



01/09/03

Jim & Cathy Huckins  
601 West Parklane  
Columbia, MO 65201

Steven Mahfood  
Director, Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102

RECEIVED

JAN 9 2003

MISSOURI LAND  
RECLAMATION COMMISSION

Dear Mr. Mahfood,

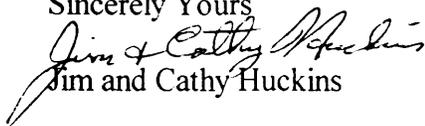
We are writing you again in regard to the review of potential in-stream gravel mining regulations by the Land Reclamation Commission (LRC) of the Department of Natural Resources (DNR). About 4-months ago the DNR appointed a committee or work group consisting of interest groups or individuals (excluded state and federal experts) from all sides of this issue in an effort to find some common ground for the protection of Missouri's streams, while still allowing gravel and sand mining. As you are probably aware, this committee has finished it's work and the final decision on the exact formulation of stream protection standards is apparently up to the LRC. One of us attended most of the committee meetings as an observer with occasional input. We applaud the efforts of DNR personnel who made a great effort to reach consensus on as many of the proposed standards as possible. We also appreciate the efforts of Missouri Department of Conservation experts to educate various interests groups on the potential damage of unregulated gravel mining on aquatic resources, stream bank stability, and man made structures.

Unfortunately, in this world of competing interests for finite natural resources, a complete consensus is often not possible. However, we do believe that there was a reasonable level of acceptance by most committee members of most of the proposed stream mining standards.

We now urge you to ensure that the proposed standards are adopted as enforceable regulations and not just guidelines. As an environmental scientist for 32 years, I believe that gravel mining can be conducted within a framework of reasonable stream regulations, but without them, the quality of Ozark Streams will likely be impaired. Please keep my family informed on the final disposition of this issue.

Thank you for your consideration.

Sincerely Yours

  
Jim and Cathy Huckins

cc. Mr. Mike Larsen

**Jan. 8, 2003**

**Letters to the Editor, Springfield News-Leader**

**Gravel Mining**

## **Counties must act on balanced plan**

Re: Cynthia Andre's Jan. 1 commentary, "Commissioners' stand on gravel mining ignores risks."

I must say that Andre's comments regarding our poor collective performance in regulating sand and gravel mining were right on target. She is correct to be critical of individuals, businesses and government agencies improperly mining our stream beds for road building materials. Gravel mining can cause serious damage to water quality, property and ecosystems.

Greene County is fortunate in that all of our public roadways are paved and we are not saddled with the difficulties of extracting or obtaining road materials from our area streams. Unfortunately, this is not true for many other counties around the state. Because of the prevalence of gravel roads throughout their transportation systems, as well as extremely tight budgets, many are compelled to extract sand and gravel material from area streams.

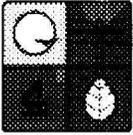
While I appreciate and understand the difficulties posed, the real challenge is properly removing materials from our stream beds. The Missouri Department of Natural Resources has published guidelines that can be applied to achieve pollution prevention and environmental compliance. As Andre correctly points out, these guidelines are not regulatory and are often ignored or discarded.

Efforts are under way to work with the Missouri Land Reclamation Commission to achieve some reasonable regulatory stance for sand and gravel mining operations. It is my hope that a balance can be struck and those involved in sand and gravel operations can be educated to protect our streams and riverways in the state of Missouri.

We have danced around this problem long enough. It is time to act in a manner that will be beneficial to both our natural resources and the communities in which we serve.

*David L. Coonrod, Greene County presiding commissioner*

Workgroup's final recommendations - Larry Coen/LRP/DEQ/MODNR



Mike Larsen

01/08/2003 10:31 AM

To: "Randy Scherr" <rjscherr@sockets.net>  
cc: Alice Geller/OD/MODNR@MODNR, Larry  
Coen/LRP/DEQ/MODNR@MODNR, Tom  
Cabanas/LRP/DEQ/MODNR@MODNR  
Subject: Workgroup's final recommendations

Thanks for the thoughts Randy. As you can see, I am forwarding them to Alice et.al. for their consideration.

Mike Larsen, R.G.  
Chief; Non-Coal Unit  
Missouri Department of Natural Resources  
ALPD/Land Reclamation Program  
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<rjscherr@sockets.net>  
t>

01/08/2003 10:01 AM

To: "Mike Larsen" <nrlarsm@mail.dnr.state.mo.us>  
cc:  
Subject: Workgroup's final recommendations

Mike,

Thanks for the material.

Just a thought (or concern) over the presentation of the recommendations.

It was my understanding from the start that the Commission wanted the work group to put together a "draft proposal". The draft you sent appears to use the old draft guidelines as the base and thus it appears that the old language may be an option. Although the work group used the language as a starting point for sake of ease it would make sense that the language developed by the group with the "most dots" would be the proposed language with the other language (that with fewer dots) being options. The way it appears, the old original language is the proposed language with the new language as proposed options.

This may not make a difference in the end but I was a little confused as I tried to go through it.

Bottom line, I think it grants more credibility to the old set of proposed rules than is due (or we are comfortable with). However I do understand staffs attempt to "paper trail" the changes.

I guess my recommendation would be to have a single document with the full recommended rule (one with the most dots) with the other options out to the side.

Maybe we can talk about it.

Thanks

Randy

01/09/2003 10:46:53 AM

January 7, 2003

Ozark Property Rights Congress  
c. Russell Wood, President  
Rt. 1 Box 95 - A Mtn. Grove, Mo 65711

Land Reclamation Commission

Dear Commissioners,

First off, let me thank you for the opportunity to represent our landowners' group in this matter which deals with property owners' rights. I would also like to express appreciation to Mr. Larry Coen, Mr. Mike Larsen, and Mr. Tom Cabanas, for their consideration and efforts to accommodate our requests during these deliberations. They proved to be both responsive and candid, and showed a sincere appreciation for our position.

The matter at hand deals with placing rules and regulations on private enterprise, both industrial and property management. When this is done by governmental agencies it must be done only after a clear need is shown to exist. In this case of regulating gravel removal from the streambeds on private property, it would be necessary to show a need to protect the stream and its environment from desecration, and that the proposed rules would accomplish that end while also considering the economic impact.

To establish scientific and fact based need would require studying and documenting cause and effect of management practices where gravel removal has affected the stream and adjoining property. According to the United States Geological Survey, no studies have been done to determine the effects of gravel mining on the streams of the Ozarks. The U.S.G.S. member of the study group said it would take a few years to conduct such a study.

Most of the material presented to the work group supporting the proposed regulations came from the M.D.C. and cited stream conditions and examples from out of state locations and even far away countries. Much M.D.C. material was offered which was based on nothing more scientific than what one M.D.C. employee had told another, and was now in print as fact.

During 20 hours of discussion and presentations only one sound reason was given for a need to have the 15 point set of regulations on the books, and that was to make it easier for the agency to bring charges against violators of those rules.

Other than the often repeated Lynn Creek example, no viable studies were ever presented to show need for additional regulations. Conversely, after Mr. Coen gave a slide presentation showing an eroded creek bank and other deterioration, he pointed out that his staff, as well as other agencies, had been unable to connect anything being done by an upstream gravel removal operation with the degradation. He said they could establish no relationship between the two.

A re-occurring theme was that gravel removed below water level causes head cutting up stream. No consideration was given in these hypothetical scenarios to the fact that most Ozark streams have areas of solid rock bottoms, which would prevent any perceived head cutting from moving up stream. Also, all streams were lumped together in the proposed rules, making no distinction between gravel rich streams which clog the channels and cause bank erosion and those low in gravel. The fact that landowners have long used gravel removal as a management tool to properly maintain streams was totally ignored in the propagation of these proposed rules.

A strong argument was presented that methods demonstrated by the M.D.C. on how to manage streams without removing gravel are flawed. Their Potter Creek demonstration project at Cabool proved their methods as proffered in the proposed 15 rules are not only unneeded, but detrimental to the stream environment. A visit to this location by those concerned with implementing the 15 rules would be very worthwhile.

I'm not going to rehash the entire four days of meetings, but I do feel they clearly demonstrated:

**#1. No need shown for the 15 point regulations.**

No scientific based, factual evidence was presented. Only theoretical, emotional "Because I say so" arguments from those factions whose existence depends on perceived crisis, and who seek control of others property for their selfish interest were presented.

**#2. No consideration has been shown for the financial burden imposed on the state of Missouri and each and every resident who builds homes or in any way uses concrete.**

No accurate or complete financial impact study has been done to show the cost increase which is being caused by these regulations which are already being imposed as guidelines which operators must adhere to in order to be issued operating permits.

We, as landowners do not support rules which would hamper private control of our property. The argument that private landowners would be exempt from the proposed regulations as long as none of the material removed is sold, may sound good, but in practice - it is a mute point. Usually, when gravel needs to be removed to unplug a stream or to keep it from clogging a commercial operator must be called to do the job.

How can a government agency tell a landowner he can't sell a legal resource from his own property? Why is it O.K. to remove gravel as long as it's not sold? If the purpose of the rules is to protect streams would`nt non-sold gravel removal have the same effect on the stream as sold gravel? Is the real reason to protect or to control?

We are on record as voting for the wording of 10 suggested alternatives to the 15

proposed rules put forth by the Land Reclamation group. This is not to be construed as an endorsement of any rules or regulations per se. It is to show a preference of which wordings are more sensible and less intrusive on the property owner and commercial operator while protecting the integrity of the stream.

We do not abdicate our constitutional right to own and manage our private property as we see fit. And, in the vast majority, we do that in a manner sensitive to conserving the natural resources and environment in our care. We live in this environment daily, and are dependent on these resources for our livelihood.

Remember Landowners are the REAL conservationists.

Sincerely,  
c. Russell Wood

cc: Senator Sarah Steelman  
cc: Senator John T. Russell  
cc: Senator Doyle Childers  
cc: Senator Dan Clemens  
cc: Representative Chuck Purgason

"Bob and Karen Parker"  
<kbparker@train.missouri.org>  
01/07/2003 11:49 AM

To: "Mike Larsen" <nrlarsm@mail.dnr.state.mo.us>  
cc: "Sarah Steelman" <sarahs@fidnet.com>, lgarrett@train.missouri.org, "Joe Whetstine" <whetfarm@pcis.net>, "Holloway, Leslie" <lholloway@mofb.com>, "Chuck Purgason" <cpurgason@townsq.com>  
Subject: Comments to Land Reclamation Commission on Sand and Gravel

Mike Larsen, Land Reclamation Commission  
The Land Reclamation Commission

cc:  
Senator Sara Steelman  
Representative Chuck Perguson  
Representitive Mark Hampton  
Senator John Russell  
The Texas County Commission  
others

## **REPORT ON SAND AND GRAVEL COMMITTEE FINDINGS TO THE BUREAU OF LAND RECLAMATION COMMISSION**

To the Members of the Land Reclamation Commission,

I have been a member of the Sand and Gravel workgroup over these past few months. I would like to thank the Commission for the opportunity to learn more about this issue and also would like to thank Mike Larsen and his staff for all of their work and involvement in this process. I believe that as we work together on these issues we can all learn more about the dynamics of this and other issues. As you probably know, I have been concerned with the process of developing rules and regulations and have tried to enter into this process with an open mind. I have tried my best to listen to all sides of this issue and try to help develop a reasonable plan to not only take care of our Missouri streams and land but to also protect our Landowners rights. Additionally, I have been most interested in the science behind these issues and have sincerely wanted to do what is best for our rivers.

