



**US Army Corps  
of Engineers** ®  
Rock Island District

# PUBLIC NOTICE

Applicant: City of Waukee

Date: April 10, 2023

Expires: May 9, 2023

CEMVR-RD-2023-371

Section 404

---

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

1. **Applicant:** City of Waukee, c/o Mr. Rudy Koester, 805 University Avenue, Waukee, Iowa 50263.

2. **Project Location:** The proposed project is located on a 116-acre site on an unnamed tributary of Sugar Creek located in Section 32-34, Township 79 North, Range 26 West and Sections 4-6 Township 78 North, Range 26 West, within the City of Waukee, Dallas County, Iowa. UTM NAD-83 Zone 15, Latitude 41.597333, Longitude -93.889611.

3. **Project Description:**

A. The Applicant has proposed to construct a new 22-acre impoundment for regional storm water management. The new pond will involve the excavation of 295,000 cubic yards of soil throughout the stream channel and ponded area which will allow the area to reach the depth needed to attain the storage goals. A new 434-foot-long pipe will be installed underneath 6<sup>th</sup> Street to allow the passage of water and at the end a rock splash basin will be built to dissipate the energy of the water. The side slopes of the pond are proposed to be at a 3:1 slope.

B. This project will result in the loss of 3256 feet on intermittent stream and 394 feet of ephemeral stream channels and the loss of 0.82 acres of emergent wetland. To compensate for this loss the Applicant has proposed to mitigate the wetland and stream loss through the purchase of wetland and stream credits from an approved wetland and stream mitigation bank in the service area of the impacts. According to the Iowa Stream Mitigation Method, 11,717 stream mitigation credits will be required.

C. The Applicant's project proposed purpose for this project is to provide stormwater management within the Sugar Creek Watershed and to provide a recreational amenity. The Applicant has provided an Alternatives Analysis but has not provided an avoidance and minimization statement.

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 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and 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 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:** The District consulted with the Iowa online geographic information systems archeological site and survey databases. Including the HILD and Notable Locations layers. The review indicates that the permit area has not been previously surveyed. However, the proposed project area was previously surveyed by Bear Creek Archaeology (BCA) in report BCA 2692 (dated November 2021) as part of another project in 2022. There were no historic properties identified in the proposed project area in that report. The Rock Island District Regulatory Archaeologist coordinated the report with the Iowa State Historic Preservation Office (IA SHPO) in May of 2022. IA SHPO concurred with the District Archaeologist's recommendations on the project by email dated 26 May 2022 under R&C 220425003. Therefore, there will be **no historic properties affected** by the proposed project.

**6. Endangered Species:** This project will have No Effect on any listed species that is listed in Dallas County, Iowa. There will be no forested habitat impacted, therefore there impacts to the Indiana and Northern Long-eared Bats will not occur. The wetlands and grasslands in the permit area are degraded and contain no suitable habitat for any of the listed plant species as well. There will be no informal consultation with the U.S. Fish and Wildlife Service based on this determination.

**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. Albert Frohlich (309/794-5859)**, email: [Albert.J.Frohlich@usace.army.mil](mailto:Albert.J.Frohlich@usace.army.mil), may be contacted for additional information.

