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
St. Louis, MO 63103-2833

Public Notice No.
P-2721 to P-2728
Public Notice Date
July 7, 2009
Expiration Date
July 27, 2009

Postmaster Please Post Conspicuously Until:

Interested parties are hereby notified that an application has been received for a Department of the Army permits to expand sand and gravel dredging reaches for commercial purposes from waters of the United States, as described below and shown on the attached map.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Numbers shown above and must reach this office no later than the above 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
ATTN: CEMVS-OD-F (Charles Frerker)
1222 Spruce Street
St. Louis, Missouri 63103-2833

APPLICANT: Wayne B. Smith Incorporated, c/o: Jerry W. Smith, Post Office Box 474, Highway 79 South, Louisiana, Missouri 63353. (573)754-5361

LOCATION: Expanded commercial gravel and sand dredging activities are proposed in eight areas along the right descending bank, between Mississippi River Mile 282.1 to 283.0, as shown on the attached figures.

PROJECT DESCRIPTION: The applicant requests authorization to expand commercial sand and gravel dredging operations near the Missouri bank of the Mississippi River in the areas specified as "requested dredging authorization areas" (RDAA) one through eight, as shown on the accompanying maps. The project need is to support market demand for crushed river gravel products used in hot mix asphalt. The applicant's current permit area, P-2646, does not supply the volume of gravel required to meet the expected market demand and because the gravel is not recharged at the same rate as sand. Exploration activities infer possible commercial volumes of gravel to the north and south of the applicant's currently permitted reach. For clarification and identification purposes, each proposed activity site has been assigned a separate permit (P) number for pending authorization. The attached drawings are labeled with permit (P) numbers to correspond with each proposed activity. Up to 20,000 tons of sand and gravel would be removed annually from each RDAA sites one through four. Up to 40,000 tons of sand and gravel would be removed annually from each RDAA sites five through eight. The cumulative total would not exceed 150,000 tons of sand and gravel removed annually from RDAA sites one through eight. If the proposed activity is authorized, the applicant states that no dredging would be conducted within 500 feet of the railroad bridge or within 100 meters of the normal water elevation along the right descending bank. The applicant would be required to investigate any existing utilities, pipelines, cables, etc., located in the proposed dredging areas. If any of these items are found, the dredging would maintain a minimum distance of 200 feet from these items. If the proposed dredging activities occur between May 1st to July 31st, the applicant would be required to request written approval for gravel excavation at volumes greater than

five percent of the total dredge volume under this proposal and the permitted quantities under P-2646. The applicant would be required to have an appropriately sized harbor boat with the dredge to insure the dredging operations would not interfere with navigation. The proposed dredging area, RDAA-5, is subject to abnormally high wheel wash volumes from tow boats attempting to maneuver through the existing railroad bridge. The applicant theorizes the frequent wheel wash energy causes sand particles to flush downstream and allows heavier coarse gravel to remain in the wake. The applicant contends the frequent disturbance and heavy wheel wash likely reduces the possibility of mussel beds in the proposed dredging area. The applicant states they would immediately cease operations in the event mussel beds were encountered until a report detailing the extent of the beds and an assessment of the possible adverse impacts to mussels or other aquatic species is submitted, reviewed and approved. The applicant states known mussel beds noted by Robert Schanzle from the Illinois Department of Natural Resources – Office of Realty and Environmental Planning, in his September 4, 2007 letter to the Corps of Engineers would not be affected by the proposed expanded dredging operations. The proposed expanded gravel dredging operation would be performed in the same manner as the currently approved sand and gravel dredging. Suction dredging is used to perform the currently permitted operation. Dredged sand and gravel material is loaded into barges, with excess water and oversized material discharged back into the river at the dredging location. Filled hopper barges are transported to the applicant's existing offloading facility, located along the right descending bank, at approximate Mississippi River mile 281.6, where a crane unloads the sand and gravel material onto a conveyor system for upland stockpiling. Standard dredging conditions created by coordinated efforts with other Federal and state resource agencies would be applied to the proposed expansion area to minimize impacts to aquatic life, navigation and natural/manmade river features. The permits, if issued, would authorize the expanded commercial dredging until 2014.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Michael Stevinson of Wayne B. Smith, Inc., at 573-754-4566 or Charles Frerker with the U.S. Army Corps of Engineers Regulatory Branch at 314-331-8583 or at electronic mail address: *charles.f.frerker@usace.army.mil*

