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# Public Notice

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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-3123

Public Notice Date:  
March 29, 2019

Expiration Date:  
April 19, 2019

Postmaster Please Post Conspicuously Until:

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File Number: MVS-2005-3090

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: Christopher J. Hopfinger

**APPLICANT:** Metropolitan St. Louis Sewer District, Attn: James Dunajcik, 2350 Market Street, St. Louis, Missouri 63103-2555 (314) 768-2779.

**AGENT:** Reitz & Jens, Inc., Attn: Mr. Paul Reitz, 1055 Corporate Square Dr., St. Louis, Missouri 63132. (314) 993-4132.

**LOCATION:** The project begins immediately upstream of Vorhof Drive at the downstream end of a 45 foot wide vertical wall concrete channel that was completed in 2003 as part of the Hallstead Storm Channel Phase III. Black Jack Creek channel improvements are proposed to continue in a downstream direction and cease approximately 120 linear feet downstream of Hudson Drive. More specifically, the site is located Section 5, Township 46 North, Range 7 East, near Dellwood, St. Louis County, Missouri.

**PROJECT DESCRIPTION:** The applicant seeks authorization to discharge fill material below the ordinary high water mark of Black Jack Creek by reconfiguring approximately 1,280 linear feet of the existing channel into a U-shaped concrete lined channel for a project known as Hallstead Storm Channel Phase IV. The proposed creek channel reconfiguration would match an existing 45 foot wide concrete lined channel located immediately upstream of the project. The proposed vertical walled channel would gradually increase from 45

feet wide to 59 feet wide at the downstream limits of the project. At the upstream end of the project limits, the channel walls are proposed to be 12 feet high and would gradually increase to 18 feet high in a downstream direction. The vertical concrete walls at the downstream terminus of the project would flare into the existing banks into a new 120-foot long rip rap or gabion lined plunge pool. The plunge pool is designed to dissipate water velocities before the proposed concrete channel transitions back into a natural creek channel downstream of the project limits. All work would occur within an existing 80-foot wide drainage right-of-way and include improvements to existing storm sewer outfalls.

The purpose of the project is to eliminate erosion within the project limits and improve conveyance to reduce potential for overbank flooding. As a result of the flood reduction, approximately 50 homes would no longer be located in the 15 or 100- year floodplain. A detailed alternatives analysis has been submitted by the applicant's agent.

**HISTORY:** The original USACE Individual Permit, Project file number: MVS-2005-3090 (P-2481), was issued on February 7, 2006. The original permit authorized the placement of fill material into Black Jack Creek at the Hathway Manor South Subdivision in St. Louis County, Missouri. The 2006 project construction plans reconfigured approximately 1,280 linear feet of Black Jack Creek into a U-shape concrete lined channel as well as construct a 120 foot long riprap lined plunge pool at the downstream terminus of the project. A time extension was granted on September 23, 2010 and expired on December 30, 2015. The original construction plans from 2006 have not changed with the 2019 proposal. The project was not constructed during the 2006 through 2015 time frame.

**MITIGATION:** The initial execution of the approved compensatory mitigation plan was completed in calendar year 2006. The mitigation plan established riparian buffer habitat approximately .5 miles downstream from the planned Phase IV project terminus. The riparian buffer habitat established by MSD adjacent to Black Jack Creek within the former Henry W. Kiel Park included native tree and prairie plantings. Approximately 3.9 acres of the mitigation site is dedicated (deed restricted) for the perpetual use as a conservancy area in accordance with the terms and conditions of USACE permit numbers P-2257 (Phase III) and P-2481 (Phase IV).

In accordance with the 2008 Compensatory Mitigation Rulemaking Regulations, compensatory mitigation for the proposed project will be reanalyzed to determine the extent of required mitigation needed for the project. The applicant has been informed that a detailed compensatory mitigation plan is required before a permit decision can be made.

