RESPONSIVENESS SUMMARY

Stream Use Designation Revisions

Prepared by the
Iowa Department of Natural Resources
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Legend

Highlighted Text	Classification change
Highlighted Text	Stream being discussed in group of numerous comments
Highlighted Text	UAA box

Stream-Specific Comments

1. Ames Creek (Clinton Co.)

One public comment was received:

> "I am particularly concerned about the potential downgrading of Mason, Blackhawk and Ames Creeks in Scott County. We have 2 children personally, but we worry about the ability of all children to be able to safely use these creeks for recreational purposes. This is not the time to downgrade standards.
>
> Please do the right thing. Protect these Creeks in Scott County now so that many can continue to safely enjoy them in the future."

DNR Response:

This stream was designated as Class A2 Secondary Contact recreational uses based on results of the field assessment.

Ames Creek is listed as a perennial stream in the assessed reach according to the USGS 1:100,000 DLG Data Set. The river has an overall drainage area of 27.47 square miles.

Solicitation of public input on local recreational activities in Ames Creek noted the following responses:

1) Comments via written or Website public response opportunities – no responses

2) Postcards - Two postcards were left at site 839-1. One was returned by a streamside resident. They indicated none of the following occurs on the creek: swimming, canoeing, kayaking, tubing, fishing, seining, or trapping minnows. They indicated that yes to children playing in or near the creek that their family plays in the creek on their own property.

The assessed reach of Ames Creek travels through rural agricultural areas and areas of dense forest. The assessed reach contains steep slopes and some portions contained heavy riparian cover that would make accessing the river difficult. The potential for recreational use diminishes with small nearby human population and agricultural land uses associated with rural areas.

Upstream and downstream assessments were conducted at one bridge crossings which yielded two sampling points. One average depth measurement of 20 inches and one maximum depth measurement of 41 inches demonstrated adequate depths for primary contact recreation based on guidelines used by the department to determine the attainability of primary contact recreation. The maximum depth was found in a scour area around the bridge piling that was approximately 2 feet wide by 30 feet in length.

Measurements were influenced by elevated stream-flow conditions due to rainfall events. Recreational use assessments are ideally conducted at base flow conditions according to the

Recreation UA/UAA Protocol but this is not always possible. Estimations were made in the field at the time of assessment which help determine how elevated a stream may be. The stream was elevated 6 inches at the time of assessment. Taking into account the elevated state of the creek, no areas demonstrated adequate depth for primary contact recreation.

As a result, Primary Contact recreational uses are not considered attainable for Ames Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

No evidence of any recreation was found in the assessed reach. The postcard received indicated children's recreation has occurred at site 839-1 however the frequency of this activity was not noted. This area of the creek does not have the highly residential areas typically associated with elevated levels of children's recreation. Although children's recreation has been noted to have taken place, it is difficult to determine if it occurs at a frequency to warrant class A3 designation at this time. Ames Creek's rural location; remote location; agricultural land uses; lack of accessibility; riparian cover; and steep banks appeared to deter any elevated level of children's recreation. Therefore, Children's Recreation is not recommended for the assessed reach.

While the creek is too shallow to support primary contact recreational uses, it has the potential to attract secondary contact recreation such as minnow seining at the assessed locations.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact recreational use apply from the mouth (S4, T80N, R4E, Clinton Co.) to the bridge crossing on 300th Street (East line, S20, T81N, R04E, Clinton Co.). The department considers class A2 to be the highest attainable recreational use for this segment.

Class A2 Secondary Contact Recreation

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which user do not swim or float in the water body while on a boating activity."

<u>Recommended Recreational Use Designation:</u>

Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of this segment of Ames Creek is shown below:

839-1 Bridge looking upstream

This is a general comment and does not provide specific use information. However, based on observation of the stream, it does not appear likely to support Primary Recreation uses, but Secondary Contact recreational uses are still being protected.

As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

While we feel this was clear, the department still tried to telephone this responder on June 7, 2010, and followed with an email in an attempt to obtain more specific information on location as to where primary contact uses of swimming or children's recreational uses might be occurring. However, our calls were not returned. Without additional information, the department has to rely on its scientific assessment.

2. Badger Creek (Webster Co.)

One public comment was received from the DNR Rivers Program:

> "Creek is in large county park near Fort Dodge, forms lake; downstream possibly A3?"

DNR Response:

This stream segment is proposed to be Class A2 Secondary Contact recreational uses based on results of the field assessment. The UAA is excerpted below:

Fieldwork for preparation of this UA/UAA was conducted on Badger Creek on September 7, 2007. Located Webster County, Badger Creek is noted as a perennial stream along its entire assessed length according to the 1:100,000 USGS DLG Data Set.

The assessed segment of Badger Creek was from its mouth into Badger Lake (S29, T90N, R28W, Webster Co.) to the 130th Street bridge crossing (North line of S20, T90N, R28W, Webster Co.) or approximately 1.64 miles. At its mouth, Badger Creek has a drainage area of 17.7 square miles, while at the upper extent of the assessment (130th Street bridge crossing) the drainage area is 13.38 square miles.

Based on aerial photography, nearly all of the properties along the creek appear to be in private ownership primarily used as agricultural production. Available data indicates the creek passes through one public land known as Kennedy Memorial Park. Two public roads cross the creek within the assessed reach with no formal access or parking areas noted along the assessed length. From field observations and aerial photography, approximately nine rural residences were noted along or in close proximity to the assessed segment.

The data indicated the creek's widths range from 10 to 21 feet and the average depth ranged from 14 to 20 inches with a maximum depth of 32 inches. The maximum depth was associated with a six by five feet scour hole. Rain showers had occurred within the previous 7 day period and were estimated to have elevated the stream by approximately 8 to 12 inches. When considering the observed elevated flow data, the stream's estimated average depths under normal flow conditions would range from only 6 to 12 inches or less with a maximum depth of 24 inches or less. Although rain may have affected the observed stream conditions, it was not to the extent of preventing an effective use assessment.

Steep stream banks with estimated heights ranging from 5 to 8 feet are common features of the assessed segment. The banks are covered predominantly in grasses with a mixture of trees and shrubs resulting in a relatively open stream canopy.

During the assessment there were no people observed recreating in the water and no evidence of actual instream or stream side activities was observed, except that graffiti was found under the bridge at site 1020-1.

Solicitation of public input on local recreational activities in Badger Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

3) Phone interview with a staff member of the Webster County Conservation Board – The phone interview revealed that no known recreational activities take place in Badger Creek near its mouth into Badger Lake within Kennedy Memorial Park. The only known activity to take place in Badger Creek is that some dog owners allow their pet to swim in the siltation pond/basin just prior to Badger Lake, since dogs are not allowed to swim in Badger Lake.

The relatively shallow water along the assessed creek length was not capable of supporting normal primary recreational uses. No locations were found to have average depths greater than 19 inches. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the entire assessed reach. Primary Contact recreational uses are not considered attainable for Badger Creek due to the lack of flow (as per 40 CFR 131.10(g)(2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the stream being located in a rural agricultural area and very steep banks. Therefore, children's recreation use is not recommended.

While Badger Creek is too shallow to support primary contact recreational uses, this portion does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for Badger Creek from its mouth into Badger Lake (S29, T90N, R28W, Webster Co.) to the 130th Street bridge crossing (North line of S20, T90N, R28W, Webster Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:	
Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown below:

1020-1 Start of aquatic assessment looking upstream

Public comment provided is not a direct witnessing of the activity, only a supposition. We have to follow defensible protocol. Without direct evidence of this activity, we can only go off the results of our field assessment, which did not find observation of this activity. In addition, the county manager, who is there all the time, hasn't seen these uses.

3. Battle Creek (Ida Co.)

One public comment was received:

> "I have farmland that drains into the Battle Creek watershed, and the parts that I know are more likely for hunting, trapping, than swimming; however I strongly feel that the water should still be monitored closely because this stream feeds into shallow wells, and into the water supply for Battle Creek and points on downstream. If there still are places to fish, water quality there dictates whether the fish are safe to eat. The park in Battle creek has a pond (renovated gravel pit) and this comes from the Battle and that is another area of people contact with the river water. If there is less protection for water quality, access to that water should be restricted, and that would be an unhappy situation."

DNR Response:

The majority of this segment's length (estimated at 85%) is proposed to be classified A1 Primary Contact recreational uses. The upper segment of Battle Creek is proposed to be classified A2, Secondary Contact. A photo of this upper section is shown below:

828-2 Bridge view, looking upstream

There is a park in the northwest portion of Battle Creek with three baseball diamonds and a couple of ponds. While specific information on the geology of this site was beyond the scope of this project, that river water and ponds have a hydraulic connection is well understood. Still, groundwater is quite often subjected to filtration

properties as it moves through the subsurface between the river and the pond. In this case, however, the park is adjacent to the segment of stream that is proposed to be classified A1 Primary Contact and much of the stream's length is Class A1 as well.

Please also see the report sections entitled, "Issue: Attainability" as well as "Issue: Class A2 criteria is not protective of public health" for additional information regarding the stream designations.

4. Bear Creek (Dallas Co.)

One public comment was received from EPA:

> "Bear Creek (Dallas County), a waterbody from the current NOIA, provides a good example of [the situation where depth data indicate the Class A1 primary contact recreational use is an attainable use]. IDNR re-segmented the stream, recommending several different recreational uses, based on three site visits. The stream reach is approximately five miles long. Figure 1 shows the locations of IDNR's assessment sites at two bridge crossings and one private property access point. At site 687-a, IDNR measured an average depth of 40 inches and a maximum depth exceeding 48 inches. IDNR, considering the depth data, designates a Class A1 primary contact recreational use for the pooled area at site 687-a. However, IDNR then designates a Class A2 secondary contact recreational use for the segment running from site 687-a to the Raccoon River. No measured assessment data from within this segment was supplied by IDNR to support this Class A2 use designation."

DNR Response:

Please see the response to EPA Comment #1.

5. Bear Creek (Jones Co.)

Two public comments were received.

First comment. It is unclear which specific Bear Creek this particular comment applies to:

"Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.

In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.

Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

A second public comment was received from a local organization:

"I am writing you in response to the amendment towards downgrading the standards of specific streams in the state of Iowa. Camp Wyoming is located in Wyoming, Iowa and is surrounded by Bear Creek. We use this creek for child's play during our 10 week summer camp program. The lowering of environmental and health standards of Bear Creek would enhance the potential risk towards our youth and greatly impact the effectiveness of our program. I encourage you to re-consider this amendment, specifically in the area upon which we reside."

DNR Response:

This creek has not been in any of the previous batches for stream designation because there are no dischargers to this stream. It was already designated for Class B(WW-2) aquatic life uses and because of the "presumed use" it has been designated as Class A1 Primary Contact recreational uses until the need for further data collection arises.

6. Beaver Creek (Boone Co.)

One public comment received:

"I am writing to specifically express my concerns regarding the existing recreational use of Squaw Creek in Story and Boone Counties as well as East Indian Creek in Story and Polk Counties, Sections of Beaver Creek that flow into or out of Don Williams State Park and any section of the South Skunk River or its tributaries in Hamilton or Story Counties. My comments also apply to other stream designations that are not at the highest level of contact.

The presumption that public use is based on improved public accesses to any tributary, stream or river is erroneous. Paddlers have and continue to access rivers at both public accesses and at bridges all across the state including specifically on the stream and stream segments mentioned above in the first paragraph.

Besides paddling on all of these section or stream mentioned in the first paragraph, in part by accesses at bridges, I have also been an active as an IOWATER volunteer on Squaw Creek in cooperation with the Squaw Creek Watershed Coalition, the South Skunk River in Story County and on Long Dick Creek a local tributary. I have assisted on Clean-up on Squaw Creek and the South Skunk River in Story County and further downstream as well.

Even in a canoe or kayak, we wade, sit, knee, get splashed or dripped on by our paddles. This sustained contact should be no surprise since paddling is a water sport, one that is growing by leaps in bounds in Iowa and elsewhere. The DNR standards need to reflect this usage.

Clearly, the DNR's presumption of no usage or sustained contact with Iowa's many water ways is unfounded. It would be better if the DNR presumed that there is sustained contact in all of Iowa's waters rather than the erroneous presumption there is no contact. The DNR needs to do take detailed surveys of the paddlers, fishing, hunters and others that they sell licenses and tags to as well as those in the local communities, including the children, that use Iowa's many waterways before any claims that these waters are not used and that there is not sustained contact.

And it is not just the tributaries, streams, rivers or segments and the one lake mentioned in the first paragraph that I and others people paddle. As a paddler, I can attest that people paddle most the areas around where they live or work whether this water is now referred to as a drainage ditch, an impounded lake, a stream, river or some local segment of an unnamed tributary. The DNR needs to reflect this ubiquitous use and sustained contact in its rules."

DNR Response:

This portion of the stream has already been proposed to be designated Class A2 Secondary Contact recreational uses in the first batch of UAAs.

7. Beaver Creek (Hardin Co.)

One public comment was received in reference to Beaver Creek in Hardin County:

> "I am writing in reference to streams in Iowa currently listed as "secondary contact", and would like to voice my reasons why I believe these streams should be considered primary contact. I am an avid paddler and fisherman, and have participated in floats or witnessed numerous amounts of primary contact (canoeing or kayaking, with some wading and fishing included) on the following streams (I've been involved in or seen multiple paddlers per year on these streams each year over the past 5 years):
>
> 1. Whitewater Creek – a few miles east of Cascade, between Whitewater Drive and its confluence with the North Fork Maquoketa River.
> 2. North Fork Maquoketa River, from Dyersville to Ozark Bridge
> 3. Big Creek (east of Marion Iowa) between Springville and its confluence with the Cedar River
> 4. Beaver Creek (Hardin County) – 215th St. to its confluence with the South Fork Iowa River.
>
> I would request that these streams be included in those that receive the highest levels of protection (along with all other perennial streams, but I can't claim to have much firsthand knowledge of the others listed as secondary contact)."

DNR Response:

A recreational use assessment has not been necessitated for the Beaver Creek stream segment as there are no dischargers to it, so it maintains the "rebuttable presumption" classification of A1, Primary Contact recreational uses.

This stream has not been included for reclassification in Batch 1, 2, or 3.

Please also see the report section titled, "Issue: What types of activities are considered for Class A1 and Class A2 recreational uses?" for additional information on what activities comprise A1 and A2 recreation.

8. Beaver Creek (Polk Co.)

One on-line survey comment was received. This referenced the "Beaver Drive overpass, s. of Johnston Drive, Merle Hay Road, Lew Clarkson Park, pedestrian bridge s. of 62nd Ave; 62nd Ave., 70th Ave, and IOWATER sites north/west".

It stated the following:

1. Swimming? Yes. Summers 06-09; bridge south of 62nd Ave; several times/summer
2. Children playing in or near the stream? Yes. Along Beaver Creek all along the city limits of Johnston
3. Canoeing, kayaking, or tubing? Yes. Each summer; 70th Ave. to the Des Moines River confluence; several times/summer
4. Fishing, seining, or trapping for minnows? Yes. Seen near Merle Hay Road and Trestle Bridges; summers; perhaps monthly

DNR Response:

Based on the results of the UA/UAA, the department recommended this segment of Beaver Creek be classified as Class A3 Children's recreational uses based on results of the field assessment discussed below as well as supporting results of the online public survey.

Beaver Creek is listed as a perennial stream from the mouth to its headwaters according to the USGS 1:100,000 DLG Data Set. The creek has an overall drainage area of 383 square miles. The main goals of the field work were to determine use attainability, use attainment and potential causes of non-attainment (if any).

An upstream and downstream recreational assessment was performed at each of the 13 sampling sites which yield 26 sampling points. Two of the sampling sites were done from the same bridge crossings therefore the data from site 84-2 and 401-1 are from nearly the same location.

Based on the findings of the field assessment, two segments of Beaver Creek will be discussed. Segment 1 will include the stream segment from the mouth to the city limits of Johnston. Segment 2 will be from the city limits of Johnston to the confluence with Unnamed Creek.

Segment 1: From the mouth to the city limits of Johnston.

This stream segment travels through urban/residential areas as well as near parks which allows for the increase possibility of access. Only two sampling sites (sites 84-8 and 84-9) were conducted within this stream segment but aerial photography was used in order to characterize the surrounding conditions of the stream segment. The aerial photography showed that ball fields and residential areas are within close proximity which allows for children to gain access to the stream relatively easily.

Based on analysis of the data from the assessed sites along with the aerial photography, the department recommends a Class A3 Children's Recreational use designation apply from the mouth of Beaver Creek (S17, T79N, R24W, Polk Co.) to the city limits of Johnston (North Line S2, T79N, R25W, Polk Co.) This recommendation is consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A3 Children's Recreational Use Definition:

"Waters in which recreational uses by children area common. Class A3 waters are water bodies having defined banks and bed with visible evidence of flow or occurrence of water. This type of use would primarily occur in urban or residential areas."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☐	
Children's Recreation	☒	- See description above
No Recreational Use	☐	

Segment 2: From the city limits of Johnston to the confluence with Unnamed Creek.

This segment of Beaver Creek passes through rural/agricultural lands but does travel near some rural residence. Within this segment of the stream it was noted that four sampling sites (401-1, 401-1a, 801-1 and 84-5) had steep stream banks which make access to the stream relatively difficult. These steep banks along with fences and the rural location may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

Of the eleven sampling sites within this segment only two points demonstrated adequate maximum depth for primary contact recreational uses. However Site 801-2 (maximum depth of >48 inches) was noted to have slightly elevated flows. The two locations with greater than 40

inch depth measurements were not considered to be representative of the 55 miles assessed reach of Beaver Creek (including Segment 1) as they were isolated in generally smaller pools. Primary Contact recreational uses are not considered attainable for Beaver Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout this segment to completely fulfill what is considered a Class A1 primary contact recreational use.

While the creek is too shallow to support primary contact recreational uses, it was evidenced that the stream and its surrounding area were being used for other forms of recreational activities. The evidence found was consistent with what is considered secondary contact recreational uses.

Based on analysis of the data from the assessed sites, the department recommends a Class A2 Secondary Contact Recreational use apply from the city limits of Johnston (North Line S2, T79N, R25W, Polk Co.) to the confluence with Unnamed Creek (S29, T84N, R28W, Boone Co.). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2 Secondary Contact Recreational Use Definition:

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

This stream segment from the confluence with the Des Moines River to the Dallas/Boone County Line was designated for Class A1, B(WW-2) uses in Batch 1 at the request of the Environmental Protection Commission..

9. Benjamin Creek (Jasper Co.)

"I am writing in response to the proposed stream designation by the EPC. I just heard about this, so I apologize for the last minute comments, we were without

an engineer for over 4 ½ months. I have been employed by the county for over 30 years and am using my experience to comment on these streams.

First Stream is Cherry Creek- This stream crosses two paved county roads (F36 & F48) and one state Hwy(14). In all my years I have never seen anyone fishing or swimming in any of the crossings. It does go through a golf course but no one has ever talked about anyone swimming in it, 90% of the time the stream is usually about 6-8 inches deep so I believe that this stream does not qu[a]lify for any type of recreational use.

Next is Clear Creek, This stream has crossings on paved county roads F17 and F24 also there is a low water crossing on W 84th St S. The low water crossing was installed about 25 years ago. It has 18 inch diameter culverts and they only run [half] full 90% of the time. The only time it is deeper is when we have floods and then the road has to be closed but that is only for a couple of days. I have never seen anyone swimming or fishing at any of these locations. Again I do not think the water is deep enough to war[a]nt a recreational designation of any kind even [though] it crosses the bike trail. The banks are steep and not user friend.

Elk Creek has many crossings through the county. I have never seen any one fishing or swimming at any of the crossing I am about to list, Liberty Ave, Legion St, S 60th Ave E, County Road F 62, S 124th Ave E. Most of the time the creek runs approximately 6-8 inches deep except when it floods. This would not allow boating as would none of the [other] c[r]eeks listed.

Indian Creek crosses county paved road F 24 and also N 51st Ave W and N 19th Ave W as well as others, These crossing[s] all have steep banks and are not user friendly for any type of recreation. Most of the time [this] creek runs 8 inches deep or less. I have never seen anyone fishing or swimming at these crossings. Also I have never seen a boat of any kind. Again I see no reason to designate this creek for any type of recreational use.

Benjamin Creek crossings on W 12th St N and county road F 36 I have seen a lot, they are between my home and work. I have never seen any fishing or swimming at these locations, 90% of the time the creek is only approximately 6 inches deep or in some locations almost dry and the banks are not user friendly. The only time a boat could use this creek is for a few short hours during flooding. Not a good contestant for recreational use.

Calhoun Creek Crossings that I am most familiar with are county road F 70 and S 96th Ave W. I have never seen fishing or swimming at either of these locations. 2 years ago we replaced the bridge on F70 with a RCB culvert. There is [usually] only about 4-6 inches of water in the creek and in some area[s] almost dry at times. I cant see where this would be adequate for recreation or [sustaining] fish life.

Prairie Creek crossings are county roads F36 and N 75th Ave W, The normal flow is very low on this creek as well and I have never seen any one fishing or swimming on either of these crossings, the water is usually only approximately 4-6 inches deep with some areas almost dry,

Sugar Creek crossings are S 36th Ave E and S 52nd Ave E that I am most familiar with and at no time have I seen any one fishing or swimming at these crossings. The usual depth of this creek is 4-6 inches and not the best for fish habitat. I can see no reason to designate this creek for fish habitat or recreational use.

Walnut Creek goes through a federal conservation area but is not a deep creek. I have not seen anyone swimming [or] fishing on any of the crossings such as county road F70 or S 112th Ave W. This creek is [usually] 4-6 inches deep and can have areas that are almost dry.

Sewer Creek crosses S 44th Ave W and S 60th Ave W at which I have never seen anyone fishing or swimming at [these] crossing[s] either. This is a small creek which is [usually] [only] 4-6 inches deep. Again not the best for recreation or fish habitat.

None of these stream[s] have I ever seen children around or in. At one time or another I have seen parts of these creeks dry in some areas which I would say would not make a good fish habitat or recreational area. We do not support the designation of these creeks as stated on the notice."

DNR Response:

This stream has been proposed to be Class A2, B(WW-2) based on the results of the field assessment:

Field work for preparation of this UA/UAA was conducted for Benjamin Creek on August 13, 2007 and November 16, 2006. Benjamin Creek, located in Jasper County is listed as a perennial stream in the assessed reach according to the 1:100,000 USGS DLG Data Set. The creek has an overall drainage area of 11.96 square miles.

The stream travels through rural areas with land uses associated with row crop agriculture and pasture for livestock which decreases the possibility of access. A portion of the stream travels next to the Edgetown MHP which increases the potential for access. This portion flows through predominately remote areas that have a limited chance of being contacted at low frequencies. Steep banks, heavy riparian cover, fences, no trespassing signs, and rural locations may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

During the assessment, no people were observed recreating in the water. Evidence of recreational use was not observed in the assessed reach.

Solicitation of public input on local recreational activities in Benjamin Creek noted the following responses:

1) Comments via written or Website public response opportunities – no responses

2) Postcards – none received

Upstream and downstream assessments were conducted at 2 bridge crossings which yielded 4 sampling points. No areas demonstrated adequate depths for primary contact recreation based on the guidelines used by the department to determine the attainability of primary contact recreational uses. Therefore, Primary Contact recreational uses are not considered attainable for Benjamin Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Benjamin Creek's overall rural and remote location; agricultural land uses, lack of evidence of recreation, lack of accessibility, riparian cover, and steep banks appeared to deter any children's recreation therefore Children's Recreation is not recommended for the assessed reach.

While the creek is too shallow to support primary contact recreational uses, it has the potential to attract secondary contact recreation such as trapping or minnow seining at the assessed locations.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact recreational use apply for Benjamin Creek from the mouth (S20, T80N, R19W, Jasper Co.) to the confluence with Unnamed Creek (NE ¼, NW ¼, S22, T80N, R19W, Jasper Co.).

Class A2 Secondary Contact Recreational Uses

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational

boating, any limited contact incidental to shoreline activities and activities in which user do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this stream is shown below:

279-d downstream looking downstream

The department understands these concerns but must maintain its proposed designation for this stream as per Recreational Use protocols and per rule. While the department understands these uses may not occur at present, the Clean Water Act and Iowa law also must protect for possible or attainable uses of a stream. The stream was assessed and based on that assessment was consistent with the classification for Secondary Contact recreational uses. Primary contact was deemed unlikely to occur based on the results of the assessment and stream data, but the potential for secondary

contact could still occur, hence the need for the Secondary Contact recreational use classification.

10. Big Creek (Henry Co.)

One public comment was received from the DNR Rivers Program:

> "Regularly paddled as far upstream as NW of Mount Pleasant. Some local innertubing"

DNR Response:

The stretch of the river immediately surrounding Mt. Pleasant was previously designated for Class A1 Primary Contact recreational uses in Batch 1. The stream segments in this rulemaking are east of the prior designated area and Mt. Pleasant and are proposed to be designated as Class A1 in the stretch between Lawrence Creek and an unnamed creek to the south-southeast. The remaining stretch is proposed to be Class A2 Secondary Contact recreational uses. These classifications are discussed in the excerpt from the UA/UAA.

Field work for preparation of this UA/UAA was conducted on Big Creek on August 22, 2007. Big Creek is indirectly receiving effluent from the Yarmouth Community Building facility via Unnamed Creek. Big Creek located in Henry County is listed as a perennial stream according to the USGS 1:100,000 DLG Data Set. The drainage area for Big Creek is 27.7 square miles.

Upstream and downstream assessments were conducted at 2 sites resulted in 4 separate sampling points. During the assessment a maximum depth of greater than 48 inches was recorded at site 288-1. The maximum depth was recorded in a small pool. The pool was approximately 10 feet in length by approximately 10 feet in width.

1.) Confluence with Lawrence Creek (S5, T71N, R5W, Henry County) to the confluence with an unnamed creek (SE ¼, of the SE ¼, S5, T71N, R5W, Henry County) = 1,900 Feet

This portion of Big Creek was located at the downstream end of the assessed reach. Big Creek has been previously designated A1 downstream from the confluence with Lawrence Creek. The assessed portion of the creek contained a pool with a maximum depth of greater than 48 inches and an average depth of 18 inches. While no evidence of recreational uses was found during the field assessment, the depths of the creek in this section appear to support a Class A1 designation.

Based on analysis of the data from the assessed sites, the department recommends the Class A1 Primary Contact Recreational use designation apply from the confluence with Lawrence Creek

(S5, T71N, R5W, Henry County) to the confluence with an unnamed creek (SE ¼, of the SE ¼, S5, T71N, R5W, Henry County). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Primary contact recreational use (Class "A1"). Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

Recommended Recreational Use Designation:

Primary Use	☒ - See Description Above
Secondary Use	☐
Children's Recreation	☐
No Recreational Use	☐

2.) Confluence with an unnamed creek (SE ¼, of the SE ¼, S5, T71N, R5W, Henry County) to the confluence with Unnamed Creek (S25, T72N, R5W, Henry County) = 36,225 Feet

The creek passes through rural areas consisting of agricultural and timber ground, decreasing the possibility of access. Also, it should be noted that there were portions of the creek being assessed had steep banks which would make it relatively difficult to access the creek. Steep banks, fences, trash, woody debris, and rural locations may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

While the creek is too shallow to support primary contact recreational uses, it may be used for other forms of instream recreation such as fur trapping or minnow seining.

Big Creek's overall rural location, lack of accessibility, riparian cover, and steep banks appeared to deter frequent children's recreation therefore Children's recreation is not recommended for the assessed reach.

Solicitation of public input on local recreational activities in Big Creek noted the following responses;

1) Distributed Post cards – no responses.

2) Comments via written or Website public response opportunities – no responses.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact use designation for Big Creek apply from the confluence with an unnamed creek (SE ¼, of the SE ¼, S5, T71N, R5W, Henry County) to the confluence with Unnamed Creek (S25, T72N, R5W, Henry County). These recommendations are consistent with types of uses

observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2: Secondary Contact Recreational Use

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

This comment supports the findings of the UA/UAA that Primary contact recreational uses are possible and occurring around Mount Pleasant.

11. Big Creek (Linn Co.)

Five public comments were received.

The first public comment:

> "I would like to comment on uses I observed and participated in regarding Big Creek on Project AWARE in 2009. As we canoed down the creek, working on the river cleanup, it was a hot day. We put in at Bertram and took out at the last bridge before Hwy. 13, just south of the town of Bertram. We stopped to have lunch and take a swim near Bertram, and it was near there we noticed a rope swing hanging from a creek-side tree. I can't track them down, but I observed photos being taken of a father and his 5-year-old daughter as she swam towards him during this break from paddling.
>
> This stream is used for recreation and children's play with direct contact to the water taking place, and should not be downgraded. Many streams have varying amounts of flow throughout the spring and summer, and for this stream, as for many, people will take advantage of the water levels that exist. If it is deep

enough, we will paddle and swim. If it is shallow, children may just splash about. Please protect this stream for recreational uses."

The second public comment:

"I am writing in reference to streams in Iowa currently listed as 'secondary contact', and would like to voice my reasons why I believe these streams should be considered primary contact. I am an avid paddler and fisherman, and have participated in floats or witnessed numerous amounts of primary contact (canoeing or kayaking, with some wading and fishing included) on the following streams (I've been involved in or seen multiple paddlers per year on these streams each year over the past 5 years):

1. Whitewater Creek – a few miles east of Cascade, between Whitewater Drive and its confluence with the North Fork Maquoketa River.

2. North Fork Maquoketa River, from Dyersville to Ozark Bridge

3. Big Creek (east of Marion Iowa) between Springville and its confluence with the Cedar River

4. Beaver Creek (Hardin County) – 215th St. to its confluence with the South Fork Iowa River.

I would request that these streams be included in those that receive the highest levels of protection (along with all other perennial streams, but I can't claim to have much firsthand knowledge of the others listed as secondary contact)."

The third public comment although it is unclear which Big Creek is being referred to:

"I cannot imagine opening our states waters to more pollution. I understand the needs of business. I have a Masters Degree in Business and have worked in the commercial real estate industry for over ten years. I understand the impacts on business needs of environmental restrictions. I also understand quality businesses find another way to survive.

I have spent most of my entire life enjoying Iowa rivers and streams. I started paddling the backwaters of the Wapsipinicon River as a small child over thirty years ago. I spent many days swimming, fishing, and enjoying the river. Today I have four children of my own. We spend more than every other weekend on Iowa waters spring through fall. We enjoy many streams in Northeast Iowa for canoeing and fishing including the Upper Iowa River, Paint Creek, Yellow River,

Turkey River, Little Turkey River, Cedar River, Indian Creek, Big Creek, Wapsipinicon River, Lime Creek, Volga River, Little Volga River, the list goes on and on.

I love to take my children wading for smallmouth bass in almost any creek I can find that may hold those wonderful hot spots. We have very limited natural resources compared to most states in our country. The beauty and quality of our streams is really all we have left. We must move to protect our very limited resources.

Please help protect our streams. I am an Iowan and plan to always be an Iowan. I could not keep my family in this state if our streams became an unsafe place to enjoy nature with my children."

Fourth public comment although which Big Creek was not specified:

"Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.

In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.

Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

Fifth public comment from a local organization:

"DNR is recommending downgrading of recreational use protections from A1 primary contact recreation to A2 secondary contact recreation for a 2.87 mile segment of Big Creek from the confluence with the Cedar River north through the town of Bertram, to just north of the confluence with Abbe Creek. Portions of the assessed stream segment were canoed as part of Project Aware in 2009

and was found to be a excellent canoeing stream supporting swimming as well as children's play primary contact recreation (see attached photos of Project AWARE swimming at a sandbar upstream of Bertram). A rope swing was also noted along the creek near the town of Bertram suggesting that local children also swim and play in the creek. Project AWARE put canoes in at Secrist Rd. bridge and took out at the S. Ely St. bridge south of the town of Bertram (assessment site 581-2). The October 2006 UAA assessment site 581-1 downstream of Bertram at Hwy 13 Bridge found a footpath to the creek and average depths of 15 inches upstream/ 8 inches downstream. Max depth was 30 inches upstream/ 14 inches downstream. Also noted on recreational assessment for 581-1 was a "max depth of 32 inches below cob[ble] riffle may be manmade". These depths are deeper [than] what was reported in the October 2006 UAA assessment upstream at the S. Ely St. Bridge where Project AWARE took out canoes, with average depths of 8 inches upstream / 5 inches downstream and max depth 12" upstream/ 9" downstream. This indicates that Big Creek downstream of Bertram to the confluence with the Cedar River would also support seasonal canoeing and swimming uses similar to the ones experienced during the 2009 Project AWARE paddle upstream. **[This organization] recommends retaining the A1 primary contact recreational use designation for the entire length of Big Creek to the confluence with the Cedar River.**"

DNR Response:

This section of stream was originally proposed to be designated Class A2 Secondary Contact recreational uses based on the findings of the field assessment.

Fieldwork for preparation of this UA/UAA was conducted on Big Creek on October 11, 2006 (sites 581-1, 581-2, and 581-3). Site 581-3 is located several hundred feet upstream of the confluence with Unnamed Creek (#1) (aka Chub Creek). Big Creek, located in Linn County, is noted as a perennial stream along the entire assessed length according to the 1:100,000 USGS DLG Data Set. The recreational use assessed segment of Big Creek was from its mouth (S9, T82N, R6W, Linn Co.) to the confluence with a Unnamed Creek (#1) (S34, T83N, R6W, Linn Co.). This report addresses approximately 10% of Big Creek's total length, or approximately 2.8 miles. At its mouth, Big Creek has a drainage area 110.81 square miles while at the upper extent of the assessment the drainage area is 108.17 square miles.

The main goals of the fieldwork were to determine existing uses, attainable uses, use attainment and potential causes of non-attainment (if any).

The creek primarily passes through rural agricultural lands (currently row crops and pasture lands) with two roads crossing the creek channel. No formal access or parking areas were noted

along the roadway crossings. One rural residence was noted along or in close proximity to the assessed segment. The creek does not flow through any public recreational area along assessed length with most of the surrounding lands appearing to be in private ownership. Indication of stream side access to the creek in the form of footprints in a mud bar was noted at several locations along with graffiti painted on bridge structures and a bait container discarded at site 581-3.

The October 11, 2006 assessments were influenced by light rainfall/runoff resulting in the creek's depths to be elevated by approximately 3 to 5 inches. No influential effects from the precipitation affected an adequate assessment. When considering the observed elevated flow data, the stream's estimated average depths under normal flow conditions would range from 2 to 12 inches with a maximum depth of 28 inches.

Moderately deep stream banks with steep to near vertical side slopes and bank heights, up to 15 feet are common features of the assessed segment. The banks are covered primarily in grasses with a mixture of few trees, herbaceous material, shrubs, and bare soil area resulting in a significantly open stream canopy.

The substrate in the accessed reach was primarily sand with a mixture of limited percentages of cobble, silt, and clay for all of the sampled areas. Some algae growths were noted. Little overhanging vegetation composed of primarily of grasses was noted as stream cover.

There were no people observed recreating in the water at the time of the assessment. Evidence of recreational uses was noted at all sites was the footprint seen in the mud bar at site 581-1 and 581-3, graffiti painted on bridge structures at sites 581-2 and 581-3, and a bait container at site 581-3.

Solicitation of public input on local recreational activities in Big Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses.

The relatively shallower water along the assessed creek length (ranging from 2 to 12 inches during normal conditions) was not capable of supporting normal primary recreational uses. No locations were found to have depths greater than 28 inches under normal flow regimes. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the entire assessed reach. Primary Contact recreational uses are not considered attainable for the Big Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation was not noted nor expected to occur due the stream being located in a more remote rural agricultural areas with heavily vegetated, steep, and more difficult to traverse banks. Therefore, children's recreation use is not recommended.

While the Big Creek is too shallow to support primary contact recreational uses, it does possess a potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, seining, trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for the Big Creek was from its mouth (S9, T82N, R6W, Linn Co.) to the road crossing in the NE¼, S34, T83N, R6W, Linn County. The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

While the UA/UAA assessment did not identify Primary Contact recreational uses, public comments indicate that it does occur. Several commenters indicated they canoed and swam in the creek near Bertram, some as part of Project AWARE. Big Creek was selected for Project AWARE due to dangerously high flows in the Cedar River and the streamflow in Big Creek was also elevated but at a level that supported canoeing at the time of Project Aware. Based on the department's assessment of Big Creek at base flow conditions, it is clear that Big Creek cannot support flow regimes to consistently support depths needed to support season long primary contact recreation. Commenters also indicated they witnessed child's play in the creek with the father and daughter swimming in the creek. Another paddler indicated they "participated in floats or witnessed numerous amounts of primary contact (canoeing or kayaking, with some wading and fishing included)". There are also several photos available that show participants of Project AWARE swimming in the creek.

With the account of these activities by several witnesses as well as the reference to the activities occurring frequently, the department will propose to change the recreational use classification from Class A2 Secondary Contact recreational uses, to Class A3 Children's recreational uses for the area from its mouth (S9, T82N, R6W, Linn Co.) to the road crossing (NE ¼, S34, T83N, R6W, Linn Co.) to account for the Children's play recreational uses as well as for swimming activities of the paddlers. Class A3 Children's recreational uses will also protect for the Class A1 Primary Contact recreational use activities as the criteria are the same.

12. Black Hawk Creek (Scott Co.)

One public comment was received:

> "I am particularly concerned about the potential downgrading of Mason, Blackhawk and Ames Creeks in Scott County. We have 2 children personally, but we worry about the ability of all children to be able to safely use these creeks for recreational purposes. This is not the time to downgrade standards.
>
> Please do the right thing. Protect these Creeks in Scott County now so that many can continue to safely enjoy them in the future."

DNR Response:

This stream is actually being recommended for a designation of Class A3 Children's recreational uses based on results of the field assessment.

Field work for preparation of this UA/UAA was conducted on Black Hawk Creek on August 7, 2007. Black Hawk Creek is directly receiving effluent from the West Lake Park wastewater treatment plant. Black Hawk Creek located in Scott County, is listed as a perennial stream according to the USGS 1:100,000 DLG Data Set. The drainage area for Black Hawk Creek is 8.96 square miles.

Upstream and downstream assessments conducted at 3 sites resulted in 6 separate sampling points. During the assessment, average depths in Black Hawk Creek were recorded between 2 and 18 inches. While the creek is too shallow to support primary contact recreational uses, it may be used for other forms of instream recreation as shown by the evidence of recreational uses found during the field assessment.

The creek passes through timber ground, residential areas, and industrial areas increasing the possibility of access. This segment has a high likelihood of attracting children's recreation at

elevated frequencies due to its location within the city, numerous residences located near the creek, and the numerous road crossings that travel directly through the water body.

Solicitation of public input on local recreational activities in Black Hawk Creek noted the following responses;

1) Distributed Post cards – no responses

2) Comments via written or Website public response opportunities – no responses

Based on analysis of the data from the assessed sites, the department recommends a Class A3 Children's

Recreational use designation apply from the mouth (S4, T77N, R3E, Scott County) to I-280 (S25, T78N, R2E, Scott County). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A3 Children's Recreational Use Designation:

"Waters in which recreational uses by children are common. Class A3 waters are water bodies having defined banks and bed with visible evidence of flow or occurrence of water. This type of use would primarily occur in urban or residential areas."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☐	
Children's Recreation	☒	- See description above
No Recreational Use	☐	

13. Black Hawk Lake (Sac Co.)

One comment was received:

> "I remember growing up and fishing and boating on Iowa Lakes that were very pure and clean. Now, I wouldn't want to eat the fish out of any of our lakes. Please take action. It will be great for tourism and it is the right thing to do."

This comment was not specific to a stream designation covered under this rule. The department contacted the responder for additional information, to which they responded:

> "Thanks for your inquiry. The stream segments that I am most familiar with would include those that impact Black Hawk Lake in Sac County and Swan Lake in Carroll County. Both lakes were pristine years ago and have deteriorated and both are fed by streams in NW Iowa."

DNR Response:

Black Hawk Lake is fed by one unnamed creek that has been designated A2, B(WW-2). Class A2 is Secondary Contact recreational uses. All other streams feeding into it are undesignated and presumed A1, B(WW-1).

14. Bloody Run Creek (Specific county unknown)

One public comment was received. It is unclear what stretch this comment applies to:

> "Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.
>
> In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.
>
> Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

DNR Response:

It is difficult to respond to this question without fully understanding the location of the stream. Bloody Run (aka, Grimes Hollow) in Clayton and Delaware Counties has been proposed as Class A2 Secondary Contact recreational uses. Bloody Run in Clayton County has been proposed as Class A1 Primary Contact recreational uses. And finally, Bloody Run in Dubuque County has segments of both A1 and A2.

This comment is a general comment and does not provide specific use information. No new information was provided to warrant a change in classification of these streams.

15. Bluff Creek (Boone Co.)

Two public comments were received.

First comment. It is unclear which specific segment of Bluff Creek this particular comment applies to:

> "Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.
>
> In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.
>
> Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

A second public comment was received from the DNR Rivers Program:

> "Stream is paddled as far upstream as Don Williams Park (focus is on somewhat smaller stream than usually paddled due to highly scenic valleys and rapids);

Dam forms a heavily used recreational impoundment, deep fishing hole directly below dam, and childrens play farther downstream of the dam."

DNR Response:

This section of stream was originally proposed to be designated Class A2 Secondary Contact recreational uses based on the findings of the field assessment.

Fieldwork for preparation of this UA/UAA was conducted on Bluff Creek on September 7, 2007. Bluff Creek, located in Boone County, is noted as a perennial stream along the entire assessed length according to the 1:100,000 USGS DLG Data Set. The use assessed segment of Bluff Creek was from its mouth into Don Williams Lake (S32, T85N, R27W, Boone Co.) to the City of Pilot Mound's wastewater treatment plant outfall (SW¼, S20, T85N, R27W, Boone Co.). This report addresses approximately 2.68 miles of Bluff Creek. At its mouth into Don Williams Lake, Bluff Creek has a drainage area of 32.60 square miles while at the upper extent of the assessment the drainage area is 23.32 square miles.

Bluff Creek flows generally from the north directly to the south in Boone County. It is a direct tributary of the Des Moines River. Aerial photography and field assessment indicates the creek channel may have undergone extensive historic realignment likely due to agricultural production improvements and the construction of county roads. Four roads cross the creek channel. No formal access or parking areas were noted along the roadway crossings. Four rural residences were noted along or in close proximity to the assessed segment. The creek flows through the Don Williams Recreation Area property, which is managed by the Boone County Conservation Board. No indications were found of access to or uses of the creek in association with the park or at any non-park locations.

At the assessment locations, four data sets of the stream's physical characteristics were gathered. The data indicated the creek's widths range from 21 to 33 feet and the average depth ranged from 6 to 16 inches with a maximum depth of 38 inches. The maximum depth was associated with a 20 by 30 feet pool found below the bridge at assessment site 1041-1. Light rain had occurred within the last 24 hours of the assessment and may have slightly affected the observed stream conditions, but not to the extent of preventing an effective use assessment.

Stream banks are steeply sloped (estimated at 60 to 80 degrees) and heavily vegetated. At site 1041-2 the banks were estimated to be 10 to 15 feet high. Overall, the banks are covered in predominantly grasses with a small spattering of trees and herbaceous materials resulting in an open stream canopy.

The substrate in the accessed reach is predominantly sand with a mixture of cobble and gravel for all of the sampled areas. Limited amount of algae were noted in the reach. Overhanging vegetation composed of primarily of grasses was a common, but limited, stream side cover.

There were no people observed recreating in the water at the time of the assessment. No evidence of recreational use was noted along the reach.

Solicitation of public input on local recreational activities in Bluff Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses.

3) Phone interview with a Boone County Conservation Board staff member regarding the Don Williams Recreation Area – The phone interview revealed that fishing take place on a regular basis. Also, children have been observed playing near the stream, but only on rare and infrequent occasions. No other recreational activities have been observed or are believed to occur around Bluff Creek in the Don Williams Recreation Area.

The relatively shallow water along the assessed creek length was not capable of supporting normal primary recreational uses. No locations were found to have average depths greater than 16 inches under normal flow regimes. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the entire assessed reach. Primary Contact recreational uses are not considered attainable for Bluff Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation was not noted (only noted at rare and infrequent occasions) nor expected to occur due the stream being located in a more remote rural agricultural areas with heavily vegetated, steep, and more difficult to traverse banks. Therefore, children's recreation use is not recommended.

While Bluff Creek is too shallow to support primary contact recreational uses, it does possess a potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, seining, trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for Bluff Creek was from its mouth into Don Williams Lake (S32, T85N, R27W, Boone Co.) to the City of Pilot Mound's wastewater treatment plant outfall (SW¼, S20, T85N, R27W, Boone Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

<u>Recommended Recreational Use Designation:</u>

Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown below:

1041-1 View from bridge looking upstream

However, the public comment and the statement from the DNR representative indicate that Primary Contact and Children's recreational uses may occur farther downstream from the dam area than what was felt to be possible in the UA/UAA assessment based on stream morphology and other factors. With the witnessing of activities by more than one party, this gives credence to the likelihood this activity may be occurring. The department shall propose changing the designation for the segment from the upper end of the impoundment at Don Williams Lake (UTM Coordinates (NAD83) X(Easting) 415236.01, Y (Northing) 4664622.49 in S32, T85N, R27W, Boone Co.) to the bridge crossing at H Avenue (East line of S31, T85N, R27W, Boone Co.) to Class A1 Primary contact recreational uses owing to the public comment of observation of paddling as well as children's recreational use in this area of the creek. Class A1 Primary Contact recreational use activities will also protect for the Class A3 Children's recreational uses as the criteria are the same.

16. Boone River (Specific county unknown)

One public comment was received although it is unclear which segment this comment applies to:

> "Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.
>
> In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.
>
> Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

DNR Response:

Boone River has already been proposed to be designated Class A2 Secondary Contact recreational uses in the first batch of UAAs.

17. Boyer River (Harrison Co.)

One public comment was received from a local resident:

> "I live in Harrison County and can see the Boyer River from my house. I am located between Logan and Missouri Valley. I have lived here for 15 years. I have never seen anyone canoeing in the river down here. I have seen some people fishing from the bridge south of my house. But this activity is very infrequent.

The majority of the Boyer River in Harrison county has been straightened and has had dikes build to reduce flooding on the adjoining cropland. This has greatly reduced its appeal to people for swimming and canoeing because of the depth of the banks and the height of the dikes you can not see out when canoeing or fishing. The river has been straightened and there are only a few trees along the banks it just does not have the scenic beauty to attract recreational users.

I can not see this river drawing many recreational users it just doesn't have an appeal because of the straightening and the addition of the dikes in Harrison County. I feel it should not have recreational use rating as use is very minimal if at all."

DNR Response:

This entire section of stream has already been designated as Class A1 Primary Contact recreational uses based on sections of the UAA, public comments, and the request of the Environmental Protection Commission.

18. Brush Creek (Fayette Co.)

Four public comments were received.

First comment:

"The segment of Brush Creek in Fayette County that flows through Section 4 of Fairfield Township, (T 92 N, R 7 W, Section 4) that is to be downgraded to A2 should be designated as A3 due to primary contact recreation by children. The primary contact by children occurs, on average, 2 times per week during the summer months (May-September) and has been taking place since 1978. The primary contact activities include; wading, minnow and crayfish seining, bug collecting, rock collecting, fishing, and swimming in deeper pools by children as well as adults.

Because of the primary contact by children in this segment of the stream, I strongly urge the Department of Natural Resources to designate the entire segment from the bridge crossing at D Avenue in Section 4 of Fairfield Township (T 92 N, R 7 W, Section 4) upstream to the city of Arlington as A3. This segment includes Brush Creek Canyon State Park, which has the potential for primary contact by children visiting the park."

Second comment, although it is unclear which specific segment this comment refers to:

> "Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.
>
> In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.
>
> Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

Third comment from a local organization:

> "DNR is recommending downgrading recreational use protections from A1 primary contact recreation to A2 secondary contact recreation for 10 miles of Brush Creek from just north of the town of Arlington to the mouth at the confluence with the Volga River. DNR is recommending an A3 primary contact recreational designation for the upper 1.3 mile segment of Brush Creek near the town of Arlington due to evidence of recreational uses. The creek flows through the Brush Creek Canyon State Park/Preserve north of Arlington between assessment sites 690-3a and 690-3. No recreational assessment was done within this public use area. A deep pool (max depth 42") that would support swimming uses was found under the bridge at assessment site 690-2. There was also a 32" deep pool noted at assessment site 690-1 just upstream from the confluence with the Volga River. As noted in the DNR assessment, the average (33 inches) and maximum (>40 inches) depths upstream at site 690-4 near Arlington would support A1 primary contact recreation uses. There was also a deep pool (>48 inches) capable of supporting primary contact recreation at site 690-3a just downstream from Arlington. It is possible that primary contact uses would also be attainable in the unassessed areas of Brushy Canyon State Park/Preserve

between sites 690-3a and 690-3b. Based on the water depths documented for Brush Creek in the UAA assessment done in Sept-Oct 2006 at a low flow time of the season, it is likely that swimming, as well as canoeing and other primary contact recreation might also be attainable seasonally throughout the entire 10 miles of Brush Creek recommended for the lower A2 designation. **[This organization] does not believe the data presented in the UAA is sufficient to rebut the presumption of attainable primary contact recreation uses and recommends the A1 designation be retained for the entire assessed segment of Brushy Creek from upstream of Arlington to the mouth at the Volga River.**"

Fourth comment:

"Grimes Hollow (Clayton County) My grandfather used to farm the land surrounding Bloody Run in this area. I know historically that people have used the creek for crawdads, minnow seining, and general "creek stomping" types of activities. I do not know if those uses currently exist because the stream does get dry during the summer, but in the spring and fall, it certainly does have some water running through it. I wonder if it doesn't have some springs that feed it. It's a distance from here, so I do not have any personal use of this stream.

Brush Creek, Fayette County: This is my turkey hunting grounds. I have access to all the farmland surrounding Brush Creek Preserve and April 12-15, 2-1- I was personally "in" this stream wading around trying to get the drop on some turkeys. Below Arlington the land flattens out and I have canoed this stretch in times of high water. It is not particularly accessible, but below Arlington is a better place to run paddle craft. I think the last time I did this stretch was 2008 (high water made it easy to do). You do have to get out and maneuver the boat around. Good splashing! I know the farm kids use this creek too.

Little Turkey, Clayton County: This is a great paddle craft stream. I've taken people up there. It's a good stretch all the way from Waucoma down to the Mississippi. Again, water levels have to be up, but it is very scenic and a good time.

Little Wapsi: I do not know about the lower stretch below the Fairbank dam. I do know there are a TON of people who have cabins down that way and use it all the time for fishing/boating. You can get a john boat in that stretch. I think the rope swing speaks for itself. The Wapsi is heavily used in the summer whenever and wherever people can get into it. There would seem to me to be plenty of evidence of use.

My buddy lives and farms a farm on the border of the McClain recreational area. I checked with him and Sumner kids (including his own) like the creek to fish and stomp around. I do not have any personal knowledge of this segment. If his kids are in it @ McClain, I would imagine the town kids are in it as well.

North Branch Volga River: This is my favorite river. This particular stretch is pretty small, rocky, has many snags, and I have never taken it. I don't know if the Hawkeye kids use this or not.

Otter Creek/Oelwein area: The Oelwein Clean up June 26th, 2010 is below the upper segment. It's pretty isolated and surrounded by farm land. I doubt there is much in the way of recreation there. We are floating it from the Oelwein Cemetery down to the impoundment. It's also very shallow, no kids really around."

DNR Response:

The original stream segment was proposed to be classified A3 Children's recreational uses, but only in the area immediately near the City of Arlington where child's play was deemed most likely to occur. Outside of this area, uses were proposed to be designated Class A2 Secondary Contact recreational uses, based on the results of the UA/UAA assessment.

Brush Creek is listed as a perennial stream for the entire assessed length according to the USGS 1:100,000 DLG Data Set. The creek has an overall drainage area of 16.46 square miles. The main goals of the field work were to determine use attainability, use attainment and potential causes of non-attainment (if any).

The creek passes primarily through rural/agricultural areas but it does travel through the City of Arlington as well as through Brush Creek Canyon State Preserve. The stream was noted to have steep banks and fences along some of its banks. These factors may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

The City of Oelwein, which is located approximately 12 miles from Brush Creek, reported 0.84 inches of rain in the seven days prior to the field assessment on October 19, 2006. This amount of rain would influence the stream flows found within Brush Creek.

An upstream and downstream assessment was conducted at each of the sampling sites yielding ten sampling points. Of these sampling points only one (at site 690-4) demonstrated adequate average depths to support primary contact recreational uses. The two sites located near the City of Arlington had pooled areas noted to have depths of greater than 48 inches. Site 690-2 had a maximum depth of 42 inches.

Even with the elevated flow conditions there was only one depth measured on October 19 that would be considered to be adequate to support primary contact recreational uses (overall maximum depth found at 690-2). In the absence of the recent rain fall it is likely that this single measurement would be below what is considered an adequate maximum depth to support primary contact recreational uses (1 meter (3.28 feet or 39.36 inches)). Therefore the majority of Brush Creek does not completely fulfill what is considered a Class A1 Primary Contact Recreational Use stream due to lack of flow (40 CFR 131.10(g)(2)) throughout the reach.

Based on the findings of the field assessment this stream will be discussed in segments.

Segment 1: From the mouth to UTM Coordinates (NAD83) X (Easting) 608991.51 Y (Northing) 4735030.86.

While this entire portion of the stream was too shallow to support primary contact recreational uses, there is the potential for incidental contact with the stream. Activities such as trapping and seining for minnows, as well as other stream side activities, likely takes place along portions of the stream. Therefore, the department recommends a Class A2 Secondary Contact Recreational use designation apply from the mouth of (S26, T93N, R7W, Fayette Co.) to UTM Coordinates (NAD83) X (Easting) 608991.51 Y (Northing) 4735030.86. This recommendation is consistent with the types of uses observed in the areas and the ability for the stream and surrounding areas to support such uses.

Class A2 Secondary Contact Recreational Use Definition:

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational uses, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

Segment 2: From UTM Coordinates (NAD83) X (Easting) 608991.51 Y (Northing) 4735030.86 to the West Line, S28, T92N, R7W, Fayette Co.

While the majority of the stream channel does not have adequate depths to support primary contact recreational uses, the upper portions have adequate depths as well as have evidence of previous recreational uses. It is likely that the portion of the stream that travels near the city limits of Arlington has recreational use by children at an elevated frequency.

The maximum depth found at site 690-3a were found adequate to support primary contact recreational use. Due to the nature of the pool, proximity to town and the nearby rural residences it is likely that children also recreate in this pooled area. Although the frequency of these recreational activities are not known a children's recreational use designation would be as protective as a primary contact recreational use designation.

Based on analysis of the data from the assessed sites near the City of Arlington, the Department recommends a Class A3 Children's Recreational use designation apply from UTM Coordinates (NAD83) X (Easting) 608991.51 Y (Northing) 4735030.86 to the West Line, S28, T92N, R7W, Fayette Co. This recommendation is consistent with the types of uses observed in the area and the ability for the stream and surrounding area to support such uses.

Class A3 Children's Recreational Use Designation:

"Waters in which recreational uses by children are common. Class A3 waters are water bodies having defined banks and bed with visible evidence of flow or occurrence of water. This type of use would primarily occur in urban or residential areas."

<u>Recommended Recreational Use Designation:</u>

Primary Use	☐	
Secondary Use	☐	
Children's Recreation	☒	- See description above
No Recreational Use	☐	

A photo of this stream is shown below:

Recreation upstream looking upstream

Based on the public comment provided that indicated frequent children's play occurs during the summer months and has for years, it appears children's play, or Class A3 Children's recreational uses, occurs in a much larger stretch than was initially deemed likely during the original assessment. It is proposed to extend Segment 2 with Class A3 Children's Recreation Uses from bridge crossing at D Avenue (E ½ of S4, T92N, R7W, Fayette Co.) to the confluence with Bear Creek (S8, 92N, R7W, Fayette Co.). This will encompass the area including the Brush Creek Canyon State Preserve.

The last comment referenced a maximum depth of 32 inches being noted in an assessment at site 690-1, but this depth is below the required 39-inch maximum depth for primary contact recreation. It also mentioned an average depth of 33 inches and a maximum depth of greater than 40 inches upstream at site 690-4 near Arlington. This area is already being revised to be proposed to be designated Class A3 Children's recreational uses based on public comment. The criteria are the same for Class A1 Primary Contact and Class A3 Children's recreational uses. Extension of the Class A3 segment to the confluence with Bear Creek would address any concerns surrounding the deep pool (>48 inches) at 690-3a and any areas between 690-3a and Bear Creek including the preserve area.

Regarding the statement that water depths documented in the low flow time of the season during completion of the 2006 UAA, based on completing assessments during

the time of year and during the base flow conditions as specified by Recreational Use Assessment protocols, much of the stream did not meet the requirement for classification of Class A1 Primary Contact or even Class A3 Children's recreational uses.

As noted in the UAA, light rain conditions were noted in the seven days prior to the UAA and thus elevated flow conditions were likely present during the assessment. Even with the elevated flow conditions, there was only one depth measured on October 19 that would be considered to be adequate to support primary contact recreational uses (overall maximum depth found to be 42 inches at 690-2). In the absence of the recent rainfall, it is likely that this single measurement would be below what is considered an adequate maximum depth to support primary contact recreational uses (1 meter (3.28 feet or 39.36 inches)). Therefore, the majority of Brush Creek does not completely fulfill what is considered a Class A1 Primary Contact Recreational Use stream due to lack of flow (40 CFR 131.10(g)(2)) throughout the reach.

The department feels its classification of the lower portions of this stream segment as Class A2 Secondary Contact recreational uses was appropriate. A photo taken from Site 690-1 is shown below:

Bridge view looking upstream

Average stream depths in this segment:

690-2:

Upstream

Run: Width (ft): 21 Length (ft): 156 Depth (In) 10 Max Depth (In): 17

Downstream

Run: Width (ft) 24 Length (ft): 134 Depth (In) 8 Max Depth (In): 16

690-1:

Upstream

Run: Width (ft): 36 Length (ft): 168 Depth (In) 4 Max Depth (In): 5

Downstream

Run: Width (ft) 39 Length (ft): 159 Depth (In) 9 Max Depth (In): 12

19. Brushy Creek (Audubon/Carroll/Guthrie Cos.)

Four public comments were received.

One public comment stated:

> "I wish to register my objection to IDNR's recommended downgrade from A1 to A2 of Brushy Creek in Carroll County. The stream runs right through town of Dedham, and it is easy to imagine children exploring and contacting its waters. As evidence I wish to include photos from the August 2008 Dedham Quasquicentennial celebration, which was commemorated in Farm Bureau's *Family Living* publication, authored by Chuck Offenberger (text below). The photos hardly look like "accidental or incidental contact" characteristic of an A2 stream. Although I certainly do not endorse dropping empty bottles into a water of the state, this does provide evidence that absent a high quality body of water, people will use what they can, especially when it is in close proximity to a residential area. If you need verification regarding the authenticity of the photos, let me know.
>
> *And an especially fun one was a first-ever 'Bottle Race' held on Brushy Creek, which flows just north of town. 'We had planned it as a rubber duck race, but the little rubber ducks we got didn't float very well when we tested them' Danner said. 'So we went to the Pepsi Cola bottler in Carroll, and got 400-some 20-ounce*

plastic bottles with caps. We put a number in each one of them, and sold the bottles for $5 apiece, or six for $25.'

On a fine weekend afternoon in August, they had a picnic in the Dedham park, then loaded up 260 people on the Quasquicentennial float and other vehicles and took the crowd to the Brush Creek bridge on the county road north of town. Everybody watched as the bottles were dropped into the creek and started floating southeast. Then everybody loaded back in to the vehicles and went to the finish line a quarter-mile down the stream. The first nine bottles to pass the finish line were cash winners – top prize was $200 – and the very last bottle to arrive, after a float of one hour and 20 minutes, was a $5 winner. 'We called that last one the 'lame duck' of the bottles,' said Mike Seidl. 'To make sure we didn't violate any pollution laws, we strung a stretch of orange plastic fencing across the creek, down from the finish line, just to make sure no bottles got past us. The heck of it was, we wound up having more bottles gathered up than we put in the creek, so we were calling it an environmental clean-up!'"

Several photos from this event were provided including this one showing a child in the creek.

The second public comment:

“My comments concern the Brushy Creek in SE Carroll County and NW Guthrie County. I live in the vicinity of this creek, which lies very near the Whiterock Conservancy.

I agree with the current Recreational Use Assessment…few children play in the Brushy Creek. It is widely regarded in this area as a fairly disgusting drainage ditch, with cut banks and little habitat. It is subject to bad flash flooding, and it is well-known in the local area to have very high e-coli contamination. No responsible parent would allow their child to play in this stream in its current condition.

So why am I writing? I do not agree that this stream cannot ever attain a quality that would permit full recreational use. I have very vivid memories of this stream from 50 years ago. My brother and I ‘noodled’ (hand-fished) the Brushy Creek south of Cook Rapids…full emersion child’s play. I remember lots of fish, fishermen, habitat, and play…and it was then a lovely stream. I see the stream now trying to heal itself In stretches, willows are re-establishing themselves, and the stream is showing some signs of re-establishing a meandering path. With more time, prohibitions against re-straightening, better farm sediment/water management and tighter control of the ecoli contamination, this stream could again become useable for water-contact recreation.

I also disagree that because this is a rural area, potential users are ignorable. Rural kids do not have the right to safely play in streams?

And finally I object to the circularity of this entire process:

1) No one plays in the stream because it is environmentally degraded. Therefore we will allow the stream to remain environmentally degraded because no one uses the stream.

2) No one plays in the stream because there are very few people in rural Iowa. There are few people in rural Iowa because of the degraded environment. Therefore we will allow the stream to remain environmentally degraded because there is no one here to mind.

If the Brushy Creek were healthy, more people would want to live near it and more people would play in it.

As a minor side note, I encourage you to include in future stream classifications the 'town creek' which flows through the City of Dedham. It is where the town kids now play instead of in the Brushy."

The third public comment from a local resident:

"In regard to lowering the water quality limits for Brushy Creek, I [oppose] any type of action. I own land on the Brushy Creek near Dedham and south of Bayard. I take my kids into that stream on a regular basis, wading to look for artifacts, canoeing, and teaching them about aquatic life. Unfortunately, due to agriculture, the stream has seen significant [degradation]. I oppose any further misuse of this stream that would simply allow it to become a ditch to get rid of agricultural waste."

The fourth public comment from a local resident:

"I just read that Brushy Creek was not going to be held to certain standards for pollutants – because no one used it! That seems strange to begin with, but as Brushy Creek borders our farm near Dedham, IA our family and friends use the creek extensively.

It is a marvelous place to find elk, bison, and even mastodon artifacts. To do this one must wade in the water and walk the creek, searching sand bars, mud banks, etc. My children and their friends do this regularly in the spring and after heavy rains. They are wading in the water with tennis shoes and shorts, getting completely wet most outings.

The creek is a water source for the wildlife on our property, David Timber, and the game farm area next door. Many people in Dedham fish the creek and consume the fish. It supports great blue heron, ducks, geese, turtles, etc.

Has a fish species survey been done on the Brushy?? We have observed a large minnow population while wading. It is not unreasonably far from Willow Creek which holds an endangered darter.

Please do not DOWN GRADE Brushy Creek. It is an important recreational and wildlife water area for this part of the state."

DNR Response:

Portions of this stream were proposed to be designated Class A2 Secondary Contact recreational uses based on results of the field assessment, while others were classified as Class A1 Primary Contact recreational uses.

Brushy Creek, located in Carroll, Audubon, and Guthrie Counties, is listed as a perennial stream in the assessed reach according to the 1:100,000 USGS DLG Data Set. The creek has an overall drainage area of 142.35 square miles. The creek appeared to be perennial at the time of assessment.

The creek travels through rural areas which decrease the possibility of access. The creek passes through the city limits of Dedham in the assessed reach which increases the potential for access. The portion of the creek that is contained within the city limits flows through predominately remote areas that have a limited chance of being contacted at low frequencies. Steep banks, heavy riparian cover, fences, no trespassing signs, and rural locations may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

Based on analysis of the data 5 separate segments of the creek will be discussed.

1) Mouth to the lowhead dam at Horn Avenue (71,166 feet, 13.48 miles)

During the August 16, 2007 site assessments, there were no people observed recreating in the water at the time of the assessment. Evidence of recreational use consisted of remnants of fishing tackle, footprints, and graffiti/mud graffiti. Graffiti and mud graffiti were found however they do not indicate a water recreational use.

Solicitation of public input on local recreational activities in Brushy Creek noted the following responses:

1) Comments via written or Website public response opportunities –none

2) Postcards – none

3) Interview – none

Upstream and downstream assessments were conducted at 3 bridge crossings which yielded 5 sampling points. No average or maximum depths found were considered adequate for primary contact recreation based on the minimum guidelines used by the department to determine the attainability of primary contact recreational use. Therefore, Primary Contact recreational uses are not considered attainable for this segment of Brushy Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Brushy Creek's overall rural location; lack of accessibility, riparian cover, and steep banks appeared to deter any children's recreation therefore Children's Recreation is not recommended for the assessed reach.

While the creek is too shallow to support primary contact recreational uses, it has the potential to attract secondary contact recreation such as minnow seining at the assessed locations.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact recreational use apply for Brushy Creek from the mouth (S22, T79N, R31W, Guthrie Co.) to the lowhead dam at Horn Ave. (NW ¼, SE ¼, S5, T80N, R32W, Guthrie Co.). The department considers class A2 to be the highest attainable recreational use for this segment.

Class A2 Secondary Contact Recreational Use

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating,, any limited contact incidental to shoreline activities and activities in which user do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

2) Lowhead dam at Horn Ave. to the upper extent of the pool (950 feet, 0.18 miles)

During the August 13, 2007 site assessment, there were no people observed recreating in the water at the time of the assessment. Evidence of recreational use consisted of a volleyball net set across the stream approximately 150 feet upstream of Horn Avenue.

Solicitation of public input on local recreational activities in Brushy Creek noted the following responses:

1) Comments via written or Website public response opportunities – none

2) Postcards – none

3) Interview – none

An upstream assessment was conducted at the road crossing of Horn Avenue, which yielded 1 sampling points. A pool with average depths of 40 inches and a maximum depth of >48 inches

was present at this location. The pool was approximately 950 feet long and was created by the lowhead dam at this location. All areas assessed demonstrated adequate depth for primary contact recreation.

Based on analysis of the data from the assessed sites, the department recommends the Primary Contact use designation apply for Brushy Creek from the lowhead dam at Horn Ave. (NW ¼, SE ¼, S5, T80N, R32W, Guthrie Co.) to the upper extent of the pool upstream of Horn Ave. (NAD83) UTM Coordinates: X(Easting) 366830.47 Y(Northing) 4625106.40. These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Primary contact recreational use (Class "A1").

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

Recommended Recreational Use Designation:

Primary Use	☒- See description above
Secondary Use	☐
Children's Recreation	☐
No Recreational Use	☐

3) Upper extent of the pool at Horn Ave. to the lower extent of the pool next to the intersection of 270th Street and Jade Avenue

A small portion of this segment flows through the city limits of Dedham. The portion of the creek that is contained within the city limits flows through predominately remote areas that have a limited chance of being contacted at low frequencies. The remainder of the reach flows through rural agricultural areas with land uses associated with agriculture.

During the August 13, 2007 site assessments, no one was observed recreating in the creek. Evidence of recreational use consisted of footprints and graffiti. Graffiti was found however this does not indicate a water recreational use.

Solicitation of public input on local recreational activities in Brushy Creek noted the following responses:

1) Comments via written or Website public response opportunities – none

2) Postcards – none

3) Interview – none

Upstream and downstream assessments were conducted at 4 bridge crossings which yielded 6 sampling points. No average or maximum depth measurements found were considered adequate for primary contact recreation based on the minimum guidelines used by the department to determine the attainability of primary contact recreational use. Therefore, Primary Contact recreational uses are not considered attainable for this segment of Brushy Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Brushy Creek's overall rural location; lack of accessibility, riparian cover, and steep banks appeared to deter any children's recreation therefore Children's Recreation is not recommended for the assessed reach.

