



**US Army Corps  
of Engineers**®  
Rock Island District

# PUBLIC NOTICE

Applicant: Des Moines Area Metropolitan  
Planning Organization

Date: July 22, 2021

Expires: August 20, 2021

CEMVR-RD-2020-554  
**408-MVR-2019-0024**

Section 10/404  
**Section 408**

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

1. **Applicant:** Des Moines Area Metropolitan Planning Organization, c/o Mr. Todd Ashby, 420 Watson Powell, Jr. Way, Suite 200, Des Moines, Iowa 50309.

2. **Project Location:** Section 10, Township 78 North, Range 24 West. Polk County, Iowa. Datum NAD-83. UTM Zone 15. Latitude: 41.579101, Longitude: -93.609456.

3. **Project Description and Purpose.**

A. The applicant is proposing to provide a regional trail network on the Des Moines and Raccoon Rivers which would enhance recreational opportunities and create safer public access in the downtown Des Moines Riverfront area. This project was originally put on Public Notice that expired May 15, 2021. The applicant has since revised their plans to significantly increase their impacts. The proposed project permanently impacts 5.84 acres of the Des Moines River, temporarily impacts 11.42 acres of the Des Moines River, and includes bank stabilization along approximately 1,200 linear feet of the south bank of the Des Moines River. Improvements at Scott Avenue would include the modification of a dangerous low-head dam to provide recreational whitewater amenities and fish passage. Scott Avenue Dam has traditional ogee crests that create a reversal of water flows against the current, which can trap people in the water. The Scott Avenue site would also be enhanced to provide improved river access for anglers' recreational users, and increased parking capacity. USACE 408 also has an interest in the project area and is currently in review for impacts to 408 Federal interests. The applicants stated purpose of the project is to improve water safety, enhance recreational opportunities, and increase connectivity between the Scott Avenue dam and Des Moines Riverfront area. The applicant believes that the project is needed for the following reasons: the existing Scott Avenue low-head dam results in safety hazards, current lack of safe river access for Des Moines residents, addition of emergency access, opportunities for river users; and for consistency with the regional plan (Greater Des Moines Water Trails and Greenways, 2016).

B. Discharge to the Des Moines River includes construction of stream barbs, recreational drops, roughened fish passages, recreation wave features, two notches in the Scott Avenue Dam, scour hole repair, and recreational viewing and bank stabilization along the south bank of the Des Moines River. This will include the use of 10,300 cubic yards (CY) of grouted boulders, 13,000 CY of class E riprap, 700 CY of concrete, 400 CY of erosion stone, and 600 CY of void permeated riprap.

**4. Avoidance and Minimization Statement.** The applicant has evaluated several options to avoid and minimize impacts to Waters of the U.S., as a result of the proposed project. The recreational and access amenities were designed to avoid impacts on the forested wetlands south of the Des Moines River. In an effort to avoid and/or minimize impacts on the Des Moines River, an alternatives analysis was completed and available upon request. Results of the alternatives analysis concluded that this proposal was the preferred alternative and impacts could not be avoided. The applicant believes that this project will not require compensatory mitigation for impacts to Waters of the U.S. because modification to the existing dam will have a functional benefit to the Des Moines River.

**5. Agency Review.**

a. Department of the Army, Corps of Engineers. The Department of the Army application is being processed under the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and 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 (IDNR) 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, Des Moines, Iowa 50319. A copy of the comments should be provided to the Corps of Engineers office (see paragraph 12., of this public notice for address.

- The proposed activity is under the jurisdiction of the Corps of Engineers pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 408). Under Section 408, the applicant must receive permission to make alterations to, or temporarily or permanently occupy or use, any Army Corps of Engineers federally authorized civil works project to ensure that it does not impair the usefulness or performance of the project, and it is not injurious to the public interest. The authorized civil works projects for the purpose of this request are the Des Moines I and III, Iowa Flood Risk Management Projects. The granting or denial of permission pursuant to Section 408 is not a permit or permit action handled by the Corps of Engineers Regulatory Program.

**6. Historical/Archaeological.** This project is receiving federal funds through the Federal Highway Administration (FHWA). As such the FHWA is the lead federal agency responsible for the execution of the Section 106 Cultural Review process. On March 9, 2021, the Iowa State Historic Preservation Office issued concurred with the determination of “no adverse effect” for this undertaking. It is the opinion of the Corps that compliance with the National Historic Preservation Act has been completed by the applicant and the FHWA as the lead agency on the project (33 CFR Part 325, Appendix C.3.b.).

