

## Information for File #2012-04728-MHK

**Applicant:** Meijer

**Corps Contact:** Marie Kopka

**Address:** 20711 Watertown Road, Suite F.  
Waukesha, Wisconsin 53186

**E-Mail:** [Marie.H.Kopka@usace.army.mil](mailto:Marie.H.Kopka@usace.army.mil)

**Phone:** (651) 290-5733

**Primary County:** Waukesha

**Section:** 34

**Township:** 8N

**Range:** 19E

**Information Complete On:** October 31, 2013

**Posting Expires On:** November 30, 2013

**Authorization Type:** Section 404 Letter of Permission

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 07-01. We have made a preliminary determination that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act. Our jurisdictional review and final jurisdictional determination could result in modifications to the scope of the project's regulated waterbody/wetland impacts and compensatory mitigation requirements identified above. An approved jurisdictional determination or preliminary jurisdictional determination will be made prior to reaching a permit decision. Approved jurisdictional determinations are posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/>.

**Project** PROJECT DESCRIPTION AND PURPOSE: Meijer is applying for a Department of the Army permit to discharge dredged and fill material into waters of the United States for the construction of a fuel center/convenience store in association with the construction of a new commercial development. The proposed project is situated on a 68.54-acre property located southeast of the intersection of State Highway (STH) 164 and County Highway (CTH) K in the Village of Sussex. The commercial development includes a 191,352 square foot grocery and retail building with an attached outdoor garden center and drive-thru pharmacy, a parking lot, a 2,509 square foot convenience store and fuel center and

access road, two storm water basins, and an extension of a public road (Executive Drive) south of CTH K.

**NAME, AREA AND TYPES OF WATERS (INCLUDING WETLANDS)**

**SUBJECT TO LOSS:** The proposed project would result in the discharge of dredged and fill material and permanent loss of 0.28 acre of farmed wetlands adjacent to an unnamed tributary to Pewaukee Lake. In addition, temporarily impacts to 0.08 acre of this wetland are proposed during construction. The 0.08 acre of farmed wetland would be restored to pre-construction contours and elevations and seeded with a fresh wet meadow seed mix after construction.

**ALTERNATIVES CONSIDERED:**

No action alternative: The “no action” or “no build” alternative was considered but was eliminated because this alternative would not meet the project purpose and need.

Alternative locations: Three alternative locations within the market area were investigated by the applicant but were dismissed for the following stated reasons: unavailability, zoning, size, and proximity to residential neighborhoods. The applicant states that no other 20-acre plus site met their search criteria in the Pewaukee/Sussex market along the STH 164 corridor.

Alternative project designs: The applicant states that several local and state requirements limited project design including the requirement to: construct a public road (Executive Drive) to the south of CTH K which would align with the existing Executive Drive to the north, maintain a 500-foot minimum vehicle stacking distance between the fuel center access road and the proposed Executive Drive intersection with CTH K, and allow only one access road point with CTH K. The applicant states that three alternative layouts were dismissed because these alternatives did not meet the afore-mentioned local and/or state requirements. A fourth alternative positioned the fuel center/convenience store further east than the preferred alternative but the applicant states this alternative would create some logistical concerns for a sanitary sewer line, would have an economic impact to the project, and would have resulted in impacts to the floodplain. A fifth alternative which met local and state requirements and was practicably feasible would have resulted in 0.79 acre of wetland impacts. This alternative was further refined by re-orienting the convenience store, fuel center, and the access road which led to a reduction of 0.51 acre of wetland impacts (the preferred alternative).

**COMPENSATORY MITIGATION:** The applicant proposes to fulfill compensatory mitigation requirements by purchasing wetland credits from an approved mitigation bank in Wisconsin.

Additional information is available upon request.

