



US Army Corps
of Engineers
Rock Island District

PUBLIC NOTICE

Applicant: Chad Mellinger

Date: February 11, 2021

Expires: March 12, 2021

CEMVR-RD-2020-1074

Section 404

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

1. **Applicant:** Mr. Chad Mellinger, Mellinger & Sons Construction, Inc. P.O. Box 580, Riverside, Iowa 52327.

2. **Project Location:**

- Sections 22 & 26, Township 79 North, Range 10 West
- Iowa County, Iowa
- UTM NAD-83 Zone15
- Lat 41.62187, Long -91.98382.

3. **Project Description and Purpose:** The applicant proposes to create a 5.36-acre recreational pond by the installation of an earthen dam. The pond will provide opportunities for recreation including fishing, kayaking, and swimming, in addition to habitat for waterfowl and aquatic wildlife. The pond as proposed would impound 995 linear feet of an intermittent tributary to Old Man's Creek. The project would result in the permanent loss of 1.25 acres of emergent wetland at the project site and 0.05 acres of emergent wetland at the proposed permittee responsible mitigation site (PRM). The most prevalent wetland vegetation consisted of reed canary grass.

4. **Avoidance and Minimization:**

a. The applicant's original proposed plan included the creation of a 10-acre pond at the same location. The previous proposal would have impacted 1,575 linear feet of intermittent stream and 1.47 acres of emergent wetland. Through pre-application coordination with the Corps the project was minimized to substantially reduce the linear foot of impact to stream channel, effectively cutting proposed impacts in half.

b. The original Iowa Stream Mitigation Method (ISMM) calculations for the 10-acre impoundment total mitigation requirements were over 9,300 debits. The 5.36-acre impoundment ISMM calculations total mitigation credits required are 5,429. The original 10-acre impoundment wetland impacts were 1.47 acres and the proposed 5.36-acre impoundment impacts 1.30 acres (includes 0.05 acres of wetland at PRM site). Stream impacts and wetland impacts were reduced by 42 percent and 12 percent, respectively.

c. The public notice for Regional General Permit (RP) 42 (CEMVR-OD-R-2020-786) for the construction of recreational ponds up to 10-acres in size in the Waters of the United States (WUS) in the state of Iowa, which result in a total loss of up to 2.0 acre of WUS expired July 10, 2020. Currently RP 42 is awaiting Individual 401 Water Quality Certification. If RP 42 becomes available prior to the final permit issuance of an IP for this project, this 5-acre impoundment will qualify for the new RP 42. If this occurs whichever is the most expeditious permit will be issued.

5. Mitigation:

a. The project area is within the Mississippi service area, which currently has three mitigation banks. Two of these banks have emergent wetland credits available and none have stream credits available.

b. Wetland Mitigation: Utilizing the current (May 2019 version) Rock Island District Mitigation and Monitoring Guidelines the project will require in-kind wetland mitigation at a 1:1 ratio at a mitigation bank. Therefore, a total of 1.3 credits of emergent wetland will be purchased prior to project construction.

c. Stream Mitigation: The applicant is proposing permittee responsible mitigation (PRM) using the watershed approach. The ISMM was used to determine the adverse impacts and the credits required to offset impacts. Based on the current calculations the PRM proposal appears to adequately offsets the project impacts with slightly more credits created than required. The draft mitigation plan will be reviewed by the Corps in detail prior to approving the site and methodology.

d. The proposed PRM concept includes creating an 815 feet intermittent stream channel by breaking an existing agricultural tile within a grassed waterway. The tile currently out-lets into Old Man's Creek. The new stream channel will have a 10 feet wide stream bottom and banks graded to a 4:1 slope. The stream channel is designed at a 0.10 percent slope down gradient of the headwaters. The PRM site is located within the same watershed as the impact site, located in an upstream intermittent tributary of Old Man's Creek. The PRM site is located approximately 2,000 feet north of the proposed impoundment. The PRM proposal includes converting a highly disturbed site, with artificial drainage, into a natural feature improving regional environmental and ecological benefits. By restoring the stream channel to its prior location and removing field tiles located where the stream once was this stream will become a more environmentally preferable feature to the watershed. The new stream channel will be sinuous with a wide and stable bed and side slopes. Riprap will be installed at the upstream and downstream end of the new channel to prevent erosion and head cuts. Two riffle structures will be installed within the channel. The stream channel will be buffered with native wetland and prairie vegetation at an average width of 52 feet on either side. Emergent wetland will also be created with the base of the stream channel and along the side slopes.

e. The PRM site will meet all the requirements in Rock Island District "Stream/Wetland Mitigation Plan Requirements; Permittee Responsible Mitigation" prior to permit issuance. Monitoring will be required for a minimum of 5 years and not be released until performance standards are met.

