

---

# 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**  
**St. Louis, Missouri 63103-2833**

Public Notice No.  
**P-2794**  
Public Notice Date  
**May 12, 2011**  
Expiration Date  
**June 2, 2011**

**Postmaster Please Post Conspicuously Until:**

---

File Number: MVS-2011-118

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: Jaynie Doerr

**APPLICANT:** Alan Bornstein; THF Bear Creek Development, L.L.C., 2127 Innerbelt Business Center Drive, St. Louis, Missouri, 63114.

**AGENT:** Andrew McCord; Midwest Testing, 8606 Page Avenue, St. Louis, Missouri, 63114.

**LOCATION:** The project area is located at the northeast corner of the intersection of May Road and Bear Creek Drive in Wentzville, Missouri. More specifically, it is located in Section 23, Township 47 North, Range 1 East, St. Charles County, Missouri (see attached location map).

**PROJECT DESCRIPTION:** The applicant seeks authorization to impact approximately 267 linear feet of ephemeral stream and 1,192 linear feet of intermittent stream to facilitate the development of a 136,000 square foot retail structure with associated outlots, access, and stormwater features. The purpose of the project is to develop a retail store with easy access and visibility from an existing major retail development (Wentzville Crossroads Marketplace) to serve retail needs of the local population.

The proposed site is primarily comprised of woodland (oak/hickory/cedar trees) with two residential structures and several outbuildings, an approximate three acre grass-covered soil stockpile area, and an approximate one acre grass-covered commercial outlot. The site is bordered to the west by May Road, Bear Creek Drive to the south, an existing Wal-Mart store to the east and undeveloped

forested area to the north. The surrounding vicinity of the site is characterized by large commercial developments, residential subdivisions and undeveloped open and wooded land.

Complete avoidance was not possible as the on-site tributaries are located at critical areas on the development site for the retail structure. However, during design, the applicant identified an opportunity to avoid two on-site tributaries and 0.21 acres of forested wetland. The applicant proposes to mitigate for the stream impacts by preserving 1,219 linear feet of two, unnamed tributaries located along the western and northern site boundary (labeled as Tributary 1 and 4 on attached map). In addition, a 25 foot minimum riparian buffer will also be preserved along these tributaries. The applicant proposes to purchase the remaining mitigation for unavoidable impacts to the on-site tributaries from the Missouri Stream Stewardship Trust Fund.

The unnamed tributaries flow to McCoy Creek, which flows to the Cuivre River, a primary tributary to the Mississippi River.

**LOCATION MAPS AND DRAWINGS:** See Sheets 1 and 2 attached.

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting Jaynie Doerr, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8581. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Jaynie.g.doerr@ 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. However, 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:** A Phase I Cultural Resource Survey of the proposed development site was conducted in February 2011 and submitted to the MNDP-State Historic Preservation Office (MDNR-SHPO). The MDNR-SHPO determined that no historic properties will be affected by the

proposed development. The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice.

