RECEIVED

MAR 1 3 2003

MISSOURI LAND
RECLAMATION COMMISSION

March 11, 2003

Missouri Land Reclamation Commission
P.O. Box 176
Jefferson City, MO 65102

Subject: Sand and Gravel Regulations

Dear Sir:

Approximately 25 years' ago I returned to Missouri. One of the reasons was to fish on beautiful streams in this very scenic state. I feel very strongly that the regulations on sand and gravel removal should be strengthened and enforced. During the past several years, I have seen numerous streams ruined because of poor sand and gravel mining operations. I feel we need to strongly regulate this practice in order to preserve this wonderful asset for future generations.

I do believe that both the mining and stream use can coexist if we put into place strong regulations and enforce those regulations and I urge you to please consider the future use of Missouri streams when formulating your new regulations.

Sincerely,

Bruce J. Abernathy

BJA/skf

Name: Bruce J. Abernathy
Address: 1490 Forest View Drive, St. Louis, MO 63122
Phone Number: 314.966.2579

"Andy Prewitt"
<yoda@usmo.com>
03/13/2003 11:14 AM

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

I would like to take this opportunity to comment on proposed recommendations concerning in-stream sand and gravel mining. Before I begin, may I tell you a bit about myself. Over fifteen years ago, we were in search of property to build our home. Since a year round creek was high on the list of priorities, we were happy to purchase acreage on Little Gravois Creek. (three miles from Bagnell Dam). Little did we know along with the enjoyment of owning creek property, many headaches and heartaches would later arise.

Extensive in-stream gravel mining up and down our property has caused low water bridge damage in excess of $190,000. (Federal disaster portion $150,000 - not to mention state and local funding). This is only one county bridge--the one that borders our property. We have given two easements for the same utility pole which ends up down the creek due to unstable banks. Over the years we have witnessed loaders left unmanned and running in the creek leaking oil, numerous oil drums at waters edge leaking in the creek, four foot diameter culverts placed in the creek to drive dump trucks over (one of which has washed down the creek and settled on our property), and numerous smaller culverts placed for maximum gravel removal. Our county road has been wet to the point of ruts due to water running out the back of trucks freshly loaded with wet gravel. My kids and I have spent hours trying to rescue critters stranded in pools no longer connected to the main stream. (Yes, we were tranpassing).

Over the years we have gotten minimal fines levied on two occassions against these gravel miners. It was a time consuming process on my part which resulted in no change in the manner in which they continue to operate. While I do believe at times gravel mining can prove advantageous to the stream if done properly, the gravel miners in our area are not interested in maintaining healthy streams, stable banks, stream life, or our natural resources in general. They are interested in the ALL MIGHTY DOLLAR. With building being at boom status in our area, Little Gravois Creek has paid a huge price.

In looking over the proposed changes, I found I agreed with Stream Team member, Becky Denney, on all but one point. I advise point number eight should be "no change."

It is imperative that the LRC protect our streams with rules that gravel miners MUST follow. As important as these rules, there must be employees to inspect, regulate and enforce these rules. The consequence for not being in compliance is not great enough. The price for a permit is too low.

If I can be of any assistance in the process of getting more employees to monitor our streams, please contact me. Also, feel free to inspect the upstream (Richard Wickham Excavating) and downdstream (Duncan-Osage Sand and Gravel) operations in which our property is between.

Thank-you for your time,

Karen Prewitt
264 Blue Springs Drive
Eldon, Missouri 65026
(573) 365-0351

March 13, 2003

RECEIVED
MAR 13 2003
MISSOURI LAND
RECLAMATION COMMISSION

Land Reclamation Commission
c/o Mr. Larry Coen, Program Director
Mo. Department of Natural Resources
Land Reclamation Program
P.O. Box 176
Jefferson City, MO 65102-0176

Dear Sirs,

This letter is in support of the additional rules currently proposed by your commission to better address the commercial mining of sand and gravel from Missouri's streams. After a careful review of the Sand and Gravel Workgroup Recommendations to your commission, I am asking you to support the views of the American Fisheries Society representative.

I recognize that sand and gravel are extremely useful and valuable commodities in our state and I certainly don't want mining to be prohibited. Without availability of these commodities, we wouldn't have our streets, roads, and buildings (including a good portion of my own home). They are all made possible by the mining of sand and gravel.

However, that acknowledgement is tempered by my concerns and observations as an avid bass angler and canoeist and as a former fisheries biologist working on Ozark streams. I have learned through the training I received during completion of a Masters of Science degree in Fisheries, and my past professional experience that improper mining methods are destabilizing stream banks and destroying aquatic habitat.

