



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

# PUBLIC NOTICE

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Applicants: Tama County  
Conservation Board

Date: July 22, 2021

Expires: August 20, 2021

CEMVR-RD-2021-0471

Section 404

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

- 1. Applicant:** Tama County Conservation Board, c/o: Mr. Stephen Mayne, 2283 Park Road, Toledo, Iowa 502342.
- 2. Project Location:** The project is located at Otter Creek Lake & Park, east of CR R22/North 10<sup>th</sup> Street, west of North Warrior Lane, north of I-35/I-80, west of N Avenue, east of M Avenue, north of 28<sup>th</sup> Street, and south of 260<sup>th</sup> Street, in Sections 30, Township 84 North, Range 14 West, Tama County, Iowa. UTM NAD-83 Zone 15, Latitude 42.053566, Longitude -92.521509.
- 3. Project Description:** The Applicant proposes construct a larger pond over an existing smaller pond. This project is part of a series of phased projects to improve the water quality of the lake. Impacts to Waters of the U.S., will occur through the removal of the existing pipe and riser through the existing pond and construction of a larger earthen embankment over the existing embankment. Specifically, this project will involve the permanent loss of 0.484 acres of wetland, 1434 linear feet of stream, 0.069 acres of open water and temporary impacts to 0.182 acres of open water. Multiple wetlands totaling 0.478 acres will be lost due to the permanent inundation from the creation of the larger pond. The new embankment will permanently fill in 0.006 acres of wetland and 0.182 acres of open water. The new pond footprint will inundate 1434 linear feet of stream and convert it to open water. There will be 0.633 acres of temporary impacts to open water features when the new pond is created. As this project exceeds 0.1 acre of wetland loss, and the mitigation thresholds for previous phases have been met, mitigation will be required for all phases of this project. The applicant proposes to mitigate for the losses of aquatic resources through permittee responsible mitigation, on-site in the northwest corner of Otter Creek Lake. Alternatives, both on-site and off-site will be evaluated to ensure compliance with the 404 B 1 guidelines.
- 4. Purpose and Need:** The applicant states that Otter Creek Lake's water quality is impaired, and one source of this impairment is the high algal production and algal turbidity levels caused by high phosphorous loads entering the lake. The applicant states that purpose of this project is to improve and protect the water quality of Otter Creek lake. The applicant states that this project will improve water quality by trapping sediment and associated nutrients from entering Otter Creek Lake.

## 5. 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 E. 9<sup>th</sup> 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).

6. **Historical/Archaeological:** The Corps consulted with the Iowa I-Sites online geographic information systems (GIS) archeological site and survey databases (including the HILD data layer) and there were no sites in proximity of the project area shown on the I-Sites GIS website. A Phase 1 Archeologic Survey was completed, and no eligible sites were discovered. A "**no historic properties affected**" determination was made and the Phase 1 survey will be coordinated with the Iowa SHPO.

7. **Endangered Species:** 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 Polk County, Iowa: (<https://ecos.fws.gov/ipac/>)

- Indiana bat (*Myotis sodalis*) & Northern long-eared bat (*Myotis septentrionalis*) – The project area does not contain any known roost trees or hibernacula. The project area does contain large forested areas and potentially suitable habitat so this project **may affect but is not likely to adversely affect** any endangered and threatened bats. Coordination with the United States Fish and Wildlife service may be conducted.
- Prairie Bush-clover (*Lespedeza leptostachya*) – The project site does not contain dry to mesic prairies with gravelly soils; therefore, the Corps has determined there will be **no effect** to this species.
- Western Prairie Fringed Orchid (*Platanthera praeclara*) – The project site does not contain mesic to wet unplowed tallgrass prairies and meadows, therefore the Corps has determined there will be **no effect** to this species.
- Eastern Prairie Fringed Orchid (*Platanthera leucophaea*) – The project site does not contain mesic to wet prairies and meadows; therefore, the Corps has determined that there will be **no effect** to this species.

8. **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).

**9. 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.

**10. 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.

**11. 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.

**12. 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: RD (MEINCKE), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. For additional information contact **Mr. Alex Meincke 309-794-5368** or email: [alexander.c.meincke@usace.army.mil](mailto:alexander.c.meincke@usace.army.mil).

