US Army Corps of Engineers
St Paul District

Public Notice

APPLICANT: Wisconsin Department of Transportation

ISSUED: 17 February 2004
EXPIRES: 18 March 2004

REFER TO: 04-01996-JHS

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge fill material into 9.86 acres at 21 sites in wetlands adjacent to Gilson Creek and other Lake Michigan tributaries for the expansion of State Trunk Highway (STH) 57 to a 4-lane roadway. This portion of the project extends from County Trunk Highway (CTH) P to County Line Road (Kewaunee/ Door Counties).

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 944 Vanderperren Way
Green Bay, WI 54304-0080
(920) 492-5643

CONTACT: P. F. O'Conner
944 Vanderperren Way
Green Bay, WI 54304
(920) 492-5641

PROJECT LOCATION: The project site is located in parts of Sections 13 and 14, T. 25N., R. 22E., Brown County and Sections 5, 7, and 18, T. 25N., R. 23E., Kewaunee County, Wisconsin. The approximate UTM coordinates are; South terminus: 437101E, 4942686N and North terminus: 441997E, 4947417N Zone 16.

DESCRIPTION OF PROJECT: This project is part of the proposal to develop STH 57 as a four-lane divided highway with access management. This project would result in a four-lane controlled access facility with two twelve-foot lanes in each direction and a sixty-foot grass median, on both existing and new alignment. This project would bypass the community of Dyckesville and includes grading of a four-lane roadway and placement of fill material and extension of structures (culverts) at various waterways.

MITIGATION: A mitigation plan is being developed at a 40-acre parcel located about 6 miles from the project area on Pine Road in the SE 1/4 SW 1/4 of section 18, T. 26 N., R. 24 E. in Door County, Wisconsin. A combination of ditch plug and shallow scrape

measures would be undertaken concurrent with project construction. The compensatory mitigation ratio of 1.5 to 1 will be utilized for the 9.68-acre wetland loss.

QUANTITY, TYPE, AND AREA OF FILL: The project would result in placement of approximately 134,000 cubic yards of fill material in 9.86 acres at 21 wetland sites for construction of the roadbed. Road-side ditches would be placed in nine wetland areas.

VEGETATION IN AFFECTED AREA: Vegetation in the wetlands is typical of that found in wet meadow and scrub shrub wetlands associated with tributary systems in northeast Wisconsin.

SOURCE OF FILL MATERIAL: Fill material will be obtained from either clean commercial or near-site borrow sources.

SURROUNDING LAND USE: Land uses along the roadway are a combination of rural residential, agricultural activities and a few businesses.

DESCRIPTION OF STRUCTURES: Three new box culverts would be constructed at sites 1, 4 and 7. Existing box culverts at sites 9, 14 and 16 would be extended.

DESCRIPTION OF DREDGING OR EXCAVATION: Approximately 2,700 cubic yards of material would be excavated from 9 wetland locations for roadside ditches.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant would use erosion control methods such as silt fences, hay bales, sodding, ditch blocks, check dams and minimize the amount of land exposed at one time in accordance with TRANS 401.

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, Suite 211, 211, North Broadway, Green Bay, WI 54303-2757.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Jerry Smith at the Green Bay office of the Corps, telephone number (920) 448-2824.

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, Brown and Kewaunee Counties are within the known or historic range of the following Federally-listed threatened species:

Species	Habitat
Bald eagle	Breeding and wintering
Dwarf lake iris	Partially shaded sandy-gravelly soils on lakeshores
Hine's emerald dragonfly	Calcareous streams and associated wetlands over-lying dolomite bedrock

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 project comes under the regulatory jurisdiction of the Corps of Engineers because Gilson Creek and other waterways are tributary to Green Bay, a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

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 water quality certification.

A permit will not be granted until the Wisconsin Department of Natural Resources has issued Section 401 certification.

7. 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 known 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. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in 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

