

US Army Corps  
of Engineers  
Memphis District

# Public Notice

**FILE NUMBER: MVM 2022-054**

NOTICE DATE:  
**December 20, 2023**

Attn: Postmaster,  
Please Post Until

EXPIRATION DATE:  
**January 18, 2024**



**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 [wpsc401cert@dnr.mo.gov](mailto:wpsc401cert@dnr.mo.gov) or by mail at P.O. Box 176, Jefferson City, Missouri 65102.

This public notice is issued jointly with the Arkansas Department of Energy and Environment, Division of Environmental Quality. The Division of Environmental Quality 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 Division of Environmental Quality by email at [jim.wise@adeq.state.ar.us](mailto:jim.wise@adeq.state.ar.us) or by mail at 5301 Northshore Drive, North Little Rock, Arkansas, 72118-5317, ATTN: Office of Water Quality.

**AUTHORITY:** Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The authority to grant permission for temporary or permanent alterations of any U.S. Army of Corps of Engineers federally authorized civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899 and codified in 33 USC 408.

**APPLICANT:**

Jason Branstetter  
Capital Sand Company, Inc.  
P.O. Box 104990  
Jefferson City, MO 65110

**AGENT:**

Sarah Lewis  
Lord and Winter, LLC  
231 Public Sq, Suite 300, PMB 44  
Franklin, TN 37064

**LOCATION:** The project sites are located along approximately 75 miles of the Mississippi River. The approximate 75 miles of Mississippi River consists of three (3) separate segments (Mississippi River Miles 715.25-753, 762-774, and 829-854) located in Missouri, Tennessee, and Arkansas (Figures 1A-1L; Figures 3A-J).

**PURPOSE:** The purpose of the proposed project is to dredge aggregate, primarily sand and gravel (<3"), that meets specifications for use in highway, commercial, industrial, and residential construction projects.

**DESCRIPTION OF WORK:** The applicant proposes to dredge up to approximately 2,307,700 cubic yards of sand/gravel annually. Dredging, sorting, and recovery would be performed with a mobile, floating, hydraulic cutterhead suction dredge plant with onboard screening and processing equipment. Water and dredged materials would be passed through onboard screens allowing the desired material to be loaded into barges and undesired material and water to be discharged backed into the Mississippi River at the dredging location. Filled barges would be transported to existing facilities for unloading; at this time there are no plans to construct new loading facilities. It is anticipated that approximately 20 percent of total dredged material may be returned to the river. The typical "dredge hole" is anticipated to average a depth of 25-30 feet below the bed surface and an average area of 300 feet by 400 feet. Although river depths fluctuate, dredging would occur in a minimum of 8 feet of water depth.

**AVOIDANCE/MINIMIZATION:** Dredging is being proposed bank to bank minus the buffers the applicant has proposed below.

<b>Feature</b>	<b>Proposed Buffer</b>
Dikes	300 ft
Revetted Banks	500 ft
Normal Bank Line or Island	100 ft
Levee Centerlines	500 ft
Bridges	500 ft
Submerged Utilities/Pipelines	500 ft
Tributary Inlets	500 ft
Secondary Channels	500 ft
Municipal Drinking Water Intake Structures	4,000 ft upstream and 500 ft downstream unless an exemption is obtained from USACE
Municipal Drinking Water Horizontal Collector Wells	1,000 ft upstream and 1,000 ft downstream unless an exemption is obtained from USACE

**MITIGATION:** The applicant did not propose compensatory mitigation for the activity.

**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 scope for CWA Section 401 certification by the certifying authority shall evaluate whether the activity will comply with applicable water quality requirements. The certifying authority's evaluation is limited to the water quality-related impacts from the activity subject to the federal license or permit, including the activity's construction and operation. The applicant is solely responsible for requesting certification and providing required information to the certifying agency. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

In addition to the States for which this is a Joint Public Notice, the applicant has initiated a request for an Aquatic Resource Alteration Permit and Section 401 Water Quality Certification with the Tennessee Department of Environment and Conservation.

**ENDANGERED SPECIES:** This application is being coordinated with the U.S. Fish and Wildlife Service (USFWS). Any comments USFWS may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

**CULTURAL RESOURCES:** In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, the Memphis District will identify and evaluate potential effects of the proposed action on historic properties through consultation with federal, state, and local agencies, federally-recognized Indian Tribes, the public, and other interested parties.

**FLOODPLAIN:** In accordance with 44 CFR Part 60 (Floodplain Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. Floodplain administrators should review the proposed public notice and notify this office of any floodplain development permit requirements.

**PUBLIC INTEREST REVIEW:** The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the 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 project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic 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.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; federally recognized 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 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.

**ENVIRONMENTAL JUSTICE:** In accordance with E.O. 12898, E.O. 14008, and E.O. 14096, the Corps of Engineers will specifically consider the effects of the proposed action on communities with environmental justice concerns, including economically disadvantaged communities, communities of color, and other socioeconomic groups that could be disproportionately affected by environmental and other effects. As part of our environmental justice review, the Corps of Engineers seeks additional information from the public, community leaders, local officials and others regarding issues of environmental justice as related to the proposed action.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision. If a public hearing is held, it will be for the purpose of obtaining additional information that we could not otherwise obtain through a public notice process; not to inform the public about the specific details of the project in greater detail than what is found in this notice. This is not a Corps of Engineers project. We are not a proponent nor are we an opponent of the project. We are merely the permitting authority of Section 404 and Section 10 permits required by our office.

**COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** Send comments to the Corps of Engineers, Memphis District. Comments must be received by the expiration date listed on page one of this notice and may be sent via mail or e-mail to the following:

U.S. Army Corps of Engineers – Memphis District  
ATTN: Josh Bright  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
e-mail: [joshua.k.bright@usace.army.mil](mailto:joshua.k.bright@usace.army.mil)  
phone: (901) 828-0359

For Final Individual Permits actions in the Memphis District, go to the following link: <http://permits.ops.usace.army.mil/orm-public>. Using the Filter by District drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending individual permits can be located by selecting the “**Pending IP**” tab above. All of the environmental documents and statements of findings supporting issuance or denial of the permit decisions are available upon written request and where applicable, upon the payment of administrative fees. They are also available at the Memphis District, Regulatory Division office for examination.

Gregg W. Williams  
Chief  
Regulatory Division

Attachments

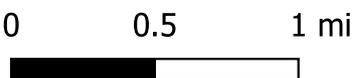
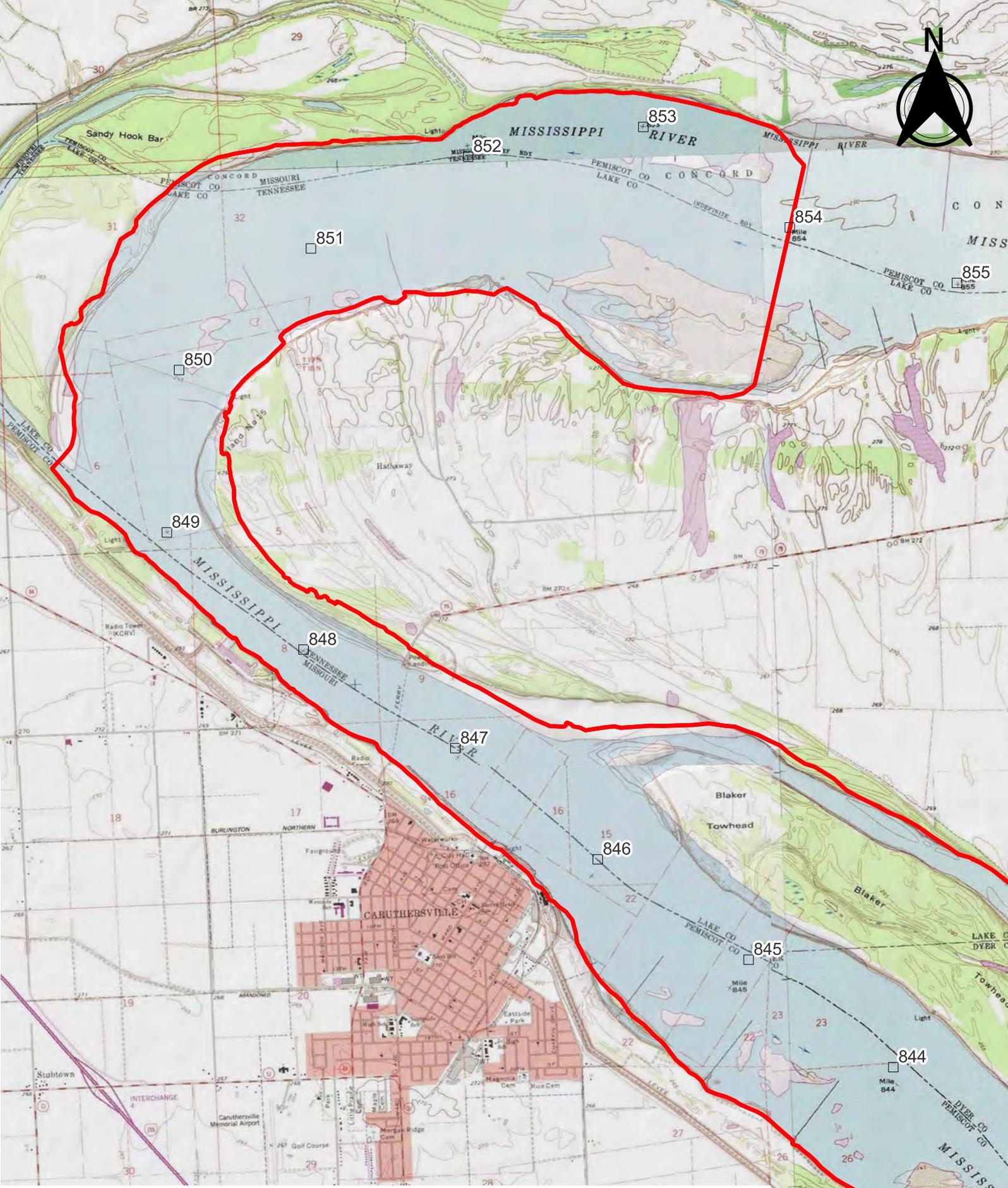


Figure 1a  
Project Area vs. Topographic Map  
River Mile 844-854

**Legend**  
 Study Area

Lower Mississippi Commercial Dredging  
 Capital Sand Company  
 States of Tennessee, Arkansas, & Missouri

