



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-2796
Public Notice Date
May 12, 2011
Expiration Date
June 2, 2011

Postmaster Please Post Conspicuously Until:

File Number: MVS-2009-530

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 (Matthew Cosby)
1222 Spruce Street
St. Louis, Missouri 63103-2833

APPLICANT: Ducks Rest LLC, John Davis, 628 Oak Avenue, Pevely, Missouri 63070. Phone: (636) 475-3787.

LOCATION: The project is located at 1230 Peruque Creek Road, in unincorporated St. Charles County, Missouri. The site is located within Township 48 North, Range 3 East, Section 35; using NAD83 the site is located at longitude -90.473 and latitude 38.935. The location is identified on the attached maps. Please view a full color version of the public notice and attachments at <http://www.mvs.usace.army.mil/ConOps/permits/pn.htm>

PROJECT DESCRIPTION: The applicant seeks authorization to impact 18.87 acres of emergent wetland to modify the property for flood management and water control. The impacted wetlands drain to the west to Peruque Creek and to the northeast to an unnamed tributary to Peruque Creek. Peruque Creek is a primary tributary to the Mississippi River.

The property is approximately 163.23 acres and contains a bermed lake, small interior levees, and multiple culverts and pump stations. The property is currently used for agricultural practices and recreational duck hunting. The project will consist of a ring levee, multiple borrow ditches, a rock dike, and multiple drainage control structures. The ring levee will be approximately 6 - 7 feet tall (built to an elevation of 436.5) and will have a crown width of 10 feet. Excavated borrow ditches and

drainage control structures will be installed as needed to drain the property and maintain control of water levels within the ring levee. A rock dike will be built along the east side of Perouque Creek Road as a requirement of St. Charles County to prevent erosion and gravel loss on the roadway.

The applicant has reviewed alternatives to impacting the wetland and has minimized the width of the levee and total impact by reducing the crown width of the levee.

In order to offset this impact to the wetland the applicant is currently reviewing on site mitigation options as well as purchasing mitigation bank credits.

LOCATION MAPS AND DRAWINGS: See attached. Please view a full color version of the public notice and attachments at <http://www.mvs.usace.army.mil/ConOps/permits/pn.htm>

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Matthew Cosby, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8129. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Matthew.G.Cosby@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.

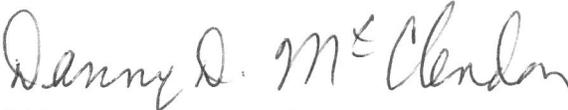
PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would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

