

PUBLIC NOTICE



US ARMY CORPS
OF ENGINEERS
OMAHA DISTRICT

APPLICANT: GENERAL PUBLIC
APPLICATION NO: NWO-1982-04701-PIE,
AMENDMENT NO. 6
REGIONAL GENERAL PERMIT 82-07
BOAT RAMPS
WATERWAY: WATERS OF SOUTH DAKOTA
ISSUE DATE: FEBRUARY 14, 2013
EXPIRATION DATE: MARCH 18, 2013

Regulatory Office, 28563 Powerhouse Rd, Room 118, Pierre, SD 57501
<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/SouthDakota.aspx>

30-DAY NOTICE

JOINT NOTICE OF PERMIT PENDING

**US ARMY CORPS OF ENGINEERS
AND
SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

In accordance with 33 CFR § 323.2, paragraph (h) and 33 CFR § 325.5, paragraph (c) as published November 13, 1986, in the Federal Register, Volume 51, number 219, the Corps of Engineers, Omaha District, proposes to reissue a regional general permit (General Permit 82-07) for the construction of boat ramps and attendant features in South Dakota waterways under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

The District Engineer is authorized to use an alternative procedure for evaluating permit applications for categories of activities that are substantially similar and will cause only minimal individual or cumulative impacts. This alternative procedure avoids unnecessary duplication of regulatory control exercised by other government agencies. The District Engineer, Omaha District, proposes to reissue this regional general permit for a period of five (5) years.

Before any project will be considered under this activity category it must conform to the following detailed description of authorized work, special conditions, and the general criteria listed in Appendix A and B (attached).

Description of Authorized Work

Construct boat launching ramps and associated erosion protection in rivers, streams, artificial and natural lakes within and bordering the State of South Dakota, except the Missouri River from mile 753.60 (Ponca State Park) to mile 811.05 (Gavins Point Dam) and from mile 841.00 (near Running Water, South Dakota) to mile 880.00 (Fort Randall Dam). The ramps will be constructed of poured concrete or concrete slabs on crushed stone, stone spall or gravel base. The ramps will be reinforced concrete poured in place or pre-cast concrete planks mechanically placed in position. Caisson type anchors (see attached drawing) may be incorporated into ramp construction to the extent necessary to ensure that ramp planks are adequately secured from frost heaving and ice damage. The ramps shall have a minimum slope of eight (8) percent, with the desired slope being twelve (12) percent. A maximum slope of eighteen (18) percent may be used for that portion of the ramp placed in the water. Single lane boat ramps will be a minimum of ten (10) feet and a maximum of twenty (20) feet in width. Multiple lane ramps will not exceed a maximum width of seventy (70) feet. A minimum of ten (10) feet will be provided for each lane on a multiple lane facility. A maximum thickness of twenty-four (24) inches of granular fill material will be placed as bedding for boat ramp construction. Additional suitable materials (i.e., rock/spalls or broken concrete) may be utilized to stabilize the foundation prior to the placement of the bedding or base material; provided such material is free of any deleterious substances. The ramp facility may be protected from erosion by the placement of rock riprap on both sides of the ramp. A maximum riprap placement of three (3) cubic yards per linear foot of ramp will be allowed on each side of the ramp. Rock riprap may also be placed along the adjacent shoreline, extending a maximum of one hundred (100) feet on each side of the ramp, for erosion protection. A maximum of three (3) cubic yards of riprap per linear foot of shoreline will be allowed. Boat docks, either floatation or slide in types, may be placed adjacent to the ramp to facilitate boat launching and landing.

The South Dakota Department of Environment and Natural Resources, Division of Environmental Regulation, 523 East Capitol Avenue, Pierre, South Dakota, 57501-3181, will review the proposed general permit 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 74:03:02).

In addition, Section 401 water quality certification has been requested from the US Environmental Protection Agency, Region VIII, 999 - 18th Street, Denver, Colorado, for projects that may be constructed within Tribal boundaries.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activities 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 activities 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 activities on public interest will include application of the guideline promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 CFR § 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 the proposed activities. 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 activities.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed permit re-issuance. 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 18, 2013. 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 re-issuance. All replies to the public notice should be addressed to the address listed in the previous paragraph. Mr. Harry Decker, 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.

To comply with the National Historic Preservation Act of 1966, as amended, the National Register of Historic Places and current supplements will be consulted for each application received.

To comply with the Endangered Species Act of 1973, the Omaha District's preliminary review indicates that the proposed category of activities will not affect species designated as threatened or endangered or their critical habitat. Therefore, no formal consultation request has been made to the US Fish and Wildlife Service.

If authorized, the general permit 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 extent of the work are attached to this notice.

