



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

**APPLICANT:**

Dean Haen  
Brown County Port &  
Resource Recovery

# Public Notice

**ISSUED: September 21, 2023**  
**EXPIRES: October 21, 2023**

**REFER TO:**

MVP-2021-01169-RJH

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

1. APPLICATION FOR PERMIT TO permanently discharge fill material into 2.02 acres of wetlands and 10.93 acres of Lake Michigan/Green Bay. The project also includes dredging from 8.34 acres of the Fox River (Section 10 water). The applicant proposes to construct and operate a new multi-use bulk cargo Port facility with direct access to the federal navigation channel, defined as the Green Bay Harbor.

2. SPECIFIC INFORMATION

AGENT

Kyle Bretl  
GEI Consultants, Inc  
3159 Voyager Drive  
Green Bay, WI 54311

**PROJECT LOCATION:** The project site is located in Section 19/24, Township 24 North, Range 19/24 East, Brown County, Wisconsin. The approximate coordinates are Latitude 44.539201 Longitude -88.007977.

**DESCRIPTION OF PROJECT:** The applicant has submitted a request for Department of the Army authorization to permanently discharge dredged and fill material into wetlands and Section 10 waters, as well as dredge accumulated sediments from the Fox River for the development of a new port property. This project would develop a multi-use port facility capable of handling a range of dry cargoes. Bulk cargo such as aggregates, coal, or road salt are most likely but other dry cargo such as heavy electrical equipment and containers may also be transferred at the site.

The proposed project site was formerly used for the Pulliam coal-fired power plant and was recently acquired by Brown County. The Port Development Project would be the first new port terminal in Green Bay in nearly 100 years. The property is in an area of industrial land use located west of the mouth of the Fox River, along the south shore of Green Bay, and along Bylsby Avenue and Hurlbut Street in the north central portion of the City of Green Bay, Brown County, Wisconsin. The primary address associated with the Property is 1530 Bylsby Avenue. The existing land use is generally described as consisting of a decommissioned electrical power generating station.

**QUANTITY, TYPE, AND AREA OF FILL:** As proposed, the project would result in the permanent discharge of dredged and fill material into 2.02 acres of wetland and 10.93 acres of Lake Michigan/ Green Bay. The project would also include 8.4 acres of dredging within the Fox River.

**VEGETATION IN AFFECTED AREA:** The on-site wetlands which would be impacted as a result of the proposed project are best described as degraded wet meadow wetlands, stormwater ditches, and retention ponds. Lakebed and riverbed would also be impacted as a result of the project. Project area was previously the site of a coal-fired power plant. After decommissioning

of the power plant, the area was razed and stabilized. Best management practices were used to re-seed the entire project site. There is currently a boat slip within the project area that was sized to accommodate cargo vessels that supplied coal to the power plant.

**SOURCE OF FILL MATERIAL:** Dredged material from the Fox River is being proposed for use. All dredged material confirmed to be uncontaminated will be used as upland fill. Contaminated materials will be segregated and disposed of at the Bayport CDF.

**SURROUNDING LAND USE:** The project area occurs within a heavily industrialized area of the City of Green Bay, along the Fox River.

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** The applicant has developed an Erosion and Sediment Control Plan which incorporates a variety of Best Management Practices (BMPs) into the project plans to minimize the potential for secondary effects to water quality to occur during the construction phase of the project. Those BMPs include but are not limited to the installation of perimeter silt fencing and seeding and mulching of disturbed areas during the construction phase of the project.

**MITIGATION:** No mitigation has 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. A search of the review area within the USFWS IPAC program was conducted on August 09, 2023. The following species were said to potentially occur within the permit area:

Northern Long-Eared Bat	Endangered
Tricolored Bat	Proposed Endangered
Whooping Crane	Experimental
Monarch Butterfly	Candidate
Red Knot	Threatened

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments the Service 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 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 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 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.

## 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 Ryan Huber at [Ryan.J.Huber@usace.army.mil](mailto:Ryan.J.Huber@usace.army.mil).

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Ryan Huber at the Green Bay field office at 651-290-5859 *or* at the email shown above.

