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of Transportation
**Federal Highway
Administration**

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November 1, 2001

NEBRASKA DIVISION FHWA

In Reply Refer To:
HRW-NE

Mr. Roger Figard
City Engineer
City of Lincoln
1001 North 6 Street
Lincoln, NE 68508

Dear Mr. Figard:

Project M-5244(3), Antelope Valley
Record of Decision

Enclosed is your copy of the Record of Decision for the Antelope Valley Environmental Impact Statement.

We appreciate the extraordinary effort you and your staff have put forth during this critical step in the Antelope Valley project. Without your commitment and dedication, our Record of Decision would have been much delayed. We especially want to thank and commend Ted von Briesen of Parsons Brinkerhoff, whose dedication and extra efforts were instrumental in facilitating the process.

Thanks again for your efforts. If you have any questions, or would like to discuss the project, please call me, 437-5973.

Sincerely yours,

Edward W. Kosola
Realty/Environmental Officer

Enclosure

RECORD OF DECISION – Antelope Valley Project

ROADWAY AND STORMWATER MANAGEMENT IMPROVEMENTS IN ANTELOPE VALLEY LINCOLN, LANCASTER COUNTY, NEBRASKA PROJECT NO. M-5244 (3)

A. LOCATION:

The roadway and stormwater management proposed projects are located in the central area of the City of Lincoln, Lancaster County, Nebraska.

B. DECISION:

The City of Lincoln, the University of Nebraska – Lincoln (UNL), and the Lower Platte South Natural Resources District (LPSNRD) (Partners), in association with the Federal Highway Administration (FHWA) and the US Army Corps of Engineers (COE), have studied a wide-range of alternatives, evaluated them, and the Partners selected a locally preferred alternative. The selected alternative is to build a North-South Roadway from K Street to Military Road; an East-West Roadway from 10th and Avery to 33rd Street at Superior Street, two connector roads (four lanes each) for Adams Street and Huntington Street; flood control channel improvements that would reduce and confine the 100-year flood plain within the channel banks along Antelope Creek from the mouth to J Street, except for some minor ponding in low areas near the downstream end; and recreation trails along the channel project. Eight new local roadway bridges and two modified bridges (one roadway and one railroad) will cross the channel. Various non-federal community revitalization projects such as public parks, housing, and commercial development areas are closely integrated with, and receive benefit from the federal projects.

The project area, the purposes and needs, the alternatives evaluated, their known environmental and transportation impacts, the public involvement process, and the decision making process are fully described and the results of the analyses are reported in the *Environmental Impact Statement (EIS)* for Project No. M-5244 (3) for Antelope Valley improvements in Lincoln, Lancaster County, Nebraska. The selected alternative identified as the Amended Draft Single Package (also known as the Antelope Valley Plan) best satisfies purpose and need with least adverse environmental impacts. It and a No-Action Alternative are both in the EIS. Additional supplemental descriptive, process identification, and technical analysis material is provided in technical reports that are incorporated by reference in the EIS. The COE has published a *Feasibility Report and Environmental Assessment for Flood Control for Antelope Creek in Lincoln, Nebraska* documenting the results of their concurrent study of the channel and recreation improvement projects.

The COE is the federal agency set to direct the design and construction of the channel improvements. The three local Partners are the agencies responsible for the construction (except the channel), operation and maintenance of the entire set of projects. FHWA, COE, and other Federal funds will help finance the implementation of the Amended Draft Single Package. FHWA is the lead agency for Partner compliance with the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act, and Section 4(f) of the US Department of Transportation Act requirements, as well as mitigation actions by the Partners identified in this Record of Decision.

Lincoln is the second largest city in Nebraska and the state capital. For some dozen years the City of Lincoln sought to solve transportation problems related to discontinuous street patterns and multiple at-grade railroad crossings on the east side of the downtown. The University of Nebraska - Lincoln, with a City Campus directly adjacent to the Lincoln downtown, had been independently trying to solve internal transportation and flooding issues that limited campus development and cohesion. At the same time, the Natural Resources District wanted to solve the flooding problems of Antelope Creek, which is adjacent to downtown Lincoln and the UNL City Campus, as well as several of Lincoln's oldest, historic

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neighborhoods. After these years of independent studies, they formed a Partnership and instituted an Antelope Valley Major Investment Study (AVMIS).

