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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-2850**

Public Notice Date

**September 19, 2013**

Expiration Date

**October 10, 2013**

**Postmaster Please Post Conspicuously Until:**

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File Number: MVS-2013-399

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:** Lombardo Homes, LLC. Attention: Mr. Jeff Boland, 2299 Technology Drive, Suite 150, O'Fallon, Missouri 63368.

**LOCATION:** The project site is on a 23.6 acre tract comprised of woodlands and some maintained grass areas within an upland topography. The site contains a drainageway that bisects the area flowing south to north, near David Meadows Drive and Gutermuth Road in the City of Cottleville, Missouri. The project is located in Section 12, Township 46 North, Range 3 East, St. Charles County, Missouri.

**PROJECT DESCRIPTION:** The applicant seeks authorization for a sanitary sewer crossing and to conduct grading and piping operations within waters of the United States to enclose an unnamed intermittent tributary, for the purpose of a residential development. The proposal indicates that this area is site-specific and has been designated in local land planning as residential, which currently lacks an inventory of new home lots and has been a popular area for residential development in the past. The project proposes to accommodate new growth in the area.

The proposed project is known as the *Estates of Timberleaf-Phase II* and is planned to impact an

unnamed intermittent tributary of Crooked Creek, a secondary tributary of the Mississippi River. The tributary is located within the upper watershed and begins as a small drainage swale on an adjacent property and flows across the site into a pond and then continues off site through a pipe under Gutermuth Road. The unnamed tributary is approximately 2-4 feet wide at this location and has banks that range from 1-2 feet deep at the ordinary high water mark. The substrate of the tributary is mostly composed of soil with some gravel and sand. The wooded riparian area that exists along the tributary is dominated by woody vegetation, which includes Eastern Red Cedar and Bush Honeysuckle, with a few mature hardwood tree species scattered adjacent to the streambank.

Project impacts include the piping enclosure of an unnamed intermittent tributary that bisects the site, consisting of 1,393 lineal feet of channel and 0.9 ac of open water wetland (pond). The project also includes the temporary impact for the installation of a sewer crossing, which will be returned to pre-construction contours upon construction completion.

The applicant's agent, On-Site Soils, Inc. has researched alternatives and has attempted to minimize impacts to the unnamed tributary. However, the agent has stated that the proposed impacts are necessary, ultimately choosing the alternative which has the appropriate balance of minimal impacts and economic feasibility. The applicant proposes to compensate for the impacts, through the purchase of credits through the Missouri 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/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:** 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:** 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.

