

PUBLIC NOTICE



**US Army Corps
of Engineers
St. Louis District**

**Permit No. MO River Commercial Dredgers
Issue Date: July 15, 2010
Expiration Date: September 6, 2010**

52-Day Notice

JOINT PUBLIC NOTICE: This public notice is issued jointly with the U.S. Army Corps of Engineers (Corps), Kansas City District Regulatory Branch and the Missouri Department of Natural Resources (MDNR). The MDNR will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the **MDNR** Water Pollution Control Program, P.O. Box 176, Jefferson City, Missouri 65102.

AUTHORITY: Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344)

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE: The Corps of Engineers has prepared a Draft Environmental Impact Statement (Draft EIS) for this project that discloses environmental impacts associated with the proposed renewal and issuance of dredging permits. Detailed information on the proposed renewal and issuance of dredging permits and all relevant environmental consequences can be found in the Draft EIS. The Draft EIS can be downloaded at:

<http://www.nwk.usace.army.mil/regulatory/Dredging/MO/MOredging.htm>.

In compliance with Section 102(2)(C) of the National Environmental Policy Act of 1969 and in accordance with 40 CFR 1506.9, copies of the Draft EIS have been provided to the U.S. Environmental Protection Agency, Region 7; U.S. Department of the Interior, Office of Environmental Policy and Compliance; U.S. Fish and Wildlife Service, Columbia (MO) Ecological Services Field Office; U.S. Army Corps of Engineers, Kansas City District Regulatory Branch; Elmer Ellis Library, University of Missouri, Columbia; Miller Nichols Library, University of Missouri, Kansas City; Pius XII Memorial Library, St. Louis University and Anschutz Library, University of Kansas. A Notice of Availability will be published by the U.S. Environmental Protection Agency in the Federal Register on July 23, 2010 announcing a 45-day public comment period ending on September 6, 2010.

ACTIVITY: The applicants shown in the table on the following page (except for The Master's Dredging Company, Inc. and Edward N. Rau Contractor Company) have requested renewal of their Department of the Army (DA) authorizations to dredge sand and gravel for commercial purposes from the Missouri River in the states of Kansas and Missouri. The Master's Dredging Company, Inc. and Edward N. Rau Contractor Company have proposed new operations and will require new Department of the Army permits. Capital Sand is seeking to extend the reach of their existing Washington, Missouri operation (currently authorized by the Corps Kansas City

District) to below river mile 50 which would require a new permit from the Corps St. Louis District. If reauthorized and/or issued, the permits would authorize the dredging for a period of 5 years from permit execution. This notice is provided to outline details of the proposed work so that this District may consider all pertinent comments prior to determining if issuance of these permits would be in the public interest.

Permit Applicant	Amount Requested (tons/yr)	Segment of Operation	General Reaches Requested (river mile)	Activity
J.T.R., Inc. (three permits for three operations)	1,550,000	St. Charles	0 – 35	Dredging / distribution
Limited Leasing Company	1,200,000	St. Charles	0 – 47	Dredging
Capital Sand Company, Inc. (St. Louis District permit)	500,000	St. Charles	40 – 50	Dredging / distribution
Edward N. Rau Contractor Company	100,000	St. Charles	62 – 75	Distribution
Capital Sand Company, Inc. (Kansas City District permit)	2,255,000	St. Charles, Jefferson City, Waverly, and Kansas City	62 – 354	Dredging / distribution
Hermann Sand & Gravel, Inc.	1,000,000	St. Charles, Jefferson City	56 – 164	Dredging / distribution
Con-Agg of MO, L.L.C.	250,000	Jefferson City	177 – 202	Distribution
Holliday Sand & Gravel Company, L.L.C.	3,760,000	Kansas City, St. Joseph	320 – 459	Dredging / distribution
The Master's Dredging Company, Inc.	1,000,000	St. Joseph	383 – 390	Dredging / distribution
Total	11,615,000		0 – 459	

WETLANDS: No jurisdictional wetlands would be directly impacted by the proposed work. Indirect and cumulative impacts of the proposed and alternative actions on wetlands are discussed in Sections 3.9 and 4.7 and Chapter 5 of the Draft EIS. Potential actions to mitigate impacts on wetlands are discussed in Chapter 6 of the Draft EIS. We will evaluate comments received in response to this public notice as we complete the Final EIS and 404(b)(1) analysis.

