



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

PUBLIC NOTICE

Applicant: Concise Earth

Date: February 16, 2022

CEMVR-RD-2022-43

Expires: April 06, 2022

Section 404

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

1. **Applicant:** Concise Earth, c/o Mr. Josh Entler, 4185 Alyssa Court, Suite 1, Iowa City, Iowa 52240.

2. **Project Location:**

- South of Wright Brothers Blvd, unnamed tributary to South Hoosier Creek, Cedar Rapids, Iowa
- Section 27 & 28, Township 82 North, Range 7 West
- Linn County, Iowa
- UTM NAD-83 Zone 15
- Lat 41.8885, Long -91.6556.

3. **Project Description and Purpose:**

a. The applicant proposes to construct a new 138-acre residential development, Marion Aircom Park, south of Cedar Rapids. A road crossing to the north of the existing impoundment is proposed to permanently impact 0.40 acres of emergent wetland, Area 1. The applicant has stated that the impoundment would be drained, and the previously inundated wetlands are expected to re-establish. The Corps considers the draining of these wetlands a conversion from one type of water to another, which would result in a loss of aquatic resources. The wetlands in Area 5 measure 5.74 acres. It is not clear from the drawings provided how large the impoundment is or what will be permanently impacted (Area 2 and/or Area 5) but this will be required to be provided prior to final permit issuance to determine applicable compensatory mitigation.

b. The applicant has stated that 0.99 acres of wetland is proposed to be temporarily impacted for installation of a stormwater sewer line. However, the project plans show that 2.02 acres of wetland, Area 2, will be temporarily impacted directly south of the impoundment for a stormwater sewer installation and reshaping the existing drainage swale. The applicant has not provided additional plans on the reshaping of this drainage swale. Should there be stream impacts they will require adequate compensatory mitigation. In Area 3, 0.01 acres of forested wetland and in Area 4 an additional 0.07 acres of emergent wetland are proposed to be temporarily disturbed for a sanitary sewer installation. The applicant has not stated if any reseeding or monitoring will occur on these temporarily disturbed areas.

c. The applicants stated purpose and need is to provide needed housing for the expanding population of Cedar Rapids to the south along I-380.

d. The applicants stated avoidance and minimization efforts are that the project was developed to avoid the wetlands for the site. The slope for road embankments of the new crossing were steepened to reduce impact and the number of crossings across the wetlands was limited to one.

e. The applicant has proposed to purchase 0.46 acres of wetland mitigation credits. The Corps will determine appropriate compensatory mitigation requirements based on the final determination of waters of the U.S. impacts.

f. An alternatives analysis has not been provided.

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 Archaeologist consulted with the Iowa I-Sites geographic information systems archeological site and survey databases online. Including the HILD, HILD Burial and Notable Locations layers. The project area has not been surveyed and there were no previously identified historic properties in or adjacent to the permit area.

b. The wetland impact areas do not appear to be in areas that would have high potential for historic properties as they are either in the active meander belt of Hoosier Creek or down in an ephemeral stream basin that feeds Hoosier Creek. However, the fill for the wetland impacts has been defined as generically coming from within the project area. Therefore, the project area is the permit area.

c. As such, the permit area covers multiple landforms, some of which have high potential to include historic properties. Therefore, it is the opinion of the District Archaeologist the project area has the potential to contain historic properties that may be potentially eligible for listing on the National Register of Historic Places (NRHP).

d. 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.

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.

- Northern Long-eared Bat (*Myotis septentrionalis*),
- Monarch Butterfly (*Danaus plexippus*),
- Prairie Bush-clover (*Lespedeza leptostachya*),
- Western Prairie Fringed Orchid (*Platanthera praeclara*),
- 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. Based on this lack of suitable habitat and 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. **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

Project Plans – 2 pages

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

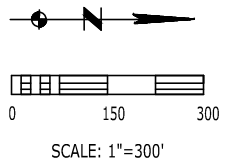
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SANITARY INSTALLATION
TEMPORARY WETLAND DISTURBANCE
AREA = 0.01 AC

EXISTING EMERGENT
WETLAND LIMITS

SANITARY INSTALLATION
TEMPORARY WETLAND DISTURBANCE
AREA = 0.07 AC

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116 WALFORD ROAD
192847600400000

HOOGER CREEK

ESTHER AND JAMES BENESH
112 WALFORD ROAD
192840100100000

EXISTING FORRESTED
WETLAND LIMITS

PRAIRIE LAND DEVELOPMENT, LLC
4185 ALYSSA COURT, SUITE 1
IOWA CITY, IA 52240

ROAD CONSTRUCTION
PERMANENT WETLAND DISTURBANCE
AREA = 0.40 AC

UPSTREAM BASIN/WETLAND ELEVATIONS
PROPOSED GRADE EL=793.0
EXISTING GRADE EL=795.0
ESTIMATED ORIGINAL GRADE EL=793.0

MID-POINT BASIN/WETLAND ELEVATIONS
PROPOSED GRADE EL=789.5
EXISTING GRADE EL=791.2
ESTIMATED ORIGINAL GRADE EL=789.5

DOWNSTREAM BASIN/WETLAND ELEVATIONS
PROPOSED GRADE EL=785.0
EXISTING GRADE EL=787.5
ESTIMATED ORIGINAL GRADE EL=785.0

ESTHER AND JAMES BENESH
112 WALFORD ROAD
192732600100000

STORM SEWER INSTALLATION AND
RESHAPING EXISTING DRAINAGE SWALE
TEMPORARY WETLAND DISTURBANCE
AREA = 2.02 AC

EXISTING MANMADE
WETLAND LIMITS

EXISTING EMERGENT WETLAND
BASED OFF HISTORICAL IMAGERY

PROPOSED BASIN BOTTOM TO BE
GRADED AT 0.9% SLOPE TO MATCH
ESTIMATED ORIGINAL BASIN BOTTOM

EXISTING FARM POND TO BE DRAINED AND CONVERTED TO
DRY DETENTION BASIN. SILT/SEDIMENT TO BE REMOVED
FROM BASIN BOTTOM TO RESTORE HISTORICAL GRADE OF
EMERGENT WETLAND. NO FILL IS PROPOSED WITHIN WETLAND.

