



PUBLIC NOTICE

US Army Corps
of Engineers
Rock Island District

Applicant: River Products Company Date: September 29, 2020
CEMVR-OD-P-2020-1106 Expires: October 28, 2020
Section 404

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

1. **Applicant:** River Products Company, c/o: Mr. Todd Scott, 3272 Dubuque Street NE, Iowa City, Iowa 52244.

2. **Project Location:** The proposed project is located in wetlands and streams within the boundaries of the existing Ernst Quarry located in Sections 20/21, Township 80 North, Range 5 West, Johnson County, Iowa near Iowa City. The existing quarry is located at 2803 Wapsi Avenue NE. UTM NAD-83, Zone 15. Latitude 41.724203 Longitude -91.449446.

3. **Project Description:**

a. The Applicant proposes to expand existing operations at the currently operational Ernst Quarry. The site has been in operation since 1995 and based on current and projected limestone need, the quarry must expand to meet the demand.

b. To accomplish this expansion, the Applicant proposes to remove overburden from Overburden Removal Area and place it in the Overburden Placement Area, (see sheet 2 - Proposed Mining Plan and Impacts Map). The Applicant will remove all vegetation down to rock and then will extract the limestone from the removal area. Several small streams and wetlands will be permanently lost, graded and filled by this activity.

c. Within the overburden removal and placement areas, several streams and wetlands will be cleared, excavated, filled or converted to settling basins and ponds. Specifically, the streams labeled S-21/25 will be incorporated into the overburden removal area and water will flow into the new limestone pit. The water will exit this pit and go through an existing culvert under an unnamed road and into a settling basin. From the settling basin the water will flow into Rapid Creek where a rock spillway will be constructed to prevent erosion.

d. Within the overburden placement area, the streams labeled S-02/11 will be buried as will all of the associated wetlands. Streams S-12/26 will be diverted and piped and will be directed into a ponded area. Stream S-13 will be converted to a pond. The overburden will be used to expand the Applicant's finished products stockpile, create the settling and freshwater ponds and will be used to create a perimeter sight and sound barrier. Just below the overburden removal area, the left descending bank of Rapid Creek at this location will be graded and sloped, at this time no bank stabilization is anticipated. Due to the location of the wetlands and streams, no avoidance has been proposed for impacts to jurisdictional wetlands.

e. This project will result in the loss of 0.317 acres of wetland and 4,493 linear feet of streams. Of the streams 2407 feet are perennial and 2086 are intermittent. Mitigation for stream impacts will be calculated using the Iowa Stream Mitigation Method. To mitigate for the loss of the streams and wetlands, the Applicant proposes to utilize an approved wetland and stream mitigation bank within the approved service area of the impacts.

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, 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 District Archaeologist consulted with the Iowa geographic information systems archeological site and survey databases online, including the HILD layers. There are several historic properties in the vicinity of the project area. Based on information from the database it appears the project area has been surveyed previously. Once the report for the survey has been provided to the District it will be reviewed and evaluations will be made on any historic properties that need to be evaluated for Nation Register of Historic Places eligibility. Once the Distract has completed its review of the report it will be coordinated with the Iowa State Historic Preservation Office and any Tribes that express an interest in being consulted with on the project.

6. 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 as occurring in Johnson County, Iowa:

(http://www.fws.gov/midwest/Endangered/Lists/iowa_cty.html)

- Indiana Bat (*Myotis sodalist*)
- Northern Long-eared Bat (*Myotis septentrionalis*)
- Higgins Eye (pearlymussel) (*Lampsilis higginsii*)
- Eastern Prairie Fringed Orchid (*Platanthera leucophaea*)
- Prairie Bush-clover (*Lespedeza leptostyachya*)
- Western Prairie Fringed Orchid (*Platanthera praeclara*)

b. This project will have **no effect** on the two listed orchid species, the bush-clover, or the Higgins Eye because there is no habitat present for each of these species. A threatened and endangered species survey was completed by the Applicant's consultant and the habitat for these species was not located within the project area.

c. This project **may affect but is not likely to affect** the two listed bat species. According to the survey completed, there is suitable roosting habitat for the two bat species on-site and on adjacent parcels. We will coordinate the report with the U.S. Fish and Wildlife Service.

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.

