

P320-20141 (WP032001)

ADDENDUM NUMBER 1

NORTH POINT PARKING LOT REVETMENT

Site #783

Bldg #1800

2272 North Lincoln Memorial Drive

Milwaukee, WI 53202

Project Location: North Point Parking Lot

Project Number: P320-20141

Date of Addendum: December 4th, 2023

This Addendum to the Contract Documents is issued to modify, explain or correct the original documents, dated November 8th, 2023, and is hereby made part of the Contract Documents. Acknowledge receipt of this Addendum in the space provided on the Bid Express System, or bid may be rejected.

SPECIFICATIONS

REPLACE Document 00 11 16 in Project Manual – INVITATION TO BID – Revisions as noted below:

- Replace Paragraph 2 BID:
 - “Bids are to be completed online in Bid Express internet Bidding System at <https://www.bidexpress.com/businesses/24937/home> no later than 2 P.M., Wednesday **December 20th, 2023**”

REPLACE Document 00 40 00 in Project Manual – BID ENTRY INFORMATION– Revisions as noted below:

- Replace Bids Due:
 - “Wednesday December 20th, 2023 at 2:00 P.M.

ADD Section Appendix E, U.S. Army Corps of Engineers and WDNR General Permit, attached to and issued as part of this Addendum 1.

- Permit dated November 21st, 2023 is attached at the end of this document

Attachments:

Appendix E; 15 pages

End of Addendum No. 1

00 90 00-1



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
332 MINNESOTA STREET, SUITE E1500
ST. PAUL, MN 55101-1323

November 21, 2023

Regulatory File No. 2023-00834-LAH

Milwaukee County Parks
Clifton Janssen
633 W. Wisconsin Ave, Suite 1006
Milwaukee, WI 53203

Dear Mr. Janssen:

We are responding to your request for authorization to temporarily and permanently discharge fill material onto the aquatic bed of Lake Michigan as part of a revetment reconstruction and riprap installation project in the City of Milwaukee. The proposed work is located in Section 22, Township 7 North, Range 22 East, Milwaukee County, Wisconsin.

Project authorization:

The regulated activities associated with this project include the temporary discharge of fill material below the plane of the ordinary high water mark (OHWM) onto 15,800 square feet (0.36 acre) of aquatic bed, and the permanent discharge of fill material below the plane of the OHWM of Lake Michigan along 575 linear feet (37,100 square feet) of aquatic bed. We have determined that these activities are authorized by a Regional General Permit (RGP), specifically, the Bank Stabilization & Habitat Improvement RGP. This work is shown on the enclosed figures, labeled 2023-00834-LAH Figures 1 of 2 through 2 of 2.

Conditions of your permit:

You must ensure the authorized work is performed in accordance with the enclosed General Permit terms, General Conditions, and St. Paul District Regional Conditions.

You are also required to complete and return the enclosed Compliance Certification form within 30 days of completing your project. Please email the completed form to the contact identified in the last paragraph.

A change in location or project plans may require re-evaluation of your project. Proposed changes should be coordinated with this office prior to construction. Failure to comply with all terms and conditions of this permit invalidates this authorization and could result in a violation of Section 301 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. You must also obtain all local, State, and other Federal permits that apply to this project.

Water Quality Certification:

You must also comply with the enclosed Water Quality Certification conditions associated with this General Permit.

Permit expiration:

The RGP is valid until February 19, 2028 unless modified, suspended, or revoked. If the work has not been completed by that time, you should contact this office to verify that the permit is still valid. Furthermore, if you commence or are under contract to commence this activity

before the date of General Permit expiration, modification, or revocation, you have 12 months to complete the activity under the present terms and conditions of the General Permit.

Jurisdictional determination:

No jurisdictional determination was requested or prepared for this project. While not required, you may request a jurisdictional determination from the contact identified in the last paragraph.

Contact Information:

If you have any questions, please contact me in our St. Paul office at (651) 318-9382 or by email at Leah.A.Huff@usace.army.mil.

