

# PUBLIC NOTICE



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

**Permit No. 200600407  
Issue Date: January 30, 2006  
Expiration Date: February 20, 2006**

**21-Day Notice**

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**APPLICANT:** Mr. Vincent Meier  
Victory Sand and Gravel  
2400 NW Water Works Drive  
Topeka, KS 66606

**PROJECT LOCATION** (As shown on the attached drawings): The project is located in Section 23, Township 11 south, Range 16 east, in Shawnee County, KS. (GRANTVILLE QUAD MAP)

**AUTHORITY:** Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

**ACTIVITY** (As shown on the attached drawings): The applicant is proposing to dredge Kansas River aggregate for commercial purposes from the Kansas River at river miles 77.1 to 78.6. This proposal is a relocation of existing permit 199700116. Permit 199700116 is currently located at river miles 86.3 to 86.5 and will be closed to dredging on August 1, 2006, due to average riverbed degradation exceeding two feet in this reach of the Kansas River.

In January 1990, the Kansas City District completed preparation of a document entitled "Final Regulatory Report and Environmental Impact Statement – Commercial Dredging Activities On The Kansas River, Kansas." The document was prepared to address dredging-related impacts to the Kansas River and adjacent land. The selected alternative for the Environmental Impact Statement is a "Regulatory Plan" which consists of restrictions and a monitoring program to limit dredging-related impacts. The Regulatory Plan was implemented in 1991. The Regulatory Plan can be downloaded at:

[http://www.nwk.usace.army.mil/regulatory/public\\_notices/ks-river-regulatory-plan.pdf](http://www.nwk.usace.army.mil/regulatory/public_notices/ks-river-regulatory-plan.pdf)

Commercial sand and gravel dredging operations on the Kansas River utilize hydraulic pumps mounted on barges to convey a sand and gravel slurry to shore based facilities for processing. Excess water is drained from the sand and gravel and returned to the river. The requested permit, if issued, would be subject to the restrictions and monitoring requirements stipulated in the District's Regulatory Plan. This permit would be valid for 5 years.

Note: The proposed dredge return water outfall structure is eligible for Nationwide Permit 7 (Outfall Structures and Maintenance) under the authority of Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

**WETLANDS:** The applicant completed a wetland delineation for the proposed plant location. No wetlands would be impacted by this proposal.

**ADDITIONAL INFORMATION:** Additional information about this application may be obtained by contacting Joshua A. Marx, U.S. Army Corps of Engineers; Kansas City Regulatory Office; 601 East 12<sup>th</sup> Street; Kansas City, Missouri 64106; at telephone 816-983-3658 (FAX 816-426-2321) or via email at [Joshua.a.marx@usace.army.mil](mailto:Joshua.a.marx@usace.army.mil). All comments to this public notice should be directed to the above address.

**STATE AUTHORIZATION:** The applicant may be required to apply for a permit from the Kansas Department of Agriculture pursuant to Kansas Statutes Annotated 82a-301 to 305.

**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 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 is not likely to adversely 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.

