



Public Notice

**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-2562
Public Notice Date
June 30, 2006

Expiration Date
July 20, 2006**

Postmaster Please Post Conspicuously Until:

File Number: 2006-539

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 and/or requests for public hearing must reach this office no later than the 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. Shawn Sullivan

APPLICANT: Fairview Heights Associates, L.P. Attn: Mr. Gary Grewe, 9109 Watson Road, 4th Floor, St. Louis, MO 63126. Phone (314) 962-6300.

AGENT: Pickett, Ray, & Silver, Inc., Attn: Mr. Jim Valleroy, 333 Mid Rivers Mall Drive, St. Peters, MO 63376. Phone (636) 397-1211.

LOCATION: The project site is located to the northeast of the intersection of Old Highway 141 and Allen Road in Fenton, Missouri (see attached map). More specifically, the site is situated in U.S. Survey 3011, Township 44 North, Range 05 East, in the City of Fenton, St. Louis County, Missouri.

PROJECT DESCRIPTION: Applicant seeks authorization to conduct site grading for purposes of constructing a commercial development. The jurisdictional waters, labeled on the attached map, consist of an unnamed intermittent tributary (labeled as Tributary A), an emergent wetland (labeled as Wetland A) and a forested wetland (labeled as Wetland B). Wetland A is a linear wetland that appears to be a remnant section of Tributary A that was historically cut off by man induced activities.

The applicant proposes to impact 1,028 linear feet of Tributary A by relocating the channel into a new 1,004 foot long trapezoidal channel. The applicant proposes to impact Wetland A by filling the wetland to assist in construction of a building and associated paved access. The applicant proposes

to impact Wetland B by relocating Tributary A through the wetland area. The applicant declares that the channel work conducted adjacent to and downstream of Old Highway 141 is a project contracted by the City of Fenton and is occurring independent of the proposed development. Therefore, the applicant is not required to consider alternatives to avoid or minimize impacts for purposes of the Old Highway 141 road improvement project. Total proposed impacts to Tributary A are 1,028 linear feet or 0.12 acres and 0.11 acres of wetlands. Tributary A is a primary tributary to Fenton Creek, which is a primary tributary to the Meramec River.

A detailed alternatives analysis is required of the applicant to demonstrate that the proposal is the least environmentally damaging practicable alternative taking into consideration other project sites to avoid impacts to the aquatic resources as well as alternative layouts to minimize impacts to the aquatic resources. The applicant's agent has also been informed that any proposed relocation of Tributary A will require biostabilization measures and instream habitat features to be installed into the new channel as well as compensatory mitigation to offset losses of tributary functions. The applicant's agent was also informed that impacts to the wetlands would also require compensatory mitigation.

LOCATION MAPS AND DRAWINGS: See attached maps.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Shawn Sullivan, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8580. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Shawn.F.Sullivan@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 Protection 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 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.

