



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

# Public Notice

**ISSUED:** November 3, 2008

**REFER TO:** 96-06788-GP-SDE  
96-06789-GP-SDE  
96-06790-GP-SDE  
96-06791-GP-SDE  
96-06792-GP-SDE

**SECTION:** 404 Clean Water Act

**APPLICANT:** General Public

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**REISSUANCE  
of  
MODIFIED GENERAL PERMITS  
for the  
CITY OF SUPERIOR, WISCONSIN  
SPECIAL AREA MANAGEMENT PLAN**

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1. The St. Paul District of the U.S. Army Corps of Engineers (Corps) has reissued four modified general permits as part of the City of Superior Special Area Management Plan II (SAMP II - GPs).

Project Classification	Total Acres (10 year period)
Residential (96-06788)	Up to 40
Public (96-06791)	Up to 15
Institutional (96-06792)	Up to 10
Commercial/Industrial (96-06789/96-06790)	Up to 75

2. A public notice soliciting comments on the proposed SAMP II – GPs was issued on March 14, 2007. Since that date, formal banking procedures involving a Mitigation Bank Review Team composed of the Corps, U.S. Fish and Wildlife Service (FWS), U.S. Environmental Protection Agency (EPA), U.S.D.A. Natural Resources Conservation Service (NRCS), and Wisconsin Department of Natural Resources (WDNR), were implemented to review the proposed City of Superior Wetland Mitigation Bank. The primary purpose of the bank would be to provide compensatory mitigation to offset wetland impacts authorized by the SAMP II – GPs. A public notice soliciting comments on the proposed wetland mitigation bank was issued by the Corps on January 28, 2008.

## **CEMVP-OP-R**

### **SUBJECT: Reauthorization of GPs for SAMP II**

3. Development of the SAMP began in 1990 and involved a Technical and Advisory Committee (TAC) composed of the Corps, EPA, FWS, WDNR, City of Superior, and others. The first general permits for the SAMP, referred to as SAMP I, were issued in December 1996. These authorized the placement of dredged and fill materials in wetlands designated for development as part of the SAMP. The SAMP I general permits were public noticed, reevaluated and reauthorized in May 2002. They expired in August 2007.

4. SAMP I and SAMP II general permits were categorized by activities that are similar in nature and have a limit of 10 acres of adverse impacts to wetlands for a single and complete project. The SAMP II – GPs are not valid until the WDNR issues Section 401 water quality certification. A pre-discharge notification to the Corps and WDNR is required for each proposed project under the GPs.

5. Under SAMP II, the maximum wetland fill over the next 10 years would be 140 acres, or an average of 14.0 acres/year. SAMP II – GPs expire in 5 years (as specified by Corps regulations for all general permits). This provides for a mid-term review of SAMP II – GPs and an opportunity to make any adjustments.

6. Modifications incorporated by the SAMP II – GPs include:

- a. More detailed functional assessments of 5,579 acres of wetlands within the City were completed. Review of this new database by the TAC determined that wetlands with certain high-rated functions, and many with medium-rated functions, would not be eligible for SAMP II – GP authorizations. This consisted of approximately 80 percent of the wetland acreage within the City (excluding the Municipal Forest).
- b. SAMP II – GPs would apply to the 20 percent of wetland acreage that was deemed eligible by the TAC, provided that the project site was appropriately zoned (e.g., residential, commercial/ industrial) and the limits in Table 1 were not exceeded.
- c. Wetland compensatory mitigation would be accomplished in advance by the City of Superior through establishment of the City of Superior Wetland Mitigation Bank. In SAMP I, compensatory mitigation was primarily concurrent with wetland impacts.
- d. A new special condition was placed on the SAMP II – GPs whereby the GPs would be temporarily suspended if the City of Superior Wetland Mitigation Bank reaches a zero or negative balance of wetland credits. Use of the SAMP II – GPs would be reinstated once a positive balance of wetland credits was restored.
- e. SAMP II incorporates a specific process for evaluating impacts to state-listed threatened, endangered or special concern, plant species should they be discovered on a proposed project site.

7. The City of Superior facilitates implementation of SAMP II through its building permit process. If you are planning a project within the City of Superior municipal boundaries that may impact wetlands, you should consult the City to determine whether your project is eligible for authorization by the SAMP II – GPs.

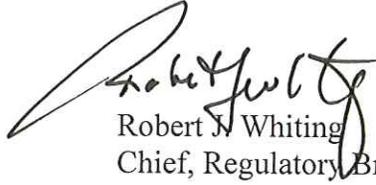
**CEMVP-OP-R**  
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8. Corps contacts:

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SAMP II – GP applications are reviewed by Jason Berkner at (715) 934-2172, or [jason.r.berkner@usace.army.mil](mailto:jason.r.berkner@usace.army.mil)

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