



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

APPLICANT: Milwaukee Metropolitan
Sewerage District

Public Notice

ISSUED: 26 May 2023
EXPIRES: 10 June 2023

REFER TO: MVP-2019-02093-SPK
408-LRC-2021-0001

SECTION: 404 - Clean Water Act
SECTION: 10 - Rivers and Harbors Act
SECTION: 408 - Rivers and Harbors Act

1. COMBINED PUBLIC NOTICE to interested parties that the St. Paul District and Chicago District of the U.S. Army Corps of Engineers (USACE) have received from The Milwaukee Metropolitan Sewerage District (MMSD), a permit application pursuant to Section 10 of the Rivers and Harbor Act of 1899 (Section 10) and Section 404 of the Clean Water Act for work in navigable waters of the United States and the discharge of dredged or fill material into waters of the United States (Section 404) and a request pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 408 or "Section 408") to alter the Milwaukee Harbor Navigation Project.

The Section 10/404 permit application seeks a permit to discharge fill material below the plane of the ordinary high water mark (OHWM) of 42 acres of Lake Michigan for the purpose of constructing the Milwaukee Estuary Dredged Material Management Facility (DMMF). The DMMF is being designed to manage material dredged from the Milwaukee Estuary Area of Concern (AOC). The DMMF would have a design capacity of approximately 1.6 million cubic yards with provisions for expanding capacity to about 1.9 million cubic yards. The DMMF would receive dredged material removed from the Milwaukee, Menomonee, and Kinnickinnic Rivers and the Milwaukee Bay and would also receive dredged or excavated materials from the City of Milwaukee and MMSD projects. The Section 408 request seeks permission to alter the Milwaukee Harbor Navigation Project by tying the proposed facility into the Jones Island Confined Disposal Facility (CDF) and the co-located Milwaukee Harbor Dredged Material Disposal Facility (DMDF) (including removal of existing armor stone, placement of fill over rubble mound stone), and by replacing the offloading dock at that facility.

2. SPECIFIC INFORMATION

APPLICANT
Milwaukee Metropolitan
Sewerage District
260 W. Seeboth Street
Milwaukee, Wisconsin 53204

AGENT
Ramboll
234 W. Florida Street
Fifth Floor
Milwaukee, Wisconsin 53204

PROJECT LOCATION: The project site is located in Section 4 of Township 6 North, Range 22 East, Milwaukee County, Wisconsin. The approximate UTM coordinates are N 427413.57, E 4762322.98. Latitude 43.0103770, Longitude -87.8913770. The project location is on Lake Michigan, located directly adjacent and north of the existing Jones Island CDF & Milwaukee Harbor DMDF as well as directly adjacent to the Milwaukee Harbor Federal Navigation Channel. The Milwaukee AOC includes portions of three watersheds along the Milwaukee River, Menomonee River, and Kinnickinnic River as well as the inner and outer Milwaukee Harbor.

DESCRIPTION OF PROJECT: The MMSD is proposing to impact 42 acres of Lake Michigan to construct the Milwaukee Estuary DMMF. The primary purpose of the DMMF is to provide for management and long-term containment of contaminated sediments that would be removed

from the AOC. Based on the preliminary design, the DMMF would have a capacity of approximately 1.9 million cubic yards following initial construction. This volume is designed to accommodate dredged material removed from the Milwaukee, Menomonee, and Kinnickinnic Rivers and Milwaukee Bay by the U.S. Environmental Protection Agency (USEPA) and their team planning and coordinating these Great Lakes Legacy Act (GLLA) dredging projects (i.e., the "GLLA team"). These projects are planned to support improvement of the Beneficial Use Impairments (BUIs) of the AOC. The removal of the BUIs for the AOC would eventually lead to the delisting of the AOC from the 1987 designation by USEPA. The material from the GLLA projects is planned to be primarily hydraulically dredged, and the DMMF is being designed to provide capacity to support this dredging, including considerations for sediment bulking, water treatment capacity (i.e., free water above the surface of the settled dredged material to allow settling of the sediment from the hydraulically dredged slurry), draft for support vessels, and freeboard.

A secondary purpose of the facility is to provide for management of dredged or excavated material from Port Milwaukee (City of Milwaukee department) navigational dredging projects and MMSD projects. When no longer needed to provide capacity for GLLA dredging, MMSD and Port Milwaukee intend to discharge fill into the DMMF to reach its full capacity more expeditiously. MMSD proposes to utilize the DMMF for placement of material removed from watercourse projects. Port Milwaukee's material is planned to be mechanically dredged from previously dredged/disturbed areas within the Milwaukee Harbor and/or within or connected to AOC waterbodies. In addition to supporting management of sediments, the DMMF would provide potential additional City facilities at Port Milwaukee. These potential new harbor facilities are being considered to accommodate the range of commercial shipping vessels found on the Great Lakes, as well as other purposes consistent with the Lakebed Grant as identified and pursued by City leadership. Long-term material management of the DMMF must allow for the dewatering and consolidation of materials such that a cover layer may be placed on top to allow usage of the land. Future developments at the DMMF may include construction of buildings, loading pads, additional berth facilities, and rail lines.

Following construction, the DMMF is expected to consist of the following components: [1] Outboard double pile wall system (north and east sides of facility); [2] Inboard combi-wall system (west and south sides of facility); [3] Continuous low-permeability cutoff wall (30-inch (2.5-foot) thick); [4] Water management system; [5] Piezometer pairs along each wall segment to monitor water elevation on both sides of cutoff wall; [6] Water levels equal to lake level (assumed approximately 580 NAVD88) within the interior walls (basin), between the interior walls and the cutoff wall, and between the cutoff wall and the exterior walls; [7] Lakebed sediment surface within the interior walls (basin) ranging from approximately 550 to 570 NAVD88 (10- to 30-foot water depth). The closure of the facility is anticipated to be approximately 15 to 25 years after initial DMMF construction. The design service life for the DMMF is 100 years.

