

PUBLIC NOTICE



US Army Corps
Of Engineers

Omaha District

APPLICANT: GARY FOSTER
APPLICATION NO: 200230396
WATERWAY: PEG MUNKY RUN
ISSUE DATE: OCTOBER 1, 2003
EXPIRATION DATE: OCTOBER 22, 2003

Regulatory Office, 28563 Powerhouse Rd, Room 118, Pierre, SD 57501

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 Gary Foster, Bruce, 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 Engineer, US Army Engineer District, Omaha, Nebraska.

The applicant requests authorization to perform fill placement activities in a stream channel in connection with an irrigated cropland improvement project. The project is located in Peg Munky Run in Section 7, Township 112 North, Range 50 West, latitude 44-31-30.5008, longitude 96-52-37.2328, Brookings County, South Dakota.

The proposed project will consist of relocating approximately 825 feet of existing stream channel by constructing approximately 680 feet of new channel parallel with a fence line that separates the applicant's and an adjacent landowner's properties and filling the existing channel with the excavated material. The proposed new channel will be reconnected with the existing channel where it turns and flows onto the adjacent landowner's property and to the Big Sioux River. The new channel segment will be removed from cultivation and seeded with suitable plant species to prevent erosion.

The purpose of the project is to move the stream channel away from the farmland that is used for irrigated crop production. Under current conditions, the proposed project segment of existing stream channel and the land (pocket) on the inside bend of the channel are difficult to farm due to the relative steep sloping banks and occasional severe erosion from precipitation and snow melt runoff. In addition, the center pivot irrigation system does not operate efficiently where it crosses the stream bend in two locations. The applicant has stated that the stream only carries flow occasionally, primarily during spring runoff, and is dry most of the time during the rest of the year. Also,

according to the applicant, the stream has not carried flow over the past two dry years; however, during wet periods - early to mid 1990's, the stream carried significant flows. Most of the upstream segment of Peg Munky Run has been affected by past channelization activities believed by the applicant to have been performed during the 1980's and earlier.

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. However, we will evaluate input by the State Historic Preservation Officer and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area or check for unknown historic properties, if warranted.

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 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.

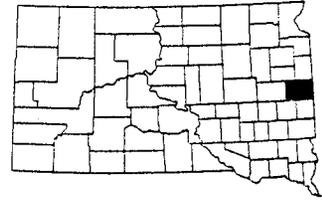
Any interested party (particularly officials of any town, city, county, state, Federal agency, Indian Tribe, or local association whose interests may be affected by the proposed work) is invited to submit to this office, written facts, arguments, or objections on or before October 22, 2003. Any agency 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. Thomas A Lowin, telephone number (605) 224-8531, may be contacted for additional information.

