



US Army Corps  
of Engineers  
St Paul District

APPLICANT: Woodland  
Development, LLC

# Public Notice

ISSUED: January 18, 2022  
EXPIRES: February 2, 2022

REFER TO: MVP-2009-02130-RJH

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge fill into 3.77 acres of wetlands.

## 2. SPECIFIC INFORMATION

AGENT McMahan Associates, Inc.  
1445 McMahan Drive  
Neenah, Wisconsin 54956

PROJECT LOCATION: The project site is located in Section 17, Township 20 North, Range 18 East, Calumet County, Wisconsin. The approximate coordinates are Latitude 44.2122, Longitude -88.3765.

DESCRIPTION OF PROJECT: The applicant is proposing to construct a new residential subdivision, Woodland Lakes Cottages. The proposed project includes utility installation, construction of Canvasback Drive, Kelly Lake Drive and Snow Goose Lane, stormwater pond, and the construction of 78- 0.2 acre single family residential lots.

QUANTITY, TYPE, AND AREA OF FILL: The proposed project would result in the permanent discharge of fill material into 3.77 acres of wet meadow wetlands.

VEGETATION IN AFFECTED AREA: The project area consisted of primarily agricultural fields with a planted alfalfa and corn crop.

SOURCE OF FILL MATERIAL: Fill material would be sourced by the contractor selected to construct the project.

SURROUNDING LAND USE: The majority of the surrounding area is mixed between highway and road rights-of-way, forested areas, agricultural lands, and residential properties.

DESCRIPTION OF DREDGING OR EXCAVATION: The only excavation that would occur would be within the areas designated for utilities and culvert installation.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: The applicant has not indicated the presence of any toxic materials within the project corridor. It is anticipated the potential for toxic materials would come from construction equipment commonly used in construction.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant would be required to acquire an individual

Clean Water Act 401 Water Quality Certification, as well as comply with the state's erosion control and storm water BMP's.

MITIGATION: The project would result in the permanent loss of 3.77 acres of wetlands. The applicant has proposed compensatory mitigation through the debit of wetland credits from a federally approved wetland mitigation bank within the Fox Bank Service Area.

### 3. 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, Calumet County is within the known or historic range of the following Federally-listed species:

Northern Long-Eared Bat	Hibernates in caves and mines – swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
Whooping Crane	Open wetlands and 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.

### 4. JURISDICTION

This proposal 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 16-01.

### 5. STATE SECTION 401 WATER QUALITY CERTIFICATION

Valid Section 404 permits cannot be issued for any activity unless water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The Section 401 authority for this project is the Wisconsin Department of Natural Resources (WDNR). A Department of the Army permit will not be granted until the WDNR has issued or waived Section 401 WQC certification.

This public notice serves as the notification to Region 5, United States Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act. If EPA determines that the proposed discharges may affect the quality of the waters of any downstream neighboring jurisdiction other than the state in which the discharge will originate, it will so notify such other jurisdiction, the Corps, and the applicant. Pursuant to 33 Code of Federal Regulations Part 325.2(b)(1)(i), if such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the District Engineers will assume EPA has made a negative determination with respect to section 401(a)(2)

## 6. HISTORICAL/ARCHAEOLOGICAL

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 of the work in connection with this project.

## 7. 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.

## 8. 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.

## REPLIES/COMMENTS

Interested parties are invited to submit to this office written facts, arguments, or objections by the expiration date indicated above. 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.

