

# 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-2885

Public Notice Date:  
August 27, 2014

Expiration Date:  
September 17, 2014

Postmaster Please Post Conspicuously Until:

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File Number: MVS-2011-804

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: Jennifer L. Brown

**APPLICANT:** Mr. Brent McMinn, Hwy 72, Patton Missouri.

**LOCATION:** The project is located north of Hwy 72, approximately 2.7 miles west of Patton Junction (intersection of Routes 72 and 51) and 14 miles east of Fredericktown, Missouri. The site is located in Section 28, Township 33 North, Range 9 East, Bollinger County.

**PROJECT DESCRIPTION:** The applicant seeks an after-the-fact authorization to conduct grading and filling operations in waters of the United States for the creation of an approximately 51-acre private lake. The lake is proposed for private recreational use. Anticipated use of the lake will include: livestock and wildlife watering, fishing, swimming, boating, waterfowl hunting, wildlife and waterfowl viewing and aesthetics. One private residential home is proposed to be constructed on the lake upon its potential completion.

Within the lake footprint are two unnamed tributaries to Baltimore Creek. Tributary 1 begins offsite to the west where it has been previously impounded for an existing private lake owned by the applicant. Tributary 2 enters the site from the southwest and flows northeast until its confluence with Tributary 1. The tributaries are both classified as intermittent channels.



The footprint of the lake was cleared and graded during the fall/winter of 2011. Approximately 3,000 linear feet of Tributary 1 and 660 linear feet of Tributary 2 were impacted through the grading and excavation operations. Since that time, the site has been untouched and some smaller vegetation has begun to grow on portions of the area.

For construction and completion of the current plans, approximately 3,690 linear feet of Tributary A and 1400 linear feet of Tributary B, are proposed to be inundated by the lake and approximately 410 feet of Tributary A will be filled as part of the dam. The proposed dam will be approximately 55-feet high. The fill material to construct the dam is proposed to be taken from the northern area of the flood pool of the impoundment. All impounded water will be contained on the applicant's property.

The applicant believes that to achieve the desired size lake, the above stream impacts are unavoidable. Therefore, the applicant is currently researching mitigation options with emphasis to enhancement and preservation to channels within the watershed.

**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 Jennifer L. Brown, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8579. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to [Jennifer.L.Brown@usace.army.mil](mailto:Jennifer.L.Brown@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 endangered Indiana bat (*Myotis sodalis*) and the northern long-eared bat (*Myotis septentrionalis*) that is a proposed candidate for

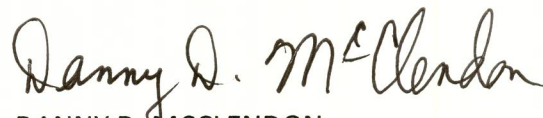


endangered status. A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that this activity may affect the habitat of these listed and candidate species. The applicant is coordinating with the U.S. Fish and Wildlife Service, taking measures to minimize potential effects of the project during construction, and providing habitat enhancement for 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:** The St. Louis District will evaluate the Cultural Resource Investigation Report, provided by Environmental Research Center of Missouri, Inc., dated November 2013. The report includes a Phase I Survey and Phase II Testing and has been submitted to the State Historic Preservation Officer for review and concurrence.