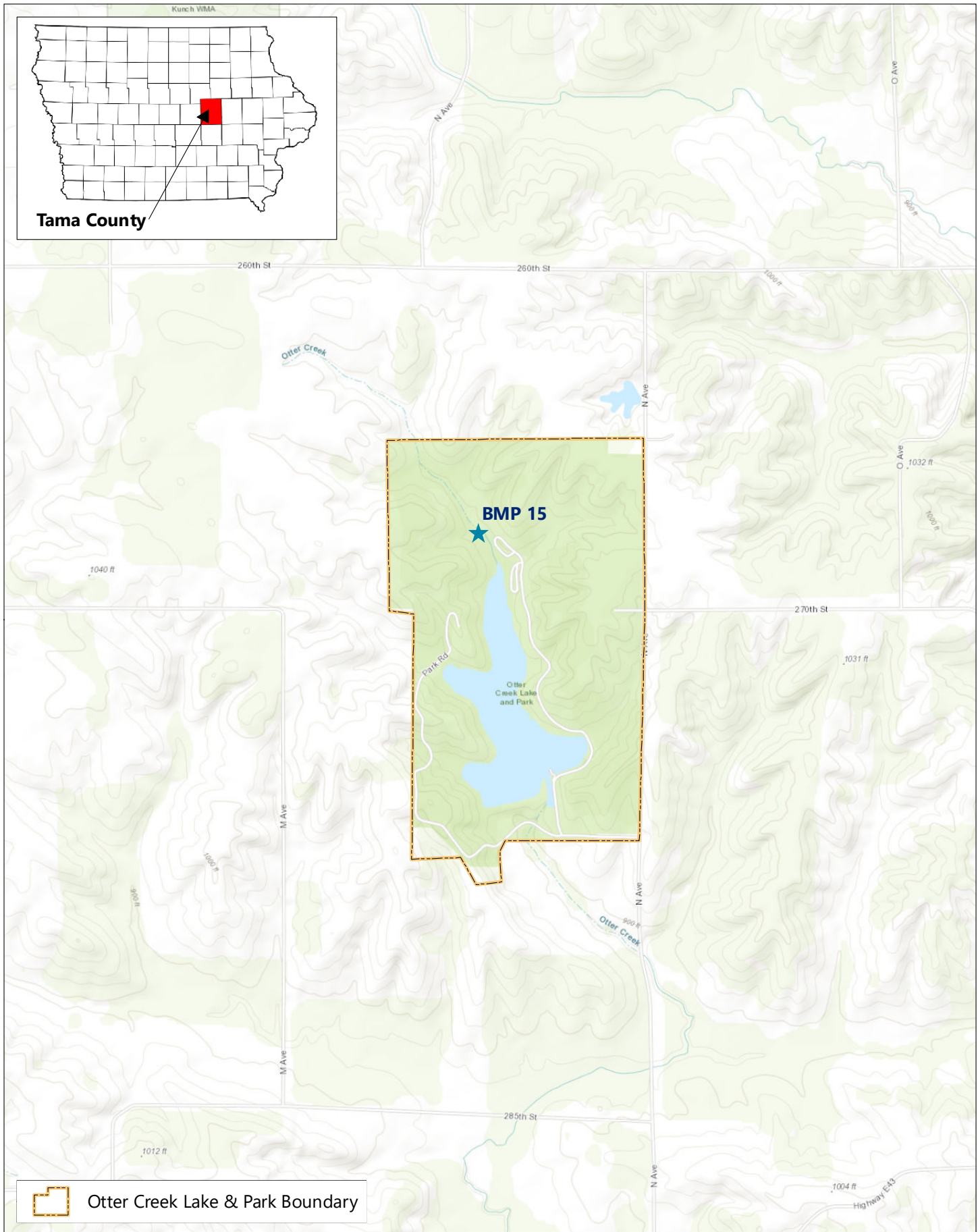
*Alex Meincke*

Attach  
Plan

Mr. Alex C. Meincke  
Project Manager, Western Branch  
Regulatory Division

**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.

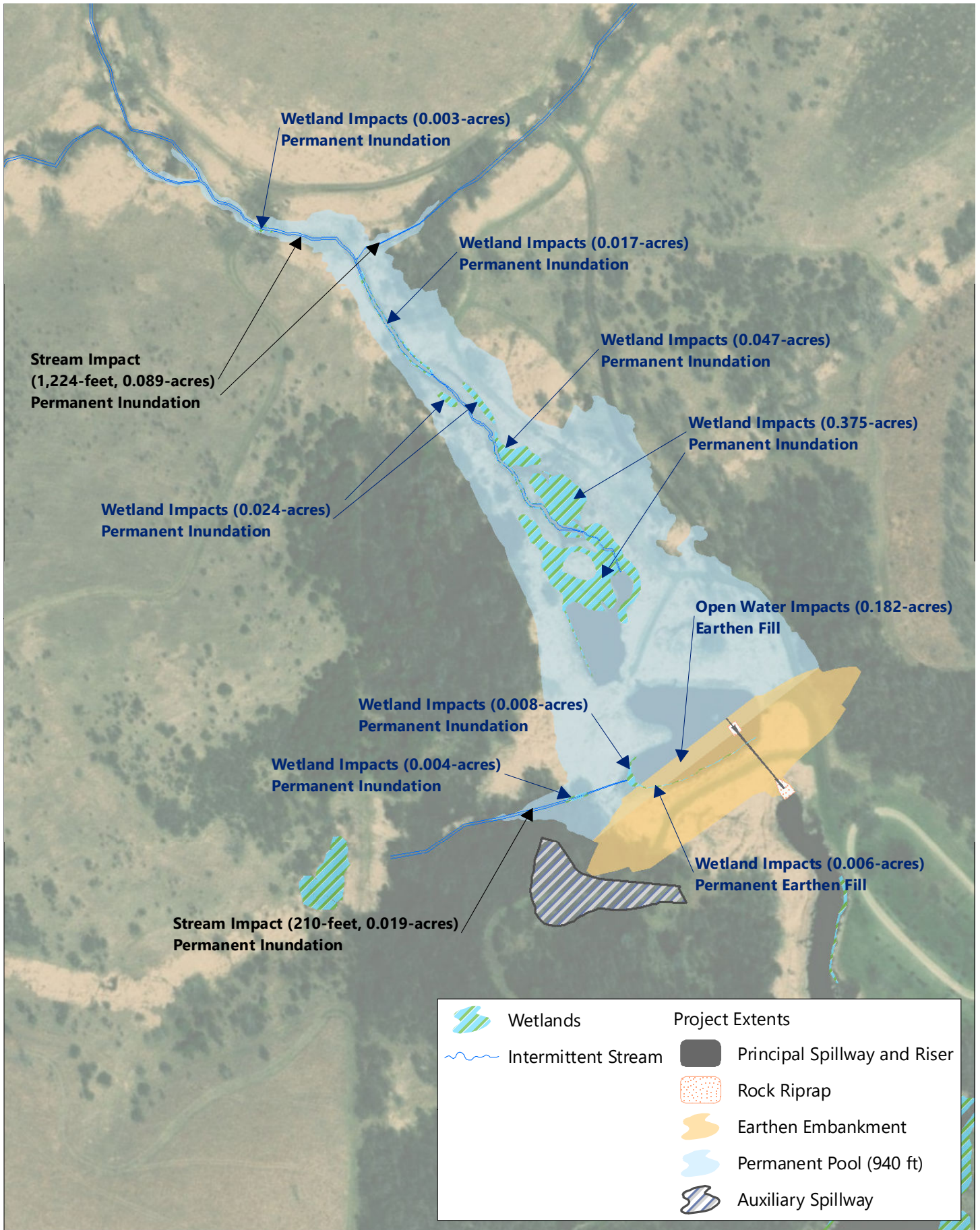


**Figure 1. Project Location**

Request for Individual Permit  
