US Army Corps of Engineers®

# PUBLIC NOTICE

Published: August 5, 2026

**Kansas City District**
**Reissuance of General Permit 34M (GP-34M)**
**Sand & Gravel Excavation Activities**
**NWK-2005-01869**

The Kansas City District of the U.S. Army Corps of Engineers (USACE), **HAS REISSUED GP-34M**, for Sand and Gravel Excavation Activities. GP-34M is issued under the authorities of Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). It does not obviate the need for project proponents to obtain other Federal, state, or local authorizations.

**DURATION OF THE GENERAL PERMIT:** The GP-34M has been re-issued and is in effect for a period of five years from the issue date listed above (August 5, 2026), unless it is specifically modified, suspended, or revoked prior to the expiration date. This reissuance includes no substantial changes to the terms and conditions from the previous permit period. Upon its expiration, GP-34M will be considered for renewal. The GP-34M may be modified, suspended or revoked, in whole or in part, at any time if it is determined that the cumulative effects of the activities authorized by GP-34M have a significant environmental impact or is otherwise determined contrary to the public interest.

**APPLICANT:** General Public, Government Agencies

**WATERWAY AND LOCATION:** Waters of the United States within the State of Missouri, except for the following waters: Missouri and Mississippi Rivers and waters designated by the State of Missouri as Outstanding National Resource Waters or Outstanding State Resource Waters (see list within State Regulation 10 CSR 20-7.031 Water Quality Standards, Tables D and E).

**AUTHORITY:** Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

**ACTIVITY:** GP-34M authorizes the discharge of dredged and/or fill material related to mechanical sand and gravel excavation. Discharges authorized are limited to those which occur during the actual excavation process and those associated with preparation and restoration of the site. These discharge activities include, but are not limited to temporary stockpiling, access ramps, and construction of berms for siltation control.

**NOTIFICATION PROCEDURES:** Activities authorized by GP-34M require written pre-construction notification (PCN) to the USACE in accordance with the GP-34M permit conditions. The written PCN shall include a completed application form ENG 4345, or equivalent information, location map, and detailed work drawings (refer to the two attached diagrams in the permit for examples and the proper application of buffers within the project area). Copies of ENG Form 4345, instructions or assistance may be obtained by downloading at: http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/ or by contacting Regulatory.MissouriState@usace.army.mil. Permit requests can be submitted through the Regulatory Request System (RRS) at https://rrs.usace.army.mil/rrs.

**SECTION 401 WATER QUALITY CERTIFICATION:** The Missouri Department of Natural Resources, Water Protection Program, has issued programmatic Section 401 Water Quality Certifications for GP-34M. The conditions of this certification are conditions of GP-34M.

**ADDITIONAL INFORMATION**: Additional information about GP-34M may be obtained by contacting Mr. Ryan King, United States Army Corps of Engineers, Missouri State Regulatory Office, 3705 Missouri Boulevard, Suite A200, Jefferson City, Missouri 65109, at 816-389-3015 or by email at Regulatory.MissouriState@usace.army.mil.

US Army Corps
of Engineers
Kansas City District

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** General Public, Government Agencies

**Permit No.** NWK GP-34M, Sand and Gravel Excavation Activities

**Issuing Office:** U.S. Army Engineer District, Kansas City

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate District or Division office of the U.S. Army Corps of Engineers (USACE) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below, and with the plans and drawings attached hereto which are incorporated in and made a part of this permit.

**Project Description**: Proposed and/or Completed Work: This permit authorizes the discharge of dredged and/or fill material related to mechanical sand and gravel excavation as described in Appendix I. Discharges authorized are limited to those which occur during the actual excavation process and those associated with preparation and restoration of the site. These discharge activities include, but are not limited to temporary stockpiling, access ramps, and construction of berms for siltation control. Activity descriptions for temporary stockpiling, access ramps and road crossings are provided below. Requests for variances to permit conditions are reviewed on a case-by-case basis as described in the Special Conditions. Permanent losses to Waters of the United States, including wetlands, shall not exceed 0.5 acres.

**Temporary Stockpiling**: Stockpiling will only be allowed during daytime operational hours. This general permit does not authorize the stockpiling of material overnight below the ordinary high-water mark of the stream where the sand and gravel mining is occurring. Those proposing to stockpile in a floodway should follow local floodplain management regulations.