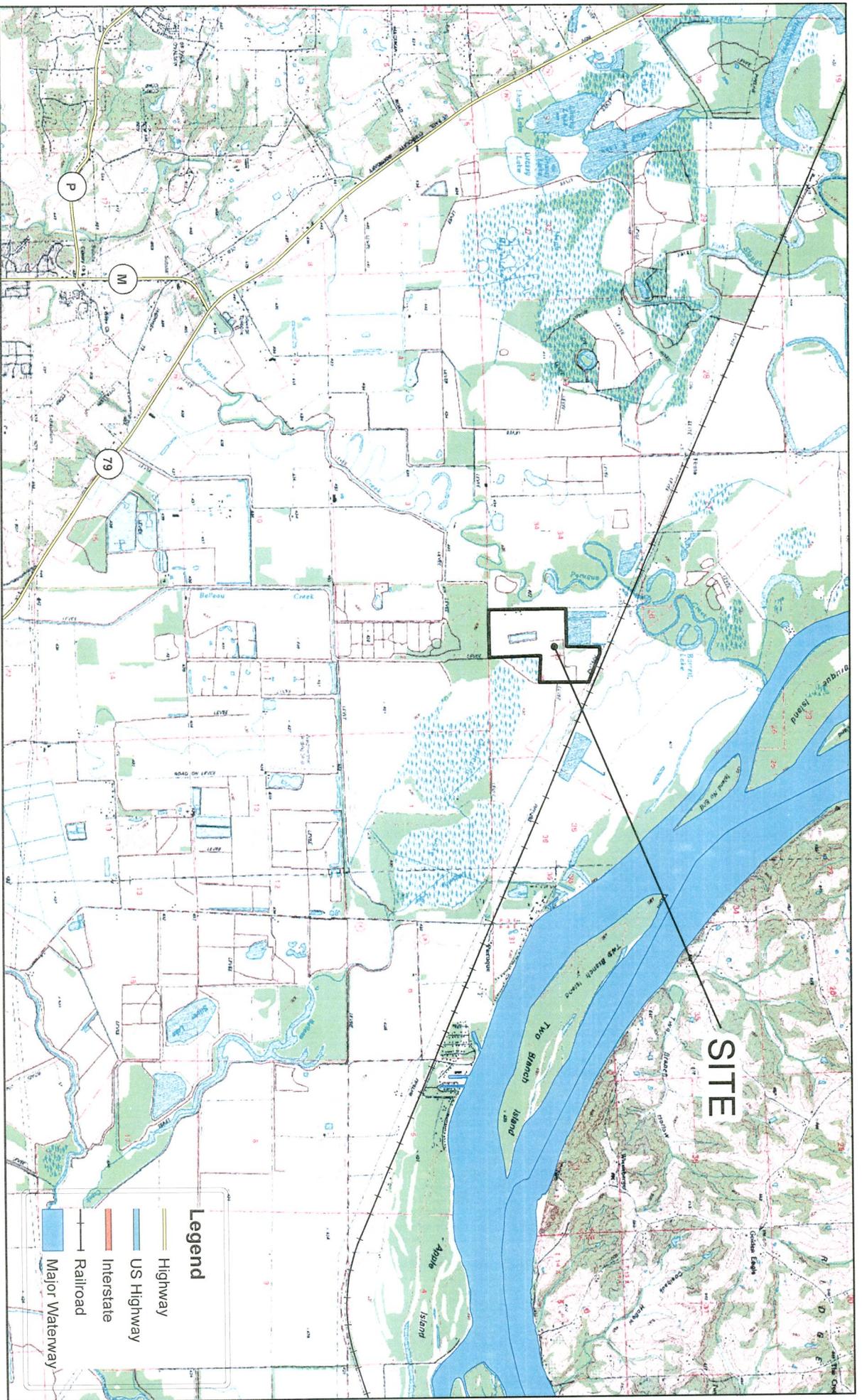
SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered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

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.



Duck's Rest

Project Location Map - MVS-2009-530 P-2796

Unincorporated St. Charles County, Missouri




Army Corps of Engineers
 Missouri District



Duck's Rest

Project Location Map - MVS-2009-530 P-2796

Unincorporated St. Charles County, Missouri



BURLINGTON RAILROAD

N/F
MOUTON WALTER J. TRUST & MOUTON-
MARTHA & TOCHTROP PATRICIA A
Bl. 2513 / Pg. 2102

N/F
FLYING L FARMS INC.
Bl. 505 / Pg. 136

DUCK'S REST, LLC
4787/1289
1230 PERUQUE CREEK ROAD
PARCEL ID: 2-0015-100100-7

N/F
PERUQUE BEND FARMS LLC
Bl. 1385 / Pg. 1277

N/F
SCOTT TOM & KELLEY SEAN
Bl. 4766 / Pg. 1103

N/F
THE MISSOURI VALLEY DUCK CLUB
Bl. 1432 / Pg. 853

N/F
DARDENNE REALTY CO.

N/F
DARDENNE REALTY CO.

PERUQUE CREEK ROAD (40W)

N88°49'59"W 923.67' DEED

1782.00' DEED

S00°26'01"W

N88°55'59"W 1710.06' DEED

N/F
ORTHMEN JAMES B. & ADOLPHUS-BUSCH TRUST
Bl. 4786 / Pg. 721

PICKETT, RAY & SILVER INC.

