

PUBLIC NOTICE



US Army Corps
Of Engineers

Omaha District

APPLICANT: HAROLD BIES
APPLICATION NO: 200330334
WATERWAY: UNNAMED DRAINAGE
CHANNEL/WETLAND

ISSUE DATE: SEPTEMBER 29, 2003
EXPIRATION DATE: OCTOBER 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 Harold Bies, Rapid City, 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 an unnamed drainage channel and adjoining wetlands in association with the relocation of the drainage channel and construction of a commercial subdivision (MJK Subdivision). The project is located in the Southeast Quarter (SE1/4) of Section 18, Township 1 North, Range 8 East, latitude 44-2-25.7862, longitude 103-11-35.9803, Pennington County, South Dakota.

The proposed project will consist of constructing the new channel along the north side of the property and placing 6,000 cubic yards of fill material (soil) in the existing channel and wetland areas to level the site for street and building construction. The fill material will be a combination of material extracted from the new channel construction and imported material that has been stockpiled on the site. The proposed new channel will be constructed with increased flood capacity to carry expected high flows. The majority of the new channel will have an 18-inch deep low flow channel with an overbank high flow channel. The longitudinal slope is designed with a gradient of 0.007 ft/ft to create a non-erosive channel for the 100-year design flow of 1,120 cubic feet per second. Normal depth for the 100-year flow is approximately 4.8 ft. with a velocity of approximately 5.5 feet per second. A widened flat bottom channel will be constructed at the downstream end of the project with the same 0.007 ft/ft slope. Existing topsoil and plant materials will be salvaged from the existing wetlands and placed in the new channel.

The purpose of the project is to construct the commercial subdivision and meet recommendations for a 100-year storm as included in the City of Rapid City's Draft Basin Design Plan. The current channel is poorly defined and relatively steep sloping. The project engineering consultant anticipates that without the new channel construction, significant erosion, headcutting and flooding would occur in the existing channel and wetlands as a result of more frequent and increased flows from new developments upstream.

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.

