



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

PUBLIC NOTICE

Sponsor: Kurt Boevers, BJA WK, LLC.
3004 Rainbow Dr, Cedar Falls, Iowa 50613

Issued: November 1, 2021
Expires: December 1, 2021

Corps Project Number: CEMVR-RD-2021-1429

Proposed Project: Delaware County Wetland Mitigation Bank

WETLAND COMPENSATORY MITIGATION BANK PROPOSAL

This notice is issued in accordance with the Compensatory Mitigation for Losses of Aquatic Resources; Final Rule (the Mitigation Rule) described in the Federal Register dated April 10, 2008 (33 CFR Parts 325 and 332).

- 1. Project Location:** The proposed site is located within Sections 2, 3, & 10, Township 90 North, Range 4 West, Delaware County, Iowa. See attached location maps. Latitude: 42.631765
Longitude: -91.292240.
- 2. Bank Objectives:** The fundamental objective of compensatory mitigation is to offset environmental losses resulting from unavoidable impacts to waters of the United States authorized by Department of Army Permits. Other Objectives include: Provide economical mitigation options, support no net-loss of wetlands, improve water quality by filtering sediments and pollutants in surface water, create additional flood storage and provide natural areas for the watershed.
- 3. Project Description/Bank Establishment:** The bank sponsor proposes to complete activities on 41.3 acres of privately owned property that would result in the establishment of both forested and emergent wetland mitigation credits. The goal of the bank is to enhance/create wetlands to generate approximately 24 wetland credits. Wetland enhancement/creation construction would include constructing an earthen berm along the southern boundary of the Bank and excavate shallow areas that would allow water to pool in the wetlands, creating scalloped edges and an undulating bottom to ensure a diverse wetland habitat. The shallow excavations will receive hydrology from disabled tile intakes, overland flow, direct precipitation, and/or overbank flooding from Elk Creek and the two unnamed intermittent tributaries to Elk Creek, which flow southeast across the proposed Bank. A wetland delineation will be completed to help determine current conditions and the determination of credits. Success criteria would be developed and required to be met in order to generate credit for the proposed activities. Please see the detailed project description and drawings located within the bank Prospectus on RIBITS (link in #14, below).
- 4. Service Area:** The proposed primary bank service area will be the Driftless Service Area.
- 5. Bank Need/Technical Feasibility/Ecological Suitability:** The Driftless Service Area currently has no wetland mitigation banks available. Coordination with the Iowa Department of Transportation, Driftless Counties, and local municipalities has concluded there is immediate need for wetland mitigation credits in this service area, and these needs will continue into the future.

The bank sponsor believes that this site is suitable for mitigation activities, and the likelihood of this site being successful is high. Nearly 100 percent of the designated emergent and forested wetland creation areas consist of the Dorchester silt loam map unit, which is considered hydric. Hydrology will be supplied by precipitation, runoff from the surrounding bluffs and upland areas, groundwater, and from occasional flooding of the two intermittent streams located within the bank. Due to the relatively flat topography of the emergent and forested wetland creation area, there will be no need for extensive excavation and/or large structures to capture runoff. The only earthwork activities needed would be an earthen berm (approximately 2-3 feet tall, with a 4-foot top and 4:1 side slopes) along the southern boundary of the Bank and shallow excavations within the proposed wetlands to help pool and store water on the Bank. The construction of the earthen berm and shallow wetland basins is a simple, low-cost, and effective method to capture overland flow. Various studies, including the Turkey River Watershed Resiliency Plan, outline the need for increased hydrological function and resiliency of the Turkey River watershed. The site would support these needs by reducing runoff, therefore reducing nutrient and bacteria loading, sedimentation and bacterial levels within the watershed, all of which are primary concerns of the watershed.

6. Long Term Management: Post bank closure management would include ongoing plant management which may require herbicide and fire treatment additional seeding, as well as, general site maintenance. The responsibility for long term management is held by the bank sponsor/landowner. A conservation easement will be required in perpetuity and will be held by a third-party grantee to ensure the conservation value of the property is protected. A long-term management fund will be established, and available to the grantee, to ensure funds are available should the sponsor fail to properly maintain the site.

