



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:** Waterloo, Iowa, Gas Main Replacement (11th Street Bridge) (**Public Notice ID #2020-0030**)

**PUBLIC NOTICE COMMENT PERIOD:**

Begins: March 22, 2021

Expires: April 21, 2021

Interested parties are hereby notified the U.S. Army Corps of Engineers (Corps), Rock Island District (District), received a Department of the Army Section 408 permission application for work at or near a federally-authorized flood risk management project of the United States (Figures 1 and 2). The District is soliciting comments from anyone having an interest in the requested levee alterations. Comments will become part of the District's administrative record and will be considered in determining whether to approve the requested alteration. All comments supporting, opposing, or identifying concerns are 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 District endorsement of the project as described.

**REQUESTER:** In compliance with 33 United States Code (USC) 408 (Section 14 of the Rivers and Harbors Act of 1899; hereinafter Section 408), the MidAmerican Energy Company (MEC) requested permission to horizontal directional drill (HDD) underneath the federally-authorized and constructed Waterloo Flood Protection Project levee system on both sides of the Cedar River.

**LOCATION:** Waterloo is located in Black Hawk County, Iowa. The current location of the pipeline river crossing is at the 11th Street Bridge. The proposed new pipeline alignment is located at the 10th Street area on both sides of the river (Figure 1).

**REQUESTER'S PROPOSED ACTION:** New 16" welded steel pipeline undercrossing at 10th Street. The MidAmerican Energy Company proposes to construct a new directionally drilled pipeline undercrossing the river approximately 400' upstream of 11th Street at 10th Street. The 10th Street corridor is the best location for crossing the river in this area for the following reasons:

**A.** 10th Street is a two-lane local street with very light traffic in a residential/light commercial area on both sides of the river. The HDD will require localized lane closures at bore entry and exit during the pilot drill and reaming operations and a multi-block closure during layout, welding, and pull-back of the welded pipe into the HDD. Given the low traffic and other characteristics of the 10th Street corridor, these temporary closures should not present significant problems in these neighborhoods.

**B.** This alternative does not have railroad tracks to cross.

**C.** This alternative has federally-constructed earthen control earthen levees but no concrete floodwalls on each side of the river.

There are no utilities crossing the river in this corridor. There are sewers paralleling the river on both sides and sewers and other utilities within 10th St; however, these can be planned for with a properly constructed directionally drilled pipeline here.

**PURPOSE AND NEED:** MidAmerican Energy Company proposes to relocate a natural gas pipeline from a bridge to below the Cedar River in Waterloo, Iowa. The current pipeline is a 70 psig MAOP welded steel pipeline hung from the 11th Street Bridge. The Iowa Department of Transportation is removing and replacing the bridge. Demolition of the 1953 bridge is planned to begin in late 2021 and new bridge construction is to begin in 2022.

This is the largest and most important natural gas pipeline crossing the Cedar River in the Waterloo service area. There is a smaller, 12" dia. pipeline crossing in Evansdale, Iowa; however, this crossing is an important source of energy to homes and businesses in the Waterloo area.

MidAmerican Energy Company needs to relocate the natural gas pipeline before the 11th Street Bridge is dismantled. The relocated pipeline must be operational prior to bridge demolition proposed for 2021. A proposed relocation site is underground and below the Cedar River via an HDD path near 10th Street (Figure 2). This path goes underneath the federally- authorized and constructed Waterloo Flood Protection Project levee system on both sides of the river. MidAmerican Energy Company is the Proponent or Requestor for this project.

MidAmerican Energy Company is requesting authorization from the Rock Island District to implement alterations to the Waterloo Local Flood Protection Project (levees). The levee systems were authorized by Congress in the Flood Control Act of 1944, Public Law 534, in accordance with the recommendations of the Chief of Engineers in House Document No. 651, 78th Congress, 2nd Session and were designed and constructed by the District. The proposed levee alterations require approval by the Secretary of the Army (via the Chief of Engineers) under USC Title 33 Section 408 (Section 408) since the proposed alterations will be made to a levee built by the United States government.

The requirements of a Section 408 submittal are outlined in USACE Engineer Circular (EC) 1165-2-216, *Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408*. Section 7.c.(3).(c) "Environmental Compliance" of EC 1165-2-216 states a Section 408 request is subject to the National Environmental Policy Act (NEPA) requirements.

**CHANGES IN WATER SURFACE PROFILE:** In accordance with 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 applicant completed a hydraulic system performance analyses, which is summarized as follows:

Since the proposed HDD would take place 50 feet below the Cedar River, there would be no change in any water surface profile.

**REGULATORY AUTHORITY:** The District will review the alteration request according to the provisions of Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408). MidAmerican Energy Company is responsible for acquiring other permissions or authorizations required by Federal, state, and local laws or regulations, including any required permits from the Corps' 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 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:** EC 1165-2-220 outlines several factors the District uses to decide whether to grant the requested permission for project modification under Section 408. The decision will reflect the national concern for both protection and utilization of important resources. The benefit which may be reasonably expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The District Technical Review Team will review requests for modifications using 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 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.* The Review Team will review the proposed alterations to determine the probable impacts, including cumulative impacts, on the public interest. The team's evaluation of the proposed alteration's probable impacts to the federally-authorized project may have on the public interest requires a careful weighing of all those factors relevant in each particular case.

Factors relevant to the public interest depend upon the type of federally-authorized 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 considering whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, the District may determine 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 NEPA and other environmental compliance requirements, including the National Historic Preservation Act and Endangered Species Act. While the District ensures environmental compliance, the requester is providing all information the District determines necessary to satisfy all applicable Federal laws, executive orders, regulations, policies, and ordinances.

