FEDERAL HIGHWAY ADMINISTRATION
RECORD OF DECISION

Southeast Connector
Polk County, Iowa
NHSX-U-1945(202)-8S-77

I. Decision

Federal Highway Administration (FHWA), in coordination with the Iowa DOT, the City of Des Moines, and public input has identified the Yellow Alternative as the Selected Alternative for the proposed new four lane roadway improvements between SE 14th Street and U.S. 65 in the southeast quadrant of the City of Des Moines, Iowa, as described in the Final Environmental Impact Statement (EIS). The Yellow Alternative was identified as the Selected Alternative after reviewing all the reasonable alternatives under consideration (including the No-Build Alternative) with respect to their ability to meet the project purpose and need and environmental impacts. The Selected Alternative is described in **Section II** of this Record of Decision. The reader is also referred to the Final EIS for additional background information pertaining to the Selected Alternative (Yellow Alternative), including potential impacts and mitigation solutions.

II. Alternatives Considered

No Build Alternative

The No-Build Alternative provides the baseline for comparing all other alternatives. In the context of this process, No-Build refers to the year 2030 transportation infrastructure and services assumed to be in place that year. This assumes that no new alternatives would be a part of the infrastructure as a result of this process. The No-Build Alternative assumes that all existing and committed projects within the Project Area are constructed and in place by the year 2030. These projects include arterial roadway improvements between SW 2nd Street to SE 6th Street, including a new bridge over the Des Moines River and arterial roadway improvements from SE 6th Street to SE 14th Street. Both of these projects are approved earlier phases of the overall Southeast Connector project and are undergoing final design. The 2030 Des Moines Area Metropolitan Planning Organization Long Range Transportation Plan and travel demand model do not identify any other major arterial improvements in the Project Area.

Yellow Alternative –Environmentally Preferred and Selected Alternative

The Yellow Alternative includes two vehicle lanes, one bicycle lane in each direction, a sidewalk on the north side, and a shared pedestrian/bicycle trail on the south side. The alignment begins at SE 14th Street. The roadway continues east mid block between Scott Avenue and Market Street. At SE 22nd Street the roadway turns southeast and runs along an abandoned rail line just south of the Titan Tire Company and the Chesterfield Park through the Chesterfield Neighborhood. The roadway continues southeast across SE 30th Street along an abandoned rail line. At SE 30th Street the roadway begins to run along the United States Army Corps of Engineers (USACE) Lake Red

Rock Remedial Works Levee and continues along the levee until SE 43rd Street. At its eastern terminus the roadway connects into the existing U.S. 65 highway at the Vandalia Road interchange. The Yellow Alternative will include a realignment of Pleasant Hill Boulevard to approximately 500 feet east of its existing location.

The Yellow Alternative will connect with the previously cleared segments of the Southeast Connector project near SE 14th Street. An alignment modification to the previously approved segment of the Southeast Connector project is required between SE 10th Street and SE 14th Street to allow for a better connection with the Yellow Alternative. The impacts of this alignment modification are assessed and discussed in the Final EIS as part of the analysis of the Yellow Alternative. The previously cleared project, under design, provides for short-term and long-term access to SE 12th Street and the SE 14th Street viaduct, which would still occur.

The Yellow Alternative would require two bridges. The first would be located west of SE 22nd Street spanning over the Union Pacific rail lines and the Norfolk Southern rail lines. This bridge would be approximately 785 feet long, 163 feet wide, and include six spans. The proposed bridge would likely be a reinforced concrete beam bridge and would have some spans with variable length beams and spans ranging from 125 feet to 150 feet. The second bridge would span over Four Mile Creek and the rail spurs to the Countrywide Grain Terminal. This bridge would be approximately 1,125 feet long and 163 feet wide. The proposed grade of the roadway would be raised from the bridge to the Vandalia Road interchange. This allows the roadway to span the existing Countrywide Grain Terminal rail spur and allow for their future expansion.

The design speed for all of the proposed typical-sections is 40 miles per hour. The posted speed limit will be 35 miles per hour through the Chesterfield Neighborhood and will be no more than 40 miles per hour elsewhere on the corridor.

FHWA, in coordination with Iowa DOT, the City of Des Moines, and public input identified the Yellow Alternative (shown in **Appendix A**) as the Environmentally Preferred and Selected Alternative for the following reasons:

- The Yellow Alternative provides a more direct east-west route between downtown Des Moines and the U.S. 65 Bypass than the Brown Alternative.
- The mid-block design between Scott Avenue and E. Market Street allows for future business access and development on both sides of the corridor, and does not require new right of way be purchased along Scott Avenue.
- The mid-block design has property impacts to the businesses but avoids the buildings, minimizing the need for commercial relocations.
- The Yellow Alternative uses city-owned property (former rail corridor) that already intersects the Chesterfield Neighborhood.
- Although the Yellow Alternative would run along the rail right of way through the Chesterfield Neighborhood, it provides opportunities for economic development in the neighborhood.
- The Yellow Alternative avoids most impacts to salvage yards and allows Vandalia Road to be an alternate route while avoiding frequent rail crossing conflicts on Vandalia Road.

Brown Alternative

The Brown Alternative includes two vehicle lanes, one bicycle lane in each direction, a sidewalk on the north side, and a shared pedestrian/bicycle trail on the south side. The Brown Alternative begins at SE 14th Street and runs east along Scott Avenue to SE 22nd Street. At SE 22nd Street the roadway turns south crosses Maury Street and at SE 25th Court turns and continues east along CB&Q Street. The roadway continues to the east of Sunset Beach Lake where it turns southeast and follows along the same abandoned rail line as the Yellow Alternative until SE 38th Street. At SE 38th Street the roadway turns south toward Vandalia Road, it runs along Vandalia Road until it reaches the eastern termini of the Project Area, the existing U.S. 65 Bypass interchange.

The Brown Alternative will connect with the previously cleared segments of the Southeast Connector project near SE 14th Street. The previously cleared project, under design provides for short-term and long-term access to SE 12th Street and the SE 14th Street viaduct.

The Brown Alternative would require two bridges. The first would be located west of SE 22nd Street spanning over the Union Pacific rail lines and the Norfolk Southern rail lines. This bridge would be approximately 480 feet long, 145 feet wide and include four spans. The second bridge would be an improvement and widening of the existing Vandalia Road Bridge over Four Mile Creek. This bridge would be approximately 212 feet long, 139 feet wide, and include three spans.

The design speed for all of the proposed typical sections is 40 miles per hour. The posted speed limit will be 35 to 40 miles per hour.

