

PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City and St. Louis Districts**

**Missouri River Commercial Dredging
Nine Permit Applications
Issue Date: February 18, 2011**

**NOTICE OF AVAILABILITY
OF
FINAL ENVIRONMENTAL IMPACT STATEMENT
FOR
THE PROPOSED MISSOURI RIVER COMMERCIAL DREDGING PERMITS**

In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended; Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), as amended; and Section 404 of the Clean Water Act (33 USC 1344), as amended, the U.S. Army Corps of Engineers (USACE) has prepared a Final Environmental Impact Statement (Final EIS) for the proposed Missouri River commercial dredging permits.

DATES: A Notice of Availability will be published by the U.S. Environmental Protection Agency (EPA) in the Federal Register on February 25, 2011. The USACE will not issue a final decision on the Missouri River commercial dredging permits for a minimum of 30 days from the date the EPA publishes its notice in the Federal Register.

FEIS AVAILABILITY: All information regarding commercial dredging and its environmental consequences can be found in the Final EIS. The Final EIS can be viewed and downloaded at:

<http://www.nwk.usace.army.mil/regulatory/Dredging/MO/MODredging.htm>.

In compliance with Section 102(2)(C) of the National Environmental Policy Act of 1969 and in accordance with 40 CFR 1506.9, copies of the Final EIS have been provided to the U.S. Environmental Protection Agency, Region 7; U.S. Department of the Interior, Office of Environmental Policy and Compliance; U.S. Fish and Wildlife Service, Columbia (MO) Ecological Services Field Office; USACE, St. Louis District Regulatory Branch; Elmer Ellis Library, University of Missouri, Columbia; Miller Nichols Library, University of Missouri, Kansas City; Pius XII Memorial Library, St. Louis University and Anschutz Library, University of Kansas. Copies of the Final EIS are available for public inspection at the four

Federal Depository Libraries listed above and the USACE, Kansas City Regulatory Office, 601 East 12th Street, Room 402, Kansas City, Missouri.

ACTIVITY: This Final EIS evaluates nine permit applications by commercial dredging companies to continue operations or begin new operations in the Missouri River between the confluence of the Missouri and Mississippi Rivers in St. Louis, Missouri and river mile 450 near Rulo, Nebraska. Detailed information on these dredging applicants and the proposed activity, renewal and issuance of commercial dredging permits can be found in the 2010 Public Notice Announcing the Draft EIS at the following link:

<http://www.nwk.usace.army.mil/regulatory/Dredging/MO/MODredging.htm>.

CULTURAL RESOURCES: The USACE will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. The potential direct, indirect, and cumulative impacts of the proposed and alternative actions on cultural resources are discussed in Sections 3.15 and 4.13 and Chapter 5 of the EIS. Potential actions to mitigate impacts on cultural resources are discussed in Chapter 6 of the EIS. As noted in Section 2.7, the Environmentally Preferred Alternative would result in only slight bed degradation in the studied reach of the Missouri River. This would prevent or minimize the direct and indirect effects on cultural resources associated with tributary head cutting. USACE permit conditions would include the requirement to notify the USACE and state agencies if unidentified cultural resources are discovered; a description of existing dredging exclusion zones to avoid and/or reduce the potential for adverse effects to historic properties; and the requirement to notify the USACE and state agencies if the Dredgers propose to expand dredging into areas not previously dredged. No adverse effects to historic properties, therefore, are expected from the selection of the Environmentally Preferred Alternative. No Programmatic Agreement between the USACE and the National Park Service, State Historic Preservation Offices of Kansas, Missouri, and Nebraska, tribes, and Advisory Council on Historic Preservation are necessary.

ENDANGERED SPECIES: All of the proposed dredging areas are within the historic range of the endangered Indiana bat (*Myotis sodalis*), threatened piping plover (*Charadrius melodus*), endangered least tern (*Sterna antillarum*), endangered pallid sturgeon (*Scaphirhynchus albus*) and threatened decurrent false aster (*Boltonia decurrens*). The potential direct, indirect and cumulative impacts of the proposed and alternative actions on federally listed species are discussed in Sections 3.10 and 4.8 and Chapter 5. Potential actions to mitigate impacts on endangered species are discussed in Chapter 6 of the EIS. After reviewing the current status of the listed species, the environmental baseline for the Action Area and the effects of the Environmentally Preferred Alternative, the USACE concluded in its Biological Assessment (BA) that the Environmentally Preferred Alternative would either have no effect or would not likely adversely affect federally listed species within the Action Area. Informal consultation is ongoing between the USACE and U.S. Fish and Wildlife Service regarding the BA.

