



US Army Corps  
of Engineers  
St Paul District

APPLICANT: Ozaukee County

# Public Notice

ISSUED: July 31, 2013

EXPIRES: August 30, 2013

REFER TO: 2013-02254-ADJ

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged or fill material in Ulao Creek and adjacent wetlands in conjunction with stream restoration and wetland enhancements for the overall purpose of improving fish passage and restoring ecological functions within the Milwaukee River Watershed.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS:

Ozaukee County Planning and Parks Dept.  
121 West Main Street  
Port Washington, Wisconsin 53074

PROJECT LOCATION: The Project area is located in T. 10N, R. 22E, Section 17. The project would be in Ulao Creek and adjacent wetlands located east of Arrowhead Road and north of Ulao Road in the Town of Grafton, Ozaukee County, Wisconsin. The approximate UTM coordinates are zone 16, 425843.73 mE, 4797384.90 mN.

DESCRIPTION OF PROJECT: The Ozaukee County Planning and Parks Department manages a comprehensive Milwaukee River Watershed Fish Passage Program (FPP). The program involves assessment of barriers within the watershed, systematic barrier removal, and enhancement of habitat for aquatic and riparian species.

Ulao Creek has been impacted by both urban and agricultural development. A straight channel was created in the past and the lack of flow complexity has resulted in very limited habitat diversity within the channel. The straight channel is proposed to be filled and new meandering channel would be created with a design based on reference streams within the watershed. The general ecological objective is to enhance habitat in a holistic way that provides habitat for a diverse assemblage of native aquatic species and riparian wildlife that are suited to the natural habitat types within the project area. Specific objectives for the stream include enhancing the system for northern pike spawning by ensuring lateral connectivity between the stream and the floodplain and creating new instream habitat for native fish including through creation of a meandering channel and placing microhabitat enhancements (i.e. woody debris). Riparian area ecological objectives include controlling invasive plant species to the extent possible through design, enhancing native plant species through plantings, and increasing wetland habitat diversity with ephemeral ponds that are better suited for waterfowl, shorebirds, bats, amphibians, reptiles, and other species.

The project has received funding through the Great Lakes Restoration Initiative. Additional information is available upon request.

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QUANTITY, TYPE, AND AREA OF FILL: The project involves the discharge of dredged and fill material in approximately 4.3 acres of existing wetland during relocation and restoration of Ulaio Creek. Discharges would occur from mechanical grading, bank shaping, and construction of habitat features in the new channel. As a result of these activities, 0.9 acre of scrub-shrub, 2.3 acres of wet meadow, and 1.1 acres of forested wetland would be converted from wetland to 7,470 linear feet of restored meandering stream channel. Material dredged during excavation of the restored stream channel would be used to backfill the 2.6 acres (5,070 linear feet) of existing straightened stream channel. Dredged material would be discharged in the old channel such that 0.7 acre of scrub-shrub, 1.8 acres of wet meadow, and 0.1 acre of forested wetland would be created.

The additional excess dredged material would be discharged into portions of existing wet meadow wetland to create micro-topography (hummocks) and hydrologic conditions suitable for the creation of 0.9 acre of forested wetland and 10.3 acres of marsh/floodplain forest complex. Fill for the creation of hummocks is proposed up to twelve inches in depth. In addition, 1.2 acres of wet meadow wetland would be excavated to create ephemeral ponds. The discharge of fill material would also occur within wetlands for temporary construction access. All fill material associated with temporary access roads would be removed following construction.

The applicant has indicated that overall project would result in no permanent conversion of wetland to upland and an increase in aquatic resources is expected.

SOURCE OF DREDGED OR FILL MATERIAL: The spoils from dredging the new meandering creek would be the source of fill material.

SURROUNDING LAND USE: The land use around the site is residential and agricultural.

ALTERNATIVES CONSIDERED: Alternatives being considered include a No Action alternative. Under this alternative, the project would not be conducted, the opportunities for restoration and enhancement would not be realized, and the habitat would persist in its current condition.

