



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-2800

Public Notice Date

August 12, 2011

Expiration Date

September 2, 2011

Postmaster Please Post Conspicuously Until:

File Number: 2010-263

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 L. Brown

APPLICANT: Drury Southwest, Inc., Attention: Larry Westrich, 101 S. Farrar Drive, Cape Girardeau, Missouri 63701.

LOCATION: The project is located at 826 Fox Lane Drive, in the City of Cape Girardeau. The project area is bordered; to the east by Hwy 55, to the north by Bloomfield Road, to the south by State Hwy 74 and to the east by Siemers Drive. The project is located in Section 11, Township 30 North, Range 13 East, Cape Girardeau County, Missouri.

PROJECT DESCRIPTION: The applicant seeks authorization to conduct grading and filling operations in waters of the United States to reroute an existing section of an unnamed tributary to Ramsey Branch. The proposed tributary relocation would allow for commercial development of the property. The property currently contains a warehouse and sign company, located in the southeast section of the site.

The tributary currently enters the site from the northern property boundary and flows through the center of the site before exiting the site in the southwest corner. The tributary has a mud/muck substrate with some sections exhibiting a hard clay bed. There are several sections of the tributary that were observed to contain broken concrete and other materials that were placed along the

streambanks during past stabilization attempts. The tributary is approximately 20-30 feet wide and bordered by a narrow riparian corridor.

Approximately 1,770 linear feet of the unnamed tributary would be filled upon completion of the channel relocation project. The applicant plans to excavate approximately 30,200 cubic yards of clay soil material from the new channel location and dispose of it in the existing channel.

The new channel would enter the site from the north in the existing location and then follow the eastern and southern perimeter of the site. The applicant plans to construct the new channel as a concrete lined structure with a retaining wall near the southern portion of the site.

Although Drury Southwest, Inc. researched alternatives and attempted to minimize proposed impacts to the unnamed tributary, they believe that the impacts are unavoidable. The applicant is currently exploring mitigation options with emphasis on approved stream mitigation banks and opportunities through the Heritage Foundation's Stream Stewardship Trust Fund.

LOCATION MAPS AND DRAWINGS: See attached. In addition, the project plans may be viewed in color and in more detail by visiting the Public Notice section of our website at <http://www.mvs.usace.army.mil/ConOps/permits/pn.htm>

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Jennifer L. Brown, 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.Brown@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 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: 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.

