

PROPOSED DREDGING PERMITS
KEY TO DREDGING LOCATIONS

KAW VALLEY SAND AND GRAVEL, INC.
1615 ARGENTINE BOULEVARD
KANSAS CITY, KANSAS 66105

1. APPLICATION NO. 96-02295
PROPOSED RIVER MILES 9.4 - 10.4
NO CHANGE FROM EXISTING PERMIT MILES
2. APPLICATION NO. 96-02296
PROPOSED RIVER MILES 12.8 - 13.9
NO CHANGE FROM EXISTING PERMIT MILES

HOLLIDAY SAND AND GRAVEL COMPANY
6811 WEST 63RD STREET
OVERLAND PARK, KANSAS 66202

3. APPLICATION NO. 96-02337
PROPOSED RIVER MILES 15.4 - 16.9
CHANGE FROM EXISTING PERMIT MILES 15.6 - 17.1
4. APPLICATION NO. 96-02336
PROPOSED RIVER MILES 17.5 - 18.4
NO CHANGE FROM EXISTING PERMIT MILES
5. APPLICATION NO. 96-02335
PROPOSED RIVER MILES 21.0 - 21.15
NO CHANGE FROM EXISTING PERMIT MILES
6. APPLICATION NO. 97-00053
PROPOSED RIVER MILES 29.2 - 30.2
NO CHANGE FROM EXISTING PERMIT MILES

BUILDER'S SAND COMPANY
4919 LAMAR AVENUE
MISSION, KANSAS 66202

7. APPLICATION NO. 97-00113
PROPOSED RIVER MILES 19.1 - 20.6
NO CHANGE FROM EXISTING RIVER MILES
8. APPLICATION NO. 97-00114
PROPOSED RIVER MILES 31.1 - 31.9
CHANGE FROM EXISTING RIVER MILES 31.4 - 31.9

COMMERCIAL DREDGING
KANSAS RIVER
SHEET 1 OF 5

Encl 1

PROPOSED DREDGING PERMITS
KEY TO DREDGING LOCATIONS

KAW SAND COMPANY
23400 WEST 82ND STREET
SHAWNEE, KANSAS 66227

9. APPLICATION NO. 97-00106
PROPOSED RIVER MILES 26.1 - 27.6
CHANGE FROM EXISTING RIVER MILES 26.1 - 27.1
10. APPLICATION NO. 97-00107
PROPOSED RIVER MILES 35.4 - 36.4
NO CHANGE FROM EXISTING RIVER MILES
11. APPLICATION NO. 97-00108
PROPOSED RIVER MILES 47.1 - 48.0
NO CHANGE FROM EXISTING RIVER MILES
12. APPLICATION NO. 97-00109
PROPOSED RIVER MILES 42.6 - 44.1
CHANGE FROM EXISTING RIVER MILES 42.1 - 43.1

PENNY'S CONCRETE, INC.
23400 WEST 82ND STREET
SHAWNEE, KANSAS 66227

13. APPLICATION NO. 97-00110
PROPOSED RIVER MILES 45.2 - 46.7
NO CHANGE FROM EXISTING RIVER MILES
14. APPLICATION NO. 97-00111
PROPOSED RIVER MILES 49.6 - 51.35
NO CHANGE FROM EXISTING RIVER MILES
15. APPLICATION NO. 97-00112
PROPOSED RIVER MILES 72.5 - 74.0
PROPOSED NEW DREDGE LOCATION
THIS APPLICATION HAS BEEN WITHDRAWN

KANSAS SAND AND CONCRETE, INC.
P.O. BOX 656
TOPEKA, KANSAS 66601

16. APPLICATION NO. 96-02135
PROPOSED RIVER MILES 84.5 - 85.8
NO CHANGE FROM EXISTING RIVER MILES
NEW PERMIT WOULD COMBINE TWO EXISTING PERMITS

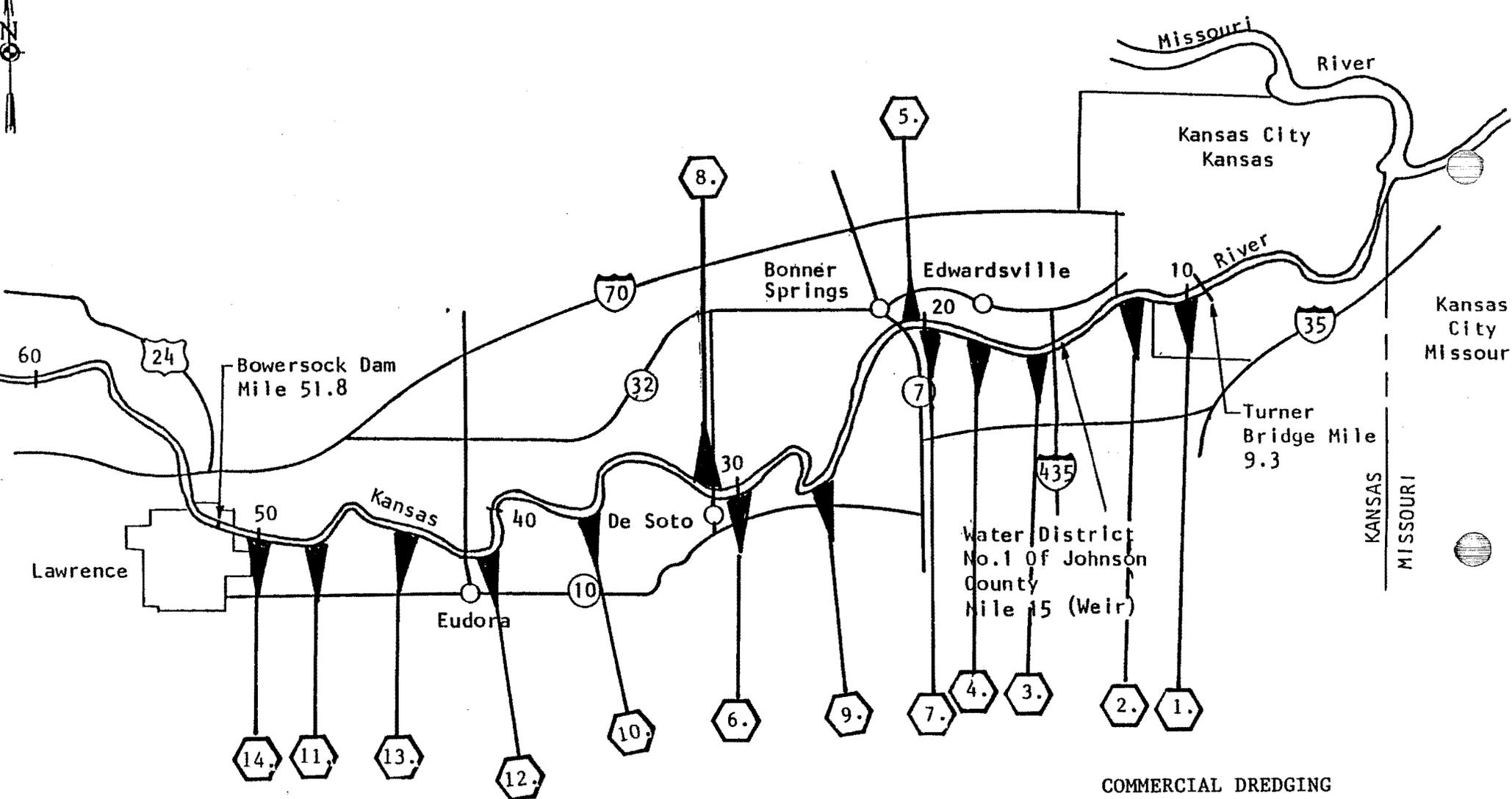
PROPOSED DREDGING PERMITS
KEY TO DREDGING LOCATIONS

VICTORY SAND AND GRAVEL COMPANY
4919 LAMAR AVENUE
MISSION, KANSAS 66202

17. APPLICATION NO. 97-00116
PROPOSED RIVER MILES 86.3 - 86.5
NO CHANGE FROM EXISTING PERMIT MILES

MEIER'S READY MIX, INC.
P.O. BOX 8477
TOPEKA, KANSAS 66608

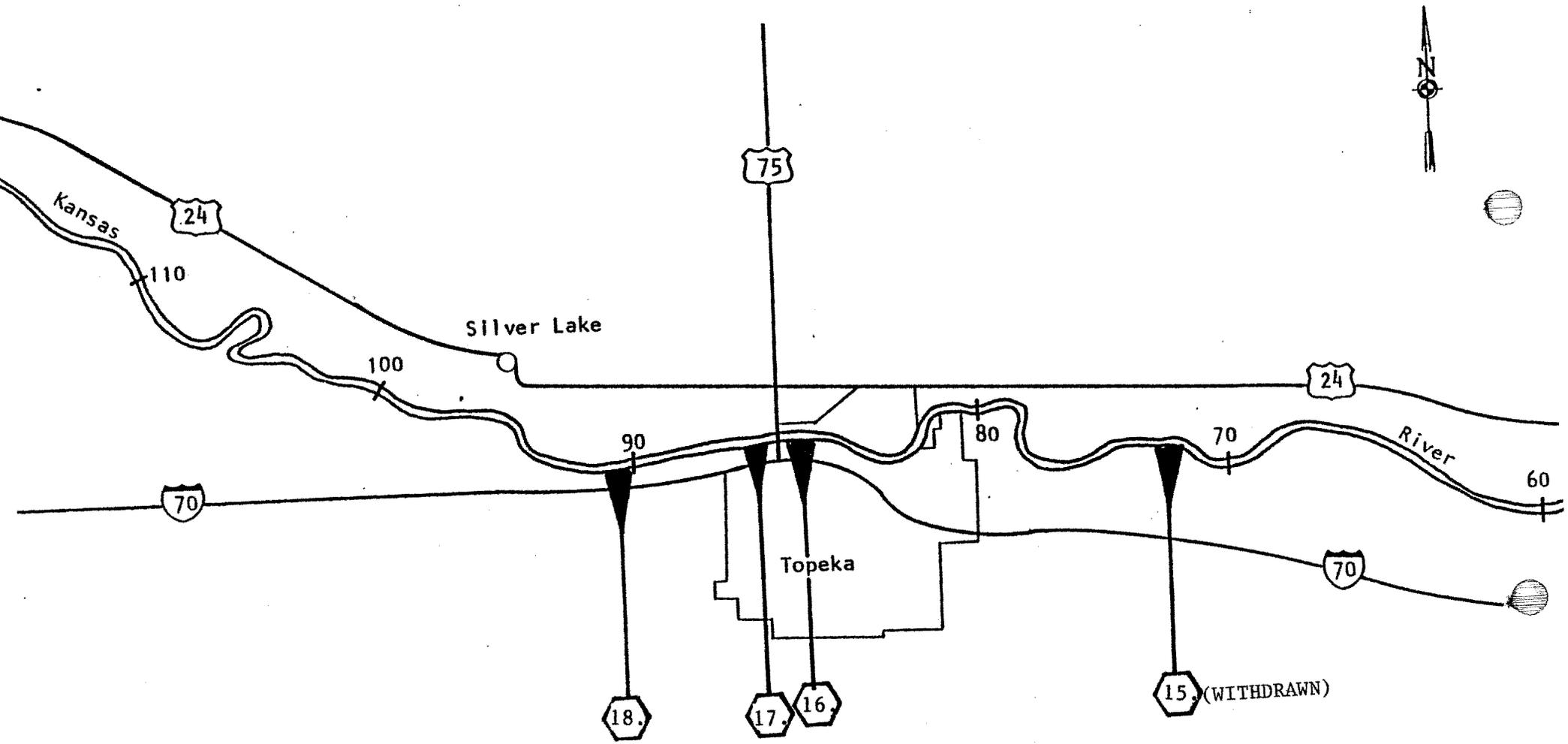
18. APPLICATION NO. 96-02151
PROPOSED RIVER MILES 90.1 - 91.6
NO CHANGE FROM EXISTING PERMIT MILES



COMMERCIAL DREDGING

COMMERCIAL DREDGING
 KANSAS RIVER
 MILE 0 TO MILE 60
 SHEET 4 of 5

KANSAS RIVER



COMMERCIAL DREDGING
KANSAS RIVER

COMMERCIAL DREDGING
KANSAS RIVER
MILE 60 TO MILE 110
SHEET 5 of 5

Smit



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kansas Field Office
315 Houston Street, Suite E
Manhattan, Kansas 66502-6172

January 17, 1997

Lawrence M. Cavin, Chief
Regulatory Branch
Kansas City District, Corps of Engineers
700 Federal Building
601 East 12th Street
Kansas City, Missouri 64106-2896

Attn: CEMRK-OD-RE (Kansas River Dredging)

Dear Mr. Cavin:

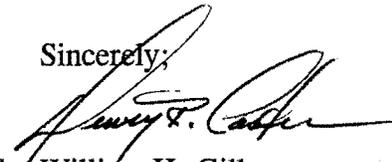
This is in response to the December 20, 1996 Public Notice concerning Kansas River Dredging. Eight companies are currently authorized to dredge sand and gravel from 18 locations on the Kansas River for commercial sale. The existing permits were originally conditioned to expire on December 31, 1995. The expiration dates were extended to allow the Kansas City District sufficient time to analyze dredge monitoring data prior to evaluating permit renewal requests. Dredge monitoring data has been collected for a number of years as a result of implementation of the selected alternative for the "Final Regulatory Report and Environmental Impact Statement(EIS) Commercial Dredging Activities On The Kansas River, Kansas". The EIS's selected alternative a "Regulatory Plan" consists of restrictions and a monitoring program designed to limit dredge-related impacts. The monitoring plan included the establishment of baseline conditions in the river by using aerial photography, channel cross sections at dredge sites, and control points, for comparison to conditions after four years of dredging. This monitoring is vital to understanding the specific impacts of dredging to river bed degradation. This information was not available to us for this permit renewal process.

As indicated the Kansas City District has had a year to analyze dredge monitoring data. If the data indicate dredge-related impacts are negligible the Service would have no objection to extension of the permits and the regulatory plan. If the monitoring program has documented changes in natural formations (islands, tributary mouths, high bank woodlands, and instream natural features) with the regulatory program in place, the Service should have the opportunity to recommend appropriate compensation of damages to fish and wildlife, their habitat, and their human use. The Service and all other resource agencies should have the opportunity to carefully review the results of the monitoring program. If not satisfied that protective measures adequately protect natural features, the Service and other resource agencies should have the opportunity to recommend additional measures.

Encl 2

Thank you for the opportunity to comment on this project. If you have any questions, please contact Dewey Caster, of my staff, at (913) 539-3474.

Sincerely;


For: William H. Gill
Field Supervisor

cc:: EPA, Kansas City, KS
(Wetland Protection Section)
KDWP, Pratt, KS
(Environmental Services)
KDHE, Topeka, KS
(Bur. of Environmental Quality)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

January 23, 1997

Mr. Lawrence M. Cavin, Chief
Regulatory Branch
U.S. Army Corps of Engineers
700 Federal Building
Kansas City, MO 64106-2896

ATTN: CEMRK-OD-PE (PN # 96-00053, 96-02135, 96-02151, 96-02295, 96-02296, 96-02335, 96-02336, 96-02337, 97-00113, 97-00114, 97-00106, 97-00107, 97-00108, 97-00109, 97-00110, 97-00111, 97-00112, 97-00116)

Dear Mr. Cavin:

We reviewed Public Notices Numbers: 96-00053, 96-02135, 96-02151, 96-02295, 96-02296, 96-02335, 96-02336, 96-02337, 97-00106, 97-00107, 97-00108, 97-00109, 97-00110, 97-00111, 97-00112, 97-00113, 97-00114, 97-00116, dated December 20, 1997, regarding applications by Kaw Valley Sand, Holliday Sand and Gravel Company, Builder's Sand Company, Kaw Sand Company, Penny's Concrete, Inc., Kansas Sand and Concrete Inc., Victory Sand and Gravel, and Meier's Ready Mix, Inc. for a Department of the Army permit in accordance with Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403). The applicants propose to reauthorize 18 existing operations under the Regulatory Plan as implemented by the Kansas City District Corps of Engineers. All of these operations use hydraulic pumps mounted on barges to carry a slurry of sand and gravel to a land-based facility for sorting and processing. The remaining water mixture is then returned to the river. These activities take place in the Kansas River within Johnson, Wyandotte, Douglas, and Shawnee Counties in northeastern Kansas. The purpose of the projects is to obtain sand for commercial sale.

The Kansas River is a sandy bottomed river with alternating sandbars and islands that form to provide a diverse aquatic habitat. In some of its segments, the undeveloped and free-flowing nature of the Kansas River also lends itself to rare public recreational opportunities. Due to these uncommon characteristics, the Kansas River is a resource that supports multiple uses for the citizens of Kansas.

At this time we do not have any comments with respect to the reauthorization of the above listed permits; however we do have comments regarding the Regulatory Plan. We are primarily providing comments regarding the data (riverbed elevations and river channel cross-sections) collected and submitted by the consulting firm, Land Plan Engineering of Lawrence, Kansas on behalf of dredging companies for monitoring under the 1990 Kansas City District Corps of Engineers Kansas River Dredging Regulatory Plan. After an independent review of the data by our staff engineer/hydrologist, we became concerned about the timeliness, consistency, and the quality of data provided. In some cases, the data were submitted well beyond the requested deadline due to circumstances beyond the consultant's control (e.g., the 1993 flood); yet, other times the data collected appeared to lack completeness and thoroughness. For example, the cross-section data indicate that 30 percent of the cross-sections of the riverbanks were from 20 to 500 feet narrower than they were two years ago; however, sand bottom rivers typically widen over time rather than get more narrow. In some cases the cross-sections were not carried to the top of the bank; therefore, such data is incomplete and would require some manipulation to be useful. With these inconsistencies, the cross-sectional data appear questionable and would require some validation before it is used for decision-making purposes.

The purpose of gathering the data for the monitoring plan is to aid in decision-making at both the state and federal government level. Due to its importance, it is imperative that the data are of sufficient quality to support the decisions made while using the data, and that it is submitted to the Corps of Engineers in a timely manner so that prompt decisions can be made.

According to the Regulatory Plan, an average of a two-foot drop in riverbed elevation within any five-mile segment would require the termination of the dredging project. It appears that there currently exists a 3.8 mile segment (river miles 25.5 to 29.3) that already exhibits an average decrease in bed elevation by two feet. Although this area does not meet the termination guidelines as described in the Regulatory Plan, we are nevertheless concerned about this area and we suggest that the Corps of Engineers closely monitor the progression of riverbed degradation in this area. Also, in light of our concerns about the monitoring plan data, it increases our apprehension about this segment of the Kansas River.

We appreciate the opportunity to comment on this proposed permit. These comments have been prepared in accordance with our authority under Section 404 of the Clean Water Act as amended by the Water Quality Act of 1987. Please keep us informed of the disposition of this permit application. If you have any questions, please contact Ann Jacobs at (913) 551-7930.

Sincerely,

Kathleen A. Mulder

for

Thomas J. Taylor, Acting Chief
Water Resources Protection Branch

cc: Kansas Department of Health and Environment, Topeka
(Bureau of Environmental Quality--Scott Satterthwaite)
Kansas Department of Wildlife and Parks, Pratt
(Environmental Services--Chris Mammoliti)
U.S. Fish and Wildlife Service, Manhattan--Dewey Castor



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Operations Office
512 SE 25th Avenue
Pratt, KS 67124-8174
316/672-5911 FAX 316/672-6020



January 2, 1997

Mr. Lawrence M. Cavin, Chief
Regulatory Branch
U.S. Army Corps of Engineers, Kansas City District
700 Federal Building
Kansas City MO 64106-2896

Ref: D9.0100

Dear Mr. Cavin:

RE: COE Notice for Kansas River Dredging

The referenced project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered species and species in need of conservation, and public recreation areas for which this agency has some administrative authority.

Our review indicates none of the named resources will be impacted. As long as all of the applications meet the guidelines stipulated in the District's Regulatory Plan, no special mitigation measures are necessary and no Department of Wildlife and Parks permits or special authorizations are needed. Although the state's species listings and the Department's lands obligations periodically change, due to the project's location and design, no future clearances will be required regardless of when the project work starts.

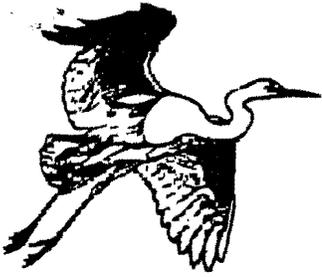
Sincerely,

Chris Mammoliti, Aquatic Ecologist
Environmental Services Section

CSM:ss

xc: Region 2, Wolfe
KBS, Liechti
KDHE, Mueldener

Encl 4



Kansas Audubon Council

15 Jan. 1997

FAX to 816-426-2321

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

To whom it may concern:

On behalf of the 5,000 members of the National Audubon Society in Kansas, I write to comment on the latest permit request from Penny, a request to open a dredge site on the Jefferson/Shawnee county line.

The Kansas Audubon Council would like to restate that it opposes any new dredging sites on the Kansas River. In particular, this permit request would be placed in an area of the river being studied as a recreational corridor, and dredging cables would interfere with river recreation, such as canoeing. (Indeed, canoeing near or around dredge sites is hazardous.) Furthermore, and importantly, dredging damages the river by eliminating naturally occurring sandbars--which are important to waterfowl and other wildlife. It hardly seems necessary to remind the Corps that endangered terns and plovers were recently found nesting on the Kansas River--nests that were placed on sandbars.

KAC feels that the principles stated in the Corps' rejection of the Victory permit request apply in this case as well. The Corps cited, for example, the impacts on recreation and "the aquatic environment of the Kansas River." These points still pertain in reference to the new Penny application. We would also note that the Governor, in his Dec. 2, 1996 letter to Col. Morris, states, unambiguously, that he prefers for the Corps to delay new permit issuance "until the recreational study is completed." This sentiment still applies, regardless of the fact that Penny has asked for a different site.

We must be absolutely clear: there is overriding public sentiment against new dredging on the Kansas River. This organization, other groups, individual citizens, the Governor, and other elected officials have communicated with your office many, many times about this issue. The public has spoken. The public says "No" to new dredging. And the river belongs to us.

We must address the misperception that this issue revolves around



Recycled Paper

Encl 5

a conflict between business and recreation. First of all, the Kansas River already has 17 dredging sites--six of which are owned by the Penny operation. We do not oppose the existing dredges so long as they do not violate applicable public regulations. What needs emphasis in this context is that protecting habitat that can used for recreation is also good for business. For example, at least 80,000 birding tourists annually visit Grand Island, Nebraska, on the Platte River; they spend more than \$15 million and provide a regional cumulative rollover of some \$40 million. Another illustration: each year more than 50,000 people visit Malheur National Wildlife Refuge in Oregon, and those visitors spend about \$4 million in the local economy.

The recreational potential for the Kaw river is being studied. This past weekend, an Eagle Day was held in Lawrence. Surely we must begin to value the positive economic impact that is associated with protecting habitat.

Of course, protecting habitat is critical for protecting species as well. We already have mentioned the importance of sandbars to nesting terns and plovers. The Kaw is increasingly important to our national symbol, the Bald Eagle. We are committed to ensuring the Kansas River suffers no further degradation.

In closing, I would like to register disappointment at not receiving a notice for the public comment on the new Penny application. As president of Kansas Audubon, I have communicated with the Corps concerning the Victory application. It would have been prudent to have sent public notice of the comment period to all who have communicated with you concerning the dredging issue.

Therefore, we strongly urge you to hold a public hearing on this permit application in order to ensure proper public comment.

We ask you to deny permit #97-00112.

Sincerely,



Christopher Cokinos
2328 Bailey Drive
Manhattan, KS 66502
913-537-4143 home
913-532-0383 work
913-532-7004 fax
cokinos@ksu.edu

cc: Friends of the Kaw
Sierra Club/KNRC
Gov. Bill Graves



12615 School Crk. Rd.
St. George, Ks. 66535-9712
18 January 1997

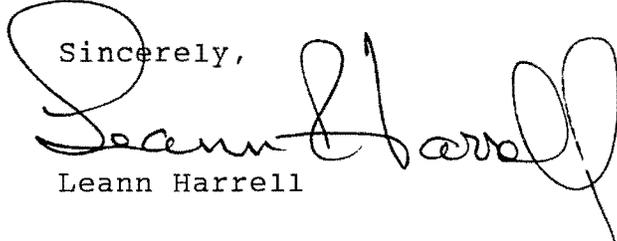
U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, Mo. 64106-2896

Sirs:

As President of the Northern Flint Hills Audubon Society I am writing my concern for a new dredging permit application on the Kansas River (RM ~~72.5~~ to ~~1740~~). While I understand that this permit is for an area of the river which lies close to the city of Topeka, our organization is still of the opinion that now is a time to end dredging within the Kansas River. Dredging is listed as one of the categories of non-point source pollution in state water quality guidelines adapted from US EPA. The Kansas Department of Wildlife and Parks has recommended against dredging in two sections of the Kansas River. The Governor has endorsed and the legislature has approved a study of a recreational corridor for the river which has not been completed. We believe disturbance created by dredging affects the river beyond the immediate dredging site. Additionally, I am enclosing information which indicates that it is less expensive to obtain sand off-river from wet-pit mines. (# 97-00112)

Based on these reasons I request that the permit application be denied for the best interest of the people of Kansas for whom this river is in public trust. I would also ask that a public hearing be held and the deadline for public input be extended in the true spirit of allowing the public an opportunity to comment, with the understanding that those comments will then be given attention.

Thank you for your time.

Sincerely,

Leann Harrell

Encl 6

(OVER)

SAND COSTS
FROM WET-PIT SAND MINING PLANTS

OFF-RIVER LOCATIONS

PHONE QUOTES AS OF 10-12-95

1. J H SHEARS & SON SAND CO HUTCHINSON KANSAS
FILL SAND (UNWASHED).....\$1.40\ TON
CONCRETE SAND (WASHED).....\$ 3.50\ TON
AVG \$ 2.45

2. BENTLEY SAND CO (SEDGWICK KANSAS)
FILL SAND (UNWASHED SAND).....\$ 1.35 \ TON
CONCRETE SAND (WASHED).....\$ 2.35 \ TON
AVG \$ 1.85

3. BRYANT SAND CO (BURRTON KANSAS)
FILL SAND (UNWASHED).....\$ 1.00\TON
CONCRETE SAND (WASHED).....\$ 2.40\TON
AVG \$ 1.70

4. STERLING SAND & GRAVEL CO (STERLING KANSAS)
FILL (UNWASHED).....\$ 1.50\TON
CONCRETE (WASHED).....\$ 2.50\TON
AVG \$ 2.00

5. WAMEGO SAND (WAMEGO KANSAS PLANT)
FILL SAND.....\$ 4.00\TON

6. WAMEGO SAND (MANHATTAN KS PLANT)
FILL SAND.....\$ 2.50\TON

7. KERSHAW READY MIX, (MANHATTAN KS)
FILL SAND\$ 4.00\TON

AVERAGE COST = \$2.64 PER TON
"OFF RIVER"

PLENTY OF SAND AWAY FROM THE RIVER

BY MIKE CALWELL

RESEARCH DONE IN OCTOBER 1995 AT THE WELL LIBRARY OF THE KANSAS GEOLOGICAL SURVEY OFFICE-LAWRENCE FOUND ENOUGH SAND TO LAST FOR SEVERAL CENTURIES!

ALL WELLS DRILLED IN THE KAW RIVER BASIN ALONG JEFFERSON AND DOUGLAS COUNTIES WERE RECORDED AND TALLIED. RESULT: THE AVERAGE THICKNESS OF SAND IS 22+ FEET AN ALMOST INDEFINITE SUPPLY FOR THE CONSTRUCTION NEEDS OF KANSAS. IT WAS ALSO NOTED THAT AN AVERAGE OF 16 FEET OF OVERBURDEN WOULD NEED TO BE REMOVED IN ORDER TO REACH THE SAND. THE SAND COMPANIES HAVE LED US TO BELIEVE THAT THEY WOULD HAVE TO DIG DOWN 50 OR MORE FEET TO REACH SAND. THE KANSAS GEOLOGICAL SURVEY MAP SHOWING ALL SEGMENTS OF THE KANSAS RIVER REVEAL CLEARLY THAT THE "PREDOMINANT MINERAL" FOUND IN THE RIVER BASIN IS (ALLUVIUM) SAND.

COST OF SAND TO THE BUYER

PHONE QUOTES WERE SOLICITED IN OCTOBER FROM 10 SAND DREDGING COMPANIES ON THE KAW RIVER. THE AVERAGE COST OF SAND FROM THESE DREDGERS IS \$4.44 PER TON.

PHONE QUOTES WERE ALSO SOLICITED FROM WET SAND PIT MINING OPERATIONS AWAY FROM THE KAW RIVER VALLEY. THE AVERAGE COST OF SAND FROM THESE OPEN PITS IS \$ 2.69 PER TON.

EFFECT OF SAND COSTS TO THE CONSTRUCTION INDUSTRY

AS PER THE CORPS OF ENGINEERS REPORT ON COMMERCIAL DREDGING ACTIVITIES ON THE KANSAS RIVER EIS - 40. INDICATES THAT KANSAS RIVER SAND PRODUCERS HAVE A COMPETITIVE ADVANTAGE OVER OTHER (PIT MINING) PRODUCERS AND THAT IF THEY MOVED OFF THE RIVER THE INCREASED EXPENSE TO THE BUILDER WOULD BE ONE TENTH OF ONE PERCENT IN OUT OF THE AVERAGE \$64,000 CONSTRUCTION COST ON A NEW HOME. THIS IS CONSIDERED INSIGNIFICANT.

