

PLEASE NOTE: This meeting will be held in person and online. The public can come in person or watch/listen to this meeting online in one of 3 ways:

1) Go to the city's You Tube channel, "<https://www.youtube.com/NewLondonAccess>" and click on the "live" feed video link to watch the meeting. **-OR-**

2) You can watch the meeting via the zoom app. Go to the following link to download and watch via the zoom app:

<https://us02web.zoom.us/j/84247302896?pwd=S1B6MHB5UnhhZkxWRFBtY21BYU5Hdz09>

You will be asked to download and install the zoom app on your computer or phone and provide your name and email address.

-OR-

3) You can listen to the meeting over the phone by calling one of the following numbers:

1-929-205-6099, 1-301-715-8592, 1-253-215-8782, 1-346-248-7799, 1-699-900-6833

You will be asked to enter in a meeting ID of: 842 4730 2896, then push #

You may be asked for a participate ID, do not put in a number, just hit #

You will be asked to enter in a password of **468499**, then #

Unless specifically noticed otherwise, this meeting and all other meetings of this body are open to the public. Proper notice has been posted and given to the media in accordance with Wisconsin Statutes so that citizens may be aware of the time, place and purpose of the meeting.

MEETING NOTICE

Planning Commission Agenda **AMENDED**

Thursday, April 28th 2022– 5:15 PM

Council Chambers – New London Municipal Building

1. Call to Order
2. Pledge of Allegiance
3. Adopt Agenda, Memorandum
4. Approval of the March 24, 2022 meeting minutes
5. C.S.M. for 602 Algoma St.
6. C.S.M. for lot split for 202 Woodlane Dr.
7. Front yard fence request for 302 W. Millard St.
8. Annexation for property directly north of 1718 Mill Street and provide zoning designation.
9. Public Hearing and discussion regarding L.O.M.R. flood revision map
- 10. Titan Industries Site Plan review at 735 Industrial Loop**
11. Consideration of Mural Requests by the Wolf River Art League
12. Discuss upcoming agenda items
13. Review next meeting date: Special P.C. meeting May 17, 2022 at 06:30 p.m.
14. Adjourn

Bob Besaw, Chairman: Planning Commission Chairman

*Agenda items are listed so as to accurately describe the actions or issue being considered instead of simply the document listing title or the parties to a contract. This is done as such titles or a list of parties to a contract conveys insufficient information to the public on whether a topic or project they are interested in is being considered. It is the policy of the City of New London to comply in good faith with all applicable regulations, guidelines, etc. put forth in the Americans with Disabilities Act (ADA). To that end, it is the City's intent to provide equal opportunity for everyone to participate in all programs and/or services offered, to attend every public meeting scheduled, and to utilize all public facilities available. Any person(s) in need of an alternative format (i.e. larger print, audio tapes, Braille, readers, interpreters, amplifiers, transcription) regarding information disseminated by the City of New London should notify the City 48 hours prior to a meeting, etc., or allow 48 hours after a request for a copy of brochures, notices, etc. for delivery of that alternative format. Contact ADA Coordinator Chad Hoerth by telephone through: (Relay Wisconsin) – 920/ 982-8500 or (Voice) – 920/982-8500 and in person/letter at 215 N. Shawano Street, New London, WI 54961.



Memorandum

TO: Planning Commission
FROM: Dave Vincent-Zoning Administrator
RE: April 28, 2022 Planning Commission Meeting
DATE: April 22, 2022

Consideration of a C.S.M. for 602 Algoma. Owner is purchasing vacant lot from neighbor between to two properties so he has room to widen his driveway to accommodate another vehicle. (the zoning ordinance would allow this use).

Consideration of a C.S.M. for a lot split at 202 Woodlane Dr. The owner is looking to sell off a buildable lot.

The new owners of 302 W. Millard street want to install a chain link fence and the preference would be to fence in some of the side yard (front yard language applies as this is a corner lot) to allow for a larger space for their children to play.

The owner of Builder's Supply is petitioning the city to annex a property that shares the northern border with property he is currently running his business from. The obvious zoning designation if property is acquired would be to continue the same zoning designation as the property he currently owns. The current zoning designation is B-2 Hwy. Commercial. The proposed acquisition and the property he currently owns meet the existing Zoning requirements for the current use and future use mapping.

The L.O.M.R. (Letter of Map Revision). F.E.M.A. (Federal Emergency Management Agency) has changed some of the Mapping in the city and by statute the city must adopt the latest findings.

The Wolf River Arts League has provided the latest mural proposal for consideration.

The special Planning Commission meeting for May 17, 2022 is to discuss the T.I.D. #5-6

Respectfully submitted by Dave Vincent: Zoning Administrator.

**City of New London
Planning Commission Minutes
Thursday, March 24, 2022**

Roll Call

Those in attendance were Chairman Bob Besaw, Jason Bessette, Dona Gabert, Mayor Mark Herter (zoom from 05:15 p.m. until his arrival at 05:28 p.m.), Susie Steingraber, Jamie Walbruck,

Others in attendance: City Administrator Chad Hoerth, Building Inspector/Zoning Administrator David Vincent, Dave Dorsey (left at 07:17 p.m.), John Haas Steve Groat (via zoom), Eric Fowle and Ken Jaworski (Cedar Corp), Phil Cosson and Harry Allen (Ehlers)

The meeting was called to order by Chairman Besaw at 5:15 pm.

Group participated in the Pledge of Allegiance.

A motion was made Bessette to “Adopt the Agenda” and seconded by Gabert, carried by all.

The February 24, 2022 meeting minutes were reviewed. A motion to accept the minutes was made by Walbruck and seconded by Steingraber, carried by all.

Phil Cosson (a representative of Ehlers Advisors) addressed the group in regards to the T.I.D. #6 (Tax Incremental District). He provided an overview of the various components of the Plan. The required Public Comment portion of the T.I.D. was opened to the public for discussion and comments. The audience was queried to engage in dialogue; but after no questions or dialogue were presented after 3 invitations, the Public Comments portion of the agenda was closed. A motion was made by Gabert for a resolution to move the T.I.D. along to the next step in the process, it was seconded by Steingraber, carried by all.

The C.S.M. for Domino’s Pizza at 400 N. Shawano street was presented by Dave Vincent which would combine all three parcels currently owned by CDA Pizza so business can run from one unified parcel. A motion was made by Bessette to approve the C.S.M. and seconded by Walbruck, carried by all.