The addition of the performance requirements recommended by the American Fisheries Society for conducting in-stream mining will help to ensure that these commodities can continue to be mined without devastating our precious Missouri streams.

You, as a group, have had the challenging job of wading through an immense amount of information, both technical and opinion. Although much of the latter has been charged with emotion, especially from those in opposition to the rules, it does not change the validity of the technical facts that support the rule development. I greatly appreciate the difficulty of your task and your continued efforts pursuing this controversial issue. Thank you so much for your support of these rules.

Sincerely,

Donna Menown

Donna Menown
2013 Springwood Ct.
Jefferson City, MO 65101-5571
Home telephone: (573) 635-6686

c: Senator Carl Vogel
Representative Mark J. Bruns

"Leslie Lihou"
<leslielihou@mindspring.com>
03/13/2003 12:13 AM

To: nrlarsm@mail.dnr.state.mo.us
cc:
Subject: 7008 Amherst Ave.doc

7008 Amherst Ave.

St. Louis, MO 63130

March 12, 2003

Land Reclamation Commission

Missouri Department of Natural Resources

P.O. Box 176

Jefferson City, Missouri 65102-0176

Dear Staff Director,

. As a stream team leader and an outdoor enthusiast, I appreciate Missouri stream ecology and I am concerned about the consequences of gravel mining disturbances on aquatic life. Because of the proven negative impacts of gravel mining in Missouri streams, I urge the Land Reclamation Commission to adopt effective regulations to control in-stream sand and gravel mining--regulations at least as strong as current guidelines. The recommendations of a scientific organization, such as the American Fisheries Society, would be a credible inclusion in the regulations

To protect Missouri streams these minimum requirements should be enforced: prohibit removal of gravel material during spawning to protect habit during that period, forbid extraction below the water surface, and prohibit channel modification. Buffers need to be reserved along banks. Special protection needs to be provided for the

Outstanding State and National Resource Waters, as well as for the habitat of -endangered species. Other aspects of mining which need regulating are the depth of the excavation, storage of fuel and waste materials, and gravel washing and crushing.

The Commission is responsible for preserving the high quality of our water resources and for managing our water resources for the benefit of the majority of Missouri citizens, including protecting them from abusive exploitation. Thank you for considering my concerns and for strengthening current regulations for our streams.

Sincerely,

Leslie Lihou

Don Boos

03/12/2003 02:37 PM

To: Mike Larsen/LRP/DEQ/MODNR@MODNR
cc: Scott Hamilton/WPCP/DEQ/MODNR@MODNR, Melissa Shiver/WPCP/DEQ/MODNR@MODNR, Becky Shannon/WPCP/DEQ/MODNR@MODNR
Subject: Sand and Gravel Regulations

Mike, due to other pressing concerns on Scott Hamilton's schedule I will comment briefly on the Proposed Sand and Gravel Regulations. My comments are brief and general as the specifics have been visited and re-visited many times. My feeling and that of most of my co-workers are strongly in favor of the regulations. Guidelines have no force of law and the force of law is the only deterrent to the parties who elect to abuse our natural resources. I worked for over 20 years in enforcement and it is amazing how a select group of citizens feel it is their right to exploit a resources as they see fit, even if a minor accomodation would leave something for the next party. They just don't care. Our own CWC recently asked us to develop one of our guidelines into a regulation because many parties objected to our use of the guidelines since they weren't a regulation.

Unregulated gravel removal causes catastrophic stream impacts. In most areas the presence of excessive gravel is symptomatic of the abuse of riverine corridors and uplands. We must foster wise use of our resources even if this means in some cases, regulation. Indescriminate sand and gravel removal disturbs substrate,denudes gravel bars, changes stream gradient and exacerbates erosive forces in the channel of the stream. In severe cases it can even amount to channlization of the stream itself. Obviously these activities heavily impact the stream ecosystem as sediment suspension and transport fills in pools, increases turbidity, reduces sunlight penetration, smothers larval life forms and reduces habitat and species diversity.

Staff of your commission have worked very hard in getting stakeholder and public involvement. This is a credit to your diligence. Had the very people who claim they can self-regulate done so , we would likely not be looking at this as a regulation. We need this regulation.

Our agency has a responsibility to encourage utilization of our resources, however that is responsible utilization - not squandering. Wise use must be coupled with protection from abuse. The stream corridors and all the resources they represent belong to all of us. Thank you fort all your hard work on this.

.

