



US Army Corps
of Engineers
St Paul District

**APPLICANT: Door County Parks
Department**

Public Notice

ISSUED: December 10, 2013

EXPIRES: January 10, 2014

**SECTION: 404 - Clean Water Act,
Section 10 Rivers and
Harbors Act**

REFER TO: 2013-04228-JRS

1. APPLICATION FOR PERMIT TO discharge fill material into 3.28 acres of Green Bay for the purpose of completing beach nourishment and expansion at Murphy Beach.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 3538 Park Drive
Sturgeon Bay, Wisconsin 54235

AGENT: Mr. Brian Forest
Door County Soil and Water Conservation
421 Nebraska Street
Sturgeon Bay, Wisconsin 54235

PROJECT LOCATION: The project site is located in Section 3, T. 29N., R. 26E., Door County, Wisconsin. The approximate UTM coordinates are Zone 16, 473818E, 4984667.82N.

DESCRIPTION OF PROJECT: The project is being proposed to improve water quality and increase beach area at Murphy Beach, located in Door County, Wisconsin. The existing beach is flat, comprised of fine sand and has a large swash zone. Currently, stormwater and groundwater discharge directly to the beach area. These conditions have historically resulted in elevated counts of E. Coli, including 26 advisories/closures from 2003-2007.

Several actions are being proposed to address the stormwater and groundwater discharge issues at the site. To address the groundwater issues, the applicant is proposing to install an 8" drain tile to intercept flow. The water would then be routed to an infiltration basin on the south side of the beach area. Also, the applicant proposes to extend an existing stormwater pipe that would route the stormwater discharge away from the primary swimming area and into the infiltration basin. Stormwater from the parking lot would be routed through a vegetated swale, constructed of bio-filter material, and into the infiltration basin.

The project would also include the placement of approximately 2 feet of course sand throughout 3.28 acres of existing degraded beach. The landward side of the beach would have low (2-3 foot) dunes constructed that would be planted with native grass species. Sand would then be tapered/sloped lake ward to meet existing lakebed. The dune area and associated dune grass would slow overland runoff, increase water infiltration, remove or break down pollutants and will serve as a visual barrier for

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waterfowl. Four cordwalk paths would also be included in the construction to allow pedestrian access to the beach.

QUANTITY, TYPE, AND AREA OF FILL: The project would include the discharge of fill material into 3.28 acres of Green Bay. The applicant estimates that 8,000 cubic yards of sand will be used for the beach nourishment. This would not result in the loss of any aquatic resource, as the area would continue to exist as lake bottom.

VEGETATION IN AFFECTED AREA: No vegetation currently exists in the project area. The substrate is currently sand and cobble.

SOURCE OF FILL MATERIAL: Sand would be purchased from a commercial facility.

DESCRIPTION OF DREDGING OR EXCAVATION: Minor dredging/excavation is being proposed within approximately 10,000 square feet of proposed nourishment area. The applicant proposes to excavate two separate cobble areas that are below the OHWM, but are currently above the existing water level. This would be required to prepare the area for beach nourishment.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: A portion of the project purpose is to improve water quality at the beach area. The project is being designed to include stormwater upgrades at the location that would route flow through infiltration and bio-retention areas. The dunes created by the beach nourishment would also aid in water quality enhancement at the site by reducing the amount of nutrients entering Green Bay.

MITIGATION: No compensatory mitigation was proposed by the applicant.

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 North Broadway, Suite 221, Green Bay, Wisconsin 54303.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Joey Shoemaker at the Green Bay Field Office of the Corps, telephone number (920) 448-2824.

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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, Door 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>
Hines emerald dragonfly (E)	Calcareous stream/wetlands with dolomite bedrock
Pitcher's thistle (T)	Stabilized dunes, and blowout areas
Dwarf lake iris (T)	Partially shaded sandy-gravelly soils on lakeshores

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/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.

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.

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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 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 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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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.

Todd Vesperman
Chief, Southeast Section

Enclosures

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

Murphy Park Implementation of Beach Best Management Practices

Project Location

0.25 Miles



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Public Notice Drawings



