



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

# PUBLIC NOTICE

Applicant: Des Moines Area MPO

Date: April 16, 2021

Expires: May 15, 2021

CEMVR-RD-2021-0199

Section 10/404

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

1. **Applicant:** Des Moines Area Metropolitan Planning Organization, c/o Todd Ashby of the, 420 Watson Powell; Suite 200, Des Moines, Iowa 50309.

2. **Project Location:** Des Moines River, Section 28, Township 79 North, Range 24 West, Polk County, Iowa: UTM NAD-83 Zone15, Lat: 41.618626, Long: -93.639829.

3. **Project Description and Purpose:** The applicant proposes to rehabilitate an established recreational area known as Prospect Park, owned by USACE Saylorville Lake Project. The applicant has applied for authorization to stabilize an existing 1,480 feet of eroded bank along the western streambank of the Des Moines River. In addition to stabilization, six bendway weirs measuring an estimated 50' x 50' are proposed to be installed at strategic locations within the project area. In the southern end of the project area an estimated 10' wide kayak ramp is proposed to be installed, and an established dock would be relocated immediately adjacent to its current placement. This project involves federal funding from the Federal Highway Administration. The Iowa Department of Transportation has been delegated authority to act on their federal counterparts' behalf for review. The purpose of this project is to increase recreational usage of Prospect Park, minimize future erosional damage, prevent the loss of land or land uses adjacent to Des Moines River due to anticipated future high water events, and minimize fine sediments that are currently being washed downstream of the project area. Wetland impacts are not anticipated and stream mitigation has not been proposed due to the beneficial nature of the project. This is one single and complete project within a four-project plan set proposed by the applicant.

4. **Avoidance and Minimization:** The only avoidance measures considered by the applicant are "No Action" and "Proceed as originally planned." The applicant's project purpose and need are meant to increase recreation while also reducing erosion. If allowed to proceed as planned, the applicant believes that this project should decrease sediment deposits while simultaneously increasing the water quality of the Des Moines River. The Applicant's project plans also minimize impacts to Waters of the United States by applying riprap only on the western shore of the stream and not both shorelines of the Des Moines River within the project area.

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 (IDNR) 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 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.** This project is receiving federal funds through the Federal Highway Administration (FHWA). As such the FHWA is the lead federal agency responsible for the execution of the Section 106 Cultural Review process. On March 9, 2021, the Iowa State Historic Preservation Office issued concurred with the determination of “no adverse effect” for this undertaking. It is the opinion of the Corps that compliance with the National Historic Preservation Act has been completed by the applicant and the FHWA as the lead agency on the project (33 CFR Part 325, Appendix C.3.b.).

#### **7. 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 all have potential habitat in Polk County, Iowa.

- Northern Long-Eared Bat (*Myotis septentrionalis*),
- Indiana Bat (*Myotis sodalis*),
- Monarch Butterfly (*Danaus plexippus*),
- Prairie Bush-clover (*Lespedeza leptostachya*),
- Western Prairie Fringed Orchid (*Platanthera praeclara*)

b. No critical habitats are listed within the project area. The project area is an established recreational zone and as such does not contain wet prairies, sedge meadows, or tree density capable of sustaining listed bat species habitat. The applicant did not provide a letter of concurrence from USFWS for their Section 7 analysis. Due to this, our preliminary determination is that this project is “**No Effect**” to federally endangered species or critical habitat. We are coordinating this application with the Fish and Wildlife Services 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 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 US Army Corps of Engineers, Rock Island District, Attn: RD (S. Dillard), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. **Mr. Sean Dillard** may be contacted for additional information at (309) 794-5379 or email at [sean.m.dillard@usace.army.mil](mailto:sean.m.dillard@usace.army.mil).

