

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-2683
Public Notice Date
August 28, 2008
Expiration Date
September 18, 2008

Postmaster Please Post Conspicuously Until:

File Number: 2008-414

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: Kathrine Kelley

APPLICANTS: Millwell Green, LLC, c/o Conrad Properties Corporation, 165 North Meramec Avenue, Suite 400, St. Louis, Missouri 63105 and City of Maryland Heights, 212 Millwell Drive, Maryland Heights, Missouri 63043.

AGENT: Andrew McCord, Midwest Testing, 8606 Page Avenue, St. Louis, Missouri 63114, (314) 739-2727.

LOCATION: The project area is located northwest of the intersection of Manchester Road and Taylor Road, in Township 46 North, Range 05 East, Section 22 in Maryland Heights, St. Louis County, Missouri.

PROJECT DESCRIPTION: The applicant seeks authorization to conduct grading and filling operations in waters of the United States in conjunction with the redevelopment of an office/warehouse site, referred to as Millwell Green Development, and the City of Maryland Heights' (City) new government center. The project site consists of a north 8.8-acre lot with existing industrial/warehouse facilities and an auto repossession lot. Additionally, it consists of a 7.4-acre lot that is currently under construction for the City's new government center. The Millwell Green Development is separated from the City's government center by a single unnamed, intermittent tributary to Fee Fee Creek. The unnamed tributary has been identified as a jurisdictional water of the United States. It originates just west of the project site boundary, and the entire upstream limits have been enclosed within a culvert pipe. Approximately 635 linear feet (LF) of the channel remains open within the property boundary. The channel becomes enclosed again, prior to exiting the property. The applicant is proposing to enclose/pipe the 635 LF remnant channel to provide shared vehicle access, stormwater detention, parking, an interconnected pedestrian trail between the proposed office/warehouse development and the City's new government center. Total impacts to Waters of the United States consist of 635 LF of tributary impacts. The applicants are exploring nearby mitigation options in the form of riparian enhancement and preservation along Fee Fee Creek and/or purchase of credits from an approved stream mitigation bank.

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/permits/>.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Kathrine Kelley, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8813. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Kathrine.Kelley@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.

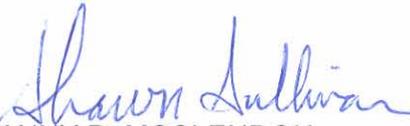
ENDANGERED SPECIES: A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed would not affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has 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: 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.

for: 
DANNY D. MCCLENDON
Chief, Regulatory Branch

Attachments

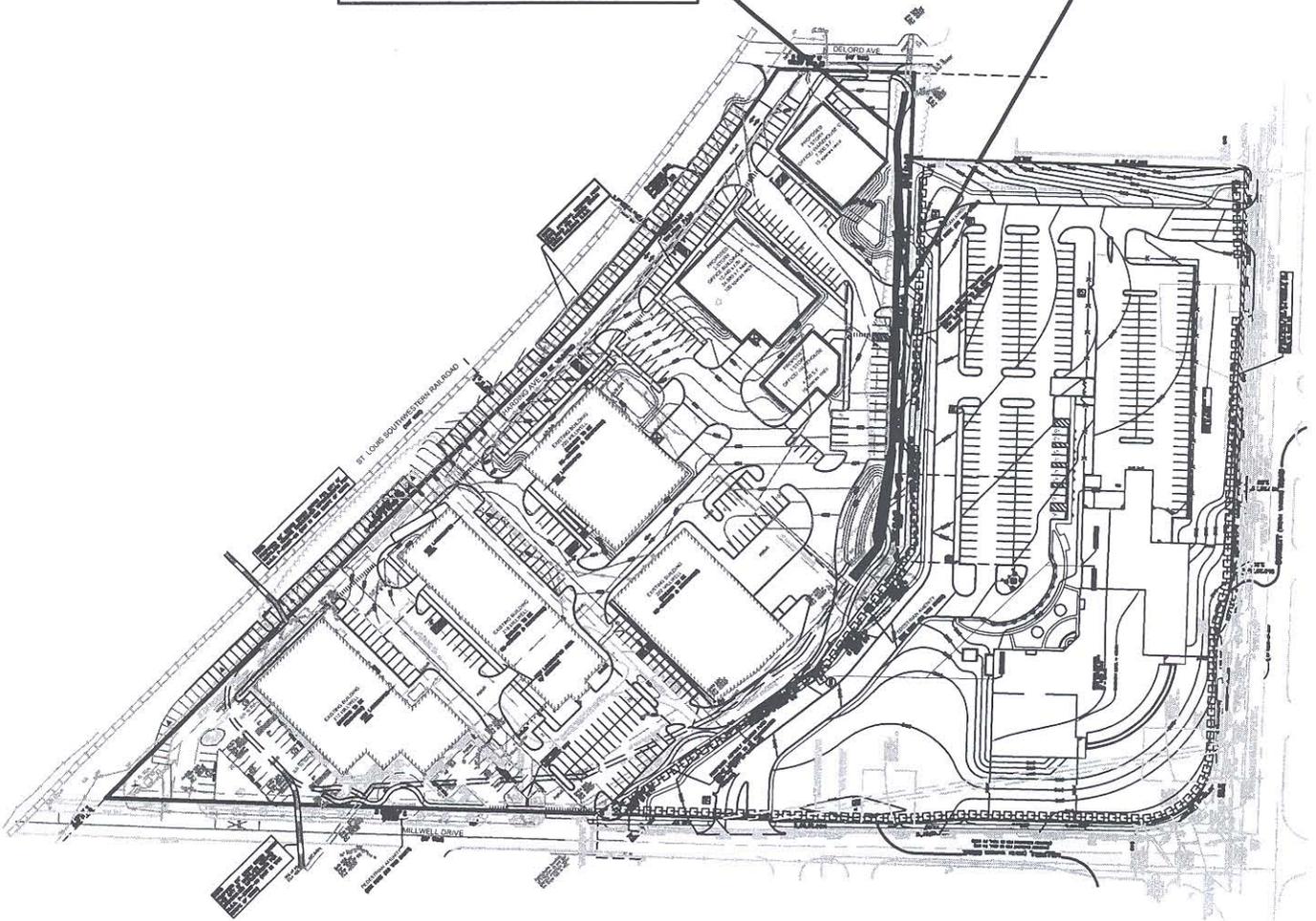
NOTICE TO POSTMASTERS:

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

Millwell Green Development and City of Maryland Heights' (City) New Government Center

Unnamed tributary to Fee-Fee Creek (approx. 635 LF)

Proposed connector drive between Millwell Green and new City Hall



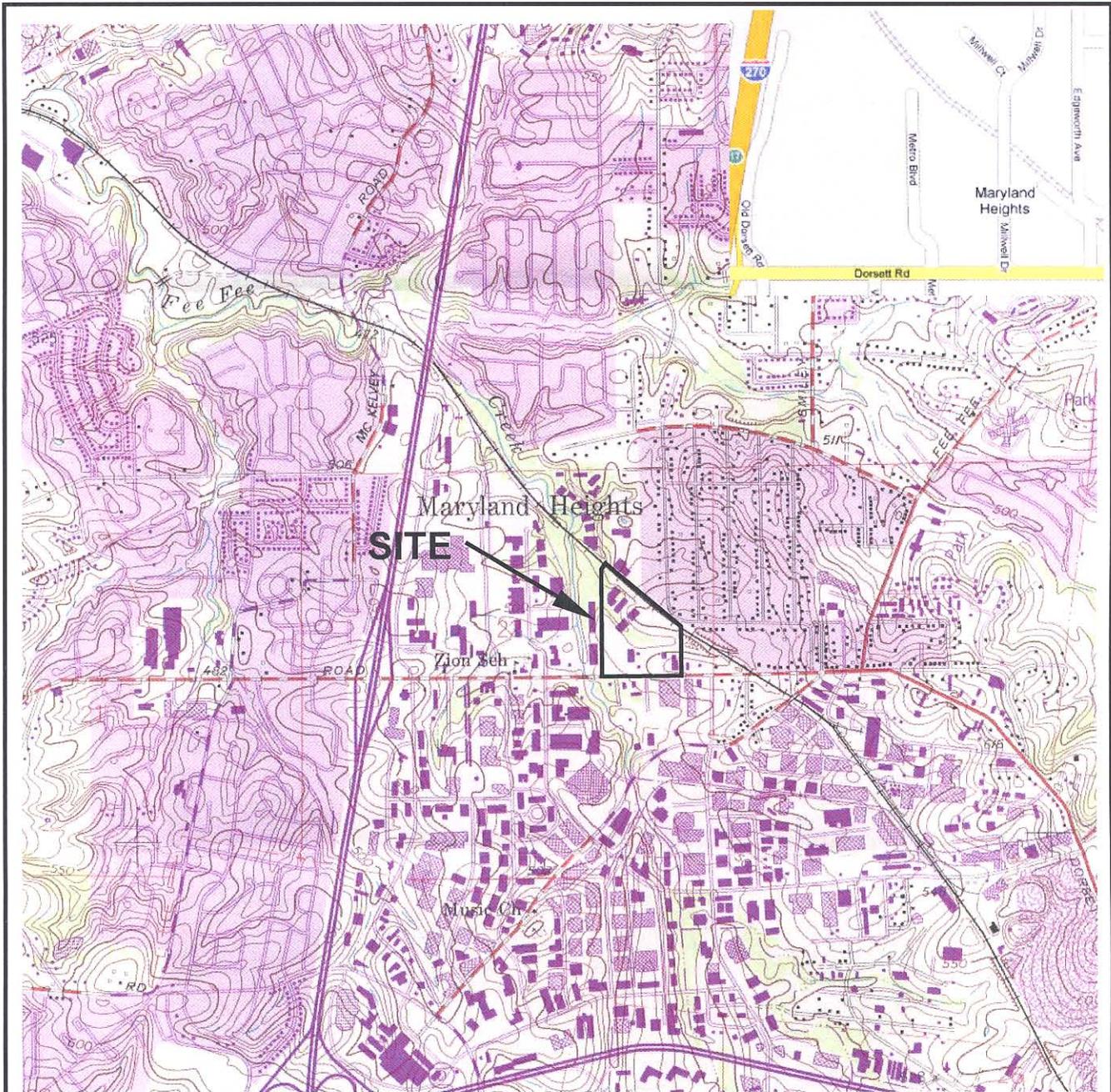
SCALE: 1"=200'



**WATERS OF THE U.S. DELINEATION
AND SITE DEVELOPMENT PLAN**

Delord Avenue
Maryland Heights, Missouri

The civil information depicted hereon was supplied by CEDC in an AutoCAD drawing sent to us via email on 7/17/08. This information was used for the sole purpose of showing site contours, and other environmental-related items as may be discussed in the text of this report. Midwest Testing and the engineer signing and sealing this report assume no responsibility or liability for the accuracy of this information, including, but not limited to, existing and proposed topography, infrastructure, and improvements. Our use of this information does not constitute our endorsement or approval of this plan.



SCALE: 1"=2000'



VICINITY MAP
Delord Avenue
Maryland Heights, Missouri

11730