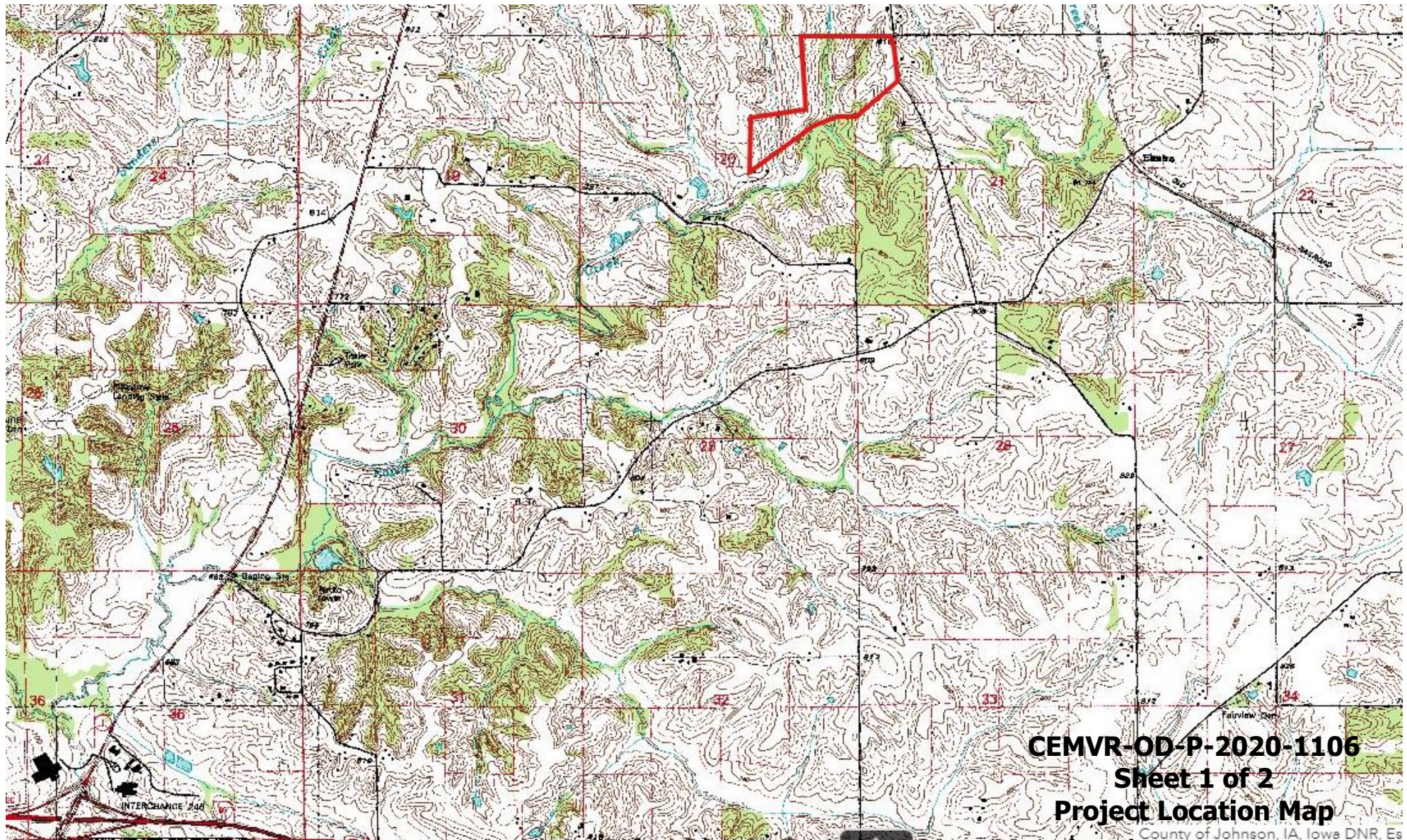
11. **Reply to the Corps.** Comments concerning the Corps permit should be addressed to the District Engineer, US Army Corps of Engineers, Rock Island District, ATTN: OD-P, Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. For additional information please contact **Mr. Albert J. Frohlich (309) 794-5859**, email: Albert.J.Frohlich@usace.army.mil.



