

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**

**Public Notice No.
P-2032 (2016)
Public Notice Date
December 23, 2016**

**Expiration Date
January 7, 2017**

Postmaster Please Post Conspicuously Until:

File Number: MVS-1996-12870

Interested parties are hereby notified that the city of Chesterfield has requested reauthorization of Department of the Army, Section 404 Permit P-2032. The permit expired in January of 2015. If approved by the U.S. Army Corps of Engineers (the Corps), the reauthorization would allow previously-authorized impacts to jurisdictional waterbodies within the permit area to continue, under the existing terms and conditions of P-2032 and its prior modifications. The permit area, as well as the jurisdictional waterbodies and impacts, are described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: All comments related to this permit reauthorization and/or requests for public hearing must reach this office no later than the 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: Mr. Matt Shively

APPLICANT: City of Chesterfield
POC Mr. James Eckrich
690 Chesterfield Parkway West
Chesterfield, Missouri 63017

LOCATION: P-2032 encompasses an approximate 1,900-acre area within the city of Chesterfield, known informally as the Chesterfield Valley. The P-2032 permit area generally occurs along the I-64/Hwy 40 corridor, between Chesterfield Parkway and Eatherton Road. See attached maps for additional location information.

PROJECT DESCRIPTION: The Corps originally issued P-2032 on October 10, 1997. P-2032 authorized impacts to approximately 72 acres of wetlands and waterbodies within the project area. These impacts resulted from the construction of a levee system, commercial development, roadways and utilities, interior drainage infrastructure, and development in accordance with the Chesterfield Valley Improvements Plan. In order to offset the loss of aquatic functions and services associated

with the waterbody impacts, the Corps required the city of Chesterfield to provide 119 acres of compensatory mitigation. The mitigation occurred within two sites located outside the constructed levee, along the Missouri River.

Changes to the Improvements Plan over the course of the project required a permit modification in 1998. The original permit authorization for P-2032 expired on December 31, 2002. As development within the Chesterfield Valley was substantially still underway, the Corps authorized an extension to P-2032 on October 10, 2002. The extension authorized the permitted impacts to continue until December 31, 2007; as well as modified the permit to include an additional 8 acres of impacts to wetlands and waterbodies. The permit modification increased the city's mitigation obligation to approximately 130.4 acres, requiring additional acreage contiguous with the existing mitigation sites.

The city of Chesterfield submitted another request for a permit extension in 2009. At that time, the Corps required a new evaluation of wetlands and waterbodies within the permit area. The 2009 delineation identified an additional 4.04 acres of wetlands which would potentially be impacted by the Improvements Plan. On January 28, 2010 the Corps reauthorized P-2032, with a modification increasing the total impacted waterbodies to 84.37 acres. The mitigation requirement correspondingly increased to approximately 137 acres. The 2010 reauthorization permitted impacts to continue until January 31, 2015.

In May of 2010, the Corps and the city of Chesterfield entered into an agreement regarding deficiencies of functional wetlands within the approved mitigation sites. Although the wetland mitigation sites contained restored floodplain forest and meadow habitat, portions of the sites did not develop sustained wetland hydrology; and therefore did not meet the minimum wetland acreage requirements of P-2032. Despite efforts by the city to address the deficiency and develop a remedial action plan, the Corps and the city determined that the approved mitigation sites could not be practicably modified or improved to obtain the required wetland acreage. Therefore, the city agreed to provide replacement mitigation to compensate for the wetland acreage deficiency. The agreement included an additional 1.28 acres of additional impacts due to the most recent changes to the Improvements Plan (app. 85.7 acres total impact). The replacement mitigation requirement included compensation for the additional impacts. As part of the agreement, the Corps required the city to maintain the original mitigation sites as natural areas, to preserve the restored riparian floodplain area as undisturbed floodplain habitat in perpetuity; save for minor improvements for public access, safety, and other purposes that serve the public good.

