



US Army Corps
of Engineers
St Paul District

APPLICANT:

Wade Balston
Halquist Stone Co.

Public Notice

ISSUED: May 11, 2022

EXPIRES: May 26, 2022

REFER TO: 2022-00668-AJK

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO permanently discharge dredged and fill material into 0.82 acre of wetland and into 400 square feet (along 100 linear feet) of stream in association with road construction (0.68 acre), walking path construction (0.14 acre), and culvert placement (400 square feet) for the overall purpose of the Kirsten Farms residential development in Menomonee Falls.

2. SPECIFIC INFORMATION

APPLICANT

Wade Balston
Halquist Stone Company, Inc.
N51 W23563 Lisbon Road
Sussex, WI 53089

AGENT

Brian Lennie
Stantec
12075 Corporate Parkway, Suite 200
Mequon, WI 53092

PROJECT LOCATION: The project site is located in Section 19, Township 8 North, Range 20 East, Waukesha County, Wisconsin. The approximate coordinates are Latitude 43.1403, Longitude -88.1782.

DESCRIPTION OF PROJECT: The project would consist of constructing an access road with a culvert and a walking path trail through wetland to complete the Kirsten Farms residential development. The road crossing would include two 14-foot lanes with one 8-foot walking path. The culvert would be needed for the road to cross a stream that flows through the wetland. A second portion of the walking path would cross wetland along Main Street to connect the residential development to an existing trail on the north side of Main Street. Other than the access road and walking path, the residential development would be constructed in upland.

QUANTITY, TYPE, AND AREA OF FILL: Dredged and fill material would be permanently discharged into 0.82 acre of jurisdictional wetland and along 100 linear feet (400 square feet) of stream. Wetlands would be impacted by grading and fill (using clean crushed quarry stone) to construct the access road and walking path. The stream would be impacted by placement of a box culvert and riprap for the road to cross overhead. The road crossing would include two 14-foot lanes with 3:1 side slopes, 30" curb and gutter, and one 8-foot walking path. The box culvert would measure 88 feet long, 10 feet wide, and 6 feet high.

VEGETATION IN AFFECTED AREA: According to the April 2022 wetland delineation report by Stantec, the wetland is characterized as a complex of wet meadow, shallow marsh, shrub-carr, and floodplain forest. The areas that would be impacted by the proposed project are largely floodplain forest and shallow marsh. The floodplain forest areas are dominated by clearweed, yellow avens, common buckthorn, and green ash. The shallow marsh areas are dominated by late goldenrod, uptight sedge, spotted touch-me-not, spotted joe-pye weed, and grey dogwood. The waterway that would be impacted is an unnamed tributary to the Fox River with an unconsolidated bottom.

SOURCE OF FILL MATERIAL: Fill material would consist of clean crushed quarry stone for the roadway and culvert riprap, and local sources for the trail and culvert bedding.

SURROUNDING LAND USE: The project area is surrounded by residential development to the northwest and east, transportation corridors to the west and north, and undeveloped upland to the south and east.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Fuel, hydraulic fluid, lubricants, coolant and other fluids commonly used by construction equipment would be expected to be present for construction of the project.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: Erosion control best management practices would be implemented during and after construction, including silt fencing and stormwater management.

MITIGATION: The applicant proposes to fulfill federal compensatory mitigation requirements by purchasing mitigation bank credits (dependent on available credits) contingent upon Corps approval.

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. The U.S. Fish & Wildlife Service's Information for Planning and Consultation (IPaC) site was reviewed. The project area is within the 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.
Eastern Prairie Fringed Orchid	Occurs most often in mesic to wet unplowed tallgrass prairies and meadows but have been found in old fields and roadside ditches, also occurs in bogs, fens, and sedge meadows.
Monarch Butterfly	Candidate species.

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they 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. 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 (WI DNR). A Department of the Army permit will not be granted until the WI DNR 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

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.

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 A.J. Kitchen at anthony.j.kitchen@usace.army.mil.

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact A.J. Kitchen at the Brookfield office at (651) 290-5729 or email anthony.j.kitchen@usace.army.mil.

Enclosures: MVP-2022-00668-AJK Figures 1-4

GENERAL NOTES

THE LATEST EDITIONS OF THE FOLLOWING DOCUMENTS AND ANY SUPPLEMENTS THERETO, SHALL GOVERN ALL CONSTRUCTION ITEMS ON THIS PLAN UNLESS OTHERWISE NOTED.

- STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, 6TH EDITION (SSSWCW)
- THE WISCONSIN D.O.T. STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, LATEST EDITION
- WDMR STORMWATER RUNOFF TECHNICAL STANDARDS.
- WISDOT PAL APPROVED EROSION CONTROL MEASURES LIST, LATEST EDITION.
- VILLAGE OF MENOMONEE FALLS STANDARDS & REQUIREMENTS FOR DEVELOPMENT, LATEST EDITION.

THE CONTRACTOR SHALL TAKE ALL MEASURES NECESSARY TO MINIMIZE EROSION, WATER POLLUTION AND SILTATION CAUSED BY CONSTRUCTION OF THIS PROJECT. EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH WISCONSIN DEPARTMENT OF NATURAL RESOURCES TECHNICAL STANDARDS.

EROSION CONTROL PLAN: PRIOR TO BEGINNING WORK, AN APPROVED EROSION CONTROL PLAN WILL BE PROVIDED BY THE ENGINEER. THE CONTRACTOR IS RESPONSIBLE FOR PROPERLY IMPLEMENTING THE APPROVED PLAN.

THE CONTRACTOR SHALL FIELD VERIFY THE ELEVATIONS OF THE BENCHMARKS PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL ALSO FIELD VERIFY LOCATION, ELEVATION AND SIZE OF EXISTING UTILITIES, AND VERIFY FLOOR, CURB OR PAVEMENT ELEVATIONS WHERE MATCHING INTO EXISTING WORK. THE CONTRACTOR SHALL FIELD VERIFY HORIZONTAL CONTROL BY REFERENCING SHOWN COORDINATES TO KNOWN PROPERTY LINES. NOTIFY ENGINEER OF DISCREPANCIES IN EITHER VERTICAL OR HORIZONTAL CONTROL PRIOR TO PROCEEDING WITH WORK.

THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO BEGINNING CONSTRUCTION (CALL DIGGERS HOTLINE AT 800-242-8511). COST OF REPLACEMENT OR REPAIR OF EXISTING UTILITIES DAMAGED AS A RESULT OF THE CONTRACTOR'S OPERATION SHALL BE THE CONTRACTOR'S RESPONSIBILITY

EXISTING UTILITY INFORMATION IS SHOWN FROM SURVEY WORK, FIELD OBSERVATIONS, AVAILABLE PUBLIC RECORDS, AND AS-BUILT DRAWINGS. EXACT LOCATIONS AND ELEVATIONS OF UTILITIES SHALL BE DETERMINED PRIOR TO INSTALLING NEW WORK. EXCAVATE TEST PITS AS REQUIRED.

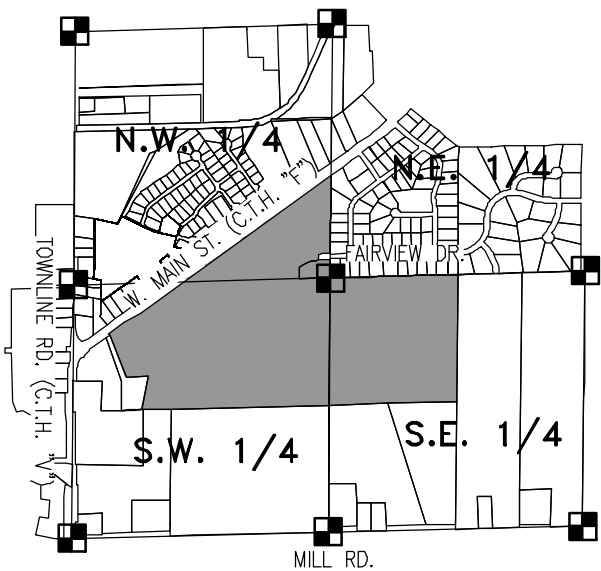
PROPERTY CORNERS SHALL BE CAREFULLY PROTECTED UNTIL THEY HAVE BEEN REFERENCED BY A PROFESSIONAL LAND SURVEYOR. PROPERTY MONUMENTS DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.

ENGINEER SHALL BE NOTIFIED 48 HOURS IN ADVANCE OF PERFORMING ANY CONSTRUCTION.

ALL TRENCHING SHALL BE PERFORMED ACCORDING TO OSHA STANDARDS.

ALL ITEMS SHALL INCLUDE ALL THE NECESSARY MATERIALS AND LABOR TO COMPLETE THE ITEM IN PLACE.

