

B. The applicants stated avoidance and minimization efforts were evaluated to try and reduce wetland impacts such that the project would qualify for a nationwide permit. The applicant performed an alternatives analysis based on the project purpose to provide for a stormwater basin for the proposed developments. Based on conversations with the Corps the geographic scope are those areas contiguous with the project site and configuration within the existing parcels where the developments are proposed. The alternatives analysis was based on availability, acquisition cost, logical constraints, construction costs, dwelling unit reduction, cost of dwelling unit reduction, and environmental impacts based on the presences of waters of the U.S., topographic information, soil surveys, flood maps, and a wetland delineation. In addition, an assessment of wetland functions was also utilized to provide an analysis of the hydrologic, water quality, and ecological functions of the identified wetland areas. Two off-site parcels, and on-site configuration within the existing parcels were reviewed and a comparison matrix was provided. A copy of this analysis can be provided upon request.

C. Regional General Permit (RP) 48 for residential developments within the State of Iowa is currently on public notice until August 6, 2022. This RP allows for the construction of residential developments, including attendant features such as storm water management facilities, impacting up to 2 acres of waters of the U.S. As this project meets the requirements for RP 48 (a majority of the stormwater basin is for residential developments), an RP will be issued if it becomes available prior to issuance of a standard individual permit for this project.

4. Agency Review.

A. Department of the Army, Corps of Engineers. The Department of the Army application is being processed under the provisions of 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 9th Street, Des Moines, Iowa 50319. A copy of the comments should be provided to the Corps of Engineers office (see paragraph 11. of this public notice for address).

5. Historical/Archaeological.

A. The District has received and reviewed the report entitled, *Archaeological Investigation of the Proposed Rarick Subdivision Project, Section 23, T80N, R07W, Johnson County, Iowa*, dated July 2022, Mr. William Whittaker with the Office of the State Archaeologist in Iowa City, Iowa is the Principal Investigator for the report. The District has received and reviewed the report entitled, *Archaeological Investigation of the Proposed Rarick Subdivision Project, Section 23, T80N, R07W, Johnson County, Iowa*, dated July 2022, Mr. William Whittaker with the Office of the State Archaeologist in Iowa City, Iowa is the Principal Investigator for the report.

B. No historic properties were identified during the survey. The District Archaeologist finds the report to be adequate and concurs with the recommendations in the report. Therefore, it is the District's opinion that there will be no historic properties affected by the issuance of this permit.

C. No historic properties were identified during the survey. The District Archaeologist finds the report to be adequate and concurs with the recommendations in the report. Therefore, it is the District's opinion that there will be **no historic properties affected** by the issuance of this permit.

6. Endangered Species.

A. District staff has performed a preliminary review of this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. The following all have potential habitat in Linn County, Iowa.

- Indiana bat (*Myotis sodalist*)
- Northern Long-eared Bat (*Myotis septentrionalis*),
- Higgins Eye pearlymussel (*Lampsilis higginsii*),
- Monarch Butterfly (*Danaus plexippus*),
- Eastern Prairie Fringed Orchid (*Platanthera leucophaea*)

B. According to the Iowa Department of Natural Resources' Natural Areas Inventory website there are no known occurrences of federally listed species within or near the project area. No critical habitats are listed within the project area. There are no trees or large rivers within the project area. The wetland delineation did not identify any federally listed plants or pollinator habitat within the project area. Based on this lack of suitable habitat and lack of known species occurring within or near the project area, our preliminary determination is that this project will have "**no effect**" to critical habitat or the federally listed species stated above.

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. **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.

9. **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.

10. 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.

11. Reply to the Corps. Comments concerning the Corps permit should be addressed to the US Army Corps of Engineers, Rock Island District, ATTN: RD (K. Brown), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. **Kirsten Brown** may be contacted for additional information at (309) 794-5369 or email at Kirsten.L.Brown@usace.army.mil.



