



**US Army Corps  
of Engineers**  
St Paul District

**APPLICANT:** Lannon Stone Quarry

# **Public Notice**

**ISSUED:** April 6, 2015

**EXPIRES:** May 6, 2015

**REFER TO:** MVP-2013-02542-MHK

**SECTION:**404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material within 2.81 acres of wetlands adjacent to an unnamed tributary to the Fox River in association with the expansion of an existing limestone quarry.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Lannon Stone Quarry  
N52W23096 Lisbon Road  
Sussex, Wisconsin 53089

PROJECT LOCATION: The project site is located at the Lannon Stone Products quarry in the Village of Sussex in Sec. 25, 26 and 36, T. 8N., R. 19E., Waukesha County, Wisconsin. The approximate UTM coordinates are latitude 43.11996, longitude -88.20242.

DESCRIPTION OF PROJECT: The applicant proposes to expand operations at an existing limestone quarry. Operations would include the excavation of a 2-acre storm water reservoir and expansion of the existing pump station, excavation of a new 6' wide by 2' deep ditch on the northern end of the quarry, installation of an HDPE pipe to transport storm water to the reservoir, pumping of water from the sump to the wetland on the southern portion of the site, stripping of overburden, blasting, construction of access roads, material stockpiling and processing areas, and the construction of berms. Activities and facilities to support quarry operations include an asphalt processing plant, utilities, temporary access roads, rail offload areas, and other stockpile areas would be located in existing uplands adjacent to the quarry.

QUANTITY, TYPE, AND AREA OF FILL: Activities required to conduct quarry operations would result in the discharge of dredged or fill material during the overburden removal process, blasting, and material extraction. The affected resources include 2.81 acres of fresh wet meadow and hardwood swamp wetland ditch system (Wetland B). In addition, a non-jurisdictional 0.44-acre fresh wet meadow and shallow marsh wetland complex (Wetland A) would be impacted by the project.

VEGETATION IN AFFECTED AREA: The dominant vegetation in Wetland B includes reed canary grass, ash-leaf maple, American elm, nanny-berry, European buckthorn, and sandbar willow.

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

SURROUNDING LAND USE: The project site consists of an active quarry, cropped agricultural fields, stands of upland hardwood trees, open field, railroad, a stream and wetlands. In general, the project area is surrounded by agricultural fields to the east, Lisbon Road/County Highway K to the south, State Highway 164/Waukesha Avenue and some residential land to the west, and some residential, industrial, and agricultural land to the north.

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ALTERNATIVES CONSIDERED: Under the no-build alternative, the quarry would not be able to expand operations or meet product demand and business growth. No other sites were considered as the project is an expansion of an existing quarry. The applicant also states that new quarries have not been approved or re-zoned in southeast Wisconsin and, therefore, the purchase of new land for this purpose was not considered.

In addition, the applicant states that if limestone extraction activities occurred around Wetland B to avoid directly impacting this ditch system, the hydrology of the ditch would be negatively impacted and the wetland would eventually be drained. Expansion of quarry operations to the north was limited by a sewer line easement and subdivision. The quarry has maximized operations to the west. Expansion to the south would further impact wetlands and is not practicable due to Lisbon Road.

The location and installation of the HDPE pipe and the excavation of the new 2,525' long ditch would avoid impacting the northeastern portion of Wetland B (surrounded by upland forest) while maintaining the hydrology of the wetland in the southern end of the project area.

DESCRIPTION OF EXCAVATION: Excavation would occur for the construction of the 2-acre storm water reservoir and 6' wide by 2' deep ditch. The expansion of quarry operations would include the removal of overburden, dewatering, blasting, and limestone removal. Excavator and haul trucks would be used to remove overburden and material would be placed in in-pit stockpiles, into a berm along the property line, or in an upland area adjacent to the processing plan.

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: The proposed project would be constructed in compliance with the state's erosion control and storm water best management practices to prevent sediment from leaving the site during and after construction.

MITIGATION: The applicant proposes to fulfill federal compensatory mitigation requirements by purchasing advanced Wisconsin Wetland Conservation Trust In-Lieu Fee Program credits in the Upper Illinois Service Area contingent upon Corps approval.

### 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, 20711 Watertown Road, Suite F, Waukesha, Wisconsin 53186.

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Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Marie Kopka at the Waukesha office of the Corps, telephone number (651) 290 - 5733.

To receive Public Notices by e-mail, go to: [http://mvp-extstp/list\\_server/](http://mvp-extstp/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, Waukesha 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>
Poweshiek skipperling (E)	Native prairie
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 a preliminary jurisdictional determination that Wetland B is regulated by the Corps of Engineers under Section 404 of the Clean Water Act. On February 23, 2015, the Corps completed an approved jurisdictional determination for Wetland A and determined that this aquatic resource is not within the Corps jurisdiction. The approved jurisdictional determination is 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: Wisconsin Department of Natural Resources Wetland Fill permit.

**6. STATE SECTION 401 WATER QUALITY CERTIFICATION.**

**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.

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**7. HISTORICAL/ARCHAEOLOGICAL.**

This public notice is being sent to the National Park Service and the State Archaeologist for their comments. 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 the project area. Although historic properties are located south of the existing quarry, the project would not affect these properties due to the limited project scope. The results of this review and the Corps' determination of effect will be coordinated with the State Historic Preservation Officer, if deemed appropriate. 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.