Environmentally Preferred Alternative – Yellow Alternative
The number of hazard material contaminated sites with potentially high impacts is half with the Yellow Alternative than the Brown Alternative. In addition, the Yellow Alternative has half the impacts to displaced jobs and the local tax base, as well as fewer business displacements than the Brown Alternative. These reduced impacts of the Yellow Alternative offset the slightly higher impacts to neighborhoods, floodplains, and wetlands as compared to the Brown Alternative.

III. Section 4(f)

On October 24, 2008, the FHWA concurred that the level of documentation for the type of impacts from the proposed project on Section 4(f) property was "de minimis". There are three properties eligible for the National Register of Historic Places – Lake Shore Tire and Rubber Company (Titan Tire Industrial Complex), C. Amends and Sons Packing Plant, and the SE 14th Street Viaduct. The Yellow Alternative would require approximately 0.23 acres from the Lake Shore Tire and Rubber Company (Titan Tire Industrial Complex) which is currently vacant and would not directly impact any buildings within the industrial complex. The Yellow Alternative would require approximately 0.20 acres from C. Amends Packing Plant which is currently vacant and does not contribute to the historic character of the property. The Yellow Alternative would pass under the span of the SE 14th Street Viaduct and no impacts to the structure are anticipated.

The Yellow Alternative would have direct impacts to three historic resources; Lake Shore Tire and Rubber Company (Titan Tire Industrial Complex), C. Amends & Sons Packing Plant, and the SE

14th Street Viaduct. SHPO concurred with a finding of no adverse affect with regards to the Yellow Alternative and the above three properties on August 13, 2008. Based on this determination the Project Team sought a *de minimis* finding. A letter notifying SHPO of the intent to make a *de minimis* finding was sent on October 22, 2008. SHPO is not required to respond.

IV. Measures to Minimize Harm

A variety of measures have been identified to mitigate social, economic, and environmental impacts associated with the construction of the Selected Alternative. Commitments typically include components that will be incorporated in the final design of the Selected Alternative and mitigation measures that will be implemented as part of the construction project. The City of Des Moines has identified their commitments in **Chapter 4 Mitigation Green Sheet** in the Final EIS. This project will comply with all federal and state laws and regulations which are applicable at the time of permitting.

All practical measures to minimize environmental harm have been incorporated into the decision. These measures are noted in "bold" text.

A. Displacements/Relocations

In total, the Yellow Alternative would require 15 homes to be displaced resulting in the acquisition of approximately eight acres of residential property for right of way.

The Yellow Alternative would displace seven businesses in the Project Area resulting in the acquisition of approximately 107 acres of commercial property for right of way. The Yellow Alternative would relocate A&S Truck Repair, Pallet Brokers, Midwest Auto Fire Sprinkler Company, Carroll Auto Wrecking, Sam's Riverside Inc., Des Moines Automotive Parts Company, and John's Tree Service. All of the businesses that would be displaced by the Yellow Alternative own their property. The Yellow Alternative will also require the relocation of City of Des Moines' parks service center and a public works yard which are located east of SE 20th Street between Market Street and Scott Avenue.

Due to the proximity of the Yellow Alternative to some businesses, it could potentially need temporary construction easements on the property of Taylor Recycling, Titan Tire, Sunset Beach Auto Salvage, Hallet Materials, and Countrywide Grain Terminal.

Acquisition and relocation assistance and advisory services will be provided by the City of Des Moines in accordance and compliance with the Federal Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.

B. Community Facilities

The Yellow Alternative runs along the south side of the Chesterfield Park; however, no right of way would be acquired from the park. A positive impact would result from new pedestrian and bicycle facilities, including additional sidewalks and crosswalks, by allowing easier non-motorized access to Chesterfield Park. The Yellow Alternative would have no impact on the Chesterfield Community Center, Sam Cohen Park, or the East Des Moines Girls Softball Fields.

A fence will be constructed along the south side of the Chesterfield Park between the park and the new alignment.

C. Bicycle/Pedestrian Facilities

Sidewalks cover about half of the Chesterfield Neighborhood. The sidewalks that presently run through the neighborhood are along Maury Street, sections of Scott Avenue, Onawa Street, Raccoon Street, SE 25th Court, SE 26th Court, and SE 28th Street. Access to the Chesterfield Park is currently gained from SE 26th Court or Scott Avenue. SE 27th Street dead ends at the park and a fence is in place to keep people from accessing the park at this point, however, the fence has been broken to allow for pedestrian access. The sidewalks are located on one side of the street only in most cases and some have fallen into disrepair.

The new roadway will have a sidewalk on the north side, a shared sidewalk/bicycle trail on the south side of the alignment, and a bicycle lane in each direction next to the traffic lanes. The signals located at SE 25th Court and SE 30th Street will have crosswalks with signals to allow easy and safe access across the alignment for pedestrians and bicyclists. The intersection at SE 26th Court will have a crosswalk to allow safe, easy, and direct pedestrian access to the Chesterfield Park. Depending on community input, crosswalks could be moved to other more desirable locations during final design. All pedestrian facilities constructed or modified for the project will be ADA compatible.

D. Community Cohesion

Potential changes in emergency access routes and response times would be an indirect impact on emergency services. The Yellow Alternative would improve emergency access to the Project Area by reducing the number of at-grade rail crossings and eliminating the possibility of a landlocked situation for the area south of Vandalia Road.

The Yellow Alternative would potentially further divide the Chesterfield Neighborhood into the area north of the alignment and the area south of the alignment. However, community cohesiveness could be improved through pedestrian and bicycle facilities that do not currently exist.

The Yellow Alternative would impact access between the north side and the south side of the alignment. Access across the alignment in the Chesterfield Neighborhood would be at SE 25th Court, SE 26th Court, SE 28th Street, and SE 30th Street. By dividing the neighborhood with a new road, safety could be potentially impacted especially for children. A positive impact that the Yellow Alternative would have on safety is that it would divert through traffic off of Maury Street and other local streets. This allows community facilities such as the Chesterfield Community Center and La Clinica to be on a less busy street.

The connection between the two sides of the alignment will be mitigated through, sidewalks, paths, signal placement, crosswalks, and other potential pedestrian crossing enhancements. The signals located at SE 25th Court and SE 30th Street will have crosswalks with signals to allow easy and safe access across the alignment for pedestrians and bicyclists. The intersection at SE 26th Court will have a crosswalk to allow safe, easy, and direct pedestrian access to the Chesterfield Park. Depending on community input,

crosswalks could be moved to other more desirable locations. All pedestrian facilities constructed or modified for the project will be ADA compatible. The new alignment will feature a raised median along with landscaping on both sides of the new alignment. The speed limit will be set at 35 miles per hour in residential areas. Barriers will be constructed along the road at the cul-de-sacs on SE 27th Court and SE 28th Court.