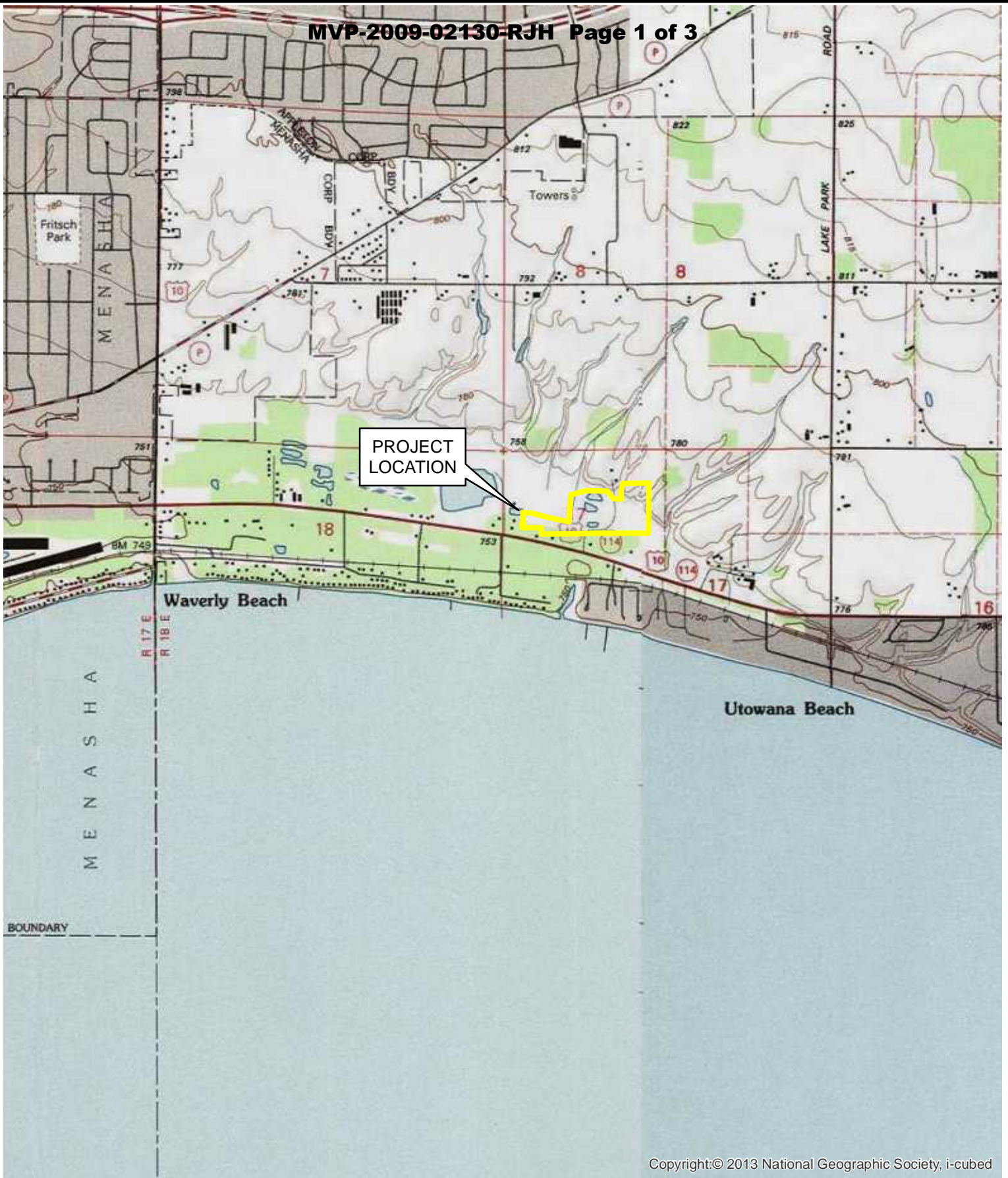
Regulatory Branch (File No. MVP-2009-02130-RJH)

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Mr. Ryan Huber at the Green Bay office of the Corps, telephone number 651-290-5859, or email at [Ryan.J.Huber@usace.army.mil](mailto:Ryan.J.Huber@usace.army.mil).

To receive Public Notice notifications, go to: <https://www.mvp.usace.army.mil/Contact/RSS/> and subscribe to the RSS Feed for which you would like to receive Public Notices.

Enclosure(s)

