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# Public Notice

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**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-2783  
Public Notice Date  
February 14, 2011  
Expiration Date  
March 16, 2011**

**Postmaster Please Post Conspicuously Until:**

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File Number: 2009-116

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:** Shaw Nature Reserve a Division of the Missouri Botanical Garden, Attn: Mr. John Behrer, P.O. Box 38, Gray Summit, Missouri 63069.

**AGENT:** On-Site Soils, Inc., Attn: Mr. Matt Roth, 27 Centre Pt. Suite A, St. Peters, Missouri 63304.

**LOCATION:** The proposed Shaw Reserve Mitigation Bank (Bank) is proposed on 78.4 acres of the overall 2,400 acre Shaw Nature Reserve which is located 35 miles southwest of St. Louis in Gray Summit, Missouri. The real property selected for the Bank site lies adjacent to the right descending bank of the Meramec River and within the river's floodplain. More specifically, the Bank is located in the northwest ¼ of Section 20, Township 43 North, and Range 02 East (Longitude -90.8142344, Latitude 38.4563524 measured in decimal degrees) in Franklin County, Missouri.

**PROJECT DESCRIPTION:** The prospective bank sponsor (sponsor) seeks approval from the U.S. Army Corps of Engineers (Corps) and the Interagency Review Team (IRT) which is composed of representatives from the, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Missouri Department of Natural Resources, and Missouri Department of Conservation to establish a wetland mitigation bank along the lower Meramec River. The primary objective of the sponsor is to restore approximately 33.4 acres of emergent wetland and 45.0 acres of a native warm season grass buffer around the perimeter of the wetland. These resources are being established with the intent to

sell mitigation credits to Section 404 Permit recipients who need compensatory mitigation as a means to fulfill Department of the Army permit conditions and conditions of their associated Section 401 Water Quality Certification issued by the Missouri Department of Natural Resources. All aquatic and terrestrial resources restored on the site will be protected in perpetuity by a permanent site protection instrument approved by this office.

The sponsor, Shaw Nature Reserve, is and has been restoring native habitats in earnest on the property since 1979. Approximately half of the sponsor's 2,400 acres are currently set aside as "Native Habitats Area" and are managed to favor native biodiversity. The habitats represented include glades, prairies, wetlands, and woodlands. The goal of ecological restoration at Shaw Nature Reserve is the creation or rehabilitation of a mosaic of habitats that can support healthy populations of the maximum possible number of plant and animal species native to the St. Louis region. The sponsor has selected the Bank site based on its current condition which is in an agricultural state, proximity to the Meramec River, high potential for establishment and restoration of the stated resources, its alignment with watershed plans such as the Missouri Department of Conservation's Watershed Inventory and Assessment (WIA) and the Lower Meramec Greenway Plan as well as the sponsor's mission of native habitat restoration and establishment.

This mitigation bank proposal does not preclude any Section 404 permit applicant who intends or is required to use the mitigation bank 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. If approved by the Corps, the Bank when fully completed will contain a total of 78.4 acres of established aquatic and terrestrial resources adjacent to the Meramec River. The geographic service area, is the geographic area within which 404 and 401 permitted impacts can be compensated for at the Bank. This service area is proposed to consist of the Meramec 8-digit hydrologic unit code (HUC-8). Mitigation credits generated by the project will be debited on an incremental basis as long as the Bank is meeting its anticipated success criteria set forth in the final mitigation banking documentation. 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](mailto: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:** The St. Louis District will evaluate information provided by the State

Historic Preservation Officer and the public in response to this public notice and we may require a reconnaissance survey of the project area.

**EVALUATION OF PROBABLE IMPACTS:** The decision whether to authorize Shaw Nature Reserve's 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.