QUANTITY, TYPE, AND AREA OF FILL: The proposed project would permanently impact 42 acres of Lake Michigan from the placement of 1.9 million cubic yards of dredged and fill material.

VEGETATION IN AFFECTED AREA: The project site is currently the open shallow waters of Lake Michigan in an industrial area, and adjacent riprap/sheetpile wall shoreline. The only vegetation in the area are herbaceous plants on the shoreline that typically colonize in compacted, disturbed soils.

SOURCE OF FILL MATERIAL: The structural fill of the facility would be sources from a commercial, certified quarry facility, or if not, be tested and shown to meet the requirements of state-regulated “exempt” soil. Dredged material sediment would be from the Milwaukee Estuary contaminated sediment cleanup projects being implemented by the GLLA team. Additional dredged material would be placed into the facility by the City and MMSD before capping and closure of the facility. Dredged/fill material would potentially contain contaminants; however, the DMMF and 100- year perpetual design of the project would prevent contaminants from seeping into Lake Michigan and any adjacent waters.

SURROUNDING LAND USE: The proposed project is in the middle of the Port of Milwaukee, an industrialized port which accommodates Great Lakes commercial shipping traffic. Adjacent properties are in commercial and industrial land use. The project is also located directly adjacent and north of the existing Jones Island CDF & Milwaukee Harbor DMDF, a USACE facility, as well as directly adjacent to the Milwaukee Harbor Federal Navigation Channel. The proposed project would tie into the northern dike of the Jones Island CDF, and would replace the current loading dock, but would not otherwise modify the Jones Island CDF & Milwaukee Harbor DMDF.

DESCRIPTION OF DREDGING OR EXCAVATION: Dredging or excavation is not part of this proposed action. The dredging of the Milwaukee Estuary AOC and City and MMSD projects would be evaluated as single and complete projects.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Contaminated sediment is a principal source of impairments for seven of the BUIs in the Milwaukee Estuary AOC, which has a long history of ecological degradation and pollution. The DMMF would accept dredged material - which would contain liquid - from throughout the AOC. Potential contaminants of concern from this area include polycyclic aromatic hydrocarbons (PAH), polychlorinated biphenyls (PCB), and Resource Conservation and Recovery Act (RCRA) metals. The design of the cofferdam, lake bed clay substrate, and eventual final cover of the DMMF would ensure containment and prevent seepage of any contaminated materials into Lake Michigan. The water treatment systems for decant water would also not discharge water or sediments with contaminant concentrations higher than state-regulated calculated effluent limits.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant would be required to obtain a Clean Water Act 401 water quality certification, or waiver, from the Wisconsin Department of Natural Resources prior to initiation of the project, as described below in Section 5.

MITIGATION: No compensatory mitigation is proposed.

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, Milwaukee 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.
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Tricolored Bat	The tricolored bat is proposed for listing as an endangered species. Hibernates in caves and mines. Roosts in deciduous hardwood trees and within artificial roosts during spring, summer, and fall.
Red Knot	Migrating and wintering knots use marine habitats—sandy beaches, saltmarshes, lagoons, mudflats of estuaries and bays, and mangrove swamps that contain an abundance of invertebrate prey. Occasionally appear at interior locations in eastern North America, where they frequent shorelines of large lakes or freshwater marshes.
Monarch Butterfly	The monarch is a candidate species and not yet listed or proposed for listing.

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 Section(s) 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The application will also be reviewed according to the provisions of Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408, “Section 408”) due to the proposed work’s alteration of the DMMF portion of the Milwaukee Harbor Navigation Project and vicinity to the Federal navigation channel.

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 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 and the 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.

10. SECTION 408 REQUEST EVALUATION

The request to alter the Milwaukee Harbor Navigation Project will be reviewed pursuant to Section 408 and Engineer Circular 1165-2-220, which provides policy and procedural guidance for processing and evaluating requests to alter USACE civil works projects.

Section 408 requests are reviewed by USACE consistent with the following main determinations:

- a. Impacts to the Usefulness of the USACE Project. The objective of this determination is to ensure that the proposed alteration will not limit the ability of the USACE project to function as authorized and will not compromise or change any authorized project conditions, purposes or outputs. All appropriate technical analyses including geotechnical, structural, hydraulic and

hydrologic, real estate, construction, and operations and maintenance requirements, must be conducted, and the technical adequacy of the design must be reviewed. If at any time it is concluded that the usefulness of the authorized project will be negatively impacted, any further evaluation should be terminated and the requester notified. Section 408 permission will not be granted for a proposed alteration that would have an effect of deauthorizing a USACE project or eliminating an authorized project purpose.

b. Public Interest. In accordance with Section 408 and EC 1165-2-220, the public interest review will be synchronized with the Regulatory Program public interest review. USACE will develop a single public interest review that will meet the requirements of both programs. Commenters should consider both the Regulatory and Section 408 actions when commenting on the impacts to the public interest review factors.

c. Legal and Policy Compliance. A determination will be made by the appropriate USACE Office of Counsel as to whether the request meets all legal and policy requirements.