While the creek is too shallow to support primary contact recreational uses, it has the potential to attract secondary contact recreation such as minnow seining at the assessed locations.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact recreational use apply for Brushy Creek from the to the upper extent of the pool at Horn Ave. (NAD83) UTM Coordinates: X(Easting) 366830.47 Y(Northing) 4625106.40 to the downstream extent of the pool at the intersection of 270th Street and Jade Avenue (NAD83) UTM Coordinates: X(Easting) 341105.27 Y(Northing) 4647572.66. The department considers class A2 to be the highest attainable recreational use for this segment.

Class A2 Secondary Contact Recreational Use

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating,, any limited contact incidental to shoreline activities and activities in which user do not swim or float in the water body while on a boating activity."

<u>Recommended Recreational Use Designation:</u>

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

4) Pool at the intersection of 270th Street and Jade Avenue

A lowhead dam was present at this location and created a deeper pool at this location. During the August 13, 2007 site assessments, no one was observed recreating in the creek. Evidence of recreational use consisted of footprints and graffiti. Graffiti was found however this does not indicate a water recreational use.

Solicitation of public input on local recreational activities in Brushy Creek noted the following responses:

1) Comments via written or Website public response opportunities – none

2) Postcards – none received

3) Interview – none

An upstream and downstream assessment was conducted at the intersection of 270th Street and Jade Avenue, which yielded 2 sampling points. Two average depth measurements of 23 and 34 inches, as well as an overall maximum depth of >48 inches were considered adequate for primary contact recreation based on the minimum guidelines used by the department to determine the attainability of primary contact recreational use. All areas assessed demonstrated adequate depth for primary contact recreation.

Based on analysis of the data from the assessed sites, the department recommends the Primary Contact use designation apply for Brushy Creek from the lower extent of the pool at the intersection of 270th Street and Jade Avenue (NAD83) UTM Coordinates: X(Easting) 341105.27 Y(Northing) 4647572.66 to the upper extent of the pool at the intersection of 270th Street and Jade Avenue (NAD83) UTM Coordinates: X(Easting) 341011.52 Y(Northing) 4647677.67. These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Primary contact recreational use (Class "A1").

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such

activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

Recommended Recreational Use Designation:

Primary Use	☒- See description above
Secondary Use	☐
Children's Recreation	☐
No Recreational Use	☐

5) Upper extent of the pool at the intersection of 270th Street and Jade Avenue to the confluence with Halburn Creek

During the August 10, 2007 site assessment, no one was observed recreating in the creek. Evidence of recreational use was not found.

Solicitation of public input on local recreational activities in Brushy Creek noted the following responses:

1) Comments via written or Website public response opportunities – none

2) Postcards – none received

3) Interview – none

An upstream assessment was conducted at 1 bridge crossing which yielded 2 sampling point. No areas contained depths considered adequate for primary recreation based on the minimum guidelines used by the department to determine the attainability of primary contact recreational use. No average or maximum depth measurements found were considered adequate for primary contact recreation based on the minimum guidelines used by the department to determine the attainability of primary contact recreational use. Therefore, Primary Contact recreational uses are not considered attainable for this segment of Brushy Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Brushy Creek's overall rural location; lack of accessibility, riparian cover, and steep banks appeared to deter any children's recreation therefore Children's Recreation is not recommended for the assessed reach.

While the creek is too shallow to support primary contact recreational uses, it has the potential to attract secondary contact recreation such as minnow seining at the assessed locations.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact recreational use apply for Brushy Creek from the upper extent of the pool at the intersection of 270th Street and Jade Avenue (NAD83) UTM Coordinates: X(Easting) 341011.52 Y(Northing) 4647677.67 to the confluence with Halburn Creek (SW ¼, SW ¼, S8,

T83N, R35W, Carroll Co.). The department considers class A2 to be the highest attainable recreational use for this segment.

Class A2 Secondary Contact Recreational Use

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating,, any limited contact incidental to shoreline activities and activities in which user do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

However, based on these public comments and photo evidence, it appears significant children's play occurs in and around Dedham. As a result, the department will propose to change the segment from the confluence with Unnamed Creek (SE ¼, S16, T82N, R34W, Carroll Co.) to the bridge crossing at 300th Street (S17, T82N, R34W, Carroll Co.) from Class A2 Secondary Contact recreational uses to Class A3 Children's recreational uses.

NOTE: One comment indicated they would like future stream classifications to look at the 'town creek' which flows through Dedham. We look at stream segments where there is a proposed discharger requesting an NPDES permit. Otherwise, stream segments are automatically designated under the "rebuttable presumption" and maintain a primary contact classification of Class A1, B(WW-1).

20. Buffalo Creek (Specific county unknown)

One public comment was received although it is unclear which specific stream segment this particular comment applies to:

> "Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.

In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.

Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

DNR Response:

It is difficult to respond to this question without fully understanding the location of the stream. Buffalo Creek in Des Moines County has been proposed as Class A2. Buffalo Creek in Jones and Buchanan Counties was initially proposed to have segments of A1 and A2, but the Environmental Protection Commission revised this classification to make the classification be A1 from the Buffalo Creek park boundary to 220th Street.

As it stated in the published Notice of Intended Action (NOIA):

"If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

21. Calhoun Creek (Jasper/Marion Cos.)

"I am writing in response to the proposed stream designation by the EPC. I just heard about this, so I apologize for the last minute comments, we were without an engineer for over 4 ½ months. I have been employed by the county for over 30 years and am using my experience to comment on these streams.

First Stream is Cherry Creek- This stream crosses two paved county raods (F36 & F48) and one state Hwy(14). In all my years I have never seen anyone fishing or

swimming in any of the crossings. It does go through a golf course but no one has ever talked about anyone swimming in it, 90% of the time the stream is usually about 6-8 inches deep so I believe that this stream does not qu[a]lify for any type of recreational use.

Next is Clear Creek, This stream has crossings on paved county roads F17 and F24 also there is a low water crossing on W 84th St S. The low water crossing was installed about 25 years ago. It has 18 inch diameter culverts and they only run [half] full 90% of the time. The only time it is deeper is when we have floods and then the road has to be closed but that is only for a couple of days. I have never seen anyone swimming or fishing at any of these locations. Again I do not think the water is deep enough to war[a]nt a recreational designation of any kind even [though] it crosses the bike trail. The banks are steep and not user friend.

Elk Creek has many crossings through the county. I have never seen any one fishing or swimming at any of the crossing I am about to list, Liberty Ave, Legion St, S 60th Ave E, County Road F 62, S 124th Ave E. Most of the time the creek runs approximately 6-8 inches deep except when it floods. This would not allow boating as would none of the [other] c[r]eeks listed.

Indian Creek crosses county paved road F 24 and also N 51st Ave W and N 19th Ave W as well as others, These crossing[s] all have steep banks and are not user friendly for any type of recreation. Most of the time [this] creek runs 8 inches deep or less. I have never seen anyone fishing or swimming at these crossings. Also I have never seen a boat of any kind. Again I see no reason to designate this creek for any type of recreational use.

Benjamin Creek crossings on W 12th St N and county road F 36 I have seen a lot, they are between my home and work. I have never seen any fishing or swimming at these locations, 90% of the time the creek is only approximately 6 inches deep or in some locations almost dry and the banks are not user friendly. The only time a boat could use this creek is for a few short hours during flooding. Not a good contestant for recreational use.

Calhoun Creek Crossings that I am most familiar with are county road F 70 and S 96th Ave W. I have never seen fishing or swimming at either of these locations. 2 years ago we replaced the bridge on F70 with a RCB culvert. There is [usually] only about 4-6 inches of water in the creek and in some area[s] almost dry at times. I cant see where this would be adequate for recreation or [sustaining] fish life.

Prairie Creek crossings are county roads F36 and N 75th Ave W, The normal flow is very low on this creek as well and I have never seen any one fishing or swimming on either of these crossings, the water is usually only approximately 4-6 inches deep with some areas almost dry,

Sugar Creek crossings are S 36th Ave E and S 52nd Ave E that I am most familiar with and at no time have I seen any one fishing or swimming at these crossings. The usual depth of this creek is 4-6 inches and not the best for fish habitat. I can see no reason to designate this creek for fish habitat or recreational use.

Walnut Creek goes through a federal conservation area but is not a deep creek. I have not seen anyone swimming [or] fishing on any of the crossings such as county road F70 or S 112th Ave W. This creek is [usually] 4-6 inches deep and can have areas that are almost dry.

Sewer Creek crosses S 44th Ave W and S 60th Ave W at which I have never seen anyone fishing or swimming at [these] crossing[s] either. This is a small creek which is [usually] [only] 4-6 inches deep. Again not the best for recreation or fish habitat.

None of these stream[s] have I ever seen children around or in. At one time or another I have seen parts of these creeks dry in some areas which I would say would not make a good fish habitat or recreational area. We do not support the designation of these creeks as stated on the notice."

DNR Response:

This stream has been proposed to be classified both Class A1 Primary Contact recreational uses and Class A2 Secondary Contact recreational uses depending on location as based on the field assessment:

Field work for preparation of this UA/UAA was conducted on Calhoun Creek on August 14, 2006 and November 16 of 2006. Calhoun Creek, located in Jasper and Marion Counties, is listed as a perennial stream in the assessed reach according to the 1:100,000 USGS DLG Data Set. The creek has an overall drainage area of 25.98 square miles.

The stream travels through rural areas with land uses associated with row crop agriculture, pasture for livestock, and wildlife management which decreases the possibility of access. Steep banks, heavy riparian cover, fences, no trespassing signs, and rural locations may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

Based on analysis of the data 2 segments of Calhoun Creek will be discussed.

1) Mouth to the road crossing at Briggs Street (17,292 feet, 3.28 miles)

Solicitation of public input on local recreational activities in Calhoun Creek noted the following responses:

1) Comments via written or Website public response opportunities – No responses

2) Interviews – An interview was conducted with a local resident of the area concerning recent weather. They indicated that it had rained recently.

An interview was also conducted with an employee of the IDNR Wildlife Bureau. They indicated that no swimming, children's play, canoeing, kayaking, or tubing takes place in the creek. Trapping occurs in the creek and fishing can occur at the mouth of the creek during periods of higher flow or from lake backwater

3) Postcard – None returned

Upstream and downstream assessments were conducted at 1 bridge crossing and visually assessed at one closed bridge which yielded 2 sampling points. All average depth measurements were adequate depths for primary contact recreation, as well as 1 overall maximum depth of >48 inches based on the minimum guidelines used by the department to determine the attainability of primary contact recreational uses. Primary contact recreational uses are considered attainable for this segment of Calhoun Creek.

Based on analysis of the data from the assessed sites, the department recommends the Class A1 Primary Contact recreational use designation apply for Calhoun Creek from the mouth to the road crossing at Briggs Street (S9, T77N, R20W, Marion Co.). The department considers class A1 to be the highest attainable recreational use for this segment.

Primary contact recreational use (Class "A1").

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

<u>Recommended Recreational Use Designation:</u>

Primary Use	☒- See description above
Secondary Use	☐
Children's Recreation	☐
No Recreational Use	☐

2) Road crossing at Briggs Street to the Prairie City WWTP Outfall (41,968 feet, 7.95 miles)

Solicitation of public input on local recreational activities in Calhoun Creek noted the following responses:

1) Comments via written or Website public response opportunities – No responses

2) Interviews – An interview was conducted with a local resident of the area concerning recent weather. They indicated that it had rained recently.

3) Postcard – None returned

Upstream and downstream assessments were conducted at 4 bridge crossings which yielded 8 sampling points. Out of 8 average depth measurements, 1 was considered adequate depths for primary contact recreation, as well as 1 overall maximum depth based on the minimum guidelines used by the department to determine the attainability of primary contact recreational uses. These measurements were taken at site 451-2. A beaver dam elevated the stream approximately 20-24 inches at this location. This area is considered a temporary feature of the stream and is not expected to attract uses associated with the primary contact recreation designation. Primary Contact recreational uses are not considered attainable for Calhoun Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

No public comments indicated that children's recreation occurs in the assessed reach. Calhoun Creek's overall rural and remote location; agricultural land uses, lack of evidence of recreation, lack of accessibility, riparian cover, and steep banks appeared to deter any children's recreation therefore Children's Recreation is not recommended for the assessed reach.

While the creek is too shallow to support primary contact recreational uses, it has the potential to attract secondary contact recreation such as trapping or minnow seining at the assessed locations.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact recreational use apply for Calhoun Creek from the road crossing at Briggs Street (S9, T77N, R20W, Marion Co.) to the Prairie City WWTP outfall (SE ¼, SE ¼, S1, T78N, R21W, Jasper Co.). The department considers class A2 to be the highest attainable recreational use for this segment.

Class A2 Secondary Contact Recreational Uses

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational

boating, any limited contact incidental to shoreline activities and activities in which user do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of the Class A2 stream segment is shown below:

Start of aquatics looking upstream

The department understands these concerns but must maintain its proposed designation for this stream as per Recreational Use protocols and per rule. While the department understands these uses may not occur at present, the Clean Water Act and Iowa law also must protect for possible or attainable uses of a stream. The stream was assessed and based on that assessment was consistent with the classification for Secondary Contact recreational uses. Primary contact was deemed unlikely to occur in this particular stretch based on the results of the assessment and stream data, but the

potential for secondary contact could still occur, hence the need for the Secondary Contact recreational use classification.

22. Camp Creek (Polk/Jasper Cos.)

One public comment was received:

> "Camp Creek, Drainage Ditch #11, Frink Creek, Indian Creek, Muchikinock Creek, Rock Creek, Walnut Creek and Yeader Creek are all in Polk County, so changes to these could have an impact to a large number of residents. However, any downgrades to protection of our water [is] not acceptable. Let's increase our protections, not decrease them."

DNR Response:

This creek has been proposed as Class A2 Secondary Contact recreational uses and Class A3 Children's recreational uses depending on location based on the field assessment:

Fieldwork for preparation of this UA/UAA was conducted on Camp Creek on November 7, 2006. Camp Creek, located in Jasper and Polk counties, is noted as a perennial stream along its entire length according to the 1:100,000 USGS DLG Data Set. The assessed segment of Camp Creek was from its mouth (SW¼, S6, T77N, R21W, Polk Co.) to the confluence with Unnamed Creek (NW¼, S14, T79N, R22W, Polk Co.). At its mouth, Camp Creek has a drainage area of 41.84 square miles while at the upper extent of the assessment the drainage area is approximately 9.91 square miles.

Many segments of Camp Creek have undergone some historic realignment altering the natural features of the creek. The stream's estimated average depths under normal flow conditions ranged 4 to 19 inches with a maximum depth of greater than 23 inches. It is also estimated that the creek's widths during normal flow conditions ranged from 10 to 27 feet. Several non-maintained or abandoned beaver dams and associated shallow pooled areas were noted.

The stream substrate was predominately silt with some sand, boulder, and cobble at all assessed locations. The cobble substrates appeared to be associated with old concrete-type bridge remnants. Steep banks (approximately 75 degree slope) up to 20 feet deep were noted. The banks were covered in a growth of grasses and herbaceous materials with some tree cover noted. Some overhanging vegetation was present along the bank, with moderate influence the overall stream canopy.

The creek passes primarily through rural lands (currently row crops and pasture) along the assessed length. Eleven roads, including Iowa Highway 161, cross the creek with 16 residences in close proximity. Based on field observations, one county park (Thomas Mitchell County Park)

borders the creek. Near its mouth, the creek also flows through a portion of the Red Rock Wildlife Management area. Discarded fishing line was collected at site 496-a, foot prints in the stream bed mud were noted at site 496-c, and indications of mud playing near the park area at site 496-d.

Solicitation of public input on local recreational activities in the Camp Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – Playing/swimming occurred in the creek at Thomas Mitchell County Park.

3) Phone Interview – A staff member with the DNR Red Rock Management Unit was contacted to discuss recreational activities in the Red Rock WMA. He indicated that he has only observed fishing and trapping of minnow within the public land. Swimming, children's play, and canoeing/kayaking have not been observed

The Thomas Mitchell County Park area and lower site with fishing line present does indicate varying degrees of recreational uses along the assessed reach. The small isolated beaver dams and associated temporary nature of the water that they impound appears to discourage reasonable recreational use in the impoundments. However, the stream's depth and width do indicate the potential supportability of some degree of recreational uses. Thus, it is recommended to segment the assessed length of the creek into three reaches: the lower reach (downstream the Thomas Mitchell County Park), the area in proximity of the park, and the upper reach.

1) Lower Reach. Mouth (SW¼, S6, T77N, R21W, Polk Co.) to the road bridge (NW¼, S23, T79N, R22W, Polk Co.). This road bridge is at the southern boundary of the Thomas Mitchell County Park.

The shallow water along this entirely rural portion of the assessed creek length was not capable of supporting normal primary recreational uses. No locations were found to have water depths greater than 23 inches with average depth ranging from 4 to 19 inches. The shallow water conditions, silty nature, and creek's channelized features appear to impede the reasonable attainment of primary contact recreation along this assessed segment. Primary Contact recreational uses are not considered attainable for this length of Camp Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the creek being located in rural agricultural setting with the stream alignment containing steeper, difficult to traverse banks and silty conditions. Therefore, children's recreation use is not recommended.

While this segment of Camp Creek is too shallow to support primary contact recreational uses, it does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, seining, trapping or hunting. It is recognized that the steep incised banks and silty conditions may prevent frequent occurrences of these types of recreational uses. The Department recommends assigning a Class A2 Secondary Contact recreational use designation for Camp Creek from its mouth (SW¼, S6, T77N, R21W, Polk Co.) to the road bridge (NW¼, S23, T79N, R22W, Polk Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

2) Middle Reach. The road bridge (NW¼, S23, T79N, R22W, Polk Co.) to the road bridge (north line, S23, T79N, R22, Polk Co.). The road bridges reflect the known lower and upper boundaries of the Thomas Mitchell County Park.

The shallower water along this portion of the assessed creek length was not capable of supporting normal primary recreational uses. While no actual sampling occurred within the park boundary, none of the assessed locations were found to have water depths greater than 23 inches. The shallow water conditions, silt conditions, and creek features appear to impede the reasonable attainment of primary contact recreation along this assessed reach. Primary Contact recreational uses are not considered attainable for this length of Camp Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Public input, field notes, and aerial photography indicate the potential stream access via the developed park area and road bridges. Some degree of children's recreation is anticipated due the stream being located in close proximity to the park features. It is recognized that the steep banks may prevent frequent recreational uses. However, children's recreation use is recommended along the stream length flowing within the park area. Based on the location, public comments, and potential opportunity for instream play, the Department recommends

assigning a Class A3 Children's Recreational use designation for Camp Creek from road bridge (NW¼, S23, T79N, R22W, Polk Co.) to the road bridge (north line, S23, T79N, R22, Polk Co.). The department considers Class A3 to be the highest attainable recreational use designation for this urban area segment.

Waters designated as Children's Recreation Use (Class A3) are;

"Waters in which recreational uses by children are common. Class A3 waters are water bodies having definite banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in urban or residential areas."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☐	
Children's Recreation	☒	- See description above
No Recreational Use	☐	

3) Upper Reach. The road bridge (north line, S23, T79N, R22W, Polk Co.) to the confluence with an unnamed tributary (NW¼, S14, T79N, R22W, Polk Co.)

The shallow water along this entirely rural portion of the assessed creek length was not capable of supporting normal primary recreational uses. No locations were found to have water depths greater than 23 inches with average depth ranging from 10 to 14 inches. The shallow water conditions, silt conditions, and creek's steep bank features appear to impede the reasonable attainment of primary contact recreation along this assessed reach. Primary Contact recreational uses are not considered attainable for this length of Camp Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the creek being located in rural agricultural setting with locations having channelized stream alignment containing steeper, difficult to traverse banks and silty conditions. Based on these factors, children's recreation use is not recommended.

While this reach of Camp Creek is too shallow to support primary contact recreational uses, it does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with seining, trapping or hunting. It is recognized that the steep and incised banks and silty conditions may prevent frequent occurrences of these types of recreational uses. The Department recommends assigning a Class A2 Secondary Contact recreational use designation for Camp Creek from the road bridge (north line, S23, T79N, R22, Polk Co.) to the confluence with an unnamed tributary (NW¼, S14, T79N, R22W, Polk Co.). The

Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

This is a general comment and does not provide specific information to be able to respond more specifically.

As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

23. Cavitt Creek (Warren Co.)

One public comment was received:

> "The City of Indianola WPC department completed a survey of the Cavitt Creek basin located North of the waste water treatment plant at 11870 Hoover St. Please review the attached data, survey, summary and map. The City of Indianola would like the IDNR to reconsider the A-3 designation in the Lundy Acres area. We are of the opinion that the word "park" is not a reason to

designate "child at play" in Cavitt Creek. The creek has no recreational access such as beaches or boat ramps. The creek is littered with debris, fallen trees and beaver dams. We feel that the creek is limited to incidental contact and should be designated as A-2. We request that this information be added to the Cavitt Creek stream designation comments.

DNR Response:

We will still be recommending the Class A3 Children's recreational uses designation for this stream because of the location/proximity to public lands. We also have a public official that has indicated in a survey that he has witnessed child's play.

Results of the field assessments for this stream indicate the following:

Fieldwork for preparation of this UA/UAA was conducted on the Cavitt Creek on October 11, 2005 and March 20, 2006. Cavitt Creek, located in Warren County, is noted as a perennial stream along its entire assessed length according to the 1:100,000 USGS DLG Data Set. The assessed segment of Cavitt Creek was from its mouth (S35, T77N, R24W, Warren Co.) to the confluence with an unnamed tributary (S13, T76N, R24W, Warren Co.) At its mouth, the Cavitt Creek has a drainage area of 9.99 square miles while at the upper extent of the assessment (below the confluence with the unnamed tributary) the drainage area is approximately 2 square miles.

Based on aerial photography, nearly all of the properties along Cavitt Creek appear to be in private ownership with four county roads crossing the creek channel along the approximate 5 mile assessed length. No formal access or parking areas were noted along the roadway crossings. However, five rural residences were noted in close proximity to the creek. The creek does appear to pass through or adjacent to a small 15 acre multi-use recreational area (Lundy Acres County Park). This recreational area does not appear to have any constructed or developed stream side recreational area for access to the creek with only timber and cropland border the stream in the vicinity of the recreational area. Berry Woods State Preserve is located in close proximity (½ mile) to Cavitt Creek, but does not provide access to the creek.

At the two recreational assessment location, four data sets of the stream's physical characteristics were gathered. The data indicated the creek's widths range from 8 to 19 feet and the average depth ranged from 4 to 13 inches with a maximum depth of 15 inches. Steep stream banks with near vertical side slopes and heights ranging from 10 to 12 feet are common features of the assessed segment. The banks are covered in a mixture of trees, grasses, herbaceous material, and shrubs resulting in a moderately open stream canopy.

During the on October 11, 2005 and March 20, 2006 recreational assessments, no people were observed recreating in the water at the time of the assessment. At site 14-1a, fishing line with

hook, and a free floating bobber were found in the shallow water areas near a rural residence. No other evidence of actual instream or stream side activities was observed.

Solicitation of public input on local recreational activities in Cavitt Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

3) Phone interview - A Warren County Conservation Boards staff member indicated that at Lundy Acres County Park children have been observed playing in the stream. He stated that children's play is at a frequency of at least weekly, if not greater. Swimming has not been observed. Fishing, seining, and trapping of minnows have been observed.

Along the entire assessment length, the stream's depth and width do indicate the potential supportability of some degree of recreational uses. In the Lundy Acres County Park area, the stream does provide a varying degree of recreational uses within the park boundaries, including kid's play, wading, fishing, trapping and seining. Thus, it is recommended to segment the assessed length of the creek into three reaches: the lower rural reach (downstream of the Lundy Acres County Park), the area within the Lundy Acres County Park, and the upper rural upper reach (upstream of the Lundy Acres County Park).

1) Lower Rural Reach. Mouth (S35, T77N, R24W, Warren Co.) to the 115th Avenue road crossing (S2, T76N, R24W, Warren Co.)

The shallow water (averaging less than 14 inches deep) along this entirely rural portion of the assessed creek length was not capable of supporting normal primary recreational uses. No locations were found to have water depths greater than 15 inches. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along this assessed reach. Primary Contact recreational uses are not considered attainable for this length of Cavitt Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use. Frequent children's recreation is not expected due the creek being located in more remote rural agricultural areas with heavily vegetated, steep, and more difficult to traverse banks. Therefore, children's recreation use is not recommended.

While the Cavitt Creek is too shallow to support primary contact recreational uses, it does possess a potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, seining, trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for the Cavitt Creek was from its mouth (S35, T77N, R24W, Warren Co.) to the 115th Avenue road crossing (S2, T76N, R24W, Warren Co.). The upper extent of this reach is an identifiable location representing the

downstream park boundary. The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

2) Reach within the Lundy Acres County Park. From the 115th Avenue road crossing (S2, T76N, R24W, Warren Co.) to the west boundary of the Lundy Acres County Park (S2, T76N, R24W, Warren Co.) (NAD83) (UTM Coordinates X(Easting) 450503.23, Y(Northing) 4585494.51).

While no individual assessment site was located within the county park, the shallow water (projected to be averaging 14 inches or less deep based on other sites data) along this portion of the assessed creek length within the park was not capable of supporting normal primary recreational uses. No locations were expected to have water depths greater than 15 inches based on other site data and comments. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along this assessed reach. Primary Contact recreational uses are not considered attainable for this length of Cavitt Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

A commenter noted that varying degree of children's recreation occurred in the stream within the Lundy Acres County Park area. Based on the location and opportunity for instream play, the Department recommends assigning a Class A3 Children's Recreational use designation for Cavitt Creek from the 115th Avenue road crossing (S2, T76N, R24W, Warren Co.) to the west boundary of the Lundy Acres County Park (S2, T76N, R24W, Warren Co.) (NAD83) (UTM Coordinates X(Easting) 450503.23, Y(Northing) 4585494.51). This reach reflects the entire property known to be within the Lundy Acres County Park. The department considers Class A3 to be the highest attainable recreational use designation for this urban area segment.

Waters designated as Children's Recreation Use (Class A3) are;

"Waters in which recreational uses by children are common. Class A3 waters are water bodies having definite banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in urban or residential areas."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☐	
Children's Recreation	☒	- See description above
No Recreational Use	☐	

3) Upper Rural Reach. From the west boundary of the Lundy Acres County Park (S2, T76N, R24W, Warren Co.) (NAD83) (UTM Coordinates X(Easting) 450503.23, Y(Northing) 4585494.51) to the confluence with Unnamed Creek (S13, T76N, R24W, Warren Co.)

The shallow water (averaging 4 to 8 inches deep) along this entirely rural portion of the assessed creek length was not capable of supporting normal primary recreational uses. No locations were found to have water depths greater than 10 inches. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along this assessed reach. Primary Contact recreational uses are not considered attainable for this length of Cavitt Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the creek being located in more remote rural agricultural areas with heavily vegetated, steep, and more difficult to traverse banks. Therefore, children's recreation use is not recommended.

While the Cavitt Creek is too shallow to support primary contact recreational uses, it does possess a potential of attracting Class A2 Secondary Contact recreational uses particularly associated with seining, trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for the Cavitt Creek was from the west boundary of the Lundy Acres County Park (S2, T76N, R24W, Warren Co.) (NAD83) (UTM Coordinates X(Easting) 450503.23, Y(Northing) 4585494.51) to the confluence with Unnamed Creek (S13, T76N, R24W, Warren Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational

boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]	
<u>Recommended Recreational Use Designation:</u>	
Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of the stream is shown below:

14-1a Downstream recreation site looking downstream

DNR met with representatives of the City of Indianola WWTP on two occasions to discuss the segment with the A3 classification. After the first meeting, the City of Indianola conducted a public survey of local residents. A total of 35 residences were surveyed. The results of these surveys indicated that some residents had observed children's play. We also have a park official who states they have seen children playing in the creek, surveys from residents, as well as residences in the area.

Based on the reasons and data presented above, the department will maintain its proposed designation as described above with the stream segment as Class A3 Children's recreational uses from the 115th Avenue road crossing (S2, T76N, R24W, Warren Co.) to the west boundary of the Lundy Acres County Park (S2, T76N, R24W, Warren Co.) (NAD83) (UTM Coordinates X(Easting) 450503.23, Y(Northing) 4585494.51).

Please also see the section, Issue: What characteristics define "child's play" in Class A3, Children's recreational use," for additional information on how the department makes this determination.

24. Cedar Creek (Jefferson Co.)

One public comment was received from a local resident.

> "We kayak Cedar Creek, sometimes swimming nearly every year. Another creek runs directly by our house, and we have direct contact with it several times a week in season. We continue to witness more erosion, less aquatic life, and poorer water quality.
>
> Please do not downgrade the more than 400 stream segments proposed. Iowa's waters need MORE help, not less."

DNR Response:

This stream went to rule in Batch 1, and the stream was recommended Class A1 Primary Contact recreational uses to Kale Rd (S10, T71N, R10W Jefferson Co.), then Class A2 Secondary Contact recreational uses for a short stretch, and then finally Class A3 Children's recreational uses for the remaining.

The information provided does not appear to conflict with the findings of the field assessment, which found portions of the stream swimmable, while portions of the stream were still found to be unlikely to be unswimmable.

Field work for preparation of this UA/UAA was conducted on Cedar Creek on 4/5/06 and 11/3/06. Cedar Creek is receiving effluent from: Fairfield (102), Birmingham (520), Agency (568), Packwood (802), and Cardinal Schools (249) by way of various tributaries. The entire assessed portion of Cedar Creek is listed as a perennial stream from the mouth to the bridge crossing at Competine Road according to the 1:100,000 USGS DLG Data Set. The drainage area at the mouth is 567 square miles. The main goals of the field work were to determine existing uses, attainable uses, use attainment and potential causes of non-attainment (if any).

The creek is primarily a wide and some-what channelized run with steep banks that flows primarily through rural, agricultural areas, and wooded areas. The average and maximum depths varied in this reach. At sites 568-d and downstream, Cedar Creek had an average depth of approximately 19 inches. Upstream from 568-d the average depth was less than 15 inches at most sites. The width varied greatly from the downstream portion to the upstream portion with the range being as narrow as 9 feet at Site 568-f to as wide as 104 feet at Site 568-a, the furthest downstream site. The average width for the entire reach was 49 feet.

Cedar Creek was assessed from the mouth to the bridge crossing at Competine Road. There were numerous bridge crossings on the river that would allow for access. There was one boat ramp on the assessed reach at site 568-bb. No people were observed recreating in the water at the time of the assessment. There were signs of use at 10 of the 13 assessed sites on Cedar Creek. These signs of uses found include: graffiti (568-K, H, G, and C), footprints (568-K and 568-C), fishing tackle (568-E and 568-BB), fire pits (568-BB), and ATV tracks (568-K, J, and C).

Based on the field assessment findings, two separate stream segments for Cedar Creek will be discussed:

1. From the mouth (NW ¼ S9, T71N, R07W, Henry County) to the bridge crossing on Kale Road (S10, T71N, R10W, Jefferson County):

This segment of Cedar Creek had a deeper overall average and maximum depth than the rest of the assessed reach. The average depth for this segment was 21 inches with an average maximum depth of 37 inches. There was a hard-surfaced boat ramp present at site 568-bb with parking for trucks/trailers. Other signs of recreation included: Fishing tackle, fire pits, graffiti, foot paths, and a viewing bench.

Primary Contact recreational uses are considered attainable for Cedar Creek because it displayed an average depth of 21 inches with an average maximum depth of 37 inches. These depths were present from downstream at site 568-a, upstream to site 568-d.

While Cedar Creek did not meet the depth guidelines in full, activities consistent with Primary Contact Recreational (Class A1) uses have been described at locations from W40 to Fairfield. The department feels that because of the activities associated with this segment (frequent canoeing and kayaking) it can be concluded that the Class A1 Primary Contact Recreational Designation would be appropriate from W40 to Fairfield despite the marginal flows found during the original assessment

The department recommends the Class A1 Primary Contact Recreational Use apply from the mouth (NW ¼ S9, T71N, R07W, Henry County) to the bridge crossing on County Highway W40 (SE ¼ S2, T70N, R08W, Van Buren County) to the bridge crossing at Kale Road (S10, T71N, R10W Jefferson Co.)

Class (A1) Primary Contact Recreational Use

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

Recommended Recreational Use Designation:

Primary Use	☒ - see description above
Secondary Use	☐
Children's Recreation	☐
No Recreational Use	☐

2. From the bridge crossing on Kale Road (S10, T71N, R10W, Jefferson County) to the confluence of Unnamed Creek (E ½ S13, T72N, R12W, Wapello County):

Upstream from site 568-d, Cedar Creek had an average maximum depth of less than 40 inches with the majority of the reach being less than 20 inches deep. No areas of sustained adequate depth for primary contact recreation were found in the assessed reach.

Depths in this reach that were adequate for primary contact recreation were not considered representative of Cedar Creek. The entire upper reach was considered shifting sand substrate with temporary scour holes. At site 568-K a scour-hole under a bridge was found to have a maximum depth of >48", the average depth for this site was 10 to 13 inches. A dredged area at site 568-I held a maximum depth of 39 inches. A channelized non-pooled rip-rapped area was present at site 568-H where the maximum depth was 32 inches. Sites 102-2 and 102-1 flow was elevated approximately 10 inches because of rainfall events which occurred before sampling. Scour holes below bridges were present at both sites.

The creek is too shallow to support primary contact recreation; however, evidence of secondary recreation uses were found. Types of uses found were: Graffiti, trash, atv tracks, foot prints/paths, and fishing tackle. Secondary recreational uses are expected to be common on this stretch of the river.

Though graffiti was found at some locations in the assessed reach, there was not enough overall evidence that children's recreational uses are common and widespread. In addition, Children's recreation is not expected to occur frequently due to the majority of the river being in primarily rural areas with low population density, therefore Children's recreation is not recommended for the reach.

The department recommends the Class A2 Secondary recreation use apply upstream from the bridge crossing at Kale Road (S10, T71N, R10W Jefferson Co.) to the confluence with Unnamed

Creek (E ½ S13, T72N, R12W Wapello Co.). These recommendations are consistent with the river and surrounding areas ability to support such uses.

Class (A2) Secondary Contact Recreational Use

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreation use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐
Secondary Use	☒ - see description above
Children's Recreation	☐
No Recreational Use	☐

3. From the confluence of Unnamed Creek (E ½ S13, T72N, R12W, Wapello County) to the confluence of Unnamed Creek (E ½ S11, T72, R12W, Wapello County):

Children's recreational use is noted to occur in the Johnson-Noel Buckeye Recreational Area. The Wapello CCB stated the children recreate in the stream commonly (3-4 times a month). The department performed an assessment at this location. The department found graffiti, footprints, chairs under the bridge, foot paths, and ATV tracks. The survey received served to support that children's play is not only occurring at this public area, but it occurring on a regular basis to warrant consideration of a Class A3 Children's recreational use designation.

In addition, the department recommends that Class A3 Children's Contact Recreation apply for the Johnson-Noel Buckeye Wildlife Area from the confluence of Unnamed Creek (E ½ S13, T72N, R12W, Wapello County) to the confluence of Unnamed Creek (E ½ S11, T72, R12W, Wapello County).

Children's recreational use (Class "A3"). Waters in which recreational uses by children are common. Class A3 waters are water bodies having definite banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in urban or residential areas.

Recommended Recreational Use Designation:	
Primary Use	☐
Secondary Use	☐
Children's Recreation	☒ - See Description Above
No Recreational Use	☐

It should be noted that the Department continually updates the water quality standards for Iowa. This can include follow-up studies regarding Use Attainability Analyses to incorporate latest and any new information to ensure the uses of Iowa's waters are reflected appropriately in the Water Quality Standards.

No change to the classification is proposed.

Please also see the section entitled, "Issue: Attainability" for additional information regarding the stream designations.

25. Cedar River (Specific county unknown)

One public comment was received:

> "I cannot imagine opening our states waters to more pollution. I understand the needs of business. I have a Masters Degree in Business and have worked in the commercial real estate industry for over ten years. I understand the impacts on business needs of environmental restrictions. I also understand quality businesses find another way to survive.
>
> I have spent most of my entire life enjoying Iowa rivers and streams. I started paddling the backwaters of the Wapsipinicon River as a small child over thirty years ago. I spent many days swimming, fishing, and enjoying the river. Today I have four children of my own. We spend more than every other weekend on Iowa waters spring through fall. We enjoy many streams in Northeast Iowa for canoeing and fishing including the Upper Iowa River, Paint Creek, Yellow River, Turkey River, Little Turkey River, Cedar River, Indian Creek, Big Creek, Wapsipinicon River, Lime Creek, Volga River, Little Volga River, the list goes on and on.
>
> I love to take my children wading for smallmouth bass in almost any creek I can find that may hold those wonderful hot spots. We have very limited natural

resources compared to most states in our country. The beauty and quality of our streams is really all we have left. We must move to protect our very limited resources.

Please help protect our streams. I am an Iowan and plan to always be an Iowan. I could not keep my family in this state if our streams became an unsafe place to enjoy nature with my children."

DNR Response:

This river was previously designated Class A1 Primary Contact recreational uses.

26. Cherry Creek (Jasper Co.)

One public comment was received:

"I am writing in response to the proposed stream designation by the EPC. I just heard about this, so I apologize for the last minute comments, we were without an engineer for over 4 ½ months. I have been employed by the county for over 30 years and am using my experience to comment on these streams.

First Stream is Cherry Creek- This stream crosses two paved county roads (F36 & F48) and one state Hwy(14). In all my years I have never seen anyone fishing or swimming in any of the crossings. It does go through a golf course but no one has ever talked about anyone swimming in it, 90% of the time the stream is usually about 6-8 inches deep so I believe that this stream does not qu[a]lify for any type of recreational use.

Next is Clear Creek, This stream has crossings on paved county roads F17 and F24 also there is a low water crossing on W 84th St S. The low water crossing was installed about 25 years ago. It has 18 inch diameter culverts and they only run [half] full 90% of the time. The only time it is deeper is when we have floods and then the road has to be closed but that is only for a couple of days. I have never seen anyone swimming or fishing at any of these locations. Again I do not think the water is deep enough to war[a]nt a recreational designation of any kind even [though] it crosses the bike trail. The banks are steep and not user friend.

Elk Creek has many crossings through the county. I have never seen any one fishing or swimming at any of the crossing I am about to list, Liberty Ave, Legion St, S 60th Ave E, County Road F 62, S 124th Ave E. Most of the time the creek runs

approximately 6-8 inches deep except when it floods. This would not allow boating as would none of the [other] c[r]eeks listed.

Indian Creek crosses county paved road F 24 and also N 51st Ave W and N 19th Ave W as well as others, These crossing[s] all have steep banks and are not user friendly for any type of recreation. Most of the time [this] creek runs 8 inches deep or less. I have never seen anyone fishing or swimming at these crossings. Also I have never seen a boat of any kind. Again I see no reason to designate this creek for any type of recreational use.

Benjamin Creek crossings on W 12th St N and county road F 36 I have seen a lot, they are between my home and work. I have never seen any fishing or swimming at these locations, 90% of the time the creek is only approximately 6 inches deep or in some locations almost dry and the banks are not user friendly. The only time a boat could use this creek is for a few short hours during flooding. Not a good contestant for recreational use.

Calhoun Creek Crossings that I am most familiar with are county road F 70 and S 96th Ave W. I have never seen fishing or swimming at either of these locations. 2 years ago we replaced the bridge on F70 with a RCB culvert. There is [usually] only about 4-6 inches of water in the creek and in some area[s] almost dry at times. I cant see where this would be adequate for recreation or [sustaining] fish life.

Prairie Creek crossings are county roads F36 and N 75th Ave W, The normal flow is very low on this creek as well and I have never seen any one fishing or swimming on either of these crossings, the water is usually only approximately 4-6 inches deep with some areas almost dry,

Sugar Creek crossings are S 36th Ave E and S 52nd Ave E that I am most familiar with and at no time have I seen any one fishing or swimming at these crossings. The usual depth of this creek is 4-6 inches and not the best for fish habitat. I can see no reason to designate this creek for fish habitat or recreational use.

Walnut Creek goes through a federal conservation area but is not a deep creek. I have not seen anyone swimming [or] fishing on any of the crossings such as county road F70 or S 112th Ave W. This creek is [usually] 4-6 inches deep and can have areas that are almost dry.

Sewer Creek crosses S 44th Ave W and S 60th Ave W at which I have never seen anyone fishing or swimming at [these] crossing[s] either. This is a small creek

which is [usually] [only] 4-6 inches deep. Again not the best for recreation or fish habitat.

None of these stream[s] have I ever seen children around or in. At one time or another I have seen parts of these creeks dry in some areas which I would say would not make a good fish habitat or recreational area. We do not support the designation of these creeks as stated on the notice."

DNR Response:

The department understands these concerns but must maintain its proposed designation for this stream as per Recreational Use protocols and per rule. While the department understands these uses may not occur at present, the Clean Water Act and Iowa law also must protect for possible or attainable uses of a stream. The stream was assessed and based on that assessment was consistent with the classification for Secondary Contact recreational uses. Primary contact was deemed unlikely to occur in this particular stretch based on the results of the assessment and stream data, but the potential for secondary contact could still occur, hence the need for the Secondary Contact recreational use classification.

27. Cheslea Creek (Cerro Gordo Co.)

One DNR comment was received:

"The UAA for Chelsea Creek is incorrect. The name of the stream is **Cheslea Creek**. This is part of batch 3 but I thought I would bring it up."

DNR Response:

As a result of this comment, DNR has attempted to correct all locations where the incorrect name was used. However, this name change still needs to be revised in the final rule. In addition, the name is noted to be incorrect in some locations on the UA/UAA Database Search. However, due to so many cross linkings in this location, attempting to change the names in this location could cause time-consuming computer delays. The public may encounter misspelling of this stream on the UA/UAA Database in some locations until this has been resolved.

28. Clear Creek (Jasper/Marshall Cos.)

One public comment was received:

> "I am writing in response to the proposed stream designation by the EPC. I just heard about this, so I apologize for the last minute comments, we were without an engineer for over 4 ½ months. I have been employed by the county for over 30 years and am using my experience to comment on these streams.
>
> First Stream is Cherry Creek- This stream crosses two paved county raods (F36 & F48) and one state Hwy(14). In all my years I have never seen anyone fishing or swimming in any of the crossings. It does go through a golf course but no one has ever talked about anyone swimming in it, 90% of the time the stream is usually about 6-8 inches deep so I believe that this stream does not qu[a]lify for any type of recreational use.
>
> Next is Clear Creek, This stream has crossings on paved county roads F17 and F24 also there is a low water crossing on W 84th St S. The low water crossing was installed about 25 years ago. It has 18 inch diameter culverts and they only run [half] full 90% of the time. The only time it is deeper is when we have floods and then the road has to be closed but that is only for a couple of days. I have never seen anyone swimming or fishing at any of these locations. Again I do not think the water is deep enough to war[a]nt a recreational designation of any kind even [though] it crosses the bike trail. The banks are steep and not user friend.
>
> Elk Creek has many crossings through the county. I have never seen any one fishing or swimming at any of the crossing I am about to list, Liberty Ave, Legion St, S 60th Ave E, County Road F 62, S 124th Ave E. Most of the time the creek runs approximately 6-8 inches deep except when it floods. This would not allow boating as would none of the [other] c[r]eeks listed.
>
> Indian Creek crosses county paved road F 24 and also N 51st Ave W and N 19th Ave W as well as others, These crossing[s] all have steep banks and are not user friendly for any type of recreation. Most of the time [this] creek runs 8 inches deep or less. I have never seen anyone fishing or swimming at these crossings. Also I have never seen a boat of any kind. Again I see no reason to designate this creek for any type of recreational use.
>
> Benjamin Creek crossings on W 12th St N and county road F 36 I have seen a lot, they are between my home and work. I have never seen any fishing or swimming at these locations, 90% of the time the creek is only approximately 6

inches deep or in some locations almost dry and the banks are not user friendly. The only time a boat could use this creek is for a few short hours during flooding. Not a good contestant for recreational use.

Calhoun Creek Crossings that I am most familiar with are county road F 70 and S 96th Ave W. I have never seen fishing or swimming at either of these locations. 2 years ago we replaced the bridge on F70 with a RCB culvert. There is [usually] only about 4-6 inches of water in the creek and in some area[s] almost dry at times. I cant see where this would be adequate for recreation or [sustaining] fish life.

Prairie Creek crossings are county roads F36 and N 75th Ave W, The normal flow is very low on this creek as well and I have never seen any one fishing or swimming on either of these crossings, the water is usually only approximately 4-6 inches deep with some areas almost dry,

Sugar Creek crossings are S 36th Ave E and S 52nd Ave E that I am most familiar with and at no time have I seen any one fishing or swimming at these crossings. The usual depth of this creek is 4-6 inches and not the best for fish habitat. I can see no reason to designate this creek for fish habitat or recreational use.

Walnut Creek goes through a federal conservation area but is not a deep creek. I have not seen anyone swimming [or] fishing on any of the crossings such as county road F70 or S 112th Ave W. This creek is [usually] 4-6 inches deep and can have areas that are almost dry.

Sewer Creek crosses S 44th Ave W and S 60th Ave W at which I have never seen anyone fishing or swimming at [these] crossing[s] either. This is a small creek which is [usually] [only] 4-6 inches deep. Again not the best for recreation or fish habitat.

None of these stream[s] have I ever seen children around or in. At one time or another I have seen parts of these creeks dry in some areas which I would say would not make a good fish habitat or recreational area. We do not support the designation of these creeks as stated on the notice."

DNR Response:

The department understands these concerns but must maintain its proposed designation for this stream as per Recreational Use protocols and per rule. While the department understands these uses may not occur at present, the Clean Water Act and

Iowa law also must protect for possible or attainable uses of a stream. The stream was assessed and based on that assessment was consistent with the classification for Secondary Contact recreational uses. Primary contact was deemed unlikely to occur in this particular stretch based on the results of the assessment and stream data, but the potential for secondary contact could still occur, hence the need for the Secondary Contact recreational use classification.

29. Clear Lake (Cerro Gordo Co.)

One comment was received:

> "There's a lake near my town. It's called Clear Lake. I used to like to swim there, but I can't anymore because it's so nasty. Please improve our state's water bodies!"

DNR Response:

This is a lake and is not covered under this rulemaking.

30. Cleghorn Ditch (Monona/Woodbury Cos.)

One public comment was received:

> "I support high recreation standards on the Cleghorn Ditch in Monona county. But then I support high water quality standards on ALL of Iowa's streams and rivers. All these little creeks and streams feed into bigger creeks and streams and ultimately come into contact with humans and animals. Agriculture and other human activities put many chemicals into surface water of all kinds and we just plain don't know the long term impact of these chemicals and combinations of chemicals.
>
> By long term I mean 50 years and longer. And I haven't even touched on the bacteria and fungi growths that get into these waters because of what we humans do. Sure, much of this stuff will probably turn out to be harmless, but until it does I want the highest water quality standards for as much as Iowa's surface water as possible"

DNR Response:

This stream is designated as Class A1 Primary Contact recreational uses or Class A2 Secondary Contact recreational uses depending on location based on the field assessment.

Field work for preparation of this UA/UAA was conducted on Cleghorn Ditch on September 6, 2006, July 19, 2007 and August 6, 2008 and addresses the entire length of the ditch from its mouth (S7, T82N, R45W, Monona Co.) to the Community of Sloan's wastewater treatment facility outfall (S32, T86N, R46W, Woodbury Co.). Cleghorn Ditch, located in Monona and Woodbury counties, is noted as a perennial stream along a portion of the assessed length according to the 1:100,000 USGS DLG Data Set. The drainage area at its mouth is estimated to be 86.58 square miles. At the upper extent of assessment the drainage area is approximately 2.07 square miles.

A total of 14 sites were assessed during 3 separate sampling seasons. Cleghorn Ditch appeared to be mostly intermittent at the 6 sites assessed during the 2006 assessment. USGS data relating to drought conditions and historic flow data of nearby streams indicated that this portion of Iowa was experiencing drought conditions at the time of the assessment. The stream conditions at the time of the assessment are not considered to be representative of normal seasonal flows.

The ditch exhibited perennial conditions at the 6 sites assessed in the 2007 assessment and the 2 sites assessed in the 2008 assessment. Again, USGS drought and historical stream flow data was referenced and the stream flow showed slightly below average flows at the time of the 2007 assessment and slightly above average flows during the time of the 2008 assessment. Based on this information, the information from the 2007 and 2008 assessments pertaining to depths and widths will be the primary data sources for completion of this report.

The entire length of Cleghorn Ditch is an established drainage district stream channel and is routinely maintained for alignment and grade. The stream substrate was predominately silt with a few boulders noted near the mouth. At the upper assessment site deep sludge-type accumulations had occurred in the stream. Steep banks (approximately 60 to 80 degree angle) and approximately 10 feet deep or more were noted. The side slopes of the ditch are covered in a growth of shrubs, herbaceous materials and grasses.

Twenty nine roads (including Interstate 29) cross the ditch with twelve residences in close proximity. The ditch was constructed along the western fringes of the rural community of Whiting and near the interstate interchange west of the community of Onawa. Aerial photography does indicate a possible retirement home health care facility nearby in Whiting and possible commercial property uses near the ditch at the intestate interchange.

The ditch does flow along the northern boundary of the Huff-Warner Access. This park is a 5 acre campground with a boating access to the Missouri River.

Solicitation of public input on local recreational activities in the Cleghorn Ditch noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

3) Interview with a Monona County Conservation employee regarding recreational activities in Cleghorn Ditch adjacent to Huff-Warner Access – the interviewee stated that campers park their boats in the creek channel next to the campground. Swimming and child's play had not been observed but kayaking or canoeing was said to be possible at this location.

Frequent children's recreation is not expected due the drainage ditch being located in rural agricultural setting with a totally channelized stream alignment containing steeper, difficult to traverse banks and silty accumulations. The dry nature of the stream at many locations future diminishes the potential for frequent children's recreation. Therefore, children's recreation use is not recommended.

Based on the habitat and stream flow conditions, the recommendations are separated into four stream segments; the segment that is adjacent to the Huff-Warner Access, the segment between the Huff-Warner Access and the deep pooled area at site 533-1a, the deep pool at site 533-1a, and the segment upstream from the pooled area to State Highway 141.

1) Cleghorn Ditch from the Mouth (S7, T82N, R45W, Monona Co.) to the eastern boundary of the Huff-Warner Access (Easting 240222.04, Northing 4646343.09, S7, T82N, R45W, Monona Co.)(approximately 745 feet or 0.14 miles):

This segment of Cleghorn Ditch flows along the northern boundary of the Huff-Warner Access. An interview was conducted with a Monona County Conservation employee regarding recreational activities in the ditch at this location. It was stated that campers often park their boats in the creek next to the campground. Canoeing and kayaking was also noted to be a potential recreational activity at this location. Swimming and child's play had never been observed with the steep banks and heavy silt being the most common deterrent for those activities.

This segment of Cleghorn Ditch apparently has adequate depth for canoeing, kayaking, and to get boats in there for parking out of the Missouri River current. Therefore, the department recommends the Class A1 Primary Contact recreation use apply to Cleghorn Ditch from the mouth (S7, T82N, R45W, Monona Co.) to the eastern boundary of the Huff-Warner Access (Easting 240222.04, Northing 4646343.09, S7, T82N, R45W, Monona Co.). The Department considers Class A1 to be the highest attainable recreational use designation for this stream reach.

Class (A1) Primary Contact Recreational Use

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

Recommended Recreational Use Designation:

Primary Use	☒	- See description above
Secondary Use	☐	
Children's Recreation	☐	
No Recreational Use	☐	

2) Cleghorn Ditch from the eastern boundary of the Huff-Warner Access (Easting 240222.04, Northing 4646343.09, S7, T82N, R45W, Monona Co.) to the downstream extent of a pooled area (Easting 242006.77, Northing 4648381.54, S5, T82N, R45W, Monona Co.)(approximately 9,150 feet or 1.73 miles):

There were no areas found in this reach with adequate depth for primary contact recreational uses and children's recreation is not considered possible due to the overall rural location.

While this reach of Cleghorn Ditch is too shallow to support primary contact recreational uses, it does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with seining, fishing, trapping or hunting in this reach. It is recognized that the steep and deeply incised banks and silty conditions may prevent frequent occurrences of these types of recreational uses. The Department recommends assigning a Class A2 Secondary Contact recreational use designation for Cleghorn Ditch from the eastern boundary of the Huff-Warner Access (Easting 240222.04, Northing 4646343.09, S7, T82N, R45W, Monona Co.) to the downstream extent of a pooled area (Easting 242006.77, Northing 4648381.54, S5, T82N, R45W, Monona Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use ☐

Secondary Use ☒ - See description above

Children's Recreation ☐

No Recreational Use ☐

3) Cleghorn Ditch from the downstream extent of a pooled area (Easting 242006.77, Northing 4648381.54, S5, T82N, R45W, Monona Co.) to 284th Street (S5, T82N, R45W, Monona Co.)(approximately 100 feet or 0.02 miles):

This segment of Cleghorn Ditch is a deep pool of approximately 100 feet in length and 20 feet wide. The maximum depth in this pool was greater than 48 inches and is capable of supporting Primary Contact Recreational uses. Therefore the department recommends the Class A1 Primary Contact recreation use apply to Cleghorn Ditch from the downstream extent of a pooled area (Easting 242006.77, Northing 4648381.54, S5, T82N, R45W, Monona Co.) to 284th Street (S5, T82N, R45W, Monona Co.). The Department considers Class A1 to be the highest attainable recreational use designation for this stream reach.

Class (A1) Primary Contact Recreational Use

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

Recommended Recreational Use Designation:

Primary Use ☒ - See description above

Secondary Use ☐

Children's Recreation ☐

No Recreational Use ☐

4) Cleghorn Ditch from 284th Street (S5, T82N, R45W, Monona Co.) to State Highway 141 (S32, T86N, R46W, Woodbury Co.)(approximately 139,429 feet or 26.40 miles):

There were no areas found in this reach with adequate depth for primary contact recreational uses and children's recreation is not considered possible due to the overall rural location.

While this reach of Cleghorn Ditch is too shallow to support primary contact recreational uses, it does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with seining, fishing, trapping or hunting in the lower reach with

perennial flow features. It is recognized that the steep and deeply incised banks and silty conditions may prevent frequent occurrences of these types of recreational uses. The Department recommends assigning a Class A2 Secondary Contact recreational use designation for Cleghorn Ditch from 284th Street (S5, T82N, R45W, Monona Co.) to State Highway 141 (S32, T86N, R46W, Woodbury Co.).

The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;

'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this stream is shown on the next page:

Bridge view looking upstream

This is a general comment and does not provide specific information regarding location or use to be able to respond in greater detail.

As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

31. Des Moines River (Boone/Polk/Webster Cos.)

Six comments were received.

First comment:

> "My husband and I live along the Des Moines River. We have 6 grandsons that have spent a lot of time with us at our home. We have spent many days enjoying the river and the wildlife it supports. It is imperative that the Des

Moines River and streams like it are kept clean and our environment healthy. Our kids and grandkids are our joy. We want to do right by them and the other children that come in contact with the streams of Iowa. The same is expected of you. Thanks!"

The second comment, from our online survey, regarding the river segment near Boone:

1. Swimming? Yes.
2. Children playing in or near the stream? Yes.
3. Canoeing, kayaking, or tubing? Yes.
4. Fishing, seining, or trapping for minnows? Yes.

When, where and how often the activity took place was not provided.

The third comment, from our online survey and regarding Polk County locations:

4. Swimming? Yes.
5. Children playing in or near the stream? Yes.
6. Canoeing, kayaking, or tubing? Yes.
7. Fishing, seining, or trapping for minnows? Yes. Daily, April 1 - November 1 in all areas listed: "Water Works Park - Saylorville area, Beaver and Walnut Creeks"

The fourth comment and from our online survey, relating to the Sycamore access point:

1. Swimming? Yes. 8/1/2009.
2. Children playing in or near the stream? No.
3. Canoeing, kayaking, or tubing? Yes.
4. Fishing, seining, or trapping for minnows? Yes.

A fifth comment was provided via our online survey but did not give information regarding use other than access was at 42 degrees 04minutes 47seconds north/93 degrees 55 minutes 56 seconds west. It did not indicate a type of use, and therefore, we were unable to directly respond.

Sixth comment:

> "Streams and tributaries and all rivers in Iowa, particularly Southeast Iowa, Upper Iowa River, Missouri and Mississippi Rivers, Des Moines River.
>
> The way we maintain water affects our own lives, those [of] our neighbors downstream, and future generations as well. IT is all we have. Please do everything possible to maintain pure water in Iowa."

DNR Response:

The Des Moines River is already designated for Class A1 Primary Contact recreational uses at the Boone and Des Moines area locations.

As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

32. Drainage Ditch No. 11 (Polk Co.)

One public comment was received:

> "Camp Creek, Drainage Ditch #11, Frink Creek, Indian Creek, Muchikinock Creek, Rock Creek, Walnut Creek and Yeader Creek are all in Polk County, so changes to these could have an impact to a large number of residents. However, any downgrades to protection of our water [is] not acceptable. Let's increase our protections, not decrease them."

DNR Response:

This stream is designated as Class A2 Secondary Contact recreational uses based on results of the field assessment:

Fieldwork for preparation of this UA/UAA was conducted on Drainage Ditch No. 11 on September 24, 2009. Drainage Ditch No. 11, located in Polk County, is noted as an intermittent stream along its entire length according to the 1:100,000 USGS DLG Data Set. At its mouth, Drainage Ditch No. 11 has a drainage area of 8.66 square mile.

The creek passes through rural areas with no formal access points and there were no bridge crossings that would allow for access. No signs of recreational uses were found within the assessed reach and an interview was conducted confirming that no recreational uses had been observed on Drainage Ditch 11. The assessed reach was approximately 1500 feet from the nearest road and surrounded by private agricultural ground. The possibility of recreational uses diminishes with the lack of access.

One site (497-1a) was assessed for recreation on Drainage Ditch 11. The average depth found ranged between 4 and 6 inches deep with an overall maximum depth of 8 inches. The creek channel as a whole was narrow and shallow and no areas were found in the assessed reach that would be adequate depth for primary contact recreation. Primary Contact recreational uses are not considered attainable for Drainage Ditch 11 due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

The creek is too shallow to support primary contact recreation and there were no other types of recreation observed. However, the creek does possess potential of attracting secondary contact recreation, such as trapping or seining for minnows, at low frequencies.

Class A3 children's recreation is not considered attainable due to the rural location and no evidence of uses found; therefore, the department recommends the Class A2 Secondary Contact recreational use apply to Drainage Ditch No. 11 from its mouth (W ½, S24, T81N, R23W, Polk Co.) to the confluence with Unnamed Creek (#2) (NW ¼, S23, T81N, R23W, Polk Co.). These recommendations are consistent with the creek and surrounding areas ability to support such uses.

Class (A2) Secondary Contact Recreational Use

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water in minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the water body while on a boating activity."

<u>Recommended Recreational Use Designation:</u>

Primary Use ☐

Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

This is a general comment and does not provide specific information to be able to respond more fully.

As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

33. Drainage Ditch No. 60 (Sac Co.)

One public comment was received:

> "Drainage Ditch 60 This channel was constructed for drainage and has steep banks and a silty bottom. If there is gravel on the bottom it is only because there is an underlying gravel deposit. We just replaced the bridge at the east end of this segment and in the time I visited the site over that 2 year process I never saw anybody swimming, fishing or trying to boat in this ditch. Therefore I do not agree with the A2 or B(WW-2) use designation."

DNR Response:

The department is still recommending this section of stream be designated as Class A2 Secondary Contact recreational uses based on findings of the stream assessment.

Field work for preparation of this UA/UAA was conducted on Drainage Ditch No. 60 on July 10, 2007 and addresses the length from its mouth (NW¼, S23, T86N, R37W, Sac Co.), to the confluence with Unnamed Creek (#1) (NE¼, S13, T86N, R37W, Sac Co.). This segment addresses approximately the lower 20% of the total stream length. The assessed segment is noted on the 1:100,000 USGS DLG Data Set as perennial. The drainage area at its mouth is estimated to 7.74 square miles. At the upper extent of assessment (confluence with Unnamed Creek (#1)), the drainage area is approximately 7.0 square miles.

The main goals of the fieldwork were to determine existing uses, attainable uses, use attainment and potential causes of non-attainment (if any).

The entire assessed length of Drainage Ditch No. 60 appears to be part of an established drainage district stream channel and is maintained for alignment and grade. At site 777-a, the ditch was observed to have a flow of 0.1 to 1.0 cfs which may have been slightly influenced by precipitation/runoff events in the preceding 7 days or more as a slightly elevated level of turbidity was noted. No influential effects from the precipitation affected an adequate assessment. The stream's average depths under normal flow conditions would range from 14 to 18 inches or less with a maximum depth of 35 inches or less. It is also estimated that the ditch's widths during normal flow conditions would range from 13 to 15 feet or less.

The drainage ditch channel lacks natural meanderings and having only a single long run along the entire assessed length. Isolated scour areas occur in association with elevated tile line outlet pipes.

The stream substrate was entirely silt with the upper 8 inches too soft to support body weight. Steep banks (approximately 60 degree angle) and approximately 20 to 25 feet deep or more were noted. The side slopes of the ditch are covered in a dense growth of herbaceous materials and grasses. Instream aquatic vegetation and overhanging vegetation (grasses) were present diminishing the stream's overall open water surface.

No public road crosses the ditch and no residences are located in close proximity. A field access and ditch maintenance road was noted along a portion of the assessed length. Aerial photography and field observations do not indicate any instream or stream side features indicating potential recreational uses.

The ditch does not pass through any park or recreation areas.

Solicitation of public input on local recreational activities in the Drainage Ditch No. 60 noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

Based on the habitat and stream flow condition, the following recommendation is made

The shallower water along this rural drainage ditch was not capable of supporting normal primary recreational uses. No locations were found to have water depths greater than 35 inches. The shallower water conditions and constructed drainage ditch features appear to impede the reasonable attainment of primary contact recreation along this assessed reach. Primary Contact recreational uses are not considered attainable for this length of Drainage Ditch No. 60 due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the drainage ditch being located in a more remote rural agricultural setting with a totally channelized stream alignment containing steeper and difficult to traverse banks. Therefore, children's recreation use is not recommended.

While this reach of Drainage Ditch No. 60 is too shallow to support primary contact recreational uses, it does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with seining, trapping or hunting. It is recognized that the steep and deeply incised banks may prevent frequent occurrences of these types of recreational uses. The Department recommends assigning a Class A2 Secondary Contact recreational use designation for Drainage Ditch No. 60 from its mouth (NW¼, S23, T86N, R37W, Sac Co.), to the confluence with Unnamed Creek (#1) (NE¼, S13, T86N, R37W, Sac Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach. The approximate length of this recommended designation is 1.65 miles.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

<u>Recommended Recreational Use Designation:</u>

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this stream is shown below:

177-a Downstream Recreational Site Looking Downstream

The physical characteristics of the stream are such that Class A2 Secondary Contact recreational uses could still be conducted, if not occurring presently, could occur in the future.

34. Duck Creek (Scott Co.)

Two public comments were received from local residents.

One comment stated:

> "Duck creek begins in agricultural land and is mostly within the Davenport and Bettendorf city limits. A recreational path parallels the creek and is heavily used. In the summer I have noticed children playing in the creek frequently as I bicycle along the path. The depth of the water is usually about two feet deep and it looks clear most of the time. This watershed has some cropland at its beginning but is mostly urban parking lots, streets and lawns. Most of the time the water quality in Duck Creek LOOKS OK, but sampling reveals it is full of the usual contaminants found in this kind of a watershed. I would certainly oppose

changing the rules to allow more pollution into Duck Creek. Iowa has gained a reputation for having very poor water quality in a state that is otherwise known as a very desirable place to live. We need to enforce strict rules to improve water quality throughout our state."

The second comment came from the online survey regarding an access point at the Devil's Glen Park at Bettendorf:

1. Swimming? No.
2. Children playing in or near the stream? No.
3. Canoeing, kayaking, or tubing? No.
4. Fishing, seining, or trapping for minnows? Yes. 01/01/2010.

DNR Response:

This section of stream was designated for Class A3 Children's recreational uses in Batch 1. The public comments support the Class A3 Children's recreational uses designation with direct witnessing of children playing in the stream.

35. East Branch Buffalo Creek (Buchanan/Fayette Cos.)

One comment was received:

"1. I wish to provide comments on several small streams in Fayette County in response to the EPC's proposed changes.
2. I make these from traveling all over Fayette County during the last 7 years as County Engineer. Streams affect roadways and bridges and I always look at streams and rivers during my travels.
3. I do not believe the North Branch of the Volga in its entirety, nor the Volga west of the confluence with the North Branch of the Volga should be classed as A2 recreational streams. I see no one fishing them, swimming in nor tubing them. At the Volga's intersection with W14 (Sec 29, Center Twp) oft times in the late summer I do not see water running. I do see fishing in the Little Volga in Maynard ("Where the River runs North") and downstream. I would consider the Volga a recreational stream only downstream of the confluence of the major branches at Twin Bridges Park in Sec 35 Center Twp.
4. Additionally, I have never seen fishermen or tubers/swimmers anywhere along the East Branch or the West Branch of Buffalo Creek. It's drainage basin and reaches in Fayette County are almost exclusively crop ground, not

suitable for attracting recreation when compared to the Volga, Turkey or other such larger streams.

5. If you have questions about these comments or observations, please email or call me…

Thanks for your consideration."

DNR Response:

This stream is proposed to be designated Class A2 Secondary Contact recreational uses or Class A3 Children's recreational uses depending on location based on the field assessment.

Field work for preparation of this UA/UAA was conducted on the East Branch Buffalo Creek on July 13, 2007. The East Branch Buffalo Creek is indirectly receiving effluent from the City of Aurora wastewater treatment plant via Unnamed Creek. The East Branch Buffalo Creek located in Fayette and Buchanan Counties, is listed as a perennial stream according to the USGS 1:100,000 DLG Data Set. The drainage area for the East Branch Buffalo Creek is 31.92 square miles.

No people were observed recreating during the time of the assessment. Evidence of recreational uses was found at each of the assessed sites.

The creek passes through rural areas consisting of agricultural ground, decreasing the possibility of access. Also, it should be noted that there were portions of the stream being assessed had steep slopes which would make it relatively difficult to access the stream. Steep banks, fences and rural locations may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

Upstream and downstream assessments were conducted at three sites resulting in six separate sampling points. During the assessment, the average depth of the creek ranged between 3 and 17 inches. Primary Contact recreational uses are not considered attainable for the East Branch Buffalo Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Solicitation of public input on local recreational activities in the East Branch Buffalo Creek noted the following responses;

1) Distributed Post cards – no responses.

2) Comments via written or Website public response opportunities – no responses.

1.) Mouth of the East Branch Buffalo Creek (S35, T90N, R8W, Buchanan County) to 136th Street (S24, T90N, R8W, Buchanan County) = 25,200 Feet

At site 827-1, graffiti was found under the bridge. Footprints were found near the creek, however they were likely from the construction workers that were working on the bridge.

While the creek is too shallow to support primary contact recreational uses, it may be used for other forms of instream recreation such as fur trapping or minnow seining. This portion of the East Branch Buffalo Creek's overall rural location, lack of accessibility, riparian cover, and steep banks appeared to deter frequent children's recreation therefore Children's recreation is not recommended for the assessed reach.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact use designation applies from the mouth of the East Branch Buffalo Creek (S35, T90N, R8W, Buchanan County) to 136th Street (S24, T90N, R8W, Buchanan County). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2 : Secondary Contact Recreational Use

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

2.) 136th Street (S24, T90N, R8W, Buchanan County) to (N. Line, S14, T90N, R8W, Buchanan County) = 18,500 Feet

In this assessed portion of the East Branch Buffalo Creek children's recreation was noted to occur at two separate locations. An interview with an employee of the Buchanan County Conservation Board noted children's play to occur in the Jakway Forest Area approximately twice a month during the warmer times of the year. Also, at site 827-2, an interview with a local resident noted that children play in the creek on a regular basis during the summer months. Swimming was not noted to occur at either location.

