



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-2970

Public Notice Date

December 8, 2017

Expiration Date

December 29, 2017

Postmaster Please Post Conspicuously Until:

File Number: MVS-2016-462

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: Jaynie Doerr

APPLICANT: Jeff Boland; Lombardo Homes of St. Louis, LLC., 2299 Technology Drive, Suite 150, O'Fallon, Missouri 63368

AGENT: Matt Roth; On-Site Soils, Inc., 4077 N. Saint Peters Parkway, Suite 110, St. Peters, Missouri 63304.

LOCATION: The approximate 117-acre project area is located south off of Diehr Road (see attached location map). Specifically, in Section 17, Township 46 North, and Range 2 East, in St. Charles County Missouri.

SITE DESCRIPTION: The site is a mixture of wooded terrain and fallow pasture fields. Nine tributaries were identified within the project site, but only six were determined to be jurisdictional waters of the United States. Additionally, emergent and forested wetlands were delineated within the floodplain of Dardenne Creek. The substrate of all the tributaries are comprised of gravel and sand. The ephemeral and intermittent channels range in width approximately 4-10 feet wide by 2 feet deep at the ordinary high water mark (OHWM). The perennial channel, Dardenne Creek, ranges in width approximately 50-75 feet wide by 7 feet deep at OHWM. Additionally, one perennial spring (labeled as Trib F) was identified within the project site and ranges in size from 2-3 feet wide by 2-3 feet deep at the OHWM. One pond exists on-site but is considered non-jurisdictional. The unnamed tributaries

flow to Dardenne Creek, a tributary to the Mississippi River.

PROJECT DESCRIPTION: The applicant, Lombardo Homes of St. Louis, LLC., seeks to develop a residential subdivision within the identified site. Due to the site's shape and topography, the applicant proposes to impact 4 of the 6 jurisdictional streams and avoid Dardenne Creek. Approximately 1,077 linear feet of channels and 0.31 acres of emergent and 0.24 acres of forested wetland will be impacted by the development.

The applicant investigated other properties in the area and they were found to not be feasible for various reasons such as limited access to sanitary sewers, cost of land, zoning issues and impacts to waters of the United States. Due to St. Charles County's current zoning, the proposed site is zoned for single-family only lots. Impacts to the waters of the United States include grading for lot construction, road installation and storm water retention. The applicant proposes to mitigate for unavoidable impacts to the streams and wetlands by purchasing stream credits from either the Missouri Stream Heritage Conservation Fund-In Lieu Fee or The Land Learning Institute and Rosedale Wetland Mitigation Banks.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Jaynie Doerr, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8581. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Jaynie.g.doerr@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.

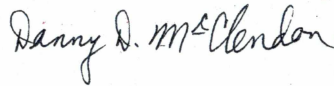
ENDANGERED SPECIES: A summer bat survey complete with mist-netting and acoustic recordings was conducted in June 2016 with negative results for the endangered Indiana bat (*Myotis sodalis*) and the Northern Long-eared bat (*Myotis septentrionalis*). However, in order to complete our evaluation, comments are solicited from the Fish and Wildlife Service and other interested agencies and individuals through this Public Notice.

CULTURAL RESOURCES: The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may require a

reconnaissance survey of the project area.

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.