I have several concerns about the process that I have been involved with in developing new guidelines for the Sand and Gravel mining. After voicing my concerns in a letter to the Editor in the Rolla Daily News and other papers, Steve Mahfood, the Director of D.N.R. responded saying that he agreed with my concerns and would tell his staff to consider the issues that I raised such as the impact of these proposed regulations on our fragile Missouri economy. I also

stated my concern that no Missouri studies have been done on the impact of gravel mining in our streams. The following are some of my concerns:

**Economic:** Under the National Environmental Protection Act, NEPA, it states that county governments can require regulatory agencies to do environment impact studies as well as economic studies of proposed regulations. DNR has not done this. Texas County has requested this information and our Commissioners have been notified that no studies have been done. DNR tried to get around this by saying the impact would be under \$500 dollars to the state. I would contend as will as many in the gravel mining industry the cost will be in the hundred of thousand if not millions to our fragile Ozarks economy. Many gravel miners have stated that the proposed regulations will severely hurt their business and could make them stop mining gravel altogether. Studies must be done with input gathered from all sources. In addition, the current guidelines have an economic impact that has never been taken into account.

**Science:** Gravel rich streams are not greatly affected by gravel mining under the current stream management plans. Again and again we were told that there were many areas in the state that have been damaged by gravel mining but when we asked about specific sites, very few could actually be documented. I don't believe a case has been made for the need for additional regulations One site presented to the group that had over 70 complaints from people failed to convince Land Reclamation personnel that gravel mining was at fault. **Damage that is being done is in violation of current stream management guidelines.** Many Ozarks streams have tremendous gravel loads that are filling all the fishing holes with loads of gravel since gravel mining was severely limited several years ago. Many contend that stream bank erosion is much worse than it was years ago because of the gravel and brush in the streams causing water to go around these obstructions, washing out many tons of topsoil and additional gravel in our stream banks. I completely disagree with your source of information on this, Bill Turner of the Conservation Commission. Bill has views that don't make sense on our Missouri streams and I would challenge his scientific analysis concerning in-stream gravel and stream bank erosion. He is partially responsible for the Potters Creek situation in Texas County. Just go look at that site and see if Mr. Turner's stream management works in the real world. That site by the way has washed out thousands of tons of topsoil away and is threatening Highway 63 and a bridge. This site has already cost taxpayers allot of money and will continue to cost MoDot Thousands because of the management of this site. **The current guidelines have never had their environmental impact taken into account let alone the proposed new regulations.**

**The Committee Process:** The facilitator did an excellent job ramming her agenda through the group. She said she was hired to develop regulations and she did in spite of questions by members of the group and concerns about lack of data. She forced the group to do in 4 meetings what should have taken 1 or 2 years to complete. We did generate some wording but we have no idea of what the economic or scientific impact will be in some cases. **This process has been a blackeye on the Department of Natural Resources.** Committee members were basically told to leave the group if they didn't do what the facilitator wanted. I understand the need for someone to be in charge but I must say I was surprised that DNR would hire a facilitator that had no knowledge of this issue and who made the decisions about how we would run the meetings and what our timetable would be. **The facilitator did not follow the concerns that Steve Mahfood had about the issue which he stated in his letter to the editor.**

**The proposed wording:** The group was very divided on this issue. The Sierra Club, The Small Bass Alliance and other groups want no mining in or around our streams that is clear. These extreme groups do not consider the balance that is required under the laws of Missouri. The law says DNR must consider many things such as effects on industry and farmers, as well as the general welfare of the people of this state. That has not been considered by these groups. They have an extreme hands off approach to our natural resources and don't even have the science or data to back up what they are proposing. This issue cannot be approached in a misplaced emotional kind of way such as these groups use. I voted to keep these as guidelines and not turn them into regulations as did the majority of the group, at least until some kind of case can be made for doing something different.

**The Permit Process:** The current requirement of the Corp of Engineers has had a very detrimental impact on our streams and stream banks. Permits from the Corps are required before landowners can repair areas of damage to the stream banks that run through their private property. If you want to keep something from happening just submit it to a complex regulatory process. It may not seem complex to those that deal with regulatory issues all the time but what about farmers in rural Missouri with virtually no background in this area. **DNR should help clear the way to make this easier for landowners! There needs to be a blanket permit allowing all landowners to do repairs to their stream banks without going through a bunch of paperwork along with inspectors.** The Department of Conservation could have guidelines and possibly staff available to help with this process. Also, the Missouri Department of Extension could have pamphlets with helpful information about saving stream banks written by people who live in the real world and don't just deal with theories about our streams.

**The Department of Land Reclamation:** I want to make it clear that this is not a personal attack on anyone at DNR. I disagree with many things that have been done but I believe most employees are doing their best. The problem is that many of the people involved with this issue don't understand the impact in all of the different areas in my opinion. They excel at drafting regulations but most of the people I have talked to admit they have little background in economics. Most have never made a living producing a product using natural resources. Many have never run a business of their own. That is really the nature of our problem, a lack of understanding. To really understand someone, you must walk in their shoes. There is a great gulf between many that run businesses and those that regulate them in our state.

**Where Do We Go From Here?** The guidelines proposed by the Sand and Gravel Miners would protect our streams and give them guidelines to operate by. DNR should do scientific studies including landowners and gravel miners in that study process. Many of the studies done in other states were done by groups wanting to stop all mining in streams with little or no input from others. It's pretty easy to make a study say what you want to if you don't have the other side presented. This is a debate with many issues to consider, many aren't aware of all the issues. We need to streamline the process by which landowners can repair stream banks on their property. DNR should help to remove all roadblocks for this practice on private land. Studies should be done on the impact current regulations have had economically and on our stream banks, again, including industry and landowners in the process. The input that DNR

gets is very one-sided. As you can tell, this group has raised many issues that were not being considered. To be effective and responsible, DNR must continue to get a broad spectrum of input in its policy and regulatory functions. I know it is sometimes painful, but being accountable and hearing both sides of these issues will be best for our state and our environment in the years to come.

**An example to think about:** Imagine a plot of land, habitat for different species, bugs, wildlife, deer, birds, trees, grass, all kinds of plants and eco-systems. Now man comes along, where can he build his house without displacing some of these plants or animals? Where does man fit into this picture? Is man natural, or un-natural?

Is it Ok for him to make his mark on this plot of ground with his shelter and travel areas? The beaver impacts his area to a great extent, cutting trees and changing water levels and digging out banks. The beaver impacts water temperature affecting fish and animals. Nobody seems to care about that. The buffalo numbered in the thousands in the past and had a huge impact on their world, their wallows are still evident in many places. Where does man fit? If we look at our natural world and say man doesn't fit, what are we trying to say? Does it make sense? Yes we need to care for our natural world as most farmers and property owners do. However, extreme views of some that say we have no place and no reason to use our natural resources to build our homes, highways and everything else we use just doesn't seem to make allot of sense to me.

When those extremists figure out where to live, travel, and work without impacting anything or anybody, or using real resources from a real world, then I will listen with open ears. They have few solutions, they just attack people involved in providing for their needs. I have yet to hear an answer from the Sierra Club or other extreme groups on how we can build better roads in Missouri with reasonable costs for materials. They just say that's what industry always says when ever someone tries to regulate them. It's time to look past the cute little phrases and take a look at what is really happening. Missouri has been the worst state in the nation for losing businesses. It past time to consider what affect our regulatory actions are really having on our states fragile economy. DNRs funding comes from taxpayers, how will DNR be funded when the state loses revenue? Raise taxes some more? Levy more fines? Drive more business from the state? Until then, we must use reason and common sense.

**People die everyday on our roads everyday because they are not as good as they could be. Money is important when you talk about roads and the condition of roads is important when you talk about saving lives. Sand and Gravel builds Roads. How can we overlook these economic impacts when we consider new regulations?**

Again, thanks for the opportunity to serve on the committee. I will be happy to continue to work with DNR in the future on this and other issues.

Sincerely,

Bob Parker

Information Chairman, Texas County Farm Bureau

"Bob and Karen  
Parker"  
<kbparker@train.  
missouri.org>

01/03/2003 11:07  
AM

To: "Cabool Enterprise" <cabent@pcis.net>, editor@houstonherald.com, "Eric Derrickson" <thenews@fidnet.com>, "Governor Holden" <costit@mail.gov.state.mo.us>, "Howell county news" <editor@howellcountynews.com>, "Jefferson City Tribune" <editor@newstribune.com>, "Kansas City Star" <dpeak@knighttridder.com>, "KY 3" <ky3news@ky3.com>, "Lebanon Daily Record" <news-eds@lebanondailyrecord.com>, "Missouri chamber of commerce" <ahayes@mochamber.org>, "Mtn Grove Paper" <#editor@stateline.org>, rdn@rollanet.org, "Richland Mirror" <mirror@fidnet.com>, "Rolla Daily news" <news@therolladailynews.com>, "summersville Beacon" <sbeacon@train.missouri.org>, "WP quill" <quill@townsq.com>  
cc: "Chuck Purgason" <cpurgason@townsq.com>, "Holloway, Leslie" <lholloway@mofb.com>, Jetton@mf2.socket.net, Jetton@socket.net, "Joe Whetstine" <whetfarm@pcis.net>, lgarrett@train.missouri.org, "Mark Hampton" <mhampton@services.state.mo.us>, ssteelma@services.state.mo.us, (bcc: Mike Larsen/LRP/DEQ/MODNR)  
Subject: Farm Bureau News Release on Sand and Gravel Mining

Texas County Farm Bureau News Release:

For immediate release:

## MISSOURI FARM BUREAU ADOPTS NEW POLICY ON GRAVEL MINING

Missouri Farm Bureau met on December 10th for their annual meeting at Tan Tara Resort at the Lake of the Ozarks. New policy wording was presented by Texas County Farm Bureau leaders. The new policy was adopted **unanimously** by voting delegates from each county in Missouri. The new policy language read as follows;

We support the Land Reclamation Commission's decision to appoint an advisory group and withdraw DNR's proposal to impose new state restrictions on in-stream sand and gravel excavation. We urge the commission to ensure fair representation of landowners as the advisory group develops recommendations.

Many Streams in Missouri have an excessive load of gravel and vegetation growing in the stream channel acceleration stream erosion and reducing fish habitat by decreasing erosion sites. We oppose leaving a buffer area between gravel excavation sites and the waters edge.

