

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-3144

Public Notice Date:
December 14, 2020

Expiration Date:
January 4, 2021

Postmaster Please Post Conspicuously Until:

File Number: MVS-2019-669

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
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Jennifer L. Skiles (OD-F)

APPLICANT: City of Eureka, Attn: Mayor Sean Flower, 100 City Hall Drive, PO Box 125; St. Louis, MO 63025.

LOCATION: The project is to occur along two separate stream channels that flow through the City of Eureka, St. Louis County, Missouri. The first stream channel, Flat Creek, is located to the south of I-44 and flows through the City park as well as near the historic district. The second channel, Forby Creek, is located to the north of I-44 and flows along residential properties and Eureka High School.

WATERBODY INFORMATION: Forby and Flat Creek are both perennial tributaries that flow west to east into the Meramec River. Both creeks are located within the City limits and are subject to urbanization, floodplain constrictions and backwater effects of the Meramec River. The City of Eureka experiences significant flooding from Flat and Forby Creek when the Meramec River is at floodstage. When a high-water event occurs and the water levels rise within Flat Creek, Old Town Eureka and the wastewater treatment plant, experience flooding impacts and property damages. When water levels rise within Forby Creek, flooding and property damages occur to Eureka High School, as well as the Elk Trails residential subdivision.

PROJECT DESCRIPTION: The applicant seeks authorization to conduct grading and filling operations in waters of the United States for the construction of gate closure structures associated with two proposed flood wall/levee projects. The City of Eureka (City) is proposing to construct a floodwall along Forby Creek (known as

the North Levee) and another along Flat Creek (known as the South Levee). The applicant stated that the purpose of the project is the protection of existing homes, buildings and infrastructure from further flood damages. The City is not proposing the flood prevention structures to create more area for new development. The floodwalls/levees will primarily be built with earthen, clean fill and concrete material brought in from off-site commercial locations. Prior to the submittal of a Section 404 Clean Water Act permit application, the City stockpiled some of this earthen fill material in the southern area of the North Levee project site (see attached plans).

Based on the applicant's permit application, a pipe will be placed within both Forby and Flat Creek to allow normal flows to pass under the floodwall (similar to a culverted bridge design). However, the pipe design also has a gatewell closure structure and pump that will allow closure of the pipes during Meramec River flood events. The pumps on each structure are designed to reduce ponding and to prevent additional flash flooding when the structure is closed. The gatewell closure structures should remain open during normal precipitation events and will only be closed during periods of high Meramec River Stages when Eureka is experiencing backwater flooding from the Meramec River. The pipes and floodwall construction will directly impact approximately 201 linear feet of Forby Creek and 315 linear feet of Flat Creek. Secondary impacts are difficult to determine, since much of this area already floods during flash flood events and during major flood events (backwater flooding). There are no other direct impacts to jurisdictional waters of the United States and there are no compensatory mitigation requirements proposed at this time.

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 Jennifer L. Skiles, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8579. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Jennifer.L.Skiles@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: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not submitted a certification request to the MDNR/KDHE/USEPA (certifying authority). In accordance with Certification Rule part 121.6, once the applicant submits a certification request the Corps will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

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.

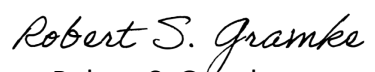
PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would 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 is 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: A Phase I survey has been conducted within the proposed impact area. The St. Louis District has been provided documentation by the State Historic Preservation Officer (SHPO), in association with this survey, that indicated that there will be "no historic properties affected" by this project. 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.