6. 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).

7. Historical/Archaeological.

a. The Project Manager consulted with the Iowa Geographic information systems archeological site and survey databases online, including the HILD layers. The project area has not been surveyed previously. There are no structures within the area of potential effect. Historic properties that may have at one time existed within the permit area may be presumed to have been lost due to the site being previously disturbed for agricultural reasons.

b. The PRM site location has been extensively modified by previous work as it is currently is a non-perforated agricultural tile. Based on the nature of the work (breaking of a tiled stream) it is unlikely to adversely affect any potential cultural or historic resources. Therefore, it is the opinion of the Corps that this project has low to no potential for intact historic properties to be affected by the proposed action. As such the PRM site location has **“low to no potential to effect historic properties.”** (33 CFR Part 325, Appendix C.3.b).

c. The impoundment area is located in an intermittent stream within somewhat poorly drained soils meaning water is slowing removed, and the soils commonly have one or more of the following characteristics: low or very low saturated hydraulic conductivity, a high water table, additional water from seepage, or nearly continuous rainfall. Therefore, it is the opinion of the Project Manager that the impoundment site location has **“no historic properties effected.”** (33 CFR Part 325, Appendix C.4.a).

8. 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 Iowa County, Iowa.

- Northern Long-eared bat (*Myotis septentrionalis*),
- Indiana bat (*Myotis sodalis*)
- Prairie Bush-clover (*Lespedeza leptostachya*),
- Western Prairie Fringed Orchid (*Platanthera praeclara*)

b. No critical habitats are listed within the project area. The impoundment site contains no trees, is not a wet prairie, sedge meadow, or dry to mesic prairie with gravelly soil. The PRM site is existing agricultural row crops. Our preliminary determination is that this project will have **“no effect”** on federally endangered species or critical habitat. We are coordinating this application with the Fish and Wildlife Services through this public notice. Accordingly, our preliminary determination is subject to change should further information become available.

9. 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).

10. 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.

11. 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.

12. 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.

13. 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. **Mrs. Kirsten Brown** may be contacted for additional information at (309) 794-5369 or email at kirsten.l.brown@usace.army.mil.



Attach
Plan

Mrs. Kirsten L. Brown
Project Manager, Western Branch
Regulatory Division

Aerial Map 1 of 4 – Project Location Map
Aerial Map 2 of 4 – Details of Impoundment
Aerial Map 3 of 4 – PRM Details
Aerial Map 4 of 4 – PRM Plan Profile & Seeding

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.