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Special Conditions:

a. That all construction debris will be disposed of on land in such a manner that it cannot enter a waterway or wetland.

b. That equipment for handling and conveying materials during construction shall be operated to prevent dumping or spilling the materials into the water except as approved herein.

c. That during construction and subsequent operation of this facility, no petroleum products, chemicals, or other deleterious materials shall be allowed to enter or be disposed of in such a manner that they could enter the water and that precautions be taken to prevent entry of these materials into the water.

d. That all work in the waterway is performed in such a manner so as to minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation.

e. That only clean riprap materials will be utilized in order to avoid the percolation of fines which would result in excessive local turbidity and that the riprap shall be placed in such a manner so as to provide a reasonably solid mass with no appreciable variation in thickness or slope.

f. That the clearing of vegetation will be limited to that which is absolutely necessary for construction of the project.

g. That all areas along the bank disturbed or newly created by the construction activity, will be seeded with vegetation both in kind and in quantity (this will include both herbaceous and woody species) that are indigenous to the area for protection against subsequent erosion and to minimize adverse impacts to fish and wildlife resources. This may require maintenance such as reseeding, watering, implementation of grazing restrictions, fencing, etc., to ensure the survival of the replacement vegetation.

h. That, if the boat ramp installation involves the placement of fill or dredged/excavated material in a flowing river environment, close coordination will be maintained by the contractor(s) with downstream water users, advising them of any water quality changes to be caused by the construction.

i. That all surplus dredged or excavated materials will be placed on an upland site above the ordinary high water line in a confined area, not classified as a wetland, to prevent the return of such materials to the waterway.

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Special Conditions (cont'd):

j. That all earthwork operations on shore will be carried out in such a manner that sediment runoff and soil erosion to the water are controlled.

k. That the disposal area, method of disposal, or methods of dredging/excavation will not be changed without prior written approval of the District Engineer.

l. That measures will be employed to prevent wet concrete from entering the waterway.

m. That concrete trucks will be washed at a site and in such a manner that washwater cannot enter the waterway.

n. That when the District Engineer has been notified that the construction or operation of the boat ramp is adversely affecting fish or wildlife resources or the harvest thereof and the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect as required.

o. That reinforcing bars in the broken concrete riprap shall be cut off flush with the concrete.

p. That all broken concrete riprap will be cleaned of deleterious materials prior to its placement in the waterway.

q. That the discharge will consist of suitable material free from toxic pollutants in toxic amounts.

r. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point source of pollution.

s. That if historic properties or archeological sites/resources are unearthed during construction, the permittee will immediately cease construction and notify the District Engineer of the find. No further work will occur until the resource(s) are evaluated and the effect determined, mitigated or eliminated.

t. That temporary cofferdams, necessary for the construction of the ramps, will be limited to that which is absolutely necessary to construct or repair the ramp. Temporary cofferdams will be removed in their entirety immediately upon completion of the construction activity.

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Special Conditions (cont'd):

u. That with the exception of material for forms and expansion joints, treated wood will not be utilized in ramp construction.

v. That the site of the boat ramp and associated facilities will be inspected for any underground pipeline markers or warning signs. If such signs or markers are present, the telephone number shown on the sign will be called prior to the start of construction.

w. That all lumber materials used for construction of the boat dock shall be free of leaching creosote, pentachlorophenol, inorganic arsenicals or any other treatments that may cause toxic effects to aquatic life or cause other adverse impacts to water quality.

x. That any barrel used for floatation which has contained a biocide (e.g., herbicide, pesticide or insecticide) will not be utilized as a floatation device.

y. That the boat dock will not be utilized for long term boat mooring.

z. That if a floatation type boat dock is used it shall be securely anchored so as not to constitute a safety hazard.

aa. That the construction of any boat ramp facility authorized under the provisions of this General Permit must be started within one (1) year of such authorization and must be completed within three (3) years, or said authorization if not previously revoked or specifically extended shall automatically expire.

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Appendix A

1. To receive consideration under this general permit, the applicant will provide a Notice of Intent to construct a particular project to the US Army Corps of Engineers, South Dakota Regulatory Office, 28563 Powerhouse Road, Room 118, Pierre, South Dakota 57501.

2. Notice of Intent to construct a particular project on all waters within South Dakota shall also be provided to:

South Dakota Department of Game, Fish and Parks, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501.

US Fish and Wildlife Service, 420 South Garfield, Suite 400, Pierre, South Dakota 57501.

State Historic Preservation Officer, Cultural Heritage Center, 900 Governors Drive, Pierre, South Dakota 57501.

3. If located on any of the Missouri River reservoirs, a Notice of Intent to construct a particular project shall be provided to the appropriate Corps of Engineers Operations Manager (addresses listed below).

Gavins Point Project - Operations Manager, P.O. Box 710, Yankton, South Dakota 57078.

Fort Randall Project - Operations Manager, 113 Randall Creek Road, Pickstown, South Dakota 57367.

Big Bend Project (Big Bend Dam to Antelope Creek) - Operations Manager, Big Bend Project Office, 33573 North Shore Road, Chamberlain, South Dakota 57325.

Oahe Project (Antelope Creek to North Dakota State Line) - Operations Manager, 28563 Powerhouse Road, Pierre, South Dakota 57501.

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Appendix A (cont'd)

4. The Notice of Intent, submitted by the applicant, must clearly describe the proposed work so the District Engineer or his designee can clearly determine whether or not the proposed work complies with the terms, conditions and limitations of this General Permit, and must contain the following information:

a. A completed permit application form (ENG Form 4345).

b. A cover letter describing the proposed work and indicating how the anticipated work will be accomplished. This letter must also indicate that the offices listed in paragraphs 2, above, have been notified and the date that these agencies were notified.

c. A drawing on an eight and one-half (8½) inch paper showing a vicinity map with the exact location of the project clearly marked, plan view and cross-sectional view(s) of the proposed work.

