

Public Notice

**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-2020-715
Public Notice Date
April 14, 2021
Expiration Date
May 13, 2021

Postmaster Please Post Conspicuously Until:

File Number: MVS-2020-715

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 (Castor River Site) within the Upper St. Francis Ecological Drainage Unit (EDU). The subject site includes 9+/- acres and contains the Castor River and an unnamed tributary. The Castor River, which originates in Ste. Genevieve County and flows south through St. Francois, Madison, and Wayne Counties before turning east and being diverted through Bollinger and Jackson Counties where it eventually joins the Headwater Diversion Channel, which flows east to meet the Mississippi River south of Cape Girardeau, Missouri. The Castor River is a 4th order stream at the proposed Mitigation Site. The site also includes a first order perennial tributary to the Castor River. This in-lieu fee mitigation project is located at Sections 33 and 34, Township 32 north, Range 8 east in Madison County, Missouri. The approximate center of the project site is located at 37° 25' 16.5" N, 90° 10' 05.1" W.

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 Castor River project as an authorized source of stream mitigation credit. The Sponsor would make the stream 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 riparian corridor, as well as the stabilization of the eroded and incised channel bank.

The Sponsor proposes to restore, protect, and maintain 2,650 linear feet of perennial stream channel with riparian corridor. The restored and preserved corridor will generally extend 50–200 feet perpendicular from the bank. The proposed riparian work includes restoration (>50% of riparian zone) and enhancement (10 – 50% of riparian zone) through tree planting, native grass and wildflower seeding, and invasive species removal. Riparian areas that are already greater than 90% forested will be preserved under a conservation easement and invasive species will be removed.

There are 575 feet of actively eroding bank within the project limits. The proposed work includes bank stabilization along the Castor River, reinforcement of an unstable crossing on the unnamed tributary, and grade control to prevent incising and restore riffle habitat to the unnamed tributary. Bank stabilization will use stream barbs and stone toe protection. Newberry style riffles will be used for grade control and to stabilize the stream crossing. A full technical description can be found in the attached stabilization plan.

The property owners will record a perpetual conservation easement on the mitigation site. The conservation easement will protect this reach of the Castor River, unnamed tributary and its riparian corridor 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 Castor River project will create a total potential credit release of 6,196.75 stream 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 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: The proposed project is within the range: the federally endangered Indiana bat (*Myotis sodalis*), Gray bat (*Myotis grisescens*), and Curtis Pearlymussel (*Epioblasma florentina curtisii*). Also, the Northern Long-eared bat (*Myotis septentrionalis*) is currently a threatened species and is a proposed candidate for endangered status. The Corps is coordinating with the U.S. Fish and Wildlife Service and the applicant is taking measures to minimize 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: The ILF mitigation project will be evaluated for compliance with the National Historic Preservation Act of 1966 and 36 CFR 800. The St. Louis District will consider information provided by the State Historic Preservation Office, Federally-recognized tribes, and the public in response to the proposed mitigation project.

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.

Robert S. Gramke
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.

