

Appendix H US Army Corps of Engineers Correspondence



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
SIBLEY SQUARE AT MEARS PARK
190 FIFTH STREET EAST, SUITE 401
ST. PAUL MINNESOTA 55101-1638

Operations
Regulatory (2007-1108-RMG)

April 15, 2008

Ms. Laura Morland
Mead & Hunt Inc.
6501 Watts Road
Madison, Wisconsin 53719-2700

Dear Ms. Morland:

Thank you for your March 25, 2008 correspondence regarding the General Mitchell International Airport Runway Safety Area (RSA) improvements Environmental Assessment (EA).

In your March 25, 2008 letter, you indicated that a preliminary field review had been completed to identify any wetlands or waters present at the ends of each runway (1L/19R and 7R/25L). Thank you for supplying our agency with the summary information and preliminary mapping of these resources. We understand that the boundaries provided have not been delineated in their entirety, and thus we are reviewing this information on a concept level only.

To that end, we have not completed a jurisdictional determination for the twelve basins located at the runway ends; and we offer the following comments based on a review of the wetland information provided. We understand that further refinement of these boundaries will most likely occur after completion of the National Environmental Policy Act (NEPA) process, during subsequent design phase mapping.

1. Overall, we have reviewed the mapping and information provided, and we have determined that the magnitude of impacts would require our agency to review any subsequent application for fill into water of the United States as a Letter of Permission. This is based on an estimated wetland fill ranging from 0.6 to 1.0 acre. It is our understanding that this range has been extrapolated from a concept-level drawing of the preferred alternative for runway 7R/25L.
2. Wetland areas 1/4 and 2/3: These basins are mapped on the Wisconsin Wetland Inventory (WWI) and the Milwaukee Soil survey as being seasonal or intermittent tributaries emptying into an unnamed perennial waterway (due east) to Oak Creek. Based on our current guidance, both these areas shall require completion of a significant nexus in order to assess jurisdiction. This review shall incorporate portions of wetland 4 not identified (extending west of the airport property); and portions of basins 1 and 2 extending east.
3. Wetland area 5: Basin 5 is depicted on all available mapping as an intermittent or seasonal ditch excavated in inclusion soils (Blount) and in clayey land. More

information is needed before the Corps can make a jurisdictional determination. Based on available mapping, including the WWI, the NRCS soil survey, 2000 and 2005 aerial photography, it would appear that this ditch flows east and discharges into the same perennial waterway as indicated above (due east of 1L); and thus may be a jurisdictional feature. It is likely that this determination will require a review of not only this ditch, but also any additional wetlands and waters that may be part of the “relevant reach” as established by the joint EPA and Corps guidance. Based on our preliminary review, we feel that additional wetland area west of the Canadian, Milwaukee, St. Paul and Pacific Railroad (CMSP & P Railroad), and east and south of 6th Street is present that would expand the preliminarily defined boundaries of this basin.

4. Wetland area 6/7: These two communities (part of one linear feature) are also identified on all available mapping as a seasonal or intermittent ditch excavated in Blount and clayey soils. However, it is not clear if this tributary continues east of 6th Street, via piping or other means. However, various mapping sources (WWI, USGS, aerial photography) indicate that this feature continues west beyond the CMSP & P Railroad. It is likely that this feature may share a surface connection with basin 5 (bullet 3, above) in this area. Should no surface water connection to or from this basin exist, it is unlikely (based on the information provided), that this basin would be within the regulatory jurisdiction of the Corps.
5. Basin 8: The Corps does not regulate stormwater basins. Therefore, it is likely that we will determine that this area is not a water of the United States subject to regulation under Section 404 of the Clean Water Act.
6. Wetland basins 9 and 10: Based on the information provided, and our background mapping sources (WWI, soil survey, 2000 and 2005 aerial), it is likely that neither of these basins will lie within the regulatory jurisdiction of the Corps.
7. Wetland basin 11: Based on the information provided, and our background mapping sources, it is likely that this basin will not be regulated by the Corps.
8. Wetland basin 12 (Bailey’s Pond): This basin is abutting Wilson Park Creek (mapped as intermittent or seasonal in this location). It is highly likely that this basin will be regulated by the Corps. However, we must first complete a jurisdictional determination which will likely incorporate a “significant nexus” determination. As part of that determination, the Corps will need to evaluate the basin, along with all similarly situated lands within the reach. To that end, it is likely that the open water/wetland area due west of basin 12 (on the other side of taxiway N), the wetland area due east along the Chicago and Northwestern (C & NW Railroad) Railroad, as well as the remaining stretch of Wilson Park Creek upstream of basin 12 will be incorporated into this review.

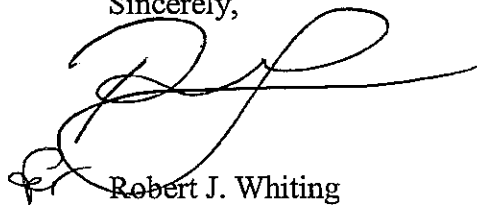
Thank you for the opportunity to comment on this proposal at this early stage. Based on the anticipated level of Corps review required for any subsequent fill activities in waters of the United States, we request to be included as a cooperating agency in the preparation of the EA. This will allow us to fully utilize the EA in any subsequent permit evaluation. As anticipated during our first meeting with you on this project (March 2007), we look forward to continued coordination on the EA.

Operations – Regulatory

General Mitchell RSA Improvements: 2007-1108-RMG

If you have any questions, please contact Rebecca Gruber in our Waukesha office at (262) 547-4171, extension 3. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Whiting', with a long horizontal flourish extending to the right.

Robert J. Whiting
Chief, Regulatory Branch

Copies furnished (both via email):
Mike Thompson, WDNR;
Glen Orcutt, FAA – Minneapolis.