



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Scott Martin
Land Learning Foundation

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**St. Louis District
Permit Application No. MVS-2024-322**

STREAM & WETLAND COMPENSATORY MITIGATION SITE PROPOSAL Joint Public Notice: St. Louis & Rock Island District

Interested parties are hereby notified that the Land Learning Foundation (Sponsor) has requested under their In-Lieu-Fee (ILF) Program Instrument and corresponding amendment; approval for an ILF mitigation project 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 19594-19705, April 10, 2008). The St. Louis and Rock Island District share the Central Plains/Cuivre/Salt Ecological Drainage Unit Service Area for this bank proposal and therefore will be requesting comments from both areas of responsibility. This service area will provide mitigation options for applicants in both Districts.

APPLICANT: Scott Martin
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PROJECT LOCATION: The project site includes approximately 105+/- acres across two parcels in Lincoln and St. Charles County, Missouri. Big Creek forms the border between the two parcels as well as the border between the two Counties. The site also includes three perennial tributaries to Big Creek: Sand Run, Indian Camp Creek, and an unnamed tributary. More specifically, the site is located within Section 30, Township 48 North, Range 1 East. Latitude: 38.88343 Longitude: -90.93736. (See attached location maps).

AUTHORITY: Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC 1344) and in compliance with requirements outlined in the April 10, 2008, Final Compensatory Mitigation Rule.

SECTION 408: Section 408 authorization is not required because there are no federal projects in or near the vicinity of the proposal.

PROJECT DESCRIPTION: The Sponsor seeks approval from the U.S. Army Corps of Engineers, St. Louis District (the District) and the Interagency Review Team (IRT); which is comprised of representatives from the U.S. Army Corps of Engineers (Rock Island District), Missouri Department of Natural Resources, U.S. Environmental

Protection Agency, Missouri Department of Conservation and U.S. Fish and Wildlife Service; to establish the Lower Big Creek Site mitigation project, which is proposed in accordance with the approved In-Lieu-Fee (ILF) Program Instrument . If approved, the Sponsor would make the stream and wetland mitigation credit available to Department of the Army permittees seeking to fulfill requirements to purchase compensatory mitigation credit to offset losses of aquatic functions and services.

The Sponsor intends to restore, protect, and maintain approximately 6.3 acres of emergent wetland, 7,780 linear feet of perennial stream channel, and the associated riparian corridor along Big Creek and three perennial tributaries. The proposed work includes bank stabilization along Big Creek and Indian Camp Creek and grade control within the unnamed tributary. Bank stabilization will use stream barbs and stone toe protection, and grade control utilized with a series of rock riffles. Within the floodplain of Big Creek, a levee will be removed to reconnect the floodplain, and field drainage will be reversed to restore hydrology to the proposed wetland area. Upon completion of construction, the Sponsor will extend, restore, and preserve the riparian corridor along each stream where appropriate. Restoring in-stream habitats will protect important ecological functions in the watershed and will work in concert with other preservation and restoration initiatives.

Upon request, a copy of the Site Mitigation Plan can be provided by our office.

SERVICE AREA: The proposed primary bank site service area will be the Central Plains/Cuivre/Salt Ecological Drainage Unit - Service Area, which includes the St. Louis and Rock Island District

BANK SITE NEED/TECHNICAL FEASIBILITY/ECOLOGICAL SUITABILITY: The Sponsor has conducted multiple site evaluations across both parcels to evaluate mitigation and restoration potential. The project site includes row crop fields and forested areas along Big Creek and its tributaries. The southern parcel, located in St Charles County, is within Indian Camp Creek Park, a county park operated by St. Charles County. Fish and aquatic invertebrates were visible throughout the site. Within the mitigation site, Big Creek is a 4th order stream, Indian Camp Creek is a 3rd order stream, and Sand Run and the unnamed tributary are 1st order streams. The project includes seven bank stabilization areas totaling approximately 4,520 feet in length. In these areas, the average bank height is at least ten feet, and average lateral erosion rates are approximately five feet per year. Generally, the riparian corridor is impaired or absent along the left bank of Big Creek (north parcel) and is much more intact on the right bank of Big Creek (south parcel) and along the tributary channels.

