

Public Notice

**US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence**

**Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-F
1222 Spruce Street**

Public Notice No.

P-2680

Public Notice Date

July 21, 2008

Expiration Date

August 10, 2008

Postmaster Please Post Conspicuously Until:

File Number: MVS-2008-133

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Jennifer Godrey

APPLICANT: Metropolitan St. Louis Sewer Dist., Mr. Jeffrey Smith, 2350 Market St., St. Louis, Missouri. Ph. (314)768-2776.

LOCATION: The project area is located approximately 350 feet northwest of the intersection of Peppertree Court and Vance Road, in St. Louis, Missouri. Residential development borders the site to the east and Vance Road comprises the southern border of the site. The project location is located on an approximately 90 degree bend of Fishpot Creek. The location is identified on the attached maps.

PROJECT HISTORY: The St. Louis District Corps of Engineers issued an Individual Permit to Peppertree Village Subdivision on March 28, 1994 as Permit Number 1993-8450 (P-1895). The permit authorized the placement of fill materials onto the right descending bank of Fishpot Creek for approximately 400 linear feet to provide protection to the residential homes on Peppertree Court. The work that was authorized included pushing gravel onto the right descending bank, sloping and covering the compacted gravel with a filter fabric. The filter fabric was then covered with approximately 296 cubic yards of 14-inch shot rock.

On May 12, 2008 the Metropolitan St. Louis Sewer District applied for a Nationwide Permit 13 for temporary bank stabilization along the right descending bank of Fishpot Creek at the same location of the previous Individual Permit (P-1895). A Nationwide Permit 13 was issued to the Metropolitan St.

Louis Sewer District on May 29, 2008 as Permit Number 2008-133. The permit authorized 300 linear feet of temporary bank stabilization consisting of gravel and riprap to temporarily stabilize the bank until the applicant designed a long-term solution.

PROJECT DESCRIPTION: The applicant seeks authorization to impact approximately 1010 linear feet of the left descending bank and 1070 linear feet of the right descending bank of Fishpot Creek, in conjunction with the project known as *Pepperdine Court- Fishpot Creek Bank Stabilization*. Fishpot Creek is a perennial tributary to the Meramec River. The channel in this area is approximately 70-80 feet wide with 8-10 feet high banks. Along sections of the right descending bank, the channel is approximately 150-200 feet wide with 15-20 feet high banks.

The right descending bank of Fishpot Creek is proposed to be stabilized in two separate sections by using rock wedge tied into the bank with biostabilization for a total of approximately 650 linear feet. In addition to the bank stabilization along the right descending bank, the applicant proposes to construct two separate sections of rock vanes tied into the bank with rock sills for a total of approximately 420 linear feet.

Along the left descending bank, the applicant proposes to conduct approximately 730 linear feet of biostabilization and construct approximately 280 linear feet of rock vanes tied into the bank with rock sills.

Metropolitan St. Louis Sewer District has researched alternatives and has attempted to minimize impacts to Fishpot Creek. However, the applicant stated that the impacts are unavoidable due to the instability along this reach of Fishpot Creek. The eroding banks are threatening Vance Road and residential homes along Pepperdine Court. Vance Road and residential homes along Pepperdine Court could be damaged or lost due to the eroding banks.

LOCATION MAPS AND DRAWINGS: See attached.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Jennifer Godfrey, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8579. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Jennifer.l.godfrey@usace.army.mil.

AUTHORITY: This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344).

WATER QUALITY CERTIFICATION: The project plans have been submitted to the Missouri Department of Natural Resources, Water Protection Program for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification is requested as of the date of this Public Notice, and if issued, will express the Agency's opinion that the proposed activities will not violate applicable water quality standards. Written comments concerning possible impacts to waters of Missouri should be addressed to: Water Protection Program, Post Office Box 176, Jefferson City, Missouri 65102-0176, with a copy provided to the Corps of Engineers.

