PUBLIC NOTICE

Permit Numbers: See Attached Drawings
Issue Date: November 9, 2011
Expiration Date: December 9, 2011

US Army Corps
of Engineers
Kansas City District

30-Day Notice

APPLICANTS: Kaw Valley Companies, Inc. (2011-1460), Holliday Sand & Gravel Company (2011-1462), Master's Dredging (2011-1465), Penny's Aggregates, Inc. (2011-1466), Meier's Ready Mix /Victory Sand Mining & Dredging, LLC (2011-1463).

PROPOSED PROJECT LOCATION (As shown on the attached drawings):
Kaw Valley Companies, Inc: Kansas River Mile 9.4 to 16.9
Holliday Sand & Gravel Company: Kansas River Mile 18.65 to 20.15 and 20.55 to 21.15
Master's Dredging: Kansas River Mile 26.1 to 27.6; 28.3 to 29.8; 42.6 to 44.1; and 47.1 to 48.0
Penny's Aggregates, Inc.: Kansas River Mile 45.2 to 46.7 and 49.6 to 51.35
Meier's Ready Mix / Victory Sand, LLC: Kansas River Mile 77.1 to 78.6 and 90.1 to 91.6

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

EXISTING DREDGING ACTIVITIES: Five companies are currently authorized to dredge sand and gravel for commercial sale from 10 locations (cumulative total for all companies) on the Kansas River. All existing commercial dredging permits will expire on December 31, 2012. Table 1 summarizes the current permitted dredging reaches in the Kansas River.

Table 1. Current Authorized Commercial Dredging Activities on the Kansas River

River Miles	Cumulative Allowable Extraction	Company
9.4 – 10.4	400,000 Ton	Kaw Valley
12.8 – 13.9		
15.4 – 16.9		
18.65 – 20.15	300,000 Ton	Holliday Sand & Gravel
21.0 – 21.15	300,000 Ton	
42.6 – 44.1	750,000 Ton	Master's Dredging
47.1 – 48.0		
45.2 – 46.7		Penny's Aggregate
49.6 – 51.35	150,000 Ton	
77.1 – 78.6	300,000 Ton	Victory Sand

Note: Maximum annual extraction by a single dredge is 300,000 ton.

NATIONAL ENVIRONMENTAL POLICY ACT: In January 1990, the Kansas City District completed the "Final Regulatory Report and Environmental Impact Statement – Commercial Dredging Activities on the Kansas River, Kansas." The document was prepared to address dredging-related impacts to the Kansas River and adjacent lands. The selected alternative for the Environmental Impact Statement (EIS) is a "Regulatory Plan" which consists of restrictions and a monitoring program to limit dredging-related impacts. The Regulatory Plan was implemented in 1991. The EIS and Regulatory Plan can be downloaded at:

http://www.nwk.usace.army.mil/regulatory/Dredging/KS/FinalEIS_Jan1990.pdf

We are soliciting comments to assess the potential for new circumstances or information relevant to the environmental concerns and effectiveness of the Final EIS and Regulatory Plan in the administration of permit applications for commercial dredging activities on the Kansas River. This is part of the continual review process for this five year permit cycle to ensure the effectiveness of the Regulatory Plan after its initial approval in 1990.

PROPOSED DREDGING ACTIVITIES (As shown on the attached drawings)**:** Commercial sand and gravel dredging operations on the Kansas River utilize hydraulic cutter-suction dredges mounted on barges to convey a sand and gravel slurry to shore based facilities for processing. Excess water is drained from the sand and gravel, processed, and transported to settling ponds before being routed back to the Kansas River. The following dredging activities have been proposed:

River Miles 0 – 21.2

2011-1460; Kaw Valley Companies is requesting to combine their existing permitted reaches into one reach commencing at river mile 9.4 and terminating at river mile 16.9. This request will require modification to the Regulatory Plan, which restricts the maximum length of any reach authorized for dredging under the terms of a single permit at 1.5 miles. Additionally, Kaw Valley is requesting an increase in maximum allowable extraction within this new reach to 500,000 tons.

2011-1462; Holliday Sand & Gravel is requesting reauthorization in the general location of the same dredging reaches as currently permitted. This request is to authorize commercial dredging operations from river miles 18.65 to 20.15 and river miles 20.55 to 21.15. Holliday Sand & Gravel is proposing a 0.45 mile extension of their existing dredging reach located at river miles 21.0 to 21.15. The requested permit area is 20.55 to 21.15. This request falls within the restrictions of the Regulatory Plan for the minimum distance between adjacent permitted reaches.

