



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-3138

Public Notice Date:
May 13, 2020

Expiration Date:
June 3, 2020

Postmaster Please Post Conspicuously Until:

File Number: MVS-2020-141

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: Mr. Doug Nance (Lombardo Homes of St. Louis, LLC), 2299 Technology Drive, O'Fallon, Missouri 63368 (314) 482-7781.

AGENT: Mr. Matt Roth (On-Site Soils), 701 D Crown Industrial Court, Chesterfield, Missouri 63005. (314) 724-6518.

LOCATION: The proposed project site is on an approximate 51.2-acre tract of land that contains both upland and bottomland land features. The upland areas have been previously disturbed. An unnamed tributary bisects the site and flows from west to east into Peruque Creek. The project proposal includes a single family residential development containing approximately 85 lots. The tract is bordered by a large residential development to the south and large acreage lots to the north. The site is located just north of Lake St. Louis in Section 23, Township 47 North, Range 2 East, St. Charles County, Missouri. The approximate geographic coordinates of the site area Latitude 38.8201, Longitude -90.7701.

PROJECT DESCRIPTION: The applicant seeks authorization to conduct grading and filling operations within waters of the United States in order to facilitate access, provide water detention and additional building lots associated with the proposed residential development infrastructure.

The proposed project is known as Brookside Addition. The proposed residential development will include approximately 85 building lots, 3 detention basins and 2 stream crossings. Primary site access will be obtained by a road connection into Mossy Brook Drive on the southeast portion of the tract. This road connection and adjacent building lots will impact approximately 1.29 acres of existing forested wetland. Proposed wetland and stream impacts are shown in the table below. The proposed development will avoid approximately 2.04 acres of wetlands located between Peruque Creek and the eastern extent of the building lots, shown in the attached development design. Peruque Creek will have an approximate 700 foot riparian buffer area of no disturbance.

	Width (stream) (at OHWM)	Length (stream) (Within Project Site)	Area (wetland) (Within Project Site)	Jurisdictional Opinion	Amount of Impact Proposed	Regulatory Action 404/401 Permit Requirements
Wetland	(feet)	(feet)	(acre)			
Wetland A	-----	-----	3.33	Jurisdictional	1.29 ac (lot development)	404/401 permit required
Tributaries						
Peruque Creek	60	330	-----	Jurisdictional	0	None
Tributary A	15	3,076	-----	Jurisdictional	225 linear feet (2 linear transportation crossings)	404/401 permit required
Drainage Swale	4	260	-----	Non- Jurisdictional	0	None

The applicant has incorporated avoidance and minimization measures into the design proposal. The unnamed tributary will have the minimum number of crossings needed to provide access to the building lots and the proposed detention basins will have minimal impact from the outfall structures. A minimum 25-foot riparian buffer will be maintained along both sides of the unnamed tributary. Impacts to the forested wetland area (1.29 acres) have been designed to minimally impact this area to only the practicable amount necessary for site access and construction. The eastern portion of the wetland area (2.04 acres) would not be impacted adjacent to Peruque Creek.

The applicant's agent, On-Site Soils has analyzed multiple alternatives to ensure minimization and avoidance to waters of the United States. A no action alternative was also analyzed at the project level. The applicant has indicated that the current demand for residential housing within St. Charles County coupled with lack of infrastructure suitable to develop other areas has led the proposal of the Brookside Addition. Site access would be accomplished by connecting into existing road infrastructure on the south end of the project area. The road on the north side of the project area cannot support through access, since this is a private road. The applicant proposes to compensate for unavoidable wetland and stream impacts through the purchase of credits from a Mitigation Bank or In-Lieu Fee provider.

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 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: A Phase 1 Cultural Resource Survey has been completed for the project area. The report has been reviewed by the St. Louis District and subsequently submitted to the Missouri State Historic Preservation Office for concurrence on the determination provided in the report findings. The report concluded that the proposed project would not threaten significant cultural resources and recommended proceeding as planned in terms of Section 106 cultural resource compliance concerns. 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.

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.

