



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

PUBLIC NOTICE

Applicant: Silver Lake Growth, LLC

CEMVR-RD-2023-0682

Date: June 29, 2023

Expires: July 28, 2023

Section 404

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

1. **Applicant:** Silver Lake Growth, LLC, 3121 Highway 71 South, Spirit Lake, Iowa 51360.

2. **Project Location:** The project is located on a 30-acre parcel on the south shore of Silver Lake to the northwest of the intersection of Beachcomber Drive and Highway 9, on both sides of the recreational trail.

Section 33, Township 100 North, Range 38 West
Dickinson County, Iowa
Lat: 43.4321 Long: -95.3356

3. **Project Description:**

A. This project involves developing a 30-acre parcel on the south shore of Silver Lake for either residential and/or commercial use as well as reconstructing a proposed recreational trail along one of the wetlands. Currently, the parcel contains approximately 21 acres of delineated wetlands of which 5.41 acres will be filled during project work. This project includes grading, road paving, trail paving, storm sewer improvements, installation of water and sanitary sewer services, and construction of structures. The intent of this proposed development is to follow the natural ridge that separates the two wetland areas with the proposed roadway.

B. This project will impact 5.41 acres of emergent wetlands through fill for construction of residential/commercial lots, a roadway, and a recreational trail. Compensation will be made through the purchase of wetland credits.

4. **Avoidance and Minimization of Impacts to Waters of the US:** The location of the proposed project would expand the lake access residential areas adjacent to the project location on the east and west sides. The applicant states that avoidance of the wetlands in its entirety was pursued in the early part of 2022 with proposing a campground and small cabins. The plan was withdrawn after significant community feedback against a campground type development. Based on community feedback, a subdivision style development has been designed. The property is currently zoned for commercial use and an application for portions of the land to be rezoned to residential use will be pursued through the City of Lake Park. Minimization efforts include only utilizing the portions of

shoreline needed to make the project financially feasible, a cul-de-sac to reduce the road length along the lake, only constructing lots on the most valuable side of the road on the NE corner of the development, and removal of a commercial structure. The proposed 5.41 acres of wetlands to be filled are located on the exterior of the delineated wetlands and will not impact 15.59 acres of the delineated wetlands which will persist as two undivided wetlands.

5. **Agency Review.** 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, 502 East 9th Street, Des Moines, Iowa 50319. 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 District consulted with the Iowa online geographic information systems archeological site and survey databases. Including the HILD and Notable Locations layers. The review indicates that the permit area has not been previously surveyed. However, there are previously recorded historic properties in close proximity to the proposed permit area.

B. There is a very high potential for archaeological sites to be present in the permit area that may be potentially eligible for listing on the National Register of Historic Places (NRHP). The District will require the applicant to submit a copy of a Phase I archaeological survey and geomorphological evaluation report covering the permit area. Geomorphological investigation must extend at least 50 centimeters below the proposed depths of soil disturbance or to a depth below which no possibility of historic properties exists.

C. 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.

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. The following threatened or endangered species are listed by the United States Fish and Wildlife Service (FWS) as occurring in Dickinson County, Iowa:

- Prairie bush clover. The threatened prairie bush clover (*Lespedeza leptostachya*) is considered to potentially occur statewide based on historical habitat. It occupies dry to mesic prairies with gravelly soil.
- Tricolored Bat. The proposed endangered tricolored bat (*Perimyotis subflavus*) is considered to potentially occur statewide. It hibernates in caves and mines during the winter

and moves to wooded areas for the rest of the year where it roosts in live or recently dead deciduous hardwood trees, moss, and artificial roosts.

- Monarch Butterfly. The candidate monarch butterfly (*Danaus plexippus*) is considered to potentially occur statewide. It migrates south during the winter months to central Mexico or California. In the summer, their habitat consists of locations with populations of milkweed and other flowering plants.

B. The Corps has made a determination of “no effect” for the above-mentioned species due to lack of suitable habitat for any of the listed species. The project will not impact any forested areas greater than 10 acres in size. The soils in this location are wet, mucky, and loamy. The vegetation in this location has been recently disturbed due to development and construction of a residential trail.

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 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.

10. 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.

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 of Engineers.** Comments concerning the Corps permit should be addressed to the District Engineer, U. S. Army Corps of Engineers, Rock Island District, ATTN: RD (Schmidt), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. For additional information contact **Rowen Schmidt** at **(309/794-5944)** or email at rowen.e.schmidt@usace.army.mil.



