



Public Notice

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

**Reply To:
U.S. Army Corps of Engineers
Attn: Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833**

**Public Notice No.
P-2698
Public Notice Date
February 3, 2009**

**Expiration Date
February 24, 2009**

Postmaster Please Post Conspicuously Until:

File Number: 2008-609

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: All comments and/or requests for public hearing must reach this office no later than the 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: Mr. Shawn Sullivan

APPLICANT: Mr. Jeff Snider, Osage Realty, 116 East Orleans, Pacific, Missouri 63069.

AGENT: Civil Engineering Design Consultants, Attn: Mr. Paul Boyer, 11402 Gravois Road, Suite 100, St. Louis, Missouri 6312(314) 729-1400.

LOCATION: The project area is located approximately 3.8 miles south of Catawissa, Missouri on the eastern side of Calvey Creek Road. More specifically, the site lies within the Western ½ of Section 23, Township 42 North, Range 02 East in Franklin County, Missouri (see attached location map).

PROJECT DESCRIPTION: The applicant seeks authorization to construct an approximate 16-acre recreational lake on Brady Creek. Brady Creek flows into Calvey Creek which is a primary tributary to the Meramec River. The proposed project includes construction of an earthen dam that is approximately 32-foot tall, 500 feet long, and contains a foundation embankment of up to 180 feet wide. A primary spillway is proposed as part of the engineering plans and will discharge back into Brady Creek at the toe of the constructed dam. Brady Creek was reviewed by the U.S. Army Corps of Engineers, Regulatory Staff on November 19, 2008, and determined to be an intermittent tributary with less than seasonal flow. The tributary does not contain a sustainable fish population but does provide habitat for aquatic macro-invertebrates. The proposed construction of the dam and associated inundation of the intermittent tributary would disrupt 2,315 linear feet of creek channel.

Compensatory mitigation is currently proposed along Brady Creek immediately downstream of the dam and along a second tributary that converges on the property. Riparian enhancement and preservation are proposed on-site, however, an assessment of the mitigation that is available on-site will not fully offset the proposed impacts. Therefore, an additional mitigation alternative, potentially along Calvey Creek, is being researched to fully compensate for proposed impacts.

LOCATION MAPS AND DRAWINGS: See attached maps.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Shawn Sullivan, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8580. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Shawn.F.Sullivan@usace.army.mil.

AUTHORITY: This permit will be issued or denied under the following: 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.

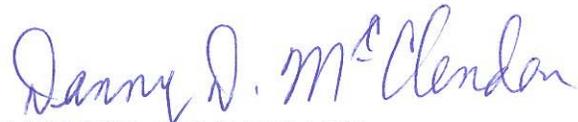
ENDANGERED SPECIES: A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed would not affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has 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 will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may require a reconnaissance survey of the project area.

EVALUATION OF PROBABLE IMPACTS: 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 From The Public: 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.

