



April 20, 2023

U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833

Reference Public Notice No. MVS-2022-511

Dear Mr. LaMontagne,

Great Rivers Habitat Alliance (GRHA) represents a group of landowners and citizens concerned about the current floodplain development trends within the Confluence. Our MISSION: Protecting the 100-year Confluence floodplain for the benefit of wildlife, historic waterfowling, agriculture, clean water and people.

GRHA was founded in 2002 to directly combat the growing consumption of the 100-year Confluence floodplain through commercial development, address issues affecting wetland habitat, and promote sensible use of floodplains in the Confluence region of the Mississippi, Missouri, and Illinois rivers through policy, protection, conservation, public awareness and education.

We fundamentally disagree with any development within the 100-year floodplain and find the Creve Coeur Lake Apartment Complex proposal located at 12000 Creve Coeur Mill Rd and 1 Gulfport Drive particularly concerning and recommend denial of this Clean Water Act Section 404 application and permitting for the following reasons:

Endangering People

Simply, flooding is only an issue when you flood people. Bringing people to live in a floodplain and keeping people, in particular families, in flood-prone areas is irresponsible and dangerous. Why assume the risk of life and property? There are certainly more suitable areas to develop for multi-family.

This development is a public safety issue. People die in floods whether they are protected by levees, pumps or life jackets. Pumps only provide a false sense of security, delay the inevitable... which in turn will risk the lives of more people.

To build multi-family apartments in a flood-prone area is irresponsible and dangerous.¹ Many localities elsewhere have recognized this harm and have put a stop to development in flood-prone

¹ See Exhibits Attached Below

areas altogether. Mounting evidence suggests that the overall breadth and severity of flooding risks have been understated. One study, published in the journal *Environmental Research Letters*, estimated that three times as many Americans live in 100-year floodplains as those identified using FEMA maps.² Meaning, the FEMA maps that guide local land use ordinances are potentially not recognizing the increased likelihood of flooding events. This should be taken into consideration.

The dangers of more frequent large-scale flooding events are increasing with the changing climate, making government action to reduce risk more urgent. The development will increase the risk of flooding in the area. There is widespread agreement that flooding controls constructed by humans have directly caused the significant increase in 100- and 500-year flood events along the banks of major rivers such as the Missouri and the Mississippi.³

There are no simple or cheap solutions to reducing the risk to life and property from floods in the floodplain. GRHA believes that fill dirt and retention ponds will not adequately protect the public from flooding events. According to FEMA map 290889 0151 H dated 8/21/1995 provided all or part of subject property is located in Zone AE – 100-year floodplain and will decrease the natural floodwater storage capacity of the floodplain, resulting in an increased risk of flooding of neighboring properties, and downstream flooding is a serious concern to the majority of residents in the city and surrounding communities. This development and others will make parts of Maryland Heights, which are already highly susceptible to flooding, more vulnerable to flooding. Dangerous floods, particularly in this area, are inevitable, and the safest option is to keep people off the floodplain, out of harm's way.

The property was deeply flooded (1-8 feet) for more than 5 months in 2019 and recently flooded 1 to 4 feet deep for several weeks following the July 26, 2022, rain event (Pictures Attached Below).

Downstream Flooding

The proposed development could cause serious flooding ramifications for downstream communities. The proposed development is in the 100-year floodplain and will decrease the natural floodwater storage capacity of the floodplain, resulting in increased risk of flooding of neighboring properties. Further, downstream flooding is a serious concern to the majority of residents in the city and surrounding communities.

² Oliver E J Wing *et al* 2018 *Environ. Res. Lett.* **13** 034023 [Estimates of present and future flood risk in the conterminous United States - IOPscience](#)

³ See Scientific American, "Irony: Levees Could Make River Flooding Worse," (May 9, 2017) <https://www.scientificamerican.com/article/irony-levees-could-make-river-flooding-worse/>.

Development in the floodplain is not “environmentally-responsible” in light of increasing flood frequency and magnitude which will only get worse with climate change. The proposed development constitutes neither an effective attempt to mitigate the impacts of flooding nor other natural hazards exacerbated by climate change. Instead, it is an irresponsible policy decision that is contrary to good governance and sound policy and will result in the citizens who end up in the development area unable to mitigate the serious harms caused by natural hazards.

