



**US ARMY CORPS
OF ENGINEERS**
St. Louis District
Gateway to Excellence

Public Notice

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-F
1222 Spruce Street
St. Louis, Missouri 63103-2833

Public Notice No.
P-2642
Public Notice Date
August 8, 2007
Expiration Date
August 29, 2007

Postmaster Please Post Conspicuously Until:

Regulatory Branch
Mississippi River (P-2642)
File Number: MVS-2007-505

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number 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 (Regulatory Branch)
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Linda Werdebaugh

APPLICANT: Capital Sand Company, Inc., F. Ray Bohlken, President, P.O. Box 104990, Jefferson City, Missouri 65110. (573-690-1313).

LOCATION: Commercial Dredging would take place in the Missouri River, mile marker 40 to mile marker 50, the area of the Missouri River along St. Louis and St. Charles County, Missouri. (See Attached Location Maps).

PROJECT DESCRIPTION: The applicant proposes to commercially dredge up to 500,000 tons of sand from the Missouri River per year between mile marker 40 and mile marker 50. The material will be removed with a hydraulic dredge and loaded into barges with excess water and discharged back into the Missouri River. The loaded barges will be transported to Capital Sands existing unloading site by push boats. The material will be unloaded by rubber tired loaders onto a conveying system for stockpiling. (See Attached Drawings).

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Linda Werdebaugh, Rivers Project Manager, U.S. Army Corps of Engineers at (314) 331-8632. Inquiries may also be sent by electronic facsimile to (314) 331-8741 or at electronic mail address:

Linda.C.Werdebaugh@mvs02.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: The project plans have been submitted to the Missouri Department of Natural Resources, Water Protection Program for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification is requested as of the date of this Public Notice, and if issued, will express the Agency's opinion that the proposed activities will not violate applicable water quality standards. Written comments concerning possible impacts to waters of Missouri should be addressed to: Water Protection Program, Post Office Box 176, Jefferson City, Missouri 65102-0176, with a copy 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 the range of the endangered Indiana bat (**Myotis sodalis**), Gray bat (**Myotis grisescens**), Higgin's eye pearly mussel (**Lampsilis higginsii**), and the Decurrent false aster (**Boltonia decurrens**). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that this proposed activity will not affect species designated as threatened or endangered, or adversely affect critical habitat. In order to complete our evaluation, written comments are hereby solicited from the U.S. Fish and Wildlife Service and other interested agencies to ascertain any potential impacts upon a listed species or their critical habitat.

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 that 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.



