



Public Notice

**US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence**

**Reply To:
U.S. Army Corps of Engineers
Attn: Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833**

Public Notice No.
P-2753
Public Notice Date
April 12, 2010
Expiration Date
May 12, 2010

Postmaster Please Post Conspicuously Until:

File Number: 2009-768

Interested parties are hereby notified that a Mitigation Bank Prospectus has been received pursuant to 33 CFR 332 and 40 CFR 230 Compensatory Mitigation for Losses of Aquatic Resource; Final Rule (Federal Register / Vol. 73, No. 70 Pages 19594-19642, April 10, 2008).

COMMENTS AND ADDITIONAL INFORMATION: All comments and/or requests for public hearing must reach this office no later than the 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: Mr. Shawn Sullivan

APPLICANT: Missouri Department of Transportation, Attn: Mr. Nate Muenks, 105 West Capitol Avenue, Jefferson City, Missouri, 65102. (573) 751-2551.

LOCATION: The proposed Bear Creek Wetland Mitigation Bank (Bank) is located east of, and adjacent to Bear Creek on Mesquite Street in Macon County, Missouri. The Bank is located in the Southeast $\frac{1}{4}$ of Section 31, Township 60 North, and Range 13 West (Longitude -92.38766 , Latitude 39.95605 measured in decimal degrees).

PROJECT DESCRIPTION: Applicant seeks approval from the Interagency Review Team (IRT) which is composed of representatives from the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Federal Highway Administration, Missouri Department of Natural Resources, and Missouri Department of Conservation to establish a wetland mitigation bank along Bear Creek. Bear Creek is a primary tributary to the North Fork Salt River, which is a tributary to Mark Twain Lake. The mitigation bank will serve as a means for the applicant to compensate unavoidable wetland impacts. The activities proposed to occur on the 50.23 acre site include; restoring 2.50 acres of forested wetland, establishing/creating 17.75 acres of mixed wetland types (emergent, forested, and scrub-shrub), enhancing 5.17 acres of mixed wetland types (forested and emergent), as well as preserving 21.81 acres of non-wetland wooded riparian buffer and restoring 3.00 acres of non-wetland wooded riparian buffer along Bear Creek. All aquatic and

terrestrial resources restored, enhanced, established, and preserved on the site will be protected in perpetuity by a deed restriction that will be filed and recorded with the County Recorder of Deeds Office.

While developing the Prospectus for the proposed Bank, the applicant reviewed the Watershed Inventory and Assessment (WIA) prepared for the Salt River, which includes Bear Creek. The WIA revealed that a common theme is evident throughout the watersheds that compose the Bank's proposed geographic service area (see attached map); severe erosion and sedimentation resulting from intense agricultural uses. Therefore, the establishment of the Bear Creek Wetland Mitigation Bank is geared directly toward reducing sedimentation by retiring approximately 26 acres of bottomland from active row crop production, berming and creating depressional features on the site to seasonally retain water and planting woody vegetation both of which effectively trap sediment during overbank flooding. The Bank will also function to increase surface water storage capacity, which directly increases nutrient retention benefits, and provides a more stable groundwater recharge to improve the health of this watershed. The establishment of this Bank will also benefit wildlife populations by improving habitat continuity.

If approved by the IRT, the Bank when fully completed will contain a total of 50.23 acres of restored, established, enhanced, and site protected wetlands as well as associated riparian habitat. The mitigation bank will provide the Missouri Department of Transportation (MoDOT) with a viable alternative for compensating aquatic resource impacts that occur within the geographic service area of the bank. The geographic service area is proposed to consist of the Cuivre/Salt Ecological Drainage Unit. Mitigation credits will be debited on an incremental basis as long as the Bank is meeting its anticipated goals set forth in the final banking document. The U.S. Army Corps of Engineers may deem impact areas outside the geographic service area to be appropriately mitigated at the proposed bank, on a case-by-case basis. This mitigation bank proposal does not preclude MoDOT from complying with Clean Water Act Section 404(b)(1) Guidelines, the National Environmental Policy Act, and our evaluation of probable impacts on public interest. Upon request, a copy of the Mitigation Banking Prospectus is available for review in our office.

LOCATION MAPS AND DRAWINGS: See attached maps.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Shawn Sullivan, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8580. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Shawn.F.Sullivan@usace.army.mil.

AUTHORITY: Section 404 of the Clean Water Act (33 U.S.C. 1344).

