

PUBLIC NOTICE



US Army Corps
Of Engineers

Omaha District

APPLICANT: KEN AND ROGER HANSEN
APPLICATION NO: 200330151
WATERWAY: LAKE POINSETT
ISSUE DATE: AUGUST 25, 2003
EXPIRATION DATE: SEPTEMBER 15, 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 Ken and Roger Hansen, Estelline, 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 applicants request authorization to perform fill placement activities in wetlands to include the construction of an inland boat channel connection to Lake Poinsett in association with the development of the Sunset Park Estates subdivision. The project is located in Section 26, Township 113 North, Range 52 West, latitude 44-34-5.3753, longitude 97-2-28.8548, Hamlin County, South Dakota.

The proposed project will consist of filling proposed subdivision lots to an elevation one foot above the 100-year flood elevation and excavating the inland boat channel (approximately six feet deep and 40-feet wide with 3:1 side slopes) at the north end of the development property and extending the channel 100-feet into Lake Poinsett. Two wetland areas will be affected, as shown on attached drawing Figure 2 of 2, that the applicant has indicated in a project alternatives analysis to be unavoidable for economic and construction practicability reasons. The total loss of wetland area from the fill placement will be approximately 4.21 acres. The applicants have proposed a wetland mitigation plan that provides for preserving two non-jurisdictional, isolated wetlands and creating additional wetland area on the property that would include a portion of the boat channel and comprise an area of 8.4 acres. Copies of the project alternatives analysis and wetland mitigation plan can be obtained by contacting the South Dakota Regulatory Office at the address or phone number provided herein.

The purpose of the project is to elevate the building lots above the 100-year flood elevation and to provide a channel with adequate depth to allow lake access via boat to inland lots.

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.

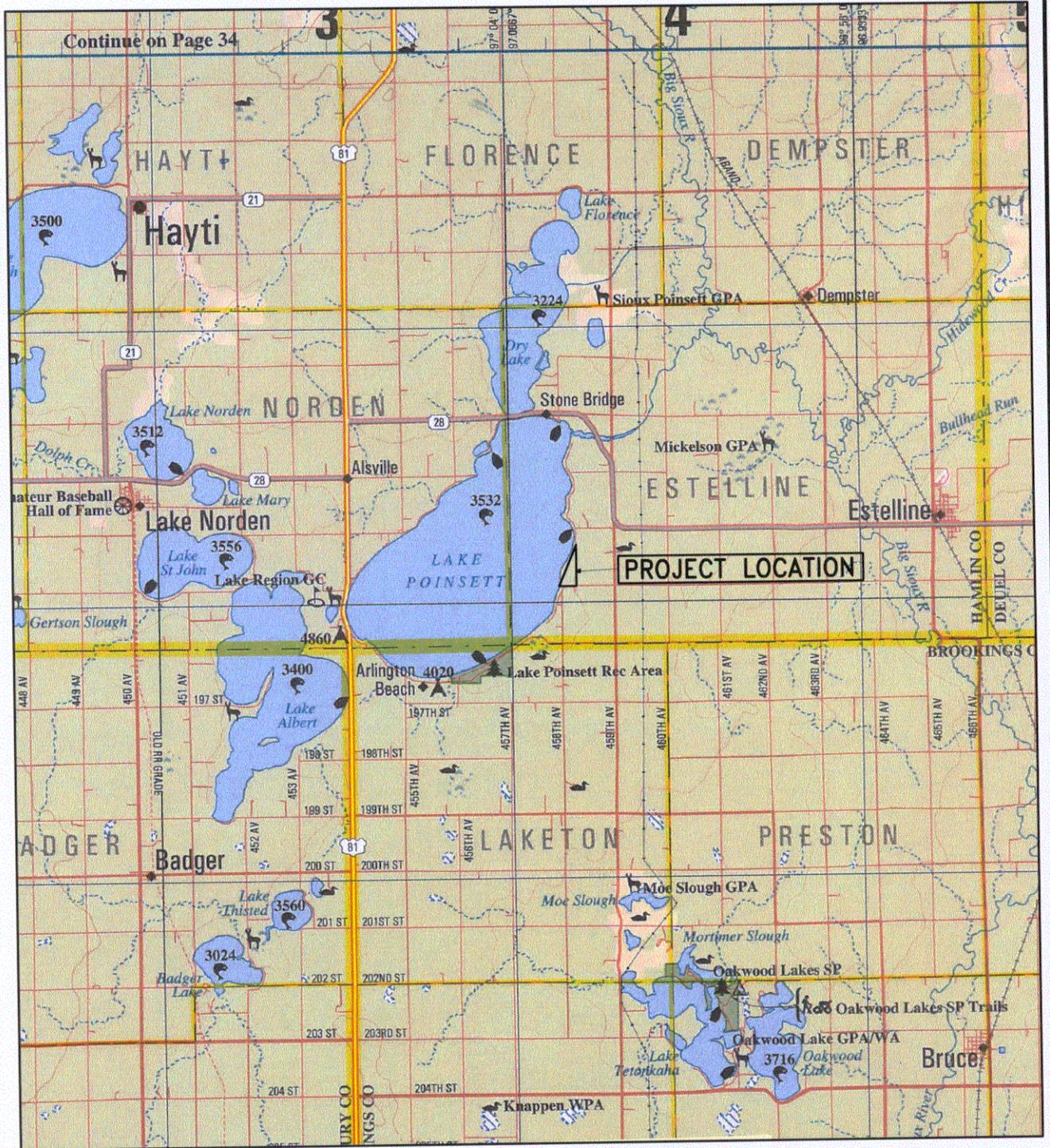
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the US Army Corps 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 September 15, 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.



