



US Army Corps
of Engineers
St Paul District

APPLICANT: Fraser Shipyards

Public Notice

ISSUED: 20 March 2015

EXPIRES: 20 April 2015

REFER TO: 2013-01927-DWW

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into approximately 1.0 acres of the St. Louis River, a Section 10 water of the United States, for the purpose of berthing large ships up to 1,000 linear feet long across Baxter Embayment in Howard's Bay located in the City of Superior, Wisconsin.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS:

Fraser Shipyards, Tom Curelli
P.O. Box 997
Superior, Wisconsin 54880

AGENT:

AMI Consulting Engineers, Chad Scott
91 Main Street
Superior, Wisconsin 54880

PROJECT LOCATION: The project site is located in NW ¼, SE ¼, Sec. 11, T. 49N., R. 14W., Douglas County, Wisconsin.

DESCRIPTION OF PROJECT: The applicant provided an amended application on February 25, 2015. The applicant is proposing to construct the Phase 3 dock-wall across Baxter Embayment. The dock-wall would connect the completed Phase 1 and Phase 2 dock-walls to provide a continuous dock face for secure mooring, and safe and efficient access to large ships. The increased and up-graded dock face would accommodate larger modern ships that are up to 1,000 linear feet long and 105 feet wide. According to the applicant, the safe and efficient access to ships would conduct an effective shipyard business.

The project would result in the discharge of dredged and fill material into approximately 1.0 acre of the St. Louis River, a Section 10 water of the United States, for the purpose of berthing large ships at Fraser Shipyards. The proposed project would also result in closing off and isolating 1.68 acres of open water from the rest of Howard's Bay, which could adversely affect the functions and values of the open water area. The total direct and indirect impact to the Section 10 water would be 2.68 acres.

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QUANTITY, TYPE, AND AREA OF FILL: Approximately 24,000 cubic yards of crushed concrete material with clean granular construction material would be provided by the selected contractor for the proposed fill area of 1.0 acres.

VEGETATION IN AFFECTED AREA: There is no known submerged or emergent aquatic vegetation in the proposed work area.

SOURCE OF FILL MATERIAL: The source of material is not known until the contractor is selected.

SURROUNDING LAND USE: Industrial district businesses in the City of Superior, Wisconsin.

DESCRIPTION OF STRUCTURE: The Phase 3 dock-wall structure would be approximately 577 linear feet in length and 75 feet in width.

DESCRIPTION OF DREDGING OR EXCAVATION: No dredging would be conducted for this project.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant has not provided precautions to protect water quality during the construction of the proposed Phase 3 dock-wall project.

MITIGATION STATEMENT AS DESCRIBED BY THE APPLICANT: The applicant has proposed remediation activity to the Howards Bay/Pocket remediation project.

Mitigation strategies are being discussed between the applicant, WDNR staff, and the Corps of Engineers.

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, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Daryl W. Wierzbinski at the Duluth office of the Corps, telephone number (218) 720 – 5291 Ext. 35401.

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.

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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>
Kirtland's Warbler (<i>Setophaga kirtlandii</i>) (E)	Forested areas
Piping Plover (<i>Charadrius melodus</i>) (E)	Shoreline and Beach areas
Red Knot (<i>Calidris canutus rufa</i>) (T)	Shoreline and Beach areas
Higgins' eye pearl mussel (E)	Mississippi and St. Croix Rivers
Fassett's locoweed (<i>Oxytropis campestris</i> var. <i>chartacea</i>) (T)	Lakeshores of seepage lakes
Gray wolf (<i>Canis lupus</i>) (E)	Forested areas
Canada Lynx (<i>Lynx canadensis</i>) (T)	Forested areas

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.

This coordination would include the Northern long-eared bat (*Myotis septentrionalis*) proposed to be included on the Federally-listed endangered list.

5. JURISDICTION.

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Section 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 10 of the Rivers and Harbors Act and Section 404 of the Clean Water 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/Missions/Regulatory.aspx>.

6. 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 Section 401 water quality certification. A permit will not be granted until the Wisconsin Department of Natural Resources has issued or waived Section 401 certification.

7. HISTORICAL/ARCHAEOLOGICAL.

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

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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 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.

