

Appendix B

Eight Step Process

Appendix B: Executive Order (EO) 11990 Protection of Wetlands, Eight-Step Planning Process

<p>Step 1: Project Location in Floodplain/Wetland – Will the action be located in a wetland and/or the 100-year floodplain or will it have the potential to affect a wetland or floodplain?</p>	<p>Project Analysis: The project is located on FIRM panel #215 for Winnebago County, Wisconsin. The project is not located within a floodplain. It is within the Campbell Creek watershed in the City of Oshkosh. A detailed hydrologic and hydraulic analysis was conducted for the proposed project and determined that there would be no upstream or downstream negative impacts caused by the proposed project.</p> <p>A formal wetland delineation process took place at the site in October, 2011. (see Appendix D). Approximately 0.9 acres of wetlands were delineated and may be impacted by the proposed project. Three separate wetland areas were identified. Two are associated with the direct riparian area of the existing drainage ditch. The other wetland is associated with a grassy swale and area north of the existing paved area on parcel at 1530 South Koeller Street and along the western boundary of the parcel at 1415 Armory Place. All the wetlands are highly disturbed. The dominant vegetation type includes: <i>Typha angustifolia</i>; <i>Phalaris arundinacea</i>, <i>Bromus inermis</i>, <i>Poa pratensis</i>, and <i>Solidago altissima</i>. The wetland delineation report has been submitted to the US Army Corps of Engineers and copied to the WDNR on February 21, 2012. No finding from the USACE or WDNR has been determined as of April 4, 2012.</p>
<p>Step 2: Encourage Public Involvement – A public notice must be published at the earliest possible time to provide information about the proposed project (1st Notice).</p>	<p>Project Analysis : Initial notification was provided by FEMA in the <i>Oshkosh Northwestern</i> newspaper on DATE. The Draft EA will be made available for public review for a period of 30 days.</p>
<p>Step 3: Evaluate Alternative – Is there any reasonable alternative to locating the project in a floodplain or wetland?</p>	<p>Project Analysis: The proposed project involves the construction of a detention basin to reduce peak flood elevations and reduce impacts and damages associated with flooding of buildings and streets. The proposed project is not located within a FEMA identified floodplain.</p> <p>An extensive alternatives analysis was conducted and is described in the project's EA. Other detention basin locations, and alternative site designs were evaluated. The proposed project is the most feasible approach with minimal impacts on existing wetlands at the site. Any impacts to wetlands at the Armory Detention Basin site will be mitigated for through the creation of new wetlands, or enhancements to existing wetlands.</p>

<p>Step 4: Identify the full range of potential direct or indirect impacts associated with the occupancy or modification of floodplains and wetlands and the potential direct and indirect support of floodplain and wetland development that could result from the Proposed Action.</p>	<p>Project Analysis: The project is located outside of any mapped floodplains. A hydrologic and hydraulic analysis of the proposed project and the Campbell Creek watershed displayed that there would be no negative impacts associated with the project. This includes an evaluation of both upstream and downstream impacts. Stormwater peak flow rates and peak water surface elevations from a variety of storm events evaluated would be reduced by the proposed detention basin.</p> <p>The proposed detention basin will reduce flooding within areas of existing development. There are no floodplain impacts created by the proposed project.</p> <p>The project would impact 0.9 acres of existing disturbed wetlands. The wetlands were field delineated in October, 2011 using approved USACE and WDNR protocols. The existing wetland vegetation consists mostly of reed canary grass, goldenrod, Kentucky blue grass, brome grass, and narrow-leaf cattail. The existing wetlands are within the footprint of the proposed detention basin. The proposed project would incorporate native wetland vegetation in the detention basin areas that would support emergent and wet-prairie vegetation.</p>
<p>Step 5: Minimize the potential adverse impacts to work within floodplains and wetlands to be identified under Step 4, restore and preserve the natural and beneficial values served by wetlands.</p>	<p>Project Analysis: The proposed project is not within a FEMA identified floodplain. By locating the project outside of a floodplain any potential negative impacts will be avoided.</p> <p>The proposed project is subject to USACE and WDNR permitting which will require minimization of impacts to existing wetlands and the ditch (which is considered a navigable water in Wisconsin). In addition, mitigation measures are incorporated into the project design as discussed in Step 4.</p>

<p>Step 6: Re-evaluate the Proposed Action to determine 1) if it is still practicable in light of its exposure to flood hazards; 2) the extent to which it will aggravate the hazards to others; and 3) its potential to disrupt floodplain and wetland values.</p>	<p>Project Analysis: The proposed project is still determined to be practicable. The project is not exposed to flood hazards and will not aggravate the hazards to others. The proposed project will reduce flood elevations and flow rates downstream of the project area and will not have negative impacts upstream or downstream on flood elevations. The project will not impact or disrupt any existing floodplains. The proposed project will remove the flood hazard to a number of structures downstream of the proposed project.</p> <p>Wetland impacts will be limited to the 0.9 acre delineated areas. These wetlands are highly disturbed areas dominated with non-native vegetation. Furthermore, wetland impacts will be mitigated for by the creation of new wetland area off-site.</p>
<p>Step 7: Provide Public Explanation – If FEMA decides to take/fund an action that affects a floodplain or wetland, a 2nd public notice must be published (for a minimum of 15 days) to explain why affecting a floodplain or wetland is the only practicable alternative.</p>	<p>Project Analysis: Public notice will be made available at the time of the release of this draft Environmental Assessment (EA). Public comment would be incorporated into the Final EA.</p>
<p>Step 8: Comply with Executive Orders – Review the implementation and post-implementation phases of the proposed action to ensure that the requirements of the EOs are fully implemented. Oversight responsibility shall be integrated into existing processes.</p>	<p>Project Analysis: This step is integrated into the NEPA process and FEMA project management and oversight functions.</p>

Appendix C

Agency Consultations



STATE OF WISCONSIN
DEPARTMENT OF MILITARY AFFAIRS
DIVISION OF EMERGENCY MANAGEMENT

Brian M. Satula
Administrator

Scott Walker
Governor

September 30, 2011

James Rabe, P.E., CPESC
City of Oshkosh
215 Church Avenue
P.O. Box 1130
Oshkosh, Wisconsin 54903-1130

RECEIVED

OCT 4 2011

AECOM
MADISON, WI

Subject: Armory Detention Basin Project, City of Oshkosh

Dear Mr. Rabe,

The purpose of this update is to share the responses received to date from state and federal agency staff. Their responses address the requirements to advance this proposed project. It appears that these requirements can be addressed through the permitting processes and accompanying regulations.

Agency staff has offered to meet with the City and its contractor. If desirable, once you have met with agency staff, Wisconsin Department of Natural Resources (WDNR), United States Army Corps of Engineers (USACOE) and United States Fish and Wildlife Service (USFWS), as needed, please advise WEM and FEMA staff of the schedule for completing the permit application requirements. We can then schedule a conference call on the project and the draft environmental assessment.

Enclosed are several e-mail updates and responses that identify some of the requirements for this complex project.

Wisconsin Department of Natural Resources Waterway and Wetland Permit Intake

Sarah Zareczny (formerly Sarah Walcisak) of the WDNR replied, "Please note, it looks like your consultant has completed most of the footwork here. Unfortunately, I cannot "sign off" on your consultants work; however, I completed a pre-screen for the site on 10/14/09, and will look at the permit application in more detail when I receive it. According to the pre-screen it appears there may be two concerns remaining at the site. These concerns include the wetland indicator soils, and the waterway listed as navigable located in the NW portion of the project area. It appears from your "conceptual plan" you are proposing to fill this waterway and potential wetland area. If you haven't already done so, you will need to consult with a DNR Water Management Specialist regarding these

areas. I have attached a map for your reference. Any questions or concerns please let me know.”