 Otter Creek Lake & Park Project - BMP 15  
 Tama County Conservation Board







**Figure 2. Project Impacts, Plan View**

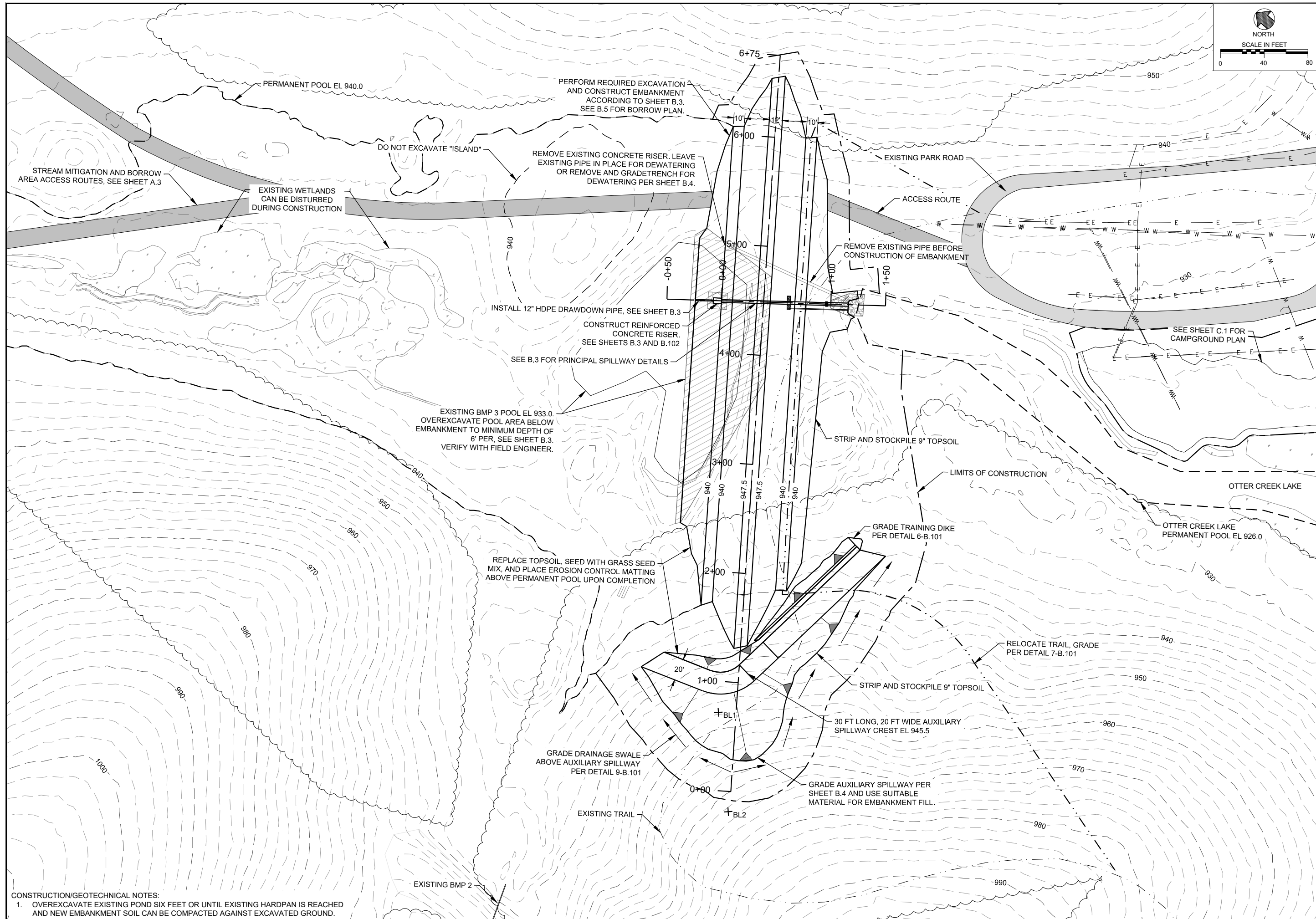
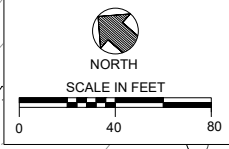
Request for Individual Permit  
 Otter Creek Lake & Park Project - BMP 15  
 Tama County Conservation Board