A resolution to adopt an amendment to the City of New London 2030 Comprehensive Plan **Chapter 8** was introduced. A motion to approve the resolution was made by Gabert, seconded by Steingraber, carried by all.

A resolution to adopt an amendment to the City of New London 2030 Comprehensive Plan, **Public Participation Plan** was introduced. A motion to approve the resolution was made by Walbruck, seconded by Mayor Herter, carried by all.

Ken Jaworski and Eric Fowle (Cedar Corp) addressed the group for the year 2040 Comprehensive Plan Update kick-off. A project overview was provided including a timeline, responsibilities & expectations. They further discussed a Citizen Engagement survey and thirdly they performed an exercise named SWOT (Strengths, Weaknesses, Opportunities and Threats). The entire group participated in providing dialogue relating to each of the SWOT items.

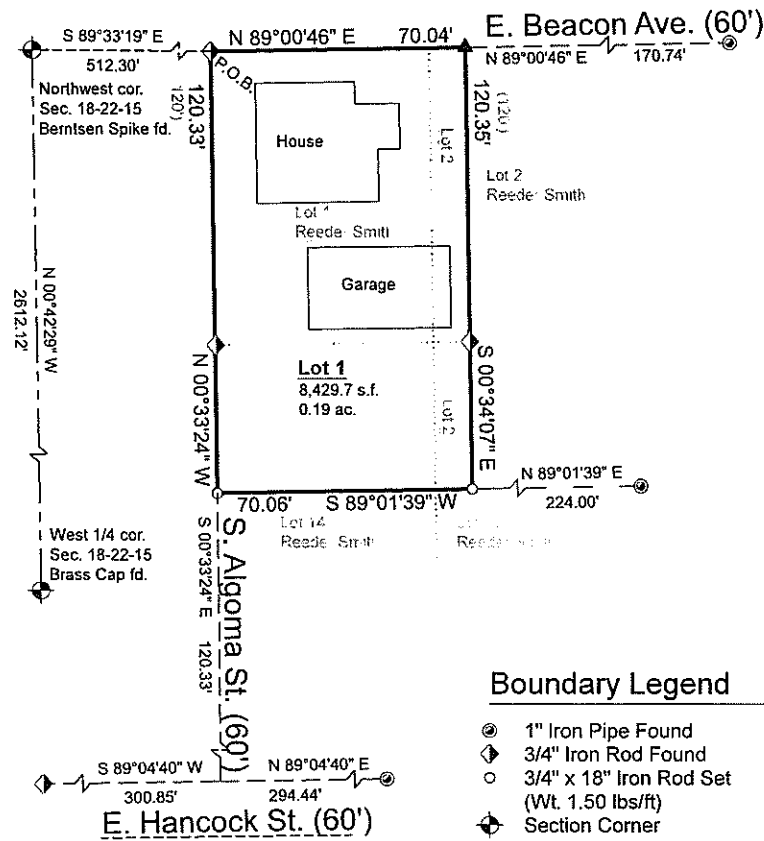
A review of future agenda items was discussed including I.P.M.C. (International Property Maintenance Code) continued discussion. The next Planning Commission meeting is scheduled for Thursday, April 28, 2022 at 05:15 p.m.

A motion was made to adjourn by Gabert, seconded by Steingraber, carried by all. Meeting adjourned by Chairman Besaw at 07:23 pm.

Respectively submitted by David Vincent-Zoning Administrator

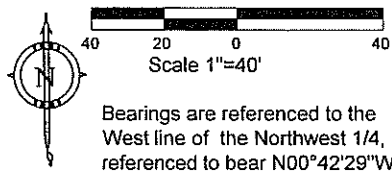
Outagamie County Certified Survey Map No. _____

Located in all of Lot 1 of Block 58 and also part of Lot 2 of Block 58 of
Reeder Smith Plat all being part of of the Northwest 1/4 of the
Northwest 1/4 of Section 18, Township 22 North, Range 15 East, City
of New London, Outagamie County, Wisconsin



Boundary Legend

- 1" Iron Pipe Found
- 3/4" Iron Rod Found
- 3/4" x 18" Iron Rod Set (Wt. 1.50 lbs/ft)
- Section Corner
- 1/2" Iron Rod Found
- Adjacent Property
- Boundary Line
- Lotline (old)
- Right-of-Way Line
- Section Line
- Dimensional Tie
- Recorded As (xxx.xx')



Bearings are referenced to the
West line of the Northwest 1/4,
referenced to bear N00°42'29"W

For current setbacks, contact the City of New London

Drawing: 22-1891-CSM	Sheet: 1 of 3
Project: 22-1891-Va	Date: 04/13/2022



Outagamie County Certified Survey Map No. _____

Located in all of Lot 1 of Block 58 and also part of Lot 2 of Block 58 of Reeder Smith Plat
all being part of of the Northwest 1/4 of the Northwest 1/4 of Section 18, Township 22
North, Range 15 East, City of New London, Outagamie County, Wisconsin

Surveyor's Certificate:

I, R. Michael Haynes, Professional Land Surveyor hereby certify that I have surveyed and mapped this Certified Survey Map located in all of Lot 1 of Block 58 and also part of Lot 2 of Block 58 of Reeder Smith Plat all being part of of the Northwest 1/4 of the Northwest 1/4 of Section 18, Township 22 North, Range 15 East, City of New London, Outagamie County, Wisconsin and is bounded by a line described as follows:
commencing at the Northwest corner of said Section 18 thence S 89°33'19" E, a distance of 512.30 feet to the Northwest corner of Lot 1 of Block 58 of Reeder Smith Plat to the City of New London; thence N 89°00'46" E, a distance of 70.04 feet along the North line of said Lot 1 and extending along the North line of Lot 2 of said Block 58; thence S 00°34'07" E, a distance of 120.35 feet to a point on the North line of Lot 13 of said Block 58; thence S 89°01'39" W along the North line of said Lot 13 and extending along the North line of Lot 14 of said Block 58, a distance of 70.06 feet to the Northwest corner of said Lot 14; thence N 00°33'24" W along the West line of Lot 1 of said Block 58, a distance of 120.33 feet to the point of beginning.