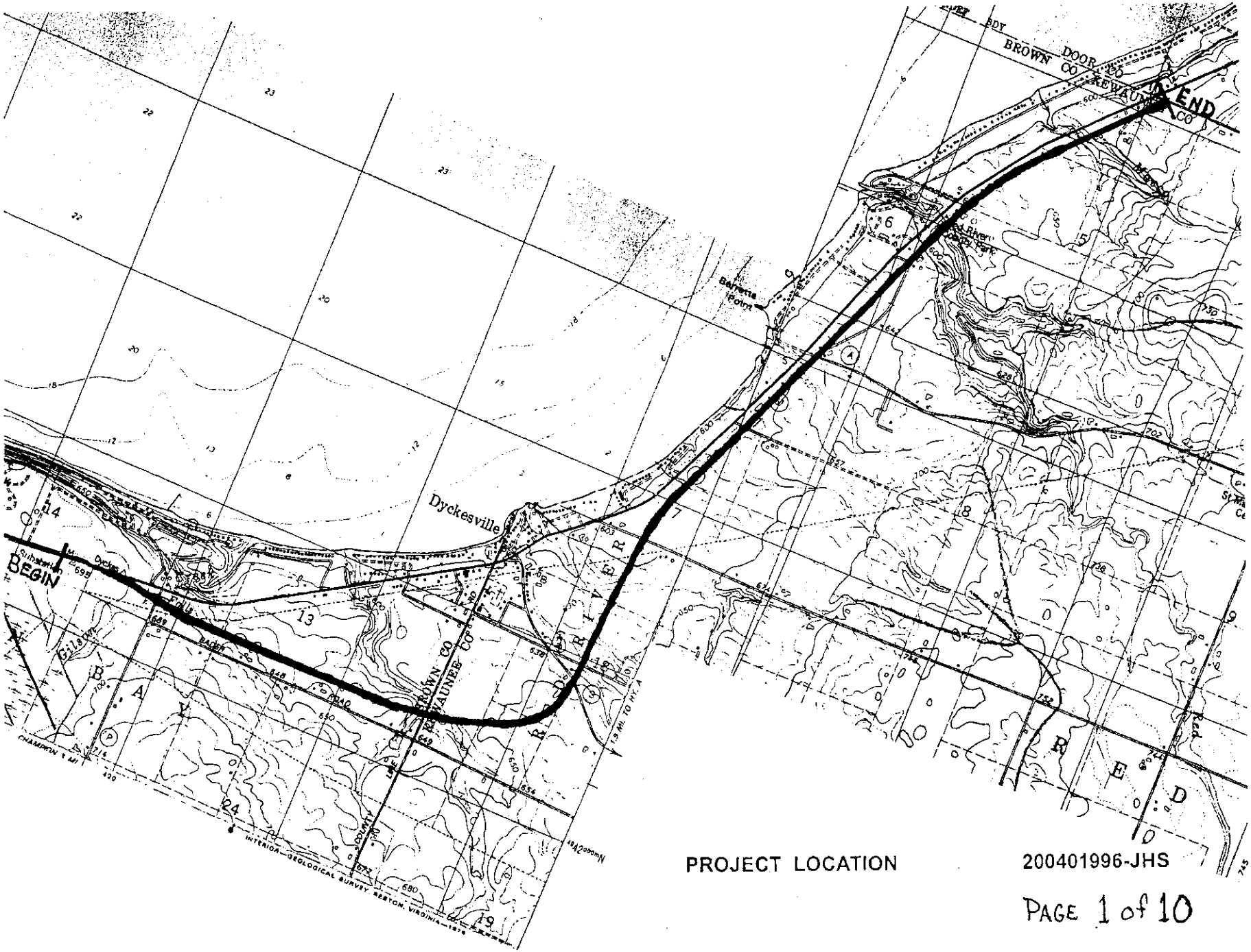
decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant 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.

Maria T. Valencia

Maria T. Valencia
Chief, Out-State Wisconsin Section

Enclosures

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



PROJECT LOCATION

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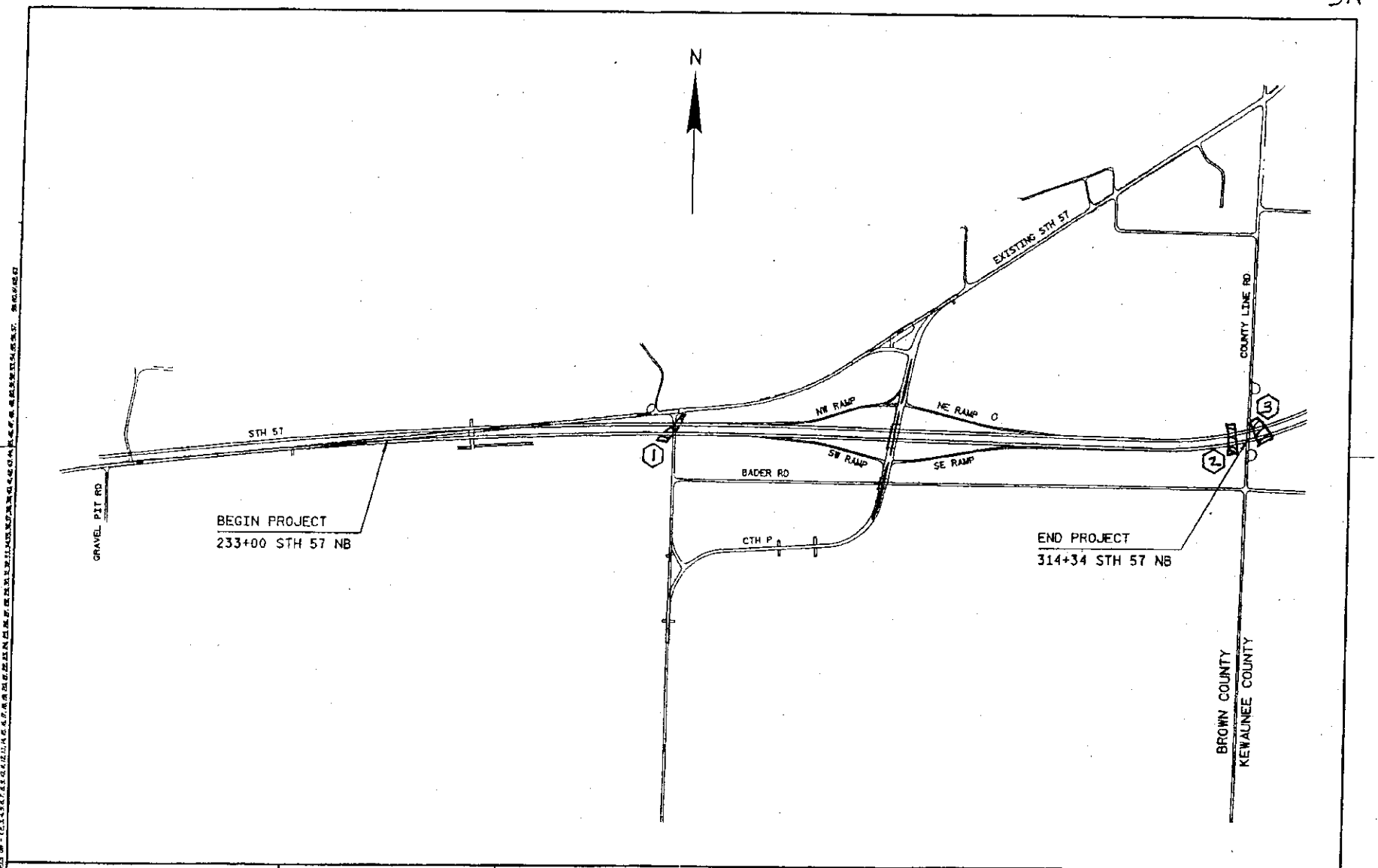

