



# 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-3084**  
Public Notice Date  
**April 27, 2018**  
Expiration Date  
**May 18, 2018**

**Postmaster Please Post Conspicuously Until:**

File Number: MVS-2018-21

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: David Meyer

**APPLICANT:** Fischer & Frichtel Custom Homes, LLC. Attention: Mr. Chris DeGuentz, 695 Trade Center Blvd., Chesterfield, Missouri 63005.

**LOCATION:** The proposed project site is on a 19.92 acre tract comprised of undeveloped property, which contains three wooded drainageways with open uplands. The site is located at 2659 South Old Highway 94, St. Charles, Missouri. More specifically, at coordinates 38.7574,-90.5503, in Section 10, Township 46 North, Range 4 East, St. Charles County, Missouri.

**PROJECT DESCRIPTION:** The applicant seeks authorization to conduct grading and piping operations within waters of the United States, for the purpose of a residential development. The proposal indicates that this area is site-specific and has been designated in local land planning as residential, which currently lacks an inventory of new home lots and has been a popular area for residential development in the past. The project proposes to accommodate new growth in the area.

The proposed project is known as the *Oakleigh Park* and is planned to impact three unnamed tributaries (A, B & C) of Cole Creek, a secondary tributary of the Mississippi River. These tributaries are located within the upper watershed and begin as small drainages on adjacent property and flow

across the site to the north and continue off site under McClay Road. Tributary A and C contained an established bed and bank, ordinary high water mark and would meet perennial jurisdictional status. Tributary B contained an established bed and bank, ordinary high water mark and would meet ephemeral jurisdictional status. The substrate of all the tributaries are comprised of soil and gravel. The ephemeral channel ranged in width from approximately 2-4 feet wide by 1.5 feet deep at the ordinary high water mark. The perennial channels ranged in width from approximately 10-15 feet wide by 2 feet deep at the ordinary high water mark. The wooded riparian area that exists along the tributary is dominated by woody vegetation, which includes Eastern Red Cedar and Bush Honeysuckle, with a few mature hardwood tree species scattered adjacent to the streambank.

Project impacts include the piping enclosure of Tributary A (approximately 590 LF), the grading and fill of Tributary B (approximately 470 LF), and stormwater discharge of Tributary C (approximately 40 LF).

The applicant's agent, On-Site Soils, Inc. has researched alternatives and has attempted to minimize impacts to the unnamed tributary. However, the agent has stated that the proposed impacts are necessary, ultimately choosing the alternative which has the appropriate balance of minimal impacts and economic feasibility due to the site's shape and topography. The applicant proposes to compensate for the impacts, through the purchase of stream credits through an In-Lieu Fee provider.

**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 David P. 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](mailto: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:** 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:** 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.

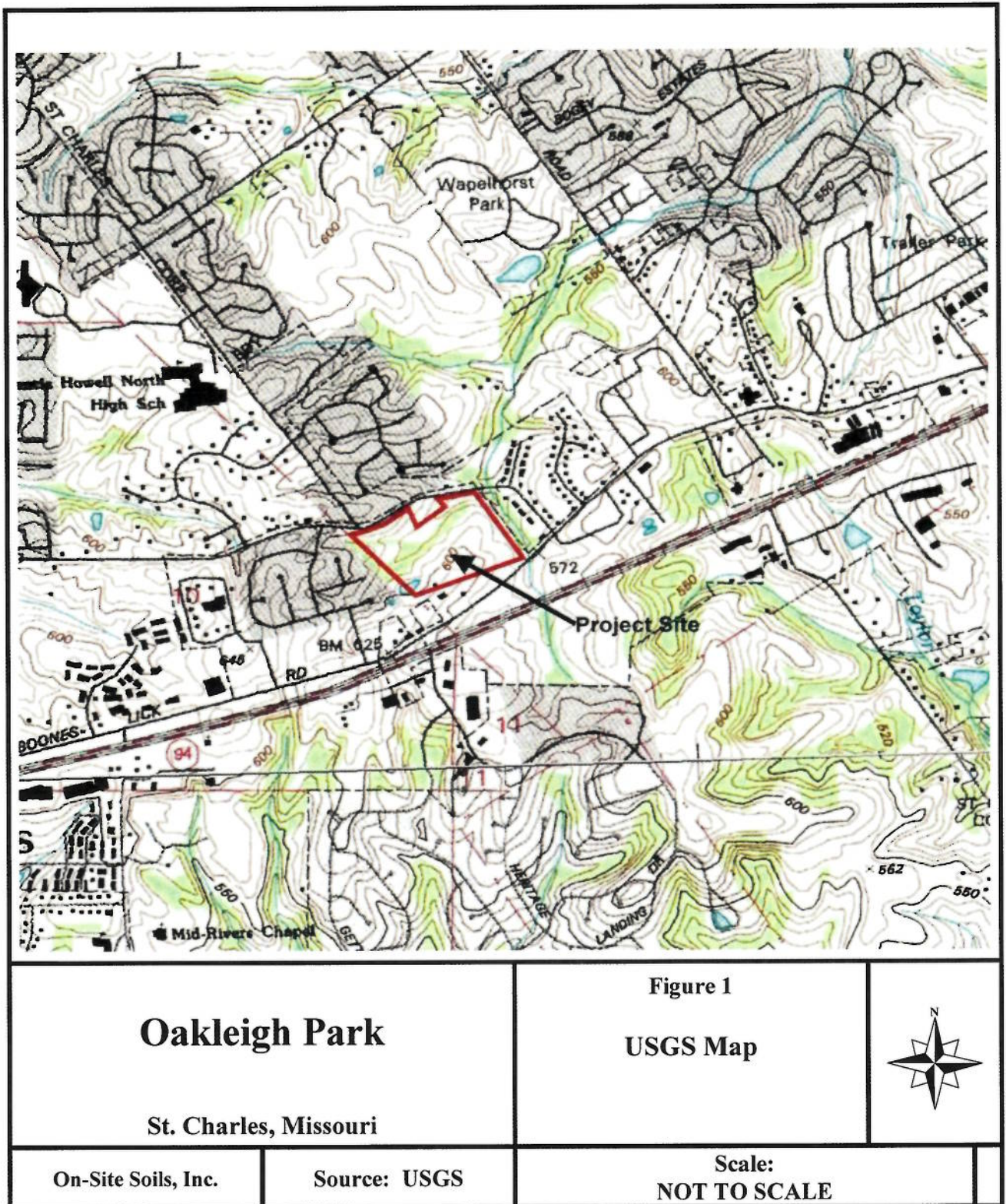
  
DANNY D. MCCLENDON  
Chief, Regulatory Branch

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.







## Appendix A – Photographs

Legend – P1 Denotes the photograph location and designation

