

**Public Notice**  
**Antidegradation Analysis**

Notice is hereby given that a draft antidegradation analysis (AA), associated with an application for Iowa Department of Natural Resources (DNR) Section 401 Water Quality Certification, has been completed for the following projects.

PROJECT DESCRIPTION: Additional permitting of the Shadow Creek North Residential Development located in Clive, IA to modify the existing individual permit to include additional wetlands that have already been impacted located S22 T79N R26W and/or 41.632920, -93.869936, Dallas County.

The AA and supporting information are available at <https://www.iowadnr.gov/Environmental-Protection/Water-Quality/Section-401-Water-Quality-Certification>.

Anyone wishing to comment on the AA must do so in writing by 4:30 PM on June 11, 2024. All relevant comments will be considered by the DNR. Written comments should be submitted by email to [Section401WQC@dnr.iowa.gov](mailto:Section401WQC@dnr.iowa.gov) or by mail to the DNR, Attn: Section 401 Water Quality Certification, 6200 Park Ave., Des Moines, IA 50319.

## Memorandum

DATE: May 14, 2024  
FROM: Brandon Harland  
RE: Rationale for Section 401 Water Quality Certification for Corps Number  
2020-0148 Shadow Creek West, LLC

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**Project Description:** Additional permitting of the Shadow Creek North Residential Development located in Clive, IA to modify the existing individual permit to include additional wetlands that have already been impacted located S22 T79N R26W and/or 41.632920, -93.869936, Dallas County.

**Project Location:** Section 22, Township 79N, Range 26W, and/or 41.632920, -93.869936, Dallas County

### Receiving Water Bodies

Little Walnut Creek is an A1, BWW1 designated use waterbody. The designated uses have been adopted in Iowa's state rule, described in the rule-referenced document of Surface Water Classification effective on July 24, 2019.

### Antidegradation

#### Pollutants of Concern

This project proposes to include additional wetlands that have already been impacted. Chemicals will not be used. Thus, the pollutants present in the discharge from such construction are substances present in runoff, or are the result of a spill. The DNR has identified the following pollutant of concern in discharges from this project and the potential impacts on water quality:

#### *Increased Turbidity/Total Suspended Solids*

The turbidity of water is related to the amount of suspended solids contained in the water. Suspended solids decrease the clarity of water, reduce light penetration, and can impair the photosynthetic activity of aquatic plants. Suspended solids can be aesthetically displeasing and can reduce the recreational value of a water body. If suspended solids screen out light and impair growth of aquatic plants, dissolved oxygen levels can decrease. Suspended solids can be harmful to fish and other aquatic life by causing abrasive injuries and clogging gills and respiratory passages.

Increases in turbidity/total suspended solids from projects authorized by this project will generally be local and temporary. To address turbidity/total suspended solids, the permittee will control runoff to water bodies using a variety of best management practices (BMPs).

#### Best Management Practices in Permit and Certification Conditions

##### *Permit-Based*

The Corps has BMP-based conditions in the Section 404 permit.

Construction activity that disturb one or more acres require a storm water NPDES permit from the DNR. For projects that require storm water NPDES permits, Storm Water Pollution Prevention Plans (SWPPPs) are developed, which typically include BMP-based conditions.

##### *Certification-Based*

The DNR is adding BMP-based conditions to the certification. The combined listed BMPs, when adhered to by the permittee, protect Iowa's water quality by controlling erosion and sediment runoff to prevent pollution from reaching the nearby water bodies. Antidegradation requirements will be considered to be met if all appropriate and reasonable BMPs required by permit and certification are applied and maintained. See, 567 IAC 61.2(2); Iowa Antidegradation Implementation Procedure § 6.3.

