



**US Army Corps
of Engineers®**

St. Louis District

PUBLIC NOTICE

FILE NUMBER: [MVS-2023-382](#)

PUBLIC NOTICE DATE: [July 3, 2024](#)

EXPIRATION DATE: [July 23, 2024](#)

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. The purpose of the public notice is to inform you of a proposal for work in which you may be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

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

JOINT PUBLIC NOTICE: This public notice is issued jointly with the Missouri Department of Natural Resources, Water Protection Program. The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources by email at wpsc401cert@dnr.mo.gov or by mail at P.O. Box 176, Jefferson City, Missouri 65102.

APPLICANT: [Mr. Ben DeVerger, 2772 Stonehouse Road, DeSoto, Missouri 63020.](#)

PROJECT LOCATION: (As shown on the attached drawings): [Located in Section 31, Township 40 North, Range 4 East, Jefferson County, Missouri. The approximate site coordinates are Latitude 38.162°, Longitude -90.6248°.](#)

AUTHORITY: [Section 404 of the Clean Water Act \(33 USC 1344\)](#)

ACTIVITY: (As shown on the attached drawings): [The applicant completed clearing and grubbing within the footprint of the project as well as partial dam construction onsite, in April 2023, prior to the Corps involvement.](#)

[Overall, the project includes clearing and grubbing within a 14-acre tract of land for the creation of a 10-acre lake and dam for private recreational use. Approximately 42,000 cubic yards of borrow material will be excavated from the site and used to create the dam. No material is being brought into or is being taken off the site and the constructed dam will be approximately 16 feet high with a normal pool elevation of 708-feet.](#)

WETLANDS/AQUATIC HABITAT: [The project will impact approximately 1,640 linear feet of an unnamed tributary to Dry Creek. The impacts include 120 feet of fill on the downstream end of the site for the dam and approximately 1,520 linear feet of the tributary will be inundated by the normal pool level.](#)

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: [The applicant has indicated that avoidance and minimization is not practical due to the disturbance that has already occurred to the unnamed tributary to Dry Creek. Compensatory Mitigation is proposed as a combination of permittee-responsible on an adjacent site as well as purchase of credits through an approved in-lieu fee provider.](#)

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting [Jennifer L. Skiles, Regulatory Division, 1222 Spruce St., St. Louis, Missouri, 314-331-8579](#). All comments to this public notice should be sent to Jennifer.L.Skiles@usace.army.mil

CULTURAL RESOURCES: The applicant has conducted a Phase I Cultural Resources Survey for the site and it has been coordinated with MDNR-SHPO and Tribal Historic Preservation Officers (or Tribal designated representative). MDNR has determined that based on the survey and its negative findings and concurs with the determination of No Historic Properties Affected. The St. Louis District will continue to comply with the National Historic Preservation Act of 1966 and 36 CFR 800.

ENDANGERED SPECIES: The footprint of the lake has already been cleared of all trees and vegetation, prior to the submittal to the Corps and therefore, there are no impacts expected to occur to threatened and endangered species within the project site. The St. Louis District will comply with Section 7 of the Endangered Species Act and will consider any additional comments from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. [Based on the FEMA Flood Maps, there are no mapped floodplains or floodways within the project site.](#) By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Water Certification Improvement Rule (Certification Rule, 40 CFR 121), effective November 27, 2023, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope for CWA Section 401 certification by the certifying authority shall evaluate whether the activity will comply with applicable water quality requirements. The certifying authority's evaluation is limited to the water quality-related impacts from the activity subject to the Federal license or permit, including the activity's construction and operation. The applicant is solely responsible for requesting certification and providing required information to the certifying agency. 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.

PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The 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 this proposed activity. Any comments received will be considered by the 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 the other public interest factors listed above. Comments are used in

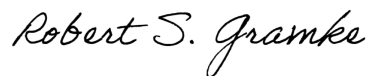
preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ENVIRONMENTAL JUSTICE: In accordance with E.O. 12898, E.O. 14008, and E.O. 14096, the Corps of Engineers will specifically consider the effects of the proposed action on communities with environmental justice concerns, including economically disadvantaged communities, communities of color, and other socioeconomic groups that could be disproportionately affected by environmental and other effects. Following our initial screening of the project, our preliminary determination is that the project will have no effect upon communities having environmental justice concerns. As part of our environmental justice review, the Corps of Engineers seeks additional information from the public, community leaders, local officials and others regarding issues of environmental justice as related to the proposed action.

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 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](mailto:Jennifer.L.skiles@usace.army.mil) Project Manager, U.S. Army Corps of Engineers, via e-mail at 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.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.



Robert S. Gramke
Chief, Regulatory Branch

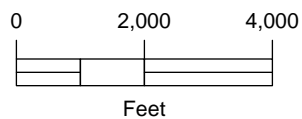
Attachments

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.



Missouri Dept. of Conservation, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, Esri, HERE, Garmin, NGA, USGS, NPS



