

CITY OF FRANKLIN  
PLAN COMMISSION MEETING\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA  
THURSDAY, FEBRUARY 9, 2017, 7:00 P.M.

A. **Call to Order and Roll Call**

B. **Approval of Minutes**

1. Approval of regular meeting of January 19, 2017.

C. **Public Hearing Business Matters** (action may be taken on all matters following the respective Public Hearing thereon)

1. **INDIAN COMMUNITY SCHOOL OF MILWAUKEE, INC. RECREATIONAL/EDUCATIONAL BOARDWALK CONSTRUCTION.**  
Natural Resource Features Special Exception and Site Plan Amendment applications by Indian Community School of Milwaukee, Inc., owner, for the purpose of allowing for filling, grading and construction of a proposed system of trails (approximately 600 lineal feet), boardwalks (approximately 600 lineal feet), an observation deck/outdoor classroom, elevated platforms/piers and creation of 4 wetland scrapes (ponds) (approximately 1 acre in total size), within and adjacent to wetlands located north of the existing school building located at 10405 West St. Martins Road, [625 linear feet +/- of 8 foot wide boardwalk on piers, 225 linear feet +/- earthen trail on 0.03 acres (1,180 square feet +/-) of fill to be placed within the wetland, and 4 wetland “scrapes” totaling 0.96 acres +/-, also within the wetland, as part of the mitigation for the project, in addition to ongoing prairie maintenance and buckthorn removal], such property zoned I-1 Institutional District; Tax Key No. 841-9985-001. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THE NATURAL RESOURCE SPECIAL EXCEPTION APPLICATION OF THIS MATTER.**

D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)

1. **MISTER CAR WASH #488 498 SIGNAGE.** Unified Development Ordinance §15-3.0439 Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial) Minor Amendment application by David Hail, Vice President of Research & Development at Mister Car Wash, to allow for the installation of new signage, canopies, directional canopies, bollards and reconfiguration of the queuing lanes for the car wash and oil lube areas upon property located at 7700 West Rawson Avenue, property zoned Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial); Tax Key No. 744-1002-000.



Franklin Plan Commission Agenda

2/9/17

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2. **PAYNE AND DOLAN, INC QUARRY BIENNIAL REPORT TO THE  
PLAN COMMISSION**

E. Adjournment

\*Supporting documentation and details of these agenda items are available at City hall during normal business hours.

\*\*Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

Next Regular Plan Commission Meeting: February 23, 2017



**City of Franklin  
Plan Commission Meeting  
January 19, 2017  
Minutes**

Unapproved

**A. Call to Order and Roll Call**

Mayor Steve Olson called the January 19, 2017 Regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Commissioners Patrick Leon, Patricia Hogan, David Fowler and City Engineer Glen Morrow. Excused were Alderman Mark Dandrea and Commissioner Kevin Haley. Also present were Principal Planner Nick Fuchs and Planning Manager Joel Dietl.

**B. Approval of Minutes**

1. Regular Meeting of January 5, 2017.

Commissioner Hogan moved and Commissioner Fowler seconded approval of the January 5, 2017 minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (4-0-0).

**C. Public Hearing Business Matters**

**1. NEW RAM EXPRESS LLC OVER-THE-ROAD TRUCKING COMPANY BUSINESS.** Special Use application by Milica Rasic, owner, New Ram Express LLC, to operate an over-the-road trucking company business with overnight truck parking at the rear of the property zoned M-1 Limited Industrial District, located at 9563 South 60th Street; Tax Key No. 898-9997-018.

**A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.** [SUBJECT MATTER CONTINUED FROM THE JANUARY 5, 2017 MEETING. THIS PUBLIC HEARING WAS PREVIOUSLY NOTICED FOR, OPENED AND HELD AT THE PLAN COMMISSION MEETING ON JANUARY 5, 2017, AND THEN POSTPONED AND CONTINUED TO THE JANUARY 19, 2017 PLAN COMMISSION MEETING TO ALLOW FOR FURTHER PUBLIC INPUT.]

Planning Manager Dietl presented the request by Milica Rasic, New Ram Express LLC for a Special Use to operate an over-the-road trucking company business with overnight truck parking.

The Public Hearing being continued from the January 5, 2017 Plan Commission meeting was opened at 7:03 p.m. and closed at 7:08 p.m.

City Engineer Morrow moved and Commissioner Hogan seconded a motion to recommend approval of a resolution imposing conditions and restrictions for the approval of a Special Use for an over-the-road trucking company business use upon property located at 9563 South 60<sup>th</sup> Street, subject to removal of asphalt within the right-of-way and striking the requirement for slats in the fence on the south side of the building in Condition No. 5. On voice vote, all voted 'aye'. Motion carried (5-0-0), with the Chairman voting aye.



#### **D. Business Matters**

**1. MILLS HOTEL WYOMING, LLC LAND DIVISION.** Certified Survey Map application by Mills Hotel Wyoming, LLC, for division of an 8.06 acre portion of property into three separate lots, the property containing 2 single-family homes and a detached accessory building (Lot 1: 1.98 acres, Lot 2: 1.53 acres, Lot 3: 4.55 acres, subject property is currently part of the approximately 55 acre property on the south side of West Loomis Road), for property zoned R-2 Estate Single-Family Residence (south of West Loomis Road) District, R-8 Multiple-Family Residence District and C-1 Conservancy District (north of West Loomis Road), located at 11906-11908 West Loomis Road; Tax Key No. 891-9989-001.

Planning Manager Dietl presented the request by Mills Hotel Wyoming, LLC, for division of an 8.06 acre portion of property into three separate lots located at 11906-11908 West Loomis Road.

Commissioner Leon moved and Commissioner Fowler seconded a motion to recommend approval of a resolution conditionally approving a 3 lot Certified Survey Map, being part of the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin with the addition of a note on the CSM regarding the requirement for public water for Lots 1 and 2. On voice vote, all voted 'aye'. Motion carried (5-0-0), with the Chairman voting aye.

#### **D. Adjournment**

Commissioner Hogan moved and Commissioner Fowler seconded to adjourn the Plan Commission meeting of January 19, 2017 at 7:24 p.m. All voted 'aye'; motion carried. (4-0-0)





## CITY OF FRANKLIN

## REPORT TO THE ENVIRONMENTAL COMMISSION

Meeting of February 9, 2017

## Site Plan &amp; Natural Resource Special Exception

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<b>Project Name:</b>	Indian Community School Site Plan & NRSE
<b>Project Address:</b>	10405 West St. Martins Road
<b>Applicant:</b>	Indian Community School of Milwaukee, Inc.
<b>Property Owner:</b>	Indian Community School of Milwaukee, Inc.
<b>Current Zoning:</b>	I-1 Institutional District
<b>2025 Comprehensive Plan:</b>	Institutional and Areas of Natural Resource Features
<b>Use of Surrounding Properties:</b>	Single-family residential to the north and west, multi-family residential to the east, and recreational to the south.
<b>Applicant's Action Requested:</b>	Approval of the proposed Site Plan and Recommendation to the Common Council for approval of the proposed Natural Resource Special Exception (NRSE)

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**INTRODUCTION:**

The Indian Community School is proposing to construct a recreational/educational boardwalk and trail in and around a wetland (Wetland 1) on the north side of their property located at 10405 West St. Martins Road. The boardwalk will include raised observation decks, an outdoor classroom, and a pier. The proposed project will result in approximately 0.19 acres of permanent wetland disturbance, approximately 0.04 acres of temporary wetland disturbance, approximately 0.06 acres of permanent wetland buffer disturbance, and approximately 0.04 acres of permanent wetland setback disturbance. The applicant is also proposing approximately 0.96 acres of permanent wetland disturbance associated with four (4) wetland wildlife scrapes intended to enhance the wetlands habitat quality.

At their meeting on January 25, 2017, the Environmental Commission recommended approval of a Special Exception for Indian Community School of Milwaukee, Inc., with a suggestion for allowing access to the proposed improvements to local public schools for educational purposes and exploring the possibility of limited public access. The Environmental Commission's Special Exception Application Review and Recommendation form, dated February 2, 2017, is attached.

Pursuant to Section 15-10.0208 of the UDO, all requests for a Natural Resource Special Exception shall be provided to Plan Commission for its review and recommendation.

**PROJECT DESCRIPTION:**

On November 23, 2016, the applicant submitted applications for a Site Plan and Special Exception to Natural Resource Feature Provisions to the Department of City Development. The applicant is requesting approval to construct a recreational/educational boardwalk and trail in and around a wetland (Wetland 1) on the north side of their property located at 10405 West St.



Martins Road. Specifically, the applicant is proposing approximately 625 lineal feet of 8-foot wide boardwalk, approximately 225 lineal feet of earthen trail and 0.96 acres of wildlife scrape area. The boardwalk will consist of a metal frame structure with synthetic decking.

The applicant is proposing to enhance Wetland 1 by creating four (4) wildlife scrapes around the wetland's perimeter. The applicant is also proposing Fox sedge (*Carex vulpinoidea*), Common spike-rush (*Eleocharis palustris*), Common rush (*Carex effuses*), and Soft-stem bulrush (*Schoenoplectus tabernaemontani*) as enhancement plantings adjacent to the created wildlife scrapes. Wetland 1, including the proposed wetland enhancements is located within an existing Conservation Easement. In addition to the wetland enhancements, the Indian Community School has committed to ongoing prairie maintenance and buckthorn removal over the next five years.

In summary, the applicant's are requesting a special exception to affect the following natural resource features:

- Approximately 0.19 acres (8,196 square feet) of permanent wetland disturbance associated with filling grading, and/or construction of trails, boardwalks, observation deck(s), and pier(s);
- Approximately 0.96 acres (41,755 square feet) of permanent wetland disturbance associated with four (4) wetland scrapes intended to enhance the wetland and provide mitigation for the impacts associated with the subject trail, boardwalk, etc.;
- Approximately 0.04 acres (1,777 square feet) of temporary wetland disturbance associated with a temporary timber mat;
- Approximately 0.06 acres (2,740 square feet) of permanent wetland buffer disturbance associated with filling, grading, mowing, and/or construction of trails.
- Approximately 0.04 acres (1,708 square feet) of permanent wetland setback disturbance associated with filling, grading, mowing, and/or construction of trails.

The applicant has obtained permits from the Wisconsin Department of Natural Resources (WDNR) and U.S. Army Corps of Engineers (USACOE) for this proposed project. These permits are included in your packets for your review.

### **CONCLUSION:**

City Development Staff recommends approval of the Natural Resource Special Exception, subject to the conditions of approval in the attached draft Standards Findings and Decision.



*Draft 2/9/17*

Standards, Findings and Decision  
of the City of Franklin Common Council upon the Application of Indian Community  
School of Milwaukee, Inc. for a Special Exception to Certain Natural Resource  
Provisions of the City of Franklin Unified Development Ordinance

Whereas, Indian Community School of Milwaukee, Inc., property owner having filed an application dated November 23, 2016, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated February 2, 2017 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated February 9, 2017 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is located at 10405 West St. Martins Road, zoned I-1 Institutional District, and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

Whereas, Section 15-10.0208B. of the City of Franklin Unified Development Ordinance, as amended by Ordinance No. 2003-1747, pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature, provides in part: "The decision of the Common Council upon any decision under this Section shall be in writing, state the grounds of such determination, be filed in the office of the City Planning Manager and be mailed to the applicant."

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon the application for a Special Exception dated November 23, 2016, by Indian Community School of Milwaukee, Inc., property owner, pursuant to the City of



Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *but rather*,\_\_\_\_\_.

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives:\_\_\_\_\_; *or*

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: \_\_\_\_\_.

3. The Special Exception, including any conditions imposed under this Section will:

a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: \_\_\_\_\_; *and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement:\_\_\_\_\_; *and*

d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development: *(this finding only applying to an application to improve or enhance a natural resource feature).*

The Common Council considered the following factors in making its determinations pursuant to Section 15-10.0208B.2.d. of the Unified Development Ordinance.

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:\_\_\_\_\_.



2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: \_\_\_\_\_.
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: \_\_\_\_\_.
4. Aesthetics: \_\_\_\_\_.
5. Degree of noncompliance with the requirement allowed by the Special Exception: \_\_\_\_\_.
6. Proximity to and character of surrounding property: \_\_\_\_\_.
7. Zoning of the area in which property is located and neighboring area: *Residential*.
8. Any negative affect upon adjoining property: *No negative affect upon adjoining property is perceived.*
9. Natural features of the property: \_\_\_\_\_.
10. Environmental impacts: \_\_\_\_\_.
11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of \_\_\_\_\_ is incorporated herein.*
12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein.*

#### Decision

*Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions: 1) that the natural resource features upon the property to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted; 2) that the*



*applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted; 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for Indian Community School of Milwaukee, Inc. and all other applicable provisions of the Unified Development Ordinance. The duration of this grant of Special Exception is permanent.*

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



STATE OF WISCONSIN

CITY OF FRANKLIN  
PLAN COMMISSION

MILWAUKEE COUNTY  
*[Draft 1-31-17]*

RESOLUTION NO. 2017-\_\_\_\_

A RESOLUTION AMENDING THE SITE PLAN FOR  
PROPERTY LOCATED AT 10405 WEST ST. MARTINS ROAD TO  
ALLOW FOR CONSTRUCTION OF A SYSTEM OF TRAILS, A  
RECREATIONAL/EDUCATIONAL BOARDWALK WITH AN OUTDOOR  
LEARNING PLATFORM WITH BENCH SEATING AND AN OVERLOOK DOCK  
AND FOUR WETLAND PONDS WITHIN AND ADJACENT TO WETLANDS  
LOCATED NORTH OF THE EXISTING SCHOOL BUILDING  
(INDIAN COMMUNITY SCHOOL OF MILWAUKEE, INC.)  
(TAX KEY NO. 841-9985-001)  
(INDIAN COMMUNITY SCHOOL OF MILWAUKEE,  
INC., PROPERTY OWNER, APPLICANT)

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WHEREAS, Indian Community School of Milwaukee, Inc., property owner, having applied for an amendment to the site plan for the property located at 10405 West St. Martins Road, such Site Plan having been previously approved on April 8, 2004, by Resolution No. 2004-52, and amended thereafter on February 3, 2005 and July 19, 2007; and

WHEREAS, such proposed amendment proposes construction of a system of trails (approximately 600 lineal feet), boardwalks (approximately 600 lineal feet) an observation deck/outdoor classroom, elevated platforms/piers and creation of 4 wetland scrapes (ponds) (approximately 1 acre in total size), within and adjacent to wetlands located north of the existing Indian Community School of Milwaukee, Inc. building, with ongoing prairie maintenance and buckthorn removal, and the Plan Commission having reviewed such proposal and having found same to be in compliance with and in furtherance of those express standards and purposes of a Site Plan review pursuant to Division 15-7.0100 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Site Plan for Indian Community School of Milwaukee, Inc., property owner, dated January 30, 2017, as submitted by Indian Community School of Milwaukee, Inc., property owner, as described above, be and the same is hereby approved, subject to the following conditions:

1. Indian Community School of Milwaukee, Inc., property owner, successors and assigns and any developer of the Indian Community School of Milwaukee, Inc. recreational/educational boardwalk project shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the



INDIAN COMMUNITY SCHOOL OF MILWAUKEE, INC., PROPERTY OWNER - SITE  
PLAN AMENDMENT  
RESOLUTION NO. 2017-\_\_\_\_\_

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City of Franklin, including fees of consults to the City of Franklin, for the Indian Community School of Milwaukee, Inc. recreational/educational boardwalk project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

2. The approval granted hereunder is conditional upon Indian Community School of Milwaukee, Inc., property owner, and the Indian Community School of Milwaukee, Inc. recreational/educational boardwalk project for the property located at 10405 West St. Martins Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
3. The Indian Community School of Milwaukee, Inc. recreational/educational boardwalk project shall be developed in substantial compliance with the plans City file-stamped January 30, 2017.