A VIEW FROM 1000 FEET ABOVE A SAND DREDGE

I INVITE YOU TO FLY WITH ME OVER THE KANSAS RIVER TO VIEW ACTIVE DREDGE SITES FROM KC TO LAWRENCE. THE MOST OBVIOUS VISUAL IMAGE IS THE DIFFERENCE IN COLOR OF THE WATER. A WEDGE OF SILT STARTING AT THE DREDGE FLOWS DOWN RIVER AND OUT OF SIGHT AS TONS OF SILT ARE INTRODUCED INTO OUR RIVER. THE WATER COMPANIES COMPLAIN THAT THE COST OF SILT REMOVAL IS IN THE MILLIONS PER YEAR.



**Kansas
Natural
Resource
Council**

P.O. Box 2635
Topeka, KS 66601-2635



January 16, 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

RE: Penny's Concrete, Inc.
application #97-00112

Dear Mr. Cavin:

The purpose of this letter is to request a denial of the Penny's Concrete, Inc. application no. 97-00112 to dredge sand from the Kansas River. The proposed river miles are 72.5 to 74.0. The reasons are as follows:

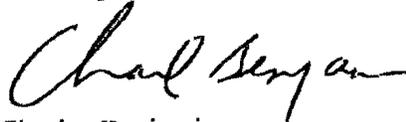
1. The notification process appears to have been circumvented. No individual public notice has been issued as described in Section 325.3 of the Rules and Regulations issued to the Corps by the Department of the Army. The standard permit would include a public notice and an opportunity for a public hearing. I don't believe this application is exempt from this rule under other provisions. If so, please inform me of those exemptions. **I request that the application be processed through the typical review procedures beginning with the public notice and the full thirty (30) days for public comment.**
2. River Miles 72.5 to 74.0 are within the area of the Kansas River being studied by five state agencies, as directed by the 1996 Kansas Legislature, for its value as a recreational corridor. The study is to be completed in January, 1998. The location appears to be east of an existing river access, and would block the river for boaters headed toward the proposed access in the PerryLecompton area.
3. The Corps has not completed the necessary monitoring to determine whether the Regulatory Plan is working. The Corps has stated it will need three or four sets of data to evaluate and compare with the baseline before meaningful conclusions can be derived concerning dredging impacts. This process should be completed before any new dredging areas are opened up.
4. As of yet no auditing procedures have been developed to verify the dredging companies annual extraction totals. This would seem to be an important component of the monitoring process and should be in place before new applications are approved and new areas opened to dredging.

Encl 7

5. The Kansas River is a sediment-starved system due to the reservoirs on its major tributaries. The sand and gravel that is removed from the river bed at this location will primarily come from the banks. Since a public notice has not been issued for this application there is no way for anyone to know how much sand Mr. Penny wishes to take from this area. Assuming it is the allotted 300,000 tons it is unlikely that the river can replace this significant extracted amount of sand without causing a physical loss of property to adjacent landowners.
6. The Corps should prepare an Environmental Impact Statement on this proposal. The area was not included in the EIS done in the process of preparing the Regulatory Report. The Plan was based on data and observations obtained downstream from Lawrence and there are significant differences between these two stretches of the river. In failing to recognize the likelihood of the westward movement of dredgers the Corps methodology is suspect.

Thank you for considering these comments and please let me know when the Public Hearing is scheduled.

Sincerely,



Charles Benjamin
Legislative Coordinator
for Kansas Sierra Club and
Kansas Natural Resource Council

cc: KDHE, Non-point Source
Friends of the Kaw
Senator Sandy Praeger

January 16, 1997

Larry Cavin
U. S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

Dear Mr. Cavin:

I am the President of the Kansas Canoe Association. I am also past president of the Kansas City Whitewater Club. Approximately fifty percent of our combined 200+ membership lives in the Kansas River watershed. Even a higher percentage uses the Kansas River for recreation. I understand that your office is considering granting a dredging permit #97-00112 on the Kansas River at mile 72.5. This is completely unacceptable to our membership, and inconsistent with the wish of most Kansans who have made themselves knowledgeable on this subject. Please consider this letter an official request from the Kansas Canoe Association and the Kansas City Whitewater Club to deny that permit. If this permit is not denied immediately, we request a public hearing prior to your decision. We present these points to support our position on:

- This area is part of the recreational corridor used by recreational boaters, fishermen and nature lovers. It should remain free of commercialization, and in particular anything (like dredging) that would further damage its natural characteristics.
- The Kansas Legislature has authorized a study of this area to determine its value for purposes other than sand dredging. These other purposes are primarily targeted at recreational uses. Why grant a permit to partially destroy the recreational corridor while the legislature is trying to study it?
- Governor Bill Graves has asked that your office not grant any further permits until the legislature's study has been completed.
- Governor Graves has sworn to stand behind his clean water initiative. Dredging on the Kansas River flies in the face of that initiative.
- Your own office has just refused another permit just down river from this location. In a letter dated December 11, 1996, Colonel Robert E. Morris in your district office gave the following reasons for refusing that permit (and I quote).
 1. "Issuance would be contrary to the public interest since less environmentally damaging practicable alternatives are available which would meet your projected objectives."
 2. "Your proposed dredging operation would significantly impact the recreational and aesthetic value of the reach of river located

Encl P

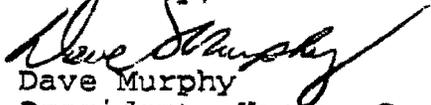
between Bowersock Dam, at Lawrence (river mile 51.8), and the mouth of the Delaware, near Lecompton (river mile 64.6)."

3. "The Kansas Department of Wildlife and Parks' "Recreational Access Plan", dated June 27, 1996, proposes construction of a public ramp immediately upstream of the Lecompton bridge, in 1997."
 4. "I have determined that your proposal is not compatible with the established recreational use of this reach of the river."
 5. "I have also determined that the recreational and aesthetic value of the reach exceeds its value for sand and gravel production."
- These arguments stated by Colonel Morris apply in almost every respect to mile 72.5.
 - The entire Kansas River above Lawrence is a recreational corridor. Its value for recreation, aesthetics, wildlife and education exceed any value it could have for sand, in light of the fact that alternate sources of sand are immediately available that would have less impact on any of these factors.
 - Many boaters launch in Topeka and take out at Lecompton or Lawrence. A dredge at mile 72.5 would be a hazard to free navigation.
 - This is an undredged portion of the river. Thus adding insult to injury.
 - Many counties and municipalities have issued formal resolutions against dredging until we Kansans have studied the river for its other values to the state and local economies.

We request that no further permits be considered until the Kansas study is complete, and time has been given for the legislature to act upon it.

If a permit is granted anywhere along this recreational corridor we will have no option but to launch a dramatic public relations campaign against your permit system. News articles and public opinion are consistently opposed to dredging. Further negative exposure for your office can hardly be productive.

Sincerely,



Dave Murphy
President, Kansas Canoe Association
P. O. Box 328
Shawnee Mission, KS 66201
Phone 913-248-9800
Fax 913-248-8028

CC: Kansas Department of Health and Environment
Bureau of Water, Topeka
Governor Bill Graves

DATE: January 15, 1997

FROM: Sam Segraves
341 Indiana St.
Lawrence, KS. 66044-1348

TO: U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Bldg.
Kansas City, MO. 64106-2896

Dear Mr. Smith,

As we discussed over the telephone previously, I am writing this letter on behalf of the members of the Kansas Canoe Association and the American Canoe Association who regularly use the Kansas River between Topeka and Lawrence. We feel that the inclusion of a new dredging permit application in the public notice dated Dec. 20, 1996 for the renewal of the 17 existing dredging permits was confusing and lacking in specific information about the new proposed dredging site for Penny's Concrete- #97-00112.

We feel that the best way to remedy this situation would be to either post a new public notice specifically for the new Penny permit or to grant a 30 day extension for comments on the new Penny permit only. This way the other 17 permit applications will not be unnecessarily delayed. We would also request that you make available an accurate map of the proposed dredging site showing the actual location of the sand plant as well as any safe navigation plans that Penny Concrete has submitted for this new site.

Our position has and will always be that dredging and canoeing are not compatible, however in this particular case it appears as if we may have an opportunity to resolve our differences with the sand dredging industry in a mutually beneficial arrangement. I will be in contact with Bill Penny to discuss the particulars of our prior conversation about the new access ramp and whether or not he would be interested in our proposal.

Bob, I understand the difficult position that the Corps is in with regards to the Kansas River. It really is a shame that the elected officials of the State of Kansas will not make a decision regarding the stretch of river between Topeka and Lawrence. Due to the highly inflammatory nature of this issue, I feel very strongly that the Corps could do much to defuse and help resolve this situation by granting our request for a re-posting of the public notice or a 30 day extension, whichever would be more convenient. This extra time will allow us to visit the site, meet with Mr. Penny and Mr. Hoover and quite possibly resolve this situation. I will be in contact with you soon and I thank you for your help in this matter.

Sincerely,


Sam Segraves

TEL NO. 913-842-4292

KANSAS KEY PRESS 9

Jan 16, 97 16:09 No. 008 P. 01

CD

February 26, 1997

Mr. Sam Segraves
341 Indiana St.
Lawrence, Ks. 66044
913-838-3962

Colonel Robert E. Morris, District Engineer
Department of the Army
Kansas City District, Corps of Engineers
700 Federal Building
Kansas City, MO. 64106-2896

Dear Colonel Morris,

I am writing this letter to express some concerns I have over the way the Corps Permit Dept. has handled permit 97-00112, an application by Penny's Concrete to dredge sand from a previously undisturbed section of the Kansas River east of Topeka. I have had several phone conversations with Robert Smith and faxed him a letter on January 16th outlining my concerns and requesting specific details about Penny's proposed site. Mr. Smith has not responded to my request and has consistently stated that he intends to see this permit approved.

My first concern with this permit application is in the manner in which it was presented in the public notice. Past practice for new dredging permit applications was to prepare a separate public notice for each new permit request, including some detailed information about the proposed site with the public notice. Permit application 97-00112 was included in a public notice for the renewal of all existing permits for dredging in the Kansas River. There was no information included in this public notice about the specifics of the proposed Penny site. While I hope this was not a deliberate attempt to sneak this permit past an unsuspecting public, I know that is what almost happened. Mr. Smith's explanation for including the proposed Penny site with the existing permit renewals was unconvincing and leads me to the conclusion he was hoping to slip this new permit request by with a minimum of public comment. This is truly unfortunate.

In my conversations with Mr. Smith he indicated that this site chosen by Penny's Concrete was in an already industrialized section of the Kansas River. Mr. Smith went on to say that this would be his grounds for approving this permit request since it was not an undisturbed section of the river. Colonel Morris, Mr. Smith could not be more wrong about this section of the river. The only industrial

Encl 10

development of any kind on the river is about one mile upstream and on the opposite bank. This is the KP&L powerplant at Tecumseh. There is an abandoned Dupont/ Flexel plant near the powerplant that sits up off the river and is not visible from the river. We have done aerial photography and land surveys of this entire section of the river and have been unable to find any area that is already industrialized as Mr. Smith has indicated. I doubt if Mr. Smith has even visited this area and he is probably relying on Penny's Concrete for his field reports. It would appear to me that Mr. Smith's intentions are to help industrialize as much of the river as possible. It certainly is not industrialized at this time. It is a beautiful section of river that meanders up to many wooded hillsides between Topeka and Lecompton.

I'm sure you are aware of the ongoing recreational study that five state agencies are conducting this year. The state already has boat ramps on the Kaw in East Topeka, at Riverfront Park in Lawrence and is planning on building a new access in the Lecompton area. If the river is designated a recreational corridor between Topeka and Lawrence, the new Lecompton access will be a boon for the town itself. The river will be much more accessible to the public and river traffic will increase. If we can keep sand dredges off this section then a canoe livery will probably open. Kansan's will finally have a recreational river corridor, something every other state in the nation already has. What a great asset for our state this would be.

Colonel Morris, we need your help. It is a long, slow process trying to educate the politicians in the State of Kansas. Many of them have trouble grasping the concept of a public river, held in the public trust, for all the public to enjoy. As we try to educate these legislators, we must continually battle new dredging permits too. The Corps of Engineers are public employees charged with acting in the best interests of the public. Last December you did the right thing in denying the Victory permit. This March, I ask you to please do the right thing once again and deny permit 97-00112. But this time take it one step further and notify the sand dredging companies that you are closing the Kansas River to sand dredging between the Seward Ave. boatramp in East Topeka and Bowersock Dam in Lawrence because it is in the best interests of the public. The lower 52 miles of the Kaw, the 15 miles through the city of Topeka and the abundance of pit-minable sand in the flood plain will supply the Kansas River valley with sand for many years to come. Thank you for your time spent on this matter.

Sincerely,



Sam Segraves

Lance W. Burr
Attorney and Counselor at Law
16 E. Thirteenth Street
Lawrence, Kansas 66044-3503

FAX (913) 842-3039

(913) 842-1133

January 17, 1997

Mr. Robert J. Smith
U.S. Army Corp of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

RE: Public notice concerning Kansas River dredging-specifically,
application #97-00112, proposed River miles 72.5 to 74,
permit requested by Penny's Concrete, Inc.

Dear Mr. Smith:

Thank you for visiting with me yesterday regarding the application for a river dredging permit by Penny's Concrete, Inc., application #97-00112. On behalf of Friends of the Kaw, the K.U. Biology Club, and myself, I would request that you, again, publish the public notice regarding this permit so that the application can be processed through the standard review procedures as set forth in the rules and regulations issued by the Department of Army, section 325.3 and related sections. If the Corps refuses to honor this request, I request an extension of 30 days from January 1, 1997 for written public comment.

In addition, I would request that you send to me information concerning the nature of the dredging operation, including information about the actual physical apparatus to be used by Penny's Concrete, Inc. and any plans of the dredging operation.

I would request that you deny this permit. As you know, the Department of Commerce and Housing, in conjunction with the Kansas Water Office, the Kansas Geological Survey, the Kansas Biological Survey and the Kansas Department of Wildlife and Parks has been directed by the Kansas Legislature to conduct a study of the development of recreational opportunities within the existing channel of the entire Kansas River and said study is to be completed on or before January 12, 1998.

In addition, I would ask that the U.S. Army Corps of Engineers conduct an Environmental Impact Statement concerning in-river

Encl 11

dredging on all parts of the Kansas River above the Bowersock Dam at Lawrence, and in particular the area between the Bowersock Dam and the Seward Avenue access point in the city of Topeka. As far as I know, this has not been done.

In addition, I would ask that before the U.S. Army Corps of Engineers takes any action on this permit that it conduct it's own study of recreational opportunities and impact on esthetics in the area between the Bowersock Dam and the city of Topeka.

On behalf of the above parties, I request that the Corps allow the public to present testimony and information at the requested hearing relating to the issues set forth in paragraph 5 on page 2 of your Public Notice, entitled "Public Interest Review".

I would also like to request that this dredging permit not be granted by the Corps until auditing procedures that are able to verify annual material extraction totals are in place and total annual extractions from all dredging operations have been calculated for a period of at least one year.

Also, I request that this new dredging permit not be issued by the Corps until the monitoring plan and any and all monitoring activities required to comply with the current regulatory plan have been completed and until reliable and meaningful conclusions can be determined concerning dredging impacts.

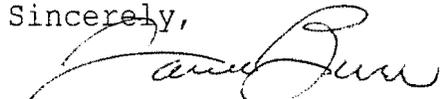
I further request that this new dredging permit not be granted until the Corps enforces the permit expiration provisions of the current regulatory plan.

The members of the K.U. Biology Club have also asked me to request an extension of 30 days for them to send written comments to you, and on their behalf I am so requesting.

Since we have no information whatsoever concerning this requested river-dredge location and the nature of the dredge, we will be developing information for the Corps, once we receive information on this permit request, and we will have additional questions for the Corps during this process.

Thank you for your attention to these requests, and I will look forward to visiting with you soon.

Sincerely,



Lance W. Burr
Attorney for Friends of the Kaw

acg

Lance W. Burr
Attorney and Counselor at Law
16 E. Thirteenth Street
Lawrence, Kansas 66044-3503

FAX (913) 842-3039

(913) 842-1133

January 17, 1997

Mr. Robert J. Smith
U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

RE: Renewal permits of Kaw Valley Sand & Gravel, Inc.; Holiday Sand & Gravel Co.; Builder's Sand Co.; Kaw Sand Co.; Penny's Concrete, Inc.; Kansas Sand & Concrete, Inc.; Victory Sand & Gravel; and Meyer's Ready-Mix, Inc.

Dear Mr. Smith:

On behalf of Friends of the Kaw, I request that you grant an extension for a period of 30 days in which to submit comments concerning the above mentioned in-river dredging permits. At this time we would ask that the permit review process be held in abeyance until such time that the U.S. Army Corps of Engineers compiles monitoring data regarding these dredging operations. In addition, we would ask that the Corps not re-issue any permits until the Corps has developed auditing procedures to verify these dredger's annual material extraction totals.

It is my understanding that the Corps acknowledges that they have no auditing procedures developed and obviously the regulatory plan cannot be legally implemented and continued unless such auditing procedures exist. Otherwise, the Corps would not know whether the dredgers are extracting more than 300 thousand tons per permit location, which is the most significant factor in the regulatory plan. That being the case the regulatory plan cannot be legally implemented.

In addition, as you know, the Kansas Legislature has enacted legislation to compel five state agencies to conduct a study of the development of recreational opportunities within the existing channel of the entire Kansas River and that study is to be completed on or before January 12, 1998. The granting of said

Encl 12

permits could interfere with this study that is designed to determine development of recreational opportunities within the Kansas River. These dredge locations could interfere with the recommendations of the five state agencies or impede or otherwise discourage a full and complete analysis of such recreational opportunities.

In addition, it is my understanding that the Corps has not collected and analyzed monitoring data as per the requirements of the regulatory plan. We would ask that until that is done that the Corps hold the above permits in abeyance until all monitoring procedures are in place and dredging impact conclusions have been determined.

We would also ask that the Corps of Engineers re-evaluate the regulatory plan and conduct public hearings to review the prudence and feasibility of continuing in-river dredging of sand and gravel for commercial purposes. Because in-river dredging can have long-term damaging effects on the Kansas River, we are asking that you provide the public with a hearing to express their views on the above mentioned considerations.

In view of your criteria set forth in the paragraph entitled "Public Interest Review", we request that you conduct a public hearing to receive and evaluate information on the probable impact, including the cumulative impacts, on the proposed dredging activities. We feel that the detriments of in-river dredging far out way any benefits, especially in view of the fact that there are viable alternatives to in-river dredging because of the massive sand deposits in the Kaw Valley River basin.

We would like to have the opportunity to submit additional information concerning the cumulative effects of river dredging on such issues as: conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain 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 of the state of Kansas.

I also would like to submit to the Corps that there are two glaring insufficiencies with regard to the issuance of in-river dredging permits. As far as we know the Corps has never conducted a study of nor prepared an environmental impact statement concerning recreation and esthetics in any stretch of the Kansas River. Failure to do so violates the provisions of the "Public Interest Review" section of the public notice issued by the U.S. Army Corps of Engineers. Recreation and esthetics are two of the important considerations that are included in the

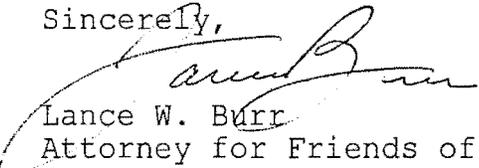
"Public Interest Review". Since neither of these have been addressed, all permit applications should be held in abeyance until that is completed.

In addition, no environmental impact study has been prepared by the Corps concerning environmental impacts on the animal, aquatic and vegetation life on or in the river, from Lawrence to Junction City or the confluence of the Kansas River.

We also object to the illegal action taken by the Corps extending expirations dates on these permits.

We plan to submit additional information to the Corps regarding these permit applications. Thank you.

Sincerely,



Lance W. Barr
Attorney for Friends of the Kaw

acg

ENCLOSURE 13

133 COMMENT LETTERS FROM INDIVIDUALS

3-21-97

Colonel Robert E. Morris
Department of the Army
Kansas City District Office
Corps of Engineers
700 Federal Building
Kansas City, Missouri 64106-2896

Dear Colonel *RM* Morris,

I live on and own property in Tecumseh, Kansas that borders the Kansas River. My property at 7138 S.E. 2nd includes approximately one ~~half~~ half mile of river front land.

It has come to my attention that the sand dredging company owned by Mr. Bill Penny has recently requested a permit to dredge at approximately river mile 72.5. The permit number is 97-00112.

I am asking you to deny that, and any other permit in this section of the river. Dredging at this location would jeopardize my land by accelerating the process called head cutting. As a result, I and my neighbors on the river stand to lose significant portions of our land by erosion. The Corps of Engineers would be directly liable for this kind of damage and loss if they fail to deny these permits.

We are very proud of our Kansas river here. Many canoeists use this section of the river and we feel that it is a good thing. We have heard that the Corps thinks that the area where Mr. Penny wants to dredge is already heavily industrialized. I can tell you that this is just NOT TRUE. This part of the river is scenic and beautiful. In truth, it is one of the most beautiful parts of the river and we do not want dredges or other unsightly industrial equipment to spoil our shores and riparian forests.

Sincerely,

Marie Kreipe

Marie Kreipe
7138 S.E. 2nd St.
Tecumseh, Kansas 66542

cc: BILL GRAVES - Governor of Kansas
James Janousek -
Kansas Dept. Commerce & Housing

January 30th, 1977

To Whom It May Concern:

I am writing with regard to the newest permit request for dredges on the Kansas River. Our rivers are already polluted past repair and permit # 97-00112 would allow even more destruction.

Friends of the KAW is a group dedicated to keeping our river clean and safe. They're trying to open up canoeing accesses and recreation areas. ~~If this permit is allowed to pass, canoeing would be too dangerous.~~

Also dredging damages our river because there is no sand replenishment due to reservoirs on its tributaries.

It would be greatly appreciated if a public hearing could be held. Please consider this.

Sincerely,

Fatu Weyhrauch

no return address

to whom it may concern:

As a member of the Sojourners, the Ecology club at Topeka High School, I feel that it is my duty to help protect the Earth. The decisions we make now ultimately will affect the lives of our children. Making the decision to dredge the Kansas River is not a wise one. The only reason these companies desire river dredging is for their financial benefit but they are not considering the harm that this would cause to the environment. The river dredging will not only harm the wild life but will make recreational activities harmful to those who choose to participate in them. Also the dredging damages the river and there is no sand replenishment. I think that preventing the proposed dredging of the Kansas River will help to beautify the land. We will still have the land in the future but the money will be gone. I would like to encourage you to prevent projects like this from going into action.

Sincerely,

Laura Frye

no return address

Dear coor of eng. rs and associates,

Please help us help the environment and kill the act of
Dredging on the lower river. The river offers a
a habitat and natural recreation for all around and
if you allow permit #97-00112 you'll be taking
away from Fojoka and the best ~~the~~ of years.

Sincerely
J. B.

To whom it may concern,

I am a student at Topeka High School, and am a member of the "Sojourners." Our goal is to help the environment and one of the ways to achieve this is to ask you to deny the permit #97-00112, requesting new dredges on the Kansas River. This will remove sandbars on which we recreate and waterfowl feed. It also damages the river - there will be no sand replenishment due to the reservoirs on its tributaries.

So, to bypass these problems and possibly countless others, simply deny the permit #97-00112 and hold a public hearing. This will prove to be beneficial in the beautification of Topeka and surrounding areas.

Thank you for your time and consideration.

Sincerely,

Dell Swain

class of 2000

no return address

To Whom it May Concern,

I am a concerned citizen of Topeka, who firmly believes that I have a right to a safe, clean, and navigable river. The Kansas river is the only usable body of water that can fit my recreational wants and my ecological needs.

Clear and feasible alternatives to sand dredging exist. Please deny the permit # 97-00112 and hold a public hearing to facilitate a wider dialogue on this and other pressing environmental issues.

Dredging harms one of Kansas's greatest resources. Please do your public duty and halt sand dredging today.

Thank you,

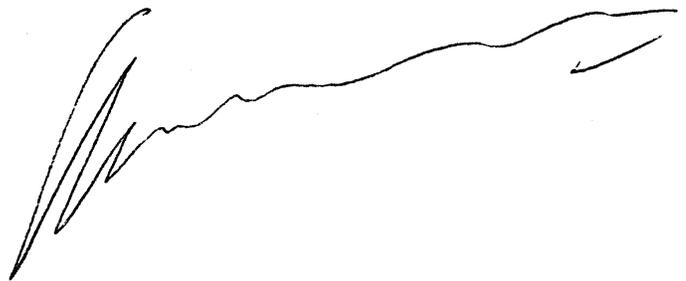
BEN LURWER



Dear Corps of engineers,

People listen up..... please, I'm not a protest
freak that ties himself to trees or throws ~~blood~~^{bloody} dead animal
bodies at people who ~~are~~ wear fur coats, and what
have you. I'm just a normally kid that realizes
that this is harmful to the river and its future and
the world depends on it.

Thanks for your time

A handwritten signature consisting of several overlapping, sweeping lines that form a stylized name, possibly starting with 'A' or 'J'.

TO WHOM IT MAY CONCERN:

INITIALLY, LET ME THANK YOU FOR YOUR CONSIDERATION OF AND DECISION WITH REGARDS TO THE DREDGING PERMITS ON THE KANSAS RIVER. YOUR EFFORTS ARE APPRECIATED AND COMMENDABLE. PLEASE ISSUE A SIMILAR DECISION WITH REGARDS TO RIVER DREDGING PERMIT #97-00112. THIS DREDGE WOULD BE AS DETRIMENTAL TO RIVER RECREATION AS THE ALREADY REJECTED DREDGES. PLEASE STAND BEHIND AND AFFIRM YOUR EARLIER POSITION.

THANK YOU,



STEPHEN C DAVIS, V.P., TOPEKA HIGH SOJOURNERS

Dear Corps:

I am a student at Topeka High School and a member of Sojourners Ecology club and I strongly feel that allowing the permit - #97-0012 which will ~~be~~ dredge sandbars along the KAW River is a big mistake! I care deeply about the protection of our river. So please deny the permit - #97-0012 and hold a Public Hearing. Thank you for your time!

Sincerely,

Annie

Pettersen ☺ ♡

PEACE

Dear corps of engineers and associates,

Please deny the permit #97-00112 because the natural earth in Kansas is slowly being destroyed. The river is a beautiful, fun place to do recreational activities, and one worth preserving. Dredging on the river is ~~unnecessary~~ unnecessary and harmful to everything and everyone. The future of the world depends on small decisions such as these.

Sincerely,



Dredging the Kansas River is not a good idea for many various reasons. Currently it is the center of the area being studied by the State for river recreation, it could be very dangerous to cancers. Dredging will damage the river, due to the fact being there is no sand replenishment due to the reservoirs on the rivers tributaries. I would like further generations to be able to see the Kansas River as it really is, not as a river without its natural sand. The Kansas River is a gorgeous place where people love to come, and if it is dredged it will also remove sandbars on which we the people recreate and waterfowl feed on. For the above reasons I ask you please not to dredge the Kansas River.

Thank you,
Elizabeth Wine

1/30/97

To Whom it May Concern :

The Kansas River has created wonderful memories for my father and I. As I move away from home, there will always be a place in my heart for the Kansas River. I will never forget it. I hope I can always come back to see it as it was. Please deny the permit # 97-00112. I would appreciate it if you would hold a public hearing. Thank you for taking the time to consider my request.

With much hope for the future,

Brooke Miller

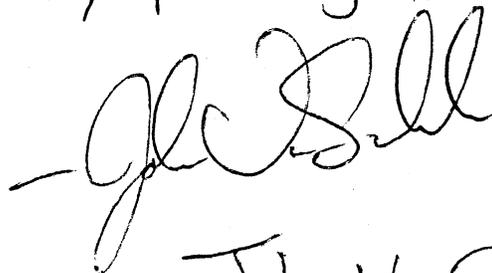
Topeka, KS.

1/30/97

To Whom It May Concern

I am writing to you as a concerned student and active ecological ~~and~~ representative. Being a citizen of Topeka, I appreciate the importance and beauty of the Kansas River. I also understand and appreciate the river's importance in terms of waterfowl and biological life. This letter's purpose is to request denial of Permit #97-00112. Also, a public hearing would be ideal in questioning this detrimental action taken by Bill Penny.

Yesterday was Kansas Day, and we celebrated the beauty and tradition of Kansas. Let us continue this celebration by preserving Kansas's beautiful river.



