



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:** Marshalltown Levee Height Alteration (**Public Notice ID #2017-938**)

**PUBLIC NOTICE COMMENT PERIOD:**

Begins: June 19, 2020

Expires: July 20, 2020

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, as described below and shown on Figure 1. The District is soliciting comments from anyone having an interest in the requested levee alteration. 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 USC 408 (Section 14 of the Rivers and Harbors Act of 1899; hereinafter Section 408), the City of Marshalltown, Iowa, requested permission to increase the height of its federally-authorized, locally-owned and operated flood risk management project/levee.

**LOCATION:** The Marshalltown Levee is located north of Marshalltown along the Iowa River's southern bankline (Figure 1). The levee begins just west of Iowa Highway 14 (North 3rd Street) behind the La Raza Taco Shop. The levee arcs north and eastward, crossing the highway and eventually intersecting Marion Street near the Nicholson-Ford Nature Area.

**REQUESTER’S PROPOSED ACTION:** The proposed project would raise the levee up to approximately 2 feet and repair several areas where erosion has occurred on the levee (See attached drawings). Additionally, the project would remove trees and other vegetation within the authorized “vegetation-free zone,” which is within 15 feet of the bottom of the levee slope.

**PURPOSE AND NEED:** A recent engineering evaluation of the levee determined the levee does not have sufficient freeboard. “Freeboard” refers to additional height of a levee above the anticipated floodwaters. The Federal Emergency Management Administration requires a levee to have at least 3 feet of freeboard above the 1% annual chance (“100-year”) flood event. A levee must meet this requirement in order for the area it protects to be certified as a zone of reduced flood risk in the National Flood Insurance Program. Losing this certification would have insurance ramifications for numerous properties in Marshalltown.

The City of Marshalltown and its consultants, in close cooperation with the District, conducted an Iowa River topographic survey and hydrologic and hydraulic computer modeling. The survey and modelling concluded the levee system has insufficient freeboard to meet FEMA accreditation requirements. A levee raise is necessary in order to provide desired flood protection for critical public and private assets in Marshalltown, including the City’s wastewater treatment plant (WWTP). The WWTP occupies a significant portion of the protected area. Flooding of the WWTP could result in contamination of floodwaters by municipal sewage as well as costly damage to critical infrastructure.

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

The proposed action would have minimal impact on water surface elevations outside the protected area. The maps shown on the enclosed Profiles A, B, and C illustrate the anticipated inundation along the Iowa River under three conditions:

- **Profile A:** These maps illustrate the predicted inundation, without the proposed improvements, just before the Iowa River begins to overtop the existing levee. This occurs during a storm of less than 0.5% annual chance of occurrence (greater than 200-year).
- **Profile B:** These maps illustrate the predicted inundation, with the proposed improvements, just before the Iowa River begins to overtop the raised levee. This occurs during a storm of less than 0.2% annual chance of occurrence (greater than 500-year).

- **Profile C:** These maps illustrate the predicted inundation, with the proposed improvements, after the Iowa River overtops the raised levee. This occurs during a storm of less than 0.2% annual chance of occurrence (greater than 500-year).

**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). The City of Marshalltown 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 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. Requests for modification will be reviewed by the District technical review team 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 National Environmental Policy Act 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.

Based on information provided by the applicant to date, the District will require the City to prepare an Environmental Assessment addressing local and Iowa River system impacts.

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.

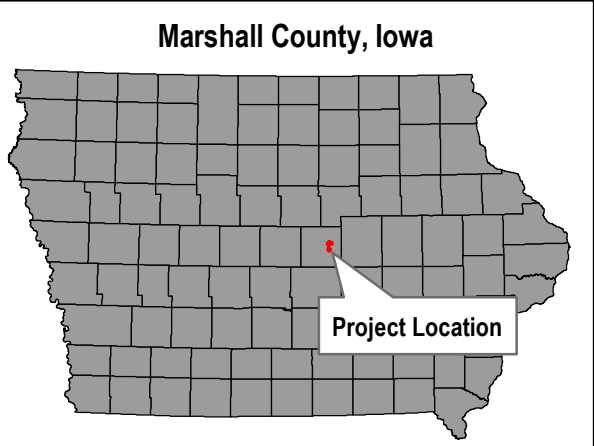
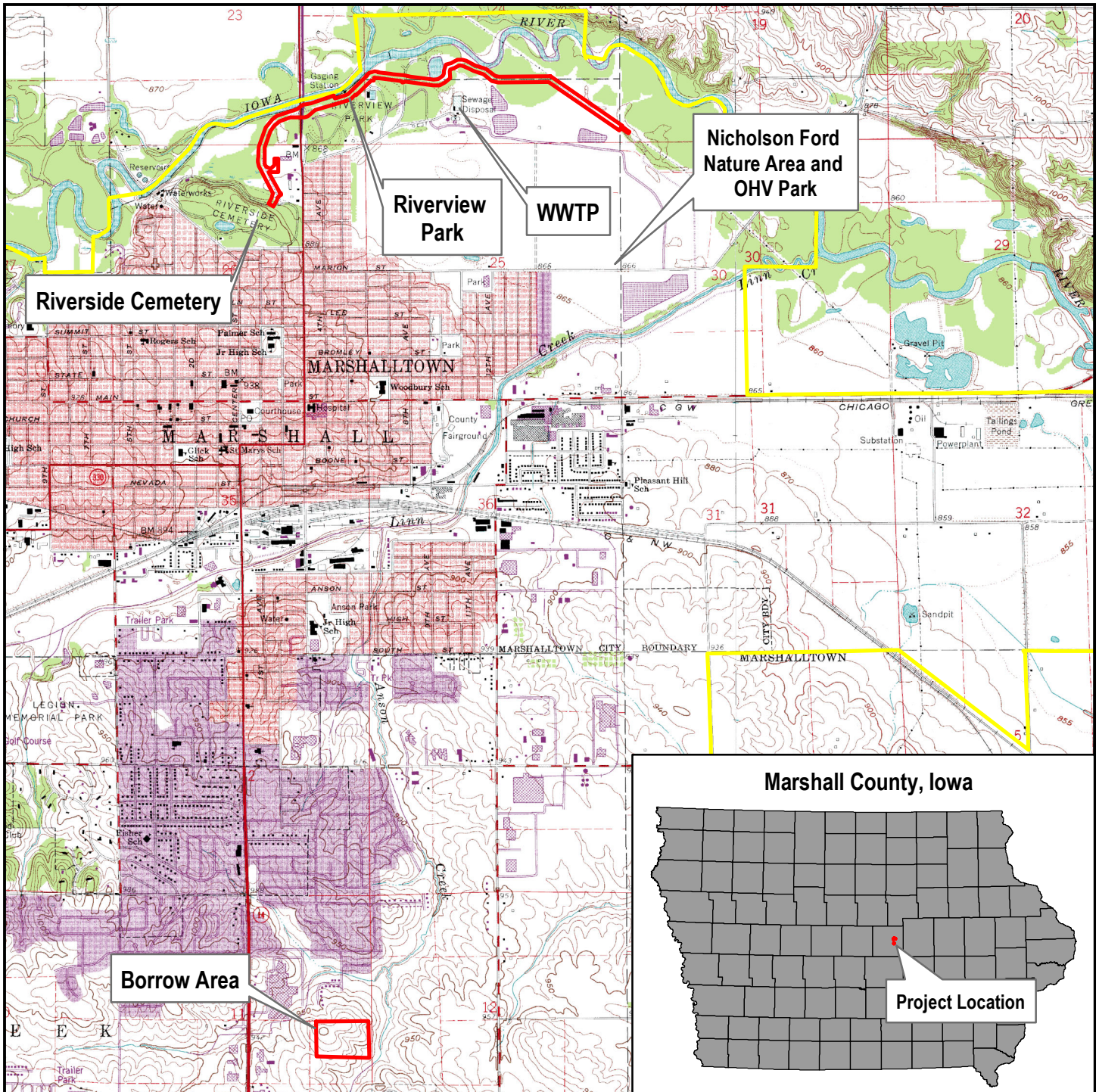
The materials submitted as part of the Section 408 request become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view 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 mailed or emailed to the following address:

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

U.S. Army Corps of Engineers  
Project Management  
Clock Tower Building – P.O. Box 2004  
Rock Island, Illinois 61204-2004  
ATTN: Paul St. Louis



**Legend**

- Marshalltown City Limits
- Project Area

**FIGURE 1 - PROJECT  
LOCATION MAP  
MARSHALLTOWN LEVEE  
CERTIFICATION  
ENVIRONMENTAL ASSESSMENT**

**Marshalltown, Iowa**

0 1,500 3,000  
 Feet  
 1 inch = 3,000 feet



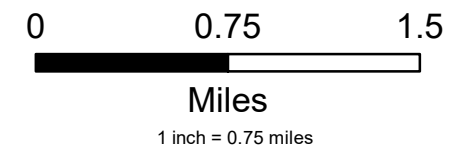
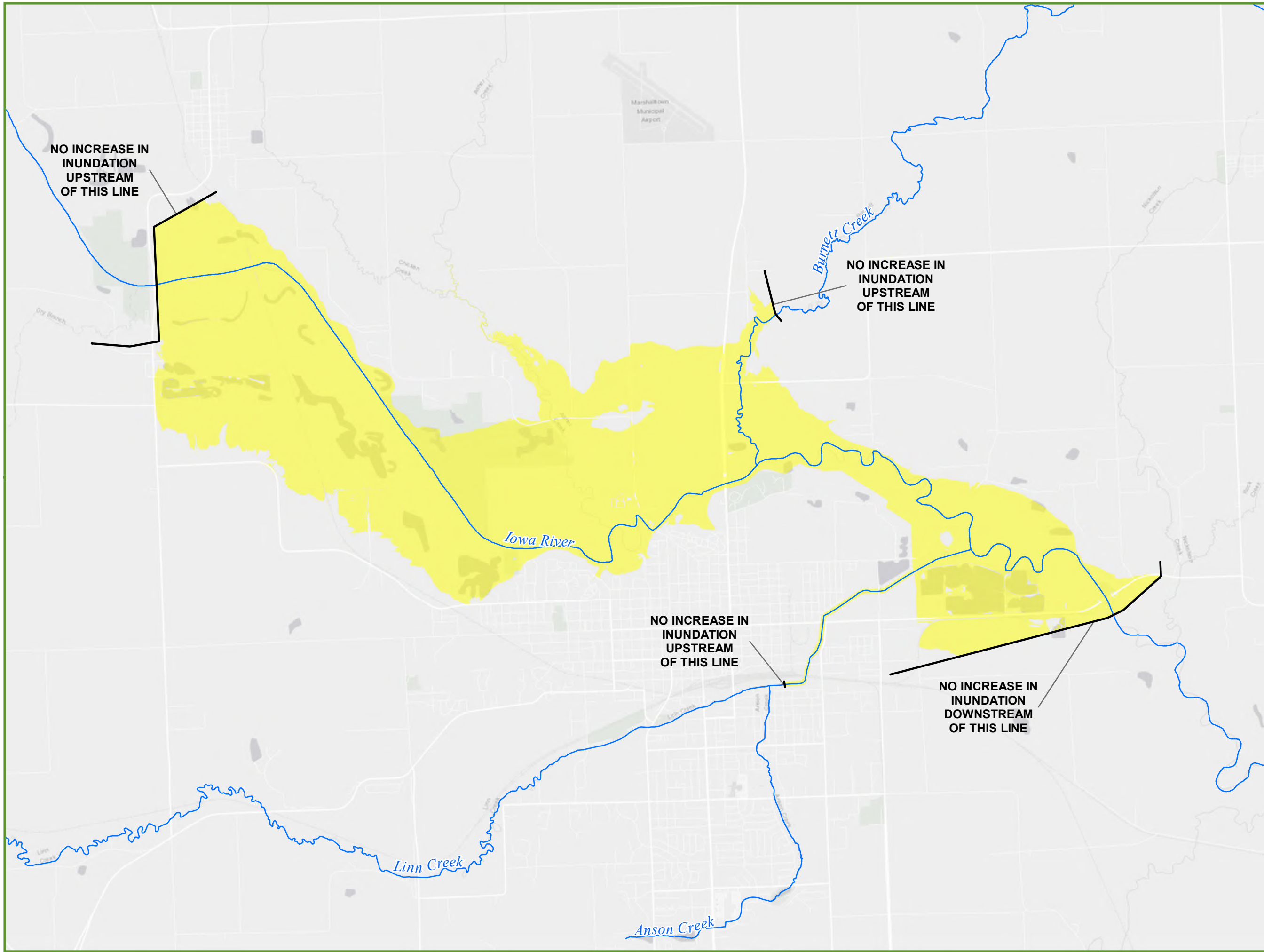
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**PROFILE A**

**PREDICTED INUNDATION, WITHOUT THE PROPOSED  
IMPROVEMENTS, JUST BEFORE THE IOWA RIVER BEGINS  
TO OVERTOP THE EXISTING LEVEE**

