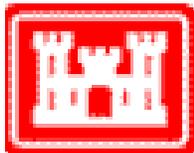


PUBLIC NOTICE



US Army Corps
Of Engineers

Omaha District

APPLICANT: ROBERT SHADWELL

APPLICATION NO: 200330015

WATERWAY: MISSOURI RIVER

LAKE OAHE

ISSUE DATE: FEBRUARY 27, 2003

EXPIRATION DATE: MARCH 20, 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, Robert Shadwell, 305 South 3rd St., Brighton, Colorado, 80601, 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 dredge a channel for boats to access Point of View Resort. The project is located in the Missouri River (Lake Oahe) at river mile 1221, in Section 11, Township 127 North, Range 79 West, latitude 45.83 degrees, longitude 100.83 degrees, Campbell County, South Dakota.

The proposed project will consist of excavating a channel to an elevation of 1598 feet through a shale drift at the mouth of the bay accessing Point of View Resort. The proposed channel will be approximately 460 feet long, 40 feet wide, and 5 feet deep. The excavated material will be spread below the ordinary high water mark adjacent to the shore. The spoil pile will be approximately 65 feet wide, 530 feet long, and 2 feet deep. All the work will occur on dry land above the current level of Lake Oahe.

The purpose of the project is to provide low water access to the bay adjacent to the Point of View Resort. This will provide boaters access to the bay and boat ramp.

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.

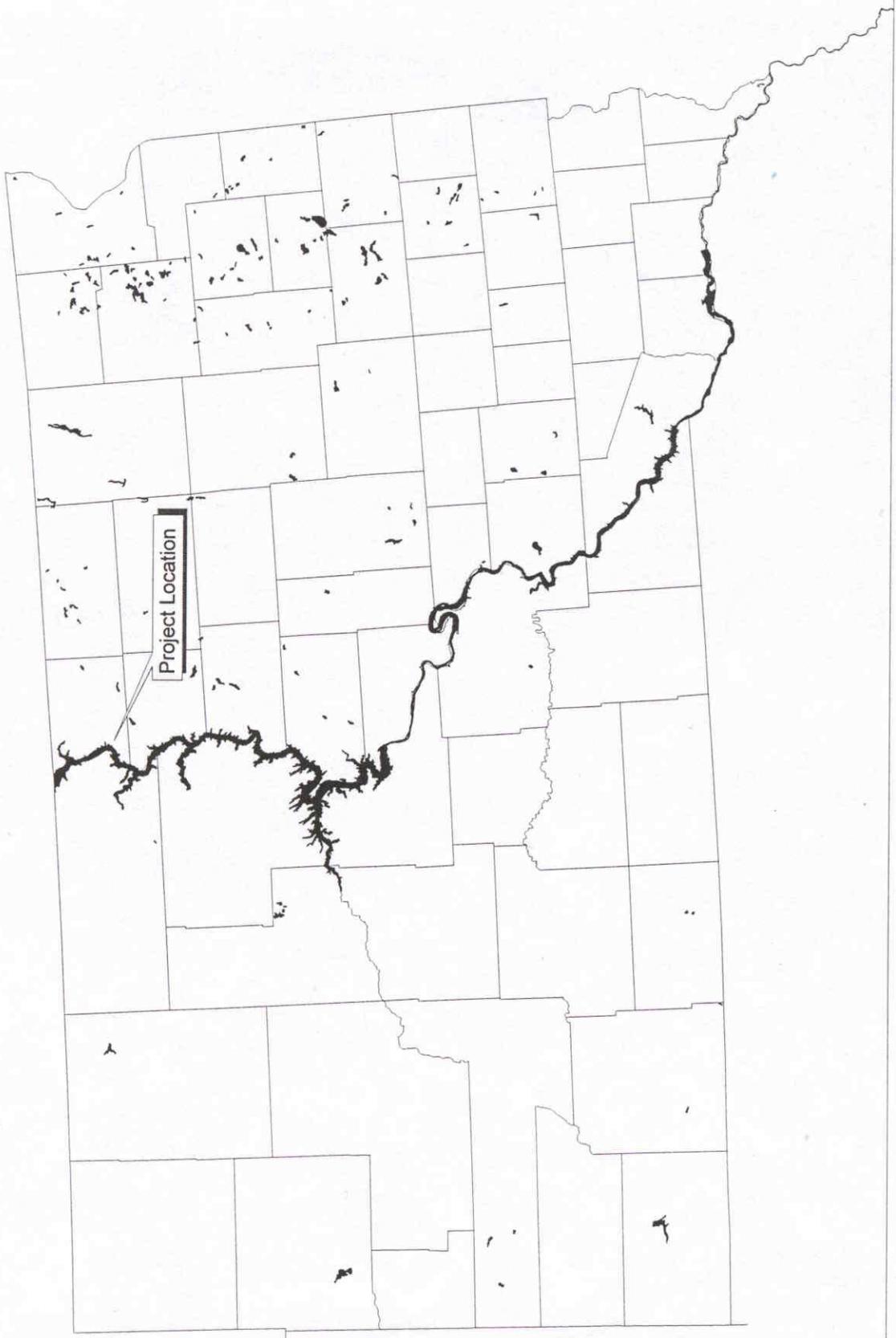
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the US Army Corps 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 March 14, 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. Andy Mitzel, 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 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403), and under the provisions of Section 404 of the Clean Water Act.

