



# PUBLIC NOTICE

US Army Corps  
of Engineers  
Rock Island District

Applicant: US Army Corps of Engineers

Date: August 31, 2021

CEMVR-OD-P-2021-01173

Expires: Sept 30, 2021  
Section 404

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## Public Notice US Army Corps of Engineers

- 1. Applicant:** U.S. Army Corps of Engineers – Rock Island District, Clock Tower Building, Rock Island, IL 61204-2004
- 2. Project Location:** The proposed dredge operations are located on the Mississippi River at two locations, Duck Creek Dredge Cut in Pool 13, and Deadman’s Light Dredge Cut in Pool 12. The dredge material placement is at two potential locations, Duck Creek, Site #1 Historic Island Bank line (#1) on the downstream extent of the island below the ordinary high-water mark (OHWM); and Deadman’s Light, Site #6 Historic Island Iowa Bank line (#6) along the right descending bank below the OHWM at river mile RM 567. Duck Creek Dredge Cut is in Pool 13 Mississippi River between RM 554.1 -555.0, and Deadman’s Light Dredge Cut is in Pool 12 between RM 568.5 -568.8. The Project lies in Dubuque and Jackson Counties, Iowa, and Jo Daviess County, Illinois. The nearest town is Bellevue, Iowa.
- 3. Project Description:** In order to maintain the 9-foot navigation channel, dredging needs to be performed at various locations on the Upper Mississippi River within the U.S. Army Corps of Engineers, Rock Island District (District). There is currently a need to dredge the navigation channel between river mile 554.1-555.0, referred to as Duck Creek, and between river mile 568.5-568.8, Deadman’s Light. Dredged material is removed from the channel by hydraulic or mechanical dredging. The District has not dredged Duck Creek since 1962 with placement on the left descending bank line between RM 554.3-554.7 and the right descending bank line between RM 554.3- 555.4. Deadman’s Light Cut has not been dredged since 1969 with placement on the right descending bank line between RM 568.5 – 568.9. Surveys estimate approximately 15,000 CY at the Duck Creek cut, and approximately 39,000 cubic yards (CY) at the Deadman’s Light cut needing to be dredged. Dredging quantities will likely change due to river conditions.

Site 1 and Site 6 were selected by the District based on its low potential for environmental impacts. Dredged material would be placed up to but not exceeding the OHWM of 588.32 ft NAVD88 for Site #1, and 593.31 ft NAVD88 for Site #6. Dredged material on the bank line (to an elevation of 588.32 ft NAVD88 for Site #1, and 593.31 ft NAVD88 for Site #6) has no impact on flow velocity and provides a stable location for the dredged material. Placement of dredged material at these sites would present no-rise in the water surface elevations at this site or upstream of this site.

The District completed an environmental assessment for this action located:

<https://www.mvr.usace.army.mil/About/Offices/Programs-and-Project-Management/Civil-Works-Public-Notices/Article/2757075/channel-maintenance-dredging-duck-creek-cut-mississippi-pool-13-river-mile-5543/>

- 4. Avoidance and Minimization Statement.** Prior to the placement of any dredged material, representatives of the Rock Island District and the On-Site Inspection Team (OSIT) which included the U.S. Department of the Interior, Fish and Wildlife Service and representatives from the Illinois and Iowa Department of Natural Resources met to discuss and determine the preferred placement sites for the material and avoid placement sites that may have sensitive resources or have detrimental impacts. The Corps initially looked at 3 potential placement sites for this project. Sites were removed from consideration based on agency input, operational logistics, and potential impacts to river industry.

### 5. Agency Review.

a. Department of the Army, Corps of Engineers.

- (1) 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).
- (2) The District completed floodplain analysis prior to placement of dredged material to ensure the proposed action conforms to ER 1165-2-26, Implementation of Executive Order 11988 on Flood Plain Management. There would be negligible rise in water surface elevations after dredging and placement of material for proposed placement sites in both reaches. More information on the modeling effort can be found in Appendix A, Pertinent Correspondence of the Environmental Assessment.

b. State of Iowa. The project plans have been submitted to the Iowa Department of Natural Resource (IA DNR) for review.

**6. Historical/Archaeological.**

a. The District and the Illinois State Historic Preservation Officer (SHPO), the Iowa SHPO, and the Advisory Council on Historic Preservation (Council) have signed Programmatic Agreements (PAs) regarding implementation of dredged material placement for the Mississippi River miles 554.1 to 568.8. These PAs are appropriate for addressing historic property concerns for dredged material placement promulgated by the National Historic Preservation Act (NHPA), as amended and its implementing regulation 36 CFR Part 800: "Protection of Historic Properties."

