

## **PUBLIC NOTICE**

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

**TITLE:** Park Avenue and 11<sup>th</sup> Street Bridge Replacement at Right Descending Bank Cedar River/Right Descending Bank Black Hawk Creek, South West Levee and the Waterloo & Evansdale, IA - Left Descending Bank Cedar River Levee, in Waterloo, Black Hawk County, Iowa (**Public Notice ID #2021-0007, #2021-0018**).

#### **PUBLIC NOTICE COMMENT PERIOD:**

Begins: August 9, 2021  
Expires: August 23, 2021

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 decisions 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 33 USC 408 (Section 14 of the Rivers and Harbors Act of 1899; hereinafter Section 408), the City of Waterloo, Iowa, and Stanley Consultants has requested permission to repair both the Park Ave. and 11<sup>th</sup> St. bridges over the Cedar River. These alterations are within the Right Descending Bank (RDB) Cedar River/RDB Black Hawk Creek. (South West) and the Waterloo & Evansdale, IA – Left Descending Bank (LDB) Cedar River levees, an existing federally-authorized and non-federally operated and maintained urban flood protection project.

**LOCATION:** The proposed project is located at and around Reed and Pioneer Parks at the RDB Cedar River/RDB Black Hawk Creek. (South West) and the Waterloo & Evansdale, IA – LDB Cedar River levees in Waterloo, Black Hawk County, Iowa.

**LOCATION MAP(S)/DRAWING(S):** See Figures 1, 2 and 3.

**REQUESTER'S PROPOSED ACTION:** The City of Waterloo has two bridges, Park Ave. and 11<sup>th</sup> St, over the Cedar River that have deteriorated a point requiring removal and reconstruction. The 11<sup>th</sup> St. Bridge would be demolished and rebuilt. The line of flood protection would be adjusted and built into the new bridge supports on each end of the bridge. A new gate would also be constructed as part of the 11<sup>th</sup> St. Bridge project. The 11<sup>th</sup> St. Bridge project is expected to begin construction in fall of 2021 and is anticipated to be completed in spring 2023. The Park Ave Bridge would be completely removed and rebuilt inside the existing flood protection system. The existing temporary floodwall closures would be reconstructed in their current location and raised to the new roadway elevation. While the top of the temporary closure elevation would remain the same as existing, the new temporary closures would be shorter than existing and are proposed to be the Invisible flood control wall (a removable flood wall that is erected prior to a flood event and once the flood recedes, the wall packs neatly away, leaving a riverfront view without obstruction) by Flood Control America, similar to the existing system at 18th St, for which the City has had. A water main would be installed to the underside of the new bridge. The project construction is anticipated to begin fall/winter 2021 and conclude in 2023.

**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 requestor 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 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*. 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 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 those factors that are 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 Rock Island 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 Corps 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 (CATEX) from the need to prepare an Environmental Assessment or Environmental Impact Statement. This determination will be finalized following completion of agency coordination and prior to project implementation.***
  - A. Project area was surveyed for historic properties through intensive architectural/historical investigation by the Iowa DOT and a determination of Adverse Effect was made as a result. SHPO concurred with this determination and an MOA between the FHWA, IA SHPO, City of Waterloo, IA DOT, and the Waterloo Historic Preservation Commission to mitigate adverse effect was executed 7 July 2021. A fully executed copy of this MOA has been provided to the District and therefore Section 106 requirements for this project have been met.

- B. The Federal Highway Administration (FHWA), through Iowa Department of Transportation (IA DOT) and the City of Waterloo, is the lead federal agency for both bridge replacements due to FHWA funding. The applicant provided environmental documentation for the Park Ave. Bridge Replacement and the 11<sup>th</sup> St. Bridge Replacement, which were reviewed and concurred on by FHWA in July 2021 and October 2020 respectively. The proposed Park Ave. Bridge Replacement is adequately covered by Categorical Exclusion 23 CFR 771.117 (d)(13), Bridge Replacement. The proposed 11<sup>th</sup> St Bridge Replacement is adequately covered by Categorical Exclusion 23 CFR 771.117 (c)(28), Bridge Rehabilitation, Reconstruction, Replacement, or Repair.
  
- C. According to EC 1165-2-220, Appendix D, Paragraph D-4.f, "Districts are strongly encouraged to adopt and/or incorporate by reference any NEPA documentation that may already exist or may already be in development for the federal project, or other relevant NEPA documentation." The USACE Rock Island District (District) believes sufficient documentation has been provided by FHWA. If no new information is provided during this public notice, the District plans to adopt the NEPA and associated documentation for these Section 408 permissions.

