



US Army Corps
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Seattle District

Public Notice

REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER 33 USC 408 (Section 408)

Planning and Environmental & Cultural
Resources Branch
ATTN: Section 408 Coordinator
4735 E Marginal Way S.
Building 1202
Seattle, WA 98134

Public Notice Date: April 19, 2022
Expiration Date: May 19, 2022
Reference: 408-NWS-2020-0032

PROJECT TITLE: Lower Cedar River Levee Recertification (Section 408 Reference Number: 408-NWS-2020-0032)

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the City of Renton (Requester) has requested permission from the U.S. Army Corps of Engineers (USACE) to alter the Lower Cedar River Levees, also known as The Cedar River at Renton Flood Damage Reduction Project (Federal Project). The Federal Project was constructed under authority of Section 205 of the 1948 Flood control Act, as amended. The Federal Project includes levees and floodwalls on both sides of the Cedar River.

LOCATION: The project area is the lower 1-1/4 miles of the Cedar River in the City of Renton, King County, Washington. Located immediately southeast of the City of Seattle.

REQUESTER'S PROPOSED ACTION: The Requester's proposed action (the Lower Cedar River Levee Recertification) includes alterations along the Lower Cedar River on the left bank and right bank. The proposed action comprises levee, floodwall, and embankment adjustments, as detailed in Table 1 below and in the Cedar River Section 205 Levee System Improvement Locations Overview and Vicinity Map (Attachment 1).

Only project elements that would alter the Federal Project are within the review scope for the Section 408 permission request.

Table 1. Summary of Proposed Action

Location (Levee Stationing)*	Improvement Name and Description
Right Bank	
49+60	Improve Floodwall to Embankment Transition. The floodwall would be embedded into an elevated embankment (wall of earth). The embankment would be elevated using common borrow material (e.g., soil).
63+45 to 64+20	Raise Levee Embankment. Adjacent to the trail, the embankment would be raised by adding common borrow material. The crown (top) of the embankment is 8 feet wide.
65+50	Replace Sidewalk. The current sidewalk would be removed, the area regraded, and the sidewalk reconstructed. The levee alignment would be relocated to the highest point along the levee to slightly raise the elevation in compliance with levee crest (highest point) requirements.
65+90 to 68+85	Raise/Extend Floodwall. Approximately 3.5 feet from the Senior Center Building, a new floodwall would be installed. This would require excavation to install the floodwall footing and floodwall. The reinforced concrete floodwall is approximately 4 feet wide and buried approximately 3 feet deep.
Left Bank	
18+50 to 19+50	Improve Transition from Levee Embankment to Wall. An additional 26 linear feet of floodwall would be added to the floodwall. This would require excavation approximately 5 feet deep to install the floodwall footing and reinforced concrete floodwall. The excavation area would be backfilled with excavated native material or substituted fill that meets specifications.
26+50 to 29+60	Raise Floodwall. The floodwall would be raised with a cast-in-place concrete cap.
29+55 to 33+50	Raise Levee Embankment with Curb Wall. This section would require shallow excavation for installation of the curb wall. The proposed curb wall is approximately 3 feet from the asphalt pavement and would be 18 inches high by 6 inches wide. A guard rail would be installed for full length of curb wall.
55+40 to 56+90	Widen Levee Embankment with Retaining Wall. Excavation landward of the floodwall approximately 20 feet wide and several feet deep would be required to install a 4-inch-thick layer of base coarse material prior to construction of a Mechanically Stabilized Earth (MSE) retaining wall. The MSE is 11 inches wide and approximately 3 feet tall.
58+00 to 60+00	Construct Floodwall, Reconstruct Damaged Floodwall and Raise Levee Embankment. A new floodwall would be installed adjacent to the sidewalk. The damaged floodwall would be reconstructed and raised with cast-in-place concrete. The adjacent embankment would also be raised. The floodwall and embankment activities would require shallow excavation.

*Each station is equal to 100 feet. Stationing increases from 0+00 at the mouth of the Cedar River.