The EIS was prepared *after* the range of alternatives had been narrowed, and is consistent with Option 1 of the US Department of Transportation (DOT) October 1993 final ruling on Statewide and Metropolitan Planning. The EIS and environmental review process are also in full compliance with the National Environmental Policy Act (NEPA) as Scoping and other NEPA activities were started during the AVMIS. Under NEPA, the FHWA is the lead agency, and the COE and the US Department of Housing and Urban Development (HUD) are cooperating agencies. The Nebraska multi-agency agreement to coordinate different environmental and permitting process known as "NEPA /404 MERGE" -- has been followed throughout the Antelope Valley Studies.

The Partners recognized early the interdependence of the three key issues of community revitalization, stormwater management, and transportation routes, and have worked closely with the public to ultimately craft an integrated, workable solution, for the locally preferred alternative.

C. ALTERNATIVES CONSIDERED

Throughout this effort, the Partners sponsored over 1,000 small and large meetings within the community to identify Lincoln's needs, assist in proposing solutions consistent with those needs, and to serve as a catalyst for preserving and encouraging development within the downtown. As a result of these efforts, well over 100 alternatives were initially devised to address the identified needs.

Utilizing the NEPA law and implementing regulations, screening of the 100+ alternatives to a manageable number was a lengthy and inclusive process. As a result of the process, a "Draft Single Package" was eventually born, and then analyzed and refined by the study participants to lessen social, economic, and environmental impacts while maximizing public acceptability. Environmental impacts (including historical resource and recreational area protection, as well as Environmental Justice considerations) factored heavily in the screening process. Although a number of alternatives were eliminated from consideration during the screening process, those eliminated are not considered reasonable alternatives because they did *not* satisfy the identified study needs. The reasonable and feasible alternatives are evaluated in detail in the EIS; including No-Action Alternative.

D. DESCRIPTION OF THE LOCALLY PREFERRED PROJECTS

The Amended Draft Single Package (ADSP) is composed of three basic elements: community revitalization, stormwater management, and transportation improvements.

Community Revitalization. Though these Community Revitalization Projects are not Federal projects, the broad-based vision of the ADSP includes:

- Neighborhood Vitality, encouraging construction of a downtown supermarket, mixed-use development downtown, and closer-to-home strategies.
- Land-Use Patterns, including overlay districts to encourage development along a common neighborhood theme, stormwater channel-related parks, and mixed-use development to buffer potentially conflicting land uses.
- Downtown Vitality, including items such as encouraging new downtown housing in the form of town homes and mixed-use development as well as a new employment center.
- Trail Continuity, including a new bike path linking existing trails with a safe route around downtown. The path would parallel Antelope Creek east of downtown, border the UNL City Campus to the north, proceed south through the Haymarket, and turn east at G Street until it connects with Antelope Creek's existing trail.

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- Recreation, including a new 13-hectare (33-acre) Northeast Community Park south of the railroad tracks between 28th and 32nd Streets and a new East Downtown Community Park, as well as upgrading Trago Park in the Malone Community.
- Health and Human Services, "Wrap-around centers" are shown at five locations inside or near the, study area. Wrap-around centers create efficiencies by having several agencies locate and work ' together to provide community services at a single location.

Stormwater Management. A new stormwater conveyance channel and improvements to the existing channel would combine to provide a new channel extending from J Street, northward, to Salt Creek. Starting at N Street, the new channel would extend northwest from Antelope Park, paralleling 21st Street on the east side. The channel would gradually turn westward one block beginning at R Street to the western border of Trago Park, turn northward, and continue to Vine Street, where it would reconnect with the existing channel to Salt Creek. The project will increase the channel capacity to contain the 100-year design flood within the channel banks, except for minor ponding in low areas near the downstream end, would allow changing development restrictions on land currently within the floodplain, and would provide an opportunity for a continuous bike trail around downtown. The total channel would contain a small continuously flowing stream, parallel bike path, landscaping, and picnic areas and, thus, would be a visual and recreational amenity for the adjacent neighborhoods.

Transportation Improvements. A new North-South Roadway would be provided in the 19th Street corridor from K Street along the east side of the Downtown and UNL City Campus, curving along the east side of UNL's Beadle Center, continuing north and west to and over the Burlington Northern Santa Fe (BNSF) mainline railroad, and connecting to 14th Street near Military Avenue. The North-South Roadway would initially be four or six lanes, depending on particular traffic demand, and would include a landscaped median and ultimately would be six lanes wide. It would intersect a new East-West Roadway on structure at a signalized intersection near the BNSF mainline railroad. This roadway would extend from 10th and Avery Streets eastward, first on the south and then, after the North-South Roadway intersection, on the north side of the parallel BNSF railroad. It would continue north to Cornhusker Highway and to Superior Street. Connections between the East-West Roadway just east of 27th Street to Adams Street and Huntington Avenue would also be provided. They would pass beneath the railroad mainline north of a proposed Northeast Community Park. A number of connections to local streets would also be provided. The transportation improvements would provide better traffic flow for regional traffic, thereby removing traffic from neighborhood and UNL streets, as well as improving safety by removing four existing at-grade railroad crossings.

