



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-3143

Public Notice Date:
December 3, 2020

Expiration Date:
January 4, 2020

Postmaster Please Post Conspicuously Until:

File Number: MVS-2019-606 (Riverpointe Development)

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: Chad LaMontagne

APPLICANT: City of St. Charles, Missouri, Department of Engineering, Attention: Daniel Mann, 200 North 2nd Street, St. Charles, Missouri 63301.

LOCATION: The project area is located near Bangert Island, east of Arena Parkway, south of the I-70 bridge and west of the Missouri River in St. Charles, Missouri. More specifically, the project is in Sections 5 & 8, Township 46 North, Range 05 East. Approximate coordinates: 38.7595 latitude, -90.4951 longitude.

PROJECT DESCRIPTION: The applicant seeks authorization to conduct grading and filling operations in waters of the United States in order to construct a mixed-use (office, retail, & residential) development, with associated infrastructure, in order to provide economic development and multi-modal transportation options to compliment existing development within St. Charles' historic Main Street and Streets of St. Charles, while serving as a connection between these areas and the Family Arena to the southwest. Proposed project plans include the construction of a retaining wall parallel to Crystal Springs Creek/Bangert Slough, and grading/filling behind it to facilitate construction.

The project proposes to impact 15.5-acres of forested wetland, 975 linear feet of perineal stream, & 376 linear feet of intermittent stream for the development. The wetland is located within the floodplain of the Missouri

River, along the left descending bank. The wetland is also adjacent to, and inundated by, Crystal Springs Creek due to its connection to the Missouri River.

The City of St. Charles, Missouri has researched both on and offsite alternatives and attempted to minimize impacts to the wetland. However, the applicant stated that the impacts are unavoidable due to the desire to utilize and develop the site. The applicant is exploring mitigation options within Missouri's In-Lieu Fee Program which conceptually includes three components: (1) Purchasing stream mitigation credits from the Land Learning Foundation; (2) Preserving acreage on Bangert Island in perpetuity via conservation easements; & (3) Creation of wetlands on a site at Labadie Bottoms (within 10300200 -the same 8-digit HUC as the impact site) in coordination with the Land Learning Foundation. The Missouri Wetland and Stream Assessment Methods are used to calculate mitigation requirements.

HISTORY: The existing project area along South River Road includes areas previously disturbed by residential, commercial, and industrial land uses. The applicant stated that while the City of St. Charles has been able to foster economic growth in the community through other public infrastructure improvement projects, such as the Streets of St. Charles, development potential is limited due to the lack of availability of sites without development constraints. Development along the City of St. Charles' riverfront has remained isolated to approximately one quarter of the City's total riverfront due to impacts from a changing river condition and historically poor access. Additional information regarding the historic planning efforts associated with the site can be found at www.riverpointe-stc.com.

LOCATION MAPS AND DRAWINGS: See attached. In addition, this Public Notice may be viewed by visiting the Public Notice section of our website at: www.mvs.usace.army.mil/Missions/Regulatory/PublicNotices/OpenNotices.aspx

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Chad LaMontagne, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8044. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Chad.M.LaMontagne@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. WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not submitted a certification request to the MDNR (certifying authority). In accordance with Certification Rule part 121.6, once the applicant submits a certification request the Corps will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring

jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions. 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: The City of St. Charles plans to hold a public meeting for the project to inform the public on the proposed development and to answer any questions. Due to the ongoing COVID-19 pandemic, the City of St. Charles plans to conduct a virtual public meeting, with live staff available to answer questions. While the specifics are still being planned, residents can sign up to receive a meeting invite at <https://www.riverpoointe-stc.com/public-involvement>. In addition to the upcoming public meeting, the City of St. Charles created the www.riverpoointe-stc.com website with project information contained within. The web site has been active since 2018 and includes additional information regarding the project planning/design efforts.

ENDANGERED SPECIES: The United States Fish & Wildlife Service (USFWS) IPaC website was consulted (consultation code: 03E14000-2020-SLI-1940) to determine if federally listed species were present within the project area. That review discovered that the project is within the range of the federally endangered Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), & Pallid Sturgeon (*Scaphirhynchus albus*) as well as the federally threatened Northern Long-eared Bat (*Myotis septentrionalis*) & Decurrent False Aster (*Boltonia decurrens*). Due to the potential presence of federally listed bat species, a summer acoustic survey was conducted of the area from 23-25 June 2020, which found no occurrences of Indiana or Northern Long-eared Bats, but did find the presence of Gray Bats. Those findings were verified by the USFWS on 15 October 2020. The project will not impact suitable habitat for the Decurrent False Aster or Pallid Sturgeon. The Corps has coordinated with the USFWS via Section 7 of the Endangered Species Act, as amended, and preliminarily determined that the proposed activity will have No Affect on the Indiana Bat, Northern Long-eared Bat, Pallid Sturgeon, & Decurrent False Aster. As the trees will be cleared outside of the roosting period, it was determined that the proposed activity May Affect but was Not Likely to Adversely Affect the Gray Bats. In order to further complete our evaluation, written comments are solicited by this public notice from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

CULTURAL RESOURCES: A shipwreck magnetometer survey was conducted by the Center for Archaeological Research at Missouri State University on portions of the island in August of 2020. On October 26, 2020, the Deputy State Historic Preservation Officer indicated that there will be "no historic properties affected" for the area covered by the survey. On October 28, 2020, a follow-up email with revised limits of the proposed development was sent to SHPO to confirm that the proposed project had received Section 106 clearance since portions of the development were outside the boundary of the magnetometer survey. On November 6, 2020, the SHPO Deputy State Historic Preservation Officer indicated that there will be "no historic properties affected" for the areas of the proposed development (Phases 1, 3a, and 3b). The St. Louis District will evaluate the information provided by the State Historic Preservation Officer (Mo SHPO file number: 093-SC-20) and the public in response to this public notice and The Corps will continue to coordinate with SHPO and Native American Tribes as appropriate. The U.S. Army Corps of Engineers did contact some Native American Tribes in August 2020 about this site as part of a planning study, but Native American Tribes are also contacted through this Public Notice and/or separate correspondence related to this permit action.

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. Many of the concerns listed above including Air Quality are reviewed, evaluated, and permitted by the Missouri Department of Natural Resources through the State Land Reclamation Permitting Process.

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 30 days from the date of this issuance of this notice.