

# PUBLIC NOTICE



US ARMY CORPS  
OF ENGINEERS  
OMAHA DISTRICT

APPLICANT: MARY KIDWILER  
APPLICATION NO: NWO 2012-483  
WATERWAY: WETLANDS/TRIBUTARY  
ISSUE DATE: JANUARY 28, 2013  
EXPIRATION DATE: FEBRUARY 18, 2013

---

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

---

**21-DAY NOTICE**

## JOINT NOTICE OF PERMIT PENDING

US ARMY CORPS OF ENGINEERS  
AND  
SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

The application of Mary Kidwiler, Brookings, South Dakota, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Commander, US Army Engineer District, Omaha, Nebraska.

The applicant requests authorization to perform site grading activities in jurisdictional waters of the United States (linear wetlands/tributary – “Wetlands A, B, C & D”) in connection with the construction of a residential subdivision development (“The Meadows”) located near the Town of Hartford in the Northeast 1/4 of Section 16, Township 102 North, Range 51 West, Minnehaha County, South Dakota.

The proposed project will consist of grading the site to proposed contours and elevations to establish residential building sites (lots) to include associated construction of streets, utilities, and on-site wetland mitigation features. The current preferred project alternative would initially adversely impact 2.37 wetland acres of “Wetland D” during the first phase (1 to 3 year plan) site grading of 28.06 acres in the northeast segment of the property. The following phase (3 to 5 year plan) will include the remaining 117 acres of the overall proposed project development with the site grading affecting all of “Wetlands A, B & C” totaling 3.3 wetland acres. The loss of Wetlands A, B & C is proposed to be mitigated (replaced) at the Tetonka Wetland Mitigation Bank located within ten miles of the project.

The “On-site Mitigation” (plan) provides for the creation of additional wetland acres (3.63 acres) within the development site to compensate for the first phase of the project construction wetland

loss. The created wetlands will be excavated/shaped adjacent the lower portion of Wetland D (East Branch) that will be avoided by the project site grading and enhanced with vegetative management techniques. The mitigation proposal utilizes scientific modeling (Hydrogeomorphic Wetland Assessment - HGM) to determine the amount of compensatory mitigation required to offset the loss of the impacted wetland functions measured in Functional Capacity Units (FCUs) and provides for replacement of the impacted wetlands at higher functioning levels. Overall, the wetland mitigation plans for the project provide for avoiding the higher functional quality wetlands and replacing the lower quality (project impacted) wetlands adjacent to Wetland D and off-site by obtaining mitigation credits from the Tetonka Mitigation Bank.

The purpose of the project is to construct a residential subdivision development on the north side of Hartford, South Dakota. Existing and created wetlands will be incorporated as a natural feature of the development.

The South Dakota Department of Environment and Natural Resources, Division of Environmental Services, 523 East Capitol Avenue, Pierre, South Dakota, 57501-3181, will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The South Dakota Department of Environment and Natural Resources hereby incorporates this public notice as its own public notice and procedures by reference (ARSD 74:51:01).

Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and "its current supplements," and no property listed in the Register or proposed for listing is located in the permit area. This is the extent of our knowledge about historic properties in the permit area at this time. Omaha District will evaluate the most current cultural resources records and survey information available and coordinate the District's "historic properties effect determination" with the State Historic Preservation Officer (SHPO). We will also evaluate any input provided by the SHPO and the public in response to this public notice.

In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and, in general the needs and welfare of the people. In addition, the evaluation of the impacts of the project on public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230). The preferred project design (alternative) described in this public notice is identified by the

applicant as the least environmentally damaging practicable alternative available that avoids and minimizes adverse impacts to waters of the United States. The applicant's alternatives analysis is based primarily on spacial considerations for streets and lots, future proposed urban land use and current municipal safety standards. The Corps will evaluate the applicant's analysis and may require additional information to determine compliance with the Section 404(b)(1) Guidelines.

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 issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the US Army Corps of Engineers, South Dakota Regulatory Office, 28563 Powerhouse Road, Room 118, Pierre, South Dakota 57501.

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 work) is invited to submit to this office, written facts, arguments, or objections on or before February 18, 2013. Any agency or individual having an objection to the proposed work 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 the public notice should be addressed to the address listed in the previous paragraph. The South Dakota Regulatory Office may be contacted at telephone number 605-224-8531, for additional information.

Comments received after the close of the business day on the expiration date of this public notice will not be considered.

This project, if authorized, will be under the provisions of Section 404 of the Clean Water Act.

Drawings showing the location and extent of the work are attached to this notice.

**PROJECT NAME:**

KIDWILER FARM

**APPLICANT:**

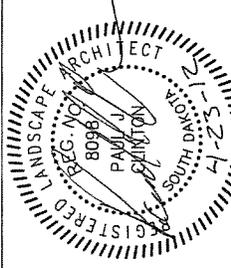
MARY KIDWILER  
1001 PARKWAY BLVD  
BROOKINGS, SD 57006

**LOCATION**

THE SITE IS LOCATED IN THE  
NORTHEAST QUARTER OF  
SECTION 16, TOWNSHIP 102  
NORTH, RANGE 51 WEST,  
MINNEHAHA COUNTY, SOUTH  
DAKOTA.



