



# PUBLIC NOTICE

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

Applicant: Mr. Steve and Ms. Peggy Kittelson

Date: October 8, 2004  
Expires: October 28, 2004

CEMVR-OD-P-2004-1320

Section 404

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

1. Applicant. Mr. Steve and Ms. Peggy Kittelson, 27491 Harding Road, Clermont, Iowa 52135.
2. Project Location. An unnamed tributary to Dibble Creek in Section 23, Township 95 North, Range 7 West, near Clermont, Fayette County, Iowa.
3. Project Description. The applicants propose to construct two ponds on an unnamed tributary to Dibble Creek. The applicants' stated purpose of the project is to create two ponds for fish habitat and aesthetic beauty. The upstream dam will be approximately 200 feet long, 55 feet wide, and will be 6.5 feet high. The downstream dam will be 275 feet long, 75 feet wide and will be 9.0 feet high. An emergency spillway will be constructed in both dams to pass expected high flows. Both dams will be constructed with a clay key trench. The upstream dam will create a 0.5 acre pond (to catch expected sediment) and the downstream dam will create a 0.75 acre pond.
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 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, 900 East Grand Avenue, 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 Corps consulted with the District geographic information systems (GIS) archeological site and survey databases current as of May 2004. The query determined that there were no previously recorded archeological sites within the permit area and that the area had not been surveyed. The permit area is located on the currently active channel and immediately adjacent floodplain of an unnamed tributary of Dibble Creek where all impacts are judged by the Corps to be limited to recent alluvium with little or no potential for historic properties. Therefore, it is the opinion of the Corps that issuance of the permit will have no effect on historic properties 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).
6. Endangered Species. District staff have 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.

Based upon the information provided and available at this time, our preliminary determination is that the proposed activity would have no effect on federally-listed endangered or threatened species or critical habitat. While no consultation has been initiated with the United States Fish and Wildlife Service (FWS) at this time, we are further coordinating this application with the FWS and the respective resource agencies through this public notice. Accordingly, our preliminary determination is subject to change should further information become available.

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 District Engineer, US Army Corps of Engineers, Rock Island District, ATTN: OD-P, Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. **Mr. John G. Betker (309/794-5380)** may be contacted for additional information.

Attach  
Plan

John G. Betker  
Project Manager  
Regulatory Branch

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.

