



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

# PUBLIC NOTICE

**Sponsor:** Mr. Peter Byler  
30 Ashwood Drive  
Iowa City, IA 52246

Issued: August 30, 2021

Expires: September 28, 2021

**Corps Project Number:** CEMVR-RD-2021-1134  
**Proposed Project:** Byler Stream Mitigation Bank

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## STREAM COMPENSATORY MITIGATION BANK PROPOSAL

This notice is issued in accordance with the Compensatory Mitigation for Losses of Aquatic Resources; Final Rule (the Mitigation Rule) described in the Federal Register dated April 10, 2008 (33 CFR Parts 325 and 332).

1. **Project Location:** The proposed site is located within Section 16, Township 80 North, Range 5 West, Johnson County, Iowa. Latitude: 41.739249, Longitude: -91.430763. See attached location maps.

2. **Bank Objectives:** The fundamental objective of compensatory mitigation is to offset environmental losses resulting from unavoidable impacts to waters of the United States authorized by Department of Army Permits. Other objectives include support the national no net-loss of Waters of the U.S.; enhance or create additional wildlife habitat; restore native vegetation within the riparian buffer; re-meander and stabilize streambanks to provide floodplain connection and reduce erosion; and sell stream mitigation credits for projects developed by other entities.

3. **Project Description/Bank Establishment:** The bank sponsor proposes to complete activities on 18.30 acres of privately owned property that would result in the establishment of stream mitigation credits. The goal of the bank is to restore 1,844 linear feet of Rapid Creek to generate an initial estimate of 31,448.46 stream credits. The bank sponsor proposes to use many different in-stream methods to aid in restoring Rapid Creek, including establishing floodplain connectivity, creating floodplain benches, re-meandering the stream to restore natural sinuosity to the channel and decrease slopes and utilizing streambed grade control by constructing rock riffles. Improvements to the riparian buffer include vegetation management to remove invasive species and promote native species diversity. A delineation was completed in June of 2021 that found two perennial streams within the proposed bank site. No wetlands were found on the site.

4. **Service Area:** The proposed primary bank service area will be in the Mississippi Service Area.

5. **Bank Need/Technical Feasibility/Ecological Suitability:** The bank sponsor has reviewed the Iowa DOT five-year Statewide Transportation Improvement Program (STIP) and capital improvement programs (CIP) for the cities of Iowa City, Davenport, Muscatine, and Fort Madison and understands the current and future needs for stream mitigation around the service area. This section of Rapid Creek was historically straightened and is currently eroding and incised. There is sufficient area within the bank site to re-meander the creek with a stable radius of curvature. This restoration has the ability to reconnect the stream to its natural floodplain while potentially lowering base flood elevations, improve aquatic habitat, and reduce sediment and nutrient runoff to the creek. Riparian buffers will aid in the stream's aquatic resource functions and help increase overall ecological functions.

6. **Long Term Management:** The responsibility for long term management is held by the bank sponsor/landowner. A conservation easement will be required in perpetuity and will be held by a third-party grantee to ensure the conservation value of the property is protected. A long-term management fund will be established, and available to the grantee, to ensure funds are available should the sponsor fail to properly maintain the site.

7. **Sponsor Qualifications:** The Sponsor, Peter Byler, is a civil engineer by training and has a passion for conservation. The property around the bank, owned by the Sponsor, is currently enrolled in several conservation and natural farming practices. He recently received a REAP Grant from Johnson County Conservation to plant savanna around his newly constructed pond which is adjacent to the proposed bank site. The bank consultant, Snyder-Associates, has been a part in the development and management of multiple successful mitigation banks across Iowa.

8. **Water Rights:** The sponsor currently owns the property associated with the bank proposal. The sponsor would not have complete control of upstream practices that may alter flows to the project area.

