

PUBLIC NOTICE



US ARMY CORPS
OF ENGINEERS

OMAHA DISTRICT

APPLICANT: MVB PROPERTIES
APPLICATION NO: 200230431
WATERWAY: UNNAMED TRIBUTARY/
WETLANDS

ISSUE DATE: NOVEMBER 17, 2003
EXPIRATION DATE: DECEMBER 8, 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 MVB Properties, Sioux Falls, 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 place fill material in waters of the United States (unnamed tributary/linear-sloped wetlands) in association with the preparation of existing agricultural property for a residential subdivision development (Heather Ridge II Addition, Sioux Falls, SD). The project is located in the Southwest Quarter of Section 15, Township 100 North, Range 50 West, latitude 43-28-45.3972, longitude 96-44-38.1167, Lincoln County, South Dakota.

The proposed project will consist of grading the project site to desired elevations for the construction of buildings, streets and utilities. The site grading process will adversely impact 1.91 acres of jurisdictional waters of the United States (US). To compensate (mitigate) for the loss of waters of the US, the applicant is proposing to create 2.87 acres of wetland area by expanding other areas of the existing tributary wetlands in the near vicinity of the wetlands that would be impacted by the project construction. This will include expanding upon an approved wetland mitigation site that is currently under construction (City of Sioux Falls, Department of the Army permit No. 199930343).

The purpose of the project is to prepare the site for future construction of residential lots and associated streets and utilities.

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.

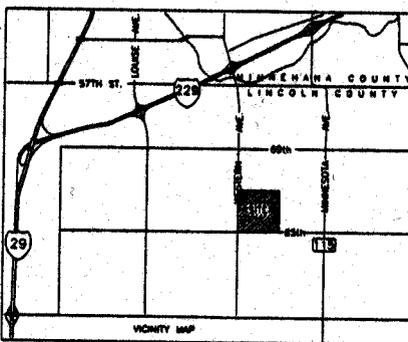
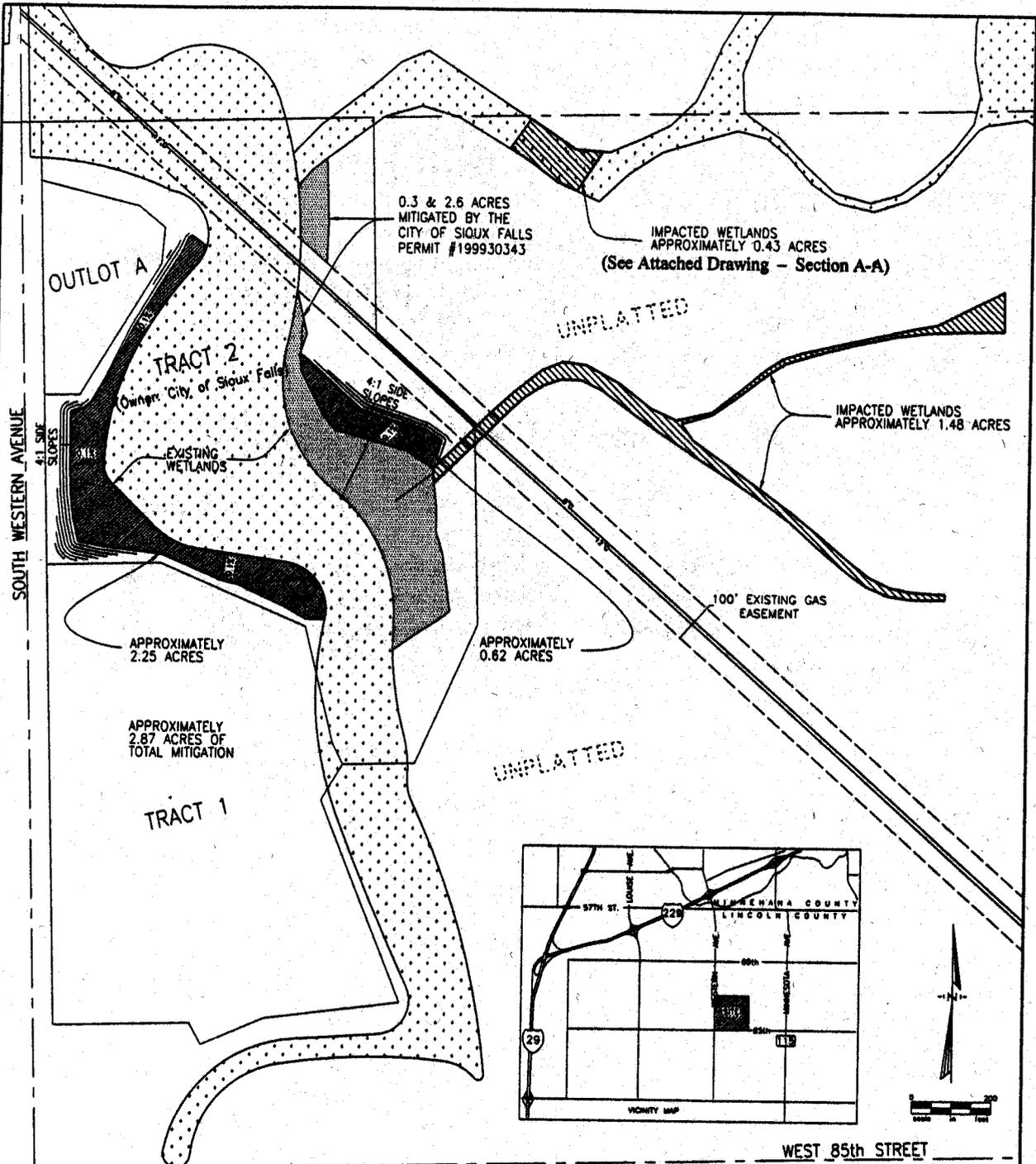
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the US Army Corps 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 December 8, 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.