The proposed wetland site is comprised of an agricultural field adjacent to Big Creek. The site shows signs of periodic inundation and has the potential for a successful wetland restoration site. Due to agricultural activities, the vegetation has been altered from its natural state, therefore the Sponsor focus is on hydrology and soils. A historic review was conducted to determine the frequency of saturation or inundation. Many years show that site is inundated during the growing season. Historically, the site would

receive overland flow from the adjacent uplands and floodwaters from Big Creek. The site now only receives water from Big Creek flood events. The upland water has been diverted into a diversion channel that was created at the toe of the upland slope. The site falls within FEMA's 100-year floodplain. With the site's proximity to Big Creek and the adjacent upland drainage features, the site's potential hydrology should be sufficient to support wetland characteristics. The location of this wetland will provide filtering of nutrients and sediment from the adjoining upland agricultural fields along with floodwaters associated with Big Creek high flow events.

LOCATION MAPS AND DRAWINGS: See attached. In addition, the project plans may be viewed in color and in more detail by visiting the Public Notice section of our website at: <https://www.mvs.usace.army.mil/Missions/Regulatory/Public-Notices/>

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:

The mitigation proposal is considered a restoration activity with no anticipated adverse impacts to aquatic resources. This mitigation banking proposal does not preclude the requirement for any Section 404 permit applicant, who intends or is required to use wetland or stream credits generated by this mitigation project, to comply with Clean Water Act Section 404(b)(1) Guidelines; the National Environmental Policy Act; and the District's evaluation of probable impacts on public interest. Likewise, the U.S. Army Corps of Engineers is committed to determining compensatory mitigation through the implementation of current Regulatory Guidance and best professional judgment to consider on-site or within the immediate sub-watershed mitigation opportunities first, when impacts to waters of the United States cannot be practicably avoided or further minimized.

STATE SECTION 401 WATER QUALITY CERTIFICATION: If the Banking IRT approves the proposed Lower Big Creek Site, the proposed stream & wetland restoration, enhancement and preservation activities associated with the bank site comply with and will be authorized through the issuance Nationwide Permit 27 (Aquatic Habitat Restoration, Enhancement, and Establishment Activities). Therefore, Section 401 Water Quality Certification (WQC) is granted, subject to compliance with General Conditions and WQC Special Conditions established specifically for Nationwide Permit 27.

ENDANGERED SPECIES: A review of the U.S. Fish and Wildlife Service's Information for Planning and Consultation website has been completed and the following species were identified to potentially be present in the project vicinity: The endangered Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), Northern Long-eared Bat (*Myotis septentrionalis*), proposed endangered Tricolored Bat (*Perimyotis subflavus*), threatened Decurrent False Aster (*Boltonia decurrens*) and candidate species Monarch Butterfly (*Danaus plexippus*). In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect all six (6) listed species, or adversely affect critical habitat. The Corps is coordinating with the U.S. Fish and Wildlife Service and the applicant is taking measures to minimize any potential

effects of the project during construction. In order to further complete our evaluation, written comments are solicited by this public notice from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

CULTURAL RESOURCES & TRIBAL TRUST: The District requested that the applicant provide a reconnaissance survey of the project area to investigate the permit area and inform analysis of potential affects. A Phase I Cultural Resource Survey was completed by Missouri State University (MSU) archaeologists on behalf of the Sponsor. MSU surveyed a 20.6-acre area and identified no significant cultural findings within the survey area. The District concurred with MSU's report and found "No Historic Properties Affected" for the project. The survey report was coordinated with the Tribes on April 30, 2025.

