



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
James Hardie Building Products

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**St. Louis District  
Permit Application No. MVS-2024-641**

**TO WHOM IT MAY CONCERN:** The St. Louis District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**JOINT PUBLIC NOTICE:** This public notice is issued jointly with the Missouri Department of Natural Resources (MoDNR), 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. Comments received by the Corps will be shared with MoDNR. For comments specific to Section 401 water quality certification only commenters are requested to furnish a copy of their comments to the MoDNR by email at [wpsc401cert@dnr.mo.gov](mailto:wpsc401cert@dnr.mo.gov) or by mail at P.O. Box 176, Jefferson City, Missouri 65102.

**APPLICANT:** Mr. Ben Birkel  
James Hardie Building Products  
303 E. Wacker Drive  
Chicago, IL 60601

**AGENT:** Mr. James Dutt  
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2043 Westport Center Drive  
St. Louis, MO 63146

**WATERWAY AND LOCATION:** The project would affect relatively permanent tributaries and adjacent, waters of the United States, associated with Platin Creek. The project is located centrally at 900 Airport Road in Crystal City, and extends onto several parcels which includes, and is adjacent to, the closed Festus Memorial Airport site and Festus Sanitary Landfill. The site is located generally southeast of the interchange at Interstate 55 and Highway 67 in 14 Section, 40 Township, 6 Range; at Latitude 38.192383° and Longitude -90.383277°; in Crystal City, Jefferson County, Missouri.

**EXISTING CONDITIONS:** The site is bordered to the northwest by the Crystal City industrial park and is bordered to the east of the Fred Weber limestone and silica quarry. The site itself is primarily the location of the closed Festus Memorial Airport and the Festus Sanitary Landfill sites which are located in high terrace off of Platin Creek. The areas are primarily maintained grasslands with forested areas limited to the slopes

or peripheral portions of the development. Plattin Creek borders the site to the east and is influenced by Mississippi River backwater flooding and there are extensive regulatory flood zones along Plattin Creek. Relatively permanent tributaries flow to Plattin Creek and wetlands are located adjacent to those tributaries and Plattin Creek.

## **PROJECT PURPOSE:**

**Basic:** Construction of a building materials manufacturing site.

**Overall:** The purpose of the project is to construct a new manufacturing site, James Hardie Plant, for the future production of building materials at the 144-acre site at 900 Airport Road. Proximity to key natural resources (inputs) essential for manufacturing their products and the critical need for rail access major transportation networks are necessary to support this project purpose.

**PROPOSED WORK:** The applicant requests authorization to complete grading and filling within 5.17 acres of jurisdictional wetlands and 1,122 linear feet of streams to construct the necessary footprint for the manufacturing facility and associated infrastructure, such as: railroad infrastructure, stormwater basins, roadways and truck parking areas. In addition, an aerial conveyor will be constructed across Plattin Creek and in a floodplain wetland to provide raw material inputs into the Hardie site from the adjacent quarry reducing truck traffic and reducing energy costs.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Impacts to waters of the U.S. were avoided to the extent practicable while still meeting the purpose and need of the project. Significant design constraints were placed on the project due to stipulations for the use of the Union Pacific railroad and the over-land road needs of the facility. A thorough investigation of minimization measures that supported the sites operational constraints were considered to reduce impacts and impacts to a large adjacent wetland were completed in the northern project area. Measures that supported the most cost effective and long-term manageable solutions were proposed.

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

Compensatory mitigation for unavoidable impacts to waters of the U.S. will be accomplished by purchase into an arrangement with an approved provider for stream credits and wetland credits. The credit requirement will be calculated in accordance with the Missouri Stream Mitigation Method and Missouri Wetland Mitigation Method.