On March 26, 2013 the Corps approved a replacement mitigation plan submitted by the city to address the deficiencies at the original mitigation sites. The replacement mitigation plan dated March 19, 2013 proposes to create 59 acres of forested and emergent wetlands, within the Missouri River floodplain at a site in Franklin County. The Corps approval letter served as a formal modification to P-2032, adding special conditions to the permit which require completion of the replacement mitigation as described in the March 19, 2013 plan. Subsequent monitoring reports submitted for the Franklin County site indicate that the site has met its performance requirements thus far, and is trending towards wetland establishment. The Corps therefore anticipates that the wetland impacts associated with P-2032 will be successfully offset by the mitigation.

The January 28, 2010 reauthorization of P-2032 expired on January 31, 2015. Although much of the Chesterfield Valley Improvements Plan has been implemented, various portions of the site remain undeveloped. The city of Chesterfield has requested reauthorization of P-2032, to allow the remaining impacts within the undeveloped areas. The city has not requested additional, previously-unpermitted impacts to wetlands and waterbodies. Rather, the city requests that the permit be reauthorized to allow remaining impacts to those wetland and waterbodies that were previously

permitted. The reauthorization would retain the previous special conditions for mitigation requirements and other provisions; to ensure minimal adverse effects, compliance with other laws, and to protect the public interest. Without reauthorization of P-2032, the city of Chesterfield must obtain site-specific authorization for each new project within the permit area that proposes to complete impacts previously approved under P-2032; impacts for which the city is currently providing mitigation for. This will result in delays in completion of the Improvements Plan and discourage continued development within the valley. Reauthorization of P-2032 will also negate the need for the Corps and partnering agencies to conduct site-specific reviews for each future project that proposes completion of a previously-permitted impact.

LOCATION MAPS AND DRAWINGS: See attached.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Mr. Matt Shively, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8632. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to matt.s.shively@usace.army.mil.

AUTHORITY: This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344).

ENDANGERED SPECIES: During the initial evaluation of the project, the Corps coordinated with the U.S. Fish & Wildlife Service (USFWS) regarding potential impacts to Federally-listed species or habitats as a result of the project. In a letter from the USFWS received by the Corps on January 31, 1997, the USFWS concluded that bald eagle (*Haliaeetus leucocephalus*) and pallid sturgeon (*Scaphirynchus albus*) may occur within the project area; and that no critical habitat has been designated within the project area. Because the project does not involve impacts to the Missouri River channel or its backwaters, the USFWS concurred that the proposed project “is not likely to adversely affect” these species. Federal listings for threatened and endangered (T&E) species/habitats are subject to change over time, with species added or de-listed. Therefore, the Corps must consider possible effects to currently-listed T&E species and critical habitats. The Corps queried the USFWS’ Information for Planning and Conservation (IPaC) website for additional information regarding the potential for effects to T&E species/habitats within the permit area. The Official Species List obtained from the IPaC query indicates the potential for decurrent false aster (*Boltonia decurrens*), gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), and northern long-eared bat (*M. septentrionalis*) within the vicinity of the project. The IPaC query indicated that no critical habitats occur within the vicinity of the project. Due to the predominantly developed nature and/or lack of species-specific habitat within the permit area, the Corps has determined that reauthorization of P-2032 will not adversely affect these species. Therefore, no formal consultation request has been made to the USFWS. In order to complete our evaluation, comments are solicited from the USFWS and other interested agencies and individuals through this Public Notice.

CULTURAL RESOURCES: The city of Chesterfield completed a Phase I cultural resource survey of the permit area in 1995. In a letter dated August 23, 1995, the Missouri Department of Natural Resources State Historic Preservation Office concluded that “the project area has been previously disturbed or has a low potential for the occurrence of cultural resources”. The majority of the permit area has since undergone development. The permit reauthorization will include the condition that, upon discovery of any previously unknown historic or archeological remains; the city must immediately notify the Corps to determine whether Federal, state, and tribal coordination will be required to determine if the remains warrant a recovery effort, or if the site is eligible for listing in the National Register of Historic Places.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the proposed permit reauthorization and to solicit comments. The decision to allow or deny the reauthorization will be based on an evaluation of all comments received, and all relevant factors to the proposal, including the cumulative effects thereof. These factors include: conservation, economics, aesthetics, 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 the general needs and welfare of the people. The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Native American tribes; and other interested parties in order to consider and evaluate the proposed project.

