

Enclosure 1 September 2009 Email from Regulatory to State and Federal Agencies Requesting Input Regarding the Potential Extension of the Dredging Permits

**Wheeler, Cody S NWK**

**From:** Wheeler, Cody S NWK

**Sent:** Tuesday, September 01, 2009 1:47 PM

**To:** 'Jane\_Ledwin@fws.gov'; Johnson, Vicky MVS External Stakeholder; 'Carrie Schulte'; 'Scott Satterthwaite'; 'James Larson'; Brown, Doyle MVS External Stakeholder; 'tweston@kshs.org'; Deel, Judith MVS External Stakeholder; 'Shepard.Larry@epamail.epa.gov'; 'Cothern.Joe@epamail.epa.gov'; 'Landewe.Rebecca@epamail.epa.gov'; Frerker, Charles F MVS

**Subject:** Missouri River Commercial Dredging EIS and interim permit extension

All of you should already be aware that in August 2007 the Kansas City and St. Louis Districts issued a decision regarding all commercial dredging operations on the Missouri River. The National Environmental Policy Act (NEPA) requires preparation of an Environmental Assessment for government funded or authorized actions that would have less than significant environmental impacts and an Environmental Impact Statement (EIS) for those actions that could have significant environmental impacts. In August 2007, we issued an interim Finding of No Significant Impacts (FONSI) for Missouri River commercial dredging permit applications by imposing restrictions designed to minimize the potential for significant impacts associated with bed degradation. These restrictions included reducing dredging in the most severely degrading reaches, excluding dredging near critical habitat and infrastructure, freezing extraction limits in all remaining reaches, monitoring and reporting of dredging activity, studying the problem to identify sustainable dredging thresholds and completing an EIS before the permits could be reissued at the end of 2009. At the time we thought that was a feasible deadline for the EIS. However, due to various delays the contractor's latest schedule showed the EIS would not be completed until March 2011. That is unacceptable to us and we have told the currently authorized dredgers and the third-party contractor that by 30 September 2009 they must resolve any problems and provide a plan to have the EIS completed by the end of 2010 or we would let their current permits expire on December 31, 2009 and would deny without prejudice their applications for new permits. In anticipation of receiving an acceptable plan, I am currently working with our River Engineering, Geo Tech, and Levee Safety people to determine what additional restrictions will be required to extend the FONSI statement and permits in the interim period and will let you know our strategy when I can. At this time I can say that I anticipate additional restrictions in location and tonnage for the Kansas City reach but probably not many if any additional restrictions elsewhere. We have not yet decided whether to extend the permits for 6 months or 12. At this point I am requesting your input regarding the potential 6 to 12 month interim extension of the existing dredging permits in January 2010. Later this month or early in October I will advise you of our proposed permit conditions and request concurrence with our determination regarding endangered species and cultural resource impacts and request 401 certification.

Cody Wheeler  
Regulatory Project Manager  
Regulatory Branch  
Kansas City District Corps of Engineers  
816-389-3739  
816-389-2032 (FAX)  
<http://www.nwk.usace.army.mil/regulatory/regulatory.htm>

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Complete our Regulatory Service Survey at:

<http://per2.nwp.usace.army.mil/survey.html>  
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Enclosure 2 Request for FWS Concurrence that Extending the Permits is Not Likely to Affect Threatened or Endangered Species



**DEPARTMENT OF THE ARMY**  
KANSAS CITY DISTRICT, CORPS OF ENGINEERS  
700 FEDERAL BUILDING  
601 E 12<sup>TH</sup> STREET  
KANSAS CITY, MISSOURI 64106-2896

REPLY TO  
ATTENTION OF:

30 OCT 2009

Kansas City Regulatory Field Office  
(Missouri River Commercial Dredging Permits)

Mr. Charles M. Scott  
Field Supervisor  
U.S. Fish & Wildlife Service  
Ecological Services  
101 Park De Ville Drive  
Columbia, Missouri 65203-0057

Dear Mr. Scott:

In August 2007 the Kansas City District issued a Combined Decision Document (CDD) regarding permit applications for commercial dredging operations on the Missouri River. The National Environmental Policy Act (NEPA) requires preparation of an Environmental Assessment (EA) for government funded or authorized actions that would have less than significant environmental impacts and an Environmental Impact Statement (EIS) for those actions that could have significant environmental impacts. The federal action in this case was very different from the usual federal action of authorizing a new project. This federal action involved re-authorizing ongoing commercial dredging operations that provide a large portion of the sand used for concrete and asphalt in the metropolitan regions along the Missouri River in Missouri and Kansas. Halting the action until an EIS was complete could have a large economic impact in the region and was not a practicable approach. Therefore, the August 2007 CDD included an EA that concluded with an interim Finding of No Significant Impacts (FONSI). This FONSI was conditioned on proposed restrictions designed to minimize the potential for significant impacts associated with bed degradation associated with historical and ongoing dredging operations while an EIS was being prepared.

