

Information for File #2014-02609-JRS

Applicant: Bay Shipbuilding Company

Corps Contact: Jessica Kempke, U. S. Army Corps of Engineers, 211 North Broadway, Suite 221, Green Bay, Wisconsin 54303; Jessica.l.kempke@usace.army.mil (651) 290-5856.

Primary County: Door

Location: Section 6, Township 27N, Range 26E

Information Complete On: 04-04-2016

Posting Expires On: 05-04-2016

Authorization Type: Section 404/Section 10 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 may be made prior to reaching a permit decision, if an approved determination is made, it will be posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/>.

PROJECT DESCRIPTION AND PURPOSE: Bay Shipbuilding Company has applied for a Department of the Army permit to complete Phase 3 of their ongoing dockwall construction and dredging project. The proposal includes construction of approximately 1,575 feet of new dockwall with a backfill of dredged/fill material into 0.256 acres behind the seawall and dredging an area of 2.35 acres of Sturgeon Bay.

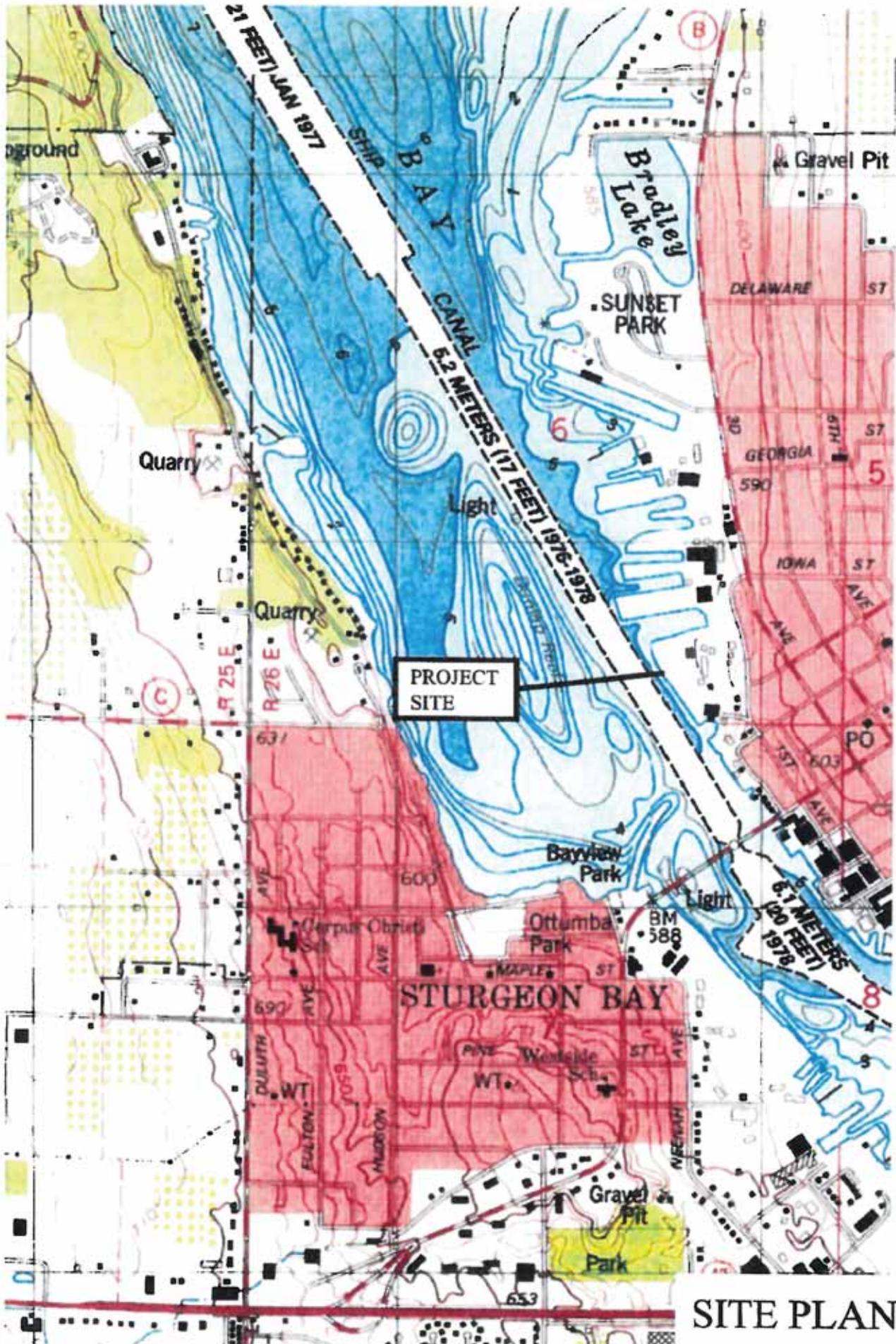
NAME, AREA AND TYPES OF WATERS (INCLUDING WETLANDS) SUBJECT TO IMPACT: No wetlands would be affected by the project. Approximately 0.256 acres of open water resource would be permanently filled as a result of the proposed dockwall construction project. Additionally, an area of 2.35 acres would be dredged from Berth 1 to establish a depth of -22 feet Low Water Datum (LWD) and along Berths 2 and 3 to establish a depth of -20 feet LWD.

