



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-3130

Public Notice Date:
July 19, 2019

Expiration Date:
August 9, 2019

Postmaster Please Post Conspicuously Until:

File Number: MVS-2019-87

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: Chad M. LaMontagne

APPLICANT: Luetkenhaus Properties, Inc., Attention: Bill Luetkenhaus, 410 Crestview Drive, O'Fallon, Missouri, 63366.

LOCATION: The project area is located west of Highway 61, north of Wentzville, Missouri. The project site address is 1707 Granville Drive, St. Charles County. The project is located in Section 11, Township 47 North, Range 1 East. Approximate coordinates: 38.8432 latitude, -90.8684 longitude.

PROJECT DESCRIPTION: The applicant seeks authorization to conduct grading and filling operations, over a 53.6-acre property, in waters of the United States to construct a residential subdivision. The plans would include the construction of 131 residential units and include access, roads, parking, green space, and stormwater management facilities.

The project proposes to impact 0.41-acres of forested wetland, 350 linear feet of perennial stream, and 992 linear feet of intermittent stream during construction activities. The streams are unnamed tributaries to Dry Branch Creek, which flows into the Cuivre River, a tributary to the Mississippi River. The forested wetlands are abutting the unnamed tributaries.

Luetkenhaus Properties, Inc. has researched alternatives and has attempted to minimize impacts to the waters. However, the applicant stated that the impacts are unavoidable due to the desire to utilize and develop the site. The applicant is exploring mitigation with the Land Learning Foundation, an approved In Lieu Fee program.

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 Chad M. LaMontagne, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8044. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Chad.M.LaMontagne@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 Running Buffalo Clover (*Trifolium stoloniferum*), Gray Bat (*Myotis grisescens*), and Indiana bat (*Myotis sodalis*). Additionally, the Northern Long-Eared Bat (*Myotis septentrionalis*), and Decurrent False Aster (*Boltonia decurrens*) which are currently threatened species and are proposed candidates for endangered status may also be present. A determination, in compliance with the Endangered Species Act as amended and the Programmatic Agreement between the U.S. Fish and Wildlife Service (USFWS) and U.S. Army Corps of Engineers (USACE) for Missouri Bats, has been made that this activity will have No Effect on the listed species based on a habitat assessment and presence/absence mist net surveys (IPAC# 03E14000-2019-SLI-0903). Additionally, there were no records of any Missouri state listed species (MDC# 5418).

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