WDNR water/wetland staff did expand on concerns regarding wetland indicator soils and the filling of the waterway. “In regards to item #1 below, a new Water Management Specialist (WMS) will be starting in the Oshkosh office on September 26th. This WMS will handle permit applications for projects affecting wetlands and public (navigable) waterways in Winnebago and Fond du Lac Counties. I am not familiar with the proposed Armory project but it appears that a pond will be constructed on the armory property. If the pond is within 500 ft. of a navigable waterway (which I believe this is), a Chapter 30 pond permit is required.

If there will be grading (land disturbance) in excess of 10,000 sq. ft. within the "bank" of the waterway, then a Chapter 30 grading permit is needed. The "bank" is either a zone up to 75 ft. from the ordinary high water mark or 300 ft. from the ordinary high water mark (OHWM) depending on the classification of the waterway as a priority or non-priority navigable. I would guess that this is likely a non-priority navigable waterway so the "bank" is only a zone that is 75 ft. from the OHWM. You can find application materials online for grading at <http://dnr.wi.gov/waterways/construction/grading.html> and for ponds at <http://dnr.wi.gov/waterways/construction/ponds.html>.

Other activities are regulated (like culverts, bridges, dams, wetland impacts, etc.) and you can find a full list at the waterway/wetland homepage at <http://dnr.wi.gov/waterways/>. It will also be critical for the landowner to know if there will be wetlands impacted by the project since that can be a longer permit process.

If the "pre-screen" concerns are addressed and resolved, that will help expedite the Chapter 30 reviews since we review similar items.”

United States Army Corps of Engineers

Joey Shoemaker of the U.S. Army Corps of Engineers offered to meet with the City. The City or its contractor can request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the Section 404 permit evaluation process, if needed. See attached letter from Tamara Cameron of the USACOE dated September 15, 2011, for complete details.

United States Fish and Wildlife Service

The WDNR pre-screen on 10/14/09 indicated possible State Threatened –Endangered Species concern may include the Purple Milkweed (THR); however the plant is not listed in the NHI in August 2011.)

The USFWS water/wetland response describes the documentation regarding project selection and the minimization of adverse impacts to wetlands and waters of the U.S. See attached letter from Peter J. Fasbender of the USFWS dated September 15, 2011 for complete details.

Wisconsin Department of Natural Resources Waste and Remediation and Redevelopment Review

AECOM identified the Koeller Center (northwest of the subject property) as having a slight potential to impact groundwater in the project area. AECOM recommends a review of the WDNR file to determine the extent of the contamination at the Koeller Center Site to further evaluate the potential for impacts to the project area.

The Remediation and Redevelopment program staff reported that there were three RR sites located at or in the vicinity of the proposed wet detention basin. All three of these BRRTs cases were "No Action Required". Therefore, there would be no additional permits or information required from the Waste or the RR program for this project. See September 29, 2011 e-mail from James Zellmer, P.E., Waste and Materials Management Program Supervisor.

Wisconsin Historical Society

I received a copy of the letter from the Wisconsin Historical Society concurring that the proposed undertaking will result in no historic properties affected pursuant to 36 CFR 800.4(d)(1).

Thank you for your help regarding this proposed project. If you have any questions or comments on the enclosed, please feel free to contact me at 608 242-3214 or e-mail me at Susan.Boldt@wi.gov.

Sincerely,



Susan Boldt
Assistant State Hazard Mitigation Officer
Wisconsin Emergency Management

Cc: Duane Castaldi, FEMA
Dan Dahlke, WEM
Roxanne Gray, WEM
Nicholas Mueller, FEMA
Brenda Nordin, WDNR
Crystal Schiefelbein, WDNR
Joey Shoemaker, USACOE
Jennifer Huffman, WDNR
James Rabe, City of Oshkosh
Jill Utrup, USFWS
Michael Wegner, AECOM
Sarah Zareczny, WDNR
Jim Zellmer, WDNR

Enclosures

Boldt, Susan - DMA

From: Zareczny, Sarah E - DNR
Sent: Wednesday, August 17, 2011 10:20 AM
To: Boldt, Susan - DMA
Subject: RE: Armory Wet Detention Basin, Winnebago Co.

Ok, great! Thank you.

From: Boldt, Susan - DMA
Sent: Wednesday, August 17, 2011 10:17 AM
To: Zareczny, Sarah E - DNR
Cc: Gray, Roxanne - DMA
Subject: RE: Armory Wet Detention Basin, Winnebago Co.

Hi Sarah,
Thank you for your quick response. I did send a package to the DNR Water Management Specialist. I'll check to make sure I did.

Susan

From: Zareczny, Sarah E - DNR
Sent: Wednesday, August 17, 2011 9:47 AM
To: Boldt, Susan - DMA
Subject: Armory Wet Detention Basin, Winnebago Co.

Hi Susan,

I received your package in regard to the site identified above. I am unclear what you are requesting of me. Please note, it looks like your consultant has completed most of the footwork here. Unfortunately, I cannot "sign off" on your consultants work. However, I did completed a prescreen for the site on 10/14/09, and will look at the permit application in more detail when I receive it. According to the prescreen it appears there may be two concerns remaining at the site. These concerns include the wetland indicator soils, and the waterway listed as navigable located in the NW portion of the project area. It appears from your "conceptual plan" you are proposing to fill this waterway and potential wetland area. If you haven't already done so, you will need to consult with a DNR Water Management Specialist regarding these areas. I have attached a map for your reference. Any questions or concerns please let me know.

<< File: City of Oshkosh, Armory Wet Detention Basin.pdf >>

 *Sarah Zareczny*
(Formerly Sarah Walcisak)

Storm Water Management Specialist
Wisconsin Department of Natural Resources
3369 W. Brewster Street
Appleton, WI 54914

