

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

Public Notice

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-F
1222 Spruce Street
St. Louis, MO 63103-2833

Public Notice No.
P-2702
Public Notice Date
April 29, 2009

Expiration Date
May 19, 2009

Postmaster Please Post Conspicuously Until:

File Number: 2006-707

Interested parties are hereby notified that an application has been received requesting authorization under Section 404 of the Clean Water Act to conduct the work described below and shown on the attached figures.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers Public Notice Number shown above and must reach this office no later than the expiration date of this 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
ATTN: CEMVS-OD-F (Charles Frerker)
1222 Spruce Street
St. Louis, Missouri 63103-2833

APPLICANT: Mr. Dan Devereux, President, Howard Bend Levee District, 763 South New Ballas Road, Suite 305, St. Louis, Missouri 63141 (314-692-0700).

LOCATION: The proposed project area is located adjacent to an existing gravity drain outlet structure in Creve Coeur Creek, which discharges along the right descending bank of the Missouri River, at approximate river mile 30.9, near Maryland Heights, in St. Louis County, Missouri. (See Attached Map and Drawings).

PROJECT DESCRIPTION: The Howard Bend Levee District seeks approval to construct a gravity drain outlet structure and to excavate an associated secondary high flow drainage channel adjacent to an existing gravity drain outlet structure and drainage channel, which is located within Creve Coeur Creek. The second gravity outlet structure and high flow channel would provide additional capacity to move more water out of the levee district during large rainfall events. The capacity of the existing gravity drain outlet structure is too small and causes water to back up on flank levees of Fee Fee Creek and Creve Coeur Creek to the point that water overflows existing flank levees and causes widespread flooding. The applicant wants to reduce the potential for flooding upstream in the levee district. A portion of the existing Howard Bend levee would be relocated over the proposed gravity drain outlet structure. The proposed secondary high flow channel would be excavated nearly adjacent to the existing gravity drain outlet channel. The proposed secondary high flow channel would be excavated in the location shown on the attached drawing, which begins along the upstream bank of Creve Coeur Creek, runs adjacent to Creve Coeur Creek to the proposed gravity drain outlet structure and then discharges at the point it reconnects to Creve Coeur Creek downstream of the river flood protection system. Relief wells would also be installed on the protected side of the existing levee at the gravity drain culvert inlet area. The applicant also seeks approval to place approximately 24,000 cubic yards of excavated clay and sand material generated from the channel excavation activities in an approximate 0.38-acre emergent wetland situated within the existing under seepage berm. In addition, approximately 1.07 acres of forested wetlands and 0.07 acre of emergent wetlands would be impacted by the proposed excavation of the outlet structure's associated channel on the riverward side of the existing levee. Total emergent wetland impacts are approximately 0.45 acre and 1.07 acres of forested wetland impacts. The applicant has not submitted a preliminary wetland

mitigation plan, nor or they required to at this time. However, the applicant would be required to mitigate the proposed impacts at a location within the watershed, preferably in close proximity to the impact area, at a minimum 3:1 replacement ratio for the forested wetland impacts and a minimum replacement ratio of 1.5:1 for the emergent wetlands. This equates to the required creation of at least 3.2 acres of forested wetlands and 0.68 acre of emergent wetlands, which would be protected in perpetuity by a deed restriction and Declaration of Covenants and Restrictions. See attached maps and figures for additional project details.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting the applicant at 314-692-0700, the applicant's consultant, Ms. Karen Frederich at 314-531-4321, or Mr. Charles Frerker, Regulatory Project Manager, U.S. Army Corps of Engineers at electronic mail address charles.f.frerker@usace.army.mil or 314-331-8583.

AUTHORITY: This permit will be processed under the provisions of Section 404 of the Clean Water Act.

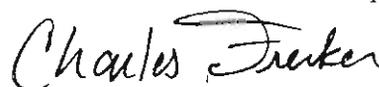
PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Request for public hearings shall state, with particularity, the reasons for holding the public hearing.

ENDANGERED SPECIES: The proposed project is within the range of the endangered Indiana bat (***Myotis sodalis***), Gray bat (***Myotis grisescens***), and Pallid sturgeon (***Scaphirhynchus albus***). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that this proposed activity is not likely to affect species designated as threatened or endangered, or adversely affect critical habitat. In order to complete our evaluation, comments are solicited by this public notice from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

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 conduct, or require a reconnaissance survey of the project area.

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 described activity will be considered including the cumulative effects thereof; among those 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.