#### Temporary and Limited Degradation

The State adopted Iowa Antidegradation Implementation Procedure (2010 and 2016) states that "A regulated activity shall not be considered to result in degradation, if the activity will result in only temporary and limited degradation of water quality as defined in the glossary and as further described in Sections 1.2 and 2.4." The effects can be regarded as temporary and limited following a review of all of the following factors, if applicable:

- a) Length of time during which water quality will be lowered  
The length of time where there might be a lowering of water quality is relatively short for the proposed activity.
- b) Percent change in ambient conditions  
The only significant change that is reasonably expected to occur would be for the presence of sediment in the stream if there is a heavy rainstorm or if the BMPs fail.
- c) Pollutants affected  
Turbidity, total suspended solids.
- d) Likelihood for long-term water quality benefits to the water body  
This activity provides water quality benefits by stabilizing a bank/shore and addressing stormwater appropriately.
- e) Degree to which achieving the applicable Water Quality Standards during the proposed activity will be at risk  
The use of BMPs installed prior to construction, maintained during construction, and until the site has returned to pre-construction conditions should greatly increase the degree to which a project achieves the applicable water quality standards.
- f) Potential for any residual long-term effects on existing uses  
The BMP-based conditions included in the Section 404 permit and certification include activities such as appropriate riprap and reseeding disturbed areas. This project should not contribute to any ongoing impacts to water quality.

For the above discussed reasons, the DNR makes the following finding:

This review concludes that water quality degradation due to this activity is temporary and limited.

#### Social and Economic Importance

This project is socially important for construction of residential homes and maintaining water quality.

This project is economically important for the city, for the community, by creating jobs in the planning and construction of this project and likely using materials from local sources, and for the value of the property.

For the above discussed reasons, the DNR makes the following finding:

This review concludes that water quality degradation due to this activity is necessary to accommodate important economic and social development.

Iowa Department of Natural Resources  
**Section 401 Water Quality Pre-Filing Meeting and Certification Request Form**

1. Type of Request:  Pre-Filing Meeting Request  Certification Request

2a. Property Owner/Project Proponent (aka Applicant) Name: Brian McMurray

Company Name (if applicable): Shadow Creek West, LLC

Mailing Address: 2400 86th Street Suite 24, Urbandale, Iowa 50322

Email Address: brian@vistarei.com

Phone numbers (with area code): Home: \_\_\_\_\_ Cell: \_\_\_\_\_ Business: 515-276-3456

2b. Authorized Agent's Name (if applicable): Will Downey

Company Name: Impact7G, Inc.

Mailing Address: 315 West Cherry Street, Suite 4 - PO Box 227; North Liberty, IA 52317

Email Address: wdowney@impact7g.com

Phone numbers (with area code): Business: 319-210-2850 Cell: \_\_\_\_\_

**3. Identify the Proposed Project:**

Shadow Creek Residential Development (Shadow Creek West & North)

Additional permitting of the Shadow Creek North Residential Development located in Clive, Iowa - for modifying existing individual permit to include additional wetlands that have already been impacted.

**4. Federal Permit / License Requiring Section 401 Water Quality Certificate and its Project Number\***

Permit/License Number: CEMVR-OD-P-2020-148 Federal Agency:  Corps of Engineers  FERC

Other: \_\_\_\_\_

\*A copy of the federal permit or license application is required to be submitted with a certification request.

5. Project Location: Section: 22 Township: 79 N Range: 26 W

County: Dallas Latitude: 41.632920 Longitude: -93.869936

Receiving Water(s): Little Walnut Creek

Discharge: Fill Material / Rip-rap

**FOR PRE-FILING MEETING REQUEST ONLY**

**6. Pre-filing Meeting Request Verification:**

I certify that I have read and understand the following statements per the Clean Water Act Section 401 Certification Rule:

- Submission of this form completes the requirement of the pre-filing meeting request.
- I cannot submit my certification request until at least 30 calendar days after submitting this pre-filing meeting request. This request must be signed by the Property Owner/Applicant and the Authorized Agent, if applicable.

Property Owner/Applicant's Name (printed): Brian McMurray

Property Owner/Applicant's Signature: \_\_\_\_\_

Date: 12/6/23

If applicable: Authorized Agent's Name (printed): Will Downey

Authorized Agent's Signature: \_\_\_\_\_

Date: 12/6/2023

**FOR CERTIFICATION REQUEST ONLY**

**7. Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge.** (Please provide a description of the best management practices you will use to protect water quality as well as any methods and means proposed to monitor the discharge/equipment or measures planned to treat or control the discharge.)

