



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

**APPLICANT:** Bad River Band of Lake  
Superior Chippewa Tribe

# Public Notice

**ISSUED: 21 September 2023**  
**EXPIRES: 06 October 2023**

**REFER TO:** MVP-2023-00119-JMB

**SECTION: 404 - Clean Water Act**

1. APPLICATION FOR PERMIT TO discharge dredge and fill material into 2.69 acres of wetlands for expansion of the Bad River Health and Wellness Center.

## 2. SPECIFIC INFORMATION

**APPLICANT** Ben Connors, Tribal Planner  
Bad River Band  
P.O. Box 39  
Odanah, Wisconsin 54861

**PROJECT LOCATION:** The existing Health and Wellness Center is located in Section 32, Township 48 North, Range 2 West, Ashland County, Wisconsin. The approximate center coordinates of the site are Latitude 46.59528, Longitude -90.64538.

**DESCRIPTION OF PROJECT:** The project involves expansion of the existing Bad River Health and Wellness Center. The proposed building includes additional space added to the behavioral health, optical, dental, and therapy departments. The project also includes creation of a multi-use facility with basketball courts and a raised walking path around the perimeter, locker rooms, and a swimming pool building. The existing north parking lot and paved access road would be removed in favor of a pervious access area that will provide better maintenance and fire protection.

**QUANTITY, TYPE, AND AREA OF FILL:** The proposed project would result in the permanent discharge of fill material into 2.43 acres of hardwood swamp wetlands, as well as the temporary discharge of dredge and fill material into 0.26 acres of hardwood swamp wetlands needed for site grading.

**VEGETATION IN AFFECTED AREA:** The project area for the Health and Wellness Center expansion consists of undeveloped forestland which is dominated by red maple and black ash.

**SOURCE OF FILL MATERIAL:** Clean fill material would come from an off-reservation commercial source.

**SURROUNDING LAND USE:** The project site is located in an area of undeveloped forest land located immediately surrounding the existing Bad River Health and Wellness Center. It is located within the exterior boundaries of the Bad River Indian reservation.

**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: The applicant would implement measures to protect water quality during and immediately after construction. Such measures include installing silt fence, erosion mats, vehicle tracking pads, ditch checks, and seeding and mulching. All construction and restoration will follow the Bad River Band's best practices to minimize impacts to the environment.

MITIGATION: The applicant proposes to compensate for the permanent loss of 2.43 acres of wetlands by preserving and enhancing wetlands located on Parcel #022017020000 in perpetuity via easements. The proposed mitigation parcel totals approximately 38 acres, with the entirety of the site mapped as forested wetlands located near Beartrap Creek. Parcel #022017020000 is located in Section 27, Township 48 North, Range 3 West, Ashland County, Wisconsin.

### 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, Bad River reservation is within the known or historic range of the following Federally listed species:

Gray wolf – Endangered. Habitat: Northern forested areas.

Canada Lynx – Threatened. Habitat: A dense growth of trees and underbrush covering a large tract. There is final critical habitat for this species. The project location does not overlap the critical habitat.

Northern long-eared bat – Endangered. Habitat: Hibernates in caves and mines – swarming in surrounding wooded areas in autumn. During summer, roosts and forages in upland forests.

Tricolored bat – Proposed Endangered. Habitat: Often found in caves and abandoned mines.

Piping Plover – Endangered. Habitat: Sandy beaches and islands

Red Knot – Threatened. Habitat: Coastal areas along Lake Superior.

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

The U.S. Environmental Protection Agency approved the Bad River Band of Lake Superior Chippewa's application for Treatment as a State (TAS) on June 26, 2009 and authorizes the Bad River to issue Water Quality Certification under Section 401 of the Clean Water Act. This Public Notice has been sent to the Bad River Band of Lake Superior Chippewa and is considered by the District Engineer to constitute valid notification for water quality certification. A

permit will not be granted until the Bad River Band has issued Section 401 certification.

## 6. HISTORICAL/ARCHAEOLOGICAL

The latest versions of the National Register of Historic Places (Register) and the Wisconsin Historic Preservation Database (WHPD) 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. The Bad River Tribal Historic Preservation Officer (THPO) has also conducted a review of the proposed undertaking, and based on the information provided, has determined that the project will/may have No Adverse Effect to Historic Properties present. This project will be monitored by the Bad River THPO to ensure compliance with Section 106 of the National Historic Preservation Act (Tribal Monitors must be present for excavation/construction in the area of potential effect).

## 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. 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 [jonathan.m.bakken@usace.army.mil](mailto:jonathan.m.bakken@usace.army.mil).

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Jonathan Bakken at the Hayward Field Office at (651) 290-5884 or [jonathan.m.bakken@usace.army.mil](mailto:jonathan.m.bakken@usace.army.mil).

