



PUBLIC NOTICE

US Army Corps of Engineers
Rock Island District

Applicant: Justin Sweeney

Date: November 13, 2018
Expires: December 12, 2018
Section 10

CEMVR-OD-P-2018-922

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

1. **Applicant.** Mr. Justin Sweeney, 324 4th Street SE, Waukon, Iowa 52172.

2. **Project Location.** Dredging Location: Section 20, Township 99 North, Range 3 West; Waukon, Iowa, Allamakee County, Iowa; approximate Mississippi River mile 664.0. Datum NAD-83. UTM Zone 15. Northing 4803761.435311, Easting 643908.925788. Latitude: 43.372928. Longitude: -91.223663.

3. **Project Description.**

A. Dredging. The applicant proposes to perform dredging via an excavator from shore. The riverfront at the project location was used as a dump by the City of Lansing in the early 1900s. Therefore the dredged material is expected to consist of recently deposited sandy sediments with significant amounts of glass and metal, and other disposed trash. The dredged material will be pulled up on to the shore and removed to an upland, non-wetland site. Area is approximately 50 feet long x 160 feet wide and a water depth of up to 10 feet.

B. Dock. The applicant proposes to construct and install a two-slip dock near the northern most portion of his lot. The walkway is to be 50 inch long and 3 inch wide. Each slip to be 14 feet wide.

- Drawing 1 of 2, Location Map
- Drawing 2 of 2, Dock & Dredging Plan Details

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

A. The Department of the Army application is being processed under provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

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 9th 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.** The District consulted with the Iowa I-Sites geographic information systems archeological site and survey databases online and determined there are no previously identified historic properties in the vicinity of the dredge disposal area. In addition, the Corps consulted the Corps consulted "*Gently Down the Stream: An Inquiry into the History of Transportation on the Northern Mississippi River and the Potential for Submerged Cultural Resources*" (September 1992) prepared by John O. Jensen, State Historical Society of Wisconsin for the St. Paul District. There is a shipwreck indicated within the vicinity of the dredge location. However, the location is downstream from the proposed action. In addition, the proposed dredging is to remove recently accreted sediments from the river. The proposed disposal area was previously disturbed through the construction of the housing and a railroad alignment. Therefore, it is the opinion of the District there is low to no potential for intact historic properties to be affected by the proposed action and there will be **no historic properties affected** by the issuance of the permit 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 Allamakee County, Iowa:

- Northern Long-eared Bat (*Myotis septentrionalis*) & Rusty patched bumble bee (*Bombus affinis*)
- Western Prairie Fringed Orchid (*Platanthera praeclara*) & Northern wild monkshood (*Aconitum noveboracense*)
- Iowa Pleistocene snail (*Discus macclintocki*)
- Higgins Eye Pearly Mussel (*Platanthera praeclara*) & Sheepnose Mussel (*Plethobasus cyphus*)

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 bat species. There is no habitat that would support the plant species, therefore the proposed project will have *no effect* on these two listed species. Lastly, with the trash-laden sandy substrate to be dredged, the Corps has determined there is very little potential for suitable mussel habitat to exist, and a mussel survey has not been requested.

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).

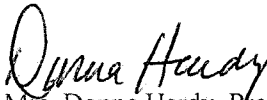
8. Public Interest Review. The decision whether to issue the Corps permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important 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. **Mrs. Donna Hardy** may be contacted for additional information at (309) 794-5378 or email at donna.r.hardy@usace.army.mil.

Attach
Plan

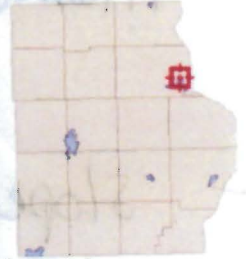

Mrs. Donna Hardy, Project Manager
Iowa Section
Regulatory Branch

North lot line

N

Deck Area

Overview



Legend

- City Limits
- Parcels
- Parcel
- BLL
- Political Township
- PLS Quarter-Quarters
- Road Centerlines

E

South lot line



W

This is a representation of the corporate limits of towns. If you believe you found an error please contact the GIS Coordinator at 563-568-3145.