5. Following receipt of the Notice of Intent, the South Dakota Department of Game, Fish and Parks, and the US Fish and Wildlife Service will notify the District Engineer within twenty (20) days of the Notice of any objections they may have regarding that project. A failure to respond within the twenty (20) day period will constitute a lack of objection by those agencies to the proposed work.

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Appendix B

The following will govern the duration, utilization and applicability of this general permit:

1. The cumulative impacts of this general permit may be subject to reevaluation at the discretion of the District Engineer at any time, but will be reevaluated at the end of the five (5) years.

2. Any proposed project, which is located in an area containing historic, cultural, or archeological sites as listed in the National Register of Historic Places, or those known to be eligible for such listing, and all monthly supplements thereto; and any proposed project, which is located in a site included in the National Registry of Natural Landmarks, will not be considered under this general permit.

3. Any proposed project located in an area named in Acts of Congress or Presidential Proclamations as National Rivers, National Wilderness Areas, National Recreation Areas, National Lakeshores, National Parks, National Monuments, and such areas as may be established under Federal law for similar and related purposes, such as estuarine and marine sanctuaries, will not be considered under this general permit.

4. Sites where the activity would result in adverse impacts to Federally or state listed threatened and/or endangered species or their critical habitat will not be considered under this general permit. The project must comply with the Endangered Species Act.

5. Projects involving filling activities, permanent and/or temporary, that would impair the flow in and out of wetlands will not be considered under this general permit.

6. Projects located within the boundaries of a wetland area or environmentally sensitive areas; such as spawning, nesting, feeding and resting areas, river chutes, backwater areas, etc., will not be considered under this general permit.

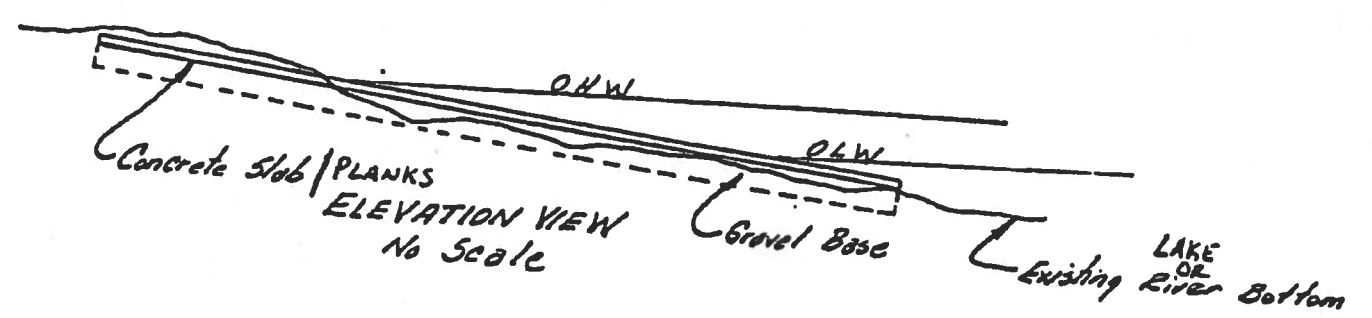
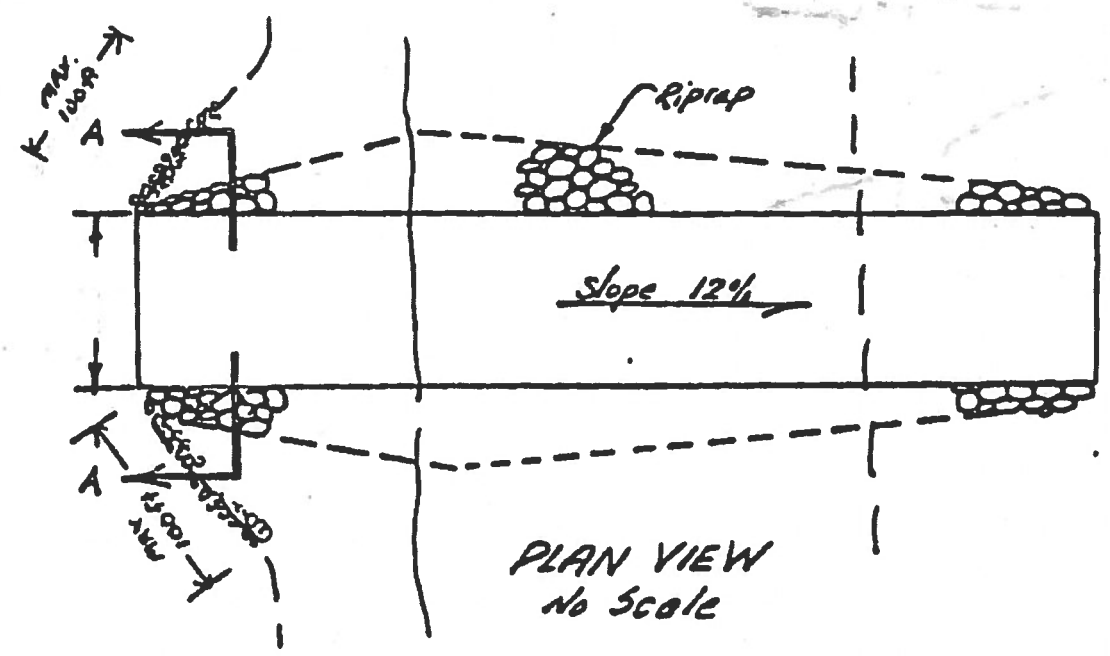
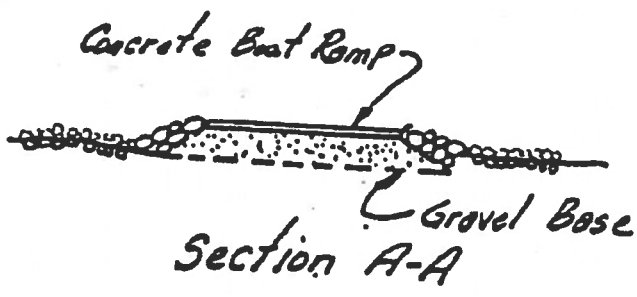
7. Areas in which the density of boat ramps exceeds ten (10) ramps per mile of shoreline will not be considered under this general permit.