**7. Endangered Species.** This project is receiving federal funds through FHWA and as such the Corps is allowing FHWA to be the lead federal agency for compliance with Section 7 of the Endangered Species Act. On November 17, 2020, the US Fish & Wildlife Service concurred with a determination of “may affect, but not likely to adversely affect” for federally listed species. It is the opinion of the Corps that compliance with Section 7 has been completed by the applicant and the FHWA as the lead agency on the project.

**8. 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).

9. **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.

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 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.

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.

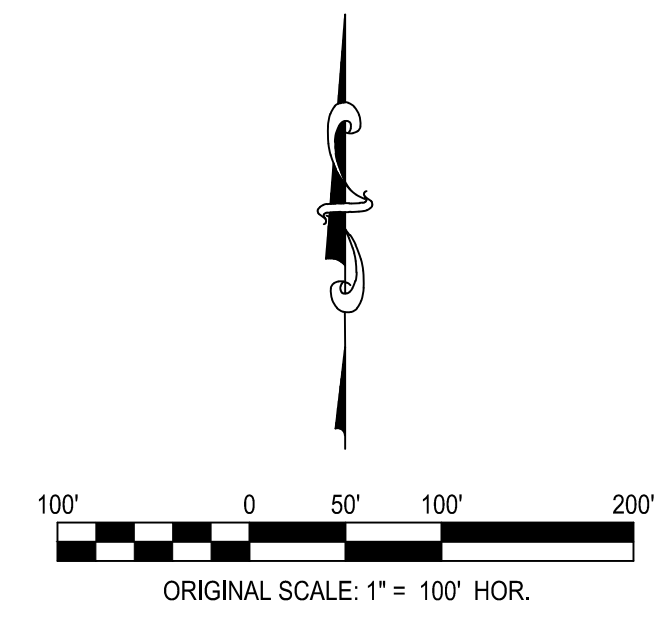
12. **Reply to the Corps of Engineers.** Comments or questions concerning this notice may be directed to Sean Dillard by phone: (309/794-5379), email: [sean.m.dillard@usace.army.mil](mailto:sean.m.dillard@usace.army.mil) or mail to: US Army Corps of Engineers, Rock Island District, ATTN: OD-RD, Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004.

