



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

PUBLIC NOTICE

Applicant: Iowa Department of Natural Resources Date: August 03, 2023

Expires: September 01, 2023

CEMVR-RD-2021-641

Section 404

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

1. **Applicant:** Iowa Department of Natural Resources, POC Mr. Michael Dufoe, 2564 Amana Road NW, Swisher, Iowa 52338.

2. **Project Location:** Within Wapsipinicon State Park on the Wapsipinicon River in Section 11, Township 84 North, Range 4 West, Jones County, Iowa.

3. **Project Description:**

A. The Iowa Department of Natural Resources proposes to install 20 weirs along the right bank of the Wapsipinicon River for a length of approximately 3000 linear feet. The purpose for the weir installation is to protect an existing road that is close to the riverbank and may be undercut by the river. Each weir will be approximately 90-feet long and will consist of approximately 50 boulders. Each weir will be keyed appropriately into the banks of the river to prevent scour.

B. Weirs were selected for this proposed project because of cultural concerns if the banks were excavated for traditional riprap, therefore this method was avoided.

C. Approximately 3000-linear feet of the stream will be protected by this project. No mitigation is proposed for this project.

4. **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 11, of this public notice for address).

5. Historical/Archaeological. The Federal Emergency Management Agency (FEMA) is the lead agency for this project. Per FEMA's Record of Environmental Consideration. "FEMA has determined that there will be No Adverse Effect to historic properties. SHPO concurrence with this determination was received, dated April 14, 2022. R&C Number 220353758.

6. Endangered Species.

A. FEMA coordinated this project with the U.S. Fish and Wildlife Service. Per the REC, "Candidate, Proposed, Threatened, and Endangered species in Jones County are limited to:

Northern long-eared bat (threatened),
Higgins eye pearlymussel (endangered),
Rusty-patched bumble bee (endangered),
Monarch butterfly (candidate),
Eastern Prairie Fringed Orchid (threatened),
Prairie Bush Clover (threatened)
Western Prairie Fringed Orchid (threatened).

B. There is no designated critical habitat in Jones County. This project does not convert native tallgrass prairie to competing uses, so the plant species will not be impacted. Vegetation is not being removed and insecticide not utilized so the Rusty-patched bumblebee and Monarch butterfly will not be affected. This leads FEMA to make a determination of "No Effect" for these listed species. This project includes work in waterways and tree removal, however, FEMA, in consultation with the United States Fish and Wildlife Service (USFWS), has determined the proposed action may affect, but is not likely to adversely affect the Northern long-eared bat and Higgins eye pearlymussel when the recommended conservation measures are followed. The Corps will include all conditions listed in the November 16, 2021, letter that was sent to FEMA.

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: RD (Frohlich), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. For additional information contact **Albert Frohlich** at **(309/794-5859)** or email at Albert.J.Frohlich@usace.army.mil.

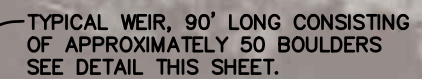


Attach
Plans

Mr. Albert J. Frohlich, Project Manager
Western Branch
Regulatory Division

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