0 200 Feet







OTTER CREEK LAKE RESTORATION PHASE 3  
TAMA COUNTY CONSERVATION BOARD  
TAMA COUNTY, IOWA  
2021

ENGINEER'S SEAL

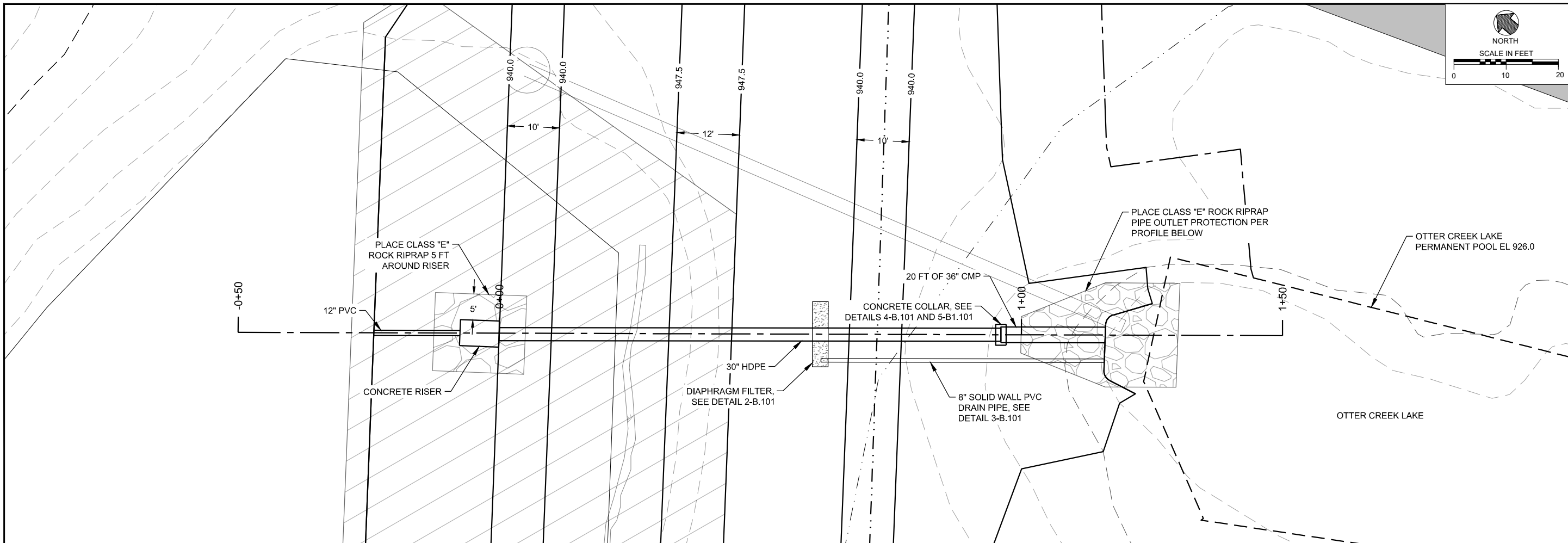
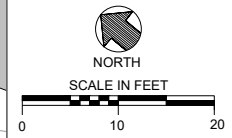
REVISIONS	
NO.	DATE

