



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

APPLICANT:

Land and Development
Company of Oneida, LLC
P.O. Box 257
Oneida, Wisconsin 54155

Public Notice

ISSUED: March 23, 2023
EXPIRES: April 7, 2023

REFER TO:

MVP-2022-01945-JLK

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge fill material into 1.02 acres of wetlands (0.88 acre permanent fill and 0.14 acre temporary fill) for the purpose of residential development in the Town of Oneida, Outagamie County, Wisconsin.

2. SPECIFIC INFORMATION

AGENT

Oneida Total Integrated Enterprises
1033 North Mayfair Road, Suite 200
Milwaukee, Wisconsin 53226

PROJECT LOCATION: The project site is located in Section 33, Township 24 North, Range 19 East; Outagamie County, Wisconsin. Latitude 44.50436, Longitude -88.20354.

DESCRIPTION OF PROJECT: The applicant has applied for a Department of the Army permit to discharge fill material into waters of the United States for the construction of a new multi-family residential development in the Town of Oneida. The proposed development would include 35 apartment-style units and 18-24 single family townhome style units. The project, which would be constructed on several parcels of land, would also include additional features including an access road, parking areas, and utilities that would connect to existing facilities along Red Willow Parkway to the east.

QUANTITY, TYPE, AND AREA OF FILL: The proposed project would result in the discharge of fill material into 1.02 acres of wetlands (0.88 acre of permanent fill and 0.14 acre of temporary fill). The site contains areas of wooded upland and wetlands that include a combination of shallow marsh, fresh wet meadow, sedge meadow, shrub swamp, and hardwood swamp. Some invasive plant species have been identified on the site and the wetlands are low to medium quality.

VEGETATION IN AFFECTED AREA: Wetlands on site experienced moderate disturbance in the late 1990's in the form of grading, filling, alteration of drainage patterns, removal of native vegetation, and the introduction of invasive species such as reed canary grass and narrow leaved cattail.

SOURCE OF FILL MATERIAL: Fill material which would be utilized for the project would be generated on-site via wetland grading activities or would be purchased from a license commercial source and would be free of contaminants or other pollutants (something to this effect).

SURROUNDING LAND USE: The project area involves open grassy habitat communities and wooded areas that are bordered by paved roadways to the north, east, and south. A previously rerouted and channelized unnamed tributary to Duck Creek borders the western boundary, and a forested area is further west of the tributary. Commercial development and a tribal owned

wildlife conservancy is located further beyond the paved roadways to the east/northeast while residential development and agricultural fields are located beyond STH 54 to the south.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: Temporary erosion and sediment control practices would be implemented that include the use of silt fencing, straw bales, inlet protection, erosion control matting, and mulching. Additionally, the construction schedule would be expedited to minimize the duration of soil disturbance.

MITIGATION: Compensatory wetland mitigation requirements are currently being considered and would most likely involve the purchasing of wetland mitigation credits from a compensatory wetland mitigation bank within the Northwestern Lake Michigan 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, Outagamie 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.
Tricolored bat	Hibernates in caves and mines – swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
Monarch butterfly	Habitat that supports sufficient nectar and pollen sources from diverse and abundant flowers such as prairies, woodlands, marshes, agricultural landscapes, and residential parks and gardens. The Monarch larvae are dependent on Common milkweed, the only known larval food source.
Rusty patched bumble bee	Habitat that supports sufficient nectar and pollen sources from diverse and abundant flowers such as prairies, woodlands, marshes, agricultural landscapes, and residential parks and gardens.

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. 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 Environmental Protection Agency (EPA). A Department of the Army permit will not be granted until the EPA 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.

The latest versions of the National Register of Historic Places and the Wisconsin Historic Preservation Database have been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located within, or adjacent to the project area.

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 Jessica Kempke at Jessica.L.Kempke@usace.army.mil.

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Jessica Kempke at the Green Bay office at 651-290-5856 *or* Jessica.L.Kempke@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:

2022-01945-JLK Figure 1 of 2 through Figure 2 of 2.