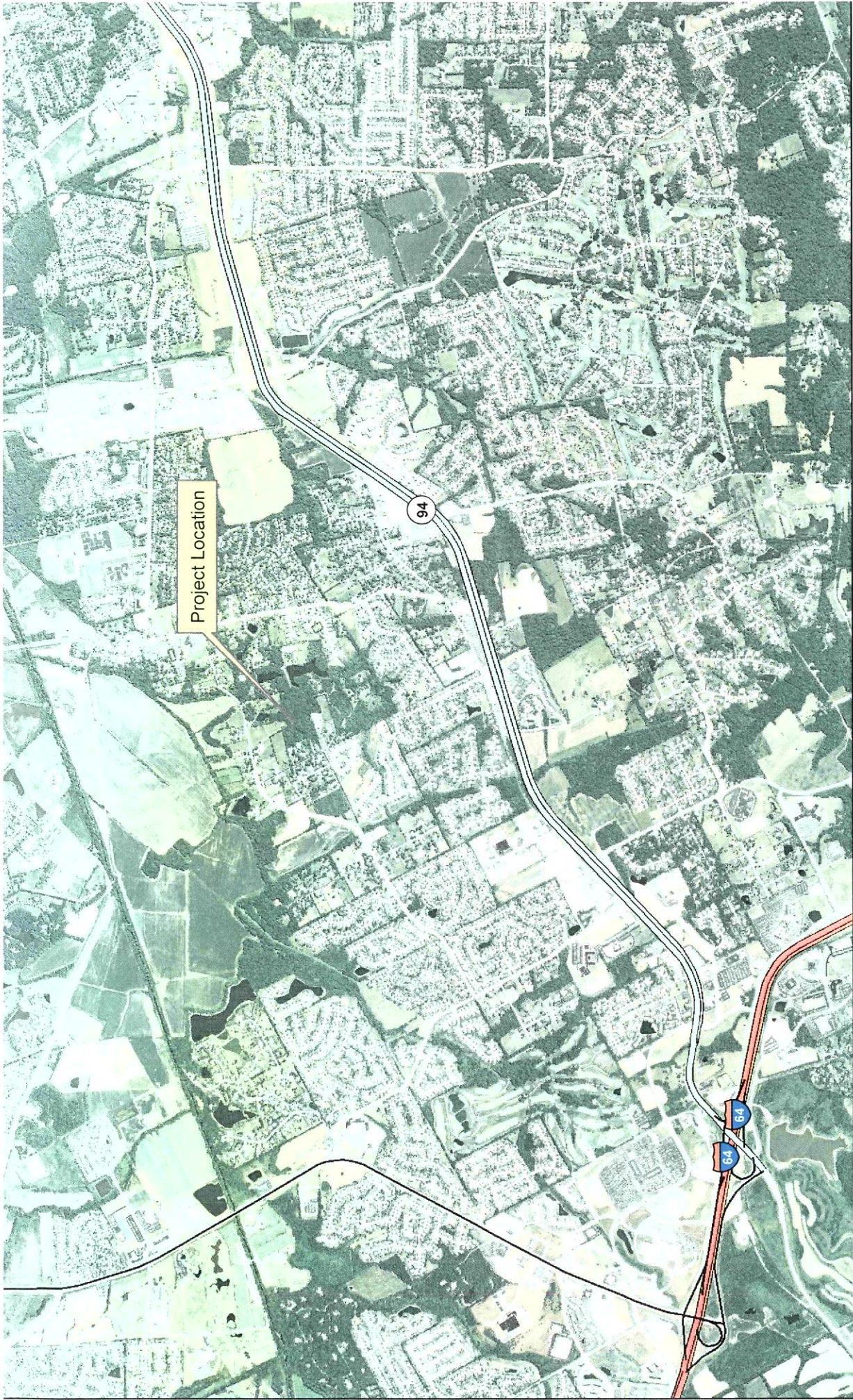
  
DANNY D. MCCLENDON  
Chief, Regulatory Branch

Attachments

**NOTICE TO POSTMASTERS:**

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.





**Estates at Timberleaf Phase II**  
**Project Location Map - MVS-2013-399**  
**Cottleville, St. Charles County, Missouri**



**US Army Corps  
of Engineers®**  
St Louis District







Job Number		13-03-081
Date		Aug. 14, 2013
Designed:	Sheet	
Drawn:		
Checked:		CORP

**ROONEY ARNOLD**  
License No. PE 2002016612  
Civil Engineer

**Date:** \_\_\_\_\_

*The Estates at Timberleaf*  
Cottleville, Missouri

Cottleville, Missouri

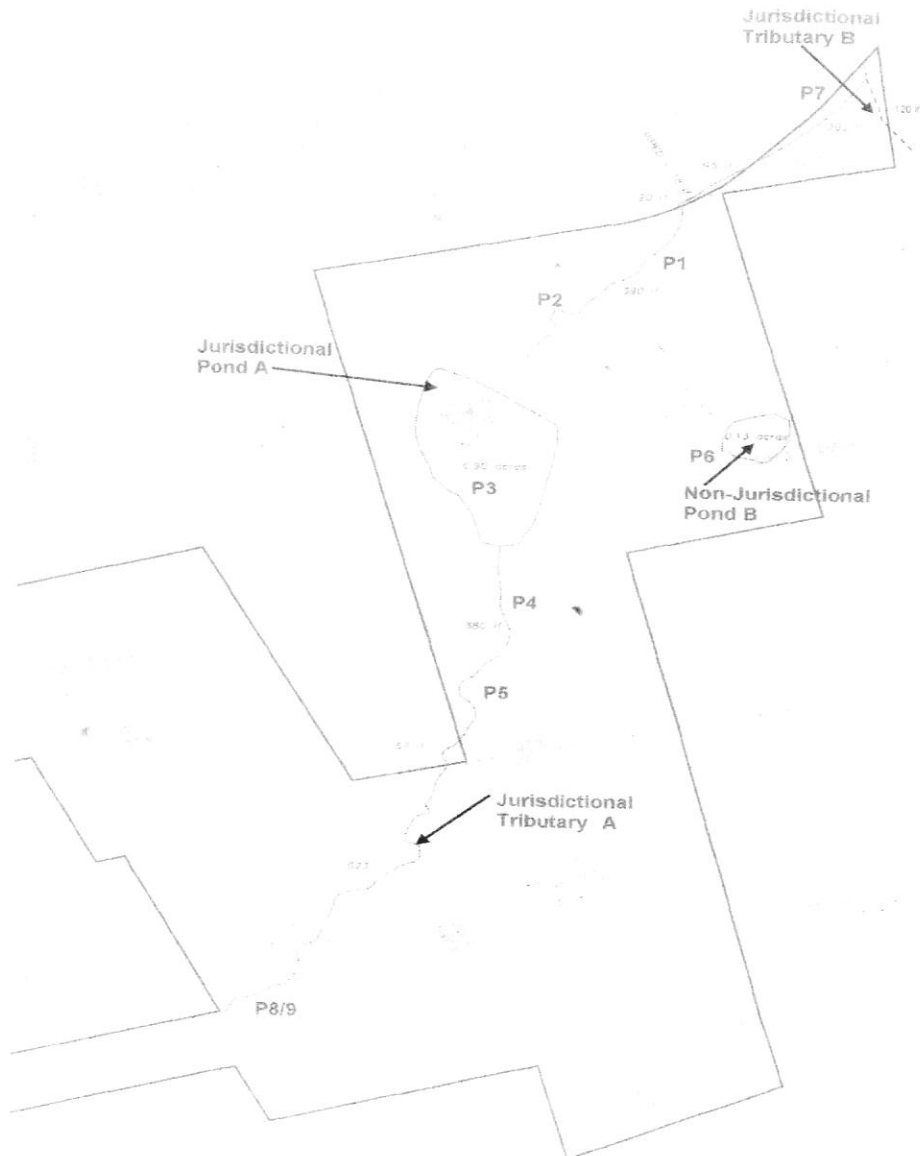
Corp Exhibit

**THE STERLING CO.**  
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Corporate Certificate of Authority #001348

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The Estates of Timberleaf – Phase II  
Cottleville, Missouri





THE ESTATES AT TIMBERLEAF  
OFFSITE SANITARY SEWER EXHIBIT