SUBJECT: CEMVR-OD-P-2004-1320

BETKER/jkh/5380

APPLE  
OD-PP

BETKER  
OD-PP



*Property boundaries*

Clermont Co., Iowa  
1785

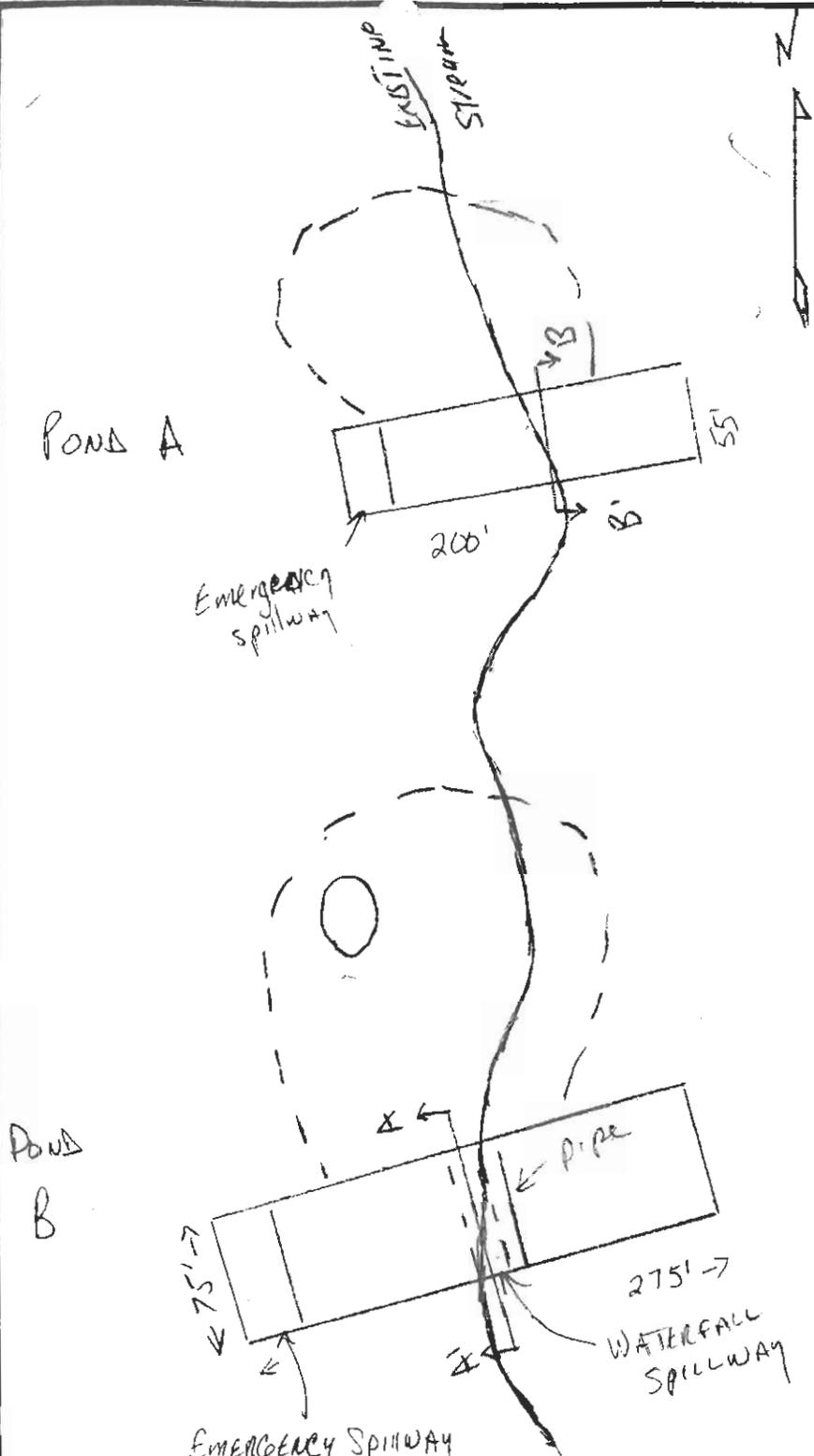
Clermont  
(BM 860)

KOTHS

SEPARATE PAGE  
ATTACHED

SWENSON

KOTHS



VICINITY MAP

Plan View  
Scale 1" = 100'

LIST OF ADJACENT PROPERTY OWNERS

NO.	NAME	ADDRESS
1.	Kenneth Kohls	27457 Harding Rd
2.	Kurt Chicken	27415 Harding Rd
3.	Laverne Swenson	28534 Beechnut Rd
4.		

PROJECT DESCRIPTION:

sediment Pond A  
Fish Pond B

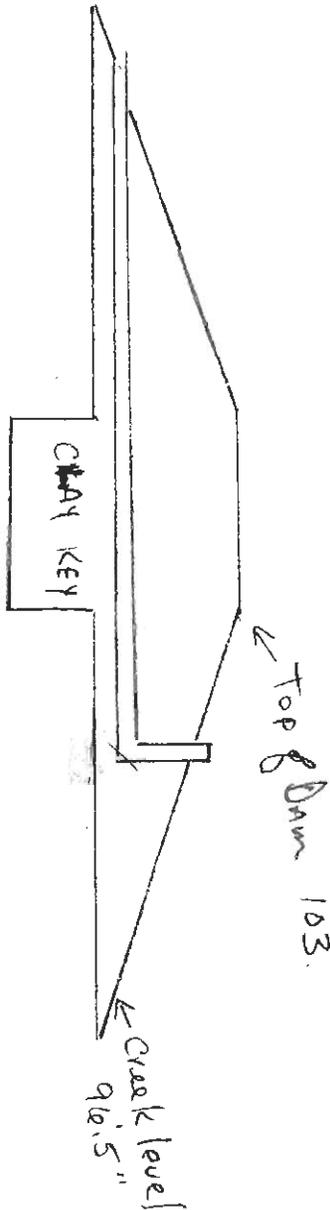
LOCATION:

unnamed tributary of Dibble Creek  
N.E. of Clermont, IA

Section B'-B

Dam A

SCALE 1" = 10'



PROJECT DESCRIPTION:

LOCATION:

Section A'-A

Dam B