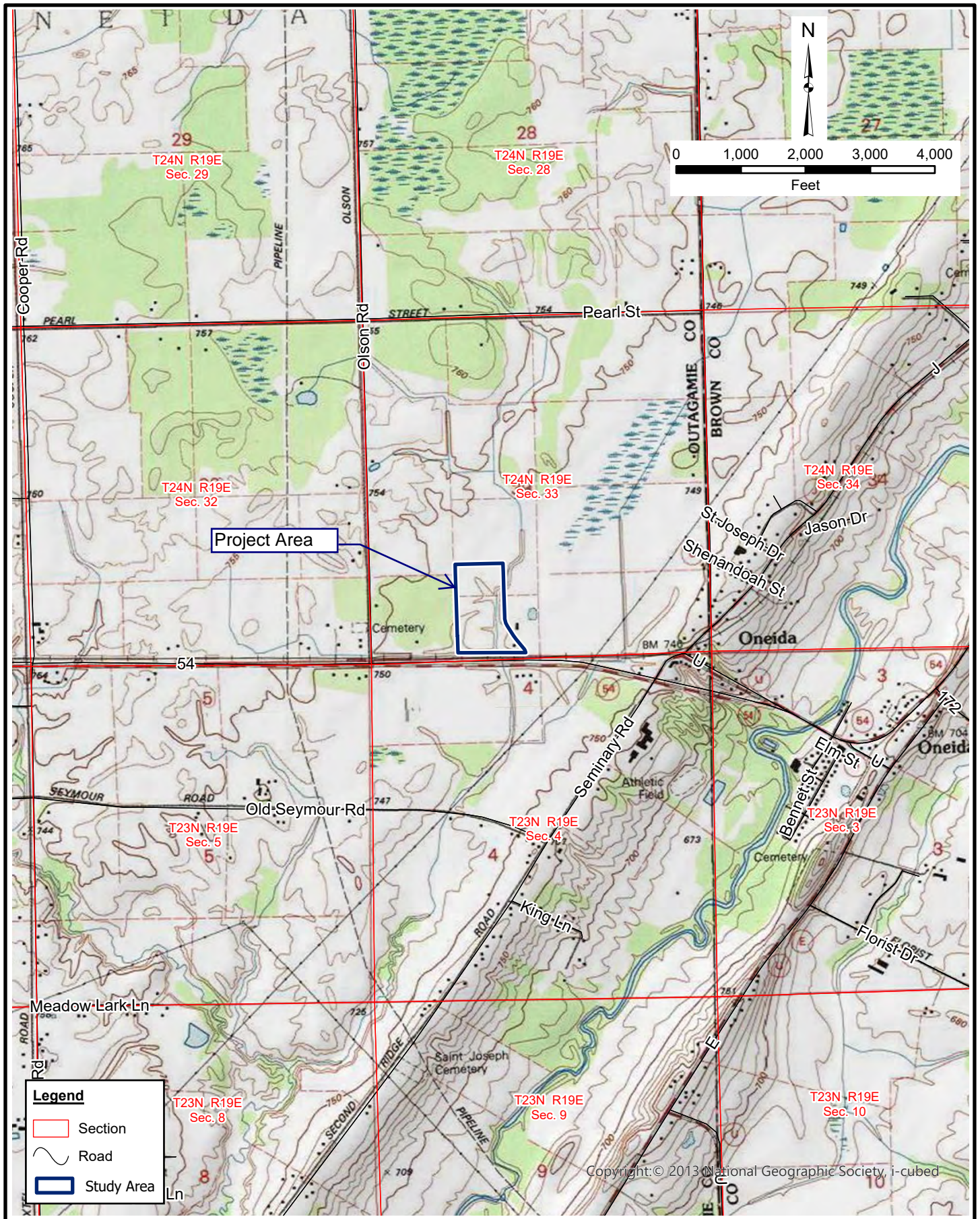
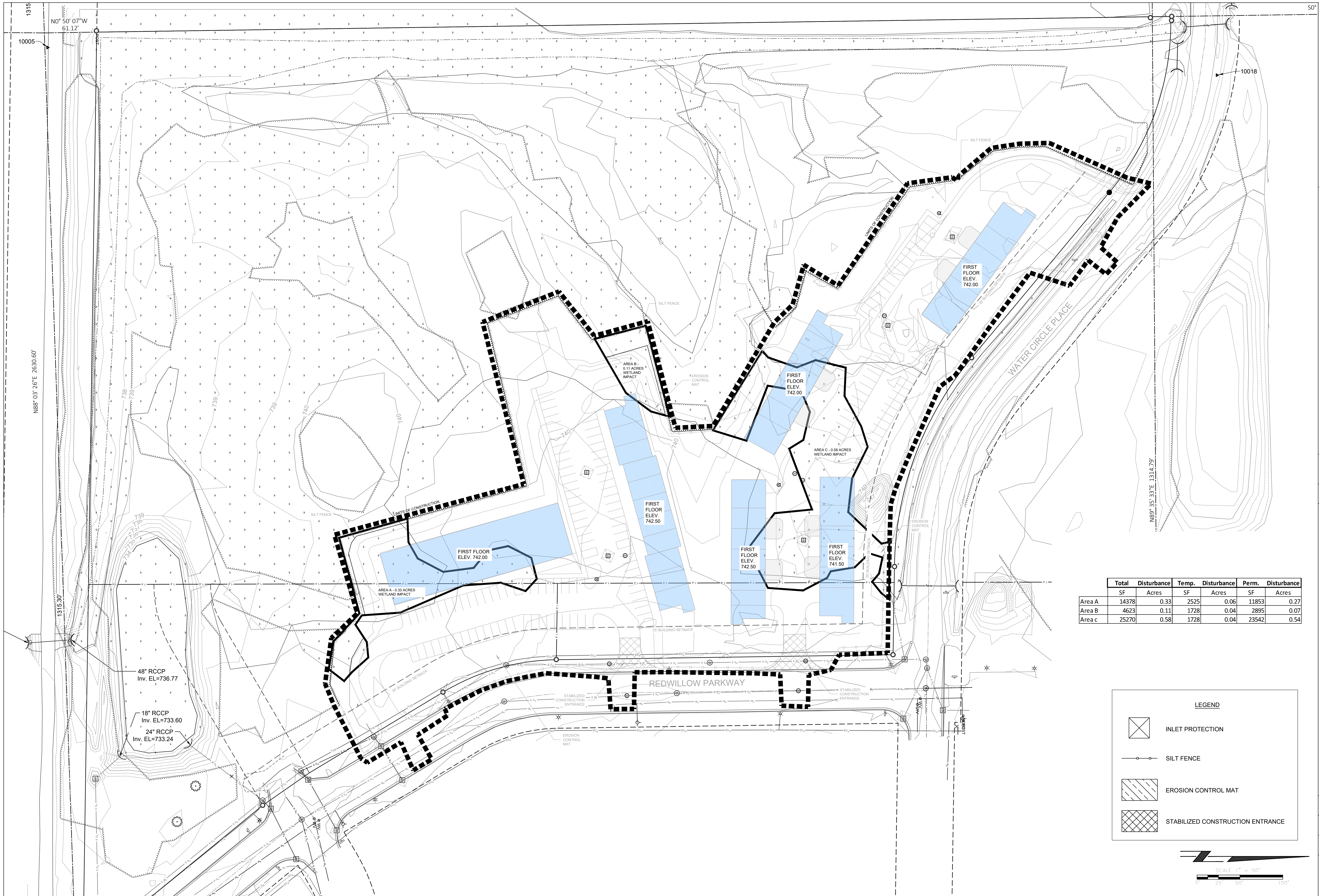


FIGURE 1
PROJECT LOCATION MAP

Water Circle Place
 Town of Oneida
 Outagamie County, Wisconsin

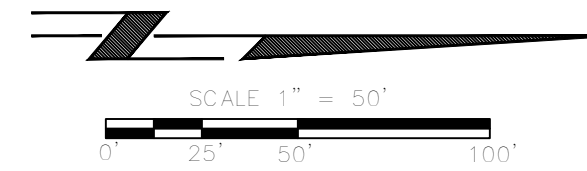




	Total Disturbance		Temp. Disturbance		Perm. Disturbance	
	SF	Acres	SF	Acres	SF	Acres
Area A	14378	0.33	2525	0.06	11853	0.27
Area B	4623	0.11	1728	0.04	2895	0.07
Area c	25270	0.58	1728	0.04	23542	0.54

LEGEND

	INLET PROTECTION
	SILT FENCE
	EROSION CONTROL MAT
	STABILIZED CONSTRUCTION ENTRANCE



SITE GRADING AND EROSION CONTROL PLAN
WATER CIRCLE PLACE DEVELOPMENT
ONEIDA NATION 19-004

PROJECT NO.
5023013/5023016
DATE
2-1-2023

OES
SHEET NO.
EX100