



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-3118

Public Notice Date

March 23, 2020

Expiration Date

April 22, 2020

Postmaster Please Post Conspicuously Until:

FILE NUMBER: MVS-2014-076

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: Samantha Hollenberg

APPLICANT: Riverview Real Estate Company, LLC, c/o Mr. Mark Teitelbaum, 320 N. Bemiston Avenue, Clayton, Missouri, 63105. The project will be constructed by three different entities, one of which is Riverview Real Estate Company, whom is responsible for obtaining the necessary authorizations.

LOCATION: The proposed project is generally located southeast of the intersection of Bryan Road and Interstate 70 and is bordered along the south by White Magnolia Drive. The project is located in Section 30, Township 47 North, and Range 3 East within St. Charles County, Missouri. Please see the location maps for additional information.

PROJECT DESCRIPTION: This public notice was originally posted from December 18, 2018 to January 8, 2019. On April 2, 2019 the applicant withdrew their application to focus their attention on the necessary Planning & Zoning approvals needed for the project. On October 14, 2019 the proposed project received approval from O'Fallon City Council and resubmitted their application to the Corps on March 16, 2020 with the same plans as the original public notice.

The applicant seeks authorization to conduct grading and filling in waters of the U.S. to support a 44 acre mixed use residential and commercial development. The project will include the filling of the entire 870 linear feet of intermittent Tributary A and the entire 725 linear feet of ephemeral Tributary B, in total filling all of the 1,595 linear feet of stream channels within the parcel. The proposed development consists of three separate land use areas. The northern portion of the tract will support a 13 acre multi-family housing development with a center green space ("assembly area"). The majority of the southern portion

of the tract is proposed to be a 25 acre single-family residential development. Along Bryan Road, 5 lots suitable for commercial developments will be constructed within a 6 acre area with frontage along Bryan Road.

Along the southern property boundary, two shallow pond areas excavated in uplands around 2005 and now meet the definition of wetlands. These features are identified as Wetland A (0.24 acres) and Wetland B (0.30 acres), however since they are man-made and excavated entirely in uplands our office is proposing to not regulate these features and will document this through the appropriate documents and coordination procedures with USEPA.

Currently, the site is primarily agricultural land use with forested riparian corridors along the upper reach tributaries to Belleau's Creek. During heavy development in the area in the 2000's, upland portions of the site were previously excavated for material that appears to have been taken from the south central portion of the site and transported to the northern portion of the site. This site is located in the upper reaches of the watershed that experienced large growth in single-family residential development in areas previously farmed with limited riparian corridors.

LOCATION MAPS AND DRAWINGS: See attached.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Samantha Hollenberg, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8186. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Samantha.I.hollenberg@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: A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed may affect potential summer habitat for the endangered Indiana bat (*Myotis sodalis*) and the Northern Long-eared bat (*Myotis septentrionalis*). The Corps has initiated informal consultation with the United States Department of Interior, Fish and Wildlife Service, providing site habitat assessment and documentation for their concurrence. 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 (SHPO), Native Tribes, and the public in response to this public notice. Following the previous public notice, the SHPO reviewed the Phase One Cultural Resource Survey of the site and on May 1, 2019 concurred with the reports recommendation that there will be no historic properties affected. The Corps would request the SHPO review this notice and provide any updated information. Further evaluation of the information provided from the public notice will determine if additional cultural resources surveys or avoidance measures are necessary to assure compliance with Section 106 of the National Historic Preservation Act.

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 30 days from the date of this issuance of this notice.



INDICATES APPROXIMATE PHOTO BORING LOCATIONS
INDICATES APPROXIMATE SOIL BORING LOCATIONS
PLANTING AREAS ARE APPROXIMATE
NOT TO BE USED OUTSIDE THE CONTEXT OF THE REPORT FOR WHICH IT WAS GENERATED.

PROJECT NAME
44 ACRE BRYAN ROAD SITE
ST. CHARLES, MISSOURI
WETLAND DELINEATION AND SITE DEVELOPMENT PLAN

FIGURE 3
CHECKED BY: KAM
DRAWN BY: BDG
DATE: 11/20/18
JOB NUMBER: 2018-0213.30



SCALE 1" = 200'
0 100 200



Google Earth Aerial Imagery



OUR PUBLIC NOTICES ARE NOW AVAILABLE ON THE WORLD WIDE WEB AT OUR ST. LOUIS DISTRICT HOME PAGE

<http://www.mvs.usace.army.mil/Missions/Regulatory/Public-Notices/> If you have any trouble, please call Robert Gramke at (314) 331-8187 or by e-mail to: Robert.S.Gramke@usace.army.mil

WE ARE ATTEMPTING TO REDUCE OUR PUBLIC NOTICE MAILING COSTS; CHECK OUR WEB PAGE THEN CONTACT US TO HAVE YOUR NAMED REMOVED FROM OUR MAILING LIST, please call Jaynie Doerr at (314) 331-8581, or by email to: Jaynie.G.Doerr@usace.army.mil, or mail this cover-sheet to the St. Louis District, OD-F, 1222 Spruce Street, St. Louis, MO 63103-2833, ATTN: Regulatory Branch, indicating that your name or company name be removed. Changes to our mailing list may take a few weeks to take effect.

**US ARMY ENGINEER DISTRICT, ST. LOUIS
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1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833**