**8. List all other federal (not listed in #4), interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received:**

Agency	Type of Authorization	Agency Number	Date Applied	Date Approved	Date Denied

**9. Date Pre-filing Meeting Request was submitted** \_\_\_\_\_  Attach documentation of request

**10. Certification Request Verification**

This request is hereby made for the activities described herein. I hereby certify that all information contained herein is true, accurate, and complete to the best of my knowledge and belief. I further certify that I possess the authority to undertake the proposed activities. I hereby request that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time. This application must be signed by the Property Owner/Applicant and the Authorized Agent, if applicable.

Property Owner/Applicant's Name (printed): \_\_\_\_\_

Property Owner/Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

If applicable: Authorized Agent's Name (printed): \_\_\_\_\_

Authorized Agent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Water Quality Pre-filing Meeting Request and Certification Request Form

## Instructions

This form should only be completed and submitted if your project requires one of the following:

- Corps of Engineers (Corps) standard/individual Section 404 permit;
- Corps Section 404 nationwide or regional permit where the Corps waives a limit;
- Corps Section 404 nationwide or regional permit on an [Outstanding Iowa Water](#);
- Federal Energy Regulatory Commission license; or
- Other federal permit or license requiring a Section 401 Water Quality Certification.

Federal regulation [40 CFR 121.4](#) requires the applicant to submit a pre-filing meeting request before filing a certification request. More information may be viewed on the [U.S. EPA Overview of §401 Certification](#) website.

The following is a guide for completing the Department of Natural Resources' (DNR) pre-filing meeting request and certification request form. The information is required, and if not filled out completely, the request may be determined to be incomplete. If additional space is needed for any item on the form, attach additional page(s) as necessary. Please note that DNR may request additional information if it is needed to prepare the §401 Water Quality Certification (certification).

**1. Check the appropriate box for whether the request is a pre-filing meeting request or a certification request.**

**IMPORTANT NOTE:** A certification request form **may not** be submitted until **at least 30 days** have passed since the "Pre-filing Meeting Request" was submitted to the DNR. It is important to only submit the certification request when you are certain that the project will not change due to comments received during all required public notice periods.

**2a. Property Owner/Project Proponent (aka Applicant) Name.** Enter the name, primary residence mailing address, email address, and phone number(s) of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer. If there is more than one party, please attach a sheet with the necessary information. Please note that the Project Proponent means the applicant for a license or permit or the entity seeking certification.

**2b. Authorized Agent's Name.** If applicable, indicate the name of the individual or agency, designated by you, to represent you in this process. An authorized agent (agent) can be an attorney, builder, contractor, engineer, or any other person or organization. Please provide the agent's complete mailing address, email, and telephone number where the agent can be reached during normal business hours. **Note: An agent is not required.**

**3. Identify the Proposed Project.** Please provide a name and description identifying the proposed project, (examples: Smith Lake shoreline stabilization, U.S. 66 Mississippi River Bridge replacement, utility line replacement, or Wallace Building rain garden). Proposed project means the activity or facility for which the project proponent has applied for a federal license or permit.

**4. Federal Permit / License Requiring Section 401 Water Quality Certificate and its Project Number.** Certification is required for any federal license or permit that authorizes an activity that may result in a discharge to a water of the United States. The federal agency can tell you what their identification number is for your project. Please check the appropriate box to indicate the federal agency. **Important:** A copy of the federal permit or license application is **required** to be submitted with this certification request. For the Corps of Engineers Section 404 permits, DNR Flood Plain, and Sovereign Lands permits, the application form can be found and filled out at: <https://www.iowadnr.gov/environmental-protection/land-quality/flood-plain-management/flood-plain-dev-permits>.

