 3:30 PM. Within the study area, there are currently numerous bus stops along Manufacturing Drive and Bluff Boulevard for the following MTA fixed transit routes:

- Lincolnway Shuttle, serving the commercial area at the southern end of Manufacturing Drive;
- Branch Line, serving Manufacturing Drive from South 21st Street to 7th Avenue South, with an overlap of the Hill Line within these extents; and

- 13th Avenue North Line, serving Bluff Boulevard from 2nd Avenue South through the northern end of the project.

The Clinton Municipal Airport provides air transportation services for the City of Clinton. The Clinton Municipal Airport is located approximately 6 miles west of Clinton on the north side of US Route 30.

Two rail lines owned by the Union Pacific Railroad (UPRR) and the Canadian National Railroad pass through Clinton. A spur to the Union Pacific east-west main line crosses Manufacturing Drive approximately half a mile north of US Route 30. It is an at-grade railroad crossing with flashing beacons but no gates.

No-Build Alternative: No impacts on transportation services would occur as part of the No Build Alternative. The existing transportation network would continue to be limited by the existing infrastructure deficiencies on the roadways.

Proposed Alternative: With construction of the Proposed Alternative, benefits to the transportation system as a whole would be realized. The Proposed Alternative would result in better overall access, acceptable levels of service, and decreased travel times. Transit infrastructure would be enhanced along the existing bus routes on Manufacturing Drive and Bluff Boulevard, and the proposed bicycle and pedestrian improvements along the corridor would increase the ability for Clinton residents without personal vehicles to easily access the highlighted transit options. To additionally enhance safety and access, separated bus pull-off lanes would be added at three locations along Bluff Boulevard at: Bluff Elementary School (northbound), 3rd Avenue South (northbound), and northeast of the Nottingham Apartments (southbound). Another bus pull-off lane would be added along Manufacturing Drive (northbound) in front of the Clinton Community College Technical Center.

Coordination with the MTA has been ongoing with regard to location and use of existing routes and bus stop locations and enhancements that could be made as part of the Proposed Alternative, and would continue during final design and construction to ensure uninterrupted or minimally disrupted service during construction.

Coordination with UPRR regarding widening the roadway at the railroad crossing on Manufacturing Drive has been ongoing during the preliminary design process. Based on this coordination, it was determined that a gate at the existing at-grade crossing would not be needed because the existing signals would not be impacted and the train traffic on the railroad spur is very low. Any construction-related impacts to the UPRR railroad crossing on Manufacturing Drive would continue to be coordinated with UPRR, as needed; no long term impacts would be anticipated.

5.2. CULTURAL IMPACTS

Evaluating potential impacts on cultural resources requires consideration of archaeological and historic properties as well as historical districts. No archaeological properties of historic significance were found in the study area and are therefore not discussed in this section.

5.2.1. Historical Sites or Districts

Architectural resource surveys of the project's area of potential effect (APE) were conducted in June 2020 and June 2023 for the Manufacturing Drive and Bluff Boulevard portions of the project, respectively. Table

2 summarizes the properties in the APE that are listed in, or recommended eligible for listing in, the National Register of Historic Places (NRHP). There are six properties that are currently listed in the NRHP, which are all located within the NRHP-listed Castle Terrace Historic District. An additional 32 properties are recommended individually eligible and/or contributing within one of three additional potential historic districts that were identified during the survey process: the Mount St. Clare College Historic District, the Springdale Cemetery Historic District, and the Vandeventer Place Historic District. All listed and eligible properties and districts are shown on the Environmental Features map in Appendix B.

The Iowa DOT determined that the Drive to Prosperity Project would have No Adverse Effect on these resources and, in compliance with Section 106 of the National Historic Preservation Act, requested concurrence by the Iowa State Historic Preservation Office (SHPO) on September 18, 2023. The Iowa SHPO evaluated the project for effects to cultural resources and, on October 20, 2023, concurred with the determination of No Adverse Effect with conditions. The clearance is contingent on four conditions, which include access and vertical restrictions and vibration monitoring for certain structures during construction and review of final plans (see Appendix C).

Table 2: NRHP-Listed and Recommended Eligible Properties & Districts

Inventory Number ¹	Address / Property	Type
Listed in the NRHP		
23-00866	Castle Terrace Historic District	District
23-00866	705 Terrace Drive	Building
23-00865	707 Terrace Drive	Building
23-00867	711 Terrace Drive	Building
23-00868	715 Terrace Drive	Building
23-00870	719 Terrace Drive	Building
23-00975	Castle Terrace Plat Landscape	Site
Recommended Eligible for Listing in the NRHP		
23-02246	Mount St. Clare College Historic District	District
23-02245	Springdale Cemetery Historic District	District
23-02302	Vandeventer Place Historic District	District
23-02031	1734 South Bluff Boulevard	Building
23-02081	263 North Bluff Boulevard	Building
23-02301	Highland Park Stone Walls	Walls
23-00697	638 South Bluff Boulevard	Building and Walls
23-0699	710 South Bluff Boulevard	Building
23-00700	850 South Bluff Boulevard	Building
23-02083	308 South Bluff Boulevard	Stone Walls
23-02082	244-250 North Bluff Boulevard	Buildings and Walls
23-02300	1702 South Bluff Boulevard	Building
23-00716	1001 Crescent Drive	Building
23-02199	1012 5 th Avenue South	Building and Stone Walls
23-02282	1520 South Bluff Boulevard	Building

Inventory Number ¹	Address / Property	Type
23-00696	325 South Bluff Boulevard	Building
23-02238	411 North Bluff Boulevard	Building
23-02190	550 4 th Avenue North	Building
23-00698	700 South Bluff Boulevard	Building and Stone Walls
23-02177	734 1 st Avenue	Building
23-02267	821 South Bluff Boulevard	Building
23-02187	832 3 rd Avenue South	Building
23-02303	Culvert at Thorwaldsen Place	Sub-surface Structures
23-02290	1606 South Bluff Boulevard	Building
23-02200	1101 5 th Avenue South	Building
23-02085	Mount St. Clare Cemetery	Site
23-00693	St. Clare Hall	Building
23-02237	Ladd Science Building	Building
23-00765	503 Kenilworth Court	Building
23-02219	503 Melrose Court	Building
23-02220	508 Melrose Court	Building
23-02258	605 South Bluff Boulevard	Building
23-00694	Neubauer Park	Site and Structure
23-02084	Springdale Cemetery Entrance	Objects and Building
Within 23-00829	61 Mount Pleasant Park Road	Building

¹ For reference, the Inventory Number represents the Iowa Site Inventory Forms (ISIF) that were completed during the course of the study as documented in the architectural resource survey reports for Manufacturing Drive and Bluff Boulevard.

No-Build Alternative: The No Build Alternative would have no effect on historic resources.

Proposed Alternative: The Proposed Alternative was designed to avoid impacts to all but one of the listed and eligible historic properties. To construct the proposed five-legged roundabout at Bluff Boulevard, Springdale Drive, and 4th Avenue North, the Proposed Alternative would impact the entrance of the Springdale Cemetery (23-02084). The Springdale Cemetery Entrance contains three likely eligible resources: two piers built of rusticated concrete blocks with concrete caps and large vessel-shaped planters, and a tool shed built with matching, rusticated concrete blocks. The two piers are remnants of a more elaborate gate opening and the small building is a remnant rear wing of what would have been a larger building on the site. The construction of the roundabout would result in the relocation of the cemetery entrance and the displacement of the one pier located on the north side of the entrance. The tool shed and pier on the south side of the entrance would not be impacted. To mitigate this impact, the northern pier would be relocated on the northern side of the leg of the roundabout that would function as the entrance to the cemetery. Based on this mitigation measure, the Iowa DOT made a No Adverse Effect determination for the Springfield Cemetery Entrance. In addition, the Iowa DOT determined that there would be No Adverse Effect to any of the other historic sites located within the APE. Iowa DOT submitted the No Adverse Effect determination to the State Historic Preservation Office (SHPO) on September 18, 2023,

requesting concurrence. SHPO responded with their concurrence on October 20, 2023, as summarized above (see Appendix C).

Historic sites are also protected under Section 4(f). It is anticipated that FHWA will make a Section 4(f) *de minimis* impact determination for the Springdale Cemetery based on the No Adverse Effect determination and notification to SHPO, the official with jurisdiction for historic resources. FHWA's final Section 4(f) determination will be made after the public hearing and agency and public review of this EA and will be presented in the decision document for the project.

5.2.2. Cemeteries

Two cemeteries are accessed directly along Manufacturing Drive and Bluff Boulevard.

- Clinton Lawn Cemetery (also known as the Clinton Memorial Cemetery) is located just north of US Route 30 at 2610 Manufacturing Drive on the west side of the roadway. It encompasses 32.4 acres with a chapel that is located near the center of the property.
- Springdale Cemetery is located at 750 Springdale Drive on the northeast side of Bluff Boulevard. It is the City's largest cemetery, spanning nearly 200 acres of land with plots dating back to the mid-1800s and includes many family plots and mausoleums. The historic entrance to Springdale Cemetery is recommended eligible for listing in the NRHP and the Springdale Cemetery is recommended eligible as a potential historic district (see Section 5.2.1).

Additionally, the Mount St. Clare Cemetery is located on the northern side of the property at 400 North Bluff Boulevard, adjacent to the study corridor. This small cemetery is recommended eligible/contributing to the potential Mount Saint Clare Historic District for listing in the NRHP (see Section 5.2.1) and contains approximately sixty headstones with dates ranging from the 1880s to 1954.

No-Build Alternative: The No Build Alternative would not impact any cemeteries.

Proposed Alternative: To construct the proposed five-legged roundabout at Bluff Boulevard, Springdale Drive, and 4th Avenue North, the Proposed Alternative would convert approximately 0.20 acres of Springdale Cemetery to transportation right-of-way. An additional 0.28 acre of temporary construction easement would also be required. The permanent and temporary impacts would be in the area of the cemetery's historic entrance and adjacent grass lawn (see Section 5.2.1). There would be no permanent or temporary direct impacts to the Clinton Lawn Cemetery or the Mount St. Clare Cemetery.

The architectural resource surveys that were conducted for the APE (see Section 5.2.1) noted the potential to uncover unknown or unmarked human burials given the proximity of the cemeteries to the existing transportation right-of-way. After consultation with the Bioarcheology Program of the Office of the State Archaeologist, it is recommended that there be no work, including staging or driving, within 25 feet of any known burial. Additionally, cemetery staff should be consulted prior to excavation in proximity to any of these area to ensure that graves are not affected. All construction work should proceed in accordance with laws and statute that protect established cemeteries and human remains, and if any human burials are discovered, work in that area should stop immediately and the appropriate agencies notified.

5.3. NATURAL ENVIRONMENT IMPACTS

This section characterizes the natural resources in the study area and addresses potential impacts of the No Build Alternative and the Proposed Alternative. The resources discussed are wetlands, surface waters and water quality, and floodplains. There would be no anticipated effects to wildlife and habitat or threatened and endangered species. There are also no federally listed Wild and Scenic Rivers in Iowa and no woodlands or farmlands within the study area. As result, these resources are not discussed in this section.

5.3.1. Wetlands

Waters of the U.S., including wetlands, waterways, lakes, natural ponds, and impoundments, are regulated by the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA), which requires a permit to authorize the discharge of dredged or fill material into waters of the U.S. (33 USC 1251 et seq.). Executive Order 11990, Protection of Wetlands, requires Federal agencies (including FHWA) to implement “no net loss” measures for wetlands (42 Federal Register (FR) 26951). These no net loss measures include a phased approach to wetland impact avoidance, then minimization of impacts if wetlands cannot be avoided, and finally mitigation.

Wetland delineations for the entire study area were completed in May 2023 and July 2022 for Manufacturing Drive and Bluff Boulevard, respectively. The wetland delineations identified four areas comprised of 0.71 acre of emergent and forested wetlands, which are summarized in Table 3 and shown on the Environmental Features map provided in Appendix B. Within the study area, emergent wetlands are unforested and have herbaceous, non-woody vegetation and are present within the floodplain of Mill Creek and its associated tributaries. Forested wetlands consist of floodplain forests and are present within a depressional area on a property south of Manufacturing Drive. There are no wetlands within the Bluff Boulevard portion of the study area. Additionally, no wetlands with outstanding natural resource quality, such as outstanding Iowa waters, fens, bogs, seeps, sedge meadows, or other special wetland types, were identified in the study area.

Table 3: Potential Impacts to Delineated Wetlands

Wetland Number ¹	Wetland Type	Wetland Size (acres)	Area Impacted (acres)
Wetland A	Palustrine Emergent (PEM)	0.37	0.08
Wetland B	PEM	0.04	0.00
Wetland C	Palustrine Forested (PFO)	0.26	0.09
Wetland D	PEM	0.04	0.04
Total:		0.71	0.21

¹ For reference, the Wetland Number represents the delineated wetlands that were identified during the course of the study as documented in the wetland delineation reports for Manufacturing Drive and Bluff Boulevard.

No-Build Alternative: The No Build Alternative would have no direct impact on wetland resources found in the study area.

Proposed Alternative: As summarized in Table 3, three wetlands totally approximately 0.21 acre would be impacted by the Proposed Alternative. This includes 0.12 acre of two PEM wetlands and 0.09 acre of one PFO wetland, which all would occur along the Manufacturing Drive portion of the project. For these

wetland impacts, a Joint Application was submitted to USACE in October 2023. USACE approval of the Joint Application is pending. During final design, additional efforts will be made to avoid or minimize impacts to wetlands.

Due to the nature of the project in relation to the delineated wetlands, it is anticipated that wetland impacts would be unavoidable. Where wetland impacts cannot be avoided, mitigation would occur at ratios determined by, and in coordination with, the USACE.

5.3.2. Surface Waters and Water Quality

The wetland delineations that were conducted for the project (see Section 5.3.1) indicated the presence of 6 streams within the study area, including approximately 1,157 linear feet of perennial tributaries and 342 linear feet of intermittent tributaries, all of which are located in the southern portion of the study area and shown on the Environmental Features map in Appendix B. Manufacturing Drive crosses Hart's Mill Creek and Mill Creek on two bridge structures. Additionally, the wetland delineation indicated the presence of approximately 250 feet of a constructed drainage structure, located in the southeast corner of the First Congregational Church property at 700 Bluff Boulevard. There is also a stream located in a historic arched culvert under Bluff Boulevard at its intersection with 7th Avenue South and Thorwaldsen Place, which is fully culverted (covered) and not an open water within the study area.

It is a goal of the City of Clinton to improve the discharges to the Mississippi River, which is on the Iowa DNR's EPA-approved 2022 Impaired Waters List. Both Hart's Mill Creek and Mill Creek flow in to the Mississippi River approximately 1 mile south of the study area. The roadway corridor within the study area also has an outdated combined sewer system that exceeds its capacity, with flows escalating to the point that raw sewage can overflow in to the Mississippi River.

No-Build Alternative: The No Build Alternative would not result in any impacts surface waters or water quality.

Proposed Alternative Approximately 489 linear feet of streams (225 linear feet of perennial streams and 264 feet of intermittent streams) would be impacted by the Proposed Alternative. The Proposed Alternative includes replacing the bridges over Hart's Mill Creek and Mill Creek. The replacement bridges would be increased in length and widened to allow for greater hydraulic area under the bridge to reduce the frequency and severity of flooding on Manufacturing Drive and the surrounding area (see Section 5.3.3). For these stream impacts, all of which would occur along the Manufacturing Drive portion of the project, a Joint Application was submitted to USACE in October 2023. USACE approval of the Joint Application is pending. During final design, additional efforts will be made to decrease stream impacts. The project will also require a National Pollutant Discharge Elimination System (NPDES) permit and the preparation of a Stormwater Pollution Prevention Plan. The contractor will be required to implement Iowa DOT's Construction Manual to minimize temporary impacts on water quality during construction.

The Proposed Alternative would construct a new storm sewer system including bioretention cells, bioswales, permeable pavement, underground filtration rock chambers, among other storm water best management practices aimed at improving the quality and controlling the quantity of the storm water runoff. Pollutant loads discharging in to surface waters in the study area would be decreased. Additionally, the Proposed Alternative would also separate storm and sanitary lines and improve sanitary lines, where needed. Combined, these improvements would reduce the quantity of storm water entering the City's combined sewer system, and correspondingly the volume of raw sewage overflows and harmful pollutants

to the Mississippi River and its receiving waters. The Proposed Alternative would have a beneficial impact on the surface waters.

5.3.3. Floodplains

From US Route 30 to approximately South 19th Street, the majority of Manufacturing Boulevard lies within the regulatory floodway, 100-year floodplain (i.e., 1% annual chance flood hazards), and/or an area of reduced flood risk due to a levee. Specifically, there is a 100-year floodplain and floodway present along both Mill Creek and Hart's Mill Creek. There is also a USACE levee along the northeast side of Mill Creek which crosses Manufacturing Drive. The levee system was built more than 40 years ago and provides the primary protection to the City of Clinton from flooding due to proximity to the Mississippi River. The northern end of the study area along 7th Avenue North is also located with an area of reduced flood risk due to a levee. These resources are shown on the Environmental Feature mapping in Appendix B. There are no floodplains or floodways present along Bluff Boulevard.

In the portions of Manufacturing Drive that currently are prone to flooding, flash flooding, and street ponding, conditions are exacerbated by an under-capacity stormwater system and lack of adequate facilities for drainage. The Proposed Alternative would improve stormwater drainage and flooding in the area.

No-Build Alternative: The No Build Alternative would have no impact on floodplains.

Proposed Alternative: Approximately 9.60 acres of 100-year floodplain and 0.91 acres of floodway would be impacted by the Proposed Alternative. The Proposed Alternative would replace the existing bridges over Mill Creek and Hart's Mill Creek and the associated floodplain and floodway. The bridges would be designed so that there is no rise in the surface elevation of the stream. Due to the nature of the project in relation to the existing flood hazard areas, it is assumed that unavoidable floodplain impacts would occur. However, most of the impacts are associated with the reconstruction of the existing roadway that is already located within the floodplain and floodway so there are no new areas that would be impacted. As project design advances, additional efforts would be made to reduce any potential impacts on floodplains and floodways.

Because the construction phase of the Manufacturing Drive portion of the project will occur first, an Iowa DNR Flood Plain Construction Permit has been submitted and approved, with permit conditions, for the replacement of the bridges over both Mill Creek and Hart's Mill Creek on October 25, 2021. In addition, a request for a technical review to alter the Clinton, Iowa Flood Risk Management Project (FRMP) was submitted to USACE, which includes the replacement of the Mill Creek bridge and alterations to the Clinton Levee. Based on the technical review, USACE granted the request to alter the FRMP, with terms and conditions, on March 26, 2022. Copies of all referenced coordination are provided in Appendix C.

The Proposed Alternative would provide beneficial impacts to floodplains. The replacement bridges over Hart's Mills Creek and Mill Creek will be raised, lengthened, and widened to provide more hydraulic area, which would reduce flooding incidents impacting the road and surrounding businesses, including the Nestle Purina plant. Additionally, the storm sewer system improvements of the Proposed Alternative would be able to handle a greater quantity of runoff, which would reduce the risk of flooding of impervious areas in the area.

5.4. PHYSICAL IMPACTS

This section characterizes physical resources in the study area and addresses potential impacts of the No Build Alternative and the Proposed Alternative. The resources discussed are contaminated and regulated materials sites and utilities. There would be negligible or no impacts to noise, air quality, mobile source air toxics (MSATs), energy, or visual resources as a result of the project; therefore, those resources are not discussed in this section.

5.4.1. Contaminated and Regulated Materials

A Phase I Environmental Site Assessment (ESA) was performed for the Drive to Prosperity Project in September 2022. The Phase I ESA was conducted in general accordance with the American Society for Testing and Materials (ASTM) Standard Practice E1527-21 to determine if there are Recognized Environmental Conditions (RECs) in the study area. Based on the information obtained during the visual reconnaissance of the study area, review of available federal and state environmental databases, review of historic information, and contact with state and local agencies, four RECs were identified in the study area. These four sites are summarized below and shown on the Environmental Features map in Appendix B:

- Bluff 76 Service, located at 1641 South Bluff Boulevard;
- Kwik Star #642, located at 911 South 14th Street;
- Nestle Purina Pet Care Company, located at 2200 Manufacturing Drive; and
- Mercy Medical Center/Samaritan Hospital South, located at 638 South Bluff Boulevard.

No-Build Alternative: The No Build Alternative would not impact any sites with contaminated or regulated materials.

Proposed Alternative: The Proposed Alternative would require partial acquisition of approximately 0.01 acre of right-of-way from the Mercy Medical Center. Additionally, construction of the Proposed Alternative would result in approximately 0.17 acre of temporary construction easement from three RECs: the Mercy Medical Center, Kwik Star, and Bluff 76 Service. The permanent and temporary impacts would generally be thin, linear impacts adjacent to the existing Manufacturing Drive and Bluff Boulevard right-of-way. During final design, additional efforts to minimize these impacts to RECs would be made.

Health and safety, worker protection, monitoring, and possible waste management considerations would be made while excavation and subsurface work associated with the Proposed Alternative proceeds on or near the adjoining properties identified with RECs. All known and unknown hazardous materials encountered during roadway improvements would be handled per federal, state, and local laws and regulations. Where hazardous material or solid waste is identified in the required right-of-way, resolution with the property owner would be conducted prior to purchase. If an unknown site is encountered during construction, the appropriate authorities would be contacted and appropriate laws and regulations would be followed to eliminate or minimize any adverse environmental consequences. Standard best management practices would be used during construction. As such, any potential encounter with a contaminated site would likely have minor impacts and would be considered not significant.

5.4.2. Utilities

The study area is served by Alliant Energy for electricity and natural gas; Iowa American Water and the City of Clinton for water/sewer services; and numerous private providers for telecommunications/internet services. There are no known major overhead electric transmission or underground utility lines along Manufacturing Drive and Bluff Boulevard. The existing storm and sanitary sewer systems are outdated and exceed their capacity and in some areas along the corridor, are combined. Cracks and breaks in old sewer lines allow storm water to infiltrate the system, escalating flows to the points that the system is overloaded. Overhead utilities, which are primarily electric, telephone, and cable wires mounted on wooden utility poles, are generally located adjacent to and crossing both roadways.

No-Build Alternative: No impacts would occur to utilities under the No-Build Alternative. Existing system deficiencies, particularly for storm and sanitary sewer, would remain.

Proposed Alternative: The Proposed Alternative would have a beneficial impact on public utilities with the replacement of the storm sewer system, improvements to sanitary sewer system, and separation of storm and sanitary sewer systems at certain locations throughout the roadway corridor. The Proposed Alternative would also provide a beneficial impact on private utilities by installing a joint utility trench for existing and future infrastructure throughout the corridor.

Relocation of some utilities within the corridor would be necessary to accommodate the design of the Proposed Alternative. The extent and exact nature of those impacts would be determined during final design. Impacted utilities would most likely be relocated in the same vicinity of their current location, to offset impacts and to accommodate the construction of the Proposed Alternative. Coordination with all utility companies, public and private, has been ongoing during the design process and would continue to occur during final design and construction to relocate and replace any utilities within the potential new right-of-way and to ensure uninterrupted or minimally disrupted service during construction.

5.5. CUMULATIVE

Cumulative impacts are those that result from past, present, and reasonably foreseeable future actions combined with the potential impacts of the proposed Drive to Prosperity Project. Cumulative impacts can result from individually minor, but collectively substantial, impacts taking place over a period of time. A cumulative impact assessment looks at the collective effects imposed by individual plans or projects in the same vicinity as the proposed project.

The assessment focused on several resources susceptible to cumulative impacts. Additionally, the analysis compared the timelines of other reasonably foreseeable major projects that would likely occur in the time frame of the Drive to Prosperity Project in order to assess the combined effects of these projects on the target resources. The cumulative impact assessment also considered the baseline conditions of the target resources and the region's resources, and determined whether any regionally significant cumulative impacts could occur.

Several past, present, and reasonably foreseeable future projects are occurring along the study corridor, as summarized below.

Past Actions

- The expansion at the Nestle Purina factory (2200 Manufacturing Drive), including expansion of capacity and production capabilities and creation of approximately 100 new jobs, which was completed in 2022.
- The expansion at the Clinton Community College, including the construction of the 26,700 square foot Clinton Career Advancement Center (1210 11th Avenue South, adjacent to George Morris Park), which opened in 2022.
- Development along Valley W Drive in a former field from Manufacturing Drive to Mill Creek Parkway: the MercyOne Clinton Urgent Care and Vibrant Credit Union adjacent to Manufacturing Drive as well as The Landing (apartments and townhomes), Valley Bluff Townhomes, and the Clinton Auto Group. Ongoing over the past 10 years and anticipated to continue to infill in the future.

Present Actions

- Construction of the Cottage Bluff Subdivision (along Bluff Boulevard with access to and from Ike's Peak Road) on an abandoned, City-owned site of approximately 8 acres that was formerly a private spiritual camp. The subdivision will be an approximately 40 multi-family housing complex intended for seniors (55 years and older), the majority of which are expected to be low- and moderate-income housing units, and is expected to be completed in 2023.

Reasonably Foreseeable Future Actions

- No other reasonably foreseeable future actions are known at this time along Manufacturing Drive and Bluff Boulevard. Per the 2032 Comprehensive Plan, a primary land use goal of the City is to continue to encourage redevelopment and revitalization opportunities, especially in the northern and western portions of the City (i.e., the vicinity of the study area).

No Build Alternative: The No Build Alternative would not add any additional impacts to the cumulative impacts associated other past, present, and future projects.

Proposed Alternative

Resources potentially experiencing cumulative impacts were identified to include land use (e.g., farmland), parks and recreational facilities, cultural resources, wetlands, surface waters, and floodplains and floodplains, as further described below.

- *Parklands and Recreational Facilities:* The past action at the Clinton Community Collection reduced the recreational facilities associated with the George Morris Park, including removal of soccer fields to accommodate the college expansion. As documented in Section 5.1.5, the Proposed Alternative would involve improvements to South 14th Street at the entrance of the park but would not result any permanent use, temporary occupancy, or constructive use of the park. In addition, access to the park from South 14th Street would be maintained during and after construction. Therefore, there would be no cumulative effect to this resource.
- *Cultural Resources:* The present action of the construction of the Cottage Bluff Subdivision will demolish a building that has been recommended eligible for listing on the NRHP (#23-00829). As documented in Section 5.2.1, Iowa DOT submitted a No Adverse Effect determination for all

NRHP-listed and recommended eligible properties and districts for the Proposed Alternative on September 18, 2023 and the SHPO responded with their concurrence on October 20, 2023. Therefore, there would be no cumulative effect to this resource.