# Profile A Marshalltown Levee Overall Inundation Map

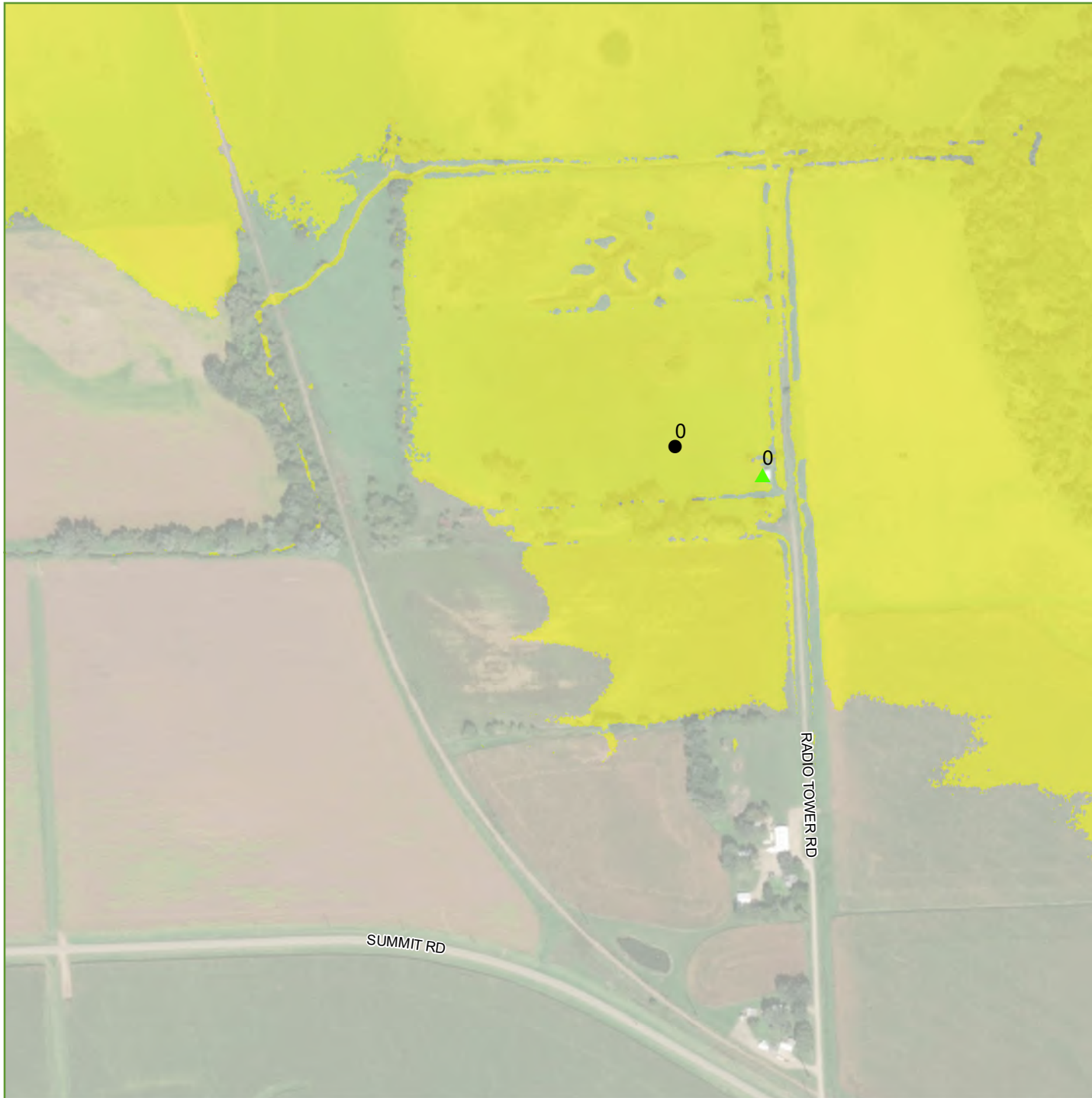
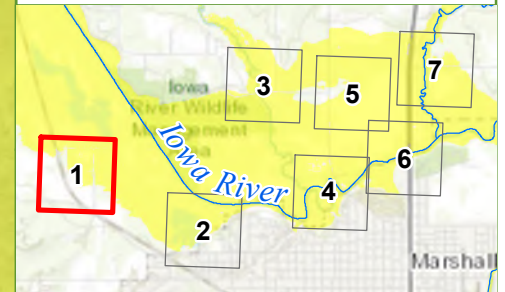
- ### Legend
- Change from Authorized**
- Proposed Reduction
  - Proposed No Change
  - Proposed Addition





# Profile A Marshalltown Levee Inundation Map

Page 1



## Legend

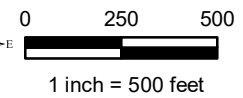
### Impacted Structures

- Bridge
- Cell Tower
- Commercial
- ▲ Garage
- House
- ★ Industrial

### Change from Authorized

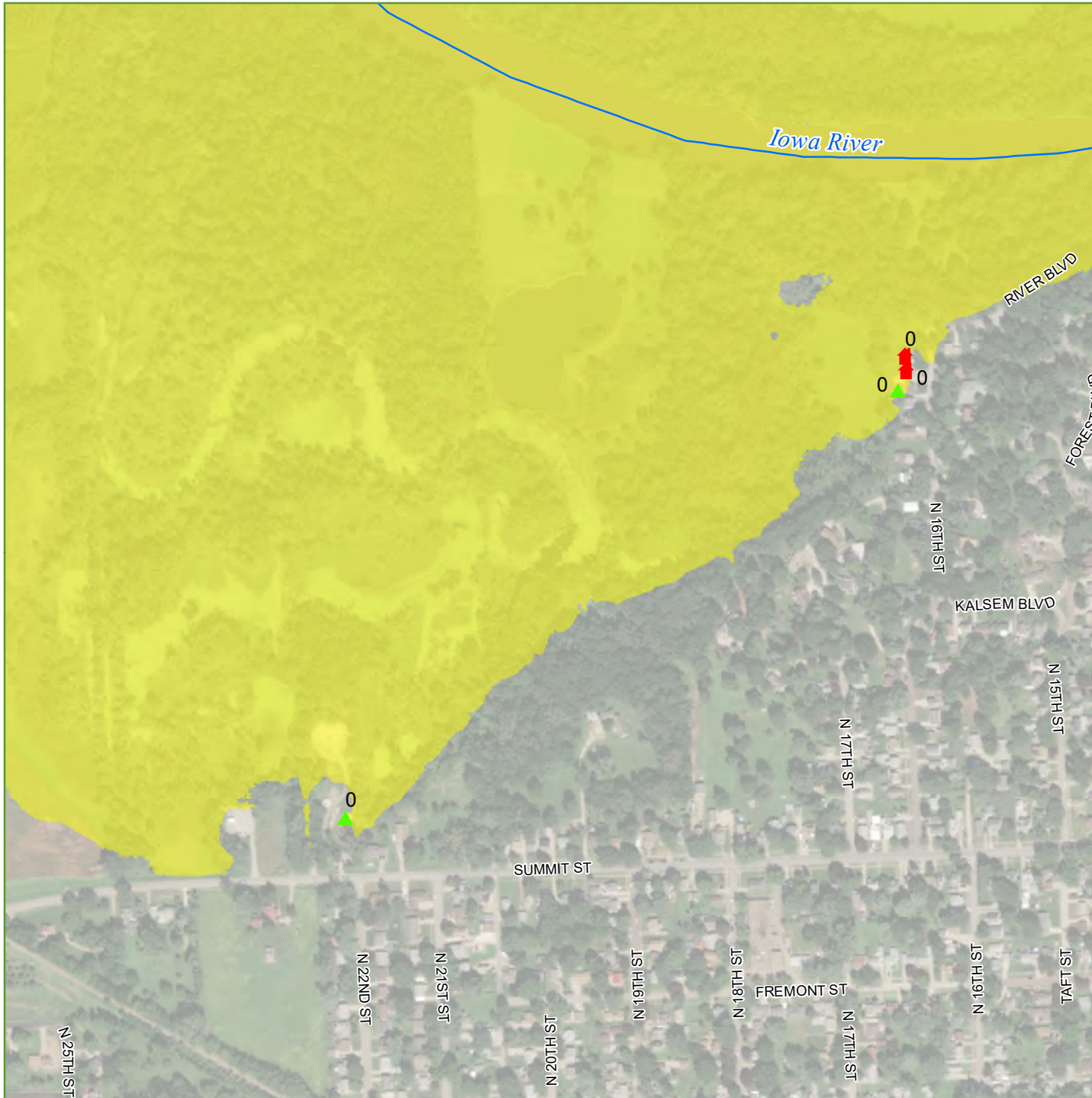
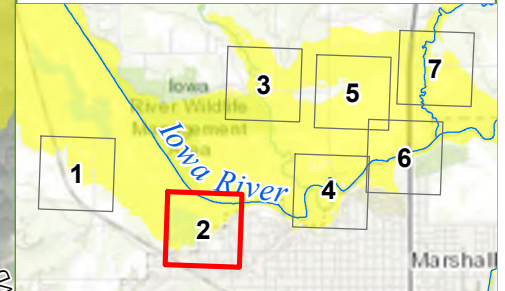
- Proposed Reduction
- Proposed No Change
- Proposed Addition

Number next to symbol is the anticipated increase in water surface elevation in feet at the structure due to the proposed levee raise.



# Profile A Marshalltown Levee Inundation Map

Page 2



## Legend

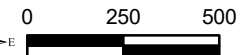
### Impacted Structures

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- Cell Tower
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- House
- ★ Industrial

### Change from Authorized

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Number next to symbol is the anticipated increase in water surface elevation in feet at the structure due to the proposed levee raise.

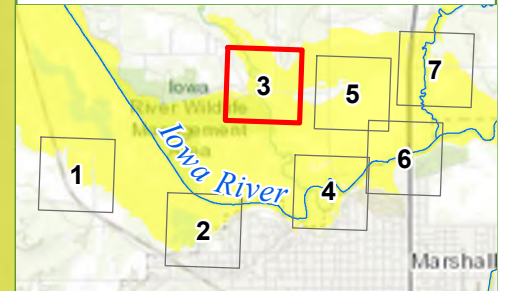


1 inch = 500 feet



# Profile A Marshalltown Levee Inundation Map

Page 3



## Legend

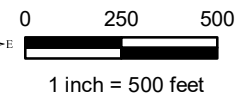
### Impacted Structures

- Bridge
- Cell Tower
- Commercial
- ▲ Garage
- House
- ★ Industrial

### Change from Authorized

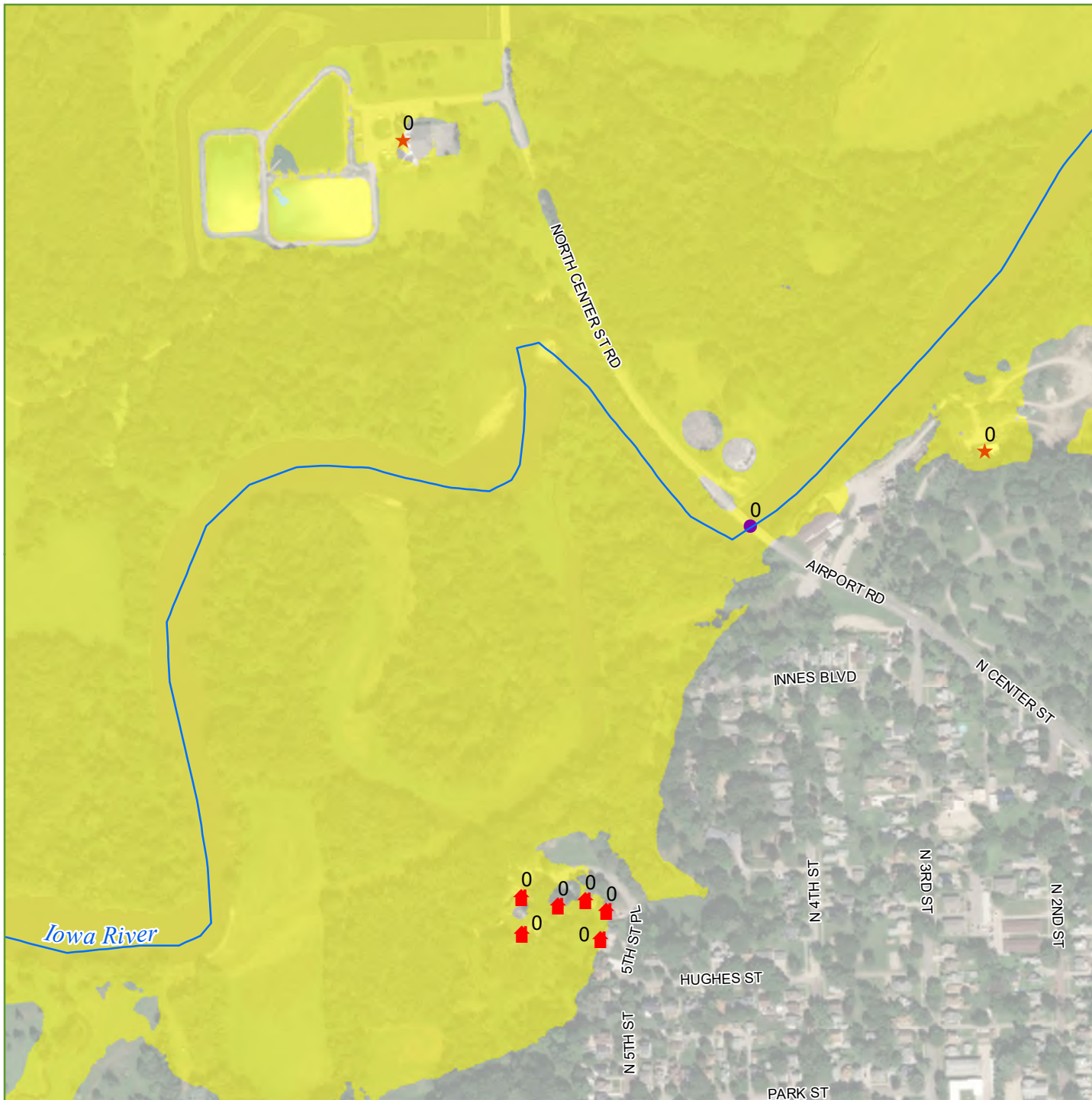
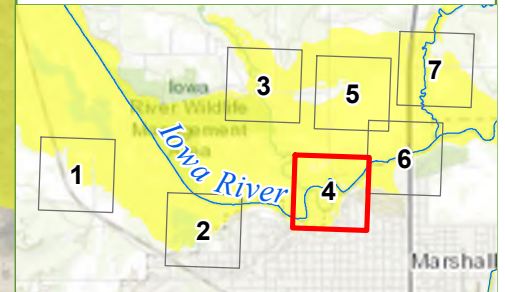
- Proposed Reduction
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- Proposed Addition

Number next to symbol is the anticipated increase in water surface elevation in feet at the structure due to the proposed levee raise.