Several permit applicants appealed the proffered permits and we addressed their concerns in a Supplemental CDD and issued interim permits valid through December 31, 2009. At that time the St. Louis District also extended their Missouri River commercial dredging permits through 2009 and we believed that an EIS could be completed within that time but the EIS has been delayed for various reasons. At this time we have a plan from the third-party-contractor (ENTRIX) and a contract between them and the dredgers to have the EIS completed by September 30, 2010. Colonel Wilson intends to extend the FONSI statement and permits one last time through December 31, 2010 to accommodate this plan and give us three months to complete the Record of Decision and issue permit decisions. Concurrently, the St. Louis District will also extend their Missouri River commercial dredging permits. The following permits will be extended through December 31, 2010 with the same conditions and restrictions except that



pallid sturgeon (*Scaphirhynchus albus*). In compliance with the Endangered Species Act, during the previous permit evaluation process a preliminary determination was made that the described work was not likely to adversely affect these species. After extensive informal consultation with the Kansas City District and the commercial dredgers concerning the endangered pallid sturgeon, you concurred with our preliminary determination that the dredging activities authorized in 2007 were not likely to adversely affect the piping plover, least tern, or pallid sturgeon and their habitats. This determination that the dredging authorized in 2007 was not likely to adversely impact the listed species or their designated critical habitats was based upon retaining, as permit conditions, all measures previously identified in our March 18, 1994, Biological Assessment, and modification of the current permit conditions as follows:

- Permit conditions that specify a linear distance exclusion zone adjacent to a river feature will be clarified to state that for compliance purposes, distance will be measured from the end of the cutter head, rather than from a general point on the dredge.
- Dredge operators will be required to record Global Positioning System (GPS) coordinates daily or after any significant move in one day. The operators may use hand held GPS devices or automatically recording devices, but, with whichever system used, must identify the device and recording location for CENWK.
- The annual reporting requirement will be changed to quarterly reporting electronically. Dredge operators will also be required to record locations of any gravel (in higher than normal/unusual concentrations) or hard substrates encountered while dredging, in the quarterly reports.
- Modify the former special condition “o” as follows: *o. Dredging is prohibited within the reaches identified in the following table.*

Missouri River Miles (including 0.25 mile buffer)		Habitat Feature
Downstream	Upstream	
49.15	50.05	RDB Centaur Chute
56.85	59.05	LDB Chute/Island
58.55	61.25	RDB Chute/Island
89.75	91.10	RDB Island
89.90	91.45	LDB Loutre Slough
91.20	93.55	LDB Lunch Island
103.00	104.95	Both Gasconade Confluence and Dike Field
105.20	106.25	RDB Dike Field
115.20	115.95	RDB Island – Revised - 114.75 to 115.20 deleted
118.40	119.15	RDB Dike Field
119.35	119.85	RDB St. Albert Chute
124.35	124.95	RDB St. Albert Chute
126.05	126.90	LDB Dike Field
127.50	130.20	Both Osage River Confluence and Dike Field
157.00	158.45	LDB Island
176.40	177.85	LDB Island
184.75	185.65	RDB Chute
186.90	188.20	RDB Chute and Dike Field

193.40	195.75	RDB Dike Field/Island
202.10	202.75	RDB Lamine River Confluence
212.95	214.05	RDB Dike Field
214.25	215.00	LDB Chute
217.75	218.55	LDB Chute
218.40	219.65	RDB Island
226.95	227.55	LDB Little Chariton Confluence
238.40	239.10	LDB Chariton River Confluence
249.65	250.30	LDB Grand River Confluence
269.85	271.35	RDB Shallow/Island
280.40	282.05	RDB Island
297.90	299.05	RDB Island
300.00	301.05	LDB Island
367.00	367.75	RDB Kansas River Confluence
390.85	391.45	LDB Platte River Confluence
462.65	463.25	LDB Nodaway River Confluence
478.55	479.15	RDB Wolf Creek Confluence
494.55	495.20	RDB Big Nemaha River Confluence

Because we are in the process of preparing an EIS and a new Biological Assessment, we believe it is prudent to extend the current Missouri River commercial dredging permits for another year, through December 31, 2010. We have made a preliminary determination that extension of these permits is not likely to adversely affect the threatened piping plover, the endangered least tern or the endangered pallid sturgeon. We submit this request for your concurrence with this preliminary determination. If you have any questions concerning this matter, please feel free to write me or call Cody Wheeler at (816) 389-3739 or FAX (816)-389-2032.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. We have placed an automated version of our Customer Service Survey form at: <http://per2.nwp.usace.army.mil/survey.html>. At your request, we will mail you a paper copy that you may complete and return to us by mail or fax.