REPLIES/COMMENTS

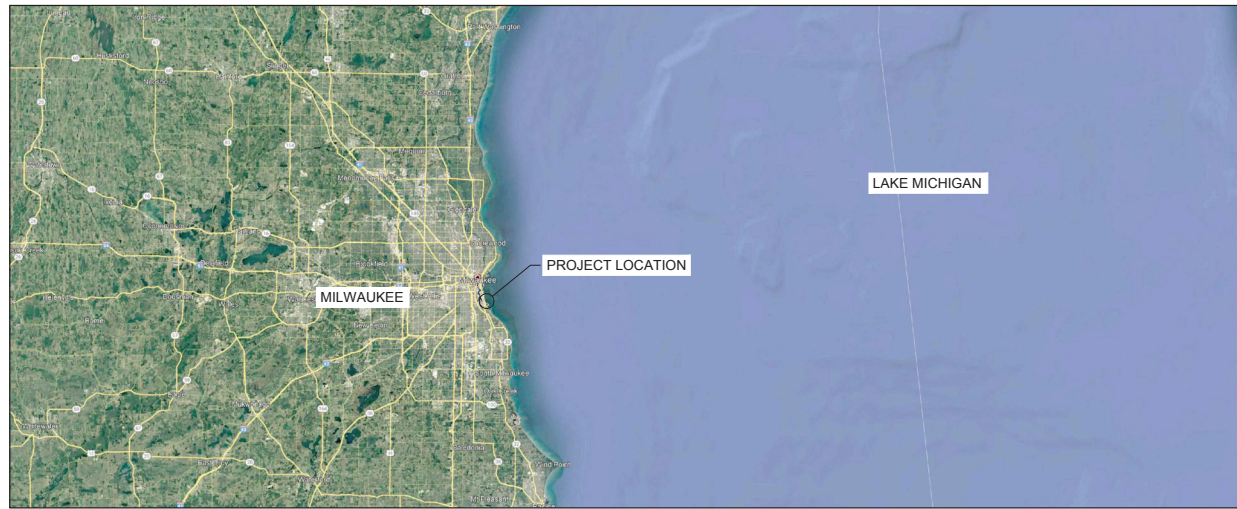
Interested parties are invited to submit to this office written facts, arguments, or objections by the expiration date indicated above. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be sent to Samantha Kitchen at Sam.P.Kitchen@usace.army.mil.

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Samantha Kitchen at the Brookfield office at 651-290-5666 or email Sam.P.Kitchen@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.