Based on the data collected and the public comments received, the Department recommends that the Class A3 Children's Recreational use designation apply from 136th Street (S24, T90N, R8W, Buchanan County) to (N. Line, S14, T90N, R8W, Buchanan County). This recommendation

is consistent with types of uses in these areas and the ability for the stream and surrounding areas to support such uses.

Class A3 : Children's Recreational Use .

"Waters in which recreational uses by children are common. Class A3 waters are water bodies having definite banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in urban or residential areas."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☐	
Children's Recreation	☒	- See Description Above
No Recreational Use	☐	

3.) (N. Line, S14, T90N, R8W, Buchanan County) to the confluence with an unnamed creek (S34, T91N, R8W, Fayette County) = 26,100 Feet

At site 827-3, old tires were found in the creek. It is likely that they had been dumped from the bridge. No other forms of recreational uses were found.

While the creek is too shallow to support primary contact recreational uses, it may be used for other forms of instream recreation such as fur trapping or minnow seining. This portion of the East Branch Buffalo Creek's overall rural location, lack of accessibility, riparian cover, and steep banks appeared to deter frequent children's recreation therefore Children's recreation is not recommended for the assessed reach.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact use designation applies from (N. Line, S14, T90N, R8W, Buchanan County) to the confluence with an unnamed creek (S34, T91N, R8W, Fayette County). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2 : Secondary Contact Recreational Use

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:	
Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown below:

827-2 Bridge view, looking upstream

The department understands these concerns but must maintain its proposed designation for this stream as per Recreational Use protocols and per rule. While the department understands these uses may not occur at present, the Clean Water Act and Iowa law also must protect for possible or attainable uses of a stream. The stream was assessed and based on that assessment was consistent with the classification for Secondary Contact recreational uses and Children's recreational uses. Primary contact was deemed unlikely to occur based on the results of the assessment and stream data, but the potential for secondary contact could still occur, hence the need for the Secondary Contact recreational use classification.

36. East Buttrick Creek (Greene/Webster Cos.)

One public comment was received from a local organization:

> "The DNR is recommending a downgrade in recreational use protections from A1 to A2 for nearly all of the 23 assessed miles of E. Buttrick Creek from the confluence with W. Buttrick Creek to Highway 169 at the town of Harcourt. The only exception is a small 20 ft. long pool under the 290th St. bridge in Webster County, which is recommended to retain the A1 primary contact recreation designation. The creek flows through town of Paton and the Pound Pits Public Use area (fishing pond) in Greene County and through the NW corner of the town of Harcourt in Webster County. At the assessment site near the town of Paton (918-1) evidence of recreational use was reported consisting of a creek-side footprint and graffiti under the bridge. Also, a comment was submitted by a resident of Jefferson stating that children have played in the E. Buttrick Creek near the confluence with Buttrick Creek. **Based on evidence of recreational uses and comments from a local resident, [this organization] recommends an A3 primary contact children's recreational use for East Buttrick Creek near the town of Paton and for the segment of East Buttrick Creek near the confluence with Buttrick Creek.**"

DNR Response:

The DNR is proposing this stream primarily be classified as Class A2 Secondary Contact recreational uses save for a pooled area in Webster County based on the results of the field assessment:

Field work for preparation of this UA/UAA was conducted on East Buttrick Creek on August 1, 2007. East Buttrick Creek, located in Greene and Webster Counties, is listed as a perennial stream in the assessed reach according to the 1:100,000 USGS DLG Data Set. The creek has an overall drainage area of 72.74 square miles.

The stream travels through rural areas with land uses associated with row crop agriculture and pasture for livestock which decreases the possibility of access. Approximately 2,670 feet of the creek flows through the City limits of Paton which increases the potential for access. This segment of the creek has land uses associated predominately with agriculture and does not contain any road crossings. Steep banks, heavy riparian cover, fences, and rural locations may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

Based on analysis of the data 3 segments of East Buttrick Creek will be discussed.

1) Mouth to the pool at the 390th Street bridge

During the August 1, 2007 assessment, no people were observed recreating in the water. There were no people observed recreating in the water at the time of the assessment. Evidence of recreational use was not found in this segment of the assessed reach.

Solicitation of public input on local recreational activities in East Buttrick Creek noted the following responses:

1) Comments via written or Website public response opportunities – An online survey was submitted by a resident of the City of Jefferson. The place indicated the area of access in the stream was the NE ¼ of section 36 and the SE ¼ of section 25. They answered yes to they had observed or personally participated in swimming and had observed children playing in the creek. They indicated that they had played around in the creek with their nephew 3 years ago for a couple of hours.

2) Interviews – An interview was conducted with an employee of the Greene County Conservation Board concerning the area of the creek flowing through the Pound Pits CCB Area. They indicated no swimming, children's play, canoeing, kayaking, or tubing take place in the creek. Minnow trapping was thought to occur in the creek but fishing or seining in the creek had not been observed.

An interview was also conducted with a landowner at site 851-3 concerning the recreational uses of East Buttrick Creek. They indicated that kids fish for bait in shallow pools and the culvert plunge pool.

Public comment indicates that primary contact recreation may have occurred in East Buttrick Creek at the mouth of the creek. The area of access in the stream was the NE ¼ of section 36 and the SE ¼ of section 25. East Buttrick Creek's confluence with West Buttrick Creek in the SE ¼ of section 36 creates Buttrick Creek. No portion of East Buttrick Creek is contained within section 36, only Buttrick Creek is contained in this section. Approximately 195 feet of East Buttrick Creek is contained within the SE ¼ of section 25 (from S Ave. to the mouth of the creek). Approximately 362 feet of Buttrick Creek flows through the SE 1/4 of section 25 before entering the NE ¼ of section 36. It is difficult to determine if the comment is meant for East Buttrick Creek; East Buttrick Creek and Buttrick Creek; or Buttrick Creek.

Upstream and downstream assessments were conducted at 5 bridge crossings which yielded 9 sampling points. One measurement of 25 inches at site 851-1 and one overall maximum depth of >48 inches were considered adequate for primary contact recreation based on the minimum guidelines used by the department to determine the attainability of primary contact recreational uses. A beaver dam elevated the creek approximately 15 inches at this location creating depths considered temporary in nature and not representative of the stream under normal flow conditions. Primary Contact recreational uses are not considered attainable for this

segment of the East Buttrick Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

East Buttrick Creek's overall rural location; lack of evidence, lack of accessibility, riparian cover, and steep banks appeared to deter elevated levels of children's recreation. An interview was conducted with a landowner at site 851-3 concerning the recreational uses of East Buttrick Creek. They indicated that kids fish for bait in shallow pools and the culvert plunge pool. The frequency to which this activity occurs was not mentioned. An online comment indicates that children's recreation may have occurred in East Buttrick Creek at the mouth of the creek. The area of access in the stream was the NE ¼ of section 36 and the SE ¼ of section 25. East Buttrick Creek's confluence with West Buttrick Creek in the SE ¼ of section 36 creates Buttrick Creek. No portion of East Buttrick Creek is contained within section 36, only Buttrick Creek is contained in this section. Approximately 195 feet of East Buttrick Creek is contained within the SE ¼ of section 25 (from S Ave. to the mouth of the creek). Approximately 362 feet of Buttrick Creek flows through the SE 1/4 of section 25 before entering the NE ¼ of section 36. It is difficult to determine if the comment is meant for East Buttrick Creek; East Buttrick Creek and Buttrick Creek; or Buttrick Creek.

East Buttrick Creek does not have the highly residential areas typically associated with frequent children's recreation. Although children's recreation has occurred, it is difficult to determine if this activity is frequent enough to warrant a Class A3 children's recreation designation at this time. Therefore, children's recreation use is not recommended.

While the creek is too shallow to support primary contact recreational uses, it has the potential to attract secondary contact recreation such as trapping or minnow seining at the assessed locations.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact recreational use apply for East Buttrick Creek from the mouth (S25, T84N, R30W, Greene Co.) to the lower extent of the pool at the 290th Street bridge (NAD83) UTM Coordinates: X(Easting) 396822.64 Y(Northing) 4675438.61. The department considers class A2 to be the highest attainable recreational use for this segment.

Class A2 Secondary Contact Recreational Uses

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which user do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use ☐

Secondary Use ☒ - See description above

Children's Recreation ☐

No Recreational Use ☐

It should be noted that the department continually updates water quality standards for Iowa. This can include follow-up studies regarding Use Attainability Analyses to incorporate the latest and any new information to ensure the uses of Iowa's waters are reflected appropriately in the Water Quality Standards.

2) Pool at the 290th Street bridge (20 feet, 0.0037 miles)

During the August 1, 2007 assessment, no people were observed recreating in the water. Evidence of recreational use was not observed in the assessed reach.

Solicitation of public input on local recreational activities in East Buttrick Creek noted the following responses:

1) Comments via written or Website public response opportunities – no responses

2) Interviews – none

3) Postcards – none

An assessment was conducted at 1 bridge crossing. A pool located under the 290th Street bridge was found at this location. The pool was 10 feet wide by 20 feet in length. The pool had an overall maximum depth of >48 inches which is considered adequate depths for primary contact recreation based on the minimum guidelines used by the department to determine the attainability of primary contact recreational uses. All areas assessed demonstrated adequate depth for primary contact recreation. Primary contact recreational uses are considered attainable for this segment of East Buttrick Creek.

Based on analysis of the data from the assessed sites, the department recommends the Primary Contact use designation apply for this segment of East Buttrick Creek from the lower extent of the pool at the 290th Street bridge (NAD83) UTM Coordinates: X(Easting) 396822.64 Y(Northing) 4675438.61 to the upper extent of the pool at the 290th Street bridge (NAD83) UTM Coordinates: X(Easting) 396823.84 Y(Northing) 4675446.11. These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Primary contact recreational use (Class "A1").

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

Recommended Recreational Use Designation:

Primary Use	☒- See description above
Secondary Use	☐
Children's Recreation	☐
No Recreational Use	☐

3) Upper extent of the pool at 290th Street bridge to the bridge crossing at U.S. Highway 169

During the August 1, 2007 assessment, no people were observed recreating in the water. There were no people observed recreating in the water at the time of the assessment. Evidence of recreational use was observed at site 918-1 and consisted of a footprint next to the stream and graffiti underneath the bridge.

Solicitation of public input on local recreational activities in East Buttrick Creek noted the following responses:

1) Comments via written or Website public response opportunities – none

2) Interviews – none

Assessments were conducted at 3 bridge crossings. No depth measurements were considered adequate for primary contact recreation based on the minimum guidelines used by the department to determine the attainability of primary contact recreational uses. Therefore, Primary Contact recreational uses are not considered attainable for this segment of East Buttrick Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

East Buttrick Creek's overall rural location; lack of evidence, lack of accessibility, riparian cover, and steep banks appeared to deter elevated levels of children's recreation.

East Buttrick Creek does not have the highly residential areas typically associated with frequent children's recreation. Therefore, children's recreation use is not recommended.

While the creek is too shallow to support primary contact recreational uses, it has the potential to attract secondary contact recreation such as trapping or minnow seining at the assessed locations.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact recreational use apply for this segment of East Buttrick Creek from the upper extent of the pool at the 290th Street bridge (NAD83) UTM Coordinates: X(Easting) 396823.84 Y(Northing) 4675446.1 to the bridge crossing on U.S. Highway 169 (North line S13, T86N, R29W, Webster Co.). The department considers class A2 to be the highest attainable recreational use for this segment.

Class A2 Secondary Contact Recreational Uses

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which user do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown below:

918-1 Bridge looking upstream

The department maintains its proposal for the Class A2 Secondary Contact recreational uses classification except for the pooled area. This stream meets the criteria for this classification. This stream does not have the highly residential areas common with Children's recreational uses. Much of the stream is either conservation land or pasture land. An interview with an employee of the Green County Conservation Board indicated they had observed no Primary Contact or Children's recreational uses occurring. They did observe uses like minnow trapping consistent with the Class A2 Secondary Contact recreational uses designation. A neighboring land owner was interviewed as well. They did acknowledge that kids fish for bait in shallow pools and the culvert plunge pool. However, indications of *"common"* children's use were not sufficiently justified. There were some limited indications of graffiti and footprints, but they were old and weathered. There were no other real signs of streamside or in-stream uses, even near the large pool area. There were no access/parking:atv/vehicle tracks parallel to the creek. The stream has banks 12 to 20 feet high in some locations with slopes of 75 to 90 degrees. There was riprap at the bridge approaches. Average depths in 918-1 as well as 851-3 where the person indicated they had observed children play are 10 to 12 inches, and maximum depths were 12 to 20 inches save for an 18-foot by 4-foot scour hole of 24 inches and a 2-foot by 2-foot scour hole of 32 inches near 851-3. There is a 48-inch deep pool near the bridge, but this area is already being proposed as Class A1 Primary

Contact recreational uses, which protects for Children's recreational uses as the criteria are the same.

It is important to realize that the criteria for Class A3 Children's recreational uses states the following:

Waters designated as Children's recreational use (Class A3) are

> "Waters in which recreational uses by children are common. Class A3 waters are water bodies having definite banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in urban or residential areas." [567-61.3(1)b(3)]

With the combination of rural location, steep banks, and lack of evidence indicating "common" use of the creek, this stream does not qualify for Class A3 Children's recreational uses. However, as stated before, it does meet the criteria for Class A1 Primary Contact recreational uses at the deep pool area by the bridge.

<u>37. East Cedar Creek (Calhoun/Webster Cos.)</u>

Two public comments were received.

First comment:

> "Water body – listed as: East Cedar Creek
>
> Known as: Joint Drainage District #12 Calhoun and #22 Webster Counties from the south line of Section 3, T87N, R31W to Hwy 7 on the south edge of Manson which is the north line of section 20, T89N, R31W, Calhoun County, Iowa
>
> I worked on a survey crew that took cross-sections of these 16+ miles of drainage ditch every 200 feet from the summer of 1984 through spring of 1985 and then set construction stakes and inspected the clean out of this ditch from September 1987 through December 1988. During all the time I spent on this 16 mile stretch of drainage ditch I don't remember seeing anybody swimming, canoeing, floating or using this channel for recreation. The channel bottom is silt and the banks are steep making it both difficult to access and uninviting to wade in unless you like sinking in mud. Except for periods after rainy spells the water would not be deep enough to float a canoe much less a boat. Anybody trying to fish would probably do some from the road bridges but I am not aware that they have any luck catching anything. My family has 2 canoes and 5 kayaks and we

would never consider a float on this "creek". The Raccoon River in the SW part of the county is much more accessible and inviting. From my knowledge of this drainage ditch (aka creek) I do not think it should be designated Class A2."

A second comment was received from a local organization:

"The DNR is recommending a downgrade in the recreational use protections from A1 to A2 for all of the 15 assessed miles of E. Cedar Creek from the confluence with Welsh's Creek west of the town of Somers to the wastewater Treatment plant outfall south of the City of Manson. The creek flows along the south and east border of the Schilling Sanctuary Public Use Area and east of the town of Knierim. No recreational assessment was done at the Schilling Sanctuary (public uses: picnicking and native prairie). The assessment at the site east of the town of Knierim (913-2) found a pathway near the creek and graffiti under the bridge. A rural residence at the assessment site 913-1 near the town of Somers had a mowed yard all the way to the banks of the creek. **[This organization] is concerned about the lack of a recreational use assessment in the Schilling Sanctuary Public Use Area and lack of follow-up with the resident with the mowed yard near the town of Somers. We recommend follow-up prior to removing the primary contact recreational use designation in these areas. [This organization] recommends an A3 primary contact children's recreational use for East Cedar Creek near the town of Knierim due to the evidence of recreational use found at site 913-2.**"

DNR Response:

The department is still recommending this section of stream be designated as Class A2 Secondary Contact recreational uses based on findings of the stream assessment.

Fieldwork for preparation of this UA/UAA was conducted on East Cedar Creek on July 31, 2007 and August 1, 2007. Located in Calhoun County, East Cedar Creek is noted as a perennial stream along its entire assessed length according to the 1:100,000 USGS DLG Data Set. The assessed segment of East Cedar Creek was from its confluence with Welsh's Creek (S3, T87N, R31W, Calhoun Co.) to the City of Manson's wastewater treatment facility outfall (SE¼, S20, T89N, R31W, Calhoun Co.) or approximately 15.39 miles. At the confluence with Welsh's Creek, East Cedar Creek has a drainage area of 33.79 square miles, while at the upper extent of the assessment (Manson's WWTP outfall) the drainage area is 5.60 square miles.

East Cedar Creek flows generally from the north to the south in Calhoun County. It is a direct tributary of Cedar Creek. The creek primarily passes through rural agricultural lands (currently row crops and pasture lands). Based on aerial photography, nearly the entire assessed length

appears to be in private ownership with only a small percentage in public lands. The creek flows through the outskirts of the town of Knierim on its southeast side. It is a third of a mile from the residential area, which sits on the very northwest side of town and is separated from the residential area by agricultural fields.

From field observations and aerial photography, it appears that a number of rural residences were in close proximity to the assessed segment. There are approximately 20 county roads crossings along the approximate 15.39 miles of assessed length. No formal access or parking areas were noted along the roadway crossings

East Cedar Creek flows along the east and south borders of the Schilling Sanctuary public land, which is managed by the Calhoun County Conservation Board. No indications were found of access to or uses of the creek in association with the park or at any non-park locations.

At the assessment locations, eight data sets of the stream's physical characteristics were gathered. The data indicated the creek's widths range from 8 to 24 feet and the average depth ranged from 4 to 11 inches with a maximum depth of 16 inches. The maximum depth was associated with a deeper run at site 913-3. The creek appeared to be at normal flow conditions during the assessment.

High (up to 20 feet tall) and steep (approximately 65 degrees) stream banks with dense vegetation are common features of the assessed segment. The banks are covered in predominantly grasses with a mixture of herbaceous materials resulting in an open stream canopy. Some overhanging vegetation was noted in the assessed reach.

The substrate in the accessed reach is predominantly sand and gravel with a mixture of silt and clay for the sampled areas.

There were no people observed recreating in the water at the time of the assessment. No evidence of recreational use was noted along the reach; although, an interview with an individual at the time of the assessment revealed that trapping occurs at site 913-3. Graffiti was found on the bridge at site 913-2, as well as a pathway likely used for agriculture was found next to the stream. A no trespassing sign was found in the yard of a residence at site 913-1 and it was noted that the yard was mowed all the way to the banks of the creek.

Solicitation of public input on local recreational activities in East Cedar Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses.

3) Phone interview with a Calhoun County Conservation Board staff member regarding the Schilling Sanctuary public land – The phone interview revealed that no recreational activities are known to take place on East Cedar Creek along the border of Schilling Sanctuary. The

gentlemen indicated that trapping may occur, but he has never observed it. Therefore, no recreational activities have been observed or are believed to occur around East Cedar Creek in the Schilling Sanctuary, except possibly trapping.

The relatively shallow water along the assessed creek length was not capable of supporting normal primary recreational uses. No locations were found to have average depths greater than 11 inches under normal flow regimes except in a deeper runs found at each assessment site where the maximum depths never exceeded 16 inches. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the entire assessed reach. Primary Contact recreational uses are not considered attainable for East Cedar Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation was not noted nor expected to occur due to the stream being located in a more remote rural agricultural areas with heavily vegetated, steep, and more difficult to traverse banks. Therefore, children's recreation use is not recommended.

While East Cedar Creek is too shallow to support primary contact recreational uses, it does possess a potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, seining, trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for East Cedar Creek from its confluence with Welsh's Creek (S3, T87N, R31W, Calhoun Co.) to the City of Manson's wastewater treatment facility outfall (SE¼, S20, T89N, R31W, Calhoun Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

<u>Recommended Recreational Use Designation:</u>

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this stream is shown below:

913-4 Start of aquatic assessment looking downstream #2

Regarding the first comment and lack of use, the department understands these concerns but must maintain its proposed designation for this stream as per Recreational Use protocols and per rule. While the department understands these uses may not occur at present, the Clean Water Act and Iowa law also must protect for possible or attainable uses of a stream. The stream was assessed and based on that assessment was consistent with the classification for Secondary Contact recreational uses. Primary contact was deemed unlikely to occur in this particular stretch based on the results of the assessment and stream data, but the potential for secondary contact could still occur, hence the need for the Secondary Contact recreational use classification.

The second comment indicates it feels additional investigation should have been completed, but the department does not know what else it could have been done. The department provided public cards during its survey to residents in the area, and no responses were received. The department also contacted the Calhoun County Conservation Board regarding the Schilling Sanctuary Public Use Area. There were no known recreational uses taking place at this location other than some trapping may occur, even though that has never been noted. In addition to the lack of witnesses, the stream also does not indicate many signs of recreational use. It is located on the outskirts of Knierim. There is a 1/3-mile separation between the town and the creek

that is separated by agricultural crops. The stream has high banks of 20 feet and a steep slope of approximately 65 degrees with dense vegetation. No people were observed recreating in the stream. Some graffiti was noted as well as a path that appeared to be used for agricultural purposes were noted. The water in the creek was relatively shallow with no locations having average depths greater than 11 inches under normal flow and is not believed to be able to support primary contact recreation under normal flow conditions. A mowed lawn was noted at site 913-1, but this in and of itself with no evidence of recreational uses does not support Class A1 designation.

38. East Fork Crooked Creek (Henry Co.)

One comment was received from a local resident:

> "This is regarding the East Fork of Crooked Creek, Section 23 Scott township of Henry County, bridge just east of Winfield on hard surface cemetery road.
>
> I would like to report frequent use of the creek at the bridge adjacent to the Winfield city cemetery. This area is used several times per week by children (during non-winter ice free months) for fishing and wading (under the bridge). Activities include catching frogs, fishing, playing in the mud, and so forth. The area is a short walk from Winfield and is often visited by older (i.e. non-child) residents as well. While I do not live in town, my son frequently meets his friends from town there for various activities. He was there last night with several friends fishing and catching amphibians."

DNR Response:

The portion of the stream in which the cemetery is on is upstream of the confluence with the Unnamed Creek and would have the presumed "A1, B(WW-1)" classification. Class A1 is Primary Contact recreational uses and also protects for Children's recreational uses.

39. East Indian Creek (Story Co.)

Two public comments were received.

First public comment:

> "I and friends have paddled east indian creek above Maxwell many times.

Positive attributes – very scenic, moderately easy access, very good water clarity, yes – lack of wood and trees downfall obstructions – yeah! -, due to openness, close to major metropolitan area.

Below the confluence of the east and west fork and stream flow increases greatly with excellent relaxational canoeing opportunities – lack of deadfall obstructions. I have not paddled below Maxwell.

The area described is one of my more favorite floats in Story County, next to the South Skunk River. And I have paddled a lot of streams.

What would a downgrade mean for the stream?"

Second public comment:

"I am writing to specifically express my concerns regarding the existing recreational use of Squaw Creek in Story and Boone Counties as well as East Indian Creek in Story and Polk Counties, Sections of Beaver Creek that flow into or out of Don Williams State Park and any section of the South Skunk River or its tributaries in Hamilton or Story Counties. My comments also apply to other stream designations that are not at the highest level of contact.

The presumption that public use is based on improved public accesses to any tributary, stream or river is erroneous. Paddlers have and continue to access rivers at both public accesses and at bridges all across the state including specifically on the stream and stream segments mentioned above in the first paragraph.

Besides paddling on all of these section or stream mentioned in the first paragraph, in part by accesses at bridges, I have also been an active as an IOWATER volunteer on Squaw Creek in cooperation with the Squaw Creek Watershed Coalition, the South Skunk River in Story County and on Long Dick Creek a local tributary. I have assisted on Clean-up on Squaw Creek and the South Skunk River in Story County and further downstream as well.

Even in a canoe or kayak, we wade, sit, knee, get splashed or dripped on by our paddles. This sustained contact should be no surprise since paddling is a water sport, one that is growing by leaps in bounds in Iowa and elsewhere. The DNR standards need to reflect this usage.

Clearly, the DNR's presumption of no usage or sustained contact with Iowa's many water ways is unfounded. It would be better if the DNR presumed that

there is sustained contact in all of Iowa's waters rather than the erroneous presumption there is no contact. The DNR needs to do take detailed surveys of the paddlers, fishing, hunters and others that they sell licenses and tags to as well as those in the local communities, including the children, that use Iowa's many waterways before any claims that these waters are not used and that there is not sustained contact.

And it is not just the tributaries, streams, rivers or segments and the one lake mentioned in the first paragraph that I and others people paddle. As a paddler, I can attest that people paddle most the areas around where they live or work whether this water is now referred to as a drainage ditch, an impounded lake, a stream, river or some local segment of an unnamed tributary. The DNR needs to reflect this ubiquitous use and sustained contact in its rules."

DNR Response:

This area has not been assessed for a designated use and would be considered Class A1, B(WW-1) because of the "presumed uses".

Please also see the report sections entitled, "Issue: Attainability" as well as "Issue: Class A2 criteria is not protective of public health" for additional information regarding the stream designations.

40. Elk Creek (Clayton Co.)

Three public comments were received.

First comment from a DNR Natural Resources biologist:

"Elk Creek above Elkport/Garber is also used occasionally for paddling. Paddling recreation on these size streams is in its infancy as many more folks are getting kayaks and only recently discovering the fun recreation of seasonally paddling these types of smaller streams. Elk Creek is also fished for smallmouth bass, which migrate up it to spawn."

Second comment from a local organization:

"The DNR assessed 7 miles of Elk Creek from the mouth at the Turkey River near Elkport to the confluence with Pine Creek. The DNR assessed recreation uses at 2 sites on this 7 miles and concluded that primary contact recreational use should be retained only for a short 90 foot long pool at the first road crossing

south of Elkport (site 1034-1) where an average depth of 25 inches and max. depth of 42 inches was measured. The remaining portions of the creek are proposed to be changed to A2 secondary contact recreation. Whle the assessment documented deep water pools also at the upstream site near the confluence with Pine Creek at site 1034-2 (ave. depth 6-25 inches, max. depth >48 inches) the assessment document stated that these pools were temporary and were affected by a beaver dam and a woody snag. DNR concluded that other than the 90 foot long pool just south of Elkport, Elk Creek is not capable of supporting normal primary contact recreational uses and primary contact recreation is not attainable. **[This organization] does not believe the data presented in the UAA is sufficient to rebut the presumption of attainable primary contact recreation uses and recommends the A1 designation be retained for the entire assessed segment of Elk Creek.**"

Third comment:

"I am writing in response to the proposed stream designation by the EPC. I just heard about this, so I apologize for the last minute comments, we were without an engineer for over 4 ½ months. I have been employed by the county for over 30 years and am using my experience to comment on these streams.

First Stream is Cherry Creek- This stream crosses two paved county raods (F36 & F48) and one state Hwy(14). In all my years I have never seen anyone fishing or swimming in any of the crossings. It does go through a golf course but no one has ever talked about anyone swimming in it, 90% of the time the stream is usually about 6-8 inches deep so I believe that this stream does not qu[a]lify for any type of recreational use.

Next is Clear Creek, This stream has crossings on paved county roads F17 and F24 also there is a low water crossing on W 84th St S. The low water crossing was installed about 25 years ago. It has 18 inch diameter culverts and they only run [half] full 90% of the time. The only time it is deeper is when we have floods and then the road has to be closed but that is only for a couple of days. I have never seen anyone swimming or fishing at any of these locations. Again I do not think the water is deep enough to war[a]nt a recreational designation of any kind even [though] it crosses the bike trail. The banks are steep and not user friend.

Elk Creek has many crossings through the county. I have never seen any one fishing or swimming at any of the crossing I am about to list, Liberty Ave, Legion St, S 60th Ave E, County Road F 62, S 124th Ave E. Most of the time the creek runs

approximately 6-8 inches deep except when it floods. This would not allow boating as would none of the [other] c[r]eeks listed.

Indian Creek crosses county paved road F 24 and also N 51st Ave W and N 19th Ave W as well as others, These crossing[s] all have steep banks and are not user friendly for any type of recreation. Most of the time [this] creek runs 8 inches deep or less. I have never seen anyone fishing or swimming at these crossings. Also I have never seen a boat of any kind. Again I see no reason to designate this creek for any type of recreational use.

Benjamin Creek crossings on W 12th St N and county road F 36 I have seen a lot, they are between my home and work. I have never seen any fishing or swimming at these locations, 90% of the time the creek is only approximately 6 inches deep or in some locations almost dry and the banks are not user friendly. The only time a boat could use this creek is for a few short hours during flooding. Not a good contestant for recreational use.

Calhoun Creek Crossings that I am most familiar with are county road F 70 and S 96th Ave W. I have never seen fishing or swimming at either of these locations. 2 years ago we replaced the bridge on F70 with a RCB culvert. There is [usually] only about 4-6 inches of water in the creek and in some area[s] almost dry at times. I cant see where this would be adequate for recreation or [sustaining] fish life.

Prairie Creek crossings are county roads F36 and N 75th Ave W, The normal flow is very low on this creek as well and I have never seen any one fishing or swimming on either of these crossings, the water is usually only approximately 4-6 inches deep with some areas almost dry,

Sugar Creek crossings are S 36th Ave E and S 52nd Ave E that I am most familiar with and at no time have I seen any one fishing or swimming at these crossings. The usual depth of this creek is 4-6 inches and not the best for fish habitat. I can see no reason to designate this creek for fish habitat or recreational use.

Walnut Creek goes through a federal conservation area but is not a deep creek. I have not seen anyone swimming [or] fishing on any of the crossings such as county road F70 or S 112th Ave W. This creek is [usually] 4-6 inches deep and can have areas that are almost dry.

Sewer Creek crosses S 44th Ave W and S 60th Ave W at which I have never seen anyone fishing or swimming at [these] crossing[s] either. This is a small creek

which is [usually] [only] 4-6 inches deep. Again not the best for recreation or fish habitat.

None of these stream[s] have I ever seen children around or in. At one time or another I have seen parts of these creeks dry in some areas which I would say would not make a good fish habitat or recreational area. We do not support the designation of these creeks as stated on the notice."

DNR Response:

The department initially proposed the stream to be designated Class A2 Secondary Contact recreational uses save for a select area 90 feet upstream from the road crossing. Information from the UAA is included below:

Fieldwork for preparation of this UA/UAA was conducted on the Elk Creek on September 18, 2007 (sites 1034-1, 1034-2). The Elk Creek, located in Clayton County, is noted as a perennial stream along the entire assessed length according to the 1:100,000 USGS DLG Data Set. The assessed segment of Elk Creek was from its mouth (S36, T92N, R4W, Clayton Co.) to the confluence with Pine Creek (S26, T91N, R4W, Clayton Co.). This report addresses approximately 40% of Elk Creek's total length, or approximately 7 miles. At its mouth, Elk Creek has a drainage area 65.02 square miles while at the upper extent of the assessment (confluence with Pine Creek) the drainage area is 41.75 square miles.

The main goals of the fieldwork were to determine existing uses, attainable uses, use attainment and potential causes of non-attainment (if any).

The creek primarily passes through rural agricultural lands (currently row crops, pasture, and timber lands) with three roads crossing the creek channel. No formal access or parking areas were noted along the roadway crossings. Three rural residences were noted along or in close proximity to the assessed segment. No indication was found of stream side access to the creek or instream uses. The creek does not flow through any public recreational area along assessed length with most of the surrounding lands appearing to be in private ownership.

From the September 18, 2007 assessment information, the creek's estimated average depths under normal flow conditions would range from 6 to 25 inches and a maximum depth of greater than 48 inches occurred at an instream tree root mass at site 1034-2. The two sites each had deeper water areas. The upstream recreation assessment location at site 1034-1 noted a pooled/run area of approximately 90 feet long by 30 feet wide with a maximum depth of 42 inches. This deeper water area extended to just under the road bridge. While at site 1034-2, a deeper water area created under a tree root mass in conjunction with a beaver dam was noted. Both the beaver dam's effect on the elevated water depths and the small scoured area under the snagged tree/root mass are a short term, temporary features of site.

Moderately deep stream banks with steep to near vertical side slopes and bank heights, up to 15 feet are common features of the assessed segment. The banks are covered primarily in grasses with a mixture of trees, herbaceous material, shrubs, and bare soil area resulting in a significantly open stream canopy.

The substrates in the accessed reach were a mixture of gravel, sand, and silt in all of the sampled areas. Overhanging vegetation composed of primarily of grasses and some trees were common stream side cover.

There were no people observed recreating in the water at the time of the assessment. No evidence of instream recreational uses was noted.

Solicitation of public input on local recreational activities in Elk Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – 1 online survey completed.

The deeper water noted around the instream tree root mass at site 1034-2 is projected to be temporary and would be eliminated following significant runoff event. Thus, this site (1034-2) is not potentially capable of supporting any form of primary contact recreation. This is a temporary instream feature and not representative of an attribute supporting primary contact recreation. The noted deeper run/pooled area at site 1034-1 had a maximum depth of 42 inches and extended for approximately 90 feet. All of the deeper water appears to be only upstream of the country road bridge. These depths do support the types recreational activities associated with primary contact recreation and are consistent with the recreation assessment protocol document.

Frequent children's recreation was not noted nor expected to occur due the stream being located in a more remote rural agricultural areas with heavily vegetated, steep, and more difficult to traverse banks. Therefore, children's recreation use is not recommended.

The observed depth at site 1034-1 was 42 inches at the upstream recreational assessment location only, with an estimated average depth of 25 inches or less. The measured depths indicate the area is adequate for potential primary contact recreation uses as specified in the established recreational protocol document.

Frequent children's recreation was not noted nor expected to occur due the stream being located in a more remote rural agricultural areas with heavily vegetated, steep, and more difficult to traverse banks. Therefore, children's recreation use is not recommended.

Based on the physical features, stream flow condition, and a survey submitted to the department , the following recommendation is made:

The department recommends a Class A1 Primary Contact Recreational Use Designation apply from its mouth (S36, T92N, R4W, Clayton Co.) to the confluence with Pine Creek (S26, T91N, R4W, Clayton Co.)

Class A1 Primary Contact Recreational Use:

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not limited to, swimming, diving, water skiing, and water contact recreational canoeing"

Recommended Recreational Use Designation:

Primary Use	☒	- See description above
Secondary Use	☐	
Children's Recreation	☐	
No Recreational Use	☐	

A photo of the stream is shown below:

Bridge view looking downstream

The department feels its designation is appropriate. The first comment indicates seasonal paddling occurs. Seasonal paddling does not meet the protocols for justification as primary contact recreation as this activity may not occur during the period most likely to exhibit base flow conditions.

Regarding the second comment, the department feels it has provided sufficient scientific documentation to show why the >48-inch pooled areas near 1034-2 are temporary. That includes discussion of average depths, maximum depth of >48 inches being under the brush pile, and the evidence of beaver dam and activity, and being in a 10x10 ft area.

In reference to the third comment and designation of streams such as this, there is sufficient flow to support recreational uses. The Clean Water Act has to also protect for future and potential uses of a stream, even if a stream is not currently being used for that activity. This stream meets the protocol requirements for designation.

41. English Creek (Marion Co.)

One public comment was received from a local resident:

> "Iowa, a great place to live, is what we would like to believe. Let's make and keep it so. One way is to maintain and protect high quality recreational water standards for its citizens to enjoy, as well as for the many visitors and vacationers. Water recreation is vital. It is important that our waters be protected from contaminants, as many people enjoy contact with the water, and should feel safe in our waters. Many enjoy fishing and consume their catch. If anything protections for water quality in our streams and rivers should be increased. Iowa can be a great and beautiful place to live and visit, but we must all work, take responsibility and contribute to make it so. Please do not lower recreational use protections in any of our waters.
>
> I live in Marion county where there is a section of English Creek which may be down graded from A1 to A2, Tracy Creek from A1 to A2 and Sents Creek from A1 to A2, A3. It saddens me to think that so many of the states streams and rivers may be downgraded allowing for greater discharge into them and making them less safe for human use."

DNR Response:

This is a general comment, and it is difficult to respond to this comment without more specific information. Various segments have been proposed to be Class A1 Primary Contact recreational uses or Class A2 Secondary Contact recreational uses depending on location.

As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

42. Frink Creek (Polk Co.)

Two public comments were received.

The first comment from a local organization:

> "Approximately 4 miles of this stream were assessed in July of 2007. This stream is adjacent to a soccer complex on the Southwest side of Des Moines; this stream also flows near the Great Western Trail. **Due the proximity to the soccer complex and Great Western Trail, [this organization] recommends that a use designation of A3 children's recreation should be considered from the mouth in Polk County to the Highway 28 road crossing in Polk County since this stream is accessible in many locations for children's recreational uses.**"

Second comment:

> "Camp Creek, Drainage Ditch #11, Frink Creek, Indian Creek, Muchikinock Creek, Rock Creek, Walnut Creek and Yeader Creek are all in Polk County, so changes to these could have an impact to a large number of residents. However, any downgrades to protection of our water [is] not acceptable. Let's increase our protections, not decrease them."

DNR Response:

This stream has been designated Class A2 Secondary Contact recreational uses based on results of the stream assessment:

Fieldwork for preparation of this UA/UAA was conducted on Frink Creek on July 6, 2007. Frink Creek, located in Polk County, is noted as a perennial stream along the lower 3.5 miles of the assessed length according to the 1:100,000 USGS DLG Data Set. The upper 0.75 miles is not listed as perennial according to the 1:100,000 USGS DLG Data Set and is assumed to be intermittent.

The assessed segment of Frink Creek was from its mouth (NE¼, S13, T78N, R25W, Polk Co.) to the Iowa Highway 28 road crossing (NE¼, S35, T78N, R25W, Polk Co.). At its mouth, Frink Creek has a drainage area of 6.69 square miles, while at the upper extent of the assessment (at the Iowa Highway 28 crossing) the drainage area is less than 1 square mile.

Nearly all of the properties along the creek appear to be in private ownership primarily used in agricultural production intermixed with conservation land and some urban commercial/industrial uses. The creek is adjacent to an established soccer field near site 320-1 with no apparent access to the creek from the soccer field. Six public road crossings occur within the assessed reach with no formal access or parking areas. No formal or informal access locations to the creek were noted along the bike path which crosses the creek at several locations. From field observations and aerial photography, two semi-rural residences were noted along or in close proximity to the assessed segment.

Field data indicated the creek's widths range from 4 to 25 feet and the average depth ranged from 4 to 20 inches with a maximum depth of 30 inches. Please note the upper range of average depths, 20 inches, is a data entry error at site 320-1. This value was reported as an estimate in the Stream Habitat Evaluation Form. The form indicated that the estimated stream depths ranged from 6 to 20 inches. The standard procedure is to place a single value in this data field that reflects the estimated average stream depth over the length of the entire habitat assessment. Based on the values provided, the average estimated stream depth was 13 inches. Actual, physical field measurements found an average depth of 14 inches at site 320-1. The maximum depth measured at site 320-1 was 25 inches. The overall maximum depth was associated with a small scour area below the roadway culvert in the aquatic assessment segment at site 320-3. Field data associated with site 320-3 reflects the newer construction of a set of two concrete box culverts and the excavated channel between the culverts for Iowa Highway 28, a four lane divided highway.

Steep stream banks with near vertical side slopes and estimated heights ranging from 8 to 15 feet are common features of the assessed segment. The banks are covered in a mixture of trees, shrubs, herbaceous materials, and grasses resulting in a relatively enclosed stream canopy. Site photographs indicate numerous locations in the lower segments having bare soil

conditions above the present water line indicative of frequent inundations and scouring conditions.

During the assessment period there were no people observed recreating in the water at the time of the assessment with the only evidence of stream side activities being older graffiti painted on the culvert area at site 320-1.

Solicitation of public input on local recreational activities in Frink Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

The relatively shallow water along the assessed creek length (ranging from 4 to 14 includes during normal flow conditions) was not capable of supporting normal primary recreational uses. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the entire assessed reach. Primary Contact recreational uses are not considered attainable for Frink Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the stream being located in a light commercial and industrial area in the lower segment and elsewhere in a semi-rural agricultural area, timbered land , controlled access airport security property with heavily vegetated, steep, and more difficult to traverse banks. Therefore, children's recreation use is not recommended. The bike pathway residing along the old railroad grade with its riparian timber buffer is not providing for the opportunity for frequent children's recreational opportunities.

While the lower segment of Frink Creek is too shallow to support primary contact recreational uses, this portion does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with trapping or minnow seining. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for Frink Creek from its mouth (NE¼, S13, T78N, R25W, Polk Co.) to the Iowa Highway 28 road crossing (NE¼, S35, T78N, R25W, Polk Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:	
Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of Site 320-1 nearest the main part of Des Moines is shown below:

320-1 View from bridge looking upstream

The department feels its original designation was the suitable classification for this stream. The first comment does indicate the proximity of a soccer field and the Great Western Trail, but based on site conditions, we still feel Class A2 Secondary Contact recreational uses is the appropriate designation. This stream is located in commercial and light industrial areas with a greater percentage of semi-rural agricultural lands. A significant portion of the mid to upper stream basin borders the Des Moines International Airport. The mouth of the stream is in a remote floodplain timber area. Most all properties in this area are primarily used for agricultural production intermixed with conservation land and some urban commercial/industrial uses. There were six public road crossings for this creek with no formal access or parking area. No formal or informal access was noted. In addition, the stream has moderate to deep incised

channels and heavy woody debris with urban trash in many locations. The area around the soccer field near site 320-1 showed no apparent access to creek. A photo of this area is shown below:

320-1 Soccer field

Another important factor to consider is the definition of Children's recreational uses:

Waters designated as Children's recreational use (Class A3) are

"Waters in which recreational uses by children are common. Class A3 waters are water bodies having definite banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in urban or residential areas." [567-61.3(1)b(3)]

Based on the conditions noted above, children's play is not expected to be "common" in this commercial and light industrial in this often overly vegetated area very near the Des Moines International Airport.

This second comment is a general comment and does not provide specific information to more appropriately respond. As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of

water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

43. Tributaries to Volga Lake (aka, Frog Hollow Lake) including Volga River (Fayette Co.)

One public comment was received:

"I would like to request that the streams feeding the Frog Hollow Lake at Volga River Recreation Area in Fayette County, T-93-N, R-8-W, Section 3 of Westfield Township be designated Primary Contact recreation use. (See Map.) My husband and I are wading in Frog Hollow Lake, especially in springtime, for clean-up purposes. Over the past several years, we are in the water twice in April, at the very least. Now that we are at retirement age, water contact will be more frequent, especially the north and east streams at end of the Frog Hollow Lake.

P.S. To some, clean-up of water bodies isn't 'recreational' use, but to us it is. To be out in nature in the springtime especially in northeast Iowa, is the supreme form of recreation, and that includes wading in the lake and streams."

DNR Response:

There is only one stream that connected to Volga Lake (aka, Frog Hollow Lake) that is being designated for recreational uses: Unnamed Creek (aka, Volga Lake Outlet), also Unnamed Creek #3. It should be noted that this creek is not actually feeding into Volga Lake, but rather, is a discharge location from the lake. None of the other streams entering Volga Lake have a facility discharging into them and since all other streams look to be perennial, they would be considered Class A1, B(WW-1) because of the "presumed uses". Class A1 is Primary Contact Recreational use.

Unnamed Creek (aka, Volga Lake Outlet) is proposed to be Class A2 Secondary Contact recreational uses based on results of the field assessment.

Field work for preparation of this UA/UAA was conducted for Unnamed Creek #3 on September 29, 2009. Unnamed Creek #3, located in Fayette Co., is listed as a perennial stream according to the 1:100,000 USGS DLG Data Set. The creek appeared to be perennial at the time of assessment. The drainage area for the assessed reach is 16.82 square miles.

Unnamed Creek #3 travels through remote areas of the Volga River Lake State Recreation Area. The streams location within the recreation area increases the potential for access; however the stream travels through remote locations within the recreation area. The assessed reach contains steep slopes and heavy riparian cover that would make accessing the creek difficult. The potential for recreational use diminishes with small nearby human population and remote forested riparian areas.

During the September 29, 2009 recreational assessment, evidence of recreation consisted of a horse trail crossing the stream.

Solicitation of public input on local recreational activities in Unnamed Creek #3 noted the following responses:

1) Comments via written or Website public response opportunities – no responses

2) Interview: An interview was conducted with an employee of the Volga River Lake State Recreation Area. They indicated that they had never observed anyone in the creek.

An upstream and downstream assessment was conducted at two road crossings. No areas demonstrated adequate depths for primary contact recreation based on the minimum guidelines used by the department to determine the attainability of primary contact recreation. Primary Contact recreational uses are not considered attainable for Unnamed Creek #3 due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Unnamed Creek #3's overall rural location; lack of accessibility, riparian cover, and steep banks appeared to deter any children's recreation. Therefore, children's recreation is not recommended for the assessed reach.

Despite difficult accessibility in the assessed reach, it does possess the potential of attracting secondary contact recreational uses at low frequencies due to the possibility of incidental contact (such as minnow trapping) at the assessed locations.

Based on analysis of the data from the assessed stream segment, the department recommends that the secondary contact use designation apply for Unnamed Creek #3 (a.k.a. Volga Lake Outlet Creek) from the mouth (S14, T93N, R08W, Fayette Co.) to the Volga Lake Dam (S3, T93N, R08W, Fayette Co.). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational

boating,, any limited contact incidental to shoreline activities and activities in which user do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this stream is shown below:

1090-3 Bridge looking downstream

The department feels its original designation was appropriate. The public comment above described Secondary Contact recreational uses such as wading. Full immersion activities such as swimming were not described, nor do they seem possible in this stream during normal flow regimes. Based on the comment and the stream morphology, the stream meets the requirements for classification as Class A2 Secondary Contact recreational uses.

44. Grimes Hollow (aka, Bloody Run Creek) (Clayton/Delaware Cos.)

One comment was received:

> "Grimes Hollow (Clayton County) My grandfather used to farm the land surrounding Bloody Run in this area. I know historically that people have used the creek for crawdads, minnow seining, and general "creek stomping" types of activities. I do not know if those uses currently exist because the stream does get dry during the summer, but in the spring and fall, it certainly does have some water running through it. I wonder if it doesn't have some springs that feed it. It's a distance from here, so I do not have any personal use of this stream.

Brush Creek, Fayette County: This is my turkey hunting grounds. I have access to all the farmland surrounding Brush Creek Preserve and April 12-15, 2-1- I was personally "in" this stream wading around trying to get the drop on some turkeys. Below Arlington the land flattens out and I have canoed this stretch in times of high water. It is not particularly accessible, but below Arlington is a better place to run paddle craft. I think the last time I did this stretch was 2008 (high water made it easy to do). You do have to get out and maneuver the boat around. Good splashing! I know the farm kids use this creek too.

Little Turkey, Clayton County: This is a great paddle craft stream. I've taken people up there. It's a good stretch all the way from Waucoma down to the Mississippi. Again, water levels have to be up, but it is very scenic and a good time.

Little Wapsi: I do not know about the lower stretch below the Fairbank dam. I do know there are a TON of people who have cabins down that way and use it all the time for fishing/boating. You can get a john boat in that stretch. I think the rope swing speaks for itself. The Wapsi is heavily used in the summer whenever and wherever people can get into it. There would seem to me to be plenty of evidence of use.

My buddy lives and farms a farm on the border of the McClain recreational area. I checked with him and Sumner kids (including his own) like the creek to fish and stomp around. I do not have any personal knowledge of this segment. If his kids are in it @ McClain, I would imagine the town kids are in it as well.

North Branch Volga River: This is my favorite river. This particular stretch is pretty small, rocky, has many snags, and I have never taken it. I don't know if the Hawkeye kids use this or not.

Otter Creek/Oelwein area: The Oelwein Clean up June 26th, 2010 is below the upper segment. It's pretty isolated and surrounded by farm land. I doubt there is much in the way of recreation there. We are floating it from the Oelwein Cemetery down to the impoundment. It's also very shallow, no kids really around."

DNR Response:

This stream is designated as Class A2 Secondary Contact recreational uses or is considered a general use stream depending on location based on the results of the field assessment:

Fieldwork for preparation of this UA/UAA was conducted on the Bloody Run on September 18, 2007 (sites 1035-3, 1035-4, and 1035-5). The Bloody Run, located in Clayton and Delaware counties, is noted as a perennial stream along the lower 1.5 miles and intermittent along the upper segment according to the 1:100,000 USGS DLG Data Set. The assessed segment of Bloody Run was from its mouth (S36, T91N, R3W, Clayton Co.) to the Community of Colesburg's SE wastewater treatment facility outfall (S4, T90N, R3W, Delaware Co.). This report addresses approximately 90% of Bloody Run's total length, or approximately 3.7 miles. At its mouth, Bloody Run has a drainage area 3.81 square miles while at the upper extent of the assessment the drainage area is less than 1 square mile.

The main goals of the fieldwork were to determine existing uses, attainable uses, use attainment and potential causes of non-attainment (if any).

The creek primarily passes through rural agricultural lands (currently row crops, pasture, and timber lands) with one road crossing the creek channel. No formal access or parking areas were noted along the roadway crossings. Two rural residences were noted along or in close proximity to the assessed segment. No indication was found of stream side access to the creek or instream uses. The creek does not flow through any public recreational area along assessed length with most of the surrounding lands appearing to be in private ownership. Approximately ½ mile from the creek and separated by private crop land is the outskirts area of the community of Colesburg. At this location (site 1035-4), the creek is dry.

From the September 18, 2007 assessment information, the creek's average widths under normal flow conditions ranged from dry to 18 feet, while the average depth ranged from zero to 16 inches and a maximum depth of 27 inches. A very small puddle (1 square foot by 3" deep) was noted below the community of Colesburg's SE wastewater treatment facility outfall with no flow was entering or exiting the puddle.

Moderately deep stream banks with steep to near vertical side slopes and bank heights, up to 10 feet are common features of the assessed segment. The banks are covered primarily in grasses with a mixture of trees, herbaceous material, shrubs, and bare soil area resulting in a moderately open stream canopy where water is present.

The substrate in the accessed reach was a mixture of cobble, gravel, sand, silt, and clay at all of the sampled areas with water. Overhanging vegetation composed of primarily of grasses and trees were common stream side cover when water was present.

There were no people observed recreating in the water at the time of the assessment. No evidence of instream recreational uses was noted.

Solicitation of public input on local recreational activities in Bloody Run noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses.

The relatively shallower water along the assessed creek length (ranging from dry to 16 inches during normal conditions) was not capable of supporting normal primary recreational uses. No locations were found to have depths greater than 27 inches under normal flow regimes. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the entire assessed reach. Primary Contact recreational uses are not considered attainable for the Bloody Run due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation was not noted nor expected to occur due the stream being located in a more remote rural agricultural areas with heavily vegetated, steep, and more difficult to traverse banks. Therefore, children's recreation use is not recommended.

Based on the physical features and stream flow condition, the recommendations are separated into two stream segments; the lower reach with perennial flow conditions and the upper reach with intermittent flow.

1) Lower Reach. Mouth to the spring source (S3, T90N, R3W, Clayton Co.)

While the lower approximate 1.5 mile perennial reach of Bloody Run is too shallow to support primary contact recreational uses, it does possess a potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, seining, trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for the Bloody Run from its mouth (S36, T91N, R3W, Clayton Co.) to the spring source (S3, T90N, R3W, Clayton Co.). This reach is currently designated as a Class B Coldwater Type 1 (Class B(CW-1)) stream with the potential fishing for associated cool water aquatic

species. The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use ☐

Secondary Use ☒ - See description above

Children's Recreation ☐

No Recreational Use ☐

2) Upper Reach. From the spring source (S3, T90N, R3W, Clayton Co.) to the community of Colesburg's SE wastewater treatment facility outfall (S4, T90N, R3W, Delaware Co.).

The ephemeral nature of the stream hydrology in the upper reaches creates dry channel conditions contributing to the inability of supporting primary or secondary contact recreational uses. Neither Class A2 Secondary Use nor Class A3 Children's Recreation are recommended due to the lack of stream flow, remote location, and no evidence of use. Therefore, the Department recommends that a No Recreational Use apply to Bloody Run from the spring source (S3, T90N, R3W, Clayton Co.) to its headwaters. The upper extent of the recommendation to the headwaters is less than one mile upstream of the upper most assessment site (site 1035-5) with no changes projected in the creek's ephemeral nature or corresponding potential recreational uses in this short length. The Department considers 'No Recreational Use' to be the highest attainable recreational use designation for these stream reaches.

Recommended Recreational Use Designation:

Primary Use ☐

Secondary Use ☐

Children's Recreation ☐

No Recreational Use ☒

A picture of this stream is shown below:

Bridge view looking downstream

This comment was a general comment and did not provide specific locational information to better respond. However, the uses described are consistent with Class A2 Secondary Contact recreational uses as noted in the lower stretches of this stream.

As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

45. Hoosier Creek (Linn Co.)

One public comment was received from a local organization:

"DNR assessed 5.5 miles of Hoosier Creek in September 2009. Hoosier Creek flows along the south side of Cedar Rapids and along the west side of the town of Ely. DNR is recommending that the entire length of Hoosier Creek be downgraded from primary contact recreation to secondary contact recreation. The DNR bases this recommendation on lack of depth in the creeks to support primary contact recreational uses. However, the assessment data documents average and maximum water depths at site 1096-3 that are capable of supporting primary contact recreation (29" average and 33" maximum). Also, assessment data from the UAA assessment of the portion of Hoosier Creek south of Ely conducted in September 2009 do not appear to have been considered in the DNR recommendations. The assessment information for site 104-3 on Hoosier Creek at the Vista Road Bridge near the town of Ely was the endpoint of a previous assessment on Hoosier Creek completed in June 2006 that was included in a previous UAA round. That assessment found evidence of Kids play upstream of the Vista Road bridge in Ely, consisting of graffiti and mud balls on the bridge. There is also a foot path on the upstream side of the bridge. **[This organization] recommends that the A1 primary contact recreational use designation be retained for the deep pool at site 1096-3 and that the portion of Hoosier Creek near the town of Ely be designation A3 primary contact recreation for children's recreation.**"

DNR Response:

Hoosier Creek has been designated Class A2 Secondary Contact recreational uses based on the results of the field assessment:

Fieldwork for preparation of this UA/UAA was conducted on Hoosier Creek on September 18, 2009. Located in Linn County, Hoosier Creek is noted as an intermittent stream for approximately 9,300 feet before becoming perennial all the way to its mouth according to the 1:100,000 USGS DLG Data Set. The assessed segment of Hoosier Creek was from the Vista Road bridge crossing (S31, T82N, R06W, Linn Co.) to the 18th Street road crossing (W. line of S29, T82N, R07W, Linn Co.) or approximately 7.07 miles. At the Vista Road bridge crossing, Hoosier Creek has a drainage area of 17.11 square miles, while at the upper extent of the assessment (18th Street road crossing) the drainage area is 0.27 square miles.

Based on aerial photography, nearly all of the properties along the creek appear to be in private ownership primarily used as agricultural production and timber land. Available data and website research indicated the creek does not appear to pass through or sit adjacent to any known county, state, or federal publicly-owned park, or recreational area. Seven public roads cross the creek within the assessed reach with no formal access or parking areas noted along the assessed length. From field observations and aerial photography, a number of rural

residences were noted along or in close proximity to the assessed segment. The area is surrounded almost entirely by agricultural fields.

The data indicated the creek's widths range from 3 to 18 feet and the average depth ranged from 6 to 29 inches with a maximum depth of 36 inches. The maximum depth was associated with a deeper pooled run caused by a log jam/root mass at site 1096-3. The upper range of average stream depth (29 inches) was also found at this location. In the absence of the temporary impoundment (log jam) it is expected the stream would more resemble those depths found at the other two sites and the downstream recreational site at 1096-3. Thus, the overall average depth of the stream would be expected to fall between 6 and 12 inches. The stream flow appeared to be at seasonal normal levels during the field assessment.

Throughout the assessed reach, the stream banks are mildly slopped and are covered in dense vegetation consisting predominantly of grasses with a mixture of herbaceous materials and trees resulting in a relatively open stream canopy at the assessed sites. Based on aerial photography the lower extent of stream is surrounded to a greater extent by trees and timbered land.

During the assessment period there were no people observed recreating in the water at the time of the assessment and no evidence of actual instream or stream side activities was observed. Urban trash was found at sites 1096-1 and 1096-2

Solicitation of public input on local recreational activities in Hoosier Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

Based on the habitat and stream flow condition, the following recommendation is made.

One location was found to have average depths greater than 19 inches, which would be considered capable of supporting primary recreational uses. Those depths were found at site 1096-3, which was the most downstream assessment site on Hoosier Creek. However, as noted above, those depths were found to be caused by a temporary impoundment in the form of a log jam/root mass. Lacking this impoundment, the stream at normal flows is predicted to have an average depth in the range of 6 to 12 inches with no maximum depths greater than what would constitute a primary contact recreational use designation. Under this scenario the shallow water conditions would appear to impede the reasonable attainment of primary contact recreation along the entire assessed reach. Primary Contact recreational uses are not considered attainable for Hoosier Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected to occur within Hoosier Creek due the stream being located in a rural agricultural area. The stream banks are mildly slopped and covered in heavy vegetation making it difficult to enter the stream. For these reasons, children's recreation use is not recommended.

While Hoosier Creek is too shallow to support primary contact recreational uses, this portion does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for Hoosier Creek from the Vista Road bridge crossing (S31, T82N, R06W, Linn Co.) to the 18th Street road crossing (W. line of S29, T82N, R07W, Linn Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this stream is shown on the next page:

1096-3 Bridge looking downstream

The department believes its original designation as Class A2 Secondary Contact recreational uses is appropriate. This stream flows primarily through agricultural land and is lined with dense vegetation. There were seven public access points throughout the assessed stretch with no formal access points or parking areas. Dense vegetation along the stream makes it difficult to enter in many locations.

The commenter indicates "assessment data from the UAA assessment of the portion of Hoosier Creek south of Ely conducted in September 2009 do not appear to have been considered in the DNR recommendations". While one location, Site 1096-3, "the most downstream assessment site on Hoosier Creek", was found to have average depths greater than 19 inches (in this area, average depths of as high as 36 inches) which would be considered capable of supporting primary recreational uses, as noted in the UAA, those depths were found to be caused by a temporary impoundment in the form of a log jam/root mass. Lacking this impoundment, the stream at normal flows is predicted to have an average depth in the range of 6 to 12 inches closer to those depths noted at the other observation points along the stretch, 1096-1 and 1096-2, with no maximum depths greater than what would constitute a primary contact recreational use designation. Under this scenario the shallow water conditions would appear to impede the reasonable attainment of primary contact recreation along the entire assessed reach. Primary Contact recreational uses are not considered attainable for Hoosier

Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Children's play was deemed not likely to be common owing to the rural location and dense vegetation, combined with the lower average depths in a majority of the stream. Another photo showing these factors is below:

104-3 Downstream recreational assessment site, looking downstream

It is important to note the definition of Children's recreational uses:

Waters designated as Children's recreational use (Class A3) are

"Waters in which recreational uses by children are common. Class A3 waters are water bodies having definite banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in urban or residential areas." [567-61.3(1)b(3)]

Based on the conditions noted above, children's play, while some evidence is noted, is still not expected to be "common".

46. Indian Creek (Jasper/Polk/Story Cos.)

Nine public comments were received from local residents.

First public comment:

"1) type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.)

Kayaking and play

2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and

I put in 1.5 north of Maxwell at a bridge on 315th St and exited 4.5 miles downstream at a bridge on NE 162nd Avenue. I did this on nearly a daily basis.

3) frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002).

I took over 125 kayak trips in 2009. The majority were on Indian creek (~75%)"

Second public comment:

"I would like to comment re: Recreational usage of Indian Creek. I Personally have canoed Indian Creek from E. Indian Creeks intersection with highway S27 past the town of Maxwell to Indian Creek's intersection with NE 112th St. one time in the spring of 2007 with 4 other individuals. I have also Canoed E. Indian Creek 2-3 times per year from 2007-2009 from near 155th St. to 290th St. I have been in the water of that stream many times to negotiate fallen trees and farmer's fences. Please consider this stream as primary contact water."

Third public comment:

"This letter documents my personal experience with Indian Creek, located in Story, Polk and Jasper Counties and offers support for maintaining the Class A1 Primary Contact designation for this stream as part of the Department's recreational use assessment and attainability analysis.

I canoe Indian Creek two or three times each year, typically on a Saturday in spring or summer after storm events that provide flow adequate for paddling. I

typically put in at a county highway bridge on 250th Street where it crosses East Indian Creek, float past the confluence with West Indian Creek, where Indian Creek starts, and take out at the city park at Maxwell, just north of State Highway 210. I also canoed the lower end of Indian Creek in June 2007 as part of a community river cleanup event, and the group spent considerable time near the confluence of Indian Creek and the South Skunk River.

I have a paddling friend who lives near Mingo and who claims Indian Creek as her favorite stream. I started a paddling organization in 1997, called Central Iowa Paddlers, and this friend has invited club members to enjoy this sweet little stream on many occasions over the past several years. We often invite other paddling colleagues from the greater Des Moines and Ames areas to join us. There are 5-10 persons on each paddling trip. It is worth mentioning that I was staffing a table for Iowa Rivers Revival, a statewide river advocacy organization, at the Healthy Living Expo in Des Moines recently. I asked passersby what their favorite river is and one couple mentioned Indian Creek near Ames. They love paddling it for the same reasons the rest of us do…because it is intimate, exciting, quiet and full of wildlife.

While we paddle in canoes and kayaks, please be aware that we are always in the river as well as on it. For example, because the stream is narrow, winding and fast, we all have opportunities to have full body contact with the water, whether we tumble in unexpectedly, or because we need to portage around wire fences, or because we need to climb over or under log jams, or because we actively remove tires and trash whenever we run the creek.

For these reasons, we ask the Department to maintain the Class A1 Primary Contact designation for Indian Creek in Story, Polk and Jasper Counties."

Fourth public comment:

"I am writing to urge the department to maintain the current A-1 status for Indian Creek. It is my favorite stream to canoe and swim in the central Iowa area.

We generally put the canoe in the water on East Indian Creek at the gravel road bridge just south of Hwy 30 and take out on a gravel road bridge above Maxwell and below the confluence with West Indian Creek.

We have taken our nephews and other children, who also wade, swim, and skip stones. In 2009 we paddled the creek at least four times during the period of May through November. I paddled it with two others in March 2010."

Fifth public comment:

"I know that there are a few other stream segments within Story County that are on the current list of UAA's but I have little personal knowledge of their recreational use. One of these is Indian Creek, and I do know that people paddle Indian Creek from both the West and East branches to and below Maxwell. The UAA acknowledges such use but passes it off without further investigation. Also I know that the creek passes through or very near a Maxwell city park, and I can see from an aerial photo that it would be a short walk to the creek form anywhere in Maxwell. The Indian Creek UAA does make note of aerial photographs…and acknowledges the close proximity of 23 rural residences and the communities of Maxwell and Mingo. Still, in the conclusion, children's recreation "is not expected" and therefore "not recommended".

I know that this must be a monumental task especially given limited staff and financial resources, but in my opinion the Iowa DNR has been too quick to dismiss the few public comments that do document existing uses, and they have failed to adequately notify the public of the proposed changes. Shouldn't we expect that the DNR would be more protective of our resources, and of the citizens that use them?"

The sixth public comment was received from the DNR Rivers Program:

"Indian Creek is scenic, and paddled with fair frequency as far upstream as Story County near Colo. We've also received direct reports from conservation officers related to problems associated with informal stream clean-ups not properly getting trash hauled off at bridge crossings."

Seventh public comment:

"I cannot imagine opening our states waters to more pollution. I understand the needs of business. I have a Masters Degree in Business and have worked in the commercial real estate industry for over ten years. I understand the impacts on business needs of environmental restrictions. I also understand quality businesses find another way to survive.

I have spent most of my entire life enjoying Iowa rivers and streams. I started paddling the backwaters of the Wapsipinicon River as a small child over thirty years ago. I spent many days swimming, fishing, and enjoying the river. Today I have four children of my own. We spend more than every other weekend on Iowa waters spring through fall. We enjoy many streams in Northeast Iowa for canoeing and fishing including the Upper Iowa River, Paint Creek, Yellow River, Turkey River, Little Turkey River, Cedar River, Indian Creek, Big Creek, Wapsipinicon River, Lime Creek, Volga River, Little Volga River, the list goes on and on.

I love to take my children wading for smallmouth bass in almost any creek I can find that may hold those wonderful hot spots. We have very limited natural resources compared to most states in our country. The beauty and quality of our streams is really all we have left. We must move to protect our very limited resources.

Please help protect our streams. I am an Iowan and plan to always be an Iowan. I could not keep my family in this state if our streams became an unsafe place to enjoy nature with my children."

Eighth public comment:

"I am writing in response to the proposed stream designation by the EPC. I just heard about this, so I apologize for the last minute comments, we were without an engineer for over 4 ½ months. I have been employed by the county for over 30 years and am using my experience to comment on these streams.

First Stream is Cherry Creek- This stream crosses two paved county roads (F36 & F48) and one state Hwy(14). In all my years I have never seen anyone fishing or swimming in any of the crossings. It does go through a golf course but no one has ever talked about anyone swimming in it, 90% of the time the stream is usually about 6-8 inches deep so I believe that this stream does not qu[a]lify for any type of recreational use.

Next is Clear Creek, This stream has crossings on paved county roads F17 and F24 also there is a low water crossing on W 84th St S. The low water crossing was installed about 25 years ago. It has 18 inch diameter culverts and they only run [half] full 90% of the time. The only time it is deeper is when we have floods and then the road has to be closed but that is only for a couple of days. I have never seen anyone swimming or fishing at any of these locations. Again I do not think

the water is deep enough to war[a]nt a recreational designation of any kind even [though] it crosses the bike trail. The banks are steep and not user friend.

Elk Creek has many crossings through the county. I have never seen any one fishing or swimming at any of the crossing I am about to list, Liberty Ave, Legion St, S 60th Ave E, County Road F 62, S 124th Ave E. Most of the time the creek runs approximately 6-8 inches deep except when it floods. This would not allow boating as would none of the [other] c[r]eeks listed.

Indian Creek crosses county paved road F 24 and also N 51st Ave W and N 19th Ave W as well as others, These crossing[s] all have steep banks and are not user friendly for any type of recreation. Most of the time [this] creek runs 8 inches deep or less. I have never seen anyone fishing or swimming at these crossings. Also I have never seen a boat of any kind. Again I see no reason to designate this creek for any type of recreational use.

Benjamin Creek crossings on W 12th St N and county road F 36 I have seen a lot, they are between my home and work. I have never seen any fishing or swimming at these locations, 90% of the time the creek is only approximately 6 inches deep or in some locations almost dry and the banks are not user friendly. The only time a boat could use this creek is for a few short hours during flooding. Not a good contestant for recreational use.

Calhoun Creek Crossings that I am most familiar with are county road F 70 and S 96th Ave W. I have never seen fishing or swimming at either of these locations. 2 years ago we replaced the bridge on F70 with a RCB culvert. There is [usually] only about 4-6 inches of water in the creek and in some area[s] almost dry at times. I cant see where this would be adequate for recreation or [sustaining] fish life.

Prairie Creek crossings are county roads F36 and N 75th Ave W, The normal flow is very low on this creek as well and I have never seen any one fishing or swimming on either of these crossings, the water is usually only approximately 4-6 inches deep with some areas almost dry,

Sugar Creek crossings are S 36th Ave E and S 52nd Ave E that I am most familiar with and at no time have I seen any one fishing or swimming at these crossings. The usual depth of this creek is 4-6 inches and not the best for fish habitat. I can see no reason to designate this creek for fish habitat or recreational use.

Walnut Creek goes through a federal conservation area but is not a deep creek. I have not seen anyone swimming [or] fishing on any of the crossings such as county road F70 or S 112th Ave W. This creek is [usually] 4-6 inches deep and can have areas that are almost dry.

Sewer Creek crosses S 44th Ave W and S 60th Ave W at which I have never seen anyone fishing or swimming at [these] crossing[s] either. This is a small creek which is [usually] [only] 4-6 inches deep. Again not the best for recreation or fish habitat.

None of these stream[s] have I ever seen children around or in. At one time or another I have seen parts of these creeks dry in some areas which I would say would not make a good fish habitat or recreational area. We do not support the designation of these creeks as stated on the notice."

Ninth public comment:

"Camp Creek, Drainage Ditch #11, Frink Creek, Indian Creek, Muchikinock Creek, Rock Creek, Walnut Creek and Yeader Creek are all in Polk County, so changes to these could have an impact to a large number of residents. However, any downgrades to protection of our water [is] not acceptable. Let's increase our protections, not decrease them."

