

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-3070

Public Notice Date:
July 8, 2019

Expiration Date:
July 22, 2019

Postmaster Please Post Conspicuously Until:

File Number: MVS-2013-132

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: City of Cape Girardeau. Attention: Mr. Tim Richmond, 401 Independence St., Cape Girardeau, Missouri 63703.

LOCATION: The project area is located on the east side of Highway 55 at exit 102 and is north of LaSalle Avenue, in the City of Cape Girardeau. The project is located in Sections 4 and 9, Township 31 North, Range 13 East, Cape Girardeau County.

Latitude: 37.383, Longitude: -89.6126

PROJECT HISTORY: The project was originally placed on public notice from November 22, 2017 through December 12, 2017. Due to inactivity, the project was placed on hold. The City has recently expressed a desire to reinstate the permit process. Project plans have not changed and all proposed impacts remain the same as the original public notice.

PROJECT DESCRIPTION: The applicant seeks authorization to conduct grading and filling operations in waters of the United States for construction within the Cape Girardeau North Business Park. Portions of the site will be cut and graded to make sections of the site more conducive for construction. The project is intended to create development ready sites to be marketed to commercial, manufacturing and industrial customers, in an

attempt to draw new employers and enterprises to the City of Cape Girardeau. The City has previously extended municipal infrastructure including roadways, sanitary sewers, and potable water lines to business park property. The business park currently contains a Pepsi Midamerica Distribution Facility and an additional entity, Syntrex, has constructed a manufacturing facility.

Per the project, two branches of an unnamed tributary to Williams Creek are proposed to be impacted to create a construction ready commercial site. The western branch of the tributary will be piped in its entirety for 1,686 linear feet. In addition, approximately 1,607 linear feet of the eastern branch will be impacted per the project. Within the upstream portion of the eastern branch, a dam and detention basin are planned. The remainder of the east branch of the tributary is proposed to be graded and re-established at a higher elevation and will remain as an open swale. There is an existing road crossing over the unnamed tributary, downstream of where the two branches of tributary confluence. The impacts for the crossing are included in the site impacts to account for accumulative impacts within the watershed.

Although the applicant has researched alternatives and attempted to minimize proposed impacts to the unnamed tributaries, they believe that the remaining impacts are unavoidable to meet the project need. The applicant has been exploring mitigation options with an emphasis on improvements to the watershed and specifically Williams Creek.

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/Missions/Regulatory/PublicNotices/OpenNotices.aspx>

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**). 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 species. The Corps is coordinating with the U.S. Fish and Wildlife Service and the applicant is taking measures to minimize potential effects of the project during construction. 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 information provided by the State Historic Preservation Officer and the public in response to this public notice. The Corps will 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.

