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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-2520  
Public Notice Date  
February 20, 2006  
Expiration Date  
March 22, 2006**

**Postmaster Please Post Conspicuously Until:**

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File Number: 2006-52

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

**APPLICANTS:** Mr. Hans Wiemann, 889 S. Brentwood Blvd, St. Louis, Missouri 63105 and Mr. Tom Howell, 185 Holden Road, Defiance, Missouri 63341.

**AGENT:** Robert Haegler, Lewis-Bade, Inc., 2007 Sylvan Hills Ct., Jefferson City, Missouri 65109, (573)761-1562.

**LOCATION:** The project area is located near the intersection of Howell Road and State Highway 94, in Township 45 North, Range 02 East, just upstream of Defiance, St. Charles County, Missouri.

**PROJECT DESCRIPTION:** The applicant seeks authorization to construct a 20-acre recreational lake on an unnamed tributary to the Femme Osage Creek, which flows to the Missouri River. The proposed project includes an earthen dam approximately 33-feet high, 230-feet long, and 530-feet wide, with a spillway inlet structure, principal spillway pipe, and an emergency spillway that should meet the requirements of the Missouri Department of Natural Resources, Dam and Reservoir Safety Council, even though the dam height will be below the state requirements for a regulated dam. The unnamed tributary that would be impacted is an intermittent tributary, which continues to flow from groundwater influence throughout most of the year, but with the exception of small pools, is dry during summer or drought conditions. Currently the site is a combination of forested riparian corridor and agricultural fields. The construction of the proposed dam would impact approximately 300 linear feet

of intermittent tributary and the grading/inundation would impact an additional 2,150 linear feet. There has been no determination to whether or not the existing stream contains any type of sustainable fish population, but would provide a seasonal environment for several aquatic organisms. The primary purpose of the proposed lake is recreation, but it will also provide detention, erosion control, and fish/wildlife habitat. If required, the applicant has proposed to install a third discharge system as part of the principal spillway that would maintain flow in the stream below the dam when the lake is higher than one foot below full pool. In addition, flows from the principal spillway should provide an occasional bank full flushing of the creek below the dam. For compensatory mitigation, the applicant has proposed a combination of on-site mitigation and In-Lieu Fee Mitigation through the Heritage Foundation's Stream Stewardship Trust Fund.

**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 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](mailto: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.

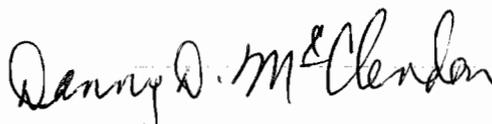
**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that 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:** 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