**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.



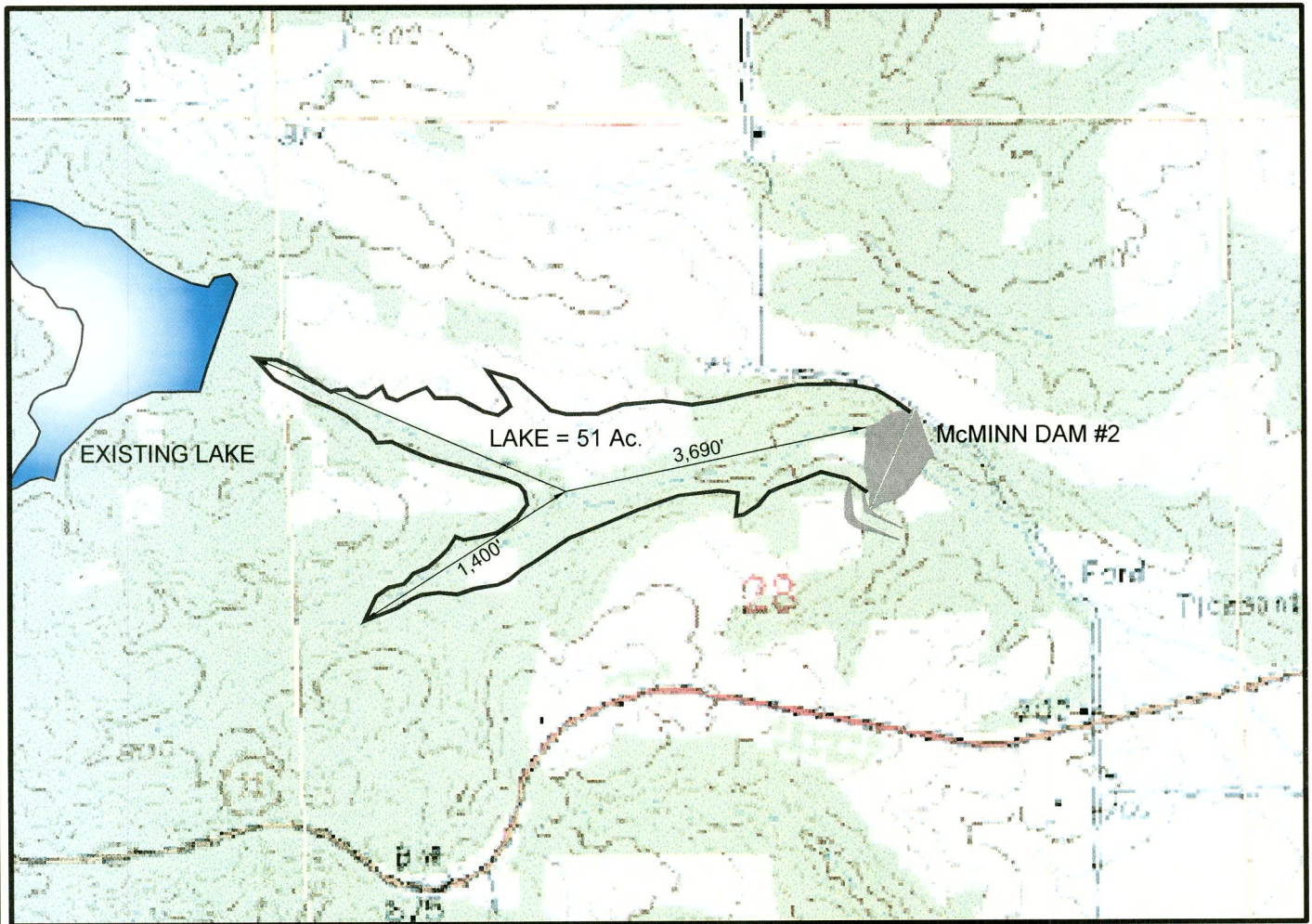
DANNY D. MCCLENDON  
Chief, Regulatory Branch

Attachments

**NOTICE TO POSTMASTERS:**

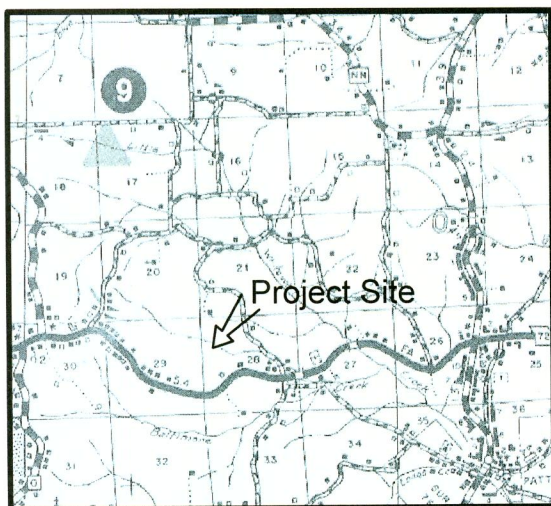
It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.