**Drawings** See attached maps and drawings labeled MVP-2012-04728-MHK, Page 1 of 3 through Page 3 of 30.28.



LAND INFORMATION SYSTEMS DIVISION

# Waukesha County GIS Map



**Legend**

**Retired Parcels**

**Plats**

- Assessor Plat
- CSM
- Condo Plat
- Subdivision Plat

Approximate project area

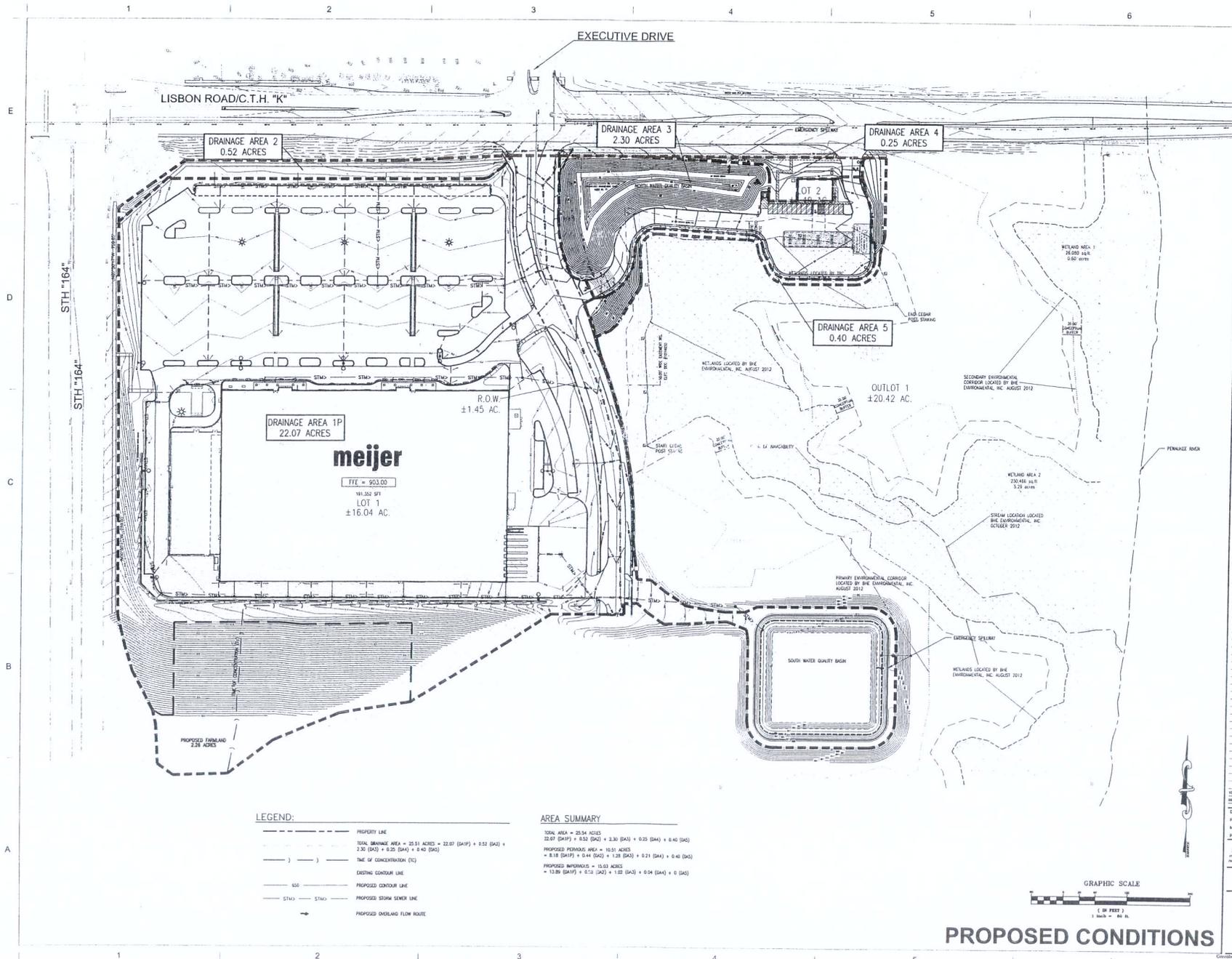
0 928.26 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

**Notes:** NW 1/4 SW 1/4  
Sec 34 T8N R19E

Printed: 10/31/2013



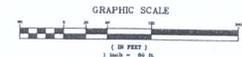


**LEGEND:**

---	PROPERTY LINE
---	TOTAL DRAINAGE AREA = 25.51 ACRES = 22.87 (DA1) + 0.52 (DA2) + 2.30 (DA3) + 0.25 (DA4) + 0.40 (DA5)
---	TIME OF CONCENTRATION (TC)
---	EXISTING CONTOUR LINE
---	PROPOSED CONTOUR LINE
---	PROPOSED STORM SEWER LINE
---	PROPOSED OVERLAND FLOW ROUTE

**AREA SUMMARY**

TOTAL AREA = 25.51 ACRES
22.87 (DA1) + 0.52 (DA2) + 2.30 (DA3) + 0.25 (DA4) + 0.40 (DA5)
PROPOSED FLOWING AREA = 10.31 ACRES
= 8.18 (DA1) + 0.44 (DA2) + 1.28 (DA3) + 0.21 (DA4) + 0.40 (DA5)
PROPOSED WETLANDS = 15.03 ACRES
= 13.28 (DA1) + 0.10 (DA2) + 1.02 (DA3) + 0.04 (DA4) + 0 (DA5)