Said parcel is subject to all easements and rights-of-way of record. That I have complied with Chapter 236.34, Wisconsin Statutes and the City of New London Minor Subdivision Ordinance. That this survey was done under the direction of Eric Van Handel owner(s) of said lands and that this map is a correct representation of the exterior boundaries of land surveyed and the division made thereof;

Given under my hand this 13 day of April 2022

R. Michael Haynes, Professional Land Surveyor #2735

Subdivision Administrator's Certificate:

I, Chad Hoerth Director of Public Services and Subdivision Code Administrator for the City of New London, do hereby certify that the Certified Survey Map as shown hereon is in compliance with Chapter 18, Subdivision and Platting Code of the New London Municipal Code and thereby grant approval of the lot layout as shown hereon.

This _____ day of _____, 2022

Chad Hoerth, Director of Public Services



Drawing: 22-1891-CSM	Sheet: 2 of 3
Project: 22-1891-Va	Date: 04/13/2022

Outagamie County Certified Survey Map No. _____

Located in all of Lot 1 of Block 58 and also part of Lot 2 of Block 58 of Reeder Smith Plat
all being part of of the Northwest 1/4 of the Northwest 1/4 of Section 18, Township 22
North, Range 15 East, City of New London, Outagamie County, Wisconsin

Owner's Certificate:

As owners, we the undersigned, hereby certify that we caused the land above described to be surveyed,
divided, mapped and dedicated all as shown and represented on this Certified Survey Map. We also certify that this
Certified Survey Map is required to be submitted to the following for approval. City of New London

Eric Van Handel _____ Date _____

STATE OF WISCONSIN)
)SS
COUNTY OF OUTAGAMIE

Personally came before me this _____ day of _____ 2022, the above named persons to me
known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public
My commission expires _____

Drawing: 22-1891-CSM	Sheet: 3 of 3
Project: 22-1891-Va	Date: 04/13/2022



HAYNES

Surveying & Mapping

204 E. Bridge Ct. Fremont, WI. 54940
920-470-4997 ph. 920-446-2492 fax.

CERTIFIED SURVEY MAP NO. _____

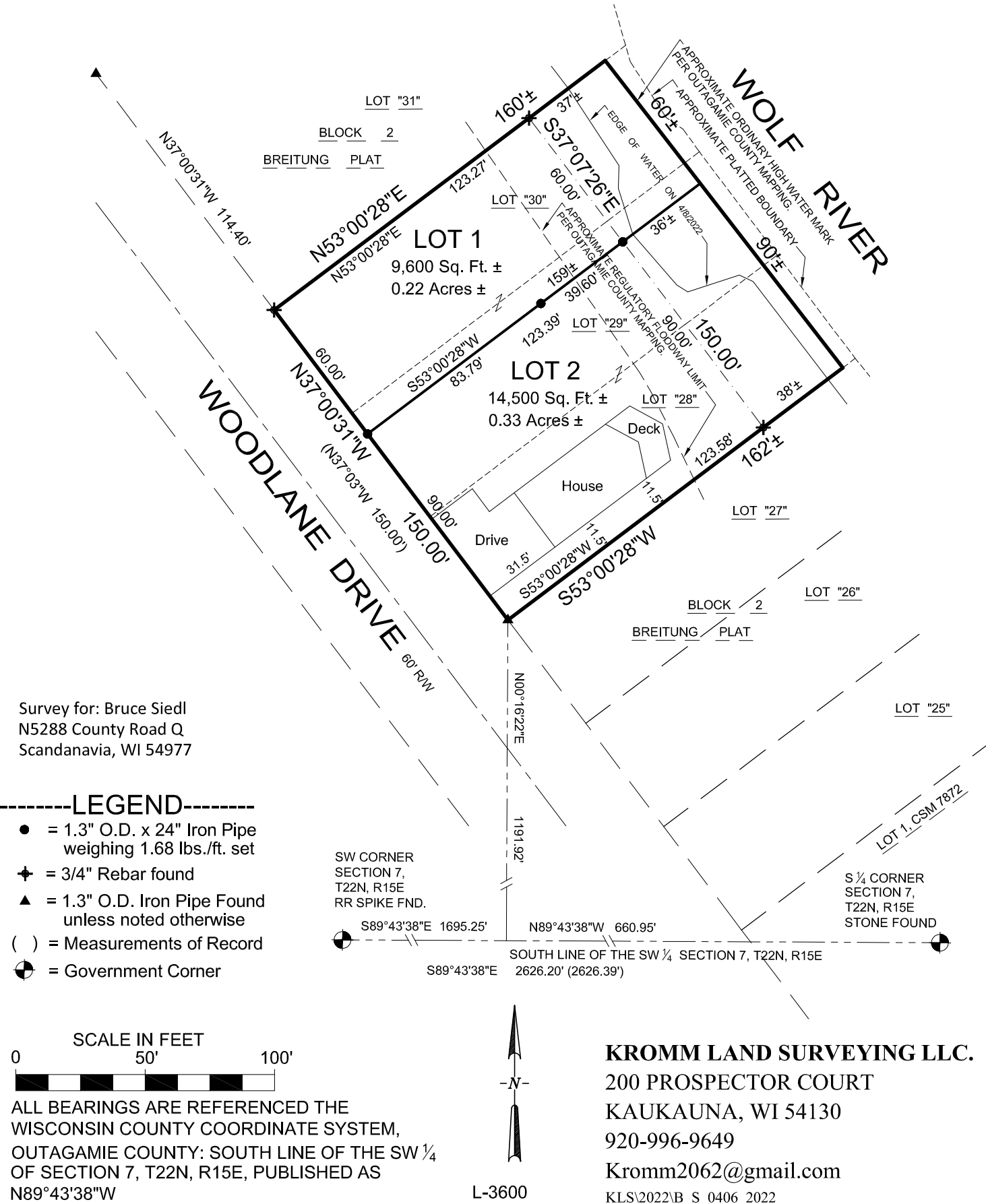
ALL OF LOTS 28, 29 AND 30, BLOCK 2, BREITUNG PLAT, LOCATED IN GOVERNMENT LOT 1, SECTION 7, TOWNSHIP 22 NORTH, RANGE 15 EAST, CITY OF NEW LONDON, OUTAGAMIE COUNTY, WISCONSIN.

NOTES:

This property is located within FEMA FIRM Panel Number 55087C0138D with an effective date of 7/22/2010. Additional information regarding the flood plain and the regulatory floodway is available on the Outagamie County FEMA Floodplain Viewer and at FEMA.gov.

PUBLIC TRUST: Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.