9. **Agency Review:** Department of the Army, Corps of Engineers. The Corps of Engineer is participating in this matter as the chair of an Interagency Review Team. The Interagency Review Team consists of the Corps of Engineers, the Natural Resources Conservation Service, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, and the Iowa Department of Natural Resources. The project would require Section 404, Clean Water Act authorization prior to the proposed construction. If approved, the proposed bank could provide stream and wetland credit for future, Section 404, authorized projects that require compensatory mitigation. Formal authorization of the bank proposal occurs through Corps approval of a Mitigation Banking Instrument.

10. **Historical/Archaeological:** The District consulted with the Iowa I-Sites geographic information systems archeological site and survey databases online (including all three layers of the HILD). In addition, the report Phase I Intensive Archaeological Survey for a Proposed Wetland Project in Johnson County, Iowa was provided with the application. No historic properties were identified in the survey. The District Archaeologist finds the report to be adequate and concurred with the recommendations. The survey report will be coordinated with the Iowa State Historic Preservation Office with any Tribal Historic Preservation Office upon request. Based on information in the report it is the opinion of the District there will be no historic properties affected by the currently proposed permit action 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).

11. **Endangered Species:** This proposal is being reviewed by the U.S. Fish and Wildlife Service. Any comments USFWS may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work. Based on the fact that some trees will be removed, it is the Corps opinion that the proposed actions may affect, but not likely adversely affect the northern long-eared bat and the Indiana bat. The recommendation is that removal of any potential roost trees identified will occur outside of the maternity season, which occurs annually from June 1- July 31. The project site does not contain dry to mesic prairies with gravelly soils; therefore, the Corps has determined there be no effect on the prairie bush-clover. The project site does not contain mesic to wet unplowed tallgrass prairies and meadows; therefore, the Corps has determined there be no effect to the eastern and western prairie fringed orchid. The project site also will not impact waters where the higgins eye mussel is found; therefore, the Corps has determined there will be no effect to the higgins eye mussel.

12. **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 approve the proposed bank. Any comments received will be distributed to the members of the Interagency Review Team. Comments should be submitted on or before the expiration date specified at the top of page 1. Comments should bear upon the adequacy of plans and suitability of locations and should, if appropriate, suggest any changes considered desirable. Any person may also request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

13. **Reply to the Corps of Engineers:** Comments or questions concerning this notice may be directed to Abby Steele by phone: (309/794-5377), email: [Abigail.a.steele@usace.army.mil](mailto:Abigail.a.steele@usace.army.mil) or Mail: US Army Corps of Engineers, Rock Island District, ATTN: RD (A. Steele), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004.

