

Public Notice

**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-2860
Public Notice Date
January 15, 2014
Expiration Date
February 14, 2014

Postmaster Please Post Conspicuously Until:

File Number: MVS-2013-490

Interested parties are hereby notified that the Missouri Conservation Heritage Foundation – Stream Stewardship Trust Fund (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. Shawn Sullivan

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

LOCATION: The Sponsor proposes this ILF mitigation project (SSTF1001) within the Upper St. Francis/Castor River Ecological Drainage Unit (EDU). The project is located along Little Whitewater Creek in the southwest ¼ of Section 22, Township 32 North, and Range 10 East in Bollinger County, Missouri.

ILF MITIGATION PROJECT DESCRIPTION: The Sponsor seeks approval from the U.S. Army Corps of Engineers (Corps) and the Interagency Review Team (IRT) which is composed of representatives from the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Missouri Department of Natural Resources, and Missouri Department of Conservation to establish ILF project number SSTF1001. The mitigation project consists of enhancing 475 linear feet of instream channel bank and restoring approximately 10.6 acres of riparian corridor. The instream enhancement work includes the installation of 7 bendway weirs to deflect flow off of an actively eroding stream bank.

The bendway weirs are anticipated to benefit instream geomorphic and hydraulic function by reducing excessive lateral movement of the channel and benefitting aquatic organisms through the addition of substrate that will provide habitat and depth diversity. The land area located along this same bank is lacking a wooded riparian corridor. This degraded riparian area is attributed to land use practices associated with routine mowing, haying, and grazing. The riparian zone will be restored by planting a riparian buffer along 4,795 linear feet of the creek and will extend 100 feet perpendicular from the top of bank. Plantings will consist of native tree seedlings and will be placed in the ground at a density of 435 seedlings/acre. Livestock fencing will be installed to protect the planted corridor and allow cattle controlled access points to the stream for watering purposes. All aquatic and terrestrial resources planned to be enhanced and restored will be protected in perpetuity by a permanent Conservation Easement approved by this office.

If approved by the Corps, the ILF project will have a total potential credit release of 9,100 stream credits. Mitigation credits generated by this project will be released for debiting on an incremental basis as long as the ILF project is meeting its anticipated success criteria set forth in the approved mitigation plan. Upon request, a copy of the mitigation plan is available for review in our office.

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

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.

AUTHORITY: Sections 404 and 401 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899

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 ILF mitigation project has been determined to comply 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 Officer, Federally-recognized Tribes, and the public in response to mitigation project and we may require a reconnaissance survey of the mitigation 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 move forward 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; among those are conservation, economics, esthetics, 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 instrument and proposed mitigation plan.

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 ILF mitigation project would be in the public interest. Copies of all comments, including names and addresses of commenters 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.


DANNY D. MCCLENDON
Chief, Regulatory Branch

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.

Figure 1. Map of location of project site with county and property boundary illustrated.



Figure 2. Map of Little Whitewater Creek lateral stream migration from 1995 to 2012. Note the lateral movement of approximately 100 feet at the erosion site where proposed streambank stabilization is requested.

