



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

# PUBLIC NOTICE

**Sponsor:** C.J. Moyna & Sons, LLC  
24412 Hwy 13, Elkader, IA

Date: August 17, 2021  
Expires: September 15, 2021

**Corps Project Number:** CEMVR-OD-P-2019-1487

**Proposed Project:** Oak Crest Hill Road Wetland Mitigation Bank

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## WETLAND 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 34, Township 9 North, Range 6 West, Johnson County, Iowa. See attached location maps. Latitude 41.609761, Longitude -91.539571.
- 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 national goal of no net-loss of wetlands, enhance existing wildlife habitat and create new habitat, compensate for wetland losses in a manner which contributes to the long-term ecological function of the watershed, reduce temporal losses of wetland functions, restore ecological connectivity with nearby future and existing natural areas and improve water quality within the watershed.
- 3. Project Description/Bank Establishment:** The bank sponsor proposes to complete activities on 81 acres of privately owned property that would result in the establishment of both forested and emergent wetland mitigation credits. The goal of the bank is to enhance/restore wetlands to generate approximately 50 wetland credits. Wetland enhancement/restoration will include the following: grading of farmed upland areas to restore hydrology, removal and management of invasive species and seeding with native wetland vegetation/trees. A wetland delineation was conducted in 2020 and identified 37.94 acres of wetlands within the proposed bank site. Success criteria will be developed and required to be met in order to generate credit for the proposed activities. Please see the detailed project description and drawings located within the bank Prospectus on RIBITS (link in #14, below).
- 4. Service Area:** The proposed primary bank service area will be the Mississippi Service Area.
- 5. Bank Need/Technical Feasibility/Ecological Suitability:** The bank sponsor has considered the development and wetlands impacts that are anticipated within the Cedar and Iowa River Watershed in the future to determine the need for wetland mitigation. A technical feasibility report was prepared, the sponsor determined that the site is technically feasible for a mitigation

bank. The site is almost entirely within the 100-year floodplain of the Iowa River and the majority of soils found within the site are mapped hydric which should easily retain wetland hydrology. The site is hydrologically connected to the Iowa River. Groundwater will also be a source of hydrology to sustain the created wetlands onsite. The wide variety of habitats onsite will be transformed into a diverse mosaic of high-quality wetlands and upland ecosystem types. Johnson County has plans to acquire, restore, and preserve other nearby lands in the vicinity of the Iowa River. The opportunity to increase connectivity between preserved lands in the area presents a unique opportunity to create miles of continuous restored public lands that will support significant avian, mammalian, reptile, amphibian, and insect communities.

**6. Long Term Management:** Post bank closure management would include ongoing plant management which may require herbicide and fire treatment additional seeding, as well as general site maintenance. 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 bank sponsor has been in the earth moving business since 1947 and they have successfully completed several wetland bank and streambank improvement projects, including the Cedar River Crossing Wetland Mitigation bank in Johnson County, Iowa. The bank consultant, RES Great Lakes, formally known as AES, is a recognized leader in ecology, wetlands restoration, and wetland mitigation banking throughout the U.S. Working with regulators in the early 1990s, and prior to the RES acquisition, AES was instrumental in developing science-based wetland mitigation banking standards and permit regulations.

**8. Water Rights:** C.J. Moyna and Sons, LLC., currently own 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 Archaeologist has reviewed the project area and determined that it has a high probability to contain historic properties that may be eligible for listing on the National Register of Historic Places. The applicant had a Phase I cultural resources assessment completed for the project area in July 2020. The report will be submitted to the District for review. If determined sufficient it will be coordinated with the Iowa State Historic Preservation Office and any Tribe that expresses an interest in the project.