SECTION 404 (b)(1) EVALUATION: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

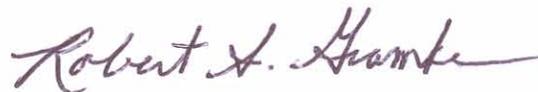
PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

ENDANGERED SPECIES: A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed would not affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has been made to the United States Department of Interior, Fish and Wildlife Service. In order to complete our evaluation, comments are solicited from the Fish and Wildlife Service and other interested agencies and individuals through this Public Notice.

CULTURAL RESOURCES: The St. Louis District has done a preliminary evaluation based on information provided by the State Historic Preservation Officer. Based on this evaluation and the fact that the projects are located within existing residential subdivisions with previously modified tributaries, additional reconnaissance surveys might not be required. However, if substantial information from the response to public notice indicates that further investigation is necessary the USACE will re-consider its decision.

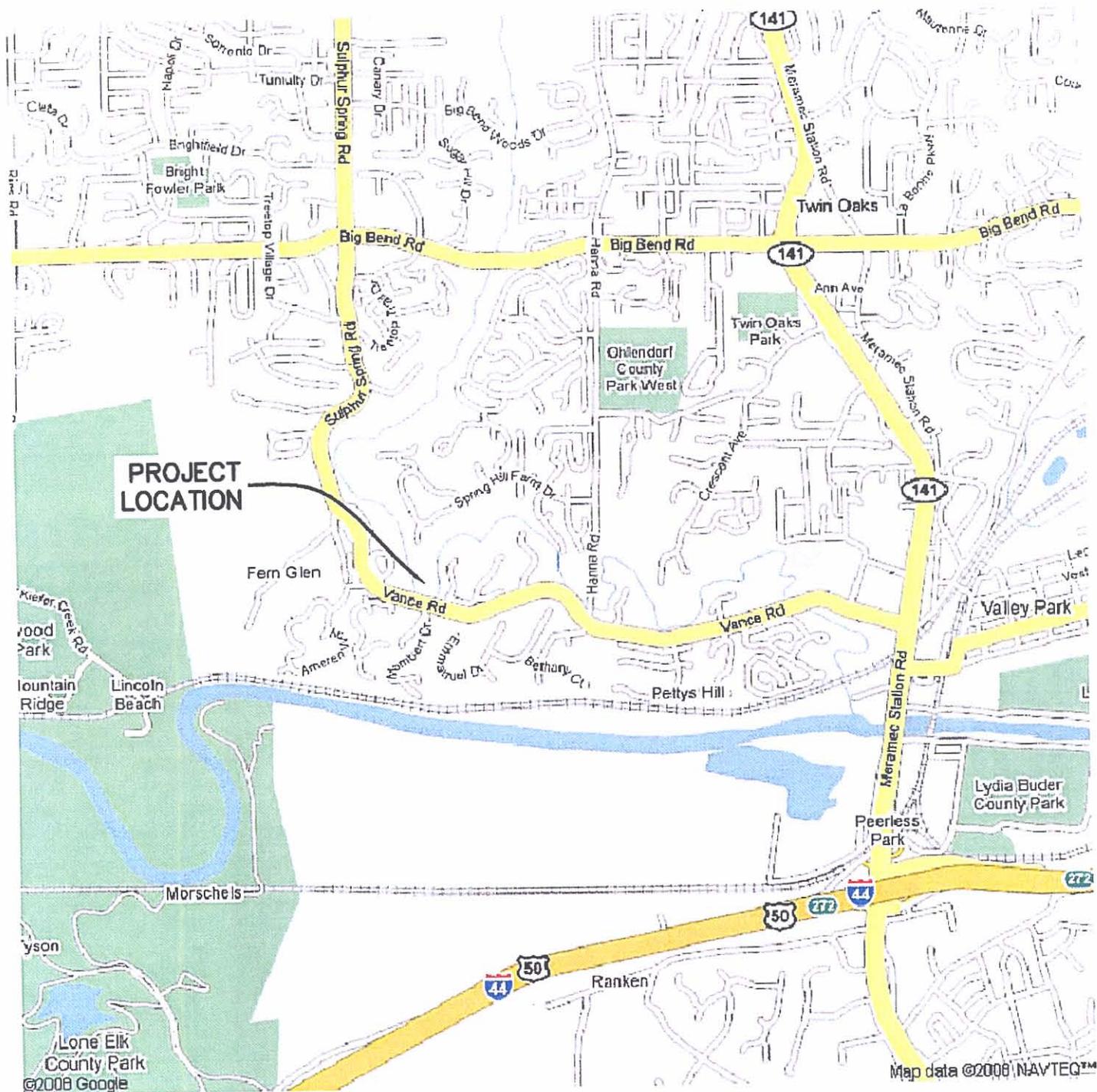
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; flood plain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership; and in general the needs and welfare of the people.

SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

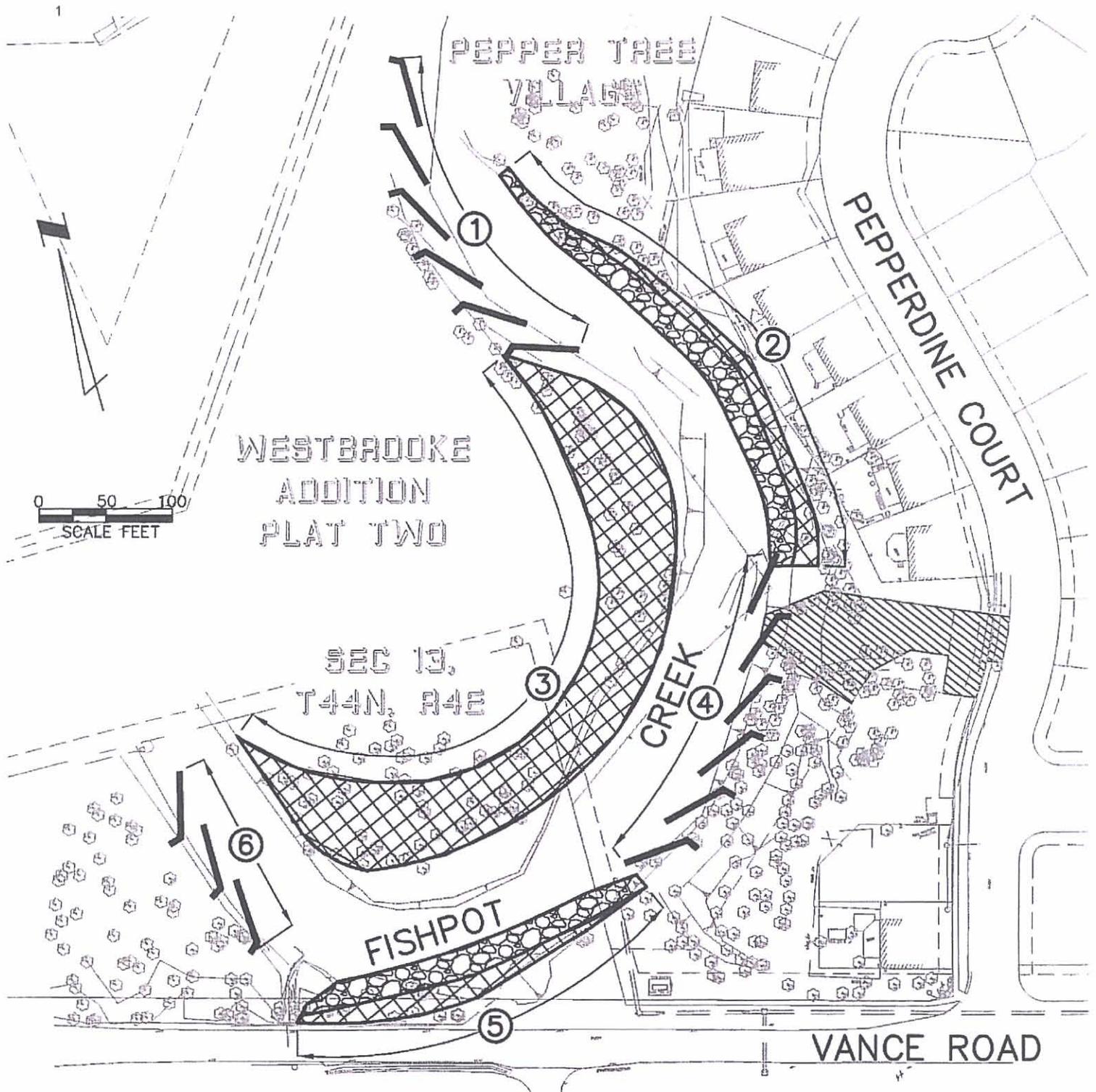


 DANNY D. MCCLENDON
Chief, Regulatory Branch

Attachments



PEPPERDINE COURT – FISHPOT CREEK BANK STABILIZATION



① 280 LF OF ROCK VANES TIED INTO BANK WITH ROCK SILLS

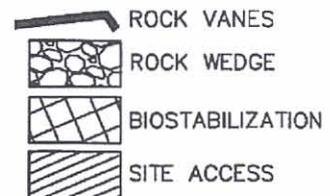
④ 270 LF OF ROCK VANES TIED INTO BANK WITH ROCK SILLS

