



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-2948

Public Notice Date:
April 26, 2016

Expiration Date:
May 16, 2016

Postmaster Please Post Conspicuously Until:

File Number: MVS-2015-856

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. Skiles

APPLICANT: KU Development, LLC. Attention: Tom Kaiman, 7 Baxter Lane, Chesterfield, Missouri 63017.

LOCATION: The project area is approximately 14-acres located at 1 Haybarn Lane in Chesterfield, Missouri. The site is located south of Hwy 64/40 and directly east of Schoettler Road. The project is located in Section 10, Township 45 North, Range 4 East, St. Louis County.

PROJECT DESCRIPTION: The applicant seeks authorization to conduct grading and filling operations in waters of the United States for a proposed multi-family residential development that will consist of seven, multi-story buildings with associated drive and parking areas, a club house, and pool facilities. The site currently exists as two residential lots and existing church facility with a wooded, hilly terrain that slopes north to south.

Located within the project site are two intermittent tributaries, one ephemeral tributary and one seep:

Tributary A is an intermittent tributary that flows into Creve Coeur Creek. Tributary A originates from a culvert under Schoettler Road in the southwest corner of the site and flows south to northeast through the center of the site. Tributary A flows for a total of 800 linear feet onsite.

Tributary B is an intermittent tributary to Tributary A that exists in the northern portion of the site. It enters the site from a culvert underneath Hwy 40. Tributary B flows for approximately 250 linear feet onsite.

Tributary C is an ephemeral tributary originating in the southwest corner of the site. Tributary C flows into Tributary A onsite. Tributary C flows for approximately 230 linear feet onsite.

The seep begins from a rock outcrop in the northern portion of the site and flows east into Tributary B. The seep flows for approximately 140 linear feet onsite.

Based on the proposed site plans, approximately 670 linear feet of Tributary A will be piped to allow for the development of the site. Additionally, approximately 250 linear feet of Tributary B will be piped to allow for the development of a detention basin and approximately 155 linear feet of Tributary C will be piped to allow for the construction of a roadway and parking lot. The seep is not proposed to be impacted.

Although the applicant is in the process of researching alternatives, reducing the size of the footprint and minimizing proposed impacts to the unnamed tributaries, they believe that the remaining impacts are unavoidable. The applicant is proposing to participate in an approved in-lieu fee mitigation program for stream impacts determined to be unavoidable. The applicant is also requesting a waiver regarding mitigation requirements on Tributary C due to its erosional nature and lower habitat quality.

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. Skiles, 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.Skiles@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

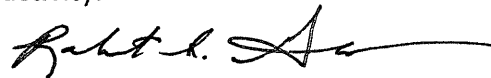
a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

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 Corps 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 applicant coordinated with the State Historic Preservation Officer (SHPO) on December 3, 2015. The Officer requested that a Phase I survey be conducted for the site. Upon completion of the Phase I, 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.

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.

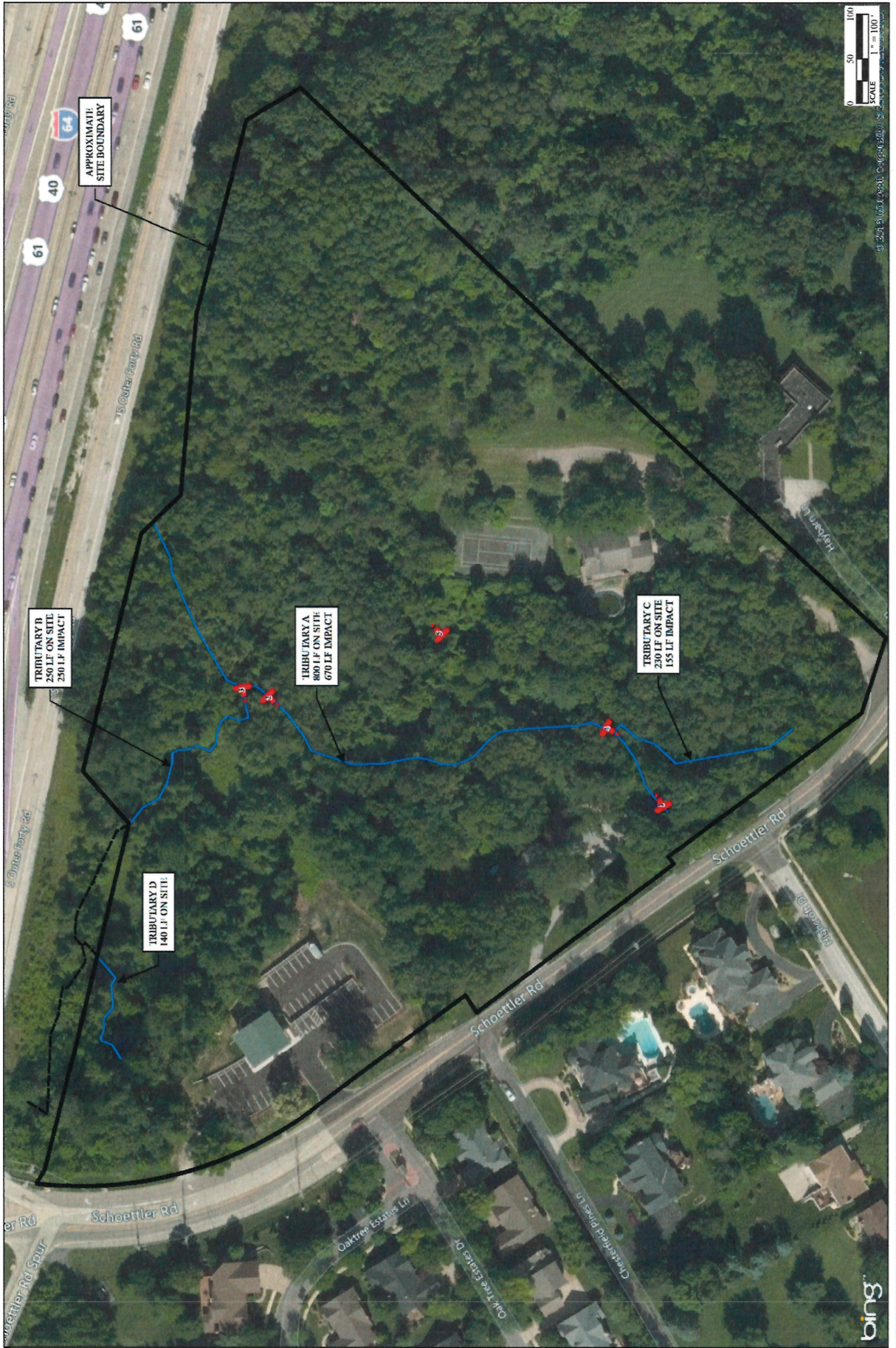


DANNY D. MCCLENDON
Chief, Regulatory Branch

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.





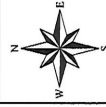
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INDICATES PHOTO LOCATION, ORIENTATION & DESIGNATION

GENERAL NOTES/LEGEND

PROJECT NAME
HAYBARN LANE TRACT (40 WEST LUXURY LIVING)
CHESTERFIELD, MISSOURI

WETLAND DELINEATION AND
PRELIMINARY SITE PLAN



JOB NUMBER
2013-099531

DATE
03/20/16

DRAWN BY
RCV

CHECKED BY
SDH

FIGURE
3

SCALE
1" = 100'

0 50 100