On a related note, MFB District 5 Board Member Ron Hardecke is working with Missouri Department of Conservation officials to identify potential sites for evaluating the effectiveness of stream bank management practices. Texas County Farm Bureau Board member Bob Parker, who was featured with Hardecke in a recent issue of the Missouri Farm Bureau Magazine on this issue, is working with Ron on this new project. Bob Parker states "It is great working with

farmers and ranchers from around Missouri on this important issue. What we have to do is help our city neighbors understand why we need to do certain management practices to protect our streams and farmland from erosion. Many now think we must completely stay out of our streams to protect them, that is not true. We can slow down the erosion process by using common sense practices to protect our land and stream banks, these issues not only affect Gravel miners, but they also affect landowners and even every taxpayers in the state who pay for highways, concrete prisons, new homes, driveways and sidewalks. Virtually every building project in the state will be affected by this issue due to economic factors. If we couldn't use local sand and gravel the Licking Prison project alone the have been half a million dollars higher! The negative impact to our states jobs and economy will be tremendous. I think one reason why Missouri lost 75,000 jobs last year is due in part to unreasonable and excessive over regulation".

This new project with the Missouri Department of Conservation may help to show the effectiveness of stream protection practices used by farmers in the Ozarks for many years, in recent years however, farmers are required to obtain Corp of Engineers permits before doing any work on the stream banks that deposits fill material. Most farmers don't want to bother with this complex process. New regulations for Sand and Gravel Mining are currently being developed by DNR's Land Reclamation Commission. Several local residents are representing our area including Texas County Commissioner Linda Garrett, Douglass County Rancher and Businessman Russell Wood, a Phelps County Commissioner and Bob Parker, a rancher from Raymondville.

Bob Parker talks about that committee process, " I have had several concerns with the way DNR has handled this and other issues in the past. After seeing the process first hand, I am even more concerned. There are so many groups trying to tell us how to use our own land that just don't understand the issues that are raised by their actions. The comments made by the Sierra Club and other environmental groups many times just didn't make sense. They clearly don't understand the issues. A statement made by a representative of the Small Mouth Bass Alliance said that small mouth bass fishing is the best it's ever been in the Piney River. I don't think that statement will sell in Texas County. We know the rivers are already choked with gravel because of current restrictions on gravel mining. It's statements like these that make you realize we have much work to do. The regulations proposed by the Sierra Club will virtually shut down the mining of sand and gravel in our streams. The bottom line is we need to continue to use sand and gravel from our streams to not only keep our streams from being choked by gravel but to use this material to build our homes and highways. Of course we need to do this in ways that protect our streams and our water quality".

The Department of Land Reclamation will adopt new rules or regulations on Sand and Gravel Mining in 2003. They will decide if Sand and Gravel mining will continue in the Missouri Ozarks. No economic studies on this issue have ever been done in Missouri. No environmental studies have ever been done in the Missouri Ozarks on the impact of current guidelines or proposed regulations on our streams. This situation concerns The Missouri Concrete Association and many farmers and ranchers as well as some elected officials such as Senator John Russell and Senator Sara Steelman who have been attending DNR's meetings on this issue.

# Commissioners' stand on gravel mining ignores risks

In spite of numerous research studies indicating that mining of sand and gravel is harmful to streams, the County Commissioners Association of Missouri recently passed a resolution supporting the continued, unregulated mining of sand and gravel from our streams in Missouri.

The resolution passed by our commissioners, in fact, ignores evidence of a rather long list of negative effects on streams associated with sand and gravel mining.

For example, the increased sediment in the water downstream of an operation can smother fish eggs and fry, decrease visibility for aquatic wildlife, interfere with reproduction and food gathering and decrease light levels for algae and aquatic plants, threatening the entire aquatic food web in

that area.

Water temperatures can also rise whenever gravel-mining operations cause a widening of the stream. If this occurs some of the more valued species of fish in that area are often eliminated.

Gravel mining can also cause increased upstream and downstream erosion, which results in the loss of valuable land and the potential release of old mine tailings and other pollutants.

Research has, in fact, shown that the industry can actually generate more money than it costs to society — lost farm revenue, real estate value, fishery productivity and recreational spending — are factored in. Damage to infra-

structure, such as bridge piers, exposed buried pipelines and utility lines caused by the lowering of the streambed associated with some gravel mining, must be borne by the public as well.

In spite of these destructive and costly effects, the industry is unregulated in Missouri. Gravel miners are required to have a permit issued by the Land Reclamation Of-

fice of the Missouri Department of Natural Resources, but many do not. And if they are discovered mining without a permit, there is usually no penalty; they are, instead, urged by "conference, conciliation and persuasion" to apply for a permit.

If they do choose to apply for a permit, miners are then asked

to submit their own guidelines for minimizing damage to the streams. These guidelines vary widely in the protection they offer and are difficult to enforce.

Regulations, while continuing to allow gravel mining on Missouri streams, would place reasonable limitations on those operations to safeguard the streams and aquatic wildlife.

What, one might ask, is there about this costly, potentially destructive industry that warrants such support from our county commissioners and such kid-glove treatment by our Department of Natural Resources?

The answer is the abundance of good, cheap gravel the industry supplies for numerous counties to use in building and repairing their roads and bridges. Rock from local, land-based quarries is available to

meet most of these needs, but it is more expensive. Unlike the sand and gravel from our streams, aggregate from quarries is not subsidized unknowingly by Missouri's landowners, taxpayers, fishermen and others.

With evidence mounting of the damage done by sand and gravel mining operations, the Missouri Land Reclamation Commission initiated a process in March 2000 to establish regulations for this industry. But protests by the industry and groups such as the county commissioners have prolonged that process. Today, almost three years later, the industry remains without regulations.

It would seem that some regulation of this industry to safeguard our streams would be an easy, uncontroversial decision. Certainly it is difficult to un-

derstand the county commissioners' resolution, which actually weighs in against any regulation.

Perhaps the commissioners believe the operators' threats that regulation will raise the price of gravel — a common tactic used by industries when facing any restrictions on their activities. And, perhaps, some commissioners are trying to avoid eventual regulation of their own sand and gravel mining activities, which are currently entirely immune from any oversight by Land Reclamation.

Whatever the case, it is clear that the commissioners are more interested in protecting their source of gravel than in protecting our farmlands or streams.

Cynthia Andre, Ozark, is a member of Stream Team No. 056



Cynthia  
ANDRE

JAN - 6

CHUCK TRYON

RECEIVED

DEC 26 2002

1 Johnson Street  
Rolla, Missouri 65401-3713  
(573)364-5509  
ctryon@fidnet.com

MISSOURI LAND  
RECLAMATION COMMISSION

December 20, 2002

Missouri Department of Natural Resources (ATTN: Mike Larsen)  
PO Box 176  
Jefferson City, MO 65102-0176

Dear Mike:

During the gravel mining-workgroup meetings, Alice mentioned more than once that dissenting opinions would be accepted. I guess that's what this letter is.

I came to Missouri in 1966, worked as a professional hydrologist until my retirement in 1989, and have stayed active in hydrologic affairs ever since. During all those years, I have been associated with a number of different gravel miners and their environmental effects on a number of different occasions. Most of those occasions were highly contentious, a few were worked out to everyone's satisfaction (yes, it can be done).

The gravel industry-workgroup representatives have proposed a set of ten "In-Stream Gravel Removal Requirements" for the workgroup's consideration. These proposals are patterned after the DNR's proposed requirements, but contain a number of significant differences favorable to the industry's desire for as little regulation as possible.

The core of the industry's proposals is contained in their requirement number 4, which reads:

"Sand or gravel should not be excavated below water elevation at the time of removal. Areas that have a presence of bedrock to prevent head cutting, carry excessive bedload, are determined to be gravel-rich or where other appropriate reasons exist, may be mined within the confines of the gravel bar to the lowest undisturbed stream bed depth, wet or dry in a given reach of the stream. Upon request of the applicant, excavation depth restrictions may be modified after an on-site visit determines a variance would not significantly impact the stream resource."

This proposal literally "gives away the farm" to the gravel-mining industry. Here's why.

The first two sentences contradict each other, the first prohibiting gravel excavation below the water elevation, the second allowing it. How would MoDNR administer that?

There is no reliable way for MoDNR to administer "... to the lowest undisturbed stream bed depth, wet or dry ..." All an unscrupulous miner would have to do to maximize his (her) gravel take is to deepen "the lowest undisturbed stream bed depth" on the sly, and there's slim chance anyone but a diver in a wet suit would ever know.

This and other industry proposals completely ignore the harmful streamwater-temperature effects of instream gravel mining. Contrary to the industry's and landowners' assertions that this has never been proven in Missouri, I demonstrated conclusively that a gravel-mining operation in Phelps County raised the temperature of a trout stream by nearly 30 degrees in 1980 (1, 3). Expanses of shallow water anywhere between the high banks soak up the sun's heat and heat from the air. Professor Charlie Rabeni at the University of Missouri-Columbia has scientifically documented the deleterious effect that increasing streamwater temperature has on Missouri's Ozark smallmouth bass fisheries (2). Gravel-bar removal below water level as this "requirement" proposes can create lots of heat-absorbing shallow water.

"Areas that ... carry excessive bedload (or) are determined to be gravel-rich ... may be mined within the confines of the gravel bar to the lowest undisturbed stream bed depth ..." I've been an Ozark stream hydrologist for 36 years now, and I have no idea what "excessive" bedload is. I know what bedload is, I know how bedload behaves, and I know what lots of bedload is. "Excessive" bedload exists only in the miners' minds as an excuse to pillage the stream resource. As for areas "determined to be gravel-rich," this just says that, if there's lots of gravel present at depth, the miners should be entitled to take it, regardless of any adverse consequences to the stream resource. In short, Requirement 4 is a shameless grab for all the gravel the miners can get.

The miners and landowners have done their best to avoid all the quantitative requirements they could, preferring instead to make as many things negotiable with MoDNR as possible. Throughout the workgroup deliberations, the miners and landowners have not only ridiculed and rejected virtually all of the hydrologic, geomorphic and fisheries science offered by the professional scientists, but have insisted on their own

home-grown, shade-tree explanations of how streams work. If the scientists would just get out of their offices and go to a stream, they've chided, everybody would see things the miners' and landowners' way.

The regulatory problem is that the miners see their "science" as superior to the MoDNR's (indeed, the worldwide scientific community's) science, and that their "science" should prevail in any variance negotiations. Not a healthy situation for MoDNR to be boxed into. Where appropriate, variance negotiations should have a definite, preferably quantitative, starting point to depart from, rather than making up rules from scratch

The miners have asserted that they are not responsible for anything that happens after they leave an instream-mining site. Baloney! If they leave a site in such a condition that the likelihood of high water destroying whatever protective measures were taken is very high, then they are indeed responsible. Regulations need not only protect the stream during mining, but also provide reasonable likelihood that the stream will be protected after the miners leave.

The only potentially factual information offered by the miners was that the DNR's proposed regulations would increase their operating costs and thus drive up the retail price of aggregate for everyone. People in her area wouldn't be able to afford their own homes, one miner asserted loudly and repeatedly. A couple miners complained they had no economically mineable floodplain gravel deposits in their area, and were limited to mining instream deposits only.