7. Sponsor Qualifications: The Bank Sponsor, Kurt Boevers, has over 40 years of experience in land development and construction industries. Mr. Boevers has access to a wide variety of agriculture and construction equipment including mowers, sprayers, and earth moving equipment. JEO Consulting Group (JEO) is the Sponsor's consultant for the proposed Bank. JEO has extensive experience in the wetland and stream mitigation processes. JEO has an experienced staff of wetland ecologists with over 120 combined years of experience working with wetlands and other natural resources in Iowa and the Midwest.

8. Water Rights: BJAWK, LLC. currently owns the property associated with the bank proposal. The sponsor would not have complete control of upstream practices that may alter flows to the project area.

9. Agency Review: Department of the Army, Corps of Engineers. The Corps of Engineer is participating in this matter as the chair of an Interagency Review Team. The Interagency Review Team consists of the Corps of Engineers, the Natural Resources Conservation Service, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, and the Iowa Department of Natural Resources. The project would require Section 404, Clean Water Act authorization prior to the proposed construction. If approved, the proposed bank could provide stream and wetland credit for future, Section 404, authorized projects that require compensatory mitigation. Formal authorization of the bank proposal occurs through Corps approval of a Mitigation Banking Instrument.

10. Historical/Archaeological: The District consulted with the Iowa online geographic information systems archeological site and survey databases, including the HILD layers. The review indicates that the permit area has not been previously surveyed. It has been determined that

the proposed project area has a high probability to contain historic properties that may be eligible for listing on the National Register of Historic Places. The District will require the applicant to submit two (2) copies of a Phase I archaeological survey and geomorphological evaluation report covering the permit area. Geomorphological investigation must extend at least 50 centimeters below the proposed depths of soil disturbance or to a depth below which no possibility of historic properties exists. The applicant, in addition to this Phase I report, may be required to conduct additional Phase II test excavations to evaluate sites for eligibility for inclusion in the NRHP as well as other studies, site avoidance, or data recovery as may be the case.

11. Endangered Species: This proposal is being reviewed by the U.S. Fish and Wildlife Service. Any comments USFWS may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work. Based on the results of the northern long-eared bat habitat survey, it is the Corps opinion that the proposed actions may affect, but not likely adversely affect the northern long-eared bat. The recommendation is that removal of any potential roost trees identified during the habitat study outside of the maternity season, which occurs annually from June 1- July 31. The project site does not contain dry to mesic prairies with gravelly soils; therefore, the Corps has determined there be no effect on the Prairie Bush-clover. The project site does not contain partially shaded cliffs, algific talus slopes; therefore, the Corps has determined there will be no effect to the Northern Wild Monkshood. The project site does not contain mesic to wet unplowed tallgrass prairies and meadows; therefore, the Corps has determined there will be no effect to the Eastern and Western Prairie Fringed Orchid.

12. 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 approve the proposed bank. Any comments received will be distributed to the members of the Interagency Review Team. Comments should be submitted on or before the expiration date specified at the top of page 1. Comments should bear upon the adequacy of plans and suitability of locations and should, if appropriate, suggest any changes considered desirable. Any person may also request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

13. Reply to the Corps of Engineers: Comments or questions concerning this notice may be directed to Abby Steele (309/794-5377), US Army Corps of Engineers, Rock Island District, ATTN: OD-P, Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004.

14. Complete Prospectus: The complete prospectus can be found on our public website at: https://ribits.ops.usace.army.mil/ords/f?p=107:10:8584667073271:::P10_BANK_ID:6172
Hard copies are also available by request.

Abigail A. Steele


Attach
Plan

Ms. Abigail A. Steele
Iowa Mitigation Bank Manager
Western Branch, Regulatory Division

REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

NOTICE TO EDITORS: This notice is provided as background information for your use in formatting news stories. This notice is not a contract for classified display advertising.

