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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: Regulatory Branch  
1222 Spruce Street  
St. Louis, Missouri 63103-2833**

**Public Notice No.  
P-2381  
Public Notice Date  
July 28, 2003**

**Expiration Date  
August 18, 2003**

**Postmaster Please Post Conspicuously Until:**

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File Number: 200300931

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:** All 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: Ward Lenz

**APPLICANT:** Mr. Ferd Huber, Huber Farms, Inc., 1802 Old Highway 79, O'Fallon, Missouri, 63366

**LOCATION:** The project area consists of four sites, and is located in the northeast quarter of Section 10, Township 47 North, Range 3 East, St. Charles County, Missouri, adjacent to Peruque Creek Road. The project area is located in the floodplain of the Mississippi River, near Peruque Creek and adjacent to Belleau Creek. Drainage from the site enters Belleau Creek.

**PROJECT DESCRIPTION:** Applicant seeks authorization to conduct a combination of clearing, grading and draining operations on a 130.2 acre farm tract, to convert three wetlands to agricultural row crop production, and conduct drainage ditch maintenance. The wetlands are identified on the attached map, and consist of the following: **1.** A 3.5 acre forested wetland (site 1), which is adjacent to Peruque Creek Road. This wetland is proposed to be cleared and brought into row crop production. **2.** A linear 3.0 acre forested wetland (site 2), which is contiguous to a larger wetland area, and adjacent to a drainage ditch which flows through approximately 2640 lineal feet of the southern boundary of the project area. The proposed impacts to the 3.0 acre wetland are a combination of clearing for crop production, berm/levee construction, and the sidecasting of spoil from proposed ditch maintenance activities. This wetland contains areas of spoil from past ditch maintenance. The proposed impact area for the 3.0 acre wetland encompasses approximately 50 feet in width, and 2640 feet in length, adjacent to the north side of the drainage ditch, and also occurs

as a thin strip along Peruque Creek Road, from the south drainage ditch to the 3.5 acre forested wetland. 3. A 10.7 acre emergent/scrub-shrub wetland (site 3), which is proposed to be cleared, drained, and brought into row crop production. Additionally, the 2640 lineal feet of drainage ditch (also site 2) along the south edge of the project area, and adjacent to the 3.0 acre linear wetland, is proposed to be dredged, widened, and reshaped, with some of the spoil being placed in the 3.0 acre wetland site for berm construction. The drainage ditch along the south edge of the project site flows east to Belleau Creek, and a levee is present on the opposite bank from the project area. Approximately 17.2 acres of wetlands will be filled as a result of this project, with approximately 15.7 being converted to agricultural row crops, and 1.5 being converted for ditch maintenance.

**LOCATION MAPS AND DRAWINGS:** See attached maps.

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting 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.

**AUTHORITY:** This permit will be issued or denied under the following: 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 OF PROBABLE IMPACTS:** 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.