Sincerely,

A handwritten signature in cursive script that reads "Leah Huff".

Leah Huff
Regulatory Specialist

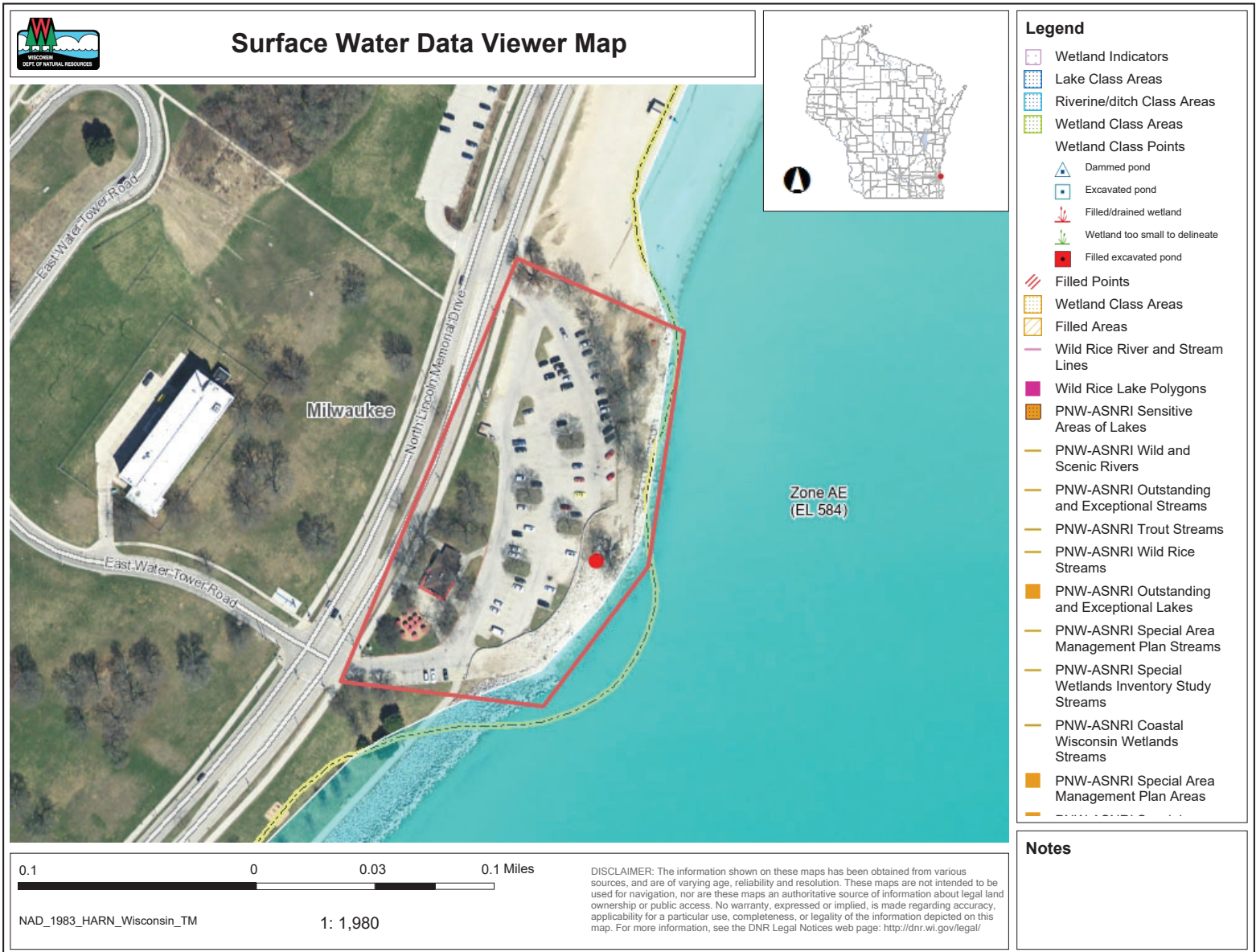
Enclosures

CC: Michelle Soderling, WI DNR [Docket #IP-SE-2023-41-03071]

2023-00834-LAH

Figure 1

Project Location



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To qualify for this RGP authorization, the prospective permittee must comply with the following conditions, as applicable, in addition to any project-specific special conditions imposed by the Corps.