THE CONTRACTOR SHALL CLEAN ALL ADJACENT STREETS OF ANY SEDIMENT OR DEBRIS AS REQUIRED BY MUNICIPAL ORDINANCE.



LOCATION MAP:

S.W. 1/4, NW 1/4, & S.E. 1/4, SEC. 19,
T. 8 N., R. 20 E.
SCALE: 1"=2000'

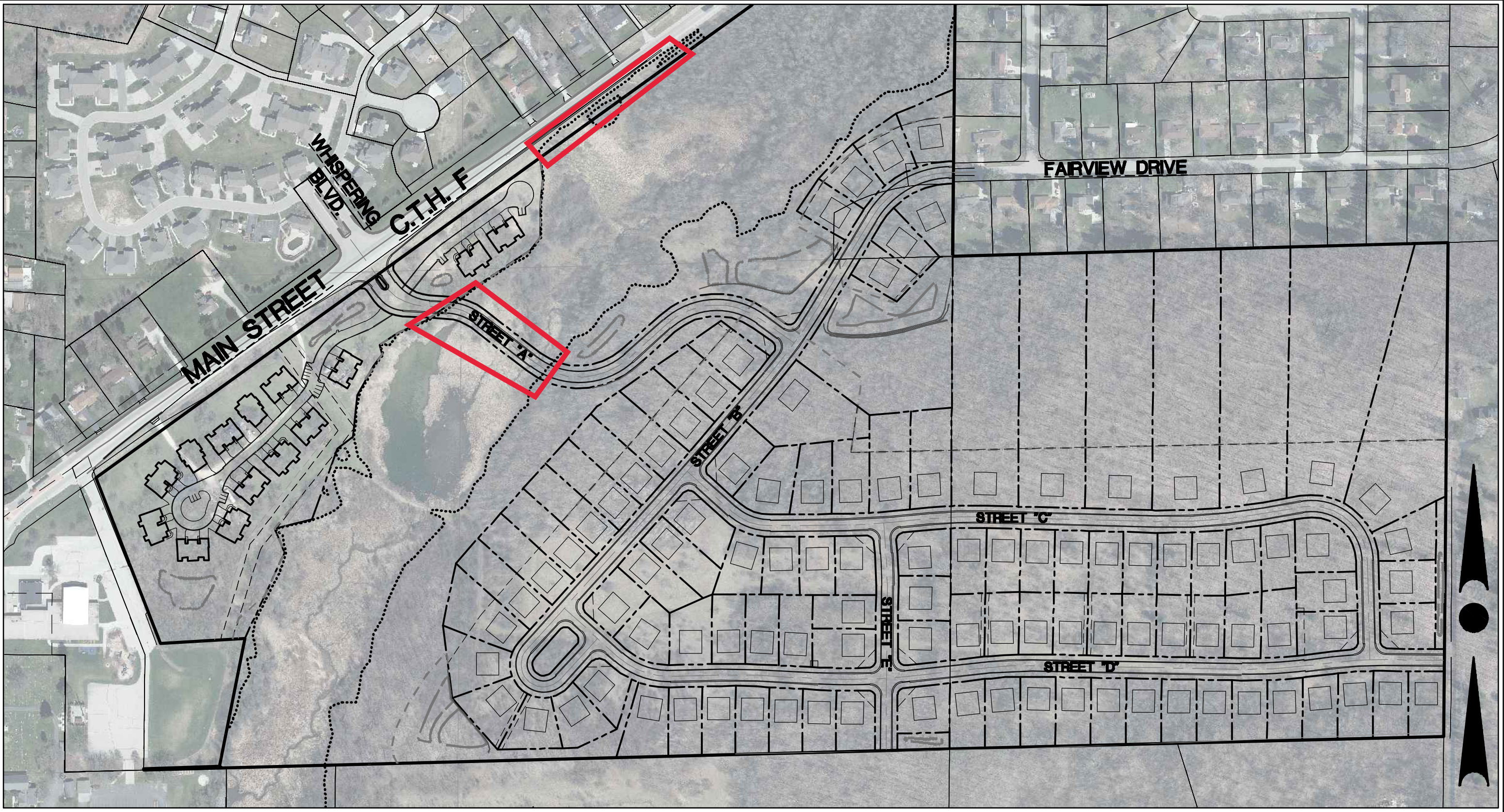
2022-00668-AJK Figure 1

KIRSTEN FARMS

RESIDENTIAL DEVELOPMENT

PRELIMINARY DEVELOPMENT PLANS

VILLAGE OF MENOMONEE FALLS, WISCONSIN



SITE PLAN

SCALE: 1" = 250'