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Appendix B (cont'd)

8. The provisions of this general permit will not apply to filling activities, other than that authorized herein, associated with the construction of appurtenant facilities, such as access roads, parking areas, etc., proposed in conjunction with a boat launching ramp.

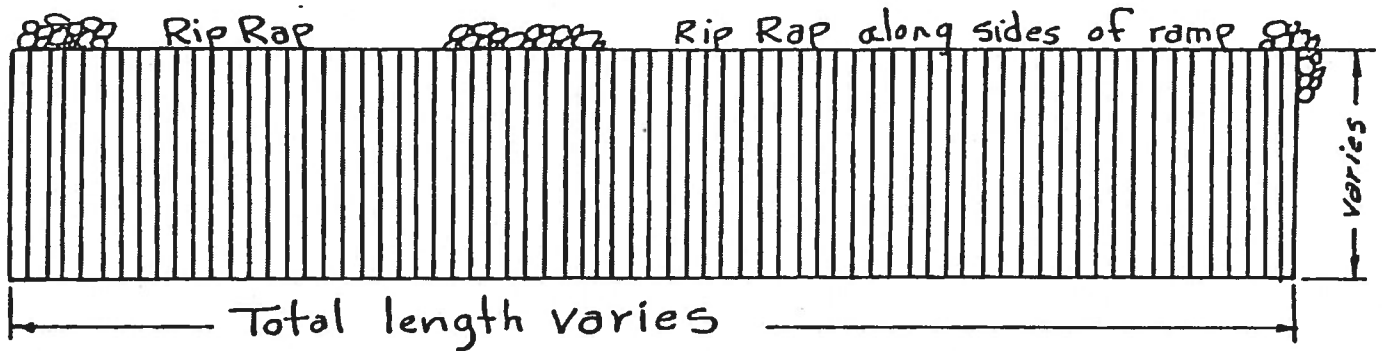
9. In the event of extended periods of low water conditions, boat ramps and their associated facilities may be extended to the extent necessary to provide for a functional facility. If it is necessary to extend the boat ramps, prior Department of the Army authorization shall be obtained by the permittee before implementation of the extension.

10. The District Engineer has the discretion to require an individual permit on a case-by-case basis for any of the activities authorized herein.