RECEIVED
MAR 1 2 2003
MISSOURI LAND
RECLAMATION COMMISSION

1305 Audubon Drive
Columbia MO 65201
March 11, 2003

Staff Director
Land Reclamation Commission
P.O. Box 176
Jefferson City, MO 65102

Dear Sir or Madam:

I'm writing to you today to urge you to adopt the version of the in-stream gravel mining rules proposed by the American Fisheries Society during the recent Gravel Mining Working Group deliberations.

I am a long-time user of Missouri Ozark streams for recreation, including float trips, sport fishing, and bird watching. I am also a professional fisheries biologist. In both my personal and professional pursuits, I have seen first-hand the sort of impacts that unregulated or poorly-regulated gravel mining have on Ozark streams..

The negative effects of in-stream gravel mining are well documented in the scientific research literature. These effects have been documented not only nationally but also in the Ozarks of Missouri and Arkansas. Effects include erosion of stream-side private property, erosion of public property, damage to private and public infrastructure, losses in productivity of our valuable fisheries, and losses to our rich biological diversity. Claims by rules opponents that gravel must be "cleaned out" of our streams to prevent erosion or should be bulldozed against eroding stream banks to protect them are quickly revealed as untrue once these claims are compared to the indisputable facts uncovered by scientists over the last 20 years.

I recognize that gravel and sand mined from Missouri's streams are economically important commodities, but fishing and other stream-based recreation are also economically important activities in Missouri. Stream fishing alone accounted for $170 million in 1996. This figure does not include the additional economic activity generated by swimmers, canoeists, bird-watchers hunters, and other stream recreationists. The proposed rules for instream gravel mining were previously in place and followed by gravel miners for two years (April 1995 to April 1997), so claims by miners that the new rules will increase their costs are without basis. There have been no documented negative economic impacts to the Ozark region or the mining industry under the existing regulations.

I hope that I and my family will be able to continue to enjoy Ozark streams undiminished in beauty and value by sort of abusive treatment caused by inappropriate gravel mining.

Sincerely yours,

John M. Besser

RECEIVED

MAR 1 2 2003

MISSOURI LAND
RECLAMATION COMMISSION

March 10, 2003

Land Reclamation Commission
P.O. Box 176
Jefferson City, MO 65102

Dear Land Reclamation Commission members,

As a Missouri citizen concerned about the long-term health of our valuable rivers and streams, I'm writing to you today to urge you to adopt the version of the instream gravel mining rules proposed by the American Fisheries Society during the recent Gravel Mining Working Group deliberations. Scientists from Missouri and elsewhere understand the economic, social, and scientific issues involving our state's valuable aquatic resources. They recognize that gravel and sand mined from Missouri's streams are economically important commodities ($41 million in 1995). However, they also understand that fishing and other stream-based recreation also are economically important activities in Missouri. In 1996, stream fishing alone accounted for $170 million in direct expenditures (U.S. Department of Interior report). Add to that figure the economic activity generated by swimmers, canoeists, hunters, and other recreationists, and you have an economic powerhouse that far exceeds the economic impact of instream gravel mining in Missouri. In addition, there have been no documented negative economic impacts to the Ozark region or the mining industry under the existing regulations.

The negative effects of instream gravel mining have been well documented by scientists. These effects have been documented not only nationally but also in the Ozarks of Missouri and Arkansas. Effects include erosion of streamside private property (and its real estate value), erosion of public property, damage to private and public infrastructure (roads, bridges, pipelines, and utility lines), losses in productivity of our valuable fisheries, and losses to our rich biological diversity. Claims that gravel must be "cleaned out" of our streams to prevent erosion or should be bulldozed against eroding stream banks to protect them are quickly revealed as untrue once these claims are compared to the indisputable facts uncovered by scientists over the last 20 years. I believe that profitable instream gravel mining can be done under the rules proposed by the American Fisheries Society, which are designed to also protect our valuable stream resources.

As a Missouri citizen, I would like to see every effort made to ensure that my children and the generations to follow have the opportunity to experience Missouri streams as I've experienced them, with abundant fishing, safe swimming, and clear water.

Sincerely,

Jennifer Guyot

Jennifer Guyot
9 S. Old 63 Apt. 7
Columbia, MO 65201

RECEIVED

MAR 1 2 2003

MISSOURI LAND
RECLAMATION COMMISSIO

MO Land Reclamation Commission
PO Box 176
Jefferson City, MO 65102.

Dear Land Reclamation Commission:

Time is fast approaching where the LRC must decide on strong regulations to protect Missouri's clear streams from potential damage by unregulated gravel mining.

Missouri is one of the leading producers of gravel in the nation. I have no problem with gravel mining but it must be done in a reasonable manner. The streams of Missouri are a huge resource. Allowing any size operator to continue removing resources without complying with the accepted practices that protect those resources is negligent.