October 2023



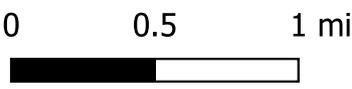
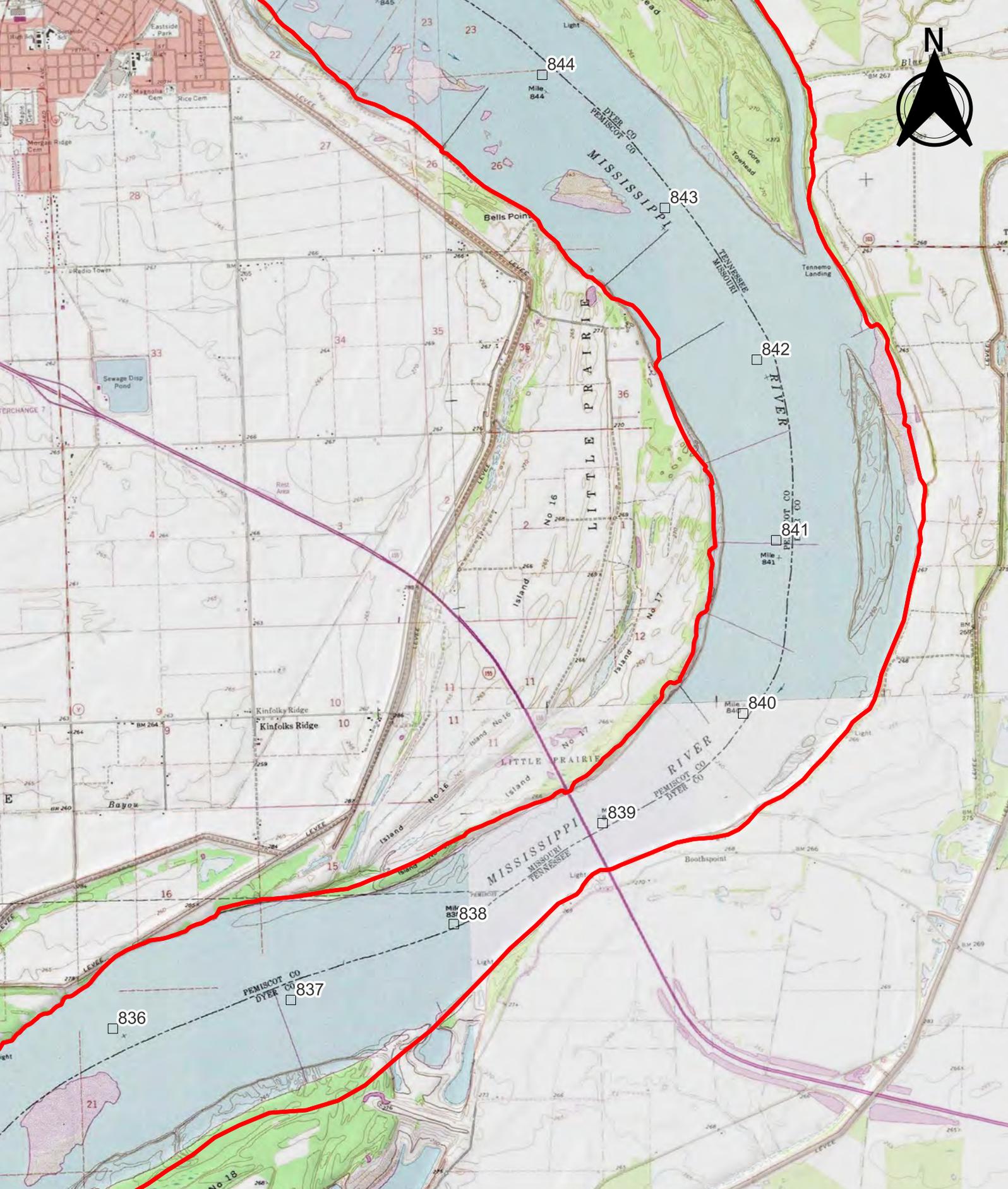


Figure 1b  
Project Area vs. Topographic Map  
River Mile 836-844

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

**Legend**  
 Study Area



October 2023

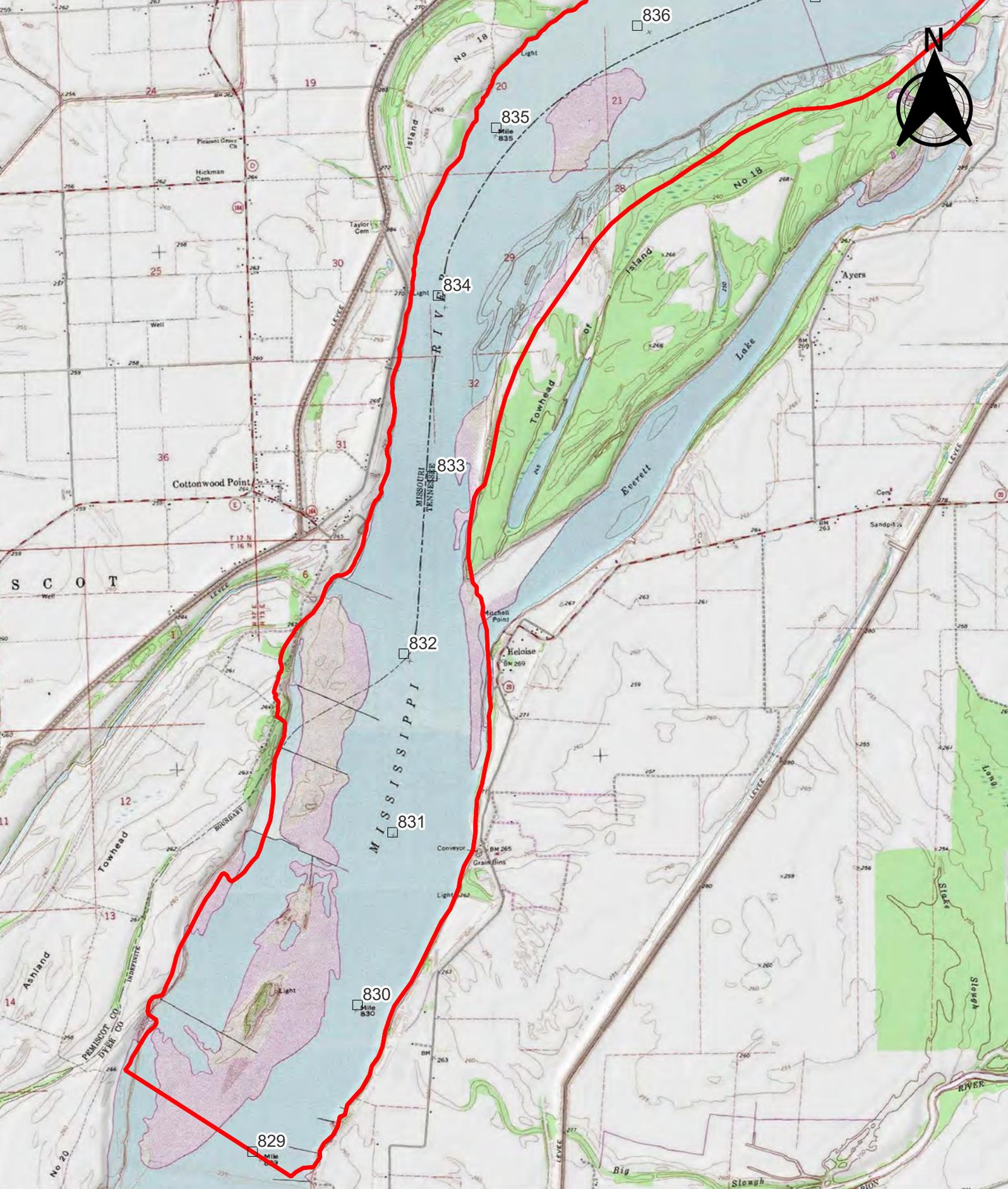


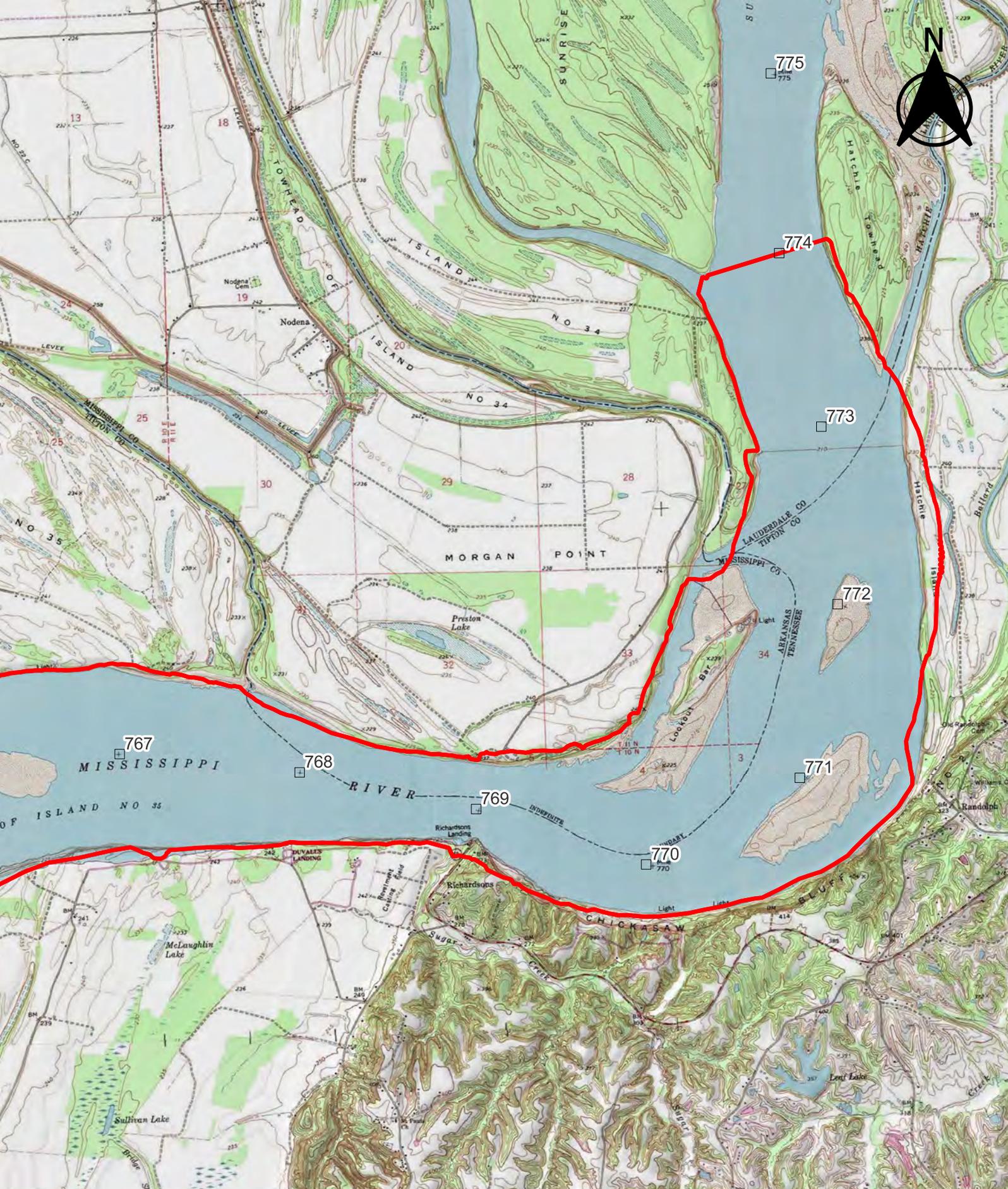
Figure 1c  
Project Area vs. Topographic Map  
River Mile 829-836