When it was twice pointed out to the miners that the proposed regulations were exactly the guidelines they have already been operating under for the past several years, and that thus there should be no change in their operating costs, they had no reply. None. Nothing but silence. The miners' increased-cost assertion is nothing but a scare tactic. The economic truth probably is that some small, inefficient operators might be forced out of business, but that larger, more efficient operators will take up the slack. That's just basic Economics 101. The DNR's 15 originally proposed regulations are just fine. Missouri will not run out of economical construction aggregate because of their adoption.

The time-honored Ozark myth that "we've gotta git the gravel outta them cricks" was long ago elevated to a patriotic imperative, and remains one today, oft and insisently intoned

by the miners and landowners. Why? Not because it's right, but because it legitimizes the miners' and landowners' emotional need to believe they're doing something "good," and because of their financial desires. Period, pure and simple.

Sixty-four years of experience have instilled a large dose of cynicism about the human race in me, and nothing I saw in the miners' and landowners' workgroup behavior has changed that attitude. From one of the landowner's opening salvo that MoDNR has no legal authority to regulate gravel mining on privately owned lands to his infantile closing salvo that he would shoot the first DNR person who sets foot on his property, my enduring memory of serving on the workgroup will be one of disgust over the miners' and landowners' shameful behavior.

Best regards,

A handwritten signature in black ink, appearing to read "Chuck Tryon". The signature is fluid and cursive, with a prominent flourish at the end of the name.

Charles P. "Chuck" Tryon

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- Tryon, Charles P. 1980. A study of extreme water temperatures at the Lane Spring Trout Management Area. In-service report, USDA Forest Service, Mark Twain National Forest, Rolla, Missouri. 10 pages, illustrated.



# GASCONADE COUNTY COMMISSION

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## FAX

DATE: December 6, 2002

TO: Mary Hale

COMPANY:

FAX NUMBER: 573-943-6388

FROM: Max Aubuchon

SUBJECT: Resolution in opposition to Land Reclamation

Dear Mary,

This resolution was adopted by the County Commissioners Association of Missouri.

This is page 1 of 2 pages.

If you do not receive all pages, please call back immediately.

CHARLES SCHLOTTACH  
PRESIDING  
COMMISSIONER

MAX AUBUCHON  
COMMISSIONER  
NORTHERN DISTRICT

JERRY LAIRMORE  
COMMISSIONER  
SOUTHERN DISTRICT

**RESOLUTION IN OPPOSITION TO LAND RECLAMATION COMMISSION  
CHANGING THE PRESENT COURSE OF ACTION FOR STREAM GRAVEL  
MINING FROM GUIDELINES TO REGULATIONS.**

**WHEREAS**, many counties in Missouri are rich in stream gravel and for the benefit of their streams they need to have this gravel removed and,

**WHEREAS**, changing these guidelines into regulations would have a negative impact on removal of gravel from their streams and,

**WHEREAS**, changing guidelines into regulations would have an economic impact on the state of Missouri and regulations in place of guidelines would affect every aspect of building in our counties from houses, county roads, bridges highways and commercial growth, it would also affect transportation costs when moving gravel affecting every county in Missouri.

**THEREFORE, BE IT RESOLVED**, that the County Commissioners Association of Missouri does hereby go on record in opposition to the Land Reclamation Commission changing the present Stream Gravel Mining guidelines into regulations.



**Ozark Chapter / Sierra Club**  
Carla Klein, Director 1007 North College Ave., Suite 1 Columbia, MO 65201

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JAN 27 2003

MISSOURI LAND  
RECLAMATION COMMISSION

**Recommendations to the  
Department of Natural Resources' Land Reclamation  
Commission for the Establishment of Regulations for the  
Sand and Gravel Mining Industry in Missouri  
January 2003**

**Ozark Chapter of the Sierra Club**

In considering comments on and proposals for sand and gravel mining regulations in Missouri, one must first consider the history of the regulations proposed at the beginning of recent workgroup meetings in September. Those regulations are actually a further compromise of regulations representing an original, agreed-upon compromise between all of the stakeholders (including representatives of the industry, environmentalists, and various professionals) present in meetings held in 1994-1995.

Because each time more compromises are made there is a further dilution in the regulations' ability to provide some reasonable protection for our streams in Missouri, it is the recommendation of the Ozark Chapter of the Sierra Club that we return to the intent of the original, agreed-upon regulations.

The Club would at the same time, however, request the reconsideration of several regulations based on their inconsistency with (1) prevailing forestry practices and (2) prevailing practice within USDA's Conservation Reserve Program, a program that provides for the restoration of riparian areas. Other changes are also suggested to help clarify various issues, to empower landowners and agents and to further assure reasonable protection for our streams.

While we were allowed to vote on these suggested changes during the workgroup meetings, we do not feel that the vote tallies of that workgroup represent the prevailing sentiment among the general public. Individual gravel mining operators, for example, were allowed one vote each while organizations representing, in some cases, thousands of individuals, were also allowed only one vote. We would, therefore, ask the Commission to weigh the votes accordingly; for the record, membership of the Sierra Club in Missouri is 9442.

Along these same lines, we do not feel the County Commissioners who participated in the workgroup can claim to represent their constituency in the same way we can, as their constituency is too diverse and, in fact, includes some

of our own membership. Too, the resolution passed by the Missouri County Commissioner's Association is not felt to be entirely representative of even their organization (please send attached letter-to-the-editor from Dave Coonrod, the Presiding Commissioner of Greene County.) The Commissioners must also be recognized as having a vested interest, as some counties in the Ozarks mine gravel themselves.

As a further aid to the Commission in considering the proposed regulations, we would like to provide an explanation of the changes we suggested, as the final report from the workgroup does not include that information.

#### 10 CSR 40-10.050 Performance Requirements

##### (14) In-Stream Gravel Removal Requirements.

- (A) 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 guidelines to address conditions that may occur at individual locations.

*\*Comment: Agents of the Land Reclamation Program should be empowered to establish site specific guidelines and this should not be limited to responses to applicants' requests. This flexibility benefits streams, agents, and operators.*

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 3" in diameter) that is loosely packed and contains no woody perennial vegetation greater than ~~one and one-half inches in diameter, measure at breast height (4.5 feet)~~ one inch measured at 6" above ground.

*\*Comment: As it is the intent of this regulation to prevent the mining of stabilized gravel bars, the measurement of trees sited in this proposed regulation should reflect a reasonably early stage of stabilization. It has been suggested that trees that have survived 2-3 flooding seasons would present reasonable evidence of stabilization. The measurement sited herein, however, would allow operators to mine on gravel bars with 6-8 year old sycamores and willows of 10+ years. The measurement, therefore, requires adjusting to more accurately reflect a bar in an earlier stage of stabilization; the proposed change in measurement reflects a gravel bar that has been stabilizing for 3-5 years*

(source: MDC forester).

*A change in the method of measurement is also recommended as measurements at breast height are not appropriate for willows, which have multiple trunks. For simplification, it is recommended that measurements on all trees be taken at 6" above ground.*

2. An undisturbed buffer of 20 feet shall be maintained between the removal areas and the water line at the time of excavation. And between the removal area and bank vegetation greater than ~~one and one-half inches in diameter, measure at breast height (4.5 feet)~~ one inch, measured 6" above ground.

*\*Comment: See #1*

3. An undisturbed buffer of ~~25~~ 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 one maintained access road(s) for ingress and egress only. No clearing within this riparian area is authorized in association with work authorized by this permit.

*\*Comment: A 100' riparian buffer is considered by USDA to be the minimum necessary to protect the stream from pollution and to protect the land from erosion by flood waters. Reducing the riparian buffer to 25' also incurs potential landowner and taxpayer costs to later restore the buffer via such federally funded programs as the Conservation Reserve Program.*

4. Sand or gravel shall not be excavated below one foot above water elevation at the time of removal. If the stream is dry at the time of excavation, excavation shall not occur deeper than one foot above the lowest undisturbed elevation of the stream bottom adjacent to the site.

*\*Comment: Allowing excavation to water level significantly increases the possibility of stream capture. The additional foot minimizes the chances of excavation below the water line.*

6. 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. Within 30 days of permanently

removing excavation equipment from a site, as determined by the operator, the landowner, or the Land Reclamation Program, streambank and riparian areas disturbed by the removal operation be reclaimed revegetated or otherwise protected from erosion.

*\*The current proposed regulation does not call for the reestablishment of streambanks disturbed by an operation (only the revegetation of same) nor does it empower anyone but the operator to determine when mining has ceased at a site. The change regarding the reclamation of the streambank was not included in the final regulation voted upon by the Club, because it was pointed out that a separate permit from another agency (ACE) to move the material into place beside the stream to reclaim the bank. It was noted, after the workgroup ended, however, that regulations in the past have allowed for such circumstances, and, therefore the Club suggests that the proposed change be reinstated and considered by the Commission. Where banks have been breached to create a road to transport gravel, adjacent banks will become less stable and there is a strong potential for continuing travel into the creek after the site is abandoned.*

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

*\*Comment: Although operator accountability might be implied or assumed by this regulation, this proposed wording, which had been dropped from the original version, is needed to clarify this point.*

Further the Club would strongly urge the Commission to resist attempts by the industry and its advocates to mine in Missouri or National Outstanding Resource Waters, to disregard spawning seasons, or to avoid responsibility for the actions of subcontractors operating in their behalf.

Finally, it has recently come to our attention that representatives of the gravel mining industry in the state have commented before a Missouri Senate Committee regarding the need for economic impact assessment of new regulations. I would refer the Commission to the excellent review of the literature on sand and gravel mining, prepared by Michael J. Roell of MDC in 1999, wherein he cites a study done on five Arkansas streams (Kaminarides et al, 1996). Kaminarides concluded that costs to society – lost farm revenue, real estate value, fishery productivity, and recreational spending – exceeded economic benefits – direct and indirect total expenditures from mined gravel.

Efforts to require such costly and time-consuming assessments would, if these results can be generalized, gain the industry nothing and might even work against them; it would certainly not be beneficial for the public of Missouri, who would be paying for the assessments.

We wish to thank the Commission for its perseverance in pursuing fair and effective regulation of the sand and gravel mining industry in Missouri and particularly for the opportunity to participate in the workgroup to review the proposed regulations. We also thank you in advance for your consideration of our comments and hope that you will contact us if you have any questions about the changes in the regulations that we have suggested.

Respectfully,

Cynthia Andre, Volunteer Activist

Carla Klein,  
Ozark Chapter Director  
Missouri Sierra Club

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Jan. 1, 2003

### Ozarks Voices

#### Commissioners' stand on gravel mining ignores risks



Cynthia Andre

In spite of numerous research studies indicating that mining of sand and gravel is harmful to streams, the County Commissioners Association of Missouri recently passed a resolution supporting the continued, unregulated mining of sand and gravel from our streams in Missouri.

