



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-3109

Public Notice Date:
September 20, 2018

Expiration Date:
October 11, 2018

Postmaster Please Post Conspicuously Until:

File Number: MVS-2018-568

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: Jennifer L. Skiles

APPLICANT: Delmar Gardens. Attention: Howard Oppenheimer, 14805 North Outer 40 Drive, Suite 300, Chesterfield, Missouri 63017.

LOCATION: The project area is approximately 20-acres located at 1 Arbor Terrace, directly adjacent to the existing Garden Villas of Meramec Valley facility in Fenton, Missouri. The site is located north of Gravois Road. The project is located in Section 4, Township 43 North, Range 5 East, St. Louis County.

PROJECT DESCRIPTION: The applicant seeks authorization to conduct grading and filling operations in waters of the United States for construction of a senior living facility. The development will consist of the addition of a three-story building with a partial basement, featuring 120 independent living/assisted living/memory care apartments located in the northern portion of the project area. The site currently exists as the undeveloped backlot of an existing Delmar Gardens facility, with existing residential development on three sides. Located within the project site are two intermittent tributaries:

Tributary A is an intermittent tributary that flows into Fenton Creek. Tributary A originates from a culvert on the western project boundary and flows east through the center of the site for 1,855 linear feet.

Tributary B is an intermittent tributary that flows into Tributary A. It enters the site from a culvert underneath a driveway on the southwest portion of the site. Tributary B flows for approximately 435 linear feet onsite.

Based on the proposed site plans, approximately 900 linear feet of Tributary A will be filled and piped to allow for the development of the site. Additionally, approximately 15 linear feet of Tributary B will be graded to allow for construction of the parking lot. A total of 915 linear feet of impacts to waters are proposed for the project.

Although the applicant is in the process of researching alternatives, reducing the size of the footprint and minimizing proposed impacts to the unnamed tributaries, they believe that the remaining impacts are unavoidable. The applicant is proposing to participate in an approved in-lieu fee mitigation program for stream impacts determined to be unavoidable.

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 Jennifer L. Skiles, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8579. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Jennifer.L.Skiles@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: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. The project plans will be submitted to the Missouri Department of Natural Resources, Water Protection Program (the Agency) in accordance with Section 401. While the Corps of Engineers may provide all relevant information to DNR and request Section 401 review on behalf of the applicant, the applicant assumes final responsibility to ensure that both agencies receive all information required to complete their independent review. If issued, Certification 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, P.O. 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 endangered Indiana bat (**Myotis sodalis**) and the northern long-eared bat (**Myotis septentrionalis**) that is a proposed candidate for

endangered status. A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that this activity may affect the habitat of these listed and candidate species. The Corps is coordinating with the U.S. Fish and Wildlife Service, taking measures to minimize potential effects of the project during construction, and providing habitat enhancement for bats. In order to further complete our evaluation, written comments are solicited by this public notice from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

CULTURAL RESOURCES: Upon completion and review of the Phase I Survey performed by the applicant, the Corps will continue to coordinate with SHPO and Native American Tribes as appropriate.

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.