DNR Response:

Indian Creek was initially proposed to be designated Class A2 Secondary Contact Recreational uses based on results of the field assessment.

Fieldwork for preparation of this UA/UAA was conducted on Indian Creek on March 24, 2006. Indian Creek, located in Story, Polk, and Jasper counties, is noted as a perennial stream along its entire length according to the 1:100,000 USGS DLG Data Set. The assessed segment of Indian Creek was from its mouth to the confluence with the East and West Indian creeks (S16, T82N, R22W, Story County). The communities of Nevada and Maxwell discharges treated wastewater indirectly into the creek via West Indian and Rock creeks, respectively. At its mouth, Indian Creek has a drainage area of 413.21 square miles while at the confluence of East and West Indian creeks, the combined drainage area of both streams is approximately 201.05 square miles.

Based on aerial photography, nearly all of the properties along Indian Creek appear to be in private ownership with very short segments flowing near the southern outskirts of the community of Maxwell and the eastern fringe area of the community of Mingo. Eighteen public roads cross the creek within the assessed reach along with four recreational areas in close

proximity. From field observations and aerial photography, 23 rural-type residences were noted along or in close proximity to the assessed segment.

The creek's widths range from 45 to 97 feet and average depths ranging from 6 to 15 inches with a maximum depth of 22 inches. The maximum depth of 22 inches was found in a run area at site (128-3). Moderately deep incised stream banks with steep to near vertical side slopes and bank heights up to approximately 20 feet are common features of the assessed segment. The banks are covered in a mixture of trees, shrubs, herbaceous material, grasses, and bare sandy soil resulting in a moderately open stream canopy. In many areas the large stream widths resulted in a significant portion of the water surface to be relatively open even with forested stream side vegetation.

Solicitation of public input on local recreational activities in Indian Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

3) Phone Interview – A staff member from the Jasper County Conservation Board indicated that at the Chichaqua Valley Trail, recreational canoeing and kayaking occurs on the creek as users have been seen floating and fishing past the public land, but on very rare occasions, likely during elevated water conditions from upstream private access locations. She noted that these activities may occur in the spring and summer, but that she has seen it maybe only once or twice a year. Fishing does occur, but she was not aware of any seining or kids playing in the creek, except that she has observed shoe prints and worn patches leading to the stream.

4) Phone Interview – A staff member from the DNR indicated that at the Colfax Wildlife Management Area he has never observed swimming, children playing near or in the stream, or canoeing/kayaking in the stream. He believes fishing occurs, but he has never personally observed it.

The relatively shallow water along the assessed creek length (range from 6 to 15 inches during normal flow conditions) was not capable of supporting normal primary recreational uses. No locations were found to have depths greater than 22 inches under normal flow regimes. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the entire assessed reach. Primary Contact recreational uses are not considered attainable for Indian Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the stream being located in primarily rural agricultural area with heavily vegetated, steep, and more difficult to traverse banks. Therefore, children's recreation use is not recommended.

While the upper reach of Indian Creek is too shallow to support primary contact recreational uses, it does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for Indian Creek from it mouth (S32, T80N, R20W, Jasper Co.), the confluence with the East and West Indian creeks (S16, T82N, R22W, Story Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this stream is shown on the next page:

Upstream recreation site looking upstream

Based on the public comments, paddling and Primary Contact Recreation activities do occur at a noted frequency. The DNR will propose to change the stream's designation from the mouth (S32, T80N, R20W, Jasper Co.) to the bridge crossing at County Road F24 (S3, T80N, R21W, Jasper Co.) AND from the bridge crossing at 162nd Street (NW ¼, S2, T77N, R22W, Polk Co.) to the confluence with East and West Branches of Indian Creeks (S16, T82N, R22W, Story Co.) to Class A1 Primary Contact recreational uses.

In reference to designation of streams such as this, there is sufficient flow to support recreational uses. The Clean Water Act has to also protect for future and potential uses of a stream, even if a stream is not currently being used for that activity. This stream meets the protocol requirements for designation.

This second comment is a general comment and does not provide specific information to more appropriately respond. As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using

Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

47. Iowa River (Johnson Co.)

Two public comments were received.

First public comment was received via our online survey regarding an access point at Coralville Reservoir - by the dam:

1. Swimming? No.
2. Children playing in or near the stream? No.
3. Canoeing, kayaking, or tubing? Yes. July, 2009 once during the season.
4. Fishing, seining, or trapping for minnows? No.

Second public comment:

> "I live in Eldora, Hardin County, Iowa and am extremely concerned about the water quality in my area. We are in the heart of hog confinement country and agricultural run-off from farm chemicals and animal waste.
>
> I fear that lowering standards will only create a more toxic setting than we already have. There are many small streams that flow through this area as well as the Iowa River and it's South Fork and, of course, Pine Lake. They are all in danger of even heavier pollution if we lower our expectations for land and water usage. Please do everything in your power to protect Iowa to an even greater extent rather than lowering standards.

DNR Response:

This segment was designated Class A1 Primary Contact recreational uses prior to 2006 and the presumed use provision.

48. Knapp Creek (Benton/Johnson Cos.)

One public comment was received although it is unclear which specific stream segment this particular comment applies to:

"Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.

In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.

Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

DNR Response:

This stream has been verified to support Class A1 Primary Contact recreational uses and therefore is not a part of this rule making effort.

49. Lake of the Hills (Scott Co.)

One public comment was received from our online survey regarding access near Davenport at Lake of the Hills:

1. Swimming? No.
2. Children playing in or near the stream? No.
3. Canoeing, kayaking, or tubing? No.
4. Fishing, seining, or trapping for minnows? Yes. 01/01/10.

DNR Response:

This is a lake and is not included in this rulemaking.

50. Lime Creek (Benton/Buchanan Cos.)

Eight comments from seven people were received as either public comments or via our on-line survey.

First public comment from a local resident:

> "We have also kayaked Lime Creek from Lime Creek Recreational Area to the Cedar River. The number of trips we do on this creek is dependent on our ability to be able to paddle when the water is up. But we do paddle it when ever possible. We believe these two waterways should not be downgraded when it comes to water quality."

The second public comment from a local resident:

> "I boated the Mississippi River near Prairie due Chien and tubed the Missouri River near Bismarck, North Dakota, last summer. There is a HUGE difference in the quality of water from both rivers. I grew up along the Mississippi River near Quincy, Illinois, and found it always to be disgusting, murky, and polluted but I was pleasantly surprised to find the Missouri River in better quality.
>
> I live in northeast Iowa in Buchanan County by a small creek, Lime Creek. When we moved here 16-years ago, my children could wade in the shallow, sand-bottom creek. Now 30,000 hogs are raised within a mile of my home with more than 161,000 hogs raised in my township spreading over 13,000,000 gallons of liquid manure on fields near this creek or open contributories flowing into this creek. This liquid waste flows easily through the many tiled fields to our small creek…which then flows into the Cedar River. And people wonder why this small creek is in it's 3rd year in a watershed program, not improving on quality, designated as 'unsafe for children to play in,' and in the top 20% of all contaminated creeks in Iowa.
>
> Thousands of dollars are given by taxpayers from the watershed program to these same hog farmers spreading this manure which cause the pollution in hope that they will somehow change. More large confinements are approved along this creek and more tiling by farmers are continuing to be done. No one seems to make the connection or are concerned what they are doing and how that may impact other things. If the laws do not force them to be good stewards, few farmers are making the right choices for the environment, waters, or for future generations who will be here after them. But few laws are ever

passed to protect the waters/environment in fear it would raise the price of food. How short sighted we all are.

Buchanan County is one of the top ten counties now in Iowa producing hogs. We have two creeks in watersheds and the Wapsipinicon River that flows through the county is more and more polluted every day. There is nothing anyone can do to prevent a hog farmer from moving next to them and the matrix system that governs them is far too lax.

Throwing money to these situations is only fueling the problem. The watershed programs can only advise farms but have no communication with other organizations. Our DNR staff are understaffed and unsupported to be able to help these larger farms be better stewards. And there is a HUGE breakdown in communications between local, regional, state control. Even our EPC have no power to change things – only advise.

There are just as many urban waste/pesticide problems as well as agricultural. It is a massive problem that needs IMMEDIATE action to stop the horrendous pollution being done.

It is NOT acceptable in any way for the safe quality standards for Iowa waters to be lowered because we feel we are overwhelmed. and unwilling to do what we know we need to do to stop the pollution. There is too much at stake for future generations to blindly look away at something so obvious that we can not drink.

Please let us work together and find better ways to live, raise our food, and let us hold people responsible/accountable for their negligent actions – instead of them profiting from it…and living out of the state or country.

We only have 1% fresh water on this earth, and we need water to survive. We are each made up of 60% water in our bodies…if we don't care about our water…surely then that means that we don't care about ourselves. If we lower the standard of water quality to an unsafe level that may jeopardize our quality of life, then I believe it tells us a lot about what is important and what we as humans value most."

A third comment was provided on-line by the same party as the second comment:

1. Swimming? No. we use to but it is harmful now in a watershed

2. Children playing in or near the stream? Yes.

3. Canoeing, kayaking, or tubing? No. too shallow

4. Fishing, seining, or trapping for minnows? No. use to but there are few fish now

A fourth comment was received from the DNR Rivers Program:

> "Paddled fairly regularly due to scenery and sought for rapids from mouth to Lime Springs County Park upstream of I-380."

A fifth comment from a local resident:

> "In my youth I enjoyed many summer months out at my grandparents farm, working and playing. Two of my favorite locations to bike to and spend time were Lime Creek in Buchanan Co. and Spring Creek in Black Hawk Co.
>
> They were and still are great places to enjoy the outdoors. As a youth I was, even then, aware that these streams were polluted, years of neglect had left their mark. The thought that these streams are being considered for downgrading, to allow less protection from DNR is absolutely ridiculous. I truly hope that the DNR, who claim to have the best interest of our natural resources in mind can see that these days our streams need more help than ever. Our state already boasts some of the worst water quality in the country, and it's failure to keep strict watch and regulation over those who would pollute our streams which is to blame.
>
> Every body of water, no matter how small, is worth our most vigilant protection. Please reconsider downgrading these and all streams across our state. Thank you."

A sixth comment from the County Engineer:

> "Lime Creek is also part of Drainage District #60. It also was constructed with steep banks and has a silty bottom. We also just replaced the bridge at the east end of this segment and in the time I visited the site over that 2 year process I never saw anybody swimming, fishing or trying to boat in this ditch. Therefore I do not agree with the A2 or B(WW-2) use designation."

Seventh comment, although it is unclear which Lime Creek is being referred to here:

> "I cannot imagine opening our states waters to more pollution. I understand the needs of business. I have a Masters Degree in Business and have worked in the commercial real estate industry for over ten years. I understand the impacts on

business needs of environmental restrictions. I also understand quality businesses find another way to survive.

I have spent most of my entire life enjoying Iowa rivers and streams. I started paddling the backwaters of the Wapsipinicon River as a small child over thirty years ago. I spent many days swimming, fishing, and enjoying the river. Today I have four children of my own. We spend more than every other weekend on Iowa waters spring through fall. We enjoy many streams in Northeast Iowa for canoeing and fishing including the Upper Iowa River, Paint Creek, Yellow River, Turkey River, Little Turkey River, Cedar River, Indian Creek, Big Creek, Wapsipinicon River, Lime Creek, Volga River, Little Volga River, the list goes on and on.

I love to take my children wading for smallmouth bass in almost any creek I can find that may hold those wonderful hot spots. We have very limited natural resources compared to most states in our country. The beauty and quality of our streams is really all we have left. We must move to protect our very limited resources.

Please help protect our streams. I am an Iowan and plan to always be an Iowan. I could not keep my family in this state if our streams became an unsafe place to enjoy nature with my children."

Eight comment from a local organization:

"DNR has recommended downgrading the A1 primary contact recreational designation to an A2 secondary contact recreational designation for the 3.6 mile segment upstream of the Lime Creek Area and for the 4.6 mile segment downstream of the Lime Creek Area. DNR has recommended that a 4125 foot section of the creek through the Lime Creek Area be designated for A3 primary contact recreational designation based on Comments from an employee of the Buchanan County Conservation Board that children's play occurs 10-12 times a year during the camping season. Lime Creek flows along the south side of the town of Brandon and the Cedar Valley Nature trail crosses the creek just east of town near assessment site 77-3. Lime Creek flows through the Winegar Lake – Tobin Park Access area at the confluence with the Cedar Rover. An employee with the Benton County Conservation Board noted that canoeing does take place about twice a summer within the Winegar Lake – Tobin Park area. Due to the close proximity of the town of Brandon and the Cedar Valley Nature Trail, which closely parallels the creek, there is increased likelihood of public access to the

creek in this area. **[This organization] recommends that an A3 Children's recreational use be designated for Lime Creek near the town of Brandon. Due to the report of canoeing on Lime Creek in the public use area near the confluence with the Cedar River, we also recommend the A1 primary contact recreational use be retained for Lime Creek from the town of Brandon to the confluence with the Cedar River.**"

DNR Response:

The original classification of Lime Creek in this area was previously-designated as Class A2 Secondary Contact recreational uses and Class A3 Children's recreational uses in three different segments as described in the UA/UAA for this site.

Field work for preparation of this UA/UAA was conducted on Lime Creek on September 10, 2005. Lime Creek is directly receiving effluent from the City of Brandon wastewater treatment plant. Lime Creek located in Buchanan and Benton Counties, is listed as a perennial stream according to the USGS 1:100,000 DLG Data Set. The drainage area for Lime Creek is 41.7 square miles.

The creek passes through rural areas consisting primarily of agricultural and timber ground, decreasing the possibility of access. Also, it should be noted that there were portions of the stream being assessed had steep slopes which would make it relatively difficult to access the stream. Steep banks, fences and rural locations may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations. There were also road crossings where access to the creek may be possible.

Upstream and downstream assessments were conducted at 6 separate sites resulted in 12 sampling points. During the assessment of Lime Creek, average depths were recorded between 4 and 18 inches. Primary Contact recreational uses are not considered attainable for Lime Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Solicitation of public input on local recreational activities in Lime Creek noted the following responses;

1) Distributed Post cards – no responses.

2) Comments via written or Website public response opportunities – no responses.

1.) Mouth of Lime Creek (S4, T86N, R10W, Benton County) to Brandon Diagonal Boulevard (S26, T87N, R10W, Buchanan County) = 24,325 Feet

This portion of Lime Creek did not contain depths capable of supporting Class A1 type uses. In this portion of the assessed reach, the creek passes near the City of Brandon. Two sites (77-3 &

77-2) were assessed at bridge crossing near the town. No evidence of uses were found at the assessed sites to show that any recreational uses occur near the town. While this portion of the creek is too shallow to support Class A1 type uses, it may be used for other uses like minnow seining or fur trapping.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact use designation apply from the mouth of Lime Creek (S4, T86N, R10W, Benton County) to the Brandon Diagonal Boulevard (S26, T87N, R10W, Buchanan County). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2: Secondary Contact Recreational Use

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

2.) Brandon Diagonal Boulevard (S26, T87N, R10W, Buchanan County) to (Latitude 42.33284, Longitude -91.97714) = 4,125 Feet

This portion of Lime Creek flows through the Lime Creek Area. An interview with a public official noted that children's play may occur about 10 – 12 times a year in the Lime Creek Area. Fishing was also noted to occur in the public land approximately 4 times a month.

Based on the data collected and the public comments received, the Department recommends that the Class A3 Children's Recreational use designation apply from Brandon Diagonal Boulevard (S26, T87N, R10W, Buchanan County) to (Latitude 42.33284, Longitude -91.97714). This recommendation is consistent with types of uses in these areas and the ability for the stream and surrounding areas to support such uses.

Class A3 : Children's Recreational Use .

"Waters in which recreational uses by children are common. Class A3 waters are water bodies having definite banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in urban or residential areas."

Recommended Recreational Use Designation:

Primary Use ☐

Secondary Use ☐

Children's Recreation ☒ - See Description Above

No Recreational Use ☐

3.) (Latitude 42.33284, Longitude -91.97714) to the confluence with an unnamed creek (S1, T87N, R10W, Buchanan County) = 19,050 Feet

This portion of Lime Creek did not contain depths capable of supporting Class A1 type uses. In this portion of the assessed reach, the creek passes near the City of Brandon. No evidence of recreational uses were found in this assessed portion of the creek. While this portion of the creek is too shallow to support Class A1 type uses, it may be used for other uses like minnow seining or fur trapping.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact use designations apply from (Latitude 42.33284, Longitude -91.97714) to the confluence with an unnamed creek (S1, T87N, R10W, Buchanan County). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2: Secondary Contact Recreational Use

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use ☐

Secondary Use ☒ - See description above

Children's Recreation ☐

No Recreational Use ☐

A photo of this stream is shown below:

77-6 Bridge view, looking upstream

Based on comments provided by the public, DNR will propose to designate the stretch from the mouth of Lime Creek (S4, T86N, R10W, Benton Co.) to the Brandon Diagonal Boulevard (S26, T87N, R10W, Buchanan Co.) as Class A3 Children's recreational uses. Class A3 has the same criteria as Class A1 Primary Contact recreational uses, so this will protect for those uses as well.

51. Little Sioux River (Linn Co.)

Two public comments were received.

First public comment:

> "I do a lot of canoeing on the little sioux river and would really appreciate some action."

Second public comment:

"Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.

In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.

Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

DNR Response:

The Little Sioux River has been designated for Class A1, Primary Contact recreational uses.

52. Little Turkey River (Clayton/Fayette Co.)

Four public comments were received.

First comment:

"I cannot imagine opening our states waters to more pollution. I understand the needs of business. I have a Masters Degree in Business and have worked in the commercial real estate industry for over ten years. I understand the impacts on business needs of environmental restrictions. I also understand quality businesses find another way to survive.

I have spent most of my entire life enjoying Iowa rivers and streams. I started paddling the backwaters of the Wapsipinicon River as a small child over thirty years ago. I spent many days swimming, fishing, and enjoying the river. Today I have four children of my own. We spend more than every other weekend on Iowa waters spring through fall. We enjoy many streams in Northeast Iowa for

canoeing and fishing including the Upper Iowa River, Paint Creek, Yellow River, Turkey River, Little Turkey River, Cedar River, Indian Creek, Big Creek, Wapsipinicon River, Lime Creek, Volga River, Little Volga River, the list goes on and on.

I love to take my children wading for smallmouth bass in almost any creek I can find that may hold those wonderful hot spots. We have very limited natural resources compared to most states in our country. The beauty and quality of our streams is really all we have left. We must move to protect our very limited resources.

Please help protect our streams. I am an Iowan and plan to always be an Iowan. I could not keep my family in this state if our streams became an unsafe place to enjoy nature with my children."

Second comment although it is unclear which segment is being referred to:

"Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.

In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.

Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

Third comment from a local organization:

"DNR assessed 7.65 miles of the Little Turkey River from the mouth at the Turkey River to the confluence with Bloody Run. The DNR is recommends retaining the A1 primary contact recreational use for the lower 6 miles of the river based on frequent pools that maintain depths capable of supporting primary contact

recreational uses. However, the DNR is recommending the upper 1.6 miles of the river be downgraded to A2 recreational use based on lack of flow to support primary contact recreational uses – even though there are no assessment sites on this segment. **[This organization] does not agree with downgrading the recreational use designation for the upper 1.6 miles of the creek without any direct evidence from assessment sites that primary contact recreation uses are not attainable. We, therefore, recommend that the A1 primary contact recreational use designation be retained for the entire 7.65 miles of the Little [Turkey] River.**"

Fourth public comment:

"Grimes Hollow (Clayton County) My grandfather used to farm the land surrounding Bloody Run in this area. I know historically that people have used the creek for crawdads, minnow seining, and general "creek stomping" types of activities. I do not know if those uses currently exist because the stream does get dry during the summer, but in the spring and fall, it certainly does have some water running through it. I wonder if it doesn't have some springs that feed it. It's a distance from here, so I do not have any personal use of this stream.

Brush Creek, Fayette County: This is my turkey hunting grounds. I have access to all the farmland surrounding Brush Creek Preserve and April 12-15, 2-1- I was personally "in" this stream wading around trying to get the drop on some turkeys. Below Arlington the land flattens out and I have canoed this stretch in times of high water. It is not particularly accessible, but below Arlington is a better place to run paddle craft. I think the last time I did this stretch was 2008 (high water made it easy to do). You do have to get out and maneuver the boat around. Good splashing! I know the farm kids use this creek too.

Little Turkey, Clayton County: This is a great paddle craft stream. I've taken people up there. It's a good stretch all the way from Waucoma down to the Mississippi. Again, water levels have to be up, but it is very scenic and a good time.

Little Wapsi: I do not know about the lower stretch below the Fairbank dam. I do know there are a TON of people who have cabins down that way and use it all the time for fishing/boating. You can get a john boat in that stretch. I think the rope swing speaks for itself. The Wapsi is heavily used in the summer whenever and wherever people can get into it. There would seem to me to be plenty of evidence of use.

My buddy lives and farms a farm on the border of the McClain recreational area. I checked with him and Sumner kids (including his own) like the creek to fish and stomp around. I do not have any personal knowledge of this segment. If his kids are in it @ McClain, I would imagine the town kids are in it as well.

North Branch Volga River: This is my favorite river. This particular stretch is pretty small, rocky, has many snags, and I have never taken it. I don't know if the Hawkeye kids use this or not.

Otter Creek/Oelwein area: The Oelwein Clean up June 26th, 2010 is below the upper segment. It's pretty isolated and surrounded by farm land. I doubt there is much in the way of recreation there. We are floating it from the Oelwein Cemetery down to the impoundment. It's also very shallow, no kids really around."

DNR Response:

This stream has been proposed to be Class A1 Primary Contact recreational uses for the majority of its length in the downstream direction and Class A2 Secondary Contact recreational uses in the upstream segment based on the results of the field assessment.

Fieldwork for preparation of this UA/UAA was conducted on the Little Wapsipinicon River on October 27, 2006. The Little Wapsipinicon River, located in Bremer, Fayette, and Buchanan counties, is noted as a perennial stream along its entire length according to the 1:100,000 USGS DLG Data Set. The assessed segment of the Little Wapsipinicon River was from its mouth to the Division Street Bridge (S25/26, T93N, R11W, Bremer County). The City of Sumner discharges treated wastewater directly into the river near site 75-g. The discharges from the community of Fairbank and Hawkeye Renewables wastewater treatment facilities indirectly enter the Little Wapsipinicon River via separate unnamed creeks. At its mouth, the Little Wapsipinicon River has a drainage area of 209.90 square miles while at the upper extent of the assessment (site 76-g) the drainage area is approximately 42.69 square miles.

Based on aerial photography, nearly all of the properties along the Little Wapsipinicon River appear to be in private ownership with several publicly owned areas located in close proximity. Within the City of Fairbanks, a large and well developed city park is located on both banks and within an island in the river. Numerous pathways, mowed grass and picnic tables can be found along the banks areas with public fishing access above and below a manmade low head the dam. A narrow Fayette County recreational area (McClain Railroad Right of Way and probably used as a wildlife management/hunting area) occurs on both downstream banks at site 75-d.

The river's widths range from 27 to 159 feet and average depths ranging from 6 to greater than 48 inches with a maximum depth of greater than 48 inches. The maximum depth of greater than 48 inches was found in the long pooled area at the Main Street Bridge in the City of

Fairbank, site (75-c). This pooled area extends from the low head dam at the city park downstream for approximately 1 mile to a railroad tussle bridge.

Moderately deep incised stream banks with steep to near vertical side slopes and bank heights up to approximately 20 feet are common features of the assessed segment. The banks are covered in a mixture of trees, shrubs, herbaceous material, grasses, and bare sandy soil resulting in a moderately open stream canopy.

For it's nearly its entire length, the river flows primarily through rural agricultural land with only a limited portion within or in close proximity of any developed area. For approximately 1.5 miles, the river flows within in the City of Fairbank which includes a city park located in the central portion of the city.

Limited recreational activity appears to occur at the several of the road crossing, with limited activities along the private property where the potential recreational uses diminish with the lack of flow and depth, and the river's overall rural location. Aerial photography indicates 55 rural and 20 urban residences in close proximity to the river where the occupants would have the potential for accessing the river. Fifteen secondary roads and two state highways (State Highways 3 and 281) cross the river within the assessed reach

Solicitation of public input on local recreational activities in the Little Wapsipinicon River noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

3) A citizen noted that kids fish the river near site 75-g after school.

4) Phone Interview – An interview with a staff member from the Fayette County Conservation Board indicated that swimming, children's play, and kayaking/canoeing have not been observed in the McClain Railroad Right of Way. Fishing has been observed in the west portion of the public land.

The deeper water noted in the river segment flowing through the City of Fairbank at site 75-c (>48 inches) and the impounded area from the low head dam in the City park area are suspected to support or capable of supporting some forms of primary contact recreation. While it may not be a prudent practice to encourage primary contact recreation in proximity to the low head dam, primary contact recreation may occur in the river due to the opportunity of deeper water and close proximity to residential homes.

At site 75-b an average depth of 20 inches was found at the upstream recreation site with a maximum depth of 40 inches. These depths would be capable of supporting some forms of primary contact recreation.

No other sample sites noted average depths greater than 20 inches. At the noted rope swing site (75-a), the maximum depth was only 28 inches with an average depth of 18 inches. In the river reach upstream of the City of Fairbank park, shifting sand was the predominate stream bed feature with maximum depths occurring in sand waves and temporary scour areas. A maximum depth of 35 inches was noted at 75-f with this depth is an isolated scour area. These depths do not support the types recreational activities associated with primary contact recreation. However, they do potentially support secondary uses such as hunting, fishing and trapping.

In the non-urban reaches, frequent children's recreation is not expected due the stream being located in a rural agricultural area and presence of steeper, difficult to traverse banks. Therefore, children's recreation use is not recommended.

Lower Reach: From the mouth (S9, T89N, R10W, Buchanan Co.) to the confluence with an unnamed creek (upper extent of the low head dam impoundment near the City of Fairbank) (SE1/4, S32, T91N, R10W, Fayette Co.)

The shallow water along the lower portion of the assessed river length did not meet the average or maximum depths associated with a Class A1 Primary Contact Recreational Use designation. No locations were found to have depths greater than 30 inches. The shallow waters conditions appear to impede the reasonable attainment of primary contact recreation along the lower assessed reach. Primary Contact recreational uses are not considered attainable for this lower length of the Little Wapsipinicon River due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

The depth criteria guidelines used by the department to help determine if Primary Contact Recreational use (Class A1) is attainable typically will exclude streams that are not able to support a Class A1 use due to the overall lack of flow needed to support activities that result in direct and prolonged contact with the water, involving considerable risk of ingesting appreciable quantities of water sufficient to pose a health hazard. While these guidelines are effective in most situations, there are cases where a stream demonstrates that it can support the Class A1 use despite the lack of flow that typically distinguishes a stream that can support Primary Contact Recreational uses.

At the County Road 57 bridge crossing an average depth of 20 inches was measure on the upstream side of the recreational assessment along with a maximum depth of 40 inches. These depths would be considered capable of supporting some forms of primary contact recreation

While no evidence was found of instream recreational use in the deeper water pooled areas upstream or downstream of the low head dam (N1/2, S5, T90N, R10W, Buchanan Co.), the observed depth was estimated to be near or greater than 48 inches during seasonal conditions. Based on aerial photography, the close proximity to the numerous residences within the City of Fairbank and the measured depths indicates the pool area is adequate for the potential for primary contact recreation. Primary Contact recreational uses are considered attainable for the

deeper water areas because it displayed a maximum depth of approximately 48 inches or greater.

The department recommends the Class A1 Primary Contact Recreational Use apply to the Little Wapsipinicon River from the County Road 57 bridge crossing (North line of S17, T90N, R10W, Buchanan Co.) to the confluence with an unnamed creek (upper extent of the low head dam impoundment near the City of Fairbank) (SE¼, S32, T91N, R10W, Fayette Co.). This is consistent with the established recreational protocol document.

Class (A1) Primary Contact Recreational Use

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

Recommended Recreational Use Designation:

Primary Use	☒	- see description above
Secondary Use	☐	
Children's Recreation	☐	
No Recreational Use	☐	

Upper Reach. The confluence with an unnamed creek (upper extent of the low head dam impoundment near the City of Fairbank) (SE¼, S32, T91N, R10W, Fayette Co.) to the Division Street bridge (S25/26, T93N, R11W, Bremer Co.).

The shallow water along the upper portion of the assessed river length was not capable of supporting normal primary recreational uses. No locations were found to have depths greater than 35 inches with average depths ranging from 6 to 14 inches. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the upper assessed reach. Primary Contact recreational uses are not considered attainable for this upper length of the Little Wapsipinicon River due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

While the upper reach of the Little Wapsipinicon River is too shallow to support primary contact recreational uses, it does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for the Little Wapsipinicon River from the upper extent of the low head dam impoundment near the City of Fairbank (S1/2, S32, T91N, R10W, Fayette Co.) to the Division Street bridge (S25/26,

T93N, R11W, Bremer Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo from this river near its confluence with the Turkey River is shown below:

Looking downstream

It is difficult to respond to the first comment without knowing the specific location. This stream has been proposed for Class A1 Primary Contact recreational uses and Class A2

Secondary Contact recreational uses depending on location. Without specific information, it would appear that swimming would occur in the areas already being designated as Class A1 Primary Contact recreational uses.

The second comment is a general comment and does not provide any use or location information.

As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

While we feel this was clear, the department still tried to contact the responder that stated specific primary contact uses were occurring on August 23 and August 26, 2010, in an attempt to obtain more specific information on location as to where primary contact uses of swimming might be occurring. However, our calls were not returned.

The third comment suggests there was insufficient information to make the determination of Class A2 Secondary Contact recreational uses in the upstream portions. The department disagrees with this assertion. The data points on the map are fixed points, but these are the center point locations. The area upstream and downstream from these points is observed. We have data from Site 1035-2, where we assess upstream and downstream from that location. In fact, here is a photo from that location looking upstream towards the segment being proposed to be Class A2:

Bridge view looking upstream

If you compare the photo of the proposed Class A2 Secondary Contact recreational uses segment shown immediately above with the photo just before it of the Class A1 Primary Contact recreational uses segment, you will note a distinctive difference in flow characteristics. One is sustaining a much more notable flow and depth during the base flow conditions.

The Site Data Sheet for this upstream portion, the section proposed to be Class A2, indicates the following stream specifics:

Run: Width (ft): 33 Length (ft): 138 Depth (In) 11 Max Depth (In): 15

Compare this with the downstream specifics from the same location:

Run: Width (ft): 33 Length (ft): 69 Depth (In) 20 Max Depth (In): 33

There is a noted difference in average depth and maximum depths in these two portions.

We also have information from the Bloody Run (aka, Grimes Hollow). There is a Recreation Assessment midpoint at 1035-3, in close proximity to the confluence with the Little Turkey River, in the northern portion of the uppermost segment that is being

proposed for Secondary Contact recreational uses. It also shows no significant flow occurring in this area.

A photo from this location is shown below:

Downstream recreation site looking downstream

Physical information noted from this Bloody Run assessment location near the confluence with Little Turkey River at 1035-3 is shown below:

Summary of Physical Dimensions:

1. Width (range): dry to 18 feet
2. Average Depth (range): zero to 16 inches
3. Depth (Max): 27 inches (as measured at recreation assessment site 1035-3)

This comment says the department recommended the Class A1 designation "based on frequent pools that maintain depths capable of supporting primary contact recreational uses". This is not the full story. Another factor considered is the flow characteristics. The proposed Class A1 segment had pools believed to remain after flood events from 2008 with connectivity between them that allowed for primary contact recreation. This determination was also in part based upon the size of the river channel, the meandering aspects, and aerial photography supporting the recurrence of deeper water segments.

The proposed Class A2 segment is not believed capable of supporting primary contact recreational uses as there were no locations observed to have depths greater than 13 inches.

The shallow water along the upper portion of the assessed river length was not capable of supporting normal primary recreational uses. No locations were observed to have average depths greater than several inches. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the upper assessed reach.

The fourth comment indicates paddling does occur on this segment, but also states it has to be when water levels are up. The requirements of stream designations are that they be based on data collection from periods of base flow conditions. The stream assessments were conducted to factor in these requirements. Therefore, we feel the designations are appropriate.

53. Little Volga River (Fayette Co.)

Three public comments were received.

First comment:

> "I cannot imagine opening our states waters to more pollution. I understand the needs of business. I have a Masters Degree in Business and have worked in the commercial real estate industry for over ten years. I understand the impacts on business needs of environmental restrictions. I also understand quality businesses find another way to survive.
>
> I have spent most of my entire life enjoying Iowa rivers and streams. I started paddling the backwaters of the Wapsipinicon River as a small child over thirty years ago. I spent many days swimming, fishing, and enjoying the river. Today I have four children of my own. We spend more than every other weekend on Iowa waters spring through fall. We enjoy many streams in Northeast Iowa for canoeing and fishing including the Upper Iowa River, Paint Creek, Yellow River, Turkey River, Little Turkey River, Cedar River, Indian Creek, Big Creek, Wapsipinicon River, Lime Creek, Volga River, Little Volga River, the list goes on and on.
>
> I love to take my children wading for smallmouth bass in almost any creek I can find that may hold those wonderful hot spots. We have very limited natural

resources compared to most states in our country. The beauty and quality of our streams is really all we have left. We must move to protect our very limited resources.

Please help protect our streams. I am an Iowan and plan to always be an Iowan. I could not keep my family in this state if our streams became an unsafe place to enjoy nature with my children."

Second comment although it is unclear which particular segment is being referred to:

"Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.

In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.

Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

Third comment:

"1. I wish to provide comments on several small streams in Fayette County in response to the EPC's proposed changes.
2. I make these from traveling all over Fayette County during the last 7 years as County Engineer. Streams affect roadways and bridges and I always look at streams and rivers during my travels.
3. I do not believe the North Branch of the Volga in its entirety, nor the Volga west of the confluence with the North Branch of the Volga should be classed as A2 recreational streams. I see no one fishing them, swimming in nor tubing them. At the Volga's intersection with W14 (Sec 29, Center Twp) oft times in the late summer I do not see water running. I do see fishing in the Little Volga in Maynard ("Where the River runs North") and downstream. I

would consider the Volga a recreational stream only downstream of the confluence of the major branches at Twin Bridges Park in Sec 35 Center Twp.

4. Additionally, I have never seen fishermen or tubers/swimmers anywhere along the East Branch or the West Branch of Buffalo Creek. It's drainage basin and reaches in Fayette County are almost exclusively crop ground, not suitable for attracting recreation when compared to the Volga, Turkey or other such larger streams.
5. If you have questions about these comments or observations, please email or call me…

Thanks for your consideration."

DNR Response:

This stream has already been designated Class A1 from its mouth all the way to Maynard. Public comment confirms this activity is occurring.

54. Little Wapsipinicon River (Buchanan Co.)

Seven public comments were received.

The first public comment:

"1) Type of recreational activity: canoeing and kayaking

2) Location: from the city park in Fairbank to the confluence with the Wapsipinicon River

3) Frequency: I have direct knowledge of about three trips a month during the paddling season, going back for the last six years.

In addition, the segment of the river above the dam in Fairbank is widely used by locals for boating, wading and fishing."

The second public comment:

"There is a group of kayakers from around Waterloo that paddle many of the rivers and creeks in the area. The Little Wapsie from Fairbank to Littleton is one we enjoy and paddle at least twice yearly. We have also kayaked Lime Creek from Lime Creek Recreational Area to the Cedar River. The number of trips we do on this creek is dependent on our ability to be able to paddle when the water is up. But we do paddle it when ever possible. We believe these two waterways should not be downgraded when it comes to water quality."

Third public comment:

> "Whether your people actually witness it or not, at least rural residents recreate (wade, swim, tube) in most of our rural streams. My family does a yearly trash pick-up in the segment of The Little Wapsipinicon River that crosses our property. That's a lot of wading in the water during summer months when we can wade, and sometimes float along and enjoy communing with nature. We live adjacent to the Amish community here, and I know/have seen/have been told the Amish (from Granpa to toddlers) use the river in summertime for swimming as well as bathing. Granted this activity does not add dollars to your coffer, but it is part of rural Iowans' way of life. I am simply dumbfounded and confused about you wanting to give less protection to ANY of our waters. What are your motives in this proposal? Political pressure from polluters? Natural resource usage that doesn't produce revenue and therefore is unnecessary/unwelcome? All of our waters/Iowans deserve maximum protection. It would be more productive for the State to get busy protecting ALL of our waters and enforcing the protection, than wasting taxpayer dollars trying to get out of protecting them. It would be more likely that we could get to the point of being a destination area for outdoor recreation if we didn't have some of the most polluted waters in the country."

Fourth public comment:

> "North Fork Maquoketa Backbone
> Little Wapsipinicon River
> North Branch Old Man's Creek
> Ralston Creek (Johnson County)
> Rapid Creek (Johnson County)
> Rhine Creek (Johnson County)
> Sanders Creek (Johnson County).
>
> In the summer, when my husband and I canoe, or even walk a trail, we often get wet and not 'incidentally." We will stop and swim on a hot day especially at a hole, and I love to wade or at least dangle my feet in the water. On weekends there are people with children exploring these waterways, apparently assuming they are innocuous, and trying to make them their own.
>
> Iowa should be expanding the number of waterways that are eligible for swimming and wading, that young people can safely splash in. How awful the idea that only 'incidental' contact with Iowa's numerous waterways is safe!

Why, in all this plenty, should citizens have to monitor the radio and search for a 'safe' place to swim from an ever-diminishing list, whittled down surreptitiously by our own regulators?

Should we just post a big AT YOUR OWN RISK sign at the borders of the state, and say, "Head for the movies, folks, because frankly in spite of what you've heard about summer recreational opportunities, most of Iowa's water is polluted and intends to stay that way. Don't live here if you like the outdoors. Don't move here, unless you want your kids to end up in emergency room with a pathogen, or you yourself under government surveillance for cancer."

People approach water for its cooling properties and to have fun on hot days; not to look at it, untouchable, afraid. When I hear of a good place, what I really want is to go there. Can I? Is the DNR protecting me? Or is it looking for ways to fudge the numbers?

Reducing government protection to citizens should not be done (especially on this proposed scale) unless all Iowa publicly agrees to resign themselves to being a dumping ground for crappy caretakers who cannot figure out how to preserve the resources that brought them here in the first place. Then at least we cannot be accused of trying to have our cake and eat it too.

Please do not lower the protections on the above-captioned waterways. As you must know, we need to move in the opposite direction."

The fifth comment was received from DNR Rivers Program:

"Paddled upstream as far as Fairbank"

The sixth comment was received from a local organization:

"DNR assessed 31 miles of the Little Wapsipinicon River in October 2006. The DNR has divided the Little Wapsipinicon into 3 segments and is recommending that the A1 primary contact recreation use be retained for the 3 mile long middle reach that flows through the City of Fairbank on the border between Buchanan and Fayette Cos. There is a park in the City of Fairbank that follows the river and depths in the river above and below a lowhead dam in the city are sufficient to support swimming and other primary contact recreation. However, DNR is recommending that the primary use designation of the upper reach, from above Fairbanks to the town of Sumner, and the lower reach, from below county Road C57 to the mouth, be downgraded to secondary contact recreation use.

The lower reach in Buchanan County extends for 8 miles and even though the water depth was less than 30 inches at the time of assessment in October 2006, the observed rope swing and foot path at their assessment site 75a just upstream from the confluence with the Wapsipinicon River demonstrates that swimming is an attainable use for at least portions of the recreational season. The site had a nearby rural residence and a hunting cabin nearby, but DNR concluded that the water was too shallow to support swimming uses. The UAA assessment conducted in October 2006 found ave. depths of 18" upstream/12" downstream and Max depths of 28" upstream/30" downstream at this site. In our conversation with Dan Cohen with Buchanan County Conservation Board, he told us that people do canoe the Little Wapsipinicon River below Fairbanks. **[This organization] is recommending that A1 primary contact recreation be retained for the Little Wapsipinicon River from County Road C57 to the mouth.**

The upper reach in Fayette and Bremer Cos extends for 20 miles from the north edge of the City of Fairbank in Fayette County to the south edge of the City of Sumner in Bremer Co. This segment passes through the McClain RR ROW downstream of the 50th St. bridge at assessment site 75-d. This segment also passes 1 mile west of the Downing Park in Fayette Co. The DNR UAA assessment in October 2006 found a max depth of 35" at site 75-f just south of Sumner. A footpath to the river was observed at site 75-g in Sumner and a local resident stated that kids fish near site after school. **Due to the proximity to the town of Sumner, known use of the river by school children for fishing (probably swimming too in the summer, don't you think?), and the deep pool at assessment site 75-f, [this organization] is recommending A3 primary contact recreation for the portion of the Little Wapsipinicon from assessment site 75-f north to the town of Sumner at site 75-g.**

Seventh public comment:

"Grimes Hollow (Clayton County) My grandfather used to farm the land surrounding Bloody Run in this area. I know historically that people have used the creek for crawdads, minnow seining, and general "creek stomping" types of activities. I do not know if those uses currently exist because the stream does get dry during the summer, but in the spring and fall, it certainly does have some water running through it. I wonder if it doesn't have some springs that feed it. It's a distance from here, so I do not have any personal use of this stream.

Brush Creek, Fayette County: This is my turkey hunting grounds. I have access to all the farmland surrounding Brush Creek Preserve and April 12-15, 2-1- I was

personally "in" this stream wading around trying to get the drop on some turkeys. Below Arlington the land flattens out and I have canoed this stretch in times of high water. It is not particularly accessible, but below Arlington is a better place to run paddle craft. I think the last time I did this stretch was 2008 (high water made it easy to do). You do have to get out and maneuver the boat around. Good splashing! I know the farm kids use this creek too.

Little Turkey, Clayton County: This is a great paddle craft stream. I've taken people up there. It's a good stretch all the way from Waucoma down to the Mississippi. Again, water levels have to be up, but it is very scenic and a good time.

Little Wapsi: I do not know about the lower stretch below the Fairbank dam. I do know there are a TON of people who have cabins down that way and use it all the time for fishing/boating. You can get a john boat in that stretch. I think the rope swing speaks for itself. The Wapsi is heavily used in the summer whenever and wherever people can get into it. There would seem to me to be plenty of evidence of use.

My buddy lives and farms a farm on the border of the McClain recreational area. I checked with him and Sumner kids (including his own) like the creek to fish and stomp around. I do not have any personal knowledge of this segment. If his kids are in it @ McClain, I would imagine the town kids are in it as well.

North Branch Volga River: This is my favorite river. This particular stretch is pretty small, rocky, has many snags, and I have never taken it. I don't know if the Hawkeye kids use this or not.

Otter Creek/Oelwein area: The Oelwein Clean up June 26th, 2010 is below the upper segment. It's pretty isolated and surrounded by farm land. I doubt there is much in the way of recreation there. We are floating it from the Oelwein Cemetery down to the impoundment. It's also very shallow, no kids really around."

DNR Response:

The majority of this stream was proposed to be designated Class A2 Secondary Contact recreational uses with a Class A1 Primary Contact recreational uses segment in the middle portion of the stream. This was based on the results of the field assessment:

Fieldwork for preparation of this UA/UAA was conducted on the Little Wapsipinicon River on October 27, 2006. The Little Wapsipinicon River, located in Bremer, Fayette, and Buchanan counties, is noted as a perennial stream along its entire length according to the 1:100,000 USGS DLG Data Set. The assessed segment of the Little Wapsipinicon River was from its mouth to the Division Street Bridge (S25/26, T93N, R11W, Bremer County). The City of Sumner discharges treated wastewater directly into the river near site 75-g. The discharges from the community of Fairbank and Hawkeye Renewables wastewater treatment facilities indirectly enter the Little Wapsipinicon River via separate unnamed creeks. At its mouth, the Little Wapsipinicon River has a drainage area of 209.90 square miles while at the upper extent of the assessment (site 76-g) the drainage area is approximately 42.69 square miles.

Based on aerial photography, nearly all of the properties along the Little Wapsipinicon River appear to be in private ownership with several publicly owned areas located in close proximity. Within the City of Fairbanks, a large and well developed city park is located on both banks and within an island in the river. Numerous pathways, mowed grass and picnic tables can be found along the banks areas with public fishing access above and below a manmade low head the dam. A narrow Fayette County recreational area (McClain Railroad Right of Way and probably used as a wildlife management/hunting area) occurs on both downstream banks at site 75-d.

The river's widths range from 27 to 159 feet and average depths ranging from 6 to greater than 48 inches with a maximum depth of greater than 48 inches. The maximum depth of greater than 48 inches was found in the long pooled area at the Main Street Bridge in the City of Fairbank, site (75-c). This pooled area extends from the low head dam at the city park downstream for approximately 1 mile to a railroad tussle bridge.

Moderately deep incised stream banks with steep to near vertical side slopes and bank heights up to approximately 20 feet are common features of the assessed segment. The banks are covered in a mixture of trees, shrubs, herbaceous material, grasses, and bare sandy soil resulting in a moderately open stream canopy.

For it's nearly its entire length, the river flows primarily through rural agricultural land with only a limited portion within or in close proximity of any developed area. For approximately 1.5 miles, the river flows within in the City of Fairbank which includes a city park located in the central portion of the city.

Limited recreational activity appears to occur at the several of the road crossing, with limited activities along the private property where the potential recreational uses diminish with the lack of flow and depth, and the river's overall rural location. Aerial photography indicates 55 rural and 20 urban residences in close proximity to the river where the occupants would have the potential for accessing the river. Fifteen secondary roads and two state highways (State Highways 3 and 281) cross the river within the assessed reach

Solicitation of public input on local recreational activities in the Little Wapsipinicon River noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

3) A citizen noted that kids fish the river near site 75-g after school.

4) Phone Interview – An interview with a staff member from the Fayette County Conservation Board indicated that swimming, children's play, and kayaking/canoeing have not been observed in the McClain Railroad Right of Way. Fishing has been observed in the west portion of the public land.

The deeper water noted in the river segment flowing through the City of Fairbank at site 75-c (>48 inches) and the impounded area from the low head dam in the City park area are suspected to support or capable of supporting some forms of primary contact recreation. While it may not be a prudent practice to encourage primary contact recreation in proximity to the low head dam, primary contact recreation may occur in the river due to the opportunity of deeper water and close proximity to residential homes.

At site 75-b an average depth of 20 inches was found at the upstream recreation site with a maximum depth of 40 inches. These depths would be capable of supporting some forms of primary contact recreation.

No other sample sites noted average depths greater than 20 inches. At the noted rope swing site (75-a), the maximum depth was only 28 inches with an average depth of 18 inches. In the river reach upstream of the City of Fairbank park, shifting sand was the predominate stream bed feature with maximum depths occurring in sand waves and temporary scour areas. A maximum depth of 35 inches was noted at 75-f with this depth is an isolated scour area. These depths do not support the types recreational activities associated with primary contact recreation. However, they do potentially support secondary uses such as hunting, fishing and trapping.

In the non-urban reaches, frequent children's recreation is not expected due the stream being located in a rural agricultural area and presence of steeper, difficult to traverse banks. Therefore, children's recreation use is not recommended.

Lower Reach: From the mouth (S9, T89N, R10W, Buchanan Co.) to the confluence with an unnamed creek (upper extent of the low head dam impoundment near the City of Fairbank) (SE1/4, S32, T91N, R10W, Fayette Co.)

The shallow water along the lower portion of the assessed river length did not meet the average or maximum depths associated with a Class A1 Primary Contact Recreational Use designation. No locations were found to have depths greater than 30 inches. The shallow waters conditions appear to impede the reasonable attainment of primary contact recreation along the lower assessed reach. Primary Contact recreational uses are not considered attainable for this lower length of the Little Wapsipinicon River due to the lack of flow (as per 40 CFR 131.10(g) (2))

throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

The depth criteria guidelines used by the department to help determine if Primary Contact Recreational use (Class A1) is attainable typically will exclude streams that are not able to support a Class A1 use due to the overall lack of flow needed to support activities that result in direct and prolonged contact with the water, involving considerable risk of ingesting appreciable quantities of water sufficient to pose a health hazard. While these guidelines are effective in most situations, there are cases where a stream demonstrates that it can support the Class A1 use despite the lack of flow that typically distinguishes a stream that can support Primary Contact Recreational uses.

At the County Road 57 bridge crossing an average depth of 20 inches was measure on the upstream side of the recreational assessment along with a maximum depth of 40 inches. These depths would be considered capable of supporting some forms of primary contact recreation

While no evidence was found of instream recreational use in the deeper water pooled areas upstream or downstream of the low head dam (N1/2, S5, T90N, R10W, Buchanan Co.), the observed depth was estimated to be near or greater than 48 inches during seasonal conditions. Based on aerial photography, the close proximity to the numerous residences within the City of Fairbank and the measured depths indicates the pool area is adequate for the potential for primary contact recreation. Primary Contact recreational uses are considered attainable for the deeper water areas because it displayed a maximum depth of approximately 48 inches or greater.

The department recommends the Class A1 Primary Contact Recreational Use apply to the Little Wapsipinicon River from the County Road 57 bridge crossing (North line of S17, T90N, R10W, Buchanan Co.) to the confluence with an unnamed creek (upper extent of the low head dam impoundment near the City of Fairbank) (SE¼, S32, T91N, R10W, Fayette Co.). This is consistent with the established recreational protocol document.

Class (A1) Primary Contact Recreational Use

“Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.”

Recommended Recreational Use Designation:

Primary Use ☒ - see description above

Secondary Use ☐

Children's Recreation ☐

No Recreational Use ☐

Upper Reach. The confluence with an unnamed creek (upper extent of the low head dam impoundment near the City of Fairbank) (SE¼, S32, T91N, R10W, Fayette Co.) to the Division Street bridge (S25/26, T93N, R11W, Bremer Co.).

The shallow water along the upper portion of the assessed river length was not capable of supporting normal primary recreational uses. No locations were found to have depths greater than 35 inches with average depths ranging from 6 to 14 inches. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the upper assessed reach. Primary Contact recreational uses are not considered attainable for this upper length of the Little Wapsipinicon River due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

While the upper reach of the Little Wapsipinicon River is too shallow to support primary contact recreational uses, it does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for the Little Wapsipinicon River from the upper extent of the low head dam impoundment near the City of Fairbank (S1/2, S32, T91N, R10W, Fayette Co.) to the Division Street bridge (S25/26, T93N, R11W, Bremer Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use ☐

Secondary Use ☒ - See description above

Children's Recreation ☐

No Recreational Use ☐

3) Upper Reach. The confluence with an unnamed creek (upper extent of the low head dam impoundment near the City of Fairbank) (SE¼, S32, T91N, R10W, Fayette Co.) to the Division Street bridge (S25/26, T93N, R11W, Bremer Co.).

The shallow water along the upper portion of the assessed river length was not capable of supporting normal primary recreational uses. No locations were found to have depths greater than 35 inches with average depths ranging from 6 to 14 inches. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the upper assessed reach. Primary Contact recreational uses are not considered attainable for this upper length of the Little Wapsipinicon River due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

While the upper reach of the Little Wapsipinicon River is too shallow to support primary contact recreational uses, it does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for the Little Wapsipinicon River from the upper extent of the low head dam impoundment near the City of Fairbank (S1/2, S32, T91N, R10W, Fayette Co.) to the Division Street bridge (S25/26, T93N, R11W, Bremer Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

<u>Recommended Recreational Use Designation:</u>

Primary Use ☐

Secondary Use ☒ - See description above

Children's Recreation ☐

No Recreational Use ☐

A photo of this stream is shown below:

Upstream recreation site looking upstream

Based on the results of the public comments, it appears that Primary Contact recreational uses are occurring more frequently than observed during the assessment.

The DNR will propose to classify Little Wapsipinicon as Class A1 Primary Contact recreational uses from the mouth (S9, T89N, R10W, Buchanan Co.) to its confluence with Buck Creek (S32, T90N, R10W, Buchanan Co.) AND from the confluence with Buck Creek (S32, T90N, R10W, Buchanan Co.) to the confluence with an unnamed creek (upper extent of the low head dam impoundment near the City of Fairbank)(SE ¼, S32, T91N, R10W, Fayette Co.).

Regarding the comment related to the upper reach of the Little Wapsipinicon in Fayette and Bremer Counties and the recommendation this segment be designated Class A3 Children's recreational uses, the department doesn't feel a change to this section is appropriate.

The following depths were noted in the stream assessments in this upper stretch:

At 75-g, depths were shown to be the following:

Upstream
Run: Width (ft): 36 Length (ft): 141 Depth (In) 8 Max Depth (In): 12
Downstream
Run: Width (ft): 36 Length (ft): 156 Depth (In) 6 Max Depth (In): 10

At 75-f, depths were shown to be the following:

Upstream
Run: Width (ft): 36 Length (ft): 141 Depth (In) 14 Max Depth (In): 25
Downstream
Run: Width (ft): 36 Length (ft): 156 Depth (In) 8 Max Depth (In): 14
A depth of 35 inches was noted in this stretch in a scour hole.

At 75-e, depths were shown to be the following:

Upstream
Run: Width (ft): 36 Length (ft): 141 Depth (In) 10 Max Depth (In): 15
Downstream
Run: Width (ft): 36 Length (ft): 156 Depth (In) 10 Max Depth (In): 17
A maximum depth of 35 inches was noted in this stretch.

Upstream
Run: Width (ft): 36 Length (ft): 141 Depth (In) 10 Max Depth (In): 18
Downstream
Run: Width (ft): 36 Length (ft): 156 Depth (In) 9 Max Depth (In): 11
A depth of 20 inches was noted in this stretch.

A photo from Site 75-G is shown on the next page:

Bridge view looking upstream

The depths in the upper segment of this stream clearly do not support classification as Primary Contact recreational uses. There were no maximum depths greater than 35 inches and average depths ranged from 6 to 14 inches. In addition, this area has moderately deep, incised banks with steep to near vertical side slopes in places with bank heights up to approximately 20 feet. Banks were covered in a mix of trees, shrubs, and herbaceous material making access more difficult. There is limited recreational activity noted at several road crossings with limited activities on private property where potential recreational uses are diminished due to lack of flow and depth. A Fayette County staff member indicated primary and children's play have <u>not</u> been observed. While a comment did note children's play at 75-g, frequent children's recreational uses are not expected owing to the rural agricultural location, shallow depths, and presence of steeper slopes making it difficult to traverse. A key definition from this Chapter includes the following:

Waters designated as Children's recreational use (Class A3) are

> "Waters in which recreational uses by children are common. Class A3 waters are water bodies having definite banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in urban or residential areas." [567-61.3(1)b(3)]

With these factors, frequent children's play uses are just not expected.

55. Little Whitebreast Creek (Lucas Co.)

One public comment was received referencing "White Breast Creek". However, White Breast Creek is not in this rule making. It is believed the commenter meant to indicate "Little Whitebreast Creek", which is in this third batch. Please refer to that listing earlier in this document.

"Stream Designations

White Breast Creek – Lucas County Between U.S. 34 and bridge crossing 510th.

1. Does anyone swim in your local stream? No
2. Do children commonly play in your stream? No
3. Do people fish in your stream? No
4. How often do you observe or not observe these activities? Never
5. Does your stream have a base flow of water in it between March 15 and November 15? About 6-10 inches of water.

This is not a recreational stream. Support for aquatic life is quite limited. Flow volume and depth is extremely variable."

DNR Response:

This stream is designated Class A2 Secondary Contact recreational uses based on the results of the field assessment.

Field work for preparation of this UA/UAA was conducted on October 24th of 2006. Little White Breast Creek receives effluent from the Chariton wastewater treatment plant. Little White Breast Creek, located in Lucas County, is listed as a perennial stream from the mouth to the Ellis Lake (S27, T72N, R21W, Lucas Co.) according to the 1:100,000 USGS DLG Data Set. The stream has an overall drainage area of 54.58 square miles.

The stream passes through rural agricultural areas with land uses associated with row crop agriculture and livestock pasture decreasing the possibility of recreation. Most of the stream being assessed contained heavy riparian cover and steep banks which would make access relatively difficult. Steep banks, fences, heavy riparian cover, and rural locations may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

During the October 24th site assessments, no evidence of recreational uses was found.

1) Comments via written or Website public response opportunities – no responses

2) Postcards - A postcard was returned from site 472-4. The postcard indicated not recreational uses are associated with the creek.

3) Interview – An interview was conducted with the WWTP operator at site 472-3. They indicated that they have seined for minnows occasionally in the creek.

Upstream and downstream assessments are conducted at each of the 4 bridge crossings which yield 8 sampling points. One downstream sample location (472-3A) contained an average depth 19 inches which is considered adequate for primary recreation based on the minimum guidelines used by the department to determine the attainability of primary contact recreational use. The area with the average depth of 19 inches was less than 50% of the assessed reach and did not meet the guidelines used by the department to determine attainability of primary contact recreation. A beaver dam was present at this location that temporarily elevated the stream. This small area is considered temporary in nature and is not expected to attract activities associated with primary contact recreation designation. Primary Contact recreational uses are not considered attainable for Little White Breast Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Little White Breast Creek's overall rural and remote location, lack of accessibility, riparian cover, and steep banks appeared to deter any children's recreation therefore Children's Recreation is not recommended for the assessed reach.

While the creek is too shallow to support primary contact recreational uses, it has the potential to attract secondary contact recreation such as minnow seining at the assessed locations.

Based on analysis of the data from the assessed sites, the department recommends that the Secondary Recreational use designation for Little White Breast Creek apply from the mouth (S11, T73N, R22W, Lucas Co.) to Ellis Lake (S27, T72N, R21W, Lucas Co.). This recommendation is consistent with types of uses observed in these areas and the ability for the stream and surrounding areas to support such uses.

<u>Recommended Recreational Use Designation:</u>

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this stream is shown below:

472-2A View from bridge looking downstream

The department understands these concerns but maintains its proposed designation for this stream as per Recreational Use protocols and per rule. The stream was assessed and based on that assessment met the protocol for classification as Class A2 Secondary Contact recreational uses. Primary contact was deemed unlikely to occur based on the results of the assessment and stream data, but the potential for secondary contact could still occur, hence the need for the Secondary Contact recreational use classification.

56. Long Creek (Des Moines Co.)

One public comment was received from EPA:

> "Legal descriptions in the Surface Water Classification document must be accurate for streams and/or lakes.
>
> Segment legal descriptions provide the general public, IDNR permitting staff, and EPA with the appropriate specific locations for all designated uses. EPA has identified several inaccurate legal descriptions while reviewing the UAAs and the recommended changes to stream use designations. A proper legal description is needed for the EPA to discern what information supports a recommendation to assign a designated use. In instances where the stream segments' original legal

descriptions were revised and divided into several smaller segments, removing the Class A1 use designation for each new segment must be supported in the UAA.

For example, IDNR divided Long Creek in Des Moines County into multiple segments. The original legal description for Long Creek included Mathis Lake. The revised SWC document now excludes Mathis Lake from the legal description and only identifies the upstream and downstream portions of the stream."

DNR Response:

Please see the response to EPA Comment #7.

57. Mason Creek (Scott Co.)

One public comment was received:

"I am particularly concerned about the potential downgrading of Mason, Blackhawk and Ames Creeks in Scott County. We have 2 children personally, but we worry about the ability of all children to be able to safely use these creeks for recreational purposes. This is not the time to downgrade standards.

Please do the right thing. Protect these Creeks in Scott County now so that many can continue to safely enjoy them in the future."

DNR Response:

This stream has been proposed to be classified Class A2 Secondary Contact recreational uses.

This comment is a general comment that does not provide specific information about location and uses. As it stated in the published Notice of Intended Action (NOIA):

"If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

While we feel this was clear, the department still tried to contact this responder on June 7, 2010, and followed up with an email in an attempt to obtain more specific information on location and what recreational uses might be occurring. However, our call was not returned. Without additional information, the department has to rely on its scientific assessment.

58. Middle Raccoon River (Dallas/Guthrie Cos.)

Three survey comments were received via our on-line survey.

First on-line survey comment regarding Panora and access at Lennon Mills Park:

1. Swimming? No.
2. Children playing in or near the stream? No.
3. Canoeing, kayaking, or tubing? No.
4. Fishing, seining, or trapping for minnows? Yes. Wade fishing for smallmouth bass and walleyes, at least 8 times a year

Second on-line survey comment and access from Panora to Redfield:

1. Swimming? No.
2. Children playing in or near the stream? No.
3. Canoeing, kayaking, or tubing? Yes. Spring, summer, fall, frequently in summer, entire area of river.
4. Fishing, seining, or trapping for minnows? Yes. Same as [#3], fishing only.

Third on-line survey comment regarding both South and Middle Raccoon Rivers and access near Adel at Earlham Access, Pleasant Valley:

1. Swimming? Yes.
2. Children playing in or near the stream? Yes.
3. Canoeing, kayaking, or tubing? Yes.
4. Fishing, seining, or trapping for minnows? Yes.

DNR Response:

This portion of the river has already been designated as Class A1 Primary Contact Recreational uses and B(WW-1).

59. Mill Creek (Cedar/Jones Cos.)

One public comment was received from a local organization:

> "DNR is recommending downgrading of recreational use protections from A1 primary contact recreation to A2 secondary contact recreation for a 9.5 mile-long segment of Mill Creek from the mouth at the Wapsipinicon River in Jones County south to the confluence with an unnamed creek NW of the town of Clarence in Cedar County. The DNR assessed 4 locations along the creek in September of 2007 and found average depths of 2 to 16 inches and a maximum depth of 28 inches at these locations. The DNR saw no evidence of recreational uses at these locations. DNR also noted that there are no public use areas or formal accesses on the creek. A postcard distributed during the assessments to residences along the creek was returned by a resident living near site 814-2 around 2 miles south of the Jones/Cedar County line. The resident reported that in the early 1990's their children would play and swim in the creek and would use the creek to canoe 4 miles to the Wapsipinicon River. **[This organization] recommends the lower segment of Mill Creek from assessment site 814-2 to the mouth retain the A1 primary contact recreational use designation because of information from a local resident documenting that primary contact recreational uses are attainable for this portion of Mill Creek.**"

DNR Response:

This stream has been classified as Class A2 Secondary Contact recreational uses based on results of the stream assessment:

Mill Creek is listed as a perennial stream in the assessed reach according to the USGS 1:100,000 DLG Data Set. The creek receives controlled discharges of effluent from the City of Clarence and appeared perennial at the time of assessment. The creek has an overall drainage area of 34.27 square miles.

This water body was shallow with average depths ranging from 2 to 16 inches and relatively narrow with widths ranging from 5 to 51 feet. The creek travels through rural areas which decrease the possibility of access. Steep banks, heavy riparian cover, fences, and rural locations may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

During the September 20, 2007 recreational assessment, no sign of stream side or instream uses were noted at the assessed locations.

Solicitation of public input on local recreational activities in Mill Creek noted the following responses:

1) Comments via written or Website public response opportunities – no responses

2) Postcards – A postcard was returned by a resident at site 814-2. They indicated that in the early 1990's they're children would play and swim in the stream; would use the stream to canoe 4 miles to the Wapsipinicon River, and had participated in or observed fishing and seining minnows.

No areas demonstrated adequate depths for primary contact recreation based on guidelines used by the department to determine the attainability of primary contact recreation. Primary Contact recreational uses are not considered attainable for Mill Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Public comment has indicated that canoeing has occurred in Mill Creek from site 814-2 to the mouth. It is suspected this activity occurred during periods of elevated flow conditions, as the depths found in the reach were not considered adequate for primary contact recreation based on guidelines used by the department to determine the attainability of primary contact recreation. Public comment also indicates that children have swum in the creek. It is also suspected this activity occurred during periods of elevated flows as well. Recreational assessments determine the attainability of recreational uses at the streams summer base flow conditions. The stream is not considered to be able to support paddling at summer base flow conditions.

Mill Creek's overall rural location; lack of evidence, lack of accessibility, riparian cover, and steep banks appeared to deter elevated levels of children's recreation. Mill Creek does not have the highly residential areas typically associated with frequent children's recreation. Although children's recreation has occurred, it is difficult to determine if this activity is frequent enough to warrant a Class A3 children's recreation designation at this time. Therefore, children's recreation use is not recommended.

While the creek is too shallow to support primary contact recreational uses, it has the potential to attract secondary contact recreation such as minnow trapping.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact recreational use apply for Mill Creek from the mouth (S28, T83N, R1W, Jones Co.) to the confluence with Unnamed Creek (NE ¼, SE ¼, S21, T82N, R02W, Cedar Co.). The department considers class A2 to be the highest attainable recreational use for this segment.

Recommended Recreational Use Designation:

Primary Use ☐

Secondary Use ☒

Children's Recreation ☐

No Recreational Use ☐

It should be noted that the department continually updates water quality standards for Iowa. This can include follow-up studies regarding Use Attainability Analyses to incorporate the latest and any new information to ensure the uses of Iowa's waters are reflected appropriately in the Water Quality Standards.

A photo of this stream is shown below:

814-2 Bridge looking upstream #2

The department maintains its recommendation for designation as Class A2 Secondary Contact recreational uses. There were no formal public access areas and no access at approximately eight crossings. There were no known public lands in the assessed reach. No people were observed. The stream was in a remote, rural area with row crop agriculture, livestock pasture, and forest. The stream had some steep portions with heavy riparian cover. There is also a small nearly population owing to its rural location.

Average depths were noted to be 2 to 16 inches with a maximum depth of 28 inches. While a public comment was received indicating they had observed children playing and swimming as well as fishing and seining for minnows in the early 1990s, the department feels these uses are not consistently common and canoeing likely occurred during a wetter than average period. Depths as observed during standard base flow conditions as required to be used by rule would appear to indicate that primary contact recreational uses are not likely to be possible based on the depths that would be present. As stated in rule:

> Waters designated as Children's recreational use (Class A3) are
>
> > "Waters in which recreational uses by children are common. Class A3 waters are water bodies having definite banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in urban or residential areas." [567-61.3(1)b(3)]

60. Mill Race (Iowa Co.)

Two public comments were received.

First comment:

> "This would be on the Southeast 2010 UAA map (round 3). Google coordinates, as best as I can figure are at the start 41d 47' 51.50" N and 91d 59' 05.44"W to 41.47'44.75"N and 91d 51' 40.66"W The millrace from where it branches off the Iowa river near South Amana until it reconnects with the Iowa river below the Woolen Mill in Amana, sees a great deal of activity year round. During the trapping season, many trappers set traps for otter, beaver, muskrat, raccoons, and mink along it's banks. Springtime finds cattle roaming the banks, and many people are seen fishing near the Hwy 220 bridge between South and West Amana. As it flows towards Middle Amana, fishing is a weekly pastime throughout the year as long as the water is open and not frozen. I have personally seen people canoeing or "tubing" down the millrace, as well as swimming. In some areas the water is low enough for children to wade in the water. The millrace is on the National Historic Registry, and if all the above activities don't warrant saving it, then perhaps it's national status will."

Second comment, although it is unclear which segment this refers to:

"Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.

In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.

Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

DNR Response:

Mill Race was initially classified A2 Secondary Contact Recreational uses based on results of the field assessment.

The stream is listed as a perennial stream from the mouth of the designated portion (S26, T81N, R09W, Iowa Co.) to (S27, T81N, R10W, Iowa Co.) according to the USGS 1:100,000 DLG Data Set. However; for the purpose of this assessment, the original designation of "A2" will continue from the mouth at Price Creek to its headwaters at the confluence with the Iowa River. The stream has an overall drainage area of 2867.94 square miles.

There were no pooled or run areas observed that demonstrated a depth adequate for primary contact to occur. Therefore Primary contact recreational uses are not considered attainable for Mill Race due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

The stream does not pass directly through any urban areas which would increase the possibility for children's recreational uses to occur. From the mouth of this stream to its confluence with the Iowa River, the potential for children's recreation to occur due to the proximity to urban housing is low; however, because of the nature trails and the new housing developments, there is the potential for secondary use recreation to occur from the mouth of the stream to its confluence with Price Creek. Of the three sites assessed on Mill Race, all of them were accessible from the bridge locations. One of the three sites did have a privacy fence running

along the stream banks and is located on private property which would make accessing the stream more difficult for any type of recreational uses.

