



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

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### MEMORANDUM

**DATE:** November 8, 2013

**TO:** Land Reclamation Commission

**FROM:** Kevin Mohammadi, Staff Director  
Land Reclamation Program

**SUBJECT:** Baker Sand and Gravel – Motion to Approve Attorney General’s Office to File Petition in Cole County Circuit Court

On January 5, 2012 Land Reclamation Program staff investigated a complaint on Roubidoux Creek in Pulaski County. During the investigation there was evidence of mining without a permit, mining below the naturally occurring low spot within a given reach of stream as this is in a dry section of Roubidoux Creek, leaving stockpiles in the stream channel, improper stream crossings, transporting material in the stream channel and allowing waste water from the wash plant to discharge silty water into Roubidoux Creek. Staff did attempt to work with Baker Sand and Gravel on additional dates after January 2012 with agreements being left unfilled by Baker Sand and Gravel.

On February 27, 2013, the Director of Missouri Department of Natural Resources referred the matter to the Missouri Attorney General’s. The injunctive relief in the referral included a civil action for compliance and penalties. The Attorney General’s Office drafted a Petition for collection of administrative penalties for past violations and stipulated penalties for any future violations of The Land Reclamation Act.

#### RECOMMENDATION:

Because of past violations of the operator, staff recommends that the Land Reclamation Commission vote on a motion for the Attorney General’s Office to proceed with filing a Petition in Cole County Circuit Court.

KM/bzl