

VARIANCE REQUEST			
Iowa Department of Natural Resources			
1.	Date:	11/6/09	14. Decision: <i>Appd</i>
2.	Reviewer/Engr.:	Larry Bryant	Date: <i>11/21/09</i>
3.	Date Received:	3/6/09	
4.	Facility Name:	The Wilds RV Park	
5.	Facility Number:	6-36-00-2-02	
6.	County Number:	36 (Fremont)	15. Appealed:
7.	Program Area:	CP (Wastewater Construction)	Date:
8.	Facility Type:	C02 (Pumping)	
9.	Subject Area:	405 (Flood Protection)	
10.	Rule Reference:	567 IAC 64.2(9)a	
11.	Design Std. Ref.:	13.2.1 (Flood Protection)	
12.	Consulting Engr.:	The Schemmer Associates	
13.	Variance Rule:	567 IAC 64.2(9)c	
16. Description of Variance Request: Location of a wastewater pumping station in an area subject to flooding. The proposed pumping station would serve a portion of a seasonal-use RV park that is on the river side of a Missouri River levee. In this instance, the rim of the pump station wet well would be located below the elevation of the estimated 25-year flood event. The Iowa Wastewater Facilities Design Standards state the following regarding flood protection for pumping stations: "The station's electrical and mechanical equipment which would be permanently damaged by flooding shall be located at an elevation that is not subject to the 100-year flood or shall otherwise be adequately protected against damage from the 100-year flood. The station shall be designed to remain fully operational and accessible during the 25-year flood."			
17. Applicant's/Consulting Engineer's Justification: "In order to operate the gravity collection system on the wet side of the levee a pump station is required to pump the wastewater over the levee." ... "To address the flooding concerns, the proposal pump station will be constructed on the wet side of the levee, but the electrical components that could be damaged during flooding will be constructed on the dry side of the levee, safe from the 100-year flood." ... "With regards to the pump station remaining operational during the 25-year flood, the pump station will have no need to operate during the 25-year flood. This is due to a required evacuation of the wet side of the levee." ... "The Wilds development is required to evacuate and remove all recreational vehicles from the site before any flood event. With the required evacuation there will be no wastewater produced and the pump station will be closed down as spelled out in the evacuation plan."			
18. Department's Justification: Recommend variance approval: The proposed pump station is a submersible type, so flooding of the wet well is not anticipated to damage the pumps themselves. Since the electrical equipment will be located on the dry side of the levee, no permanent damage to the facilities would be expected to result from a flood event and as stated by the petitioner, no wastewater will be produced immediately prior to or during a flood event due to evacuation of all RV lots on the river side of the levee. The design standards flood protection requirements are directed towards pumping stations			

serving permanent wastewater sources. The pumping station in question would serve only mobile wastewater sources that would by necessity be evacuated during a flood event. It is reasonably clear that the conditions and circumstances which were considered in the adoption of the standard are not applicable for the project in question and therefore the effective purpose of the standard will not be compromised if a variance is granted.

The DNR Water Resources Section has determined that a flood plain development permit will not be required for the pumping station.

19. Precedents Used:

No applicable precedents were found.

20. Staff Reviewer:

Date:

11/10/09

21. Supervisor:

Date:

11/12/09

22. Authorized by:

Date:

11/16/2009

The Wilds Development Bartlett, LLC
PO Box 28
Brookings, SD 57006
(605) 690-0969

March 3, 2009

Richard A. Leopold, Director
State of Iowa
Department of Natural Resources
502 E. 9th Street
Des Moines, Iowa 50319-0034

RE: Wastewater Facility No. (NOT ASSIGNED)
Variance Request for Phase 1 Pump Station
The Wilds RV Park and Golf Course Phase 1

Dear Director Leopold:

The Wilds Development Bartlett, LLC and developer and owner of The Wilds RV Park and Golf Course located in Fremont County, Iowa are requesting a variance from Department Rules. More specifically we have requested approval of construction and operation of a sanitary sewer pump station.

