

PUBLIC NOTICE



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

**Permit No. NWK-2015-1709
Issue Date: August 10, 2015
Expiration Date: August 31, 2015**

21-Day 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 - - Watershed Management Section, 1000 SW Jackson Street, Suite 420, Topeka, Kansas 66612-1367.

APPLICANT: Holliday Sand and Gravel Company
9660 Legler Road
Lenexa, Kansas 66219

PROJECT LOCATION (As shown on the attached drawings): Sections 4, 5 and 8, Township 12 south, Range 23 east, Johnson County, Kansas.

[USGS QUAD Kansas-Edwardsville]
[Coordinates – Latitude: 39.03297 – Longitude: -94.88020]

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344)

ACTIVITY (As shown on the attached drawings): Expansion of the existing Frisbie Road Sand pit for the commercial extraction of sand. Overburden soils will be excavated and stockpiled at locations on the site for future use during mining reclamation. After removal of overburden soil, an area of the pit mine is excavated sufficiently to allow for a permanent pool of water to place a floating dredge. The dredge is then operated within the pit to hydraulically remove aggregate materials that are then cleaned, sorted and stockpiled for sale. Water generated during dredging and the subsequent processing steps will be returned to the pit mine lagoon and not discharged into the Kansas River.

PREVIOUS ACTIVITY: The applicant applied for and was authorized to begin the pit excavation and dredging operation at the north end of the project site under a nationwide general permit (NWK-2009-1765). That project impacted 0.07 acres of farmed wetland but because the impact of that work was less than the 1/10 acre threshold for required compensatory mitigation of activities authorized by NWP, mitigation was not required. Mitigation for that wetland loss will however be considered during this standard permit action.

WETLANDS/AQUATIC HABITAT: The identified project site consists of approximately 420 acres of agricultural land adjacent to the Kansas River. Seven emergent wetlands occur within the project site ranging from 0.03 acre to 7.20 acres in size. A total of 17.86 acres of emergent wetland would be impacted by the proposed work.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: Due to the nature of the work, avoidance of the wetlands on site would likely still result in indirect negative hydrologic effects upon the wetlands due to de-watering from both surface runoff sources and groundwater losses. Mitigation for the wetland impacts associated with the work is proposed to be performed by the applicant at a nearby location within the Kansas River floodplain. The mitigation would be performed concurrent with or prior to most of the wetland impacts resulting from the proposed work.

ADDITIONAL INFORMATION: Additional information about this project may be obtained by contacting Brian Donahue at Brian.T.Donahue@usace.army.mil or writing to U.S. Army Corps of Engineers, Kansas City Regulatory Office, 635 Federal Building, 601 East 12th Street, Kansas City, Missouri, 64106, by telephone at (816) 389-3703, or by FAX at (816) 389-2032. All comments to this public notice should be directed to the above address. Please reference Permit No. 2015-1709 in all comments and/or inquiries relating to this project

STATE AUTHORIZATION: It is unknown if the applicant has applied for or is required to obtain a permit from the Kansas Department of Agriculture pursuant to Kansas Statutes Annotated 82a-301 to 305. It is also our understanding that no permit issued under the National Pollutant Discharge Elimination System (NPDES) is required for the proposed work because processing and stormwater is being returned to the pit and not discharged into the Kansas River.

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, Tribal Historic Preservation Officers (or Tribe designated representative) and the public in response to this public notice, and we may conduct or require a reconnaissance survey of 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.