E. Environmental Justice

The Environmental Justice analysis has determined that there is not a disproportionate adverse impact to minority or low-income populations associated with the Yellow Alternative. The Project Area contains higher levels of minority and low-income populations, but not in specific clusters or concentrations that differ substantially from the city or the county as a whole. Impacts from the Yellow Alternative would be similar for all population groups in the Project Area regardless of demographic or socioeconomic characteristics.

The City will coordinate with the Chesterfield Neighborhood including special measures to ensure Environmental Justice community involvement in the design and implementation of roadway enhancements and mitigations discussed during the design process. All notices and postcards to the Chesterfield Neighborhood will include Spanish translation and indications on where to receive more information in Spanish. The City will provide Spanish translation services at all hearings, meetings, and workshops.

F. Wildlife and Vegetation

A habitat survey and analysis was completed to identify the plant species and plant composition in different portions of the Project Area. The majority of the existing environment in the Project Area is that of highly human impacted, urbanized/industrialized habitat. Plant species identified in the Project Area are that of non-native grass species and forbs. Grass species include Brome grass, Reed canary grass, Foxtail grass, and Kentucky bluegrass. Forbs species include Sunflowers, Showy Milkweed, Butterfly Milkweed, Musk Thistle, Sumac, Grape, Curly Dock, Dogbane, and Western Ragweed. Large tree species in the area include Cottonwood, Kentucky Coffee Tree, Box Elder, Honey Locust, and Silver Maple. No high quality natural plant communities were identified during the survey.

No current records of listed species occurrences have been documented based on information obtained from the IDNR, the USFWS, and NatureServe. No sensitive species or habitats were identified during the field survey conducted in June 2007. Coordination with IDNR was conducted. Based on their letter dated June 8, 2007, they concur that no sensitive species or habitat exists in the Project Area.

Vegetation clearing and bridge demolition will be scheduled outside of primary nesting season dates to avoid or minimize impacts to nesting migratory birds. In the event vegetation clearing/bridge demolition must occur during nesting season(s), construction activities will be limited to daylight hours. Vegetation clearing will occur outside of the maternity period for the Indiana bats which runs from April 15 to September 15.

G. Wetlands

The Yellow Alternative would impact approximately 5.97 acres of wetland. The impacts would occur from the filling of wetlands as part of road construction. Of the 5.97 acres of wetland the Yellow Alternative would impact, approximately 5.16 acres are jurisdictional, therefore considered Waters of the United States and subject to USACE regulation.

Three of the ponds associated with the Dean Lake system would be impacted by the Yellow Alternative. A total of 1.4 acres of these three ponds would be filled and mitigated at a 1.5:1 ratio. The mitigation ratio is a change from the DEIS. These ponds represent an additional impact to surface water.

Wetland mitigation will occur at the Iowa DOT Construction Manual replacement ratio of 1.5:1; mitigation sites will be coordinated with United States Army Corps of Engineers as part of the Section 404 permitting process. Mitigation sites will be constructed or enhanced prior to filling of wetlands for the project. Mitigation sites will be within the same watershed. Mitigation sites will be developed, designed, constructed, and monitored according to provisions in Chapter 10 of the Iowa DOT Construction Manual along with any additional requirements contained in the Section 404 permit. The ponds of the Dean Lake system will be mitigated at a 1.5:1 ratio to continue supporting water runoff and storage. The City of Des Moines will submit a complete mitigation plan that addresses wetland and stream mitigation. A Joint Application Form 36 will be required when detailed plans are available.

H. Floodplain and Flood Easements

A new stream crossing over Four Mile Creek will be required west of U.S. 65 and north of Vandalia Road in the southeast part of the Project Area for the Yellow Alternative. Impacts to the stream may include fill to support structure construction. A hydraulic analysis has not been completed for the proposed structure. The new structure will be designed to ensure no increase in backwater flood elevation and a hydraulic analysis will be completed for the final alternative selected during the design phase of the project.

The entire road bed (including the granular base) located on the Lake Red Rock Remedial Works Levee will be at or above the 791.5 foot levee grade (designated line of protection) at all points, that no utilities or other openings that would create potential conduits for water between the wet side and protected sides of the Lake Red Rock Remedial Works Levee will be placed below the 791.5 foot elevation. The 791.5 foot elevation is the worse case scenario. Further coordination will be needed with USACE and Iowa DOT regarding the final level needed to obtain levee certification. Parallel runs of utilities adjacent to the levee should be at least 100 feet from the levee toe or in fill material above the levee line of protection. A 15 foot vegetation free zone from the toe of the levee will be provided on both sides of the Yellow Alternative along the levee.

A "positive drainage plan" will be developed to ensure that ditches can be maintained and are generally kept in a dry and mowable state. A temporary flood flight plan during construction will be developed and enforced. The City of Des Moines and USACE will need to develop and execute an operation and maintenance agreement for the levee. At a

minimum, the City will be responsible for maintenance of the portion of the levee affected by the project. The City would also update its levee Operations and Maintenance Manual.

Fill in the 100-year floodplain requires an equivalent volume of cut in terms of cubic yards within the Des Moines River/Four Mile Creek floodplain monitored by the Red Rock's Corps Office at a one to one mitigation ratio. Monitoring will be required every five years to ensure adequate flood storage volume is provided. Fill in a flowage easement below the 783 foot level will require a compensatory easement in terms of volume (cubic yards) that is hydraulically connected to the existing flowage easement.

Hydraulic Analysis approval will be required that demonstrates no backwater flood elevation for the selected alternative during the one percent frequency storm event. This will include any revisions to the levee elevation requirements that may result from Iowa DOT analysis.

Iowa DNR Form 37 Permit will be required for two bridges crossing Four Mile Creek and certification of "no-rise" in the 100-year flood profile. A Certificate of Compliance with Chapter 50 of the City Code "Floodplain Development Regulations" and a Section 404 permit application will be required. A Joint Application Form 36 will be required when detailed plans are available.

I. Water Quality

Since the Yellow Alternative is on new alignment, greater amounts of storm water runoff are possible throughout the Project Area. Surface water with the potential to be impacted by increased storm water runoff includes the Dean Lake pond system, Sunset Beach Lake, Leetown Creekway, Four Mile Creek, and ultimately the Des Moines River. This may provide the opportunity for potential contaminants to be released to the environment. Given the amount of existing development in the Project Area, the increase in impervious surfaces would have a minimal impact on groundwater resources. Procedures will be followed in accordance with the National Pollution Discharge Elimination System (NPDES) permit and Iowa Administration Codes 60 and 64 to prevent or minimize contamination of wetlands, streams, and ponds adjacent to the Project Area.