LEGEND

 Site Limits

DeVerger Lake
2772 Stonehouse Road
DeSoto, MO

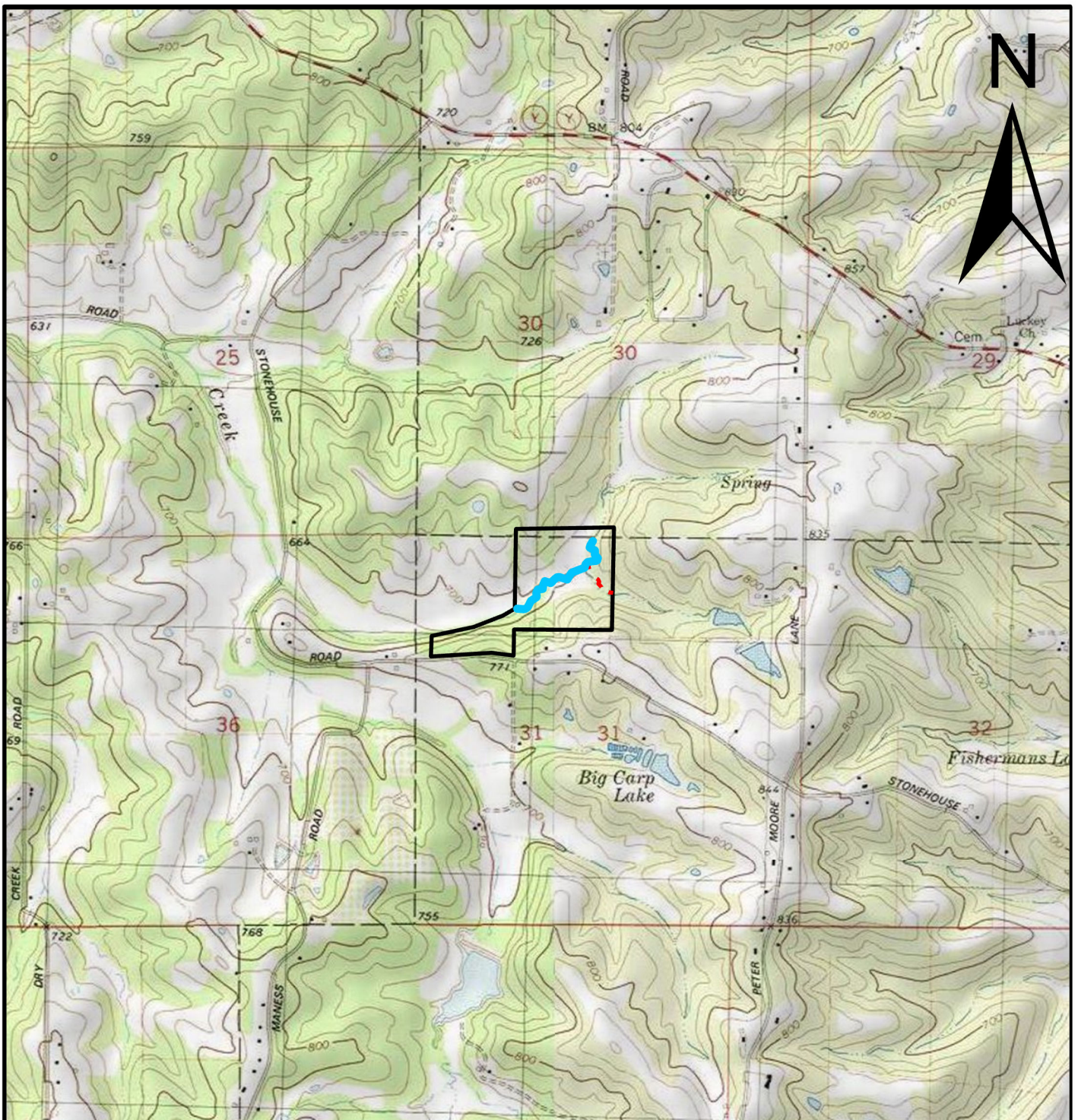
PROJECT LOCATION

May 2024

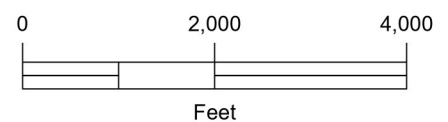
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Figure 1



Copyright:© 2013 National Geographic Society, i-cubed. Arrows indicate approximate flow direction.



LEGEND

- Unnamed Tributary to Dry Creek
- - Ephemeral Stream
- Approximate Property Limits