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

**Legend**  
 Study Area



October 2023



0 0.5 1 mi



Figure 1d  
Project Area vs. Topographic Map  
River Mile 767-774

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

Legend

 Study Area



October 2023

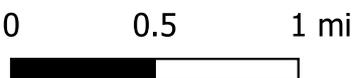
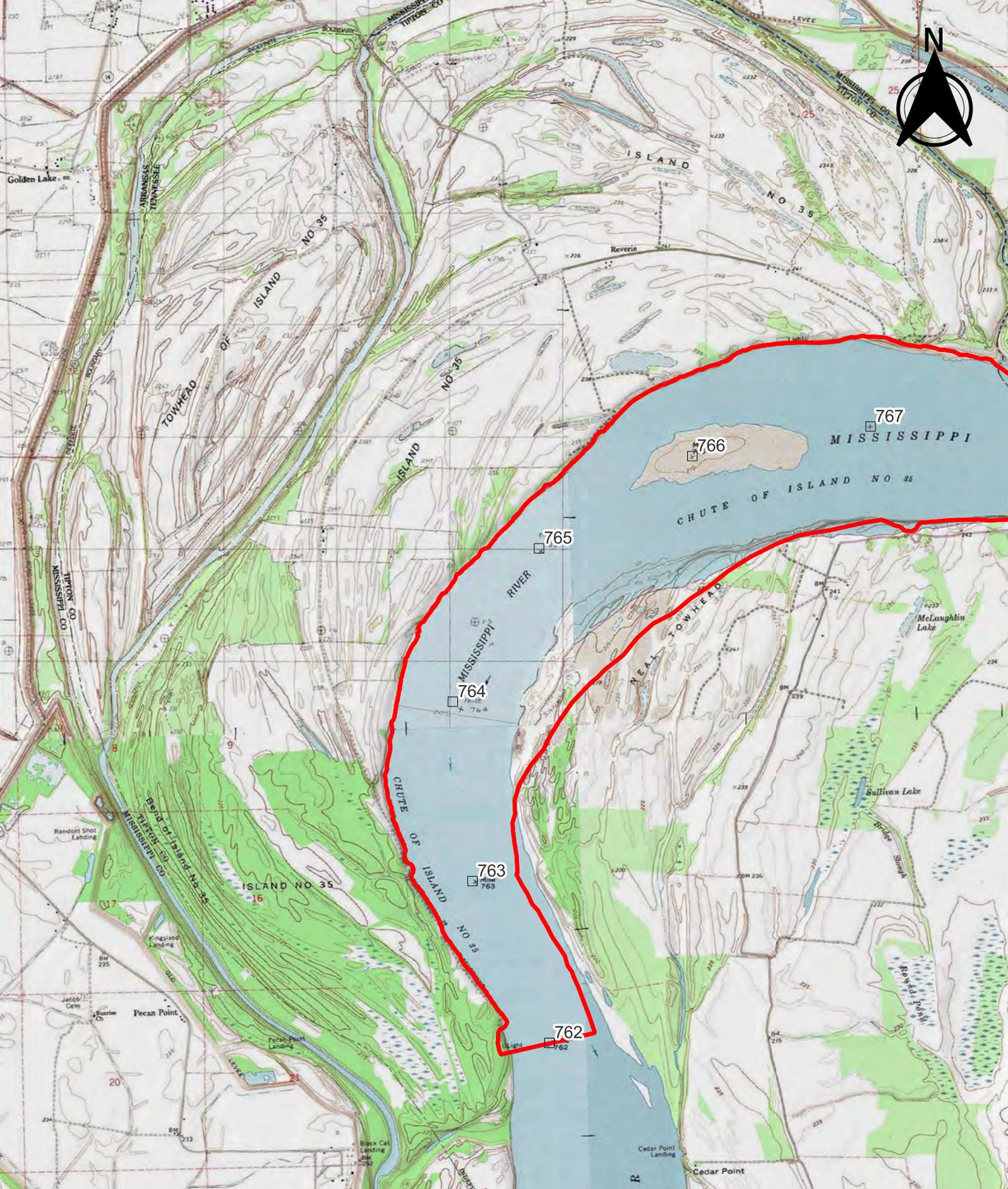


Figure 1e  
Project Area vs. Topographic Map  
River Mile 762-767

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

**Legend**  
 Study Area



October 2023

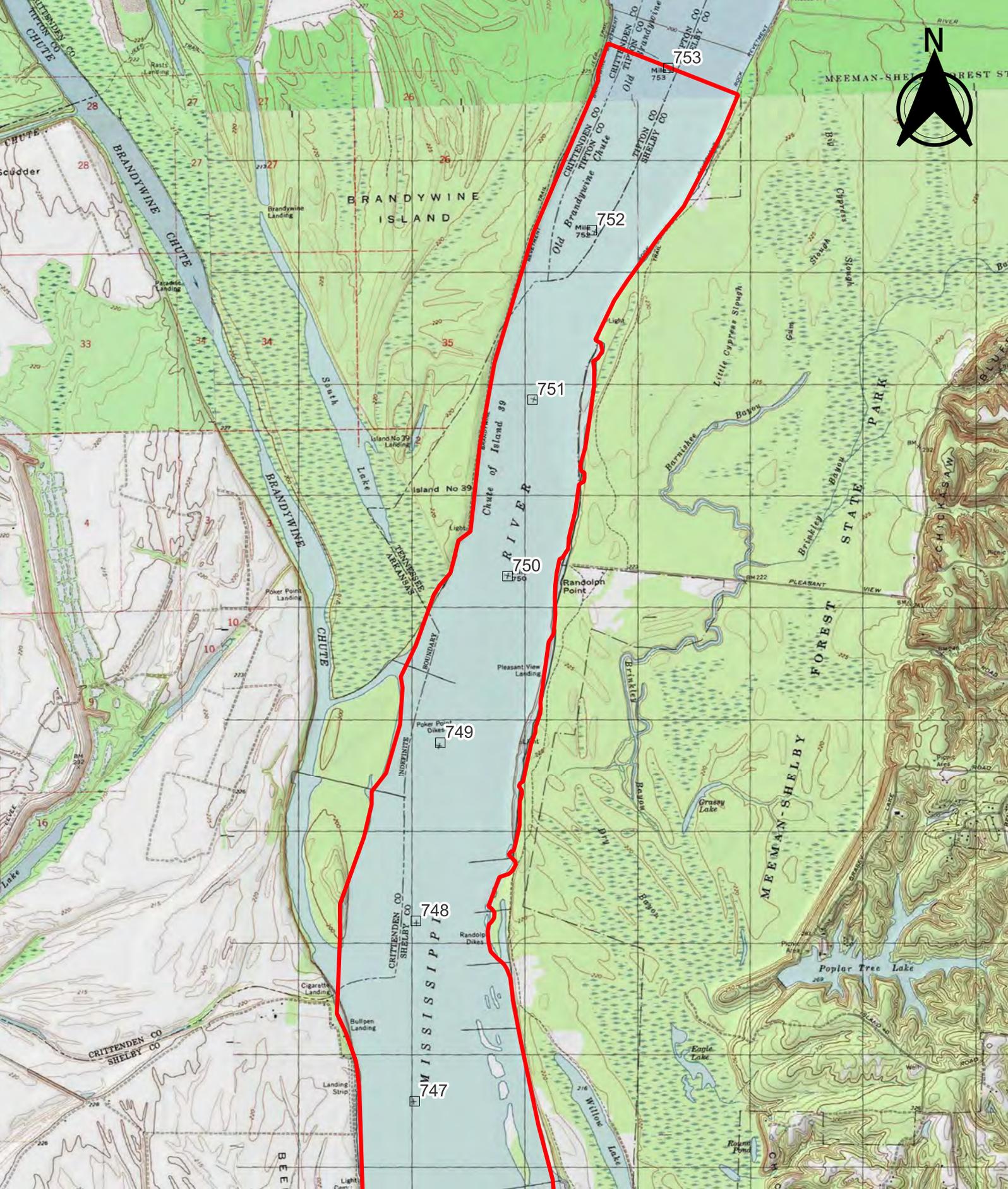


Figure 1f  
Project Area vs. Topographic Map  
River Mile 747-753

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

**Legend**  
 Study Area



October 2023

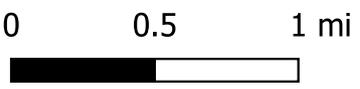
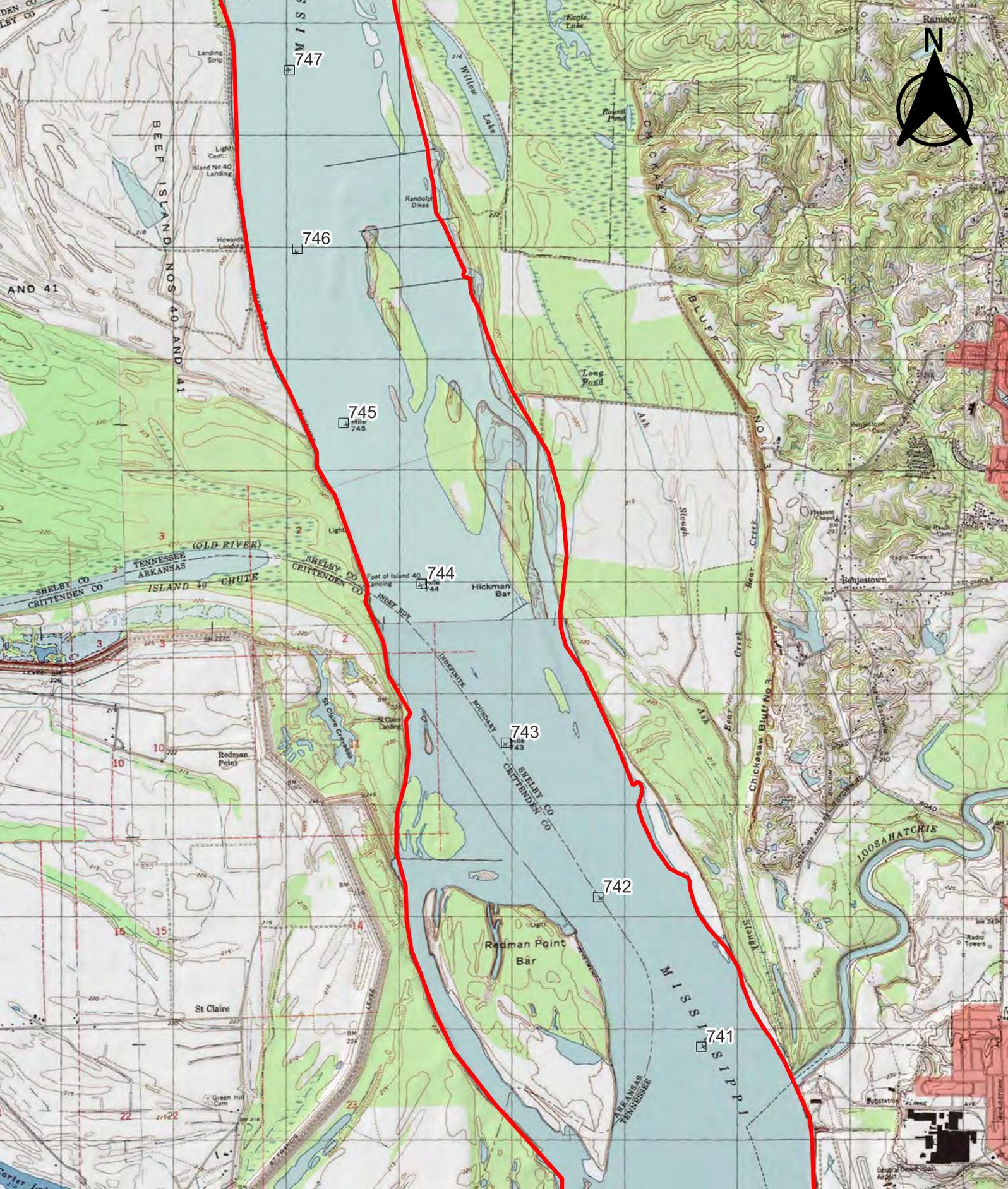