11. **Endangered Species:** District staff has performed a preliminary review of this bank for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. The threatened Northern long-eared bat (*Myotis serripentriionallis*), Indiana bat (*Myotis sodalist*), Higgins Eye Mussel (*Lampsilis higginsii*), Prairie bush clover (*Lespedeza leptostachya*), Eastern prairie fringed orchid (*Platanthera leucophaea*) and Western prairie fringed orchid (*Platanthera praeclara*) are listed by the United States Fish and Wildlife Service (USFWS), as occurring in Johnson County, Iowa. The project will not affect dry to mesic or wet prairies or sedge meadows so neither of the plant species will be affected. The project will require the removal of trees exhibiting potential suitable habitat and therefore has potential to impact either bat species. Because of this, our preliminary determination is that this project “may affect but not likely to adversely affect the Indiana Bat and Northern Long-eared Bat but will have no impact on any other federally endangered, threatened or candidate species, or Critical Habitat. The applicant proposed that removal of any potential roost trees identified during the habitat study outside of the maternity season, which occurs annually from June 1-July 31. Accordingly, our preliminary determination is subject to change should further information become available. Our determination will be coordinated with the USFWS separately.

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 (309/794-5377), US Army Corps of Engineers, Rock Island District, ATTN: OD-P, 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=107:278:11944535770951::NO::P278\\_BANK\\_ID:6108](https://ribits.ops.usace.army.mil/ords/f?p=107:278:11944535770951::NO::P278_BANK_ID:6108) Hard copies are also available by request.