ENGINEER:
TRIO ENGINEERING, LLC
4100 N CALHOUN ROAD, SUITE 300
BROOKFIELD, WI 53005
CONTACT: MR. JOSHUA PUDELKO, P.E., M.S.
PHONE: 262-790-1480
FAX: 262-790-1481
EMAIL: jpudelko@trioeng.com

SHEET INDEX	
CIVIL	
T1	- COVER SHEET
C1.0	- OVERALL GRADING PLAN
C1.1-C1.5	- GRADING & DRAINAGE PLAN
C1.6	- WETLAND CROSSING PLAN
C2.0	- OVERALL SITE UTILITY PLAN
C2.1-C2.4	- SITE UTILITY PLAN



4100 N. CALHOUN RD.
BROOKFIELD, WI 53005
PHONE: (262) 790-1480
FAX: (262) 790-1481
EMAIL: info@trioeng.com

PROJECT:
KIRSTEN FARMS
RESIDENTIAL DEVELOPMENT
VILLAGE OF MENOMONEE FALLS, WISCONSIN
BY: JOHANSEN FARMS LLC
P.O. BOX 308
SUSSEX, WI 53089

REVISION HISTORY

DATE	DESCRIPTION
01/19/2022	VILLAGE SUBMITTAL
04/20/2022	VILLAGE SUBMITTAL

DATE:

APRIL 20, 2022

JOB NUMBER:

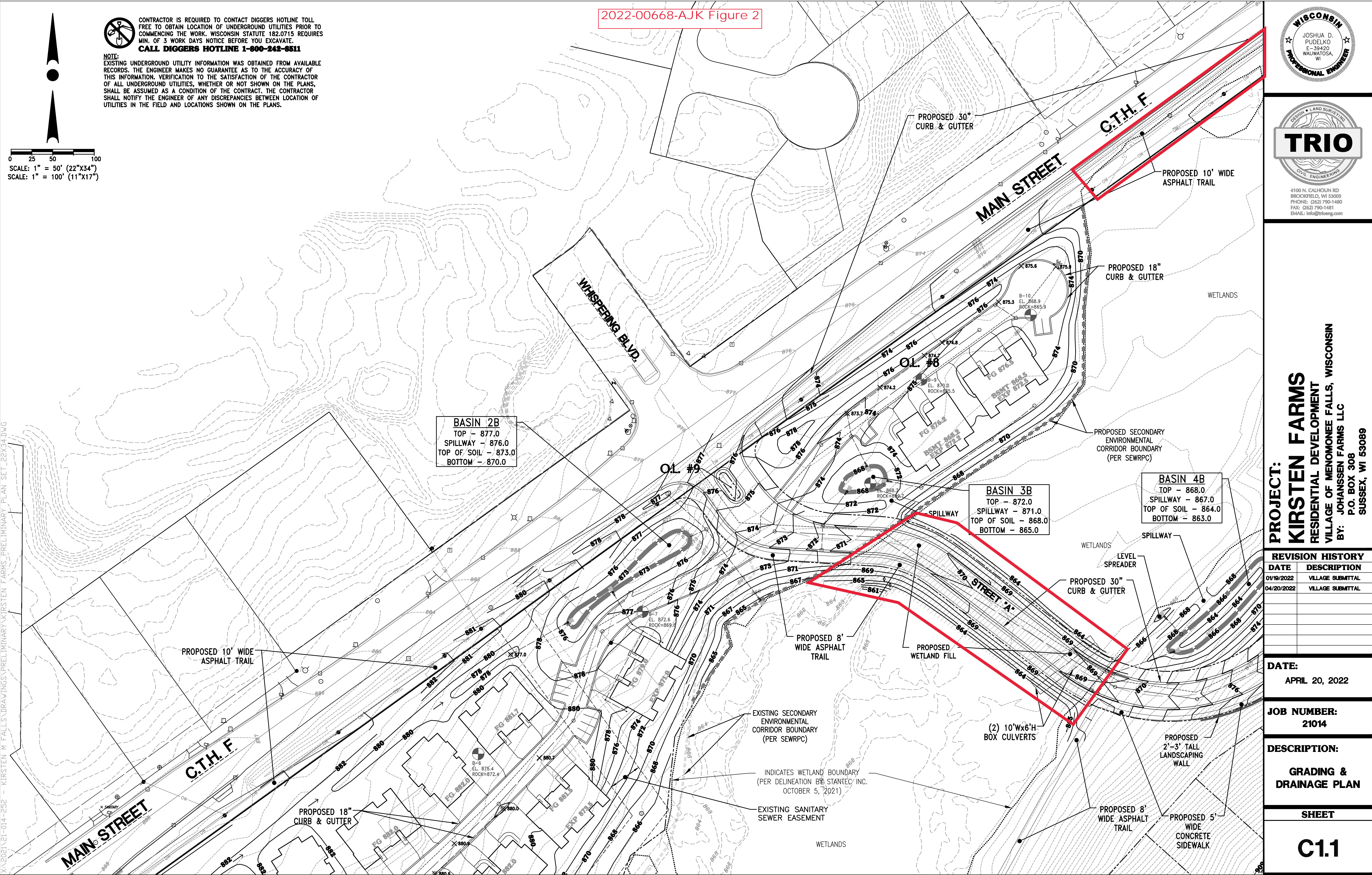
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DESCRIPTION:

COVER
SHEET

SHEET

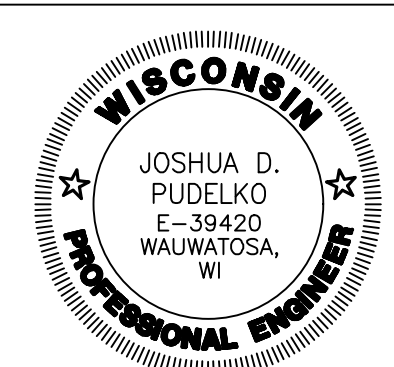
T1



CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE.
CALL DIGGERS HOTLINE 1-800-242-6511

NOTE:
EXISTING UNDERGROUND UTILITY INFORMATION WAS OBTAINED FROM AVAILABLE RECORDS. THE ENGINEER MAKES NO GUARANTEE AS TO THE ACCURACY OF THIS INFORMATION. VERIFICATION TO THE SATISFACTION OF THE CONTRACTOR OF ALL UNDERGROUND UTILITIES, WHETHER OR NOT SHOWN ON THE PLANS, SHALL BE ASSUMED AS A CONDITION OF THE CONTRACT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN LOCATION OF UTILITIES IN THE FIELD AND LOCATIONS SHOWN ON THE PLANS.

0 25 50 100
SCALE: 1" = 50' (22"x34")
SCALE: 1" = 100' (11"x17")



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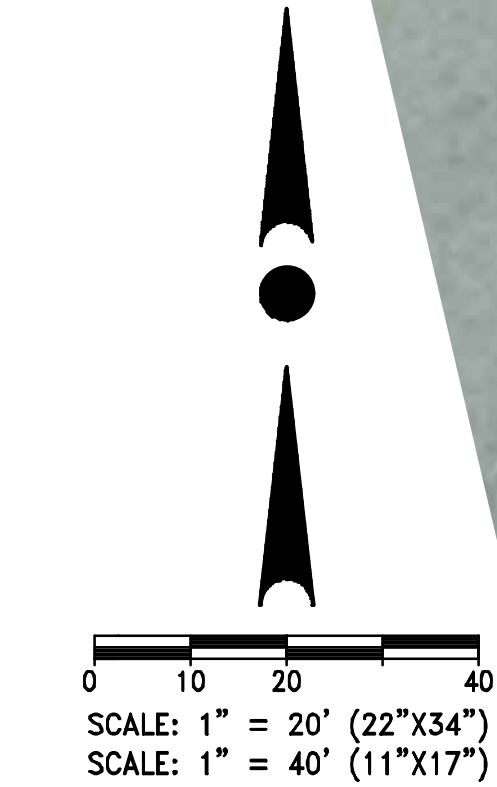
DESCRIPTION:
GRADING & DRAINAGE PLAN

SHEET
C1.1

X:\2021\21-014-252 - KIRSTEN M FALLS\DRAWINGS\PRELIMINARY\KIRSTEN FARMS\PRELIMINARY PLAN SET_22X34.DWG



2022-00668-AJK Figure 3



CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE. **CALL DIGGERS HOTLINE 1-800-242-8511**