John VanSickle
Topeka High School.

no return address

To Whom It May Concern:

As a member of the Sojourners Ecology Club at Topeka High School, I feel committed to the environment. I'm a Sophomore and very active in school. One topic I ~~too~~ feel very strong about is the environment. This earth is my generation's future, and I would like to have a beautiful green land, instead of a barren desert. Decisions like this determine the fate of Kansas nature. I want to be able to enjoy the Kaw River, but the dredging companies seem almost more determined than us. Being stubborn to get money, they never give up. But, neither do I. We really do care ^{about} what happens to the river. It is the center of the area that's being studied by the state for river recreation. Dredging is (obviously) bad for the environment. I'm not sure about you, but I know I want my children & grandchildren to have the ability to enjoy this beautiful river. When I visit the river, I would like to hear the birds chirping & the water flowing. I don't want to hear machinery. Which is more important - our future or money? I understand where the dredging companies are coming from. But, I also understand where the precious wildlife is coming from, too. I personally care about a species more than financial benefits. Please, the future is asking you to deny the permit # 97-00112. At the very least, please hold a public hearing so we can voice our opinions. Thank you for your time. Consider the choices, carefully.

Sincerely,
Lori Wilson

Lori Wilson
1907 SW Clay St
Topeka, KS. 66604-3029

To Whom It May Concern,

Even though Topeka is the capital of Kansas, there are hardly any activities available for young people to participate in during the spring and summer months. The river is a wonderful opportunity to spend your free time at, there are so many diverse things you can do on or by the water.

Dredging the river damages the sandbars, making it impossible to canoe, etc. Please deny the permit # 97-00112 so the Topekan teenagers can have a good time enjoying nature this year.

Thanks,

Megan E. [Signature]

January 30, 1997

U.S. Army Corps of Engineers
Attn:CEMRK-CO-RW
700 Federal Building
Kansas City, Missouri 64106-2896

Dear Sirs,

I am writing you to ask that you deny any and all new permits for dredging on the Kansas River, specifically permit #97-00112, as requested by Penny's near Kansas River mile 72.5-74. As a landowner, a person with a deep appreciation for nature and a businessman with offices near the southern edge of the Kansas River, I find it troublesome that yet another application for dredging is being considered, particularly in light of the fact that studies conducted indicate that it is just as economically feasible to obtain sand for development away from this fragile corridor.

I am aware of the fact that studies have also indicated that dredging on the river changes the habitat for the various species of animals which live in, on and near the river. Some of these species are only now beginning to make a comeback from earlier interventions by humankind and it seems ludicrous to have spent many millions of dollars to bring them back from the brink only to have us return them to that status (especially since we do have other options.)

I am very much pro business and not opposed to progress but ask that you allow all of the voices wishing to be heard on this matter to come together for a public meeting to discuss the issues.

Thank you.

Sincerely,



Bud Newell

Bud Newell and Associates
1195 E 56 Rd at Big Springs
Lecompton, KS 66050

January 30, 1997

U.S. Army Corps of Engineers
Attn:CEMRK-CO-RW
700 Federal Building
Kansas City, Missouri 64106-2896

Dear Sirs,

I am writing you to ask that you deny any and all new permits for dredging on the Kansas River, specifically permit #97-00112, as requested by Penny's near Kansas River mile 72.5-74. As a biologist, frequent canoeist and birdwatcher on the river, I am quite frankly disturbed that yet another obstacle in the form of a sand dredge cable would be thrown up for me as well as all of the other users of the river. I use the sandbars on the river to camp during overnight trips and if more dredging is allowed, these sandbars may disappear. On the stretch from the Willard Bridge to Topeka, I have seen the pleated woodpecker, *Dryocopus pileatus*, and while it is not listed as an endangered or threatened species according to my sources, it is listed as uncommon, wary bird which was once numerous here. Along the length of the river, I have observed the bald eagle, *Haliaeetus leucocephalus*, and would not like to think that this threatened species would be disturbed by further activity along the corridor. How will further dredging disturb the prey species so important to the eagle? How will the disappearance of the sandbars impact on the prey and the predator?

Some of the best artifact hunting on the Kansas River is on the sand and gravel bars between Topeka and Lawrence. I would be greatly disappointed if the opportunity to explore these areas was no longer available. For all of the above stated reasons and more, I would again ask that you deny the permit and remove all other sand dredges from the Kansas river. It is an important area recreationally and I would hope that the results of a comprehensive study/survey would reinforce that idea. I would appreciate the courtesy of a public hearing to which everyone wishing to voice an opinion would be invited.

Thank you in advance for your time and attention to this matter.

Sincerely,


Gregory P. Wold
3430 SW Plass Ave
Topeka, KS 66611

To the Army Corps of Engineers

core

I am a KU student who is very concerned about the dredging of the Kaw River. I strongly believe that allowing Penny's to dredge on the Kaw River would be detrimental to the environment of the river. Dredging would remove the sand bars which make the river a wonderful place to recreate. If Penny's requested permit is granted and dredging begins we would lose many wonderful places to picnic, fish, hunt & camp. Birds, ducks, and geese would lose feeding grounds. There is no doubt that dredging damages both the river & the any surrounding farmlands. The river will try to fill the holes in the river bed caused by dredging and this material will come from the river banks. There would be no sand replenishment due to the reservoirs on its tributaries. Eagles, our national bird, would also lose their feeding grounds. There are other places to get sand. There is an abundance of sand outside the river channel in the river valley. Well core samples taken by the Kansas Geological Survey show a 22 foot average thickness of sand in the Kansas River Valley. Please deny permit #97-00112 which would allow Penny's to dredge on the Kansas River between Lawrence & Junction city. I also urge you to also hold a public hearing on this issue. Please make the right decision, deny this permit. Help us, concerned citizens save some of the remaining natural recreational sites in Kansas.

Thank you

Lynne Veidt
932 Mississippi #4
Lawrence, KS 66044

Lynne M Veidt

Dear Army Corps of Engineers,

I am a concerned citizen of Douglas County. I applaud you on your recent decision to deny a proposed permit to dredge sand on the Kaw river. This decision will definitely help our community and our world on the road to recovery. I am writing today urging you to set a good example as community leaders by continuing to make responsible decisions. PLEASE DENY PERMIT #97-00112 !!! This proposition is for an area that has never been dredged before, and which could easily be protected as a valuable wildlife and recreation area. As you probably know, dredging is a horribly destructive and unnatural process, as it removes sandbars, which are nature's built-in erosion control devices. If the sandbars are removed, erosion will increase, which is bad for farmers. Wildlife will decrease, which is bad for the planet. Besides, dredging cables make it unsafe to go boating on the river, which is one of my favorite hobbies! Please consider this humble request, and know that I am speaking on behalf of many, many concerned citizens.

Thank you.

Sincerely,
Natalie R. Sullivan

1332 Tennessee #1
Lawrence, KS 66044

10 The Army Corps of Engineers,

I am a KU student of the University of Kansas in environmental science. I am greatly concerned with dredging of the Kansas River, in particular permit #97-0611. Please deny this permit which will allow Pennys Concrete Inc. to dredge the river for sand. Dredging increases erosion drastically. Vital habitats for waterfowl will be eliminated. There is no area to replenish the sand that is taken from the bar. Pesticides will be resuspended into the river from the surrounding land caused by erosion. The dredging will ruin recreational enjoyment. Not enough studies have been done to determine the disastrous environmental impacts of dredging. Studies cannot be done while dredging is occurring, because the area would make the study irrelevant. Not only would allowing this permit to occur would cause all of the destruction I have already listed; dredging pipes, cables, and floating pontoons are hazardous to boaters and canoeists. Dredging causes riverbanks to collapse and results in loss of farmland. There is no need to dredge this river because Kansas Geological Survey shows a 22 ft. avg. thickness of sand in the Kansas River Valley. I hope you will consider my points that show the problems with this project. Once again please deny permit

in dredging on the Jefferson/Shawnee County

time. + we appreciate a public hearing for
this issue. Thank you.

Michelle Kohns

1734 Engel Rd rm 634

Lawrence, KS 66045

864-1180

RECEIVED
REGULATORY BRANCH
FBI
NOV 11 6Z '97

January 27, 1997

Co-RW

Penny's Concrete

#97-00112

Dear Mr. Gavin,

I am writing in hopes that you will continue to deny dredging permits as you have in the past. The permit to deny is that for Penny's Concrete, Inc., #97-00112. I know that this is past the date for comments, but even though I did not make it in the 90 days you gave for public comment, I hope you will consider my thoughts anyway. The reasons for opposing this dredge are many:

- To do so would be going against Governor Graves wish that you do not grant any more permits.
- The recreational study planned in 1976 ~~would be~~ could not be carried through during dredging.
- The dredgers are not going to be monitored - they could take more than the river can give.
- Land surrounding the river would be degraded costing more money in the long run for loss of farmland and a disruption in the balance.
- Dredging would harm wild life which currently adds to the beauty and tourism possibilities for Kansas.

I am also writing Governor Graves. Thank you for your time.

Julie Felkner

Julie Felkner
1004 Alabama #3
Lawrence, KS 66044

To Whom It Concerns:

1/27

Please deny Penny's Concrete application for dredging sand from the Kansas River bed at river miles 72.5 = 74.0, located on the Jefferson = Shawnee County line. The river is not replenishing itself at the rate it did before the reservoir system was established, and alternatives exist to in-stream dredging.

The Kaw Valley has a growing interest in and support of preservation of the Kansas River. The stretch involved is widely used by river recreationists & holds great possibilities as part of a recreational corridor for northeast Kansas.

The state of Kansas is now studying the recreation potential on the river, and five state agencies are taking part in the study. Please lend your support for recreation on the Kansas River by denying Penny's dredging permit, Application No. 97 = 60112. Thank you for your attention to this request.

Sincerely yours,
Cathy Jarrett



Ms. Cathy Jarrett
1715 Pennsylvania St.
Lawrence, KS 66044

Co-RW

Please deny the
Permit on the Jeff/SN county
line. # 97-00112

Hold a public hearing
to learn why its
important not to
allow dredging on
the river.

WILLIAM CATHER
ATTORNEY AT LAW

WILLIAM CATHER, P.A.
2935 SOUTH SLNECA • WICHITA, KS 67217-2863
(316) 522 4749 FAX (316) 529-9961

January 24, 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

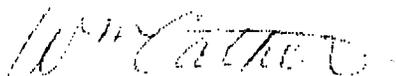
VIA FACSIMILE (816)426-2321

re: No New Dredges on the Kansas River
Penny's Newest Permit Request
on the Jefferson/Shawnee County Line

To Whom It May Concern:

The purpose of my letter is simply to ask the Corps to ~~DENY~~ permit #97-00112. Thank you.

Sincerely,



William Cather

WC/rs

JON BLUMB PHOTOGRAPHER

835½ MASSACHUSETTS LAWRENCE KANSAS 66044 PHONE 913 842 7666

January 23, 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106

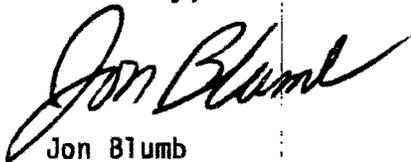
Dear Sirs:

Please deny the application for sand dredging permit #97-00112.

Please schedule a public hearing on this application.

Thank you.

Sincerely,



Jon Blumb

January 27, 1997
CO-KW

Army Corps of Engineers:

Thank you for denying the recent dredging proposal by Victory Sand and Gravel. We Kansans are grateful.

I am now writing to request that you also deny the proposal to dredge by the Penny's Concrete Corporation.

I am sure that you are aware of the current study of the recreational uses of the river.

The proposed dredging site is smack dab in the recreational corridor between Topeka and Lawrence. Since a dredging rig is a hazard to boaters, this would prevent an effective study.

In addition to presenting a danger to boaters, a dredging operation

would further pollute the Kansas river. We use the water for drinking here in Lawrence, and the river has made the top ten list of America's most endangered rivers! A dredge would further pollute our river.

Another cost of dredging is the loss of river banks due to erosion. Wildlife areas would be harmed, and many acres of farmland would be lost. Hundreds of acres of farmland are lost each year due to erosion on the river. River dredges cause a large increase in the erosion of the banks.

Please consider these and other issues and deny permit # 97-10112.

I have written also to Governor Graves on this issue.

Thank you for your consideration.

Chris Foster
Christopher Foster
939 Indiana St. #3
Lawrence, KS 66044

P.S. please hold a public hearing on this issue!

21800 W 73 Terr. ^{CO-RW}
Shawnee, Ks. 66218

To:

US Army Corps of Engineers

I am writing to ask
you to please deny the permit,
97-00112.

I am also asking that
you hold a public hearing
so that voices in opposition
of granting this permit can
be heard.

We have so little
unharmed left in our
environment, I would like
very much to preserve the
remaining undamaged areas
of the Kansas river.

DREDGING DAMAGES THE
RIVER.

Thank you very much
Maryellen Bruner Howell

From: Brian G Counts
To: Cemrk-CO-R
Date: Wednesday, January 22, 1997 1:46 am
Subject: Permit # 97-00112

----- Forwarded with Changes

From: almon@KUHUB.CC.UKANS.EDU at Internet
Date: 1/19/97 5:30AM
*To:
/s=Weblord/ou1=CENPD-IM-M/o=EML01/prmd=gov+usace/admd=attmail/c=us/ at x400
Subject: Permit # 97-00112

forwarded as requested

Forward Header

Subject: Permit # 97-00112
Author: almon@KUHUB.CC.UKANS.EDU at Internet
Date: 1/19/97 5:30 AM

Steve Burns:
Please forward to Attn:CEMRK-CO-RW

I am writing to express my opposition to the granting of Permit #97-00112 to Penny's Sand Company. They are requesting to dredge for sand in the Kansas River near the Jefferson/Shawnee County line, an area that is in the very center of a stretch of river corridor being studied by the State of Kansas for river recreation. The Kansas River is the only remaining wild river in Kansas, and dredging severely damages the river because upstream reservoirs prevent sand replenishment. The dredging cables will block the recreation access by canoers and makes it extremely dangerous.

Please hold a public hearing on this permit request. Better yet, simply deny the permit because of the incompatibility of dredging with canoeing and with the plans of the State of Kansas to utilize this area for a recreation corridor.

Thank you, Michael S Almon
1311 Prairie Ave.
Lawence, KS 66044

To: Army Corps of Engineers
Fax # : 816-426-2321

From : Dan Thalmann

Army Corps of Engineers
700 Federal Building
KC, MO 64106-2896

Please deny permit #97-00112 and hold a public hearing on the Penney dredge proposal. I believe there should be no new dredging permits issued until after the recreational corridor study is finished. Thank-you!

Sincerely,



Daniel J. Thalmann
3909 W 10th Cir.
Lawrence, KS 66049-3619
(913) 832-8659

P.S. Thanks for denying the Victory Sand & Gravel dredging proposal!

Tamara Dykes
612 E Park
Olathe, KS. 66061

U. S. Army Corps of Engineers
ATTN: ~~CON~~ARK - CO - RW

Dear Sirs:

This letter is protesting the Dredging of the
Kansas River. I request you deny the Permit # 97-0011.
Also that you kindly hold a Public Hearing in
opposition to the Dredging of the Kansas River.

Sincerely yours,

Tamara F. Dykes

Patty Boyer
1927 E. 1300 Rd.
Lawrence, Ks. 66044

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, Mo. 64106-2896

RE: Kansas River Dredging

Dear Mr. Smith;

I would like to request a separate hearing to review Penny's Concrete, Inc.'s newly proposed permit application to dredge sand from the Kansas River near Grantville, Kansas. As it stands, the inclusion of Penny's new application among those being considered for reapplication is a breach of the notification regulations.

I do not understand why Penny's new application is being considered without separate public notice and access to a public hearing. New permits are subject to completely different procedures and guidelines than are existing permit renewals. The public and elected public officials have already spoken out against future dredging in this area. Last year the county commissions of Douglas, Shawnee, and Riley counties passed resolutions against in-stream dredging on the Kansas River, and the cities of Lawrence and Topeka have passed resolutions against further dredging in their areas.

I also am concerned by the fact that approval of new applications is taking place in spite of the seemingly faulty monitoring system. It has been plagued by data submitted years behind schedule, disagreements regarding funding mixes among the 8 producers already present on the river, the flood of 1993, the choice by producers of an engineering firm that had never conducted channel survey studies before, and slow construction of ranges surveyed from established benchmarks. The Corps has stated three or four sets of data must be collected and compared with the baseline data before reliable conclusions can be derived concerning dredging impacts. Only two sets of data have been collected so far.

Five state agencies are conducting a study on river recreational opportunities along the full length of the Kansas River. Penny's new permit application is in an area located right in the middle of the study and would cut off all safe navigation between the river access

ramp located in Topeka and the one soon to be located near Perry/Lecompton bridge. As long as the State of Kansas considers the Kaw River one of only 3 navigable rivers in Kansas; as long as the Kansas Legislature has set up a multi-agency study of recreation access including the entire Kansas River; as long as Governor Graves has urged the Corps to delay any action on new permits for sand dredging between Topeka and Lawrence until the above-mentioned study is completed in January of 1998, I would ask you not to consider any new dredging permits in this area in particular and the length of the river in general until early 1998.

Wouldn't it be prudent to wait until the study of recreational opportunities is completed and a full set of data is compiled before issuing any new permits? Is the self-monitoring system fool proof? Is there a better way to insure honest and thorough accounting from the dredger? Is it a good idea to have the fox watching the chicken house?

I think it would be very bad form for the Corps of Engineers to permit dredging in a previously undredged reach of the Kansas River until the above-mentioned questions are answered and the studies are completed. Having read the EIS and resulting Regulatory Plan for the Kansas River, I have come to the conclusion that the upper reaches of the river (above Bowersock Dam) for the most part were not studied or taken into consideration. I would urge the Corps to conduct a study on the undredged upper reaches of the Kansas River to take into consideration the recreational and aesthetic qualities of these areas. The river has taken on the characteristics of two completely different rivers. Below Bowersock Dam it is a highly dredged and industrialized river; above the dam it is a nearly pristine (by modern standards) shallow braided river with lovely sandbars and islands - a perfect draw for recreational tourists.

Because the Regulatory Plan and EIS concentrated on the lower reaches of the river, the aggregate producers' reasons for not opting to pit mine do not hold true for the upper reaches of the river. Industrialization, urbanization and the resulting high price for land in the floodplain adjacent to the lower 23 miles of the Kansas River has supposedly led to purchasing and zoning problems for the producers. These circumstances do not exist in the floodplain in the upper reaches of the River.

Mr. Penny has indicated his new permit application could be used for either instream mining or pit operation. I think it would be prudent to deny his permit for instream mining until all studies and data compilations have been completed. Please grant a public hear-

ing on his new application and extend the public comment period on this public notice.

Sincerely,



Patty Boyer
Friends of the Kaw

cc. Kansas Dept. of Health and Environment
Senator Sandy Praeger
Jefferson County Commission
City of Lawrence
City of Topeka
County of Douglas
County of Shawnee
T.J. Hittle
Jayhawk Audubon Society
Kansas Canoe Association
Kaw Valley Heritage Alliance

Jan 21, 1997

Dear Army Corps of Engineers,

I am concerned about the permit you are reviewing for dredging the Kaw River. I feel dredging will interfere with both the recreational activity on the river and the natural habitat. I urge you, as a Lawrence city member to please deny permit #97-00112 until the impact of dredging on the environment & for this community has been thoroughly evaluated.

Thank you for your consideration of this request and my concerns.

Sincerely,

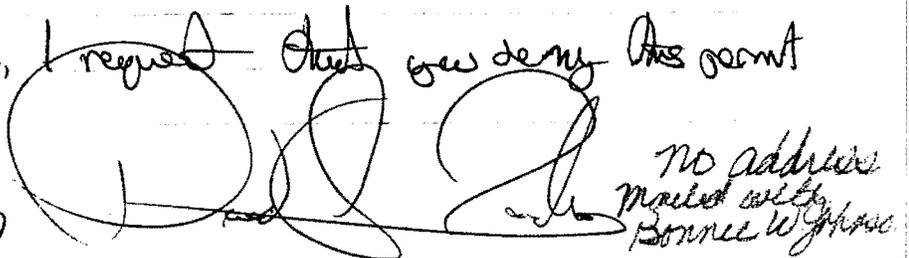

Bonnie W. Johnson
xx211 Weston Sq
Lawrence, KS 66049

Bonnie W. Johnson
xx211 Weston Square
Lawrence, Ihs 66049

U.S Army Corps of Engineers:

I am requesting that you deny Penny's request to obtain a dredging permit on the Kansas River near the Jefferson/Shawnee County, permanently because this section of the river is still undergoing studies for recreational possibilities. This study is not due till next year, and it would be a shame if one company could take away the enjoyment of an entire community. As far as canoeing and kayaking is concerned, sandbars and other river features provide an environment free of mud and debris. Dredging would also stir-up pesticide residue & destroy these features of the river which keep it clean & filter out contaminants.

So on this basis, I request that you deny this permit to the one
DAVID J TOMLINSON


NO address
mailed with
Bonnie W. Johnson

To: Army Corps of Engineers

Attn: CEMRK-CO-RW

1-21-97

This is a request that a dredging permit be denied due to its effects on the integrity of the river.

I'd request #97-00112 be denied and that a public hearing be held re: this.

Kathleen Riordan
1301 Mission Rd.
Prairie Village, Ks.
66208
913-3837882

Goldmakers
fine Jewelry

(913) 842-2770
723 Mass. St., Lawrence K.S. 66044

January 21, 1997

Dear Army Corps of Engineers,

We are writing in opposition to the proposed Kaw River dredging project, permit #97-00112. We are against Penny's newest permit request and we believe that before any actions are taken it is necessary to hold a public hearing regarding this matter.

Thank you,

Goldmakers, Inc.

Peter Zachaus
Jyra & Kaleen
Rafael Adams
Christine Schweiger
Will L. Smith
Staniff Sill
Wanda Adams

HELLO

I WOULD LIKE TO TAKE A SECOND OF YOUR
TIME AND ASK YOU PLEASE TO

1. - DENY THE PERMIT #97-00112
2. - HOLD A PUBLIC HEARING

PLEASE STOP THE DREDGING ON THE KANSAS RIVER
ON THE JEFFERSON/SHAWNEE COUNTY LINE

THAT IS A VERY GOOD PLACE FOR CANOEING

THANK YOU

/ GREGG GORE

3815 SE HENNY DR

TOPEKA KS 66609 /

CO-RW



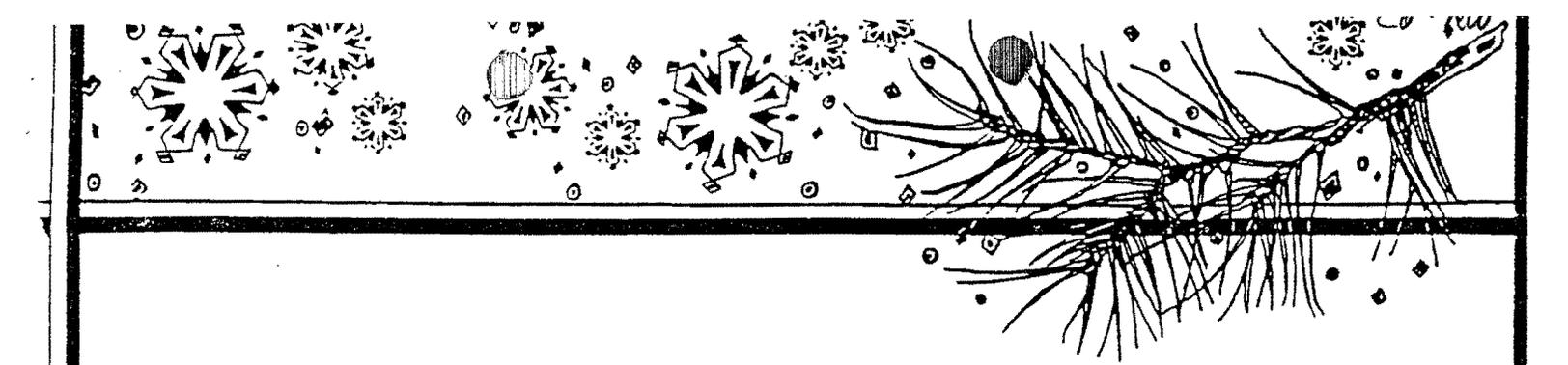
Dear Sir or Madam:

I am writing to ask you to please deny permit #97-00112 to Mr. Bill Penny. My husband and I enjoy the outdoors and especially canoeing and bird watching. Both of these activities would be hindered by any dredging allowed on the Kansas River. This is a natural resource we have the ability and the responsibility to maintain. I encourage you to hold a public hearing so that everyone involved will be able to voice concerns for both sides.

Thank You!

Julie Koenig

 Karl Koenig
6518 SW 28th Ct.
Topeka, KS 66614



Dear Corps of Engineers:

I am writing to request that you refuse the Penny's Permit (#97-0012) to dredge sand from the Kansas River. First we lose the tree line for the sake of a few more crop rows and now we have to fight to keep the aquatic system from the ravages of sand dredging.

My personal request to leave this stretch undisturbed is for the wildlife, our visual enjoyment and the health of the natural area.

When we build our home this spring, we will not be purchasing sand from a river dredging operation. There's plenty elsewhere.

Please deny the permit.

Sincerely,

Mrs. Melody Pollom

Alan and Melody Pollom
Erik and Alison
3810 NE Meriden Road
Topeka, KS 66617

38 Winona Ave.
Lawrence, KS 66046

January 21, 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

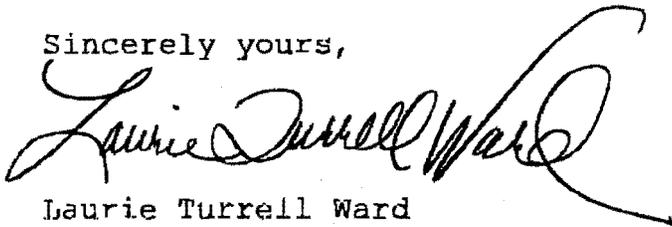
Dear U.S. A.C.of E.:

Thank you for your recent decision to deny dredging permits on the Kansas River, west of Lawrence. It's imperative that we all carefully plan how our last remaining natural resources are used. It will become increasingly important to people to have recreational spaces on the Kansas River, as other wild spaces are obliterated.

Please deny the latest permit request--#97-00112--and do hold a public hearing on this. I, along with others who feel as I do, respect Bill Penny and know we can all work together on our goals.

Thank you for this opportunity to be heard.

Sincerely yours,

A handwritten signature in cursive script, reading "Laurie Turrell Ward". The signature is written in dark ink and is positioned above the typed name.

Laurie Turrell Ward

Dear Corp of Engineers,

I'm writing to ask you to deny the permit # 97-00112 to allow dredging on the Kaw River.

I have many reasons to ask you for this denial but chief among them is the fact that it is harmful to the environment.

Thanks,

Steve Baro

Steve Baro

11604 Oakmont

Overland Park, KS

66210

US. Army Corps of Engineers
Lawrence Gavin, Chief of Reg. Branch
700 Federal Building
Kansas City, MO 64106-2896

Dear Lawrence Gavin,

Please add my name to the list
of those opposed to the Penny's Concrete
dredging permit (No. 97-00112). My opposition
is due to the destructive nature of in-stream
dredging to river quality, particularly at
~~at~~ a time when the state is studying
the recreational potential of this portion
of the Kaw

Sincerely

Steve Stemmerman

706 Illinois
Lawrence KS 66604

Richard A. Bean
167 E. 1000 Rd.
Baldwin, Ks. 66006 U.S.A.
(913) 594.2694

FAX TRANSMITTAL

TO US Army Corps of Engineers ATTN: CEMRKC-CO-RW
700 Federal Office Building, KC-Mo. 64106-2806

FROM Home

PAGE 1 OF 1

NOTE Dear SIRSI

I write to ask that you deny the
permit - # 91-00112 from Penny's Reddy Mix.
It also would seem prudent to allow a
public hearing on this matter.

Thank you
Richard A. Bean

Mon, Jan 20, 1997

Attn: CEMRK-CO-RW.

Please deny the permit #97-00112, requested by the Penny's dredging operation, or at least hold a public hearing on the application. Reasons for opposition are that the proposed site is the middle of an area being studied by the state for river recreation, between the Topeka river access and the proposed Perry-Lecompton access.

Not only would this dredging destroy the natural sandbar formations and alter flow in ways that degrade riparian habitat in this stretch being considered for its proposed recreational and natural value, dredging cables crossing the river are dangerous to canoeists. The potential damage to the river system is long-term and extends far beyond the actual operation downstream; on the one side here is short-term profit for one operation, while on the other is considerable economic value in recreational and tourist potential, and preservation of an important river-system ecology.

Thanks---Chris and Sarah Clark
1731 Rockhill rd.
Manhattan Ks

1-20-97

FAX TO:

U.S. Army Corp of Engineers

AHN: CEMRK-CO-RW

700 Federal Bldg

KC Mo 64106-2896

816-426-2321

Subj: Sand Dredging on KANSAS RIVER
Permit - #97-00112

PLEASE DENY THE SUBJECT
PERMIT. THE KANSAS RIVER UPSTREAM
OF LAWRENCE & OTHER UNDISTURBED
REACHES SHOULD BE RESERVED
FOR RECREATION & AESTHETICS AT
LEAST UNTIL THE STATE LEGISLATURE
FINISHES THEIR STUDY. THANKS,
ALSO, SHOULD HOLD & PUBLIC HEARING.