**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.

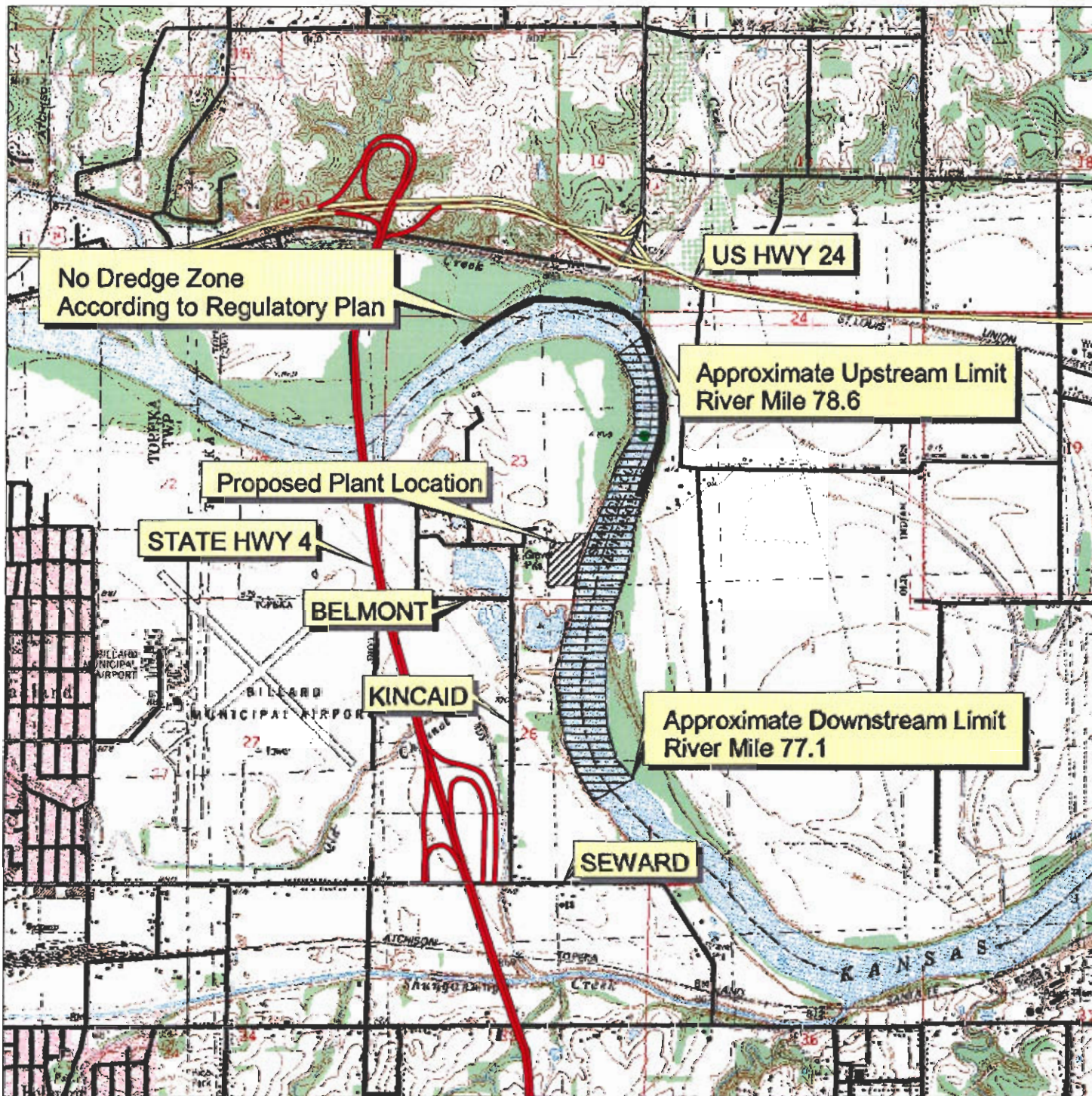
Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**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.