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:  
Project Plans



GEI

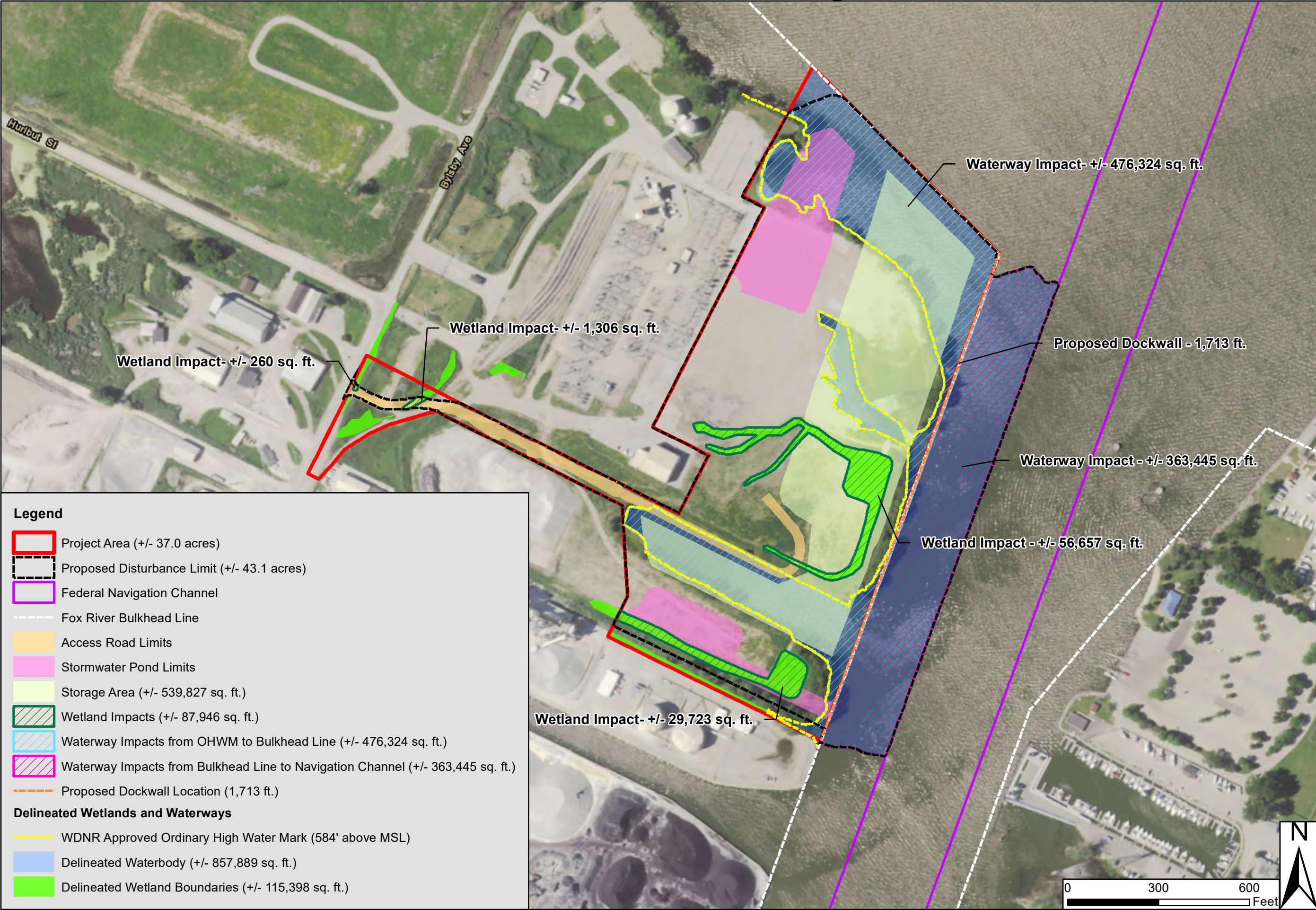
Consultants

3159 Voyager Drive  
Green Bay, WI 54311  
www.geiconsultants.com

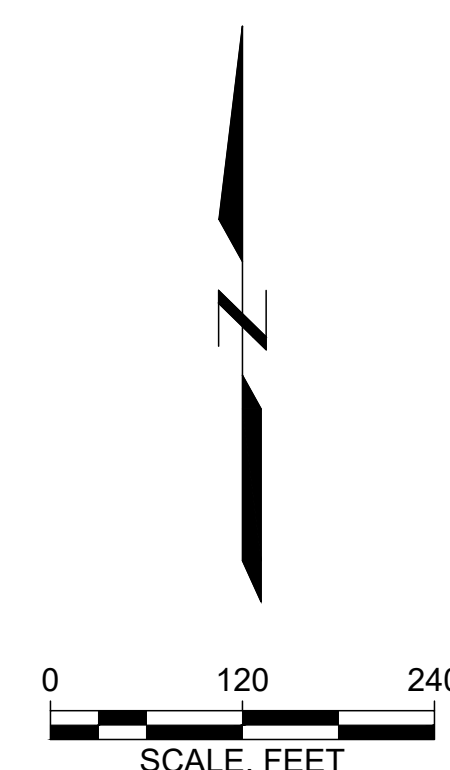


**FIGURE 5**  
**WETLAND DELINEATION MAP**  
BROWN COUNTY PORT & RESOURCE RECOVERY  
PORT OF GREEN BAY SITE DEVELOPMENT PROJECT  
CITY OF GREEN BAY  
BROWN COUNTY, WISCONSIN

Drawn: KTB 8/25/2023
Approved: KJU 8/25/2023
Scale: As Shown
Project Number: 2201593
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**FIGURE 9**  
**WATERWAY AND WETLAND IMPACT MAP**  
BROWN COUNTY PORT & RESOURCE RECOVERY  
PORT OF GREEN BAY SITE DEVELOPMENT PROJECT  
CITY OF GREEN BAY  
BROWN COUNTY, WISCONSIN



## FIGURE 10

FOR PERMIT