



PUBLIC NOTICE

US Army Corps
of Engineers
Rock Island District

Applicants: Mr. Monte Ehram and Mr. Charles Cummings

Date: April 12, 2004
Expires: May 2, 2004

CEMVR-OD-P-2004-375

Section 404

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

1. Applicant. Mr. Monte Ehram, 2506 Monroe Avenue, Greenfield, Iowa 50849, and Mr. Charles Cummings, 216 Maple, Fontanelle, Iowa 50846.
2. Project Location. An Unnamed Tributary to the Middle Nodaway River in Section 6, Township 74 North, Range 32 West, near Fontanelle, Adair County, Iowa.
3. Project Description. The applicants propose to realign a portion of an Unnamed Tributary to the Middle Nodaway River. The applicants' stated purpose of the project is to minimize erosion of adjacent cropland and to a newly constructed county bridge and roadway embankment. A 1320-foot-long, 14.0-foot-wide (bottom width), and 12.0-foot-deep portion of existing channel will be replaced with a 1000-foot-long, 14.0-foot-wide, (bottom width) and 12.0-foot-deep portion of new channel. The side slopes of the new channel will be sloped on a 2 to 1 slope. The excavated material from the new channel will be utilized to fill in the old channel. The slopes of the new channel will be seeded into grasses and the upland portions will be cropped.
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, 900 East Grand Avenue, 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. The Corps consulted with the State of Iowa geographic information systems (GIS) archeological site and survey databases as maintained by the Office of the State Archaeologist of Iowa and the State Historical Society of Iowa and current as of August 2003. The query determined that there were no previously recorded archeological sites in the permit area and that a portion of the area adjacent to the road had been surveyed previously (R&C# 960901048). The permit area is a creek straightening location within the active meanderbelt of an unnamed creek. The Corps has determined that no historic properties are affected by issuance of this permit for creek straightening because the work is confined to the active meanderbelt of an unnamed creek. Therefore it is the opinion of the Corps that issuance of the permit will not affect historic properties 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 have 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. Our preliminary determination is that the proposed activity is not likely to adversely affect any listed species or critical habitat. Therefore, no formal consultation has been initiated with the United States Fish and Wildlife Service at this time. However, this preliminary determination is subject to change should further information become available.

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, Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. **Mr. John Betker (309/794-5380)** may be contacted for additional information.

Attach
Plan

John G. Betker
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.

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SUBJECT: CEMVR-OD-P-2004-375

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OD-PP

BETKER
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**Section 6, T74N, R32W, Adair County, Iowa;
Unnamed stream**