Legend

 Bank Boundary

Project Location
Lat: 42.631893° N
Long: -91.290945° W

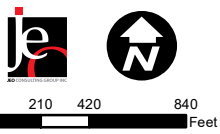
IA HWY 3

Rainbow Rd

Pilot Rd

265th Ave

Delaware County



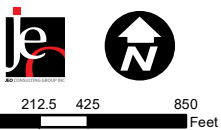
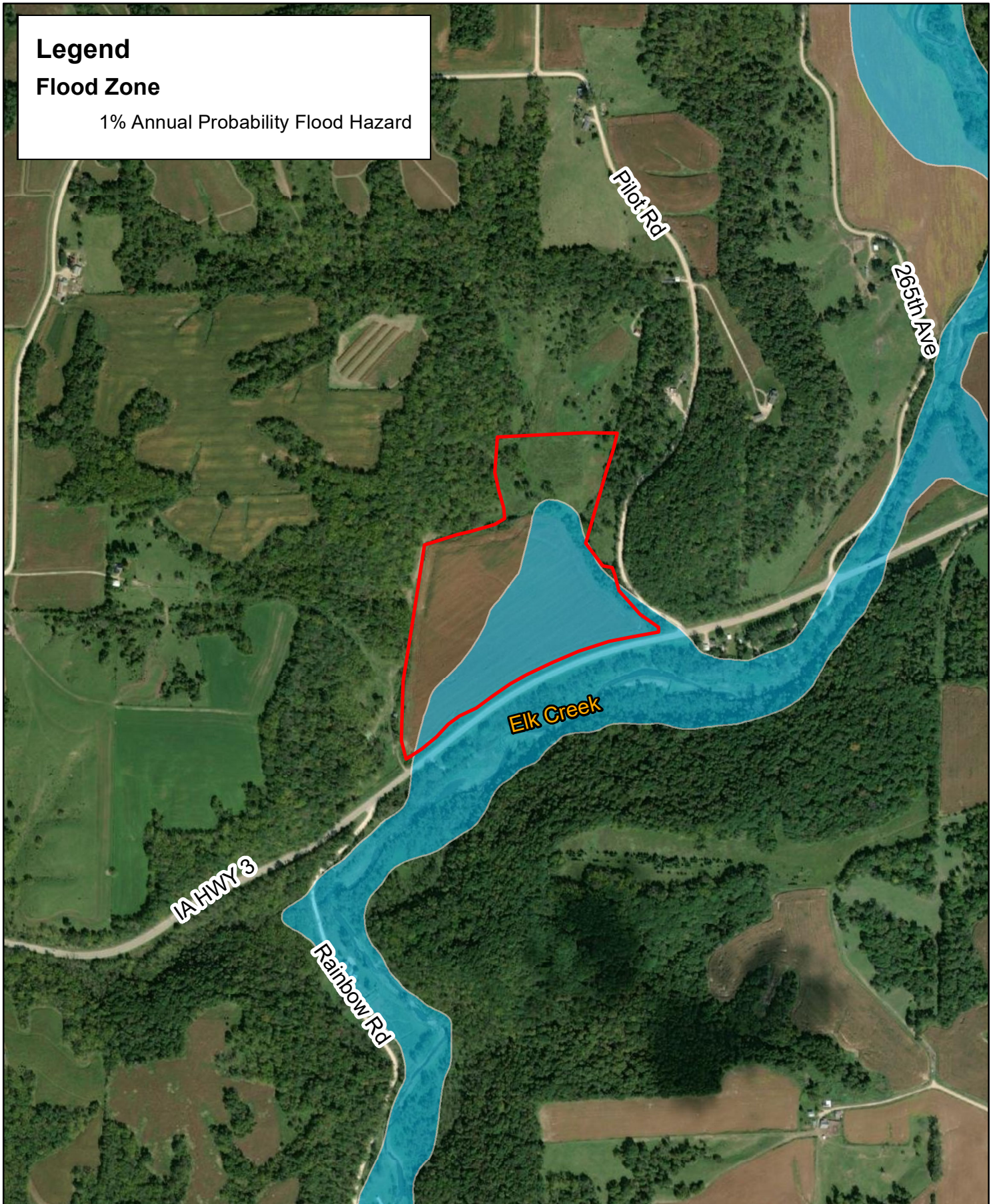
Delaware County Mitigation Bank
Delaware County, Iowa
JEO Project No. 210489.00