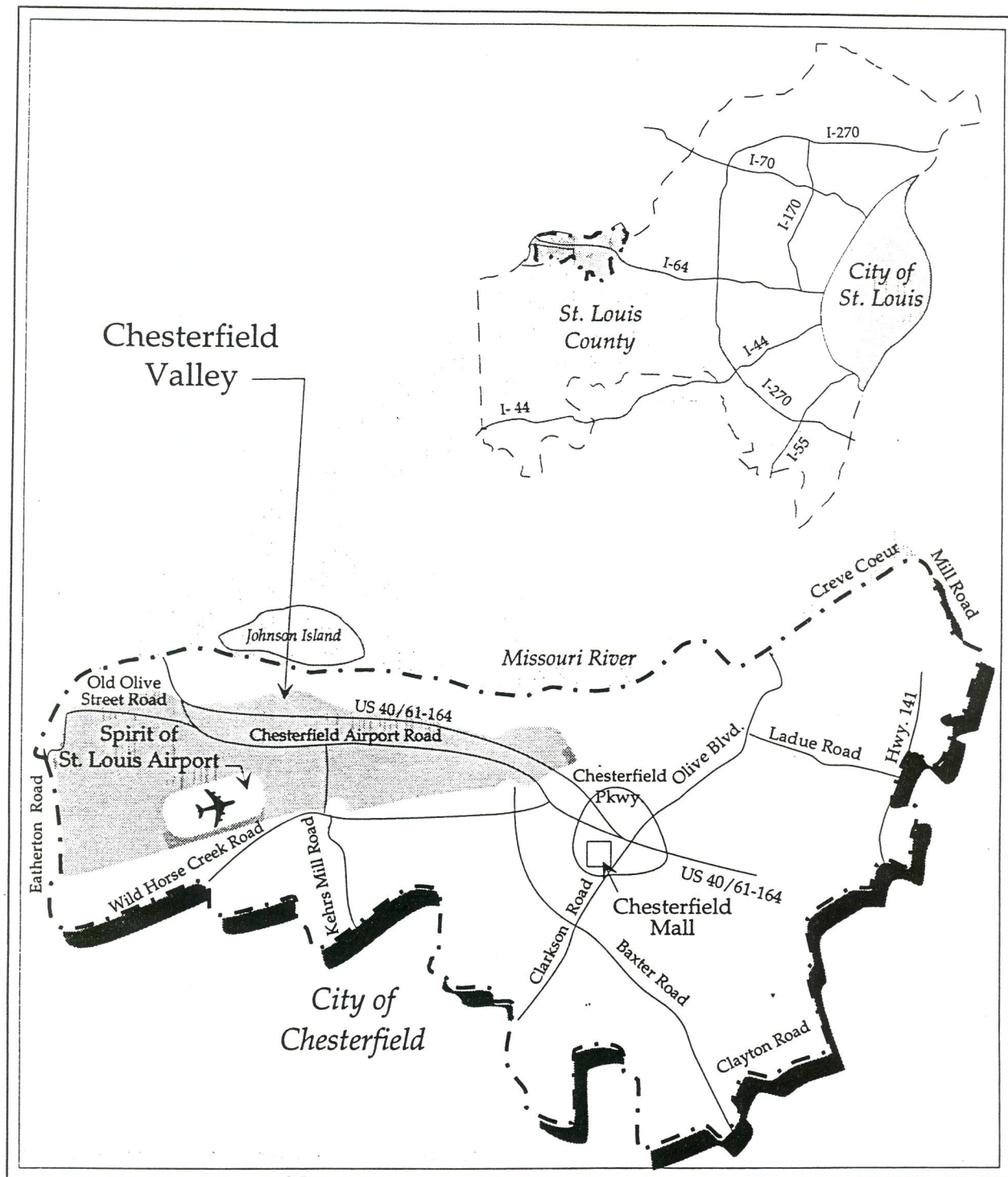
PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this permit reauthorization request. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

For 
DANNY D. MCCLENDON
Chief, Regulatory Branch

Attachments

NOTICE TO POSTMASTERS:

The Corps requests that this notice be conspicuously and continually placed for 15 days from the date of this issuance of this notice.