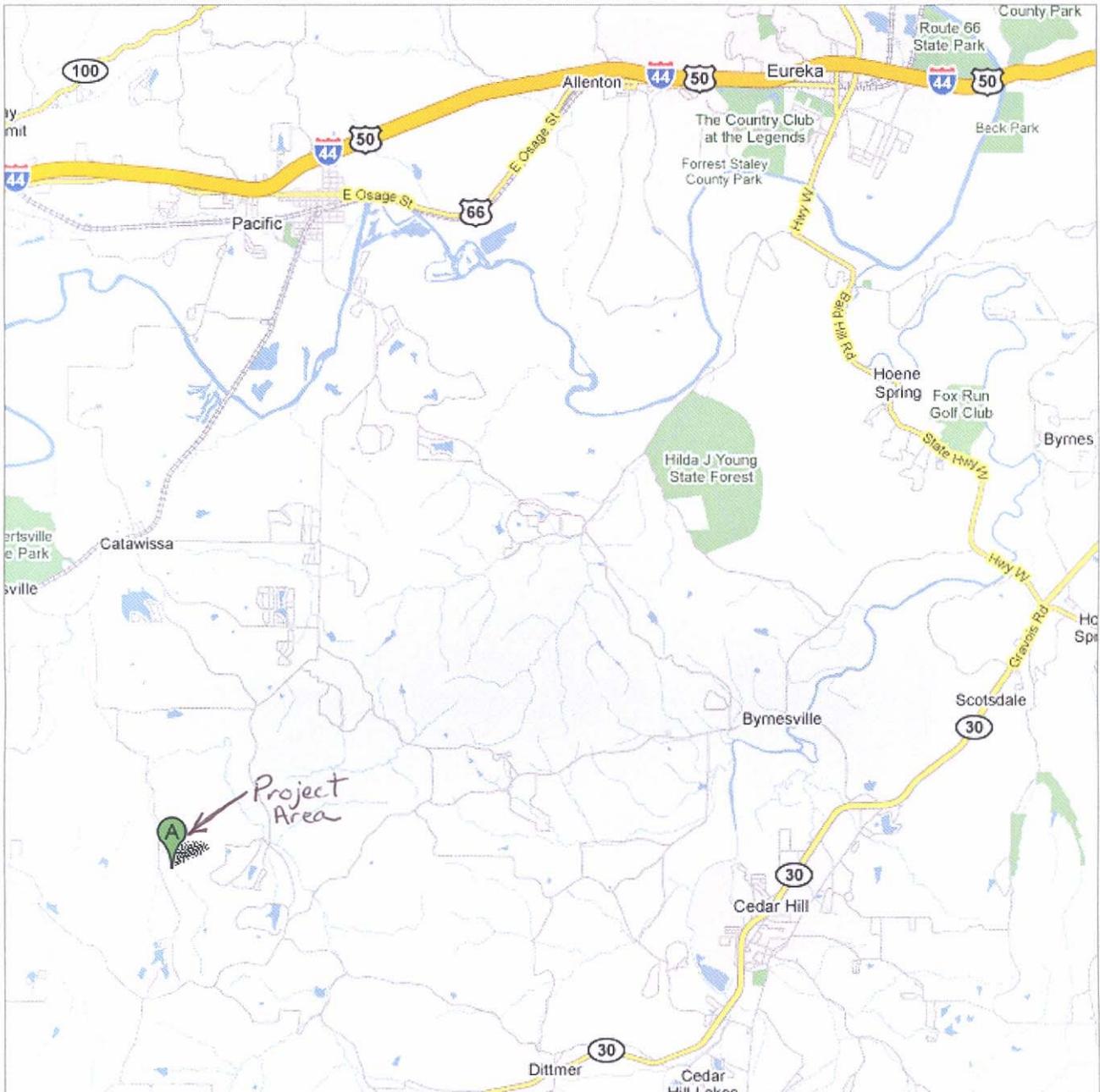


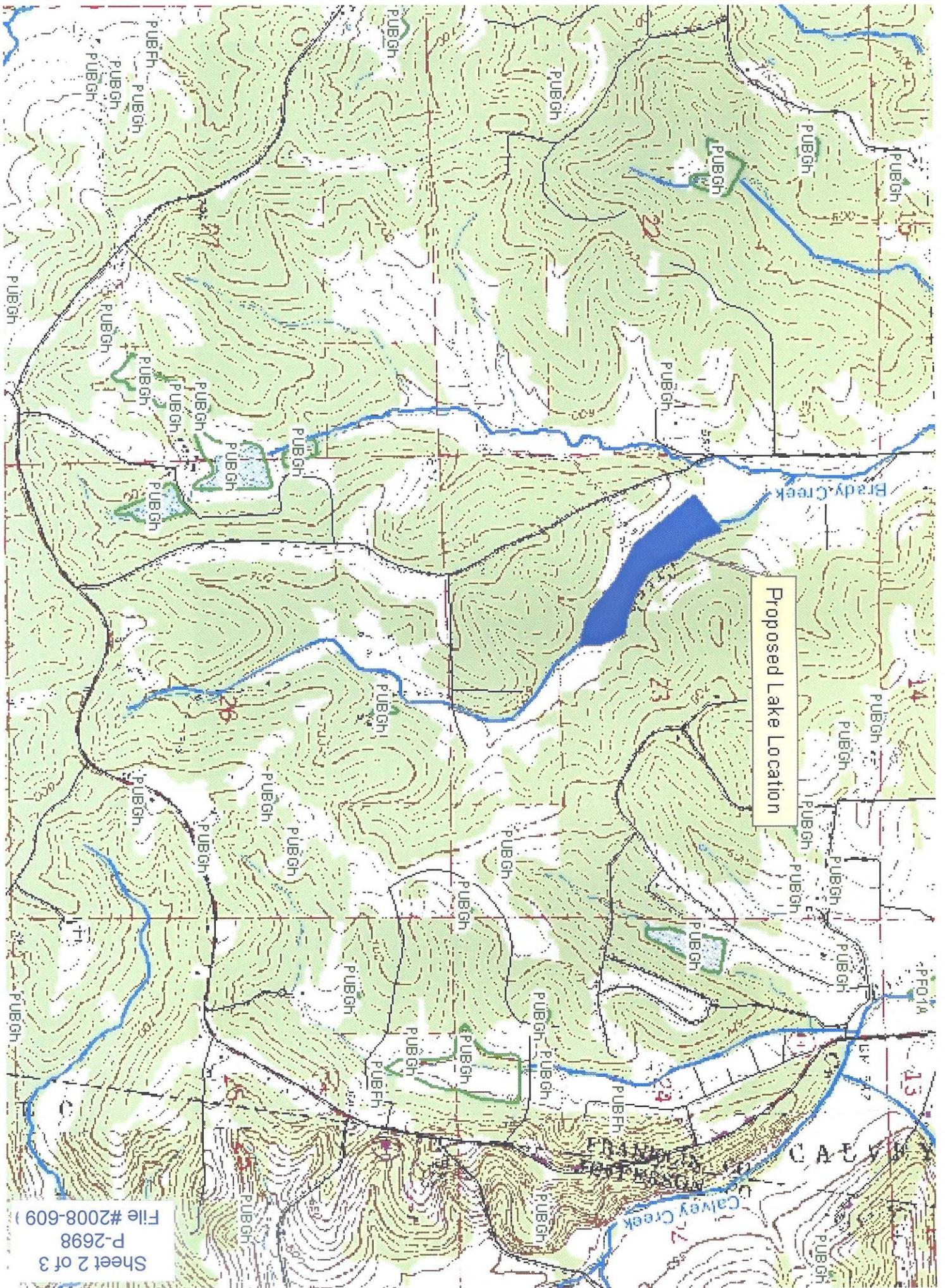
DANNY D. MCCLENDON
Chief, Regulatory Branch

Attachments

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.