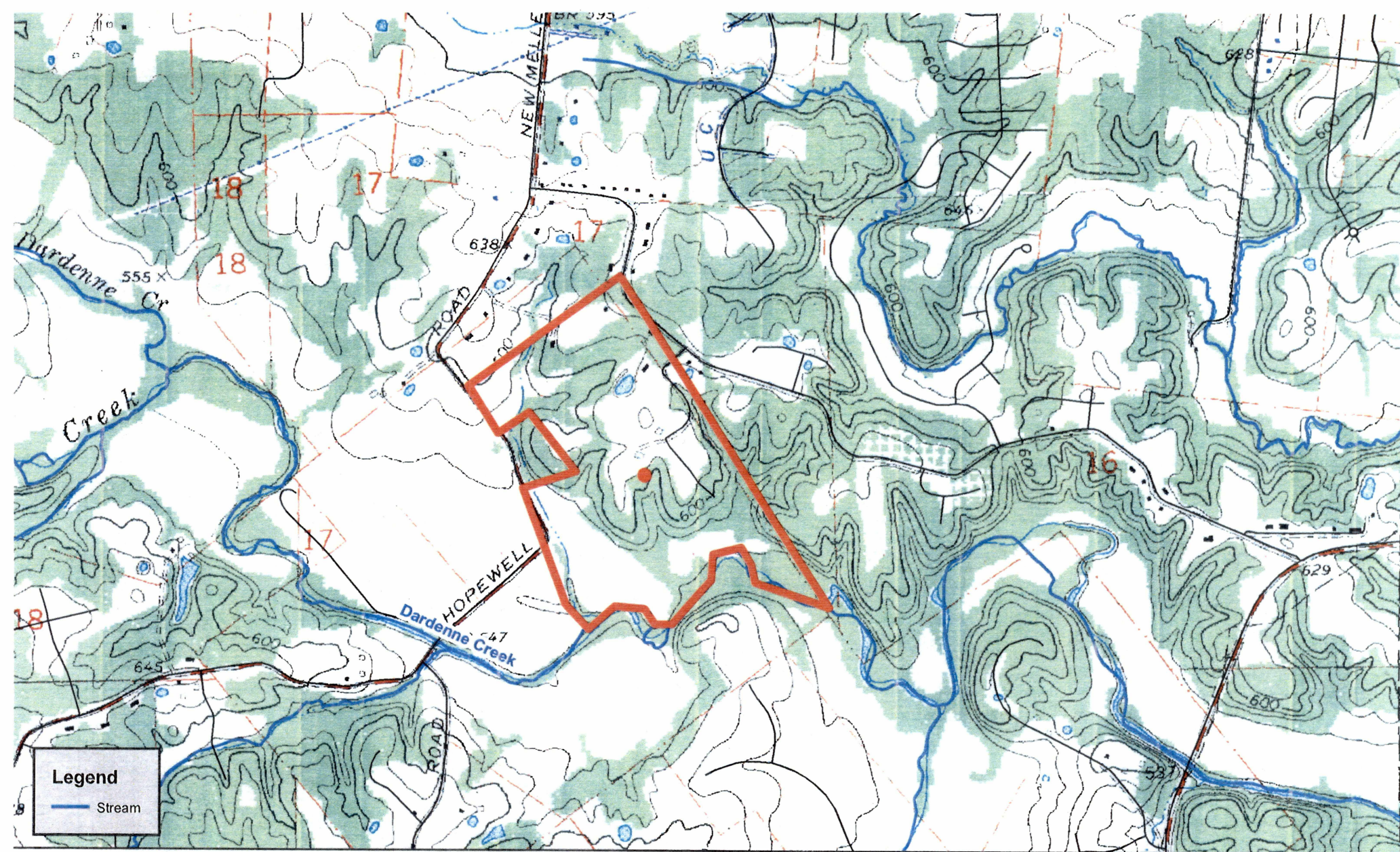
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Chief, Regulatory Branch

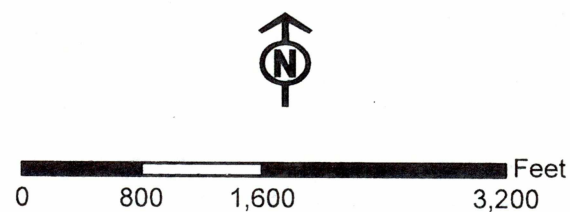
Attachments

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.



MVS-2016-462, P-2970
Amberleigh (boundaries approximate)
St. Charles County, Missouri



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

