



# 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-3106**

Public Notice Date

**August 16, 2018**

Expiration Date

**September 14, 2018**

**Postmaster Please Post Conspicuously Until:**

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**File Number: MVS-2018-537**

**This Notice Announces a Prospectus for  
Land Learning Foundation's  
Southern Illinois In-Lieu-Fee Stream and Wetland Mitigation Program**

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 for the establishment of a in-lieu fee (ILF) mitigation program within the Lower Kaskaskia River (07140204), Big Muddy River (07140106), Upper Mississippi-Cape Girardeau Rivers (07140105) and Cahokia-Joachim (07140101) watersheds in Illinois.

**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. Tyson Zobrist

**IN-LIEU-FEE SPONSOR:** Land Learning Foundation, Attn: Scott Martin, Executive Director, 704 W. Jackson St., P.O. Box 55, Keytesville, MO 65261. (800) 761-6171

**LOCATION:** (As shown on the attached aerial map): The Southern Illinois In-Lieu-Fee Stream and Wetland Mitigation Program (ILF Program) would operate within the Lower Kaskaskia River (07140204), Big Muddy River (07140106), Upper Mississippi-Cape Girardeau Rivers (07140105) and the Cahokia-Joachim (07140101) watersheds, in the State of Illinois. The four watersheds/service areas encompass all of St. Clair, Monroe, Randolph, Perry and Jackson Counties, and portions of Madison, Macoupin, Montgomery, Bond, Clinton, Washington, Marion, Jefferson, Franklin, Williamson, Johnson, Union and Alexander Counties.

**PURPOSE AND PROPOSED DESCRIPTION:** In-Lieu-Fee (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 ILF.

The Land Learning Foundation (program sponsor) is a tax-exempt 501(c)(3) corporation in Keytesville, Missouri. The mission of the foundation is to foster stewardship through outdoor experience, youth education, and conservation. The program sponsor is dedicated to restoring and preserving wetland and riparian ecosystems as well as the associated uplands. Land Learning foundation focuses its efforts on restoring and preserving wildlife habitat, preserving traditional sporting opportunities, ensuring the coexistence and compatibility between humans and wildlife and to increase education opportunities related to agriculture. (See Sponsor and Contractor Qualifications in Appendix B. within the Prospectus)

The sponsor proposes to establish the ILF Program under the mitigation rule as a compensatory wetland and stream mitigation program in Illinois. 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). The ILF Program proposes two types of credits available for purchase by a permittee, advanced credits and released credit. The advanced credits are in-lieu fee credits sold in advance of mitigation sites generating released credit. (See the total Advanced Credits requested by the sponsor within Section III (e) "Initial Allocation of Credits", of the Prospectus, page 6). The selection of individual mitigation projects, as well as specific project partners, will occur on an on-going basis as ILF mitigation needs are realized. Individual projects will be provided to the IRT for consideration, comment, modification and approval.

Oversight of this ILF program will be conducted by the Corps of Engineers, St. Louis District, as well as, the US Environmental Protection Agency, the US Fish and Wildlife Service and the Illinois Department of Natural Resources. This oversight group is defined as the Interagency Review Team (IRT) and is chaired by the Corps of Engineers. The Corps and IRT have been provided an opportunity for a cursory review of the accompanying document. At this time the Corps has determined that it sufficiently meets the requirements for a complete prospectus and issuance of a public notice. Public Notice P-3106 and the complete prospectus are posted on the St. Louis District's Regulatory web pages:

<http://www.mvs.usace.army.mil/Missions/Regulatory/PublicNotices/tabid/9126/Year/2018/Default.aspx>  
[X](#)

**LOCATION MAPS AND DRAWINGS:** See attached map.

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting Tyson Zobrist, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8578. Your inquiries may also be sent by e-mail to [Tyson.J.Zobrist@usace.army.mil](mailto:Tyson.J.Zobrist@usace.army.mil).

**AUTHORITY:** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and 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:** In compliance with section 7 of the Endangered Species Act [16 U.S.C. 1531 et seq.], we will work cooperatively with the applicant and the U.S. Fish and Wildlife Service (Service) in analyzing effects posed by proposed actions on listed species or designated critical habitats. We will obtain or review an applicant provided official species list from the Service's IPaC website at <https://ecos.fws.gov/ipac/>. Following the comment period, we will make an effect determination and consult with the Service on actions that may affect listed species or designated critical habitat to insure those actions will not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. In order to complete our evaluation, comments are solicited from 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.

**PUBLIC INTEREST REVIEW:** The decision whether to authorize the Land Learning Foundation 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.

  
DANNY D. MCCLENDON  
Chief, Regulatory Branch

**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.



# Southern Illinois In-Lieu-Fee Program

Proposed Service Areas/Watersheds

Legend

- Big Muddy Watershed
- Cahokia-Joachim Watershed
- Lower Kaskaskia Watershed
- Upper-Mississippi-Cape Girardeau Watershed