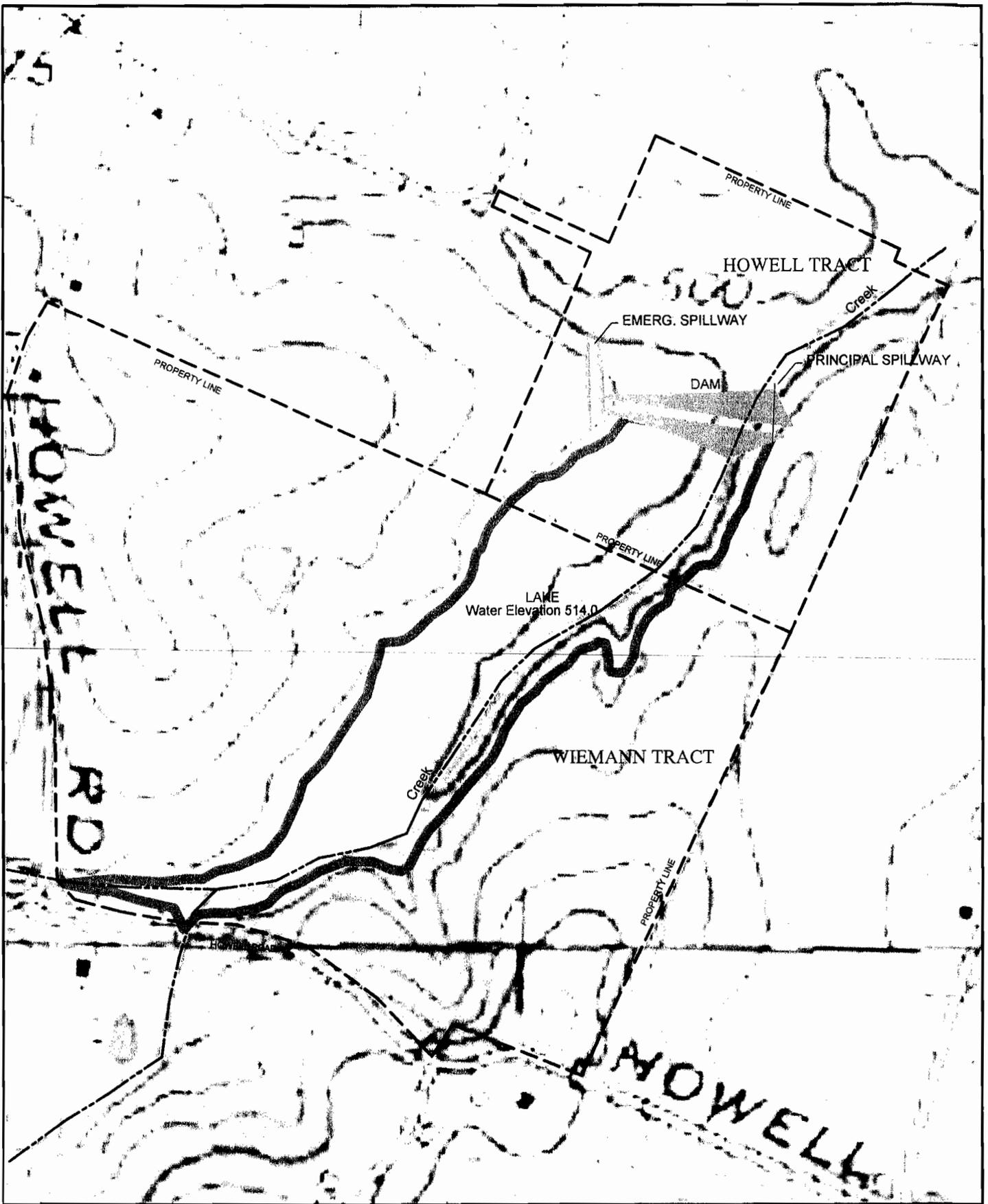
Attachments

**NOTICE TO POSTMASTERS:**

It is requested that this notice be conspicuously and continually placed for 30 days from the date of this issuance of this notice.