② 370 LF OF ROCK WEDGE TIED INTO BANK WITH BIOSTABILIZATION (ENCOMPASSES 150± FEET OF TEMPORARY STABILIZATION INSTALLED UNDER NWP-13 IN JUNE 2008)

⑤ 280 LF OF ROCK WEDGE TIED INTO BANK WITH BIOSTABILIZATION (ENCOMPASSES 150± FEET OF TEMPORARY STABILIZATION INSTALLED UNDER NWP-13 IN JUNE 2008)

③ 730 LF OF BIOSTABILIZATION

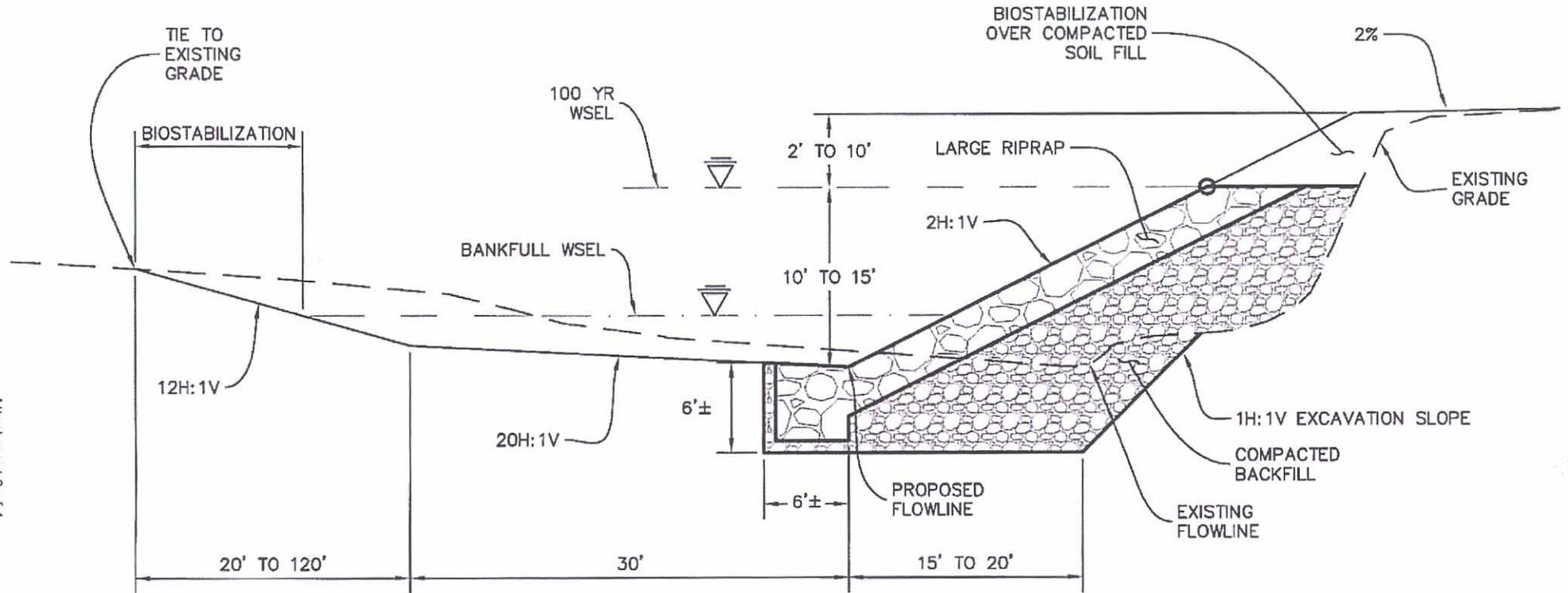
⑥ 150 LF OF ROCK VANES TIED INTO BANK WITH ROCK SILLS



