



**US Army Corps
of Engineers**
St Paul District

APPLICANT: Paul Schneider

Public Notice

ISSUED: May 12, 2022
EXPIRES: May 27, 2022

REFER TO: MVP-2011-05382-SJW

SECTION: 10 – Rivers and Harbors Act
SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO perform dredging operations and permanently discharge fill material below the plane of the ordinary high-water mark (OHWM) of Lake Michigan for the construction of a permanent pier structure which would replace an existing breakwater structure.

2. SPECIFIC INFORMATION

AGENT Eric DeBaker
Pier & Waterfront Solutions, LLC
7325 Highway 57
Sturgeon Bay, Wisconsin 54235

PROJECT LOCATION: The project site is located in the NW ¼ SE ¼ of Section 13, Township 30 North, Range 26 East, Door County, Wisconsin. The approximate UTM coordinates are N 477861.27203, E 4991154.681385. Latitude: 45.073508 Longitude: -87.281254.

DESCRIPTION OF PROJECT: The applicant has submitted a request for Department of the Army (DA) authorization to permanently discharge fill material below the plane of the ordinary high-water mark (OHWM) of Lake Michigan as part of a breakwater removal/pier construction project in the Village of Egg Harbor. The project would include the removal of an existing breakwater structure which would be replaced with a permanent pier structure. The proposed pier structure would be placed in the exact same location as the existing breakwater feature. However, the dimensions of the newly proposed structure would differ slightly from the existing breakwater structure as rock riprap would be added to the south side of the newly proposed pier structure to prevent damage from wave action. In addition, the project would include the installation of two seasonal floating dock structures, and the construction of a bridge/walkway structure above the plane of the OHWM of Lake Michigan which would extend westward from the shoreline to the newly proposed permanent pier.

As shown on the attached figures labeled MVP-2011-05382-SJW: Page 1 of 4 through 4 of 4, the newly proposed pier structure would replace an existing 60' x 15' breakwater feature. The existing breaker rock breakwater structure would be dredged from its current location and temporarily placed on the immediately adjacent upland shoreline where it would be stored until a later phase in the project. A 15' x 50' Bin Box pier system would be assembled and placed 15'-20' off-shore, and it would be filled with imported rock materials and capped with concrete. A 15' x 20' bridge would then be constructed which would extend landward towards the beach, providing access to the newly constructed pier. Once these structures have been installed, the riprap/breaker rock which was previously dredged from the site and temporarily stored on the immediately adjacent uplands would be placed on the south side of the newly constructed pier structure and used as riprap armoring. Finally, once all of the work associated with the new pier structure has been completed, two new seasonal floating pier structures (4' x 30' and 4' x 40') would be attached to the piers.

QUANTITY, TYPE, AND AREA OF FILL/REGULATED ACTIVITIES:

As proposed, the regulated activities associated with the project include:

-The dredging of fill material (breaker rock) from a 900 square foot area located below the plane of the OHWM of Lake Michigan for the removal of the existing breakwater structure, and;

-The permanent discharge of fill material below the plane of the OHWM of Lake Michigan onto 1,550 square feet (0.03 acre) of aquatic bed for the construction of a new permanent pier structure and associated riprap, and;

-The construction of a 15' x 20' bridge/walkway located above the OHWM of Lake Michigan which will be used to provide access to the newly proposed pier structure, and;

-The placement of two seasonal floating pier structures (4' x 30' and 4' x 40') on Lake Michigan

SOURCE OF FILL MATERIAL: All fill material which would be utilized for this project would be generated on site or hauled in from a licensed source and would be free of contaminants.

SURROUNDING LAND USE: The proposed project site is located on the east shoreline of Lake Michigan in the Village of Egg Harbor. The area surrounding the project site (to the east) is best described as a rural forested area with some wetlands interspersed throughout the landscape. Adjacent lands along the shoreline to the north and south consist of single-family rural residences which vary in size and are separated by narrow tracts of forested land.

MITIGATION: Compensatory mitigation has not been proposed by the applicant.

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, Door County, Wisconsin is within the known or historic range of the following Federally listed species:

Northern Long-Eared Bat (T) Hibernates in caves and mines – swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.

Hine's Emerald Dragonfly (E) Occurs in spring fed wetlands, wet meadows, and marshes.

Rusty Patched Bumble Bee (E) Broadly distributed across the eastern United States and in the Upper Midwest. Since 2000, this bumble bee has been reported from only 13 states: Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Minnesota, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and Wisconsin.

Dwarf Lake Iris (T) Wherever found. No specific habitat has been identified by the USFWS.

Pitcher's Thistle (T) Wherever found. No specific habitat has been identified by the USFWS.

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 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.

5. 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 pending. A Department of the Army permit will not be granted until the Wisconsin Department of Natural Resources has issued or waived Section 401 WQC certification and the U.S. Environmental Protection Agency (USEPA) neighboring jurisdiction process is completed. Corps Section 404 Clean Water Act decisions may not be finalized until after the USEPA completes this process.

6. 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.

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.