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PROJECT & WETLAND LOCATIONS

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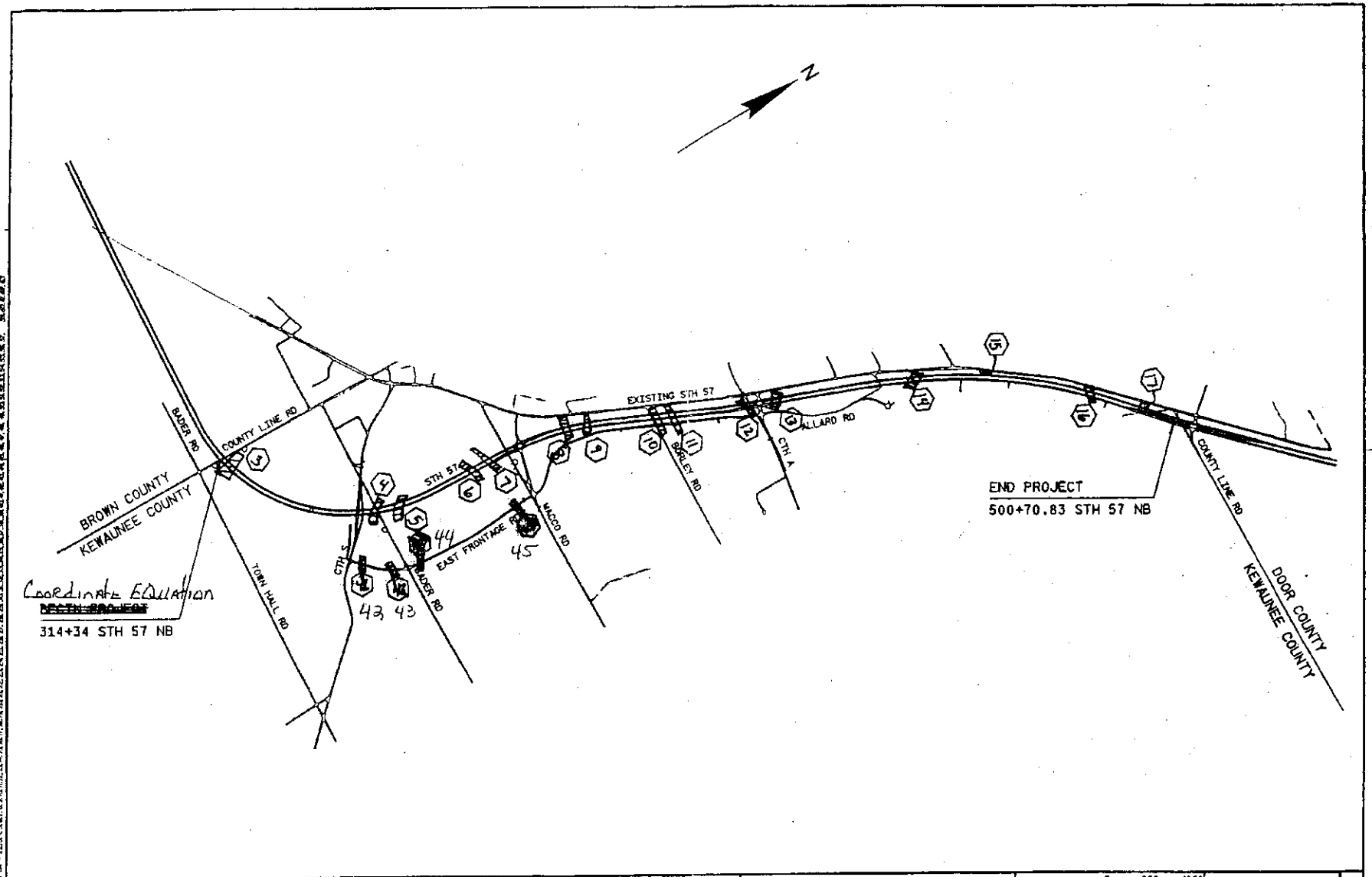