Maryland Heights own Comprehensive Plan demands that this area be used for functions that are compatible with the floodplain including open space, agriculture, and recreation. The proposed development will result in the exacerbation of flooding hazards by placing incompatible uses in a flood-prone area. The proposed development cannot be described as sustainable development, especially in light of climate change.

Negative Impacts to Nearby Creve Coeur Lake Park

The area around Creve Coeur Lake has always been a topographically low part of the Missouri River floodplain and prone to flooding. The Lake was formed several thousand years ago when a meander loop of the Missouri River was cut off.⁴ The property itself is remnant lake bottom.

The location is too close to sensitive natural areas of Creve Coeur Park and associated wetlands and would threaten the health and beauty of that area. Creve Coeur Lake and wetlands are considered an urban oasis by the National Audubon Society for the habitat they provide for migrating birds, local wildlife and people. The area is cherished by birders and outdoor recreational users alike. Creve Coeur Lake and associated wetlands in the Park are irreplaceable landscapes – key migration habitat and habitat for local wildlife. The development would forever alter the aesthetic beauty of Creve Coeur Park. Instead of offering views of undeveloped wetlands, agricultural fields, the Missouri River and other natural open space as it does now, the Park’s views would become obstructed by buildings constructed as part of the development. The development will likely significantly reduce the use of the Park and surrounding lake, wetlands and natural areas by wildlife. Open space and park land should be preserved in St. Louis County, rather than destroyed, as it is becoming a rarer and rarer commodity. Creve Coeur Park has been a favorite of birders for over 100 years, but is also a favorite of bicyclists, hikers, and canoeists. This development will have a negative impact on such activities as well as those of other naturalists.

GRHA further believes this development will have a negative impact on water quality of the Parks Lake and associated wetlands. The development would create large sections of impermeable surfaces that would cause polluted runoff into the lake. While GRHA acknowledges the proposed

⁴ See St. Louis County, Missouri Parks Department website for Creve Coeur Park, <https://www.stlouisco.com/Parks-and-Recreation/Park-Pages/Creve-Coeur>.

water retention basin, we are not confident those basins will adequately hold the volume of stormwater or floodwater. As shown in the photos and articles attached to these comments, large-scale flooding has occurred in this area as recently as July 2022, May 2020 and June 2019.

Creve Coeur Lake and associated wetlands are an urban oasis for wildlife and people alike. The development would forever alter the aesthetic beauty of Creve Coeur Park and impact water quality of the lake and surrounding wetlands.

The full 12.96 acres will be degraded and lost

While Residential One LLC identifies 3.32 acres of emergent wetland as being impacted there is no doubt that the full 12.96 acres of wetlands identified on site will be negatively impacted by this development. Their benefit as flood relief and habitat to wildlife will ultimately be destroyed. The only likely benefit will be an additional Canada Goose roosting and loafing area which will ultimately increase existing man vs. Canada goose conflicts.

In closing, a high-density (high-rise), commercial/residential development **in a former lakebed, with high frequency of flooding**, next to one of St. Louis Counties' most popular park (million-plus visitors year). **Is just a bad idea!**

We respectfully request the U.S. Army Corps of Engineers utilize its regulatory authority to deny the permit request to conduct grading and filling in waters of the United States, to construct this mixed use, multifamily residential and service retail development that ultimately will increase flooding problems in Maryland Heights and elsewhere as well as put more than 1,000 of people in harm's way. We do not need to destroy this precious ecosystem for a real estate deal and more tax revenue for Maryland Heights.

Sincerely,



J. Michael Checkett
Executive Director



Christopher J. Hyams
President

cc w/ enclosures:

Andrew R. Spann, Chairman,
Adolphus A. Busch, IV
Rick C. Holton, Sr.

Rick C. Holton, Jr.
Don C. Musick, III
James T. Blair IV
Douglas G. Sansone
David Bub, Esq.
Jason Cleveland
Lincoln Gray
McDara O'Brien
Mark Merlotti
Patrick Wittenbrink, Esq.
Paul Dalba
John Davis
Daniel W. Fort, Esq.
Joe Genovese
Nick Pelligreen
Mike Schulte
Jason Schnuck
Henry Schwetye
Tim Sheehan
Bob Sivewright
Cody Stokes
Philip von Gontard

Photos and Articles

1. July 2022 Flooding on the proposed Project site and local area.



July 26, 2022, proposed Project site looking from the NW Corner.



