



---

# 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.  
MVS-2021-276

Public Notice Date:  
June 27, 2022

Expiration Date:  
July 15, 2022

Postmaster Please Post Conspicuously Until:

---

File Number: MVS-2021-276

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: Henry Heyer

**APPLICANT:** Harvest Hopewell LLC, 5091 New Baumgartner Road, St. Louis, MO 63129.

**LOCATION:** The proposed development is located on approximately 270 acres in Section 8, Township 46 North, Range 2 East, near the city of Wentzville, St. Charles County, Missouri. Specifically, located off Hopewell Road, Latitude: N 38.749943, Longitude: W -90.829570.

**PROJECT DESCRIPTION:** The applicant seeks authorization to conduct grading and filling operations in waters of the United States to facilitate the construction of a residential development named *Harvest*, including associated roadways and infrastructure. The Northern half of the site is bisected by a tributary of Dardenne Creek. The Southern half of the site drains directly to Dardenne Creek. There are four jurisdictional waters which will be impacted by this development: Tributary B is a perennial stream which enters the project area from the undeveloped land from the West and eventually flows into Dardenne Creek; Tributaries C & D enter the site from the North and flow into Tributary B; Tributary A originates on-site and flows into Dardenne Creek off site. The substrate of the tributaries is comprised of primarily soil and gravel. Tributary A appears to have perennial flow that ranges in width from approximately 3 feet wide to 8 feet wide by 12 inches deep at the ordinary high-water mark. Tributary B is 3 feet to 5 feet wide by 12 inches deep at the ordinary high-water mark.

The applicant proposes to impact approximately 2,669 linear feet of tributaries, which, is over 0.30-acres of impact triggering the need for compensatory mitigation. The applicant submitted a pre-construction notification to our office in August 2021 in accordance with General Conditions No. 18, Endangered Species, No. 23, Mitigation and No. 32, Pre-construction Notification. As part of the application review process under Section 404 of the Clean Water Act, January 13, 2021 Federal Register(s), Reissuance and Modification of Nationwide Permits; Notice (86 FR Pages 2867-2874), the applicant must comply with the terms and conditions of the permit prior to verification. General Condition No. 20, Historic Properties, states that activity is not authorized until the requirements of Section 106 of the National Historic Preservation Act (NHRP) have been satisfied.

The applicant has researched alternatives and has attempted to minimize impacts to the waters. However, the applicant stated that the impacts are unavoidable due to the desire to utilize and develop the site. The applicant proposes to compensate for impacts to the WOTUS through purchasing stream credits from the Land Learning Foundation.

**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/Missions/Regulatory/PublicNotices/OpenNotices.aspx>

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting Henry R. Heyer, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8251. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to [Henry.R.Heyer@usace.army.mil](mailto:Henry.R.Heyer@usace.army.mil).

**AUTHORITY:** The applicant has requested that this action be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344), January 13, 2021 and December 27, 2021 Federal Register(s), Reissuance and Modification of Nationwide Permits; Notice (86 FR Page 2744), Appendix A (B)(NWP29). The pre-construction notification was submitted in August 2021.

**WATER QUALITY CERTIFICATION:** The Missouri Department of Natural Resources-Water Protection Program provided Clean Water Act (CWA) Section 401 Certification for Nationwide Permit #29, Residential Developments, in October 2021. The proposed impacts for this activity appear to meet the terms and conditions of this certification.

**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*) and the northern long-eared bat (*Myotis septentrionalis*) that currently a threatened species and is a proposed candidate for endangered status. A 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. A Biological Opinion was provided by the USFWS in December 2021 and accepted by our office. In order to avoid a take of the species, the applicant may only clear trees during the winter season (1 November to 31 March) as well as purchase mitigation to compensate for the loss of habitat. Furthermore, the applicant was granted permission to clear trees within a portion of the project footprint prior to the summer roosting season.

**CULTURAL RESOURCES:** The applicant contracted the Environmental Research Center of Missouri, Inc. (ERC) to conduct a Phase I cultural resource survey of the proposed residential development. The survey identified two historic farmsteads, the Welker Farmstead and the Klausmeier Farmstead. The applicant contracted Chalfant Consulting to perform a Rural Landscape investigation and ERC to perform additional work for the Phase I survey. The revised Phase 1 survey included mechanical scraping to look for subsurface archaeological features. There were no archaeological sites recommended as eligible for listing in the NRHP. However, Chalfant Consulting recommended the Welker farmstead to be eligible for listing in the NRHP under Criterion A for demonstrating a pattern of agriculture, settlement, and immigration important to history, and Criterion C for the vernacular architectural characteristics of a nineteenth century house. The Klausmeier farmstead was recommended to be not eligible for listing in the NRHP.