Sincerely,



Mark D. Frazier  
Chief, Regulatory Branch  
Operations Division

Copy furnished:

Charles Frerker  
St. Louis District, Corps of Engineers



## 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 3, 2009

Mr. Cody Wheeler  
Regulatory Project Manager  
Kansas City District  
U.S. Army Corps of Engineers  
700 Federal Building  
Kansas City, Missouri 64106-2896

Dear Mr. Wheeler:

Please refer to your October 30, 2009, letter requesting the U.S. Fish and Wildlife Service's (Service) concurrence with the U.S. Army Corps of Engineers' (Corps) determination that a one-year extension of the Missouri River commercial dredging permits will not adversely affect federally listed species. Your letter noted that the Corps is preparing an EIS to evaluate comprehensively the effects of commercial dredging in the Kansas City District, with an anticipated completion by the end of 2010. 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).

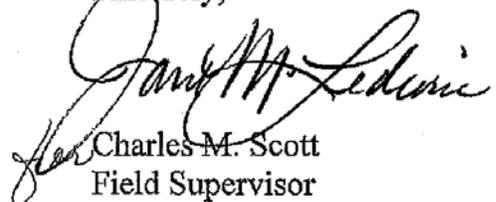
Over the past fifteen years, the Service has worked with the Corps to evaluate multiple Missouri River commercial dredging permit extensions and renewals. With each extension or renewal cycle, the Service has consistently expressed concerns regarding the potential impacts to aquatic habitats from continued 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.

While we are encouraged by the Corps' effort to address this program, we are also aware of the time it has taken to get started. As recently as 2008, the Service attended an interagency meeting for the EIS effort that was anticipated to have been completed *without* the need for a permit extension. The EIS is overdue and our ability to evaluate the effects of commercial dredging is constrained. The Corps has committed to the 2010 completion date, and the proposed extensions would exclude the river reach with the

greatest bed degradation. We believe that one year of continued dredging, minus the most problematic reach, would have insignificant and discountable effects to riverine environments and the pallid sturgeon. Therefore, the Service concurs with the Corps' determination that the proposed permit extension will not adversely affect the pallid sturgeon. The Service will require a complete biological assessment on the effects of the Missouri River commercial dredging program, prior to any additional evaluation of permit extensions or renewals beyond the 2010 date, regardless of the status of the EIS.

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 working with the Corps 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,



Charles M. Scott  
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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**DEPARTMENT OF THE ARMY**  
KANSAS CITY DISTRICT, CORPS OF ENGINEERS  
700 FEDERAL BUILDING  
601 E 12<sup>TH</sup> STREET  
KANSAS CITY, MISSOURI 64106-2896

October 30, 2009

REPLY TO  
ATTENTION OF:

Kansas City Regulatory Field Office  
(Missouri River Commercial Dredging Permits)

Mr. Scott Satterthwaite  
Kansas Department of Health and Environment  
Bureau of Water  
NPS Section  
1000 SW Jackson Street, Suite 420  
Topeka, KS 66612-1367

Dear Mr. Satterthwaite:

In August 2007 the Kansas City District issued a Combined Decision Document (CDD) regarding permit applications for commercial dredging operations on the Missouri River. The National Environmental Policy Act (NEPA) requires preparation of an Environmental Assessment (EA) for government funded or authorized actions that would have less than significant environmental impacts and an Environmental Impact Statement (EIS) for those actions that could have significant environmental impacts. The federal action in this case was very different from the usual federal action of authorizing a new project. This federal action involved re-authorizing ongoing commercial dredging operations that provide a large portion of the sand used for concrete and asphalt in the metropolitan regions along the Missouri River in Missouri and Kansas. Halting the action until an EIS was complete could have a large economic impact in the region and was not a practicable approach. Therefore, the August 2007 CDD included an EA that concluded with an interim Finding of No Significant Impacts (FONSI). This FONSI was conditioned on proposed restrictions designed to minimize the potential for significant impacts associated with bed degradation associated with historical and ongoing dredging operations while an EIS was being prepared.