- *Wetlands and Surface Waters:* While the Proposed Action would have approximately 0.21 acre and 489 linear feet of impacts on wetlands and surface waters, respectively, there are no known impacts to these resources by the other past or present actions. Therefore, there would be no cumulative effect to these resources.
- *Floodplain and Floodways:* Given the presence of floodplains and floodways along the majority of Manufacturing Drive, all of the past actions noted above, as well as the Proposed Alternative, would impact these resources. As documented in Section 5.3.3, approximately 9.60 acres of 100-year floodplain and 0.91 acres of floodway would be impacted by the Proposed Alternative. With the implementation of storm water management practices, the approval of the Iowa DNR Flood Plain Construction Permit for the replacement of the bridges over both Mill Creek and Hart's Mill Creek, and given that most of the impacts are associated with the reconstruction of the existing roadway that is already located within the floodplain and floodway, the overall cumulative impacts of the Proposed Alternative in addition to past actions would be minor.

The plans and projects noted above, as well as the Drive to Prosperity Project, are consistent with the City of Clinton's comprehensive plan. Construction of the Proposed Alternative would improve transportation system linkage in the study area and would increase mobility in and near the study area as the planned development occurs. In summary, the overall cumulative impacts of the Proposed Alternative in conjunction with other past, present, and reasonably foreseeable actions would collectively be considered minor.

5.6. STREAMLINED RESOURCE SUMMARY

Resources not discussed in the body of the EA are located in the Streamlined Resource Summary provided in Appendix A. The summary includes information about the resources, the method used to evaluate them, and when the evaluation was completed.

Table 4 summarizes the impacts on resources discussed in Section 5 of this EA.

Table 4: Summary of Impacts of the Proposed Alternative

Issue	No Build Alternative	Proposed Alternative
Approximate Length (miles)	3.9	3.9
Churches and Schools (number/acres)	0	2 schools / 0.40
Environmental Justice	Deficient pedestrian and bicycle facilities and access.	No disproportionately high or adverse impacts. Improved pedestrian and bicycle facilities and access to public transportation.
Parklands and Recreation Areas (number/acres)	0	1 / 0.01 Anticipated <i>de minimis</i> impact
Right-of-Way Acquisition (acres)	0	Total: 4.03 Partial Acquisition: 2.86 Total Acquisition: 1.17
Temporary Construction Easement (acres)	0	6.36
Residential Relocations (number)	0	5
Historical Sites or Districts (number)	0	1 No Adverse Effect Anticipated <i>de minimis</i> impact
Cemeteries (number/acres)	0	1 / 0.20
Wetlands (acres)	0	0.21
Surface Waters (streams) (linear feet)	0	489
Floodplains (acres)	0	9.60
Floodway (acres)	0	0.91
Contaminated and Regulated Materials (number/acres)	0	1 / 0.01

6. DISPOSITION

This Streamlined EA concludes that the proposed project is necessary for safe and efficient travel within the project corridor and that the proposed project meets the purpose and need. The project will have no significant adverse social, economic, or environmental impacts of a level that would warrant an environmental impact statement. Alternative selection will occur following completion of the public review period and public hearing.

This EA is being distributed to the agencies and tribes that were contacted through early coordination efforts (see Section 7.1). Individuals receiving this EA are not listed for privacy reasons. Additionally, this EA is available for public review at the following locations:

- Project website: <https://drivetoprosperity.com/>
- Clinton Public Library
306 8th Avenue South
Clinton, IA 52732
- Clinton City Hall
611 South 3rd Street
Clinton, IA 52732
- Clinton Community College
1000 Lincoln Boulevard
Clinton, IA 52732

Potential permits that are anticipated to be required by the project or that have already been submitted and approved were referenced through Section 5, and are associated with potential floodplain, levee, stream, and wetland impacts by the project.

The project is programmed in the City of Clinton's Capital Improvement Plan, which was adopted on February 28, 2023. The Iowa TIP for 2024-2028 was approved on June 13, 2023, and includes \$500,000 for a proposed roundabout at Manufacturing Drive and South 19th Street.

7. COMMENTS AND COORDINATION

This section includes a summary of agency, tribal, and public coordination that has occurred during the development of this EA.

7.1. AGENCY AND TRIBAL COORDINATION

Early coordination letters (ECL) were sent to resource agencies and tribes on September 28, 2022 (Appendix C). The letters announced the initiation of the NEPA process for the project, solicited feedback as it relates to the agencies' relevant areas of expertise, and solicited tribal interest in the project. Table 5 lists the agencies and tribes that were contacted through early coordination and their response date, if applicable. Two agencies responded to the ECL requests; both are in regard to permits. One tribe, Prairie Band Potawatomi Nation, responded, stating no objections but requested continued coordination on the project. Copies of all responses are provided in Appendix C.

Table 5: Early Agency and Tribal Coordination Letters

Agency Type	Agency	Date of Response
Federal	US EPA – National Environmental Policy Act Team – Region VII	None
Federal	US DOI – US Fish and Wildlife Service – Rock Island	None
Federal	US DOI – Regional Office (Denver)	None
Federal	US Army Corps of Engineers – Rock Island District	None
Federal	US Coast Guard	October 14, 2022
Federal	US Department of Housing and Urban Development	None
Federal	Federal Emergency Management Agency	None
Federal	Federal Railroad Administration	None
Federal	NRCS – State Conservationist	None
Federal	Local NRCS Conservationist	None
State	Iowa DNR – Environmental Services Division	October 11, 2022
State	Iowa DNR – Conservation and Recreation Division	None
State	Iowa DNR – Land and Water Conservation Fund Program	None
State	Local Iowa DNR Representative	None
State	Iowa DOT - Bureau of Right of Way	None
Local	Clinton County Conservation Board	None
Local	Clinton County Board of Supervisors	None
Local	Clinton County Historical Society	None
Local	Clinton County Engineer	None
Local	Clinton Chamber of Commerce	None
Tribe	Flandreau Santee Sioux	None
Tribe	Ho-Chunk Nation	None
Tribe	Iowa Tribe of Kansas and Nebraska	None
Tribe	Iowa Tribe of Oklahoma	None
Tribe	Miami Tribe of Oklahoma	None
Tribe	Omaha Tribe of Nebraska	None
Tribe	Osage Nation	None
Tribe	Otoe-Missouria Tribe	None
Tribe	Peoria Tribe of Indians of Oklahoma	None
Tribe	Ponca Tribe of Nebraska	None
Tribe	Prairie Band Potawatomi Nation	May 11, 2023
Tribe	Prairie Island Indian Community	None
Tribe	Sac and Fox Nation of Oklahoma	None

Tribe	Sac and Fox Tribe of the Mississippi in Iowa	None
Tribe	Santee Sioux Nation	None
Tribe	Sisseton - Wahpeton Oyate	None
Tribe	Spirit Lake Tribe	None
Tribe	Three Affiliated Tribes - Mandan, Hidatsa & Arikara	None
Tribe	Upper Sioux Community	None
Tribe	Winnebago Tribe of Nebraska	None
Tribe	Yankton Sioux Tribe	None

In addition to the ECL, additional resource-specific early coordination efforts included: the City of Clinton, SHPO, and FHWA for Section 4(f) resources (see Section 5.1.5); Iowa DOT and SHPO for historic sites (see Section 5.2); and Iowa DNR and USACE regarding permits for wetlands, waters, and floodplains (see Section 5.3). These coordination efforts are summarized in the referenced sections and copies of relevant correspondence are included in Appendix C.

7.2. PUBLIC INVOLVEMENT

A series of three open houses have been held, as summarized below. In addition, the project website (<https://drivetoprosperity.com/>) also allows the general public to view project information and submit comments at any time. The project website has been updated throughout the NEPA and design process to answer frequently asked questions and provide updated project materials. Meetings with other public stakeholders – such as Clinton Community Schools, MTA, fire and emergency response, the US Postal Service, and business owners – have been ongoing throughout the design process as well.

A Public Open House was held on August 10, 2022 to present and gain feedback from residents early in the NEPA and design process in order to make adjustments to address any concerns. Letters were sent to property owners along the corridor and side streets, and public notice was published in the local newspaper to make the general public aware of the meeting. The meeting was held at 5:00 PM at the Clinton Community College Tech Center. Approximately 70 attendees signed in to the meeting, with most attendees being residents along the corridor and members of the general public; however, some agency representatives, including the MTA, also attended. Comment cards were available for attendees to leave formal comments in addition to input received during the meeting. Comments received were overall in favor of beneficial traffic and stormwater impacts but expressed some concern over specific design elements such as general lane reduction, proposed roundabouts, medians and reduction of left turns from side streets, sidewalks, and retaining walls, as well as access during construction. Several of the meeting attendees were area residents concerned about specific access and/or right-of-way impacts to their properties or along their daily routes.

A Mail and Trash Open House was held on January 11, 2023 to present and gain feedback on relocating mail boxes and trash collection off the curb of the roadway in the corridor, notably along the Bluff Boulevard portion of the project. Meeting notification letters were sent to identified property owners with mail and trash collection along the roadway. The meeting was held at 5:00 PM at the Clinton Community College Tech Center. Approximately 16 attendees signed in to the meeting. In general, the property owners that attended were in favor of relocating the mail boxes and trash to the back alleys when possible and of

providing a sidewalk for mail delivery in locations where the mailbox would remain at the back of curb. Many conversations were questions in regard to specific properties.

A second Public Open House was held on March 7, 2023 to present updates and answer questions from citizens on the preliminary design for the reconstruction project. An informational video was created with highlights of the top 10 features for the project, which is also available on the project website. The meeting was held at 5:00 PM at the Clinton Community College. Approximately 40 attendees signed in to the meeting. Comments received were generally in favor of the project design but some specific concerns were expressed over the proposed roundabout design, the location of where turn lane(s) are provided, and maintenance of the grass between the retaining wall and roadway.

A Public Hearing for the project will be held after publication of this EA during the formal comment period.

APPENDIX A

STREAMLINED RESOURCE SUMMARY

SOCIOECONOMIC IMPACTS SECTION:

Land Use	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Database
Completed by and Date:	Subconsultant, 8/8/2023
Community Cohesion	
Evaluation:	Resource is in the study area but will not be impacted
Method of Evaluation:	Other
Completed by and Date:	Subconsultant, 6/2/2023
Churches and Schools	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Other
Completed by and Date:	Subconsultant, 8/15/2023
Environmental Justice	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Database
Completed by and Date:	Subconsultant, 9/1/2023
Economic	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Other
Completed by and Date:	Subconsultant, 8/15/2023
Joint Development	
Evaluation:	Resource is not in the study area
Method of Evaluation:	Other
Completed by and Date:	Subconsultant, 6/2/2023
Parklands and Recreational Areas	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Other
Completed by and Date:	Resource Agency, FHWA (following the public hearing)
Bicycle and Pedestrian Facilities	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Other
Completed by and Date:	Subconsultant, 8/15/2023
Right-of-Way	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Other
Completed by and Date:	Consultant, 9/11/2023
Relocation Potential	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Other
Completed by and Date:	Consultant, 9/11/2023

SOCIOECONOMIC IMPACTS SECTION Continued:

Construction and Emergency Routes	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Other
Completed by and Date:	Consultant, 8/4/2023
Transportation	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Report
Completed by and Date:	Consultant, 9/9/2022

CULTURAL IMPACTS SECTION:

Historic Sites or Districts	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Report
Completed by and Date:	Resource Agency, 10/20/2023
Archaeological Sites	
Evaluation:	Resource is in the study area but will not be impacted
Method of Evaluation:	Report
Completed by and Date:	Subconsultant, 9/12/2023
Cemeteries	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Report
Completed by and Date:	Subconsultant, 6/1/2023

NATURAL ENVIRONMENT IMPACTS SECTION:

Wetlands	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Report
Completed by and Date:	Subconsultant, 5/4/2023
Surface Waters and Water Quality	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Report
Completed by and Date:	Subconsultant, 5/4/2023
Wild and Scenic Rivers	
Evaluation:	Resource is not in the study area
Method of Evaluation:	Database
Completed by and Date:	Subconsultant, 6/2/2023
Floodplains	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Database
Completed by and Date:	Subconsultant, 8/15/2023
Wildlife and Habitat	
Evaluation:	Resource is in the study area but will not be impacted
Method of Evaluation:	Other
Completed by and Date:	Subconsultant, 6/2/2023
Threatened and Endangered Species	
Evaluation:	Resource is in the study area but will not be impacted
Method of Evaluation:	Report, Determination of No Effect
Completed by and Date:	Subconsultant, 5/4/2023
Woodlands	
Evaluation:	Resource is not in the study area
Method of Evaluation:	Other
Completed by and Date:	Subconsultant, 6/2/2023
Farmlands	
Evaluation:	Resource is not in the study area
Method of Evaluation:	Database
Completed by and Date:	Subconsultant, 6/2/2023

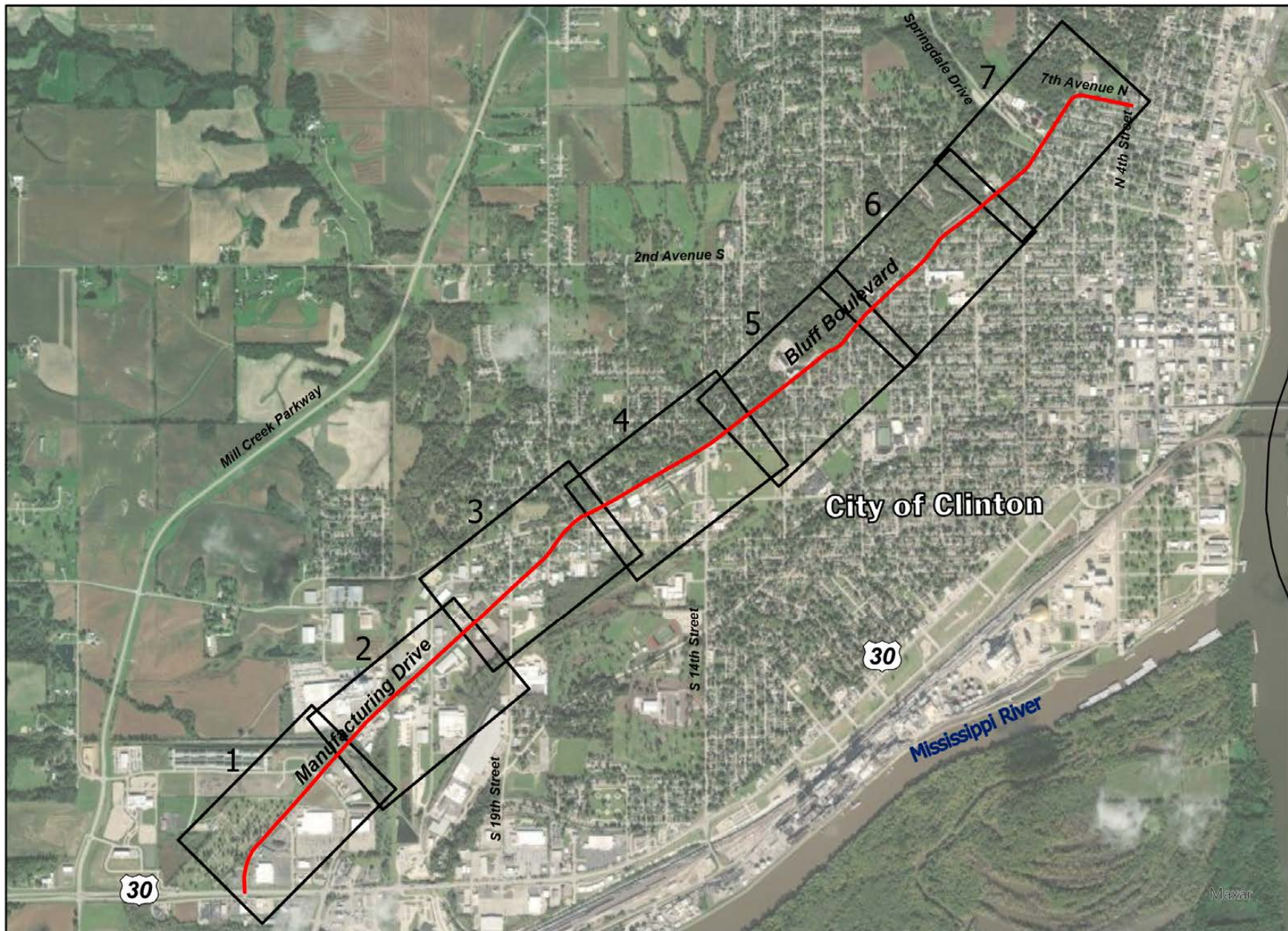
PHYSICAL IMPACTS SECTION:

Noise	
Evaluation:	Resource is in the study area but will not be impacted. Based on federal regulations, the proposed improvements are characterized as a Type 1 noise project because the proposed improvements include shifting an existing roadway closer to potential noise sensitive receptors. Traffic noise analyses are required for all Type 1 projects. Therefore, the <i>Noise Analysis Technical Memorandum</i> was completed for the Drive to Prosperity Project, which determined that traffic noise impacts as a result of the project would not occur and noise abatement is not required.
Method of Evaluation:	Report: <i>Noise Analysis Technical Memorandum</i>
Completed by and Date:	Subconsultant, 1/17/2023
Air Quality	
Evaluation:	Resource is in the study area but will not be impacted. The project complies with Iowa's current State Implementation Plan for attaining the national ambient air quality standards (which contains no transportation control measures), and with the conformity requirement for the Clean Air Act Amendments of 1990. Short term air quality impacts associated with dust and equipment emissions during construction are controlled by standard contract and equipment specifications.
Method of Evaluation:	Other
Completed by and Date:	Subconsultant, 6/2/2023
MSATs	
Evaluation:	This project has been determined to generate minimal air quality impacts for CAAA criteria pollutants and has not been linked with any special MSAT concerns. As such, this project will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause an increase in MSAT impacts of the project from that of the no-build alternative. Moreover, EPA regulations for vehicle engines and fuels will cause overall MSAT emissions to decline significantly over the next several decades. Based on regulations now in effect, an analysis of national trends with EPA's MOBILE6.2 model forecasts a combined reduction of 72 percent in the total annual emission rate for the priority MSAT from 1999 to 2050 while vehicle-miles of travel are projected to increase by 145 percent. This will both reduce the background level of MSAT as well as the possibility of even minor MSAT emissions from this project.
Method of Evaluation:	FHWA Interim Guidance Update on Mobile Source Air Toxic Analysis in NEPA Documents, September 30, 2009
Completed by and Date:	Subconsultant, 6/2/2023
Energy	
Evaluation:	Resource is in the study area but will not be impacted
Method of Evaluation:	Other
Completed by and Date:	Subconsultant, 6/2/2023
Contaminated and Regulated Materials Sites	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Report
Completed by and Date:	Subconsultant, 9/1/2022

Visual	
Evaluation:	Resource is in the study area but will not be impacted
Method of Evaluation:	Other
Completed by and Date:	Subconsultant, 6/2/2023
Utilities	
Evaluation:	Resource is discussed in Section 5 of the Resource Analysis
Method of Evaluation:	Other
Completed by and Date:	Consultant, 3/7/2023

APPENDIX B

ENVIRONMENTAL FEATURES



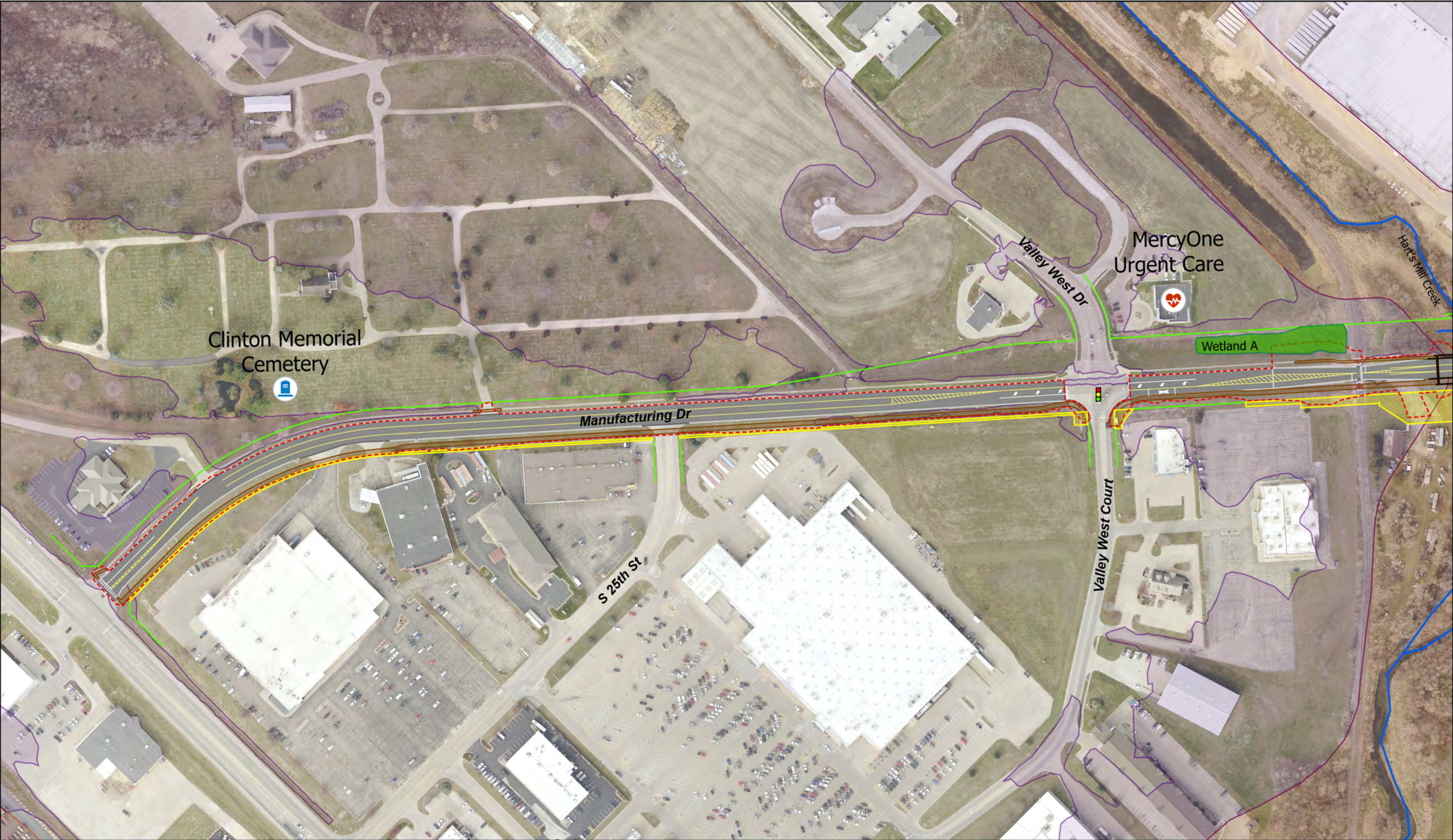
- Manufacturing Drive and Bluff Boulevard Reconstruction Project
- Sheets