SINCERELY

Craig S. Volland

CRAG S. VOLLAND

609 N 72nd St

K-C. KS 66112

CC. FRIENDS OF THE KAW

Naomi Durant
5342 W. 102 St.
Overland Park, KS 66207

January 20, 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Bldg.
Kansas City, MO 64106-2896

Ladies and Gentlemen:

I am writing to protest the Penny Family's newest permit request to dredge the Kansas River. Dredging is not compatible with recreation on the Kansas River and would make it dangerous. Dredging removes sand bars on which waterfowl feed. It damages the river - there is no replenishment due to the reservoirs on its tributaries.

Please deny permit # 97-00112. Also, please hold a public hearing on this issue.

Thank you for your consideration of protection of the Kansas River.

Sincerely,
Naomi Durant

1-19-97

U.S. Army Corps of Engineers

ATTN: CEMRK-CO-RW

700 Federal Building

Kansas City, MO 64106-2896

Dear Sirs:

Dredging on the Kansas river damages the river and is incompatible with recreation. Please hold a public hearing regarding additional dredging permits. For the sake of future generations of Kansans, so that they may enjoy and see the same somewhat natural great Kansas River that we have today, I implore you to deny permit # 97-00112.

Sincerely,

Dirk Durant

Dirk Durant

5342 W 102nd St.

Overland Park, KS 66207

1-19-97

U.S. Army Corps of Engineers

ATTN: CEMRK-CO-RW

700 Federal Building

Kansas City, MO 64106-2896

Dear Sirs:

Dredging on the Kansas river damages the river and is incompatible with recreation. Please hold a public hearing regarding additional dredging permits. For the sake of future generations of Kansans, so that they may enjoy and see the same somewhat natural great Kansas River that we have today, I implore you to deny permit # 97-00112.

Sincerely,

Dirk Durant

Dirk Durant

5342 W 102nd St.

Overland Park, KS 66207

19 January 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

Dear Sir/Madam:

I am writing to urge that you deny the request for a permit, #97-00112, to dredge on the Kansas River on the Jefferson/Shawnee County line. At the very least, a public hearing should be held before proceeding to grant this request.

Governor Graves has asked you for a moratorium on new permits to dredge while studies of the recreational potential of the river are completed, and the area of this request is in the very area being studied by the state. The site is between the Topeka river access and the proposed Perry-Lecompton access, and granting the permit would essentially pre-empt any state efforts to upgrade public access and encourage greater public use and appreciation of the river. Dredging and recreational use are incompatible: dredging destroys the sandbars and natural river configurations not only at the dredging site, but also downstream, ruining the natural riverscape and removing the resting spots used by canoeists, fishermen, migrating waterfowl, and hunters. Moreover, the cables crossing the river at dredging sites are a real hazard to canoeists. Finally, to grant this permit would be to privilege a single firm's consumptive use of a public resource at the expense of the larger public interest, precluding the realization of potential economic value from recreational uses, and the actual economic and aesthetic value of a relatively unspoiled river habitat.

Yours,

Michael L. Donnelly
1819 Fairchild Avenue
Manhattan, KS 66502
(913) + 539-2530

DATE: January 19, 1997

FROM: Joe Hyde
1605 W. 27th St.
Lawrence, KS 66046

TO: Kansas Department of Health & Environment
U.S. Army Corps of Engineers

RE: Corps Public Notice titled Kansas River Dredging
(December 20, 1996)

If the streambed renewal projections on which the Regulatory Plan for Commercial Dredging Activities on the Kansas River is founded are accurate, each dredging site presently on the river should have been receiving its full annual "quota" of repair aggregate (migrating sand and gravel) every year since the Regulatory Plan went into effect.

In other words, the desired saleable aggregates should be moving into each dredging site by natural means, and in a volume at least equal to what commercial dredging annually removes from each approved mining site.

This, as I understand it, is the intent of the Regulatory Plan - to allow continued commercial mining of the Kansas River channel while guaranteeing that no new environmental harm comes to the river as a result of that continued mining.

On January 9th in his Kansas City District office, Mr. Robert Smith of the Corps Regulatory Branch showed me a graph that displayed the present streambed elevation of the Kansas River. If I remember correctly, the river reach covered by his graph was the area from Bonner Springs east to the river's mouth at Argentine - some 20 miles of river channel.

Mr. Smith's chart had lines on it showing that the Kansas River's bed has now aggraded (built up) some 2 vertical feet all through this long reach. This aggradation, he told me, is proof that the Regulatory Plan is working to repair the streambed, that the Regulatory Plan is protecting the river.

I don't recall whether Mr. Smith commented on the content or quality of

the recovering streambed. Has it been "recharged" with the kinds of saleable aggregates that have commercial value to dredgers, or has the riverbed aggraded with an environmentally harmful substance like silt or some other material that lacks commercial value? I don't remember him saying, and I never thought to ask him this question. We were discussing many things at the time.

Regardless, if the Regulatory Plan is indeed functioning as designed, no dredging operation on the river now should need its site borders changed to mine the allowable annual volume of aggregates. If the fundamental theory behind the Regulatory Plan is correct, there should be no need to move an existing dredging site's borders - ever.

Yet according to the Kansas River Dredging public notice, of the eight dredging companies presently mining the river, four are using this most recent permit renewal period not to renew but to expand the borders of an existing mining site.

Expanding an existing site creates a new site. An enlarged or extended site, or a site where both borders shift upstream or downstream in concert, allows commercial dredging to bring into a previously undredged area environmental impacts identical to what a new site would bring if one suddenly appeared there.

If effect, the four companies seeking these site changes are attempting to abuse the federal permit *renewal* process, to use it as a shortcut to expedite moving a dredge into a previously undredged area.

Obtaining new dredging areas in this fashion bypasses the normal (and legally required) state and federal permit issuing procedures for *new dredging operations*.

As listed in the Kansas River Dredging public notice (enclosed), there are 17 existing dredging sites now on the river. The four sites and the companies involved in this improper changing activity are:

Dredge #3: Holiday Sand & Gravel (Application #96-02337)

Entire 1.5-mile long site shifts downriver .2 miles

Total new riverbed area to be dredged .2 miles

RECEIVED
REGULATORY BRANCH
JAN 21 12 44 PM '96

Dredge #8: Builders Sand Company (Application #97-00114)
The site's downstream boundary moves downriver .3 miles
Total new riverbed area to be dredged - .3 miles

Dredge #9: Kaw Sand Company (Application #97-00106)
The site's upstream boundary moves upriver .5 miles
Total new riverbed area to be dredged - .5 miles

Dredge #12: Penny's Concrete, Inc. (Application #97-00109)
The site's downstream boundary moves upriver .5 miles
The site's upstream boundary moves upriver 1 mile
Total new riverbed area to be dredged - 1 mile

The fact that the above four companies have invested effort and money trying for adjacent stretches of the river channel - areas not included in their existing permits as issued - is strong circumstantial evidence that the owners of these companies consider these site changes necessary and potentially profitable. Otherwise they would not be attempting to relocate.

But what is the stimulus for these site movement attempts? Why are four different dredge owners trying to expand existing operations into previously unmined parts of the river when the Regulatory Plan supposedly provides a guaranteed sand supply that lets all dredgers now on the river enjoy perpetual prosperity if they just sit still?

We must deduce that the owners who are seeking these site border changes are doing so because they think moving their borders is necessary economically. Dredging is a commercial activity, and expanding a site's "footprint" allows presently off-limits aggregate deposits to be mined. The money acquired by selling those out-site aggregates will let these four owners maintain or improve not only their personal financial well-being but their corporate competitive status as well.

Nature's technique for transporting aggregates downriver into a waiting dredging site is steady but time consuming - even with the assistance of the extended high-water periods that now occur since the construction of the Kansas River's 18 upstem federal reservoirs.

NOTE: The numerous and unnaturally long high water events seen on the Kansas River are caused by the "stage/sequence" draining of surface runoff detained in these big lakes, plus any water volume added by naturally-occurring (and uncontrolled) rainstorm and snowmelt runoff from "out-lake" watersheds. Individually and combined, these flows produce more hours of riverbank saturation than ever occurred in nature before the appearance of the 18 huge lakes.

Almost every high-water episode seen in the Kansas River channel nowadays is an *artificially prolonged* high-water event, and this mostly human-controlled drainage regime triggers persistent and often massive streambank collapses the entire length of the Kansas River. It is a federally-assisted erosion, and it liberates millions of tons of sand and gravel annually from floodplain soils that once were far more resistant to erosion because of the riparian timber areas that previously bordered the river. The roots of these trees and shrubs held the riverbank soils in place, and during flood events the submerged tree border slowed down the river's current speed across the floodplain.

But since the appearance of the big federal lakes (and the human practice of removing riparian habitat to expand agricultural and real estate development activities), these repeated high elevation (and high *velocity*) flows have rubbed against the riverbanks relentlessly, steadily eroding the soil from around the tree roots.

Once a section of riverbank is defeated by erosion, its soil mass collapses into the river channel and the river's current separates the sand and gravel particles from their surrounding sediment. Now pre-washed and laying on the riverbed in the publicly-owned section of the river, subsequent high water events carry this newly-"produced" aggregate into the 17 commercial mining sites now waiting downstream.

So by trying to move outside of their original site borders, these dredge owners are expressing their impatience with the river's natural aggregate delivery method. Plus, they're expressing their impatience with nature's delivery method *as assisted by pre-dredge mining work performed for them by the upstem federal lake releases.*

Could these owners be trying to move hydraulic sand dredges into new riverbed areas in a selfless attempt at ensuring the long-term environmental health of the Kansas River ecosystem? That seems highly unlikely. If that were their motive, would not all four owners be standing pat in their present sites and letting the Regulatory Plan do its job?

No, their motive for expanding the operational borders of these four sites can only be to gain more wealth by annually removing more tons of publicly-owned aggregate than what these existing sites presently allow.

Instead of waiting for millions of tons of sand and gravel to migrate downriver into these sites, instead of watching the sand that lays

immediately below the sites migrate downriver into a competitor's site, these owners have decided to end the constant waiting and just "go for it" - just reach out and grab more aggregate - and the Regulatory Plan and the Kansas River's environment be damned.

Inserting a new dredge into a virgin channel using the standard federal new permit application procedure would be too risky *at this time* because of the growing public awareness in Kansas that commercial dredging causes many unacceptable environmental impacts. These owners are politically astute enough that they won't try for an entire new 1.5-mile long Regulatory Plan-maximum site right now. (The exception being Penny's Concrete, with its "stealth" Application 97-00112 for a new site just east of Topeka.)

NOTE: In the case of Kaw Sand Company and Penny's Concrete (two companies that alone control nearly half the dredging operations on the Kansas River), these two companies are seeking "virtual new" mining sites.

Kaw Sand Company, with Application #97-00106, is trying to move a dredge into an out-site area that's 1/2-mile long. And Penny's Concrete, with Application 97-00109, is trying to move a dredge into an out-site area that's a full one mile long.

Regarding Kaw Sand Company, gaining a 1/2 mile stretch of previously undredged Kansas River channel and its adjacent riverbank soils doesn't look very impressive to the casual eye. But if we count the aggregate deposits already there, plus the aggregates held in the soon-to-be eroded adjacent riverbanks, plus the migrating aggregates that will be carried steadily into it by high-water events, such a seemingly small area would yield an almost unimaginable volume of saleable sand and gravel.

And as for Penny's Concrete, Inc., if we count the 1 1/2 new river miles Penny's would gain if its "stealth" attempt for *new site* 97-00112 succeeds, plus the 1 mile gained if Application 97-00109 succeeds in changing that site's upstream boundary, Penny's Concrete will have abused the federal dredging permit renewal system to seize 2 1/2 undredged river miles it presently lacks authorization to mine!

If the Regulatory Plan for Commercial Dredging is truly protecting the Kansas River's environment while simultaneously providing replacement sand for all 17 registered sites, if more sand has migrated downstream and built up the riverbed in the sites and in the adjacent stretches as well - said migration delivering "repair aggregates" at a faster rate than what commercial dredging has removed since the Regulatory Plan was implemented - then something is very wrong here.

Accepting applications to change site borders? Shouldn't the Corps of

Engineers Public Affairs Office be out on the riverbank somewhere right now shooting press release photos of dredge owners laying in the hay with their eyes shut and their faces radiating serene contentment, each one happy as a piglet on a sow's tit, their only sound an occasional sleepy grunt if someone tries to lift them off the nipple?

But it's plain as day right there in the Kansas River Dredging notice: *One fourth of the commercial dredging operations now on the Kansas River are trying to shift up or down river so they can suck more sand from "out-site" areas.*

If the riverbed elevation is truly rising as Mr. Smith's chart depicts, and if the recovering streambed contains enough of the aggregates that dredgers can sell, and these aggregates are arriving in the sites as a result of the Regulatory Plan's restrictions...then why isn't the Corps getting requests to mine more tons of sand and gravel from *inside the original borders of these four sites?*

I mean, if the Regulatory Plan is working, why move?

The behavior of these four dredging companies - and not Mr. Smith's riverbed chart - makes me suspect that the underlying reason these four owners want their site boundaries changed is:

1. The Regulatory Plan is not providing enough "repair aggregate" to match or exceed what commercial dredging of those four sites *legally removes* annually, or;
2. These four dredging companies have broken the law and exceeded their allowable annual aggregate removal tonnage limits, and their owners are now trying to use a bogus permit renewal application to invade areas adjacent to their original sites and mine the aggregates there - and they're trying this trick because of their utter disrespect for the Army's and the state' law enforcement powers, or;
3. Both of the above.

I got five bucks says it's "both of the above".

I would like to point out here that the Kansas River monitoring program on dredging's impacts has not been performed by the Army Corps of Engineers as scheduled per the Regulatory Plan? Also, there has never been a program developed, staffed, funded and implemented to let the Corps of Engineers and the state of Kansas conduct routine and unannounced site inspections and audits of dredging company records and operations to verify compliance with federal and state mining restrictions and to gauge the progress of allowable environmental impacts?

Without these reports and this critical monitoring data, and without distributing this data for independent public and scientific review, the Corps of Engineers and the Kansas Department of Health & Environment are both absent any scientific and legal legitimacy required to rule on the safety and desirability of moving or expanding the existing site borders.

How can the Corps and KDHE make informed decisions? The Regulatory Plan lacks any monitoring, oversight and enforcement capability; it is not a regulatory device at all.

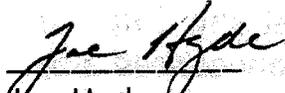
Therefore the four site change requests listed in the Kansas River Dredging public notice can not be authorized.

Until the river monitoring work is properly conducted in the manner called for in the Regulatory Plan, and until the data thus acquired is properly analyzed and distributed for public review, no movement or expansion of existing operations, and no new dredging operations can be authorized without risking unknown environmental injury to the Kansas River.

For the Corps of Engineers and the Kansas Department of Health & Environment to approve Penny's application 97-00112 and also approve these four site changes at this time is not only unethical, it's irresponsible. That's because the Regulatory Plan itself is now suspect; the behavior of these four dredging companies makes it suspect.

The Kansas River is the state's namesake river. It is a major stream whose environmental and ecological health dictates the chances for long-term human survivability in northeast Kansas. The Kansas River rates your very best professional protection efforts and it's health - not the health of commercial dredging companies - is what matters the most.

Sincerely,


Joe Hyde

cc: Governor of Kansas Bill Graves
Speaker, Kansas House of Representatives
Secretary, Kansas Department of Wildlife & Parks
Kansas Sen. Sandy Praeger
Kansas Rep. Tom Sloan
The Topeka Capitol-Journal
Kansas Natural Resources Council
Kaw Valley Heritage Foundation
Friends of the Kaw

6342 Ash Dr.
Shawnee Mission
Ks 66208-1369
18 January 97

Dear Corps of Engineers

Please deny Permit #97-00112
and hold a public hearing to
address dredging on Kansas
rivers.

Robert Van Long

6342 Ash Dr.
Shawnee Mission
Ks 66208-1369

18 January '10

To the Army Corps of Engineers;

I am very concerned by the continued exploitation of our natural resources, and would like for you to deny the dredging permit #97-00112. I would also like public hearings to be held on this issue, or for future dredging to simply be disallowed.

Thank you for your time.

Sincerely;

W. Kay Hopkins

Wanda Kay Hopkins

4755 Hayes Ave.

Merriam KS 66203

1-18-97

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

Dear Sirs or Madams,

Please deny Penny's dredging permit request, permit #97-00112. Also, please hold a public hearing on this case.

Sincerely,

Karen S. Larsen

Karen S. Larsen
5102 Garner Lane
Merriam, KS 66203

1/18/97

U.S. Corps of Engineers

Attn: CEMRK-CO-RW

700 Federal Bldg

K.C. MO 64106-2896

Dear Corps:

1. Please deny sand dredging permit #97-00112 to Bill Peang.

2. Please hold a public hearing on this.

Why? 1. This location on the Jefferson/Shawnee County line is in the center of the area being studied by the state for river recreation.

2. Dredging is incompatible with canoeing.

3. " damages the river -- due to the upstream reservoirs there is no sand replenishment.

4. And more.

Wayne Sangster

Wayne Sangster

Lanny Sangster

LANNY SANGSTER

7325 Booker

P. V. KS 66208

3800 W. 5th TERRACE
ROCKLAND PARK, KS. 66205
1-18-97

U.S. ARMY CORPS OF ENGINEERS
200 FEDERAL BLDG
KC, MO 64105

DEAR SIR/MADAM:

I AM WRITING IN OPPOSITION TO ISSUING ANY
NEW PERMITS FOR DREDGING ON THE KANSAS RIVER
PERMIT # 97-00112 SHOULD BE DENIED AND A
PUBLIC HEARING HELD.

SINCERELY YOURS,

Michael R Miller

MICHAEL R. MILLER

3224 Saddlehorn Dr.
Lawrence, KS 66049
January 18, 1997

U.S. Army Corps of Engineers
700 Federal Building
Kansas City, MO 64106-2896

re: Permit #97-00112

Dear Sirs:

My husband and I urge you to deny the request for a permit to dredge the Kansas River on the Jefferson-Shawnee County line. We believe this section of the river should be protected from such degradation because it is a particularly beautiful stretch, is rich in wildlife and quite suitable for recreational activities. Dredging would severely limit such uses.

Sincerely,

Nancy K. Shontz

Nancy K. Shontz

*P.S. Please hold a
public hearing on
This permit*

n.

C8-RW

Leann Harrell
12615 School Creek Rd.
St. George, Ks. 66535-9712

Graves urges caution on dredging

In a letter to the U.S. Army Corps of Engineers earlier this month, Gov. Bill Graves showed his support for the environment by encouraging the Corps to refrain from issuing Kansas River dredging permits, pending the outcome of a legislative study on recreational access.

Last year, the Kansas Legislature mandated a recreational corridor study on the Kansas River between the cities of Manhattan and Lawrence. The study is scheduled to be completed before the 1998 legislature convenes.

On Dec. 12, the Corps rejected two requests to dredge on the Kansas, or "Kaw," as it is referred to locally. It was determined that recreational uses of the river may be compromised by development of sand dredging sites. This decision will not affect existing dredging on the river.

Environmentalists, fishermen and canoeists oppose any new dredging sites on the Kaw and are encouraged by the decision from the Corps.

The Smoke Signal, Wamego, Ks Dec 25, 1996

18 January 1997

Mr. Smith:

The enclosed article appeared in my local paper dated Christmas Day as the perfect present. I am very grateful for the decision made to deny the requests made for dredging in these sections of the Kansas River. I hope the same spirit will be present for the new permit application for RM 69.0-67.5. With appreciation,
Leann Harrell

January 18, 1997

U.S. Army Corp of Engineers
Attn: CEMR-K-CO-RW
700 Federal Building
Kansas City, Mo 64106-2896

To Whom It May Concern:

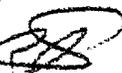
I have heard that an application for a permit to dredge the Kaw river has been submitted to your office - permit # 97-00113. I am strongly opposed to this activity since I believe it is incompatible with a healthy

environment. Please deny this

permit & allow the Kaw river

to flow naturally.

no return

address 

Sincerely,

Thomas J. Nash

January 18, 1997

To Whom It May Concern:

I am personally asking that you
deny Permit # 97-00112,
and please hold a public hearing.

I am asking this as a person
(and taxpayer) who is very concerned
about the environment.

Thank you

Melissa M. Winters

Overland Park, KS.

no return
address

3800 W. 52nd Terrace
Roeland Park, KS 66205

U.S. Army Corps of Engineers
700 Federal Building
Kansas City, MO 64106-2896

I am writing to you in opposition to permit
97-00112. Because of environmental reasons
I hope that this permit is denied. Minimally
the Corps needs to hold a public hearing in
regard to this request.

Thank you

Sincerely,

Pam Jenkins

To: U.S. Army Corps of Engineers
Re: Permit # 97-0112

Please deny permit # 97-00112 which allows dredges on the Kansas River. I enjoy the outdoors + canoeing + feel the dredging would make the river more dangerous with less sandbars to land on + damages the river for both humans + animals. Please keep our natural environment intact for us + future generations.

Thank you very much!

McManus
321 Falmouth Ellen McManus
V., Ko. 66208

21205 St. 55 Rev.
Shawnee, Ks. 66218-9374
January 18, 1997

Re: Kansas Rivers

U.S. Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Bldg.
Kansas City, Mo. 64106-2896

Dear Sir / Madam:

I enjoy the outdoors. I've hiked along the Kansas River and canoed between Lawrence and Eudora.

Please - no new dredges! Deny permit #97-00112 and hold a public hearing.
Thank you!

Anne McDonald

JANUARY 13, 1997

U.S. ARMY CORPS OF ENGINEERS
ATTN: CEMAK-CO-AW
700 FEDERAL BUILDING
KANSAS CITY, MO 64106-2896

DEAR U.S. ARMY CORPS:

I AM WRITING IN REGARD TO PERMIT #97-00112.
PLEASE DENY THIS PERMIT.

I WOULD LIKE YOU TO AT LEAST HOLD
A PUBLIC HEARING IN REGARD TO THIS
PERMIT.

THANK YOU.

HELEN AND DAVID WAHL
5010 ROCK CREEK LN.
MISSION, KS 66205

Helen J. Wahl
David E. Wahl

TO: U.S. ARMY CORPS OF ENGINEERS

I AM WRITING IN REGARDS TO THE DREDGING
PERMIT REQUEST ON THE KANSAS RIVER. PLEASE DENY
THE PERMIT (#97-00112) & ALLOW THE HOLDING OF
A PUBLIC HEARING CONCERNING THIS MATTER.

THANK YOU.

SINCERELY

MIKE HURD

P.O. Box 115

DESOTO, KS

Dear Sirs,

I am requesting that you withhold permit #97-00112 which would allow further dredging of the Kansas River, which would destroy recreational environments, sandbars.

I also request that you hold a public hearing on this matter.

Sincerely, Peter Zacharias

P. Zacharias
3644 Pennsylvania
KCMO 64111

1/18/96

Corps of Engineers:

We need our Kansas rivers
for recreation !!

Please deny permit # 97-00112

Also - please hold a public hearing.

Sincerely

Lois Gordon

5218 W 65th Ter.
Prairie Plg KS
66202

January 18, 1997

U. S. Army Corps of Engineers
Attn: CEMRK-CO-RH
Top Federal Building
Kansas City, Mo. 6466-2896

To Whom It May Concern:

It is my sincere belief that you
should deny permit request
97-00112 allowing dredging
on the Kaw.

At the very least, a public hearing
should be held.

Sincerely,

Dale A. Davis

7614 W. 59th Terrace #31
Overland Park, KS 66202

JAN. 18, 1997

U.S. ARMY CORPS OF ENGINEERS
ATTN: CEMRK-CO-RK

700 FEDERAL BLDG.
KANSAS CITY, MO. 64106-2896

DEAR SIRs,

I AM writing to Request that you deny
Permit #97-00112 for dredging SAND. I also
would like to Request that a public hearing
be held concerning this & future matters.

Additional dredging will severely damage
RECREATIONAL opportunities in A region
severely lacking in these opportunities.

Sincerely,

Wilson
9728 Grandview
O.P. KS 66212

James R. Wilson
Herman Wilson

1/18/97

US Army Corps of Engineers
700 Federal Bldg
K C Mo 64106-2896
Attn CEMRK-CO-RW

To Whom It May Concern:

I am writing to tell you that I do not want any new dredges on the Ke River. I want that river to be used for recreation purposes. Dredging cables will cut this recreation stretch between the Topeka River access & the proposed Perry LeCompton access. Dredging removes sandbars & damages the river. There is no sand replenishment, canoeing is negatively impacted & the feeding areas for waterfowl are damaged.

Please Revoke the permit 9700112
& hold a public hearing.

Thanks

Carol Wagner
20071172 PVK066208

14076 W 88th Terr
Lenexa Ks 66215
Jan 18, 1997

US Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Bldg
Kansas City Mo 64106-2896

Please deny the permit # 97-00112.
The Kansas River between Lawrence and
Topeka should be left in its natural
condition for both conservation of
wild life and for its recreational
potential.

Sincerely
Mildred H. Higgins

U.S. Army Corp of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
K.C., MO 64106-2896

Dear Sirs,

As a citizen of Kansas concerned with environmental issues and particularly in preserving our rivers so that everyone can enjoy them, people & wildlife, I am asking you to, please Deny permit # 97-00112. The environmental impact of dredging on a river changes the nature of that river and the flora & fauna that are dependent on the river & its wetlands - many of these changes are irreversible when the floor of the river is removed.

Please hold a public hearing so you can hear the public response on this very sensitive issue. There is a lot of support to save the Kansas River from further dredging upstream of Lawrence at the grassroots level. Thank you for your consideration.

Sincerely,

Carolyn Hogan

8929 Westbrooke Dr.

Overland Park, KS

66212



WASHBURN UNIVERSITY

Department of Biology

January 17, 1997
US Army Corps of Engineers
700 Federal Building
Kansas City, MO. 64106-2896

Dear Sir:

I am writing to express my opposition to approval of permit #97-00112, allowing dredging on the Kansas River on the Shawnee County Line. As an individual (a Ph.D in Biology) who is familiar with the negative effects that such dredging will do as well as the feasibility of obtaining the sand from bordering the river, I know that the arguments for the permit are based primarily on the economic gratification of private greed at the expense of public good.

I am sure that you are aware of the negative effects that this will have and will not list them. If you need a listing of what I see as negative effects, I will be glad to provide them to your office. I am really upset that there was no serious attempt to notify the public of this new permit, although I realize that you did follow legal stipulations. It is just another example of government serving the private monied interests at the expense of public welfare. At least you could hold some public meetings so that public input might be registered.

I appreciate your consideration of this request.

Sincerely yours,

Thomas Wolf, Ph.D.
Professor of Biology
Washburn University

January 19, 1997

U.S. Army Corps of Engineers
ATTN: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896 FAX 816-426-2321

Dear Sir or Ms:

I am a resident of Jefferson County, Kansas, writing to you to express my opposition to the permit request of Penny's (#97-00112) for dredging of the Kansas River near the Jefferson-Shawnee County line. This area is in the heart of the area being studied by the state for river recreation and dredging is incompatible with recreational use. Even if the proposed recreation corridor is not developed, dredging should not be permitted because of the destruction it works on habitat fro wildfowl and other wildlife.

Sincerely,



Georgann Eglinski
18641 Jefferson Hills Drive
Lawrence, KS 66044

David J. Pippin
17409 West 66 Terrace
Shawnee, KS 66217

19 January 1997

Dear Sir,

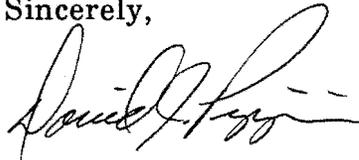
I am writing to ask you to deny permit #97-00112.

That permit request is for dredging in an area of the Kansas River that is being studied by the state for river recreation. Dredging in this area would damage recreational possibilities.

I would also like you to hold a public hearing concerning this permit application and future dredging on the section of the river from Topeka to the proposed Perry-Lecompton access.

Thank you for your consideration of my request.

Sincerely,

A handwritten signature in cursive script, appearing to read "David J. Pippin".

David J. Pippin

702 Illinois St.
Lawrence, KS 66044
Jan. 19, 1997

U.S. Army Corps of Engineers
Lawrence Gavin, Chief of Reg. Branch
700 Federal Bldg.
Kansas City, Mo. 64106

Dear Mr. Gavin;

I'm writing in regard to the application for dredging permit by Penny's Concrete in the vicinity of miles 72 to 74 on the Kansas River. I hope this permit will be denied.

As you probably know, last year the Kansas legislature votes for a study of the Kansas River as a recreational resource. At the least I believe this study should be allowed to go ahead without the possibility of additional dredging on the river at this time.

For practical purposes this is the only river in Kansas on which it is feasible to canoe. - On most state law prohibits canoeing, and on the Arkansas it is usually too dry and water too low.

I appreciate your attention to this and your consideration of my point of view.

Yours Truly,
Mark Larsson

US Army Corps of Engineers :

Sir

I Am Requesting your Agency give
consideration to Denying Penny's permit
Request # 97-00112 on the Jefferson/ Shawnee
County line. Also I request a public
Hearing on the matter.

As a member of the Kansas Chapter of the
Sierra Club I am concerned about these
matters.

Thank you,

Mike Kalny

74 W. Ferris

KCK 66101.