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PROJECT & WETLAND LOCATIONS

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WETLAND LOCATIONS & SUMMARY

Site #	Fill cubic yards	Excavated cubic yards	Total Volume Cubic yards	S.F.	Acres	Type of Material Excav./Fill
1	3,125	60	3,185	17,200	0.39	Riparian Emergent
2	3,407	44	3,451	14,800	0.34	Alluvial / Riparian Emergent
3	33,814	1,481	35,295	136,500	3.13	Manawa / Kewaunee
4	3,296	74	3,370	10,890	0.25	Manawa
5	3,556	0	3,556	12,197	0.28	Kewaunee
6	2,333	0	2,333	16,117	0.37	Kewaunee
7	2,963	0	2,963	16,553	0.38	Kewaunee
8	3,333	0	3,333	17,200	0.39	Kewaunee
9	6,293	0	6,293	16,988	0.39	Kewaunee
10	1,467	111	1,578	11,761	0.27	Zurich
11	7,348	66	7,414	28,314	0.65	Zurich
12	6,791	498	7,289	15,246	0.35	Kewaunee
13	4,729	178	4,907	10,890	0.25	Kewaunee / Zurich
14	42,932	0	42,932	77,101	1.77	Kewaunee / Zurich
15	0	187	187	2,100	0.05	Kewaunee / Zurich
16	3,578	0	3,578	7,500	0.17	Kewaunee
17	209	0	209	707	0.02	Zurich / Wet Meadow
42	918	0	918	3,750	0.09	Kewaunee / Shrub Scrub
43	39	0	39	1,625	0.04	Kewaunee / Wet Meadow
44	333	0	333	3,600	0.08	Kewaunee / Riparian Emergent
45	2,852	0	2,852	8,500	0.20	Kewaunee / Zurich
Total	**133,316**	**2,699**	**136,015**	**429,539**	**9.86**	

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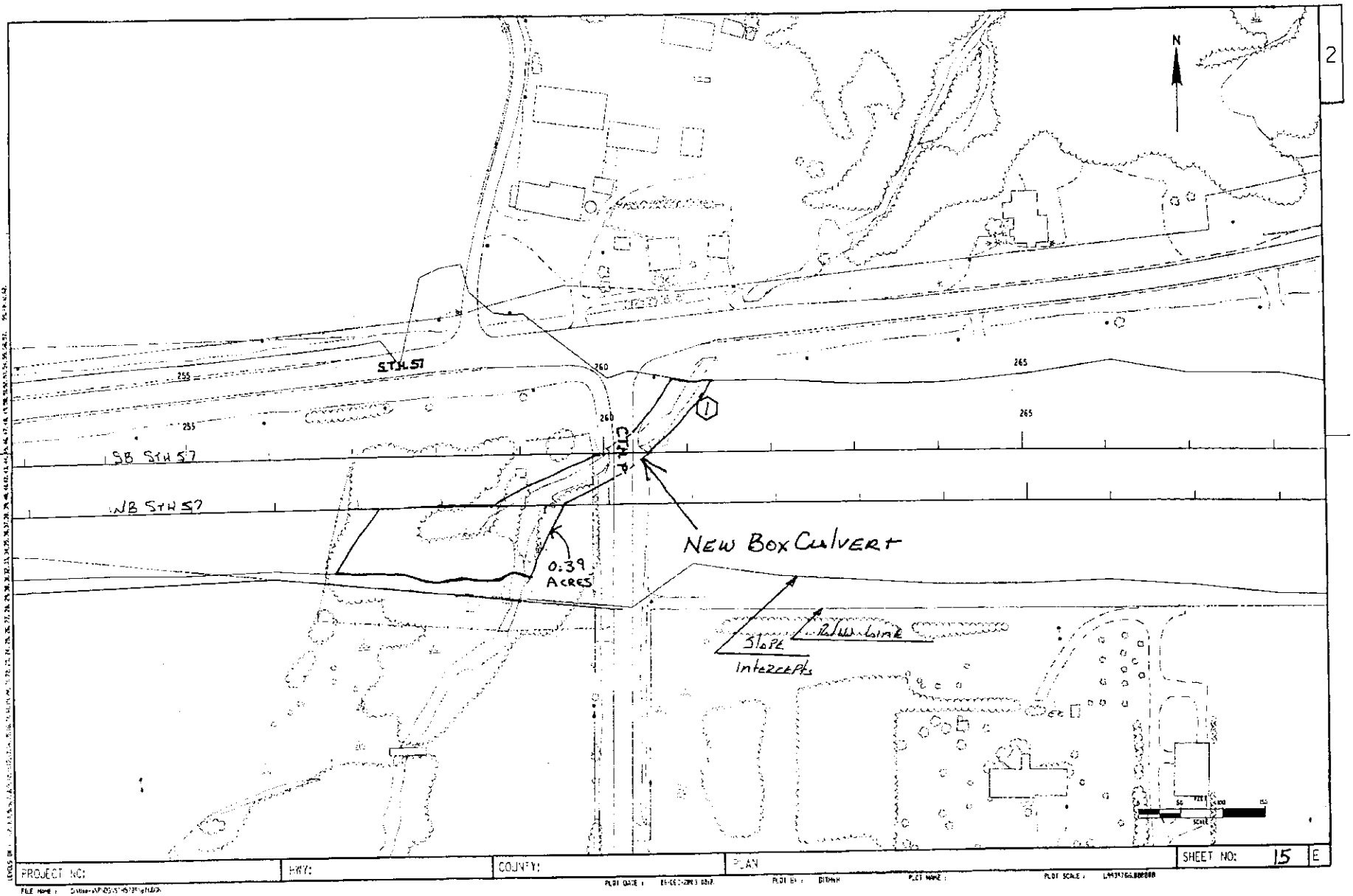