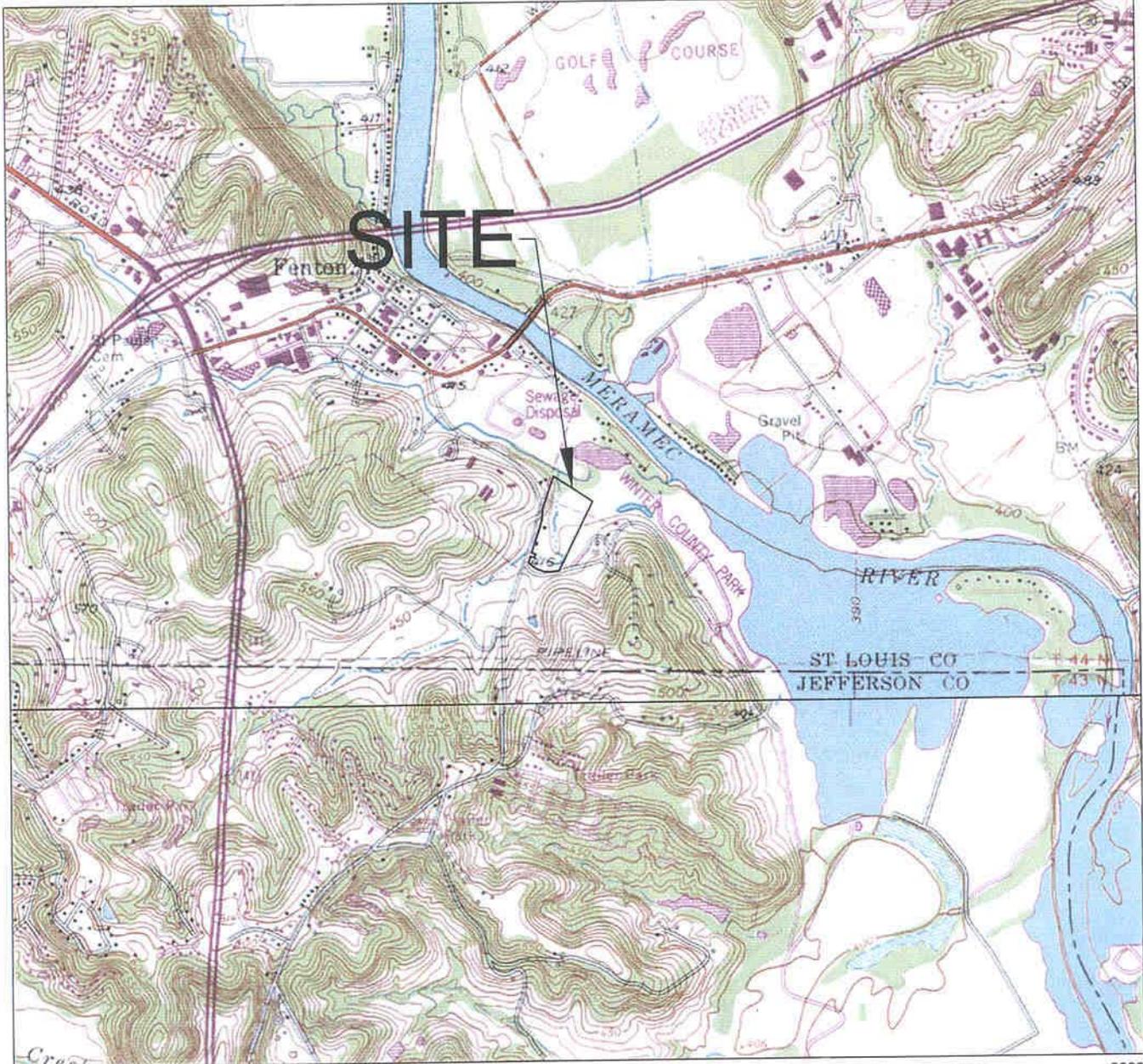
Solicitation of Comments From The Public: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received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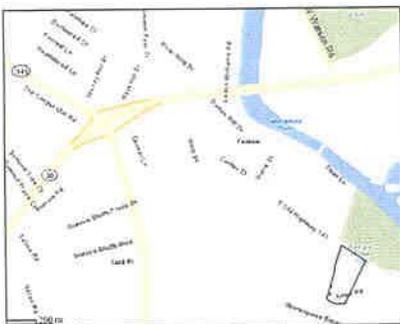


GRAPHIC SCALE
(IN FEET)
1 inch = 2000ft.

NOTE:

USGS Topographical Map
Kirkwood Quadrangle, Dated 1993 and
Maxville Quadrangle Dated 1982

LOCATION:

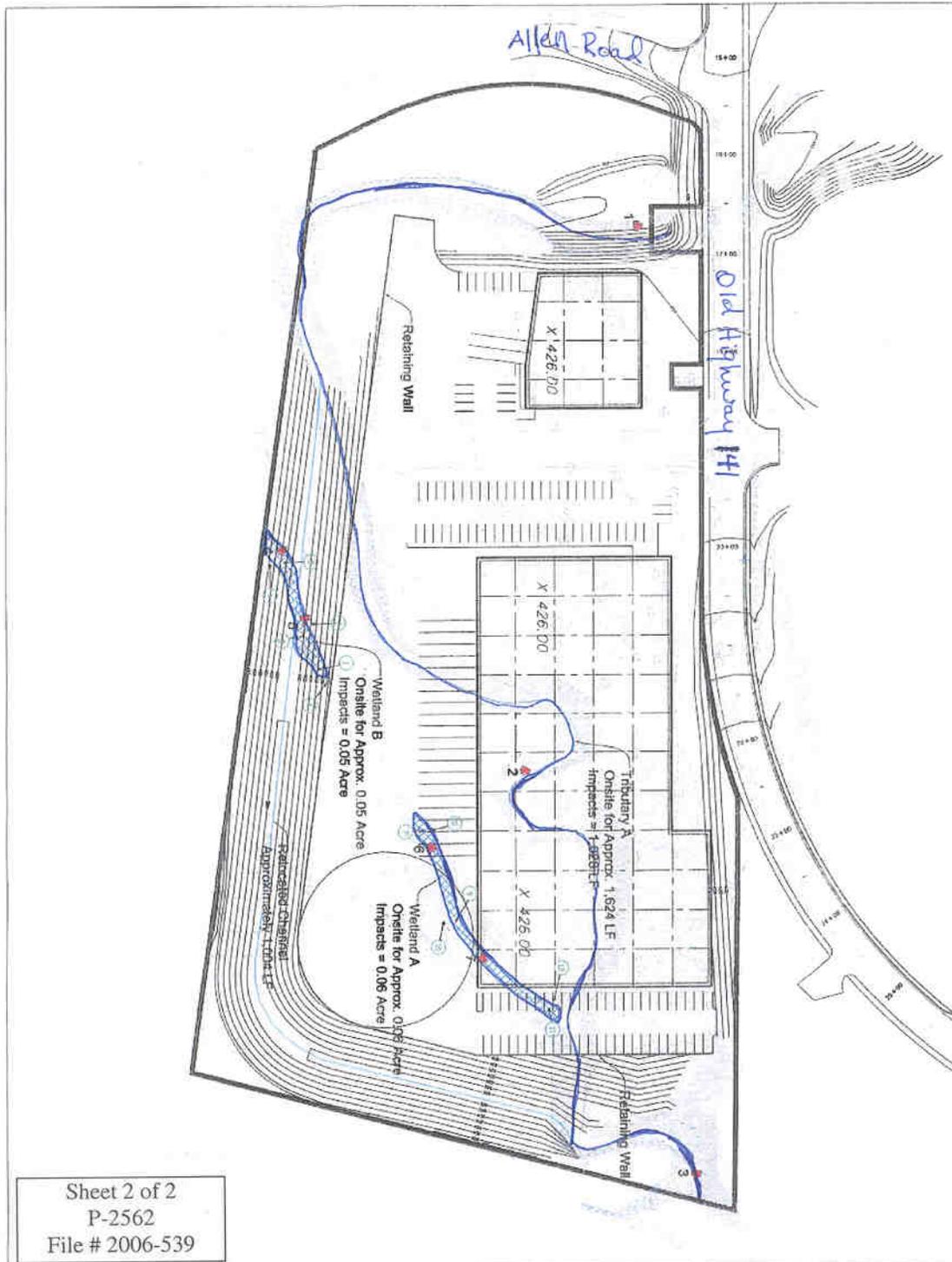


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CHOTT PROPERTY
USGS TOPOGRAPHICAL
MAP

DRAWN	M.G.C.	DATE	01-19-06	1
CHECKED	J.V.	DATE	01-19-06	
FIELD BOOK	PROJECT # 97159.FHAS.Q06			4
	JOB ORDER #			



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- LEGEND:**
- Indicates Approximate Photograph Location; Number Corresponds to Photograph in Appendix A.
 - ① Approximate Location of Sample Location; Number Corresponds to Sample in Appendix B (1= S1).
 - Approximate Location of Boundary.



1 inch = 100ft.

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PICKETT RAY & SILVER

Civil Engineers 334 West 44th Street
 Planners St. Johns, MD 20688
 Land Surveyors 410-581-1800

**CHOTT PROPERTY
 WETLAND DELINEATION
 PLATE 4**

DATE	M.C.C.	DATE	05-04-06	4
CHECKED	J.W.	DATE	05-04-06	
PROJECT	PROJECT # 97159EST/005			4
SCALE	AS SHOWN			