

# **PUBLIC NOTICE**

Applicant: Mike O'Hara,

Date: December 7, 2022

Lucas Farms, LLC

Expires: January 5, 2023

CEMVR-RD-2018-1281

Section 404

POC: Albert Frohlich, Telephone: 309/794-5859

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

1. **Applicant**: Mike O'Hara – Lucas Farms, LLC, 3125 S. Mont du Lac Drive, Superior, Wisconsin 54880.

Authorized Agent – Robert Stempihar – Barr Engineering Co. 325 S. Lake Avenue, Suite 700, Duluth, Minnesota 55802.

2. **Project Location**: Proposed project is located in wetlands and on an unnamed tributary to White Breast Creek in Section 30, Township 72 North, Range 22 West, in Lucas County, Iowa, approximately 1.3 miles southeast of the town of Lucas. Latitude 41.007674, Longitude -93.446213. UTM Zone 15, NAD 83.

#### 3. Project Description:

- a. This project was advertised in 2019, however it was withdrawn due to the lack of a stream and wetland mitigation plan. The proposed project description remains the same. The Applicant, Lucas Farms, LLC has proposed to construct an earthen dam that will create a lake approximately 56-acres in size for recreational use, such as swimming, boating, fishing and hunting. The proposed embankment is approximately 600 feet long, 52.5 feet tall and 20 feet wide, and would include an emergency spillway and upstream settling pond. The proposed primary spillway will include two, twin 330 feet long RCP culverts and will empty into the unnamed tributary. The proposed lake will be about 50 feet deep at its deepest point. Borrow material for the proposed lake will come from on-site.
- b. The proposed project will impact approximately 6,630 feet of stream. Of this total, 600 feet will be impacted by the embankment, 5,965 feet by the impoundment and 76 feet by the upstream settling basin. There are 0.55 acres of wetland located in the project area that would be permanently inundated by this project also.
- c. The Applicant has completed the Iowa Stream Mitigation Method (ISMM) and based on the impacts; the proposed project will require 34,918 stream mitigation credits. At the time of the first Public Notice, a stream mitigation bank was not available in the service area of the impacts. The Applicant was allowed to continue the development of a permittee responsible mitigation plan. The

Applicant has subsequently submitted a final stream mitigation plan for this project. The completed stream mitigation plan entails work at three sites within the same HUC-8. The three proposed locations are called the Home Farm, Clarke Farm, and Lucas Farm. All sites will be protected by conservation easements and will have a monitoring plan that meets the Corps standards. According to the mitigation plan, the credits generated by the proposed sites exceed the impacts.

- 1) The proposed Home Farm Stream Mitigation Site is located in Section 20, Township 73 North, Range 25 West, Clarke County, Iowa, Latitude 41.11327, Longitude -93.75069 and is approximately 18-miles from the proposed lake. Mitigation at the Home Farm will primarily involve the restoration and creation of riparian buffers. The existing buffer at this location is composed of invasive species and agricultural crops. The stream banks are nearly vertical and in some places are over 10-feet tall. At this site, the existing buffer between Squaw Creek and the unnamed stream and the agricultural field to the east will be restored to native species. Additional buffer will be created where none currently exists. Wetland delineations at this site were completed and no wetlands were identified within the proposed mitigation site. No instream work is planned at this location.
- 2) The proposed Clarke Farm Stream Mitigation Site is located in Section 6, Township 72 North, Range 23 West, Lucas County, Iowa, Latitude 41.062143, Longitude -93.55188 and is approximately 6.5-miles from the proposed lake. Work at this site will include in-stream work and buffer restoration. South Otter Creek at this location has severely incised banks and the proposed work will involve grading and stabilizing the streambanks at this location. The existing buffer at this location is composed of reed-canary grass, smooth brome, teasel, birds-foot trefoil and wild parsnip. The site is approximately 14-acres and will result in multiple buffer areas and reconnection to the floodplain of South Otter Creek on 3,010 linear feet.
- 3) The proposed Lucas Farms Site is located in Section 24, Township 72 North, Range 23 West, Lucas County, Iowa, Latitude 41.014649, Longitude -93.447655. This is located less than a mile from the proposed impoundment. Work at this site includes approximately 1,150 linear feet of stabilization on White Breast Creek and nearly 3-acres of riparian buffer creation.
- 4) To mitigate for the 0.55 acres of emergent wetland, the applicant proposes to purchase 0.55 acres of wetland credit from a wetland mitigation bank within the approved service area of the impacts.
- 4. **Agency Review**. 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 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).

### 5. Historical/Archaeological.

a. The District Archaeologist has determined that the permit area for the proposed lake has been covered by a previous cultural resource assessment (OSA TR 1274) that was completed at the time the project was initiated in 2018. No historic properties were identified in the survey. The report was coordinated with the IA State Historic Preservation Office (IA SHPO) in May 2020. IA SHPO concurred with the District's determination of "no historic properties affected" on 11 May 2020.

b. The District has received and reviewed a report entitled, Phase IA Archeological Reconnaissance of Three Stream Mitigation Parcels Project, Lucas and Clarke Counties, Iowa dated November 2021. Mr. William Whittaker with the Office of the State Archaeologist in Iowa City, Iowa was the Principal Investigator for the report. The District Archaeologist finds the report to be adequate. This report has been submitted to the IA SHPO and coordination is on-going. If any Tribe expresses interest in this project, we will coordinate accordingly.