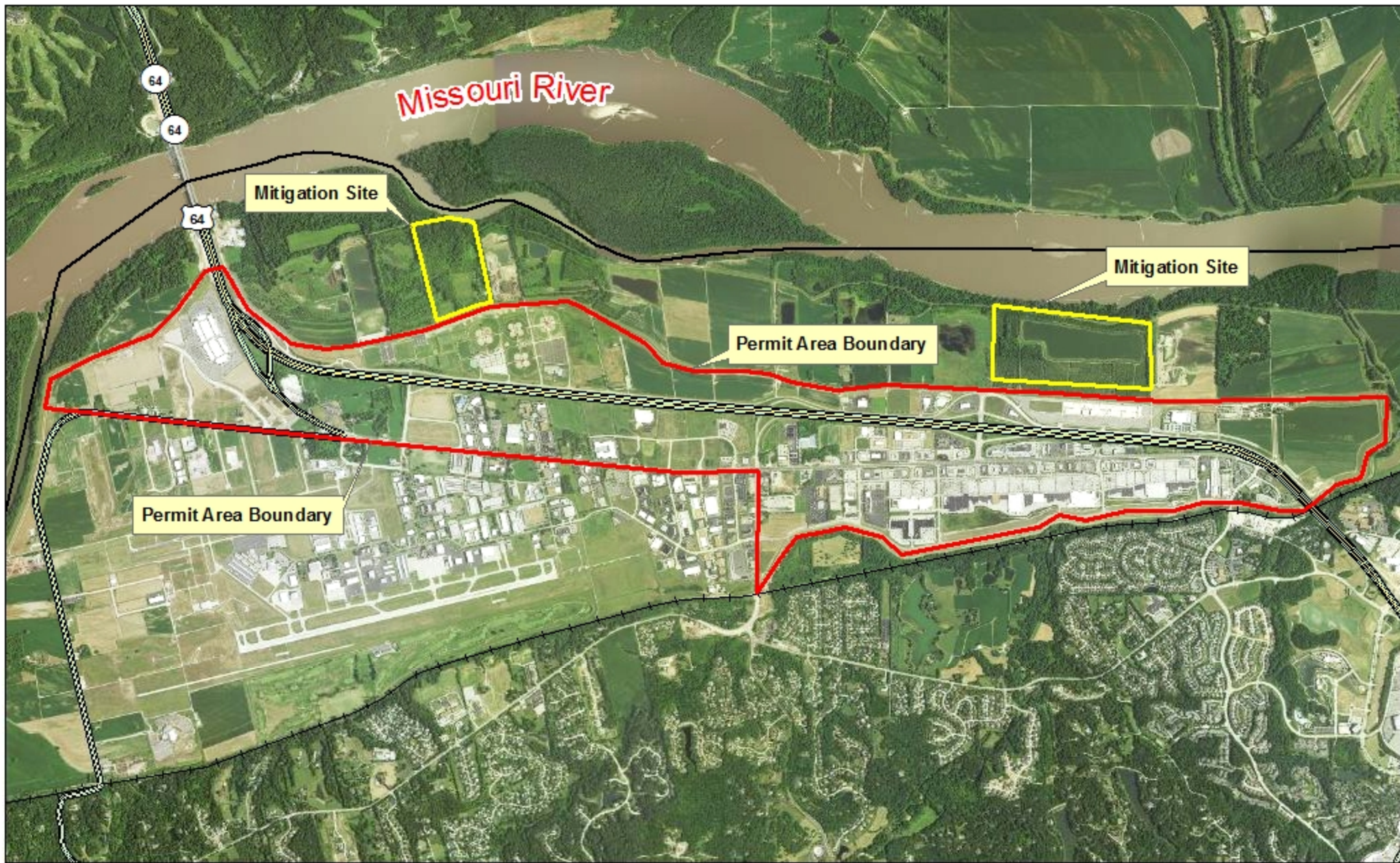
Chesterfield Valley

Resource Management Plan

Vicinity Map

Exhibit
1

P-2032



MVS-1996-12870 P-2032
Chesterfield Valley Improvements
Chesterfield, St. Louis County, Missouri