DESIGNED BY: SEM  
DRAWN BY: CKW  
QA / QC BY: MKS  
PROJECT NO.: 145-20-01  
DATE: MAY 2021

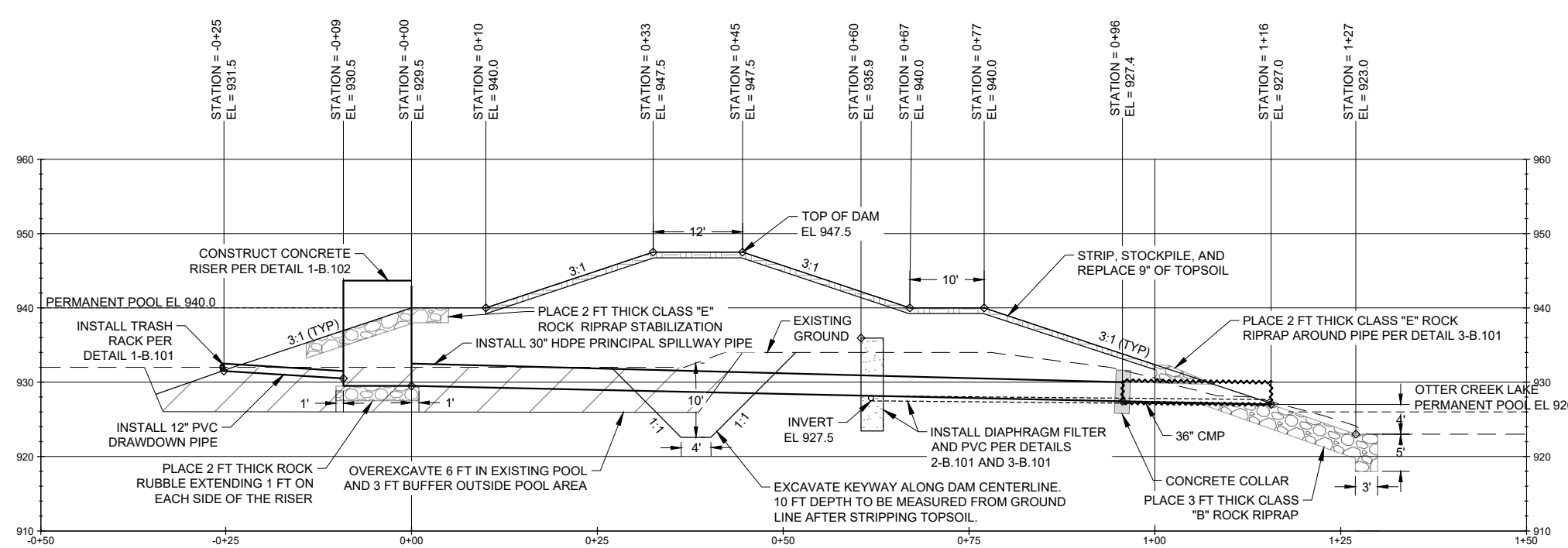
TITLE  
**BMP 15  
SITE PLAN**

SHEET  
**B.2**

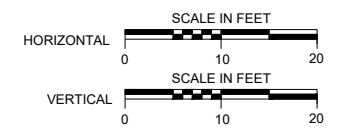
CONSTRUCTION/GEOTECHNICAL NOTES:  
1. OVEREXCAVATE EXISTING POND SIX FEET OR UNTIL EXISTING HARDPAN IS REACHED AND NEW EMBANKMENT SOIL CAN BE COMPACTED AGAINST EXCAVATED GROUND.