## **CULTURAL RESOURCES:**

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and

2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

Cultural resources that have been determined not eligible for inclusion in the National Register of Historic Places are present within the Corps' permit area; therefore, there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO and/or THPO.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

Six species were identified by iPaC including the Gray Bat, Indiana Bat, Northern Long-eared Bat, Tricolored Bat (proposed), and the Monarch Butterfly (proposed). The proposed activity will require approximately tree clearing, a portion of which may provide summer roost tree habitat for several protected bat species.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic

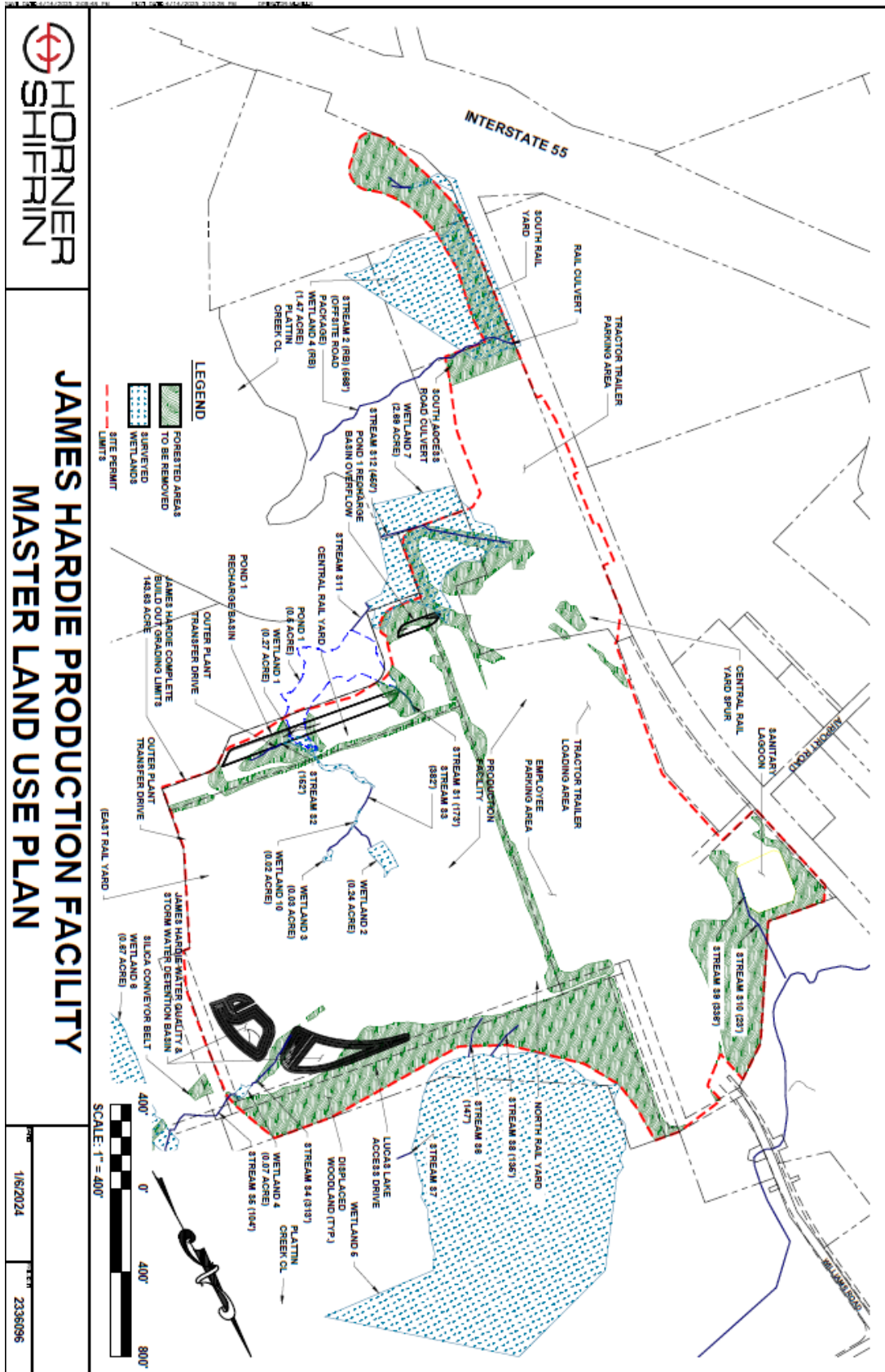
resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, 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, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