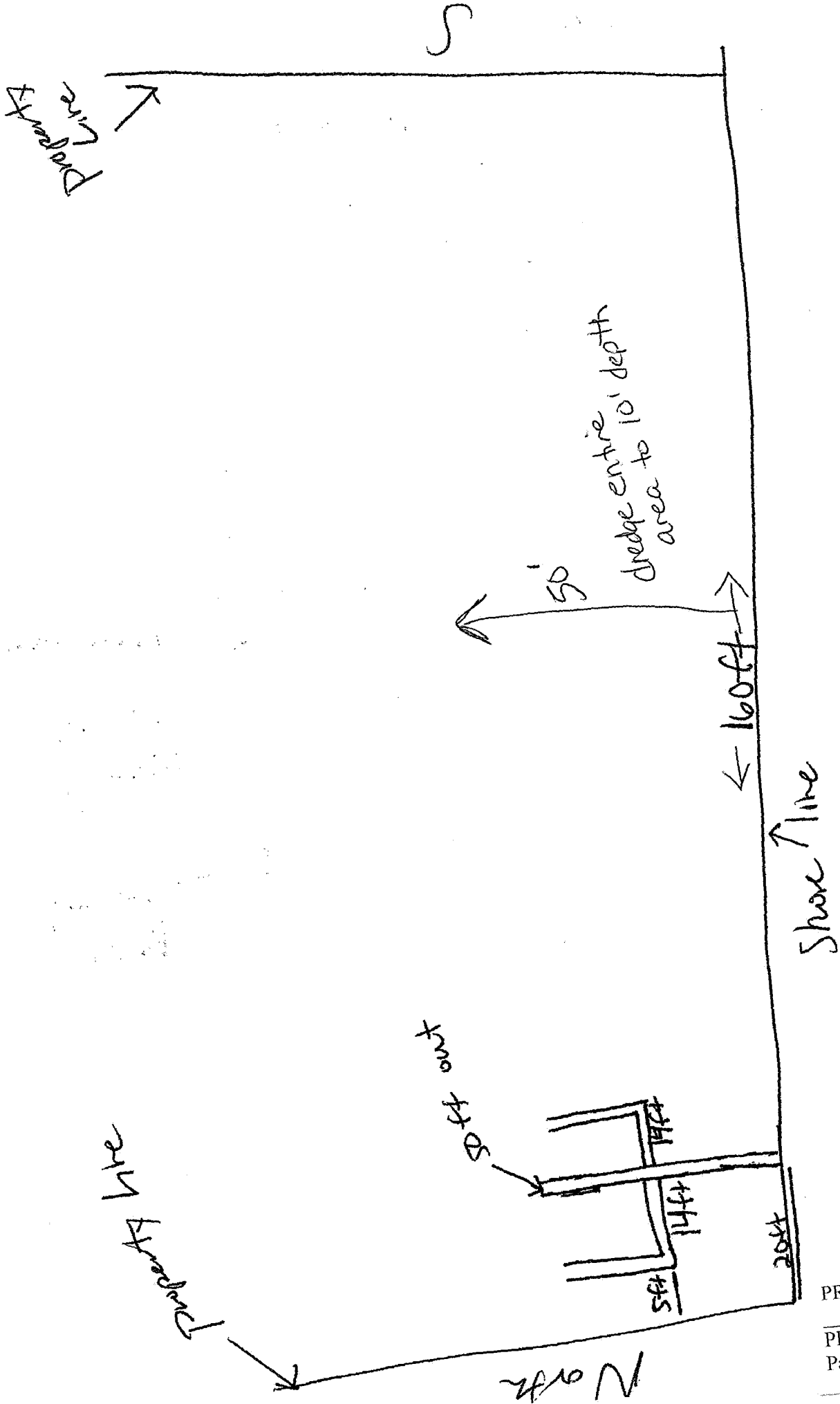
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 PLAN DETAILS
 Page 2 of 2