



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

PUBLIC NOTICE

Applicant: Mr. Paul McClintock
and Mr. Vernon McClintock

Date: October 18, 2004

Expires: November 16, 2004

CEMVR-OD-P-2004-735

Section: 404

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

1. Applicants .Mr. Paul McClintock, 2948 – 62nd Street Trail, Shellsburg, Iowa 52332-9551.
Mr. Vernon McClintock, 6110 – 28th Avenue Drive, Vinton, Iowa 52349-9253.
2. Project Location. Section 35, Township 83 North, Range 9 West, near Atkins, Benton County, Iowa;
Morgan Creek.
3. Project Description. The applicants propose to realign a segment of stream, and install a grade stabilization structure on a lateral waterway. The purpose of the project is to eliminate a severely eroding streambank at the outlet of a cropland waterway. The drainage area above the project site is 930 acres (1.5 square miles). The length of stream channel within the project area is 400 feet. Streambed width is 5 feet. Depth from top of bank to streambed is 5 feet. Normal streamflow is 1 foot deep. The stream channel has over time been meandering southward and cutting into the adjacent crop field and waterway. This has resulted in an unstable 3-foot overfall at the waterway outlet. Assistance was requested from the USDA Natural Resources Conservation Service (NRCS) to design a grade stabilization structure. The NRCS determined that the stream bend is too erosive and too sharp to be able to stabilize and to construct the structure. The structure, if constructed on this bend, would likely be undermined by the advancing streambank and streambed erosion. The NRCS performed a Certified Wetland Determination, and found no wetlands or farmed wetlands on this tract. Grassed buffer strips are maintained 20 to 28 feet wide on both sides of the stream.

A new channel will be excavated 200 to 250 feet long. The channel bottom will be 5 feet wide. Depth from top of bank to channel bottom will be 5 feet. The sideslopes will be graded no steeper than 2 (horizontal) to 1 (vertical). Top width will be 25 feet. The bypassed channel will be filled with soil from the new channel excavation. Grassed buffer strips will be re-established approximately 20 feet wide on both sides of the new channel.

New drainage tile was installed on both sides of the field waterway in Spring 2004. Each line is 5-inch diameter. Near the downstream end of the waterway, the two tiles junction into one 16-foot long, 6-inch diameter, corrugated metal pipe (CMP), on the east side of the waterway. The CMP outlets into the creek immediately downstream of the stream meander. Once the bypassed meander has been backfilled and well compacted, a waterway extension will be graded, approximately 100 feet long, to the excavated channel. The grade stabilization structure will be constructed at the new waterway outlet. Preliminary plans are to construct a rock chute. Final survey and design will be performed by the NRCS. The regraded field waterway will be seeded to establish permanent grass cover.

The project will result in loss of approximately 150 feet of stream channel. Within the project area, this represents a 38% reduction in length of stream channel. The NRCS and the Corps discussed alternatives. However, there appeared to be no satisfactory alternatives.

Rock riffle structures are recommended and will likely be required to be constructed at each end of the new excavated channel to minimize streambed downcutting and migration.

4. Agency Review and Where to Reply.

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 in the permit area and that the area had not been surveyed. The permit area is located in the currently active channel and immediately adjacent floodplain of Morgan 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.