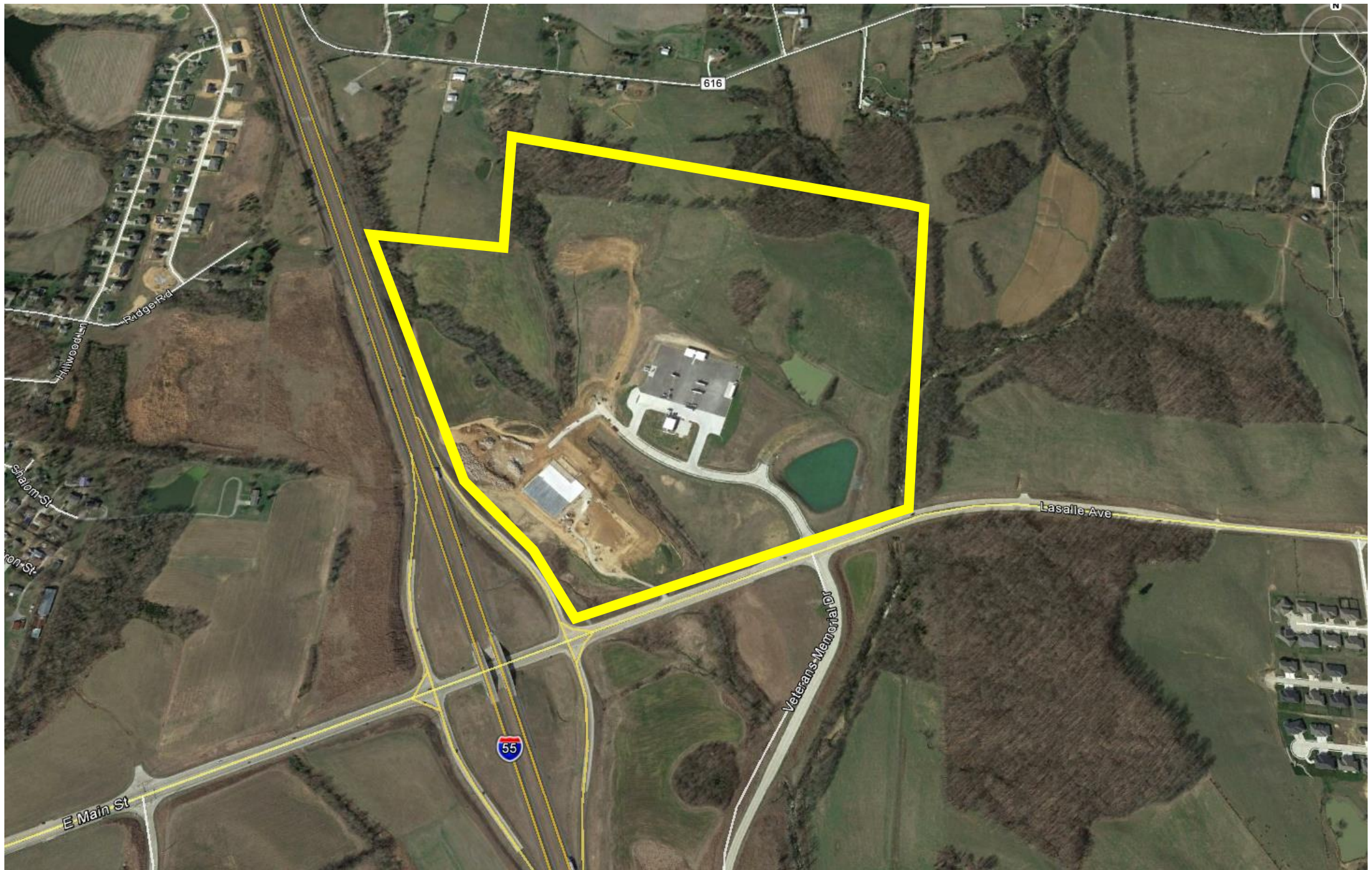
Robert S. Gramke

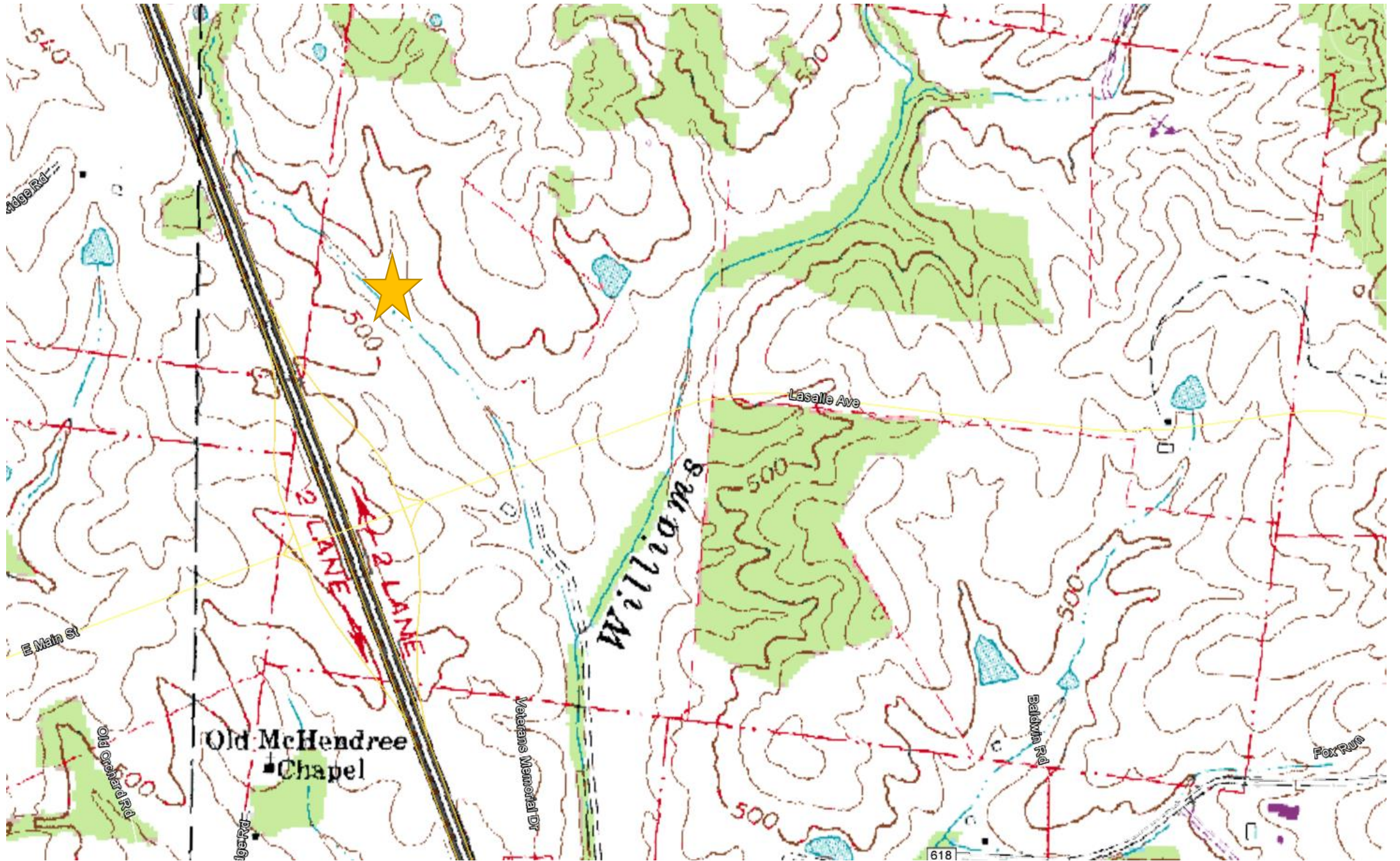
ROBERT S. GRAMKE
Chief, Regulatory Branch

Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 15 days from the date of this issuance of this notice.