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: Erosion control and stormwater management plan approval would be required by appropriate agencies for this project.

MITIGATION: The purpose of the project involves improving fish passage and restoring/enhancing the ecological functions within Ulaio Creek and adjacent wetlands. The applicant has not proposed compensatory mitigation.

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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, Corps of Engineers, 20711 Watertown Road, Suite F, Waukesha, Wisconsin 53186.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Anthony Jernigan at the Waukesha office of the Corps, telephone number (651) 290 - 5729.

To receive Public Notices by e-mail, go to: [http://www2.mvp.usace.army.mil/list\\_server/](http://www2.mvp.usace.army.mil/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, Ozaukee 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>
Somatochlora hineana (E)	Calcareous streams & associated wetlands overlying dolomite bedrock
Platanthera leucophaea (T)	Wet grasslands

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>.

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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.

The U.S. Environmental Protection Agency (EPA) conducted coordination with the State Historic Preservation Officer (SHPO Case #13-0604) with regard to this project and it has been determined that no historic properties will be affected. However, this public notice is being sent to the National Park Service, the State Archaeologist, and the SHPO to determine if there are other potential cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application.

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.

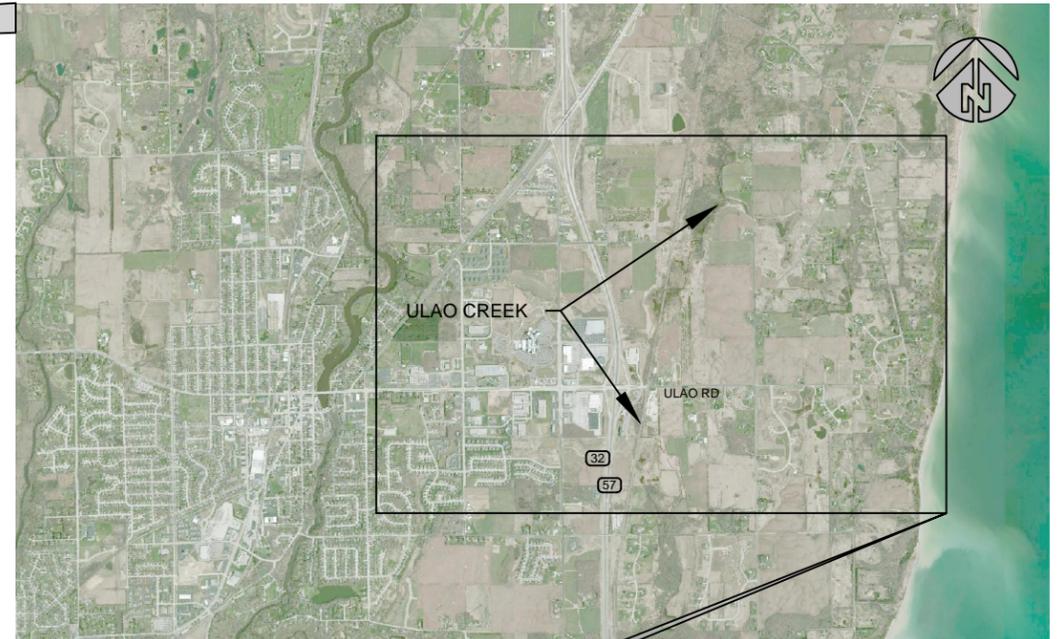
# Ulao Creek Habitat Enhancement

## Ozaukee County Planning and Parks Dept

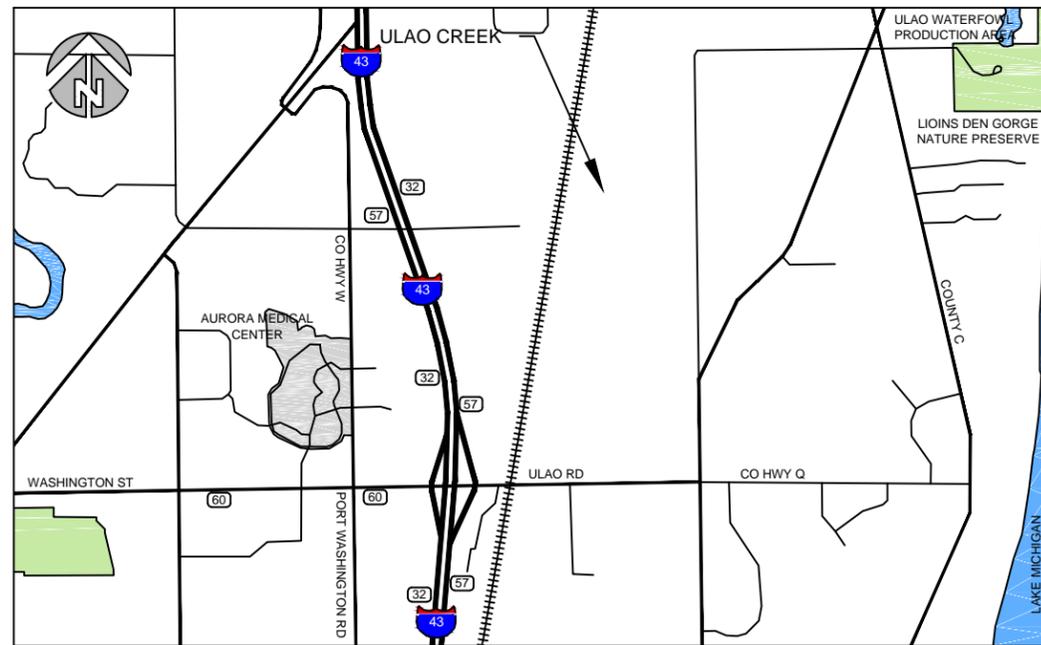
### June 5 2013



**LOCATION MAP - WISCONSIN**  
NTS



**LOCATION MAP**  
SCALE 1" = 5000'



**VICINITY MAP**  
NOT TO SCALE

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1	06/05/13	FINAL SUBMITTAL