While the stream is too shallow to support primary contact recreational uses, it could be used for other forms of recreation such as secondary use recreation due to the proximity of housing developments and nature/bike trails. At the time of the assessments, there was not an overwhelming amount of evidence which would suggest people have been recreating on the stream; however, it did possess a potential for recreation because of the location of the stream with proximity to urban housing and biking/walking trails.

Based on the analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Recreational Use designation apply from the mouth at Price Creek (S26, T81N, R09W Iowa Co), to the confluence with the Iowa River (S27, T81N, R10W Iowa Co.). This recommendation is consistent with the types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class (A2) Secondary Contact Recreational Use:

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreation use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use ☐

Secondary Use ☒

Children's Recreation ☐

Neither Primary, Secondary, nor Children's Use ☐

A photo of this creek is shown below:

641-b Recreational assessment – bridge view looking Upstream

There was one public comment indicating paddling and Primary Contact Recreation activities do occur at a noted frequency: “I have personally seen people canoeing or “tubing” down the millrace, as well as swimming. In some areas the water is low enough for children to wade in the water.”

The department proposes to change the classification of the Mill Race from Class A2 Secondary Contact recreational uses to Class A1 Primary Contact recreational uses from the mouth at Price Creek (S26, T81N, R9W, Iowa Co.) to the confluence with the Iowa River (S26, T81N, R10W, Iowa Co.).

These streams are actually being upgraded for protection. Please see the report sections entitled, “Issue: Attainability” as well as “Issue: Class A2 criteria is not protective of public health” for additional information regarding the stream designations.

61. Mineral Creek (Jackson/Jones Cos.)

Two public comments were received.

One public comment was from a local resident:

> "My parents and in-laws own property in several areas along Mineral Creek, to the west and east of Center Junction, between 820-4 and 820-2 on the map.
>
> 1. Several types of recreational activities take place here each spring, summer, and fall. We have nieces and nephews who like to play in and around the creek while helping in the fields and exploring the property. They like to dig in the banks and creek, looking for 'treasures' as well as helping adults to remove trees that have fallen into the creek. The kids have also tried fishing on several occasions. We cross the creek in several locations while hunting in the fall. Our dogs also swim in the creek while out hunting.
> 2. These activities take place on private property.
> 3. The frequency of the activities varies, depending on the weather, water levels in the creek, and what work is being done on the farm at that time. At some times, the kids could be near the water almost daily. I would say at least several times a month, especially in the spring and fall, someone is in or near Mineral creek, especially the section to the west of Center Junction."

The second public comment:

> "It is very important to note that there is also a stream relatively close to my home that I paddle several times each year. Mineral Creek is a tributary of the Maquoketa River near the Jackson/Jones county line. I like to see how far upstream I can paddle it when the water levels permit. I also sometimes lead fellow paddlers up this creek."

DNR Response:

This stream was originally proposed to be Class A2 Secondary Contact recreational uses based on findings of the UA/UAA field assessment.

Field work for preparation of this UA/UAA was conducted on Mineral Creek on September24, 2007. Mineral Creek is indirectly receiving effluent from the Edinburgh manor wastewater treatment plant via Unnamed Creek. Mineral Creek located in Jones and Jackson Counties, is listed as a perennial stream according to the USGS 1:100,000 DLG Data Set. The drainage area for Mineral Creek is 48.83 square miles.

No people were observed recreating during the time of the assessment, and no evidence of recreational uses were found.

The creek passes through rural areas consisting of agricultural ground and timber ground, decreasing the possibility of access. Also, it should be noted that there were portions of the stream being assessed had steep slopes which would make it relatively difficult to access the stream. Steep banks, fences and rural locations may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

Upstream and downstream assessments were conducted at four sites resulting in eight separate sampling points. During the assessment, the average depth of the creek ranged between 3 and 17 inches. Primary Contact recreational uses are not considered attainable for Mineral Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Mineral Creek's overall rural location, lack of accessibility, riparian cover, and steep banks appeared to deter frequent children's recreation therefore Children's recreation is not recommended for the assessed reach.

Solicitation of public input on local recreational activities in Mineral Creek noted the following responses;

1) Distributed Post cards – no responses.

2) Comments via written or Website public response opportunities – no responses.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact use designation applies from the mouth of Mineral Creek (S32, T85N, R1E, Jackson County) to the confluence with Unnamed Creek (S36, T85N, R3W, Jones County). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2 : Secondary Contact Recreational Use

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the water body while on a boating activity."

<u>Recommended Recreational Use Designation:</u>

Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown below:

820-3 Downstream Recreational Site Looking Upstream

Public comment indicates that children's play and possible Primary Contact recreational uses occur at noted frequency. One commenter indicates, "We have nieces and nephews who like to play in and around the creek" and "At some times, the kids could be near the water almost daily." A paddler also states, "I like to see how far upstream I can paddle it when the water levels permit. I also sometimes lead fellow paddlers up this creek." While this last comment does not exactly specify the type of paddling, whether that be canoeing or kayaking, it does allude to the fact the stream is receiving noted use in a variety of forms.

The department proposes to change the classification from Class A2 Secondary Contact recreational uses to Class A3 Children's recreational uses from the bridge crossing at 60th Street (East line of S30, T85N, R1W, Jones Co.) to the confluence with Unnamed Creek (S36, T85N, R3W, Jones Co.). Class A3 Children's recreational uses has the same criteria as Class A1 Primary Contact recreational uses so it will also protect for those uses.

62. Mississippi River (numerous counties)

One comment was received:

> "Streams and tributaries and all rivers in Iowa, particularly Southeast Iowa, Upper Iowa River, Missouri and Mississippi Rivers, Des Moines River.
>
> The way we maintain water affects our own lives, those [of] our neighbors downstream, and future generations as well. IT is all we have. Please do everything possible to maintain pure water in Iowa."

DNR Response:

This primary river has been designated Class A1 Primary Contact recreational uses for its entire length in this state for many years.

63. Missouri River (numerous counties)

One comment was received:

> "Streams and tributaries and all rivers in Iowa, particularly Southeast Iowa, Upper Iowa River, Missouri and Mississippi Rivers, Des Moines River.
>
> The way we maintain water affects our own lives, those [of] our neighbors downstream, and future generations as well. IT is all we have. Please do everything possible to maintain pure water in Iowa."

DNR Response:

This primary river has been designated Class A1 Primary Contact recreational uses for its entire length in this state for many years.

64. Morgan Creek (Benton/Linn Cos.)

One comment was received, although it is unclear which specific stream segment this particular comment applies to:

> "Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.

In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.

Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

DNR Response:

There are different classifications proposed based on location. This stream has been proposed to be classified Class A2 Secondary Contact recreational uses for much of its stretch, but Class A3 Children's recreational uses near Cedar Rapids.

It is difficult to respond to this comment without more information. As it stated in the published Notice of Intended Action (NOIA):

"If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

65. Muchikinock Creek (Polk Co.)

One public comment was received:

"Camp Creek, Drainage Ditch #11, Frink Creek, Indian Creek, Muchikinock Creek, Rock Creek, Walnut Creek and Yeader Creek are all in Polk County, so changes to these could have an impact to a large number of residents. However, any downgrades to protection of our water [is] not acceptable. Let's increase our protections, not decrease them."

DNR Response:

This designation for this stream varies by location based on the field assessment:

Muchikinock Creek is listed as a perennial stream from the mouth the confluence of Unnamed Creek according to the USGS 1:100,000 DLG Data Set. The creek has an overall drainage area of 12.32 square miles.

The stream travels through rural/agricultural areas as well as through a residential area. Portions of the stream were noted to have steep banks and fences and some areas had heavily vegetated banks. All of these factors may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

Based on analysis of the data 3 segments of Muchiikinock Creek will be discussed

1) Mouth to 62nd Avenue

During the July 6, 2007 site assessment evidence of recreational use was found. The evidence consisted of graffiti under the bridge, toys, and a pair of shoes found under the bridge. Graffiti was found however does not indicate a water recreational use. The area around the stream was also mowed up to the stream channel.

Solicitation of public input on local recreational activities in Muchikinock Creek noted the following responses;

1) Comments via written or Website public response opportunities – no responses

2) Interviews – none

3) Postcards – none

An upstream and downstream assessment was conducted at 1 bridge crossing and was visually assessed at another which yielded 2 sampling points. No areas contained depths considered adequate for primary contact recreation based on the minimum guidelines used by the department to determine the attainability of primary contact recreational use. Primary Contact recreational uses are not considered attainable for this segment of Muchikinock Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

While this portion of the steam is too shallow to support primary contact recreational uses, it is being used for other forms of instream and streamside recreation as evidence of these uses was observed. Due to the close proximity of many residences to the stream it is likely that this segment of the stream is frequented by children. Toys, a pair of child/young adult's shoes and graffiti were all found within this segment of the stream channel. Although there were no children observed recreating in the stream at the time of the assessment it is likely that the

stream is used by children at a frequency that would warrant a children's recreational use designation.

Based on analysis of the data from the assessed sites, the department recommends a Class A3 Children's Recreational Use designation apply to Muchikinock Creek from the mouth (NW ¼, SE ¼, S8, T79N, R23W, Polk Co.) to 62nd Ave (North Line S9, T79N, R23W, Polk Co.). This recommendation is consistent with the types of uses observed in the area and the ability for the stream and surrounding area to support such uses.

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☐	
Children's Recreation	☒	- See description above
No Recreational Use	☐	

2) 62nd Avenue to the pool at 70th Avenue

During the July 6, 2007 site assessment no evidence of recreational use was found. Graffiti was found under the bridge at site 278-2 however this does not indicate a water recreational use.

Solicitation of public input on local recreational activities in Muchikinock Creek noted the following responses;

1) Comments via written or Website public response opportunities – no responses

2) Interviews – none

3) Postcards – none

An upstream and downstream assessment was conducted at 1 bridge crossing and was visually assessed at another which yielded 1 sampling point. No areas contained depths considered adequate for primary contact recreation based on the minimum guidelines used by the department to determine the attainability of primary contact recreational use. Primary Contact recreational uses are not considered attainable for this segment of Muchikinock Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

While this portion of the stream is too shallow to support primary contact recreational uses, it has the potential for being used for other forms of recreation such as trapping and seining for minnows. Due to the rural location of this portion of the stream, the frequency of use by children would not be adequate to warrant a children's recreational use designation.

Based on analysis of the data from the assessed sites, the department recommends a Class A2 Secondary Contact Recreational Use designation apply to Muchikinock Creek from the road crossing at 62nd Avenue (North Line S9, T79N, R23W, Polk County) to the road crossing at 70th Avenue (North line, S4, T79N, R23W, Polk Co.). This recommendation is consistent with the types of uses observed in the area and the ability for the stream and surrounding area to support such uses.

Class A2 Secondary Contact Recreational Use Definition:

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

3) 70th Avenue to the confluence with Unnamed Creek

During the August 14th, 2007 recreational assessment no evidence of recreation was found.

Solicitation of public input on local recreational activities in Muchikinock Creek noted the following responses:

1) Comments via written or Website public response opportunities – no responses

2) Interviews – none

3) Postcards – none

An upstream assessment was conducted at one bridge crossing which yielded 1 sampling points. An average depth measurements of 32 inches was considered adequate for primary contact recreation based on the minimum guidelines used by the department to determine the attainability of primary contact recreation.

Based on analysis of the data from the assessed sites, the department recommends the Class A1 Primary Contact recreational use apply for Muchikinock Creek from the road crossing at 70th Avenue (North line, S4, T79N, R23W, Polk Co.) to the confluence with Unnamed Creek (SW ¼,

S34, T80N, R23W, Polk Co.). The department considers class A1 to be the highest attainable recreational use for this segment.

Primary contact recreational use (Class "A1").

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

Recommended Recreational Use Designation:

Primary Use	☒ - See description above
Secondary Use	☐
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown on the next page:

278-2 Bridge View Looking Upstream

This is a general comment and does not provide specific use or location information. It is difficult to know how to respond. As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

66. Mud Creek (Muscatine Co.)

One public comment was received:

> "I live in Muscatine Co. Wilton township just South of Hwy 927 which runs almost parallel with Mud Creek. The towns of Wilton and Durant are on both sides of my farm. I will go to both as for what supplies and other needs used. People will use it for fishing and swimming during this time frame. Tubing may be done and some canoeing. Boating to my knowledge is not done with the level not high enough to accommodate it. I will see these activities from the bridges and on the banks. The water level does fluctuate through the year with the weather. I would say there is a flow of water 95% of the time allowing the activities as mentioned to support them to be done. Thank you for your time."

DNR Response:

This was in Batch 1 and recommended as Class A2 Secondary Contact recreational uses by the DNR based on the field assessment.

Mud Creek is listed as a perennial stream from the mouth (SE1/4, S10, T78N, R2W, Muscatine Co.) to the confluence with Unnamed Creek (SW ¼, S1, T78N, R1E, Muscatine Co.) according to the USGS 1:100,000 DLG Data Set. The assessed portion was from the mouth (SE1/4, S10, T78N, R2W, Muscatine Co.) to the confluence with Unnamed Creek (NE1/4, NE1/4, S6, T78N, R2E, Scott Co.)). The stream has an overall drainage area of 104.17 square miles. The main goals of the field work were to determine use attainability, use attainment and potential causes of non-attainment (if any).

The stream passes through rural agricultural areas but a residence was usually within moderate proximity to the stream. Conversely, portions of the stream being assessed had steep slopes making access relatively difficult. Steep banks, active pastures, fences and rural locations may

affect the attainability of recreational uses from occurring at elevated frequencies at certain locations.

Upstream and downstream assessments are conducted at each of the 8 bridge crossings which yield 16 sampling points. There were no pooled areas that demonstrated adequate depth for primary contact recreation. Primary Contact recreational uses are not considered attainable for Mud Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

While the stream is too shallow to support primary contact recreational uses, signs of secondary recreation uses were observed, including footpaths and/or footprints and fishing tackle. Secondary recreational uses are expected to be common on this stretch of the stream.

Frequent children's recreation is not expected due to this segment of the stream being located in primarily rural agricultural areas and containing steep, difficult to traverse banks; therefore, children's recreation use is not recommended.

The department recommends that the Class A2 Secondary Recreational use designation apply from the mouth (SE1/4, S10, T78N, R2W, Muscatine Co.) to the confluence with Unnamed Creek (NE1/4, NE1/4, S6, T78N, R2E, Scott Co.). These recommendations are consistent with types of uses observed in these areas and the ability for the stream and surrounding areas to support such uses.

Secondary contact recreational use (Class "A2"). Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the water body while on a boating activity.

<u>Recommended Recreational Use Designation:</u>

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this stream is shown below:

25-4 View from bridge looking upstream

67. North Bear Creek (Winneshiek Co.)

One on-line survey response was received. This referenced access at a County Park near Highlandville.

1. Swimming? No.
2. Children playing in or near the stream? No.
3. Canoeing, kayaking, or tubing? No.
4. Fishing, seining, or trapping for minnows? Yes. 2-3 times/year, every year since 2004

DNR Response:

This stream was already designated as Class A2, Secondary Contact recreational uses, BCW (Aquatic Life – Cold Water), and HQ (High Quality Water) under previous rule making.

The survey results that identified observation of "fishing, seining, or trapping" but not of the Primary Contact recreational uses or Children's recreational uses support the

Secondary Contact recreation finding during the Use Assessment/Use Attainability Analysis performed for the site.

68. North Branch Old Man's Creek (Black Hawk/Grundy Cos.)

Two public comments were received.

The first public comment:

> "In particular I note the N. Branch of Old Man's Creek in Johnson County needs a higher level of water quality protection for recreational use. It also needs protection because it is in the watershed of a restored prairie preserve called Belgum Grove. Children play in the water, and canoeing is possible when water is present. These activities occur from April to November each year.

Second public comment:

> "North Fork Maquoketa Backbone
> Little Wapsipinicon River
> North Branch Old Man's Creek
> Ralston Creek (Johnson County)
> Rapid Creek (Johnson County)
> Rhine Creek (Johnson County)
> Sanders Creek (Johnson County).
>
> In the summer, when my husband and I canoe, or even walk a trail, we often get wet and not 'incidentally." We will stop and swim on a hot day especially at a hole, and I love to wade or at least dangle my feet in the water. On weekends there are people with children exploring these waterways, apparently assuming they are innocuous, and trying to make them their own.
>
> Iowa should be expanding the number of waterways that are eligible for swimming and wading, that young people can safely splash in. How awful the idea that only 'incidental' contact with Iowa's numerous waterways is safe!
>
> Why, in all this plenty, should citizens have to monitor the radio and search for a 'safe' place to swim from an ever-diminishing list, whittled down surreptitiously by our own regulators?

Should we just post a big AT YOUR OWN RISK sign at the borders of the state, and say, "Head for the movies, folks, because frankly in spite of what you've heard about summer recreational opportunities, most of Iowa's water is polluted and intends to stay that way. Don't live here if you like the outdoors. Don't move here, unless you want your kids to end up in emergency room with a pathogen, or you yourself under government surveillance for cancer."

People approach water for its cooling properties and to have fun on hot days; not to look at it, untouchable, afraid. When I hear of a good place, what I really want is to go there. Can I? Is the DNR protecting me? Or is it looking for ways to fudge the numbers?

Reducing government protection to citizens should not be done (especially on this proposed scale) unless all Iowa publicly agrees to resign themselves to being a dumping ground for crappy caretakers who cannot figure out how to preserve the resources that brought them here in the first place. Then at least we cannot be accused of trying to have our cake and eat it too.

Please do not lower the protections on the above-captioned waterways. As you must know, we need to move in the opposite direction."

DNR Response:

The first comment is confusing because the "Belgum Grove" area is southeast of the North Branch of Old Man's Creek and is located on a stream called "Dirty Face Creek". The stream section referenced in this comment has not been designated and would be a presumed A1, B(WW-1) use.

The main segment of North Branch of Old Man's Creek has been proposed to be Class A2 Secondary Contact recreational uses based on the results of the field assessment.

Fieldwork for preparation of this UA/UAA was conducted on North Branch Old Mans Creek on September 17, 2007. North Branch Old Mans Creek was assessed from the mouth, at Old Mans Creek, to the confluence with Unnamed Creek. North Branch Old Mans Creek, located in Johnson County, is listed as a perennial stream for approximately 13,000 feet upstream from the mouth and is listed as an intermittent stream for the remainder of the assessed reach according to the 1:100,000 USGS DLG Data Set. At its mouth, North Branch Old Mans Creek has a drainage area of 33.39 square miles.

In the 8.43 miles assessed, the maximum depth was found to be 39 inches with the majority of the reach being less than 15 inches deep. Along with the 39 inch maximum depth, there was an average depth of 28 inches found at Site 837-2. These conditions were caused by a combination

of elevated flows, estimated to be 6 to 12 inches elevated, and beaver activity. North Branch Old Mans Creek would not meet the minimum flow requirements for Primary Contact Recreation under normal stream flow conditions and without the influence of beaver activity. Therefore, Primary Contact recreational uses are not considered attainable for North Branch Old Mans Creek due to lack of flow (40 CRF 131.19(g)(2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

The creek flows entirely through rural grounds with not towns and few residences nearby. There are no formal access areas to the creek but the creek would be accessible at the numerous bridge crossings; however, it was noted that access to the creek was difficult due to woody debris and steep slopes. The creek does flow through Redbird Farms Wildlife Management Area which is a public area managed for hunting. There is no access to the creek at this location and an interviewee with an Iowa DNR employee stated that the area is used primarily for hunting and trapping.

Although the creek is too shallow to support primary contact recreational uses throughout and there were no recreational uses observed. Minnow traps were found at two of the assessed sites which verify that the creek attracts secondary or incidental contact recreational uses.

Based on analysis of the data from the assessed sites, the department recommends a Class A2 Secondary Contact Recreational use designation apply to North Branch Old Mans Creek from mouth (S31, T79N, R7W, Johnson Co.) to the Black Hawk Rd. crossing (S5, T79N, R8W, Johnson Co.). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2 Secondary Contact Recreational Use Designation:

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational uses, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this stream is shown below:

837-2a Bridge view, looking upstream

The second comment indicates that primary contact and children's recreational uses are occurring on this stream and others, but unfortunately did not provide sufficient information. As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

While we feel this was clear, the department still tried to contact the responder that stated specific primary contact uses were occurring on August 23 and August 26, 2010, in an attempt to obtain more specific information on location as to where primary contact uses of swimming might be occurring. However, our calls were not returned. Without additional information, the department has to rely on its scientific assessment, which identified the stream as a Class A2 stream.

69. North Branch Volga River (Fayette Co.)

Three public comments were received.

First comment from a local organization:

> "In August 2008, DNR assessed 11.7 miles of the North Branch of the Volga River from the mouth where it meets the Volga River to just south of the town of Hawkeye. DNR is recommending that the entire length of the river be downgraded from A1 primary contact recreation to A2 secondary contact recreation. The DNR bases this recommendation on lack of water depth in the river to support primary contact recreational uses. However, depths capable of supporting primary recreational uses were documented at 2 of the 3 sites that were assessed (430-2 & 430-4), and a pool was observed at a 4th site (430-3), but no depth measurements were taken. At site 430-2, the average depth was 50" and the max depth was greater than 50". At site 430-4, the average depth was 7" upstream and 5.5" downstream, but a pool was measured with a max depth of >48". The only assessment site on this river that did not have documented depths capable of supporting primary contact recreation was site 430-5 at the north end of the assessed reach, near the town of Hawkeye. **[This organization] does not believe the data presented in the UAA is sufficient to rebut the presumption of attainable primary contact recreation uses and recommends the A1 designation be retained at least for the section from 180th St. (site 430-4) south to the mouth at the Volga River.**

Second comment:

> "Grimes Hollow (Clayton County) My grandfather used to farm the land surrounding Bloody Run in this area. I know historically that people have used the creek for crawdads, minnow seining, and general "creek stomping" types of activities. I do not know if those uses currently exist because the stream does get dry during the summer, but in the spring and fall, it certainly does have some water running through it. I wonder if it doesn't have some springs that feed it. It's a distance from here, so I do not have any personal use of this stream.
>
> Brush Creek, Fayette County: This is my turkey hunting grounds. I have access to all the farmland surrounding Brush Creek Preserve and April 12-15, 2-1- I was personally "in" this stream wading around trying to get the drop on some turkeys. Below Arlington the land flattens out and I have canoed this stretch in times of high water. It is not particularly accessible, but below Arlington is a better place to run paddle craft. I think the last time I did this stretch was 2008

(high water made it easy to do). You do have to get out and maneuver the boat around. Good splashing! I know the farm kids use this creek too.

Little Turkey, Clayton County: This is a great paddle craft stream. I've taken people up there. It's a good stretch all the way from Waucoma down to the Mississippi. Again, water levels have to be up, but it is very scenic and a good time.

Little Wapsi: I do not know about the lower stretch below the Fairbank dam. I do know there are a TON of people who have cabins down that way and use it all the time for fishing/boating. You can get a john boat in that stretch. I think the rope swing speaks for itself. The Wapsi is heavily used in the summer whenever and wherever people can get into it. There would seem to me to be plenty of evidence of use.

My buddy lives and farms a farm on the border of the McClain recreational area. I checked with him and Sumner kids (including his own) like the creek to fish and stomp around. I do not have any personal knowledge of this segment. If his kids are in it @ McClain, I would imagine the town kids are in it as well.

North Branch Volga River: This is my favorite river. This particular stretch is pretty small, rocky, has many snags, and I have never taken it. I don't know if the Hawkeye kids use this or not.

Otter Creek/Oelwein area: The Oelwein Clean up June 26th, 2010 is below the upper segment. It's pretty isolated and surrounded by farm land. I doubt there is much in the way of recreation there. We are floating it from the Oelwein Cemetery down to the impoundment. It's also very shallow, no kids really around."

Third comment:

"1. I wish to provide comments on several small streams in Fayette County in response to the EPC's proposed changes.
2. I make these from traveling all over Fayette County during the last 7 years as County Engineer. Streams affect roadways and bridges and I always look at streams and rivers during my travels.
3. I do not believe the North Branch of the Volga in its entirety, nor the Volga west of the confluence with the North Branch of the Volga should be classed as A2 recreational streams. I see no one fishing them, swimming in nor tubing them. At the Volga's intersection with W14 (Sec 29, Center Twp) oft times in the late summer I do not see water running. I do see fishing in the

Little Volga in Maynard ("Where the River runs North") and downstream. I would consider the Volga a recreational stream only downstream of the confluence of the major branches at Twin Bridges Park in Sec 35 Center Twp.

4. Additionally, I have never seen fishermen or tubers/swimmers anywhere along the East Branch or the West Branch of Buffalo Creek. It's drainage basin and reaches in Fayette County are almost exclusively crop ground, not suitable for attracting recreation when compared to the Volga, Turkey or other such larger streams.
5. If you have questions about these comments or observations, plese email or call me…

Thanks for your consideration."

DNR Response:

This stream has been proposed to be Class A2 Secondary recreational uses based on the results of the UAA:

The creek has an overall drainage area of 26 square miles. The main goals of the field work were to determine use attainability, use attainment and potential causes of non-attainment (if any).

The North Branch Volga River passes through rural/agricultural areas but does flow near some rural residences. Throughout the entire assessed reach the substrate was noted to be sand and gravel with some areas of heavy silt. Steep banks and large amounts of woody vegetation were noted to be present throughout the assessed reach. These factors, along with the overall rural location of the stream may affect the attainability of recreational uses from occurring or occurring at elevated frequencies along much of the North Branch Volga River.

An upstream and downstream assessment was conducted at three out of the four sampling sites, yielding six sampling locations. An additions visual assessment was conducted at another sampling location along the assessed reach. Of the six sampling locations there was only one that had an average depth considered to be adequate to support primary contact recreational uses (Site 430-2)(>0.5 meter(1.64 feet or 19.68inches)). The single sampling point was measured in a pooled area that was likely a result of the extensive flooding in the summer of 2008. The substrate noted to be present at this location was silt with a small amount of gravel, which is typically a substrate known to be constantly shifting. Aerial photography from the 1930's, the 1990's, 2002 and 2004 - 2009 visually show the shifting of the substrates (see Aerial Photography History of Site 430-2). The evidence of flooding in other portions of the stream along with past aerial photography suggests that this area was scoured out during the flooding and the pool will likely be silted in within a short period of time.

There was also a pool noted at site 430-4 that had a maximum depth adequate for primary contact recreational uses (1 meter (3.28 feet or 39-36 inches)). The pool was caused by a large amount of woody debris that had caused an impoundment of the stream. This feature is not

considered to be permanent due to the nature of the cause of the impoundment. Due to the temporary nature of the pooled areas of the North Branch Volga River it is unlikely that these areas will continue to maintain depths adequate for primary contact recreational use. Therefore, Primary Contact Recreational uses are not considered attainable for the North Branch Volga River due to the lack of flow (40 CFR 131.10(g)(2)) throughout the reach to completely fulfill what is considered adequate to support Class A1 primary contact recreational uses.

While the creek is too shallow to support primary contact recreational uses, it has the potential for attracting recreational uses such as minnow seining and fur trapping. Due to the overall rural location of the stream, children are not likely to frequent the stream at a frequency that would warrant a children's recreational use designation.

Based on analysis of the data from the assessed sites, the department recommends a Class A2 Secondary Contact Recreational Use designation apply to North Branch Volga River from the mouth (NW ¼, NE ¼, S 33, T 93N, R9W, Fayette Co.) to the confluence with Unnamed Creek (NW ¼, S29, S29, T94N, R9W, Fayette Co.). This recommendation is consistent with types of uses observed in the area and the ability for the stream and surrounding areas to support such uses.

Class A2 Secondary Contact Recreational Use Definition:

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

The initial comment raised some questions about depth at several locations. This commenter felt primary contact recreational uses were possible based on the presence of pools for three of four sites (430-2, 430-3, 430-4, 430-5) assessed as part of the UAA. It was felt that only 430-5 had insufficient depths to support primary contact recreational uses. However, the DNR disagrees with this assertion.

Site 430-2 was naturally pooled and the depths found at this location were not typical of the entire stream length. The substrate found at this site was noted to be silt with small

amounts of gravel. This substrate is typically known to be constantly shifting. Due to the nature of the stream substrate it is likely that this pool was scoured out during the heaving flooding in the area earlier in the year as the flood waters were slowed by the bridge pilings. Historic aerial photography of this site demonstrates that the substrate is ever shifting (see Aerial Photography History of Site 430-2).

Site 430-3 had a large pool noted. The width was approximately 30 feet and the length was also estimated at 30 feet. The depth of the pool was not measured but it did not appear to be of significant depth.

A photo of the pooled area below the bridge is shown on the next page:

430-3 Fence across creek

If you look close enough, you can see the fence across the creek and the depth of the water. Pooling in this location was not felt to be deep enough to even measure.

An alternate picture at this same point is shown on the next page:

430-3 Bridge view, looking upstream

Site 430-4 had a pooled area caused by a large build up of woody debris. The surrounding area had evidence of recent flooding with the high water mark being approximately 20 feet higher than the stream levels at the time of the assessment. The woody debris was likely a result of the flooding and not a permanent feature of the stream. A photo of this debris is shown below:

430-4 Woody debris in creek

The DNR feels that its original assessment of these areas was appropriate despite the few pooled areas noted that were ephemeral in nature. This is confirmed by descriptions from a local familiar with this area.

The second comment indicates this area is rugged and doesn't get used often. The commenter questions the Class A2 Secondary Contact recreational uses designation. Enough flow is maintained in the creek that while it would not likely support Primary Contact recreational uses, it could still attract Secondary Contact recreational uses. The Clean Water Act also requires protection of the stream not just for existing uses but also for potential uses in the future.

70. North Fork Maquoketa River (Dubuque Co.)

Four public comments were received.

First public comment:

> "I am writing in reference to streams in Iowa currently listed as "secondary contact", and would like to voice my reasons why I believe these streams should

be considered primary contact. I am an avid paddler and fisherman, and have participated in floats or witnessed numerous amounts of primary contact (canoeing or kayaking, with some wading and fishing included) on the following streams (I've been involved in or seen multiple paddlers per year on these streams each year over the past 5 years):

1. Whitewater Creek – a few miles east of Cascade, between Whitewater Drive and its confluence with the North Fork Maquoketa River.
2. North Fork Maquoketa River, from Dyersville to Ozark Bridge
3. Big Creek (east of Marion Iowa) between Springville and its confluence with the Cedar River
4. Beaver Creek (Hardin County) – 215th St. to its confluence with the South Fork Iowa River.

I would request that these streams be included in those that receive the highest levels of protection (along with all other perennial streams, but I can't claim to have much firsthand knowledge of the others listed as secondary contact)."

Second public comment:

"North Fork Maquoketa Backbone

Little Wapsipinicon River
North Branch Old Man's Creek
Ralston Creek (Johnson County)
Rapid Creek (Johnson County)
Rhine Creek (Johnson County)
Sanders Creek (Johnson County).

In the summer, when my husband and I canoe, or even walk a trail, we often get wet and not 'incidentally." We will stop and swim on a hot day especially at a hole, and I love to wade or at least dangle my feet in the water. On weekends there are people with children exploring these waterways, apparently assuming they are innocuous, and trying to make them their own.

Iowa should be expanding the number of waterways that are eligible for swimming and wading, that young people can safely splash in. How awful the idea that only 'incidental' contact with Iowa's numerous waterways is safe!

Why, in all this plenty, should citizens have to monitor the radio and search for a 'safe' place to swim from an ever-diminishing list, whittled down surreptitiously by our own regulators?

Should we just post a big AT YOUR OWN RISK sign at the borders of the state, and say, "Head for the movies, folks, because frankly in spite of what you've heard about summer recreational opportunities, most of Iowa's water is polluted and intends to stay that way. Don't live here if you like the outdoors. Don't move here, unless you want your kids to end up in emergency room with a pathogen, or you yourself under government surveillance for cancer."

People approach water for its cooling properties and to have fun on hot days; not to look at it, untouchable, afraid. When I hear of a good place, what I really want is to go there. Can I? Is the DNR protecting me? Or is it looking for ways to fudge the numbers?

Reducing government protection to citizens should not be done (especially on this proposed scale) unless all Iowa publicly agrees to resign themselves to being a dumping ground for crappy caretakers who cannot figure out how to preserve the resources that brought them here in the first place. Then at least we cannot be accused of trying to have our cake and eat it too.

Please do not lower the protections on the above-captioned waterways. As you must know, we need to move in the opposite direction."

Third public comment, although it is unclear which particular segment this comment applies to:

"Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.

In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Fork of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.

Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

A fourth comment was received from a local organization:

"The UAA assessment completed in September 2007 covers approximately 12 miles of the upper section of the river from New Vienna to a point NW of the town of Holy Cross. The DNR is recommending A3 primary contact children's recreational use for the 1 mile segment through the City of New Vienna. DNR recommends downgrading the remaining 11 miles of river to A2 secondary contact recreation with the exception of a deep pool located near the Clear Creek Road bridge, where a 110' long deep water run was documented (site 767-a). The DNR is proposing to retain the A1 primary contact recreation only for this 110 foot long segment of the river.

The assessment site in New Vienna was assessed in June 2006 and had an average depth of 21-26 inches and max depth of 34-35 inches, which demonstrates that A1 primary contact uses are attainable. The lower 7 mile long segment between New Vienna and the Clear Creek Road Bridge was found to have average depths of 17" to 22" in runs with a maximum depth of 26 inches (42" in a deep scour at site 1006-1a just upstream of New Vienna). **The average depths for sites 701-3, 1006-1a and 767-a in the lower assessed segment document water depths capable of supporting primary contact recreation. [This organization] does not believe the data presented in the UAA rebuts the presumption of attainable primary contact recreation uses for the North Fork Maquoketa River from New Vienna to the Clear Creek Bridge and recommends the A1 designation be retained for the assessed segment from Hw6 136 in New Vienna to a point north of the Clear Creek Road Bridge. The deep pool documented at site 767-b should also be designated for A1 primary contact recreational use.**"

DNR Response:

The North Fork Maquoketa River was originally broken down into four classification segments as presented in the UA/UAA for this river:

Fieldwork for preparation of this UA/UAA was conducted on the North Fork Maquoketa River on September 4, 2007 (sites 767-1, 767-1a, and 767-1b). The North Fork Maquoketa River, located in Dubuque County, is noted as a perennial stream along the entire assessed length according to the 1:100,000 USGS DLG Data Set. The assessed segment of North Fork Maquoketa River was

from Iowa Highway 136 (S5/6, T89N, R2W, Dubuque Co.) to the confluence with Unnamed Creek (#2) (NW¼, S18, T90N, R1W, Dubuque Co.). This report addresses approximately 75% of North Fork Maquoketa River's total length, or approximately 7.7 miles. At its mouth, North Fork Maquoketa River has a drainage area 40.59 square miles while at the upper extent of the assessment the drainage area is 13.72 square miles.

The river primarily passes through rural agricultural lands (currently row crops, pasture, and some timber lands) with five roads crossing the river channel. No formal access or parking areas were noted along the roadway crossings. Fifteen rural residences were noted along or in close proximity to the assessed segment. No indication was found of stream side access to the river or instream uses. The river does not flow through any public recreational area along assessed length with most of the surrounding lands appearing to be in private ownership.

From the September 4, 2007 assessment information the river's estimated average depths under normal flow conditions would range from 1 inch to 18 inches and a maximum depth of 40 inches occurred in a portion of a long run flowing through an active pasture at site 767-a. Field data suggest that the river's depths may have been elevated by 4 to 5 inches above seasonal normal conditions based on field data collected at nearby site in Unnamed Creek (#2) and the photographs from recreational use assessment sites 767-a, 767-b, and 1006-1a where inundated stream side vegetation was occurring. The river's estimated average depths under normal flow conditions would range from only 1 to 18 inches with a maximum depth of 40 inches. It is also estimated that the creek's widths during normal flow conditions would range from only 5 to 49 feet. However, no influential effects from the elevated flows were noted that would affect an adequate assessment.

Specifically at site 1006-1a, the downstream recreational use assessment location is estimated to have an average depth of 18 inches and a maximum depth of 26 inches. This section of the river is characterized as a run with a maximum depth within the assessed length of 37 inches having a substrate composed of gravel, sand, and silt. The deeper run feature appears to extent to the toe of a riffle at the upstream recreational use assessment location.

Moderately deep stream banks with steep to near vertical side slopes and bank heights, up to 15 to 20 feet are common features of the assessed segment. The banks are covered primarily in grasses with a mixture of trees, herbaceous material, shrubs, and bare soil area resulting in a significantly open stream canopy.

The substrate in the accessed reach was a mixture of cobble, gravel, sand, and silt in all of the sampled areas. Overhanging vegetation composed of primarily of grasses and trees were common stream side cover.

There were no people observed recreating in the water at the time of the assessment. No evidence of instream or stream side recreational uses was noted. From aerial photography, a short segment of the assessed portion of the river flows through the community of New Vienna where the potential use increases for children's contact recreational uses.

Solicitation of public input on local recreational activities in North Fork Maquoketa River noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses.

Based on the potential for varying recreational use opportunities, it is recommended to segment the assessed length of the river into four reaches: the short segment within in the community of New Vienna appearing to provide a reasonable potential for recreational uses normally considered in residential neighborhoods, the segment between the community of New Vienna and the deeper water at site at site 767-a, and the uppermost shallow reach in rural settings.

1) New Vienna neighborhood area (32.51 miles). Iowa Highway 136 (S5/6, T89N, R2W, Dubuque Co.) to the New Vienna corporate limits (NAD83) (UTM Coordinates X(Easting) 655231.92, Y(Northing) 4712611.80).

Aerial photography indicates the potential stream access via the developed areas within the community of New Vienna. Several residents occur along this estimated ½ mile length. Some degree of children's recreation is anticipated due the stream being located in close proximity to the developed area. It is recognized that the potential for steep incised banks may prevent frequent recreational uses. However, children's recreation use is recommended along the stream length flowing within the residential growth area. Based on the location and potential opportunity for instream play, the Department recommends assigning a Class A3 Children's Recreational use designation for the North Fork Maquoketa River from Iowa Highway 136 bridge crossing (S5/6, T89N, R2W, Dubuque Co.) to the New Vienna corporate limits (NAD83) (UTM Coordinates X(Easting) 655231.92, Y(Northing) 4712611.80). This upper location reflects an identifiable map location for reference which is just upstream of the developed residential area. This reflects an extension of the downstream Class A3 designation to incorporate all of the developed area within the community of New Vienna. The department considers Class A3 to be the highest attainable recreational use designation for this semi-urban area segment.

Waters designated as Children's Recreation Use (Class A3) are;

"Waters in which recreational uses by children are common. Class A3 waters are water bodies having definite banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in urban or residential areas."

Recommended Recreational Use Designation:

Primary Use ☐

Secondary Use ☐

Children's Recreation ☒ - See description above

No Recreational Use ☐

2) Rural Reach (7.02 miles). From the community of New Vienna's corporate limits (NAD83) (UTM Coordinates X(Easting) 655231.92, Y(Northing) 4712611.80) to the lower extent of the deeper water run at the Clear Creek Road bridge** (NAD83) (UTM Coordinates X(Easting) 659580.29, Y(Northing) 4717305.36).

** Referred to as site 767-a in this assessment report.

The field assessment of the river at site 1006-1a (New Vienna Road Bridge) noted a location where average depths across the stream channel were estimated to be 18 inches during normal flow conditions in a long run-like feature with a maximum depth of 26 inches.

Between the community of New Vienna's corporate limits (west line, SE¼, S5, T89N, R2W, Dubuque Co.) and the New Vienna Road Bridge, the remote location prevented establishing an assessment site. The river within this length is estimated to experience normal shallow riffle/run sequences as noted at other assessment locations where depths ranges from 1 to 15 inches. No access to or uses within the river were noted at the New Vienna Bridge and no access is projected in the downstream rural reach.

From the New Vienna Road Bridge to the lower extent of the deeper water run at the Clear Creek road bridge, the overall shallower water along this segment (averaging 17 inches) was not capable of supporting normal primary recreational uses. No locations were found to have depths greater than 20 inches. The shallow waters conditions appear to impede the reasonable attainment of primary contact recreation along the approximate 2.5 mile assessed reach. Primary Contact recreational uses are not considered attainable for this length of the North Fork Maquoketa River due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use

Frequent children's recreation is not expected to occur due the reach being located in a rural agricultural area with vegetated, steep, and more difficult to traverse banks, and a frequent occurrence of active pastures. Therefore, children's recreation use is not recommended.

While this overall reach of the North Fork Maquoketa River is estimated to be too shallow (estimated depths ranges from 1 to 18 inches) to support primary contact recreational uses, it does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, seining, trapping or hunting. Therefore, the Department

recommends assigning a Class A2 Secondary Contact recreational use designation for the North Fork Maquoketa River from the community of New Vienna's corporate limits (NAD83) (UTM Coordinates X(Easting) 655231.92, Y(Northing) 4712611.80) to the lower extent of the deeper water run at the Clear Creek Road bridge NAD83) (UTM Coordinates X(Easting) 659580.29, Y(Northing) 4717305.36). The Department considers Class A2 to be the highest attainable recreational use designation for this river reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

3) Deeper Water Run at Site 767-a (110 feet or .02 miles). From the lower extent of the deeper water run at the Clear Creek Road bridge** (NAD83) (UTM Coordinates X(Easting) 659580.29, Y(Northing) 4717305.36) to the upper extent of the deeper water run at the Clear Creek Road bridge (NAD83) (UTM Coordinates X(Easting) 659608.16, Y(Northing) 4717321.55).

** Referred to as site 767-a in this assessment report.

The assessment segment at the Clear Creek Road bridge (site 767-a) noted an estimated average depth of 17 to 19 inches and an overall maximum depth of 45 inches during normal stream flow regimes in a run-like feature. The moderately deeper water conditions along this short 50 foot length of the river were potentially capable of supporting normal primary recreational uses. The department recommends the Class A1 Primary Contact Recreational Use apply to the North Fork Maquoketa River from the lower extent of the deeper water run area at the Clear Creek Road Bridge (NAD83) (UTM Coordinates X(Easting) 659580.29, Y(Northing) 4717305.36) to the upper extent of the deeper water run area at the Clear Creek Road Bridge (NAD83) (UTM Coordinates X(Easting) 659608.16, Y(Northing) 4717321.55). The moderately deep run area is estimated to be within the Clear Creek Road Bridge right of way with a length of approximately 50 feet as noted in the field assessment data for site 767-a. This is recommendation is consistent with the established recreational protocol document.

Class (A1) Primary Contact Recreational Use

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

Recommended Recreational Use Designation:

Primary Use	☒	- see description above
Secondary Use	☐	
Children's Recreation	☐	
No Recreational Use	☐	

4) Uppermost Shallow Reach in a Remote Rural Setting (3.84 miles). From the upper extent of the deeper water run at the Clear Creek Road bridge (NAD83) (UTM Coordinates X(Easting) 659608.16, Y(Northing) 4717321.55) to the confluence with Unnamed Creek (#2) (NW¼, S18, T90N, R1W, Dubuque Co.)

The overall shallower water along this segment (averaging 10.5 to 17 inches) was not capable of supporting normal primary recreational uses. No locations were found to have depths greater than 36 inches. The shallow waters conditions appear to impede the reasonable attainment of primary contact recreation along the upper assessed reach. Primary Contact recreational uses are not considered attainable for this length of the North Fork Maquoketa River due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation was not noted nor expected to occur due the stream reach being located in a rural agricultural area with vegetated, steep, and more difficult to traverse banks, and a frequent occurrence of active pastures. Therefore, children's recreation use is not recommended.

While this reach of the North Fork Maquoketa River is too shallow to support primary contact recreational uses, it does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, seining, trapping or hunting. It is recognized that the steep and more deeply incised banks may prevent frequent occurrences of these types of recreational uses. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for the North Fork Maquoketa River from upper extent of the deeper water run approximately at the Clear Creek Road bridge (S22/23, T90N, R2W, Dubuque Co.) to the confluence with Unnamed Creek (#2) (NW¼, S18, T90N, R1W, Dubuque Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown below:

1006-1a Bridge looking upstream #2

The first comment received indicates primary contact recreational uses of paddling are occurring, but specific locations were not described other than identifying between Dyersville and Ozark Bridge, an area encompassing three counties. This stream was classified as Class A1 Primary Contact recreational uses, Class A2 Secondary Contact

recreational uses, and Class A3 Children's recreational uses within that stretch all depending on location. Without more specific information, we have to rely on the results of the scientific assessment to establish the appropriate classification. In fact, respected paddler sites mention the North Fork Maquoketa River from Cascade to Ozark Bridge as being a known route. This segment we already have designated to be Class A1 Primary Contact recreational uses.

The second comment indicates that primary contact and children's recreational uses are occurring on this stream and others, but did not provide sufficient information.

As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

While we feel this was clear, the department still tried to contact this responder on August 23 and August 26, 2010, in an attempt to obtain more specific information on location as to where primary contact uses of swimming or children's recreational uses might be occurring. However, our calls were not returned. Without additional information, the department has to rely on its scientific assessment.

The third comment does not provide use information relating to the stream.

The fourth comment felt that maximum depths in the 7-mile stretch that included sites 701-3, 767-a, and 1006-1a were such they would support Primary Contact recreational uses. The department disagrees with this assessment.

Using field data, an estimate was made of the waterway's features. The river's widths ranged from 7 to 51 feet, while the average depth ranged from 5 to 22 inches and a maximum depth of 45 inches occurred in a long run flowing through an active pasture at site 767-a. The deeper run at site 767-a is approximately 50 feet long by less than 12 feet wide.

It is estimated the river's depths may have been elevated by 4 to 5 inches above seasonal normal conditions during the field sampling. This is based on field notes indicating local tile lines were flowing full at the upstream assessment site 767-1a where stream side vegetative cover was also inundated by several inches. Thus, it is indicating

that some degree of elevated groundwater and resulting elevated stream flow occurred at the time of assessment in the river. The estimated 4 to 5 inches is based on the photographs from recreational use assessment sites 767-a, 767-b, and 1006-1a where inundated stream side vegetation was also occurring. When considering the estimated elevated flow data, the river's estimated average depths under normal flow conditions would range from only 1 to 18 inches with a maximum depth of 45 inches at site 767-a. A 42-inch deep scour area was noted at assessment site 1006-1a. It is also estimated that the creek's widths during normal flow conditions would range from only 5 to 49 feet. Water clarity at all upstream sites was clear. No influential effects from the elevated flows were noted that would affect an adequate assessment.

While Site 701-3 from an earlier assessment also had depth measurements that may be considered deep enough for primary recreation, it was determined these measurements were also taken at elevated wet-weather conditions where as much as 10 inches of impact were noted. Measurements from this location on that day are not representative of base-flow conditions.

71. North Raccoon River (Buena Vista/Calhoun/Dallas/Sac/Woodbury Cos.)

Five comments were received, four public comments via our on-line survey.

First comment:

"I live near the North Raccoon in Sac County. It is because of this issue, about which I feel very strongly, that I have ceased providing support to the Iowa DNR; and in fact, have come to look upon it adversarially. Iowa's streams are not sewers for commercial interests; they are life support systems for human beings and wildlife. This perspective is fundamental and brooks no equivocation. I will do all I can to assert this over and above the interest and convenience of commercial waste-disposal in this state, including letting everyone I know hear what I think about this matter and informing them of the traitorous position taken by the Iowa DNR."

Second comment, from the on-line survey comment and referencing access near Auburn at Xavier Ave at Crandall bridge North of Grant City:

1. Swimming? Yes. Just about every summer day - tubers and swimmers come down river- also have seen people bring their kids to the Crandall bridge access to wade and swim

2. Children playing in or near the stream? Yes. Often during the summer near Crandall bridge - N of Auburn on xavier ave

3. Canoeing, kayaking, or tubing? Yes. same as above

4. Fishing, seining, or trapping for minnows? Yes. All along the shores on the land near Crandall Bridge/ Elmer Noyd Access

Third comment, from the on-line survey comment and regarding access several miles above (north) of Lake City. No responses to specific questions were obtained:

1. Swimming?

2. Children playing in or near the stream?

3. Canoeing, kayaking, or tubing?

4. Fishing, seining, or trapping for minnows?

Fourth comment, from the on-line survey comment and regarding access near Perry at the P58 Approach. No responses to specific questions were obtained:

1. Swimming?

2. Children playing in or near the stream?

3. Canoeing, kayaking, or tubing?

4. Fishing, seining, or trapping for minnows?

Fifth comment from the on-line survey and referencing a Sac City Park, Martin's Access:

1. Swimming? Yes. Swimming. Near Newell Iowa. About once a week, every week during the summer of 2009

2. Children playing in or near the stream? Yes. Swimming, Kayaking, Tubing near Newell, Iowa. Again, about once a week, every week, during the summer months of 2009

3. Canoeing, kayaking, or tubing? Yes. 3 or 4 times during the summer of 2009. Starting at Martin's access, and usually ending near Sac City

4. Fishing, seining, or trapping for minnows? No.

DNR Response:

These areas of the river have already been designated as Class A1 Primary Contact recreational uses and B(WW-1).

72. Old Man's Creek (Black Hawk/Grundy Cos.)

One public comment was received:

> "I have adopted a stream that joins the Iowa R. I canoe, swim, and kayak mostly in Johnson County. The 3 streams in question seem fair, considering the 2 impaired waters we have!!! Old Man's Creek is polluted with non-source and trash."

DNR Response:

Attempts were made to contact the commentator, but no calls were returned. No specific information was provided to warrant a change in classification of these streams.

73. Otter Creek (Buchanan/Fayette Cos.)

One comment was received:

> "Grimes Hollow (Clayton County) My grandfather used to farm the land surrounding Bloody Run in this area. I know historically that people have used the creek for crawdads, minnow seining, and general "creek stomping" types of activities. I do not know if those uses currently exist because the stream does get dry during the summer, but in the spring and fall, it certainly does have some water running through it. I wonder if it doesn't have some springs that feed it. It's a distance from here, so I do not have any personal use of this stream.
>
> Brush Creek, Fayette County: This is my turkey hunting grounds. I have access to all the farmland surrounding Brush Creek Preserve and April 12-15, 2-1- I was personally "in" this stream wading around trying to get the drop on some turkeys. Below Arlington the land flattens out and I have canoed this stretch in times of high water. It is not particularly accessible, but below Arlington is a better place to run paddle craft. I think the last time I did this stretch was 2008 (high water made it easy to do). You do have to get out and maneuver the boat around. Good splashing! I know the farm kids use this creek too.

Little Turkey, Clayton County: This is a great paddle craft stream. I've taken people up there. It's a good stretch all the way from Waucoma down to the Mississippi. Again, water levels have to be up, but it is very scenic and a good time.

Little Wapsi: I do not know about the lower stretch below the Fairbank dam. I do know there are a TON of people who have cabins down that way and use it all the time for fishing/boating. You can get a john boat in that stretch. I think the rope swing speaks for itself. The Wapsi is heavily used in the summer whenever and wherever people can get into it. There would seem to me to be plenty of evidence of use.

My buddy lives and farms a farm on the border of the McClain recreational area. I checked with him and Sumner kids (including his own) like the creek to fish and stomp around. I do not have any personal knowledge of this segment. If his kids are in it @ McClain, I would imagine the town kids are in it as well.

North Branch Volga River: This is my favorite river. This particular stretch is pretty small, rocky, has many snags, and I have never taken it. I don't know if the Hawkeye kids use this or not.

Otter Creek/Oelwein area: The Oelwein Clean up June 26th, 2010 is below the upper segment. It's pretty isolated and surrounded by farm land. I doubt there is much in the way of recreation there. We are floating it from the Oelwein Cemetery down to the impoundment. It's also very shallow, no kids really around."

DNR Response:

Otter Creek in Fayette and Buchanan Counties has several designations depending on location as described in the field assessment:

Field work for preparation of this UA/UAA was conducted on Otter Creek on 9/26/06, 10/26/06, 7/12/07, and 8/1/08. Otter Creek, located in Fayette and Buchanan Counties, is listed as a perennial stream for the entire assessed reach according to the USGS 1:100,000 DLG Data Set. The creek has an overall drainage area of 107.89 square miles.

Otter Creek is a diverse stream in both the instream physical characteristics, such as depth and width, and in the varying surrounding conditions which included both urban and rural areas. There were 10 sites assessed in the reach with 2 sampling points at each site yielding a total of 20 sampling points. There were 2 points (both at Site 1-c) with adequate average depth to meet

the minimum guidelines for Class A1, and there were 3 sites (sites 1-a, 1-c, and 1-d) that had adequate maximum depths for Class A1.

The creek passes through both rural and urban areas. There are also public lands in the assessed reach that would provide access to the creek. Due to these varying factors; the recreation designations will be split into 5 different segments.

Segment 1: Mouth (S19, T89N, R9W, Buchanan Co.) to the N. line of S19, T89N, R9W, Buchanan Co.:

This segment of Otter Creek is approximately 1.6 miles long from the mouth to just upstream of the unincorporated town of Otterville. This segment consisted of 1 site (Site 1-a) that contained a maximum depth of >48 inches with an overall average depth of 10 inches. The maximum depth recorded is adequate for primary contact recreational uses. The creek channel is very wide and has a primarily sandy substrate.

The only form of recreational evidence that was found at this location was a rock dam that had been constructed within the creek channel (the maximum depth of >48inches was located immediately behind this constructed dam). This particular site is surrounded by the unincorporated town of Otterville. There are many residences near the creek at this location which increases the potential for recreational activities.

At this location; the creek is wide, has moderate depth, is in close proximity to the Wapsipinicon River, and flows through a residential area. There is high potential for recreational activities to take place at this location. Based on analysis of the data from the assessed site; the department recommends that the Class A1 Primary Recreational use designation apply to Otter Creek from the mouth (S19, T89N, R9W, Buchanan Co.) to the N. line of S19, T89N, R9W, Buchanan Co. These recommendations are consistent with types of uses observed in these areas and the ability for the river and surrounding areas to support such uses.

Class A1 Primary Contact Recreational Use Definition:

Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

Recommended Recreational Use Designation:

Primary Use	☒ - See description above
Secondary Use	☐
Children's Recreation	☐
No Recreational Use	☐

Segment 2: N. line of S19, T89N, R9W, Buchanan Co. to the N. line of S21, T90N, R9W, Buchanan Co.:

This segment of Otter Creek consisted of one site (Site 1-b) with an overall maximum depth of 22 inches with an average depth of approximately 9 inches. The creek flows primarily through rural agricultural areas throughout this segment with few residences nearby. There were road crossings in the assessed reach that provide informal access to Otter Creek. Primary Contact recreational uses are not considered attainable for this segment of Otter Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

While the creek is too shallow to support primary contact recreational uses, it does possess the potential for attracting secondary type recreational uses such as minnow seining or trapping. This segment flows primarily through rural agricultural ground where there are no public lands, few residents, and only 3 road crossings in the assessed reach that would show potential for recreational access. There were no public comments received for this segment and the only evidence of recreation found was a bobber that was found in some overhanging vegetation. Children's recreation is not recommended for this segment of Otter Creek due to the overall rural location and lack of formal access.

Based on analysis of the data from the assessed sites, the department recommends a Class A2 Secondary Contact Recreational Use designation apply to Otter Creek from the N. line of S19, T89N, R9W, Buchanan Co. to the N. line of S21, T90N, R9W, Buchanan Co. These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2 Secondary Contact Recreational Use Definition:

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

Segment 3: N. line of S21, T90N, R9W, Buchanan Co. to Dam at Lake Oelwein:

This segment of Otter Creek flows near the City of Hazelton to the southern side of the City of Oelwein. There are public lands (Fontana Park, Otter Creek Wildlife Area, and Otter Creek Roadside Park) and numerous residences along this segment. There were 2 sites assessed in this segment with an overall maximum depth of >48 inches with an average depth ranging from 12 to >48 inches. The majority of these depths are adequate for primary contact recreational uses.

There was a comment returned from a private citizen who stated swimming and child's play occur in this segment near the northern side of the City of Hazelton. There was also a phone interview conducted with a Buchanan County Conservation employee who stated that Fontana Park sees a heavy amount of recreational use. The Otter Creek Roadside Park was noted to have a high potential for recreational use; however, these uses had not been observed.

Fishing line, footpaths, footprints, graffiti, and a fire pit are examples of the recreational evidence found in this segment of Otter Creek. It appears that this segment of the creek is heavily used which was apparent from the amount of recreational evidence found.

Based on analysis of the data from the assessed sites; the department recommends that the Class A1 Primary Recreational use designation apply to Otter Creek from the N. line of S21, T90N, R9W, Buchanan Co. to Dam at Lake Oelwein. These recommendations are consistent with types of uses observed in these areas and the ability for the river and surrounding areas to support such uses.

Class A1 Primary Contact Recreational Use Definition:

Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

Recommended Recreational Use Designation:

Primary Use	☒	- See description above
Secondary Use	☐	
Children's Recreation	☐	
No Recreational Use	☐	

Segment 4: N. line of S33, T91N, R9W, Fayette Co. to the W. line S20, T91N, R9W, Fayette Co.:

This segment of Otter Creek flows along the western border of the City of Oelwein. There were 3 sites assessed in this reach with an overall maximum depth of 29 inches and an average depth range of 3 to 6 inches. There were no areas found in this reach that exhibited adequate depth

for primary contact recreational activities. Primary Contact recreational uses are not considered attainable for this segment of Otter Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

While this segment of Otter Creek is too shallow to support primary contact recreational uses, it did exhibit the ability to support other types of recreation. Fishing tackle, mud balls, footprints, and ATV tracks were common forms of recreational evidence found in this reach. There were also 3 people observed fishing at Site 548-1b which is also the location for a city park name Redgate Park in Oelwein. This park does not provide formal access to the creek but the grounds are mowed to within approximately 50 – 100 feet of the creek channel.

There was one comment returned from a private citizen regarding the recreational uses that had been observed in this area. Swimming, canoeing, child's play, and fishing had all been noted to occur. 10th Street and Lake Oelwein were the locations given; however, the observed uses were not specific to which activity was located at which location. The creek did not exhibit the ability to support swimming or canoeing in this segment due to the lack of adequate depth; however, it did support the ability to support child's play and fishing due to the evidence found and the close proximity to the City of Oelwein.

Based on the analysis of the assessed sites; the department recommends that the Class A3 Children's Recreational use designation apply to Otter Creek from the N. line of S33, T91N, R9W, Fayette Co. to the W. line of S20, T91N, R9W, Fayette Co. These recommendations are consistent with types of uses observed in these areas and the ability for the river and surrounding areas to support such uses.

Class A3 Children's Recreational Use Designations Definition:

"Waters in which recreational uses by children are common. Class A3 waters are water bodies having defined banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in urban or residential areas."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☐	
Children's Recreation	☒	- See description above
No Recreational Use	☐	

Segment 5: W. line of S20, T91N, R9W, Fayette Co. to the confluence with an unnamed creek (S6, T91N, R9W, Fayette Co.):

There were 3 sites assessed in this segment of Otter Creek. The maximum depth was found to be 21 inches (Site 548-1e) with an average depth range of 3 to 8 inches deep. There were no areas found in this reach that exhibited adequate depth for primary contact recreational activities. Primary Contact recreational uses are not considered attainable for this segment of Otter Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

While the creek is too shallow to support primary contact recreational uses, it does possess the potential for attracting secondary type recreational uses such as minnow seining or trapping. This segment flows primarily through rural agricultural ground northwest of Oelwein. There are no public lands, few residents, and only 3 road crossings in the assessed reach that would show potential for recreational access. There were no public comments received for this segment and the only evidence of recreation found were 2 wood planks that had been placed across Otter Creek at Site 548-1e.

Based on analysis of the data from the assessed sites, the department recommends a Class A2 Secondary Contact Recreational Use designation apply to Otter Creek from the W. line of S20, T91N, R9W, Fayette Co. to the confluence with an unnamed creek (S6, T91N, R9W, Fayette Co.). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2 Secondary Contact Recreational Use Definition:

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

The areas that it is believed are being discussed in this comment between the cemetery and the impoundment appear are designated as both Class A1 or Class A3 depending upon location. While the commenter did not notice much in the way of primary contact activities, there are a number of recreational areas in this stretch and depths and access make Primary Contact and Children's recreational uses possible.

74. Otter Creek (Linn Co.)

Two public comments were received.

The first comment was received via our on-line survey and referenced an access point at Toddville off Midway Road and Otter Road. However, no responses to the questions were provided:

1. Swimming?
2. Children playing in or near the stream?
3. Canoeing, kayaking, or tubing?
4. Fishing, seining, or trapping for minnows?

Second comment, although it is unclear which particular segment this comment refers to:

> "Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.
>
> In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.
>
> Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

DNR Response:

This area has not been assessed for a designated use and would be considered Class A1, B(WW-1) because of the "presumed uses".

75. Paint Creek (Allamakee Co.)

Two public comments were received. Both comments were rather general and did not specifically reference stream segments.

First comment:

> "I cannot imagine opening our states waters to more pollution. I understand the needs of business. I have a Masters Degree in Business and have worked in the commercial real estate industry for over ten years. I understand the impacts on business needs of environmental restrictions. I also understand quality businesses find another way to survive.
>
> I have spent most of my entire life enjoying Iowa rivers and streams. I started paddling the backwaters of the Wapsipinicon River as a small child over thirty years ago. I spent many days swimming, fishing, and enjoying the river. Today I have four children of my own. We spend more than every other weekend on Iowa waters spring through fall. We enjoy many streams in Northeast Iowa for canoeing and fishing including the Upper Iowa River, Paint Creek, Yellow River, Turkey River, Little Turkey River, Cedar River, Indian Creek, Big Creek, Wapsipinicon River, Lime Creek, Volga River, Little Volga River, the list goes on and on.
>
> I love to take my children wading for smallmouth bass in almost any creek I can find that may hold those wonderful hot spots. We have very limited natural resources compared to most states in our country. The beauty and quality of our streams is really all we have left. We must move to protect our very limited resources.
>
> Please help protect our streams. I am an Iowan and plan to always be an Iowan. I could not keep my family in this state if our streams became an unsafe place to enjoy nature with my children."

Second comment:

> "Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.

In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.

Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

DNR Response:

It is difficult to respond without knowing the specific location. This stream has been proposed for Class A1, Class A2, and Class A3 depending on location.

As it stated in the published Notice of Intended Action (NOIA):

"If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

76. Lower and Upper Pine Lakes, with Pine Creek as tributary (Hardin Co.)

One public comment was received:

"I live in Eldora, Hardin County, Iowa and am extremely concerned about the water quality in my area. We are in the heart of hog confinement country and agricultural run-off from farm chemicals and animal waste.

I fear that lowering standards will only create a more toxic setting than we already have. There are many small streams that flow through this area as well as the Iowa River and it's South Fork and, of course, Pine Lake. They are all in danger of even heavier pollution if we lower our expectations for land and water

usage. Please do everything in your power to protect Iowa to an even greater extent rather than lowering standards."

DNR Response:

This Pine Creek is not the Pine Creek in our current rulemaking, which is the one located in Clayton County.

77. Plum Creek (Specific county unknown)

One comment was received, although it is unclear which specific stream segment this particular comment applies to:

> "Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.
>
> In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.
>
> Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

DNR Response:

This is a general comment. It is difficult to respond without knowing the specific location. This stream has been proposed for Class A2 Secondary Contact recreational uses and Class A3 Children's recreational uses depending on location.

As it stated in the published Notice of Intended Action (NOIA):

"If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational

activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

78. Prairie Creek (Jasper Co.)

"I am writing in response to the proposed stream designation by the EPC. I just heard about this, so I apologize for the last minute comments, we were without an engineer for over 4 ½ months. I have been employed by the county for over 30 years and am using my experience to comment on these streams.

First Stream is Cherry Creek- This stream crosses two paved county roads (F36 & F48) and one state Hwy(14). In all my years I have never seen anyone fishing or swimming in any of the crossings. It does go through a golf course but no one has ever talked about anyone swimming in it, 90% of the time the stream is usually about 6-8 inches deep so I believe that this stream does not qu[a]lify for any type of recreational use.

Next is Clear Creek, This stream has crossings on paved county roads F17 and F24 also there is a low water crossing on W 84th St S. The low water crossing was installed about 25 years ago. It has 18 inch diameter culverts and they only run [half] full 90% of the time. The only time it is deeper is when we have floods and then the road has to be closed but that is only for a couple of days. I have never seen anyone swimming or fishing at any of these locations. Again I do not think the water is deep enough to war[a]nt a recreational designation of any kind even [though] it crosses the bike trail. The banks are steep and not user friend.

Elk Creek has many crossings through the county. I have never seen any one fishing or swimming at any of the crossing I am about to list, Liberty Ave, Legion St, S 60th Ave E, County Road F 62, S 124th Ave E. Most of the time the creek runs approximately 6-8 inches deep except when it floods. This would not allow boating as would none of the [other] c[r]eeks listed.

Indian Creek crosses county paved road F 24 and also N 51st Ave W and N 19th Ave W as well as others, These crossing[s] all have steep banks and are not user friendly for any type of recreation. Most of the time [this] creek runs 8 inches deep or less. I have never seen anyone fishing or swimming at these crossings.

Also I have never seen a boat of any kind. Again I see no reason to designate this creek for any type of recreational use.

Benjamin Creek crossings on W 12th St N and county road F 36 I have seen a lot, they are between my home and work. I have never seen any fishing or swimming at these locations, 90% of the time the creek is only approximately 6 inches deep or in some locations almost dry and the banks are not user friendly. The only time a boat could use this creek is for a few short hours during flooding. Not a good contestant for recreational use.

Calhoun Creek Crossings that I am most familiar with are county road F 70 and S 96th Ave W. I have never seen fishing or swimming at either of these locations. 2 years ago we replaced the bridge on F70 with a RCB culvert. There is [usually] only about 4-6 inches of water in the creek and in some area[s] almost dry at times. I cant see where this would be adequate for recreation or [sustaining] fish life.

Prairie Creek crossings are county roads F36 and N 75th Ave W, The normal flow is very low on this creek as well and I have never seen any one fishing or swimming on either of these crossings, the water is usually only approximately 4-6 inches deep with some areas almost dry,

Sugar Creek crossings are S 36th Ave E and S 52nd Ave E that I am most familiar with and at no time have I seen any one fishing or swimming at these crossings. The usual depth of this creek is 4-6 inches and not the best for fish habitat. I can see no reason to designate this creek for fish habitat or recreational use.

Walnut Creek goes through a federal conservation area but is not a deep creek. I have not seen anyone swimming [or] fishing on any of the crossings such as county road F70 or S 112th Ave W. This creek is [usually] 4-6 inches deep and can have areas that are almost dry.

Sewer Creek crosses S 44th Ave W and S 60th Ave W at which I have never seen anyone fishing or swimming at [these] crossing[s] either. This is a small creek which is [usually] [only] 4-6 inches deep. Again not the best for recreation or fish habitat.

None of these stream[s] have I ever seen children around or in. At one time or another I have seen parts of these creeks dry in some areas which I would say would not make a good fish habitat or recreational area. We do not support the designation of these creeks as stated on the notice."

DNR Response:

The department understands these concerns but must maintain its proposed designation for this stream as per Recreational Use protocols and per rule. While the department understands these uses may not occur at present, the Clean Water Act and Iowa law also must protect for possible or attainable uses of a stream. The stream was assessed and based on that assessment was consistent with the classification for Class A2 Secondary Contact recreational uses. Primary contact was deemed unlikely to occur based on the results of the assessment and stream data, but the potential for secondary contact could still occur, hence the need for the Secondary Contact recreational use classification.

79. Raccoon River (Dallas/Polk Cos.)

Four public comments were received.

First public comment:

> "Last week I paddled twelve miles on the Raccoon River, many people were using the river and the river valley for recreation. We need to do all we can to keep the river and the adjacent streams clean and clear – no silt and no chemicals should be allowed to flow in to the waterways. Read my article in the Des Moines Register, Sunday April 25, page 12 C.
>
> It is ashame that Iowa's rivers are so polluted. The DNR should take a LEADERSHIP role to try to keep the rivers clean."