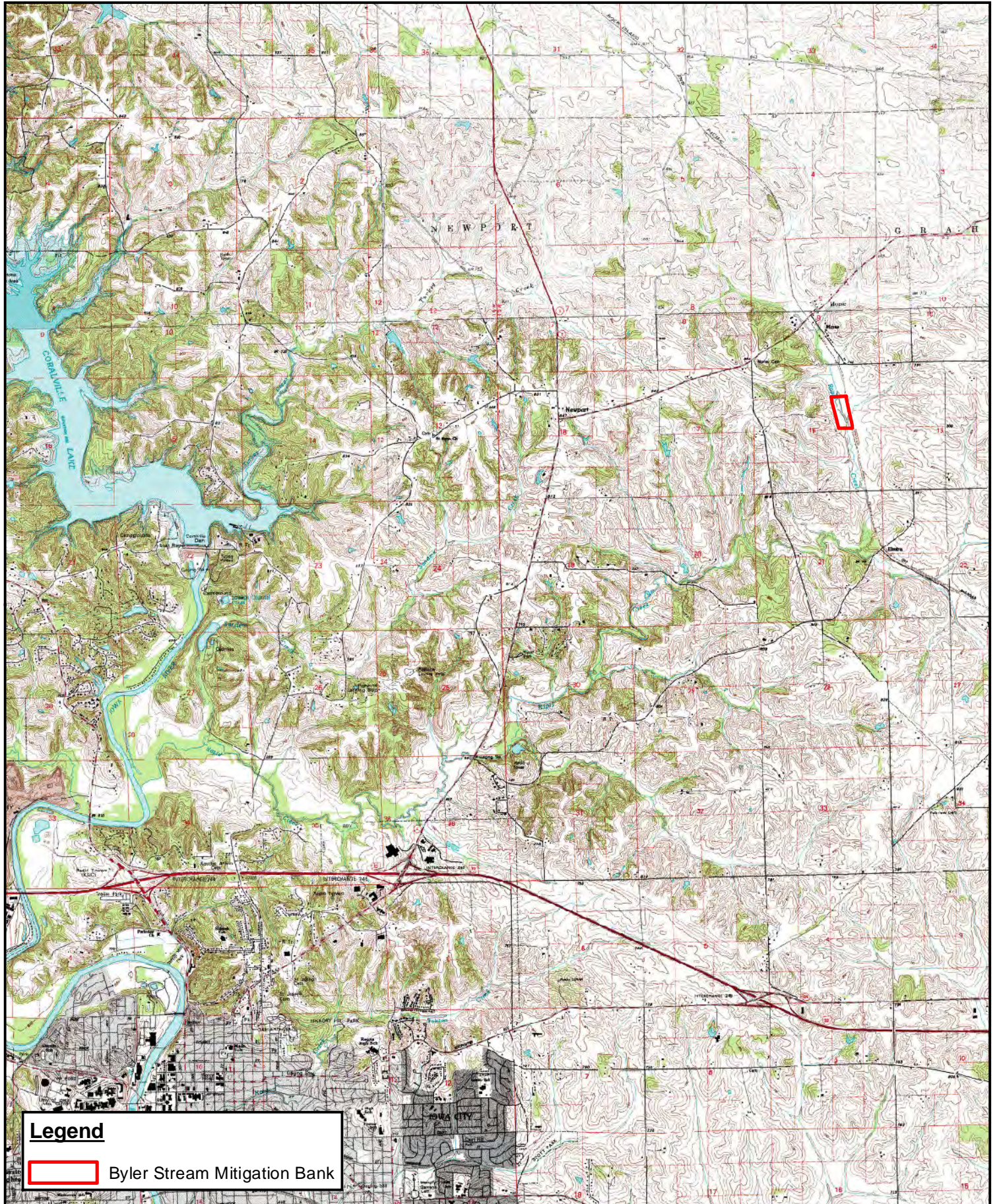
14. **Complete Prospectus:** The complete prospectus can be found on our public website at: [https://ribits.ops.usace.army.mil/ords/f?p=107:278:27891969806153::NO::P278\\_BANK\\_ID:6117](https://ribits.ops.usace.army.mil/ords/f?p=107:278:27891969806153::NO::P278_BANK_ID:6117)

*Abigail A. Steele*


Attach  
Plan

Ms. Abigail A. Steele  
Iowa Mitigation Bank Manager  
Western Branch  
Regulatory Division