Attach  
Plan

Mr. Trevor Popkin  
Chief, Eastern Branch  
Regulatory Division

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**LEGEND**

- - - - - LIMIT OF TEMPORARY DISTURBANCE
- - - - - LIMIT OF PERMANENT DISTURBANCE
- POSSIBLE STAGING AREAS

CEMVR-RD-2020-0554 1 of 5

REV	REVISION DESCRIPTION	DATE	CHND	CHKD	APPR

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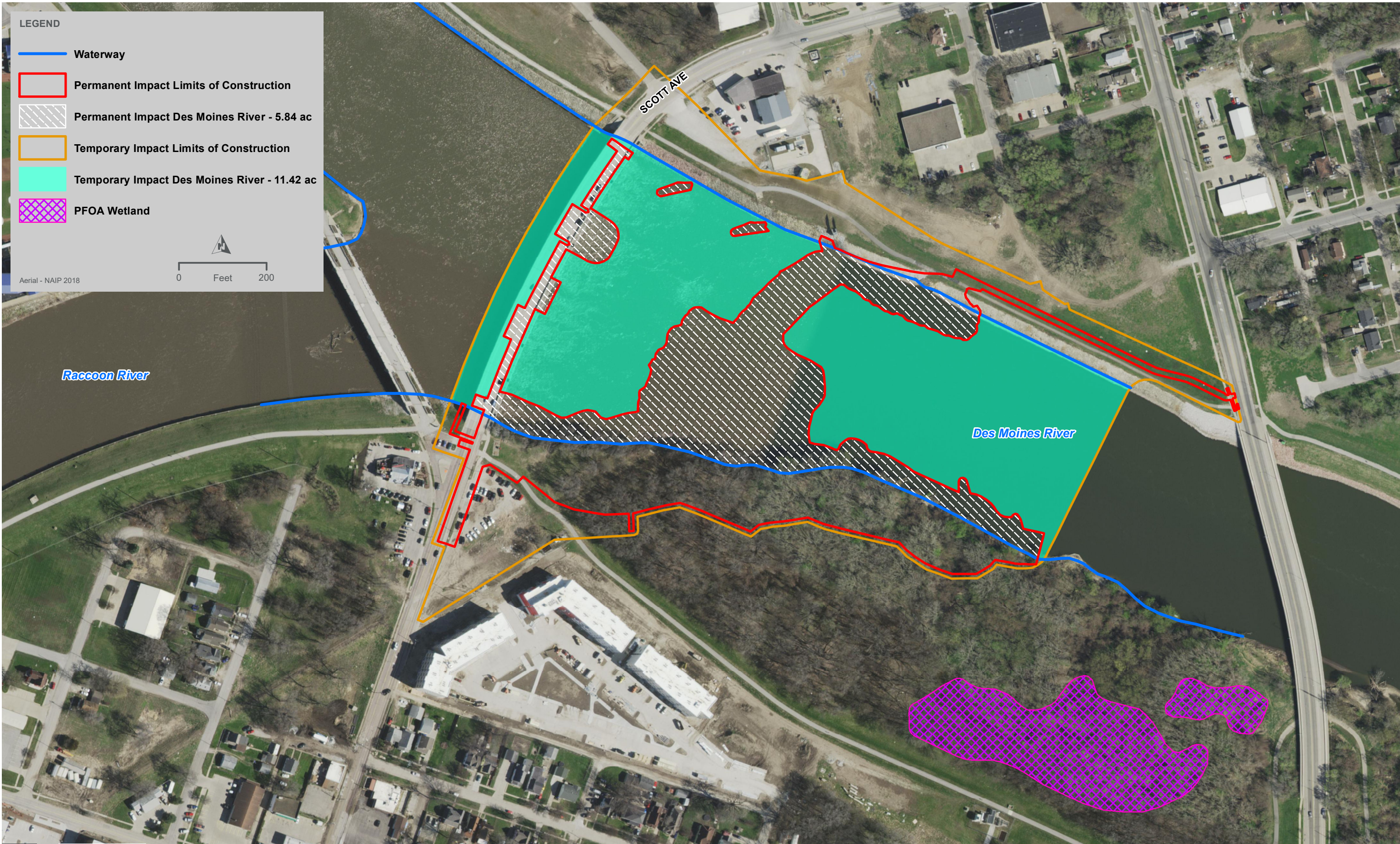
PRELIMINARY PLANS  
ISSUED FOR REVIEW

FOR AND ON BEHALF OF MERRICK & COMPANY

TITLE

SCOTT AVENUE DAM MODIFICATIONS  
POLK COUNTY, IOWA  
CONSTRUCTION LIMITS EXHIBIT

JOB NUMBER	65420522
DATE	06/16/2021
DRAWING NO.	<b>EXHIBIT 1</b>
SHEET NO.	xx of xx



**LEGEND**

- Waterway
- Permanent Impact Limits of Construction
- Permanent Impact Des Moines River - 5.84 ac
- Temporary Impact Limits of Construction
- Temporary Impact Des Moines River - 11.42 ac
- PFOA Wetland

