



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

Programs and Project
Management Division

PUBLIC NOTICE

REQUEST FOR PERMISSION TO MODIFY A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408

TITLE: Walnut Street Bridge Replacement over Des Moines I and Des Moines II Levees (**Public Notice ID #2021-0033**)

PUBLIC NOTICE COMMENT PERIOD:

Begins: 16 February 2022

Expires: 18 March 2022

Interested parties are hereby notified that an application has been received for a Department of the Army Section 408 permission for certain work at or near a federally-authorized flood risk management project of the United States, as described below and shown on attached figures. Written comments are being solicited from anyone having an interest in the requested alteration. Comments will become part of the U.S. Army Corps of Engineers' (USACE) administrative record and will be considered in determining whether to approve the request. Comments supporting, opposing, or identifying concerns that should be considered by the USACE in its decision process are all welcome. Comments providing substantive information or a rationale for the commenter's position are the most helpful.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply USACE endorsement of the project as described.

REQUESTER: In compliance with Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408), the City of Des Moines (City) requests permission to replace the Walnut Street Bridge crossing the Des Moines River and add shoreline stabilization. The Walnut Street Bridge crosses the Des Moines I Levee and Des Moines II Levee, two existing federally-authorized flood risk management projects.

LOCATION: This bridge replacement project is located where Walnut Street crosses the Des Moines River in Des Moines, IA.

LOCATION MAPS: See Figures 1 and 2.

REQUESTER'S PROPOSED ACTION: The City requests permission to replace the Walnut Street Bridge crossing the Des Moines I Levee, Des Moines II Levee, and Des Moines River. The project involves a bridge replacement, integrated with an existing flood wall. The City proposes replacing the existing bridge with a 456' long by 86'-4" wide Pretensioned, Prestressed, Concrete Beam Bridge. The bridge will include two traffic lanes, two parking lanes, two bike lanes, and two 10' sidewalks. The proposed replacement bridge will be a similar length and width to the existing structure and will be built along a similar alignment. A temporary causeway across the Des Moines River will be built during bridge replacement construction. In addition to the bridge replacement, the City proposes installation of permanent shoreline stabilization to address potential scour during and after bridge replacement construction. Shoreline stabilization will include riprap installation on both the east and west shores of the Des Moines River. Sheet pile will be installed on the east shore of the Des Moines River as an additional stabilization measure. All minor levee alterations would occur on City property and within the levee easements. Both levees are existing, federally-authorized flood risk management projects.

REGULATORY AUTHORITY: This request will be reviewed according to the provisions of Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408). A requester has the responsibility to acquire all other permissions or authorizations required by Federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403); Section 404 of the Clean Water Act (33 USC Section 1344); and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). The compliance determination for any Section 10/404/103 permit decision associated with the proposed alteration is separate from and will not be included in the Section 408 compliance determination. An approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

EVALUATION: The decision whether to grant the requested permission for project modification under Section 408 is based on several factors which are outlined in Engineering Circular (EC) 1165-2-220, *Policy and Procedural Guidance for Processing Requests to Alter U.S. Army Corps of Engineers Civil Works Projects Pursuant to Section 408*. The decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of the requests for modification will be reviewed by a USACE technical review team considering the following factors:

1. *Impair the Usefulness of the Project Determination.* The review team will determine if the proposed alteration would limit the ability of the federally-authorized project to function as authorized, or if it would compromise or change any authorized project conditions, purposes or outputs. The decision whether to approve a request for modification would be based on a determination of no impairments.

2. *Injurious to the Public Interest Determination.* Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to the USACE project may have on the public interest requires a careful weighing of all factors relevant in each particular case. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.

3. *Environmental Compliance.* A decision on a Section 408 request is a Federal action and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements, including the National Historic Preservation Act and the Endangered Species Act. While ensuring compliance is the responsibility of USACE, the requester is providing all information that the U.S. Army Corps of Engineers, Rock Island District (District), identifies as necessary to satisfy all applicable Federal laws, executive orders, regulations, policies, and ordinances. ***Based on information provided by the applicant to date, current USACE regulations governing NEPA implementation, and/or the contents of existing NEPA documentation if available, it is likely the proposed action will be determined to be categorically excluded from the need to prepare an Environmental Assessment or Environmental Impact Statement.***
 - a) EC 1165-2-220 instructs the USACE to broadly interpret categorical exclusions, as referenced in 33 CFR 230.9, to include either USACE or the non-Federal sponsor if the proposed alteration is within the intended scope of the specific categorical exclusion. The proposed action is similar in scope to those actions covered by Categorical Exclusion 33 CFR 230.9(b), "Activities at completed projects which carry out the authorized project purposes. Examples include routine operation and maintenance actions, erosion control, repair, rehabilitation, replacement of existing structures and facilities such as buildings, roads, levees, groins and utilities, and installation of new buildings utilities, or roadways in developed areas."