July 26, 2022, proposed Project site entrance.



July 26, 2022, north of proposed Project site Hwy 141 Schaffer Property.



July 26, 2022, flooding of Frontage Rd.



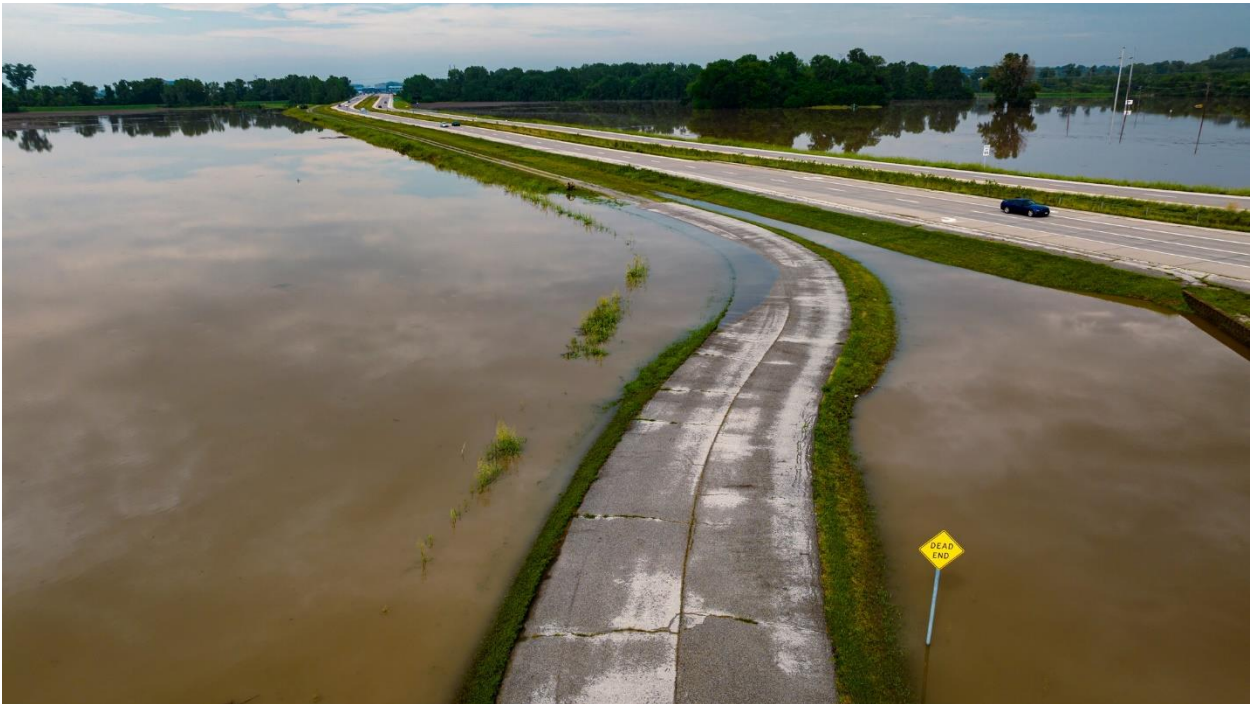
July 26, 2022, Schmittel's nursery flooding NW of proposed Project site Hwy 141



July 26, 2022, flooding of Creve Coeur Mill Rd.



July 26, 2022, flooding at Marine and Hwy 141.



July 26, 2022, flooding surrounds Hwy 141.



July 26, 2022, flooding at Creve Coeur Lake. Proposed development site in upper right-hand corner.

Flood Hazard Areas – 1% Annual Chance (i.e., 100-year flood plain).







In the 3 pictures above, workers with the city of Maryland Heights and the Levee District build berms out of gravel on Wednesday June 19, 2019, to hold back floodwaters alongside Missouri Highway 141. The highway is closed on both sides from Creve Coeur Airport to Creve Coeur Mill Road due to flooding from Creve Coeur Lake. Photo by Colter Peterson, cpeterson@post-dispatch.com.

Highway 141 in Maryland Heights reopens after flooding closure

- [Erin Heffernan](#) Jun 20, 2019

[Highway 141 in Maryland Heights reopens after flooding closure | Metro | stltoday.com](#)

MARYLAND HEIGHTS — A section of Route 141 that was closed after flooding reopened one northbound and one southbound lane to traffic Thursday afternoon, according to the Missouri Department of Transportation.