SHEET 1 OF 3



CERTIFIED SURVEY MAP NO. _____

ALL OF LOTS 28, 29 AND 30, BLOCK 2, BREITUNG PLAT, LOCATED IN GOVERNMENT LOT 1, SECTION 7, TOWNSHIP 22 NORTH, RANGE 15 EAST, CITY OF NEW LONDON, OUTAGAMIE COUNTY, WISCONSIN.

SHEET 2 OF 3

SURVEYOR’S CERTIFICATE:

I, Thomas M. Kromm, Wisconsin Professional Land Surveyor, certify that I have surveyed, divided and mapped under the direction of the Bruce Siedl, All of Lots 28, 29 and 30, Block 2, Breitung Plat, located in Government Lot 1, Section 7, Township 22 North, Range 15 East, City of New London, Outagamie County, Wisconsin. Said lands subject to all easements and restrictions of record.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the City of New London, subdivision ordinance in surveying, dividing and mapping the same. That this map is a correct representation of all exterior boundaries of the land surveyed and the division thereof.

Dated this _____ day of _____, 2022.

Wisconsin Professional Land Surveyor: Thomas M. Kromm

This Certified Survey Map is all of tax parcel 33-3-0546.
This Certified Survey Map is contained within the property described in the following recorded instrument:
Document No.1259572.
The property owner of record is Todd F. Sommer.

OWNER’S CERTIFICATE:

Todd F. Sommer as Owner(s), I/We hereby certify the I/We caused the land described on this Certified Survey Map to be surveyed, divided, and mapped all as shown and represented on this Certified Survey Map. I/We certify that this Certified Survey Map is required by s.236.10 or 236.12 of the Wisconsin Statutes to be submitted to the following for approval:
City of New London

Dated this _____ day of _____, 2022

Todd F. Sommer

STATE OF WISCONSIN)
) SS
OUTAGAMIE COUNTY)

Personally came before me on this _____ day of _____, 2022, the above named owners to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary

My commission expires _____

CERTIFIED SURVEY MAP NO. _____

ALL OF LOTS 28, 29 AND 30, BLOCK 2, BREITUNG PLAT, LOCATED IN GOVERNMENT LOT 1, SECTION 7, TOWNSHIP 22 NORTH, RANGE 15 EAST, CITY OF NEW LONDON, OUTAGAMIE COUNTY, WISCONSIN.

SHEET 3 OF 3

TREASURER'S CERTIFICATE:

I, being the duly elected, qualified and acting treasurer, do hereby certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in this Certified Survey Map as of:

City Treasurer

Date

Print:

County Treasurer

Date _____

Trenten Woelfel

SUBDIVISION ADMINISTRATOR'S CERTIFICATE:

I _____, do hereby certify that the Certified Survey Map as shown hereon is in compliance with Chapter 18, Subdivision and Platting Code of the New London Municipal Code and thereby grant approval of the lot layout as shown hereon,