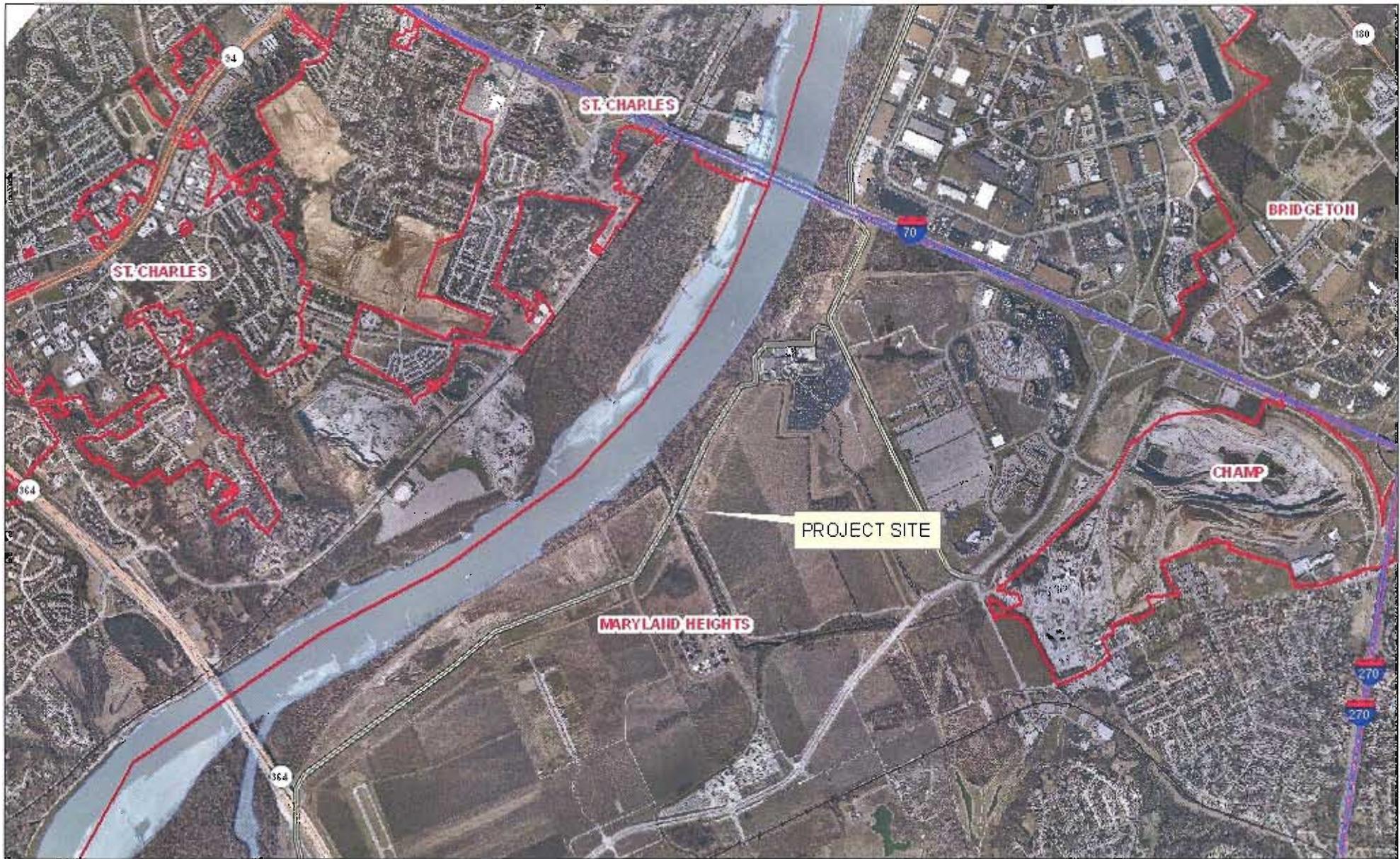
The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of these proposed activities. Any comments received will be considered by the U.S. Army 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.



for Danny D. McClendon
Chief, Regulatory Branch

Attachments

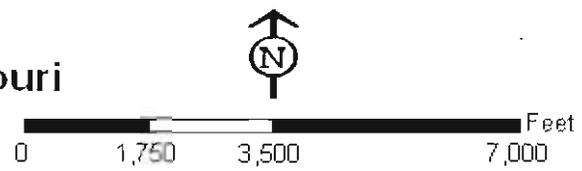
NOTICE TO POSTMASTERS: It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.



**P-2702 Howard Bend Levee District
 New Channel and Gravity Drain Structure
 Maryland Heights, St. Louis County, Missouri**

Legend

- State Hwy
- US Hwy
- Interstate



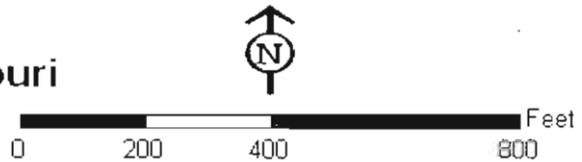
**US Army Corps
 of Engineers**
 St Louis District



**P-2702 Howard Bend Levee District
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The logo for the US Army Corps of Engineers, St. Louis District, featuring a red shield with a white castle icon and the text "US Army Corps of Engineers" and "St. Louis District" below it.