11604 Oakmont
Overland Park, KS 66210

January 18, 1997

Dear Corps of Engineers:

I am opposed to your allowing dredging on the Kansas River sections now being used recreationally because of the degradation to the river + surrounding land. Therefore, would you please deny permit #97-00112. Would you please also hold public hearings before you issue permits to dredge any areas of the river enjoyed by the public.

Sincerely,
Carolyn L. Hall

Dear Sirs,

Jan 18^{CO-RW}-1997

I am writing in regard to the permit # 97-00112. We are asking you to please stop the dredging on the Kansas River. I live here at Newman, Kan. and we have been working for 2 years to keep the sand companies from coming in on us. We have lived in this area for 30 years and have been thru the 1993 floods. We had to move out of our houses and store our furniture. We are afraid the dredging would cause the banks to erode more. I spoke at the last Public Hearing you had at the Perry-Compton High School. We do thank you for taking the time to let us speak. And you said you would

study this further. Penny did not open a sand plant here at Newman which we are thankful. We worked very hard going to our County Commissioners meetings + getting petitions signed.

This new permit #97-00112 would only be 5 miles west of us. We are worried about the 40-50 semi trucks - Mr Penny told us there would be that many per day - going by our houses and tearing up our roads. Please study this carefully and check with the people in this area before you do anything. Better yet lets have a public hearing so we can again voice our concerns.

(over)

Thank You
Janet M. Dutton

Marjorie Kyle
15018 E. 33rd St.
Independence, Mo. 64055
Fri, Jan. 17, 1997

Again, please deny this permit, and please let me know what decision you make on this issue. Thank you.

Sincerely,
Marjorie Kyle

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

Dear Sirs,

I am writing to ask you to deny dredging permit # 97-00112 and to hold a public hearing concerning it. The dredging site (on the Jefferson/Shawnee County line in Kansas) would be in the center of the area being studied by the state for river recreation, and the dredging cables would cut the recreation stretch between the Topeka river access and the proposed Perry-Lecompton access.

The worst effect of the dredging is the damage it does to the environment, removing the sandbars on which waterfowl feed. There is no sand replenishment due to the reservoirs on the river's tributaries.

RECEIVED
REGULATORY BRANCH
JAN 21 2 57 PM '97

January 17, 1997

Mark Maher for
Friends of the Kaw and
Citizens for the Future of
Jefferson County
3902 Pawnee Road
Perry, KS 66073

Dr. Lawrence Gavin
Chief, Regulatory Branch
Kansas City District, USACE
700 Federal Building
Kansas City, MO 64106-2896
FAX: 816-426-2321

Dear Dr. Gavin:

I request that the permit application #97-00112 be denied. Moreover, I request that all further applications for permits to operate commercial sand dredges in previously undredged reaches of the Kansas River be denied until the Corps has received sufficient data from three or four more measurement cycles to assess the effectiveness of the Corps' monitoring plan.

Based on conversations I had this year with professional, doctoral level, geologists and biologists (Dort, Annett, and Cross of KU, Jordan at USGS, Huggins and Liechti at KS Biological Survey, Barnes with KSU, Wolf at Washburn, Haines at Haskell INU, and Jacobs at EPA) I have concluded that data collected in 1993 should not be used for baseline measurements in your ongoing study of the impacts of regulated dredging on the Kansas River. The consensus of the above listed scientists was that the data collected in 1995 might possibly serve as a baseline depending on what information was collected and when, relative to the flood event of that year. Please refer to your staff's written responses to the Congressional inquiries in November 1995 from Senator Kassebaum and then-Congressman Brownback. At that time you reported needing another two or three measurement cycles (due by 12/31/01 and 12/31/03 respectively) before the Corps could draw any meaningful conclusions regarding the effectiveness of the Plan.

When the Corps can scientifically document that the areas currently being permitted for dredging have not been adversely impacted by commercial operations that follow the rules set forth in the FRR and EIS and implemented beginning in 2/91, then the agency should consider requests for permits in reaches adjoining current sites. Given the fact that the Corps in the FRR and EIS cited average bed degradation in the Lawrence to Topeka reach of 1.2 inches/year or 2 feet in twenty years in the absence of commercial dredging within the reach, I do not believe opening the western third of the reach to 1.1+ million cubic yards of sand and gravel removal by a

single operation makes any sense. Mr. Robert Smith of the KCD recently told my neighbor Jim Guffey that he estimated the five mile reach closest to the site of permit #97-00112 would suffer bed degradation at the maximum allowable 2 foot limit within 10 to 20 years of the start of operations, thereby forcing Mr. Penny's plant to leave the reach. Where is the logic? What's the hurry? If, as the industry constantly parrots, Kansas River sand is a renewable resource (they don't mine it they harvest it; yet they clearly mined the lower reach before the implementation of the Plan) then give them a chance to prove this is possible over the course of ten to twenty years, through a wet and a dry climate cycle. Don't put new reaches of the Kansas River at acute risk by opening them to commercial operations. I believe there is a growing belief that these reaches are at some risk anyway so long as removal continues up- and downstream, but presumably long term monitoring of the changes in channel cross-sections, water surface elevation, and riparian vegetation will show what's going on one way or the other.

I believe, based on conversations I've had with dredging operators, that some companies do not accurately report their production totals. One operator in particular said he had little doubt one or more of his competitors were underreporting their tonnage to the Corps and/or to the Kansas Department of Revenue. The industry is not audited by either the Corps or by KDOR to help ensure compliance. In the absence of complete audits following normal accounting practices, neither agency has in place any quality control review of operators' production reports. The Corps may or may not visit a site in a year, and even when they do, their visit is as likely or more likely to be prearranged than random and unannounced. The KDOA is even less rigorous in its site inspection practices, and not infrequently has had to be urged by the producer to make a site visit so the company's KDOA permit can be renewed on time. Neither KDOA nor the Corps KCD was aware that Penny had opened the two Shakke Bend sites (permitted in 1991, dormant through July, 1995) until he had taken 300,000 tons from the upstream site and 100,000 from the downstream site after three to four months of dredging. No royalty payments were made on that sand because none of it was sold; most all of the 290,000 cubic yards of sand and gravel was used for "site improvement", raising the surface elevation of the floodway and floodplain on site. Until such a time as the Monitoring Plan data can prove the industry is keeping adverse impacts within the limits set by the FRR and EIS, the Corps in cooperation with the Kansas Departments of Revenue, Agriculture, and Health and Environment should conduct ongoing random site inspections and audit production and sales figures so that there is a real incentive to "play by the rules."

The production figures submitted by the industry since the implementation of the Plan are incompatible with the population base and infrastructure growth of the area served. The Director of the Kansas Geological Survey testified in 9/95 before a joint legislative committee (attended by Dr. Cavin, Mr. Smith, et al from the KCD) that the state consumed from 3.85 to 6.42 tons of sand per capita per year between 1970 and 1994, with a range of 3.85 to 5.29 from 1991 through 1994. He noted that "figures for 1994 indicate that per capita consumption of sand and gravel from the Kansas River dredges is 1 ton per person." He made no attempt to analyze this peculiar fact, a fact

made even odder by the industry's contention that it was virtually impossible for them to provide sand to the lower Kansas River valley from pit mines in the flood plain. In fall of 1995 even the Reclamation Specialist for the State Conservation Commission, Blake Henning, testified that a nearly insignificant proportion of sand was being pit mined although he would not have his agency's first set of production figures from the industry until summer of 1996. In hearing after hearing, newspaper article after article, Mr. Moses and dredging operators minimized the quantity and quality of Kansas River flood plain pit mined sand. As I told Mr. Smith on the phone in 12/96, in fact during 1995 the industry mined from off-channel pits, 169,000 tons in Riley and Pottawatomie Counties, 341,000 tons in Shawnee County, and 800,000 tons in Douglas, Johnson, and Leavenworth Counties as reported to the KCC. If the industry can successfully keep this information from the public, the Corps, and our legislative bodies, surely you should accept the possibility that some in the industry are not reporting truthfully. Please read what follows for further examples of the industry's practice of distorting information and misleading any audience.

In 1995 and 1996 the director of the Kansas Aggregate Producers' Association, Mr. Moses, used figures ranging from 60% to in excess of 80% to characterize the share of mined Kansas River sand consumed by public works projects over time. Yet, in the five years since the beginning of the USACE regulatory and monitoring plans' inception, the public works' share of sand consumption has averaged 23% (for 1994 and 1995 its share has been under 10%) based on total production figures the dredgers submit twice a year to the Corps and based on monthly production and private (non-public works) sales figures which the dredgers submit to the Kansas Department of Revenue.

3) When asked by the Corps (in response to but one of five issues I directed to the Corps' attention via a Congressional inquiry in February 1996) to explain why the KDOR reports support a maximum of 23% of sand sales for public works over the 1991-1995 period in contrast to his own stated percentages some three times greater) Mr. Moses submitted the following incorrect statements as reasons for the difference. The alternative would have been to admit the possibility that one or more of his employers had been submitting understated production data to the Corps and incorrect and grossly incomplete data to the KDOR, or he could have admitted that his statements to the Legislature and to the public at large regarding the end use proportions of Kansas River sand were erroneous and grossly misleading if they were not in fact out and out lies. I have included ALL of his reasons below but not necessarily in the order he listed. Bear in mind that these statements were written on KAPA letterhead, represented his industry, and were submitted by the Corps to both Senator Kassebaum and Congressman Brownback.

a) "The estimate of public work (50-70%) is only an estimate based on the value of construction, some of which does not have sand in it."

One only needs to refer to the context and actual statements of Mr. Moses to understand that he never once meant to imply this when addressing governmental

bodies deliberating sand dredging issues. He wanted the reader or listener to believe that public works projects depended on sand mined from the river to the extent that a large majority of the product was purchased by government (taxpayer financed) agencies, and therefore any increase in the sand royalty or increase in the retail price of sand was in effect a tax increase. Nowhere in his written response does Mr. Moses estimate just how much sand is consumed by public works projects. He could have arrived at a figure based on a combination of the following: his experience, regional industry norms, queries of the eight or so dredging companies he represents, or heaven forbid, real data.

b) "Not all public agencies (including the Corps) are eligible for the exemption."

The royalty exemption provision did not define which public agencies are or are not eligible. The intent of the legislation was to relieve a state, county, or municipal agency from the obligation of paying a royalty for the purchase of a state owned resource (sand mined from one of Kansas's three "navigable rivers") destined for a project designed to benefit the owners of that resource, the citizens of Kansas. Public works projects benefiting other constituencies (citizens of Arkansas and Missouri for instance who have no ownership claim on the resource) were obliged to assume the royalty charges. Other than the Corps, Mr. Moses failed to identify any agencies charged with public works construction or maintenance responsibilities which were by (his?) definition excluded from the benefits of the royalty exemption.

c) "Not all political subdivisions of the State of Kansas are aware of the exemption or claiming it."

Only those political subdivisions which purchase sand mined from one of Kansas's three publicly owned rivers (Kansas, Missouri, and Arkansas Rivers) even needed to know about the royalty exemption, because only sand mined from those sources is subject to the royalty. Sand taken from those rivers in Kansas represents approximately 20-25% of the sand mined each year in the state if you believe the industry's self-reported, never audited, production reports. So you can immediately reduce the potential impact of this factor by 75-80% from what Mr. Moses wanted us to imagine it could be. While some public entities may have cause to purchase sand only infrequently or in small quantities and might therefore have little reason to think about the existence of a royalty or royalty exemption, the sand miners have been submitting monthly reports to KDOR of sand sold subject to royalty fees FOR DECADES. A prudent person, a concerned citizen, would think that those operators aware of the royalty exemption, those operators informed in a timely fashion about its existence by their professional lobbyist, their accountants, or their managers would make it their business to inform government agency customers about the royalty exemption entitlement. Furthermore, a prudent person would believe that the large volume consumers of publicly owned sand (KDOT, Regents Universities, counties and municipalities experiencing rapid population growth with simultaneous demand for new roads and for the repair of more heavily used roads) would have been aware of the exemption. What does it say about the integrity and honesty of the river dredging

industry if its members were not informing their customers of the royalty exemption?

d) "As the exemption was only instituted in 1989, some of the dredgers have been unaware of the exemption and have charged the royalty on all sand sold."

When did Mr. Moses become aware of the fact that some of his employers were unaware of the royalty exemption? Exactly how many dredging companies were in non-compliance? Which ones and how many tons of sand did they sell to public entities entitled to the exemption who were denied it? Who is responsible for informing them, for reminding them, of the state and federal rules and regulations applicable to the lawful operation of their business? Can the agencies be reimbursed for the overcharges? How many dollars over how many years are we talking about? Why does Mr. Moses elect not to provide any verifiable data when he brings up these issues? I have recurring images of dominoes tumbling and houses of cards falling whenever I read statements over his signature or for that matter over the signature of the US Army Corps of Engineers when either address matters related to commercial sand dredging. Now prepare for a shock.

At the request of a member of the House Energy and Natural Resource Committee during the 1996 session, the Legislative Research Department's chief analyst determined that the royalty exemption provision became effective not seven years ago but thirty one years ago, on 1/1/66. If the lobbyist and any (much less all) of his employers were unaware of this revision designed to save taxpayer dollars for even a significant portion of the last seven years, to say nothing of the last thirty-one years, why should we believe that they have any interest in providing the best product for the best price to our cities, counties, and state highway projects? I brought the 1966 effective date to the KAPA director's attention almost a year and a half ago in an Interim Committee hearing (and earlier to the attention of the Corps, my own county commission, and to individual dredgers), yet as of his 3/11/96 letter to the Corps Mr. Moses continued to represent 1989 as the effective date for the royalty exemption.

e) "The royalty is reported on a tons sold fiscal year basis, we report to the Corps on a tons dredged calendar year basis."

While this could easily account for a measurable discrepancy in a single fiscal vs. calendar year reporting cycle (KDOR's fiscal year is July through June while the Corps expects reports to coincide with the calendar year end), the more years included in the comparison the less impact this offset year end cycle could possibly have when you compare the two sets of private use sale vs. total sand withdrawn data which the industry self reports to KDOR/USACE respectively. Furthermore, the individual miners are required to report ALL SAND WITHDRAWN to the KDOR as well. That agency should therefore be able to extract a 12 month production report equivalent to that submitted to the Corps by the dredgers and be able to compare on the same time line the industry's total production to the portion of the production sold subject to royalty collections. (In practice, the dredgers for years have routinely omitted from their monthly KDOR reports a separate total for tonnage sold not subject

to royalty. Because the information is irrelevant to KDOR for revenue recording purposes the Department processes the reports and money received without question. As I have informed you before, they do not audit the sand dredging royalty accounts, mainly because the cost of regular audits was unjustified considering gross annual collections of approximately \$150,000, and 10% of that was needed to cover the clerical costs of processing the checks and supporting data). But since the 23% public works share/ 77% private works share was taken from a 60-MONTH-LONG REPORTING CYCLE, not a 12-month-long cycle, the 6 month-long differential (lag) in reporting of production/sales should be expected to impact no more that 10% of the total sales/ production comparison to any degree whatsoever, and even then, only minimally. Mr. Moses is struggling mightily here to grasp at any straw, no matter how insignificant.

f) "Many private companies performing public work first pay for the sand, including the royalty, and then deliver it to a public job. A ready mix concrete firm is a good example."

Let us use some common sense here. Mr. Moses has testified that all but one dredging firm west of Bonner Springs "are owned by someone associated with a ready mix concrete business." So, a substantial portion of the sand sales from those firms are in effect "in-house." Both participants in the transaction should have an excellent idea of the destination, the end-use, of the sand. While some independent ready mix firms may buy sand just to keep their inventory up, and may indeed have a certain percentage of sales made spontaneously, when they or any of the linked firms sell to public agencies one would expect them to go through a bid process and know well ahead of the time of sale how much volume and what grades of sand will be needed to meet the customer's requirements. If they win the bid, they will acquire the necessary amounts in the necessary grades from the sand plant, process it, and deliver it to the site. By the time they buy the sand from the miner, they should have had documentation available to prove the royalty exempt end use. Why should this be so hard to understand or to implement when conducting large public works business transactions?

From 1991 through 1995 the percentage of Kansas River sand sold but exempt from royalty collections was as follows from year to year: 34.4, 26.1, 22.7, 7.7, and 8.2. Since the percentage for the last 24 months was approximately 1/8 to 1/10 of the "rule of thumb" estimated percentage of public works sand consumption offered to audiences by Mr. Moses during testimony and elsewhere during 1995 and 1996, I was particularly concerned about how such a gross discrepancy could be resolved. Certainly the eastern half of the Kansas River valley experienced during 1994-1995 growth and infrastructure demands equivalent to those in the preceding three years. Mr. Moses responded:

g) "In addressing the declining ratio, it should be noted that the Corps quotas have been reducing the extraction rates since 1991. As those rates have gone down the cheaper sand has come from the Missouri River. A higher ratio of Missouri River

sand is used by local governments for road treatment, fill sand, and asphalt sand. Concrete sand, only available from the Kansas, sells for a premium in relation to Missouri sand and is being delivered primarily to concrete producers at full royalty."

Mr. Moses yet again fails to provide us with any statistics or sources for reference which would support his conclusions. This argument, like his others, is flawed from several directions. To begin with, the Corps' Final Regulatory Report and Environmental Impact Statement (published January 1990, effective 1991) contains no reference to a staged reduction of extraction rates. The reduced rates defined by the FRR and effective at the time each permit was renewed in 1991 would have allowed for approximately 3.5 million tons of sand extraction per year from the Kansas River as long as riverbed degradation limits were not exceeded. The 3.5 million tons would come from the lower reach (K.C. to Lawrence), the Topeka reach, and from the existing operations upstream of Topeka (Wamego and Manhattan). The same amount continues to be available for extraction from those combined reaches as of spring, 1996. Compare 3.5 million tons with the reported extraction totals per year 1991-1994 (1995 totals were due 1/31/96 but were still unavailable for public/legislative review two months later. After a final request made in 11/96, the Corps reported total annual extraction of 2.948 million tons for 1995.): 3.0, 2.9, 2.9, and 2.7 million tons according to the industry's reports to the Corps. 3, 2.9, 2.9, 2.7, 2.9 surely is not a set of figures to convince a reviewer that a staged reduction in production limits so impacted the exempt-from-royalty portion of the market to cause it to drop by 300-400%. It makes no sense.

If the production reports are to be believed, it is clear that market demand was too low to cause the industry to mine the maximum allowable tons permitted by the Corps each year. This is readily apparent by the existence of several inactive permits held by operators during the last five years, two of which were for a total of 600,000 tons per year just east of the Lawrence city limits. Another conclusion you could draw from the evidence is that the market was demanding substantially more than 2.7-3.0 million tons per year and that some of the miners were underreporting their annual production. Since as a state Kansas has been consuming sand at the rate of 4-5 tons per person per year for many years, one wonders how on earth the rapidly growing Topeka-through eastern K.C. Metropolitan area corridor was consuming sand at a rate of under 3 tons per person per year for the last five years? Woody has never addressed this point and the US Army Corps of Engineers is afraid to think about it.

Woody suggests that a higher ratio of Missouri River sand is used by local governments for ice control, fill, and asphalt (Missouri sand doesn't have to have its lignite removed before being mixed with asphalt because the lignite burns off in the asphalt manufacturing process) but he declines to provide details which would when described in fact disprove the point he makes: What are the comparative costs of Kansas and Missouri River fill sand at the points of delivery? Which local governments are buying Missouri River sand exclusively for these purposes or in what ratio if they buy from miners on both rivers? How much of the total Kansas River valley sand consumption is met by Missouri River sand? How much of the total K.C. Metro

area sand consumption demand is met by Kansas River sand?

While some grades of concrete quality Kansas River sand may sell at a higher rate per ton than delignited Missouri River sand, Woody misleads the reader when he writes that concrete sand is "only available from the Kansas." What does he take us for? This is truly insulting. Kansas River plants sell both concrete quality and fill quality sand, as do the two Missouri River plants (operated by Holliday) in the KC Metro area. Holliday also operates a pit mine at Liberty Bend on the Missouri side with production of approximately .5 to .8 million tons per year, and a similarly sized river dredge site upstream at St. Joseph Missouri. Most of the Missouri sand and most of the Kansas sand is used in concrete and asphalt production for road and building construction purposes, not for fill and not for ice and snow treatment. This is a fact, not a supposition, which is easily documented from data collected for the US Bureau of Mines' biannual publications on sand and aggregate production. Fill sand is not cheaper because it comes from the Missouri, and in fact the Corps documented that it is more expensive to operate commercial dredges on the Missouri than on the Kansas River. Fill sand is cheaper than concrete quality sand for two basic reasons: the lower cost of processing and the lower demand. Concrete quality sand must be cleaned and pass through screening/dimensional grading processes and delignited in the case of Missouri River sand. Friends of the Kaw has distributed dozens of handouts comparing the cost differential between fill and concrete quality sand, sometimes slight, sometimes significant, quoted by Kansas and Missouri River miners and by Kansas pit miners.

Woody concludes his response to the Corps, "We thank you for the opportunity to provide some information on this subject. If we can be of further assistance, please advise." Based on the facts, it is easy to conclude that Mr. Moses took the opportunity to provide misinformation, not information. Moreover, because the Corps accepted his misinformation without making any critical analysis of their own before sending it to Senator Kassebaum and Congressman Brownback, it should be apparent to all persons interested in these issues that the Corps can not be bothered with the facts, much less find it in the public's interest to research the facts and analyze the data for themselves.

Mark Maher
Rt 1 Box 333
Perry, KS 66073

For: Citizens for the Future of Jefferson County and for Friends of the Kaw

cc: Jefferson County Commission
Senator Sam Brownback
Congressman Jim Ryan
Kansas State Senators Sandra Praeger and Don Biggs
Kansas State Representatives Joan Flower and Laura McClure
KDHE, KDOA (Water Resources), KDOR

V17/97

Dear Sirs:

I own a solo canoe.
It provides a great opportunity
for enjoying the world in
which we live.

Last Fall, I was in the
group which made the trip
from the Perry Dam to Lawrence.
It was a great adventure.

Please reject permit no.
97-00112. In that way we
can continue to enjoy a
limited area of nature's
beauty & also share it with
our grandchildren.

Sincerely,

Robert C. Harder
1420 Ward Parkway
Topeka, KS. 66604

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, Mo 64106-2896

17 Jan 97

Dear Corp:

I have lived in Kansas virtually all my life and I spend a great deal of time outdoors. I have many interests that take me to the Kansas river. From wildflowers to birding to surveys of invertebrates, I find the river system fascinating and in a fundamental sense, my cathedral.

I see many others who have similar interests and find the river to be a focal point of their recreation and spirituality. We will not accept dredging on the Kaw as suggested by the application for permit #97-00112. We demand a public hearing on the issue.

Dredging is a dangerous and destructive practice. It represents a give-away of public resources to special interests which is a practice whose day has passed. The corps is not fulfilling its obligations to steward the land by stealing from the poor and giving to the rich. Extraction from the channel is unnecessary and causes permanent loss of the channel profile, turbidity increase, channel velocity increase with increasing erosion, undercutting, and channel reconfiguration. It also changes the mix of living creatures which has unknown consequences.

Ken Smith



Kenneth Smith
11543 SW Frontage Rd
Topeka, KS 66615-9601

N.W.F.

Eileen G. Larson 2043 E. 1250 Road Lawrence, KS 66044 913-843-3648

January 17, 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

app# 97-00112

Dear Mr. Cavin:

I am writing to request that Penny's Concrete, Inc. application to dredge sand from the Kansas River at river mile 72.5 - 74.0 be denied or at the very least hold a public hearing on this matter.

As you are well aware, Friends of the Kaw, an organization I helped form, lobbied extensively in the Kansas legislature in 1996. We were successful in getting the royalty paid by dredgers to the state raised from \$.08 to \$.15 a ton.

We also lobbied to halt all new dredging on the river until a recreation corridor study was completed. Though we ran out of time and were unable to get the moratorium passed we were able to secure a legislative directive to do a study of the recreation potential of the entire Kansas River.

The stretch of the river where Mr. Penny wishes to begin dredging is to the east of an existing river access point in Topeka. A dredge at this location is unacceptable. The state is planning an access in the Perry-Lecompton area and the Topeka to Lawrence run is a priority recreation stretch.

Also, I object to the Corps including this new application in with the renewals. I don't believe this is allowed by the Rules and Regulations you are to follow. I have no way of knowing the exact location or any other information usually included in an individual application public notice.

By the Corps' own admission, three to four monitoring sets of data will be needed to analyze and compare to the baseline. This too has not been completed. It seems prudent also that an auditing plan be developed and put in place before any new dredges are allowed in the river. Without these necessary components of the Regulatory Plan any methods the Corps uses to evaluate it surely will come under suspicion.

The Kansas River is a river that has been so controlled for so long that the regular sediment flow is not adequate for supplying dredgers with their sand. I have been told many times by people who have studied this river many years and who know it better than you or me, "They have to get out of the river soon, they should do it now, before they destroy every stretch of it."

Please inform me of the date for the public hearing. Thank you for considering these comments.

Sincerely,



Eileen G. Larson

cc: Sandy Praeger, State Senator
Kansas Dept. of Health & Environment, Non-point Source
Charles Benjamin, KNRC

To the Army Corps of Engineers:

This letter concerns permit # 97-00112 which will allow dredging to take place in the Kansas River on the border ~~of~~ between Jefferson and Shawnee counties. As a masters student in Environmental Science in the Civil and Environmental Engineering department at Kansas University, I learned that the Kansas River is already heavily polluted with pesticide run off from near-by agricultural areas. ~~Luckily~~ Much of that pesticide contamination is bound up in sediments.

If the river is dredged, this will cause those pollutants to be ~~resuspended~~ resuspended in the water making the river even more inhospitable to fish and other aquatic life than it already is. Due to the above considerations, I would object to the approval of permit # 97-00112.

Please do not allow this dredging activity to take place!

Sincerely and respectfully,
Bridgett K. Chapin

U.S. Army Corps of Engineers
Attn. CEMRK-CO-RW

1-17-97

Sirs:
Subject: Dredging of the Kansas river, Permit #97-00112

Please deny this permit.

The Kansas river is only one of three in Kansas that is public accessible, we need more.

This is a resource that all Kansans can benefit from, and all visitors can enjoy with us. And with this access Kansas can retain recreational dollars. This is a renewable source, not a reap and move-on resource.

Don't allow blockage of the access or degeneration of our environment.

Thank you for your rejection of permit #97-00112

Max Howler
1216 Mansfield Ct.
Wamego, KS
66547

John A. Naramore
416 East Ninth Street
Lawrence, Kansas 66044

January 17, 1997

US Army Corps of Engineers
ATTN: Lawrence Cavin, Chief, Regulatory Branch
700 Federal Building
Kansas City, MO 64106-2896

RE: Application Number 97-00112
CEMRK-CO-RW

Dear Mr. Cavin:

I respectfully request the Corps of Engineers deny the application of Penny's Concrete, Inc., to open a sand dredge on the Kansas River just east of Topeka. I request that a public hearing be held on this issue.

My reasons are:

1. Dredging is harmful to the river and causes bank collapse. Contrary to popular opinion, the sand removed by dredging is not replenished by "new sand", but by sand from the river banks. The reservoirs which are on all tributaries feeding the Kansas River act as "quiet pools" which allow the sand to settle out of the water. Dredging causes bank degradation.
2. The proposed location is directly east of the Seward Avenue boat access point, and would serve to cut the recreational canoe and boating corridor between Topeka and Lawrence. The community of Lecompton would like to build an access there, and the proposed dredge would hinder the opportunity for recreational development on this manageable stretch.
3. There has not been enough data accumulated by the Corps from the dredgers to prove that dredging does not harm the river. Extensions to deadlines has caused this. No new dredges should be approved accordingly.
4. The river in its pristine condition has a much greater economic potential than does dredging. Where-as dredging benefits only the development community, the river in its "natural" state offers a recreation and tourism potential that can attract and benefit many more people for a longer period of time.
5. There are alternative sources for sand. There are no alternative sources for "natural" areas of rivers. As these pristine areas become more and more scarce, they will become more and more valuable. The entire stretch between Lawrence and Junction City should be preserved for these purposes.

Again, please deny the permit, or hold a hearing.

Thank you.

Sincerely,

John A. Naramore

THE BARN

Tom and Marcella Ryan, Innkeepers
Patricia Ryan, Manager
Route 2, Box 87
Valley Falls, KS 66088

A Bed and Breakfast Inn
(913) 945-3225



U.S. Army Corps

Please deny permit # 97-00117
& Hold a Public Hearing

Tom Ryan

Tell your friends . . . You spent the night sleeping in a barn.

January 17, 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

I am writing to urge you to deny permit #97-00112 which would allow dredging of the Kansas River on the Jefferson/Shawnee County line. This will ruin the habitat for wildlife and recreation. Please schedule a public hearing. Rushing this through over the holidays is despicable. It is a shame we have to fight the federal government to protect our public lands from being destroyed.

Sincerely,

Lee Boyd

Dr. Lee Boyd
1614 Medford
Topeka, KS 66604
913-357-6170
zzboyd@acc.wuacc.edu

3729 Somerset Drive
Prairie Village, KS 66208

January 17, 1997

Dear Corps of Engineers:

Please deny Permit # 97-00112
and hold a public hearing
to address dredging on the
Kansas rivers.

Ms. Virginia Fertner

January 17, 1997

Attn: E. E. A. R. K. - G. D. - K. W.

