



Public Notice

**US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence**

**Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-CO-F
1222 Spruce Street
St. Louis, Missouri 63103-2833**

Public Notice No.

P-2468

Public Notice Date

April 8, 2005

Expiration Date

April 29, 2005

Postmaster Please Post Conspicuously Until:

File Number: [2004-09260](#)

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: [Rob Gramke](#)

APPLICANT: Mr. Jim Lewis, THF Highway DD Development, L.L.C. 2127 Innerbelt Business Center Drive, Suite 200, St. Louis, Missouri 63114.

AGENT: Mr. Andy McCord, [Assessment and Remediation Services, 940 Lonestar Drive, O'Fallon, Missouri 63366.](#)

LOCATION: [The project area is located South and West of US 40/61 and the Highway DD intersection in Sections 11 and 14, Township 46 North, Range 02 East, in St. Charles County, Missouri.](#)

PROJECT DESCRIPTION: The applicant seeks authorization to site grade in connection with the development of a 200-acre retail development on a 264-acre parcel along the US 40/61 corridor in St. Charles County, Missouri. Proposed waters of the U.S. impacts associated with the project include the piping and/or relocation of approximately 8,549 linear feet of unnamed tributary to O'Day Creek. Tributary impacts consist of approximately 6,526 linear feet of intermittent tributaries and 2023 linear feet of ephemeral tributaries. Tributaries B, D, E, and F that are located on the site and labeled on the attached map flow into Tributary A (O'Day Creek). There are no impacts proposed to O'Day Creek or Tributary B, but D, E, and F will be piped and or relocated. Along both sides of the impacted tributaries there is a 75-300 foot wide wooded riparian corridor. The corridors are typical of an oak-

hickory forest in Eastern Missouri, with larger mature trees on the steeper slopes.

The applicant has stated that in order to have a successful development, this large site and the proposed design is necessary to attract and retain major anchor stores. However, the final design for the project has not yet determined because the major tenants or parcel owners may have specific needs that have not been determined yet. The Conceptual Site Development Plan includes the grading of approximately 225-acres, which includes the stormwater detention facilities. With the existing rolling terrain, the project site requires grading to a relatively flat site that will gently slope to the West from U.S. 40/61. Therefore soil from the higher eastern elevations will be cut and moved into the western portion of the site and into the stream valleys. The grading was determined to be necessary for construction, operation, and safe public access to the retail facilities.

The applicant has provided an analysis of practicable alternatives and methods of avoidance and minimization. The primary avoidance measure was taken at the time of property acquisition in 2001. At the time that the property was being transferred to the current owner (applicant), it was agreed by all the parties involved that there should be no significant impacts to O'Day Creek and some of its associated tributaries. Therefore, in January and July of 2002 respectively, approximately 70-acres of property along O'Day Creek was transferred to the City of O'Fallon as a city park, and to the Missouri Department of Conservation as an extension of the August A. Busch Memorial Conservation Area. Although the previous owner of the property made the land donation, it was part of the land transaction with the Applicant. Proposed compensatory mitigation for the stream impacts may include the enhancement and restoration of the 70-acres of donated property along O'Day Creek and an additional 1000 linear foot section of O'Day Creek that is owned by an adjacent property owner. Although the final mitigation proposal has not been submitted, it may include: Restoration of the Riparian Corridor along O'Day Creek with native tree/shrub plantings, the stabilization of certain portions of O'Day Creek through biostabilization methods, construction of seasonal ponds/wetlands, natural stormwater detention areas that are in excess of the engineered detention requirements, placement of deed restrictions on the area, and monitoring of the mitigation areas. O'Day Creek is a tributary to the Dardenne Creek which flows to the Mississippi River.

LOCATION MAPS AND DRAWINGS: See attached.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting [Rob Gramke](#), Project Manager, U.S. Army Corps of Engineers, at (314) 331-8187. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to robert.gramke@mvs02.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 Pollution Control 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 Pollution Control 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 would not affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has been made to the United States Department of Interior, Fish and Wildlife Service. 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: In 2002, a Phase I Survey of the site was conducted and a Phase II Survey of certain portions of the site was performed. The applicant stated that they have coordinated with the Missouri Department of Natural Resources (MDNR) State Historic Preservation Office (SHPO) and that for the subject site there will be no historic properties affected. The St. Louis District will evaluate any additional information provided by the SHPO and the public in response to this public notice and we may require additional survey work if necessary.

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.

Table 2.0
Summary of Jurisdictional Streams on the Project Site

Tributary	Type	Tributary		
		Length (feet)	Width (feet)	Area below OHWM (acres)
* * Tributary B	Intermittent	560	6-10	0.103
Tributary D	Ephemeral	105	3	0.007
	Intermittent	2,960	8.5*	0.578
Tributary E	Ephemeral	118	4	0.011
	Intermittent	2,086	4-12	0.388
Tributary F	Ephemeral	660	2-4	0.045
	Intermittent	775	4-9	0.116
Tributary D1	Ephemeral	200	2-3	0.011
	Intermittent	300	3-5	0.028
Tributary D2	Intermittent	242	4-6	0.028
Tributary D3	Ephemeral	96	3	0.007
Tributary D4	Ephemeral	27	3	0.002
Tributary D5	Ephemeral	157	3	0.011
	Intermittent	37	4	0.003
Tributary D6	Ephemeral	75	2	0.003
Tributary D7	Ephemeral	62	3	0.004
Tributary E1	Ephemera	102	4-5	0.011
Tributary E2	Ephemera	100	3	0.007
	Intermittent	126	3	0.009
Tributary F1	Ephemeral	321	3	0.022
TOTAL STREAMS		9,109 feet	-	1.39 acres

* Based on 3-8 feet width, upstream 1/3 of D and 8-12 feet, downstream 2/3 of D

* * TRIBUTARY B IS NOT IMPACTED BY THE PROPOSED DEVELOPMENT