The resolution passed by our commissioners, in fact, ignores evidence of a rather long list of negative effects on streams associated with sand and gravel mining.

For example, the increased sediment in the water downstream of an operation can smother fish eggs and fry, decrease visibility for aquatic wildlife, interfere with reproduction and food gathering and decrease light levels for algae and aquatic plants, threatening the entire aquatic food web in that area.

Water temperatures can also rise whenever gravel-mining operations cause a widening of the stream. If this occurs some of the more valued species of fish in that area are often eliminated.

Gravel mining can also cause increased upstream and downstream erosion, which results in the loss of valuable land and the potential release of old mine tailings and other pollutants.

Research has, in fact, shown that the industry can actually cost states more money than it generates when costs to society — lost farm revenue, real estate value, fishery productivity and recreational spending — are factored in. Damage to infrastructure, such as bridge piers, exposed buried pipelines and utility lines caused by the lowering of the streambed associated with some gravel mining, must be borne by the public as well.

More opinions»

JAN 27 2003

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MISSOURI LAND RECLAMATION COMMISSION

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In spite of these destructive and costly effects, the industry is unregulated in Missouri. Gravel miners are required to have a permit issued by the Land Reclamation Office of the Missouri Department of Natural Resources, but many do not. And if they are discovered mining without a permit, there is usually no penalty; they are, instead, urged by "conference, conciliation and persuasion" to apply for a permit.

If they do choose to apply for a permit, miners are then asked to submit their own guidelines for minimizing damage to the streams. These guidelines vary widely in the protection they offer and are difficult to enforce.

Regulations, while continuing to allow gravel mining on Missouri streams, would place reasonable limitations on those operations to safeguard the streams and aquatic wildlife.

What, one might ask, is there about this costly, potentially destructive industry that warrants such support from our county commissioners and such kid-glove treatment by our Department of Natural Resources?

The answer is the abundance of good, cheap gravel the industry supplies for numerous counties to use in building and repairing their roads and bridges. Rock from local, land-based quarries is available to meet most of these needs, but it is more expensive. Unlike the sand and gravel from our streams, aggregate from quarries is not subsidized unknowingly by Missouri's landowners, taxpayers, fishermen and others.

With evidence mounting of the damage done by sand and gravel mining operations, the Missouri Land Reclamation Commission initiated a process in March 2000 to establish regulations for this industry. But protests by the industry and groups such as the county commissioners have prolonged that process. Today, almost three years later, the industry remains without regulations.

It would seem that some regulation of this industry to safeguard our streams would be an easy, uncontroversial decision. Certainly it is difficult to understand the county commissioners' resolution, which actually weighs in against any regulation.

Perhaps the commissioners believe the operators' threats that regulation will raise the price of gravel — a common

tactic used by industries when facing any restrictions on their activities. And, perhaps, some commissioners are trying to avoid eventual regulation of their own sand and gravel mining activities, which are currently entirely immune from any oversight by Land Reclamation.

Whatever the case, it is clear that the commissioners are more interested in protecting their source of gravel than in protecting our farmlands or streams.

*Cynthia Andre, Ozark, is a member of Stream Team No. 1156.*



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# Springfield News-Leader

## Jan 2003

SPRINGFIELD, MISSOURI

### GRAVEL MINING

## Counties must act on balanced plan

Re: Cynthia Andre's Jan. 1 commentary, "Commissioners' stand on gravel mining ignores risks."

I must say that Andre's comments regarding our poor collective performance in regulating sand and gravel mining were right on target. She is correct to be critical of individuals, businesses and government agencies improperly mining our stream beds for road building materials. Gravel mining can cause serious damage to water quality, property and ecosystems.

Greene County is fortunate in that all of our public roadways are paved and we are not saddled with the difficulties of extracting or obtaining road materials from our area streams. Unfortunately, this is not true for many other counties around the state. Because of the prevalence of gravel roads throughout their transportation systems, as well as extremely tight budgets, many are compelled to extract sand and gravel material from area streams.

While I appreciate and understand the difficulties posed, the real challenge is properly removing materials from our stream beds. The Missouri Department of Natural Resources has published guidelines that can be applied to achieve pollution prevention and environmental compliance. As Andre correctly points out, these guidelines are not regulatory and are often ignored or discarded.

Efforts are under way to work with the Missouri Land Reclamation Commission to achieve some reasonable regulatory stance for sand and gravel mining operations. It is my hope that a balance can be struck and those involved in sand and gravel operations can be educated to protect our streams and river-

We have danced around this problem long enough. It is time to act in a manner that will be beneficial to both our natural resources and the communities in which we serve.

David L. Conrad, Greene County presiding commissioner

### GROWTH

## Take a picture — it'll all be gone soon

I was born in a small town in California. There were approximately 2,500 people in the town and the surrounding area. My parents moved to a medium-sized city when I was 2 or so, and I grew up there. It was an area of agriculture, mostly.

In the late 1960s, the medium-sized city annexed a lot of the surrounding area. The medium-sized city (about the size of Springfield) started to explode with growth, and I opted to move back to the town where I was born. It started growing also, many of the people coming from the Midwest. I decided in the early '80s to go where they'd all come from, seeking the quiet I liked.

I moved to a little town of about 2,500 and saw a pattern that was all too familiar: rapid growth. I told the people I worked with to get out their cameras and take pictures, because everything they'd known all their lives was going to be covered up by houses and shopping malls. They informed me that I was nuts, this wasn't California.

I moved from there to a medium-sized city to the north, where I've been telling everyone I know the same thing. The area is exploding, take pictures of anything you want to remember, it's gonna get covered up.

The medium-sized city I grew up in is San Jose. The little town I moved to is Nixa. Now I live in Springfield. There's a lot of talk about growth, pro and con. It's happening, and it won't stop, trust me. Take pictures

David L. Conrad, Springfield

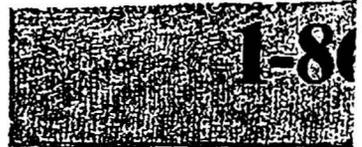
## We can be a little safer, but not safe

I hate to be picky about insignificant little details, but I would implore Jim Reeves (Jan. 5 letter, "Delays mean safety for many people") to reconsider his reference to "the Arab sympathizer who lives next door." Surely he meant to imply someone with sympathy for terrorist or extremist causes, and not a blanket condemnation of all Arabic people.

Jennifer Portman may not have a crystal ball, but neither does Reeves. "There is little danger of buses flying into skyscrapers," is hardly to the point, since before 9-11 we didn't expect to see planes flying into them, either.

Yes, terrorists may be anywhere, even next door. I think that was something of Portman's argument in her Dec. 29 column about airport security. In this brave new world, the searches and delays at airports may actually make us a little safer, but they won't make us safe.

Marilyn Dean, Springfield



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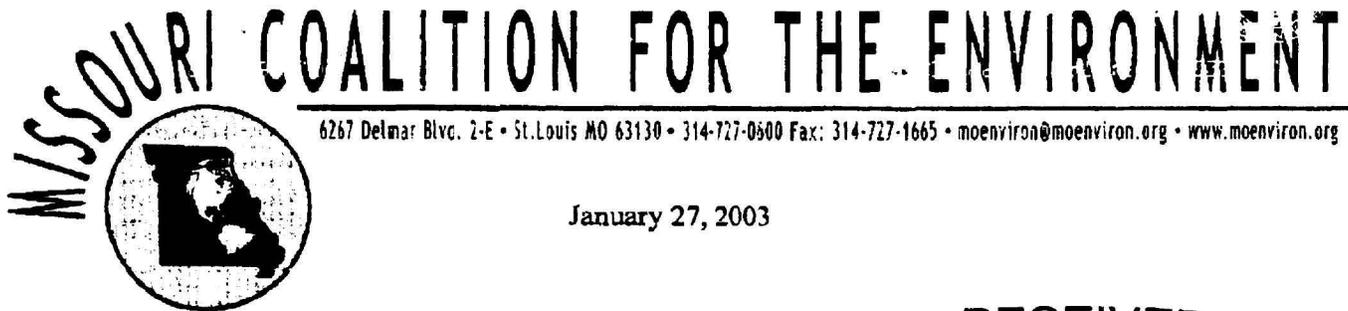
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January 27, 2003

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JAN 27 2003

MISSOURI LAND  
RECLAMATION COMMISSION

Land Reclamation Commission  
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") has appreciated the opportunity to participate on the workgroup assigned to review draft regulations of sand and gravel mining. Below are our comments with respect to the January 6, 2003, draft of the regulations, as well as the makeup and function of the workgroup.

When considering this proposed redraft of the regulation, MCE believes it is important to remember that the starting point was a compromise position reached several years ago in conjunction with drafting conditions on a Corps of Engineers general permit. Any backing away from that earlier compromise during this process comes at the expense of the environment, users of our state's waters and neighboring private property owners.

#### Makeup of Workgroup

Our December 4, 2002, letter brought to your attention our concern about the makeup of the workgroup. The workgroup meetings were often dominated by interests who were openly hostile to the concept of regulating the sand and gravel mining industry. At one point, a majority of the workgroup indicated its belief that there was no need for the regulations we were tasked with drafting. Eventually, the DNR facilitator required that names be assigned to individual votes taken during workgroup meetings, and this helped to alleviate the impression that a workgroup majority proposal somehow reflected a centrist position. We hope you will view the "majority" proposals from the workgroup with a thorough understanding of which interests were able to control the workgroup through their sheer number.

#### Buffers

One of the primary issues the committee dealt with was the size of buffers required around sand and gravel operations. MCE believes that a 20 foot buffer should be the minimum required, with site specific variances available upon inspection by DNR.

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staff. This is a reasonable proposal that sets a definite standard, but allows for variances in appropriate circumstances. We strongly believe that the industry proposal (the workgroup "majority" position) would render the buffer requirement meaningless. Under this proposal, the applicant would have the ability to arbitrarily determine what size buffer it thought was appropriate. This would provide no definite standard that DNR could enforce.

### Depth of Mining

MCE supports restricting gravel mining to one-foot above the existing water level or, in the case of dry streams, one-foot above the bottom of the stream bed. 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.

### OSRWs/ONRWs

A very troubling "majority" position of the workgroup is the elimination of the prohibition on mining in Outstanding National Resource Waters ("ONRWs") and Outstanding State Resource Waters ("OSRWs"). 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. Streams on the 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.

### Endangered Species

MCE endorsed 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. The compromise language endorsed by MCE and 11 other workgroup members would simply require DNR to keep this 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 on this workgroup. Hopefully, the end result of this process will be a regulation that both the public and the regulated community find acceptable.

