



US Army Corps  
of Engineers  
Rock Island District

# PUBLIC NOTICE

Applicant: William and Sandra Ortner

Date: August 22, 2018

Expires: September 20, 2018

CEMVR-OD-P-2018-348

Section 404

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

1. **Applicant.** William and Sandra Ortner, 616 Peach Street, Danbury, Iowa 51019.

2. **Project Location.**

Section 15, Township 88 North, Range 43 West, near Anthon  
Woodbury County Iowa, Little Sioux River  
Datum NAD-83, UTM Zone 15, Northing 4701995, Easting 266786  
Latitude 42.435166, Longitude -95.835618

Drawing 1 of 3 – Vicinity Map  
Drawing 2 of 3 – Plan Details  
Drawing 3 of 3 – Detail Jetty Construction

3. **Project Description.**

A. Previous Authorizations. In 2009, a permit (2009-240) was issued to install twelve jetties, 1,600 feet downstream from this proposed location. In 2011, a permit (2011-122) was issued to include the three jetties (at this proposed location) which were installed during 2009-2010, without permission and also included adding 14 additional jetties at this proposed location.

B. Current Request. Applicant is requesting to add to the 2011-122 permit area; five new jetties to the north end and two new jetties to the south end. In addition, they propose to repair two jetties which were authorized in 2011. Each jetty would be constructed at a spacing of about 50 feet. Jetty height, at the bank, from riverbed will be 10 to 12 feet. The top or crest of the jetty will angle downward, on a slope of one and half (horizontal) to one (vertical) from the bank to riverward end. Top width will be five feet. Using a slope of one and half (horizontal) to one (vertical), the base width, at the bank will be 35 feet to 40 feet. Base width, at the riverward end will be 14 feet. Base length from riverbank extending into channel will be 15 feet to 18 feet. A key trench will be excavated into the bank prior to the construction of the jetty. The key trench will be a minimum of 5 feet deep into the bank and 4 feet wide. As the jetty is constructed, the key trench will be backfilled with clean broken concrete. Riprap will be placed on the upstream side of each jetty along the toe of the riverbank where the jetty ties into the riverbank. A backhoe or excavator will be used to excavate the bank key.

#### 4. Agency Review and Where to Reply.

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 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). 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 50319-0034. 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 consulted with the Iowa I-Sites online geographic information systems archeological site and survey databases (including the HILD data layer) and determined the proposed project area has not been previously surveyed. No historic properties were identified in the permit areas or in the surrounding vicinity. The permit area does have the potential to contain historic properties.

B. The District Archaeologist visited and conducted a brief field observation of the proposed area for the installation of the jetties. There is a dike, originally constructed in the 1930s, running along the top of the river bank at this location. The majority of the proposed excavation to key in the jetties will be in the eroded portion of the dike and will not even reach the original land surface. No artifacts or features were observed in the cut bank of the river below the dike. Over all it is estimated each jetty will impact approximately 16 square feet of bank line.

C. Based on this information it is the opinion of the District Archaeologist there is low to no potential to impact a historic property eligible for the National Register of Historic Places. Therefore, it is the opinion of the District that there will be **no historic properties affected** 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).

#### 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 Woodbury County, Iowa:

- Northern Long-eared Bat (*Myotis septentrionalis*)
- Piping Plover (*Charadrius melodus*)
- Western Prairie Fringed Orchid (*Platanthera praeclara*)
- Least tern (*Sterna antillarum*)

B. The proposed project is being coordinated with the FWS through this public notice. According to plans, designs and information provided by the Applicant, there will be no tree removal as part of this project, therefore there will be *no effect* on the bat species. Habitat for the least tern and the piping plover is not present within the permit area, therefore there will be *no effect* on these species. Lastly, there is no habitat in the project area that would support the plant species, therefore the proposed project will have *no effect* on the western prairie fringed orchid.

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.** Comments concerning the Corps permit should be addressed to the US Army Corps of Engineers, Rock Island District, ATTN: OD-P (Hardy), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. I may be contacted for additional information at (309) 794-5378 or email at [donna.r.hardy@usace.army.mil](mailto:donna.r.hardy@usace.army.mil).