- 4. *Technical Analysis.* USACE Rock Island District is working closely with the requestor to ensure all required technical plans, maps, drawings, and specifications are provided and complete. A District-led Agency Technical Review (ATR) is being conducted to determine any potential adverse impacts to the USACE-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. Any comments received will be considered by the U.S. Army Corps of Engineers 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 considered in making a final determination whether the proposed action will be categorically excluded (CATEX) from the need to prepare further NEPA documentation.** Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

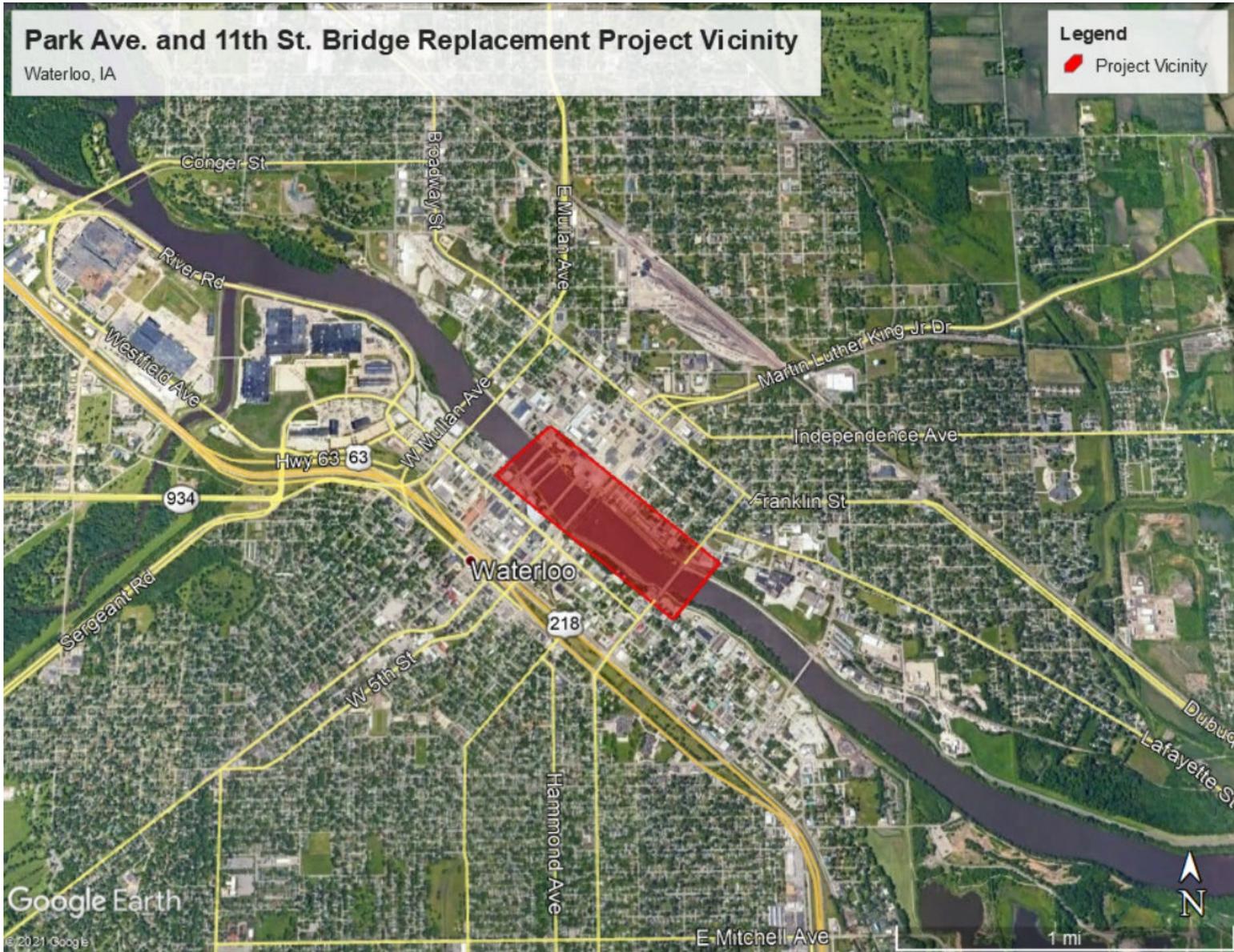
It should be noted that materials submitted as part of the Section 408 request become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the Rock Island District Corps of Engineers, Office of Counsel, Rock Island Arsenal, Rock Island, Illinois; 309-794-5729.