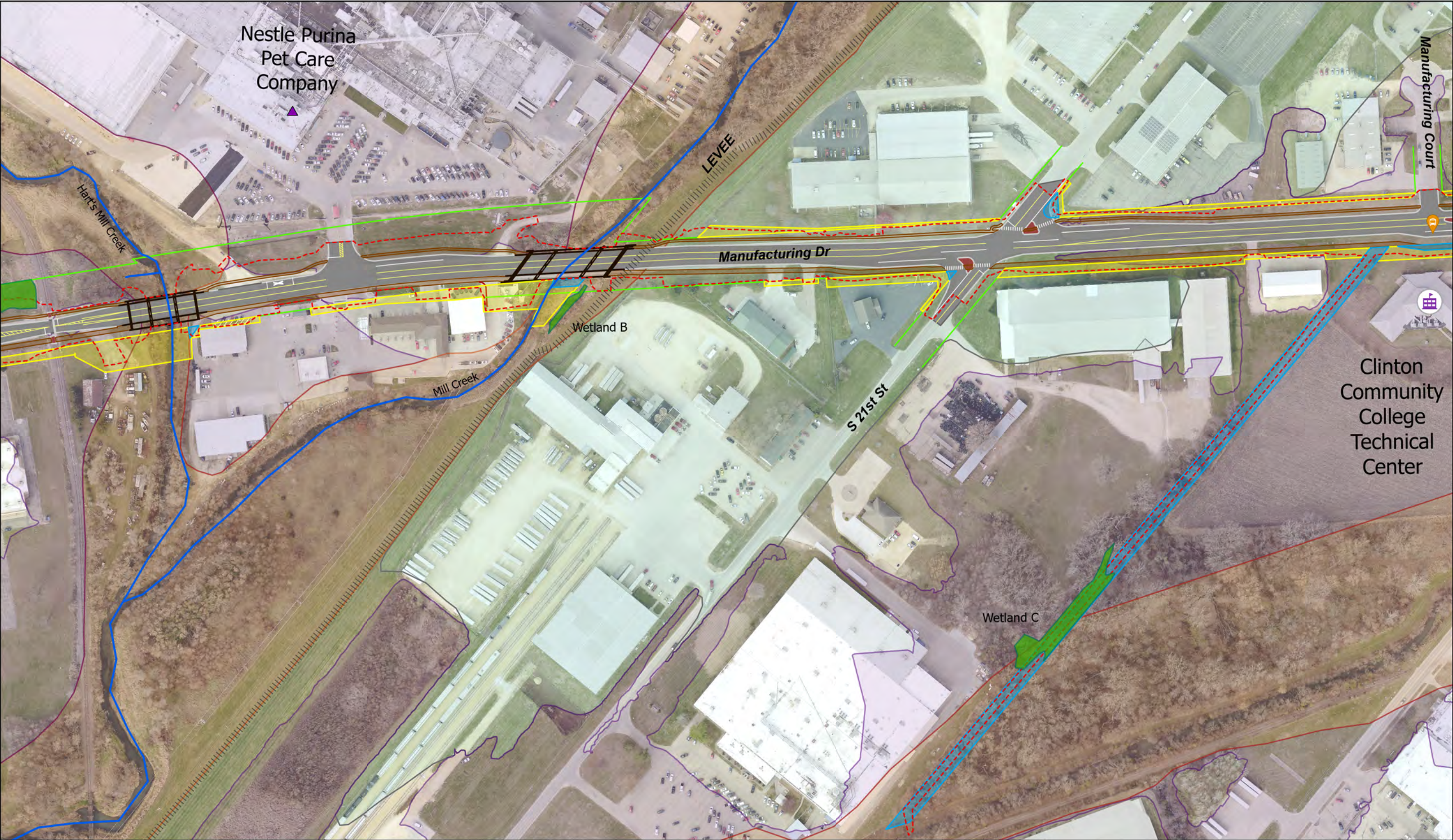
0 1,250 2,500 Feet

Drive to Prosperity: Manufacturing Dr./Bluff Blvd. Reconstruction

Environmental Features: Key Map



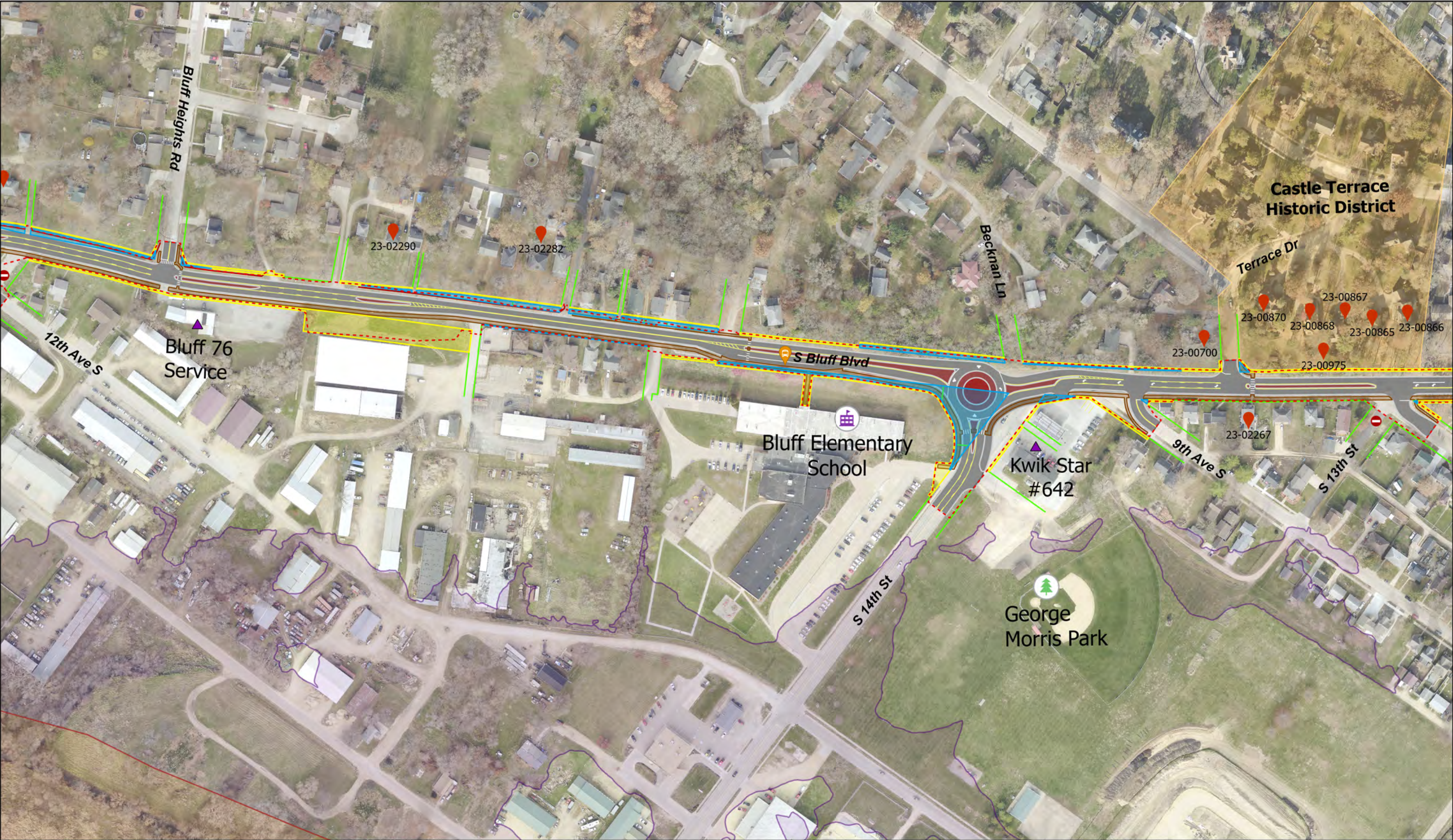
- Construction Limits - Existing Roadway Right-of-Way - Right-of-Way Acquisition - Temporary Construction Easement - Residential Relocation	- School - Park - Cemetery - Church - Hospital/Urgent Care - REC	- No Access - Historic Wall - Historic Site - Historic District - Stream - Wetland	100 Year Floodplain - Floodway - Area with Reduced Risk Due to Levee - Drainageway	Proposed Alternative - Pavement - Sidewalk - Bridge - Retaining Wall - Bus Pull-Off Location - Bus Shelter		Drive to Prosperity: Manufacturing Drive/Bluff Boulevard Reconstruction Environmental Features: Sheet 1 of 7
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- Construction Limits - Existing Roadway Right-of-Way - Right-of-Way Acquisition - Temporary Construction Easement - Residential Relocation	- School - Park - Cemetery - Church - Hospital/Urgent Care - REC	- No Access - Historic Wall - Historic Site - Historic District - Stream - Wetland	100 Year Floodplain - Floodway - Area with Reduced Risk Due to Levee - Drainageway	Proposed Alternative - Pavement - Sidewalk - Bridge - Retaining Wall - Bus Pull-Off Location - Bus Shelter	 	Drive to Prosperity: Manufacturing Drive/Bluff Boulevard Reconstruction Environmental Features: Sheet 2 of 7
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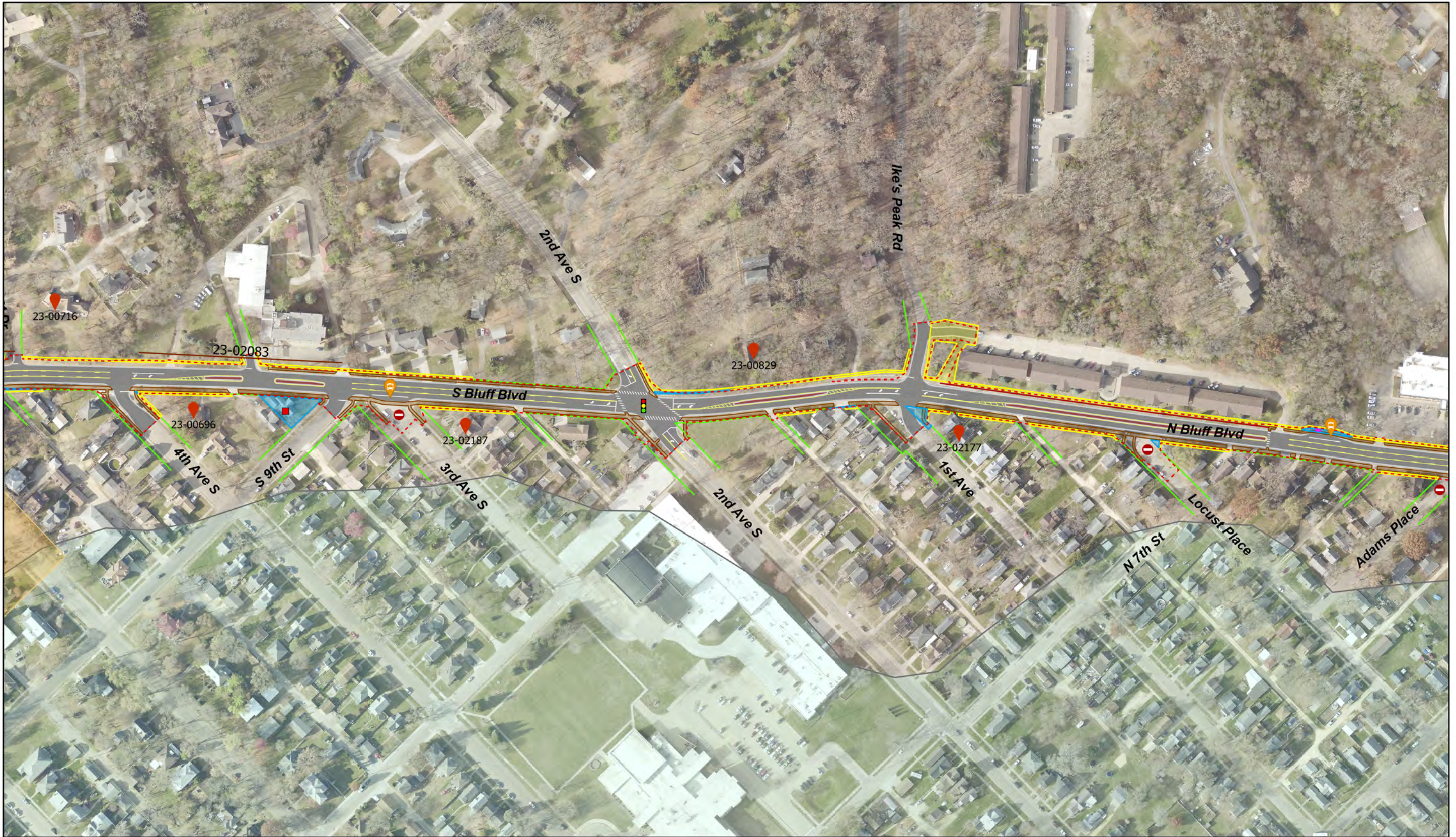
- Construction Limits - Existing Roadway Right-of-Way - Right-of-Way Acquisition - Temporary Construction Easement - Residential Relocation	- School - Park - Cemetery - Church - Hospital/Urgent Care - REC	- No Access - Historic Wall - Historic Site - Historic District - Stream - Wetland	100 Year Floodplain - Floodway - Area with Reduced Risk Due to Levee - Drainageway	Proposed Alternative - Pavement - Sidewalk - Bridge - Retaining Wall - Bus Pull-Off Location - Bus Shelter	 	Drive to Prosperity: Manufacturing Drive/Bluff Boulevard Reconstruction Environmental Features: Sheet 3 of 7
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- Construction Limits - Existing Roadway Right-of-Way - Right-of-Way Acquisition - Temporary Construction Easement - Residential Relocation	- School - Park - Cemetery - Church - Hospital/Urgent Care - REC	- No Access - Historic Wall - Historic Site - Historic District - Stream - Wetland	100 Year Floodplain - Floodway - Area with Reduced Risk Due to Levee - Drainageway	Proposed Alternative - Pavement - Sidewalk - Bridge - Retaining Wall - Bus Pull-Off Location - Bus Shelter	 	Drive to Prosperity: Manufacturing Drive/Bluff Boulevard Reconstruction Environmental Features: Sheet 4 of 7
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- Construction Limits - Existing Roadway Right-of-Way - Right-of-Way Acquisition - Temporary Construction Easement - Residential Relocation	- School - Park - Cemetery - Church - Hospital/Urgent Care - REC	- No Access - Historic Wall - Historic Site - Historic District - Stream - Wetland	100 Year Floodplain - Floodway - Area with Reduced Risk Due to Levee - Drainageway	Proposed Alternative - Pavement - Sidewalk - Bridge - Retaining Wall - Bus Pull-Off Location - Bus Shelter	 	Drive to Prosperity: Manufacturing Drive/Bluff Boulevard Reconstruction Environmental Features: Sheet 5 of 7
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- Construction Limits - Existing Roadway Right-of-Way - Right-of-Way Acquisition - Temporary Construction Easement - Residential Relocation	- School - Park - Cemetery - Church - Hospital/Urgent Care - REC	- No Access - Historic Wall - Historic Site - Historic District - Stream - Wetland	100 Year Floodplain - Floodway - Area with Reduced Risk Due to Levee - Drainageway	Proposed Alternative - Pavement - Sidewalk - Bridge - Retaining Wall - Bus Pull-Off Location - Bus Shelter		Drive to Prosperity: Manufacturing Drive/Bluff Boulevard Reconstruction Environmental Features: Sheet 6 of 7
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- Construction Limits - Existing Roadway Right-of-Way - Right-of-Way Acquisition - Temporary Construction Easement - Residential Relocation	- School - Park - Cemetery - Church - Hospital/Urgent Care - REC	- No Access - Historic Wall - Historic Site - Historic District - Stream - Wetland	100 Year Floodplain - Floodway - Area with Reduced Risk Due to Levee - Drainageway	Proposed Alternative - Pavement - Sidewalk - Bridge - Retaining Wall - Bus Pull-Off Location - Bus Shelter	 	Drive to Prosperity: Manufacturing Drive/Bluff Boulevard Reconstruction Environmental Features: Sheet 7 of 7
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APPENDIX C

EARLY COORDINATION

**EARLY AGENCY AND TRIBAL COORDINATION
(EXAMPLE LETTER & RESPONSES)**



Engineering Department
P. O. Box 2958
611 South 3rd Street
Clinton, IA 52733-2958
Phone 563.244.3423
Fax 563.244.3426
www.cityofclintoniowa.us

September 28, 2022

[AGENCY CONTACT
INFORMATION]

Re: Drive to Prosperity Project, Clinton, Iowa – Early Coordination
HDP-1415(634)--71-23 | D-2021 | 2112201450 CoClinton

Dear [AGENCY]:

For the purpose of complying with the National Environmental Policy Act (NEPA), the City of Clinton, in coordination with the Federal Highway Administration and the Iowa Department of Transportation, is initiating early coordination for the Drive to Prosperity project located in Clinton, Iowa (see enclosed Project Limits map). The project includes the reconstruction of Manufacturing Drive, Bluff Boulevard, and a small section of 7th Avenue North between US 30 (i.e., southwestern terminus) and North 4th Street (i.e., northeastern terminus), a distance of approximately 3.9 miles. Manufacturing Drive, Bluff Boulevard, and 7th Avenue North are classified as minor arterials with numerous unsignalized and signalized intersections and driveway access points. Manufacturing Drive is four lanes from US 30 to Valley West Drive (0.45 mile) and two lanes from Valley West Drive to where it turns into Bluff Boulevard (1.14 miles). The two-lane section of Manufacturing Drive includes two bridges that span Mill Creek and Harts Mill Creek. Manufacturing Drive is primarily surrounded by commercial development. Bluff Boulevard is two lanes from Manufacturing Drive to South 14th Street (0.51 mile) and four lanes from South 14th Street to where it turns into 7th Avenue North and transitions back to two lanes at North 5th Street (1.70 miles). From North 5th Street to North 4th Street, 7th Avenue North is two lanes (0.1 mile). Bluff Boulevard and 7th Avenue North are primarily surrounded by residential development.

The proposed improvements include converting the roadways to two lanes with raised concrete medians, middle turn lanes, left turn lanes, sidewalks on both sides of the road, and roundabouts, where appropriate. From the beginning of 7th Avenue North to North 5th Street, the roadway improvements will transition back to the existing roadway configuration. From North 5th Street to North 4th Street, the pavement along the two-lane section of 7th Avenue North will be replaced. The project also includes the replacement of the bridges on Manufacturing Drive over Mill Creek and Harts Mill Creek.

As a part of early coordination, we are soliciting comments from your agency regarding the proposed project as it relates to your agency's area of expertise. The comments and material you supply will be used to determine if the proposed improvements may have impacts that warrant further consideration and are consistent with future long-term development plans within the study corridor. Your comments will be incorporated into the environmental planning process and the NEPA document as appropriate.

The enclosed Project Limits map and the project description provided above should help you understand the nature of the project and help you determine the location of the proposed roadway improvement. To remain on schedule a response would be appreciated within 30 days of receipt of this letter. If you have any questions about the project please contact Jason Craft, PE at 563-242-2144 or by email at jasoncraft@cityofclintoniowa.us.

Sincerely,



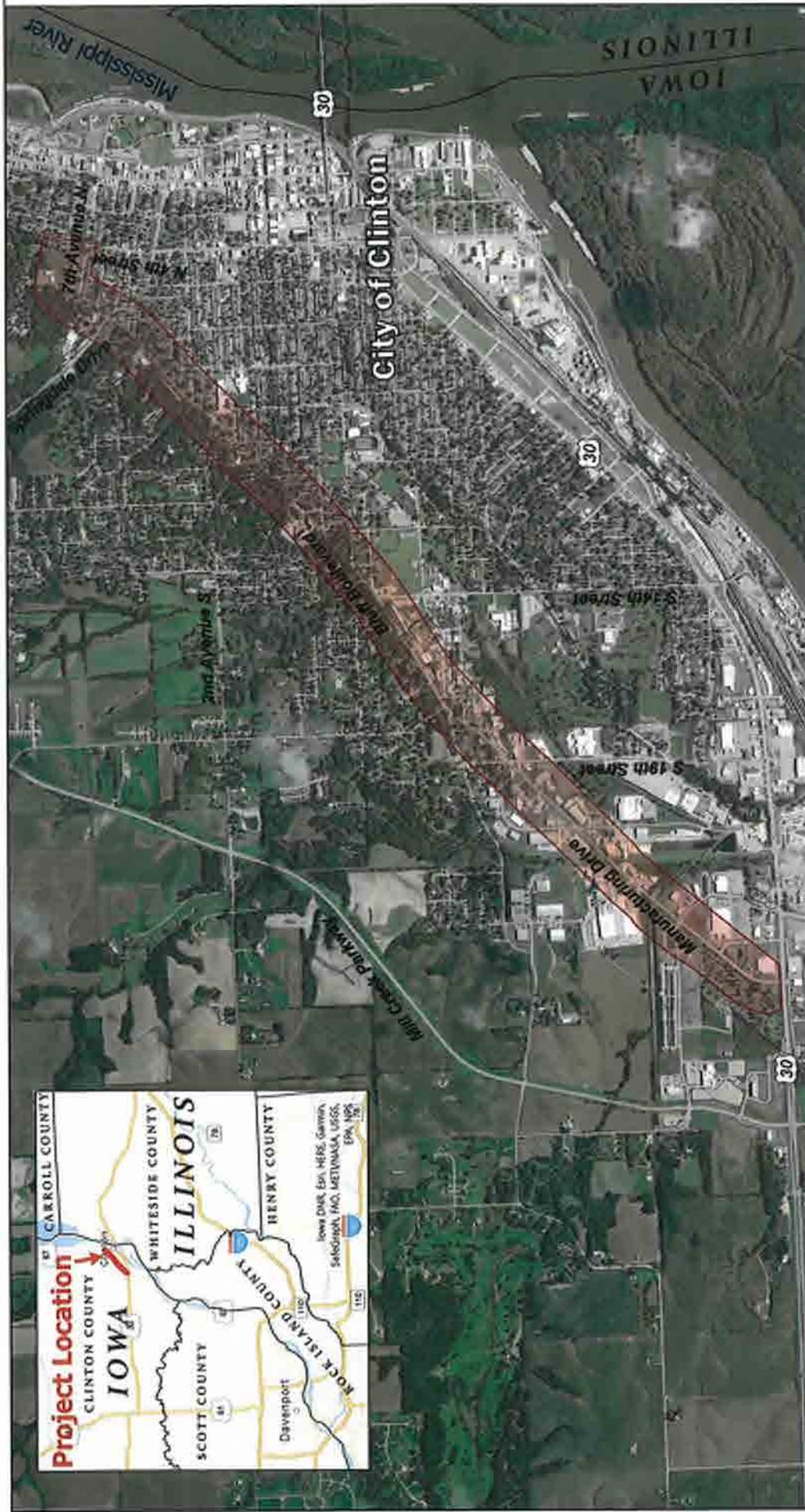
Jason Craft, PE
City Engineer
City of Clinton

Enclosure:

Map of Project Limits

cc:

Madeline Schmitt, Iowa DOT
Brennan Dolan, Iowa DOT
Mike LaPietra, FHWA



 Project Study Area



Date: August 2022

**Drive to Prosperity
Manufacturing Dr./Bluff Blvd. Reconstruction
Project Study Area**



October 11, 2022

Mr. Jason Craft, PE
City of Clinton
PO Box 2958
611 South 3rd Street
Clinton, IA 52733-2958
jasoncraft@cityofclintoniowa.us

RE: Drive to Prosperity Project, Clinton, Iowa – Early Coordination
HDP-1415(634)—71-23 | D-2021 | 2112201450 CoClinton
Clinton County, Iowa

Dear Mr. Craft:

This letter is in response to your September 28, 2022 letter concerning the Drive to Prosperity Project located in Clinton, Iowa. Thank you for requesting information regarding Section 401 Water Quality Certification (401).

Once you apply for permit from the Corps of Engineers (Corps) and Iowa DNR, the Corps will inform you what type of permit will be required from them. If this project can be authorized by the Corps using a nationwide permit or a regional general permit, you will not need an individual 401 because those general permits have already been granted the 401. However, if you require an individual Section 404 Permit from the Corps (as well as an individual 401 from the Iowa DNR) for the project, you will need to request a Pre-filing meeting from the Iowa DNR using the attached form. I am sending both a Word version and a fillable pdf. Please use whichever one seems easier for you. The information on page 1 of the form will be filled out and submitted. The form has instructions to help with filling it out.

If you have any questions, please contact me at the address shown below or call (515) 725-8399.

Sincerely,

**Christine
Schwake**

Digitally signed by
Christine Schwake
Date: 2022.10.11
09:44:23 -05'00'

Christine Schwake
Environmental Specialist

Enclosure: Section 401 Water Quality Pre-Filing and Certification Request Form

Iowa Department of Natural Resources

Section 401 Water Quality Pre-Filing Meeting and Certification Request Form

1. Type of Request: ☐ Pre-Filing Meeting Request ☐ Certification Request

2a. Property Owner/Project Proponent (aka Applicant) Name: _____

Company Name (if applicable): _____

Mailing Address: _____

Email Address: _____

Phone numbers (with area code): Home: _____ Cell: _____ Business: _____

2b. Authorized Agent's Name (if applicable): _____

Company Name: _____

Mailing Address: _____

Email Address: _____

Phone numbers (with area code): Business: _____ Cell: _____

3. Identify the Proposed Project:

4. Federal Permit / License Requiring Section 401 Water Quality Certificate and its Project Number*

Permit/License Number: _____ Federal Agency: ☐ Corps of Engineers ☐ FERC

☐ Other: _____

*A copy of the federal permit or license application is **required** to be submitted with a certification request.

5. Project Location: Section: _____ Township: _____ Range: _____

County: _____ Latitude: _____ Longitude: _____

Receiving Water(s): _____

Discharge: _____

FOR PRE-FILING MEETING REQUEST ONLY

6. Pre-filing Meeting Request Verification:

I certify that I have read and understand the following statements per the Clean Water Act Section 401 Certification Rule:

- Submission of this form completes the requirement of the pre-filing meeting request.
- I cannot submit my certification request until at least 30 calendar days after submitting this pre-filing meeting request. This request must be signed by the Property Owner/Applicant and the Authorized Agent, if applicable.

Property Owner/Applicant's Name (printed): _____

Property Owner/Applicant's Signature: _____ Date: _____

If applicable: Authorized Agent's Name (printed): _____

Authorized Agent's Signature: _____ Date: _____

FOR CERTIFICATION REQUEST ONLY

7. Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge. (Please provide a description of the best management practices you will use to protect water quality as well as any methods and means proposed to monitor the discharge/equipment or measures planned to treat or control the discharge.)

8. List all other federal (not listed in #4), interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received:

Agency	Type of Authorization	Agency Number	Date Applied	Date Approved	Date Denied

9. Date Pre-filing Meeting Request was submitted _____ ☐ Attach documentation of request

10. Certification Request Verification

This request is hereby made for the activities described herein. I hereby certify that all information contained herein is true, accurate, and complete to the best of my knowledge and belief. I further certify that I possess the authority to undertake the proposed activities. I hereby request that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time. This application must be signed by the Property Owner/Applicant and the Authorized Agent, if applicable.

Property Owner/Applicant's Name (printed): _____

Property Owner/Applicant's Signature: _____ Date: _____

If applicable: Authorized Agent's Name (printed): _____

Authorized Agent's Signature: _____ Date: _____

Water Quality Pre-filing Meeting Request and Certification Request Form

Instructions

This form should only be completed and submitted if your project requires one of the following:

- ☐ Corps of Engineers (Corps) standard/individual Section 404 permit;
- ☐ Corps Section 404 nationwide or regional permit where the Corps waives a limit;
- ☐ Corps Section 404 nationwide or regional permit on an [Outstanding Iowa Water](#);
- ☐ Federal Energy Regulatory Commission license; or
- ☐ Other federal permit or license requiring a Section 401 Water Quality Certification.

Federal regulation [40 CFR 121.4](#) requires the applicant to submit a pre-filing meeting request before filing a certification request. More information may be viewed on the [U.S. EPA Overview of §401 Certification](#) website.

The following is a guide for completing the Department of Natural Resources' (DNR) pre-filing meeting request and certification request form. The information is required, and if not filled out completely, the request may be determined to be incomplete. If additional space is needed for any item on the form, attach additional page(s) as necessary. Please note that DNR may request additional information if it is needed to prepare the §401 Water Quality Certification (certification).

1. Check the appropriate box for whether the request is a pre-filing meeting request or a certification request.

IMPORTANT NOTE: A certification request form may not be submitted until at least 30 days have passed since the "Pre-filing Meeting Request" was submitted to the DNR. It is important to only submit the certification request when you are certain that the project will not change due to comments received during all required public notice periods.

2a. Property Owner/Project Proponent (aka Applicant) Name. Enter the name, primary residence mailing address, email address, and phone number(s) of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer. If there is more than one party, please attach a sheet with the necessary information. Please note that the Project Proponent means the applicant for a license or permit or the entity seeking certification.

2b. Authorized Agent's Name. If applicable, indicate the name of the individual or agency, designated by you, to represent you in this process. An authorized agent (agent) can be an attorney, builder, contractor, engineer, or any other person or organization. Please provide the agent's complete mailing address, email, and telephone number where the agent can be reached during normal business hours. **Note: An agent is not required.**

3. Identify the Proposed Project. Please provide a name and description identifying the proposed project, (examples: Smith Lake shoreline stabilization, U.S. 66 Mississippi River Bridge replacement, utility line replacement, or Wallace Building rain garden). Proposed project means the activity or facility for which the project proponent has applied for a federal license or permit.

4. Federal Permit / License Requiring Section 401 Water Quality Certificate and its Project Number. Certification is required for any federal license or permit that authorizes an activity that may result in a discharge to a water of the United States. The federal agency can tell you what their identification number is for your project. Please check the appropriate box to indicate the federal agency. **Important:** A copy of the federal permit or license application is **required** to be submitted with this certification request. For the Corps of Engineers Section 404 permits, DNR Flood Plain, and Sovereign Lands permits, the application form can be found and filled out at: <https://www.iowadnr.gov/environmental-protection/land-quality/flood-plain-management/flood-plain-dev-permits>.