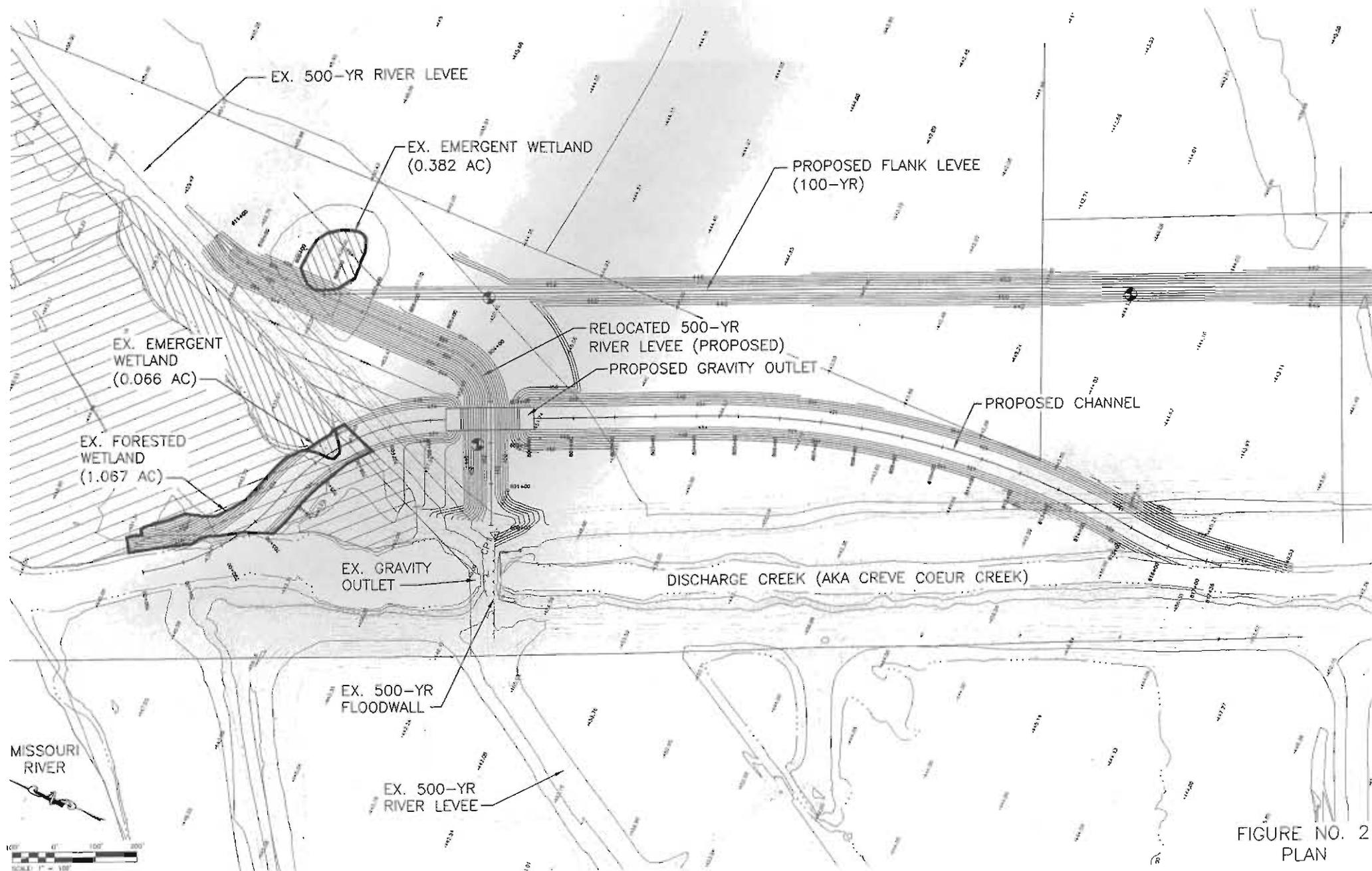
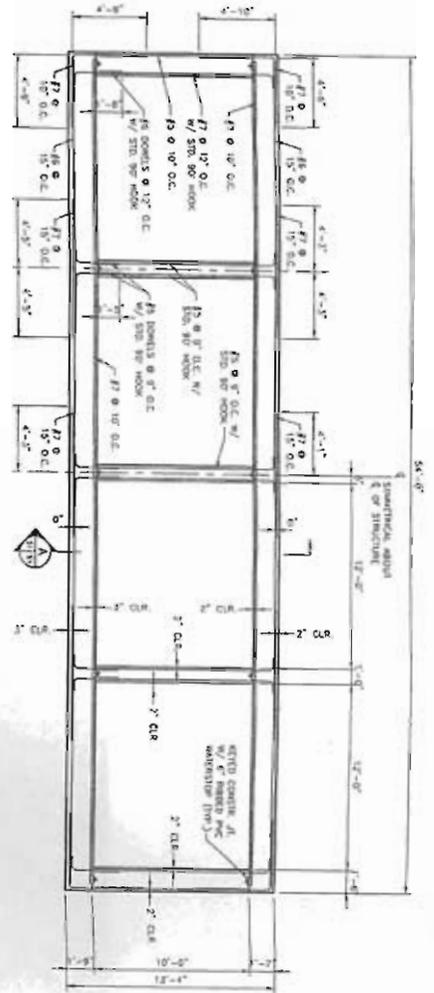
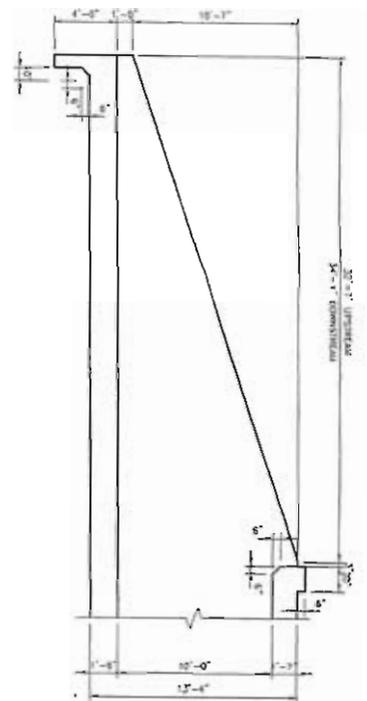