*Abigail A. Steele*

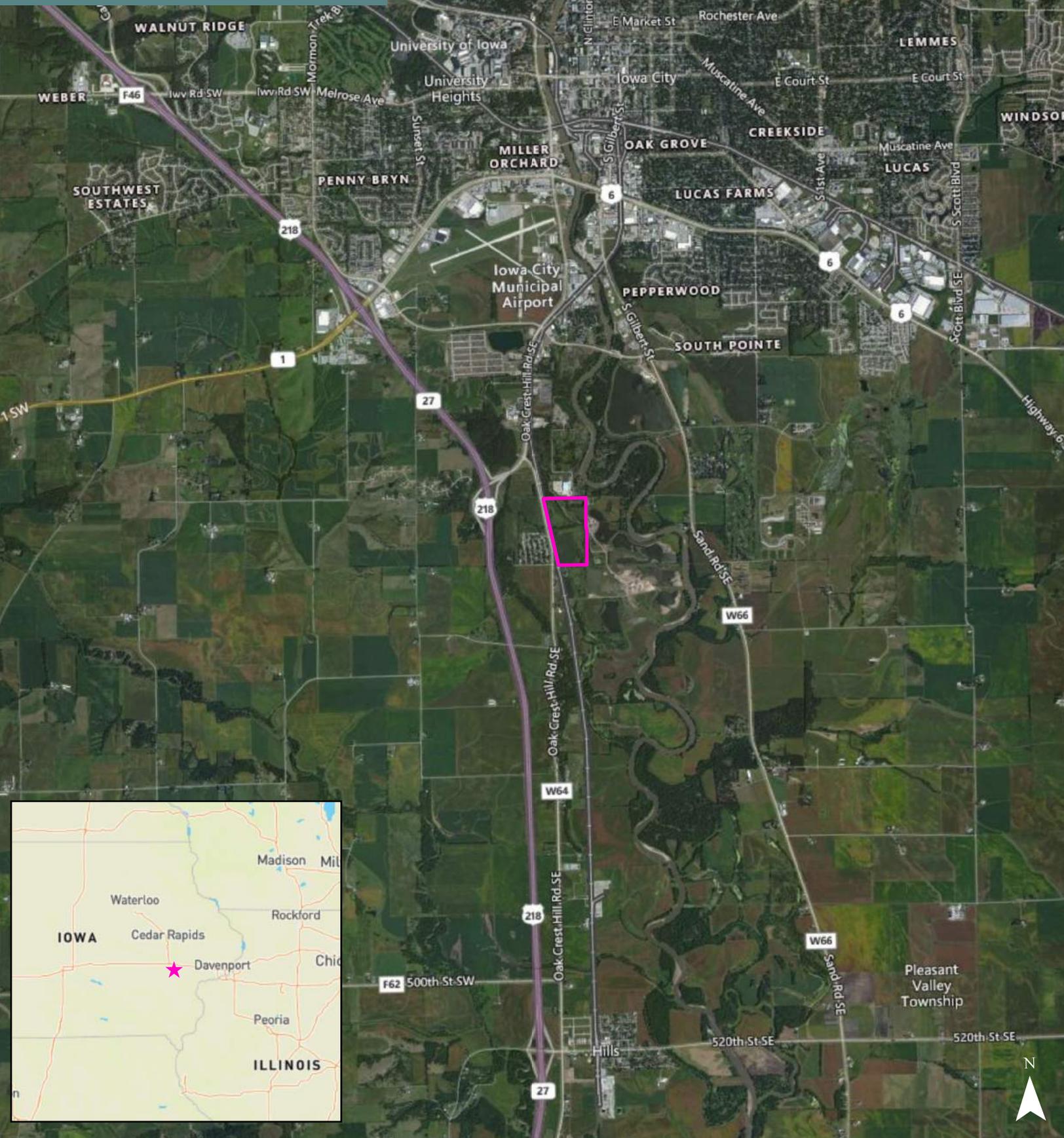
Attach  
Plan

Ms. Abigail A. Steele  
Iowa Mitigation Bank 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.

