

**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: Add fieldstone to the shoreline bank to reduce/prevent further erosion off the shoreline during periods of high water. The additional fieldstone will be placed on top of existing fieldstone and no material will be removed. The added fieldstones will be 1 to 1.5 ft in diameter and will be placed by hand.

**Project Location:** 43.472607/-95.081221, Dickinson 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 **March 15, 2025**. 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: February 13, 2025  
FROM: Brandon Harland  
RE: Rationale for Section 401 Water Quality Certification for 2025-0030 Big Spirit Lake\_Mike Miller

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**Project Description:** Add fieldstone to the shoreline bank to reduce/prevent further erosion off the shoreline during periods of high water. The additional fieldstone will be placed on top of existing fieldstone and no material will be removed. The added fieldstones will be 1 to 1.5 ft in diameter and will be placed by hand.

[See the Corps/DNR public notice for more detail.]

**Project Location:** 43.472607/-95.081221, Dickinson County

### Receiving Water Bodies

Big Spirit Lake 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. Big Spirit Lake 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 lake bank by adding native fieldstone 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. 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, etc..

This project is economically important for the community, by creating jobs in the planning and construction of this project and likely using materials from local sources, 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 Pre-  
Filing Meeting Request Form

1a. Property Owner/Project Proponent (aka Applicant) Name: Mike Miller

Company Name (if applicable):

Mailing Address: 18588 Pathfinder Dr, Eden Prairie, MN 55347

Email Address: mmiller2000.mn@outiook.com Phone numbers (with

(with area code): Home: \_\_\_\_\_ Cell: 612-840-9215 Business: \_\_\_\_\_ area code):

Home: 1b. Authorized Agent's Name (if applicable):

Company \_\_\_\_\_

Name: Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone numbers (with \_\_\_\_\_

(with area code): Business: \_\_\_\_\_ Cell: \_\_\_\_\_ area code):

Business: \_\_\_\_\_

2. Identify the Proposed Project:

Add fieldstone to the shoreline bank to reduce/prevent further erosion off the shoreline during periods of high water. The additional fieldstone will be placed on top of existing fieldstone and no material will be removed. The added fieldstones will be 1 to 1.5 ft in diameter and will be placed by hand. We would like to start this project in April 2025 based on the availability of the contractor.

3. Project Location:

County: Dickinson

Latitude: 43.4726079149413

Longitude: -95.08122133839744

Receiving Water(s): Big Spirit Lake

Discharge: Big Spirit Lake

4. Pre-filing Meeting Request Verification:

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

- 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. • I have included the following materials in the application:
  - Map/diagram of the proposed project area (required)
  - Photographs of the proposed project area (required)
  - Relevant site data (if applicable)

Property Owner/Applicant's Name (printed): Mike Miller

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



Date: 1-6-2025

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

Authorized Agent's Signature:Date:

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Submit Request and attachments by email to [Section401WQC@dnr.iowa.gov](mailto:Section401WQC@dnr.iowa.gov).

DNR Form 542-0400

## Aerial Photo Showing Location and Project Scope



Project is approximately 50ft in length, 10-12 ft in width, and 3-4 ft in height.

The address is 11989 253<sup>rd</sup> Ave, Spirit Lake, IA.

GPS coordinates - 43.4726079149413, -95.08122133839744

Existing shoreline Oct 2024, normal water level



Existing shoreline June 22<sup>nd</sup> 2024, high water level





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

1a. Property Owner/Project Proponent (aka Applicant) Name: Mike Miller

Company Name (if applicable): \_\_\_\_\_

Mailing Address: 18588 Pathfinder Dr, Eden Prairie, MN 55347

Email Address: mmiller2000.mn@outlook.com

Phone numbers (with area code): Home: \_\_\_\_\_ Cell: 612-840-9215 Business: \_\_\_\_\_

1b. Authorized Agent's Name (if applicable): \_\_\_\_\_

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone numbers (with area code): Business: \_\_\_\_\_ Cell: \_\_\_\_\_

2. Identify the Proposed Project:

Shoreline Protective Devices

3. Project Location:

County: Dickinson Latitude: 43.47260 Longitude: -95.08122

Receiving Water(s): Big Spirit Lake

Discharge: Big Spirit Lake

4. 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.
- I have included the following materials in the application:
  - Map/diagram of the proposed project area (required)
  - Photographs of the proposed project area (required)
  - Relevant site data (if applicable)

Property Owner/Applicant's Name (printed): Mike Miller

Property Owner/Applicant's Signature: Mike Miller Date: 2/6/2025

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

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

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

## Certification Request Instructions

5. **Corps Project Manager.** Enter the name, email address, and phone number(s) of the Corps project manager associated with the proposed project.
  