**Access Ramps and Stream Crossings**: This general permit will allow the construction of access ramps up to 25 feet-wide. Applicants may request a variance to the ramp width criteria for USACE review, however the total of all ramps and stream crossings may not cause more than ½ acre permanent loss of Waters of the United States. Access ramps must be appropriately constructed and maintained such that stream banks are protected from erosion. Stream channel modifications must be kept to the minimum necessary to construct road crossings and require notification to the USACE (see Special Condition l. and Appendix I, paragraph 5).

**Note**: The general permit does not authorize gravel from the mining area to be used for bank stabilization or siltation control for any reason. This permit does not allow for sorting, washing, and crushing of excavated material below the Ordinary High-Water Mark of the stream or in such a manner as to allow wash water to re-enter the stream. A separate permit and/or settling basin for the discharge of return water may be required under Section 402 of the Clean Water Act from the Missouri Department of Natural Resources (MDNR), Water Protection Program (WPP), Operating Permits Section, (Telephone: 573-522-4502).

You must not excavate sand or gravel below the elevation of the water at the time of removal unless specifically authorized by the USACE.

**Project Location**: Waters of the United States within the State of Missouri, except for the following waters: Missouri and Mississippi Rivers and waters designated by the State of Missouri as Outstanding National Resource Waters or Outstanding State Resource Waters (see attached list, State Regulation 10 CSR 20-7.031 Water Quality Standards, Tables D and E).

**Note to Commercial Operators**: As set forth in the Land Reclamation Act, Chapter 444.770.3. RSMo, this Section 10 and 404 general permit may satisfy your permitting requirements with the MDNR's Land Reclamation Program (LRP). You should contact the LRP at 573-751-4041 to determine whether or not an LRP permit is also required.

Permit Conditions:

General Conditions:

1. This general permit (GP) expires on **5 Years from Issuance**, unless it is modified, revoked or specifically extended, and the time limit for completing the authorized work ends on this date, unless your individual general permit verification letter specifies an earlier date. Provided the verification letter does not specify an earlier date, if you have started the work or are under contract to begin this activity before the general permit expires, you will have twelve (12) months from the expiration date to complete the activity under the present terms and conditions of the general permit.

2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a goodfaith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately cease work operations and notify this office of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The District Engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. The MDNR-WPP has certified that this permit will not violate existing state water quality requirements provided you adhere to the certification standards included in the attached Section 401 Water Quality Certification (WQC) document. All conditions included in the WQC are conditions of the permit authorization. Please review all conditions associated with this permit. In accordance with current WQC regulations, the USACE is responsible for enforcing WQC conditions that are incorporated into this permit verification.

   Individual WQC from the MDNR-WPP would be required for any proposed project on a water that is listed for a sediment-related impairment, pollutant contamination, aquatic habitat alteration, channelization, or unknown impairment as listed in the most current Water Quality Report (Section 305(b) Report) at https://dnr.mo.gov/water/what-were-doing/reports/section-305b-integrated-water-quality. To determine the location of the waters provided above, the MDNR's geospatial data is available upon request, and all published data is available on the Missouri Spatial Data Information Services website at http://msdis.missouri.edu/.

   If you have any questions concerning state WQC standards or compliance issues with the associated certification conditions, please contact Missouri Department of Natural Resources, Water Protection Program, Operating Permits Section (Telephone: 573-522-4502), and the USACE, Missouri State Regulatory Office at Regulatory.MissouriState@usace.army.mil or 573-634-2248. Additionally, prior to operations, you should contact the Missouri Department of Natural Resources, Water Protection Program (Telephone: 573-751-1300) to determine the potential presence of contamination from sediments.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

See continuation sheets, pages 5 and 6, of this document**.**

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

   (x) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

   (x) Section 404 of the Clean Water Act (33 U.S.C. 1344).

   ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

   a. This permit does not obviate the need to obtain other Federal, state, or local authorization required by law.

   b. This permit does not grant any property rights or exclusive privileges.

   c. This permit does not authorize any injury to the property or rights of others.

   d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

   a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or fromnatural causes.

   b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or onbehalf of the United States in the public interest.

   c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

   d. Design or construction deficiencies associated with the permitted work.

   e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

   a. You fail to comply with the terms and conditions of this permit.

   b. The information provided by you in support of your permit application proves to have been false, incomplete, orinaccurate (See 4 above).

   c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

***GENERAL PUBLIC*** **(SIGNATURE NOT REQUIRED)** _____
(PERMITTEE). (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

David R. Hibbs 05 August 2026
(DISTRICT ENGINEER) (DATE)

