

PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City District**

**Permit No. NWK-2020-00125
Issue Date: March 16, 2020
Expiration Date: April 6, 2020**

21-Day Notice

This public notice is issued jointly with the Missouri Department of Natural Resources, Water Protection Program. The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102.

APPLICANT: Skyline Materials
28765 Pumpkin Avenue
Gilliam, Missouri 65330

PROJECT LOCATION (As shown on the attached drawings): Within a 7-acre rock quarry mining pit, along the Missouri River, river mile 245.1 along the right descending bank in Section 34, Township 53 North, Range 20 West, rural Saline County, Missouri.

USGS QUAD: New Frankfort
Latitude: 39.331491 - Longitude: -93.074600

AUTHORITY: Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC 1344), and Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408).

ACTIVITY (As shown on the attached drawings): The applicant proposes to place approximately 15,000 cubic yards of fill material within waters of the United States. The applicant's stated purpose is to remove sediment from the quarry pit to allow commercial rock mining operations to resume. The fill material (sediment) was deposited along the Missouri River during the spring and summer of 2019. The area of removal, stockpiling, and proposed placement of fill back into the Missouri River are shown on the attached drawings. The applicant proposes to place approximately 500 cubic yards of fill per day from the adjacent private ramp.

WETLANDS/AQUATIC HABITAT: There are no wetlands within the project site. The Missouri River is a Traditionally Navigable Water (TNW).

SECTION 408: Section 408 authorization is required for work to alter a Corps civil works project. An alteration is defined as any action that builds upon, alters, improves, moves, occupies or otherwise affects the usefulness, or the structural or ecological integrity of a Corps federally authorized project. The proposed project may alter the Missouri River Bank Stabilization and Navigation Project. This project will be evaluated in accordance with Engineer Circular 1165-2-220. The Corps is soliciting public input as a part of the decision-making process for the Section 408 request.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: The applicant has found locations to deposit the sediment without any tree removal to avoid impacts to endangered bat species. No compensatory mitigation will be required. The applicant has stated there is not a market to sell the accumulated fill material and disposing in uplands would take up too much space that is needed for normal mining operations at this location.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Mr. James Reenan, U.S. Army Corps of Engineers, Missouri State Regulatory Office, 515 East High Street, Suite 202, Jefferson City, Missouri 65101, telephone: 816-389-3832, or via email at james.s.reenan@usace.army.mil. All comments to this public notice should be directed to the above address.

CULTURAL RESOURCES: Kansas City District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National Register of Historic Places and the Federal Register and no property listed in the Register or proposed for listing are located in the permit areas. A review of the Missouri Department of Natural Resources Archaeology Viewer did not identify prior surveys or archaeology sites. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer, Tribal Historic Preservation Officers (or Tribe designated representative) and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic properties, if warranted.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect the following species designated as threatened or endangered or adversely affect critical habitat; gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalists*), and the northern long-eared bat (*Myotis septentrionalis*). A preliminary determination of may affect, not likely to adversely affect has been made for the pallid sturgeon (*Scaphirhynchus albus*). 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.

FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

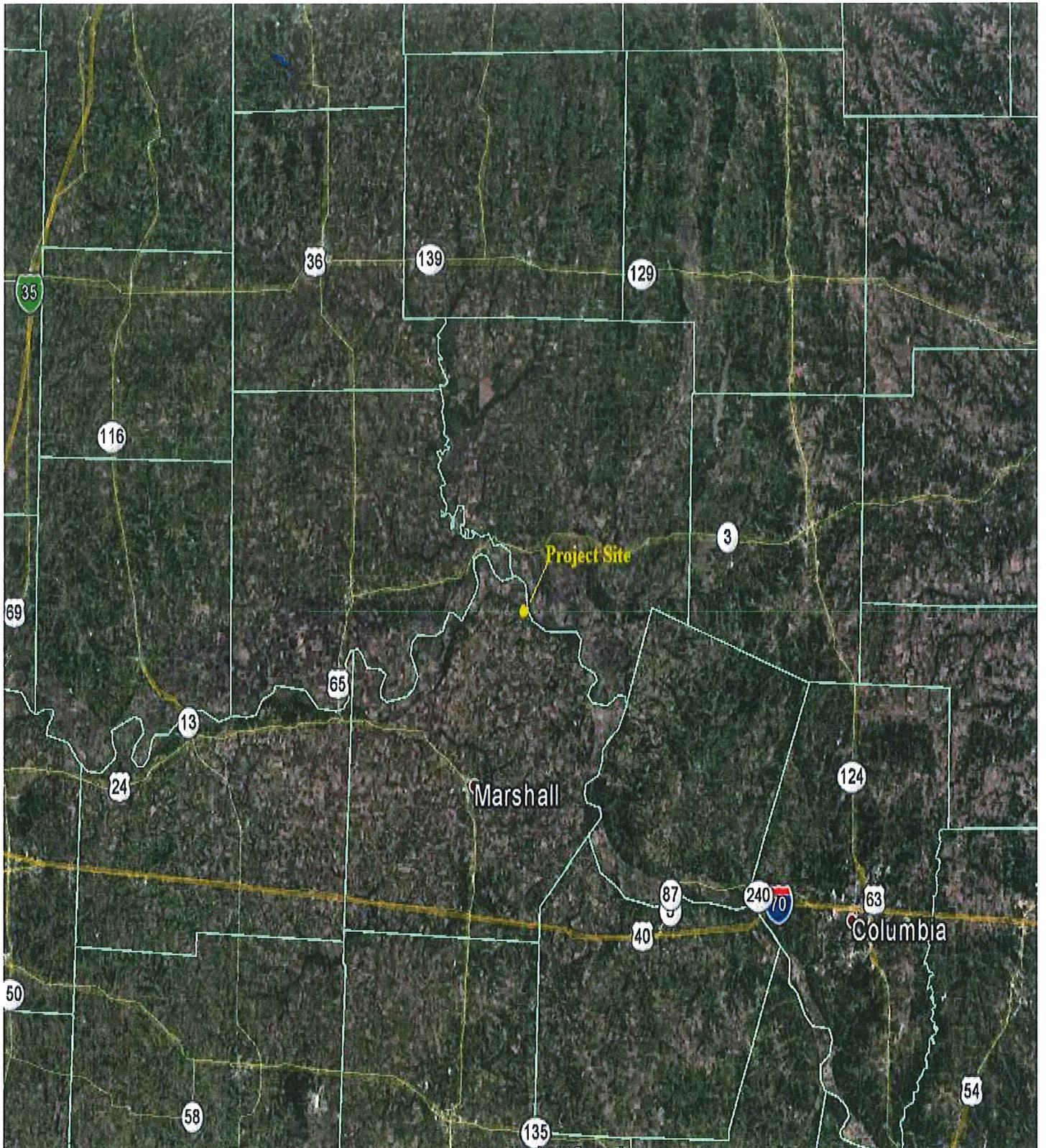
WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army

permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

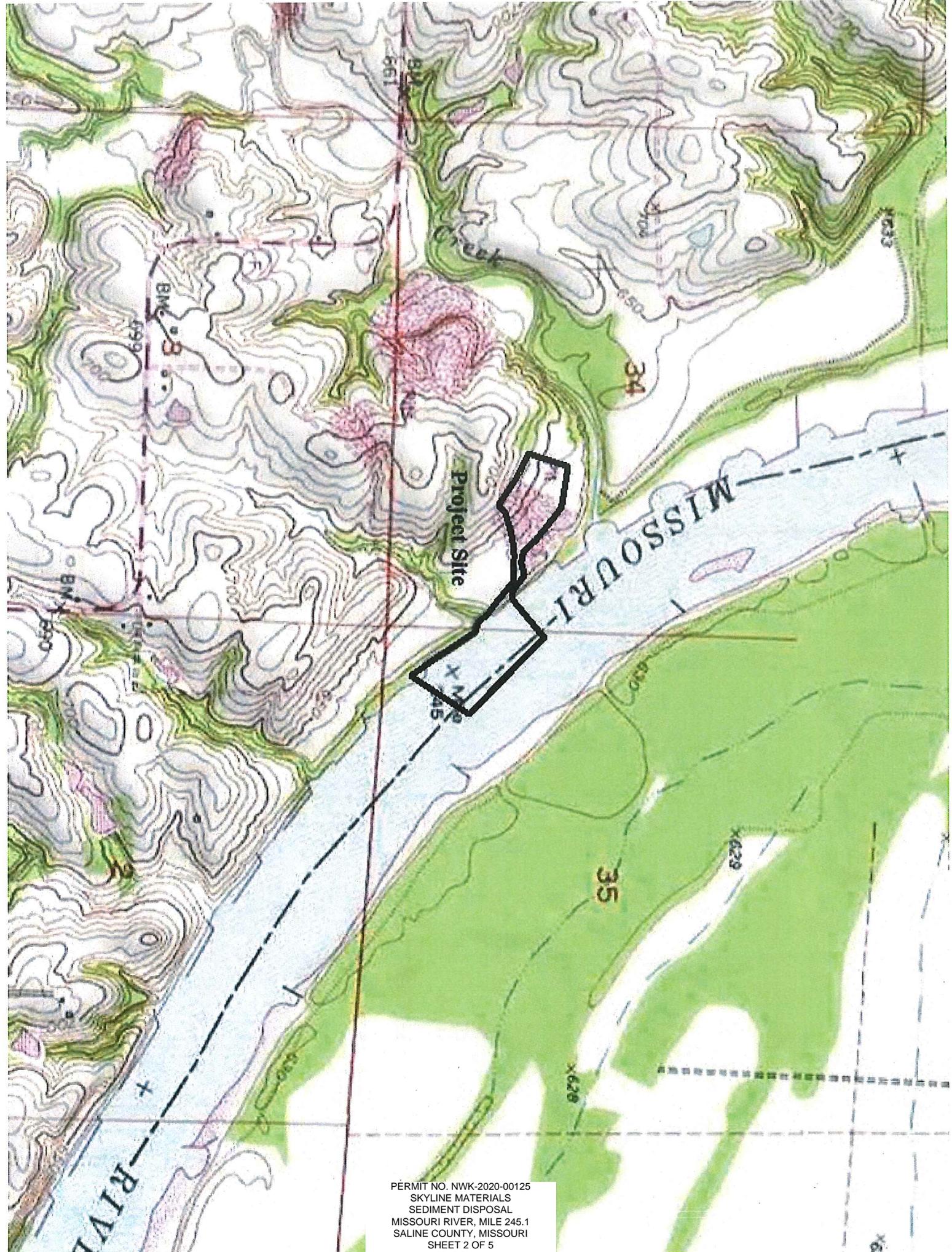
PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The 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 this proposed activity. Any comments received will be considered by the 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 the other public interest factors listed above. Comments are used in 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.

COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army permit. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to the address shown on page 2 of this public notice.

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 application. Such requests shall state, with particularity, the reasons for holding a public hearing.



PERMIT NO. NWK-2020-00125
SKYLINE MATERIALS
SEDIMENT DISPOSAL
MISSOURI RIVER, MILE 245.1
SALINE COUNTY, MISSOURI
SHEET 1 OF 5
16 MARCH 2020



PERMIT NO. NWK-2020-00125
SKYLINE MATERIALS
SEDIMENT DISPOSAL
MISSOURI RIVER, MILE 245.1
SALINE COUNTY, MISSOURI
SHEET 2 OF 5
16 MARCH 2020



**Location of existing
sediment from 2019 flood**

**Sediment disposal site -
500 cubic yards per day**



PERMIT NO. NWK-2020-00125
SKYLINE MATERIALS
SEDIMENT DISPOSAL
MISSOURI RIVER, MILE 245.1
SALINE COUNTY, MISSOURI
SHEET 3 OF 5
16 MARCH 2020



PERMIT NO. NWK-2020-00125
SKYLINE MATERIALS
SEDIMENT DISPOSAL
MISSOURI RIVER, MILE 245.1
SALINE COUNTY, MISSOURI
SHEET 4 OF 5
16 MARCH 2020



PERMIT NO. NWK-2020-00125
SKYLINE MATERIALS
SEDIMENT DISPOSAL
MISSOURI RIVER, MILE 245.1
SALINE COUNTY, MISSOURI
SHEET 5 OF 5
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