



REPLY TO
ATTENTION OF :

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
SOUTH DAKOTA REGULATORY OFFICE
28563 POWERHOUSE ROAD, ROOM 118
PIERRE SD 57501-6174
December 6, 2006

RECEIVED

DEC 11 2006

South Dakota Regulatory Office
28563 Powerhouse Road, Room 118
Pierre, South Dakota 57501

SPF Properties LLC
Attn: Boyce Kennedy
22426 Pioneer Trail North
Rapid City, South Dakota 57701

Dear Mr. Kennedy:

We have reviewed your request for Department of the Army authorization to conduct site grading activities in waters of the United States (wetlands) in association the development of a housing subdivision (Freeland Meadows Subdivision) in the Southwest Quarter of Section 18, Township 2 North, Range 8 East, Pennington County, South Dakota.

Based on the information you provided, this office has determined that your work within South Dakota is authorized by the Department of the Army Nationwide Permit No. (39), found in the January 15, 2002, Federal Register, Issuance of Nationwide Permits; Notice (67 FR 2020-2095) and the February 13, 2002, Federal Register, Issuance of Nationwide Permits; Notice Correction (67 FR 6692-6695). Enclosed is a fact sheet that fully describes this Nationwide Permit and lists the General Conditions that must be adhered to for this authorization to remain valid.

In addition, the following condition shall be adhered to:

That mitigation for the project adverse impacts to 0.48 acre of wetland area will be carried out concurrently with the project construction and in accordance with the permittee's wetland mitigation plan (Wetland Mitigation Plan for Freeland Meadows).

Although an Individual Department of the Army permit will not be required for the project, this does not eliminate the requirement that you obtain any other applicable Federal, state, tribal or local permits as required. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office.

You are advised that this verification of the nationwide permit authorization is valid until March 19, 2007, at which time nationwide permits will be modified, reissued, or revoked. A public notice announcing the changes will be issued by this office. Furthermore, if your authorized work extends beyond the March 19, 2007, expiration date and you commenced or are under contract to commence, you will have 12 months from the expiration date to complete the activity under the present terms and conditions of the nationwide permit.

In compliance with General Condition 14, the attached Compliance Certification form must be signed and returned to this office upon completion of the authorized work and any required mitigation.

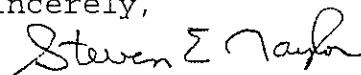
You are responsible for all work accomplished in accordance with the terms and conditions of the Nationwide Permit including any required mitigation. If a contractor or other authorized representative will be accomplishing the work authorized by the Nationwide Permit on your behalf, it is strongly recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the applicable Nationwide Permit. Any activity that fails to comply with all of the terms and conditions of the Nationwide Permit will be considered unauthorized and subject to appropriate enforcement action.

Should you at any time become aware that either an endangered and/or threatened species or its critical habitat exists within the project area, you must immediately notify this office.

You can obtain additional information about the Regulatory Program from our website:
<https://www.nwo.usace.army.mil/html/od-rsd/frame.html>

If you have any questions concerning this determination, please feel free to contact this office at the above Regulatory Office address, or telephone Thomas A Lowin, of my staff, or myself at (605) 224-8531 and reference Nationwide Permit No. 200530468.

Sincerely,



Steven E. Naylor
Regulatory Program Manager,
South Dakota

Enclosures
cf: Boschee Engineering, Rapid City