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

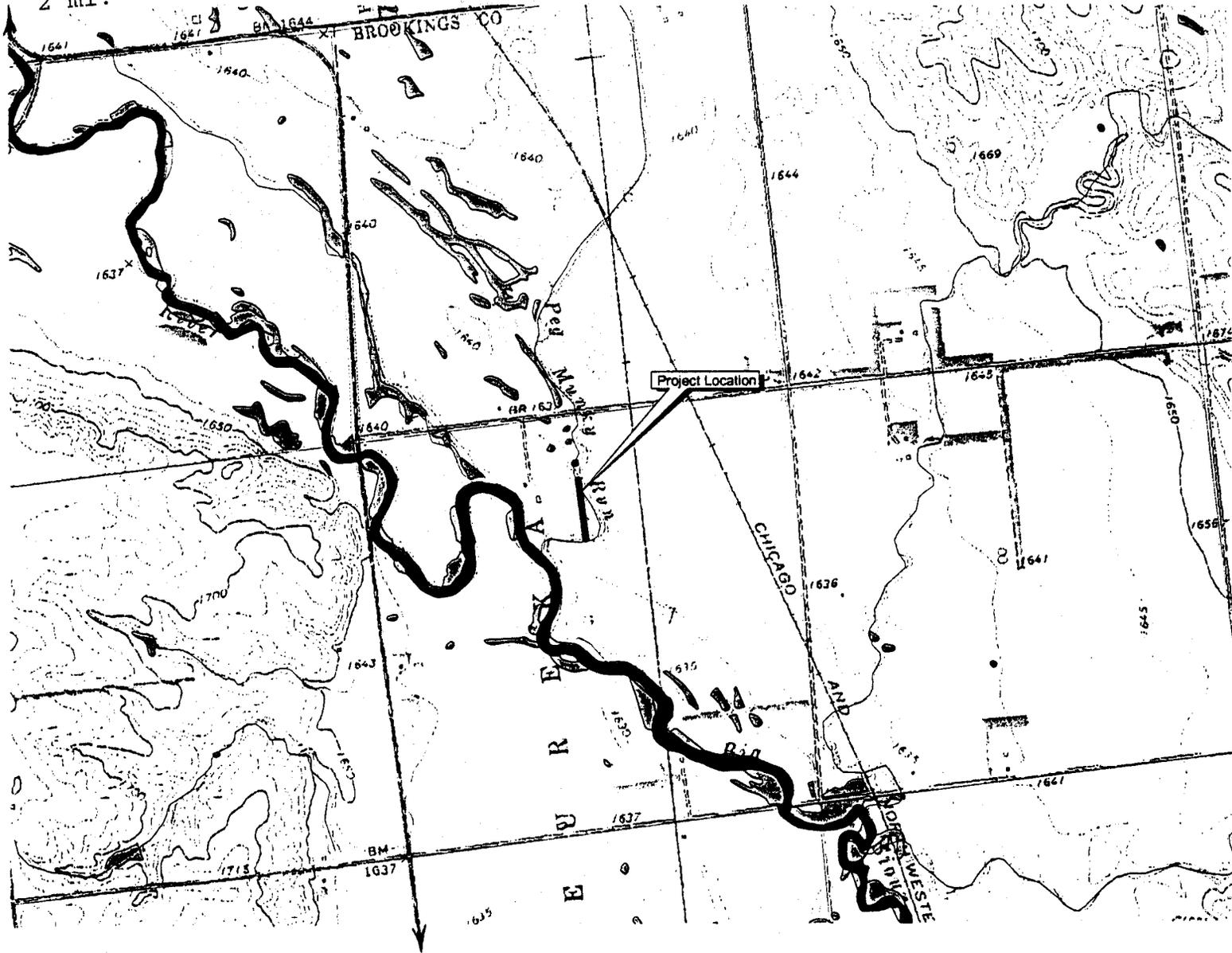
This project, if authorized, will be under the provisions of Section 404 of the Clean Water Act.

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

Foster Channel Change Brookings Co.



Estelline
2 mi.



