



May 1, 2020

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**866 RIVKEEP to
REPORT POLLUTION**

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Mr. Matt Shively
U.S. Army Corps of Engineers

Re: Public Comment submitted via Email: matthew.s.shively@usace.army.mil
Missouri River Commercial Dredging Permit No: Missouri River Commercial Dredgers

Dear Mr. Shively and U.S. Army Corps of Engineers (USACE):

Please accept this as the official public comment from Friends of the Kaw (FOK) regarding the Missouri River Commercial Dredging Permits. FOK is a nonprofit environmental and conservation group whose mission is to protect and preserve the Kansas River (known locally as the Kaw) for future generations.

We are requesting that the U.S. Army Corps of Engineers (USACE) act on the conclusions of the Missouri River-Bed Degradation Technical Report, dated May 17, 2017 and eliminate sand dredging on the Kansas City reach of the Missouri River.

According to data presented in the Environmental Impact Statement, the lower Missouri River has experienced significant bed degradation (i.e., lowering of the river bed) with bed loss accelerating in the reach near Kansas City. This bed degradation on the Missouri River also greatly impacts the lower reach of the Kansas River. Additionally, we know that dredging causes:

- Erosion and slumping of river banks
- Degradation of the river bed
- Alteration and widening of the river channel
- Loss of farmland in the floodplain
- Loss of trees and vegetation that provide habitat for wildlife near the river
- Degradation of habitat for native fishes
- Re-suspension of pollutant-carrying sediment
- Potential hazards for boaters due to hidden cables
- Damage to near-river infrastructure such as bridges, railroads, and flood control structures resulting in expensive taxpayer funded repairs and bank stabilization projects

The dredging on the Missouri River is causing bed degradation on the lower Kansas River. We request that the dredging permits for the Kansas City reach of the Missouri River be denied. Thank you very much for the opportunity to submit this public comment.

Sincerely,
FRIENDS OF THE KAW,

Dawn Buehler
Kansas Riverkeeper® & Executive Director





THE IZAAK WALTON LEAGUE OF AMERICA

May 1, 2020

U.S. Army Corps of Engineers
Kansas City District
Matthew Shively - Project Manager
601 East 12th Street
Kansas City, MO 64106

Missouri Department of Natural Resources
Stacia Bax and Billy Hackett
1101 Riverside Drive
Jefferson City, MO 65102

Kansas Department of Health and Environment
Bureau of Environmental Field Services - Watershed Management Section
Scott Satterthwaite
1000 SW Jackson Street, Suite 430
Topeka, KS 66612-1367

Dear Mr. Shively, Ms. Bax, Mr. Hackett and Mr. Satterthwaite,

The Izaak Walton League of America (League) thanks you for this opportunity to comment on the proposed renewal of commercial dredging permits on the lower Missouri River. The League is a conservation organization with about 40,000 members in 200 chapters across the nation. Many of our members reside and recreate within the Missouri River basin and the river plays a major role in their lives. Our members believe the Missouri is a national treasure and they strive to get the river healthy for people and for self-sustaining population of fish and wildlife.

Six companies seek renewal of existing sand and gravel dredging permits in five segments of the Missouri River between St. Louis and Rulo. Re-authorization of the existing permits, that are set to expire December 31, 2020, would be for five years. Renewal of the permits require a Section 401 Water Quality Certification from the Missouri Department of Natural Resources and/or the Kansas Department of Health & Environment.

The Corps is required to select the least environmental damaging practicable alternative and comply with the public interest. The permits also must comply with the Clean Water Act, the Endangered Species Act, and the National Historic Preservation Act. That act includes 91 shipwreck sites and the historic Lewis and Clark sites. The League strongly urges continued consultation with tribal governments on their historic and cultural sites along the lower river.

The League understands that the comments received in this process will be used in the preparation of either an Environmental Assessment or an Environmental Impact Statement as

outlined under the National Environmental Policy Act. All the comments must receive full consideration in the determination of whether issuing the Department of the Army permits is in the public's interest. That decision is expected by end of this year.

Today's river is much different than the historic Missouri River. Man-made changes including the Bank Stabilization and Navigation Project and commercial sand dredging have greatly lowered the riverbed in many areas, especially in the Kansas City reach. Bed degradation is damaging and destabilizing existing public and private infrastructure. This includes bridges, utility crossings, fish and wildlife habitat and recreational access. Bed degradation has similarly impacted domestic water intakes and ground water elevations impacting wells and wetlands.

The League continues to be very concerned about how bed degradation is impacting the Missouri River's tributaries. Tributary beds are dropping as they seek the same elevation as the Missouri River's decreasing bed. We ask for additional research on this issue and how it impacts the health of the Missouri, its tributaries, and the river's authorized purposes.

Prior to renewing these permits, the League urges serious attention be paid by all parties to the impacts of commercial sand dredging before deciding if this activity should continue in its present capacity or be limited or restricted. We request an estimate of the costs needed to maintain infrastructure in areas with severe bed degradation and how those costs could increase if bed degradation is not quickly reversed.