We have been informed that our requests for variances are required to be submitted in the form of a petition filed pursuant to 561 Iowa Administrative Code (IAC) chapter 10, incorporated by reference by 567 IAC chapter 13. This variance does not relate to a contested case.

Pursuant to the above administrative code we provide the following information.

1. The Wilds Development Bartlett, LLC owns property located in the northwest corner of Fremont County along the Missouri River near Bartlett, Iowa. The first phase of the project consists of 80 RV sites on the wet side of the Missouri River levee. Phase II of the project consists of approximately 120 RV sites and a 9 hole golf course. This phase is located on the dry side of the Missouri River levee. The Wilds Development Bartlett, LLC corporate address is 317 Sixth Avenue, PO Box 28, Brookings, SD 57006. Tim Hogan, Member-Manager can be reached at (605) 690-0969.
2. The description and citation of the specific rule from which a waiver or variance is requested is as follows: The Iowa Wastewater Facilities Design

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Standards Chapter 13 Wastewater Pumping Stations and Force Mains Section
13.2.1 Flood Protection.

3. The specific waiver or variance requested, including the precise scope and operative period that the waiver or variance will extend is approval and permitting to construct and operate a sanitary sewer pump station in a area not fully accessible and operative during periods of flooding. We are asking for 30 years plus reasonable extensions.
4. The relevant facts that the petitioner believed would justify a waiver or variance is the project can not be completed without the variance because the US Army Corp. of Engineers will not permit a gravity line through the levee so the only way to cross is with pressure. Please accept this signed letter/ petition as the factual statement signed from the petitioner attesting to the accuracy of the facts provided in this letter/ petition and a statement of reasons that the petitioner believes justifies a waiver or variance.
5. The history of prior contacts between the Department and the petitioner for the past five years and a description of each effected permit held by the petitioner and any notice of violation, administrative order, contested case proceedings, and lawsuits involving the Department or the petitioner is as follows dealing with the Sanitary Sewer System Faron McFarland, a manager and member of The Wilds Development Bartlett, LLC and Charles Bechtold of Rose Engineering, a former engineer for the company attended a wastewater project "initiation" meeting on August 23, 2006 with Satya Chennupati. This was to discuss potential treatment methods, submittal of a facility plan, and a time schedule for preparation and submittal of additional documentation necessary to obtain a wastewater disposal system construction permit. The developers over the next year were continually informed that Rose Engineering and IDNR were working out the finalization of the sewer design and approval. In June, 2007 Rose Engineering notified the Department wastewater construction permitting staff that it was changing the plans for construction of a controlled discharge system and would be considering an alternative technology. The Developers have been informed by IDNR that on September 20, 2007, the Department field office contacted Rose Engineering to clarify that the Department is the agency responsible for issuing a construction permit and not the county. The developers have further been informed by IDNR that on September 24, 2007, the field office staff contacted the Rose Engineering by telephone and was told that they were in contact with the Department's wastewater permitting staff. The Department received a complaint in January, 2008 from the Fremont County sanitarian regarding the wastewater disposal system apparently being constructed or partially in use at The Wilds resort. At the request of Rose Engineering, the Department held a second project initiation meeting on January 17, 2008 for the purpose of establishing a schedule for completion of the construction permitting process. The Department was first informed that some sanitary