ANDREW T. NIEWOHNER, COLONEL
BY: DAVID R. HIBBS
CHIEF, REGULATORY DIVISION

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

_____ _____
(TRANSFEREE) (DATE)

**Special Conditions:**

a. You must sign and return the attached "Compliance Certification" page after you complete the authorized work and any required mitigation. Your signature will certify that you completed the work in accordance with this permit, including general and specific conditions, and that any required mitigation was completed in accordance with the permit conditions.

b. In addition to the general conditions of the permit, the following special condition applies to your project regarding Section 10 of the Rivers and Harbors Act. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. Section 14 of the Rivers and Harbors Act of 1899 codified at 33 USC 408 (Section 408) requires permission be granted for work to alter a USACE civil works project. An alternation is defined as any action that builds upon, alters, improves, moves, occupies, or otherwise affects the usefulness, or the structural or ecological integrity of a USACE federally authorized project. Proposed sand and gravel excavation activities that may alter federal projects will be evaluated in accordance with Engineer Circular 1165-2-220.

c. If any part of the authorized work is performed by a contractor or other party, before starting work you must discuss the terms and conditions of this permit with the contractor or party; and, you must give a copy of this entire permit to the contractor or other party involved in the excavation activities. The permittee remains responsible for ensuring compliance with all aspects of this permit.

d. You must limit excavation of sand or gravel deposits to unconsolidated areas containing primarily smaller material (at least 85% is less than 3 inches in diameter) that is loosely packed and contains no woody perennial vegetation greater than 1.5 inches in diameter, measured at breast height. An undisturbed root zone buffer of 10 feet shall be maintained around the trunk of woody perennial vegetation greater than 1.5 inches in diameter, measured at breast height.

e. An undisturbed buffer of twenty-five (25) feet wide shall be maintained in an undisturbed condition landward of the high bank for the length of the gravel removal site. Disturbed areas in this riparian zone shall be limited to maintained access road(s) for ingress and egress only. The operation must not accelerate streambank erosion.

f. You must maintain an undisturbed buffer of ten (10) feet between the removal area and the water line (or normal low flow area during dry conditions) at the time of excavation. An undisturbed buffer of ten (10) feet or an approved variance for adequate buffer shall also be maintained between the excavation area and the base of the high bank to protect bank integrity. The operator will not excavate materials that will in effect pond,segregate, entice or trap resident aquatic wildlife species upon a rise in river level.

g. You must not excavate sand or gravel below the elevation of the water at the time of removal. If the stream is dry at the time of excavation, you must not excavate deeper than the lowest undisturbed streambed elevation of the regular low flow path adjacent to the gravel bar excavation site. The normal low flow stream bed area shall not be excavated even during dry periods.

h. You must not relocate, straighten, cut off, shorten, widen, or otherwise modify water conveyance areas within the channel. A "water conveyance area within the channel" is defined as that area between the high banks of the creek, where water is flowing or, in the case of a dry stream, where water would flow after a rain event. The operation must not create head cutting or adversely alter streambed gradient.

**Special Conditions (continued):**

i. Within 30 days of the removal of excavation equipment from the site, you must re-vegetate or otherwise protect from erosion, those stream bank areas disturbed by the removal operation (such as access points). For long-term operations (longer than 30 days) or for sites that will be periodically revisited as gravel is deposited, access points must be appropriately constructed and maintained such that stream banks and access roads are protected from erosion. Erosion and sedimentation controls include, but are not limited to, site disturbance minimization, establishing or protecting vegetative cover, seeding, mulching, and placement of erosion control mats, sediment filters and silt fences. Any additional fill required to restore the site to pre-existing conditions should be reviewed by the USACE.

j. Any aggregate, fines, and/or oversized material removed from the site must be placed in an upland, non-wetland site. At no time may sand or gravel material be pushed or placed against the bank.

k. You must not excavate in areas authorized by this general permit during the dates specified on the following link: https://publibrary.sec.usace.army.mil/api/download?id=21b4bb46-8a17-4a4d-ba2f-b4f97ea3f885&filename=GP-34M_SpawningRestrictions.pdf&token=&preview=true. These "Seasonal Restrictions" are for the purpose of protecting spawning habitat and juveniles indigenous to the cited stream.

l. You must limit vehicles and other equipment to removal sites and existing crossings. Streams must be crossed perpendicular to the stream. You must obtain written approval from the USACE, Regulatory Division, before constructing any temporary or permanent stream crossing(s). All project components (stream crossing, buffers, ramps, etc.) of the proposed work must be approved prior to initiation of gravel excavation activities. Additionally, access ramps can be no wider than 25 feet and the total of all ramps and stream crossings may not cause more than a ½ acre loss of water of the United States. Use of off-road vehicles in streams is also regulated under Missouri State Law (RSMo 1991 Section 304.013).

