



# 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-3129**  
Public Notice Date  
**July 19, 2019**  
  
Expiration Date  
**August 9, 2019**

**Postmaster Please Post Conspicuously Until:**

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File Number: MVS-2019-256

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:** Mr. Josh Foster, Elite Arbors at the Highlands, LLC, 5091 New Baumgartner Road, St. Louis, Missouri 63129.

**LOCATION:** The proposed project site is on a 19.5-acre tract, which comprised as a single residence with fallow fields and wooded areas, containing two drainage areas (Tributary A & B). The site is located east of Highlands Blvd. in Manchester, Missouri. More specifically, at coordinates 38.595892,-90.502125, in Section 31, Township 45 North, Range 5 East, St. Louis County, Missouri.

**PROJECT DESCRIPTION:** The applicant seeks authorization to conduct grading and filling operations within waters of the United States, for the purpose of a residential development. The proposal indicates the development of a residential building complex, associated infrastructure including utilities, interior roadways, stormwater management systems, and amenity features.

Two water features were identified within the project site, Tributary A and Tributary B contain jurisdictional features such as an established bed and bank and ordinary high water mark. Tributary A was used as mitigation for the adjacent development and protected by a conservation easement of covenants and restrictions. Both drainage features enter and exit the project boundaries through pipe structures.

The substrate of Tributary A and B is comprised of primarily soil and gravel and they would be considered an intermittent channel. The channel ranged in width from approximately 3-5 feet wide by 1.5 feet deep at the ordinary high water mark. Both channels contain an established wooded riparian corridor.

The proposed project is known as the Arbors at the Highlands and is planned to impact one unnamed tributary (Tributary B) of Grand Glaize Creek, a primary tributary to the Meramec River. Project impacts include the grading and encapsulation of Tributary B, which will result in a total of approximately 983 linear feet of tributary impacts.

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/Missions/Regulatory/PublicNotices/OpenNotices.aspx>

**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.

**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:** The applicant has conducted a Phase 1 Cultural Resources Survey and no historic properties or structures were located at that time. 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 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*  
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.