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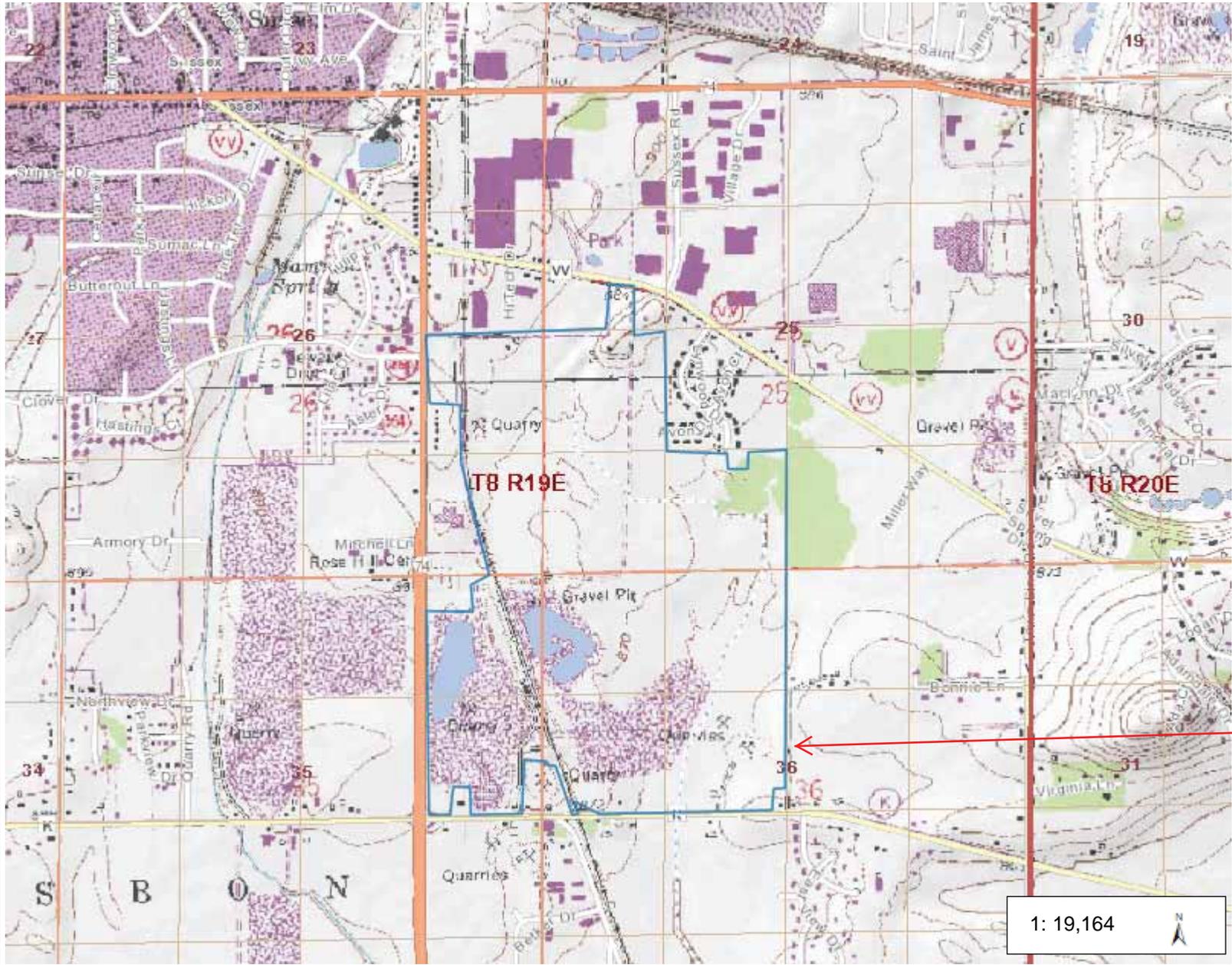
Todd Vesperman  
Chief, Southeast Section

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



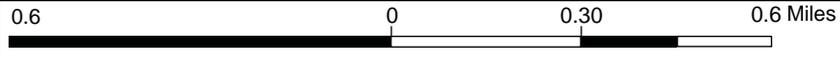
# Surface Water Data Viewer Map



- Legend**
- Intermittent Streams
  - Township
  - Section
  - Quarter-Quarter
  - Rivers and Streams
  - Open Water

Project area outlined in blue

1: 19,164



NAD\_1983\_HARN\_Wisconsin\_TM  
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**Notes**



KEY PROJECT NUMBER  
2302002

PROJECT SCALE  
1" = 250'

SHEET NUMBER  
1



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**SITE PLAN**  
**N52 W23096 LISBON RD.**  
**LANNON STONE PRODUCTS**  
**VILLAGE OF SUSSEX, WISCONSIN**

REVISION NO.	DESCRIPTION	DATE	BY	DESIGNED BY	DATE
		02-25-15	RCM		
		02-25-15	RCM		
		02-25-15	KWW		
			CAPFILE		
			KMAN		