sewer had been constructed with manholes and some site owners were connected to and using the sewer mains. Wastewater was reportedly being collected in a terminal structure and the sewage pumped out and transported to a municipal sewer treatment plant. The Department advised Rose Engineering that the construction and use of the wastewater system was in violation of Department rules and required a permit. As the result of the project initiation meeting on January 17, 2008, the Department staff and representatives of The Wilds Resort reached an agreement on a schedule for submission and review of plans necessary to complete the construction permitting process and complete construction of an approved and permitted disposal system by September 30, 2008. A "facilities plan" was timely submitted on July 9, 2008. On February 21, 2008, The Wilds Resort engineering firm submitted a facility plan proposing a mound treatment system with zero discharge. The Department advised the firm that the plan was incomplete, and the resort needed to submit a complete and certified plan in accordance with Department rules. Because nothing was moving forward and the developers were not receiving any answers from Rose Engineering the developers terminated Rose Engineering as the project and hired Randy Fehl and Schemmer Engineering to take over the project. The Department wastewater construction and NPDES permitting staff met with representatives of The Wilds Development, Tim Hogan and Faron McFarland, and their engineer on September 3, 2008. The meeting constituted a "project initiation meeting" as required by wastewater construction permitting rules and the parties came to agreement on the tasks and document submittals that needed to be completed in order to obtain permission to operate the current wastewater disposal system and to obtain a wastewater disposal system construction permit and an NPDES permit. The Developers signed a consent order and paid a fine of \$10,000 for past violations.

6. The name, address, and telephone number of any public agency or political subdivision of the state or federal government which also regulates the activity in questions, or might be affected by the granting of a waiver or variance is as follows:

Dan Davis, P.E.,
Fremont County Engineer,
2014 290th Avenue,
Sidney, Iowa 51652

7. The Wilds Development Bartlett, LLC is not aware of any person or entity that would be adversely affected by the granting of the petition.
8. The identity of those having knowledge of relevant facts concerning the variance is as follows:

Mr. Satya Chennupati, P.E.
Environmental Engineer Senior
Wastewater Engineer Section
Iowa Department of Natural Resources
502 E 9th Street
Des Moines, IA 50309
Ph: 515-281-8995
Fax: 515-281-8895

Mr. David L. Wornson, Attorney at Law
Iowa Department of Natural Resources
Henry A. Wallace Building
Des Moines, IA 50319-0034
Ph: 515-242-5817

Dan Davis, P.E.,
Fremont County Engineer,
2014 290th Avenue,
Sidney, Iowa 51652
Ph: 712-374-2613
Fax: 712-374-2222

Mr. Randy Fehl, P.E..
Schemmer Engineers
Valley View Village
928 Valley View Drive, Suite 12
Council Bluffs, Iowa 51503
Direct: 712-256-9404
Phone: 712-329-0300
Fax: 712-329-9970

9. Attached are signed releases authorizing persons with factual knowledge concerning the request to furnish the Department with information relevant to the waiver or variance.

Very truly yours,

THE WILDS DEVELOPMENT BARTLETT, LLC


TIM HOGAN, Manager

Enclosure - signed release

CC: Mr. Satya Chennupati, P.E.
Environmental Engineer Senior
Wastewater Engineer Section
Iowa Department of Natural Resources
502 E 9th Street
Des Moines, IA 50309
Ph: 515-281-8995
Fax: 515-281-8895

Mr. David L. Wornson, Attorney at Law
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Direct: 712-256-9404
Phone: 712-329-0300
Fax: 712-329-9970

Dan Davis, P.E.,
Fremont County Engineer,
2014 290th Avenue,
Sidney, Iowa 51652

**AUTHORIZATION
SIGNED RELEASE OF INFORMATION**

I, TIM HOGAN, Manager-Member of THE WILDS DEVELOPMENT BARTLETT, LLC, fka LAKE ALBERT DEVELOPMENT CORPORATION, hereby authorize and direct and individual or governmental agency to release any information requested by the State of Iowa Department of Natural Resources concerning THE WILDS RV PARK AND GOLF COURSE Wastewater System and specifically anything dealing with our request for a variance for approval of construction and operation of a sanitary sewer pump station (Phase 1 pump station).

It is not my intention to exclude from this authorization information concerning events occurring before or after any particular dates.

A photostatic copy of this form shall have the same force and effect as the original.

Dated at Brookings, South Dakota, this 3rd day of March, 2009.