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: A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed would not 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: On January 15, 2010, the Missouri Department of Natural Resources-State Historic Preservation Office (MNDR-SHPO) provided letter correspondence stating that they have reviewed the Section 106 Survey Memo *entitled Phase I Archaeological Investigation of a Proposed Wetland Mitigation Site for MoDOT job No. JZP0483J, Route 63 Bypass Around Kirksville Route 63*. Based on MDNR-SHPO's review it is evident that a thorough and adequate cultural resources survey has been conducted of the project area and they concur with MoDOT's recommendation that there will be **no historic properties affected**.

EVALUATION OF PROBABLE IMPACTS: The decision whether to authorize MoDOT to enter into an agreement with the Corps and IRT 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.

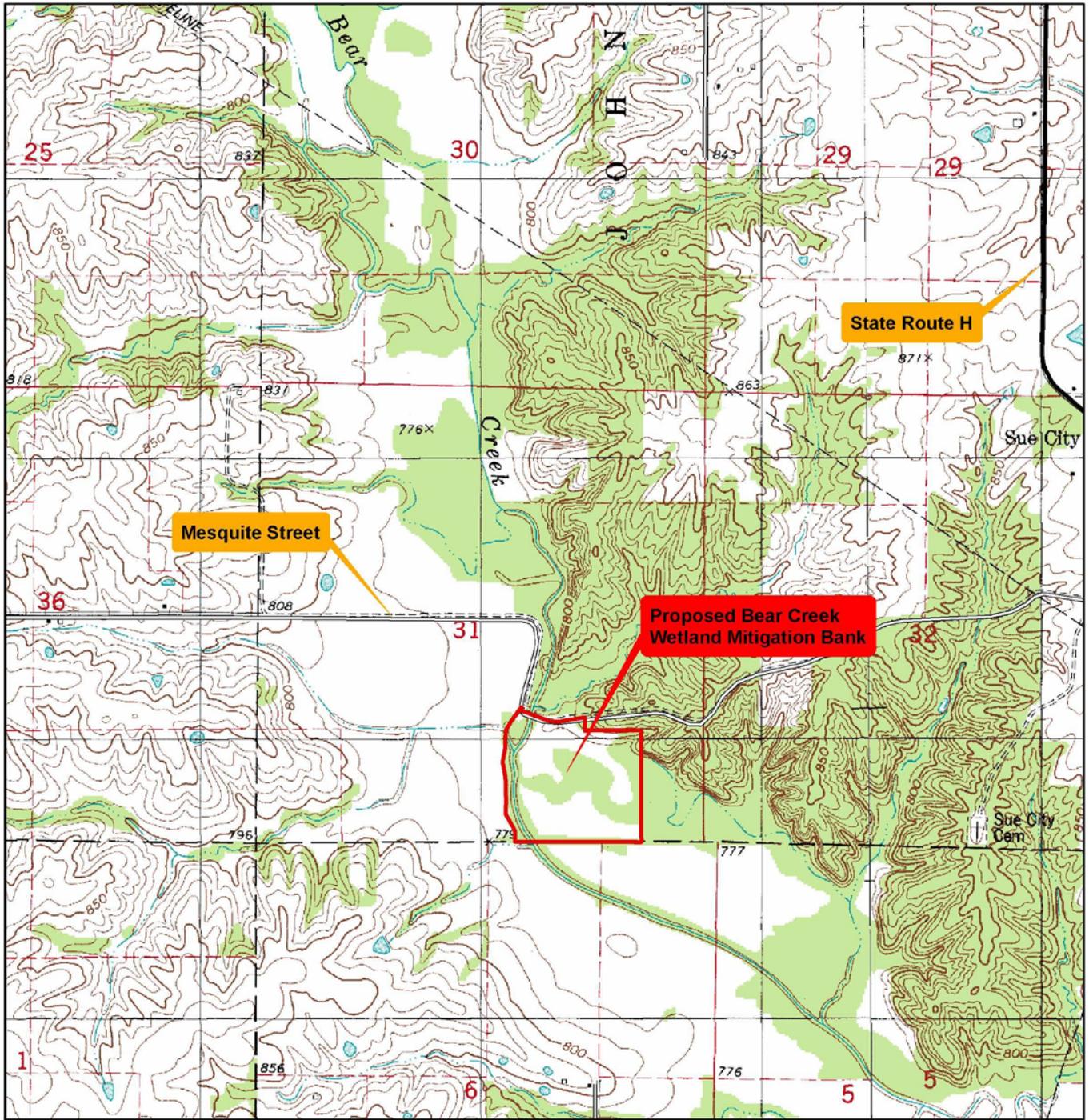
SOLICITATION OF COMMENTS FROM THE PUBLIC: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to approve, modify, or deny authorization 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 also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. In accordance with 33 CFR 325.3, it is presumed that all interested parties and agencies will wish to respond to public notices; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project.