E. SECTION 4(F) INVOLVEMENT

The transportation projects of the preferred alternative will use portions of five public Section 4(f) properties and one privately owned National Register of Historic Places -Eligible (NRHP) residence: in addition to the residence are two City of Lincoln parks and a bike/hike trail, as well as two University of Nebraska Lincoln recreation areas.

As documented in the Final Section 4(f) Evaluation (Chapter 7 in the EIS), it has been determined that, after careful planning to avoid protected resources there are no feasible and prudent alternatives to the use of these six resources by the transportation projects of the locally preferred alternative. Furthermore, all possible planning has led to measures to minimize harm to the used resources that are acceptable to the Federal, State, and local officials having jurisdiction over these resources.

Trago Park is a general-use neighborhood park with a designated area for neighborhood basketball recreation. A picnic area and playground, available for general use by the public, are located near the adjacent Clyde T. Malone Community Center on U Street. Trago Park is an approximate 3.4 hectares (8.5 acre) neighborhood park. The open areas are generally flat grass lawns (though there are slopes

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in the western area). Some areas have mature trees, sidewalks for walking and biking, as well as several benches.

Although no park right-of-way (ROW) would be acquired for the transportation improvements, the location of the road just west of the park on UNL property requires the placement of the new Antelope Creek channel in the park. Therefore, use of the park by the stormwater channel is considered a Section 4(f) use.

Currently, the creek flows through an undersized underground conduit near the park. The locally preferred alternative builds a new open channel that follows the low elevation route generally along the west side of Trago Park. The proposed stormwater management alternative would directly change use of a small grassy undeveloped portion of the park for construction of a new channel, and as such, a new amenity for the west side of the park. The land and channel would continue to be designated public city park.

The following items are considered mitigation strategies to minimize harm. To minimize the use of, and harm to, the parkland for the new stormwater channel, the west side of the channel would be defined by a retaining wall for the North-South Roadway located outside park ROW. Noise impacts to Trago Park would be minimized by the elevational differences between the at-grade roadway and the low-lying channel and park nearest the roadway. Noise would be further mitigated by a low (at least 1 .l meter, or 3.5 feet high) barrier wall at the top of the retaining wall along the western edge of the stormwater channel.

Trago Park would be visually enhanced by the addition of the new grassy channel, which would have an attractive and accessible waterway and landscaping. The closest portion of the park would be below grade relative to the roadway, and would be visually hidden by the elevational difference and construction of the retaining wall and barrier wall designed with attractive visual features. The roadway would also be landscaped along the wall.

Also, the park would be expanded (by acquisition of additional land to the west and south - to R Street - of the existing stepped boundary) so that the future level area of the park would be as large as today without the channel. The AV Plan would use about 0.5 hectares (1.2 acre) of the sloped area of the park (which will continue to be designated public park.) This will be replaced by 0.5 hectares (1.2 acres) of adjacent flat land. There is also sentiment from the African American community that it would be appropriate to provide for an increased community awareness of the historic contributions of the African American pioneers in the area. Additional historical markers, and memorial art on the channel retaining wall are mitigation items that will be developed and implemented as part of this project.

Rock Island Trail is the most heavily used hiker/biker trail in the City of Lincoln, with an average daily count of 1,600 users. The trail currently begins at Old Cheney Road on the south and extends approximately eight kilometers (five miles) north to 19th and Vine Streets. Most of the 2.4 meter (8 feet) wide concrete trail is offstreet except along 19th north of O Street where it follows existing sidewalks.

Mitigation to minimize harm of the Section 4(f) use of the Rock Island Trail would include relocating the trail along the new channel slopes. The new location would enhance trail aesthetics and safety, and would provide increased connections to other City trails. The trail would pass under the new bridges at major streets crossing the new channel, thereby eliminating bicycle and pedestrian-vehicle conflicts. This is an important safety and aesthetic improvement for trail users.

Antelope Park (South Street Bridge) is a large city park extending from Capitol Parkway near N Street on the north to Sheridan Boulevard on the south along the former Rock Island Railroad ROW, and extending from Capitol Parkway near 27th Street to South Street along Antelope Creek.

