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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: CEMVS-OD-F  
1222 Spruce Street**

**Public Notice No.  
MVS-2019-409  
Public Notice Date  
December 23, 2019  
Expiration Date  
January 13, 2020**

**Postmaster Please Post Conspicuously Until:**

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File Number: MVS-2019-409

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).

**COMMENTS AND ADDITIONAL INFORMATION:** All comments related to this ILF mitigation project 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. David Meyer

**IN-LIEU FEE SPONSOR:** Land Learning Foundation  
P.O.C. Mr. Larry Pollard  
P.O. Box 55  
Keytesville, MO 65261

**LOCATION:** The Sponsor proposes this ILF mitigation project (Labadie Bottoms Site) within the Moreau/Loutre Ecological Drainage Unit (EDU). The subject site consists of approximately 35+/- acres within the Missouri River floodplain. The mitigation site is made up of a single tract, located in Franklin County near Englemann Woods Natural Area. It lies immediately adjacent to the City of Chesterfield Mitigation Site. The site is located 3.75 miles northeast of Labadie, Missouri, geographic coordinates of the approximate center of the project site are 38.56785° North, -90.79166° West.

**PROJECT DESCRIPTION:** The Sponsor seeks approval from the U.S. Army Corps of Engineers (the Corps) and the Interagency Review Team (IRT); which is composed of representatives from the U.S. Environmental Protection Agency, U.S. Fish & Wildlife Service, Missouri Department of Natural Resources, and Missouri Department of Conservation; to establish the Labadie Bottoms project as an authorized source of wetland mitigation credit. The Sponsor would make the 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 mitigation project includes the preservation and restoration of a functional emergent wetland area, while providing enhanced water quality and wildlife habitat.

Historically the floodplains in the lower Missouri River watershed consisted of emergent wetlands, bottomland prairies and bottomland forests. This area would have received floodwaters from both the Missouri River and Fiddle Creek. However, since levee construction, this area only sees floodwaters during extreme floods and rain events or when there are prolonged high river levels on the Missouri River, when seep water inundates the site. The site does fall within FEMA's 100-year floodplain. During the last 150 years, much of this area has been drained, separated from the river by levees, and cleared for agricultural purposes. Unfortunately, the subject site has experienced this same manipulation and lacks any pre-settlement habitat conditions. The site observations found that the entire site has been row cropped for decades. One distinctive drainageway was investigated and wetland characteristics were observed. The area chosen for wetland development contained broad swales and drainage patterns that focus overland water. The soils found within the entire site were classified as silty clay. The site has approximately 425 offsite acres that flow through the site and is near Engelmann Woods Natural area. For decades, Engelmann Woods has been preserved as one of the last examples of the old-growth forests that once covered the uplands adjacent to the Missouri River. The proposed wetland restoration will provide important foraging habitat for many woodland species including bats, birds, and small mammals.

The wetland will be constructed in areas that are currently in agricultural production. The soils were found to have hydric characteristics. Some excavation and berm construction will be performed to improve wetland connectivity. To maintain the desired water level, a low-profile berm with 5:1 slopes will be constructed across the current drainage ditch from the site to an elevation of 461.5 feet above sea level. The engineered wetland topography will maintain at least 6 to 12 inches of water across the area during wet periods, which cannot be drained by the pumpstation located just east of the site. An armored outfall area will be placed within the berm where it impounds the drainage ditch. The berm will be located at least 55 feet from center of the existing levee to allow normal drainage from agricultural fields to the north of the proposed mitigation site. Some areas, totaling approximately 6.5 acres, will be saturated but not inundated. These areas are all less than one foot higher than the berm that will be constructed, so they will have enough saturation to facilitate wetland vegetation. Areas that are saturated but not inundated will provide habitat heterogeneity and facilitate the establishment of a wider array of wetland species. A full topographic map and design schematic for the earthen berm are included in the figures section.