Continue on Page 34

DRAWN BY:	JOB NO:
CHECKED BY:	DATE: May 03

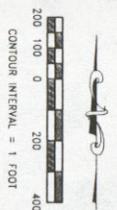
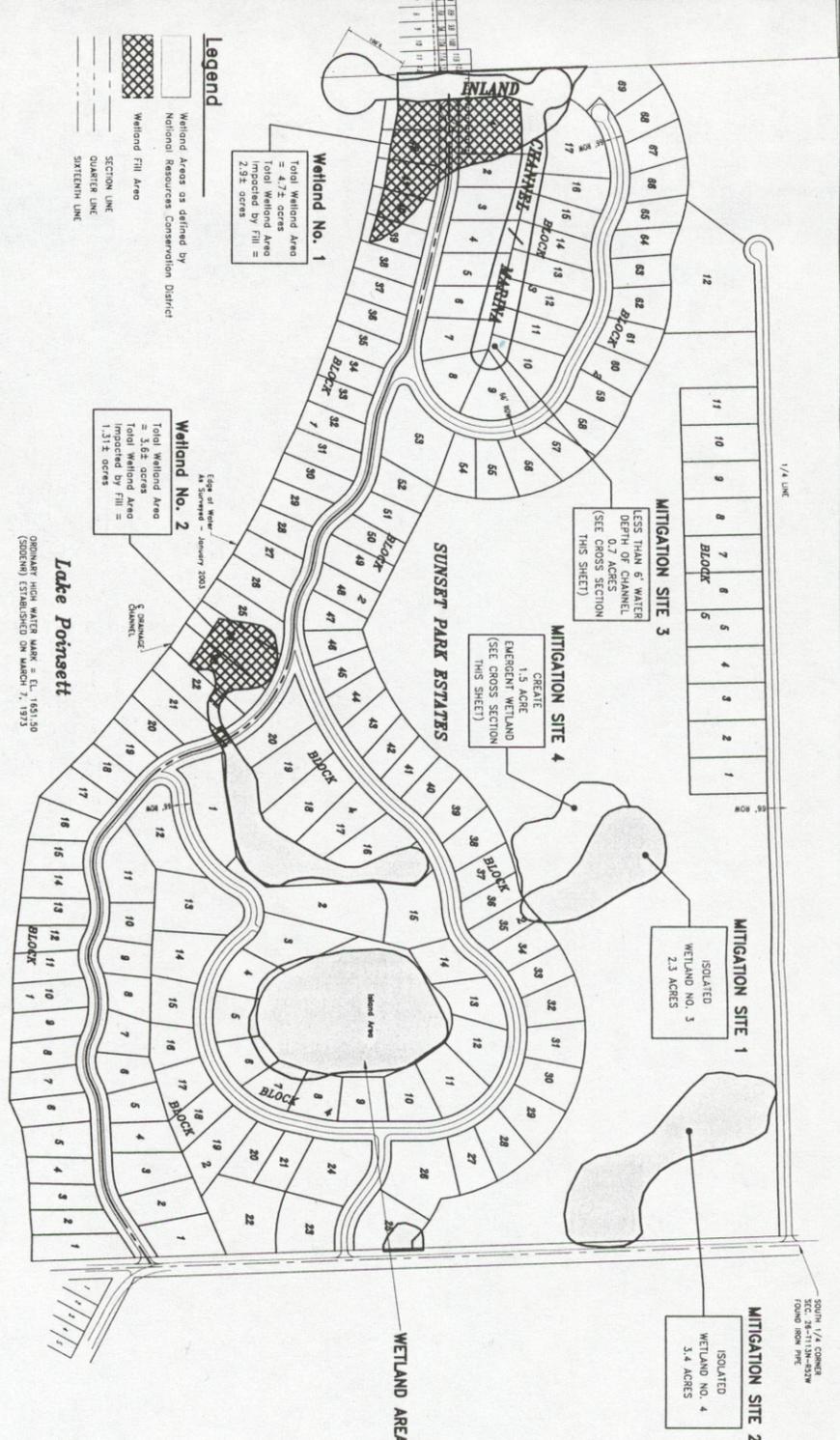
SUNSET PARK ESTATES
LOCATION MAP
Lake Poinsett, SD

BANNER

BANNER ASSOCIATES, INC. • CONSULTING ENGINEERS & ARCHITECTS
409 22nd Ave. S. • P.O. Box 298 - Brookings, SD 57006 • (605) 692-6342

DRAWING NO:

FIG. 1



- Legend**
- Wetland Areas as defined by National Resources Conservation District
 - Wetland Fill Area
 - SECTION LINE
 - QUARTER LINE
 - SIXTEENTH LINE

NOTE REGARDING INLAND CHANNEL/MARKING:

1. Proposed Channel to be constructed as proposed in the plan.
2. The wetland area will not require any environmental impact for a distance of approximately 100 feet in order to obtain the 5 foot depth.
3. The wetland area will not require any environmental impact in upland areas or delineated wetland fill areas.

CORPS OF ENGINEERS
404 PERMIT APPLICATION
 IN GOVERNMENT LOTS 1, 2 AND 3 AND THE EAST HALF OF THE SOUTHWEST QUARTER (E1/2, SW1/4) OF SECTION 26-T113N-R52W OF THE 5TH P.M. HAMLIN COUNTY, SOUTH DAKOTA

Application No. 200330151

DESIGNED BY: C.A.M.	FOR _____
CHECKED BY: D.C.E.	FOR _____
DATE: _____	FOR BANNER ASSOCIATES, INC.

BANNER
 CONSULTING ENGINEERS & ARCHITECTS
 409 22ND AV S • P.O. BOX 288 - BROOKINGS, SD 57006 • (605)692-6342

REVISION	DATE	DESCRIPTION	BY	CHK'D

Sunset Park Estates
 ALTERNATIVE 3 WETLAND MAPPING
 AND MITIGATION SITES
 Lake Poinsett, South Dakota

SCALE: _____
 SHEET NO.: _____
FIGURE # 2