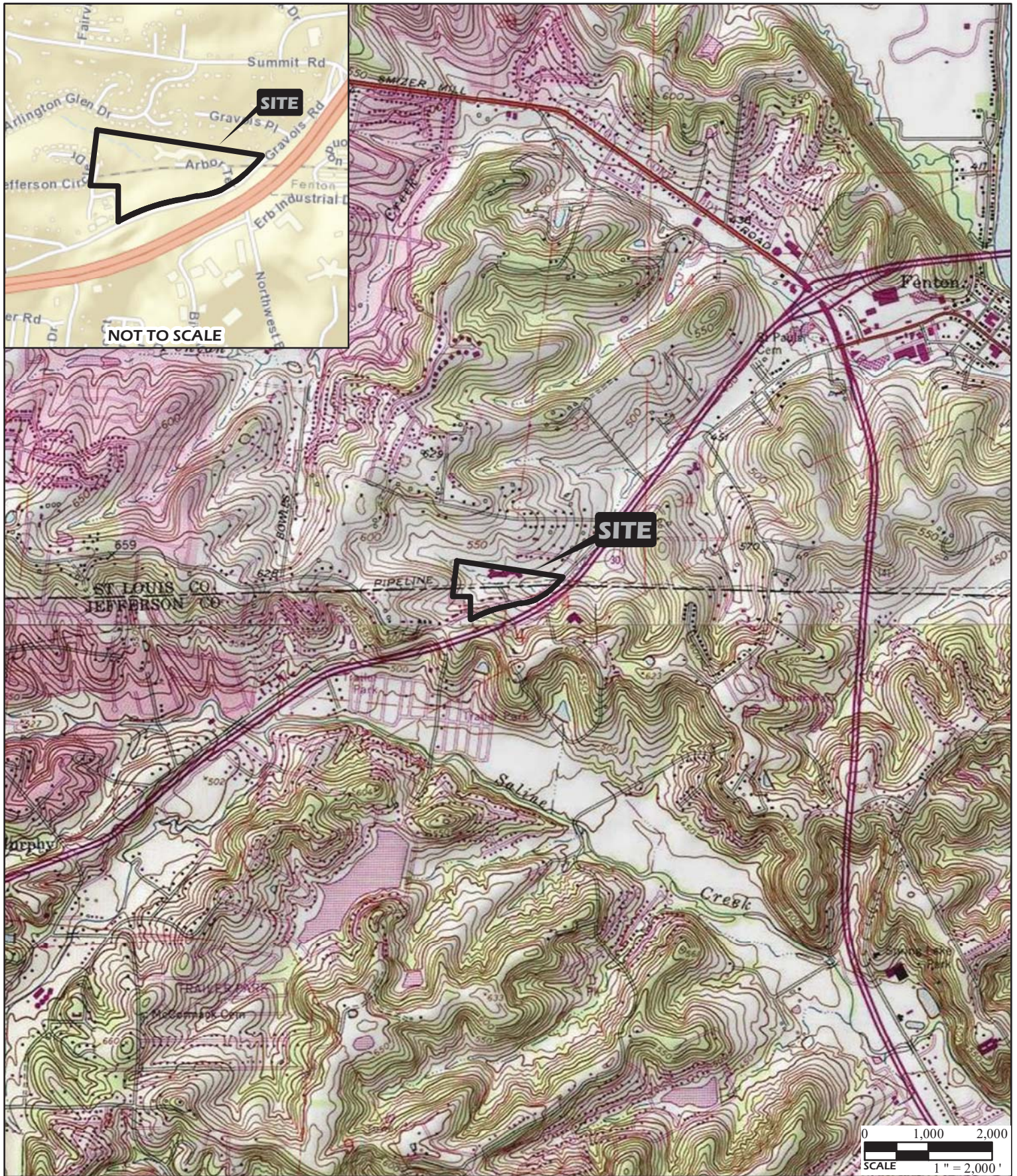
SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered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