AUTHORITY: This permit will be processed under the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

WATER QUALITY CERTIFICATION: By issuance of this public notice, the project plans are considered submitted to the Missouri Department of Natural Resources, Water Pollution Control Program for state certification of the proposed activity in accordance with Section 401 of the Clean Water Act. Written comments concerning possible impacts to waters of Missouri should be addressed to: Water Pollution Control Program, P.O. Box 176, Jefferson City, Missouri 65102-0176, with copy provided to the Corps of Engineers. A copy of all written comments should also be provided to the Corps of Engineers.

SECTION 404 (b)(1) EVALUATION: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Request for public hearings shall state, with particularity, the reasons for holding the public hearing.

ENDANGERED SPECIES: The proposed project is within range of the Federally endangered Higgin's Eye Pearly Mussel (*Lampsilis higginsi*) and the Fat Pocketbook (*Potamilus capax*). The permit review process associated with previous issuance of P-1831 required a mussel survey to determine the limits of dredging along the right descending bank of the Mississippi River to avoid impacts to mussel beds. The applicant would be required to stay out of known mussel bed areas discussed in the mussel survey. In addition, standard dredging conditions created by coordinated efforts with other Federal and state resource agencies would be applied to further avoid impacts to these species. In

order to further complete our evaluation, written comments are hereby solicited from the U.S. Fish and Wildlife Service and other interested parties to ascertain any potential impacts upon these listed species, any others species or their critical habitats.

CULTURAL RESOURCES: The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct, or require a reconnaissance survey of the project area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity 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, flood plain values, land use, navigation, shoreline erosion, and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The U.S. Army 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 these proposed activities. Any comments received will be considered by the U.S. Army 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 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.

In accordance with 33 CFR 325.3, it is presumed that all interested parties and agencies will wish to respond to public notices; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project.

Danny D. McClendon

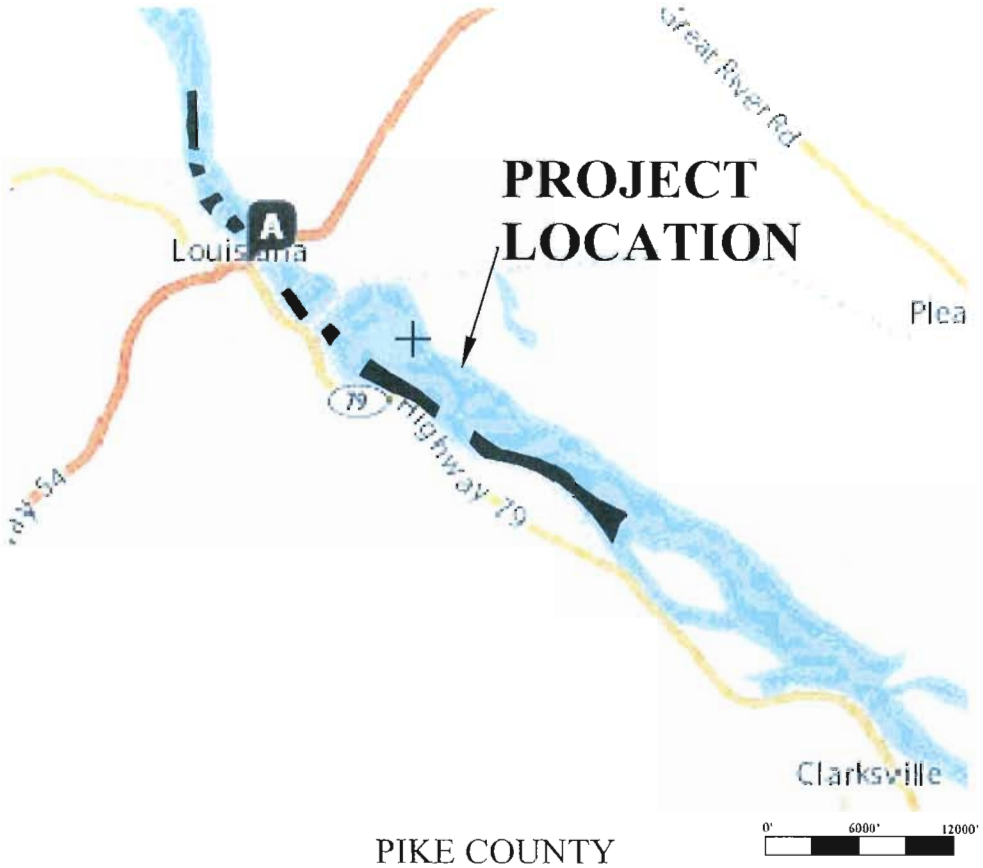
Danny D. McClendon
Chief, Regulatory Branch