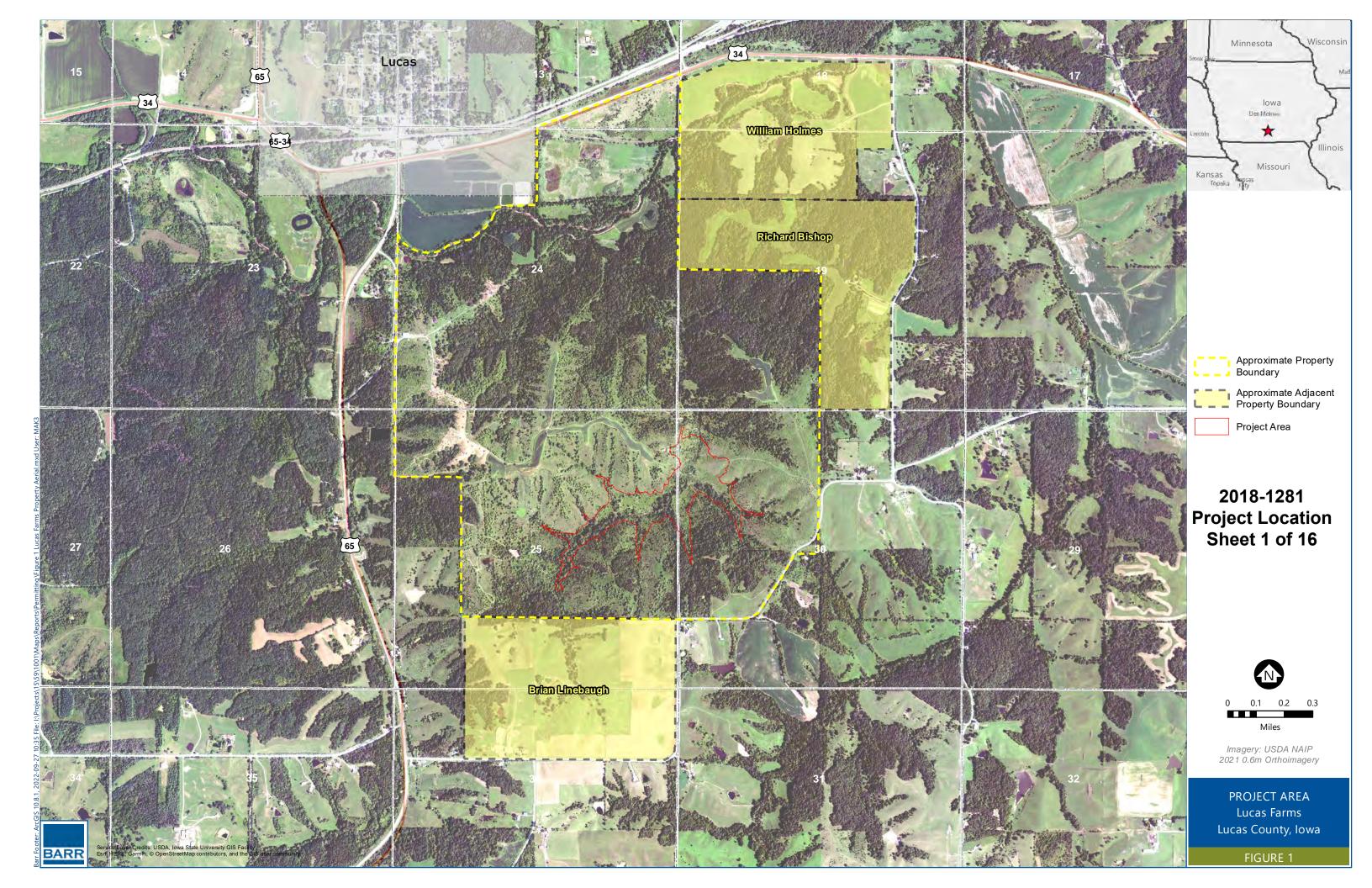
#### 6. Endangered Species.

- 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 threatened or endangered species are listed by the United States Fish and Wildlife Service (FWS) as occurring in Lucas County, Iowa.
  - Prairie bush clover. The threatened prairie bush clover (Lespedeza leptostachya) is considered to potentially occur statewide based on historical habitat. It occupies dry to mesic prairies with gravelly soil.
  - Western prairie fringed orchid. The threatened western prairie fringed orchid (Platanthera praeclara) is considered to potentially occur statewide in Iowa based on historical records and habitat distribution. It occupies wet to mesic grassland habitats.
  - Northern long-eared bat. The threatened northern long-eared bat (Myotis septentrionalis) is considered to potentially occur statewide. It hibernates in caves and mines and swarms in surrounding wooded areas in autumn. It roosts and forages in upland forests during late spring and summer.
  - <u>Indiana bat</u>. The endangered Indiana bat (*Myotis sodalis*) hibernates in caves and mines
    and swarms in surrounding wooded areas in autumn. These bats migrate to their summer
    habitat in wooded areas where they usually roost under loose tree bark on dead or dying
    trees.
- b. The USFWS concurred on September 9, 2020, with the determination that this project **may affect**, but is **not likely to affect** the two bat species if certain cutting dates were implemented. Cutting dates will be restricted to October 1 to March 31.
- c. The Corps has determined that the work on the three stream mitigation sites will have No Effect on any of the listed species because habitat for these species is not present.
- 7. **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).
- 8. **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.

- 9. 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.
- 10. **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.
- 11. **Reply to the Corps of Engineers**. Comments concerning the Corps permit should be addressed to the District Engineer, U. S. Army Corps of Engineers, Rock Island District, ATTN: RD (Frohlich), Clock Tower Building Post Office Box 2004, Rock Island, Illinois 61204-2004. For additional information contact **Albert Frohlich** at (309/794-5859) or email at albert.j.frohlich@usace.army.mil.