Attach  
Plan

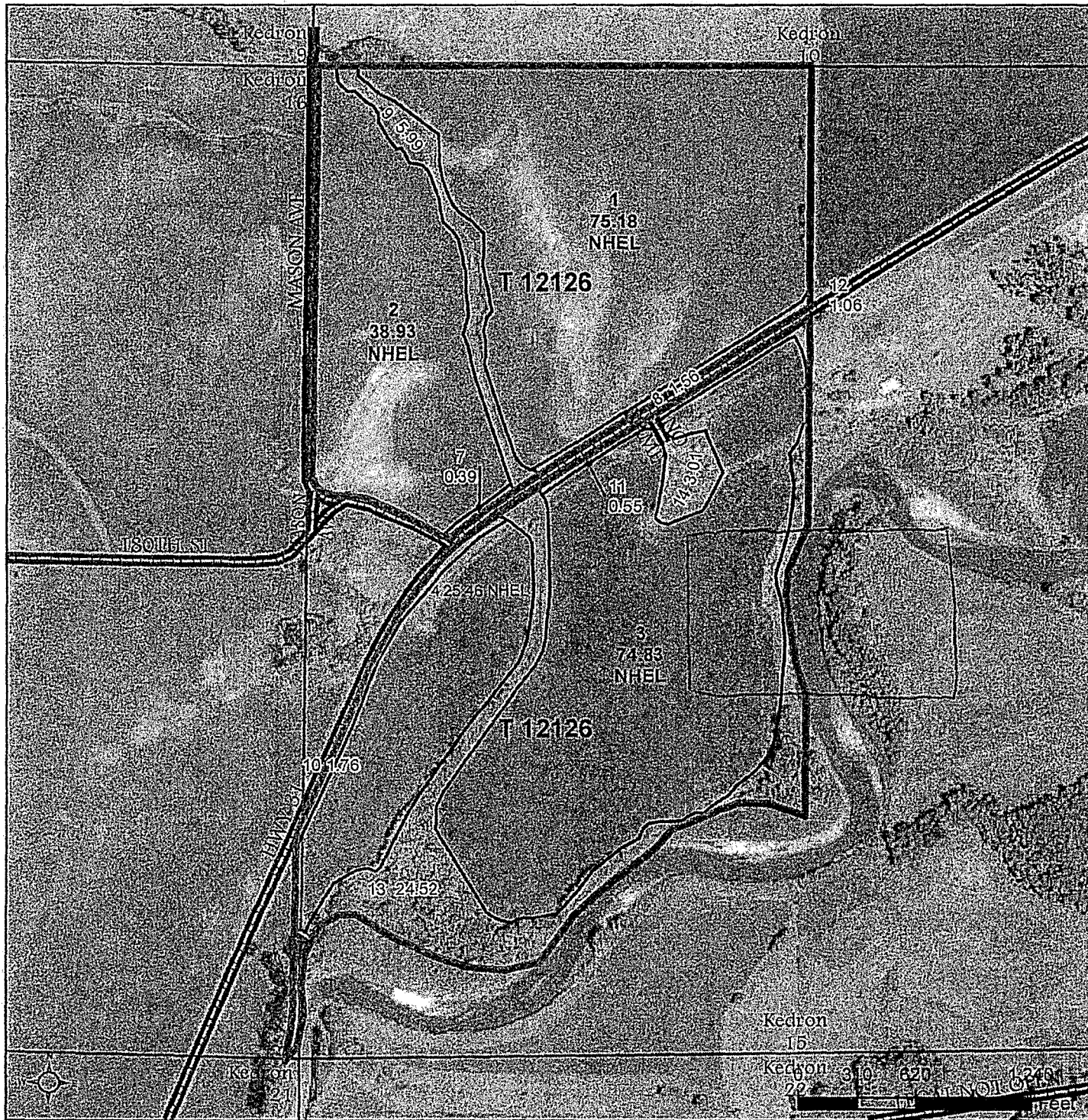
  
Mrs. Donna Hardy  
Project Manager, Iowa Section  
Regulatory Branch

**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.



*Gauthier*



- Legend**
- Non-Cropland
  - Cropland
  - CRP
  - Iowa PLSS
  - Tract Boundary
  - Iowa Roads

- Wetland Determination Identifiers**
- Restricted Use
  - Limited Restrictions
  - Exempt from Conservation Compliance Provisions