m. Fuel, oil and other wastes and equipment containing such wastes shall not be stored nor released at any location between the high banks or in a manner such that they could enter the stream channel. You must dispose of such materials at authorized locations.

n. No activity is authorized under this general permit which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the habitat of such species. See Appendix II for permitting requirements if these species are likely to be present or their habitat would be adversely modified.

o. No activity which may affect Historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR 325, Appendix C. All prospective permittees must notify the District Engineer if the excavation activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that therequirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places.

p. You must provide notification to the appropriate USACE District, as specified in Appendix I, before you initiate any gravel removal activity and receive written confirmation of authorization under this general permit from the USACE before you start any excavation or related operations.

q. A variance to any permit condition will be reviewed on a case-by-case basis. The decision to issue the GP-34M verification with an approved variance and/or any additional special conditions will be determined by site characteristics, including but not limited to: streambed and bank stability, the presence of bedrock, streambed gradient, and potential impacts to aquatic species and/or habitat or the general environment. The USACE will coordinate with the appropriate federal and/or state agencies if a variance is sought. The USACE will determine the appropriate agencies with whom to coordinate by considering all site-specific factors.

## APPENDIX I

## CRITERIA FOR AUTHORIZATION BY GENERAL PERMIT NWKGP-34M

1. The appropriate District Engineer has the discretion to require an individual permit on a case-by-case basis for any activity authorized herein.

2. This general permit applies to the general public and governmental agencies when such activities are performed to provide immediate construction materials or materials stockpiled in an upland area for private use or commercial sale. Excavation and dredging activities occurring in flowing or open water, such as hydraulic dredging, are not included in this authorization.

3. Private property owners are authorized to remove up to a total of 100 cubic yards of gravel per year from any single gravel bar location on their property, for their personal use, without regard to special condition "p". (notification requirements). However, excavation activities for personal use must comply with all conditions of this permit. This does not relieve any personal use applicant from notifying the appropriate USACE District if the activity may affect a federally threatened or endangered species or its habitat (see Appendix II, 1. Endangered Species Consultation). If you have any questions concerning threatened and endangered species possibly occurring in your project area, you should contact the appropriate USACE District or the U.S. Fish and Wildlife Service, Missouri Ecological Services Field Office at (573) 234-2132.

4. The cumulative impacts of this general permit may be reevaluated at the discretion of the USACE at anytime but will be reevaluated at least every five (5) years.

5. **APPLICANT NOTIFICATION REQUIREMENTS**. (*does not apply to activities under 100 cubic yards, see Appendix I, paragraph 3, above*)

If you wish to perform work under the authority of this General Permit, you must provide notification to the appropriate USACE District before you initiate any gravel removal activity. You must submit the following information in this notification (refer to the two attached diagrams for examples and the proper application of buffers within the project area):

   a. A completed application form ENG 4345, ENG 6082, or equivalent information.

   b. A clearly marked site location map.

   c. A drawing showing the details of the proposed work (Plan and Cross-sectional views of each excavation area). Include the access roads to the site in your project drawings.

   d. An operation plan which describes how you will conduct the work, details how impacts to the stream and riparian area will be avoided and/or minimized, and measures to restore the site (including gravel bars, stream banks, and riparian areas) following completion of excavation. Note: Access roads must avoid adverse impacts to riffle and pool complexes, and any approved fill for ramps and crossings must be clean and free of contaminants.

You must receive written confirmation of authorization under this general permit from the USACE before you start any excavation or related operations. Completed activities considered for authorization after-the-fact under the general permit must conform to all conditions of the permit. After-the-fact authorization under this general permit will generally be limited to one activity per applicant.

## APPENDIX II

## USACE REVIEW PROCEDURES FOR AUTHORIZATION BY GENERAL PERMIT NWKGP-34M

1. **ENDANGERED SPECIES CONSULTATION**. The excavation activity must not be located in areas containing potential habitat for federally listed species unless, following Endangered Species Act Section 7 consultation with the U.S. Fish and Wildlife Service (Service), a "not likely to adversely affect" determination is agreed upon between theUSACE and the Service. If the proposed activity authorized under this permit is located in any area potentially supporting federally listed species or designated critical habitat, the following conditions must be met and will be coordinated by the appropriate USACE District:

a. The USACE will coordinate with the Service to investigate potential species occurrence via the Service's Information for Planning and Conservation (IPaC) website at https://ecos.fws.gov/ipac/. For each species on the Service's Official Species List, an effects determination must be made by the USACE. Concurrence from the Service must be obtained for "may affect" determinations, however "no effect" determinations do not require concurrence from the Service.

