

# **PUBLIC NOTICE**

US Army Corps of Engineers ® Rock Island District

Applicant: City of Des Moines

CEMVR-RD-2023-269

Date: July 31, 2023 Expires: August 29, 2023 Section 404/408

## Joint Public Notice US Army Corps of Engineers Iowa Department of Natural Resources

1. **Applicant**: City of Des Moines, POC City Hall, Mr. Craig Bouska. Robert D. Ray Drive, Des Moines, Iowa 50309.

2. **Project Location**: The proposed project is the final phase of the Southeast Connector (SEC) which will start at East Martin Luther King Boulevard and travel east to U.S. Highway 65. The project will cross Four Mile Creek and associated wetlands in Section 8, Township 78 North, Range 23 West, Polk County, Iowa. Lat. 41.572096, Lon. -93.525209.

### 3. Project Description:

A. The City of Des Moines proposes to construct the final segment of the Southeast Connector which will begin from SE 30<sup>th</sup> Street east to U.S. Highway 65 for a distance of approximately 2-miles. The Southeast Connector will match the existing segments and will be a two-lane road with grading complete for an eventual 4-lane buildout. Sections of SE 30<sup>th</sup>, SE 36<sup>th</sup>, SE 43<sup>rd</sup> and Vandalia Road will be improved as part of the overall project.

B. This project is the final phase of the Southeast Connector Project which begins in downtown Des Moines at SW 2<sup>nd</sup> Avenue and travels east to U.S. Highway 65. The Federal Highway Administration (FHWA) completed an Environmental Impact Statement (EIS) and a Finding of No Significant Impact (FONSI) in 2010 which detailed the route and the associated impacts. The Corps of Engineers Regulatory Division (Branch at that time) was not involved in the planning of this alignment. The following permits (ORM Actions) were used in the construction of the first four phases:

- 1) CEMVR-OD-P-2006-1513 was a nationwide permit that was verified to construct the twin bridges of E. Martin Luther King Jr. Parkway over the Des Moines River.
- CEMVR-OD-P-2011-535 did not require a DA permit. This action was used to construct the SEC from SE 9<sup>th</sup> Street to SE 15<sup>th</sup>. No discharge of fill material was noted in this action.

- 3) CEMVR-OD-P-2012-1054, an Individual Permit, was issued to authorize the SEC from SE 15<sup>th</sup> Street east to SE 30<sup>th</sup>. This project resulted in the impacts to 2.15 acres of emergent wetlands and 4.1 acres of ponds. Mitigation was provided through the purchase of wetland credits and the creation of 6.15 acres of ponds near the roadway.
- 4) CEMVR-OD-P-2016-752, did not require a DA permit because the impacted wetlands were determined to be non-jurisdictional.
- C. To complete the project the following work is proposed:
  - 1) A new 1515' x 36' continuous welded girder bridge will be constructed over Fourmile Creek,
  - 2) Fourmile Creek will be realigned for approximately 556 feet to align the creek with the new bridge and the existing railroad bridge that crosses Fourmile Creek. Two grade control structures will be constructed in the new channel to slow the flow of water in the new channel. The resulting channel will be 376 feet long and the existing channel will remain open, however it will act as an oxbow because the flow will be re-directed to the new channel. Clearing and grubbing for the new channel will result in the loss of 1.22 acres of forested wetland.
  - 3) Downstream from the existing railroad bridge, approximately 1500 linear feet of Class E riprap will be placed on the right bank of Fourmile Creek.

D. Borrow will be required for this project and will come from locations within the footprint of the EIS. To compensate for the loss of Fourmile Creek and 1.22 acres of forested wetlands, the Applicant has proposed to purchase wetland and stream credits from an Approved Wetland and Stream Mitigation Bank in the service area of the impacts. Credits for the stream impacts were generated through the use of the Iowa Stream Mitigation Method.

C. The purpose and need for this project is to provide connectivity and improve the capacity of the road network in Des Moines which will ultimately support the continued growth of Des Moines and provide another safe transportation corridor for the traveling public.