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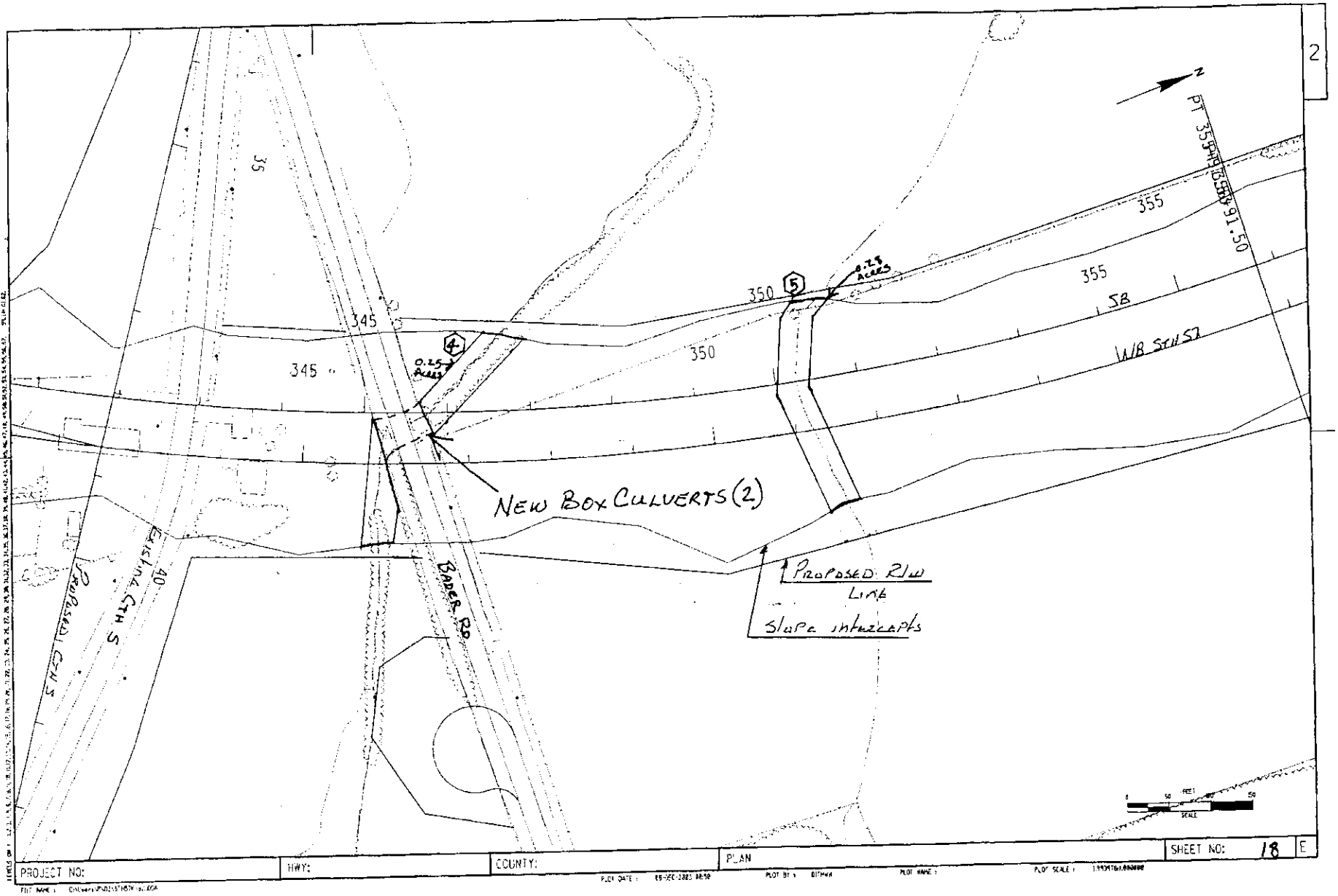