PEPPERDINE COURT – FISHPOT CREEK BANK STABILIZATION

FIGURE B

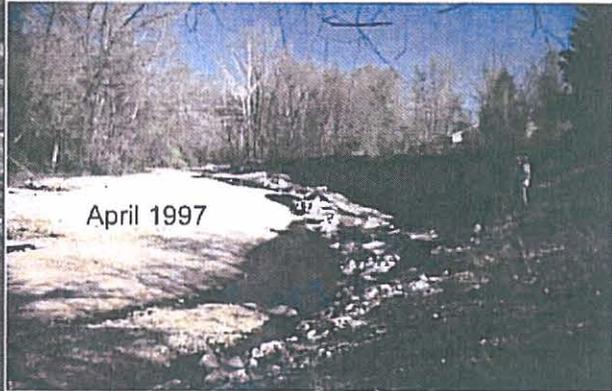
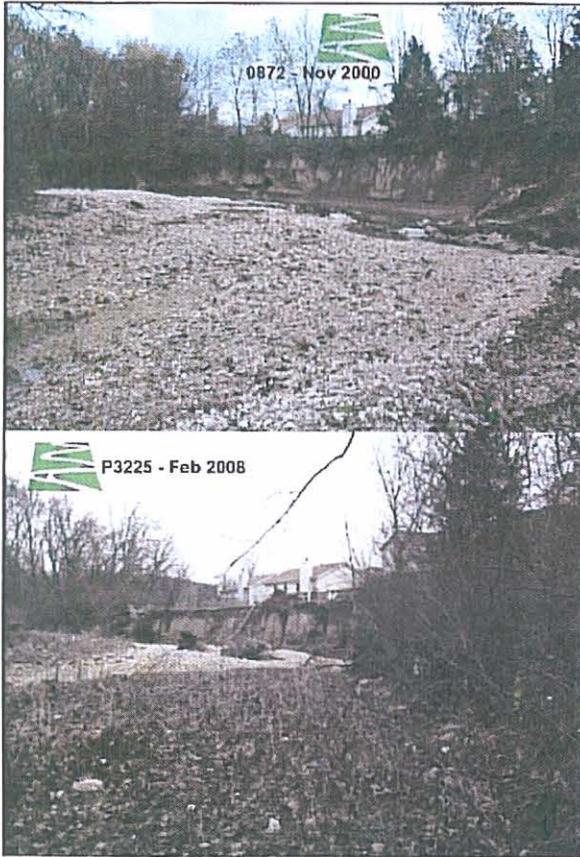
REITZ & JENS, INC.



TYPICAL SECTION

NO SCALE

PEPPERDINE COURT – FISHPOT CREEK BANK STABILIZATION



Fishpot Creek at Pepperdine Ct.,
looking downstream
1997, 2000, 2008. Note failed
riprap project in 1997 photo.
Little River Research & Design, May, 2008.



NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.