Numerous scientific studies have indicated that gravel mining actually is a negative economic influence when all aspects are considered. The U.S. Department of Interior reported stream fishing accounted for $170 million in direct expenditures in 1996. Just think what kind of revenue was produced from the other tourism resulting from use of Missouri streams.

The streams are a renewable resource. They exist forever without cost IF left in their own environment. Destroying the integrity of the resource with unregulated gravel mining will have a negative impact on the entire area for years, not just the small area with the scar of the mining operation.

As a fisherman I contribute to the resource by releasing most of the fish I catch. I respect the landowners rights and carry out litter whenever possible. I fish according to the applicable regulations. It is through strong regulations that Missouri has an outstanding reputation as a smallmouth fishery. I spend money on equipment, lodging, food, an occasional guide, gasoline and other local expenses. If the streams of Missouri are defiled I will spend my fishing dollars in another state.

Missouri has one of the best conservation departments in the nation but it is at the mercy of others that control the land and streams. Recent improvements in fishing regulations have already started to attract anglers across the nation because of the improved smallmouth bass populations and size in Missouri streams. Don't let such a successful program be undermined by an unregulated industry. Mining and stream use can coexist if there are rules in place that are enforced.

Realistic rules and enforcement will provide for economic stability of the gravel mining industry and protection of water quality and stream resources for future generations. Please enact strong regulations to protect our streams from gravel mining.

Thank you for the opportunity to address this issue.

Greg Reiter
5145 St Patricks Ln
House Springs MO 63051

RECEIVED

MAR 1 2 2003

MISSOURI LAND
RECLAMATION COMMISSION

MO Land Reclamation Commission
PO Box 176
Jefferson City, MO 65102.

Dear Land Reclamation Commission:

Time is fast approaching where the LRC must decide on strong regulations to protect Missouri's clear streams from potential damage by unregulated gravel mining.

Missouri is one of the leading producers of gravel in the nation. I have no problem with gravel mining but it must be done in a reasonable manner. The streams of Missouri are a huge resource. Allowing any size operator to continue removing resources without complying with the accepted practices that protect those resources is negligent.

Numerous scientific studies have indicated that gravel mining actually is a negative economic influence when all aspects are considered. The U.S. Department of Interior reported stream fishing accounted for $170 million in direct expenditures in 1996. Just think what kind of revenue was produced from the other tourism resulting from use of Missouri streams.

The streams are a renewable resource. They exist forever without cost IF left in their own environment. Destroying the integrity of the resource with unregulated gravel mining will have a negative impact on the entire area for years, not just the small area with the scar of the mining operation.

As a fisherman I contribute to the resource by releasing most of the fish I catch. I respect the landowners rights and carry out litter whenever possible. I fish according to the applicable regulations. It is through strong regulations that Missouri has an outstanding reputation as a smallmouth fishery. I spend money on equipment, lodging, food, an occasional guide, gasoline and other local expenses. If the streams of Missouri are defiled I will spend my fishing dollars in another state.

Missouri has one of the best conservation departments in the nation but it is at the mercy of others that control the land and streams. Recent improvements in fishing regulations have already started to attract anglers across the nation because of the improved smallmouth bass populations and size in Missouri streams. Don't let such a successful program be undermined by an unregulated industry. Mining and stream use can coexist if there are rules in place that are enforced.

Realistic rules and enforcement will provide for economic stability of the gravel mining industry and protection of water quality and stream resources for future generations. Please enact strong regulations to protect our streams from gravel mining.

Thank you for the opportunity to address this issue.

Wendle Reiter

RECEIVED
MAR 1 2 2003
MISSOURI LAND
RECLAMATION COMMISSION

MO Land Reclamation Commission
PO Box 176
Jefferson City< MO 65102

To Whom It May Concern,

I am writing this letter as a Missouri citizen who is concerned about the gravel mining in the state of Missouri. I understand that new regulations are being considered by the state legislature for the mining of gravel in our state.

I frequent Missouri's wonderful rivers, creeks, and streams and have witnessed first hand the negative impact gravel mining can have on these beautiful resources. I would like to encourage you to pass legislation that regulates and controls this industry. I am not suggesting that gravel mining should be abolished, rather only that it should be closely regulated so that the negative impact caused by some gravel mining can be controlled.

Missouri is blessed with many natural resources. Two of those resources are beautiful Ozark rivers and streams, and the gravel produced by those rivers. Both resources are important to our citizens and Missouri's economy. There is no reason that both cannot be used responsibly. The damage caused by irresponsible use of any of our resources is inexcusable. Please enact regulations that protect the water quality of our streams while still allowing for responsible mining of gravel.

