



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-2855
Public Notice Date
December 12, 2013
Expiration Date
January 10, 2014

Postmaster Please Post Conspicuously Until:

File Number: 2013-665

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: Shawn Sullivan

APPLICANT: Pinnacle Land Development, L.L.C., Attn: Mr. Steve Gower, 10328 Lake Bluff Dr., St. Louis, Missouri 63123. (314-892-3030)

AGENT: On-Site Soils, Inc., Attn: Mr. Matt Roth, 4077 St. Peters Parkway, Suite A, St. Peters, Missouri 63304.

LOCATION: The project area is located between Highway 141, Highway 21 and the Meramec River in unincorporated Jefferson County, Missouri. More specifically, the project area can be identified on the Maxville 7.5 Minute USGS Topographic Quadrangle Map and is part of public land survey Section 13, Township 43 North, Range 5 East and has coordinate value of latitude 38.4606 and longitude -90.4180. The property is currently split zoned by Jefferson County as Non-Planned Community Commercial (CC2) and single family residential (R40). The project area is depicted on an attached location map.

PROJECT DESCRIPTION: The applicant seeks authorization to conduct grading and filling activities in waters of the United States to develop the project area into a multi-use retail/commercial development. The applicant proposes to obtain offsite sources of fill material and raise the site to an elevation that is above the 100-year floodplain of the Meramec River and is accessible from U.S. Highway 141.

The applicant proposes to clear, grub, and fill approximately 15.47 acres of wetland identified on the property (see attached wetland delineation and development plan). The wetland types to be impacted include approximately 3.66 acres of emergent wetland, 2.60 acres of scrub-shrub wetland and 9.21 acres of forested wetland. The wetlands are situated adjacent to and/or abutting the Meramec River which is a navigable water and subject to Section 10 of the Rivers and Harbors Act of 1899 [33 U.S.C. 403].

The applicant states there are no equivalent locations available within the project vicinity which meet the parcel size and price to accommodate this proposed multi-use retail/commercial development. A detailed alternatives analysis is required of the applicant. Also to comply with the requirements of 40 CFR Part 230 and 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources; Final Rule the applicant proposes to offset unavoidable wetland impacts by providing compensatory wetland mitigation in the watershed at a mitigation bank and/or a permittee-responsible mitigation site.

LOCATION MAPS AND DRAWINGS: See Attached

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Shawn Sullivan, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8580. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to shawn.f.sullivan@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.

ENDANGERED SPECIES: The proposed project is within the range of the Federally endangered Indiana bat (*Myotis sodalis*). We have made a preliminary determination that the proposed project is not likely to adversely affect the species or its designated critical habitat. In order to further complete our evaluation, written comments are hereby solicited from the U.S. Fish and Wildlife Service and other interested parties to ascertain any potential impacts upon the listed species, any others species or their critical habitats.

CULTURAL RESOURCES: The St. Louis District will evaluate information provided by the State Historic Preservation Officer, Indian Tribes, and the public in response to this public notice and we may require a reconnaissance survey of the project area.

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. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

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. 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.

