



US Army Corps
of Engineers
St Paul District

APPLICANT: Ideal Homes

Public Notice

ISSUED: April 9, 2013

EXPIRES: May 10, 2013

REFER TO: 2008-00212-JRB

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge fill material into 4.28 acres of wetlands abutting Faxon Creek for the construction of a residential development.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Mr. Ron Gustafson
Ideal Homes
1626 Elmira Avenue
Superior, Wisconsin 54880

AGENT'S ADDRESS: Mr. Mike Kohn
P.O. Box 1105
Superior, Wisconsin 54880

PROJECT LOCATION: The project site is located in the City of Superior, south of North 28th Street, in the NE 1/4 NW 1/4 Sec. 26, T. 49N., R. 14W., Douglas County, Wisconsin. The approximate latitude/longitude coordinates are 46.70444/ 92.0888.

DESCRIPTION OF PROJECT: The applicant proposes to construct a residential development on a 22.9-acre parcel. The development would consist of 29 lots and associated infrastructure (roads, utilities, etc.) to support them and provide access. The project would be constructed by installing erosion controls, installing the sanitary sewers with laterals, installation of storm water system, constructing curb and gutter streets and installing underground utilities.

The proposed project would assist in meeting the demand for residential lots in the City of Superior. The applicant has indicated that there are not enough lots in the city to meet current and future demand for housing. The proposed development would provide 29 lots for persons to purchase for home construction.

QUANTITY, TYPE, AND AREA OF WETLAND FILL: Wetlands comprise a total of 11.37 acres of the 22.9-acre project site. This total consists of 7.47 acres of Type 6 (shrub swamp) and 3.90 acres of Type 7 (wooded swamp) wetlands. Approximately 4.28 acres the Type 6 wetlands are proposed to be filled for the project.

SOURCE OF FILL MATERIAL: Any off-site fill utilized for the project would come from an existing a commercial source.

SURROUNDING LAND USE: The project site is zoned as R-3 (Apartment Residential), R-1B (1 Family Residential B), and as SUB (Suburban). Residential homes are present on the north and west

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sides of the project site. The area to the east is undeveloped except for the athletic fields and parking lots for the high school. The area to the south is wooded, except for the area utilized by the City Airport. The Superior High School and Track/Field house are present on the north side of N. 28th Street. The land further to the east is utilized for commercial and industrial facilities. The land further west is wooded with a City Park and associated facilities.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Fuel, lubricants, hydraulic fluids, coolants, and other materials typically associated with the operation of heavy machinery and the other equipment associated with the construction.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: Spill kits would be present to address any potential drips or leaks from construction equipment. Construction activities would be in compliance with the state stormwater best management practices (BMP's) to prevent sediment from leaving the site during and after construction. Silt fence or biologs would be installed at the toe of the fill/disturbance prior to the start of construction. Temporary sedimentation basins would be constructed down gradient of earth disturbing activities prior to the start of construction. All disturbed areas that are not surfaced with gravel or impervious materials would be stabilized and re-vegetated in a timely manner with the proper seed mixtures.

ALTERNATIVES: The applicant has defined the project siting requirements to include adjacency to municipal utilities and to be situated in an area suitable for residential homes within the City of Superior. Additionally, the applicant has indicated that a minimum of 14 acres of contiguous undeveloped land is necessary to create the minimum number of residential lots needed to make the project fiscally feasible. An MLS search for undeveloped land was performed to evaluate the potential for alternative sites within the City of Superior. The search identified nine undeveloped properties that ranged in size from 0.33 to 5.76 acres. Further, many of these alternative sites are zoned commercial, or are otherwise not suitable for residential neighborhoods, and/or had purchase prices that were prohibitive based on the limited number of saleable lots that could be constructed. The majority of the alternative sites also contain wetlands. The applicant's chosen alternative is a 22.9 acre contiguous parcel of land that the applicant has owned for over 23 years. Being adjacent to existing residential dwellings, a school, and close to municipal utility connections, the project site meets the siting requirements desired by the applicant.

MINIMIZATION: Multiple site designs were created through an iterative process to create enough lots to make the development financially feasible while keeping the wetland impacts to the minimum amount practicable. Initial designs had 38 lots and 11.70 acres of wetland impact. Designs were refined multiple times to create the selected site design of 29 lots and 4.28 acres of lower value Type 6 wetland impact. The final design provides for the preservation of 7.09 acres of contiguous higher quality wetlands of the 11.37 acres of existing wetland at the site. The applicant has indicated that by preserving one large contiguous area of wetland off to the side of the development, it will be much easier to maintain its higher functional values and also to prevent its degradation or filling in the future. As part of the act of preservation, signs will be posted every 50 feet along the western and northern sides of the higher value wetland that identify it as a protected wetland area.

