



US Army Corps
of Engineers
Rock Island District

PUBLIC NOTICE

Applicant: Maple Grove Place, LLC

Date: September 18, 2018

Expires: October 08, 2018

CEMVR-OD-P-2018-528

Section 404

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

1. Applicant:

Maple Grove Place, LLC
c/o Mr. Will Van Zee
P.O. Box 373
Johnson, Iowa 50131.

2. Project Location:

Wetlands and a tributary of Fox Creek
Section 3, Township 78 North, Range 26 West
Dallas County, Iowa
Latitude 41.58439, Longitude -93.84400

3. Project Description:

A. The Applicant proposes to create a multi-family residential housing project. The proposed project will also include new roads, utilities and grading for lots over 24-acres. The project will permanently impact 1.01 acres of wetland, 745 feet of stream and 1.3 acres of a man-made pond. The purpose of this project is to provide housing.

B. A wetland mitigation proposal has been submitted. Forested wetland credits are not available at this time, therefore the proposal includes mitigation bank credits and off-site permittee responsible wetland and WUS mitigation. To compensate for the loss of the wetlands, Maple Grove Place, LLC proposes to create 1.66 acres of forested wetland off-site and purchase, 0.14 acres of emergent wetland credit from an approved wetland mitigation bank within the primary service area. The pond will be mitigated by creating a new 2.1-acre pond on site and the stream impacts will be mitigated by the creation of a new buffer along 1320 feet of an unnamed tributary. Grade control will also be installed within the stream mitigation site. The proposed permittee responsible mitigation will be owned by a homeowners association.

4. 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 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 E. 9th 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 consulted with the Iowa I-Sites online geographic information systems archeological site and survey databases (including the HILD data layer) and determined the proposed permit area and mitigation area has not been previously surveyed. In addition, the District reviewed “*Phase I Cultural Resources Investigation of the Kettlestone Development Project Area, Boone Township, Dallas County, Iowa*” dated December 2015. Mr. Jared Langseth, with Bear Creek Archaeology of Cresco, Iowa, completed the report. The report will be coordinated with the Iowa State Historic Preservation Office under a separate cover letter.

B. Multiple historic properties were identified within the project area. However, none of the historic properties identified were within the current project boundaries. If and when the remainder of the project area comes up for development and a permit is required the identified historic properties will be addressed.

C. Due to wetland impacts within the current permit area, wetland mitigation will be required. The wetland mitigation area has been determined to be located in an area that is not likely to contain historic properties because it is in the bottom and immediate side slopes of an intermittent drainage. Therefore, because there are no identified historic properties in the proposed permit area and mitigation area, it is the opinion of the District 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:** 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 Dallas County, Iowa: <https://ecos.fws.gov/ipac/>

- Northern Long-eared Bat – *Myotis septentrionalis*
- Indiana Bat – *Myotis sodalis*
- Topeka Shiner – *Notropis Topeka*
- Prairie Bush-clover – *Lespedeza leptostachya*
- Western Prairie Fringed Orchid – *Platanthera praeclara*

This project will have **No Effect on the clover or the orchid**. We have reviewed the habitat descriptions described in Foth’s Threatened and Endangered Species Habitat Assessment and suitable habitat for these species was not present. This project will have **No Effect on the Topeka Shiner or on the critical habitat** that this project is within. Fox Creek is a degraded creek at this location with no habitat present. We will coordinate the report with the U.S. Fish and Wildlife Service concerning the two listed bat species. This project **May Affect but is Not Likely to Adversely Affect either of the two bat species**.

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 District Engineer, US Army Corps of Engineers, Rock Island District, ATTN: OD-P (Frohlich), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. For additional information contact **Mr. Albert Frohlich (309/794-5859)** or email: Albert.J.Frohlich@usace.army.mil.