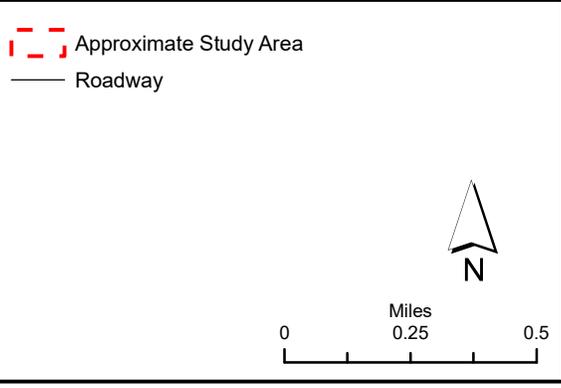
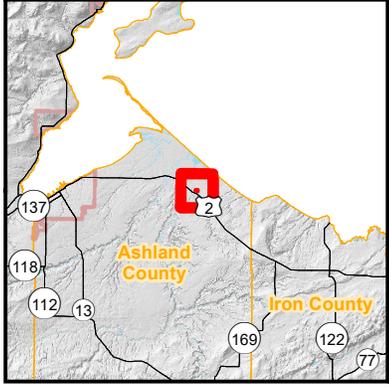
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Enclosures:

Project Figures labeled MVP-2023-00119-JMB: Page 1 of 3 through 3 of 3.



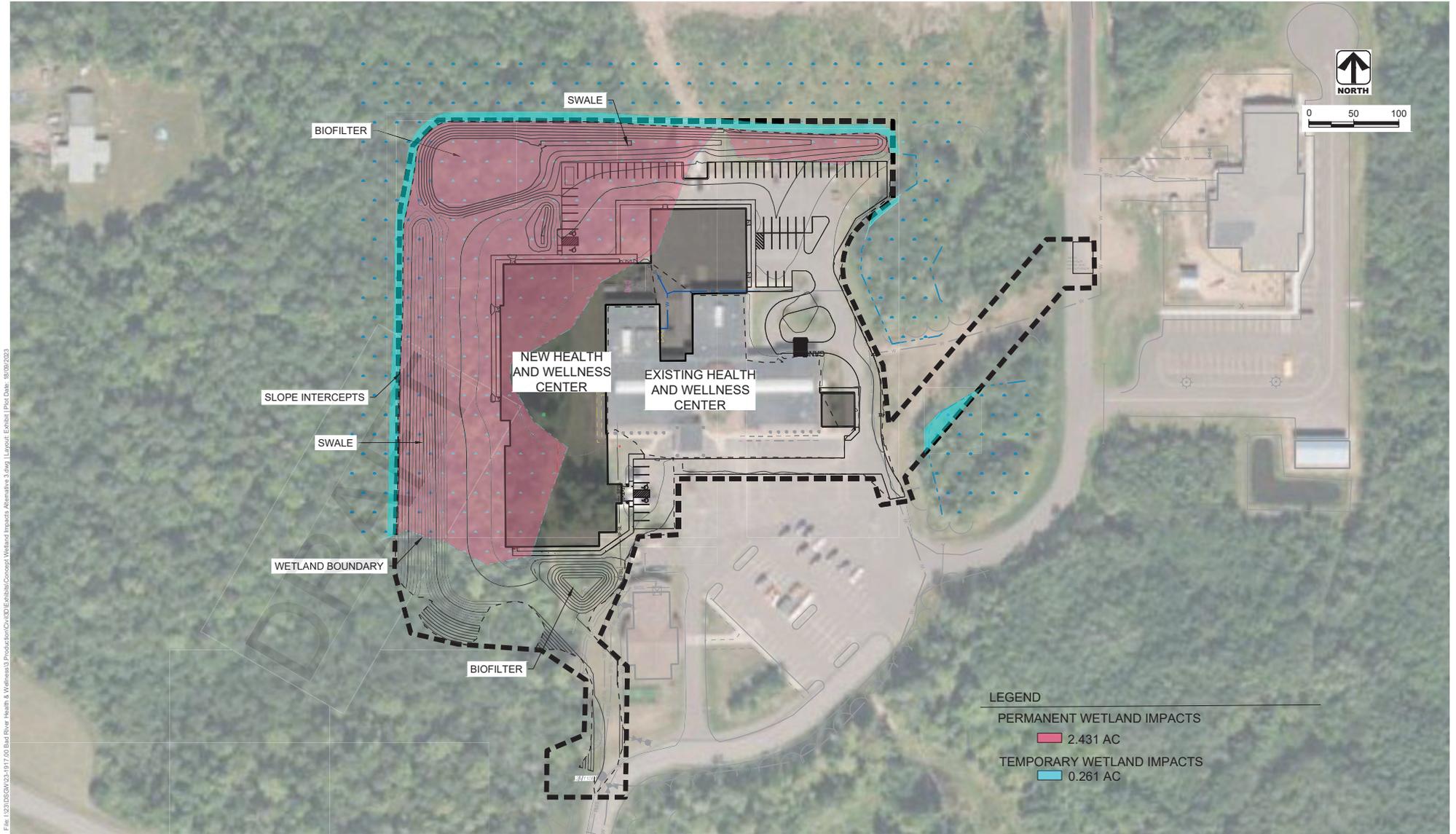
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**Bad River  
 Health & Wellness Center  
 Town of Sanborn  
 Ashland County, Wisconsin**

