



US Army Corps  
of Engineers®  
Rock Island District

# PUBLIC NOTICE

Applicant: City of Marengo, Iowa

Date: December 14, 2022

Expires: January 12, 2023

CEMVR-RD-2021-0328

Section: 404/408

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

1. **Applicant:** City of Marengo, c/o Veenstra & Kimm, Inc., 153 East Main Street, PO Box 245, Marengo, Iowa 52301.
2. **Project Location:** The project is located east of the City of Marengo in Iowa County, Iowa. The project is located in Section 29, Township 81 North, Range 10 West ending in a tributary to Iowa River. Latitude 41.794708, Longitude -92.046635.
3. **408 Request:** In compliance with 33 USC 408 (Section 14 of the River and Harbors Act of 1899: hereinafter Section 408), the Marengo Wastewater Facility currently discharges into a back water of the Iowa River and, requested permission to modify the Marengo Levee, an existing Federally authorized flood risk management project situated along the Iowa River. The proposal includes a force main being constructed through the levee.
4. **Project Description.** The applicant proposes to construct a new building to house the UV disinfection and effluent pumps. This involves moving the discharge from current location in an unnamed creek to a new location. This move is to improve the stream quality at the current discharge point and meet ammonia discharge requirements from the existing lagoon process. Effluent lift station/UV building approximately 30 feet x 40 feet and new 1-mile long 12-inch diameter force main in open cut to Iowa River. Force main will cross over existing flood protection levee. Additional fill will be added to levee above new pipe for force main.
  - A. **Levee Cut and Repair:** The force main will be installed crossing the levee and into a stream channel. The stream channel will be manipulated to allow for access road to be installed on north side of stream while maintaining the stream and flow and discharge into the Iowa River. See map attachment.
  - B. **Impacts and Mitigation.** The proposed project would result in the discharge of fill material in 1.51 acres of emergent wetlands, 0.67 acres of forested wetlands and 1,179.88 linear feet of stream. The applicant is aware that compensatory mitigation will be required for the loss of wetland and stream resources and has proposed purchasing the required credits from Mitigation Banks.

## 5. Agency Review and Where to Reply.

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 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). Written comments concerning possible impacts to waters of Iowa should be addressed to: Iowa Department of Natural Resources, 502 East 9<sup>th</sup> Street, Des Moines, Iowa 50319-0034. A copy of the comments should be provided to the Corps of Engineers office (see paragraph 12. of this public notice for address).

## 6. Historical/Archaeological.

A. The project area was surveyed in May through July 2021 under both a Phase IA and additional Phase I survey that completed pedestrian survey on portions of the project and delineation of areas of low to no potential. A follow-on Phase I survey which located a single artifact outside of the permit area for the project. Both reports will be coordinated with the Iowa State Historic Preservation Office and any Tribes that express an interest in reviewing the reports.

B. Based on the results of the surveys it is the recommendation of the District Archaeologist that there will be **no historic properties affected** by the issuance of the permit 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).

## 7. 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. According to USFWS IPaC, Federally listed endangered, threatened, or candidate species potentially occurring in the action area are Indiana bat, Northern long-eared bat, Monarch butterfly, Eastern prairie fringed orchid, and Western prairie fringed orchid. USFWS IPaC identifies no critical habitat within the action area. Due to the lack of suitable habitat and limited scope of the project the District has determined this action would have "no effect" to listed insect and plant species.

B. Due to the proposal of removing trees, this proposal WAS coordinated with the USFWS, to determine “effect” on bat species. According to plans, designs and information provided by applicant, there will be approximately 9 acres of trees removed. All tree removal will occur between October 1 and March 31 to avoid direct impacts to bat species. The USFWS concurred by letter dated June 14, 2021.

8. **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).

**9. 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: 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.

**10. Who Should Reply.** The Corps of Engineers is soliciting comments from the: public, Federal, state, 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 or modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on the following: 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.

**11. 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.

**12. Reply to the Corps.** Comments concerning the Corps permit should be addressed to the US Army Corps of Engineers, Rock Island District, ATTN: RD (Hardy), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. For additional information contact Mrs. Hardy at (309) 794-5378 or email at [donna.r.hardy@usace.army.mil](mailto:donna.r.hardy@usace.army.mil).

Attach  
Plan

*Donna Hardy*  
Mrs. Donna R. Hardy  
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.