Sincerely,

Timothy M. Maher

Timothy M. Maher

RECEIVED

MAR 1 2 2003

MISSOURI LAND
RECLAMATION COMMISSIO

March 10, 2003

MO Land Reclamation Commission
PO Box 176
Jefferson City, MO 65102

To Whom It May Concern:

I am an avid smallmouth bass fisherman who enjoys pursuing the species on Missouri's precious and irreplaceable Ozark streams. As such, I have a great interest in seeing that our streams are protected from over development and/or destruction at the hands of a few individuals that wish to profit from these natural resources.

Over the past decade, the Missouri Smallmouth Alliance has worked closely with the Missouri Department of Conservation, one of the finest conservation departments in America, to protect and improve Ozark stream smallmouth bass populations. The enactment of quality regulations and the spread of the catch-and-release philosophy has definitely has the desired impacts of producing more and larger smallmouth bass for anglers to pursue. Meaningful in-stream gravel mining regulations must be adopted to protect our fragile stream fisheries from unchecked exploitation. Don't allow such a successful program be destroyed by an unregulated gravel mining industry. Mining and quality stream fisheries can coexist if proper rules are legislated and enforced.

Gravel mining does not have to continue to be a harmful activity to our Ozark streams. Realistic rules and solid enforcement can provide both economic stability to the gravel mining industry and the protection of water quality and stream resources for future generations of Missourians to enjoy.

I implore the MO Land Reclamation Commission to adopt the gravel mining regulations as proposed by the American Fisheries Society and the Missouri Smallmouth Alliance as members of the In-stream Gravel Mining Work Group.

Thank you for addressing this important matter.

Dan Kreher
16040 Autumn Oaks Circle
Ellisville, MO 63021-5987

Letter Opposing Senate Bill No.360

March 8, 2003

RECEIVED
MAR 1 2 2003
MISSOURI LAND
RECLAMATION COMMISSION

Missouri Land Reclamation Commision
201 West Capitol Ave.
P. O. Box 176
Jefferson City, Mo. 65102

Dear Commissioners,

As a Missouri citizen concerned about the long-term health of our valuable rivers and streams, I'm writing to urge you to withdraw the Gravel Mining Exemption Bill (SB0360) from consideration. Scientists from Missouri and elsewhere understand the economic, social, and scientific issues involving our state's valuable aquatic resources. They recognize that gravel and sand mined from Missouri's streams are economically important commodities ($41 million in 1995). However, they also understand that fishing and other stream-based recreation also are economically important activities in Missouri. In 1996, stream fishing alone accounted for $170 million in direct expenditures (U.S. Department of Interior report). Add to that figure the economic activity generated by swimmers, canoeists, hunters, and other recreationalists, and you have an economic powerhouse that far exceeds the economic impact of in-stream gravel mining in Missouri. In addition, there have been no documented negative economic impacts to the Ozark region or the mining industry under the existing regulations. Therefore, we ask, do you want to endanger Missouri's already fragile economy by exempting gravel mining from modest rules that would minimize damage to Missouri's nationally recognized rivers and streams?

The negative effects of in-stream gravel mining have been well documented by scientists. These effects have been documented not only nationally but also in the Ozarks of Missouri and Arkansas. Effects include erosion of streamside private property (and its real estate value), erosion of public property, damage to private and public infrastructure (roads, bridges, pipelines and utility lines) losses in productivity of our valuable fisheries, and losses to our rich biological diversity. Claims that gravel must be "cleaned out" of our streams to prevent erosion or should be bulldozed against eroding stream banks to protect them are quickly revealed as untrue once these claims are compared to the indisputable facts uncovered by scientists over the last 20 years. I believe that profitable in-stream gravel mining can be done under modest rules designed to also protect our valuable stream resources.

This bill would exempt 74% of commercial gravel miners from any rules and allow each of those miners to take 5,000 tons of gravel, which is the equivalent of 500 10-wheel truck loads; private landowners taking gravel for their own personal uses are already exempt under existing law. SB0360 is not only a danger to Missouri's economy, it's also a danger to an important part of Missouri's heritage: laughing children catching their first fish with proud parents looking on. Do the right thing for Missouri and kill this bill.

Sincerely,

Bill Thompson

WENDALL M. THOMPSON, JR.
RT 1 BOX 370
ORAN, MO 63771

March 11, 2003

RECEIVED
MAR 1 2 2003
MISSOURI LAND
RECLAMATION COMMISSIO

Staff Director
Land Reclamation Commission
P.O. Box 176
Jefferson City, MO 65102

Dear Staff Director:

I am writing to you today to urge you to **adopt the version of the in-stream gravel mining rules proposed by the American Fisheries Society** during the recent Gravel Mining Working Group deliberations.