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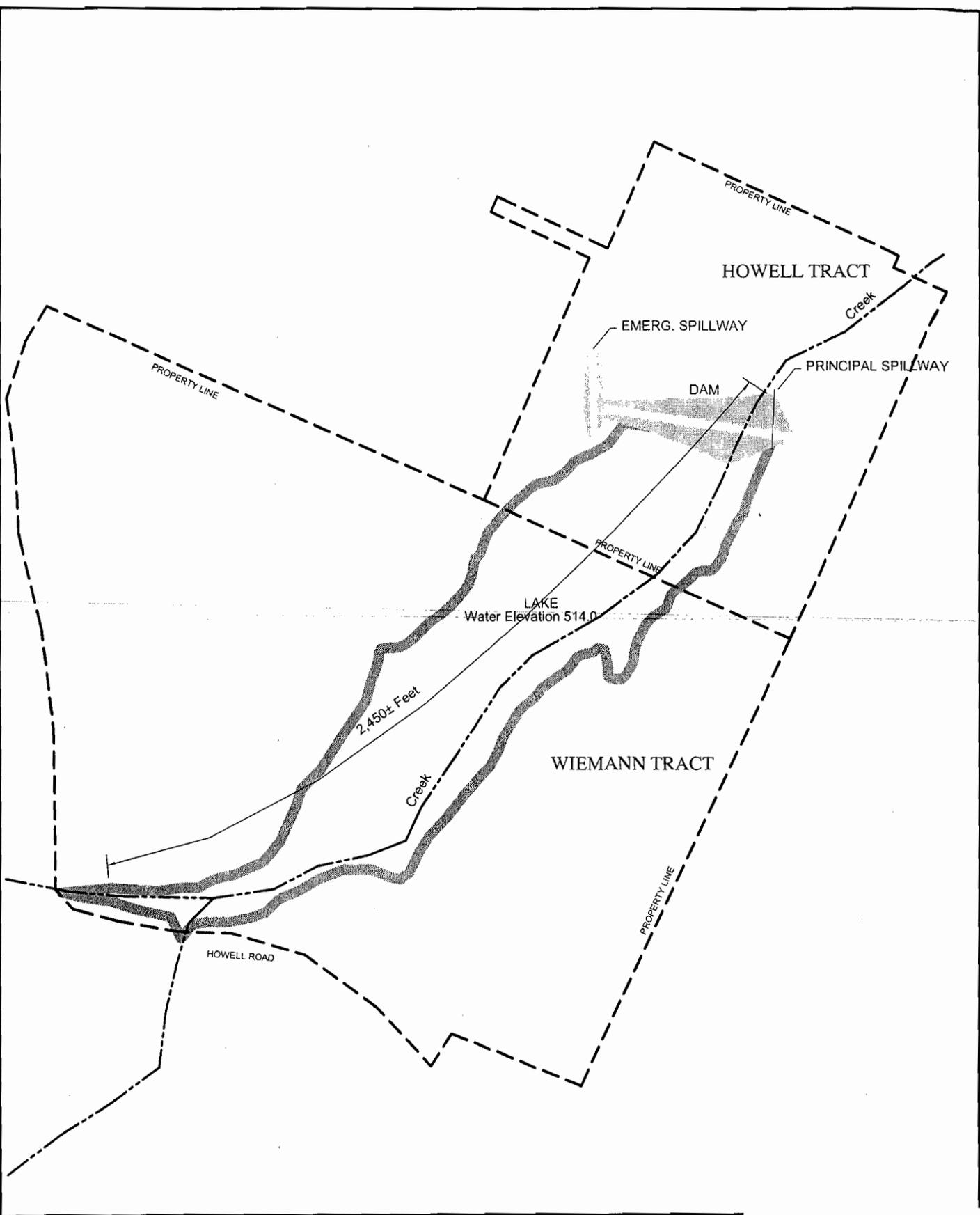


SCALE 1" = 400'