b. As conditioned under the GP, additional project specific conditions must be imposed if, through informal consultation between the Service and the USACE, they are determined to be necessary to avoid the likelihood of adverse effects to listed species or designated critical habitat.

c. In the event that the likelihood of adverse effects to listed species or designated critical habitat cannot be avoided, GP authorization will not be provided until such time as: i) formal consultation between the Service and the USACE is completed; ii) a non-jeopardy Biological Opinion is issued; and iii) the terms and conditions of any associated Incidental Take Statement are incorporated as enforceable conditions to the project authorization under the general permit.

d. Conference via early interagency cooperation may also be necessary for species expected to become federally listed during the permit period. Conferences are required for proposed federal actions likely to jeopardize proposed species or destroy or adversely modify proposed critical habitat.

U.S. Army Corps of Engineers (USACE)

# CERTIFICATION OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT

For use of this form, see Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the Marine Protection, Research, and Sanctuaries Act; the proponent agency is CECW-COR.

**PURPOSE**: This form is used by recipients of U.S. Army Corps of Engineer Regulatory permits to certify compliance with the permit terms and conditions.

Your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the U.S. Army Corps of Engineers, Kansas City Regulatory Office.

The certification can be submitted by email at Regulatory.KansasCity@usace.army.mil or by mail at the below address:

U.S. Army Corps of Engineers
Kansas City District, RD
601 East 12th Street, Suite 402
Kansas City, MO 64106-2824

## COMPLETED BY THE USACE

| | |
|---|---|
| USACE Action Number: | [Permit Number] |
| Permit Type: | Regional General Permit |
| General Permit Number and Name (*if applicable*): | GP-34M Sand and Gravel Excavation Activities (Missouri River) |
| Name of Permittee: | [Applicant] |
| Project Name: | [Project Name] |
| Project Location (*physical address*): | Within [Receiving Waters], located in Section [##], Township [##], Range [##], [County], [ST]. |