The proposed location for borings associated with the relocation of the natural gas pipeline are within areas heavily disturbed by modern industrialization and construction efforts. A recent archeological survey for the replacement of the adjacent E 11th Street bridge indicate the presence of historic and modern debris with no archeological or architectural resource within these contexts. The proposed borings are immediately adjacent to this study area and have very low potential to contain intact historic properties. Further evaluation under Section 106 of the National Historic Preservation Act (54 USC § 306108) is not warranted.

*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 Team is determining any potential adverse impacts to the District-authorized flood protection system.

**SOLICITATION OF COMMENTS:** The District 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. The District will consider any comments received to determine whether to issue, modify, condition, or deny a permission for this proposal. To make this decision, the District will assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. The District will use the comments to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The 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 Rock Island

District Corps of Engineers, Office of Counsel, Rock Island Arsenal, Rock Island, Illinois;  
309-794-5729.

The District presumes all parties receiving this Public Notice will wish to respond;  
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 Public Notice ID found in the Title. Comments  
must reach this office no later than the above expiration date of the Public Notice to  
become part of the record and be considered in the decision. Comments or requests for  
additional information should be e-mailed or mailed to the following address:

E-mail: [MVR408@usace.army.mil](mailto: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

**SITE LOCATION**

10<sup>th</sup> Street Gas Line Crossing ■ Waterloo, Iowa

July 22, 2020 ■ Terracon Project No. 13205077

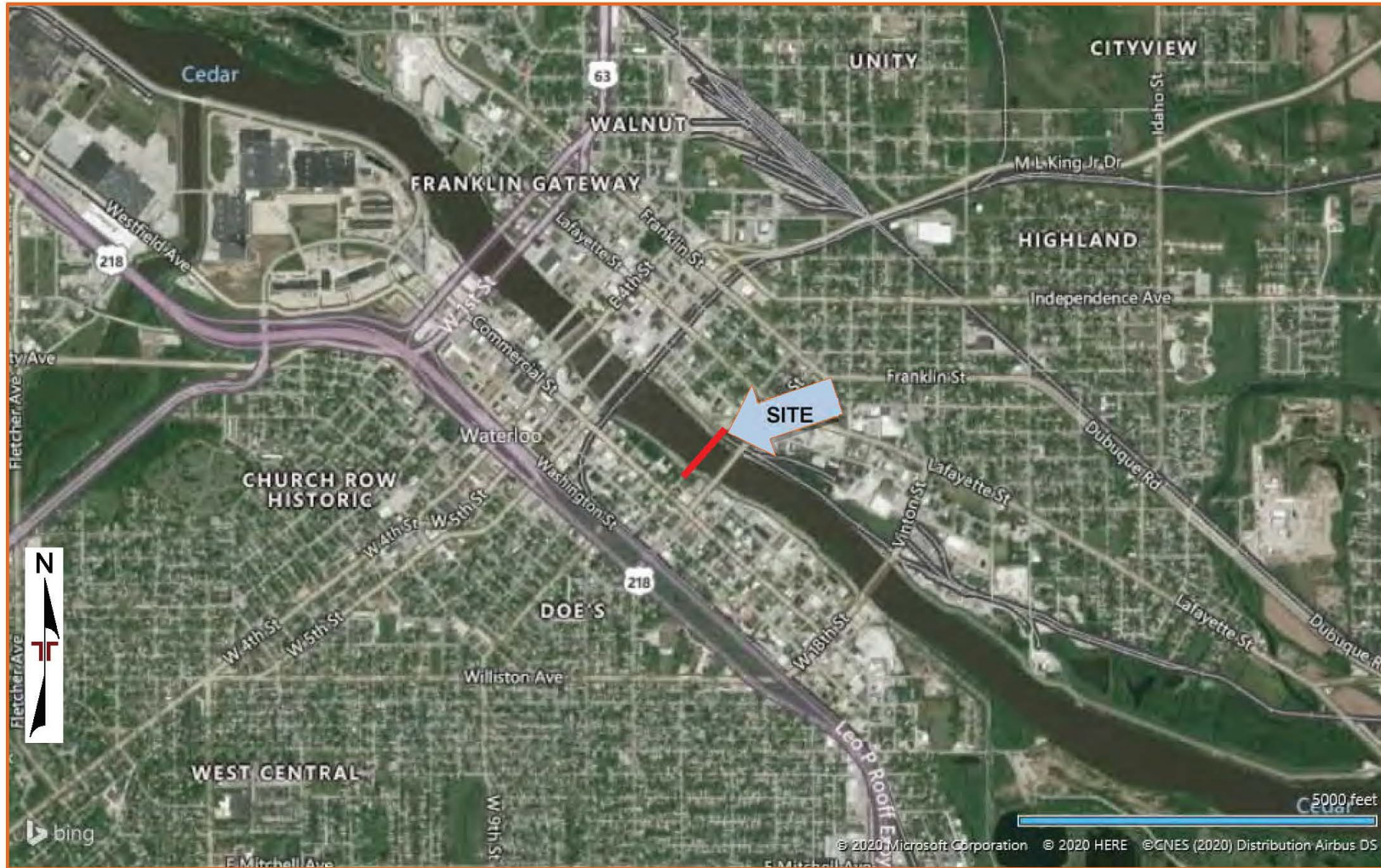


DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES

AERIAL PHOTOGRAPHY PROVIDED BY MICROSOFT BING MAPS

**Figure 1**



**EXPLORATION PLAN**

10<sup>th</sup> Street Gas Line Crossing of the Cedar River ■ Waterloo, Iowa  
July 22, 2020 ■ Terracon Project No. 13205077



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**Figure 2**