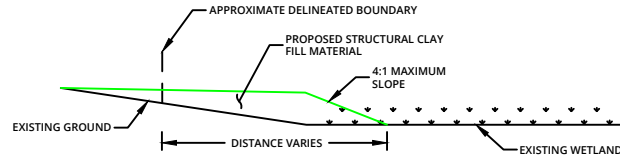
Attach
Plans

Ms. Aurora C. Scott
Chief, Eastern Branch
Regulatory Division

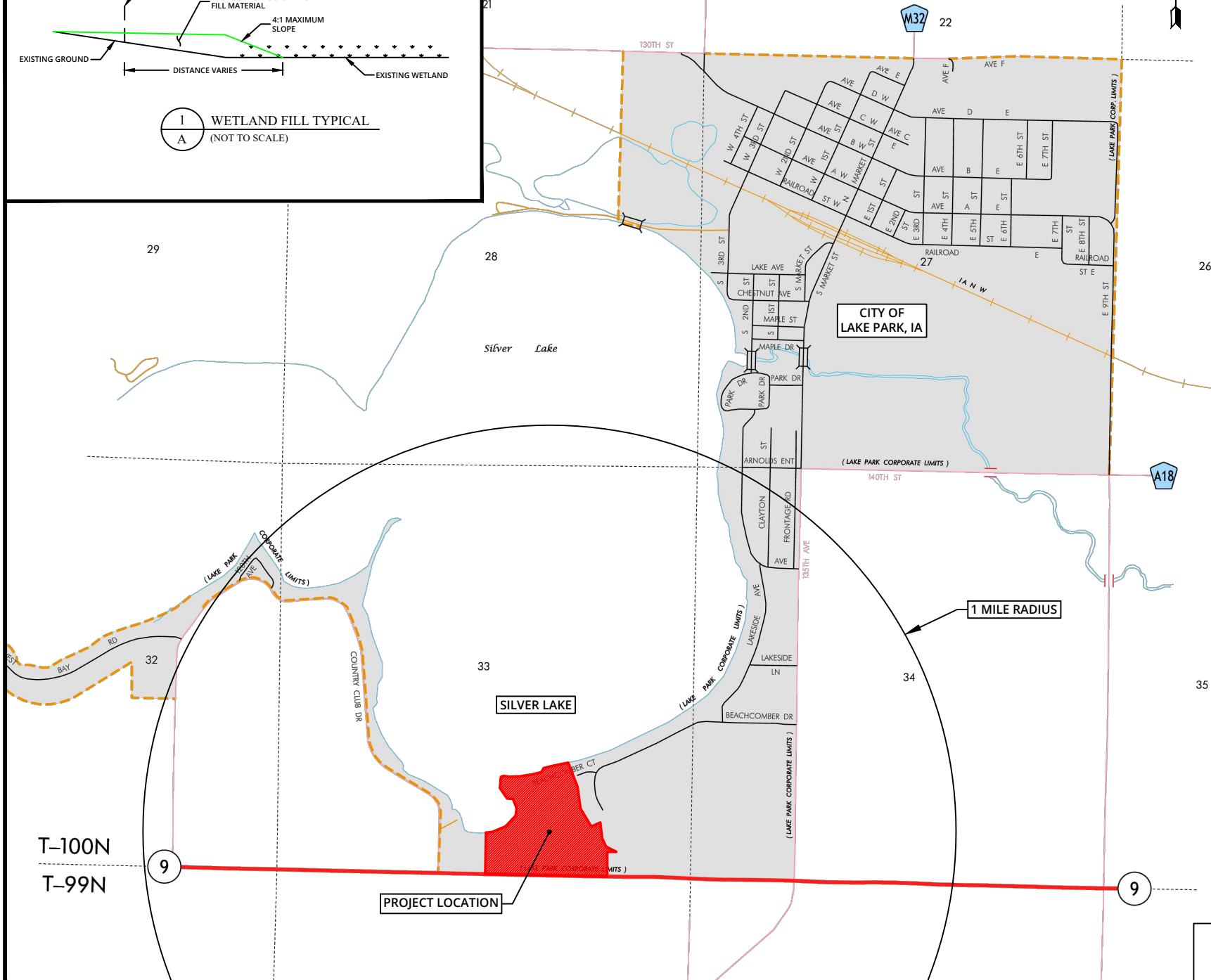
REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

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.