EXHIBIT 1: PROJECT LOCATION



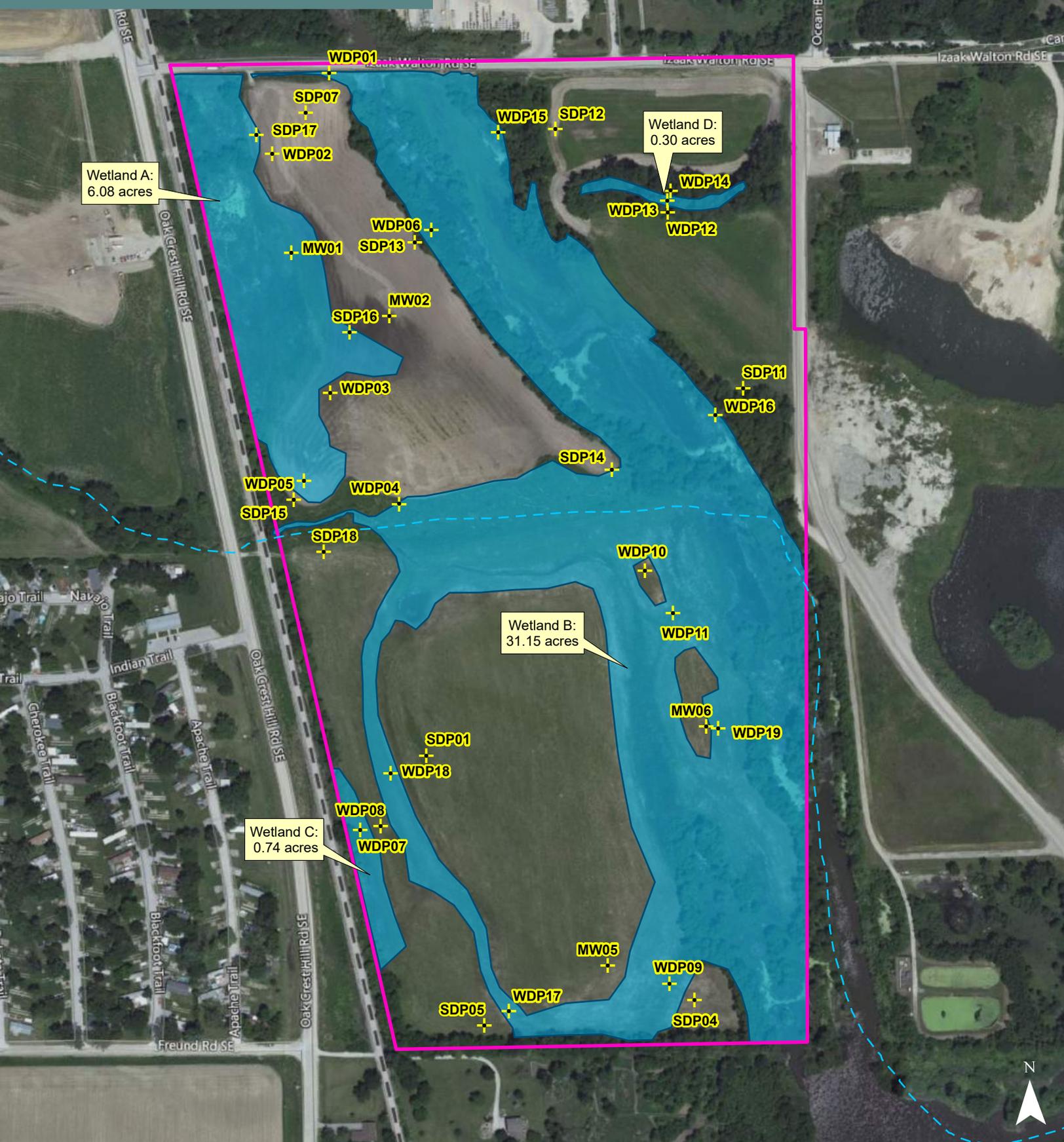
Project Boundary



AES Project #: 19-0903  
 Mapped by: TOS  
 Map created on: 10/28/2019  
 Filename: 19-0903 Oak Creek  
 WMB.aprx

APPLIED  
ECOLOGICAL  
SERVICES  
PO Box 256 Brodhead, WI 53520

**FIGURE 6: DELINEATED WETLANDS**



Project Boundary	Stream/River
<b>HYDROLOGY (NHD FLOWLINE)</b>	Data Points With ID
Stream/River: Perennial	Delineated Wetlands (38.27 acres)
Stream/River: Intermittent	
Stream/River: Ephemeral	



**AES Project #: 19-0903**  
 Mapped by: TOS  
 Map created on: 3/17/2021  
 Filename: 19-0903 Oak Creek WB.aprx

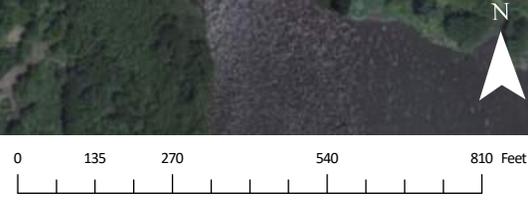
**APPLIED ECOLOGICAL SERVICES**  
 PO Box 256 Brodhead, WI 53520