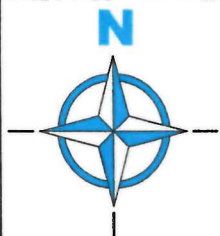
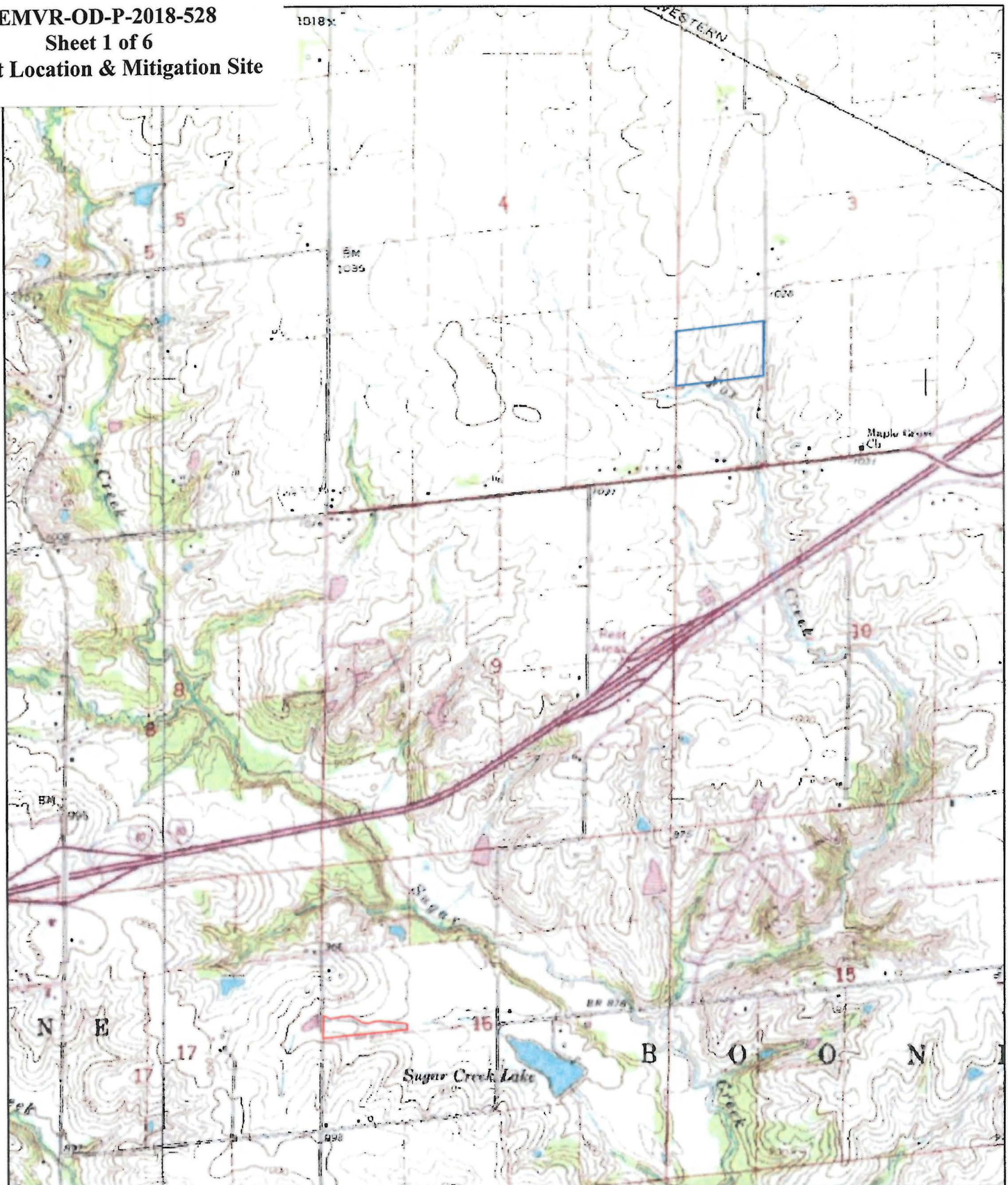


Attach
Plan

Mr. Albert J. Frohlich
Project Manager
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.