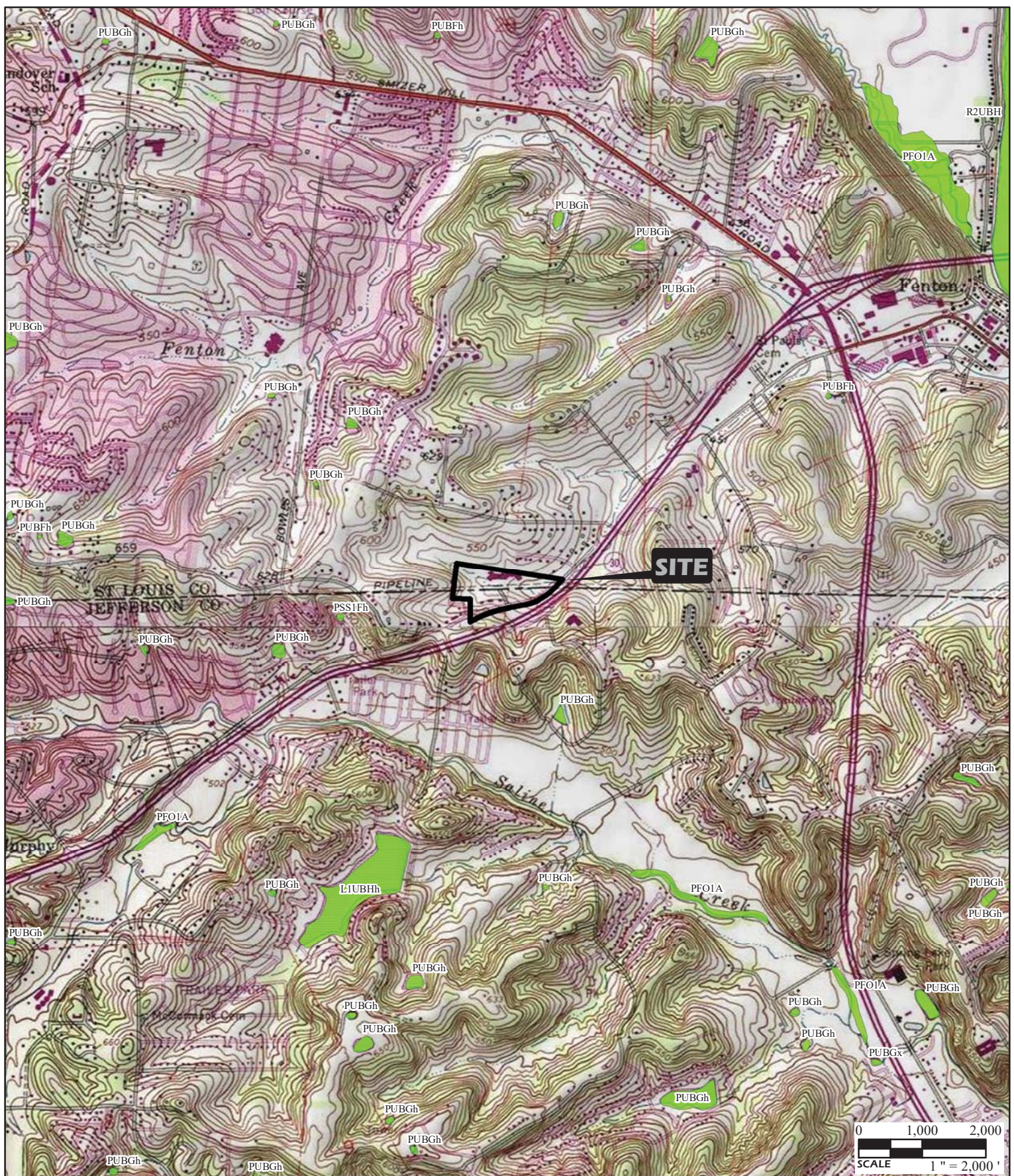
Attachments

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.



	PROJECT NAME GARDEN VILLAS OF MERAMEC VALLEY FENTON, MISSOURI			GENERAL NOTES/LEGEND USGS TOPOGRAPHIC MAP KIRKWOOD, MISSOURI QUADRANGLE MAXVILLE, MISSOURI QUADRANGLE DATED 1954, PHOTO REVISED 1993 10' CONTOURS			
	VICINITY AND TOPOGRAPHIC MAP			STREET MAP HTTP://GOTO.ARCGISONLINE.COM/MAPS/WORLD_STREET_MAP			
	DRAWN BY	RCV	DATE				JOB NUMBER
	CHECKED BY	JCM	07/2018				2017-0533.30