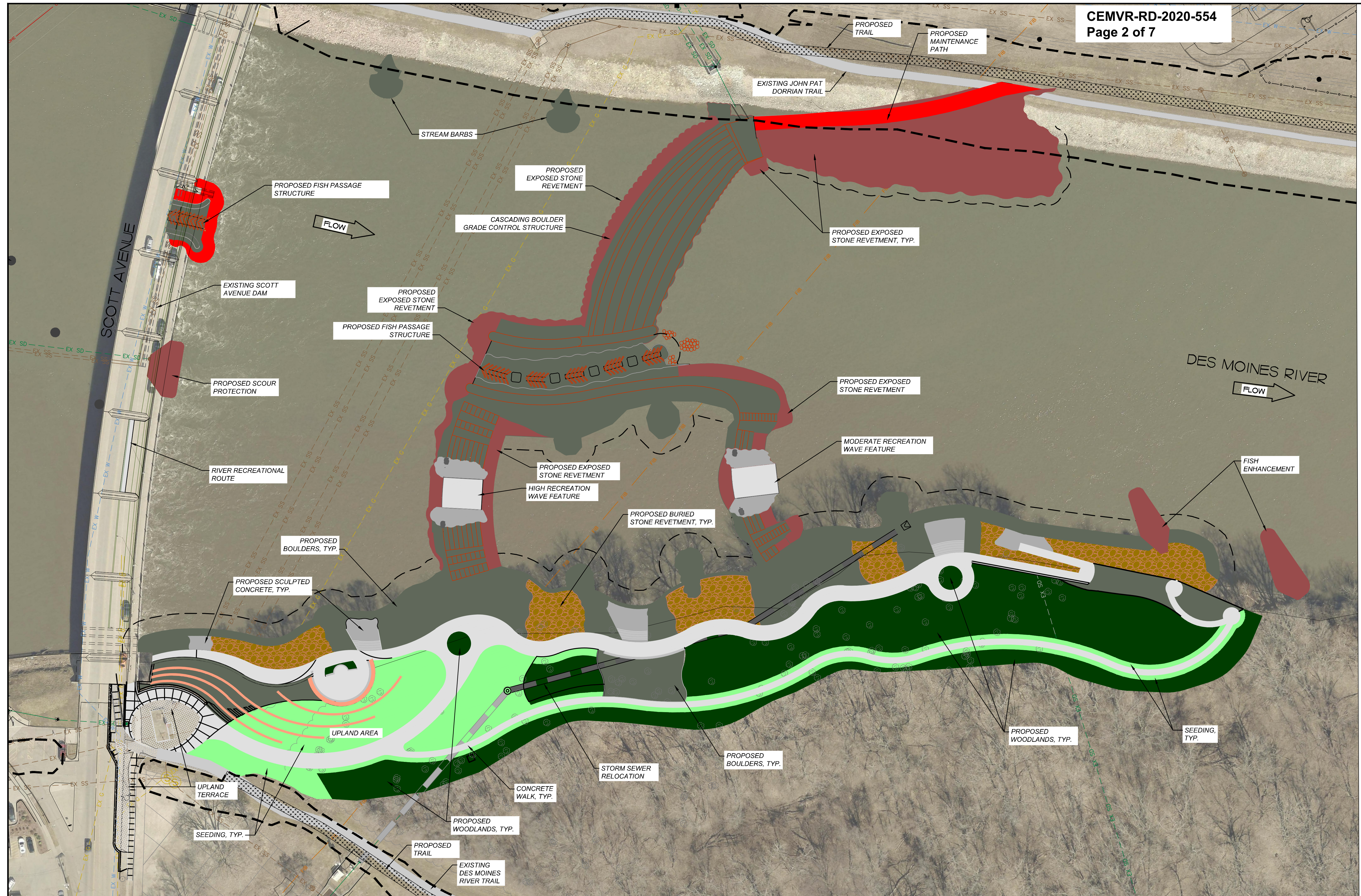
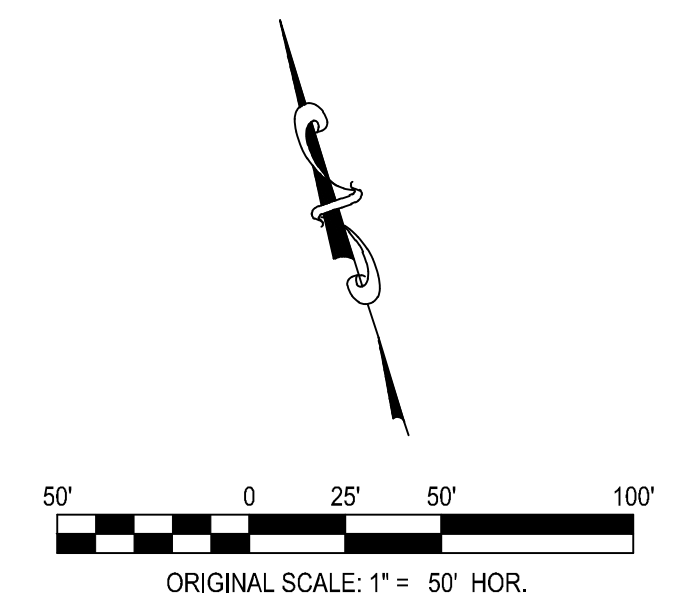
Aerial - NAIP 2018