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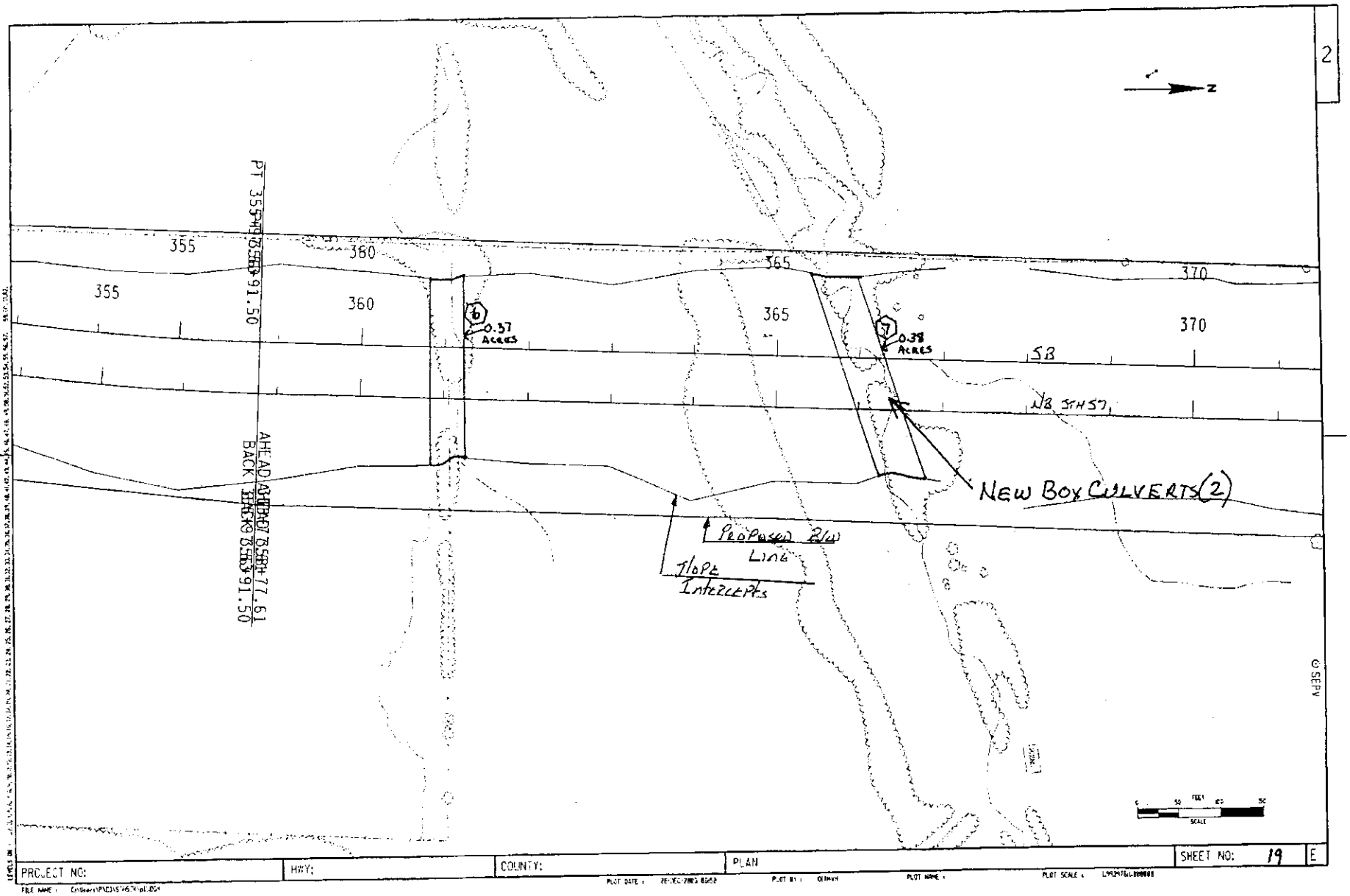