# Victory Sand Mining and Dredging, L.L.C.



0 0.5 Miles

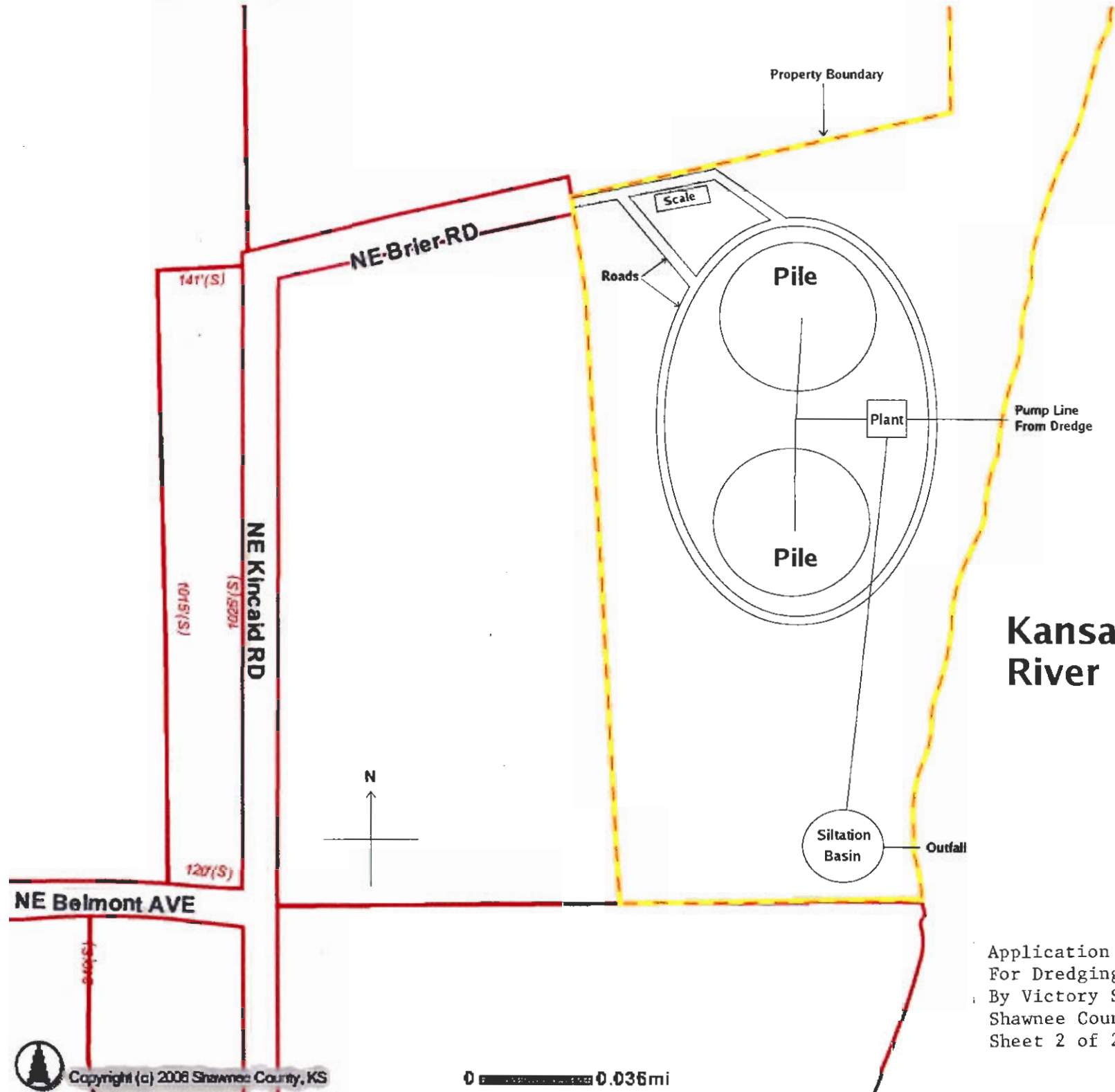


Application by  
Victory Sand and Gravel

Base Number: 200600407  
Purpose: Aggregate Dredging  
State: KS  
County: Shawnee  
Legal: Sec. 23, T11 south, R16 east  
River Mile: 77.1 - 78.6  
Lat: 39-04-53.8680  
Long: 95-35-41.2440

Application No. 200600407  
For Dredging in the Kansas River  
By Victory Sand and Gravel  
Shawnee County, Kansas  
Sheet 1 of 2





Property Boundary

Scale

Roads

Pile

Plant

Pump Line From Dredge

Pile

Kansas River

N

Siltation Basin

Outfall

NE Belmont AVE

NE Brier RD

NE Kincaid RD

147'(S)

1015'(S)

120'(S)

Application No. 200600407  
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 Shawnee County, Kansas  
 Sheet 2 of 2