Figure 3. USGS Topographic Map

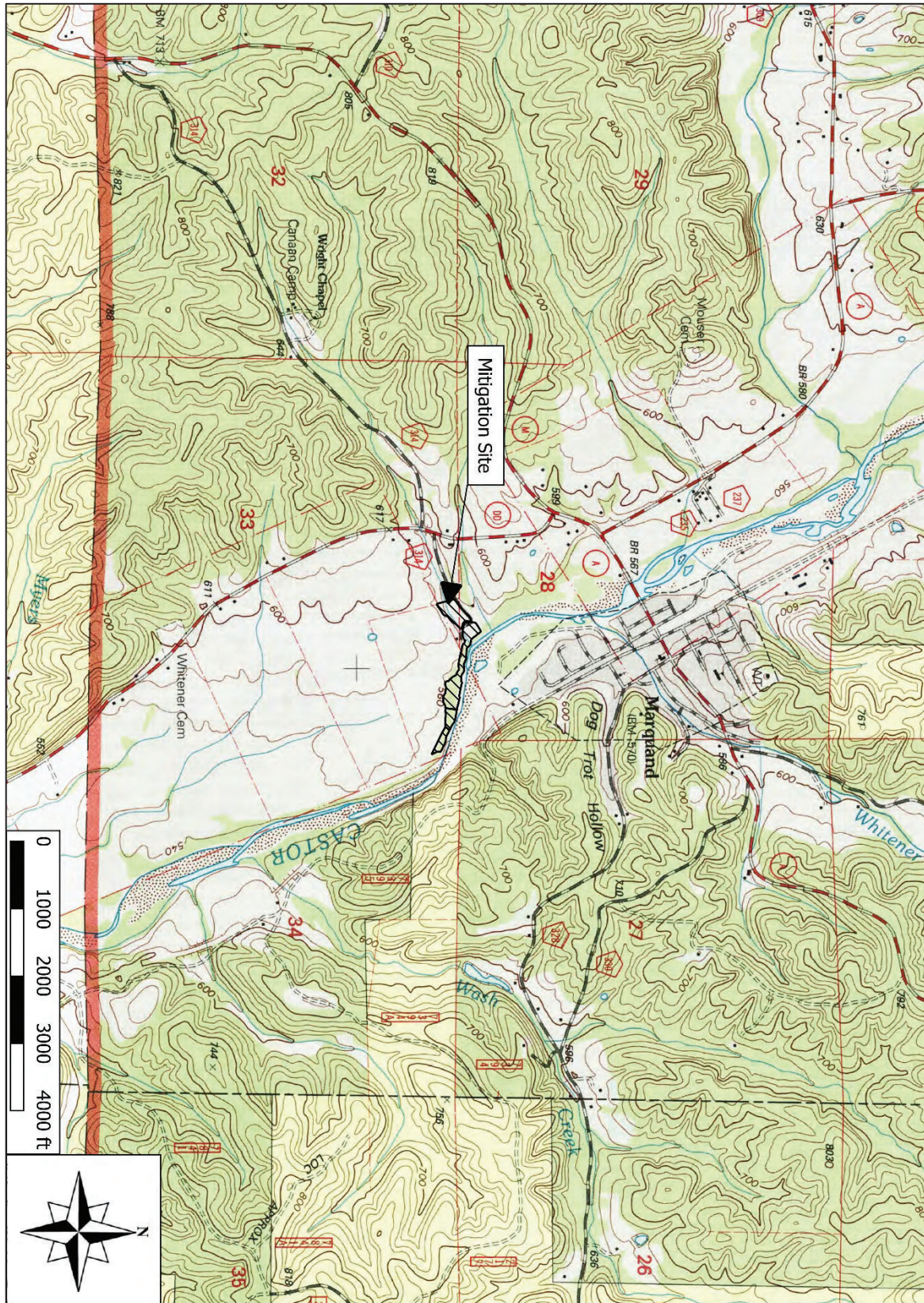




Figure 5. In Stream Benefit Map

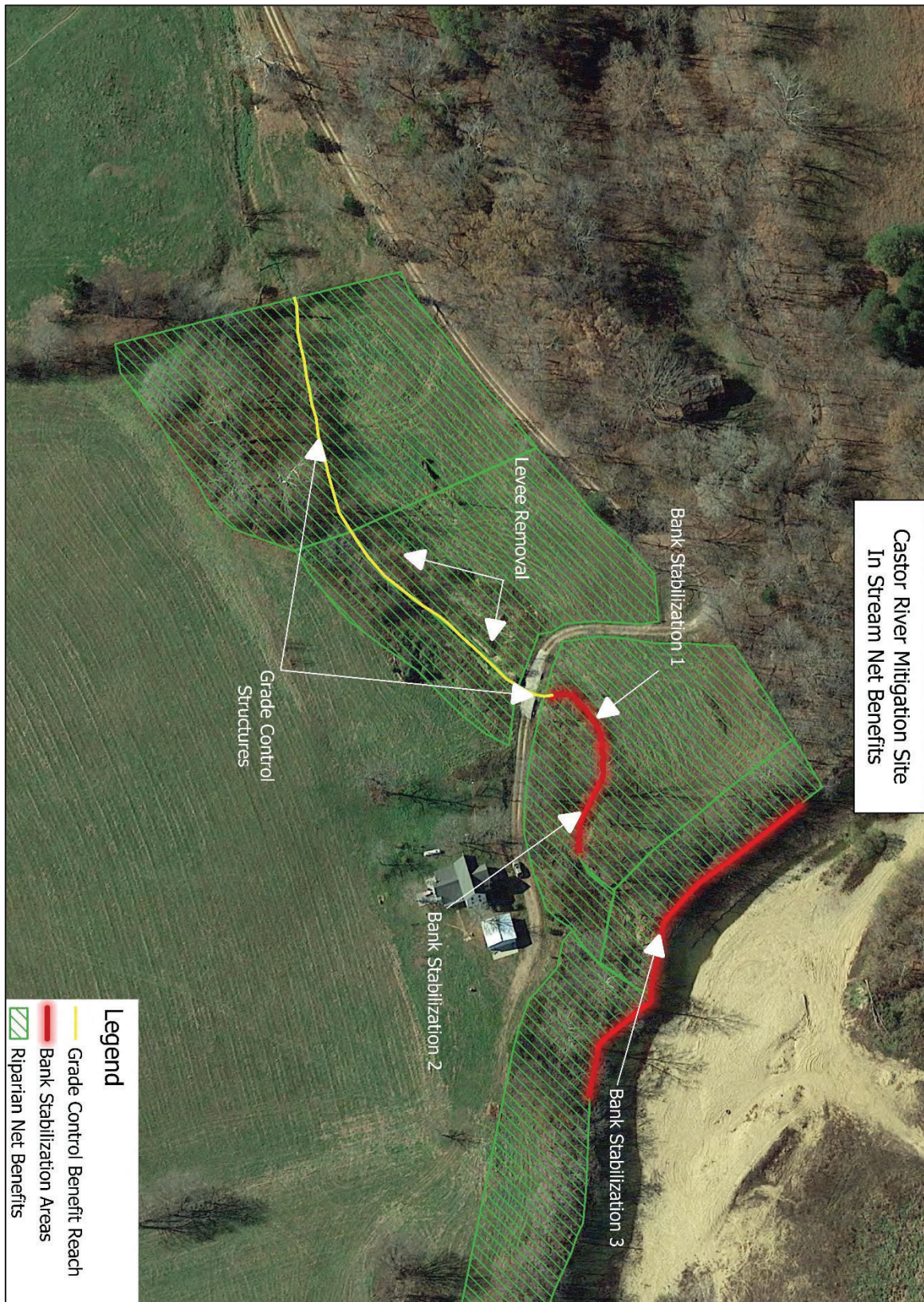


Figure 4. Net Benefit Map



Table 4. Riparian Buffer Worksheet

| | | | |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|------------------|
| Stream Type | Ephemeral 0.15 | Intermittent 0.2 | Perennial 0.4 |
| Priority Waters | Tertiary 0.05 | Secondary 0.2 | Primary 0.4 |
| Net Benefit (for each side of stream) | Riparian Restoration/Establishment, Enhancement, and Preservation Factors (select values from Table 1) (also see Minimum Buffer Width (MBW) page 15) | | |
| Supplemental Buffer Credit | Condition: Buffer established, enhanced or preserved on both streambanks To calculate: (Net Benefit Stream Side A + Net Benefit Stream Side B) / 2 | | |
| Site Protection | Corps approved site protection without third party grantee 0.05 | Corps approved site protection recorded with third party grantee, or transfer of title to a conservancy 0.2 | |
| Credit Schedule | Schedule 1 0.15 | Schedule 2 0.05 | Schedule 3 0 |
| Temporal Lag (Years) | Over 20 -0.3 | 10 to 20 -0.2 | 5 to 10 -0.1 |
| | | | 0 to 5 0 |