PLAN VIEW



PROFILE VIEW



OTTER CREEK LAKE RESTORATION PHASE 3  
TAMA COUNTY CONSERVATION BOARD  
TAMA COUNTY, IOWA  
2021

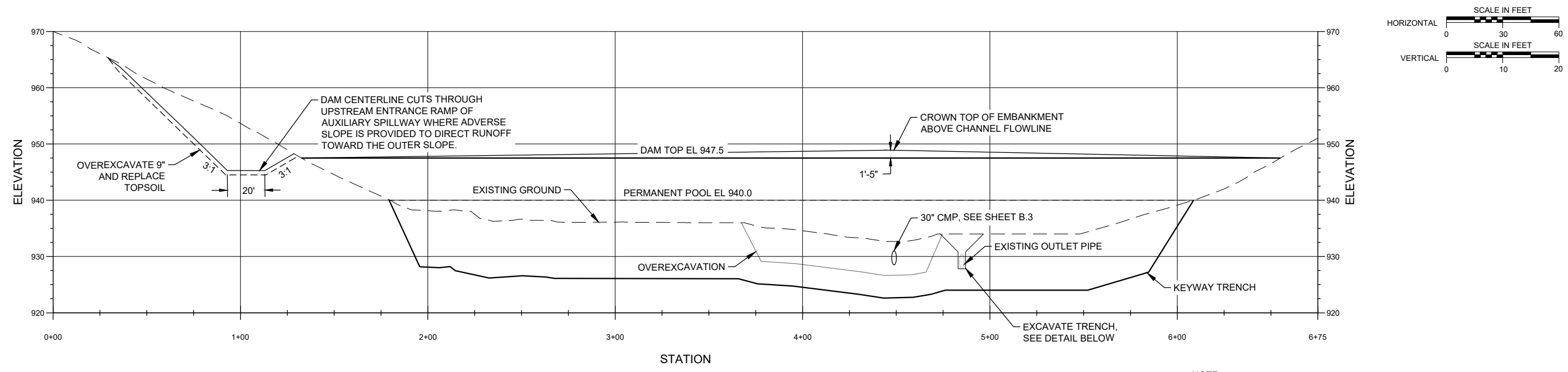
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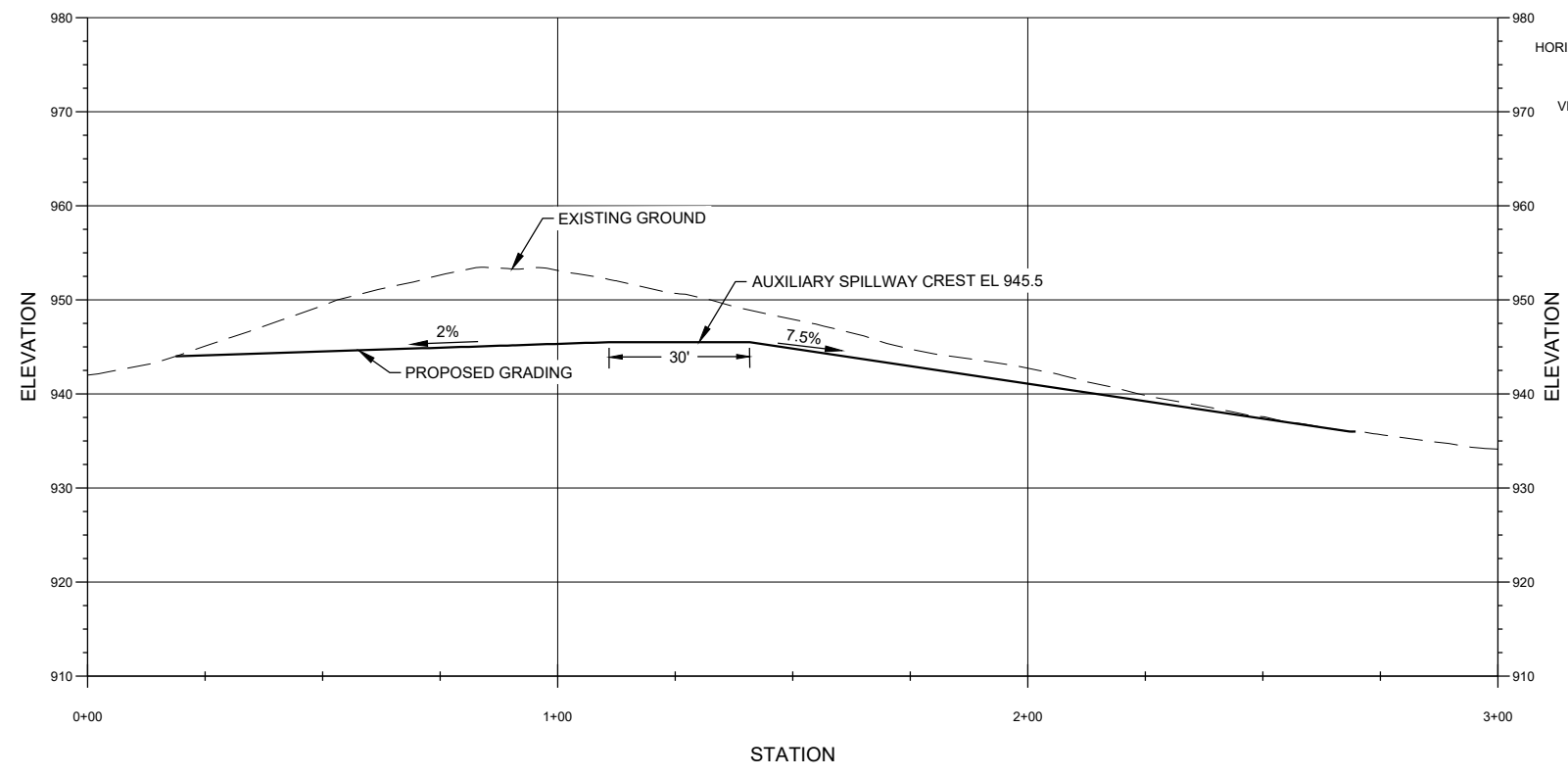
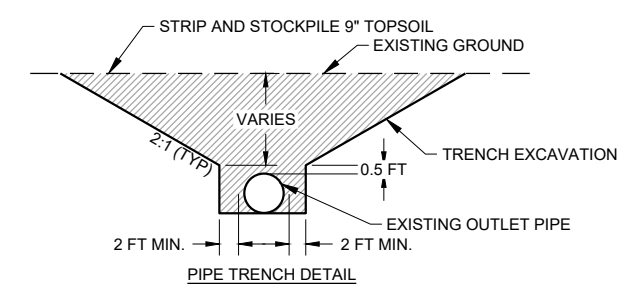
TITLE  
**BMP 15  
PLAN AND  
PROFILE**

SHEET  
**B.3**



**BMP 15 EMBANKMENT CENTERLINE PROFILE**

NOTE:  
CONTRACTOR CAN USE EXISTING PIPE OR TRENCH FOR DEWATERING EXISTING POND. TRENCH TO BE BACKFILLED ONCE CONSTRUCTION OF EMBANKMENT STARTS.