Examples: Corps of Engineers NWP 27 #2020-0830
Corps of Engineers RP 33 #2020-1609
Corps of Engineers IP #2020-0361
FERC Hydropower #11530

5. Project Location: The location should be provided as the section, township, range and county that the project is located in. This information can be located using the following websites: <https://www.arcgis.com/home/webmap/viewer.html?url=https://programs.iowadnr.gov/geospatial/rest/services/tools/plssLocator/MapServer>, <http://ortho.gis.iastate.edu/>, or <http://www.topozone.com/>. Provide latitude and longitude in decimal degrees with four decimal places, example: latitude: 41.5919, longitude: -93.6061. Use www.latlong.net if needed for finding latitude/longitude. Please provide the name of the water body (water bodies) receiving the discharge. For minor streams with no official name, you can use “unnamed stream”.

Receiving Water(s): This is the name of the water body (or water bodies) that will be affected by the project (e.g., rivers, streams, and/or wetlands).

Discharge: A discharge is any material entering the water (e.g., riprap, bridge piers, culvert, utility lines, fill material, dredged material, chemicals, etc.).

6. (For pre-filing meeting request only) Pre-filing Meeting Request Verification. By signing the form, you must agree with everything stated in this section. The signature of the property owner/project proponent is required. If you are working with an authorized agent, their signature is also required.

7. (For certification request only) Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge. Please provide a description of the best management practices you will use to protect water quality as well as any methods and means proposed to monitor the discharge/equipment or measures planned to treat or control the discharge (e.g., silt fences will be installed to prevent sediment entering the water body, all equipment will be cleaned prior to construction, equipment will be checked regularly to ensure oil, gas, or other material do not enter the water body).

8. (For certification request only) List all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received. Typical authorizations include DNR Flood Plain, DNR Sovereign Lands, DNR NPDES Storm Water, and zoning permits. Examples:

Agency	Type of Authorization	Agency Number	Date Applied	Date Approved	Date Denied
Storm Lake	Dock permit	#123	4/15/2021	7/28/2021	
DNR	Flood Plain	2020-0517	6/15/2021	10/8/2021	
DNR	Sovereign Lands	2020-0517	6/15/2021		7/2/2021
DNR	NPDES	3500901	2/14/2021	5/20/2021	

9. (For certification request only) Date Pre-filing Meeting Request was submitted. List the date and include documentation (e.g., copy of email) that a pre-filing meeting request was submitted to the DNR.

10. (For certification request only) Certification Request Verification. By signing the form, you must agree with everything stated in this section. The signature of the property owner/project proponent is required. If you are working with an authorized agent, their signature is also required.

Submit **pre-filing meeting request or certification request and attachments** by email to Section401WQC@dnr.iowa.gov

Note: Certification requests must also be sent to the Federal Agency (i.e., Corps, FERC, etc.) at the same time. For the Rock Island District Corps, send to the Corps project manager or to iowaregulatory@usace.army.mil. For the Omaha District Corps, send to the Corps project manager or to NE404Reg@usace.army.mil.

Contact Section 401 Water Quality Certification at the DNR with any questions:

Section401WQC@dnr.iowa.gov; 515-725-8399

Iowa DNR, Attn: Section 401 Water Quality Certification, 502 E. 9th St, Des Moines IA 50319

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District

1222 Spruce Street, Room 2.102D
St. Louis, MO 63103
Staff Symbol: (dwb)
Phone: (314) 269-2434
Email: allan.o.monterroza@uscg.mil

16211
October 14, 2022

Engineering Department
Attn: Mr. Jason Craft, City Engineer
City Hall, 611 So. 3rd St.
PO Box 2958
Clinton, IA 52733-2958

Subj: DRIVE TO PROSPERITY PROJECT, IOWA – HDP – 1415(634)-71.23, D-2021
2112201450 CoCLINTON

Dear Mr. Craft:

This is in response to your letter dated September 27, 2022 and corresponding information requesting whether the Coast Guard will require a permit and navigational lighting for the referenced bridge projects. We have examined the proposed project areas with regard to their status as a navigable water of the United States for purposes of Coast Guard bridge jurisdiction.

Our examination indicates that there is no sufficient factual support for concluding that Mill Creek and Harts Mill Creek, at the project locations, have current or historic navigation occurring on these waterways. Since this is the case, a Coast Guard bridge permit or exemption will not be required for the referenced bridge projects.

In consideration of the uses of the waterways, bridge lighting is not required.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric A. Washburn", with a long, sweeping horizontal line extending to the right.

ERIC A. WASHBURN
Bridge Supervisor, Western Rivers
By direction of the District Commander

November 7, 2022

Iowa DOT Project: HDP-1415(634)--71-23

[TRIBE CONTACT
INFORMATION]

RE: **Drive to Prosperity**; Early coordination, City of Clinton, Clinton County, Iowa

Dear [TRIBE]:

Consultation works best when it starts early. This is an initiation letter for the purpose of early consultation for the above referenced project. The project proposes reconstructing Manufacturing Drive, Bluff Boulevard, and a small section of 7th Avenue North and replacing the bridges along Manufacturing Drive over Mill Creek (23-00198) and Harts Mill Creek (23-00197). The concepts include converting the roadways to two lanes, adding sidewalks on both sides of the road, and adding roundabouts where appropriate. It is unknown at this time how much right-of-way will be needed. See the enclosed map for details. At this early juncture [36 CFR 800.1(a)], no Area of Potential Effects has been defined for this proposed project. As part of this coordination effort, we are requesting your comments regarding any concerns you have that this project could impact any sites of religious or cultural significance to your tribe. The enclosed excerpts are intended to supplement your review of this undertaking by helping describe what has been found. As always if you would like additional information about this project just let me know.

Enclosed with this package is a postage-paid notification form that you may use, if you wish, to return comments about the project. Please feel free to call me at (515) 233-7819 or jeff.bacon@iowadot.us if you have any questions. If you wish to contact a representative of the U.S. government, call Mr. Michael LaPietra, Federal Highway Administration, Iowa Division, at (515) 233-7302.

Sincerely,



Jeff Bacon, RPA 4798
Cultural Resources Manager/Archaeologist



Form 536002 04/15

Tribal Notification Form

To: [TRIBE]

Date 11/07/2022 IA DOT contact Jeff Bacon

IADOT project # HDP-1415(634)--71-23 Phone # 515-233-7819

Location City of Clinton, Clinton County, Iowa E-mail jeff.bacon@iowadot.us

Description Drive to Prosperity Project - Reconstruction of Manufacturing Drive and Bluff Boulevard (3.9 miles)

Type of Project (see map)

X VERY SMALL - Disturb less than 12-inch depth (*plow zone*) LARGE - Improve existing road from 2 lanes to 4 lanes

X SMALL - Grading on existing road, shouldering, ditching, etc. LARGE - New alignment

X SMALL - Bridge or culvert replacement X OTHER

Type of Coordination/Consultation Points

X 1 - Early project notification (*project map and description*) 3 - Consultation regarding site treatment

2 - Notification of survey findings (*Phase I*) 4 - Data Recovery Report

2a - Notification of site evaluation (*Phase II*) 5 - Other

Type of Findings

No American Indian archaeology site(s) found Potentially significant American Indian archaeology sites found
--Section 106 Consultation Process ends* (*see map and list of sites*)

American Indian archaeology sites found but not eligible for National Register American Indian archaeology sites eligible for National Register listing cannot be avoided (*see map*)

Avoided American Indian archaeology sites eligible for National Register listing Burial site found
(*see map and list of sites*)

--Section 106 Consultation Process may or may not end

* In the event of a late discovery, consultation will be reopened

0 # of non-significant prehistoric archaeology sites

0 # of potentially significant prehistoric archaeology sites

0 # of National Register-eligible prehistoric archaeology sites

Affected National Register Properties

X Investigating avoidance or minimizing harm options Protected

Avoided National Register Evaluation

*******Please Respond*******

Who should we contact for site/project-related discussions?

Name _____ Street Address _____ City, Zip Code _____

Phone _____ E-mail _____

Do you know of any sensitive areas within or near the project the FHWA/DOT should avoid (*please describe*)?

- ☐ Thank you for the information; however, we do not need to consult on this particular project. ☐ Thank you for the information. We are satisfied with the planned site treatment.
- ☐ We have no objections at this time, but request continued notification on this project. ☐ We have concerns and wish to consult.
- ☐ Please send a copy of the archaeology report. ☐ We wish to participate in the Memorandum of Agreement for this project.

Comments

Name _____ Tribe or Nation _____ Date _____

(Comments continued on back)

Additional Comments _____

Fold first

(TAPE--Do NOT Staple.)

(TAPE--Do NOT Staple.)

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IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

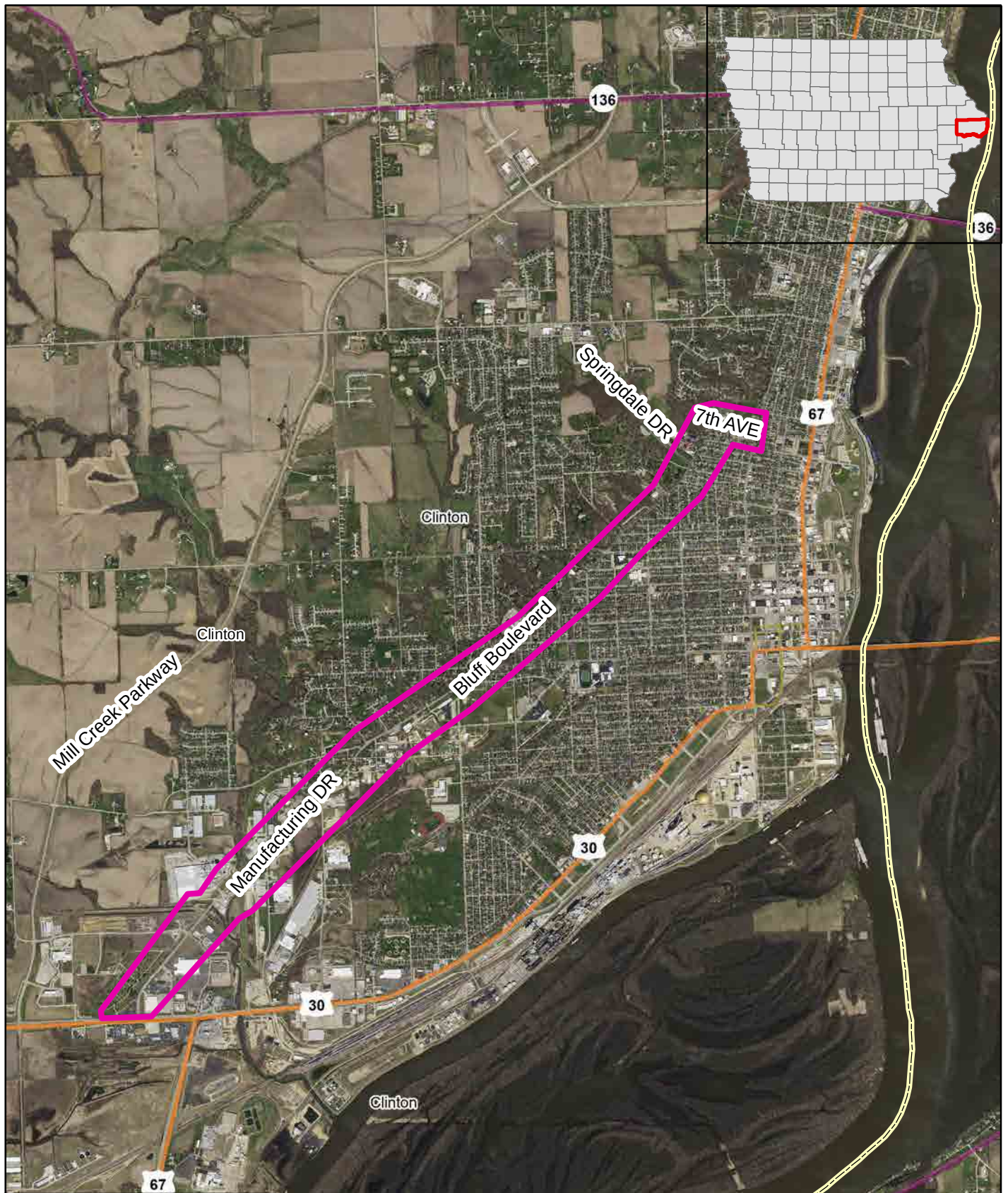
FIRST-CLASS MAIL PERMIT NO. 651 AMES, IA.

POSTAGE WILL BE PAID BY ADDRESSEE

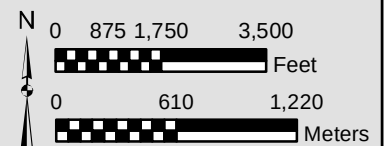
OFFICE OF LOCATION AND ENVIRONMENT
CULTURAL RESOURCES SECTION
IOWA DEPARTMENT OF TRANSPORTATION
800 LINCOLN WAY
AMES IA 50010-9902



Fold last



City of Clinton
Project Study Area





Form 536002 04/15

Tribal Notification Form
To: Prairie Band Potawatomi Nation

Date 11/07/2022 IA DOT contact Jeff Bacon
IADOT project # HDP-1415(634)--71-23 Phone # 515-233-7819
Location City of Clinton, Clinton County, Iowa E-mail jeff.bacon@iowadot.us
Description Drive to Prosperity Project - Reconstruction of Manufacturing Drive and Bluff Boulevard (3.9 miles)

Type of Project (see map)

- | | |
|---|--|
| ☒ VERY SMALL - Disturb less than 12-inch depth (<i>plow zone</i>) | ☐ LARGE - Improve existing road from 2 lanes to 4 lanes |
| ☒ SMALL - Grading on existing road, shouldering, ditching, etc. | ☐ LARGE - New alignment |
| ☒ SMALL - Bridge or culvert replacement | ☒ OTHER |

Type of Coordination/Consultation Points

- | | |
|---|--|
| ☒ 1 - Early project notification (<i>project map and description</i>) | ☐ 3 - Consultation regarding site treatment |
| ☐ 2 - Notification of survey findings (<i>Phase I</i>) | ☐ 4 - Data Recovery Report |
| ☐ 2a - Notification of site evaluation (<i>Phase II</i>) | ☐ 5 - Other |

Type of Findings

- | | |
|---|---|
| No American Indian archaeology site(s) found
--Section 106 Consultation Process ends* | Potentially significant American Indian archaeology sites found
(<i>see map and list of sites</i>) |
| American Indian archaeology sites found but not eligible for National Register listing -- Section 106 Consultation Process ends* | American Indian archaeology sites eligible for National Register listing cannot be avoided (<i>see map</i>) |
| Avoided American Indian archaeology sites eligible for National Register listing
(<i>see map and list of sites</i>)
--Section 106 Consultation Process may or may not end | Burial site found |

* In the event of a late discovery, consultation will be reopened

- | | |
|----------|---|
| <u>0</u> | # of non-significant prehistoric archaeology sites |
| <u>0</u> | # of potentially significant prehistoric archaeology sites |
| <u>0</u> | # of National Register-eligible prehistoric archaeology sites |

Affected National Register Properties

- | | |
|--|------------------------------|
| ☒ Investigating avoidance or minimizing harm options | Protected |
| Avoided | National Register Evaluation |

*****Please Respond*****

Who should we contact for site/project-related discussions?

<u>Tara Mitchell</u>	<u>16281 Q rd</u>	<u>Mayetta KS 66509</u>
Name	Street Address	City, Zip Code
<u>7859663984</u>		<u>tara.mitchell@pbpnation.org</u>
Phone		E-mail

Do you know of any sensitive areas within or near the project the FHWA/DOT should avoid (*please describe*)?

- | | |
|---|---|
| ☐ Thank you for the information; however, we do not need to consult on this particular project. | ☐ Thank you for the information. We are satisfied with the planned site treatment. |
| ☒ We have no objections at this time, but request continued notification on this project. | ☐ We have concerns and wish to consult. |
| ☐ Please send a copy of the archaeology report. | ☐ We wish to participate in the Memorandum of Agreement for this project. |

Comments

<u>Tara Mitchell</u>	<u>Prairie Band Potawatomi</u>	<u>5-11-23</u>
Name	Tribe or Nation	Date

(Comments continued on back)

SECTION 4(f) COORDINATION

From: [Grayburn, Cory \[US-US\]](#)
To: joshuaegggers@cityofclintoniowa.us
Cc: jasoncraft@cityofclintoniowa.us; [Justin H. Campbell](#)
Subject: Drive to Prosperity Project (HDP-1415(634)--71-23) - Neubauer Park Section 4(f) Determination
Date: Wednesday, September 20, 2023 8:24:00 AM
Attachments: [Neubauer Park09_19.pdf](#)
[image001.png](#)

Dear Mr. Eggers,

This email and your response is part of the Section 4(f) determination process for the City of Clinton's Drive to Prosperity: Manufacturing Drive and Bluff Boulevard Reconstruction Project and its potential effect on Neubauer Park.

In order to complete the determination, FHWA is gathering input from the official with jurisdiction over the property to establish the function, designation, and significance of Neubauer Park. Please answer the following questions about the property:

- Do you have jurisdiction over the property?
- What is the official designation or classification of the property?
- What is the primary function of use of the property?
- Are there any secondary functions to the property?
- Is the property open to the public?
- Is the property considered significant or important for its use? If not, why?

Additionally, FHWA is currently in the process of determining the potential use of land from Section 4(f) properties as a result of the project and is seeking your input. As part of the project, a new 8-foot sidewalk would be constructed along Bluff Boulevard directly adjacent to Neubauer Park. While the proposed sidewalk would be located within the existing Bluff Boulevard right-of-way, it would require modified connections to the existing sidewalks along 7th Avenue S and Douglas Court on the southern and northern sides of the park, respectively, in compliance with the Americans with Disabilities Act (ADA). Both intersections would be realigned as part of the project. The revised sidewalk connections and associated ADA-accessible ramps would be required to maintain safe sidewalk connectivity along the entire corridor and would encroach into park property. The project is anticipated to potentially impact approximately 0.01 acre of Neubauer Park at these intersections, converting two small grassy areas abutting the existing sidewalk to transportation right-of-way, which would represent a permanent use of the park property. It is anticipated that the proposed sidewalk connections would be similar in nature and size to the existing connections. The attached figure shows the project's potential impacts to Neubauer Park.

The information you provide will help FHWA make a Section 4(f) applicability determination and whether the project would result in a *de minimis* impact to Neubauer Park, which would involve the use of a Section 4(f) property that is generally minor in nature. In your response, please provide any input regarding the proposed project's potential effects on the activities, features, or attributes of Neubauer Park.

A *de minimis* impact determination requires coordination with the officials having jurisdiction over

the Section 4(f) property and opportunities for public involvement. FHWA will not make an official determination of the use of any Section 4(f) property until after the public hearing is held for the project and the public and agencies are afforded the opportunity to review and comment.

If you would like to know the results of the determination, please indicate so in the response. FHWA has a website for additional questions on Section 4(f): [Section 4\(f\) \(dot.gov\)](https://www.section4f.dot.gov). If you have any questions or comments, please let me know. I can be contacted at Cory.Grayburn@parsons.com or (724) 612-3950.

Thank you,

Cory



From: [Grayburn, Cory \[US-US\]](#)
To: joshuaegggers@cityofclintoniowa.us
Cc: [Justin H. Campbell](#); jasoncraft@cityofclintoniowa.us
Subject: Drive to Prosperity Project (HDP-1415(634)--71-23) - George Morris Park Section 4(f) Determination
Date: Wednesday, September 20, 2023 8:27:00 AM
Attachments: [George Morris Park09_15.pdf](#)
[image001.png](#)

Dear Mr. Eggers,

This email and your response is part of the Section 4(f) determination process for the City of Clinton's Drive to Prosperity: Manufacturing Drive and Bluff Boulevard Reconstruction Project and its potential effect on George Morris Park.

In order to complete the determination, FHWA is gathering input from the official with jurisdiction over the property to establish the function, designation, and significance of George Morris Park. Please answer the following questions about the property:

- Do you have jurisdiction over the property?
- What is the official designation or classification of the property?
- What is the primary function of use of the property?
- Are there any secondary functions to the property?
- Is the property open to the public?
- Is the property considered significant or important for its use? If not, why?

Additionally, FHWA is currently in the process of determining the potential use of land from Section 4(f) properties as a result of the project and is seeking your input. The project would install a roundabout at the existing intersection of Bluff Boulevard and S 14th Street adjacent to the gravel parking lot next to the baseball diamond and shelter in the northwest corner of George Morris Park. The attached figure shows the project's proposed roundabout near George Morris Park. All project activities would stay within the existing S 14th Street right-of-way. There would be no permanent use, temporary occupancy, or constructive use of the George Morris Park property. In addition, the existing access to the park from S 14th Street would be maintained during and after construction.

The information you provide will help FHWA make a Section 4(f) applicability determination and whether the project would result in a *de minimis* impact to George Morris Park, which would involve the use of a Section 4(f) property that is generally minor in nature. In your response, please provide any input regarding the proposed project's potential effects on the activities, features, or attributes of George Morris Park.

A *de minimis* impact determination requires coordination with the officials having jurisdiction over the Section 4(f) property and opportunities for public involvement. FHWA will not make an official determination of the use of any Section 4(f) property until after the public hearing is held for the project and the public and agencies are afforded the opportunity to review and comment.

If you would like to know the results of the determination, please indicate so in the response. FHWA has a website for additional questions on Section 4(f): [Section 4\(f\) \(dot.gov\)](#). If you have any questions or comments on the above questions or the project, please let me know. I can be contacted at Cory.Grayburn@parsons.com or (724) 612-3950.

Thank you,

Cory



From: [Joshua Eggers](#)
To: [Grayburn, Cory \[US-US\]](#)
Cc: [Jason Craft](#)
Subject: [EXTERNAL] Neubauer Park Inquiry
Date: Thursday, September 28, 2023 11:52:55 AM

Dear Mr. Eggers,

This email and your response is part of the Section 4(f) determination process for the City of Clinton's Drive to Prosperity: Manufacturing Drive and Bluff Boulevard Reconstruction Project and its potential effect on Neubauer Park.

In order to complete the determination, FHWA is gathering input from the official with jurisdiction over the property to establish the function, designation, and significance of Neubauer Park. Please answer the following questions about the property:

- Do you have jurisdiction over the property? **YES**
- What is the official designation or classification of the property? **MUNICIPAL CITY PARK**
- What is the primary function of use of the property? **PUBLIC USE PLAYGROUND/GATHERING SPACE**
- Are there any secondary functions to the property? **NOT AT THIS TIME**
- Is the property open to the public? **YES**
- Is the property considered significant or important for its use? If not, why? **IMPORTANT IN THAT IT MEETS TO PUBLIC PARKS SPACE NEEDS IN THAT PARTICULAR AREA**

Additionally, FHWA is currently in the process of determining the potential use of land from Section 4(f) properties as a result of the project and is seeking your input. As part of the project, a new 8-foot sidewalk would be constructed along Bluff Boulevard directly adjacent to Neubauer Park. While the proposed sidewalk would be located within the existing Bluff Boulevard right-of-way, it would require modified connections to the existing sidewalks along 7th Avenue S and Douglas Court on the southern and northern sides of the park, respectively, in compliance with the Americans with Disabilities Act (ADA). Both intersections would be realigned as part of the project. The revised sidewalk connections and associated ADA-accessible ramps would be required to maintain safe sidewalk connectivity along the entire corridor and would encroach into park property. The project is anticipated to potentially impact approximately 0.01 acre of Neubauer Park at these intersections, converting two small grassy areas abutting the existing sidewalk to transportation right-of-way, which would represent a permanent use of the park property. It is anticipated that the proposed sidewalk connections would be similar in nature and size to the existing connections. The attached figure shows the project's potential impacts to Neubauer Park. **I SEE NO ISSUE WITH THIS. APPEARS TO HAVE NO IMPACT ON THE FUNCTION OF THE PARK OR ITS EXISTING AMENITIES WITH ONLY MINOR CHANGES TO THE SIDEWALKS.**

The information you provide will help FHWA make a Section 4(f) applicability determination and whether the project would result in a *de minimis* impact to Neubauer Park, which would involve the use of a Section 4(f) property that is generally minor in nature. In your response, please provide any input regarding the proposed project's potential effects on the activities, features, or attributes of

Neubauer Park.

A *de minimis* impact determination requires coordination with the officials having jurisdiction over the Section 4(f) property and opportunities for public involvement. FHWA will not make an official determination of the use of any Section 4(f) property until after the public hearing is held for the project and the public and agencies are afforded the opportunity to review and comment.

If you would like to know the results of the determination, please indicate so in the response. FHWA has a website for additional questions on Section 4(f): [Section 4\(f\) \(dot.gov\)](https://section4(f).dot.gov) [\[environment.fhwa.dot.gov\]](https://environment.fhwa.dot.gov). If you have any questions or comments, please let me know. I can be contacted at Cory.Grayburn@parsons.com or (724) 612-3950.

Disclaimer

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SHPO COORDINATION

September 18, 2023

Ref. HDP-1415(634)--71-23

HDP-1415(637)--71-23

HDP-1415(638)--71-23

Local Systems

Clinton County

Iowa SHPO R&C: 20210223144

Mr. Dan Higginbottom
Ms. Sara André
State Historic Preservation Office
600 East Locust
Des Moines, Iowa 50319

RE: Multiple Resource Investigations for Project HDP-1415(634, 637,638)--71-23, reconstruction of Manufacturing Drive and Bluff Boulevard in the City of Clinton , Clinton County, Iowa; **No Adverse Effect**

Dear Dan and Sara,

As you will note this is a rather large submittal, which is reflective of the complexity of this undertaking. Your office first received information about a non-federal aid portion of this project back in February of 2021 (Manufacturing Drive). In early 2022 this project was awarded federal funding and expanded substantially (Bluff Boulevard). As a result of that connectivity and to avoid project segmentation the Iowa DOT recommended to the City of Clinton that the various projects be combined, and Iowa Division FHWA concurred with that recommendation. Additionally, we should note that combined effort is known locally as the Drive to Prosperity. You will note that the package of cultural resources investigations provided in this submittal are identified based on the early divisions of the project, and date from June of 2020 through September of 2023. We have done our best to provide as much clarity as possible to this complex project development process and importantly to your review. We can certainly understand that you might have questions, and we welcome you to reach out if you do. We would be happy to meet if you have questions.

Enclosed for your review and comment are seven investigations, they are listed in Table 1 below.