The Yellow Alternative will involve filling 1.4 acres within the ponds in the Dean Lake system. Compensation to the ponds in the Dean Lake system will be mitigated at a ratio of 1.5:1 resulting in the 2.1 acres of the Dean Lake system being replaced.

The City will use Best Management Practices to control erosion and protect water quality near the project. National Pollution Discharge Elimination System Permit Application is required prior to construction.

J. Archaeological and Historical Sites

The Yellow Alternative would potentially impact two of the archaeological sites identified and investigated by the Project Team, Site 13PK734 (twentieth century farmstead) and Site 13PK870 (nineteenth-twentieth century farmstead). Both sites were not recommended for future archaeological investigation due to degradation and the apparent lack of integrity. Iowa SHPO concurred with these findings on March 19, 2008.

The Yellow Alternative would have direct impacts to three historic resources; Lake Shore Tire and Rubber Company (Titan Tire Industrial Complex), C. Amends & Sons Packing Plant, and the SE 14th Street Viaduct. SHPO concurred with a finding of no adverse affect with regards to the Yellow Alternative and the above three properties on August 13, 2008. Based on this determination the Project Team sought a *de minimis* finding. A letter notifying SHPO of the intent to make a *de minimis* finding was sent on October 22, 2008. SHPO is not required to respond.

In the unlikely event that previously unevaluated historic property is discovered during construction, the following provisions are recommended:

1) **If archaeological resources are uncovered during construction, construction activities should halt in the immediate area for evaluation of the resources by a qualified archaeological professional.**

2) **In the event that resources of archaeological importance are encountered, all construction and excavation activities should cease immediately within the area. The area should be secured, the material left in place with no further disturbance, and Iowa DOT, Iowa SHPO, or the Iowa Office of the State Archaeologist (OSA), as appropriate should be contacted immediately.**

No human remains or suspected mortuary features have been identified within the Project Area and none are anticipated to be found during the implementation of the proposed undertaking. However, it is understood that any human remains, mortuary features, and/or grave-associated funerary objects discovered within the Project Area are protected by provisions of the Iowa Codes 144.34 and 263B.7 through 263B.9, and the Iowa Administrative Code Section 685, Chapter 11. In accordance with Iowa Code, all construction and excavation activities must cease immediately within the area if human remains, mortuary features and/or grave-associated objects are encountered. The area must be secured and the material left in place with no further disturbance. A tarp, plastic sheeting, or other appropriate covering must be placed over the exposed remains and weighted with loose soil along the edges and the top. Iowa DOT, Iowa SHPO, and the Iowa OSA Director of the Burials Program (telephone: 319-384-0740) must be contacted immediately in the event that human remains are discovered during construction or excavation activity.

A retaining wall will be used to assure the driveway access and circulation on the north side of the Amends Packing Plant. FHWA has concurred with the Section 4(f) resources de minimis finding on October 24, 2008 which completes the Section 4(f) process for this and the other identified historical sites.

K. Hazardous Materials

The Yellow Alternative will impact 18 potentially contaminated sites. This includes seven properties with high impact potential, six properties with medium impact potential, and five properties with low impact potential. Based on the age of the buildings located within the Project Area, asbestos-containing materials and/or lead-containing paint may be present inside of buildings that

may be acquired for the project. This was not verified as part of the contamination survey. Given the high concentration of potential contaminated sites within the Project Area, avoidance of contaminated sites is not possible for the Yellow Alternative.

Known underground storage tanks (USTs) will be removed prior to project letting activities. The USTs will be removed utilizing contracts administered by the City of Des Moines. If unknown USTs are found during the construction process, the procedures for removal will follow the Iowa DNR and City of Des Moines requirements.

If soil is found to be contaminated, over-excavation as part of the tank removal process will be used. Once over-excavation has occurred the soil can be disposed of in two ways. The soil can be disposed of in a State permitted sanitary landfill, with prior approval from the landfill or it can be spread out on the surface, also known as land application. Land application requires the advance notice of the Iowa DNR. If the land application method is used for removal of contaminated soil the criteria outlined in the Iowa DOT Construction Manual will be followed.

Any structures acquired for the project will be tested for asbestos- and lead-containing materials before demolition. If asbestos- and lead-containing materials are found, proper procedures for the safe removal and disposal of the contaminated materials will be used.

The City will conduct Phase II Site Assessments for contamination in the right-of-way of the selected alternative.

L. Construction Noise

Construction of the Yellow Alternative would result in certain short-range adverse environmental impacts including noise, air quality, water quality, floodplain/levee, traffic circulation, and disposal of surplus waste material.

The contractor will also be required to comply with Occupational Safety and Health Administration (OSHA) regulations concerning noise attenuation devices on construction equipment.

V. Monitoring or Enforcement Program

The selected alternative, the Yellow Alternative, is subject to further review by federal and state agencies as well as local units of government during final design. Several permits will be required prior to the beginning of construction. The review and permit process will be implemented in cooperation with the appropriate regulatory agencies.

VI. Comments on the Final EIS

Notice of the Southeast Connector Final EIS was included in the February 19, 2010 Federal Register with the wait period ending March 22, 2010. Comments on the Southeast Connector's Final EIS

were accepted through April 12, 2010. Five comments were received on the Final EIS and are included in **Appendix B**.

The substantive comments specific to the adequacy of the Final EIS content or process are summarized and responses provided below. No response is provided for statements of preference, statements of fact, general opinions, or comments agreeing with the project information. Many of the comments received addressed similar aspects of the Final EIS content or process. These have been summarized below. Two comment letters required no response.

Federal Aviation Administration, February 23, 2010:

Comment: The project may require formal notice and review from an airspace standpoint. The requirements for this notice may be found at: http://oeaaa.faa.gov under "Who Needs to File" at the bottom of the page. If you determine that formal notice is required, follow the instructions on the main page for e-filing your proposal with the FAA. Advisory Circular 70/7460-2K states that notification is to be submitted 30 days prior to construction. Given the time required to conduct an aeronautical study, we recommend a 120-day notification to accommodate the review process and issue our determination letter.

Response: The City of Des Moines will verify if formal FAA notice is required. If formal notice is required, FAA notification will occur 120 days prior to the anticipated start of construction.

Amends Packing, March 26, 2010:

***Comment*:** I would like to express my concerns on a few points. 1. Cattle and semi truck access to and from our building - Enough room for trucks to turn and back in. 2. Customer and employee parking. We are concerned about customer parking in front of our building to allow customers to park and come in the front door. 3. Street drainage - we have a low area behind our building which accumulates standing water in the rainy season. We are concerned about the level of the new street in front of our building so that this area does not accumulate any additional water.
4. Revisions to the cattle pens for new unloading access.

