



PUBLIC NOTICE

US Army Corps
of Engineers
Rock Island District

Sponsor: Land Learning Foundation
704 W. Jackson St, Keytesville, Missouri 65261

Issued: September 22, 2020

Expires: October 21, 2020

Corps Project Number: CEMVR-OD-P-2020-1360

Proposed Project: Land Learning Foundation In-Lieu Fee Mitigation Program

IN-LIEU FEE (ILF) MITIGATION PROGRAM PROPOSAL

This notice is issued in accordance with the Compensatory Mitigation for Losses of Aquatic Resources; Final Rule (the Mitigation Rule) described in the Federal Register dated April 10, 2008 (33 CFR Parts 325 and 332).

- 1. Purpose:** The Land Learning Foundation (LLF) has provided a prospectus to initiate the development of an In-Lieu Fee (ILF) mitigation program in the State of Iowa to meet compensatory mitigation requirements for future permits issued under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The purpose is to establish guidelines, responsibilities, and standards for the establishment, use, operation, and maintenance of the program in a way that complies with the regulations governing compensatory mitigation for activities authorized by Department of Army (DA) permits granted by the U.S. Army Corps of Engineers (USACE).
- 2. In-Lieu Fee Program Definition:** An ILF, defined in CFR 332.8, is a program involving the restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements for DA permits. Under an ILF agreement, the mitigation sponsor collects funds from permittees in lieu of providing permittee-responsible compensatory mitigation required under the Corps or a state or local aquatic resource regulatory program. The sponsor uses the funds pooled from multiple permittees to create one or more sites under the authority of the agreement to compensate for aquatic resource functions lost as a result of the permits issued.
- 3. Location/Service Area:** The proposed ILF wetland and stream credit program would provide coverage to all eight service areas within the Rock Island District Regulatory boundary within the State of Iowa.
- 4. Mitigation Need/Technical Feasibility/Ecological Suitability:** The sponsor has completed a needs assessment within the State of Iowa and believes that the State has a need for an ILF. Site selection for projects will be located in areas that provide physical, chemical, biological, and

ecological lift to the watershed and are technically feasible and appropriate to install at the project site. Whenever possible, LLF will focus its efforts in priority geographies identified by the Iowa Department of Natural Resources, the Corps, U.S. EPA, or other agencies and stakeholders who have undertaken conservation planning efforts for the watershed.

5. Long Term Management: Post site closure management would include ongoing plant management which may require herbicide and fire treatment and additional seeding, as well as, general site maintenance. Each ILF site will be protected by a conservation easement, the terms of which will be consistent with applicable regulations and approved by USACE. These easements will restrict activities that could negatively affect water quality or impair the ecological functions of the site.

6. Sponsor Qualifications: LLF's history in mitigation is strong, and its past performance as an ILF provider in Missouri demonstrates its ability to identify and implement high quality mitigation projects. They have an established and successful history of restoring, enhancing, preserving and managing more than 8,000 acres of natural resources. The efforts of LLF span more than a decade and include wetland restoration in Saline, Chariton, Carroll, Livingston, Vernon, and Linn counties in Missouri.

7. Agency Review: Department of the Army, Corps of Engineers (Corps). The Corps is participating in this matter as the chair of an Interagency Review Team. The Interagency Review Team consists of the Corps, the Natural Resources Conservation Service (NRCS), the U.S. Fish and Wildlife Service (USFWS), the U.S. Environmental Protection Agency (EPA), and the Iowa Department of Natural Resources (IDNR). If approved, the proposed ILF program could provide stream and wetland credit for future, Section 404 authorized projects that require compensatory mitigation. Formal authorization of the ILF proposal occurs through Corps approval of a Mitigation ILF Instrument.

8. Historical/Archaeological: The District will require the sponsor to submit two (2) copies of a Phase I archaeological survey and geomorphological evaluation report covering the permit area for each proposed ILF mitigation site. Geomorphological investigation must extend at least 50 centimeters below the proposed depths of soil disturbance or to a depth below which no possibility of historic properties exists. The applicant, in addition to this Phase I report, may be required to conduct additional Phase II test excavations to evaluate sites for eligibility for inclusion in the NRHP as well as other studies, site avoidance, or data recovery as may be the case.

9. Endangered Species: This proposal is being reviewed by the USFWS. Any comments USFWS may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered with each proposed ILF mitigation site. Any adverse effects on endangered species will be resolved prior to the Corps authorization, or approval, of each proposed mitigation site.

10. Who Should Reply: The Corps is soliciting comments from the public; Federal, state, local agencies, 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 to determine whether to approve the proposed ILF. Any comments received will be distributed to the members of the Interagency Review Team. Comments should be submitted on or before the expiration date specified at the top of page 1. Comments should bear upon the adequacy of plans and suitability of locations and should, if appropriate, suggest any changes considered desirable.

Any person may also request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

11. Reply to the Corps of Engineers: Comments or questions concerning this notice may be directed to Abby Steele (309/794-5377), US Army Corps of Engineers, Rock Island District, ATTN: OD-P (Abby Steele), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004.

12. Complete Prospectus: The complete prospectus can be found on our public website at: https://ribits.ops.usace.army.mil/ords/f?p=107:378:9024068921628::NO::P378_PROGRAM_ID:2856.

Abigail A. Steele

Attach
Plan

Ms. Abigail A. Steele, Project Manager
Iowa Permit Section
Regulatory Branch

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