**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.

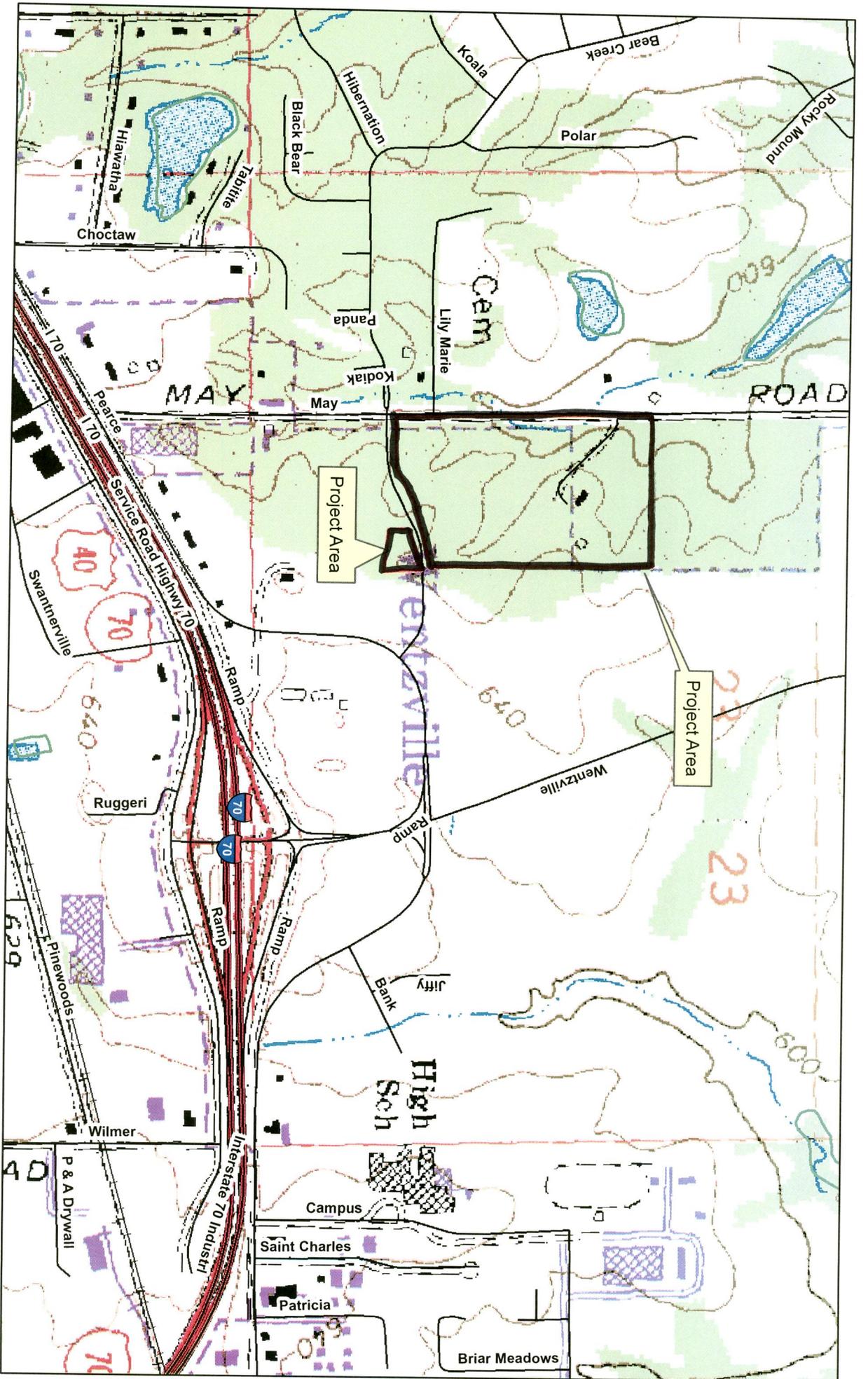


 DANNY D. MCCLENDON  
Chief, Regulatory Branch

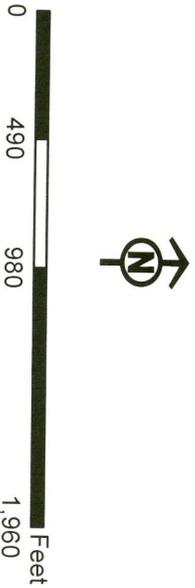
Attachments

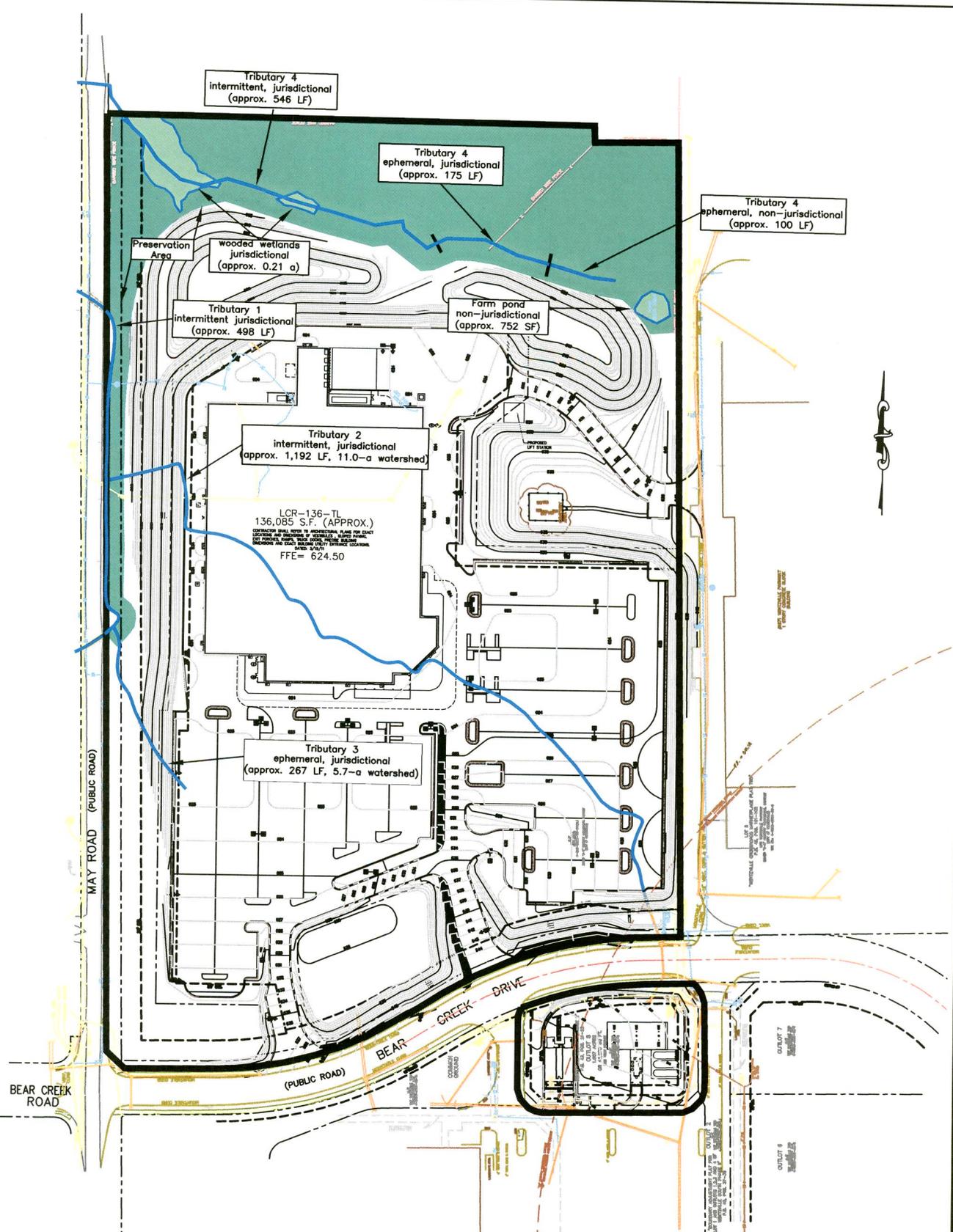
**NOTICE TO POSTMASTERS:**

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



**Wentzville Retail Development P-2794**  
**Wentzville, St. Charles County, Missouri**





Scale: 1"=200'

**PUBLIC NOTICE FIGURE**  
**Wentzville Five Retail Development**  
**Wentzville, Missouri**