North  
Scale 1"=500'



Paul J. Clinton, ASLA  
Landscape Architect

DATE: 4/23/2012

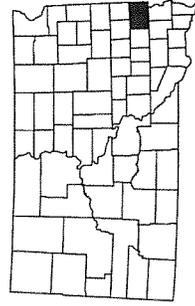
PROJECT # 12-182A

SHEET 1

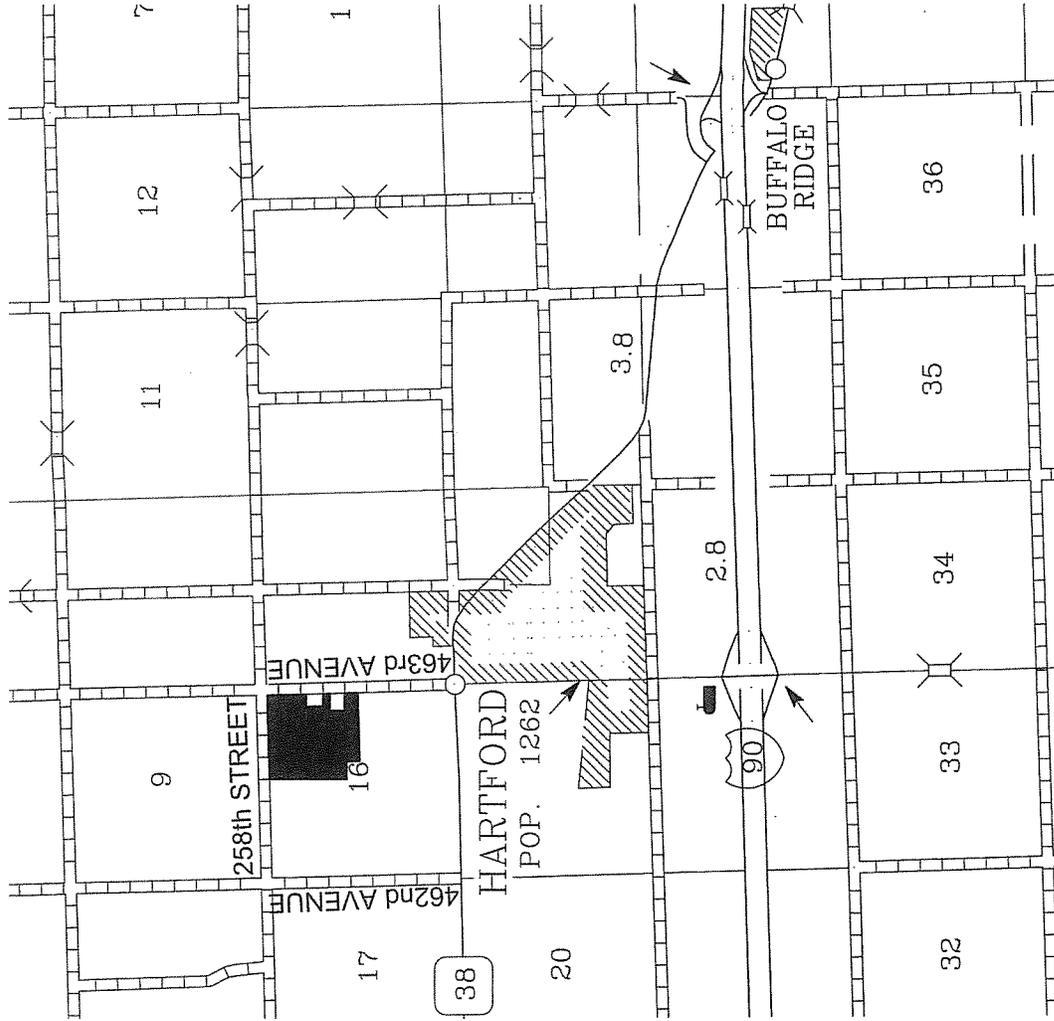
COVER SHEET

**Dakota Land Surveying  
and Engineering Inc.**

2000 W 42nd St. Suite C  
Sioux Falls, SD 57105  
605 334 4882 phone  
605 334 5745 fax



**MINNEHAHA COUNTY  
SOUTH DAKOTA**



**PROJECT LOCATION MAP**

**PROJECT NAME:**

KIDWILER FARM

**APPLICANT:**

MARY KIDWILER  
1001 PARKWAY BLVD  
BROOKINGS, SD 57006

**LOCATION**

THE SITE IS LOCATED IN THE  
NORTHEAST QUARTER OF  
SECTION 16, TOWNSHIP 102  
NORTH, RANGE 51 WEST,  
MINNEHAHA COUNTY, SOUTH  
DAKOTA.



North  
Scale 1"=300'

Paul J. Clinton, ASLA  
Landscape Architect

DATE: 4/30/2012

PROJECT # 12-214

SHEET 1

WETLAND ASSESSMENT HCM

**Dakota Land Surveying  
and Engineering Inc.**

2000 W 42nd St. Suite C  
Sioux Falls, SD 57105  
605 334 4882 phone  
605 334 5745 fax



**Table 5 Existing Wetlands**

Wetland Areas	Wetland Type	Acres	FCJ	FCU
Wetland A	Linear Fringe	0.6	3.11	1.86
Wetland B	Linear Fringe	2.0	3.01	6.01
Wetland C	Depressional Linear	0.7	2.27	1.59
Wetland D	Linear Fringe	6.0	3.12	18.73
<b>Total</b>		<b>9.3</b>		<b>28.19</b>

ALL OTHER WETLANDS WERE DETERMINED NON JURISDICTIONAL BY ARMY CORP OF ENGINEERS - NWS-2012-483-P18

**WETLAND DELINEATION MAP**



The Meadows



OVERALL PROJECT SITE PLAN



Proposed Wetlands   
Existing Wetlands  
(Wetland D, avoided) 