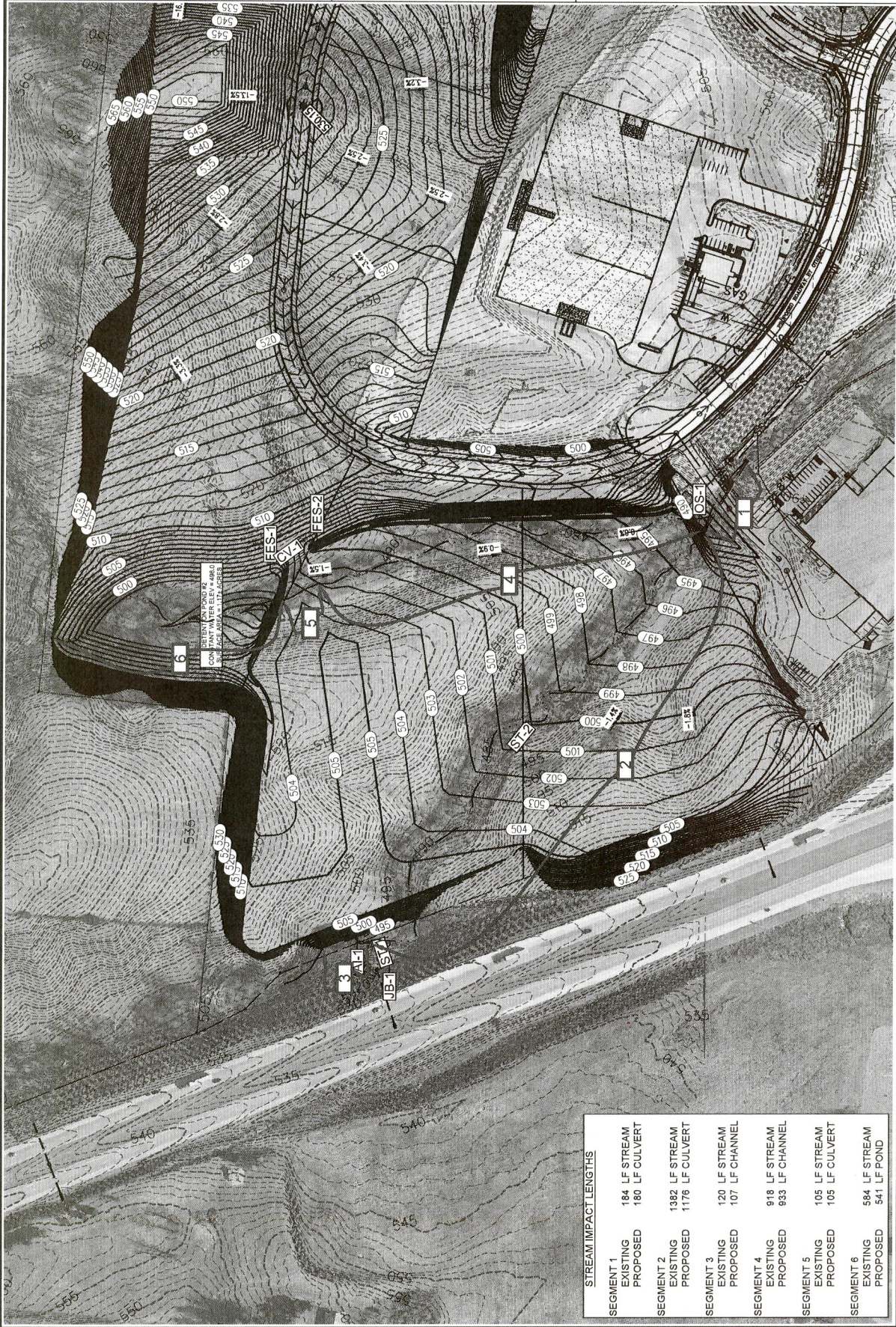
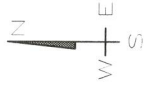




KOEHLER
ENGINEERING

194 COCKER LANE
CAPE GIRARDEAU, MO 63701
(573) 335-3026

SCALE:
1" = 200'



STREAM IMPACT LENGTHS

SEGMENT 1	184 LF STREAM
EXISTING	180 LF CULVERT
PROPOSED	
SEGMENT 2	1382 LF STREAM
EXISTING	1176 LF CULVERT
PROPOSED	
SEGMENT 3	120 LF STREAM
EXISTING	107 LF CHANNEL
PROPOSED	
SEGMENT 4	918 LF STREAM
EXISTING	833 LF CHANNEL
PROPOSED	
SEGMENT 5	105 LF STREAM
EXISTING	105 LF CULVERT
PROPOSED	
SEGMENT 6	584 LF STREAM
EXISTING	541 LF POND
PROPOSED	