



US Army Corps
of Engineers
St Paul District

APPLICANT: General Public

Public Notice

ISSUED: May 19, 2008

EXPIRES: June 19, 2008

REFER TO: CEMVP-OP-R (GP-
014-WI) (2008-1565-
JMO)

SECTION: 404 - Clean Water Act
10-Rivers and Harbors Act of 1899

*** NOTE: This public notice was issued on April 18, 2008. It was found to contain an error. Corrections have been made and the expiration date has been extended to June 19, 2008.

1. The District Engineer of the U.S. Army Corps of Engineers, St. Paul District, proposes to re-issue GP-014-WI which authorizes the discharge of dredged or fill material into waters of the United States, including wetlands, for the purpose of carrying out the work specified below at established cranberry marsh operations in the State of Wisconsin. This proposal is in accordance with Title 33 Code of Federal Regulations 325.2(e)(2), published November 13, 1986, in the Federal Register, Volume 51, Number 219.
2. The St. Paul District first issued the GP-014-WI on August 18, 1994 and re-issued it for a second time on April 7, 2000. This authorization expired on December 31, 2004 and was not re-issued due to staff time constraints and a decline in the cranberry industry. Recent growth in the industry has resulted in renewed interest in and need for GP-014-WI.
3. This general permit is within the purview of Section 10 of the Rivers and Harbors Act of 1899 (33 United States Code 403) and Section 404 of the Clean Water Act (33 United States Code 1344).
4. The general permit program provides the District Engineer a means by which to authorize, after compliance with all required procedures, discharges of dredged or fill material into waters of the United States. General permits result in a reduced administrative burden on the Corps of Engineers and other reviewing agencies and provide a quicker service to the regulated public.
5. ~~The general permit proposed to be re-issued would authorize discharges at established cranberry marsh operations where the total acreage of disturbance (including areas flooded and/or excavated for reservoir expansion) does not exceed 10 acres of waters of the U.S., including wetlands, for the following specified activities:~~
 - Expansion of existing cranberry beds.
 - "Squaring-off" existing cranberry beds.
 - Construction of new cranberry beds adjacent to existing beds.
 - Rehabilitation of abandoned beds (clearing, leveling, etc.)
 - Construction of a dike for subdivision of an existing reservoir.
 - Construction/extension of dikes for reservoir expansion.
 - Construction of new water control structures

The cumulative total of 10 acres would be measured over the five-year period that this general permit would be valid. Loss of wetland functions and values would be offset by compensatory mitigation.

Operations - Regulatory (YEAR-FILENO-INI)

SUBJECT: Notice of Application for Permit

Resources of special value or sensitivity, such as calcareous fens, trout lakes and streams, etc., are excluded from the general permit (See Special Condition #4 in attached draft).

6. During the last authorization period, 2000-2004, GP-014-WI was used seventeen times to authorize fills that ranged from 0.3 acre to 7.93 acres. Average per/project impact and average per/project compensatory mitigation are both 4.2 acres.

7. The purpose of this public notice is to solicit comments from all interested parties so that a General Permit can be issued which contains all necessary conditions to sufficiently minimize adverse impacts to the environment and yet provide a meaningful regulatory mechanism for the public. A draft permit is attached; while it contains no substantive changes, some minor changes have been made:

A. Specified Activities: The addition of new water control structures.

B. Mitigation: Specifying that management plans shall meet the Corps' mitigation guidelines and include the control of invasive species.

The addition of allowing applicants the option of purchasing credits from established mitigation banks if the Corps does not believe on-site mitigation is practicable, cost effective, or replaces the lost functions and values of the impacted wetlands. Debit ratios would be based on Corps criteria.

C. Construction practices: The addition of erosion control standards including WDNR technical standards 1053, 1058, and 1059, and/or NRCS technical standards 342 and 580.

D. Special Conditions: Specifying that the total acreage of disturbance includes excavation as well as flooding in relation to reservoir expansion.

Please note that Special Condition 4 lists waters where the general permit would not be applicable. Anyone wishing to receive a detailed listing of those waters may contact the St. Paul District at the address or telephone number below. This public notice and the draft general permit may also be viewed on the District Internet World Wide Web site at: <http://www.mvp.usace.army.mil>.

8. WATER QUALITY CERTIFICATION. The State of Wisconsin, Department of Natural Resources, has not evaluated this proposal for water quality certification pursuant to Section 401 of the Clean Water Act and Chapter NR 299, Wis. Adm. Code. The Department has determined that this general permit would result in discharges to waters of the state and that there is reasonable assurance that the activities covered will be conducted in a manner which does not violate the standards enumerated in Section NR 299.04, Wis. Adm. Code. If certification is granted, applicants must comply with the following conditions.:

Applicants shall notify the Wisconsin Department of Natural Resources of their intent to start the discharge at least five business days prior to the beginning of the discharge.

Within 5 business days after the completion of the discharge, applicants shall notify the Wisconsin Department of Natural Resources of the completion of the discharge.

Operations - Regulatory (YEAR-FILENO-INI)
SUBJECT: Notice of Application for Permit

Applicants shall allow the Wisconsin Department of Natural Resources reasonable entry and access to the discharge site to inspect the discharge for compliance with the certification and applicable laws.

Applicants are hereby advised that their project may require additional authorization under requirements of state law administered by the Department which are not related to water quality.

Notice of Appeal Rights. Any person whose substantial interest may be affected by the Department's determination may request a contested case hearing by serving a petition for hearing on the Secretary of the Department within 30 days after publication.

This determination shall become final in accordance with the provisions of NR 299.05(7), Wis. Adm. Code. The final decision of the Department shall be judicially reviewable as provided under ch. 227, Wis. Stats.

For judicial review you have 30 days after the decision becomes final to file your petition with the appropriate circuit court and serve the petition on the Department. The petition shall name the Department as the respondent.

9. REPLIES/COMMENTS. Interested parties or agencies are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice.

Replies may be addressed to:

U.S. Army Corps of Engineers
St. Paul District
Attention: Regulatory Branch
190 Fifth Street, East
St. Paul, Minnesota 55101-1638

Or, if you have questions about the general permit, call Chris Knotts in the Stevens Point Regulatory Office at (715) 345-7911.

10. ~~FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.~~ This proposal 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 proposed general permit.

11. HISTORICAL/ARCHAEOLOGICAL. This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are cultural resources which may be affected by activities authorized by the proposed general permit.

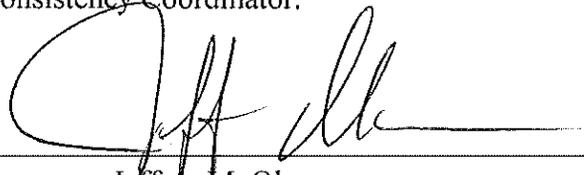
12. PUBLIC HEARING REQUESTS. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this general permit. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

Operations - Regulatory (YEAR-FILENO-INI)
SUBJECT: Notice of Application for Permit

13. PUBLIC INTEREST REVIEW. The decision whether to issue a general permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activities 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 general permit. Any comments received will be considered by the Corps of Engineers to determine whether to re-issue this general permit. 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 proposal.

14. WISCONSIN COASTAL MANAGEMENT PROGRAM (WCMP). The WCMP in the Dept. of Administration is inviting public comment regarding this project. The WCMP may be conducting a Federal consistency review to verify that the proposal 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, PO Box 7868, Madison, WI 53707-7868; (608) 266-8269. 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.



Jeffrey M. Olson
Chief, Wisconsin Section

Enclosure

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