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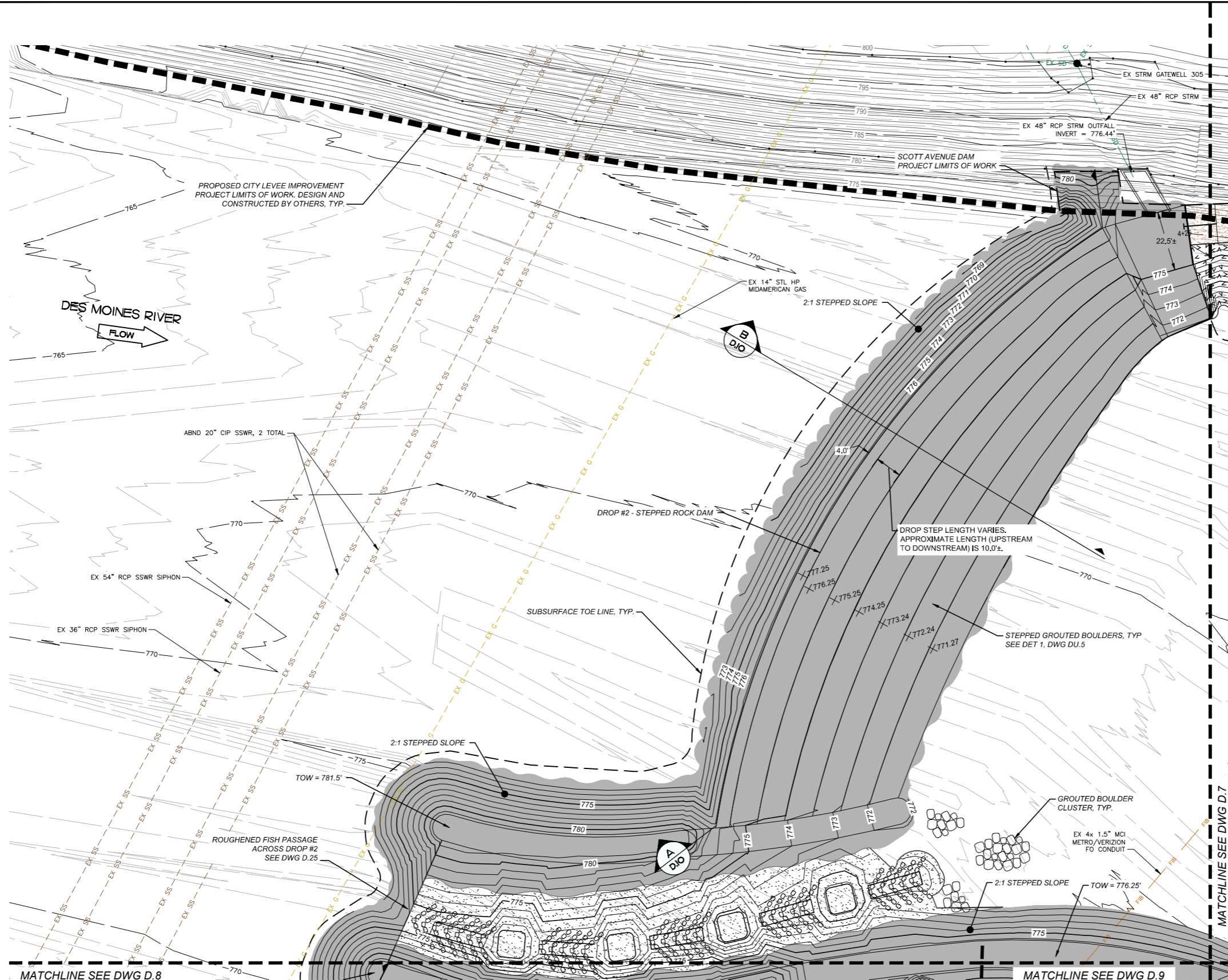
*Raccoon River*

*Des Moines River*

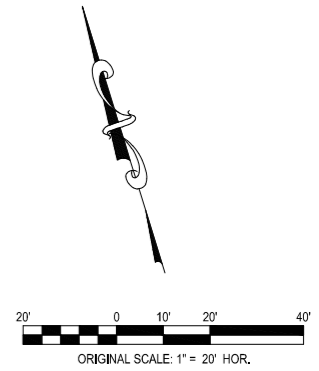
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KEY MAP  
SCALE: 1" = 400'



PLAN  
SCALE: 1" = 20'

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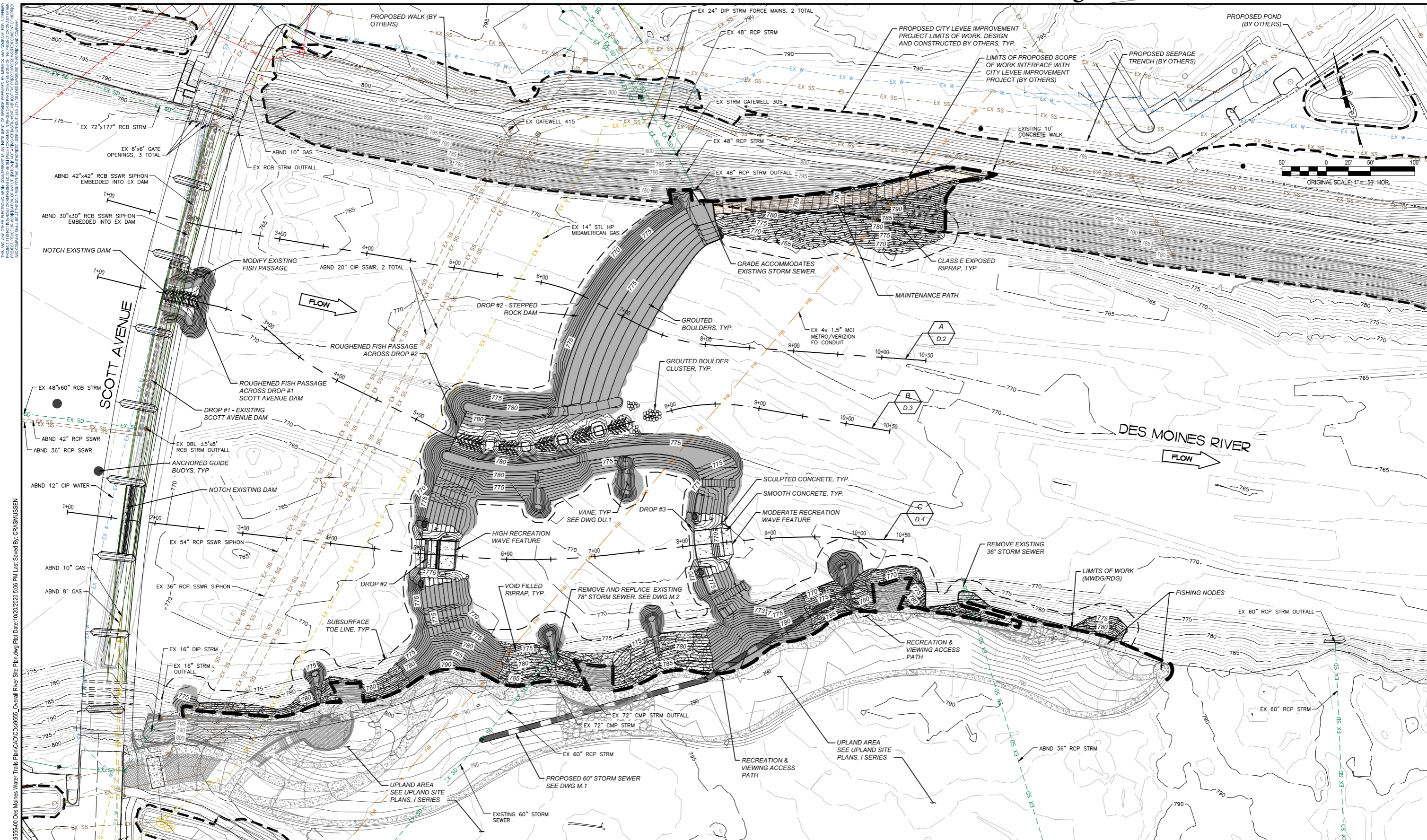
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ISSUED FOR REVIEW

FOR AND ON BEHALF OF MERRICK & COMPANY

TITLE

**SCOTT AVENUE DAM MODIFICATIONS**  
POLK COUNTY, IOWA  
RIVER PLAN ENLARGEMENT 1

JOB NUMBER	65420522
DATE	11/3/2020
DRAWING NO.	D.6
SHEET NO.	16 of 89



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SCOTT AVENUE DAM MODIFICATIONS  
POLK COUNTY, IOWA  
OVERALL RIVER SITE PLAN

JOB NUMBER 65420522

DATE 11/3/2020

DRAWING NO. D.1

SHEET NO. 11 of 89