CULTURAL RESOURCES: The St. Louis District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. The potential direct, indirect, and cumulative impacts of the proposed and alternative actions on cultural resources are discussed in Sections 3.15 and 4.13 and Chapter 5 of the Draft EIS. Potential actions to mitigate impacts on cultural resources are discussed in Chapter 6 of the Draft EIS. We will evaluate input by the State Historic Preservation Officer of Missouri and the public in response to this public notice, and we may conduct or require a reconnaissance survey of portions of the permit area to check for unknown historic properties, if warranted.

ENDANGERED SPECIES: All of the proposed dredging areas are within the historic range of the endangered Indiana bat (*Myotis sodalis*), threatened piping plover (*Charadrius melodus*), endangered least tern (*Sterna antillarum*), endangered pallid sturgeon (*Scaphirhynchus albus*),

and threatened decurrent false aster (*Boltonia decurrens*). The potential direct, indirect, and cumulative impacts of the proposed and alternative actions on federally listed species are discussed in Sections 3.10 and 4.8 and Chapter 5. Potential actions to mitigate impacts on endangered species are discussed in Chapter 6 of the Draft EIS. We will evaluate comments received in response to this public notice, as we complete a Biological Assessment in accordance with Section 7 of the Endangered Species Act.

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.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. The potential direct, indirect, and cumulative impacts of the proposed and alternative actions on water quality are discussed in Sections 3.7 and 4.5 and Chapter 5 of the Draft EIS. Potential actions to mitigate impacts on water quality are discussed in Chapter 6 of the Draft EIS. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The Draft EIS identifies the existing conditions and potential consequences, including the cumulative effects, of the Proposed Action and alternative actions for all factors which may be relevant to the proposal. Those factors include 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 Proposed Action in the Draft EIS is that action proposed by the applicants and does NOT indicate what the Corps intends to or is able to permit. The decision to issue a permit will be based on an evaluation of the probable impacts 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. 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).

PUBLIC MEETING: The Corps is holding a public meeting regarding the Draft EIS for the proposed commercial dredging on Thursday August 26, 2010 in the Fish and Wildlife Room at the Missouri Department of Conservation Runge Nature Center, 330 Commerce Drive, Jefferson City, Missouri. The purpose of the meeting is to summarize the findings of the Draft EIS, provide opportunity for the public to ask questions, get clarification, and provide comments regarding the Draft EIS and the issues and alternatives to be evaluated in the public interest review. The meeting will be from 3:30 p.m. to 7:30 p.m., during which the public may view various posters on the issues and ask questions of representatives of the Corps, ENTRIX (the

contractor who prepared the DEIS), and the applicants. There will be opportunities for the public to provide comments at the meeting to a court reporter or in writing. Written comments will be accepted by mail or email until the end of the 52-day comment period.

COMMENTS: 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 and prepare the Final EIS. The Kansas City and St. Louis Districts will consider all pertinent comments prior to determining if issuance of permits would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the Draft EIS or the Proposed Action 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 permits. Copies of all comments, including names and addresses of commenters, may be provided to the applicants. All comments to this public notice should be directed to the mailing address below or to email address MORiver.CommercialDredging.EISComments@usace.army.mil.

ADDITIONAL INFORMATION: The Kansas City District is the lead District administering this EIS process. Additional information about this application or Draft EIS may be obtained by contacting **Mr. Cody Wheeler**, Regulatory Project Manager at the U.S. Army Corps of Engineers, Kansas City Regulatory Office, 601 East 12th Street, Room 402, Kansas City, Missouri 64106-2896, at telephone 816-389-3739 (FAX 816-389-2032), or via email at cody.s.wheeler@usace.army.mil