Attach
Plans

Mrs. Kirsten L. Brown
Project 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.

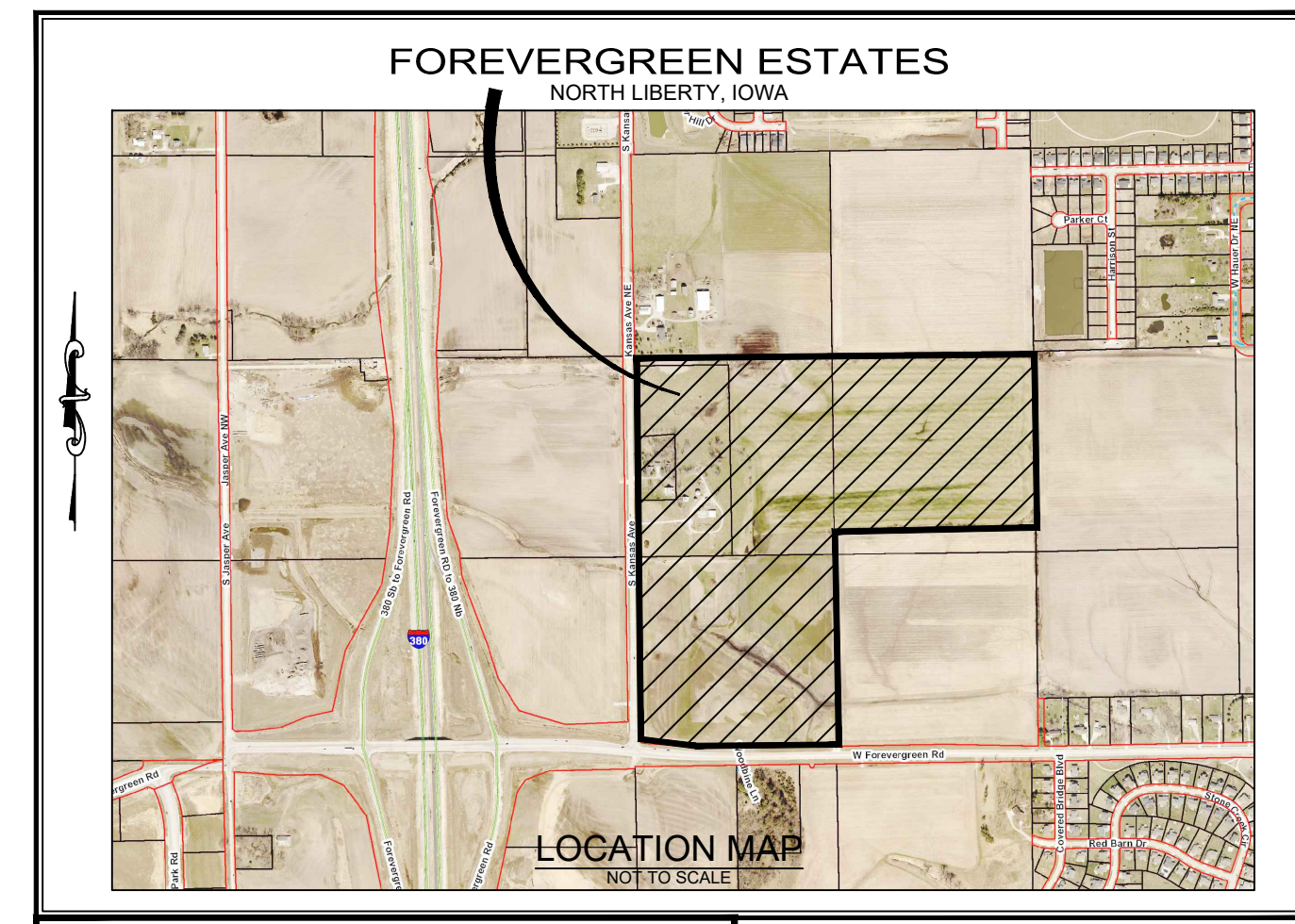
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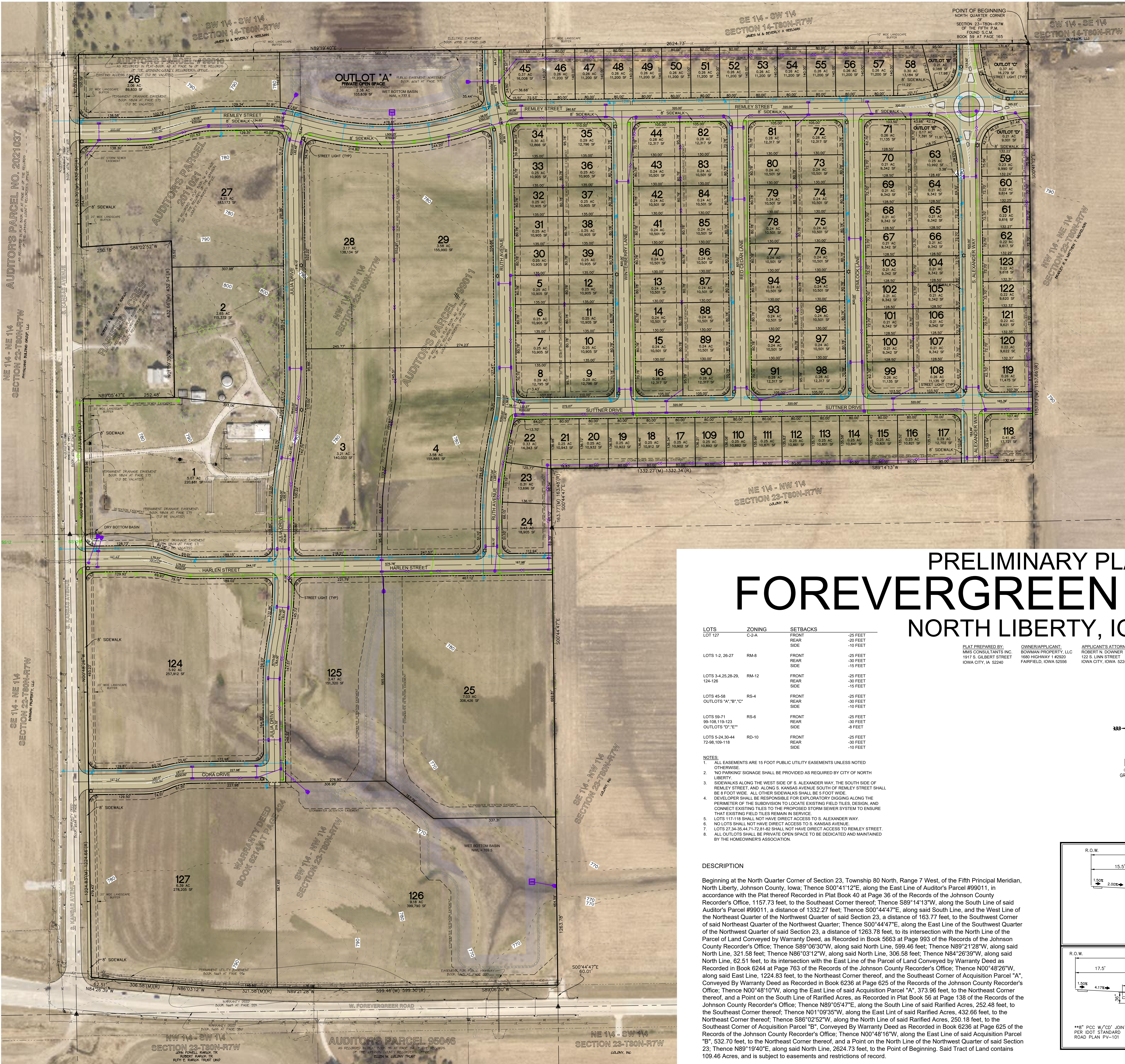
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Table with 2 columns: Date, Revision. Includes entries for 03/25/22, 04/01/22, and 04/06/22 with corresponding revision descriptions.