Please deny permit number 97-00112. We do not need any new dredges on the Kansas River. Dredging destroys habitat for wildlife. It damages the river to the point where sand cannot be replaced in the tributaries. It will limit the amount of recreation between the Topeka river access & Perry & Compton rivers.

This is an unnecessary permit & should be denied. Thanks for your attention.

Sincerely,

Glenda V. Schmidt
13036 S. Trenton

Platte, Co.

66082

U.S. Army
Corps of Engineers,

I am writing to you with great concern about dredging of the Kansas River. This is a valuable resource for wildlife and recreation. Dredging would greatly damage the river. Sandbars necessary for waterfowl feeding would be destroyed. Deny the permit # 97-00112, please!! Protect this river for the future.
on Jefferson / Shawnee County line

KU student of
environmental studies,
Michelle Kohns
1734 Engel Rd. rm 734
Lawrence, KS 66045
864-1228

To the U.S. Army Corps of Engineers,

The dredging of the Kansas River would be very destructive to the land surrounding the river, the river itself, and the organisms living within the river. The sand cannot replenish itself, so once it is gone, it is gone forever, Please deny the permit

#97-00112.

Thanks

Jill Boussie

1603 W 15th St. Apt #201 D
Lawrence, KS 66044

To U.S. Army Corps of Engineers:

1/17/97

Please deny the permit #97-00112 and stop the possible sand dredging of the Kansas River.

The species that inhabit the river are specific to that area and live where Mother Nature intended. Please do not destroy their homes.

We should not upset the natural balance of the river for our selfish purposes. Please

continue to consider the rights of nature and respect them as you respect your own.

Thank you

Noeleen Luckert

1734 Engel Rd #942
Lawrence KS 66044

I am against allowing
any further dredging of the
Kansas River. We at the
University use the KRW as
a learning area for Biological,
Environmental, Geological, ~~and~~
systems ~~learning~~ and experiences.

The Kansas River already has
a lot of damage done to it
we should be more concerned
with preserving and cleaning
it up rather than destroying
it further by dredging for
industrial ~~and~~ commercial
use. Also ^{and most of all,} think about the species
involved - many people forget that
humans are not the only species
on this planet - All species views/concerns
(though they may not be able to state) should
be taken into consideration.
Thanks Learning Lynn Frank
place

IT IS OF GREAT IMPORTANCE THAT
DREDGING PERMITS BE STOPPED ON
THE KANSAS RIVER. REMOVING SANDBARS
DECREASES RECREATION AREAS AND AREAS
FOR WATERFOWL FEEDING. THE SAND
CANNOT REPLENISH ITSELF DUE TO
RESERVOIR SYSTEMS. PLEASE DENY THE
PERMIT #97-00112.

Dear Army Corps of Engineers,

I am a concerned citizen of Douglas County. I applaud you on your recent decision to deny a proposed permit to dredge sand on the Kaw river. This decision will definitely help our community and our world on the road to recovery. I am writing today urging you to set a good example as community leaders by continuing to make responsible decisions. PLEASE DENY PERMIT #97-00112 !!! This proposition is for an area that has never been dredged before, and which could easily be protected as a valuable wildlife and recreation area. As you probably know, dredging is a horribly destructive and unnatural process, as it removes sandbars, which are nature's built-in erosion control devices. If the sandbars are removed, erosion will increase, which is bad for farmers. Wildlife will decrease, which is bad for the planet. Besides, dredging cables make it unsafe to go boating on the river, which is one of my favorite hobbies! Please consider this humble request, and know that I am speaking on behalf of many, many concerned citizens.

Thank you.

Sincerely,
Natalie R. Sullivan

FRIENDS OF THE KAW
2045 E 1250 RD
LAWRENCE, KS 66044

Kimberly
728 E. 461 Dg. Rd.
Lawrence, KS 66047



FIRST CLASS MAIL
U.S. POSTAGE
PAID
LAWRENCE, KS 66044
PERMIT NO. 170

RECEIVED
REGULATORY BRANCH
Jan 17 9 31 AM '97

Charlotte & Harry Knoche
798 E. 661 Diagonal Rd.
Lawrence KS 66047

Jan. 15, 1997

We ask you to deny permit #97-00112 & hold a
public hearing on dredging the Kansas River.

Thank you
Mary & Harry
Knoche

66047/3333



Keep the faith - Continue the fight NO NEW DREDGES ON THE KANSAS RIVER

Please help

PROTEST PENNY'S NEWEST PERMIT REQUEST on the Jefferson/Shawnee County line

1. It is in the center of the area being studied by the state for river recreation
2. Dredging cables will cut the recreation stretch between the Topeka river access and the proposed Perry-Leocompton access
3. Dredging is incompatible with canoeing, making it dangerous
4. Dredging removes sandbars on which we recreate and waterfowl feed
5. Dredging damages the river - there is no sand replenishment due to the reservoirs on its tributaries

CALL OR FAX OR WRITE THE CORPS TODAY

- ★ It worked before - thanks - you were great
- ★ Deadline is Sunday, January 19. They will give us a few extra days.
- ★ We are remiss for waiting so long. The holidays got to us, and we let this one get away

Simply ask the Corps to:
1. Deny the permit - #97-00112
2. Hold a Public Hearing

We cance the
Kaw - we want
it there for our
kids!

The Penny's family holds 6 of the existing 17 dredges on the Kansas River.
Bill is an OK guy, but he will be a better one without this permit.

Thanks - Your continued support makes it happen

Corps Address and Fax:
U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896
FAX: 816-426-2321

See ya' on the River!

Jennifer Veerkamp
2011 E. 1250 Rd.
Lawrence, Ks 66044
(913) 843-4690

January 17, 1997

Attention: CEMRK-CO-RW
U.S. Army Corps of Engineers

Gentlemen:

I am requesting that you deny permit #97-00112 and that you hold a public hearing.

Respectfully,

Jennifer Veerkamp

COLORADO ROCKY MOUNTAIN STREAM
A breathtaking view at Twin Falls in Yankee Boy Basin near
Ouray, Colorado.
Photo © Jerry Jacka

*We urge you to deny Patrick
97-00112, Pennypacker's request
for a dredge on the Kansas
River on Jefferson-Shawnee
County line. Please hold a
public hearing on this
matter. Respectfully,*

*Sydney O. Schroeder
Margaret L. Schroeder*



JAN 17 9 31 AM '97

*U.S. Army Corps of
Engineers
700 Federal Building
Kansas City, MO
64106-2896*

BUY
RECYCLED

Dr. & Mrs. Sydney O. Schroeder
902 W. 25th St.
Lawrence, KS 66046

Printed in Korea
130



Dear Army Corps of Engineers,

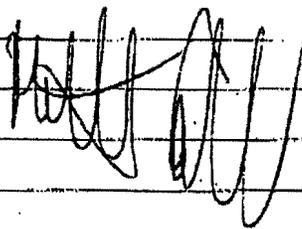
My name is Matthew Caldwell, my address is 2111
ave: 420 Indiana Lawrence KS 66044; 838-3124

I am writing in response to the news
that Perry's has requested a new permit
to dredge on the KAW.

I grew up in Lawrence, and my Mother
and I spent many wonderful hours/days
creeching on the KAW. I consider canoeing on the
KAW to be one of the greatest joys/rewarding
and exciting forms of recreation available in Lawrence.
And in addition to the recreational value, the KAW
(despite the pollution) is a beautiful river.

Please reconsider the new dredging Perry's
has requested. I don't have a grudge against
Perry's, but we should do all we can to preserve
this state treasure.

Thank you,



~~To Whom It May Concern~~

Dear U.S. Army Corps of Engineers,
Whereas the Kansas River is among the country's few last
undamaged rivers, I urge you to deny permit #97-00112.

Thank you for your time,

Nathan D. Messer
Nathan D. Messer
6609 1/2 W. 1st St.
Lawrence, KS 66049

Dear US Army Corps of Engineers -

Please deny permit #97-00112.
The river has already sustained enough damage.

Thank you.
Josephine Fitcher
1217 Rhode Island Apt B.
Lawrence, KS 66044
(913) 841-2081

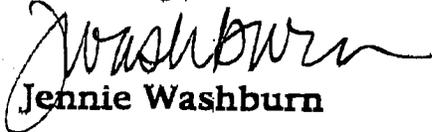
**JENNIE WASHBURN
P.O. BOX 1002
BALDWIN CITY, KS 66006
913/594-6487**

January 17, 1997

To Whom It May Concern:

I respectfully request that you deny permit #97-00112 to dredge the Kansas river on the Shawnee/Jefferson County line. And, that a public hearing be held on this matter.

Sincerely,


Jennie Washburn



CHARLES GRUBER
Associate Broker
HEDGES REAL ESTATE
1037 Vermont
Lawrence, KS 66044
Bus: (913) 766-3400
FAX: (913) 843-5487



1/17/97

Dear Sirs,

We respectfully request that you deny permit #97-00112 for dredging the Kansas River on the Shawnee County/Jefferson County line. Also, we request that a public hearing be held on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Charles Gruber".

Charles Gruber, President

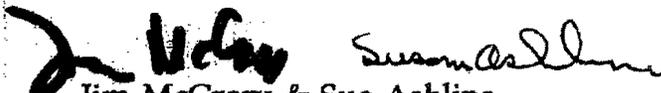
Jim McCrary
Sue Ashline
927 Rhode Island
Lawrence, Ks 66044

TO: US Army Corps of Engineers
ATTN: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106

FAX: 1.816.426.2321

We are writing to express our concern over the proposed Penny Permit #97-00112. We are strongly opposed to ANY new dredging operations on the Kansas River no matter the location. We ask that you hold a PUBLIC HEARING on this permit application. We are especially concerned about this permit because the proposed location is in an area being studied by the state for river recreation use. Dredging operations, in our opinion, are incompatible with not only canoeing, hiking but also endangers the waterfowl environments. There are already 17 dredges on the Kansas River, 6 of them owned by Mr. Penny. We see no reason for further operations.

Thank you,


Jim McCrary & Sue Ashline

Fax to 816-426-2321

US Army Corps of Engineers

ATTN. CEMRK-CO-RW

Please deny Permit # 97-00112

and hold a public hearing on

any new dredging requests.

We oppose any new dredge
sights on the Kansas River.

Sharon Fricke

Sharon L Fricke

January 16, 1997

U. S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

RE: Permit 97-00112

I am requesting that dredging on the Kansas River—Permit 97-00112—be denied.

As the dredging seriously damages the river, waterfowl and other wildlife, plus recreation is greatly affected. There so little wilderness areas left, we need this area left unharmed.

Thank you for your consideration.



Ruth M. Stepien

14005 S. Raintree
Olathe, KS 66062

1/16/97

U.S. Army Corps of Engineers
700 Federal Building
Kansas City, Mo 64106-2896
FAX 816-426-2321

Attn: CEMRK-CO-RW,

As a user of the Kansas River for its recreational and natural properties I ask you to Deny permit - # 97-00112

Please help keep the Kansas River in its natural state; protect the area between Topeka and Lawrence from future dredging permits forever.

JASON DANIELS
920 N. 750 RD
Lawrence, KS 66047

jdaniels@eagle.u.arkans.edu

(913) 842-1659

825 Maine St.
Lawrence, KS 66044-3949
(913) 843-8578

January 16, 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

Re: Penny's Permit Request

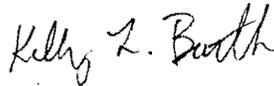
CEMRK-CO-RW:

We are writing to request that you deny permit #97-00112 for additional sand dredging on the Kansas River and that you hold a public hearing on the matter. We enjoy recreational use of the river, but more importantly, want to discourage others from placing a monetary value on the irreplaceable habitat of native waterfowl. Granting the permit would be irresponsible because it would cause irreparable damage to the area. We would appreciate your consideration of our request and will be carefully watching your actions.

Sincerely,



Lisa J. Grossman



Kelly L. Barth

Dear Corps of Engineers:

I am aware that a local sand company has applied for permission to the Corps to dredge sand from the Kansas River between Topeka and Lawrence. I was also under the understanding that our Governor is opposed to any dredging on this stretch of the river because of its recreational value.

As the stewards of the Kansas River please do not permit dredging on the Kansas River. My family and friends and I use this river frequently to camp and canoe on and a dredge would mean placing us in danger as well as altering the natural beauty and causing a major eye sore for any area on this stretch of river. I repeat please DO NOT permit sand dredging or anything else that would defile this river.

Thank you,

Marcia Segraves

Marcia Segraves
622 Ohio St.
Lawrence, KS 66044
Jan. 16, 1997

1/16/97

Mr & Mrs Sam Lacy
2011 Anderson Ave
Manhattan KS 66502-3605

Dear Sirs:

I want to ask you to
deny permit #97-00112 for
dredging in a vital section of
the Kansas River and
to hold a public hearing on this issue.

Sincerely,
Samuel S. Lacy, Jr. (M)

726 Louisiana St. ^{CO-RW}
Lawrence, KS. 66044

16 Jan. '97.
Attn: CEMRK - CO - RW
700 Federal Building,
Kansas City, Mo 64106 - 2896

Sirs: Just today, I learned that
Penny's is once again after our river.
Please deny their permit to
destroy the Kaw River.

their petition is # 97-00112.

Thank you
Barbara Waggoner

January 16, 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

To Whom It May Concern:

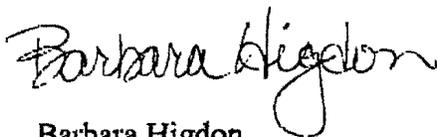
I am writing you to request that you deny Permit #97-00112 for sand dredging on the Kansas River, and to hold a Public Hearing regarding this permit.

My letter to you will be simple. It will not be filled with elegant oratory or pointing out the ecological effects the granting of this permit will have on this section of the Kansas River, which I am sure you are already aware of. I am simply writing to you as someone who has recently discovered the enjoyment of canoeing the Kansas River between Topeka and Lawrence. It is wonderful to have the opportunity to canoe so close to home, which eliminates a long drive to Missouri or Oklahoma rivers. With the addition of the Lecompton access I believe canoeing and other recreational activity along this stretch of the river will increase, providing a potentially positive economical impact on the small towns located in this area. Obviously a dredging boom across the river would create a dangerous hazard and would basically eliminate recreational activity along this stretch of the river.

I urge you to reconsider the granting of Permit #97-00112 at this time and allow those of us who enjoy the recreation and beauty the river provides, to continue enjoying these special natural assets.

Thank you.

Sincerely,



Barbara Higdon
2105 Atchison Ave.
Lawrence, KS 66047

2315 Timberlane Drive
Manhattan, Kansas 66502
January 16, 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, Missouri 64106-2896

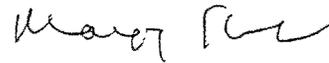
Dear Colleagues:

I am writing you, as I did several weeks ago, to urge you to deny a dredging permit on the Kaw, this time, Permit #97-00112. The reasons that led to denial of the previous request remain valid: The current request also asks for a dredging permit within a stretch of river that is presently being studied as a scenic and recreational corridor. The study is legislatively mandated and focuses on the Kaw from Ogden to Lawrence. Shawnee County officials asked for a moratorium on dredging, and both Senator Kassebaum and Governor Graves asked you to delay approval of any dredging permit in that corridor until the study has been completed. Last month, you wisely acquiesced to their requests; it would be sensible to do so again. In general, as I'm sure you agree, it's not a good idea to shoot first and ask questions later!

In addition, this permit request, unlike the last one, has had little public discussion. Something so important to the future of our whole state should involve more citizens. I therefore urge you to hold a public hearing and to expand the public comment period (which almost got lost in the holiday season) for several more months.

Thank you for consideration. Best wishes in your efforts to protect our rivers for generations to come.

Sincerely,


Margy Stewart



RE: Permit #97-00112
16 January 1997
1448 East 920 Road
Lawrence, KS 66049-9148

U S Army Corps
Attn:
CEMRK-CO-RW

Dear Sirs:

Please Deny this above mentioned Permit

Please hold a PublicHearing Concerning this Permit

It is in the center of the Study Area.

Clean Water is More Economically Critical then Cheap Sand.

Thank you.

Sincerely,

Judy Paley ~~Dalton~~ *Austin Paley* ^{max} *SARAH PALEY* *feor* *Paley*
Judy, Dalton, Austin, Max, Sarah & Paley
George PALEY

CC: EPA Washinton, DC
Pres. Clinton
V> P> Gore

331 Indiana St., #2
Lawrence, KS 66044

January 16, 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Bldg.
Kansas City, MO 64106-2896

Dear Sir/Madam:

Please accept these comments on the Penny application for a dredging permit (#97-00112) on the Kansas River. I would like to urge you to deny the permit for the following reasons:

*****Under the National Environmental Policy Act (NEPA) the cumulative effect of development must be rigorously studied. Here is where the the so-called "salami effect" comes into play: a slice here, a slice there, and soon the whole roll is gone. By analogy, a mall here, a dredging permit there, and soon the riparian habitat and riverine ecosystem have been degraded to the point that the biological integrity of the natural systems has been irrevocably compromised. After awhile, the Kansas River natural heritage corridor will be no more than a mere shadow of its former glory.

*****Due to advances in the conservation biology field, the Clinton Administration is moving toward an ecosystem approach to saving endangered species under the Endangered Species Act. By saving a large ecosystem, a multitude of species threatened with extinction in the future can be saved in one fell swoop. As you are aware, a significant population of bald eagle has re-established itself along this stretch of river. Eagle perch and roost trees are once again common and there must be many other rare or threatened species along this stretch of the river. Why not save them all now before they become endangered?

*****A river designated as navigable under Federal and state law should remain navigable in fact to the great possible extent. Artificial barriers to navigation should not be permitted. A cable used for the proposed dredging operation would preclude navigation by watercraft. After all, in the 1850s and 1860s steamboats would regularly ply the river as far up as Junction City. Then, in the 1890s a large excursion boat plied the river west of Lawrence. The potential exists for such a service to be re-established if barriers are not built.

Thank you for paying attention to my comments.

Sincerely,


Clark H. Coan

Co-RW

Memo

RON BENEDICK

1-16-97

TO WHOM IT MAY CONCERN,
PLEASE DENY PERMIT REQUEST # 97-00112
AND HOLD A PUBLIC HEARING CONCERNING DREDGING
ON THE KANSAS RIVER BETWEEN TOPEKA AND
LAWRENCE.

THANK YOU,

RON

Ronald B. Benedick

RON BENEDICK CONSTRUCTION

P.O. BOX 705

LAWRENCE, KANSAS 66044-0705

January 16, '97

Dennis D. Constance
817 Tennessee St.
P.O. Box 4
Lawrence, KS 66044-0004

U.S. Army Corps of Engineers
700 Federal Building
Kansas City, MO 64106-2896

ATTN: CEMRK-CO-RW

To Whom It May Concern;

I am very concerned about any new sand dredging on the Kansas River, and would ask that you;

1. Deny permit #97-00112
2. Hold public hearings on the issue

Thank you.

Sincerely,



Dennis D. Constance

cc: file

TO: U S Army Corps Engineers
attn: CEMRK-CO-RW

1/16/97

Fr: Helkenn family (Jeff)
7402 KIOWA RD
OSKALOOSA KS
66066-9038
913.863.2063
" " 3264 - fax

Please deny any new dredging permits for the
Kansas River, including Penney's application near
the Shawnee/Jefferson county line.

River sand is non-renewable, essentially.

Pit dredging only should be considered.

Thank you for your careful consideration.

Jeff Helkenn



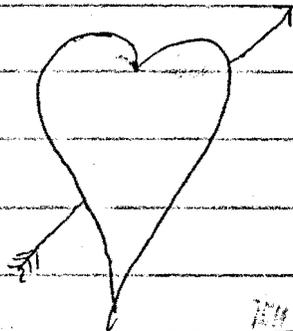
Dear Sirs:

I understand that Penny Sand Co. has applied for a permit to dredge the Kaw near LeCompton. Please disallow this application as the river should be left intact for recreation.

I have enjoyed the sand bars with my children while canoeing and hiking. These sandbars would vanish. Lets make more access points for the children to enjoy nature, and mine for sand.

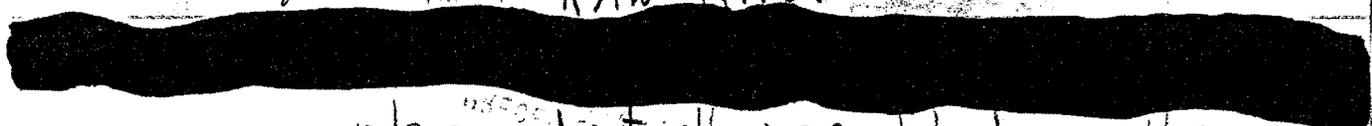
Thanks

Joh Baker



Baker
Box 1034
Baldwin, ks.
66044

KAW River



please don't allow a sand dredge on the Kaw Valley River! because its fun to go out on the sand bar and find bones!! from Merrill



U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City MO 64106-2896

Jan. 16, 1997

Please deny permit #97-00112. Dredging for sand at this location would render a recreational potential study for this stretch of the river useless, as the sandbars and wildlife habitat would be destroyed, and dangerous dredging cables would stretch across the river.

Please give everyone a chance to have a valuable recreational and wildlife resource. Please keep this decision a democratic one, by listening to the many citizens who do not agree with the addition of dredges on our river.

Thank you,

Andrea Repinsky

1506 Lilac Lane
Lawrence KS 66044

adrep@falcon.cc.ukans.edu

(913) 864-2282

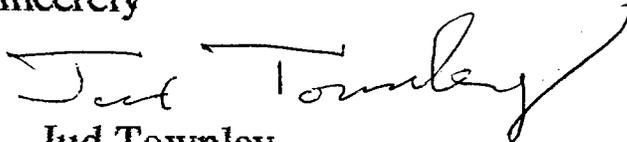
January 16, 1997

U.S. Corps of Engineers
700 Federal Bldg.
Kansas City, MO 64106

People:

I hope you will deny the permit for dredging #9700112 between Topeka and Lawrence in conformity with Governor Graves request that the study of the recreational and wildlife potential be completed before any additional river dredging be authorized.

Sincerely

A handwritten signature in cursive script that reads "Jud Townley". The signature is written in dark ink and is positioned above the typed name.

Jud Townley
3022 S. W. Lincoln
Topeka, KS 66611

January 15, 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896
FAX: 816-426-2321

To whom it may concern:

I would like to thank the Corps for its recent support for continued protection of wildlife and recreation along the Kaw River in Northeast Kansas. My family and I appreciate the natural beauty of the river, its sandbars and banks, when we are playing in the sand near the river in North Lawrence, canoeing, or hiking or biking in the area. Even though we understand that many interests must be balanced, we believe that the Northeast Kansas community is well served by continuing to preserve the integrity of the river and its ecological community.

We encourage you to deny the current request for a permit to dredge on the Jefferson/Shawnee County line, permit #97-00112. We also believe that a public hearing on the issue would allow those with interests in the river to make their opinions known to you and to one another.

Thank you for your attention.

Sincerely,



Gwen G. Bohling
1937 Hillview Road
Lawrence, KS 66046-2653

Laura Calwell
5610 W. 61st Terr.
Countryside, Ks. 66202

913-677-5854
913-383-9499 FAX

January 15, 1997

Larry Cavin, Supv Regulatory Branch
U.S. Army Corp of Engineers
706 Federal Building
Kansas City, Mo. 64106-2896

Dear Mr. Cavin,

After thoroughly reading the U.S. Army Corp of Engineers, Public Notice on Kansas River Dredging dated 12/20/96 it comes to my attention that you are considering a proposed new dredging application No. 97-00112 at river mile 72.5 - 74.0 by Penny's Concrete Inc. along with the renewal of the 17 existing dredging applications on the Kansas River. After the much publicized public fight against the Builders Sand application to dredge above Lawrence that you subsequently denied, I feel you need to extend the public comment period to 90 days and schedule a public hearing for those interested in this issue.

I support denying the proposed new dredging application by Penny's Concrete because:

- (1) The 1996 Kansas legislature passed a bill asking for a recreational study of the entire Kansas River and narrowly defeated a bill to ban any new sand dredging operations on the river.
- (2) Governor Graves asked the Corp in a recent letter not to grant any new dredging applications between Topeka and Lawrence until the recreation study is completed.
- (3) The proposed dredging application should not be considered with the renewal of the 17 existing permits and was effectively buried in the public notice.
- (4) Sand is not a replenishable resource in the river and can be easily and cost effectively pit mined in the Kaw river valley.
- (5) Sand dredges are a navigational hazard and unsafe for boaters on the river.

Thank you for your consideration.

Laura Calwell

CREATIVE CHOICE INTERIORS

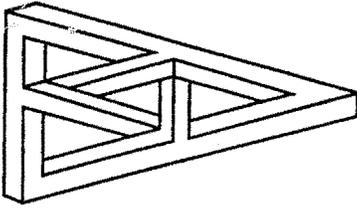
FAX COVER SHEET

Wed Jan 15 1997 1:04 pm

To: U.S. ARMY CORP OF ENGINEERS
Attn: Cemrk-Co-RW or Mr. Larry Cavin
Fax #: 4262321

From: LAURA CALWELL
Fax #: 913 677 5854

Fax: 1 page and a cover page.



MORLEY INC.
B U I L D E R S

700 MISSISSIPPI STREET, LAWRENCE, KANSAS 66044/913-843-7007

Jan. 15, 1997

U.S. Army Corps of Engineers
attn.: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

Dear Corps,

I want to strongly encourage you to deny the dredging permit application #97-00112 written by the Penney aggregate Co. I hope that in the public interest you will allow a public hearing to have an open and forthright discussion of this application.

The degradation of the Kansas River from Lawrence to the Missouri river mainly caused by dredging is a real eyesore. There is an reasonable and prudent alternative to dredging and that is removing sand from the river bottom land. As a building contractor I rely on sand for fill and as a necessary component of concrete. I would be willing to pay a little more for that product if it means that we can leave a healthy, beautiful Kansas River as our heritage to my children and to yours. Please do the right thing and deny this unnecessary permit.

Respectfully,


Michael Morley (President)

January 15, 1997

District Engineer
Kansas City District, Corps of Engineers
Attn:CEMRK-CO-RW
700 Federal Building
601 E. 12th. st.
K.C.. MO. 64106-2896

Dear District Engineer.

I am writing you regarding Permit #97-00112 which is an application from Penny's Concrete to setuo a dredging operation along the Kansas river at river miles 72.5 to 74.0. Please deny this permit. If an immediate denial is not possible I ask you to hold public hearings regarding this permit.

This area is at the center of the area being proposed by the state for river recreation. Dredging damanges the river, removing sandbarsand decreasing sand reolenishment.

I am an occasional canoist and have camped on sandbars along this stretch. I am not a terribly experienced canoist and am concerned for my safety if this permit is granted. Dredging cables and unstable banks can definitely be a hazard.

Thank you.



Rod W. Runyan
645 Illinois
Lawrence, Ks. 66044

1917 Oxford Road
Lawrence, Kansas 66044
January 15, 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

Dear Sirs,

As a Friend of the Kaw and a citizen concerned with preserving the existing natural areas of Kansas for study, recreation, and the use of future generations, I respectfully request that you deny permit #97-00112 for further dredging of the Kansas River between Lawrence and Topeka.

After spending part of the past summer canoeing and kayaking on rivers in Germany, I began to realize how much of our own country is inaccessible to most of us because of existing laws governing the use and property rights of rivers and because of the dangers presented to small boats by the many dredging operations on the rivers. If people are going to value what is left of the natural beauty of this part of the country, it is imperative to open at least some of the rivers to recreation and to make them safe for canoeing.

The location of Penny's most recent request lies within the area currently under study by the state for recreation purposes. Therefore, until the study is completed, all permits within the study area should be categorically denied. Furthermore, it is important to all Kansans that there be a public hearing before proceeding with any consideration of the permit.

Thank you for your support and concern in this matter.

Sincerely,


Nancy O. Dietze

Franklyn F. Finks
8806 W. 104th Street
Overland Park, Kansas 66212

01/15/97

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, Mo 64106-2896

Fax: 426 2321

Re: Permit # 97-00112

I am requesting that you deny this permit and hold a public hearing to determine the affect additional dredging will have on the recreational use of the Kaw River. As there are only three rivers in Kansas available for public recreation the majority of Kansans in this area have only the Kaw as being convenient and practical.

Thank you.

Yours,

A handwritten signature in black ink, appearing to read 'Frank Finks', written in a cursive style.

Frank Finks

FAX cover sheet

Forcade & Associates
1440 Lawrence Avenue
Lawrence, KS 66044-2940

Internet: forcade@falcon.cc.arkans.edu
Computer: 72007.2742
Voice: 815.843.1605 FAX: 815.843.1455

To: U.S. Army Corps of Engineers

ATTN: CEMRK-CD-RW

From: Betsy Forcade

Date: 4-15-97

Message: Please deny permit # 97-00112

and hold a public hearing

Thank you

This transmission includes the cover page and _____ pages.

January 14, 1997

U.S. Army Corps of Engineers
Attn: Lawrence Cavin, Chief of Reg. Branch
700 Federal Building
Kansas City, MO 64106-2896

RE: Application #97-00112

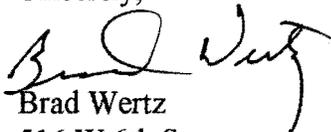
Dear Mr. Cavin,

It is my request that the application to dredge the Kansas river by Penny's Concrete be denied. It is my understanding that the Corps of Engineers has already decided to delay any dredging activity along the stretch of the Kaw between Topeka and Lawrence for a period of five years. The question comes to mind as to why the application would be accepted.

