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SUPPLEMENTAL  
COMBINED DECISION DOCUMENT  
MISSOURI RIVER COMMERCIAL DREDGERS  
PERMIT EXTENSIONS

Segment	Company	Authorized Tonnage
<b>St. Joseph</b> (RM 498 to 391.1)	<b>Total</b>	<b>860,000</b>
	Holliday Sand (NWK-200101431)	860,000
<b>Kansas City</b> (RM 391.1 to 356.9)	<b>Total</b>	<b>1,200,000</b>
	Holliday Sand (NWK -200101431)	1,200,000
<b>Waverly</b> (RM 356.9 to 249.9)	<b>Total</b>	<b>1,140,000</b>
	Holliday Sand (NWK-200101431)	770,000
	Capital Sand (NWK-200101429)	370,000
<b>Jefferson City</b> (RM 249.9 to 129.9)	<b>Total</b>	<b>1,630,000</b>
	Capital Sand (NWK-200101429)	1,350,000
	Con-Agg (NWK-200101434)	160,000
	Hermann Sand (NWK-200101430)	120,000
<b>St. Charles</b> (RM 129.9 to 0)	<b>Total</b>	<b>1,710,000</b>
	Capital Sand (NWK-200101429)	140,000
	Hermann Sand (NWK-200101430)	120,000
	Jotori Dredging (MVS-P-2339-2341)	460,000
	Limited Leasing (MVS-P-2342)	990,000
<b>Total</b>		<b>6,540,000</b>

This supplemental combined decision document (CDD) pertains to the modification of the eight Department of the Army (DA) permits previously issued to commercial sand and gravel dredgers currently operating in the Missouri River. The eight DA permits listed above are issued under the authority of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and the authority of the Clean Water Act (33 U.S.C. 1344). The Corps of Engineers is extending the expiration date of these eight permits to 31 March 2011 and reducing the tonnage of aggregate removed during this period. As a result of this decision, the eight authorized commercial dredging companies listed above are authorized to continue to dredge aggregate from the river between river miles 0.0 and 459.0 in Missouri and Kansas for the specified term and the annual tonnage listed in the table above.

1. The Kansas City District is currently preparing a Final Environmental Impact Statement (FEIS) and a Record of Decision (ROD) in association with the reissuance of these eight Standard DA permits. The preparation of the FEIS and the pending ROD is nearing completion. However, these documents will not be completed by the current expiration date of the existing DA permits. Therefore, extending the expiration date of the current DA permits until 31 March 2011 and reducing the overall tonnage of sand and gravel removed, while the FEIS and the ROD are completed, is prudent.

2. The work authorized in these permit modifications is associated with previously authorized work at the same locations. However, the authorized quantity of aggregate that each commercial

dredger can remove, at these locations, is reduced in order to address current issues concerning the degradation of the Missouri River bed and the potential impacts of this bed degradation on existing infrastructure in and adjacent to the Missouri River. The authorized annual tonnage, established in this permit modification, is limited to the annual tonnage that will be identified as the environmentally preferred alternative in the FEIS. The actual tonnage of sand and gravel aggregate that each dredger removes during this permit extension period will be applied to the annual tonnage authorized and described in each of the commercial dredger's subsequent DA permit.

3. Reference is made to the Permit Evaluation and Decision Document of August 2007 (<http://www.nwk.usace.army.mil/regulatory/MO%20River%20Dredging/MO%20River%20Dredging%20CDD.pdf>), the Supplemental Permit Evaluation and Decision Document of March 2008 (<http://www.nwk.usace.army.mil/regulatory/MO%20River%20Dredging/MO%20River%20Supplemental%20decision.pdf>), the Permit Modification and Decision Document of December 2009 (<http://www.nwk.usace.army.mil/regulatory/Dredging/MO/2009/PermitExtensionCDD.pdf>), and the Draft EIS (<http://www.nwk.usace.army.mil/regulatory/Dredging/MO/MOredredging.htm>).