4. [other conditions, etc.]

BE IT FURTHER RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Indian Community School of Milwaukee, Inc. recreational/educational boardwalk project as depicted upon the plans City file-stamped January 30, 2017, attached hereto and incorporated herein, shall be developed and constructed within one year from the date of adoption of this Resolution, or this Resolution and all rights and approvals granted hereunder shall be null and void, without any further action by the City of Franklin; and the Site Plan for the property located at 10405 West St. Martins Road, as previously approved, is amended accordingly.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

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Stephen R. Olson, Chairman



INDIAN COMMUNITY SCHOOL OF MILWAUKEE, INC., PROPERTY OWNER - SITE  
PLAN AMENDMENT  
RESOLUTION NO. 2017-\_\_\_\_\_

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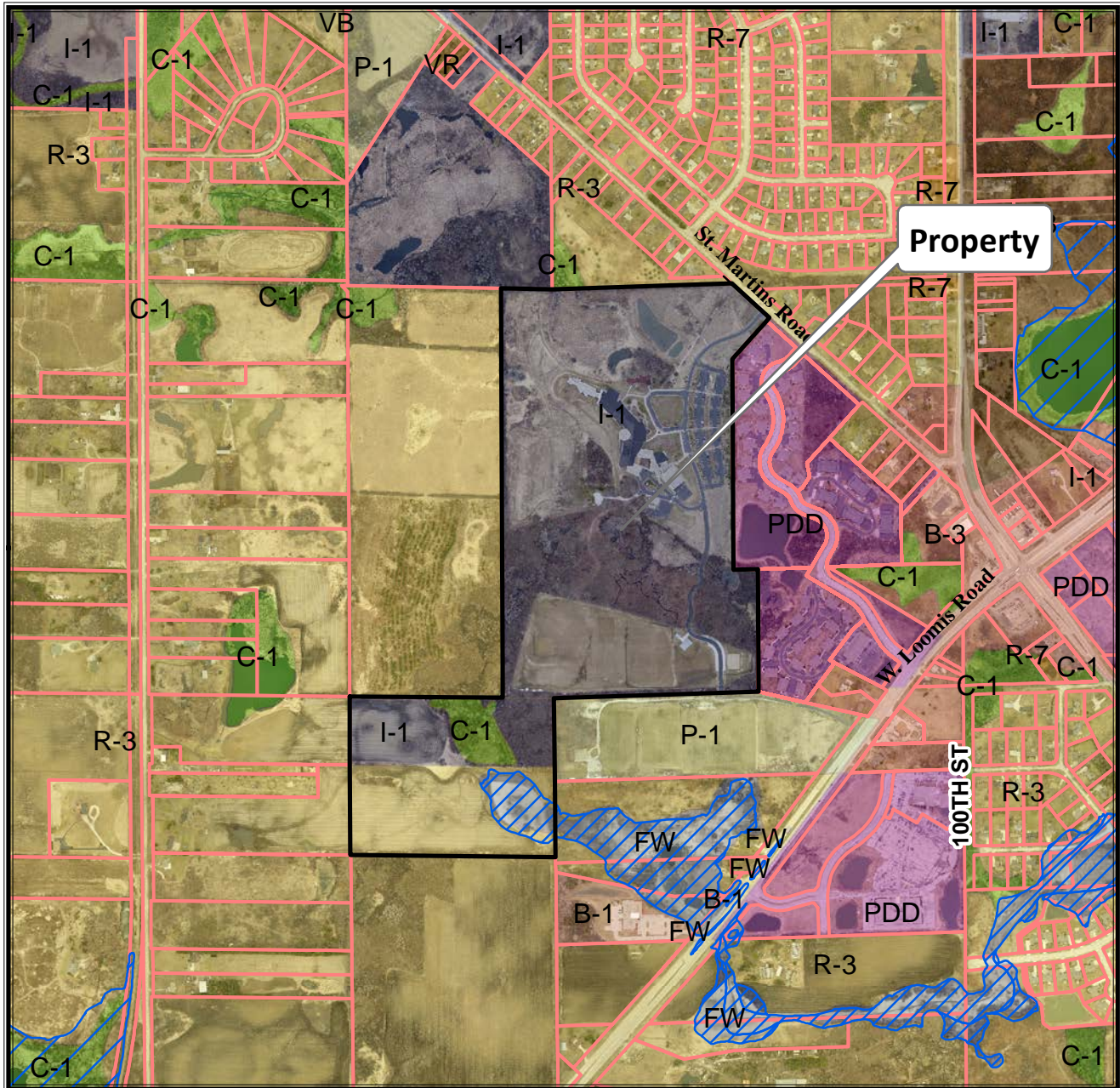
ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



10405 W. St. Martins Road  
TKN: 841 9985 001



**Planning Department**  
**(414) 425-4024**

0 600 1,200 2,400 Feet

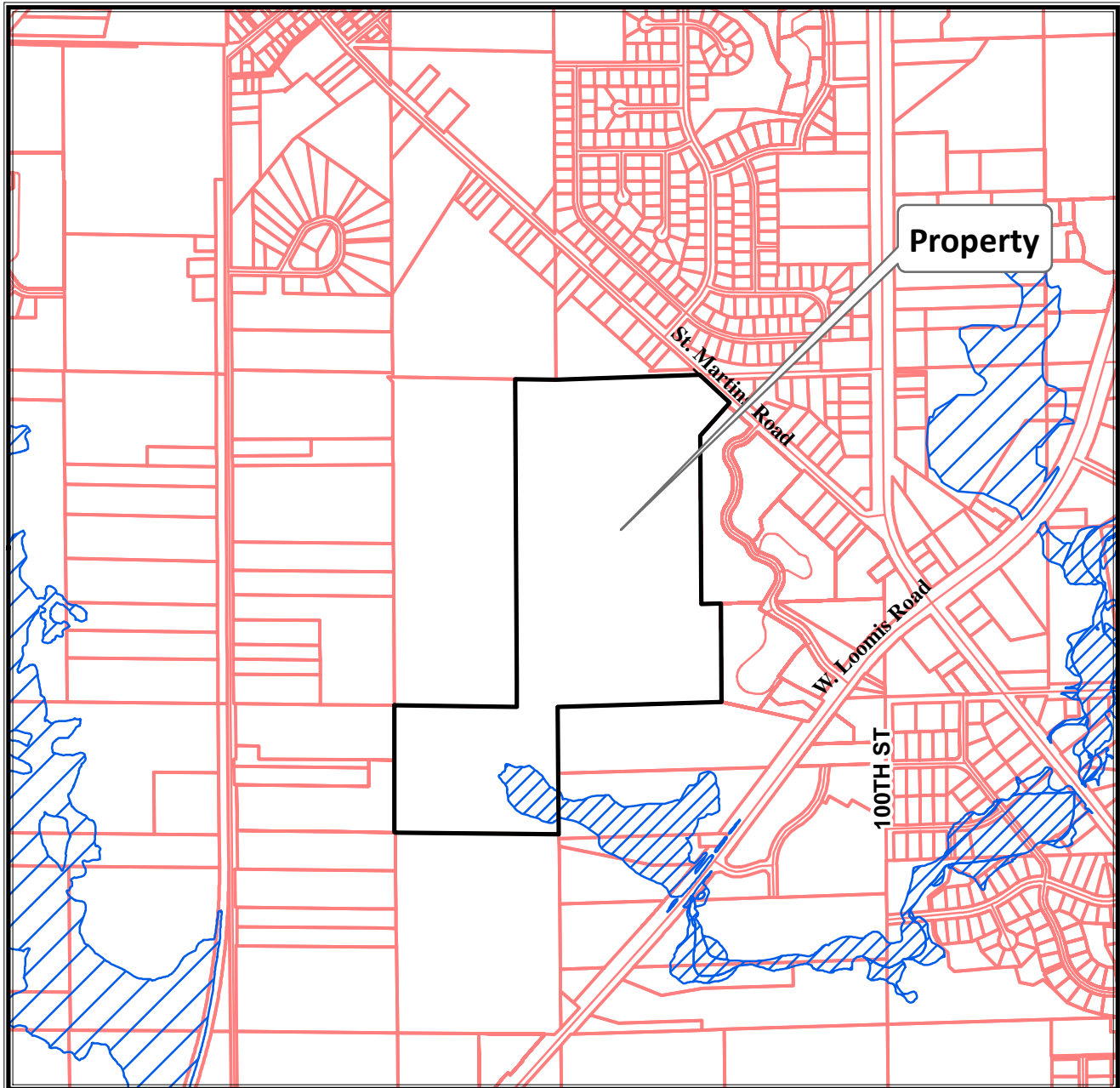
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*

  
**NORTH**  
2016 Aerial Photo





10405 W. St. Martins Road  
TKN: 841 9985 001



**Planning Department**  
**(414) 425-4024**

0 750 1,500 3,000 Feet

*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



2016 Aerial Photo





January 13, 2017

Orrin Sumwalt  
Associate Planner  
Planning Department  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

Re: Boardwalk  
Indian Community School of Milwaukee, Inc. (ICS)

Mr. Sumwalt,

Our submission for the Environmental Commission is being provided herewith. It includes the following.

- 1) Natural Resource Protection Plan Sheets
- 2) Narrative (from State and Federal permit application)
- 3) State and Federal Permit
- 4) Completed NRPP questionnaire
- 5) Plan Sheet 4 ( State and Federal Permit Plan Set)
- 6) Mitigation
- 7) Wetland Restoration Planting Schedule Plan Sheet

I will be glad to answer any questions or provide additional information.

Sincerely,

HAYES ENGINEERING CO. S.C.

A handwritten signature in black ink, appearing to read "Tim Hayes", is written over a light blue rectangular background.

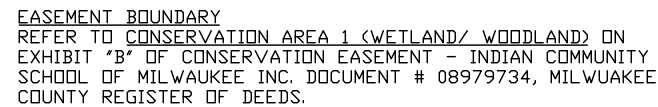
Timothy A. Hayes, PE  
[tim@hayesengr.com](mailto:tim@hayesengr.com)  
(O) 414-272-3200  
(M) 414-477-9000

Attachments

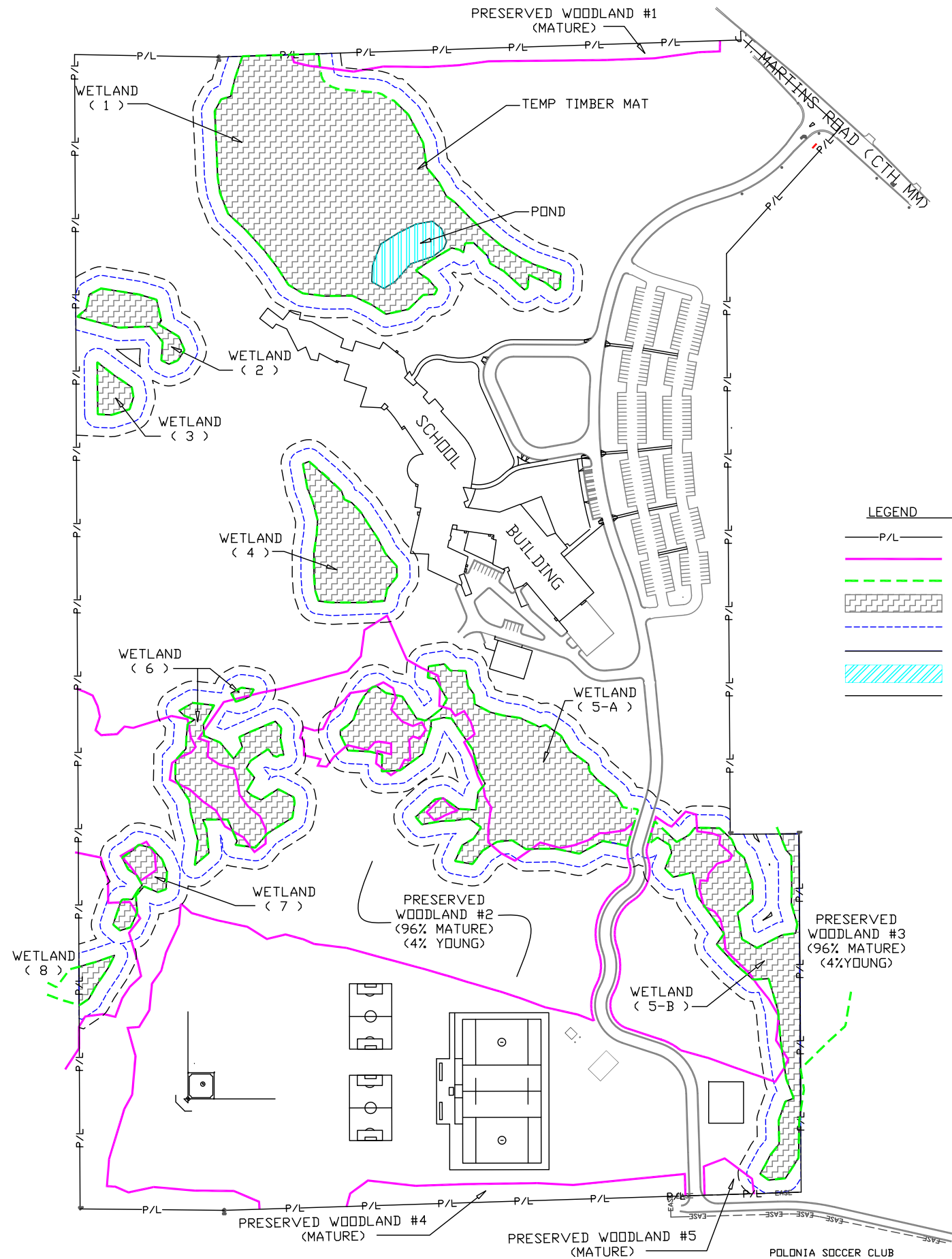










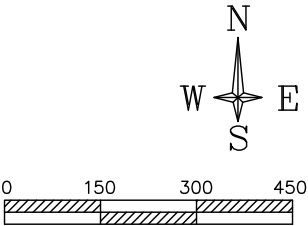


- LEGEND**
- EXISTING CONDITIONS**
- P/L BASE SITE AREA BOUNDARY (95.17 ACRES)
  - WOODLAND BOUNDARY
  - WETLAND BOUNDARY
  - WETLAND AREA
  - WETLAND BUFFER (30 FT)
  - WETLAND SETBACK (50 FT)
  - LAKES AND PONDS
  - BUILDING FOOTPRINT
  - EXISTING TRAIL

Table 15-4.0100 Natural Resources Protection Standards				
Natural Resource Feature		Non-residential		
		Protection Standard	Acres of land in resource feature	Acres of land protected
Steep Slopes	10-19%	40%	-	-
	20-30%	70%	-	-
	+ 30%	80%	-	-
Woodland & Forests *	Mature	70%	14.06	9.84
	Young	50%	0.59	0.29
Lakes and Ponds		100%	0.33	0.33
Streams		100%	-	-
Shore Buffers		100%	-	-
Floodplains/ Floodways		100%	-	-
Wetlands & Shoreland Wetlands		100%	12.61	12.61
Wetland Buffers (30ft)		100%	8.32	8.32
Total Natural Resource Protection Area				31.39

\* Excludes common area of Woodland and Wetlands & common area of Woodland and

**WETLAND DELINEATORS**  
2003 - GRAEF ANHALT SCHLOEMER (G.A.S.)  
2016 - VIERBICHER - NEIL PAFF  
  
50 FOOT WETLAND SETABCK AREA = 13.68 ACRES  
(AREA BETWEEN WETLAND BOUNDARY AND A 50 FOOT OFFSET)



Indian Community School of Milwaukee Inc.  
10405 W. St Martins Road  
Franklin, WI 53132  
January 13, 2017