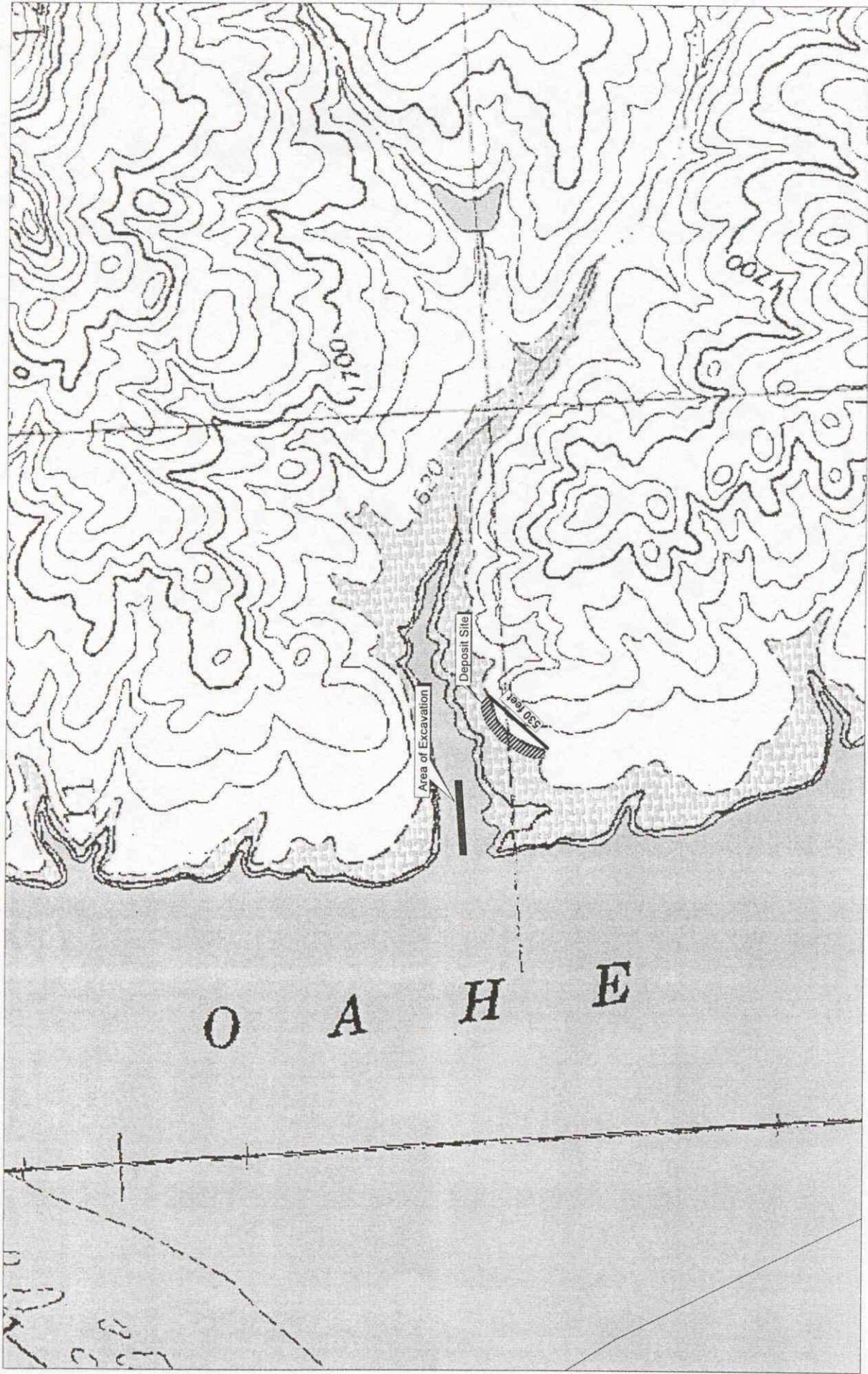
Drawings showing the location and extent of the work are attached to this notice.



