



Public Notice

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

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

Public Notice No.
P-2778
Public Notice Date
January 13, 2011
Expiration Date
February 3, 2011

Postmaster Please Post Conspicuously Until:

File Number: MVS-2009-509

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above 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: Jaynie Doerr

APPLICANT: The U.S. Army Corps of Engineers (USACE), St. Louis District, Project Management Branch, 1222 Spruce Street, St. Louis, 63103.

LOCATION: The Ted Shanks Conservation Area (TSCA) Habitat and Rehabilitation Enhancement Project (HREP) is located on the right descending bank of the Mississippi River, adjacent to the town of Ashburn, Missouri in Pike County. The project area encompasses part of TSCA and the Upper Mississippi River Conservation area. It lies in Pool 24 between Upper Mississippi River Miles (RM) 284.5 and 288.5. The conservation area is approximately 6,700 acres. Approximately 3,800 acres of TSCA is Missouri Department of Conservation (MDC) owned lands and 2,900 acres is USACE owned lands. The proposed HREP project described in this public notice is solely on USACE lands. It consists of 2,900 acres of TSCA and 490 acres of the Upper Mississippi River Conservation Area. These lands are managed under a cooperative agreement between the Department of the Interior, U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. Current management of these project lands are performed by the MDC under a successive cooperative agreement. See attached map for more detail.

PROJECT DESCRIPTION: The MDC nominated the Ted Shanks HREP for inclusion in the St. Louis District's Environmental Management Program (EMP). The River Resources Action Team (RRAT) then ranked the project based on critical habitat needs along the Mississippi and Illinois Rivers. After

considering resource needs and deficiencies pool by pool, RRAT recommended and supported the Ted Shanks HREP because it provides opportunities for significant aquatic, wetland and terrestrial benefits. The proposed project will impact managed wetlands, but it will provide enhanced management capability for migratory birds, fish and wildlife, and aid rehabilitation of the degraded habitat.

In addition to the construction and operation of Lock and Dam 24, many other ecosystem changes have occurred at TSCA including construction of levees along the Mississippi and Salt Rivers, clearing of forests and wet prairie for agricultural production, management of the areas as a wetland impoundment, and altered vegetation composition and distribution. Following the Mississippi River Flood of 1993, most of the bottomland hardwood and floodplain forest at TSCA died and reed canary grass invaded these areas. A major contributor to this tree death is the system of undersized water control structures through levees that cannot efficiently drain the area. The combined ecosystem changes and inefficient drainage capacity create a great need for restoration and enhancement in the project area.

The applicant seeks authorization to conduct grading and construction in conjunction with the Ted Shanks HREP. The HREP improvements will restore and enhance the quality and diversity of wetland habitat that in turn will primarily benefit migratory birds and secondarily other wetland species. The TSCA project consists of multiple features to restore and enhance the leveed interior and Deadman's Slough within the area owned by the USACE. Three objectives and enhancement measures are considered in detail to achieve the project goal: 1. Improve water level management, 2. Increase quantity of bottomland and floodplain forest, and 3. Improve aquatic habitat. To meet the objectives, the project includes the construction of new water control structures, degradation/setback of levees, restoration of channels, construction of rock riffle and hard point structures, construction of berm segments to divide the area into three management units, construction of channel for the proposed pump station and planting of bottomland hardwoods and floodplain forests.

The applicant has been working on alternatives, avoidance and minimization in conjunction with the Missouri Department of Conservation. In regards to mitigation to off-set the impact to aquatic resources, the proposed project will enhance and restore 2900 acres of wetland habitat through the construction of this project. Additionally, the applicant proposed approximately 296 acres of tree planting to compensate for the tree clearing associated with construction.

The project's Environmental Assessment can be viewed at the following website:

<http://www.mvs.usace.army.mil/pm/TedShanks/DraftTedShanksDPR.pdf>

This link will provide a more detailed description of the project components. A Clean Water Act Section 404(b)(1) Evaluation is included in the referenced document as Appendix B.