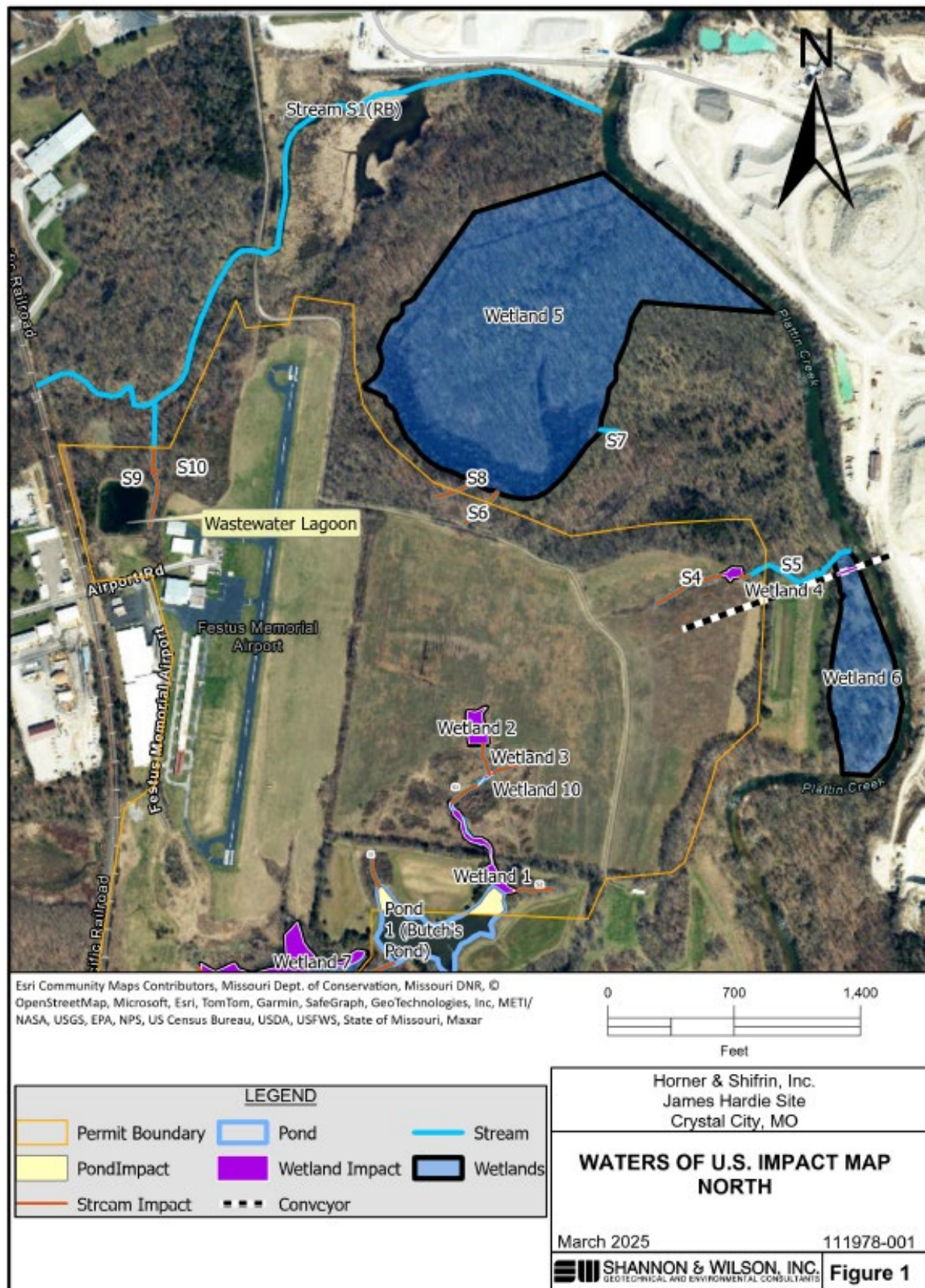
**COMMENTS:** The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The St. Louis District will receive written comments on the proposed work, as outlined above, until May 7, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Samantha Hollenberg at [Samantha.L.Hollenberg@usace.army.mil](mailto:Samantha.L.Hollenberg@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, St. Louis District, Attention: Samantha Hollenberg, 1222 Spruce Street, St. Louis, MO 63103. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.