NO.	DATE	REVISION DESCRIPTION

CP	MBW	GSO
DRAWN	DESIGNED	CHECKED
MBW	06/05/13	13-04-02
APPROVED	DATE	PROJECT

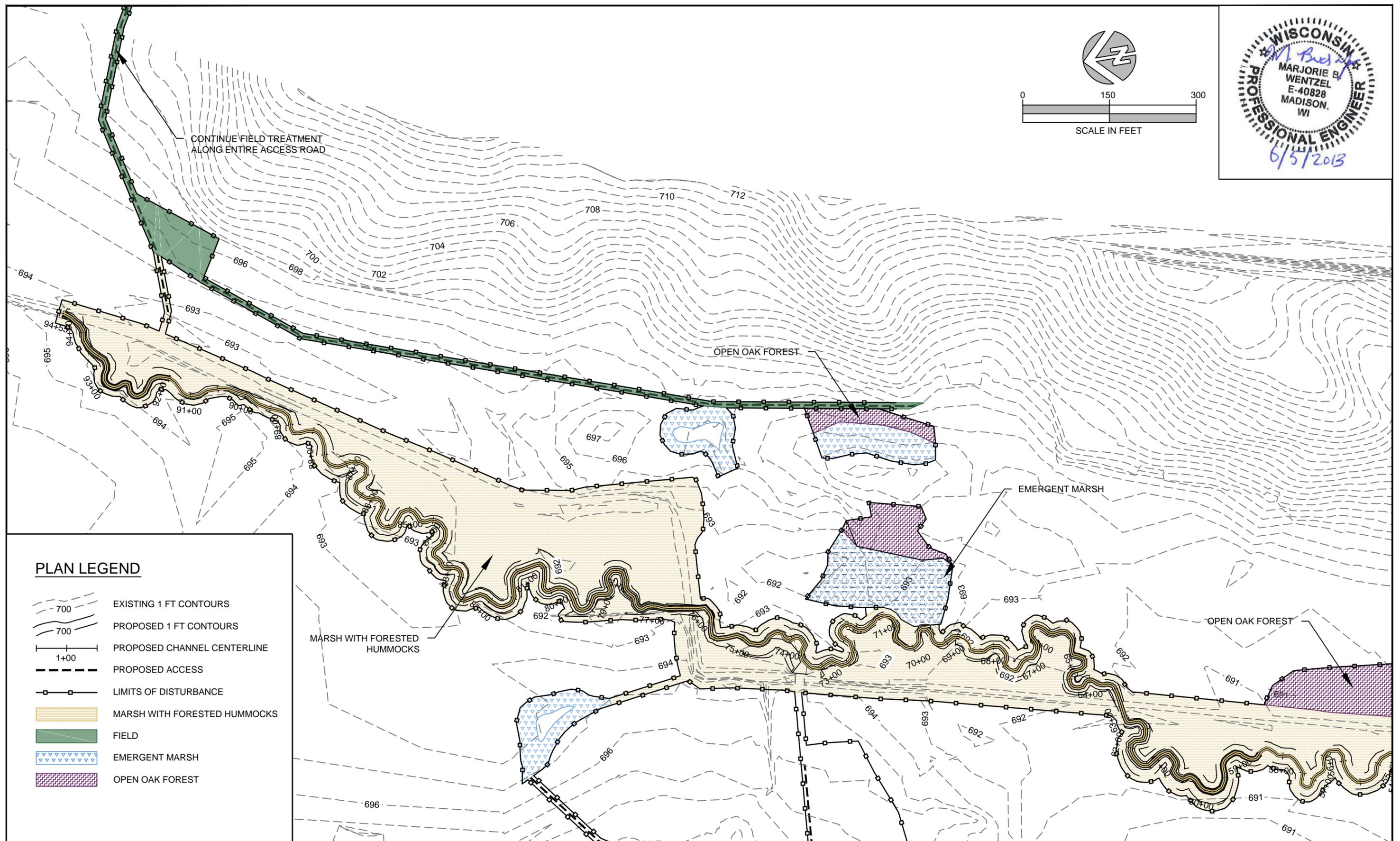
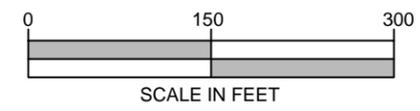
**Ulao Creek Habitat Enhancement**  
**Ozaukee County Planning and Parks Dept**  
**Ozaukee County WI**



301 S. Livingston St., Suite 200  
 Madison, WI 53703  
 608.441.0342  
 www.interfluve.com

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**PLAN LEGEND**

- 700 EXISTING 1 FT CONTOURS
- 700 PROPOSED 1 FT CONTOURS
- 1+00 PROPOSED CHANNEL CENTERLINE
- PROPOSED ACCESS
- LIMITS OF DISTURBANCE
- MARSH WITH FORESTED HUMMOCKS
- FIELD
- EMERGENT MARSH
- OPEN OAK FOREST

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Planting Plan

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**PLAN LEGEND**

	EXISTING 1 FT CONTOURS
	PROPOSED 1 FT CONTOURS
	PROPOSED CHANNEL CENTERLINE
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	MARSH WITH FORESTED HUMMOCKS
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	SHRUB CARR WETLAND
	OPEN OAK FOREST
	SUBMERGED/FLOATING AQUATIC