DSGN BY: TAH  
DRFT BY: JKD  
CHCK BY: TAH  
DATE: 1-13-17

Hayes Engineering Co. S.C.  
316 N. MILWAUKEE ST. SUITE 206  
MILWAUKEE, WI 53202  
(414) 272-3200

SEE CITY OF FRANKLIN REVIEW COMMENTS  
DATED 12-9-2016  
NRPP PLAN FOR BUILDING CONSTRUCTION

NRPP-2



PROPOSED BOARDWALK AND  
SCRAPE AREA IN WETLAND #1  
SEE ACCOMPANYING PLANS  
PREPARED BY VIERBICHER AND  
ASSOCIATES

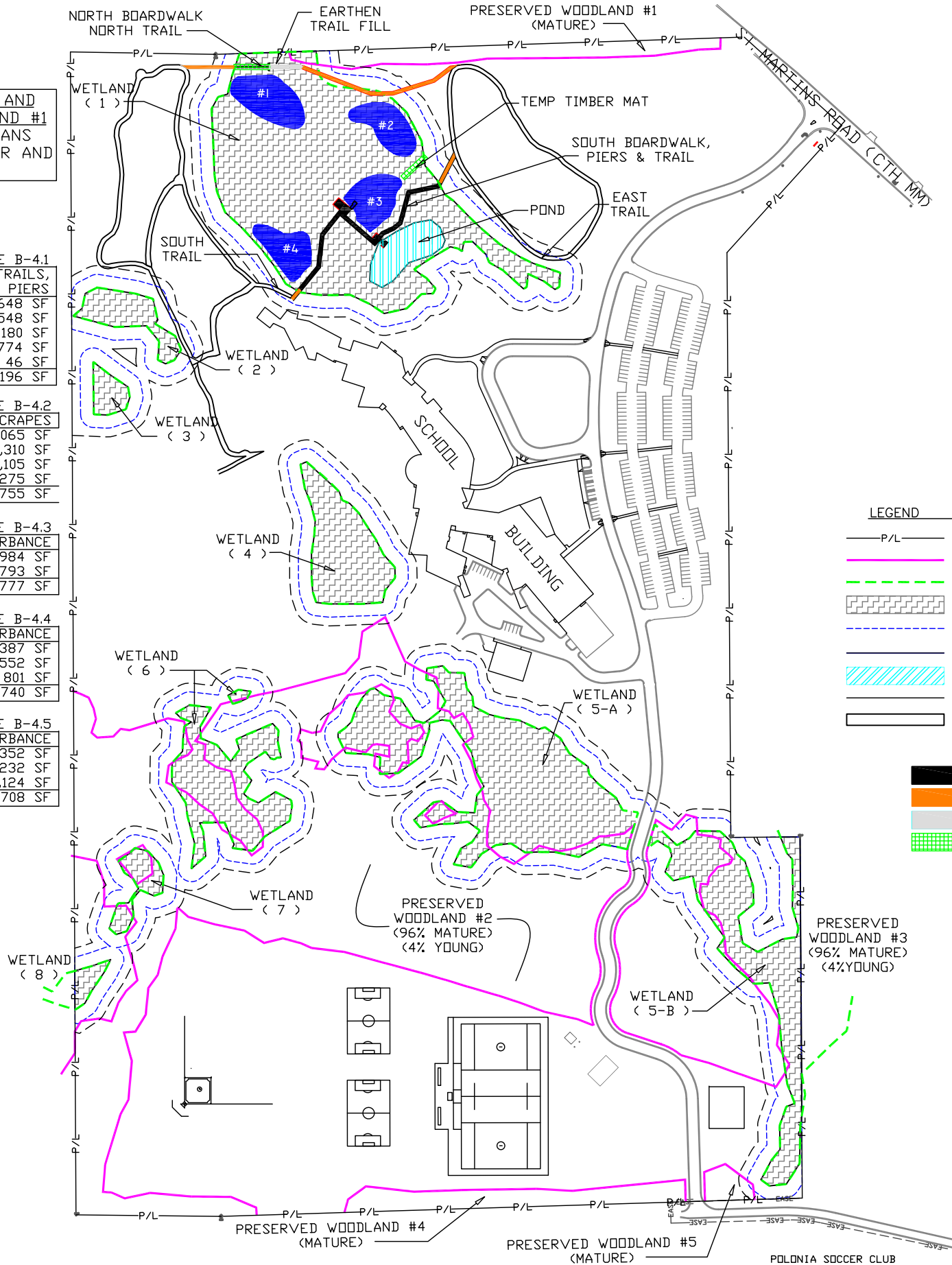
TABLE B-4.1	
PERMANENT WL DISTURBANCE FROM TRAILS, BOARDWALKS, OBSERVATION DECKS, PIERS	
NORTH BOARDWALK -	648 SF
SOUTH BOARDWALK -	5,548 SF
EARTHEN TRAIL FILL -	1,180 SF
NORTH GRASS/GRAVEL TRAIL -	774 SF
SOUTH GRASS/GRAVEL TRAIL -	46 SF
TOTAL -	8,196 SF

TABLE B-4.2	
PERMANENT WL DISTURBANCE FROM SCRAPES	
WATER SURFACE #1 -	14,065 SF
WATER SURFACE #2 -	6,310 SF
WATER SURFACE #3 -	11,105 SF
WATER SURFACE #4 -	10,275 SF
TOTAL -	41,755 SF

TABLE B-4.3	
TEMPORARY WL DISTURBANCE	
NORTH MAT -	984 SF
SOUTH MAT -	793 SF
TOTAL -	1,777 SF

TABLE B-4.4	
PERMANENT WL BUFFER DISTURBANCE	
NORTH TRAIL -	1,387 SF
SOUTH TRAIL -	552 SF
EAST TRAIL -	801 SF
TOTAL -	2,740 SF

TABLE B-4.5	
PERMANENT WL SETBACK DISTURBANCE	
NORTH TRAIL -	352 SF
SOUTH TRAIL -	232 SF
EAST TRAIL -	1,124 SF
TOTAL -	1,708 SF



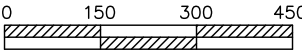
			March 31, 2004		Proposed January, 13 2017		Change from 2003 to 2017 (2017 - 2003)
Table 15-4.0100			Natural Resources Protection Standards				
Natural Resource Feature		Protection Standard	Non-residential				
			Acres of land in resource feature	Acres of land protected	Acres of land in resource feature	Acres of land protected	
Steep Slopes	10-19%	40%	-	-	-	-	0.00
	20-30%	70%	-	-	-	-	0.00
	+ 30%	80%	-	-	-	-	0.00
Woodland & Forests *	Mature	70%	14.06	9.84	14.06	9.84	0.00
	Young	50%	0.59	0.29	0.59	0.29	0.00
Lakes and Ponds		100%	0.33	0.33	1.28	1.28	0.96
Streams		100%	-	-	-	-	0.00
Shore Buffers		100%	-	-	-	-	0.00
Floodplains/ Floodways		100%	-	-	-	-	0.00
Wetlands & Shoreland Wetlands **		100%	12.61	12.61	11.46	11.46	-1.15
Wetland Buffers (30ft)		100%	8.32	8.32	8.26	8.26	-0.06
Total Natural Resource Protection Area				31.39		31.14	-0.25

\* Excludes common area of woodland and wetlands  
& common area of woodland and wetland buffers  
\*\* Excludes common area of pond and wetlands

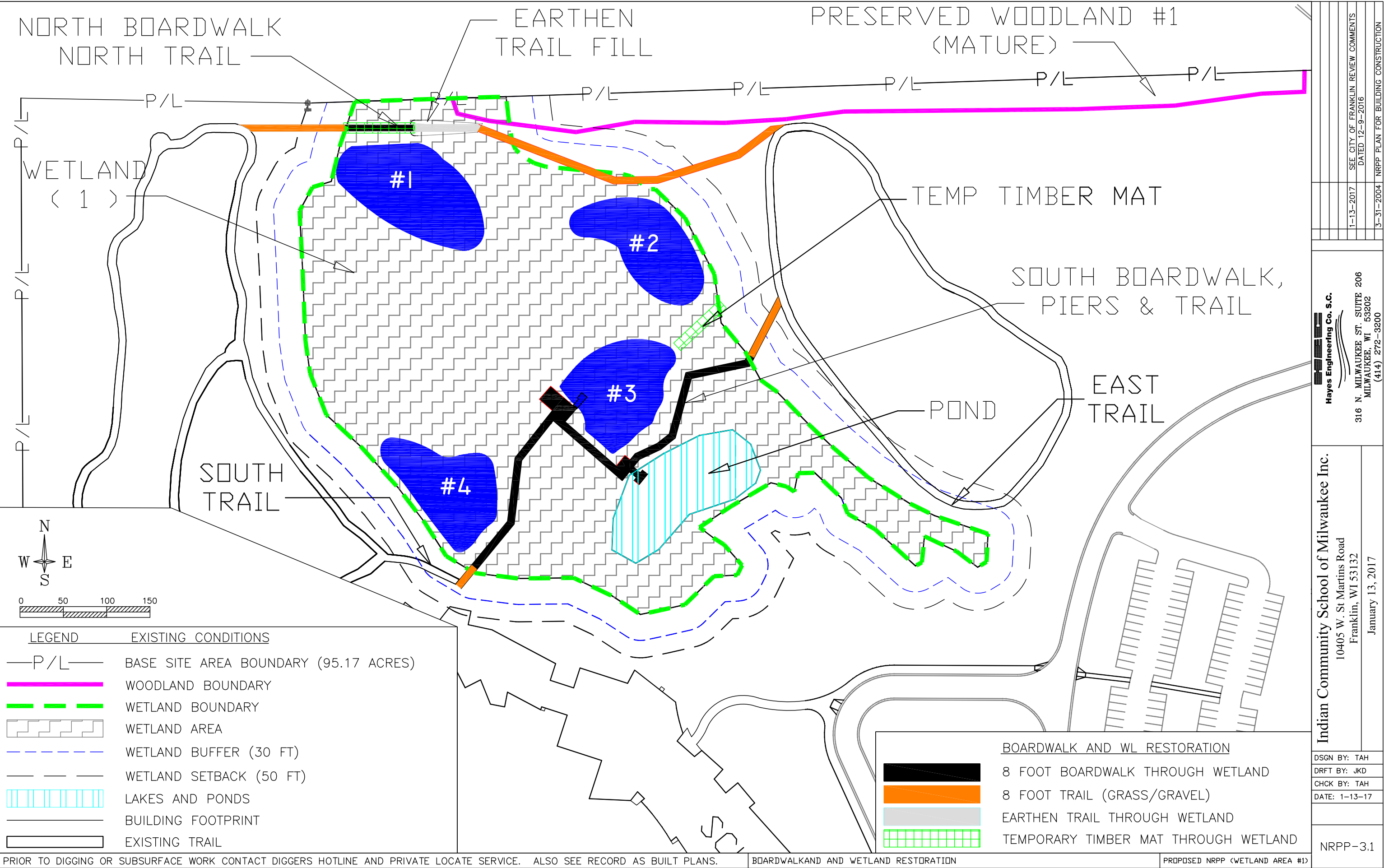
- LEGEND
- EXISTING CONDITIONS
- P/L BASE SITE AREA BOUNDARY (95.17 ACRES)
  - WOODLAND BOUNDARY
  - WETLAND BOUNDARY
  - WETLAND AREA
  - WETLAND BUFFER (30 FT)
  - WETLAND SETBACK (50 FT)
  - LAKES AND PONDS
  - BUILDING FOOTPRINT
  - EXISTING TRAIL

- BOARDWALK AND WL RESTORATION
- 8 FOOT BOARDWALK THROUGH WETLAND
  - 8 FOOT TRAIL (GRASS/GRAVEL)
  - EARTHEN TRAIL THROUGH WETLAND
  - TEMPORARY TIMBER MAT THROUGH WETLAND

WETLAND DELINEATORS  
2003 - GRAEF ANHALT SCHLOEMER (G.A.S.)  
2016 - VIERBICHER - NEIL PAFF  
  
50 FOOT WETLAND SETBACK AREA = 13.68 ACRES  
(AREA BETWEEN WETLAND BOUNDARY AND A 50 FOOT  
OFFSET)







PRIOR TO DIGGING OR SUBSURFACE WORK CONTACT DIGGERS HOTLINE AND PRIVATE LOCATE SERVICE. ALSO SEE RECORD AS BUILT PLANS.

BOARDWALK AND WETLAND RESTORATION

PROPOSED NRPP (WETLAND AREA #1)



State/Federal Application  
For Wetland Conservation Activities  
General Permit Application

# Indian Community School Boardwalk & Wetland Restoration

City of Franklin, Wisconsin

*Prepared For:*  
Indian Community School of  
Milwaukee  
10405 West Saint Martins Road  
Franklin, WI 53132

Prepared By:  
Vierbicher Associates, Inc.  
400 Viking Drive  
Reedsburg, WI 53959

Prepared On:  
**April 25, 2016**

Project # 150239

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Narrative



# NARRATIVE

## 1.1 Introduction

Indian Community School of Milwaukee is proposing to construct a recreational / educational boardwalk within the western portion of the City of Franklin. The project is south of the W. St Martins Rd and west of S. Deerwood Ln. (NW ¼ SW ¼ Sec. 17 T05N R21E Milwaukee County, WI).

Indian Community School of Milwaukee would like to enhance the wetlands that currently consist of a mono-type stand of narrow leaf cattails. The wetland enhancement goal is to enhance diversification within the plant community and enhance habitat for both aquatic and terrestrial animals. The trail will include access to an overlook dock which is proposed as part of this project and the boardwalk will include an outdoor learning platform (400 sf +/-) with bench seating.

As a part of the project development there will be four ponds designed in the project area. Each pond is design to be maximum five feet deep with approximate water surface level at 797.3' which is based on the existing water surface elevation at the spillway on the north side of the project site. All four ponds designed to have four to one slope below water surface with a 10' wide safety shelf with 10:1 slope. It will provide vegetation growing in these edges and will increase the amount of habitat. Based upon the design we believe the selected proposal meets all the criteria of the Wisconsin General Permit for Wetland Conservation Activities.

## 1.2 Cultural/Historical and Endangered Resources

There are no known cultural/historical or endangered resources within the project area. On behalf of the Indian Community School of Milwaukee, Vierbicher Associates carefully reviewed the U.S. Fish and Wildlife technical assistance website on April 21, 2016 for federally listed threatened and endangered species. According to the website, two species are listed and may be present in Milwaukee County including Red Knot and Northern Long-Eared Bat.

The proposed project area does not provide habitat for the species listed on the U.S. Fish and Wildlife technical assistance website. For these reasons, we conclude the Indian Community School Boardwalk & Wetland Restoration project will have "no effect" on the listed species, their habitats, or proposed or designated critical habitat.

## 1.3 Permit Applications

Permit application forms include:

- Wetland Conservation Activities General Permit Checklist
- Form 3500-053 – Water Resources Application For Project Permits

## 1.4 Permit Application Fees

A \$500 check made payable to Wisconsin Department of Natural Resources is Included.