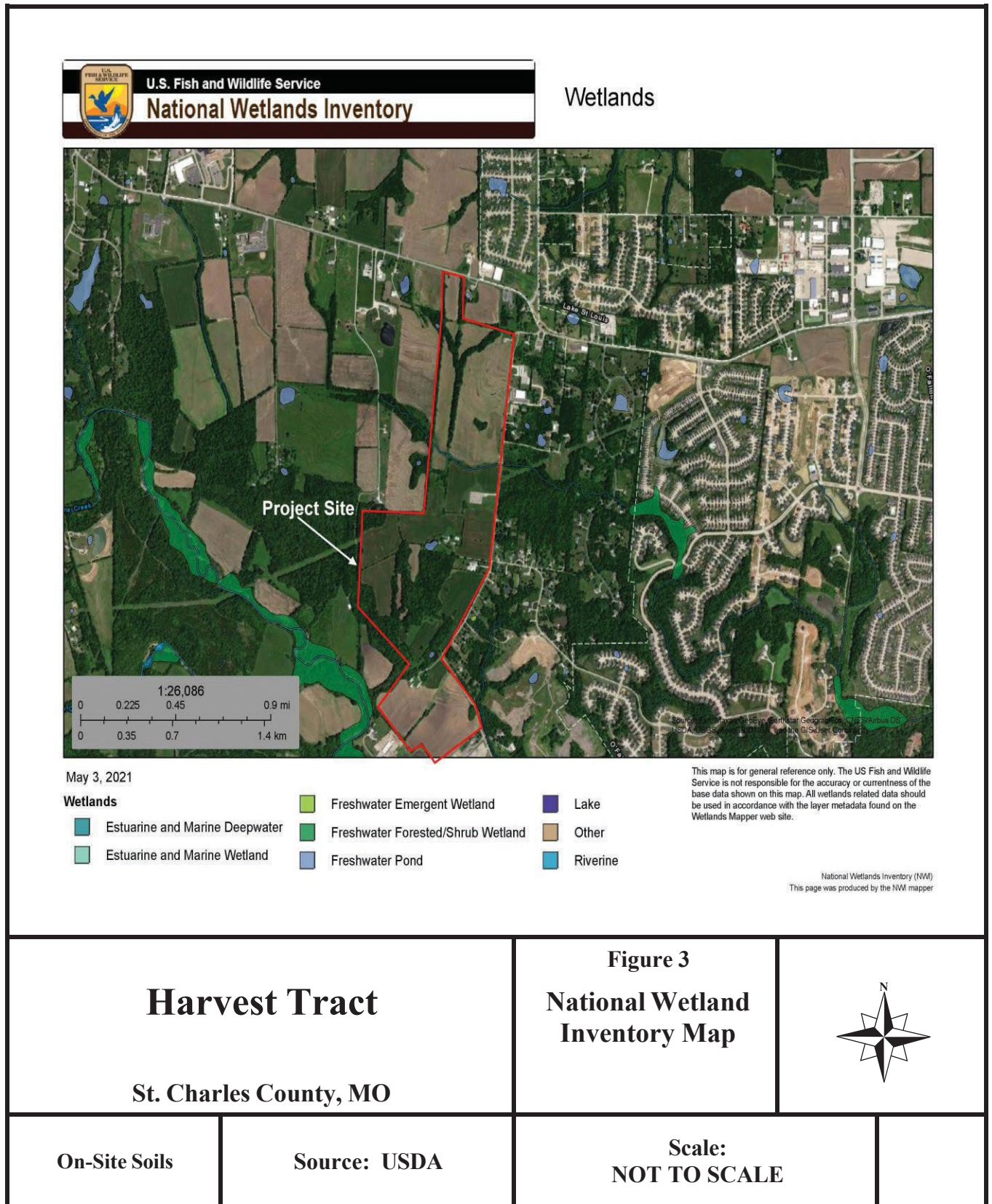
The District concurs with ERC's and Chalfant Consulting's recommendations and determined the Welker Farmstead is eligible for listing in the NRHP under Criteria A and C.