PRELIMINARY PLAT



STANDARD LEGEND AND NOTES. Includes symbols for property boundaries, easements, utility lines (power, water, sewer, gas, telephone), and existing vegetation. Notes specify that the actual size and location of all proposed facilities shall be verified with construction documents.



PRELIMINARY PLAT FOREVERGREEN ESTATES NORTH LIBERTY, IOWA

Table with 3 columns: LOTS, ZONING, SETBACKS. Lists lot numbers and their corresponding zoning and front/rear/side setback requirements.

PLAT PREPARED BY: MMS CONSULTANTS INC. 1917 S. GILBERT STREET IOWA CITY, IA 52240

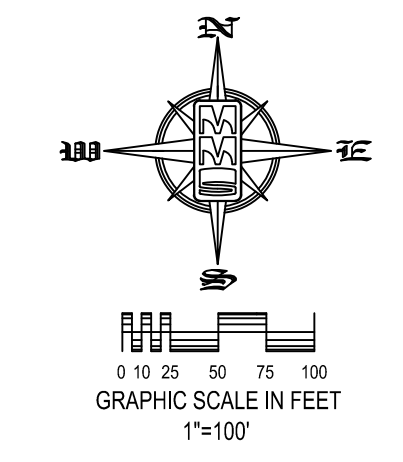
OWNER/APPLICANT: BOWMAN PROPERTY, LLC 1680 HIGHWAY 1 #2920 FAIRFIELD, IOWA 52556

