



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG

Applicant: City of Hamburg, IA

Date: September 22, 2020

Expires: October 21, 2020

CEMVR-OD-P-2020-1245

Section 404

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

**Public Input Sought on Hamburg, Iowa,
Flood Risk Management Project Hamburg - Main Ditch 6 LB, Fremont County, Iowa.**

1. **Project Sponsor:** City of Hamburg, c/o: Ms. Cathy Crain, Mayor, 1201 Main Street, Hamburg, Iowa 51640.

2. **Project Location:** The Main Ditch 6 levee stretches along the west side of Hamburg, IA. The construction footprint for the project is within Sections 21 and 28, Township 67N, Range 42W of the 5th Principal Meridian in Fremont County, IA. Datum NAD 83 UTM Zone 15, 4497715 N, 274129 E, Latitude 40.59852, Longitude -95.66939

a. **Authority:** Section 404 of the Clean Water Act (33 USC 1344); National Environmental Policy Act of 1969 (NEPA), as amended, the Council on Environmental Quality's (CEQ) regulations for implementing NEPA (40 CFR 1500-1508), the Corps' regulations for implementing NEPA (33 CFR 325 and Engineering Regulation 200-2-2), Public Law 84-99.

b. **Coordination and Background:** The U.S. Army Corps of Engineers, Omaha District (District) and the non-Federal Sponsor, the City of Hamburg, Iowa (City) are partners in the implementation of a flood risk management plan for Main Ditch 6. As a result of the Flood event of 2019, overtopping erosion breached several locations of L575 on the Missouri River which caused water to flow towards the Ditch 6 levee and the City of Hamburg. The Levee Sponsor degraded the land side of the levee in order to add elevation to the top of the levee. This was done after consultation with the USACE and the USACE acknowledged the validity of the need to degrade the land side of the levee in order to add elevation to the top of the levee.

c. The Omaha District has prepared a programmatic environmental assessment (PEA) to provide NEPA compliance for PL 84-99 projects that are being constructed in response to the 2019 spring flooding event. Avoidance, minimization and mitigation, if necessary, will be considered if negative impacts to the human environment are to occur, ultimately allowing the USACE to conclude that a Finding of No Significant Impact (FONSI) determination is appropriate. For the Hamburg Main Ditch 6 LB project, the Corps uses the PL84-99 PEA and the 404(b)(1) Report to document evaluation consistent with the requirements for coordinating a Clean Water Act permit.

3. Project Description: The flooding event of 2019 was caused by rapid snowmelt due to warmer temperatures with increased amounts of rainfall all on top of frozen saturated lands. This in turn produced high runoff and increased flows and stages south of Omaha on the Missouri River in the proximity of and downstream of the confluence of the Platte River. The Main Ditch 6 Levee was not designed to protect the City of Hamburg from direct Missouri River flooding and the Ditch 6 Levee was overtopped, flooding a portion of Hamburg. After the initial flooding subsided, additional heavy rains brought a second wave of water through the breeches in the L-575 system the Ditch 6 Levee was overtopped again. The Levee Sponsor degraded the land side of the levee in order to add elevation to the top of the levee. This was done after consultation with the USACE and the USACE acknowledged the validity of the need to degrade the land side of the levee in order to add elevation to the top of the levee. Soil from the landside slope, toe, and right-of-way was pushed to the top of the levee to increase the levee height. The landside portion of the levee has been altered and is noted as a loss of critical levee section.

a. This project will repair the altered Ditch 6 Levee to its original cross section as required by the PL 84-99 program, replace the damaged aluminum closure panels and posts. This project will also construct levee improvements. Levee improvements include: raising the elevation of the levee from 911.00 M.S.L to 919.00 M.S.L; installing seepage berms, extending the culverts, replacing the closure panel storage shed; grouting the existing ballast; and stockpiling cohesive material near U.S. Highway 333, the BNSF railroad and beneath the I-29 bridge to be used if the need arises.