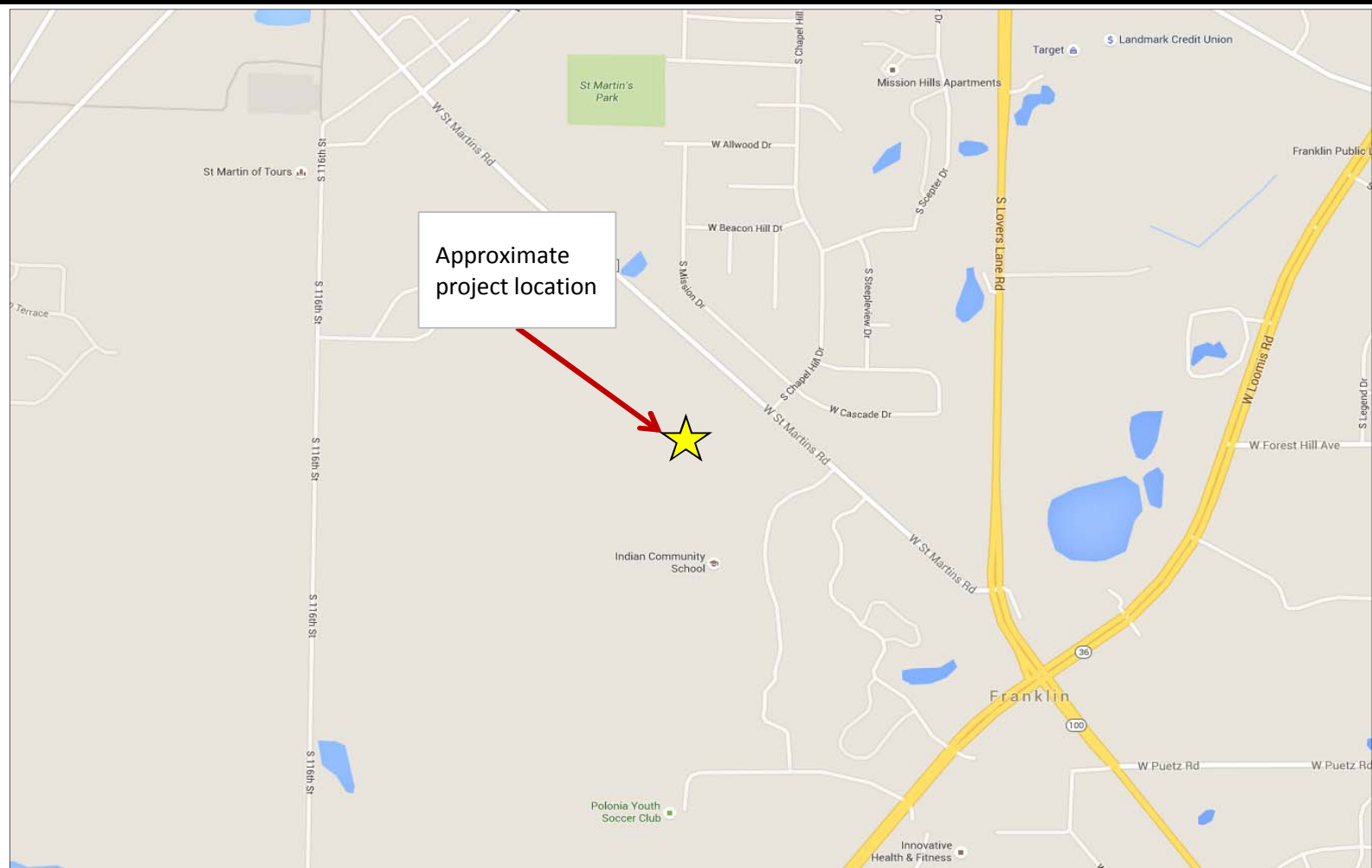


Maps



## 2.1 Location Map





**Figure 2.1 - Location Map**

Project Name: Indian Community School Boardwalk & Wetland Restoration  
 Project Location: Franklin, Wisconsin

**vierbicher**  
 planners | engineers | advisors





## 2.2 Aerial Map





**vierbicher**  
planners | engineers | advisors



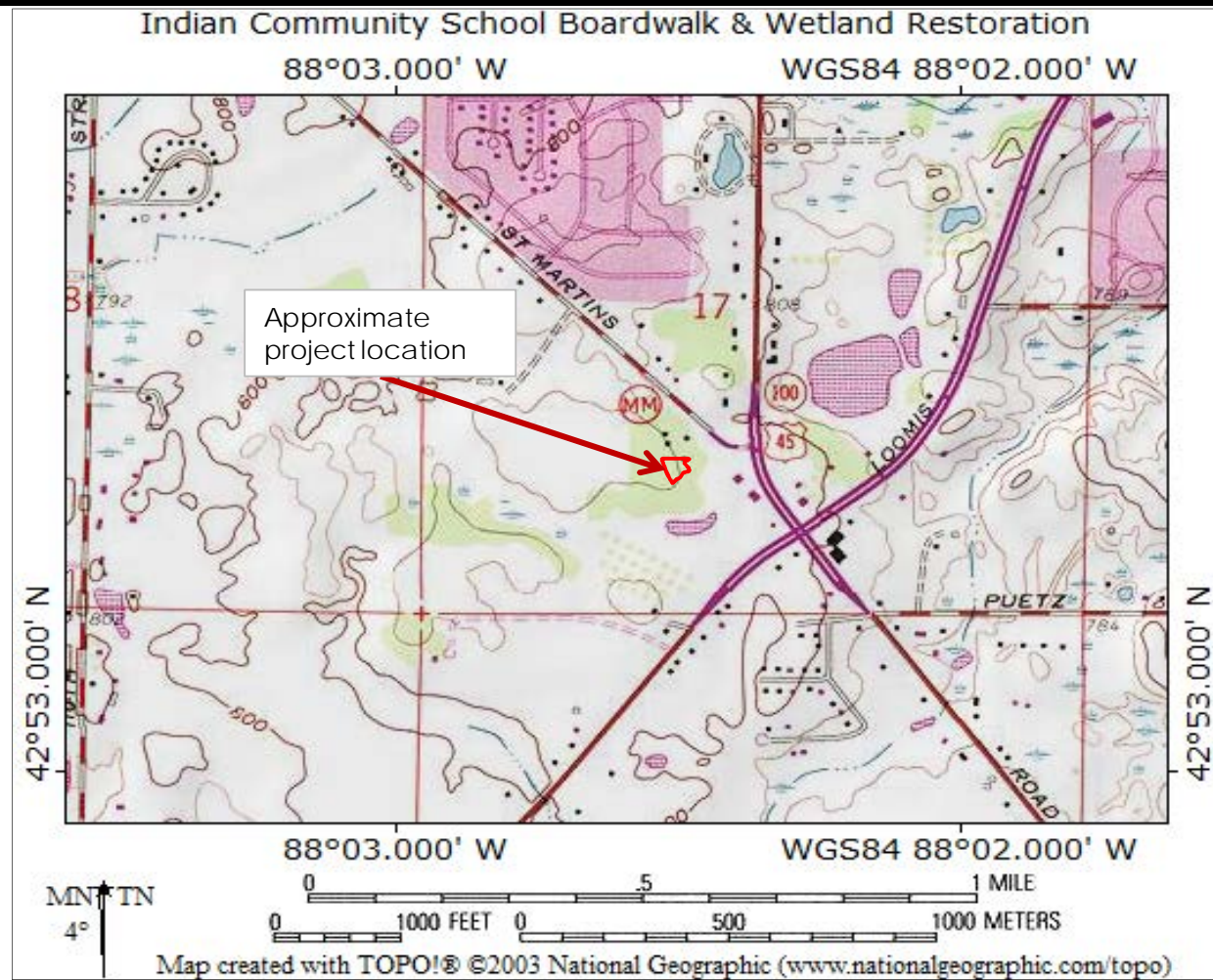
**Figure 2.2 - Aerial Map**

Project Name: Indian Community School Boardwalk & Wetland Restoration  
Project Location: Franklin, Wisconsin



## 2.3 USGS Quad Map





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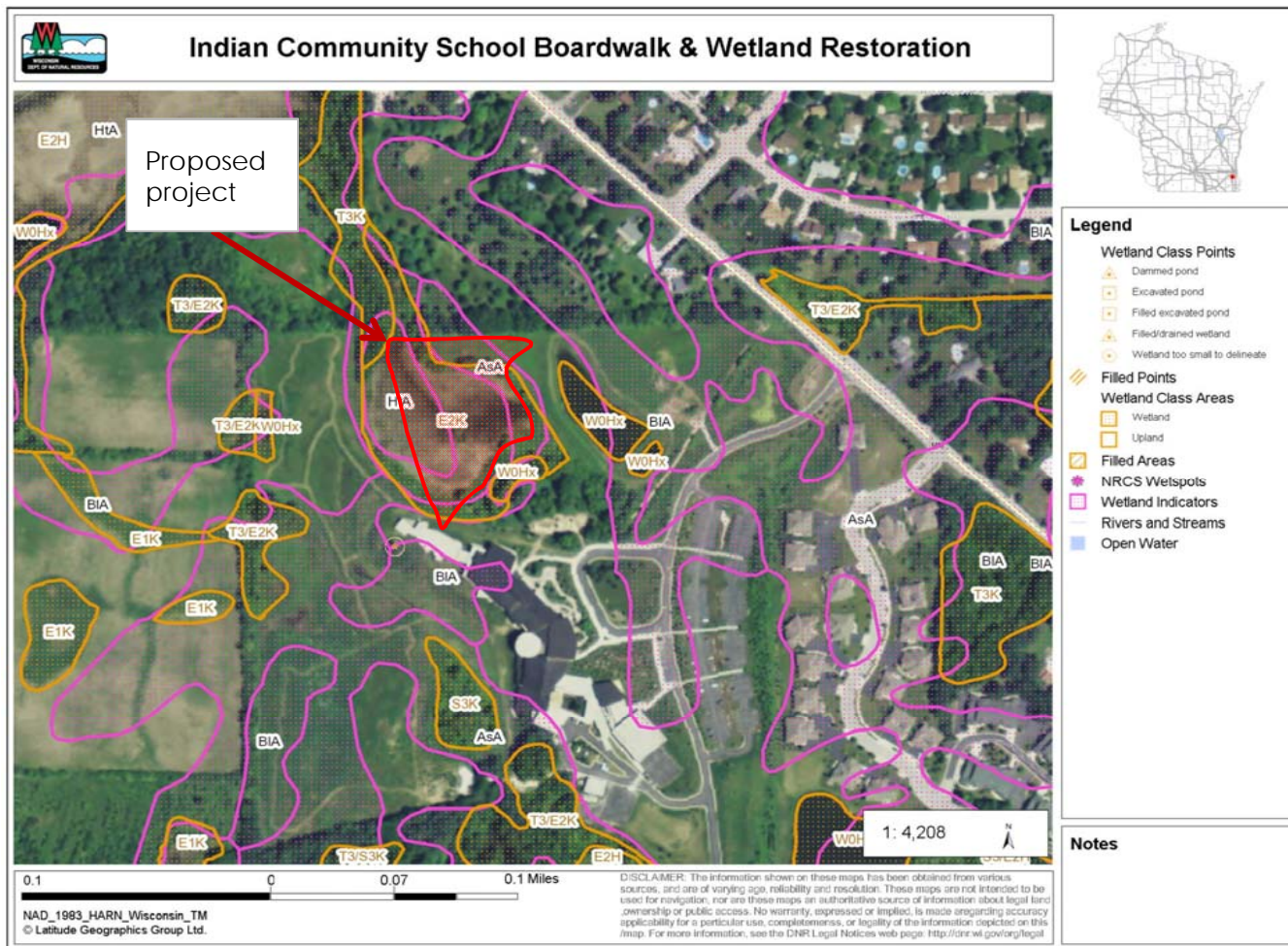
**Figure 2.3 - Site Location on USGS Quadrangle Map**

Project Name: Indian Community School Boardwalk & Wetland Restoration  
Project Location: Franklin, Wisconsin



## 2.4 Wetland Indicator Map





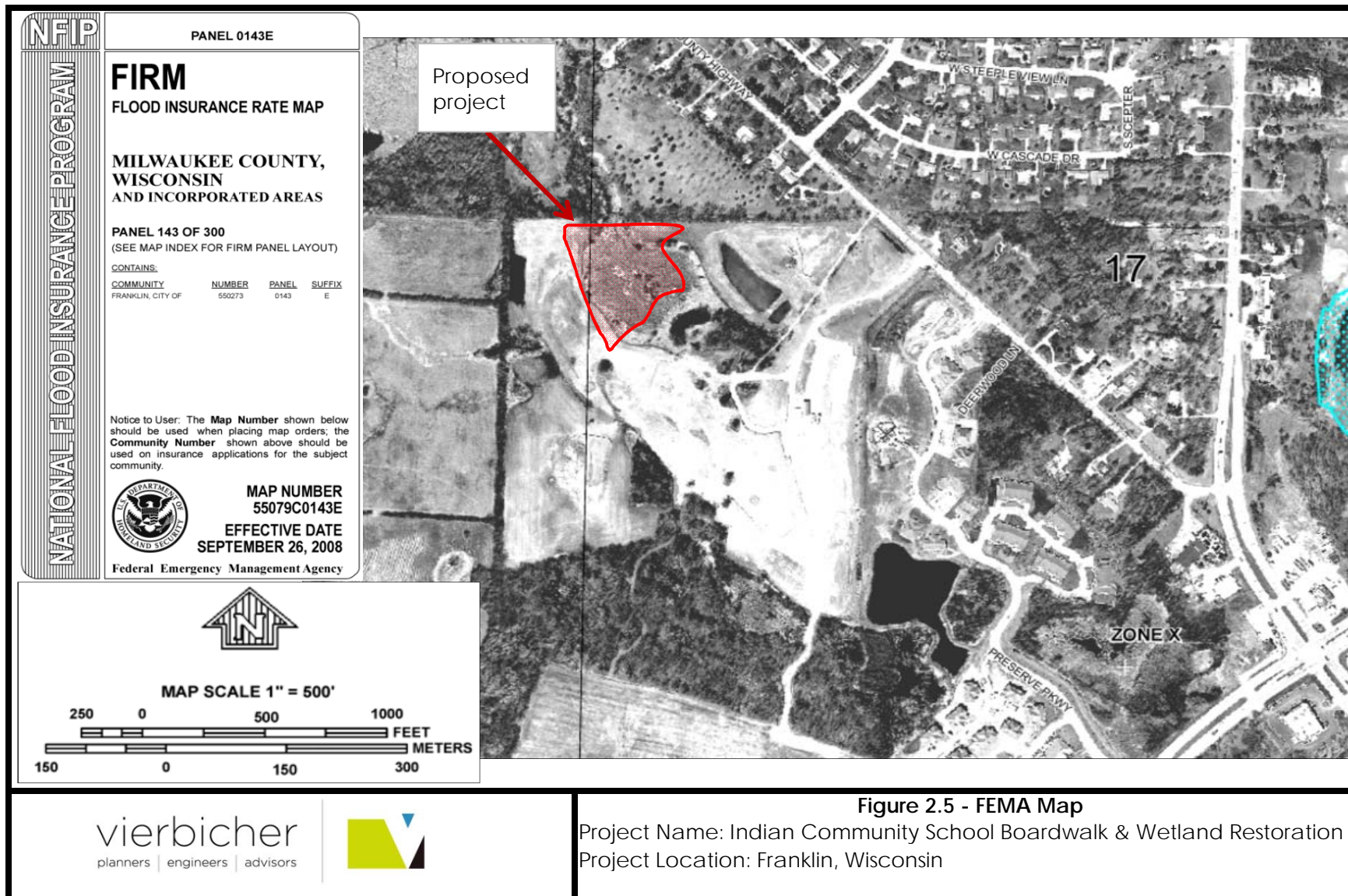
**Figure 2.4 - Wetland Indicator Map**

Project Name: Indian Community School Boardwalk & Wetland Restoration  
Project Location: Franklin, Wisconsin



## 2.5 FEMA Map







## 2.6 NRCS Soils Map





Summary by Map Unit — Milwaukee and Waukesha Counties, Wisconsin (W1602)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
AsA	Ashkum silty clay loam, 0 to 2 percent slopes	C/D	2.1	17.0%
BIA	Blount silt loam, 1 to 3 percent slopes	C/D	0.5	4.3%
F&B	Fox silt loam, 2 to 6 percent slopes	B	0.8	7.0%
H&A	Houghton muck, 0 to 2 percent slopes	A/D	1.8	14.5%
MzdB2	Morley silt loam, 2 to 6 percent slopes, eroded	C	2.1	17.7%
MzdC2	Morley silt loam, 6 to 12 percent slopes, eroded	C	2.0	16.4%
Oc	Ogden muck	C/D	2.5	20.8%
W	Water		0.3	2.2%
Totals for Area of Interest			12.1	100.0%