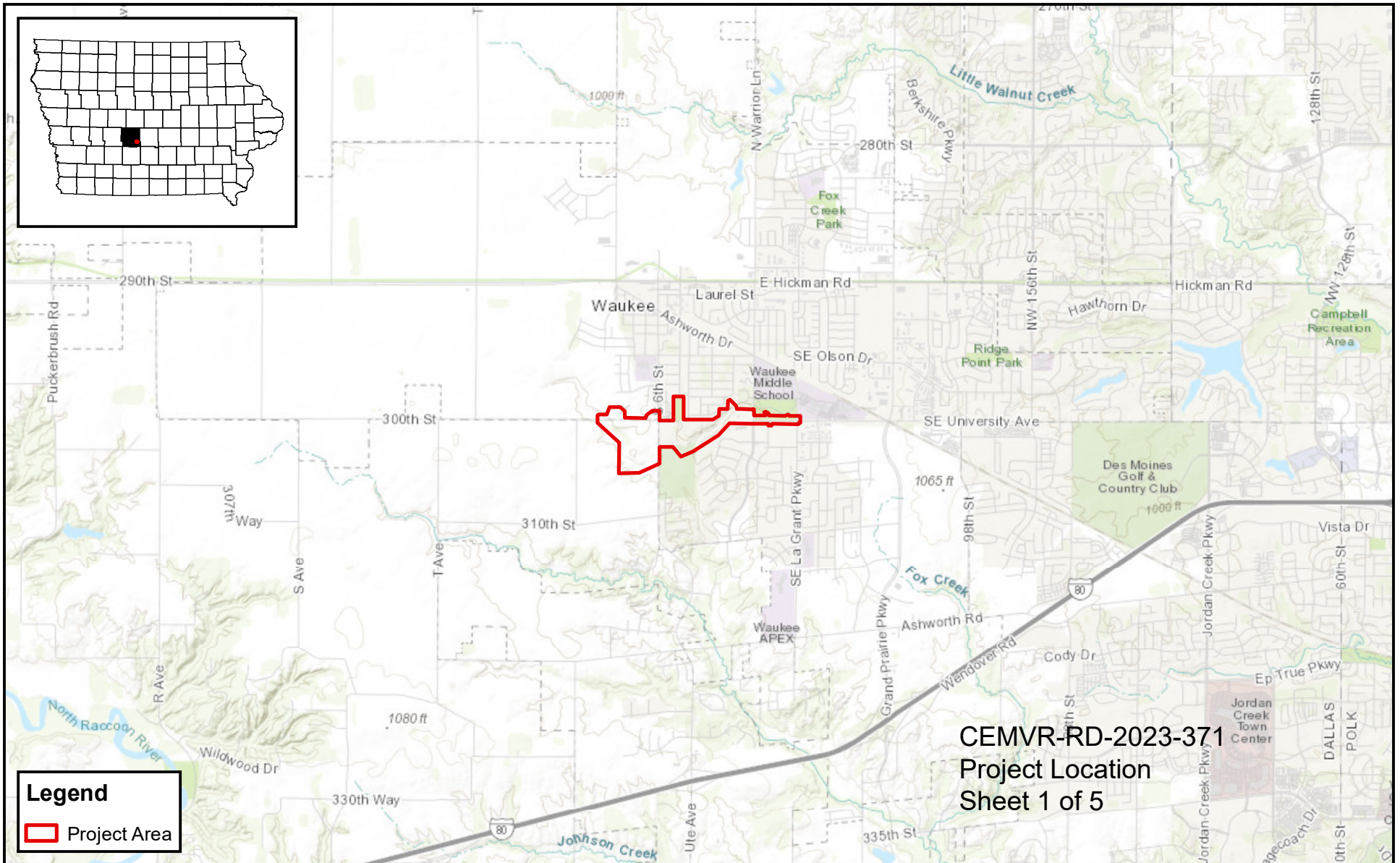


Attach  
Plan

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

**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.



**SHIVE-HATTERY**  
 ARCHITECTURE+ENGINEERING