LOCATION MAPS AND DRAWINGS: See Sheets 1-2 attached. This large-scale project is difficult to fit on 8x10 sheets. If it is necessary for you to view or review more detailed plans visit the public notice on our website at <http://www.mvs.usace.army.mil/ConOps/permits/pn.htm> or the above referenced document at:

<http://www.mvs.usace.army.mil/pm/TedShanks/DraftTedShanksDPR.pdf>

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Jaynie Doerr, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8581. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to jaynie.g.doerr@usace.army.mil.

AUTHORITY: This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the River and Harbor Act of 1899.

WATER QUALITY CERTIFICATION: The project plans have been submitted to the Missouri Department of Natural Resources, Water Protection Program for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification is requested as of the date of this Public Notice, and if issued, will express the Agency's opinion that the proposed activities will not violate applicable water quality standards. Written comments concerning possible impacts to waters of Missouri should be addressed to: Water Protection Program, Post Office Box 176, Jefferson City, Missouri 65102-0176, with a copy provided to the Corps of Engineers.

SECTION 404 (b)(1) EVALUATION: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act. A Clean Water Act Section 404(b)(1) Evaluation is included in the referenced document as Appendix B.

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.

However, a public open house for this proposed project is scheduled for January 26, 2011 from 4-7pm at the Missouri Department of Conservation's Ted Shanks Conservation Area Visitor Center. Any person may attend the meeting for further information and may also submit a written comment addressed to Jaynie Doerr, USACE, Regulatory Branch, 1222 Spruce Street, St. Louis, Mo 63103 by the close of this notice (February 3, 2011).

ENDANGERED SPECIES: The following threatened and endangered species are found to occur within the area of the proposed project: Indiana bat (*Myotis sodalis*). In order to avoid adverse effects to summer roosting Indiana bats, the USFWS has determined that tree clearing should not occur between April 1-September 30. In order to avoid the potential "take" of endangered Indiana bats, tree clearing to degrade the external levee would occur outside this time frame. 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: A Phase I Archeological and Geomorphic survey of the project site was conducted in September and October 2009. One site was identified and its' location will be detailed in the construction contract with specifications for the restriction of all construction activity within 100 feet of the area. 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 further reconnaissance survey of the project area.

EVALUATION: The decision whether to issue a permit 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: 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.