6. **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 on the [DNR's Flood Plain webpage](#).
  
- Examples: Corps of Engineers NWP 27 #2020-0830  
                   Corps of Engineers RP 33 #2020-1609  
                   Corps of Engineers IP #2020-0361  
                   FERC Hydropower #11530
  
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 (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. **Dates.** Exact start and end dates for the proposed project are required, while date(s) of proposed discharges can be approximate. While the DNR has a default reasonable period of time of 6 months to respond to a certification request, the DNR intends to respond to requests as quickly as possible within that time period.
  
9. **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
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	

10. **Date Pre-filing Meeting Request was submitted.** List the date that a pre-filing meeting request was submitted to the DNR.
  
11. **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.

**Note:** Certification requests must also be sent to the Federal Agency (i.e., Corps, FERC, etc.) at the same time. All projects in Iowa are in the Rock Island Corps District except for those below the ordinary high water mark of the Missouri River or west of the Missouri River, which are in the Omaha Corps District. 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).

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

**5. Corps Project Manager\*:**

Email Address: Brynn.E.Noble@usace.army.mil

Phone numbers (with area code): Business: 309-386-3173 Cell: \_\_\_\_\_

\*The corps project manager must be cc'ed on the certification request email.

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

Permit/License Number: 2025-0030 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.

**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.)

The only discharge into the lake is the native fieldstones that will be added to the shoreline. No additional material beyond the fieldstones will be placed in the lake.

**8. Dates\***

Planned Start Date of Proposed Project: 4/1/2025

Planned End Date of Proposed Project: 9/30/2025

Approximate date(s) of discharge(s) (if known): \_\_\_\_\_

\*In normal situations, the DNR issues certifications within 90 days. This period of time accommodates internal review and the mandatory public comment period. If your project is scheduled to start sooner, please contact us at [Section401WQC@dnr.iowa.gov](mailto:Section401WQC@dnr.iowa.gov). Be advised that the DNR is entitled up to six months by law to review certification requests.

**9. List all other federal (not listed in #6), 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
Iowa DNR	Sovereign Lands	2025-0006SL-01	1-4-2025	2/4/2025	

**10. Date Pre-filing Meeting Request was submitted** 1/6/2025

**11. 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 have completed the following tasks, as required for the certification request:

- Cc'ed the Corps contact associated with the proposed project
- Attached a copy of the federal permit or license application
- Submitted a complete pre-filing meeting request at least 30 days ago

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): Mike Miller

Property Owner/Applicant's Signature:  Date: 2/6/2025

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

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



February 13, 2025 (DRAFT)

Mike Miller  
18588 Pathfinder Dr.  
Eden Prairie, MN 55347

Dear Mike Miller:

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: Brynn Noble, Department of the Army Corps of Engineers, Rock Island District (Brynn.E.Noble@usace.army.mil)

# IOWA DEPARTMENT OF NATURAL RESOURCES SECTION 401 WATER QUALITY CERTIFICATION

**Certification issued to:**

Mike Miller  
18588 Pathfinder Dr.  
Eden Prairie, MN 55347

**Project certified:** U.S. Army Corps of Engineers, No. 2025-0030

**Project Description:** Add fieldstone to the shoreline bank to reduce/prevent further erosion off the shoreline during periods of high water. The additional fieldstone will be placed on top of existing fieldstone and no material will be removed. The added fieldstones will be 1 to 1.5 ft in diameter and will be placed by hand.

**Project Location:** 43.472607/-95.081221, 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

Iowa DNR

brandon.harland@dnr.iowa.gov

515-954-9559

6200 Park Ave. Ste. 200, Des Moines, IA 50321

## 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).