Attach Plans Mr. Albert J. Frohlich Project Manager – Western Branch Regulatory Division



PROPOSED MAJOR 25' CONTOUR

LUCAS FARMS, LLC

LUCAS, IOWA

BARR ENGINEERING CO.
325 SOUTH LAKE AVENUE
SUITE 700
DULUTH, MN 55802

RR PROJECT No. 15591001.00

GC-05

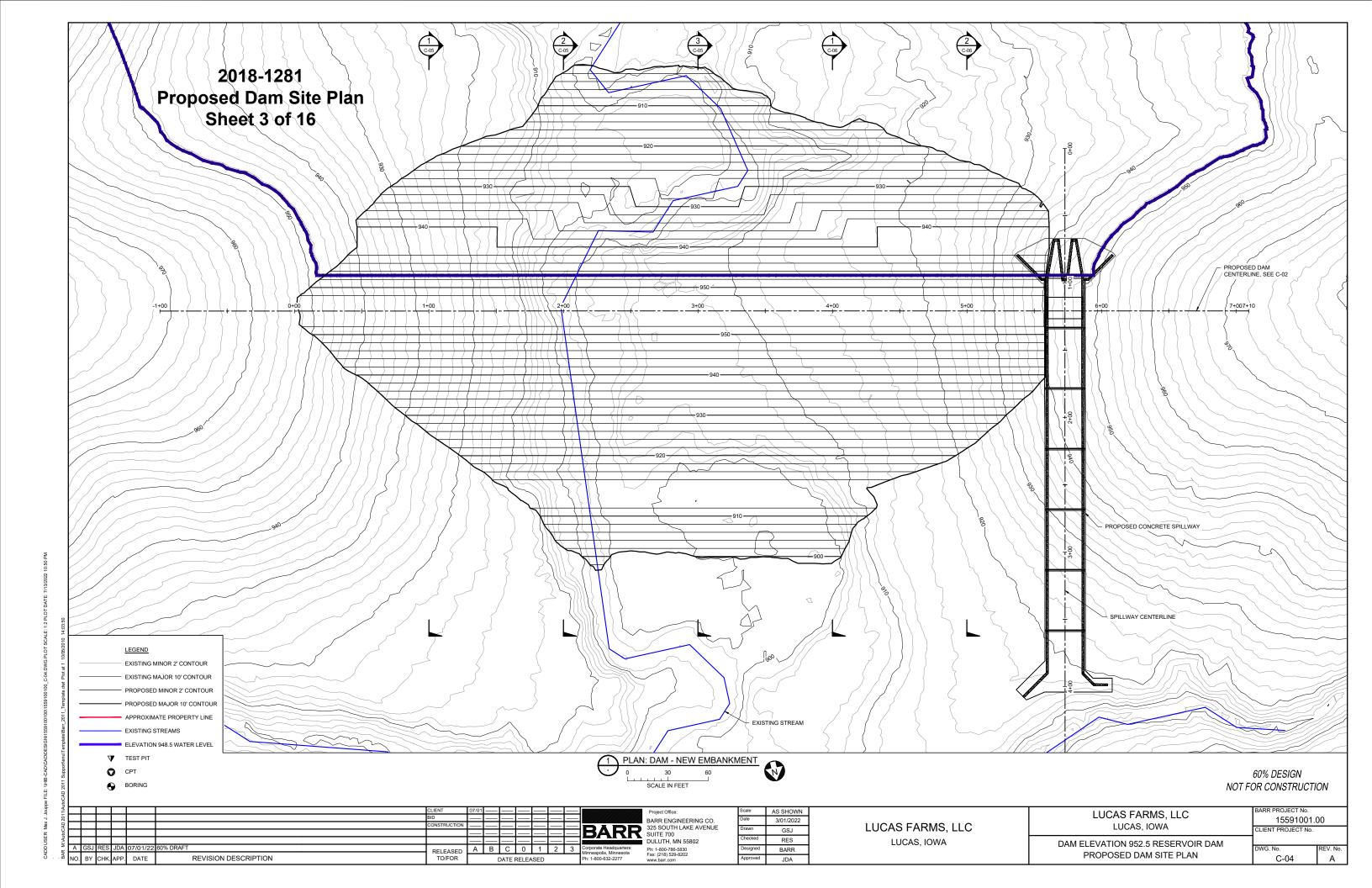
LUCAS FARMS, LLC

LUCAS, IOWA

PROPOSED SITE PLAN AND INDEX DRAWING

CADD USER: Max J. Jouppe FILE: WHIB-CAD/CAD/DESIGN/1559100100/1559100100\_GC-05.DWG PLOT SCALE: 1:2 F

REVISION DESCRIPTION



875 915 965 970 870 880 885 890 895 900 905 910 920 925 930 935 940 945 950 955 960 971.0 7+00 CLAY TILL -TOP SOIL 968.4 SAND TILL CLAY TILL CLAY TILL REVISION DESCRIPTION 965.2 SPILLWAY EXCAVATION, SEE C-08 960.6 955.8 6+00 950.9 DAM FOUNDATION TIE-IN 946.3 941.0 WEATHERED SHALE — PROPOSED SPILLWAY, SEE S-01 935.3 WEATHERED SANDSTONE -952.50 WEATHERED SHALE WEATHERED SHALE -929.9 **952.50** 100 SOIL 100 CLAY TILL . 924.6 952.50 RELEASED TO/FOR 921.2 952.50 WEATHERED—SHALE WEATHERED SHALE WEATHERED SANDSTONE-CLAYTILL SAND TILL — SAND TILL -918.7 952.50 CPT\_4 CPT\_6
0.8.4 0.766
0.8.4 0.766
STA449 EL:917.9 SAND TILL 916.9 952.50 -WEATHERED SANDSTONE SAND TILL S-CLAY TILL SAND TILL / — WEATHERED SHALE 915.4 952.50 914.0 952.50 4+00 BARR 913.3 952.50 800 BM 800 800 912.3 952.50 CLAY TILL WEATHERED SANDSTONE SAND TILL HORIZONTAL SCALE IN FEET PROFILE: DAM - ELEV. 952.5 Project Office:

BARR ENGINEERING CO.
325 SOUTH LAKE AVENUE
SUITE 700
DULUTH, MN 55802
Phr. 1-800-786-5830
Fax (216) 523-6002
www.barr.com 910.5 952.50 CLAY ALLUVIUM WEATHERED SILTSTONE SAND ALLUVIUM LEGEND 908.5 952.50 CLAY ALLUVIUM SAND ALLUVIUM SAND ALLUVIUM 3+00 907.7 952.50 TOP SOIL -SHALE 907.9 SAND ALLUVIUM
SHALE
WEATHERED SHALE
TOPSOIL WEATHERED SILTSTONE 907.3 952.50 - SAND ALLUVIUM - CLAY ALLUVIUM GSJ 902.8 952.50 902.2 952.50 2+00 897.5 952.50 904.8 LUCAS FARMS, LLC DAM FOUNDATION OVER EXCAVATION 913.8 952.50 LUCAS, IOWA 918.2 952.50 PROPOSED DAM CREST, ELEVATION 952.5 Proposed Dam Pro Sheet 4 of 16 923.6 952.50 WEATHERED SHALE — 927.9 952.50 1+00 SAND TILL — SAND TILL 2018-1281 CLAY TILL 932.7 952.50 SHALE -EXISTING GROUND Dam Profile 938.2 952.50 943.2 952.50 DAM ELEVATION 952.5 RESERVOIR DAM PROFILE 948.3 LUCAS FARMS, LLC LUCAS, IOWA 953.3 957.6 CLAY TILL 961.4 965.0 968.1 60% DESIGN NOT FOR CONSTRUCTION

865

DWG. No. C-02

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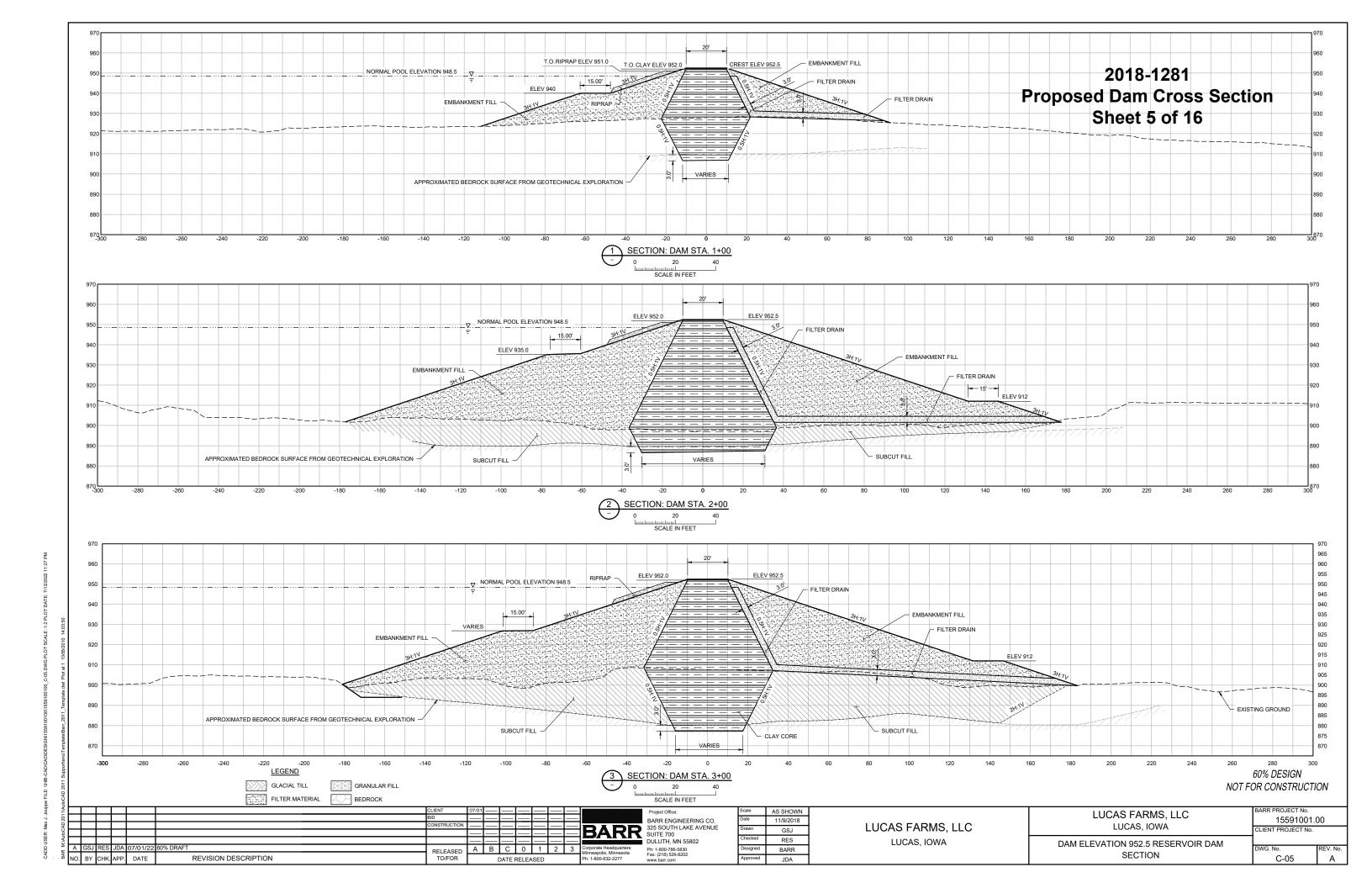
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REVISION DESCRIPTION