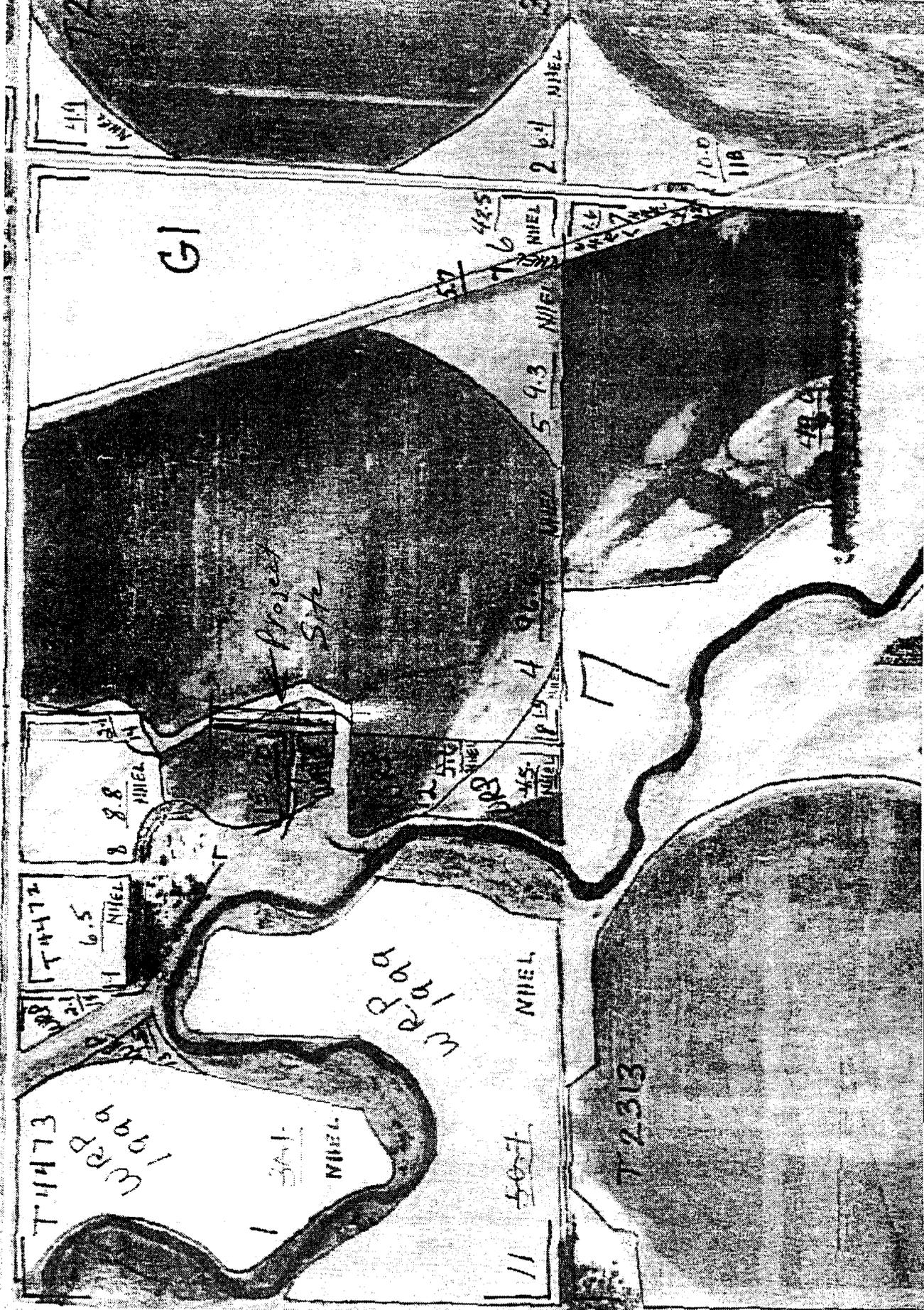
Bruce
5 mi.