# Profile A Marshalltown Levee Inundation Map

Page 4



## Legend

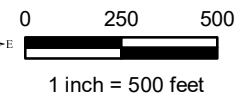
### Impacted Structures

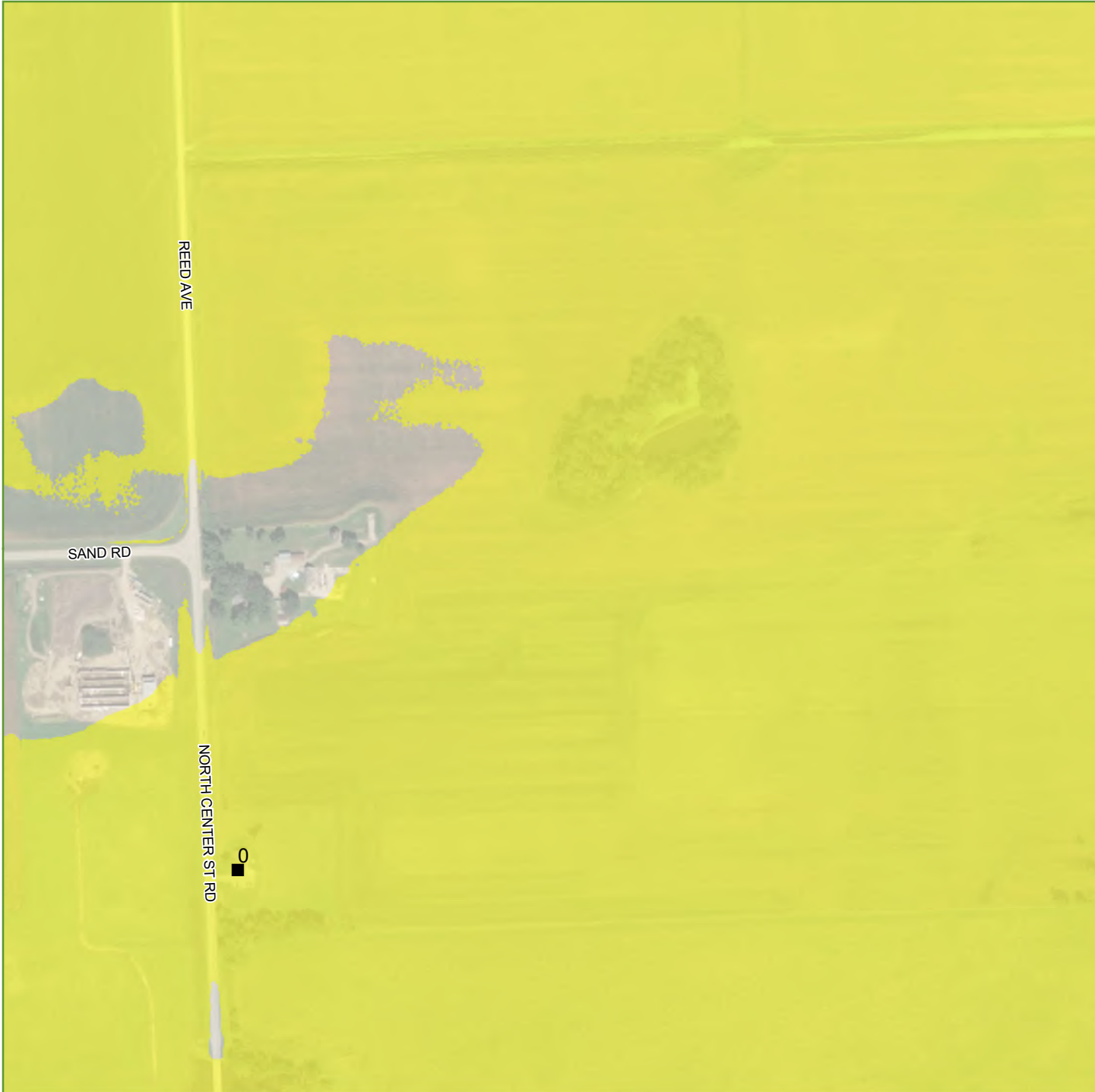
- Bridge
- Cell Tower
- Commercial
- ▲ Garage
- House
- ★ Industrial

### Change from Authorized

- Proposed Reduction
- Proposed No Change
- Proposed Addition

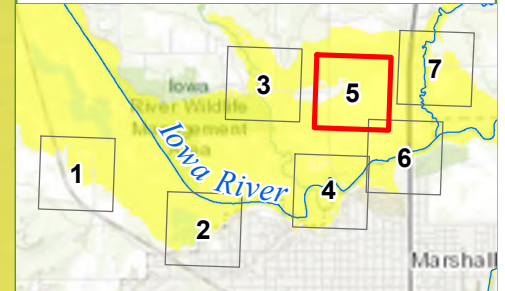
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# Profile A Marshalltown Levee Inundation Map

Page 5



## Legend

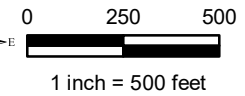
### Impacted Structures

- Bridge
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- House
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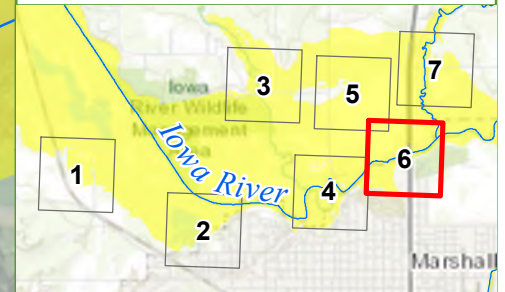
- Proposed Reduction
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Number next to symbol is the anticipated increase in water surface elevation in feet at the structure due to the proposed levee raise.



# Profile A Marshalltown Levee Inundation Map

Page 6



## Legend

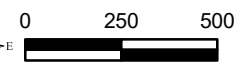
### Impacted Structures

- Bridge
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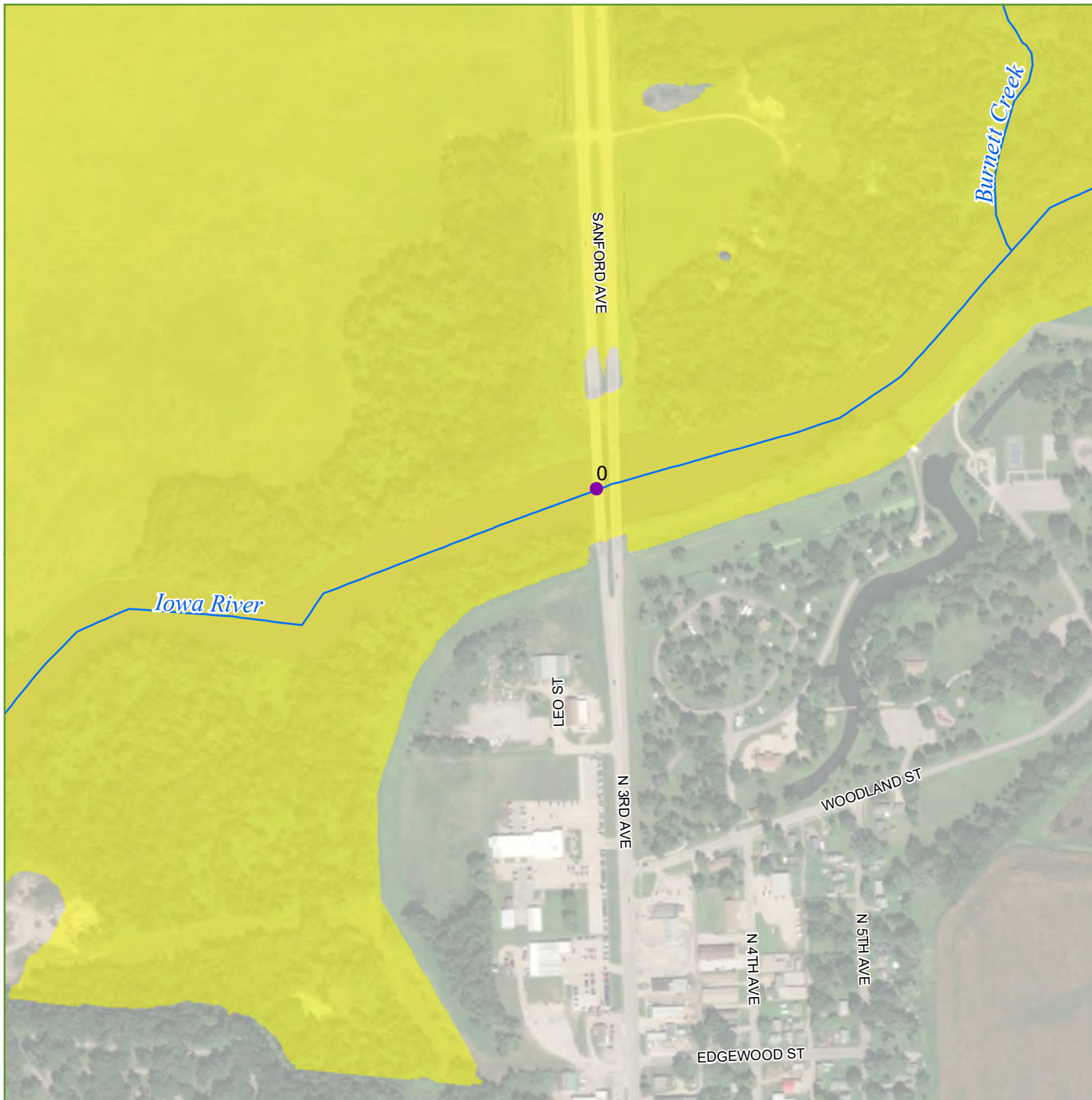
### Change from Authorized

- Proposed Reduction
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Number next to symbol is the anticipated increase in water surface elevation in feet at the structure due to the proposed levee raise.