Tract Cropland Total: 214.40 acres

2018 Program Year  
Map Created March 26, 2018

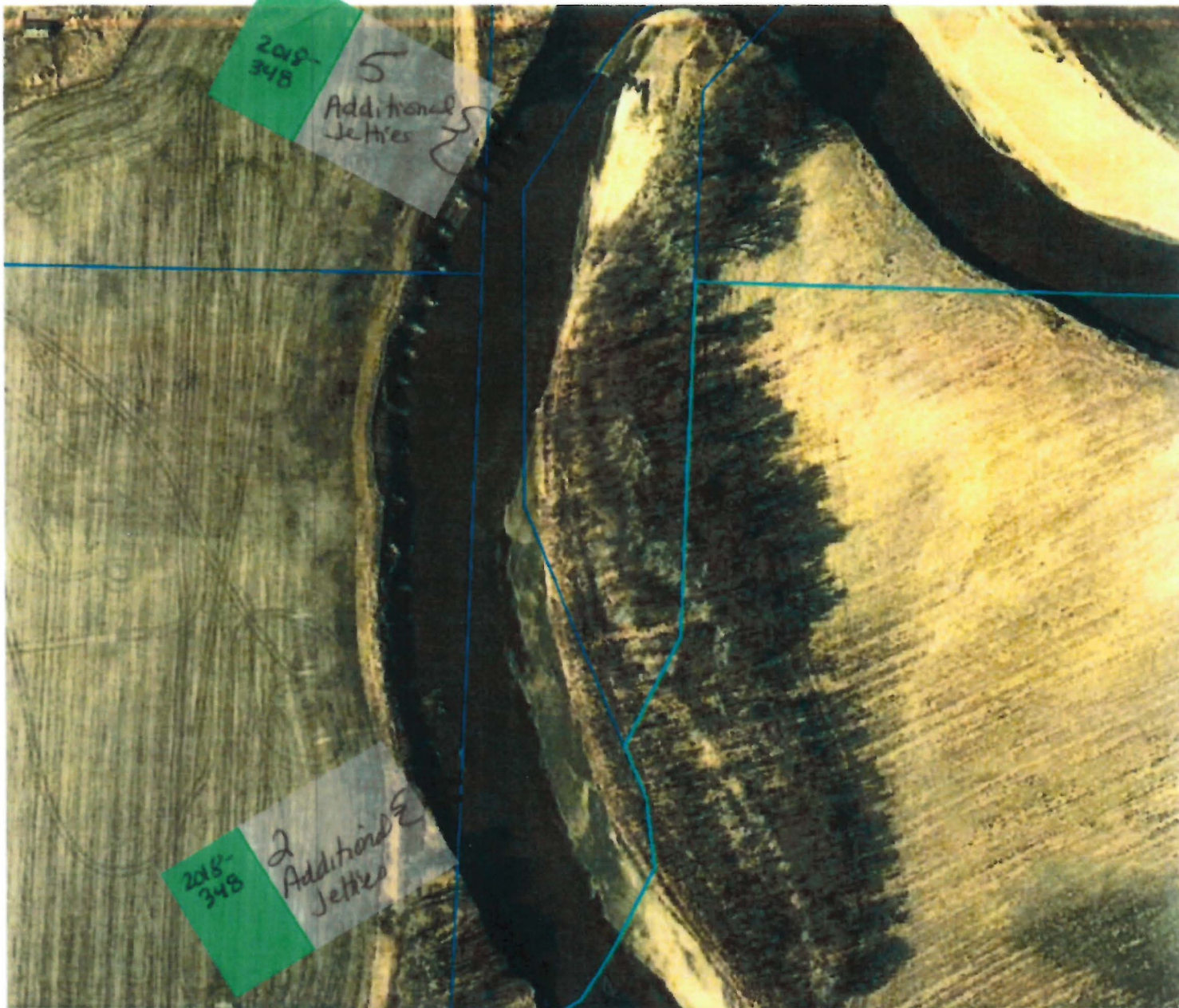
**Farm 7929**  
**Tract 12126**

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VICINITY MAP  
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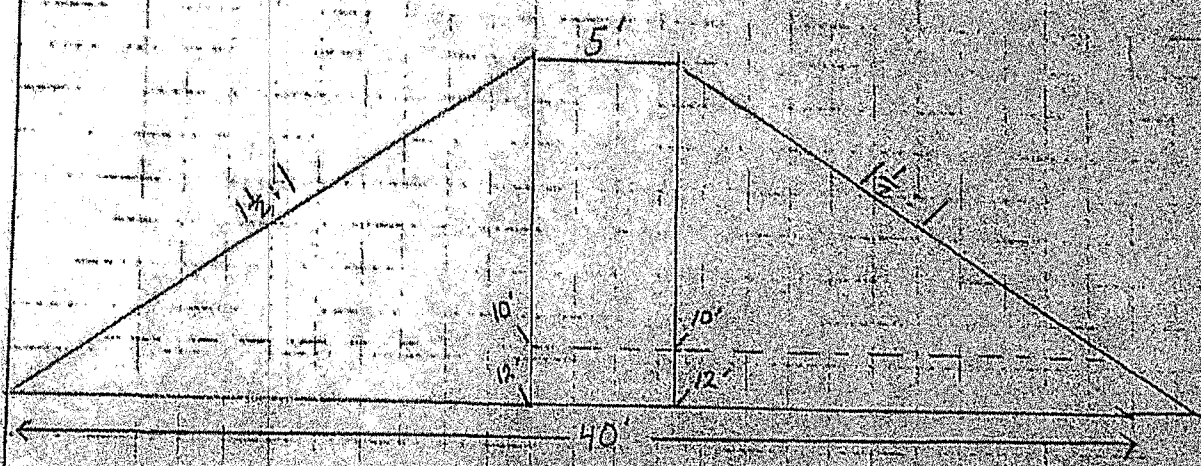
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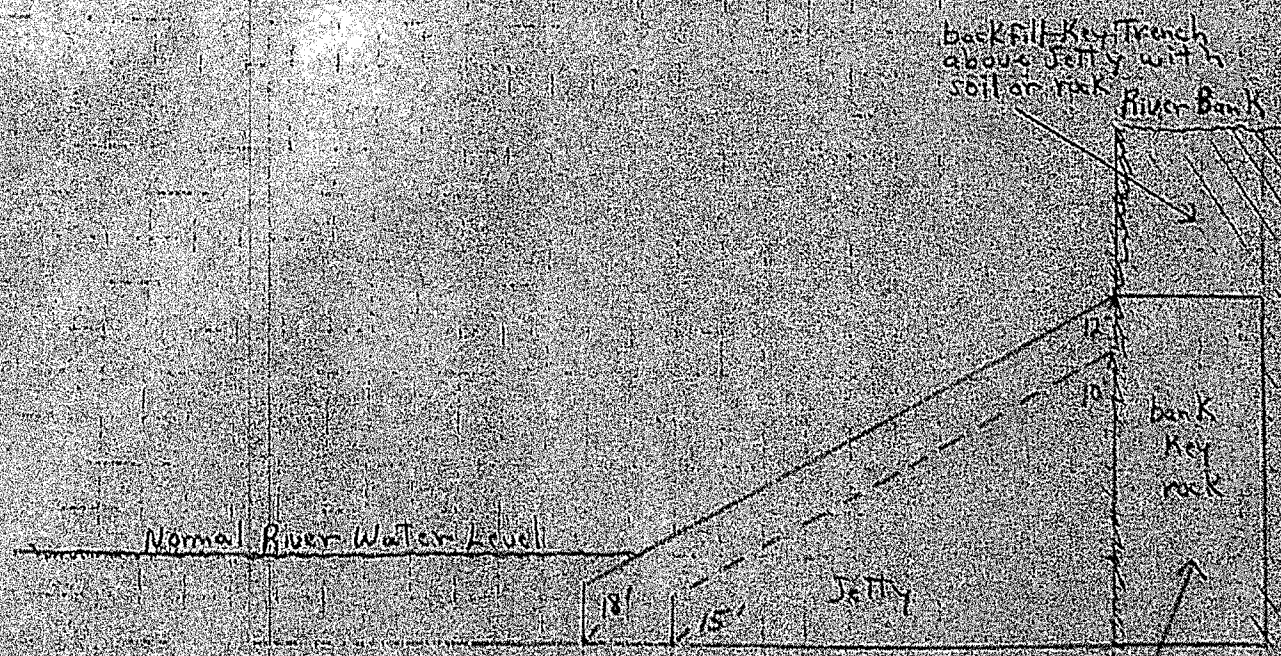




Subject	Little Sioux River - Jetty Construction		Date	4-17-09
Computed by	MWS	Checked by	Sheet	1 of 2



Jetty Cross-Section View



Jetty Profile View

Scale 1" = 6'

bank key  
5' deep x 4' wide

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 DETAIL - Jetty Construction  
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