Mr. Albert J. Frohlich, Project Manager
Regulatory Branch

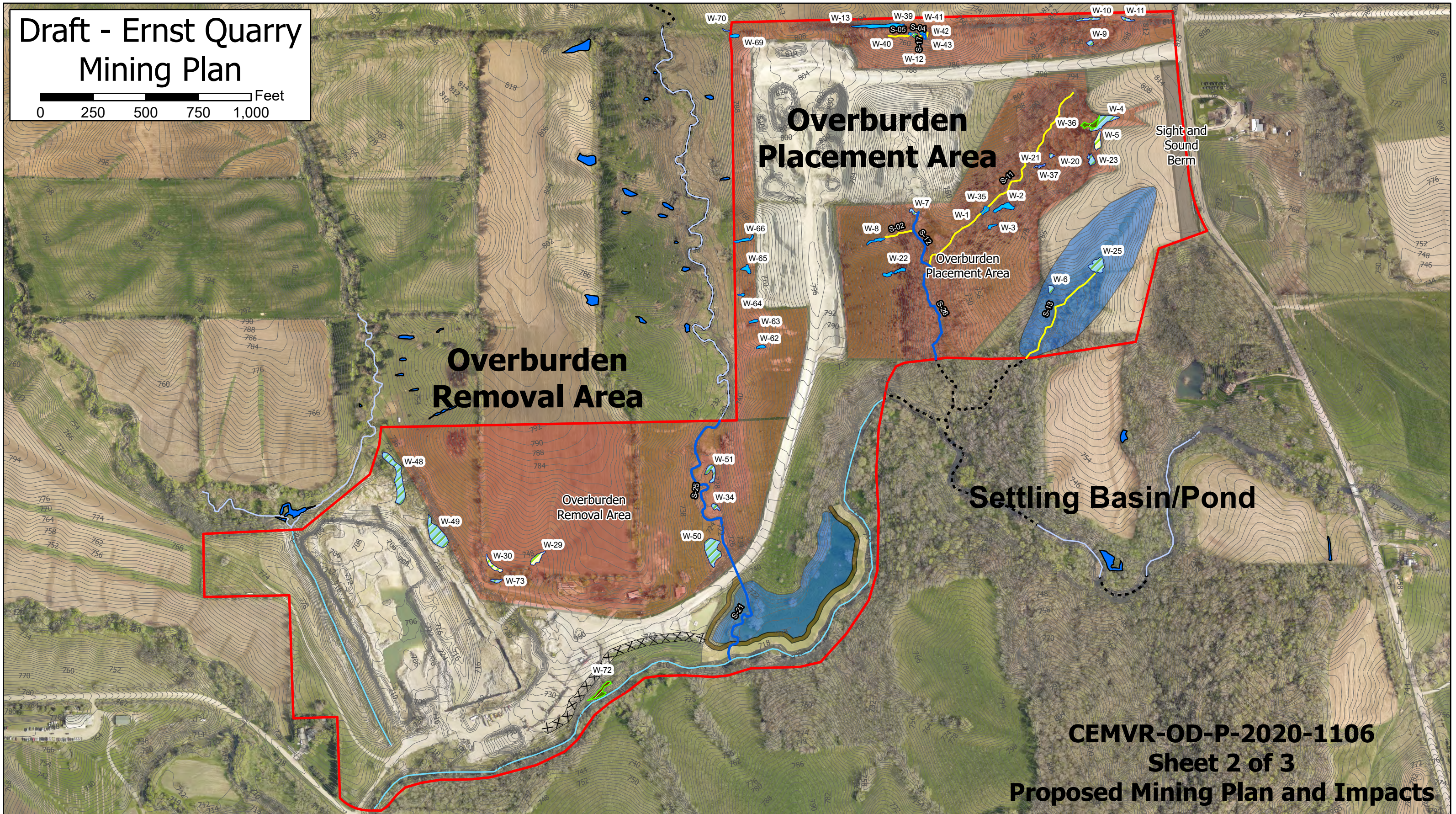
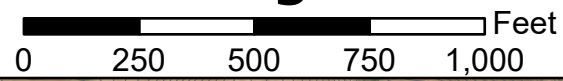
Attach
Plan

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Project Location Map
County of Johnson, IA, Iowa DNR, Es

