

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: Arbor Island shoreline armoring using roughly 225 cubic yards of rip rap stone on approximately 700 linear feet of shoreline located in S26 T99N R37W Dickinson County (43.36621, -95.17146).

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 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 Corp #2024-0171
Crescent Beach Properties_Arbor Island

Project Description: Arbor Island shoreline armoring using roughly 225 cubic yards of rip rap stone on approximately 700 linear feet of shoreline located in S26 T99N R37W Dickinson County (43.36621, -95.17146).

Project Location: Section 26, Township 99N, Range 37W, and/or 43.36621, -95.17146, Dickinson County

Receiving Water Bodies

West Lake Okoboji is an A1, BLW, C, HH 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. West Lake Okoboji is an Outstanding Iowa Water, per the State adopted Iowa Antidegradation Implementation Procedure (2010 and 2016).

Antidegradation

Pollutants of Concern

This project proposes armoring a shoreline bank by adding riprap to prevent shore erosion. 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.
- 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 [and/or properly disposing of construction debris, etc.]. 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 maintaining water quality for a recreational water body used for swimming, improving a park, etc..

This project is economically important 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.

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: CHARLES KNEEP

Company Name (if applicable): CRESCENT BEACH PROPERTIES LLC.

Mailing Address: 3006 W. DONAHUE DR. SIOUX FALLS SD. 57105

Email Address: CHARLES.KNEEP@KNEEPGROUP.COM

Phone numbers (with area code): Home: _____ Cell: (605) 359-9451 Business: _____

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

Company Name: _____

Mailing Address: _____

Email Address: _____

Phone numbers (with area code): Business: _____ Cell: _____

3. Identify the Proposed Project:

SEE ATTACHED DOCUMENT

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

Permit/License Number: 2024-0171 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: 26 Township: T99N Range: R37W

County: DICKINSON Latitude: 43.36621 Longitude: -95.17146

Receiving Water(s): WEST LAKE OKOBOJE

Discharge: RIPRAP AROUND ARBOR ISLAND - 700 FT of SHORELINE (225 Cubic Yards)

ARBOR ISLAND IS 278 FT FROM WEST LAKE OKOBOJE

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): CHARLES KNEEP

Property Owner/Applicant's Signature: Charles M. Kneep Date: 2/1/2024

If applicable: Authorized Agent's Name (printed): _____

Authorized Agent's Signature: _____ Date: _____

Crescent Beach Resort
Arbor Island
Restoration Project

The proposed project is to secure the shoreline along Arbor Island, which has been part of Crescent Beach Resort since it was established in 1910. Arbor Island has been used as a kid's playground for the resort since opening in 1910. Crescent Beach Resort is currently owned by Crescent Beach Properties LLC, of which I am the sole stockholder.

As part of a larger project to restore the island playground equipment, I have decided I need to stop further erosion around the island by rip rapping the entire perimeter of the island, which is approximately 700 linear ft. The first phase of the project is to remove all vegetation along the perimeter that is contributing to the erosion of the island. Phase II is to secure the shoreline by rip rapping the shoreline with approximately 225 cubic yards of rock.







May 14, 2024 (DRAFT)

Crescent Beach Properties, LLC
Attn: Charles Kneip
3066 W Donahue Dr.
Sioux Falls, SD 57105
charles.kneip@kneipgroup.com

Dear Crescent Beach Properties, LLC (Charles Kneip):

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: Will Ruth, Department of the Army Corps of Engineers, Rock Island District (William.P.Ruth@usace.army.mil)

IOWA DEPARTMENT OF NATURAL RESOURCES SECTION 401 WATER QUALITY CERTIFICATION

Certification issued to:

Crescent Beach Properties, LLC
Attn: Charles Kneip
3066 W Donahue Dr.
Sioux Falls, SD 57105
charles.kneip@kneipgroup.com

Project certified: U.S. Army Corps of Engineers, No. Corps Number 2024-0171

Project Description: Arbor Island shoreline armoring using roughly 225 cubic yards of rip rap stone on approximately 700 linear feet of shoreline.

Project Location: Section 26, Township 99N, Range 37W, and/or 43.36621, -95.17146, Dickinson 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 Ave., 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).