Enclosures: MVP-2019-02093-SPK Figures



LOCATION MAP
SCALE: NTS



VICINITY MAP
SCALE: NTS



SITE MAPS
DMMF CONTAINMENT ALTERNATIVES EVALUATION

MILWAUKEE METROPOLITAN SEWERAGE DISTRICT
260 W. Seeboth St.
Milwaukee, Wisconsin

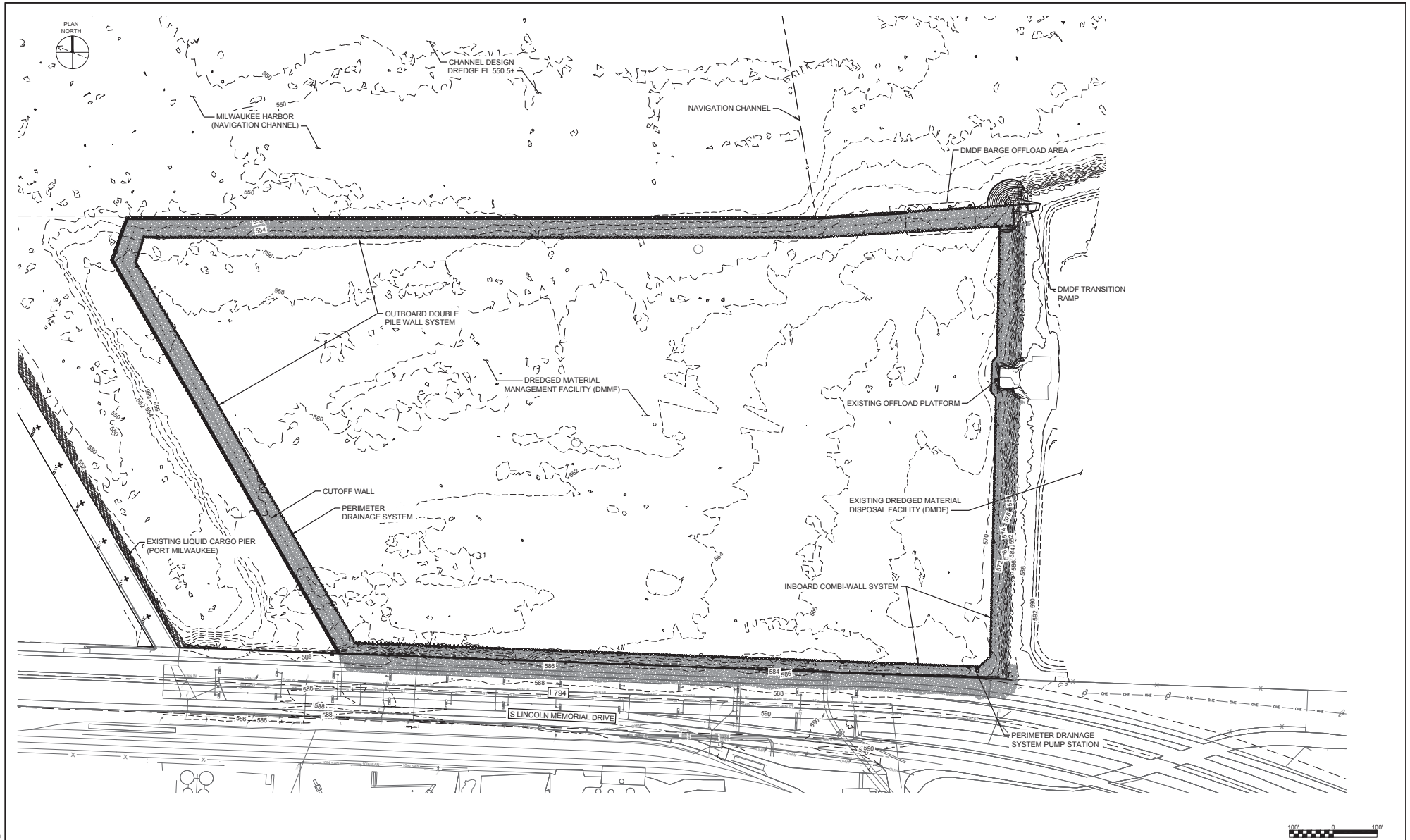
RAMBOLL AMERICAS ENGINEERING SOLUTIONS



FIGURE 1

SAVED: 4/27/23 11:06 AM

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**PRELIMINARY
NOT FOR
CONSTRUCTION**
DATE: MAY 3, 2023

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED ENGINEER, TO ALTER THIS DOCUMENT.
THIS DRAWING WAS PREPARED AT THE SCALE INDICATED. INACCURACIES IN THE STATED SCALE MAY BE INTRODUCED WHEN DRAWINGS ARE REPRODUCED BY ANY MEANS. USE THE GRAPHIC SCALE BAR TO DETERMINE THE ACTUAL SIZE. DRAWING IS NOT SCALABLE IF NO SCALE BAR IS PRESENT.

CLIENT
**MILWAUKEE
METROPOLITAN
SEWERAGE DISTRICT**

NO.	DATE	REVISION	BY

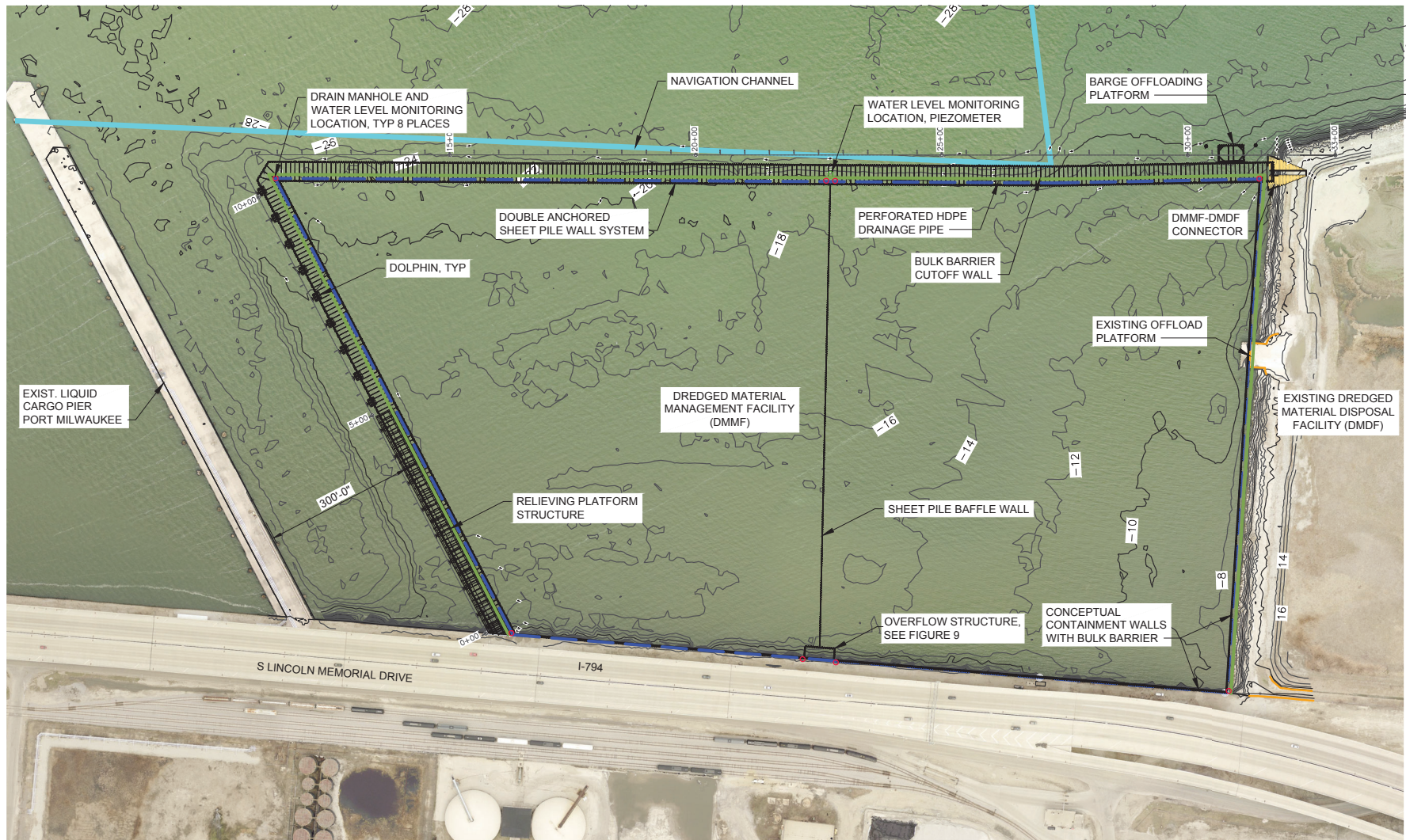
DESIGNER/PROFESSIONAL ENGINEER RESPONSIBLE
MIKE WINTERS, PE
DESIGNED BY
JAB
CHECKED BY
MEW
DRAWN BY
WBT
FILE NO.
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DATE
MARCH 2023

RAMBOLL
AMI
Consulting Engineers P.A.
moftett & nichol

PROJECT
**DREDGED MATERIAL MANAGEMENT
FACILITY**
ADDRESS
MILWAUKEE HARBOR, WISCONSIN

SHEET DESCRIPTION
OVERALL SITE PLAN
DRAWING LOCATION

G-102



Notes

1. BATHYMETRIC SURVEY COMPLETED BY FRESHWATER ENGINEERING, 2019.
2. TOPOGRAPHIC SURVEY COMPLETED BY FOTH, 2019.
3. ELEVATIONS INDICATED ARE RELATIVE TO LOW WATER DATUM (LWD), IGLD 85 (577.5 FT).
4. PROPOSED FEATURES INCLUDING COFFERDAM AND ALIGNMENT, RELIEVING PLATFORM, DOLPHINS, AND BARGE OFFLOADING PLATFORM ARE DERIVED FROM FOTH FINAL DESIGN, 2019. ALIGNMENT OF PROPOSED DOUBLE ANCHORED SHEET PILE WALL IS PRELIMINARY.



