

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-3069
Public Notice Date
October 31, 2017

Expiration Date
November 21, 2017**

Postmaster Please Post Conspicuously Until:

FILE NUMBER: MVS-2017-686

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: Flower and Fendler, Mr. Sean Flower, 200 South Elam Avenue, Suite 300, Valley Park, Missouri 63088

AGENT: On-Site Soils, Inc., Mr. Matt Roth, 4077 North St. Peters Parkway, Suite 110, St. Peters, Missouri, 63004

LOCATION: The 9.28 acre project area is located at 1712 Smizer Mill Road in the City of Fenton, St. Louis County, Missouri. More specifically, the proposed project occurs in Section 29, Township 44 North, Range 5 East, within the Kirkwood Quadrangle in St. Louis County, Missouri. The approximate geographic coordinates of the project within an unnamed tributary to Fenton Creek are 38.521077° North, -90.490662° West. Fenton Creek flows to the Meramec River, a tributary to the Mississippi River.

PROJECT DESCRIPTION: The applicant, Flower & Fendler, seeks authorization to conduct grading and filling activities in an unnamed tributary to Fenton Creek for the construction of a single family home residential subdivision. The applicant submitted a detailed Analysis of Alternatives for the project describing the avoidance and minimization measures considered for the project, as well as economic, environmental, and engineering justifications for the proposed impacts. Flower and Fendler is a home building company often operating within a niche market of developing smaller properties within older established residential areas. The west St. Louis County area was identified to have high demand for new homes but low availability of undeveloped lots and new homes. The applicant reviewed different parcels but is limited to finding an area where several contiguous

property owners are willing to sell. Different layouts were evaluated by the applicant but the proposed plans were the smallest impact to the tributary that would also be financially feasible as a re-development investment. The channel for the most part bisects the site cutting off approximately 1/3 of the site and this would make the infrastructure inefficient and impractical. The topography of the site, drainage issues, property access and design requirements were all considered in the preferred alternative. As proposed approximately 660 linear feet of an unnamed, ephemeral tributary will be graded and piped for site development. The applicant has proposed to purchase 3254 stream credits from an in-lieu fee provider as mitigation for the unavoidable impacts to the aquatic resource. The District will consider comments submitted by interested parties regarding mitigation requirements.

LOCATION MAPS AND DRAWINGS: See attached. In addition, the project plans may be viewed in color and in more detail by visiting the Public Notice section of our website at <http://www.mvs.usace.army.mil/ConOps/permits/pn.htm>

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Jaynie Doerr, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8581 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 preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed MAY affect potential summer habitat for the endangered Indiana bat (*Myotis sodalis*) and the Northern Long-eared bat (*Myotis septentrionalis*). 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 (SHPO) and the public in response to this public notice. From initial correspondence with the Missouri SHPO and internal St. Louis District archaeologist review, the District has requested the applicant to provide a reconnaissance survey of the project area. Further evaluation of the information provided from the applicant will determine if additional cultural resources preservation measures are necessary to assure compliance with Section 106 of the National Historic Preservation Act.

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:

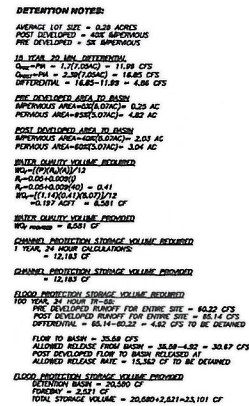
It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.



MVS-2017-686
Smizer Road Tract
St. Louis County, Missouri



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



DENSITY CALCULATIONS

$$\frac{[(0.28 \text{ AC}) \times (43,560 \text{ SF/AC})]}{18,000 \text{ SF / LOT}} = 26.95 \text{ LOTS}$$

MAXIMUM NUMBER OF LOTS ALLOWED: 26 LOTS
NUMBER OF LOTS PROPOSED: 26 LOTS

A TRACT OF LAND BEING PART OF LOT 2 OF
ANDERSON BOWLES ESTATE, TOWNSHIP 44 NORTH,
RANGE 5 EAST OF THE 5TH P.M. IN ST. LOUIS
COUNTY, MISSOURI

BLUNDERLICH SURVEYING & ENGINEERING, INC.
MISSOURI STATE CERTIFICATE OF AUTHORITY # CC 032885