River Miles 21.2 – 48.0 and 48.0 – 51.8

2011-1465; Master's Dredging is requesting that the currently closed reach from river miles 26.1 to 27.6 be reopened to dredging. Master's Dredging is also requesting that the currently closed reach at river miles 35.4 to 36.4 be permanently closed and moved to river miles 28.3 to 29.8. Due to unacceptable degradation during analysis of previous channel cross-section surveys (exceeding 2 feet of degradation in a 5-mile-long reach of river), these reaches were closed to commercial dredging. Additionally, Master's Dredging is requesting reauthorization of the same dredging reaches as currently permitted. This request is to reauthorize commercial dredging operations from river miles 42.6 to 44.1 and river miles 47.1 to 48.0.

2011-1466; Penny's Aggregates is requesting reauthorization of the same dredging reaches as currently permitted. This request is to reauthorize commercial dredging operations from river miles 45.2 to 46.7 and river miles 49.6 to 51.35.

River Miles 51.8 – 170.4

2011-1463; Meier's Ready Mix / Victory Sand is requesting reauthorization of the same dredging reach as currently permitted. This request is to reauthorize commercial dredging operations from river miles 77.1 to 78.6. Additionally, Meier's Ready Mix / Victory Sand is requesting that the currently closed reach from river miles 90.1 to 91.6 be reopened to commercial dredging. Due to unacceptable degradation during analysis of previous channel cross-section surveys (exceeding 2 feet of degradation in a 5-mile-long reach of river), this reach was closed to commercial dredging.

Table 2. Summary of Requested Commercial Dredging Activities on the Kansas River.

River Miles	Cumulative Allowable Extraction	Company
9.4 – 16.9	500,000 Ton	Kaw Valley
18.65 – 20.15	300,000 Ton	Holliday Sand & Gravel
20.55 – 21.15	300,000 Ton	
26.1 – 27.6	300,000 Ton	Master's Dredging
28.3 – 29.8	300,000 Ton	
42.6 – 44.1	750,000 Ton	
47.1 – 48.0		
45.2 – 46.7		Penny's Aggregate
49.6 – 51.35	150,000 Ton	
77.1 – 78.6	300,000 Ton	Meier's Ready Mix / Victory Sand
90.1 –91.6	300,000 Ton	

Note: Maximum annual extraction by a single dredge is 300,000 ton.

Cross-section survey data collected during the 2011 interval will be used to ensure the acceptable level of impacts are not being exceeded in any of the reaches that are requested to be reopened or reauthorized for commercial dredging during this permit renewal cycle.

WETLANDS: No wetlands have been identified.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Regulatory Project Manager, Kale Horton, U.S. Army Corps of Engineers, Kansas City Regulatory Office, 635 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106-2896 at telephone 816-389-3656 or via email at kale.e.horton@usace.army.mil. All comments to this public notice should be directed to the above address.

STATE AUTHORIZATION: The applicant has applied for a permit from the Kansas Department of Agriculture pursuant to Kansas Statutes Annotated 82a-301 to 305.

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 is located in the permit area. 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 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 species designated as threatened or endangered or adversely affect critical habitat. 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.