1. **Compliance:**
 - a. The permittee is responsible for ensuring that whoever performs, supervises or oversees any portion of the physical work associated with the construction of the project has a copy of and is familiar with all the terms and conditions of the RGP and any special (permit-specific) conditions included in any written verification letter from the Corps.
 - b. The activity must also comply with any special conditions added by the state, tribe, or U.S. EPA in its Section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination. The permittee is ultimately responsible for ensuring compliance with all the terms and conditions of the RGP.
 - c. Any authorized structure or fill must be properly maintained, including maintenance to ensure public safety and compliance with applicable RGP general conditions, as well as any activity-specific conditions added by the Corps to an RGP authorization.
2. **Compliance Certification:** Each permittee who receives an RGP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The Corps will provide the permittee the certification document with the RGP verification letter. The completed certification document must be submitted to the Corps within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.
3. **Site Inspection:** The permittee shall allow representatives from the Corps to inspect the proposed project site and the authorized activity to ensure that it is being, or has been, constructed and maintained in accordance with the RGP authorization.
4. **Migratory Birds and Bald and Golden Eagles:** The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service (FWS) to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.
5. **Endangered Species:**
 - a. No activity is authorized under this RGP which is likely to directly or indirectly jeopardize the continued existence of a federally threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act (ESA), 50 CFR 402, or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under the RGP which "may affect" a listed species or critical habitat, unless ESA Section 7 consultation addressing the effects of the proposed activity has been completed, and a Corps RGP verification letter is issued. Direct effects are the immediate effects on listed species and critical habitat caused by the RGP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the RGP activity and are later in time, but still are reasonably certain to occur.
 - b. As a result of formal or informal consultation with the FWS, the Corps may add species-specific permit conditions to the RGP verification.
 - c. Information on the location of federally threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS on their web page at www.fws.gov/ipac.
6. **Calcareous Fens:** The permittee may not complete regulated activities in a calcareous fen, unless the Wisconsin Department of Natural Resources has authorized the proposed regulated activity, or the Minnesota Department of Natural Resources has approved a calcareous fen management plan specific to the project. A list of known Minnesota calcareous fens can be found at: http://files.dnr.state.mn.us/eco/wetlands/calcareous_fen_list.pdf. Information about calcareous fens in Wisconsin can be found at

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<http://dnr.wi.gov/topic/EndangeredResources/Communities.asp?mode=group&Type=Wetland>.