Several permit applicants appealed the proffered permits and we addressed their concerns in a Supplemental CDD and issued interim permits valid through December 31, 2009. At that time the St. Louis District also extended their Missouri River commercial dredging permits through 2009 and we believed that an EIS could be completed within that time but the EIS has been delayed for various reasons. At this time we have a plan from the third-party-contractor (ENTRIX) and a contract between them and the dredgers to have the EIS completed by September 30, 2010. Colonel Wilson intends to extend the FONSI statement and permits one last time through December 31, 2010 to accommodate this plan and give us three months to complete the Record of Decision and issue permit decisions. The Holliday Sand and Gravel

Company dredging permit numbered 2001-01429 will be extended through December 31, 2010 with the same conditions and restrictions except that the overall annual extraction limit in the most severely degrading Kansas City reach (river miles 320 to 400) will be reduced from 3,400,000 tons to no more than 1,800,000 tons with the additional limit of no more than 1,600,000 tons being extracted from between river miles 328 and 400.

Because we are in the process of preparing an EIS we believe it is prudent to extend the current Missouri River commercial dredging permits for another year. We request the extension of the previous 401 water quality certification or a new 401 water quality certification for an additional year. If you have any questions concerning this matter, please feel free to write or call me at (816) 389-3739 or FAX (816)-389-2032.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. We have placed an automated version of our Customer Service Survey form at: <http://per2.nwp.usace.army.mil/survey.html>. At your request, we will mail you a paper copy that you may complete and return to us by mail or fax.

Sincerely,

A handwritten signature in black ink that reads "Cody Wheeler". The signature is written in a cursive style with a large, stylized "C" and "W".

Cody Wheeler  
Regulatory Project Manager



Mark Parkinson, Governor  
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

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

November 10, 2009

Mr. Cody S. Wheeler  
U.S. Army Corps of Engineers,  
Regulatory Branch  
601 East 12th St., Room 843  
Federal Building,  
Kansas City, MO 64106.

Amendment to Section 401 Water Quality Certification

Regarding: Letter of request for 401 for Missouri River Commercial Dredgers dated October 30, 2009. This Section 401 water quality certification refers to Holiday Sand and Gravel on the Kansas side.

Mr. Wheeler:

We have reviewed the referenced information mailed to us. We have concluded the existing 401 water quality certification conditions are sufficient to minimize water quality impacts. However, we are adding to the NPDES Permit list and public water supply reference. Therefore, the applicant should recognize the following revision of conditions 5 g. and 5 h. from the 401 issued June 14, 2007:

1. National Pollutant Discharge Elimination System (N.P.D.E.S.)  
Permits are also issued to the following entities.
  - a. Leavenworth County- City of Lansing
2. Public Water Supply Ground/Surface Water Collector Wells:
  - a. Kansas City Board of Public Utilities (near intake)
  - b. Water District One of Johnson County- Section 6, 10S, Range 24E

CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 420, TOPEKA, KS 66612-1367  
Bureau of Water- Watershed Management Section

Voice 785-296-4195 Fax 785-296-5509

Mr. Wheeler (Missouri River Commercial Dredgers  
November 10, 2009  
Page 2 of 2

We are requesting you to accept this letter as an amendment to the Section 401 Water Quality Certification issued June 14, 2007. Thank you for your consideration in this matter. If you need anything further, please contact me at 785/296-5573 or [ssatterthwaite@kdheks.gov](mailto:ssatterthwaite@kdheks.gov).

Sincerely



Scott L. Satterthwaite, M.S.  
NPS Pollution Control Specialist  
Bureau of Water  
Watershed Management Section

Enclosure 6 Request for MDNR Section 401 Water Quality Certificate for Extending the Permit through 2010



**DEPARTMENT OF THE ARMY**  
KANSAS CITY DISTRICT, CORPS OF ENGINEERS  
700 FEDERAL BUILDING  
601 E 12<sup>TH</sup> STREET  
KANSAS CITY, MISSOURI 64106-2896

November 3, 2009

REPLY TO  
ATTENTION OF:

Kansas City Regulatory Field Office  
(Missouri River Commercial Dredging Permits)

Ms. Carrie Schulte  
Missouri Department of Natural Resources  
Water Pollution Control Program  
Post Office Box 176  
Jefferson City, Missouri 65102-01767

Dear Ms. Schulte:

In August 2007 the Kansas City District issued a Combined Decision Document (CDD) regarding permit applications for commercial dredging operations on the Missouri River. The National Environmental Policy Act (NEPA) requires preparation of an Environmental Assessment (EA) for government funded or authorized actions that would have less than significant environmental impacts and an Environmental Impact Statement (EIS) for those actions that could have significant environmental impacts. The federal action in this case was very different from the usual federal action of authorizing a new project. This federal action involved re-authorizing ongoing commercial dredging operations that provide a large portion of the sand used for concrete and asphalt in the metropolitan regions along the Missouri River in Missouri and Kansas. Halting the action until an EIS was complete could have a large economic impact in the region and was not a practicable approach. Therefore, the August 2007 CDD included an EA that concluded with an interim Finding of No Significant Impacts (FONSI). This FONSI was conditioned on proposed restrictions designed to minimize the potential for significant impacts associated with bed degradation associated with historical and ongoing dredging operations while an EIS was being prepared.

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be extended through December 31, 2010 with the same conditions and restrictions except that overall annual extraction limit of the Holliday Sand dredging operations in the most severely degrading Kansas City reach (river miles 320 to 400) will be reduced from 3,400,000 tons to no more than 1,800,000 tons with the additional limit of no more than 1,600,000 tons being extracted from between river miles 328 and 400.

Application Number	Applicant Name and Address	River Miles Authorized for Dredging by This Permit	Annual Tons of Material Authorized by This Permit
<b>NWK 2001-01429</b>	<b>Capital Sand Company, Inc. (Capital Sand)</b> Post Office Box 104990 Jefferson City, MO 65110-4990	62.00-75.00, 109.00-115.20, 115.95-118.40, 119.15-119.35, 119.85-124.35, 124.95-126.05, 126.90-127.50, 130.20-157.00, 158.45-164.00, 172.00-176.40, 177.85-184.75, 185.65-186.90, 188.20-192.00, 193.00-193.40, 195.75-202.10, 202.75-210.00, 220.00-226.95, 227.55-230.00, 245.00-249.65, 250.30-265.00, 283.00-297.90, 301.05-303.00, 314.00-328.00.	2,255,000
<b>NWK 2001-01430</b>	<b>Hermann Sand and Gravel, Inc. (Hermann Sand)</b> Route 3, Box 261 Hermann, Missouri 65041	56.00-56.85, 61.25-66.00, 70.00-80.00, 80.50-89.75, 93.55-101.70, 109.00-115.20, 115.95-118.40, 146.00-157.00, 158.45-164.00	300,000
<b>NWK 2001-01431</b>	<b>Holliday Sand and Gravel Company (Holliday Sand)</b> 6811 West 63rd Street Overland Park, Kansas 66202	320.00-330.90, 331.65-336.00, 338.00-339.15, 350.00-356.30, 356.50-358.16, 358.36-359.24, 359.44-360.17, 360.37-361.20, 361.44-362.15, 362.35-364.25, 364.45-364.64, 364.84-365.43, 365.79-366.02, 366.30-367.00, 367.90-373.30, 374.20-375.10, 375.30-377.81, 378.90-379.70, 380.70-386.00  445.00-459.00	1,800,000 with no more than 1,600,00 between river mile 328 and 400          360,000 Total 2,160,000
<b>NWK 2001-01434</b>	<b>Con-Agg of MO, L.L.C. (Con-Agg)</b> 2604 North Stadium Blvd. Columbia, Missouri 65202	177.85-184.75, 185.65-186.90, 188.20-192.00, 193.00-193.40, 195.75-196.50, 196.70-197.00, 198.50-199.15, 199.40-201.95	175,000
<b>MVS P-2339 P-2340  P-2341</b>	<b>J.T.R. Inc. (Jotori Dredging)</b> 2320 Creve Coeur Mill Road Maryland Heights, MO 63043	30.0 -35.0  1.0-4.0 <u>And 6.0 -12.0</u> 14.0-24.0	750,000  300,000  <u>500,000</u> Total 1,550,000
<b>MVS P-2342</b>	<b>Limited Leasing Company</b> 1777 Highway 79 South Old Monroe, MO 63369	<u>0-12.0</u> <u>20.0-35.0</u> <u>40.0-47.0</u>	<u>200,000</u> <u>650,000</u> <u>350,000</u> Total 1,200,000
<b>TOTAL</b>			6,640,000

Because we are in the process of preparing an EIS we believe it is prudent to extend the

current Missouri River commercial dredging permits for another year. We request the extension of the previous 401 water quality certifications or new 401 water quality certifications for an additional year. If you have any questions concerning this matter, please feel free to write or call me at (816) 389-3739 or FAX (816)-389-2032.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. We have placed an automated version of our Customer Service Survey form at: <http://per2.nwp.usace.army.mil/survey.html>. At your request, we will mail you a paper copy that you may complete and return to us by mail or fax.