- 1) Programmatic Agreement Among the Rock Island District of the U.S. Army Corps of Engineers, the Advisory Council on Historic Preservation, and the Illinois State Historic Preservation Officer, the Iowa State Historic Preservation Officer, the Missouri State Historic Preservation Officer and the Wisconsin State Historic Preservation Officer Regarding Implementation of the Short-Term Dredged Material Placement.
- 2) Programmatic Agreement Among the Rock Island District of the U.S. Army Corps of Engineers, the Advisory Council on Historic Preservation, and the Illinois State Historic Preservation Officer, the Iowa State Historic Preservation Officer, the Missouri State Historic Preservation Officer and the Wisconsin State Historic Preservation Officer Regarding Implementation of the Long-Term Dredged Material Placement.

b. If human remains, funerary objects, sacred objects, or objects of cultural patrimony are encountered or collected, the District will comply with all provisions outlined in the appropriate State acts, statutes, guidance, provisions, etc., and any decisions regarding the treatment of human remains will be made recognizing the rights of lineal descendants, Tribes, and other Native American Indians and under consultation with the SHPO/THPO(s) and other consulting parties, designated Tribal Coordinator, and/or other appropriate legal authority for future and expedient disposition or curation. When finds of human remains, funerary objects, sacred objects, or objects of cultural patrimony are encountered or collected from Federal lands or federally recognized tribal lands, the District will coordinate with the appropriate federally recognized Native American Tribes, pursuant to the Native American Graves Protection and Repatriation Act.

c. There are no shipwrecks or underwater historic properties in the dredging vicinity according to relevant reports curated by Rock Island District. The sites #1 and #6 will be utilized for primary dredge placement at Duck Creek and Deadman's Light. Site #1 was formerly used for bank line placement in the 1950s and 1960s. Site #6 was used for historic dredge placement in 1940. Due to the primary placement location's limited impact and the documented recent age of the sediment at these locations, the District determined that no historic properties would be affected by dredging or dredge material placement associated with this action. Rock Island District has coordinated this action with the Illinois SHPO (Log No. 003092920), the Iowa SHPO (R&C 201000012), Tribal representatives, and all interested parties in accordance with the existing PAs (where applicable), and in full compliance with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR 800.

**7. Endangered Species.** There are 10 federally-listed threatened and endangered species for Dubuque and Jackson Counties, Iowa, and Jo Daviess County, Illinois. The Higgins eye pearly mussel (*Lampsilis higginsii*), sheepnose mussel (*Plethobasus cyphus*), spectaclecase mussel (*Cumberlandia monodonta*), Iowa Pleistocene snail (*Discus macclintocki*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), eastern prairie fringed orchid (*Platanthera leucophaea*), northern wild monkshood (*Aconitum noveboracense*), prairie bush clover (*Lespedeza leptostachya*), and western prairie fringed orchid (*Platanthera praecleara*) are listed as threatened or endangered species.

Based on the habitat needs of the species, the dredging season, and typical dredge and placement practices, the only species perceived to be potentially affected by dredge and placement operations are the Higgins eye pearly mussel, the spectecase mussel, and the sheepnose mussel. Potential impacts to other species such as the bat species are likely to be more easily identified and avoided during the coordination process. The OSIT and the District met on site on July 2, 2020, to evaluate natural resources impacts from potential placement options in both reaches; the OSIT recommended bankline placement for dredged material. The OSIT also performed pollywog surveys at all sites (#1, #6, and #7). If Site #7 were used as a secondary placement site in the future, the District would need to coordinate its Not Likely to Adversely Affect determination for listed mussel species. The District determined that implementation of the Preferred Alternative (Sites #1 and #6) will have no effect on any federally listed threatened or endangered species.

At this time, we are coordinating this application with the U.S. Fish and Wildlife Service and the respective resource agencies through this public notice. Accordingly, our preliminary determination is subject to change should further information become available.

**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 proceed with the project 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 compliance 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 of Engineers.** Comments concerning public review of the EA and 404(b)(1) evaluation should be addressed to the District Engineer, U. S. Army Corps of Engineers, Rock Island District, ATTN: PD-P (Deadman's & Duck Creek), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. Please contact the Rock Island District at (309/794-4200) or email [PublicInvolvement@usace.army.mil](mailto:PublicInvolvement@usace.army.mil)

Breann Popkin  
DMMP Program Manager  
Operations Division

Attachments

Map – Duck Creek Preferred Placement Location  
Map – Deadman's Light Preferred Placement Location

**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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