Table 1 – Project Investigations

Report Number	Title	Author(s)	Consultant	Date
112a	Intensive Phase I Archaeological Investigations for Proposed Manufacturing Drive Improvements, City of Clinton, Clinton County, Iowa	Scott, Artz & Kettler	Impact 7G	June 2020
112b	Architectural Reconnaissance Survey for Manufacturing Drive Improvements, City of Clinton, Clinton County, Iowa	Scott & Lindeen	Impact 7G	June 2020
112c	Supplemental Phase I Archaeological Resources Inventory for the Proposed Manufacturing Drive Improvements, City of Clinton, Clinton County, Iowa	Munson & Allen	Impact 7G	July 2023
TA22-841-1	Phase I Intensive Archaeological Investigation for Bluff Blvd Project from College Ave to 7 th Ave, City of Clinton, Clinton County, Iowa	Moe, Rogers & Nagel	Tallgrass Archaeology	October 2022
TA22-841-2	Reconnaissance & Intensive-Level Historical/Architectural Survey of the Bluff Blvd. Reconstruction Project Area within the City of Clinton, Clinton County, Iowa	Werner & Nagel	Tallgrass Archaeology	November 2022
TA22-841-3	Intensive-Level Historical/Architectural Survey and Evaluation of the Bluff Blvd Improvement Corridor, City of Clinton, Clinton County	Werner, Noble & Thomas	Tallgrass Archaeology	June 2023

TA23-912	Supplemental Phase I Intensive Archaeological Investigation for Bluff Boulevard Project from College Avenue to 4th Street, City of Clinton, Clinton County, Iowa	Moe	Tallgrass Archaeology	September 2023
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In the spirit of simplicity, we are providing the following summaries consistent with the two divisions of the project with the goal of making your reviews more efficient.

Manufacturing Drive

The cultural resources investigations along Manufacturing Drive division of this project were completed by Impact 7g and some have been previously reviewed by Iowa SHPO. These archaeological studies reviewed a cumulative 42.7 acres (17.3 ha). As you will read investigation methods included archival and site records researches, a soils and geomorphology assessment, pedestrian survey, extraction of soil probes, and shovel testing. Two previously unrecorded archaeological sites were identified as a result of this field effort (13CN210 and 13CN211), neither are recommended for avoidance or additional work.

The architectural reconnaissance consisted of brief context development, site records review, assessment of historic data, field review and completion of Iowa Site Inventory forms. This reconnaissance study did find the Brian and Debra Johnson House (23-02031) eligible for nomination to the National Register (Criterion C). Additionally, the Clinton Lawn Cemetery (23-01862) has been recommended for avoidance.

Table 2 below provides a summary of the recommendations provided for the Manufacturing Drive division of this project.

Table 2 – Properties Along Manufacturing Drive

Site Number / Inventory Number	Site Type	Eligibility	Recommendation	Project Notes
13CN210	Building / Structural Remains	Not Eligible	No Further Work	N/A
13CN211	Building / Structural Remains	Not Eligible	No Further Work	N/A
23-01862 Clinton Lawn Cemetery	Historic	Not Eligible – Burials “very close”	Avoidance	“Restricted Area – No Access” on project plans
(23-02031 Johnson House) 1734 S Bluff Blvd	Gable Front and Wing	Eligible	Avoidance	Vibration Monitoring – Special Provision

Bluff Boulevard

The cultural resources investigations along the Bluff Boulevard division of this project were completed by Tallgrass Archaeology and have not been previously reviewed by Iowa SHPO.

Table 3 below provides a summary of the recommendations provided for the Bluff Boulevard division of this project. Site 23-00829, the property at 61 Mount Pleasant Park Rd (Mississippi Valley Spiritualist Association), has since been demolished through a previous city-private contractor project not associated with this project. Documentation of this separate project has been supplemented for your review.

Table 3 – Properties Along Bluff B

Site Number / Inventory Number	Site Type	Eligibility	Recommendation	Project Notes
(23-02300) 1702 S Bluff Blvd	Building	Eligible	Avoidance -81ft	"Restricted Area – No Access" on project plans
(23-02290) 1606 S Bluff Blvd	Building	Eligible	Avoidance -91ft	Vibration Monitoring – Special Provision
(23-02282) 1520 S Bluff Blvd	Building	Eligible	Avoidance -80ft	"Restricted Area – No Access" on project plans
(23-00700) 850 S Bluff Blvd	Building	Eligible	Avoidance -54ft	Vibration Monitoring – Special Provision
(23-02267) 821 S Bluff Blvd	Building	Eligible	Avoidance -16ft	"Restricted Area – No Access" on project plans
(23-00866) 705 Terrace Dr	Building	Listed	Avoidance -99ft	"Restricted Area – No Access" on project plans
(23-00865) 707 Terrace Dr	Building	Listed	Avoidance -87ft	"Restricted Area – No Access" on project plans
(23-00867) 711 Terrace Dr	Building	Listed	Avoidance -78ft	"Restricted Area – No Access" on project plans
(23-00868) 715 Terrace Dr	Building	Listed	Avoidance -92ft	"Restricted Area – No Access" on project plans
(23-00870) 719 Terrace Dr	Building	Listed	Avoidance -110ft	"Restricted Area – No Access" on project plans
(23-00975) Castle Terrace Plat Landscape	Site	Listed	Within APE	"Restricted Area – No Access" on project plans; flush cut clearing with no grubbing
(23-00699) 710 S Bluff Blvd	Building	Eligible	Avoidance -121ft	"Restricted Area – No Access" on project plans
(23-00698) 700 S Bluff Blvd	Building, Structure	Eligible	Stone Wall Adjacent to APE	"Restricted Area – No Access" on project plans
(23-02303) 700-701 Thorwaldsen Pl	Structure	Eligible	Within APE	Avoidance; "Restricted Area – No Access" on project plans with vertical restriction no deeper than subgrade
(23-00697) 638 S Bluff Blvd	Building, Structures	Eligible	Avoidance of building – 22ft	Vibration Monitoring – Special Provision
(23-00694) Neubauer Park	Site, Structure	Contributing Resource	Avoidance -67ft	"Restricted Area – No Access" on project plans
(23-02302) Vandeventer Place	Historic District	Eligible	Adjacent to APE	"Restricted Area – No Access" on project plans
(23-02258) 605 S Bluff Blvd	Building	Contributing Resource	Avoidance -46ft	"Restricted Area – No Access" on project plans
(23-02220) 508 Melrose Ct	Building	Contributing Resource	Avoidance -25ft	Vibration Monitoring – Special Provision
(23-02219) 503 Melrose Ct	Buildings	Contributing Resource	Avoidance -42ft	"Restricted Area – No Access" on project plans
(23-02200) 1101 S Ave S	Building	Contributing Resource	Adjacent to APE	"Restricted Area – No Access" on project plans
(23-00765) 503 Kenilworth Ct	Building	Contributing Resource	Avoidance -46ft	"Restricted Area – No Access" on project plans
(23-02199) 1012 S Ave S	Buildings, Structure	Eligible	Avoidance House -68ft, Garage -39ft	Vibration Monitoring – Special Provision
(23-02301) 400-600 S Bluff Blvd	Site-Stone Walls	Eligible	Adjacent to APE	"Restricted Area – No Access" on project plans
(23-00716) 1001 Crescent Dr	Building	Eligible	Avoidance -107ft	"Restricted Area – No Access" on project plans
(23-00696) 325 S Bluff Blvd	Building	Eligible	Avoidance -49ft	"Restricted Area – No Access" on project plans

(23-02083) 308 S Bluff Blvd	Site-Stone Walls	Eligible	Avoidance -9ft	"Restricted Area – No Access" on project plans; tree removal, flush cut with top of wall
(23-02187) 832 3 Ave S	Building	Eligible	Avoidance -17ft	Vibration Monitoring – Special Provision
(23-00829) 61 Mount Pleasant Park Rd (Mississippi Valley Spiritualist Association)	Building	Eligible	N/A	Building no longer present; demolished under private project
(23-02177) 734 1 Ave	Building	Eligible	Avoidance -43ft	"Restricted Area – No Access" on project plans
(23-02081) 263 N Bluff Blvd	Building	Eligible	Avoidance -17ft	"Restricted Area – No Access" on project plans
(23-02082) 244-250 N Bluff Blvd	Historic District	Eligible	Avoidance -6ft	Vibration Monitoring – Special Provision
(23-02084) 750 Springdale Dr	Building, Objects	Contributing Resource	Within APE	Relocate approximately 270-feet northwest of present location
(23-02245) Springdale Cemetery	Historic District	Eligible	Adjacent to APE	"Restricted Area – No Access" on project plans
(23-02190) 550 4 Ave N	Building	Eligible	Avoidance -74ft	"Restricted Area – No Access" on project plans
(23-02238) 411 N Bluff Blvd	Building	Eligible	Avoidance -10ft	Vibration Monitoring – Special Provision
(23-02085) Mount St. Clare Cemetery	Site	Contributing Resource	Avoidance -329ft	Avoided
(23-00693) St. Clare Hall	Building	Contributing Resource	Avoidance -169ft	"Restricted Area – No Access" on project plans
(23-02237) Ladd Science Building	Building	Contributing Resource	Avoidance -75ft	"Restricted Area – No Access" on project plans
(23-02246) Mount St. Clare	Historic District	Eligible	Adjacent to APE	"Restricted Area – No Access" on project plans

August 9, 2023 we met informally with your staff to discuss the design of the roundabout located at the intersection of Bluff Boulevard, the entrance road for Springdale Cemetery, Springdale Drive, and 4th Avenue North. We have attached current plans for the roundabout at this intersection to supplement your review. As we discussed during our meeting, the entrance portal to the Springdale Cemetery is a contributing resource to the Springdale Cemetery Historic District (23-02245). After extensive discussions with the design team on how to best balance the project needs and the spatial conflict with the resource at this intersection, our team has chosen to implement a design for the roundabout that will relocate the contributing resource entrance portal of the Springdale Cemetery. The entrance portal will be relocated approximately 270-feet to the northwest of its present-day location. With this relocated position, the entrance portal would still serve its historical function. With this relocation, both feeling and purpose of its original location will be retained. Importantly, for the integrity of the property as a whole the opposite entrance portal will not be moved. Plans for this relocation have been supplemented to assist your review. Our bureau wants to applaud the design team and the project sponsor for their creative solutions and willingness to balance project needs with cultural resource preservation in such a resource rich area.

In consideration of these investigation and the recommendations provided therein and the design plans supplemented for your review, our bureau has given this project a determination of **No Adverse Effect**. If you agree with these findings and our determination, we ask that you sign the concurrence line noted below and provide any comments you have.

Please feel free to call me at (515) 233-7819 or jeff.bacon@iowadot.us if you have any questions.

Sincerely,



Jeff Bacon, RPA 4798
Cultural Resources Manager/Archaeologist

JSB: enclosures

Cc: Mike LaPietra – Federal Highway Administration
Tribes/Nations – Clinton County
Brennan Dolan – Iowa DOT Cultural Resources
DeeAnn Newell/Pedro Leanos – Iowa DOT NEPA
Christy VanBuskirk – Iowa DOT Local Systems
Jason Craft – City of Clinton
Cindy Nagel – Tallgrass
Gina Munson – Impact 7g
Cory Grayburn – Parsons

Concur: SEE ATTACHED LETTER Date: 10/17/2023
SHPO Archaeologist

Comments:

Concur: SEE ATTACHED LETTER Date: 10/17/2023
SHPO Architectural Historian

Comments:

Bacon, Jeff

From: Sara Andre <sara.andre@iowa.gov>
Sent: Tuesday, October 17, 2023 3:41 PM
To: Bacon, Jeff
Cc: daniel.higginbottom@iowaeda.com; shpo106@iowaeda.com
Subject: R&C 230223125 - FHWA - Clinton - HDP-1415(638)--71-23

CAUTION:

This email originated from outside the Iowa Department of Transportation.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

We have received your submittal for the above referenced federal undertaking. We provide the following response in accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations 36 CFR 800.

Regarding this project, please see the following comments:

R&C 230223125 - FHWA - Clinton - HDP-1415(638)--71-23 - Proposed Reconstruction of Bluff Blvd in the City of Clinton, Clinton County, Iowa

- Concur with the federal agency and/or their designated representative (No Adverse Effect).
- If project plans should change, it may be necessary to re-open Section 106 consultation.

You will not receive a hard copy of this email. It is the submitter's responsibility to maintain the official file of record. If you have any questions or comments, please feel free to contact our office.

Sincerely,

Sara André
Architectural Historian/Historic Preservation Specialist
State Historic Preservation Office
Pronouns: She/Her/Hers
sara.andre@iowaeda.com | +1 (515) 348-6286 | culture.iowaeda.com/shpo

Iowa Economic Development Authority



From: [Bacon, Jeff](#)
To: jasoncraft@cityofclintoniowa.us; [Vanbuskirk, Christy](#); [Albright, Joseph](#); [Grayburn, Cory \[US-US\]](#); [Justin Campbell](#)
Cc: [Dolan, Brennan](#); [Newell, Deeann](#); [Schwake, Christine](#); [Leanos, Pedro](#); [Delury, Celia \[DOT\]](#); [Poole, Angela](#); [Patterson, Brenden \[DOT\]](#); [Bacon, Jeff](#)
Subject: [EXTERNAL] Cultural Resources Clearance Memo, MULTIPLE PROJECTS
Date: Friday, October 20, 2023 1:11:34 PM
Attachments: [image001.png](#)
[image003.png](#)
[HDP-1415\(634, 638\)--71-23_SHPO_Concurrence.pdf](#)
[Multiple Structure Vibration Special Provision 012422.docx](#)

CAUTION: This email originated from outside of Parsons' email system. Do not click any links or open attachments unless you recognize the sender and know the content is safe.

No Adverse Effect

County: **Clinton**

Project Number: **HDP-1415(634)--71-23**

Type: **PCC Pavement - Miscellaneous**

Location: **In the city of Clinton, On Manufacturing Drive and Bluff Boulevard from US Highway 30 to 7th Avenue North**

County: **Clinton**

Project Number: **HDP-1415(637)--71-23**

Type: **PCC Pavement - Grade and Replace**

Location: **In the city of Clinton, On MANUFACTURING DR, from US 30 NE 1.6 miles to College Avenue**

County: **Clinton**

Project Number: **HDP-1415(638)--71-23**

Type: **PCC Pavement - Miscellaneous**

Location: **In the city of Clinton, On South Bluff Boulevard / North Bluff Boulevard, from College Ave NE 2.2 miles to 7th Ave North**

In compliance with Section 106 of the National Historic Preservation Act (NHPA, as amended) and the Statewide Programmatic Agreement (2018, extended in 2023), the above referenced project has been evaluated for effects to cultural resources (NHPA). This project has been given a determination of **No Adverse Effect with conditions**, dated 10/20/2023. PSS and Masterworks have been updated with this clearance.

This evaluation and clearance is for cultural resources (NHPA) impacts only, and is based on information provided in the project concept statement, dated 12/22/2022; design plans, dated 12/22/2022; [CRM 112a: Scott, Artz, & Kettler, 2020; CRM 112b: Scott & Lindeen, 2020; CRM 112c: Munson & Allen, 2023; TA22-841-1: Moe, Rogers & Nagel, 2022; TA22-841-2: Werner & Nagel, 2022; TA22-841-3: Werner, Noble & Thomas, 2023; TA23-912: Moe, 2023]. Attached is the concurrence letter submitted to the State Historic Preservation Officer (SHPO). This clearance is contingent on the following conditions:

- A. 1) The contractor will note the "Restricted Area – No Access"; Restricted Area notes will be located on the C and D Sheets (other Sheets as appropriate). The contractor shall furnish and install orange safety fence according to Article 4188.03 of the Standard Specifications. 2) The contractor shall contact Jeff Bacon (515-233-7819) with the Location and Environment Bureau with questions.

- B. 1) The contractor will note the “Restricted Area – No Access, Vertical Restriction”; Restricted Area notes will be located on the C and D Sheets (other Sheets as appropriate). The contractor shall note within these locations a vertical restriction will be in place as vegetation and trees may be flush cut to the ground level with application of herbicide in spot locations, but no grubbing operations may occur. 2) The contractor shall note within these locations a vertical restriction will be in place as work will not occur deeper than the existing subgrade. 3) The contractor shall contact Jeff Bacon (515-233-7819) with the Location and Environment Bureau with questions.
- C. Contract documents for this project shall include the attached Special Provision (draft attached) that will provide vibration monitoring for the following structures: 1734 S Bluff Blvd, 1606 S Bluff Blvd, 850 S Bluff Blvd, 638 S Bluff Blvd, 508 Melrose Ct, 1012 5 Ave S, 832 3 Ave S, 244-250 N Bluff Blvd, 411 N Bluff Blvd. SP includes the four following major components: 1) A preconstruction survey will be completed to document the present condition of the structures and will also help establish a peak particle velocity (PPV) threshold for vibration; 2) Sensors on select buildings will be installed and tested daily; 3) If 80 percent of the PPV threshold is reached, sensors will alert the vibration consultant/contractor, and in turn, the resident construction engineer, if the established PPV is reached, a meeting with the contractor and construction engineer will identify alternative construction methods and/or equipment to be used to minimize project vibration; 4) A post construction survey will be performed and distributed to SHPO no later than 60 days after construction is completed.
- D. Check and Final plans shall be provided to LEB for review.

Any changes to the project that may result in impacts not covered by the submitted information, including changes to the project scope, additional right of way, easements, or borrow needs, could require additional archaeological or historical surveys. If project changes are needed, please contact this office.

If the project could have floodplain, wetlands, Threatened and Endangered Species, or regulated materials impacts, other clearances may be needed. Please check with the Iowa DNR, US Fish and Wildlife Service, or the US Army Corps of Engineers, as appropriate.

JEFF BACON, RPA 4798

CULTURAL RESOURCES MANAGER/ARCHAEOLOGIST

LOCATION AND ENVIRONMENT

iowadot.gov Office: 515-233-7819



**SPECIAL PROVISIONS
FOR
VIBRATION MONITORING TO PROTECT HISTORIC STRUCTURES**

**Clinton County
HDP-1415(634)--71-23, HDP-1415(637)--71-23, HDP-1415(638)--71-23**

**Effective Date
November 19, 2024**

THE STANDARD SPECIFICATIONS, SERIES 2015, ARE AMENDED BY THE FOLLOWING MODIFICATIONS AND ADDITIONS. THESE ARE SPECIAL PROVISIONS AND THEY SHALL PREVAIL OVER THOSE PUBLISHED IN THE STANDARD SPECIFICATIONS.

150XXX.01 DESCRIPTION.

- A.** This specification identifies the Contractor's responsibilities for protecting the properties listed below. The Contractor shall develop a work plan which minimizes the potential for possible vibration damage due to construction and demolition activities near the identified structures. The Contractor shall also monitor vibrations and crack behavior at the identified structures to protect them from any vibration induced damage.
- B.** The following properties shall be protected per the requirements in this special provision.

Address	Property Owner	National Register Status
1734 S Bluff Blvd	Johnson, Brian & Debra	Eligible
1606 S Bluff Blvd	Laughlin, Russell	Eligible
850 S Bluff Blvd	Federal National Mortgage Association	Eligible
638 S Bluff Blvd	Mercy Medical Center Clinton INC	Eligible
508 Melrose Ct	Minnick, Charles & Tracey	Contributing Resource
1012 5 th Ave S	Nelson, James & Ashley	Eligible
832 3 rd Ave S	Burkhart, Curtis & Jamie	Eligible
244-250 N Bluff Blvd	Marcus, Jackson	Eligible
411 N Bluff Blvd	Lambe, Kayla	Eligible

All structures are located within 100 feet of the work on S and N Bluff Blvd in the city of Clinton.

092007.02 PRECONSTRUCTION SURVEY.

- A.** No information is available concerning the condition of these properties.

- B. Perform a pre-construction condition survey at the above listed addresses and provide a copy of the survey report to the Engineer no later than 30 calendar days prior to starting work. The Contractor shall have a Professional Engineer licensed in the State of Iowa and experienced in evaluating structural vulnerabilities and vibration monitoring perform the survey. The Professional Engineer shall have 5 years of experience conducting vibration analyses for the protection of structures and shall be proficient with the following vibration standards: ANSI S2.47, AASHTO R-8-96, U.S. Bureau of Mines RI 8507, as well as International vibration standards (in particular, DIN 4150-3). The Professional Engineer shall demonstrate their capability by being willing to provide at least two completed vibration analysis sample projects to the General Contractor and the Engineer.

The firms listed below have completed this type of vibration monitoring previously:

- Wiss, Janney, Elstner Associates, Inc., 330 Pfingsten Road, Northbrook, IL 60062
- Exponent, Inc., 185 Hansen Ct., Suite 100, Wood Dale, IL 60191
- Klienfelder East, Inc. 3730 South 149th Street, Suite 107, Omaha, NE 68144
- Terracon Consultants, Inc., 600 SW 7th Street, Suite M, Des Moines, IA 50309
- Braun Intertec Corp., 5915 4th Street SW, Suite 100, Cedar Rapids, IA 52404

- C. At a minimum the survey shall document all aspects of the structural condition through observations, actual measurements, plan sketches, photographs, and any other data the preparer may deem appropriate. The survey report shall be submitted to the Engineer electronically.
- D. Perform a pre-construction condition survey that includes photos and plan sketches indicating existing vulnerabilities, an evaluation of the risk from construction vibration, and recommendation of maximum safe peak particle velocity (PPV) threshold. Determine the construction methods required to protect the properties listed above based on the pre-construction survey and the safe vibration threshold.
- E. The Contractor is responsible for arranging with the property owner the rights-of-entry to their property in order to engage in condition surveys, vibration monitoring, and crack monitoring.

092007.03 MONITORING PLAN.

- A. Provide to the Engineer a monitoring plan no later than 30 calendar days prior to commencing work. The plan will be reviewed by the Engineer and any comments will be returned within 20 calendar days. The Contractor will then have 10 calendar days to revise the work plan and resubmit a final plan to the Engineer prior to commencing work.
- B. The plan shall describe the following:
- Construction methods and equipment chosen to achieve low project vibration levels.
 - Alternative construction methods and equipment that will be used if the PPV threshold is reached or exceeded.
 - Detailed description of the vibration and structural integrity monitoring systems and if necessary catalog cuts of monitoring equipment that will be used; how the monitoring equipment will be calibrated and re-calibrated if necessary during the life of the project; description and schematics if necessary of how the independent components will function as a system.
 - Identification of the individual, and their contact information, designated to oversee the vibration and crack monitoring system(s); and daily recording activities required in this specification. A brief description of qualifications or resume of the individual is also required.
 - How monitoring equipment will be deployed to continuously record vibration events, including crack monitoring during construction activity. Depending on the monitoring equipment deployed and method chosen for networking, it is possible there will need to be both electrical and telecommunications connections available at multiple remote locations. The monitoring plan will address how utility service will be provided to the monitoring equipment, protection of the monitoring equipment from potential vandalism and the elements, and monitoring of the overall system's day-to-day operation. The plan shall describe in reasonable detail the method and means used to identify and monitor existing cracks and document new cracks.

For significant cracks or cracks that appear to have a high potential to migrate, it is recommended that crack monitoring gauges be utilized.

- Details for establishing and deploying an alarm system to announce immediate shut down of all site activities if a vibration event occurs which exceeds the PPV threshold established for the properties listed above. The alarm system shall include a phone modem which will dial cell phones of the Engineer and Contractor site personnel in the event of an exceedance.
- Method for coordinating with the Engineer whereby the Contractor's retained licensed engineer will conduct a post-alarm survey in the event of a PPV threshold alarm occurrence.
- Establish a protocol for the identification of the activity or construction equipment that caused the PPV threshold to be exceeded.
- Description of the process which will be used to verify that the monitoring equipment will function as planned before starting work and the process which will be used to verify (daily) that the monitoring equipment remains in calibrated working order.
- Detail a protocol including responsible parties to be notified if an exceedance occurs. This includes but is not limited to the construction superintendent and the DOT's lead inspector.
- Daily activity log of vibration activity and crack monitors to ensure the identification of the cause of any vibration event. Depending on equipment deployed, crack monitors could be monitored remotely or by visual inspection. In either case, a daily inspection log for the duration of the construction project shall be maintained either in written or electronic form.
- Daily testing and logging of entire geophone/seismograph/communications network (start of day test). If the equipment fails the daily test, correct the deficiency before proceeding with planned activities for that day or temporarily suspend work until the equipment is repaired or replaced. All daily logs will be available to the Engineer for review and a summary of daily logging will be provided in the post-condition survey.

092007.04 PRE-CONSTRUCTION SITE PREPARATION.

At the properties designated in Article **150XXX.01**:

A. Crack Monitoring.

In accordance with the project's monitoring plan, mark existing cracks in such a way that future observations would clearly indicate whether cracks remained unchanged, opened, closed, or propagated. Monitor and log all cracks and crack monitoring devices daily and immediately notify the Engineer of any observed change. It is recommended, but not required, to have and record metrological data for the proximity to the project. Cracks that can be documented during the project to respond to changes in meteorological conditions will not require additional explanation in the final report.

Following is a list of companies that supply crack monitoring equipment; however other equipment of equal reliability and quality will be acceptable.

- Tell-Tale Crack Monitors, RST Instruments Ltd.; 800.665.5599; www.rstinstruments.com
- Crack Monitoring Equipment, Geotest Instrument Corp.; 866.430.7645; www.crackgauge.com
- Avongard Crack Monitor, Avongard Products USA; 800.244.7241; www.avongard.com

B. Vibration Monitoring.

In accordance with the project's monitoring plan, install all monitoring equipment and maintain during the project in accordance with manufacturer's recommendations, calibration standards, and specifications. Do not begin site work until all monitoring equipment is deployed and verified to be operating in accordance with factory recommendations and specifications.

C. Proof of Installation.

Demonstrate that the installed equipment will continuously and accurately measure vibrations, electronically log the vibration history (date/time stamp) and provide a communication notice system that notifies site personnel should the PPV threshold be exceeded. The monitoring equipment shall remain in-place and in operation throughout the project.

092007.05 VIBRATION LIMITS.

After a thorough conditions evaluation, propose in the pre-construction survey a PPV level for the monitored structure. The PPV level proposed shall be determined by a qualified expert in the field of vibration monitoring. If the Engineer agrees that the level proposed will reasonably protect the structure, that PPV level will be added to the contract documents by mutual benefit for the specific property. In no case shall the PPV level exceed 0.2 inches per second [ips] as measured at or in very close proximity to the monitored structure. To ensure the PPV level is not exceeded, utilize an alarmed monitoring system to signal any vibration event that equals or exceeds a threshold of 80% of the PPV level.

092007.06 DEMOLITION/CONSTRUCTION.

- A. Periodically check to ensure that the monitoring system(s) are continuously operating within manufacturer's specifications during the project.
- B. Immediately cease work if the alarm at the structure indicates the PPV threshold is reached or exceeded causing a vibration event. In the event of an exceedance notify the Engineer immediately. Conduct a post-alarm survey. The shut down shall remain in effect until, to the Engineer's satisfaction, the cause of the exceedance has been identified; the potential for another exceedance has been addressed by replacing faulty monitoring equipment; the work process has been modified; or a recommended change to the equipment being used has been provided. Do not resume work until approved by the Engineer.