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

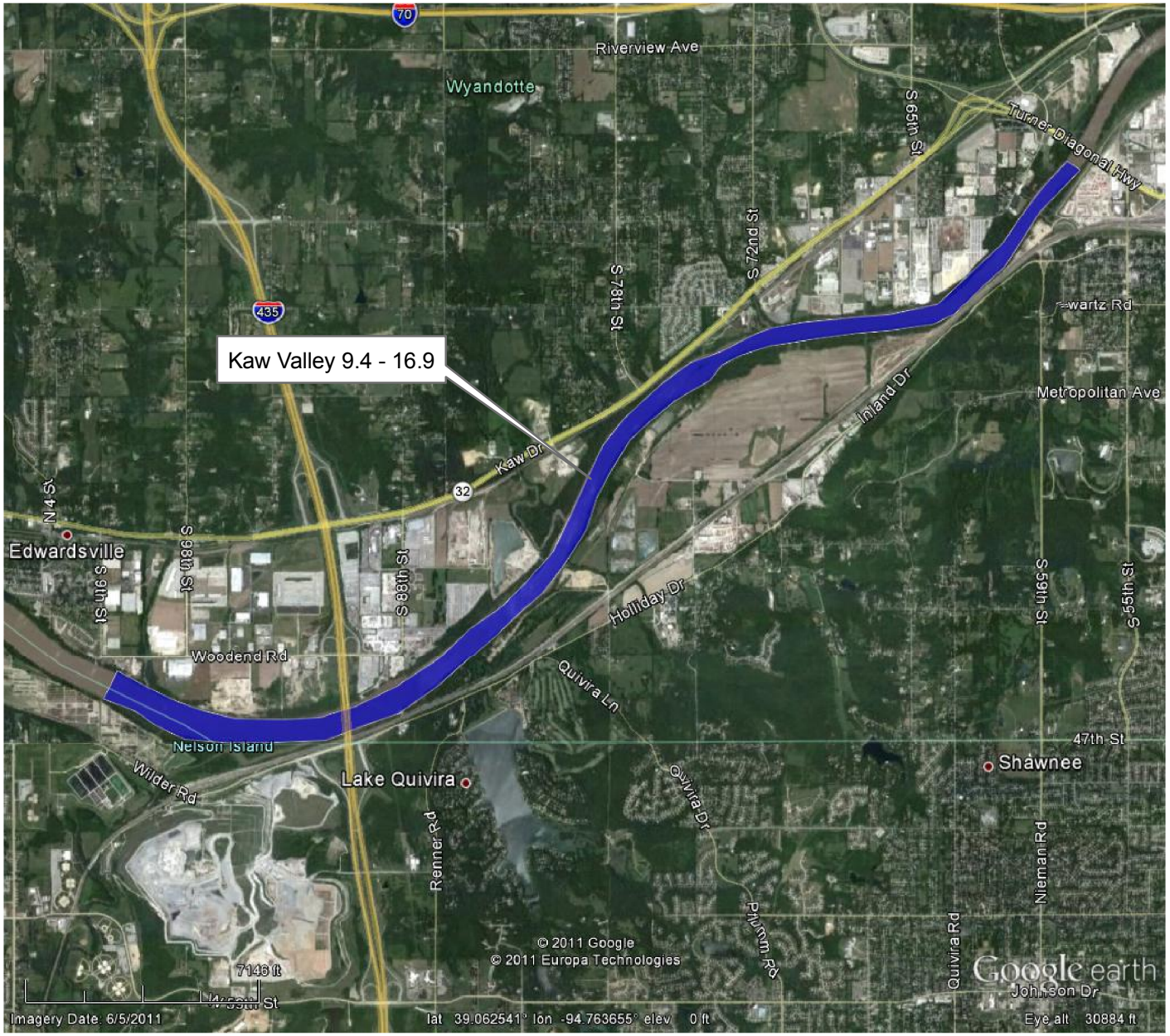
consideration in determining whether it would be in the public interest to issue the Department of the Army permit. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to the address shown on page 3 of this public notice.

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.

NOTE: This public notice is posted on the Kansas City District Regulatory web page and can be viewed at the following address:

http://www.nwk.usace.army.mil/regulatory/CurrentPN/currentnotices.htm

Kansas River Proposed Dredging Reach RM 9.4 - 16.9



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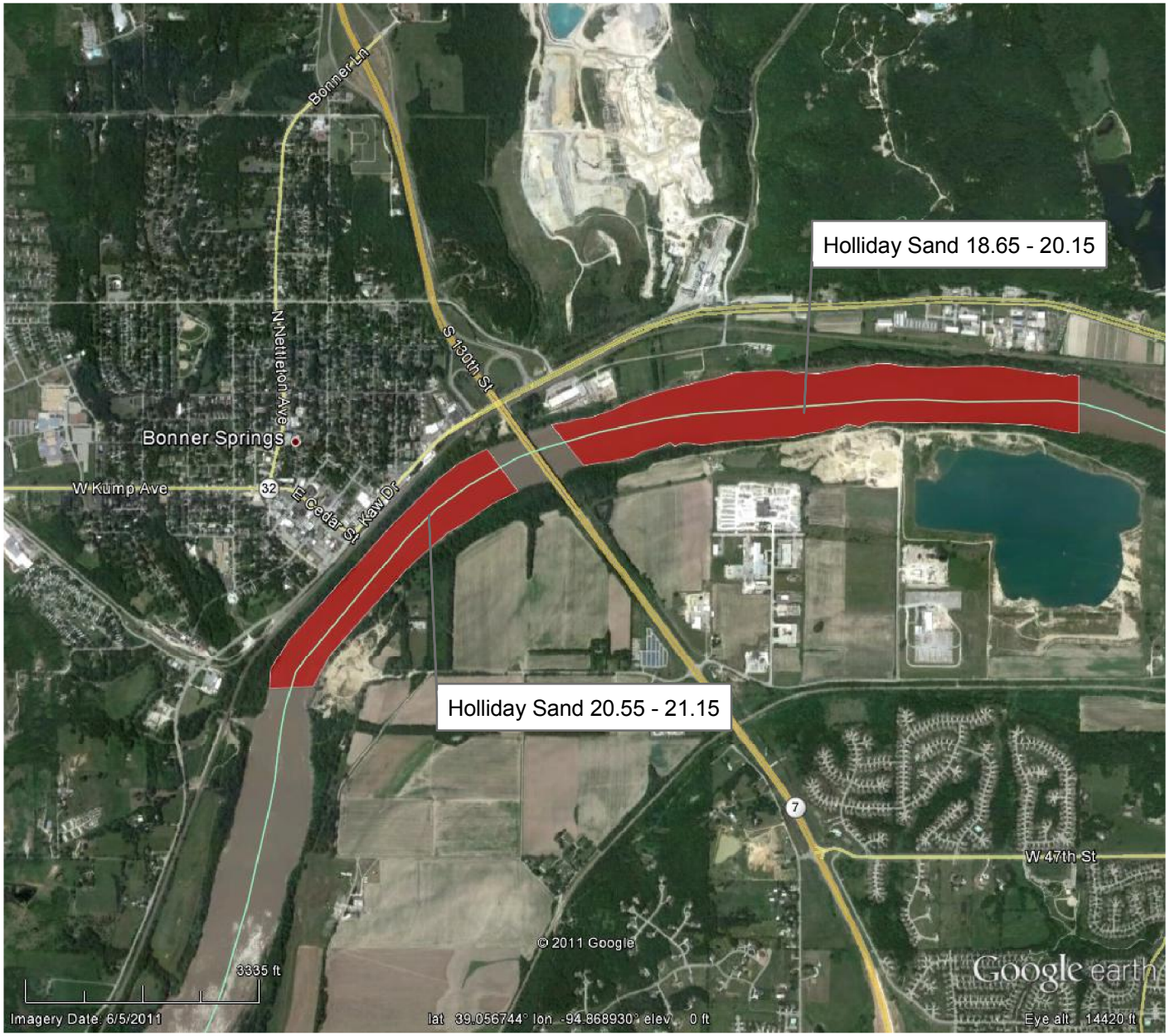
APPLICATION NO. 2011-1460
KAW VALLEY COMPANIES, INC.
COMMERCIAL DREDGING
KANSAS RIVER
WYANDOTTE, JOHNSON, DOUGLAS AND SHAWNEE COUNTIES, KANSAS
SHEET 1 OF 7
DATED 9 NOVEMBER 2011