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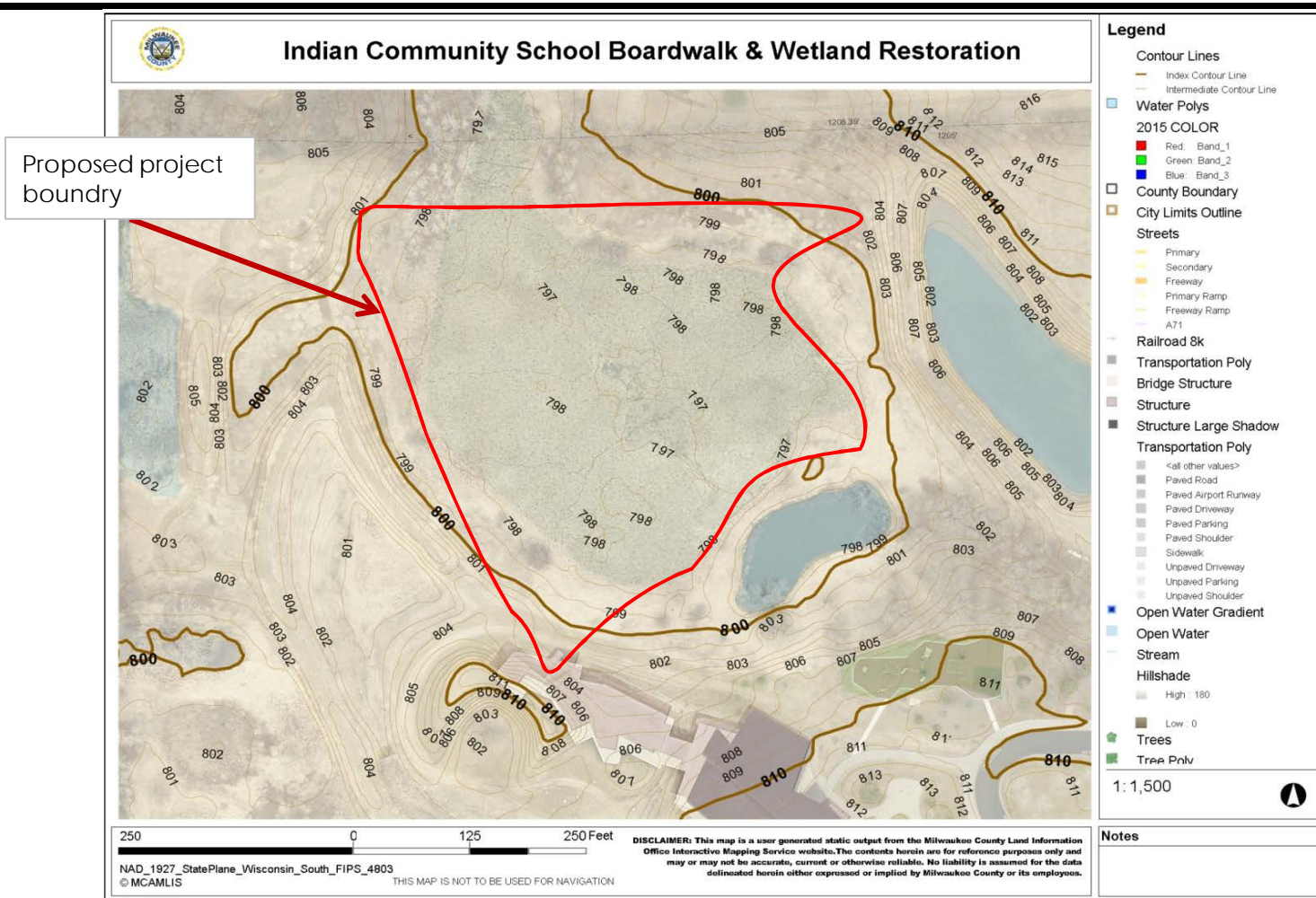
**Figure 2.6 - NRCS Soils Map**

Project Name: Indian Community School Boardwalk & Wetland Restoration  
Project Location: Franklin, Wisconsin



## 2.7 Topographical Map





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**Figure 2.7 - Topographical Map**

Project Name: Indian Community School Boardwalk & Wetland Restoration  
Project Location: Franklin, Wisconsin

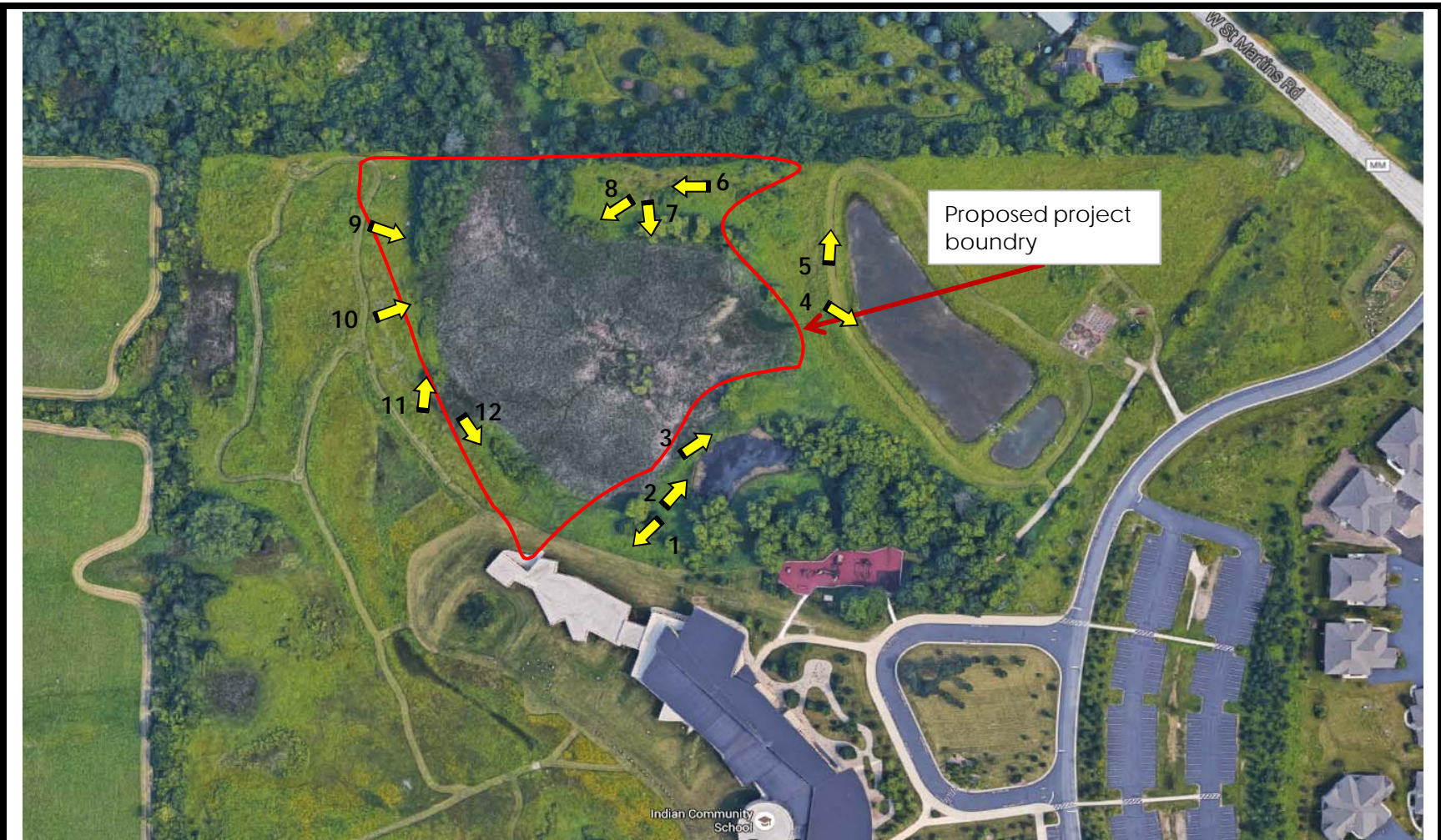


# Wetland Delineation Report



## Existing Conditions Site Photos





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**Figure 4.0 - Existing Condition Photos (Index)**

Project Name: Indian Community School Boardwalk & Wetland Restoration  
Project Location: Franklin, Wisconsin





Photo taken from location #1



Photo taken from location #2





Photo taken from location #3



Photo taken from location #4





Photo taken from location #5



Photo taken from location #6





Photo taken from location #9



Photo taken from location #10







Photo taken from location #7



Photo taken from location #8





Photo taken from location #11

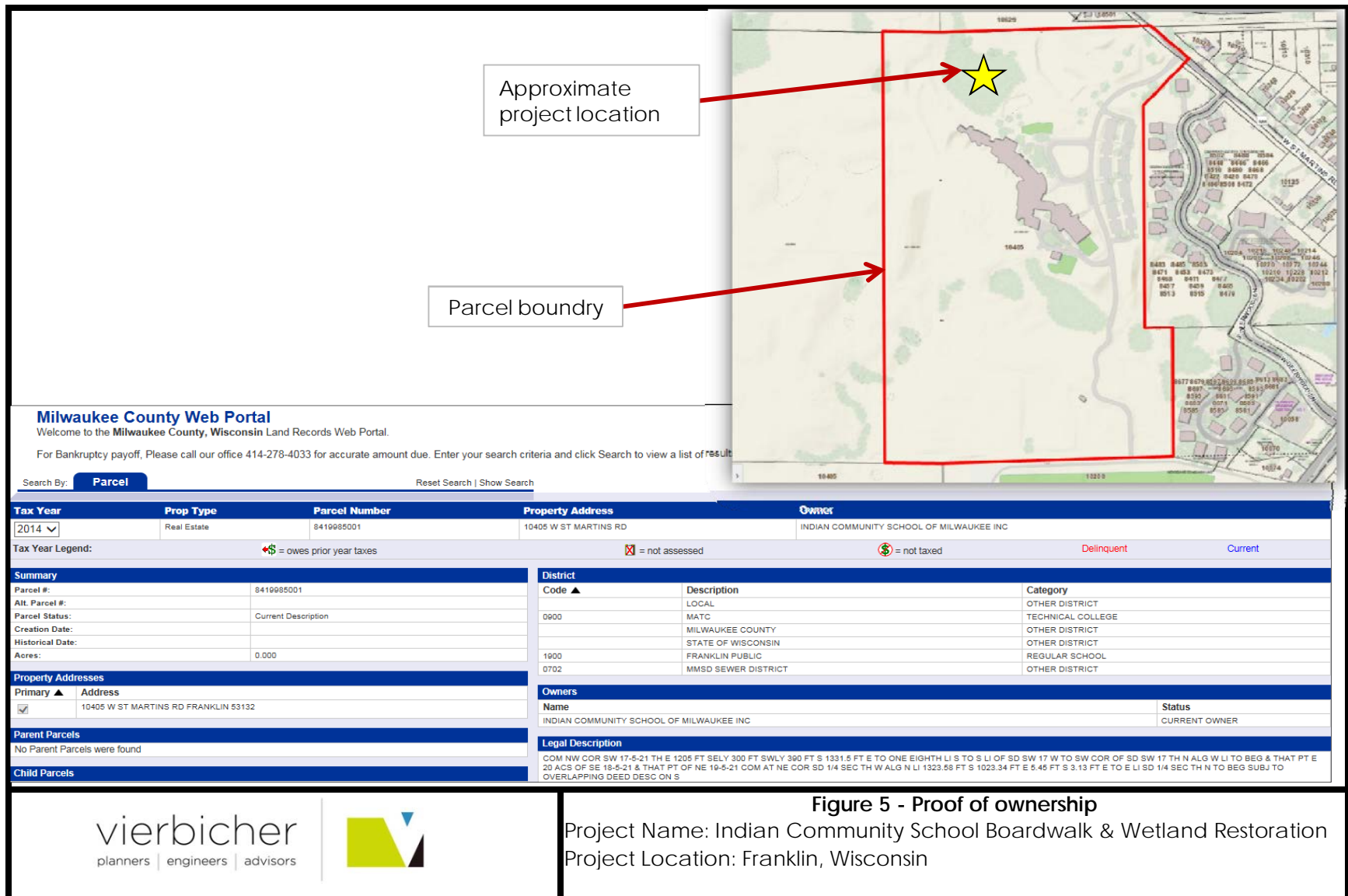


Photo taken from location #12



## Proof of Ownership







## Erosion Control Calculations





# Soil Loss & Sediment Discharge Calculation Tool

for use on Construction Sites in the State of Wisconsin

WDNR Official Version 1.0 (05-15-2015)



## YEAR 1

Developer: Indian Community School of Milwaukee

Project: Indian Community School Boardwalk & Wetland Restoration (boardwalk ONLY)

Date: 4/25/2016

County: Milwaukee

Version 1.0

Activity	Begin Date	End Date	Period % R	Annual R Factor	Sub Soil Texture	Soil Erodibility K Factor	Slope (%)	Slope Length (feet)	LS Factor	Land Cover C Factor	Soil loss A (tons/acre)	Sediment Control Practice	Sediment Discharge (tons/acre)
Bare Ground	6/1/2016	10/15/2016	73.6%	120	Silt Loam	0.43	2.5%	50	0.20	1.00	7.5	Silt Fence	4.0
End	10/15/2016	-----	-----	-----	-----	-----	2.5%	50	0.20	-----	-----		0.0
		-----	-----	-----	-----	-----	2.5%	50	0.20	-----	-----		0.0
		-----	-----	-----	-----	-----	2.5%	50	0.20	-----	-----		0.0
		-----	-----	-----	-----	-----	2.5%	50	0.20	-----	-----		0.0
		-----	-----	-----	-----	-----	2.5%	0	-----	-----	-----		0.0
		-----	-----	-----	-----	-----	0.0%	0	-----	-----	-----		0.0
TOTAL											7.5	TOTAL	4.0
												% Reduction Required	NONE

### Notes:

See Help Page for further descriptions of variables and items in drop-down boxes.

The last land disturbing activity on each sheet must be 'End'. This is either 12 months from the start of construction or final stabilization.

For periods of construction that exceed 12 months, please demonstrate that 5 tons/acre/year is not exceeded in any given 12 month period.

NOTE: THIS TOOL ONLY ADDRESSED SOIL EROSION DUE TO SHEET FLOW. MEASURES TO CONTROL CHANNEL EROSION MAY ALSO BE REQUIRED TO MEET SEDIMENT DISCHARGE REQUIREMENTS.

### Recommended Permanent Seeding Dates:

4/1-5/15 and 8/7-8/29 Turf, introduced grasses and legumes  
Thaw-6/30 Native Grasses, forbs, and legumes

Designed By:	Vierbicher Associates Inc.
Date	4/21/2016



## Project Drawings/Plans





October 19, 2016

GP-SE-2016-41-01501

Mr. Thomas Oechler  
Indian Community School of Milwaukee  
10405 W Saint Martins Rd  
Franklin, WI 53132

RE: Coverage under the wetland statewide general permit for wetland fill or disturbance for recreational development, located in the City of Franklin, Milwaukee County, also described as being in the NW1/4 of the SW1/4 of Section 17, Township 5 North, Range 21 East.

Dear Mr. Oechler:

Thank you for submitting an application for coverage under the wetland statewide general permit for wetland fill for recreational development, s. 281.36, Wis. Stats. Note this coverage does not authorize the wetland impact for the creation of the wildlife scrapes. The wetland restoration permit for the construction of four wildlife scrapes is issued under separate cover GP-SE-16-41-01501.

