



# Public Notice

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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, Missouri 63103-2833

Public Notice No.  
P-3097

Public Notice Date:  
July 16, 2018

Expiration Date:  
August 5, 2018

Postmaster Please Post Conspicuously Until:

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File Number: MVS-2017-562

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: Jennifer L. Skiles

**APPLICANT:** Capital Sand Proppants, LLC. Attention: Scott Jinks, 418 County Road 347, Jackson, MO. 63755.

**LOCATION:** The project area is located west of County Road 347, in Jackson, Missouri. The project site address is 494 County Road 347. The project is located in Section 36, Township 32 North, Range 11 East, Cape Girardeau County.

**PROJECT DESCRIPTION:** The applicant seeks authorization to conduct grading and filling operations in waters of the United States to expand the existing surface sand mine. The expansion would involve surface mining through two unnamed tributaries to Byrd Creek for a total of 2,930 linear feet of impacts. The two unnamed tributaries originate within the mine site boundaries and converge onsite before exiting the site to the west via a culvert under County Road 347. The two channels have a narrow riparian corridor, which would be entirely disturbed by the proposed mine. The entire watershed for the two tributaries appears to exist within the mine project site and regardless of the surface mining activity within the channels, they will be dewatered due to the entire upper watershed becoming part of the surface mine operations. The precipitation will be caught in the excavated area and the long-term reclamation plan currently includes lake construction. Byrd Creek flows into the Upper Whitewater River.

Capital Sands acquired the property in 2014 and started mining the property in 2015. The mine is currently permitted through the state under permit number: 1104A1. Capital Sands is anticipating that it will take them approximately 10 years to complete the proposed project.

Although the applicant is in the process of researching alternatives, reducing the size of the footprint and minimizing proposed impacts to the unnamed tributaries, they believe that the remaining impacts are unavoidable to meet safety and design standards. The applicant is currently pursuing onsite and offsite mitigation/restoration options for stream impacts determined to be unavoidable.

**LOCATION MAPS AND DRAWINGS:** See attached. In addition, the project plans may be viewed in color and in more detail by visiting the Public Notice section of our website at:

<http://www.mvs.usace.army.mil/Missions/Regulatory/PublicNotices/OpenNotices.aspx>

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting Jennifer L. Skiles, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8579. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to [Jennifer.L.Skiles@usace.army.mil](mailto:Jennifer.L.Skiles@usace.army.mil).

**AUTHORITY:** This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344).

**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 project plans will be submitted to the Missouri Department of Natural Resources, Water Protection Program (the Agency) in accordance with Section 401. While the Corps of Engineers may provide all relevant information to DNR and request Section 401 review on behalf of the applicant, the applicant assumes final responsibility to ensure that both agencies receive all information required to complete their independent review. If issued, Certification 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, P.O. 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 the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

**ENDANGERED SPECIES:** The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalis*) and the northern long-eared bat (*Myotis septentrionalis*) that currently a threatened species and is a proposed candidate for endangered status. A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that this activity may affect the habitat of these listed and candidate species. The Corps is coordinating with the U.S. Fish and Wildlife Service and the applicant is taking measures to minimize potential effects of the project during construction. In order to further complete our evaluation, written comments are solicited by this public notice from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

**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. The Corps will continue to coordinate with SHPO and Native American Tribes as appropriate.

**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 activity described, will be considered including the cumulative effects. Among factors considered 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. Many of the concerns listed above including Air Quality are reviewed, evaluated, and permitted by the Missouri Department of Natural Resources through the State Land Reclamation Permitting Process.

**SOLICITATION OF COMMENTS:** 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 the proposed activity. 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.