The Kaw is a critical natural resource to our area. We should be looking for ways to preserve it as best we can. I believe this should include not only holding off on new dredging permits but also the control of farm use chemicals, which I am aware you have no jurisdiction. These things will help ensure the health of the river and of the humans which depend upon its resources.

If it is not possible to deny this permit outright, which makes the most sense to me, please consider a public hearing where all interested parties can express their views. Thank you for your careful consideration.

Sincerely,



Brad Wertz
516 W 6th Street
Lawrence, KS 66044-2204

U.S. ARMY CORPS OF ENGINEERS.
 AND OR Attn: CEMRK-CO-RW
 OR LARRY CAVIN - SUPV REGULATORY BRANCH
 706 FEDERAL BUILDING
 KANSAS CITY, MISSOURI 64106-2896

DEAR LARRY,

IT HAS COME TO OUR ATTENTION THAT YOUR OFFICE IS CONSIDERING THE ISSUANCE OF PERMITS FOR BILL PENNY TO DREDGE SAND FROM OUR KANSAS RIVER RECREATIONAL CORRIDOR AT MILE 72.5 ?

PLEASE ACCEPT THIS LETTER AS AN OFFICIAL REQUEST FROM
 THE KANSAS CANOE ASSOCIATION AND THE FRIENDS OF THE KAW

TO.....

1. DENY THE PERMIT # 97-00112

2. REQUEST THAT YOU TAKE IMMEDIATE ACTION TO SCHEDULE A PUBLIC HEARING FOR THOSE INTERESTED IN THIS ISSUE.

CONSIDER THIS.....

1.

THE 1996 KANSAS LEGISLATURE HAS AUTHORIZED A RECREATIONAL STUDY OF THE ENTIRE LENGTH OF THE RIVER INCLUDING THE SECTION FROM TOPEKA TO LECOMPTON.

2.

WHY ARE YOU EVEN CONSIDERING PERMITS IN THIS YET UN-DREDGED PORTION OF THE RIVER WHEN THE GOVERNOR OF KANSAS HAS ALREADY WRITTEN YOU REQUESTING ...

..... "NO NEW PERMITS BE ISSUED WHILE THE STUDY IS UNDERWAY?"

3.

MULTIPLE COUNTIES AND CITIES ALONG THE KANSAS RIVER HAVE ISSUED SIGNED RESOLUTIONS IN SUPPORT OF NOT DREDGING UNTIL WE KANSANS HAVE LOOKED AT THE RIVER FOR ITS OTHER VALUES TO OUR STATES ECONOMY.

4.

THE PEOPLE OF KANSAS DO NOT WANT FURTHER COMMERCIAL DREDGING IN THE KANSAS RIVER ABOVE LAWRENCE. VISIBLE OPPOSITION TO DREDGING IS GROWING LARGER EVERY DAY AS INDICATED BY NUMEROUS PRESS ARTICLES. WE HAVE YET TO SEE ONE SINGLE ARTICLE IN FAVOR OF COMMERCIAL DREDGING IN OUR RIVER.

5.

OUR STUDIES SHOW CONCLUSIVE EVIDENCE THAT THERE IS PLENTY OF SAND IN THE KAW RIVER VALLEY- AND NO REAL NEED TO "DREDGE-DAMAGE" OUR RIVER.

COLONEL ROBERT E. MORRIS LISTED THE CORPS REASONS IN HIS LETTER OF PERMIT DENIAL TO VICTORY SAND & GRAVEL ON DEC 11, 1996.

PARAGRAPH 2 OF THAT CORPS OF ENGINEERS LETTER INCLUDED THESE POSITION STATEMENTS

"UNACCEPTABLE IMPACTS TO THE AQUATIC ENVIRONMENT OF THE KANSAS RIVER"..... AND (SAME PARAGRAPH)

"SINCE LESS ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVES ARE AVAILABLE".... (MEANING THAT THERE IS PLENTY OF SAND OFF-RIVER).

AND IN PARAGRAPH 3

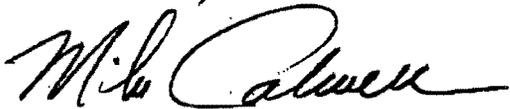
.....PUBLIC ACCESS BOAT RAMPS MAKE FUTURE RECREATIONAL USE OF THE RIVER EVEN MORE ATTRACTIVE.

PLEASE CONSIDER:

ALL OF YOUR STATED REASONS APPLY EQUALLY TO THE ENTIRE RECREATIONAL RIVER CORRIDOR! ARE YOU AWARE THAT MANY BOATERS NOW USE THE PUBLIC BOAT RAMP AT THE EAST EDGE OF TOPEKA (KNOWN AS THE SEWARD AVE ACCESS) TO LAUNCH AND FLOAT DIRECTLY THRU RIVER MILE 72.5 DOWN STREAM TO LECOMPTON. ONCE THE LECOMPTON ACCESS IS COMPLETED, EVEN GREATER NUMBERS WILL FLOAT THIS SECTION. THE KANSAS CANOE ASSOCIATION IS ALREADY PLANNING A MARCH FLOAT ON THIS SECTION OF THE RIVER TO INVOLVE UP TO 300 PEOPLE. A DREDGE AT THIS 72.5 MILE LOCATION WOULD POSE A SIGNIFICANT HAZARD TO SAFE AND FREE NAVIGATION.

THE PEOPLE OF KANSAS DO NOT WANT FURTHER COMMERCIAL DREDGING IN THE RECREATIONAL RIVER BETWEEN TOPEKA AND LAWRENCE. PLEASE DO NOT GRANT ANY FURTHER NEW PERMITS UNTIL A THOROUGH RECREATIONAL STUDY OF THE RIVER CAN PROVIDE INFORMATION ON ACCESS, SAFETY, AND ECONOMIC VALUES FOR OUR PEOPLE. GRANTING OF PERMITS UNDER THESE CIRCUMSTANCES COULD PLACE THE CORP IN A POSITION OF SERIOUS LIABILITY TO THE PEOPLE OF KANSAS.

THANK YOU,



MIKE CALWELL
5250 W. 94TH TERR
PRAIRIE VILLAGE, KANSAS 66207

MEMBER OF THE FRIENDS OF THE KAW
MEMBER OF THE KANSAS CANOE ASSOCIATION

CC: KS DEPT OF HEALTH & ENV. BUREAU OF WATER- TOPEKA, KS.
KANSAS GOVERNOR BILL GRAVES
OPEN LETTER TO THE EDITOR- SUN NEWSPAPERS

January 13, 1997

U. S. Army Corps of Engineers
Attn: Lawrence Cavin, Chief of Reg. Branch
700 Federal Building
Kansas City MO 64106-2896

RE: Application No. 97-00112

I am requesting a denial of this permit or at the very least a public hearing. As a native Kansan and recreational boater, I am appalled at the damage being done to the Kansas River as a result of in-stream dredging. The river is not replenishing itself at the rate it did before the current reservoir system was established, and given that there are alternatives to in-stream dredging, it is prudent to deny new permits.

It is enough of a black eye for Kansas that its rivers are the most polluted in our nation, but to allow industry to further ravage them through such actions as in-stream dredging is incomprehensible. I used to canoe the Kansas River from Silver Lake, KS to Topeka, KS several times every summer, but in-stream dredging in the Topeka area has put a halt to that section of the river. The sand companies who dredge the river stretch cables clear across the river making for treacherous conditions – the cables are not visible until a canoe is almost to them.

The stretch of the Kansas River which Application No. 97-00112 covers is widely used by river recreationists and holds great possibilities as part of a river recreational corridor in northeast Kansas. Please deny this permit and help to preserve this natural resource in the Kaw Valley.

Thank you for your consideration.

Sincerely,



Pamela R. Mullins
1151 Mulvane
Topeka KS 66604-1456

DATE: January 13, 1996

FROM: Joe Hyde
1605 W. 27th St.
Lawrence, KS 66046

TO: Army Corps of Engineers CEMRK-CO-RW
Kansas Department of Health and Environment
Kansas Board of Agriculture
Shawnee County Commissioners
(cc: to addressees listed on pg. 11)

I am writing to ask that your offices deny Penny's Concrete, Inc. a permit to commercially dredge the Kansas River channel. (Re: Corps dredging application #97-00112)

To legally dredge the river Penny's must have in its possession all four of the following permits:

- 1) A Conditional Use Permit issued by the Shawnee County Commission
- 2) A Kansas Board of Agriculture permit
- 3) A Water Quality Certificate from the Kansas Department of Health & Environment
- 4) A Section 10/404 federal permit from the U.S. Army Corps of Engineers

If even one of the above permits is not granted, Penny's will be stopped from dredging the site. Please deny this application, and deny it quickly using plain language.

Many issues are involved in my request, among them:

- A. Threat to public navigation - both real and perceived - that Penny's dredge will pose to recreational boaters. The dredge will effectively close the Topeka-to-Leocompton river section to public navigation.
- B. Penny's dredging operation would create a new and large industrial

blight on the river that would severely degrade the scenic value of the Topeka-to-Lecompton section.

- C. Penny's dredging operation would technically block the state from including the Topeka-to-Lecompton section in the State Recreation Corridor now being studied.
- D. Loss of public navigation in the river between Topeka and Lecompton will hurt the towns of Perry and Lecompton economically.
- E. Issuing Penny's the permit risks bringing serious political embarrassment and/or harm to the Kansas Legislature and the Governor of Kansas.
- F. In handling Penny's permit application, the Corps of Engineers is using deceptive and highly unethical methods to give Penny's Concrete an unfair advantage in the public review phase of the application.

I therefore ask that Penny's application #97-00112 be denied. Following is a more detailed explanation of the above concerns:

Public Navigation Threat

I have enclosed a Corps of Engineers river map with this letter. This map was not issued as part of any official public notice. On the map I have personally marked for you in red ink the proposed Penny site and its relevant surroundings.

As you can see, the upstream end of this site lies only 2 1/2 miles downriver from a state-built public boating access built just off Seward Avenue in east Topeka.

If a new sand dredge goes on the river 2 1/2 miles below this access, all citizens who launch watercraft from the Seward Avenue Access and travel downstream (east) from it will be in potential and perhaps imminent peril. Unknown to these boaters, a cross-channel sand dredge could be operating out of view just around the second river bend downstream.

As I can only deduce of Penny's plan (given the scant information available to me), the dredge itself would come off the north (left) riverbank where the Kansas River makes a sweeping right-hand curve. If dredging the

RECEIVED
MAY 16 1997

riverbed deepens the channel along the left wall of this curve, flowing water will rapidly undercut the bank and the direction of its collapse will move steadily northward. This self-inflicted erosion would threaten the sand processing plant Penny's plans (I think) to build on the left floodplain at the 1 1/2 mile long site.

If Penny's intends to protect its own sand processing plant, their dredge must operate well out into the river channel, often reaching completely across the channel. It would likely do this anyway, because obtaining a permit allows dredge movement anywhere in the site. Mainly, though, going completely across the channel would let Penny's suck up massive amounts of sand and gravel from the huge sandbar on the inside arc of the curve.

Thus a hydraulic siphoning barge (it looks like a houseboat), a 1-foot diameter pressurized sand pipe that lays horizontally over the river only 18 inches or so above the water, and a steel pontoon bridge would all be stretching most of the way, if not all the way, across the surface of the river anytime the dredge was working. That would threaten the deep-water path on the left half of the channel, the path most boaters instinctively choose for safe navigation through a right-hand curve. Penny's mining equipment would therefore place a lethal industrial hazard across the path of recreational boaters using the Seward Avenue Access.

There would also be cross-channel steel mooring cables on the river through the site. Penny's would employ these cables to maneuver and stabilize their dredge in the river's powerful cross current. Why are the cables dangerous? Because from an approaching boater's low-angle view over the water, the muted background of the river makes these rust and silt-covered cables virtually undetectable until you get very close to them.

Moreover, frequent high winds and the river's steady current could easily carry watercraft into this dredge or its mooring cables despite a boater's best collision avoidance efforts. This is particularly true if novice boaters are going downriver, or if a powerboat has engine failure and begins drifting downriver toward the dredge without thrust or steering capability.

The "safe navigation gap" - a sand pipe/pontoon bridge contraption

designed by LandPlan Engineering of Lawrence and unveiled at the Corps public hearing at Perry by Victory Sand & Gravel - is a design that has never passed muster with experienced and knowledgeable river boaters or boating groups.

Indeed, for everyone who now boats or someday will boat the Kansas River east of Topeka, Penny's dredging equipment and mooring cables would present a fearsome navigation hazard.

Scenic Degradation

The 13-mile reach from Topeka to Lecompton passes through an exceptionally scenic area. On river right, *due south* of Penny's proposed site and extending to four miles below the proposed site, there lays an impressive formation of heavily timbered hills, some of which rise steeply up from the river's edge to a height of almost 200 feet above the boater.

Anyone who thinks the Topeka-to-Lecompton Scenic River Road is a beautiful Sunday drive - and it certainly is - should observe this same area from the river, viewing it from the seat of a canoe. In autumn when the leaves are changing colors, the sight of these hills standing against the sky with the view mirrored on the river surface is enough to make you throw your car keys away, it's so pretty.

For canoeists and power boaters alike, the river's steady flow, the overnight sandbar camping, waterfowl hunting, fishing and nature watching opportunities found year-round in this section between Topeka and Lecompton are excellent.

The head of Penny's proposed site starts at a point 1/2 mile downstream from the Tecumseh power plant. The way the river there is now, once you get your boat past the power plant and head around the first curve below it, the power plant falls out of view and you're into an almost wild area of the river, with the tall timbered hills on the right coming up fast. For touring boaters, the best is about to begin.

But a sand dredge would be guarding the entryway to this most scenic zone. A sand dredge that reaches out into the river like a picket fence from Hell, a menacing low-clearance U-shaped seine net-like structure that paces back and forth through the channel in its 1 1/2-mile long cage,

a cage built just upstream of those beautiful hills. This introduces a huge *and* deadly new industrial eyesore in this most scenic area.

And we should not forget the alien and unsightly rip-rap Penny's will dump wholesale over this already-eroding left riverbank all throughout and above their proposed site to reduce (but it can't stop) *the head-cutting erosion that Penny's dredging will trigger.*

Most profoundly threatening to the Topeka/Lecompton section's present scenic value, the Penny's dredge would suddenly make available a massive supply of cheap sand almost in perpetuity - a sand supply that developers would use to fuel Topeka's eastward urban sprawl, itself a blight that is steadily destroying wildlife habitat and disrupting the quiet rural character of the land between Topeka and Lecompton.

River Recreation Corridor

The state of Kansas will soon build a Kansas River Access at Lecompton. This new public boat ramp and parking area will be built on the north (left) bank next to the Perry/Lecompton bridge. Hundreds, if not thousands, of recreation boaters will be surprised and delighted to get this access. One has been needed there for a long time.

Getting this new river access at Lecompton does not devalue the Seward Avenue Access at Topeka, or make it expendable. Precisely the opposite: the Lecompton Access makes the Seward Avenue Access more important, because the Lecompton Access will increase the number of people who want to launch boats from the Seward Avenue ramp. Here's why:

Despite its attractions, many boaters think the present *unbroken* river distance between Topeka and Lawrence (25 miles) is just a bit too long. Due to personal time constraints, most individuals and families planning an easy river trip look for something around 10-15 miles in length. On the Kansas River, due to its 1 1/2-mph "normal level" current speed, 10-15 river miles generally works out to be a 5-8 hour boat ride (including lunch and sandbar stops). That's about right for most people.

The trouble for years has been this: Because there was no access at Lecompton, anyone taking a Topeka-to-Lawrence river trip has to leave east Topeka almost at dawn and then paddle super hard to reach Lawrence

by dusk. Some people enjoy the aerobic workout that covering such a long distance so fast provides, but most folks prefer to relax and enjoy the river's pleasures by taking a slow ride downstream. The 25-mile distance prevented taking such a slow trip in one day.

The remedy, for canoeists at least, has always been to paddle the river during high water events. That increases your speed downriver and reduces trip time, but high water reduces your access to the nice sandbars (most of which are underwater then). Or, people could camp out overnight on a sandbar somewhere between Topeka and Lawrence then finish the trip to Lawrence on the second day (a really fun thing to do if you are equipped with the proper camping gear).

Now, all of a sudden, this new public access at Lecompton will cut the Topeka-to-Lawrence trip in half. This **DOUBLES** the opportunity citizens have to enjoy a high-quality day trip close to home down a mostly natural, scenic and wildlife-rich river.

Because it starts on the outskirts of the state's capitol city and leads to the new Lecompton Access, the Topeka-to-Lecompton section will be perceived as a quality recreational stretch by people who've never even boated that part of the river before. Instantly it will become a much-used recreational area and it will grow in popularity annually.

The Lecompton Access therefore increases the long-term public use of the entire 25-mile reach between Topeka and Lawrence - *not just the 12-mile section from the new Lecompton Access east to Lawrence.*

A commercial dredge whose mere presence alone would scare off lawful boating in this section east of Topeka is simply not acceptable.

Note: Robert Smith of the Corps of Engineers Regulatory Branch told me that a 2-foot drop in the riverbed's elevation above sea level is the maximum streambed degradation the Corps allows dredging to cause in any given 5-mile stretch (measured within and above any given dredging site).

Once that 2-foot degradation limit is reached the Corps orders the dredge off the river. When I asked how long it would take for Penny's to degrade site 97-00112 those two vertical feet, Mr. Smith told me that it might take anywhere from 10 to 20 **YEARS** - if the 300,000 tons-per-year sand removal restriction is used.

When I asked him how soon we might anticipate this permit application being approved, Mr. Smith answered that the Corps could approve it as early as March, 1997. That's just two months from now.

Couched in technical terminology, what Mr. Smith told me is that Penny's will likely begin dredging below the Seward Avenue Access early this year, after which time it might not be until the year 2017 that the citizens of Kansas can once again safely and freely take a boat down *their* river through this section - like they've been doing since before statehood 136 years ago.

Economic Impact to Perry and Lecompton

In the Kansas River Recreational Study ordered by the Kansas Legislature and Governor Graves, the Topeka-to-Lawrence reach is one of the prime areas being looked at for inclusion in a State Recreational Corridor. Once the Lecompton Access is opened, this whole 25-mile reach will experience a dramatic rise in recreational use.

Perry and Lecompton, both small Kansas towns, stand to gain due to their ideal "center corridor" location. If the Topeka-to-*Lecompton* reach remains open to navigation and suffers no further degradation, the citizens of Perry and Lecompton will enjoy job opportunities and economic benefits associated with outdoor recreation on and along the Kansas River.

Kansas residents and out-of-state visitors alike will be drawn to these two small towns, and of course to Topeka and Lawrence as well, to boat either or both river sections - because the river is suddenly more available thanks to the Lecompton Access.

Political Harm to Legislators and the Governor

By ordering the Kansas River Recreational Study, members of the Kansas Legislature and Governor Bill Graves took a considerable political risk, given the heavy lobbying pressure put on them by the Aggregate Producers cartel to perpetuate commercial dredging of the river, *and* given the fact that many Kansas voters utterly fail to comprehend the importance of this political issue because they've grown up in a state with the most restrictive stream access laws in the nation.

By ordering the Kansas River Recreational Study, Kansas political leaders went way out on a limb for public recreation. These politicians have shown

that they DO CARE about their own state's natural beauty, and they DO CARE about the long-term environmental and public recreation value of the Kansas River.

A commercial dredge inserted between Topeka's Seward Avenue Access and the new Lecompton Access subverts both the spirit and the intent of what the Legislature and the Governor want done. A dredge threatening public navigation at the head of this reach will abort *de facto* any plan the state may subsequently develop to include the Topeka-to-Lecompton section in a multi-use State Recreational Corridor.

Is it wise to let Penny's Concrete seize the Topeka-to-Lecompton section at the very moment this reach is being examined by the state for inclusion in a public recreation project? Is it wise of you to help install a lethal navigation hazard that may kill the very citizens the Legislature and the Governor want to attract to this river section in the near future?

Deceit by Army Corps of Engineers

Penny's permit application 97-00112 was not transmitted for public review by the Corps of Engineers in the manner normally done with new dredging applications. Indeed, the only "notification" the Corps issued on 97-00112 is a single typed line in a broad public notice that covers 17 other commercial dredges *that are already operating on the river.*

On December 20, 1996, the Corps Regulatory Branch issued a public notice titled Kansas River Dredging (enclosed) to solicit public comment on existing dredging operations that are all due for federal dredging permit *renewals.*

Application 97-00112 (Penny's dredge) should never have been listed in this group *because it has not yet obtained a federal permit.*

The method the Corps has used to move this latest new dredging application past the Kansas public is most noteworthy:

The Corps is giving the Kansas public NO technical description of the dredging activity Penny's proposes, as is normally done. The Corps is distributing NO detailed federal document the public can examine. The Corps is mailing out NO specific information or drawings detailing Penny's

sand removal restriction, the site plan, or the sand processing plant.

The crude river map attached to the Kansas River Dredging public notice does not give the reader an accurate sense of where the proposed Penny's dredge would go in. The nearby towns of Newman, Perry and Lecompton - all landmarks necessary for proper map orientation - are not shown. This creates confusion as to the actual location of the proposed site

Furthermore, because news reports of Penny's withdrawing from the Newman site (a site they had earlier applied to dredge) coincided almost to the day with the Corps release of the Kansas River Dredging public notice...well, when I received the KRD public notice in the mail and looked at its attached map, I thought I was seeing where Penny's *would have dredged* had they been granted a permit *at Newman!*

Leafing through the Kansas River Dredging notice, when I saw the "PROPOSED NEW DREDGE LOCATION" listed for Dredge #15, I assumed that this Corps public notice had been in the mail when Penny's voluntarily withdrew from Newman, and that the Penny's site mentioned in the KRD was merely out-of-date Newman information, nothing to worry about.

But proposed site 97-00112 is not the Newman site, it's a different Penny's site and much closer to Topeka. It was not until Eileen Larson of Friends of the Kaw called and said that this really is a different site that I became alarmed and asked Robert Smith of the Corps Regulatory Branch to clarify application 97-00112.

My problem - everybody's problem - is that there has been no normal public notice specific for this Penny's permit application. So I asked Mr. Smith if the Corps allows private citizens to look at the Penny's application letter (the one Penny's sent the Corps when they sought the permit). I figured maybe this document would at least shed some light on what Penny's told the *Corps* they planned on doing. Mr. Smith gave me a photocopy of Penny's letter (enclosed).

In Penny's application letter to the Corps, please observe that here, too, there is NO technical information given, NO site plan drawing for the sand processing plant, NO overhead drawing that shows the dredging zone locale and NO river map attached. These things are always included in the normal Corps public notices, so I expected to see them in Penny's letter since

they were not included in the Kansas River Dredging public notice.

But nowhere in Penny's corporate letter, or on the Army form attached, was there any information that even said on which side of the river the sand plant would be built. There was very little useful information of any kind - and no additional information was on file anywhere in the Corps Regulatory Branch office!

In every sense of the word, Penny's application 97-00112 is coming in on east Topeka flying under radar. The Regulatory Branch has issued a public notice that surrounds the Penny's application with a squadron of existing dredging operations, all of which have already obtained their original federal permits.

The Kansas public, as a result, can not know what is about to happen here. Kansas citizens, their elected politicians and the state's professional employees are NOT being given full and proper information or a reasonable period of time with which to study the proposed Penny's dredging plan.

When I asked him about this, Mr. Smith told me that a lot of people had complained that the new dredging permit public notices were coming out piecemeal, one at a time. He said that's why the Corps used this new method. Just do 'em all at once and be done with it.

But the previous "one permit application/one public notice" procedure is what everyone expects the Corps to do when announcing a new commercial dredging proposal. For the Corps to suddenly change its standard federal operating procedure when handling an industrial activity of this magnitude and not release beforehand an official statement warning of the future change in their permit methodology; for the Corps to camouflage the Penny's permit application among a group of existing dredges and not include ANY detailed information specific to this extremely important new dredge, is unethical.

Conclusion

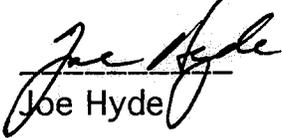
In the case of Penny's permit application #97-00112, an unannounced switch in the federal notification procedure creates a powerful public deception - and the end product of that deception (an absence of legitimate complaints received against the activity proposed) can be used

by the Corps of Engineers and Penny's Concrete to countermand the will of the Kansas people, a will clearly expressed by the Kansas Legislature and Governor Graves when they ordered the Kansas River Recreational Study.

Please don't let a commercial in-stream mining company steal for its own use a river section that literally flows through the late afternoon shadows cast by the capitol city, when the people of Kansas are trying so hard to protect and enjoy the finest reaches of this stream.

It's our river.

Respectfully,


Joe Hyde

cc: Governor of Kansas Bill Graves
Speaker, Kansas House of Representatives
Secretary, Kansas Department of Wildlife & Parks
Kansas Sen. Sandy Praeger
Kansas Rep. Tom Sloan
The Topeka Capitol-Journal
Kansas Canoe Association
Kansas Natural Resources Council
Kaw Valley Heritage Foundation
Friends of the Kaw



Public Notice

US Army Corps
of Engineers
Kansas City District
Leaders in Customer Care

Reply To: Kansas River Dredging
U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, MO 64106-2896

Public Notice Date
December 20, 1996
Expiration Date

Postmaster Please Post Conspicuously Until: January 19, 1997

JOINT PUBLIC NOTICE: This public notice is issued jointly with the Kansas Department of Health and Environment. The Department of Health and Environment 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 Kansas Department of Health and Environment, Bureau of Water - - Nonpoint Source Section, Building 283, Forbes Field, Topeka, Kansas 66620.

APPLICANTS: See sheets 1 through 3 of 5.

PROJECT LOCATION (As shown on the attached drawings): See sheets 4 and 5 of 5.

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

ACTIVITY (As shown on the attached drawing): Eight companies are currently authorized to dredge sand and gravel from 18 locations (cumulative total for all companies) on the Kansas River for commercial sale. The existing permits were originally conditioned to expire on December 31, 1995. The expiration dates were extended to allow the Kansas City District sufficient time to analyze dredge monitoring data prior to evaluating permit renewal requests. The existing permits will expire on the date of issuance/denial of the 18 proposed permits identified on Sheets 1 through 3 of this public notice.

In January 1990, the Kansas City District completed preparation of a document entitled "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 land. The selected alternative for the Environmental Impact Statement is a "Regulatory Plan" which consists of restrictions and a monitoring program to limit dredging-related impacts. The Regulatory Plan was implemented in 1991.

Commercial sand and gravel dredging operations on the Kansas River utilize hydraulic pumps 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 and returned to the river. The requested permits, if issued, would be subject to the restrictions and monitoring requirements stipulated in the District's Regulatory Plan. The permits would be valid for five years.

WETLANDS: No wetlands have been identified.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by writing the Chief, Regulatory Branch, address above, or by calling Mr. Robert J. Smith at (816) 426-2118 (FAX 816-426-2321).

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

CEMRK-CO-RW (Kansas River Dredging)

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.

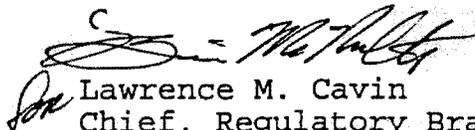
FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies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

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 1 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.



Lawrence M. Cavin
Chief, Regulatory Branch
Construction-Operations Division

NOTICE TO EDITORS: This notice is provided as background information for your use in formatting news stories. This notice is not a contract for classified display advertising.