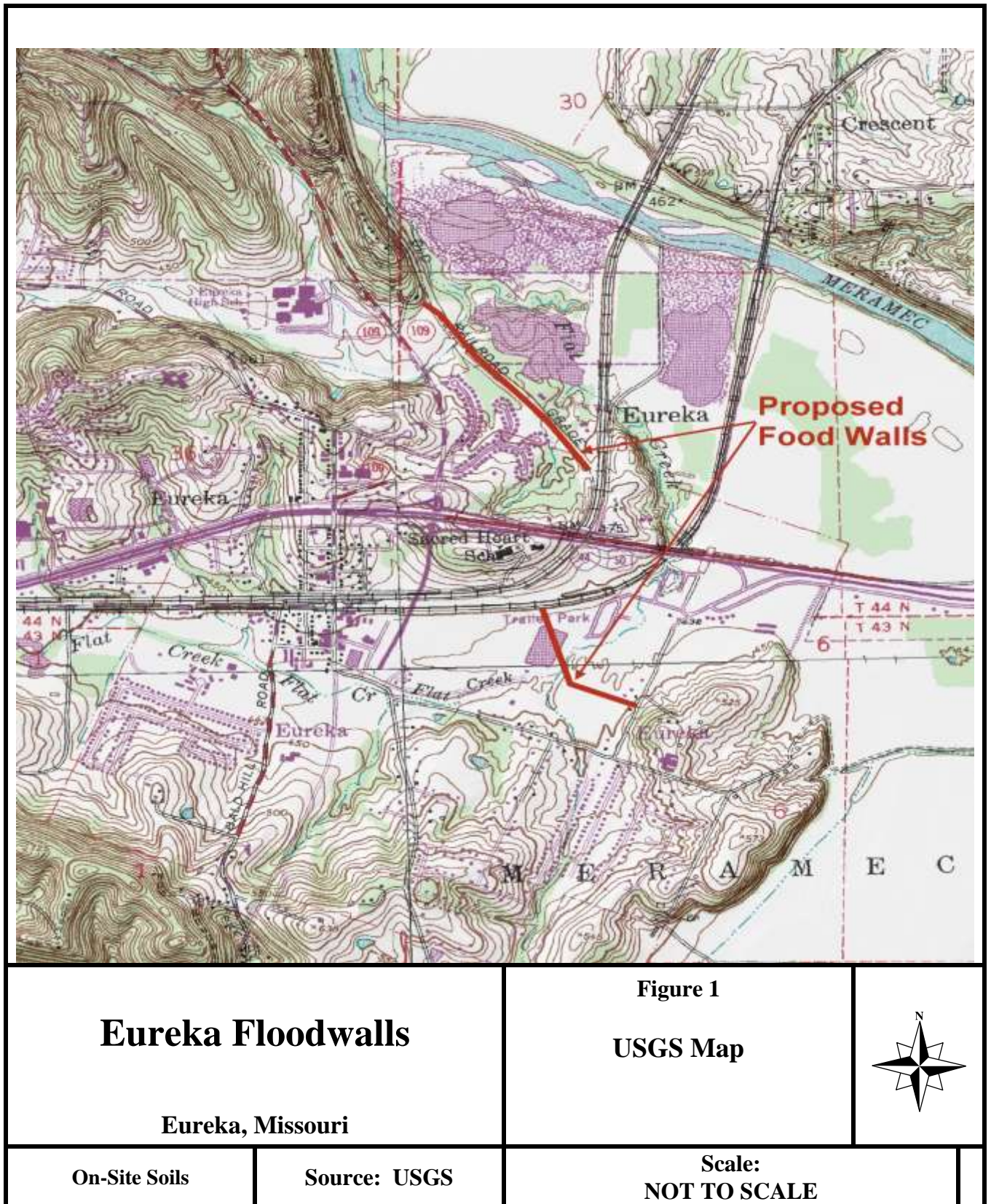

Robert S. Gramke
Chief, Regulatory Branch

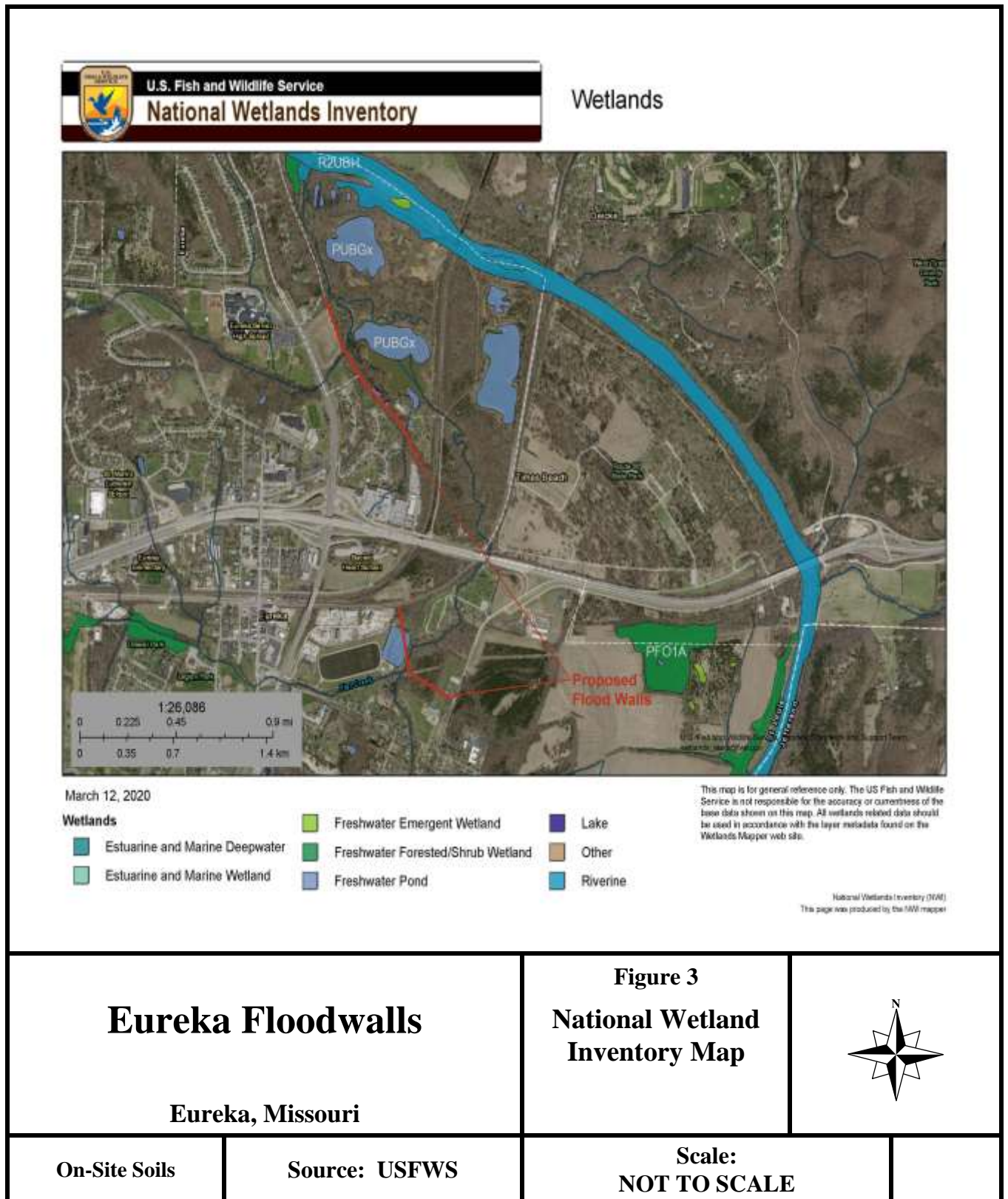
Attachments

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.







EXAMPLES OF TYPICAL GATEWELL STRUCTURE WITH THREE PIPES



Gatewell - located on landside of levee



Manual gate operators (to open & close gates)

Slide gates located at bottom of gatewell - in closed position



Outfall at creek with backflow valves and antifoatation weight

