

PUBLIC NOTICE



US Army Corps of Engineers

Kansas City District/
St. Louis District/Memphis District/
Little Rock District/Rock Island District

Permit No. MVS-2009-684
Issue Date: July 11, 2011
Expiration Date: August 10, 2011

30-Day Notice

**This Notice Announces a Prospectus for the
Revised Missouri Conservation Heritage Foundation
Stream Stewardship Trust Fund In-Lieu Fee Mitigation Program
Presently Operating in the State of Missouri**

AUTHORITY: Pursuant to the Final Rule for the Compensatory Mitigation for Losses of Aquatic Resources, referred to as the Mitigation Rule (33 CFR Parts 325 and 332, and 40 CFR Part 230), dated April 10, 2008; this notice announces a prospectus submitted to revise an established in-lieu fee (ILF) mitigation program within the State of Missouri.

IN-LIEU FEE SPONSOR: Missouri Conservation Heritage Foundation
P.O. Box 366
Jefferson City, Missouri 65102-0366

PROJECT LOCATION (As shown on the attached drawing): The revised ILF program would initially operate in nine distinct ecological drainage units (EDU) located within the State of Missouri. This public notice applies to the entire State of Missouri, as shown on the accompanying map, which include the Kansas City District, St. Louis District, Little Rock District, and Rock Island District. The ILF sponsor may request future modifications to the ILF program that would expand the program into other areas in the state that could include the Memphis District.

PURPOSE AND PROPOSED DESCRIPTION: ILF mitigation programs are one of a number of practicable options available to applicants to compensate for unavoidable impacts to waters of the United States that are associated with permits issued under the authority of Sections 404 and 401 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The accompanying ILF prospectus outlines the circumstances and manner in which this ILF program will provide a compensatory mitigation option to permit applicants under the Corps permit program. The use of the ILF program to compensate for unavoidable impacts to aquatic resources is a decision of the Corps of Engineers and there is no guarantee that any particular individual or general permit will be granted authorization because of proposed use of this fund.

The Missouri Conservation Heritage Foundation (MCHF) (program sponsor) is a registered not-for-profit corporation in the State of Missouri. They have been operating their existing ILF mitigation program, entitled the Stream Stewardship Trust Fund (SSTF), in partnership with the Missouri Department of Conservation for eleven (11) years under a Memorandum of Understanding with the Corps of Engineers. The sponsor is proposing revisions to their existing program that will bring it into compliance with the 2008 regulations governing compensatory mitigation (Mitigation Rule) for activities authorized by permits issued through the Department of the Army.

The sponsor is reestablishing the SSTF under the new mitigation rule as a compensatory stream mitigation program and will not conduct mitigation work or accept funds to offset wetland impacts. Funds generated by the sale of credits will be used by the sponsor to identify, plan, and implement various types of compensatory mitigation projects. The sponsor will accept the transfer of mitigation responsibility from permit applicants and will assume all legal responsibility for satisfying mitigation requirements for which fees have been accepted (i.e., implementation, performance, and long term management of specific mitigation sites as outlined in the accompanying prospectus). Based on procedural changes by the Corps in the manner that mitigation replacement is measured to offset aquatic impacts, the sponsor has accumulated a sufficient amount of credit balance that the revised ILF program can initially be funded without requesting advance credits in any of the proposed mitigation service areas. The sponsor proposes to reallocate the existing balance of credits to the nine selected mitigation service areas shown in the accompanying prospectus. In addition to proposing use of 15% of the funds for administrative purposes, the sponsor also proposes use of 10% for noncredit accumulating stream projects (e.g., 30-year maintenance agreements, projects outside of approved EDUs, etc.).

Oversight of this ILF program will be conducted by representatives of the five Corps Districts in the State of Missouri, as well as, the US Environmental Protection Agency, the US Fish and Wildlife Service, the Missouri Department of Natural Resources, and the Missouri Department of Conservation. This oversight group is defined as the Interagency Review Team (IRT) and is chaired by the Corps of Engineers. The Corps and IRT have completed a cursory review of the accompanying document and determined that it sufficiently meets the requirements for a complete prospectus and issuance of a public notice. This public notice is posted on the following Corps District's Regulatory web pages:

<http://www.nwk.usace.army.mil/regulatory/CurrentPN/currentnotices.htm>

<http://www.mvs.usace.army.mil/permits/permits.html>

<http://www.mvm.usace.army.mil/regulatory/memphis.asp>

<http://www.swl.usace.army.mil/regulatory/>

<http://www2.mvr.usace.army.mil/Regulatory/>

The complete prospectus is posted at:

<http://www.nwk.usace.army.mil/regulatory/CurrentPN/currentnotices.htm>

ADDITIONAL INFORMATION: Additional information about this ILF prospectus may be obtained by contacting Mr. James A. Ptacek at the Missouri State Regulatory Office, 221 Bolivar Street, Suite 103, Jefferson City, Missouri 65101, telephone No. 816-389-3834 or email to james.a.ptacek@usace.army.mil. All comments to this public notice should be directed to the above address.