You have certified that your project meets the eligibility criteria and conditions for this activity. Based upon your signed certification you may proceed with your project to fill 0.0270 acres of wetlands for the development of a recreational trail. Please take this time to re-read the permit eligibility standards and conditions. The eligibility standards can be found on your application checklist or in the statewide general permit WDNR-GP4-2013 (found at <http://dnr.wi.gov/topic/waterways/construction/wetlands.html>). The permit conditions are attached to this letter. You are responsible for meeting all general permit eligibility standards and permit conditions. This includes notifying the Department before starting the project, and submitting photographs within one week of project completion. Please note your coverage is valid for 5 years from the date of the department's determination or until the activity is completed, whichever occurs first. This permit coverage constitutes the state of Wisconsin's wetland water quality certification under USCS s. 1341 (Clean Water Act s. 401).

The Department conducts routine and annual compliance monitoring inspections. Our staff may follow up and inspect your project to verify compliance with state statutes and codes. If you need to modify your project please contact your local Water Management Specialist, Geri Radermacher at (262) 574-2137 or email [Geri.Radermacher@wisconsin.gov](mailto:Geri.Radermacher@wisconsin.gov) to discuss your proposed modifications.

The Department of Natural Resources appreciates your willingness to comply with wetland regulations, which help to protect the water quality, fish and wildlife habitat, natural scenic beauty and recreational value of Wisconsin's wetland resources for future generations. Please be sure to obtain any other local, state or federal permits that are required before starting your project.

For project details, maps, and plans related to this decision, please see application number on the Department's permit tracking website at

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.



<https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx>.

If you have any questions, please call me at (262) 574-2137 or email Geri.Radermacher@wisconsin.gov.

Sincerely,



Geri Radermacher  
Water Management Specialist

cc: Marie Kopka, U.S. Army Corps of Engineers  
City of Franklin  
Conservation Warden

## **WDNR-GP4-2013 Permit Conditions – Recreational Development**

You agree to comply with the following conditions:

1. **Application.** You shall submit a complete application package to the Department as outlined in the application materials and section 2 of this permit. If requested, you shall furnish the Department, within a reasonable timeframe, any information the department needs to verify compliance with the terms and conditions of this permit.
2. **Certification.** Acceptance of general permit WDNR-GP4-2013 and efforts to begin work on the activities authorized by this general permit signifies that you have certified the project meets all eligibility standards outlined in Section 1 of this permit and that you have read, understood and have agreed to follow all terms and conditions of this general permit.
3. **Reliance on Applicant's Data.** The determination by this office that a confirmation of authorization is not contrary to wetland water quality standards will be based upon the information provided by the applicant and any other information required by the DNR.
4. **Project Plans.** This permit does not authorize any work other than what is specifically described in the notification package and plans submitted to the Department and you certified is in compliance with the terms and conditions of WDNR-GP4-2013
5. **Expiration.** This WDNR-GP4-2013 expires on July 19, 2018. The time limit for completing work authorized by the provisions of WDNR-GP4-2013 ends 5 years after the date on which the discharge is considered to be authorized under WDNR-GP4-2013 or until the discharge is completed, whichever occurs first.
6. **Other Permit Requirements.** You are responsible for obtaining any other permit or approval that may be required for your project by local zoning ordinances, floodplain ordinance, other local authority, other state permits and by the U.S. Army Corps of Engineers before starting your project.



7. **Authorization Distribution.** You must supply a copy of the permit coverage authorization to every contractor working on the project.
8. **Project Start.** You shall notify the Department before starting construction.
9. **Permit Posting.** You must post a copy of this permit coverage letter at a conspicuous location on the project site prior to the execution of the permitted activity, and remaining at least five days after stabilization of the area of permitted activity. You must also have a copy of the permit coverage letter and approved plan available at the project site at all times until the project is complete.
10. **Permit Compliance.** The department may modify or revoke coverage of this permit if it is not constructed in compliance with the terms and conditions of this permit, or if the Department determines the project will be detrimental to wetland water quality standards. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action. Additionally, if any applicable conditions of this permit are found to be invalid or unenforceable, authorization for all activities to which that condition applies is denied.
11. **Construction Timing.** Construction should take place during frozen or dry conditions where practicable.
12. **Construction.** No other portion of the wetland may be disturbed beyond the area designated in the submitted plans.
13. **Project Completion.** Within one week of completion of the regulated activity, you shall submit to the Department a statement certifying the project is in compliance with all the terms and conditions of this permit, and photographs of the activities authorized by this permit. This statement must reference the Department-issued docket number, and be submitted to the Department staff member that authorized coverage.
14. **Proper Maintenance.** You must maintain the activity authorized by WDNR-GP4-2013 in good condition and in conformance with the terms and conditions of this permit utilizing best management practices. Any structure or fill authorized shall be properly maintained to ensure no additional impacts to the remaining wetlands.
15. **Site Access.** Upon reasonable notice, you shall allow access to the site to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance with the terms and conditions of WDNR-GP4-2013 and applicable laws.
16. **Erosion and siltation controls.** The project site shall implement erosion and sediment control measures that adequately control or prevent erosion, and prevent damage to wetlands as outlined in NR 151.11 and 151.12, Wis. Adm. Code.
17. **Equipment use.** All equipment used for the project will be designed and properly sized to minimize the amount of disturbance to the wetland.
18. **Invasive Species.** All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by utilizing best management practices to avoid the spread of invasive species as outlined in NR 40, Wis. Adm. Code. For more information, refer to <http://dnr.wi.gov/topic/Invasives/bmp.html>.



19. **Federal and State Threatened and Endangered Species.** WDNR-GP4-2013 does not affect the DNR's responsibility to insure that all authorizations comply with Section 7 of the Federal Endangered Species Act, s. 29.604, Wis. Stats and applicable State Laws. No DNR authorization under this permit will be granted for projects found not to comply with these Acts/laws. No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act and/or State law or which is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.
20. **Special Concern Species.** If the Wisconsin National Heritage Inventory lists a known special concern species to be present in the project area you will take reasonable action to prevent significant adverse impacts to the species of concern.
21. **Historic Properties and Cultural Resources.** WDNR-GP4-2013 does not affect the DNR's responsibility to insure that all authorizations comply with Section 106 of the National Historic Preservation Act and s. 44.40, Wis. Stats. No DNR authorization under this permit will be granted for projects found not to comply with these Acts/laws. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.
22. **Preventive Measures.** Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Duty Officer at **1-800-943-0003**.
23. **Suitable fill material.** All fill authorized under this permit shall be free from hazardous substances as defined by s. 289.01(11), Wis. Stats., free from solid waste as defined by s. 289.01(11) and (33), Wis. Stats., and any fill must consist of clean, suitable soil material as defined by s. NR 500.03(214), Wis. Admin. Code.
24. **Standard for Coverage.** Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.
25. Projects that impact wetland must comply with the wetland water quality standards outlined in Wis. Stat. s. 281.36(3g)(d) and Wis. Admin. Code NR 103, including the submission of a narrative describing avoidance and minimization of wetlands.
26. **Transfers.** Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.
27. **Limits of State Liability.** In authorizing work, the State Government does not assume any liability, including for the following:



- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the State in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this WDNR-GP4-2013.

28. **Reevaluation of Decision.** The Department may suspend, modify or revoke authorization of any previously authorized activity and may take enforcement action if the following occur:

- a. The applicant fails to comply with the terms and conditions of WDNR-GP4-2013.
- b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.
- c. Significant new information surfaces which was not available at the time of the application that this office did not consider in reaching the original decision.





October 19, 2016

GP-SE-2016-41-01501

Thomas Oechler  
Indian Community School of Milwaukee  
10405 W Saint Martins Rd  
Franklin, WI 53132

RE: Coverage under the wetland statewide general permit for wetland fill or disturbance for wetland conservation, located in the City of Franklin, Milwaukee County, also described as being in the NW1/4 of the SW1/4 of Section 17, Township 5 North, Range 21 East.

Dear Mr. Oechler:

Thank you for submitting an application for coverage under the wetland statewide general permit for wetland fill or disturbance for a wetland conservation project, s. 281.36, Wis. Stats. This permit coverage authorizes the wetland disturbance to create four wildlife scrapes. The wetland fill coverage for the recreational trail development was conveyed under separate cover. See GP-SE-16-41-01529.

You have certified that your project meets the eligibility criteria and conditions for this activity. Based upon your signed certification you may proceed with your project to create four wildlife scrapes. Please take this time to re-read the permit eligibility standards and conditions. The eligibility standards can be found on your application checklist or in the statewide general permit WDNR-GP4-2013 (found at <http://dnr.wi.gov/topic/waterways/construction/wetlands.html>). The permit conditions are attached to this letter. You are responsible for meeting all general permit eligibility standards and permit conditions. This includes notifying the Department before starting the project, and submitting photographs within one week of project completion. Please note your coverage is valid for 5 years from the date of the department's determination or until the activity is completed, whichever occurs first. This permit coverage constitutes the state of Wisconsin's wetland water quality certification under USCS s. 1341 (Clean Water Act s. 401).

The Department conducts routine and annual compliance monitoring inspections. Our staff may follow up and inspect your project to verify compliance with state statutes and codes. If you need to modify your project please contact your local Water Management Specialist, Geri Radermacher at (262) 574-2137 or email [Geri.Radermacher@wisconsin.gov](mailto:Geri.Radermacher@wisconsin.gov) to discuss your proposed modifications.

The Department of Natural Resources appreciates your willingness to comply with wetland regulations, which help to protect the water quality, fish and wildlife habitat, natural scenic beauty and recreational value of Wisconsin's wetland resources for future generations. Please be sure to obtain any other local, state or federal permits that are required before starting your project.

For project details, maps, and plans related to this decision, please see application number on the Department's permit tracking website at

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.



<https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx>.

If you have any questions, please call me at (262) 574-2137 or email [Geri.Radermacher@wisconsin.gov](mailto:Geri.Radermacher@wisconsin.gov).

Sincerely,



Geri Radermacher  
Water Management Specialist

cc: Marie Kopka, U.S. Army Corps of Engineers  
City of Franklin  
Conservation Warden

You agree to comply with the following conditions:

1. **Application.** You shall submit a complete Application package to the Department as outlined in Section 2 of this permit. If requested, you shall furnish the Department, within a reasonable timeframe, any information the department needs to verify compliance with the terms and conditions of this permit.
2. **Certification.** Acceptance of general permit WRGP-2016-WI and efforts to begin work on the wetland conservation activities authorized by this general permit signifies that you have certified the project meets all eligibility standards outlined in Section 1 of this permit and that you have read, understood and have agreed to follow all terms and conditions of this general permit.
3. **Project Plans.** This permit does not authorize any work other than what is specifically described in the notification package and plans submitted to the Department and you certified is in compliance with the terms and conditions of WRGP-2016-WI.
4. **Expiration.** This WRGP-2016-WI expires on June 30, 2021. The time limit for completing work authorized by the provisions of WRGP-2016-WI ends when the work is completed.
5. **Other Permit Requirements.** You are responsible for obtaining any other permit or approval that may be required for your project by local zoning ordinances, other state permits and by the U.S. Army Corps of Engineers before starting your project.
6. **Project Start.** You shall notify the Department at the telephone number provided on the confirmation of coverage letter you receive before starting construction and again not more than 5 days after the project is complete.
7. **Permit Posting.** You must post a copy of this permit at a conspicuous location on the project site for at least five days prior to construction, and remaining at least five days after construction. You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.



- 8. Permit Compliance.** The department may modify or revoke coverage of this permit if it is not constructed in compliance with the terms and conditions of this permit, or if the Department determines the project will be detrimental to the public interest. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action. Additionally, if any conditions of this permit are found to be invalid or unenforceable, authorization for all activities to which that condition applies is denied.
- 9. Project Completion.** Within one week of project completion you shall submit to the Department a statement certifying project is in compliance with all the terms and conditions of this permit and photographs of the wetland conservation activities authorized by this permit. This information must be submitted to the same DNR office you received your coverage letter from.
- 10. Proper Maintenance.** You must maintain the activity authorized by WRGP-2016-WI in good condition and in conformance with the terms and conditions of this permit. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety, and preventive actions to avoid the spread of invasive plant species. You are not relieved of this requirement if you abandon the permitted activity. Should you wish to cease to maintain an activity authorized by WRGP-2016-WI or should you desire to abandon it, you must obtain a modification of the authorization from this office, which may require restoration of the area.
- 11. Site Access.** Upon reasonable notice, you shall allow access to the site to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance the terms and conditions of WRGP-2016-WI and applicable laws.
- 12. Wetland Fill.** Any removed vegetation or soil shall be deposited on uplands (non-hydric soils) or used in other approved wetland conservation practices that include ditch fills, ditch plugs, embankments, low berms and dikes. Additionally, all fill must consist of suitable material (i.e. no trash, debris, asphalt, etc.) free from toxic pollutants in other than trace quantities (see Section 307 of the Clean Water Act).
- 13. Wetland Buffer.** Project sites, whenever possible, should include an adjacent zone of vegetated upland pursuant to NRCS Field Office Technical Guide Standard Conservation Practice 657- Wetland Restoration, unless the site conditions or configuration will not accommodate such a zone.
- 14. Dam Owner Responsibilities.** For projects that result in the construction of a small dam the following conditions apply:

  - All embankments shall be kept free of trees and maintained with sufficient grass cover.
  - The dam cannot be altered or removed without approval from the department.
  - Any sale of the dam or property containing the dam is subject to the provisions of Sections 710.11 and 31.14(4), Wis. Stats., which requires proof of financial responsibility and department approval.
  - The impoundment cannot flood or adversely impact drainage of adjacent lands.
- 15. Adverse effects from impoundments.** If the project creates an impoundment of water, adverse effects on the aquatic system shall be minimized to the maximum extent practicable.



- 16. Navigation.** No activity may cause more than a minimal adverse effect on navigation.
- 17. Spawning areas.** Restoration activities in fish, amphibian and reptile spawning areas during spawning seasons, and wildlife nesting must be avoided to the maximum extent practicable.
- 18. Erosion and siltation controls.** Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark must be permanently stabilized at the earliest practicable date. Work should be done in accordance with state approved published practices that meet or exceed the technical standards for erosion control approved by the DNR under subch. V of ch. NR 151, Wis. Adm. Code. Any area where topsoil is exposed during construction shall be immediately seeded and mulched or rip-rapped to stabilize disturbed areas and prevent soils from being eroded and washed into a water of the state, including wetlands.
- 19. Invasive Species.** All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by washing equipment or utilizing other best management practices to avoid the spread invasive species.
- 20. Removal of temporary fills.** Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.
- 21. Federal and State Threatened and Endangered Species.** WRGP-2016-WI does not affect the DNR's responsibility to insure that all authorizations comply with Section 7 of the Federal Endangered Species Act, s. 29.604, Wis. Stats and applicable State Laws. No DNR authorization under this permit will be granted for projects found not to comply with these Acts/laws. No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act and/ or State law or which is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.
- 22. Special Concern Species.** If the Wisconsin Natural Heritage Inventory lists a known special concern species to be present in the project area you will take reasonable activities to prevent significant adverse impacts or to enhance the habitat for the species of concern.
- 23. Historic Properties and Cultural Resources.** WRGP-2016-WI does not affect the DNR's responsibility to insure that all authorizations comply with Section 106 of the National Historic Preservation Act and s. 44.40, Wis. Stats. No DNR authorization under this permit will be granted for projects found not to comply with these Acts/laws. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.
- 24. Preventive Measures.** Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil,



and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Duty Officer at **1-800-943-0003**.

**25. Drainage Districts.** Project will not occur within a Drainage District or if the project does occur within a Drainage District you have received approval from the Drainage District for the project.