Sincerely,

A handwritten signature in black ink that reads "Cody Wheeler". The signature is written in a cursive style with a large, prominent "C" and "W".

Cody Wheeler  
Regulatory Project Manager



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

## DEPARTMENT OF NATURAL RESOURCES

[www.dnr.mo.gov](http://www.dnr.mo.gov)

DEC 15 2009

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

Various Counties  
PN01-01434/CEK001020  
Extension

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 November 3, 2009, and understands that Con-Agg of MO, LLC has requested to extend the Clean Water Act Section 401 Water Quality Certification (certification) for commercial dredging operations in the Missouri River.

The extension will accompany the Corps' Clean Water Act Section 404 Permit (permit) which the Corps intends to extend one last time through December 31, 2010, in order to complete the Environmental Impact Statements required by the National Environmental Policy Act. This certification is extended with the same conditions and restrictions.

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 original 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.

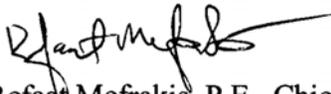
If you were affected by this decision, you may appeal to have the matter heard by the Administrative Hearing Commission (commission). To appeal, you must file a petition with the commission within thirty (30) days after the date this decision was mailed or the date it was delivered, whichever date was 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. Larry W. Moore  
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 Mefrakis, P.E., Chief  
NPDES Permits and Engineering Section

RM:csp

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



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

## DEPARTMENT OF NATURAL RESOURCES

[www.dnr.mo.gov](http://www.dnr.mo.gov)

DEC 15 2009

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

Various Counties  
PN01-01431/CEK001018  
Extension

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 November 3, 2009, and understands that Holliday Sand & Gravel Company has requested to extend the Clean Water Act Section 401 Water Quality Certification (certification) for commercial dredging operations in the Missouri River.

The extension will accompany the Corps' Clean Water Act Section 404 Permit (permit) which the Corps intends to extend one last time through December 31, 2010, in order to complete the Environmental Impact Statements required by the National Environmental Policy Act. This certification is extended with the same conditions and restrictions except that the overall annual extraction limit of dredging operations in the most severely degraded Kansas City reach (River Miles 320 to 400) will be reduced from 3,400,000 tons to no more than 1,800,000 tons with the additional limit of no more than 1,600,000 tons being extracted from between River Miles 328 and 400.

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 original 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.

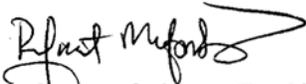
Mr. Mike Odell  
Page 2

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.

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,

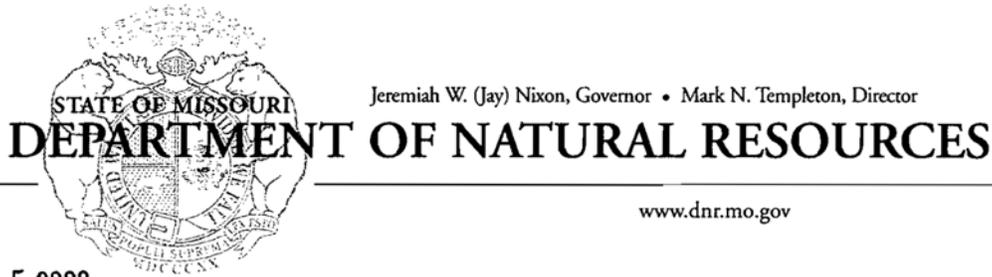
WATER PROTECTION PROGRAM



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

RM:csp

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



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

## DEPARTMENT OF NATURAL RESOURCES

[www.dnr.mo.gov](http://www.dnr.mo.gov)

DEC 15 2009

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

Various Counties  
PN01-01430/CEK001021  
Extension

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 November 3, 2009, and understands that Hermann Sand & Gravel, Inc. has requested to extend the Clean Water Act Section 401 Water Quality Certification (certification) for commercial dredging operations in the Missouri River.

The extension will accompany the Corps' Clean Water Act Section 404 Permit (permit) which the Corps intends to extend one last time through December 31, 2010, in order to complete the Environmental Impact Statements required by the National Environmental Policy Act. This certification is extended with the same conditions and restrictions.

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 original 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.

