

PUBLIC NOTICE



US Army Corps of Engineers

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

Permit No. MVS-2009-684
Issue Date: September 23, 2013
Expiration Date: October 23, 2013

30-Day Notice

This Notice Announces an Amendment to the Missouri Conservation Heritage Foundation Stream Stewardship Trust Fund In-Lieu Fee Mitigation Program

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 an amendment to the Missouri Conservation Heritage Foundation – Stream Stewardship Trust Fund’s In-lieu Fee (ILF) program instrument.

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

PROGRAM AMENDMENT LOCATION: This public notice applies to the U.S. Army Corps of Engineer Districts in the State of Missouri who have approved the operation of the ILF program in their respective District, which includes the Kansas City, St. Louis, Little Rock, and Rock Island Districts. The ILF Sponsor proposes to amend their ILF program instrument by adding the Upper St. Francis/Castor River Ecological Drainage Units (EDU) into their operational area (see attached map). This geographic and ecologic based watershed unit would serve as an additional program service area where the Sponsor could assume stream mitigation obligations on behalf of Department of the Army permit recipients and fulfill the mitigation obligation through stream and/or riparian restoration, establishment, enhancement, or preservation.

DESCRIPTION OF AMENDMENT TO ILF PROGRAM INSTRUMENT: On June 6, 2013, the Corps Districts in consultation with the Interagency Review Team (IRT) composed of representatives from the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the Missouri Department of Natural Resources, and the Missouri Department of Conservation approved the Sponsor’s ILF program instrument. The Sponsor identified that they would initially operate in nine EDU’s across the State of Missouri, with the potential to request future instrument modifications to expand the program into other EDU’s in the state. Based on demand for mitigation credits within the EDU, the Sponsor proposes to amend the instrument by including the Upper St. Francis/Castor River EDU. The Sponsor states that they will adhere to the terms of the approved ILF program instrument which governs the operation and use of the program. Based on the proposed inclusion of the EDU, the Mitigation Rule requires that ILF program instruments include a compensation planning framework that will be used to select, secure, and implement aquatic resource restoration, establishment, enhancement, and/or preservation activities in the service area. The Sponsor has developed a Compensation Planning Framework that contains the required elements as identified in the Mitigation Rule. The Sponsor is also requesting the approval of 10,000 advance credits for this service area. Advance credits are those credits available for sale prior to being fulfilled by an approved mitigation project. Advance credits will be fulfilled in accordance with the schedule established within the program instrument. The compensation

planning framework for this watershed can be viewed at the following weblink:

<http://www.mvs.usace.army.mil/Portals/54/docs/regulatory/publicnotices/Compensation%20Planning%20Framework.pdf>

This public notice is posted on the following Corps District's Regulatory web pages:

<http://www.nwk.usace.army.mil/Media/PublicNotices.aspx>

<http://www.mvr.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>

<http://www.mvs.usace.army.mil/Missions/Regulatory/PublicNotices/OpenNotices.aspx>

<http://www.swl.usace.army.mil/Missions/Regulatory/PublicNotices/tabid/7200/Year/2013/Default.aspx>

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Mr. Shawn Sullivan, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8580. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to shawn.f.sullivan@usace.army.mil.

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 (USFWS). The USFWS has a representative on the IRT.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the proposed ILF amendment and to solicit comments. The decision to allow or deny the Sponsor to move forward with the addition of a service area and/or a mitigation project 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, 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, 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 amendment to the ILF program instrument.

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 the amendment to the ILF program would be in the public interest. Copies of all comments, including the name and address of the commenter will be provided to the sponsor. All comments should be mailed to Mr. Shawn Sullivan at 1222 Spruce Street, St. Louis, Missouri 63103; telephone No. 314-331-8580; or email to shawn.f.sullivan@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.