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 that 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:

Email: [MVR408@usace.army.mil](mailto:MVR408@usace.army.mil)

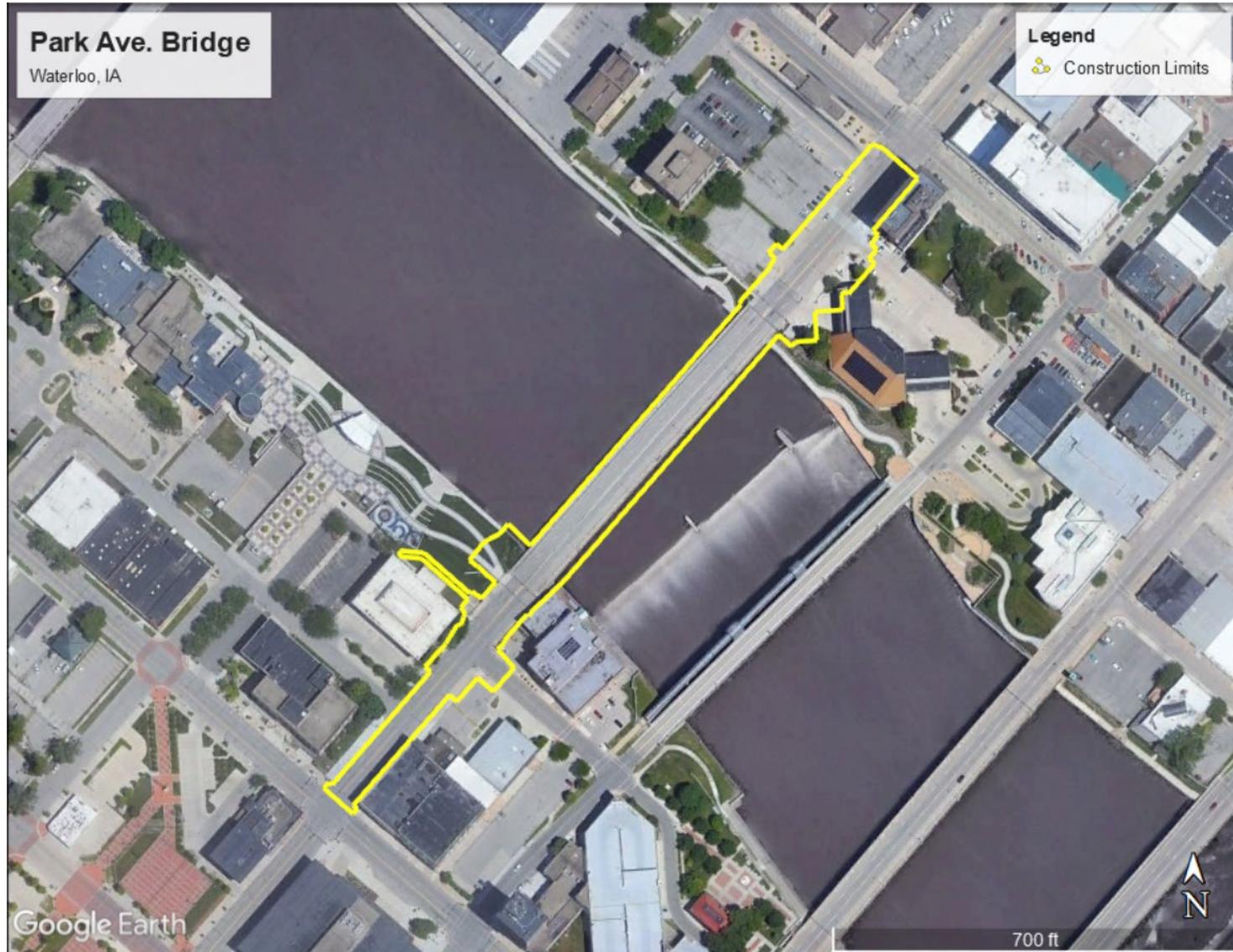
District Engineer  
US Army Corps of Engineers, Rock Island District  
Attn: St. Louis (PM-M)  
Clock Tower Building  
P. O. Box 2004  
Rock Island IL 61204-2004



**Figure 1. Project Area Vicinity**



**Figure 2. 11<sup>th</sup> St Bridge Project Area Construction Limits**



**Figure 3. Park Ave. Bridge Project Area Construction Limits**