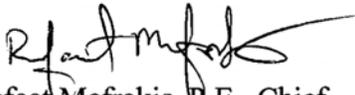
If you were affected by this decision, you may appeal to have the matter heard by the Administrative Hearing Commission (commission). To appeal, you must file a petition with the commission within thirty (30) days after the date this decision was mailed or the date it was delivered, whichever date was 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 Engemann  
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,

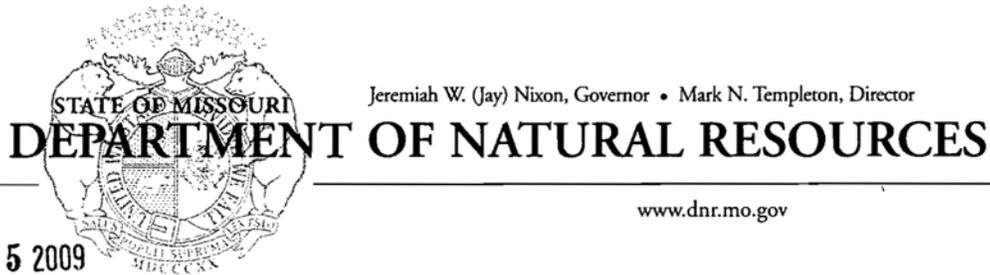
WATER PROTECTION PROGRAM



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

RM:csp

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



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

## DEPARTMENT OF NATURAL RESOURCES

[www.dnr.mo.gov](http://www.dnr.mo.gov)

DEC 15 2009

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

Various Counties  
PN01-01429/CEK001017  
Extension

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 November 3, 2009, and understands that Capital Sand Co., Inc. has requested to extend the Clean Water Act Section 401 Water Quality Certification (certification) for commercial dredging operations in the Missouri River.

The extension will accompany the Corps' Clean Water Act Section 404 Permit (permit) which the Corps intends to extend one last time through December 31, 2010, in order to complete the Environmental Impact Statements required by the National Environmental Policy Act. This certification is extended with the same conditions and restrictions.

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 original 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.

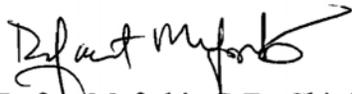
If you were affected by this decision, you may appeal to have the matter heard by the Administrative Hearing Commission (commission). To appeal, you must file a petition with the commission within thirty (30) days after the date this decision was mailed or the date it was delivered, whichever date was 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



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

RM:csp

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



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

## DEPARTMENT OF NATURAL RESOURCES

[www.dnr.mo.gov](http://www.dnr.mo.gov)

DEC 15 2009

Mr. Brian J. Viehmann  
Limited Leasing Company  
1777 Highway 79 South  
Old Monroe, MO 63369

Various Counties  
P-2342/CES000142  
Extension

Dear Mr. Viehmann:

The Missouri Department of Natural Resources' Water Protection Program (Department) is in receipt of the U.S. Army Corps of Engineers' (Corps) letter dated November 3, 2009, and understands that Limited Leasing Company has requested to extend the Clean Water Act Section 401 Water Quality Certification (certification) for commercial dredging operations in the Missouri River.

The extension will accompany the Corps' Clean Water Act Section 404 Permit (permit) which the Corps intends to extend one last time through December 31, 2010, in order to complete the Environmental Impact Statements required by the National Environmental Policy Act. This certification is extended with the same conditions and restrictions.

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 original 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.

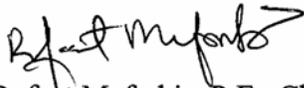
If you were affected by this decision, you may appeal to have the matter heard by the Administrative Hearing Commission (commission). To appeal, you must file a petition with the commission within thirty (30) days after the date this decision was mailed or the date it was delivered, whichever date was 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. Brian J. Viehmann  
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 Mefrakis, P.E., Chief  
NPDES Permits and Engineering Section

RM:csp

c: Mr. Cody Wheeler, Army Corps of Engineers, Kansas City District  
Mr. Charles Frerker, Army Corps of Engineers, St. Louis District  
Ms. Donna Riebeling, St. Louis Regional Office



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

## DEPARTMENT OF NATURAL RESOURCES

[www.dnr.mo.gov](http://www.dnr.mo.gov)

**DEC 15 2009**

Mr. Thomas Dunne Sr.  
J.T.R. Inc. (Jotori Dredging)  
2320 Creve Coeur Mill Rd.  
Maryland Heights, MO 63043

Various Counties  
P-2341/199607591/CES000141  
Extension

Dear Mr. Dunne:

The Missouri Department of Natural Resources' Water Protection Program (Department) is in receipt of the U.S. Army Corps of Engineers' (Corps) letter dated November 3, 2009, and understands that J.T.R. Inc. (Jotori Dredging) has requested to extend the Clean Water Act Section 401 Water Quality Certification (certification) for commercial dredging operations in the Missouri River.