CIVIL ENGINEERING, LAND SURVEYING, AND NATURAL RESOURCES SERVICES

New Town
3320-1 Rue Royale
St. Charles, MO 63301

Branson
3027 W. Hwy 76, Suite B
Branson, Mo 65616

Phone (636) 397-1211 Fax (636) 397-1104 www.prs3.com 1-900-708-3918

EXHIBIT 1

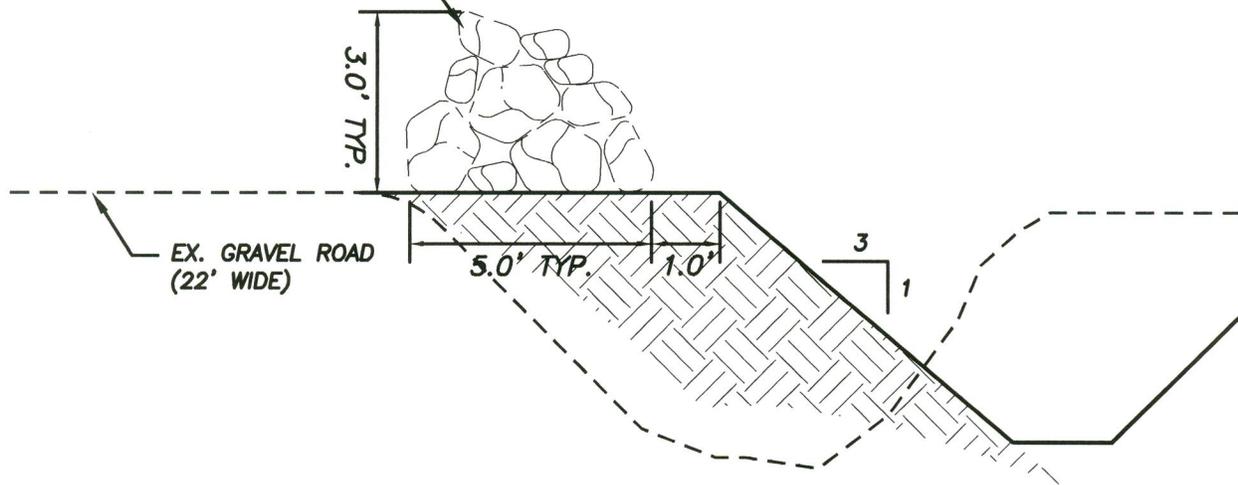
Ducks Rest
Overall Site Plan



GRAPHIC SCALE
1 inch = 600 ft.



ROCK DIKE - 6-12"
DIAMETER WASHED STONE
(GABION SIZE STONES)



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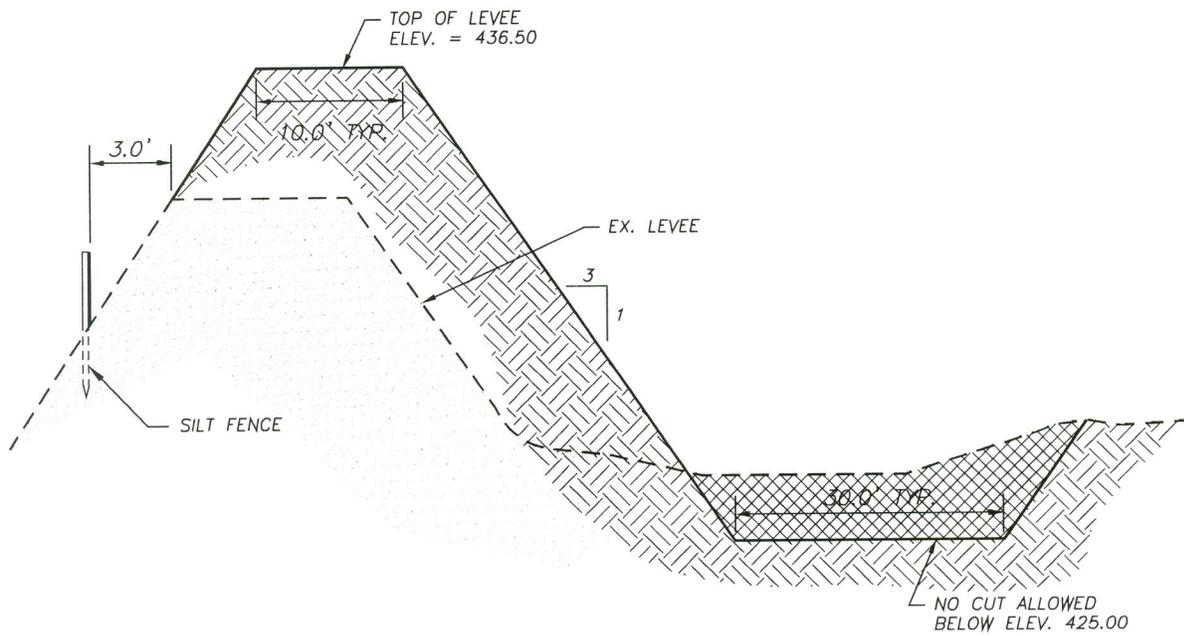
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EXHIBIT 2

Ducks Rest
Rock Dike Details



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EXHIBIT 3

Ducks Rest
Levee Typical Section