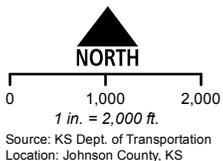
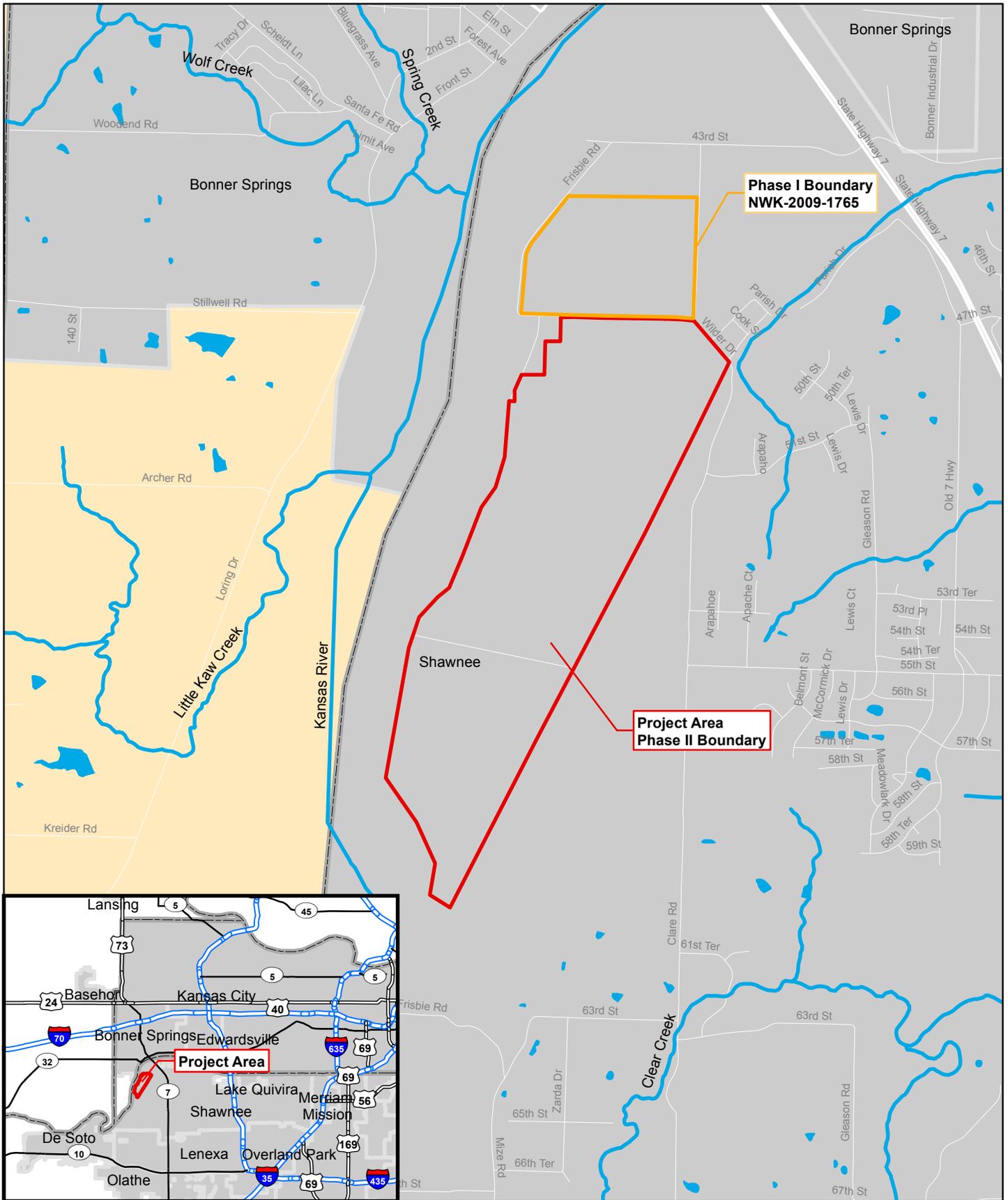
WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application 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 2 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.



**FIGURE 1
SITE VICINITY MAP**

**FRISBIE SAND MINING SITE - PHASE II
JOHNSON COUNTY, KANSAS**

APPLICATION NO. NWK-2015-1709
 HOLLIDAY SAND AND GRAVEL
 EXPANSION OF FRISBIE ROAD SAND PIT
 JOHNSON COUNTY, KANSAS
 SHEET 1 OF 4
 DATED 10 AUGUST 2015