Prepared By:
 Schmitz, Kalda & Associates
 320 N. Main Ave.
 Sioux Falls, SD 57104

Prepared For:
 MVB Properties
 5101 S. Nevada Ave.
 Sioux Falls, SD 57108

HEATHER RIDGE II ADDITION SIOUX FALLS, SD

Dated: 10/14/03

SCHMITZ KALDA
 AND ASSOCIATES, INC.

WETLAND MITIGATION

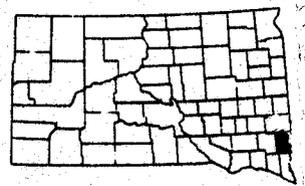
EXHIBIT

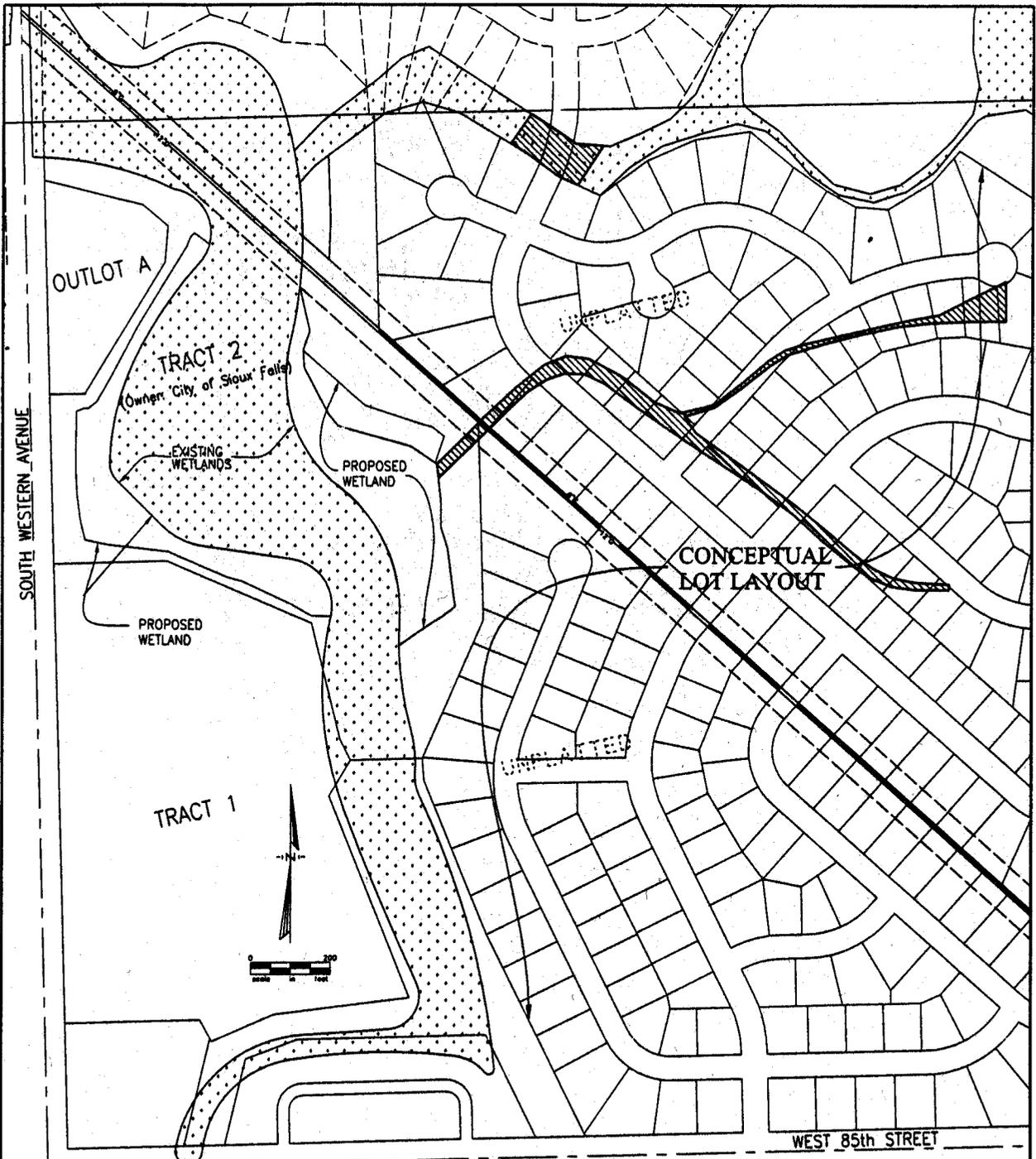
A

PURPOSE: Residential Development

APPLICATION BY: MVB Properties

IN tributary/wetlands
AT Sec. 15/T100/R50W
COUNTY Lincoln
DATE 11/17/2003
SHEET 1 of 3





Prepared By:
 Schmitz, Kalda & Associates
 320 N. Main Ave.
 Sioux Falls, SD 57104

Prepared For:
 MVB Properties
 5101 S. Nevada Ave.
 Sioux Falls, SD 57108

HEATHER RIDGE II ADDITION SIOUX FALLS, SD

Dated: 10/14/03

EXHIBIT

SCHMITZ KALDA
 AND ASSOCIATES, INC.