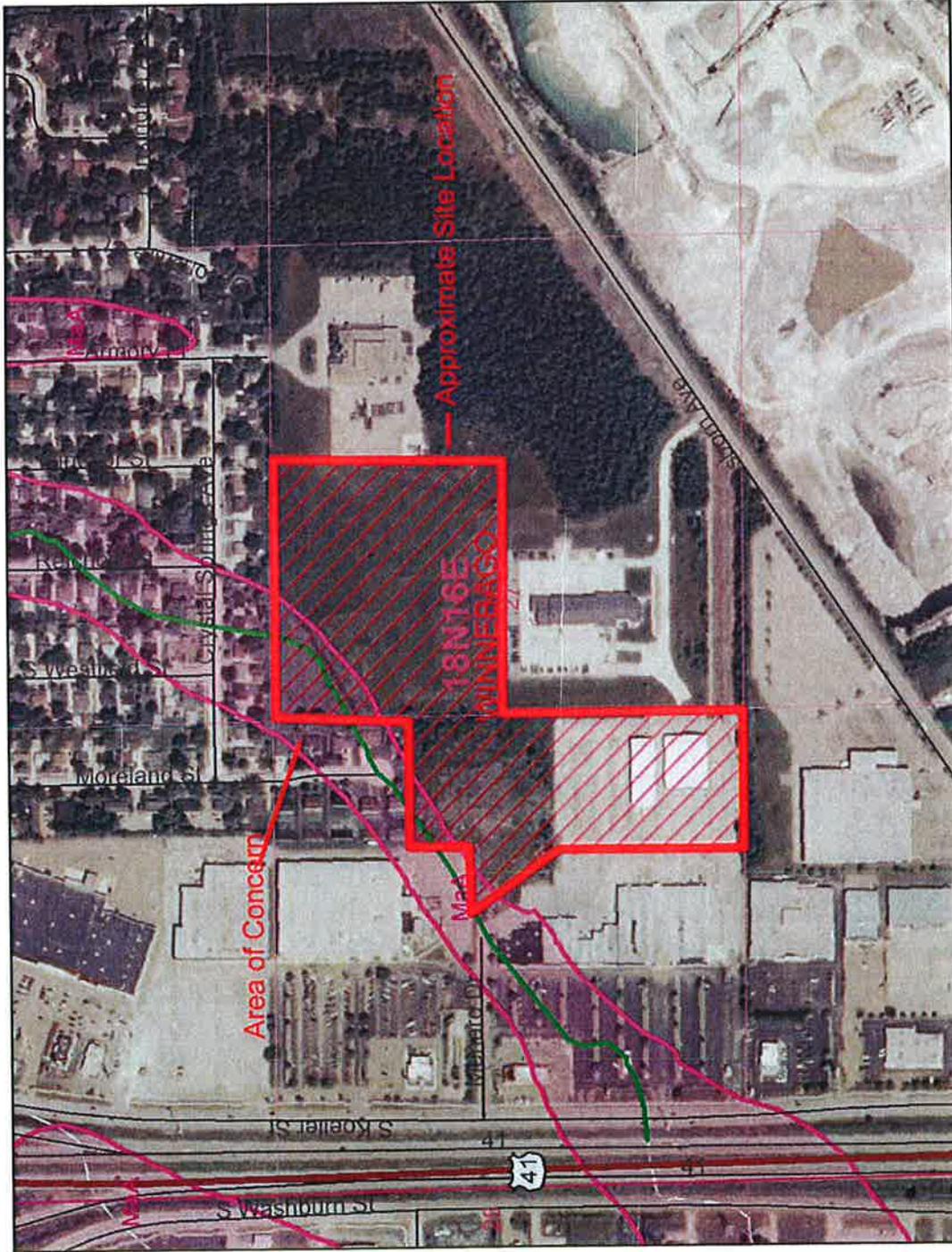
(☎) phone: (920) 997-3280

(☎) fax: (920) 997-3284

(✉) e-mail: sarah.zareczny@wisconsin.gov

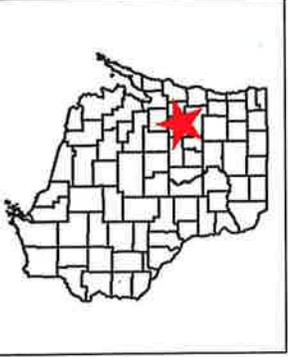
Visit our web site at: <http://www.dnr.state.wi.us/runoff/stormwater.htm>

City of Oshkosh, Armory Wet Detention Basin



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Notes: SE, NW, S27, T18N, R16E



Legend

- Navigability Determinations**
 - Navigable
 - Not Navigable
- Major Highways**
 - Interstate
 - State Highway
 - U.S. Highways
 - County Roads
 - Local Roads
- 24K County Boundaries**
- PLSS Townships**
- PLSS Sections**
- PLSS Q-Q Sections**
- Civil Towns**
- Civil Town**
- USDA Wetspots**
- DNR Wetland Points**
 - Excavated Pond
 - Dammed Pond
 - Wetland Too Small to Delineate
 - Filled Excavated Pond
 - Filled Dammed Pond
 - Filled Wetland Too Small to Delineate
 - Wetland Too Small to Delineate
- DNR Wetland Areas**
 - Upland
 - Wetland
 - Filled or Drained Wetland
 - Wetland Indicator Soils
 - 24K Open Water
 - 24K Rivers and Shorelines

Scale: 1:5,678

Boldt, Susan - DMA

From: Schiefelbein, Crystal L - DNR
Sent: Monday, September 12, 2011 11:10 AM
To: Boldt, Susan - DMA
Subject: RE: Environmental Review , City of Oshkosh, Armory Wet Detention Basin, Winnebago County, Wisconsin, FEMA Pre-Disaster Mitigation FY2011

Susan,

In regards to item #1 below, a new Water Management Specialist (WMS) will be starting in the Oshkosh office on September 26th. This will be the WMS that will handle permit applications for projects affecting wetlands and public (navigable) waterways in Winnebago and Fond du Lac Counties. I am not familiar with the proposed Armory project but it appears that a pond will be constructed on the armory property. If the pond is within 500ft of a navigable waterway (which I believe this is), a Ch 30 pond permit is required. If there will be grading (land disturbance) in excess of 10,000 sq ft within the "bank" of the waterway, then a Ch 30 grading permit is needed. The "bank" is either a zone up to 75' from the ordinary high water mark or 300' from the ordinary high water mark (OHWM) depending on the classification of the waterway as a priority or non-priority navigable. I would guess that this is likely a non-priority navigable waterway so the "bank" is only a zone that is 75' from the OHWM. You can find application materials online for grading at <http://dnr.wi.gov/waterways/construction/grading.html> and for ponds at <http://dnr.wi.gov/waterways/construction/ponds.html>. Other activities are regulated (like culverts, bridges, dams, wetland impacts, etc.) and you can find a full list at the waterway/wetland homepage at <http://dnr.wi.gov/waterways/>. It will also be critical for the landowner to know if there will be wetlands impacted by the project since that can be a longer permit process.

If the "pre-screen" concerns are addressed and resolved, then that will help expedite the Ch 30 reviews since we review similar items. Please keep me in the loop until the new WMS comes aboard. And if you have questions in the meantime, feel free to contact me. I'm extremely busy but am responding to inquiries as quickly as possible.

Thank you,

 *Crystal Schiefelbein*

Water Management Specialist
Wisconsin Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313-6727
(☎) phone: (920) 662-5466
(☎) fax: (920) 662-5498
(✉) e-mail: Crystal.Schiefelbein@wisconsin.gov

Waterway & Wetlands Regulations website:

<http://dnr.wi.gov/waterways>

All Ch 30 and WQC applications are to be mailed to:

Dept of Natural Resources
Attn: Waterway & Wetland Permit Intake - WT/3
101 S. Webster Street,
Madison, WI 53703

From: Boldt, Susan - DMA
Sent: Thursday, September 08, 2011 01:51 PM
To: 'GreenBay@fws.gov'; Cathy_Carnes@fws.gov; Koch, Richard J - DNR; 'joey.r.shoemaker@usace.army.mil'; Zareczny, Sarah E - DNR; Huffman, Jennifer B - DNR; Schiefelbein, Crystal L - DNR
Cc: Gray, Roxanne - DMA; Rabe, James E.; 'Wegner, Michael'; 'Castaldi, Duane'; 'Mueller, Nicholas'; Winnebago County; Dahlke, Dan - DMA
Subject: Environmental Review , City of Oshkosh, Armory Wet Detention Basin, Winnebago County, Wisconsin, FEMA Pre-Disaster Mitigation FY2011

Hello All,

As a follow-up to my request for review regarding the Armory Detention Basin Environmental Assessment in the

City of Oshkosh I wanted to check in about the status of the consultation letters with the various agencies. I did send out the coordination letters and requested a response A.S.A.P. or by September 15, 2011. I did receive several e-mail updates and will attempt to summarize the response or request for more information on this complex project here. I will be following up with each of you but had wanted to give you a heads up first.

1. I received the following from Sarah Zareczny of the WDNR. "Please note, it looks like your consultant has completed most of the footwork here. Unfortunately, I cannot "sign off" on your consultants work. However, I completed a pre-screen for the site on 10/14/09, and will look at the permit application in more detail when I receive it. According to the prescreen it appears there may be two concerns remaining at the site. These concerns include the wetland indicator soils, and the waterway listed as navigable located in the NW portion of the project area. It appears from your "conceptual plan" you are proposing to fill this waterway and potential wetland area. If you haven't already done so, you will need to consult with a DNR Water Management Specialist regarding these areas. I have attached a map for your reference. Any questions or concerns please let me know."
2. I sent the review package to Joey Shoemaker of the U.S. Army Corps of Engineers and am anticipating a response.
3. I sent the review package to the USFWS and am anticipating a response. (WDNR pre-screen on 10/14/09 indicated possible State Threatened –Endangered Species concern may include the Purple Milkweed (THR); however the plant is not listed in the NHI in August 2011.)
4. I sent the review package to WDNR Waste Review staff and am anticipating a response. AECOM identified the Koeller Center (northwest of the subject property) as having a slight potential to impact groundwater in the project area. AECOM recommends a review of the WDNR file to determine the extent of the contamination at the Koeller Center Site to further evaluate the potential for impacts to the project area.