THE WILDS DEVELOPMENT BARTLETT, LLC



TIM HOGAN
ITS: MEMBER-MANAGER



Witness

S2007-0057



March 16, 2009

Mr. Satya P. Chennupati, P.E.
Environmental Engineering Senior
Wastewater Engineering Section
Iowa Department of Natural Resources
502 East Ninth Street
Des Moines, IA 50319

Re: The Wilds - Bartlett, Iowa
Request for Variance
Schemmer Project No. 05616.001

Dear Mr. Chennupati:

I am writing to supplement the information provided in the Variance Request for Phase I Pump Station dated March 3, 2009. As stated in the Variance Request, The Wilds would like a variance to permit the construction of the Phase I Pump Station. This proposed pump station is located on the wet side of the Missouri River levee and is therefore subject to flooding. This is in violation of Chapter 13, Section 13.2.1 Flood Protection.

During the planning phase for the development the owners presented the proposed improvement plans for the development to the local authorities, the Iowa Department of Natural Resources, and the Corps of Engineers. Approval letters for the proposed construction were obtained from all of these. (Letters and permits are attached for review).

The approval letter from the Iowa Department of Natural Resources mentions the construction of manholes and a collection system on the wet side of the levee for Phase I, but the letter does not address the pump station. In order to operate the gravity collection system on the wet side of the levee a pump station is required to pump the wastewater over the levee. The construction of this pump station would be in violation of Chapter 13, Section 13.2.1 Flood Protection because all mechanical and electrical equipment is not protected from damage by the 100-year flood and the pump station would not remain fully operational during the 25-year flood.

To address the flooding concerns, the proposal pump station will be constructed on the wet side of the levee, but the electrical components that could be damaged during flooding will be constructed on the dry side of the levee, safe from the 100-year flood.

With regards to the pump station remaining operational during the 25-year flood, the pump station will have no need to operate during the 25-year flood. This is due to required evacuation of the wet side of the levee.

The Wilds development is required to evacuate and remove all recreational vehicles from the site before any flood event. With the required evacuation there will be no wastewater produced and the pump station will be closed down as spelled out in the evacuation plan. A copy of "The Wilds RV & Golf Resort Flood Plan Flood Event Evacuation Procedures and Information" is attached for reference. The document is a part of the covenants of the Wilds RV & Golf Resort and is enforced by The Wilds Board and Officers.

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PHONE 712.329.0300
FAX 712.329.9970

Valley View Village
928 Valley View Drive, Suite 12
Council Bluffs, Iowa 51503-5288

SCHEMMER.COM

Iowa Code Section 567, Chapter 64.2, Section 9, paragraph e.(3) states "It is reasonably clear that the conditions and circumstances which were considered in the adoption of the rule or standard are not applicable for the project in question and therefore the effective purpose of the rule will not be compromised if a variance is granted." This is the grounds that the Owners feel justifies the granting of a variance for the pump station construction.

If you need additional information concerning the request for variance please contact me.

Sincerely,

THE SCHEMMER ASSOCIATES INC.
ARCHITECTS | ENGINEERS | PLANNERS



Randy G. Fehle, P.E.
Civil Manager, Council Bluffs

C: Tim Hogan

**The Wilds RV & Golf Resort
Flood Plan
Flood Event Evacuation Procedures and Information**

This Plan has been developed with the assistance on the Developers, The Wilds Development Bartlett, LLC, the association The Wilds Lot Owners Association, and cooperation with state and federal officials and local Fremont County officials. This Plan is related to the evacuation of RV's and Personal Property from the resort, Human Safety, and Resort Infrastructure Procedure including the Water, Sewer and Electrical Systems.

The following plan is developed to create an emergency evacuation plan for Recreational Vehicles and personal property located within the floodway of the Missouri River and to create a written procedure for maintaining the water, sewer and electrical system. The property includes all property located west of the Missouri River Levee located in Fremont County known as The Wilds RV & Golf Resort. This plan will continue to change and evolve as the resort changes and an evacuation committee appointed by the Board of The Wilds Development Bartlett, LLC will continue to revise the plan as needed and as circumstances warrant.