7. **Wild and Scenic Rivers:** The permittee may not complete regulated activities which may affect or are located in a designated portions of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.
8. **Historic Properties, Cultural Resources:**
 - a. No activity which may affect historic properties listed or potentially eligible for listing on the National Register of Historic Places is authorized until the requirements of Section 106 of the National Historic Preservation Act (Section 106) have been satisfied. Federal project proponents should follow their own procedures for complying with the requirements of Section 106 and provide documentation of compliance with those requirements.
 - b. Information on the location and existence of historic and cultural resources can be obtained from the State Historic Preservation Office, Tribal Historic Preservation Offices, and the National Register of Historic Places.
 - c. Rock or fill material used for activities authorized by this permit must either be obtained from existing quarries or, if a new borrow site is excavated to obtain fill material, the Corps must be notified prior to the use of the new site to determine whether a cultural resources survey of the site is necessary.
9. **Discovery of Previously Unknown Remains and Artifacts:** If any previously unknown historic, cultural, or archeological remains and artifacts are discovered while accomplishing the activity authorized by this permit, the permittee must immediately notify the Corps of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The Corps will initiate the federal, tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
10. **Burial Sites:** Burial sites, marked or unmarked, are subject to state law (Wisconsin Statute 157.70 and Minnesota Statutes 306 and 307.08). Native American burial sites on federal or tribal land are subject to the provisions of Native American Graves Protection and Repatriation Act (NAGPRA). Regulated activities may not result in disturbance or removal of human remains until disposition of the remains has been determined by the appropriate authority under these laws, and the work is authorized by the Corps. Regulated activities which result in an inadvertent discovery of human remains must stop immediately, and the Corps, as well as the appropriate state and tribal authority, must be notified. Regulated work at inadvertent discovery sites requires compliance with state law and NAGPRA, as appropriate, prior to re-starting work.
11. **Federally Authorized Corps Civil Works projects:** A permittee is not authorized to begin any regulated activities described in this RGP if activities will alter or temporarily or permanently occupy or use a Corps federally authorized civil works project, unless the appropriate Corps office issues a Section 408 permission to alter, occupy, or use the Corps civil works project (pursuant to 33 U.S.C. 408) and the Corps issues written RGP verification. Examples of federal projects include, but are not limited to, works that were built by the Corps and are locally maintained (such as local flood control projects) or operated and maintained by the Corps (such as locks and dams).
12. **Safety of Impoundment Structures:** To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.
13. **Suitable Material:** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see

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Section 307 of the Clean Water Act).

14. **Restoration of Temporary Impacts:** All temporary impacts in waters of the US, including discharges resulting from side casting material excavated from trenching, that occur as a result of the regulated activity must be fully contained with appropriate erosion control or containment methods, be restored to pre-construction contours and elevations, and, as appropriate, revegetated with native, non-invasive vegetation, unless otherwise conditioned in a Corps RGP verification. All temporary access roads constructed in waters of the US must be properly bridged or culverted to maintain surface flows. In temporarily excavated wetlands, the top 6 to 12 inches of the excavation should normally be backfilled with topsoil originating from the wetland. No temporary excavation area, including, but not limited to trenches, may be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a French drain effect).
15. **Duration of Temporary Impacts:** Temporary impacts in waters of the U.S., including wetlands, must be avoided and limited to the smallest area and the shortest duration required to accomplish the project purpose.
 - a. Unless otherwise conditioned in a Corps RGP verification, temporary impacts may not remain in place longer than 90 days between May 15 and November 15. Before those 90 days have elapsed all temporary discharges must be removed in their entirety.
 - b. If the temporary impacts would remain in place for longer than 90 days between May 15 and November 15, the PCN must request a waiver from this condition and specify how long temporary impacts will remain and include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. The permittee must remove the temporary impacts in their entirety in accordance with the activity authorized in their permit verification.
16. **Best Management Practices (BMPs):** To minimize adverse effects from soil loss and sediment transport that may occur as a result of the authorized work, appropriate BMPs must be implemented and maintained. For authorized work above an OHWM the BMPs must remain in place until the affected area is stabilized with vegetation or ground cover. For all authorized work below an OHWM, BMPs are required and must prevent or minimize adverse effects (e.g., total suspended solids or sedimentation) to the water column outside of the authorized work area. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance. All BMPs must be inspected and properly maintained following storm events to ensure they are operational. All exposed slopes and stream banks must be stabilized within 24 hours after completion of all tributary crossings.
17. **Aquatic Life Movements:** No regulated activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.
18. **Spawning Areas:** Activities in spawning areas, during spawning seasons, must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial sedimentation) of a designated or known spawning area are not authorized.
19. **Hard Armoring:** For RGP categories that allow for the use of hard armoring for bank stabilization, only suitable material must be used and be of a size and configuration sufficient to prevent its movement from the authorized alignment by natural forces under normal or high flows.
20. **Pollutant or Hazardous Waste Spills:** The permittee is responsible for removing pollutants and hazardous materials and for minimizing any contamination resulting from a spill in accordance with all applicable state, tribal, and federal laws. In accordance with applicable state, tribal, and federal laws and regulations, if a spill

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of any potential pollutant or hazardous waste occurs, it is the responsibility of the permittee to immediately notify the National Response Center at 1-800-424-8802 or nrc.uscg.mil AND
IN WISCONSIN: the WI DNR Spills Team at 1-800-943-0003; or
IN MINNESOTA: the Minnesota State Duty Officer at 1-800-422-0798.