The League is concerned with how commercial dredging could impact habitat restoration projects as authorized in the Missouri River Recovery Program (MRRP). These critically important recovery projects are designed to restore, preserve, and enhance habitat for six listed endangered and threatened animal and plant species with benefits to other native species. The public notice for the renewal stated the proposed action is not likely to adversely affect federally listed species. But the notice also stated the proposed alterations must not be injurious to public or existing projects which includes the MRRP.

The League asks for research on the impacts of commercial sand dredging on the habitat restoration efforts of the MRRP. Questions concerning sand dredging sites impacting possible construction of Interception Rearing Complexes (IRCs) that are designed to help the endangered pallid sturgeon and other native fish species in the lower river must be answered.

We ask for research to be done that thoroughly examines if bed degradation is contributing to the loss of shallow water habitat. The continued loss of this critical habitat could hamper the recovery of the pallid as well as 51 of 67 native fish species currently listed as rare or declining in the lower river. We also request research on possible impacts of sand dredging on native mussel populations in the lower river.

The League supports a review of impacts of commercial dredging on the river's floodplain as outlined in Executive Order 11988. We support increased floodplain connectivity along the lower river as we believe it will improve water quality, reduce flood risk and increase recreational opportunities in the area.

The League understands the fee for a commercial dredging permit is \$100 for the 5 year period. How is this fee determined and when was the last time this fee structure was reviewed? Does

the current fee even cover the administrative processing time? Currently the state of Kansas charges a royalty for mined sand and gravel from the river but the state of Missouri does not. We request a study be done to determine if a royalty should be accessed on all mined materials and if the funds generated from that royalty could be used to help offset the ongoing damages to both public and private river-related infrastructure.

The League appreciates the opportunity to comment on the proposed permit renewal. The Izaak Walton League of America believes a healthy Missouri River will provide benefits to everyone in the basin and would be an economic engine that creates additional jobs, tax revenue for local and state governments and additional recreational opportunities for families along the river.

Thank you for your time and consideration. Stay well.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Lepisto". The signature is written in a cursive style with a large initial "P".

Paul Lepisto
Regional Conservation Coordinator – Missouri River Initiative
Izaak Walton League of America
1115 South Cleveland Avenue
Pierre, SD 57501
605-224-1770 605-220-1219
plepisto@iwla.org



SIERRA CLUB

NEBRASKA CHAPTER

May 1, 2020

Matt Shively, Regulatory Project Manager
matthew.s.shively@usace.army.mil
U.S. Army Corps of Engineers
Kansas City Regulatory Office
601 East 12th Street
Kansas City, MO 64106

RE: Public comment on proposed reissuance of commercial dredging permits on the lower Missouri River

On behalf of the Missouri River Team of the Sierra Club, I am writing in response to the Public Notice dated March 18, 2020, concerning the renewal of permits for Missouri River Commercial Dredgers. The Sierra Club supports denial of the reissuance of all commercial dredging permits on the Lower Missouri River until updates on the impacts to wildlife and aquatic habitats and the human environment can be provided. Moreover, bed degradation analysis from 2019 dredging activities has yet to be completed by the USACE. Until all of the relevant analyses have been completed, we believe the dredge permitting process should be suspended.

The Missouri River is one of the most highly modified river systems in the U.S. and, consequently, has suffered tremendous ecological damage. Given the loss of floodplain connectivity, rearrangement of the river's natural hydrologic regime, and loss of riverine habitat diversity, any permitted activity such as dredging needs to be thoroughly analyzed for potential impacts to listed species. Sufficient evidence was presented in the 2011 Missouri River Commercial Dredging Final EIS that commercial sand and gravel mining cumulatively affected geomorphology, water quality, aquatic resources, threatened and endangered species, economics, cultural resources and infrastructure.

Additionally, the 2017 Missouri Riverbed Feasibility Study found that the commercial dredging of sand and gravel was the main cause of the degradation of the riverbed in the Kansas City reach of the river resulting in hundreds of millions of dollars of damage to taxpayer-financed infrastructure along the river. The conclusion of the 2017 Technical Report was that "*The alternatives that would result in the greatest positive National Economic Development benefits are the reduction or elimination of commercial sand and gravel mining in the study reaches of the Missouri River.*"

Climate change has contributed greatly to the uncertainty of flood risks on the Missouri River during the last decade. Following the experience of the 2019 floods, there is new information that needs to be taken into account. Given the conclusion of the two reports mentioned above, as well as the induced effects of climate change and the scant progress made to improve ecological conditions of the Pallid Sturgeon, the Sierra Club strongly believes a new, updated EIS should be completed in order to assess the adverse and significant impacts of commercial sand dredging on wildlife, aquatic habitats and the human environment.

Furthermore, local taxpayers should not be paying for the costs of damage to habitat or

infrastructure. Commercial sand dredging companies should be required to pay for the resources extracted from the river, damages to infrastructure, and degradation of habitat. Including these costs in a formal cost/benefit assessment as part of the EIS alternative analysis would help determine if permitted dredging is acceptable given the pressures placed on the Nation's longest river.