APPLICANT'S ATTORNEY: ROBERT N. DOWNER 122 S. LINN STREET IOWA CITY, IOWA 52240

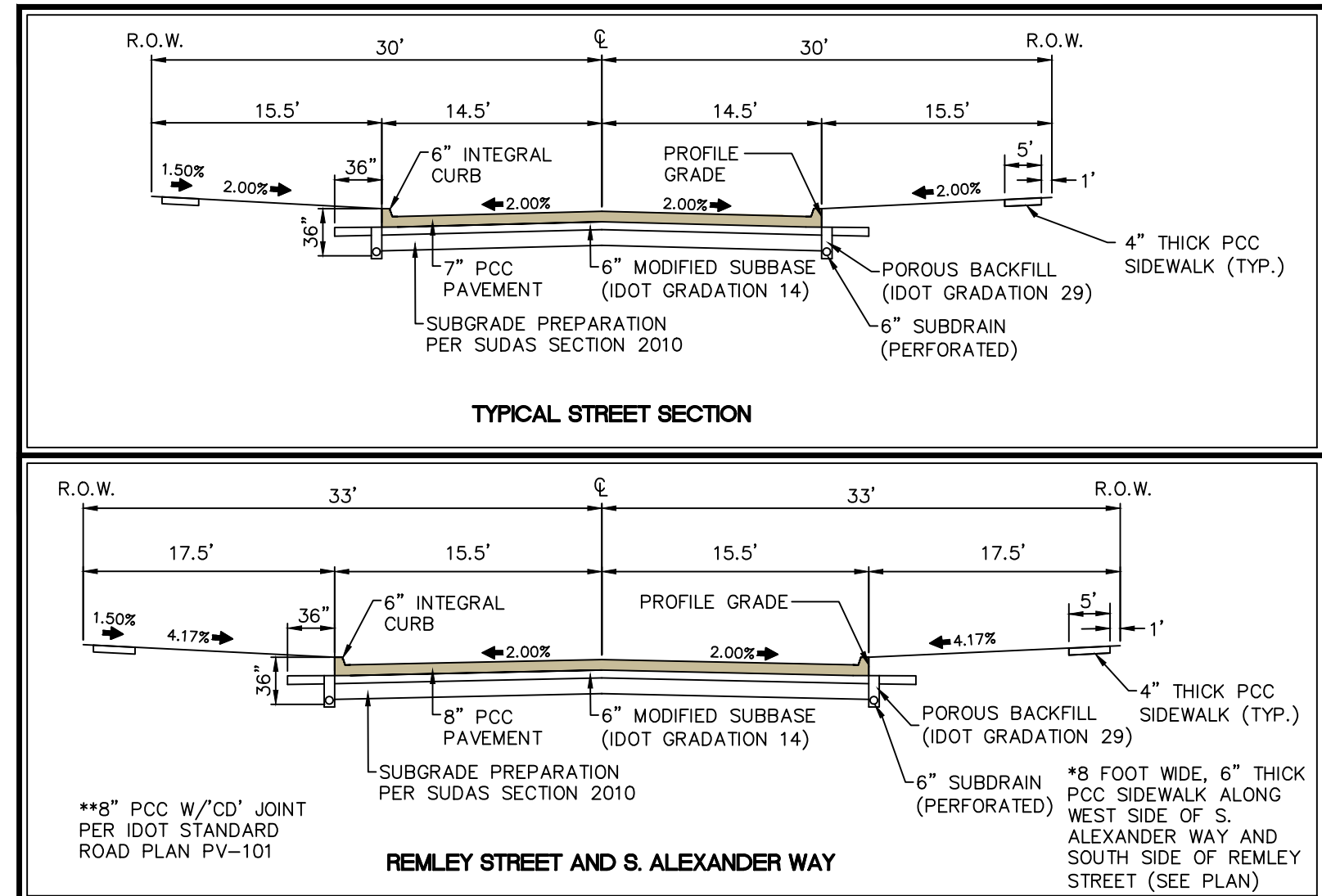
- NOTES: 1. ALL EASEMENTS ARE 15 FOOT PUBLIC UTILITY EASEMENTS UNLESS NOTED OTHERWISE. 2. NO PARKING SIGNAGE SHALL BE PROVIDED AS REQUIRED BY CITY OF NORTH LIBERTY. 3. SIDEWALKS ALONG THE WEST SIDE OF S. ALEXANDER WAY, THE SOUTH SIDE OF REMLEY STREET AND ALONG S. KANSAS AVENUE SOUTH OF REMLEY STREET SHALL BE 8 FOOT WIDE. ALL OTHER SIDEWALKS SHALL BE 5 FOOT WIDE. 4. DEVELOPER SHALL BE RESPONSIBLE FOR EXPLORATORY DIGGING ALONG THE PERIMETER OF THE SUBDIVISION TO LOCATE EXISTING FIELD TILES, DESIGN AND CONNECT EXISTING TILES TO THE PROPOSED STORM SEWER SYSTEM TO ENSURE THAT EXISTING FIELD TILES REMAIN IN SERVICE. 5. LOTS 117-118 SHALL NOT HAVE DIRECT ACCESS TO S. ALEXANDER WAY. 6. NO LOTS SHALL NOT HAVE DIRECT ACCESS TO S. KANSAS AVENUE. 7. LOTS 27, 34-35, 41, 71-72, 81-82 SHALL NOT HAVE DIRECT ACCESS TO REMLEY STREET. 8. ALL OUTLOTS SHALL BE PRIVATE OPEN SPACE TO BE DEDICATED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