PROJECT NAME
GARDEN VILLAS OF MERAMEC VALLEY
FENTON, MISSOURI

NATIONAL WETLANDS INVENTORY

DRAWN BY	RCV	DATE	JOB NUMBER
CHECKED BY	JCM	07/2018	2017-0533.30

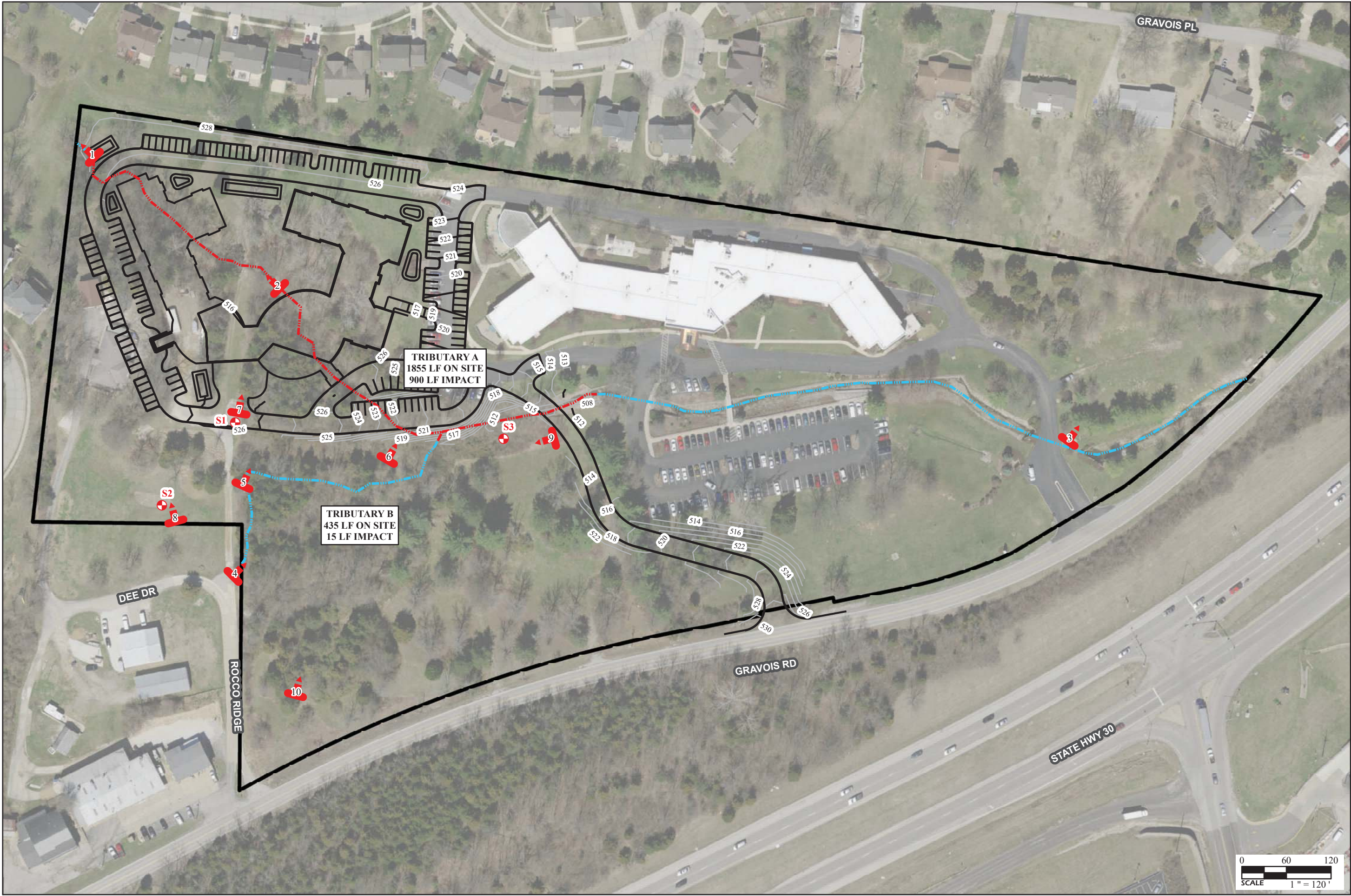
GENERAL NOTES/LEGEND

 NATIONAL WETLAND INVENTORY DATA
OBTAINED FROM www.fws.gov.

USGS TOPOGRAPHIC MAP
KIRKWOOD, MISSOURI QUADRANGLE
MAXVILLE, MISSOURI QUADRANGLE
DATED 1954, PHOTO REVISED 1993



FIGURE
2



INDICATES APPROXIMATE SOIL BORING LOCATION.

INDICATES APPROXIMATE LOCATION AND DIRECTION OF PHOTOGRAPH.

AERIAL PHOTOGRAPH OBTAINED FROM ARGIS ONLINE. WORLD IMAGERY.

DIMENSIONS AND LOCATIONS ARE APPROXIMATE. ACTUAL MAY VARY. DRAWING SHALL NOT BE USED OUTSIDE THE CONTEXT OF THE REPORT FOR WHICH IT WAS GENERATED.

PROJECT NAME

GARDEN VILLAS OF MERAMEC VALLEY
FENTON, MISSOURI

WETLAND DELINEATION AND
PRELIMINARY SITE PLAN

JOB NUMBER

2017-0533.31

DATE

07/2018

DRAWN BY

RCV

CHECKED BY

RJG

FIGURE

3



Photo 1. Origin of Tributary A on the site. The culvert leads to a pond off the site to the northwest, facing northwest



Photo 2. Low water crossing over Tributary A on the western side of the site, facing northwest upstream



Photo 3. Tributary A as it exits the site in the background, facing east



Photo 4. Origin of Tributary B on the site from a culvert under a gravel road, facing north



Photo 5. Tributary B within a wooded corridor as it parallels the pipeline ROW, facing downstream northeast



Photo 6. Confluence of Tributary B with Tributary A. Tributary B drains through the pipeline ROW and has been disturbed, facing north



Photo 7. Location of S1 as an unmowed grass depression along a two-track road, facing north



Photo 8. Location of S2 as an unmowed grassed portion of a hillside, facing northwest



Photo 9. General conditions of S3 within the pipeline right of way, facing west



Photo 10. General site conditions of the forested southern portion of the site, facing north