Examples: Corps of Engineers NWP 27 #2020-0830  
Corps of Engineers RP 33 #2020-1609  
Corps of Engineers IP #2020-0361  
FERC Hydropower #11530



**5. Project Location:** The location should be provided as the section, township, range and county that the project is located in. This information can be located using the following websites: <https://www.arcgis.com/home/webmap/viewer.html?url=https://programs.iowadnr.gov/geospatial/rest/services/tools/plssLocator/MapServer>, <http://ortho.gis.iastate.edu/>, or <http://www.topozone.com/>. Provide latitude and longitude in decimal degrees with four decimal places, example: latitude: 41.5919, longitude: -93.6061. Use [www.latlong.net](http://www.latlong.net) if needed for finding latitude/longitude. Please provide the name of the water body (water bodies) receiving the discharge. For minor streams with no official name, you can use “unnamed stream”.

**Receiving Water(s):** This is the name of the water body (or water bodies) that will be affected by the project (e.g., rivers, streams, and/or wetlands).

**Discharge:** A discharge is any material entering the water (e.g., riprap, bridge piers, culvert, utility lines, fill material, dredged material, chemicals, etc.).

**6. (For pre-filing meeting request only) Pre-filing Meeting Request Verification.** By signing the form, you must agree with everything stated in this section. The signature of the property owner/project proponent is required. If you are working with an authorized agent, their signature is also required.

**7. (For certification request only) Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge.** Please provide a description of the best management practices you will use to protect water quality as well as any methods and means proposed to monitor the discharge/equipment or measures planned to treat or control the discharge (e.g., silt fences will be installed to prevent sediment entering the water body, all equipment will be cleaned prior to construction, equipment will be checked regularly to ensure oil, gas, or other material do not enter the water body).

**8. (For certification request only) List all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received.** Typical authorizations include DNR Flood Plain, DNR Sovereign Lands, DNR NPDES Storm Water, and zoning permits. Examples:

Agency	Type of Authorization	Agency Number	Date Applied	Date Approved	Date Denied
Storm Lake	Dock permit	#123	4/15/2021	7/28/2021	
DNR	Flood Plain	2020-0517	6/15/2021	10/8/2021	
DNR	Sovereign Lands	2020-0517	6/15/2021		7/2/2021
DNR	NPDES	3500901	2/14/2021	5/20/2021	

**9. (For certification request only) Date Pre-filing Meeting Request was submitted.** List the date and include documentation (e.g., copy of email) that a pre-filing meeting request was submitted to the DNR.

**10. (For certification request only) Certification Request Verification.** By signing the form, you must agree with everything stated in this section. The signature of the property owner/project proponent is required. If you are working with an authorized agent, their signature is also required.

Submit **pre-filing meeting request or certification request and attachments** by email to [Section401WQC@dnr.iowa.gov](mailto:Section401WQC@dnr.iowa.gov)

**Note:** Certification requests must also be sent to the Federal Agency (i.e., Corps, FERC, etc.) at the same time. For the Rock Island District Corps, send to the Corps project manager or to [iowaregulatory@usace.army.mil](mailto:iowaregulatory@usace.army.mil). For the Omaha District Corps, send to the Corps project manager or to [NE404Reg@usace.army.mil](mailto:NE404Reg@usace.army.mil).

Contact Section 401 Water Quality Certification at the DNR with any questions:

[Section401WQC@dnr.iowa.gov](mailto:Section401WQC@dnr.iowa.gov); 515-954-0586

Iowa DNR, Attn: Section 401 Water Quality Certification, 502 E 9th St, Des Moines IA 50319



U.S. Army Corps of Engineers (USACE)  
**APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT**  
 33 CFR 325. The proponent agency is CECW-CO-R.