## PERMITTEE'S CERTIFICATION

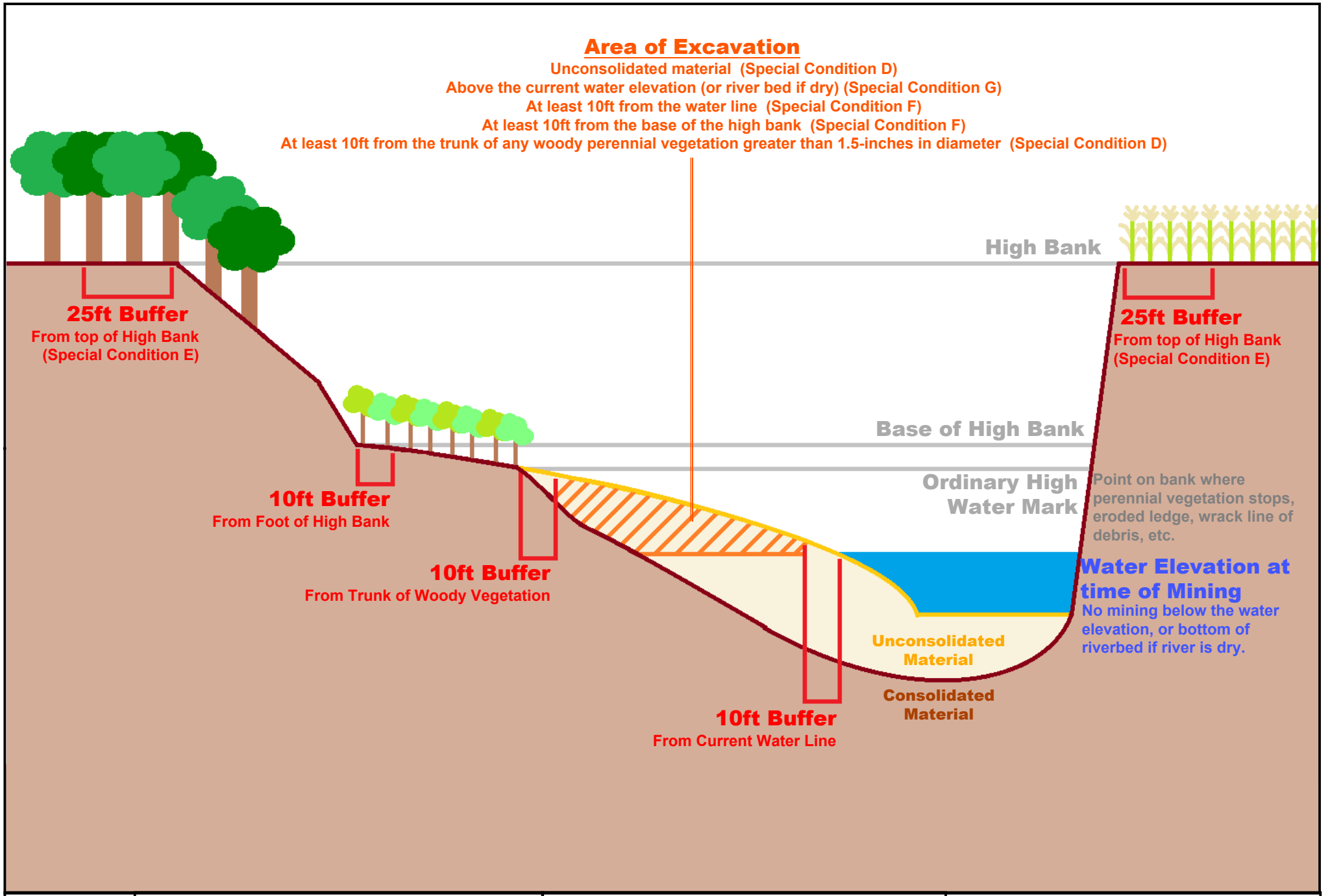
Date Work Started: _____

Date Work Completed: _____

Enclose photographs showing the completed project (*if available*).

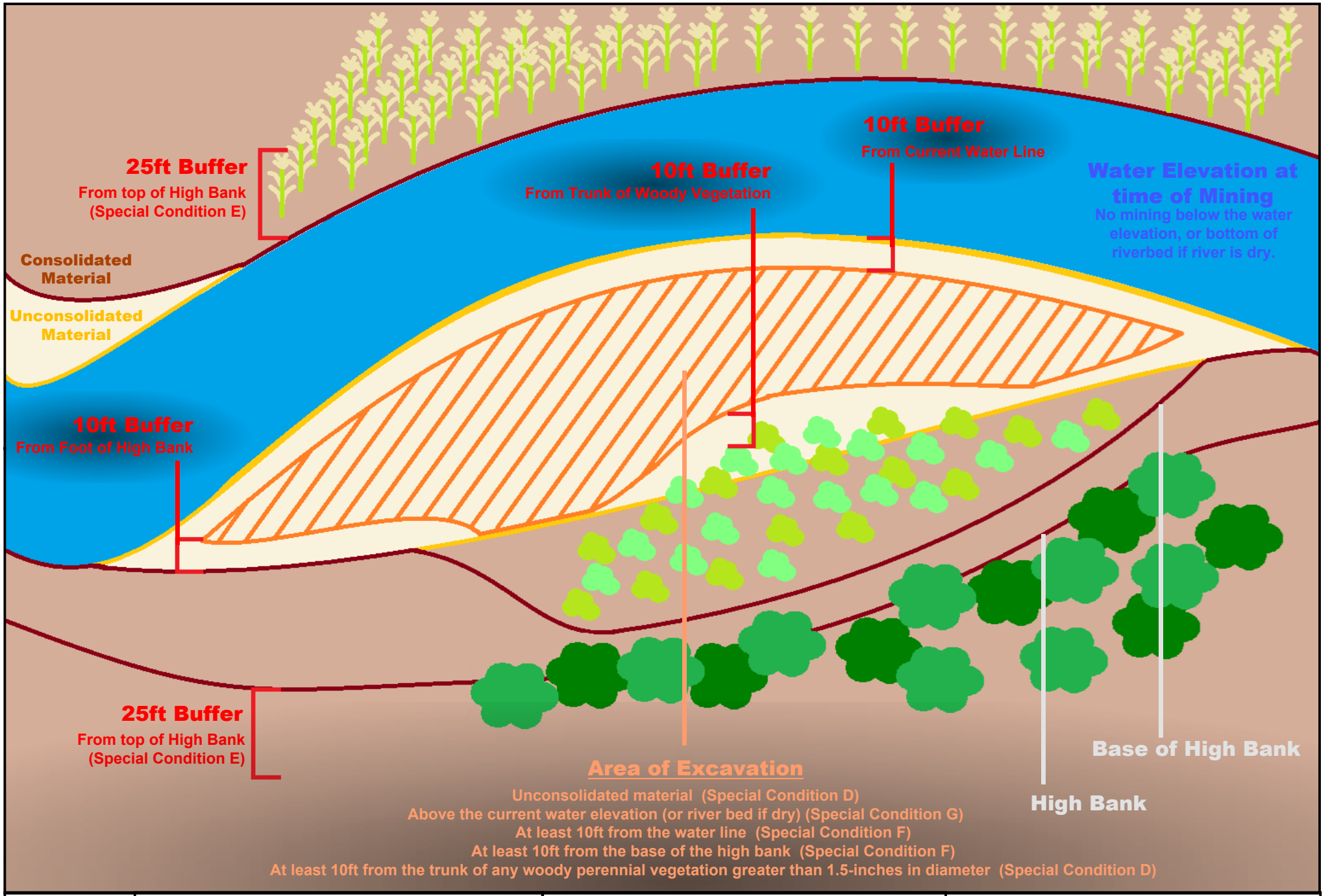
I _____ hereby certify that the work authorized by the above referenced permit has been completed in accordance with all of the permit terms and conditions, and that any required compensatory mitigation has been completed in accordance with the permit conditions.