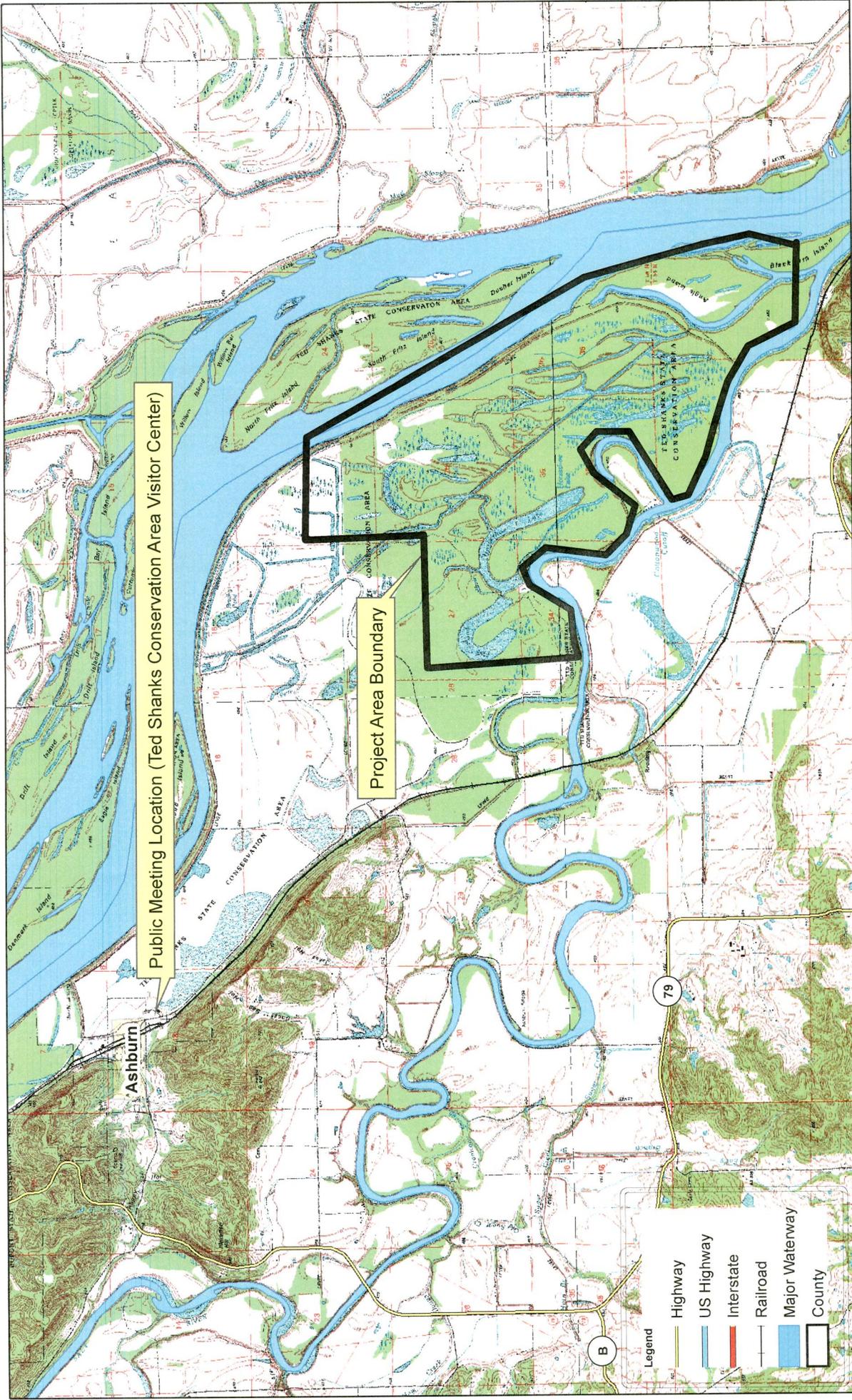


DANNY D. MCCLENDON
Chief, Regulatory Branch

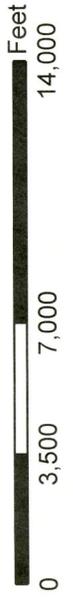
Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.