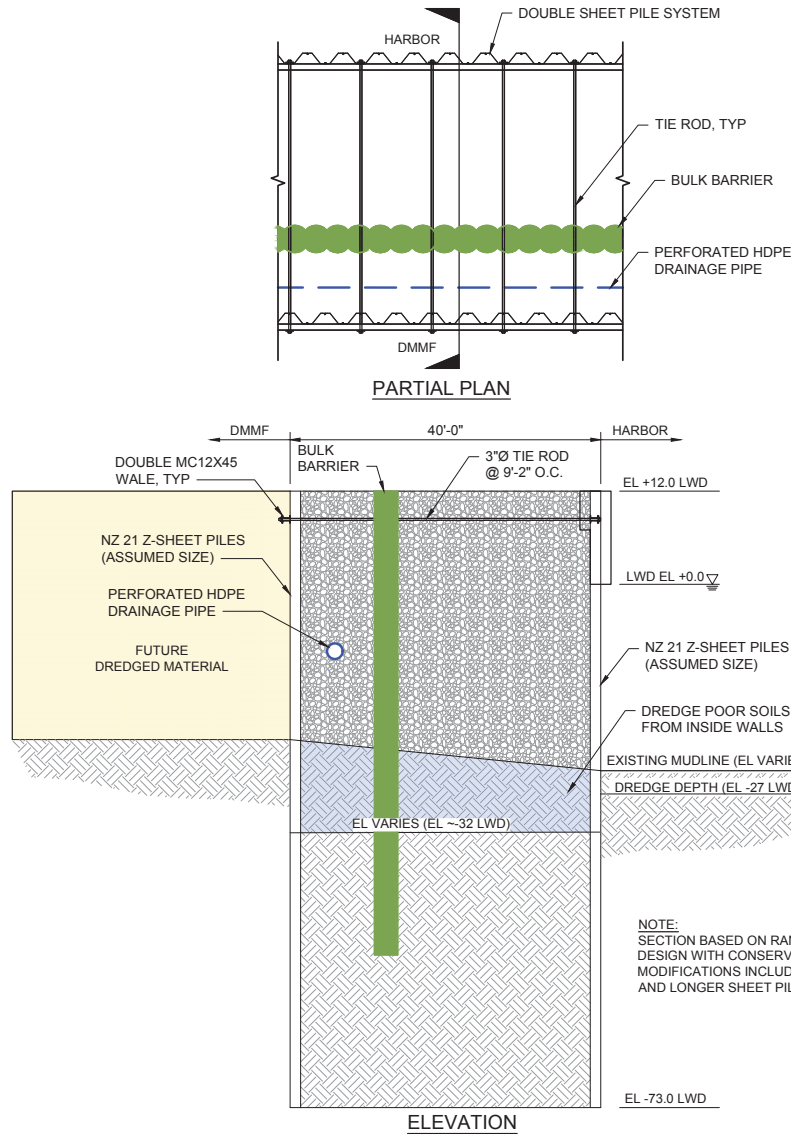
CONCEPTUAL LAYOUT OF RECOMMENDED ALTERNATIVE DMMF CONTAINMENT ALTERNATIVES EVALUATION

