



PUBLIC NOTICE

US Army Corps
of Engineers
Rock Island District

Applicant: Iowa Department of Natural Resources

Date: January 29, 2013

Expires: February 18, 2013

CEMVR-OD-P-2012-1808

Section: 10/404

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

1. **Applicant.** Iowa Department of Natural Resources, 502 9th Street, Des Moines, Iowa 50319.
2. **Project Location.** IA-Des Moines NW USGS quad sheet.
 - Section 17, Township 79 North, Range 24 West; near Des Moines, Polk County, Iowa; Des Moines River.
 - Datum NAD-83. UTM Zone 15, Northing 4 611 874.65613, Easting 444 720.08152.
 - Latitude: 41.6567054. Longitude: -93.66393149.
3. **Project Description.**
 - a. Previous Authorization. On September 26, 2012, Department of the Army authorization (CEMVR-OD-P-2012-0242) was granted to perform work in conjunction with the reconstruction and realignment of approximately 2300 feet of the existing paved multi-use Neal Smith Trail near Des Moines, Polk County, Iowa; Des Moines River. The trail realignment project was authorized under Nationwide Permit 42. This authorization expires September 26, 2014.
 - Flooding and high water flows during the last several years have eroded a segment of riverbank along the Des Moines River section of the trail east of the city of Johnston, immediately north of I-80/35. Bank erosion had progressed to the point where the two segments of the existing trail along the outer edge of a meander of the river are poised to collapse, prompting trail managers to relocate the trail away from the riverbank. Management of the trail is a cooperative effort between the U.S. Army Corps of Engineers and the Iowa Department of Natural Resources (IDNR). The project area is located on land owned by Corps of Engineers but managed by the IDNR.
 - b. Current Request. The Department of Natural Resources proposes to place riprap bank protection along approximately 1400 feet of eroding river bank. The bank is currently vertical from erosion. Bank height is approximately 12 feet. The work includes cutting the bank back to a 2:1 slope and reinforcing it with 2 feet of riprap (3036 tons; approximately 2500 cubic yards). The 3300 cubic yards of earth removed will be used in the relocation of the trail. The remainder of the soil will be hauled off site. No tree removal is required for the work.
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 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 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, 900 East Grand Avenue, 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**. The Corps of Engineers consulted with the District geographic information systems (GIS) archeological site and survey database. The query determined that the permit area has not been surveyed. The Corps reviewed an assessment of the area immediately adjacent to the permit area by project area by Mr. Bryan Kendall of the Office of the State Archaeologist dated 2011 (Contract Completion Report 1875). Based on the negative findings from that survey and the low archeological potential of the landform, it is the opinion of the Corps that the permit area does not have the potential to contain historic properties that may be eligible for listing on the National Register of Historic Places (NRHP). Therefore, it is the opinion of the Corps that issuance of the permit will have "no historic properties affected" because "the nature, scope, and magnitude of the work, and/or structures to be permitted are such that there is little likelihood that a historic property exists or may be affected" (33 CFR Part 325, Appendix C.3.b).

6. **Endangered Species**. District staff have 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 threatened or endangered species are listed by the United States Fish and Wildlife Service as occurring in Polk County, Iowa:

- Indiana Bat. The endangered Indiana bat (*Myotis sodalis*) is considered to potentially occur in any area with forested habitat in any county in Iowa, south of Interstate 80. Since no trees will be removed along the bank of the placement of the bank protection, there will be no impacts to bald eagles.
- Prairie Bush Clover. The prairie bush clover (*Lespedeza leptostachya*) is considered to potentially occur statewide based on historical habitat and could potentially be found in any Iowa county. It occupies dry to mesic prairies with gravelly soil. Since there is no dry to mesic prairies with gravelly soil to be affected by the project, there should be no effect on the prairie bush clover.
- Western Prairie Fringed Orchid. The threatened western prairie fringed orchid (*Platanthera praeclara*) is considered to potentially occur statewide in Iowa based on historical records and habitat distribution. It occupies wet to mesic grassland habitats. Since there are no wet to mesic prairie remnants to be affected by the project, there should be no effect on the western prairie fringed orchid.
- Least tern. The least tern (*Sterna antillarum*) is listed as endangered in Polk County, Iowa. It nests on bare alluvial or dredged spoil islands and sand/gravel bars in or adjacent to rivers, lakes, gravel pits and cooling ponds. It nests in colonies with other least terns and sometimes with the piping plover. Since the eroding bank in the project area does not have bare alluvial or dredged spoil islands and sand/gravel bars, there should be no effect on the least tern.

The proposed project is being coordinated with the United States Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered species or their critical habitat will be considered in the final assessment of the proposed project. Accordingly, our preliminary determination is subject to change should further information become available.

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 of Engineers.** Comments concerning the Corps permit should be addressed to the District Engineer, U. S. Army Corps of Engineers, Rock Island District, ATTN: OD-P (Wayne Hannel), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. **Mr. Wayne Hannel (309/794-5378)** may be contacted for additional information.