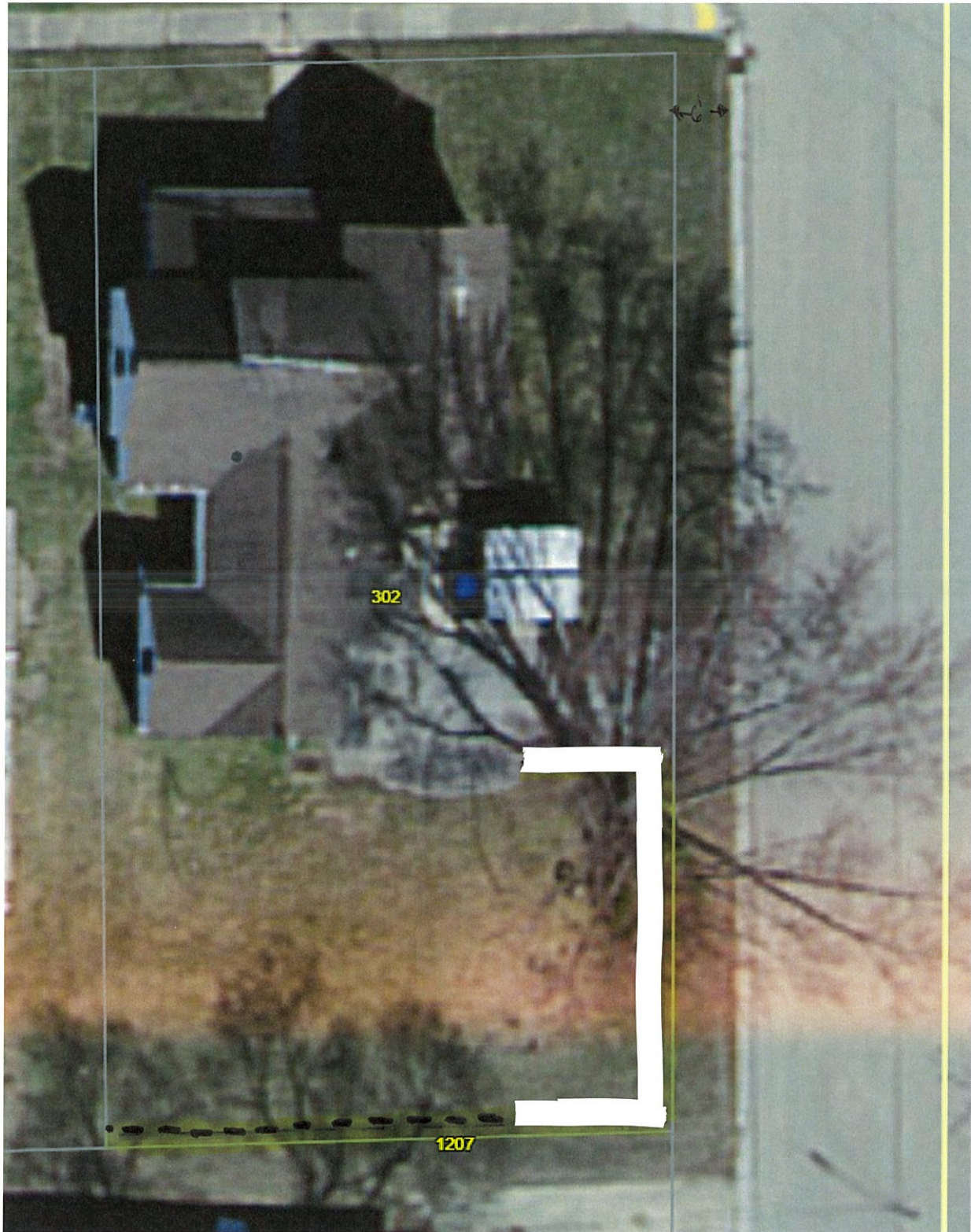
Title

Date

Title

Date _____

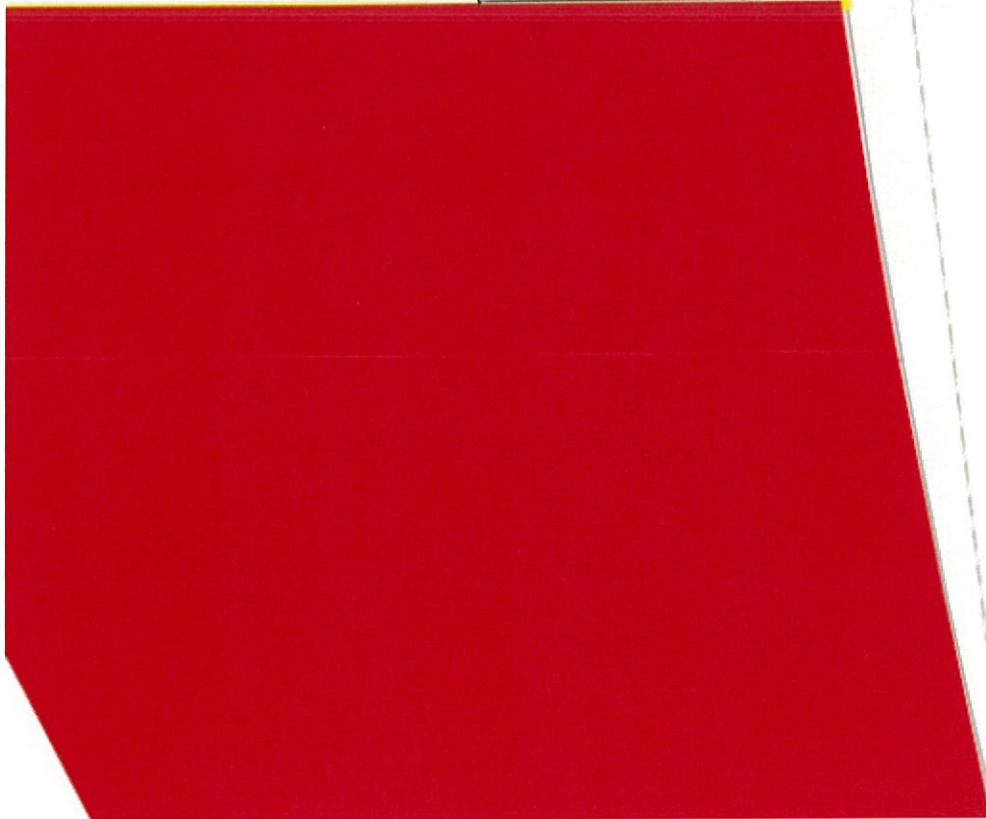
3' between sidewalk and
R.O.W. (lot line)



(Annex)

Designate B-2

Hwy. Commercial
(same as property
to south)



**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL
PURSUANT TO SECTION 66.0217(2), WI STATS. WHERE
ELECTORS RESIDE IN TERRITORY**

We, the undersigned, constituting all of the electors and all of the owners of the following described territory located in the Town of Hortonia, Outagamie County, Wisconsin lying contiguous to the City of New London petition the Honorable Mayor and Common Council of the City of New London to annex the territory described below and shown on the attached scale map, as permitted by Chapter 66 of the WI Statutes to the City of New London, Outagamie County, Wisconsin.

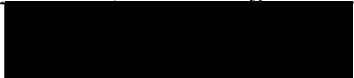
Description of parcel to be annexed from the Town of Hortonia to the City of New London:

Insert legal description of property to be annexed in this area and/or attach CSM map.

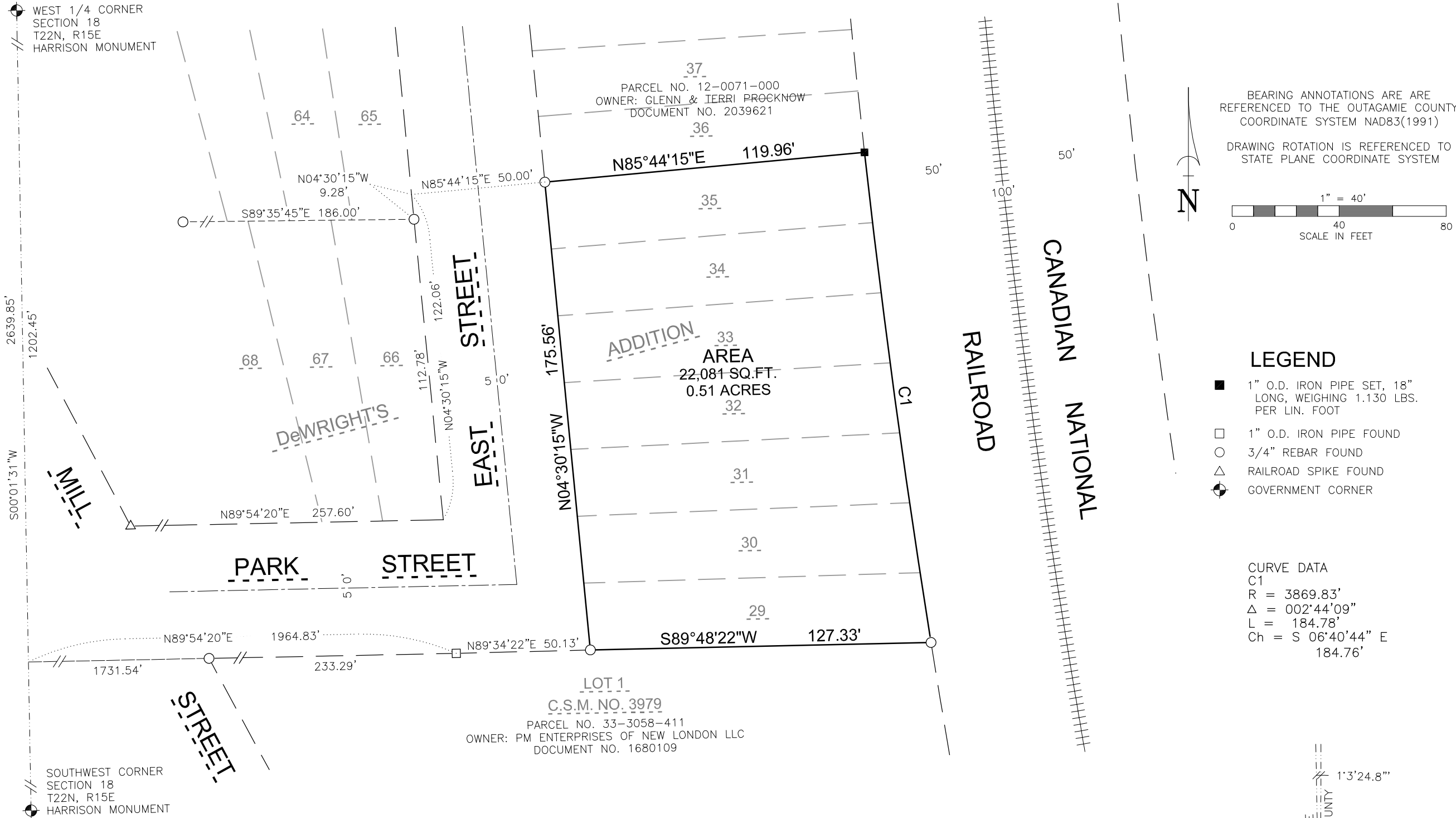
*Lots 29-35 of the attached map.
.56 Acres*