**DEPARTMENT OF THE ARMY**  
**ST. PAUL DISTRICT, CORPS OF ENGINEERS**  
**180 FIFTH STREET EAST, SUITE 700**  
**ST. PAUL, MN 55101-1678**

REPLY TO ATTENTION OF  
REGULATORY BRANCH

Regulatory File No. 2016-01492-MHK

October 17, 2016

Mr. Thomas Oechler  
Indian Community School of Milwaukee  
10405 W. St. Martins Road  
Franklin, Wisconsin 53132

Dear Mr. Oechler:

This letter concerns your request for Department of the Army authorization to discharge dredged material in a total of 0.96 acre of wetlands adjacent to Ryan Creek and to temporarily discharge fill material in a total of 0.03 acre of these wetlands in association with the construction of four scrapes for the purpose of wetland enhancement. The project site is in NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec. 17, Township 5 North, Range 21 East, Milwaukee County, Wisconsin.

This work is authorized by the "Aquatic Habitat Restoration, Establishment, and Enhancement Activities" category 2(a)(12) of Department of the Army General Permit (GP-002-WI) provided the enclosed conditions are followed and you obtain confirmation that Clean Water Act Section 401 water quality certification (WQC) has been granted or waived for the project by the Wisconsin Department of Natural Resources (WDNR). Please note Standard Condition 9 regarding the "Removal of Temporary Fills." All GP-002-WI authorizations are provisional and require you obtain confirmation of WQC from the WDNR. If you have not already done so, you should contact Geri Radermacher of the WDNR office in Waukesha, (262) 574-2137, concerning WQC for your project.

If your project will require off-site fill material that is not obtained from a licensed commercial facility, you must notify us at least five working days before start of work. A cultural resources survey may be required if a licensed commercial facility is not used.

This General Permit is valid until July 14, 2021, unless reissued, or revoked. In general, the time limit for completing work ends on that date. For additional information regarding the time limit for completing work, please review GP-002-WI General Condition 1. It is the permittee's responsibility to remain informed of changes to the General Permit program. If this authorized work is not undertaken within the above time period, or the project specifications have changed, our office must be contacted to determine the need for further approval or re-verification.

It is your responsibility to ensure that the work complies with the terms of this letter and the enclosures. It is also your responsibility to obtain all required state and local permits and approvals before you proceed with the project.

A preliminary jurisdictional determination (JD) has been prepared for the site of your project. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps representative identified in the final paragraph of this letter. You also may provide new information for further consideration by the Corps to reevaluate the JD. If this JD is acceptable, please sign and date the Preliminary Jurisdictional Determination form and return to the address below within 15 days from the date of this letter.

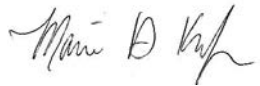


Regulatory Branch (2016-01492-MHK)

U.S. Army Corps of Engineers  
Attn: Marie Kopka  
250 N. Sunnyslope Road, Suite 296  
Brookfield, Wisconsin 53005

If you have any questions, please contact me at (651) 290-5733 or Marie.H.Kopka@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in black ink, appearing to read "Marie H. Kopka", with a stylized flourish at the end.

Marie H. Kopka  
Senior Project Manager, Regulatory Branch

Enclosures

Copy electronically furnished to:  
Geri Radermacher, WDNR (GP-SE-2016-41-01501)  
Neil Pfaff, Vierbicher Associates



## **GP-002-WI GENERAL AND STANDARD CONDITIONS**

### **GENERAL INFORMATION**

In ALL cases, GP-002-WI requires that adverse impacts on water and wetland resources be avoided and minimized to the maximum extent practicable. Also, activities that would adversely affect federal endangered plant or animal species or certain cultural or archaeological resources, or that would impair reserved Native American tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights, are not eligible for authorization under GP-002-WI.

### **Department of the Army General Conditions:**

1. GP-002-WI expires on July 14, 2021. Unless activities authorized under the GP-002-WI issued on July 15, 2016, have commenced construction or are under contract to commence construction by July 14, 2021, the time limit for completing work ends upon the expiration date of GP-002-WI. Activities authorized under GP-002-WI which have commenced construction or are under contract to commence construction by July 14, 2021, will have until July 13, 2022, to complete their activities under the terms and conditions of GP-002-WI. If you find that you require additional time to complete authorized activities, submit your time extension request to this office for consideration at least three months before the expiration date is reached.

2. You must maintain the activity authorized by GP-002-WI in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity. Should you wish to cease to maintain an activity authorized by the reporting GP, or abandon it without a good faith transfer; you must obtain a

modification of the Corps of Engineers (Corps) authorization, which may require restoration of the area. If you wish to transfer responsibility for project completion or maintenance, please contact this office so we may provide you with the necessary documentation to transfer the authorization.

3. If you discover any previously unknown historic or archaeological remains while accomplishing any activity authorized by GP-002-WI, you must immediately stop work and notify the Corps. The Corps will initiate the federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. You must allow representatives from this office to inspect the proposed project site and the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of GP-002-WI.

5. If a conditioned water quality certification has been issued for your project by the Wisconsin Department of Natural Resources (WDNR), you must comply with the conditions specified in the certification as special conditions to this permit.

6. You must also comply with the other GP-002-WI terms and conditions specified below as well as any project specific conditions imposed by the St. Paul District.

### **Further Information:**

1. Congressional Authorities: Authorization to undertake the activities described above is pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Work that requires authorization under Section 10 of the Rivers and Harbors Act must be authorized

separately through other GPs or individual permits.

2. Limits of this Authorization:

a. GP-002-WI does not obviate the need to obtain other federal, state, or local authorizations required by law.

b. GP-002-WI does not grant any property rights or exclusive privileges.

c. GP-002-WI does not authorize any injury to the property or rights of others.

d. GP-002-WI does not authorize interference with any existing or proposed federal project.

3. Limits of Federal Liability. In authorizing work, the Federal Government does not assume any liability, including for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination by this office that an activity is not contrary to the public interest will be made in reliance on the information provided by the applicant.



## **GP-002-WI GENERAL AND STANDARD CONDITIONS**

5. **Reevaluation of Decision.** This office may reevaluate its decision on an authorization at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. The applicant fails to comply with the terms and conditions of this general permit.
- b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

A reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring the permittee to comply with the terms and conditions of the permit and for the initiation of legal action where appropriate.

6. This office may also reevaluate its decision to issue GP-002-WI at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following: significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7.

### **GP-002-WI Standard Conditions:**

1. **Discretionary Authority:** The Corps retains discretionary authority to require a standard individual permit review of any activity eligible for authorization under GP-002-WI based on concern for the aquatic environment.

2. **Federal Trust Responsibility to Indian Tribes:** Projects the Corps finds to have potential to affect tribal interests will be coordinated with the appropriate Indian Tribal governments. The Tribe's views and the federal trust responsibility will be considered in the Corps evaluation. Based on treaty rights, no activity or its operation may impair reserved treaty rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

3. **Form and Verification of Authorization:** Every GP-002-WI authorization that requires submission of an application will be verified in writing by the Corps. Any verification issued may include required special conditions.

4. **Case-by-Case Conditions:** The authorized activity must comply with any special conditions that may have been added by the Corps or by a state, tribe, or the United States Environmental Protection Agency in its Section 401 Water Quality Certification or consistency determination under the Coastal Zone Management Act. Such conditions will be specifically identified in any Corps authorization.

5. **Avoidance and Minimization:** Discharges of dredged or fill material into waters of the United States must be avoided and minimized to the maximum extent practicable.

6. **State Water Quality Certification and Coastal Zone Management (CZM) Consistency Determination:** GP-002-WI authorizations are provisional and require that the Wisconsin

Department of Natural Resources (WDNR) provide confirmation that the activity complies with state water quality certification. A CZM consistency determination may also be required or waived by the Wisconsin Coastal Management Program. If such a condition applies, it will be noted in the Corps authorization letter for the project.

7. **Proper Maintenance:** Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.

8. **Erosion and Siltation Controls:** Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark must be permanently stabilized at the earliest practicable date. Work should be done in accordance with state-approved published practices. Upon completion of earthwork operations, all exposed slopes, fills, and disturbed areas must be given sufficient protection by appropriate means such as landscaping, or planting and maintaining vegetative cover, to prevent subsequent erosion. Cofferdams shall be constructed and maintained so as to prevent erosion into the water. If earthen material is used for cofferdam construction, sheet piling, riprap or a synthetic cover must be used to prevent dam erosion. All non-biodegradable erosion controls must be removed within two weeks of site stabilization unless otherwise conditioned in the Corps project confirmation letter.

9. **Removal of Temporary Fills:** Any temporary fills, including construction mats, must be removed in their entirety and the affected areas returned to their preexisting elevation. The



## **GP-002-WI GENERAL AND STANDARD CONDITIONS**

timeframe for completing this removal shall be:

a. Not later than the timeframe stipulated in the activity description (unless extended in writing by our office);

b. Not later than the timeframe stipulated in our office's verification letter; or

c. Not longer than two weeks from the date the temporary fill was placed in waters of the United States (condition c. applies only if a timeframe is not otherwise established by applying a. or b. above).

10. Federal Threatened and Endangered Species: GP-002-WI does not affect the Corps responsibility to insure that all Section 404 authorizations comply with Section 7 of the Federal Endangered Species Act (ESA).

a. No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the ESA or which is likely to destroy or adversely modify the critical habitat of such species. Permittees shall notify the Corps if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work on the activity until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is authorized.

b. Authorization of an activity under GP-002-WI does not authorize the take of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with incidental take provisions, etc.) from the United States Fish and Wildlife Service (FWS), both lethal and non-lethal takes of protected species are in violation of the ESA.

Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS, WDNR or their internet pages.

11. Historic Properties, Cultural Resources: GP-002-WI does not affect the Corps responsibility to insure that all Section 404 authorizations comply with Section 106 of the National Historic Preservation Act (NHPA). No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) is authorized, until the Corps has complied with the provisions of 33 CFR Part 325, Appendix C. Project sponsors must disclose in the Corps permit application if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the NRHP, and shall not begin the activity until notified by the Corps that the requirements of the NHPA have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office (SHPO) and the NRHP. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the SHPO must be contacted for further instruction.

12. Spawning Areas: Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

13. Obstruction of High Flows: To the maximum extent practicable, discharges must not permanently restrict or impede passage of normal or expected high flows or cause the relocation of the water

(unless the primary purpose is to impound waters).

14. Adverse Effects from Impoundments: If the discharge creates an impoundment of water, adverse effects on the aquatic system due to the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

15. Waterfowl Breeding Areas: Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

16. Navigation: No activity may cause more than a minimal adverse effect on navigation.

17. Aquatic Life Movements: No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water.

18. Equipment: Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance. Where temporary construction mats are used, they must be placed in a manner that minimizes the matted area to the minimum necessary to allow safe access to work areas and operation of equipment. To prevent the introduction of invasive species, all construction mats used shall be cleaned and free of debris (excess soil and plant material) prior to delivery at the project site.

19. Water Quality Standards: All work or discharges to a watercourse resulting from permitted construction activities, particularly hydraulic dredging, must meet applicable federal, state, and local water quality and effluent standards on a continuing basis.



## **GP-002-WI GENERAL AND STANDARD CONDITIONS**

### **20. Preventive Measures:**

Measures must be adopted to prevent potential pollutants from entering the watercourse. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a way that allows them to enter the watercourse as a result of spillage, natural runoff, or flooding.

**21. Disposal Sites:** If dredged or excavated material is placed on an upland disposal site (above the ordinary high-water mark), the site must be securely diked or contained by an acceptable method that prevents the return of potentially polluting materials to the watercourse by surface runoff or by leaching. Construction of containment areas, whether bulkhead or upland disposal site, must be complete prior to the placement of any dredged material.

**22. Suitable Fill Material:** All fill (including riprap), if authorized under this permit, must consist of suitable material (e.g. no trash, debris, car bodies, asphalt, etc.,) free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act). In addition, rock or fill material used for activities dependent upon this permit and obtained by excavation must either be obtained from existing quarries or, if a new borrow site is opened up to obtain fill material, the State Historic Preservation Office (SHPO) must be notified prior to the use of the new site. Evidence of this consultation with the SHPO will be forwarded to the Corps.

**23. Water Intakes/Activities:** An investigation must be made to identify water intakes or other activities that may be affected by suspended solids and turbidity increases caused by work in the watercourse. Sufficient notice must be given to the owners of property where the activities would

take place to allow them to prepare for any changes in water quality.

**24. Spill Contingency Plan:** A contingency plan must be formulated that would be effective in the event of a spill. This requirement is particularly applicable in operations involving the handling of petroleum products. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the state Emergency Management Duty Officer at 1-800-943-0003 and the National Response Center at telephone number 1-800-424-8802.

**25. Other Permit Requirements:** No GP-002-WI authorization eliminates the need for other local, state or Federal authorizations, including but not limited to National Pollutant Discharge Elimination System or State Disposal System permits.

**26. State Section 401 Certification Conditions and Limitations:** All GP-002-WI authorizations are provisional, and require individual Section 401 Clean Water Act Water Quality Certification or waiver from the Wisconsin Department of Natural Resources.

**27. Wisconsin Coastal Management Program (WCMP) Conditions:** The WCPM's Federal consistency determination for GP-002-WI provides that no GP-002-WI authorization for an activity taking place in coastal wetlands identified as ridge and swale complexes and/or wetlands adjacent to the Mink River (Door County), and the Kakagon and Bad Rivers (Ashland County) will be valid unless and until a Federal consistency determination is granted or waived by the WCMP. This requirement therefore is incorporated as a permit condition of GP-002-WI. Project proponents

will be notified of this condition in the Corps' GP-002-WI verification letter for projects in these areas.





**DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL, MN 55101-1678**

REPLY TO ATTENTION OF  
REGULATORY BRANCH

Regulatory File No. 2016-01492-MHK

October 17, 2016

Mr. Thomas Oechler  
Indian Community School of Milwaukee  
10405 W. St. Martins Road  
Franklin, Wisconsin 53132

Dear Mr. Oechler:

This letter concerns your request for Department of the Army authorization to discharge fill material in 1,180 square feet of wetlands adjacent to Ryan Creek for the purpose of recreational development. The project site is in NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec. 17, Township 5 North, Range 21 East, Milwaukee County, Wisconsin.

This work is authorized under Section 404 of the Clean Water Act by the "Discharges of Dredged or Fill Material" category 3(a)(3) of Department of the Army General Permit (GP-004-WI) PROVIDED THE ENCLOSED CONDITIONS ARE FOLLOWED. Projects authorized under Section 404 of the Clean Water Act by GP-004-WI are not valid unless and until SECTION 401 WATER QUALITY CERTIFICATION or waiver is received from the Wisconsin Department of Natural Resources (WDNR).

You should contact Geri Radermacher of the WDNR office in Waukesha, (262) 574-2137, concerning water quality certification and wetland permits required for your project.

If your project will require off-site fill material that is not obtained from a licensed commercial facility, you must notify us at least five working days before start of work. A cultural resources survey may be required if a licensed commercial facility is not used.

This General Permit is valid until December 31, 2017, unless reissued, or revoked. The time limit for completing the work described above ends on that date. It is the permittee's responsibility to remain informed of changes to the General Permit program. If this authorized work is not undertaken within the above time period, or the project specifications have changed, our office must be contacted to determine the need for further approval or re-verification.

It is your responsibility to ensure that the work complies with the terms of this letter and the enclosures AND TO OBTAIN ALL REQUIRED STATE AND LOCAL PERMITS AND APPROVALS BEFORE YOU PROCEED WITH YOUR PROJECT.

A preliminary jurisdictional determination (JD) has been prepared for the site of your project. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps representative identified in the final paragraph of this letter. You also may provide new information for further consideration by the Corps to reevaluate the JD. If this JD is acceptable, please sign and date the Preliminary Jurisdictional Determination form and return to the address below within 15 days from the date of this letter.