MILWAUKEE METROPOLITAN SEWERAGE DISTRICT
260 W. Seeboth St.
Milwaukee, Wisconsin

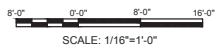
FIGURE 8

RAMBOLL AMERICAS ENGINEERING SOLUTIONS

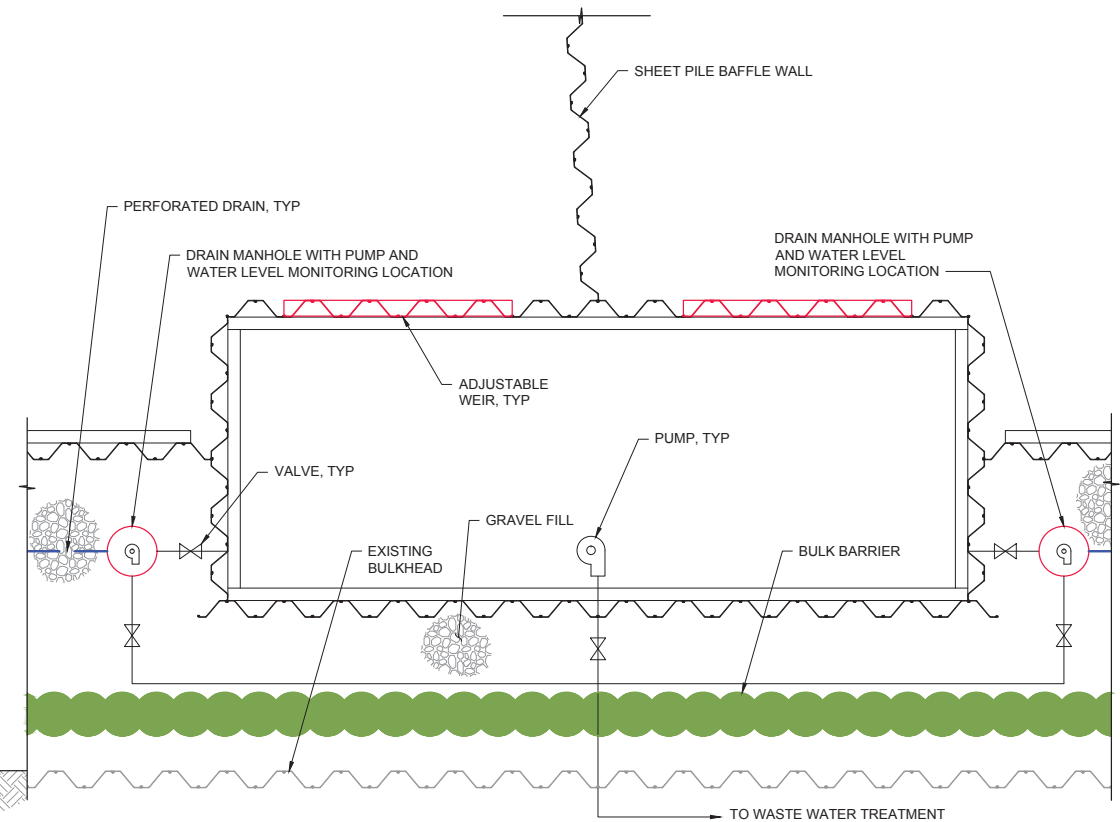




DOUBLE ANCHORED SHEET PILE WALL SYSTEM WITH BULK BARRIER
SCALE: 1/16"=1'-0"



OVERFLOW STRUCTURE PLAN
SCALE: NTS



CONCEPTUAL DETAILS FOR RECOMMENDED ALTERNATIVE
DMMF CONTAINMENT ALTERNATIVES EVALUATION

MILWAUKEE METROPOLITAN SEWERAGE DISTRICT
260 W. Seeboth St.
Milwaukee, Wisconsin

FIGURE 9

RAMBOLL AMERICAS ENGINEERING SOLUTIONS



S01

Figure 1: DMMF Aerial View and Location of Cross Sections

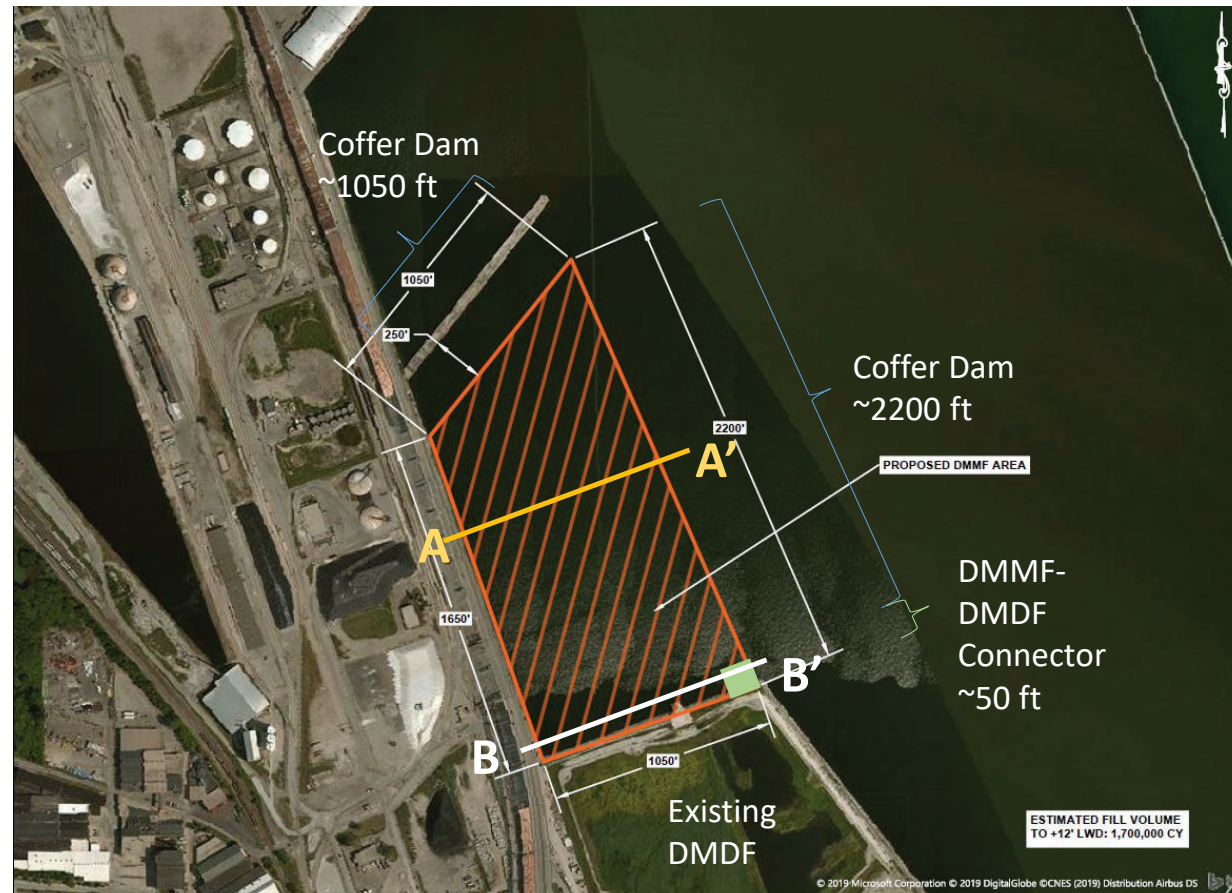


Figure 2: Contaminant Transport Conceptual Model for Cofferdam Wall during Operations