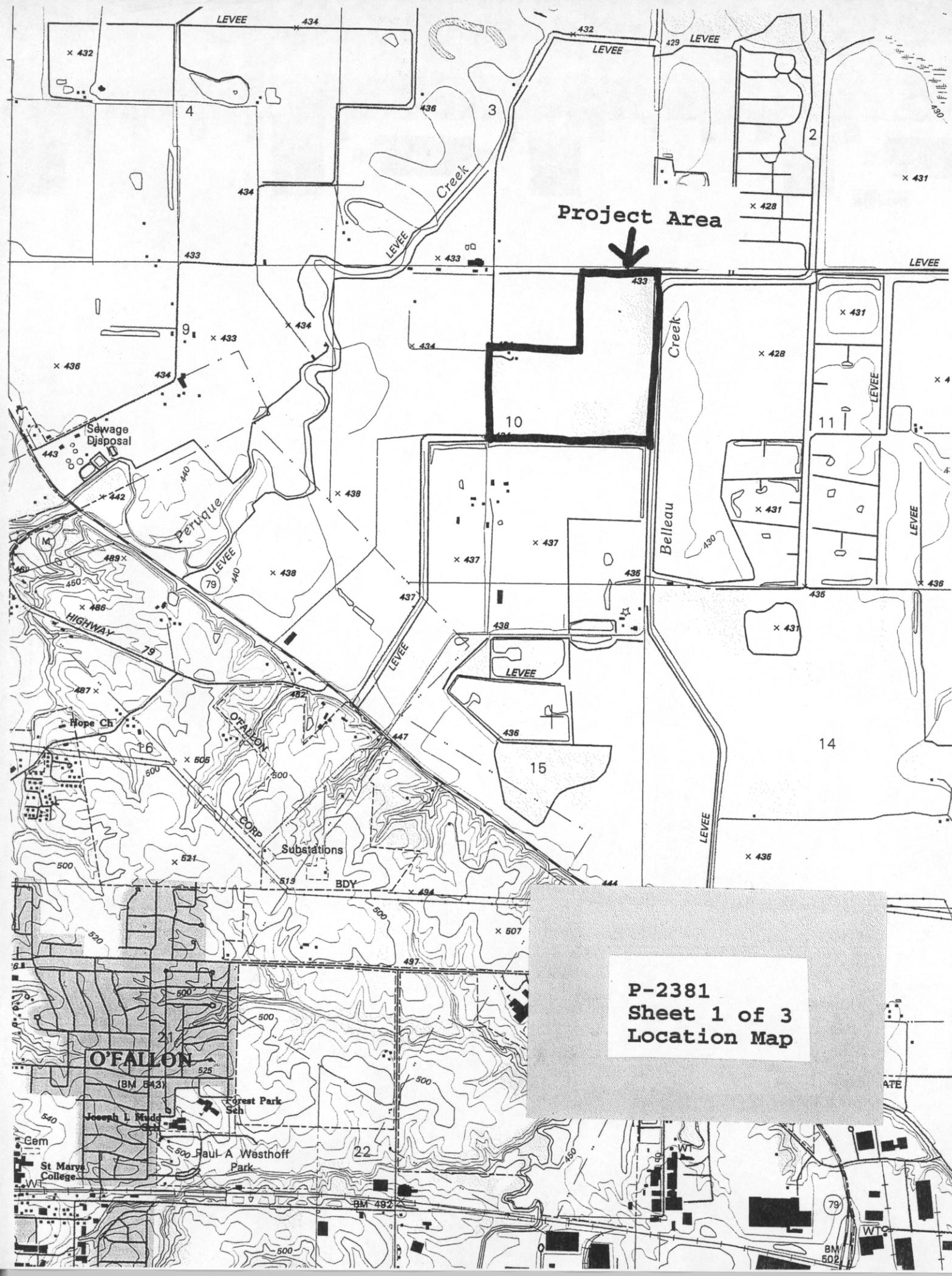
**Solicitation of Comments From The Public:** The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received 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 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 Area