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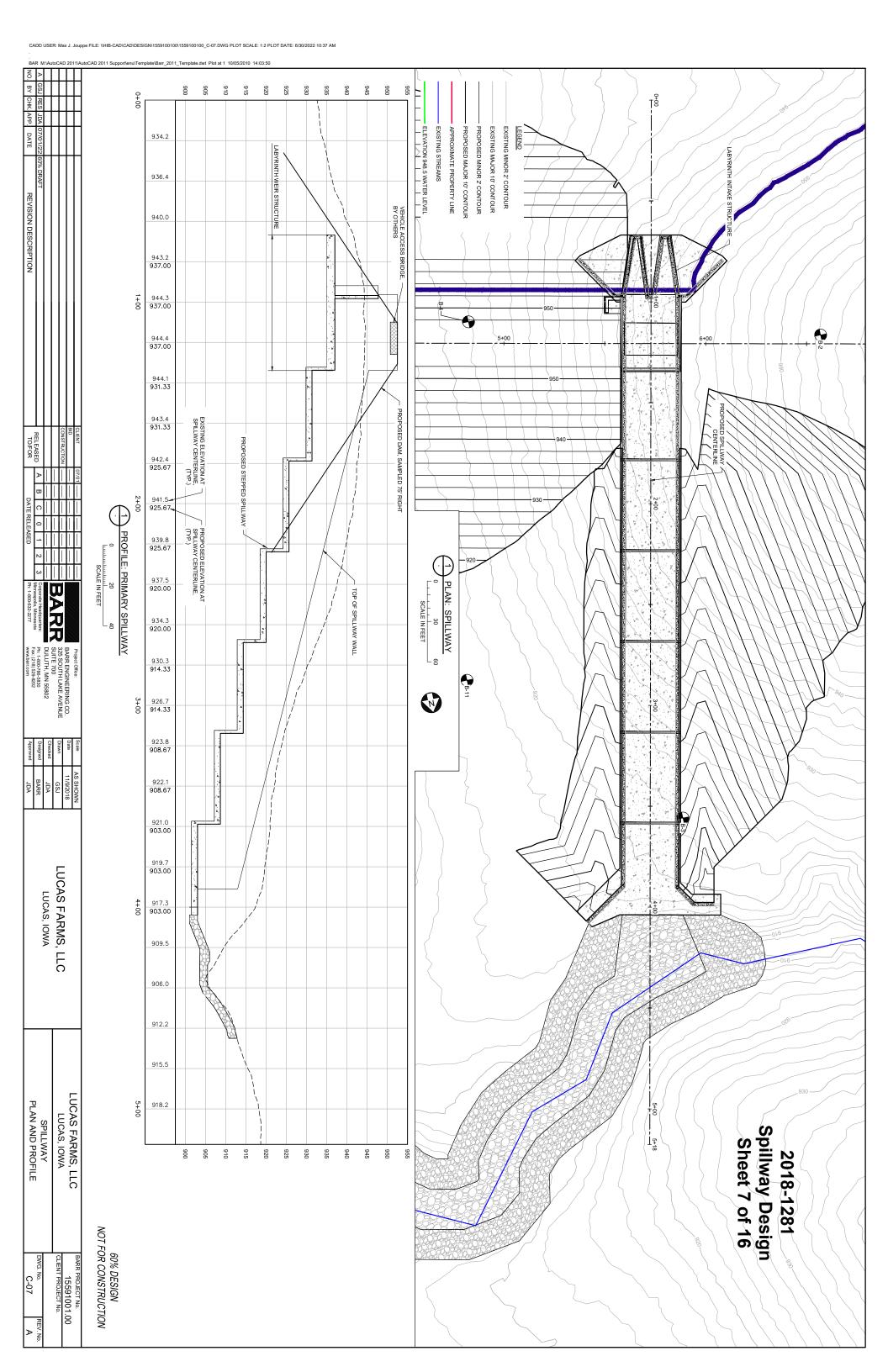
BARR