As we previously discussed, I am sure you are aware of our concerns and I just wanted to document these concerns for the public comment period.

Response: The project will require approximately 0.20 acres of right of way from this property. The property to be incorporated into roadway right of way is currently vacant and does not contribute to the historic character of the property. The building that is considered eligible for listing on the National Register of Historic Places would not be impacted by construction activities. A retaining wall will be built along the trail on the Southeast Connector to minimize impacts to this parcel and to allow for circulation of trucks on the plant site. The project will incorporate an enclosed storm water drainage system to collect storm water run off. The exact details on parking and access from SE 18th Street will be worked out during the design phase of the project.

U.S. Army Corps of Engineers, April 7, 2010:

***Comment*:** Add the following row to Table ES.2

Resource/Issue	Agency	Action or Permit Required	Outstanding Issues
Real Estate	U.S. Army Corps of Engineers	O&M Agreement and Consent to Easement Structures	Coordinate with District Staff at Lake Red Rock Project Office

Response: This information is incorporated by reference in this Record of Decision into the FEIS.

***Comment*:** To receive FEMA accreditation, the conveyance of permanent flood protection levee easements to the U.S. within the vicinity of the Des Moines Metropolitan Wastewater Reclamation Authority water treatment plant, as well as updating, completing, and executing a current Operations and Maintenance Manual that identifies the levee operation and maintenance responsibilities of all parties involved is required.

Response: Although this comment is generally outside the project, the City of Des Moines will coordinate with the Corps of Engineers to execute an O&M Agreement for the levee system related to the Southeast Connector project.

***Comment*:** All wetland mitigation sites will need to be coordinated with the Rock Island District Real Estate Division as part of the Section 404 permit process. This includes all property transfer of mitigation sites into ownership of the U.S.

Response: The City of Des Moines recognizes wetland mitigation process and will be completed as part of the future design and/or construction process.

***Comment*:** The Rock Island District of the U.S. Corps of Engineers asked that the proposed Southeast Connector be two feet higher (at or above 791.5) to provide reliable flood protection since significantly higher than expected water surface elevations occurred during the 2008 flood, impacting FEMA accreditation. The FEIS adequately addresses the levee/road heights and the ongoing coordination between the District and the Des Moines city engineering staff. During final roadway design, the top elevation may be adjusted downward based upon on-going Iowa DOT Des Moines River hydraulic modeling activities, thereby reducing the overall roadway impact area.

Response: As noted in the comment, this issue is adequately addressed.

***Comment*:** The increased levee and roadway elevation requested by the District appears to add approximately $23 million cost to the project.

Response: The increased levee height was one of a list of items that contributed to the increase in cost. The increased levee height was not the sole source of the cost increase.

***Comment*:** The 2000 feet of levee immediately downstream of this road project is between elevations 789 and 790. The District expects the project sponsor to raise the roadway if a larger vulnerability exists within the same line of protection.

Response: The City of Des Moines asked the U.S. Army Corps of Engineers for clarification of this comment. In their response on April 12, 2010, it was indicated that this comment should have been deleted when a previous comment was edited to cover the height of the road and on-going hydraulic modeling.

VII. Record of Decision Errata

Two pieces of correspondence were errantly not included in the Final EIS. The first omission was a letter via email from Federal Aviation Administration, Central Division and the second was a comment on the Draft EIS from Kemin Industries. Both of these comments and responses are included in **Appendix C**.

The removal of USTs will be completed utilizing contracts administered by the City of Des Moines not by Iowa DOT service contracts. If unknown USTs are found during the construction process, the procedures for removal will follow Iowa DNR and City of Des Moines requirements. Iowa DOT Office of Location and Environment will not be involved. These changes will be made in Chapter 4 Mitigation Green Sheet Summary.

VIII. ROD Commitments

The City of Des Moines will verify if formal FAA notice is required. If formal notice is required, FAA notification will occur 120 days prior to the anticipated start of construction.

A retaining wall will be built along the trail on the Southeast Connector to minimize impacts to the Amends Packing property and to allow for circulation of trucks on the plant site. The project will incorporate an enclosed storm water drainage system to collect storm water run off. The exact details on parking and access from SE 18th Street will be worked out during the design phase of the project.

The City of Des Moines will coordinate with the U.S. Army Corps of Engineers to develop an O&M Agreement and Consent to Easement Structures for the Southeast Des Moines/Southwest Pleasant Hill Remedial Works Levee system.

The City of Des Moines will coordinate wetland mitigation with the U.S. Army Corps of Engineers through the Section 404 process.

Known underground storage tanks (USTs) will be removed prior to project letting activities. The removal of USTs will be completed utilizing contracts administered by the City of Des. If unknown USTs are found during the construction process, the procedures for removal will follow Iowa DNR and City of Des Moines requirements.