LEGEND

- - PERMIT AREA
- - WUS/WETLAND MITIGATION SITE

TOPOGRAPHIC SITE MAP

MAPLE GROVE PLACE
 SECTION 404 PERMITTING
 WACO PLACE NORTH OF ASHWORTH ROAD
 WAUKEE, IOWA

0 APPROXIMATE DRAWING SCALE 2000 Feet

Project ID #: 18W005.01

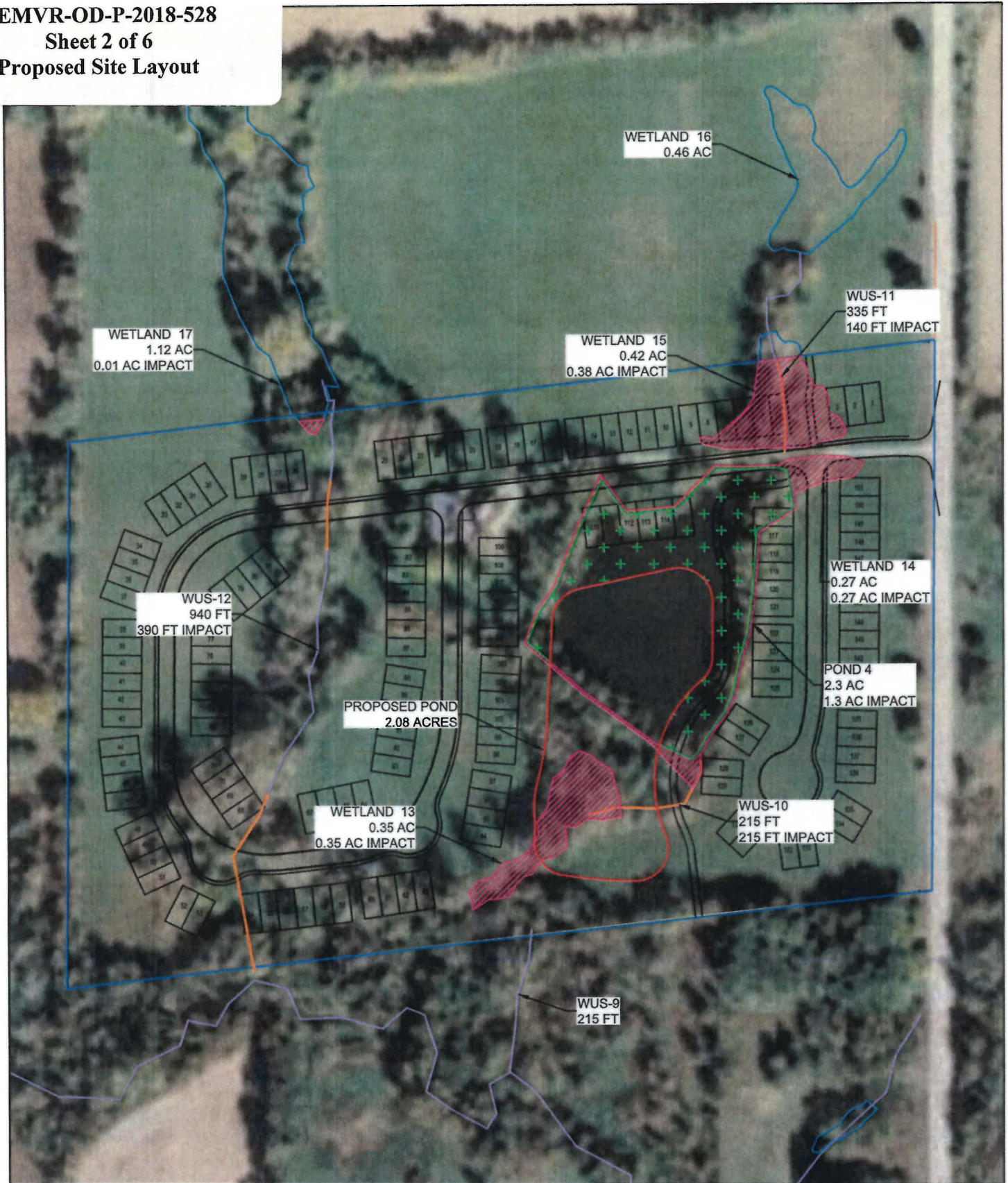
Date: 4/12/18

Prepared By: ESM

Checked By: RPB



Foth Infrastructure & Environment, LLC