**LOCATION MAPS AND DRAWINGS:** See attached. In addition, the project plans may be viewed 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 Christopher J. Hopfinger, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8171. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Christopher.Hopfinger@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 northern long-eared bat (*Myotis septentrionalis*) that currently a threatened species and 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 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:** Documentation from 2005 indicates the Missouri State Historic Preservation Office determined no historic properties would be affected as a result of project implementation. 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 conduct, or require a reconnaissance survey of the project area. 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. Many of the concerns listed above including Air Quality are reviewed, evaluated, and permitted by the Missouri Department of Natural Resources through the State Land Reclamation Permitting Process.

**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  
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.

Box 17



Not to Scale

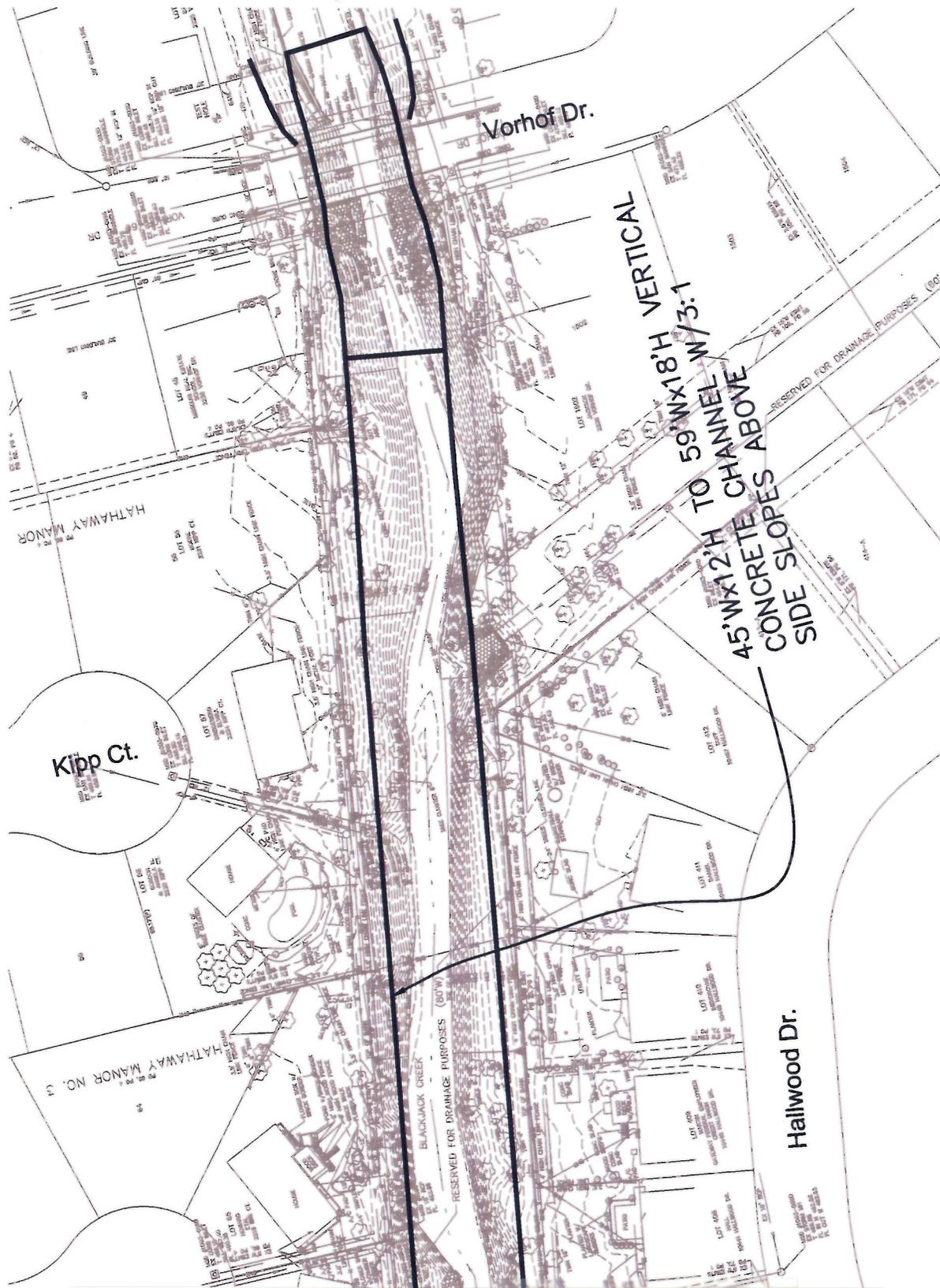


# HALLSTEAD STORM CHANNEL PHASE IV - LOCATION MAP

Sheet 1 of 4  
P-2481  
File #2005-03090



**REITZ & JENS, INC.**  
CONSULTING ENGINEERS  
1055 Corporate Square Drive  
St. Louis, Missouri 63132



Match Line

Sheet 2 of 4  
P-2481

File #2005-03090



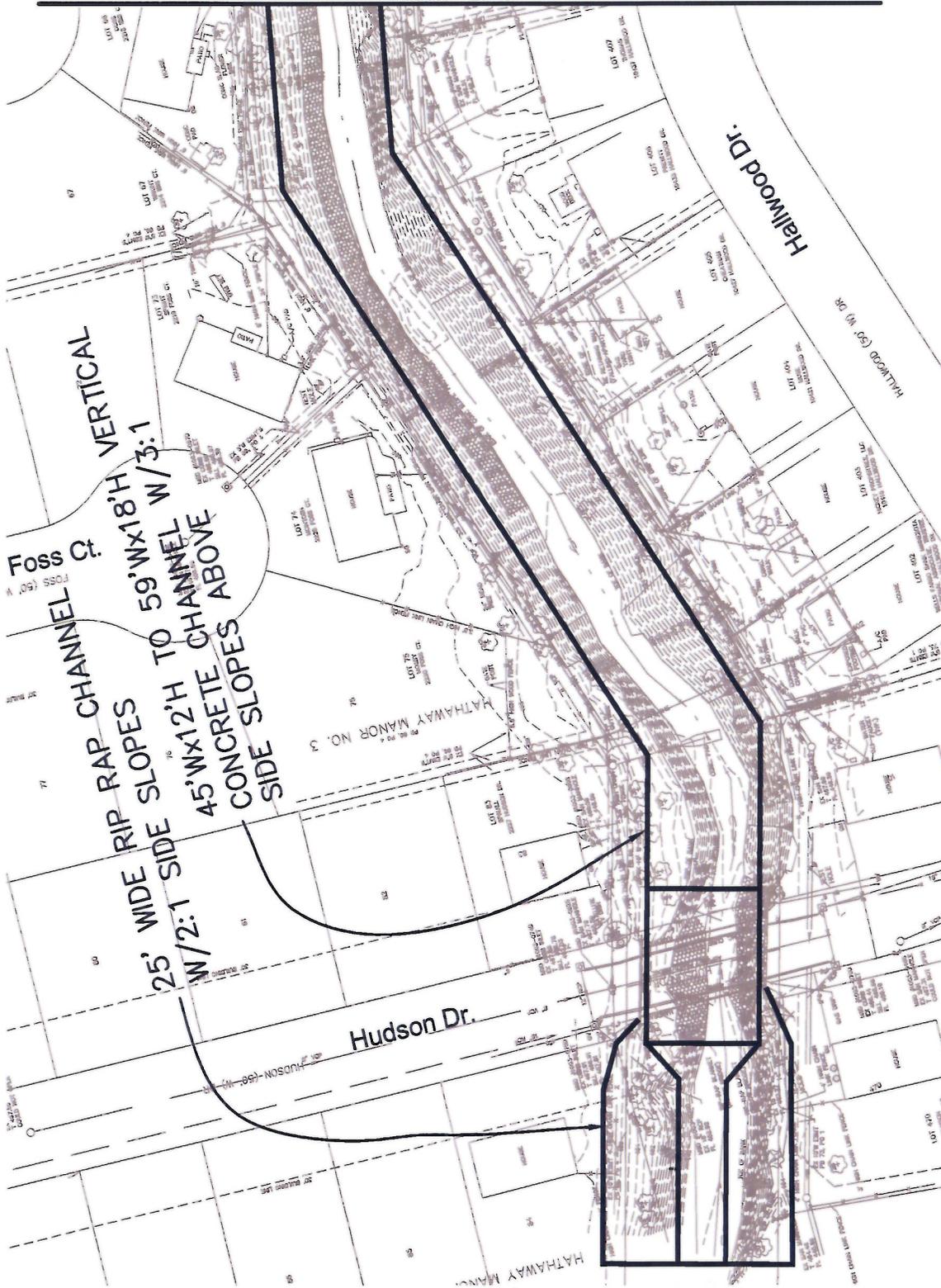
# HALLSTEAD STORM CHANNEL PHASE IV - PLAN VIEW