4. The following information was considered in evaluating this modification:

a. Comments received from federal and state resource agencies concerning this action, including the completion of informal consultation with the U.S. Fish and Wildlife Service in which the Service concurred (Enclosure 1) that the extension of the existing DA permits and a reduction in the total aggregate authorized to be dredged from the river bed is not likely to adversely affect any threatened or endangered species, particularly, the pallid sturgeon (*Scaphirhynchus albus*). The Missouri Department of Natural Resources and the Kansas Department of Health and Environment have issued Section 401 Water Quality Certification (enclosures 2-6) concerning these DA permit modifications. Information contained within the previous evaluation and decision documents for these permits and new information contained within the pending FEIS have been considered. A determination has been made that no new issues, in addition to the issues already identified in the FEIS, have been raised and that by reducing the tonnage of aggregate removed annually will significantly decrease the scope of the previously authorized activity. Therefore, these DA permit modifications will not result in an adverse impact on the Missouri River nor will the decision result in adverse impacts to the current infrastructure in and/or adjacent to the river.

b. The reduction of the total tonnage of dredged material authorized by these permit modifications will result in an overall reduction in impact to the evaluated resources identified in the EIS. In addition, the proposed modifications will not impact additional landowners and is not likely to result in any new significant environmental, economic, or social impacts. In light of this, there will be no major revisions to the environmental assessment incorporated into the original CDD, and a new environmental assessment will not be prepared. The FEIS and the ROD, currently being prepared, will provide the basis for the requirements of any subsequent DA permits issued to the Missouri River commercial dredgers after 31 March 2011.

c. Therefore, based on the above, I have determined that the modification request to extend the current DA permits until 31 March 2011, as proposed by Mr. David Shorr, agent for the eight commercial dredgers, will not significantly increase the scope of the activity nor will the extension have an adverse impact on the Missouri River and the existing infrastructure. In accordance with 33 C.F.R. 325.7, an additional public interest review will not be performed.

5. Special Conditions. This modification is conditional upon adherence to the following special condition. Each specific dredging company must comply with the general and the special conditions outlined in their current DA permits along with the reduced tonnage levels identified for each dredger in each identified river segment until these DA permit modifications expire on 31 March 2011. At that time, subsequent Standard DA permits containing specific general and special conditions may be issued to each of the commercial sand and gravel dredgers.

- a. A special condition, specific to Holliday Sand and Gravel Company, is added to their permit modification letter. The following special condition applies: In the Kansas City reach, between Missouri River miles 357.0 and 391.0, no more than 600,000 tons can be dredged upstream and no more than 600,000 tons downstream of the ASB Bridge.

6. I find that issuance of the requested modification as prescribed by regulations published in 33 C.F.R. 320-332, is based on a thorough analysis and evaluation of the various factors enumerated above; that there are no reasonable alternatives available to the applicant that will achieve the purposes for which the work is being done; that the proposed work is in accordance with the overall desires of the public as reflected in the comments of state and local agencies and the general public; that the proposed work is deemed to comply with established state and local laws, regulations, and codes; that there have been no identified, significant, adverse, environmental effects related to the work; that the issuance of this permit modification is consonant with national policy, statutes, and administrative directives; and that on balance the total public interest should best be served by the approval of the modification.

6 Encls

ANTHONY J. HOFMANN  
Colonel, EN  
Commanding



BY: DES GOYAL  
Chief, Operations Division

28 Dec 2010 Date



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Columbia Ecological Services Field Office  
101 Park DeVille Drive, Suite A  
Columbia, Missouri 65203-0057  
Phone: (573) 234-2132 Fax: (573) 234-2181



December 27, 2010

Mr. Mark Frazier  
Chief, Regulatory Branch  
Kansas City District  
U.S. Army Corps of Engineers  
700 Federal Building  
Kansas City, Missouri 64106-2896

Dear Mr. Frazier:

Please refer to your December 16, 2010, letter (signed by Mr. David Hibbs), requesting the U.S. Fish and Wildlife Service's (Service) concurrence with the U.S. Army Corps of Engineers' (Corps) determination that a three-month extension of the Missouri River commercial dredging permits will not adversely affect federally listed species. Your letter noted that the Corps is preparing an Environmental Impact Statement (EIS) to evaluate comprehensively the effects of commercial dredging in the Kansas City District, with an anticipated completion of March 31, 2011. The Service submits the following comments pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

Over the past fifteen years, the Service has worked with the Corps to evaluate multiple Missouri River commercial dredging permit extensions and renewals. With each extension or renewal cycle, the Service has consistently expressed concerns regarding the potential impacts to aquatic habitats from continued removal of bed load sands and gravels which are the basic foundation for that habitat. In that time, not only has our understanding of the federally endangered pallid sturgeon increased, but also our knowledge of river dynamics and the distribution and extent of commercial dredging. The significance of this information is a major factor in the Corps' efforts to re-evaluate the commercial dredging program along the river.