PURPOSE: Channel Excavation at Point of View Resort
APPLICATION BY: Robert Shadwell
No. 200330015

IN: Missouri River/Lake Oahe, Mile 1221
AT: 11 / T 127 N / R 79 W
COUNTY: Campbell
DATE: 02/27/2003
SHEET: 1 of 5

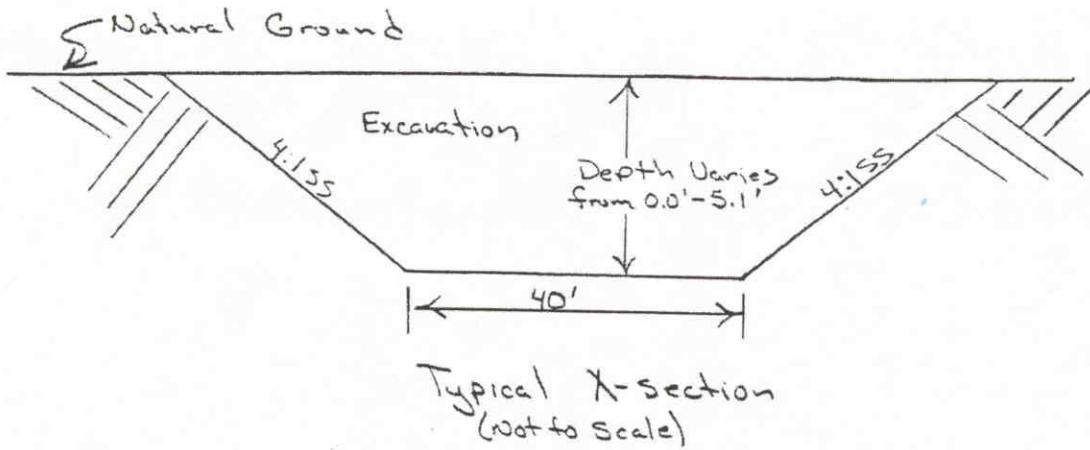
Plans for Channel Excavation at Point of View Resort



PURPOSE: Channel Excavation at Point of View Resort
APPLICATION BY: Robert Shadwell
No. 200330015

IN: Missouri River/Lake Oahe, Mile 1221
AT: 11 / T 127 N / R 79 W
COUNTY: Campbell
DATE: 02/27/2003
SHEET: 2 of 5

Plans for Channel Excavation at Point of View Resort



Sta	Dist	Cut	Ave Cut	Ave End Area	End Area x Dist
1-70		0			
1-50	20	1.2	0.6	25.44	508.80
1-00	50	3.4	2.3	113.16	5,658.00
0-50	50	4.2	3.8	209.76	10,488.00
0+00	50	5.1	4.65	272.49	13,624.50
0+50	50	5.1	5.1	308.04	15,402.00
0+50	50	5.1	4.65	272.49	13,624.50
1+00	50	4.2	4.2	472.49	23,624.50
1+50	50	2.8	3.5	192.78	9,639.00
2+00	50	1.7	2.25	110.25	5,512.50
2+50	50	1.25	1.25	56.25	2,812.50
2+50	40	0.8	0.8	16.64	665.60
2+90		0			