P-2381  
Sheet 1 of 3  
Location Map

O'FALLON

Joseph L. Mudd  
St Mary's College  
Paul A. Westhoff Park

Forest Park Sch

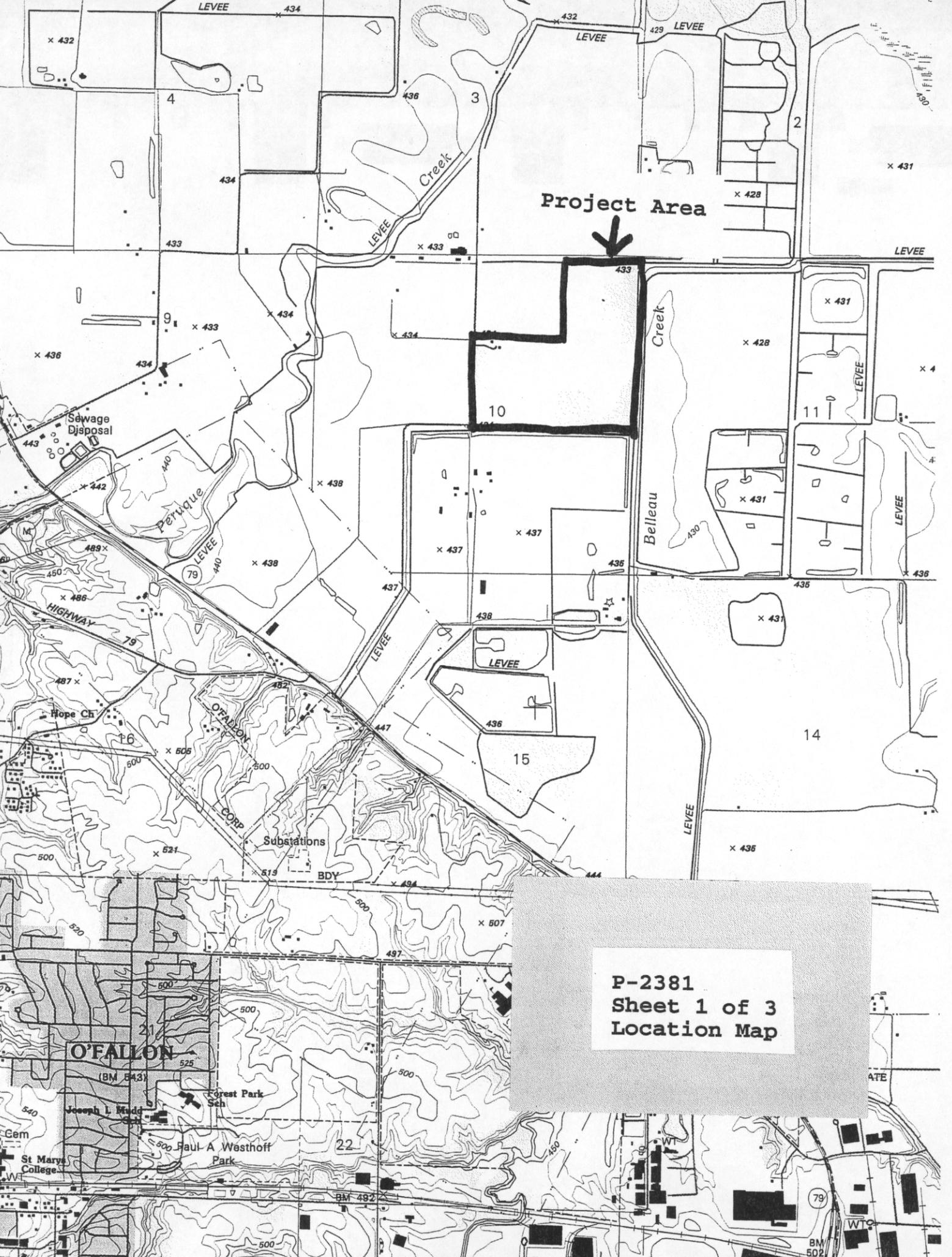
Substations

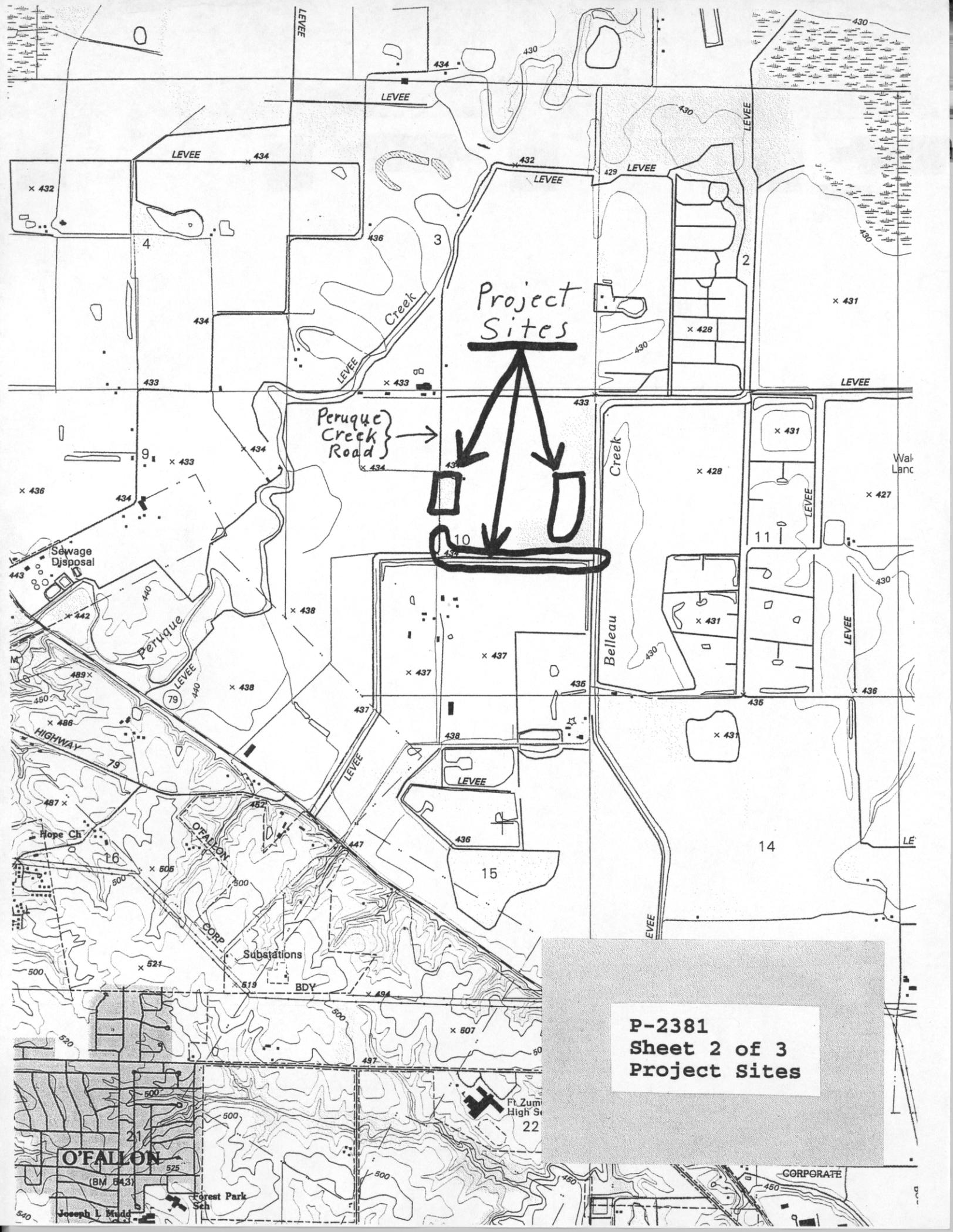
Sewage Disposal

HIGHWAY 79

Penique Creek

Belleau Creek





Project Sites

Peruque  
Creek  
Road

P-2381  
Sheet 2 of 3  
Project Sites

O'FALLON

CORPORATE

Site 1  
3.5 Acre  
Forested Wetland

Site 3  
10.7 Acre  
Emergent/Scrub-Shrub  
Wetland

Site 2  
Drainage Ditch &  
3.0 Acre Linear  
Forested Wetland

P-2381  
Sheet 3 of 3  
Project Area Aerial Photo

**OUR PUBLIC NOTICES ARE NOW AVAILABLE ON THE WORLD WIDE WEB AT OUR ST. LOUIS DISTRICT HOME PAGE (<http://mvs.usace.army.mil/permits/pn.htm>). If you have any trouble, please call Carol Sandford at (314) 331-8578**

**WE ARE ATTEMPTING TO REDUCE OUR PUBLIC NOTICE MAILING COSTS. CHECK OUR WEB PAGE THEN CONTACT US TO HAVE YOUR NAME REMOVED FROM OUR MAILING LIST.** please call (314) 331-8578, or mail this cover-sheet to the St. Louis District, CO-F, 1222 Spruce St., St. Louis, MO 63103-2833, ATTN: Regulatory Branch, indicating that your name or company name be removed. Changes to our mailing list take a few weeks to take effect.

**U.S. ARMY ENGINEER DISTRICT, ST. LOUIS  
ATTN: CEMVS-CO-F  
1222 SPRUCE STREET  
ST. LOUIS, MISSOURI 63103-2833**