092007.07 POST-CONSTRUCTION SURVEY.

Perform a post-construction survey and analysis at the designated adjacent structure to determine if any structural changes are the result of the construction activity. Provide the Engineer with a copy of all post construction survey reports, daily log summaries for vibration and crack monitors, and analysis documents comparing pre and post structural condition prior to contract acceptance.

092007.08 METHOD OF MEASUREMENT.

The item Vibration Monitoring will be measured as a lump sum unit of work.

092007.09 BASIS OF PAYMENT.

Vibration Monitoring will be paid for at the contract lump sum price. This price shall be full payment for pre-construction surveys; furnishing, installing, monitoring, and removing crack monitoring gauges; preparing and providing a report documenting crack monitoring during this project; furnishing, installing, monitoring, and removing vibration monitoring equipment; preparing and providing a report documenting vibration data collected during this project; notification of vibration events; post-construction surveys; reports; and all labor, equipment and materials necessary to complete the work as described. There will be no compensation for delays as the result of exceeding the PPV threshold or delays from faulty or damaged monitoring equipment. There will be no compensation for adjustment of construction activities or equipment to reduce the vibration levels to less than the maximum PPV, should an exceedance occur.

USFWS COORDINATION

October 10, 2022

Heidi Woeber
U.S. Fish and Wildlife Service
1511 47th Avenue
Moline, IL 61265

RE: Section 7, Endangered Species Act Consultation
Bluff Boulevard Improvements
USFWS Project Code: 2022-0062692
Iowa DOT Project Number: HDP-1415(634)--71-23
Shive-Hattery Project Number: 2112201450

Ms. Woeber:

The Bluff Boulevard Improvements project area is in Clinton, Iowa (Section 1, 11, and 12 of Township 81 North, Range 6 East and Section 6 of Township 81 North, Range 7 East in Clinton County, Iowa).

Shive-Hattery reviewed the U.S. Fish and Wildlife Service technical assistance website for federally listed threatened and endangered species. According to the "Official Species List" of threatened and endangered species provided by the "Request for a species list" website on July 12, 2022, four (4) species are listed that are known or expected to be on or near the project area in Clinton County: the northern long-eared bat (*Myotis septentrionalis*), higgins eye "pearlymussel" (*Lampsilis higginsii*), eastern prairie fringed orchid (*Platanthera leucophaea*), and monarch butterfly (*Danaus plexippus*).

In addition to the aforementioned species, seven (7) migratory birds were listed that are known or expected to be on or near the project area: American golden-plover (*Pluvialis dominica*), bald eagle (*Haliaeetus leucocephalus*), lesser yellowlegs (*Tringa flavipes*), prothonotary warbler (*Protonotaria citrea*), red-headed woodpecker (*Melanerpes erythrocephalus*), rusty blackbird (*Euphagus carolinus*), and wood thrush (*Hylocichla mustelina*).

No critical habitat area was listed as falling within the project area. Additionally, no refuge lands or fish hatcheries were found within the project area.

A desktop review of the habitat of each of the species listed above from the threatened and endangered species, migratory birds, or critical habitats lists, was conducted prior to field review. To assist this review, the National Land Cover Database Mapping was assessed for characteristics of the land surface to assist in vegetative cover, current land use, percent impervious surface, and potential listed species habitat within the area under evaluation. Documentation of this review is not included, but available upon request. We concluded that two (2) species may be present within the project site: the candidate species monarch butterfly and northern long-eared bat.

Threatened and Endangered Species Field Review

A field review of habitat suitability for all species listed in the Official Species List was conducted on July 14, 2022, during a pedestrian field review. The entirety of the project area is currently an urban dominated roadway corridor with adjacent tree cover and dispersed tree cover throughout the corridor. No areas of remnant native vegetation are found within the project area boundaries. No streams or other permanent bodies of water are found within the project area. One (1) constructed drainageway



was located within the project area during a wetland delineation conducted on July 15, 2022. The following is a species-based review for potential habitat:

Northern Long-Eared Bat - Field review searched for caves, mines, stream corridors, or forest cover on the subject property. Also searched for trees that were alive, dead, dying, or snagged, with 3 inch or greater DBH with exfoliating bark, crevices, cavities, or cracks. There were 12 habitat tree locations and no (0) additional habitat areas (buildings, etc.) identified within the project area. Based on the results of the northern long-eared bat habitat survey (see attached bat habitat report), the proposed actions may affect, but not likely adversely affect the northern long-eared bat if work was conducted outside of the approved clearing dates of October 1st and March 31st. Tree clearing will be conducted during the clearing window, so "No Effect" is anticipated by this project.

Higgins Eye (pearly mussel) – No streams or oxbows were in the project area. Because the species habitat is not present in the project area, "No Effect" is anticipated by this project.

Eastern Prairie Fringed Orchid – The project area is not composed of wet prairie and/or sedge meadows. "No Effect" is anticipated by this project.

Monarch Butterfly – The project area is not composed of open fields and meadows with milkweed. The review concluded that this habitat was not present within the project area, and "No Effect" is anticipated by this project.

Name (Common/Scientific)	Status	Species Observed?	Habitat Present?	Impact
Northern Long-Eared Bat (<i>Myotis septentrionalis</i>)	T	No	Yes	No Effect
Higgins Eye (<i>Lampsilis higginsii</i>)	E	No	No	No Effect
Eastern Prairie Fringed Orchid (<i>Platanthera leucophaea</i>)	T	No	No	No Effect
Monarch Butterfly (<i>Danaus plexippus</i>)	C	No	No	No Effect

Status: E = Endangered, T = Threatened, C = Candidate

To help avoid and minimize year-round impacts to listed migratory bird species, a review of potential habitat was conducted. The following is a description of suitable habitat for the listed migratory birds and a presence determination:

- American Golden-Plover (BCC)
 - o During migration, prefers sod fields, dry mudflats, and pastures; often in small flocks. Suitable habitat not found in project area.
- Bald Eagle (Non-BCC)
 - o Typically breed and winter in forested areas adjacent to large bodies of water. Suitable habitat not found in project area.
- Lesser Yellowlegs (BCC)
 - o Mudflats, marshes, lake and pond edges, wet meadows, sewage ponds, and flooded agricultural fields such as rice paddies. Suitable habitat not found in project area.
- Prothonotary Warbler (BCC)
 - o Breed in wooded swamps, flooded bottomland forests, and wooded areas near streams and lakes. These forests are often flat and shady with standing dead trees that have old woodpecker and chickadee holes for nesting. Suitable habitat not found in project area.
- Red-headed Woodpecker (BCC)
 - o Live in pine savannahs and other open forests with clear understories. Open pine plantations, treerows in agricultural areas, and standing timber in beaver swamps and other wetlands all attract Red-headed Woodpeckers. Suitable habitat not found in project area.

- Rusty Blackbird (BCC)
 - o Wet areas, including flooded woods, swamps, marshes and the edges of ponds. These moist habitats are their favorite foraging areas in winter and during migration. During the breeding season, they favor bogs, beaver ponds and wet woods in boreal forest. Suitable habitat not found in project area.
- Wood Thrush (BCC)
 - o Breed throughout mature deciduous and mixed forests. Ideal habitat includes trees over 50 feet tall, a moderate understory of saplings and shrubs, an open floor with moist soil and decaying leaf litter, and water nearby. Suitable habitat not found in project area.

For these reasons, we conclude that the Bluff Boulevard Improvements project area will have “No Effect” on the listed species, their habitats, or proposed or designated critical habitat. We are requesting concurrence from the U.S. Fish and Wildlife Service on this determination.

If you have any questions concerning this submittal, you can contact me at (641) 413-0000 or by email at jwilson@shive-hattery.com.

Sincerely,

SHIVE-HATTERY, INC.

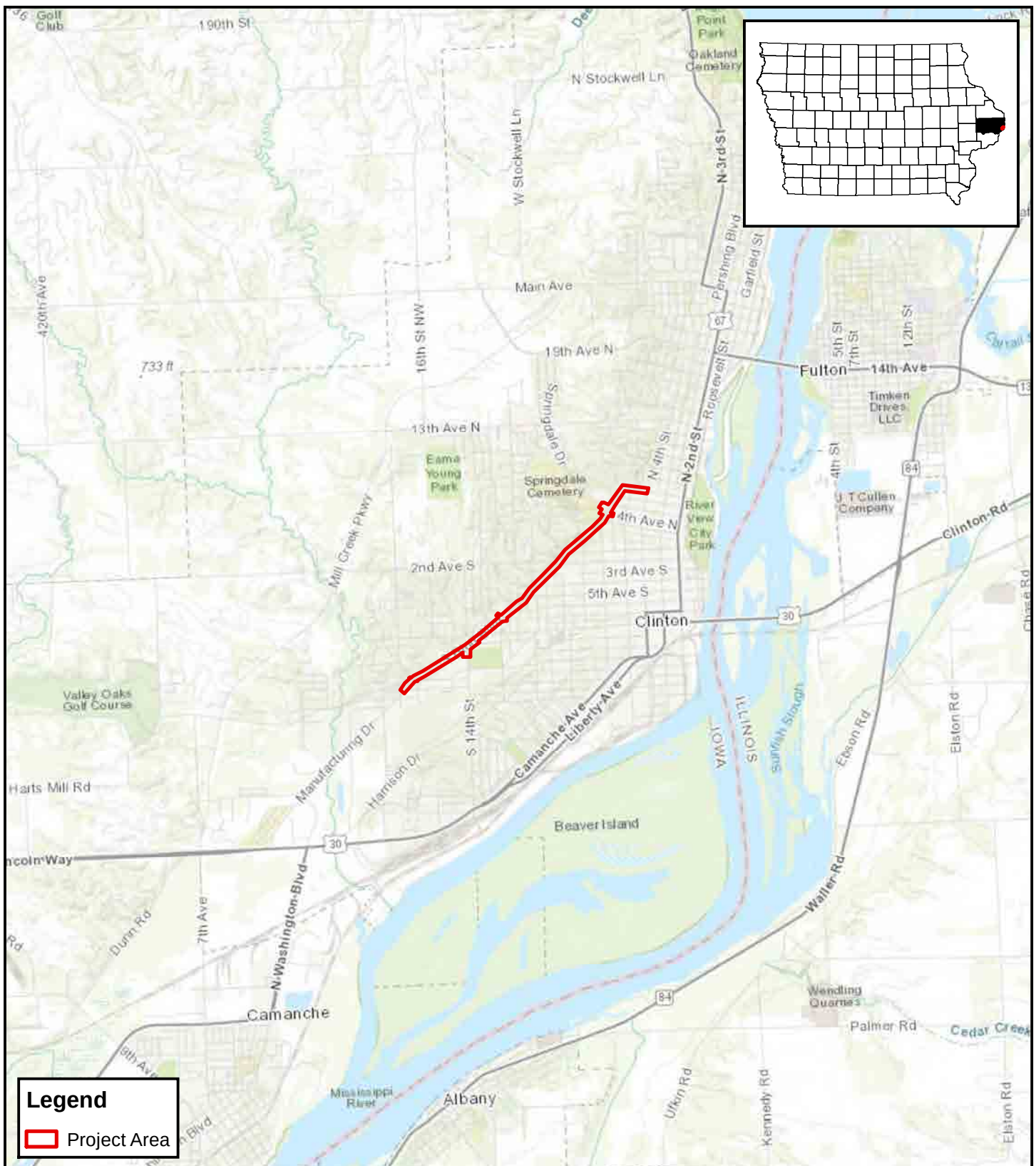


Jake Wilson, PWS
Environmental Scientist

JAW

Enclosures: Figure 1: Project Area Location
 Figure 2: USGS Topographic Map
 Figure 2a: USGS Topographic Map, Enlarged View
 Official Species List
 Northern Long-Eared Bat, Phase 1 Habitat Assessment

Copy: Justin Campbell, Shive-Hattery



Legend

 Project Area

SHIVEHATTERY
ARCHITECTURE+ENGINEERING

0 0.5 1
Miles

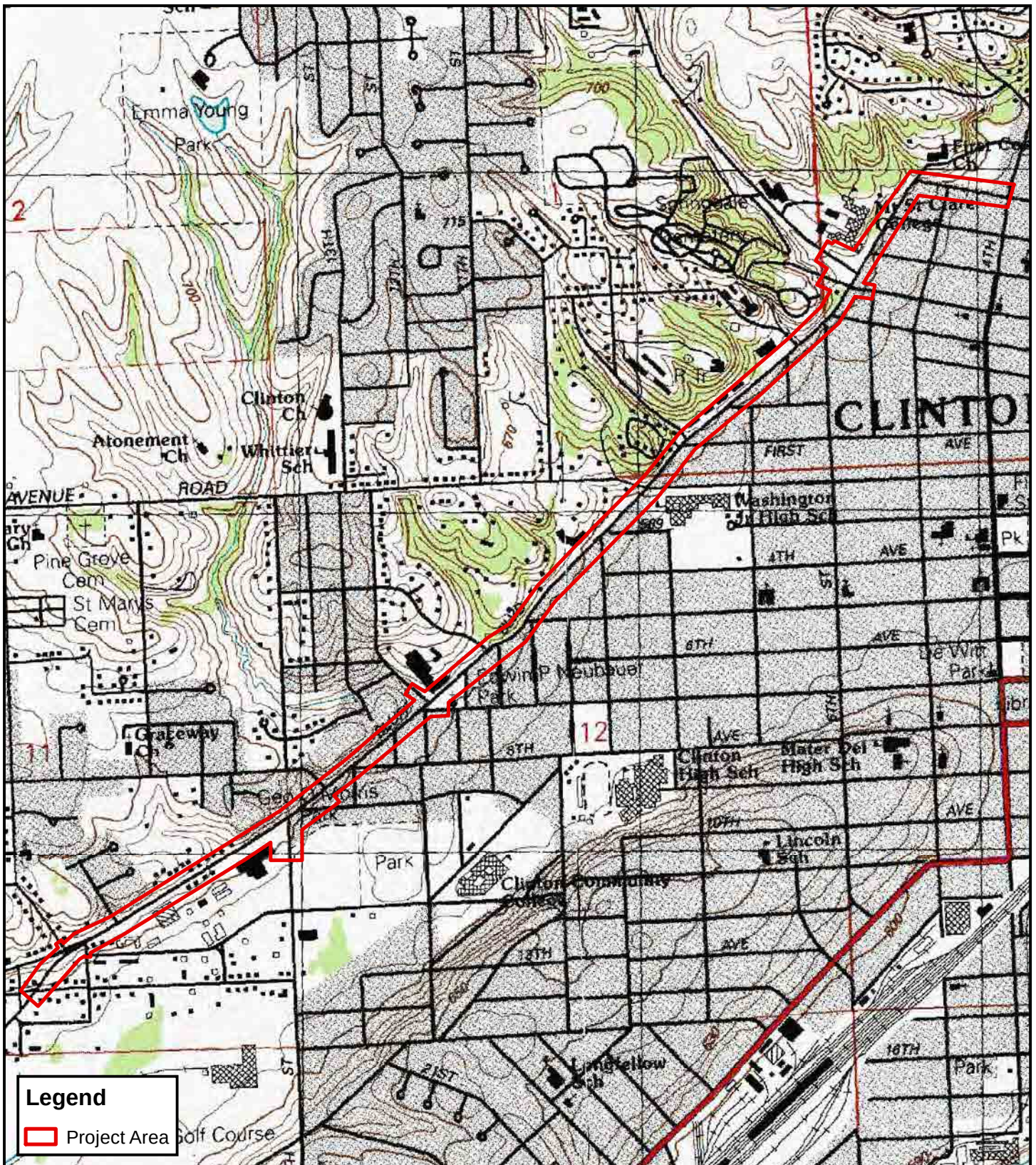


Figure 1: Project Area Location

Bluff Boulevard Improvements | Clinton, IA | Project #2112201450
Iowa DOT - HDP-1415(634)--71-23

Data Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, OpenStreetMap contributors, and the GIS User Community





Legend

Project Area

SHIVEHATTERY
ARCHITECTURE+ENGINEERING

0 0.125 0.25
Miles

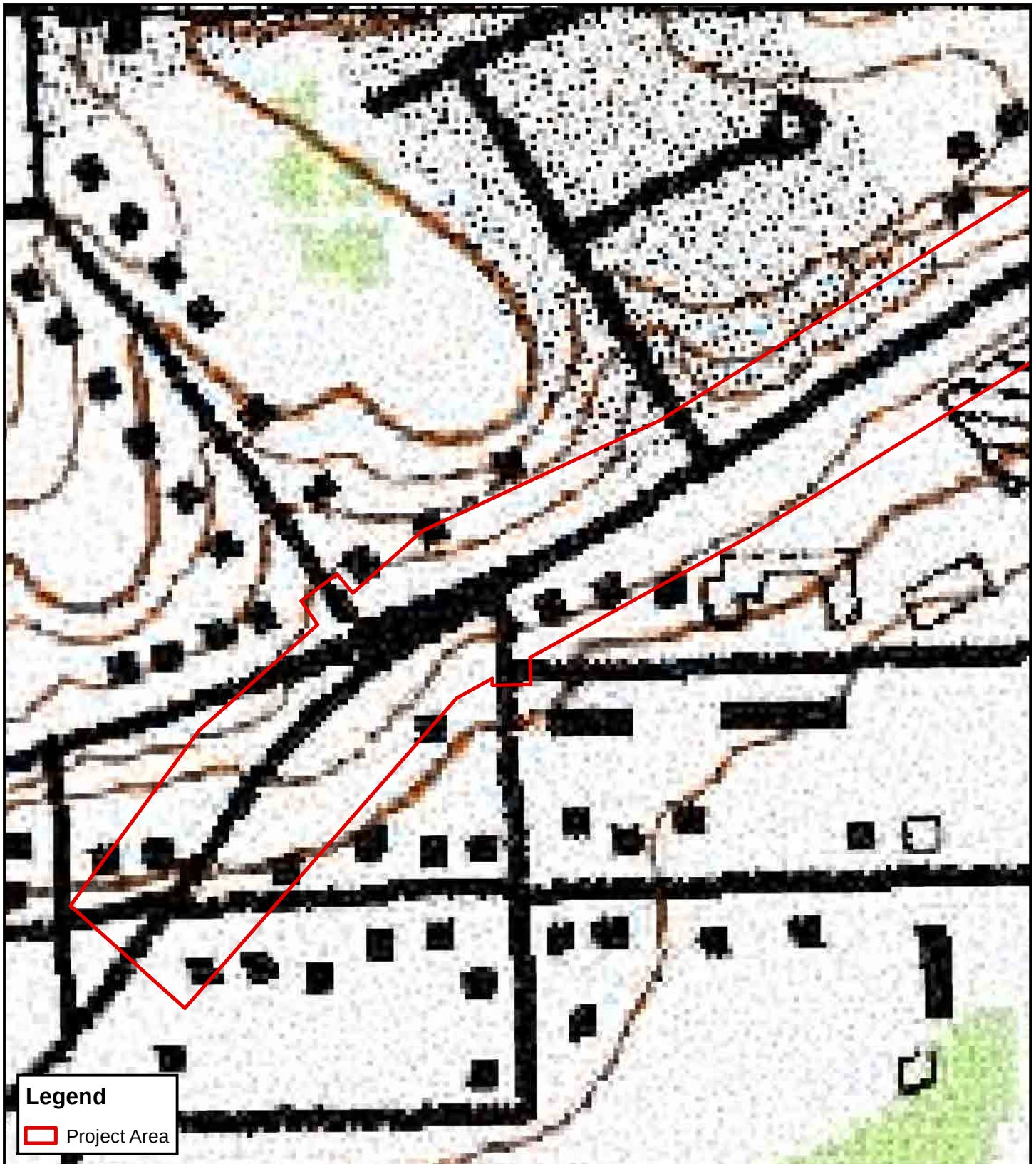


Figure 2: USGS Topographic Map

Bluff Boulevard Improvements | Clinton, IA | Project #2112201450
Iowa DOT - HDP-1415(634)--71-23

Data Sources: The National Map - USGS





Legend

 Project Area

SHIVEHATTERY
ARCHITECTURE+ENGINEERING

0 100 200
Feet

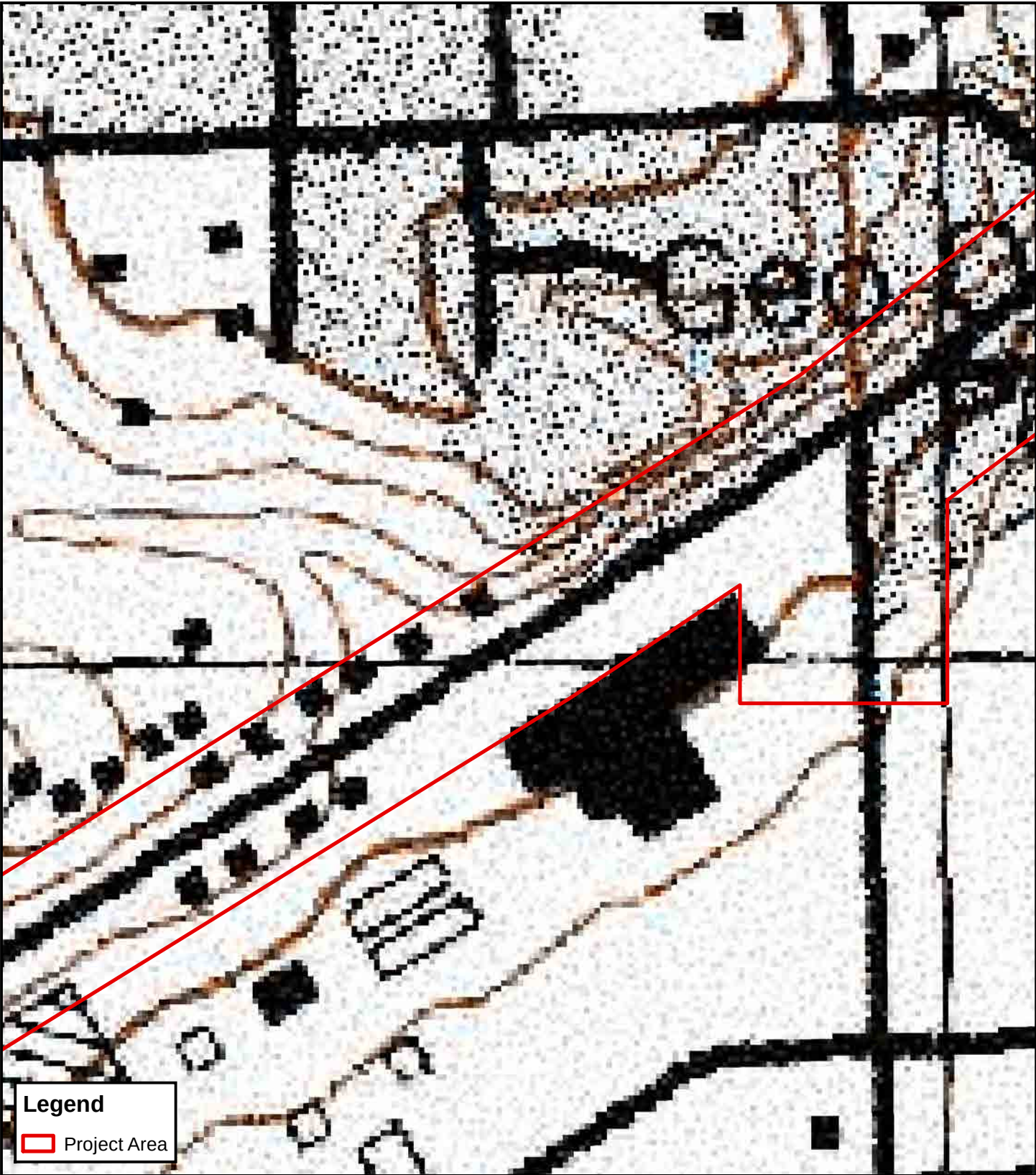


Figure 2a: USGS Topographic Map, Enlarged View
Page 1 of 7

Bluff Boulevard Improvements | Clinton, IA | Project #2112201450
Iowa DOT - HDP-1415(634)--71-23

Data Sources: The National Map - USGS





Legend

 Project Area

SHIVEHATTERY
ARCHITECTURE+ENGINEERING

0 100 200
Feet



Figure 2a: USGS Topographic Map, Enlarged View
Page 2 of 7

Bluff Boulevard Improvements | Clinton, IA | Project #2112201450
Iowa DOT - HDP-1415(634)--71-23