$$\Sigma 77,935.40 \text{ ft}^3$$

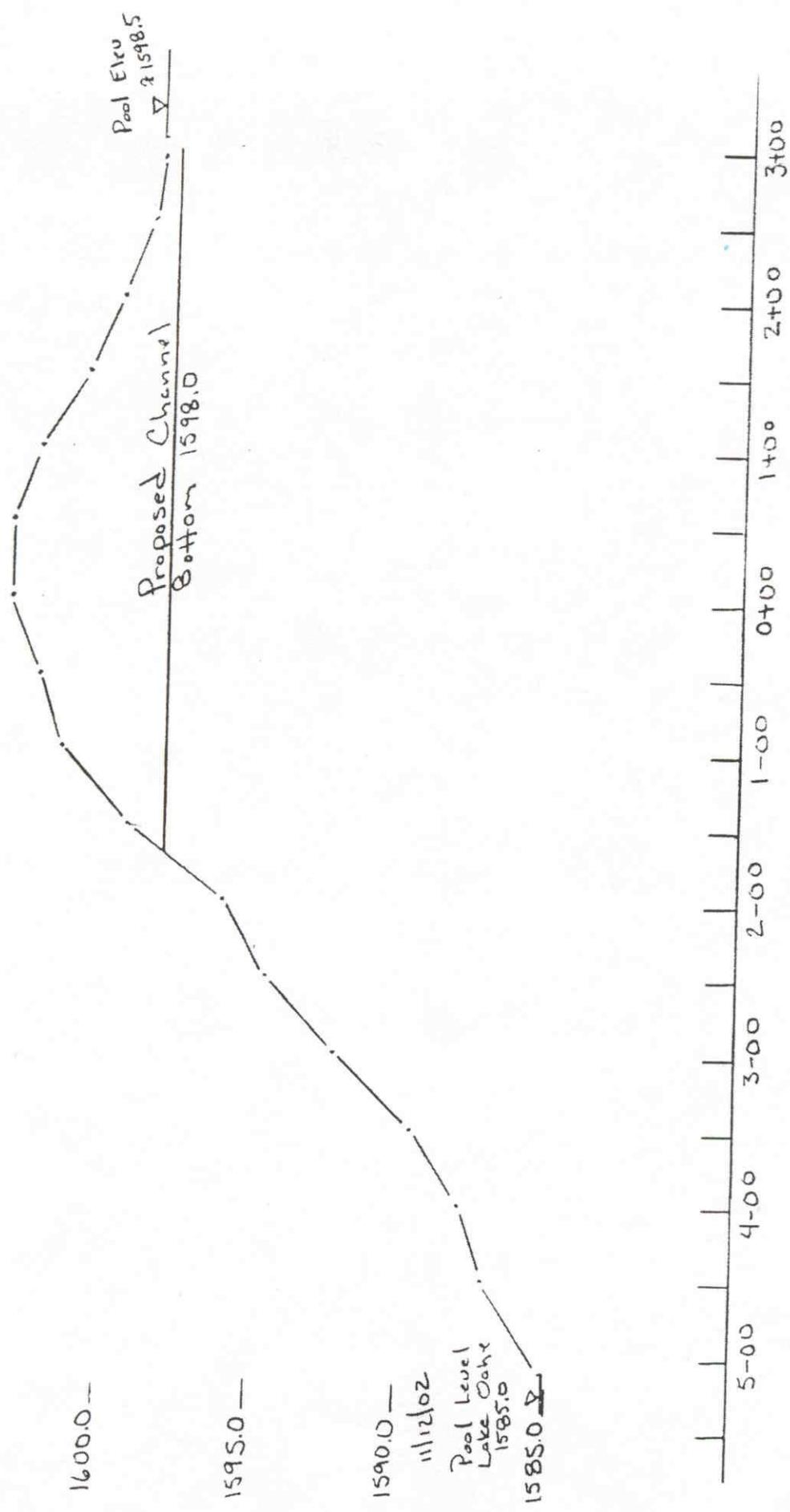
$$\div 27 = \underline{\underline{2,886 \text{ yd}^3}}$$

$$\text{End Area} = 4d(10+d)$$

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 COUNTY: Campbell
 DATE: 02/27/2003
 SHEET: 3 of 5