Certain lots within The Wilds RV & Golf Resort are located within the Missouri River floodway and are therefore flood-prone. The water and sewer system within the development are designed to minimize or eliminate infiltration of flood waters into the system. The electrical system is also designed to flood and all transformers are located above the 100-year flood level.

National Weather Service:

- The National Weather Service Advance Hydrological Prediction Service provides current levels and forecasts during times of high water and informs the public of flood watch and warnings and further informs and provides categories in feet of action stages, flood stages, moderate flood stages and major flood stages.
- River level measurements at Nebraska City are used to determine when to issue a Flood Watch or Warning at The Wilds RV & Golf Resort. The Omaha river level gauge is upstream of the Platte River, which has a significant impact on the Missouri River south of it.

When will an Evacuation order be issued?

- The USGS considers 16 feet to 18 feet an "Action Stage", 18 feet and above is "Flood Stage". Riverbank cutouts at The Wilds will flood at 19 feet (the concrete patio). The entire cutout floods at around 21 feet. The river will crest the bank of The Wilds at somewhere between 21.5 feet and 22.7 feet.
- Flood Watch means that there is the possibility of flooding. *A Flood Watch will be issued when the Nebraska City observed OR forecast level reaches 16 feet. The watch will continue while the level is between 16 feet and 18 feet. A news item will be posted to The Wilds Lot Owners website and an e-mail sent to each registered member of The Wilds Lot Owners website.*
- Flood Warning means that flooding has begun or is imminent.
- *A Flood Warning and Evacuation will be issued when the Observed level is 18 feet. A call tree will be initiated to inform each lot owner, a news item will be posted to The Wilds Lot Owners website and an e-mail sent to each registered member of The Wilds Lot Owners website.*

- It is important to keep your contact and RV make and model information updated. Each Association Board Member and the developer The Wilds Development Bartlett, LLC will have an emergency contact list.
- An automated e-mail alert system has been built that will send Watch and Warning e-mails to The Wilds Board, The Wilds Developer and the Emergency Committee. Based on available river data, a Watch/Warning decision will be made and communicated as outlined above.

What to do before a Watch or Warning is issued

- Keep your contact and RV make and model information updated. Each board member and The Wilds Developers will have an emergency contact list.
- It is each lot owner's responsibility to insure they have a way to remove their RV. If you do not have a vehicle capable of towing your 5th wheel or travel trailer RV, make sure you know someone who does and that they are willing to remove your RV in an emergency. Reach out to your neighbors and ask BEFORE an emergency occurs!
- Make FIRM towing arrangements BEFORE a flood watch or warning occurs. It is each of our responsibility to make sure our RV will be removed in an emergency situation. If you can not move your RV yourself, make sure you have received a firm commitment from some who WILL move your RV for you.
- Have a "buddy" that can be contacted in your absence and provide contact information to the Association. Your "buddy" should have access to your RV, even when locked. Make sure your "buddy" knows the ins and outs of preparing YOUR RV for transport. Make sure your "buddy" has a vehicle capable of towing your 5th wheel or travel trailer RV, or knows how to drive your motor home RV.

- Should you choose not to have a “buddy”, consider the following items as a good plan for being prepared by always put your slides in at the end of your stay at The Wilds and making sure 5th wheel kingpin tripods and/or hitch locks are unlocked.
- If you are not comfortable leaving these unlocked, consider leaving a key inside one of your outside hatches. Most outside hatches use the same “751” key. A neighbor may be able to remove you RV in an emergency in case you can’t.
- Have one or more alternate temporary storage locations for your RV in mind, i.e., campgrounds close to The Wilds, campgrounds close to home, etc.