21. **Clean Construction Equipment:** To prevent the spread of invasive species, all construction equipment must be clean prior to entering and before leaving the work site.
22. **Navigation:**
 - a. No activity may cause more than a minimal adverse effect on navigation.
 - b. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the US.
 - c. For activities subject to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
23. **Fills Within 100-Year Floodplains:** The regulated activity must comply with applicable FEMA-approved state or local floodplain management requirements.
24. **Section 401 Clean Water Act Water Quality Certification:** All regulated activities authorized by this RGP pursuant to Section 404 of the Clean Water Act require Section 401 Clean Water Act certification or waiver to be considered valid.
25. **Maintenance:** The activity must be properly maintained, which may require repairs after severe storms or erosion events.
26. **Transfer of Regional General Permit Verifications:** If the permittee sells the property associated with a regional general permit verification, the permittee may transfer the regional general permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the regional general permit verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this regional general permit are still in existence at the time the property is transferred, the terms and conditions of this regional general permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this regional general permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

BEFORE THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES

Application of the United States Department of the Army Corps of Engineers, for Water Quality Certification for the Final Regulations Pertaining to the Issuance, Reissuance, and Modification of Regional General Permits

On July 13, 2022, the United States Department of the Army, Corps of Engineers (COE), published on its website a notice of intent to issue Regional General Permits (RGPs). The notice of intent to issue includes 1 new (Bank Stabilization and Habitat Improvement) RGP and 7 modified RGPs (Beach Creation and Nourishment, Beach Raking, Minor Discharges, Piers and Docks, Transportation, Utility, and Wildlife Ponds). On September 20, 2022, The St. Paul District COE requested water quality certification from Wisconsin Department of Natural Resources (WDNR) under Section 401 of the Clean Water Act for each of the eight proposed RGPs.

WDNR has examined the regulations promulgated by the COE and United States Environmental Protection Agency pursuant to Section 401, CWA, and Chapters 30 and 281, Wisconsin Statutes and Chapters NR 102, 103, 105, 310, and 299, Wisconsin Administrative Code (Wis. Adm. Code).

The WDNR has determined the following conditions for the RGPs are required to ensure compliance with state water quality standards enumerated in s. 299.04, Wis. Adm. Code. Water quality in Wisconsin will be adequately protected as long as these conditions are met and the requirements of the final RGPs are consistent with the public noticed drafts. This certification shall expire when the RGPs expire.

Section 401 Certification does not release the permittee from obtaining all other necessary federal, state, and local permits, licenses, certificates, approvals, registrations, charters, or similar forms of permission required by law. It does not limit any other state permit, license, certificate, approval, registration, charter, or similar form of permission required by law that imposes more restrictive requirements. It does not eliminate, waive, or vary the permittee's obligation to comply with all other laws and state statutes and rules throughout the construction, installation, and operation of the project. This Certification does not release the permittee from any liability, penalty, or duty imposed by Wisconsin or federal statutes, regulations, rules, or local ordinances, and it does not convey a property right or an exclusive privilege.

The conditions of this Certification cannot be used for other permit decisions, permit types or licenses that are not expressly listed in the agency water quality certification request dated September 20, 2022. Pursuant to 40 CFR 121.5, a certification request must be submitted to the state of Wisconsin for all individual license or permit requests. This includes projects undertaken by federal agencies including U.S. Army Corp of Engineer projects.

This Certification does not replace or satisfy any environmental review requirements, including those under the Wisconsin Environmental Policy Act (WEPA) or the National Environmental Policy Act (NEPA).