Data Sources: The National Map - USGS





Legend

 Project Area

SHIVEHATTERY
ARCHITECTURE+ENGINEERING

0 100 200
Feet

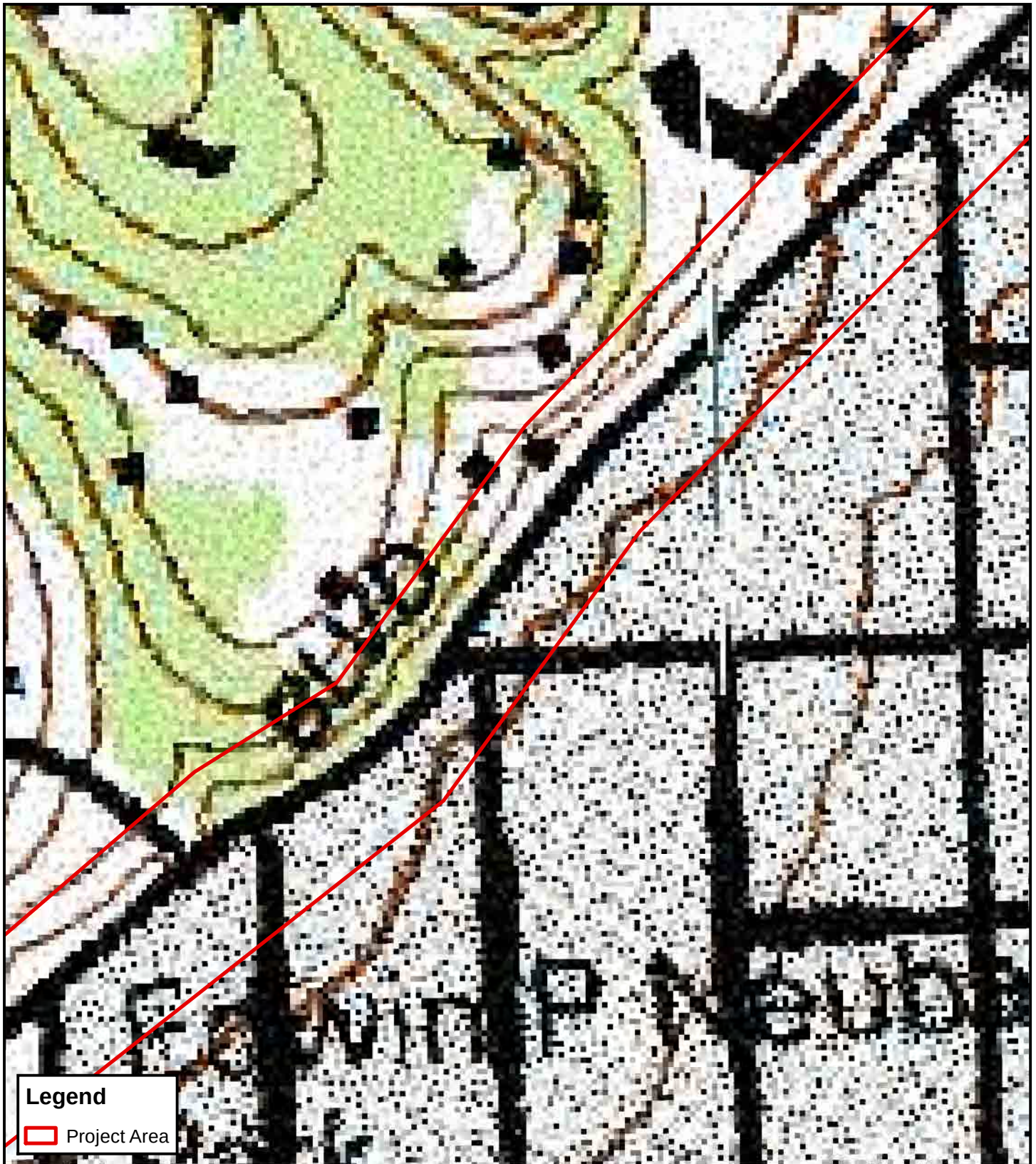


Figure 2a: USGS Topographic Map, Enlarged View
Page 3 of 7

Bluff Boulevard Improvements | Clinton, IA | Project #2112201450
Iowa DOT - HDP-1415(634)--71-23

Data Sources: The National Map - USGS





Legend

 Project Area

SHIVEHATTERY
ARCHITECTURE+ENGINEERING

0 100 200
Feet

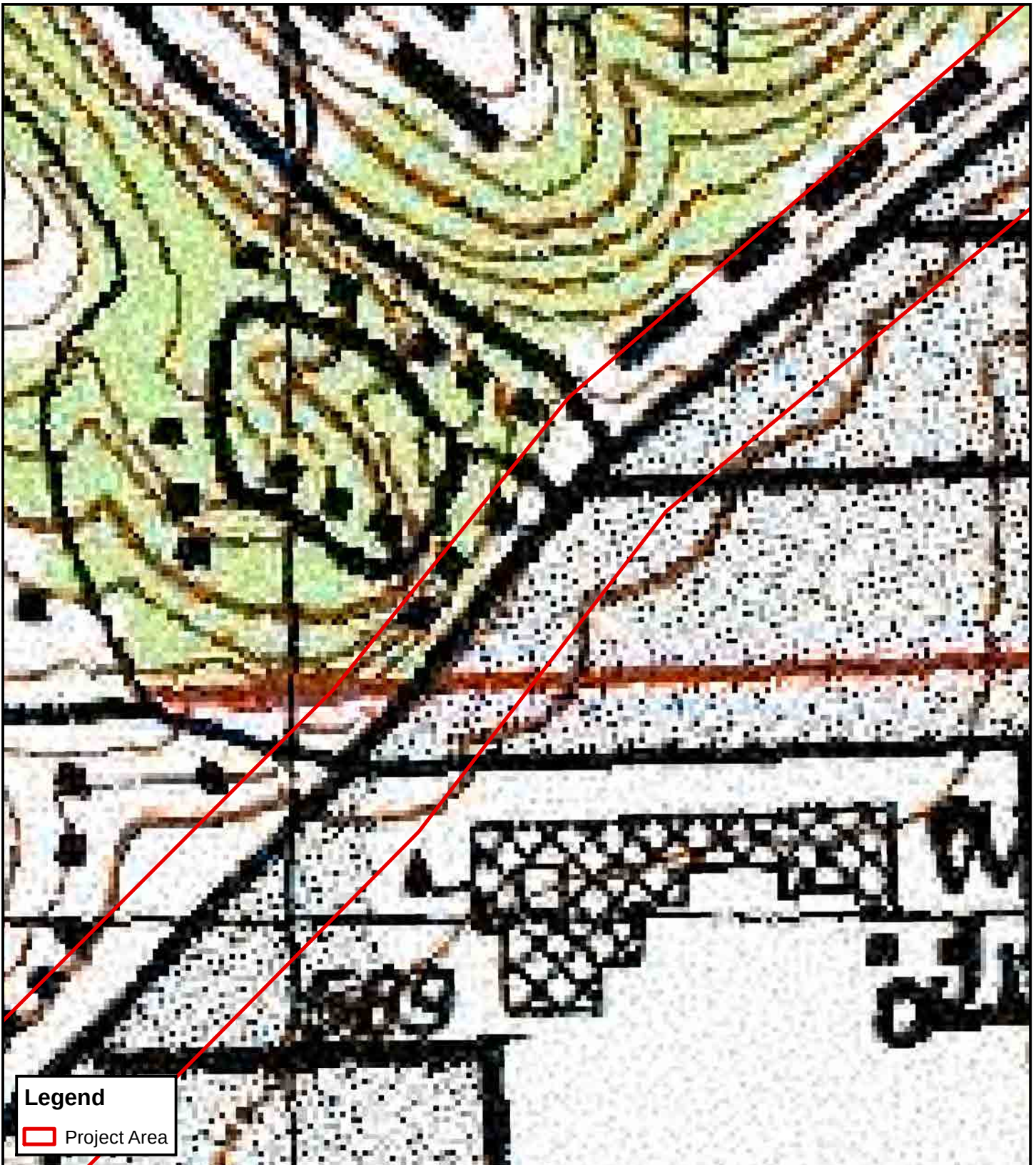


Figure 2a: USGS Topographic Map, Enlarged View
Page 4 of 7

Bluff Boulevard Improvements | Clinton, IA | Project #2112201450
Iowa DOT - HDP-1415(634)--71-23

Data Sources: The National Map - USGS





Legend

 Project Area

SHIVEHATTERY
ARCHITECTURE+ENGINEERING

0 100 200
Feet

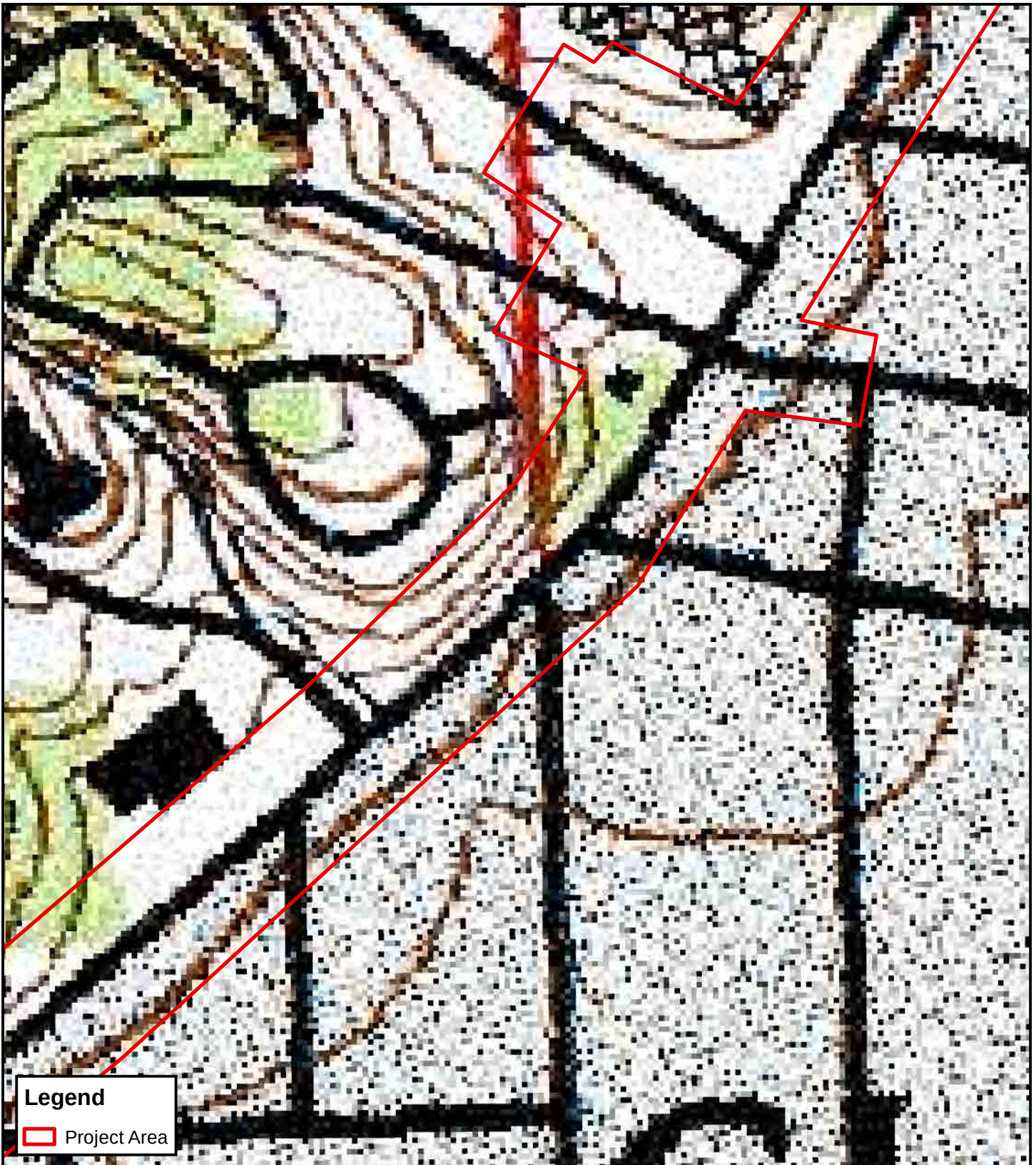


Figure 2a: USGS Topographic Map, Enlarged View
Page 5 of 7

Bluff Boulevard Improvements | Clinton, IA | Project #2112201450
Iowa DOT - HDP-1415(634)--71-23

Data Sources: The National Map - USGS





SHIVEHATTERY
ARCHITECTURE+ENGINEERING

0 100 200
Feet

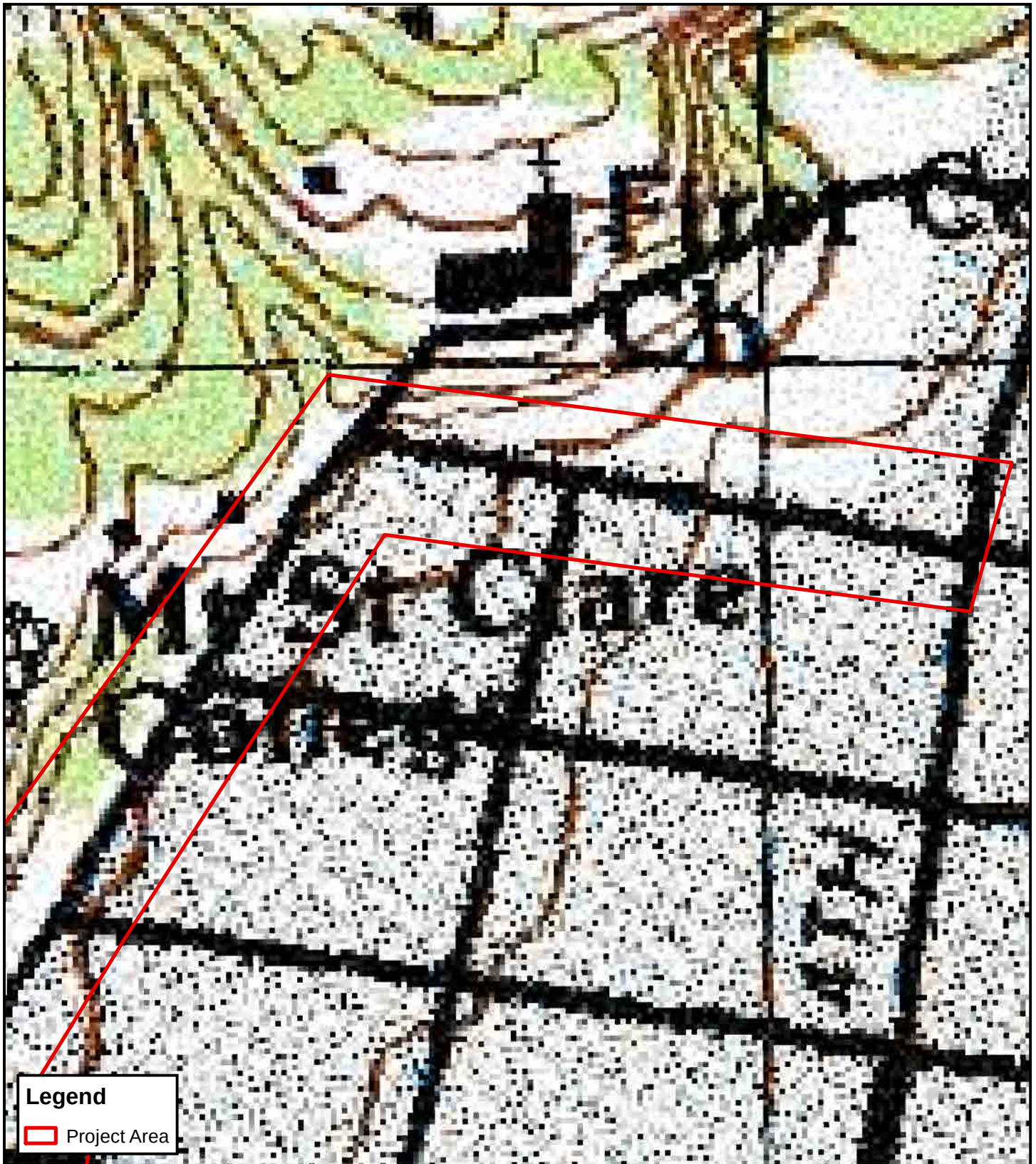


Figure 2a: USGS Topographic Map, Enlarged View
Page 6 of 7

Bluff Boulevard Improvements | Clinton, IA | Project #2112201450
Iowa DOT - HDP-1415(634)--71-23

Data Sources: The National Map - USGS





Legend

 Project Area

SHIVEHATTERY
ARCHITECTURE+ENGINEERING

0 100 200
Feet



Figure 2a: USGS Topographic Map, Enlarged View
Page 7 of 7

Bluff Boulevard Improvements | Clinton, IA | Project #2112201450
Iowa DOT - HDP-1415(634)--71-23

Data Sources: The National Map - USGS





United States Department of the Interior



FISH AND WILDLIFE SERVICE
Illinois-Iowa Ecological Services Field Office
Illinois & Iowa Ecological Services Field Office
1511 47th Ave
Moline, IL 61265-7022
Phone: (309) 757-5800 Fax: (309) 757-5807

In Reply Refer To:

July 12, 2022

Project Code: 2022-0062692

Project Name: ~~Manufacturing Drive~~ Improvements

Bluff Boulevard

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Illinois-Iowa Ecological Services Field Office

Illinois & Iowa Ecological Services Field Office

1511 47th Ave

Moline, IL 61265-7022

(309) 757-5800

Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Clams

NAME	STATUS
Higgins Eye (pearlymussel) <i>Lampsilis higginsii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5428	Endangered

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
Eastern Prairie Fringed Orchid <i>Platanthera leucophaea</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/601	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPaC User Contact Information

Agency: Clinton city

Name: Jake Wilson

Address: 4125 Westown Parkway, Suite 100

City: West Des Moines

State: IA

Zip: 50266

Email: jwilson@shive-hattery.com

Phone: 5156459729



315 West Cherry St., Ste. 4, PO Box 227
North Liberty, IA 52317
515.473.6256 • info@impact7g.com
www.impact7g.com

5/4/2023
McClure Engineering
1360 Northwest 121st Street
Clive, Iowa 50325

Threatened & Endangered Species Review: Manufacturing Drive / S. Bluff Environmental Coordination

To whom it concerns,

Impact7G was contracted by McClure Engineering to complete a threatened and endangered species review for proposed roadway improvements along Manufacturing Drive and associated roadways in Clinton, Iowa. The intent of this review is to compile a list of species of state or federal protected status and any known occurrence of protected species or habitat within the defined project area.

The purpose of preparing the following documentation is to provide data to assist the owner with project planning and to assist in the determination of need for additional analysis, surveys, and/or a biological assessment (BA).

Location:

Street Address: NA

Township:	81 N	81 N	81 N
Range:	6 E	6 E	6 E
Section:	11	14	15
Quarter:	SW ¼, SE ¼	NW ¼	NE ¼, SE ¼

Methods:

A field evaluation was conducted on April 12, 2023 whereby all areas within the project area (see attached Figure A, Project Area) were walked and photographed to identify areas of elevated diversity, remnant, or other habitat indicators.

Endangered Species Act Compliance

Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action" (Section 7 of the Endangered Species Act). An official species list is an official letter from the local U.S. Fish and Wildlife Service office containing information to assist you in evaluating the potential impacts of your project. It includes a list of species and critical habitat that should be considered under Section 7 of the Endangered Species Act, as well as a project tracking number and other pertinent information from the

local field office. Impact7G accessed the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website on April 11, 2023 to obtain an official species list, provided below (Attachment A).

Endangered Plants and Wildlife, Iowa Administrative Code 571, Chapter 77 Compliance
A Request for an Environmental Review was submitted to the Iowa Department of Natural Resources on April 11, 2023 and has been logged under Tracking Number: 2023-0712.

Federal Results & Recommendations:

An official IPAC species list was obtained for the project area; six federally listed endangered, threatened, candidate, proposed or otherwise protected species are known to occur in Clinton County, Iowa. The official species list indicates that no critical habitats are located within the project area. Based on observed habitat and conditions within the proposed project area, appropriate habitat is not present for the listed species.

No further action is recommended for federal-listed threatened or endangered species.

State of Iowa Results & Recommendations:

On May 18, 2020, the Iowa DNR issued a response to a request for an Environmental Review pertaining to an earlier portion of the project with a finding of “no site-specific records that would be impacted by this project” (Attachment B). Due to the expansion of the project area in 2023, Impact7G issued a request to the Iowa DNR on April 11, 2023, for an updated Environmental Review of the project. At the time of this report's completion, the Iowa Department of Natural Resources has not yet issued a response to our request for an additional Environmental Review. Upon receipt of any additional information from the Iowa DNR, Impact7G will issue an addendum to this letter.

No further action is recommended for state-listed threatened or endangered species.



Prepared by: Tyler Dursky, Wetland Scientist

5/4/2023

Date

Reviewed by: Will Downey, PWS

Map of the project area in the Valley West area of Glendale, Arizona. The map shows a red outline of the project area, which is bounded by the Mill Creek Parkway to the west, the Valley West Drive to the east, and the United States Highway 30 to the south. The map includes a scale bar from 0 to 1 mile, a north arrow, and a legend indicating the project area. The map also shows various streets, including 2nd Ave, 30th St, and Washington Blvd, and landmarks such as the Mill Creek Parkway and the Valley West Drive.

ATTACHMENT A: USFWS IPAC OFFICIAL SPECIES LIST



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Illinois-Iowa Ecological Services Field Office
Illinois & Iowa Ecological Services Field Office
1511 47th Ave
Moline, IL 61265-7022
Phone: (309) 757-5800 Fax: (309) 757-5807

In Reply Refer To:

April 11, 2023

Project Code: 2023-0067359

Project Name: McClure-23 - City of Clinton - Manufacturing Drive

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat, if present, within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) **the accuracy of this species list should be verified after 90 days**. This verification can be completed formally or informally. You may verify the list by visiting the ECOSPHERE Information for Planning and Consultation (IPaC) website <https://ipac.ecosphere.fws.gov> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list.

Section 7 Consultation

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the U.S. Fish and Wildlife Service (Service) if they determine their project "may affect" listed species or designated critical habitat. Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action may affect endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service to make "no effect" determinations. If you determine that your proposed action will have

no effect on threatened or endangered species or their respective designated critical habitat, you do not need to seek concurrence with the Service.

Note: For some species or projects, IPaC will present you with *Determination Keys*. You may be able to use one or more Determination Keys to conclude consultation on your action.

Technical Assistance for Listed Species

1. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain information on the species life history, species status, current range, and other documents by selecting the species from the thumbnails or list view and visiting the species profile page.
-

No Effect Determinations for Listed Species

1. If there are *no* species or designated critical habitats on the Endangered Species portion of the species list: conclude "no species and no critical habitat present" and document your finding in your project records. No consultation under ESA section 7(a)(2) is required if the action would result in no effects to listed species or critical habitat. Maintain a copy of this letter and IPaC official species list for your records.
2. If any species or designated critical habitat are listed as potentially present in the **action area** of the proposed project the project proponents are responsible for determining if the proposed action will have "no effect" on any federally listed species or critical habitat. No effect, with respect to species, means that no individuals of a species will be exposed to any consequence of a federal action or that they will not respond to such exposure.
3. If the species habitat is not present within the action area or current data (surveys) for the species in the action area are negative: conclude "no species habitat or species present" and document your finding in your project records. For example, if the project area is located entirely within a "developed area" (an area that is already graveled/paved or supports structures and the only vegetation is limited to frequently mowed grass or conventional landscaping, is located within an existing maintained facility yard, or is in cultivated cropland conclude no species habitat present. Be careful when assessing actions that affect: 1) rights-of-ways that contains natural or semi-natural vegetation despite periodic mowing or other management; structures that have been known to support listed species (example: bridges), and 2) surface water or groundwater. Several species inhabit rights-of-ways, and you should carefully consider effects to surface water or groundwater, which often extend outside of a project's immediate footprint.
4. Adequacy of Information & Surveys - Agencies may base their determinations on the best evidence that is available or can be developed during consultation. Agencies must give the benefit of any doubt to the species when there are any inadequacies in the information. Inadequacies may include uncertainty in any step of the analysis. To provide adequate information on which to base a determination, it may be appropriate to conduct surveys to determine whether listed species or their habitats are present in the action area. Please contact our office for more information or see the survey guidelines that the Service has made available in IPaC.

May Effect Determinations for Listed Species

1. If the species habitat is present within the action area and survey data is unavailable or inconclusive: assume the species is present or plan and implement surveys and interpret results in coordination with our office. If assuming species present or surveys for the species are positive continue with the may affect determination process. May affect, with respect to a species, is the appropriate conclusion when a species might be exposed to a consequence of a federal action and could respond to that exposure. For critical habitat,
-

'may affect' is the appropriate conclusion if the action area overlaps with mapped areas of critical habitat and an essential physical or biological feature may be exposed to a consequence of a federal action and could change in response to that exposure.

2. Identify stressors or effects to the species and to the essential physical and biological features of critical habitat that overlaps with the action area. Consider all consequences of the action and assess the potential for each life stage of the species that occurs in the action area to be exposed to the stressors. Deconstruct the action into its component parts to be sure that you do not miss any part of the action that could cause effects to the species or physical and biological features of critical habitat. Stressors that affect species' resources may have consequences even if the species is not present when the project is implemented.
3. If no listed or proposed species will be exposed to stressors caused by the action, a 'no effect' determination may be appropriate – be sure to separately assess effects to critical habitat, if any overlaps with the action area. If you determined that the proposed action or other activities that are caused by the proposed action may affect a species or critical habitat, the next step is to describe the manner in which they will respond or be altered. Specifically, to assess whether the species/critical habitat is "not likely to be adversely affected" or "likely to be adversely affected."
4. Determine how the habitat or the resource will respond to the proposed action (for example, changes in habitat quality, quantity, availability, or distribution), and assess how the species is expected to respond to the effects to its habitat or other resources. Critical habitat analyses focus on how the proposed action will affect the physical and biological features of the critical habitat in the action area. If there will be only beneficial effects or the effects of the action are expected to be insignificant or discountable, conclude "may affect, not likely to adversely affect" and submit your finding and supporting rationale to our office and request concurrence.
5. If you cannot conclude that the effects of the action will be wholly beneficial, insignificant, or discountable, check IPaC for species-specific Section 7 guidance and conservation measures to determine whether there are any measures that may be implemented to avoid or minimize the negative effects. If you modify your proposed action to include conservation measures, assess how inclusion of those measures will likely change the effects of the action. If you cannot conclude that the effects of the action will be wholly beneficial, insignificant, or discountable, contact our office for assistance.
6. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

For additional information on completing Section 7 Consultation including a Glossary of Terms

used in the Section 7 Process, information requirements for completing Section 7, and example letters visit the Midwest Region Section 7 Consultations website at: <https://www.fws.gov/office/midwest-region-headquarters/midwest-section-7-technical-assistance>.

You may find more specific information on completing Section 7 on communication towers and transmission lines on the following websites:

- Incidental Take Beneficial Practices: Power Lines - <https://www.fws.gov/story/incidental-take-beneficial-practices-power-lines>
- Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning. - <https://www.fws.gov/media/recommended-best-practices-communication-tower-design-siting-construction-operation>

Northern Long-eared Bat Update

Please note that on March 23, 2022, the Service published a proposal to reclassify the northern long-eared bat (NLEB) as endangered under the Endangered Species Act. The U.S. District Court for the District of Columbia has ordered the Service to complete a new final listing determination for the NLEB by November 2022 (Case 1:15-cv-00477, March 1, 2021). The bat, currently listed as threatened, faces extinction due to the range-wide impacts of white-nose syndrome (WNS), a deadly fungal disease affecting cave-dwelling bats across the continent. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB, as these rules may be applied only to threatened species. Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective (anticipated to occur by December 30, 2022). If your project may result in incidental take of NLEB after the new listing goes into effect this will first need to be addressed in an updated consultation that includes an Incidental Take Statement. If your project may require re-initiation of consultation, please contact our office for additional guidance.

Other Trust Resources and Activities

Bald and Golden Eagles

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act, as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, please contact our office for further coordination. For more information on permits and other eagle information visit our website <https://www.fws.gov/library/collections/bald-and-golden-eagle-management>.