Kansas River Proposed Dredging Reach RM 18.65 - 20.15 and 20.55 - 21.15



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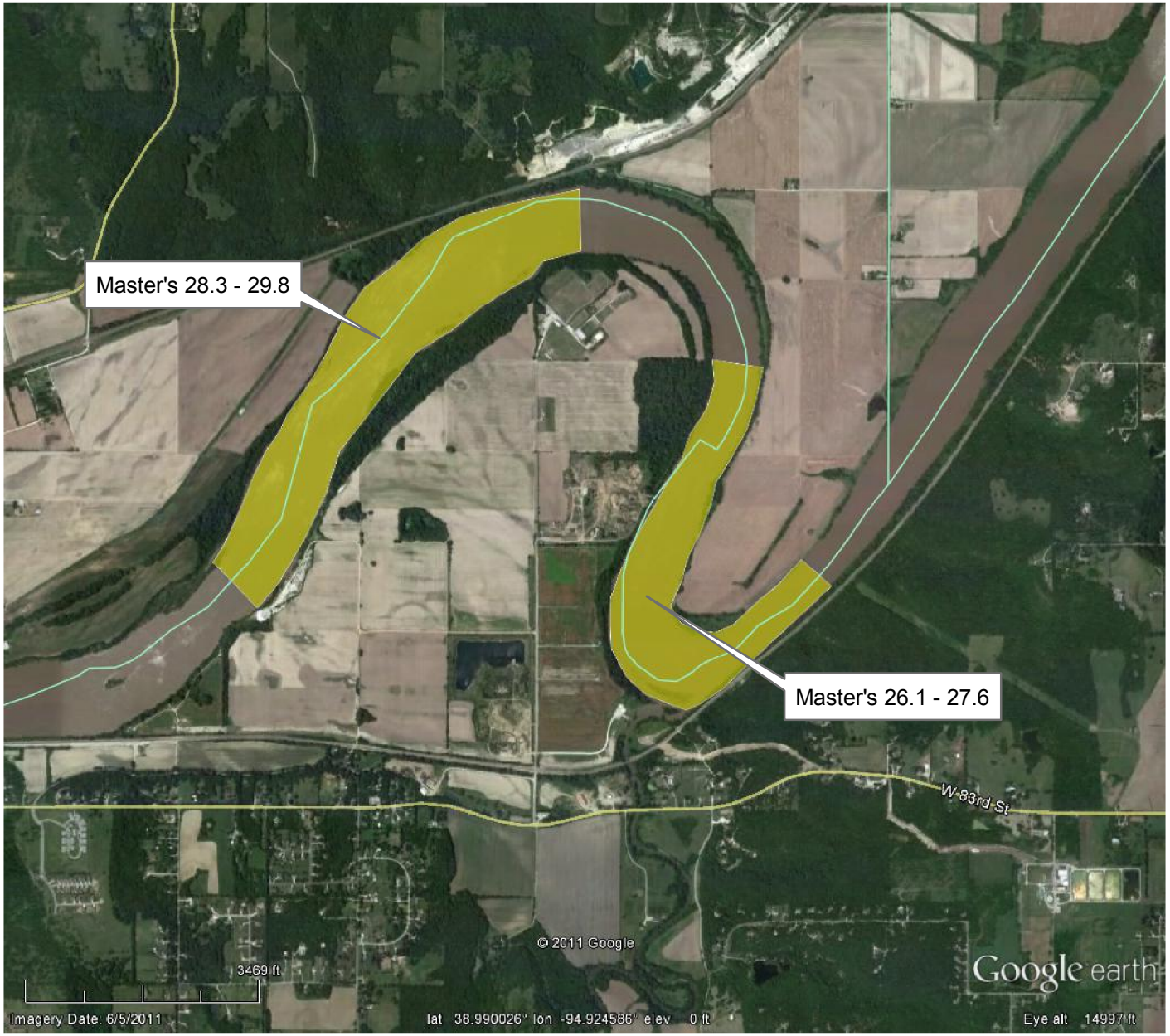
APPLICATION NO. 2011-1462
HOLLIDAY SAND & GRAVEL COMPANY
COMMERCIAL DREDGING
KANSAS RIVER
WYANDOTTE, JOHNSON, DOUGLAS AND SHAWNEE COUNTIES, KANSAS
SHEET 2 OF 7
DATED 9 NOVEMBER 2011