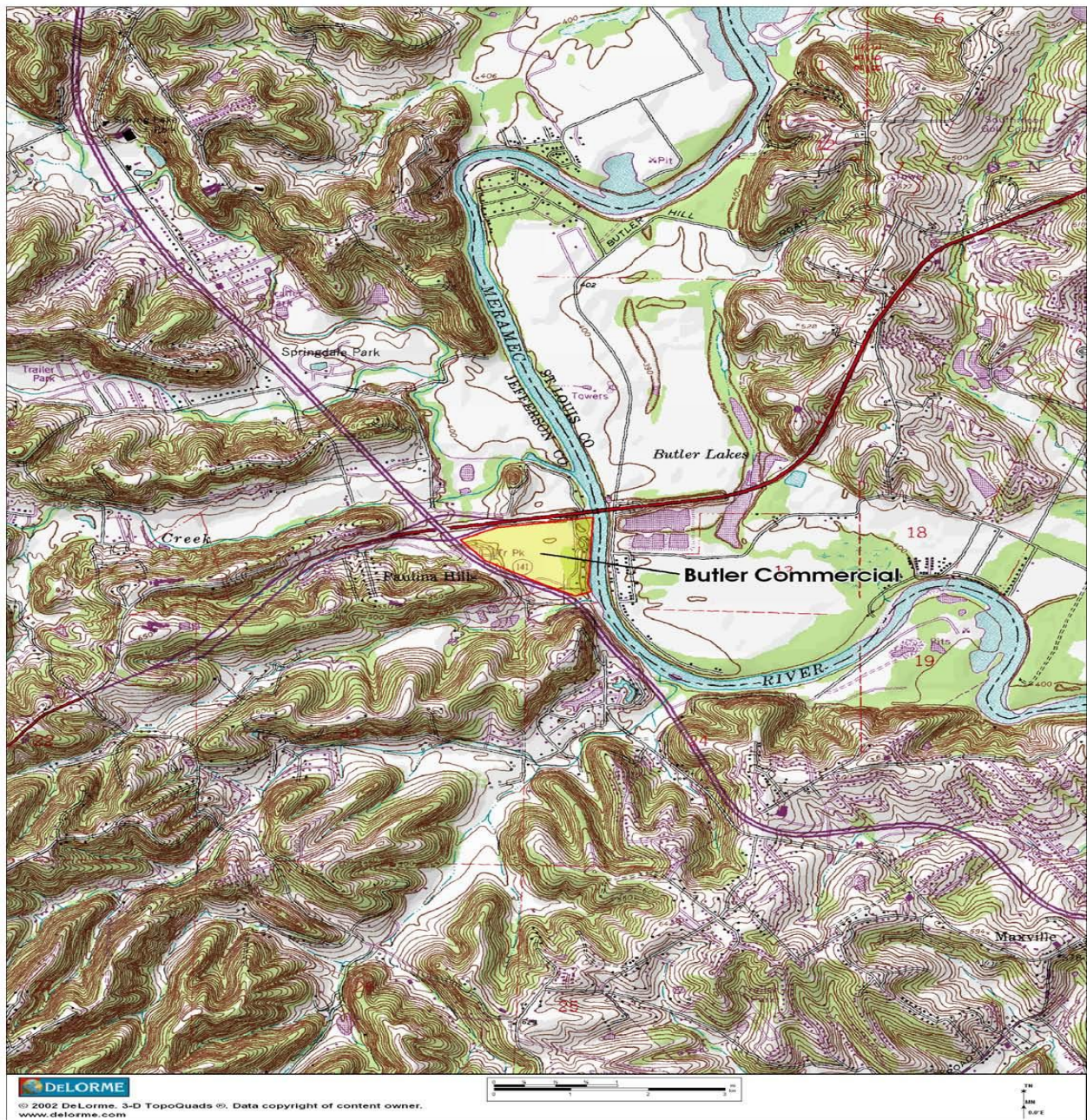
SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered 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

Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 30 days from the date of this issuance of this notice.



BUTLER COMMERCIAL

Jefferson County, Missouri

Figure 1

USGS MAP



On-Site Soils, Inc.

