

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/File No.
MVS-2022-411

Public Notice Date:
October 20, 2022

Expiration Date:
November 9, 2022

Postmaster Please Post Conspicuously Until:

File Number: MVS-2022-411

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 Skiles

APPLICANT: NorthPoint Development LLC (c/o Nick Cook), 12977 N. Forty Drive, Suite 203, St. Louis, Missouri 63114

LOCATION: The project is located at Garner Lane in the City of Hazelwood, to the north of the old Mills Mall. The tract is located within Section 24, Township 47 North, Range 5 East, Latitude: N 38.7948, Longitude: E -90.4161.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344)

PROJECT DESCRIPTION: The applicant seeks authorization to conduct grading and filling operations within waters of the United States to facilitate the construction of four industrial warehouses and logistics buildings (three single load facilities and one cross dock facility). In addition to the warehouses, the development includes access, parking, loading/unloading areas, landscaping and stormwater retention basins. There are three jurisdictional waters located within the project site: Cowmire Creek, Dunn Creek and Tributary 2.

Historic agricultural practices have altered the location and dimensions of Cowmire Creek and on-site drainage patterns numerous times over the past several decades. Cowmire Creek currently exists in a created channel

along the western and northern perimeter of the site, but the existing FEMA Floodway of Cowmire Creek is mapped through the center of the project site.

In order to create a developable site and a relocation of the mapped FEMA floodway, the project plans include the excavation of a 6,000 foot long and 250 to 300 foot wide Floodway Bypass Channel at the current location of Cowmire Creek. The bypass channel is proposed to be a foot above the current bed elevation of Cowmire Creek and would carry Cowmire Creek flood flow along the western and northern property boundaries of the development. The excavated soils are proposed to be utilized as fill for the development pad and will be supplemented by clean fill imported from offsite commercial locations.

The applicant currently proposes the following tributary impacts:

Jurisdictional Water	Amount of Impact	Type of Impact
Tributary 2	960 Linear Feet	Placement of fill to create part of the development pad
Tributary 2	317 Linear Feet	Excavation of the channel to be incorporated within the Floodway Bypass Channel
Cowmire Creek	3,620 Linear Feet	Excavation of the eastern bank of Cowmire Creek, to a foot above the stream bed elevation for the Floodway Bypass Channel
Dunn Creek	324 Linear Feet	Excavation of the western bank of Dunn Creek for the Floodway Bypass Channel
Total stream impacts to onsite waters are 5,221 linear feet of relatively permanent stream channel.		

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:

The applicant has researched alternatives and has attempted to minimize impacts to the waters. However, the applicant has stated that the impact areas are unavoidable due the need for relocation of the FEMA floodway for viable commercial development of the property. The applicant proposes to compensate for unavoidable wetland impacts through the purchase of credits from an approved In-Lieu Fee provider.

LOCATION MAPS AND DRAWINGS: See attached. In addition, the project plans may be viewed in more detail by visiting the Public Notice section of our website at:
<http://www.mvs.usace.army.mil/Missions/Regulatory/PublicNotices/OpenNotices.aspx>

WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality

requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not yet submitted a certification request to the MDNR (certifying authority). In accordance with Certification Rule part 121.6, once the applicant submits a certification request the Corps will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

ENDANGERED SPECIES: The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalis*) and the northern long-eared bat (*Myotis septentrionalis*) currently a threatened species and is a proposed candidate for endangered status. Approximately 13-acres forested habitat is planned to be removed per project design proposal.

The Corps provided an informal consultation request to the United States Department of Interior, Fish and Wildlife Service in August of 2022. Although there will be 13-acres of tree removal onsite, only 8.4-acres are known to be suitable habitat.

The Fish and Wildlife Service has determined that the site is located a distance from substantive woodlands, is surrounded by development and there does not appear to be high suitability of trees within the site. The tract was determined to likely have a low potential for being occupied by the listed bat species. The Service provided a recommendation of seasonal tree clearing restrictions as a condition placed on the site.

The Corps has determined that the project may affect, but is not likely to adversely affect (NLAA) the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made by the Corps, that the proposed activities are not likely to adversely affect species designated as threatened or endangered, or adversely affect critical habitat.