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MITIGATION: The applicant indicates he has chosen to preserve as much of the on-site wetlands as is feasible for the project to be financially viable. Approximately 7.09 acres of higher value wetlands (Lot 26 and Outlot A) are proposed to be preserved at an 8:1 ratio, for approximately 0.89-acre of wetland mitigation credit. The remaining balance of 3.39 acres of mitigation is proposed to be purchased from the City of Superior Wetland Bank at a 1:1 ratio.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 15 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 180 Fifth Street East, Suite 700, St. Paul, Minnesota, 55101-1678.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Dan Munson at the St. Paul office of the Corps, telephone number (651)-290-5191.

To receive Public Notices by e-mail, go to the St. Paul District web page at <http://www.mvp.usace.army.mil/regulatory/> and sign up by clicking on

[Email Notification of Public Notices](#)

on the left side of the web site under Notices.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Douglas County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

<u>Species</u>	<u>Habitat</u>
Canada Lynx (T)	Northern forested areas.
Kirtland's Warbler (E)	Potential breeding in young jack pine stands.
Piping Plover (E)	Sandy beaches; bare alluvial and dredge spoil Islands.
Fassett's Locoweed (T)	Open sandy lakeshores.

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This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 08-02. We have made an initial 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 and/or Section(s) 9 & 10 of the Rivers and Harbors Act. The Corps will prepare an approved or preliminary jurisdictional determination prior to making a permit decision. Approved jurisdictional determinations are posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/>.

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED: State 401 Water Quality Certification has been applied for and is pending.

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

This Public Notice has been sent to the Wisconsin Department of Natural Resources and is considered by the District Engineer to constitute valid notification to that agency for water quality certification. A permit will not be granted until the Wisconsin Department of Natural Resources has issued Section 401 certification.

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service and the State Archaeologist for their comments. The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified. The results of this review and the Corps' determination of effect will be coordinated with the State Historic Preservation Officer independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

8. PUBLIC HEARING REQUESTS.

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, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the

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national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

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.

10. COASTAL ZONE MANAGEMENT.

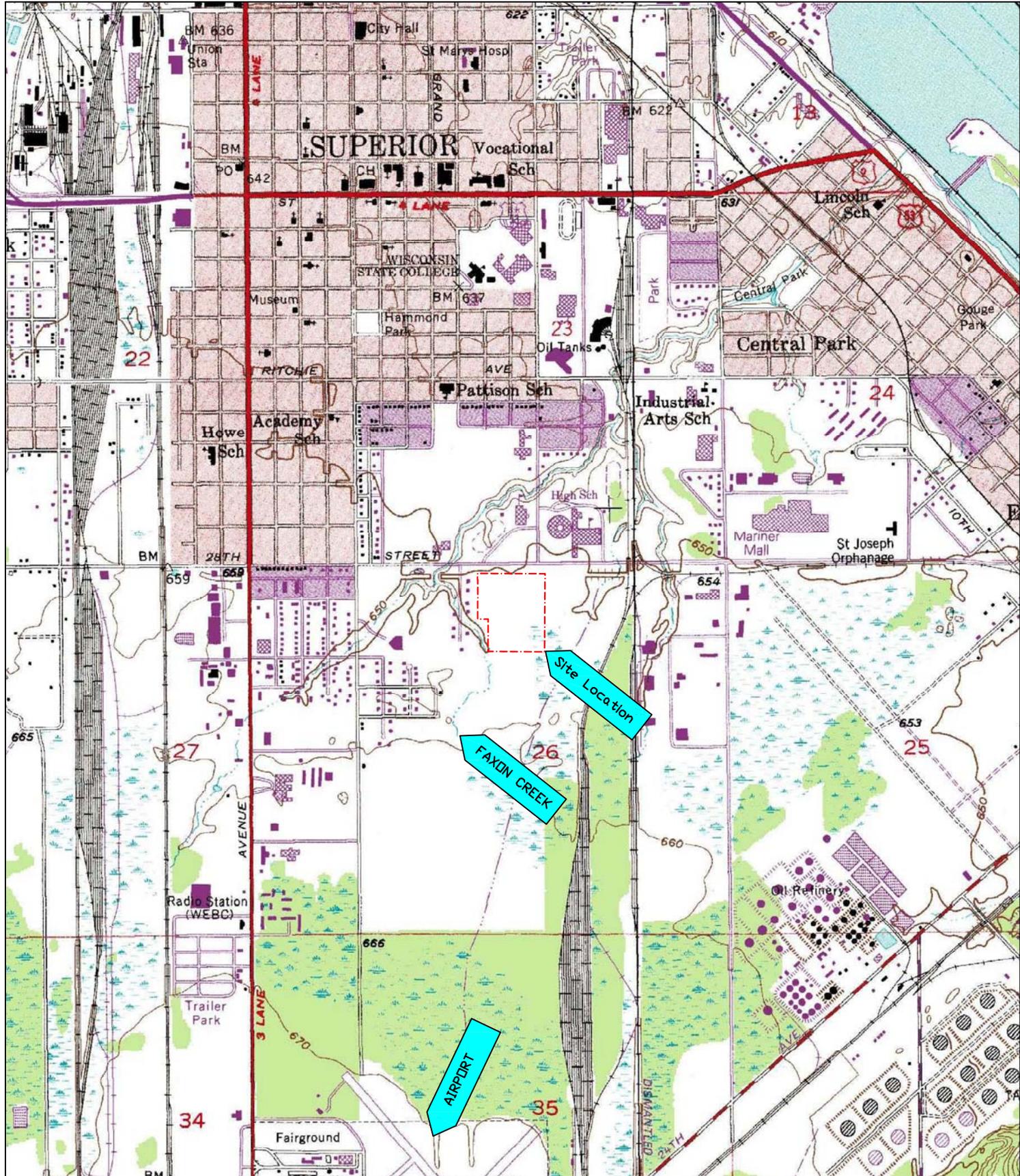
The Wisconsin Coastal Management Program (WCMP) in the Department of Administration is inviting public comment regarding this project. The WCMP may conduct a Federal consistency review to verify that the project will comply with State policies in Wisconsin's coastal zone. Further information may be obtained from the Federal Consistency Coordinator at: Wisconsin Coastal Management Program, P.O. Box 7868, Madison, WI 53707-7868; (608) 266-8234. Any comments on whether or not this proposed project complies with the State enforceable policies should be received within 30 days by the Federal Consistency Coordinator.