Second comment via our on-line survey and referencing an access point in the DM Metro at Water Works Park - Saylorville area, Beaver and Walnut Creeks:

1. Swimming? Yes.
2. Children playing in or near the stream? Yes.
3. Canoeing, kayaking, or tubing? Yes.
4. Fishing, seining, or trapping for minnows? Yes. Daily, April 1 - November 1 in all areas listed in the section above: "Water Works Park - Saylorville area, Beaver and Walnut Creeks"

Third comment via our on-line survey and referencing an access points in Panora, Redfield, Walnut Woods:

1. Swimming? Yes. about 10x/ summer
2. Children playing in or near the stream? Yes. about 10x/ summer
3. Canoeing, kayaking, or tubing? Yes. about 10x/ summer
4. Fishing, seining, or trapping for minnows? No.

Fourth comment was a general comment in response to a form letter mailing regarding stream segments:

> "Raccoon River"

DNR Response:

The Raccoon River is already designated for Class A1 Primary Contact recreational uses.

<u>80. Ralston Creek (Johnson Co.)</u>

Five public comments were received.

First comment:

> "Ralston Creek, in Johnson County, was supposed to be included on the EPA's Superfund clean-up list years ago, due to leakage from an old coal gasification plant in Iowa City. Through various maneuvers, information relating to the site was suppressed and removed from the Iowa City public library. Subsequently, numerous politicians and candidates for various offices began to bring it up as a potential health hazard. I urge you not only to *not* downgrade the stream but get it (back) on the Superfund Cleanup list."

Second comment:

> "Please do not change the Recreational Use Designation of Ralston Creek in Johnson County. This creek runs through Iowa City and Coralville as far as I know. I've been involved in a few Ralston Creek Clean-Up events and I always see kids in there. I wouldn't get in there, but, to each their own. Downgrading the designation of Ralston Creek is unfair and unnecessary.

I sincerely hope you reconsider downgrading any of the waterways in Iowa. I have listed the few that I have knowledge of, but you can't keep kids out of the water anywhere and cleaner water always seems like the better option to me."

Third comment:

"North Fork Maquoketa Backbone
Little Wapsipinicon River
North Branch Old Man's Creek
Ralston Creek (Johnson County)
Rapid Creek (Johnson County)
Rhine Creek (Johnson County)
Sanders Creek (Johnson County).

In the summer, when my husband and I canoe, or even walk a trail, we often get wet and not 'incidentally." We will stop and swim on a hot day especially at a hole, and I love to wade or at least dangle my feet in the water. On weekends there are people with children exploring these waterways, apparently assuming they are innocuous, and trying to make them their own.

Iowa should be expanding the number of waterways that are eligible for swimming and wading, that young people can safely splash in. How awful the idea that only 'incidental' contact with Iowa's numerous waterways is safe!

Why, in all this plenty, should citizens have to monitor the radio and search for a 'safe' place to swim from an ever-diminishing list, whittled down surreptitiously by our own regulators?

Should we just post a big AT YOUR OWN RISK sign at the borders of the state, and say, "Head for the movies, folks, because frankly in spite of what you've heard about summer recreational opportunities, most of Iowa's water is polluted and intends to stay that way. Don't live here if you like the outdoors. Don't move here, unless you want your kids to end up in emergency room with a pathogen, or you yourself under government surveillance for cancer."

People approach water for its cooling properties and to have fun on hot days; not to look at it, untouchable, afraid. When I hear of a good place, what I really want is to go there. Can I? Is the DNR protecting me? Or is it looking for ways to fudge the numbers?

Reducing government protection to citizens should not be done (especially on this proposed scale) unless all Iowa publicly agrees to resign themselves to being a dumping ground for crappy caretakers who cannot figure out how to preserve the resources that brought them here in the first place. Then at least we cannot be accused of trying to have our cake and eat it too.

Please do not lower the protections on the above-captioned waterways. As you must know, we need to move in the opposite direction."

Fourth comment from our online survey regarding access in Iowa City at Highway 6:

1. Swimming? No.
2. Children playing in or near the stream? No.
3. Canoeing, kayaking, or tubing? Yes.
4. Fishing, seining, or trapping for minnows? Yes. year round.

Fifth comment also from our online survey and referencing access at Hickory Hill City Park, Iowa City. Answers were not provided.

1. Swimming?
2. Children playing in or near the stream?
3. Canoeing, kayaking, or tubing?
4. Fishing, seining, or trapping for minnows?

DNR Response:

This stream within Iowa City is proposed to be designated A3, B(WW-2) in Batch 3. Class A3 is Children's recreational uses. This is due to the high potential for access for children to play in the creek owing to the urban area. The other portions of the creek have not been designated and would have the rebuttable presumption classification of A1, B(WW-1). Class A3 Children's recreational uses will also be protective for swimming and Class A1 Primary Contact recreational uses as their criteria are the same.

Regarding the first comment about the Iowa City Former Manufactured Gas Plant site, the USEPA was contacted for more information regarding this site. Their response based on a June 9, 2010, letter from the EPA project manager, Diana Engeman, is excerpted below:

"The Iowa City Former Manufactured Gas Plant site is a Superfund site located adjacent to Ralston Creek near the intersection of Burlington and Van Buren Streets in Iowa City. The remedy selected by the United States Environmental Protection Agency in the Record of Decision dated September 26, 2006, includes actions to address releases of contamination from the site into the sediment of Ralston Creek. The Record of Decision and documents supporting this decision are included in an Administrative Record file that is available to the public at the Iowa City Public Library. The Administrative Record file for this site was created in April 1999 and has been added to several times since then. Anyone who would like to review this Administrative Record at the Iowa City Public Library. The Administrative Record is also available to the public at the EPA Region 7 offices in Kansas City, Kansas."

The second comment mentions observation of children playing, which is to be expected in an urban area, and which supports the proposed classification of Class A3.

The third comment indicates that primary contact and children's recreational uses are occurring on this stream and others, but unfortunately did not provide sufficient information. As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

While we feel this was clear, the department still tried to contact the responder that stated specific primary contact uses were occurring on August 23 and August 26, 2010, in an attempt to obtain more specific information on location as to where primary contact uses of swimming might be occurring. However, our calls were not returned.

The fourth comment indicated the possibility of tubing occurring, but access was in Iowa City at Highway 6. This location is covered under the proposed Class A3 Children's recreational uses designation. Class A1 Primary Contact recreational uses have the same criteria as Children's recreational uses.

The fifth comment was an incomplete response on our survey website and was blank.

81. Rapid Creek (Johnson Co.)

One public comment was received:

"North Fork Maquoketa Backbone
Little Wapsipinicon River
North Branch Old Man's Creek
Ralston Creek (Johnson County)
Rapid Creek (Johnson County)
Rhine Creek (Johnson County)
Sanders Creek (Johnson County).

In the summer, when my husband and I canoe, or even walk a trail, we often get wet and not 'incidentally.' We will stop and swim on a hot day especially at a hole, and I love to wade or at least dangle my feet in the water. On weekends there are people with children exploring these waterways, apparently assuming they are innocuous, and trying to make them their own.

Iowa should be expanding the number of waterways that are eligible for swimming and wading, that young people can safely splash in. How awful the idea that only 'incidental' contact with Iowa's numerous waterways is safe!

Why, in all this plenty, should citizens have to monitor the radio and search for a 'safe' place to swim from an ever-diminishing list, whittled down surreptitiously by our own regulators?

Should we just post a big AT YOUR OWN RISK sign at the borders of the state, and say, "Head for the movies, folks, because frankly in spite of what you've heard about summer recreational opportunities, most of Iowa's water is polluted and intends to stay that way. Don't live here if you like the outdoors. Don't move here, unless you want your kids to end up in emergency room with a pathogen, or you yourself under government surveillance for cancer."

People approach water for its cooling properties and to have fun on hot days; not to look at it, untouchable, afraid. When I hear of a good place, what I really want is to go there. Can I? Is the DNR protecting me? Or is it looking for ways to fudge the numbers?

Reducing government protection to citizens should not be done (especially on this proposed scale) unless all Iowa publicly agrees to resign themselves to being a dumping ground for crappy caretakers who cannot figure out how to preserve

the resources that brought them here in the first place. Then at least we cannot be accused of trying to have our cake and eat it too.

Please do not lower the protections on the above-captioned waterways. As you must know, we need to move in the opposite direction."

DNR Response:

Rapid Creek is already proposed to be designated Class A1 Primary Contact recreational uses based on results of the field assessment.

Fieldwork for preparation of this UA/UAA was conducted on the lower segment of the Rapid Creek on October 26, 2007. Located in Johnson County, this segment of the Rapid Creek is noted as a perennial stream along the entire assessed length according to the 1:100,000 USGS DLG Data Set. The assessed segment of the Rapid Creek was from its mouth (NW¼, S34, T80N, R6W, Johnson Co.) to the confluence with Sanders Creek (SE¼, S27, T80N, R6W, Johnson Co.). At its mouth, the Rapid Creek has a drainage area of 33.81 square miles while at the confluence with Sanders Creek drainage area is approximately 33.35 square miles.

The main goals of the fieldwork were to determine existing uses, attainable uses, use attainment and potential causes of non-attainment (if any).

Based on aerial photography, a significant percentage of the properties along the Rapid Creek appear to be in private ownership with no roads crossing the stream along the approximate 0.8 mile assessed length. No formal access or parking areas were noted and no rural residences were noted in close proximity to the creek where the occupants would have the potential for accessing the waterway. The stream does not pass through or adjacent to any publicly-owned park, or recreational area.

The stream's widths range from 36 to 40 feet and average depths ranging from 26 to 35 inches with a maximum depth of greater than 48 inches at several locations. Field data collected at the sites appears to be at normal seasonal flow conditions or slightly higher but no definitive estimate was made on the extent of elevated flows. The maximum depth of greater than 48 inches was found at several locations within the assessed length.

Moderately incised stream banks with steep to near vertical side slopes and bank heights, up to approximately 10 feet are common features of the assessed segment. The banks are covered in trees, shrubs, grasses and herbaceous material with significantly open stream canopy.

For its entire assessed length, the creek flows through bottomland timber and rural agricultural land with no portion within close proximity to any community or residential area. No evidence of recreational activity was found with several 'No Trespassing' signs posted along the privately owned access road near the waterway. Recreational uses do not appear to occur along the length of rural private property.

Solicitation of public input on local recreational activities in the assessed segment of the Rapid Creek in Johnson County noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

While no evidence was found of instream recreational use in the deeper water areas of the assessed portion, the observed depth was estimated to be near or greater than 48 inches during normal seasonal conditions. Even though the surrounding property is posted against trespassing, the measured depths indicate the channel is adequate for the remote potential for primary contact recreation. Primary Contact recreational uses are considered attainable for the area because it displayed a maximum depth of approximately 48 inches or greater.

Frequent children's recreation is not expected due the stream being located in rural agricultural lands with steeper and more difficult to traverse banks. Therefore, children's recreation use is not recommended.

The department recommends the Class A1 Primary Contact Recreational Use apply to Rapid Creek from its mouth (NW¼, S34, T80N, R6W, Johnson Co.) to the confluence with Sanders Creek (SE¼, S27, T80N, R6W, Johnson Co. Co.).

Class (A1) Primary Contact Recreational Use

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

<u>Recommended Recreational Use Designation:</u>

Primary Use	☒ - see description above
Secondary Use	☐
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown below:

282-a Upstream Recreation Site Looking Upstream

No change in classification is being proposed.

This comment indicates that primary contact and children's recreational uses are occurring on this stream and others, but unfortunately did not provide sufficient information. As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

While we feel this was clear, the department still tried to contact the responder that stated specific primary contact uses were occurring on August 23 and August 26, 2010, in an attempt to obtain more specific information on location as to where primary contact uses of swimming might be occurring. However, our calls were not returned.

82. Rhine Creek (Johnson Co.)

Two public comments were received.

One public comment stated:

> "Rapid Creek and Rhine Creek are also near me. I'm glad to see that Rapid Creek isn't on the chopping block and I hope you will remove Rhine & Ralston as well.
>
> I sincerely hope you reconsider downgrading any of the waterways in Iowa. I have listed the few that I have knowledge of, but you can't keep kids out of the water anywhere and cleaner water always seems like the better option to me."

Second public comment:

> "North Fork Maquoketa Backbone
> Little Wapsipinicon River
> North Branch Old Man's Creek
> Ralston Creek (Johnson County)
> Rapid Creek (Johnson County)
> Rhine Creek (Johnson County)
> Sanders Creek (Johnson County).
>
> In the summer, when my husband and I canoe, or even walk a trail, we often get wet and not 'incidentally.' We will stop and swim on a hot day especially at a hole, and I love to wade or at least dangle my feet in the water. On weekends there are people with children exploring these waterways, apparently assuming they are innocuous, and trying to make them their own.
>
> Iowa should be expanding the number of waterways that are eligible for swimming and wading, that young people can safely splash in. How awful the idea that only 'incidental' contact with Iowa's numerous waterways is safe!
>
> Why, in all this plenty, should citizens have to monitor the radio and search for a 'safe' place to swim from an ever-diminishing list, whittled down surreptitiously by our own regulators?
>
> Should we just post a big AT YOUR OWN RISK sign at the borders of the state, and say, "Head for the movies, folks, because frankly in spite of what you've heard about summer recreational opportunities, most of Iowa's water is polluted and intends to stay that way. Don't live here if you like the outdoors. Don't

move here, unless you want your kids to end up in emergency room with a pathogen, or you yourself under government surveillance for cancer."

People approach water for its cooling properties and to have fun on hot days; not to look at it, untouchable, afraid. When I hear of a good place, what I really want is to go there. Can I? Is the DNR protecting me? Or is it looking for ways to fudge the numbers?

Reducing government protection to citizens should not be done (especially on this proposed scale) unless all Iowa publicly agrees to resign themselves to being a dumping ground for crappy caretakers who cannot figure out how to preserve the resources that brought them here in the first place. Then at least we cannot be accused of trying to have our cake and eat it too.

Please do not lower the protections on the above-captioned waterways. As you must know, we need to move in the opposite direction."

DNR Response:

Rhine Creek has the designation of A2, B(WW-2) in Batch 3 in this area. North of the Oxford area, this stream has not been designated and has the rebuttable presumption classification of A1, B(WW-1). The original determination was based on the field assessment for the UA/UAA for this section of stream.

Field work for preparation of this UA/UAA was conducted on Rhine Creek on September 28, 2005. The City of Oxford discharges directly into the creek. Rhine Creek, located in Johnson County, is listed as a perennial stream throughout the assessed reach according to the 1:100,000 USGS DLG Data Set. The drainage area for the assessed reach is 5.03 square miles.

The assessed reach of Rhine Creek flows primarily through rural ground. There are no public areas and only one residence along the assessed reach that would allow for access. There were no people recreating in the water at the time of the assessment. No evidence of recreational usage was found on Rhine Creek. A fence was noted on the downstream recreational assessment that may affect the recreational possibilities in this area.

The maximum depth in Rhine Creek was 11.5 inches with an average depth of approximately 6 inches. The potential for recreational uses in Rhine Creek diminish with the lack of flow and lack of access. Primary Contact recreational uses are not considered attainable for the assessed reach of Rhine Creek due to the lack and nature of the stream flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation was not observed and is not expected due the stream being located in a rural agricultural area and the lack of accessibility and recreational evidence found; therefore, children's recreational use is not recommended.

While Rhine Creek is too shallow to support primary contact recreational uses, the creek does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for Rhine Creek, from its mouth (NE ¼, S28, T80N, R8W, Johnson County) to the railroad tracks crossing (SE ¼, SW ¼, S21, T80N, R8W, Johnson County). The Department considers Class A2 to be the highest attainable recreational use designation for this stream segment

Secondary Contact Recreational Use (Class A2):
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐
Secondary Use	☒ - see description above
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown on the next page:

Recreation assessment upstream

The first comment received is a general comment regarding the stream and does not provide any specific use information.

The second comment indicates that primary contact and children's recreational uses are occurring on this stream and others, but unfortunately did not provide sufficient information. As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

While we feel this was clear, the department still tried to contact the responder that stated specific primary contact uses were occurring on August 23 and August 26, 2010, in an attempt to obtain more specific information on location as to where primary contact uses of swimming might be occurring. However, our calls were not returned.

83. Roberts Creek (Clayton/Fayette Cos.)

Four public comments were received.

First public comment:

> "I am writing in regards to the Iowa Department of Natural Resources recommendations for Roberts Creek located in Clayton County. It is my understanding the DNR is recommending an A2 secondary contact recreational designation of Roberts Creek.
>
> I am aware of several people who canoe and/or kayak Roberts Creek several times a year. They will usually put in at St. Olaf and float down to the Turkey River and get out where Roberts Creek goes under Grape Road. A couple of times a summer we have people through the Welcome Center at Osborn or who camp at Motor Mill who will also float this section of Roberts Creek.
>
> The users of this stream are very excited about their trips down Robert's Creek. They talk about the scenery, the quietness, and those who know where to look, the bald eagle nests that sit along the stream. Robert's Creek has a lot more potential for A1 use if properly promoted.
>
> Currently the Clayton County Conservation Board and the Fayette County Conservation Board have an active Iowa Water Trails Grant for the Turkey River. We have discussed the possibility of future expansion of this water trail to include a portion of the Volga River and the portion of Roberts Creek from St. Olaf to the Turkey River. Additionally, there is currently an open discussion with county roads department in the development of an access to Roberts Creek on Fawn Hollow road just north of 230th St.
>
> I would like to recommend the DNR to strongly consider an A1 primary contact recreational use designation for Roberts Creek for at least the portion between St. Olaf and the Turkey River."

The second public comment was received from a DNR Natural Resources biologist:

> "On Roberts Creek beginning at St. Olaf, paddling occurs in the spring and at other times when flows are suitable. In fact, there are plans to get this stretch on as part of a regional canoe map to better promote it for paddling. A very scenic stretch that people are just beginning to discover (see attached picture from earlier this spring). Just down from St. Olaf, along Fawn Hollow Road, the county supervisors have agreed to designate one of the county bridges as a

canoe access with parking along a widened part of the road. This stretch will be very popular for paddling once it gets promoted and more folks discover it. Above St. Olaf about 5 stream miles, there is a location where Roberts Creek goes underground and has been die traced to come out at the spring at Big Spring where people have direct contact with the water…sometimes leaning over to take drinks as it comes into the fish raceways…we don't recommend this, however! This underground connection has been occurring for a long time…see attached 1856 survey map simply showing the creek ending at a 'sink'. The current sink is a mile or so further downstream. Roberts creek is also a secret hotspot for smallmouth bass fishing from the sink all the way to the mouth. Swimming occurs on holes throughout the entire stretch. Bad things are done to the creek from farms along the way. Attached is a picture showing a direct channel from the feed lot to the creek. I've turned in one person several times when manure was directly flowing into the creek, but nothing ever seems to change."

Third public comment was received from the DNR Rivers Program:

"Popular locally to people in the Elkader area."

The fourth public comment was received from a local organization:

"The recreational uses for the entire 33.5 miles of Roberts Creek from the confluence with the Turkey River near Elkader to the headwaters just south of the Allamakee County town of Postville was assessed by DNR. DNR is proposing to downgrade the current A1 primary contact recreational use designation to secondary contact, except for 3 small segments 1) a 500 ft long deep pool at Fawn Hollow Road between the cities of St. Olaf and Elkader which is proposed to retain the A1 primary contact swimming use, 2) a 0.2 mile stretch in the town of St. Olaf between Fawn Hollow Rd and 205th St. that is proposed for designation as A3 primary contact children's recreational use, and 3) a 65 ft. long pool at Farmersburg Road north of St Olaf which is proposed to retain the A1 primary contact swimming use.

Roberts Creek passes just east of the town of Elkader and passes through the town of St. Olaf. In addition to the 2 towns, there are 2 public use areas along the creek. The new Pony Hollow Trail Maintained by the Clayton County Conservation Board follows Roberts Creek from Elkader's City Park to 205th St, NW of Elkader. The Roberts Creek State Preserve is located inside a sharp bend in the creek just south of St. Olaf.

Roberts Creek recreational uses were assessed in June 2006 (Elkader to St. Olaf) and September 2007 (St. Olaf to headwaters). The average depths and max depth for the 4 sites on the segment from Elkader to St. Olaf ranged from 20" to 30" and the max depths ranged from 29" to >48", with the maximum depth being at the 500' long pool at Fawn Hollow Rd. that is proposed for A1 designation. The average depths measured for this entire segment demonstrate that primary contact uses are attainable. **[This organization] does not believe the data presented in the UAA is sufficient to rebut the presumption of attainable primary contact recreation uses for this segment of Roberts Creek and recommends that the A1 primary contact recreational use designation be retained for this entire segment.**

The average depths and max depths for the 5 sites for the section of the river upstream of St. Olaf ranged from 10" to 14" and the max depths ranged from 12" to 36". Deep pools were noted at 4 of the 5 sites, ranging from 24" to >48", with 4 of the 5 sites having pools with depths greater than 34". However, only the 48" pool at Farmersburg Rd is propose for A1 designation. The other pools are not proposed for primary contact recreation because DNR subtracted 8" from the assessed depth in their determination of recreational attainability because of elevated flows, suggesting the water depths were "possibly due to wetter late summer conditions" **[This organization] does not believe the data presented in the UAA is sufficient to rebut the presumption of attainable primary contact recreation uses in the deep pools at sites 366-1c, 366-1d, and 366-1e and recommends that the A1 primary contact recreational use designation be retained for these pools.**"

DNR Response:

This stream is currently proposed to be Class A2 Secondary Contact recreational areas with pool areas designated as Class A1 based on the results of the field assessment discussed below.

Fieldwork for preparation of this UA/UAA was conducted on Roberts Creek on June 14, 2006 and September 24, 2007. Roberts Creek, located in Clayton County, is noted as a perennial stream along its entire assessed length according to the 1:100,000 USGS DLG Data Set. The assessed segment of Roberts Creek was from its mouth (SE1/4, S25, T93N, R5W, Clayton Co.) to the confluence with an unnamed tributary (section line, S8/9, T95N, R6W, Clayton Co.) covering a distance of 33.53 miles. At its mouth, Roberts Creek has a drainage area of 141 square miles while at the most upstream sample site 366-1e the drainage area is approximately 116.17 square miles.

The main goals of the fieldwork were to determine existing uses, attainable uses, use attainment and potential causes of non-attainment (if any).

Based on aerial photography and field assessment, many locations along the assessed reach exhibits historic realignment of the creek channel likely occurring in association with agricultural production improvements and conveyance of the creek's flows at road crossings. A predominance of the stream channel has the appearance of longer runs mixed with natural meandering and limited pool/riffle sequences within the moderately incised stream channel. Scour -type pools were observed to occur in areas, particularly associated with bridge structures, cut banks and isolated wood snag piles.

Light rainfall/runoff in the previous 7 days had resulted in the creek's depths to be elevated by approximately 10 inches during the assessment on 6/14/06 (sites 686-1, 686-2, 686-3, 686-4) and by approximately 8 inches during the assessment on 9/24/07 for sites 336-1a, 366-1b, 366-1c, 366-1d, 366-1e. When considering the observed elevated flow data, the stream's estimated average depths under normal flow conditions would range from less than 1 inch to 24 inches with a maximum depth of greater than 38 inches. It is also estimated that the stream's widths during normal flow conditions would range from only 10 to 28 feet.

Moderately incised stream banks with steep to near vertical side slopes and bank heights up to approximately 25 feet are common features of the assessed segment. The banks are covered in a mixture of trees, shrubs, herbaceous material, and grasses resulting in a significantly open stream canopy.

For its entire length, the creek flows primarily through rural agricultural land and timbered steep hillsides with only a very limited portion within close proximity of any developed area. Approximately 800 feet of the creek flows through the community of St. Olaf where a fenced grass ball field is located near the creek bank. A very short length passes through a light commercial/industrial area near the City of Elkader. No stream side or instream uses were observed at any of the assessed sites.

The creek does not pass through any publicly-owned park, or recreational area. A newer developed Pony Hollow Trail is a 4 mile long old railroad grade located near Roberts Creek and east of the City of Elkader providing recreational biking, hiking and winter snowmobiling. The trail route does not traverse across Roberts Creek nor provide identifiable stream side access during the recreational period.

No recreational activity appears to occur along the private property with the potential recreational uses diminishing with the lack of flow and depth, and the creek's overall rural location. Aerial photography indicates only 21 residences in close proximity to the creek where the occupants would have the potential for accessing the creek. The stream passes under county roads at 22 occurrences and one state highway along the reach.

Solicitation of public input on local recreational activities in Roberts Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) There were two surveys returned for Roberts Creek. Specifically, the returned surveys stated that people will put their canoes or kayaks in at St. Olaf and float down to the Turkey River, then take out at Grape Road. In the spring, at St. Olaf, paddling will occur when flow allows. The city has approved a plan for the construction of a bridge on Fawn Hollow Rd for better canoe access. Swimming has also occurred in various holes throughout the entire stretch and very popular to the people of Elkader.

3) Public comments received during field assessments – Comments from a local citizen noted that kids frequently swim in the scour holes at the Fawn Hollow Road bridge in the community of St. Olaf and the scour area below the confluence with Howard Creek.

Lower Reach: From the mouth (SE1/4, S25, T93N, R5W, Clayton Co.) to the Fawn Hollow Road bridge (NW¼, S25, T94N, R5W, Clayton Co.).

Light rainfall/runoff in the previous 7 days had resulted in the creek's depths to be elevated by approximately 10 inches during the field assessment on 6/14/06 (sites 686-1, 686-2, 686-3, 686-4).

Review of the field data, and the corresponding testimony from the surveys could be considered enough information for the Department to consider recommending that the lower reach of Roberts creek be recommended for Primary Contact Recreation.

The depth criteria guidelines used by the department to help determine if Primary Contact Recreational use (Class A1) is attainable typically will exclude streams that are not able to support a Class A1 use due to the overall lack of flow needed to support activities that result in direct and prolonged contact with the water, involving considerable risk of ingesting appreciable quantities of water sufficient to pose a health hazard. While these guidelines are effective in most situations, there are cases where a stream demonstrates that it can support the Class A1 use despite the lack of flow that typically distinguishes a stream that can support Primary Contact Recreational uses.

Recommended Recreational Use Designation:

Primary Use	☒ - see description above
Secondary Use	☐
Children's Recreation	☐
No Recreational Use	☐

Middle Reach: From the Fawn Hollow Road bridge (NW¼, S25, T94N, R5W, Clayton Co.) to the Farmersburg Road bridge (section line, S14/15, T94N, R5W, Clayton Co.)

The shallower water along the rural portion of the assessed creek length was not capable of supporting normal primary recreational uses. The average of all sampled data in this reach was found to only have average depths of 3 inches and a single location found to have a depth of greater than 9 inches during normal stream flow regimes. The 9 inch maximum depth was found at site 366-1a downstream recreational assessment location.

The overall shallow water conditions appear to impede the reasonable attainment of primary contact recreation along this assessed reach. Primary Contact recreational uses are not considered attainable for this length of Roberts Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the stream being located in primarily rural timber and agricultural area with heavily vegetated, steeper, and more difficult to traverse banks. Therefore, children's recreation use is not recommended.

While this reach of Roberts Creek is too shallow to support primary contact recreational uses, it does possess the potential of attracting Class A2 Secondary Contact recreational uses particularly associated with stream fishing, trapping, or hunting. It is recognized that the steep and incised banks may prevent frequent occurrences of these types of recreational uses. The Department recommends assigning a Class A2 Secondary Contact recreational use designation for Roberts Creek from the Fawn Hollow Road bridge (NW¼, S25, T94N, R5W, Clayton Co.) to the Farmersburg Road bridge (section line, S14/15, T94N, R5W, Clayton Co.). The Fawn Hollow Road bridge reflects the outskirts of the developed area within the community of St. Olaf. The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use ☐

Secondary Use ☒ - See description above

Children's Recreation ☐

No Recreational Use ☐

Farmersburg Road bridge deeper water run area - The actual deeper water run upstream and downstream of the Farmersburg Road bridge (section line, S14/15, T94N, R5W, Clayton Co.) for approximately 65 feet.

No evidence was found of instream recreational use in the deeper water run bisected by the county road bridge. Based on field data, the average depth estimated during seasonal normal flow conditions was estimated to be near or greater than 40 inches. The stream hydraulics, past channel alignment dredging, and the measured depths indicates the deeper water area was, at the time of the assessment, sufficient for potential primary contact recreation uses.

The department recommends the Class A1 Primary Contact Recreational Use apply only in the actual deeper water run associated with the Farmersburg Road bridge from the downstream end of the pool UTM (NAD83) Coordinates: X(Easting) 629728.01 Y(Northing) 4756657.86 to the upper end of the pooled region associated with Farmersburg road bridge X (Easting) 629745.95 Y(Northing) 4756669.67.

Class (A1) Primary Contact Recreational Use

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

Recommended Recreational Use Designation:

Primary Use ☒ - see description above

Secondary Use ☐

Children's Recreation ☐

No Recreational Use ☐

Upper Reach: From the upper extent of the deeper water area at the Farmersburg Road bridge (section line, S14/15, T94N, R5W, Clayton Co.) to confluence with an unnamed tributary (section line, S8/9, T95N, R6W, Clayton Co.)

The shallower water along the rural portion of the assessed creek length was not capable of supporting normal primary recreational uses. The average of all sampled data in this reach was found to only have average depths of 5 inches and a single location found to have a depth of greater than 30 inches during normal stream flow regimes. The 30 inch maximum depth was found at site 366-1e.

The overall shallow water conditions appear to impede the reasonable attainment of primary contact recreation along this assessed reach. Primary Contact recreational uses are not considered attainable for this length of Roberts Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the stream being located in primarily rural timber and agricultural area with heavily vegetated, steeper, and more difficult to traverse banks. Therefore, children's recreation use is not recommended.

While this reach of Roberts Creek is too shallow to support primary contact recreational uses, it does possess the potential of attracting Class A2 Secondary Contact recreational uses particularly associated with stream fishing, trapping, or hunting. It is recognized that the steep and incised banks may prevent frequent occurrences of these types of recreational uses. The Department recommends assigning a Class A2 Secondary Contact recreational use designation for Roberts Creek from the Farmersburg Road bridge (section line, S14/15, T94N, R5W, Clayton Co.) to confluence with an unnamed tributary (section line, S8/9, T95N, R6W, Clayton Co.). The confluence with an unnamed tributary reflects the upper-most extent of perennial flow in Roberts Creek and is approximately 2/3 mile upstream of site 366-1e. The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:	
Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown below:

686-3 Bridge looking downstream

Based on the UA/UAA assessment, several pooled areas were already designated Class A1 Primary Contact recreational uses. However, with the public responses provided, it appears water contact recreational canoeing as well as swimming in general is occurring in many places along this creek. One commenter indicated that "I am aware of several people who canoe and/or kayak Roberts Creek several times a year." A second said, "Swimming occurs on holes throughout the entire stretch." The DNR Rivers Program indicates this creek is "Popular locally to people in the Elkader area."

With these responses, the DNR proposes to change the designation of the creek from Class A2 Secondary Contact recreational uses to Class A1 Primary Contact recreational

uses from the mouth of Roberts Creek (SE ¼, S25, T93N, R5W, Clayton Co.) to the Fawn Hollow Road Bridge (NW ¼, S25, T94N, R5W, Clayton Co.).

NOTE: Regarding the public comment about the releases to the river, this section of the department does not handle those reports, but the information was forwarded to Joe Sanfilippo, Supervisor of Field Office #1, who does investigate these types of reports. The field office contact information is provided below:

84. Rock Creek (Clinton Co.)

One public comment was received:

> "There has been a canoe-based river cleanup here in which I participated in 2007, and people from eastern Clinton County do paddle here."

DNR Response:

Rock Creek in Clinton County is proposed to be designated Class A2 Secondary Contact recreational uses in Batch 3 based on results of the field assessment.

Fieldwork for preparation of this UA/UAA was conducted on Rock Creek on November 14, 2006. Located in Clinton County, Rock Creek is noted as a perennial stream along its entire length according to the 1:100,000 USGS DLG Data Set. The assessed segment of Rock Creek was from its mouth (SE¼, S31, T81N, R6E, Clinton Co.) to confluence with an unnamed tributary (W½, S23, T81N, R5E, Clinton Co.). At its mouth, Rock Creek has a drainage area of 14.93 square miles while at the upper extent of the assessment the drainage area is 3.66 square miles.

Based on aerial photography, all of the properties along the assessed portion of Rock Creek appear to be in private ownership with approximately 90% of the length as a free flowing watercourse and 10% impounded as a newly created wetland area. At the nearest location, the creek passes approximately 1/2 mile from the outskirts of the community of Camanche. A majority of the lower portion of the creek is flowing within the remote floodplain timber area of the Mississippi River valley. A segment also passes through the newly constructed wetland complex (Rock Creek Marsh - probably privately owned). Four roads cross the creek channel along with two active rail lines at a more isolated or remote locations.

From field observations and aerial photography, six rural residences were noted along or in close proximity to the assessed segment. The creek does not flow through any known public recreational areas.

At the recreational assessment locations, the creek's widths range from 9 to 21 feet and average depths ranging from 6 to 24 inches with a maximum depth of 35 inches in a small scour area at

site 379-c. From site photographs and field data, the stream flow appeared to be slightly above seasonal levels. Moderately shallow stream banks with some steep to near vertical side slopes and bank heights, up to 8 feet are common features of the assessed segment. The banks are covered in a mixture of trees, grasses, herbaceous material, shrubs and bare soil resulting in a moderately open stream canopy.

The substrate in the accessed reach is primarily silty material for all of the sampled areas with some cobble and sand noted. Some algae growths and duckweed were noted. Overhanging vegetation composed of primarily of tree branches and grasses was a common stream side cover.

While there were no people observed recreating in the water at the time of the assessment, evidence of past recreational use was observed at site 379-a where fishing tackle line was found. No other evidence of instream or stream side uses was noted.

Solicitation of public input on local recreational activities in Rock Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

The relatively shallower water along the assessed creek length (ranging from 6 to 24 inches during near normal conditions) was not capable of supporting normal primary recreational uses. No locations were found to have depths greater than 35 inches under near normal flow regimes. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the entire assessed reach. Primary Contact recreational uses are not considered attainable for Rock Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation was not noted nor expected to occur due the stream being located primarily in a remote rural agricultural areas with vegetated, steep, and more difficult to traverse banks and very silty substrate conditions. Therefore, children's recreation use is not recommended.

While Rock Creek is too shallow to support primary contact recreational uses, it does possess a potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, seining, trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for Rock Creek was from its mouth (SE¼, S31, T81N, R6E, Clinton Co.) to confluence with an unnamed tributary (W½, S23, T81N, R5E, Clinton Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown below:

379-B Downstream Recreation Site Looking Upstream

We are withdrawing this stream from rulemaking at this time based on the need for additional information.

85. Rock Creek (Polk Co.)

Three public comments were received.

First comment:

> "I understand that Rock Creek in Polk County is being considered for A2 designation, which provides less protection that it currently has. I'm a paddler who lives in Des Moines. I frequently paddle Rock Creek from the mouth of the Des Moines River up to where it runs under the Neal Smith Trail. I've posted trip reports on Paddling Iowa about the area because it's a great place to watch birds. I didn't know the name of the creek until just now. I have seen lots of recreation along the banks of the creek near the mouth of the Des Moines River, including fishing, fisherman wading in the water, and bird watching. This area is full of migrating warblers in the spring and fall months. I get out frequently in my kayak to bird watch in this area. I have taken others with me and I know others have gone on their own out there to paddle the creek. At times, I'll get out of my canoe or kayak and wade in the water taking pictures of water birds, and other avian species.
>
> I hope that area of Rock Creek is not downgraded to A2. It needs to stay at A1 or A3.
>
> Thanks for your consideration."

The second comment from a local organization:

> "Approximately 3 miles of this stream was assessed by DNR in April of 2006. Based on a conversation we had with Army Corps of Engineers staff at the Saylorville Reservoir this creek flows through Cottonwood Park which is the biggest day use park with the most visitors in the Saylorville complex. The assessment noted that a bike trail does cross the creek near its mouth. **[This organization] recommends an A3 children's recreational use designation for Rock Creek from the mouth to the edge of the property owned by the Army Corps of Engineers (NE ¼, S32, T80N, R24W), due to the heavy traffic from Cottonwood Park and its proximity to a bike trail.**"

Third public comment:

> "Camp Creek, Drainage Ditch #11, Frink Creek, Indian Creek, Muchikinock Creek, Rock Creek, Walnut Creek and Yeader Creek are all in Polk County, so changes to these could have an impact to a large number of residents. However, any

downgrades to protection of our water [is] not acceptable. Let's increase our protections, not decrease them."

DNR Response:

Rock Creek in Polk County has the proposed designation of Class A2 Secondary Contact recreational uses based on the field assessment for the UA/UAA for this section of stream.

Fieldwork for preparation of this UA/UAA was conducted on the Rock Creek on April 24, 2006. Rock Creek, located in Polk County, is noted as a perennial stream from its mouth to the Polk City Drive bridge crossing (aka old Highway 415) according to the 1:100,000 USGS DLG Data Set. The assessed segment of Rock Creek was from its mouth (S32, T80N, R24W, Polk Co.) to the Polk City Drive bridge (aka old Highway 415) (S21, T80N, R24W, Polk Co.), but did not extend upstream into the intermittent segment. At its mouth, the Rock Creek has a drainage area of 14.74 square miles while at the upper extent of the assessment (Polk City Drive bridge) the drainage area is approximately 12.92 square miles.

Based on aerial photography, nearly all of the properties along Rock Creek appear to be in private ownership with three roadways crossing the creek channel along the approximate 3.1 mile assessed length with no formal access or parking areas noted at the crossings. However, 14 rural residences were noted in close proximity to the creek. The creek does not appear to pass through or adjacent to a publicly-owned park, or recreational area, but has its mouth in the Corps of Engineers Saylorville Wildlife Management Area and Des Moines River floodplain corridor. This federal area does not appear to have any stream side recreational area constructed or developed for access to the creek. A recreational trail/bike path paralleling the river does cross the creek near its mouth.

At the two recreational assessment locations, the creek's widths range from 16 inches to 15 feet and the average depth ranged from 5 to 9 inches with a maximum depth of 12 inches. The maximum depth was observed in a small scour area at site 30-1. Moderately steep stream banks with near vertical side slopes and estimated heights ranging from 10 to 12 feet are common features of the assessed segment. The banks are covered in a mixture of trees, grasses, herbaceous material, and shrubs resulting in a moderately open stream canopy.

At the time of the assessment there were no people observed using the stream for any types of recreation however, there were signs of past stream side activities at both sites. At site 30-1 ATV tracks were observed under the bridge. At site 30-2 there was a foot path found downstream of the bridge leading up to a residential area.

Solicitation of public input on local recreational activities in Rock Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

3) Phone interview - A park ranger with the Army Corps of Engineers indicated that at the Saloryville Reservoir WMA people have been observed kayaking within the backwater of the Des Moines River to which Rock Creek flows into, which is historically the old Des Moines River channel prior to the dam being constructed at Saylorivlle Reservoir. Kayaking has not been observed in Rock Creek itself. He stated that kayakers will float up to the upper extent of the backwater. Swimming has not been observed nor has children's play. Fishing, seining, and trapping of minnows have been observed.

The shallow water along the assessed creek length was not capable of supporting normal primary recreational uses. No locations were found to have depths greater than 12 inches with this depth only associated with a small scour area in an overall very shallow stream. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the entire assessed reach. Primary Contact recreational uses are not considered attainable for Rock Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the stream being located in primarily rural timber and agricultural area with heavily vegetated, steeper, and more difficult to traverse banks. Therefore, children's recreation use is not recommended.

While Rock Creek is too shallow to support primary contact recreational uses, this segment of the creek does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with stream side hiking, ATV riding, trapping, or possibly hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for Rock Creek, from its mouth (S32, T80N, R24W, Polk Co.) to the Polk City Drive bridge (aka old Highway 415) (S21, T80N, R24W, Polk Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream segment

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:	
Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of this creek is shown below:

30-2 From bridge looking downstream

Depths in this location are too shallow to meet the criteria for Class A1 Primary Contact recreational uses; however, based on public comment, some recreational uses may still be occurring in this area. This is supported by the location near a popular recreation area. The department will classify this segment Class A3 Children's recreational uses from the mouth (S32, T80N, R24W, Polk Co.) to the confluence with the Neal Smith Trail (NAD83) UTM Coordinates X(Easting) 443999.12 Y(Northing) 4616612.12 to account for those uses.

This last comment is a general comment and does not provide specific information to more appropriately respond. As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

86. Sanders Creek (Johnson Co.)

One public comment was received:

> "North Fork Maquoketa Backbone
> Little Wapsipinicon River
> North Branch Old Man's Creek
> Ralston Creek (Johnson County)
> Rapid Creek (Johnson County)
> Rhine Creek (Johnson County)
> Sanders Creek (Johnson County).
>
> In the summer, when my husband and I canoe, or even walk a trail, we often get wet and not 'incidentally." We will stop and swim on a hot day especially at a hole, and I love to wade or at least dangle my feet in the water. On weekends there are people with children exploring these waterways, apparently assuming they are innocuous, and trying to make them their own.
>
> Iowa should be expanding the number of waterways that are eligible for swimming and wading, that young people can safely splash in. How awful the idea that only 'incidental' contact with Iowa's numerous waterways is safe!
>
> Why, in all this plenty, should citizens have to monitor the radio and search for a 'safe' place to swim from an ever-diminishing list, whittled down surreptitiously by our own regulators?
>
> Should we just post a big AT YOUR OWN RISK sign at the borders of the state, and say, "Head for the movies, folks, because frankly in spite of what you've

heard about summer recreational opportunities, most of Iowa's water is polluted and intends to stay that way. Don't live here if you like the outdoors. Don't move here, unless you want your kids to end up in emergency room with a pathogen, or you yourself under government surveillance for cancer."

People approach water for its cooling properties and to have fun on hot days; not to look at it, untouchable, afraid. When I hear of a good place, what I really want is to go there. Can I? Is the DNR protecting me? Or is it looking for ways to fudge the numbers?

Reducing government protection to citizens should not be done (especially on this proposed scale) unless all Iowa publicly agrees to resign themselves to being a dumping ground for crappy caretakers who cannot figure out how to preserve the resources that brought them here in the first place. Then at least we cannot be accused of trying to have our cake and eat it too.

Please do not lower the protections on the above-captioned waterways. As you must know, we need to move in the opposite direction."

DNR Response:

Sanders Creek in Polk County has the proposed designation of Class A2 Secondary Contact recreational uses. The original determination was based on the field assessment for the UA/UAA for this section of stream.

Fieldwork for preparation of this UA/UAA was conducted on Sanders Creek during the three different assessment periods. Since significantly different stream flow regimes were observed between the September 29, 2005 field assessment verses the two September 29, 2005 and October 26, 2007 assessments, only data from the latter two periods will be considered. Located in Johnson County, this segment of the Sanders Creek is noted as an intermittent stream along the entire assessed length according to the 1:100,000 USGS DLG Data Set. The assessed segment of the Sanders Creek was from its mouth (SE¼, S27, T80N, R6W, Johnson Co.) to the Timber Trails Estates' wastewater treatment facility outfall (NW¼, S26, T80N, R6W, Johnson Co.). At its mouth, the Sanders Creek has a drainage area of 3.46 square miles while at the Timber Trails Estates' wastewater treatment facility outfall; the drainage area is approximately 2.43 square miles.

The main goals of the fieldwork were to determine existing uses, attainable uses, use attainment and potential causes of non-attainment (if any).

Based on aerial photography, a significant percentage of the properties along the Sanders Creek appear to be in private ownership with one county road crossing the stream along the approximate 2.13 mile assessed length. No formal access or parking areas were noted and three

rural residences were noted in close proximity to the creek where the occupants would have the potential for accessing the waterway. The stream does not pass through or adjacent to any publicly-owned park, or recreational area.

When considering the observed elevated flow data, the stream's estimated average depths under normal flow conditions would range from only 3 to 10 inches with a maximum depth of 20 inches. Field data collected at the sites appears to be at normal seasonal flow conditions or slightly higher but no definitive estimate was made on the extent of elevated flows.

Moderately incised stream banks with steep to near vertical side slopes and bank heights, up to approximately 10 feet are common features of the assessed segment. The banks are covered in trees, shrubs, grasses and herbaceous material with significantly enclosed stream canopy.

For its entire assessed length, the creek flows through bottomland timber, rural agricultural land, and possible a small active rock quarry with no portion within close proximity to any community or residential area. No evidence of recreational activity was found with several 'No Trespassing' signs posted along the privately owned access road near the mouth of the waterway. Recreational uses do not appear to occur along the length of rural private property.

Solicitation of public input on local recreational activities in the assessed segment of the Sanders Creek in Johnson County noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

The shallow water along the assessed creek length (averaging 3 to 10 inches during normal stream conditions) was not capable of supporting normal primary recreational uses. No locations were found to have depths greater than 20 inches. The shallow waters conditions appear to impede the reasonable attainment of primary contact recreation along the reach. Primary Contact recreational uses are not considered attainable for this length of Sanders Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the stream being located in a rural agricultural area and presence of steeper, heavily vegetated, and difficult to traverse banks. Therefore, children's recreation use is not recommended.

While the assessed reach of Sanders Creek is too shallow to support primary contact recreational uses, it does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with trapping, hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for Sanders Creek from its mouth (SE¼, S27, T80N, R6W, Johnson Co.) to the Timber Trails Estates' wastewater treatment facility outfall (NW¼, S26, T80N, R6W, Johnson Co.). The Department

considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this stream is shown below:

282-1 Upstream recreation site looking upstream

The comment received indicates that primary contact and children's recreational uses are occurring on this stream and others, but unfortunately did not provide sufficient

information to justify a change in classification. As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

87. Sents Creek (Marion Co.)

One public comment was received from a local resident:

> "Iowa, a great place to live, is what we would like to believe. Let's make and keep it so. One way is to maintain and protect high quality recreational water standards for its citizens to enjoy, as well as for the many visitors and vacationers. Water recreation is vital. It is important that our waters be protected from contaminants, as many people enjoy contact with the water, and should feel safe in our waters. Many enjoy fishing and consume their catch. If anything protections for water quality in our streams and rivers should be increased. Iowa can be a great and beautiful place to live and visit, but we must all work, take responsibility and contribute to make it so. Please do not lower recreational use protections in any of our waters.
>
> I live in Marion county where there is a section of English Creek which may be down graded from A1 to A2, Tracy Creek from A1 to A2 and Sents Creek from A1 to A2, A3. It saddens me to think that so many of the states streams and rivers may be downgraded allowing for greater discharge into them and making them less safe for human use."

DNR Response:

It is difficult to respond without more information. The proposed classification of this stream varies by location, one part being Class A2 Secondary Contact recreational uses and the other being Class A3, Children's recreational uses.

As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

88. Sewer Creek (Jasper Co.)

One comment was received:

> "I am writing in response to the proposed stream designation by the EPC. I just heard about this, so I apologize for the last minute comments, we were without an engineer for over 4 ½ months. I have been employed by the county for over 30 years and am using my experience to comment on these streams.
>
> First Stream is Cherry Creek- This stream crosses two paved county raods (F36 & F48) and one state Hwy(14). In all my years I have never seen anyone fishing or swimming in any of the crossings. It does go through a golf course but no one has ever talked about anyone swimming in it, 90% of the time the stream is usually about 6-8 inches deep so I believe that this stream does not qu[a]lify for any type of recreational use.
>
> Next is Clear Creek, This stream has crossings on paved county roads F17 and F24 also there is a low water crossing on W 84th St S. The low water crossing was installed about 25 years ago. It has 18 inch diameter culverts and they only run [half] full 90% of the time. The only time it is deeper is when we have floods and then the road has to be closed but that is only for a couple of days. I have never seen anyone swimming or fishing at any of these locations. Again I do not think the water is deep enough to war[a]nt a recreational designation of any kind even [though] it crosses the bike trail. The banks are steep and not user friend.
>
> Elk Creek has many crossings through the county. I have never seen any one fishing or swimming at any of the crossing I am about to list, Liberty Ave, Legion St, S 60th Ave E, County Road F 62, S 124th Ave E. Most of the time the creek runs approximately 6-8 inches deep except when it floods. This would not allow boating as would none of the [other] c[r]eeks listed.

Indian Creek crosses county paved road F 24 and also N 51st Ave W and N 19th Ave W as well as others, These crossing[s] all have steep banks and are not user friendly for any type of recreation. Most of the time [this] creek runs 8 inches deep or less. I have never seen anyone fishing or swimming at these crossings. Also I have never seen a boat of any kind. Again I see no reason to designate this creek for any type of recreational use.

Benjamin Creek crossings on W 12th St N and county road F 36 I have seen a lot, they are between my home and work. I have never seen any fishing or swimming at these locations, 90% of the time the creek is only approximately 6 inches deep or in some locations almost dry and the banks are not user friendly. The only time a boat could use this creek is for a few short hours during flooding. Not a good contestant for recreational use.

Calhoun Creek Crossings that I am most familiar with are county road F 70 and S 96th Ave W. I have never seen fishing or swimming at either of these locations. 2 years ago we replaced the bridge on F70 with a RCB culvert. There is [usually] only about 4-6 inches of water in the creek and in some area[s] almost dry at times. I cant see where this would be adequate for recreation or [sustaining] fish life.

Prairie Creek crossings are county roads F36 and N 75th Ave W, The normal flow is very low on this creek as well and I have never seen any one fishing or swimming on either of these crossings, the water is usually only approximately 4-6 inches deep with some areas almost dry,

Sugar Creek crossings are S 36th Ave E and S 52nd Ave E that I am most familiar with and at no time have I seen any one fishing or swimming at these crossings. The usual depth of this creek is 4-6 inches and not the best for fish habitat. I can see no reason to designate this creek for fish habitat or recreational use.

Walnut Creek goes through a federal conservation area but is not a deep creek. I have not seen anyone swimming [or] fishing on any of the crossings such as county road F70 or S 112th Ave W. This creek is [usually] 4-6 inches deep and can have areas that are almost dry.

Sewer Creek crosses S 44th Ave W and S 60th Ave W at which I have never seen anyone fishing or swimming at [these] crossing[s] either. This is a small creek which is [usually] [only] 4-6 inches deep. Again not the best for recreation or fish habitat.

None of these stream[s] have I ever seen children around or in. At one time or another I have seen parts of these creeks dry in some areas which I would say would not make a good fish habitat or recreational area. We do not support the designation of these creeks as stated on the notice."

DNR Response:

This stream was not part of this rule making. It was classified Class A2 Secondary Contact recreational uses in Batch 2.

89. Silver Creek (Clinton Co.)

Two public comments were received via our on-line survey.

First on-line survey comment, regarding an access point near West Brook Park at 11th Street near DeWitt:

1. Swimming? No.
2. Children playing in or near the stream? Yes.
3. Canoeing, kayaking, or tubing? No.
4. Fishing, seining, or trapping for minnows? Yes.

Second on-line survey comment was sent in regarding DeWitt West Brook Park, but specific responses to the questions were not obtained:

1. Swimming?
2. Children playing in or near the stream?
3. Canoeing, kayaking, or tubing?
4. Fishing, seining, or trapping for minnows?

DNR Response:

This stream was not included in this batch for rule making.

90. South Fork Iowa River (Hardin Co.)

Two public comments were received.

First comment, although it is unclear which specific stream segment this particular comment applies to:

> "Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.
>
> In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.
>
> Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

Second public comment:

> "I live in Eldora, Hardin County, Iowa and am extremely concerned about the water quality in my area. We are in the heart of hog confinement country and agricultural run-off from farm chemicals and animal waste.
>
> I fear that lowering standards will only create a more toxic setting than we already have. There are many small streams that flow through this area as well as the Iowa River and it's South Fork and, of course, Pine Lake. They are all in danger of even heavier pollution if we lower our expectations for land and water usage. Please do everything in your power to protect Iowa to an even greater extent rather than lowering standards.

DNR Response:

This stream has been verified to support Class A1 Primary Contact recreational uses and therefore is not a part of this rule making effort.

91. South Fork Middle River (Guthrie Co.)

One public comment was received from a local organization:

> "Approximately 6 miles of this stream were assessed in May and September of 2006, and again in July of 2007. The assessment data documents a maximum depth of 38 inches at site 11-3. There was also a note that the maximum depth at site 203-1 northwest of Casey was greater than 4 feet and the average depths of 20 inches downstream and 28 inches upstream at this site also support A1 primary contact uses. The assessment at site 11-1 near the mouth also documented average water depths capable of supporting primary contact recreational uses. **[This organization] does not believe the data presented in the UAA is sufficient to rebut the presumption of attainable primary contact recreation uses for the South Fork Middle River. We recommend an A1 primary contact recreational use designation from the mouth to the Koala Avenue Bridge in Guthrie County.**"

DNR Response:

This stream segment has been designated as Class A2 Secondary Contact recreational uses based on location as per the field assessment:

Fieldwork for preparation of this UA/UAA was conducted on the South Fork Middle River on May 5, 2006 (sites 11-1, 2, & 3) and September 8, 2006, (site 203-1), and July, 12, 2007 (site 244-1a). The South Fork Middle River, located in Adair and Guthrie counties, is noted as a perennial stream along the entire assessed length according to the 1:100,000 USGS DLG Data Set with site 244-1a near the upper extent of the perennially flowing location. The assessed segment of South Fork Middle River was from its mouth to the confluence with an unnamed tributary (SE¼, S25, T78N, R33W, Guthrie Co.). At its mouth, the South Fork Middle River has a drainage area of 35.52 square miles while at the upper extent of the assessment (below the confluence with the unnamed tributary) the drainage area is approximately 4.03 square miles.

The main goals of the fieldwork were to determine existing uses, attainable uses, use attainment and potential causes of non-attainment (if any).

Based on aerial photography, all of the properties along the river appear to be in private ownership. Five county roads and one state highway (Iowa Highway 925) cross the river within the assessed reach with no formal access or parking areas were noted along the assessed length. The data indicated the river's widths range from 6.5 to 30 feet and the average depth ranged from 2 to 28 inches with a maximum depth of greater than 48 inches. The maximum depth was noted at site 203-1 in a section of an isolated scour area. It is important to note that

the May 5, 2006 field data were collected during slightly elevated stream conditions (approximately 10 inches above normal). The September 8, 2006 assessment at site 203-1, noted the river's depths to be elevated but by an unspecified amount. A comparison of key features between site 203-1's field photographs and those of sites 11-1, 2, & 3 on indicate the same approximate elevated stream flow conditions of 10 inches or more as noted during the May 5, 2006 assessment. When considering the observed elevated flow data, the stream's estimated average depths under normal flow conditions would range from only 2 to 18 inches with a maximum depth of greater than 38 inches.

Steep stream banks with near vertical side slopes and heights ranging from 15 feet to 39 feet are common features of the assessed segment. The banks are covered in a mixture of trees, grasses, herbaceous material, and shrubs resulting in a moderately open stream canopy. The channel substrate is a mixture of gravel, sand, silt, and clay for all of the sampled areas with only a limited amount of woody debris existing as instream habitat.

The assessed segment flows through privately owned land used for agricultural purposes (currently row crops and pasture) with no publicly owned areas located in close proximity. During the three assessments periods there were no people observed recreating in the water at the time of the assessment and no evidence of actual instream or stream side activities was observed.

Solicitation of public input on local recreational activities in the South Fork Middle River noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

The relatively shallow water along the assessed river length (estimated to range from 2 to 18 inches during normal flow conditions) was not capable of supporting normal primary recreational uses. No locations were found to have depths greater than 38 inches under normal flow regimes. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the entire assessed reach. Primary Contact recreational uses are not considered attainable for the South Fork Middle River due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the stream being located in primarily rural agricultural area with heavily vegetated, steep, and more difficult to traverse banks. Therefore, children's recreation use is not recommended.

While South Fork Middle River is too shallow to support primary contact recreational uses, this segment of the river does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, trapping or hunting. Therefore, the

Department recommends assigning a Class A2 Secondary Contact recreational use designation for South Fork Middle River, from its mouth (S35, T78N, R32W, Guthrie Co.) to the confluence with an unnamed tributary (SE¼, S25, T78N, R33W, Guthrie Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream segment

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown below:

203-1 Bridge View Looking Upstream

The department feels its designation as Class A2 Secondary Contact recreational uses was appropriate for this stream segment. The stream flows through rural agricultural lands. Nearly all property is privately-owned with no known public areas nearby. Six public roads crossed the stream with no formal access or parking areas. The stream has very steep stream banks with near vertical side slopes and heights ranging from 15 to 39 feet, which would make access extremely difficult. The banks are covered in a mix of trees, shrubs, and weeds. During both assessments, rain had occurred within the seven days preceding the assessment. That rainfall was estimated to create elevated flows of 10 inches or greater. With this factored in, normal flows were estimated to create a 2 to 18-inch average depth with a maximum depth of 38 inches.

92. Skunk River (specific county unknown) (In Story County, this stream is actually called South Skunk River, please see that listing)

One public comment was received:

> "Iowa's rivers are already so polluted. Please do not downgrade any more stream segments. We must protect our water because clean water is vital to a healthy environment and sustaining life on earth. The Skunk river is heavily used for recreation and must be taken care of for years to come. All rivers in Iowa are vital, so please reconsider the decision to downgrade water quality."

DNR Response:

The Skunk River is designated for Class A1 Primary Contact Recreational Use.

93. South Raccoon River (Dallas/Guthrie Cos.)

One one-line survey comment received regarding both South and Middle Raccoon Rivers and access near Adel at Earlham Access, Pleasant Valley:

1. Swimming? Yes.
2. Children playing in or near the stream? Yes.
3. Canoeing, kayaking, or tubing? Yes.
4. Fishing, seining, or trapping for minnows? Yes.

DNR Response:

This portion of the river has already been designated as Class A1 Primary Contact recreational uses and B(WW-1).

94. South Skunk River (Hamilton/Story Cos.)

Three public comments were received.

First comment:

> "I am writing to specifically express my concerns regarding the existing recreational use of Squaw Creek in Story and Boone Counties as well as East Indian Creek in Story and Polk Counties, Sections of Beaver Creek that flow into or out of Don Williams State Park and any section of the South Skunk River or its tributaries in Hamilton or Story Counties. My comments also apply to other stream designations that are not at the highest level of contact.
>
> The presumption that public use is based on improved public accesses to any tributary, stream or river is erroneous. Paddlers have and continue to access rivers at both public accesses and at bridges all across the state including specifically on the stream and stream segments mentioned above in the first paragraph.
>
> Besides paddling on all of these section or stream mentioned in the first paragraph, in part by accesses at bridges, I have also been an active as an IOWATER volunteer on Squaw Creek in cooperation with the Squaw Creek Watershed Coalition, the South Skunk River in Story County and on Long Dick Creek a local tributary. I have assisted on Clean-up on Squaw Creek and the South Skunk River in Story County and further downstream as well.
>
> Even in a canoe or kayak, we wade, sit, knee, get splashed or dripped on by our paddles. This sustained contact should be no surprise since paddling is a water sport, one that is growing by leaps in bounds in Iowa and elsewhere. The DNR standards need to reflect this usage.
>
> Clearly, the DNR's presumption of no usage or sustained contact with Iowa's many water ways is unfounded. It would be better if the DNR presumed that there is sustained contact in all of Iowa's waters rather than the erroneous presumption there is no contact. The DNR needs to do take detailed surveys of

the paddlers, fishing, hunters and others that they sell licenses and tags to as well as those in the local communities, including the children, that use Iowa's many waterways before any claims that these waters are not used and that there is not sustained contact.

And it is not just the tributaries, streams, rivers or segments and the one lake mentioned in the first paragraph that I and others people paddle. As a paddler, I can attest that people paddle most the areas around where they live or work whether this water is now referred to as a drainage ditch, an impounded lake, a stream, river or some local segment of an unnamed tributary. The DNR needs to reflect this ubiquitous use and sustained contact in its rules."

The second comment, from our on-line survey, regarding access near Lkewa canoe access on Co. Rd E-18 near Story City:

1. Swimming? No.
2. Children playing in or near the stream? No.
3. Canoeing, kayaking, or tubing? No.
4. Fishing, seining, or trapping for minnows? Yes. Fishing for smallmouth bass at least 6 times a year

Third comment:

"1) During June, July, and August 2009, at least twice per month, my 2 kids and I were out on Squaw Creek, wading, at Brookside Park in Ames. "Children's play." Just north of bridge on 6th St.

2) On one occasion during August 2009 two grownups (myself included) took 4 kids tubing down the Skunk River from the put in by Ada Hayden Park in Ames down to the check dam near 13th Street (North River Valley Park, Ames).

I must say that I am concerned that the call for comments on stream assessment is not getting widely circulated. If I, as a faculty member of the Natural Resources Ecology and Management at ISU, am completely unaware of the call for comments, I would guess that the invitation to submit comments is not getting the circulation these issues deserve."

DNR Response:

This stream was already listed as a Class A1 Primary Contact recreational uses stream except for a small stretch of stream near Ellsworth that is recommended to be designated Class A3 for Children's recreational uses. This stream was included with the streams from Batch 1.

Regarding public notice, the DNR does post these on our LISTSERV as well as put out press releases via EcoNewswire. With that being said, we are always looking for ways to improve our public notice. If you have suggestions of sources we could use to get this type of information out, please notify Rochelle Cardinale, Iowa Department of Natural Resources, 502 East Ninth Street, Des Moines, IA 50319, or via e-mail at Rochelle.cardinale@dnr.iowa.gov.

95. Spring Creek (Black Hawk Co.)

One public comment was received:

> "In my youth I enjoyed many summer months out at my grandparents farm, working and playing. Two of my favorite locations to bike to and spend time were Lime Creek in Buchanan Co. and Spring Creek in Black Hawk Co.
>
> They were and still are great places to enjoy the outdoors. As a youth I was, even then, aware that these streams were polluted, years of neglect had left their mark. The thought that these streams are being considered for downgrading, to allow less protection from DNR is absolutely ridiculous. I truly hope that the DNR, who claim to have the best interest of our natural resources in mind can see that these days our streams need more help than ever. Our state already boasts some of the worst water quality in the country, and it's failure to keep strict watch and regulation over those who would pollute our streams which is to blame.
>
> Every body of water, no matter how small, is worth our most vigilant protection. Please reconsider downgrading these and all streams across our state. Thank you."

DNR Response:

This stream is designated either Class A2 Secondary Contact recreational uses or Class A3 Children's recreational uses depending on location based on the results of the field assessment:

Field work for preparation of this UA/UAA was conducted on Spring Creek on October 4, 2005 & November 14, 2006. Spring Creek is indirectly receiving effluent from the City of Jesup (South) and the City of Jesup (Southeast) wastewater treatment plants via Unnamed Creek. Spring Creek located in Black Hawk County, is listed as an intermittent stream according to the USGS 1:100,000 DLG Data Set. The drainage area for Spring Creek is 61.26 square miles.

Upstream and downstream assessments were conducted at 3 sites resulting in 6 separate sampling points. During the assessment, average depths in Spring Creek were recorded between 2 and 9 inches. While the creek is too shallow to support primary contact recreational uses, it may be used for other forms of instream recreation such as fur trapping or minnow seining. A pool containing the maximum depth of >48 inches was found at site 180-a. The pool was approximately 3 feet wide by 20 feet long. The pool had been created by scouring around and between the bridge pylons. Due to the depth of the pool and its narrow nature full body emersion in the pool would not only be difficult it may be dangerous. Primary Contact recreational uses are not considered attainable for Spring Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Several recreational uses associated with Spring Creek in the four public lands were noted by the Black Hawk County Conservation Board. Canoeing and kayaking was noted to occur through all the public lands, but only when water levels were high enough to support the activity. Fishing was noted to occur on a fairly frequent basis during the warmer times of the year.

1.) Mouth of Spring Creek (S34, T87N, R11W, Black Hawk County) to the confluence with East Branch Spring Creek (S11, T87N, R11W, Black Hawk County) = 31,000 Feet

The creek passes through rural areas consisting of agricultural and timber ground, decreasing the possibility of access. Also, it should be noted that there were portions of the creek being assessed had steep banks which would make it relatively difficult to access the creek. Steep banks, fences, and rural locations may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

Several recreational uses were associated with this segment of Spring Creek. Children's recreation was noted to occur at the Spring Creek Geological Study Area and along the Cedar Valley Nature Trail. Canoeing was also a noted activity when water levels permit.

Based on the data collected and the public comments received, the Department recommends that the Class A3 Children's Recreational use designation apply from the mouth of Spring Creek

(S34, T87N, R11W, Black Hawk County) to the confluence with East Branch Spring Creek (S11, T87N, R11W, Black Hawk County). This recommendation is consistent with types of uses in these areas and the ability for the stream and surrounding areas to support such uses.

Class A3 : Children's Recreational Use .

"Waters in which recreational uses by children are common. Class A3 waters are water bodies having definite banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in urban or residential areas."

Recommended Recreational Use Designation:

Primary Use ☐

Secondary Use ☐

Children's Recreation ☒ - See Description Above

No Recreational Use ☐

2.) Confluence with East Branch Spring Creek (S11, T87N, R11W, Black Hawk County) to the confluence with Unnamed Creek (S12, T88N, R11W, Black Hawk County) = 38,700 Feet

The creek passes through rural areas consisting of agricultural and timber ground, decreasing the possibility of access. Also, it should be noted that there were portions of the creek being assessed had steep banks which would make it relatively difficult to access the creek. Steep banks, fences, and rural locations may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

While this portion of Spring Creek is too shallow to support Primary Contact Recreation type activities, it may be use for other forms of recreational activities like minnow seining or fur trapping.

This portion of Spring Creek's overall rural location, lack of accessibility, riparian cover, and steep banks appeared to deter frequent children's recreation therefore Children's recreation is not recommended for the assessed reach.

Solicitation of public input on local recreational activities in Spring Creek noted the following responses;

1) Distributed Post cards – no responses

2) Comments via written or Website public response opportunities – no responses

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact use designation applies from the confluence with East Branch Spring Creek (S11, T87N, R11W, Black Hawk County) to the confluence with Unnamed Creek (S12, T88N,

R11W, Black Hawk County). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2: Secondary Contact Recreational Use

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

This is a general comment on not wanting the streams to be "downgraded" and does not provide specific use information to apply towards the reclassification of the stream designation. It is difficult to respond without more information.

As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

96. Squaw Creek (Story Co.)

There were nine comments regarding this stream.

First comment:

> "In the past year I have participated in or observed the following activities on the Squaw Creek and its tributaries:

1. I went paddling on the Squaw with a couple of friends. We started at the small creek near 120th St (N 42.180420, W -93.757742) and paddled down to the bridge at 140th St. (N 42.152053, W -93.742614).

2. I saw a couple of guys putting kayaks in at the County Line Rd bridge over the Onion Creek (N 42.053347, W -93.698615).

3. My son went fishing a couple of times in the Squaw Creek at the 140th St. Bridge (N 42.152053, W -93.742614). Several times a year I see trucks parked along the Squaw Creek near this bridge but I'm not sure what they're up to.

4. I went wading in the Squaw and a few small tributaries for Iowater sampling: N 42.185913, W -93.757170; N 42.180420, W -93.757742; N 42.137419, W -93.728927 (evidence of human activity here, picnic trash, watermelon rind etc.); N 42.137419, W -93.712925.

I've been polishing up my kayaking skills and plan to get out on the Squaw near the 140th St. bridge much more often this year."

Second comment:

"Please accept these comments regarding the existing recreational use of Squaw Creek in Story and Boone Counties. Please use my comments to ensure that Squaw Creek is properly designated to protect for these existing uses and that all NPDES permits that are issued for this stream be protective of these uses.