WETLAND 17
1.12 AC
0.01 AC IMPACT

WETLAND 16
0.46 AC

WETLAND 15
0.42 AC
0.38 AC IMPACT

WUS-11
335 FT
140 FT IMPACT

WUS-12
940 FT
390 FT IMPACT

PROPOSED POND
2.08 ACRES

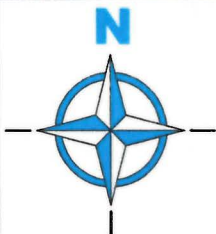
WETLAND 14
0.27 AC
0.27 AC IMPACT

POND 4
2.3 AC
1.3 AC IMPACT

WETLAND 13
0.35 AC
0.35 AC IMPACT

WUS-10
215 FT
215 FT IMPACT

WUS-9
215 FT



- LEGEND**
- PERMIT AREA
 - WETLAND IMPACT
 - WUS IMPACT
 - POND IMPACT
 - PROPOSED POND

PROPOSED SITE LAYOUT

MAPLE GROVE PLACE
SECTION 404 PERMITTING
WACO PLACE NORTH OF ASHWORTH ROAD
WAUKEE, IOWA

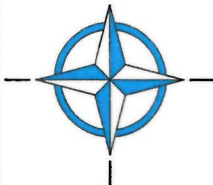
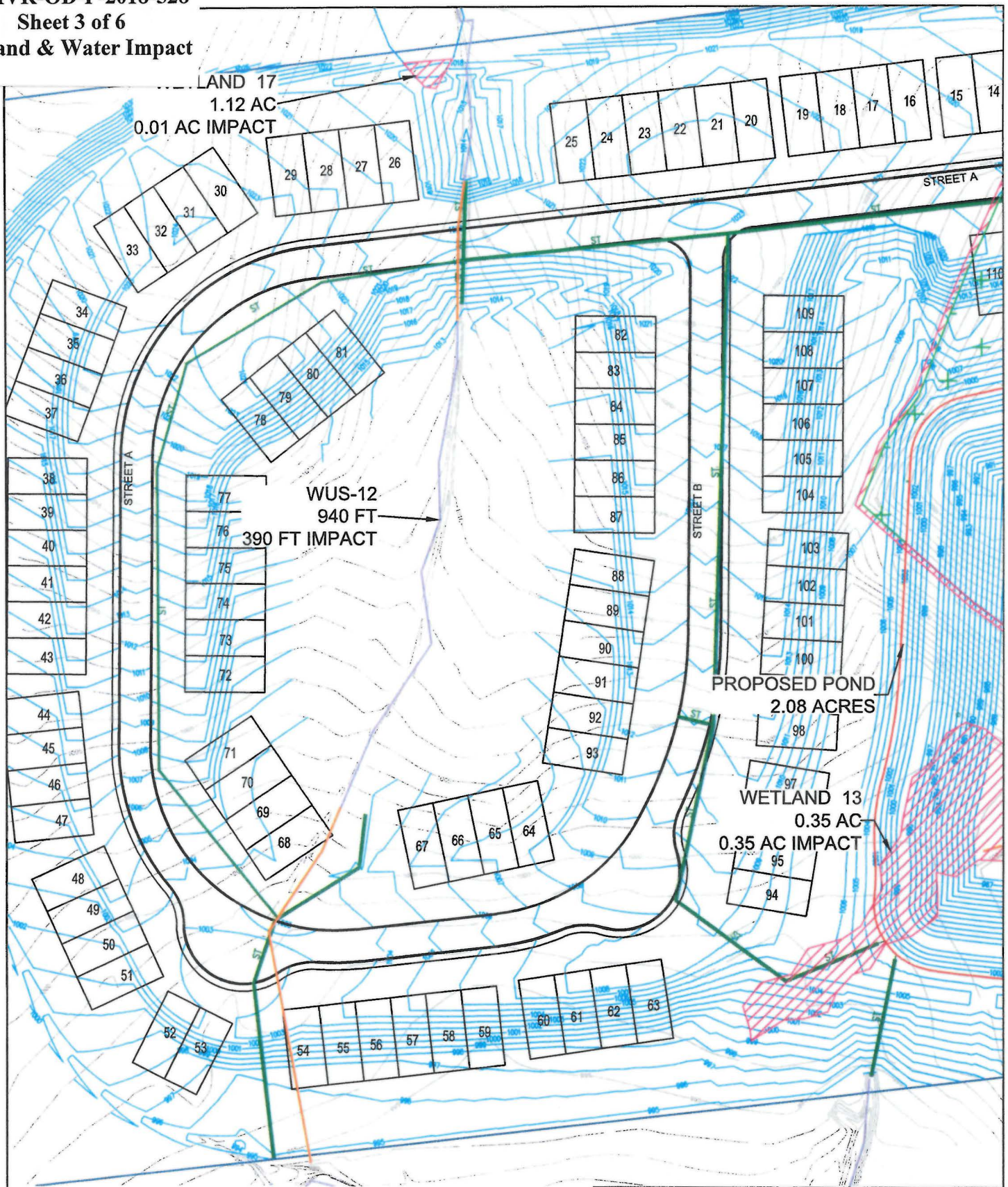
0 APPROXIMATE DRAWING SCALE 200 Feet Project ID #: 18W005.01