D. Avoidance and Minimization Statement – The design process implemented the Best Management Practices (BMP's) for this project. The placement of the bridge that will transverse the Four Mile Creek was considered and the location that was determined provides the least impact to the environmental systems in the area. This was accomplished by determining a location that would require the least amount of embankment as well as the shortest span for the bridge section. This location reduced the amount of embankment that would be required to construct the abutments. Another consideration was the impact that the bridge would have on the hydraulics of Four Mile Creek, this was part of the consideration when determining the realignment of the channel. The realignment also restored the natural condition of the stream. The realignment will remove an oxbow that has developed, this will also implement the reestablishment of a wetland area as well as the environmental benefits that the backwater will produce for habitat and native species. The implementation of buffer strips along the proposed channel will also provide additional support to the long term of the proposed channel. This buffer strip will provide protection during high flows to reduce the amount of erosion that is currently transpiring with the current alignment of the channel. This includes the reduction of sluffing and bank loss that is currently happening with the stream banks along Four Mile Creek. This will also reduce the amount of sediment and turbidity within the creek as well that will have a positive impact to the aquatic life. The implementation of stream checks within the stream bed will also reduce the amount of scour that is currently transpiring and reduce bed load that is conveying to the Des Moines River. These BMP's are implanted to improve the overall impacts that the project will have and also aide in the restoration of Four Mile Creek to its natural/historic state with the overall benefits minimizing the adverse impacts that the project may have.

**Section 408** - In compliance with 33 USC 408 (Section 14 of the Rivers and Harbors Act of 1899; hereinafter Section 408), the City of Des Moines has requested permission to alter the Des Moines I (DM-I), DM-II, DM-III and Southeast Des Moines (SEDM) levee systems. In addition to the levee and floodwall raises, additional projects to improve erosion resistance and interior drainage are planned. The requested revisions will be evaluated to determine if the alterations have the potential to impair the usefulness of the Federal project or be injurious to the public interest. The usefulness determination is performed to ensure that the proposed alteration will not limit the ability of the Federal project to function as authorized. Factors relevant to considering public interest related to the Federal project may include, but are limited to such things as historic properties, cultural resources, water supply, water quality, floodplains, navigation, environmental resources, and recreation. Contact Mr. Leo Keller at 309-794-5720 or email comments to at <u>MVR408@usace.army.mil</u>.

## 4. Agency Review:

A. Department of the Army, Corps of Engineers. The Department of the Army application is being processed under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

B. State of Iowa. The project plans have been submitted to the Iowa Department of Natural Resources for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification, if issued, will express the Department's opinion that the proposed activity will comply with Iowa's water quality standards (Chapter 61 IAC). The applicant has also applied for authorization of work in the floodplain pursuant to Chapter 455B of the Iowa Code and other applicable state permits. Written comments concerning possible impacts to waters of Iowa should be addressed to: Iowa Department of Natural Resources, 502 East 9<sup>th</sup> Street East, Des Moines, Iowa 50319. A copy of the comments should be provided to the Corps of Engineers office (see paragraph 11. of this public notice for address).

5. **Historical/Archaeological**: An EIS was completed for the entire Southeast Des Moines Connector project by the Federal Highway Administration. For the current project, the Applicant is working with the Federal Highway Administration on revisions for Section 106 compliance. When completed this coordination will be done by the lead federal agency.

6. **Endangered Species**: Endangered species coordination will be completed by the lead federal agency.

7. **Dredge/Fill Material Guidelines**: The evaluation of the impact of the proposed activity on the public interest will also include application of the guidelines promulgated by the Administrator of the United States Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

8. **Public Interest Review**: The decision whether to issue the Corps permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That 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. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

9. Who Should Reply: The Corps of Engineers 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 this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. These statements should be submitted on or before the expiration date specified at the top of page 1. These statements should bear upon the adequacy of plans and suitability of locations and should, if appropriate, suggest any changes considered desirable.

10. **Public Hearing Requests**: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided.

11. **Reply to the Corps**. Comments concerning the Corps permit should be addressed to the District Engineer, US Army Corps of Engineers, Rock Island District, ATTN: OD-P, Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. For additional information, contact **Mr. Albert Frohlich (309/794-5859)**, email: <u>Albert.J.Frohlich@usace.army.mil</u>.

Attach Plan

Albert J. Frohlich Mr. Albert J. Frohlich, Project Manager

Mr. Albert J. Frohlich, Project Manager Western Branch Regulatory Division

**REQUEST TO POSTMASTERS**: Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

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CEMVR-RD-2023-269 Sheet 1 of 11 Proposed Bridge Location

**Figure 4. Proposed Condition Modifications** 





Southeast Connector City of Des Moines Polk County, IA





KM Project No. 0506680

Fourmile Creek

## Legend



2019 NAIP Polk County Imagery

SEC 30th to US-65 City of Des Moines Polk County, IA





IMPACT MAP

CEMVR-RD-2023-269

**Proposed Impacts** 

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KM Project No. 0506680



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CEMVR-RD-2023-269 Sheet 6 of 11 Bridge Situation Plan



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Channel Modification

\* J-HOOK STATIONING MEASURED WHERE CENTERLINE OF UPSTREAM WALL MEETS PROPOSED CHANNEL REALIGNMENT

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CEMVR-RD-2023-269 Drop Structure Details

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