

March 23, 2009

Mr. Cody S. Wheeler
Regulatory Project Manager
Regulatory Branch, Kansas City District
U.S. Army Corps of Engineers
601 East 12th Street, Room 706
Kansas City, MO 64106

Dear Mr. Wheeler:

In reply to your letter of December 2, 2008 to Dr. William Harrison, Director of the Kansas Geological Survey, and the follow-up e-mail message of February 18, 2009, concerning our agency input into the Corps of Engineers Environmental Impact Statement (EIS) evaluating the effects of commercial dredging on the Missouri River, Dr. Harrison has requested that I respond to your inquiry. Our unfortunate delay in responding to your request is due to either misplacement or lack of receipt of your original letter.

It is our understanding that the main concern to be addressed with the new EIS is the degradation of the Missouri River between Rulo, Nebraska, and Saint Louis, Missouri at the confluence of the Missouri River with the Mississippi River (river miles 498 to 0). This involves both the Kansas City and Saint Louis COE districts, with the Kansas City District leading the EIS study. In conducting an early Environmental Assessment (EA), the U.S. Army Corps of Engineers (COE) determined that dredging does cause significant degradation of the Missouri River channel, therefore a "Finding of No Significant Impact" (FONSI) could not be determined, and this resulted in a decision to conduct a full EIS.

The Kansas Geological Survey is interested in this major EIS study because of geographical presence of the Missouri River in Kansas between river miles 367 and 490, from the confluence of the Kansas River with the Missouri River northward to the Kansas-Nebraska state line. Our interest also includes the general well-being of the river in its natural setting, and the economic importance of the river to our state and the region.

In reviewing the two main decision documents that resulted in the EIS—the 2007 "Department of the Army Permit Evaluation and Decision Document" and the 2008 "Department of the Army Supplemental Permit Evaluation and Decision Document", I believe that environmental permitting decisions other than river degradation problems were well covered, and the COE permit decisions concerning dredging were reasonable. The zones of no dredging—especially concerning river structures, drinking water intake structures and horizontal collector wells, and the handling of the endangered species zones—especially for the Pallid Sturgeon habitat also seem reasonable. The decision for the new permits to terminate at the end of 2009, depending on the final decisions based on the EIS, could result in possible river dredging discontinuance prior to the 2010 dredging season due to the problems of Missouri River degradation. Possible economic consequences caused by the cessation of dredging will require enough study and review to make it difficult to complete the EIS document prior to the end of 2009.

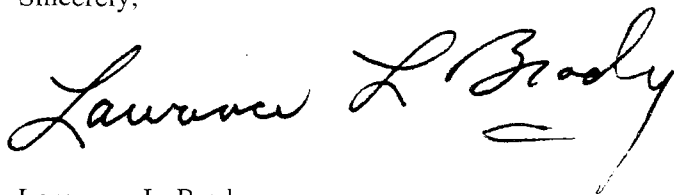
Degradation of the river channel can be attributed to several major factors, including construction of large dams on the upstream waters, dredging in concentrated areas, riverbank stabilization, and natural changes resulting from major flooding. All of these factors could be important in considering the causes of degradation of the Missouri River channel. In the 2007 permit document the COE utilized their own information collected over 16 years on the Missouri River in the area of concern to make their case for the effect of dredging on degradation of the river. This short term period was criticized by John Doyle and Henry Hack (former U.S. Geological Survey employees working with stream flow and sediment data in Missouri) in a letter to Steve Engemann of Hermann Sand & Gravel, Inc., that was included as Enclosure 12.71 in the 2007 "Permit Evaluation and Decision Document." The important point made in the letter is that considerable data exists on the Missouri River, other than the COE data discussed in the permit document, that should be considered in determining what part dredging has had in the degradation of Missouri River channel.

It is my understanding that a major study of Missouri River channel degradation is now underway and will be part of the new EIS document. I hope that consideration is being given by the COE to evaluate all of their own pertinent data, and to evaluate and utilize what additional relevant data is available from other government sources—especially the U.S. Geological Survey, and possibly available data from private firms.

Future decisions made on a more complete study of river degradation will be better understood by the dredging companies and the governmental units and private companies utilizing the sand and gravel dredged from the Missouri River channel. Importance of that low-cost commodity to new construction and development of the regional infrastructure is indicated by the numerous letters submitted to the COE by various government officials and listed as enclosures in the 2007 "Permit Evaluation and Decision Document". These letters are included as Enclosures 12.58, 12.67, 12.68, 12.69, 12.72, 12.73, 12.74, and 12.77.

I wish you well in completing the difficult task of finishing the EIS document, and providing answers to many river problems you are trying to resolve. I have enclosed a listing of some Kansas Geological Survey information and an additional listing of references from the KGS Bibliography that were published by other agencies, that could prove useful for studies leading to the EIS document decisions or possibly future river studies. Contact the Kansas Geological Survey should you feel we could help you now or in the future.

Sincerely,

A handwritten signature in black ink that reads "Lawrence L. Brady". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

Lawrence L. Brady
Senior Scientific Fellow

Cc: Dr. William E. Harrison, Director, Kansas Geological Survey

Enc.

