



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-93-00264
Public Notice Date
January 3, 2013

Expiration Date
January 23, 2013

Postmaster Please Post Conspicuously Until:

File Number: MVS-1999-4810 (P-93-00264)

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: Robert Gramke

APPLICANT: Missouri Department of Transportation (MoDOT), Attn: Mr. Robert Meade, P.O. Box 270, Jefferson City, Missouri 65102. (573) 526-6677

LOCATION: The remaining project corridor for the "Page Avenue Extension Project" is defined by the intersection of Mid-Rivers Mall Drive and Highway 94 (St. Charles County) serving as the eastern project limit and continuing approximately 8 miles northwest to Highway 64/40 near the Route N intersection (St. Charles County). The project corridor was identified and remained undeveloped since the Record of Decision and the Final Environmental Impact Statement (EIS) was completed in 1992. The remaining corridor is located entirely within St. Charles County, Missouri and includes portions of the cities of St. Peters, Cottleville, O'Fallon, Dardenne Prairie, and Lake St. Louis. Please see the attached location map.

PROJECT DESCRIPTION: The applicant seeks authorization to conduct grading and filling activities in waters of the United States in conjunction with the completion of Phase III of the "Page Avenue Extension Project" from Highway 94 to the intersection of the existing Highway 64/40 and Route N. This is the third and final phase of the project. The original permit for the project expired on December 31, 2011 and MoDOT is requesting a five-year extension and modification to this original permit.

The applicant completed an EIS for the project in November 1992, completed an Supplemental EIS in February 1995. MoDOT is currently in the final stages of a reevaluation of the EIS. **Additional information regarding the project and the alternatives analysis can be found in the Route 364 Planning Documents located on the applicant's website at: http://www.modot.org/stlouis/major_projects/Route364-InPlanning.htm.**

The proposed action will include approximately 8 miles of new roadway construction and intersection upgrades that include minimal wetland impacts (< 0.10 acre) and approximately 2.4 acres (13,000 linear feet) of stream impacts. Although the total stream impacts appear to be large, most of the impacts are associated with temporary impacts, bank stabilization, floodplain bench creation, and/or bridge piers. The permanent impact to streams should be less than 1.2-acres (<6,000 linear feet). In addition to stream and wetland impacts, three non-jurisdictional water features may be impacted by the project. These features include two isolated stock ponds and one active top soil borrow pit. The project is currently in the final stages of a Design/Build contracting proposal and specific details of project design and final impacts are not available. The impacts discussed above are general and are considered the possible impacts associated with the project corridor.

A description of environmental impacts, purpose, need, and alternatives are addressed in the EIS documents. Additional waters of the U.S. determinations have since been conducted in the field by Missouri Department of Transportation (MoDOT) environmental staff, and it appears that overall impacts to waters of the U.S. have not substantially changed.

Compensatory Mitigation:

To compensate for the unavoidable impacts to jurisdictional waters of the United States, the applicant is proposing compensatory wetland and stream mitigation in the form of a combination of preservation, restoration, enhancement, and/or creation of floodplain benches and riparian corridor along Dardenne Creek. Although a detailed compensatory mitigation plan has not been finalized at this time, a compensatory mitigation proposal was provided that summarized the anticipated goals and objectives of the proposed mitigation site. The mitigation project will include a levee setback and the creation of a large floodplain bench along approximately 5,400 linear feet of Dardenne Creek. The floodplain bench is created to provide floodwater detention and storage following the project, but it also provides approximately 13.5 acres of riparian habitat along Dardenne Creek. The plan also includes the planting of an additional 3,000 linear feet of riparian area upstream, downstream and adjacent to the floodplain bench. Therefore, the total length of new riparian area will be approximately 8,500 linear feet, planted with a mix of wetland prairie herbaceous species, shellbark hickory, hackberry, and pin oak. Twenty to thirty year old sycamore and silver maple currently dominate the narrow riparian corridors on the agriculture levees/ditch spoil piles. Several of these trees may be impacted by the levee setback, but MoDOT expects these species to naturally re-vegetate the corridor and will only plant these species if necessary.

A comprehensive compensatory mitigation plan is currently under development as per the requirements of 40 CFR Part 230 and 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources; Final Rule. This plan will be submitted to the USACE for review and approval upon completion. MoDOT will attempt to use the Missouri Stream Assessment Method for the final mitigation calculation, but there is concern that this unique mitigation project may not be directly applicable to the method.

LOCATION MAPS AND DRAWINGS: See Attached

ADDITIONAL INFORMATION: Additional information may be obtained by contacting MoDOT through the web link above or by contacting Robert Gramke, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8187. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Robert.gramke@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. MoDOT has conducted numerous public meetings regarding this project and may have additional information regarding public hearings.

ENDANGERED SPECIES: The Final EIS addresses Threatened and Endangered Species concerns. MoDOT is currently coordinating the potential impacts to the Indiana Bat Habitat with the U.S. Fish and Wildlife Services. No other species of conservation concern, including State or Federally listed threatened and endangered species, were observed during field reconnaissance of the study area. In order to complete our evaluation, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals through this Public Notice.

CULTURAL RESOURCES: MoDOT is currently coordinating and completing archaeological survey within the Area of Potential Effect (APE) relating to the reevaluation of the EIS for the project. The St. Louis District will also evaluate any additional information provided by the State or Tribal Historic Preservation Officer and the public in response to this Public Notice. There is a cemetery near the project corridor, but the area should be avoided by the project.

EVALUATION: The decision whether to re-issue the 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

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.

**Project Corridor Location
&
Potential Waters of the U.S. Impacts**

Phase III Impacts

This phase of the project will impact two wetland areas (see maps and table). These areas are 0.032 ac. and 0.009 acre respectively. Two manmade and hydrologically isolated stock ponds will be filled they are 0.917 acre in total. One manmade water feature, which is the result of a topsoil removal and sales operation will require 6.81 acre of fill. Fourteen streams will be impacted by this project. The impacts range from thousandths of an acre of impact to ephemeral, headwater drainages to just over a half of an acre of impact to one perennial tributary. The table below shows the specific impacts to features across the project from West to East, by feature type. The feature numbers correspond to the same names on the maps to give specific locations.

<u>Feature</u>	<u>Length (LF.)</u>	<u>Area (Ac.)</u>
S1	485	0.02
S2	615	0.04
S3	425	0.03
S4	400	0.02
S5	275	0.003
S6	175	0.02
S7	200	0.005
S8 Tributary B	1,260	0.58
S9 Dardenne Creek	5,460 LF of bank impact	Overbank/Mitigation
S10 Crooked Creek	410	Bridge
S11	490	0.01
S12	394	0.03
S13	2,150	0.49
S14	446	0.03
P1	--	0.90
P2	--	0.017
W1	--	0.0092
W2	--	0.032
M1 Top Soil Pit	--	6.81