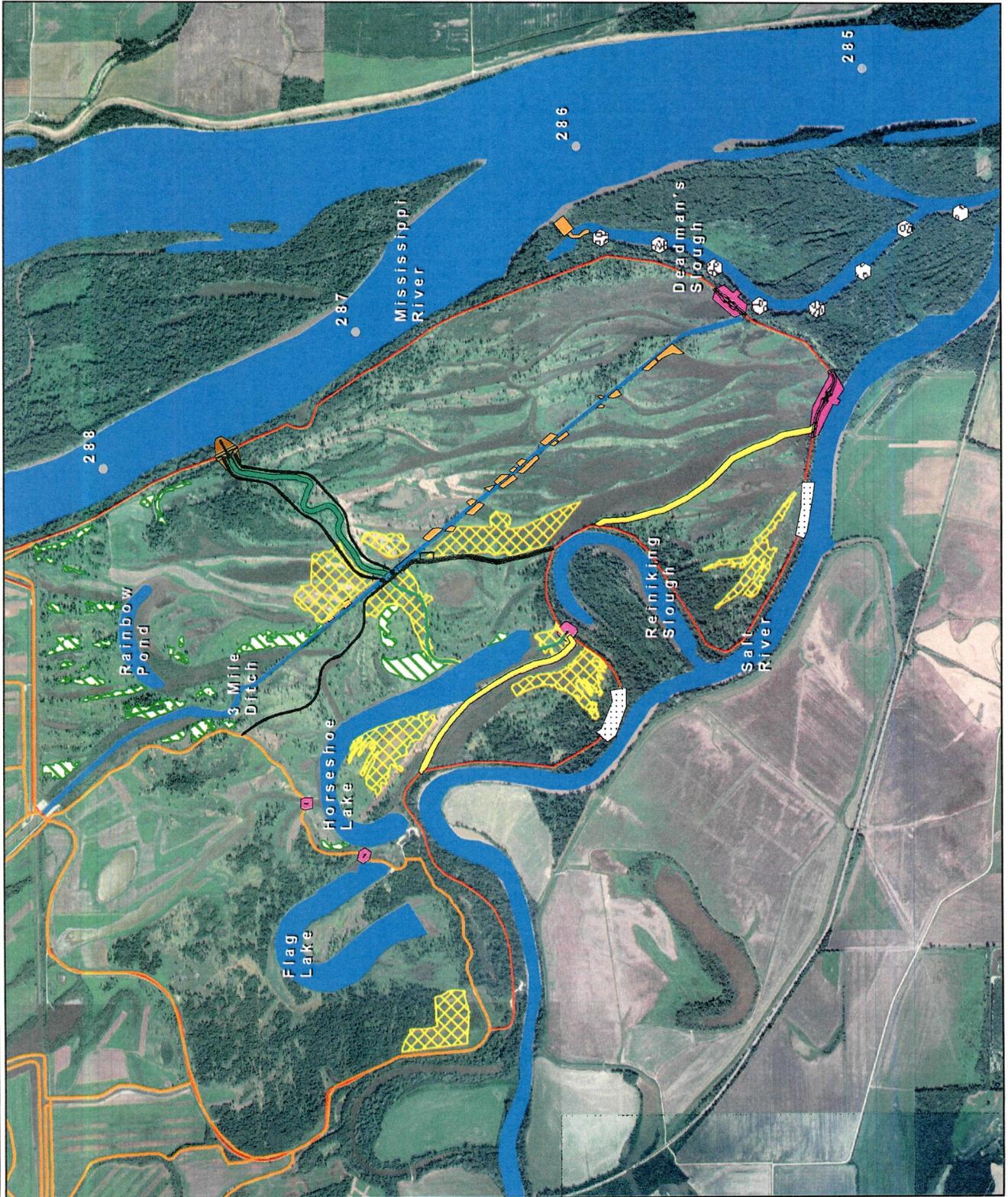
**US Army Corps
of Engineers**®
St Louis District



Ted Shanks Conservation Area Habitat Rehabilitation and Enhancement Project

P-2778 MVS-2009-509
Pike County, Missouri

Ted Shanks Conservation Area Habitat Rehabilitation and Enhancement Project - Environmental Management Program



- Existing Levee
- Existing Berms
- River Mile
- New Berms
- New Channel
- Borrow Area
- Control Structure
- Excavation
- Levee Degrade
- Levee Setback
- Pump Station
- Rock Structure
- Tree Planting

Location Map



DISCLAIMER: While the United States Army Corps of Engineers, St. Louis District (USACE) makes every effort to ensure the accuracy of the maps and associated data, it should be noted that USACE makes no warranty, representation or assurance regarding the accuracy, timeliness, or completeness of any of the data provided herein. The USACE, its officers, agents, employees, or servants shall not be held liable for any inaccuracies or omissions in the information provided regardless of how caused. The USACE, its officers, agents, employees or servants shall not be held liable for any inaccuracies or omissions in the information provided regardless of how caused. The USACE, its officers, agents, employees or servants shall not be held liable for any inaccuracies or omissions in the information provided regardless of how caused. The USACE, its officers, agents, employees or servants shall not be held liable for any inaccuracies or omissions in the information provided regardless of how caused. By using these maps, you acknowledge that you are aware of and agree to be bound by this disclaimer and agree not to present any claim or demand against the USACE, its officers, agents, employees or servants in any form whatsoever for damages of any nature whatsoever that may result from or may be caused in any way by the use of the maps and associated data.