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Currently there is an existing four-lane City owned bridge over Antelope Creek that needs to be lengthened to accommodate the 100-year flood flows. The bridge would be lengthened to increase hydraulic capacity of the crossing. No additional traffic lanes would be added to the new bridge. Use of Antelope Park for the bridge lengthening would be minimal. It appears that the lengthened bridge would be kept within existing City and LPSNRD ROW. Some slope re-grading would change park contours nearest the road; and the permanent construction is considered a Section 4(f) use of parkland. Mitigation measures to minimize harm include constructing the replacement bridge by the Partners with greater hydraulic capacity and maintaining and improving the nearby Billy Wolff Trail.

During final design, effort will be made to minimize Section 4(f) park use without impacting the existing businesses on the south side of South Street.

19th & Vine UNL Softball Fields and UNL Mud Volleyball Courts are used for campus recreation intramural activities. UNL allows public use of the facilities when not in use by UNL. As a result, adjacent Malone neighborhood residents and others use the area. The UNL Master Plan identifies a new parking garage at this location. Therefore, there would/would not be a Section 4(f) use, depending on the timing of the Antelope Valley implementation in this area, and whether the UNL construction project comes first. The Section 4(f) Evaluation assumes Antelope Valley comes first.

The proposed North-South Roadway and channel straightening would traverse the area where the softball fields and mud volleyball courts are located. Section 4(f) use of the five fields and courts would be caused by land acquisition for the new roadway or channel. Since there are no feasible and prudent alternatives to avoid Section 4(f) use of the facilities, their displacement would be mitigated through replacement elsewhere. The mud volleyball courts would be relocated by the university on campus, as would the other existing basketball courts, sand volleyball courts, and horseshoe pits to an area of campus already shown in the Campus plan for expansion of recreation activities. These facilities would continue to be available for UNL and public use.

The three softball fields would be replaced at the new Northeast Community Park on Leighton Street between 27th and 33rd Streets. The City and UNL would develop the proposed park jointly, as partners and as part of the community revitalization component of the Amended Draft Single Package.

Abel-Sandoz UNL Basketball Courts, Sand Volleyball Courts, and Horseshoe Pits are located northeast of the Abel-Sandoz Residence Hall and north of the existing Antelope Creek channel. The facilities are also used by neighborhood youth for walk-on activities. The two basketball courts and the four horseshoe pits would be used by the new stormwater channel construction and the two volleyball courts would be used by the roadway construction. Prior to any roadway construction, the university will relocate all these facilities to the UNL City Campus recreation area shown in the Campus Master Plan.

Private Residence at 1907 L Street is eligible for listing in the NRHP because of its Dutch "Farm House" architectural style. Though this is already an area of high traffic and noise, the area will experience an increase in traffic on both L Street and the North-South Roadway. The house would normally not be included as a Section 4(f) use because the construction of the new roadway does not require acquisition of the property, nor is there a constructive use as the current and future uses of the property can remain the same. However, as the State Historic Preservation Officer (SHPO) points out, the best means of minimization of adverse effect for Section 106 purposes is, if there is a voluntary agreement with the property owner to physically relocate the house to a better setting nearby in a residential area. It is this action that newly introduces a Section 4(f) use. However, this change does recognize that the original setting would no longer contribute to the building's historic character. It is agreed by the SHPO, FHWA, and the City in the Antelope Valley Section 106 Memorandum of Agreement that, prior to any acquisition, the residence at 1907 L Street would receive a complete recordation to the level required by the SHPO. The selection of the relocation site will be coordinated with the SHPO and FHWA before the City takes any action to move the structure.

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F. COMMENTS RECEIVED ON THE FEIS

The FEIS was available for public and agency comment between September 1, 2001 and October 1, 2001. Three citizens offered comments on the document. Their comments are summarized in the following table (Table I), and Federal Highway Administration responses or findings are provided. Where the comments have some bearing on the Record of Decision, this is further discussed in the responses column.