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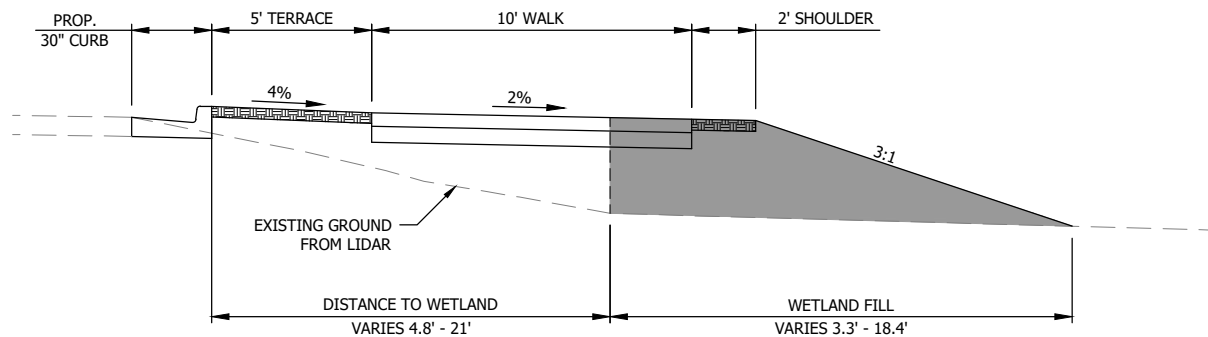
JOB NUMBER:
21014

DESCRIPTION:
PROPOSED WETLAND CROSSING PLAN

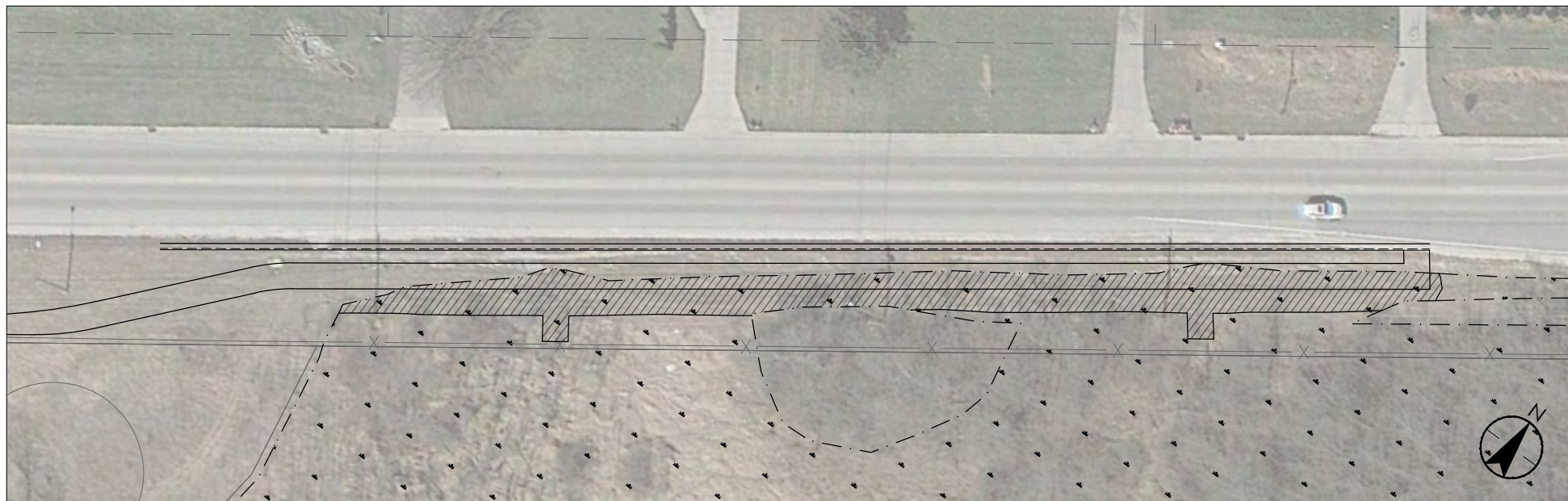
SHEET

C1.6

2022-00668-AJK Figure 4



1 PATH ALONG WETLAND - SECTION
SCALE: 1" = 3'



WETLAND FILL 6,234 sq.ft. (0.15 ac)

2 PATH ALONG WETLAND - PLAN
SCALE: 1" = 60'

MENOMONEE FALLS PARCEL
HALQUIST STONE