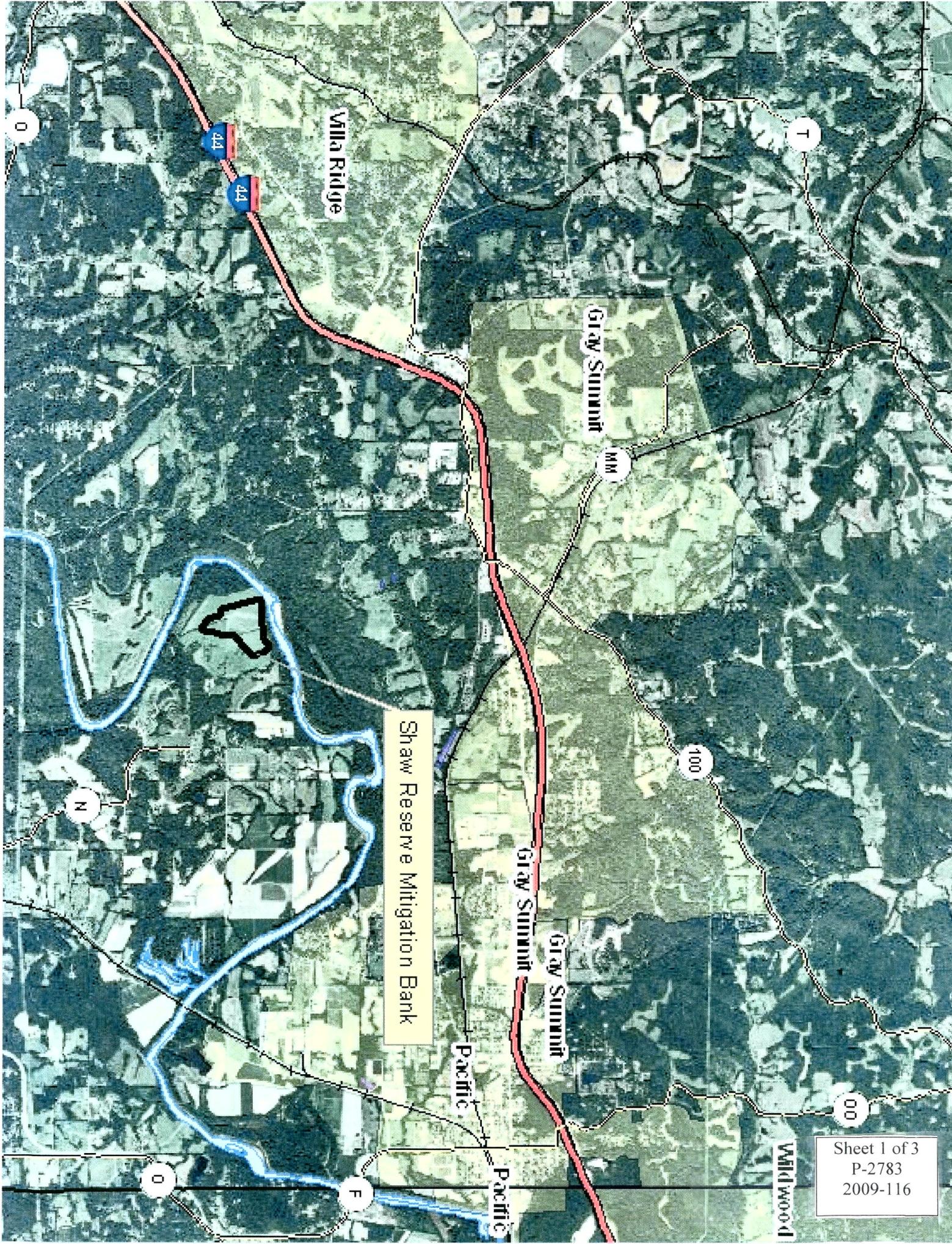
**SOLICITATION OF COMMENTS FROM THE PUBLIC:** The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to 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.

  
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.



Shaw Reserve Mitigation Bank

# Shaw Reserve Mitigation Bank Geographic Service Area