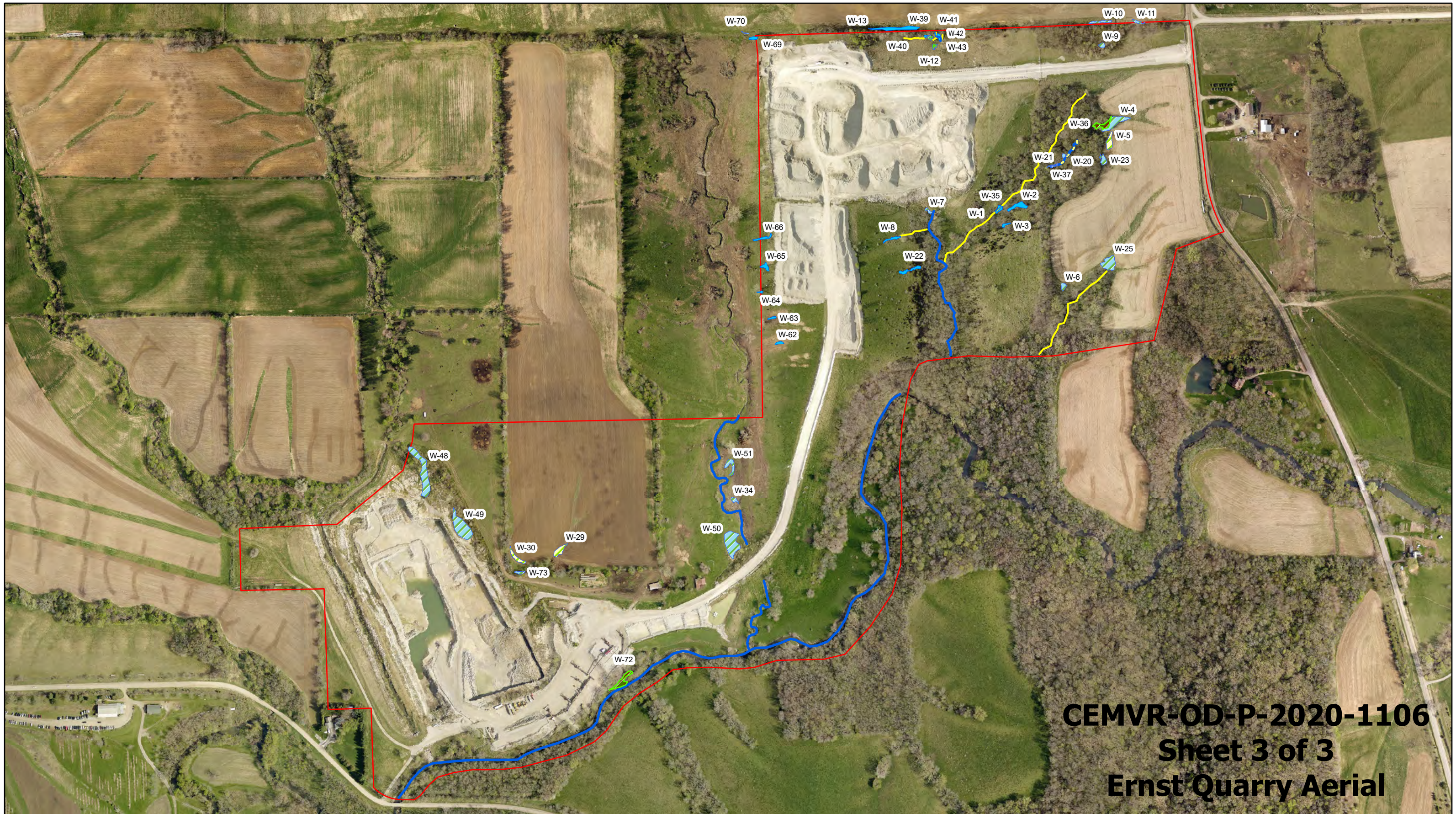
Draft - Ernst Quarry Mining Plan



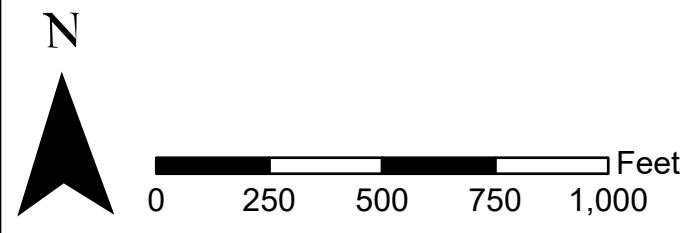
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Proposed Mining Plan and Impacts

	Phase I Current Boundary (168 acres)	20' Berm	Originally Proposed Impacts - Wetlands	Emergent - Seep (0.26 ac)	Originally Proposed Impacts - Streams
	Mining Plan Overburden Removal and Placement Area Settling and Fresh Water Pond	Slope to Rapid Creek Sight and Sound Berm Protection Barrier/Fence	Current Proposed Impacts - Wetlands Emergent (0.82 ac) Emergent - Farmed (0.11 ac) Forested (0.09 ac)	Existing Waterway (no impacts) Extended Streams (outside of impacts)	Shrub-scrub (0.02 ac)





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Ernst Quarry Aerial



- Phase 1 Boundary (170 acres)
- Stream Impacts**
- Ephemeral
- Intermittent
- Perennial
- Wetland Impacts**
- Emergent
- Emergent - Farmed
- Forested
- Emergent - Seep
- Shrub-scrub