Conclusion

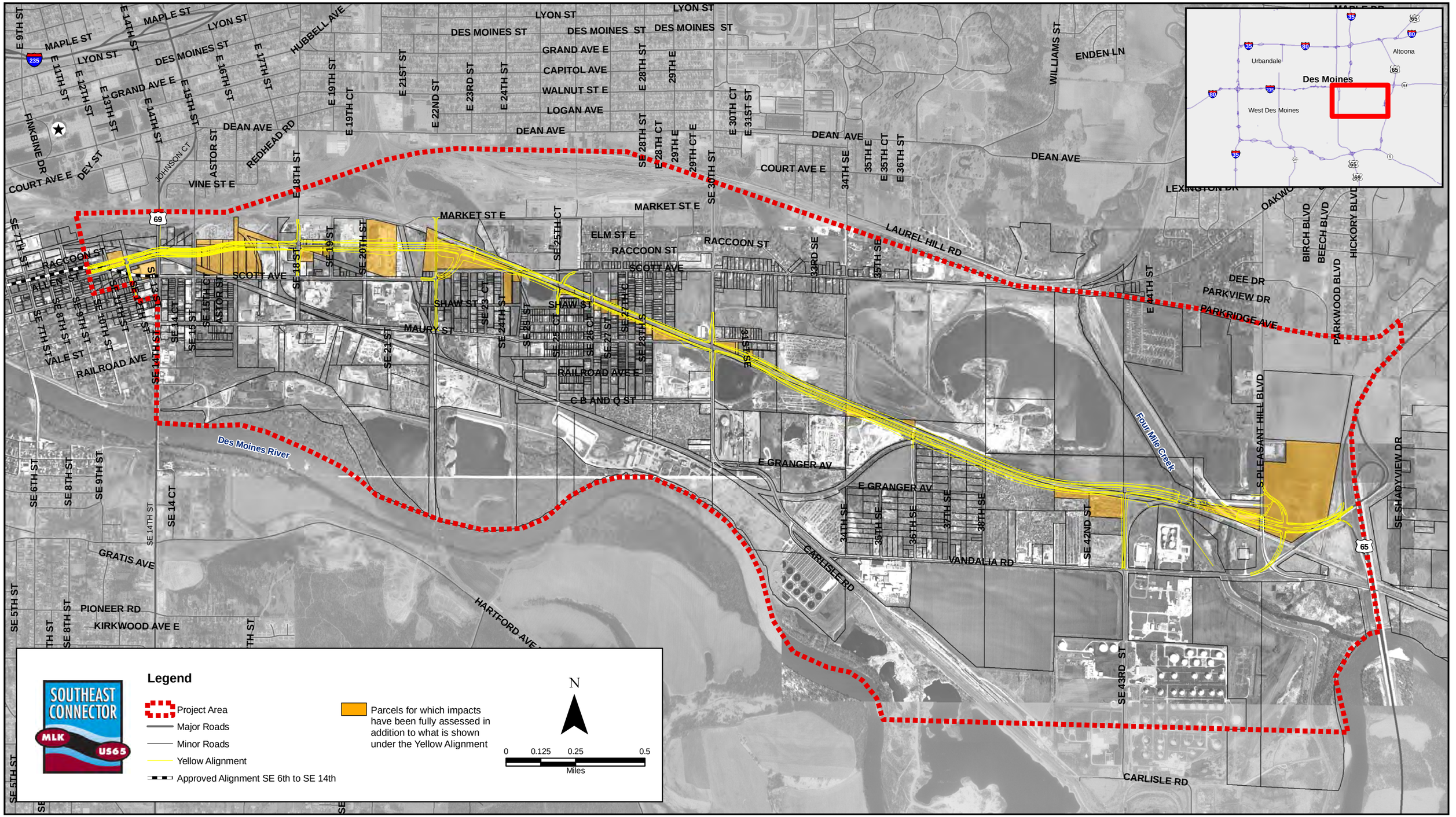
The selection of the Yellow Build Alternative to provide a new four lane arterial road between SE 14th Street and U.S. 65 in the southeast quadrant of the City of Des Moines, Iowa to improve the road system connectivity, enhance safety, complement economic development, and improve road capacity was made after careful consideration of all social, economic, and environmental factors with input from Iowa DOT, City of Des Moines, other local, state, and Federal agencies, and the public.

Lubin Quinones
Division Administrator
Federal Highway Administration

27 May 2010
Date

APPENDIX A

Selected Yellow Alignment



Legend
Project Area
Major Roads
Minor Roads
Yellow Alignment
Approved Alignment SE 6th to SE 14th
Parcels for which impacts have been fully assessed in addition to what is shown under the Yellow Alignment
N
0
0.125
0.25
0.5
Miles
SOUTHEAST CONNECTOR
MLK
US65
Des Moines River
Four Mile Creek
Urbandale
Altoona
Des Moines
West Des Moines
LYON ST
DES MOINES ST
GRAND AVE E
CAPITOL AVE
WALNUT ST E
LOGAN AVE
DEAN AVE
COURT AVE E
MARKET ST E
ELM ST E
RACCOON ST
SCOTT AVE
SHAW ST
MAURY ST
RAILROAD AVE E
C B AND Q ST
E GRANGER AV
VANDALIA RD
CARLISLE RD
LAUREL HILL RD
DEE DR
PARKVIEW DR
PARKRIDGE AVE
S PLEASANT HILL BLVD
SE SHADYVIEW DR
PARKWOOD BLVD
HICKORY BLVD
BIRCH BLVD
BEECH BLVD
WILLIAMS ST
ENDEN LN
LEXINGTON DR
HARTFORD AVE
GRATIS AVE
PIONEER RD
KIRKWOOD AVE E
VALE ST
RAILROAD AVE
ALLEN ST
FINKBINE DR
DEY ST
JOHNSON CT
ASTOR ST
REDHEAD RD
VINE ST E
HUBBELL AVE
MAPLE ST
E 9TH ST
E 11TH ST
E 12TH ST
E 13TH ST
E 14TH ST
E 15TH ST
E 16TH ST
E 17TH ST
E 18TH ST
E 19TH ST
E 19TH CT
E 21ST ST
E 22ND ST
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E 24TH ST
E 28TH ST
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29TH E
29TH CT E
E 30TH CT
E 31ST ST
SE 30TH ST
34TH SE
35TH E
E 35TH CT
E 36TH ST
33RD SE
35TH SE
E 44TH ST
SE 42ND ST
SE 43RD ST
SE 7TH ST
SE 8TH ST
SE 9TH ST
SE 10TH ST
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SE 23 CT
SE 24TH ST
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SE 26 CT
SE 27 ST
SE 27TH CT
SE 28TH ST
SE 25TH CT
SE 6TH ST
SE 5TH ST
SE 8TH ST
SE 9TH ST
SE 14TH ST
SE 14 CT

APPENDIX B

Comments on the Final EIS

Fields of Opportunities

STATE OF IOWA

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

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

March 2, 2010

Ms. Pamela Cooksey, PE
Deputy City Engineer
City of Des Moines – Engineering
400 Robert D. Ray Drive
Des Moines, IA 50309

RE: Condensed Final Environmental Impact Statement
Southeast Connector in Des Moines, Polk County, Iowa

Dear Ms. Cooksey:

Thank you for the opportunity to comment on the Condensed Final Environmental Impact Statement (EIS) for the Southeast Connector in Des Moines, Iowa. We provided comments on the draft EIS and have no additional concerns or comments to make at this time.

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

Sincerely,

Christine M. Schwake

Christine Schwake
Environmental Specialist

RECEIVED
MAR 04 2010
DEPT. OF ENGINEERING
CITY OF DES MOINES, IOWA

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

MAR 17 2010

Pamela Cooksey, PE
Deputy City Engineer
City of Des Moines-Engineering
400 Robert D. Ray Drive
Des Moines, IA 50309

Dear Ms. Cooksey:

RE: Review of Final Environmental Impact Statement for the Southeast Connector in Des Moines, Polk County, Iowa

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the Des Moines Southeast Connector. Our review is provided pursuant to the National Environmental Policy Act 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act. The FEIS was assigned the CEQ number 20100043.

In our comment letter for the Draft EIS, EPA offered comments regarding Streams &/or Wetlands, Environmental Justice and Residential Displacement, Regulated Materials, and Potential Impacts Identified in Prior Consultation with EPA. It appears that all of our comments and suggestions have been sufficiently addressed in the FEIS.

