



# 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-3137**

Public Notice Date

**May 6, 2020**

Expiration Date

**May 27, 2020**

**Postmaster Please Post Conspicuously Until:**

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File Number: MVS-2019-117

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: David Meyer

**APPLICANT:** Cynthia Davenport (Troy Kiwanis Foundation), 104 Professional Parkway, Troy, Missouri 63379.

**LOCATION:** The proposed project site is on an approximate 21.5-acre tract comprised of a previously disturbed area, which contains drainage features that bisects the site. The proposed project consists of the creation of a recreation park on Trojan Circle in Troy, Missouri. The site is located in Section 35, Township 49 North, Range 1 West, Lincoln County, Missouri. The approximate geographic coordinates of the site are Latitude 38.9694, Longitude -90.9834.

**PROJECT DESCRIPTION:** The applicant seeks authorization to conduct grading and filling operations within waters of the United States, for the purpose of the creation of a park with an ADA compliant asphalt trail system.

The proposed project is known as Kiwanis Park – Phase 2 and is planned for the installation of a trail system with associated tributary crossings at four locations, and disc golf course. This will result in a total of approximately 40 linear feet of Buchanan Creek impacts and approximately 0.88 acres of wetland impacts.

	Width (stream) (at OHWM) <sup>1</sup> .	Length (stream) (Within Project Site)	Area <sup>(wetland)</sup> (Within Project Site)	Jurisdiction Opinion	Amount of Impact Proposed (2.)	Regulatory Action 404 / 401 Permit Requirements
	(feet)	(feet)	(acre)			
<b><u>Wetland</u></b>						
Wetland A	-----	-----	15.80	Jurisdictional	0.88	404/401 permit required
<b><u>Tributaries</u></b>						
Buchanan Creek	5-25	2,491	-----	Jurisdictional	40 (four crossings on the braided section of creek)	404/401 permit required
Tributary A	6	560	-----	jurisdictional	0 l.f.	No 404/401 permit required

The project site is comprised of a former lake that was breached prior to 1995. Due to the previous lake, the original stream channel was filled and has not properly reformed to appropriate size and sinuosity since the dam was breached. Due to the lack of proper channel formation, the entire area is inundated during storm events. Water sheet flows across the site during high flows and during low flows as it follows a series of small braided channels. The former footprint of the lake contained characteristics associated with jurisdictional wetlands. These characteristics are hydric soils, hydrology and wetland vegetation. Areas along the channel upslope of the former lake contained these features as well. This area contained old spoil piles and some excavation creating closed depressions and inhibiting drainage. The vegetation within the wetland areas are made up of wetland species including willow, silver maple, pin oak and several herbaceous species. These areas were saturated with some areas containing surface water.

Buchanan Creek created the former lake. The channel is intact above and below the former lake and the wooded corridor is well established. There is an unnamed tributary to Buchanan Creek with the confluence being just above the former lake. Once Buchanan Creek enters the former lake bed the channel becomes braided and inconsistent, but reforms once below the former dam.

The applicant's agent, On-Site Soils has researched alternatives and has attempted to minimize impacts to the unnamed tributary, Buchanan Creek and wetland A. However, the agent has stated that the proposed impacts are necessary, ultimately choosing the alternative which has the appropriate balance of minimal impacts and project feasibility due to the site's shape and topography. The applicant proposes to compensate for the impacts, through the purchase of wetland credits through a Mitigation Bank or In-Lieu Fee provider.

**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/ConOps/permits/pn.htm>

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting David P. Meyer, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8810. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to [David.P.Meyer@usace.army.mil](mailto:David.P.Meyer@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:** Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. The project plans will be submitted to the Missouri Department of Natural Resources, Water Protection Program (the Agency) in accordance with Section 401. While the Corps of Engineers may provide all relevant information to DNR and request Section 401 review on behalf of the applicant, the applicant assumes final responsibility to ensure that both agencies receive all information required to complete their independent review. If issued, Certification 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, P.O. 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:** The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened Northern long-eared Bat (*Myotis septentrionalis*). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that the proposed activities are not likely to adversely 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.

