

# PUBLIC NOTICE



**US Army Corps  
of Engineers  
Kansas City District**

**Permit No. NWK-2015-02480  
Issue Date: February 19, 2016  
Expiration Date: March 11, 2016**

**21-Day Notice**

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This public notice is issued jointly with the Missouri Department of Natural Resources, Water Pollution Control Program. The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102.

**APPLICANT:** Innsbrook Corporation  
1 Aspen Circle  
Innsbrook, Missouri 63390

**PROJECT LOCATION** (As shown on the attached drawings): On a tract of approximately 444 acres, located in Charrette Creek, unnamed ephemeral and intermittent tributaries to Charrette Creek, and in adjacent wetlands, Sections 7, 17-20, Township 46 North, Range 1 West, and Sections 13 and 24, Township 46 North, Range 2 West, rural Warren County, Missouri.  
[USGS Quads: Wright City & Marthasville]  
(Latitude: 38.741230 --- Longitude: -91.069058)

**AUTHORITY:** Section 404 of the Clean Water Act (33 USC 1344).

**ACTIVITY** (As shown on the attached drawings): Innsbrook is proposing to develop approximately 444 acres to support the expected expansion of the resort over the next 5 years (see attached maps). The proposed project will provide access and utilities to future single-family and multi-family residential lots. The proposed lakes will provide aquatic habitat/recreation and aesthetic enhancement for the future Innsbrook Resort homeowners.

The proposed project includes permanent impacts to Waters of the U.S. (WOTUS) for roads and utility lines to support the development of residential and commercial properties. Also, proposed by the applicant is the creation of three new lakes (A, C, and E) and enlarging an existing lake (B). An existing lake (D) was previously constructed under Department of the Army (DA) Permit NWK-2007-00794 which expired on December 31, 2014. Lake C is proposed to be constructed in an area not jurisdictional to Section 404 of the Clean Water Act.

In regards to Lakes A and B, the applicant states that these lakes are included in the current permit application for the marketing and selling of lots in the future expansion area of Innsbrook. The applicant states that lakeside homes are in great demand from prospective Innsbrook buyers and Lakes A and B are part of the overall master development plan for the Innsbrook Resort. The likelihood of selling a lot to a prospective buyer is greatly increased when they are able to view an established, mature lake. Therefore, constructing the lakes now will provide established lakes

where lakeside lots can be sold and homes be more readily developed. Similar to Lakes A and B, Lake E is proposed in response to the current demand for lakeside homes from prospective buyers. Landowners purchase homes at Innsbrook for use as a retreat or retirement home and to enjoy the amenities offered by the resort, including water activities such as fishing, non-motorized boating, and swimming. In addition, the construction of lakes requires large specialty equipment and it makes financial and logistical sense to employ and mobilize the equipment to construct the proposed lakes consecutively.

There are proposed to be three areas of impact. Impacts to WOTUS are identified in Tables #1-3 below and on the attached maps. Area #1 includes the development of residential lots, a retail area, Lakes C and E, and associated infrastructure such as roads and utility lines. The construction of Lake C is proposed to occur outside of WOTUS. The earthen dam proposed for Lake E will be approximately 43,000 cubic yards, of which 1,160 cubic yards will be within the bed and banks of an ephemeral tributary (T-8). Lake D, previously constructed under DA Permit NWK-2007-00794, is located within Area #1. No impacts to streams and wetlands are proposed within the footprint of the residential and retail lots. There are deed-restricted mitigation areas located within and adjacent to Area #1. These mitigation areas were developed to offset impacts to WOTUS from previous Section 404 permit activities associated with the development of Innsbrook Resort. No current project impacts are proposed within the mitigation areas. Within Area #1 the following activities are proposed that will impact WOTUS:

- Construction of Lake E
- Construction of six combined road and utility crossings. The road crossings will be constructed from reinforced concrete pipe and earthen fill

Table 1: Proposed Project Impacts to WOTUS located within Area #1. All proposed impacts would be permanent.