SCALE 1" = 1,000'

LOCATION McMINN DAM #2  
Over-layed Quad Sheet



NO SCALE

LOCATION MAP

**McMINN LAKE DAM # 2**  
on  
Unnamed Tributary  
of  
Baltimore Creek  
in  
Bollinger County

**FIGURE # 1**

Date 8-20-2014

# 13004

TOKAY ENGINEERING - 2007 Sylvan Hills Ct. - Jefferson City, MO 65109

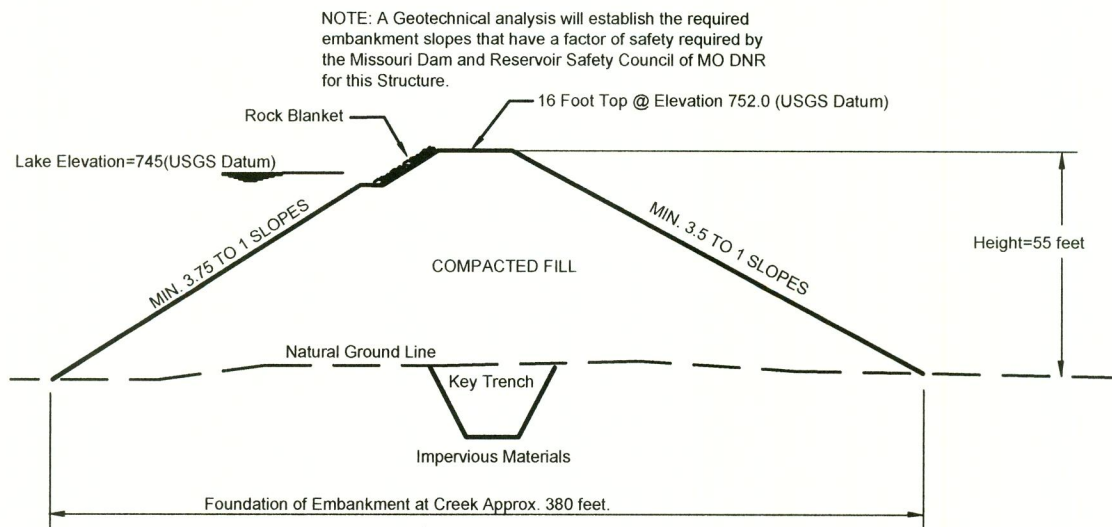




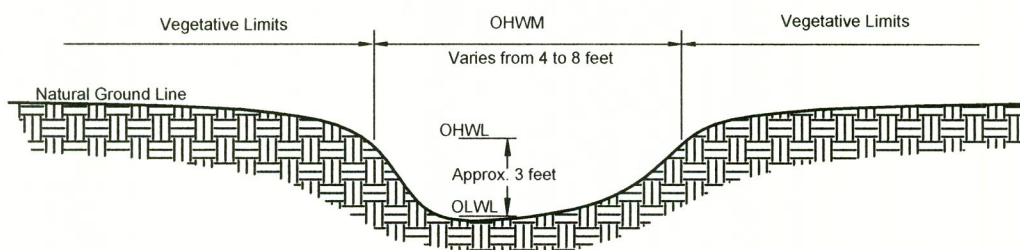
Existing Lake

Proposed Lake Footprint





TYPICAL SECTION DAM



TYPICAL SECTION CREEK CHANNEL

# McMINN LAKE DAM # 2 on Unnamed Tributary Baltimore Creek in Bollinger County