

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

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# Public Notice

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

Public Notice No.  
**P-3094 & P-3096**  
Public Notice Date  
**June 21, 2018**  
Expiration Date  
**July 11, 2018**

**Postmaster Please Post Conspicuously Until:**

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Interested parties are hereby notified that an application has been received for a Department of the Army permit renewal request to continue commercial gravel and sand dredging within previously authorized areas of navigable waters of the United States, as described below and shown on the attached.

**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  
ATTN: CEMVS-OD-F ([Charles Frerker](#))  
1222 Spruce Street  
St. Louis, Missouri 63103-2833

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

**LOCATION:** Commercial dredging activities are proposed to continue along the left (Illinois) descending bank of the Mississippi River, between river miles 280.9 to 282.1 and along the right (Missouri) descending bank between river mile 281.25 to 281.75 (See Attached Location Map).

**PROJECT DESCRIPTION:** The applicant requests permit renewal for on-going commercial dredging to remove up to 125,000 tons of sand and gravel, per year, from the Mississippi River. The requested renewal has been assigned two pending permit (P) numbers to allow easier site identification and coordination for dredging activities occurring in Missouri and Illinois. **P-3094** requests permit renewal to allow on-going commercial dredging of approximately 37,500 tons of sand and gravel from areas near the left (Illinois) descending bank of the Mississippi River, between approximate river miles 280.9 to 282.1. **P-3096** requests permit renewal to allow on-going commercial dredging of approximately 87,500 tons of sand and gravel from areas near the right (Missouri) descending bank, between approximate river mile 281.25 to 281.75. The applicant was previously authorized to commercial dredge in this river reach since 1973 (previous permit numbers P-1024, P-1174, P-1831, P-2325 and P-2646). The ongoing dredging operation is performed by suction dredging and will remain the same. Dredge material is loaded into hopper barges, with excess water and oversized rock discharged back into the river at the dredging locations. Filled hopper barges would continue to be transported to the applicant's existing offloading facility, located along the right descending bank, at approximate Mississippi River mile 281.6, where a crane would unload the material onto a conveyor system for upland stockpiling. Previously authorized dredge conditions

created in coordination with other Federal and state resource agencies shall be applied to the potentially re-authorized action to further minimize impacts to aquatic life, navigation and natural/manmade river features. The permits, if issued, shall authorize commercial dredging to continue until the next pending expiration date in 2023.

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting the applicant's representative, Mr. Michael Stevinson at 573-754-4566 or Mr. 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](mailto: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.

This public notice also provides documentation to the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, for the proposed activity in accordance with Section 401 of the Clean Water Act. Certification or waiver indicates that IEPA believes the activity will not violate applicable water quality standards. The review by the IEPA is conducted in accordance with the Illinois water quality standards under 35 Illinois Administrative Code Subtitle C. The water quality standards provide for the IEPA to review individual projects by providing an antidegradation assessment, which includes an evaluation of alternatives to any proposed increase in pollutant loading that may result from this activity. The "Fact Sheet" containing the antidegradation assessment for this proposed project may be found on the IEPA's web site, at [www.epa.state.il.us/public-notices/](http://www.epa.state.il.us/public-notices/). In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Joint Public Notice, a separate public notice and "Fact Sheet" will be published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below.

Written comments specifically concerning possible impacts to water quality should be addressed to:

Illinois Environmental Protection Agency  
Bureau of Water  
Watershed Management Section  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

A copy of all written comments should also be provided to the Corps of Engineers. If you have any questions please contact the IEPA at (217) 782-3362.

**SECTION 404 (b)(1) EVALUATION:** The impact of the activity on the public interest will be evaluated in accordance with the Missouri Department of Natural Resources, Water Pollution Control Program guidelines and the Illinois Environmental Protection Agency's 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 gray bat, Indiana Bat, pallid sturgeon, higgins eye pearly mussel, sheepnose mussel, spectaclecase mussel and the threatened northern long eared bat, decurrent false aster and eastern prairie fringe orchid. Prior permit reviews associated with the issuance of P-1831 and P-2646 required mussel surveys to determine the location and presence of mussel species and to define the limits of dredging to avoid impacts to mussel beds. Dredging has and would continue to occur only within the limits of areas that the US Fish and Wildlife Service and other resource agencies previously determined acceptable. 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. It is not anticipated the proposed renewal of the on-going commercial dredging and unloading activities would adversely affect listed species or any critical habitat. 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 has completed a preliminary evaluation of the proposed permit renewal area. The project involves no land disturbance activities, other than utilizing the existing barge unloading terminal and upland stockpile areas. The same commercial dredging activities have occurred in the project area for multiple decades which leads to our conclusion that cultural resource reconnaissance surveys are not required. However, if substantial information from the response to public notice indicates that further investigation is necessary; or at the request of the State Historic Preservation Office or tribal representatives; the USACE will re-consider its decision.

