



# Public Notice

**US Army Corps  
of ENGINEERS**

**Memphis District**

**REFERENCE:**

U.S. ARMY CORPS OF ENGINEERS

REPLY TO ATTN: Richard Mochow

167 North Main Street, RM B202

Memphis, TN 38103-1894

Telephone: (901) 544-0732 Fax (901) 544-0211

Email: Richard.Mochow@usace.army.mil

**POSTMASTER PLEASE POST UNTIL:**

**PUBLIC NOTICE NO.**

MVM-2004-640-RM

**Public Notice Date**

September 23, 2004

**Expiration Date**

October 23, 2004

**JOINT PUBLIC NOTICE:** This public notice is issued jointly with the Missouri Department of Natural Resources. 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, Watershed Protection Program, PO Box 176, Jefferson City, MO 65102-0176.

**AUTHORITY:** This notice announces an application submitted for a Department of the Army Permit under Section 404 of the Clean Water Act, pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986.

**APPLICANT:** Mr. Don Cato  
Box 427  
Advance, MO 63730-0427  
(573) 722-3089

**LOCATION:** The site is located 1 ¼-miles west of Brownwood on CR 640, in Bollinger County (administered in Stoddard County), Missouri. It is at latitude 37.07735, longitude 89.98440, in S19, T28N, R10E, on the Advance 7.5 minute USGS quadrangle map (see enclosed Location Map Sheet 1 of 3).

**PURPOSE:** Is to precision level a field that includes two small converted shrub scrub wetlands (SS) totaling 1.5-acres. The overall project purpose is to level this 151.9-acre field in order to better utilize and conserve irrigation water. If these two sites were farmed, the applicant would be in violation of the Food Security Act (FSA) and the Clean Water Act (CWA).

**DESCRIPTION OF WORK:** The project site is a 152-acre field, which contained a 1.0-acre and 0.5-acre remnant of a SS slough. These remnants were cleared in March 1989 in violation of the FSA and the CWA. The balance of the 152 acres has been farmed for many years. The wetlands have been channelized, leveled, and although not farmed, it has been maintained free of woody and herbaceous vegetation since the early 1990s. The applicant proposes to mitigate the lost wetland functions at a 2:1 ratio by purchasing 3.0 credits in the SEMO Agricultural Wetland Mitigation Bank.

The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The Corps of Engineers evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

No endangered or threatened species, or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed in the register which will be affected by the work. The consultation of the National Register will constitute the full extent of cultural resources investigation by this office unless we are made aware as a result of comments received in response

to this notice or by other means of the existence of specific structures or sites which might be affected by the work. Copies of the public notice are being sent to the State Archeologist & State Historic Preservation Officer.

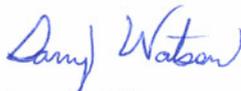
The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, 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, considerations of property ownership and, in general, the needs and welfare of the people.

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 the 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 the 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 overall public interest of the proposed activity.

Any person who has an interest, which may be affected by the deposition of this material, may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest, which may be affected, and the manner in which the interest may be affected by this activity. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

If you wish to obtain additional information or to submit comments on the application, please contact Richard Mochow or Gregg Williams at the U. S. Army Corps of Engineers, 167 North Main Street, RM B202, Memphis, Tennessee 38103-1894, telephone 901/544-0732.