**Form Approved -**  
**OMB No. 0710-0003**  
**Expires: 01-08-2018**

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME Name – Derek Temple or Scott Temple Company – Shadow Creek West, LLC E-mail Address – derek@vistarei.com		8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) Name – Will Downey Company - Impact7G, Inc E-mail Address - <a href="mailto:wdowney@impact7g.com">wdowney@impact7g.com</a>	
6. APPLICANT'S ADDRESS: Address – 2400 86 <sup>th</sup> Street, Suite 24 City - Urb and ale      State - IA      Zip - 50322      Country - USA		9. AGENT'S ADDRESS: Address - 310 2nd Street City - Coralville      State - IA      Zip - 52241      Country -	
7. APPLICANT'S PHONE NOs. w/ AREA CODE a. Residence      b. Business      c. Fax 515-276-3456		10. AGENTS PHONE NOs. w/AREA CODE a. Residence      b. Business      c. Fax 319-210-2850      319-358-2542	

**STATEMENT OF AUTHORIZATION**

11. I hereby authorize, Impact7G, Inc. to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

**NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY**

12. PROJECT NAME OR TITLE (see instructions) Shadow Creek West Phase I	
13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable) Address -
15. LOCATION OF PROJECT Latitude: °N      Longitude: °W	City -      State -      Zip -
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID      Municipality Section -      Township -      Range -	

17. DIRECTIONS TO THE SITE

Site located in Clive, Iowa. Accessed via North Warrior Lane / V Avenue.

18. Nature of Activity (Description of project, include all features)

Phase I of the project includes removal of trees within the future development area, including from within several small, forested wetlands (both jurisdictional and likely non-jurisdictional). The tree removal will occur outside of the roosting season for the applicable threatened/endangered bat species. Additionally, there will be 2-3 stream crossings that will be temporary in nature to allow forestry equipment access between the north and south areas of the project. No grading is planned for this phase of the project.

This site will be developed into a residential development at an unknown future date (as part of a future Phase II).

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The future Shadow Creek West development will provide residential housing for the space-restricted city of Clive as well as the greater Des Moines area – with adjacent connection to existing residential and municipal infrastructure.

Phase I of the project includes removal of trees within the future development area, including from within several small, forested wetlands (both jurisdictional and likely non-jurisdictional). The tree removal will occur outside of the roosting season for the applicable threatened/endangered bat species.

**USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

20. Reason(s) for Discharge

Removal of trees from within forested wetland areas outside of the roosting season for threatened/endangered bat species. Minor temporary impacts due to the operation of forestry equipment (stream crossing / access to woodlands).

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Types: Disturbance due to tree removal within forested wetlands

Amounts: unavailable

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

0.19 acres of forested wetland (pending jurisdictional determination) for the purpose of tree removal. 2-3 stream crossings (no temporary or permanent structures) related to equipment access to woodlands.

23. Description of Avoidance, Minimization, and Compensation (see instructions)

Tree removal has been scheduled outside of the roosting season for the Northern Long-eared Bat and Indiana Bat to avoid potential adverse impacts to the listed species. Temporary impacts to wetlands and streams will be avoided where possible during tree removal. Any required mitigation for impacts to jurisdictional aquatic resources will be offset by purchase of appropriate mitigation credits from a mitigation bank.

24. Is Any Portion of the Work Already Complete?  Yes  No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

*Create a separate WORD document with Names, Addresses and Phone (if available) for upload to the website.*

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.  
None

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF AGENT

\_\_\_\_\_  
DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

## Additional Information

Anticipated Activity Start  
Date: 10/1/2021

Anticipated Activity Completion  
Date: 3/31/2022

1. Is any portion of the work already complete?                      Yes      X No

If yes, describe the completed work:

2. Do you have any funding deadlines that pertain to the completion of your project?                      Yes      X No

If yes, explain:

3. Is the need for a permit the result of an unforeseen emergency or catastrophic event?                      Yes      X No

If yes, explain:

4. Is permit needed to complete a project that will abate or prevent an imminent threat to the public health and welfare?                      Yes      X No

If yes, explain:

5. Will any federal funding be used on this project?                      Yes      X No

If yes, explain:

6. If dredging will occur with this project, please specify the date of the last dredge event that took place, if applicable, and how much material was removed?                      Yes      x No

If yes, explain:

7. For projects located on Sovereign Land, are you requesting a permanent easement from the State of Iowa acting through the Iowa DNR?                      Yes      x No

### Consent to Enter Property

Agency personnel may make one or more field inspections of the project site when necessary to obtain information about the project. Submission of the application is deemed to constitute consent by the applicant for the agency staff and its agents to enter.