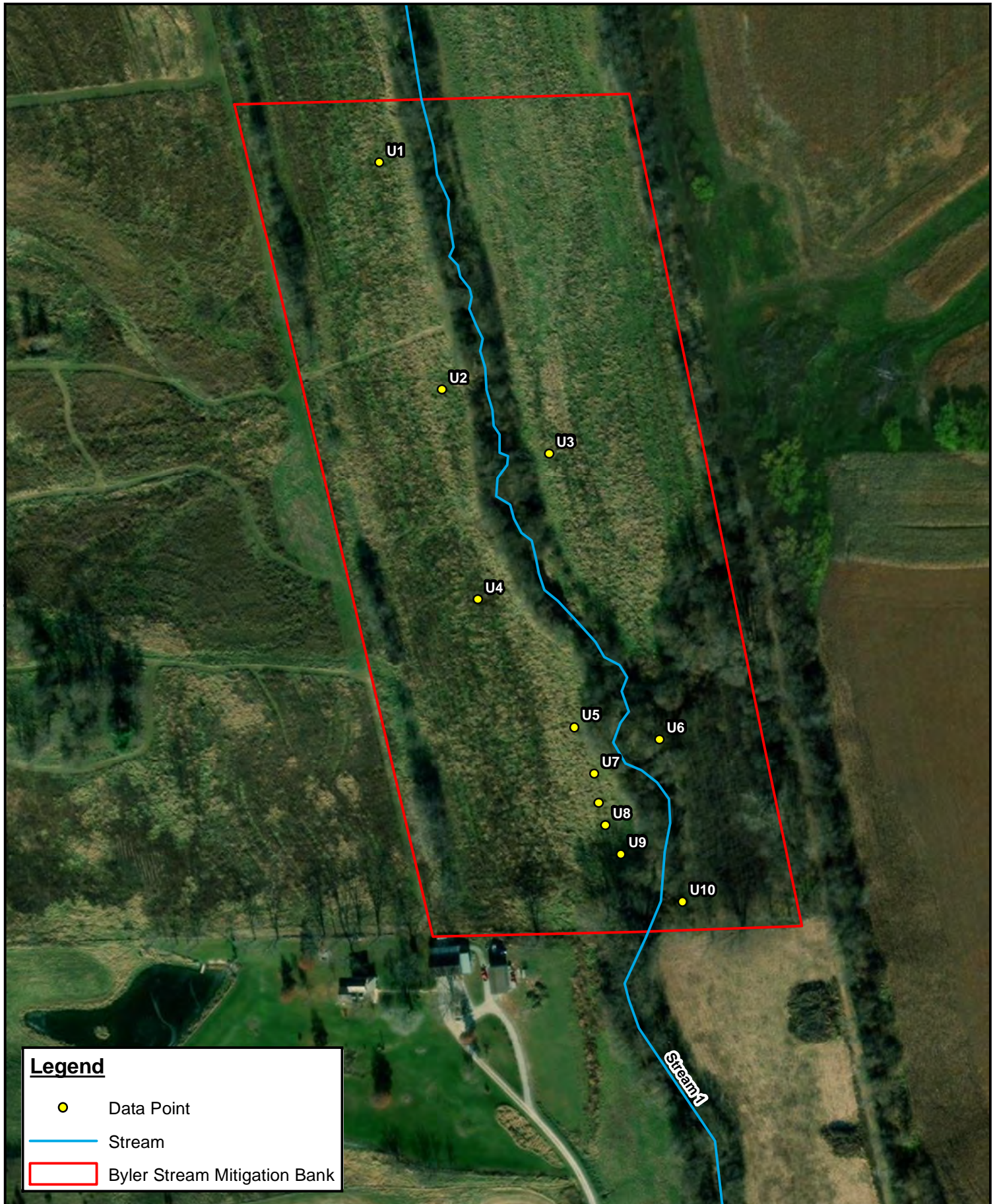


**Legend**

 Byler Stream Mitigation Bank