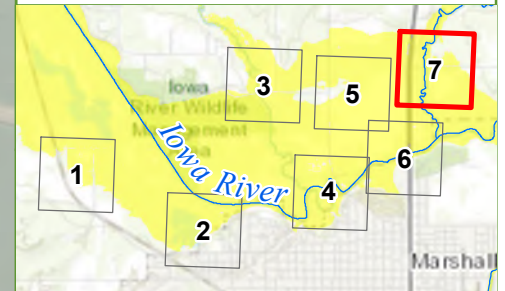


1 inch = 500 feet



# Profile A Marshalltown Levee Inundation Map

Page 7



## Legend

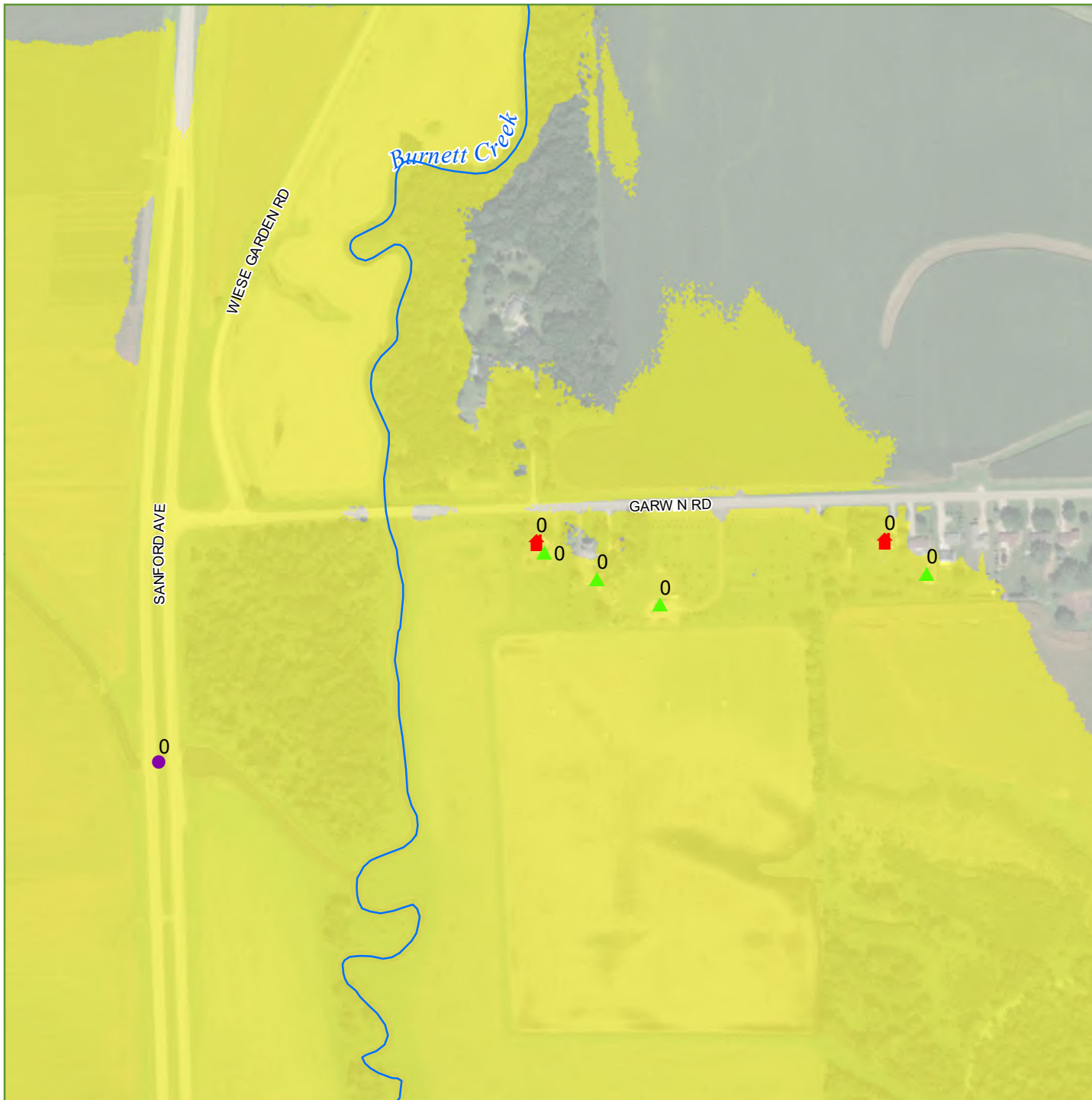
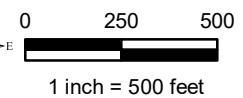
### Impacted Structures

- Bridge
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### Change from Authorized

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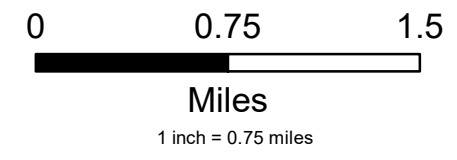
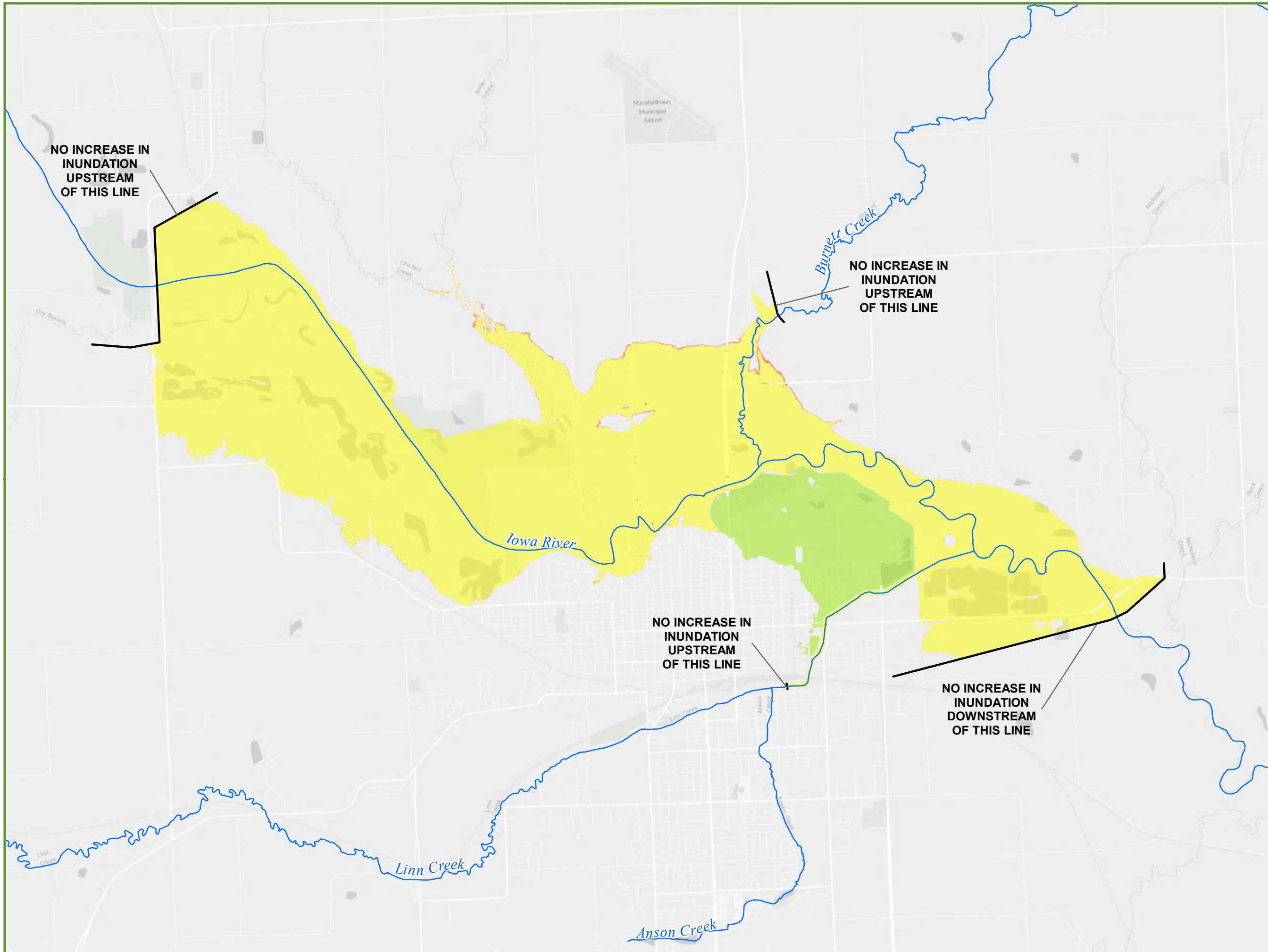
**PROFILE B**

**PREDICTED INUNDATION, WITH THE PROPOSED IMPROVEMENTS,  
JUST BEFORE THE IOWA RIVER BEGINS TO OVERTOP  
THE RAISED LEVEE**



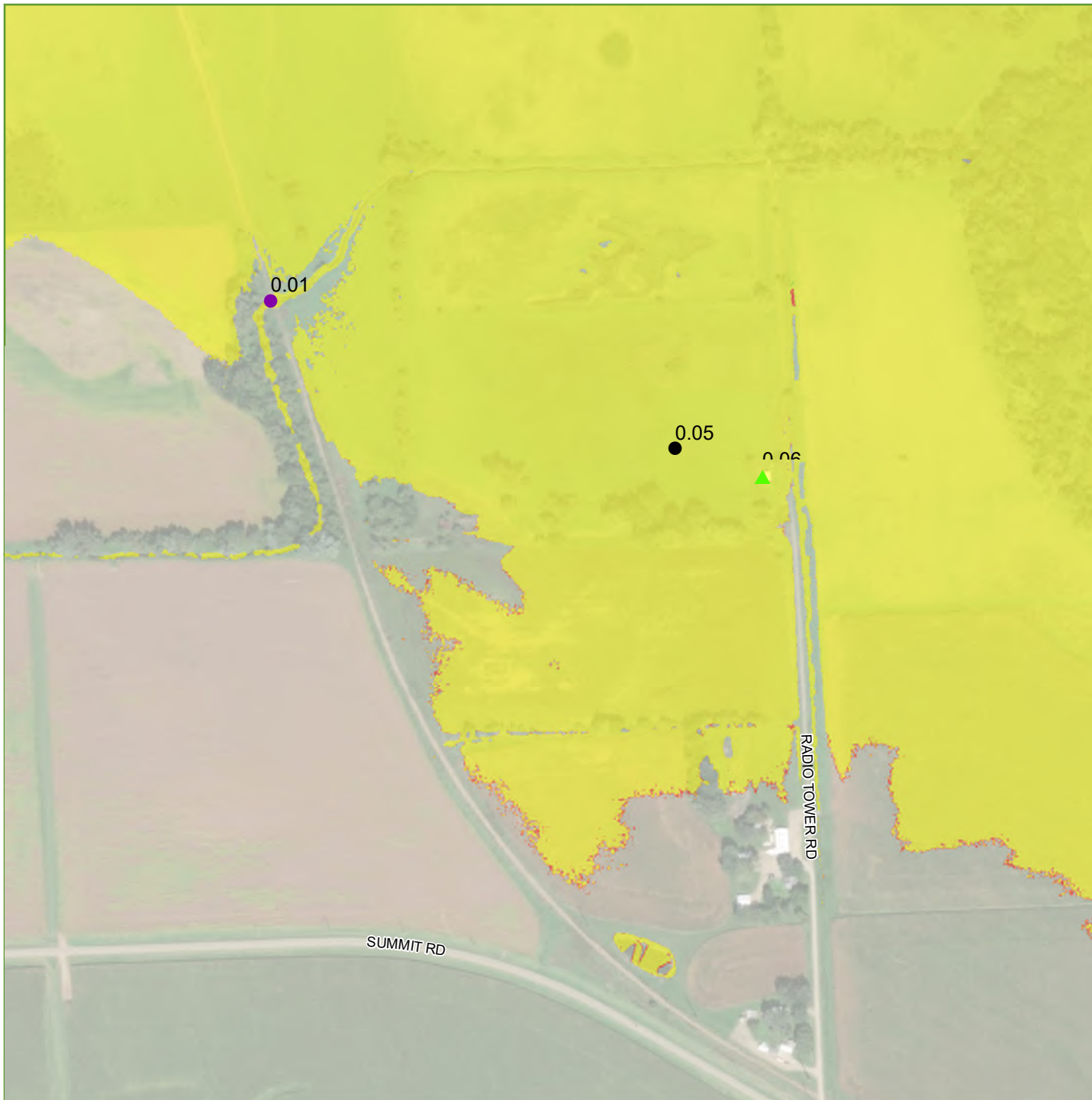
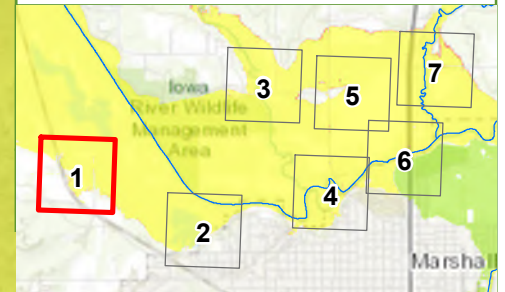
# Profile B Marshalltown Levee Overall Inundation Map

- ### Legend
- Rivers
  - Change from Authorized**
    - Proposed Reduction
    - Proposed No Change
    - Proposed Addition