Date: 4/12/18

Prepared By: ESM

Checked By: RPB





LEGEND

- PERMIT AREA
- WETLAND IMPACT
- WUS IMPACT
- POND IMPACT
- PROPOSED POND
- STORM SEWER
- UN-IMPACTED WUS

WETLAND AND WUS IMPACT MAP

MAPLE GROVE PLACE
SECTION 404 PERMITTING
WACO PLACE NORTH OF ASHWORTH ROAD
WAUKEE, IOWA

0 APPROXIMATE DRAWING SCALE 100 Feet Project ID #: 18W005.01

Date: 4/12/18

Prepared By: ESM

Checked By: RPB



Foth Infrastructure & Environment, LLC

3A



LEGEND

- PERMIT AREA
- WETLAND IMPACT
- WUS IMPACT
- POND IMPACT
- PROPOSED POND
- STORM SEWER

WETLAND AND WUS IMPACT MAP

MAPLE GROVE PLACE
SECTION 404 PERMITTING
WACO PLACE NORTH OF ASHWORTH ROAD
WAUKEE, IOWA

0 APPROXIMATE DRAWING SCALE 100 Feet Project ID #: 18W005.01

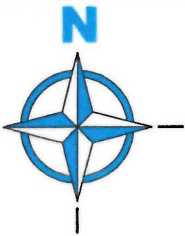
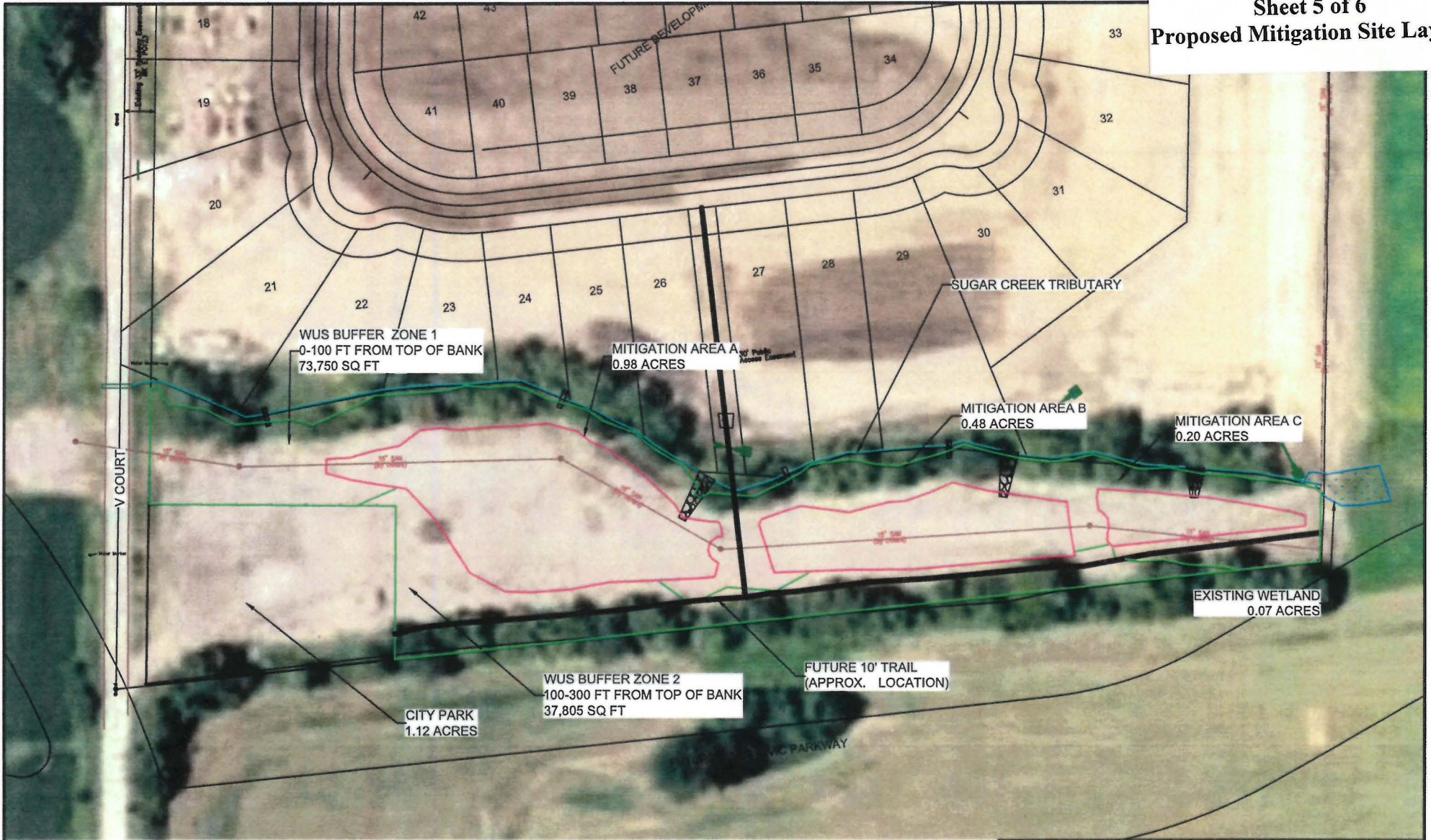
Date: 4/12/18