A major component of wetland restoration is the establishment of native hydrophytic vegetation. Due to the site being in row crop production for decades, herbicides have suppressed native vegetation. This can be both an asset and an obstacle to wetland restoration. Invasive vegetation is not present in high numbers in the proposed emergent wetland area, which could aid restoration efforts. However, Johnson Grass is present in high density on the levee that surrounds the Labadie Bottoms and could become established on the site. As part of establishing a native vegetative community, Johnson Grass and other undesirable species will be removed via herbicide treatment. The success of the adjacent wetland restoration site suggests that a native wetland seed bank exists throughout the site. Some areas near the boundaries of the site exhibit a mix of smartweeds, cattails, arrowhead, and sedges. To speed restoration, the wetland areas will be planted with additional wetland species to enhance diversity and ecological function. Berms and other topographical features, such as the saturated habitats indicated above, will be planted with flood tolerant deep-rooted forbs to help prevent erosion damage to the structures.

The property owners will record a perpetual conservation easement on the mitigation site. The conservation easement will protect this area of the Labadie Bottoms from future clearing and other disturbances. The Sponsor will assume responsibility for long-term monitoring of the requirements of the conservation easement.

If approved by the Corps, the Labadie Bottoms project will create a total potential credit release of 138.2 wetland credits. Mitigation credits generated by this project will be released for debiting on an incremental basis, determined by the project's successful achievement of performance criteria as set forth in the ILF Program Instrument.

This ILF mitigation program does not preclude the requirement for any Section 404 permit applicant, who intends or is required to use stream credits generated by this mitigation project, to comply with Clean Water Act Section 404(b)(1) Guidelines; the National Environmental Policy Act; and our evaluation of probable impacts on public interest.

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

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting Mr. David Meyer, Project Manager, U.S. Army Corps of Engineers, at (314 331-8810). Your inquiries may also be sent by electronic facsimile to (314 331-8741) or by e-mail to david.p.meyer@usace.army.mil.

**AUTHORITY:** This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344).

**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 Corps has preliminarily determined that the ILF mitigation project complies with the National Historic Preservation Act of 1966 and 36 CFR 800. The St. Louis District will evaluate information provided by the State Historic Preservation Office, Federally-recognized tribes, and the public prior to making a final determination. The Corps may also require an archaeological reconnaissance survey of the project area, if deemed necessary.

**PUBLIC INTEREST REVIEW:** The purpose of this public notice is to advise all interested parties of the proposed ILF project and to solicit comments. The decision to allow or deny the Sponsor to proceed with the mitigation 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: conservation, economics, aesthetics, 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 the general needs and welfare of the people. The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Native American tribes; and other interested parties in order to consider and evaluate the proposed mitigation project.

**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 ILF mitigation 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.