MELLINGER LOCATION MAP



12/21/2020, 2:00:51 PM

CEMVR-RD-2020-1074
Project Location Map
Encl 1 of 4

World Boundaries and Places

World Transportation

World Hydro Reference Overlay

Areas

Impact Site

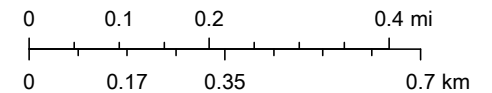
Mitigation Site

Sections

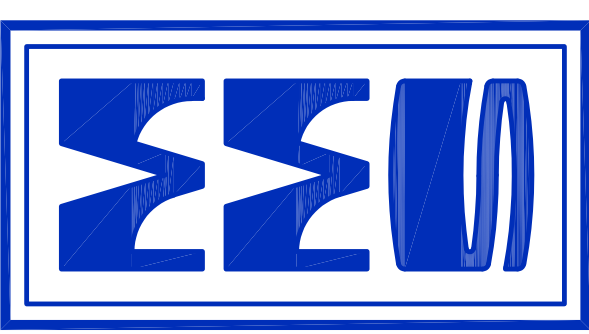
Townships

County

1:18,056



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin,



CIVIL ENGINEERS
LAND PLANNERS
LAND SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL SPECIALISTS

1917 S. GILBERT ST.
IOWA CITY, IOWA 52240
(319) 351-9292
www.mmsconsultants.net

Date	Revision

WETLAND & STREAM
IMPACT
EXHIBIT

265TH ST
N1/2, SW1/4
SEC.26-T79N-R10W
WILLIAMSBURG
IOWA COUNTY
IOWA

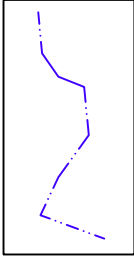
MMS CONSULTANTS, INC.			
Date:	12/11/2020		
Designed by:	RLA/LRS	Scale:	1"=40'
Drawn by:	RLA/LRS	Sheet No:	2
Checked by:	RLA/LRS	Project No:	7970-038
			of: 2



WETLAND KEY



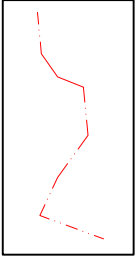
EMERGENT WETLAND
(2.42 ACRES)



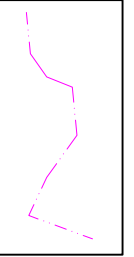
INTERMITTENT STREAM
(2,866 LINEAR FEET)



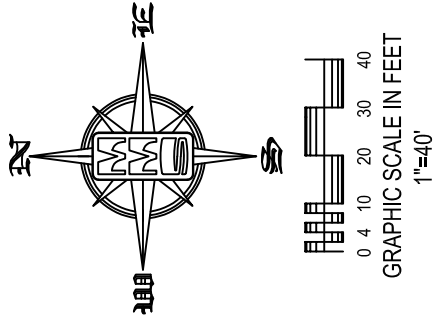
WETLAND IMPACTS
(1.25 ACRES)



INTERMITTENT STREAM IMPACTS
DUE TO IMPOUNDMENT
(753 LINEAR FEET)



INTERMITTENT STREAM IMPACTS
DUE TO COMPLETE LOSS
(242 LINEAR FEET)



CEMVR-RD-2020-1074
Details of Impoundments
Encl 2 of 4



CIVIL ENGINEERS
LAND PLANNERS
LAND SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL SPECIALISTS

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Date	Revision

WETLAND
IMPACT
EXHIBIT

265TH ST
MITIGATION SITE
E1/2, NE1/4, SEC.27-T79N-R10W
WILLIAMSBURG
IOWA COUNTY
IOWA

MMS CONSULTANTS, INC.

Date: 11/24/2020

Designed by: RLA/LRS

Drawn by: RLA/LRS

Checked by: RLA/LRS

Project No:

7970-038

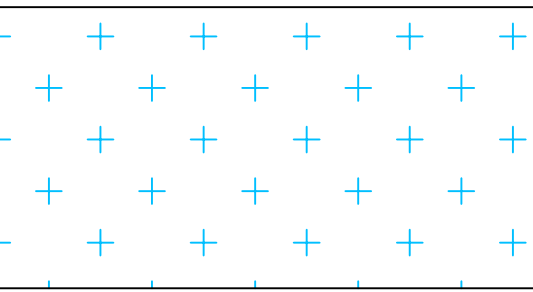
of: 2

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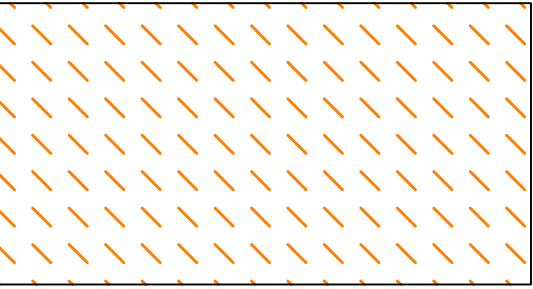
Sheet No: 2



WETLAND KEY

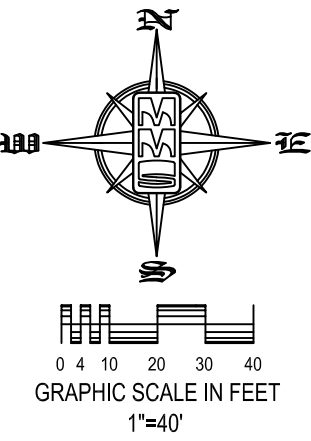


EMERGENT WETLAND
(0.05 ACRES)