EVALUATION: The decision whether to approve the Sponsor to proceed with the mitigation site project will be based on an evaluation of all comments received, and all relevant factors to the proposal, including the cumulative effects thereof. These factors include, but not limited to conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, the general needs and welfare of the people and compliance with the Mitigation Rule.

PUBLIC HEARING REQUESTS: 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. A request may be denied in writing by the Corps if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; 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 a Memorandum for Record associated with Nationwide Permit 27. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Additional information may be obtained by contacting David P. Meyer, Project Manager, U.S. Army Corps of Engineers, at 314-331-8810 or by e-mail to David.P.Meyer@usace.army.mil.

To join our public notice mailing list and receive all of our Public Notices electronically, please email your request to: MVS-Regulatory@usace.army.mil and include your name, email, and phone number with your statement of request to be added to the Public Notice mailing list.

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.

Site Selection

The mitigation site is located on property owned by EAH LLC and by St Charles County, and is located South of Moscow Mills in Lincoln and St Charles Counties.

Figure 2. Lower Big Creek Mitigation Site Vicinity Map

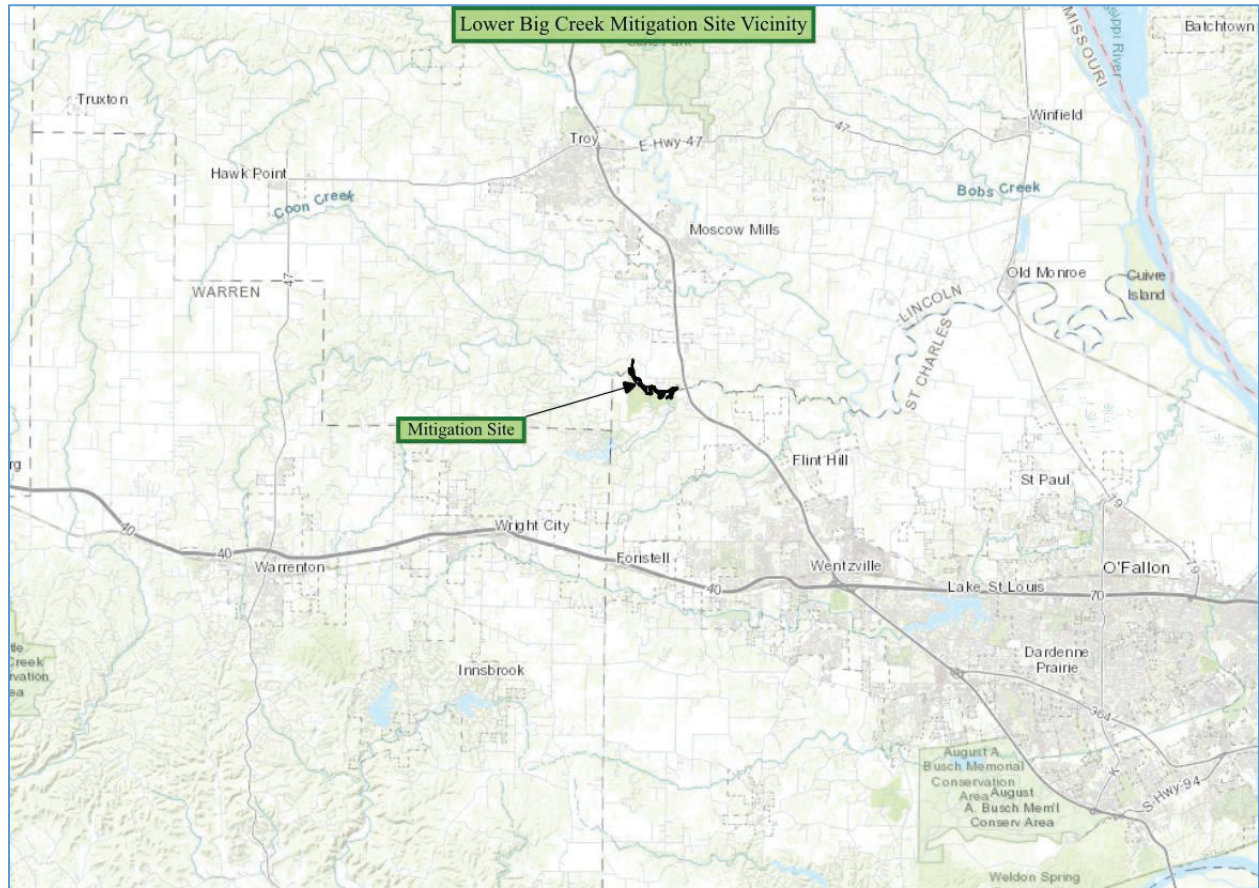


Figure 3. USGS Topographic Map

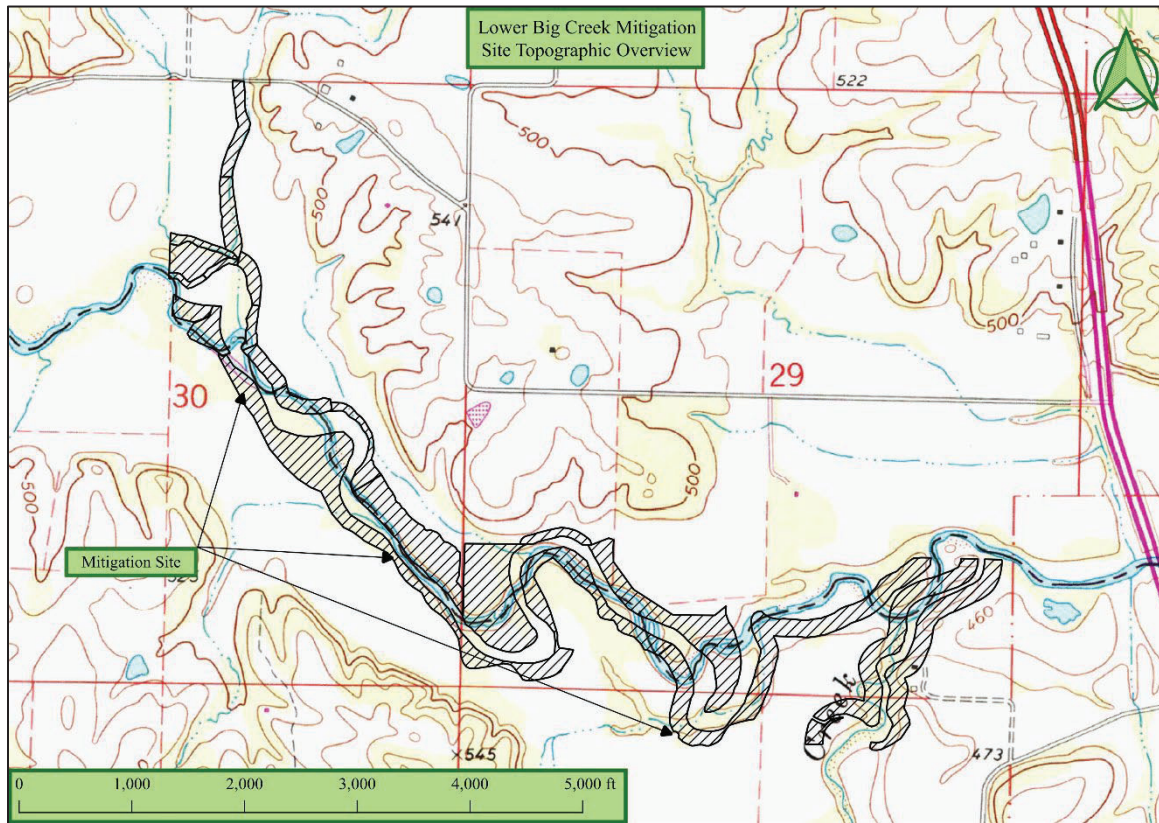


Figure 5. In Stream Benefit Map

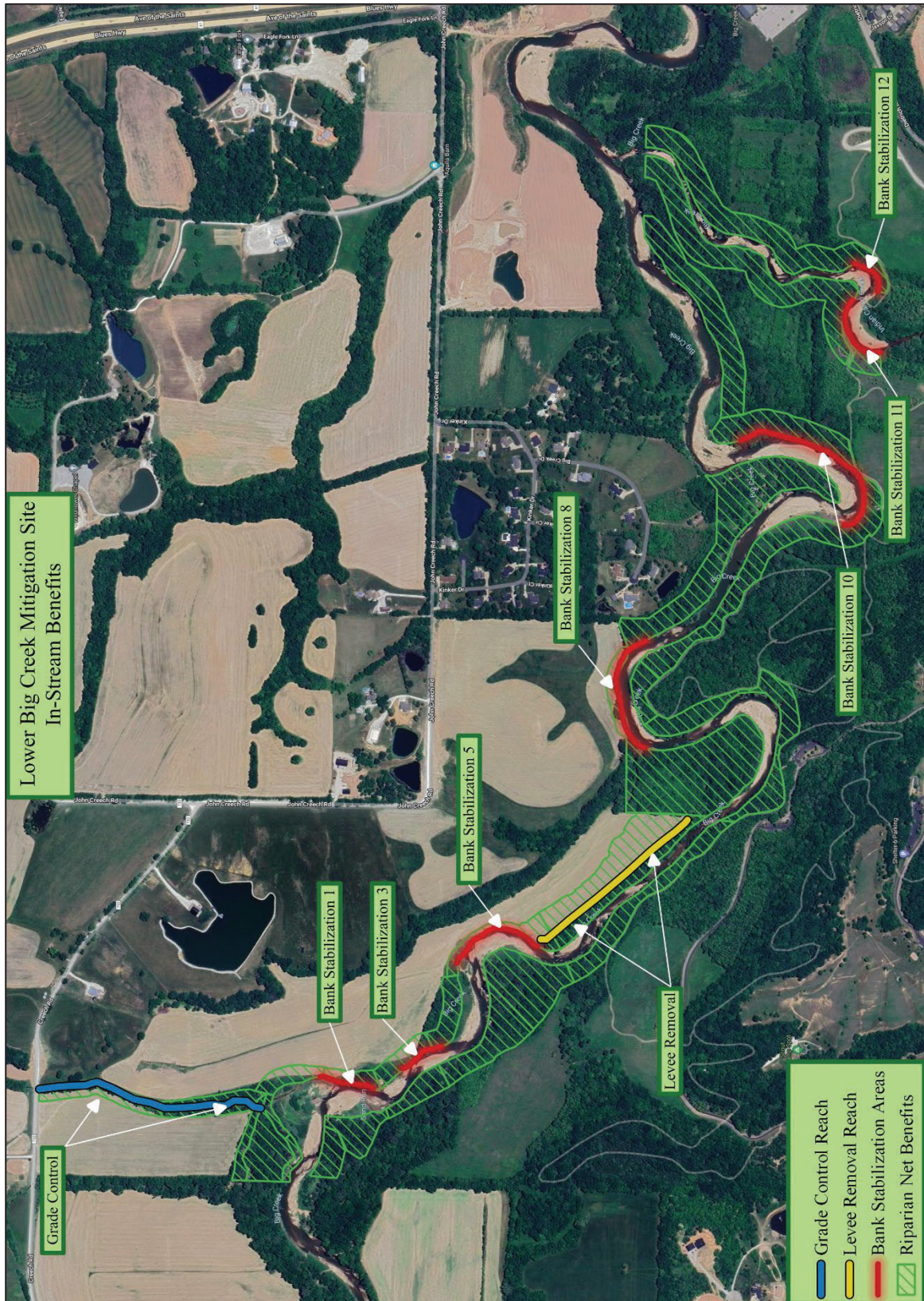


Figure 6. Wetland Overview