The current population of such property is none.

We, the undersigned, request that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

Signature of Petitioners	Date of Signing	Owner	Elector	Address
	11/11/21	X		1718 Mill St. New London, WI 54961

** If elector, √ "elector" in the appropriate box; if owner, √ "owner" in the appropriate box.



LEGAL DESCRIPTION:

LOTS 29, 30, 31, 32, 33, 34 AND 35, OF DEWRIGHT'S ADDITION TO THE SUBURBS OF THE CITY OF NEW LONDON, LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 22 NORTH, RANGE 15 EAST, TOWN OF HORTONIA, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 OF SAID SECTION 18; THENCE SOUTH 00 DEGREES 01 MINUTES 31 SECONDS WEST, ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 1202.45 FEET; THENCE NORTH 89 DEGREES 54 MINUTES 20 SECONDS EAST, ALONG THE WESTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF PARK STREET AND ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1964.83 FEET; THENCE NORTH 89 DEGREES 34 MINUTES 22 SECONDS EAST, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF PARK STREET, A DISTANCE OF 50.13 FEET TO THE POINT OF BEGINNING; THENCE NORTH 04 DEGREES 30 MINUTES 15 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF EAST STREET, A DISTANCE OF 175.56 FEET; THENCE NORTH 85 DEGREES 44 MINUTES 15 SECONDS EAST, ALONG THE NORTH LINE OF LOT 35, DEWRIGHT'S ADDITION, A DISTANCE OF 119.96 FEET; THENCE 184.78 FEET ALONG AN ARC OF A CURVE TO THE LEFT, ALONG THE WEST RIGHT-OF-WAY LINE OF CANADIAN NATIONAL RAILROAD, SAID CURVE HAVING A RADIUS OF 3869.83 FEET AND A CHORD THAT BEARS SOUTH 06 DEGREES 40 MINUTES 44 SECONDS EAST, 184.76 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 22 SECONDS WEST, ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP NO. 3979, A DISTANCE OF 127.33 FEET TO THE POINT OF BEGINNING. CONTAINING 22,081 SQUARE FEET [0.51 ACRES].

SURVEYOR'S CERTIFICATE

I, MICHAEL L. ROUBAL, HEREBY CERTIFY THAT I HAVE SURVEYED THIS PROPERTY AND THIS MAP IS A TRUE REPRESENTATION THEREOF AND IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, A TRUE AND ACCURATE REPRESENTATION THEREOF.

DATED THIS THE 23RD DAY OF JUNE, 2021

MICHAEL L. ROUBAL,
PROFESSIONAL LAND SURVEYOR S-2442

PLAT OF SURVEY

LOTS 29, 30, 31, 32, 33, 34 AND 35, OF DEWRIGHT'S ADDITION TO THE SUBURBS OF THE CITY OF NEW LONDON, LOCATED IN THE TOWN OF HORTONIA, OUTAGAMIE COUNTY, WISCONSIN

SURVEY FOR: NEW LONDON BUILDING SUPPLY

1718 MILL STREET

NEW LONDON, WI 54961

SCALE

1"=40'

DATE

June 2021

COMPUTER FILE

1-1537-001bndry.dwg

DRAWING NO.

1-1537-001

APPROVED

MLR

REVISION

CHECKED

MLR

REVISION

DRAWN BY

AMS

DATE

NO.

1377 Midway Road

Menasha, WI 54952

www.martenson-eisele.com

info@martenson-eisele.com

920.731.0381 1.800.236.0381

Martenson & Eisele, Inc.

Planning

Environmental

Surveying

Engineering

Architecture



Federal Emergency Management Agency

Washington, D.C. 20472

October 25, 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Mark Herter
Mayor, City of New London
215 N. Shawano Street
New London, WI 54961

IN REPLY REFER TO:

Case No.: 21-05-1313P
Community Name: City of New London, WI
Community No.: 550308
Effective Date of
This Revision: **March 4, 2022**

Dear Mayor Herter:

The Flood Insurance Rate Map for your community has been revised by this Letter of Map Revision (LOMR). Please use the enclosed annotated map panel revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals issued in your community.

Additional documents are enclosed which provide information regarding this LOMR. Please see the List of Enclosures below to determine which documents are included. Other attachments specific to this request may be included as referenced in the Determination Document. If you have any questions regarding floodplain management regulations for your community or the National Flood Insurance Program (NFIP) in general, please contact the Consultation Coordination Officer for your community. If you have any technical questions regarding this LOMR, please contact the Director, Mitigation Division of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in Chicago, Illinois, at (312) 408-5500, or the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

Sincerely,

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

List of Enclosures:

Letter of Map Revision Determination Document
Annotated Flood Insurance Rate Map

cc: Mr. Randal E. Backhaus
Building Inspector
City of New London

Mr. Brian Cunningham, CFM
NFIP State Coordinator
Wisconsin Department of Natural Resources

Mr. Christopher Olds, P.E.
State Floodplain Engineer – Waterways Bureau
Wisconsin Department of Natural Resources

Mr. John R. Davel, P.E.
Project Manager
Davel Engineering & Environmental, Inc.