Table 1 FEIS Comments Received and Responses

No	Comment Summary	FHWA Responses
1	States Native American Traditional Culture Site received scant information.	The cultural importance and relationship to the Federal projects is fully described at FEIS page-4-127. Owner has several times also requested no "publicity" be given to activities and location.
2	Believes there are Federal Statutes that cover the Cultural Site.	The statute covers recognized tribal sites to be acquired by a Federal Program. A Federal Program will not acquire this site. A Section 106 and a Section 4(f) evaluation were completed without finding protective status.
3	Claims, contrary to law, FEIS and Section 4(f) Statement ignore adverse and unmitigated impacts to four protected recreation resources.	<p>Antelope Park, Kuklin Pool, and Lincoln Driving Park (no longer in existence) are not protected resources under Section 4(f); the pool is located south of N Street at 22nd Street and Antelope Park extends along Antelope Creek from the pool in a southeasterly direction entirely east of 21st Street (over 600 feet - two blocks -- from nearest North-South Roadway project.)</p> <p>Trago Park is protected and extensively discussed in Chapter 7 with committed mitigation. Working closely with Lincoln Dept. of Parks and Recreation, the Antelope Valley Plan (particularly the new channel) provides for additional parkland, improvements to Antelope Park, all without adverse impacts. Figure 4.5 shows the AV concept at the north end of Antelope Park keeping the pool.</p>
4	Media articles submitted to support commenter's claim that Mayor of Lincoln wishes to close Kuklin Pool (via an Antelope Valley taking) for a mega-block development.	The AV Plan does not require closing, acquisition, or other adverse impact to the pool. The mayor's discussions on the 3001 closing related to city budget concerns; which concluded with a City Council decision to leave the pool open and to work to improve its attendance.
5	Believes AV Plan uses public lands as they are cheaper, and therefore easiest route.	All requirements of Section 4(f) were strictly adhered to.
6	Closed conduit alternative to the open channel at Trago Park was not adequately addressed. Claims "too expensive" not viable conclusion.	Alternative given full and careful consideration in earliest concepts used in developing AV Plan, and in refining the Plan (including City Council review and rejection of alternative underground conduit at Trago Park.) The Corps of Engineers in their independent studies also was not convinced of merits of enclosed conduit at Trago Park. Cost differentials were considered (and reported in EIS) but 'too expensive'

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		was not an evaluation criterion.
8	Objects to renaming "Trago Park." Between R and Q Streets.	It is correct that currently Trago Park extends between Vine and Q Streets. The EIS, in its discussion of park use and mitigation, and for the addition of a new park (East, Downtown Community Park -- as identified in the area's Comprehensive Plan) only highlights the differences in activities and improvements between the parks at R Street. There is no action or decision to rename any park.
9	FEIS is particularly deficient in not identifying Antelope Park and Kuklin Pool as a Section 4(f) protected resources.	There is absolutely no Section 4(f) use of these resources. There is a Federal Water Resources Development Act impact (beneficial) covered in the EIS, but no US Department of Transportation Act use of these resources.
10	AV Plan causes loss of women's softball fields.	Lewis Fields (used both by men and women teams) are not impacted by AV Plan except that they will be flooded far less frequently (reducing maintenance costs and increasing availability) after the new channel is completed.
11	FEIS Section 4(f) fails to address removal of the most substantial cottonwood tree in Trago Park.	The AV Plan does not include removal of the most substantial cottonwood tree in Trago Park; there is no use to discuss under Section 4(f).
12	Claims it is not sensible to maintain that Trago Park may be impacted because other protected resources are avoided.	The reasons for use of Trago Park are not based on avoidance of all the other resources; they are mentioned solely to set the background scene of the resources in the study area. The Section 4(f) use of Trago Park is fully explained in the EIS, including how the Purpose and Need are best met. Avoidance Alternatives are identified and their use of protected resources is quantified. Minimization of use at Trago Park is explored, and mitigation acceptable to the owners is committed to.
13	States neighborhood does not need channel as buffer to university campus, has the Trago Park today. Nor does it value further campus land acquisition at the expense of the neighborhood.	The neighborhood will continue to have Trago Park, and the channel will help buffer it from the roadway, and will provide an identifiable limit for university campus expansion activities. The university will end up with <u>less land</u> in its possession because of the AV Plan, not more. Their Master Plan utilizes the channel/roadway combination to formally define the east edge of their City Campus.
14	Apparently the AV public process [es] did not inform citizens of the loss of Kuklin Pool.	True, there was no notification/discussion about closing or relocating the pool because there is no adverse impact to the pool in the AV Plan.
15	Clarification needs to be provided on the "wrap around centers.	These non-Federal actions are part of corollary community revitalization activities. Details for each center, such as services included, costs and/or building plans (if any) and sponsorship, are all topics that are evolving. The AV process has supported the community dialogue.
16	The location of the health center is not provided.	The AV Plan says site "to be determined." There is no willing sponsor yet. Also see above response (No. 15).

