



US Army Corps
of Engineers®

PUBLIC NOTICE

**Kansas City District
Permit Application
No. NWK-2005-01869
Reissuance of
General Permit 34M
(GP-34M)**

Published: April 8, 2024
Expires: April 29, 2026

JOINT PUBLIC NOTICE: This public notice is issued jointly with the Missouri Department of Natural Resources, Water Protection Program. The Department of Natural Resources 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 Missouri Department of Natural Resources by email at 401@dnr.mo.gov or by mail at P.O. Box 176, Jefferson City, Missouri 65102.

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), Kansas City District, on behalf of all five USACE Districts within the State of Missouri, proposes to renew GP-34M for another 5-year period. The purpose of this public notice is to solicit comments from the public and information necessary to evaluate the probable impact on the public interest regarding the proposed renewal.

APPLICANT: General public, government agencies

LOCATION OF PROPOSED ACTIVITY: 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).

PROPOSED ACTIVITY: In accordance with Title 33 CFR 325.2 and 325.7(e), as published in the November 13, 1986, Federal Register, the U.S. Army Corps of Engineers, Kansas City District proposes to reissue a Regional General Permit (RGP), GP-34M, which would authorize sand and gravel excavation activities. The RGP would be reissued for another 5-year period.

The GP-34M authorizes the discharge of dredged and/or fill material related to mechanical sand and gravel excavation as described in Appendix I of the attached permit document. 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 subject to the general and special conditions of GP-34M, and the criteria in Appendix I and Appendix II.

From August 2021 to March 2026, there have been 52 verifications issued statewide with 26 verifications issued by the Kansas City District under the provisions of this RGP. The currently approved GP-34M is scheduled to expire on August 16, 2026.

MITIGATION: Projects authorized by GP-34M are evaluated to ensure that impacts to the aquatic environment have been avoided and minimized to the maximum extent practicable while meeting the outlined special conditions of the permit.

HISTORIC PROPERTIES/CULTURAL RESOURCES: Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), requires Federal agencies to consult with the appropriate State and/or Tribal Historic Preservation Officers to take into account the effects of actions they undertake or permit on historic properties listed in or eligible for listing in the National Register of Historic Places.

The USACE will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. 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 Part 325, Appendix C and applicable guidance.

The USACE's final eligibility and effect determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes, and other interested parties, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the USACE-identified permit area.

ENDANGERED SPECIES: Section 7 of the Endangered Species Act (ESA) (16 U.S.C. § 1536) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or that may adversely modify designated critical habitat (or critical habitat proposed such designation).

Projects eligible for authorization under this RGP may be located within the known range of Federally listed, threatened or endangered species. All Projects located within the known range of any Federally listed species will require consultation with the U.S. Fish and Wildlife Service, pursuant Section 7 of the Endangered Species Act (ESA), to determine the potential effects on a particular species or critical habitat. The USACE will comply with the ESA.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

NAVIGATION: Projects authorized by GP-34M are evaluated on a case-by-case basis to ensure all impacts to navigation have been avoided and minimized to the maximum extent practicable while meeting the outlined special conditions of the permit. As per the conditions of GP-34M, sand and gravel excavation activities are prohibited in the

Missouri and Mississippi Rivers, as well as in 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).

SECTION 408: Section 408 authorization is required for work to alter a USACE civil works project. An alteration 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. Projects authorized by GP-34M will be evaluated on a case-by-case basis in accordance with Engineer Circular 1165-2-220.

WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Water Certification Improvement Rule (Certification Rule, 40 CFR 121), effective November 27, 2023, requires certification for any license or permit that authorizes an activity that may result in a discharge. The Kansas City District, as the project proponent for this RGP renewal, is responsible for requesting certification and providing the required information to the certifying agencies. The Kansas City District has determined that the appropriate certifying agencies for this RGP renewal are the U.S. Environmental Protection Agency and the Missouri Department of Natural Resources. Adhering to the guidance provided in the preamble to the Water Certification Improvement Rule and requirements of 40 CFR 121.5(a)(2), the Kansas City District will request certification after publication of the draft Federal permit. The requests for certification will be in accordance with 40 CFR 121.5 and 121.

EVALUATION: The decision to reissue this RGP will be based on an evaluation of the probable impact including 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 cumulative impacts thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, 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, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The USACE is soliciting comments from the public; Federal, State, and local agencies and officials; Tribal Nations; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will

be considered by the USACE to determine whether to issue, modify, condition, or deny this RGP. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the 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. Please note that all comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this reissuance. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Kansas City District will receive written comments on the reissuance of GP-34M, as outlined above, until April 29, 2026. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Regulatory.MissouriState@usace.army.mil. Please refer to the permit application number in your comments. Additional information may be obtained by contacting Ryan King, 573-465-3441, or by email at Regulatory.MissouriState@usace.army.mil.



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 impacts 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 I. 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, Water Protection Program, 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 Missouri Department of Natural Resources' 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 Missouri Department of Natural Resources has certified that this permit will not violate existing state water quality requirements provided you adhere to the certification standards included in the attached Missouri 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. 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 from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf 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, or inaccurate (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.

(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 3 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 3 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 at the time of excavation. An undisturbed buffer of ten (10) feet or a variance for adequate width 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 unless approved by the USACE and subject to review by federal and state agencies. If the stream is dry at the time, you must not excavate deeper than the lowest undisturbed streambed elevation of the regular flow path adjacent to the gravel bar excavation site within the channel at the time of removal. 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, paragraph No. 1 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 the requirements 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 conditions will be reviewed on a case-by-case basis. The decision to issue the GP with a variance 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. 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). 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 attached diagrams for visual examples of the plan view 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 the USACE 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:	<u>[Permit Number]</u>
Permit Type:	<u>Regional General Permit</u>
General Permit Number and Name (if applicable):	<u>GP-34M Sand and Gravel Excavation Activities (Missouri River)</u>
Name of Permittee:	<u>[Applicant]</u>
Project Name:	<u>[Project Name]</u>
Project Location (physical address):	<u>Within [Receiving Waters], located in Section [##], Township [##],</u> <u>Range [##], [County], [ST].</u>

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
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