9. COASTAL ZONE MANAGEMENT.

This Public Notice has been sent to the agency responsible for Coastal Zone Management and is considered by the District Engineer to constitute valid notification to that agency for a Coastal Zone Consistency determination. The Wisconsin Coastal Management Program (WCMP) in the Department of Administration 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, Wisconsin 53707-7868; (608) 267-7982. Any comments on whether or not this proposed project complies with State enforceable policies should be received within 30 days by the Federal Consistency Coordinator.

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.

Replies may be sent to Sam Woboril at samuel.j.woboril@usace.army.mil.

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Sam Woboril at the Stevens Point field office at (651) 290-5878, or samuel.j.woboril@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.

Site Map PI3821-SCHNEIDERPIER



March 11, 2022

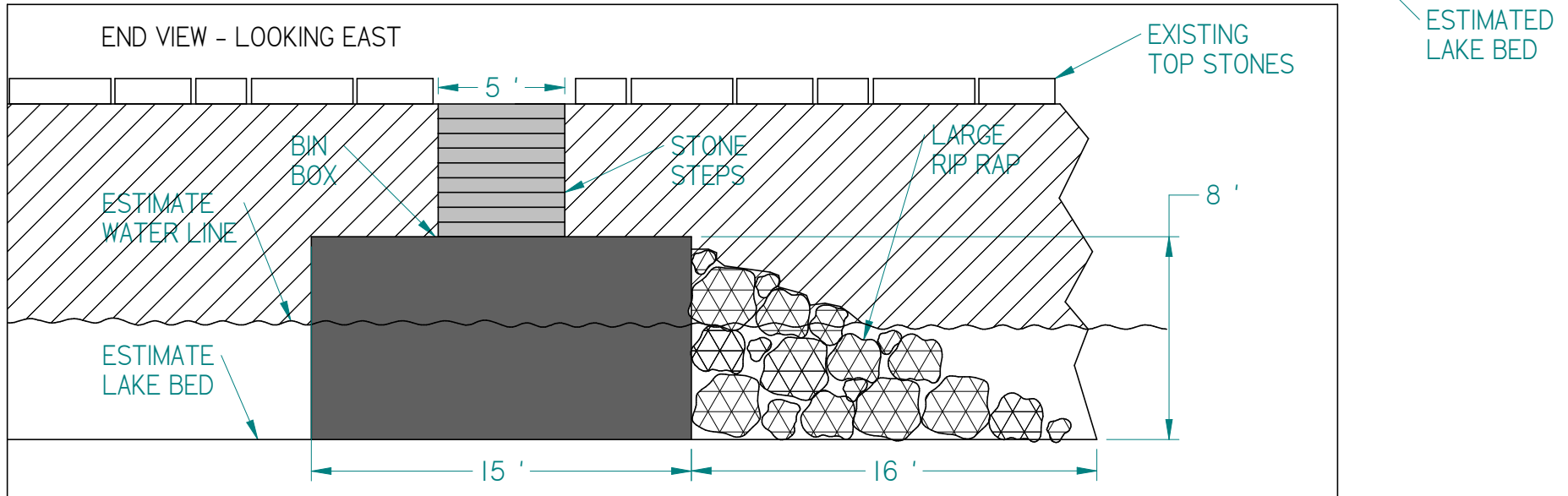
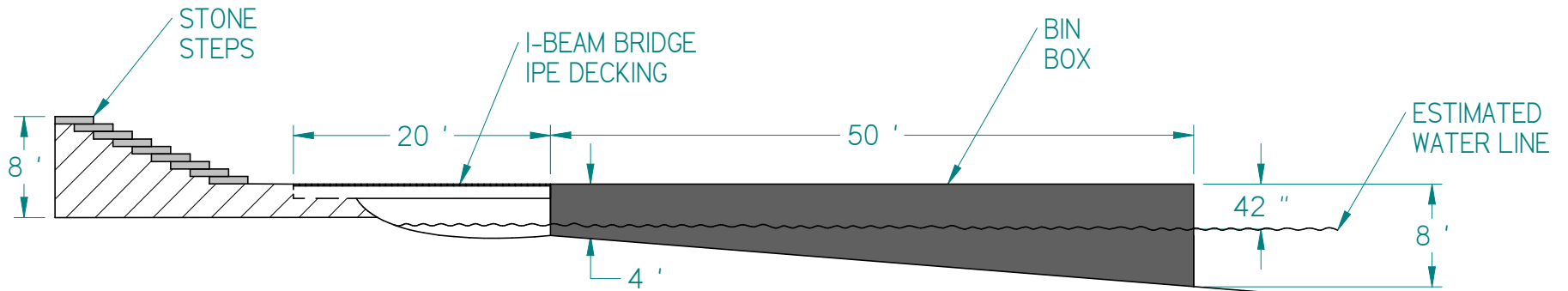
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| Tribal Land | National Forest Boundaries USFS | Department of Defense - U.S. Army |
| National Parks | Natural Resource Conservation Service (NRCS) | Department of Defense - Air National Gaurd |
| | Bureau of Land Management (BLM) | National Park Service (NPS) |
| | | U.S. Army Corps of Engineers |



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LIZ ELLISON
8215 WHITE CLIFF RD
PERMANENT PIER CROSS SECTION
3/10/22

SIDE VIEW - LOOKING SOUTH



LIZ ELLISON
8215 WHITE CLIFF RD
SITE PLAN
3-10-22