# Profile B Marshalltown Levee Inundation Map

Page 1



## Legend

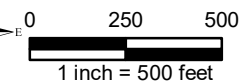
### Impacted Structures

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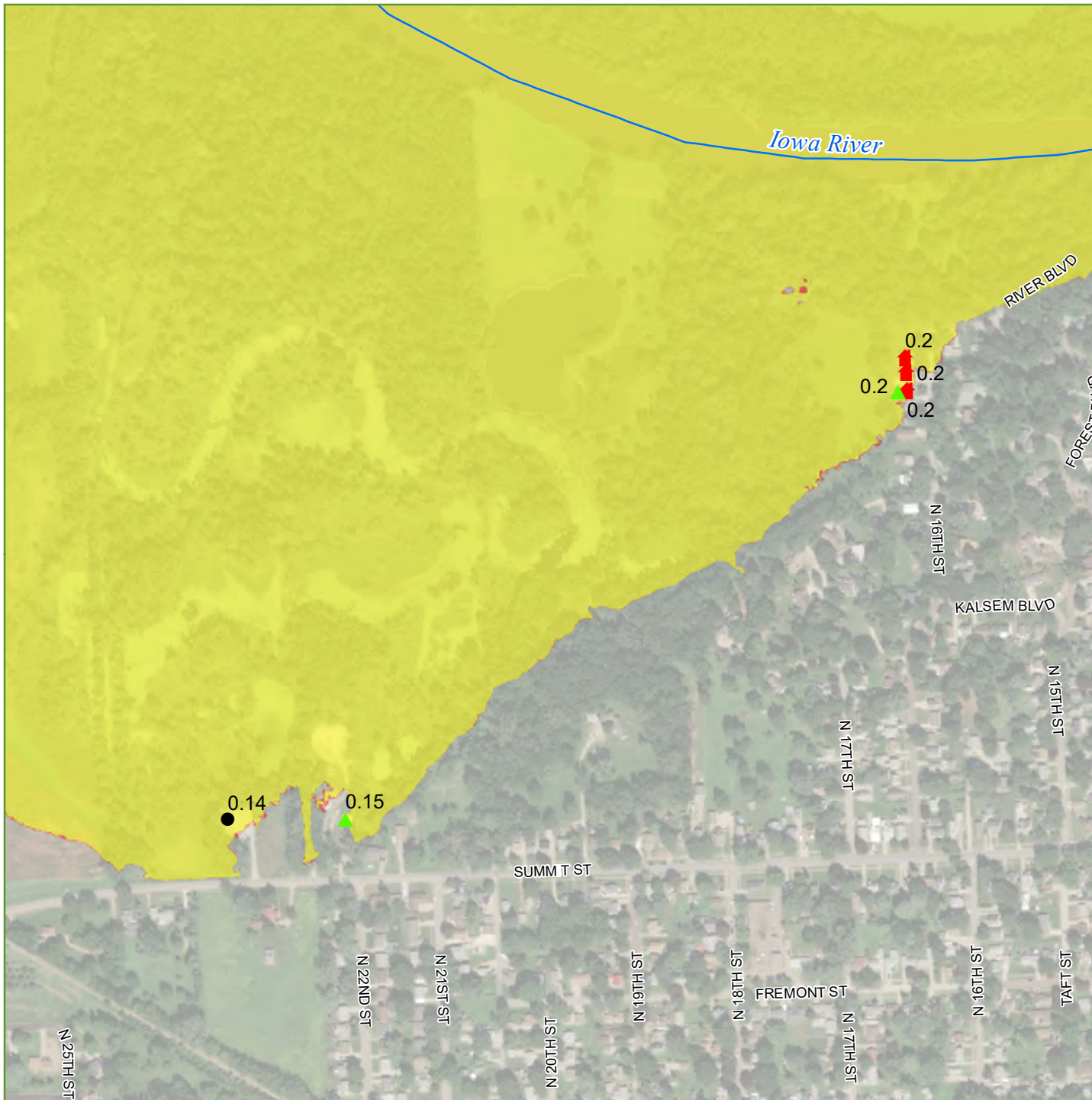
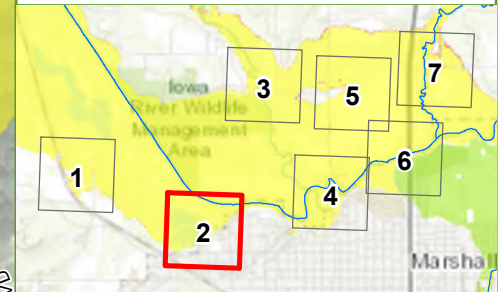
- Proposed Reduction
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- Proposed Addition

Number next to symbol is the anticipated increase in water surface elevation in feet at the structure due to the proposed levee raise.



# Profile B Marshalltown Levee Inundation Map

Page 2



## Legend

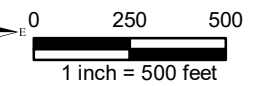
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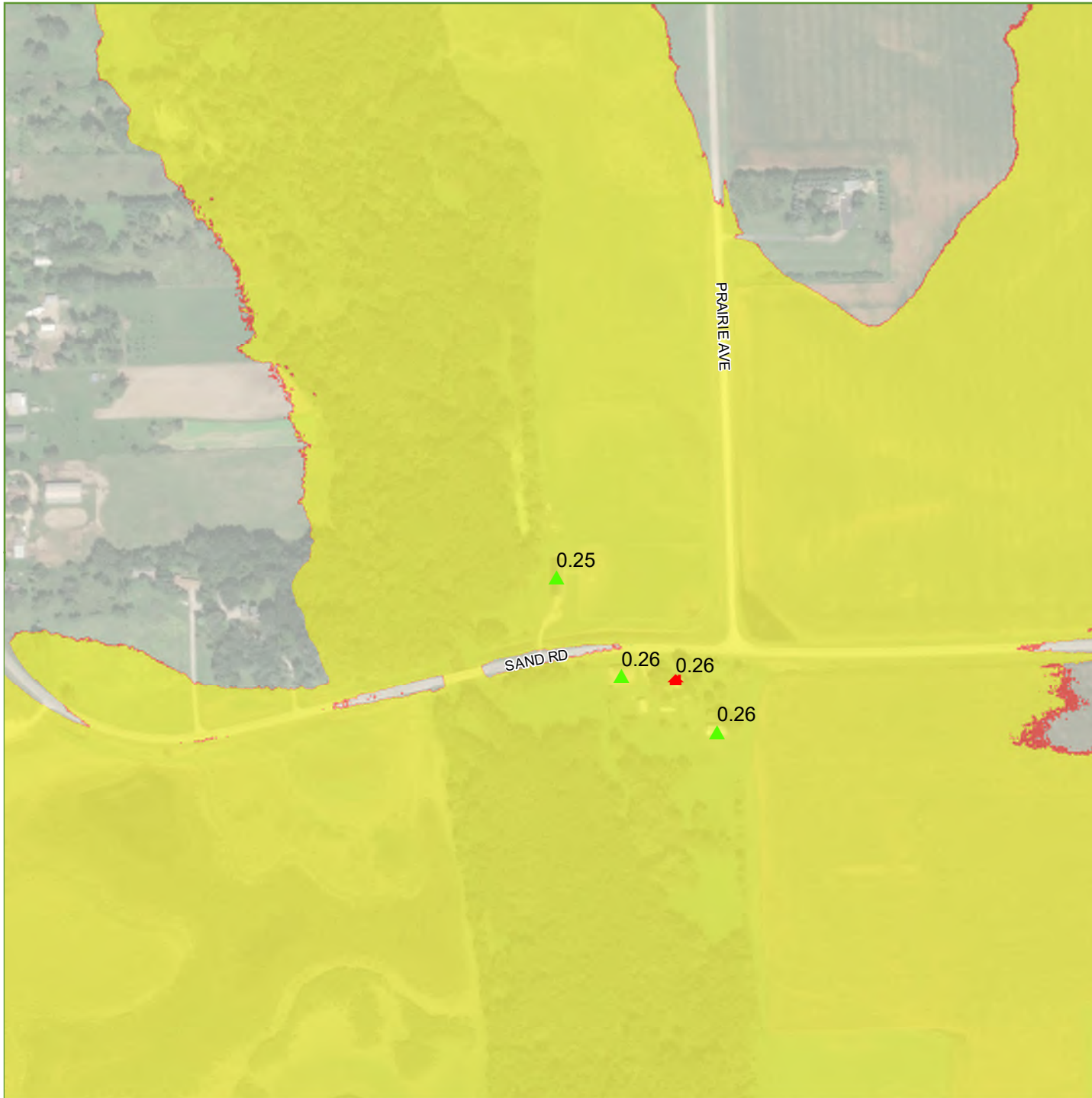
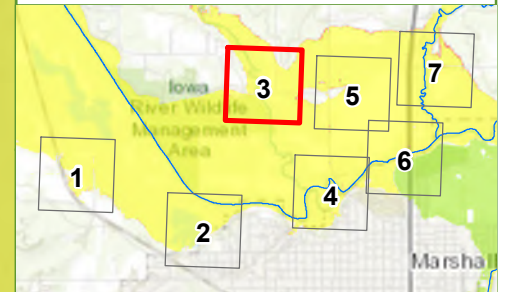
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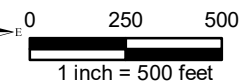
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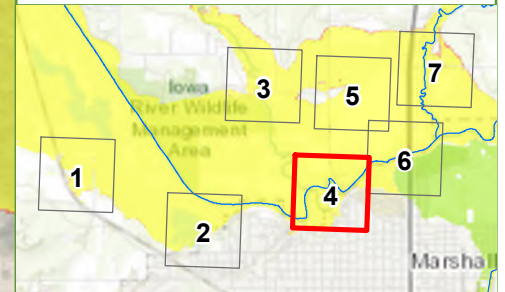
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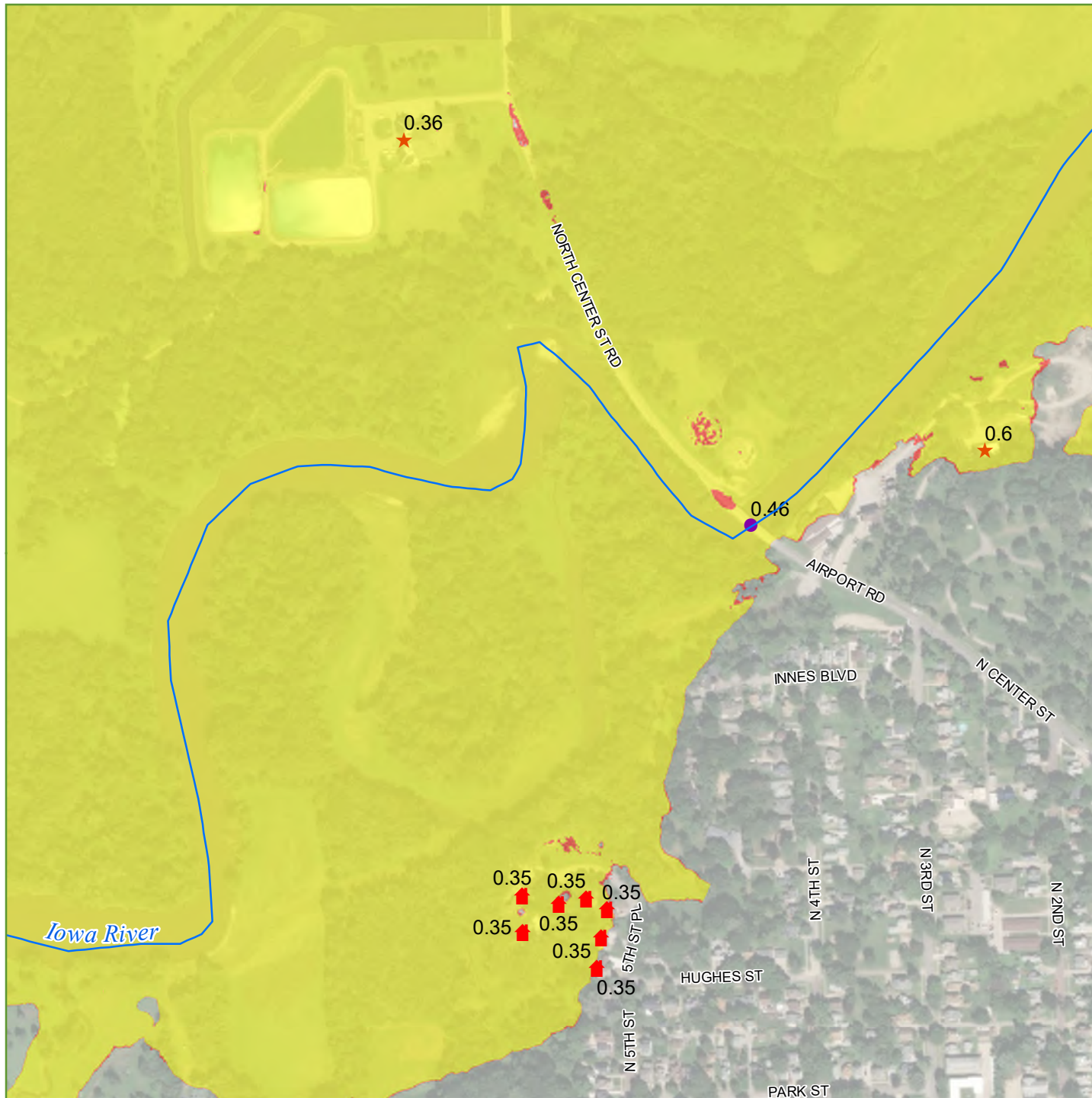
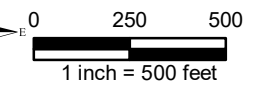
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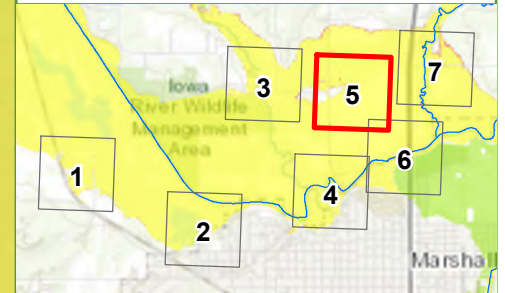
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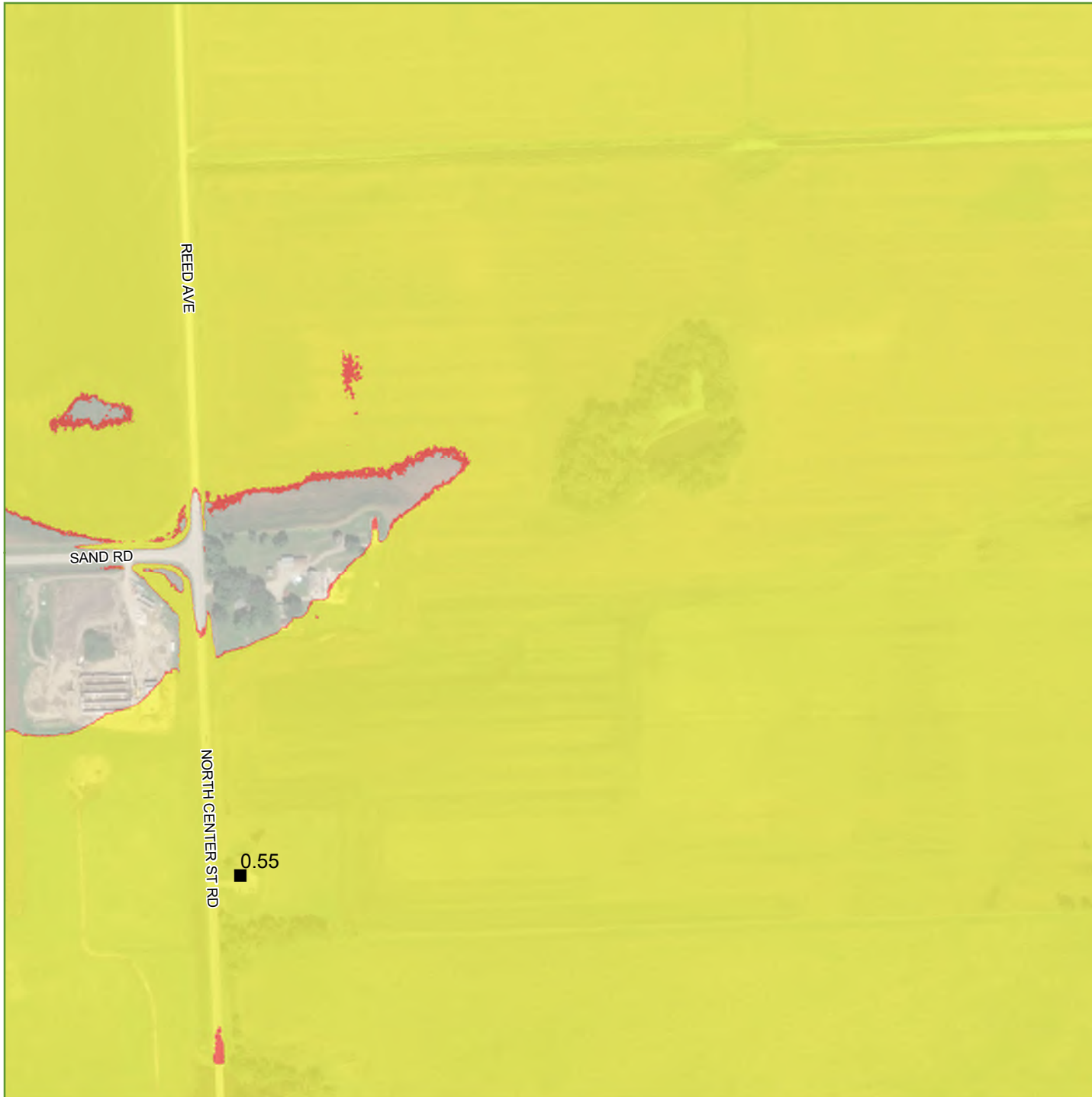
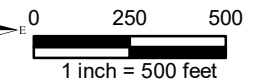
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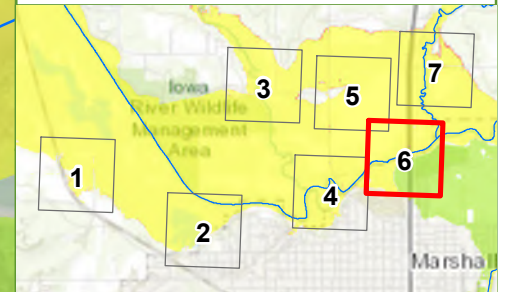
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# Profile B Marshalltown Levee Inundation Map