Location Map
Exhibit 1

Legend

Flood Zone


1% Annual Probability Flood Hazard




Delaware County Mitigation Bank
Delaware County, Iowa
JEO Project No. 210489.00

Soil Map
Exhibit 5


Legend

 Bank Boundary

Wetlands

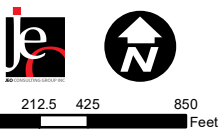
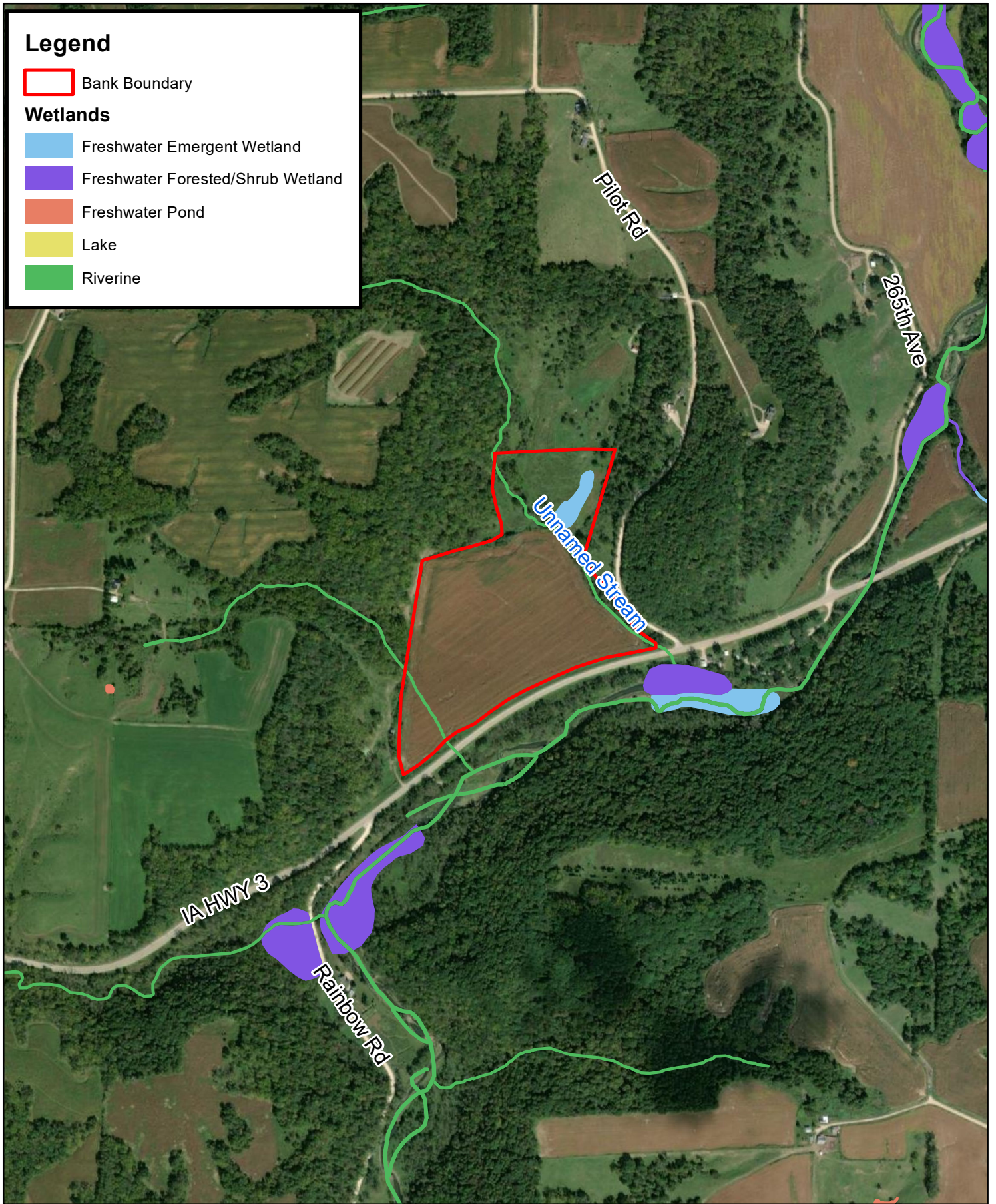
 Freshwater Emergent Wetland