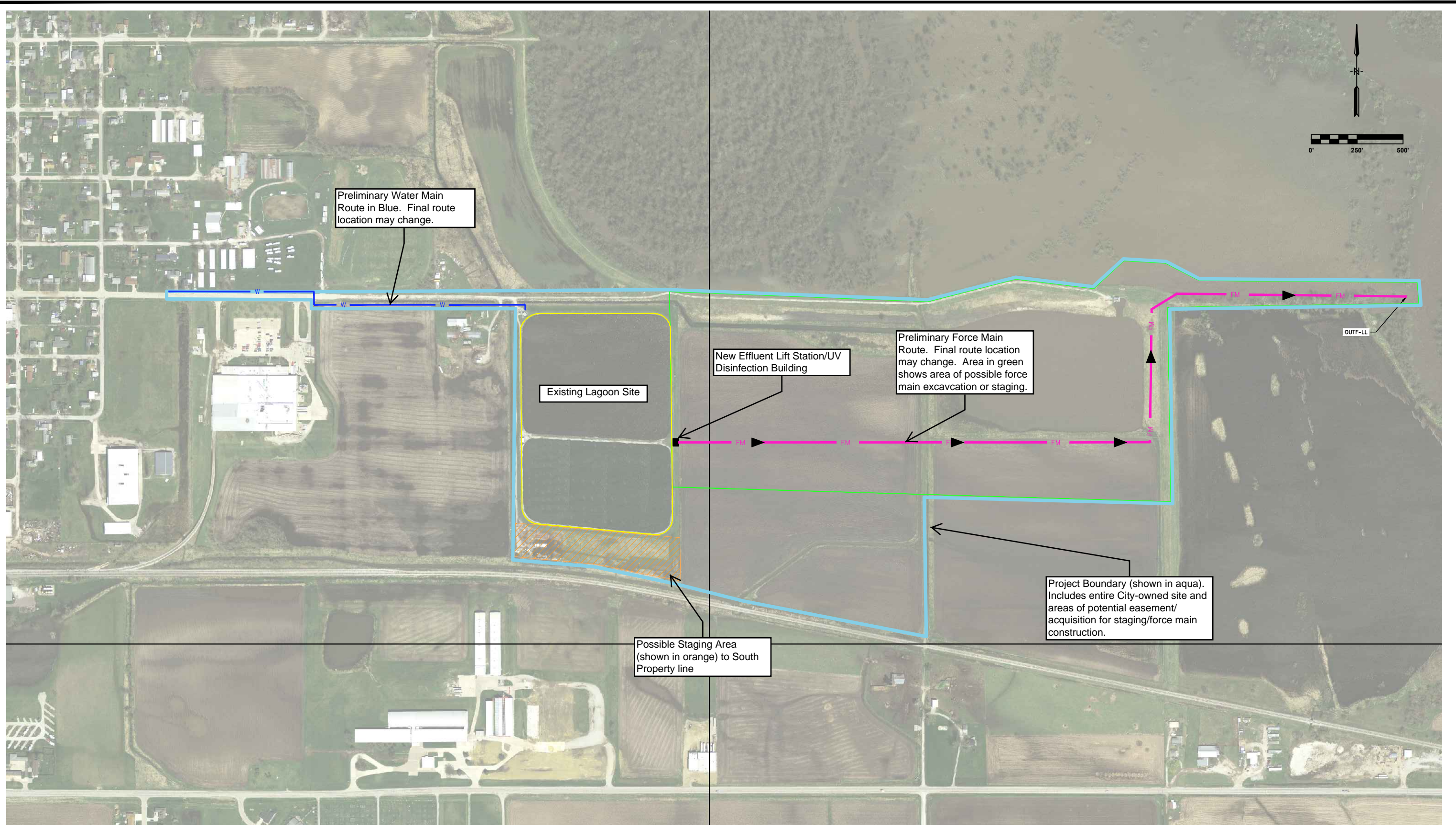
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Project Location Aerial View Map pg. 1 of 3