| Name | Date | Signature |
|---|---|---|
| | | |




**Regional General Permit 34M**
**Figure 1 - Excavation Buffers**
**(Example Profile View)**

Created 15 January 2026




**Regional General Permit 34M**
**Figure 2 - Excavation Buffers**
**(Example Plan View)**

Created 15 January 2026

July 6, 2026

Colonel Andrew T. Niewohner
U.S. Army Corps of Engineers
Kansas City District
601 East 12th Street
Kansas City, MO 64106

RE: Regional General Permit 34- Various Counties

Dear Colonel Andrew T. Niewohner:

The Missouri Department of Natural Resources' Water Protection Program has reviewed your request for Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) for the reissuance of U.S. Army Corps of Engineers' (USACE) Regional General Permit Number 34 for Missouri (GP-34M) for USACE's Kansas City Regulatory District, St. Louis Regulatory District, Rock Island District, Little Rock District, and Memphis District.

General Permit 34M authorizes the discharge of dredged or fill material in association with excavation of sand and gravel in waters of the United States within the state of Missouri. This regional general permit was originally issued December 18, 1995, with renewals occurring every 5 years, most recently in August of 2021.

This WQC is being issued under Section 401 of Public Law 95-217, the CWA of 1977, and subsequent revisions. Pursuant to Section 121.7(d), this office certifies sand and gravel excavating operations utilizing GP-34M will comply with Missouri water quality requirements, provided the following conditions are met:

1. Consistent with Section 401 of the CWA, activities carried out under GP-34M shall provide maintenance of beneficial uses as established in Missouri Water Quality Standards [10 CSR 20-7.031(2)] and comply with Missouri Water Quality Standards antidegradation policy [10 CSR 20-7.031(3)], general criteria [10 CSR 20-7.031(4)], and any applicable specific criteria [10 CSR 20-7.031(5)]. In particular, activities shall be in compliance with general criteria requiring that waters shall be free from substances in sufficient amounts to cause the formation of unsightly or harmful bottom deposits [10 CSR 20-7.031(4)(A)] and/or unsightly color or turbidity [10 CSR 20-7.031(4)(C)] as well as physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(G)].

2. Programmatic WQC is denied for any GP-34M issued on a water (stream/river segment or lake) that is listed in the Section 305(b) Integrated Water Quality Report that has been most

recently approved by the EPA for: organic sediment, inorganic sediment, sedimentation/ siltation, suspended solids, lead, cadmium, zinc, metals, aquatic macroinvertebrate bioassessments, fish bioassessments, habitat assessment-streams, habitat loss, physical substrate habitat alterations, or unknown impairments [10 CSR 20-7.031(4-5)]. The Section 305(b) Integrated Water Quality Report includes both the 303(d) impaired waters list and approved Total Maximum Daily Loads.

3. This programmatic certification authorizes work under GP-34M when a variance is provided by the Corps of Engineers for conditions within the general permit.

4. Sand or gravel shall not be excavated below water elevation at the time of removal, except if the stream is dry at the time of excavation. Excavation shall not occur deeper than the lowest undisturbed elevation of the stream bottom adjacent to the site.

5. A stream's pattern, profile, and dimension, including but not limited to sinuosity, slope, and channel width, shall be maintained as much as practicable. Streambed gradient shall not be adversely impacted during project construction. No project shall accelerate bed or bank erosion.