The proposed action incorporates several best management practices (BMPs) the Requester would implement to avoid and minimize effects to the environment. Construction would take place above the ordinary high water mark to avoid in-water work that could affect aquatic species. There would be no bank armoring or other bank alterations associated with the project. Construction stormwater BMPs and a spill prevention plan would prevent sediment erosion and spills that could affect water quality. No new pollution-generating impervious surfaces or long-term change to the discharge volume or treatment of stormwater would result from this project.

The Requestor would limit impacts to riparian vegetation by minimizing the amount of vegetation removed and through mitigation by the Requester. Riparian vegetation that would be affected is mostly turf grass, invasive shrubs, and ornamental landscape shrubs. Some native shrubs would be removed and replaced. Nine native trees would be removed. In-kind mitigation for riparian impacts is proposed:

- Restore all temporarily impacted areas with vegetation equal in habitat value or better than what was removed. For example, turf grass will typically be replaced with turf grass, ornamental and invasive shrubs will be replaced with native shrubs, and native shrubs will be replaced with native shrubs.
- Remove invasive vegetation and install native plants in compensatory riparian mitigation areas to offset permanent impacts to invasive shrub communities. Compensatory riparian mitigation areas are located within the project reach to provide on-site improvement of ecological functions.
- Replace native trees removed at a ratio exceeding 2:1 within replanted areas.

Native plants installed as restoration and compensatory mitigation, once established, are expected to increase riparian function. Restoration and mitigation plantings will specify fast-growing species that are anticipated to become established within 1 to 2 years. There would be a short-term temporal loss of functions that riparian vegetation provides during and immediately after construction work, which would be offset by proposing mitigation ratios that exceed 1:1.

EVALUATION: USACE has determined that the Lower Cedar River Levee Recertification would entail an alteration to the Federal Project, and therefore requires permission under Section 408.

NATIONAL ENVIRONMENTAL POLICY ACT: The proposed action meets categorical exclusion provisions under 33 CFR § 230.9 (b) (ER 200-2-2 para 9a): “Activities at completed Corps projects which carry out the authorized project purposes.” The proposed alterations consist of repair and maintenance of an existing federally constructed levee structure and the work is necessary to carry out the authorized project purpose of flood protection. Furthermore, the work to be completed, when considered individually and cumulatively, does not have significant effects on the quality of the human environment. Examples of maintenance work that meets this categorical exclusion include routine operation and maintenance actions,

general administration, equipment purchases, custodial actions, erosion control, painting, repair, rehabilitation, replacement of existing structures and facilities such as buildings, roads, levees, groins and utilities, and installation of new buildings utilities, or roadways in developed areas. Since the repair work is on an already authorized Section 205 Federal levee project, much of the environmental documentation and analysis was already completed when the original construction occurred.

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation, or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of the Army's authority under Section 408 has been delegated to USACE, Chief of Engineers. USACE, Chief of Engineers has further delegated the authority to USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

LIMITS OF SECTION 408 AUTHORITY: The Requester 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 Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). In addition, 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.

PUBLIC INVOLVEMENT: USACE will accept comments on this Public Notice and make them part of the evaluation record and will be considered in USACE's determination whether the proposed alteration would be injurious to the public interest and will not impair the usefulness of the Federal Project, as well as assessing the impacts of the proposal on the quality of the human environment. Interested parties may submit in writing any comments concerning this notice. USACE will consider all submissions received before the expiration date of this notice.

USACE will post this Public Notice to the following website:
<http://www.nws.usace.army.mil/Business-With-Us/Section408/>

SUBMITTING COMMENTS: Comments pertaining to this public notice must be submitted via email or conventional mail on or before May 19, 2022 and must include Reference Number 408-NWS-2020-0032. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act, including personally identifiable information such as names, phone numbers, and addresses.

All email comments should be sent to: CENWS-Section408@usace.army.mil.

Conventional mail comments should be sent to: Planning, Environmental and Cultural Resources Branch, ATTN: Section 408 Coordinator, Building 1202, 4735 E Marginal Way S., Seattle, WA 98134

Attachment 1. Cedar River Section 205 Levee System Improvement Locations Overview and Vicinity Map