Source: USGS

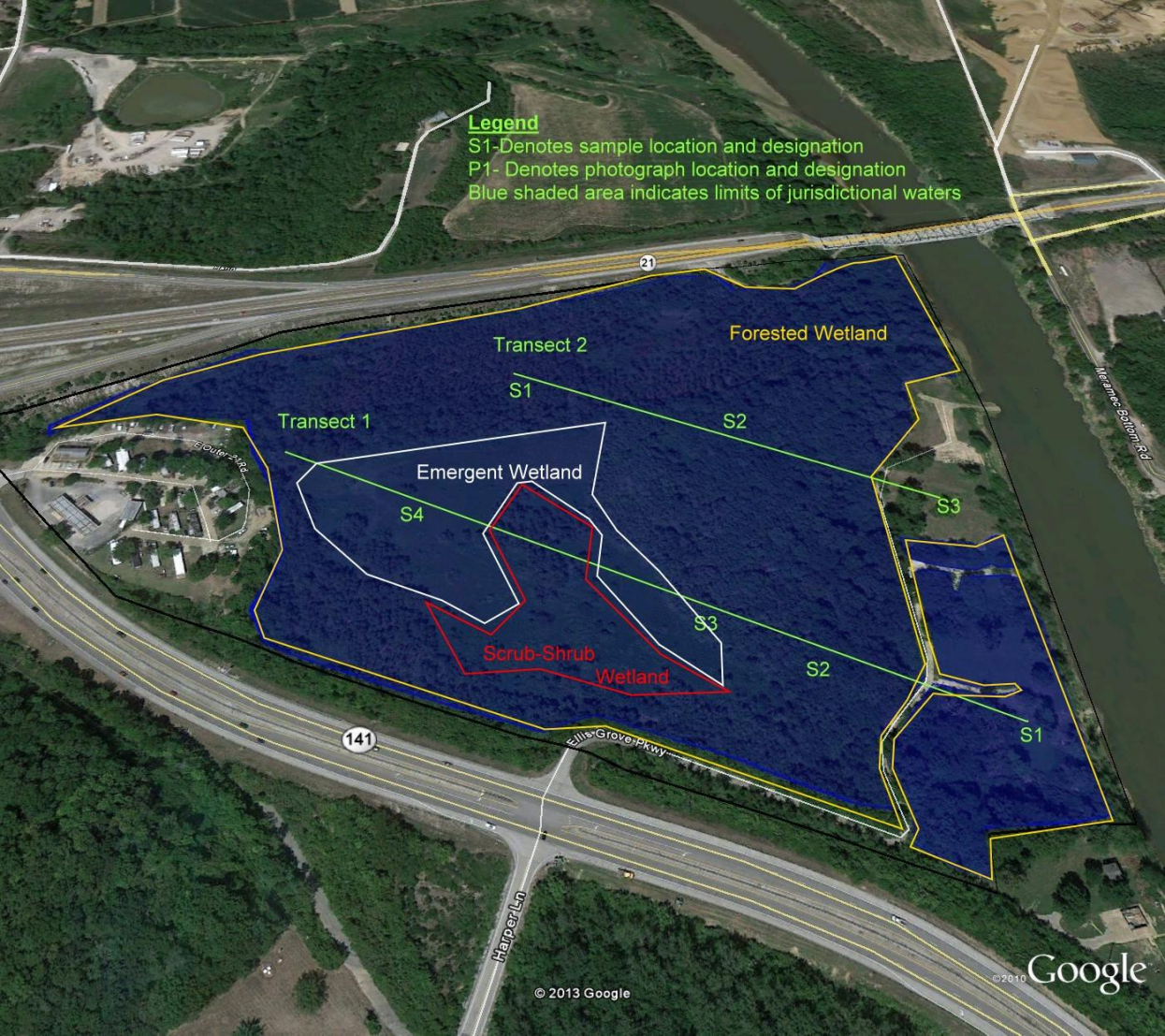
Scale:
NOT TO SCALE

Legend

S1-Denotes sample location and designation

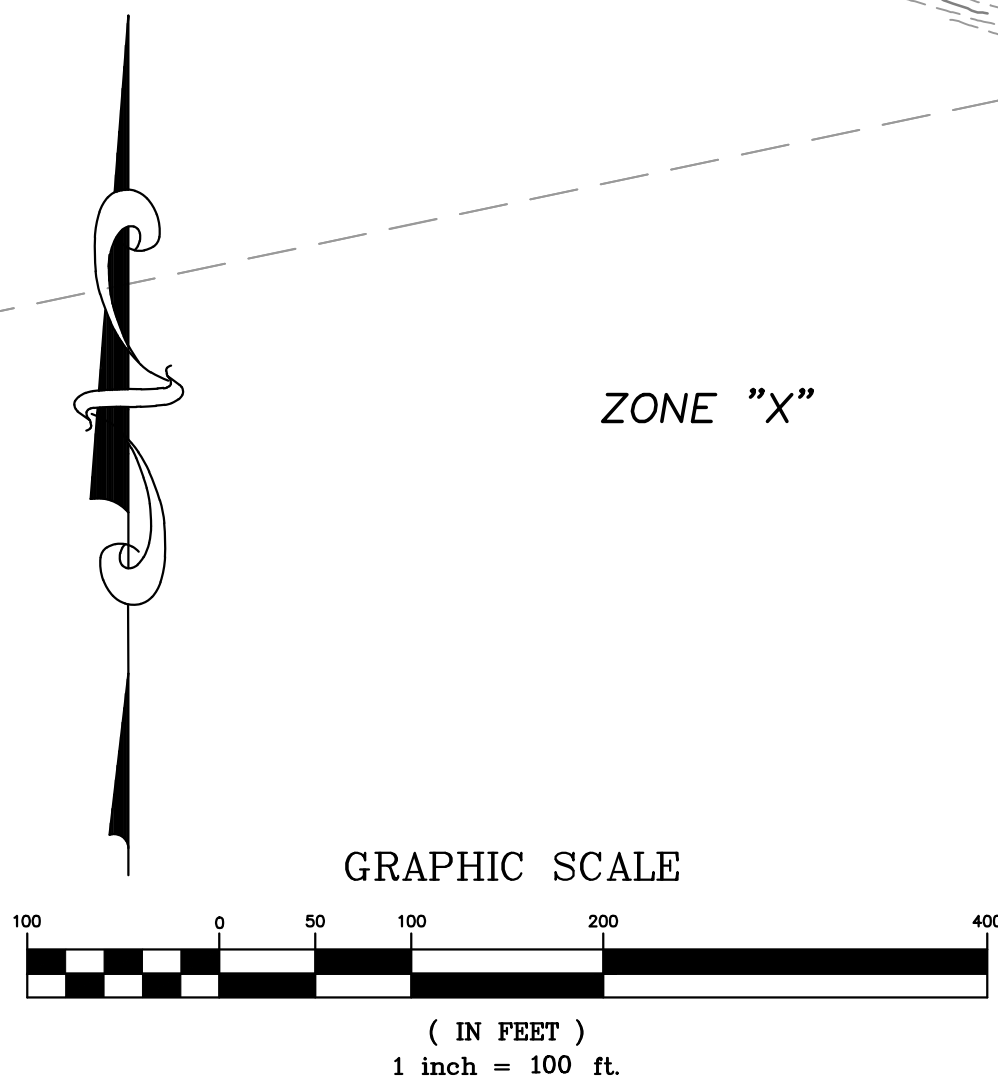
P1- Denotes photograph location and designation