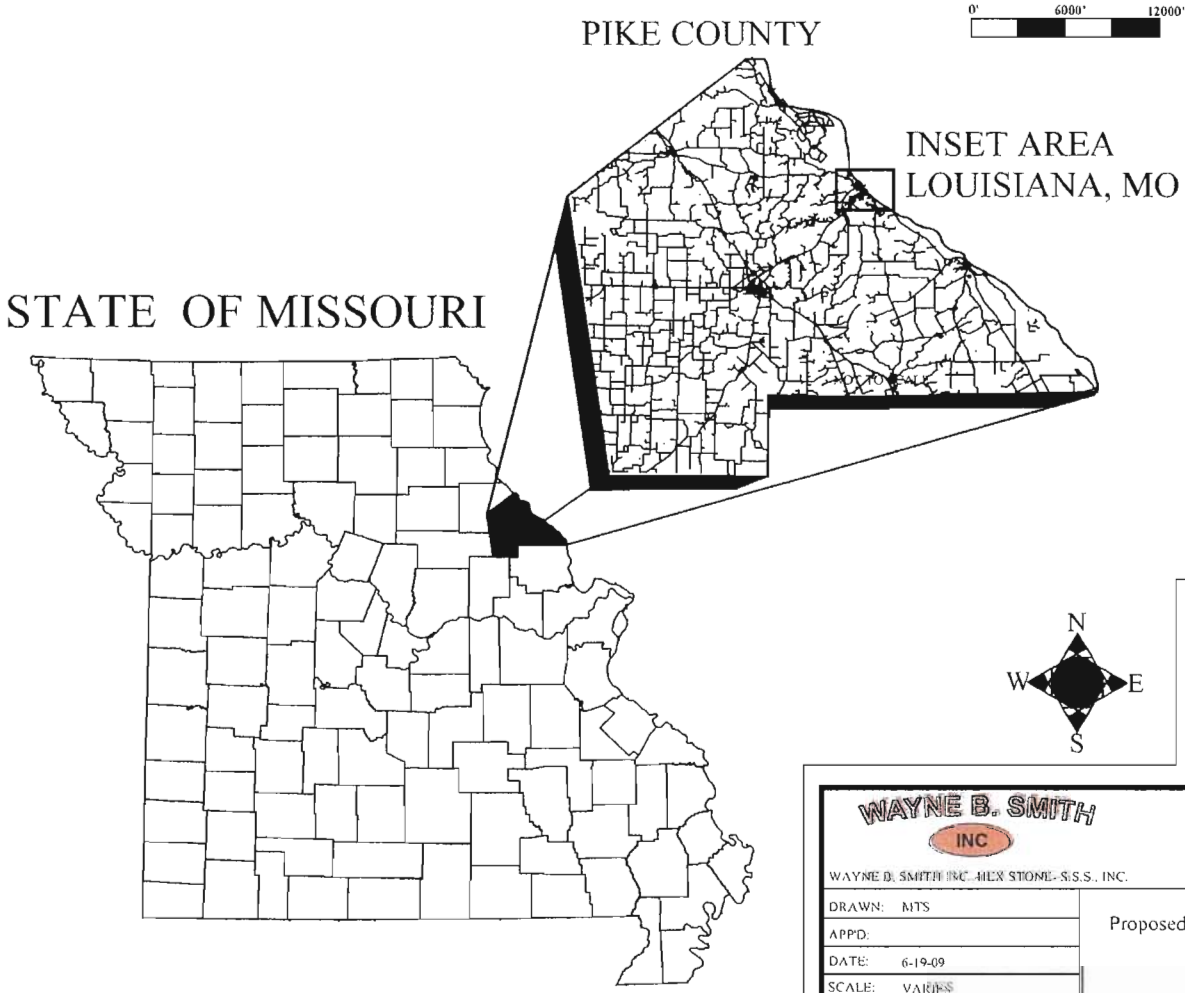
Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.

