

PUBLIC NOTICE



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

**Permit No.: Kansas River Commercial Dredging
Issue Date: October 21, 2016
Expiration Date: December 12, 2016**

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 Draft Environmental Impact Statement (Draft EIS) for this project that discloses environmental impacts associated with the proposed renewal and issuance of dredging permits. Detailed information on the proposed renewal and issuance of dredging permits and all relevant environmental consequences can be found in the Draft EIS. The Draft EIS 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 Draft EIS 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. A Notice of Availability will be published by the U.S. Environmental Protection Agency in the Federal Register on October 28, 2016 announcing a 45-day public comment period ending on December 12, 2016.

PROPOSED ACTIVITY: The applicants shown in the table on the following page have requested renewal of their Department of the Army (DA) authorizations to dredge sand and gravel for commercial purposes from the Kansas River in the State of Kansas. Master's Dredging Company, Inc. and LBB, LLC Company have proposed new operations/sites and will require a new Department of the Army permit. 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. This notice is being provided to identify the proposed work and environmental consequences so that the Corps may consider all pertinent comments prior to determining if issuance of these permits would be in the public interest.

WETLANDS: No jurisdictional wetlands would be directly impacted by the proposed work. Indirect and cumulative impacts of the proposed and alternative actions on wetlands are discussed in Sections 3.8 and 4.3 of the Draft EIS. Potential actions to mitigate impacts on

wetlands are discussed in Chapter 5 of the Draft EIS. We will evaluate comments received in response to this public notice as we complete the Final EIS.

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 – 21.15	300,000
Master's Dredging	26.1 – 27.1	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 Sections 3.12 and 4.3 of the Draft EIS. Potential actions to mitigate impacts on cultural resources are discussed in Section 5.2 of the Draft EIS. We will evaluate input by the State Historic Preservation Office in Kansas, 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 portions of the permit area to check for unknown historic properties, if warranted.

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 considered for the proposed work: The endangered American burying beetle (*Nicrophorus americanus*), threatened piping plover (*Charadrius melodus*), endangered least tern (*Sterna antillarum*), endangered pallid sturgeon (*Scaphirhynchus albus*), threatened shovelnose sturgeon (*Scaphirhynchus platyrhynchus*), endangered Topeka shiner (*Notropis topeka*), threatened Northern long-eared bat (*Myotis septentrionalis*), threatened Meads milkweed (*Asclepias meadii*), threatened western prairie fringed orchid (*Platanthera praeclara*),

endangered whooping crane (*Grus Americana*) and candidate species Sprague's pipit (*Anthus spragueii*). The potential direct, indirect, and cumulative impacts of the proposed and alternative actions on federally listed species are discussed in Sections 3.11 and 4.3 of the Draft EIS. Potential actions to mitigate impacts, including endangered species are discussed in Section 5.2 of the Draft EIS. We will evaluate comments received in response to this public notice, during completion of a Biological Assessment, if required, during consultation with the U.S. Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act.

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: The proposed work is being evaluated under the authority of Section 10 of the Rivers and Harbors Act. The work as proposed does not require a 401 water quality certification from the State of Kansas.

PUBLIC INTEREST REVIEW: The Draft EIS 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 Draft EIS 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 probable impacts 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.

PUBLIC MEETING: The Corps is holding a public meeting regarding the Draft EIS for the proposed commercial dredging on November 17, 2016 from 4:00 p.m. to 7:00 p.m. at the Lawrence Public Library located at 707 Vermont Street in Lawrence, Kansas. The purpose of the meeting is to summarize the findings of the Draft EIS, provide opportunity for the public to ask questions, get clarification, and provide comments regarding the Draft EIS and the issues and alternatives to be evaluated in the public interest review. There will be an opportunity for the public to provide comments at this meeting orally or in writing. Written comments will be also be accepted by mail or email until the end of the comment period.

COMMENTS: 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 and prepare the Final EIS. The Kansas City District will consider all pertinent comments prior to determining if issuance of

permits would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the Draft EIS or the Proposed Action 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 permits. Copies of all comments, including names and addresses of commenters, may be provided to the applicants. All comments to this public notice should be directed to the mailing address or email address below.

ADDITIONAL INFORMATION: Additional information about the proposed work or Draft EIS 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 12th 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