Blue shaded area indicates limits of jurisdictional waters



Drawing name: V:\1311397 Butler Commercial\Drawings\Preliminary\Sketches\1397s41.dwg Plotted on: Nov 27, 2013 - 10:14am Plotted by: sleeveless

THE UNDERGROUND UTILITIES SHOWN HEREON WERE PLOTTED FROM AVAILABLE INFORMATION AND DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, NONEXISTENCE, SIZE, TYPE, NUMBER OR LOCATION OF THESE OR OTHER UTILITIES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UNDERGROUND UTILITIES, SHOWN OR NOT SHOWN, AND SAID UTILITIES SHALL BE LOCATED IN THE FIELD PRIOR TO ANY GRADING, EXCAVATION OR CONSTRUCTION OF IMPROVEMENTS. THESE PROVISIONS SHALL IN NO WAY ABSOLVE ANY PARTY FROM COMPLYING WITH THE UNDERGROUND FACILITY SAFETY AND DAMAGE PREVENTION ACT, CHAPTER 319, RSMo.



ZONE "X"

EX. FLOODPLAIN LIMIT
AS PLOTTED FROM
FEMA MAP NO. 2909C0108E,
DATED APRIL 5, 2006

EX. FLOODPLAIN LIMIT
AS PLOTTED FROM
FEMA MAP NO. 2909C0108E,
DATED APRIL 5, 2006

LIMITS OF FILL PLACEMENT
AND DISTURBANCE

EX. FLOODWAY LIMIT
AS PLOTTED FROM
FEMA MAP NO. 2909C0108E,
DATED APRIL 5, 2006

LIMITS OF FILL PLACEMENT
AND DISTURBANCE

DETENTION

"FLOODWAY"

MERAMEC RIVER

GROSS SITE AREA: 48.3 ACRES

ISSUE REMARKS/DATE

Pinnacle Land Development, LLC
10328 Lake Bluff Drive
St. Louis, Missouri 63123

THE **STERLING** CO.
ENGINEERS & SURVEYORS
5055 New Baumgartner Road
St. Louis, Missouri 63129
Ph 314-487-0440 Fax 314-487-5944
www.sterling-eng-sur.com
Corporate Certificate of Authority #001348

Butler Commercial
JEFFERSON COUNTY, MISSOURI
CONCEPT PLAN

The Professional Engineer's seal and signature are required on this sheet. All drawings, instruments or other documents are prepared by the engineer, and the engineer expressly disclaims any and all responsibility for such plans, drawings or documents not exhibiting this seal and signature.

NOT APPROVED
FOR CONSTRUCTION!

Date: _____
License No. _____
Civil Engineer

Job Number
13-11-379
Date
Nov. 27, 2013
Designed: _____ Sheet
Drawn: **1.1**
Checked: **SK**