LOUISIANA, MO





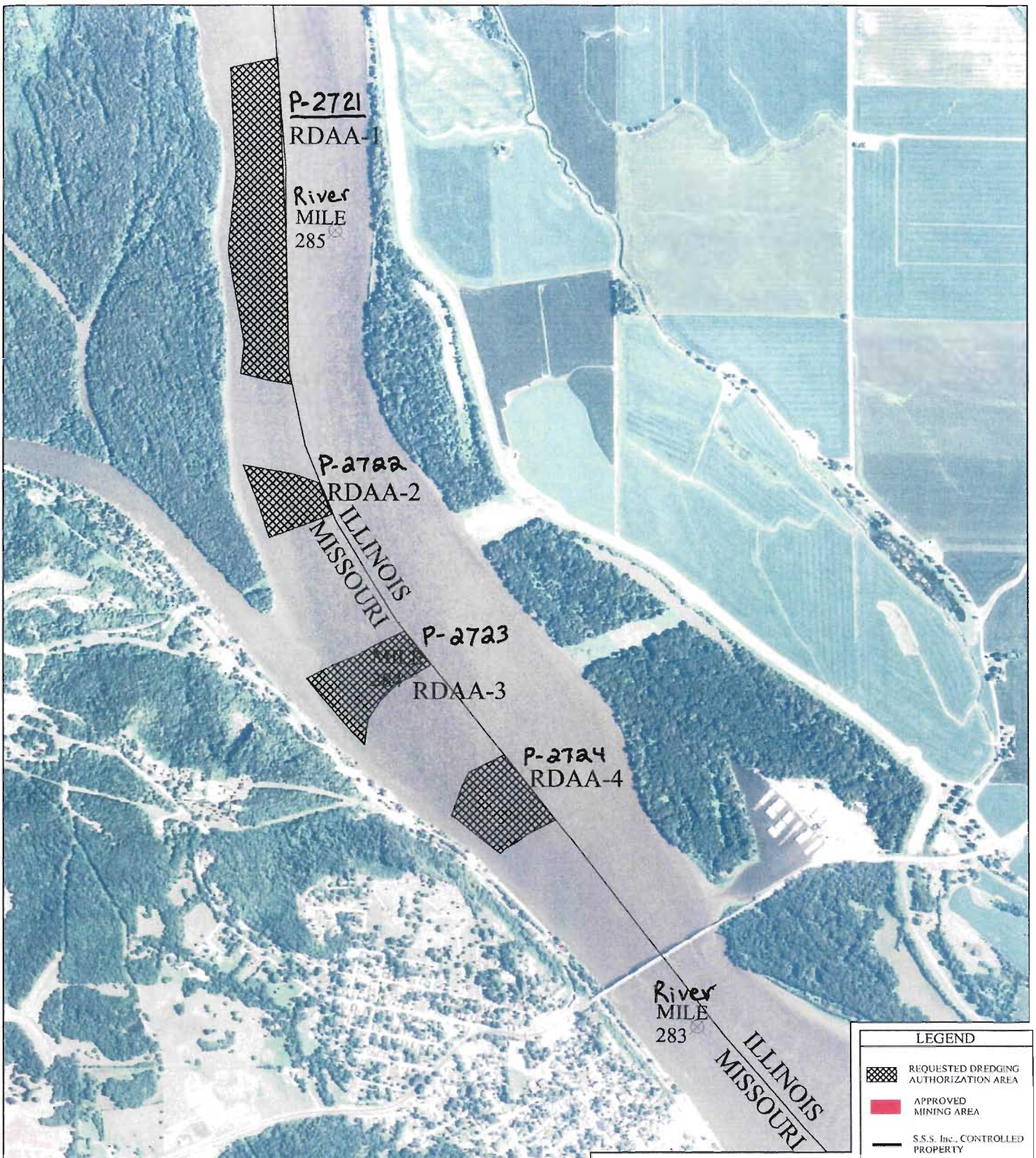
LEGEND

REQUESTED DREDGING AUTHORIZATION AREA

WAYNE B. SMITH INC

WAYNE B. SMITH INC.-HEX STONE- S.S.S., INC.