DESCRIPTION

Beginning at the North Quarter Corner of Section 23, Township 80 North, Range 7 West, of the Fifth Principal Meridian, North Liberty, Johnson County, Iowa; Thence S00°41'12"E, along the East Line of Auditor's Parcel #99011, in accordance with the Plat thereof Recorded in Plat Book 40 at Page 36 of the Records of the Johnson County Recorder's Office; Thence S157°73' feet to the Southeast Corner thereof; Thence S89°14'13"W, along the South Line of said Auditor's Parcel #99011, a distance of 1332.27 feet; Thence S00°44'47"E, along said South Line, and the West Line of the Northeast Quarter of the Northwest Quarter of said Section 23, a distance of 163.77 feet, to the Southwest Corner of said Northeast Quarter of the Northwest Quarter; Thence S00°44'47"E, along the East Line of the Southwest Quarter of the Northwest Quarter of said Section 23, a distance of 1263.78 feet, to its intersection with the North Line of the Parcel of Land Conveyed by Warranty Deed, as Recorded in Book 5663 at Page 993 of the Records of the Johnson County Recorder's Office; Thence S89°06'30"W, along said North Line, 599.46 feet; Thence N89°21'28"W, along said North Line, 321.58 feet; Thence N86°03'12"W, along said North Line, 306.58 feet; Thence N84°26'39"W, along said North Line, 62.51 feet, to its intersection with the East Line of the Parcel of Land Conveyed by Warranty Deed as Recorded in Book 6244 at Page 763 of the Records of the Johnson County Recorder's Office; Thence N00°48'28"W, along said East Line, 1224.83 feet, to the Northeast Corner thereof, and the Southeast Corner of Acquisition Parcel "A", Conveyed by Warranty Deed as Recorded in Book 6236 at Page 625 of the Records of the Johnson County Recorder's Office; Thence N00°48'10"W, along the East Line of said Acquisition Parcel "A", 373.96 feet, to the Northeast Corner thereof, and a Point on the South Line of Rarified Acres, as Recorded in Plat Book 56 at Page 138 of the Records of the Johnson County Recorder's Office; Thence N89°05'47"E, along the South Line of said Rarified Acres, 252.48 feet, to the Southeast Corner thereof; Thence N01°09'35"W, along the East Line of said Rarified Acres, 432.66 feet, to the Northeast Corner thereof; Thence S86°02'52"W, along the North Line of said Rarified Acres, 250.18 feet, to the Southeast Corner of Acquisition Parcel "B", Conveyed by Warranty Deed as Recorded in Book 6236 at Page 625 of the Records of the Johnson County Recorder's Office; Thence N00°48'16"W, along the East Line of said Acquisition Parcel "B", 532.70 feet, to the Northeast Corner thereof, and a Point on the North Line of the Northwest Quarter of said Section 23; Thence N89°19'40"W, along said North Line, 262.73 feet, to the Point of Beginning. Said Tract of Land contains 109.46 Acres, and is subject to easements and restrictions of record.



PLAT/PLAN APPROVED by the City of North Liberty. Includes a signature line for the City Clerk and a date field.



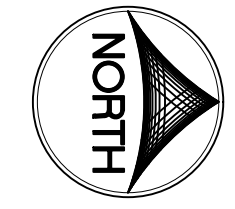
FOREVERGREEN ESTATES
NORTH LIBERTY
IOWA

MMS CONSULTANTS, INC. 03-01-2022
Designed by: CAT
Drawn by: JDM
Checked by: KJB
Project No: 9828-002
Scale: 1"=100'
Sheet No: 1