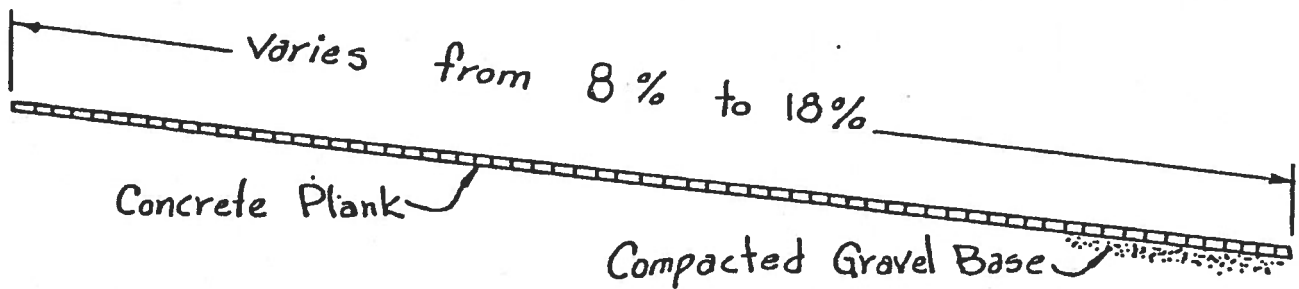


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Concrete Plank Boat Ramp

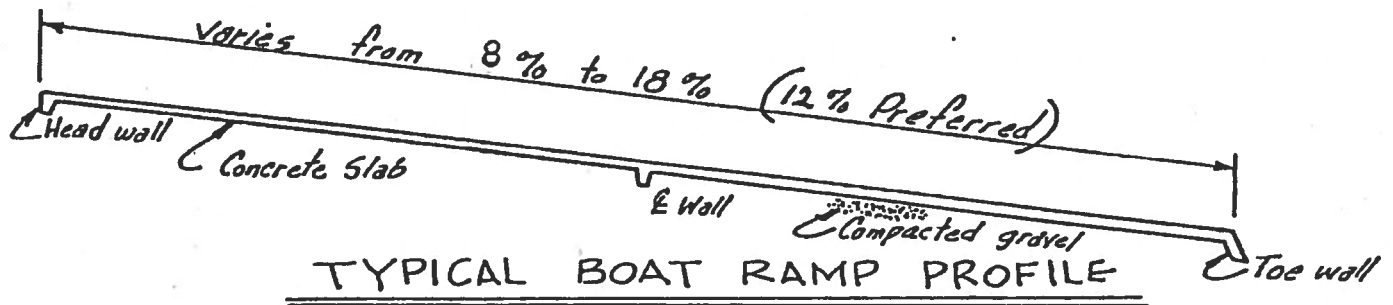
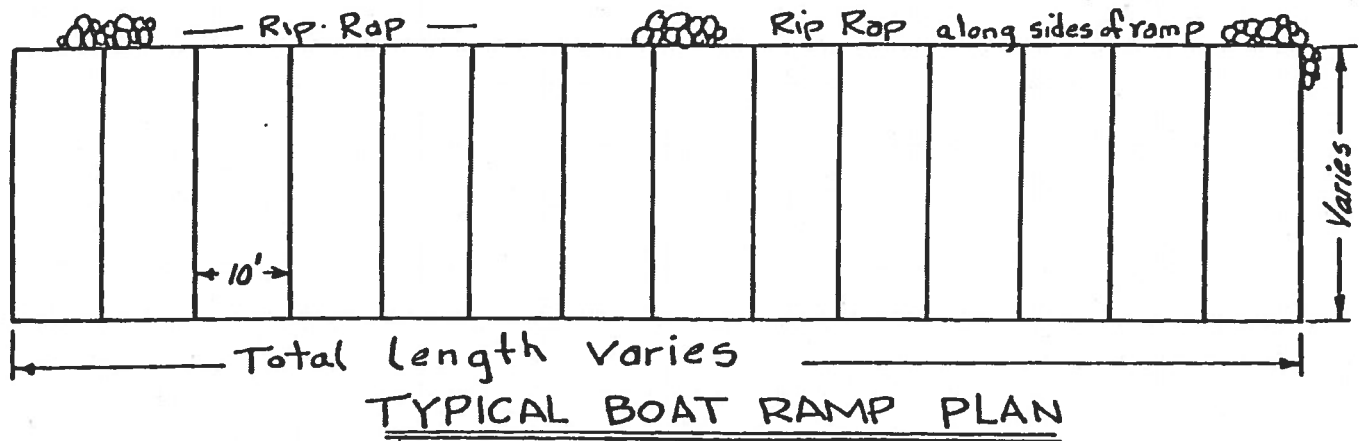


TYPICAL BOAT RAMP PLAN



TYPICAL BOAT RAMP PROFILE

Concrete Slab Boat Ramp



NOTES:

1. Ramp width varies. Single Lane Ramps: 10' Minimum, 20' Maximum
Multiple Lane Ramps: 10' Minimum per lane, Overall Maximum of 70'
2. Base material will consist of a maximum of 24" of granular material.
3. Ramp slope varies from 8% to 18% with 12% preferred. The 18% slope will only be utilized for that portion of the ramp which is under water.