STATE CONDITIONS AND LIMITATIONS OF CERTIFICATION

GENERAL CONDITIONS:

1. The permittee shall allow the WDNR reasonable entry and access to the discharge site to inspect the discharge for compliance with the certification and applicable laws.

Justification: On-site inspection is a critical element to gather necessary information for water quality certification decisions and quality control and assurance of data provided by the applicant. This authorization is required pursuant to s. NR 299.05(3)(d)2.c, Wis. Adm. Code.

2. Water quality certification is denied without prejudice for activities involving the temporary stockpiling of dredged or fill material in waters of the state, including wetlands for 60 or more consecutive days between May 15 and November 15 unless this includes a wetland restoration plan approved by the department.

Justification: Physical alterations can degrade surface waters through the filling, dredging or stockpiling of materials. Pursuant to ss. NR 102.05 and NR 103.03, Wis. Adm. Code, no waters of the state including wetlands shall be lowered in quality unless it has been affirmatively demonstrated to the department that such a change is justifiable. To satisfy these antidegradation and water quality protection requirements, individual certification is warranted to properly demonstrate that temporary stockpiling of dredged or fill material is warranted.

3. Water quality certification is denied without prejudice for activities that have the potential to adversely impact Area of Special Natural Resource Interest (ASNRI) waters designated under s. NR 1.05, Wis. Adm. Code.

Justification: Pursuant to ch. NR 207, Wis. Adm. Code, Wisconsin's Antidegradation procedures prohibit degradation of outstanding resource waters and limit degradation in exceptional resource waters. Additionally, formal consultation with the Voigt Task Force is needed on projects which could have impacts on wild rice or wild rice habitat. For these reasons, all projects that have the potential to degrade ASNRI waters designated under s. 30.01(1am), Wis. Stats., are denied without prejudice. ASNRI waters are available on the DNR's surface water data viewer at <https://dnr.wisconsin.gov/topic/SurfaceWater/swdv>.

4. Water quality certification is denied without prejudice for activities that have the potential to adversely impact Public Rights Features (PRFs) designated under to s. NR 1.06, Wis. Adm. Code.

Justification: Pursuant to s. NR 102.04(1)(a) and (b), Wis. Adm. Code, objectionable deposits or debris shall not be present in such amounts as to interfere with public rights in waters of the state. Public Rights Features are most sensitive to these types of deposits and warrant individual water quality certification to ensure that wildlife, recreation, and fish and aquatic life standards under ch. NR 102, Wis. Adm. Code are satisfied. PRFs are available on the DNR's surface water data viewer at <https://dnr.wisconsin.gov/topic/SurfaceWater/swdv>.

5. No discharges of dredged or fill material below the ordinary high water mark of a navigable stream, as defined by s. 310.03(5), Wis. Adm. Code, may take place during fish spawning periods or times when nursery areas would be adversely impacted. These periods are:

- September 15th through May 15th for all trout streams; to determine if a waterway is a trout stream, you may use the WDNR website trout maps which can be found at <https://dnr.wisconsin.gov/topic/Fishing/trout/streammaps.html>
- September 15th through June 15th on all Great Lakes tributaries upstream to the first dam or barrier.
- November 1st through June 15th for Lake Michigan waters surrounding Door County including Green Bay and all harbors and bays.
- September 15th through July 1st for Lake Superior waters surrounding Douglas County including St. Louis River and all harbors and bays.
- March 1st through June 15th for ALL OTHER waters.

Justification: Pursuant to s. NR 102.04(3), Wis. Adm. Code, aquatic life designations include spawning areas for cold water and warm water fish and aquatic life habitat. Water quality criteria are derived to ensure spawning activities in Wisconsin are protected.

6. The permittee must install in-water best management practices (BMPs) to minimize total suspended solids (TSS), sedimentation and nutrient loadings for any work conducted below the ordinary high water mark (OHWM). Any visual increase in turbidity outside of the approved impact area shall result in the project operations ceasing until BMPs have been modified to address the issue.