**City of Marengo (2021-328) Location Map**

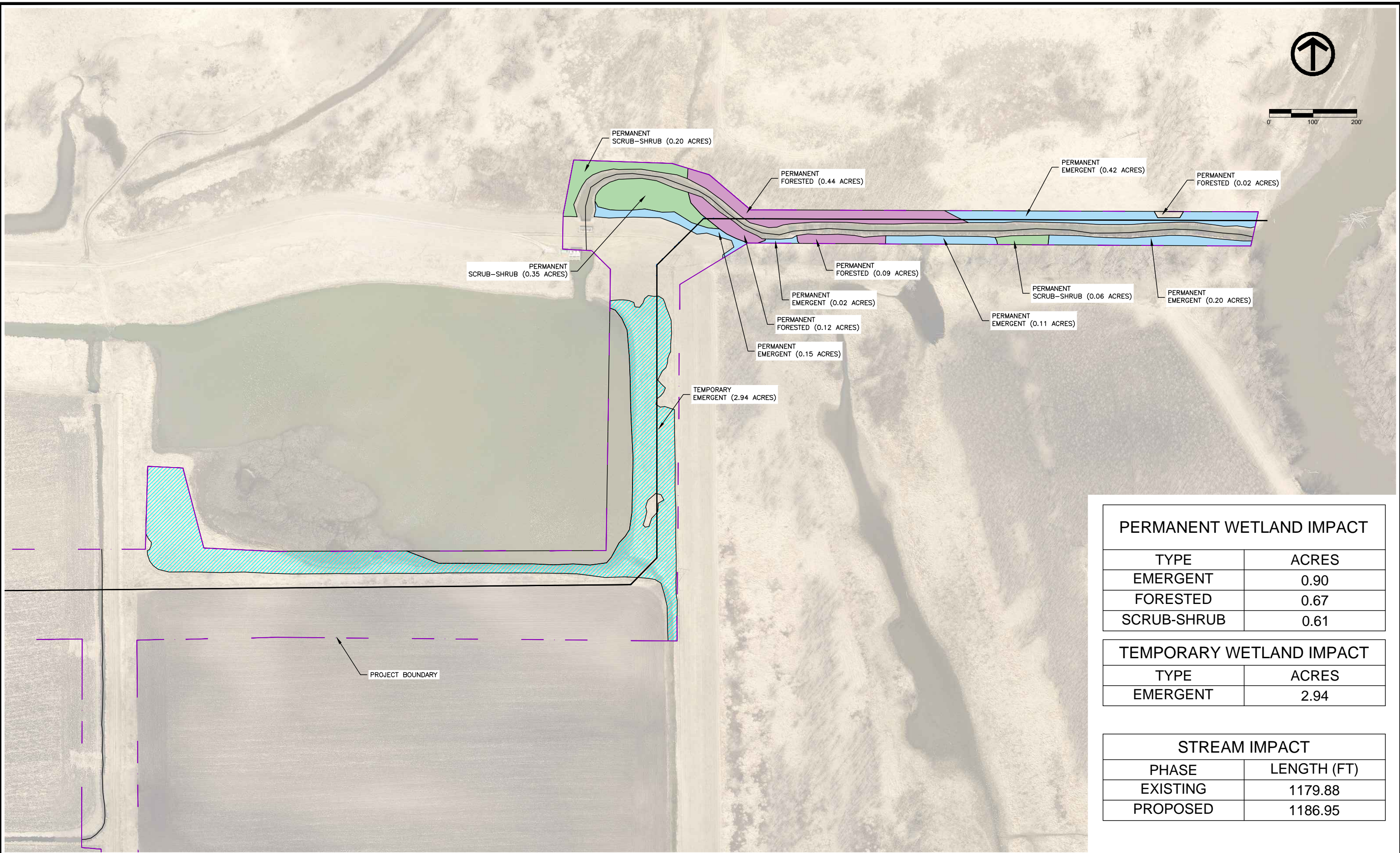




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 Detail Plan View pg. 2 of 3

PLOTTED: Monday, October 18, 2021 1:16:23 PM

X-REFS: 220156 Aerial  
FILE PATH: Z:\MARENGO 220156 WWTF IMP 2022 DS(DRAWINGS)\ DESIGN DRAWING\MARENGO V&K WETLAND MAP



PERMANENT WETLAND IMPACT	
TYPE	ACRES
EMERGENT	0.90
FORESTED	0.67
SCRUB-SHRUB	0.61

TEMPORARY WETLAND IMPACT	
TYPE	ACRES
EMERGENT	2.94

STREAM IMPACT	
PHASE	LENGTH (FT)
EXISTING	1179.88
PROPOSED	1186.95

DATE	REVISIONS	SCALE	AS NOTED
		DRAWN	EDG
		CHECKED	EKL
		APPROVED	EKL
		DATE	10-14-2021
		ISSUED FOR	REVIEW



WASTEWATER TREATMENT FACILITY IMPROVEMENTS 2022  
MARENGO, IOWA

862 White Street • Dubuque, Iowa 52001  
563-845-3964 • 877-727-7703(WATS)

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WETLAND AND STEAM IMPACTS

DATE	DWG. NO.
	WL.01
PROJECT	220156