Boat Ramps in Waters of South Dakota

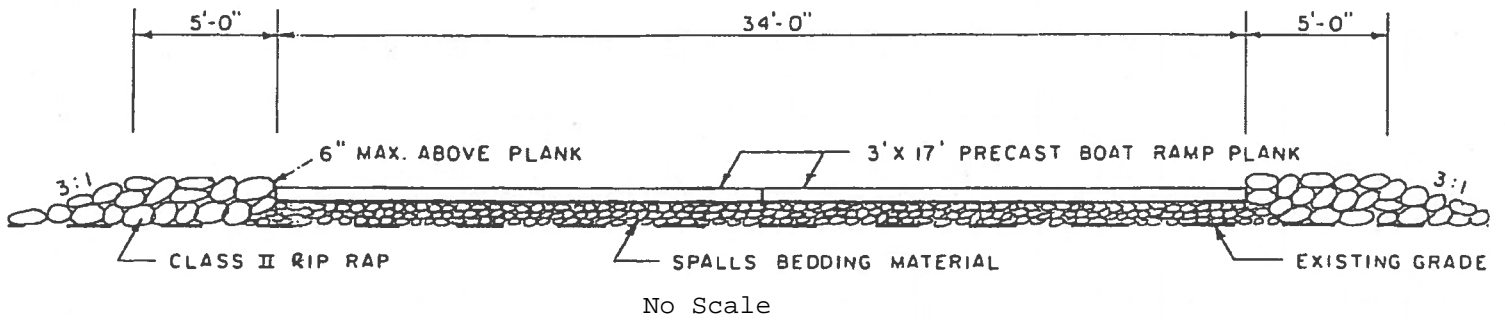
Applicant: General Public

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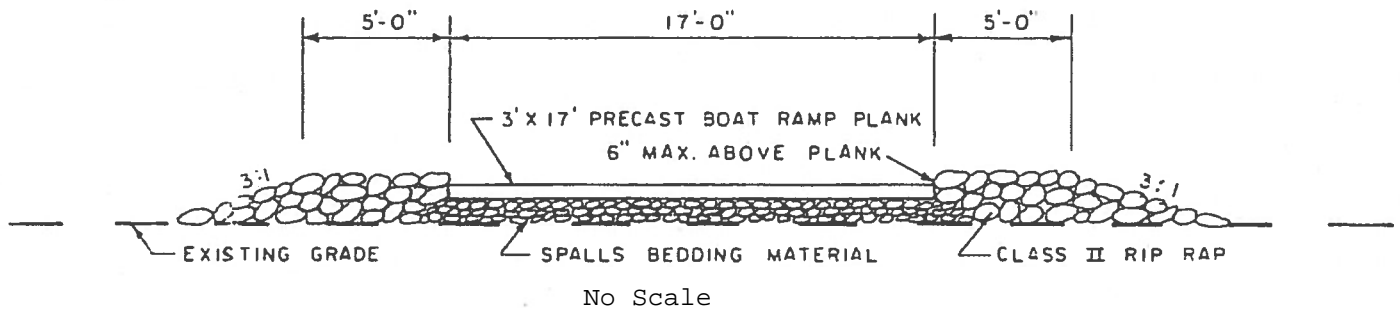
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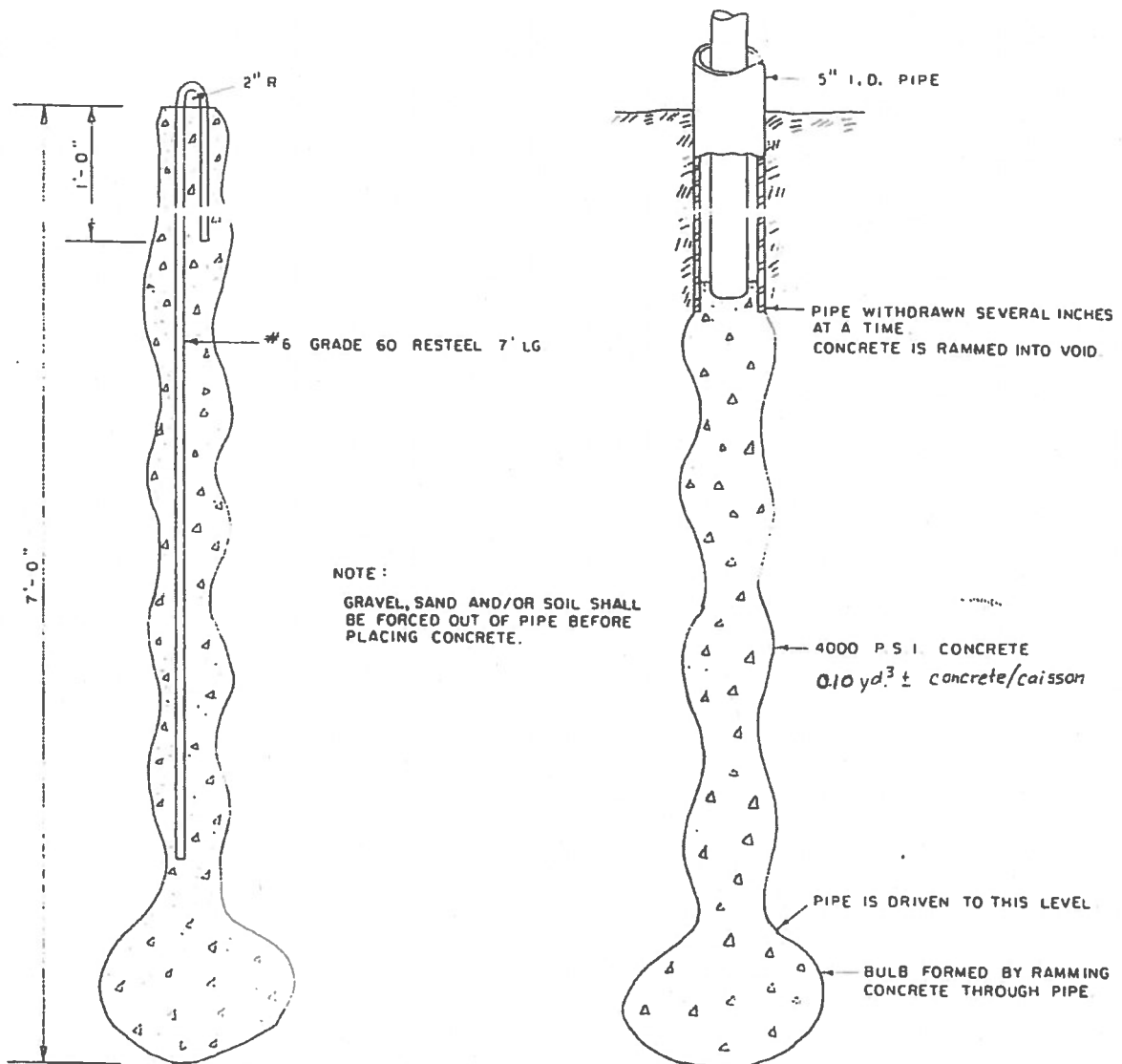