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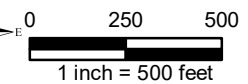
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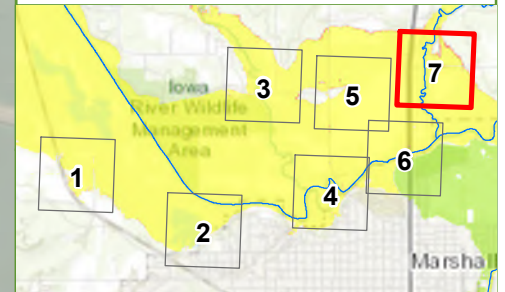
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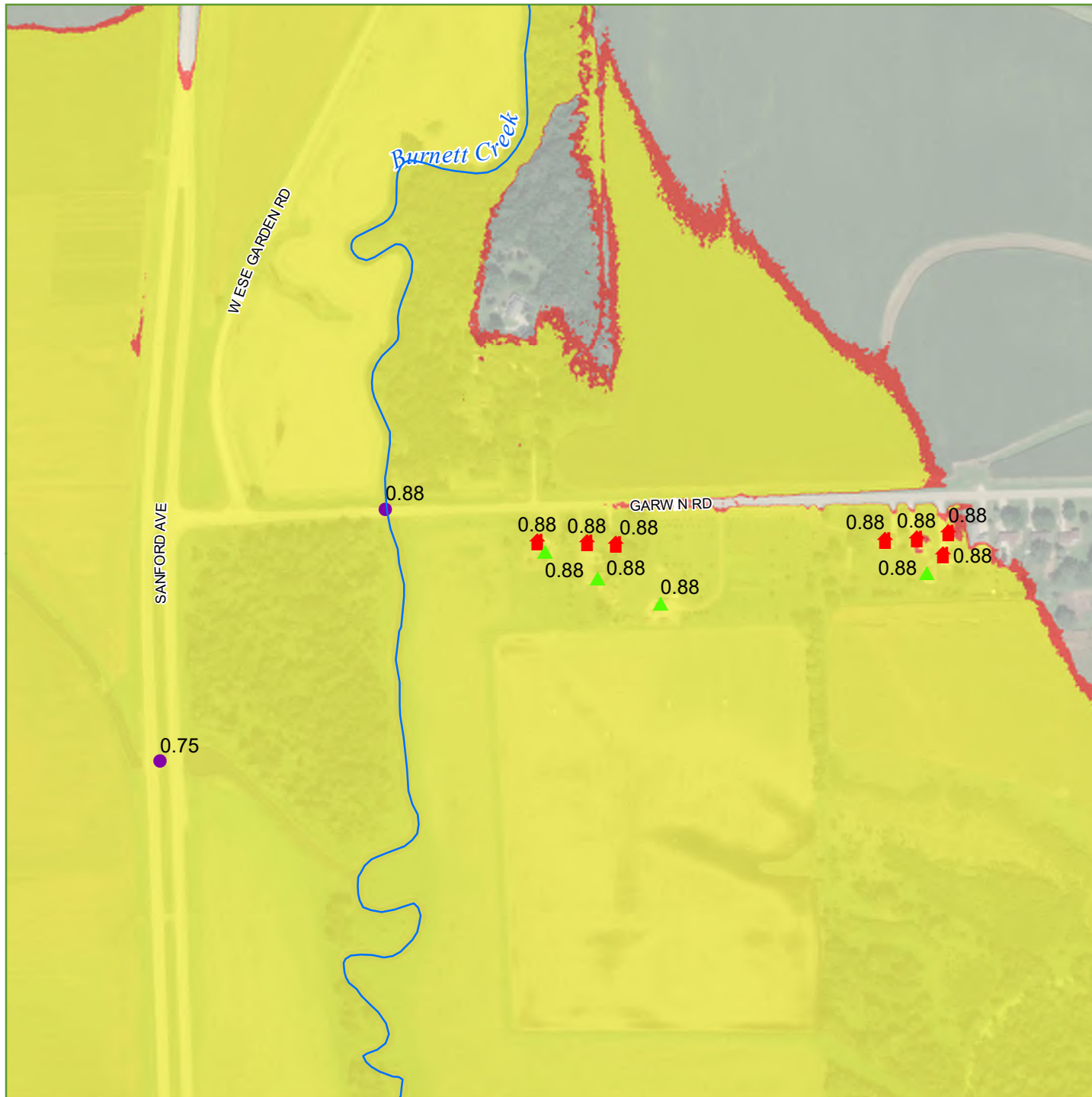
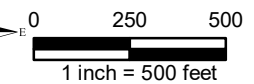
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- Proposed Addition

Number next to symbol is the anticipated increase in water surface elevation in feet at the structure due to the proposed levee raise.





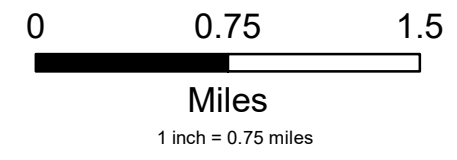
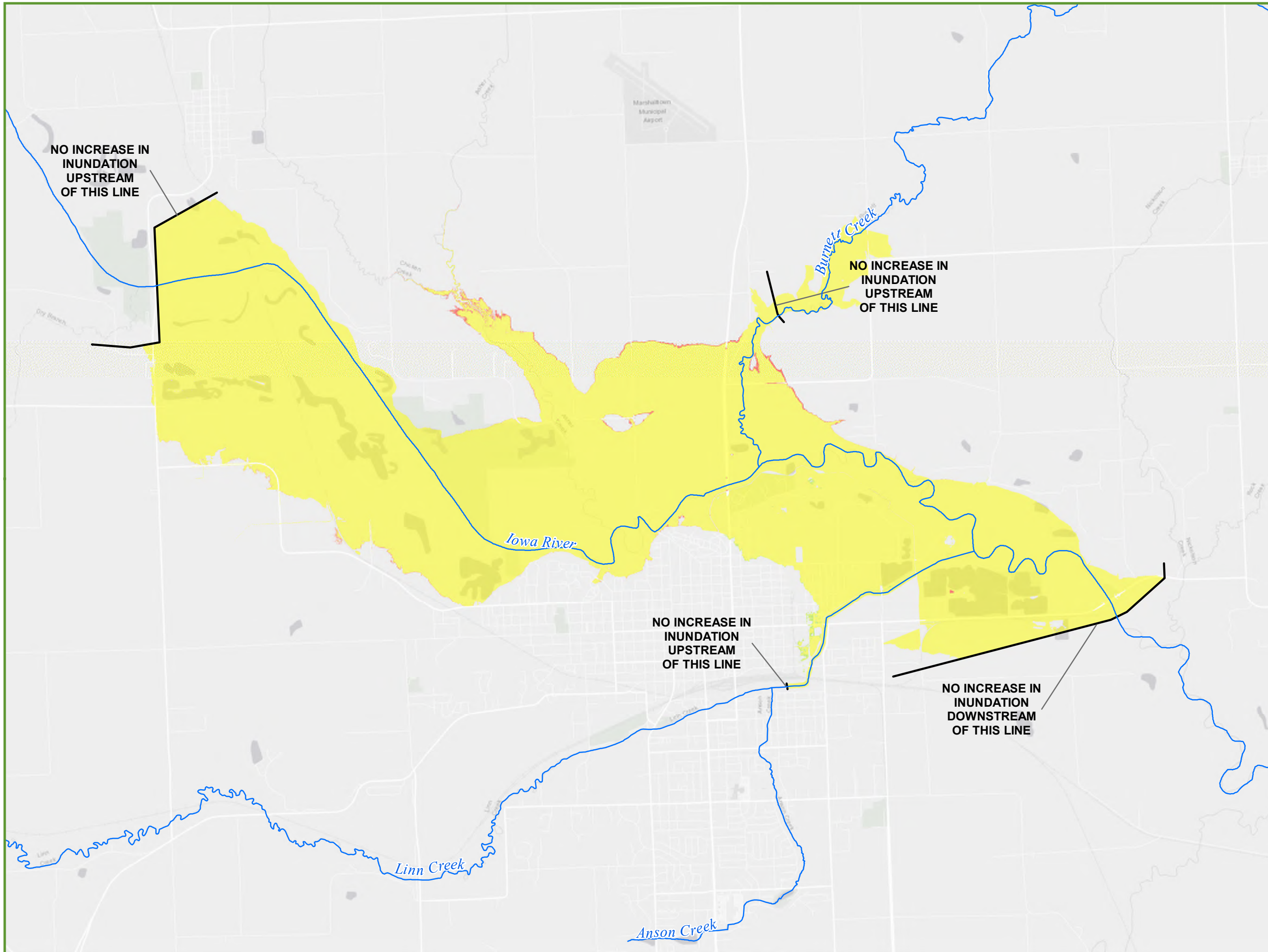
**PUBLIC NOTICE  
REQUEST FOR PERMISSION TO MODIFY A  
U.S. ARMY CORPS OF ENGINEERS PROJECT  
UNDER SECTION 408**