Figure 1g  
Project Area vs. Topographic Map  
River Mile 741-747

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

Legend

 Study Area



October 2023

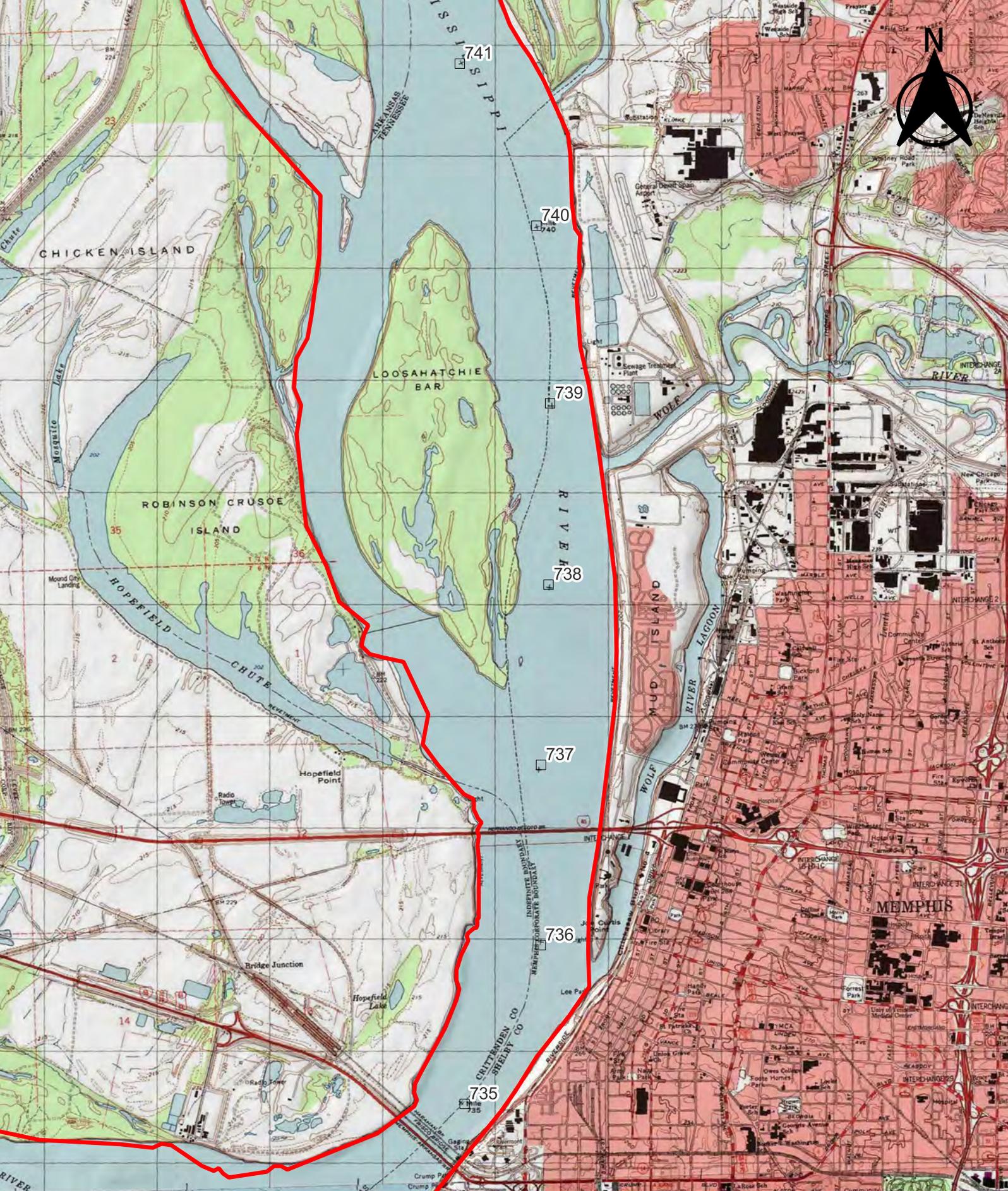


Figure 1h  
Project Area vs. Topographic Map  
River Mile 738-741

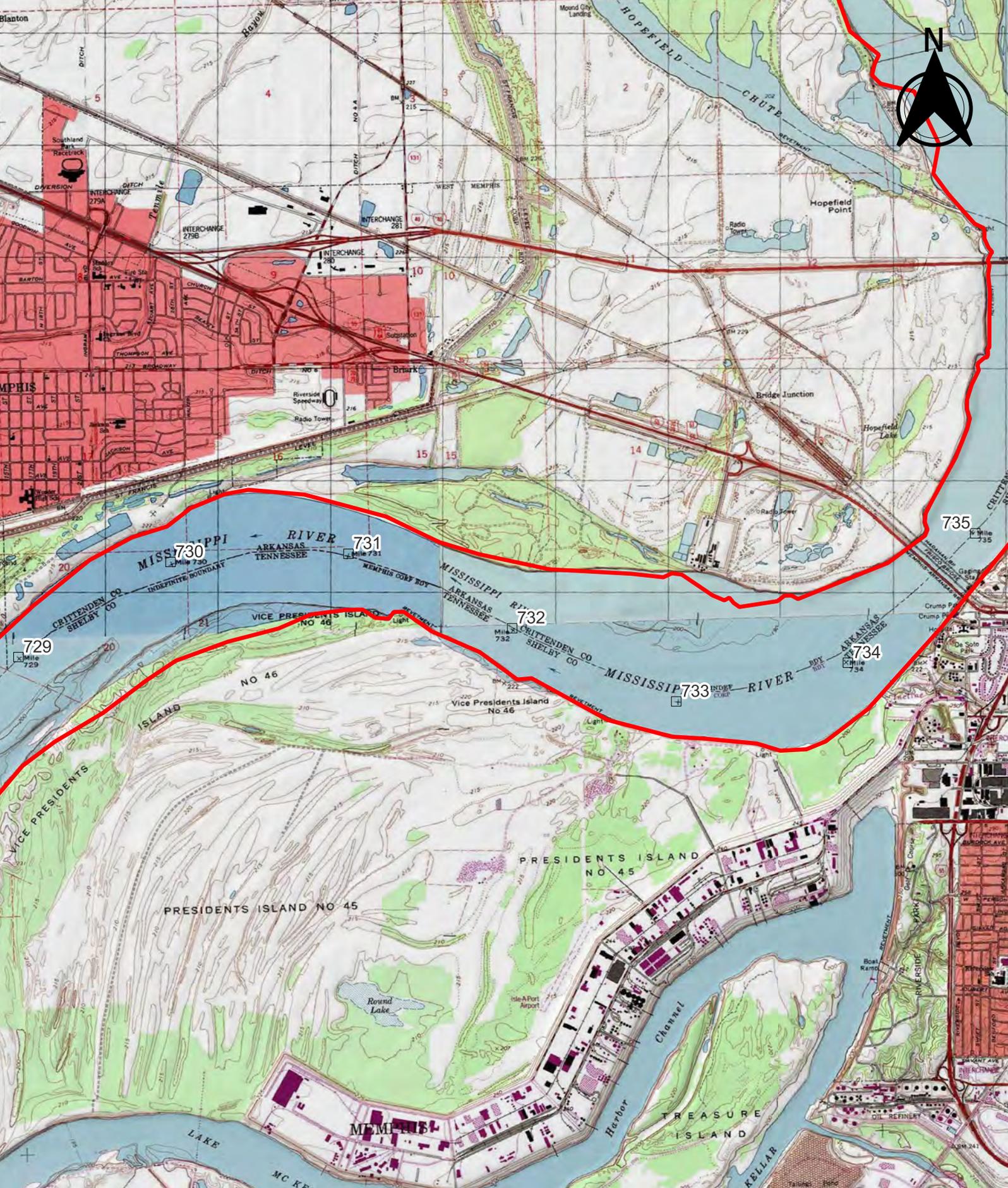
Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