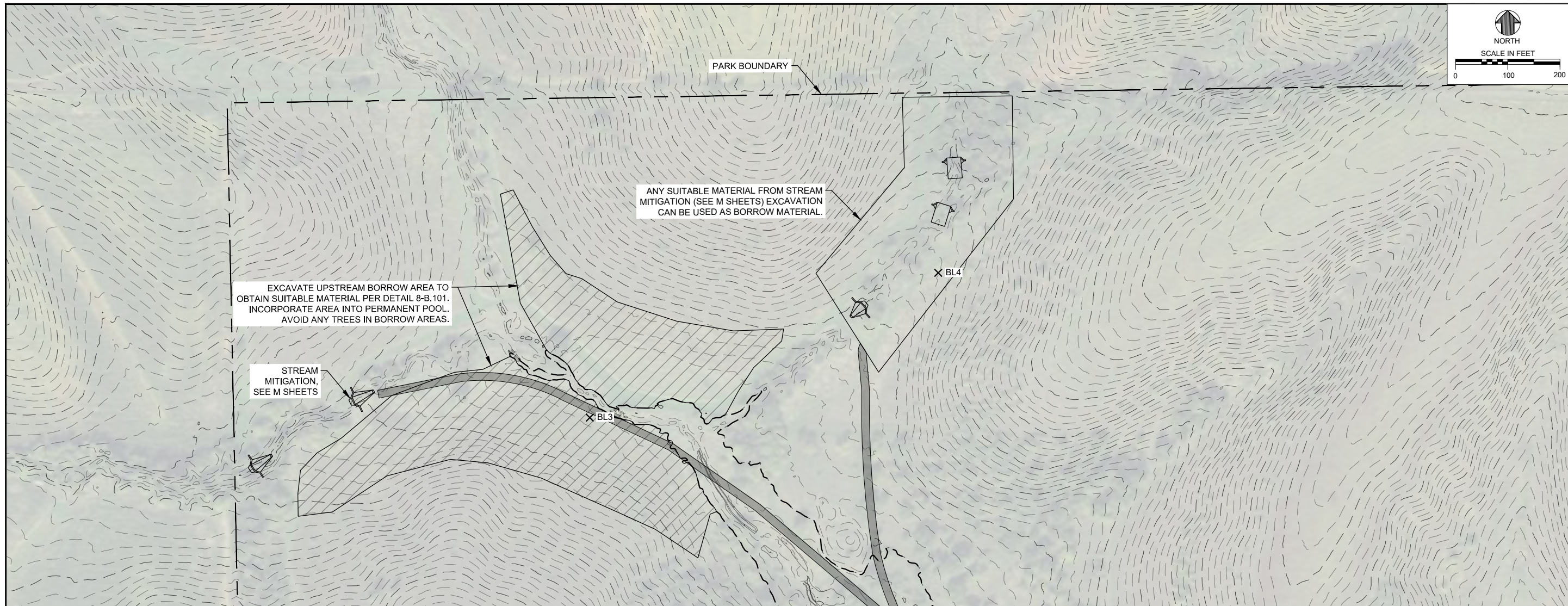
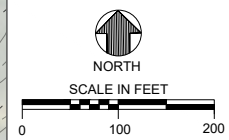
**BMP 15 AUXILIARY SPILLWAY PROFILE**