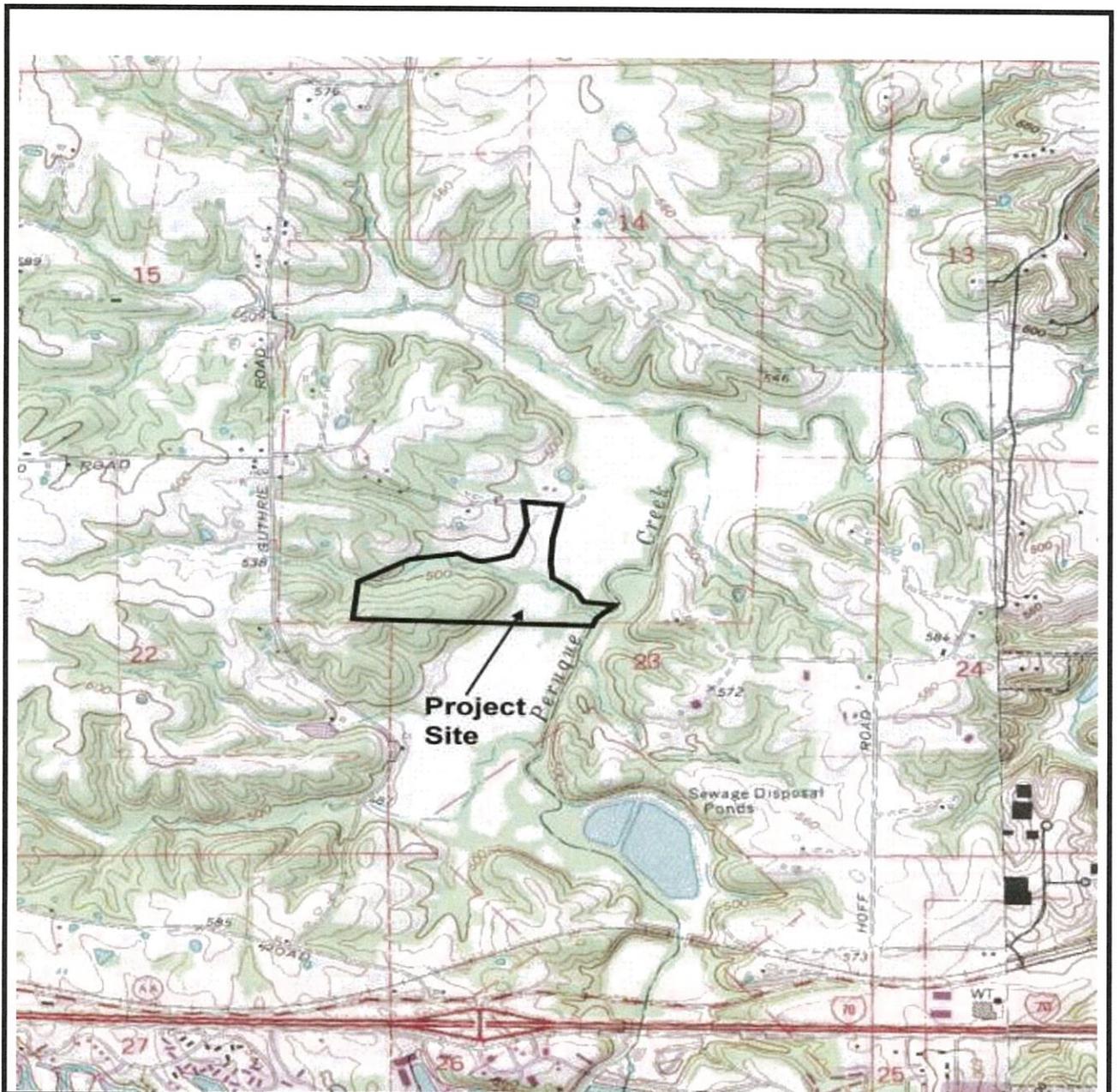
Robert S. Gramke

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.



Mossy Brook Dr.		Figure 1	
St. Charles County, Missouri		USGS Map	
On-Site Soils	Source: USGS	Scale: NOT TO SCALE	

