

# PUBLIC NOTICE



US Army Corps  
of Engineers  
St. Louis District

Permit No. NWKGP-34M

Issue Date:

Expiration Date:

21-Day Notice

---

## STATE OF MISSOURI PROPOSED REISSUANCE OF GENERAL PERMIT 34 MISSOURI SAND AND GRAVEL EXCAVATION ACTIVITIES

In accordance with Title 33 CFR 325.2 and 325.7(e), as published in the November 13, 1986, Federal Register, the Kansas City District, U.S. Army, Corps of Engineers (as lead district), in conjunction with the St. Louis District, Rock Island District, Little Rock District, and Memphis District (map enclosed) proposes to reissue General Permit 34 Missouri (GP-34M, GP) which would authorize the discharge of dredged or fill material in association with excavation of sand and gravel in waters of the United States within the State of Missouri. This GP would be reissued under the authority of Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403). The GP was originally issued December 18, 1995, with a renewal occurring every five years, and most recently reissued on July 28, 2016. In the preceding 5-year period, there were a total of 51 actions authorized under the provisions of this GP in the Kansas City District and a total of 78 actions by all Districts.

**Criteria for Authorization.** Applications submitted for verification under NWKGP-34M (permit enclosed) would be reviewed on a case-by-case basis to ensure that each activity authorized by the GP meets the cited criteria included in the GP, special conditions, and appendices.

**Proposed Changes for Reissuance of GP-34M.** The Corps of Engineers (Corps) is proposing changes to GP-34M. Therefore, comments are solicited on the reissuance of the GP with the proposed changes, or reissuance with proposed modifications.

Proposed changes include:

- Special condition d: The Corps is proposing to increase the diameter at breast height (DBH) of woody vegetation that shall be protected, via gravel buffer, from 1 ½-inch to 3-inch.
- The Corps is proposing to remove the Project Authorization Page entirely from the GP.

**Duration of GP-34M.** The GP would expire 5 years from the date of reissuance unless it is modified, suspended, revoked, or specifically extended. Upon its expiration, the GP would be considered for renewal. The GP may be modified, suspended or revoked, in whole or in part, at any time if it is determined that the cumulative effects of the activities would have a significant environmental impact or are otherwise not in the public interest.

All individual verifications under this GP would expire upon expiration of the GP. This date would be noted on the GP if it is reissued. Therefore, the maximum excavation period for any operations would be limited to 5 years. Prior to its expiration, the GP would be considered for renewal. If it is determined that reissuance of the GP is in the public interest, a determination would be made to consider any on-going operations previously authorized by the soon-to-be expired GP. Applicants with on-going operations would likely be required to either reapply or may be allowed to proceed with their operation by conforming to the conditions of the renewed permit.

The proposed GP, if reissued, would not obviate the need to obtain other Federal, state or local authorizations required by law, would not grant any property rights or exclusive privileges, nor would it authorize any injury to the property or rights of others.

**Procedure for Applying.** Individuals desiring to perform activities in accordance with the criteria of this GP must notify the appropriate Corps of Engineer District according to the "Applicant Notification Requirements" in Appendix I, 5. and in Special Condition p. of the enclosed permit. The notification must include detailed drawings and sufficient information to determine if the proposed work conforms to the criteria and conditions of the GP. An ENG Form 4345 and instructions (downloadable at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainPermit.aspx>) may be used for this purpose. Copies of ENG Form 4345, instructions, or assistance may also be obtained by writing or calling the appropriate Corps district.

If the Corps determines that the work would meet the provisions of the GP, and no extraordinary conditions exist that would warrant submitting an application for an individual permit evaluation, the proponent would be notified in writing to proceed. If the Corps determines that the subject work would not meet the provisions of the GP, or that more than minimal impacts would result, or extraordinary conditions exist, the applicant would be notified that an individual permit will be necessary.

**Proposed Evaluation and Conformance Criteria.** Individual requests for verification under the GP would be evaluated based upon the stated activities by the applicant. If the applicant desiring to perform activities in accordance with the criteria of this GP can comply with the conditions as shown in the GP, an on-site investigation of the proposed activity may not be required. However, if the party requests a variance from any conditions of the GP, an on-site investigation of the activity may be conducted by a federal or state agency and variances would be allowed only if a site-specific justification is determined.

All activities authorized by the GP would require notification to the appropriate district engineer.

**Compliance with other laws.** No potential adverse environmental effects related to the operation of the GP have been identified or are anticipated from the reissuance of this GP. All applicable statutes, regulations and administrative policies and agreements, including the National Environmental Policy Act of 1969, will be considered and satisfied in the decision to reissue the GP. All comments in response to this public notice should be forwarded to the appropriate address identified under Additional Information.

**Public Interest Review.** The decision to reissue this GP will be based on an evaluation of the probable impact of the proposed permit 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 issuance of the proposed permit must be balanced against the reasonably foreseeable detriments. All factors which may be relevant to the proposed permit issuance will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general 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 production, mineral needs, and, in general, the needs and welfare of the people.

**Comments.** Any interested party (particularly officials of any town, city, county, state or Federal agency, local association, or individual) is invited to submit to the Kansas City District written facts or objections to the proposed reissuance of this GP on or before the public notice expiration date. Comments, both favorable and unfavorable, will be accepted and made a part of this record and will receive full consideration in determining whether it would be in the public interest to reissue the GP.

**Endangered Species.** In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not adversely affect species designated as threatened or endangered or adversely affect critical habitat. This determination is based upon the inclusion of measures included in the permit for protection of threatened or endangered species in likely project areas. The GP requires specific Section 7 consultation concerning individual projects if effects to threatened or endangered species are anticipated. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

**Public Hearing.** Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this GP. Such requests shall state, with particularity, the reasons for holding a public hearing.

**Additional Information.** Additional information about the proposed reissuance of this GP may be obtained by contacting Mr. James Reenan, Regulatory Specialist; U.S. Army Corps of Engineers, Missouri State Regulatory Office, 515 East High Street, Suite 202, Jefferson City, MO 65101; telephone: 816-389-3832, or via e-mail at [james.s.reenan@usace.army.mil](mailto:james.s.reenan@usace.army.mil). All comments to this public notice should be directed to the above address.

Enclosures