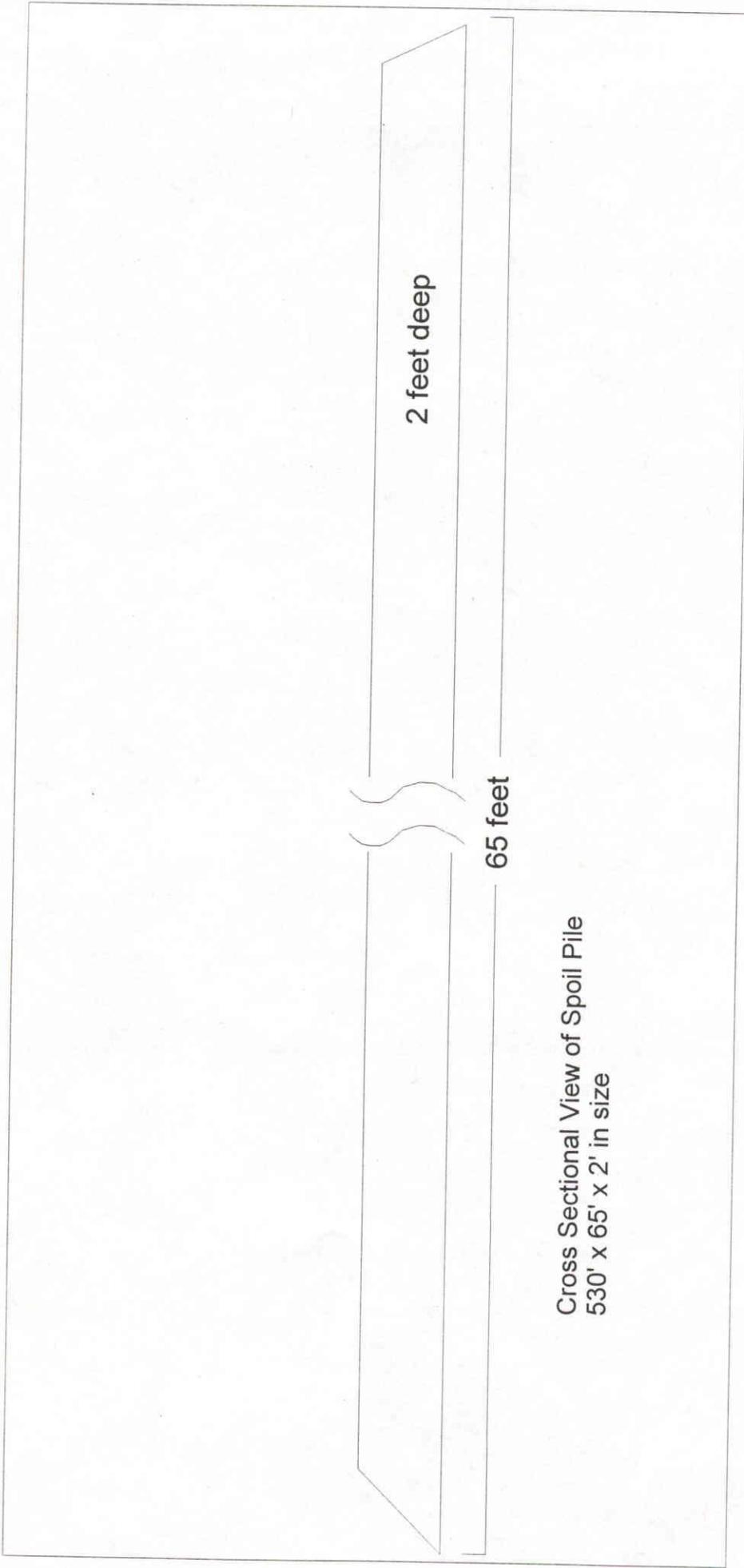
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Plans for Channel Excavation at Point of View Resort



Cross Sectional View of Spoil Pile
530' x 65' x 2' in size

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COUNTY: Campbell
DATE: 02/27/2003
SHEET: 5 of 5