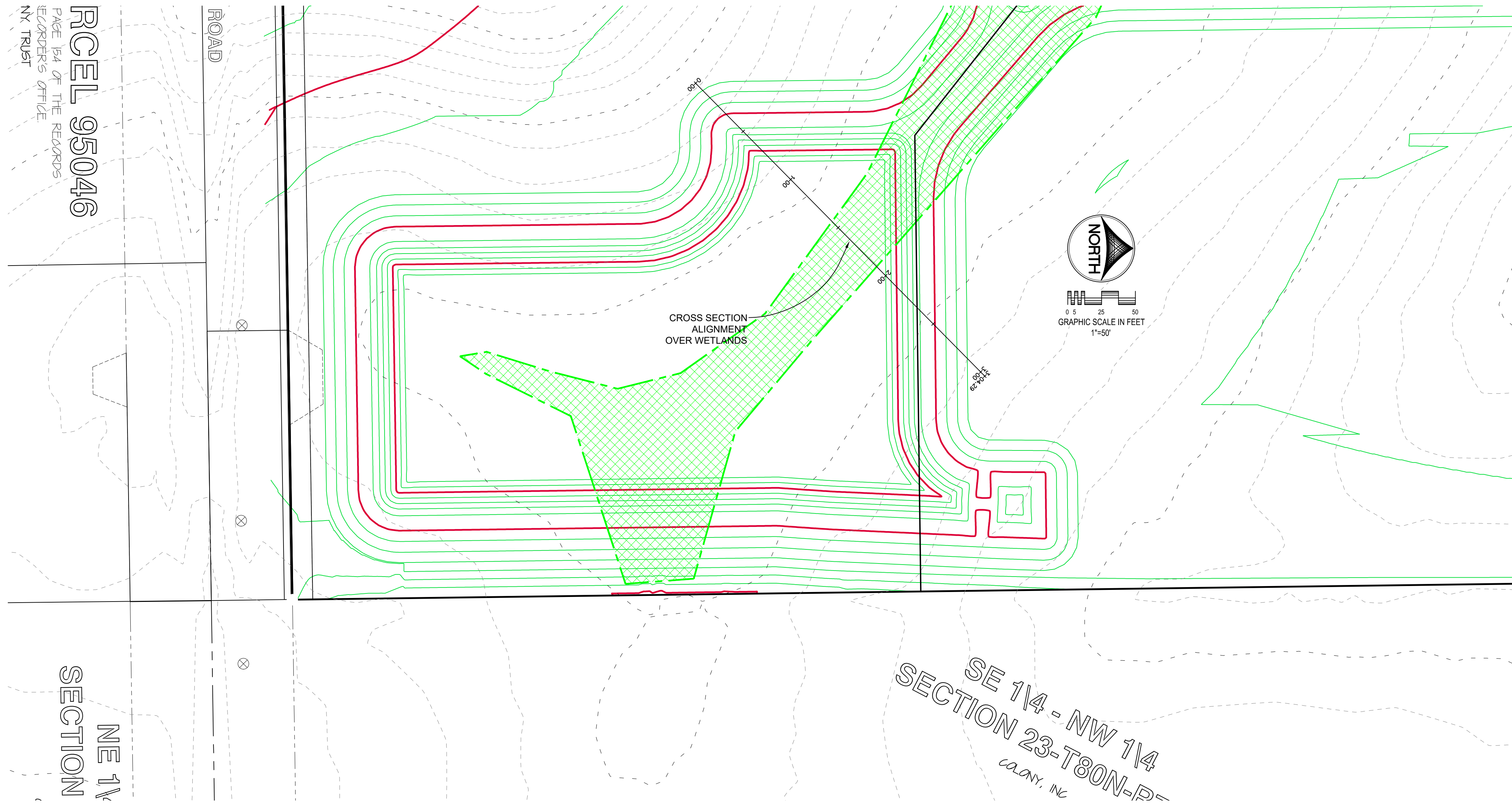
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0 5 25 50
 GRAPHIC SCALE IN FEET
 1"=50'