Kansas River Proposed Dredging Reach RM 26.1 - 27.6 and 28.3 - 29.8



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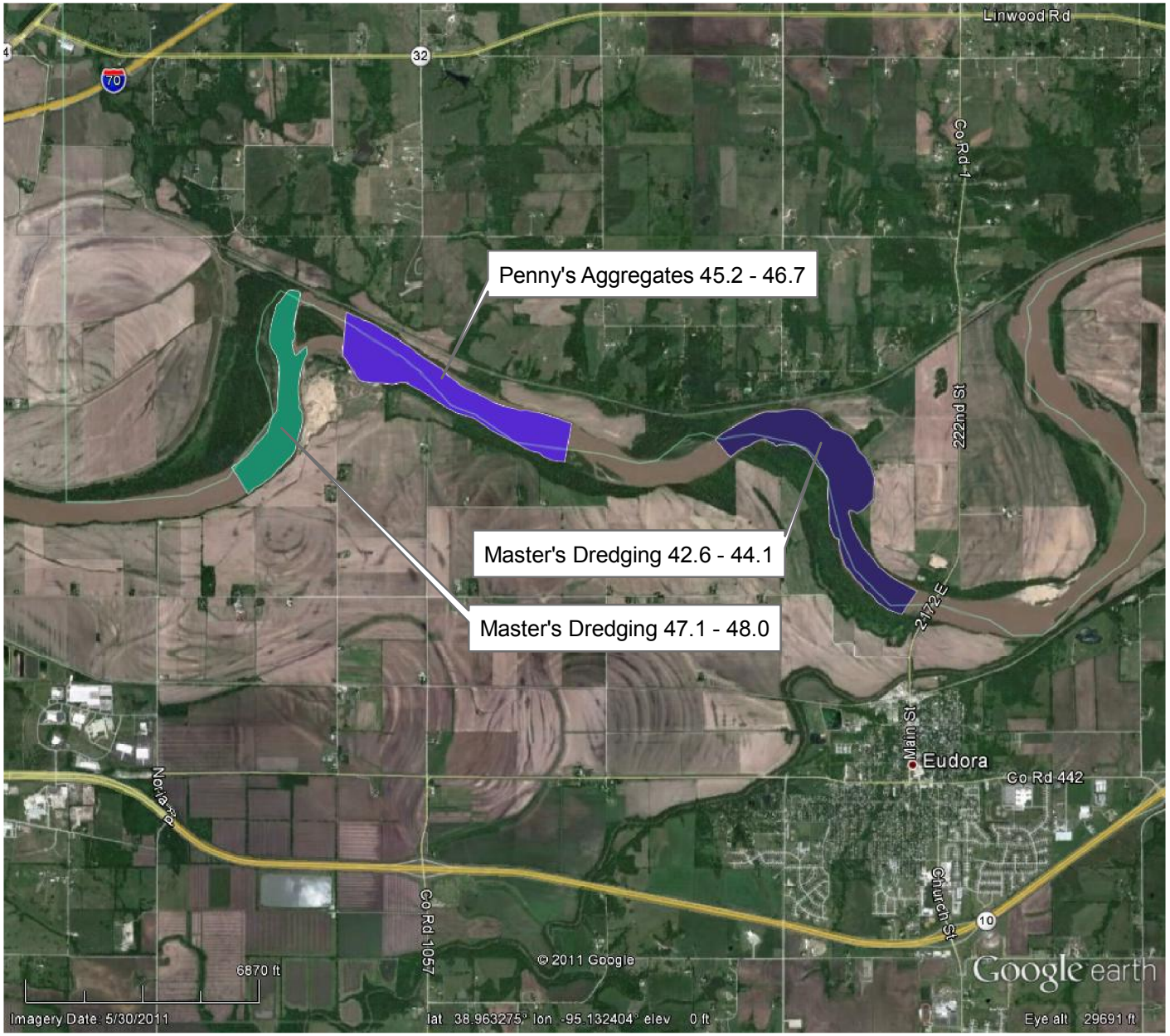
APPLICATION NO. 2011-1465
MASTER'S DREDGING
COMMERICAL DREDGING
KANSAS RIVER
WYANDOTTE, JOHNSON, DOUGLAS AND SHAWNEE COUNTIES, KANSAS
SHEET 3 OF 7
DATED 9 NOVEMBER 2011

Kansas River Proposed Dredging Reach RM 42.6 - 44.1, 45.2 - 46.7, 47.1 - 48.0



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APPLICATIONS NO. 2011-1465 AND 2011-1466
MASTER'S DREDGING AND PENNY'S AGGREGATES, INC.
COMMERCIAL DREDGING
KANSAS RIVER
WYANDOTTE, JOHNSON, DOUGLAS, SHAWNEE COUNTIES, KANSAS
SHEET 4 OF 7
DATED 9 NOVEMBER 2011

Kansas River Proposed Dredging Reach RM 49.6 - 51.35

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APPLICATION NO. 2011-1466
PENNY'S A AGGREGATES, INC.
COMMERCIAL DREDGING
KANSAS RIVER
WYANDOTTE, JOHNSON, DOUGLAS AND SHAWNEE COUNTIES, KANSAS
SHEET 5 OF 7
DATED 9 NOVEMBER 2011