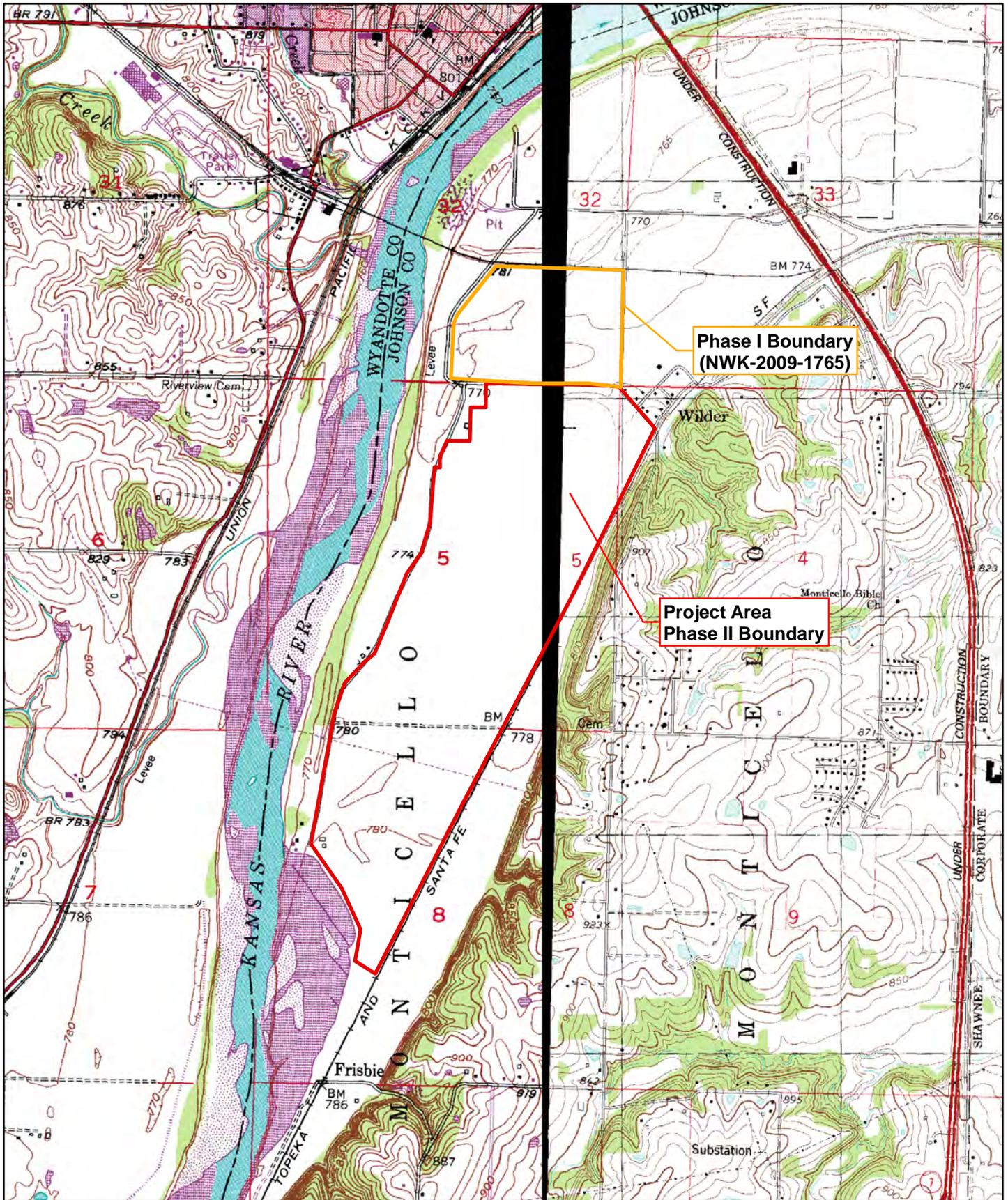
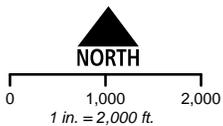


FIGURE 2
BONNER SPRINGS, KS AND EDWARDSVILLE, KS
TOPOGRAPHIC MAPS

FRISBIE SAND MINING SITE - PHASE II
JOHNSON COUNTY, KANSAS

APPLICATION NO. NWK-2015-1709
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 EXPANSION OF FRISBIE ROAD SAND PIT
 JOHNSON COUNTY, KANSAS
 SHEET 2 OF 4
 DATED 10 AUGUST 2015



Source: USGS 7.5' Topographic Map
 Location: Secs. 4, 5, and 8 - T12S - R32E

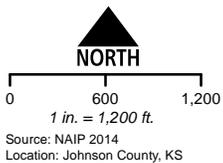


FIGURE 3
JURISDICTIONAL RESOURCES AND IMPACTS MAP

FRISBIE SAND MINING SITE - PHASE II
JOHNSON COUNTY, KANSAS

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Bonner Springs

32

Kaw Dr

← Project Boundary

Monticello

Johnson Dr

7

Monticello Rd

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EXPANSION OF FRISBIE ROAD SAND PIT
JOHNSON COUNTY, KANSAS
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