Thank you for addressing our comments from the previous correspondence. We appreciate the opportunity to provide comments regarding this project and FEIS. If you have any questions or concerns, please contact me at 913-551-7565 or via email at tucker.amber@epa.gov, or you may contact Joe Cothern, NEPA Team Leader, at 913-551-7148 or via email at cothern.joe@epa.gov.

Sincerely,

Amber Tucker

Amber Tucker
NEPA Reviewer
Environmental Services Division

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MAR 19 2010
DEPT. OF ENGINEERING
CITY OF DES MOINES, IOWA

GLOBE 100% RECYCLED FIBER

U.S. Department
Of Transportation

**Federal Aviation
Administration**

Central Region
Iowa, Kansas
Missouri, Nebraska

901 Locust
Kansas City, Missouri 64106-2325

February 23, 2010

Pamela Cooksey, PE
Deputy City Engineer
City of Des Moines – Engineering
400 Robert D. Ray Drive
Des Moines, IA 50309

Re: Project Number NHSX-U-1945(202)-8S-77
Southeast Connector in Des Moines, Iowa; Polk County, Iowa
Condensed Final Environmental Impact Statement

Dear Ms. Cooksey:

The Federal Aviation Administration (FAA) reviews other federal agency environmental documents from the perspective of the FAA's area of responsibility; that is, whether the proposal will have effects on aviation and other FAA responsibilities. We generally do not provide comments from an environmental standpoint. Therefore, we have reviewed the material furnished with your letter dated February 5, 2010 concerning the above referenced project, and have no comments regarding environmental matters.

Airspace Considerations
The project may require formal notice and review from an airspace standpoint. The requirements for this notice may be found at: http://oeaaa.faa.gov under "Who Needs to File" at the bottom of the main page. You need to know where the public-use and military airports are in the project area in order to judge whether a project requires airspace review.

If you don't know if your project is near a public-use airport, select the "Circle Search for Airports" tab on the left side of the page. Then select "A specific location" and enter a circle radius of 4 miles and your project's latitude and longitude.

If you determine that formal notice is required, follow instructions on the main page for e-filing your proposal with the FAA. Advisory Circular 70/7460-2K states that notification is to be submitted 30 days prior to construction. Given the time required to conduct an aeronautical study, we recommend a 120-day notification to accommodate the review process and issue our determination letter.

More information on this process may be found at:
http://www.faa.gov/airports/central/engineering/part77/

RECEIVED
FEB 26 2010
DEPT. OF ENGINEERING
CITY OF DES MOINES, IOWA

If you have questions, please contact me at glenn.helm@faa.gov or 816-329-2617.

Sincerely,

Glenn Helm, P.E.
Environmental Specialist

From: amy wiese [mailto:amend@qwestoffice.net]
Sent: Friday, March 26, 2010 9:22 AM
To: Cooksey, Pamela S.
Subject: SE connector

Dear Pam,

With regards to our conversation this morning about the final Environmental Impact Statement for the Southeast Connector, I would like to express my concerns on a few points.
1. Cattle and semi truck access to and from our building - Enough room for trucks to turn and back in.
2. Customer and employee parking. We are concerned about customer parking in front of our building to allow customers to park and come in the front door.
3. Street drainage - we have a low area behind our building which accumulates standing water in the rainy season. We are concerned about the level of the new street in front of our building so that this area does not accumulate any additional water.
4. Revisions to the cattle pens for new unloading access.

As we previously discussed, I am sure you are aware of our concerns and I just wanted to document these concerns for the public comment period.

Thank you,
Amy and Kent Wiese

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

REPLY TO
ATTENTION OF

April 7, 2010

L:\HANCKS FILES\JORDAN\2010 LETTERS\07Apr10_Cooksey_SoutheastConnectorltrmer/5791

Planning, Programs, and
Project Management Division (10-1-7c)

Ms. Pamela Cooksey, PE
Deputy City Engineer
City of Des Moines - Engineering
400 Robert D. Ray Drive
Des Moines, Iowa 50309

Dear Ms. Cooksey:

The U.S. Army Corps of Engineers, Rock Island District (District) received the document *Southeast Connector in Des Moines, Iowa, Polk County, Iowa, Final Environmental Impact Statement,* (DEIS) dated January 6, 2010. The District would like to provide the following comments.

1.) Executive Summary - Table ES.2 Other Agency Actions: Add the following row to the table:

Real Estate	U.S. Army Corps of Engineers	O&M Agreement and Consent to Easement Structures	Coordinate with District Staff at Lake Red Rock Project Office

2.) Paragraph 3.2.7 – In order to receive FEMA accreditation of the existing Southeast Des Moines/Southwest Pleasant Hill Remedial Works levee system, there are other requirements to be met in addition to the reevaluation of the level of flood protection. Some of these requirements include the conveyance of permanent flood protection levee easements to the U.S. within the vicinity of the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) water treatment plant, as well as updating, completing and executing a current Operation and Maintenance Manual that identifies the levee operation and maintenance responsibilities of all parties involved. The levee system cannot be accredited by FEMA without meeting these requirements as well.

3.) Paragraph 4.0 – All wetland mitigation sites will also need to be coordinated with the Rock Island District Real Estate Division as part of the Section 404 permit process. All tasks relating to the conveyance/property transfer of all mitigation sites into ownership of the U.S. will be officially approved and thoroughly documented by the Real Estate Division and the Lake Red Rock Project Office. Enhanced or newly acquired mitigation sites will be conveyed to the U.S. and identified by way of a boundary survey tract map that summarizes the description of the area, to include the amount of acreage to be obtained.

4.) The District asked the proposed Southeast Connector be two feet higher (at or above 791.5) to provide reliable flood protection since significantly higher than expected water surface elevations occurred during the 2008 flood, impacting FEMA accreditation. The FEIS adequately addresses the levee/road heights and the ongoing coordination between the District and the Des Moines city engineering staff. During final roadway design, the top elevation of the roadway may be adjusted downward based upon on-going Iowa DOT Des Moines River hydraulic modeling activities, thereby reducing overall roadway impact area.

5.) The increased levee and roadway elevation requested by the District appears to add approximately $23 million cost to the project (Condensed Final EIS, p. ES-4).

6.) The 2000 feet of levee immediately downstream of this road project is between elevations 789 and 790. The District expects the project sponsor to raise the roadway if a larger vulnerability exists within the same line of protection.

Thank you for the opportunity to comment on the proposed project. If you have any questions, please call Mr. Joe Jordan of the Environmental and Economics Branch, (309) 794-5791, or e-mail: joseph.w. jordan@usace.army.mil.

