

PUBLIC NOTICE



US ARMY CORPS
OF ENGINEERS
OMAHA DISTRICT

APPLICANT: South Dakota
Department of Transportation
APPLICATION NO: NWO-2010-0547-PIE
WATERWAY: Moccasin Creek
ISSUE DATE: January 14, 2013
EXPIRATION DATE: February 13, 2013

Regulatory Office, 28563 Powerhouse Rd, Room 118, Pierre, SD 57501
<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/SouthDakota.aspx>

30-DAY NOTICE

NOTICE OF UMBRELLA MITIGATION BANK PENDING

US ARMY CORPS OF ENGINEERS

The District Engineer has received a prospectus for an umbrella mitigation banking instrument from the South Dakota Department of Transportation (SDDOT). The Corps is soliciting comments on this prospectus.

SPONSOR: South Dakota Department of Transportation, 700 East Broadway Ave. Pierre, SD 57501.

The SDDOT has proposed to establish an umbrella mitigation banking instrument which would guide the establishment of multiple wetland mitigation banks distributed across the state of South Dakota. If this prospectus is determined to be sufficient, the SDDOT may proceed with the development of a banking instrument to be signed by the sponsor, the Corps, and other agencies which will serve as a review team. The proposed Instrument will be developed according to the Corps "Mitigation Rule", 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources.

The purpose of the umbrella instrument will be to provide a framework in which the SDDOT can efficiently compensate for unavoidable wetland losses that are incurred during the development and maintenance of transportation infrastructure. Twelve geographic service areas have been proposed by the SDDOT. Geographic service areas are proposed based on watershed

boundaries and eco-region classification. The SDDOT intends to develop individual mitigation bank(s) within the proposed geographical service areas as dictated by estimated mitigation demand and the availability of sites suitable for the development of a mitigation bank.

At this time the SDDOT has provided summary information for a proposed mitigation bank in the Upper James River Service Area. Details of the proposed mitigation bank are provided in a Prospectus titled, "**South Dakota Department of Transportation Statewide Umbrella Wetland Mitigation Agreement - Wetland Mitigation Bank Prospectus**" and a supplemental site memo titled, "**Proposed Wetland Mitigation Site - Lonnie Anderson Site**" that are available at the following web address, <http://sddot.com/transportation/highways/environmental/wetland/Default.aspx>, or upon request by contacting Nathan M. Morey by phone, (605 224-8531, or email, Nathan.M.Morey@usace.army.mil).

If a umbrella wetland mitigation instrument is approved, additional wetland mitigation bank sites may be developed in the future by amendment to the approved instrument.

The decision to authorize the sponsor to proceed with the development of an umbrella banking instrument will be based on the District Engineer's determination of the potential of the proposed instrument to provide compensatory mitigation for activities authorized by Department of the Army permits. This determination will include a review of the bank objectives, the suitability of the service areas of individual banks, the need for mitigation, the long-term management proposal for banking sites, and qualifications of the sponsor to manage an umbrella banking instrument.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to approve, modify, or deny this request by the SDDOT to develop a wetland banking instrument. To make this decision, comments are used to assess the likelihood that the mitigation bank will provide appropriate compensatory mitigation for activities authorized under Corps permits.

Because this prospectus only deals with the development of a procedural document, no work within any aquatic resource is being proposed at this time. Due to the absences of any physical work, the District Engineer has determined that there is no likelihood for the proposed banking instrument to impact properties with cultural or Native American significance, or

listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. Similarly because this action will not involve physical work, the action will have "No Effect" on any species listed under the Endangered Species Act.

Any interested party (particularly officials of any town, city, county, state, Federal agency, Indian Tribe, or local association whose interests may be affected by the proposed action) is invited to submit to this office, written facts, arguments, or objections on or before February 13, 2013. Any agency or individual having an objection to the proposed action should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application. All replies to this public notice should be addressed to, US Army Corps of Engineers, South Dakota Regulatory Office, 28563 Powerhouse Road, Room 118, Pierre, South Dakota 57501. Nathan M. Morey, telephone number (605) 224-8531, may be contacted for additional information.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.