Prepared By: ESM

Checked By: RPB



3B



LEGEND

- - WETLAND MITIGATION AREA
- - WUS BUFFER
- - PEDESTRIAN TRAIL (APPROXIMATE LOCATION)
- - SUGAR CREEK TRIBUTARY

WETLAND/WUS MITIGATION LAYOUT

MAPLE GROVE PLACE MITIGATION SITE
 WESTPORT OUTLOT Y
 V COURT 0.3 MILES NORTH OF 335TH STREET
 WAUKEE, IOWA

0 APPROXIMATE DRAWING SCALE 150 Feet Project ID #: 18W005.01

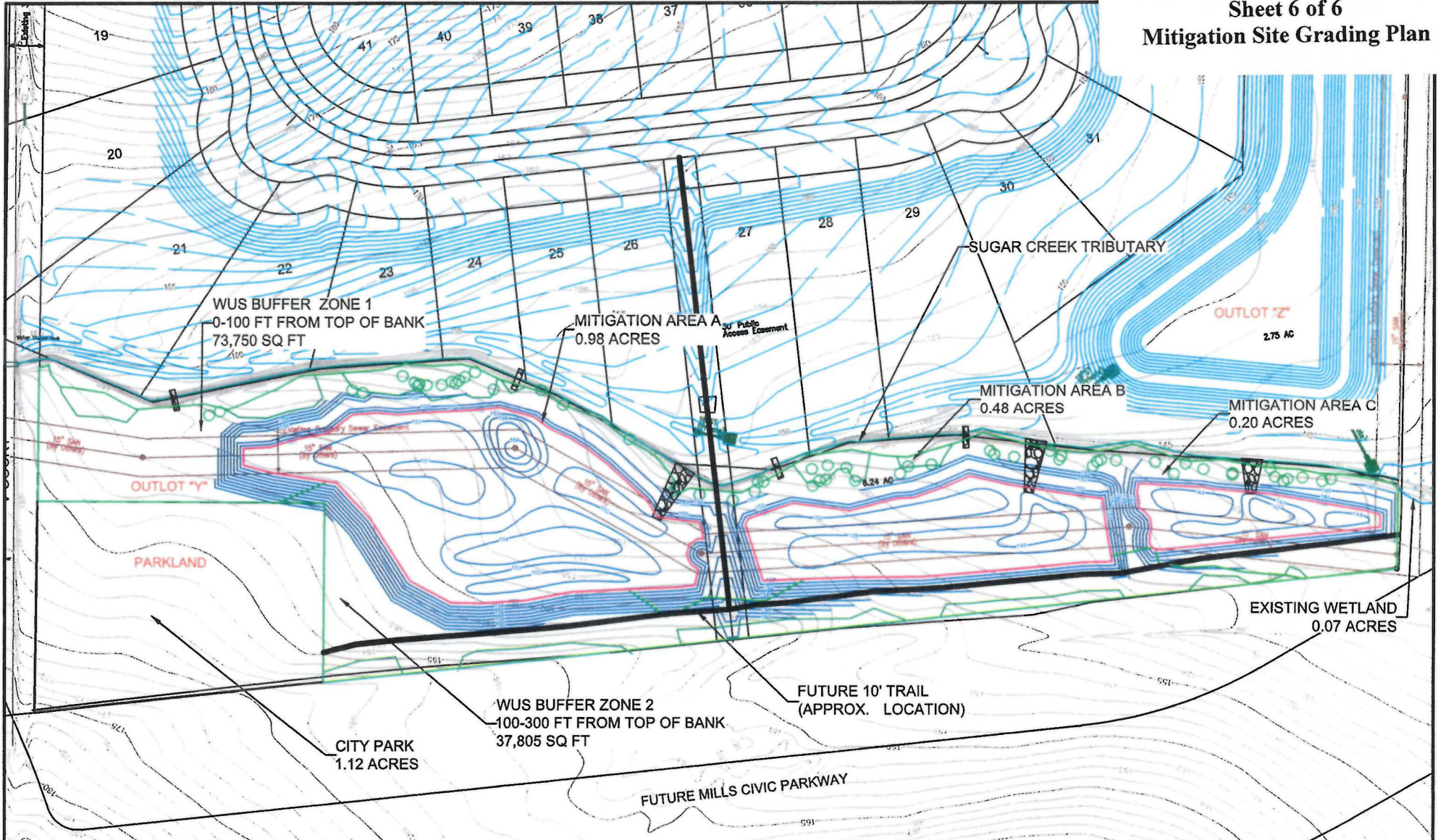
Date: 4/12/18


Prepared By: ESM

Checked By: RPB



Foth Infrastructure & Environment, LLC



- LEGEND**
- - WETLAND MITIGATION AREA
 - - WUS BUFFER
 - - PEDESTRIAN TRAIL (APPROXIMATE LOCATION)
 - - SUGAR CREEK TRIBUTARY
 - - PROPOSED CONTOURS
 - - EXISTING TREE LINE
 - - EXISTING TREES
 -  - GRADE CONTROL STRUCTURE/RIP RAP SPILLWAY

MITIGATION GRADING PLAN		
MAPLE GROVE PLACE MITIGATION SITE WESTPORT OUTLOT Y V COURT 0.3 MILES NORTH OF 335TH STREET WAUKEE, IOWA		
0 130 APPROXIMATE DRAWING SCALE Feet	Project ID #: 18W005.01	
Date: 4/12/18	 Foth Foth Infrastructure & Environment, LLC	5
Prepared By: ESM		Checked By: RPB