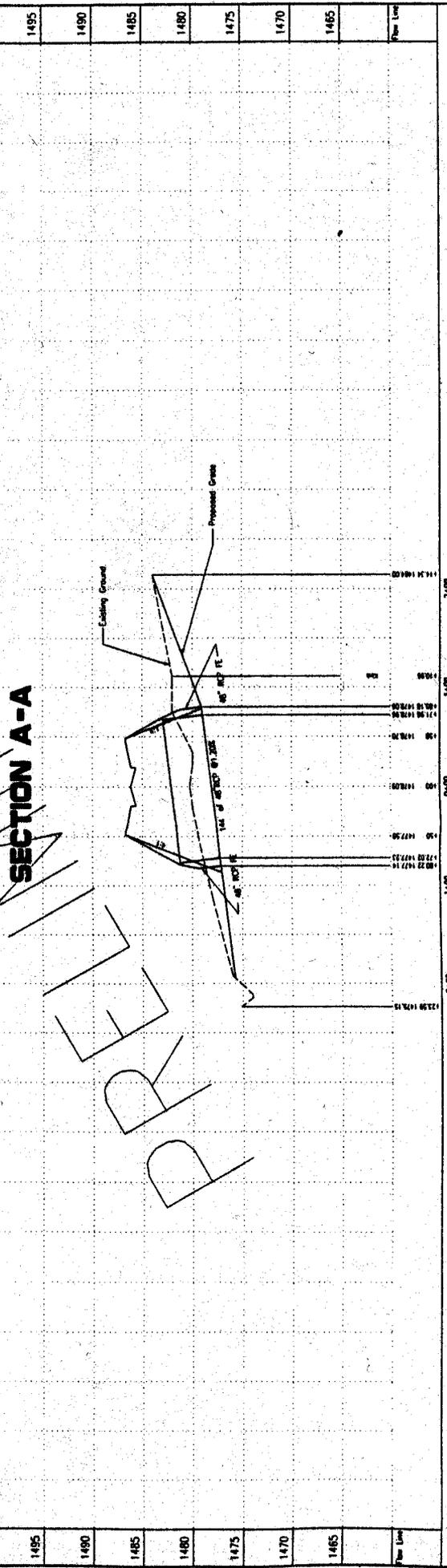
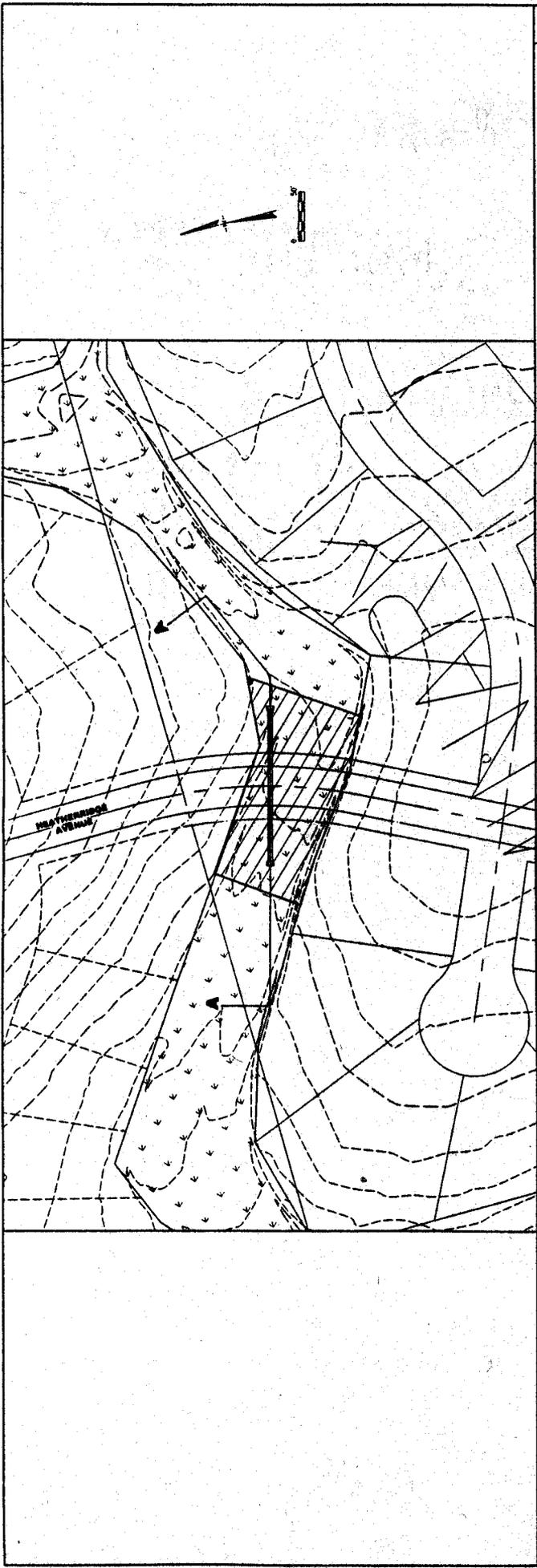
CONCEPTUAL PLAN

B

PURPOSE: Residential Development

APPLICATION BY: MVB Properties

IN tributary/wetlands
AT Sec. 15/T100/R50W
COUNTY Lincoln
DATE 11/17/2003
SHEET 2 of 3



| |
|-----------|
| 1495 |
| 1490 |
| 1485 |
| 1480 |
| 1475 |
| 1470 |
| 1465 |
| Sea Level |

SECTION A-A

PRELIMINARY

| | | | | | | |
|---|---|---|---|--|-------------------------|-----------------------------------|
| Schmitz, Kohn & Associates <small>507 N. Main Street, Suite A - Denver, CO 80202 303.733.8211 - 303.733.8212</small> | DRAWN BY: <u> </u> CHECKED BY: <u> </u> DATE: <u> </u> | SHEET NO. <u> </u> OF <u> </u> | SCALE: <u> </u> DATE: <u> </u> | HEATHER RIDGE II ADDITION WETLAND MITIGATION | WETLAND CROSSING | SKETCH 1 DATE: 10/27/03 |
| | PURPOSE: Residential Development APPLICATION BY: MVB Properties | | | | | |

IN tributary/wetlands
 AT Sec. 15/T100/R50W
 COUNTY Lincoln
 DATE 11/17/2003
 SHEET 3 of 3