 - b) The District makes a finding of No Adverse Effects for the Federal interest portion of this project. This No Adverse Effects determination is based on fieldwork performed by Wapsi Valley Archaeology for the applicant in 2020 and on extensive prior documentation regarding the Civic Center Historic District. This No Adverse Effects determination and supporting documentation was coordinated with the Iowa State Historic Preservation Office (SHPO) and Tribes by letter dated February 9, 2022. Following receipt of a SHPO

concurrency notification, Section 106 of the National Historic Preservation Act (NHPA; 54 USC § 306108) compliance will be concluded. However, should the SHPO disagree with the District's determination or require further information, permission may be denied, or further coordination may be required prior to issuance of the Sec. 408 permission.

4. *Technical Analysis.* The District is working closely with the requester to ensure all required technical plans, maps, drawings, and specifications are provided and complete. A District-led Agency Technical Review is being conducted to determine any potential adverse impacts to the USACE-authorized flood protection system.

SOLICITATION OF COMMENTS: The USACE is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the USACE to determine whether to issue, modify, condition or deny a permission for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

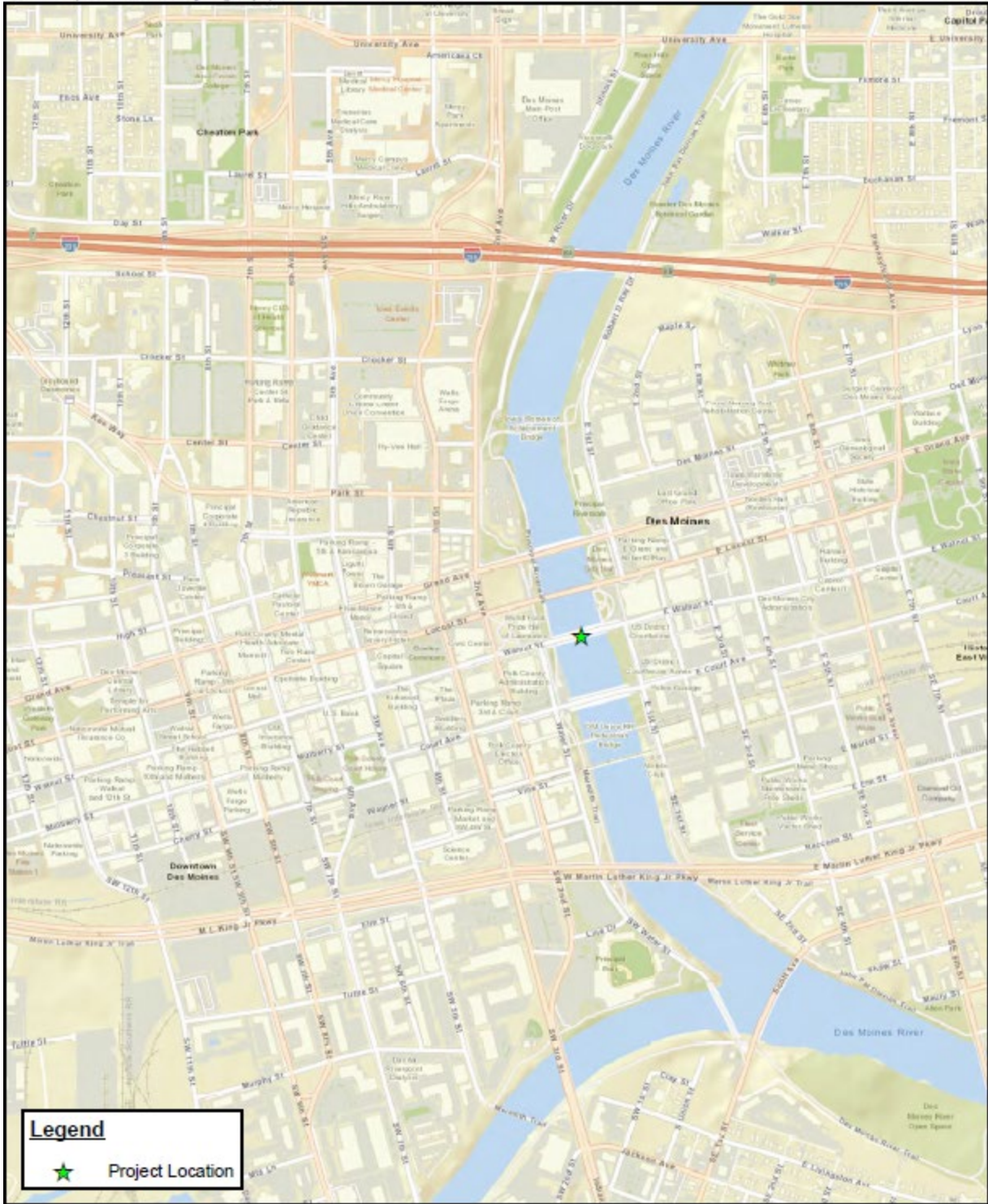
It should be noted that materials submitted as part of the Section 408 request become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the Corps of Engineers Rock Island District Office of Counsel.