PUBLIC INTEREST REVIEW: On July 23, 2010, the U.S. Environmental Protection Agency published the Notice of Availability for the Draft EIS for this project in the Federal

Register ([75 FR 43161](#)). The 45-day comment period ended on September 6, 2010. One public meeting was held on August 26, 2010, in Jefferson City, Missouri. A court reporter was provided at the meeting to allow meeting attendees to submit oral comments. In addition, agencies, organizations, and interested parties provided written comments on the Draft EIS. At the close of the comment period, 84 individual letters had been received from governmental agencies, organizations, and the general public. A total of 515 substantive individual comments were identified from the letters received, and 16 people provided verbal comments during the public meeting. Comments received during the Draft EIS comment process were considered in the preparation of the Final EIS. In some cases, the Draft EIS was amended with updated or corrected information, and in some limited cases, additional analyses were required to adequately address the issue raised. The topics that received the greatest number of comments on the Draft EIS were Geology and Geomorphology, Economics and Demography, Infrastructure, and a set of comments grouped under the category General.

The Final EIS identifies the existing conditions and potential consequences, including the cumulative effects, of the Proposed Action and alternative actions for all factors which may be relevant to the proposal. Those factors include 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 analysis of impacts to environmental resources showed that for most resource areas, impacts either varied little with commercial dredging amounts or varied in direct relationship to geomorphologic impacts (primarily changes in surface water levels and river bed degradation). In contrast, economic impacts were primarily driven by increased use of alternate sources of sand and gravel to offset reduced dredging in the lower Missouri River. Another exception was impacts on infrastructure. Generally, the potential physical effect of dredging on infrastructure is directly related to the changes in surface water levels and river bed degradation, but the amounts and values of infrastructure vary between segments. Consequently, the actual physical and economic effect of dredging on infrastructure would be greatest in urban reaches of the lower Missouri River with the greatest amount of river infrastructure and least in the rural reaches of the lower Missouri River with the least amount of river infrastructure. While approval of the Proposed Action may suit the interest of the commercial dredgers, the impacts analysis found that it would likely result in continued and in some cases substantial bed degradation and physical and associated socioeconomic impacts on river infrastructure, especially in historically dredged reaches around sand plants in the Kansas City, Jefferson City and St. Charles/St. Louis urban areas. At the same time, the No Action Alternative and Alternatives A, B, and C would likely result in varying amount of negative socioeconomic impacts to communities along the river, impacts to industries dependant on commercially dredged sand and gravel, and impacts associated with development of new sand and gravel resources to replace river dredging.

The NEPA guidelines require that the lead federal agency must identify all alternatives considered in reaching its decision and specify the alternative(s) that were considered to be environmentally preferable. The Proposed Action in the Final EIS is that action proposed by

the applicants. However, the USACE has identified an Environmentally Preferred Alternative for each river segment that the USACE believes would best protect the biological and physical environment, and would meet the intent of NEPA section 101. The identified Environmentally Preferred Alternative would allow a level of dredging with associated conditions and restrictions that are anticipated to result in no more than slight river bed degradation in the near term and long term. The Environmentally Preferred Alternative is a composite alternative with the following annual sand extraction limits:

- St. Joseph Segment – Alternative B (860,000 tons per year)
- Kansas City Segment – Alternative A (540,000 tons per year)
- Waverly Segment – Alternative B (1,140,000 tons per year)
- Jefferson City Segment – Alternative C (1,630,000 tons per year)
- St. Charles Segment – Alternative C (1,710,000 tons per year)
- Total Combined Dredging Amount – 5,880,000 tons per year

NEPA does not prescribe that the Environmentally Preferred Alternative be selected nor forbid alternatives that may result in significant environmental impacts as long as those impacts are fully disclosed in an EIS. The decision to issue a permit will be based the Environmentally Preferred Alternative but will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The analysis required by Section 404(b) will be published as part of the Record of Decision no sooner than 30 days after the publication of the Notice of Availability of the Final EIS in the Federal Register on February 25, 2011.

ADDITIONAL INFORMATION: Additional information about these applications or Final EIS or a copy of the Final EIS on compact disc may be obtained by contacting Mr. Cody Wheeler, Regulatory Project Manager at the USACE, Kansas City Regulatory Office, 601 East 12th Street, Room 402, Kansas City, Missouri 64106-2896, at telephone 816-389-3739 (FAX 816-389-2032), or via email at cody.s.wheeler@usace.army.mil.