CULTURAL RESOURCES: A Phase I Archaeological Survey was conducted by Archaeological Research Center of St. Louis, Inc, in April of 2022, prior to the submittal of an application. The survey identified two new archaeological sites within the project area. The two sites were evaluated according to the criteria for placement on the National Register of Historic Places (NRHP) and both were recommended as eligible for Criterion D.

The Corps office has not completed a determination on historic properties at this time and will be consulting with Missouri Department of Natural Resources- State Historic Preservation Office as well as all Tribal interests.

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. 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. 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.

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. A request may be denied in writing by the Corps if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; 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. Additional information may be obtained by contacting Jennifer L. Skiles, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8579 or by e-mail to Jennifer.L.Skiles@usace.army.mil.

To join our public notice mailing list and receive all of our Public Notices electronically, please email your request to: MVS-Regulatory@usace.army.mil and include your name, email, and phone number with your statement of request to be added to the Public Notice mailing list.

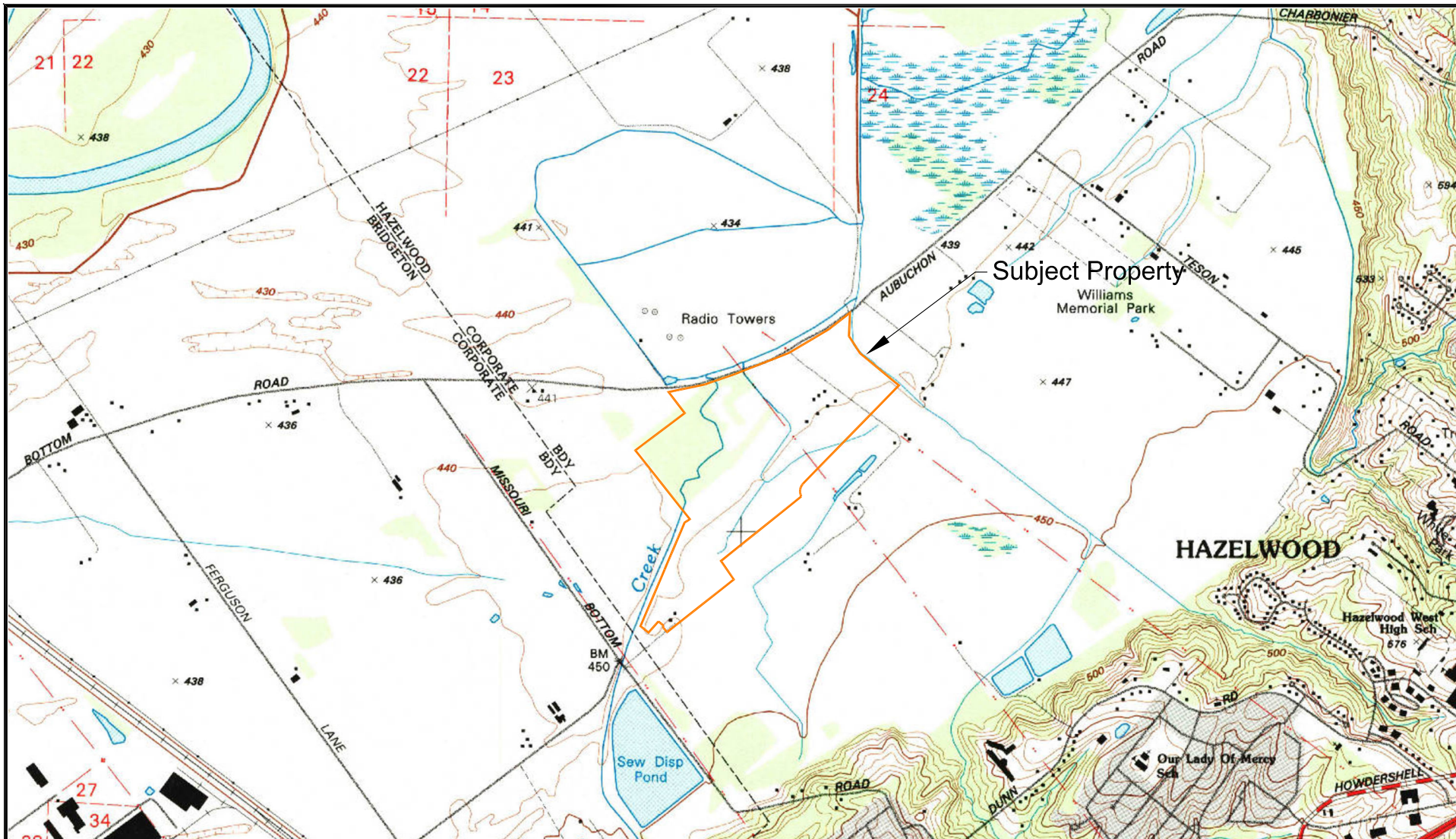
Robert S. Gramke

Robert S. Gramke
Chief, Regulatory Branch

Attachments

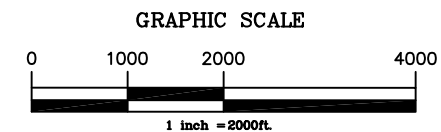
NOTICE TO POSTMASTERS:

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



1994 St. Charles, Missouri
7.5-Minute USGS Quadrangle

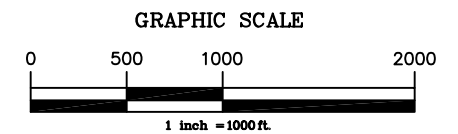
Figure 1
Location Map
Hazelwood Tradeport Expansion
Hazelwood, Missouri



MT Job No. 15441



Figure 2
2021 Aerial Photograph
Hazelwood Tradeport Expansion
Hazelwood, Missouri