PHILLIP JANICE & VRBA FRANCIS
8608 SPANISH ROAD
192722600100000

EXISTING MANMADE
WETLAND LIMITS

EXISTING EMERGENT
WETLAND LIMITS

WRIGHT BROTHERS BLVD SW

KIRKWOOD BLVD SW

DRAWN BY: DAL				
CHECKED BY:				
APPROVED BY:				
DATE: 11-18-2021				
FIELD BOOK:	NO.	REVISION DESCRIPTION	APPROVED	DATE



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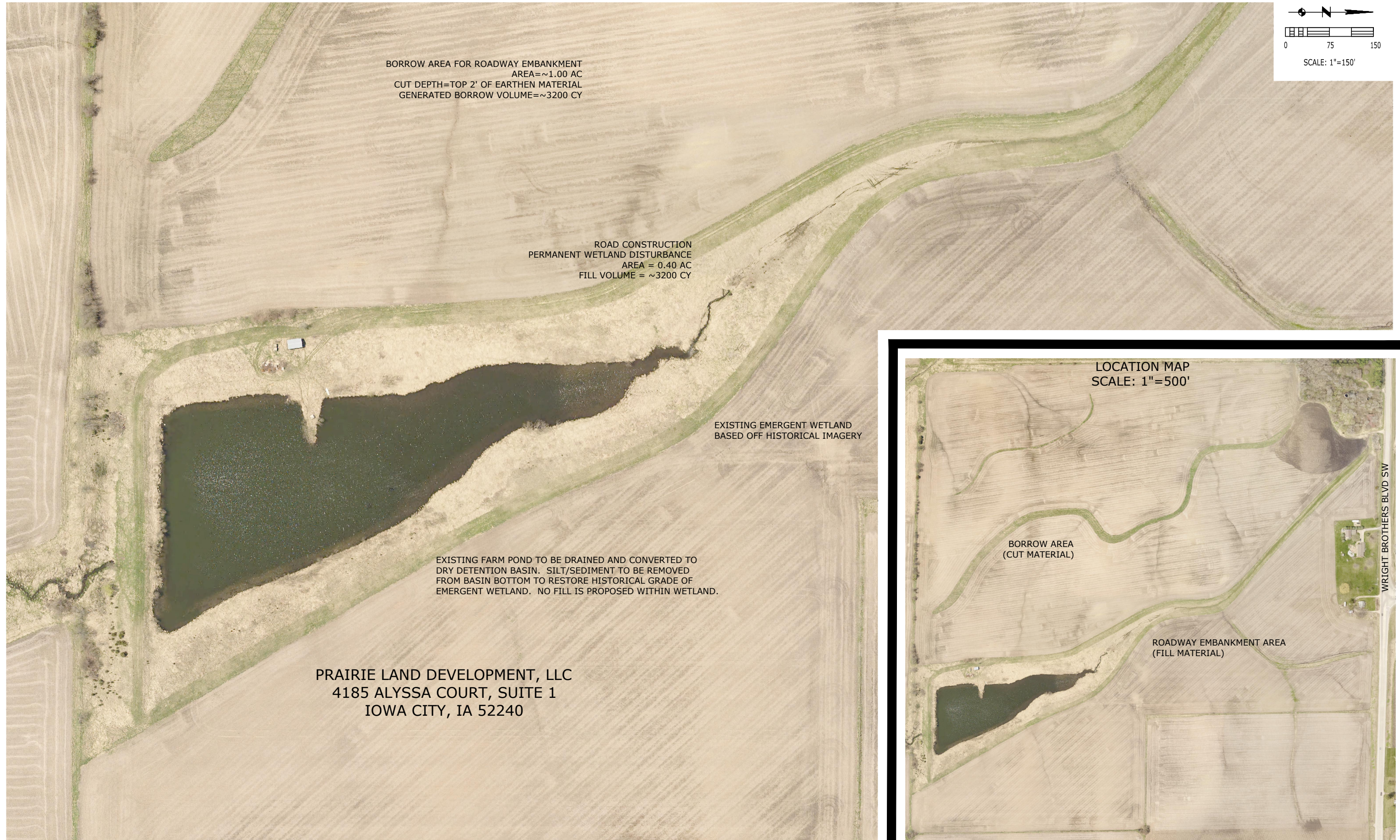
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IN THE CITY OF CEDAR RAPIDS
LINN COUNTY, IOWA

WETLAND IMPACT EXHIBIT

SHEET
1

PROJECT NO: 20250-18-5

CAD File: I:\projects\20250\20250-18-03 - American Prairie\DWG\Exhibits\20250-18-3 Wetland Disturbance Limits.dwg Date Plotted: Thursday, November 18, 2021 4:33:40 PM Plotted By: Devin Lawson



DRAWN BY: DAL				
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APPROVED BY:				
DATE: 2-8-2022				
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WETLAND FILL EXHIBIT

PROJECT NO: 20250-18-5

SHEET
1