Legend

 Study Area



October 2023



0 0.5 1 mi



Figure 1i  
Project Area vs. Topographic Map  
River Mile 729-735

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

Legend

 Study Area



October 2023

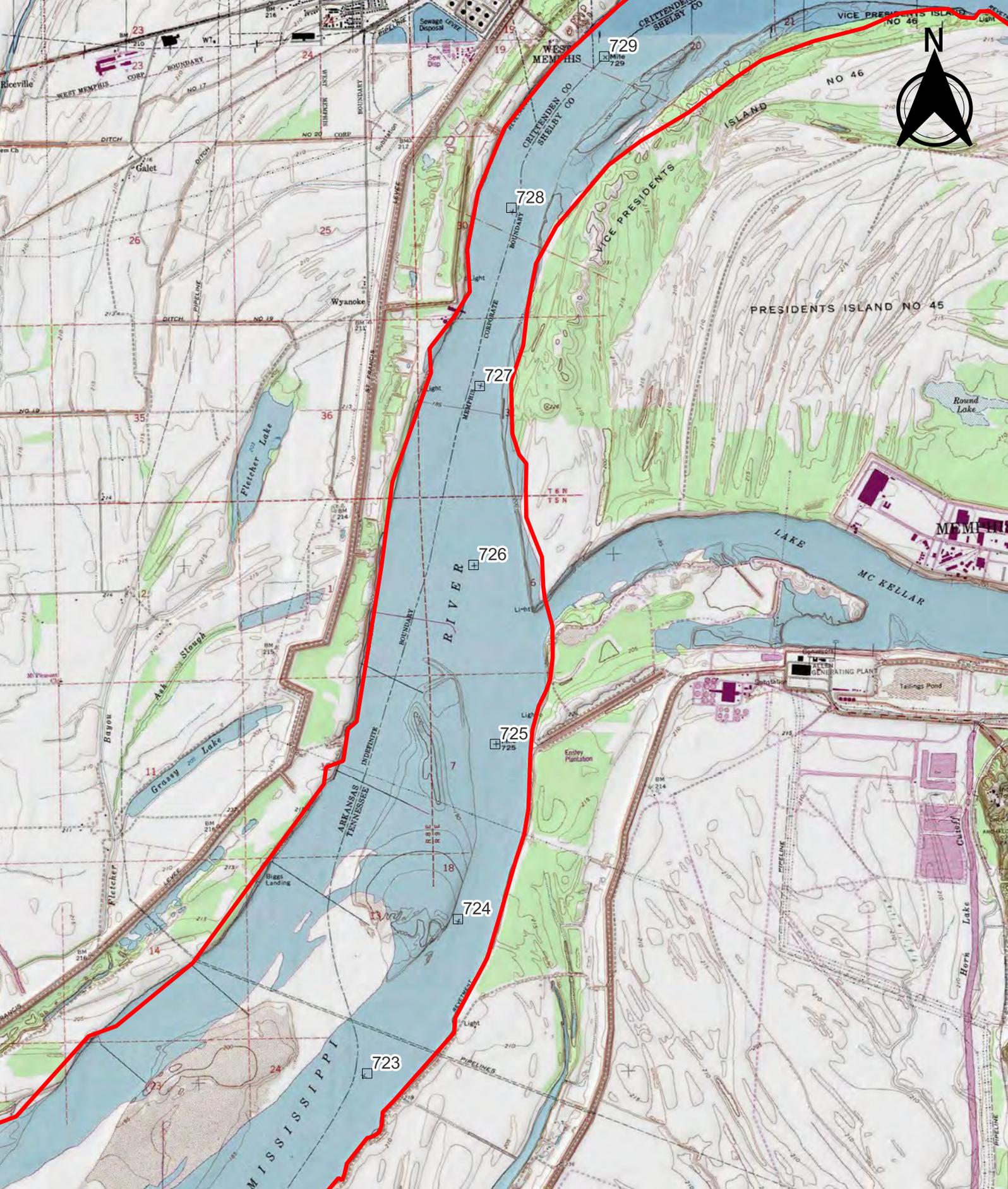


Figure 1j  
Project Area vs. Topographic Map  
River Mile 723-729

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

**Legend**  
 Study Area



October 2023



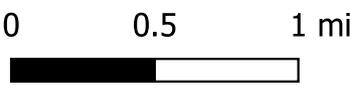
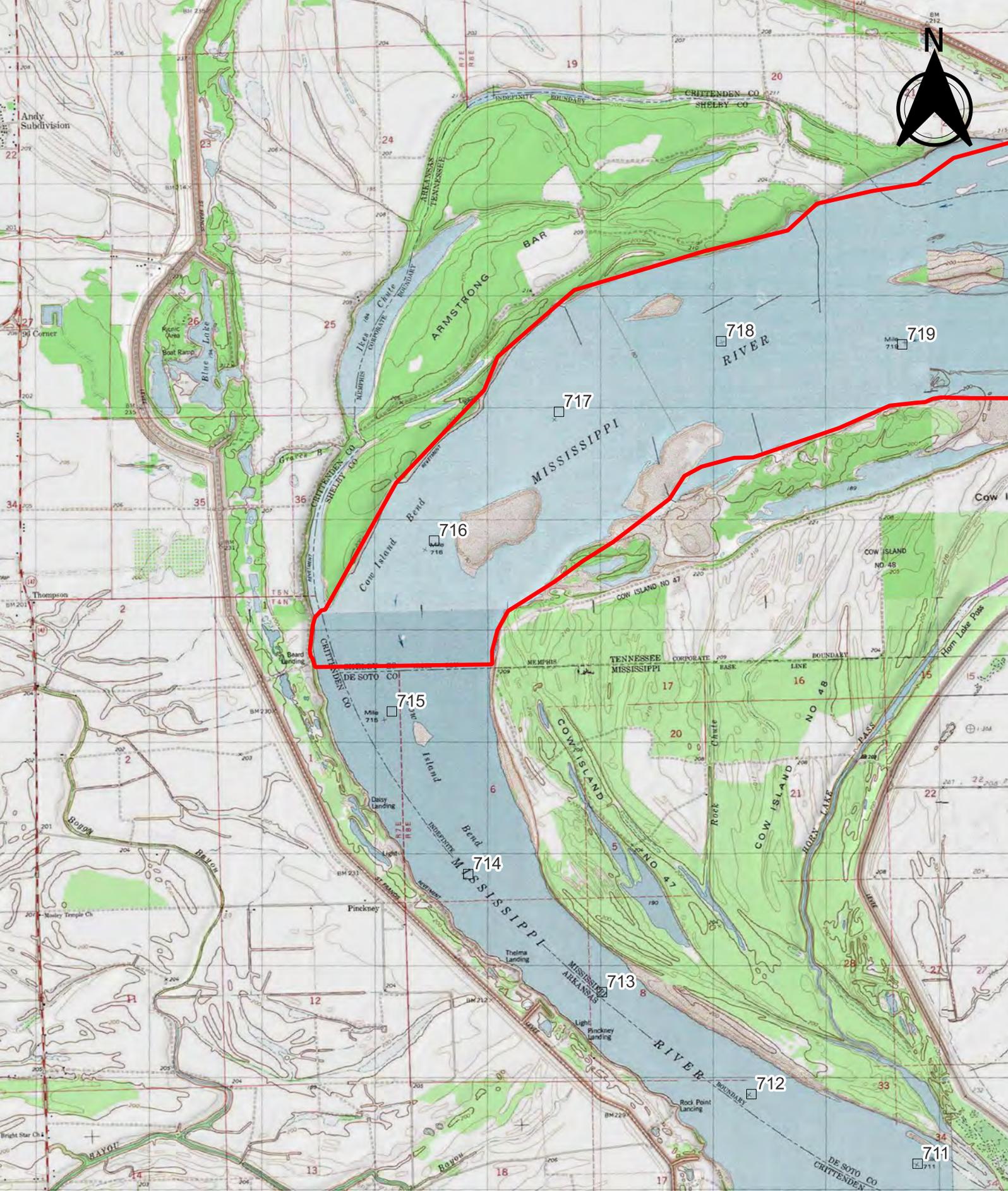


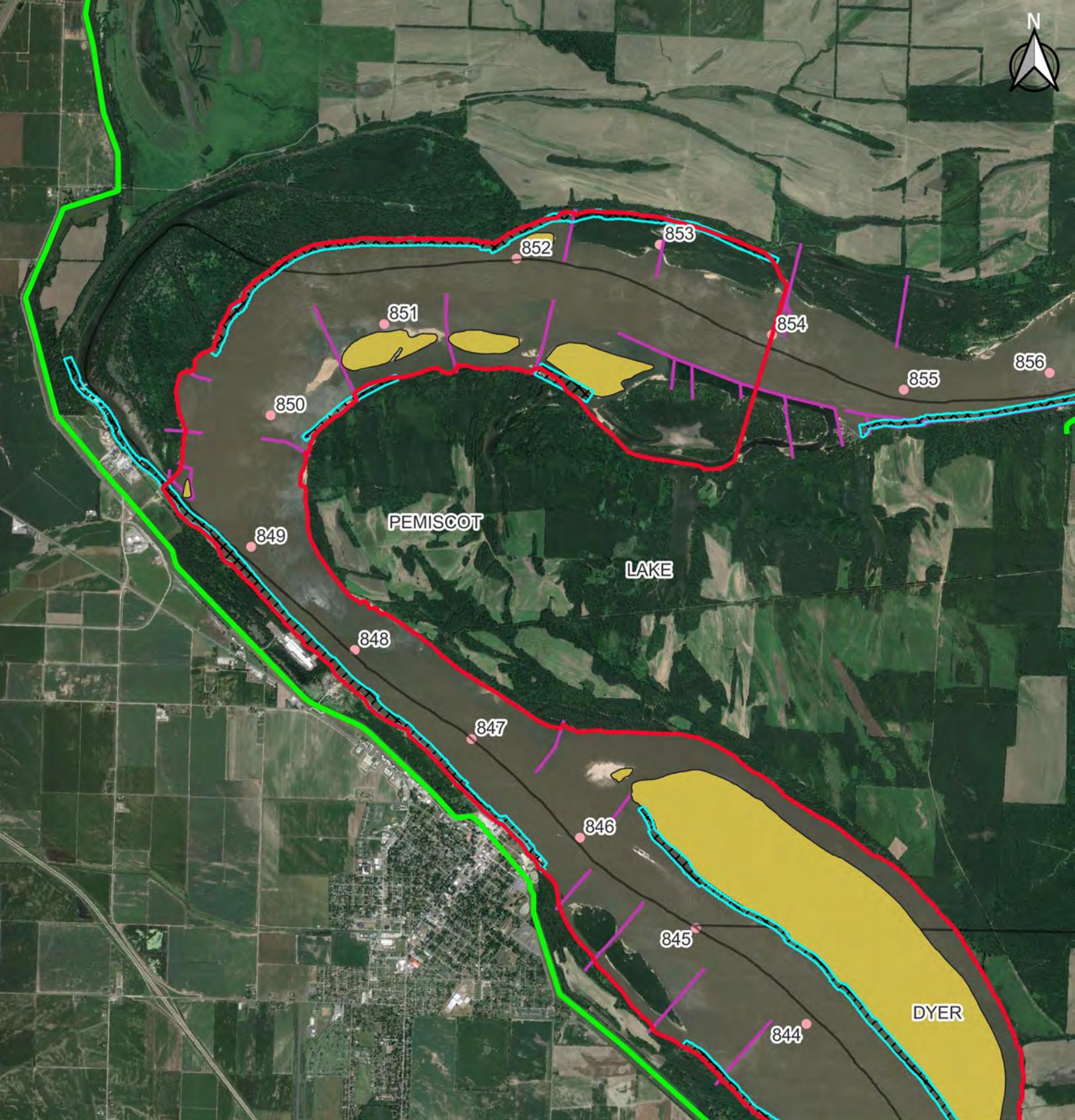
Figure 11  
 Project Area vs. Topographic Map  
 River Mile 715.25-719

Lower Mississippi Commercial Dredging  
 Capital Sand Company  
 States of Tennessee, Arkansas, & Missouri

**Legend**  
 Study Area



October 2023



0 0.5 1 mi



Figure 3a  
Existing Features  
River Mile 844-854

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

October 2023

### Legend

- |             |            |       |                |
|-------------|------------|-------|----------------|
| River_Miles |            | Pipes |                |
|             | Study Area |       | Revetted Banks |
|             | Islands    |       | Levees         |
|             | Dikes      |       | Tributaries    |
|             | Bridges    |       |                |

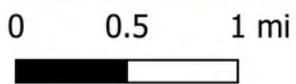
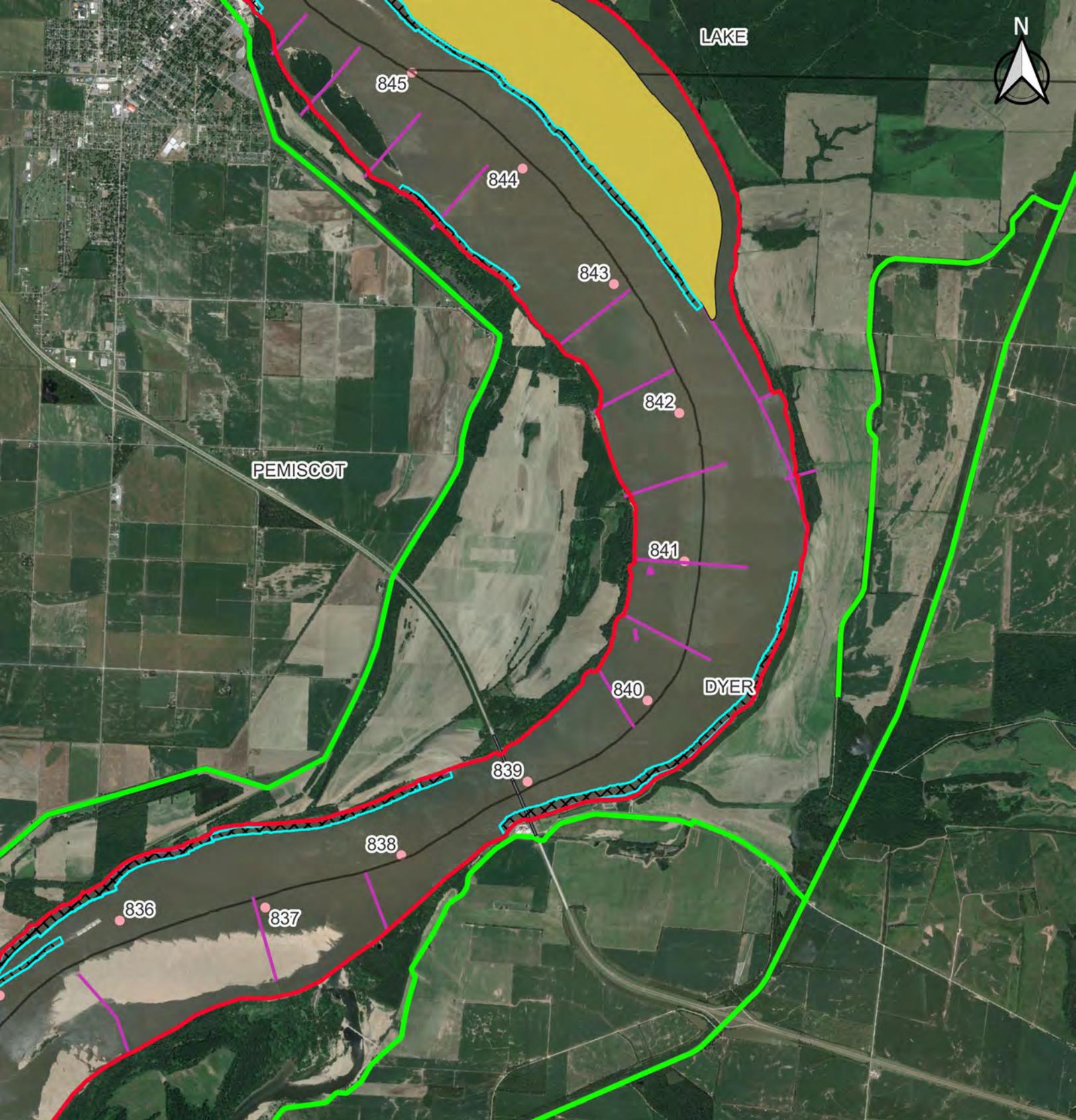