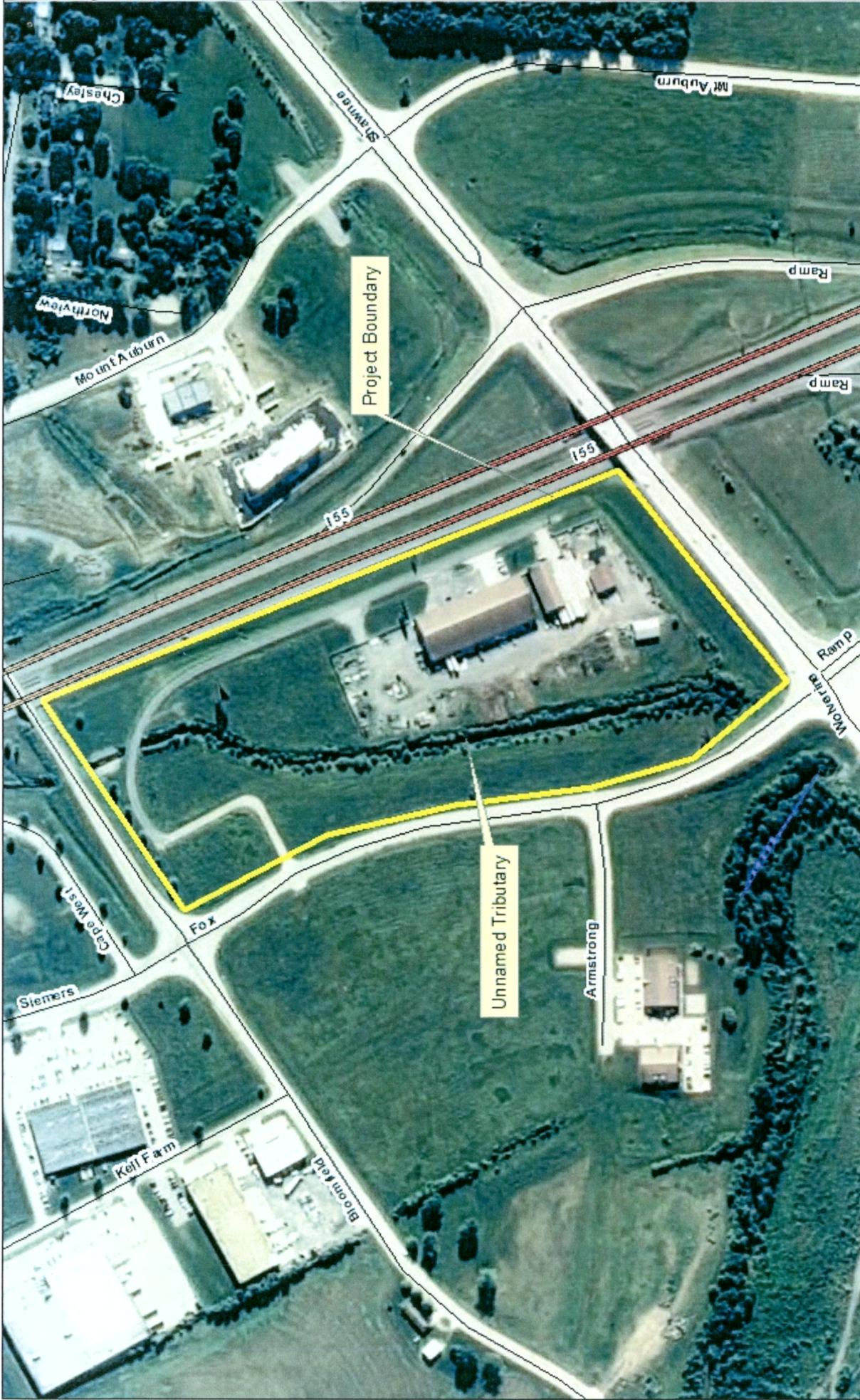


DANNY D. MCCLENDON
Chief, Regulatory Branch

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.



D.S.W. Development

Project Location Map - MVS-2010-263

City of Cape Girardeau, Cape Girardeau County, Missouri



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



GENERAL NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MISSOURI DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.
 2. EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO BEGINNING CONSTRUCTION.