SITE PLAN  
 WIEMANN - HOWELL LAKE  
 ROJECT #05002  
 OVERLAYED DEFIANCE QUADRANGLE

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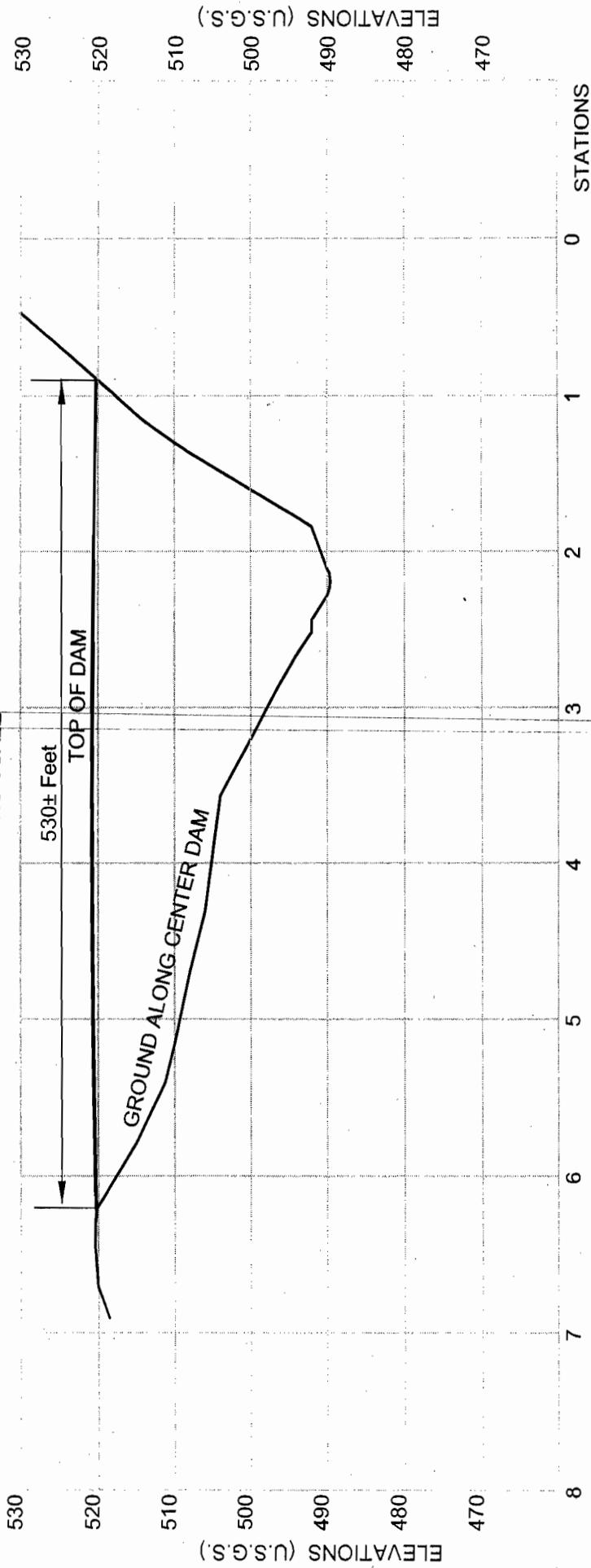
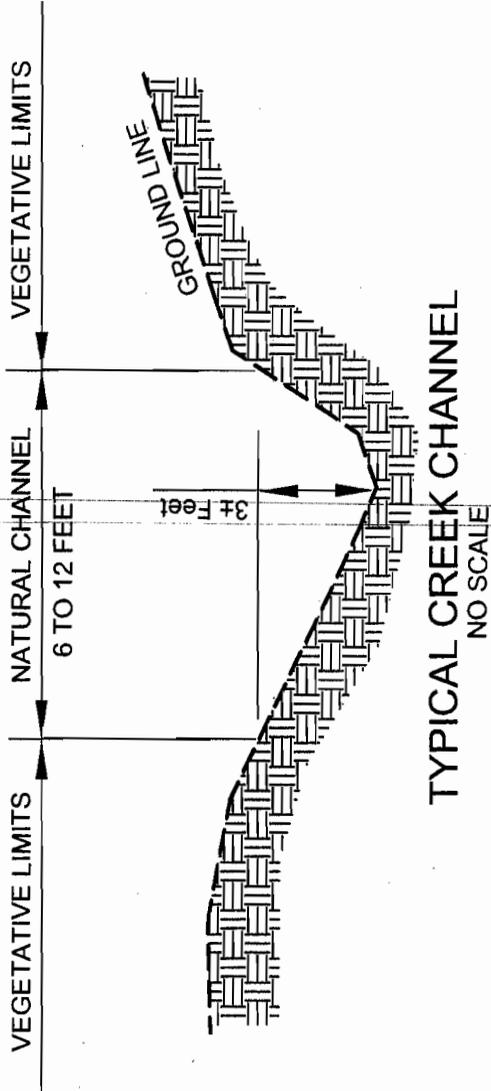


SCALE 1" = 400'