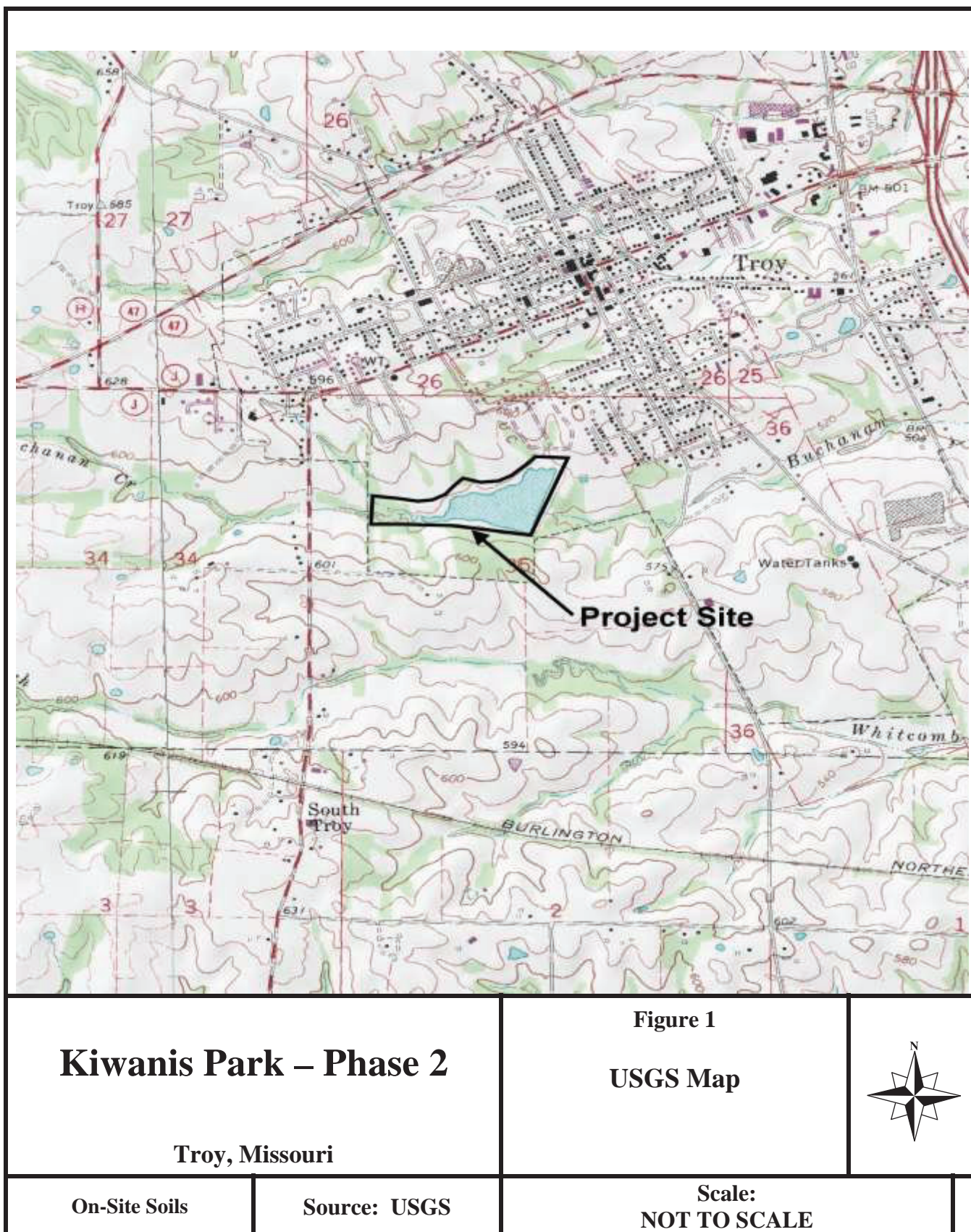
*Robert S. Gramke*

Robert S. Gramke  
Chief, Regulatory Branch

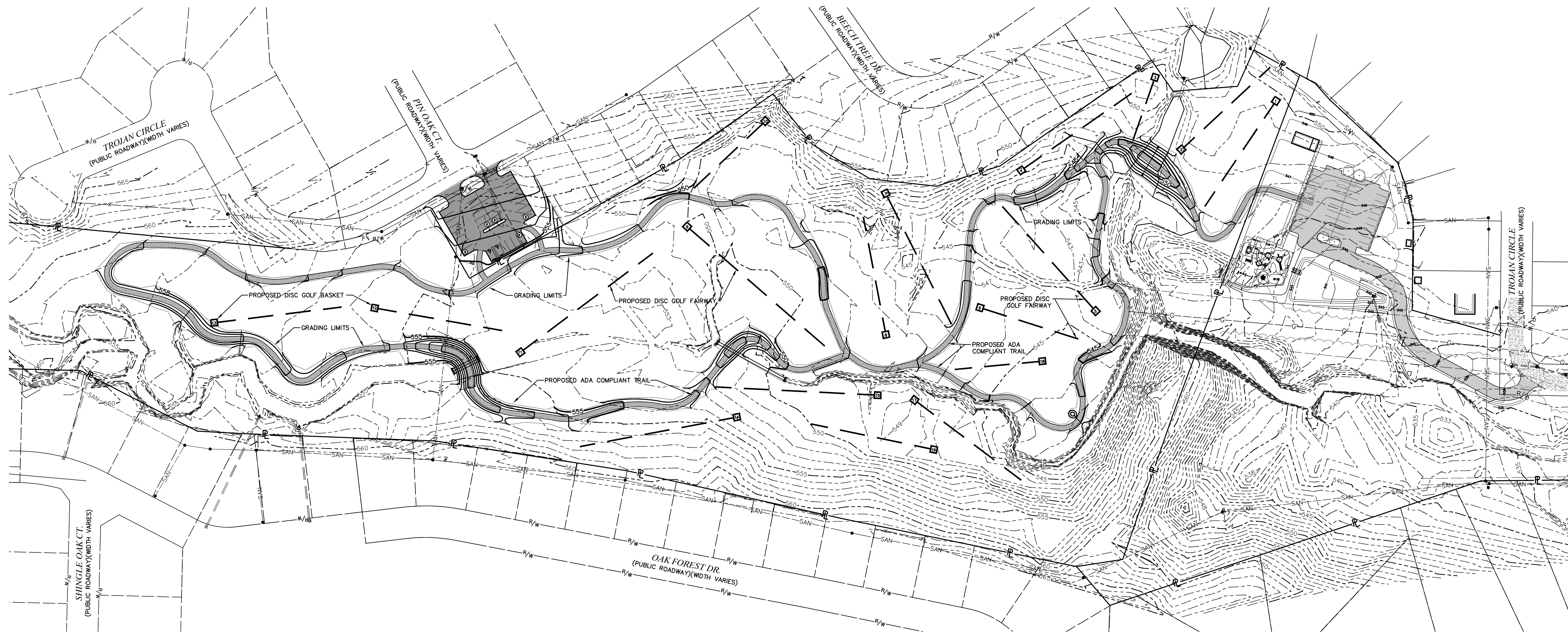
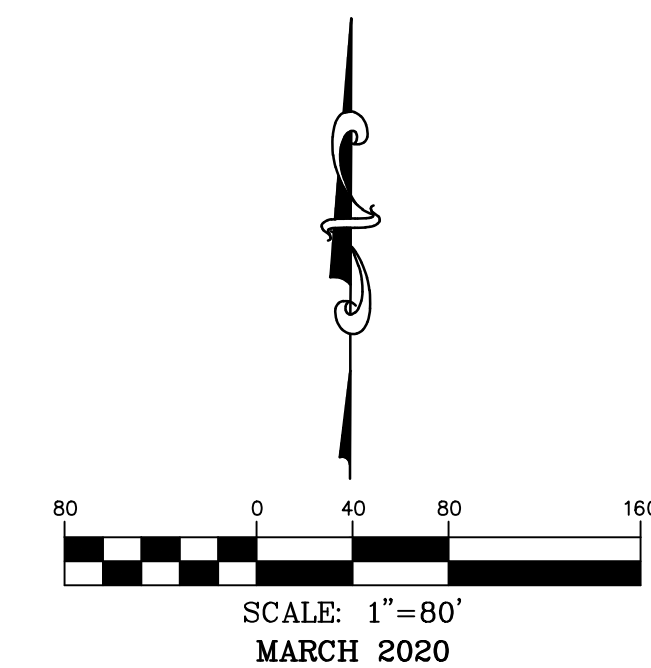
Attachments

**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.







18 HOLE DISC GOLF COURSE

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## Exhibit A-Waters of the U.S. Delineation

P1-Denotes photograph location and designation

S1- Denotes sample site location and designation