<b>Water</b>	<b>Map Identifier</b>	<b>Reason for Impact</b>	<b>Type of Fill</b>	<b>Size of Impact</b>
Tributary #6 (ephemeral)	T-6	Road & Utility Crossing #4	Soil & concrete pipe	120 linear feet
Tributary #7 (ephemeral)	T-7	Road & Utility Crossing #3	Soil & concrete pipe	50 linear feet
Tributary #8 (ephemeral)	T-8	Construction of Earthen Dam	Earthen fill 1,160 cubic yards	226 linear feet
		Impoundment of Water for Lake	Impoundment of Water	1,535 linear feet
		Road & Utility Crossing #6	Soil & concrete pipe	80 linear feet
Tributary #9 (ephemeral)	T-9	Impoundment of Water for Lake	Impoundment of Water	398 linear feet
Tributary #10 (intermittent)	T-10	Road & Utility Crossing #5	Soil & concrete pipe	86 linear feet
Tributary #12i (intermittent)	T-12i	Road & Utility Crossing #2	Soil & concrete pipe	190 linear feet
Tributary #13 (ephemeral)	T-13	Road & Utility Crossing #1	Soil & concrete pipe	80 linear feet
Palustrine Emergent wetland (PEM)	WL-B	Impoundment of Water for Lake	Impoundment of Water	0.08 acres
PEM wetland	WL-D	Road/Utility Crossing #1	Soil & concrete pipe	0.09 acres

Palustrine Forested wetland (PFO)	WL-E	Road/Utility Crossing #2	Soil & concrete pipe	0.06 acres
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Area #2 is the location of the proposed development of Lake A. Innsbrook is not proposing any new roads, utilities, or adjacent residential development associated with Lake A at this time. The earthen dam proposed for Lake A will be approximately 9,800 cubic yards, of which 120 cubic yards will be within the bed and banks of an intermittent stream (T-A1). Lake A is proposed to permanently impact 940 linear feet of intermittent stream, 443 linear feet of ephemeral stream, and 0.07 acres of emergent wetland.

Table 2: Proposed Project Impacts to WOTUS located within Area #2. All proposed impacts would be permanent.

Water	Map Identifier	Reason for Impact	Type of Fill	Size of Impact
Tributary #A1 (intermittent)	T-A1	Construction of Earthen Dam	Earthen fill 120 cubic yards	116 linear feet
		Impoundment of Water for Lake	Impoundment of Water	824 linear feet
Tributary #A2 (ephemeral)	T-A2	Impoundment of Water for Lake	Impoundment of Water	443 linear feet
PEM wetland	WL-C	Impoundment of Water for Lake	Impoundment of Water	0.07 acres

Area #3 is the location of the proposed enlargement of existing Lake B. Innsbrook is not proposing any new roads, utilities, or adjacent residential development associated with Lake B at this time. The new earthen dam proposed for Lake B will be approximately 43,000 cubic yards, of which 580 cubic yards will be within the bed and banks of an ephemeral stream (T-B1). The proposed enlargement of Lake B would result in permanent impacts to 1,016 linear feet of ephemeral stream

Table 3: Proposed Project Impacts to WOTUS located within Area #3. All proposed impacts would be permanent.

Water	Map Identifier	Reason for Impact	Type of Fill	Size of Impact
Tributary #B1 (ephemeral)	T-B1	Construction of Earthen Dam	Earthen Fill 580 cubic yards	129 linear feet
		Impoundment of Water for Lake	Impoundment of Water	663 linear feet
Tributary #B2 (ephemeral)	T-B2	Impoundment of Water for Lake	Impoundment of Water	224 linear feet

In summary, the proposed project would permanently impact 1,216 feet of intermittent, 3,948 feet of ephemeral streams, 0.06 acres forested wetlands, and 0.24 acres emergent wetlands.

**WETLANDS/AQUATIC HABITAT:** On January 27, 2016 a Preliminary Jurisdictional Determination (PJD) was completed for the proposed project site. The PJD identified; 10 wetlands totaling 16.84 acres, one perennial stream (11,144 linear feet (lf)), four intermittent streams (1,670 lf), and 14 ephemeral streams (12,182 lf).

**APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:**

The proposed road and utility alignments along with residential areas have been designed to remain within upland areas when possible to avoid impacts to WOTUS. Stream crossing were minimized by designing the road system to primarily follow existing farm and logging roads located on ridge tops. To compensate for impacts, Innsbrook proposes to provide permittee-responsible mitigation within the boundaries of Innsbrook Resort. The mitigation areas will be protected under a declaration of covenants and restrictions recorded with the Warren County Recorder of Deeds. This would protect those areas from future development and disturbance. Mitigation would primarily be in the form of preservation. Innsbrook is currently in the process of developing a mitigation plan and selecting suitable sites.

**ADDITIONAL INFORMATION:** Additional information about this application may be obtained by contacting Anthony Koch, U.S. Army Corps of Engineers, Missouri State Regulatory Office, 515 East High Street #202, Jefferson City, Missouri 65101, telephone: (816) 389-3828 or via email at [Anthony.J.Koch@usace.army.mil](mailto:Anthony.J.Koch@usace.army.mil). All comments to this public notice should be directed to the above address. Please reference Permit No. NWK 2015-02480.

**CULTURAL RESOURCES:** Kansas City District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National Register of Historic Places and the Federal Register and no property listed in the Register or proposed for listing is located in the permit area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer, Tribal Historic Preservation Officers (or Tribe designated representative) and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic properties, if warranted.

**ENDANGERED SPECIES:** In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not likely adversely affect species designated as threatened or endangered or adversely affect critical habitat. The U.S. Fish & Wildlife Service informed the Applicant on November 6, 2015 that the proposed project may affect, but not likely adversely affect the gray bat, *Myotis grisescens*. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

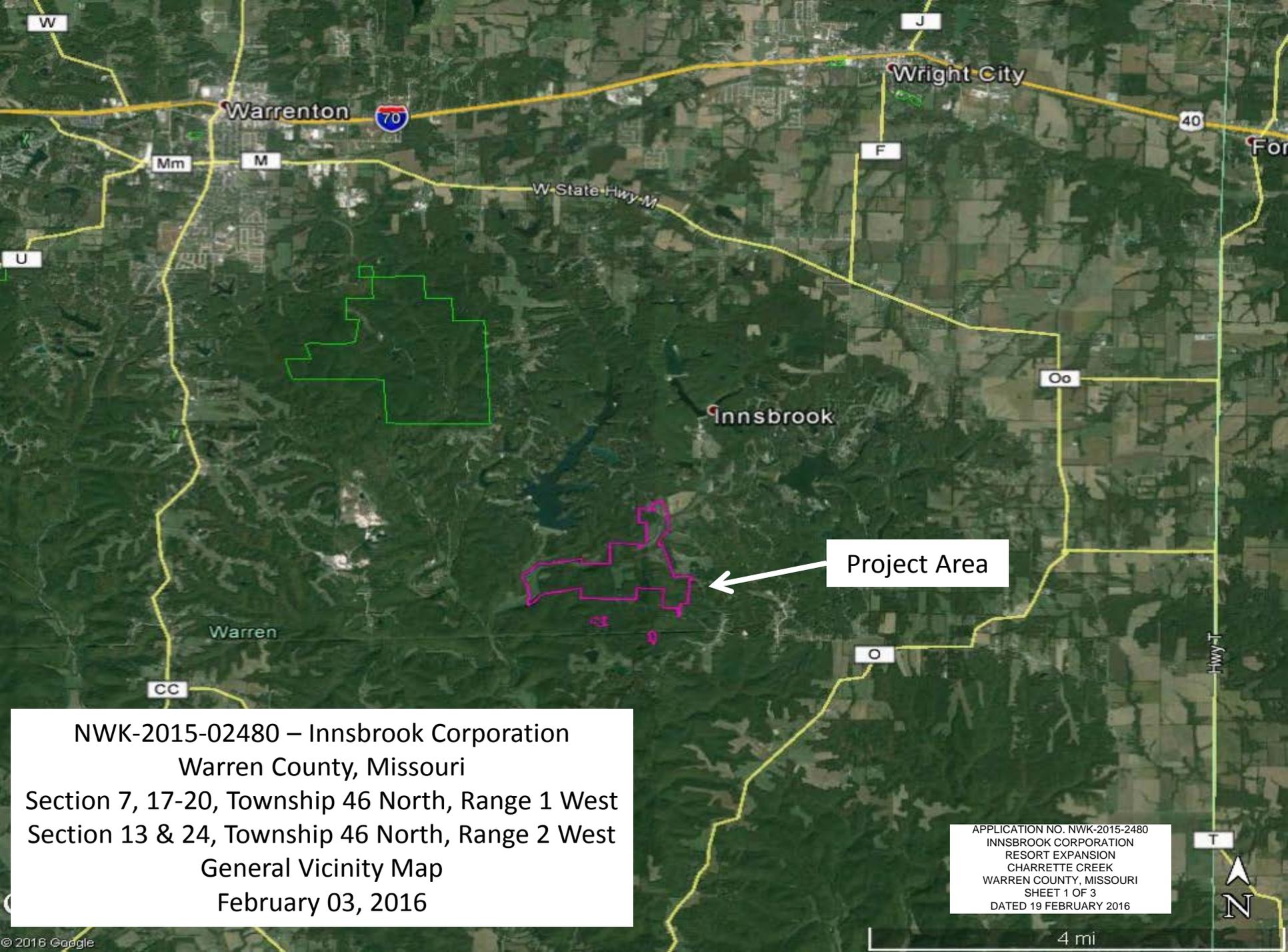
**FLOODPLAINS:** This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

