



US Army Corps
of Engineers
St Paul District

Public Notice

ISSUED: June 9, 2015

EXPIRES: July 9, 2015

APPLICANT: City of Oshkosh

REFER TO: 2011-01080-JRS

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material in 4.6 acres of wetlands adjacent to Sawyer Creek and Campbell Creek to construct a wet detention basin in the City of Oshkosh to provide flood relief and stormwater pollution control.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: City of Oshkosh
P.O. Box 1130
Oshkosh, Wisconsin 54903-1130

AGENT: AECOM
1350 Deming Way, Suite 100
Middleton, Wisconsin 53562

PROJECT LOCATION: The project site is located in the southwest quadrant of the intersection between West 9th Avenue and South Washburn Street in the NE¹/₄ NE¹/₄ Sec. 28, T. 18N., R. 16E., Winnebago County, Wisconsin. The approximate coordinates are Latitude: 44.0091130, Longitude: -88.5862400. The proposed work is shown on the attached drawings labeled MVP-2011-01080-JRS, Page 1 of 3 through 3 of 3.

DESCRIPTION OF PROJECT: The applicant proposes to construct a wet detention basin, inlet storm sewer, and outlet storm sewer to provide flood relief and stormwater pollution control in the City of Oshkosh. The total project area is approximately 14.6 acres including storm sewer improvements upstream and downstream of the wet detention basin. The main wet detention basin construction area is 11.1 acres. The proposed detention basin would be constructed with a permanent pool area of approximately 3.4 acres. The detention basin would include a safety shelf surrounding the perimeter of the permanent pool and a fore-bay at the inlet. The outlet structure from the proposed wet detention basin would discharge stormwater runoff at a slower rate to reduce downstream flooding. The proposed outlet structure includes a 12-inch pipe at an invert elevation of 763.5 entering a concrete box structure at an elevation of 766.5. The concrete box structure would include an open top that would allow for the controlled discharge of larger storm events. An emergency spillway would also be constructed at an elevation of 777. The emergency spillway is designed to safely carry storms exceeding the 100-year design storm event. The wet detention basin would fully contain the 100 year runoff event.

QUANTITY, TYPE, AND AREA OF FILL: Discharges of dredged and fill material would occur throughout 4.6 acres of fresh (wet) meadow wetland during construction of the proposed detention

Operations - Regulatory (2011-01080-JRS)
SUBJECT: Notice of Application for Permit

pond. The proposed project would eventually result in the permanent loss of all 4.6 acres of jurisdictional wetland located within the project area, however, much of the area outside of the permanent pool elevation would likely continue to exhibit wetland characteristics.

AFFECTED AREA: The wet detention basin would be constructed on four adjacent parcels, all of which are owned by the City of Oshkosh. The northern two-thirds of the property (6.5 acres) consists of vacant agricultural land that has not been farmed in many years. The southern one-third of the project area (4.6 acres) is wetland. The existing ground elevations throughout the site generally range from 775 to 780 feet. Soils on the site consist of Manawa Silty Clay Loam (MaA) and Kewaunee Silt Loam (KnB).

SOURCE OF FILL MATERIAL: The majority of the work proposed is excavation. Fill material used for the wet detention pond clay liner would be obtained on-site.

SURROUNDING LAND USE: The project area is surrounded primarily by multi-family residential and commercial development. The majority of the property lying west, north, and south of the project site is residential. Commercial development lies the east.

DESCRIPTION OF DREDGING OR EXCAVATION: The proposed wet detention basin would be created by excavating approximately 142,000 cubic yards of material with an excavation depth between approximately 15 and 20 feet. The excavated material would be disposed of at an approved disposal site identified by the contractor.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Fuel, hydraulic fluid, lubricants, coolant, and other fluids commonly used by construction equipment would be expected to be present for construction of the project.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: This project is designed to store floodwater and treat stormwater prior to entering downstream waters. A clay liner would be installed to prevent water from the wet detention basin from infiltrating into the ground. A geotechnical report referenced by the applicant indicates that the clay soil that would be excavated on-site is suitable for use as a wet detention basin liner. Construction site erosion control BMPs proposed for the site include: silt fence, tracking pads, inlet protection, and erosion matting. Permanent erosion control measures include rip-rap at the storm sewer inlet, turf reinforcement matting on the emergency spillway and other locations of concentrated flow, and native plantings along the detention basin safety shelf and side slopes. Turf grass would be planted around the wet detention basin to further stabilize the site and blend the site into the surrounding properties. Tree and shrub plantings would also be incorporated.

MITIGATION: As compensation for the loss of 4.6 acres of wet (fresh) meadow wetland, the applicant proposes to purchase 6.67 In-lieu fee advanced credits (1.45:1 ratio) from the Wisconsin Wetland Conservation Trust (WWCT) Fox Service Area.

Operations - Regulatory (2011-01080-JRS)
SUBJECT: Notice of Application for Permit

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 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, 211 N. Broadway, Suite 221, Green Bay, WI 54303.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Nick Domer at the Green Bay office of the Corps, telephone number (651) 290 - 5855.

To receive Public Notices by e-mail, go to: http://mvp-extsttp/list_server/ and add your information in the New Registration Box.

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, Winnebago 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>
Eastern prairie fringed orchid (T)	Wet grasslands
Northern long-eared bat (T)	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. During summer, roosts and forages in upland forests.

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.

Operations - Regulatory (2011-01080-JRS)
SUBJECT: Notice of Application for Permit

The Corps may 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/Missions/Regulatory.aspx>.

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED:

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.

The latest versions of the National Register of Historic Places and the Wisconsin Historic Preservation Database have been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located within, or adjacent to the project area.

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 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

Operations - Regulatory (2011-01080-JRS)
SUBJECT: Notice of Application for Permit

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.

Todd M. Vesperman
Chief, SE Section

Enclosures

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





