

# PUBLIC NOTICE



US Army Corps  
of Engineers  
Kansas City District

Kansas River Commercial Dredging  
Issue Date: October 23, 2017

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NOTICE OF AVAILABILITY UPDATE  
OF  
FINAL ENVIRONMENTAL IMPACT STATEMENT  
FOR  
THE PROPOSED KANSAS RIVER COMMERCIAL DREDGING PERMITS

**AUTHORITY:** Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE:** The U.S. Army Corps of Engineers (Corps) has prepared a Final Environmental Impact Statement (FEIS) for this project that discloses environmental impacts associated with the proposed renewal and issuance of the Kansas River dredging permits. Detailed information on the proposed work and all relevant environmental consequences can be found in the FEIS that can be viewed or downloaded at:

<http://www.nwk.usace.army.mil/Missions/Regulatory-Branch/Kansas-River-Commercial-Dredging/>

In compliance with Section 102(2)(C) of the National Environmental Policy Act of 1969 and in accordance with 40 CFR 1506.9, copies of the FEIS will be provided to the U.S. Environmental Protection Agency, Region 7; U.S. Fish and Wildlife Service, Manhattan (KS) Ecological Services Field Office; U.S. Department of Interior, Osage Tribe, Office of Environmental Policy and Compliance, Anschutz Library, University of Kansas and Miller Nichols Library, University of Missouri, Kansas City. **The Notice of Availability was published by the U.S. Environmental Protection Agency in the Federal Register on October 20, 2017.**

**PROPOSED ACTIVITY:** The applicants shown in the table on the following page have requested issuance of Department of the Army (DA) authorizations to dredge sand and gravel for commercial purposes from the Kansas River in the State of Kansas. If issued, the permits would authorize dredging of aggregate materials for a period of 5 years from the date of permit execution before a new analysis and environmental review of the work is performed.

**WETLANDS:** No jurisdictional wetlands would be directly impacted by the proposed work. Indirect and cumulative impacts of the proposed work and alternative actions upon wetlands are discussed in Chapters 3, 4 and 5 of the FEIS.

Summary of Permit Requests		
Company	Requested Dredging Areas (River Miles)	Requested Quantity (Tons)
Kaw Valley Companies, Inc.	9.4 – 10.4	400,000
	12.8 – 13.9	
	15.4 – 16.9	
Holliday Sand & Gravel Company	18.65 – 20.15	300,000
	20.55 – 21.5	300,000
Master's Dredging	26.1 – 27.6	300,000
No dredging requested in Reach 3	None	None
Builders Choice Aggregates	77.1 – 78.6	300,000
LBB, LLC	89.7 – 91.0	300,000
	Total Quantity	1,900,000

**CULTURAL RESOURCES:** Kansas City District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. The potential direct, indirect, and cumulative impacts of the proposed and alternative actions on cultural resources are discussed in Chapters 3, 4 and 5 of the FEIS.

**ENDANGERED SPECIES:** Federally listed species and/or potential habitat for the following species have been identified as occurring within the Kansas River or project area and considered in the FEIS for the proposed work: The piping plover (*Charadrius melodus*), endangered least tern (*Sterna antillarum*), endangered pallid sturgeon (*Scaphirhynchus albus*), and the threatened Northern long-eared bat (*Myotis septentrionalis*). The potential direct and indirect impacts of the proposed and alternative actions on federally listed species are discussed in Section 3.11 of the FEIS. We will further consider endangered species during consultation for the proposed work with the U.S. Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act.

**FLOODPLAINS:** This activity was reviewed in accordance with Executive Order 11988, Floodplain Management.

**WATER QUALITY CERTIFICATION:** The work is being evaluated only under the authority of Section 10 of the Rivers and Harbors Act. No permit under Section 404 of the Clean Water Act is required from the Corps of Engineers for the proposed work. The work as proposed is not being regulated under Section 401 of the Clean Water Act by the State of Kansas or the Environmental Protection Agency.

**PUBLIC INTEREST REVIEW:** The FEIS identifies the existing conditions and potential consequences, including the cumulative effects, of the Proposed Action and alternative actions for all factors which may be relevant to the proposal. Those factors include 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 Proposed Action in the FEIS is that action proposed by the applicants and does not reflect any Corps intent with regard to the proposed permits. The decision to issue a permit will be based on an evaluation of the impacts, including 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.

**PUBLIC MEETINGS:** The Corps held public meetings regarding the proposed commercial dredging during the 60-day scoping period for the project on August 3, 2015 and during the 52-day Draft EIS period on November 17, 2016. The meetings were held at the Lawrence Public Library located at 707 Vermont Street in Lawrence, Kansas. Both meetings and the open public notice periods associated with these two actions previously provided an opportunity for the public to provide comments to the Corps for consideration of the proposed work. Several respondents requested a public hearing regarding the proposed work during the Draft EIS comment period. Those requests were considered and it was determined that an additional public hearing would not likely result in the receipt of additional information that is not otherwise available to the Corps for consideration. Therefore, those requesters were notified in writing on May 5, 2017 that no additional public hearing or meeting would be held regarding the proposed work.

**COMMENTS:** The Corps of Engineers received 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 and prepare the Final EIS. The Kansas City District has considered all pertinent comments.

**ADDITIONAL INFORMATION:** Additional information about the proposed work or FEIS may be obtained by contacting Mr. Brian Donahue, Regulatory Project Manager at the U.S. Army Corps of Engineers, Kansas City Regulatory Office, 601 East 12<sup>th</sup> Street, Room 402, Kansas City, Missouri 64106-2896, at telephone 816-389-3703 (FAX 816-389-2032), or via email at [brian.t.donahue@usace.army.mil](mailto:brian.t.donahue@usace.army.mil).