**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. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

**PUBLIC INTEREST REVIEW:** The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The 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 this proposed activity. Any comments received will be considered by the 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 the other public interest factors listed above. Comments are used in 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.

**COMMENTS:** This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army permit. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to the address shown on page 4 of this public notice.

**PUBLIC HEARING:** Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.



NWK-2015-02480 – Innsbrook Corporation  
 Warren County, Missouri  
 Section 7, 17-20, Township 46 North, Range 1 West  
 Section 13 & 24, Township 46 North, Range 2 West  
 General Vicinity Map  
 February 03, 2016

Project Area

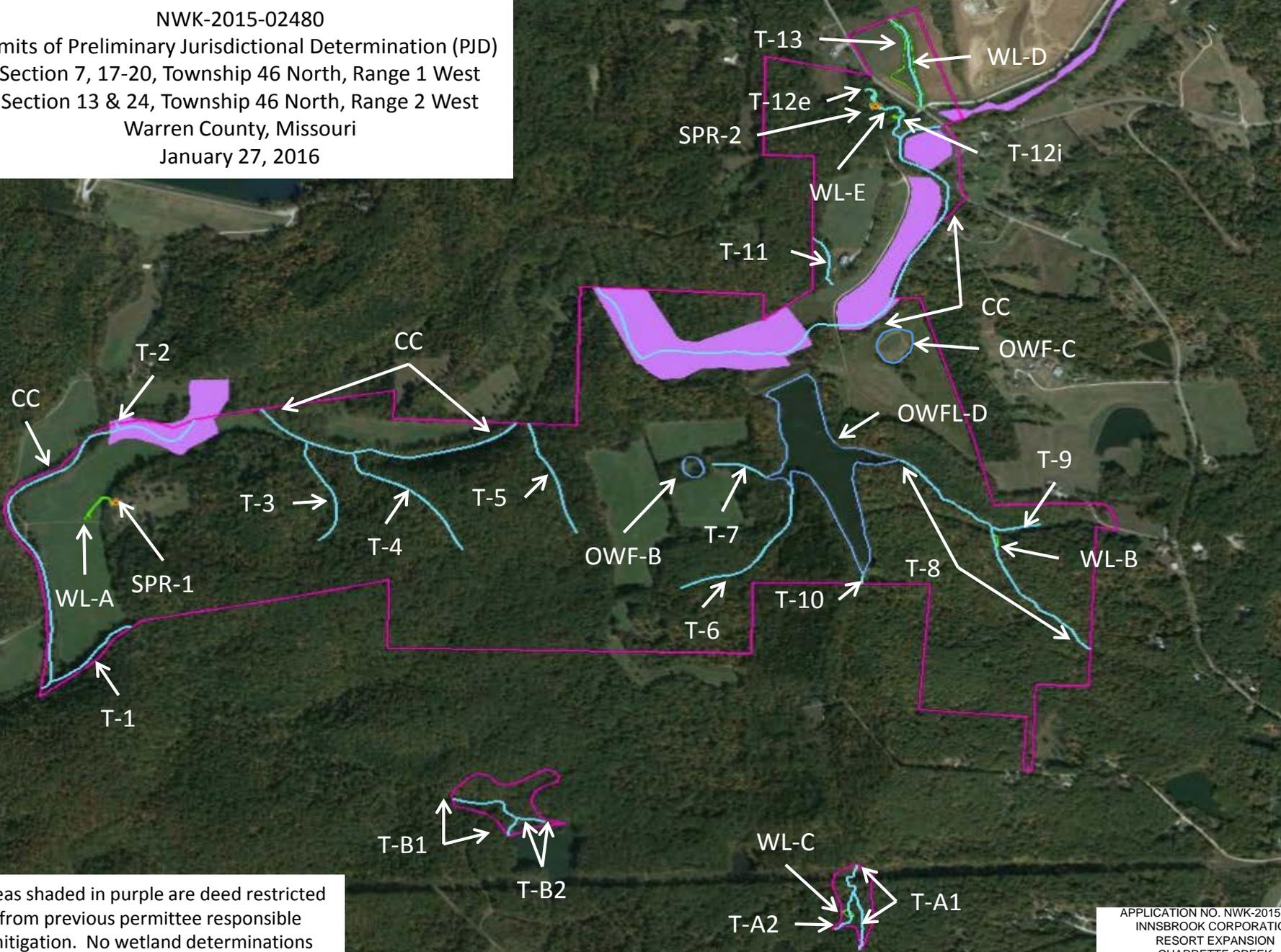
APPLICATION NO. NWK-2015-2480  
 INNSBROOK CORPORATION  
 RESORT EXPANSION  
 CHARRETTE CREEK  
 WARREN COUNTY, MISSOURI  
 SHEET 1 OF 3  
 DATED 19 FEBRUARY 2016