It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning there is no objection to the project as described

COMMENT SUBMISSION AND ADDITIONAL INFORMATION: Written comments on the described work should reference the U.S. Army Corps of Engineers Public Notice number, 2021-0033. Comments must reach this office no later than 18 March 2022 to become part of the record and be considered in the decision. Comments or requests for additional information should be mailed or emailed to the following address:

Email: MVR408@usace.army.mil

District Engineer
US Army Corps of Engineers, Rock Island District
Attn: St. Louis (PM-M)
Clock Tower Building
P. O. Box 2004
Rock Island IL 61204-2004



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 Walnut Street Bridge Replacement | Des Moines, Iowa |

Figure 1. Project vicinity map prepared by Snyder & Associates on behalf of the City of Des Moines, IA.

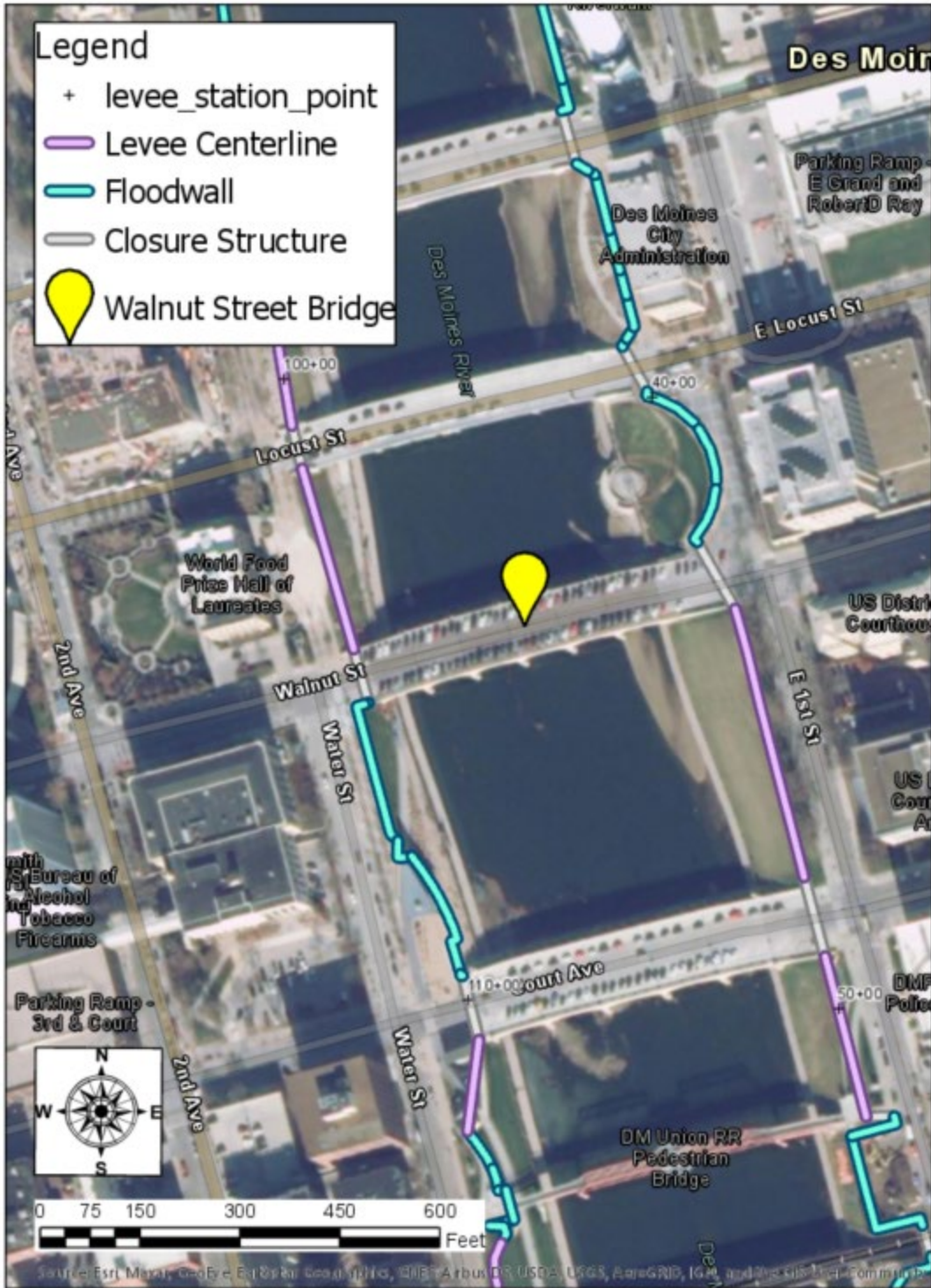


Figure 2. Project site map depicting the Walnut Street Bridge in relation to the Des Moines I Levee and the Des Moines II Levee. The Des Moines I Levee is located on the Left Descending Bank, or east shore, of the Des Moines River. The Des Moines II Levee is located on the Right Descending Bank, or west shore, of the Des Moines River.