What to do when a Flood Watch is issued:

Lot Owners

- Secure or remove all items on your property such as lawn furniture, decorations, etc. This includes propane tanks used for grills, smokers, etc.
- Disconnect (or prepare) all water, sewer, electrical, and satellite connections.
- Secure and prepare your RV for transport. There are many checklists available for this, check with your neighbor or contact an Evacuation Committee Member.

Resort Management and Lot Association

- Prepare resort for shutdown.
- Coordinate between the resort management (developer) and The Association Board members.

What to do when a Flood Warning and Evacuation is issued:

Lot Owners

- All lot owners shall be required to remove their Recreational Vehicles and property from their lot within twenty-four (24) hours of notice to remove from the Association and/ or immediately upon notice of flood warning issued from the National Weather Service.
- Disconnect all water, sewer, electrical, and satellite connections.
- Close the electrical breakers on your power post. Remove the breakers if your are comfortable doing so.
- Turn off your sprinkler controller. Remove the controller if your comfortable doing so.
- Close the main water hydrant valve on your lot. □ Cover the sewer drain with the provided screw on cap.
- Remove all items on your property such as lawn furniture, decorations, etc. This includes propane tanks used for grills, smokers, etc.
- Take all flood warnings seriously. Do not wait. Get to higher ground immediately as flood waters often rise faster than expected.
- Use travel routes specified by local officials. Never drive through flooded roadways. Do no bypass or go around barricades.
- *Wear life preservers if possible. Wear appropriate clothing and sturdy shoes.*
- *Avoid any contact with flood water. Flood water may be contaminated and pose health problems. If cuts and wounds*

come in contact with flood waters, clean the wound as thoroughly as possible and get medical attention immediately.

- *When you reach a safe place, call your pre-determined family contact person.*

Resort Management (Developer) & Association Board

Execute resort shutdown:

1. First, turn off the lift station. Turn off lift station turn main power breaker to off position located adjacent to Phase 1 lot 78 located west of the Federal Levee.
2. Fill the sewer system with water by putting hoses into sewer drains on lots and turning on the water.
3. When sewer is filled with water reinstall the sewer cap used to fill the sewer lines with water.
4. Turn off water service by going to the Well House located on the golf course and turn off water service by closing Phase 1 gateway valve.
5. Cross the levee immediately to the west of the well house on the wet side of the levee is a 4" gateway valve, close the valve.
6. Call MidAmerican Energy to open the DIP switch for Phase 1.

What to do after a flood event has occurred

Lot Owners

- *You may return to your lot only after authorities and the Association authorizes.*
- *Do not drink tap water unless it is declared safe.*

- *Do not run electrical system until the electrical system has been checked by a professional.*
- *Do not use the sewer system until informed by the Association. The sewer system is filled with water prior to a flood to prevent damage and must be drained before it can be used again.*

Development Group and Lot Owners Association Emergency Committee

Execute resort startup:

1. Turn the water back on for clean up purposes by opening up the gate valve at the well house and the 4" gate valve west of the levee.
2. Flush the water system by utilizing the fire hydrant located at the North end of the property on Phase 1.
3. Flush all individual hydrants for a minimum of 30 minutes.
4. At that point water may be used for clean up purposes only.
5. A licensed electrician will inspect and clean all circuit breakers and exterior outlets.
6. The sewer system on Phase 2 (equalization tank) shall be operated to its lowest possible level.
7. When it is at its lowest possible level as dictated by its flow switches the lift station on Phase 1 can be turned on.
8. Contact MidAmerican Energy to inspect and close the DIP switch and inspect electrical meters and posts and re-energize system.
11. Have licensed water testing lab test water system.