CULTURAL RESOURCES: The ILF mitigation program will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. As specific project sites are identified and brought forward under this program, the Corps in consultation with the IRT will evaluate information provided through this public notice by the State Historic Preservation Officer, Federally-recognized Tribes, the public, and may require a survey of specific project areas if deemed necessary.

ENDANGERED SPECIES: The ILF mitigation program will comply with the Endangered Species Act. Acceptance of this ILF program and specific mitigation projects that are proposed will be coordinated with the U.S. Fish and Wildlife Service (FWS). The FWS has a representative on the IRT.

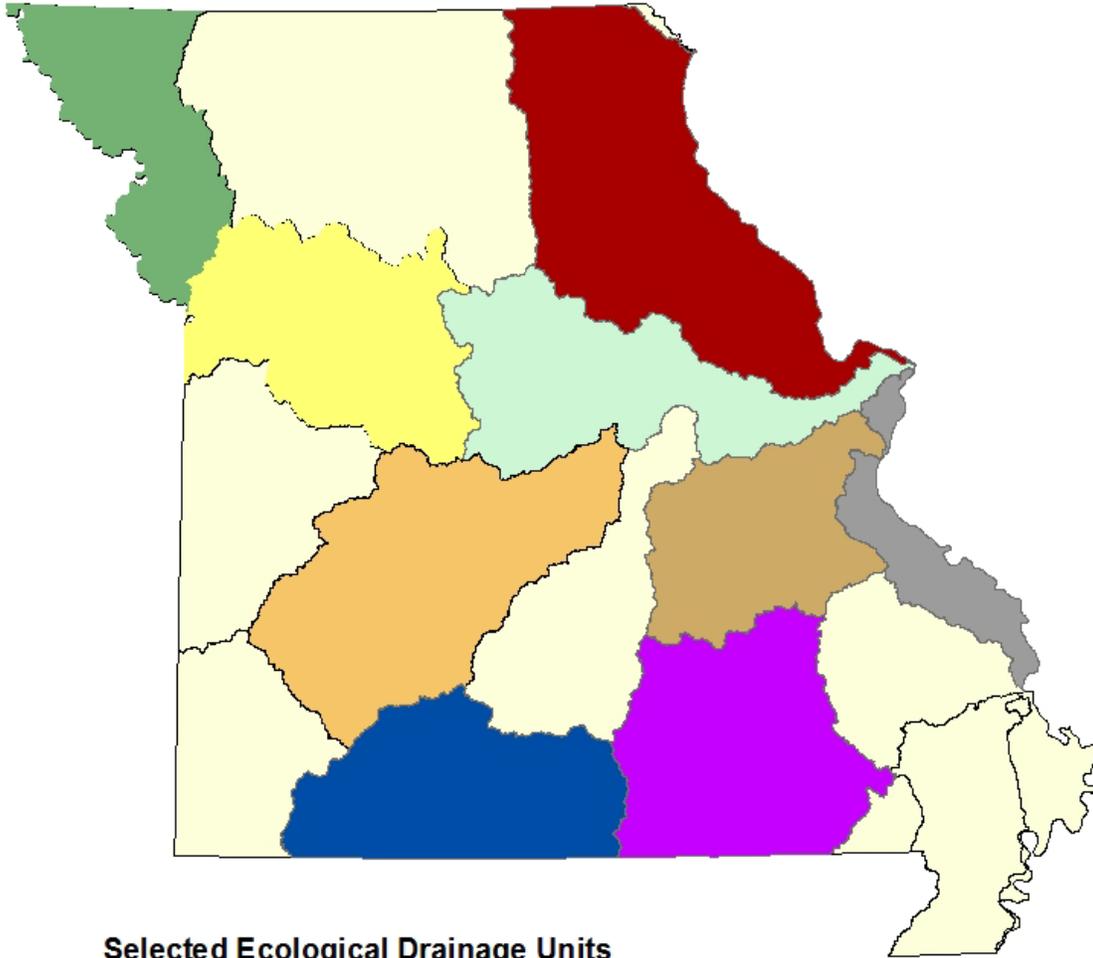
FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies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

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the proposed ILF prospectus and to solicit comments. The decision to allow or deny the sponsor to move forward and develop an ILF program instrument will be based on an evaluation of all comments received, and all relevant factors to the proposal 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 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 proposed ILF program. This is not an application for a specific mitigation project.

COMMENTS: 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 this ILF program would be in the public interest. Copies of all comments, including names and addresses of commenters will be provided to the sponsor. All comments should be mailed to Mr. James A. Ptacek at 221 Bolivar Street, Suite 103, Jefferson City, Missouri 65101; telephone No. 816-389-3834; or email to james.a.ptacek@usace.army.mil.

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.

Stream Stewardship Trust Fund Selected Service Areas



Selected Ecological Drainage Units

-  Ozark/ White
-  Ozark/ Osage
-  Central Plains/ Nishnabotna/ Platte
-  Ozark/ Moreau/ Loutre
-  Ozark/ Meramec
-  Central Plains/ Cuivre/ Salt
-  Central Plains/ Blackwater/ Lamine
-  Ozark/ Black/ Current
-  Ozark/ Apple/ Joachim