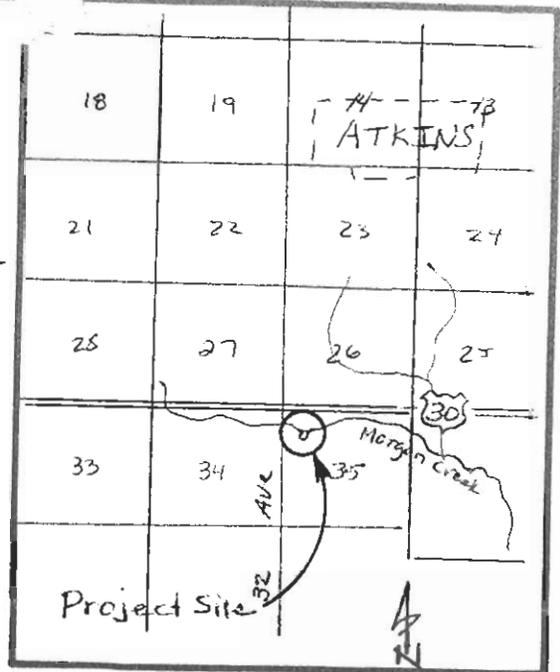
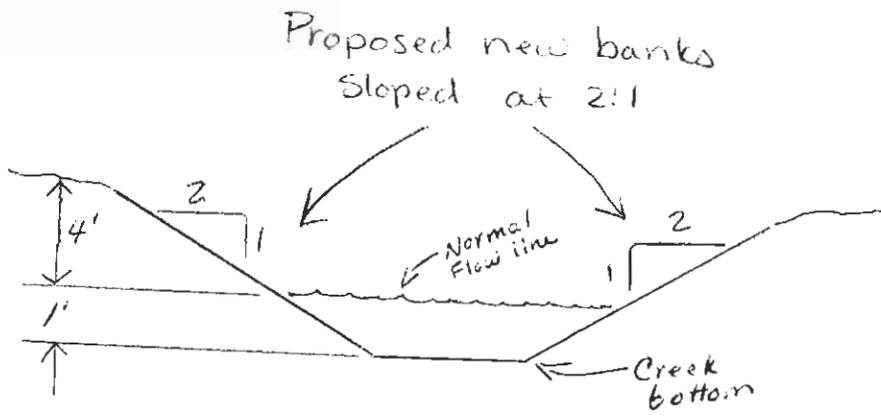
11. Reply to the Corps. Comments concerning the Corps permit should be addressed to the District Engineer, US Army Corps of Engineers, Rock Island District, ATTN: OD-P, Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. **Mr. Marlyn W. Schafer (309/794-5377)** may be contacted for additional information (email: marlyn.schafer@usace.army.mil).

Attach
Plan

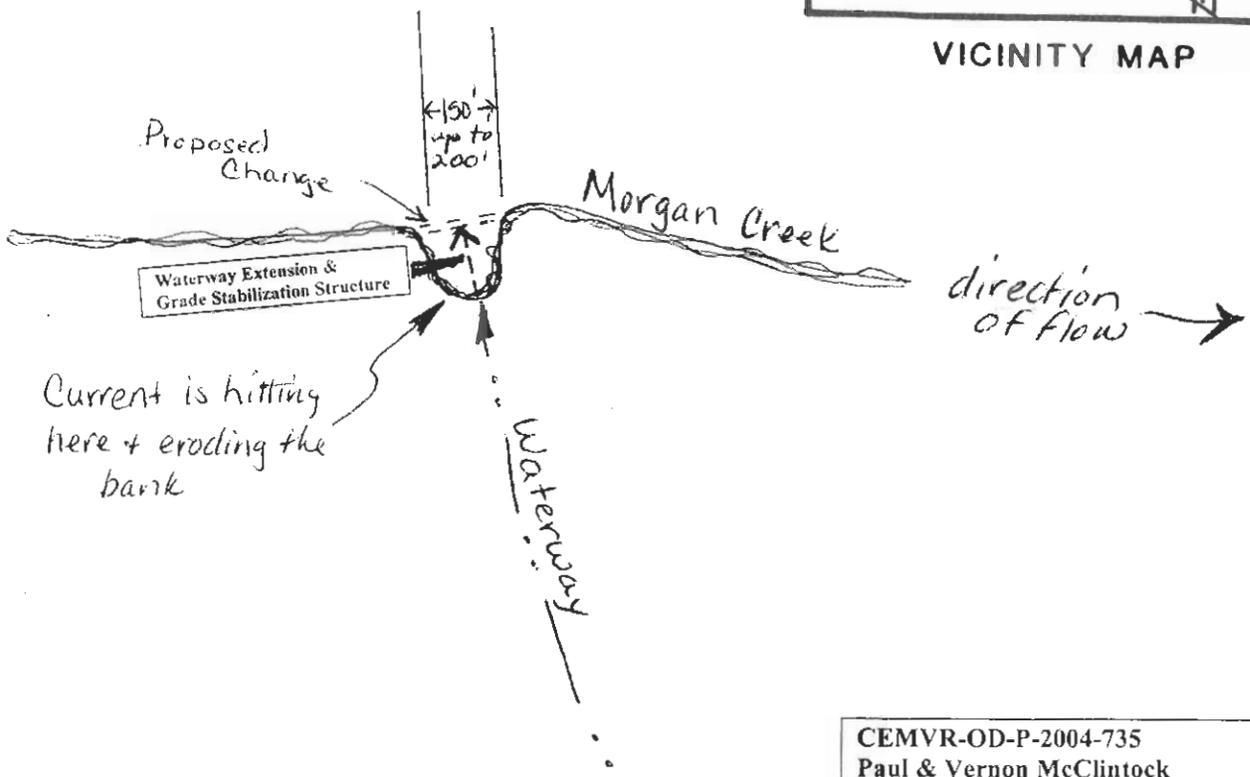
Marlyn W. Schafer
Project Manager
Regulatory Branch