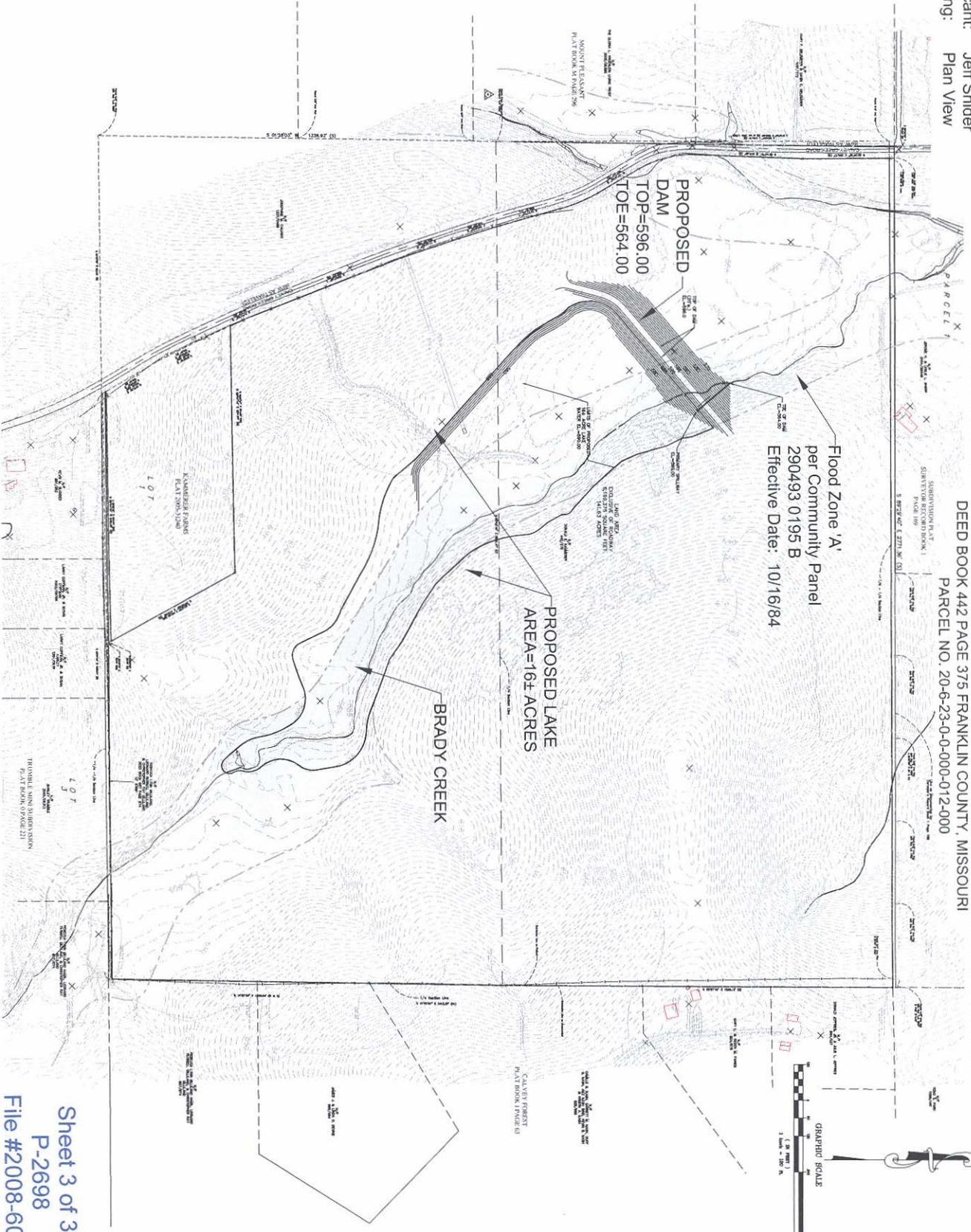


Proposed Lake Location

Project: Dam on Brady Creek
 Applicant: Jeff Snider
 Drawing: Plan View

SOUTH 1/2 OF THE NORTHWEST 1/4 OF ALL THAT OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 2 EAST OF THE 5th P.M., A TRACT OF LAND RECORDED IN DEED BOOK 442 PAGE 375 FRANKLIN COUNTY, MISSOURI
 PARCEL NO. 20-6-23-0-0-000-012-000

Flood Zone 'A'
 per Community Panel
 290493 0195 B
 Effective Date: 10/16/84



Sheet 3 of 3
 P-2698
 File #2008-609

No.	Description	Date
1	PRELIMINARY DEVELOPMENT PLAN	11/13/08

Preliminary Development Plans
PROPOSED DAM ON BRADY CREEK
 Calvey Creek Road
 Franklin County, Missouri

CEDC
 CIVIL ENGINEERING
 DESIGN CONSULTANTS

11402 Gravois Road
 Suite 100
 Saint Louis, Missouri 63126
 314.729.1400
 Fax: 314.729.1404
 www.cedc.net

SCALE: 1" = 200' ±

DRAWING NO.
C1