FIGURE 2a



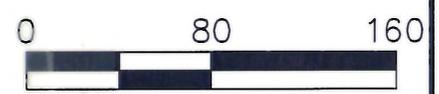
**REITZ & JENS, INC.**  
CONSULTING ENGINEERS  
1055 Corporate Square Drive  
St. Louis, Missouri 63132

Match Line



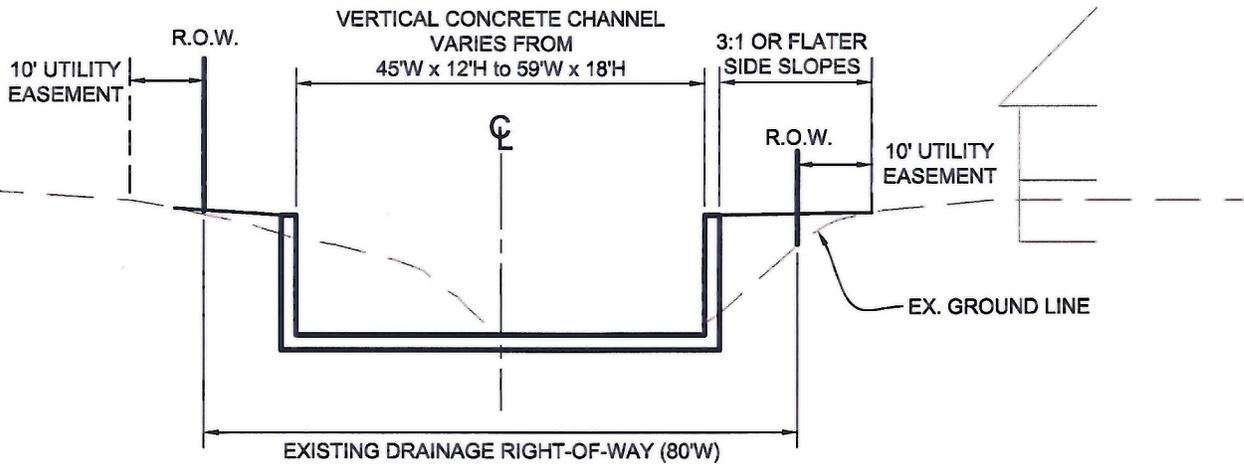
**HALLSTEAD STORM CHANNEL  
PHASE IV - PLAN VIEW**

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**FIGURE 2b**

**REITZ & JENS, INC.**  
CONSULTING ENGINEERS  
1055 Corporate Square Drive  
St. Louis, Missouri 63132



VERTICAL CONCRETE CHANNEL



Sheet 4 of 4  
P-2481

File #2005-03090 FIGURE 1

HALLSTEAD STORM CHANNEL  
PHASE IV - TYPICAL SECTION

**REITZ & JENS, INC.**  
CONSULTING ENGINEERS  
1055 Corporate Square Drive  
St. Louis, Missouri 63132

# Hallstead Storm Channel Phase IV



Halls Ferry Road

Black Jack Creek

Chambers Road

## Legend

-  Proposed Phase IV Concrete Channel
-  2006 Mitigation Area

0 250 500 1,000 1,500 2,000 Feet