 Freshwater Forested/Shrub Wetland

 Freshwater Pond

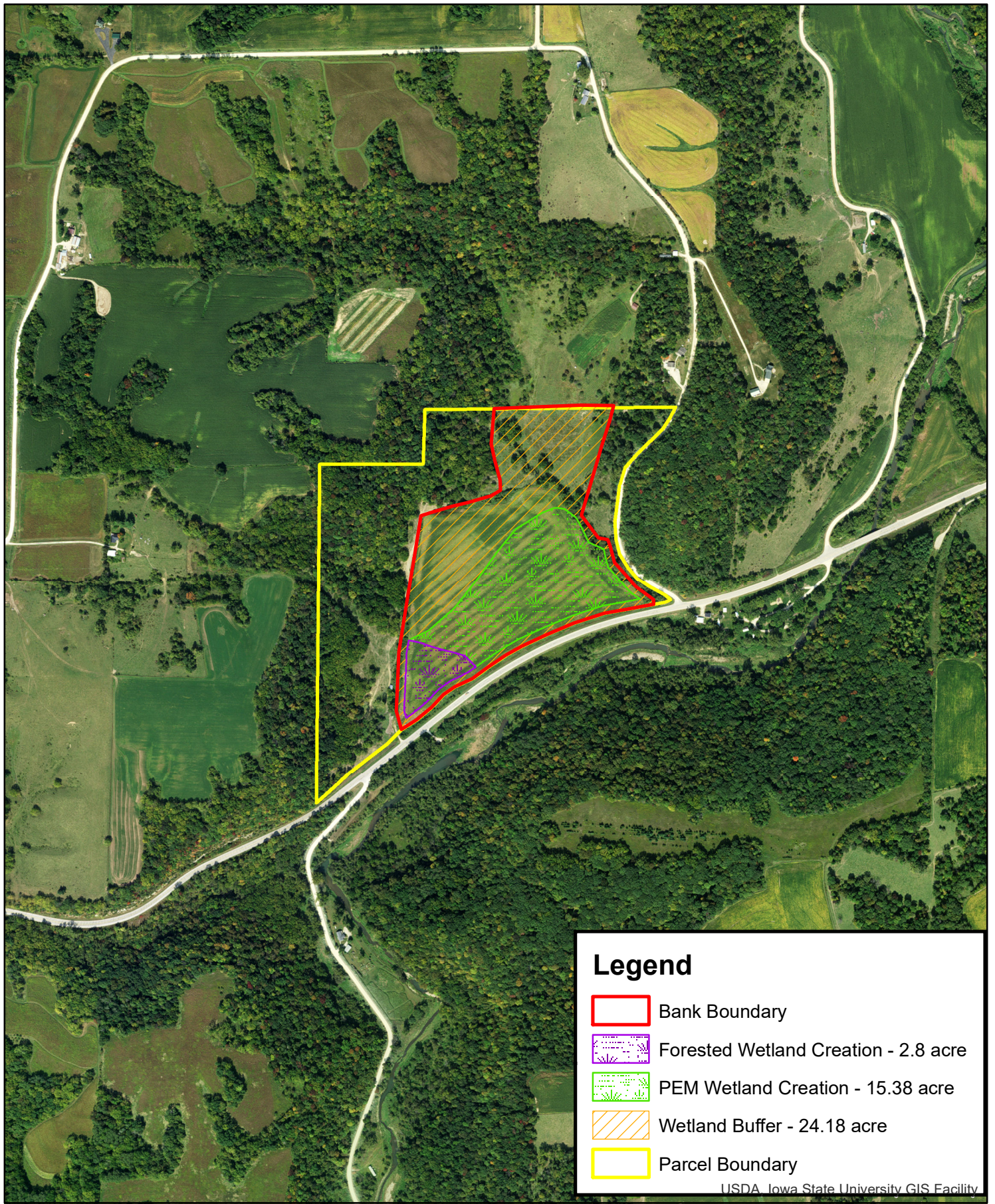
 Lake

 Riverine



Delaware County Mitigation Bank
Delaware County, Iowa
JEO Project No. 210489.00

NWI Map
Exhibit 6



Legend

-  Bank Boundary
-  Forested Wetland Creation - 2.8 acre
-  PEM Wetland Creation - 15.38 acre
-  Wetland Buffer - 24.18 acre
-  Parcel Boundary