LEGEND

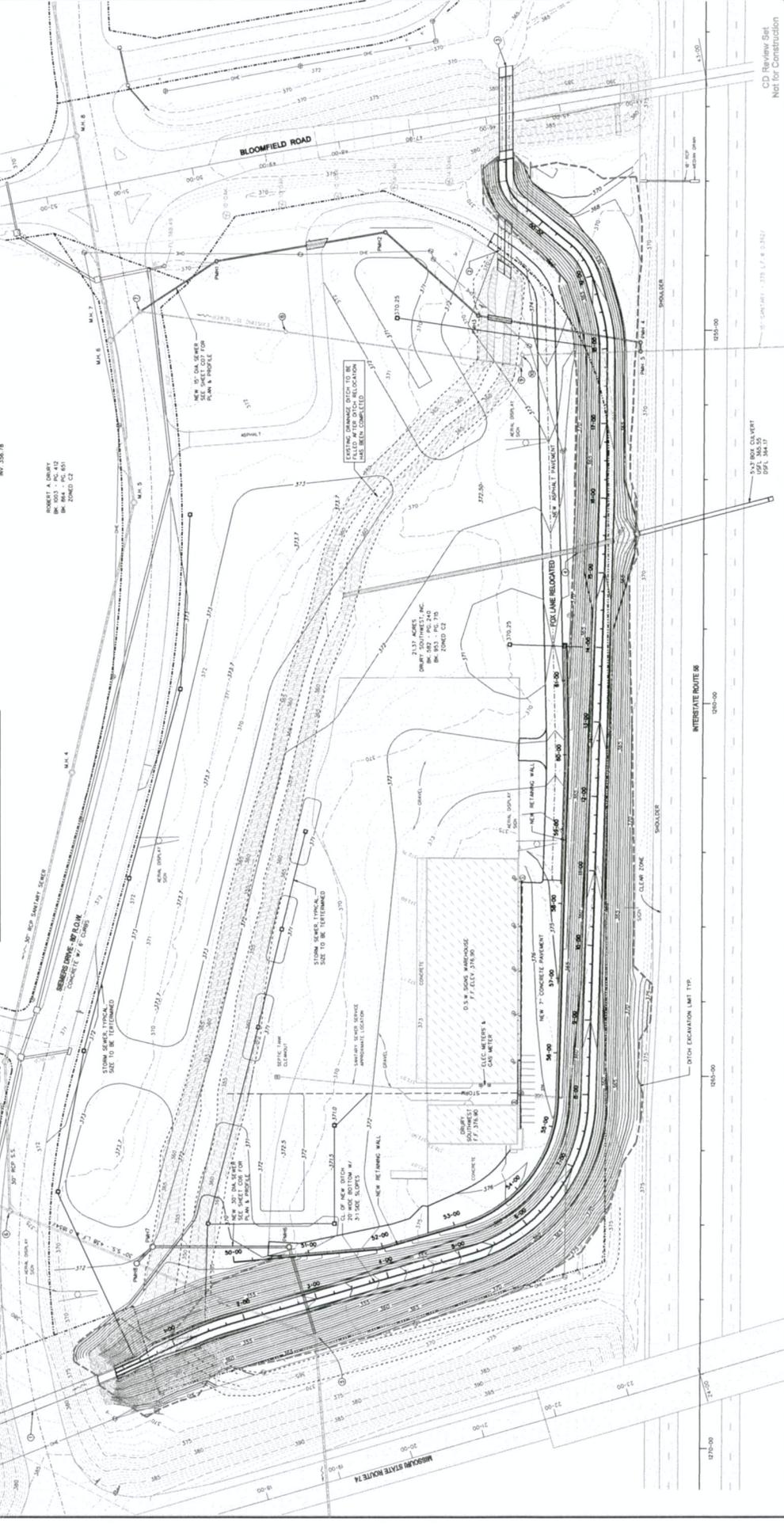
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497. 1000" DIA. SANITARY SEWER





Facing Downstream at existing tributary



Looking Downstream, Facing the right descending bank

OUR PUBLIC NOTICES ARE NOW AVAILABLE ON THE WORLD WIDE WEB AT OUR ST. LOUIS DISTRICT HOME PAGE (<http://www.mvs.usace.army.mil/ConOps/permits/pn.htm>). If you have any trouble, please call Danny McClendon at (314) 331-8574 or by e-mail to: Danny.D.McClendon@usace.army.mil

WE ARE ATTEMPTING TO REDUCE OUR PUBLIC NOTICE MAILING COSTS; CHECK OUR WEB PAGE THEN CONTACT US TO HAVE YOUR NAMED REMOVED FROM OUR MAILING LIST, please call Jaynie Doerr at (314) 331-8581, or by email to: Jaynie.G.Doerr@usace.army.mil, or mail this cover-sheet to the St. Louis District, OD-F, 1222 Spruce Street, St. Louis, MO 63103-2833, ATTN: Regulatory Branch, indicating that your name or company named be removed. Changes to our mailing list may take a few weeks to take effect.

US ARMY ENGINEER DISTRICT, ST. LOUIS
ATTN: CEMVS-OD-F
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833