**PROFILE C**

**PREDICTED INUNDATION, WITH THE PROPOSED IMPROVEMENTS,  
AFTER THE IOWA RIVER OVERTOPS THE RAISED LEVEE**

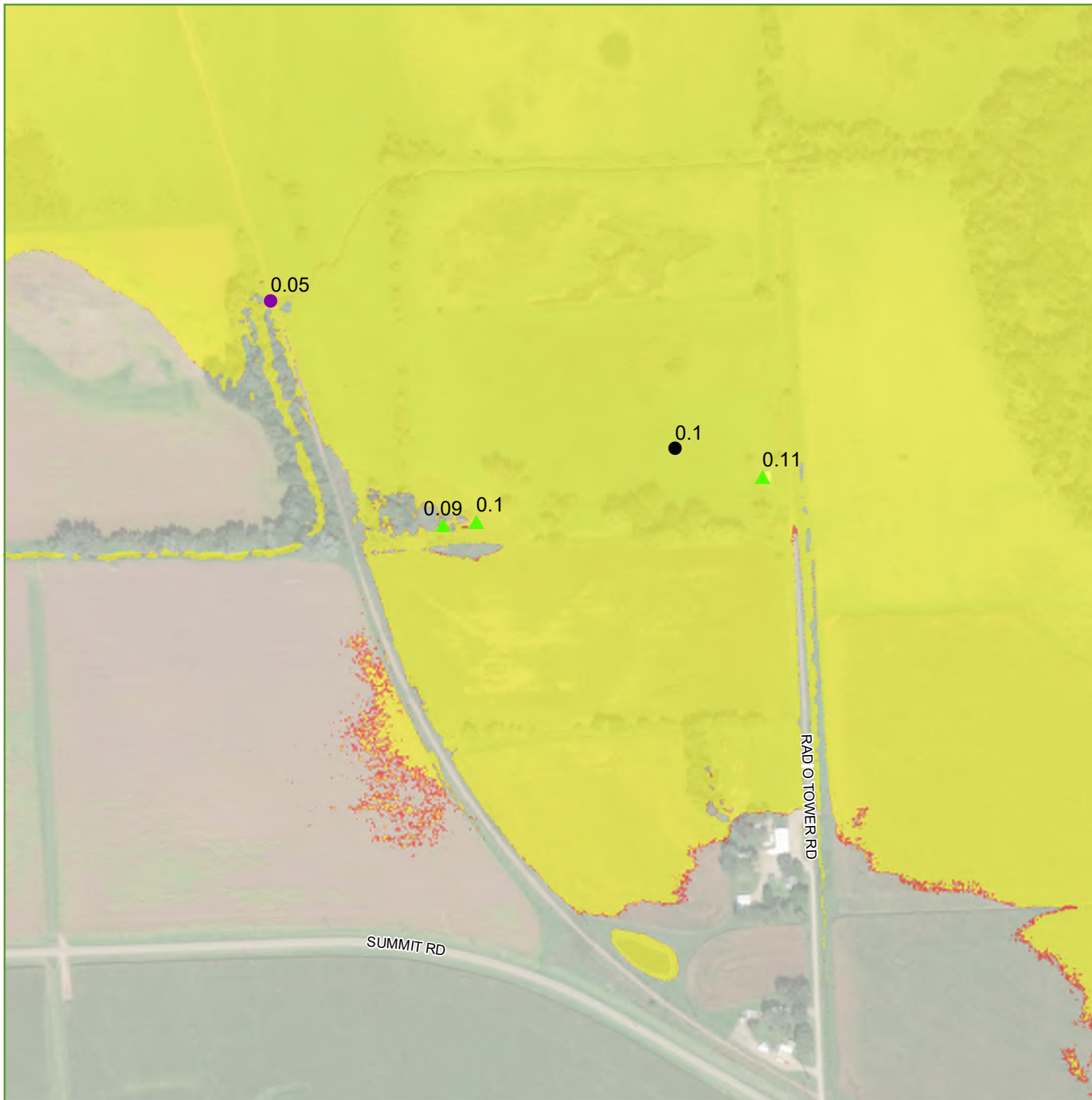
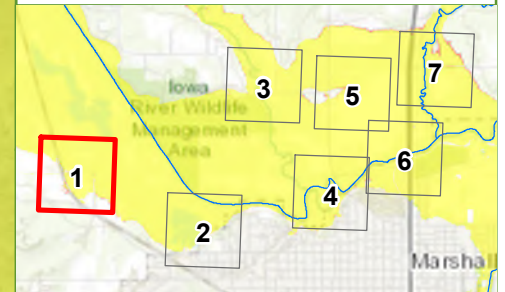
# Profile C Marshalltown Levee Overall Inundation Map

- ### Legend
- Rivers
  - Change from Authorized**
    - Proposed Reduction
    - Proposed No Change
    - Proposed Addition



# Profile C Marshalltown Levee Inundation Map

Page 1



## Legend

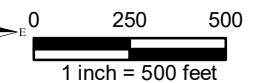
### Impacted Structures

- Bridge
- Cell Tower
- Commercial
- ▲ Garage
- House
- ★ Industrial

### Change from Authorized

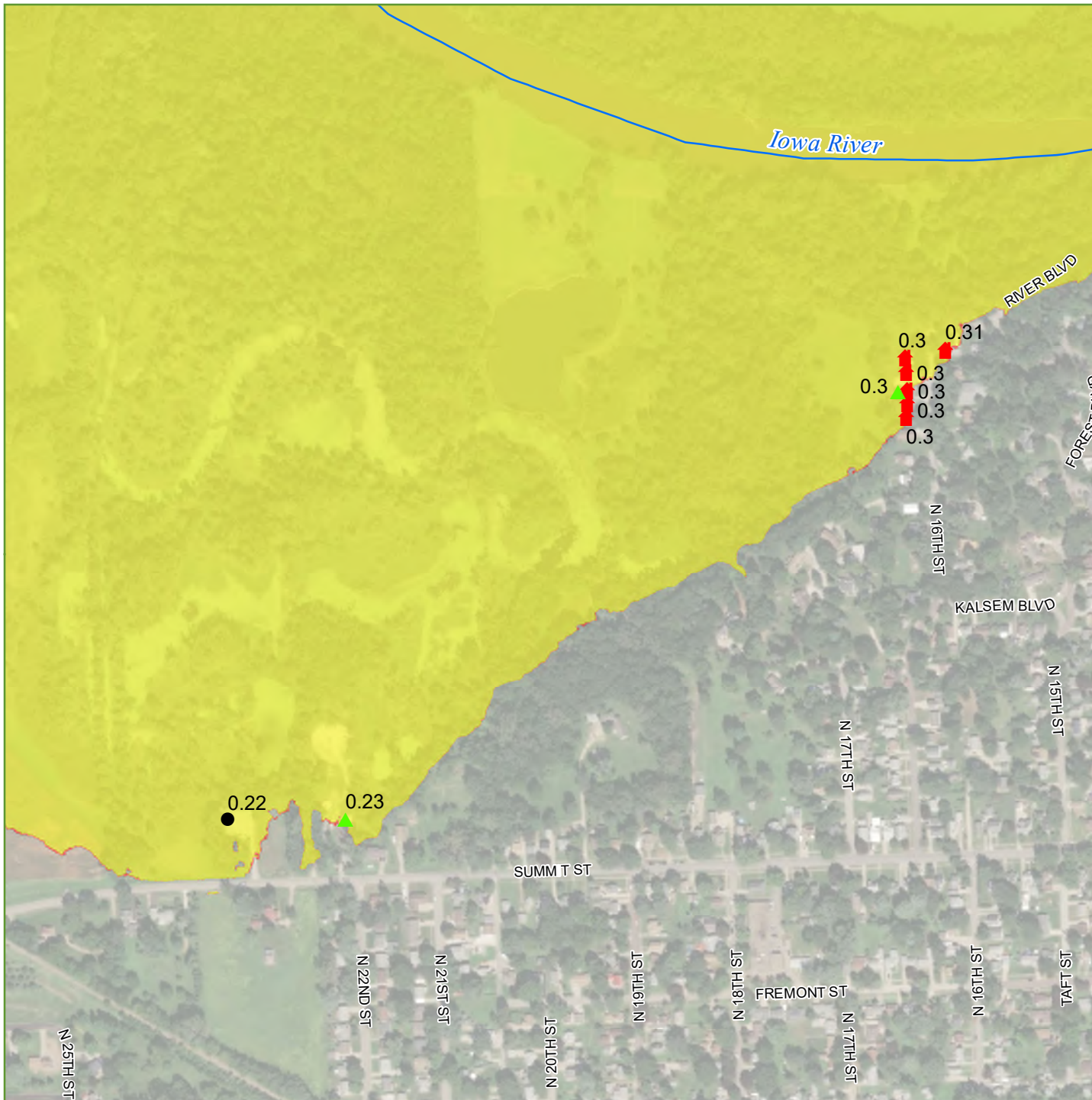
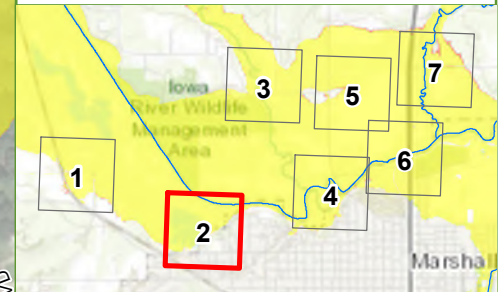
- Proposed Reduction
- Proposed No Change
- Proposed Addition

Number next to symbol is the anticipated increase in water surface elevation in feet at the structure due to the proposed levee raise.



# Profile C Marshalltown Levee Inundation Map

Page 2



## Legend

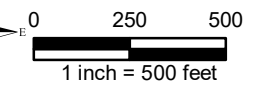
### Impacted Structures

- Bridge
- Cell Tower
- Commercial
- ▲ Garage
- House
- ★ Industrial

### Change from Authorized

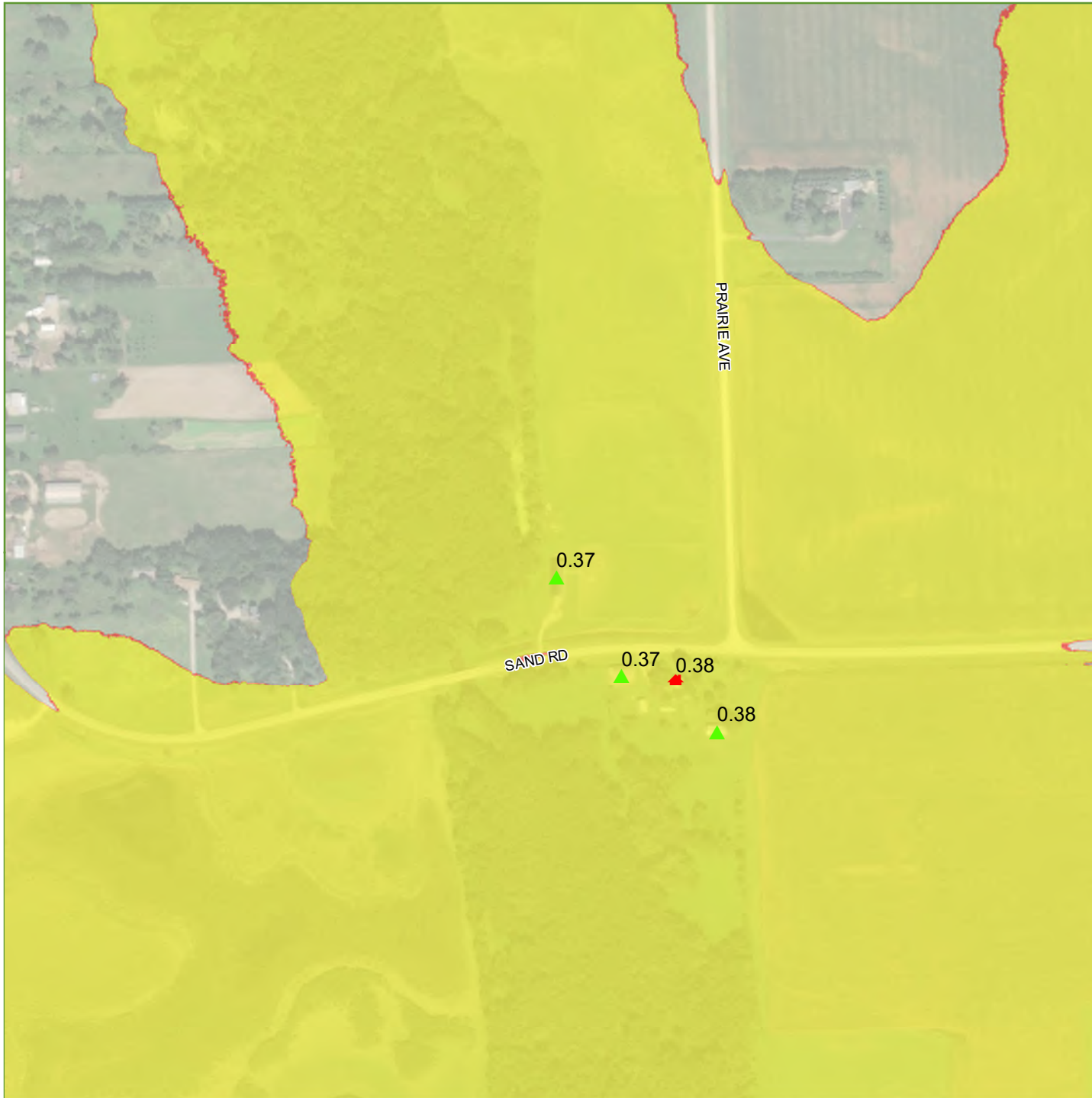
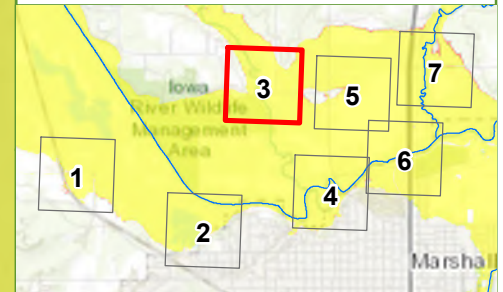
- Proposed Reduction
- Proposed No Change
- Proposed Addition

Number next to symbol is the anticipated increase in water surface elevation in feet at the structure due to the proposed levee raise.