Figure 3b  
Existing Features  
River Mile 836-844

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

October 2023

### Legend

- |             |            |       |                |
|-------------|------------|-------|----------------|
| River_Miles |            | Pipes |                |
|             | Study Area |       | Revetted Banks |
|             | Islands    |       | Levees         |
|             | Dikes      |       | Tributaries    |
|             | Bridges    |       |                |

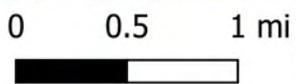
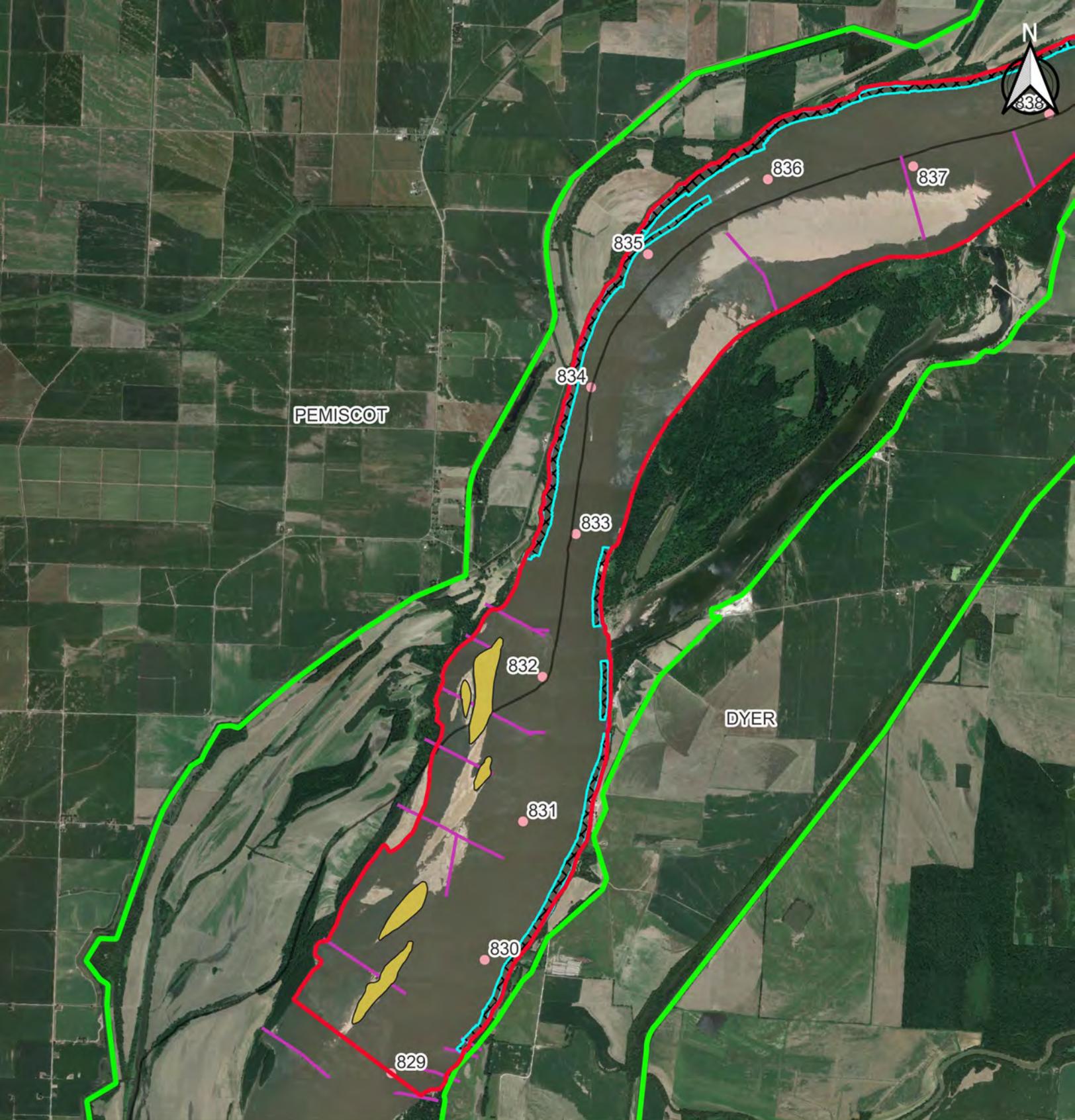


Figure 3c  
Existing Features  
River Mile 829-836  
Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

October 2023

### Legend

- |             |            |       |                |
|-------------|------------|-------|----------------|
| River_Miles |            | Pipes |                |
|             | Study Area |       | Revetted Banks |
|             | Islands    |       | Levees         |
|             | Dikes      |       | Tributaries    |
|             | Bridges    |       |                |

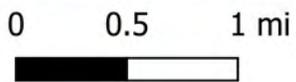
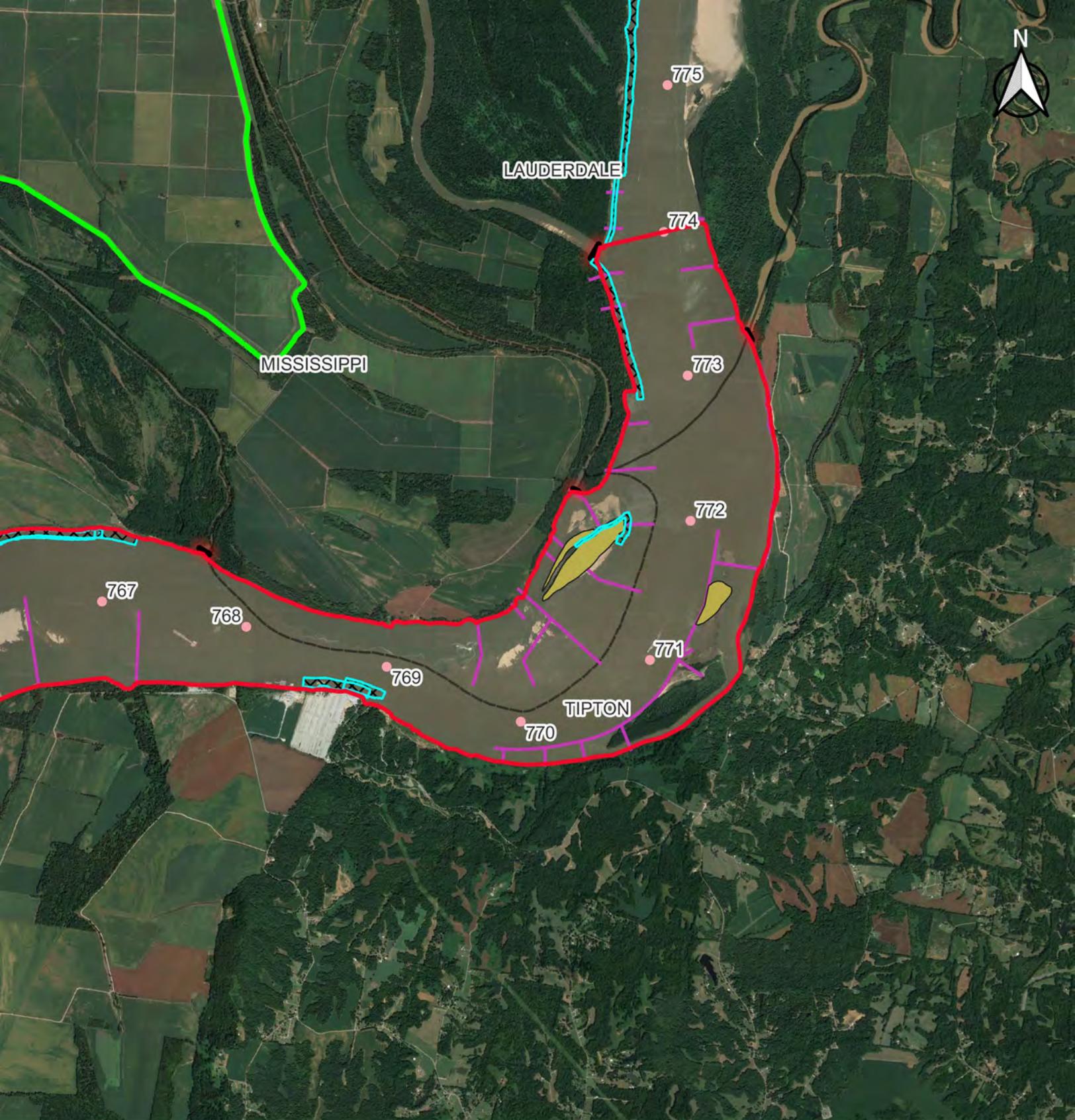


Figure 3d  
Existing Features  
River Mile 767-774

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

October 2023

### Legend

- |  |  |
|--|--|
| River_Miles  |  Pipes          |
|  Study Area |  Revetted Banks |
|  Islands    |  Levees         |
|  Dikes      |  Tributaries    |
|  Bridges    |  |

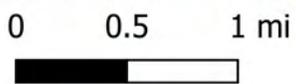
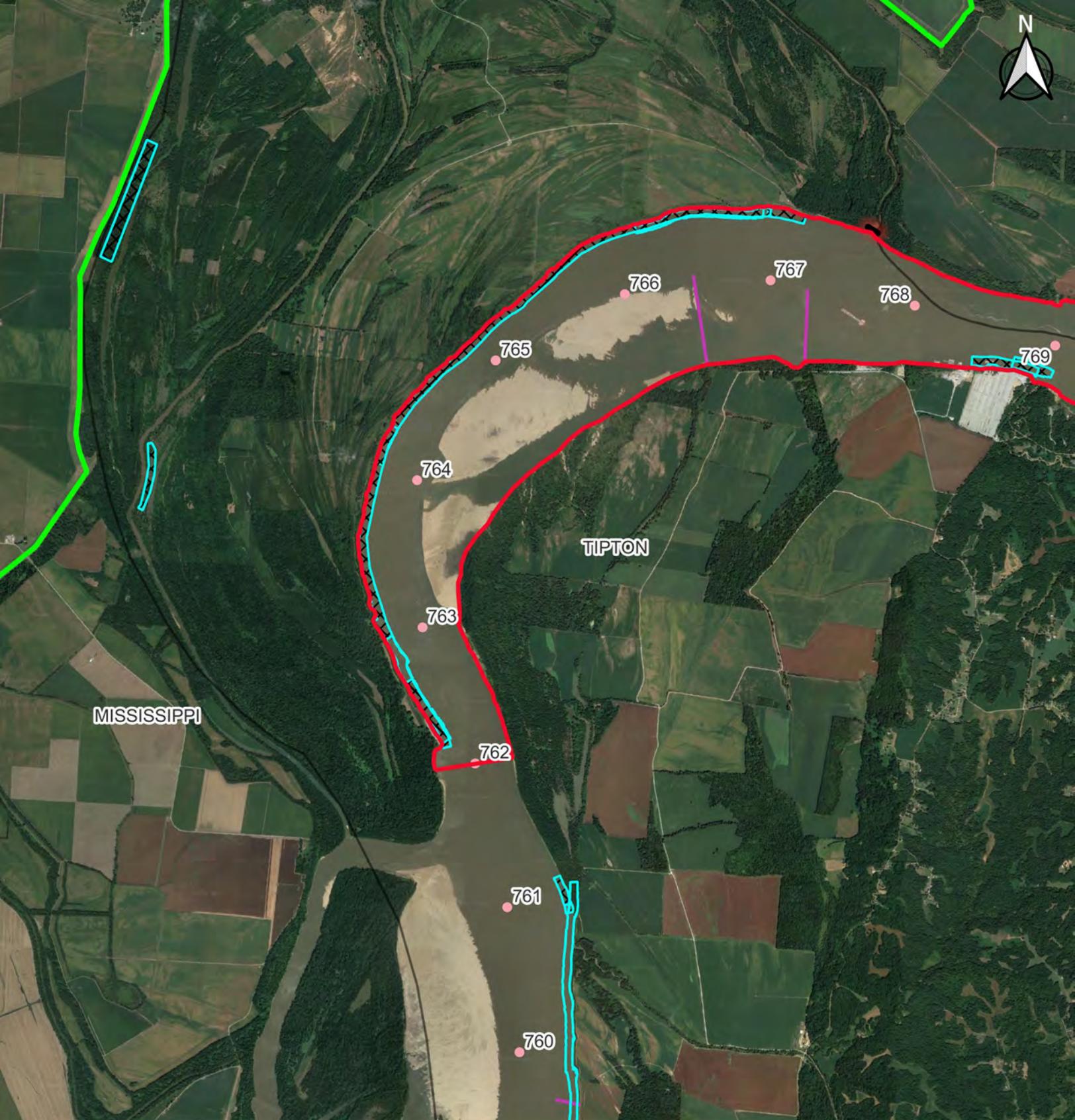