6. Any aggregate, fines, or oversized material not reused for the bank stabilization shall be removed from the site and placed beyond the high bank on a non-wetland site.

7. Streambed materials or materials from outside of the streambed shall not be manipulated to redirect the channel or be used for the construction of crossings or haul roads below the ordinary high-water mark. The redirection of flow by excavation of the opposite bank or a streambed is considered a channel modification and is prohibited.

8. Project crossings shall be placed as close to perpendicular as possible and shall be limited to a maximum crossing length of no more than one and one-half times the width of the stream.

9. Missouri Water Quality Standards antidegradation requirements dictate all appropriate and reasonable BMPs related to erosion and sediment control, project stabilization, and prevention of water quality degradation are applied and maintained [10 CSR 20-7.031]. BMPs shall be properly installed prior to conducting authorized activities and maintained, repaired, and/or replaced as needed during all phases of the project to limit the amount of discharge of water contaminants to waters of the state. The project shall not involve more than normal stormwater or incidental loading of sediment caused by project activities so as to comply with Missouri's general water quality criteria [10 CSR 20-7.031].

10. Disturbed areas in the riparian zone shall be limited for entry and exit only. Streambank areas disturbed by the removal operation shall be revegetated or otherwise protected from erosion.

11. Care shall be taken to keep machinery out of the water as much as possible. If work in the water way is unavoidable, it shall be performed during low-flow conditions and in a way that minimizes the duration and amount of any disturbance to banks, substrate, and vegetation to prevent increases in turbidity.

12. Fuel, oil and other petroleum products, equipment, construction materials, and any solid waste shall not be stored below the ordinary high-water mark at any time or in the adjacent flood-prone areas beyond normal working hours. All precautions shall be taken to avoid the release of waste or fuel to streams and other adjacent waters as a result of this operation. [10 CSR 20-7.031(3)(A) and (B)] [10 CSR 20-7.031(4)(C) and (G)].

13. Any petroleum products and/or hazardous substances spilled into water or onto banks, or spilled products that may enter waters of the state shall be immediately cleaned up and properly disposed of. Any such spills shall be reported within 24 hours to the department's Environmental Emergency Response team at 573-634-2436, or the National Response Center at 800-424-8802. [Chapter 260.550, RSMo]; [10 CSR 20-7.031(4)(B)-(G)].

14. Water supply intakes or other activities, which may be affected by suspended solids and turbidity increases caused by work in the watercourse, shall be investigated and sufficient notice given to the owners to allow preparation for any changes in water quality. The department's Water Protection Program's Public Drinking Water Branch may be contacted by phone at 573-526-0269 for the presence of public drinking water supplies.

Land disturbance activities disturbing one or more acres of total area for the entire project will require a stormwater permit. This will ensure compliance with CWA Section 402 National Pollutant Discharge Elimination System Permit requirements under Missouri Clean Water Law [Chapter 644.026.1, RSMo]. Questions regarding permit requirements may be directed to the department's Water Protection Program Operating Permits Section phone at 573-522-24502.

Acquisition of a WQC should not be construed or interpreted to imply the requirements for other permits are replaced or superseded, including CWA Section 402 National Pollutant Discharge Elimination System Permits required under Missouri Clean Water Law [Chapter 644.026.1, RSMo]. Permits or any other requirements should remain in effect. Questions regarding permit requirements may be directed to the department's Operating Permits Section at 573-522-4502, Northeast Regional Office at 660-385-8000, Kansas City Regional Office at 816-251-0700, St. Louis Regional Office at 314-416-2960, Southwest Regional Office at 417-891-4300, or Southeast Regional Office at 573-840-9750.

If you were adversely affected by this decision, you may be entitled to an appeal before the Administrative Hearing Commission (AHC) pursuant to Section 621.250, RSMo. To appeal, you must file a petition with the AHC within 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 AHC. Contact information for the AHC is: Administrative Hearing Commission, United States

Post Office Building, Third Floor, 131 West High Street, P.O. Box 1557, Jefferson City, MO 65102; phone: 573-751-2422; fax: 573-751-5018; and website: https://ahc.mo.gov.
This WQC is part of the USACE's permit. Water Quality Standards must be met during any operations authorized. If you have any questions, please contact Cody Kimbell by mail at Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176; phone at 573-522-45020; and email at 401@dnr.mo.gov. Thank you for working with the department to protect our aquatic resources.

Sincerely,

WATER PROTECTION PROGRAM

Heather Peters
Director

HP: ckj

Enclosure

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