The applicant indicated avoidance of the NRHP-eligible Welker farmstead is not possible for the proposed project. Because avoidance cannot be achieved, the District has found "Historic Properties Adversely Affected" for the Harvest Residential Development project. To resolve the adverse effects to the Welker farmstead, a Memorandum of Agreement (MOA) will be developed. Mitigation will minimally include NRHP level recordation of the Welker farmstead. In advance of the MOA development, the Welker farmstead will be photo documented, which will be part of the NRHP level recordation.

The Federally recognized Indian Tribes were contacted by the District pertaining to this project initially on December 21, 2021, to initiate consultation on the project, and again on May 24, 2022, requesting to enter into a MOA. The letters included a copy of the Phase I Cultural Survey and Addendum, dated September 2021 and March 2022, and the Rural Landscape Report, dated March 2022.

The St. Louis District will further evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice. The Corps will continue to coordinate with SHPO and Native American Tribes as appropriate.

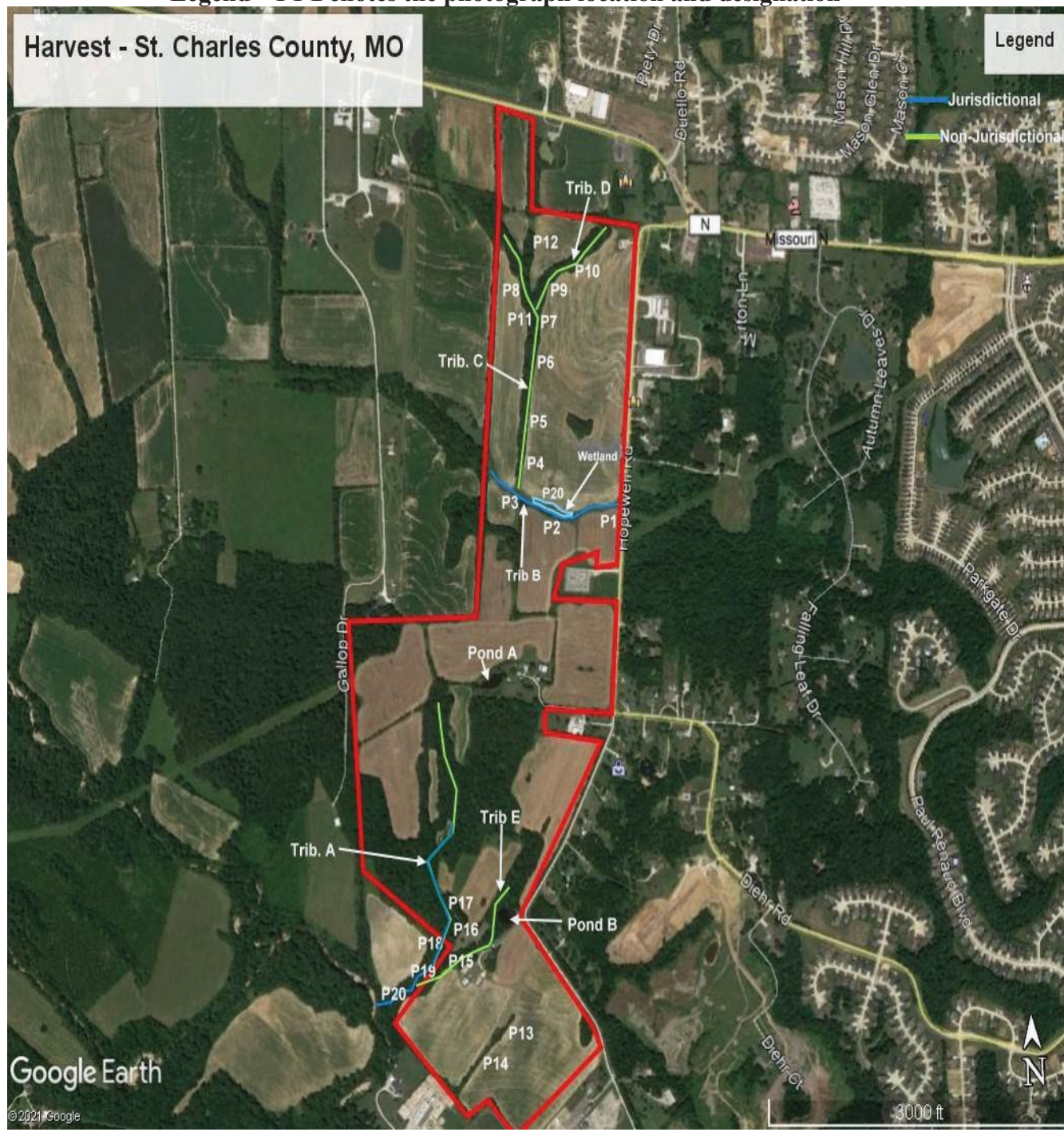
**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit 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. Many of the concerns listed above including Air Quality are reviewed, evaluated, and permitted by the Missouri Department of Natural Resources through the State Land Reclamation Permitting Process if necessary.



