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# Public Notice

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**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-2485](#)  
Public Notice Date  
**September 13, 2005**

Expiration Date  
**October 3, 2005**

**Postmaster Please Post Conspicuously Until:**

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File Number: 2005-44910

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: Mr. Ward Lenz

**APPLICANT:** Mr. Dwight Billingsley, 12178 McKelvey Road, Maryland Heights, Missouri, 63043.

**AGENT:** SCI Engineering, Inc., Ms. Laurie Farmer, 3901 Green Park Industrial Boulevard, St. Louis, Missouri, 63123. Phone: 636-757-2601

**LOCATION:** The project area is an 8.2-acre site, located between McKelvey Road and Interstate 270, in Maryland Heights, Missouri (in Section 16, Township 46 North, Range 5 East). Fee Fee Creek is adjacent to the southwest boundary of the site. Fee Fee Creek flows into Creve Coeur Creek, a primary tributary to the Missouri River. The location is identified on the attached maps.

**PROJECT DESCRIPTION:** The applicant seeks authorization to conduct grading and filling operations in waters of the United States in conjunction with the development of an 8.2-acre site for a senior living community. The jurisdictional waters on the site are identified on the attached map, and are: Fee Fee Creek and two unnamed tributaries identified as Tributaries A & B, and two wetlands identified as Wetlands A & B. The project proposes to impact 80-lineal feet of Tributary B through piping and streambed stabilization associated with a road crossing. Approximately 0.63 acres of Wetland A, and 0.03 acres of Wetland B are proposed to be filled to support lot development. The total proposed impacts to jurisdictional waters are 80-lineal feet of stream channel and 0.66 acres of wetlands.

**LOCATION MAPS AND DRAWINGS:** See attached. Maps are also available for viewing on our online version of this Public Notice at the St. Louis District Regulatory Branch website, at the following link: <http://www.mvs.usace.army.mil/permits/pn/p-2485.pdf>

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting Mr. Ward Lenz, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8186. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to [gary.w.lenz@mvs02.usace.army.mil](mailto:gary.w.lenz@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 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 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:** 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.

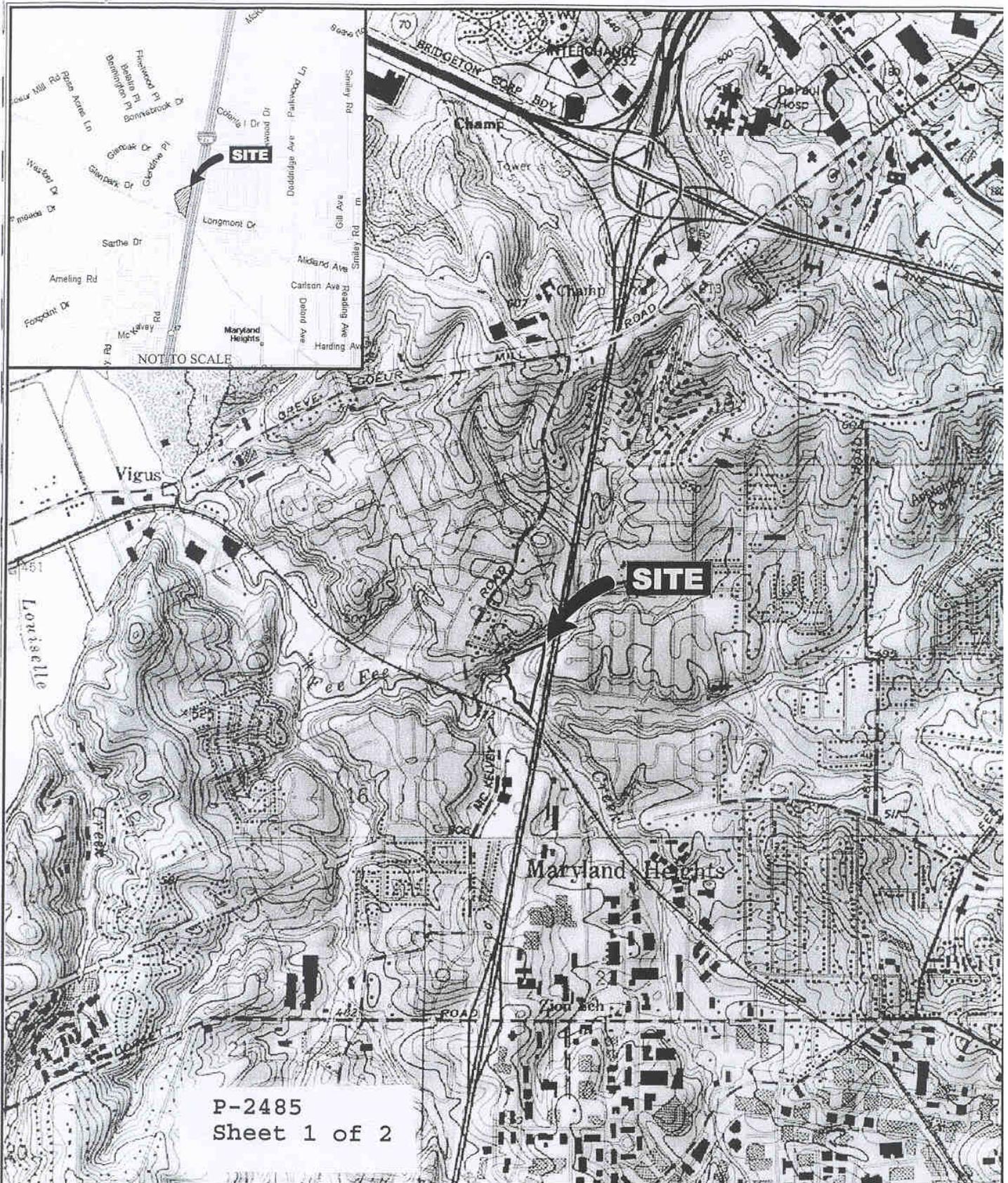
**SOLICITATION OF COMMENTS:** The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered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