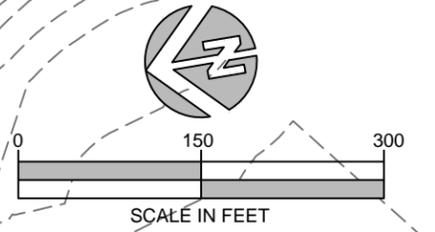
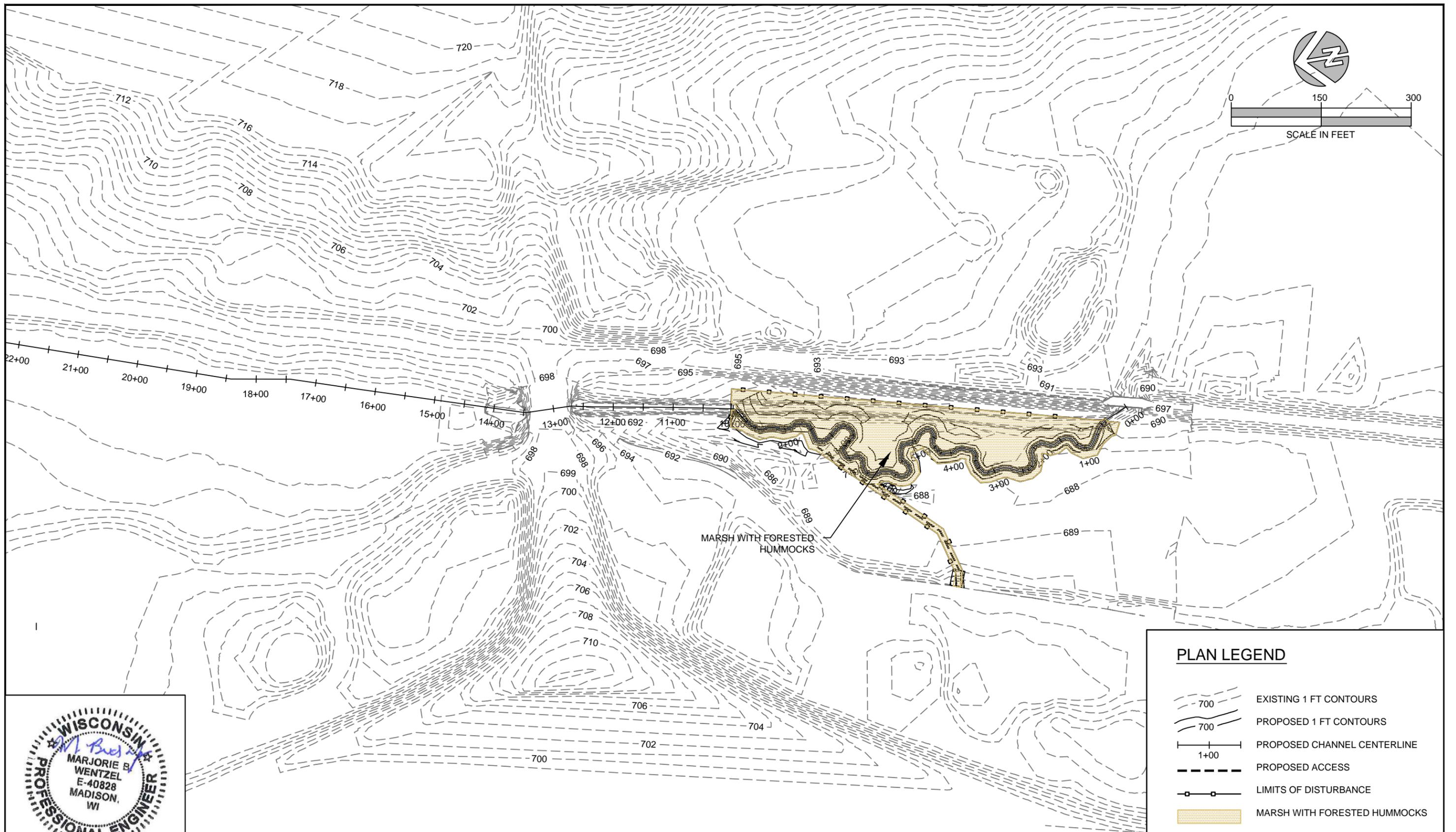


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WISCONSIN PROFESSIONAL ENGINEER  
 MARJORIE B. WENTZEL  
 E-40828  
 MADISON, WI  
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