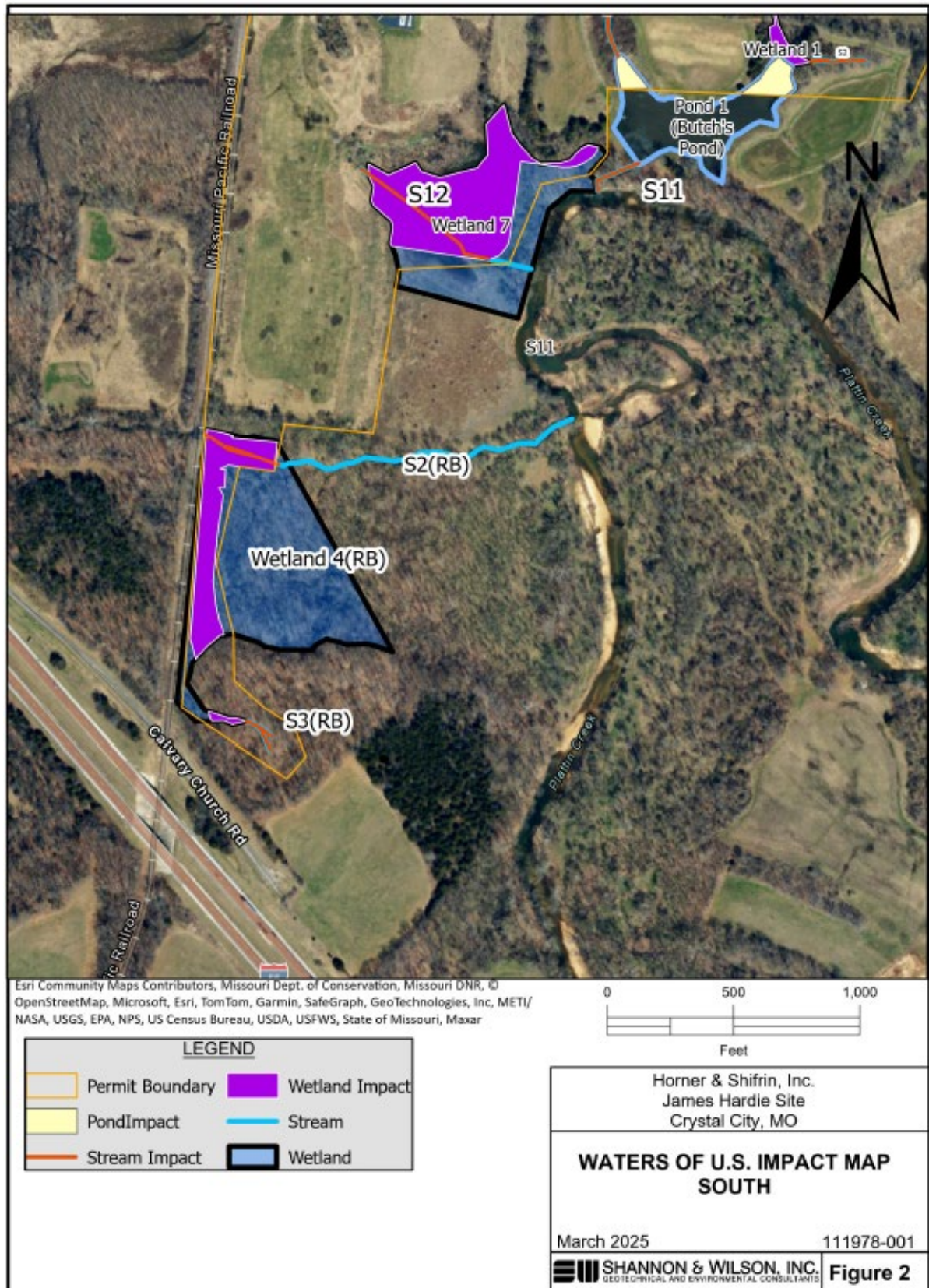


Figure 3: Aerial image of the southern portion of the project area.