Figure 3e  
Existing Features  
River Mile 762-767

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

October 2023

### Legend

- |             |                |
|-------------|----------------|
| River_Miles | Pipes          |
| Study Area  | Revetted Banks |
| Islands     | Levees         |
| Dikes       | Tributaries    |
| Bridges     |                |

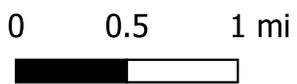
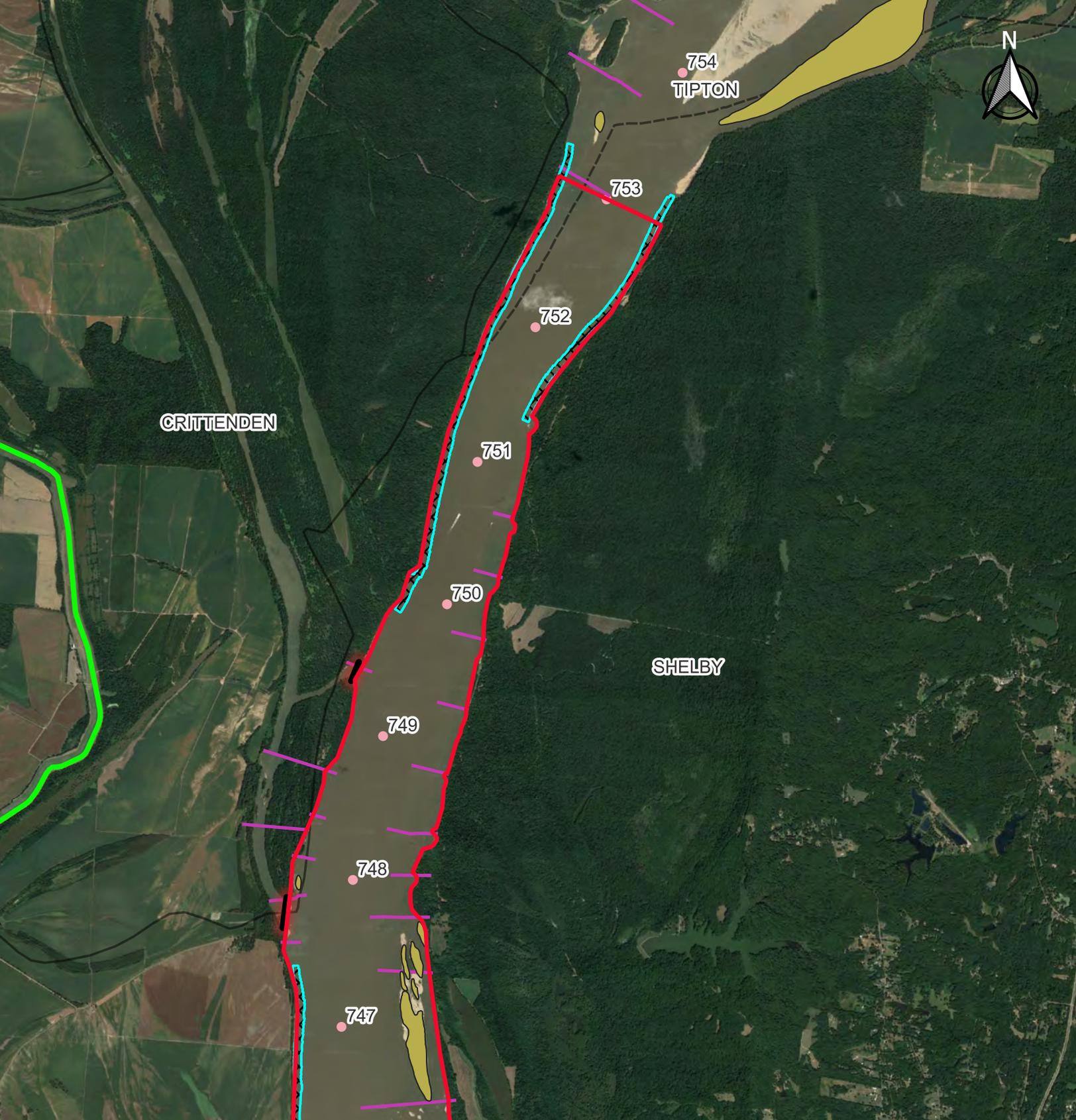


Figure 3f  
Existing Features  
River Mile 747-754

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

October 2023

### Legend

- |             |                |
|-------------|----------------|
| River_Miles | Pipes          |
| Study Area  | Revetted Banks |
| Islands     | Levees         |
| Dikes       | Tributaries    |
| Bridges     |                |

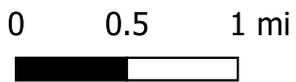
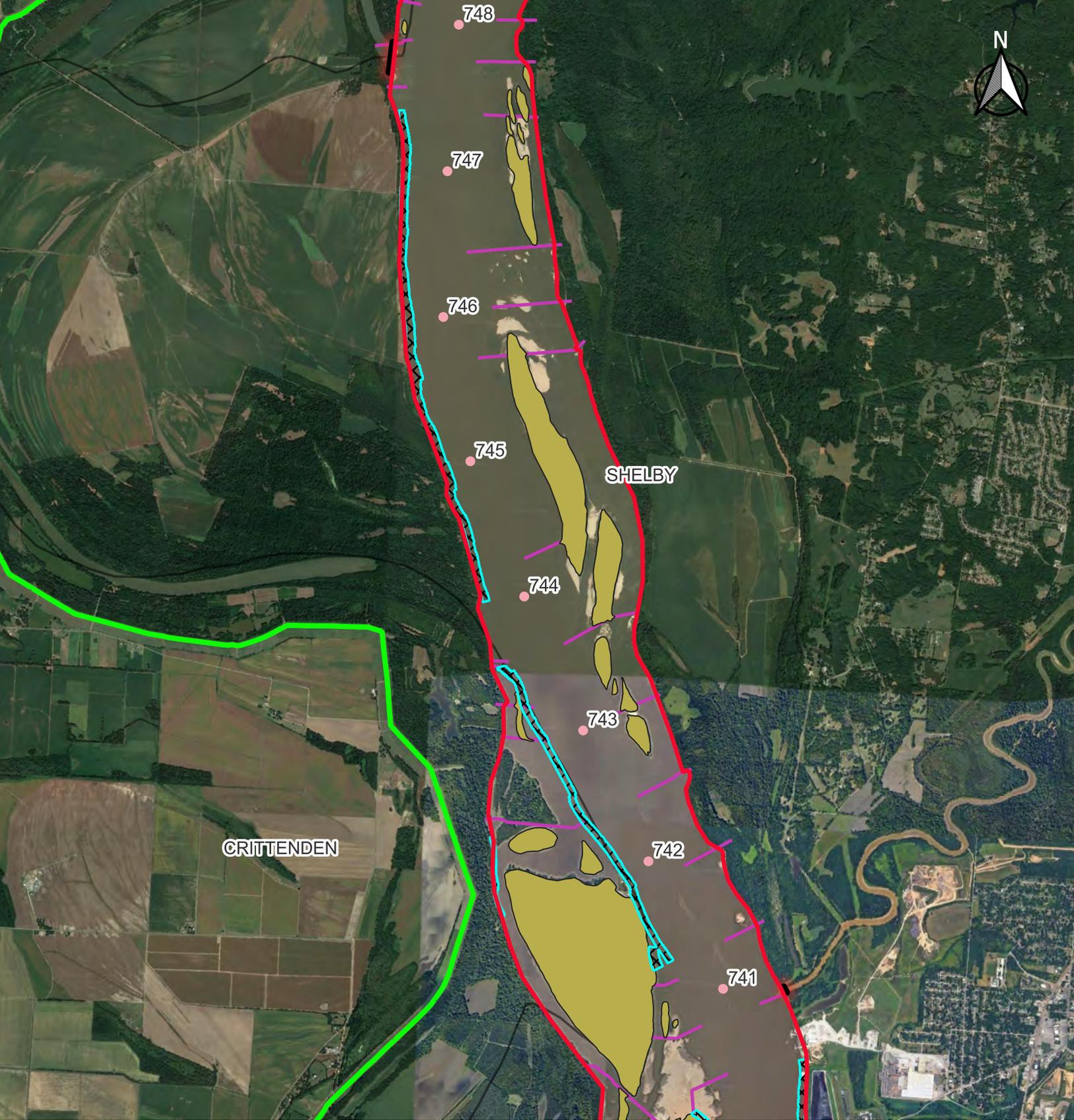


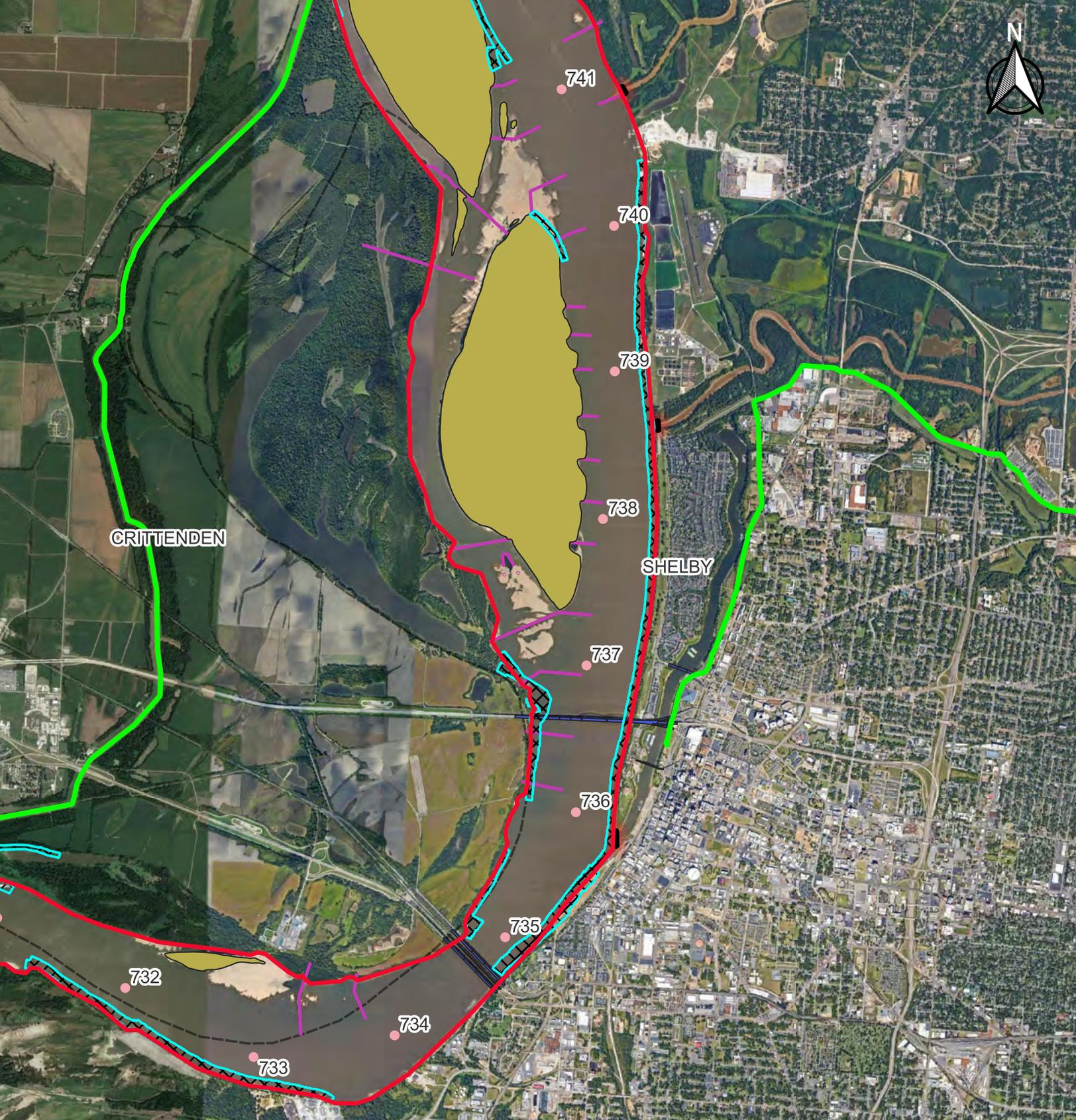
Figure 3g  
Existing Features  
River Mile 741-747

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

October 2023

### Legend

- |             |                |
|-------------|----------------|
| River_Miles | Pipes          |
| Study Area  | Revetted Banks |
| Islands     | Levees         |
| Dikes       | Tributaries    |
| Bridges     |                |



0 0.5 1 mi



Figure 3h  
Existing Features  
River Mile 732-741

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

October 2023

### Legend

- |             |                |
|-------------|----------------|
| River_Miles | Pipes          |
| Study Area  | Revetted Banks |
| Islands     | Levees         |
| Dikes       | Tributaries    |
| Bridges     |                |

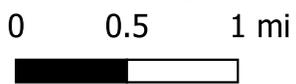
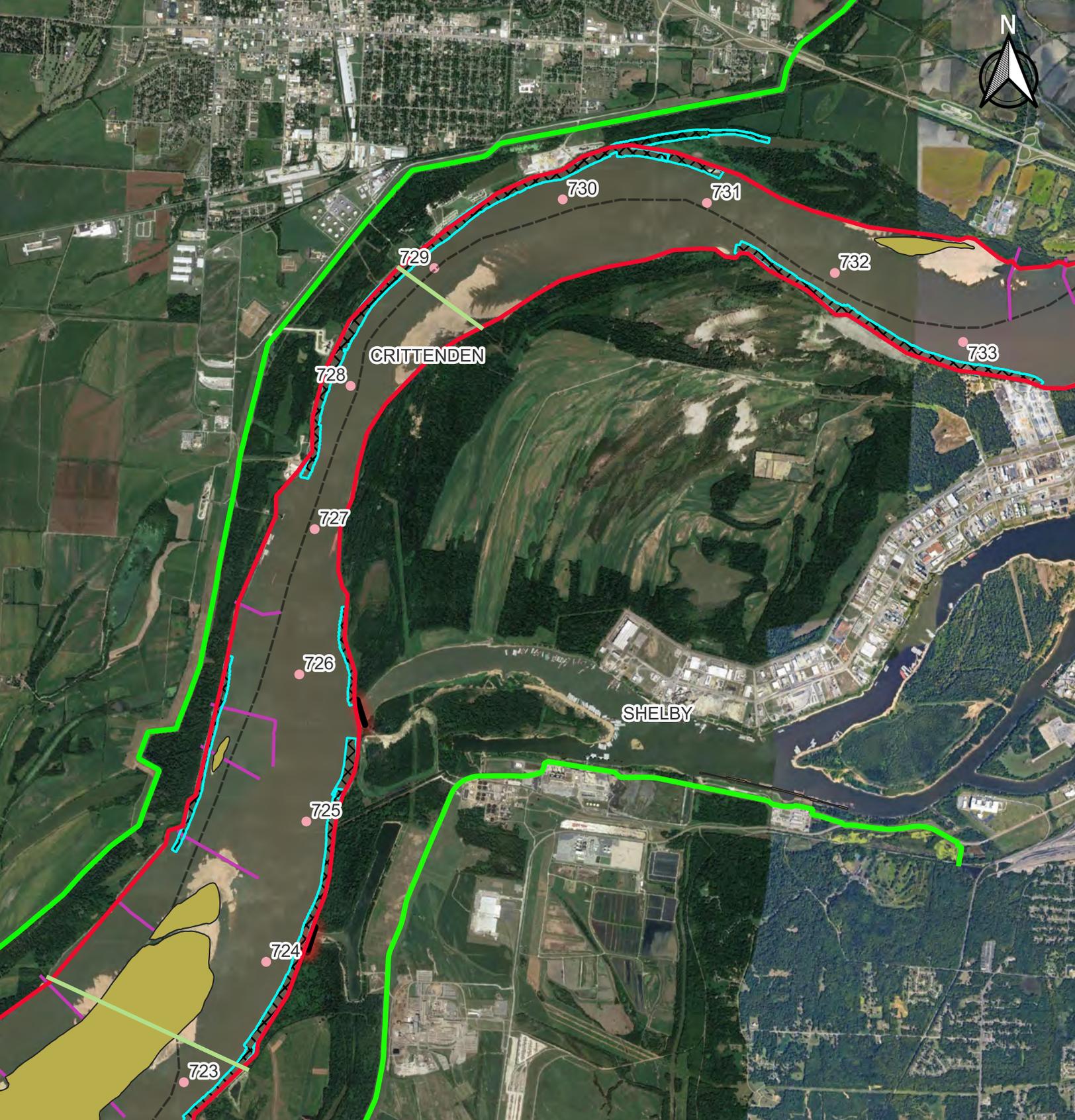


Figure 31  
Existing Features  
River Mile 723-732

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

October 2023

### Legend

- |             |                |
|-------------|----------------|
| River_Miles | — Pipes        |
| Study Area  | Revetted Banks |
| Islands     | Levees         |
| Dikes       | Tributaries    |
| Bridges     |                |

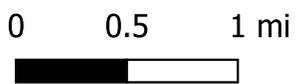
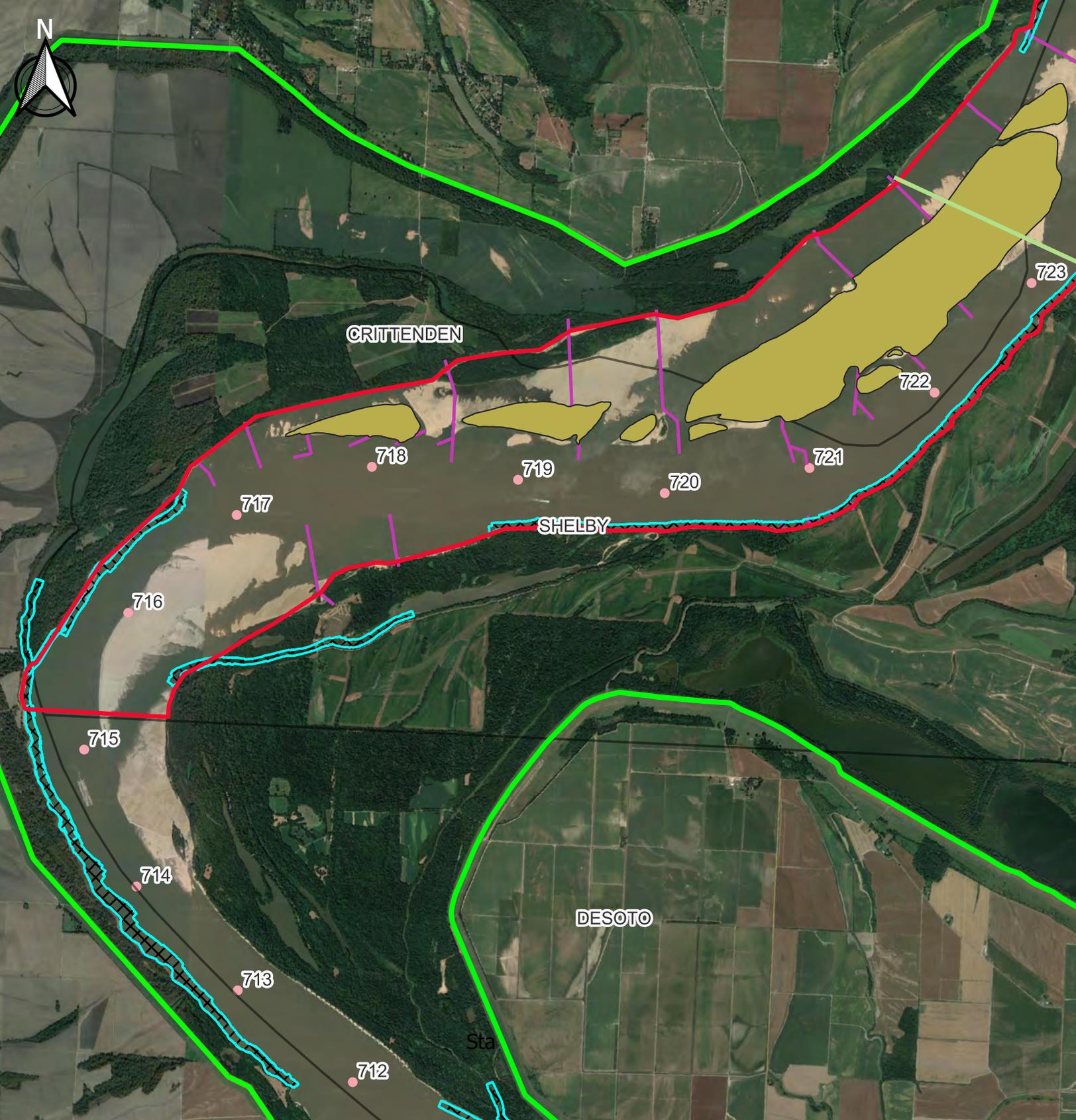


Figure 3j  
Existing Features  
River Mile 715.25-723

Lower Mississippi Commercial Dredging  
Capital Sand Company  
States of Tennessee, Arkansas, & Missouri

October 2023

### Legend

- |             |                |
|-------------|----------------|
| River_Miles | Pipes          |
| Study Area  | Revetted Banks |
| Islands     | Levees         |
| Dikes       | Tributaries    |
| Bridges     |                |