PROPOSED DREDGING PERMITS
KEY TO DREDGING LOCATIONS

KAW VALLEY SAND AND GRAVEL, INC.
1615 ARGENTINE BOULEVARD
KANSAS CITY, KANSAS 66105

1. APPLICATION NO. 96-02295
PROPOSED RIVER MILES 9.4 - 10.4
NO CHANGE FROM EXISTING PERMIT MILES
2. APPLICATION NO. 96-02296
PROPOSED RIVER MILES 12.8 - 13.9
NO CHANGE FROM EXISTING PERMIT MILES

HOLLIDAY SAND AND GRAVEL COMPANY
6811 WEST 63RD STREET
OVERLAND PARK, KANSAS 66202

3. APPLICATION NO. 96-02337
PROPOSED RIVER MILES 15.4 - 16.9
CHANGE FROM EXISTING PERMIT MILES 15.6 - 17.1
4. APPLICATION NO. 96-02336
PROPOSED RIVER MILES 17.5 - 18.4
NO CHANGE FROM EXISTING PERMIT MILES
5. APPLICATION NO. 96-02335
PROPOSED RIVER MILES 21.0 - 21.15
NO CHANGE FROM EXISTING PERMIT MILES
6. APPLICATION NO. 96-00053
PROPOSED RIVER MILES 29.2 - 30.2
NO CHANGE FROM EXISTING PERMIT MILES

BUILDER'S SAND COMPANY
4919 LAMAR AVENUE
MISSION, KANSAS 66202

7. APPLICATION NO. 97-00113
PROPOSED RIVER MILES 19.1 - 20.6
NO CHANGE FROM EXISTING RIVER MILES
8. APPLICATION NO. 97-00114
PROPOSED RIVER MILES 31.1 - 31.9
CHANGE FROM EXISTING RIVER MILES 31.4 - 31.9

PROPOSED DREDGING PERMITS
KEY TO DREDGING LOCATIONS

KAW SAND COMPANY
23400 WEST 82ND STREET
SHAWNEE, KANSAS 66227

9. APPLICATION NO. 97-00106
PROPOSED RIVER MILES 26.1 - 27.6
CHANGE FROM EXISTING RIVER MILES 26.1 -27.1
10. APPLICATION NO. 97-00107
PROPOSED RIVER MILES 35.4 - 36.4
NO CHANGE FROM EXITING RIVER MILES
11. APPLICATION NO. 97-00108
PROPOSED RIVER MILES 47.1 - 48.0
NO CHANGE FROM EXISTING RIVER MILES

PENNY'S CONCRETE, INC.
23400 WEST 82ND STREET
SHAWNEE, KANSAS 66227

12. APPLICATION NO. 97-00109
PROPOSED RIVER MILES 42.6 - 44.1
CHANGE FROM EXISTING RIVER MILES 42.1 - 43.1
13. APPLICATION NO. 97-00110
PROPOSED RIVER MILES 45.2 - 46.7
NO CHANGE FROM EXISTING RIVER MILES
14. APPLICATION NO. 97-00111
PROPOSED RIVER MILES 49.6 - 51.35
NO CHANGE FROM EXISTING RIVER MILES
15. APPLICATION NO. 97-00112
PROPOSED RIVER MILES 72.5 - 74.0
PROPOSED NEW DREDGE LOCATION

KANSAS SAND AND CONCRETE, INC.
P.O. BOX 656
TOPEKA, KANSAS 66601

16. APPLICATION NO. 96-02135
PROPOSED RIVER MILES 84.5 - 85.8
NO CHANGE FROM EXISTING RIVER MILES
NEW PERMIT WOULD COMBINE TWO EXISTING PERMITS

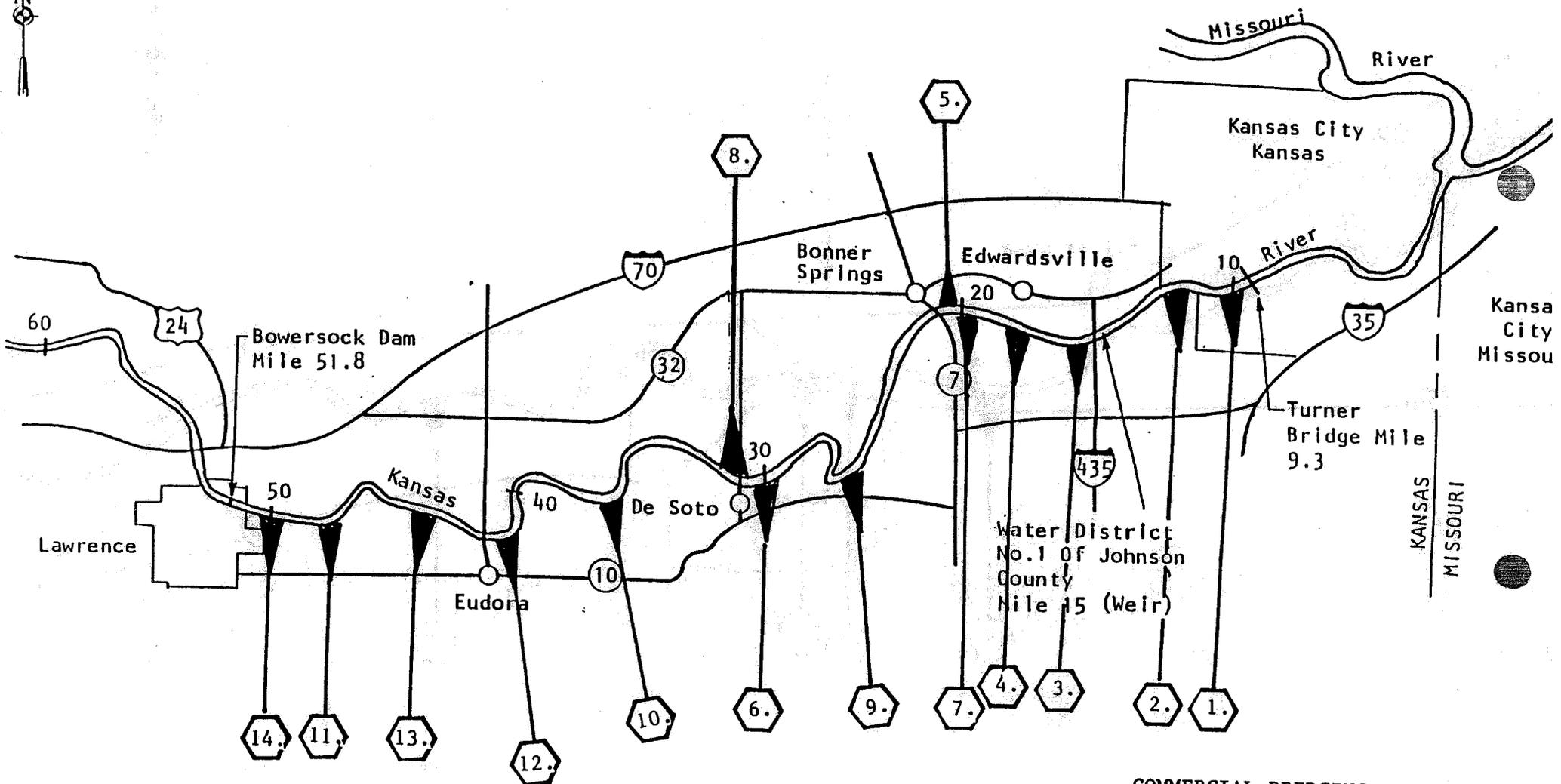
PROPOSED DREDGING PERMITS
KEY TO DREDGING LOCATIONS

VICTORY SAND AND GRAVEL COMPANY
4919 LAMAR AVENUE
MISSION, KANSAS 66202

17. APPLICATION NO. 97-00116
PROPOSED RIVER MILES 86.3 - 86.5
NO CHANGE FROM EXISTING PERMIT MILES

MEIER'S READY MIX, INC.
P.O. BOX 8477
TOPEKA, KANSAS 66608

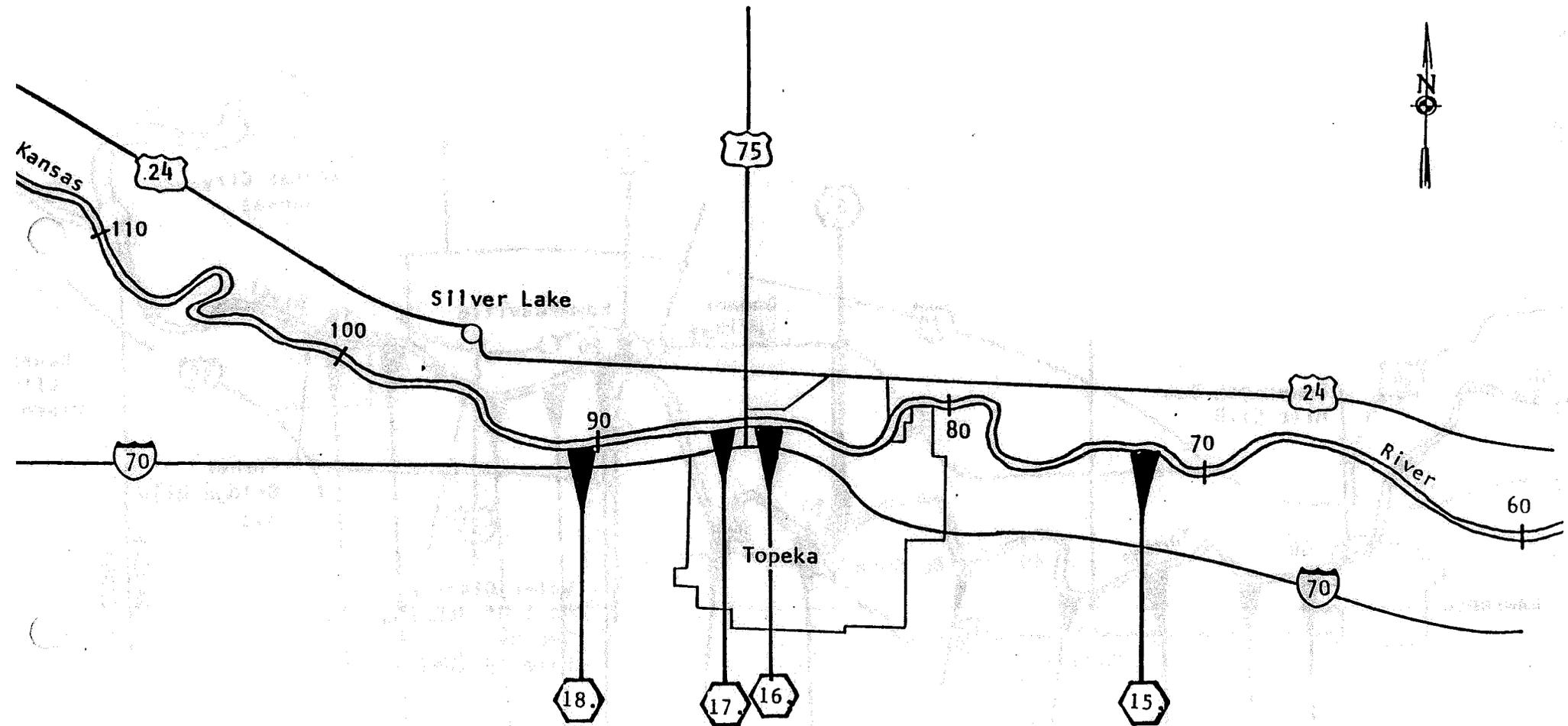
18. APPLICATION NO. 96-02151
PROPOSED RIVER MILES 90.1 - 91.6
NO CHANGE FROM EXISTING PERMIT MILES



COMMERCIAL DREDGING

KANSAS RIVER

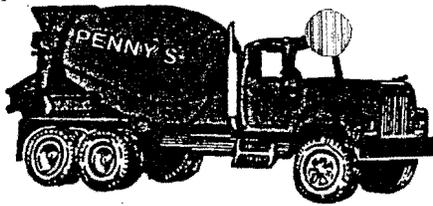
COMMERCIAL DREDGING
KANSAS RIVER
MILE 0 TO MILE 60
SHEET 4 of 5



COMMERCIAL DREDGING
 KANSAS RIVER
 MILE 60 TO MILE 110
 SHEET 5 of 5

COMMERCIAL DREDGING

KANSAS RIVER



PENNY'S

PENNY'S CONCRETE INC.

December 17, 1996

U.S. Army Corps of Engineers
Kansas City District-Regulatory Branch
Attn: Robert Smith
Room 706 Federal Building
601 East 12th Street
Kansas City, Missouri 64106-2896

Subject: Kansas River Dredging Permit Applications River Miles
67.5 - 69.0 and 73.6 - 75.1

Dear Mr. Smith,

As you and I have discussed, we desire to withdraw our permit application for Kansas river dredging activity at river miles 67.5 - 69.0. Also, we would like to amend the permit application at river miles 73.6 - 75.1 given to you on September 16, 1996. The new river miles are 72.5 - 74.0 and the addresses of adjoining property owners are attached.

There has been much public input and expressed concern regarding river dredging activity in the reach of the Kansas River upstream from the Bowerstock Dam in Lawrence. We hope our withdrawal from river miles 67.5 - 69.0 will be received in good faith and be in the best interest of all sides in this debate.

Sincerely,

David F. Hoover
President
Penny's Concrete, Inc.

Handwritten notes:
COST 404 / 100 (PERM)
KBOARD 0 AG
4/01 00AT 00AT 00AT KDAE
COUNTY CORP. U.S.P.

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
--------------------	----------------------	------------------	-------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME Penny's Concrete, Inc.	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) Bradford Seaman, Accounting Coordinator
6. APPLICANT'S ADDRESS 23400 W. 82nd Street Shawnee, Kansas 66227	9. AGENT'S ADDRESS 23400 W. 82nd Street Shawnee, Kansas 66227
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence b. Business (913) 441-8781	10. AGENT'S PHONE NOS. W/AREA CODE a. Residence b. Business (913) 441-8781

11. STATEMENT OF AUTHORIZATION

I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE

DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) Penny's Concrete, Inc.	
13. NAME OF WATERBODY, IF KNOWN (if applicable) Kansas River - River miles 72.5 - 74.0	14. PROJECT STREET ADDRESS (if applicable) Clark Road in Jefferson County
5. LOCATION OF PROJECT Shawnee & Jefferson Counties Kansas COUNTY STATE	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN, (see instructions) Sections 28, 29 Township 11S, Range 17E Shawnee and Jefferson Counties in Kansas 21, 20	
7. DIRECTIONS TO THE SITE Highway 24 /40 to Clark Road and south to Donald Barry property.	

18. Nature of Activity (Description of project, include all features)

Hydraulic dredging of sand and gravel for commercial purposes. The dredge pumps the material through floating and shorelines to the sand plant. As much material as possible is removed, classified, and stacked, while the river water is returned to the river. We propose to begin production as soon as possible under the provisions made by the Corps of Engineers.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

Production of sand and gravel for the purpose of commercial sales.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

Any discharge is the result of the river water returned to the river through return lines with a minimal amount of material that was not able to be processed possibly being discharged. Any discharge would be done in strict compliance with all governing agencies.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

Water and fine sand product

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

23. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

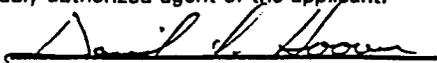
See attached list of property owners.

25. List of Other Certifications or Approvals/Denials Received from other Federal, State or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
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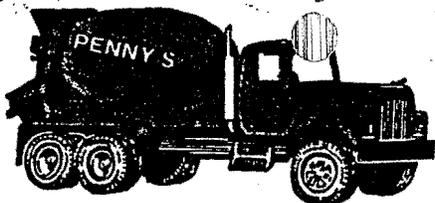
*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

	12-17-96		
SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

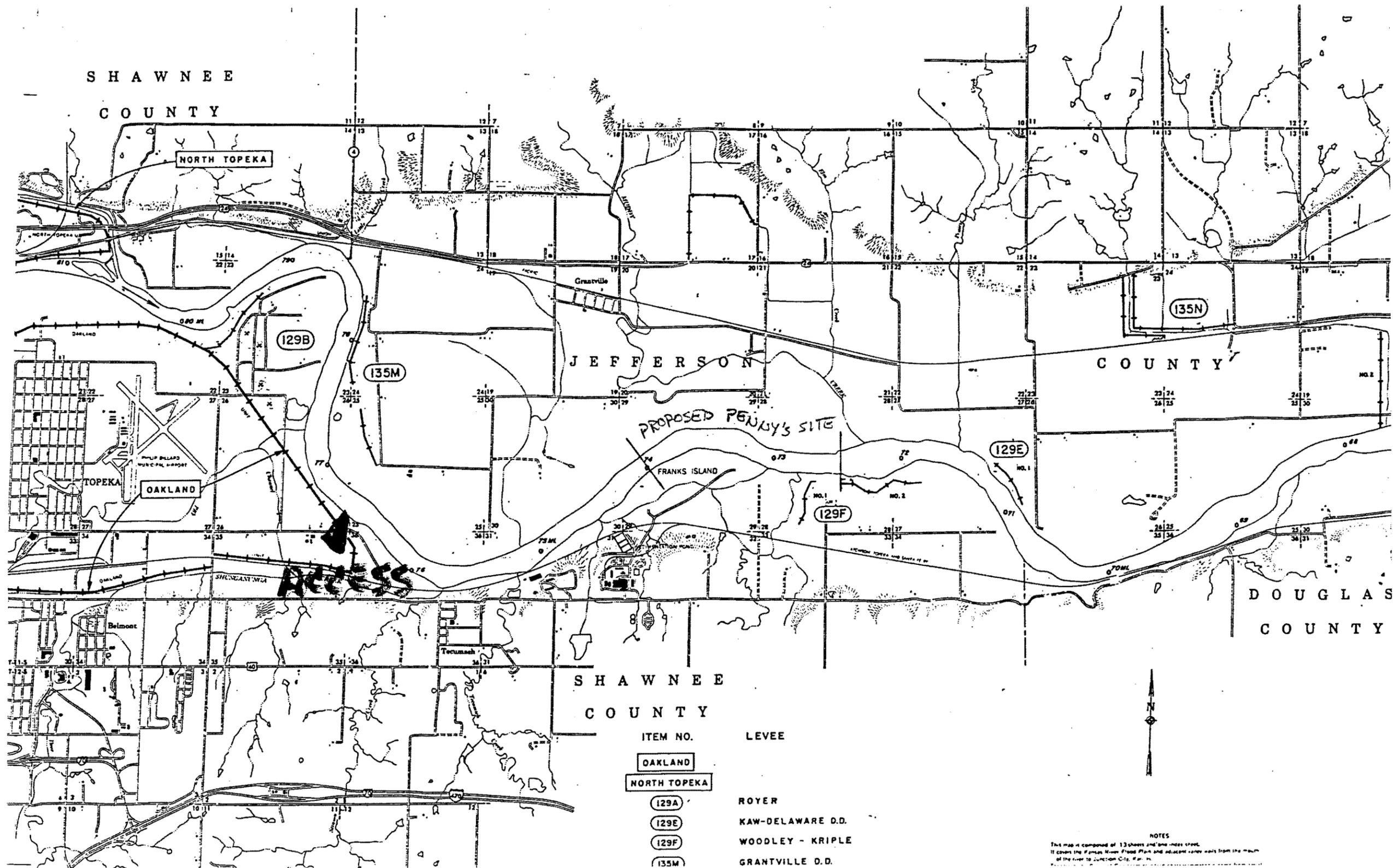


PENNY'S

PENNY'S CONCRETE INC.

LAND OWNER'S LIST
SECTION 20, 21, 28, 29; TOWNSHIP 11S; RANGE 17E
JEFFERSON & SHAWNEE COUNTIES IN KANSAS

1. Michael R. Albright
Rt. 1 Box 28
Grantville, Kansas 66429
2. Douglas G. Shannon
Rt. 1 Box 27
Grantville, Kansas 66429
3. Harriet Hull
Attn: Harriet Smith
36300 SW Huntoon
Topeka, Kansas 66604
4. Eldon T. Johnson
Grantville, Kansas 66429
5. Russell T. Winsor
Route 1 Box 36
Grantville, Kansas 66429
6. Donald Barry
P.O. Box 4816
Topeka, Kansas 66604
7. KWB Associates II Lmtd.
Attn: Flexel, Inc.
115 Perimeter Circle East
Station 1100
Atlanta, GA 30346



SHAWNEE
COUNTY

NORTH TOPEKA

(129B)

(135M)

JEFFERSON

COUNTY

(135N)

TOPEKA

OAKLAND

PROPOSED PENNY'S SITE

FRANKS ISLAND

(129E)

(129F)

ACCESS

DOUGLAS
COUNTY

SHAWNEE
COUNTY

ITEM NO. LEVEE

OAKLAND

NORTH TOPEKA

(129A)

ROYER

(129E)

KAW-DELAWARE D.D.

(129F)

WOODLEY - KRIPLE

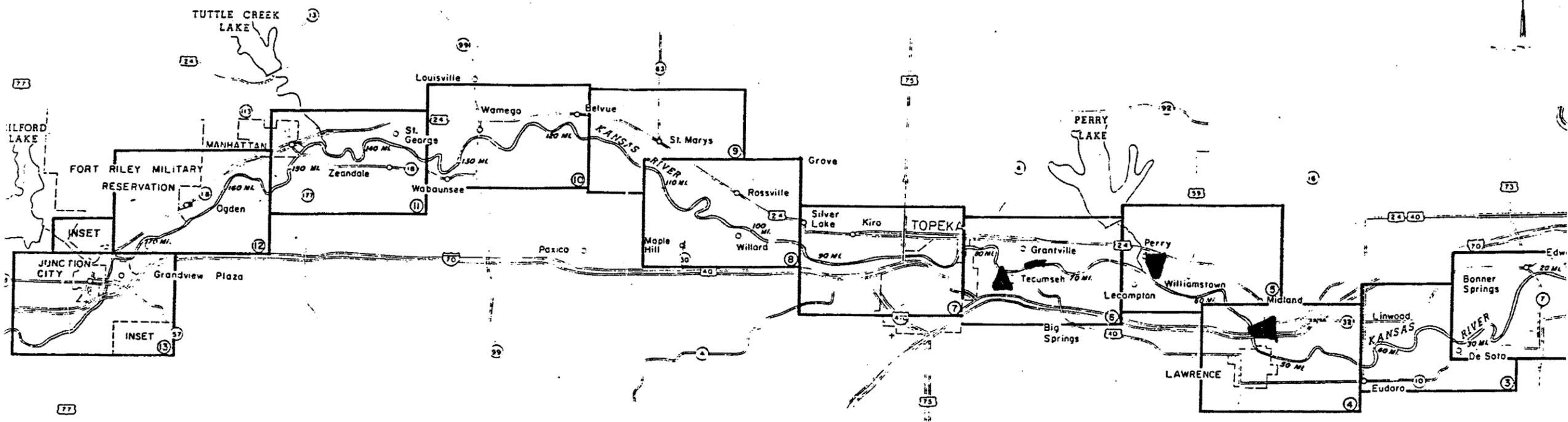
(135M)

GRANTVILLE D.D.



NOTES
This map is composed of 13 sheets and one index sheet.
It covers the Franks River Flood Plain and adjacent lands north from the mouth
of the river to Junction City, Mo.

K A N S A S



▲ RIVER ACCESS
■ PENNY'S PROPOSED SITE

1/12/97

Dan & Nancy Hermreck
715 Tennessee St.
Lawrence, KS 66044

U. S. Army Corps of Engineers
Attn: Lawrence Cavin, Chief of Reg. Branch
700 Federal Building
Kansas City, MO 64106-2896

RE: Application NO. 97-00112

Mr. Cavin,

This letter is in response to the dredging permit applied for by Penny's Concrete, Inc. of Lawrence, Kansas to dredge sand from the bed of the Kansas River at river miles 72.5 - 74.0 located on the Jefferson-Shawnee County line.

We would strongly request that this permit be denied or at the very least a public hearing be held on the dredging permit.

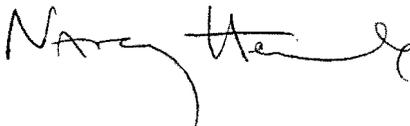
We feel that this stretch of the river holds great possibilities as part of a recreational corridor for northeast Kansas. There is growing interest and support in the Kaw Valley to preserve this natural resource. Given that the river is not replenishing itself at the rate it did before the reservoir system was established and given that there are alternatives to in-stream dredging, we feel it is prudent to deny new permits.

Thank you

Dan Hermreck



Nancy Hermreck



Jan. 11, 1997

Lawrence Cavin, Chief of Reg. Branch
US Army Corps of Engineers
700 Federal Bldg.
Kansas City MO 64106-2896

Re: Application # 97-00112

Dear Mr. Cavin:

In writing to ask that you deny Penny Concrete's request for a dredging permit at the Jefferson-Shawnee County line.

I'm concerned about the potential environmental damage of dredging and this joint in the Kaw, an endangered river. In addition, such dredging would harm current & planned recreational use of the river.

Alas deny this application. If you cannot do so outright, I would encourage you to conduct a public hearing so that broad based citizen concerns can be adequately aired. I'm afraid this permit would benefit a few to the detriment of the many.

Thank you for your consideration.

Sincerely,
Janet Margaria

Janet Margaria
718 Indiana St
Lawrence, KS 66044

January 10, 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-RW
700 Federal Building
Kansas City, Missouri

FAX 816-426-2321

Dear People:

I am writing to ask that you deny the permit #97-00112 and hold a Public Hearing.

I hope this time you will get the message. The people don't want dredging on the Kaw. Many of us have written you more than once about this, but you keep on accepting these applications. Why?

Once and for all: The people don't want anyone to dredge the Kaw anymore. There are better alternatives in strip minning that will result in nice deep lakes for recreation.

Dredging the Kaw will destroy it for recreational purposes forever. It will destroy habitat forever. It will make the River ugly forever.

For you people to continue to accept these applications speaks volumes about your complete lack of concern for the people of our state. These narrow-based corporate interests who want to dredge the River can find many other ways to get their sand. You are only going along with this outrage in order to save them a few cents per ton.

The people are more important than private interests. You are in your jobs to serve the people, not the private interests. The private interests can get their sand if you would do your job and help them develop more sustainable methods.

Please quit trying to screw up our River. We don't want dredging cables. We don't want those who enjoy traveling on the River to be killed due to your negligence. The reservoirs that provide flood control will prevent any replenishment of the sand, causing scars that will never heal. Strip mining is the best alternative. If we are going to take sand, let's create beautiful lakes and homes away from the River and leave the Kaw be. It is the only River we have. Wake up!

Sincerely,

Ron Seibold
FAX: 1-913-841-1252

Mr. Carin

1-9-97

I'm writing to express my concern about the Corps of Engineers possibly approving a permit that would allow Penny's Concrete of Lawrence Ks to dredge the Kaw River for sand at about mile 73.0. The river from Topeka to Lawrence is the last section of the river that hasn't been totally plundered for profit and can still be safely used for recreational boating activities. I believe that once this segment of the Kansas river is opened up for commercial exploitation the ecological degradation will be irreversible in our lifetime. Sand is available other places away from the river that will be less environmentally damaging. Please disapprove application for dredging permit no. 97-00112 and save this stretch of the Kaw river for future generations to enjoy.

Thank you

RUSSELL L. GRAY
1471 NW, TAYLOR #50
TOPEKA KS 66608

January 6, 1997

U.S. Army Corps of Engineers
Attn: CEMRK-CO-R
700 Federal Building
Kansas City, Missouri 64106-2896

Re: *Kansas River Dredging*
Public Notice dated December 20, 1996

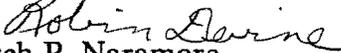
Gentlemen:

We object to the extension of dredging authority on the Kansas River and request that a public hearing be held in connection with the dredging applications. The reason for requesting a public hearing is to address the issues described as part of the public interest review, including, but not limited to, flood hazards, floodplain values, land use, safety, and the needs and welfare of the people. Our house is riverward of the Kansas River levee at Mile Marker 57 in the SE corner of the NE¼ of 3-12-19. Our house is trapped between the levee and the river so that we are especially impacted by changes to the river. We are in the floodplain and will be adversely affected by these permits.

We previously wrote to the U.S. Army Corps of Engineers on July 16, 1996, regarding improper maintenance of the levee but have never received a response to that correspondence.

Reference is made in the Notice to a permit application under Kansas Statutes Annotated 82a-301 to 305. We also oppose any such permit as presenting a hazard to our safety and that of anyone else who comes to our house.

Sincerely,

Arch P. Naramore
Robin Devine
1198 N. 2050 Road
Lawrence, Kansas 66044

U.S. Army Corps of Engineers

January 6, 1997

Page 2

cc: Office of the Chief of Engineers
Regulatory Branch (CECW-OR)
U.S. Army Corps of Engineers
Washington, D.C. 20314-1000

Kansas Department of Health and Environment
Bureau of Water - Nonpoint Source Section
Building 283
Forbes Field
Topeka, Kansas 66620

Mr. David L. Pope
Chief Engineer - Director
Kansas Division of Water Resources
901 South Kansas - 2nd Floor
Topeka, Kansas 66612-1283

Fax to 816-426-2321

U.S. Army Corps of Engineers

Attn: CEMRK-CO-RW

700 Federal Building

Kansas City, MO 64106-2896

Dear Sirs:

Please deny the permit #97-00112 for dredging on the Jefferson/Shawnee County line on the Kansas River. The damage to the environment on that stretch of the river will hurt both recreational users and the waterfowl which make use of the river, and will not be reversible.

I believe that no alteration of our natural resources should be undertaken without holding an open public hearing (with plenty of notice so all parties impacted will be able to attend) in order to assess the costs and benefits to help you make a decision in the best interests of everyone, not only isolated business interests.

Alan H. Cole
8929 Westbrooke Dr.
Overland Park, KS 66211
(913) 492-3639

1-6-97
WYATT/ 12751

MEMORANDUM FOR Chief, CO-R

SUBJECT: Operations Technical Support Branch Review of Public
Notice KS River, dated 12-20-96
Dredging

1. The Operations Technical Support Branch has received the referenced Public Notice.

2. Regarding the effect of the activity on our responsibility:

The proposed/ATF activity does not impact any Corps operated or any local protection project for which the Operations Technical Support Branch has any responsibility.

The proposed/ATF activity affects or is related to a Corps project. See paragraph 3 below.

The proposed/ATF activity effects or is related to a local protection project for which the Operations Technical Support Branch has some responsibility. See paragraph 3 below.

3. Comments/recommendations:

We have no comments on the proposed/ATF activity.

We have no objection to issuance of the permit provided the following comments on the proposed/ATF activity are adequately addressed:

We recommend you consider denying this application for the following reasons:



W.G. ADAMS
Chief, Operations Technical
Support Branch

Encl 14