



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-3068
Public Notice Date
April 22, 2020
Expiration Date
May 12, 2020

Postmaster Please Post Conspicuously Until:

File Number: MVS-2013-464

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. The proposed project was originally sent out for Public Notice on October 31, 2017. Due to a lapse in time, the response to comments and a new final design plan, the proposal is being released for a new 21-day comment period.

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: Attention: Mr. Greg Schellert, 2701 Williams Creek Road, High Ridge Road, Missouri.

LOCATION: The proposed lake will be constructed approximately 1.8 miles northwest of Hillsboro, Missouri (38.25518,-90.57924). More specifically, the proposed project is located in Section 28, Township 41 North, Range 04 East, Jefferson County, Missouri.

PROJECT SITE HISTORY: This project is the result of actions undertaken by the U. S. Environmental Protection Agency (USEPA) through an Administrative Order for Compliance on Consent (Order) to mitigate the discharge of fill material into "waters of the United States" through grading and filling operations associated with the construction of a lake without obtaining a Section 404 permit. The Order outlines the terms and conditions as well as restoration plan requirements for the project. The project site, located northwest of Hillsboro, Missouri, includes the restoration of approximately 900 linear feet of an unnamed jurisdictional tributary to Belews Creek as well as re-vegetation of the adjacent upland areas.

As stated in the Notice of Administrative Compliance Order issued by the USEPA on August 8, 2014, fill material and sediment were discharged into waters of the United States without a permit issued

pursuant to Section 404 of the Clean Water Act (CWA). As compensatory mitigation, the acting agent, SCI Engineering, Inc. (SCI) provided a Work Plan, reviewed and approved by the EPA, that addressed restoration activities including bank stabilization and re-vegetation, channel restoration, riparian corridor re-vegetation, and long term annual monitoring. The removal of stream sediment deposits and site grading and seeding were completed in June of 2015. At the time of our most recent (2016) monitoring site visit, the bank stabilization, channel restoration, and site re-vegetation within the mitigation area were exhibiting stability and approaching nearly complete vegetative coverage across the site. Overall total vegetation coverage was observed to be above the minimum criteria of 80 percent coverage for the site.

SCI, on behalf of Mr. Greg Schellert, has initiated the process of applying for the Section 404 Permit from the U.S. Army Corps of Engineers (USACE) and a Section 401 Water Quality Certification from the Missouri Department of Natural Resources (MDNR) for the purpose of constructing an approximate 9.03-acre private lake. Based on the review of the project development plans, the resulting site grading and construction will result in approximately 1,980 LF of impacts to an unnamed tributary of Belews Creek.

PROJECT DESCRIPTION: The applicant seeks authorization to construct an approximate 600-foot long, earthen dam across the western end of a small valley containing an unnamed tributary to Belews Creek. Construction of the dam will create an approximately 9.03-acre lake. A 190-foot drain pipe will be placed under the dam and discharge into the unnamed tributary at the edge of the southern berm of the dam. An emergency spillway is proposed at the southwest corner of the lake and will drain northwest into the unnamed tributary, approximately 200 feet downstream of the lake outflow pipe. Construction material necessary for the dam will be excavated on-site. The revised lake plan is depicted on an aerial photograph and enclosed as Figure 2. Based on the proposed dam height and revised site plan, approximately 1,980 linear feet (LF) of the unnamed intermittent tributary will be impacted by dam construction, inundation and piping.

To compensate for the proposed tributary impacts, the applicant would provide compensation through the purchase of mitigation credits through an approved mitigation bank or in-lieu fee program. Based on the anticipated impacts to the tributary, approximately 7,782 mitigation credits would need to be purchased to compensate for the impacts. The applicant would purchase the necessary credits prior to commencement of project construction.

LOCATION MAPS AND DRAWINGS: See Attachments, Figure 1 & Figure 2.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting David 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.

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 federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened Northern long-eared Bat (*Myotis septentrionalis*). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that the proposed activities are not likely to adversely 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.