TYPICAL BOAT RAMP SECTION



TYPICAL BOAT RAMP SECTION

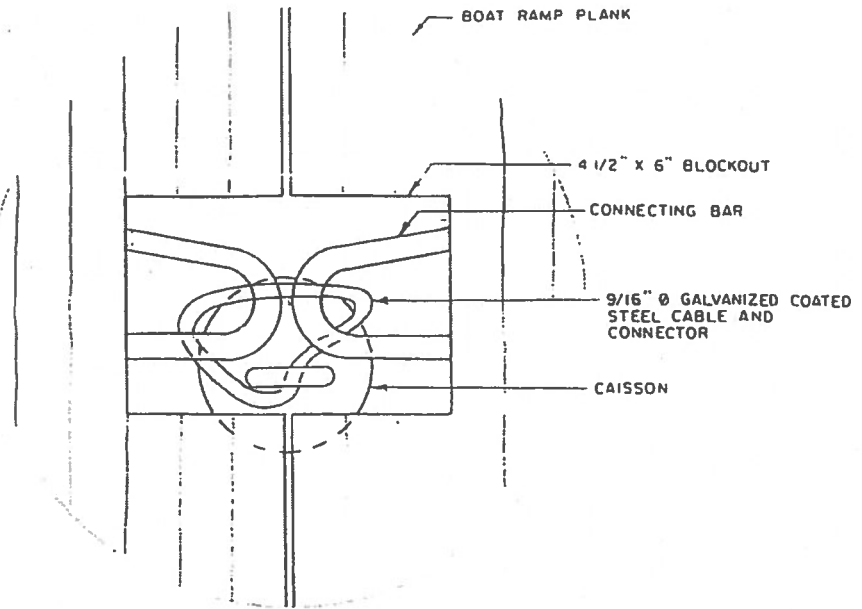
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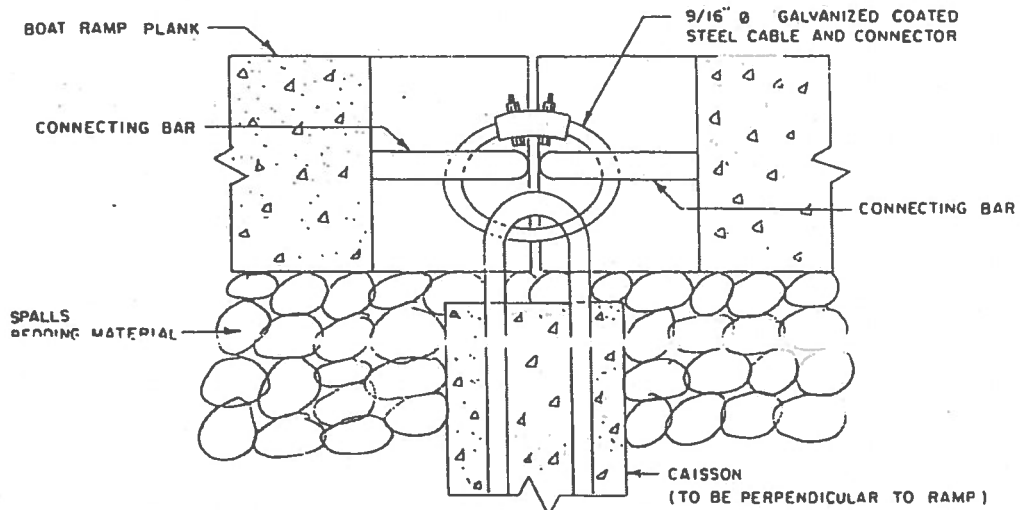
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 PLAN VIEW