I received a copy of the letter from the Wisconsin Historical Society concurring that the proposed undertaking will result in no historic properties affected pursuant to 36 CFR 800.4(d)(1).

Also, earlier this summer FEMA/DHS staff suggested that we have a project meeting and site visit. We'll have to re-affirm that as a number of regional staff has been deployed to assist with recovery efforts as a result of the disasters out east.

I look forward to discussing the above and receiving your responses. I hope that I've accurately characterized the situation.

Thank you for your help regarding this proposed project. If you have any questions or comments on the enclosed, please contact me at 608 242-3214 or e-mail me at Susan.Boldt@wi.gov

Susan Boldt

Assistant State Hazard Mitigation Officer

Wisconsin Emergency Management << File: City of Oshkosh Armory Wet Detention Basin.pdf >>



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

September 15, 2011

REPLY TO
ATTENTION

Operations
Regulatory (2011-03454-JRS)

Ms. Susan Boldt
Wisconsin Emergency Management
2400 Wright Street
Madison, Wisconsin 53707

Dear Ms. Boldt:

We have received the document concerning the Environmental Review for the Armory Wet Detention Basin. The proposed project is located in Section 27, T. 18N., R. 16E., Winnebago County, Wisconsin. Please consider the following information concerning our regulatory program that may apply to the proposed project.

If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). According to soil maps, it appears that there is the potential for wetlands to be located within the project boundaries. A wetland delineation, or onsite visit, may need to be completed to confirm the absence or presence of wetlands within the project boundaries. CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

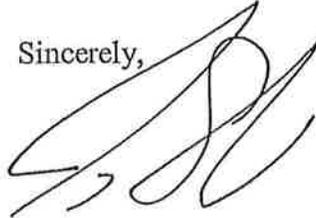
If the project would include the discharge of fill material into wetlands, the Corps' evaluation of a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

If an application for a Corps permit has not yet been submitted, the project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the United States, or if it is a large or controversial project.

For further information or to request a pre-application consultation meeting, please contact Joey Shoemaker at (920) 448-2824. We look forward for further coordination on the project.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Cameron', written over a horizontal line.

Tamara E. Cameron
Chief, Regulatory Branch

Boldt, Susan - DMA

From: Zellmer, James A - DNR
Sent: Thursday, September 29, 2011 4:00 PM
To: Boldt, Susan - DMA
Subject: RE: Environmental Review , City of Oshkosh, Armory Wet Detention Basin, Winnebago County, Wisconsin, FEMA Pre-Disaster Mitigation FY2011

Susan,

The RR program reported that there were three RR sites located at or in the vicinity of the proposed wet detention basin. All three of these BRRTs cases were "NO ACTION REQUIRED". Therefore, there would be no additional permits or information required from the Waste or RR program for this project.

Jim Zellmer

 *James A. Zellmer, P.E.*

Waste & Materials Management Program Supervisor

Northeast Region

Wisconsin Department of Natural Resources

2984 Shawano Ave

Green Bay WI 54313-6727

(📞) phone: (920) 662-5431

(📞) fax: (920) 662-5197

(✉) e-mail: james.zellmer@wisconsin.gov

NOTE: Green Bay DNR building is open to the public Tuesdays, Thursdays, & Fridays, from 9:00 am to 12:30 pm & 1:30 pm to 4:00 pm.

From: Boldt, Susan - DMA
Sent: Thursday, September 29, 2011 2:57 PM
To: Boldt, Susan - DMA; Huffman, Jennifer B - DNR; Zellmer, James A - DNR
Subject: RE: Environmental Review , City of Oshkosh, Armory Wet Detention Basin, Winnebago County, Wisconsin, FEMA Pre-Disaster Mitigation FY2011

Hello Jim,

Thanks for checking into the status of the comments for this project. If you could send an e-mail to me affirming what the R+R staff had found regarding the BRRTS file review and the "no action" comments.

Will that cover AECOM's comment that they identified the Koeller Center (northwest of the subject property) as having a slight potential to impact groundwater in the project area? "AECOM recommends a review of the WDNR file to determine the extent of the contamination at the Koeller Center Site to further evaluate the potential for impacts to the project area."

The contractor will have to address that in the Environmental Assessment for the proposed project.

Thanks for your help.

Susan

From: Boldt, Susan - DMA
Sent: Wednesday, September 28, 2011 9:55 AM

9/30/2011

To: Huffman, Jennifer B - DNR; Zellmer, James A - DNR

Subject: RE: Environmental Review , City of Oshkosh, Armory Wet Detention Basin, Winnebago County, Wisconsin, FEMA Pre-Disaster Mitigation FY2011

Hello Jim,

I'm forwarding the comments that I received from the WDNR, ACOE and USFWS staff regarding this project to the City of Oshkosh project manager and their contractor. The contractor is writing the EA for the project and I'd like to forward the WDNR's waste comments as well. Jim, could you please give me a call when you return to the office?

Thanks,
Susan Boldt
608 242-3214

From: Huffman, Jennifer B - DNR

Sent: Thursday, September 08, 2011 5:19 PM

To: Boldt, Susan - DMA; Zellmer, James A - DNR

Subject: RE: Environmental Review , City of Oshkosh, Armory Wet Detention Basin, Winnebago County, Wisconsin, FEMA Pre-Disaster Mitigation FY2011

Hi Susan,

I forwarded the package you sent to Jim Zellmer in our Green Bay office for distribution to the appropriate staff.

Jim,

Can you let Susan know who has this submittal?

Thank you,
Jennifer

From: Boldt, Susan - DMA

Sent: Thursday, September 08, 2011 1:51 PM

To: 'GreenBay@fws.gov'; Cathy_Carnes@fws.gov; Koch, Richard J - DNR; 'joey.r.shoemaker@usace.army.mil'; Zareczny, Sarah E - DNR; Huffman, Jennifer B - DNR; Schiefelbein, Crystal L - DNR

Cc: Gray, Roxanne - DMA; Rabe, James E.; 'Wegner, Michael'; 'Castaldi, Duane'; 'Mueller, Nicholas'; Winnebago County; Dahlke, Dan - DMA

Subject: Environmental Review , City of Oshkosh, Armory Wet Detention Basin, Winnebago County, Wisconsin, FEMA Pre-Disaster Mitigation FY2011

Hello All,

As a follow-up to my request for review regarding the Armory Detention Basin Environmental Assessment in the City of Oshkosh I wanted to check in about the status of the consultation letters with the various agencies. I did send out the coordination letters and requested a response A.S.A.P. or by September 15, 2011. I did receive several e-mail updates and will attempt to summarize the response or request for more information on this complex project here. I will be following up with each of you but had wanted to give you a heads up first.

1. I received the following from Sarah Zareczny of the WDNR. "Please note, it looks like your consultant has completed most of the footwork here. Unfortunately, I cannot "sign off" on your consultants work. However, I completed a pre-screen for the site on 10/14/09, and

will look at the permit application in more detail when I receive it. According to the prescreen it appears there may be two concerns remaining at the site. These concerns include the wetland indicator soils, and the waterway listed as navigable located in the NW portion of the project area. It appears from your "conceptual plan" you are proposing to fill this waterway and potential wetland area. If you haven't already done so, you will need to consult with a DNR Water Management Specialist regarding these areas. I have attached a map for your reference. Any questions or concerns please let me know."