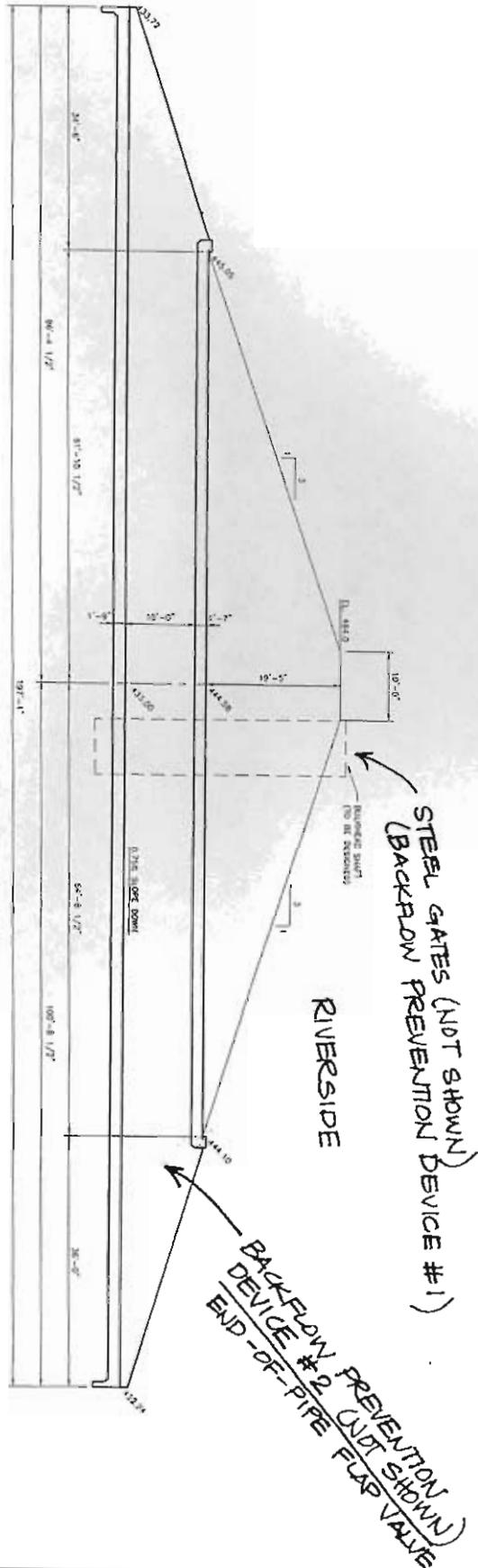
FIGURE NO. 2
PLAN



PROPOSED OUTLET STRUCTURE
 SCALE: 1/8"=1'-0"



WALL DETAIL
 SCALE: 1/8"=1'-0"



A SECTION
 SCALE: 1/8"=1'-0"

FIGURE 3
 PROFILE