



Successful Protection of Iowa's Natural Areas from Destruction by Highway Road Construction

Iowa is criss-crossed by roads in a grid pattern, generally following section lines, with a road for every square mile. Many of the roads are county roads, some are state highways, a few are interstates, and some have become part of the network of city streets. In terms of physical size compared to other states, Iowa ranks 26th. Yet Iowa ranks 13th in the number of road miles.¹

Even after the roads were built, there were still natural areas dotting the state – wetlands, prairies, and wooded areas.

Though the Iowa landscape is highly accessible to roads, the road builders still want more roads. These roads are coming in the form of by-passes, four-lane divided highways and diagonal routes. And standing in the path of some these projects are natural areas.

Protection of the remaining natural areas falls into the hands of the neighbors and concerned citizens who find themselves pitched in battles against strong adversaries who do not care about the natural areas, plants and wildlife. At times, the public must resort to courts to protect an area. At other times, citizens have been able to convince officials to relocate a road to protect the natural areas.

If federal funds are involved, the National Environmental Policy Act (NEPA) can be used to require the Iowa Department of Transportation (DOT) and county engineers to conduct an Environmental Assessment and/or Environmental Impact Statement. These reviews require the Iowa DOT and/or the county engineer to review the preferred route for environmental significance. Alternative routes need to be considered as well as a no-build option. There is absolutely nothing to require an alternate route to be reasonable. In fact, one of the alternatives considered for the Highway 100 project near Cedar Rapids in Linn County was concocted so that it would purposely be thrown out and a number of the other desired alternatives were moved a few feet but stayed in the same corridor.²

The environmental community can readily relate horror stories where the Iowa DOT has unsuccessfully tried to transplant plants in an effort to mitigate their damage. The mitigation project that may take the record of “worst mitigation project ever” involves one segment of Highway 100. The prairie plants and a

¹ The Gazette's Editorial, “Our Bridges are Overloaded,” *Cedar Rapids Gazette*, December 4, 2010

² Iowa 100 Extension West of Cedar Rapids, Edgewood Road to U. S. Highway 30 Southwest of Cedar Rapids, Linn County, Iowa, Draft Section 4(f) Evaluation, December 20, 2006

layer of dirt were scooped up and moved to the northwest corner of Collins Road/Highway 100 and Interstate 380. The plants did not survive and thrive and the mitigation project was an abysmal failure. To add insult to injury, the City of Cedar Rapids ripped up the area and built a regional detention basin. The detention basin failed when it filled with water following a rain storm, and the pressure of water caused one side to collapse.

Highway and road projects can be built without damaging natural areas. During the planning phases, roads are just lines on a map and can be moved to areas that are already plowed or developed or are less environmentally sensitive.

Through the efforts of citizens and neighbors, the Iowa DOT has been convinced to move highway projects in order to protect significant natural areas. Three of those projects are described, including

- Eddyville Dunes, Highway 63, near Eddyville
- Engeldinger Marsh, Highway 330
- Hardin County Greenbelt, Highway 20

Another project described below resulted in a court battle and an injunction that permanently protects the woods along the Raccoon River and Old Highway 30 west of Jefferson.

Eddyville Dunes, Highway 63, near Eddyville

When Highway 63 was slated to by-pass Eddyville, the route was slated to pass through some sand dunes, filled with rare plants including the pale green orchid, and home to the threatened ornate box turtle.

Through the efforts of residents who lived near Eddyville and Sierra Club members, the Iowa DOT was convinced to move the by-pass to the west so that the natural area was protected.

Engeldinger Marsh, Highway 330

If you look at a map of Highway 330 in eastern Polk County, you will notice that the highway diverts to the north and west around Engeldinger Marsh to protect the wetland. Again through the effort of the Sierra Club, working with environmental allies and residents who lived near the Marsh, the Iowa DOT was convinced that protecting the marsh and its rare butterflies was important.

Hardin County Greenbelt

When Highway 20 was planned for widening and by-passing communities, the planned route threatened natural areas, plants, and wildlife in the Iowa River valley near Steamboat Rock. Once again, the Sierra Club and neighbors to this project fought to protect the valley. They successfully were able to convince the Iowa DOT to move the route to the south, to build the bridges so that the footings would not destroy the river and to build the road high enough to protect the river valley. In fact, the Iowa DOT has been very proud of the design work it did on the bridge and the protection of the valley.

McGregor Woods, Old Highway 30 west of Jefferson

After attempting to convince the Greene County Engineer that the wooded area along the Raccoon River west of Jefferson on old Highway 30 should be protected, Sierra Club members John W. (Bill) and Doris McGregor took their case before the Greene County courts. In his ruling, Judge Schechtman granted a permanent injunction which will protect the woods. In spite of the ruling, the Greene County Engineer periodically tries to resurrect the old project, even though permanent is a long time.

Judge Ronald H. Schechtman's ruling clearly states the case for protection of natural areas, as witnessed by the following quote:

"Times change. Until the legislation was passed, counties, as road builders, had in their hands almost a legislative fiat to construct a highway wherever it wished. In the 1920's and the 1930's, the state encouraged highway construction to facilitate transportation of persons and products benefiting commerce. In other instances, roads were encouraged for industrial, commercial, and residential expansion. Wetlands were drained and woodlands were ravaged in the name of progress. This has arbitrarily occurred for the past seventy years, greatly reducing their numbers.

"The legislature has determined a change is necessary to stop this indiscriminate destruction . . .

"We have advanced to the era of the oak rather than the saw; switchgrass rather than the scythe, the brook trout rather than the pesticide; the deer rather than the salt block; the cloud rather than the smokestack; the chisel plow rather than the moldboard; and the footpath rather than the concrete highway. The passages of John Muir, Rachel Carson, and Aldo Leopold sound over those of Henry Ford, Cyrus McCormick and John D. Rockefeller.

"Words like ecology, hydrology, and reforestation have become a part of our vocabulary."³

The quality of these woods was so great that the State Preserves Board protected the woods as a private state preserve.

Lessons Learned

Through all of these projects, several important lessons clearly need to be enumerated:

- Be involved throughout the road project. Get like-minded individuals involved.
- Attend all public meetings related to the project and provide comment.

³ Judge Ronald H. Schechtman's Ruling in Greene County Case Number 17336, John W. McGregor and Doris McGregor vs. Russell E. Helms and Greene County, Iowa, August 9, 1991, page 23.

- Speak to the decision-makers – at their public meetings. These might include meetings of the Board of Supervisors, City Council, and Iowa DOT.
- Write letters to the decision-makers.
- Look at the records that have been gathered about a project. The records may be at the regional Iowa DOT offices or at the county engineer's offices or the city engineer's offices.
- If there are official public comment periods, make comments so that they are part of the official record.
- Determine who is funding the project. If federal dollars are involved, an Environmental Assessment or an Environmental Impact Statement is required. Insist that these studies are completed.
- If there is a person with expertise in the plants, butterflies, birds, geology or historical significance of the area, ask if they can make a statement to the officials on behalf of protecting the area.
- Alert the media of issues and concerns related to a road or highway project.