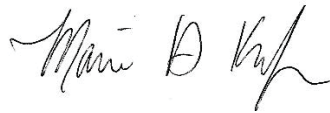


Regulatory Branch (2016-01492-MHK)

U.S. Army Corps of Engineers  
Attn: Marie Kopka  
250 N. Sunnyslope Road, Suite 296  
Brookfield, Wisconsin 53005

If you have any questions, please contact me at (651) 290-5733 or Marie.H.Kopka@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in black ink, appearing to read "Marie H. Kopka". The signature is fluid and cursive, with the first name "Marie" being more prominent.

Marie H. Kopka  
Senior Project Manager, Regulatory Branch

Enclosures

Copy electronically furnished to:

Geri Radermacher, WDNR (GP-SE-2016-41-01501)

Neil Pfaff, Vierbicher Associates



## **GP-004-WI CONDITIONS**

### **GENERAL CONDITIONS**

1. Duration of Authorization. GP-004-WI expires on December 31, 2017 (unless suspended, revoked or modified). Unless otherwise specified in the Corps confirmation letter, the time limit for completing work authorized by GP-004-WI ends upon the expiration, suspension, or revocation date of this GP-004-WI (2012-01421-DJM). Activities authorized under the non-reporting categories of GP-004-WI where construction has commenced or are under contract to commence construction, will remain authorized provided the activity is completed within 12 months of the date of the GP-004-WI expiration, suspension, or revocation; whichever is sooner. If you find that you require additional time to complete activities authorized, submit your time extension request to this office for consideration at least three months before the expiration date is reached.

2. Special Conditions. The Corps may impose additional conditions on a project authorized pursuant to the reporting categories of GP-004-WI that are determined necessary to avoid or minimize adverse effects on navigation or the environment to ensure that the project is in the public interest. Such conditions will be specifically identified in any Corps confirmation letter. Failure to comply with all conditions and limitations of the authorization, including special conditions incorporated into the Corps' confirmation letter, constitutes a permit violation and may subject the permittee to criminal, civil or administrative penalties, and appropriate environmental remediation (which could include restoration of the site to its pre-violation condition).

3. Maintenance and Transfer. You must maintain the activity authorized by GP-004-WI in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party. Should you wish to cease to maintain an activity authorized by a reporting category of GP-004-WI, or abandon it without a good faith transfer; you must obtain a modification of the authorization from this office, which may require restoration of the area. If you wish to transfer responsibility for completion or maintenance of the project to another entity, please contact this office so we may document the transfer of the authorization. You are not relieved of your responsibilities under this permit until the transfer has been processed and acknowledged by the Corps of Engineers.

4. Historic Properties, Cultural Resources. Project proponents for reporting GP-004-WI categories shall notify the Corps if any historic properties listed, determined eligible, or which the project proponent has reason to believe may be eligible for listing on the NRHP, might be affected or is in the vicinity of the project. Information concerning the location and existence of cultural resources may be obtained by contacting the State Historic Preservation Officer (SHPO) at (608) 264-6505, the NRHP, and the appropriate tribal government.

(a) No activity which may affect historic properties listed, or eligible for listing, on the NRHP is authorized, until the Corps has complied with the provisions of 33 CFR 325, Appendix C.

(b) If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the Corps, SHPO and/or Tribal Historic Preservation Office (THPO) must be contacted for further instruction. If you discover any previously unknown historic or archaeological remains while accomplishing any activity authorized by GP-004-WI, you must immediately stop work and notify this office of what you have found. The Corps will initiate the coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing on the NRHP.



## **GP-004-WI CONDITIONS**

5. Site Access. You must allow representatives from this office to inspect the proposed project site and the authorized activity at any time deemed necessary to ensure that it is being, or has been, constructed and maintained in accordance with the terms and conditions of GP-004-WI.

6. Navigation. The following conditions are part of all Corps of Engineers permits that provide authorization under Section 10 of the Rivers and Harbors Act:

(a) No activity may cause more than a minimal adverse effect on navigation and there shall be no unreasonable interference with navigation by use of the activity authorized herein.

(b) Any safety lights and signals prescribed by the United States Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) 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 of Engineers, 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.

7. Discretionary Authority. The Corps retains discretionary authority to require a standard individual permit review of any activity eligible for authorization under GP-004-WI based on concern for navigation, the aquatic environment, or any public interest factor.

8. Federal Responsibility to Indian Tribes. Projects the Corps finds to have potential to affect tribal interests will be coordinated with the appropriate Indian Tribal governments and the Bureau of Indian Affairs as appropriate. The Tribe's views will be considered in the Corps evaluation of the project. Based on treaty rights, no activity or its operation may impair reserved treaty rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

9. Form and Confirmation of Authorization. Every reporting GP-004-WI authorization will be confirmed in writing by the Corps. Any confirmation issued may include special conditions which are part of this permit as it pertains to that project being authorized.

10. Avoidance and Minimization. Impacts to waters of the United States must be avoided and minimized to the maximum extent practicable (please see 1.a.9., above for a definition of practicable).

11. Water Quality Standards. All work or discharges to a watercourse resulting from GP-004-WI authorized construction activities, particularly hydraulic dredging, must meet applicable federal, state, and local water quality and effluent standards on a continuing basis. Water intakes or other activities that may be affected by suspended solids and turbidity increases caused by work in the watercourse must be identified and sufficient notice must be given to the owners of property where the activities would take place to allow them to prepare for any changes in water quality. Installation of intake structures that are not directly associated with an outfall structure or outfall structures that are not in compliance with regulations issued under the National Pollutant Discharge Elimination System program (Section 402 of the Clean Water Act) are not eligible for authorization under GP-004-WI.



## **GP-004-WI CONDITIONS**

12. Erosion and Siltation Controls. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark shall be permanently stabilized at the earliest practicable date. Work should be done in accordance with state-approved published practices as described in NR 216 of Wisconsin Administrative Code.

Upon completion of earthwork operations, all exposed slopes, fills, and disturbed areas must be given sufficient protection by appropriate means such as landscaping, or planting and maintaining vegetative cover, to prevent subsequent erosion. Cofferdams shall be constructed and maintained so as to prevent erosion into the water. If earthen material is used for cofferdam construction, sheet piling, riprap or a synthetic cover shall be used to prevent dam erosion. All non-biodegradable erosion controls must be removed within two weeks of site stabilization unless otherwise noted in the Corps GP-004-WI reporting confirmation letter.

13. Removal of Temporary Fills. All temporary fills must be entirely removed and the affected areas returned to their preexisting elevation and hydrology. The timeframe for completing this removal shall be:

(a) Not later than the timeframe stipulated in the activity description (unless modified in writing by our office);

(b) Not later than the timeframe stipulated in our office's reporting GP-004-WI confirmation letter; or

(c) Not longer than two weeks from the date the temporary fill was placed in waters of the United States (condition (c) applies only if a timeframe is not otherwise established by applying (a) or (b) above).

14. Federal Threatened and Endangered Species. Prospective permittee's for reporting GP-004-WI categories shall notify the Corps if any federal threatened or endangered (protected) species or critical habitat might be affected or is in the vicinity of the project. Information about protected species may be obtained by contacting the United States Fish and Wildlife Service (FWS) at (920) 866-1717. The Corps website (<http://www.mvp.usace.army.mil/regulatory/>) also contains a link to the FWS list of protected species for each Wisconsin county.

(a) No activity is authorized by GP-004-WI which is likely to jeopardize the continued existence of a protected species or a species proposed for such designation, as identified under the Endangered Species Act (ESA) or which is likely to destroy or adversely modify the critical habitat of such species, unless those activities are determined to comply with the applicable procedures of Section 7 of the ESA.

(b) Authorization of an activity under GP-004-WI does not authorize the take of a protected species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with incidental take provisions, etc.) from the FWS, both lethal and non-lethal takes of protected species are in violation of the ESA.

15. Spawning Areas. Activities, including discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

16. Obstruction of High Flows. To the maximum extent practicable, activities authorized by GP-004-WI shall not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

17. Adverse Effects from Impoundments and Diversions of Water. If the activity authorized creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable. GP-004-WI may not be used to authorize all or any portion of a



## **GP-004-WI CONDITIONS**

project that would divert more than 10,000 gallons/day of surface water or groundwater into or out of the Great Lakes Basin.

18. Fills Within 100-Year Floodplains. All Corps GP-004-WI authorizations shall comply with applicable FEMA approved state or local floodplain management requirements.

19. Waterfowl Breeding Areas. Impacts to breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

20. Aquatic Life Movements. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water.

21. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

22. Preventive Measures. Measures must be adopted to prevent potential pollutants from entering waters of the United States. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in a way that allows them to enter the watercourse as a result of spillage, natural runoff, or flooding.

23. Disposal Sites. If dredged or excavated material is placed on an upland disposal site (above the ordinary high-water mark), the site must be securely diked or contained by an acceptable method that prevents the return of potentially polluting materials to the watercourse by surface runoff or by leaching. Construction of containment areas, whether bulkhead or upland disposal site, must be complete prior to the placement of any dredged material.

24. Suitable Fill Material. All fill (including riprap), if authorized under this permit, must consist of suitable material (e.g. no trash, debris, car bodies, asphalt, etc.) free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

25. Spill Contingency Plan. A contingency plan must be formulated that would be effective in the event of a spill. This requirement is particularly applicable in operations involving the handling of petroleum products. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the state Emergency Management Duty Officer at 1-800-943-0003 and the National Response Center at the United States Coast Guard at telephone number 1-800-424-8802.

26. Other Permit Requirements. A Corps GP-004-WI authorization does not eliminate the need for other local, state or federal authorizations, including but not limited to National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) permits.

27. State of Wisconsin Section 401 Water Quality Certification. The Wisconsin Department of Natural Resources has denied blanket for water quality certification for GP-004-WI. Therefore all projects authorized by GP-004-WI and involving a discharge of dredged or fill material under Section 404 require the permittee obtain a Section 401 Water Quality Certification or waiver from the WDNR prior to starting work.

28. Wisconsin Coastal Zone Management Program (WCMP) Conditions. The WCMP's Federal consistency determination for GP-004-WI provides that no reporting (category 3.a) GP-004-WI



#### **GP-004-WI CONDITIONS**

authorization for an activity taking place in coastal wetlands identified as ridge and swale complexes and/or wetlands adjacent to the Mink River (Door County), and the Kakagon and Bad Rivers (Ashland County) will be valid unless and until a Federal consistency determination is granted or waived by the WCMP. This requirement therefore is incorporated as a permit condition of reporting GP-004-WI. Applicants will be notified of this condition in the Corps' GP confirmation letter for projects in these areas.



## Natural Resource Special Exception Question and Answer Form.

### Questions to be answered by the Applicant

Items on this application to be provided in writing by the Applicant shall include the following, as set forth by Section 15-9.0110C. of the UDO:

- A. Indication of the section(s) of the UDO for which a Special Exception is requested. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- B. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- C. Statement of the reason(s) for the request.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- D. Statement of the reasons why the particular request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows:

#### 1) **Background and Purpose of the Project.**

- (a) Describe the project and its purpose in detail. Include any pertinent construction plans.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (b) State whether the project is an expansion of an existing work or new construction.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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- (c) State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose.

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**2) Possible Alternatives.**

- (a) State all of the possible ways the project may proceed without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback as proposed.

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- (b) State how the project may be redesigned for the site without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

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- (c) State how the project may be made smaller while still meeting the project's needs.

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- (d) State what geographic areas were searched for alternative sites.

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- (e) State whether there are other, non-stream, or other non-navigable water, non-shore buffer, non-wetland, non-wetland buffer, and/or non-wetland setback sites available for development in the area.

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- (f) State what will occur if the project does not proceed.

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**3) Comparison of Alternatives.**

- (a) State the specific costs of each of the possible alternatives set forth under sub.2., above as compared to the original proposal and consider and document the cost of the resource loss to the community.

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- (b) State any logistical reasons limiting any of the possible alternatives set forth under sub. 2., above.

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- (c) State any technological reasons limiting any of the possible alternatives set forth under sub. 2., above.

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- (d) State any other reasons limiting any of the possible alternatives set forth under sub. 2., above.

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**4) Choice of Project Plan.**

State why the project should proceed instead of any of the possible alternatives listed under sub.2., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts.

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**5) Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description.**

Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

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**6) Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts.**

- |    |  |   |                                     |
|----|--|---|-------------------------------------|
| a) | Diversity of flora including State and/or Federal designated threatened and/or endangered species.   | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| b) | Storm and flood water storage.   | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| c) | Hydrologic functions.  | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| d) | Water quality protection including filtration and storage of sediments, nutrients or toxic substances.   | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| e) | Shoreline protection against erosion.  | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| f) | Habitat for aquatic organisms.   | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| g) | Habitat for wildlife.  | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| h) | Human use functional value.  | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| i) | Groundwater recharge/discharge protection.   | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| j) | Aesthetic appeal, recreation, education, and science value.  | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| k) | Specify any State or Federal designated threatened or endangered species or species of special concern.  | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| l) | Existence within a Shoreland.  | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| m) | Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time. | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |

Describe in detail any impacts to the above functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

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**7) Water Quality Protection.**

Describe how the project protects the public interest in the waters of the State of Wisconsin.

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Question "D"

*Statement of the reasons why the particular request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows:*

After meeting with, and at the advice of, City of Franklin Officials, the applicant understands that the proposed work appropriately requires a Special Exception under Franklins UDO. ICS believes the proposed work and associated use is consistent with use and site development parameters previously approved namely education and a professionally designed and managed property. ICS has retained the services of a qualified consultant to prepare detailed plans that have been approved by the State of Wisconsin and the US Army Corps of Engineers.

This project is consistent with other environmentally positive work on the site to date such as:

Prairie maintenance

Buckthorn removal

To the extent the City of Franklin may view such environmentally positive work as "mitigation" if committed to for 5 or more years, as described within its ordinance, ICS is willing to continue such work for a period of 5 years if the City grants the requested exception and its approval of the plans submitted with this application.



## Alternative Analysis

### **2.1 Alternative 1 – Construct the 590 +/- linear foot boardwalk with 210 +/- linear foot of earthen trail in wetland crossing area with a total of wetland disturbance area of approximately 6,900 square feet; maintaining wetland hydrology and minimizing environmental impacts (Preferred Alternative)**

This alternative includes a 590 +/- linear foot, 8 foot wide metal frame structure with synthetic decking and 210 +/- linear foot of earthen trail in wetland crossing area. This alternative was selected, because it will meet the basic project goals and will have a minimal adverse environmental impact. This alternative will maintain the existing wetland hydrology to allow the wetlands to function as they do in the present day. The trail is located where the wetland width is minimal to reduce the overall wetland impacts. The overall wetland impact is approximately 6,900 square feet.

Probable Construction Cost: \$448,188.13

This alternative meets all criteria of the Wisconsin DNR General Permit (WDNR-GP4-2013); therefore, this is the preferred alternative.

### **2.2 Alternative 2 – Elevated Boardwalk Spanning Wetland**

This alternative includes placing an 800 linear foot, 6 foot wide metal frame structure with synthetic decking elevated boardwalk above the wetland to span the wetland surface. This alternative reduces the surface area disturbed within the wetland. Due to the expense of the boardwalk as compared to Alternative 1 this alternative was eliminated. The project will not proceed because of project budget constraints.

Probable Construction Costs: \$600,000

This alternative meets all criteria of the Wisconsin DNR General Permit (WDNR-GP4-2013), but this is not the preferred alternative.

### **2.5 Alternative 3 – Do Nothing**

This alternative will have no direct impacts on wetlands. However, this alternative will have the greatest social impact, due to not allowing the construction of the recreational trail to serve the City of Franklin community.

This alternative does not meet the basic needs of the project; therefore, this alternative was eliminated.