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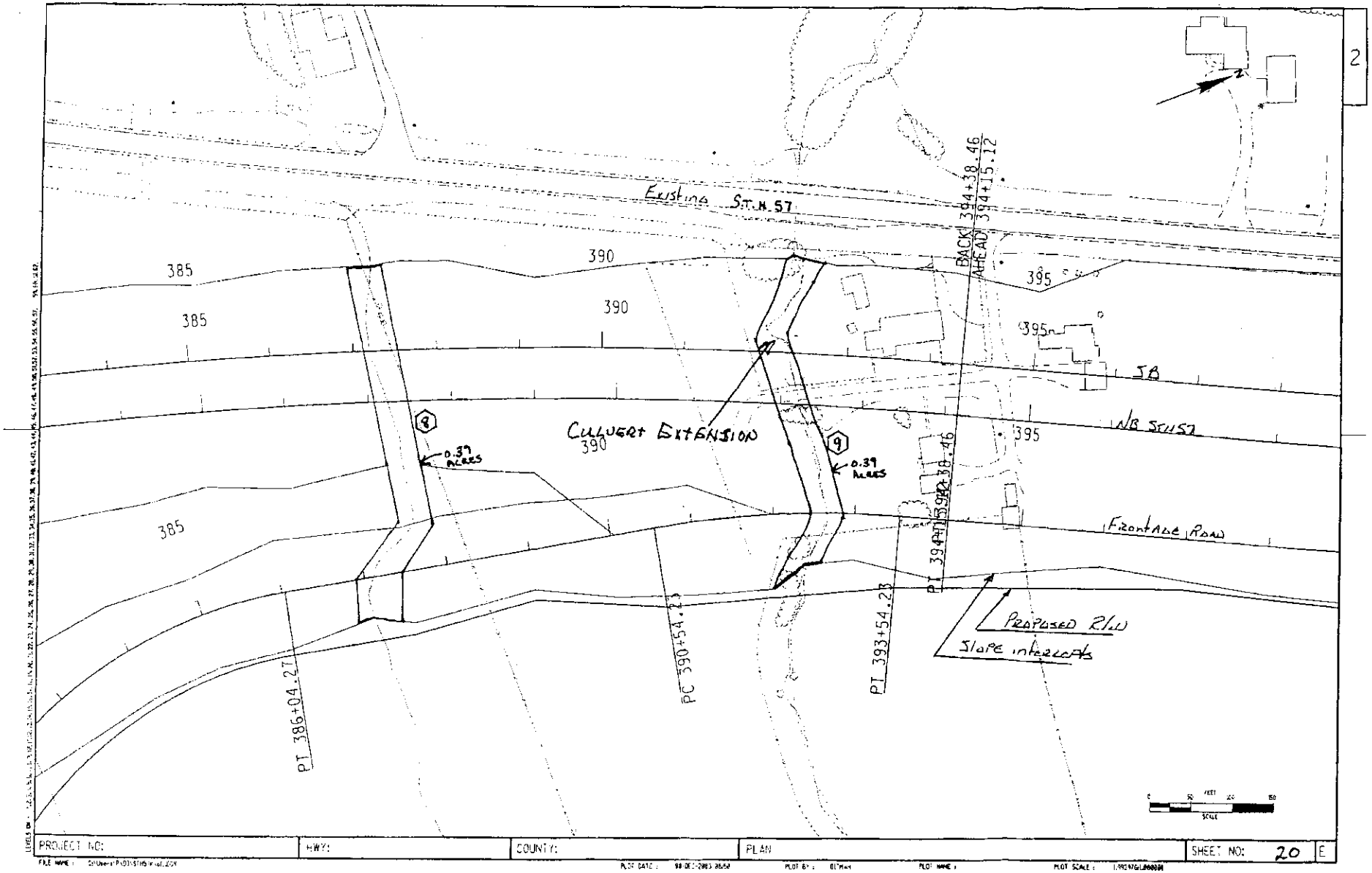

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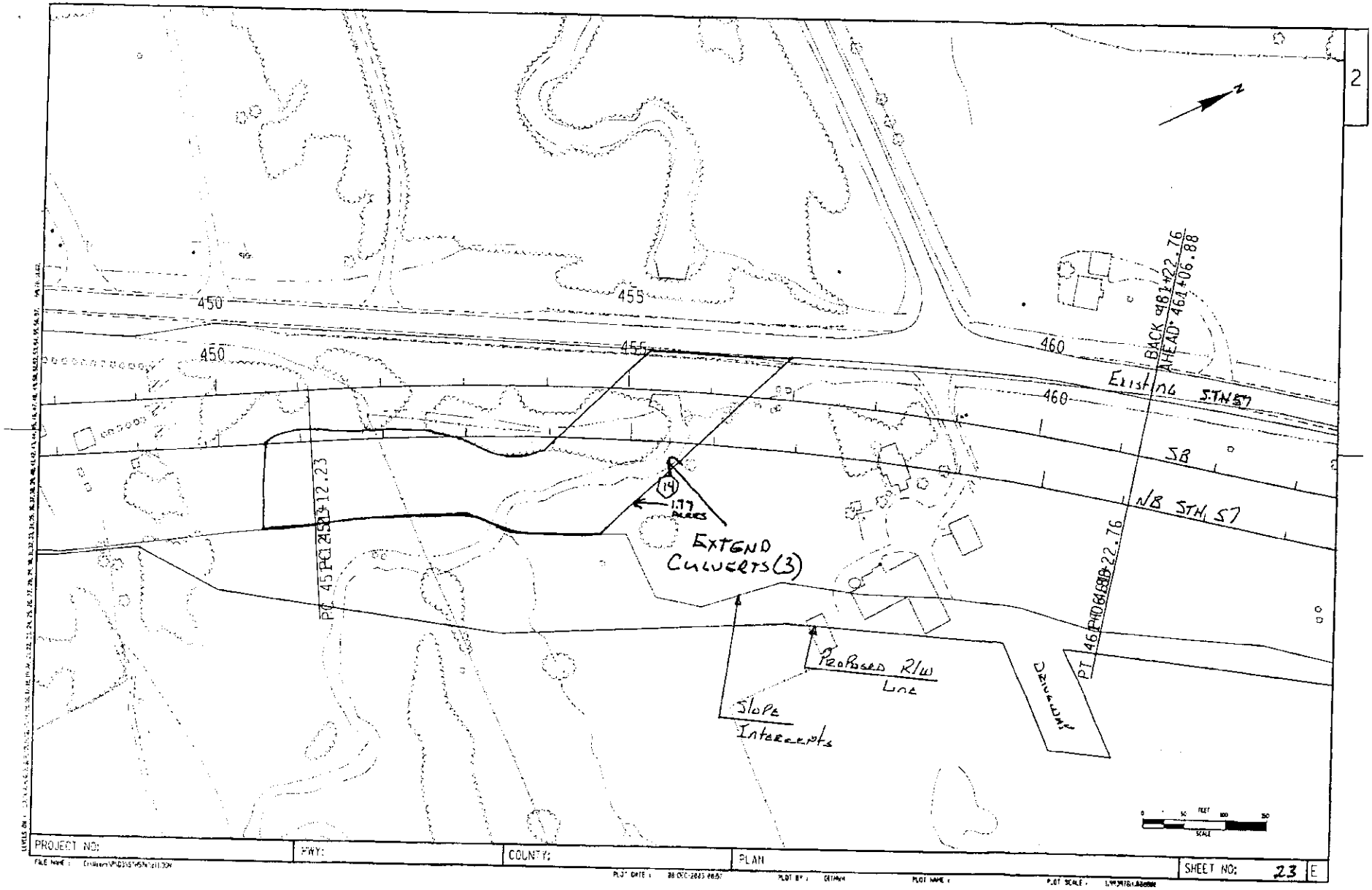