I recognize that gravel and sand mined from Missouri's streams are economically important commodities. However, fishing and other stream-based recreation also are economically important activities in Missouri; stream fishing alone accounted for $170 million in 1996. This figure does not include the additional economic activity generated by swimmers, canoeists, hunters, and other stream enthusiasts. Thus, the recreational and aesthetic values of our streams far outweigh the economic benefits of in-stream gravel mining which were estimated at only $41 million in 1995.

The proposed rules for in-stream gravel mining were previously in place and followed by gravel miners for two years (April 1995 to April 1997), so claims by miners that the new rules will increase their costs are without basis. There have been no documented negative economic impacts to the Ozark region or the mining industry under the existing regulations. I have personally observed loss of stream sinuosity, extensive erosion, loss of aquatic habitats, loss of fish populations, and damage to county roads resulting from in-stream gravel mining. This must be regulated.

Missouri needs rock and gravel for construction. However, it should not come at a risk to our aquatic resources. Other sources of aggregate, such as quarry operations, are much more sustainable. In fact, quarry extraction can be used constructively to provide these materials while providing additional aquatic habitats such as quarry reservoirs and other useful byproducts such as underground storage facilities and pits for storage of recyclable materials.

Sincerely,

James F. Fairchild
9603 East Vemer's Ford Road
Columbia, MO 65201

RECEIVED
MAR 12 2003
MISSOURI LAND
RECLAMATION COMMISSION

MO Land Reclamation Commission
PO Box 176
Jefferson City, MO 65102.

Dear Land Reclamation Commission:

Time is fast approaching where the LRC must decide on strong regulations to protect Missouri's clear streams from potential damage by unregulated gravel mining.

Missouri is one of the leading producers of gravel in the nation. I have no problem with gravel mining but it must be done in a reasonable manner. The streams of Missouri are a huge resource. Allowing any size operator to continue removing resources without complying with the accepted practices that protect those resources is negligent.

Numerous scientific studies have indicated that gravel mining actually is a negative economic influence when all aspects are considered. The U.S. Department of Interior reported stream fishing accounted for $170 million in direct expenditures in 1996. Just think what kind of revenue was produced from the other tourism resulting from use of Missouri streams.

The streams are a renewable resource. They exist forever without cost IF left in their own environment. Destroying the integrity of the resource with unregulated gravel mining will have a negative impact on the entire area for years, not just the small area with the scar of the mining operation.

As a fisherman I contribute to the resource by releasing most of the fish I catch. I respect the landowners rights and carry out litter whenever possible. I fish according to the applicable regulations. It is through strong regulations that Missouri has an outstanding reputation as a smallmouth fishery. I spend money on equipment, lodging, food, an occasional guide, gasoline and other local expenses. If the streams of Missouri are defiled I will spend my fishing dollars in another state.

Missouri has one of the best conservation departments in the nation but it is at the mercy of others that control the land and streams. Recent improvements in fishing regulations have already started to attract anglers across the nation because of the improved smallmouth bass populations and size in Missouri streams. Don't let such a successful program be undermined by an unregulated industry. Mining and stream use can coexist if there are rules in place that are

enforced.

Realistic rules and enforcement will provide for economic stability of the gravel mining industry and protection of water quality and stream resources for future generations. Please enact strong regulations to protect our streams from gravel mining.

Thank you for the opportunity to address this issue.

Tom Wellman
3 Calder Ct.
Manchester, MO 63021

RECEIVED

MAR 1 2 2003

MISSOURI LAND
RECLAMATION COMMISSION

Dear Land Reclamation Commission (for adopting gravel mining rules):

I'm writing to you today to urge you to adopt meaningful gravel and sand mining regulations, which are applicable to all commercial operators.

I grew up enjoying the clear, clean, and beautiful Ozark streams. Fishing, canoeing, and photography are my passion. I make my living in the St. Louis area but my family and I own a second home in the Missouri Ozarks were our hearts and souls belong. The beautiful spring-feed streams of the Missouri Ozarks are an outdoor enthusiasts treasure with few equals. However, I've seen first-hand the destruction of irresponsible gravel mining in Missouri and in Arkansas.

I'm not against gravel mining but I urge you to adopt meaningful regulations that must be followed instead of difficult to enforce guidelines. The most upsetting aspect about the destruction from gravel mining is that the destruction is completely without necessity. The knowledge and science to harvest sand and gravel in a environmentally safe manner is completely understood and I urge you to seek and adopt the methods of the USGS, MDC, and DNR experts regarding responsible sand and gravel mining practices.