DANNY D. MCCLENDON  
Chief, Regulatory Branch

Attachments

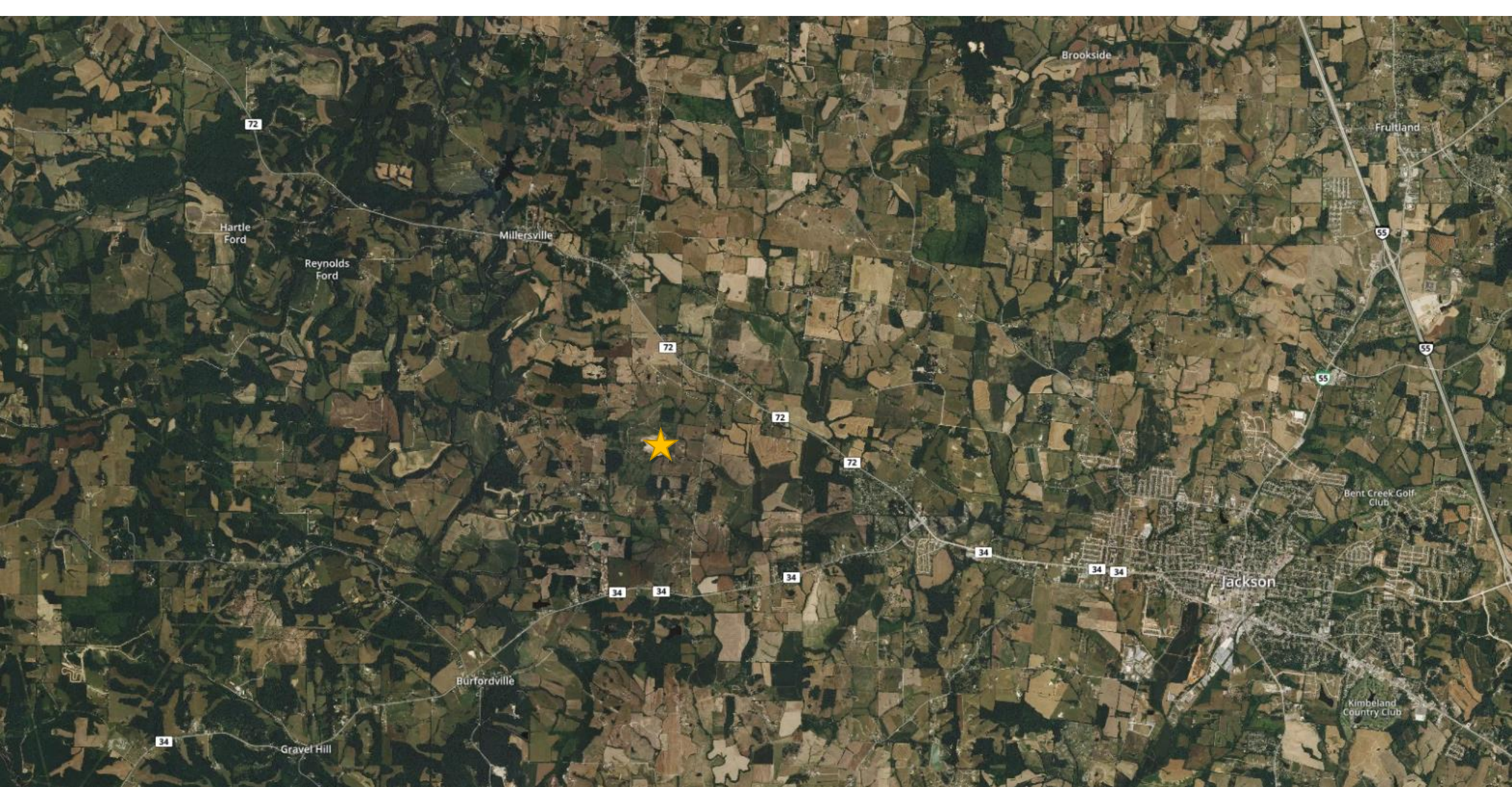
**NOTICE TO POSTMASTERS:**

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





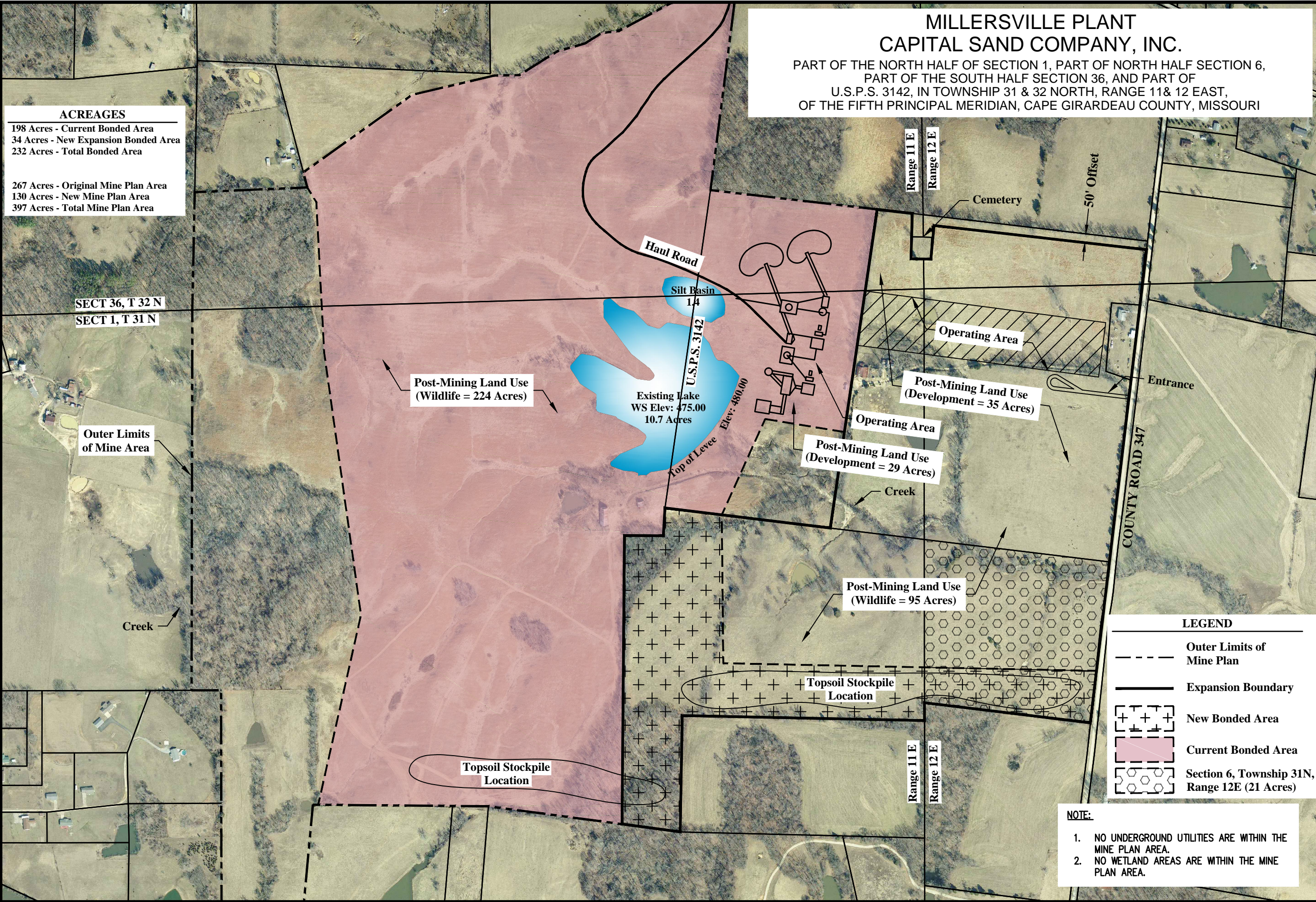












**ACREAGES**

198 Acres - Current Bonded Area  
34 Acres - New Expansion Bonded Area  
232 Acres - Total Bonded Area

267 Acres - Original Mine Plan Area  
130 Acres - New Mine Plan Area  
397 Acres - Total Mine Plan Area

SECT 36, T 32 N  
SECT 1, T 31 N

Outer Limits  
of Mine Area

Creek

Post-Mining Land Use  
(Wildlife = 224 Acres)

Silt Basin  
14  
U.S.P.S. 3142  
Existing Lake  
WS Elev: 475.00  
10.7 Acres  
Top of Levee Elev: 480.00

Haul Road

Range 11 E  
Range 12 E

Cemetery

50' Offset

Operating Area

Post-Mining Land Use  
(Development = 35 Acres)

Operating Area

Post-Mining Land Use  
(Development = 29 Acres)

Creek

Post-Mining Land Use  
(Wildlife = 95 Acres)

Topsoil Stockpile  
Location

Topsoil Stockpile  
Location

Range 11 E  
Range 12 E

COUNTY ROAD 347

Entrance

**LEGEND**

- Outer Limits of Mine Plan
- Expansion Boundary
- New Bonded Area
- Current Bonded Area
- Section 6, Township 31N, Range 12E (21 Acres)

**NOTE:**

- NO UNDERGROUND UTILITIES ARE WITHIN THE MINE PLAN AREA.
- NO WETLAND AREAS ARE WITHIN THE MINE PLAN AREA.

GRAPHIC SCALE

500 250 0 250 500

( IN FEET )

1 inch = 500 ft.

N

W E S

**KOEHLER**

**ENGINEERING**

194 COKER LANE  
CAPE GIRARDEAU, MO 63701  
(573) 335 - 3026

**MILLERSVILLE PLANT**

DATE: 12-30-2014

**POST MINE LAND USE**

PERMIT EXPANSION

EXHIBIT **1** OF **2**