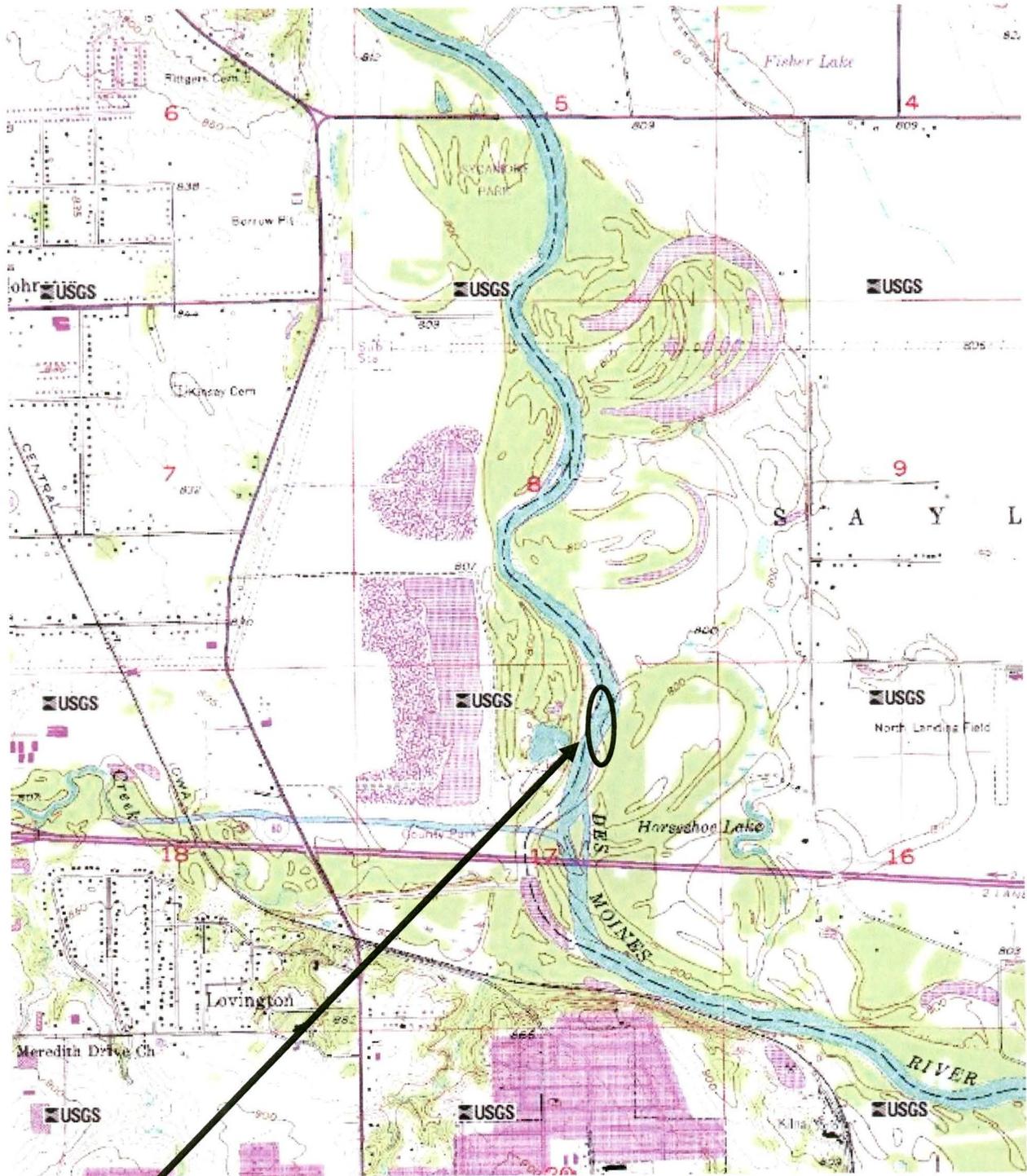


Wayne Hannel
Project Manager
Regulatory Branch

Attach
Plan

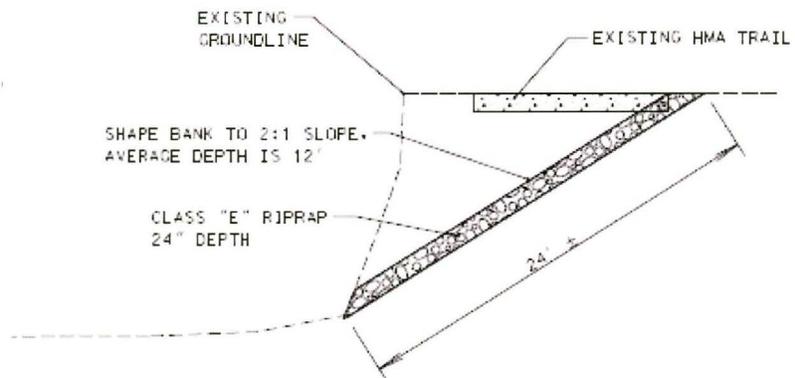
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Location

CEMVR-OD-P-2012-1808
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