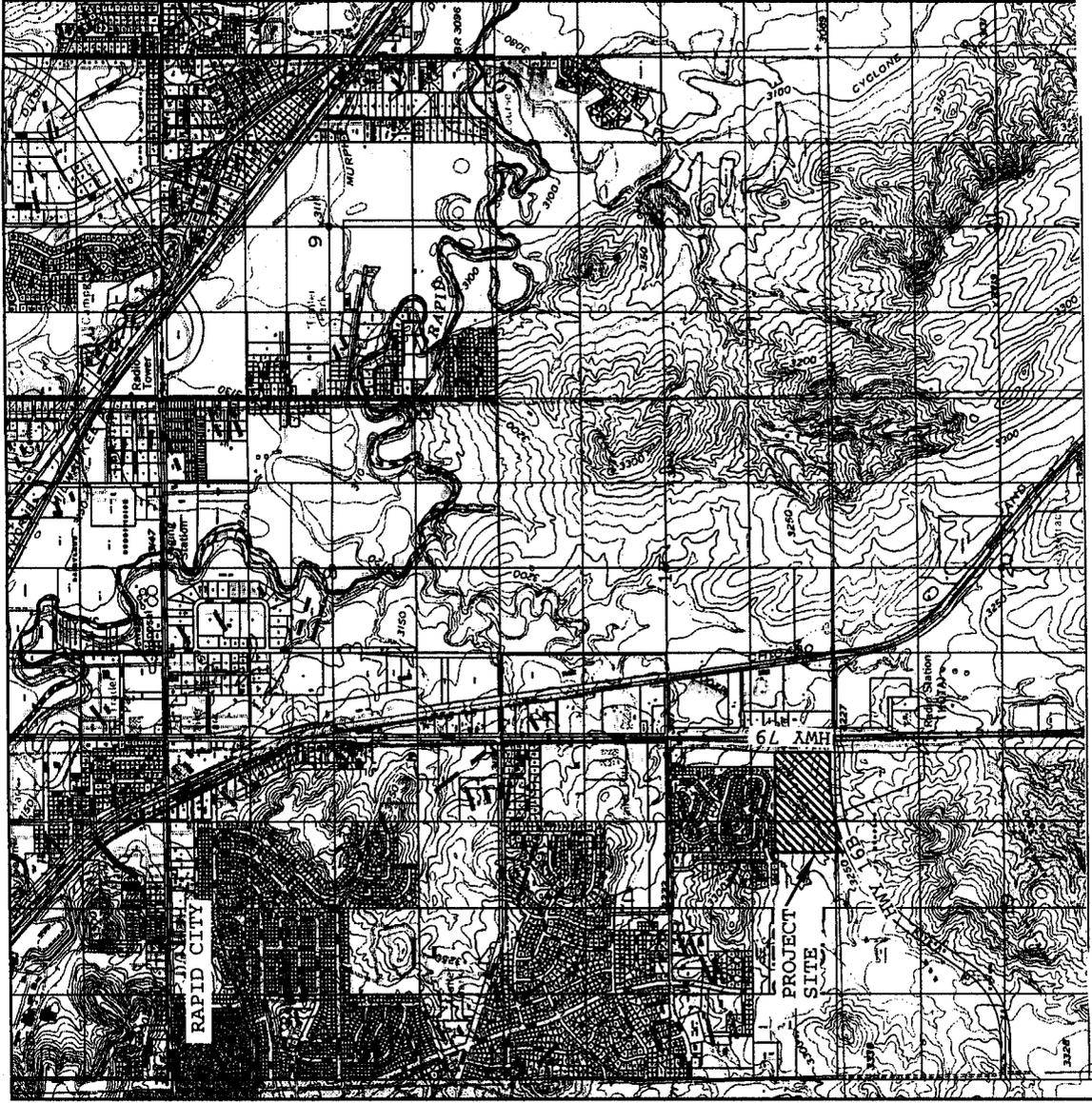
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the US Army Corps 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 20, 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.



VICINITY MAP
SCALE: 1"=2000'



PRELIMINARY

PURPOSE: Channel Change/Development **IN** Drainage Channel/Wetland
AT Sec. 18/T1N/R8E
COUNTY Pennington
DATE 9/29/03
APPLICATION BY: Harold Bies
SHEET 1 of 2

LEGEND

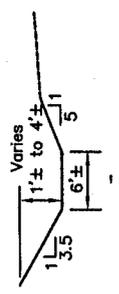
- PROPOSED WETLANDS 1.00 AC.
- ▨ EXISTING WETLANDS 1.35 AC.

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| DOCK CT | 2 | DOCK 4 | 1 |
| | 1 | DOCK 5 | 1 |
| | 3 | PLATTED SUBD. | |

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| BLOCK 1 | 1 |
| BLOCK 2 | 1 |
| BLOCK 3 | 2 |

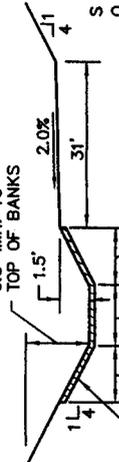
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| 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
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TYPICAL EXISTING CHANNEL SECTION