DRAWN: MTS	Proposed Sand and Gravel Operations Detail Map
APP'D:	MAP FOR USACOE
DATE: 6-19-09	
SCALE: VARIES	
REV:	NOTES:
SHEET 1 OF 5	



LEGEND

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- APPROVED MINING AREA
- S.S.S. Inc., CONTROLLED PROPERTY

WAYNE B. SMITH INC

WAYNE B. SMITH INC.-HEX STONE- S.S.S., INC.

0' 750' 1500'

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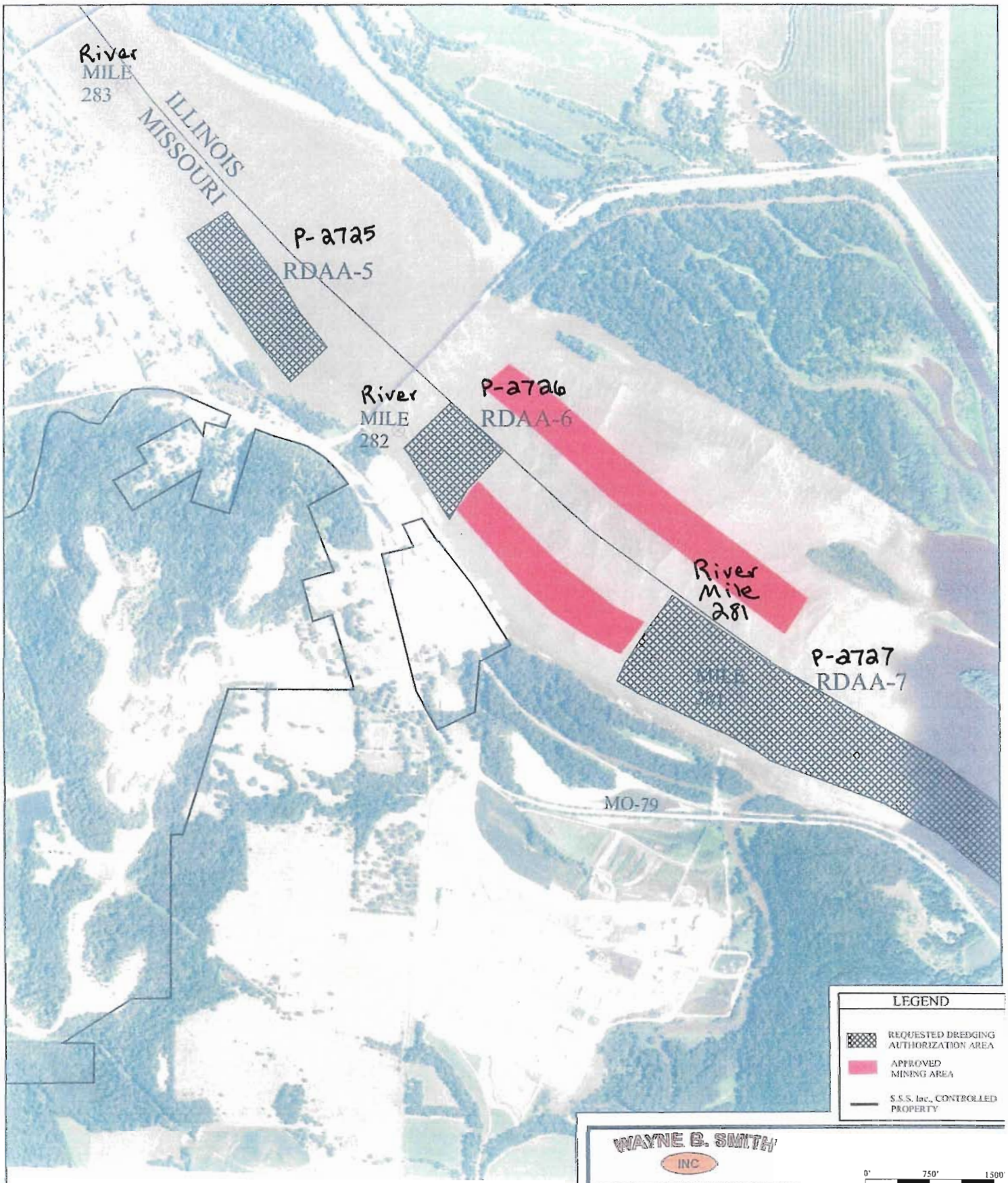
SCALE: 1"=1500'	
REV:	NOTES: AERIAL PHOTO FROM 2006 NAIP
SHEET 2 OF 5	