**EXHIBIT 13: CONCEPTUAL RESTORATION PLAN**

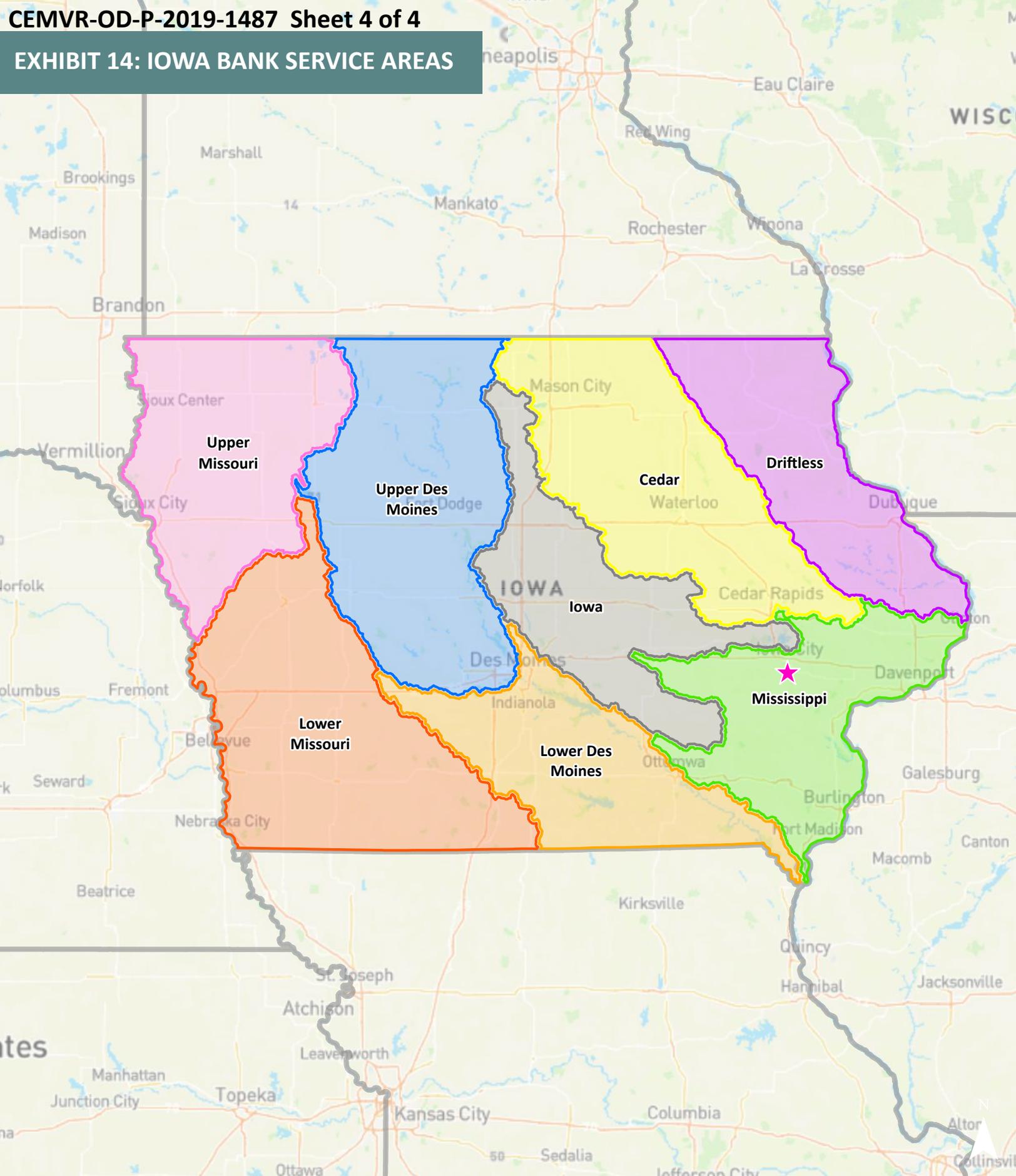


CONCEPTUAL RESTORATION PLAN	
	Project Boundary
<b>CREDIT RATIO ZONES</b>	
	Buffer (19.17 ac)
	Creation (22.28 ac)
	Enhancement (33.81 ac)
	Restoration (5.91 ac)
	2, Emergent Marsh (12.16 ac)
	3, Forested Wetland (8.64 ac)
	4, Mesic Prairie (9.04 ac)
	5, Swamp White Oak Savanna (2.67 ac)
	6, Upland Forest (4.68 ac)
	7, Wet Meadow (43.99 ac)
	9, Developed (0.10 ac)



**AES Project #: 19-0903**  
 Mapped by: TOS  
 Map created on: 5/20/2021  
 Filename: 19-0903 Oak Creek WB.aprx

**EXHIBIT 14: IOWA BANK SERVICE AREAS**



 Project Location	 Driftless	 Mississippi
<b>IOWA MITIGATION BANK SERVICE AREAS</b>	 Iowa	 Upper Des Moines
 Cedar	 Lower Des Moines	 Upper Missouri
	 Lower Missouri	 USA_States



**AES Project #: 19-0903**  
 Mapped by: TOS  
 Map created on: 2/17/2021  
 Filename: 19-0903 Oak Creek WB.aprx



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