| Factors | Net Benefit 1 | Net Benefit 2 | Net Benefit 3 | Net Benefit 4 | Net Benefit 5 | Net Benefit 6 | Net Benefit 7 | Net Benefit 8 |
|----------------------------------------------------------------------------------|-------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Stream Type | 0.4 | 0.4 | 0.4 | 0.4 | 0.4 | 0.4 | 0.4 | 0.4 |
| Priority Waters | 0.05 | 0.05 | 0.05 | 0.05 | 0.05 | 0.05 | 0.05 | 0.05 |
| Net Benefit | Stream Side A (100') | 0.70 (100') | 0.70 (100') | 0.75 (125') | 0 | 0 | 0 | 0 |
| | Stream Side B (125') | 0.19 (125') | 0.13 (50') | 0.13 (50') | 0.5 (50') | 0.30 (75') | 0.23 (200') | 0.19 (125') |
| Supplemental Buffer Credit (Buffer on both sides) | 0.44 | 0.42 | 0.44 | 0 | 0 | 0 | 0 | 0 |
| Site Protection | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 |
| Credit Schedule | Stream Side A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Stream Side B | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Temporal Lag | -0.2 | -0.2 | -0.2 | -0.2 | -0.2 | 0 | 0 | -0.2 |
| Sum Factors (M)= | 1.78 | 1.70 | 1.77 | 0.95 | 0.75 | 0.88 | 0.84 | 1.15 |
| Linear Feet of Stream Buffered (LF)= (do not count each bank separately or count | 225 | 220 | 240 | 260 | 500 | 525 | 330 | 350 |
| Credits (C) =M X LF | 400.5 | 374 | 424.8 | 247 | 375 | 462 | 277.2 | 402.5 |
| Total Credits Generated C X LK Factor * *= | ----- - | | | | | | | |

Total Riparian Credits Generated from all Columns = 2,963

** Location and Kind (LK) Factor only applies to permittee-responsible mitigation projects

Table 5. In-Stream Credit Worksheet

| | | | | |
|---------------------------------------|----------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------|---------------|
| Stream Type | Ephemeral 0.15 | | Perennial 0.4 | |
| Priority Waters | Tertiary 0.05 | Secondary 0.2 | | Primary 0.4 |
| Net Benefit (for each side of stream) | Stream Relocation to Accommodate Authorized Project 0.5 | Moderate 1.2 | Good 2.4 | Excellent 3.5 |
| Site Protection | Corps approved site protection without third party grantee 0.1 | | Corps approved site protection recorded with third party grantee, or transfer of title to a conservancy 0.4 | |
| Credit Schedule | Schedule 1 0.3 | Schedule 2 0.1 | | Schedule 3 0 |

| Factors | Grade Control and Levee Removal | Bank Stabilization 1 | Bank Stabilization 2 | Bank Stabilization 3 |
|--------------------------------------------------------------------------------------------------------------|---------------------------------|----------------------|----------------------|----------------------|
| Stream Type | 0.4 | 0.4 | 0.4 | 0.4 |
| Priority Waters | 0.05 | 0.05 | 0.05 | 0.05 |
| Net Benefit | 2.4 | 2.4 | 2.4 | 2.4 |
| Site Protection | 0.4 | 0.4 | 0.4 | 0.4 |
| Credit Schedule | 0 | 0 | 0 | 0 |
| Sum Factors (M)= | 3.25 | 3.25 | 3.25 | 3.25 |
| Linear Feet of Stream Buffered (LF)= (do not count each bank separately or count same channel segment twice) | 470 | 75 | 100 | 350 |
| Credits (C) =M X LF | 1,527.5 | 243.75 | 325 | 1,137.5 |
| Total Credits Generated C X LK Factor ** = | ----- | | | |

Total Instream Credits Generated from all Columns = 3,233.75

** Location and Kind (LK) Factor only applies to permittee-responsible mitigation projects