2. I sent the review package to Joey Shoemaker of the U.S. Army Corps of Engineers and am anticipating a response.
3. I sent the review package to the USFWS and am anticipating a response. (WDNR prescreen on 10/14/09 indicated possible State Threatened –Endangered Species concern may include the Purple Milkweed (THR); however the plant is not listed in the NHI in August 2011.)
4. I sent the review package to WDNR Waste Review staff and am anticipating a response. AECOM identified the Koeller Center (northwest of the subject property) as having a slight potential to impact groundwater in the project area. AECOM recommends a review of the WDNR file to determine the extent of the contamination at the Koeller Center Site to further evaluate the potential for impacts to the project area.

I received a copy of the letter from the Wisconsin Historical Society concurring that the proposed undertaking will result in no historic properties affected pursuant to 36 CFR 800.4(d)(1).

Also, earlier this summer FEMA/DHS staff suggested that we have a project meeting and site visit. We'll have to reaffirm that as a number of regional staff has been deployed to assist with recovery efforts as a result of the disasters out east.

I look forward to discussing the above and receiving your responses. I hope that I've accurately characterized the situation.

Thank you for your help regarding this proposed project. If you have any questions or comments on the enclosed, please contact me at 608 242-3214 or e-mail me at Susan.Boldt@wi.gov

Susan Boldt
Assistant State Hazard Mitigation Officer
Wisconsin Emergency Management



WISCONSIN
HISTORICAL
SOCIETY

August 30, 2011

Ms. Amanda C. Ratliff
U.S. Dept. of Homeland Security
FEMA Region V
536 South Clark St., 6th Floor
Chicago, IL 60605

SHSW#: 11-0876/WN
RE: Armory Site Detention Basin, City of Oshkosh

Dear Ms. Ratliff:

We have reviewed the above referenced project as required for compliance with Section 106 of the National Historic Preservation Act and 36 CFR Part 800: Protection of Historic Properties, the regulations of the Advisory Council on Historic Preservation governing the Section 106 review process. We concur with your assessment that the proposed undertaking will result in no historic properties affected pursuant to 36 CFR 800.4(d)(1).

If human bone is discovered during construction, you must cease work immediately and contact the Burial Sites Preservation Office at 1-800-342-7834 for compliance with Wis. Stat. §157.70 which provides for the protection of human burial sites.

You may call me at (608) 264-6507 if you have any questions concerning these matters.

Sincerely,

Sherman Banker
Wisconsin State Historic Preservation Office



FEMA

August 11, 2011

Mr. Sherman Banker, Compliance Archaeologist
Wisconsin Historical Society
816 State Street
Madison, Wisconsin, 53706-1482

Subject: Armory Site Detention Basin, City of Oshkosh, Wisconsin - Section 106 Archaeological Review

Dear Mr. Banker:

The city of Oshkosh, Wisconsin has requested funding from the Federal Emergency Management Agency (FEMA) under its Hazard Mitigation Grant Program (HMGP) to construct a water detention basin in the vicinity of the National Guard Armory.

Mitigation serves as the cornerstone of emergency management in providing solutions to the devastating effects of both natural and manmade disasters. The purpose of the Federal Emergency Management Agency's Hazard Mitigation Grant Program is to assist local communities in implementing long-term hazard mitigation measures to reduce and eliminate risks to people and property during future disasters.

In accordance with the National Historic Preservation Act (NHPA), the Federal Emergency Management Agency (FEMA) has determined that this project constitutes a federally assisted undertaking, requiring a section 106 review. FEMA has delineated the Area of Potential Effect (APE) to include the detention basin and the immediate adjoining area. In addition, FEMA will take into consideration the visual effects this project will have on the community and to any adjacent historic properties.



Figure 1: USGS Topographic Map (Appleton Quadrangle) Showing the Project Location.

Project Location

The project area is located within the city of Oshkosh approximately 1.7 miles from downtown, just south of the Fox River in the southwest section of the city near the intersection of Interstate 41 and Osborn Avenue. This area is characterized by a mix of early 20th century residential neighborhoods; post World War II residential neighborhoods and commercial enclaves and a large commercial quarry operation. The project area is roughly defined by Osborn Ave to the south, with a large commercial quarry across the street. To the east is part of the National Guard Armory surrounded by open green space and a small wooded area that adjoins a well defined early 20th century working class residential neighborhood. The north is delineated by a newer residential neighborhood, on the west lies I-41 with a mix of modern commercial buildings and open paved parking lots adjacent to the highway.

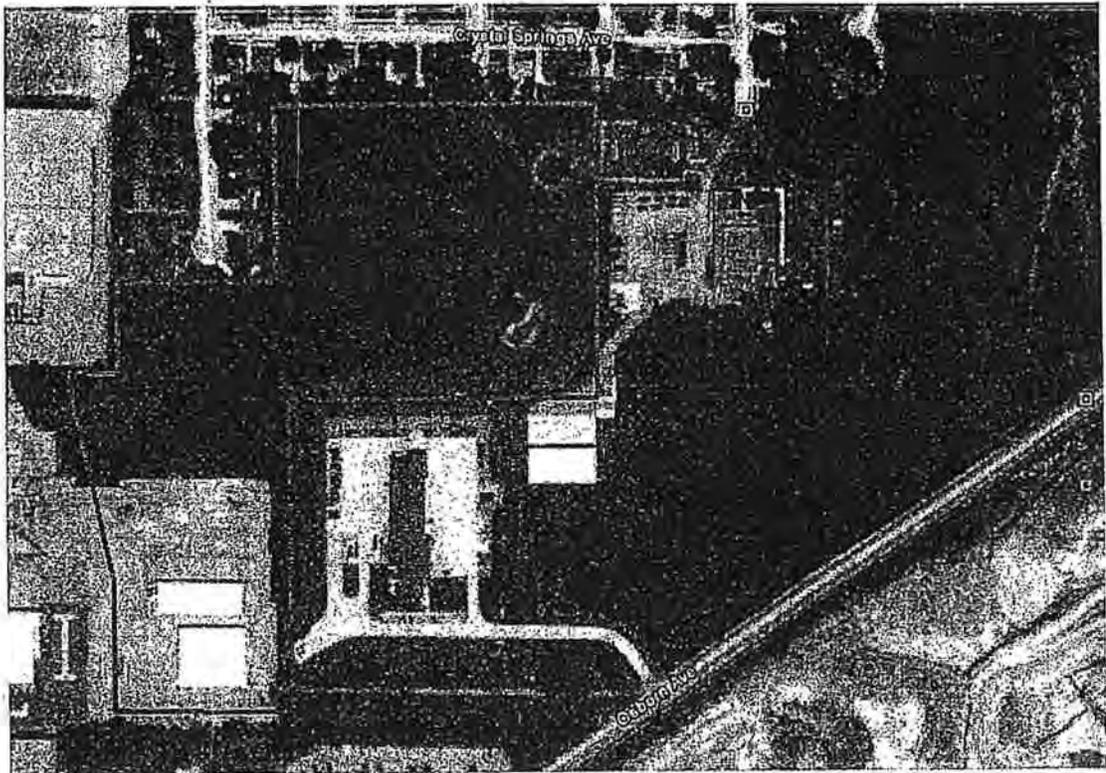


Figure 2: Aerial View of the Project Area. Quarry Operation is Visible in the Right Corner

Project Area

The project area is located at 1415 Armory Place (44.00609/-88.57374) in Section 27, Township 18N, and Range 16E in Winnebago County. The proposed basin site consists of two land parcels, one owned by the Wisconsin Department of Military Affairs and an adjacent commercial property. The land is predominately open and vacant with open green space and several small stands of trees. The topography is basically flat with little notable elevation changes. At the south end of the proposed basin are two modern commercial warehouse structures constructed in 1981 and surrounded in part by a paved parking area. Directly north of the parking lot is an open area from which the top soil has been removed. At the north and extending down a portion of the western edge of the project area is a portion of a man-made agricultural drain. Opposite the drain is what appears to have been an earlier small circular retention basin. The proposed basin area is expected to cover an area of approximately 17.15 acres while the basin footprint is expected to extend over a 13.5 acres area and will vary in depth from approximately 10 feet below existing grade in the northeast quadrant to 20 feet in the southeast quadrant.