APPROXIMATE LIMITS OF EXISTING WETLANDS
 PROPOSED CHANNEL RELOCATION - 1700'±

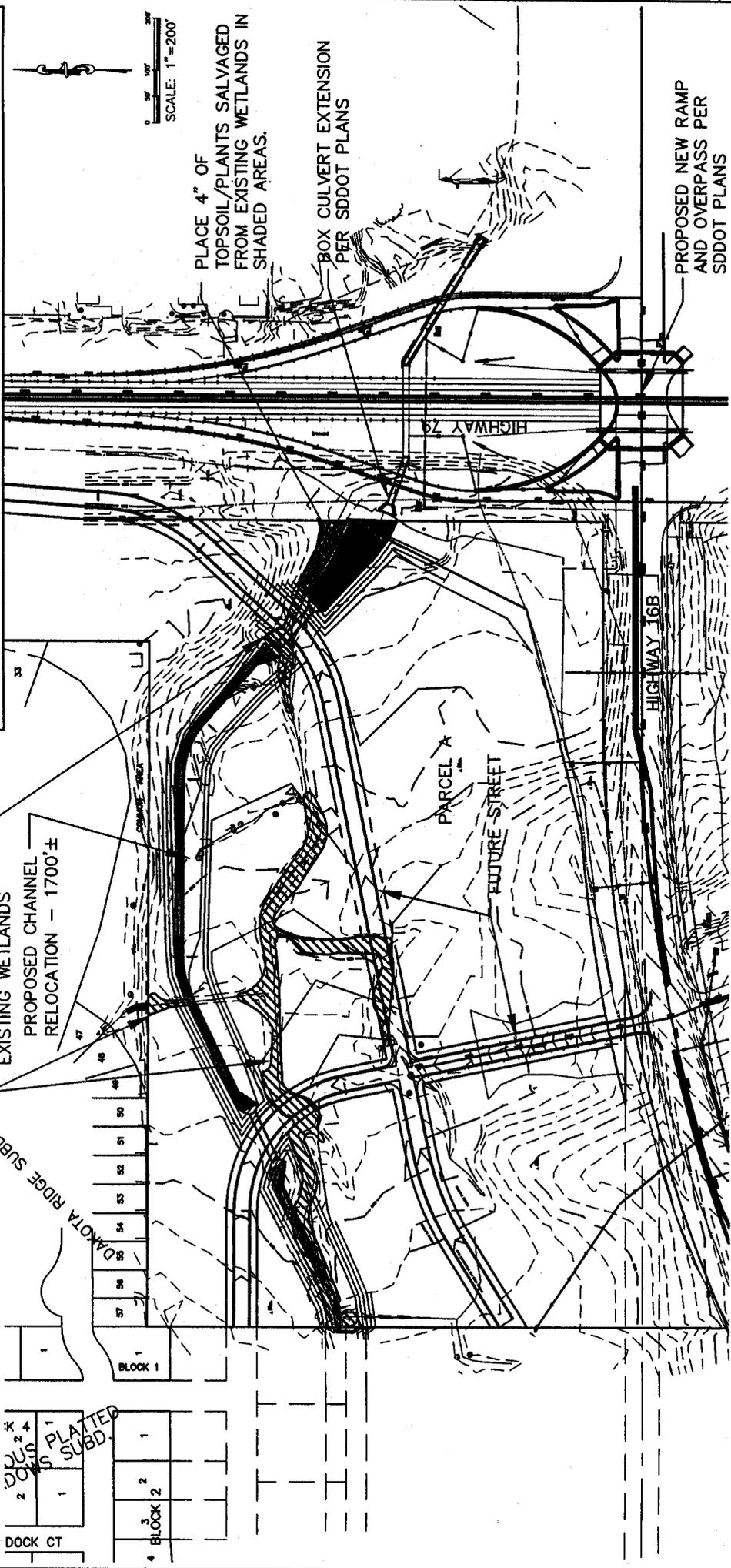
TYPICAL PROPOSED CHANNEL SECTION



PLACE 4" OF TOPSOIL/PLANTS SALVAGED FROM EXISTING WETLANDS IN THIS AREA

PLACE 4" OF TOPSOIL/PLANTS SALVAGED FROM EXISTING WETLANDS IN SHADDED AREAS.
 BOX CULVERT EXTENSION PER SDDOT PLANS

PROPOSED NEW RAMP AND OVERPASS PER SDDOT PLANS



PURPOSE: Channel Change/Development IN Drainage Channel/Wetland AT Sec.18/TIN/R8E COUNTY Pennington DATE 9/29/03 SHEET 2 of 2

APPLICATION BY: Harold Bies