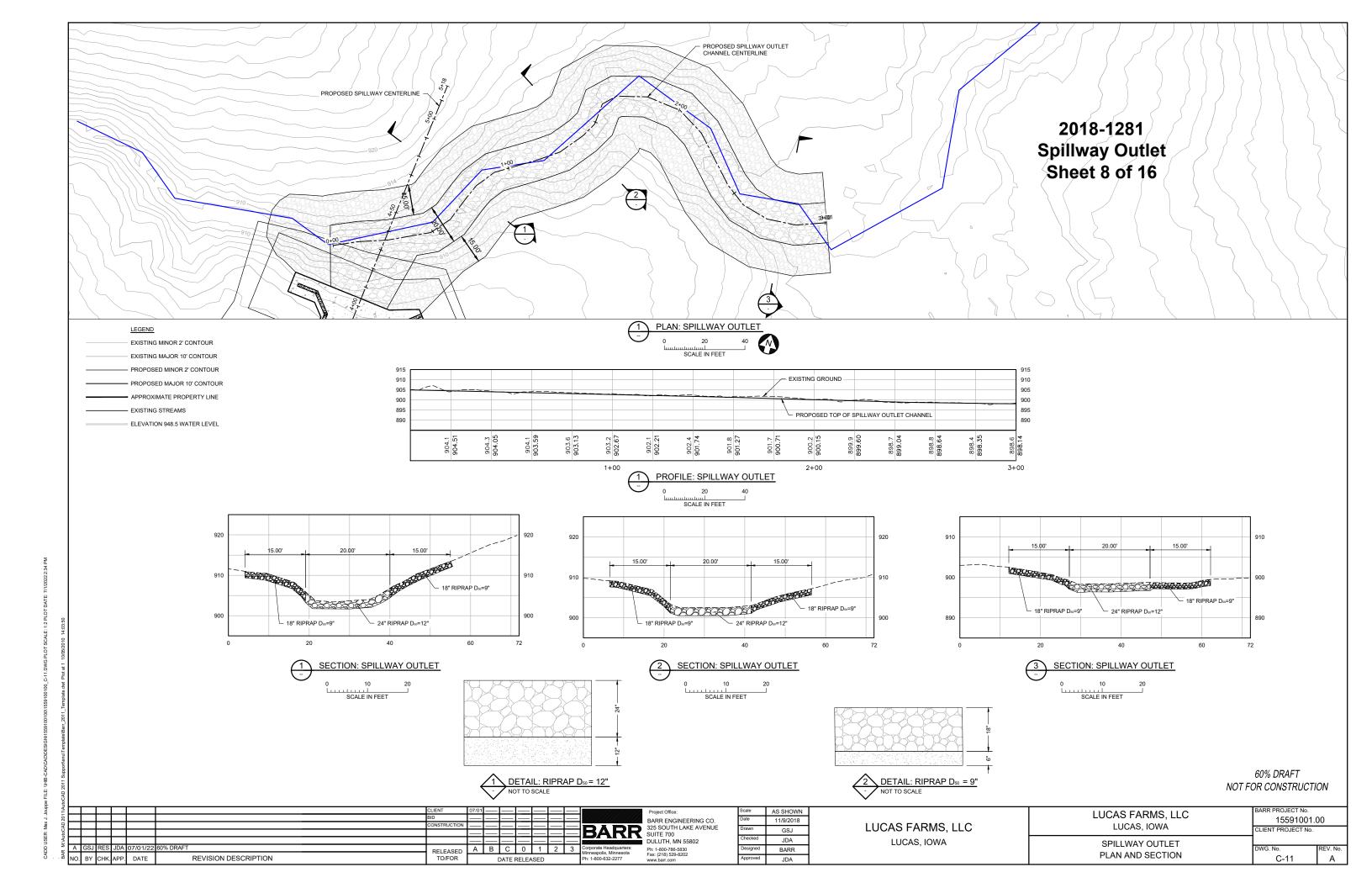
LUCAS, IOWA

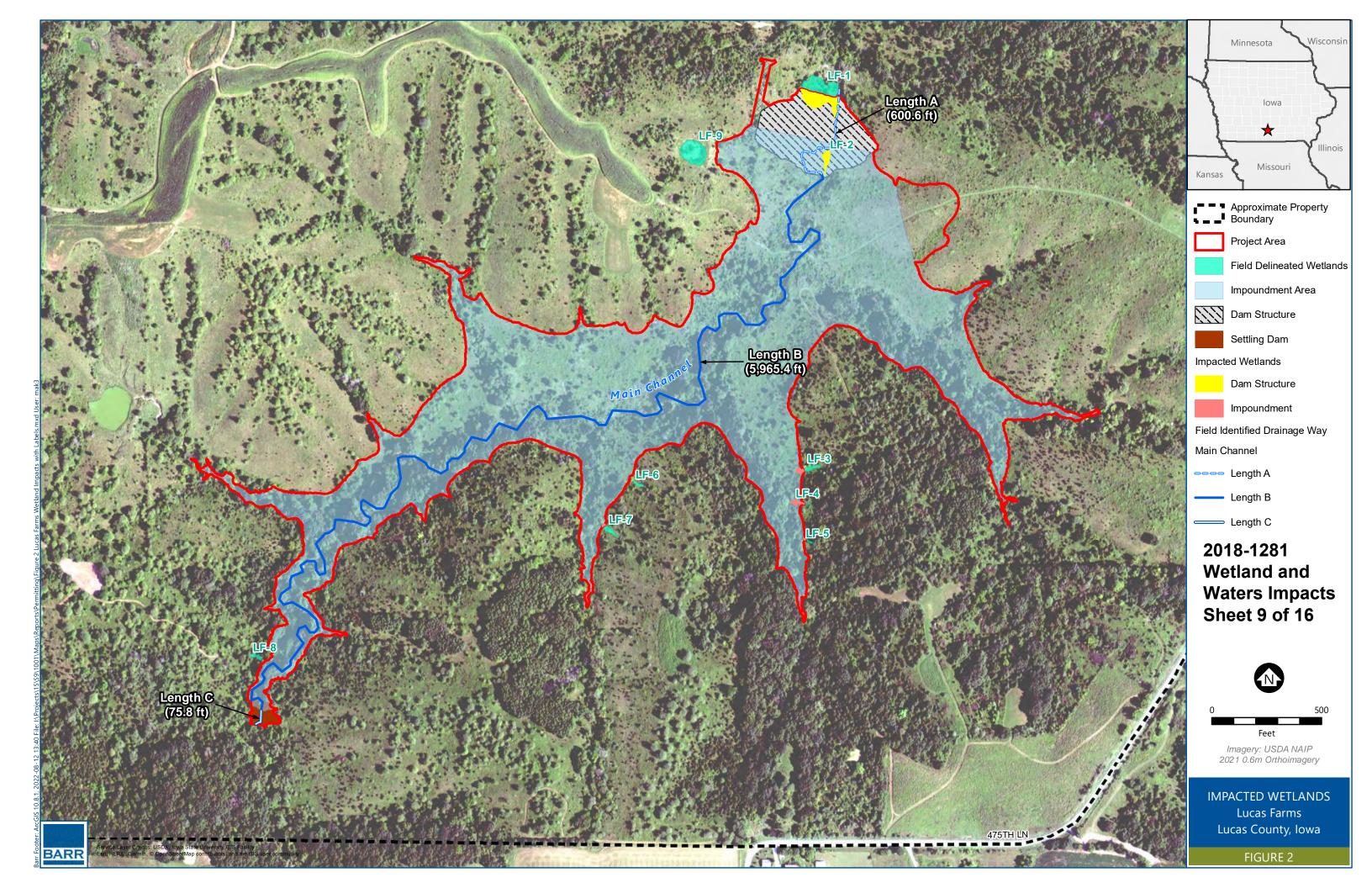
DAM ELEVATION 952.5 RESERVOIR DAM

