



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: Muscatine Island Levee District–Economic Development Administration Funded Levee Superiority–Muscatine, IA Funded Hardened Controlled Overtopping Structure
(Public Notice ID #2021-0014)

PUBLIC NOTICE COMMENT PERIOD:

Begins: 17 April 2023
Expires: 17 May 2023

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 (FRMP) 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 providing substantive information or a rationale for the commenter's position are the most helpful. All comments supporting, opposing, or identifying concerns the U.S. Army Corps of Engineers (USACE) should consider in its decisions process are welcome. 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.

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), Economic Development Administration and Klingner & Associates PC request permission on behalf of Muscatine Island Levee District to modify the Muscatine Island Levee, an existing federally authorized FRMP.

LOCATION: The proposed project is located along the Muscatine Island Levee District, in Muscatine, Iowa.

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

REQUESTER'S PROPOSED ACTION: The existing Muscatine Island Levee District FRMP consists of approximately fourteen miles of earthen embankment, mainstem, and tie-back levees. Muscatine Island Levee District proposes a Levee Improvement Project

on a three-mile reach of the mainstem levee (Feature 1, Figure 1), to be funded by the Economic Development Administration, and a Hardened Controlled Overtopping Structure at the downstream end of the levee (Feature 2, Figure 1).

Feature 1 includes raising and strengthening the mainstem levee from STA. 165+00 (Maple Grove Road) to STA. 332+00 (Muscatine-Louisa County Line). This feature would provide a more resilient flood protection system and move the incipient point, the most likely overtopping location, of the sand levee downstream (Feature 2) to reduce flood risk due to an overtopping event. The proposed improved section of levee is near critical infrastructure and industrial development, as well as multiple communities. If levee overtopping were to occur in this reach, there is potential for catastrophic damages, loss of life, and environmental catastrophe due to the rapid inundation of the levee district. By improving the levee in this reach and moving the incipient point further downstream, the district is increasing the time for preparation, reaction, and, if necessary, evacuation during a potential major levee overtopping event.

Feature 1 involves placing sand on the levee crown and landside levee slope to widen and raise the proposed reach to the 100 year + 4.5 feet of freeboard level (Figure 2). The borrow sand for the project would be excavated from a historic sand stockpile located at Muscatine County Deep Lakes Park. Feature 1 is being funded with a 50% match from EDA.

Feature 2 includes the construction of a hardened controlled overtopping reach near STA. 700+00 (Figure 3). This one thousand lineal foot (1000 LF) structure would provide resilience at the new downstream incipient point. The levee slope and toe would be hardened with a specialized geosynthetic turf surface that is resistant to high velocity water flow. This would provide protection against erosion and scour in the event the levee is overtopped at this location. Providing a resilient levee overflow structure allows for controlled inflows of flood water during extreme events while allowing for a quick recovery once the river flood waters have receded. During a potential overtopping event, the structure would direct the flow into the downstream end of Muscatine Slough which feeds into the drainage network for the Muscatine-Louisa Drainage District 13 Pump Station. Feature 2 would be fully funded by the local Muscatine Island Levee Stakeholders and local government entities.

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 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 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. A USACE technical team will review the requests for modification 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 if it 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. While ensuring compliance is the responsibility of USACE, the requester is providing all information that the U.S. Army Corps of Engineers, Rock Island District (District), identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and ordinances. NEPA and other analysis completed to comply with the other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project.

- a. The Economic Development Administration (EDA) is the Lead Federal Agency due to funding Feature 1 of the proposed action. Klingner & Associates PC, on behalf of Muscatine Island Levee District, prepared a Draft Environmental Assessment (EA) for Features 1 and 2 to comply with all NEPA and environmental compliance requirements of both EDA and USACE.
 - b. The District will review the Draft EA, ensuring it complies with ER 200-2-2, *Procedures for Implementing the National Environmental Policy Act*, and all required environmental statutes. Any comments received during this public notice period will be incorporated into the EA and considered in the decision-making process prior to the District determining if a Finding of No Significant Impact may be signed.
 - c. The Federal interest portion of the project area is being evaluated for cultural resources-related concerns. The applicant has conducted cultural resources-related surveys and provided associated reports to the District for review. The District, in coordination with EDA, anticipates consultation with the State Historic Preservation Officer, tribes, and other interested parties under Section 106 of the National Historic Preservation Act (NHPA; 54 USC § 306108).
4. *Technical Analysis.* The 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 is being conducted to determine any potential adverse impacts to the USACE-authorized flood protection system and to the navigation channel.