Your letter indicates the Corps has identified a preferred alternative for the programmatic EIS that would reduce the total amount of material dredged from the river from 7.7 million tons to 5.8 million tons. In part, this reduction is to ensure that commercial dredging does not adversely affect federally listed species. Despite this progress, your letter noted the final EIS and ROD will not be complete before expiration of the current permits. Thus, to allow the applicants to continue dredging without disruption, and in anticipation of that cap, the Corps has determined

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that a three-month extension of existing permits and permit conditions will not adversely affect federally listed species because it anticipates minimal dredging January through March during cold weather months. Based on that information, the Service concurs that a three-month extension of current permits is not likely to adversely affect federally listed species.

If the preferred alternative in the programmatic EIS were to require formal Section 7 Consultation, it is unlikely that could be completed by March 31, 2011; i.e., before the extended permits expire. Therefore, we strongly recommend that you coordinate with us regarding the development of a biological assessment for this action. In addition, we anticipate any future permits for 2011 will include consideration of material already dredged under the proposed three-month extension. As we have previously discussed with your staff, permit conditions (i.e., no-dredge zones) in any future permits should reflect the additional conservation and restoration areas established since approval of the existing permits to adequately protect important pallid sturgeon habitats. We will coordinate with you to ensure all those areas are included.

We consider the EIS an important element in our Missouri River restoration efforts, as well as recovery of the pallid sturgeon, and look forward to reviewing the BA as this effort progresses. If you have questions or need additional information, please contact Jane Ledwin (573-234-2132, extension 109) of my staff.

Sincerely,



Amy Salveter  
Deputy Field Supervisor

cc: USFWS, MO River Coordinator, Bismarck, ND (Olson)  
USFWS, ES Office, Manhattan, KS (LeValley)  
USACE, St. Louis District, Regulatory (Frerker)

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Mark Parkinson, Governor  
John W. Mitchell, Acting Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

[www.kdheks.gov](http://www.kdheks.gov)

December 9, 2010

Mr. Douglas R. Berka  
Kansas City District, Corps of Engineers  
Regulatory Branch  
635 Federal Building  
601 E. 12<sup>th</sup> Street  
Kansas City, MO 64106-2824

RE: USACE request for Missouri River Dredging Section 401 Water Quality Certification extension for Holliday Sand and Gravel Company, 2001-01431.

Mr. Berka:

The KDHE has reviewed your emailed request dated December 7, 2010 to allow the referenced permittee to maintain dredging activity until the completion of the Environmental Impact Statement (EIS). The permit and thus the Section 401 WQC expire, December 31, 2010. The extra time will allow for the completion of the EIS including more defined limitation of resource removal.

The KDHE has determined that no relatively significant changes have occurred in either state regulations or additional KDHE permitted/monitored facilities since the 401 water quality certification was issued November 10, 2009. The KDHE agrees to extend the referenced Section 401 Water Quality Certification issued. Therefore, the Holiday Sand and Gravel Company dredging activities on the Missouri River will remain under the referenced Section 401 WQC until March 31, 2011.

Questions concerning this certification may be directed to Mr. Scott Satterthwaite, 785-296-5573 or by email at: [ssattert@kdhe.state.ks.us](mailto:ssattert@kdhe.state.ks.us).

Sincerely,

Scott L. Satterthwaite, M.S.  
Non-point Source Pollution Control Specialist  
Bureau of Water-Watershed Management Section

EC: KDHE- Rowlands, Unruh  
KDA-DWR, Ed Byrd

BUREAU OF WATER – WATERSHED MANAGEMENT SECTION  
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 420, TOPEKA, KS 66612-1367  
Voice 785-296-4195 Fax 785-296-5509  
<http://www.kdheks.gov/nps/index.html>

Encl 2

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Kip A. Stetzler, Acting Director

www.dnr.mo.gov

DEC 15 2010

Mr. Steve Bohlken  
Capital Sand Co., Inc.  
P.O. Box 104990  
Jefferson City, MO 65110-4990

Various Counties  
PN01-01429/CEK001017  
Extension 2

Dear Mr. Bohlken:

The Missouri Department of Natural Resources' Water Protection Program (Department) is in receipt of the U.S. Army Corps of Engineers' (Corps) letter dated December 7, 2010, requesting that your Clean Water Act Section 401 Water Quality Certification (certification) be extended. The Department understands that Capital Sand Co., Inc. will abide by the extension and any modifications to the Corps issued Clean Water Act Section 404 Permit (permit) for commercial dredging operations in the Missouri River.