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17	Continued use of 16 th and 17 th Streets through the City Campus is best plan.	When measured to the Purpose and Need, the new roadways best satisfy community development <u>and</u> travel needs. The AV reuse concepts for the existing streets are consistent with broader City and University plans, though details are subject to local decisions and approvals.
18	Student parking in the neighborhoods should be limited before a Record of Decision is issued.	Any such student parking (and university shuttles) in nearby neighborhoods is not a Federal Action and there is no basis for delaying issuance of a Record of Decision for this reason.
19	Claims the trail system divides the neighborhoods.	The AV Plan provides important expansions and connections among the already extensive trail system, as well as additional neighborhood access to the total system. In following the channel banks, the trail is a natural addition to the park uses located along the channel.
20	States it is absurd to replace trails with new trails.	A new Rock Island trail along the channel bank is superior to the current on-sidewalk location. The new route has been approved by the Corps of Engineers for development along with the channel; as well as, supported by the trails community. The sidewalk route can still be used by bikers and hikers as part of local campus access routes.
21	A September 22,2001 City meeting on trails did not directly discuss the AV Plan - this is a fatal FEE flaw.	Regular trail's community support and public testimony in support of the AV Plan trail projects is already in the EIS record and the trails are included in the area Comprehensive Plan. The meeting referenced was held to discuss the City policy questions of use of street lanes for trails, not to address the AV Plan.
22	Claims the Relocation Plan should be improved.	Properly, the Relocation Plan for compliance with the Uniform Relocation Assistance and Right of Way Acquisition Policy Act (and other implementing regulations and legal instruments) does not dictate where families or business must relocate. The Relocation Plan does discuss the full range of resources and assistance to be made available to assist in a Federal program acquisition and relocation process.
23	Also refers to City's non-Federal relocation program. Wants certain houses physically relocated.	As discussed in EIS, in addition to the structure relocation commitment relating to four residential structures in the Antelope Valley Section 106 Memorandum of Agreement, the City is developing a separate community revitalization program to consider and evaluate moving certain homes (not just historic homes) to new sites in nearby neighborhoods.
24	States it is unsubstantiated that development will stagnate and tax revenue decline without the project.	This statement is not found in this form; however, it is true that development, without the Antelope Valley project, is limited in the current area of the 100-year flood plain for Antelope Creek. Today there are 1200 homes, public buildings, and businesses that are restricted from redevelopment, or limited to some

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		relatively costly means of meeting requirements to protect (or limit damage to) life and property in the Antelope Creek flood plain.
25.	Objects to "taking" private property for private purposes. [meaning by Public actions?]	The EIS does not propose any Federal program for public acquisition of any private property for private developments that are desired in the AV Plan.
26	Objects to FEIS "stat(ing) and/or strongly insinuating" Mr. Whitcomb (U.S. Department of Justice, Community Relations Service) was brought to Lincoln to evaluate Environmental Justice issues. Wants letter and minutes removed from FEIS.	The EIS clearly states Mr. Whitcomb was invited to Lincoln by a citizens / neighborhood group because of public involvement issues they had and that they wished to have him assist to mediate in the AV process. His concluding summary letter and the minutes of a final "summit" meeting are included in the EIS for information purposes. Nowhere does it state or imply he has determined there are no Environmental Justice issues. FHWA believes Environmental Justice is properly dealt with.
27	States it is up to project proponents to identify and engage all minorities for purposes of Environmental Justice.	The FHWA regulations regarding Environmental Justice were carefully followed in the AV study and are documented in the EIS. 'From the very beginning of the studies, African-American, Hispanic, and other minority groups were identified and proactively brought into the AV discussions. As stated in the EIS, it was only several refugee populations (not included in the FHWA regulations) that were identified later, and an extra effort to "catch-up" with them was instituted.
28	Supports recognition of area leaders, including African Americans, & Lincoln Driving Park.	Historical markers and other efforts of recognition are included in EIS. The Lincoln Driving Park site is included in the list of candidates for historical markers.
29	Suggests other, non-Section 106 (National Register of Historic Places) sites be included in the Antelope Valley Memorandum of Agreement.	We find there is no basis in law to do this, nor any need. See also our response to the non-Federal structure relocation program at item number 23 in this table.
30	Finds the aquatic improvements unsubstantiated; states that linear parks and trails destroy habitat.	The EIS was reviewed by responsible State and Federal agencies. Letters stating concurrence with the AV Plan from the US Fish and Wildlife Service, Nebraska Games and Parks Dept, and the Nebraska Department of Natural Resources are included in the EIS. There is interest on the part of these agencies to see that implementation of the grassy sloped Antelope Creek channel and new area parks is a benefit to the flora and fauna of the area.
31	Identifies two environmental risk sites not shown on LUST.	It is helpful to have the sites of potential concern identified. These sites are adjacent to channel properties, But not proposed for project acquisition. However, the properties that are acquired will be assessed and treated according to state law. If anything is found suggesting a contaminant source coming from outside the purchased property, it, too, will be handled according to state law.
32	Requests clarification, of one sentence	All of the corollary community revitalization projects