MT Job No. 15441

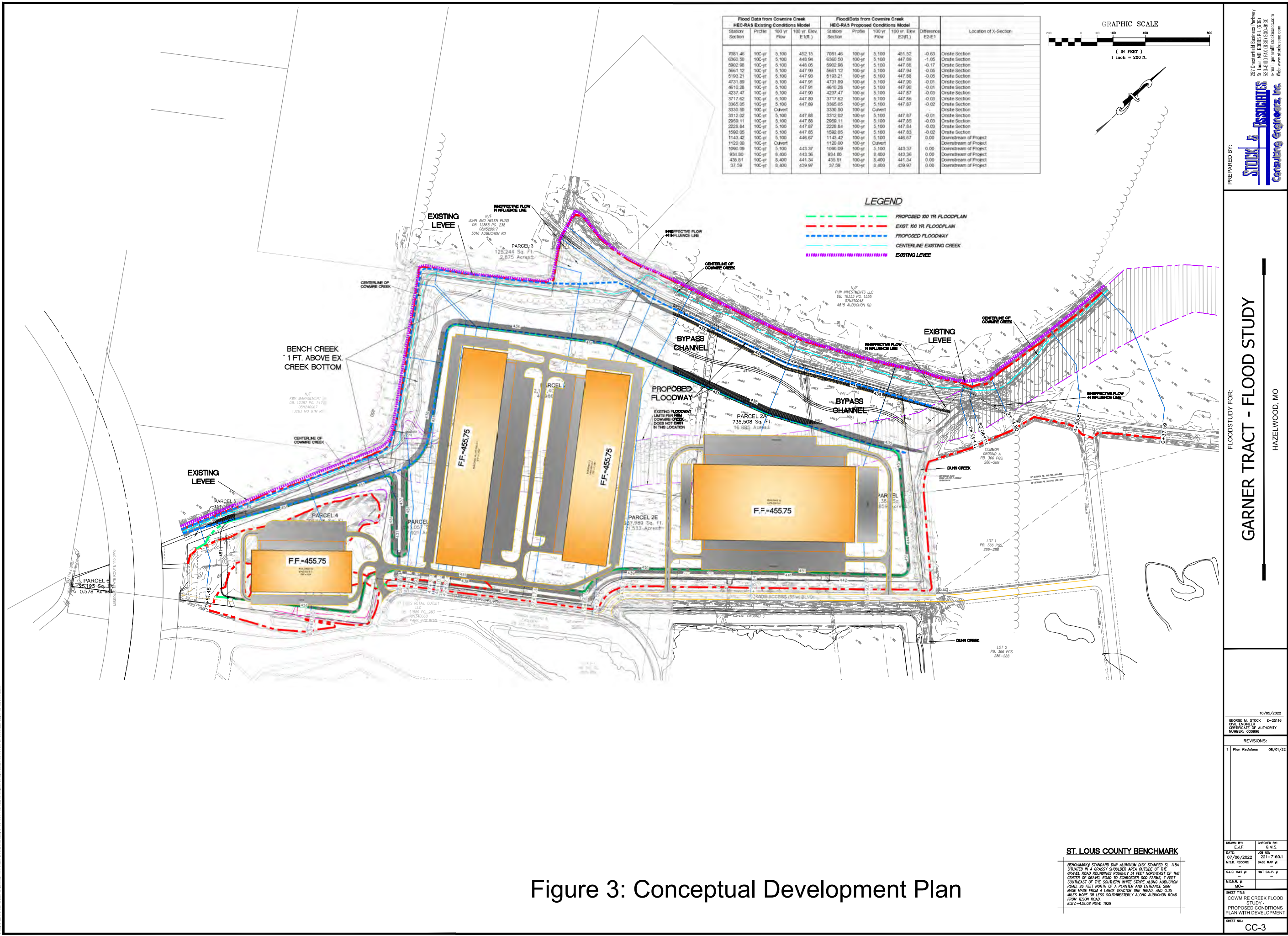


Figure 3: Conceptual Development Plan

GARNER TRACT - FLOOD STUDY

PREPARED BY:
STOCK & ASSOCIATES
Consulting Engineers, Inc.
257 Chestnutfield Business Parkway
Hazelwood, MO 63043
314-291-1000 FAX 314-291-1000
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FLOODSTUDY FOR:

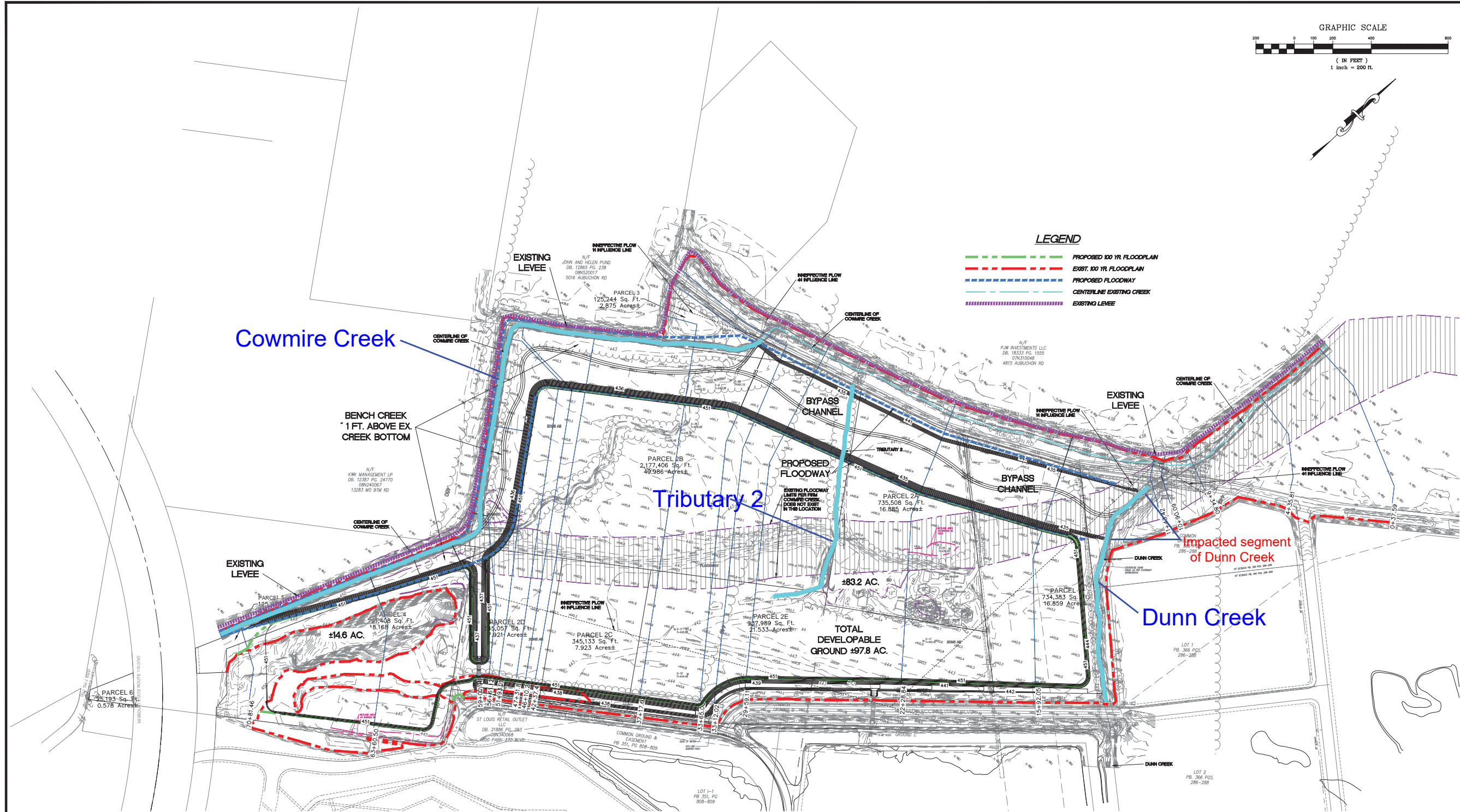
GARNER TRACT - FLOOD STUDY

HAZELWOOD, MO

10/05/2022
GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

REVISIONS:
1 Plan Revisions 08/01/22

DRAWN BY: E.J.F. CHECKED BY: G.M.S.
DATE: 07/08/2022 JOB NO.: 221-7160.1
M.S.D. RECORD: BASE MAP #
S.L.C. HAT # HAT SLP. #
M.S.N.R. #
MO:
SHEET TITLE: COWMIRE CREEK FLOOD STUDY - PROPOSED CONDITIONS, PLAN WITH DEVELOPMENT
SHEET NO.: CC-3



Cowmire Creek

Tributary 2

Dunn Creek

Proposed Impacts:

Cowmire Creek	3,620 LF (southernmost 320 LF of creek avoided)
Dunn Creek	324 LF (as shown on plan)
Tributary 2	1,277 LF (entire segment)

ST. LOUIS COUNTY BENCHMARK
BENCHMARK STANDARD DNR ALUMINUM DISK STAMPED SL-115A
SITUATED IN A GRASSY SHOULDER AREA OUTSIDE OF THE
GRAVEL ROAD ROUNDOFFS ROUGHLY 11 FEET NORTHEAST OF THE
CENTER OF GRAVEL ROAD TO SCHROEDER S&D FARMS, 7 FEET
SOUTHEAST OF THE SOUTHERN WHITE STRIPE ALONG AUBUCHON
ROAD, 26 FEET NORTH OF A PLANTER AND ENTRANCE SIGN.
BASE MADE FROM A LARGE TRACTOR TIRE TREAD, AND 0.35
MILES MORE OR LESS SOUTHWESTERLY ALONG AUBUCHON ROAD
FROM TESON ROAD.
ELEV.=430.08 NAD 1929

Figure 4: Jurisdictional Waters

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FLOODSTUDY FOR:
GARNER TRACT - FLOOD STUDY
HAZELWOOD, MO

09/26/2022
GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

REVISIONS:

DRAWN BY: E.J.F. CHECKED BY: G.M.S.
DATE: 09/19/2022 JOB NO.: 221-7160.1
M.S.D. RECORD: BASE MAP #
S.L.C. HAT # HAT SLP. #
M.S.N.R. #
MO:
SHEET TITLE:
STREAMS EXHIBIT
SHEET NO.: Exhibit

OUR PUBLIC NOTICES ARE NOW AVAILABLE ON THE WORLD WIDE WEB AT OUR ST. LOUIS DISTRICT HOME PAGE <http://www.mvs.usace.army.mil/Missions/Regulatory/Public-Notices/> If you have any trouble, please call Robert Gramke at (314) 331-8187 or by e-mail to: Robert.S.Gramke@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 Henry Heyer at (314) 331-8251, or by email to: Henry.R.Heyer@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 name 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**