



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-2913

Public Notice Date

December 19, 2014

Expiration Date

January 9, 2015

Postmaster Please Post Conspicuously Until:

File Number: MVS-2014-659

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: Jaynie Doerr

APPLICANT: Jeff Boland, Lombardo Homes of St. Louis, LLC, 2299 Technology Drive, Suite 150, O'Fallon, Missouri 63368.

AGENT: Matt Roth, On-Site Soils, 4077 N. St. Peters Pkwy, Suite 110, St. Peters, Missouri 63004.

LOCATION: The approximate 140-acre project area is located within the City of O'Fallon, Missouri, off of Highway N. More specifically, it is located in Section 16, Township 46 North, Range 2 East, St. Charles County, Missouri (see attached location map).

SITE DESCRIPTION: The site is a mixture of wooded terrain and agricultural fields. Mature trees such as several oak and hickory species and eastern red cedar exist within the project footprint. The invasive bush honeysuckle is present throughout the site as well. An approximate 1.27-acre pond is located on the north-western property boundary. The pond is considered non-jurisdictional. The site also contains two unnamed ephemeral and one perennial tributary to Dardenne Creek. The ephemeral tributaries begin on-site as non-jurisdictional swales flowing south from the agricultural fields into the wooded area and the perennial tributary forms the south property line flowing to the east. The substrate of the ephemeral tributaries is comprised of gravel and sand and range in width from 4-10 feet by 2 feet deep at the location of the ordinary high water mark (OHWM). Additionally, a third tributary, named Tributary C, begins on-site but loses jurisdictional features as it continues to the

southern edge of the property. This drainage is considered non-jurisdictional as no surface connection to the perennial tributary could be identified. The perennial channel is approximately 10-15 feet wide by 3 feet deep at OHWM. A narrow riparian corridor is present along both banks of this channel.

PROJECT DESCRIPTION: The applicant seeks authorization to develop the above tract of land into a residential subdivision. In order to facilitate the development of the area into residential housing, grading and filling operations must take place to construct roads, lots and other associated infrastructure. Due to the shape of the site, topography, and zoning for single-family lots, the applicant proposes to impact approximately 2,233 lineal feet of two ephemeral tributaries and avoid the perennial stream. While researching sites for future development, three other properties were considered, but all were found not feasible with issues such as limited access to sanitary sewers, cost of land, impacts to jurisdictional waters of the U.S. and planning and zoning requirements. Although the applicant has researched alternatives, reduced the size of the footprint and minimized proposed impacts to the unnamed tributaries to Dardenne Creek within the preferred alternative, impacts to jurisdictional tributaries are unavoidable. The applicant proposes to purchase credits from an approved mitigation bank or the Missouri Stream Stewardship Trust Fund for stream impacts determined to be unavoidable.

The unnamed tributaries flow to Dardenne Creek, a primary tributary to the Mississippi River.

LOCATION MAPS AND DRAWINGS: See Sheets 1 and 2, attached.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Jaynie Doerr, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8581. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Jaynie.g.doerr@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 **MAY** affect potential habitat

for the endangered Indiana bat (*Myotis sodalis*) and the Northern Long-eared bat (*Myotis septentrionalis*). However, 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.

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.



Stream Impact Summary
Tributary A - 1,124 L.F.
Tributary B - 1,109 L.F.

Perennial
Stream

Trib. B
(1,141 L.F.)

Trib. A
(1,252 L.F.)

Curtis Ln

Preston Woods Pkwy

Briarfield Dr

Country Field Dr

Country Chase Dr

Country Stone Dr

Country Orchard Dr

Paul Renard Blvd

Briarmanor Dr

English Oak Dr

Briaridge Dr

Teresa Fields Ln

Country Hills Dr

Countryside Dr

Briar Chase Dr

Briar Chase Ct

Country Landing Dr

Barnwood Cir

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