SOLICITATION OF COMMENTS: The USACE 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 USACE 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 used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the NEPA. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

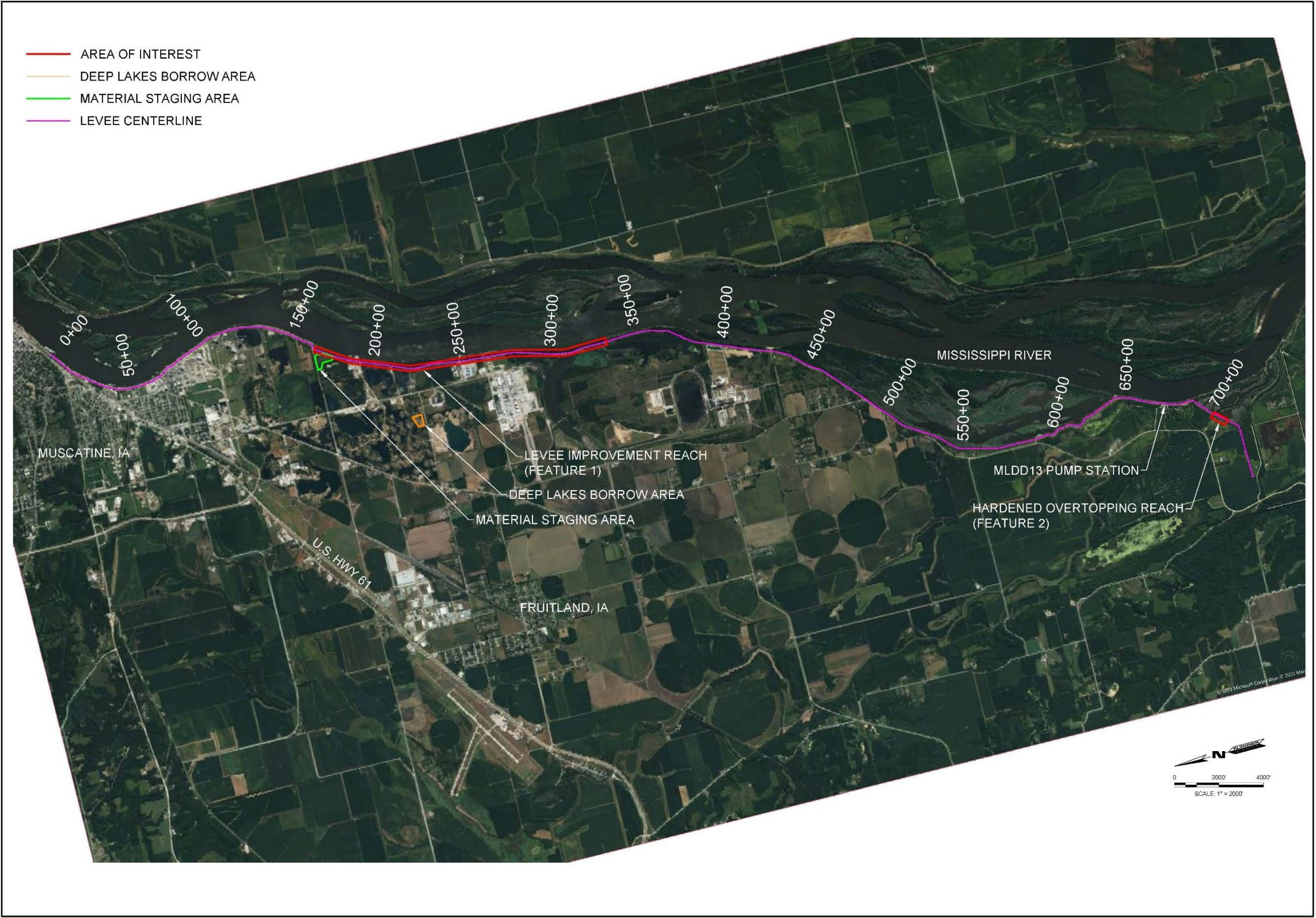
It should be noted that materials submitted as part of the Section 408 request become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an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

It is presumed that all parties receiving this Public Notice will wish to respond to it; 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 U.S. Army Corps of Engineers Public Notice number 2021-0014. Comments must reach this office no later than 17 May 2023. Comments or requests for additional information should be mailed or emailed to the following address:

Email: MVR408@usace.army.mil

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



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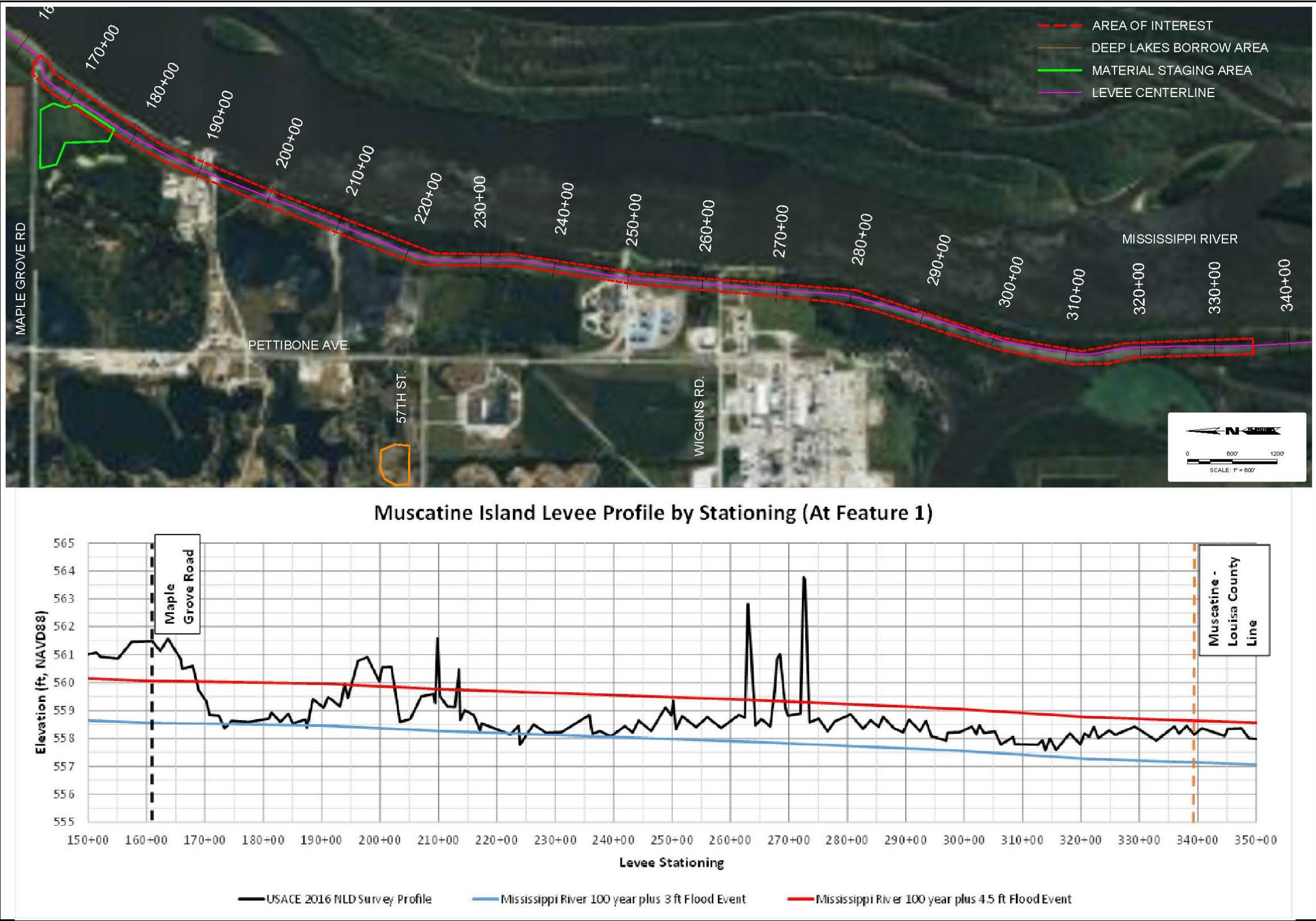
REVISION HISTORY			
NO.	DATE	BY	DESCRIPTION

**PRELIMINARY
NOT FOR
CONSTRUCTION**

**MUSCATINE ISLAND LEVEE
IMPROVEMENT PROJECT**
MUSCATINE ISLAND LEVEE DISTRICT
18238 COUNTY RD X61
MUSCATINE, IA 52761

Non-Reduced Sheet Size: 22" x 34"
If a portion of the sheet is not used, the unused portion shall be marked "VOID".
DESIGNED: JTL
FIELD: JTL
CHECKED: JTL
SHEET TITLE: MUSCATINE ISLAND OVERVIEW MAP
PROJECT NO.: 20-2196
DRAWING ISSUED DATE: 2/28/2023
SHEET: C101

Figure 1. Project Area Vicinity



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Burlington, Iowa
610 North Street, Suite 100
30422-3603
www.klingner.com

REVISION HISTORY

NO.	DESCRIPTION	DATE	BY
1	Initial Design	01/15/2023	JTL
2	Final Design	02/15/2023	JTL

PRELIMINARY NOT FOR CONSTRUCTION

MUSCATINE ISLAND LEVEE IMPROVEMENT PROJECT
MUSCATINE ISLAND LEVEE DISTRICT
18238 COUNTY RD X61
MUSCATINE, IA 52761

Non-Reduced Sheet Size: 22" x 34"

DESIGNED	JTL
FIELD	FIELD BOOK
CHECKED	CHECK DATE

SHEET TITLE
LEVEE IMPROVEMENT REACH (FEATURE 1)

PROJECT NO.
20-2100

DRAWING ISSUED DATE:
2/28/2023

SHEET
C102

Figure 2. Project Site Map of Feature 1



Figure 3. Project Site Map of Feature 2