The UAA for Squaw Creek suggests that there is no public access to Squaw Creek outside of Ames, but in fact there are bridge crossings at each and every section, and these do provide public access for canoeing and kayaking, tubing, fishing, etc. Over the past 18_ years I have personally kayaked Squaw Creek many, many times, most often between 120th and 160th Streets in Boone County but also from 170th Street to and through Ames. When kayaking one is always in close contact with the water, whether it be from splashing and dripping or by direct contact with the stream – including partial and complete immersion. I was able to find several trip reports and announcements that document the use of these stream sections:

Squaw Creek trip announcement, ISU Outdoor Rec Services (4/17/10)
http://www.recservices.iastate.edu/outdoors/trips.php

Squaw Creek, E18 to R38, 6/11/09 (group of 3)

http://www.paddlingiowa.com/phpBB/viewtopic.php?t=2443&highlight=squaw

Squaw Creek trip announcement, ISU Outdoor Rec Services (4/26/09)
http://www.recservices.iastate.edu/outdoors/trips.php?past=1

Squaw Creek, Cameron School Road to Brookside, 4/29/07 (group of 5 w/1 in the water):
http://www.paddlingiowa.com/phpBB/viewtopic.php?t=1310&highlight=squaw

Squaw Creek, 190th to SE 16th in Ames, 6/17/2001 (9 kayakers w/some in the water – an editorial of the experience appeared in the Ames Tribune)
http://skunkriverpaddlers.tripod.com/squaw601.htm

Squaw Creek, 120th to 160th, 5/22/01
http://skunkriverpaddlers.org/creekn.html

Squaw Creek, E18 to 190th, 3/24/2001 (2 kayakers)
http://skunkriverpaddlers.tripod.com/squaw301.htm

I have also been an active member of the Squaw Creek Watershed Coalition since about 2003, and since 2006 have been coordinating Spring and Fall IOWATER Snapshots of about 50 sites in the watershed. I know that recreational uses (canoeing, kayaking, wading, child's play, fishing, etc.) have been noted on the IOWATER field data sheets at Moore Park, at and near Cameron School Road, at 170th, at 150th and at E18. The Coalition has also sponsored a number of public "Creek Walks" and community floats in which we have invited the community to join us on and in the river. The community floats have been limited to the in-town portion of Squaw Creek and the Creek Walks took place at Brookside Park.

It should also be noted that there are a dozen or more rural subdivisions along and near Squaw Creek in rural Story and Boone Counties, and I'm estimating that there are well over 200 homes within a short walk of the creek – in rural Story County alone. One would have to assume that some of those residents are using Squaw Creek (and one would think that that information should have been included in the UAA):

Northridge Heights is a large subdivision at the Northwest corner of Ames. It appears from aerial photos that about 10 homes abut river south of Onion Creek and another 10 border the Squaw Creek floodplain north of Onion Creek. To the north in the Northwood Heights area another 16 homes abut the river, and there

are 17 homes in the Cameron Pines subdivision at North Dakota and Cameron School Road. The Cameron Pines residents share a green space that abuts the creek for a ¼ mile.

Continuing north across Cameron School Road there are five properties which abut the river, and to the east (on the east bank) there are another five. The largest of the rural subdivisions (Squaw Valley) stretches north between Cameron School Road and 190th. The Squaw Valley subdivision contains over 85 homes. Across the creek to the west the Pheasant Ridge subdivision sits even closer to the creek and it contains about 20 homes.

North of Squaw Valley seven of the 25 homes on Prairie Ridge Road abut the creek, and there are another 17 properties on the west side along North Swing Drive. In the Eagle Ridge subdivision at 180th & County Line Road six of the ten properties abut the creek.

It seems unfortunate that citizens must be asked to defend public resources from the governmental agency charged with protecting and managing them, especially in Iowa where those resources are so few. Please protect Squaw Creek for public recreation."

Third comment:

"I am writing this email to inform the DNR of the recreational activity I have witnessed that occurs on the Squaw River from an area beginning at Brookside Park to approximately seven miles north of Ames. I live in Northridge Development and see a very wide use of this little gem. The type of water activities I have witnessed include:

1) Child's Play
2) Fishing
3) Wading
4) Tubing
5) Minnow Seining
6) Fossil hunting along the shores or in the river bed
7) Campfires on the sandbars
8) Cross country snow skiing
9) Ice skating

The time of year getting the most use is May through October. I threw in the winter activities at the end here just for your info.

I live at 3101 Ridgetop Road and my lot is on the ridge just above the Squaw floodplain just about in the middle of the area I mentioned above. My husband catches small mouth bass all along this area mentioned. They usually are small, 1 to 1 ½ pounders. However, last summer he caught a 4 pound small mouth just above the lowhead dam west of Veenkner!!!!

I have obviously seen children playing in the water at Brookside Park. However, with the urban expansion of Ames to the north, ever increasing numbers of children use this natural body of water, and its area, for playing in and for fun during the summer months.

My husband and I have gone north of Ames for "river fun". Along the Squaw, just east of the new housing development 'Eagle Ridge', we had one of our most wonderful and beautiful days along this small river. We spent an hour or so hunting for arrow heads. Then he started fishing and I went wading. As I sat on a lifted log in the middle of the river, my husband who was also wading in the river and walking it as he came upon the holes to fish in, looked like a picture from a Norman Rockwell painting. It was a beautiful September Sunday afternoon and it was early evening. It looked like a true IOWA life picture. I would be so very sad (and angry) to see the DNR lower any standards for this small but very significant river. This area of Iowa has so few good natural recreational water sources to begin with that it would be a shame to lose one more.

A lot of the kids go tubing down this river during the summer months. Their points of entry are all over this river in our area. Some start up at Cameron School Road and float down to the golf course. Some start at the golf course and float only to the south side of Brookside. Lots of wading and tubing takes place in this river. Depending on the summer rainfalls depends on what type of recreational use one will see and when. I do see some swimming in it, but the level of water in this river varies quite a bit.

This small but highly used creek/river is a great asset to this area. I have lived in Iowa my whole life. What waterways we have of any beauty and function for recreation are few and far between in this state. Especially those accessible to city/urban residences not requiring any mode of transportation but food or bike. PLEASE do not do anything to jeopardize the water quality of this river. If anything, it needs to be made better."

Fourth comment:

"I am writing to specifically express my concerns regarding the existing recreational use of Squaw Creek in Story and Boone Counties as well as East Indian Creek in Story and Polk Counties, Sections of Beaver Creek that flow into or out of Don Williams State Park and any section of the South Skunk River or its tributaries in Hamilton or Story Counties. My comments also apply to other stream designations that are not at the highest level of contact.

The presumption that public use is based on improved public accesses to any tributary, stream or river is erroneous. Paddlers have and continue to access rivers at both public accesses and at bridges all across the state including specifically on the stream and stream segments mentioned above in the first paragraph.

Besides paddling on all of these section or stream mentioned in the first paragraph, in part by accesses at bridges, I have also been an active as an IOWATER volunteer on Squaw Creek in cooperation with the Squaw Creek Watershed Coalition, the South Skunk River in Story County and on Long Dick Creek a local tributary. I have assisted on Clean-up on Squaw Creek and the South Skunk River in Story County and further downstream as well.

Even in a canoe or kayak, we wade, sit, knee, get splashed or dripped on by our paddles. This sustained contact should be no surprise since paddling is a water sport, one that is growing by leaps in bounds in Iowa and elsewhere. The DNR standards need to reflect this usage.

Clearly, the DNR's presumption of no usage or sustained contact with Iowa's many water ways is unfounded. It would be better if the DNR presumed that there is sustained contact in all of Iowa's waters rather than the erroneous presumption there is no contact. The DNR needs to do take detailed surveys of the paddlers, fishing, hunters and others that they sell licenses and tags to as well as those in the local communities, including the children, that use Iowa's many waterways before any claims that these waters are not used and that there is not sustained contact.

And it is not just the tributaries, streams, rivers or segments and the one lake mentioned in the first paragraph that I and others people paddle. As a paddler, I can attest that people paddle most the areas around where they live or work whether this water is now referred to as a drainage ditch, an impounded lake, a

stream, river or some local segment of an unnamed tributary. The DNR needs to reflect this ubiquitous use and sustained contact in its rules."

Fifth comment:

"I live in Ames and have seen Squaw Creek used for recreation on many occasions over the years. Unfortunately, I don't know that I can specify dates very well.

I have seen kids playing in the creek numerous times near the intersection of Stange Road and 13th Street, near the apartments. Wading, splashing, chasing tadpoles. Mostly in the summer; certainly last summer (2009) and the year before (2008). August?

Canoeing: I have certainly canoed at least a dozen times over the past few years, generally in June.

Fishing: I have seen people fishing, mostly in June, July, and August, several times in the last three or four years. Even more, I have seen persons with fishing rods going down to the river as I bicycled along the path.

There was a swing on the creek near the Fourth Street bridge a couple of years ago.

Hope this helps."

Sixth comment:

"I am writing with regard to recreational use of Squaw Creek upstream of Ames. I have canoed Squaw Creek from County Highway R-38 to Brookside Park on several occasions. I frequently wade fish (wet wading – no waders) portions of Squaw Creek as far upstream as County Highway E-18 in Boone County."

Seventh comment was received from the DNR Rivers Program:

"Paddled and innertubed very frequently (Skunk River paddlers, ISU students)

Seventh comment from the DNR Rivers Program:

"Paddled and innertubed very frequently (Skunk River paddlers, ISU students)"

Eighth comment:

> "1) During June, July, and August 2009, at least twice per month, my 2 kids and I were out on Squaw Creek, wading, at Brookside Park in Ames. "Children's play." Just north of bridge on 6th St.

2) On one occasion during August 2009 two grownups (myself included) took 4 kids tubing down the Skunk River from the put in by Ada Hayden Park in Ames down to the check dam near 13th Street (North River Valley Park, Ames).

I must say that I am concerned that the call for comments on stream assessment is not getting widely circulated. If I, as a faculty member of the Natural Resources Ecology and Management at ISU, am completely unaware of the call for comments, I would guess that the invitation to submit comments is not getting the circulation these issues deserve."

Ninth comment from a local resident:

"I recognized I missed the deadline for public input but hope you might accept my comments anyway. I fish Squaw Creek within the city of Ames a 2 or 3 times a month, kayak it about twice a year, and bike along it daily. As such I have a lot of contact with this stream. Most warm weekends will find children and teenagers swimming or wading in some section of the stream. There is one section along the bike path that is a regular hangout where one almost always sees kids swimming. I understand it is probably not legal but they are usually there on warm Saturday afternoons."

DNR Response:

Squaw Creek in Story County has the designation of Class A1 Primary Contact recreational uses through Ames until the northwest Ames city limits. Outside of that area, the designation is Class A2 Secondary Contact recreational uses. The original determination was based on the field assessment for the UA/UAA for this section of stream.

> Field work for preparation of this UA/UAA was conducted September 12, 2005. Squaw Creek is receiving effluent from South Squaw Valley Association and the Iowa State University Power Plant by indirect discharge. Squaw Creek is listed as a perennial stream throughout the assessed reach from the mouth (S12, T83N, R24W, Story Co.) to confluence with an unnamed tributary (NW ¼, S9, T85N, R25W, Boone Co.) according to the USGS 1:100,000 DLG Data Set. The creek has an overall drainage area of 230.56 square miles.

Squaw Creek passes through both urban and rural areas along the assessed reach. The city of Ames has many road crossings and public parks that would allow for access. The segment that flows through rural areas does have road crossings, but there are no public accesses or parks. The potential for recreational activities is diminished in the rural areas due to lack of access.

There were 2 points assessed for maximum and average depths at each of the 6 sites in the 18.5 mile affected reach of Squaw Creek, resulting in 12 sampling points. Only 1 site (39-2) had adequate depths for primary contact recreation with a maximum depth of 40 inches and average depths of 21 inches. The other five sites had an average maximum depth of 11 inches and an average overall depth of 7 inches.

There were a total of 13 recreational use surveys completed for Squaw Creek. These surveys noted swimming, child's play, canoeing, and fishing to be common recreational activities in Squaw Creek. The majority of this surveys listed specific locations within the city limits of Ames including Brookside Park, Stuart Smith Park, Moore Memorial Park, Veenker Golf Course, and the Duff, 13th, and 4th Street road crossings. There were 2 comments received that noted wading had been witnessed at Cameron School Road.

Based on the findings of the field assessment, two segments of Squaw Creek will be discussed. Segment 1 will include the stream segment from the mouth to the confluence with Onion Creek, and Segment 2 will include the stream from the confluence with Onion Creek to the confluence with an unnamed tributary.

<u>Segment 1: From the Mouth (S12, T83N, R24W, Story County) to the confluence with Onion Creek (SE ¼, SE ¼, S29, T84N, R24W, Story County).</u>

This segment of Squaw Creek received the majority of comments regarding recreational activities. These comments noted child's play, swimming, canoeing, and fishing occurred on a regular basis throughout the summer months. Three of the six assessed sites were located in this segment of the creek and only one of the sites showed adequate depth to support Primary Contact Recreational uses.

The depth criteria guidelines used by the department to help determine if Primary Contact Recreational use (Class A1) is attainable typically will exclude streams that are not able to support a Class A1 use due to the overall lack of flow needed to support activities that result in direct and prolonged contact with the water, involving considerable risk of ingesting appreciable quantities of water sufficient to pose a health hazard. While these guidelines are effective in most situations, there are cases where a stream demonstrates that it can support the Class A1 use despite the lack of flow that typically distinguishes a stream that can support Primary Contact Recreational uses.

Despite the lack of flow; the comments received show that Squaw Creek does support Primary Contact Recreational uses throughout the recreation season.

Based on analysis of the data from the assessed sites, the department recommends a Class A1 Primary Contact Recreational use designation apply from the mouth of Squaw Creek (S12, T83N, R24W, Story County) to the confluence with Onion Creek (SE ¼, SE ¼, S29, T84N, R24W, Story County). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class (A1) Primary Contact Recreational Use

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

Recommended Recreational Use Designation:

Primary Use	☒	- See description above
Secondary Use	☐	
Children's Recreation	☐	
No Recreational Use	☐	

Segment 2: From the confluence with Onion Creek (SE ¼, SE ¼, S29, T84N, R24W, Story County) to the confluence of an unnamed tributary (NW ¼, S9, T85N, R25W, Boone County).

This segment of Squaw Creek flows primarily through rural areas and private ground. There are bridges along this stretch that would allow for access, but there are no public access areas. This segment of the creek averaged 7 inches deep with a maximum depth of 28 inches at Site 39-4). There were footprints found at one site and ATV tracks found at another. There were 2 comments received for this segment of the creek; however, the comments listed multiple locations within the city limits of Ames with their comment and were unspecific as to what uses occurred at the one location listed in this segment of Squaw Creek. The potential for recreational activities in this segment diminishes with the lack of access and depth. Although the creek is too shallow to support primary contact recreational uses throughout and there little evidence found of recreational uses, this creek segment does possess potential of attracting secondary or incidental contact recreation.

Based on analysis of the data from the assessed sites, the department recommends a Class A2 Secondary Contact Recreational use designation apply to Squaw Creek from the confluence with Onion Creek (SE ¼, SE ¼, S29, T84N, R24W, Story County) to the confluence of an unnamed tributary (NW ¼, S9, T85N, R25W, Boone County). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2 Secondary Contact Recreational Use Designation:

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational uses, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown below:

Recreation midpoint looking upstream

Based on public comment, Primary Contact recreational uses are occurring in the segment proposed for Class A2 Secondary Contact recreational uses. Public comment indicates these activities are occurring in a greater stretch than was observed during the assessment.

The department proposes to designate the stream as Class A1 Primary Contact recreational uses from its mouth (S12, T83N, R24W, Story Co.) to its confluence with an unnamed tributary (NW ¼, S9, T85N, R25W, Boone Co.).

Please also see the report sections entitled, "Issue: Attainability" as well as "Issue: Class A2 criteria is not protective of public health" for additional information regarding the stream designations.

Regarding public notice, the DNR does post these on our LISTSERV as well as put out press releases via EcoNewswire. With that being said, we are always looking for ways to improve our public notice. If you have suggestions of sources we could use to get this type of information out, please notify Rochelle Cardinale, Iowa Department of Natural Resources, 502 East Ninth Street, Des Moines, IA 50319, or via e-mail at Rochelle.cardinale@dnr.iowa.gov.

97. Sugar Creek (Dallas Co.)

One public comment was received from a local resident via our on-line survey regarding access at 30881 Ute Avenue, Waukee. IA 50263 near Waukee:

1. Swimming? No.
2. Children playing in or near the stream? Yes. Summer, 2-3 times each year, 2004-2009.
3. Canoeing, kayaking, or tubing? No.
4. Fishing, seining, or trapping for minnows? No.

DNR Response:

This portion of stream has no discharges and is a presumed A1, B(WW-1) at this location (Ute Ave). Should this area be proposed for additional designation based on a permit request, this should be looked at for Class A3, Children's recreational uses.

98. Sugar Creek (Jasper Co.)

One comment was received:

"I am writing in response to the proposed stream designation by the EPC. I just heard about this, so I apologize for the last minute comments, we were without an engineer for over 4 ½ months. I have been employed by the county for over 30 years and am using my experience to comment on these streams.

First Stream is Cherry Creek- This stream crosses two paved county raods (F36 & F48) and one state Hwy(14). In all my years I have never seen anyone fishing or swimming in any of the crossings. It does go through a golf course but no one has ever talked about anyone swimming in it, 90% of the time the stream is usually about 6-8 inches deep so I believe that this stream does not qu[a]lify for any type of recreational use.

Next is Clear Creek, This stream has crossings on paved county roads F17 and F24 also there is a low water crossing on W 84th St S. The low water crossing was installed about 25 years ago. It has 18 inch diameter culverts and they only run [half] full 90% of the time. The only time it is deeper is when we have floods and then the road has to be closed but that is only for a couple of days. I have never seen anyone swimming or fishing at any of these locations. Again I do not think the water is deep enough to war[a]nt a recreational designation of any kind even [though] it crosses the bike trail. The banks are steep and not user friend.

Elk Creek has many crossings through the county. I have never seen any one fishing or swimming at any of the crossing I am about to list, Liberty Ave, Legion St, S 60th Ave E, County Road F 62, S 124th Ave E. Most of the time the creek runs approximately 6-8 inches deep except when it floods. This would not allow boating as would none of the [other] c[r]eeks listed.

Indian Creek crosses county paved road F 24 and also N 51st Ave W and N 19th Ave W as well as others, These crossing[s] all have steep banks and are not user friendly for any type of recreation. Most of the time [this] creek runs 8 inches deep or less. I have never seen anyone fishing or swimming at these crossings. Also I have never seen a boat of any kind. Again I see no reason to designate this creek for any type of recreational use.

Benjamin Creek crossings on W 12th St N and county road F 36 I have seen a lot, they are between my home and work. I have never seen any fishing or swimming at these locations, 90% of the time the creek is only approximately 6 inches deep or in some locations almost dry and the banks are not user friendly. The only time a boat could use this creek is for a few short hours during flooding. Not a good contestant for recreational use.

Calhoun Creek Crossings that I am most familiar with are county road F 70 and S 96th Ave W. I have never seen fishing or swimming at either of these locations. 2 years ago we replaced the bridge on F70 with a RCB culvert. There is [usually] only about 4-6 inches of water in the creek and in some area[s] almost dry at times. I cant see where this would be adequate for recreation or [sustaining] fish life.

Prairie Creek crossings are county roads F36 and N 75th Ave W, The normal flow is very low on this creek as well and I have never seen any one fishing or swimming on either of these crossings, the water is usually only approximately 4-6 inches deep with some areas almost dry,

Sugar Creek crossings are S 36th Ave E and S 52nd Ave E that I am most familiar with and at no time have I seen any one fishing or swimming at these crossings. The usual depth of this creek is 4-6 inches and not the best for fish habitat. I can see no reason to designate this creek for fish habitat or recreational use.

Walnut Creek goes through a federal conservation area but is not a deep creek. I have not seen anyone swimming [or] fishing on any of the crossings such as county road F70 or S 112th Ave W. This creek is [usually] 4-6 inches deep and can have areas that are almost dry.

Sewer Creek crosses S 44th Ave W and S 60th Ave W at which I have never seen anyone fishing or swimming at [these] crossing[s] either. This is a small creek which is [usually] [only] 4-6 inches deep. Again not the best for recreation or fish habitat.

None of these stream[s] have I ever seen children around or in. At one time or another I have seen parts of these creeks dry in some areas which I would say would not make a good fish habitat or recreational area. We do not support the designation of these creeks as stated on the notice."

DNR Response:

This segment of Sugar Creek is in Lee County, not Jasper County. This stream segment is not part of this rule making.

The department understands these concerns but must maintain its proposed designation for this stream as per Recreational Use protocols and per rule. While the department understands these uses may not occur at present, the Clean Water Act and Iowa law also must protect for possible or attainable uses of a stream. The stream was

assessed and based on that assessment was consistent with the classification for Class A2 Secondary Contact recreational uses. Primary contact was deemed unlikely to occur based on the results of the assessment and stream data, but the potential for secondary contact could still occur, hence the need for the Secondary Contact recreational use classification.

99. Swan Lake (Carroll Co.)

One comment was received:

> "I remember growing up and fishing and boating on Iowa Lakes that were very pure and clean. Now, I wouldn't want to eat the fish out of any of our lakes. Please take action. It will be great for tourism and it is the right thing to do."

This comment was not specific to a stream designation covered under this rule. The department contacted the responder for additional information, to which they responded:

> "Thanks for your inquiry. The stream segments that I am most familiar with would include those that impact Black Hawk Lake in Sac County and Swan Lake in Carroll County. Both lakes were pristine years ago and have deteriorated and both are fed by streams in NW Iowa."

DNR Response:

Lakes are not covered under this rulemaking. However, two unnamed creeks discharge to this lake. Neither has a discharger, so they would be the presumed classification of A1, B(WW-1).

100. Tracey Creek (Marion Co.)

One public comment was received:

> "Iowa, a great place to live, is what we would like to believe. Let's make and keep it so. One way is to maintain and protect high quality recreational water standards for its citizens to enjoy, as well as for the many visitors and vacationers. Water recreation is vital. It is important that our waters be protected from contaminants, as many people enjoy contact with the water, and should feel safe in our waters. Many enjoy fishing and consume their catch. If

anything protections for water quality in our streams and rivers should be increased. Iowa can be a great and beautiful place to live and visit, but we must all work, take responsibility and contribute to make it so. Please do not lower recreational use protections in any of our waters.

I live in Marion county where there is a section of English Creek which may be down graded from A1 to A2, Tracy Creek from A1 to A2 and Sents Creek from A1 to A2, A3. It saddens me to think that so many of the states streams and rivers may be downgraded allowing for greater discharge into them and making them less safe for human use."

DNR Response:

The designation of this stream is Class A2 Secondary Contact recreational uses based on the stream assessment:

Fieldwork for preparation of this UA/UAA was conducted on Tracey Creek on October 5, 2005 and October 22, 2007. Located in Marion County, Tracey Creek is noted as a perennial stream along the lower 4.6 miles and intermittent along the last mile according to the 1:100,000 USGS DLG Data Set. The recreational use assessed segment of Tracey Creek was from its mouth (SW¼, S27, T75N, R20W, Marion Co.) to the communities of Melcher-Dallas wastewater treatment facility outfall (NW¼, S12, T74N, R21W, Marion Co.). This report addresses approximately 80% of Tracey Creek's total length, or approximately 5.6 miles. At its mouth, Tracey Creek has a drainage area of 6.39 square miles while at the upper extent of the assessment the drainage area is 0.83 square miles.

The creek primarily passes through rural timber tracts and agricultural lands (currently row crops and pasture lands) with three roads crossing the creek channel. No formal access or parking areas were noted along the roadway crossings. One rural residence was noted along or in close proximity to the assessed segment. The creek does not flow through any public recreational area. No evidence of stream side access or instream uses was noted.

The creek's widths range from 3 to 16 feet and average depths ranging from 3 to 29 inches with a maximum depth of greater than 48 inches in a beaver dam impounded area at site 687-1 (2005). During the 2007 assessment at the same site, the observed deeper water at site 478-1 was no longer present with average depth of only 9 inches and a maximum of 14 inches. The beaver dam impounded water conditions are considered short term and not representative of longer term stream features. The creek's longer term widths range from 3 to 16 feet and average depths ranging from 3 to 23 inches with a maximum depth of 25 inches.

Deeply stream banks with steep to near vertical side slopes and bank heights of 10 to 15 feet are common features of the assessed segment. The banks are covered primarily in grasses and

trees with a mixture of herbaceous material, shrubs, and bare soil area resulting in a moderately open stream canopy.

The substrate in the accessed reach was primarily mud/clay with a mixture of limited percentages of cobble, gravel, sand and silt for all of the sampled areas. Some algae growths were noted with an extensive suspended algal concentration at site 478-1. Little overhanging vegetation composed of primarily of grasses was noted as stream cover.

Solicitation of public input on local recreational activities in Tracey Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses.

3) Comments from the Melcher-Dallas wastewater treatment facility operator indicated he frequently traps in the creek below the outfall.

Based on the potential for varying recreational use opportunities, the following recommending is made.

The shallower water along this lower assessed creek length was not capable of supporting normal primary recreational uses. No locations were found to have depths greater than 25 inches. A beaver dam located downstream of the sampling area was influencing the noted water depths. The shallower water conditions appear to impede the reasonable attainment of primary contact recreation along this reach. Primary Contact recreational uses are not considered attainable for this reach of Tracey Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the stream being located in remote rural agricultural with steeper and more difficult to traverse banks. Therefore, children's recreation use is not recommended.

While Tracey Creek is too shallow to support primary contact recreational uses, the assessed segment does possess a potential of attracting Class A2 Secondary Contact recreational uses particularly associated with trapping, or hunting. It is recognized that the more deeply incised and heavily vegetated banks and the deep silt layer in the stream bed may prevent frequent occurrences of these types of recreational uses. The Department recommends assigning a Class A2 Secondary Contact recreational use designation for Tracey Creek from its mouth (SW¼, S27, T75N, R20W, Marion Co.) to the communities of Melcher-Dallas wastewater treatment facility outfall (NW¼, S12, T74N, R21W, Marion Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown below:

478-2 Bridge looking downstream (2005)

The department feels its designation is appropriate as the stream does not meet the criteria for Class A1 Primary Contact recreational uses based on depths and other factors as described.

This is a general comment, and it is difficult to respond without additional information. As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

101. Turkey River (Fayette Co.)

Two public comments were received.

First public comment:

> "I cannot imagine opening our states waters to more pollution. I understand the needs of business. I have a Masters Degree in Business and have worked in the commercial real estate industry for over ten years. I understand the impacts on business needs of environmental restrictions. I also understand quality businesses find another way to survive.
>
> I have spent most of my entire life enjoying Iowa rivers and streams. I started paddling the backwaters of the Wapsipinicon River as a small child over thirty years ago. I spent many days swimming, fishing, and enjoying the river. Today I have four children of my own. We spend more than every other weekend on Iowa waters spring through fall. We enjoy many streams in Northeast Iowa for canoeing and fishing including the Upper Iowa River, Paint Creek, Yellow River, Turkey River, Little Turkey River, Cedar River, Indian Creek, Big Creek, Wapsipinicon River, Lime Creek, Volga River, Little Volga River, the list goes on and on.
>
> I love to take my children wading for smallmouth bass in almost any creek I can find that may hold those wonderful hot spots. We have very limited natural resources compared to most states in our country. The beauty and quality of our

streams is really all we have left. We must move to protect our very limited resources.

Please help protect our streams. I am an Iowan and plan to always be an Iowan. I could not keep my family in this state if our streams became an unsafe place to enjoy nature with my children."

One comment from a local resident via our on-line survey regarding an access point at a campground near Clermont in Fayette County:

1. Swimming? No.
2. Children playing in or near the stream? No.
3. Canoeing, kayaking, or tubing? Yes.
4. Fishing, seining, or trapping for minnows? No.

DNR Response:

The Turkey River is designated Class A1 Primary Contact recreational uses.

Regarding the second comment, the comment indicated use was near the town of Clermont at the campground but no other information was available.

102. Union Slough Ditch (Kossuth Co.)

One comment was received, although it is unclear which specific stream segment this particular comment applies to:

"Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.

In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris,

to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.

Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

DNR Response:

This stream is designated as Class A2 Secondary Contact recreational uses.

This comment is a general comment and does not provide any use or location information.

As it stated in the published Notice of Intended Action (NOIA):

"If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

102. Unnamed Creek (aka, Comrie Creek) (Muscatine Co.)

Four public comments were received.

First comment:

"The Board of the Village of Montpelier Sanitary District wishes to express our opposition to any change in the classification of the unnamed creek (Comrie creek) into which the Sanitary District lagoons flow. We feel the creek and our effluent meet and exceed the Water Quality Standards which you have adopted. Your desire to classify the creek as Recreational Usage seems to be a far stretch. The creek, from Hwy 22 upstream to its inception is not now nor has ever been used for recreational purposes. It is an intermittent stream which, except for very wet years and is dry during the summer months except for heavy rains.

We do not currently test for ammonia-nitrogen and our bacteria counts are well below the limits stated in our permit. We believe we are discharging better water to the creek than would happen naturally.

We are a very small village with only 62 users and little possibility of expansion as there is no building going on within the Districts borders. SSAB uses our system for their human wastewater. That arrangement is mutually beneficial to both parties. Without SSAB the village would not be able to afford the cost of running the system.

We would like to know if you have done an economic impact study on this suggested change?

The Board would like to remind IDNR that you are the ones that said the Village had to do something about our wastewater and raw sewage, that was flowing into the creek on the east edge of the village. If something had not been done the IDNR could have condemned the homes which were polluting the creek. Some 12 homes were found to be in violation. That would have been devastating to the Village. After a great deal of effort we were finally able to gain USDA funding to put in the sewer system. This Village has a very low income average. Our residents pay a rate of $27.00 per month, which is very high and that is only for sewer. They have to have their own well for water. Any further restrictions and regulations the IDNR would place on the District will only cost more and place a greater financial burden on the residents. With our current economic situation any change in classification of the creek that would increase costs to our residents would seem to be bad policy.

For the above stated reasons we request that the creek not be deemed Recreational Usage. But remain with its current classification.

We thank you for considering our request."

Second comment:

"This letter is being written as a formal comment regarding the Use Assessment and Use Attainability Analysis (UA/UAA) for the Unnamed Creek (a.k.a. Comrie Creek), Tributary to the Mississippi River. SSAB disagrees with the reclassification of the Unnamed Creek to a Class A2 [B (WW-2)] stream. The following is a brief summary of the comments on the classification change.

- The classification should be changed from the proposed Class A2 to General Use due to limited access by any public parties to the Unnamed Creek, natural barriers to the types of activities associated with a Class A2 [B (WW-2)] designation (including boating, fishing and unintended contact use) and the very limited depths associated with the Unnamed Creek. The IDNR report states "The

shallow water along the assessed creek length was not capable of supporting normal primary recreational uses…due to the lack of flow."

- Previous Unnamed Creek surveys identified conditions similar to the conditions identified in the current IDNR survey, showing that the past General Use classification of the Unnamed Creek should not change.

- The IDNR Unnamed Creek survey found game fish only at the mouth of the Creek with the gamefish possibly being an artifact of the adjacent Mississippi River (and the flooding from the Mississippi), not due to natural conditions in the Unnamed Creek. The IDNR survey notes that "The lack of flow and the resulting lack of habitat along the assessed reach does not allow for conditions suitable to naturally maintain the diverse populations of warm water gamefish species". The IDNR survey also states that there is no possible movement of any aquatic life due to drainage structures in the Creek.

- The upper portion of the Unnamed Creek is classified as general use and the lower portion presents the same conditions and approximately the same geographic drainage area. Therefore, the lower portion should be designated as general use also.

SSAB would also like to point out that the discharge from the SSAB wastewater system does not discharge to the pond mentioned in the IDNR report. The SSAB wastewater directly discharges to the Mississippi River through a dedicated pipe.

The above comments represent several reasons for reclassifying the Unnamed Creek to General Use and not classifying the Unnamed Creek as Class A2 [B (WW-2)]. Please contact me if you have any questions or wish to set up a meeting."

Third comment, transcribed from public comment from April 5, 2010, public hearing:

"I am with the Village of Montpelier Sanitary District and we also have our largest customer SSAB here with us, but we very much object to the classification change of the unnamed supposedly called [Unknown] into which the sanitary district lagoons flow. This is an intermittent creek. Sometimes our outflow creates water; sometimes it doesn't. It sinks into the ground before it ever gets anywhere. Your desires to classify the creek as recreational uses seems to be farfetched, the never in the history of this whatever you want to call it.

Hasn't ever been used for recreation; it all sits on private property. The creek from Highway 22 upstream has never been used. Now, if you get clear to the river the mouth of it, yeah, there's probably been fishing down there, not further up. We do not currently test for the ammonia nitrate. Our bacteria counts are well below the limit stated in our permit, and we believe that our discharge is better, sends better water to the creek than what happens natural. We are a small village with just 62 users, and the possibility of expansion is not there within the district borders. There has been no building within the borders. We would like to know if you have done any economic impact study on this suggested change should we have to go to testing ammonia and nitrogen the cost of putting than in would be extremely [Unknown] to the town we are very poor community to the point that we when the DNR forced us to put in the sewer system in the first place we got 75% grant money from USDA. We currently have a $27.00 a month fee per user and if we had to increase that beyond that there's no way that the village would go for it."

Fourth comment, transcribed from public comment from April 5, 2010, public hearing:

"I am…with SSAB Iowa and essentially we support the position of the Montpelier Sanitary District in that we consider it an intermittent stream that doesn't provide any good habitat for a consistent population. There was also a study done as part of the original NPDES permit application for our facility that showed essentially the same conditions that you found during your assessment therefore we conclude that there is no reason to redesignate as a higher level stream because it does not provide any benefit to that stream itself and again because it is an intermittent stream. If we would, either and our business go to a zero discharge that stream would disappear."

DNR Response:

With the advent of new federal requirements as discussed at the beginning of this document, the stream was automatically given the most stringent classification as were all other non-designated Iowa rivers and streams, that being Class A1, B(WW-1). Under the "rebuttable presumption" clause, this classification can be evaluated based on additional data as collected in a Use Assessment/Use Attainability Analysis (UA/UAA).

The public comments received recommend this stream be classified as its "current classification", but it is believed this was intended to mean that they felt this creek should be classified as a general use stream. This assumption is based on comments about lack of use and stream conditions. If streams were to return to "current

classification", the streams would then remain Class A1, B(WW-1), owing to the "rebuttable presumption". The only way to consider a different classification is to complete a UA/UAA to demonstrate a different classification would be more appropriate.

A UA/UAA was conducted for this site and indicated the upper and lower stream segments for this stream were notably different in characteristics. This can clearly be seen in photos from the UAAs of upper reaches versus lower reaches of this creek as shown on the next couple pages.

Upstream:

865-1 View from bridge looking upstream

865-1 Upstream recreational assessment site looking upstream

Downstream:

186-1 Looking Upstream

186-1a Residence Near the Stream

Additional results from the field assessment are shown in the excerpt from the UA/UAA:

Fieldwork for preparation of this UA/UAA was conducted on the Unnamed Creek on September 13 and 14, 2006 and July 20, 2007. Unnamed Creek, located in Muscatine County, is noted as a perennial stream from the mouth near Highway 22 to the confluence with an unnamed tributary near Yellow Avenue in the SW¼, S14, T77N, R1E, Muscatine Co. according to the USGS 1:100,000 DLG Data Set. Upstream of the unnamed tributary confluence near Yellow Avenue, Unnamed Creek is noted as an intermittent flowing watercourse. The assessed length was from its mouth (NW¼, S23, T77N, R1E, Muscatine Co.) to upstream of the Yellow Avenue road crossing, which is just downstream of the IPSCO Steel wastewater treatment facility's outfall/pond overflow (W½, S14, T77N, R1E, Muscatine Co.)

The Montpelier Sanitary District's aerated lagoon wastewater treatment outfall enters within the perennial segment of Unnamed Creek, while the IPSCO Steel industrial discharge enters a constructed pond prior to entering the extreme headwater segment that is noted as an intermittent stream. The assessed reach has an overall drainage area of less than 1 square miles and is a short watercourse within the Mississippi River valley hills. The creek experiences approximately a 100 foot elevation drop from the Yellow Avenue crossing to its mouth.

The main goals of the field work were to determine use attainability, use attainment and potential causes of non-attainment (if any).

A majority of the stream passes through privately owned land used for conservation and the other portion of the stream passing through an area associated with the sanitary district's wastewater lagoon property. Upstream of Highway 22, the surrounding land cover is a mixture of open canopy grass and shrub lands infested with nettle and poison ivy infested and some forested lands. Near the headwaters and downstream of Highway 22, a greater percentage of forested cover exists. These factors decrease the possibility of access. Fences, itch-weed and poison ivy, private property, and heavy tree and weed coverage may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at most locations. No publicly owned areas are located in close proximity. Security patrols and access restrictions surround the entire industrial plant which includes the headwater area, upstream of the old Yellow Avenue culvert (site 865-1).

Based on aerial photography and field assessment, the creek exhibits limited recent realignment with likely historic realignment occurring in both the entire segment downstream of Highway 22 and to a lesser extent the older agriculturally influenced segment upstream of the highway. The channel exhibits limited natural pool/ riffle sequences and limited meandering occurring in the moderately incised channel. The backwater effect of the Mississippi River impounds approximately 150 feet at the mouth with an extensive accumulation of silt noted. In the segment downstream of Highway 22 and the railroad culverts, the creek's width ranged from 21 to 27 feet wide and an average depth of 2 inches with a maximum depth of 15 inches. In the segment upstream of Highway 22, (upstream of the Mississippi River's floodplain), the creek's widths averaged approximately 4.5 feet and depths averaged from dry to 6 inches with a maximum depth of 14 inches in a small plunge pool at the upstream site, near the creek's headwaters.

Moderate to deeply incised stream banks with many near vertical side slopes and bank heights up to 20 feet occur along the length of the assessed segment. Some steep rock outcroppings were also noted along the stream. The banks are covered in a mixture of trees, grasses, herbaceous material, and shrubs resulting in a partially open stream canopy.

Upstream and downstream recreational assessments were conducted near the mouth, at the Highway 22 bridge crossing, one site downstream of the aerated lagoon outfall and one site near the headwaters in the vicinity of Yellow Avenue.

During the September 13, 2006, September 14, 2006 and July 20, 2007 recreational assessments, no sign of stream side or instream uses were noted at the sites. Solicitation of public input on local recreational activities in Unnamed Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

The shallow water along the assessed creek length was not capable of supporting normal primary recreational uses. No locations were found to have depths greater than 15 inches. The

dry/moist soli to shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the entire assessed reach. Primary Contact recreational uses are not considered attainable for Unnamed Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the stream being located in primarily rural and industrial/semipublic infrastructural use areas. The patrolled security, irritating and poisonous weeds, fencing and banks containing steeper and difficult to traverse side slopes contribute to the lack of use by children. Therefore, children's recreation use is not recommended.

No access is allowed in the headwaters area (upstream of Yellow Avenue) which is within the IPSCO Steel property as this dry to moist soil stream segment is posted and patrolled.

Based on the habitat and stream flow condition, the recommendations are separated into two stream segments; the upper reach with limited wetted conditions and the middle and lower reaches where some open or flowing water conditions exist.

1) Lower and Middle Reaches. Mouth (NW¼, S23, T77N, R1E, Muscatine Co.) to the Yellow Avenue road crossing (W½, S14, T77N, R1E, Muscatine Co.)

While Unnamed Creek is too shallow to support primary contact recreational uses, this segment of the creek does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with trapping or possibly hunting. Typically, the trapping and hunting activities do not have secondary type of contact uses with the shallow stream. However, they do meet the meet the definitions of uses noted below. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for Unnamed Creek, from its mouth (NW¼, S23, T77N, R1E, Muscatine Co.) to the Yellow Avenue road crossing (W½, S14, T77N, R1E, Muscatine Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream segment

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

2) Upper Reach. Yellow Avenue road crossing (W½, S14, T77N, R1E, Muscatine Co.) to its headwaters.

The intermittent nature of the stream flow and the indirect nature of any discharge create only a dry to moist soil stream condition in the upstream portion at site 865-1 which is contributing to the inability of supporting primary or secondary contact recreational uses in this upper reach. Neither Class A2 Secondary Use nor Class A3 Children's Recreation are recommended due to the lack of stream flow, highly restricted industrial installation location, and no evidence of use. Therefore, the Department recommends that a No Recreational Use apply to the Unnamed Creek from the Yellow Avenue road crossing (W½, S14, T77N, R1E, Muscatine Co.) to its headwaters. While the upper most assessment location is located near the headwaters area, the upper extent of the recommendation to the headwaters continues to experiences ephemeral/intermittent flow conditions with no changes projected in the waterway's corresponding potential recreational uses in this segment. This upper segment experiences dry to moist soils conditions and is subject to security patrolled preventing access. The Department considers 'No Recreational Use' to be the highest attainable recreational use designation for the upper segment of the creek.

Recommended Recreational Use Designation:

Primary Use	☐
Secondary Use	☐
Children's Recreation	☐
No Recreational Use	☒ - See description above

Based on the results of the UA/UAA, the department feels its initial proposed designations are appropriate and consistent with the use designations defined in Iowa Administrative Code.

Economic impact: The department completed an economic impact study on the proposed stream designation changes. This economic impact study can be viewed at http://dnrdev.iowa.gov/water/files/batch3_fis.pdf.

The department understands that as a result of these Clean Water Act-mandated stream designation revisions, municipal and industrial regulated facilities (point sources, i.e. community or municipal wastewater treatment plants, industrial process plants like meat packers, or metal finishers) may face significant upgrades to the current wastewater treatment plants. These upgrades could include disinfection and/or ammonia removal systems. The department has estimated that once these protections are in place, the associated fiscal impact could be up to $750 to $960 million statewide for affected communities and industries.

There are different options available to assist facilities faced with upgrade requirements. There are potential sources of financial assistance in the form of the State Revolving Fund (state-administered, low-interest loan program) or Community Development Block Grants. You also have the option to try and demonstrate widespread social and environmental impact from the upgrade requirements.

Regarding the comment about the discharge points, the department reviewed the sewage file and NPDS system. Based on this review, wastewater is discharged to Comrie Creek via outfall 008, which is described as, "The discharge from process/storm water pond during storm events that produce runoff volumes that exceed Mississippi River sewage capacity." Additionally, outfalls 101 and 102 have an optional discharge to Comrie Creek, but under normal conditions and flows the discharge is to the Mississippi River.

Outfall 001 is the primary wastewater discharge outfall and does, in fact, have a dedicated line to the Mississippi River as the facility has indicated in the email below, but as stated above, information from the latest NPDES permit application does show that they have optional outfalls to Comrie Creek. It is believed the discharge to Comrie Creek only occurs when the flow in the Mississippi River is too high to discharge through their dedicated pipe.

104. Unnamed Creek (Urbana, Benton Co.)

One public comment was received:

"The other creek of concern is in Benton County (NE 2010 UAA Map). I did not check the coordinates for this but it is the creek near Wildcat Bluff access. This creek flows through Benton County Conservation's Wildcat Park. This is one of the popular River Parks managed by Benton County Conservation. This park sees heavy usage from mid March through late October. Children explore the creek and wade in it. Seigning of minnows has been observed and people have just enjoyed looking for rocks and things."

DNR Response:

This stream was originally proposed to be Class A2 Secondary Contact recreational uses based on results of the UA/UAA.

Unnamed Creek is listed as a perennial stream in the assessed reach according to the USGS 1:100,000 DLG Data Set and prepared to be perennial at the time of assessment. The creek has an overall drainage area of 3.51 square miles.

The creek passes through rural agricultural areas which decreases the possibility of access. Portions of the stream being assessed had steep slopes, fences, and no trespassing signs which would make it relatively difficult to access the stream. Steep banks, fences, no trespassing signs, and rural locations may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

Solicitation of public input on local recreational activities in Unnamed Creek #2 noted the following responses:

1) Comments via written or Website public response opportunities – no responses

2) Postcards – A postcard was returned from a local resident. The postcard indicated that no recreational uses are associated with the creek.

An upstream and downstream assessment was conducted at 2 bridge crossings which yielded 4 sampling points. No areas demonstrated adequate depth for primary contact recreation based on the guidelines used by the department to determine the attainability of primary contact recreational use. Primary Contact recreational uses are not considered attainable for Unnamed Creek #2 due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Unnamed Creek #2's overall rural location; lack of accessibility, riparian cover, and steep banks appeared to deter any children's recreation therefore Children's Recreation is not recommended for the assessed reach.

While the creek is too shallow to support primary contact recreational uses, it does possess potential of attracting secondary contact recreation such as minnow seining in the assessed reach.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact recreational use designation apply for Unnamed Creek #2 from the mouth (SE ¼, NE ¼, S10, T85N, R09W, Benton Co.) to the confluence with Unnamed Creek #1 (SE ¼, SW ¼, S34, T86N, R09W, Benton Co.). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2 Secondary Contact Recreational Use

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which user do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this stream is shown on the next page:

546-2 Upstream recreation site looking downstream

Based on public comment, child's play occurs more readily in this area than was observed during the field assessment. One commenter indicated: "This park sees heavy usage from mid March through late October. Children explore the creek and wade in it." The department will propose to change this stream segment from Class A2 Secondary Contact recreational uses to Class A3 Children's recreational uses from the mouth (SE ¼, NE ¼, S10, T85N, R9W, Benton Co.) to the bridge crossing at 56th Street (S3, T85N, R9W, Benton Co.).

105. Unnamed Creek (Jefferson Co.)

One public comment was received from a local resident.

> "We kayak Cedar Creek, sometimes swimming nearly every year. Another creek runs directly by our house, and we have direct contact with it several times a week in season. We continue to witness more erosion, less aquatic life, and poorer water quality.
>
> Please do not downgrade the more than 400 stream segments proposed. Iowa's waters need MORE help, not less."

DNR Response:

The unnamed creek running northeast-southwest near the residence on New Glasgow Road southeast of the main portion of Fairfield (near T71N, R9W, Section 15) has not been designated and would have the presumed classification of A1, B(WW-1).

This comment is a general comment and does not provide any use or location information.

As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

Please also see the section entitled, "Issue: Attainability" for additional information regarding the stream designations.

106. Two Unnamed Creeks (Amana Colonies Golf Course, Iowa Co.)

One public comment was received:

> "I happened to see a couple of unnamed creeks at the Amana Golf Course on there as well. I've only been to that golf course once, and I don't really know what those unnamed creeks are, but it seems to me that it's pretty hard to keep people out of water around golf courses.
>
> I sincerely hope you reconsider downgrading any of the waterways in Iowa. I have listed the few that I have knowledge of, but you can't keep kids out of the water anywhere and cleaner water always seems like the better option to me."

DNR Response:

There is one unnamed creek near the Amana Golf Course, but it has been broken down into two classification segments: Class A3 Children's recreational uses in the southern segment closer to the community of Middle Amana and Class A2 Secondary Contact recreational uses in the northern segment closer to the actual location of the golf course.

Additional information is presented in the UA/UAA assessment:

Field work for preparation of this UA/UAA was conducted on Unnamed Creek, which is receiving effluent from the Amana Colonies Golf Course wastewater treatment plant, on September 25, 2006 and August 14, 2007. Unnamed Creek, located in Iowa County, is listed as an intermittent stream for the entire assessed reach according to the 1:100,000 USGS DLG Data Set. The drainage area for Unnamed Creek at the mouth is 1.62 miles.

The creek passes through both residential and rural areas. The downstream segment of Unnamed Creek is in close proximity to residences, a school, playground, athletic fields, and a walking trail. This area of the creek has a high potential for attracting recreational uses. The upstream segment of Unnamed Creek flows primarily through a rural area with no road crossings or residences. The potential for recreational uses on this segment diminish with the lack of access opportunities.

In the 1.2 miles assessed, the maximum depth was found to be 18 inches with the majority of the reach being less than 10 inches deep. No areas were found in the assessed reaches that would be adequate depth for primary contact recreation. Therefore, Primary Contact recreational uses are not considered attainable for Unnamed Creek due to lack of flow (40 CRF 131.19(g)(2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Based on the findings of the field assessment, two segments of Unnamed Creek will be discussed. Segment 1 will include the stream segment from the mouth to the edge of the residential area, and Segment 2 will include the stream from the edge of the residential area to the Amana Colonies Golf Course pond outlet.

<u>Segment 1: From the mouth (S28, T81N, R9W, Iowa County) to the edge of the residential area (Easting 590982.20, Northing 4628146.44, S28, T81N, R9W, Iowa County).</u>

This segment has a high likelihood of attracting children's recreation at elevated frequencies due to its location within a residential area with a school, playground, athletic fields, and a walking path all in close proximity to Unnamed Creek.

Based on analysis of the data from the assessed sites, the department recommends a Class A3 Children's Recreational use designation apply from the mouth of Unnamed Creek (S28, T81N, R9W, Iowa County) to the edge of the residential area (Easting 590982.20, Northing 4628146.44, S28, T81N, R9W, Iowa County). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A3 Children's Recreational Use Designation:

"Waters in which recreational uses by children are common. Class A3 waters are water bodies having defined banks and bed with visible evidence of flow or occurrence of water. This type of use would primarily occur in urban or residential areas."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☐	
Children's Recreation	☒	- See description above
No Recreational Use	☐	

Segment 2: From the edge of the residential area (Easting 590982.20, Northing 4628146.44, S28, T81N, R9W, Iowa County) to the Amana Colonies Golf Course pond outlet (S21, T81N, R9W, Iowa County).

Although the creek is too shallow to support primary contact recreational uses throughout and there were no recreational uses observed or evidence of uses found, this creek segment does possess potential of attracting secondary or incidental contact recreation at low frequencies.

Based on analysis of the data from the assessed sites, the department recommends a Class A2 Secondary Contact Recreational use designation apply to Unnamed Creek from the edge of the residential area (Easting 590982.20, Northing 4628146.44, S28, T81N, R9W, Iowa County) to the Amana Colonies Golf Course pond outlet (S21, T81N, R9W, Iowa County). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2 Secondary Contact Recreational Use Designation:

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational uses, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity."

Recommended Recreational Use Designation:	
Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown below:

245-1 Downstream recreational assessment looking upstream

This comment is a general comment and does not provide any use or location information. It talks about the possibility of Primary Contact recreation activities but does not provide direct witnessing of an activity, only a presumption of use. We are left with a lack of observation of these activities occurring.

As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using

Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

107. Unnamed Creeks #2 and #3 near Western Iowa Energy (tributary to Lime Creek) (Sac Co.)

Three public comments were received.

First public comment:

> "I'm writing on behalf of Western Iowa Energy and the facility manager, REG. We have some concerns with the UA/UAA completed for the unnamed creeks near the plant. REG would like a meeting to discuss. I've copied Tom Mowrer of REG. Please let us know an appropriate time to meet and discuss as issues here could impact operations of several REG managed facilities."

A second public comment received, from the Sac County Engineer:

> "This channel was dug to drain the land on the south side of the RR. As shown in the pictures and comments it is stagnate and green. Apparently it was dug to deep because it stands water instead of draining to DD #60. I can't believe anybody would swim or fish in this mess when there are better facilities in the area. There is no way this should be designated A2 or B(WW-2) or any other use."

Third public comment:

> "Tom Mowrer may have left you a message but I wanted to let you know we are [opposed] to making the two above creeks located on our property as recreational creeks. These creeks are dry two to three months out of the year.
>
> 1. No one has ever swum in these streams.
> 2. No children has ever played in them
> 3. No one has ever fished in them.
> 4. The streams do not have a base flow.
> 5.
>
> We also suspect the pictures in the website were taken before a beaver dam was removed that was flooding the upstream property.
>
> The creeks are located next to Western Iowa Energy and road M64.

I have attached pictures of the current Unnamed creek #3 condition.

Thank you for your time."

DNR Response:

These creeks were proposed to be designated Class A2 Secondary Contact recreational uses based on results of the field assessments for creeks in this vicinity.

Unnamed Creek #2

No field work was directly available for preparation of this UA/UAA. However, data from the downstream waterbody, Lime Creek (site 777-1), the upstream sample site on Unnamed Creek (#3), and several years of aerial photographs were used to assess the short segment. The assessed segment was from its mouth (SW¼, S13, T86N, R37W, Sac Co.), to the confluence with Unnamed Creek (#3) (SW¼, S13, T86N, R37W, Sac Co.). This segment addresses approximately the lower 20% of the total stream length. The assessed segment is noted on the 1:100,000 USGS DLG Data Set as perennial. The drainage area at its mouth is estimated to 1.32 square miles. At the upper extent of assessment, the drainage area is less than 1 square mile.

The main goals of the fieldwork were to determine existing uses, attainable uses, use attainment and potential causes of non-attainment (if any).

The entire assessed length of Unnamed Creek (#2) appears have been recently channelized and realigned to flow along the toe of an existing railroad track and possibly around a portion of the Western Iowa Energy's property. Based on site 777-1 field data on Lime Creek, the field data at site 777-2 on Unnamed Creek (#3), and the very similar water surface features in recent aerial photographs, the stream's estimated average depths under normal flow conditions would be less than 6 to 7 inches with a maximum depth of less than 14 inches. It is also estimated that the ditch's widths during normal flow conditions would range from 6 to 8 feet or less.

The stream substrate was projected to be predominately silt. Steep banks (approximately 60 degree angle) and less than 10 feet deep are expected. The side slopes of the ditch are projected to be covered in a dense growth of herbaceous materials and grasses with a few isolated trees. Overhanging vegetation (grasses) was present influencing the overall stream canopy.

No road crosses the ditch and no residences are in close proximity. Aerial photography and field observations do not indicate any expected instream or stream side potential recreational uses. The ditch does not pass through any park or recreation areas.

Solicitation of public input on local recreational activities in the Unnamed Creek (#2) noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

Based on the habitat and stream flow condition, the following recommendation is made

The shallow water along this rural drainage way is not capable of supporting normal primary recreational uses. No locations were expected to have water depths greater than 14 inches (adjusted for elevated water stage at the time of assessment). The shallow water conditions and ditch features appear to impede the reasonable attainment of primary contact recreation along this assessed reach. Primary Contact recreational uses are not considered attainable for this length of Unnamed Creek (#2) due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the drainage way being located in rural agricultural setting with a totally channelized stream alignment containing steeper and difficult to traverse banks. Therefore, children's recreation use is not recommended.

While this reach of Unnamed Creek (#2) is too shallow to support primary contact recreational uses, it does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with trapping or hunting. It is recognized that the projected steeper and more deeply incised banks may prevent frequent occurrences of these types of recreational uses. The Department recommends assigning a Class A2 Secondary Contact recreational use designation for Unnamed Creek (#2) from its mouth (SW¼, S13, T86N, R37W, Sac Co.), to the confluence with Unnamed Creek (#3) (SW¼, S13, T86N, R37W, Sac Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach of 0.63 miles.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

<u>Recommended Recreational Use Designation:</u>

Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

Unnamed Creek #3

Field work for preparation of this UA/UAA was conducted on Unnamed Creek (#3) on September 14, 2007 and addresses the length from its mouth (SW¼, S13, T86N, R37W, Sac Co.), to the Western Iowa Energy's wastewater treatment facility outfall (SW¼, S13, T86N, R37W, Sac Co.). This segment addresses approximately the lower 90% of the total stream length. The assessed segment is not noted on the 1:100,000 USGS DLG Data Set or topographic maps and is assumed to be ephemeral. The drainage area at its mouth is estimated to be significantly less than 1 square mile. At the upper extent of assessment, the drainage area is approximately zero square miles.

The main goals of the fieldwork were to determine existing uses, attainable uses, use attainment and potential causes of non-attainment (if any).

The entire assessed length of Unnamed Creek (#3) appears to be potentially part of an established drainage district stream channel for collection of surface runoff. Based on the lack of identifiable surface flows, the channel may have a shallow blockage or impairment of draining rainfall/runoff flows. At site 854-1, the ditch was observed to have only standing water while other waterbodies in the drainage basin were influenced by precipitation/runoff events in the preceding 7 days or more. Thus, it is assumed that Unnamed Creek (#3) is similarly influenced by the precipitation and is temporally retaining the rainfall/runoff from the previous 7 to 14 days. Considering the observed elevated water conditions, the stream's estimated average depths under normal flow conditions would range from dry to several inches with a maximum depth of several inches. It is also estimated that the ditch's widths during normal flow conditions would range from zero to several feet.

The stream substrate was composed entirely of soft silt in which the field staff sunk several inches. Steep banks (approximately 60 degree angle) and approximately 5 feet deep or more were noted. The side slopes of the ditch are covered in a dense growth of grasses with no trees and shrubs noted. Overhanging and flooded vegetation (grasses) was present influencing the overall stream canopy.

Two railroad spur lines leading into the Western Iowa Energy facility crosses the ditch with no residences in close proximity. A small rail-side grain storage and handling facility was noted several hundred feet from the ditch with the active rail line separating the ditch and the grain elevator. Aerial photography and field observations do not indicate any instream or stream side features indicating potential recreational uses.

The ditch does not pass through any park or recreation areas.

Solicitation of public input on local recreational activities in the Unnamed Creek (#3) noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

Based on the habitat and stream flow condition, the following recommendation is made

The ephemeral waterway is sandwiched between an active railroad track and the Western Iowa Energy industrial complex with little possibility of any type of recreational opportunity. Extensive growths of duckweed and moist soil vegetative species made it relatively difficult to access both any standing surface water which may reside in the isolated ditch. The dry to very shallow water conditions along this rural drainage way is not capable of supporting normal primary recreational uses. No locations were expected to have water depths greater than several inches (adjusted for elevated water stage at the time of assessment). The dry to very shallow water conditions and ditch features appear to impede the reasonable attainment of primary contact recreation along this assessed reach. Primary Contact recreational uses are not considered attainable for this length of Unnamed Creek (#3) due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the drainage way being located in rural agricultural setting with a totally channelized stream alignment containing steeper and difficult to traverse banks. Therefore, children's recreation use is not recommended.

While Unnamed Creek (#3) is too shallow to support primary contact recreational uses, the assessed segment does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with trapping or hunting. It is recognized that the heavily vegetated growths in and along the ditch may prevent frequent occurrences of these types of recreational uses. The Department recommends assigning a Class A2 Secondary Contact recreational use designation for Unnamed Creek (#3) from its mouth (SW¼, S13, T86N, R37W, Sac Co.) to the Western Iowa Energy's wastewater treatment facility outfall (SW¼, S13, T86N, R37W, Sac Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:	
Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

A photo of Unnamed Creek #2 is shown below:

854-1 End of aquatic assessment, looking upstream

At his request, the department contacted Douglas Judge of Thompson Environmental Consulting on June 17, 2010, to set up a meeting to discuss his concerns and those of the Western Iowa Energy Manager, REG, and its facility representative, Tom Mowrer. They felt the classification of Secondary Contact recreational uses was not appropriate as they feel no one would ever use the stream for those purposes. They felt strongly that they were being unfairly asked to meet water quality standards criteria for a stream they feel should be undesignated.

The department understands these concerns but must maintain its proposed designation for this stream as per Recreational Use protocols and per rule. While the department understands these uses may not occur at present, the Clean Water Act and Iowa law also must protect for possible or attainable uses of a stream. The stream was assessed and based on that assessment was consistent with the classification for Secondary Contact recreational uses. Primary contact was deemed unlikely to occur based on the results of the assessment and stream data, but the potential for secondary contact could still occur, hence the need for the Secondary Contact recreational use classification.

108. Unnamed Creek (aka, Carnarvon Creek) (Breda, Carroll Co.)

One public comment was received:

> "We live in Sac county, Viola township sec 35. A creek that we call Carnarvon Creek and that you classify as Unnamed Creek running along the Sauk Rail trail from near the town of Breda. It is my understanding that the DNR wants to know what recreational uses this stream experiences and where and when, I have seen children playing in the creek where the Sauk Rail trail crosses the stream – the access being under the bridge. I have witnessed this many times over the years most recently last summer 2009. This took place where the creek crosses the N.E. corner of section 35 Viola township. Sac County. I have witnessed bikers on the Sauk Rail trail near the creek wade in the water on a hot summer day summer 2007 or 2008. I have seen this more than once but do not recall all the dates. I have seen minnow traps in the creek near the bridge on 390th st. where it crosses the road – last spring 2009 and many springs over the years. Once a month I do water monitoring on the creek October 2009, April 2010 on our land in Section 35 where the creek runs along the Sauk Rail trail.
>
> Our family and friends also hunt on the land where the creek crosses and thru crossing the creek come into contact with the water as they wade across. This occurs in Oct thru Dec or each hunting season until the creek freezes and has occurred every year from the 1980's until present. Trap stakes and chains have been observed on the creek many years at the bridges where someone has set the traps in the water for muskrat and mink – many times over the years during trapping season from approximately Oct – freeze..My children have waded and played in the creek over the years and my grand kids the same as well as various nieces, nephews and friends kids – many, many times over the years.

This creek which we call Carnarvon creek has family similar to ours living up and down its length and it also is the primary water source for Black Hawk Lake which is seriously impaired and which the DNR and citizens of this area are working together to clean up by mainly working on this very creek. Surely it should not be down-graded."

DNR Response:

This stream was originally proposed to be designated A2, B(WW-2) based on the results of the field assessment. Class A2 is Secondary Contact recreational uses.

Field work for preparation of this UA/UAA was conducted on Unnamed Creek on August 3, 2007. Unnamed Creek, located in Carroll and Sac Counties, is listed as a perennial stream in the assessed reach according to the 1:100,000 USGS DLG Data Set. The drainage area for the assessed reach is 12.14 square miles.

The assessed reach travels through rural areas that contain agricultural lands. The creek flows through and near the Sauk Rail Trail throughout much of the assessed reach, which increases the potential for access. The combination of steep banks, riparian cover, and rural locations may affect the attainability of recreational uses from occurring or occurring at low frequencies through the assessed reach.

During the August 3, 2007 assessment no evidence of recreational use was found in the assessed reach.

Solicitation of public input on local recreational activities in Unnamed Creek noted the following responses:

1) Comments via written or Website public response opportunities – no responses

2) Postcards – none received

3) Interviews – An interview was conducted with a local resident at site 907-3. They indicated kids seine for minnows in the plunge pool at Granite Avenue.

An interview was conducted with an employee of the IDNR Wildlife Bureau concerning the segments of the creek flowing through the Blackhawk WMA and Blackhawk WPA. They indicated that none of the following occurs: swimming, canoeing, kayaking, tubing, fishing, or trapping minnows. Some minnow seining occurs in these two areas.

An interview was conducted with an employee of the Sac County Conservation Board concerning the segment of the creek flowing through and next to the Sauk Rail Trail. They indicated that none of the following had been observed in the creek: swimming, canoeing, kayaking, tubing, fishing, trapping, or seining minnows, or children playing in or near the stream.

Upstream and downstream assessments were conducted at 3 road crossings which yielded 6 sampling points. No average depths demonstrated adequate depth for primary contact recreation based on the minimum guidelines used by the department to determine the attainability of primary contact recreational uses. An overall maximum depth of >48 inches was found in the pool at Granite Avenue. This are is upstream of the Breda WWTP outfall and is not considered in the assessment. Primary contact recreational uses are not considered attainable for Unnamed Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Unnamed Creek's overall rural location; lack of accessibility, riparian cover, and steep banks appeared to deter any children's recreation. An interview indicated kids seine for minnows in the pool at Granite Avenue. This pool is upstream of the WWTP outfall and is not considered in the assessment. Therefore, children's recreation is not recommended for the assessed reach.

Despite difficult accessibility in the assessed reach, it does possess the potential of attracting secondary contact recreational uses at low frequencies due to the possibility of incidental contact (such as minnow trapping) at the assessed locations.

Based on analysis of the data from the assessed stream segment, the department recommends that the secondary contact use designation apply for Unnamed Creek from the mouth (SW ¼, S9, T86N, R36W, Sac Co.) to the City of Breda WWTP outfall (S1, T85N, R36W, Carroll Co.). These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating,, any limited contact incidental to shoreline activities and activities in which user do not swim or float in the water body while on a boating activity."

<u>Recommended Recreational Use Designation:</u>

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this stream is shown below:

546-2 Upstream recreation site looking upstream

While the stream morphology does not appear readily able to support primary contact recreation owing to its depth average 1 to 13 inches with a general width of 9 inches to 8 feet, the location of the Sauk Rail Trail would put children in the proximity of the creek. Based on the public comment witnessing child's play, the department is proposing to change the designation of this stream from Class A2 Secondary Contact recreational uses to Class A3 Children's recreational uses from the crossing with Sauk Rail Trail (NAD83) UTM Coordinates X(Easting)333833.07 Y(Northing)4679278.76 to the City of Breda WWTP outfall (S1, T85N, R36W, Carroll Co.).

109. Two Unnamed Creeks near Camanche (Clinton Co.)

One public comment was received:

> "There has been a canoe-based river cleanup here in which I participated in 2007, and people from eastern Clinton County do paddle here."

DNR Response:

These unnamed creeks in Clinton County are proposed to be designated Class A2, B(WW-2) Secondary Contact recreation uses in Batch 3 based on the results of the field assessment.

Unnamed creek and PCS Nitrogen facility

Unnamed Creek is listed as an intermittent stream in the assessed reach according to the USGS 1:100,000 DLG Data Set and appeared perennial at the time of assessment. The creek has an overall drainage area of 1.11 square miles.

The assessed reach travels through rural areas that contain agricultural and industrial lands. The combination of steep banks, riparian cover, and rural locations may affect the attainability of recreational uses from occurring or occurring at low frequencies through the assessed reach.

During the September 25, 2007 assessment no evidence of recreational use was found in the assessed reach.

Solicitation of public input on local recreational activities in Unnamed Creek noted the following responses:

1) Comments via written or Website public response opportunities – no responses

2) Postcards – none received

Upstream and downstream assessments were conducted at 1 public road crossing and downstream of the private road crossing which yielded 4 sampling points. No areas assessed demonstrated adequate depth for primary contact recreation. Primary contact recreational uses are not considered attainable for Unnamed Creek due to the lack of flow (40 CFR 131.10(g)(2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Unnamed Creek's overall rural location; lack of accessibility, riparian cover, fences, and steep banks appeared to deter any children's recreation. Therefore, children's recreation is not recommended for the assessed reach.

Despite difficult accessibility in the assessed reach, it does possess the potential of attracting secondary contact recreational uses at low frequencies due to the possibility of incidental contact (such as minnow trapping) at the assessed locations.

Based on analysis of the data from the assessed stream segment, the department recommends that the secondary contact use designation apply for Unnamed Creek from the mouth (NE ¼, S29, T81N, R06E, Clinton County) to the South line, S29, T81N, R06E, Clinton County. These

recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating,, any limited contact incidental to shoreline activities and activities in which user do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this unnamed creek is shown below:

822-1 Upstream recreation site looking upstream

Unnamed Creek and US Filter Operating Systems

Fieldwork for preparation of this UA/UAA was conducted on Unnamed Creek on August 21, 2007. Located in Clinton County, Unnamed Creek is noted as an intermittent stream along the entire assessed length according to the 1:100,000 USGS DLG Data Set. Field data documents the intermittent nature of the entire watercourse due to the extensive growths completely covering the waterway's channel with various vegetative species tolerating moist soil conditions. The assessed segment of Unnamed Creek was from its mouth (NE¼, S30, T81N, R6E, Clinton Co.) to the US Filter's wastewater treatment facility outfall (SE¼, S19, T81N, R6E, Clinton Co.).

At its mouth, Unnamed Creek has a drainage area 1.16 square miles while at the upper extent of the assessment the drainage area is 1.03 square miles. This report addresses approximately 40% of Unnamed Creek's total length, or approximately 0.54 miles.

The waterway passes through mixture of agricultural land (hay and/or row crop lands) and bottom land timber. The lower portion of the watercourse is within a heavy timber area associated with Rock Creek floodplain. One county road and an active rail line cross the waterway. No recreational areas are located within the assessed area or drainage basin. No rural residences were noted in close proximity to the assessed segment. No indications were found of access to or uses of the creek in association with the recreational area. Access to the stream at site 379-1a was made by a long walk-in through vegetative cover.

The August 21, 2007 assessments were conducted during what appears to be above normal seasonal stream conditions with the watercourse inundating extensive areas of grasses and moist soil vegetation. The single scour area at site 379-1a, below the rail line crossing had the appearance of a shallow wetland/marshy feature with longer term sustained open water conditions. This was the only deeper water feature within the entire assessed length. Based on the inundation areas, the water level may have been elevated by 2 to 3 inches due to the recent rainfall conditions. When considering the elevated stream flow conditions, the stream's widths during normal conditions are projected to range from zero to 25 feet with average depths ranging from zero to 17 inches and a maximum depth of 26 inches.

There were no people observed recreating in the waterway at the time of the assessment with no evidence of instream or stream side recreational uses were noted.

Solicitation of public input on local recreational activities in Unnamed Creek noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses.