Previous Surveys

In September 2000, a reconnaissance level pedestrian survey and Phase I Archaeological Survey was undertaken on the 35 acre Wisconsin Department of Military Affairs Armory tract.¹ The survey area included previously cultivated former forest lands, contemporary wood lands and open green space. Shovel testing revealed no indication of any potential sites, no intact buried surfaces and only several isolated spot finds consisting of two undiagnostic chert flakes. The consulting archaeologist concluded that no archaeological sites were present and recommended that no additional fieldwork be undertaken.

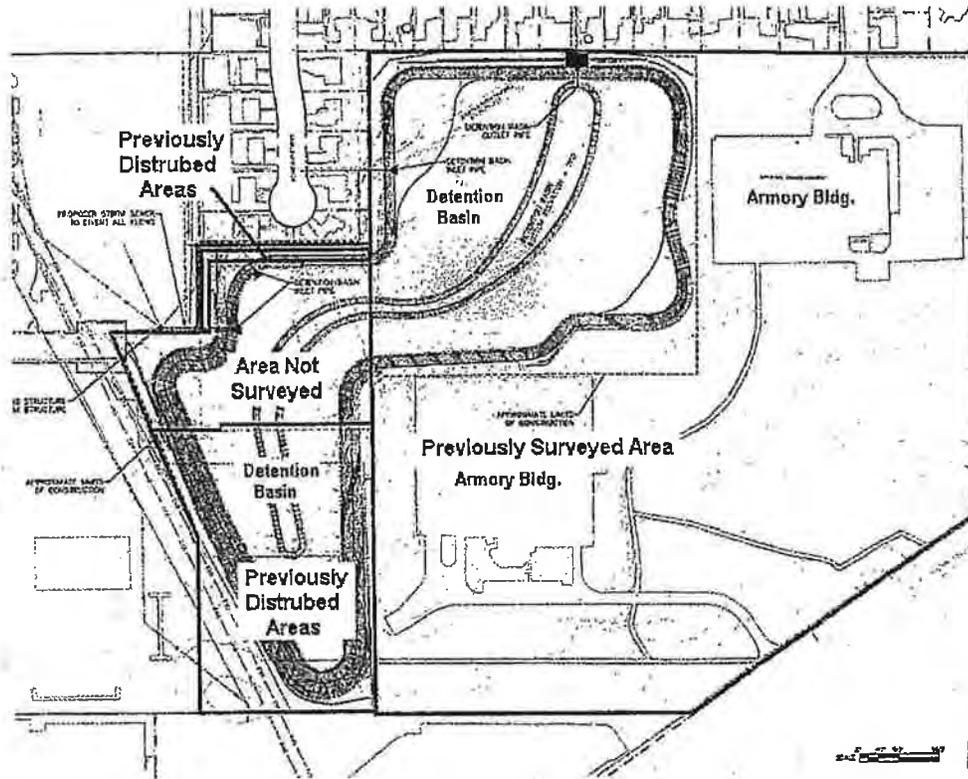


Figure 3: Map Showing the Project Area, Delineating the Surveyed Area (Red), the Areas Previously Disturbed and the Area Not Yet Surveyed (Green).

FEMA has reviewed the National Register of Historic Places online database and the Wisconsin Historical Society's National Register database and no historic or prehistoric archaeological sites or historic structures were identified in the APE or immediate adjacent area.

Consultation

In June 2011, FEMA contacted the Wisconsin SHPO office regarding this project and provided data from the 2000 archaeological survey to determine if the SHPO thought sufficient work had been done to make a determination of No Historic Properties Affected. After reviewing the information the SHPO indicated that an additional phase one survey should be undertaken on the untested commercial property.

FEMA considers the views and opinions of the SHPO essential in assisting FEMA in making a well informed determination. A FEMA archaeologist, meeting the Secretary of Interior Standards, has reviewed and re-examined the data and in accordance with 36 CFR 800.4(d)(1) of the National Historic

¹ Phase I Survey for the Oshkosh Organizational Maintenance Support (OMS) Construction Project, Oshkosh, Wisconsin. Wagner, Stephen and Karyn Caldwell, 2000. (SHSW #: 00-1635)

Preservation Act feels that a determination of **No Historic Properties Affected** is the proper determination.

A determination of No Historic Properties Affected means that either there are no historic properties present or there are historic properties present but the undertaking will have no effect upon them.

This determination of No Historic Properties Affected is in part based on the following:

- National Register Criteria for listing archaeological sites has a high standard threshold.
- Significant portion of the project area have been previously disturbed or surveyed.
- Limited survey area unlike to yield significant new important archaeological information
- Topographic and historic environs

Supporting Documentation

In accordance with 36 CFR 800.11(d) of the National Historic Preservation Act documentation to support these finds can be found in Appendix A.

Determination

FEMA has reviewed this project and has determined that this undertaking is unlikely to yield any significant information important to prehistory or history. This determination is based in part on the previous survey, existing disturbance and undocumented deforestation and continued agricultural usage over the years and the unlikely present of any National Register quality sites.

In accordance with Section 106 of the National Historic Preservation Act, we are requesting your concurrence with our determination under 36 CFR 800.4(d)(1) a finding of "**No Historic Properties Affected**" for the Oshkosh Detention Basin project.

FEMA has reviewed this project and does not believe that the proposed ground disturbing activity will adversely affect any buried cultural resources. However, prior to approving this project we will condition any work with a discovery clause that will require the applicant and its contractors to stop work in the event any buried cultural materials are unearthed or found and to contact the WI SHPO and FEMA immediately.

Should you have any questions or require additional information please do not hesitate to contact William Henry, FEMA Historic Specialist at 517.282.5627 or William.Henry@dhs.gov or Amanda Ratliff, FEMA Regional Environmental Officer at 312.408,5440 or Amanda.Ratliff@dhs.gov.

Sincerely,



Amanda C. Ratliff,
Regional Environmental Officer

Enclosures: Appendix A

APPENDIX A:

In accordance with 36 CFR 800.11 (d), Appendix A provides additional information and documents the process used to make this determination.

National Register of Historic Places Criteria

The National Register defines the criteria to be used to determine properties eligibility for inclusion in the Register. This criteria falls into four categories: Criteria A and B are based on associative values which include Criterion A for historic events and Criterion B for persons important in the past. Criterion C applies to manmade construction and design objects that are representative of culture and technology. Criterion D generally address archaeological issues associated with National Register eligibility.

Under Criterion D, properties may be eligible for inclusion on the National Register if they have yielded, or may be likely to yield, information important in prehistory or history and the information must be considered important.

In 2000, a Phase I Archaeological Survey was undertaken of the 35 acre Military Affairs tract which consisted on a reconnaissance level pedestrian survey and systematic shovel testing of the area. The survey found no historic or prehistoric sites. The only artifactual materials recovered consisted on two undiagnostic chert flakes with no cultural context. The consulting archaeologist concluded that additional work in the surveyed area was unlikely to yield any new information consistent with those qualities necessary for inclusion in the National Register and no additional work was recommended.

FEMA has reviewed the available data and concurs with this finding. FEMA is also aware that this determination applies to the surveyed area only which accounts for 59% of the project area.