MVP-2009-02130-RJH Page 1 of 3 through Page 3 of 3



PROJECT LOCATION

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1 inch = 2,000 feet

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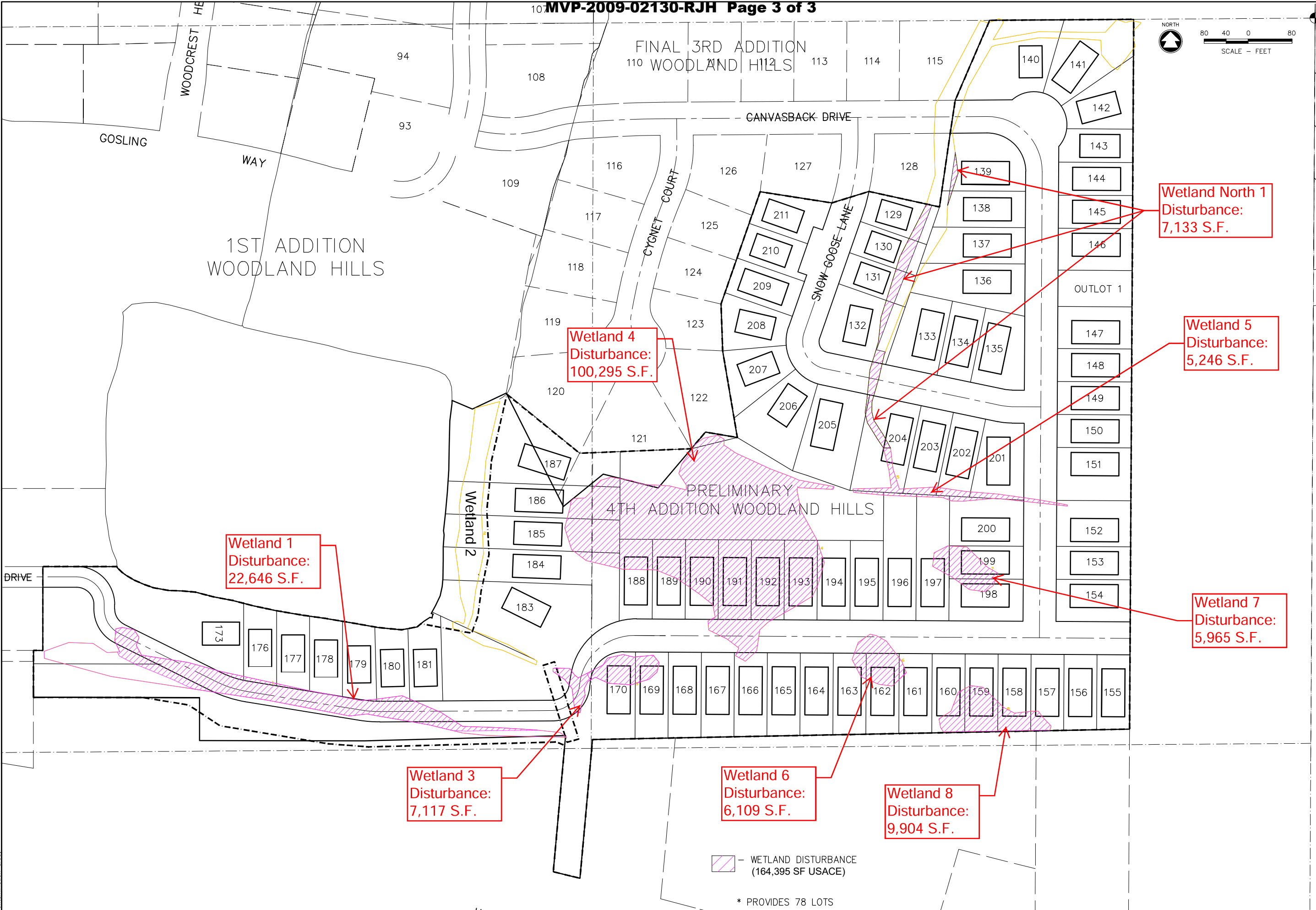
**FIGURE 1**  
**SITE LOCATION & TOPOGRAPHIC MAP**  
 WOODLAND DEVELOPMENT, LLC  
 CITY OF MENASHA  
 CALUMET COUNTY, WISCONSIN

W0942-9-17-00510.24 JUNE 2020

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See W0942\_092000756\CADD\Civil3D\Figures-Exhibits\USACE Permit Maps\03 Alternative 3b.dwg, 03 Alternative 3, Plot Date: 1/4/2022 6:34 PM, xrefs: (x-wetlands, 632001f, x-all points woodland 3rd add m&e shots, c\_lowhorrison, contamination area)



Wetland 1  
Disturbance:  
22,646 S.F.

Wetland 4  
Disturbance:  
100,295 S.F.

Wetland North 1  
Disturbance:  
7,133 S.F.

Wetland 5  
Disturbance:  
5,246 S.F.

Wetland 7  
Disturbance:  
5,965 S.F.

Wetland 3  
Disturbance:  
7,117 S.F.

Wetland 6  
Disturbance:  
6,109 S.F.

Wetland 8  
Disturbance:  
9,904 S.F.

WETLAND DISTURBANCE  
(164,395 SF USACE)

\* PROVIDES 78 LOTS

**McMAHON**  
ENGINEERS ARCHITECTS  
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NO.	DATE	REVISION

WOODLAND LAKES COTTAGES  
CITY OF MENASHA, CALUMET CO., WI  
ALTERNATIVE 3

DESIGNED MCM	DRAWN AWS
PROJECT NO. A0705-09-20-00756	
DATE DEC., 2021	
SHEET NO. <b>03</b>	