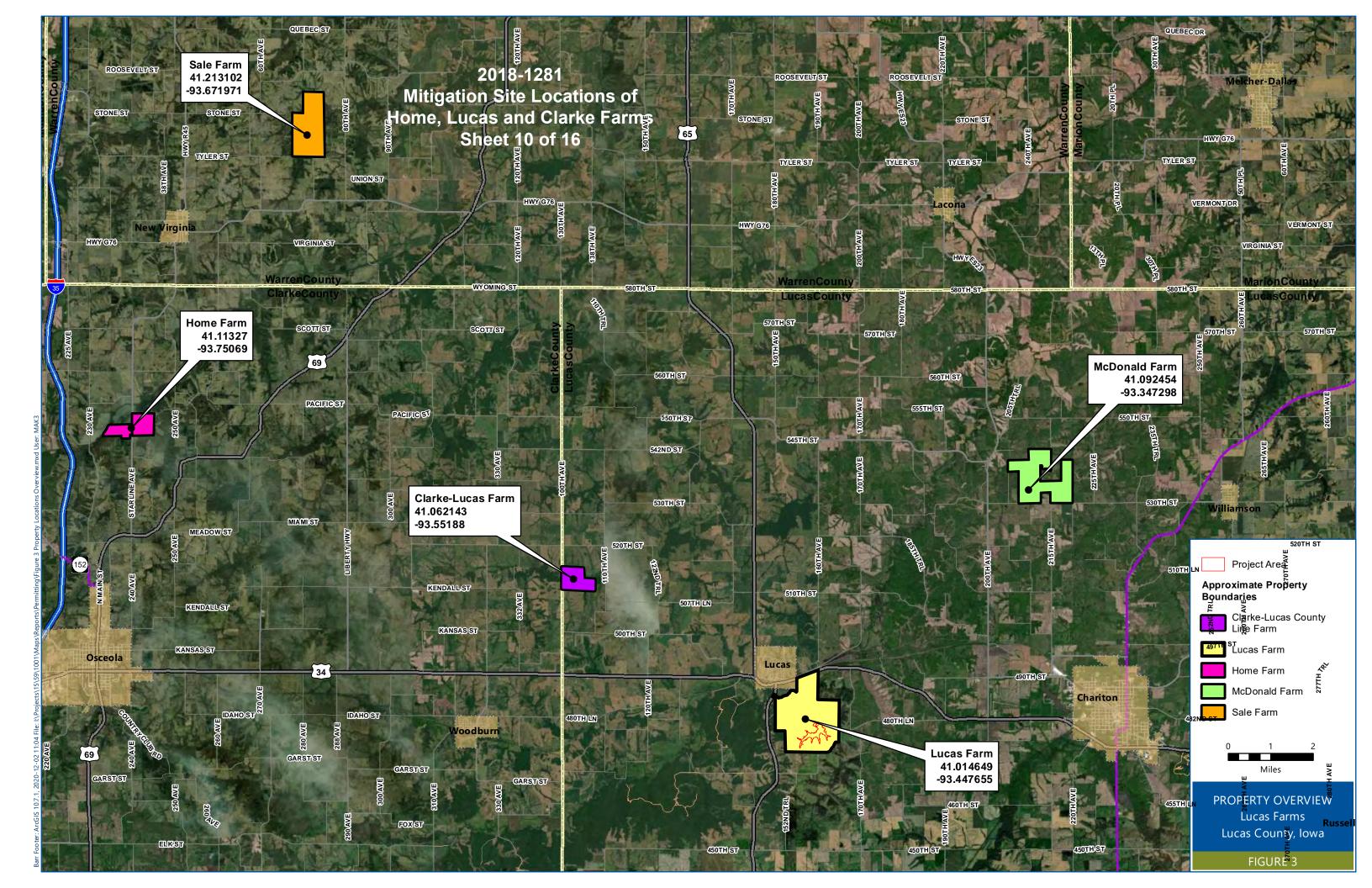
SECTION

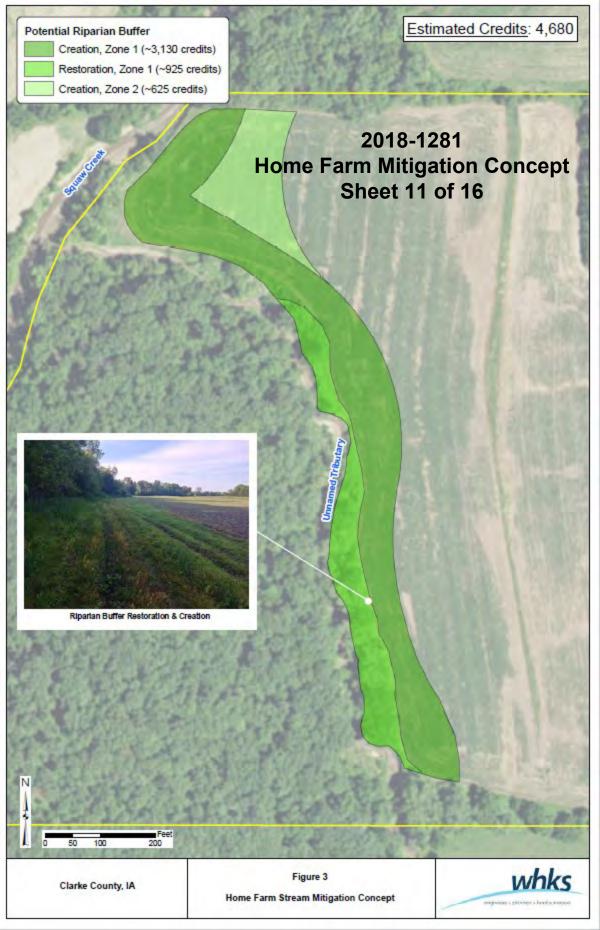
C-06



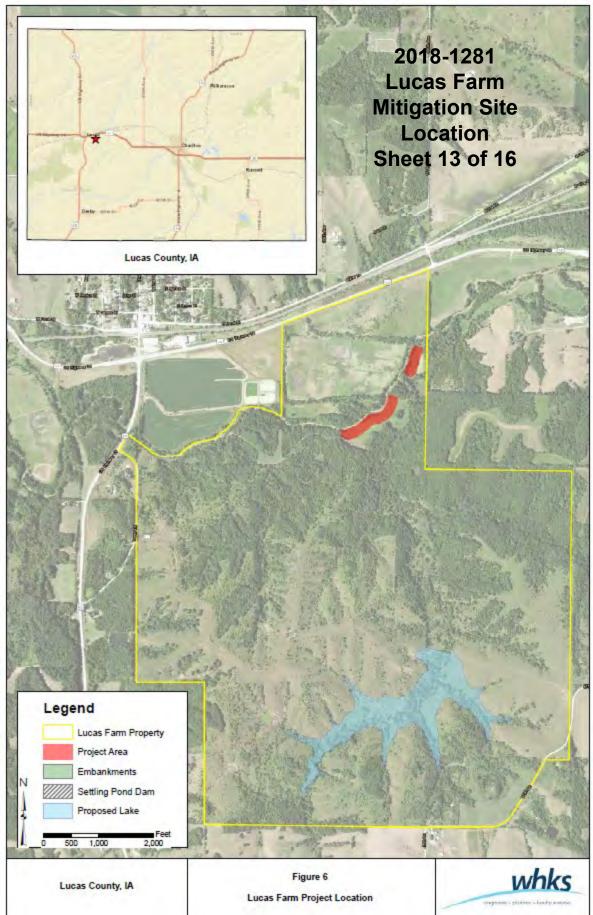