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

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VICINITY MAP



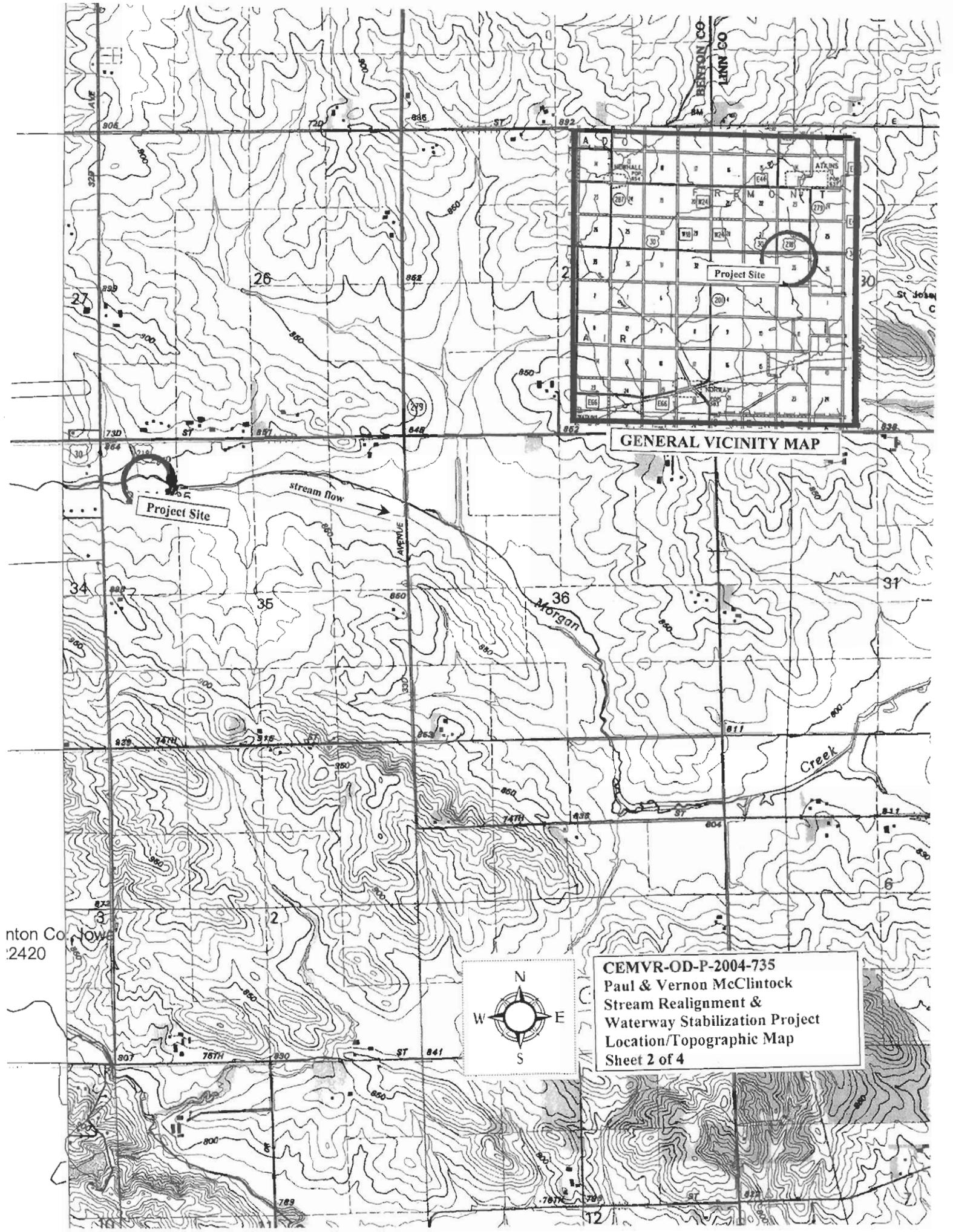
CEMVR-OD-P-2004-735
 Paul & Vernon McClintock
 Stream Realignment &
 Waterway Stabilization Project
 Site Plan
 Sheet 1 of 4

LIST OF ADJACENT PROPERTY OWNERS

NO.	NAME	ADDRESS
1.		
2.		
3.		
4.		