## Figure 1: Project Area Location

University Avenue Extension | Waukee, Iowa | Project #4203290

0 0.5 1  
 Miles



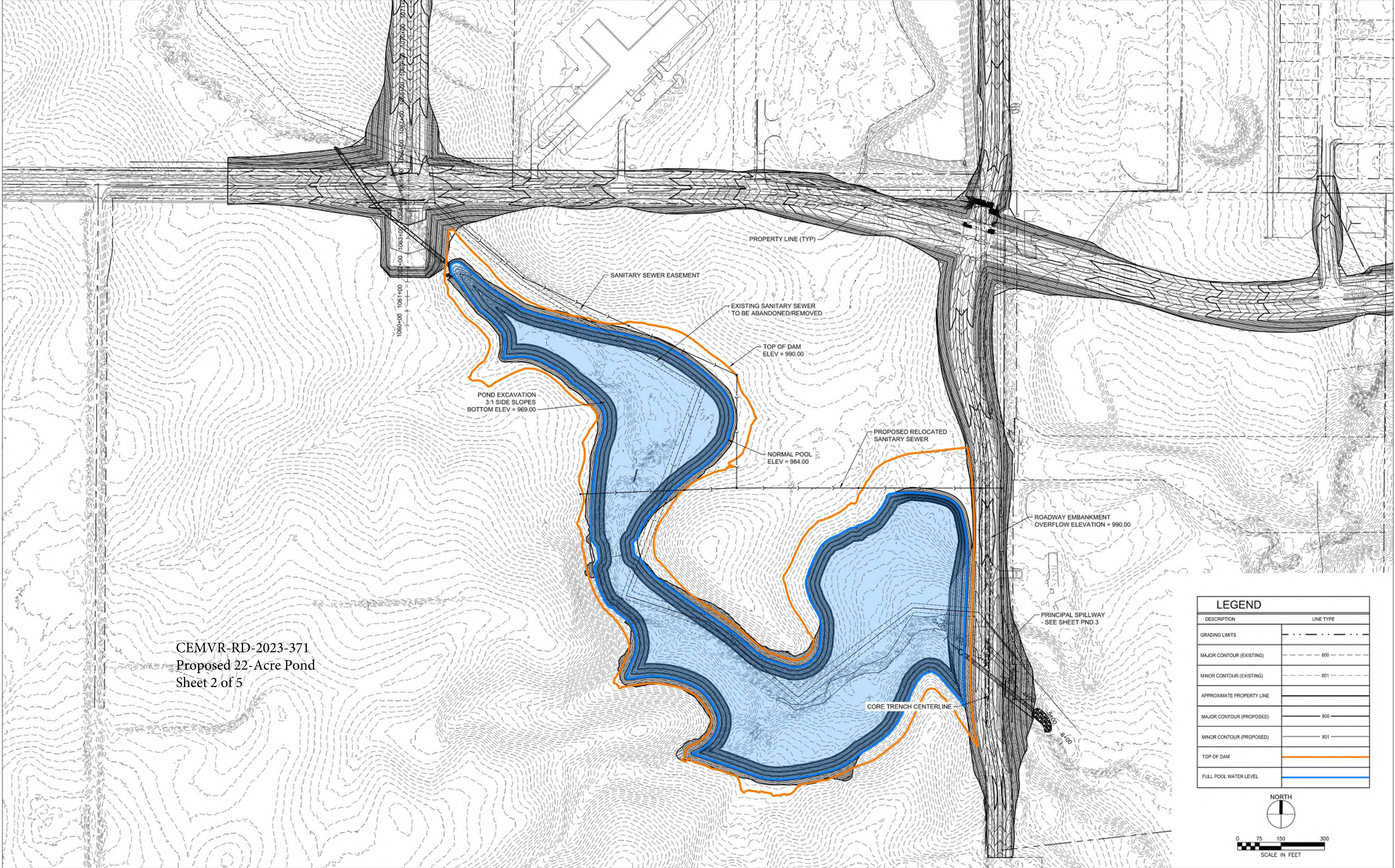
Data Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, OpenStreetMap contributors, and the GIS User Community