b. Borrow Sites. The amount of borrow material needed for the selected plan is estimated at 190,000 cubic yards. The borrow site was purchased by the City of Hamburg for this purpose. No wetland impacts are expected through use of this site, although excavation may leave a depression suitable for wetlands to develop in the future.

c. Impacts and Fill in Waters of the U.S. With increase in height of the levee, requested and funded completely by the sponsor, the footprint of the levee will increase. This increase in footprint will impact and permanently fill 1.97 acres of PEMA/C wetland. There will be no other fill placed in waters of the US.

d. Avoidance and Minimization:

- 1) North of HWY 333: The levee footprint will expand to the landside of the levee to avoid impacting the wetlands on the riverward side (Iowa WMA). The City of Hamburg purchased the field on the landward side for this purpose and for that of borrow for the project.
- 2) South of HWY 333: Avoidance of wetlands at this project location is infeasible. The levee must intersect with wetlands as the footprint expands to support the new levee height. Moving the levee alignment is infeasible because it would interfere with the Railroad tracks and other incongruent land uses.
- 3) Mitigation: To mitigate for the loss of the palustrine wetlands, wetland credit will be purchased from an approved wetland mitigation bank within the primary service area at a 1:1 ratio.

4. **Agency Review.** 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).

5. **Historical/Archaeological.** Coordination with the Iowa State Historic Preservation Office is ongoing. The R&C number is 200536050. Survey is being conducted to fulfill Iowa SHPO standards at the borrow areas that had not been previously disturbed, and areas of undisturbed ground along the alignment. Upon completion of all reports and documentation, the Omaha District will ensure Section 106 Compliance.

6. **Endangered Species.** This project has been coordinated with the USFWS Illinois & Iowa Ecological Services Field Office. The potential presence of four threatened or endangered species was indicated (Information for Planning and Consultation): northern long-eared bat (*Myotis septentrionalis*), pallid sturgeon (*Scaphirhynchus albus*), prairie bush-clover (*Lespedeza leptostachya*), and western prairie fringed orchid (*Platanthera praeclara*). The Omaha District determined that the proposed action will have “no effect” on any federally or state-listed threatened or endangered species or protected critical habitat. The project will disturb no trees nor hibernacula in the area so no effect on the northern long-eared bat is expected. No work will be done in the Nishnabotna or Missouri River, so no effect is considered for the Pallid sturgeon. Western prairie fringed orchid and prairie bush clover habitat consists of unplowed mesic prairies with a periodic natural disturbance regime. The project area will consist of disturbed agricultural fields or previously disturbed levee areas that will not be western prairie fringed habitat or prairie bush-clover habitat.

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. **Environmental Documentation.** The Omaha District has prepared a programmatic environmental assessment (PEA) to provide NEPA compliance for PL 84-99 projects that are being constructed in response to the 2019 spring flooding event. As a matter of policy, the USACE Omaha District does not issue itself a permit for construction of civil works projects. For the Hamburg Main Ditch 6 LB project, the Corps uses the PL84-99 PEA and 404(b)(1) report to document evaluation consistent with the requirements for coordinating a Clean Water Act permit.

9. **Public Interest Review.** The decision whether to proceed with the project 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.

10. **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 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.

11. **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.

12. **Reply to the Corps of Engineers.** Comments concerning the proposed activity should be addressed to the District Engineer, U.S. Army Corps of Engineers, Omaha District, ATTN: PMA-C (Chris Weber), 1616 Capital Street, Omaha NE. Mr. Weber can also be contacted for information at (402) 995-2694, or e-mail: christopher.r.weber@usace.army.mil. For additional information concerning environmental issues, contact Mr. Dave Crane (402) 995-2676, or e-mail: dave.j.crane@usace.army.mil.