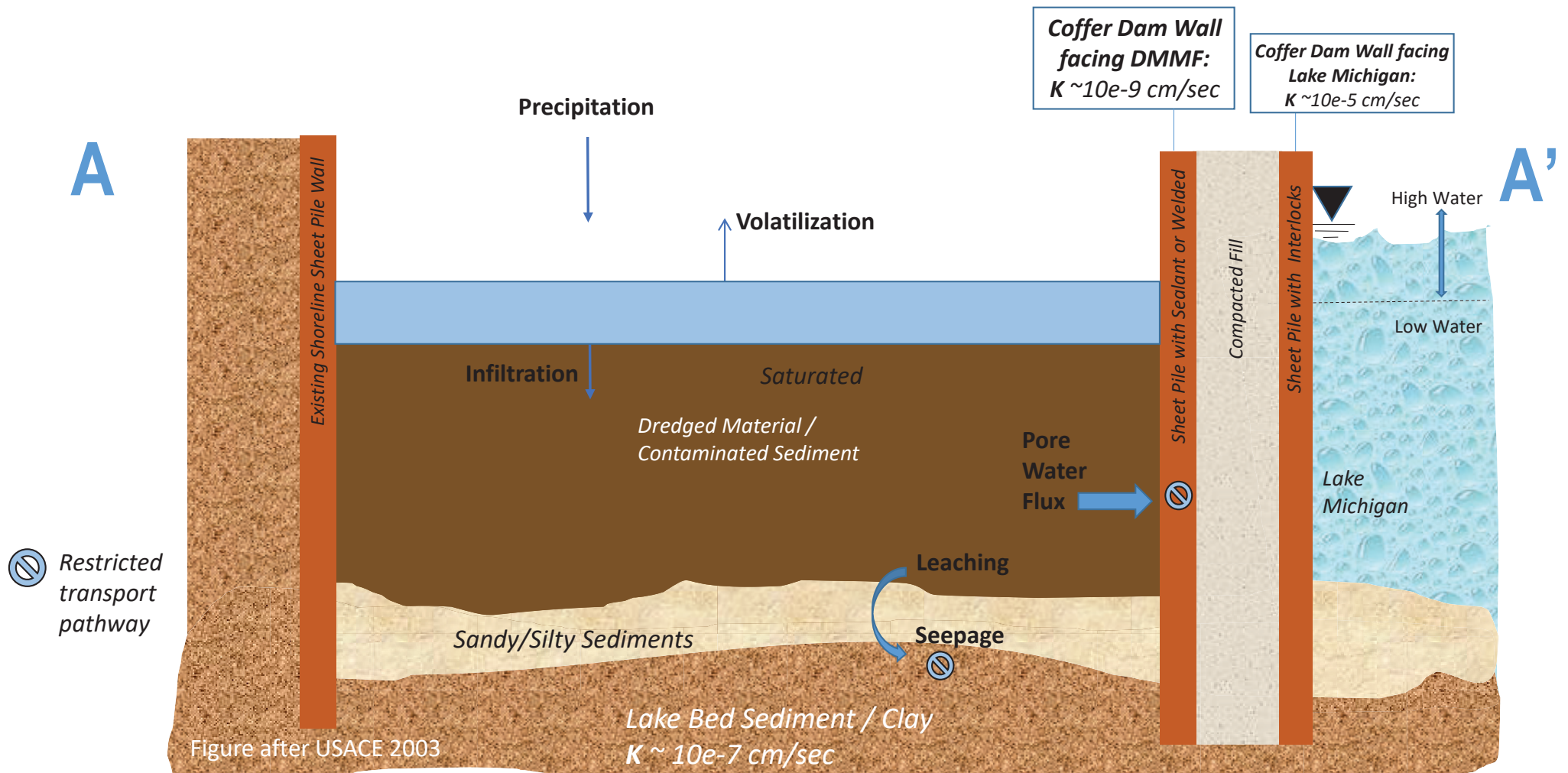


Figure 3 Contaminant Transport Conceptual Model for DMMF-DMDF Connector during Operations