**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  
Chief, Regulatory Branch

**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.

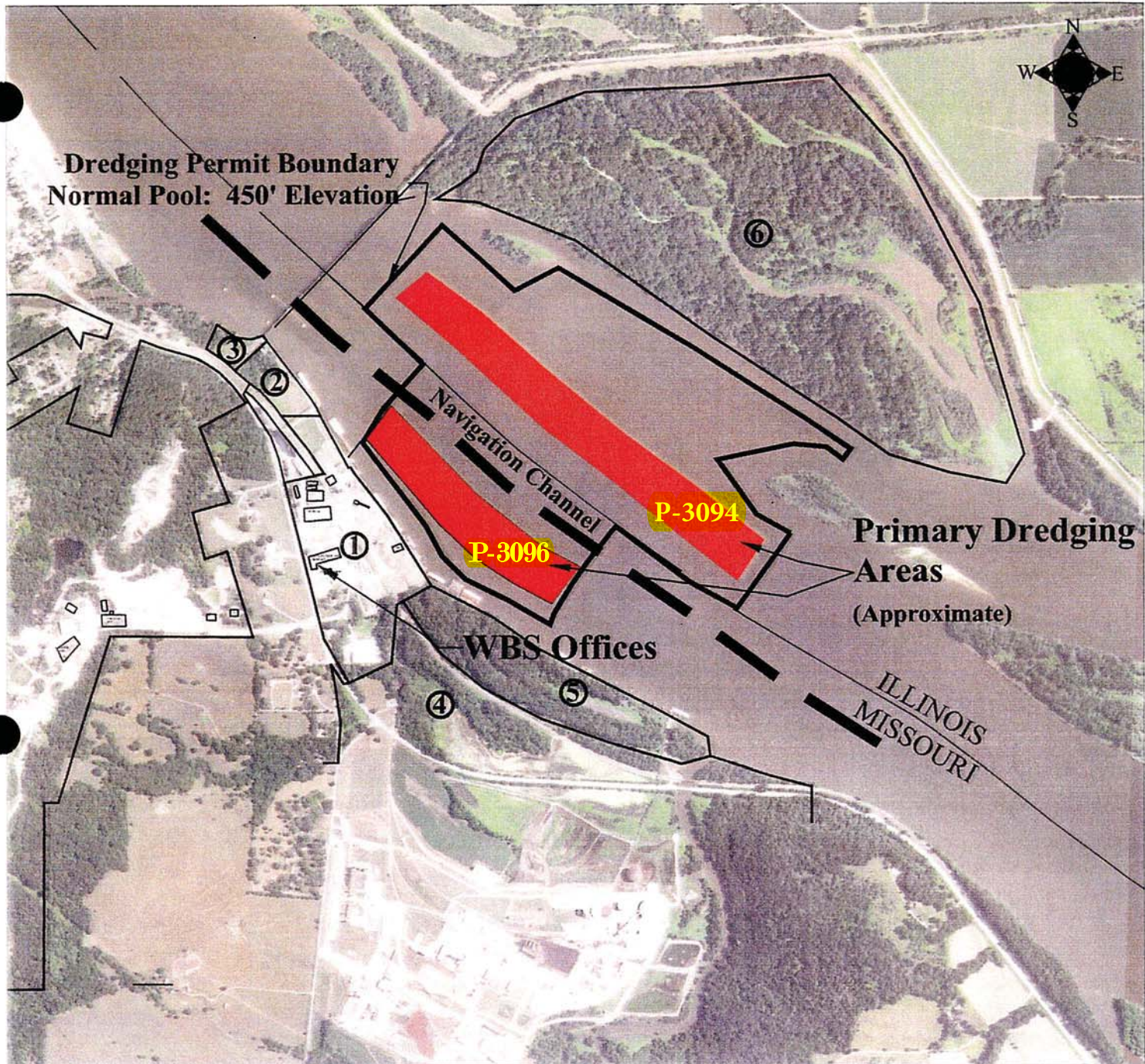
# P-3094 & P-3096

PROJECT VICINITY MAP

**Legend**

-  Island
-  Louisiana
-  Louisiana
-  PROJECT AREA





**Dredging Permit Boundary**  
**Normal Pool: 450' Elevation**

**Navigation Channel**

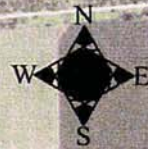
**P-3096**

**P-3094**

**WBS Offices**

**Primary Dredging Areas**  
 (Approximate)

**ILLINOIS**  
**MISSOURI**



**LIST OF ADJACENT PROPERTY OWNERSHIP**

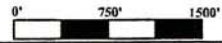
- ① WBS/SSS OWNERSHIP
- ② BURLINGTON NORTHERN
- ③ C.M.W. ACQUISITION CORP.
- ④ HERCULES INCORPORATED
- ⑤ U.S.A. GOVERNMENT
- ⑥ U.S.A. GOVERNMENT

**LEGEND**

- PRIMARY NAVIGATION CHANNEL
- PRIMARY DREDGING AREA
- S.S.S. Inc., CONTROLLED PROPERTY

**WAYNE B. SMITH**  
**INC**

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



DRAWN: MTS
APP'D:
DATE: 7/07/07
SCALE: 1"=1500'
REV:
SHEET: 2 OF 2

**DREDGING OPERATIONS**  
**DETAIL MAP**  
 MAP FOR USACE

NOTES: AERIAL PHOTO FROM 2006 NAIP