PROJECT DESCRIPTION:
 Remove eroding creek meander to stabilize waterway + tile outlets
LOCATION:
 Morgan Creek near Atkins, IA



GENERAL VICINITY MAP

Project Site

stream flow

Morgan

Creek

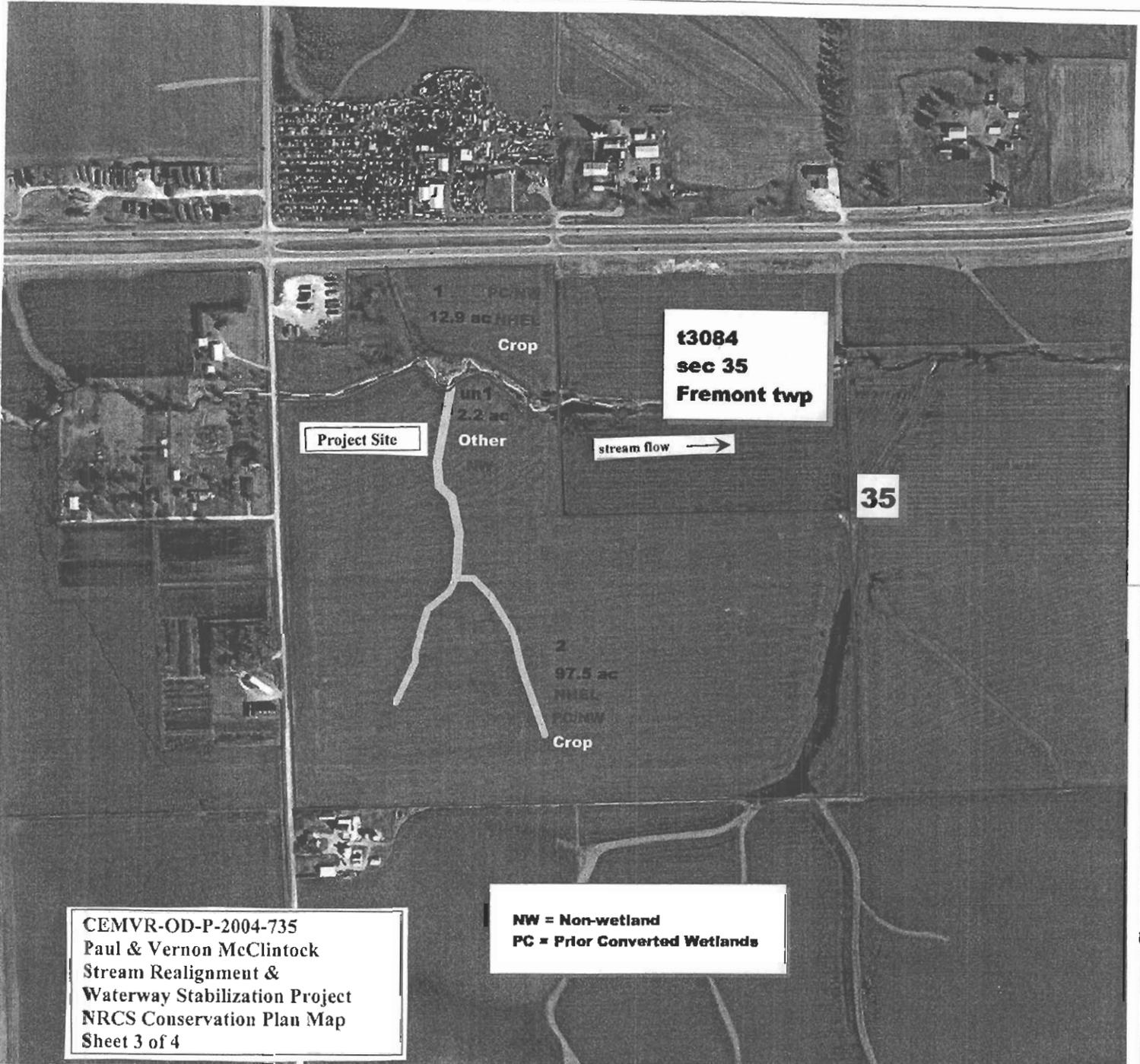


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Stream Realignment &
Waterway Stabilization Project
Location/Topographic Map
Sheet 2 of 4