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Benjamin Cox
Chief, Northwest Section

Enclosures

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

PROJECT ID: 121092

COUNTY: DOUGLAS

ORDER OF SHEETS

Sheet No.	COVER	Title Sheet
Sheet No.	C1.0	Dock Construction Phasing Plan
Sheet No.	C2.0	Phase Three Dock Plan
Sheet No.	C3.0	Phase Three Dock Plan - Cross Section Locations
Sheet No.	C4.0	Cross Sections
Sheet No.	S0.0	General Structural Notes and Schedules
Sheet No.	S1.0	Phase Three Pile Plan
Sheet No.	S2.0	Sections and Details
Sheet No.	S3.0	Sections and Details
Sheet No.	S4.0	Ladder and Coating Details
TOTAL SHEETS = 10		

CITY OF SUPERIOR

PLAN OF PROPOSED IMPROVEMENT

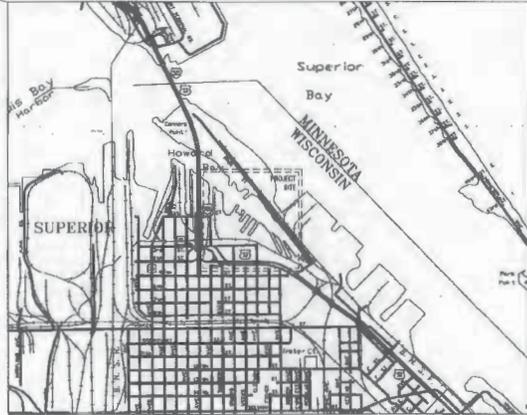
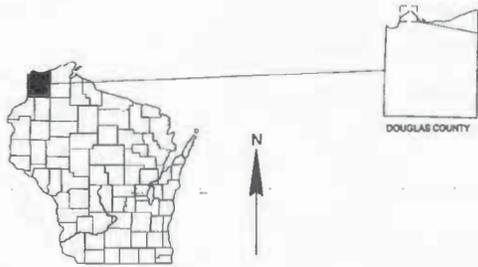
PHASE THREE DOCK REHABILITATION

LIMITS

FRASER SHIPYARDS

DOUGLAS COUNTY

AMI PROJECT NUMBER
121092



PROJECT SITE



CONVENTIONAL SYMBOLS

PLAN	CORPORATE LIMITS	PROPERTY LINE	LOT LINE	LIMITED HIGHWAY EASEMENT	EXISTING RIGHT OF WAY	PROPOSED OR NEW RAW LINE	SLOPE INTERCEPT	REFERENCE LINE	EXISTING CULVERT	PROPOSED CULVERT (Box or Pipe)	COMBUSTIBLE FLUIDS	MARSH AREA	WOODED OR SHRUB AREA				
PROFILE	GRADE LINE	ORIGINAL GROUND	MARSH OR ROCK PROFILE (To be noted on each)	SPECIAL DITCH	GRADE ELEVATION	CULVERT (Profile View)	UTILITIES	ELECTRIC	FIBER OPTIC	Gas	SANITARY SEWER	STORM SEWER	TELEPHONE	WATER	UTILITY PEDESTAL	POWER POLE	TELEPHONE POLE

*Coordinates on this plan are referenced to the Wisconsin State Plane Coordinate System (WSPCS), North Zone.
OR
*Coordinates on this plan are referenced to the Wisconsin County Coordinate System (WCCS), Douglas County.
OR
*Coordinates on this plan are referenced to an assumed coordinate system.

AMI
CONSULTING ENGINEERS P.A.
71 Main Street
Superior, WI 54983
PH 715.718.2193 Fax 877.741.7098

STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION

REVIEWED BY

Surveyor	CONNORIAN SURVEYING
Engineer	CHRIS W. SOBEL, P.E.
City of Superior	JOHN SPENCER
Project Engineer	ALL SERVICES
Date of Wisconsin	SHERA A. HOLTZ
Dept. of H&D	

APPROVED FOR THE DEPARTMENT

DATE: _____ (Signature)



SHEET D3.0 EXTENTS

D3.0	Fraser Shipyards Howard's Pocket Dredging
	Superior, WI Proposed Fill Extents

DATE	REV	DESCRIPTION	BY

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 Drawing 2 of 6

AMI
 CONSULTING ENGINEERS P.A.
 91 Main Street
 Superior, WI 54880
 PH 715.718.2193 Fax 877.761.7058