Sincerely,

A handwritten signature in black ink, reading "George R. Cunningham". The signature is written in a cursive style with a large initial "G" and "C".

George R. Cunningham
Missouri River Team – Sierra Club

From: [Ellen Miller](#)
To: [Shively, Matthew S CIV USARMY CENWK \(USA\)](#)
Cc: [Ellen Miller](#); [Kay Heley](#); [Elaine Giesel](#)
Subject: [Non-DoD Source] 5/1/20 Missouri River Public Comment
Date: Friday, May 1, 2020 9:58:59 AM

TO: Matt Shively, Regulatory Project Manager, US Army Corps of Engineer VIA email to matthew.s.shively@usace.army.mil <<mailto:matthew.s.shively@usace.army.mil>>

RE: Public Comment on Renewal of Missouri River Commercial Dredgers Permit

Dear Mr. Shively:

Since the 1960s, the League of Women Voters' environmental goals "aim to prevent ecological degradation and to reduce and control pollutants before they go down the sewer, up the chimney or into the landfill. We support vigorous enforcement mechanisms, including sanctions for states and localities that do not comply with federal standards as well as substantial fines for noncompliance."

USACE's 2009 Reconnaissance study and its 2017 Missouri Riverbed Feasibility Study found that commercial sand and gravel dredging were the main cause of damage to that riverbed in the Kansas City area. Our local utility, WaterOne of Johnson County, Kansas, has intakes on the Missouri River. Per state and federal law, WaterOne must treat and solve all water quality issues caused at intake, costing dollars and time.

Under their current 2015-20 permit, dredging companies pay only \$20/year (yes twenty), an incredibly tiny amount, in addition to royalties to the state of Kansas. They are getting a marketable product almost free of charge.

In the meantime, their actions damage the river. The 2011 Final EIS (USACE, 2011a, p. 11) determined that "commercial sand and gravel mining cumulatively affected geomorphology, water quality, aquatic resources, threatened and endangered species, economic, cultural resources and infrastructure." Per the 2017 study, it costs an estimated \$5.3 million/year for repairs to, and investments in, tax-payer infrastructure along the river.

The commercial sand and gravel companies dredging the Missouri River have applied for permits covering 2020-2025. Certainly the public good must be balanced with commercial needs. But it's time for those commercial companies to pay their fair share to repair damage to, and prevent further degradation of, the Missouri River bed. Please deny the commercial dredging permit renewal for Holliday Sand & Gravel Company in the Kansas City reach of the River.

Thank you for your attention to this important matter.

Ellen G. Miller, Co-President

League of Women Voters of Johnson County, Ks, Inc.

9007 Cottonwood St.

Lenexa, KS 66215

P.S. I tried to log into the 4/21 USACE Webinar/Public Hearing ,but was unable to do so from my Mac Pro laptop.



Environment Missouri opposes any further commercial dredging along the Missouri River. We do support Alternative 1C of eliminating sand and gravel mining per the U.S. Army Corps of Engineers, Kansas City District report *Missouri River Bed Degradation Feasibility Study*. The Missouri river is currently in a degraded condition and one of the key reasons is due to the large amount of commercial river dredging over the past 5 years. In order to lessen the impacts and response by the river of major flooding events, habitat destruction for the fauna along the river, and a return to a more sustainable and natural river geomorphology we must insist that the city eliminate any commercial sand and gravel mining. With an elimination of river dredging we could change the nickname of the “Big Muddy” to a river habitable for all flora, fauna, and citizens along the Missouri River.

The river is essential for Kansas Citians outdoor recreation, it is the main drinking water source for the city, and provides crucial habitat for several species of animals. With further dredging and channelization of the Missouri River the city could see harsher flooding events alongside issues arising from contamination of their main drinking source. A full elimination can protect the river at the lowest cost to infrastructure to help maintain the river’s natural ecosystem.

Bed degradation leads to loss of wetlands along the river that provides necessary vegetation to help recover from major flooding events while providing essential habitat for many of our fauna along the river. This includes migratory birds, over 90 different species of fish, amphibians, and species protected by the Endangered Species Act.

There are several reasons for bed degradation, wetland loss, and reduced water quality along the Missouri River. However, data shows that river dredging for sand and gravel mining is exacerbating this problem and it should be done in a more sustainable version, if needing to be done at all. Sand and gravel mining is one aspect that we have the power to control right now, and is happening at an unnecessary rate with alarming consequences. Among the report findings of the risk and uncertainty analysis was that “the degradation in Kansas City would not have occurred if commercial sand and gravel mining was absent from the channel. This was determined by running the calibrated model from 1994 to 2014 with and without the commercial sand and gravel mining. In the absence of commercial sand and gravel mining, the Missouri River in the Kansas City area would have been in a recovery phase following the 1993 Missouri River Flood.”

Due to the devastating effects of commercial sand and gravel mining along the Missouri River Environment Missouri opposes any further dredging along the river.