Where to find additional information

- NOAA and NWS Observed and forecast data –
<http://www.crh.noaa.gov/ahps2/hydrograph.php?wfo=oax&age=nebn1&view=1,1,1,1,1,1,1,1>

- USGS real time river level data -
http://waterdata.usgs.gov/nwis/uv?cb_00065=on&format=gif_default&period=7&site_no=06807000
- The Wilds Lot Owners website – <http://www.thewildsrv.net>
- Flood Fact Sheet -
<http://www.co.fremont.ia.us/FloodFactSheet.htm>



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

August 19, 2009

The Wilds RV Park and Golf Course
% Randy G. Fehl, P.E.
The Schemmer Associates, Inc.
928 Valley View Drive, Suite 12
Council Bluffs, IA 51503-5288

RE: Proposed Pump Station and Force Main for RV Parking Facility (Missouri River)
SE ¼ of Section 5, T70N, R43W; Fremont County, Iowa

Dear Mr. Fehl:

This letter is in response to your inquiry on behalf of The Wilds RV Park and Golf Course for the above referenced project.

The basis for this program's regulation of this type of project is to prohibit obstruction in the floodway of the Missouri River and to protect facilities from damage due to flooding. According to the proposed plans, the pump station is to be located in an existing manhole. The elevation of the manhole rim is at the elevation of the existing grade, all submersible equipment will be placed within the manhole and all non-submersible equipment will be placed on the dry side of the levee. It is apparent from a review of the proposed plans that the pump station will not obstruct flood flows (will not cause any increase in flood levels) nor will the equipment be subject to damage by flooding. Regarding the force main, the plans show it is to be placed six inches below grade with six inches of soil cover. On the condition that any excess spoil generated by the construction will be removed from the flood plain, the installation of the force main will include an insignificant amount of fill. Therefore, the force main will also not obstruct flood flows nor will the equipment be subject to damage by flooding.

A Flood Plain Development permit is therefore not required for the project as proposed. This determination is based on the updated project plans signed by you and dated August 19, 2009. If the proposal is modified, you must submit the modified proposal for a new determination prior to construction.

Page 1 of 2

The owner is responsible for complying with all other local, state and federal statutes, ordinances, rules and permit requirements applicable to the construction, operation and maintenance of the proposed works. Because Fremont County participates in the National Flood Insurance Program and the project is located in a mapped flood plain, a local flood plain development permit from the county is required for the project. If you have not yet done so, please contact Fremont County's Flood Plain Manager (Mr. Daniel Davis at 712-374-2613) regarding the local flood plain permit. I have reviewed the proposal and would not object if Fremont County grants a permit. The project also may require a permit from the both the Regulatory and Operations Branches of the Omaha District of the U. S. Army Corps of Engineers. Please note that a Sovereign Land Construction Permit from the Department is not required for the project.

Thank you for your patience and cooperation. If you have any questions, please contact me at 515-281-4312.

Sincerely,

Kelly M. Stone, P.E.
Environmental Engineer Senior
Flood Plain Management Program
Water Resources Section

Copies:

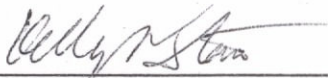
- IDNR FO #4
- Mr. Larry Bryant, IDNR Local
- Mr. Daniel Davis; Fremont County Engineer; 2014 290th Avenue;
Sidney, IA 51652
- Mr. Matt Wray; U.S. Army Corps of Engineers, Omaha District;
8901 South 154th Street; Omaha, NE 68138-3635
- Ms. Pamela Graham; U.S. Army Corps of Engineers, Omaha District;
1616 Capitol Avenue; Omaha, NE 68102-4901

**IOWA DEPARTMENT OF NATURAL RESOURCES
FLOOD PLAIN DEVELOPMENT PERMIT**

PERMIT NUMBER: FP 2007-22

PERMIT ISSUED TO: Faron McFarland
317 Sixth Street
Brookings, SD 57006

PERMIT ISSUED BY:


Kelly M. Stone, P.E.
Environmental Engineer Senior, Water Resources Section

DATE: 2-19-07

PROJECT LOCATION: SE¼, Section 5, T70N, R43W; Fremont County, Iowa

PERMITTED ACTIVITY: In accordance with the approved plan sheets and hydraulic characteristics statement and subject to the following permit conditions, permittee is authorized to develop an 80-unit recreational vehicle (RV) seasonal parking facility by placing a roadway and concrete pads in areas excavated for the roadway and pads, installing 12 poles for aerial electrical utilities, installing domestic water hydrants at each site, and installing subsurface sewer lines and manholes on the floodplain of the Missouri River at the above-described location.