Very truly yours,

  
Bea Covington  
Executive Director

  
Edward J. Heisel  
Senior Law & Policy Coordinator

**Missouri Smallmouth Alliance  
P.O. Box 325  
St. Louis, Missouri 63088-0325**

**RESOLUTION IN SUPPORT OF THE LAND RECLAMATION COMMISSION  
DEVELOPING STRONG GRAVEL MINING REGULATIONS TO PROTECT  
MISSOURI STREAM AND RIVER QUALITY, MINIMIZE STREAM EROSION,  
AND ENHANCE MISSOURI WATER QUALITY**

**WHEREAS**, many counties in Missouri are rich with clear streams and rivers that enhance the states natural beauty which help bring in tourism revenue to even the states most rural areas and,

**WHEREAS**, unregulated gravel mining will cause irreparable damage to those clear streams and rivers and,

**WHEREAS**, unregulated gravel mining causes serious land erosion, has a detrimental affect on streamside wildlife and fisheries resources, while at the same time undermines the states water quality regulations and,

**WHEREAS**, allowing unregulated gravel mining would have a negative economic impact on the state of Missouri through the loss of tourism dollars, loss of revenue from the states resident anglers, hunters, and outdoor enthusiasts and,

**WHEREAS**, unregulated gravel mining will increase the state's and county's costs for repair of erosion and flood related damage to our highways, county roads and rural roads, and

**WHEREAS**, increased costs of maintaining the state, county and municipal water quality will result in a higher tax burden to the residents of Missouri,

**THEREFORE, BE IT RESOLVED**, that the Missouri Smallmouth Alliance is in support of strong gravel mining regulations to protect the Rivers and Streams of Missouri.

This resolution is supported by the 248 members of the Missouri Smallmouth Alliance.

Steve White, President  
Richard Werner, Vice President

# St. Charles County Rivers & Streams Project

6 Brook Lane • Saint Charles, Missouri 63304

Gerry Boehm

Director

314/441-9421

Office Fax

314/447-0522

Larry Ruff

Assistant Director

314/949-2793

Environmental

Land Reclamation Program

Laboratory  
P.O. Box 176

Jefferson City, MO 65102

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JAN 24 2003

MISSOURI LAND  
RECLAMATION COMMISSION

Comments concerning the proposed recommendations

10 CSR 40-10.050 Performance  
In-Stream Gravel Removal Requirements

It is felt that all of B should be considered except it is felt that the applicant should not be deciding if variances are considered, the commission should be the one to administer variances.

## 2 Buffers

Since the riparian area of a stream is probably the most essential item to stream stability it is recommended that no mining or land disturbance occur within at least 50 feet of the stream bank. Closer excavation could allow under certain conditions, the undermining and destruction by stormwater when narrower buffers are permitted. St. Charles County has recently adopted this within their stream bank protection ordinance. If St. Charles County recognizes the significance Of a protective buffer, surly the Commission can see this as well. Stand firm.

## 3 Buffers

A buffer of 100 feet has been adopted in most states that have a high regard for stream quality and recognize the importance of stream bank stability.

4. Sand or gravel excavations should not be excavated below ONE FOOT above water elevation at the time of removal. The foot level is important to preserve stream integrity and possible pollution to exposed water level.

## 5. Stream Channels Change

## 6. Change to third recommendation.

Equipment should be removed from the site to assure continued disturbance or excavation will not exceed approved period.



7. Approve

8. It is agreed that material should be removed to above high bank. But material should be given some time period for permanent removal. Otherwise, stormwater could capture removed material and possible wash back into stream. No Change.

9. No change

Bewildered why those interested in sustainable fisheries would want disturbance during spawning seasons.

10. NO change

Regulations that give vague description of direction without being specific are flawed. It is the "when possible" wording that is inadequate. When not possible indicated bank steepness as the possible reason. Allowing parallel entrance is opening all areas with steep banks in jeopardy.

13. No change. This is one of the strongest objections to change.

14. In agreement with the second choice adding the permittee responsible for the conditions of the permit.

15. Do NOT drop. Strongly agree to maintain.

The St. Charles County Rivers and Streams Project has members representing every high school in St. Charles County and is an affiliate of the Greenway Network, Inc representing has over 100 members in St. Charles County.

Thank you for your consideration and appreciate receiving this draft and the opportunity to respond.

Sincerely,



Gerry Boehm  
Director of the St. Charles Rivers and Streams Project  
Executive Director of the Greenway Network, Inc.



NATIONAL PARK SERVICE

L2423 (xN16)

## United States Department of the Interior

NATIONAL PARK SERVICE  
Ozark National Scenic Riverways  
404 Watercross Drive  
P.O. Box 490  
Van Buren, Missouri 63965

JAN 27 2003

Land Reclamation Program  
ATTN: Mike Larson  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, Missouri 65102

Dear Mr. Larson:

Thank you for the opportunity to comment on specific items in the proposed rules regarding the commercial mining of sand and gravel from rivers and streams. Ozark National Scenic Riverways was established by Congress to protect the values of the Current and Jacks Fork Rivers. Both rivers have been designated Outstanding National Resource Waters (ONRW). This designation affords the highest protection by prohibiting any degradation of water quality in these streams from internal or external sources.

Therefore we support the "No change" option for item 13, which retains the wording "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)".

We look forward to working together to protect the important qualities of the Current and Jacks Fork Rivers for the citizens of Missouri and the nation. You can call Resource Management Specialist Victoria Grant at 573-323-4236 extension 229 if you have any questions about our response.

Sincerely,

Noel R. Poe  
Superintendent



Mike Larsen

01/13/2003 09:06 AM

To: "Spencer E. Turner" <sturne012@mchsi.com>  
cc: "John D Wenzlick" <jdwenzlick@juno.com>, Alice Geller/OD/MODNR@MOI  
Tom Cabanas/LRP/DEQ/MODNR@MODNR  
Subject: RE: Workgroup's final recommendations

Thanks for the kind words Spencer. I will pass them along to the rest of the individuals that helped to make the workgroup happen. You, along with all members of the workgroup will be kept up-to-date on this matter as it moves along.

Thanks again for your participation in the workgroup. It was appreciated.

Mike Larsen, R.G.  
Chief; Non-Coal Unit  
Missouri Department of Natural Resources  
ALPD/Land Reclamation Program  
(573) 751-4041  
nrlarsm@mail.dnr.state.mo.us  
"Spencer E. Turner" <sturne012@mchsi.com>



"Spencer E. Turner"  
<sturne012@mchsi.com>

01/11/2003 08:35  
AM

To: "Mike Larsen" <nrlarsm@mail.dnr.state.mo.us>  
cc: "John D Wenzlick" <jdwenzlick@juno.com>  
Subject: RE: Workgroup's final recommendations

Mike:

I have reviewed the committee's recommendations and I must commend you and your staff for doing a great job on some thorny issues. We all can't win, but this group of recommendations comes close. It will be interesting to see how the Commission rules. As the saying goes "It ain't over until the fat lady sings."

Please commend your staff for the great job.

Spence

Spencer Turner BS,MS,CFB  
Quail Ridge Publishing and Consulting  
5701 East Mexico Gravel Road  
Columbia, MO 65202  
(573)474-6477  
sturne01@coin.org  
sturne012@mchsi.com

-----Original Message-----

**From:** Mike Larsen [mailto:nrlarsm@mail.dnr.state.mo.us]  
**Sent:** Wednesday, January 08, 2003 8:51 AM  
**To:** Gravel Mining Workgroup



**Shirley Grantham**  
01/27/2003 01:31 PM

To: Mike Larsen/LRP/DEQ/MODNR@MODNR  
cc:  
Subject: Sand and Gravel Recommendations

FYI.

----- Forwarded by Shirley Grantham/LRP/DEQ/MODNR on 01/27/2003 01:30 PM -----



**Martha Buschjost**  
01/27/2003 01:10 PM

To: Larry Coen/LRP/DEQ/MODNR@MODNR  
cc: Shirley Grantham/LRP/DEQ/MODNR@MODNR, Rosie  
Schulte/ADMIN/DEQ/MODNR@MODNR  
Subject: Sand and Gravel Recommendations

fyi

Martha J. Buschjost  
Executive Assistant to the Director  
(573) 751-4732 voice (573) 751-7627 fax  
nrbuscm@mail.dnr.state.mo.us

----- Forwarded by Martha Buschjost/OD/MODNR on 01/27/2003 01:10 PM -----



**Bev Buschmann**  
01/27/2003 11:45 AM

To: Martha Buschjost/OD/MODNR@MODNR  
cc:  
Subject: Sand and Gravel Recommendations

Internet mail. Thank you.

Beverly S. Buschmann  
Outreach and Assistance Center  
Communications and Education Office  
nrbuscb@dnr.state.mo.us

----- Forwarded by Bev Buschmann/TAP/DEQ/MODNR on 01/27/2003 11:44 AM -----



**"Braden, Steve D"**  
<sdb512t@smsu.edu>  
01/27/2003 11:08 AM

To: "Department of Natural Resources (E-mail)"  
<oac@mail.dnr.state.mo.us>  
cc:  
Subject: Sand and Gravel Recommendations

Department of Natural Resources,

Thank you for the information and chance to comment. I concur with the Sierra Club, Stream Team, Coalition for the Environment, American Fisheries Society, Trout unlimited, and Small mouth Bass Alliance voting on the proposed changes from the 1995 Corps of Engineers guidelines.

We must do all that is feasible to protect our water and waterways.

Sincerely,

Laura B. Wilhite



"Linda Garrett"  
<lgarrett@train.misso  
uri.org>

To: "Mike Larsen" <nrlarsm@mail.dnr.state.mo.us>  
cc:  
Subject: Gravel Mining

01/27/2003 04:25 PM

Mike,

I sent my gravel mining comments by fax to you last Thursdays. I never checked to see if the confirmation sheet came but I will check tomorrow and if not, I will send it again. I am going to enclose my comments in this e-mail just incase we have problems with the fax. I also plan to be present at the commission meeting Thursday to present comments from the Texas County Commission.

Linda Garrett

## Linda L. Garrett

Texas County Assoc. Commissioner

10949 Prescott Road

Licking, MO 65542

W: (417) 967-3222

H: (573) 674-3756

January 21, 2003

Land Reclamation Commission

Re: Comments about the Gravel Mining Workgroup and the issue of regulations replacing present guidelines.

I would like to thank the Land Reclamation Commission for allowing a work group to try and work together to improve the proposed sand and gravel mining regulations. I felt

this was a step in the right direction toward listening to the pros and cons of gravel mining. I attended all of these workgroup meetings but I feel the group was just as divided at the last meeting as it was before the first meeting.

During one of these meetings a vote was taken on whether the group believed the present guidelines should be changed into regulations. The majority voted no. I believed the count was something like 13 to 11.

I did learn a lot at these meetings. I am now more convinced that we do not need regulations replacing the present guidelines. At least not until there have been some impact studies performed. At these meetings there were many unanswered questions. One of the most asked question was how much would complying with these regulations cost the citizens of Missouri. Many believe replacing guidelines with regulations will have a definite negative impact on many things affecting the counties of Missouri.

We were told over and over that adopting these regulations would have no negative affect because they were similar to the present guidelines but this is simply not true. As I understand, each gravel operator submits a stream management plan stating what they will do while removing gravel from a stream in their area. This is how it should be done since there are so many different types of streams in Missouri. One size fits all regulations will never work without having many variations. Regulations that need so many variations seem to be a waste of time and money.