Kansas River Proposed Dredging Reach RM 77.1 - 78.6

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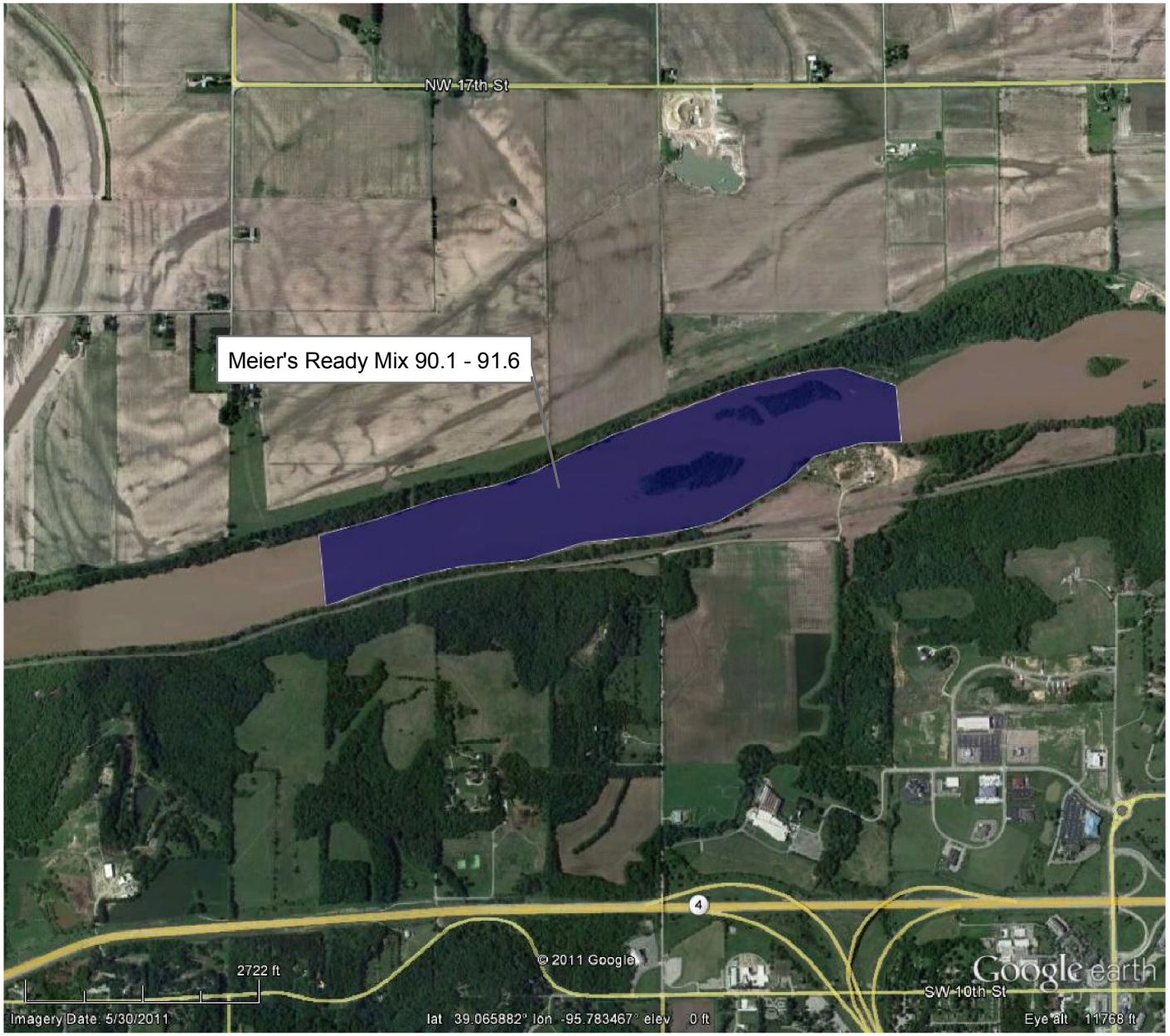
APPLICATION NO. 2911-1463
MEIER'S READY MIX/VICTORY SAND, LLC
COMMERCIAL DREDGING
KANSAS RIVER
WYANDOTTE, JOHNSON, DOUGLAS AND SHAWNEE COUNTIES, KANSAS
SHEET 6 OF 7
DATED 9 NOVEMBER 2011

Kansas River Proposed Dredging Reach RM 90.1 - 91.6



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APPLICATION NO. 2011-1463
MEIER'S READY MIX/VICTORY SAND, LLC
COMMERCIAL DREDGING
KANSAS RIVER
WYANDOTTE, JOHNSON, DOUGLAS AND SHAWNEE COUNTIES, KANSAS
SHHEET 7 OF 7
DATED 9 NOVEMBER 2011