Jeff Olson
Chief, Northeast Section

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.

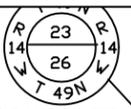
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ICECOR
IC ENVIRONMENTAL CORPORATION

Scale = 1:24,000
 USGS Topographic Map
 SUPERIOR, WI
 QUADRANGLE

SHEET 1	
N. 28TH STREET PROJECT SUPERIOR, WISCONSIN	
SITE LOCATION MAP	
CREATED BY: MLK	DRAWN BY: MLK
DATE: 3/17/2012	PROJECT # 102011024



CENTERLINE OF N. 28TH 3/4" RE-ROD STREET AND CATLIN AVE. IRON BOLT

NORTH LINE OF NE 1/4 - NW 1/4 SECTION 26-49-14

2634.63' S 89°40'30" E
REC AS 2634.62' S. 89°40'30" E

NORTH 28TH STREET

WEST SUPERIOR BOULEVARD ADDITION
BLOCK 3 BLOCK 2

BLOCK 1

CATLIN AVENUE

POWER AND WATER LINE EASEMENT
13,922 SQFT 11,233 SQFT 6,730 SQFT

LOT 7 LOT 6 LOT 5 LOT 4 LOT 3 LOT 2

NORTH 29TH STREET

LOT 8 LOT 19 LOT 20 LOT 27 LOT 28 LOT 29

LOT 9 LOT 18 LOT 21

LOT 10 LOT 17 LOT 22

LOT 11 LOT 16 LOT 23

LOT 12 LOT 15 LOT 24

LOT 14 LOT 25

NORTH 31ST STREET

LOT 13 LOT 26

OUTLOT A

LOT OWNED BY OTHERS

LOT OWNED BY OTHERS

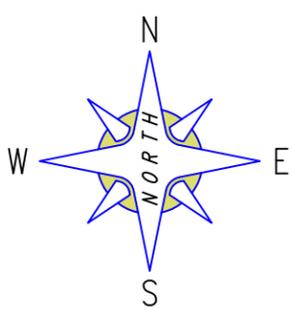
UNPLATTED LANDS OWNED BY OTHERS

VACATED ALLEY

BLOCK 11

BLOCK 6

-  LOTS: SQUARE FEET OF WETLAND FILL
-  STREETS: SQUARE FEET OF WETLAND FILL
-  UTILITIES: SQUARE FEET OF PERMANENT WETLAND FILL
-  PRESERVATION: SQUARE FEET OF WETLAND FILL



0 60 120 240 FEET



NOTE: SAMP WETLANDS ALREADY FILLED UNDER FORMER PERMIT.

4 of SHEET NO. N. 28TH STREET PROJECT SUPERIOR, WISCONSIN ICECOR PROJECT #102011024 PROPOSED IMPACT MAP

DATE	REVISIONS DESCRIPTION
3/17/12	CONTOURS AND BASE MAP W/ PROPERTY BOUNDARIES FROM HUGH MCDONALD, RLS.

I hereby certify that this plan, specification or report was prepared by me or under my supervision and that I am a duly licensed PROFESSIONAL ENGINEER under the laws of the State of WISCONSIN.

Printed name: _____
Date: _____ Lic. No. _____

ICECOR

P.O. BOX 1105
SUPERIOR, WISCONSIN 54880
(715) 395-0965