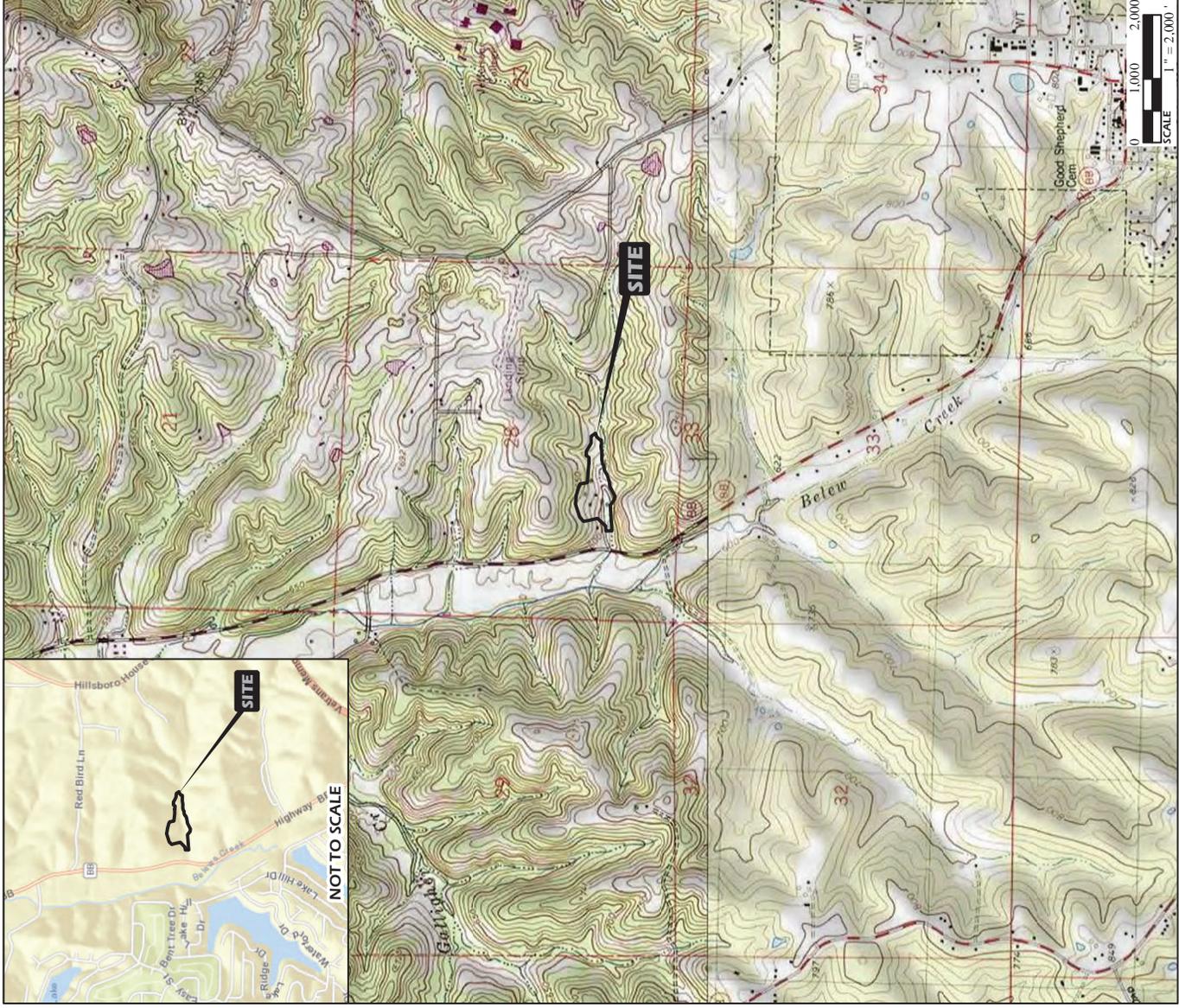
SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered 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.

Robert S. Gramke

Robert S. Gramke Chief,
Regulatory Branch

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.



	PROJECT NAME SCHELLERT LAKE JEFFERSON COUNTY, MISSOURI		GENERAL NOTES/LEGEND USGS TOPOGRAPHIC MAP BELOW CREEK, MISSOURI QUADRANGLE DATED 1954, PHOTO REVISED 1974 10' CONTOURS 15' CONTOURS 20' CONTOURS		 FIGURE 1
	VICINITY AND TOPOGRAPHIC MAP DRAWN BY: RCV CHECKED BY: SEB		DATE 03/2020 JOB NUMBER 2014-5133.32		

STREET MAP
[HTTP://GTO.ARCGIS.COM/LINECOMMAPS/WORLD_STREET_MAP](http://gto.arcgis.com/linecommaps/world_street_map)