WETLAND IMPACTS
(0.05 ACRES)

CEMVR-RD-2020-1074
PRM Details
Encl 3 of 4



COMMON NAME	SCIENTIFIC NAME	SEEDING RATE
VIRGINIA WILD RYE	<i>Elymus virginicus</i>	5 LBS/ACRE
OATS	<i>Avena sativa</i>	30 LBS/ACRE

(2.29 ACRES)

NATIVE SEED SUPPLIERS	
1	Native Seed Suppliers
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100	Native Seed Suppliers

EMERGENT WETLAND SEEDING

(0.2 ACRES = 3 LBS PLS)

BUFFER SEED MIX

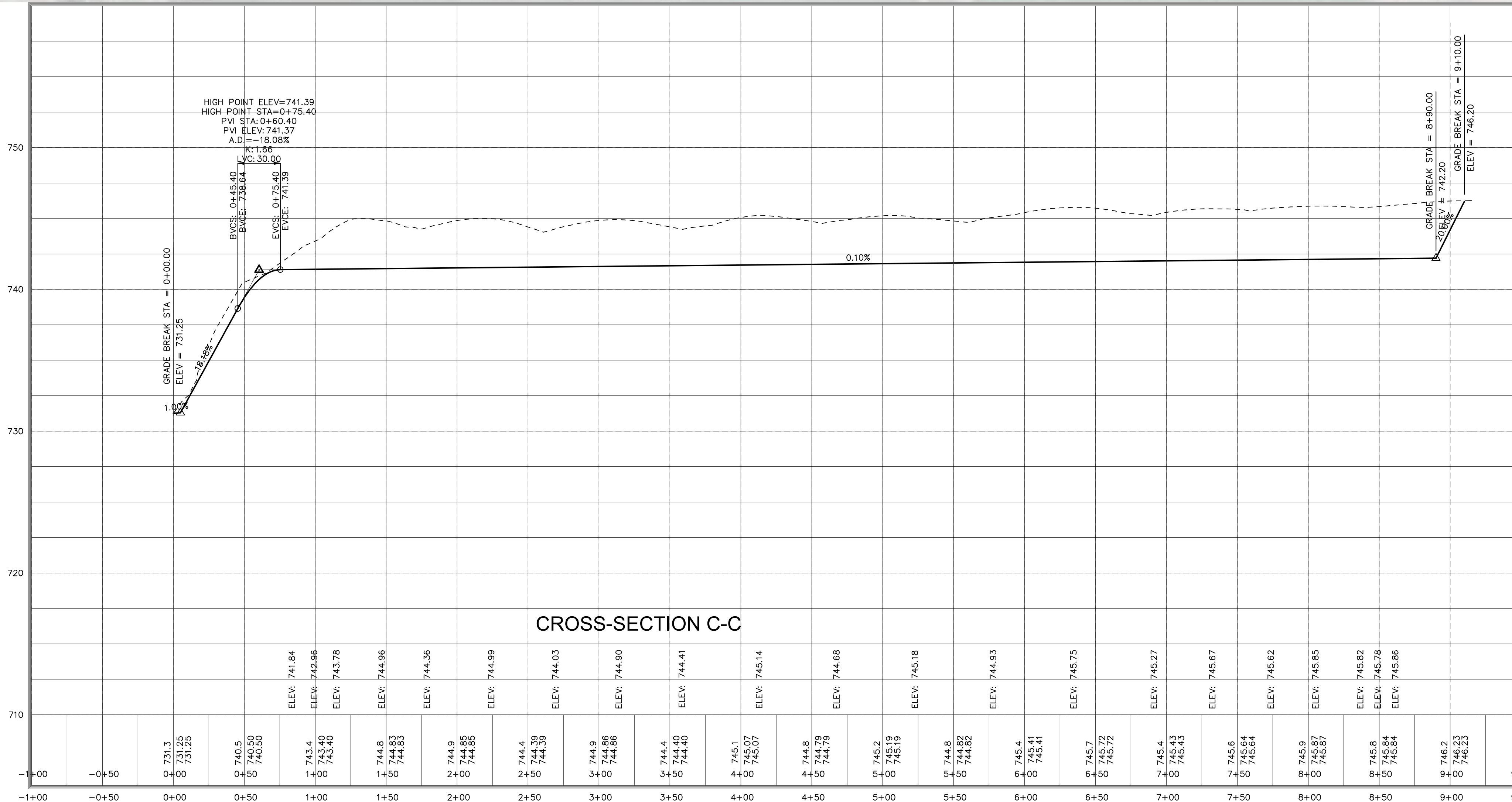
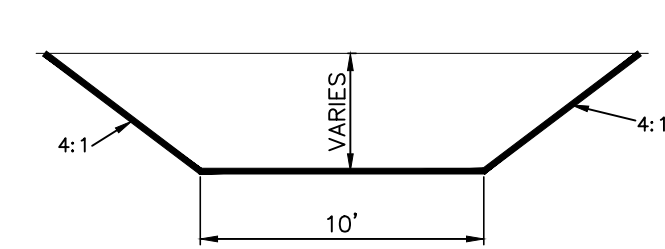
(2.09 ACRES = 31.35 LBS PLS)