# Profile C Marshalltown Levee Inundation Map

Page 3



## Legend

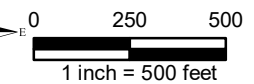
### Impacted Structures

- Bridge
- Cell Tower
- Commercial
- ▲ Garage
- House
- ★ Industrial

### Change from Authorized

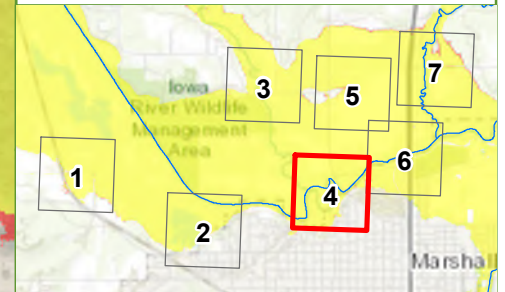
- Proposed Reduction
- Proposed No Change
- Proposed Addition

Number next to symbol is the anticipated increase in water surface elevation in feet at the structure due to the proposed levee raise.



# Profile C Marshalltown Levee Inundation Map

Page 4



## Legend

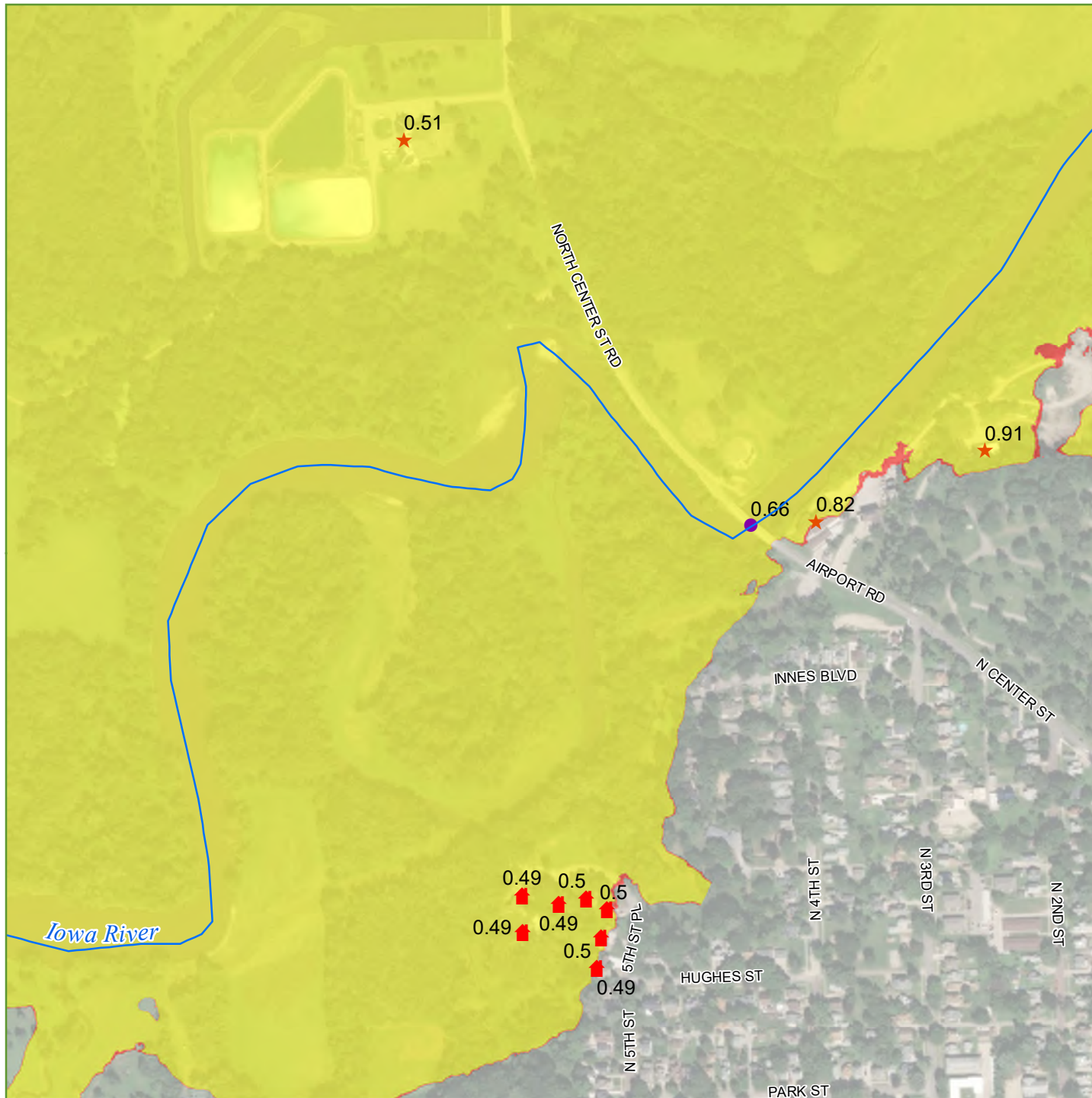
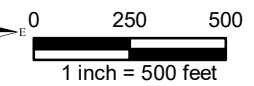
### Impacted Structures

- Bridge
- Cell Tower
- Commercial
- ▲ Garage
- House
- ★ Industrial

### Change from Authorized

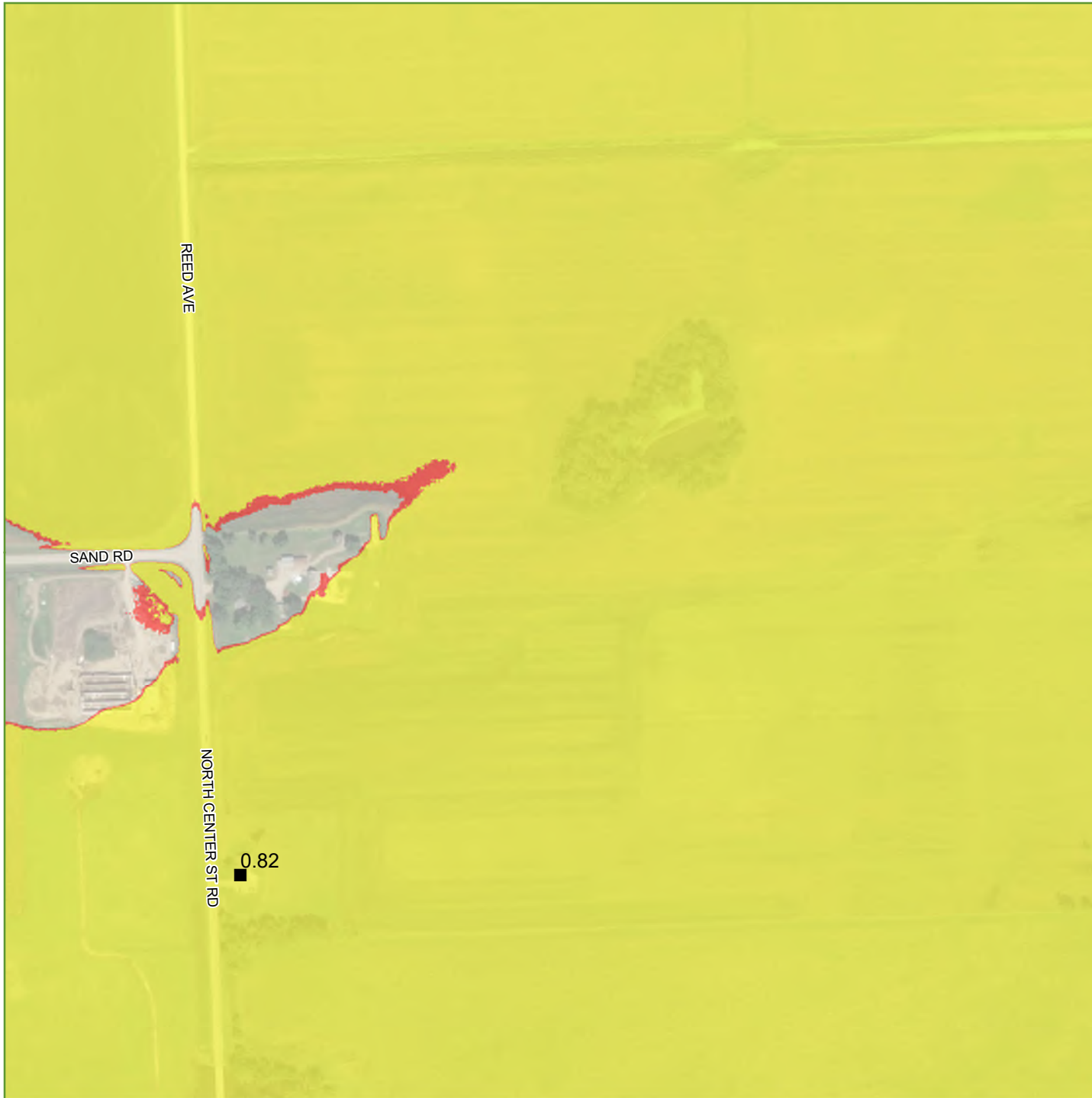
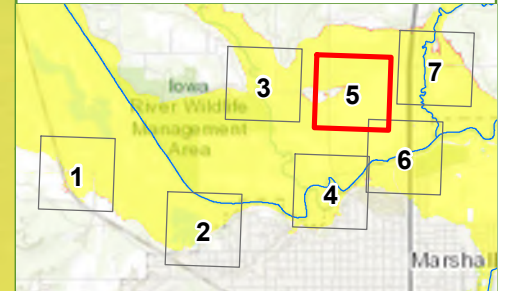
- Proposed Reduction
- Proposed No Change
- Proposed Addition

Number next to symbol is the anticipated increase in water surface elevation in feet at the structure due to the proposed levee raise.



# Profile C Marshalltown Levee Inundation Map

Page 5



## Legend

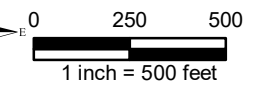
### Impacted Structures

- Bridge
- Cell Tower
- Commercial
- ▲ Garage
- House
- ★ Industrial

### Change from Authorized

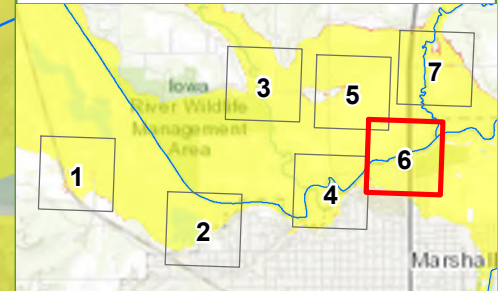
- Proposed Reduction
- Proposed No Change
- Proposed Addition

Number next to symbol is the anticipated increase in water surface elevation in feet at the structure due to the proposed levee raise.



# Profile C Marshalltown Levee Inundation Map

Page 6



## Legend

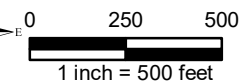
### Impacted Structures

- Bridge
- Cell Tower
- Commercial
- ▲ Garage
- House
- ★ Industrial

### Change from Authorized

- Proposed Reduction
- Proposed No Change
- Proposed Addition

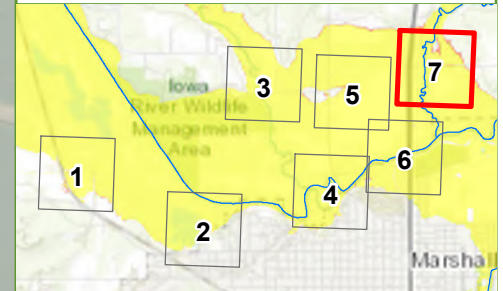
Number next to symbol is the anticipated increase in water surface elevation in feet at the structure due to the proposed levee raise.





## Profile C Marshalltown Levee Inundation Map

Page 7



### Legend

#### Impacted Structures

- Bridge
- Cell Tower
- Commercial
- ▲ Garage
- House
- ★ Industrial

#### Change from Authorized

- Proposed Reduction
- Proposed No Change
- Proposed Addition

Number next to symbol is the anticipated increase in water surface elevation in feet at the structure due to the proposed levee raise.