4 mi



NWK-2015-02480

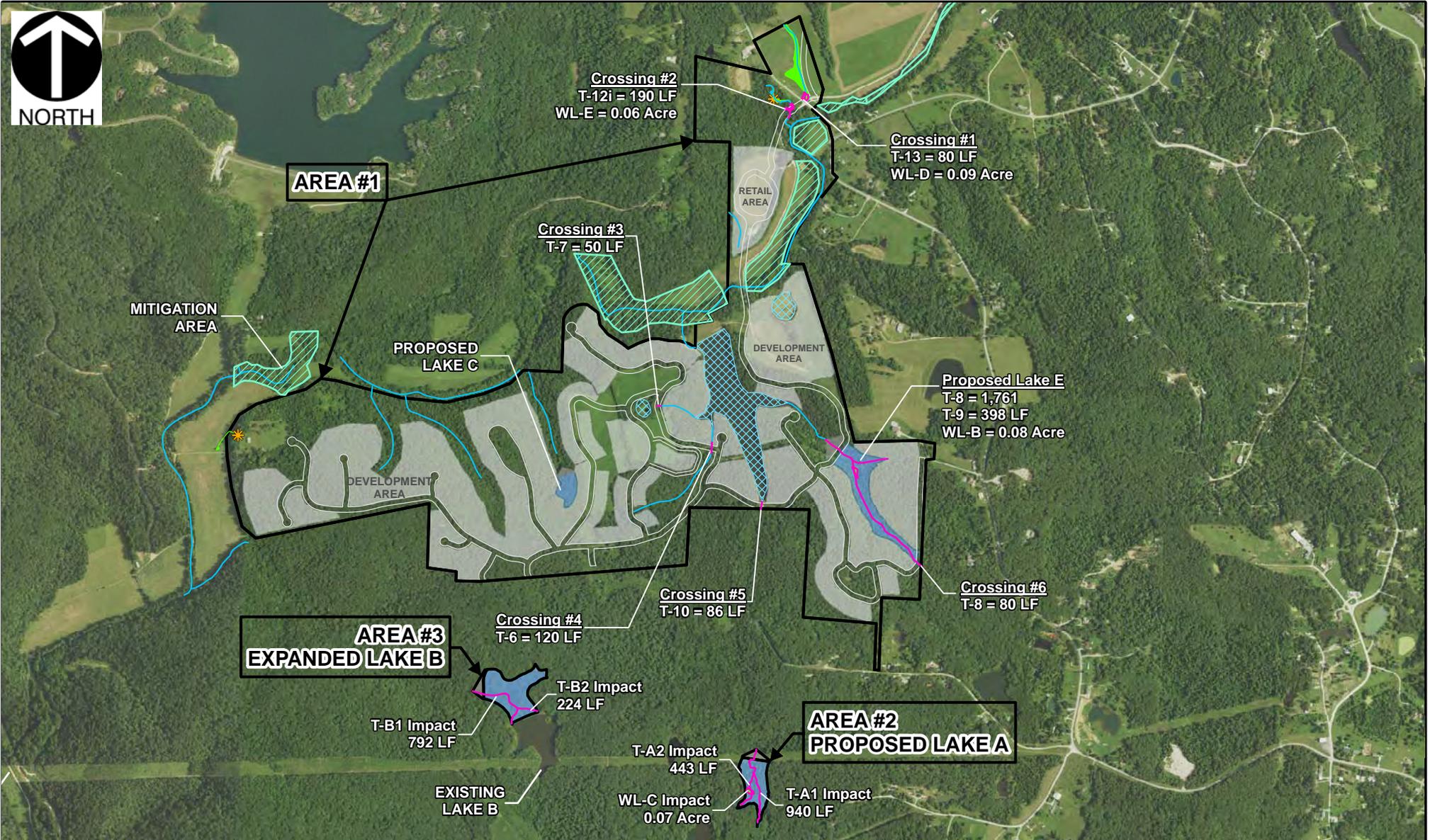
Limits of Preliminary Jurisdictional Determination (PJD)  
Section 7, 17-20, Township 46 North, Range 1 West  
Section 13 & 24, Township 46 North, Range 2 West  
Warren County, Missouri  
January 27, 2016



Areas shaded in purple are deed restricted from previous permittee responsible mitigation. No wetland determinations were made for these locations in this PJD.

APPLICATION NO. NWK-2015-2480  
INNSBROOK CORPORATION  
RESORT EXPANSION  
CHARRETTE CREEK  
WARREN COUNTY, MISSOURI  
SHEET 2 OF 3  
DATED 19 FEBRUARY 2016

# Jurisdictional Impacts



## REFERENCE

ESRI WORLD IMAGERY / ARCGIS MAP SERVICE:  
[HTTP://GOTO.ARCGISONLINE.COM/MAPS/WORLD\\_](http://gto.arcgis.com/maps/world_imagery)  
 IMAGERY,  
 ACCESSED 2/16/2016, IMAGERY DATE: 2014.

APPLICATION NO. NWK-2015-2480  
 INNSBROOK CORPORATION  
 RESORT EXPANSION  
 CHARRETTE CREEK  
 WARREN COUNTY, MISSOURI  
 SHEET 3 OF 3  
 DATED 19 FEBRUARY 2016

SCALE IN FEET



DWG SCALE: 1" = 2000'