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Plan Map

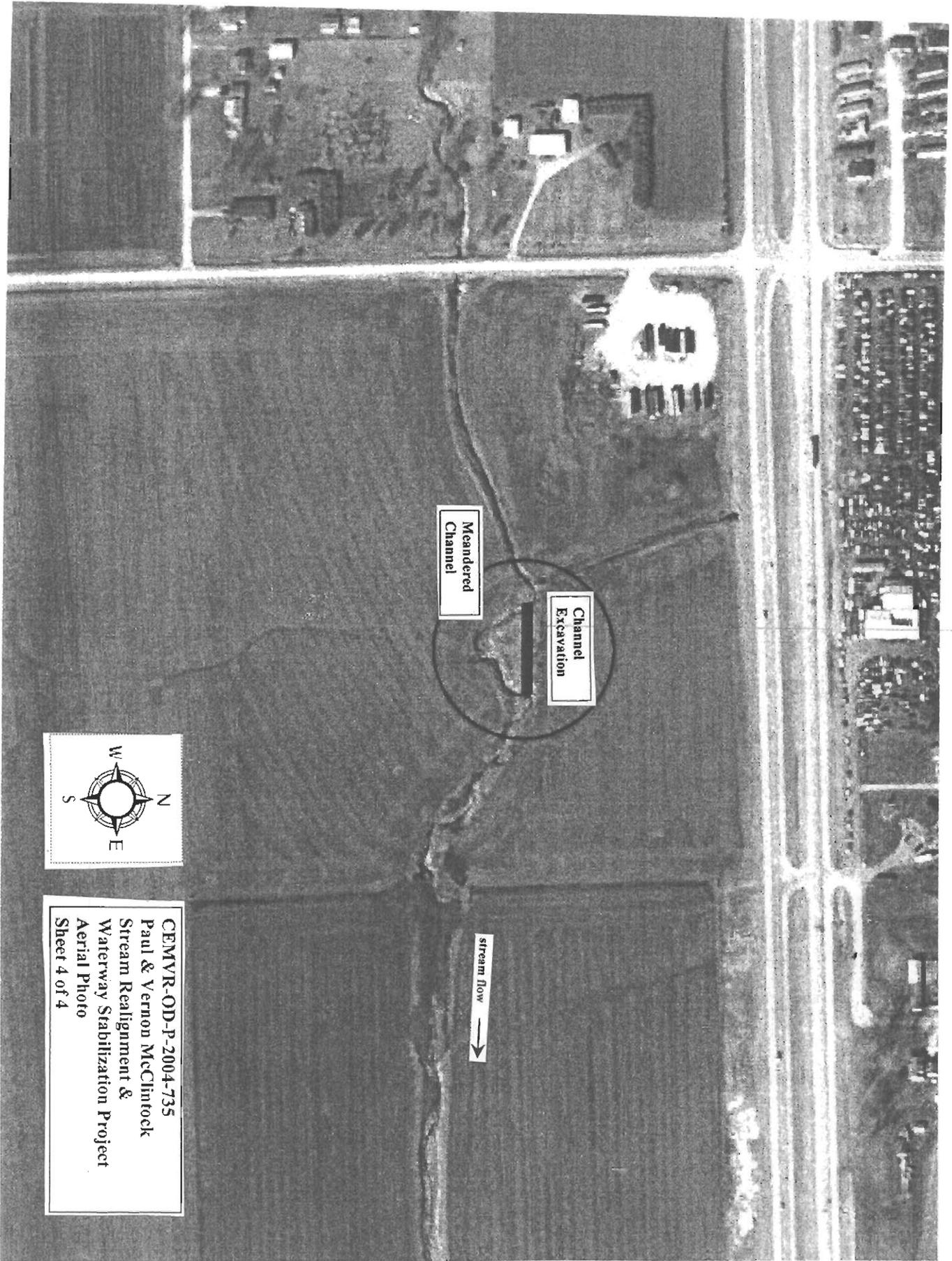
Vinton Field Office
NRCS
JMB



Legend

- Boundaries
- Waterway_412.shp
- Waters of the U.S..shp





Meandered Channel

Channel Excavation

stream flow →



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Waterway Stabilization Project
Aerial Photo
Sheet 4 of 4