This office certifies that the ongoing activities apparently will not cause the general or numeric criteria to be exceeded nor impair beneficial uses established in Water Quality Standards, 10 CSR 20-7.031, provided all federal and state conditions are met. This extension shall be affixed to the original certification and is a part thereof.

Pursuant to Chapter 644.052.9, RSMo, commonly referred to as the Missouri Clean Water Law, this certification shall be valid only upon payment of a fee of seventy-five dollars (\$75.00). The enclosed invoice contains the necessary information on how to submit your fee. Payment must be received within ten (10) days of receipt of this certification. Upon receipt of the fee, a copy of the certification will be mailed to the applicable office of the Corps to inform them the certification is now in effect and final.

If you were affected by this decision, you may appeal to have the matter heard by the Administrative Hearing Commission (commission). To appeal, you must file a petition with the commission within thirty (30) days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed. If it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the commission.

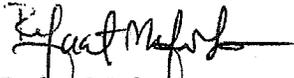
Mr. Steve Bohlken

Page 2

Water Quality Standards must be met during any operations authorized by these permits. If you have any questions, please contact Ms. Carrie M. Schulte by phone at (573) 751-7023, e-mail at [carrie.schulte@dnr.mo.gov](mailto:carrie.schulte@dnr.mo.gov) or by mail at Missouri Department of Natural Resources, Water Protection Program, NPDES Permits and Engineering Section, P.O. Box 176, Jefferson City, MO 65102-0176. Thank you for working with the Department to protect our environment.

Sincerely,

WATER PROTECTION PROGRAM



Rafat Mefrakis, P.E., Chief  
NPDES Permits and Engineering Section

RM:csp

Enclosure

c: Mr. Charles Frerker, Army Corps of Engineers, St. Louis District  
Mr. Cody Wheeler, Army Corps of Engineers, Kansas City District  
Ms. Dorothy Franklin, Kansas City Regional Office  
Mr. Jimmy Cole, Kansas City Regional Office  
File Copy

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Kip A. Stetzler, Acting Director

www.dnr.mo.gov

DEC 15 2010

Mr. Steve Engemann  
Hermann Sand & Gravel, Inc.  
Box 261  
Hermann, MO 65041

Various Counties  
PN01-01430/CEK001021  
Extension 2

Dear Mr. Engemann:

The Missouri Department of Natural Resources' Water Protection Program (Department) is in receipt of the U.S. Army Corps of Engineers' (Corps) letter dated December 7, 2010, requesting that your Clean Water Act Section 401 Water Quality Certification (certification) be extended. The Department understands that Hermann Sand & Gravel, Inc. will abide by the extension and any modifications to the Corps issued Clean Water Act Section 404 Permit (permit) for commercial dredging operations in the Missouri River.

This office certifies that the ongoing activities apparently will not cause the general or numeric criteria to be exceeded nor impair beneficial uses established in Water Quality Standards, 10 CSR 20-7.031, provided all federal and state conditions of the permit are met. This extension shall be affixed to the original certification and is a part thereof.

Pursuant to Chapter 644.052.9, RSMo, commonly referred to as the Missouri Clean Water Law, this certification shall be valid only upon payment of a fee of seventy-five dollars (\$75.00). The enclosed invoice contains the necessary information on how to submit your fee. Payment must be received within ten (10) days of receipt of this certification. Upon receipt of the fee, a copy of the certification will be mailed to the applicable office of the Corps to inform them the certification is now in effect and final.