Consent to Enter Property?                      X Yes      No

If no, explain:

### Additional Information

Do you have any additional information that we should know about regarding your application?



May 14, 2024 (DRAFT)

Shadow Creek West, LLC  
Attn: Brian McMurray  
2400 86th St. Suite 24  
Urbandale, IA 50322  
brian@vistarei.com

Dear Shadow Creek West, LLC (Brian McMurray):

After reviewing your request for State 401 Water Quality Certification (Certification), the Iowa Department of Natural Resources (DNR) has issued the enclosed Certification. Please read the attached conditions carefully before beginning work on the project.

A copy of this Certification has been forwarded to the office of the U.S. Army Corps of Engineers as indicated below.

Please note:

1. Prior to construction, the permittee is responsible for securing such other permits or approvals as may be required by the DNR, federal, state, or local governmental agencies for the project activities described. Issuance of this certification does not relieve you of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other applicable legal requirements.
2. The permittee is responsible for ensuring that whoever performs, supervises, or oversees any portion of the physical work associated with the construction of this project complies with all the terms and conditions of this Certification as well as the associated Section 404 Permit.

If you have any questions about the certification or attached conditions contained therein, my contact information is provided in the certification.

Sincerely,

Brandon Harland  
Natural Resource Biologist

cc: Daniel Lange, Department of the Army Corps of Engineers, Rock Island District (Daniel.S.Lange@usace.army.mil)

# IOWA DEPARTMENT OF NATURAL RESOURCES SECTION 401 WATER QUALITY CERTIFICATION

**Certification issued to:**

Shadow Creek West, LLC  
Attn: Brian McMurray  
2400 86th St. Suite 24  
Urbandale, IA 50322  
brian@vistarei.com

**Project certified:** U.S. Army Corps of Engineers, No. Corps Number 2020-0148

**Project Description:** Additional permitting of the Shadow Creek North Residential Development located in Clive, IA to modify the existing individual permit to include additional wetlands that have already been impacted.

**Project Location:** Section 22, Township 79N, Range 26W, and/or 41.632920, -93.869936, Dallas County

The Iowa Department of Natural Resources (DNR) has issued this State 401 Water Quality Certification (Certification) pursuant to Section 401 {40 C.F.R. §121}. The U.S. Army Corps of Engineers requires state Certification before a Section 404 permit can be issued.

Subject to the attached conditions, incorporated by reference herein, the DNR has determined that a discharge from the proposed project will comply with water quality requirements of the state of Iowa {567 IAC 61}.

Prepared By/Date Executed: \_\_\_\_\_

Brandon Harland; brandon.harland@dnr.iowa.gov; 515-954-9559; Iowa DNR, 6200 Park Avenue, Des Moines, IA 50319

## CONDITIONS

- (1) During construction and upon completion of the project, actions must be taken to prevent pollution affecting public health, fish, shellfish, wildlife, and recreation due to turbidity, pH, nutrients, suspended solids, floating debris, visible oil and grease, or other pollutants entering a water of the state. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);
- (2) Equipment used in waters of the state shall be cleaned of all hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related, potentially hazardous substances before arriving on site. Wash water shall not be discharged into a water of the state. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);
- (3) All cleared vegetative material shall be properly managed in such a manner that it cannot enter a water of the state and cause a violation of water quality requirements. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);
- (4) All construction debris shall be properly managed in such a manner that it cannot enter a water of the state. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);
- (5) Erosion shall be managed so that sediment is not discharged to a water of the state in a manner that causes a violation of water quality requirements. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);
- (6) Riprap, treated lumber products, and temporary structures shall consist of clean material free of coatings of potentially hazardous substances. No asphalt or petroleum-based material shall be used as or included in material placed in any water of the state or within the high-water table. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2); and
- (7) Stockpiled dredged materials on the shore shall be managed so that sediment is not discharged to a water of the state in a manner that causes a violation of water quality requirements. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2).