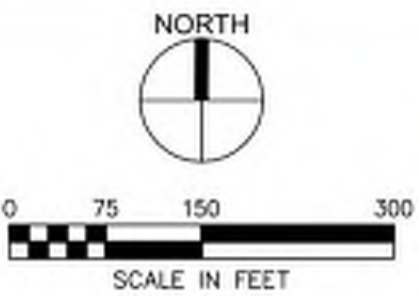


Alverson P:\Projects\DM14203290\Deliverables\Drawings\dwg\Civic Campus Pond\VC201 Grading Plan.dwg 3/16/2022 2:40:30 PM

CEMVR-RD-2023-371  
Proposed 22-Acre Pond  
Sheet 2 of 5

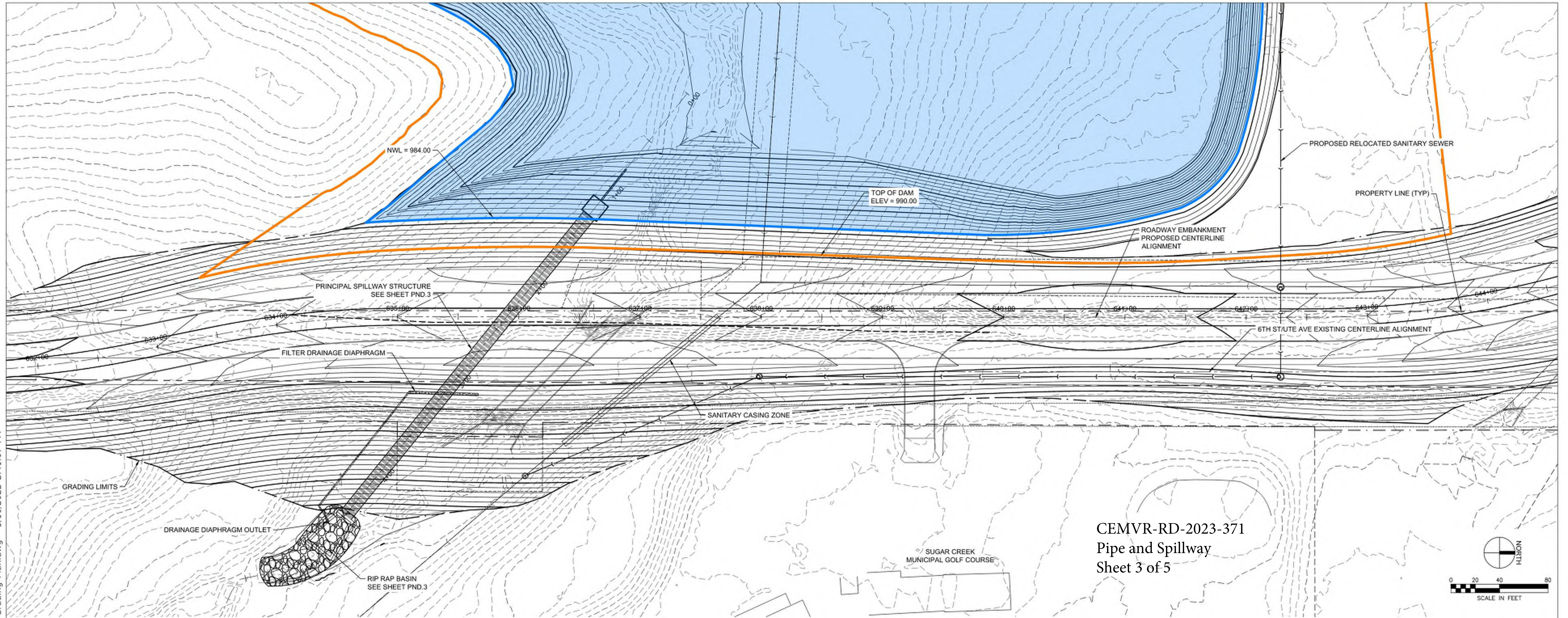


LEGEND	
DESCRIPTION	LINE TYPE
GRADING LIMITS	---
MAJOR CONTOUR (EXISTING)	--- 800 ---
MINOR CONTOUR (EXISTING)	--- 801 ---
APPROXIMATE PROPERTY LINE	---
MAJOR CONTOUR (PROPOSED)	--- 800 ---
MINOR CONTOUR (PROPOSED)	--- 801 ---
TOP OF DAM	---
FULL POOL WATER LEVEL	---

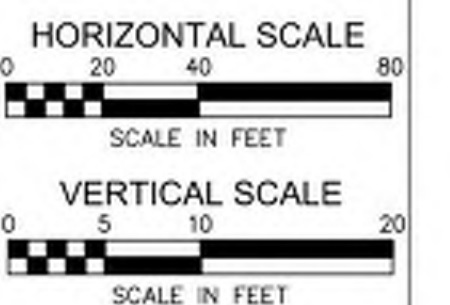
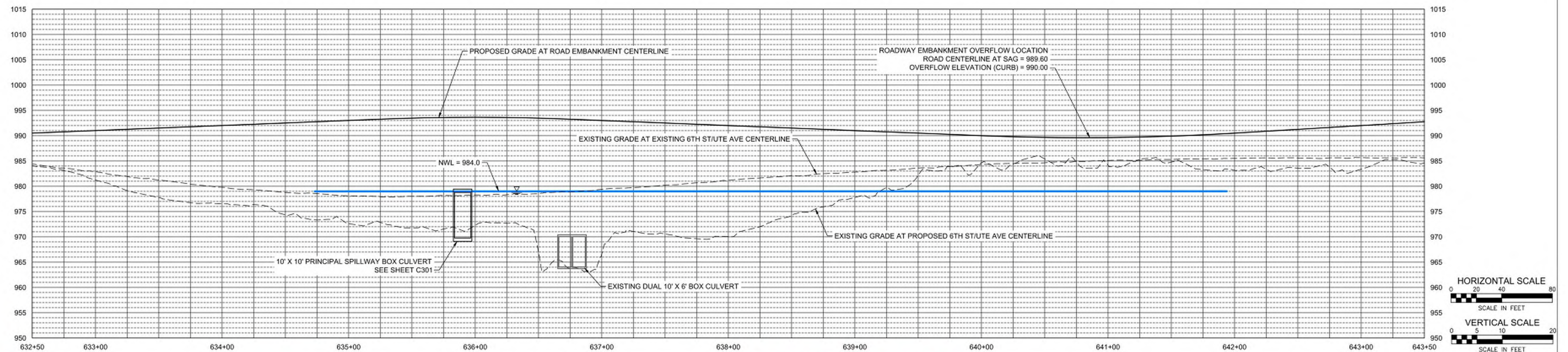
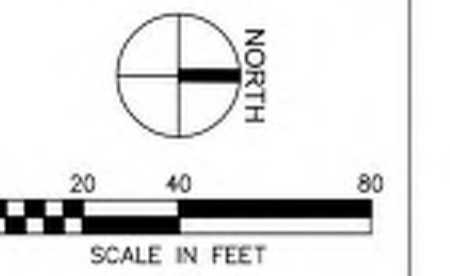




Alverson P:\Projects\DM14203290\Deliverables\Drawings\dwg\Civic Campus Pond\C201 Grading Plan.dwg 3/16/2022 2:41:07 PM



CEMVR-RD-2023-371  
Pipe and Spillway  
Sheet 3 of 5





P:\Projects\DM14203290\Deliverables\Drawings\dwg\Civic Campus Pond\C301 Outlet Structure Plan and Profile.dwg 3/16/2022 2:42:04 PM Alverson