USDA, Iowa State University GIS Facility

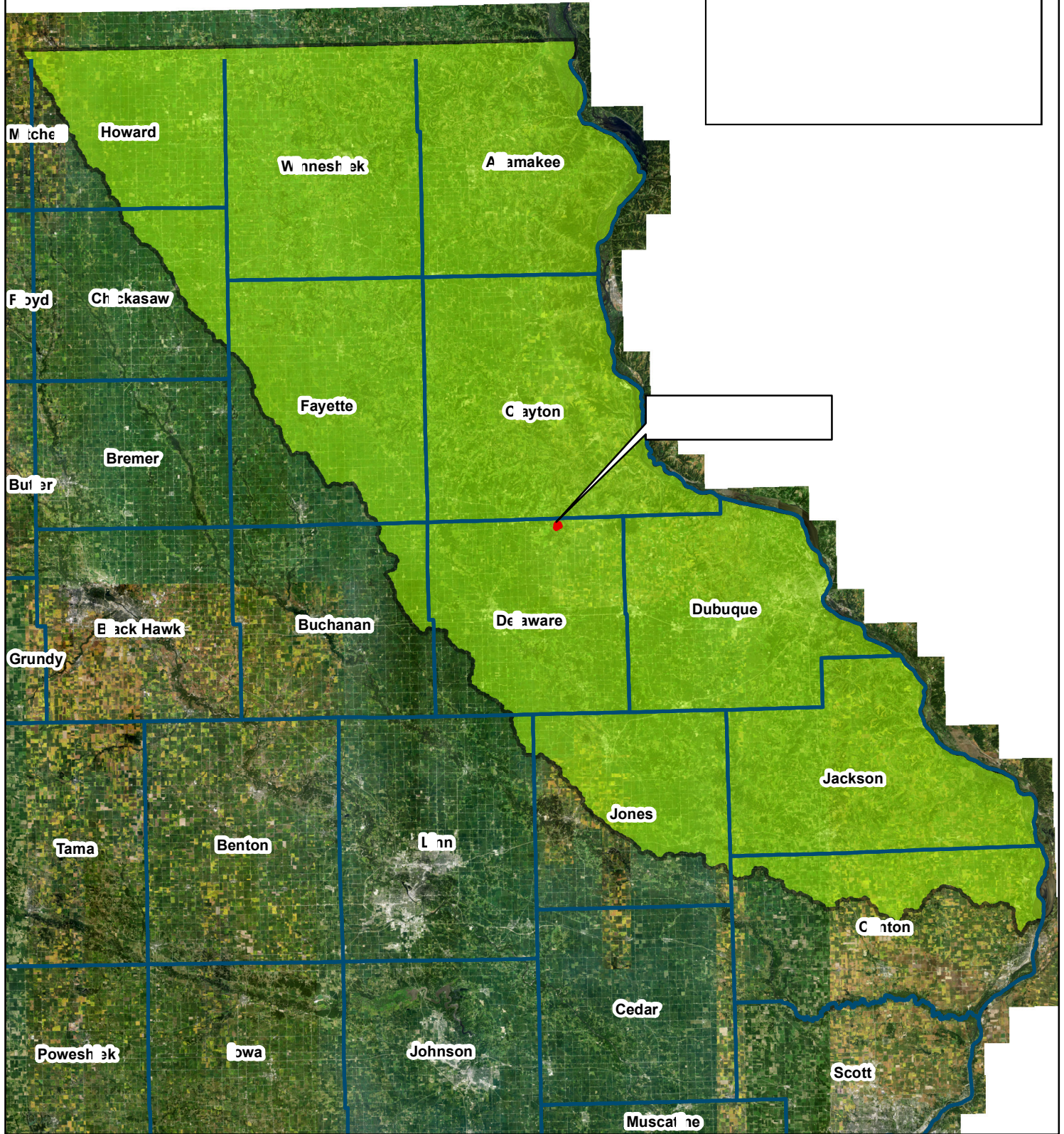


0 212.5 425 850 Feet

Delaware County Mitigation Bank
Delaware County, Iowa
JEO Project No. 210489.00

Restoration Map

Exhibit 8



0 4 8 16
Miles

Delaware County Mitigation Bank
Delaware County, Iowa
JEO Project No. 210489.00

Exhibit 7
Service Area Map