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	related to community revitalization project schedule.	(i.e. non-Federal projects) are free (from a NEPA perspective) to proceed as quickly as funding, studies, approvals, or permits allow. The sentence in question is indicating that those local projects in the Antelope Creek floodplain will likely not be buildable until <u>after</u> the flood plain is narrowed.
33	Suggests Census 2000 figures are now available and that the FEIS is inadequate by using Census 1990 numbers.	When the planning studies (Major Investment Study) were completed there was no Census 2000. The City of Lincoln began receiving (a still ongoing process) Census 2000 numbers in February 2001, long after the studies for Antelope Valley were documented in the DEIS. Not all of the categories of data are yet available from Census 2000; however, it does appear that there are no major data shifts in the census tracts closest to the project.
34	Wants a reference to Hawley neighborhood changed.	The reference is about residents of four neighborhoods benefiting from improvements at Trago Park. It does not seem that anything more is implied about it being a competing neighborhood organization.
35	New lighting at Trago Park basketball courts should not be attributable as AV mitigation.	There is new lighting at the basketball courts installed by the City; the reference in the EIS is therefore outdated. This Record of Decision does not consider that new lighting as part of the City's mitigation commitment.
36	Comments about children and access to fast moving flood water, and states an article is attached.	No article was received. There is always concern about floods and the perils associated with them. Without the new channel, far larger areas will be flooded and the floodway much less defined, also creating concern and threat to life and property. The new channel reduces the floodplain area and defines the floodway, which helps people know what area to avoid in flooding conditions.
37	Requests FHWA to reject the FEIS and to require a supplemental FEIS [prior to issuance of a Record of Decision?]	The Federal Highway Administration does not find any of the specific comments received to the Antelope Valley EIS to be substantive or such that the EIS needs to be rejected, or a supplement prepared.

G. ENVIRONMENTAL MITIGATION

In addition to the evaluation of how each of the alternatives best satisfy the Purpose and Need set forth for this study area, the alternatives were also compared on environmental impacts. Though the Amended Draft Single Package best satisfies the purpose and needs there are some environmental impacts that could not be avoided. In addition to the identified and committed mitigation items that follow in Table 2, the project owners will continue to use Best Management Practice's to minimize built out concerns.

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Table 2 ENVIRONMENTAL COMMITMENTS LISTING

**ROADWAY AND STORMWATER MANAGEMENT IMPROVEMENTS IN ANTELOPE VALLEY
LINCOLN, LANCASTER COUNTY, NEBRASKA
PROJECT NO. M-5244 (3)**

SUBJECT MATTER	SECTION	COMMITMENT/MITIGATION
Rights-of-way Acquisition and Relocation	Section: 4.5.1 & 4.5.2 Section: 4.5.4 Section: 4.5.5	The right-of-way will be adequate to accommodate committed bike paths where shown in the plans along the channel and several roadways. Right-of-way acquisition will be handled in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended. A separate, Community Revitalization strategy of physically relocating some acquired residences aims to help preserve local housing in the neighborhoods.
Driveway Access Control	Section: 5.1.3	Preliminary proposed access breaks for existing properties are shown in the Functional Design Plans.
Erosion and Sedimentation Control	Section: 4.26.5	Mitigation measures for erosion and sedimentation control could include dikes, dams, sediment basins, fiber mats, temporary and permanent seeding, straw mulch, plastic liner, slope drains, and other devices which would intercept and trap transported sediments.
Pollution Control and Water Quality	Section: 4.26.7 & 4.17.7	Heavy equipment should be refueled and serviced away from watercourses to prevent accidental contamination of surface waters with petroleum products. Only clean fill materials will be used in construction of the roadway and channel.
Bicycle and Pedestrian Accommodations	Section: 4.7.7	New Bike/Hike Trails and sidewalks will be constructed as shown in the plan; including along