**PROPOSED CONDITIONS**

**GreinerFarrow**  
21 S. Evergreen Ave., Suite 200  
Aurora, WI 53005  
608.778.8000 • 608.778.8006



Store: #275  
N51W2853 LISBON ROAD  
(SEC) STH 164 AND LISBON RD.  
SUSSEX, WISCONSIN



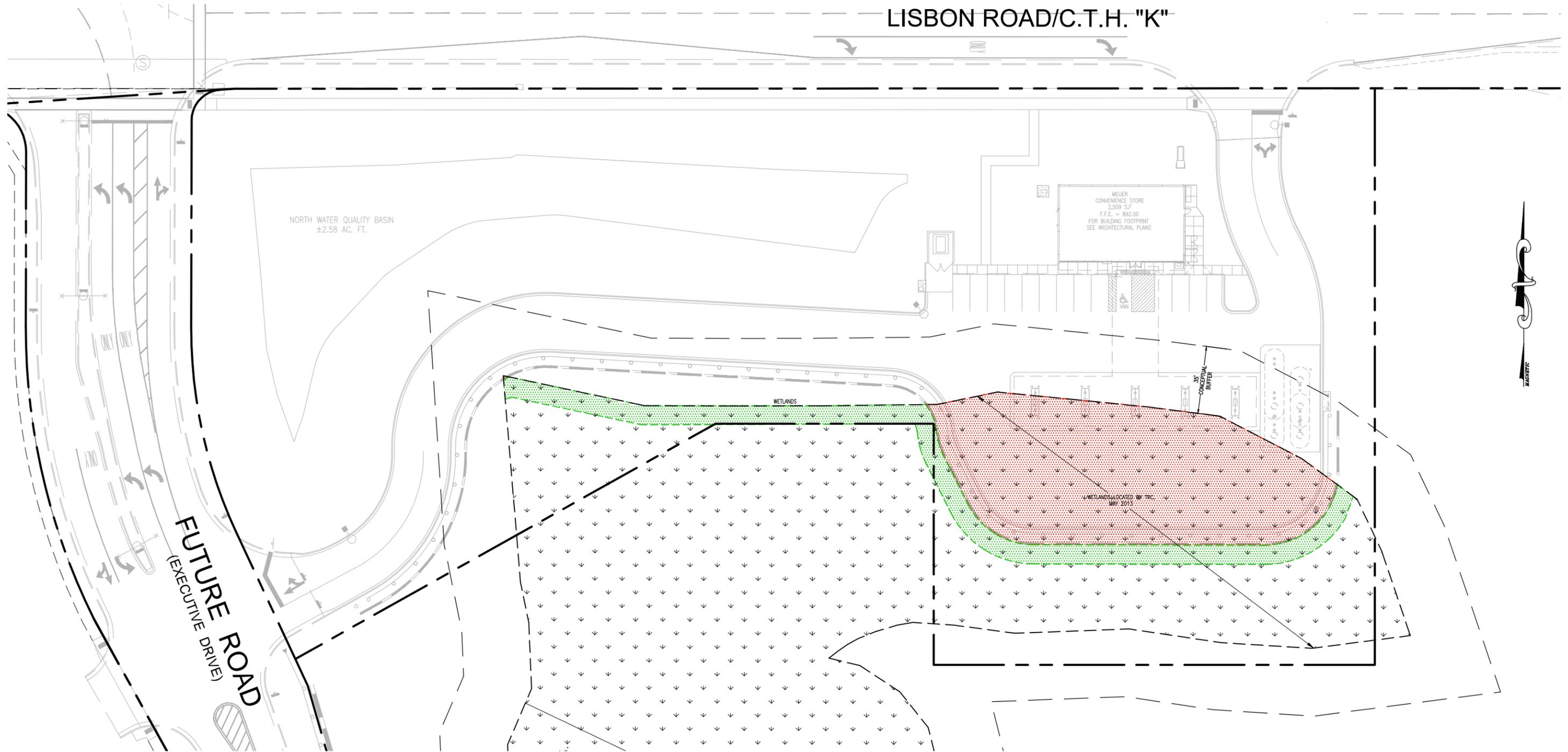
PROFESSIONAL IN CHARGE  
**KEVIN WILLIAMS P.E.**  
REGISTRATION NO. 22281-1

Drawn By: [Blank]  
Reviewed By: [Blank]  
Checked By: [Blank]  
Project in Charge: [Blank]

Note: This copy is intended to be used only for the project indicated and graphic quality may not be adequate for any other use.

PROJECT NO:  
J120943275  
SHEET NO:

**EX-2**



 PERMANENT FILL AREA  
 0.28 acre wetlands  
 10' TEMPORARY DISTURBED AREA  
 0.08 acre wetlands