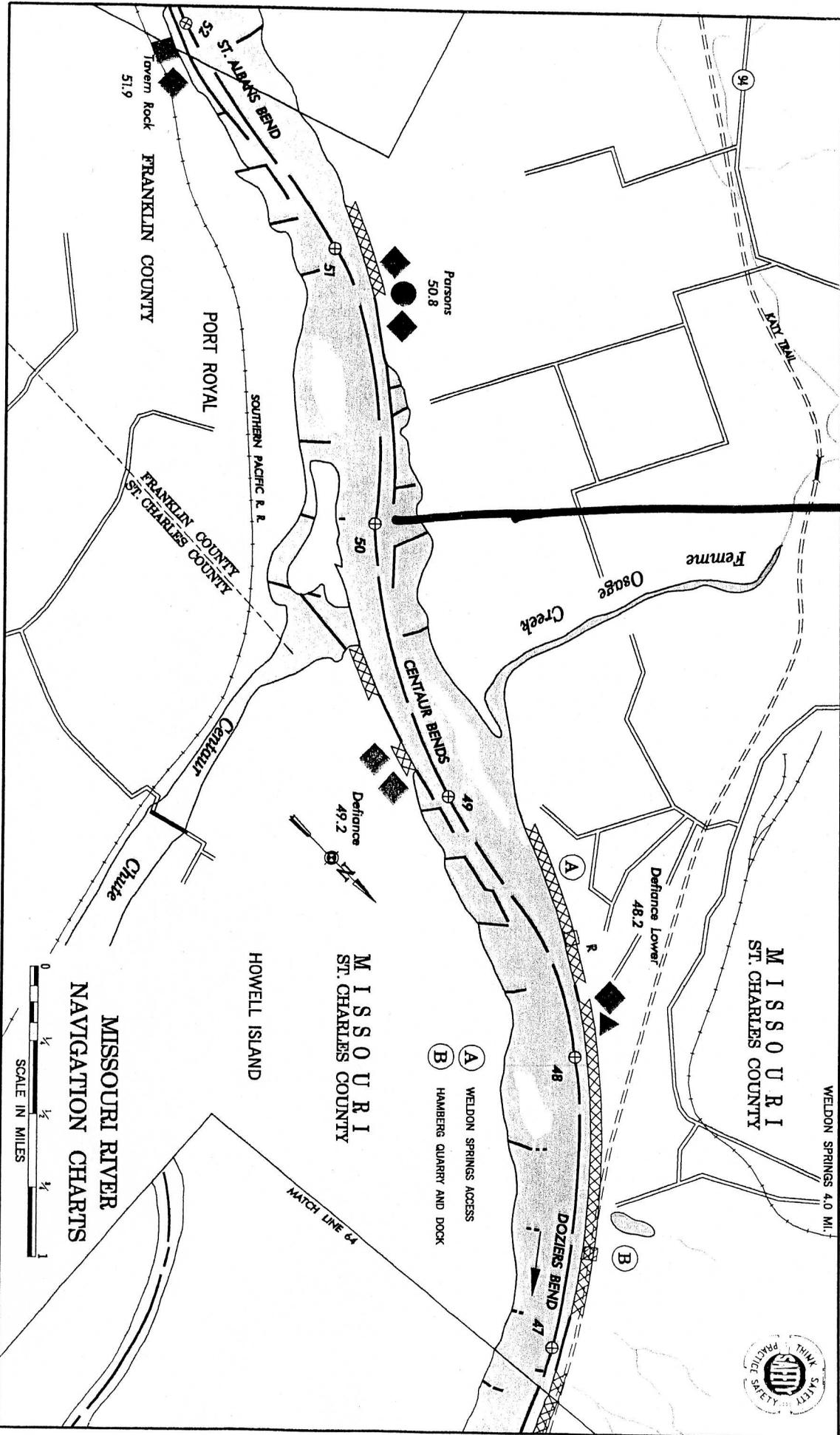
for

DANNY D. MCCLENDON
Chief, Regulatory Branch

Attachments

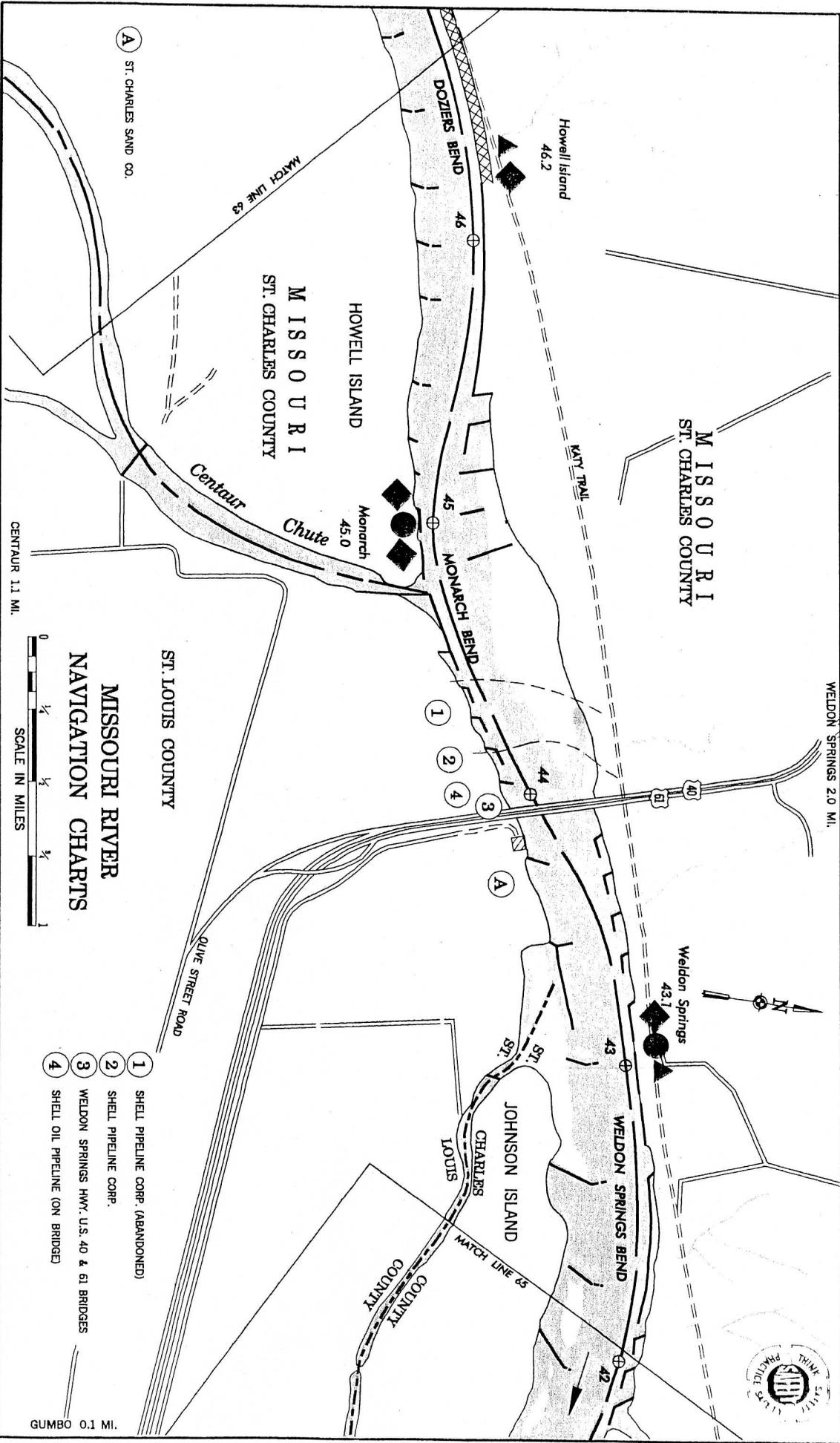
NOTICE TO POSTMASTERS:

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



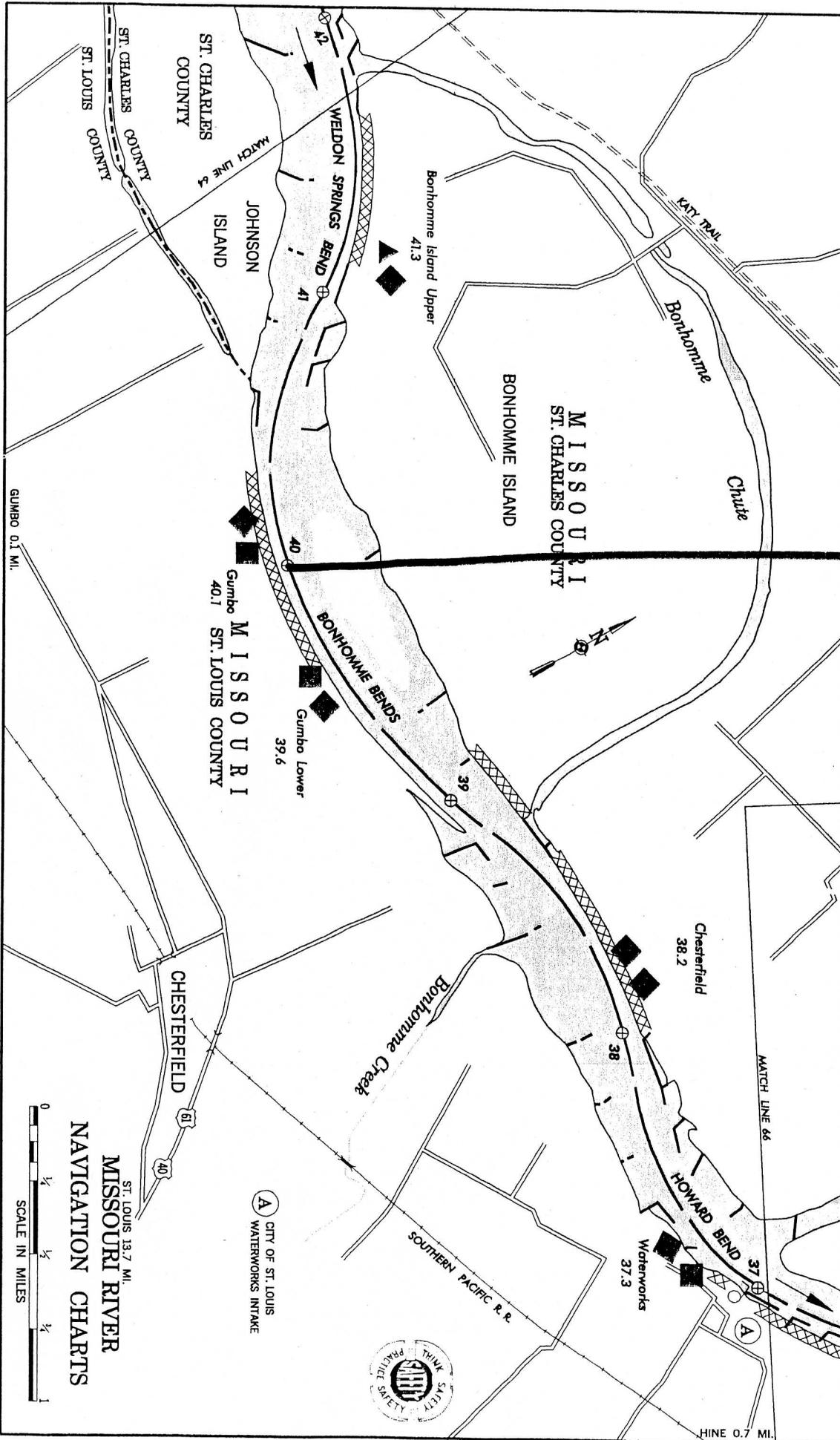
Start of dredged area

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