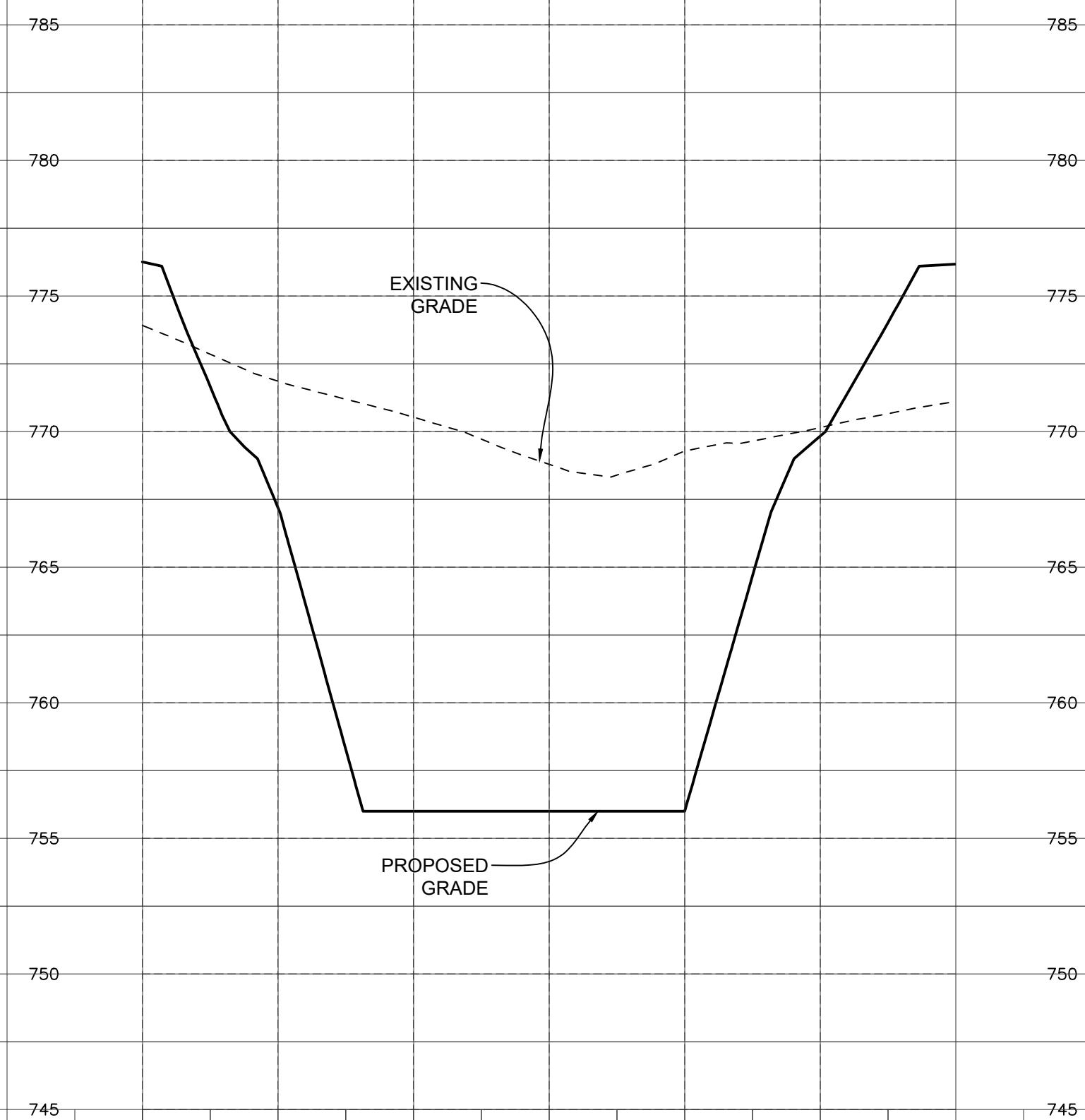
PROTECTED WETLAND AREA



RCEL 95046
 PAGE 154 OF THE RECORDS
 RECORDERS OFFICE
 IOWA
 NY TRUST

NE 14
 SECTION

SE 14 - NW 14
 SECTION 23-T80N-P-6
 CALONY, INC



**FOREVERGREEN
 ESTATES**

NORTH LIBERTY
 JOHNSON COUNTY
 IOWA

MMS CONSULTANTS, INC.

Date:	6-24-2022
Designed by:	CAT
Field Book No.:	FIELDBOOK
Drawn by:	CAT
Scale:	
Checked by:	CAT
Sheet No.:	1
Project No.:	9828-002