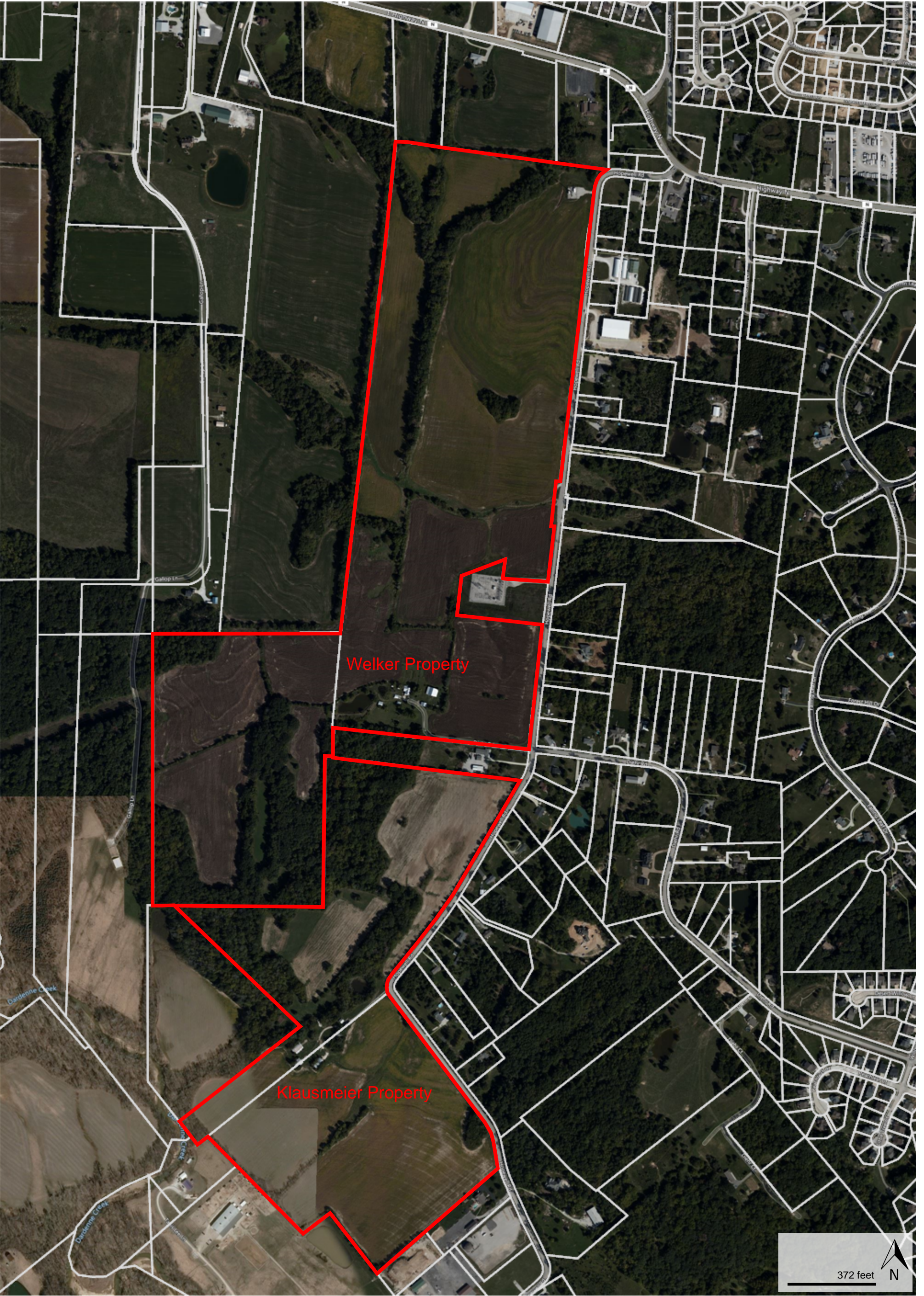


## Exhibit A

Legend – P1 Denotes the photograph location and designation









**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.

Attachments

Jaynie G. Doerr  
Missouri Section Chief  
Regulatory Branch

**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.