

# Project Factsheet for: Isle of Capri Gaming Boat, Marquette, Iowa - PERMITS

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## Project Location Information

**Location:** Marquette, Iowa  
**State(s):** IA  
**Congressional District(s):** IA-1

## Status

The public notice for the Isle of Capri's permit application was issued on June 24, 2004 and expired on July 7, 2004. The public notice generated considerable interest and response. We are continuing to coordinate the outstanding issues (alternatives, sequential mitigation, local objections, state and federal agency concerns) with the applicant. While the public comment period has expired, we will continue to accept and consider public input and comment, prior to making our final public interest decision on this application.

Outstanding issues: There were a number of requests for a public hearing for the project (primarily project opponents).

## Description

The Bloody Run Creek area is a known environmentally sensitive area. Previous actions in this area, from the Highway 18 Bypass project in the 1980's to the current parking lot fill project, have received considerable notice and interest. The Iowa Department of Natural Resources also has considerable interest in the area from the State perspective.

In 1994, when the DA permit for initial construction of the Marquette gaming boat facility was issued, Corps Regulatory staff noted that there was very little room for expansion at the site, and that regulated waters of the U.S. were present. Both the gaming and City representatives indicated at that time that they were aware of the limited space issue, but that they would take efforts to make it work. Since that time, gaming interests and City officials have changed.

In the application for a DA permit submitted in February 2002, the Isle of Capri Casinos stated that their proposed project was for an additional 410 parking spaces to meet current demand. In August 2002, the Isle of Capri Casinos announced to the public that they wanted to build a new hotel in the existing parking area - resulting in a loss of approximately 200 parking spaces.

In February 2004, Isle of Capri Casinos submitted a new application for a casino/hotel parking lot expansion into the wetland adjacent to Bloody Run Creek. The project requires authorization pursuant to Section 404 of the Clean Water Act.

This District has maintained that neither a parking lot nor a hotel are water dependent activities. Therefore, the sequential avoidance, minimization, and compensatory mitigation requirements must be met by the applicant, and the applicant also must conclusively prove that their selected alternative represents the least environmentally damaging, practicable alternative (per the February 6, 1990, Memorandum of Agreement between the Department of the Army and the U.S Environmental Protection Agency concerning the determination of mitigation under the Clean Water Act 404(b)(1) Guidelines). The applicant has not accomplished this to date.

We have provided over 320 responses to the public notice to the applicant for consideration and response. There is an organized local faction that opposes the project. We have received several petitions/form letters from this faction and their supporters. We have also received several form letters in favor of this project from regional tourism, economic growth and commercial interests. We are also considering numerous requests for a public hearing on this application; however, no decision on the public hearing requests has been made to date.

Section 401 water quality certification from the Iowa Department of Natural Resources has not been issued at this time. Given the significant level of State interest in this area, Section 401 certification is deemed necessary prior to any decision on the permit application by the Corps of Engineers.

## Authority

SI - Special Interest -- Section 404 of the Clean Water Act

## Project Manager Information

**Name:** Wayne Hannel, Regulatory Project Manager, Permit Evaluation Section, Regulatory Branch, Operations Division  
**Phone:** (309) 794-5378  
**E-mail:** [Wayne.Hannel@usace.army.mil](mailto:Wayne.Hannel@usace.army.mil)