*matthew a zehr*

Attach  
Plan

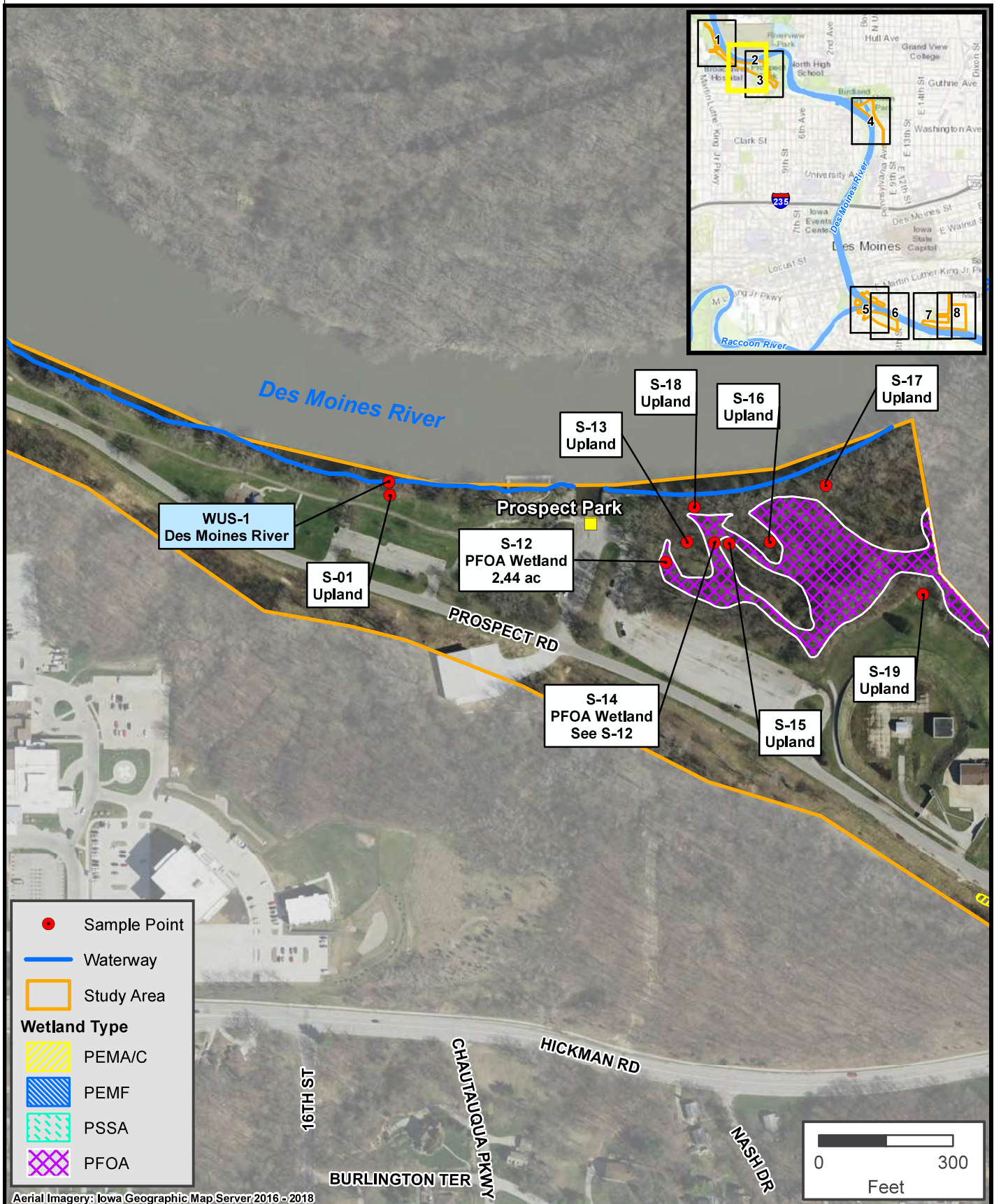
Mr. Matthew A. Zehr  
Chief, Western Branch  
Regulatory Division

Location Map 1 of 3 - Project Location Map  
Drawing 2 of 3 – Project Area  
Drawing 3 of 3 – Details & Impact Map

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**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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Aerial Imagery: Iowa Geographic Map Server, 2016 - 2018



### Wetlands and Water Resources

Des Moines River Activation and Possible Dam Modification  
City of Des Moines, Polk County, Iowa



FIGURE 2, SHEET 2 OF 8





**PROSPECT PARK - PRELIMINARY WOUS IMPACTS**  
DES MOINES RIVER ACTIVATION AND POSSIBLE DAM MODIFICATION

FIGURE 2





PROSPECT PARK SITE PLAN