

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.
MVS-2016-764

Public Notice Date:
October 29, 2021

Expiration Date:
November 19, 2021

Postmaster Please Post Conspicuously Until:

File Number: MVS-2016-674

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: Alan Edmondson

APPLICANT: Lake Center Marina: Tim Cantwell, 5898 Washeon Road, St. Charles, MO. 6330179.

LOCATION: Maintenance dredging activities would take place within the Lake Center Marina, located in the southern half of Section 30, Township 48 North, Range 5 East, near the right descending bank of the Mississippi River, approximately 224.4 miles above the Ohio River confluence, St. Charles County, Missouri, at latitude 38.8993 and longitude -90.5004. (See Attached Location Map).

PROJECT DESCRIPTION: The applicant seeks authorization to conduct maintenance dredging operations within the pre-existing harbor of the Lake Center Marina. Previous permitting authorized dredged materials to be placed into the Mississippi River in an open water disposal site just outside the harbor's mouth. High water events, specifically the flood event of 2019, has caused the re-deposition of fine materials within the harbor. The proposed dredging will only remove material deposited by the river and will not alter the previously authorized contours of the marina. The dredge material will again be placed outside of the mouth of the marina in deeper portions of the river with a depth of approximately 25 feet (see river elevations map). The proposed disposal site is not in the designated navigation channel of the Mississippi River and will be within

the State of Missouri. Periodic dredging is based on flood frequency and sedimentation levels with up to 12,000 cubic yards of material removed annually from the marina. The applicant is proposing to dredge a maximum of 60,000 cubic yards of material over a five-year period.

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/Missions/Regulatory/PublicNotices/OpenNotices.aspx>

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Alan Edmondson, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8811. Your inquiries may also be sent by e-mail to alan.r.edmondson@usace.army.mil.

AUTHORITY: This permit will be processed under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344).

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.

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**), gray bat (**Myotis grisescens**), and the northern long-eared bat (**Myotis septentrionalis**) that currently is a threatened species and is a proposed candidate for endangered status. The endangered pallid sturgeon (**Scaphirhynchus albus**), Higgins eye (pearlymussel)(**Lampsilis higgensii**), and the threatened Decurrent false Aster (**Boltonia decurrens**) may also be present. A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that this activity may affect the habitat of these listed and candidate species. While there is no anticipated impact to the bat species or the Decurrent false aster due to the work only occurring within the confines of the harbor itself, the Corps is coordinating with the

U.S. Fish and Wildlife Service and the applicant is taking measures to minimize potential effects of the project during construction. 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: 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 conduct or require a reconnaissance survey of the project area. The Corps will continue to coordinate with SHPO and Native American Tribes as appropriate.

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

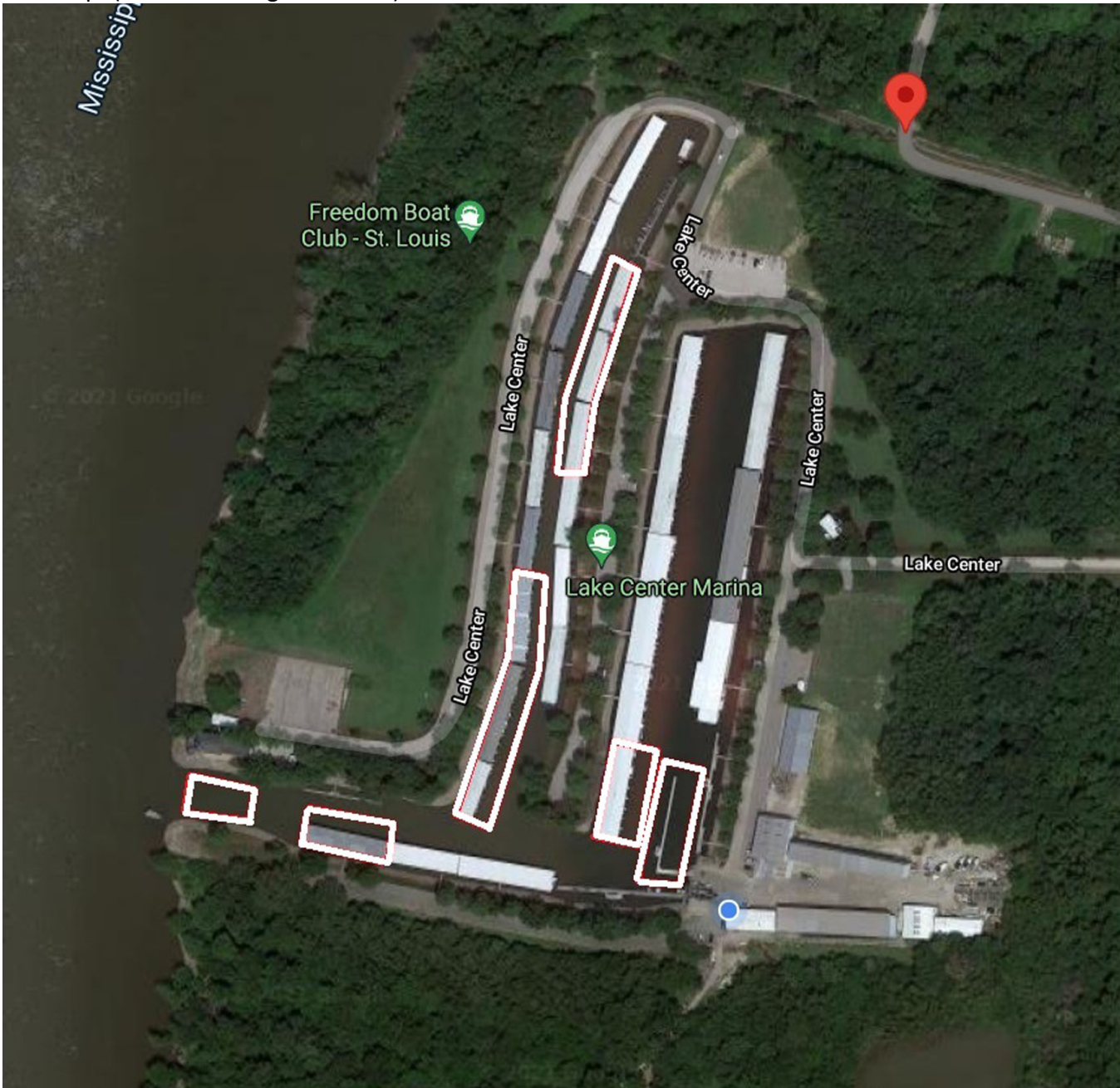
Robert S. Gramke
Chief, Regulatory Branch

Attachments:
Site Map
River Elevation Map

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.

Site Map: (Areas to dredge in white.)



Mississippi River Mile 224.4 River Elevations:

