MISSOURI COALITION FOR THE ENVIRONMENT

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RECEIVED

MAR 1 7 2003

MISSOURI LAND
RECLAMATION COMMISSION

March 14, 2003

VIA U.S. MAIL & (573) 751-0534

Land Reclamation Commission
c/o Larry Coen
Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Re: Sand and Gravel Rulemaking

Dear Commissioners:

The Missouri Coalition for the Environment ("MCE") provides the following comments with respect to the draft gravel mining regulations that are to be considered at your March 26, 2003, meeting. These comments are largely based on the January 10, 2003, draft recommendations from the gravel mining rulemaking workgroup.

On many of the issues addressed in the workgroup's recommendations there are two dominant positions: one favored by the mining industry and the other favored by conservation and outdoor recreation organizations. For ease of reference, these comments often refer to the "industry proposal" to designate the recommendation favored by industry associations, operators and property rights groups. The reference of "conservation proposal" will often be used to designate the recommendation favored by conservation and outdoor recreation organizations.

Scientific Basis for Gravel Mining Rules

It was stated repeatedly by some interests at the workgroup meetings that there is not enough scientific evidence to support the regulation of gravel mining. The record compiled to date does not support this contention. In fact, there is ample evidence that gravel mining causes harm to aquatic resources regardless of how carefully it is done. Science-based regulations can, however, reduce some of the negative impacts.

The U.S. Geological Survey has written that "[r]esearch in other regions has shown that instream gravel mining destabilizes stream channels and substantially degrades instream habitat and habitats of associated wetlands." Similarly, a study by Arkansas State

University of streams in an area similar to southern Missouri determined that the economic benefits of instream gravel mining did not outweigh the environmental costs." The environmental costs were listed as financial losses to farms, real estate, fisheries and recreation.

Moreover, after reviewing the scientific literature and considering the extent of gravel mining in Missouri, the Department of Conservation concluded in 1999 that "methods and rates of mineral extraction at many of these sites [in Missouri] have introduced further instability to stream channels, and harmful effects on aquatic life is likely significant." An earlier MDC study found that a decline in mussel populations in one stretch of the Osage River was linked to nearby gravel mining.

Studies around the country have indicated that gravel mining on gravel bars and in the riparian corridor of streams can result in head cutting, channel incision, lateral instability, increasing stream gradients, channel relocation, scouring and erosion. Habitat disruptions related these physical effects of gravel mining can cause a reduction in biological diversity and production. For example, the Arkansas Game and Fish Commission has noted a 50 percent decline in the number of smallmouth bass downstream from gravel mines because of a 15 fold increase in silt and turbidity.

To answer those who assert there is a lack of scientific foundation for the proposed regulations, the Commission need look no further than the Department of Conservation's 1999 report from its review of the science relating to the impact to aquatic resources from gravel mining. The report cited no less than 19 studies on the impact of gravel mining, and numerous other studies and reports addressing related aquatic resource issues. After reviewing these references, the Department of Conservation rendered the following conclusion with regard to the current state of gravel mining regulation in Missouri:

> Instream mineral mining and some forms of floodplain mining can be harmful to Missouri's stream resources, public infrastructure, and personal property. Current legal requirements do not adequately protect these public and private resources, and enforcing agencies are hampered by inadequate funding and low staffing levels. New guidelines or regulations that increase protection of these resources are needed and should have flexibility to fit local needs and conditions.

Streamside and Vegetation Buffer

(Section 2)

There were two primary options with respect to the size of buffer that should be required by the regulation. The industry proposal took a subjective approach that would require the LRP to make a case-by-case determination of what size buffer would be required to prevent turbidity and protect aquatic resources. The conservation proposal established a maximum buffer of 20 feet, but would allow for smaller buffers if it would not significantly impact aquatic resources.

The LRP should have definite guidance in its regulations on how wide buffers must be for resource protection. The industry proposal, in failing to provide definite guidance, will undoubtedly result in heavy lobbying by permit applicants for small buffers. Moreover, it will probably lead to inconsistent decisions on the part of staff that will cause distrust among the regulated community.

The regulations should start with a maximum buffer requirement of 20 feet as set forth in the conservation proposal and in the current DNR guidelines. A 20 foot buffer has also been recommended by the Department of Conservation. That should be the baseline, the presumption from which all permit applicants start. If a smaller buffer would adequately protect natural resources then the applicant can seek a smaller buffer in his or her permit. The language of the conservation proposal allows for smaller buffers when they "would not significantly impact the biological, physical, or chemical integrity of the water resource." LRP will be in a much better position to evaluate this standard if it has guidance in the regulation as to what an adequate buffer should be, as opposed to making individual determinations on each permit.

Highbank Buffer

(Section 3)

The current guidelines require than an undisturbed 25 foot wide buffer be left landward of the high bank for the length of the gravel removal site. The industry proposal would keep this language in its current form. The Department of Conservation has recommended that at least a 50 foot wide highbank buffer be retained along the gravel mining operation. The conservation proposal, which was supported by the American Fisheries Society and six other workgroup members, would expand the highbank buffer to a minimum of 100 feet. MCE encourages the Commission to adopt the more protective 100 foot buffer requirement.

Depth of Mining

(Section 4)

The current DNR guidelines restrict gravel mining to no lower than the water level. The industry proposal would substantially weaken this language by allowing for mining below the stream bed in dry streams, and by allowing for variances from the depth restriction for any "appropriate reason." The majority conservation proposal keeps the language of the current guidelines, which limits the depth of mining to the water surface elevation on wet streams and to the elevation of the stream bottom on dry streams. MCE, the Sierra Club, the Missouri Stream Teams and one landowner supported limiting the depth of mining to one foot above the water elevation on wet streams and one foot above the stream bottom on dry streams.

MCE supported the tighter standard for depth of mining because of a common sense belief that the current guideline is too weak. Setting the requirement at the water level, or

at the depth of the stream bed, allows operators to flatten an entire section of stream, making it much more likely that the stream will create a new channel during the next high water event. Creating conditions that encourage streams to change their course leads to increased sediment loads, diminished aquatic habitat and bank erosion. Leaving one foot of material above the water level or stream bed will better ensure that gravel mining does not cause unnatural erosion of the stream bed or banks. Apparently for these reasons, the State or Arkansas limits mining to one foot above the water level.

At a minimum, the current guideline should be retained. The Department of Conservation has written that "gravel should *never* be mined deeper than the water elevation at the time of removal." (emphasis added).

Spawning Season Restriction

(Section 9)

The current DNR guidelines contain language restricting the removal of gravel during fish spawning seasons. The industry proposal would drop the spawning season restriction. The proposal favored by MCE, the Sierra Club, Missouri Stream Teams and the American Fisheries Society would retain the spawning season restrictions.

In addition to the current DNR guidelines, other DNR publications currently recommend imposition of spawning season restrictions. A technical guide prepared by DNR and other resource agencies in 2001 recommends prohibiting gravel mining between March 15 and June 15 "to avoid harming spawning fish and their habitat." Mining activity in or near streams during this critical spawning period will result in decreased fish populations.

Outstanding State and National Resource Waters

(Section 13)

A very troubling industry proposal was to drop the current prohibition on mining in Outstanding National Resource Waters ("ONRWs") and Outstanding State Resource Waters ("OSRWs"). The conservation proposal was to keep this restriction in place.

The DNR has a history of protecting these selected waters from actions that would degrade their water quality or overall natural character. *See, e.g.,* 10 CSR 20-7.015, 20-7.031. Similarly, Arkansas prohibits gravel mining on streams that state has designated as "extraordinary resource waters." Streams on the Missouri OSRW or ONRW lists are there because they met stringent criteria designed to protect the state's most outstanding waters. Backing away from this commitment would be a serious mistake that would threaten the integrity of streams cherished by many Missourians.

Contractor Notification

(Section 14)

The current DNR guidelines require that permit conditions must be discussed with any contractors that perform part or all of the work authorized by the permit. A copy of the permit must also be provided to the contractor. The industry proposal would drop this requirement that is already found in the current guidelines. The conservation proposal, supported by MCE, the American Fisheries Society and others, would retain this language.

The industry proposal ignores the reality of many sand and gravel operations in Missouri. Many of these operations are small-scale operations that may use one or more contractors to carry out the mining. Unless the contractor has prior gravel mining experience, it is quite possible that they would not even be aware that it is a regulated activity. In such cases, a failure to provide notice to such individuals makes it more likely that stream resources will be damaged.

Other DNR publications suggest that contractor notification is a wise practice to follow for persons obtaining a gravel mining permit. This is a common sense requirement to ensure that everyone involved in the operation is well-aware of the regulatory requirements. It is hardly an onerous obligation that permittees notify contractors of the requirements of the permit.

Endangered Species Protection

(Section 15)

The current DNR guidelines require that permit applicants "consult with" the Department of Conservation and U.S. Fish and Wildlife Service as to the presence of state or federally protected species. The industry proposal would eliminate this requirement entirely. The conservation proposal endorsed by MCE and numerous others – including one gravel miner – is a compromise position that would remove the initial burden of determining the presence of endangered species from applicants, and instead put the requirement on state and federal agencies.

A growing number of fish and mussel species are, unfortunately, endangered, and it is critical that DNR maintain up to date information as to their designation and location. Studies on the impact of gravel mining have shown that certain aquatic species can be especially hard hit by these operations. MDC's work has found that freshwater mussels are "particularly sensitive" to sedimentation and a causal link has been established between gravel mining and the decline of mussel populations on Missouri streams.

The compromise language endorsed by MCE and 11 other workgroup members would simply require DNR to keep species location information on file so it is easily available to permit reviewers. Even though this regulation would shift the burden to the agencies, it

is important that DNR make every effort to inform operators that it is ultimately the operator's responsibility to comply with the state and federal endangered species laws and regulations.

Thank you again for the opportunity to participate in the process of promulgating new gravel mining regulations.

Very truly yours,

Bea Covington
Executive Director

Edward J. Heisel
Senior Law & Policy Coordinator

REFERENCES

Benke, A.C., *A perspective on America's vanishing streams*, Journal of the North American Benthological Society, v.9 (1990).

Brown, A.V., et al., *Impacts of Gravel Mining on Gravel Bed Streams*, American Fisheries Society, v.127 (1998).

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Kondolf, G.M., *Geomorphic and environmental effects of instream gravel mining*, Landscape Urban Planning, v.28 (1994).

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Sandecki, M., *Aggregate mining in river systems*, California Geologist, v.42, no.4 (1989).

Turner, B., and M. Roell, *Mining Gravel and Protecting Streams*, Missouri Conservationist (Oct. 2001).

Waters, T.F., *Sediment in Streams – Sources, Biological Effects, and Control*, American Fisheries Society Monograph 7 (1995).

"Suza Wooldridge"
<swooldri@coin.org>
03/16/2003 10:43 PM

To: nrlarsm@mail.dnr.state.mo.us
cc:
Subject: SB 360

Staff Director

Land Reclamation Commission
Rd

PO Box 176
MO 65039

Jefferson City, Missouri 65201
573-635-6088

Steve Olson

7200 Zumwalt

Hartsburg,

Subject: sand and gravel mining in Missouri streams

To the members of the Land Reclamation Commission,

I am writng to express my opinion on the upcoming SB 360. As an Missouri resident concerned with the health of our streams, I feel it is important to make my opinion known. Along with my family and friends, I utilize Missouri streams for recreation. This includes floating, fishing, study of natural history, hunting along riparian zones, and most importantly, utilizing stream corridors as a place to relax and reconnect with the natural environment. We have many stream types in Missouri, from the prairie streams of the northern sections of the state, to the streams of the Ozarks. The diversity of our streams is reflected in the diversity of life that exists within the stream corridors.

I understand that stream mining for sand and gravel has been a source of materials for development of roads and construction, and that this has benefited all of us through the development of the infrastructure that exists in our state. I have read that sand and gravel mining in Missouri produces over forty million dollars in revenue annually. Though stream based recreation also produces considerable revenue, I do not think that this is a purely economic issue.

A quick check of the health of our streams will reveal numerous fish, mussels, shore birds, and plant species that have greatly suffered or have been extirpated from our riparian zones. As a traveler of Missouri streams I have seen first hand evidence of stream degredation – increased nutrient loading from septic systems, lagoons, and surface runoff, bank erosion due to overgrazing and deforestation, and the choking of streams due to soil erosion, to name just a few. Yet some of ugliest and most devastating destruction of streams I have witnessed resulted from gravel dredging in tributaries of the once beautiful Black river system of southeast Missouri. The dollar value of Missouri streams cannot be measured in cubic yards of gravel or sand. Both the diversity of life and the aesthetic beauty of our streams are degraded by instream gravel mining. What cost does this have to our generation and future generations?

Senate bill 360 would exempt a large number of commercial gravel miners from regulation for up to 5000 tons of gravel. Whether or not the current regulations would cause economic hardship upon this sector of industry, is this something we would choose to allow to exist unregulated? The current state of large sections of our streams is a disgrace. On our watch will we ok the further destruction of our streams? Do

we not have the responsibility to utilize all of our natural resources wisely?

I would urge the Commision to adopt the instream gravel mining rules that would best safeguard the physical integrity and biotic diversity of our flowing waters.

Respectfully,

Steve J. Olson

"Suza Wooldridge"
<swooldri@coin.org>
03/16/2003 11:34 PM

To: nrlarsm@mail.dnr.state.mo.us
cc:
Subject: SB 360

Staff Director

Land Reclamation Commission

Post Office Box 176

Jefferson City Missouri

Sue Wooldridge

7200 Zuwalt Road

Hartsburg, MO 65039

Dear Staff Director,

This letter is directed to the members of the Land Reclamation Commission,

I am writing regarding the upcoming SB 360. As an individual who is concerned with the health of Missouri streams and a resident of the state of Missouri, I would like to express my opinion on Senate bill 360.

Though the mining of gravel and sand from Missouri streams provides a livlihood for some number of individuals, I feel like the economic benefit generated from this activity is not worth the cost to the stream resources of Missouri.

Many of our streams are degraded. There is a long list of riparian zone species that are extirpated, endangered, or in decline. The state of the water quality and physical integrity of our streams has been significantly impacted by many activities of our society. The conditions of our stream corridors are variable, but many miles of our streams have cut banks, dredge piles, and trash dumps. Some of the most visually devestating destruction of our streams has been due to instream mining. Not only does this destroy the biotic integrity of the dredged area, it destroys the aesthetic value of the stream. Additionally, effects on downstream sections below dredging sites can be marked.

Senate bill 360 would exempt a large portion of the commercial gravel mining sector from regulation for up to 5000 tons of gravel. Do we choose to allow this type of activity go unregulated? Can we put a price on Missouri streams in terms of cubic yards or tons of gravel and sand? I believe not.

Please consider the devestating effects of SB 360 upon our streams, and make sure this insult to our resource base does not survive under our watch.

Respecfully,

Sue Wooldridge

dyonker@mindspring.com
03/16/2003 11:12 PM

To: nrlarsm@mail.dnr.state.mo.us
cc:
Subject: Regulations for Sand & Gravel Mining

To the Land Reclamation Commission:

I am writing in support of the regulations for sand and gravel mining as proposed by the American Fisheries Society, Missouri Chapter. Sand and gravel mining can be extremely damaging to our streams in Missouri as evidenced by the destruction in Linn Creek and other streams in the State.

When best management practices are not used, sand and gravel mining can cause increased erosion of banks both upstream and downstream of mining sites causing the loss of valuable farmland and damaging public infrastructure, such as roads and bridges.

Further, increased sediment in the water from mining operations not following best practices can fill in areas of the substrate used by macroinvertebrates, smother fish fry and interfere with the feeding and mating activities of fish. Mining activities can also affect the width of streams causing increases in water temperature that cause the local extirpation of native aquatic species.

Despite the many examples of the damage done to our streams in Missouri by this industry, their activities continue unregulated in our state. I urge you at this time to remedy this situation and to enact strong, effective regulations to protect other landowners on our streams as well as the general public who use these streams recreationally and who must pay for the damage to the infrastructure done by gravel miners.

As already indicated, I am writing to support the regulations proposed by the American Fisheries Society, Missouri Chapter. Regulations proposed by the industry lack the precision necessary to facilitate effective enforcement of violations and also allow mining at times and in areas that would expose the environment and the aquatic wildlife to unnecessary risks.

Sincerely,

Doris Yonker
4210 Charlotte
Kansas City, MO 64110

"Carol Pufalt"
<cpufalt@swbell.net>

03/16/2003 09:12 PM

To: nrlarsm@mail.dnr.state.mo.us
cc:
Subject: Sand & Gravel Mining regulations

To the Land Reclamation Commission:

Please accept my comments via e mail on the proposed rules regarding rules for commercial mining of sand and gravel from rivers and streams. I favor rules that will protect the water quality, biological health and physical integrity of our rivers and streams. Our waterways are part of our important natural heritage and should be protected. Most businesses, large and small, operate under some degree of environmental regulation. Commercial sand and gravel mining should be no different. Obviously we should not promulgate such rules unnecessarily but it is very obvious that the actions of sand and gravel mining can be directly and cumulatively hazardous to rivers and streams. I support the regulations for sand and gravel mining as proposed by the American Fisheries Society, Missouri Chapter. Such best management practices will enable sand and gravel businesses to operate while protecting the health of our rivers and streams.

Thank you for consideration of my comments.
Sincerely,
Caroline Pufalt
13415 Land O Woods #3
St Louis MO 63141 6078
cpufalt@swbell.net

"Richard Egan" <eganegan@mindspring.com>

03/16/2003 07:21 AM

To: nrlarsm@mail.dnr.state.mo.us
cc:
Subject: Support regulations for sand and gravel mining

To the Land Reclamation Commission:

I am writing in support of the regulations for sand and gravel mining as proposed by the American Fisheries Society, Missouri Chapter. Sand and gravel mining can be extremely damaging to our streams in Missouri as evidenced by the destruction in Linn Creek and other streams in the State.
When best management practices are not used, sand and gravel mining can cause increased erosion of banks both upstream and downstream of mining sites causing the loss of valuable farmland and damaging public infrastructure, such as roads and bridges.
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Despite the many examples of the damage done to our streams in Missouri by this industry, their activities continue unregulated in our state. I urge you at this time to remedy this situation and to enact strong, effective regulations to protect other landowners on our streams as well as the general public who use these streams recreationally and who must pay for the damage to the infrastructure done by gravel miners.
As already indicated, I am writing to support the regulations proposed by the American Fisheries Society, Missouri Chapter. Regulations proposed by the industry lack the precision necessary to facilitate effective enforcement of violations and also allow mining at times and in areas that would expose the environment and the aquatic wildlife to unnecessary risks.

Sincerely,
Richard Egan
564 Woodlyn Crossing
Manchester MO 63021

"James R. Turner" <jlasturner@socket.net>

03/15/2003 04:36 PM

To: cleanwater@mail.dnr.state.mo.us, nrlarsm@mail.dnr.state.mo.us
cc:
Subject: Regulate sand and gravel mining

To the Land Reclamation Commission:

I am writing in support of the regulations for sand and gravel mining as proposed by the American Fisheries Society, Missouri Chapter. Sand and gravel mining can be extremely damaging to our streams in Missouri as evidenced by the destruction in Linn Creek and other streams in the State.

When best management practices are not used, sand and gravel mining can cause increased erosion of banks both upstream and downstream of mining sites causing the loss of valuable farmland and damaging public infrastructure, such as roads and bridges.

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As already indicated, I am writing to support the regulations proposed by the American Fisheries Society, Missouri Chapter. Regulations proposed by the industry lack the precision necessary to facilitate effective enforcement of violations and also allow mining at times and in areas that would expose the environment and the aquatic wildlife to unnecessary risks.

Sincerely,
James R. Turner
2308 North Oak Lane
Kirksville, MO 63501

"Dinda Evans"
<dindamcp4@yahoo.com>

To: nrlarsm@mail.dnr.state.mo.us
cc:
Subject:

03/14/2003 08:51 PM

I am writing in support of the regulations for sand and gravel mining as proposed by the American Fisheries Society, Missouri Chapter. Sand and gravel mining can be extremely damaging to our streams in Missouri as evidenced by the destruction in Linn Creek and other streams in the State.

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Do you Yahoo!?
Yahoo! Web Hosting - establish your business online
http://webhosting.yahoo.com

"Katherine Kornfeld"
<kkornfeld@moenviron.org>
03/14/2003 04:42 PM
Please respond to
"Katherine Kornfeld"

To: nrlarsm@mail.dnr.state.mo.us
cc:
Subject: sand and gravel mining comments

March 14, 2003

To the Missouri Land Reclamation Commission:

I am writing in support of the regulations for sand and gravel mining as proposed by the American Fisheries Society, Missouri Chapter. Sand and gravel mining can be extremely damaging to our streams in Missouri as evidenced by the destruction in Linn Creek and other streams in the State.
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Sincerely,
Katherine Kornfeld
6218 Southwood Ave., #2E
St. Louis, MO 63105

"Yoelit H Hiebert"
<yhiebert@juno.com>
03/14/2003 07:18 PM

To: nrlarsm@mail.dnr.state.mo.us
cc:
Subject: Sand and Gravel Mining

We are writing in support of the regulations for sand and gravel mining as proposed by the American Fisheries Society, Missouri Chapter. As citizens who care about protecting our natural resources, we believe we should do everything possible to protect Missouri streams from the damage that this mining can cause.

We believe that we all have the obligation to be responsible stewards of our planet. This means putting what is best in the long term for our environment ahead of the short-term interests of certain industries who often care only about their bottom lines. I urge you to adopt the regulations proposed by the American Fisheries Society, Missouri Chapter, because these regulations will best accomplish this objective.

Sincerely,

Mr. and Mrs. Gregory L. Hiebert

"Kazie Perkins"
<perkinsk@socket.net
>

03/14/2003 09:09 AM

To: "mike larsen" <nrlarsm@mail.dnr.state.mo.us>
cc:
Subject: comment, proposed stream protection rules, gravel mining

Mike Larsen
Land Reclamation Commission

Dear Commissioners:

My name is Kazie Perkins, and I live in Howell County on Noblett Creek. My husband Willie was born on our farm, and we have earned our living here as have many rural Ozarkers, raising cattle, keeping bees, working in town when work work has been available, cutting timber. My husband has been a logger all his adult life. We added parcels to the family farm along Noblett as we could and as they became available with the expressed purpose of protecting this special area from degradation.

We are land owners of some 380 acres with indeed now vested interest in Property Rights, and we accept at the same time the RESPONSIBILITIES that must go along with those rights.

Most property rights advocates I hear loudly proclaim the right to make whatever they can off that property, to do what they will, yet they remain silent when faced with complexities involved with the interface between MY rights and those of OTHERS downstream, across the fence, or under the plume.

Certainly the rights of nature are but a concept for the "book nerds", a term new to me that was used by one of the Property Rights Congress people at the recent March 5 meeting of the Scenic Rivers Watershed Partnership meeting in Thayer, Mo.

I had gone to that meeting when I saw that sand and gravel mining in streams was the topic. I had last heard about the issue several years ago while attending a conference sponsored by the Watershed Committee of the Ozarks in Springfield, where I had heard about a study by Dr. Art Brown at Fayetteville which had concluded that Ozark streams do not recover from gravel mining.

I wanted to see what had transpired in the intervening years...what the new information would mean to stream protection, etc.

I had witnessed the valiant efforts of stream lovers/champions to pass a gravel mining resoluton through the Rivers and Streams Committee of the Conservation Federation of Missouri for years, always and inevitably thwarted by pro industry members, year after year.

It was very encouraging to see that regulations were being proposed, long overdue.

I was disappointed to see that The Performance Requirements 10CSR-40-10.050 are far too compromised to protect our water quality, and totally shocked and dismayed by Travis Morrison's cavalier presentation of the ghastly proposal to scrap the protections of the Outstanding Resource Waters act at that meeting!

Many thanks to DNR for providing me with the briefing paper booklet for the development of these rules that day.

We concur with Mr. Tryon's excellent comment, in that booklet, and with that of Sierra Club, Coalition for

the Environment, and the stalwart stream team persons especially with regard to specifics.
And in particular, there should be no relaxing of protections for the Outstanding Resource Waters

I would like to add comment on several additional points.

Aesthetics are as vital to "water quality" and to the economics of the Ozarks as any of the points raised in the work group sessions. It is consistenly overlooked possibly because taken for granted by those who live here,. as well as visitors. We must not kill the goose laying the golden egg, and the facts are available through the tourism dept....tourism revenue is significant here.the Ozarks' beauty needs to stay intact.

The increased cost of concrete here if sand must be imported from other sources is borne by those who can afford it in housing...1200 additional dollars to a house (as pointed out by a Prop. Congress person) is not impossible...and I will continue to point out that there are many, many people in the Ozarks who will never be able to afford a new house, or old, yet whose consolation for living in such a low wage area IS the beauty of high quality streams and rivers. In economic terms, no Ozark streams should ever be marred! Their benefit to the local populace far outweighs any higher costs associated with infrastructure which are shared costs, borne in such small increments by everyone that it cannot compare with the loss of our water quality , forever.

We have to pay for the true cost of our actions; our streams can't absorb much more.

It was such a shock for new friends in our area who came here from abroad, invested in a place of water delight, to create a water-based spa, to wake up one day to find machines digging out the creek next door. (to most people, the technicalities are invisible...to the ordinary eye, its 'the creek'). It was inconceivable, but it happened.

Was this a 'poor business decision', tough..grin and bear it? Any more than the purchase of a gravel mine with diminishsed expansion capacity on an Outstanding Resource Water is a 'poor business decision'... So, grin and bear it! Or, try to change the rule so more of our best can be degraded?

I hope the Commission takes into account the long term cumulative effects of so many 'small' actions, and decides to implement the strongest protections possible for the sake of our future.

Sincerely,

Kazie Perkins Willow Springs, Mo.

"Allan & Linda Schilter" <reservations@dearsrest.com>

03/14/2003 02:26 PM
Please respond to reservations

To: nrlarsm@mail.dnr.state.mo.us
cc:
Subject: Land Reclamation Program

[IMAGE]

I mailed this letter to P.O. Box 176 today, Friday, but my rural mail carrier had already been by, so letter won't go out until Saturday. I hope you will consider this letter meeting the dead line established.

March 14, 2003

To the Land Reclamation Commission:

I am writing in support of the regulations for sand and gravel mining as proposed by the American Fisheries Society, Missouri Chapter. Sand and gravel mining can be extremely damaging to our streams in Missouri as evidenced by the destruction in Linn Creek and other streams in the State.

When best management practices are not used, sand and gravel mining can cause increased erosion of banks both upstream and downstream of mining sites causing the loss of valuable farmland and damaging public infrastructure, such as roads and bridges.

Further, increased sediment in the water from mining operations not following best practices can fill in areas of the substrate used by macro invertebrates, smother fish fry and interfere with the feeding and mating activities of fish. Mining activities can also affect the width of streams causing increases in water temperature that cause the local extirpation of native aquatic species.

Despite the many examples of the damage done to our streams in Missouri by this industry, their activities continue unregulated in our state. I urge you at this time to remedy this situation and to enact strong, effective regulations to protect other landowners on our streams as well as the

general public who use these streams recreationally and who must pay for the damage to the infrastructure done by gravel miners.

Specifically, I am writing to support the regulations proposed by the American Fisheries Society, Missouri Chapter. By contrast to these, regulations proposed by the industry lack the precision necessary to facilitate effective enforcement of violations and also allow mining at times and in areas that would expose the environment and the aquatic wildlife to unnecessary risks.

Sincerely,

Allan & Linda Schilter

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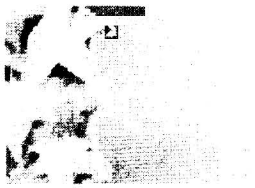
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