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.



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Sheet 1 of 2



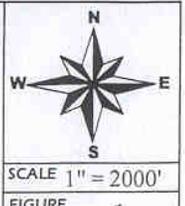
PROJECT NAME  
BILLINGSLEY TRACT  
MARYLAND HEIGHTS, MISSOURI

VICINITY AND TOPOGRAPHIC MAP

|          |     |      |            |
|----------|-----|------|------------|
| DRAWN BY | LAP | DATE | JOB NUMBER |
|----------|-----|------|------------|

**General Notes/Legend**

USGS TOPOGRAPHIC MAP  
CREVE COUER, MISSOURI QUADRANGLE  
DATED 1990  
PHOTO REVISED 1993  
10' CONTOURS





General Notes/Legend  
 BASED ON UNDATED PLANS PROVIDED ELECTRONICALLY ON 7/6/2001 FROM ST. CHARLES ENGINEERING. 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  
 BILLINGSLEY TRACT  
 MARYLAND HEIGHTS, MISSOURI  
 WETLAND DELINEATION AND  
 PRELIMINARY SITE PLAN

SCALE 1" = 100'  
 JOB NUMBER 2003-2198.30  
 DATE 08/21/03  
 DRAWN BY LAF  
 CHECKED BY LAF



INDICATES AREA OF NO WETLAND IMPACT  
 INDICATES WETLAND IMPACT

INTERSTATE 270

TRIBUTARY A  
 300 LINEAL FEET

WETLAND A  
 0.74 ACRE  
 IMPACT = 0.63 ACRE

PEE FEE CREEK  
 320 LINEAL FEET

ROAD CROSSING  
 IMPACT = 80 LINEAL FEET  
 INCLUDING 25 LINEAL FEET  
 OF UPSTREAM AND DOWNSTREAM  
 STABILIZATION

WETLAND B  
 0.03 ACRE  
 IMPACT = 0.03 ACRE

TRIBUTARY B  
 ON-SITE  
 230 LINEAL FEET

TRIBUTARY B  
 OFF-SITE  
 600 LINEAL FEET

Summary of Waterbodies

| Waterbody              | Length (feet) | Width (feet) | Size (acre) | Total Impact |             |
|------------------------|---------------|--------------|-------------|--------------|-------------|
|                        |               |              |             | acre         | lineal feet |
| Fee Fee Creek          | 320           | 30-35        | 0.24        | ---          | ---         |
| Tributary A            | 300           | 7-9          | 0.06        | ---          | ---         |
| Tributary B (On-site)  | 230           | 7-9          | 0.04        | ---          | ---         |
| Tributary B (Off-site) | 600           | 7-9          | 0.11        | ---          | 80          |
| Wetland A              | ---           | ---          | 0.74        | 0.63         | ---         |
| Wetland B              | ---           | ---          | 0.03        | 0.03         | ---         |

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