REVISIONS	
NO.	DATE

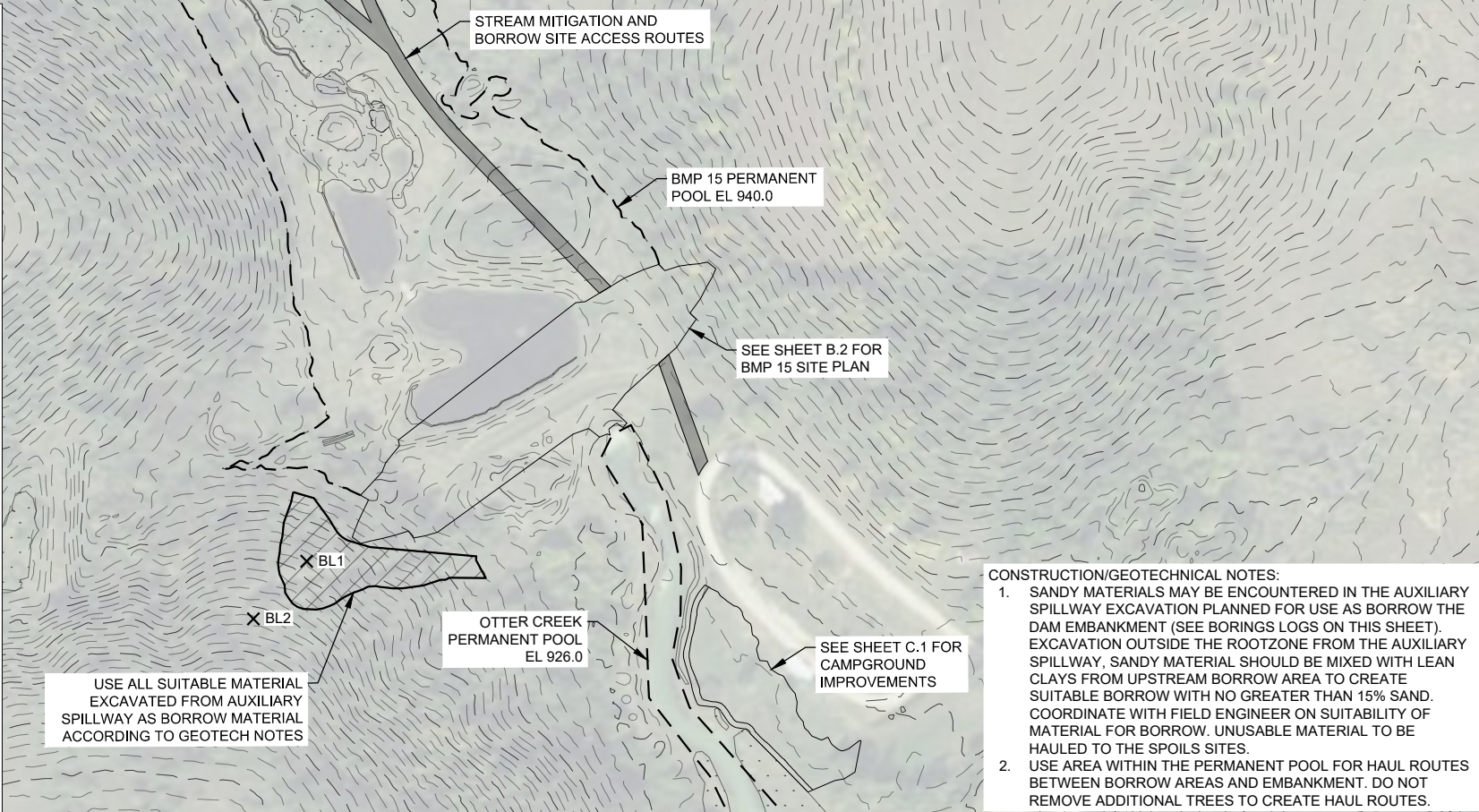
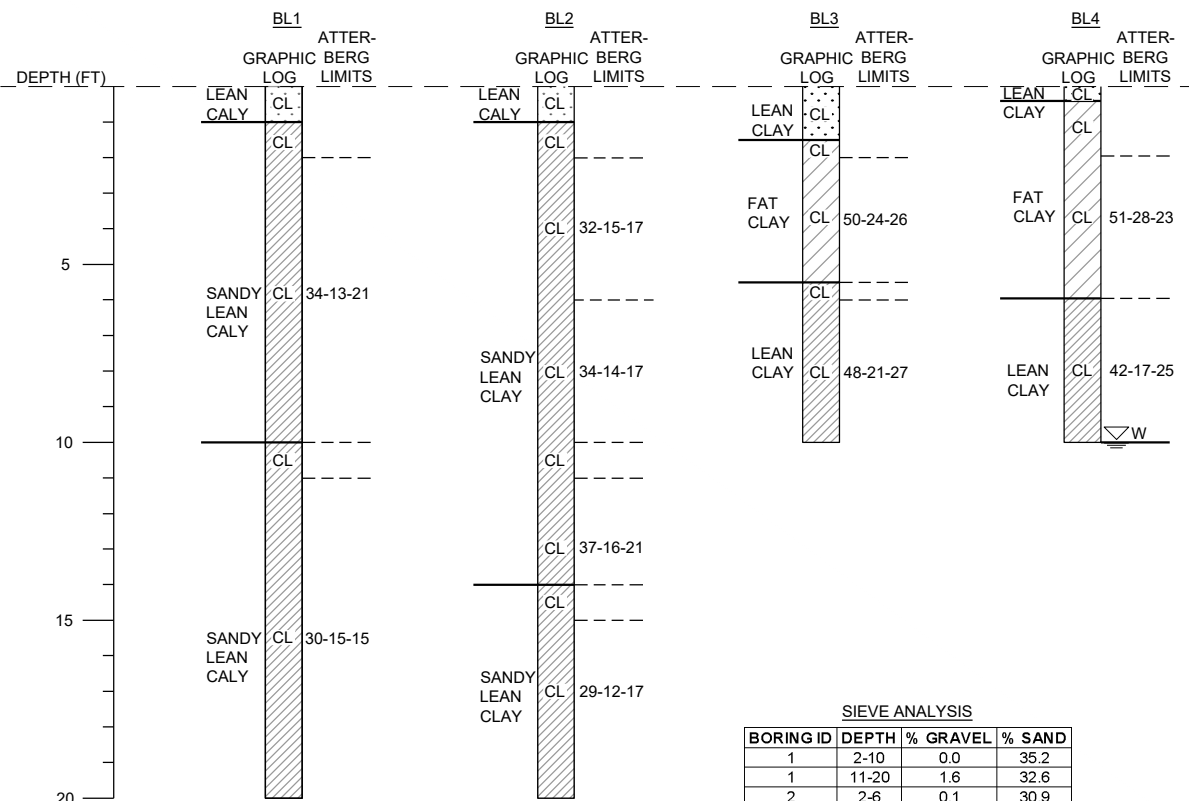
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DRAWN BY: CKW  
QA / QC BY: MKS  
PROJECT NO.: 145-20-01  
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TITLE  
**BMP 15  
PROFILES**





**BORING LOGS**



- CONSTRUCTION/GEOTECHNICAL NOTES:**
- SANDY MATERIALS MAY BE ENCOUNTERED IN THE AUXILIARY SPILLWAY EXCAVATION PLANNED FOR USE AS BORROW THE DAM EMBANKMENT (SEE BORINGS LOGS ON THIS SHEET). EXCAVATION OUTSIDE THE ROOTZONE FROM THE AUXILIARY SPILLWAY. SANDY MATERIAL SHOULD BE MIXED WITH LEAN CLAYS FROM UPSTREAM BORROW AREA TO CREATE SUITABLE BORROW WITH NO GREATER THAN 15% SAND. COORDINATE WITH FIELD ENGINEER ON SUITABILITY OF MATERIAL FOR BORROW. UNUSABLE MATERIAL TO BE HAULED TO THE SPOILS SITES.
  - USE AREA WITHIN THE PERMANENT POOL FOR HAUL ROUTES BETWEEN BORROW AREAS AND EMBANKMENT. DO NOT REMOVE ADDITIONAL TREES TO CREATE HAUL ROUTES.

ENGINEER'S SEAL

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DRAWN BY: CKW  
QA / QC BY: MKS  
PROJECT NO.: 145-20-01  
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TITLE  
**BMP 15  
BORROW  
SITE PLAN**

SHEET  
**B.5**