Justification: Pursuant to ss. NR 102.04(1) and NR 102.06, Wis. Adm. Code, objectionable deposits and nutrients may not be present in amounts that interfere with public rights and interests or exceed state standards for surface water. In-water BMPs also help ensure excessive sedimentation, TSS, and nutrient loadings will not result in a violation of state wetland water quality standards under s. NR 103.03, Wis. Adm. Code.

7. Erosion control measures shall meet or exceed the WDNR Technical Standards developed under Subch. V of ch. NR 151, Wis. Admin. Code. Any area where soil is exposed during construction shall be stabilized or revegetated immediately upon reaching final grade using sod, seed and anchored mulch, seed and erosion control mat, or rip rap to prevent erosion and limit sediment discharge to the waterway.

Justification: Pursuant to ss. NR 102.04(1) and NR 102.06, Wis. Adm. Code, objectionable deposits and nutrients may not be present in amounts that interfere with public rights and interests or exceed state standards for surface water. Erosion control measures also help ensure excessive sedimentation, TSS, and nutrient loadings will not result in a violation of state wetland water quality standards under s. NR 103.03, Wis. Adm. Code.

8. No discharges of dredged or fill material may be placed into wetlands that are identified by the department as being one of the following community types: a) Great Lakes ridge and swale complexes, b) interdunal wetlands, c) coastal plain marshes, d) emergent marshes containing wild rice, e) sphagnum bogs that are located in the area located south of a horizontal line drawn across the state based on the routes of STH 16 and STH 21 west of Lake Winnebago and on USH 151 east of Lake Winnebago, f) boreal rich fens, or g) calcareous fens.

Justification: Pursuant to s. 281.36(3g)(d), Wis. Stats., impacting one of these rare wetland community types may result in significant adverse environmental effects. These wetland communities are most sensitive to these types of deposits and warrant individual water quality certification to ensure that wetland water quality standards identified in ch. NR 103, Wis. Adm. Code are met.

9. The permittee may not use any materials that contain toxic substances in toxic amounts. This may include materials used for structure placement, beneficially reused materials, or fill.

Justification: Pursuant to chs. NR 102, NR 103, NR 105, and s. NR 299.04(1)(b), Wis. Adm. Codes, water quality criteria and limitations must be satisfied to grant water quality certification.

10. The permittee must ensure that any material used to construct a project is properly contained and stabilized in a manner that will prevent the material from being eroded.

Justification: Pursuant to ss. NR 102.04(1)(a) and (b) and NR 103.03, Wis. Adm. Code, objectionable deposits or debris shall not be present in amounts that interfere with public rights and interests in waterways or the functions and values of wetlands in Wisconsin.

11. Projects permitted under any RGP must implement planning and pretreatment of equipment to minimize spread of invasive or noxious species, designated under ch. 40, Wis. Adm. Code.

Justification: Pursuant to s. NR 103.03(2)(f)3., Wis. Adm Code, water quality certification must prevent conditions conducive to the establishment or proliferation of nuisance organisms in order to protect existing wetland habitat and ecosystems. Invasive species threaten the Fish and Other Aquatic Life designated use under s. NR 102.04(3), Wis. Adm. Code.

12. Whenever an applicant is completing sediment sampling and analysis, monitoring, or disposal of materials from any dredging project, proper sampling and quality assurance methods shall be implemented in alignment with ch. NR 347, Wis. Adm. Code.

Justification: In order to protect the public rights and interests in the waters of the state and to ensure that data quality is representative of site conditions to make informed water quality certification decisions, all data gathering, sampling, monitoring, data analysis and disposal shall be completed using proper sampling and quality assurance methods in alignment with ch. NR 347, Wis. Adm. Code.

Conditions Applicable to Specific Regional General Permits Granted Water Quality Certification:

Beach Creation and Nourishment RGP:

The project may not result in the deposition of new material below the ordinary high water mark of any waterway.