The negative economic impact of irresponsible gravel mining exceeds any possible benefit from the gravel resource. The Land Reclamation Commission owes a duty to the citizens of Missouri to protect the state's natural resources from overuse and abuse. This duty requires that the Commission strike a balance between property rights and the protection of natural resources for the enjoyment of all Missourians. I urge you to again require all commercial sand and gravel mining operators to obtain permits and follow sound mining regulations.

Thank you for you attention on this important matter.

Brian Ellis
2216 Viewroyal Dr.
St. Louis MO 63131

RECEIVED

MAR 1 2 2003

MISSOURI LAND
RECLAMATION COMMISSION

Becky Denney
625 Angenette Ave
Kirkwood, Mo 63122
314-821-5524

March 10, 2003

Mr. Larry Coen
Missouri Land Reclamation Commission
PO Box 176
Jefferson City, MO 65102

Re: In-Stream Sand & Gravel Mining in Missouri

I request that the Land Reclamation Commission adopt regulations for in-stream commercial sand and gravel mining. To the extent the regulation deviates from the current guidelines, it should follow the recommendations and options supported by a scientific organization such as the American Fisheries Society.

As I served as a member of the Sand and Gravel Workgroup, I was aware that the 2001 proposed guidelines were originally a compromise. So I voted for the wording that I felt would best protect streams while allowing for sand and gravel mining on streams with abundant sand or gravel. But I find the finished document from the workgroup to be awkward to work with. I have decided to send you the Performance Requirements with the options written as I believe they could be accepted.

Thank you for your consideration,

Becky Denney

Becky Denney
Stream Team Representative
Stream Team 1546

03/10/03

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 40—Land Reclamation Commission
Chapter 10—Permit and Performance Requirements for Industrial Mineral Open Pit and In-Stream
Sand and Gravel Operations

10 CSR 40-10.020 Permit Application Requirements

(D) A plan of operation and reclamation which meets the requirements of 444.760--444.790, RSMo.

1. The operation plan for surface mine operators shall include:
A. A brief description of topsoil availability, removal and storage as outlined in 10 CSR 40-10.050(6);
B. A brief description and location of spoil placement and disposal;
C. A brief description of handling of acid materials, if applicable; and
D. A brief description of the location and arrangement of the pit if not delineated clearly on the map submitted with the application.

2. All applications shall contain a reclamation and operation plan for the lands and water within the proposed permit area.

3. The reclamation plan shall include, at a minimum:
A. A list of species used for reclamation and the seeding/planting rates:
B. Methods and timing of seeding/planting;
C. If required by the commission, references to support revegetation methods;
D. A brief description of the grading, topsoiling and revegetation schedules as outlined in 10 CSR 40-10.050(10); and
E. The land use that area is to be reclaimed to and the acreage of each.
4. Commercial In-stream operators must describe what measures will be taken to minimize impacts on the stream environment, **that is, how they will follow the requirements of 10 CSR 40-10.050 (14).**

Unanimous recommendation to change this sentence

10 CSR 40-10.050 Performance Requirements

(14) In-Stream Gravel Removal Requirements.

(A) Commercial Operations that conduct sand and/or gravel removal within the stream banks must comply with the following requirements.

(B) The following requirements are designed to protect water quality while allowing for the excavation of sand and gravel from riparian environments. Upon request of the applicant, the program may establish site specific variances to address conditions that may occur at individual locations. 12 votes: Public, county commission (3), Smallmouth Bass Alliance, Ozark Fly Fish, American Fisheries Society, landowner (2), Trout Unlimited, Ozark Private Rights Congress, producer)

1. Excavation of sand or gravel deposits shall be limited to deposits in unconsolidated areas containing primarily smaller material (at least 85 per cent of the material is less than three inches in diameter) that is loosely packed and contains no woody perennial vegetation **greater than one inch in diameter**, measured at 6 inches above the ground.

03/10/03

If the woody vegetation size is changed in 2., the entire workgroup recommends making the same change in woody vegetation diameter in 1.

2. An undisturbed buffer of 20 feet shall be maintained between the removal area and the water line at the time of excavation, and between the removal area and bank vegetation greater than **one inch in diameter, measured at six inches above ground. In absence of bank vegetation, the buffer will be maintained between the removal area and the based of the high bank.** Upon request of the applicant, width of buffer areas may be modified after an on-site visit determines that a smaller width buffer area would not significantly impact the biological, physical, or chemical integrity of the water resource.