BASIS FOR ISSUANCE: The decision to issue this permit was based on a staff review of the project with respect to relevant approval criteria contained in Chapter 72 of the Department's administrative rules (Agency 567, Iowa Administrative Code) and applicable provisions of Iowa Code Sections 455B.262, .264, .275 and .277.

PERMIT CONDITIONS:

1. **Disclaimer.** No legal or financial responsibility arising from the construction, operation or maintenance of the approved works shall attach to the state of Iowa or the Department due to issuance of this permit.
2. **Maintenance.** The permittee and any successor in real estate on which the permitted activity is located shall be responsible for proper maintenance.
3. **Other Permits, Licenses and Regulations.** The permittee shall be responsible for complying with all other local, state and federal statutes, ordinances, rules and permit requirements applicable to the construction, operation and maintenance of the approved works.
4. **Revocation.** This permit may be revoked by the Department if construction is not begun within 5 years of the date of issue.
5. **Change in Plans.** This permit only authorizes construction in accordance with the approved plan sheets. No changes shall be made without prior authorization from the Department.
6. **Lands, Easements and Rights-of-Way.** The permittee shall be responsible for obtaining all lands, easements or rights-of-way necessary for the construction and maintenance of the approved works.

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7. **Spoil Disposal.** Excess spoil material resulting from the excavation shall be removed from the flood plain. The spoil material shall not be placed in an area that is, or could be, classified as a regulated wetland.
8. **Requirements for Parking Recreational Vehicles.** Recreational vehicles parked at the site must be on the site for fewer than 180 consecutive days and must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. In addition, all recreational vehicles parked at the site must be able to be removed from the flood plain within the flood warning time available.

CERTIFICATION OF MAILING

I hereby certify that I have this 22nd day of February, 2007 mailed Flood Plain Development Permit No. FP 2007-22 to the permittee.

By H. Fazio

IOWA DEPARTMENT OF NATURAL RESOURCES
CERTIFICATION OF COMPLETION OF CONSTRUCTION

Notice is hereby given that construction of the project authorized by the Department of Natural Resources was completed in accordance with approved plans and specifications.

PERMIT NUMBER(S)

FP 2007-22

ISSUED TO

Paron McFarland

DATE OF PROJECT COMPLETION

SIGNATURE OF APPLICANT OR AUTHORIZED AGENT

January 15, 2009

Mr. Satya P. Chennupati, P.E.
Environmental Engineering Senior
Wastewater Engineering Section
Iowa Department of Natural Resources
502 East Ninth Street
Des Moines, IA 50319

Re: The Wilds - Bartlett, Iowa
Project No. 05616.001

Dear Mr. Chennupati:

Per your request we have done additional research regarding the elevation of the 10-year, 25-year, and 100-year flood event. The additional research shows the Wilds being located at approximately mile marker 581. Using the "2003 Missouri River Stage and Flow Frequency Profiles" the water elevations are approximately 948.8, 950.9, and 952.6 respectively. This equates to a pump station rim elevation of 938.0. This puts the pump station in violation of Chapter 13, Section 13.2.1 which requires that the pump station remain fully operational and accessible during the 25-year flood. We intend to proceed with the proper procedure to obtain a variance for this pump station that is in violation.

If you need additional information do not hesitate to contact me.

Sincerely,

THE SCHEMMER ASSOCIATES INC.
ARCHITECTS | ENGINEERS | PLANNERS



Randy G. FehI, P.E.
Civil Manager, Council Bluffs

cc: Tim Hogan

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