The extension will accompany the Corps' Clean Water Act Section 404 Permit (permit) which the Corps intends to extend one last time through December 31, 2010, in order to complete the Environmental Impact Statements required by the National Environmental Policy Act. This certification is extended with the same conditions and restrictions.

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 original 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.

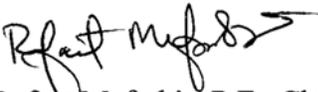
If you were affected by this decision, you may appeal to have the matter heard by the Administrative Hearing Commission (commission). To appeal, you must file a petition with the commission within thirty (30) days after the date this decision was mailed or the date it was delivered, whichever date was 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. Thomas Dunne Sr.  
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

A handwritten signature in black ink, appearing to read "Refaat Mefrakis", with a stylized flourish at the end.

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

RM:csp

c: Mr. Cody Wheeler, Army Corps of Engineers, Kansas City District  
Mr. Charles Frerker, Army Corps of Engineers, St. Louis District  
Ms. Donna Riebeling, St. Louis Regional Office



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

## DEPARTMENT OF NATURAL RESOURCES

[www.dnr.mo.gov](http://www.dnr.mo.gov)

DEC 15 2009

Mr. Thomas Dunne Sr.  
J.T.R. Inc. (Jotori Dredging)  
2320 Creve Coeur Mill Rd.  
Maryland Heights, MO 63043

Various Counties  
P-2340/199607581/CES000140  
Extension

Dear Mr. Dunne:

The Missouri Department of Natural Resources' Water Protection Program (Department) is in receipt of the U.S. Army Corps of Engineers' (Corps) letter dated November 3, 2009, and understands that J.T.R. Inc. (Jotori Dredging) has requested to extend the Clean Water Act Section 401 Water Quality Certification (certification) for commercial dredging operations in the Missouri River.

The extension will accompany the Corps' Clean Water Act Section 404 Permit (permit) which the Corps intends to extend one last time through December 31, 2010, in order to complete the Environmental Impact Statements required by the National Environmental Policy Act. This certification is extended with the same conditions and restrictions.

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 original permit are met. This extension shall be affixed to the original certification and is a part thereof.

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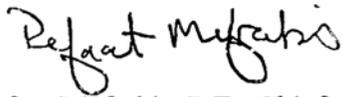
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Mr. Thomas Dunne Sr.  
Page 2

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Sincerely,

WATER PROTECTION PROGRAM



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

RM:csp

c: Mr. Cody Wheeler, Army Corps of Engineers, Kansas City District  
Mr. Charles Frerker, Army Corps of Engineers, St. Louis District  
Ms. Donna Riebeling, St. Louis Regional Office



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

## DEPARTMENT OF NATURAL RESOURCES

[www.dnr.mo.gov](http://www.dnr.mo.gov)

DEC 15 2009

Mr. Thomas Dunne Sr.  
J.T.R. Inc. (Jotori Dredging)  
2320 Creve Coeur Mill Rd.  
Maryland Heights, MO 63043

Various Counties  
P-2339/199607571/CES000126  
Extension

Dear Mr. Dunne:

The Missouri Department of Natural Resources' Water Protection Program (Department) is in receipt of the U.S. Army Corps of Engineers' (Corps) letter dated November 3, 2009, and understands that J.T.R. Inc. (Jotori Dredging) has requested to extend the Clean Water Act Section 401 Water Quality Certification (certification) for commercial dredging operations in the Missouri River.

The extension will accompany the Corps' Clean Water Act Section 404 Permit (permit) which the Corps intends to extend one last time through December 31, 2010, in order to complete the Environmental Impact Statements required by the National Environmental Policy Act. This certification is extended with the same conditions and restrictions.

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 original permit are met. This extension shall be affixed to the original certification and is a part thereof.

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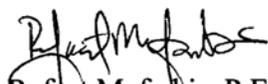
Mr. Thomas Dunne Sr.

Page 2

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Sincerely,

WATER PROTECTION PROGRAM



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

RM:csp

c: Mr. Cody Wheeler, Army Corps of Engineers, Kansas City District  
Mr. Charles Frerker, Army Corps of Engineers, St. Louis District  
Ms. Donna Riebeling, St. Louis Regional Office