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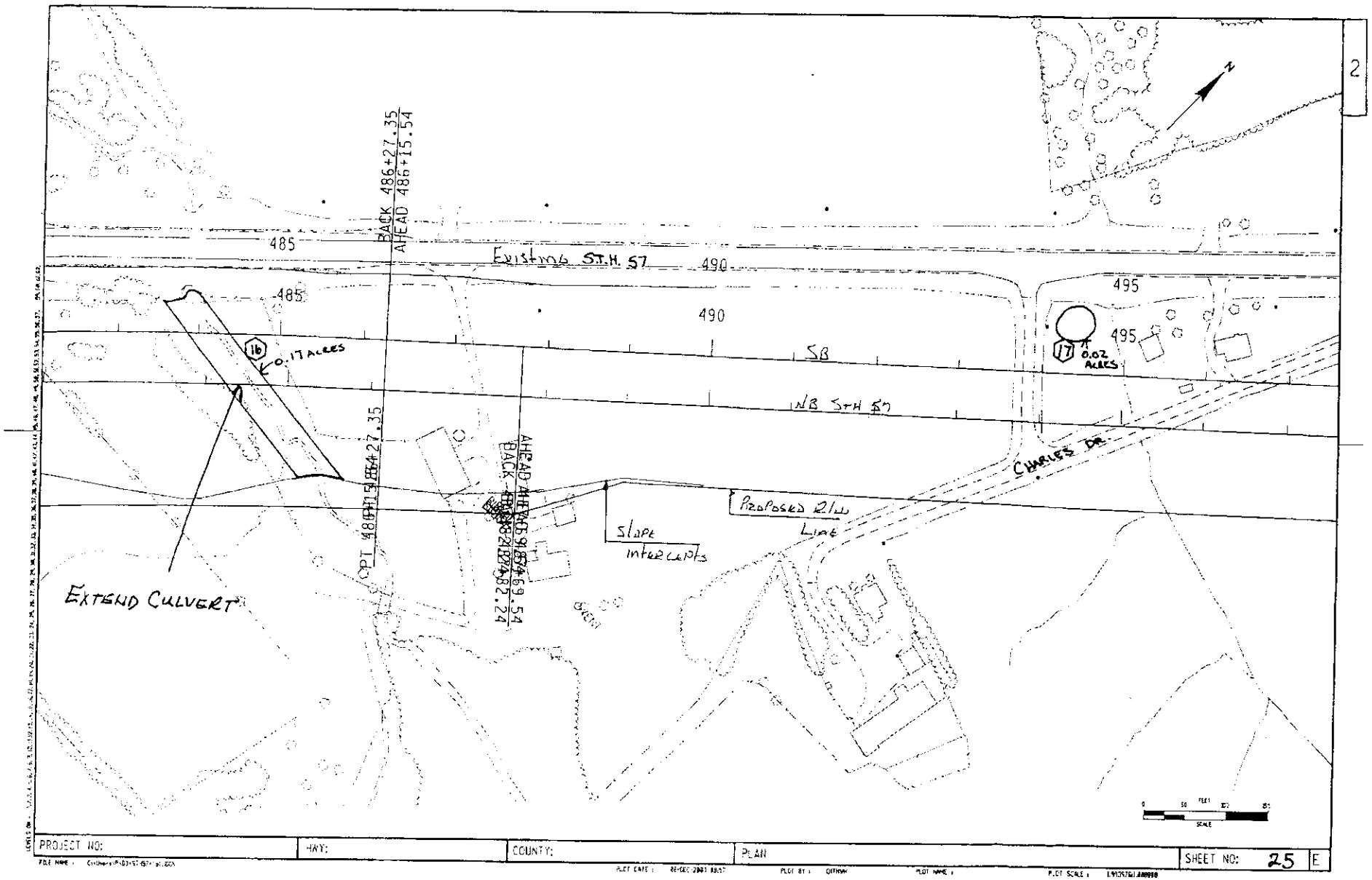

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