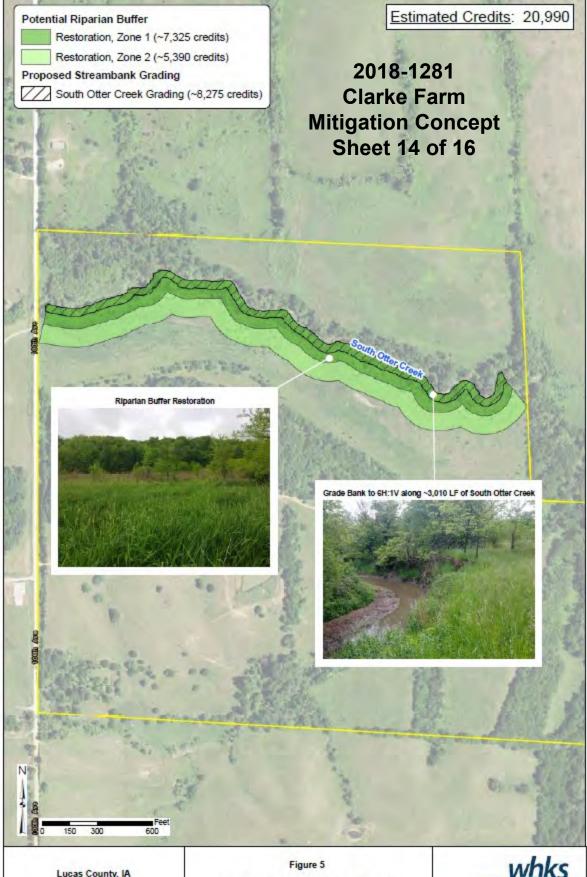












Lucas County, IA

Clarke Farm Stream Mitigation Concept

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