Figure 1.  
 Project Location Map

  
 P.O. Box 481 | Rice Lake, WI 54868

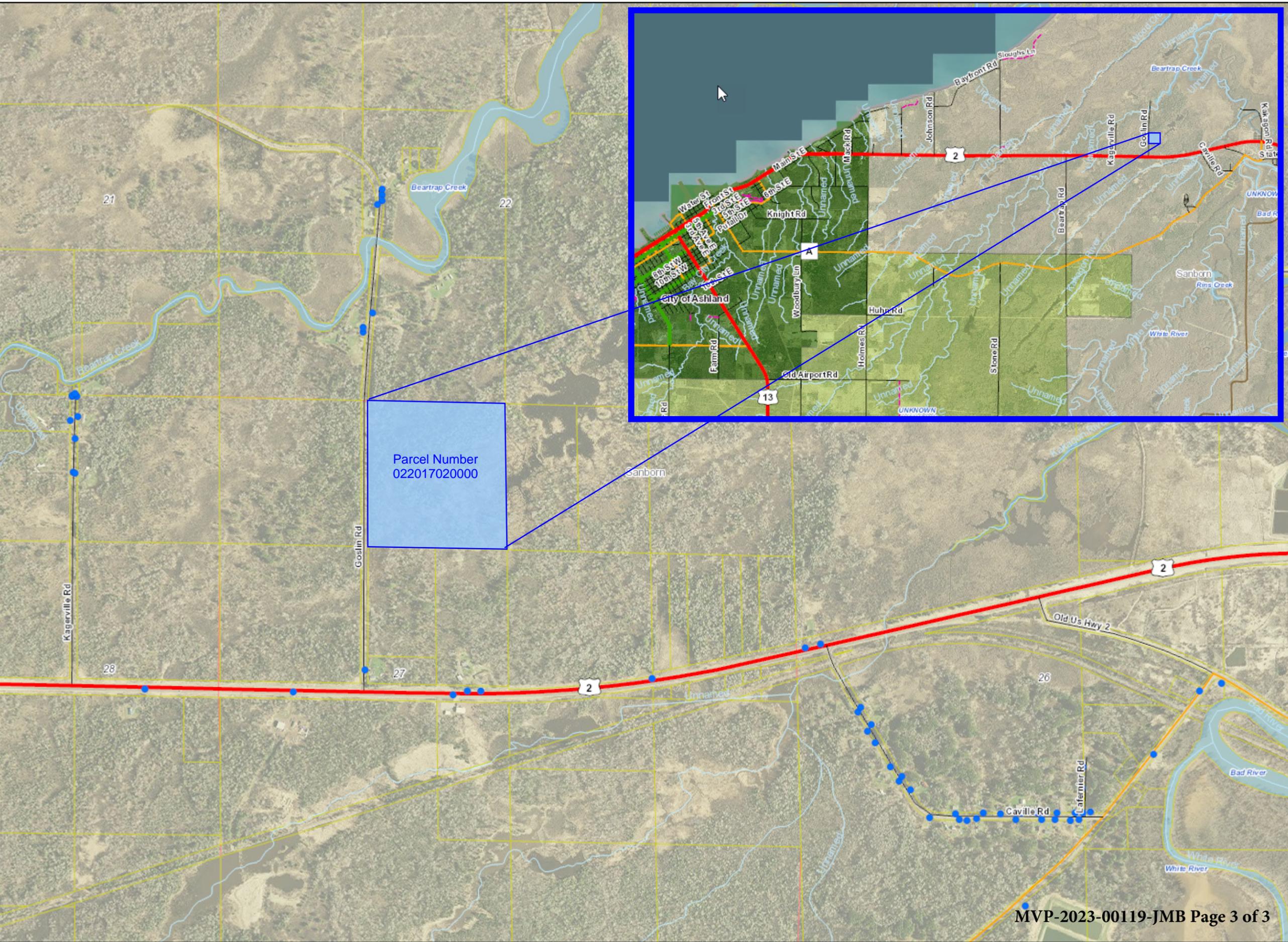


**Bad River Health and Wellness Center - Ashland, WI | Alternative 3**

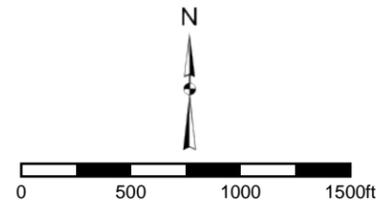
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Legend

- Parcels
- Driveway Access Address Points
- Rivers and Streams
- Lakes and Rivers
- Sections
- Villages
- Cities
- Towns**
- Agenda
- Ashland
- Chippewa
- Gingles
- Gordon
- Jacobs
- La Pointe
- Marengo
- Morse
- Peaksville
- Sanborn
- Shanagolden
- White River
- Lake Superior
- County Boundary
- Surrounding Counties**
- MI
- MN
- WI
- Roads**
- Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Local
- County Forest Road
- Private
- Railroads**
- WROC 6-Inch 2020 Color Ortho**
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



Parcel Number  
022017020000



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

Author:	
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Sources:	