Re: [Fwd: Missouri River Commercial Dredging EIS scope of study]

Subject: Re: [Fwd: Missouri River Commercial Dredging EIS scope of study]

From: Lawrence Brady <lbrady@kgs.ku.edu>

Date: Wed, 18 Feb 2009 09:48:34 -0600

To: Debbie Douglass <douglass@kgs.ku.edu>

Debbie Douglass wrote:

Larry - this is the missing review that we were to have received from the Corps of Engineers. I had to ask them to send it again. Rex feels that you should be the person to provide input from the KGS. Let me know if you have any questions.
THANKS. DEB

----- Original Message -----

Subject: Missouri River Commercial Dredging EIS scope of study

Date: Tue, 10 Feb 2009 11:24:34 -0600

From: Wheeler, Cody S NWK <Cody.S.Wheeler@usace.army.mil>

To: <douglass@kgs.ku.edu>

I apologize for whatever mixup occurred so that you never received our letter requesting any comments or information that the Kansas Geologic Survey might be able to contribute to the EIS we are preparing for the Missouri River commercial dredging permits. I've attached pdf copies of that letter, our public notice regarding the public scoping meetings, and the Notice of Intent to Prepare an EIS that was published in the Federal Register. If you have any other questions not answered by these documents, please call me and I would be happy to answer them if I can. I also thank you in advance for any comments or information that you may have to offer.

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>

Complete our Regulatory Service Survey at:

<http://per2.nwp.usace.army.mil/survey.html>

Debbie Douglass

Kansas Geological Survey

1930 Constant Avenue

Lawrence, KS 66047

Phone: 785-864-2153

Fax: 785-864-5317

douglass@ku.edu

Hi Debra---I got your message and the information from the Corps of Engineers. I assume this is all you received. Specifically, I am curious if the Corps sent an information sheet referred to in the letter as a scoping announcement. The scoping announcement includes a list of the dredgers requested annual extraction tonnage and the requested dredging reaches, and possibly other information useful in replying to the agency request. I assume you did not--therefore I will request the information from Cody Wheeler of the Corps of Engineers.....Larry B.



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
700 FEDERAL BUILDING
KANSAS CITY, MISSOURI 64106-2896
December 2, 2008

REPLY TO
ATTENTION OF:

Regulatory Branch
(Missouri River Commercial Dredging EIS)

Bill Harrison, Director
Kansas Geological Survey
1930 Constant Avenue
Lawrence, Kansas 66047-3726

Dear Mr. Harrison:

Pursuant to our authority under Section 404 of the Clean Water Act (33 USC 1344), the Kansas City and St. Louis Districts of the U.S. Army Corps of Engineers are reviewing all the Department of the Army Permit applications submitted for various commercial dredging operations in the Missouri River between Rulo, Nebraska and the confluence with the Mississippi River. The proposed dredging would occur in a navigable waterway and the portion of dredged material that is too coarse or too fine to be used will be discharged back into the river, thereby requiring Department of the Army (DA) authorization under Section 10 of the River and Harbors Act and Section 404 of the Clean Water Act. Commercial dredging in the Missouri River has been ongoing for more than 50 years but has increased from approximately 1.3 million tons per year in 1974 to approximately 8 million tons in 2006. The current DA permits for six Missouri River commercial dredging operations will expire December 31, 2009 and those six operations and four proposed operations have applied for new DA permits to dredge up to 12.435 million tons per year beginning in 2010.

The Kansas City District has documented significant degradation or down-cutting of the river bed in areas where dredging has been concentrated. Bed degradation may disable water intake structures, initiate tributary head cuts, promote bank and levee instability, undermine pipelines and bridge piers, increase encroachment of the high bank, eliminate aquatic habitat and create navigation hazards. Some of these effects have already been observed in some areas. Reaches that are not obviously affected may have structures vulnerable to failure during floods or other catastrophic events. In accordance with the National Environmental Policy Act, as amended, the Corps of Engineers is preparing an Environmental Impact Statement (EIS) to analyze the direct, indirect, and cumulative effects of continued commercial dredging of sand and gravel from the Missouri River in Missouri and Kansas. The two districts have agreed that the Kansas City District will be the lead federal agency. Due to your agency's expertise and authority, we invite the Kansas Geological Survey to participate in the EIS process as outlined in Title 40 of the Code of Federal Regulations at 1501.7.

We invite your agency to attend a state and federal agency scoping meeting on January 9, 2009 from 9:00 a.m. to 12:00 p.m. in Room 361 of the Richard Bolling Federal Building at 601 East 12th Street, Kansas City, Missouri. Your agency may also attend the following public scoping meetings from 4:00 to 8:00 p.m. each night:

January 6, 2009
Missouri River Regional Library Art
The Art Gallery
214 Adams Street
Jefferson City, Missouri 65101.

January 7, 2009
St. Charles Community College
Auditorium
4601 Mid Rivers Mall Drive
Cottleville, Missouri 63376.

January 8, 2009
KCI-Expo Center
Lobby Courtyard
11730 N. Ambassador Dr.
Kansas City, Missouri 64153.

If you have any questions concerning this matter, please contact at (816) 389-3739 or FAX (816) 389-2032.

Sincerely,

Cody S. Wheeler
Regulatory Project Manager
Kansas City District

Other documentation not scanned.
Available in open file.