

PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City District**

**Permit No. NWK-2015-1331
Issue Date: September 10, 2015
Expiration Date: October 10, 2015**

30-Day Notice

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

PROJECT LOCATION (As shown on the attached map): Mitigation Plan SSTF-1007 Hickory County, entitled the Wolfe Tract Acquisition Site, is located adjacent to the Missouri Department of Conservation's Mule Shoe Conservation Area in Section 14, Township 38 north, Range 20 west, Hickory County, Missouri.

[USGS QUAD Branch -- Latitude: 38.03674 -- Longitude: -93.089506]

ACTIVITY (As described in the referenced mitigation plan): This notice announces a proposed amendment to the Stream Stewardship Trust Fund (SSTF) In-Lieu Fee (ILF) Instrument. The amendment is for the acceptance of mitigation plan SSTF1007-Hickory County, which describes the acquisition through the SSTF for preservation of an undeveloped tract of land entitled the Wolfe Tract. Comments are requested from the public and from local, state, and Federal resource agencies on the proposed amendment. If approved by the District Engineer, in consultation with the Interagency Review Team (IRT), this amendment will have the potential of creating 4,508 stream mitigation credits to be used to offset lost stream resources resulting from authorization of Department of the Army (DA) permits issued within the service area identified in this notice.

The ILF mitigation plan SSTF1007-Hickory County is available for review at:

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

The mitigation plan would provide stream mitigation credits within the Ozark/Osage Ecological Drainage Unit (EDU). The plan includes acquiring a 2,800-foot-long segment of a 1st order tributary to the Little Niangua River, which would include 38.5 acres of adjoining riparian habitat. The purchase would be part of a larger 120 acre land addition to the Missouri Department of Conservation's Mule Shoe Conservation Area. The stream and riparian area would be purchased for preservation. The Missouri Conservation Heritage Foundation purchases land through the SSTF when the acquisition provides an opportunity to transfer to public ownership key properties that offer substantial benefits to unique stream systems that support rare habitats for Missouri and/or important species of conservation concern.

The mitigation plan would preserve a stream that is located in the Little Niangua River watershed which is identified by the state as a priority watershed. The watershed is an example of a diverse Ozark border stream system within the Ozark Highlands in Missouri. The stream located within the proposed mitigation site confluences approximately 1 mile downstream with the Little Niangua River, which contains designated critical habitat for the Niangua Darter, *Etheostoma nianguae*, a federally listed threatened species. The woodlands located within the mitigation site are dominated by oak-hickory forest with associated karst features that contain structural habitat for the Indiana bat, *Myotis sodalists*, and the Gray bat, *Myotis grisescens*, both being federally listed endangered species, and the Northern long-eared bat, *Myotis septentrionalis*, a federally listed threatened species.

The mitigation site would be an addition to the Mule Shoe Conservation Area, and managed under the state's area plan and Little Niangua River priority geography team work plan. No specific project or construction plans will occur within the site. This mitigation would allow for long-term sustainability and protection of the stream and its riparian forest from private ownership.

WETLANDS/AQUATIC HABITAT: A 2,800 foot segment of a 1st order stream that directly confluences with the Little Niangua River will be preserved in perpetuity.

SPONSOR'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: The Sponsor shall avoid and minimize any adverse impacts to jurisdictional waters to the maximum extent practicable through management of the site under the Missouri Department of Conservation's Area Conservation Plan.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Mr. James Ptacek, Regulatory Project Manager, by writing to the U.S. Army Corps of Engineers, Missouri State Regulatory Office, 515 East High Street, Suite 102, Jefferson City, Missouri 65101, or by calling 816-389-3834, or email to james.a.ptacek@usace.army.mil. All comments to this public notice should be directed to the above address.

CULTURAL RESOURCES: Kansas City District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National Register of Historic Places and the Federal Register and no property listed in the Register or proposed for listing is located in the permit area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer, Tribal Historic Preservation Officers (or Tribe designated representative) and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic properties, if warranted.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

PUBLIC INTEREST REVIEW: The decision to accept this ILF mitigation plan will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered 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 evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). 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 impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. 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 it would be in the public interest to issue the Department of the Army permit. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to the address shown on page 2 of this public notice.

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.

APPLICATION No. 2015-01331
BY MISSOURI CONSERVATION
HERITAGE FOUNDATION
FOR MITIGATION PLAN
SSTF1007 HICKORY CO.
IN HICKORY COUNTY, MO

Climax Springs, Missouri

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Mule Shoe Conservation
Area

Carson St

Mitigation Site SSTF1007
Hickory Co.
Wolf Tract

Little Niangua River

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