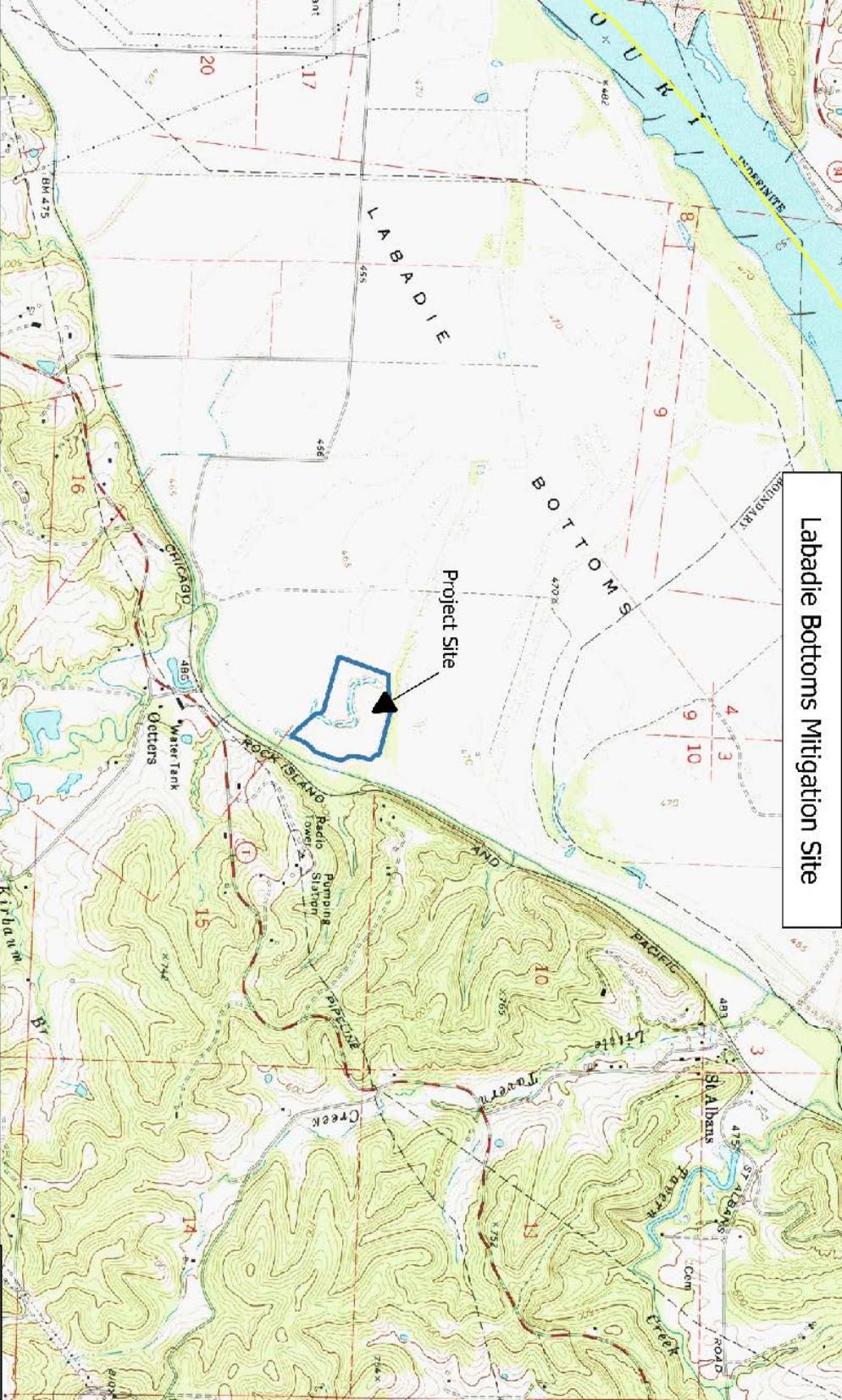
Jaynie G. Doerr  
Acting Chief, Regulatory Branch

Attachments

**NOTICE TO POSTMASTERS:**

The Corps requests that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.