PURPOSE: Channel Change

APPLICATION BY: Gary Foster
ADJ. PROPERTY OWNERS:
1) Eli Hofer

IN Peg Munky Run
AT Sec.7/T112N/R50W
COUNTY Brookings
DATE 10/1/03
SHEET 1 of 3

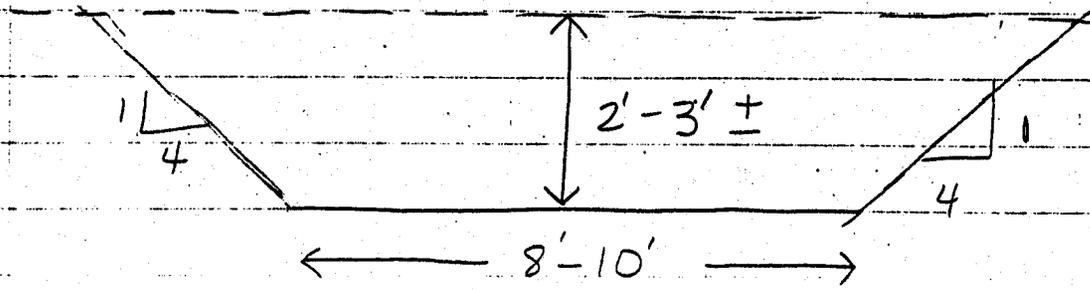
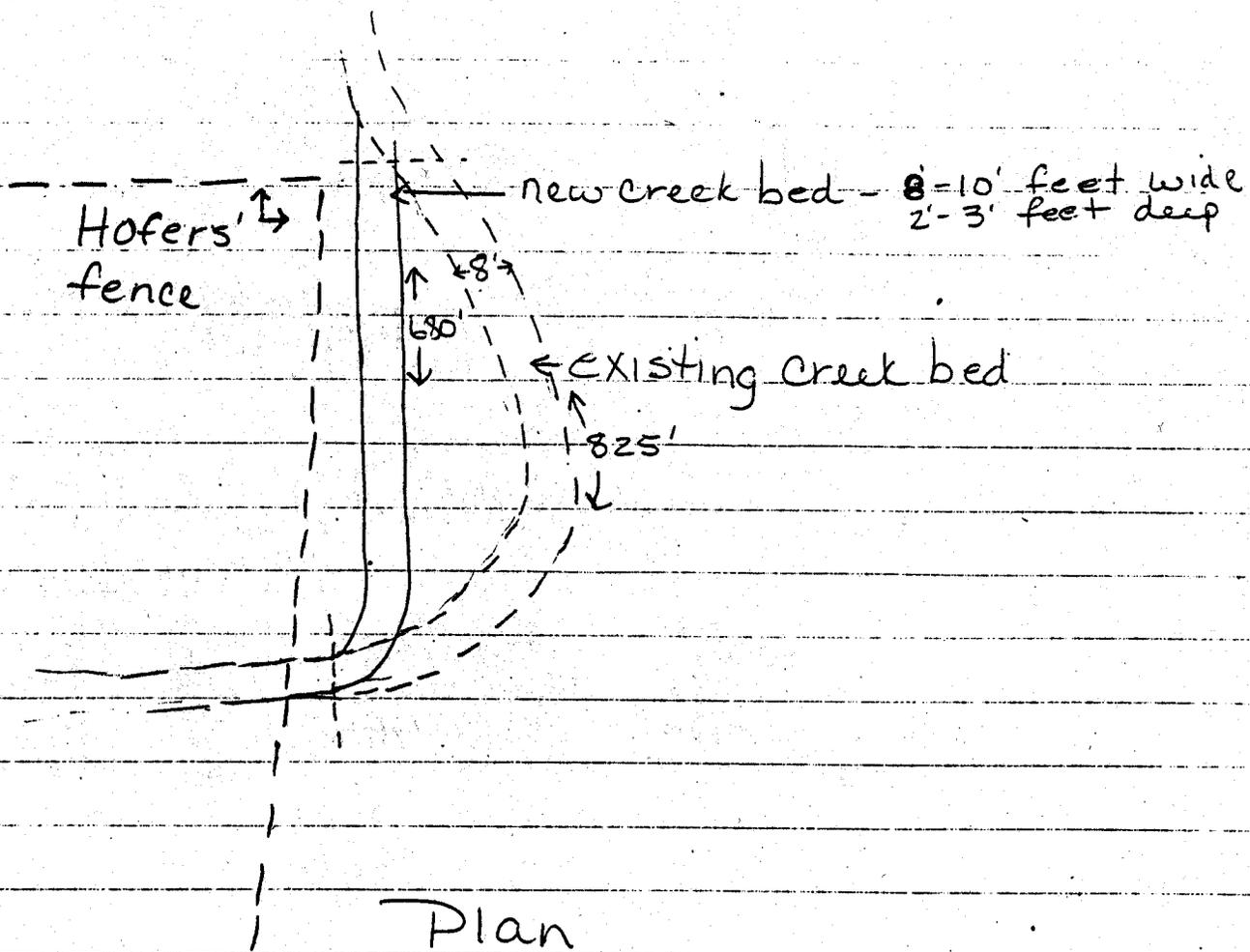
THIS IS NOT AN OFFICIAL WETLAND MAP



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SHEET 3 of 3