9 votes: Sierra Club, public, Smallmouth Bass Alliance, Trout Unlimited, Stream Team, landowner, Ozark Fly Fishermen, Coalition for the Environment, American Fisheries Society

---

3. An undisturbed buffer of 100 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 for ingress and egress only. No clearing within this riparian area is authorized in association with work authorized by this permit.

7 votes: Coalition for the Environment, Sierra Club, Stream Team, landowner, Smallmouth Bass Alliance, Ozark Fly Fishermen, American Fisheries Society

---

4. No change Sand or gravel shall not be excavated below water elevation at the time of removal. If the stream is dry at the time of excavation, excavation shall not occur deeper than the lowest undisturbed elevation of the stream bottom adjacent to the site.

7 votes: Trout Unlimited, Smallmouth Bass Alliance, public (3), Ozark Fly Fishermen, American Fisheries Society

---

5. Stream channels shall not be relocated, straightened, cut-off, shortened, widened, or otherwise modified. A stream 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.

22 votes: county commission (4), county planning commission, producer (5), association (2), Farm Bureau, Ozark Private Rights Congress, landowner, Trout Unlimited, Smallmouth Bass Alliance, public (3), Ozark Fly Fishermen, American Fisheries Society

---

6. No change Within 30 days of the removal of excavation equipment from the site, streambank areas disturbed by the removal operation or support features shall be revegetated or otherwise protected from erosion. For long-term operations (longer than 30 days) or for sites that will be periodically revisited as gravel is deposited, access points shall be appropriately constructed and maintained such that stream banks and access roads are protected from erosion.

03/10/03
7 votes: public (2), Smallmouth Bass Alliance, Trout Unlimited, landowner, Ozark Fly Fishermen, American Fisheries Society

==========

7. Any aggregate, fines, or oversized material removed from the site shall be placed beyond the high bank, on a non-wetland site that has been approved by the landowner. No material, including oversized material, that results from excavation activity may be stockpiled or otherwise placed into flowing water or placed against streambanks as bank stabilization unless specifically authorized by a state or federal permit.

Unanimous recommendation of above changes

==========

8. All sand or gravel washing, gravel crushing, and gravel sorting shall be conducted beyond the high bank, in a non-wetland area and away from areas that frequently flood, such that gravel, silt, and wash water that is warm, stagnant, or contains silty material cannot enter the stream or any wetland.

24 votes: county commission (4), county planning commission, producer (5), association (2), Farm Bureau (2), Ozark Private Rights Congress, landowner, Trout Unlimited, Smallmouth Bass Alliance, public (3), Ozark Fly Fishermen, Stream Team, American Fisheries Society

==========

9. No change Spawning season restrictions shall be followed

4 votes: Sierra Club, Coalition for the Environment, Stream Team, American Fisheries Society

==========

10. No change Vehicles and other equipment shall be limited to removal sites and existing crossings. Streams shall be crossed perpendicular to the direction of the stream.

4 votes: Sierra Club, Coalition for the Environment, Stream Team, American Fisheries Society

==========

11. Fuel, oil and other wastes and equipment containing such wastes shall not be stored or released at any location between the high banks or in a manner that would enter the stream channel. Such materials shall be disposed of at authorized locations.

Unanimous recommendation for existing language

---

12. Sand and gravel operators that require a permit for storm water runoff and/or gravel washing shall secure such permit from the appropriate Department of Natural Resources, Regional Office prior to initiating operations.

Unanimous recommendation to drop this item

13. No change Instream sand and gravel operations are prohibited from those waters listed as "Outstanding State Resource Waters" or "Outstanding National Resource Waters" (10 CSR 20-7.031).

9 votes: Stream Team, Sierra Club, landowner, Coalition for the Environment, Ozark Fly Fishermen, Trout Unlimited, public, Smallmouth Bass Alliance, American Fisheries Society

==========

14. If any part of the authorized work is performed by a contractor or other party, these conditions shall be discussed with the contractor or party. A copy of these conditions shall be given to the contractor or other party involved in the excavation activities. The permittee remains responsible for the conditions of the permit.

6 votes: Coalition for the Environment, Stream Team, Trout Unlimited, landowner, Sierra Club, American Fisheries Society

==========

15. The Land Reclamation Program shall coordinate with the Missouri Department of Conservation and the U.S. Fish and Wildlife Service as to the presence of State and Federal Threatened and/or Endangered Species in the stream reach where mining occurs or will occur in order to avoid jeopardizing the species' continued existence or destroying or adversely modifying the habitat of such species in the permitting process.

12 votes: public (2), landowner, producer, Trout Unlimited, Stream Team, Smallmouth Bass Alliance, Coalition for the Environment, Sierra Club, Ozark Fly Fishermen, American Fisheries Society