Labadie Bottoms Mitigation Site



Labadie Bottoms Mitigation Site

Franklin County, Missouri

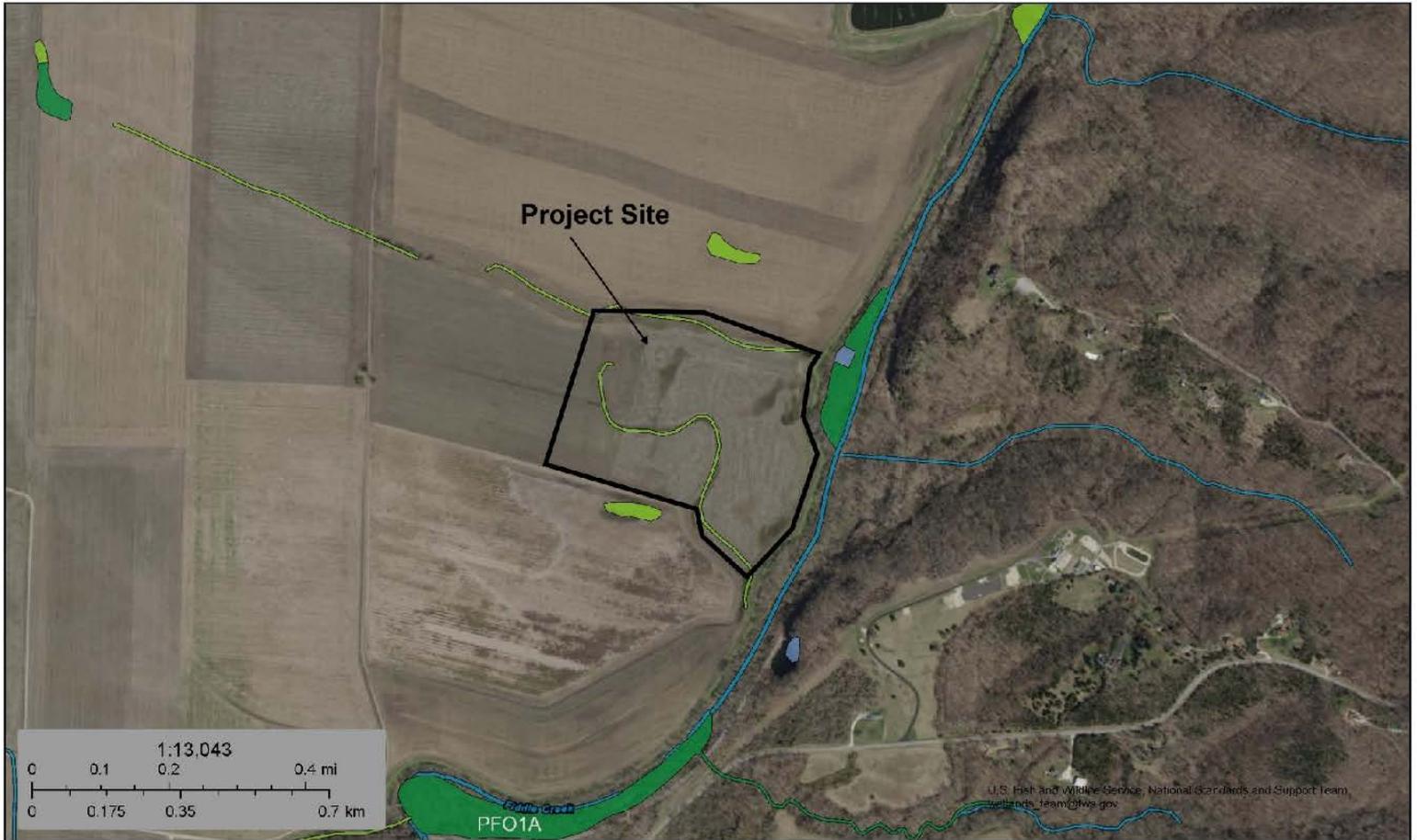
Figure 7

USGS Vicinity Map

Mitico, LLC

Source: USGS





July 1, 2019

**Wetlands**

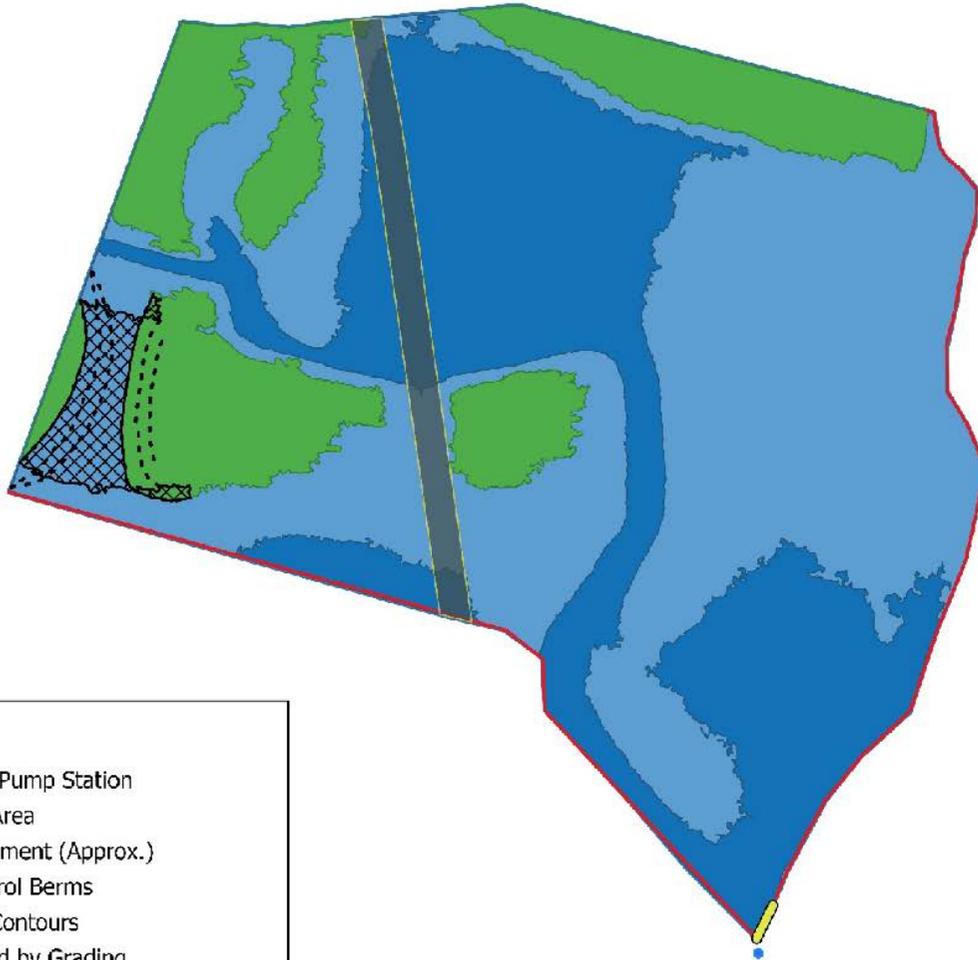
-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland

-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond

-  Lake
-  Other
-  Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

# Labadie Bottoms Mitigation Site

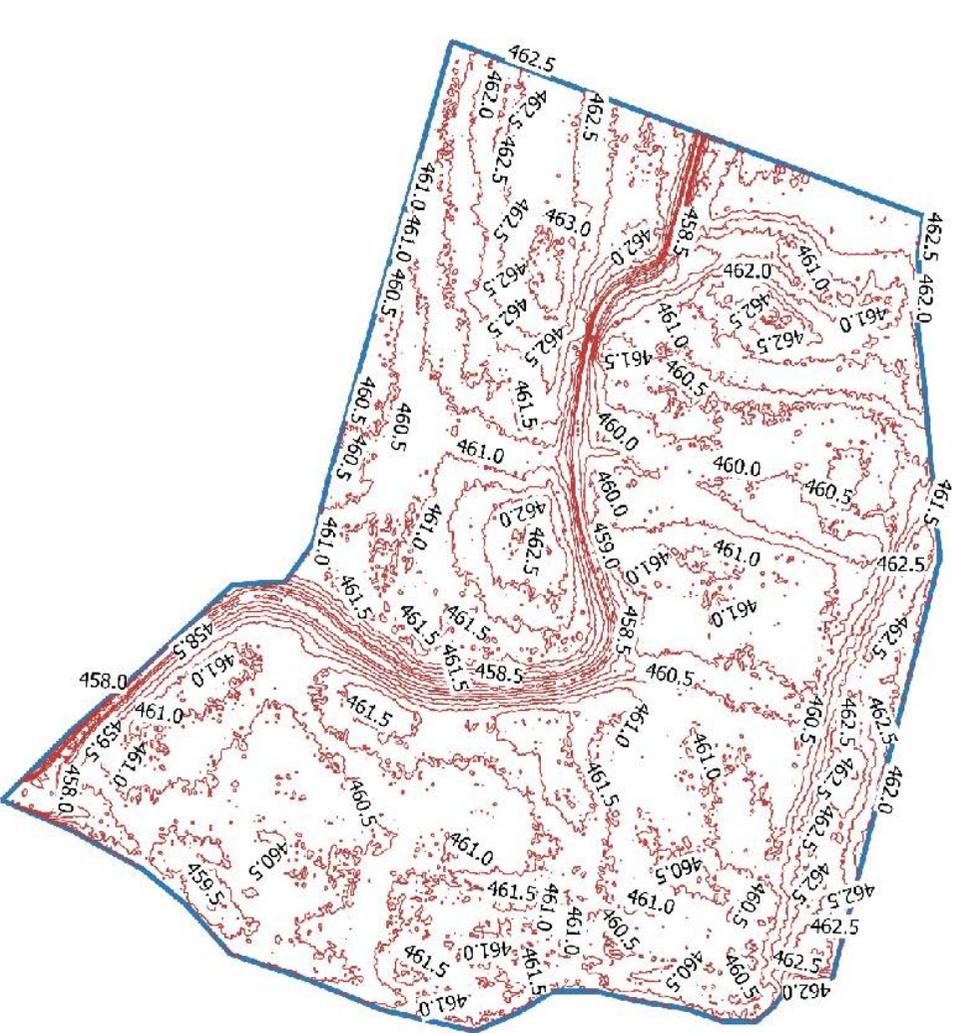


## Legend

- Labadie Bottoms Pump Station
- Armored Outfall Area
- Gas Pipeline Easement (Approx.)
- Water Level Control Berms
- · · Elevation Grade Contours
- ▣ Elevation Changed by Grading
- Saturated Wetland Habitats
- Shallow Water Habitats (0-6")
- Deep Water Habitats (6-12")