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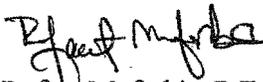
End 4

Mr. Steve Engemann  
Page 2

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Sincerely,

WATER PROTECTION PROGRAM



Refaat Mefrakis, P.E., Chief  
NPDES Permits and Engineering Section

RM:csp

Enclosure

c: Mr. Cody Wheeler, Army Corps of Engineers, Kansas City District  
Mr. Charles Frerker, Army Corps of Engineers, St. Louis District  
Ms. Dorothy Franklin, Kansas City Regional Office  
Mr. Jimmy Coles, Kansas City Regional Office  
File Copy

STATE OF MISSOURI      Jeremiah W. (Jay) Nixon, Governor • Kip A. Stetzler, Acting Director  
**DEPARTMENT OF NATURAL RESOURCES**

www.dnr.mo.gov

DEC 15 2010

Mr. Mike Odell  
Holliday Sand & Gravel Company  
9660 Legler Rd.  
Lenexa, KS 66219

Various Counties  
PN01-01431/CEK001018  
Extension 2

Dear Mr. Odell:

The Missouri Department of Natural Resources' Water Protection Program (Department) is in receipt of the U.S. Army Corps of Engineers' (Corps) letter dated December 7, 2010, requesting that your Clean Water Act Section 401 Water Quality Certification (certification) be extended. The Department understands that Holliday Sand & Gravel Company will abide by the extension and any modifications to the Corps issued Clean Water Act Section 404 Permit (permit) for commercial dredging operations in the Missouri River.

This office certifies that the ongoing activities apparently will not cause the general or numeric criteria to be exceeded nor impair beneficial uses established in Water Quality Standards, 10 CSR 20-7.031, provided all federal and state conditions of the permit are met. This extension shall be affixed to the original certification and is a part thereof.

Pursuant to Chapter 644.052.9, RSMo, commonly referred to as the Missouri Clean Water Law, this certification shall be valid only upon payment of a fee of seventy-five dollars (\$75.00). The enclosed invoice contains the necessary information on how to submit your fee. Payment must be received within ten (10) days of receipt of this certification. Upon receipt of the fee, a copy of the certification will be mailed to the applicable office of the Corps to inform them the certification is now in effect and final.

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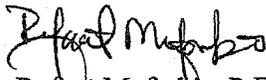
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Mr. Mike Odell  
Page 2

Water Quality Standards must be met during any operations authorized by these permits. If you have any questions, please contact Ms. Carrie M. Schulte by phone at (573) 751-7023, e-mail at [carrie.schulte@dnr.mo.gov](mailto:carrie.schulte@dnr.mo.gov), or by mail at Missouri Department of Natural Resources, Water Protection Program, NPDES Permits and Engineering Section, P.O. Box 176, Jefferson City, MO 65102-0176. Thank you for working with the Department to protect our environment.

Sincerely,

WATER PROTECTION PROGRAM



Refaat Mefrakts, P.E., Chief  
NPDES Permits and Engineering Section

RM:csp

Enclosure

c: Mr. Cody Wheeler, Army Corps of Engineers, Kansas City District  
Mr. Charles Frerker, Army Corps of Engineers, St. Louis District  
Ms. Dorothy Franklin, Kansas City Regional Office  
Mr. Jimmy Cole, Kansas City Regional Office  
File Copy

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Kip A. Stetzler, Acting Director

www.dnr.mo.gov

DEC 15 2010

Mr. Larry W. Moore  
Con-Agg of MO, LLC  
2604 North Stadium Blvd.  
Columbia, MO 65202-1271

Various Counties  
PN01-01434/CEK001020  
Extension 2

Dear Mr. Moore:

The Missouri Department of Natural Resources' Water Protection Program (Department) is in receipt of the U.S. Army Corps of Engineers' (Corps) letter dated December 7, 2010, requesting that your Clean Water Act Section 401 Water Quality Certification (certification) be extended. The Department understands that Con-Agg of MO, LLC will abide by the extension and any modifications to the Corps issued Clean Water Act Section 404 Permit (permit) for commercial dredging operations in the Missouri River.

This office certifies that the ongoing activities apparently will not cause the general or numeric criteria to be exceeded nor impair beneficial uses established in Water Quality Standards, 10 CSR 20-7.031, provided all federal and state conditions of the permit are met. This extension shall be affixed to the original certification and is a part thereof.

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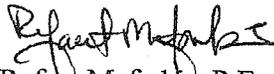
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Mr. Larry W. Moore  
Page 2

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Sincerely,

WATER PROTECTION PROGRAM



Refaat Mefrakis, P.E., Chief  
NPDES Permits and Engineering Section

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Enclosure

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Mr. Charles Frerker, Army Corps of Engineers, St. Louis District  
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