All lanes of the highway were closed Wednesday in both directions, from Creve Coeur Airport Road to Creve Coeur Mill Road. The immediate source of the water was Creve Coeur Lake, which had overtopped its banks.

The Howard Bend Levee District and the city of Maryland Heights pumped some of the water across the road and it was reopened by about 2 p.m. Thursday.

Crews will continue to monitor the area for flooding and if floodwaters rise back onto the road it may need to close again, according to MoDOT.

Exhibit 3.

MoDOT closes lanes of Highway 141 in Maryland Heights due to flooding

by: [Dan Gray](#), [Avesha Khan](#)

Posted: Jun 18, 2019 / 05:05 PM CDT / **Updated:** Jun 18, 2019 / 10:04 PM CDT

MARYLAND HEIGHTS, Mo. – You might have thought the worst of flooding was over, but a major highway closed Tuesday, affecting thousands of drivers for the evening rush hour.

The Missouri Department of Transportation closed the northbound lanes of Highway 141 in Maryland Heights.

“It’s very frustrating,” said Tracy Cernicek, who was on her way to meet a colleague at Hollywood Casino late Tuesday afternoon. “With all the flooding going on around this area and just getting around St. Charles County area is crazy.”

Drivers have been forced to make a U-turn at Creve Coeur Airport Road because barricades are up closing Highway 141 because of floodwater in the northbound lanes. About 20,000 vehicles travel this stretch of 141 every day.

“My advice to motorists would be to look at adjusting your work schedule. Yes, we have other constructions projects in the area, but we do want you to use I-270 and just avoid the area and use Highway 94 to get around this area,” said MoDOT North St. Louis County area engineer Betherny Williams.

The suggested detour for northbound 141 is to take westbound Page Avenue (Route 364) to Highway 94 or eastbound Page Avenue (Route 364) to I-270. Drivers on northbound 141 will still be able to access Creve Coeur Airport.

Earlier this week, floodwaters began rising on the highway at the intersection of Sport Port Road, forcing crews to close traffic to one lane in each direction. The water has continued to rise since then.

“I saw that the road was almost, almost flooded (Monday),” said Shannon McIntosh. “So it didn’t occur to me to turn around today but, I mean, what are you going to do?”

The road closure will also affect several businesses, including the quarry at Crystal Springs Golf Course, Hollywood Casino, and Hollywood Casino Amphitheater.

“Flooded the golf course,” said operator Nash Haxel. “And we’ve been underwater for 18 days now.”

Haxel shared with FOX 2 the many images of the flooded golf course, which now looks like a lake itself.

“The water is just sitting there; over 120 acres worth,” he said.

Haxel said he’s a small business owner and is losing hundreds and thousands of dollars in revenue especially because June is supposed to be one of the busiest months for the golf course.

“We really can’t get the water off our golf course until the levee gates and the river fall,” he said. “So we kind of expect to be closed for another two or three weeks.”

Southbound 141 is open for now but with the water rising and more rain in the forecast, a MoDOT spokesperson said they may have to close the southbound lanes Wednesday morning.

The flooding occurred after the Howard Bend Levee District opened the flood gates on the Creve Coeur Lake on Monday to lower the water level. District president Warren Stemme said the water didn't properly drain into the Missouri River because the river levels there were not dropping fast enough.

Stemme said the Missouri was high because water is being released from dams upstream.

But Ameren, which operates the Bagnell Dam on Lake of the Ozarks, told the Post-Dispatch Wednesday it is doubtful the release of water into the Osage River, which feeds the Missouri River, was to blame — because water levels are dropping on the Missouri.

Maryland Heights Mayor Mike Moeller told the Post-Dispatch Wednesday the last time 141 had closed there because of flooding was during the Great Flood of 1993



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2019 flooding of Creve Coeur Mill Road towards Creve Coeur Park soccer complex.



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2019 flooding of Highway 141 Southbound at Sport Port Road.



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2019 flooding Northbound Highway 141 at Sport Port Road.



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Photos of flooding Sport Port Road at Highway 141 on June 18, 2019



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2019 flooding Highway 141 northbound at Creve Coeur Mill Road.