Exhibit 'B' R-38W

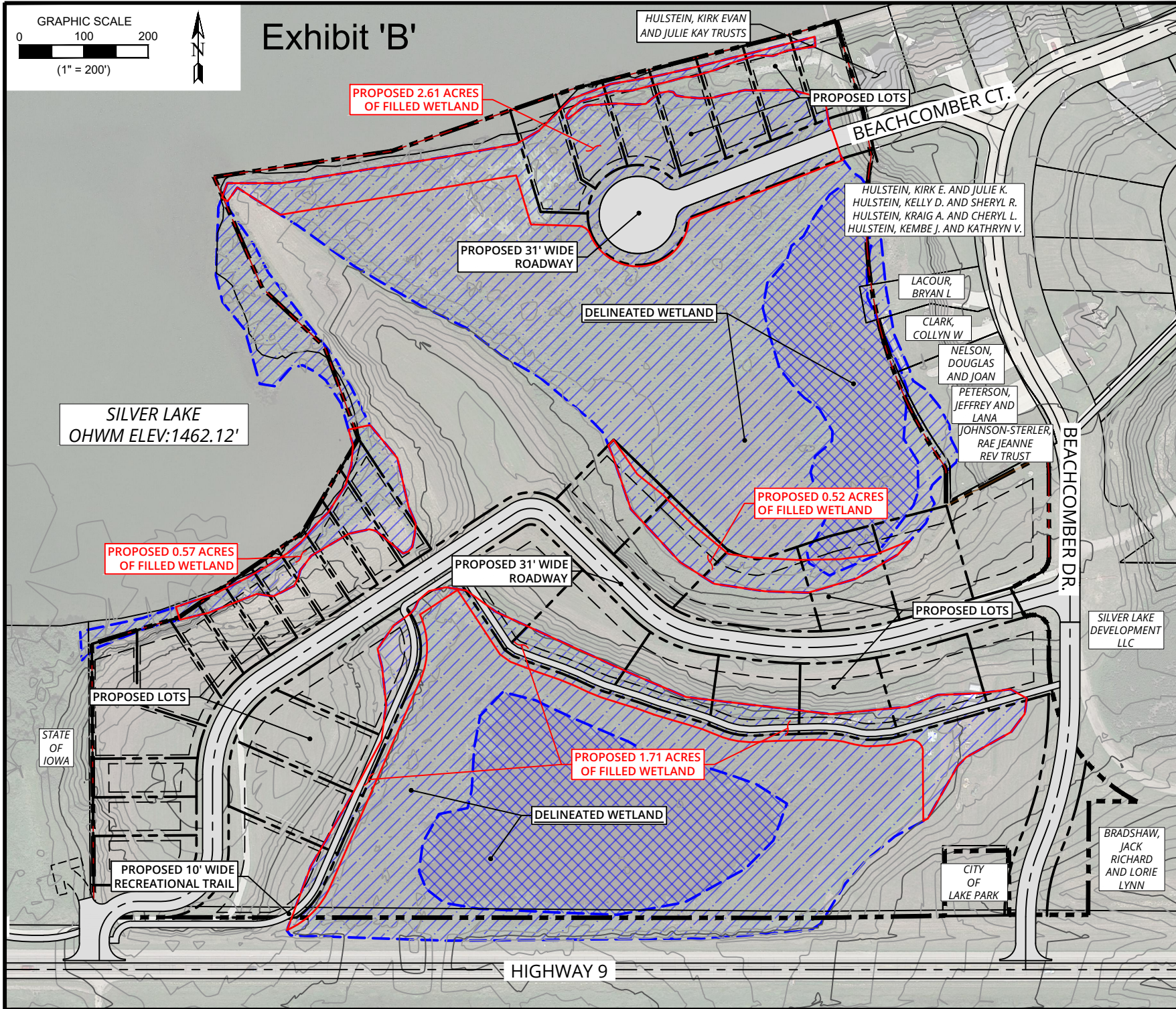


1
A WETLAND FILL TYPICAL
(NOT TO SCALE)



Drawn Revised	5-5-23 By TFL	Checked by	Proposed South Silver Lake Development Overall Site Location Map			<div>Beck Engineering, Inc.</div> <div></div> <div>Civil Engineering Land Surveying Landscape Architecture</div>	Client:		Silver Lake Growth, LLC 2221 33rd Street Spirit Lake, IA 51360	
			Exhibit 'B' (1 of 2)				Beck Engineering, Inc.		Cherokee, Iowa	Sheldon, Iowa
									Orange City, Iowa	Spirit Lake, Iowa

Plot Date: 5/5/2023 Last Saved By: tlynn File Name: E21071 - Proposed Linework_Army Corp Application_Use



Drawn Revised	5-5-23 By TFL Checked by JOE	Proposed South Silver Lake Development Overall Project Map			Beck Engineering, Inc. BET Civil Engineering Land Surveying Landscape Architecture	Client: Silver Lake Growth, LLC 2221 33rd Street Spirit Lake, IA 51360		
		Exhibit 'B' (2 of 2)	Project No. E21071			Cherokee, Iowa Orange City, Iowa	Sheldon, Iowa Spirit Lake, Iowa	



Figure 6. Waters of the United States Map. Imagery: 2021 NAIP.