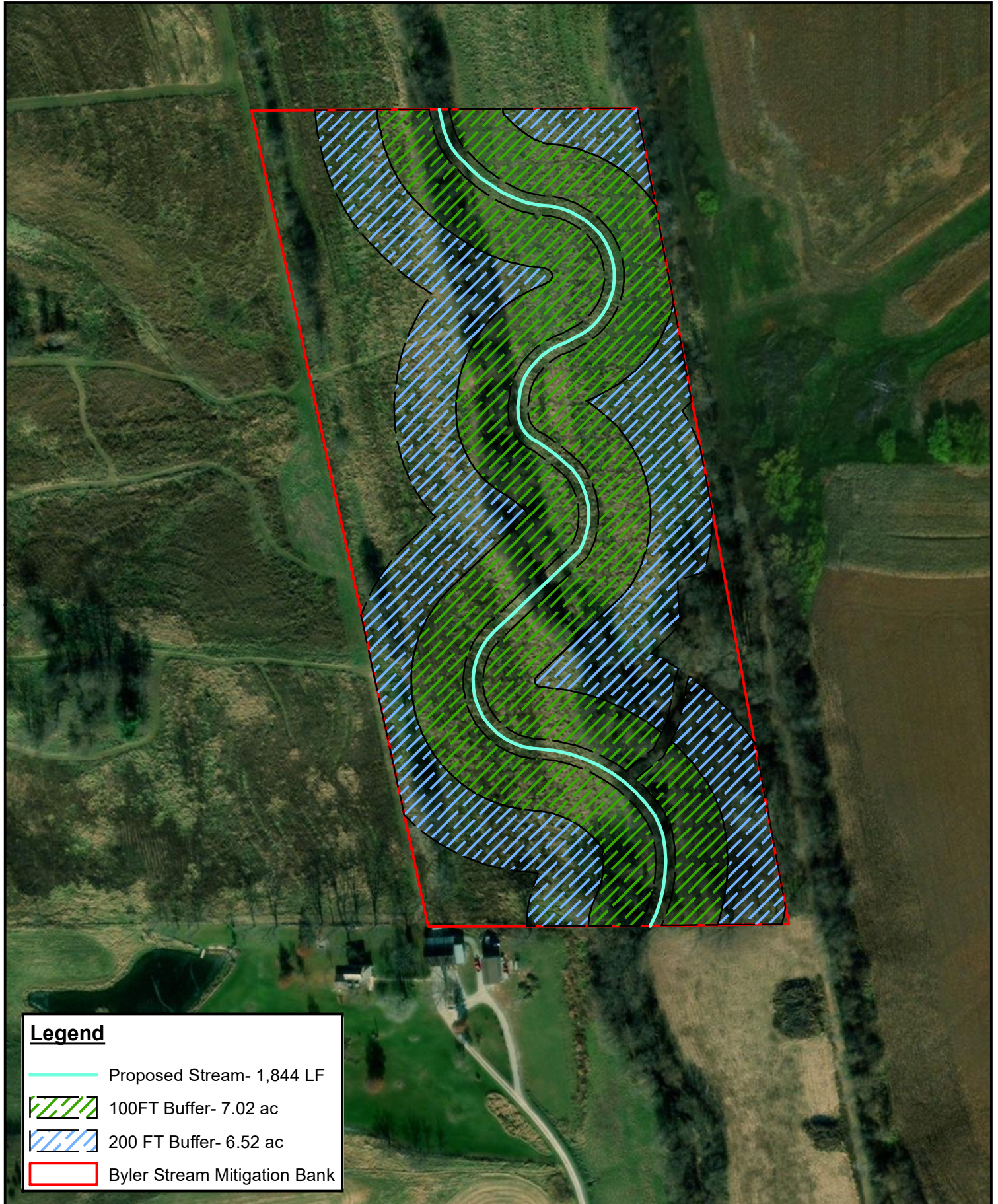
**CEMVR-RD-2021-1134 Sheet 1 of 4  
Exhibit 2 - USGS Topographic Map**









