



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF MISSOURI

Application Number: SWL 2020-00111

Date: March 26, 2020

Comments Due: April 24, 2020

TO WHOM IT MAY CONCERN: **Comments are invited on the work described below. Please see the Public Involvement section for details on submitting comments.**

Point of Contact. If additional information is desired, please contact the Regulatory Project Manager, Rocky Presley, telephone number: (501) 340-1390, mailing address: Little Rock District Corps of Engineers, Branson Regulatory Field Office, 4600 Hwy 165, Branson, Missouri 65616, email address: Rocky.L.Presley@usace.army.mil. An electronic copy of Mitigation Plan No. SSTF1016-Koeller Project can be viewed on the Little Rock District, Regulatory Division webpage at <http://www.swl.usace.army.mil/Missions/Regulatory/PublicNotices.aspx> or a hard copy can be obtained from the Corps of Engineers through the contact information listed above.

Project Information. Pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that

**Missouri Conservation Heritage Foundation (MCHF)
P.O. Box 366
Jefferson City, Missouri 65102-0366**

proposes to establish Mitigation Plan No. SSTF1016-Koeller Project. The mitigation plan would be established under MCHF's Stream Stewardship Trust Fund (SSTF) In-lieu Fee Instrument. The project site is on Bull Creek, in the NW1/4 of section 17, T. 25 N., R. 20 W., Christian County, Missouri.

The purposes of the project are to restore a rapidly eroding stream bank, improve channel stability through the project reach, and augment and protect a healthy forested riparian corridor along Bull Creek. The mitigation project would directly address the resource threats for the Bull Creek Priority Watershed and the specific areas of concern for the White River Ecological Drainage Unit, such as minimizing sources of eroding soils, maintaining well-vegetated riparian areas, and restoring in-stream habitats to support aquatic life.

The mitigation project would include bank stabilization along 315 linear feet of the left descending bank of Bull Creek. The proposed work would include placement of 200 linear feet of longitudinal stone toe protection keyed into the existing bank, installation of three bend-way weirs upstream and one rock vein at the downstream end of the project area. Willow and sycamore poles would be used in addition as a biotechnical component of the bank stabilization. The project also includes reinforcing an existing stream crossing by placing rock blankets on the crossing approaches. The mitigation project would include establishment of forested riparian buffers by planting bare-root seedlings within 4.3 acres along Bull Creek. A perpetual easement would be established for the property to protect a total of 3,400 linear feet of stream corridor and 11.0 acres of forested riparian

areas. If approved by the Corps, in consultation with the Interagency Review Team, the project would provide a total of 4,643 stream mitigation credits.

The project site is located on a 4th order stretch of Bull Creek about 2.5 miles upstream of the confluence with Woods Fork. The stream reach has existing areas of well-established riparian corridor, but some of the proposed easement area will need additional riparian plantings. The existing plant community is mostly bottomland hardwood forest with a few areas of inadequate buffer consisting of mixed grass pasture. The proposed stabilization area along the left stream bank has eroded over 80 feet since 1995, with about 75 percent of that erosion occurring since 2008. The right descending bank is stable with a maturing riparian corridor.

The project site is located in the headwaters of the Bull Creek Priority Watershed and within an 8-mile section of Bull Creek designated as an Outstanding State Resource Water. The Bull Creek watershed contains a diversity of recorded aquatic species including 45 fish, 6 mussels, and 5 crayfish. Current threats in the watershed include poor riparian corridors and erosion, residential development, a high gravel bed load due to land management activities, and numerous barriers to aquatic organism passage.

The location and general plan for the proposed work are shown on the enclosed sheets.

Water Quality Certification. By copy of this public notice, the applicant is requesting an individual water quality certification from the Missouri Department of Natural Resources that the operation of the proposed facility will apparently not violate the existing water quality criteria of the State of Missouri. Commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources.

Cultural Resources. A Corps staff archeologist will evaluate the proposal for compliance with Section 106 of the National Historic Preservation Act, including identification and evaluation of cultural resources potentially impacted by the proposal's implementation in waters of the United States. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area.

Endangered Species. Our preliminary determination is that the proposed activity will not affect listed Endangered Species or their critical habitat. A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies and constitutes a request to those agencies for information on whether any listed or proposed-to-be-listed endangered or threatened species may be present in the area, which would be affected by the proposed activity.

Floodplain. We are providing copies of this notice to appropriate floodplain officials in accordance with 44 Code of Federal Regulations (CFR) Part 60 (Floodplain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Floodplain Management.

Regulatory Authority. Implementation of the proposed mitigation project would require Department of the Army Authorization under Section 404 of the Clean Water Act. Based on preliminary evaluation by the USACE, it appears the proposed bank may be authorized by Nationwide Permit 27 for Aquatic Habitat Restoration, Establishment, and Enhancement Activities.

Public Involvement. Any interested party is invited to submit to the above-listed POC written comments or objections relative to the proposed work on or before **April 24, 2020**. Substantive comments, both favorable and unfavorable, will be accepted and made a part of the record and will receive full consideration in determining whether this work would be in the public interest. The decision whether to issue a permit will be based on an evaluation of the probable impact including 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 benefit, 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, aesthetics, general environmental concerns, wetlands, historic properties, 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, considerations of property ownership 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 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 the 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.

Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please advise us so that your name can be removed from the mailing list.

Enclosures

Approximate Coordinates of Project Center

Latitude: **36.86994** Longitude: **-93.15723**

UTM Zone: **15N** North: **4080456** East: **485986**