# Labadie Bottoms Mitigation Site 6" Contours



**Legend**

- 6" Contours (Feet)
- Site Boundary

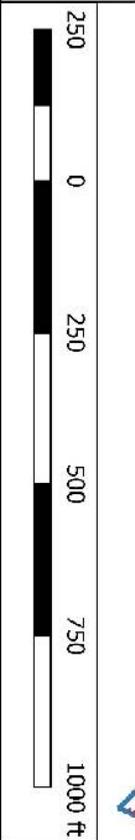
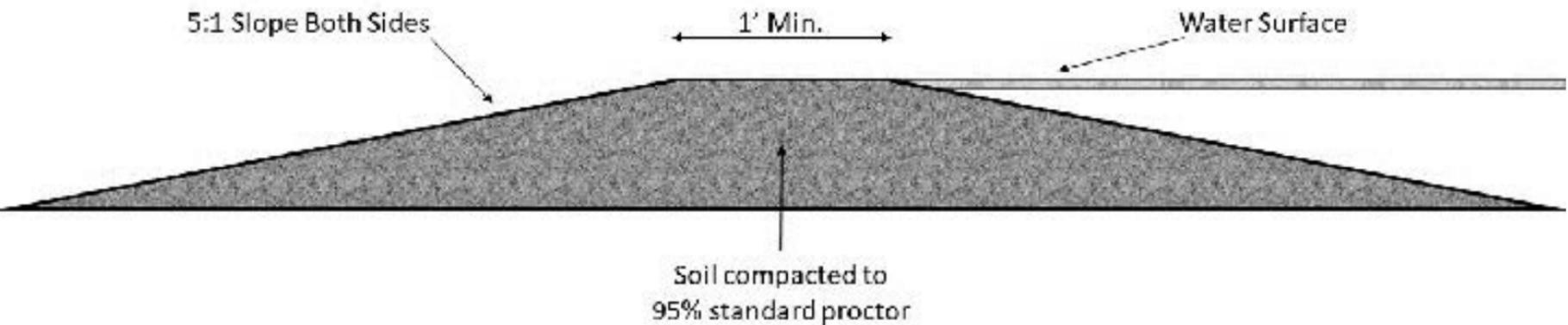


Figure 5  
Water Control Berm Cross Section  
Mitico, LLC



**Table 1. Mitigation Factors**

**RESTORATION TABLE - MITIGATION FACTORS FOR WETLANDS - CREDITS**

<b>Factors</b>	<b>Options</b>				
Aquatic Resource Type	Type C 0.2	Type B 0.4		Type A 0.8	
Priority Category	Tertiary 0	Secondary 0.5		Primary 1.0	
Control	Corps approved site protection without third party grantee 1.0		Corps approved site protection recorded with an approved third party grantee, or transfer of title to a conservancy 2.0		
Temporal Loss	>20 Years -0.3	10-20 Years -0.2	5-10 Years -0.1	0-5 Years 0	
Credit Schedule	Schedule 3 0.2		Schedule 2 0.4		Schedule 1 0.6
Kind	Category 5 -0.1	Category 4 0	Category 3 0.2	Category 2 0.4	Category 1 0.8
*Location	Location 5 0	Location 4 0.1	Location 3 0.3	Location 2 0.4	Location 1 0.8
Vegetation	**N.A. 0		Natural 0.1		Planted 0.2

\*Location Factor only applies to permittee-responsible mitigation

\*\*N.A. = Not Applicable

**Table 2. Mitigation Worksheet**

<b>Factor</b>	<b>Credits Generated</b>
Aquatic Resource Type	0.4
Priority Category	0.5
Control	2.0
Temporal Loss	0.0
Credit Schedule	0.2
Kind	0.8
Location*	---
Vegetation	0.2
<b>Sum of Factors (M)</b>	<b>4.1</b>
<b>Mitigation Area (A)</b>	<b>33.7 acres</b>
<b>M×A (Total Credits Generated)</b>	<b>138.2</b>

\*Location factor applies only to permittee responsible mitigation