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		most new roadways. Connections to existing trail system are also included.
Environmental Justice	Section: 4.3.6	Particular attention to and consideration of meeting the relocation and other needs of those protected by Environmental Justice will be taken. Strengthening public services, availability of new public recreation areas, and housing improvement programs (especially in older neighborhoods) are important parts of Community Revitalization.
Environmental Risk Sites	Section: 4.19.7	When encountered, hazardous or toxic substances (e.g. PCBs, asbestos and lead), petroleum release sites, contaminated building materials or soils will be managed in accordance with City of Lincoln and NDEQ requirements. This may include removal and/or treatment of soil and ground water.
Floodplain and Permits	Section: 4.13.7	Through City of Lincoln participation in the National Flood Insurance Program, it is a requirement that floodplain development permits be obtained. The proposed roadway actions will obtain appropriate floodplain permits for the necessary portions of the project. A Section 404 permit(s) will be required from the U.S. Army Corps of Engineers during final design of the particular project(s) or project segment(s) requiring the permit(s).
Air Quality Impacts	Section: 4.26.5	If dust levels become objectionable, dust will be controlled by timely applications of water and/or temporary seeding in the construction areas.
Vegetation Impact	Section: 4.20.7	Replacement trees will be planted for the loss of trees that occur mostly in the south study section for channel and roadway construction. The replacement-to-loss ratio on the roadways and channel will be at least 3:1. The plan includes use of a mixture of large and short stature native trees six to eight feet, balled & burlapped) and shrubs to be planted just outside of the roadway

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		channel. Some appropriate species could include red bud, linden, spruce, green ash, sycamore, swamp white oak, red oak, black walnut, and others.
Wetlands	Section: 4.12.7	The mitigation for the single instance of freshwater ditch wetlands [amounting to approximately 0.24 hectares (0.58 acres)] would be appropriately mitigated using the City of Lincoln mitigation bank. The proposed replacement-to-loss ratio of 1:1 would be confirmed in a Corps of Engineers Section 404 permit(s). Mitigation using the City's bank would occur upon permit approval(s).
Wildlife, Aquatic Habitats and Fisheries, and Endangered and Threatened Species	Section: 4.1 4.7	There are no impacts to Threatened and Endangered Species. (See also water body modification.)
Land Use Impacts	Section: 4.4.6 & 4.4.8	The Antelope Valley Plan identifies areas with likely Land Use changes. Specific neighborhood and East Downtown Redevelopment Plans for City Council adoption will be developed and, once Adopted, public projects implemented. These land use changes will be consistent with the long-range Lincoln Lancaster County Comprehensive Plan.
Noise Impacts	Section: 426.5	If certain construction operations produce temporary noise levels impairing normal activities of individuals in the area, the project engineer will exercise the authority granted under contract provisions included in the specifications to require the contractor make reasonable efforts to lessen construction noise through abatement measures such as work hour controls and maintenance of muffler systems.
Vibrations	Section: 4.10.7 Section: 4.26.5	For construction near the Beadle Center research building, special vibration reduction requirements, including time of work, in construction contracts. If construction operations produce high temporary vibration levels impairing normal

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		will exercise the authority granted by contract provisions included in the specifications to require the contractor make every reasonable effort to lessen construction vibration through abatement measures such as work hour controls and types of machinery used.
Recreation Areas	Section: 7.2	Replacement of three UNL softball fields north of Vine Street at the new Northeast Community Park (a joint City & UNL Project). Relocation by UNL to the nearby, consolidated recreation area on UNL City Campus of two mud volleyball courts, two basketball courts, two sand volleyball courts and four horseshoe pits. Mitigation for use in a portion of Trago Park closest to the channel includes, purchase of contiguous additional parkland, design of the roadway retaining wall south of Vine Street as a partial visual barrier and as a noise deflector, channel & park landscaping, public art project along the retaining wall, and an additional playfield at the expansion parkland; relocation of the Rock Island bike/hike trail through Trago Park along the channel; addition of new hiker/biker trails around downtown with connections to other existing trails.
Water Body Modification and Wildlife	Section: 4.1 7.7 & 4.26.5	Modification of existing Antelope Creek is part of the approved plan. Appropriate local, state, and federal agency officials have reviewed and approved plans to date. The Partners will continue to involve these officials as designs are developed so assist in the furtherance of appropriate water body modification and beneficial wildlife habitat.
Lighting	Section 4.11.7	At the UNL Beadle Center greenhouses, appropriate street light pole spacing and fixture shields would be used to keep the future light levels in the greenhouses close to current ambient conditions. Planting of dense bushes between the North-South Roadway and the greenhouses would screen headlight glare from the greenhouses.
Visual Impacts	Section: 4.20.7	See also “Vegetation Impacts” above. Landscaping and tree planting for the project will

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H. CONCLUSION

Based on the analysis and evaluation contained in this project's Final Environmental Impact Statement, and after careful consideration of all the identified social, economic, and environmental factors and input from the public involvement process, it is my decision to adopt the Antelope Valley Amended Draft Single Package as the Proposed Action for this project.

Date _____

Approving Official
Federal Highway Administration