Sincerely,

ORIGINAL SIGNED BY
Dorene A. Bollman
for Kenneth A. Barr
Chief, Environmental and Economics Branch

CF:
Dist File (PM-M)
PD-E (Jordan, Coyle)
PM-M (Heinold)
OD-R (Richardson-Duey)
OD-P
RE-P (Lieving)
ED-DM (Kincaid)

From: Heinold, Thomas D MVR [mailto:Thomas.D.Heinold@usace.army.mil]
Sent: Monday, April 12, 2010 1:52 PM
To: Cooksey, Pamela S.; Jordan, Joseph W MVR
Cc: Nazar, Christopher R; sfoutch@kirkham.com
Subject: RE: SEC FEIS letter

Pam,
Comment #6 is essentially a duplicate of comments #4, and it should have been deleted when we edited the wording of comment #4.
What we're essentially saying is that if the levee along Four Mile Creek needs to be raised to provide an adequate level of protection required for certification, the roadway will have to be raised so that its clay core / sub-base also provides that level of protection. When we get the final word on the DOT modeling and future mitigation project(s), we'll be able to coordinate more precisely.
In the meantime, it appears that the EIS covers a "worst case" scenario with regard to the height of the roadway embankment, and if the worst case is covered, there shouldn't be an issue with moving forward.

V/r,
Tom

-----Original Message-----
From: Cooksey, Pamela S. [mailto:PSCooksey@dmgov.org]
Sent: Saturday, April 10, 2010 10:27 AM
To: Heinold, Thomas D MVR; Jordan, Joseph W MVR
Cc: Nazar, Christopher R; Foutch, Shawn (sfoutch@kirkham.com)
Subject: FW: SEC FEIS letter

Tom & Joe,
Thanks for the letter. The hard copy has made it as well. We will incorporate the comments into the ROD, as appropriate.

Item 2 is more of a flood protection (City & WRA) than project specific. The comment is being passed along to the WRA for addressing.

In reviewing, I have a question on item 6. I'm not sure I understand the relationship between the SEC and the levee downstream of the project. Are you saying that the roadway will need to provide at least as much protection as the levee downstream?

Thanks,
Pam

APPENDIX C

Errata Comments

Southeast Connector in Des Moines Iowa (NHSX-U-1945(202)-8S-77) Final EIS Errata Sheet

The following comment on the Draft Environmental Impact Statement for the Southeast Connector and response were inadvertently left out of the Final Environmental Impact Statement. This comment and response should have appeared as page 5-29.

Comment

To the Southeast Connector Project Team,

I write on behalf of Kemin Industries.

1) We give full support to the preferred route of the SE Connector (shown as the yellow line on your maps).

2) We strongly recommend that the portion of the connector that stretches between E 21st street and E 23rd street, where the road crosses the active railway, be designed as a tunnel and not a bridge. We request this for two key reasons. First, aesthetic, as a tunnel would keep the road looking and feeling like a boulevard (as has been marketed) and not a freeway leading from downtown Des Moines via our neighborhood and into the Chesterfield neighborhood to our east. Second, this would allow for expansion of Kemin to the north east, whereas a bridge would significantly limit or even cut off our options.

Sincerely,

Kerty Nilsson Levy
Vice President, Kemin Industries

Response

The comment expressing a preference for a SE Connector route is acknowledged.

The Selected Yellow Alternative currently calls for the proposed Southeast Connector (a four-lane urban arterial) to pass over the railroad facilities on an 800 foot long bridge structure between SE 21st Street and SE 23rd Street in eastern Des Moines. To clear the two rail lines the structure must be approximately 30 feet above the facilities with the approaches placed on fill. The approaches will need to be approximately 1,000 feet long to achieve the 30 feet of clearance. Access will be provided to SE 18th Street approximately 2,000 feet east of the bridge and to Scott Avenue and Market Street at an elevated intersection approximately 400 feet west of the bridge.

To replace the bridge with a tunnel the roadway will have to pass under the rail facility approximately 25 feet below the existing ground. The tunnel will be approximately the same length as the bridge (800 feet). The approaches to the tunnel will need to be just less than 1,000 feet in length to achieve the desired change in grade.

The construction of a tunnel between SE 21st and SE 23rd Streets would cost approximately five times the cost of a bridge over the railroad facilities, decrease local access, and require an annual

outlay of $2 to $3 million per year for emergency training, additional staff, and utility costs. The high water table in the area also complicates the construction and operation of a tunnel facility.

The close location of the groundwater to the surface also greatly complicates the construction and operation of a tunnel facility at that location. The Project Team concluded that this was not a practical design option for the SE Connector at this time. The results of this analysis were shared in a meeting with the commenter. There were no alignment revisions to accommodate a tunnel between SE 21st and SE 23rd Streets.

-----Original Message-----
From: todd.madison@faa.gov [mailto:todd.madison@faa.gov]
Sent: Friday, January 30, 2009 2:35 PM
To: Cooksey, Pamela S.
Subject: Southeast Connector Draft EIS, Des Moines, IA

Ms. Pamela Cooksey, P.E.
Deputy City Engineer
City of Des Moines - Engineering
400 Robert D. Ray Drive
Des Moines, IA 50309

Dear Ms. Cooksey:

Subject: Southeast Connector Draft EIS
Des Moines, Iowa
Polk County, Iowa

We have received your letter dated January 26, 2009, requesting our review of the above subject project. The Federal Aviation Administration (FAA)reviews other federal agency environmental from the perspective of the FAA's area of responsibility; that is, whether the proposal will have effects on aviation and other FAA responsibilities. We generally do not provide comments from an environmental standpoint. Therefore, we have reviewed the material furnished with the January 26, 2009, transmittal letter, concerning the above subject project, and have no comments regarding environmental matters.

However, we remind you that you will need to consider whether or not the project will require formal notice and review from an airspace standpoint. The requirements for this notice may be found in Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace. This regulation is contained under Subchapter E, Airspace of Title 14 of the Code of Federal Regulations. We would like to remind you that if any part of the project exceeds notification criteria under FAR Part 77, notice should be filed at least 60 days prior to the proposed construction date. For information regarding Part 77 notification criteria, please access our web site using the following link:

http://www.faa.gov/airports_airtraffic/airports/regional_guidance/central/construction/part77/

Sincerely,

Todd M. Madison, P.E.
Environmental Specialist
FAA Central Region Airports Division, ACE-611F
901 Locust, Room 335
Kansas City, Missouri 64106-2325
Tel: (816) 329-2640
Fax: (816) 329-2611
email: todd.madison@faa.gov
web:
http://www.faa.gov/airports_airtraffic/airports/regional_guidance/central/

Response

The City of Des Moines will verify if formal FAA notice and review from an airspace standpoint is required. If formal notice is required, FAA notification will occur 120 days prior to the anticipated start of construction.