DANNY D. MCCLENDON
Chief, Regulatory Branch

Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 30 days from the date of this issuance of this notice.

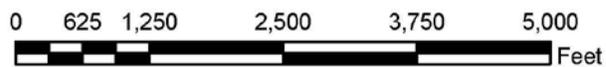


J2P0483J Proposed Bear Creek Wetland Mitigation Bank

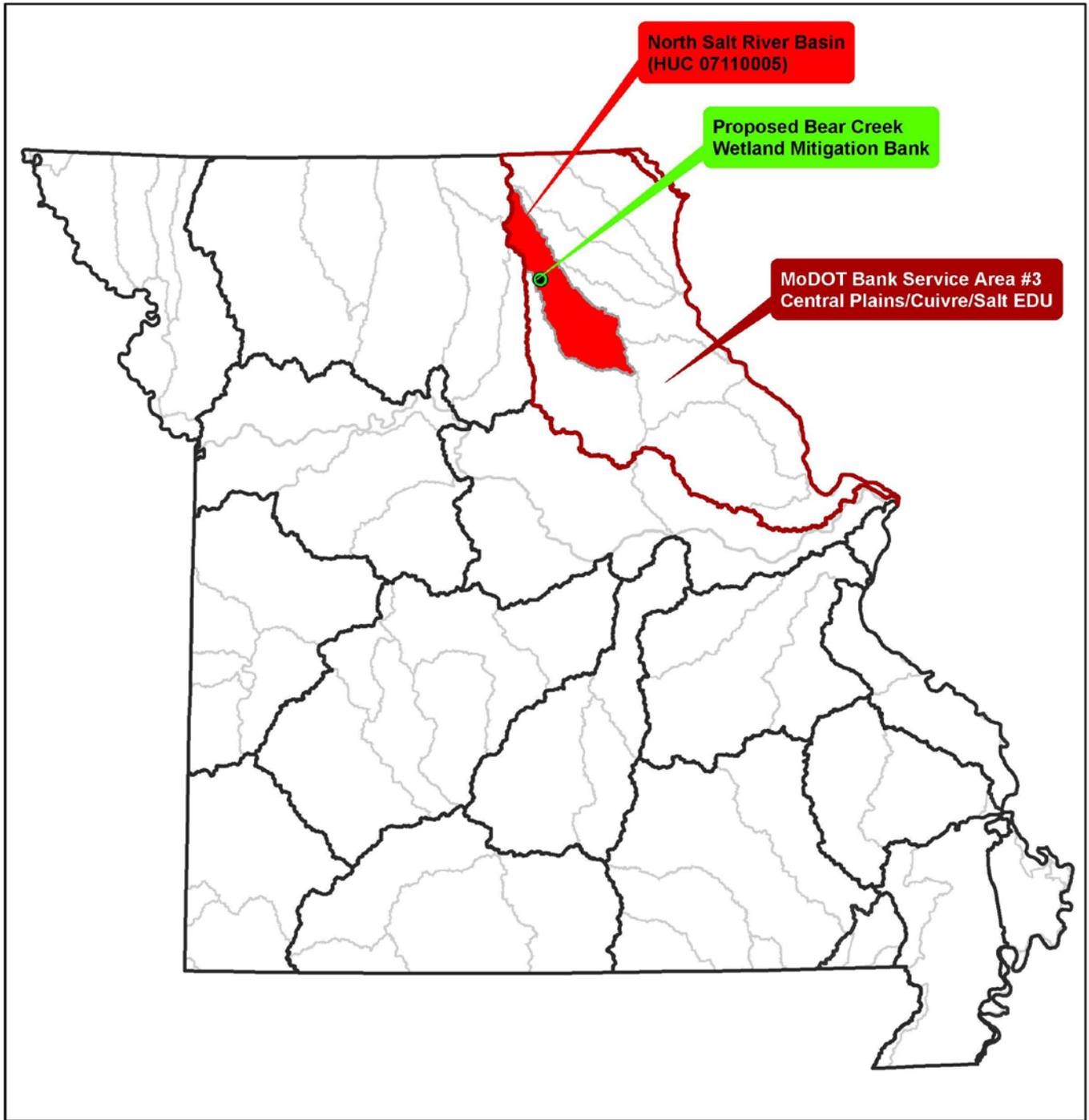
USGS Topographic Map

Atlanta, MO USGS Quadrangle

(T60N, R13W, Sec. 31)



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J2P0483J Proposed Bear Creek Wetland Mitigation Bank

8 - Digit HUC Watershed Map

Atlanta, MO USGS Quadrangle

(T60N, R13W, Sec. 31)

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