I feel your commission must be getting pressured from other agencies and/or environmental groups to adopt these regulations. As you know in the past some agencies and environmental groups have had some good intentions but the affect of those intentions were not good. Multifora rose, release of the otters, stopping the thinning of our forests and stopping prescribed burns are just a few issues. It's time your commission, other agencies and environmental groups start listening to the people living on or near the streams in Missouri. Start listening to the farmers, ranchers and timber men. More regulations will no more solve the problems DNR have with a small percentage of gravel mining operators than gun control will solve the crime problems.

During some of the workgroup meetings some agencies and environmentalists gave their opinions that removing gravel from our streams could hurt the fish and etc. Let's

face it almost everything man does affect other things. When a farmer plows his fields, I'm sure some crawling creatures are killed. The same would apply when a new highway or building is built. When do we stop regulating to protect fish, wildlife and yes crawling creatures and start protecting citizens of Missouri?

In my opinion this workgroup was formed to manipulate it's members. I believe these meetings were conducted in a way to insinuate the members approved regulating gravel mining. I believe DNR wants to be able to tell the public that all the people that did not want gravel mining regulations have now came together and agreed on some improved regulations. I want you to know this is simply not true and the public will be made aware of our opposition .

In November the County Commissioners Association of Missouri adopted a resolution opposing these gravel mining regulations. County commissioners have and will continue to address this issue with their elected state officials. We are more than willing to work with any and all agencies for the betterment of our counties and for the people we represent. As elected county officials we feel it is our duty to protect our citizens, this includes protecting their environment, their economy and their property rights.

With our state and counties facing lean budgets, we sure don't need added regulations that will cost everyone more money. If the cost of sand and gravel rises, then so does the cost of highways, bridges, county roads, residential and commercial building. A one- size-fits- all regulation could very well close some sand and gravel mining businesses. We do not need the loss of more businesses and more people out of work in Missouri.

Sincerely,

Linda L. Garrett

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Jan. 14, 2003

## Ozarks Voices

### Gravel mining rules hurt state

Re: Cynthia Andre's Jan. 1 commentary, "Commissioners stand on gravel mining ignores risks."

I sat on a gravel mining workgroup with Ms. Andre. At these meetings, Ms. Andre was listed as representing the Sierra Club, not as a member of the Stream Team.



Garrett

The County Commissioners Association did pass a resolution opposing changing the present sand and gravel mining guidelines into regulations. As elected officials, it is our duty to protect our counties from regulations that can have negative effects on the counties of Missouri.

At the present time there are guidelines for gravel removal, and operators must obtain a permit from the Army Corps of Engineers; work with Department of Natural Resources, the Clean Water Act, Endangered Species Act, U.S. Fish and Wildlife, Missouri Department of Conservation; and the list goes on and on. At the workgroup meetings, these agencies admitted that less than 2 percent of the operators in Missouri may cause some stream problems. Let's not put undue hardships on counties in Missouri because one or two operators might be abusing their permits.

There were numerous testimonies at these workgroup meetings stating all the negative effects that more regulations would have on the citizens of Missouri. Yes, a negative economic impact was one of the reasons for not wanting more regulations. When our state and counties are facing lean budgets, we sure don't need added regulations that will cost everyone more money. If the cost of sand and gravel rises, then so does the cost of highways, bridges, county roads, and residential and commercial building.

A one-size-fits-all regulation could very well close some sand and gravel mining businesses. We do not need the loss of more businesses and more people out of work in

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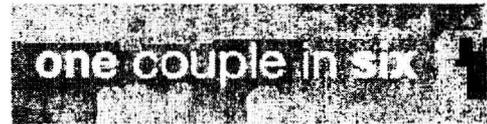
JAN 27 2003

MISSOURI LAND  
RECLAMATION COMMISSION

Missouri.

We are also concerned that fish cannot live in these gravel-filled streams. We are concerned when too much gravel is allowed to remain in our streams, and the water is diverted to our farmland and washes away our top soil. We feel property rights are being ignored and the right to protect people's farm land is in danger.

*Linda Garrett is associate commissioner of Texas County.*



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## Land Reclamation Commission

Dear Commission Members:

After serving on the Workgroup for in-stream sand and gravel mining and studying the science that was submitted by the various organizations I am concerned that one area of sand and gravel mining that has not been addressed by this group was dredging operations. Missouri is one of the few states that continues to allow this type of sand and gravel mining.

There are two types of dredging operations that are currently permitted to operate by the Land Reclamation Commission, suction and hydraulic. With the exception of the Missouri and Mississippi Rivers there are five dredging operations on the smaller rivers in Missouri according to Mike Larsen of LRC.

My reasons for serving on this workgroup was to determine what type of operations cause the least impact on the rivers and streams of Missouri. I live along the Meramec River and have shared this section of the river with a suction dredge operation and have seen first hand the affects of suction dredging operations. I went into this workgroup with an open mind realizing the need for sand and gravel and wanting to determine the best way to mine sand and gravel from Missouri's streams.

The most endangered species that exists in Missouri are Mussels. Dredging is the most detrimental form of sand and gravel removal for this entire species. It alters the stream bottoms causing removal of habitat for this entire species along with channelization, altered stream flow and increased sedimentation.

Common sense will tell us that removal of sand and gravel from stream bottoms by dredging will not only remove Mussels during operations but also make it uninhabitable for years to come because of those changes. The Science exists to back my claim you may contact Sue Bruenderman(573-882-9880ext3239), Janet Sternburg or Chris Barnhart (all Mussel Specialists) of the Missouri Department of Conservation. Or you may wish to contact Andy Roberts (573-876-1911ext 110) of the U.S. Fish and Wildlife Service.

Dredging operations are no longer controlled by U.S. Army Corps. of Engineers or any another permitting or governing body. This is one type of operation that goes on basically unregulated.

Please stop dredging of sand and gravel from Missouri streams. This is I believe the worst way to extract sand and gravel form Missouri streams.

Sincerely,

Russ Andrews  
1680 River Haven Dr.  
St. Clair, MO 63077  
636-629-3200  
randrews@yhti.net

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

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JAN 28 2003

MISSOURI LAND  
RECLAMATION COMMISSION

Land Reclamation Program  
PO Box 176  
Jefferson City, MO 65102

Re: Sand and Gravel Workgroup Recommendations

I request that the Land Reclamation Commission adopt regulations for this industry that reflect the realities of possible stream abuse by in-stream mining operators. The industry is important for the livelihood of citizens in a number of Missouri counties. There were more than 500 in-stream sites in 2001 with commercial sand and gravel mining on the increase in Missouri. In-stream sand and gravel mining will increasingly be used for building roads and other structures. I believe that state regulations are necessary to sustain in-stream mining on streams that are gravel rich.

There are several known cases in Missouri such as at Linn Creek of in-stream mining that have caused serious damage. In the case of Linn Creek almost a million dollars of damage was done to both public infrastructure and private property. I request that the Land Reclamation Commission designate regulations for in-stream commercial sand and gravel mining that will protect county and state infrastructure. Damage to roads and infrastructure such as bridges or pipelines can be very expensive for a town, or county and the state of Missouri at a time when we can't afford it.

In-stream operators that do not adhere to accepted in-stream gravel mining procedures may cause damage to adjacent landowners' buildings or loss of private property either upstream or downstream from commercial mining operations. The vegetation along a stream and the wooded corridor next to the stream are both important to protect a stable stream and to protect private property next to the stream. Miss-use of heavy mining equipment in or near a stream can deepen the bed of the stream and destroy the banks. A mining operation which results in a steeper channel and increases the velocity of the water, can cause head-cutting and erosion. When such in-stream mining goes on for a length of time, headcutting and erosion can move

far upstream and negatively affect a number of landowners. Without state regulations the private property owner has little protection from irresponsible, in-stream commercial gravel mining.

Erosion which reduces stream side vegetation can cause the temperature of the water to rise as can an increase in silt in the water itself. A stable gravel bar with vegetation, small trees and tightly packed gravel has the right amount of gravel for a healthy stream. A change in a healthy stream will degrade it as a habitat for wildlife. Places such as riffles should be off-limits to gravel mining since channel stability and habitat for macro-invertebrates and fish will be threatened. A change in types or numbers of macro-invertebrates can affect the fish and other wildlife that we landowners enjoy. And, it will decrease the productivity and the economic value of our streams for businesses that depend on tourists, floaters, and fisherman.

There are other practices that have a negative effect on the health of our streams. Washing gravel too close to the stream or crushing and sorting sand or gravel too close to the stream can cause warm, stagnant water to enter the stream. An excessive amount of silt can enter the stream bed which lowers water quality and destroys stream bed habitat.

Care must be taken that fuel, oil, and other wastes don't enter the stream preventing fish, macro-invertebrates, and other stream life from moving freely, feeding, and especially preventing spawning or reproduction.

Please adopt regulations that will allow in-stream commercial sand and gravel mining on gravel rich streams while protecting the water quality and wildlife of our Missouri streams.

*Becky Denney*

Becky Denney  
Stream Team Representative  
Stream Team 1546

January 28, 2003

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JAN 29 2003

MISSOURI LAND  
RECLAMATION COMMISSION

To: Land Reclamation Commission  
Fm: Nathan Pate

Re: Gravel Mining Regulations

Greetings,

We need enforceable control of gravel mining operations. The waters of Missouri are public property. To my mind, the gravel contiguous to those waters ought also to be public property, or at least regulated enough so that water life and quality are not impaired. Missourians want healthy streams and rivers, with all the natural biota intact. Please don't let short-sighted exploitation and commercial interests destroy our natural heritage.

Sincerely,  
Nathan Pate

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JAN 29 2003

MISSOURI LAND  
RECLAMATION COMMISSION

Gavin H. Poppen  
29 Pinewood Drive  
St. Louis, MO 63123

January 25, 2003

Mr. Ted A. Smith, Chairman  
Land Reclamation Commission  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102

Dear Mr. Smith:

Missouri is rich with clear streams and rivers that enhance the states natural beauty. The current unregulated state of the sand and gravel mining industry poses a serious threat to these streams and rivers. That is why I am writing to you today in support of the development of strong regulations to protect Missouri's rivers and streams from the gravel mining industry.

Contrary to the popular belief, sand and gravel does not need to be removed from or streams and rivers. The evidence indicates that gravel mining:

1. Causes serious land erosion
2. Has a detrimental affect on streamside wildlife and fisheries resources
3. Has a detrimental affect on water quality
4. Has a negative impact on the states highways in the form of increased road and bridge repair costs
5. Has a negative impact on the states economy in the form of lost tourism dollars, increased flood damage, and increased water purification costs.

When all costs are considered, the mining of sand and gravel has a net negative impact on the economy and the scenic beauty of the great state of Missouri. That is why I urge you to support strong sand and gravel mining regulations. The future of Missouri's rivers and streams depends on it.