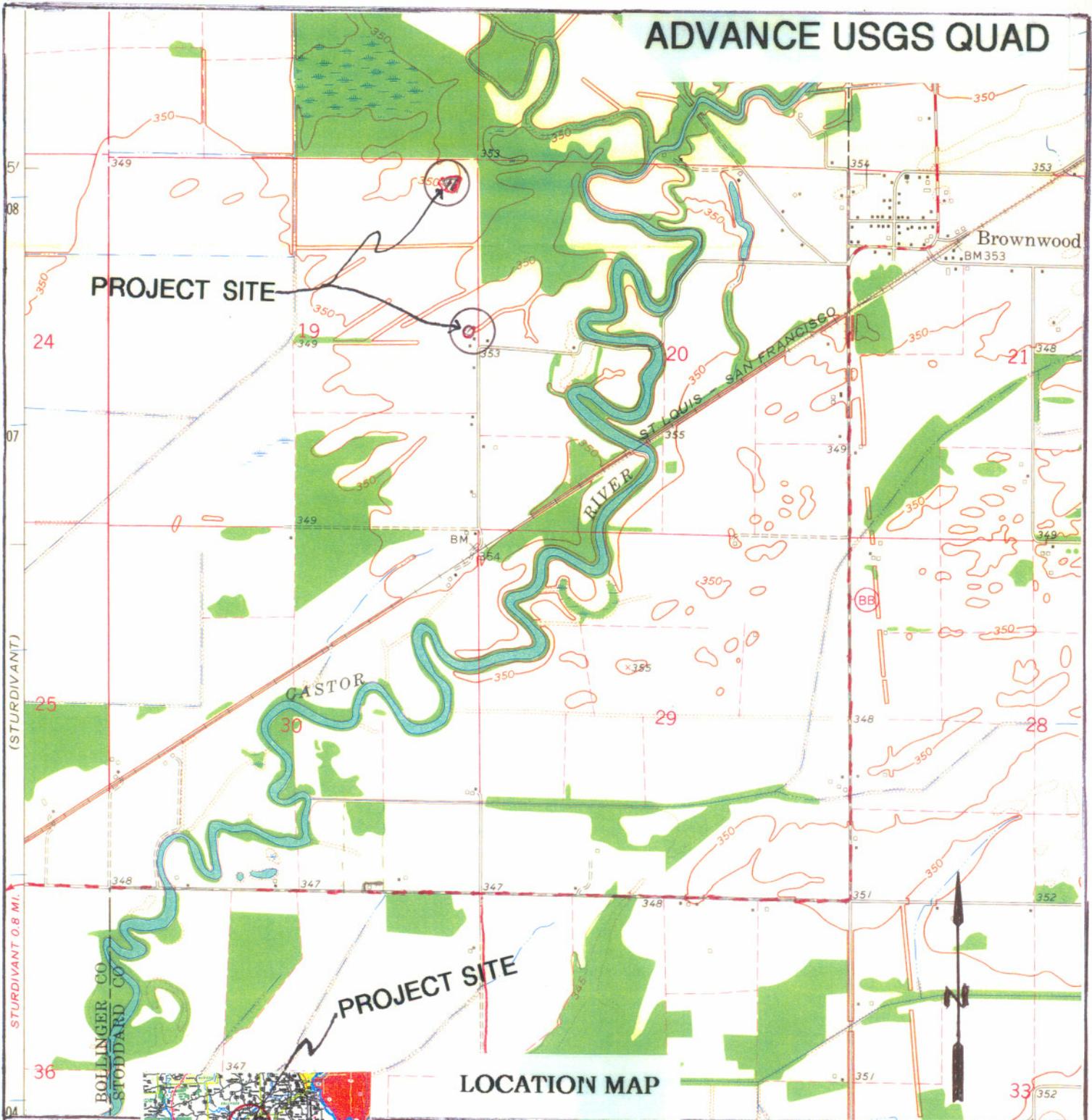
Comments should be forwarded to reach this office by October 23, 2004.



Larry D. Watson  
Chief  
Regulatory Branch

Encl

# ADVANCE USGS QUAD



PROJECT SITE

PROJECT SITE

LOCATION MAP



Vicinity Map

WETLAND CONVERSION  
APPL: DON CATO  
NEAR: BROWNWOOD, BOLLINGER CO, MO  
CASTOR RIVER  
FILE NO MVM-2004-640-RM

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# AERIAL PHOTO

CASTOR

RIVER

4148

BB. T3736

NHEL

① 71.7

PROJECT SITE

NHEL

② 80.2



CW-1



CW-2

WETLAND CONVERSION  
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