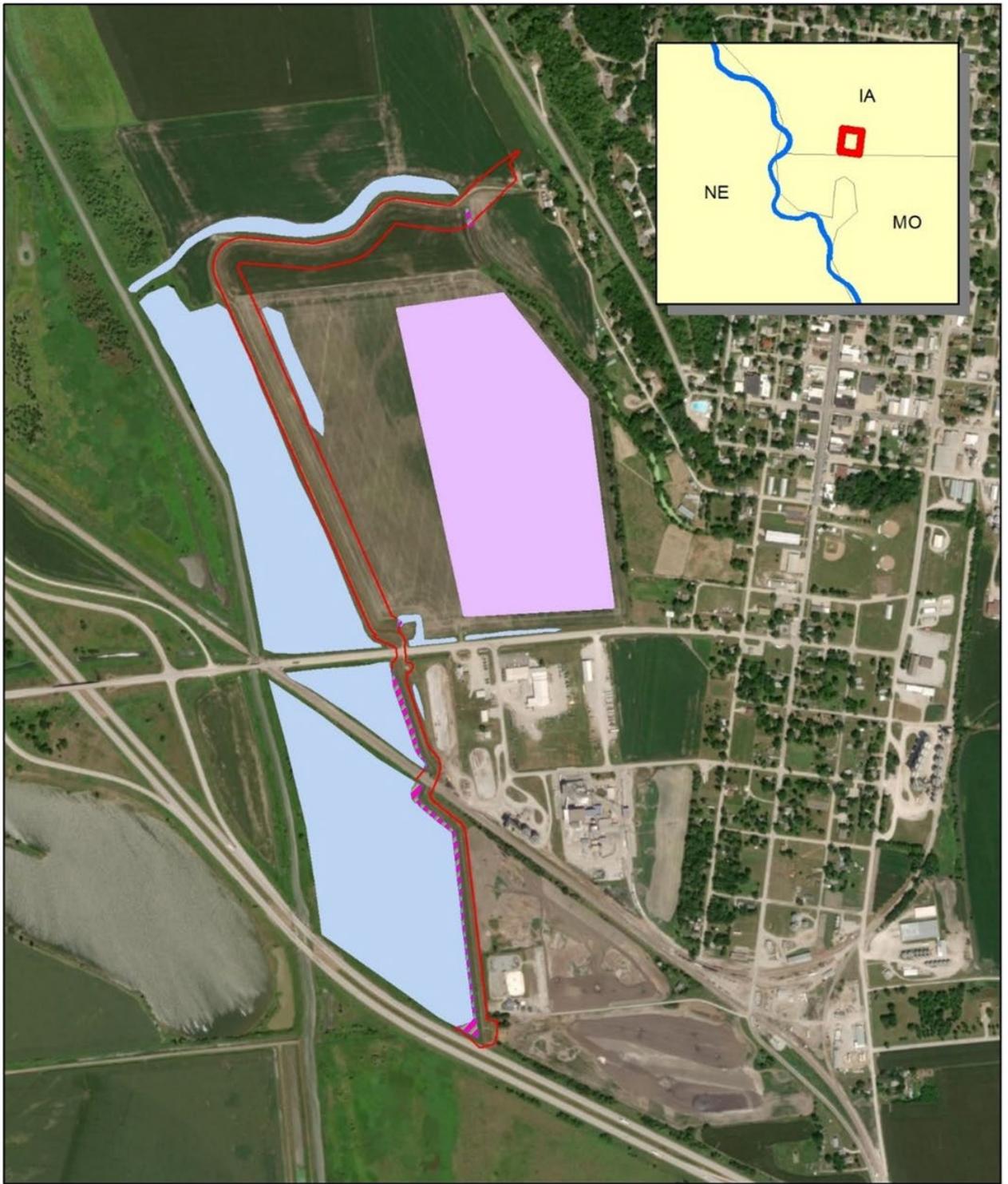
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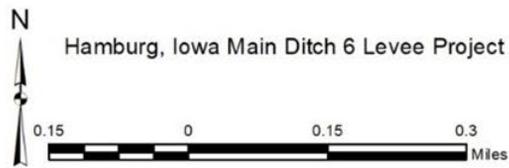
Mark R. Himes, P.E.
Colonel, Corps of Engineers
District Commander

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-  Impacted Wetland
-  Wetland
-  Borrow Area
-  Levee Footprint



Planning Branch CEMVO PMA-C	
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Project Location