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
-

- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Illinois-Iowa Ecological Services Field Office

Illinois & Iowa Ecological Services Field Office

1511 47th Ave

Moline, IL 61265-7022

(309) 757-5800

PROJECT SUMMARY

Project Code: 2023-0067359

Project Name: McClure-23 - City of Clinton - Manufacturing Drive

Project Type: Road/Hwy - New Construction

Project Description: The project consists of proposed roadway corridor improvements along Manufacturing Drive and other associated roadways in Clinton, Iowa within roadside right-of-way and utility corridors. Current land-uses within the project area consist of roadside right-of-way, utilities infrastructure, and surrounding commercial and residential developments.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.82486845,-90.23780812506507,14z>



Counties: Clinton County, Iowa

ENDANGERED SPECIES ACT SPECIES

There is a total of 6 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

BIRDS

NAME	STATUS
Whooping Crane <i>Grus americana</i> Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/758	Experimental Population, Non- Essential

CLAMS

NAME	STATUS
Higgins Eye (pearlymussel) <i>Lampsilis higginsii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5428	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

FLOWERING PLANTS

NAME	STATUS
Eastern Prairie Fringed Orchid <i>Platanthera leucophaea</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/601	Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Oct 15 to Aug 31
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25

NAME	BREEDING SEASON
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12

(0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

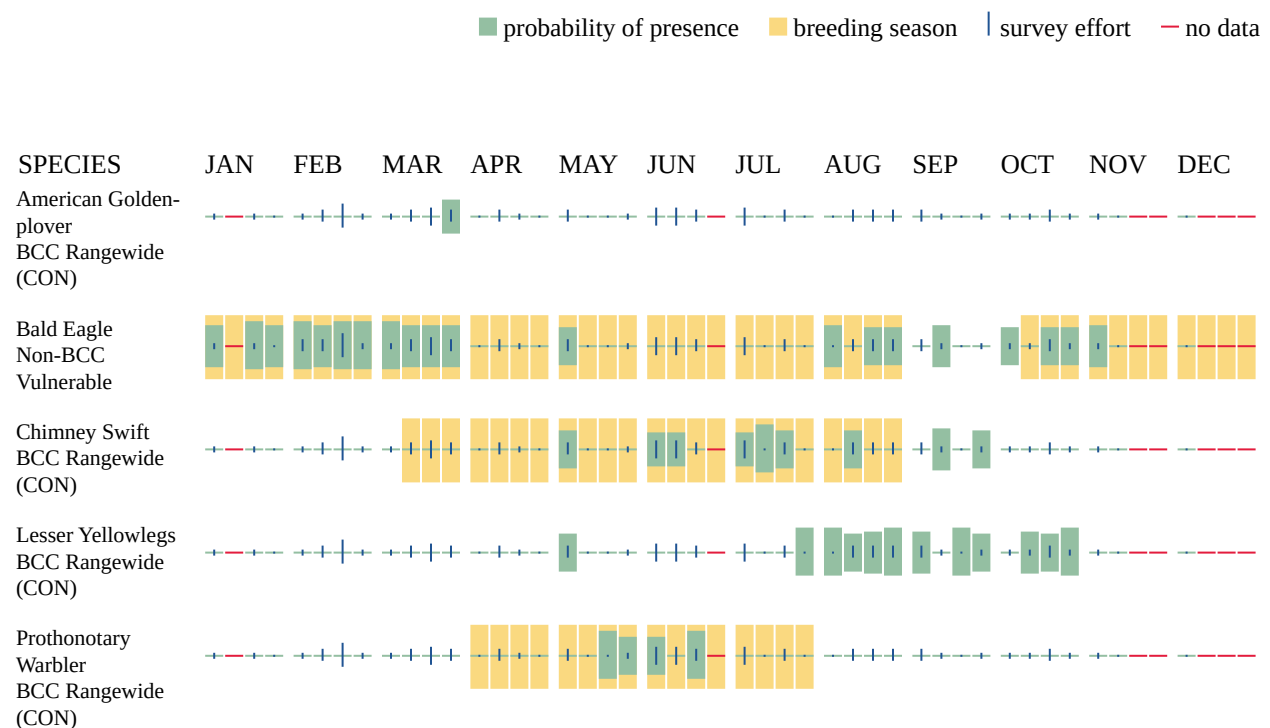
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

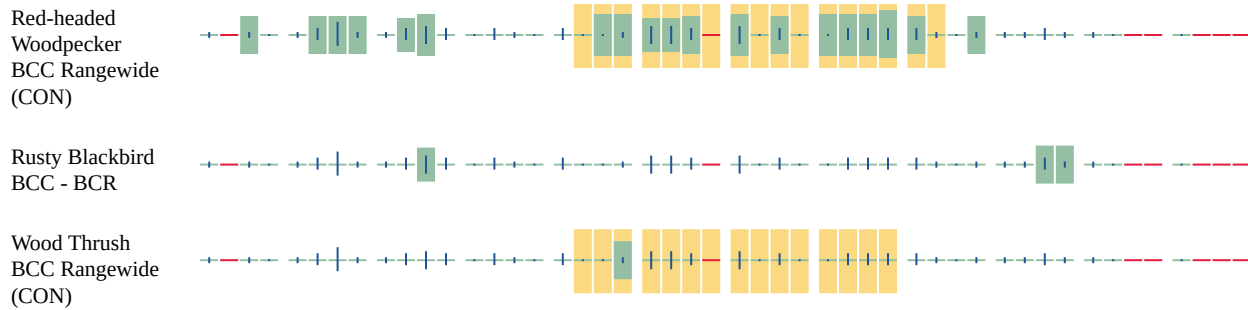
No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

MIGRATORY BIRDS FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list

of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical](#)

[Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER FORESTED/SHRUB WETLAND

- [PFO1A](#)

RIVERINE

- [R4SBCx](#)
- [R5UBH](#)
- [R2UBG](#)
- [R4SBC](#)

FRESHWATER EMERGENT WETLAND

- [PEM1A](#)
-

IPAC USER CONTACT INFORMATION

Agency: Impact7G

Name: Tyler Dursky

Address: 8951 Windsor Parkway

City: Johnston

State: IA

Zip: 50131

Email: tdursky@impact7g.com

Phone: 6415693635

From: seth.moore@dnr.iowa.gov <seth.moore@dnr.iowa.gov>

Sent: Monday, May 18, 2020 11:30 AM

To: Reid Stamer <rstamer@impact7g.com>

Subject: 2020-0256 Environmental Review Request

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.

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.

If you have questions about this letter or require further information, please contact me at (515) 725-8464.

Environmental Review requests can be submitted electronically to: SLER@dnr.iowa.gov.

Sincerely,



Seth Moore | Environmental Specialist

Iowa Department of Natural Resources

P 515-725-8464 | F 515-725-8202 | 502 E. 9th St., Des Moines, IA 50319

www.iowadnr.gov

ATTACHMENT C: IDNR ENVIRONMENTAL REVIEW LETTER - 2023

At the time of this report's completion, the Iowa Department of Natural Resources has not yet issued a response to our request for an additional Environmental Review. Upon receipt of any additional information from the Iowa DNR, Impact7G will issue an addendum to this letter.

PERMIT COORDINATION



10/25/2021

CITY OF CLINTON
C/O BRIAN SANDBERG
MCCLURE ENGINEERING COMPANY
1360 NW 121ST STREET
SUITE A
CLIVE, IA 50325

Project Description: Bridge Replacement, Manufacturing Drive Over Harts Mill Creek: STBG-SWAP-1415(634)—SG-23

Project Latitude / Longitude Location(s): Bridges, Culverts, Stream Crossings, and Road Embankments
41.8250/-90.2372; Clinton County

Iowa DNR Project Tracking Number: 2020-1893

Dear Brian Sandberg:

The application for an Iowa DNR Flood Plain Development Permit for the above referenced project has been approved. Flood Plain Development Permit Number 2020-1893FP-01 and an approved copy of the Iowa DNR Approved Plans are enclosed. You may download additional copies, or verify the Iowa DNR Flood Plain and Dam Safety Section (Department) official response document(s) for this project at the Iowa DNR Flood Plain PERMT website using the tracking number above. (PERMT Website Address: <https://programs.iowadnr.gov/permt/>)

Please review all permit conditions. If you don't agree with any of the permit conditions, you have 30 days from the date of mailing of the permit to appeal. If you wish to appeal, it is suggested that you contact David Scott at 319-653-2135, Iowa DNR Legal Services Bureau, within 15 days to determine the correct procedure and format. Also, you should be aware of the fact that any person can appeal the issuance of this permit within the same 30 day period.

Within 30 days of the completion of construction, proper completion of construction notice shall be provided to the Department. Notice may be provided through the Department PERMT website <https://programs.iowadnr.gov/permt/>, or by certified mail. Certified mail requirements are provided in permit document post construction condition section.

The project may require a local flood plain development permit(s) from the City of Clinton. If you have not yet done so, please contact the following local Flood Plain Manager(s) for assistance in applying for the local flood plain permit(s): Jason Craft at 563-242-2144.

No land or water, under the jurisdiction of the State of Iowa, is involved in the project area; therefore, a Sovereign Lands Construction Permit pursuant to Chapter 461A of the Iowa Code will not be required for this project.

The permittee is responsible for complying with all other local, state, and federal statutes, ordinances, rules, and permit requirements applicable to the construction, operation, and maintenance of the approved works. Approval

through the Corps of Engineers Section 404 Permit Program may be required for this project. The Corps of Engineers will contact you separately regarding their approval. Questions can be directed to the Corps by phone at 309-794-5376 or by email at iowaregulatory@usace.army.mil.

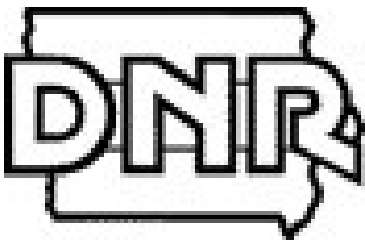
Please contact me by phone at 515-725-8347 or by email at Andy.Jensen@dnr.iowa.gov with any questions.

Sincerely,

Andrew Jensen
Iowa DNR, Flood Plain Management and Dam Safety Section

CC: Jason Craft; City of Clinton, 611 South 3rd Street, P.O. Box 2958, Clinton, IA, 52732,
jasoncraft@cityofclintoniowa.us

Attachments



Iowa Department of Natural Resources

Flood Plain Development Permit

- I. Permit Number 2020-1893FP-01
- II. Project Latitude / Longitude Bridges, Culverts, Stream Crossings, and Road Embankments 41.8250/-90.2372;
Location(s) Clinton County
- III. Approved Activity Bridge Replacement, Manufacturing Drive Over Harts Mill Creek: STBG-SWAP-1415(634)—SG-23
- IV. Applicant(s) / Permittee(s) JASON CRAFT
Company(s) CITY OF CLINTON
Address(s) 611 SOUTH 3RD STREET
P.O. BOX 2958
City State Zip CLINTON, IA 52732
- V. Authorized Agent BRIAN SANDBERG
Company MCCLURE ENGINEERING COMPANY
Address 1360 NW 121ST STREET
SUITE A
City State Zip CLIVE, IA 50325
- VI. Basis for Issuance The decision to issue this permit was based on a staff review of the project with respect to relevant approval criteria contained in 567 IAC 72 and applicable provisions of Iowa Code Sections 455B.262, .264, .275 and .277.
- VII. General Permit Conditions
- a. Responsibility No legal or financial responsibility arising from the construction or maintenance of the approved works shall attach to the state of Iowa or the agency due to the issuance of a permit, order, or administrative waiver.
 - b. Lands The permittee shall be responsible for obtaining such government licenses, permits, and approvals, and lands, easements, and rights-of-way which are required for the construction, operation, and maintenance of the authorized works prior to construction.
 - c. Change in plans No material change from the plans and specifications approved by the Department shall be made unless authorized by the Department.
 - d. Revocation of order A Department permit may be revoked if construction is not completed within the permit construction period of time specified in the Department permit, or extended by official post permit response letter from this Department.
 - e. Appeal of Initial Decision Per 567 IAC 70.5(4), this permit represents the initial decision of the Department. You have 30 days from the date of mailing of the permit to appeal. If you wish to appeal, it is suggested that you contact our Legal Services Section within 15 days to determine the correct procedure and format. Also, you should be aware of the fact that any person can appeal the issuance of this permit within the same 30 day period.
- VIII. Permit Special Construction Conditions

- a. Permit Construction Period Covered 10/25/2021 to 10/25/2026
- b. Temporary Flood Plain Obstruction Requirement All temporary flood plain obstructions to be used during construction shall comply with all sections of 567 IAC 72.1(6).
- c. No-Rise Certification The permittee shall be responsible for obtaining a No-Rise Certification (i.e., no more than a 0.00 ft. increase to the 100-year profile for the condition with the proposed project) prepared by a professional engineer licensed in Iowa and forwarding a copy of the certification to the City of Clinton Flood Plain Manager for local flood plain permit program documentation purposes.
- d.
- e.
- IX. Permit Post Construction Conditions
- a. Certification of Completion of Construction Requirement The permittee is required to provide notice to the Iowa DNR that construction of the project authorized by the Iowa Department of Natural Resources was completed in accordance with Iowa DNR Approved Plans and specifications.
1. This notice may be provided on the Iowa DNR PERMT Website
Iowa DNR PERMT Website (use Permit Number)
<https://programs.iowadnr.gov/permt/>
 2. If computer access is unavailable, the permittee shall submit a signed certification of project construction completion. The certification(s) shall be submitted to:
FLOOD PLAIN PERMITS
IOWA DNR
502 E 9TH ST
DES MOINES IA 50319
- b. General Maintenance and Storm Damage Restoration Requirement The permittee, and any successor, in interest to the real estate on which the permitted project or activity is located shall be responsible for proper maintenance of the project until this permit is revoked, or replaced with a new permit. The required maintenance shall include, but is not limited to, the restoration of the project back to the permit condition shown on the enclosed Iowa DNR Approved Plan document.
- c.
- d.
- e.
- X. Permit Issued By:

Andrew Jensen; Iowa DNR, Flood Plain Management and Dam Safety Section
Date: 10/25/2021



10/25/2021

CITY OF CLINTON
C/O BRIAN SANDBERG
MCCLURE ENGINEERING COMPANY
1360 NW 121ST STREET
SUITE A
CLIVE, IA 50325

Project Description: Bridge Replacement, Manufacturing Drive Over Mill Creek: STBG-SWAP-1415(634)—SG-23

Project Latitude / Longitude Location(s): Bridges, Culverts, Stream Crossings, and Road Embankments
41.8250/-90.2372; Clinton County

Iowa DNR Project Tracking Number: 2020-1893

Dear Brian Sandberg:

The application for an Iowa DNR Flood Plain Development Permit for the above referenced project has been approved. Flood Plain Development Permit Number 2020-1893FP-02 and an approved copy of the Iowa DNR Approved Plans are enclosed. You may download additional copies, or verify the Iowa DNR Flood Plain and Dam Safety Section (Department) official response document(s) for this project at the Iowa DNR Flood Plain PERMT website using the tracking number above. (PERMT Website Address: <https://programs.iowadnr.gov/permt/>)

Please review all permit conditions. If you don't agree with any of the permit conditions, you have 30 days from the date of mailing of the permit to appeal. If you wish to appeal, it is suggested that you contact David Scott at 319-653-2135, Iowa DNR Legal Services Bureau, within 15 days to determine the correct procedure and format. Also, you should be aware of the fact that any person can appeal the issuance of this permit within the same 30 day period.

Within 30 days of the completion of construction, proper completion of construction notice shall be provided to the Department. Notice may be provided through the Department PERMT website <https://programs.iowadnr.gov/permt/>, or by certified mail. Certified mail requirements are provided in permit document post construction condition section.

The project may require a local flood plain development permit(s) from the City of Clinton. If you have not yet done so, please contact the following local Flood Plain Manager(s) for assistance in applying for the local flood plain permit(s): Jason Craft at 563-242-2144.

No land or water, under the jurisdiction of the State of Iowa, is involved in the project area; therefore, a Sovereign Lands Construction Permit pursuant to Chapter 461A of the Iowa Code will not be required for this project.

The permittee is responsible for complying with all other local, state, and federal statutes, ordinances, rules, and permit requirements applicable to the construction, operation, and maintenance of the approved works. Approval

through the Corps of Engineers Section 404 Permit Program may be required for this project. The Corps of Engineers will contact you separately regarding their approval. Questions can be directed to the Corps by phone at 309-794-5376 or by email at iowaregulatory@usace.army.mil.

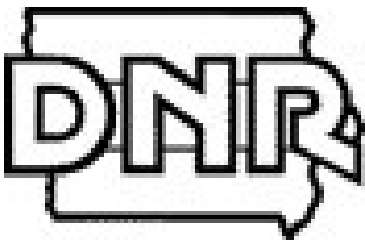
Please contact me by phone at 515-725-8347 or by email at Andy.Jensen@dnr.iowa.gov with any questions.

Sincerely,

Andrew Jensen
Iowa DNR, Flood Plain Management and Dam Safety Section

CC: Jason Craft; City of Clinton, 611 South 3rd Street, P.O. Box 2958, Clinton, IA, 52732,
jasoncraft@cityofclintoniowa.us

Attachments



Iowa Department of Natural Resources

Flood Plain Development Permit

- I. Permit Number 2020-1893FP-02
- II. Project Latitude / Longitude Bridges, Culverts, Stream Crossings, and Road Embankments 41.8250/-90.2372;
Location(s) Clinton County
- III. Approved Activity Bridge Replacement, Manufacturing Drive Over Mill Creek: STBG-SWAP-1415(634)—SG-23
- IV. Applicant(s) / Permittee(s) JASON CRAFT
Company(s) CITY OF CLINTON
Address(s) 611 SOUTH 3RD STREET
P.O. BOX 2958
City State Zip CLINTON, IA 52732
- V. Authorized Agent BRIAN SANDBERG
Company MCCLURE ENGINEERING COMPANY
Address 1360 NW 121ST STREET
SUITE A
City State Zip CLIVE, IA 50325
- VI. Basis for Issuance The decision to issue this permit was based on a staff review of the project with respect to relevant approval criteria contained in 567 IAC 72 and applicable provisions of Iowa Code Sections 455B.262, .264, .275 and .277.
- VII. General Permit Conditions
- a. Responsibility No legal or financial responsibility arising from the construction or maintenance of the approved works shall attach to the state of Iowa or the agency due to the issuance of a permit, order, or administrative waiver.
 - b. Lands The permittee shall be responsible for obtaining such government licenses, permits, and approvals, and lands, easements, and rights-of-way which are required for the construction, operation, and maintenance of the authorized works prior to construction.
 - c. Change in plans No material change from the plans and specifications approved by the Department shall be made unless authorized by the Department.
 - d. Revocation of order A Department permit may be revoked if construction is not completed within the permit construction period of time specified in the Department permit, or extended by official post permit response letter from this Department.
 - e. Appeal of Initial Decision Per 567 IAC 70.5(4), this permit represents the initial decision of the Department. You have 30 days from the date of mailing of the permit to appeal. If you wish to appeal, it is suggested that you contact our Legal Services Section within 15 days to determine the correct procedure and format. Also, you should be aware of the fact that any person can appeal the issuance of this permit within the same 30 day period.
- VIII. Permit Special Construction Conditions

- a. Permit Construction Period Covered 10/25/2021 to 10/25/2026
- b. Temporary Flood Plain Obstruction Requirement All temporary flood plain obstructions to be used during construction shall comply with all sections of 567 IAC 72.1(6).
- c. No-Rise Certification The permittee shall be responsible for obtaining a No-Rise Certification (i.e., no more than a 0.00 ft. increase to the 100-year profile for the condition with the proposed project) prepared by a professional engineer licensed in Iowa and forwarding a copy of the certification to the City of Clinton Flood Plain Manager for local flood plain permit program documentation purposes.
- d.
- e.
- IX. Permit Post Construction Conditions
- a. Certification of Completion of Construction Requirement The permittee is required to provide notice to the Iowa DNR that construction of the project authorized by the Iowa Department of Natural Resources was completed in accordance with Iowa DNR Approved Plans and specifications.
1. This notice may be provided on the Iowa DNR PERMT Website
Iowa DNR PERMT Website (use Permit Number)
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IOWA DNR
502 E 9TH ST
DES MOINES IA 50319
- b. General Maintenance and Storm Damage Restoration Requirement The permittee, and any successor, in interest to the real estate on which the permitted project or activity is located shall be responsible for proper maintenance of the project until this permit is revoked, or replaced with a new permit. The required maintenance shall include, but is not limited to, the restoration of the project back to the permit condition shown on the enclosed Iowa DNR Approved Plan document.
- c.
- d.
- e.
- X. Permit Issued By:
- Andrew Jensen; Iowa DNR, Flood Plain Management and Dam Safety Section
Date: 10/25/2021



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

Executive Office

May 26, 2022

Mr. Jason Craft
City of Clinton
611 S. 3rd St.
Clinton, IA 52733

Dear Mr. Craft:

The U.S. Army Corps of Engineers (USACE), Rock Island District (District), has completed a technical review of your request to alter the *Clinton, Iowa, Flood Risk Management Project* (FRMP) in accordance with Engineer Circular (EC) 1165-2-220, *Notice Policy and Procedural Guidance for Processing Requests To Alter U.S. Army Corps of Engineers Civil Works Projects Pursuant to Section 408*. The requested alteration will include the removal and reconstruction of the existing Manufacturing Drive Bridge over Mill Creek. The bridge replacement includes alterations to the east abutment and Pier 2 located at Sta. 1955+12.56 and Sta. 1954+56.56, respectively, which are within the influence of the FRMP and federally-authorized Clinton Levee. The City of Clinton, Iowa (City) operates and maintains the FRMP.

Based on the evaluation results of your initial submittal dated October 11, 2021, the District has determined that the alteration does not impair the usefulness of the FRMP and is not injurious to the public interest. The District grants this request to alter the FRMP. In addition to the enclosed Standard Terms & Conditions, the City is required to ensure the following remarks are adhered to:

1. Per submitted project information, the City will require the selected contractor to submit a flood action plan. This plan must be submitted to the District and approved prior to any work occurring on the FRMP.
2. Once the construction contract driller has been selected, provide an updated Drilling Program Plan to the District. The Drilling Program Plan must be approved prior to drilling within the FRMP.
3. A copy of this letter must be added as an addendum to the City's Operation and Maintenance Manual.
4. Ensure the District is notified 72 hours prior to the commencement of work.
5. Ensure PDF as-built drawings, final construction plans, specifications, and any supporting documentation are submitted to the District showing details of the alteration within 180 days of completion of the construction.

6. Ensure the required data necessary to update the National Levee Database Survey files is provided to the District. The data shall be provided in ASCII file format.

Please contact Mr. Bill Conway, P.E., 309-794-5715, concerning additional guidance and data submission requirements.

The District has determined that the aspects of the bridge reconstruction impacting the authorized FRMP are not integral to its performance. The alteration and its features will not be eligible for repair assistance following guidelines of the USACE PL 84-99 Rehabilitation and Inspection Program.

The District's review was limited to the information provided by the requestor. Future structural, elevation, alignment, or other significant design changes must be resubmitted to the District for further review and approval.

The point of contact for this action is Mr. Paul St. Louis, 309-794-5208, or e-mail: Paul.F.St.Louis@usace.army.mil.

Sincerely,



Jesse T. Curry
Colonel, US Army
Commander & District Engineer

APPENDIX K

Standard Terms and Conditions

This appendix includes the standard conditions that must be included in all Section 408 approval notifications, except where marked as optional. Use of optional conditions should be based on scope and scale of the approved activity:

LIMITS OF THE AUTHORIZATION

1. This permission only authorizes you, the requester, to undertake the activity described herein under the authority provided in Section 14 of the Rivers and Harbors Act of 1899, as amended (33 USC 408). This permission does not obviate the need to obtain other federal, state, or local authorizations required by law. This permission does not grant any property rights or exclusive privileges, and you must have appropriate real estate instruments in place prior to construction and/or installation.
2. The time limit for completing the work authorized ends five (5) years from the date stated on the 408 alteration Request Approval Letter. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
3. Without prior written approval of the USACE, you must neither transfer nor assign this permission nor sublet the premises or any part thereof, nor grant any interest, privilege or license whatsoever in connection with this permission. Failure to comply with this condition will constitute noncompliance for which the permission may be revoked immediately by USACE.
4. The requester understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or an authorized representative, said work will cause unreasonable conditions and/or obstruction of USACE project authorized design, the requester will be required upon due notice from the USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim can be made against the United States on account of any such removal or alteration.

INDEMNIFICATION AND HOLD HARMLESS

5. The United States will in no case be liable for:
 - a. any damage or injury to the structures or work authorized by this permission that may be caused or result from future operations undertaken by the United States, and no claim or right to compensation will accrue from any damage; or
 - b. damage claims associated with any future modification, suspension, or revocation of this permission.

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6. The United States will not be responsible for damages or injuries which may arise from or be incident to the construction, maintenance, and use of the project requested by you, nor for damages to the property or injuries to your officers, agents, servants, or employees, or others who may be on your premises or project work areas or the federal project(s) rights-of-way. By accepting this permission, you hereby agree to fully defend, **indemnify**, and **hold harmless** the United States and USACE from any and all such claims, subject to any limitations in law.
7. Any damage to the water resources development project or other portions of any federal project(s) resulting from your activities must be repaired at your expense.

REEVALUATION OF PERMISSION

8. The determination that the activity authorized by this permission would not impair the usefulness of the federal project and would not be injurious to the public interest was made in reliance on the information you provided.
9. This office, at its sole discretion, may reevaluate its decision to issue this permission at any time circumstances warrant, which may result in a determination that it is appropriate or necessary to modify or revoke this permission. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. you fail to comply with the terms and conditions of this permission;
 - b. the information provided in support of your application for permission proves to have been inaccurate or incomplete; or
 - c. significant new information surfaces which this office did not consider in reaching the original decision that the activity would not impair the usefulness of the water resources development project and would not be injurious to the public interest.

CONDUCT OF WORK UNDER THIS PERMISSION

10. You are responsible for implementing any requirements for mitigation, reasonable and prudent alternatives, or other conditions or requirements imposed as a result of environmental compliance.
11. Work/usage allowed under this permission must proceed in a manner that avoids interference with the inspection, operation, and maintenance of the federal project.
12. In the event of any deficiency in the design or construction of the requested activity, you are solely responsible for taking remedial action to correct the deficiency.
13. The right is reserved to the USACE to enter upon the premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to operate and/or to make any other use of the lands as may be necessary in connection with government purposes, and you will have no claim for damages on account thereof against the United States or any officer, agent or employee thereof.

Standard Terms and Conditions

14. You must provide copies of pertinent design, construction, and/or usage submittals/documents. USACE may request that survey and photographic documentation of the alteration work and the impacted project area be provided before, during, and after construction and/or installation.
15. You may be required to perform an inspection of the federal project with the USACE, prior to your use of the structure, to document existing conditions.
16. USACE shall not be responsible for the technical sufficiency of the alteration design nor for the construction and/or installation work.