Sincerely,



Gavin H. Poppen

Jan 28, 2003

Dear Land Reclamation Commissioners,

Yours is an important job. The regulations you set (if they are enforced) determine the quality of life for our Missouri streams and rivers and all who visit them, including myself.

Of course some people who make their living in the gravel mining business (or other businesses) find strong regulations inconvenient. To follow the regulations may mean things take more time and hence more money and the price of gravel rises ever so slightly. We all pay for that.\*

At the same time lots more people get cleaner water and more plentiful fish and wildlife. That's for the common good, the good that your job is there to protect. →

Jan 28, 2003

Dear Land Reclamation Commissioners,

Yours is an important job. The regulations you set (if they are enforced) determine the quality of life for our Missouri streams and rivers and all who visit them, including myself.

Of course some people who make their living in the gravel mining business (or other businesses) find strong regulations inconvenient. To follow the regulations may mean things take more time and hence more money and the price of gravel rises ever so slightly. We all pay for that.\*

At the same time lots more people get cleaner water and more plentiful fish and wildlife. That's for the common good, the good that your job is there to protect. →

Please remember you are there  
to serve the great numbers of  
Missourians who like clean water and  
nature since we can't deal with the  
commercial operators ourselves.

Please write worthwhile and enforceable  
regulations.

Tanager

Illustration by

**Catherine McClung**

Exclusively represented by Applejack Licensing

Best wishes to you.

Sincerely,

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Pamela Hosley

JAN 29 2003

MISSOURI LAND  
RECLAMATION COMMISSION



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JAN 30 2003

MISSOURI LAND  
RECLAMATION COMMISSION

882 Lionsgate Dr  
St Louis, MO 63130  
January 27, 2003

Department of Natural Resources  
Land Reclamation Commission for the Establishment of Regulations for the Sand and  
Gravel Mining Industry in Missouri  
PO Box 176, Jefferson City, MO 65102

Dear Commission:

Because I and my friends love the outdoors in the Ozarks, and float and hike in the area, I am very concerned that Ozark streams be kept in as natural a state as possible. I am also concerned about habitat for animals and birds.

I feel there have been too many compromises made as the regulations were altered from the set presented in 1994-5. These alterations have weakened the ability of the regs to protect the streams and habitat of various animals and birds. The regs need to follow practices that are accepted as good for forests, and ensure that further restoration of stream areas that have been degraded take place! Spawning seasons for native fishes should be respected, by regulating in which months gravel mining is allowed!

The Commission should not allow commercial interests to perform work that, in the long run, causes permanent damage to the environment and thus, decreases the possibilities for other uses of the streams. You should not put short term financial gain for a few ahead of the desire of the many to prevent long term degradation of the natural environment. This environment is very valuable for the future of tourism in the state.

I feel that too many votes were given to those who have vested interests in various companies that desire to mine gravel from streams, while individuals who will receive no financial gain from preserving and restoring streams were not adequately heard.

I understand that, under the proposed regulations, specific individuals will be allowed to request "site specific" guidelines, and thus evade the overall purpose of the regulations, to preserve and restore streams. This is certainly not acceptable.

I further understand the regs will allow gravel bars that contain 6- 10 year old willow and sycamore trees to be taken out. I cannot understand the rationale behind removing such natural growth!! I thought the idea was to allow "stabilized" gravel bars to remain in place?? How long do trees have to be in place for the bar to be "stabilized"?

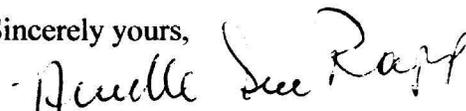
I also think that a 25 foot buffer zone is not enough to prevent the work from endangering species that live in the area.

The current regulations do not ensure that stream banks will be returned to their former natural state after gravel mining is complete. Nor is the wording strict enough to ensure that, where the construction of a road was allowed, the area becomes natural again, and no further incursions by powered vehicles are allowed.

The regulations do not make it clear that, if a contractor does the work, s/he is also required to follow the regulations!

Please ensure that the interests of those of us who use the natural areas (and contribute our tourist dollars) are not ignored to allow short term financial gain to a few!

Sincerely yours,

  
Neville Rapp

January 27, 2003

Mr. Ted A. Smith, Chairman  
Land Reclamation Commission  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102

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JAN 30 2003  
MISSOURI LAND  
RECLAMATION COMMISSION

Dear Mr. Smith:

Missouri is rich with clear streams and rivers that enhance the states natural beauty. The current unregulated state of the sand and gravel mining industry poses a serious threat to these streams and rivers. That is why I am writing to you today in support of the development of strong regulations to protect Missouri's rivers and streams from the gravel mining industry.

Contrary to the popular belief, sand and gravel does not need to be removed from or streams and rivers. The evidence indicates that gravel mining causes:

1. Causes serious land erosion
2. Has a detrimental affect on streamside wildlife and fisheries resources
3. Has a detrimental affect on water quality
4. Has a negative impact on the states highways in the form of increased road and bridge repair costs
5. Has a negative impact on the states economy in the form of lost tourism dollars, increased flood damage, and increased costs water purification costs.

When all costs are considered, the mining of sand and gravel has a net negative impact on the economy and the scenic beauty of the great state of Missouri. That is why I urge you to support strong sand and gravel mining regulations. The future of Missouri's rivers and streams depends on it.

Sincerely,



Matt Tucker  
High Ridge, MO

Subject: Sand and Gravel Mining in Streams

Land Reclamation Program  
PO Box 176  
Jefferson City, MO 65102

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FEB 3 2003

MISSOURI LAND  
RECLAMATION COMMISSION

Gentlemen and Ladies:

Jan.24, 2003

The Mississippi Valley Chapter of the Ozark Society wishes to make our comments about the proposed changes to 10 CSR 40-10.050 (14). Our organization, a "soft" environmental group of canoers, hikers, Stream Team members and those who love our earth, strongly recommend the most stringent of the proposed changes to the 1995 Corps of Engineers guidelines. Our long association with the degradation of our favorite canoeing and fishing streams (the Black, Jacks Fork and Upper Current come to mind) make us very upset at the loss of riparian protection and fish habitat. A 20-foot riparian buffer is ridiculous when the whole thing can be washed away with one flood; 50 feet is hardly adequate.

Please add our vote to those who care about the quality of the water in our streams, and the erosion of their banks by those who carelessly remove sand and gravel from them.

President *Phil Dodson*  
Secretary *Wyn Hirsch*

1/25/03

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FEB 3 2003

MISSOURI LAND  
RECLAMATION COMMISSION

Mr. Ted A. Smith, Chairman  
Land Reclamation Commission  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102

Dear Mr. Smith:

I am writing to you to request stronger protection of our states beautiful rivers and streams. I have witnessed firsthand the destruction that gravel and sand mining operations have had on our precious resource.

I find it ironic that our states vehicle license plates even "advertise" to a certain extent our free-flowing, rivers and streams. And yet recently, our elected officials have seemed to turn their backs on their protection, as unregulated gravel/sand mining operations increasingly come in and wreak damage that takes many, many years to repair naturally if ever at all.

The ultimate cost of this mining cannot fully be understood without also calculating the cost of: serious land erosion, the detrimental affect on streamside wildlife and fisheries resources, water quality, states highways in the form of increased road and bridge repair costs, lost tourism dollars, increased flood damage, and increased water purification costs.

When all costs are considered, the mining of sand and gravel has a net negative impact on the economy and the scenic beauty of the great state of Missouri. That is why I urge you to support strong sand and gravel mining regulations. The future of Missouri's rivers and streams very much depends on the actions that you will take. Thank you for your consideration

Sincerely,



Andrew Arnold

ANN AND BILL WINCH

1313 Highland Drive

Rolla, Missouri 65401

573-341-5836

email: [bwinch@rollanet.org](mailto:bwinch@rollanet.org)

Dear Commission:

My wife and I, residents for some years in Phelps Co., feel that there need to be regulations on sand and gravel mining to minimize damage to streams & their habitats.

Please put regulations in force soon.

As an avid fisherman, who spends many days on our streams & rivers, I would hope they might be protected from mining of sand and gravel.

Sincerely,

Ann & Bill Winch

RECEIVED

FEB 3 2003

MISSOURI LAND  
RECLAMATION COMMISSION



# MISSOURI CONCRETE ASSOCIATION, INC.

101 E. High Street, P.O. Box 392, Jefferson City, Missouri 65102  
(573) 635-6271 • FAX: (573) 636-9749 • www.moconcrete.com

RANDY J. SCHERR, Executive Director

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*Holiday Sand & Gravel Company*  
Overland Park, Kansas

February 10, 2003

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FEB 11 2003

MISSOURI LAND  
RECLAMATION COMMISSION

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

Dear Commissioners:

On behalf of the membership of the Missouri Concrete Association, we would like to express our thanks for the opportunity to be a part of the working group to discuss draft proposals for the Sand and Gravel Mining Operating Guidelines.

Although it was a long, time-consuming process, we feel that the final product is a set of guidelines that meets the goals of protecting our natural resources, as well as, giving operators the flexibility to work within those guidelines. We found the discussions to be extremely productive in meeting that balance and compromising to a set of meaningful guidelines and not a set of harsh restrictions which add little additional protective value.

We look forward to meeting with the Commission on March 26. Should you have any questions or comments, please don't hesitate to contact me.

Sincerely,

Randy J. Scherr  
Executive Director

RJS:rmw

cc: Larry Coen  
Mike Larson

LARRY SPENCE  
Presiding Commissioner

BOB VAUGHN  
Northern Commissioner

MARK B. COLLINS  
Southern Commissioner



4 Courthouse  
West Plains, MO 65775

Meeting Days:  
Mondays and Thursdays

Phone: 417-256-3872  
FAX: 417-256-2512

February 13, 2003

**HOWELL COUNTY COMMISSION**

Attn: Larry Coen  
Missouri Department of Natural Resources  
Land Reclamation Commission  
P.O. Box 176  
Jefferson City, MO 65102

**RECEIVED**

FEB 18 2003

MISSOURI LAND  
RECLAMATION COMMISSION

Dear Commission:

Please regard this correspondence as a voice strongly in favor of recognizing the efforts of a group compromise in relation to the present in-stream sand and gravel mining guidelines. This issue has been a great concern for the Howell County Commission for some time and we watched with interest as this group representing agencies and private companies met to hammer out a workable plan for all concerns. We now request the efforts of these interested parties be rewarded with a favorable vote when you make your decision on March 27<sup>th</sup>.

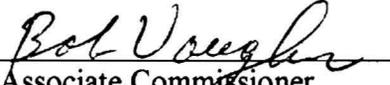
As the governing body for Howell County we cannot be silent on this issue any longer. The sand and gravel industry is so important to our economy, which in turn makes it extremely important to the state of Missouri as a whole. If local companies are regulated out of the sand and gravel mining business locally, the cost will severely depress many areas of the state.

**Please vote yes to the compromise plan offered to you by the parties involved. A positive vote will result in a better place to live and work for all Missourians.**

Sincerely,

  
Presiding Commissioner

  
Associate Commissioner

  
Associate Commissioner