0 1,900 3,800 7,600 Feet



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

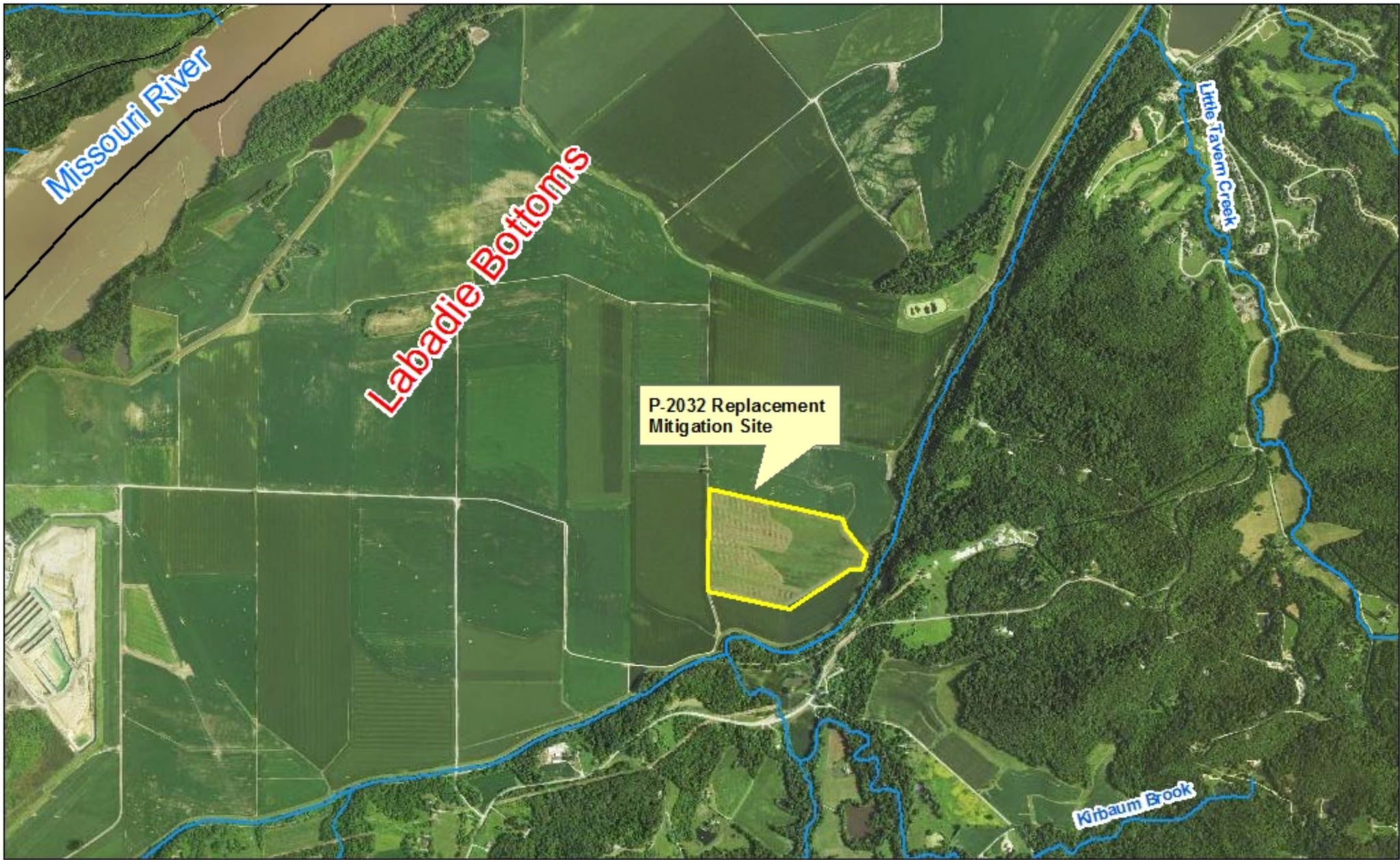


Scale: 1"=2000'



Note: Wetland areas located approximately.
Refer to 2009 Delineation Report figures for greater detail.

Midwest Testing
2008-09 Delineation
Study Area



MVS-1996-12870 P-2032
Replacement Mitigation
Franklin County, Missouri



0 1,200 2,400 4,800 Feet



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