ALTERNATIVES CONSIDERED: The no-build alternative would avoid impacts to the bed of Sturgeon Bay; however it was not considered by the applicant because it failed to address the need and purpose of the project. No other alternatives were proposed.

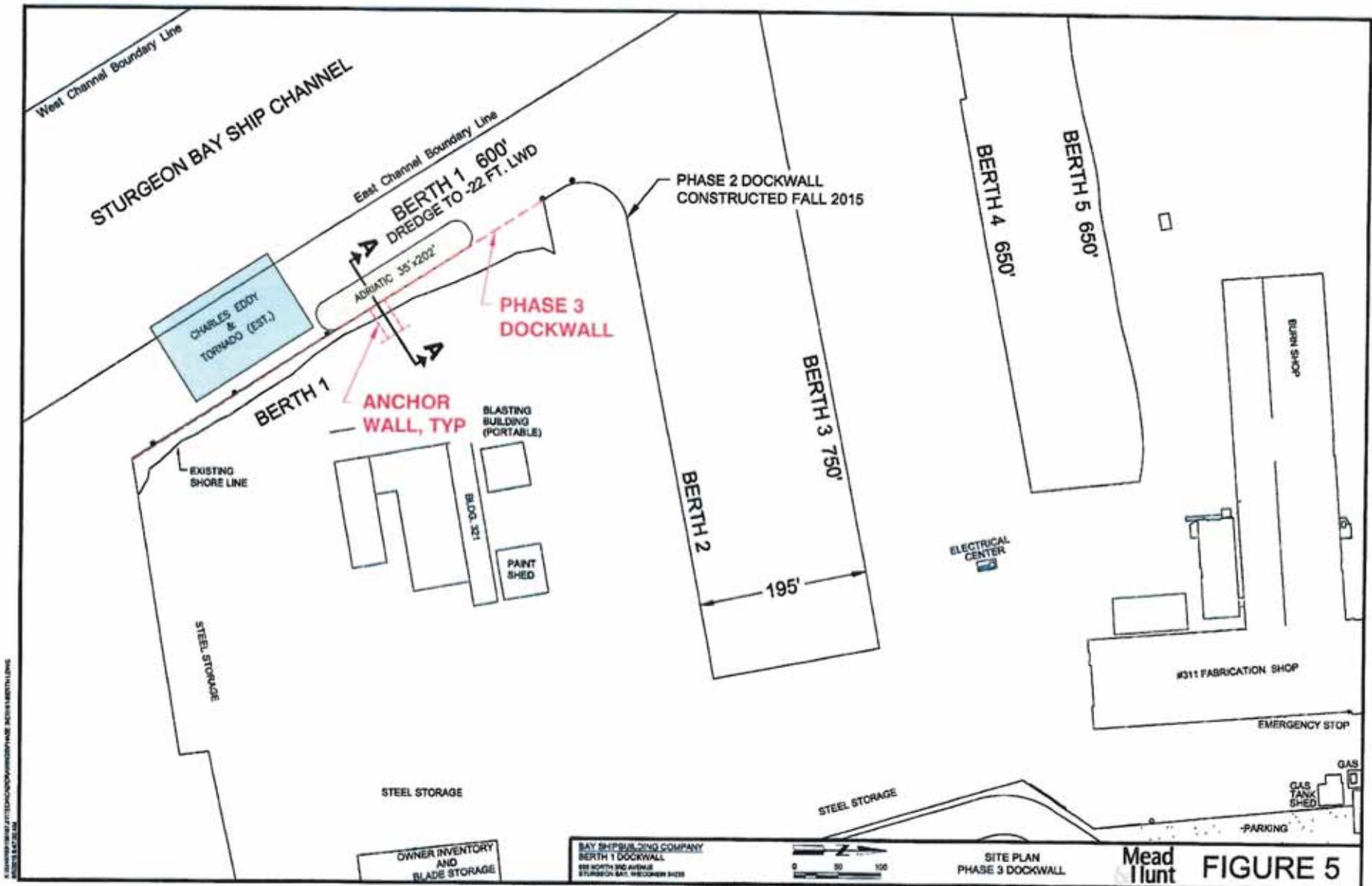
AQUATIC RESOURCE MITIGATION: Mitigation for the loss of waters of the United States was not proposed by the applicant.

HISTORICAL/ARCHAEOLOGICAL: The historic *Adriatic* Shipwreck Site is located within the project area and would be directly affected by the proposed dredging activities. The Corps has gathered existing information and surveys and has determined that the *Adriatic* is eligible for inclusion on the National Register of Historic Places (NRHP) under Criterion D. The Corps has also determined that the proposed work would have an adverse effect on the *Adriatic*. The Corps will continue to coordinate with the State Historic Preservation Officer independent of this notice. A Data Recovery Plan (DRP) and a Memorandum of Agreement (MOA) to mitigate adverse effects are being developed. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project. The Corps is inviting comments on appropriate measures to consider to mitigate adverse effects to the *Adriatic*.

DRAWINGS: See attached.



SITE PLAN



2014-02609-JRS (Attachment 2 of 4)