1. THE TOP 8-12 INCHES OF SOIL THROUGHOUT THE MITIGATION AREA SHALL BE SCRAPED AND STOCKPILED THEN SPREAD OVER THE SITE AFTER EXCAVATION AND GRADING IS COMPLETED.
2. BUFFER AREAS THAT DO NOT HAVE VEGETATION REMOVED AS A RESULT OF GRADING FOR THE MITIGATION SITE SHALL ELIMINATE EXISTING VEGETATION BY HERBICIDE APPLICATION.
3. HERBICIDE UTILIZED SHALL BE AQUATIC SAFE. MULTIPLE APPLICATIONS (APPROXIMATELY 3) WILL BE REQUIRED TO ENSURE ENTIRE AREA IS TREATED AND COMPLETE DIE OFF IS ACHIEVED.
4. HERBICIDE APPLICATIONS SHALL OCCUR 2-3 WEEKS APART FROM ONE ANOTHER. HERBICIDE APPLICATIONS SHALL OCCUR PRIOR TO SEEDING OF THE BUFFER.
5. SEEDING OF THE MITIGATION SITE SHALL OCCUR AFTER SPRING THAW THROUGH JUNE 30TH.
6. EMERGENT SEEDING OF THE ENHANCED STREAM CHANNEL SHALL OCCUR ALONG THE BED OF THE CHANNEL, AND 2 FEET UP THE SIDE SLOPES OF THE CHANNEL.
7. THE USE OF A BROADCAST SEEDER OR NO-TILL DRILL SEEDER IS RECOMMENDED. BOTH STREAM AND BUFFER SHALL BE SEEDING WITH NURSE CROP.
8. IF SEEDER UTILIZED DOES NOT HAVE BOXES TO SEPARATE SEEDS, NATIVE SEED SHALL BE EVENLY INCORPORATED WITH NURSE CROP TO ENSURE UNIFORM COVERAGE.

1. CUT = 2,667 CUBIC YARDS
2. FILL = 5 CUBIC YARDS

THE ABOVE EARTHWORK QUANTITIES WERE OBTAINED THROUGH THE USE OF A COMPUTER PROGRAM WHICH DETERMINES THE EXCAVATION AND FILL VOLUMES BETWEEN THE EXISTING GROUND CONTOURS AND THE PROPOSED SITE CONTOURS. NO ALLOWANCE OR ADJUSTMENT HAS BEEN MADE FOR STRIPPING AND/OR STOCKPIILING OF TOPSOIL, FOR KEY TRENCH EXCAVATION OR FOR SHRINKAGE. THE INFORMATION SHALL NOT BE CONSTRUED AS BEING NECESSARILY ACCURATE AND COMPLETE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING HIS OWN DETERMINATION OF THE QUANTITIES OF WORK INVOLVED.

N.T.:



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Date	Revision
12/18/2020	PER CORPS OF ENG. REVIEW

STORM MITIGATION PLAN & PROFILE

POND PLAN
CLARK
PROPERTY
WILLIAMSBURG
IOWA COUNTY
IOWA

Date:		12-28-2021	
Designed by:	RLA	Field Book No:	FIELDBOOK
Drawn by:	KLE	Scale:	H:1"=50' V:1"=50'
Checked by:		Sheet No:	

7970-038 of: 3