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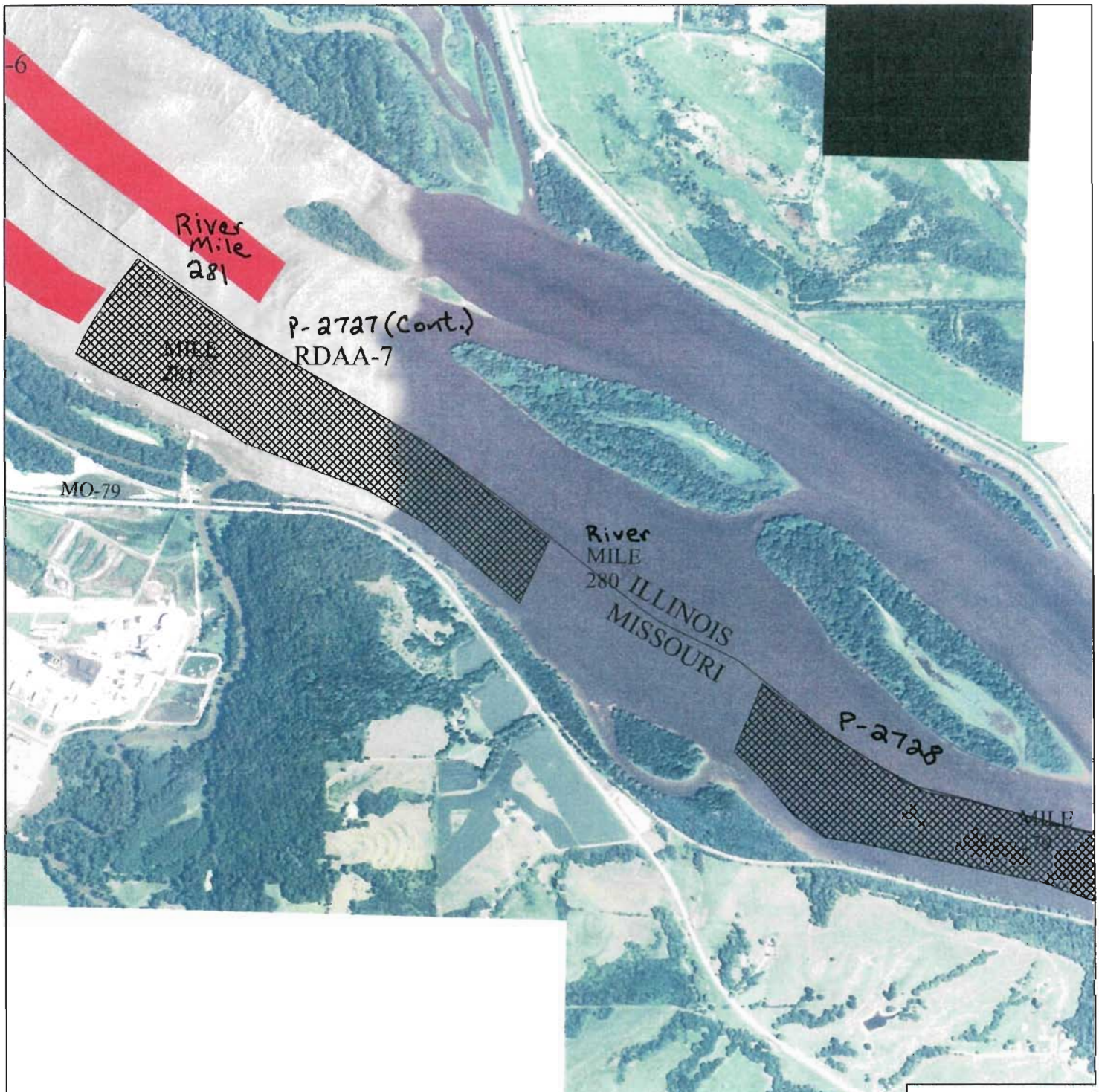