DeVerger Lake
2722 Stonehouse Road
DeSoto, Missouri

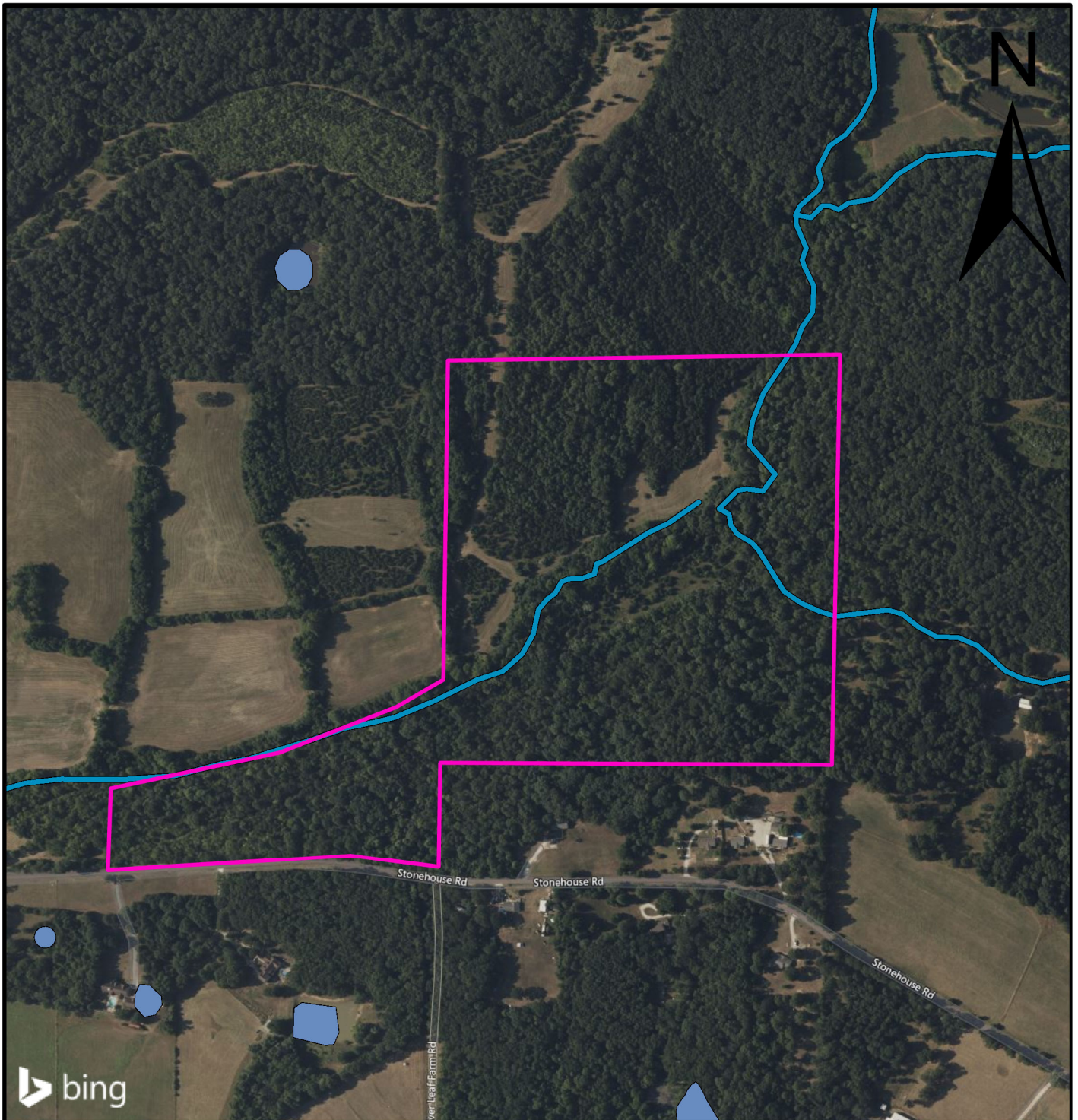
TOPOGRAPHIC MAP

May 2024

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Figure 2



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LEGEND

Property Limits

Wetlands

Estuarine and Marine Deepwater

Estuarine and Marine Wetland

Freshwater Emergent Wetland

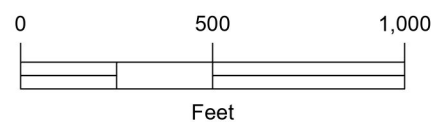
Freshwater Forested/Shrub Wetland

Freshwater Pond

Lake

Other

Riverine



DeVerger Lake
2722 Stonehouse Road
DeSoto, Missouri

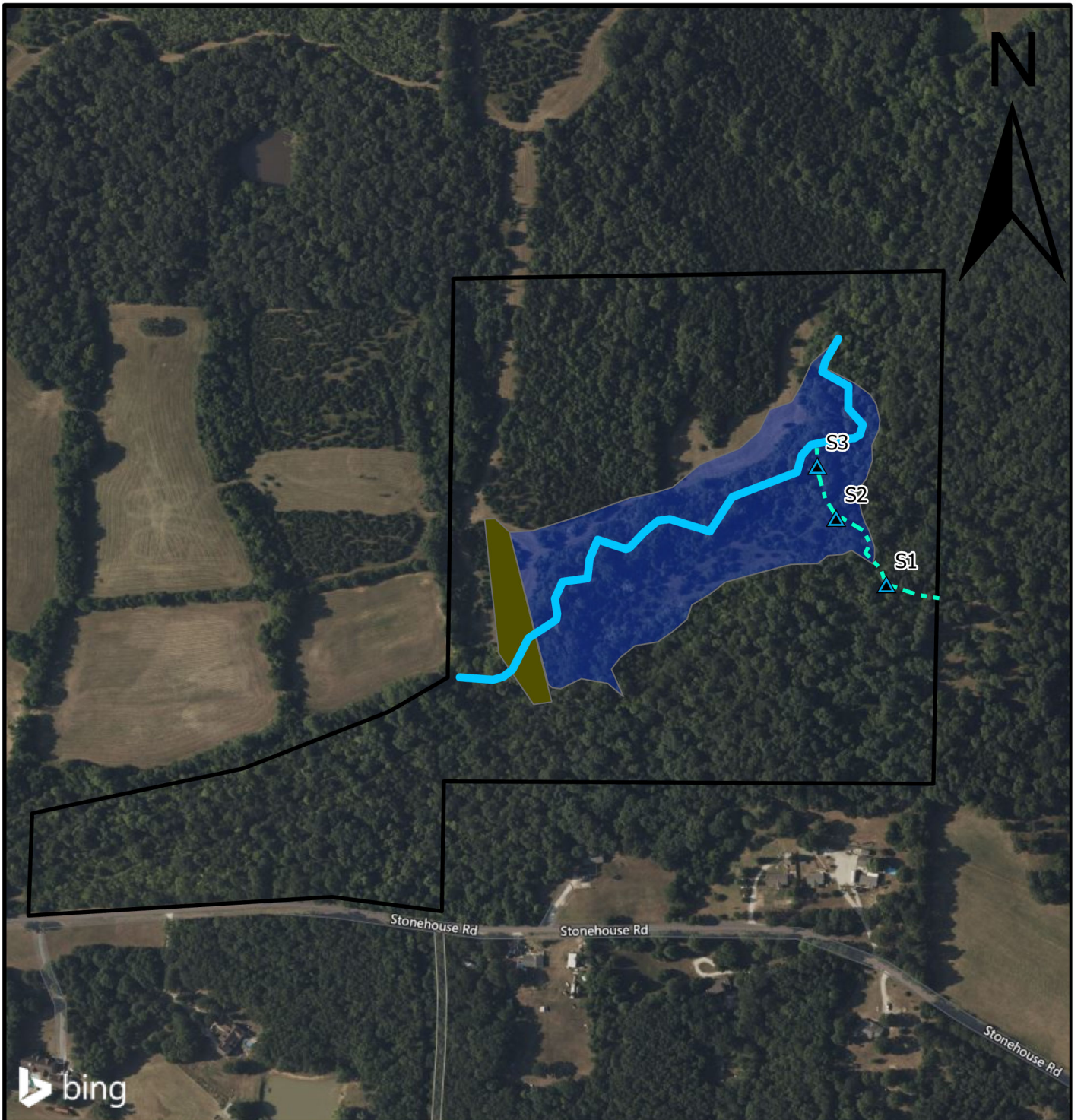
NATIONAL WETLAND INVENTORY MAP

May 2024

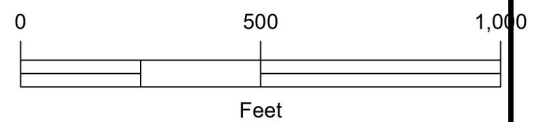
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Figure 3



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LEGEND

- | | |
|--|---|
|  Stream Points |  Proposed Normal Pool Elevation (708') |
|  Unnamed Tributary to Dry Creek |  Proposed Dam Location |
|  Ephemeral Stream |  Approximate Property Limits |

DeVerger Lake
2722 Stonehouse Road
DeSoto, Missouri

WATERS OF THE U.S. SITE PLAN

May 2024

112634-001

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Figure 4

PHOTOGRAPH LOG

DeVerger Lake
Jefferson County, Missouri



Photo 1: Looking upstream at unnamed tributary to Dry Creek at the proposed dam location. (05/08/24)

PHOTOGRAPH LOG

DeVerger Lake
Jefferson County, Missouri



*Photo 3: Looking upstream at the unnamed tributary to Dry Creek from within the proposed lake footprint.
(05/08/24)*

PHOTOGRAPH LOG

DeVerger Lake
Jefferson County, Missouri



Photo 9: Looking upstream at the unnamed tributary to Dry Creek from within the upper reaches of the proposed lake footprint. (05/08/24)