**CEMVR-RD-2021-1134 Sheet 2 of 4**  
**Exhibit 4 - Wetland Delineation**

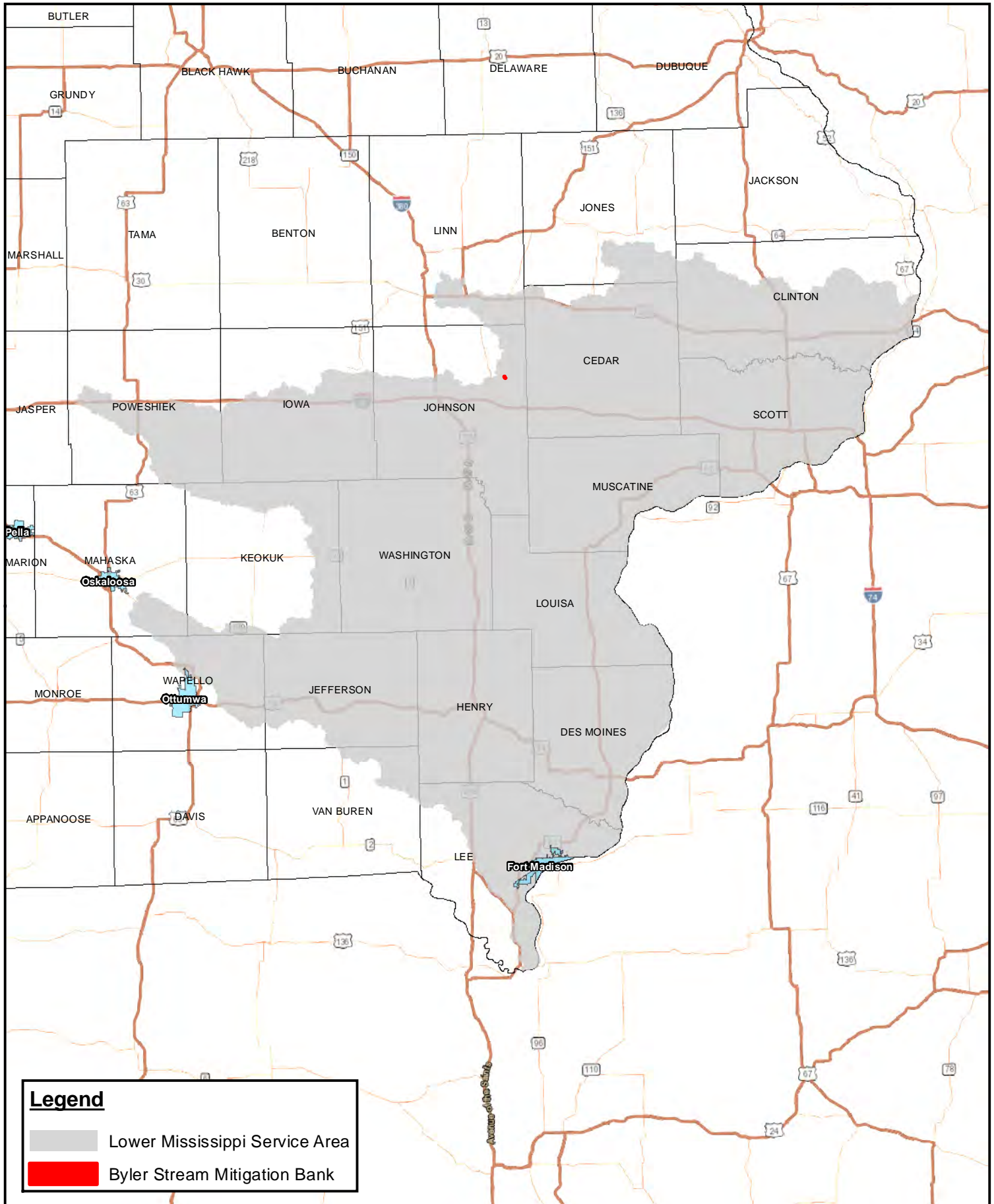




**Legend**

-  Proposed Stream- 1,844 LF
-  100FT Buffer- 7.02 ac
-  200 FT Buffer- 6.52 ac
-  Byler Stream Mitigation Bank





**Legend**

- Lower Mississippi Service Area
- Byler Stream Mitigation Bank

**CEMVR-RD-2021-1134 Sheet 4 of 4**  
**Exhibit 8 - Service Area**