The normal season's dry stream conditions with one small and isolated deeper water area along the assessed creek length are not capable of supporting primary recreational uses. No locations are projected to have water depth greater than 26 inches under normal flow regimes. The dry

conditions in the upper reach and the shallow water conditions in the lower reach appear to impede the reasonable attainment of primary contact recreation along the entire assessed reach. Primary Contact recreational uses are not considered attainable for the Unnamed Creek due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the creek being located in rural agricultural setting with many locations having steeper, difficult to traverse banks and silty conditions. The dry nature of the stream at many locations future diminishes the potential for frequent children's recreation. Based on these factors, children's recreation use is not recommended.

Considering the habitat and stream flow condition, the recommendations are separated into two stream segments; the upper reach with seasonally dry stream conditions and the lower reach where runs and infrequent isolated pools where some open water conditions exist.

1) Lower Reach. From its mouth (NE¼, S30, T81N, R6E, Clinton Co.) to the railroad crossing (NE¼, S30, T81N, R6E, Clinton Co.)

This reach is considered to be the only portion sustaining isolated shallow pools or run areas with site 379-1a located at the upper extent of the reach. While this reach of Unnamed Creek is too shallow to support primary contact recreational uses, it does possess a very remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with seining, trapping or hunting in the lower reach with infrequent perennial-type pooled features. It is recognized that the remote, privately-owned property with incised banks and silty conditions may prevent frequent occurrences of these types of recreational uses. The Department recommends assigning a Class A2 Secondary Contact recreational use designation for Unnamed Creek from its mouth (NE¼, S30, T81N, R6E, Clinton Co.) to the railroad crossing (NE¼, S30, T81N, R6E, Clinton Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

Recommended Recreational Use Designation:

Primary Use ☐

Secondary Use ☒ - See description above

Children's Recreation ☐

No Recreational Use ☐

2) Upper Reach. The railroad crossing (NE¼, S30, T81N, R6E, Clinton Co.) to the US Filter's wastewater treatment facility outfall (SE¼, S19, T81N, R6E, Clinton Co.).

The intermittent/ephemeral nature of the stream hydrology creates dry channel or moist soil conditions contributing to the inability of supporting primary or secondary contact recreational uses. Neither Class A2 Secondary Use nor Class A3 Children's Recreation are recommended due to the lack of stream flow, remote location, and no evidence of stream use. Therefore, the Department recommends that a No Recreational Use apply to Unnamed Creek from the railroad crossing (NE¼, S30, T81N, R6E, Clinton Co.) to its headwaters. While the US Filter's wastewater treatment facility's outfall is located within the lower portion of this small watershed, the upper extent of the recommendation to the headwaters continues to experiences intermittent/ephemeral flow conditions with no changes projected in the creek's corresponding potential recreational uses in this segment. The Department considers 'No Recreational Use' to be the highest attainable recreational use designation for this upper reach of the creek.

Recommended Recreational Use Designation:

Primary Use ☐

Secondary Use ☐

Children's Recreation ☐

No Recreational Use ☒

A photo of this unnamed creek is shown below:

379-1 Upstream recreational assessment site looking downstream

The public comment regarding paddling as described is secondary contact recreation. There was no indication that primary contact activities with full immersion were occurring. In fact, in combination with the stream morphology and depth information, it tends to support the conclusions from the UA/UAAs that secondary contact recreational uses are occurring. As a result, the department will maintain its proposed designations of Class A2 Secondary Contact recreational uses for these stream segments.

110. Unnamed Creek #1 Wall Lake (tributary to Drainage Ditch 60 and outlet for Wall Lake lagoons) (Sac Co.)

One public comment was received:

> "This channel is on private property and was dug by the land owner to drain this flood plain. As shown in the pictures and comments it is stagnate and green. If I am not mistake the water in this channel has to be pumped to get it into DD 60. I can't believe anybody would swim or fish in this mess when there are better facilities in the area. There is no way this should be designated A2 or B(WW-2) or any other use."

DNR Response:

This stream has been proposed to be Class A2 Secondary Contact recreational uses based on results of the field assessment.

Field work for preparation of this UA/UAA was conducted on Unnamed Creek (#1) on October 3, 2006 and addresses the length from its mouth (NE¼, S13, T86N, R37W, Sac Co.), to the City of Wall Lake's wastewater treatment facility outfall (NE¼, S13, T86N, R37W, Sac Co.). This segment addresses approximately the entire stream length. The assessed segment is not noted on the 1:100,000 USGS DLG Data Set or topographic maps and is assumed to be ephemeral. The drainage area at its mouth is estimated to be significantly less than 1 square mile. At the upper extent of assessment, the drainage area is approximately zero square miles.

The main goals of the fieldwork were to determine existing uses, attainable uses, use attainment and potential causes of non-attainment (if any).

The entire assessed length of Unnamed Creek (#1) appears to be potentially part of an established drainage district stream channel for collection of surface runoff. Based on the lack of identifiable surface flows and available aerial photography, the ditch appears to have a control structure at its mouth to prevent Drainage Ditch No. 60 floodwater from entering the channel. Possible an inverted outlet pipe or similar feature is constructed and may block or impair draining any recent rainfall/runoff flows. At site 777-2, the ditch was observed to have only standing water while other waterbodies in the drainage basin were influenced by precipitation/runoff events in the preceding 7 days or more. Thus, it is assumed that Unnamed Creek (#1) is similarly influenced by the precipitation and is temporally retaining the rainfall/runoff from the previous 7 to 14 days. Considering the observed elevated water conditions, the stream's estimated average depths under normal flow conditions would range from dry to several inches with a maximum depth of several inches. It is also estimated that the ditch's widths during normal flow conditions would range from zero to several feet.

The stream substrate was composed entirely of soft silt in which the field staff sunk several inches. Steep banks (approximately 60 degree angle) and approximately 10 feet deep or more were noted. The side slopes of the ditch are covered in a dense growth of grasses with no trees and shrubs noted. Overhanging and flooded vegetation (grasses) along with a heavy growth of duckweed was influencing the stream's open surface water.

Aerial photography and field observations do not indicate any instream or stream side features indicating potential recreational uses. The ditch does not pass through any park or recreation areas.

Solicitation of public input on local recreational activities in the Unnamed Creek (#1) noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

Based on the habitat and stream flow condition, the following recommendation is made

The dry to very shallow water conditions along this rural drainage way is not capable of supporting normal primary recreational uses. No locations were expected to have water depths greater than several inches (adjusted for elevated water stage at the time of assessment). The dry to very shallow water conditions and ditch features appear to impede the reasonable attainment of primary contact recreation along this assessed reach. Primary Contact recreational uses are not considered attainable for this length of Unnamed Creek (#1) due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Frequent children's recreation is not expected due the drainage way being located in rural agricultural setting with a totally channelized stream alignment containing steeper and difficult to traverse banks. Therefore, children's recreation use is not recommended.

While Unnamed Creek (#1) is too shallow to support primary contact recreational uses, the assessed segment does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with trapping or hunting. It is recognized that the heavily vegetated growths in and along the ditch and the deep soft silt substrate may prevent frequent occurrences of these types of recreational uses. The Department recommends assigning a Class A2 Secondary Contact recreational use designation for Unnamed Creek (#1) from its mouth (NE¼, S13, T86N, R37W, Sac Co.) to the City of Wall Lake's wastewater treatment facility outfall (NE¼, S13, T86N, R37W, Sac Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this stream reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

<u>Recommended Recreational Use Designation:</u>

Primary Use	☐
Secondary Use	☒ - See description above
Children's Recreation	☐
No Recreational Use	☐

The department understands these concerns but maintains its recommended designation for this stream as per Recreational Use protocols and per rule. The stream was assessed and based on that assessment met the protocol for classification as Class A2 Secondary Contact recreational uses. Primary contact was deemed unlikely to occur based on the results of the assessment and stream data, but the potential for secondary contact could still occur, hence the need for the Class A2 Secondary Contact recreational use classification.

111. Unnamed Creeks #1, #2, and #3 (Sac Co.)

One public comment received:

> "I live less than a mile from these creeks. The reason that they aren't named is because water isn't in it except during 2 events. After rainfall that is over 2 inches and comes in less than a 4 hr period water will flow. Grass waterways from upland farms feel this short term water flow. The other event is beaver dams west of these creeks backup the limited runoff water of thunderstorms. Nobody uses these so called streams for any recreational activity. I drive by them daily on Needham Ave and have never observed any people swimming or fishing.
>
> I hope the state will continue to protect our recreational resources and not waste time and money on these 3 unnamed creeks whose water flow needs a large rain event.
>
> I lived in southern Sac county for the last 50 years and if you have any other questions on these unnamed creeks feel free to contact me."

DNR Response:

These streams were designated Class A2 Secondary Contact recreational uses based on results of the field assessments. See Stream Numbers 65 and 68 for excerpts from the UA/UAAs for these streams.

The department understands these concerns but maintains its recommended designation for this stream as per Recreational Use protocols and per rule. The stream was assessed and based on that assessment met the protocol for classification as Class A2 Secondary Contact recreational uses. Primary contact was deemed unlikely to occur based on the results of the assessment and stream data, but the potential for secondary

contact could still occur, hence the need for the Class A2 Secondary Contact recreational use classification.

112. Unnamed Creek (Early, Sac Co.)

One public comment received from the Sac County Engineer:

> "This channel provides an outlet for Drainage District #59 and the city Lagoons. There is no public access to this channel and I think the only reason there were any fish in it is because of the proximity to the Boyer River. I see no reason this channel should be designated A2 or B(WW-2) or any other use."

DNR Response:

This stream was designated Class A2 Secondary Contact recreational uses based on results of the field assessment.

Field work for preparation of this UA/UAA was conducted on Unnamed Creek on September 14, 2007. Unnamed Creek, located in Sac County, is listed as an intermittent stream in the assessed reach according to the 1:100,000 USGS DLG Data Set. The creek has an overall drainage area of 3.32 square miles.

The assessed reach of Unnamed Creek travels through rural areas with land uses associated with row crop agriculture and the WWTP. The assessed reach contains steep slopes, fences, and some portions contained heavy riparian cover that would make accessing the creek difficult. Steep banks, heavy riparian cover, fences, and rural locations may affect the attainability of recreational uses from occurring or occurring at elevated frequencies at certain locations.

During the September 14, 2007 assessment no evidence of recreation was found in the assessed reach.

Solicitation of public input on local recreational activities in Unnamed Creek noted the following responses:

1) Comments via written or Website public response opportunities – no responses

2) Postcard – None returned

Upstream and downstream assessments were conducted at the WWTP outfall which yielded 2 sampling points. No depths were considered adequate depths for primary contact recreation based on the guidelines used by the department to determine the attainability of primary contact recreational uses. Primary Contact recreational uses are not considered attainable for

Unnamed Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Unnamed Creek's overall rural and remote location, agricultural land uses, riparian cover, and steep banks appeared to deter any children's recreation. Therefore, Children's Recreation is not recommended for the assessed reach.

While the creek is too shallow to support primary contact recreational uses, it has the potential to attract secondary contact recreation such as trapping or minnow seining at the assessed locations.

Based on analysis of the data from the assessed sites, the department recommends the Class A2 Secondary Contact recreational use apply for Unnamed Creek from the mouth (SE ¼, SW ¼, S9, T88N, R37W, Sac Co.) to the City of Early WWTP outfall (SW ¼, NE ¼, S9, T88N, R37W, Sac Co.). The department considers class A2 to be the highest attainable recreational use for this segment.

Class A2 Secondary Contact Recreational Uses

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which user do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

The department understands these concerns but maintains its proposed designation for this stream as per Recreational Use protocols and per rule. The stream was assessed and based on that assessment met the protocol for classification as Secondary Contact recreational uses. Primary contact was deemed unlikely to occur based on the results of the assessment and stream data, but the potential for secondary contact could still occur, hence the need for the Secondary Contact recreational use classification.

113. Upper Iowa River (Allamakee/Winneshiek Cos.)

Six public comments were received.

The first comment:

> "I cannot imagine opening our states waters to more pollution. I understand the needs of business. I have a Masters Degree in Business and have worked in the commercial real estate industry for over ten years. I understand the impacts on business needs of environmental restrictions. I also understand quality businesses find another way to survive.
>
> I have spent most of my entire life enjoying Iowa rivers and streams. I started paddling the backwaters of the Wapsipinicon River as a small child over thirty years ago. I spent many days swimming, fishing, and enjoying the river. Today I have four children of my own. We spend more than every other weekend on Iowa waters spring through fall. We enjoy many streams in Northeast Iowa for canoeing and fishing including the Upper Iowa River, Paint Creek, Yellow River, Turkey River, Little Turkey River, Cedar River, Indian Creek, Big Creek, Wapsipinicon River, Lime Creek, Volga River, Little Volga River, the list goes on and on.
>
> I love to take my children wading for smallmouth bass in almost any creek I can find that may hold those wonderful hot spots. We have very limited natural resources compared to most states in our country. The beauty and quality of our streams is really all we have left. We must move to protect our very limited resources.
>
> Please help protect our streams. I am an Iowan and plan to always be an Iowan. I could not keep my family in this state if our streams became an unsafe place to enjoy nature with my children."

Two others were received from our on-line survey:

The first online survey comment regarding access near Decorah and Waukon, regarding "Any landing from Kendallville to Iverson's Bridge,We use many":

1. Swimming? No.
2. Children playing in or near the stream? Yes.
3. Canoeing, kayaking, or tubing? No.

4. Fishing, seining, or trapping for minnows? Yes.

The second online survey comment regarding access near Decorah and "Any public entrance from Kendallville to just above Dorchester":

1. Swimming? Yes. Two or three times a year.
2. Children playing in or near the stream? Yes. Six or more times a year.
3. Canoeing, kayaking, or tubing? Yes. Two to three times a year
4. Fishing, seining, or trapping for minnows? No.

Fourth public comment:

> "We have 80 acres that border the Upper Iowa River just outside of Lime Springs. This river has been used for recreational activities such as boating, skiing, fishing and swimming. There recently was a hog confinement built very close to it and other pollution that has been allowed to be dumped in it. I very strongly feel that those things negatively impact the health of ou[r] childre[n] and citizens in general.
>
> They also discourage tourists to return to the area. I urge you to set high recreational standards for the upper Iowa River, as well as all our waterways to protect the health of our citizens and encourage tourism.
>
> Hog confinements should definitely be strictly regulated and not allowed near our waterways, and that should be strictly enforced.
>
> Thank You for anything you do to protect our waterways, and specifically the Upper Iowa River."

Fifth public comment:

> "Please be aware of the importance of the Upper Iowa River to the recreational needs of the northeastern Iowa economy and the quality of life which is derived from this river and the need to protect this river."

Sixth comment:

> "Streams and tributaries and all rivers in Iowa, particularly Southeast Iowa, Upper Iowa River, Missouri and Mississippi Rivers, Des Moines River.

> The way we maintain water affects our own lives, those [of] our neighbors downstream, and future generations as well. IT is all we have. Please do everything possible to maintain pure water in Iowa."

DNR Response:

This segment was designated Class A1 Primary Contact recreational uses prior to 2006 and the presumed use provision.

The last two comments are general comments and do not provide specific information to more appropriately respond. As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

114. Volga River (Fayette Co.)

Five public comments were received.

One from our on-line survey regarding access at Volga River State Park near the town of Fayette:

1. Swimming? No.
2. Children playing in or near the stream? No.
3. Canoeing, kayaking, or tubing? Yes. I've only seen one person using it, 3 years ago.
4. Fishing, seining, or trapping for minnows? Yes. I try to fish it alot.

The second comment from a local resident:

> "I would like to comment about the EPC to assign the highest use designation to all of Iowa's perennial streams. I live in Fayette County near Randalia. The upper branch of the Volga River flows through our property. The proposed EPC designation for this portion of the Volga River has no merit. In the late summer

and winter the River becomes a mere brook that one can walk across in tennis shoes and keep their feet dry. It is a nice river and we do our best to protect it, But it does not warrant any type of the proposed regulation. It is a poor use of taxpayer's money when State and federal budgets are pressed beyond measure. Any form of further regulation is an undue burden to property owners along the upper branch of the Volga River. The size, flow, and location of this stream does not preclude any type of regulation proposed by the EPC. Thank you for your consideration."

The third public comment:

"I cannot imagine opening our states waters to more pollution. I understand the needs of business. I have a Masters Degree in Business and have worked in the commercial real estate industry for over ten years. I understand the impacts on business needs of environmental restrictions. I also understand quality businesses find another way to survive.

I have spent most of my entire life enjoying Iowa rivers and streams. I started paddling the backwaters of the Wapsipinicon River as a small child over thirty years ago. I spent many days swimming, fishing, and enjoying the river. Today I have four children of my own. We spend more than every other weekend on Iowa waters spring through fall. We enjoy many streams in Northeast Iowa for canoeing and fishing including the Upper Iowa River, Paint Creek, Yellow River, Turkey River, Little Turkey River, Cedar River, Indian Creek, Big Creek, Wapsipinicon River, Lime Creek, Volga River, Little Volga River, the list goes on and on.

I love to take my children wading for smallmouth bass in almost any creek I can find that may hold those wonderful hot spots. We have very limited natural resources compared to most states in our country. The beauty and quality of our streams is really all we have left. We must move to protect our very limited resources.

Please help protect our streams. I am an Iowan and plan to always be an Iowan. I could not keep my family in this state if our streams became an unsafe place to enjoy nature with my children."

Fourth public comment:

"Stop caving in to lower standards pushed by interests with monetary gain involved. A pile of money gained from poisoning the world means destruction – even for the fools atop of the pile.

In this appeal I am suppose to name a creek which I wish to advocate for. I cannot advocate for just one. I know Bear, Big, Bloody Run, Bluff, Brush, Buffalo, Knapp, Little Turkey, Little Volga, Boone river, Mill Race, Morgan, North Folk of Maquoketa, Otter, Paint, Plum, South Fork Iowa river, Union slew, Volga, Little Sioux river to name a few. All are of significant importance to this states water shed. All flow into other water resources. To think that lower quality standards in an upstream section will not effect the whole is idiotic. It is brazenly ludicris, to the point of being self destructive, to yield to any demands for lower water quality on any stream segment.

Clean water, air and environment means life. These qualities should be a big part of the reason you are in the profession your in. Do not lower your, and my, stream water quality standards on any of Iowa's waters."

Fifth public comment:

"1. I wish to provide comments on several small streams in Fayette County in response to the EPC's proposed changes.
2. I make these from traveling all over Fayette County during the last 7 years as County Engineer. Streams affect roadways and bridges and I always look at streams and rivers during my travels.
3. I do not believe the North Branch of the Volga in its entirety, nor the Volga west of the confluence with the North Branch of the Volga should be classed as A2 recreational streams. I see no one fishing them, swimming in nor tubing them. At the Volga's intersection with W14 (Sec 29, Center Twp) oft times in the late summer I do not see water running. I do see fishing in the Little Volga in Maynard ("Where the River runs North") and downstream. I would consider the Volga a recreational stream only downstream of the confluence of the major branches at Twin Bridges Park in Sec 35 Center Twp.
4. Additionally, I have never seen fishermen or tubers/swimmers anywhere along the East Branch or the West Branch of Buffalo Creek. It's drainage basin and reaches in Fayette County are almost exclusively crop ground, not suitable for attracting recreation when compared to the Volga, Turkey or other such larger streams.
5. If you have questions about these comments or observations, plese email or call me…

Thanks for your consideration."

DNR Response:

This stream was designated Class A1 Primary Contact recreational uses in Batch 1.

The second comment indicates this area doesn't get used often. The commenter questions the Class A2 Secondary Contact recreational uses designation. Enough flow is maintained in the creek that while it would not likely support Primary Contact recreational uses, it could still attract Secondary Contact recreational uses. The Clean Water Act also requires protection of the stream not just for existing uses but also for potential uses in the future.

115. Walnut Creek (Jasper Co.)

One comment was received:

> "I am writing in response to the proposed stream designation by the EPC. I just heard about this, so I apologize for the last minute comments, we were without an engineer for over 4 ½ months. I have been employed by the county for over 30 years and am using my experience to comment on these streams.
>
> First Stream is Cherry Creek- This stream crosses two paved county raods (F36 & F48) and one state Hwy(14). In all my years I have never seen anyone fishing or swimming in any of the crossings. It does go through a golf course but no one has ever talked about anyone swimming in it, 90% of the time the stream is usually about 6-8 inches deep so I believe that this stream does not qu[a]lify for any type of recreational use.
>
> Next is Clear Creek, This stream has crossings on paved county roads F17 and F24 also there is a low water crossing on W 84th St S. The low water crossing was installed about 25 years ago. It has 18 inch diameter culverts and they only run [half] full 90% of the time. The only time it is deeper is when we have floods and then the road has to be closed but that is only for a couple of days. I have never seen anyone swimming or fishing at any of these locations. Again I do not think the water is deep enough to war[a]nt a recreational designation of any kind even [though] it crosses the bike trail. The banks are steep and not user friend.
>
> Elk Creek has many crossings through the county. I have never seen any one fishing or swimming at any of the crossing I am about to list, Liberty Ave, Legion St, S 60th Ave E, County Road F 62, S 124th Ave E. Most of the time the creek runs

approximately 6-8 inches deep except when it floods. This would not allow boating as would none of the [other] c[r]eeks listed.

Indian Creek crosses county paved road F 24 and also N 51st Ave W and N 19th Ave W as well as others, These crossing[s] all have steep banks and are not user friendly for any type of recreation. Most of the time [this] creek runs 8 inches deep or less. I have never seen anyone fishing or swimming at these crossings. Also I have never seen a boat of any kind. Again I see no reason to designate this creek for any type of recreational use.

Benjamin Creek crossings on W 12th St N and county road F 36 I have seen a lot, they are between my home and work. I have never seen any fishing or swimming at these locations, 90% of the time the creek is only approximately 6 inches deep or in some locations almost dry and the banks are not user friendly. The only time a boat could use this creek is for a few short hours during flooding. Not a good contestant for recreational use.

Calhoun Creek Crossings that I am most familiar with are county road F 70 and S 96th Ave W. I have never seen fishing or swimming at either of these locations. 2 years ago we replaced the bridge on F70 with a RCB culvert. There is [usually] only about 4-6 inches of water in the creek and in some area[s] almost dry at times. I cant see where this would be adequate for recreation or [sustaining] fish life.

Prairie Creek crossings are county roads F36 and N 75th Ave W, The normal flow is very low on this creek as well and I have never seen any one fishing or swimming on either of these crossings, the water is usually only approximately 4-6 inches deep with some areas almost dry,

Sugar Creek crossings are S 36th Ave E and S 52nd Ave E that I am most familiar with and at no time have I seen any one fishing or swimming at these crossings. The usual depth of this creek is 4-6 inches and not the best for fish habitat. I can see no reason to designate this creek for fish habitat or recreational use.

Walnut Creek goes through a federal conservation area but is not a deep creek. I have not seen anyone swimming [or] fishing on any of the crossings such as county road F70 or S 112th Ave W. This creek is [usually] 4-6 inches deep and can have areas that are almost dry.

Sewer Creek crosses S 44th Ave W and S 60th Ave W at which I have never seen anyone fishing or swimming at [these] crossing[s] either. This is a small creek

which is [usually] [only] 4-6 inches deep. Again not the best for recreation or fish habitat.

None of these stream[s] have I ever seen children around or in. At one time or another I have seen parts of these creeks dry in some areas which I would say would not make a good fish habitat or recreational area. We do not support the designation of these creeks as stated on the notice."

DNR Response:

The department understands these concerns but must maintain its proposed designation for this stream as per Recreational Use protocols and per rule. While the department understands these uses may not occur at present, the Clean Water Act and Iowa law also must protect for possible or attainable uses of a stream. The stream was assessed and based on that assessment was consistent with the classification for Class A2 Secondary Contact recreational uses. Primary contact was deemed unlikely to occur based on the results of the assessment and stream data, but the potential for secondary contact could still occur, hence the need for the Secondary Contact recreational use classification.

116. Walnut Creek (Polk Co.)

Two comments were received.

The first comment was an on-line survey comment in reference to Ashworth Park and points upstream in Des Moines:

1. Swimming? No.
2. Children playing in or near the stream? Yes. summers, 2008 & 2009, Clive Greenbelt, three times
3. Canoeing, kayaking, or tubing? Yes. summer 2008, Ashworth & Water Works Parks, once
4. Fishing, seining, or trapping for minnows? No.

The second comment:

"Camp Creek, Drainage Ditch #11, Frink Creek, Indian Creek, Muchikinock Creek, Rock Creek, Walnut Creek and Yeader Creek are all in Polk County, so changes to

these could have an impact to a large number of residents. However, any downgrades to protection of our water [is] not acceptable. Let's increase our protections, not decrease them."

DNR Response:

This portion of the stream is designated as Class A3 Children's recreational uses in Batch 3.

The last comment is a general comment and does not provide specific information to more appropriately respond. As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

117. Wapsipinicon River (Chickasaw/Bremer Cos.)

One public comment was received:

> "I cannot imagine opening our states waters to more pollution. I understand the needs of business. I have a Masters Degree in Business and have worked in the commercial real estate industry for over ten years. I understand the impacts on business needs of environmental restrictions. I also understand quality businesses find another way to survive.
>
> I have spent most of my entire life enjoying Iowa rivers and streams. I started paddling the backwaters of the Wapsipinicon River as a small child over thirty years ago. I spent many days swimming, fishing, and enjoying the river. Today I have four children of my own. We spend more than every other weekend on Iowa waters spring through fall. We enjoy many streams in Northeast Iowa for canoeing and fishing including the Upper Iowa River, Paint Creek, Yellow River, Turkey River, Little Turkey River, Cedar River, Indian Creek, Big Creek, Wapsipinicon River, Lime Creek, Volga River, Little Volga River, the list goes on and on.

I love to take my children wading for smallmouth bass in almost any creek I can find that may hold those wonderful hot spots. We have very limited natural resources compared to most states in our country. The beauty and quality of our streams is really all we have left. We must move to protect our very limited resources.

Please help protect our streams. I am an Iowan and plan to always be an Iowan. I could not keep my family in this state if our streams became an unsafe place to enjoy nature with my children."

DNR Response:

This stream was previously designated as Class A1 Primary Contact recreational uses.

118. West Branch Buffalo Creek (Buchanan Co.)

One comment was received:

"1. I wish to provide comments on several small streams in Fayette County in response to the EPC's proposed changes.
2. I make these from traveling all over Fayette County during the last 7 years as County Engineer. Streams affect roadways and bridges and I always look at streams and rivers during my travels.
3. I do not believe the North Branch of the Volga in its entirety, nor the Volga west of the confluence with the North Branch of the Volga should be classed as A2 recreational streams. I see no one fishing them, swimming in nor tubing them. At the Volga's intersection with W14 (Sec 29, Center Twp) oft times in the late summer I do not see water running. I do see fishing in the Little Volga in Maynard ("Where the River runs North") and downstream. I would consider the Volga a recreational stream only downstream of the confluence of the major branches at Twin Bridges Park in Sec 35 Center Twp.
4. Additionally, I have never seen fishermen or tubers/swimmers anywhere along the East Branch or the West Branch of Buffalo Creek. It's drainage basin and reaches in Fayette County are almost exclusively crop ground, not suitable for attracting recreation when compared to the Volga, Turkey or other such larger streams.
5. If you have questions about these comments or observations, plese email or call me…

Thanks for your consideration."

DNR Response:

This stream has primarily been proposed to be Class A2 Secondary Contact recreational uses:

The department understands these concerns but must maintain its proposed designation for this stream as per Recreational Use protocols and per rule. While the department understands these uses may not occur at present, the Clean Water Act and Iowa law also must protect for possible or attainable uses of a stream. The stream was assessed and based on that assessment was consistent with the classification for Secondary Contact recreational uses. Primary contact was deemed unlikely to occur based on the results of the assessment and stream data, but the potential for secondary contact could still occur, hence the need for the Secondary Contact recreational use classification.

119. West Fork Cedar River (Butler/Franklin Cos.)

One public comment was received from a local organization:

> "Approximately 17 miles of this stream were assessed in July of 2007. One comment was submitted explaining that canoeing in the upper segment of the river is attainable, even though it has not been documented for many years. **Due to the local information about past primary contact recreational activities in the upper section of the West Fork Cedar River, [this organization] recommends the A1 primary contact recreational use designation be retained for the entire river, from the confluence with Hartgrave Creek in Butler County to the juncture of Beaverdam and Bailey Creeks in Franklin County.**"

DNR Response:

This stream has been proposed for designation as Class A1 Primary Contact recreational uses or Class A2 Secondary Contact recreational uses depending on location based on the results of the stream assessment:

Field work for preparation of this UA/UAA was conducted on the West Fork Cedar River July 17, 2007. The river is receiving effluent from the City of Sheffield WWTP and the Clear Lake Sanitary District WWTP by way of various tributaries. The assessed portion of the West Fork Cedar River from the confluence of Hartgrave Creek (S34, T92N, R18W, Butler Co.) upstream to the juncture of Beaverdam and Bailey Crs. (Franklin Co.) is listed as a perennial stream according to the

1:100,000 USGS DLG Data Set. The drainage area for the West Fork Cedar River at the confluence of Hartgrave Creek is 304.37 square miles.

The river passes primarily through rural areas with a mix of agricultural and wooded riparian area and within the north eastern city limits of Dumont. This area of Dumont is unpopulated and surrounded by agricultural ground. There were a few rural residences along the assessed reach. There are many bridge crossings along the assessed reach that could be used as informal access locations.

There are 2 designated canoe access areas. Both of these canoe access areas are carry down only. One of the access areas provides parking while the other does not. The river also flows through Creeden Prairie, Thorn Apple Woods, West Fork Fishing Access, and West Fork Wildlife Area public lands. Creeden Prairie, Thorn Apple Woods, and West Fork Wildlife Area are all wildlife management areas that are managed for hunting access. There are no amenities provided in these areas. The West Fork Fishing Access is an approximately 82 acre public land in Franklin County that has no road access. The area is accessible only from the river or nearby West Fork Wildlife Area.

There were also 5 public comments returned regarding this segment of the river. 4 of the 5 comments pertained to the segment between the confluence with Hartgrave Creek upstream to the canoe access on 200th Street. These comments all stated that canoeing, swimming, kid's play, and fishing occur on this segment annually throughout the summer. The other comment listed a location upstream from 200th Street and stated that they had canoed the river years ago but haven't in the past 28 to 35 years.

Based on the field assessment findings, two separate river segments for the West Fork Cedar River will be discussed:

<u>Segment 1: The West Fork Cedar River from 210th Street (N. line, S34, T93N, R19W, Franklin Co.) to the juncture of Beaverdam and Bailey Crs. (Franklin Co.) (24,585 feet or 4.66 miles):</u>

This segment of the river had average depths of less than 8 inches with a maximum depth of 14 inches. It flows primarily through rural agricultural areas with few rural residents nearby. There are no public areas in this reach and the one comment returned pertaining to this segment stated recreational activities that haven't been participated in for approximately 28 to 35 years.

The creek is too shallow to support primary contact recreation and there was no evidence to support such a designation; however, the creek does possess potential of attracting secondary contact recreation, such as minnow seining and trapping at low frequencies.

Children's recreation is not recommended on the West Fork Cedar River due to the overall rural location and absence of evidence of this type of recreation.

The department recommends the Class A2 Secondary Contact recreational use apply to the West Fork Cedar River from 210th Street (N. line, S34, T93N, R19W, Franklin Co.) to the juncture

of Beaverdam and Bailey Crs. (Franklin Co.) These recommendations are consistent with the creek and surrounding areas ability to support such uses.

Class (A2) Secondary Contact Recreational Use

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water in minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

Segment 2: The West Fork Cedar River from the confluence of Hartgrave Creek (S34, T92N, R18W, Butler Co.) to 210th Street (N. line, S34, T93N, R19W, Franklin Co.) (65,765 feet or 12.46miles):

The average depths of this reach ranged from 2.5 to 10 inches with an overall maximum depth of 22 inches found at both of the assessed sites in this reach. This segment of the river does not exhibit depths normally associated with primary contact recreational uses; however, the canoe accesses, and numerous public lands in the area make this segment of the river highly accessible and increases the likelihood of primary contact recreational uses occurring on a regular basis. The comments received stating that canoeing, swimming, kid's play, and fishing occurring regularly throughout this segment proves that Class A1 recreational uses are attainable in this reach.

Due to the public access and comments received; the department recommends the Class A1 Primary Contact recreation use apply to the West Fork Cedar River from the confluence of Hartgrave Creek (S34, T92N, R18W, Butler Co.) to 210th Street (N. line, S34, T93N, R19W, Franklin Co.). These recommendations are consistent with the river and surrounding areas ability to support such uses.

Class (A1) Primary Contact Recreational Use

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

Recommended Recreational Use Designation:		
Primary Use	☒	- see description above
Secondary Use	☐	
Children's Recreation	☐	
No Recreational Use	☐	

A photo of the stream is shown below:

Recreation downstream looking downstream

The upstream segment being discussed in this comment has met the criteria for Class A2. This stream meets the requirements for Class A2. There is conservation land and pasture in this area. No uses other than an RV/ATV track were observed during the assessment. There was a scour hole upstream of the bridge, but it was 25 inches deep. Otherwise, data from this stretch and Site 671-3 indicates the following information:

Upstream:

Run: Width (ft): 70' Length (ft): 98' Depth (In) 8'' Max Depth (In): 11''

Downstream:

Run: Width (ft): 85' Length (ft): 103' Depth (In) 4'' Max Depth (In): 6''

There was also an electric fence crossing the river in this location:

Electric fence crossing river

Regarding additional comments, as it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

120. West Fork Little Sioux River (Cherokee/Monona Cos.)

One public comment was received from a local organization:

> "Approximately 63 miles of this stream were assessed in April of 2006 and again in August of 2008. Due to an elevated flow following a light rain in the spring of 2006 5-7 inches were removed from the recorded depths. The observed depth at site 116-5 southwest of Cleghorn in Cherokee County was 25 inches, which does support the criteria of an average depth of 19 inches for primary contact recreation. Comments were received reporting that tubers float the portion of this river near Kingsley in Plymouth County. Comments were also received that children's play, canoeing, tubing, and swimming were noted infrequently near the town of Moville. Tubing has also been noted in unspecified locations in Cherokee County. Also there is no mention of any type of assessment conducted at or near Mac's Reservoir in Cherokee County. **Due to the observed depths supporting primary contact recreation and evidence that primary contact recreation is an existing use, [this organization] recommends the West Fork Little Sioux River retain the current A1 primary contact recreational use designation from the mouth in Monona County to the northern boundary of Mac's Reservoir in Cherokee County.**"

DNR Response:

The designation for this stream varies depending on location as per the stream assessment:

Fieldwork for preparation of this UA/UAA was conducted on the West Fork Little Sioux River on April 18 and 19, 2006 (sites 19-1, 2, 3, 4, 5, 6, and 116-1, 2, 2a, 3, 4, 5) and on August 6, 2008 (sites 116-6 and 116-7). The West Fork Little Sioux River, located in Monona Woodbury, Plymouth, and Cherokee counties, is noted as a perennial stream along its entire length according to the 1:100,000 USGS DLG Data Set. The assessed segment of the West Fork Little Sioux River was from its mouth (S12, T84N, R45W, Monona Co.) to the Highway 3 bridge (S1/12, T92N, R42W, Cherokee Co.). At its mouth, the West Fork Little Sioux River has a drainage area of 682.7 square miles while at the upper extent of the assessment (site 116-7) the drainage area is approximately 20.36 square miles.

The communities of Moville and Kingsley discharges treated wastewater directly into the river while the community of Salix discharges into an Unnamed Creek, the community of Lawton discharges into Elliott Creek (tributary of Garretson Ditch, tributary of the West Fork Little Sioux River), the community of Marcus discharges into an Unnamed Creek (tributary of Whiskey Creek, tributary of the West Fork Little Sioux River), and the Little Sioux Corn Processors discharges into an Unnamed Creek.

The main goals of the fieldwork were to determine existing uses, attainable uses, use attainment and potential causes of non-attainment (if any).

Aerial photography and field assessment data indicates the river has undergone extensive historic realignment in the rural agricultural areas and at road crossings, with only some locations in the upper segment retaining natural meandering. Due to the long assessed length, the waterbody varied from a wide channelized ditch in the lower segment to a moderately sized creek in the upper segment. When considering the observed slightly elevated flow data, the river's estimated average depths under normal flow conditions would range from 8 to greater than 41 inches with a maximum depth of greater than 41 inches. It is also estimated that the river's widths during normal flow conditions would range from approximately 15 to 72 feet. Areas of muck/silt deposits from 10 to 25 inches deep were noted at most sites in the lower segment.

Based on aerial photography, nearly all of the properties along the West Fork Little Sioux River appear to be in private ownership. From available data, the river does not appear to pass through or adjacent to any know county, state, or federal publicly-owned park, or recreational area. Approximately forty secondary roads, four state highways, and one US highway cross the river within the assessed reach. No formal access or parking areas were noted along the assessed length. Aerial photography indicates approximately 66 rural residences noted along or in close proximity to the assessed segment.

Moderately deep incised river banks with steep to near vertical side slopes and bank heights up to approximately 20 feet are common features of the assessed segment. The banks are covered in a mixture of few trees in the predominantly materials of shrubs, herbaceous material, and grasses resulting in an open stream canopy.

Solicitation of public input on local recreational activities in the West Fork Little Sioux River noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – 5 responses

a) Sporadic tubing was mentioned along with common fishing/seining/trapping near Moville

b) Tubing and fishing were noted in unspecific locations in Cherokee and Plymouth counties

c) Child's play, swimming and canoeing were noted to occur infrequently with fishing occurring on a regular basis near Moville

d) Two comments were received for the Kingsley area. Child's play, swimming, and canoeing were noted to occur infrequently due to lack of flow throughout the majority of the year. Fishing was said to be common.

3) A citizen noted that tubers float the river near the community of Kingsley (site 116-2) during the summer

The deeper water noted in the river segment near its mouth (confluence with the Monona – Harrison County Ditch) at site 19-1 have the water depths of greater than 41 inches which are theoretically capable of supporting some forms of primary contact recreation. Additionally, at sites 19-2a and 19-3 average water depths of greater than 21 inches were found that are also theoretically capable of supporting some forms of primary contact recreation. The completely channelized and maintained alignment, steep side slope, and deep sediments make the river less than desirable for primary recreation uses as evidenced by the lack of observed uses. While it may not be a prudent practice to encourage primary contact recreation in a steep bank channelized ditch, primary contact recreation remotely may occur in this river segment due to the opportunity of deeper water.

A small scour area associated with the remote Tamarack Avenue bridge at site 116-4 has water depths too deep to wade which is theoretically capable of supporting some forms of primary contact recreation. The river channel at this bridge location is associated with a scouring bend location where bank stabilization riprap has been placed. The steep riprap-lined bank and silt and mud/clay stream bed make the river less than desirable for primary recreation uses as evidenced by the lack of observed uses. Only evidence of river uses was fishing tackle noted on the power line crossing the river. While no evidence was seen of primary contact recreation in area, it remotely may occur in this river segment due to the opportunity of deeper water.

No other sample sites noted average depths greater than 13 inches or maximum depth of greater than 24 inches (when taking into account the observed elevated flow conditions). These depths do not support the types recreational activities associated with primary contact recreation. However, they do potentially support secondary uses such as hunting, fishing and trapping.

Based on the habitat and river flow condition, the recommendations are separated into four river segments; the lower reach with deeper water, the mid-reach with shallower water, the upper bridge scour area of deeper water, and the upper shallow water reach.

1) Lower Reach with Deeper Water. Mouth to the Moville road bridge crossing (S16, T87N, R45W, Woodbury Co.)

Field assessment did identify river bank fishing activities at site 19-1. While no evidence was found of instream recreational use in the deeper water at sites 19-1, 19-2, and 19-3 the observed depths were greater than what would be considered adequate for primary contact recreation. Field data did not support the continued deeper water at other upstream sites, thus only the reach from the mouth of the river to site 19-3 is considered to remotely be capable of supporting primary contact recreation. Primary Contact recreational uses are considered attainable for the deeper water areas.

Since this reach does not flow through urban locations, frequent children's recreation is not expected due the river being located in a rural agricultural area and presence of steeper, difficult to traverse banks. Therefore, children's recreation use is not recommended.

The department recommends the Class A1 Primary Contact Recreational Use apply to the West Fork Little Sioux River from its mouth (S12, T84N, R45W, Monona Co.) to the Moville road bridge crossing (S16, T87N, R45W, Woodbury Co.). This is consistent with the established recreational protocol document.

Class (A1) Primary Contact Recreational Use

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

Recommended Recreational Use Designation:

Primary Use	☒	- see description above
Secondary Use	☐	
Children's Recreation	☐	
No Recreational Use	☐	

2) Middle Reach. The Moville road bridge crossing (S16, T87N, R45W, Woodbury Co.) to the lower extent of the deeper water scour area at the Tamarack Avenue bridge crossing (S1, T90N, R43W, Plymouth Co.) (NAD83) UTM Coordinates: X(Easting) 263901.95 Y(Northing) 4725419.21 (approximately 400 feet)

One public comment noted the tubing activities occurring during the summer season in the vicinity of site 116-2, near the community of Kingsley. There were 4 other comments received for the areas near Moville and Kingsley. They stated that child's play, swimming, and tubing do occur at these locations; however, they occur infrequently due to the lack of flow throughout the majority of the year. Fishing was stated to be a common occurrence during the summer months. Recorded average water depths of 8 to 20 inches were observed during the field assessment when river flow conditions were elevated by approximately 5 to 7 inches. This results in an estimated average depth of 3 to 15 inches during normal seasonal conditions and a maximum depth of 23 inches. The depths and type of reported use do not meet the definition of primary contact recreation where there is a 'considerable risk of ingesting water in quantities sufficient to pose a health hazard'.

The shallow water along the lower portion of the assessed river length was not capable of supporting normal primary recreational uses. No locations were found to have depths greater

than 23 inches. The shallow waters conditions appear to impede the reasonable attainment of primary contact recreation along this middle assessed reach. Primary Contact recreational uses are not considered attainable for this length of the West Fork Little Sioux River due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Since this reach does not flow through urban locations, frequent children's recreation is not expected due the river being located in a rural agricultural area and presence of steeper, difficult to traverse banks. Therefore, children's recreation use is not recommended.

While the middle reach of the West Fork Little Sioux River is too shallow to support primary contact recreational uses, it does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for the West Fork Little Sioux River from the Moville road bridge crossing (West line, S15, T87N, R45W, Woodbury Co.) to the lower extent of the deeper water scour area at the Tamarack Avenue bridge crossing (S1, T90N, R43W, Plymouth Co.) (NAD83) UTM Coordinates: X(Easting) 263901.95 Y(Northing) 4725419.21. The Department considers Class A2 to be the highest attainable recreational use designation for this river reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

<u>Recommended Recreational Use Designation:</u>

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

3) Scour area at the Tamarack Avenue bridge crossing. The lower extent of the deeper water scour area at the Tamarack Avenue bridge crossing (S1, T90N, R43W, Plymouth Co.) (NAD83) UTM Coordinates: X(Easting) 263901.95 Y(Northing) 4725419.21 to the end of the scoured region (NAD83) UTM Coordinates: X(Easting) 264047.30 Y(Northing) 4725386.39 (approximately 400 feet)

Field assessment did identify evidence of isolated fishing activities from bridge at site 116-4. While no evidence was found of instream recreational use in the deeper water at this location,

the observed depth was estimated to be near or greater than 41 inches during normal seasonal conditions. Field data did not support the continued deeper water at other upstream sites, thus only the short length at the bridge's scour area is considered to remotely be capable of supporting primary contact recreation. Primary Contact recreational uses are considered attainable for the deeper water areas because it displayed a maximum depth of approximately 41 inches or greater.

Since this reach does not flow through urban locations, frequent children's recreation is not expected due the river being located in a rural agricultural area and presence of steeper, difficult to traverse banks. Therefore, children's recreation use is not recommended.

The department recommends the Class A1 Primary Contact Recreational Use apply to the West Fork Little Sioux River in the deeper water scour area from the lower extent of the deeper water scour area at the Tamarack Avenue bridge crossing (S1, T90N, R43W, Plymouth Co.) (NAD83) UTM Coordinates: X(Easting) 263901.95 Y(Northing) 4725419.21 to the end of the scoured region (NAD83) UTM Coordinates: X(Easting) 264047.30 Y(Northing) 4725386.39 (approximately 400 feet). This is consistent with the established recreational protocol document.

Class (A1) Primary Contact Recreational Use

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

Recommended Recreational Use Designation:

Primary Use	☒	- see description above
Secondary Use	☐	
Children's Recreation	☐	
No Recreational Use	☐	

4) Upper Reach. The upper extent of the deeper water scour area at the Tamarack Avenue bridge crossing (section line, S1/2, T90N, R43W, Plymouth Co. (NAD83) UTM Coordinates: X(Easting) 264047.30 Y(Northing) 4725386.39) to the confluence with Unnamed Creek (S1, T92N, R42W Cherokee Co.).

The shallow water along the upper portion of the assessed river length was not capable of supporting normal primary recreational uses. No locations were found to have depths greater than 26 inches with average depths ranging from 8 to 15 inches. The shallow water conditions appear to impede the reasonable attainment of primary contact recreation along the upper assessed reach. Primary Contact recreational uses are not considered attainable for this upper

length of the West Fork Little Sioux River due to the lack of flow (as per 40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

Since this reach does not flow through urban locations, frequent children's recreation is not expected due the river being located in a rural agricultural area and presence of steeper, difficult to traverse banks. Therefore, children's recreation use is not recommended.

While the upper reach of the West Fork Little Sioux River is too shallow to support primary contact recreational uses, it does possess a remote potential of attracting Class A2 Secondary Contact recreational uses particularly associated with fishing, trapping or hunting. Therefore, the Department recommends assigning a Class A2 Secondary Contact recreational use designation for the West Fork Little Sioux River from the upper extent of the deeper water scour area at the Tamarack Avenue bridge crossing (section line, S1/2, T90N, R43W, Plymouth Co.) (NAD83) UTM Coordinates: X(Easting) 264047.30 Y(Northing) 4725386.39) to the confluence with Unnamed Creek (S1, T92N, R42W Cherokee Co.). The Department considers Class A2 to be the highest attainable recreational use designation for this river reach.

Waters designated as Secondary contact recreational use (Class A2) are;
'Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody while on a boating activity.' [567-61.3(1)b(2)]

<u>Recommended Recreational Use Designation:</u>

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this stream is shown below:

116-5 Downstream recreation site looking downstream #2

The department feels its recommendations are appropriate. Average depths found at Site 116-5 were 20 inches upstream and downstream with maximum depths of 31 inches upstream and 22 inches downstream. However, these measurements occurred after a period of rain. Based on field measurements, the stream was estimated to be up 5 inches. Adjusted accordingly, this creates average depths of 15 inches and a maximum depth of 26 inches.

Recorded average water depths of 8 to 20 inches were observed during the field assessment when river flow conditions were elevated by approximately 5 to 7 inches. This results in an estimated average depth of 3 to 15 inches during normal seasonal conditions and a maximum depth of 23 inches. The depths and type of reported use do not meet the definition of primary contact recreation where there is a 'considerable risk of ingesting water in quantities sufficient to pose a health hazard'."

121. West Nishnabotna River (Pottawattamie Co.)

One survey comment was received via our on-line survey and referenced an access point near Oakland/Hancock. However, no responses to the questions were provided:

1. Swimming?
2. Children playing in or near the stream?
3. Canoeing, kayaking, or tubing?
4. Fishing, seining, or trapping for minnows?

DNR Response:

This stream was verified as Class A1 Primary Contact recreational uses from the mouth to the confluence with West Fork West Nishnabotna River in Batch 1. This includes the areas of Oakland and Hancock.

122. White Breast Creek (Marion/Clarke Cos.)

One public comment was received referencing White Breast Creek. However, this creek is not in rule making this batch. It is believed the commenter meant to indicate "Little White Breast Creek", which is in this third batch. Please refer to that listing earlier in this document.

"Stream Designations

White Breast Creek – Lucas County Between U.S. 34 and bridge crossing 510th.

1. Does anyone swim in your local stream? No
2. Do children commonly play in your stream? No
3. Do people fish in your stream? No
4. How often do you observe or not observe these activities? Never
5. Does your stream have a base flow of water in it between March 15 and November 15? About 6-10 inches of water.

This is not a recreational stream. Support for aquatic life is quite limited. Flow volume and depth is extremely variable."

DNR Response:

This stream was broken into segments: one portion considered Class A1 Primary Contact recreational uses and the other Class A2 Secondary Contact recreational uses based on the results of the field assessment.

White Breast Creek is listed as a perennial stream in the assessed reach according to the USGS 1:100,000 DLG Data Set. The creek has an overall drainage area of 396.96 square miles. The main goals of the field work were to determine use attainability, use attainment and potential causes of non-attainment (if any).

The assessed reach travels through rural areas that contain agricultural lands. The combination of steep banks, forested areas, fences, and rural locations may affect the attainability of recreational uses from occurring or occurring at low frequencies through portions of the assessed reach.

Upstream and downstream assessments were conducted at twelve bridge crossings and at the City of Osceola's WWTP outfall which yielded 25 sampling points.

Based on the field assessment findings, two separate stream segments for White Breast Creek will be discussed.

1). Mouth to the confluence with Unnamed Creek (NE ¼ of S22, T73N, R22W, Lucas Co.)

Sites: 417-1a(Rec), 2a, 3a, 4a, 5a, and 6a.

Two average depths, two maximum depths, and one overall maximum depth were measured at each of the six sites. Twenty out of the thirty depth measurements demonstrated adequate depths for primary contact recreation. These areas were not isolated and were continuous through this portion of the assessed reach. Recreational use assessments are ideally conducted at base flow conditions according to the Recreation UA/UAA Protocol but this is not always possible. Estimations were made in the field at the time of assessment which help determine how elevated a stream may be. Although the flow conditions at five of the six sites were elevated two to five inches due to rains which had occurred prior to the assessment, the department concluded that the creek would be able to maintain depths adequate for primary contact recreation throughout the recreational season.

White Breast Creek's overall rural location, lack of accessibility, riparian cover, and steep banks appeared to deter any elevated levels of children's recreation. Therefore Children's recreation is not recommended for the assessed reach.

Based on analysis of the data, the department recommends that the Class A1 primary contact recreational use designation apply from the mouth (Marion Co.) to the confluence with Unnamed Creek (NE ¼ of S22, T73N, R22W, Lucas Co.). These recommendations are consistent

with types of uses observed in these areas and the ability for the river and surrounding areas to support such uses.

Primary contact recreational use (Class "A1").

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing".

Recommended Recreational Use Designation:

Primary Use	☒ - See description above
Secondary Use	☐
Children's Recreation	☐
No Recreational Use	☐

2). Confluence with Unnamed Creek (NE ¼ of S22, T73N, R22W, Lucas Co.) to Country Club Road (SE ¼, SE ¼, S20, T72N, R25W, Clarke Co.)

Sites: 417-7, 8, 9, 10, 1, 1b, and 2

Two average depths, two maximum depths, and one overall maximum depth were measured at each of the seven sites). Four out of the thirty five depth measurements demonstrated adequate depths for primary contact recreation. These depths were found a sites 417-8 and 9. These two sites were re-assessed in 2007 to determine the size of the pools. Site 418-4 contained a pool of 10 feet wide and 12 inches long; Site 418-9 contained a pool of 2 feet wide and 6 feet long. The areas that contained these depths were small in size and isolated from one another by much larger portions of shallow run that contained depths not adequate for primary contact recreation. These areas of the affected reach are not expected to sustain conditions to support recreational uses consistent with primary contact recreation. The nature of the streams shifting substrate and instream snags create temporary and isolated environments with depths deep enough for primary contact recreation, and are not sustainable for long periods of time. Primary contact recreational uses are not considered attainable for White Breast Creek due to the lack of flow (40 CFR 131.10(g) (2)) throughout the reach to completely fulfill what is considered a Class A1 primary contact recreational use.

The assessed reach travels through rural areas that contain agricultural lands. The combination of steep banks, forested areas, fences, no trespassing signs, and rural locations may affect the attainability of recreational uses from occurring or occurring at low frequencies through portions of the assessed reach.

White Breast Creek's overall rural location, lack of accessibility, riparian cover, and steep banks appeared to deter any elevated levels of children's recreation. Therefore Children's recreation is not recommended for the assessed reach.

Despite the creek's difficult access it does possess the potential of attracting secondary contact recreational uses at low frequencies due to the possibility of incidental contact (such as trapping and fishing) at the assessed locations.

Based on analysis of the data from the assessed sites, the department recommends the secondary contact use designation apply for White Breast Creek from the confluence with Unnamed Creek (NE ¼ of S22, T73N, R22W, Lucas Co.) to Country Club Road (SE ¼, SE ¼, S20, T72N, R25W, Clarke Co.) These recommendations are consistent with types of uses observed in these areas and the ability for the creek and surrounding areas to support such uses.

Class A2

"Waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating,, any limited contact incidental to shoreline activities and activities in which user do not swim or float in the water body while on a boating activity."

Recommended Recreational Use Designation:

Primary Use	☐	
Secondary Use	☒	- See description above
Children's Recreation	☐	
No Recreational Use	☐	

A photo of this stream is shown on the next page:

417-10 Upstream recreation site looking downstream

The department understands these concerns but maintains its proposed designation for this stream as per Recreational Use protocols and per rule. The stream was assessed and based on that assessment met the protocol for classification as Class A2 Secondary Contact recreational uses. Primary contact was deemed unlikely to occur based on the results of the assessment and stream data, but the potential for secondary contact could still occur, hence the need for the Secondary Contact recreational use classification.

123. Whitewater Creek (Dubuque Co.)

Two public comments were received.

First public comment received:

> "I am writing in reference to streams in Iowa currently listed as "secondary contact", and would like to voice my reasons why I believe these streams should be considered primary contact. I am an avid paddler and fisherman, and have participated in floats or witnessed numerous amounts of primary contact (canoeing or kayaking, with some wading and fishing included) on the following streams (I've been involved in or seen multiple paddlers per year on these streams each year over the past 5 years):

1. Whitewater Creek – a few miles east of Cascade, between Whitewater Drive and its confluence with the North Fork Maquoketa River.

2. North Fork Maquoketa River, from Dyersville to Ozark Bridge

3. Big Creek (east of Marion Iowa) between Springville and its confluence with the Cedar River

4. Beaver Creek (Hardin County) – 215th St. to its confluence with the South Fork Iowa River.

I would request that these streams be included in those that receive the highest levels of protection (along with all other perennial streams, but I can't claim to have much firsthand knowledge of the others listed as secondary contact)."

Second public comment received:

"Please consider my comments about the following stream segments:

693 Whitewater Creek (Dubuque Co.) Northeast Y 0.62 A1 A2 0.62 B(WW-1)

694 Whitewater Creek (Dubuque Co.) Northeast Y 0.01 A1 A1 0.01 B(WW-1)

695 Whitewater Creek (Dubuque Co.) Northeast Y 0.69 A1 A2 0.68 B(WW-1)

I would very much urge you to protect Whitewater Creek to the greatest extent allowed by law. Here in Dubuque, Jackson, and Jones counties we have expended significant resources to protect and enhance the resources available to humans and animals at Whitewater Canyon, thus it only seems rational that the IDNR would help with this ongoing work by protecting the water resources."

DNR Response:

This stream was already designated Class A1 Primary Contact recreational uses in Batch 1.

124. Winnebago River (Winnebago Co.)

One public comment was received from our on-line survey regarding access at Pammel park or airport road near Forest City. No responses were obtained.

1. Swimming?
2. Children playing in or near the stream?
3. Canoeing, kayaking, or tubing?
4. Fishing, seining, or trapping for minnows?

DNR Response:

This portion of the river has already been designated for Class A1 Primary Contact recreational uses.

125. Wolf Creek (Black Hawk Co.)

One public comment was received:

> "After hearing a recent report on the radio, I was happy to hear that the water quality of Iowa's lakes, streams, and rivers has slightly improved in the last year. The process of ensuring we have a safe and sustainable water supply is not complete though, and I would urge you to reconsider the new policy that lowers the use protections on Wolf Creek in Blackhawk County. As a resident of Blackhawk County, it is extremely important to me that we continue to make progress towards safe waterways for full body contact recreational use. Our natural resources are vital to our persistence and happiness, and cannot be misused. I trust your leadership and respect your authority, and I trust you will do all that you can to ensure the next generation can enjoy the outdoors in Blackhawk county as I do."

DNR Response:

This stream is designated as Class A1 Primary Contact recreational uses.

This particular comment is a general comment about not wanting the protection "downgraded" and does not provide specific use information. As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using

Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

While we feel this was clear, the department still tried to contact the responder for the second comment for additional information on June 4, June 8, and June 10, 2010, in an attempt to obtain more specific information on location as to where primary contact uses of swimming might be occurring. However, our calls were not returned.

126. Yeader Creek (Polk Co.)

Three public comments were received.

First comment from our on-line survey regarding access at SW 14th Street in Des Moines, Iowa. No responses were obtained.

1. Swimming?
2. Children playing in or near the stream?
3. Canoeing, kayaking, or tubing?
4. Fishing, seining, or trapping for minnows?

Second comment:

"I do not want Yeader Creek in Polk County downgraded in use designation. This creek is in a populated area and it should be safe for all kinds of bodily contact."

Third comment received:

"Camp Creek, Drainage Ditch #11, Frink Creek, Indian Creek, Muchikinock Creek, Rock Creek, Walnut Creek and Yeader Creek are all in Polk County, so changes to these could have an impact to a large number of residents. However, any downgrades to protection of our water [is] not acceptable. Let's increase our protections, not decrease them."

DNR Response:

Yeader Creek is designated Class A3 Children's recreational uses owing to its urban Des Moines setting and proximity to Easter Lake. Children's recreational use criteria are the

same as Class A1 Primary Contact recreational uses so this classification should protect those uses as well.

The last two comments are general comments and do not provide specific information to more appropriately respond. As it stated in the published Notice of Intended Action (NOIA):

> "If comments submitted are intended to describe recreational activities that occur on specific stream segments, the comment must specify: 1) the type of water recreational activity(s) (e.g. canoeing, children's play, minnow seining, etc.); 2) where the activity(s) took place (e.g. bridge crossing, park, etc.) using Section/Township/Range, latitude/longitude, or map; and 3) the frequency the activity(s) occurred and when (e.g. 1/month in the summer of 2002)."

While we feel this was clear, the department still tried to contact the responder for the second comment for additional information on June 4, June 8, and June 10, 2010, in an attempt to obtain more specific information on location as to where primary contact uses of swimming might be occurring. However, our calls were not returned.

127. Yellow River (Allamakee Co.)

One public comment was received:

> "I cannot imagine opening our states waters to more pollution. I understand the needs of business. I have a Masters Degree in Business and have worked in the commercial real estate industry for over ten years. I understand the impacts on business needs of environmental restrictions. I also understand quality businesses find another way to survive.
>
> I have spent most of my entire life enjoying Iowa rivers and streams. I started paddling the backwaters of the Wapsipinicon River as a small child over thirty years ago. I spent many days swimming, fishing, and enjoying the river. Today I have four children of my own. We spend more than every other weekend on Iowa waters spring through fall. We enjoy many streams in Northeast Iowa for canoeing and fishing including the Upper Iowa River, Paint Creek, Yellow River, Turkey River, Little Turkey River, Cedar River, Indian Creek, Big Creek, Wapsipinicon River, Lime Creek, Volga River, Little Volga River, the list goes on and on.

I love to take my children wading for smallmouth bass in almost any creek I can find that may hold those wonderful hot spots. We have very limited natural resources compared to most states in our country. The beauty and quality of our streams is really all we have left. We must move to protect our very limited resources.

Please help protect our streams. I am an Iowan and plan to always be an Iowan. I could not keep my family in this state if our streams became an unsafe place to enjoy nature with my children."

DNR Response:

This stream was already being proposed to be designated Class A1 Primary Contact recreational uses based on the results of the field assessment:

Fieldwork for preparation of this UA/UAA was conducted on the reach of the Yellow River on October 19, 2006. The assessed reach of the Yellow River (from the confluence with an unnamed tributary in S24, T96N, R4W, Allamakee County to Iowa Highway 51 bridge) is located Allamakee County and is noted as a perennial stream along its entire length according to the 1:100,000 USGS DLG Data Set. The City of Postville's domestic wastewater treatment facility discharges into Williams Creek, a tributary of the Yellow River. The city's industrial wastewater treatment facility discharges into an Unnamed Creek with its mouth near the upstream extent of the assessed reach. At the lower extent of the assessed reach, the river has a drainage area of 129.9 square miles while at the upper extent of the assessment, near Highway 51, the drainage area is approximately 42.26 square miles.

Based on aerial photography, nearly all of the properties along the Yellow River appear to be in private ownership with one canoe access located along County Highway X-26. Several rural residences are located in close proximity to the river. At several of the bridge crossing, graffiti had been applied to portions of the bridge structure and footprints noted along the river banks. Six secondary roads and one state highway cross the river within the assessed reach. Stream fishing and recreational canoeing are known to occur along the reach.

The river's widths range from 21 to 87 feet and average depths ranging from 10 inches to 30 inches with a maximum depth of greater than 48 inches. The maximum depth of greater than 48 inches was found at reach of the three assessed sited in runs and long pooled area under the bridges.

Moderately deep incised stream banks with steep to near vertical side slopes and bank heights up to approximately 14 feet are common features of the assessed segment. The banks are covered in a mixture of trees, shrubs, herbaceous material, grasses, and bare sandy soil resulting in a moderately open stream canopy.

For it's nearly its entire length, the river flows primarily through rural agricultural and timber land with no portion within or in close proximity of any developed area.

Solicitation of public input on local recreational activities in the Yellow River noted the following responses;

1) Distributed Post cards – no written responses.

2) Comments via written or Website public response opportunities – no responses

3) A citizen noted that he has not seen anyone in the river at site 393-C.

The deeper water noted in the assessed reach is suspected to support or capable of supporting some forms of primary contact recreation. While it may not be a frequent activity, particularly in the upper segment during drier periods or the locations with significant silty substrates, primary contact recreation is likely occurring. Maximum water depths were noted to exceed 48 inches and are capable of supporting primary contact recreation. In addition, the reach is known to support recreational canoeing and stream fishing.

In the rural reach, frequent children's recreation is not expected due the stream being located in an agricultural area and presence of steeper, difficult to traverse banks. Therefore, children's recreation use is not recommended.

Based on the habitat and stream flow condition, the following recommendation is made.

While no evidence was found of instream recreational use in the deeper water areas, the observed depth was greater than 48 inches during seasonal conditions indicating adequate depths for primary contact recreation. Therefore, the department recommends the Class A1 Primary Contact Recreational Use apply to the Yellow River from County Rd X-26 (Allamakee Co.) to Highway 51 bridge (SE¼, S8, T96N, R6W, Allamakee Co.). This is consistent with the established recreational protocol document and reflects an extension of the Class A1 Primary Contact Recreational designation from the river's mouth to the unnamed tributary in S24, T96N, R4W, Allamakee County.

Class (A1) Primary Contact Recreational Use

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing."

Recommended Recreational Use Designation:	
Primary Use	☒ - see description above
Secondary Use	☐
Children's Recreation	☐
No Recreational Use	☐

A photo of this stream is shown below:

393-B View from bridge looking downstream

No change in classification is being proposed.

APPENDIX 1:

COMMENTATORS

The following is a list of the individuals and organizations that commented on the proposed rule changes during the public comment period. The commentators are grouped into similar categories and are listed in no particular order.

City/Community Officials

City/Community	Title	Last Name	First Name
Benton County Conservation	Naturalist	Phelps	Karen M.
Calhoun/Sac Counties	County Engineer	Haden	Ronald
City of Indianola	WPC Superintendent	Miers	Dan
City of Oelwein/Fayette County	3rd Ward Representative/Asst. Fayette County Attorney	Lein	Nathan
Fayette County	County Engineer	King	JD
Jasper County	Assistant to the Engineer	Olson	Pamela
Village of Montpelier Sanitary District	Clerk	Varner	Nancy

Organizations:

Organization	Last Name	First Name
American Canoe Association Skunk River Paddlers' Board Member Iowa Whitewater Coalition	Vitale	Greg

Member		
Camp Wyoming	Cullum	Kevin
Clayton County Conservation	Engelhardt	Tim
Des Moines Water Works	Jones	Chris
Des Moines Water Works	Kinman	Linda
Diversity Farms	Judson	Jon
Diversity Farms	Neumann	Kay
Iowa Environmental Council	Garretson	Shannan K.
Iowa Environmental Council	Gelb	Marian Riggs
Iowa Farm Bureau Federation	Gruenhagen	Christina
Iowa State University	Colbert	Jim
Iowa State University – Dept. of Natural Resource Ecology & Management	Pritchard	James
Partnerships in Prevention Science Institute	Trudeau	Linda
SSAB Iowa Inc.	Johnson	Shannon
SSAB Iowa Inc.	Sanicola	Thomas S.
Thompson Environmental Consulting	Judge	Douglas P.
United States Environmental Protection Agency	Spratlin	William A.
Western Iowa Energy, LLC	Reed	Joe A.

Private Citizens:

Last Name	First Name	Location
Allen	James E.	Davenport, IA
Andrew	Petor	Ames, IA
Ashby Baker	Barbara Bruce	West Union, IA
Benning	Jamie	Ankeny, IA
Boney	Michele	West Liberty, IA
Callahan	Kevin	West Branch, IA
Callaway	Nancy	Eldora, IA
Carlson	Jack	Iowa City, IA
Carsner	Tom	N/A
Chauve	K	Pella, IA
Christensen	Angie	Center Junction, IA
Christensen	John	Storm Lake, IA
Clampitt	Jayne	Independence, IA
Cooper	Judith	Des Moines, IA
Davis	Diane	Fairfield, IA
Delp	Sharon	Perry, IA
Dietz	Rick	Ames, IA
Donaldson	Al	Cedar Falls, IA
Donkersloot	Ashley	Spirit Lake, IA
Fastje	Dan	Denison, IA
Ferguson	Charlene	Otho, IA
Fortney	Robin	Des Moines, IA

Franklin	Matthew	Cedar Rapids, IA
Funk	Jade	Mason City, IA
Garst	Elizabeth	Coon Rapids, IA
Geake	John & Cathy	Wall Lake, IA
Goodman	Phyllis	Des Moines, IA
Grimmer	David	N/A
Hansen	Jayme	Davenport, IA
Harden	Raymond	Perry, IA
Harris	Luke	Cedar Rapids, IA
Hart	Holly	Iowa City, IA
Heater	Michelle	Windsor Heights, IA
Howard	Richard L.	Van Meter, IA
Ibanez	Donna	Decorah, IA
Jorgenson	Jim	N/A
Klein	David	Sioux City, IA
Langgin	Mark	Des Moines, IA
Livingston	Dana	Dubuque, IA
Lorenson	John	Cedar Falls, IA
Martin	Karen	Adel, IA
Metelman	Mark	West Des Moines, IA
Miller	David	Ankeny, IA
Miller	Nancy	Lime Springs, IA
Mitchell	Michael	Swisher, IA
Myers	Julie	Iowa City, IA
Neff	Gerald	Pleasant Valley, IA

Neustadt	Debbie	Des Moines, IA
Nicholson	John	Waukee, IA
Nolte	David	Durant, IA
Oliver	David	Ames, IA
Partridge	Rosemary & D.G.	Wall Lake, IA
Petty	Ben	N/A
Pollak	John	Des Moines, IA
Rebarcak	KJ	Long Grove, IA
Rocksvold	Emily A.	Fountain, MN
Rogis	Allen E.	DeWitt, IA
Rusch	Denyce	Fairfield, IA
Ryan	Steve	N/A
Searles	Leland	Grimes, IA
Sheets	Jim	Cantril, IA
Sloan	Jerry	Ames, IA
Smith	I.H.	Battle Creek, IA
Soelberg	Virginia	Johnston, IA
Wenck	John	Des Moines, IA
West	Susan	Fairbank, IA
White	Jeff H.	Ames, IA
Wical	Todd A.	West Des Moines, IA
Youngberg	Karen	Ames, IA
Zevian	Shannin	Iowa City, IA
Zupke	Stephen	Randalia, IA

APPENDIX 2:

Stream Gauge Information