SITE PLAN  
 WIEMANN - HOWELL LAKE  
 PROJECT #05002

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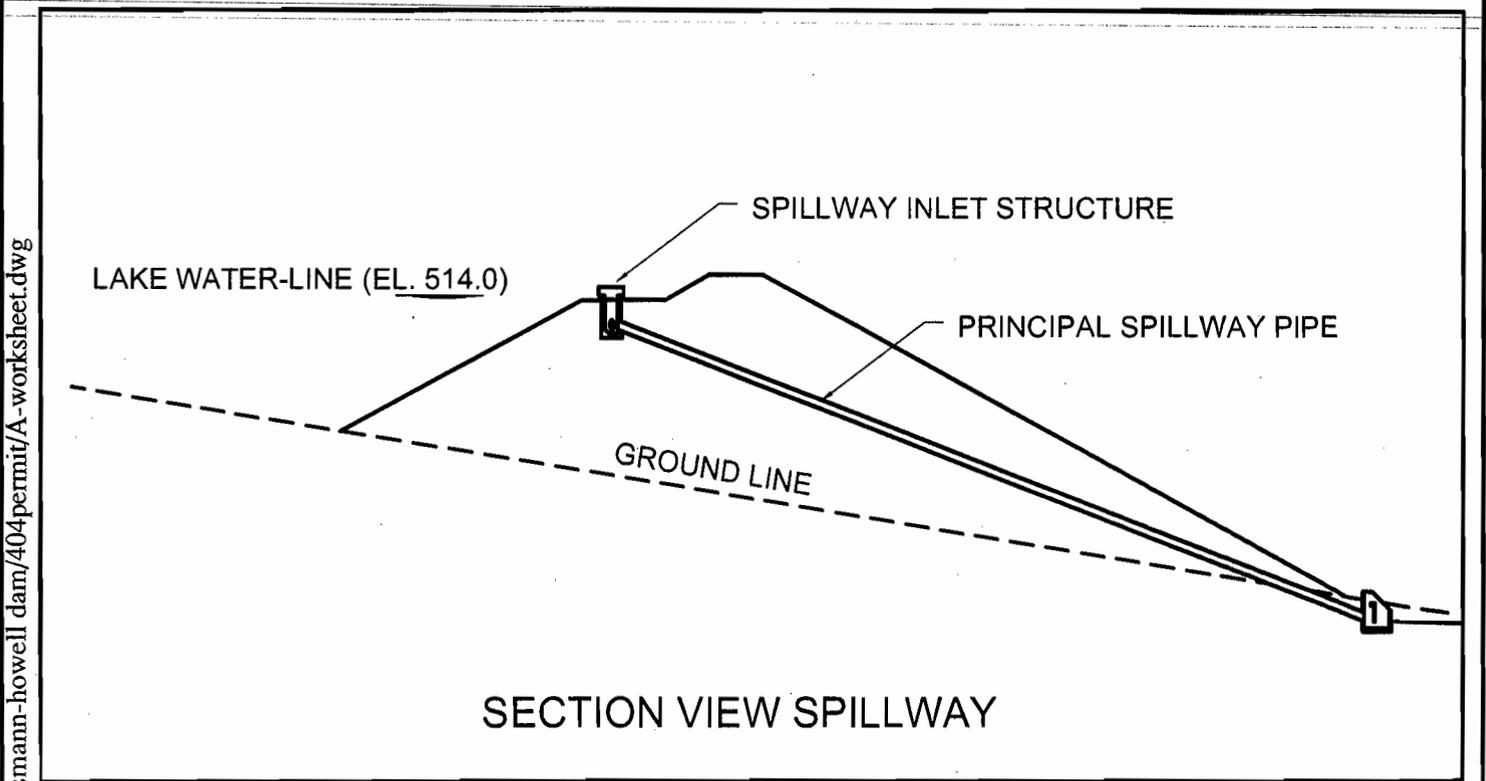
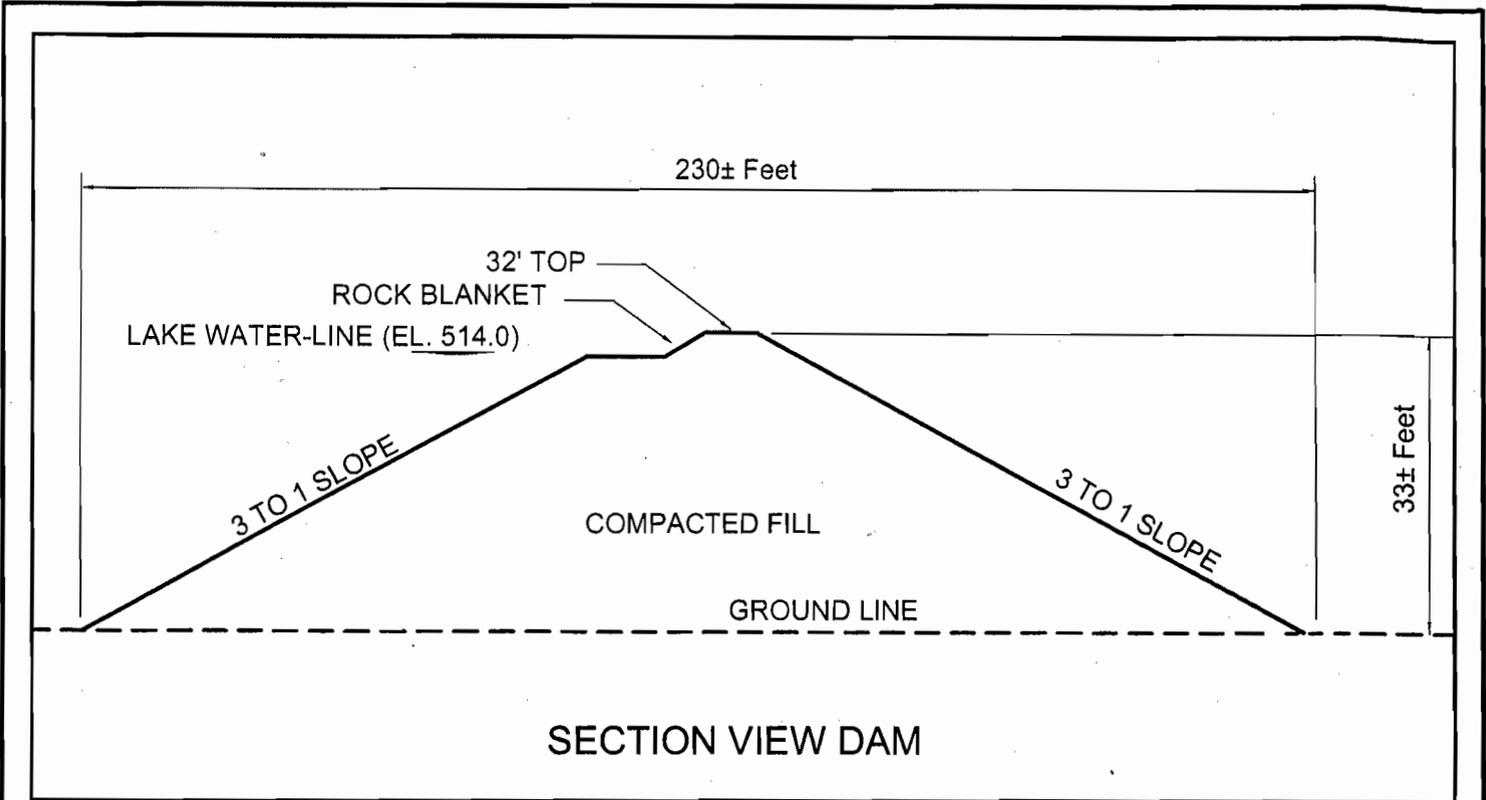


PROFILE ALONG CENTERLINE DAM  
 (VEIWING DOWNSTREAM)

WIEMANN - HOWELL LAKE  
 PROJECT #05002

FIGURE #2

LEWIS-BADE, INC. ENGINEERING - 2007 Sylvan Hills Ct. - Jefferson City, MO 65109



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SECTIONS DAM AND SPILLWAY  
 WIEMANN - HOWELL LAKE  
 PROJECT #05002

FIGURE # 3