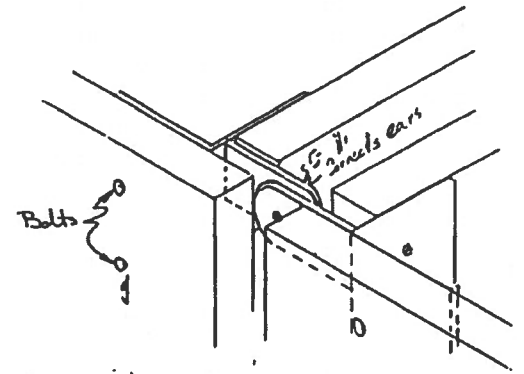
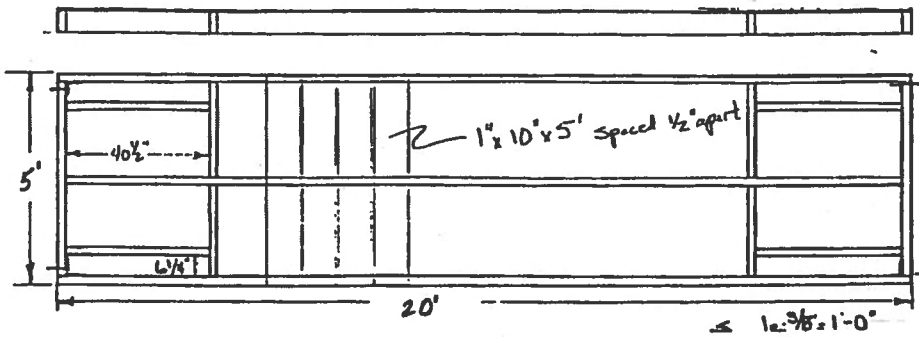


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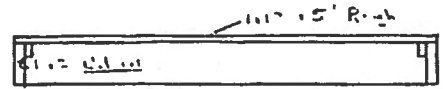
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TYPICAL FLOATING BOAT DOCK

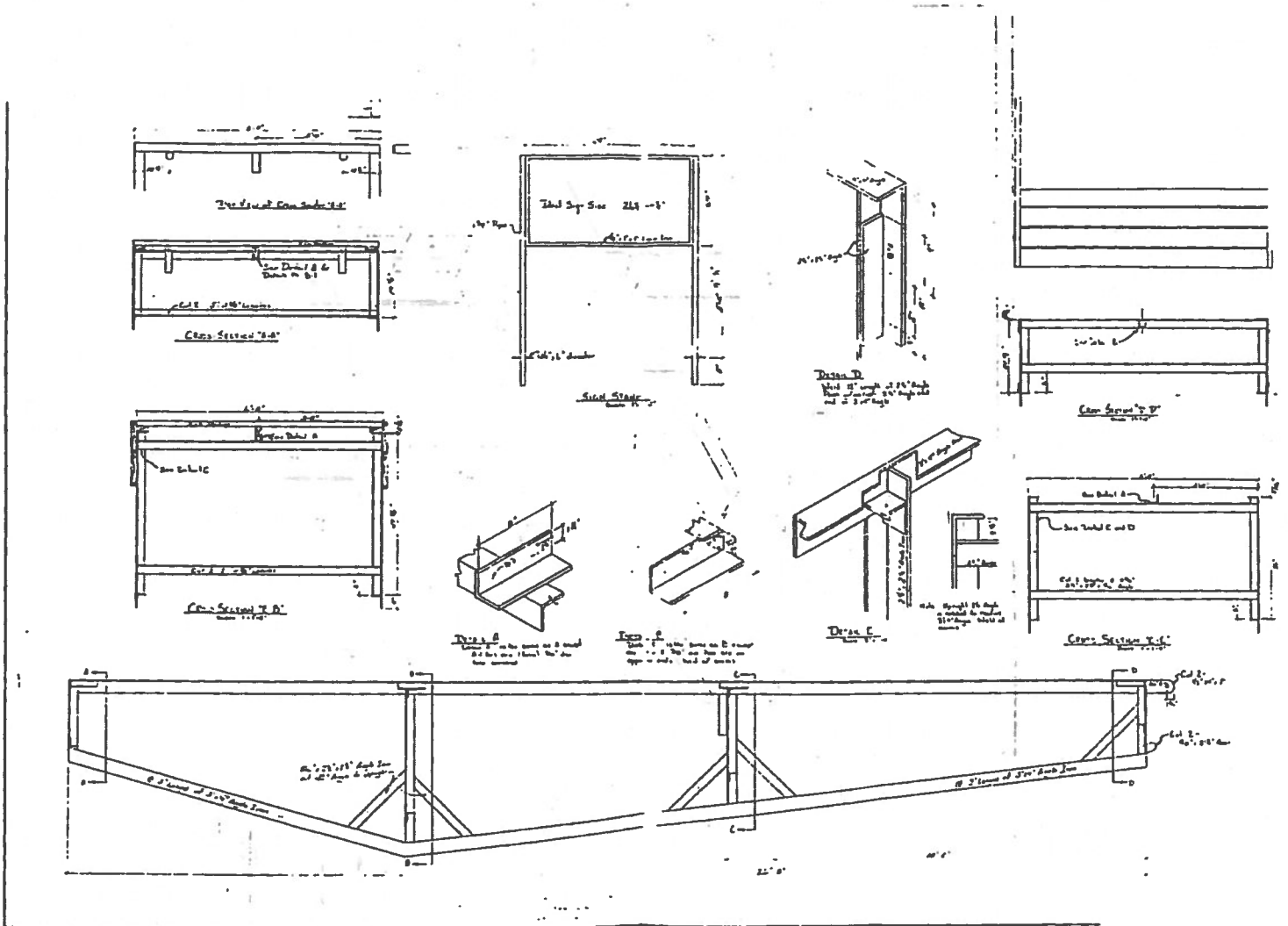
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TYPICAL SLIDE IN TYPE BOAT DOCK

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