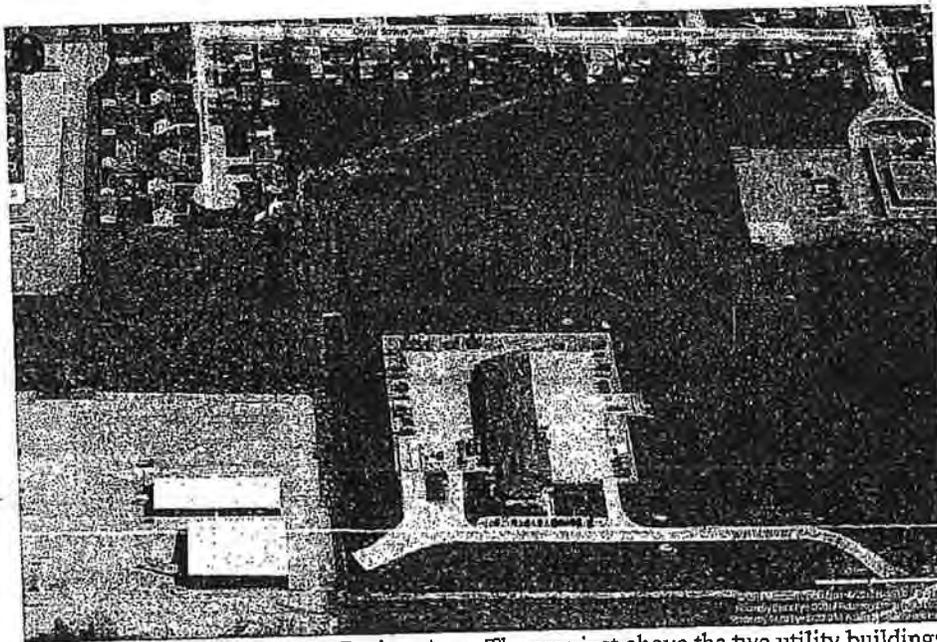


Figure 4: Aerial View of the Project Area. The area just above the two utility buildings is the un-surveyed area.

Previously disturbed ground areas are generally exempt from archaeological review. This applies to construction sites, quarries, building and structural footprints, drainage and utilities corridors. This does not apply to agricultural or farm lands. A review of the proposed detention basin site indicated that sufficient portions of the project area had been disturbed or previously surveyed.

The detention basin project area encompasses approximately 17.1 acres. Approximately 9.8 acres or 59% of the project area has been the subject of a Phase I Archaeological Survey. A separate 4.0 acre tract or 23% of the project area has been previously disturbed by construction and is unlikely to have any National Register significant buried cultural resources. The remaining tract is a 3.2 acres parcel accounting for 18% of the project area that has not been surveyed (Figure: 3).

FEMA has reviewed the existing data and has concluded that only a small portion of the project area, 18% or 3.2 acres is available for survey and that this is a relatively small sample size and that it is unlikely to contain any substantial archaeological features in a contextual setting.

Topographic and Environmental Markers

Delineating archaeological sites is not an exact science and a significant number of National Register listed sites have been discovered by accident. However, there are certain environmental, topographic, geological and natural markers that indicate a higher probability of sites being present.

One of these environmental markers is the proximity of the site to water. Traditionally many prehistoric and early European settlement sites were situated along the banks of streams, rivers, lakes or along shorelines. To early indigenous people the proximity to water was essential, not only as a source of food, but as an efficient means of transportation. The proposed detention basin site is not situated adjacent to any noted waterways. The closest water to the APE is Lake Winnebago or the Fox River which are between 1.5 to 2.5 miles to the east. By today standards this appears to be a short distance but prior to European settlement this area would have been a mix of dense forest transiting into large oak savannas and travel would have been difficult. As settlements spread from the coast inland the forest gave way to primitive settlements. Many of these early settlements were temporal and seasonal and as part of the forest ecology were prone to being exposed to a cycle of fires, flooding and winds which altered the landscape and many of these early sites were lost or destroyed by natural elements.

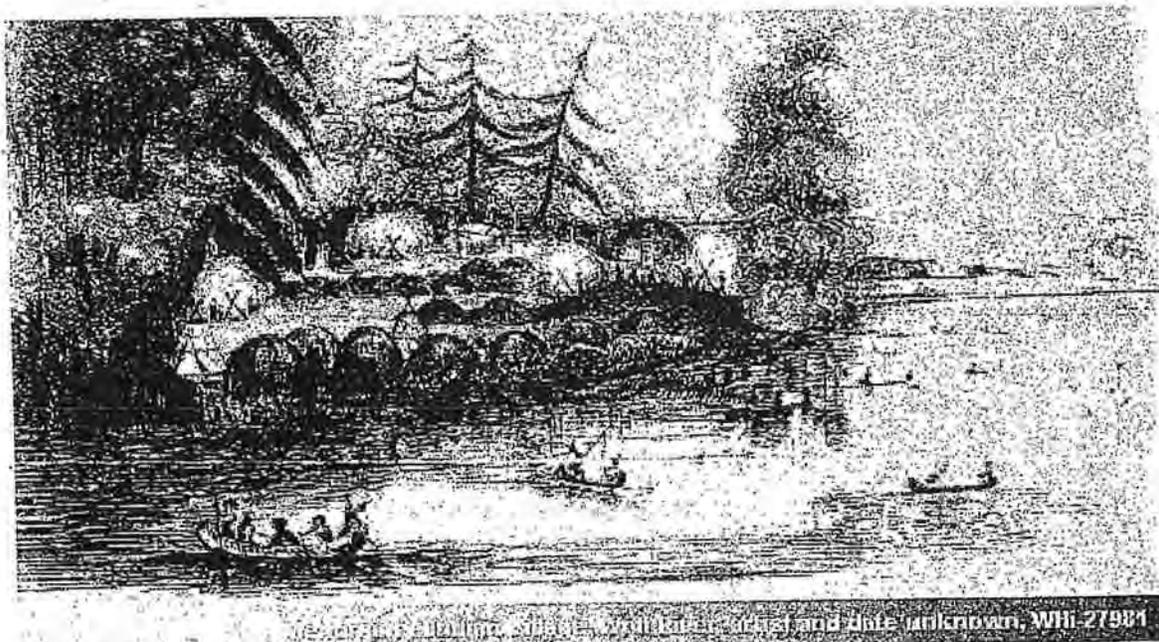


Figure 5: Drawing from the Oshkosh Public Library. Drawing probably dates to the early 19th century and probably drawn from accounts given to the artist. This stylized drawing is interesting in that it shows the Menominee Village at the edge of the forest along the shore of the Wolf River. This may well have been a common scene but diminished with the arrival of European settlers.

By the early 19th century more and more European settlers began arriving in the region and the systemic deforestation of the area had begun. By 1860, Oshkosh had eleven lumber mills and ancillary business in operation by 1874 this had increased to forty-seven sawmills and 15 shingle mills all depending on materials from the neighborhood forest. Logging during the 19th century consisted of clear cutting the forest and dragging the timber out, which resulted in significant alteration of the forest floor. By the mid 19th century that project area had been deforested, stumps removed and the land converted from forest land to farm land. By the close of the 19th century residential development had replaced significant portions of the former agricultural lands, which in turn is being replaced by commercial development and a modern infrastructure.

FEMA considers the changes to the project area's landscape over time to be significant. The evolution of the project area from a primitive dense forest to timber lots to primitive agricultural lands to modern mechanized farming to contemporary residential and commercial lands and the introduction of modern utilities the possibility of this project adversely affecting any important archaeological sites is minimal.