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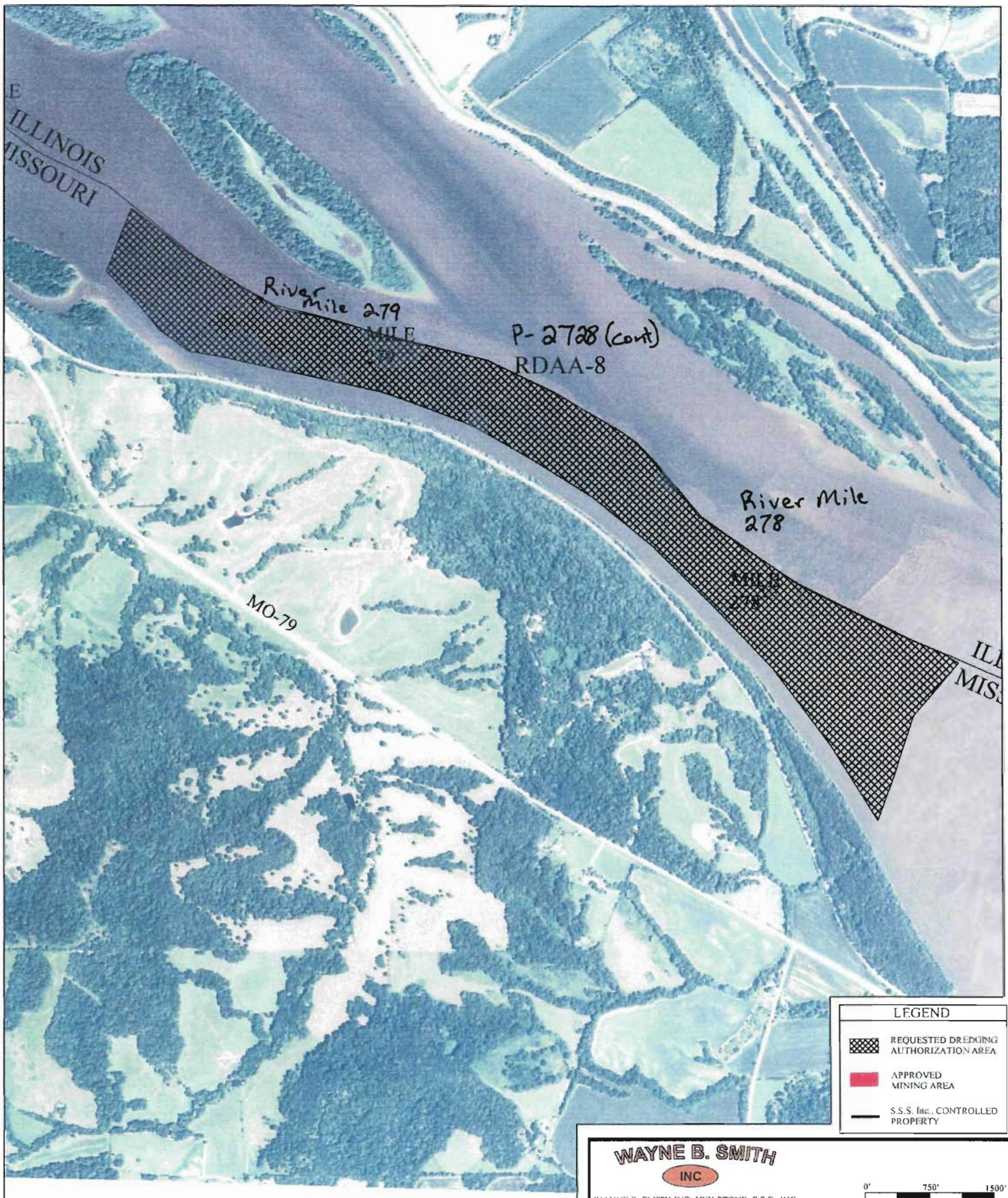
SHEET: 4 OF 5	



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