Justification: Pursuant to s. NR 102.04(1)(a) and (b), Wis. Adm. Code, objectionable deposits or debris shall not be present in such amounts as to interfere with public rights in waters of the state. Unconsolidated materials commonly utilized for beach creation warrant individual water quality certification to ensure that wildlife, recreation, and fish and aquatic life standards under ch. NR 102, Wis. Adm. Code are satisfied.

Minor Discharges RGP:

The permittee must ensure that the combined permanent or temporary discharge will not result in direct and secondary impacts which together exceed 400 sq. ft.

Justification: Pursuant to s. 103.03(2)(d), Wis. Adm. Code, wetlands shall be protected from cumulative impacts of discharges which may result in concentrations or combinations of substances which are toxic or harmful to human, animal, or plant life. Ensuring that the eligibility standard for wetland impacts encompasses primary and secondary impacts as required under s. NR 103.08(3) Wis. Adm. Code will ensure adequate protection from cumulative impacts.

The project may not result in the permanent deposition of material below the ordinary high water mark of any waterway.

Justification: Pursuant to s. NR 102.04(1)(a) and (b), Wis. Adm. Code, objectionable deposits or debris shall not be present in such amounts as to interfere with public rights in waters of the state. Unconsolidated materials commonly utilized for beach creation warrant individual water quality certification to ensure that wildlife, recreation, and fish and aquatic life standards under ch. NR 102, Wis. Adm. Code are satisfied.

Wildlife Ponds RGP:

The project may not result in the creation of a pond that is permanently connected to a navigable waterway, by means of enlargement or by a natural or artificial channel or drainage course, or an open or closed conduit, any of which tend to confine and direct flow into the existing navigable waterway, as defined in s. NR 343.03(3) Wis. Adm. Code.

Justification: Physical alterations can degrade surface waters through the excavation of materials and manipulation of surface water hydrology. Pursuant to ss. NR 102.05 and NR 103.03, Wis. Adm. Codes, no waters of the state including wetlands shall be lowered in quality unless it has been affirmatively demonstrated to the department that such a change is justifiable. To satisfy these antidegradation and water quality protection requirements,

individual certification is warranted to properly demonstrate that pond construction will not cause adverse effects.

Where project proposals have existing wetlands on or adjacent to the project area, the project area must be dominated by agricultural crops, invasive wetland species, or early successional hydrophyte species, and the proposed activities will not cause significant adverse impact to undisturbed wetland plant communities.

Justification: Pursuant to s. NR 103.03, Wis. Adm. Code, no waters of the state including wetlands shall be lowered in quality unless it has been affirmatively demonstrated to the department that such a change is justifiable. Limiting such pond projects to locations that will cause minimal impacts to undisturbed wetland plant communities satisfies this water quality protection requirement.

NOTIC OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin Statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

To request a contested case hearing pursuant to section 227.42, Wisconsin Statutes, you have 30 days after the decision is mailed, or otherwise served by the department, to serve a petition for hearing on the Secretary of the Department of Natural Resources.

This determination becomes final in accordance with the provisions of s. NR 299.05(7), Wisconsin Administrative Code, and is judicially reviewable when final. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wisconsin Statutes, you have 30 days after the decision becomes final to file your petition with the appropriate circuit court and to serve the petition on the Secretary of the Department of Natural Resources. The petition must name the Department of Natural Resources as the respondent.

Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

This notice is provided pursuant to section 227.48(2), Wisconsin Statutes.

Dated at Madison, Wisconsin November 10, 2022

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By: 

David R. Siebert
Administrator, Division of External Services



**US Army Corps
of Engineers**®

St. Paul District

COMPLIANCE CERTIFICATION

Regulatory File Number: 2023-00834-LAH
Name of Permittee: Milwaukee County Parks, Clifton Janssen
County/State: Milwaukee County, Wisconsin
Date of Issuance: November 21, 2023

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the Corps contact identified in your verification letter within 30 days.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

By signing below, the permittee is certifying that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date