FEMA has reviewed the United States Department of Agriculture (USDA) soil profile maps for the project area. Typical of this section of Wisconsin most of the soil profiles are consistent with glacial moraine activity. One small anomaly was noted in the northwest corner of the survey area. The majority of the survey area soils are identified as a Kewaunee silt loam (KnB). This profile is consistent with recessional and ground moraines. Cut through this soil profile is a clearly defined Manawa silty loam (MaA) profile, which is indicative of landforms associated with terraces and drainage ways. This water course cutting through the survey would act much like a modern drainage swale: carry silt and other materials downstream, depositing them and with the next heavy rain moving and depositing them again. In the event that artifactual materials were recovered in this area it would be difficult to establish a cultural context for the material, and with no defined contextual reference the artifact has limited diagnostic value. The flowing waters that transported soil materials would also be eroding the soils away and in the event that manmade subsurface features were present this action would adversely affect the integrity of the site.

Summary

In summary, this small section of the project area would have a onetime been forest land, deforested, cultivated and prone to water erosion all of which suggest that this area is unlikely to contain any significant archaeological sites that are consistent with the criteria for listing in the National Register.

In accordance with 36 CFR 800.4(b)(1) FEMA feels that it has made a reasonable and good faith effort to identify and assess the effects this undertaken may have on historic properties and feels that a determination of **No Historic Properties Affected** is the appropriate determination.



FEMA

January 19, 2012

William Quackenbush, Tribal Historic Preservation Officer
Ho-Chunk Nation
P.O. Box 667
Black River Falls, Wisconsin 54615

Re: City of Oshkosh, Winnebago County – Armory Stormwater Detention Basin Project
(PDMC-PJ-05-WI-2011-009)

Dear Mr. Quackenbush:

The City of Oshkosh, Wisconsin has requested funding from the Federal Emergency Management Agency (FEMA) under its Hazard Mitigation Grant Program (HMGP) to construct a storm water detention basin in the vicinity of the National Guard Armory. The project area is located within the City of Oshkosh approximately 1.7 miles from downtown, just south of the Fox River in the southwest section of the city near the intersection of Interstate 41 and Osborn Avenue. The property address is 1415 Armory Place (44.00609/-88.57374) in Section 27, Township 18N, and Range 16E. The project location is more specifically defined on the enclosed map.

This project will include the construction of a 79.6 acre-foot detention basin with outlet as well as a new diversion structure and storm sewer. The depth of ground disturbance will vary across the property from just several feet to as much as 20 feet at the western edge of the site. A map depicting the proposed ground disturbance has been included in addition to site photos.

FEMA determined that no historic properties would be affected by this project and consulted with the Wisconsin State Historic Preservation Office (SHPO) who provided their concurrence to that determination.

As part of the environmental review process for this project, FEMA consults with Native American groups regarding the possible effect of the proposed project on cultural properties of historic or traditional significance, referred to as Traditional Cultural Properties (TCPs). We invite your comments on the potential impacts this project may have on lands traditionally used by or sacred to Native American groups. We understand the sensitive nature of much of the information regarding TCPs and assure you in advance that any information you provide will be considered privileged and confidential and will not be made public.

After review of the enclosed documentation, contact Amanda Ratliff, FEMA Regional Environmental Officer, at the above address or Amanda.Ratliff@dhs.gov with any information or questions you may have. We would appreciate a response by mail or email from your office

within thirty (30) days. If we receive no response within that time, we will assume that this project has no impact to TCPs of interest to the Ho-Chunk Nation and will move forward with the project.

Sincerely,



Amanda Ratliff
FEMA Regional Environmental Officer

Enclosures



FEMA

January 19, 2012

John Blackhawk, Chairman
Winnebago Tribe of Nebraska
Winnebago Tribal Council
P.O. Box 687
Winnebago, Nebraska 68071

Re: City of Oshkosh, Winnebago County – Armory Stormwater Detention Basin Project (PDMC-PJ-05-WI-2011-009)

Dear Mr. Blackhawk:

The City of Oshkosh, Wisconsin has requested funding from the Federal Emergency Management Agency (FEMA) under its Hazard Mitigation Grant Program (HMGP) to construct a storm water detention basin in the vicinity of the National Guard Armory. The project area is located within the City of Oshkosh approximately 1.7 miles from downtown, just south of the Fox River in the southwest section of the city near the intersection of Interstate 41 and Osborn Avenue. The property address is 1415 Armory Place (44.00609/-88.57374) in Section 27, Township 18N, and Range 16E. The project location is more specifically defined on the enclosed map.

This project will include the construction of a 79.6 acre-foot detention basin with outlet as well as a new diversion structure and storm sewer. The depth of ground disturbance will vary across the property from just several feet to as much as 20 feet at the western edge of the site. A map depicting the proposed ground disturbance has been included in addition to site photos.

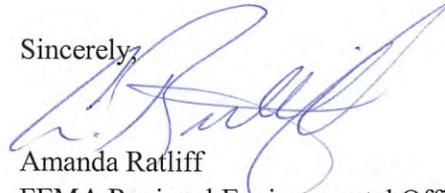
FEMA determined that no historic properties would be affected by this project and consulted with the Wisconsin State Historic Preservation Office (SHPO) who provided their concurrence to that determination.

As part of the environmental review process for this project, FEMA consults with Native American groups regarding the possible effect of the proposed project on cultural properties of historic or traditional significance, referred to as Traditional Cultural Properties (TCPs). We invite your comments on the potential impacts this project may have on lands traditionally used by or sacred to Native American groups. We understand the sensitive nature of much of the information regarding TCPs and assure you in advance that any information you provide will be considered privileged and confidential and will not be made public.

After review of the enclosed documentation, contact Amanda Ratliff, FEMA Regional Environmental Officer, at the above address or Amanda.Ratliff@dhs.gov with any information or questions you may have. We would appreciate a response by mail or email from your office within thirty (30) days. If we receive no response

within that time, we will assume that this project has no impact to TCPs of interest to the Winnebago Tribe of Nebraska and will move forward with the project.

Sincerely,



Amanda Ratliff

FEMA Regional Environmental Officer

Enclosures



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Green Bay ES Field Office
2661 Scott Tower Drive
New Franken, Wisconsin 54229-9565
Telephone 920/866-1717
FAX 920/866-1710

September 15, 2011

Ms. Susan Streich-Boldt
Department of Military Affairs
Division of Emergency Management
2400 Wright Street
P.O. Box 7865
Madison, Wisconsin 53707

re: FEMA Pre-Disaster Mitigation
Armory Wet Detention Basin
City of Oshkosh
Winnebago County, Wisconsin

Dear Ms. Streich-Boldt:

The U.S. Fish and Wildlife Service (Service) has received your letter dated August 11, 2011, requesting our concurrence on the subject project. The project involves the construction of the Armory Wet Detention Basin located in the City of Oshkosh, Winnebago County, Wisconsin. We have reviewed the information provided in your letter and our comments follow.

Federally-Listed Species, Proposed and Candidate Species, and Critical Habitat

Due to the project location, we concur with your determination that no federally-listed, proposed, or candidate species would be expected within the project area. No critical habitat is present. This precludes the need for further action on this project as required by the 1973 Endangered Species Act, as amended. Should additional information on listed or proposed species or their critical habitat become available or if project plans change or if portions of the proposed project were not evaluated, it is recommended that you contact our office for further review.

Wetlands and Streams

We note that the project area may include wetlands. In refining and selecting project alternatives, efforts should be made to select an alternative that does not adversely impact wetlands. If no other alternative is feasible and it is clearly demonstrated that project construction resulting in wetland disturbance or loss cannot be avoided, a wetland mitigation plan should be developed that identifies measures proposed to minimize adverse impacts and replace lost wetland habitat values and other wetland functions and values. Any project that impacts wetlands or waterways, including seasonally ephemeral and intermittent streams, should

include design features such as culverts to retain hydrological connection between areas fragmented by the project.

We appreciate the opportunity to respond. Questions pertaining to these comments can be directed to Ms. Jill Utrup 920-866-1734.

Sincerely,

A handwritten signature in cursive script that reads "Catherine J. Carnes".A handwritten word "for" in cursive script, positioned to the left of the typed name.

Peter J. Fasbender
Field Supervisor