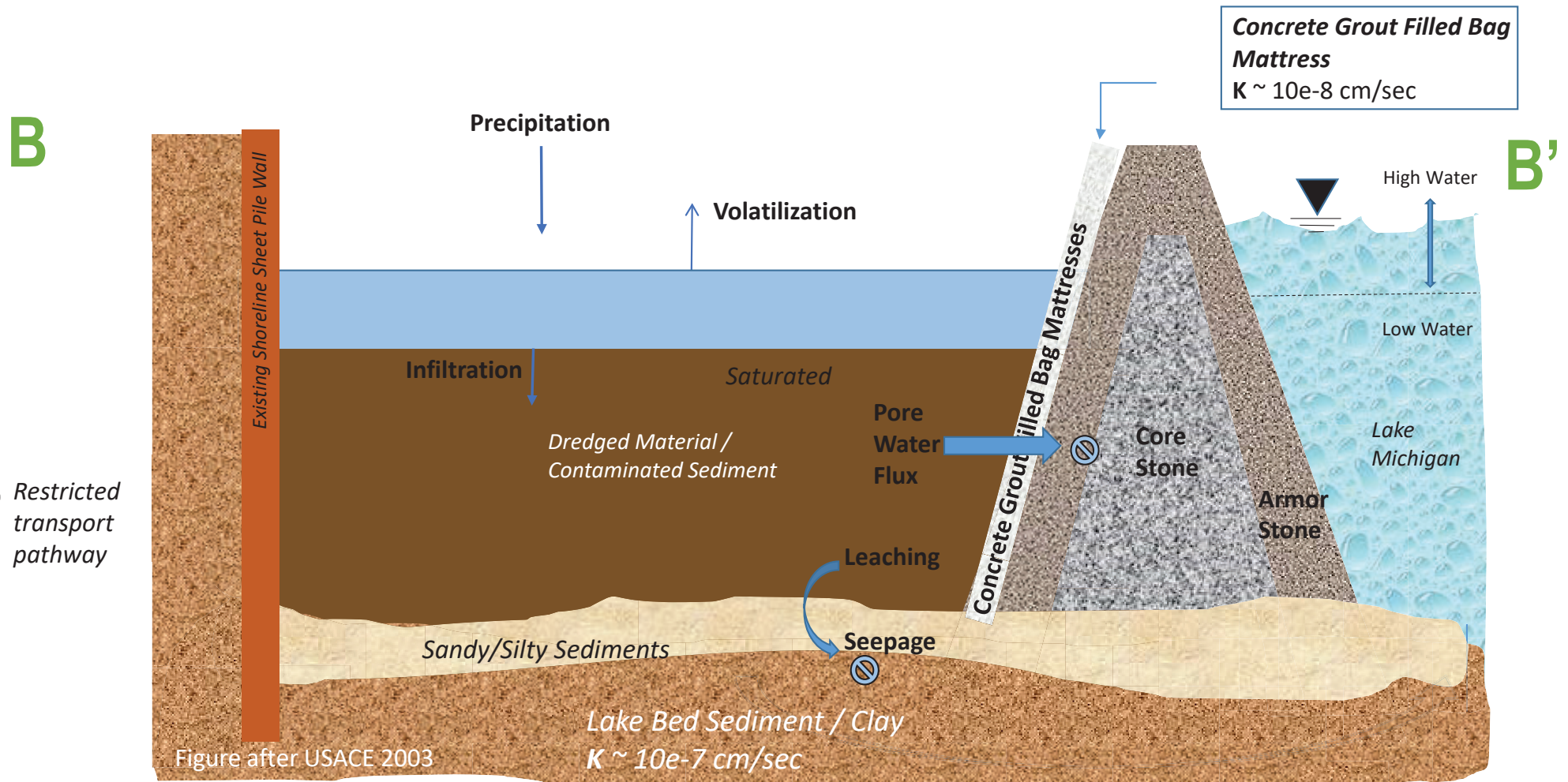


Figure 4: Contaminant Transport Conceptual Model for Cofferdam Wall during Closure

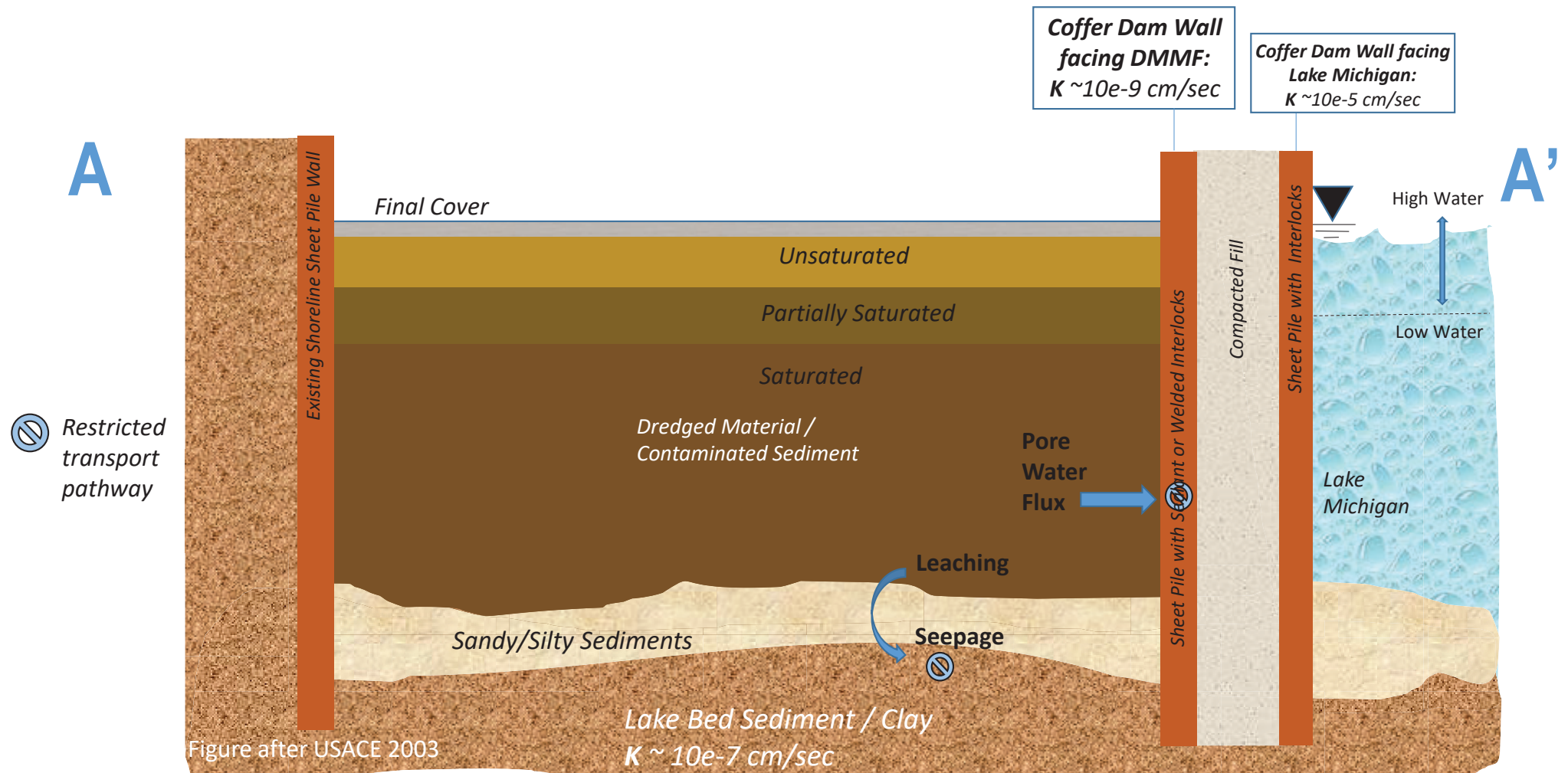


Figure 5 Contaminant Transport Conceptual Model for DMMF-DMDF Connector in Closure