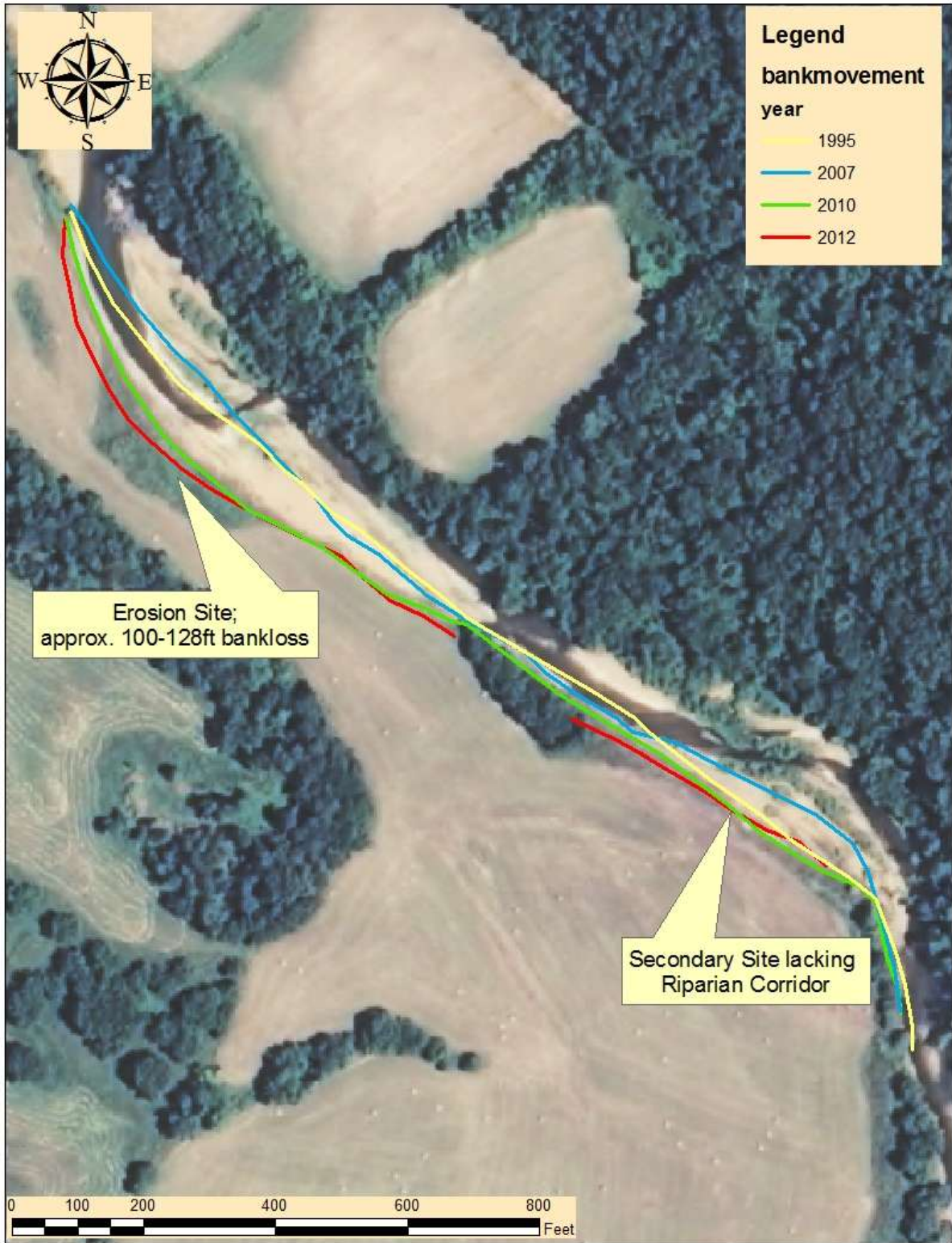


Figure 3. Map of bank stabilization showing problem site and proposed riparian buffer/perpetual easement.

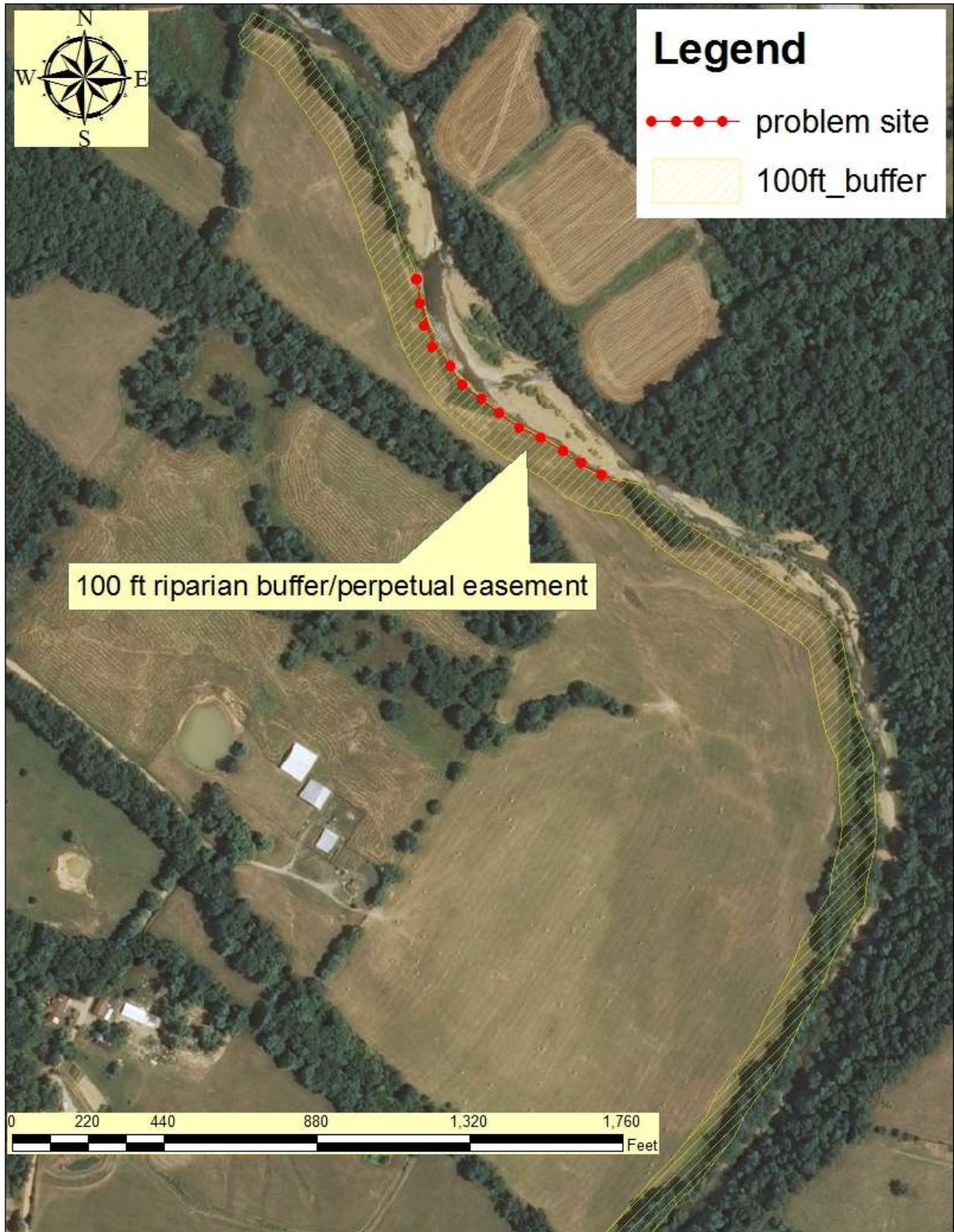


Figure 4. Engineered drawings of approximate placement of bendway weirs. Also included is the amount of rock needed.