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT

COMMUNITY AND REVISION INFORMATION		PROJECT DESCRIPTION	BASIS OF REQUEST
COMMUNITY	City of New London Outagamie County Wisconsin	NO PROJECT	1D HYDRAULIC ANALYSIS FLOODWAY UPDATED TOPOGRAPHIC DATA
	COMMUNITY NO.: 550308		
IDENTIFIER	206 Wood Lane - Magolski Property	APPROXIMATE LATITUDE & LONGITUDE: 44.392, -88.727 SOURCE: USGS QUADRANGLE DATUM: NAD 83	
ANNOTATED MAPPING ENCLOSURES		ANNOTATED STUDY ENCLOSURES	
TYPE: FIRM* NO.: 55087C0138D DATE: July 22, 2010		NO REVISION TO THE FLOOD INSURANCE STUDY REPORT	

Enclosures reflect changes to flooding sources affected by this revision.

* FIRM - Flood Insurance Rate Map

FLOODING SOURCE & REVISED REACH

Wolf River - from approximately 905 feet upstream of Railroad to approximately 955 feet upstream of Railroad

SUMMARY OF REVISIONS

Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
Wolf River	Floodway	Floodway	NONE	YES

DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

21-05-1313P

102-D-A



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

COMMUNITY INFORMATION

APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

We provide the floodway designation to your community as a tool to regulate floodplain development. Therefore, the floodway revision we have described in this letter, while acceptable to us, must also be acceptable to your community and adopted by appropriate community action, as specified in Paragraph 60.3(d) of the NFIP regulations.

COMMUNITY REMINDERS

We based this determination on the 1-percent-annual-chance flood discharges computed in the FIS for your community without considering subsequent changes in watershed characteristics that could increase flood discharges. Future development of projects upstream could cause increased flood discharges, which could cause increased flood hazards. A comprehensive restudy of your community's flood hazards would consider the cumulative effects of development on flood discharges subsequent to the publication of the FIS report for your community and could, therefore, establish greater flood hazards in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)**

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Ms. Mary Beth Caruso
Director, Mitigation Division
Federal Emergency Management Agency, Region V
536 South Clark Street, Sixth Floor,
Chicago, IL 60605
(312) 408-5500

STATUS OF THE COMMUNITY NFIP MAPS

We will not physically revise and republish the FIRM and FIS report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel(s) and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick F. Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

PUBLIC NOTIFICATION OF REVISION

A notice of changes will be published in the *Federal Register*. This information also will be published in your local newspaper on or about the dates listed below, and through FEMA's Flood Hazard Mapping website at https://www.floodmaps.fema.gov/fhm/bfe_status/bfe_main.asp

LOCAL NEWSPAPER

Name: *New London Press Star*

Dates: October 28, 2021 and November 4, 2021

Within 90 days of the second publication in the local newspaper, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. Therefore, this letter will be effective only after the 90-day appeal period has elapsed and we have resolved any appeals that we receive during this appeal period. Until this LOMR is effective, the revised flood hazard determination presented in this LOMR may be changed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick F. Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

PROPOSED ADDITION & ALTERATION FOR:
TITAN INDUSTRIES
735 Industrial Loop Rd, New London, WI 54961



GENERAL NOTES:

1. DO NOT SCALE DRAWINGS.
2. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH ALL GOVERNING CODES AND LOCAL ORDINANCES.
3. EACH CONTRACTOR TO OBTAIN AND PAY FOR PERMITS/LICENCES / FEES.
4. EACH CONTRACTOR SHALL COORDINATE HIS WORK WITH ALL GENERAL CONTRACTOR FOR THE PROJECT.
5. EACH CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS, DIMENSIONS, AND REPORT ANY VARIATIONS TO THE ARCHITECT IMMEDIATELY.
6. ALL HOLES FOR PLUMBING, ELECTRICAL, HVAC OR FIRE PROTECTION CONDUIT, PIPES OR DUCTWORK ARE TO BE REPAIRED BY THE RESPONSIBLE TRADE. ANY HOLES OR PENETRATIONS THROUGH FIRE RATED CONSTRUCTION SHALL BE REPAIRED IMMEDIATELY BY THE RESPONSIBLE TRADE.
7. CLEANING BY EACH TRADE TO BE DONE ON FINAL WORK DAY OF EACH WEEK. TO ENSURE SAFE WORKING CONDITIONS ALL TRADES TO CLEAN UP ALL ITEMS RELATED TO THEIR SPECIFIC WORK. GARBAGE TO BE PLACED IN CONTAINERS SUPPLIED BY OWNER BY 6:00 AM.
8. FINAL CLEANING TO BE BY GC.
9. EACH TRADE TO SUBMIT THREE COPIES OF STATE APPROVED DRAWINGS TO GC ALONG WITH SPECIFICATIONS OF THE PROJECT TO THE ARCHITECT IMMEDIATELY TO THE GC.

PROJECT CODE:

BUILDING CODE	2015 INTERNATIONAL BUILDING CODE
OCCUPANCY CLASS	F-2 FACTORY
CLASS OF CONST	23 - METAL BUILDING UNPROTECTED FRAME
GROUND SNOW LOAD	40 LBS
COLLATERAL LOAD	5 LBS
WIND LOAD	115 MPH
WIND EXPOSURE	C
SEISMIC CATEGORY	A
AUTOMATIC FIRE SPRINKLER SYSTEM	NFPA-13
SOL DEADENS PRESSURE	2,000 ASSUMED
EOL EXITS	PROVIDE PER CBC SECTION 1011
FIRE EXTINGUISHERS	NFPA-11, 11A, 11C, 11D, 11E

ARCHITECT:

UTSCHIG INC.
JEREMY J. PESNER
11050 CRAFTSMEN DRIVE
GREENVILLE, IN 46942
920-757-0999

Conditionally
APPROVED
DEPT. OF SAFETY AND PROFESSIONAL
SERVICES
DIVISION OF INDUSTRY SERVICES
Vin. Hansen

SEE CORRESPONDENCE

Add-on
CB-032200578-PRB
03/30/2022

SHEET INDEX:

GENERAL

TO:0 TITLE SHEET

BID SET
07/13/21

STATE SET
02/15/22

FOR CONSTRUCTION

GML

C10	DEMOLITION PLAN		02/18/22
C11	OVERALL SITE PLAN	07/13/21	02/18/22
C20	SITE PLAN		02/18/22
C30	UTILITY PLAN		02/18/22
C40	GRADING PLAN		02/18/22
C50	EROSION CONTROL PLAN		02/18/22
C60	SITE DETAILS		02/18/22

STRUCTURAL

511	OVERALL FOUNDATION PLAN	01/13/21	02/18/22
551	PER AND FOUNDATION DETAILS		02/18/22

ARCHITECTURAL

A10	OVERALL FLOOR PLAN/LIFE SAFETY PLAN	07/13/21	02/16/22
A11	ENLARGED FLOOR PLAN	07/13/21	02/16/22
A2 1	ELEVATIONS	07/13/21	02/16/22
A3 1	BUILDING SECTIONS		02/16/22
A4 1	ENLARGED TOILET ROOM & REFLECTED CEILING PLANS		02/16/22
A5 1	DETAILS		02/16/22

PROJECT LOCATION:



PROPOSED FACILITY ADDITION FOR:

TITAN INDUSTRIES

TITLE SHEET

[illegible]

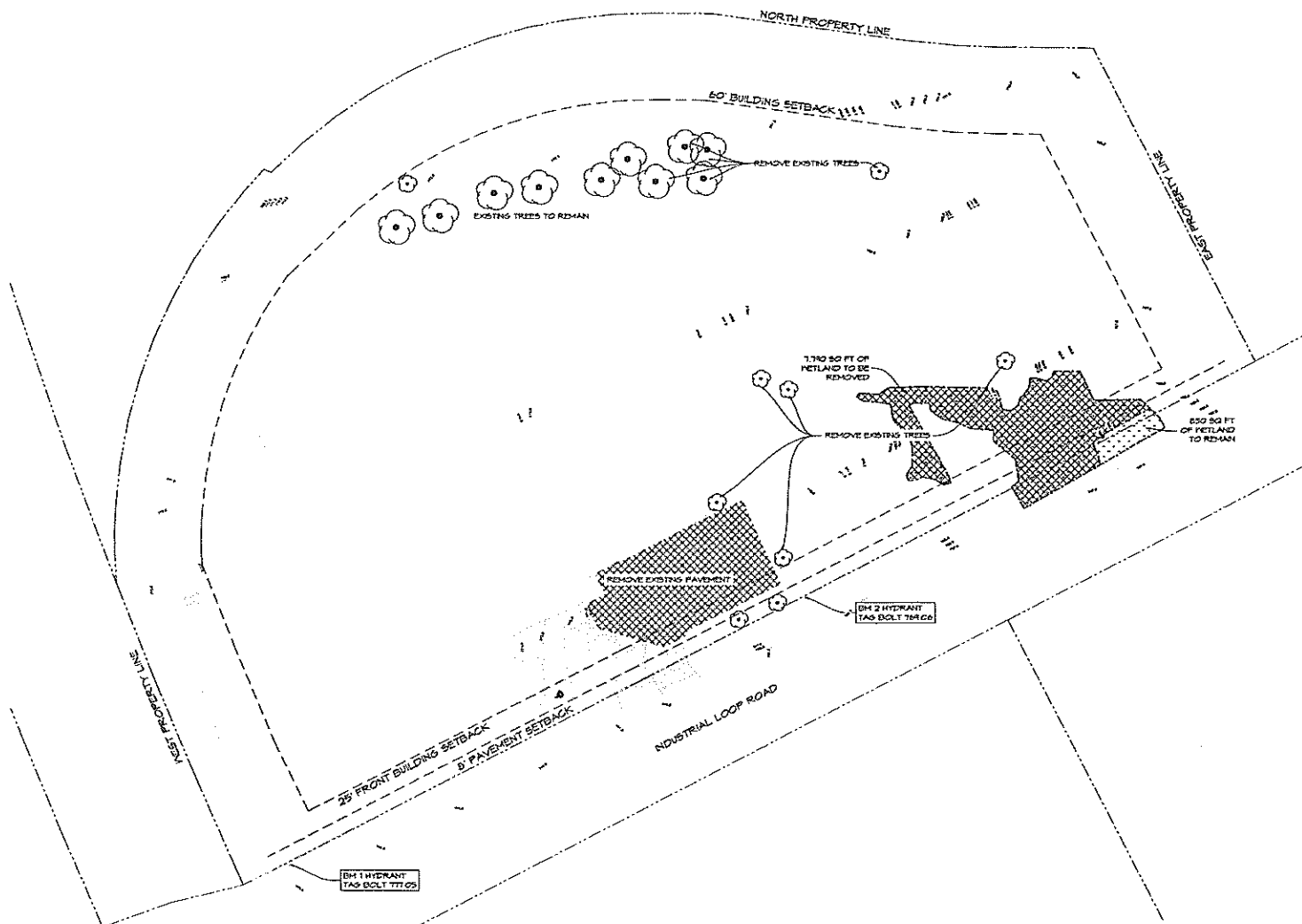
ISSUED FOR CONSTRUCTION



Drawn By	Approved By
JH	JH
Project No.	Doc
24-2390	7.8.2021
Sheet No.	

TOC

54
 55
 56
 57
 58



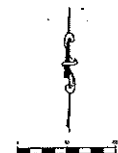
CIVIL GENERAL NOTES

1. SURVEY WAS PERFORMED BY CIVIL FOX ENGINEERING, LLC NOVEMBER 2021
2. SURVEY IS IN WISCONSIN COUNTY COORDINATE SYSTEM-OUTAGAMIE COUNTY
3. SURVEY VERTICAL DATUM NAVD 88
4. THIS SURVEY DOES NOT GUARANTEE THE EXISTENCE/NON-EXISTENCE, SIZE, TYPE OR LOCATION OF UNDERGROUND UTILITIES. UTILITIES SHOWN ARE BASED ON ABOVEGROUND UTILITY STRUCTURES (I.E. VALVES, MANHOLES, ETC.), AND AVAILABLE UTILITY MAPS AND PLANS.
5. UNLESS OTHERWISE INDICATED, ALL EXISTING STRUCTURES AND FACILITIES SHALL REMAIN.
6. PROVIDE TURF, AS SPECIFIED TO ALL DISTURBED AREAS NOT RECEIVING PAVEMENTS, CURBS, SIDEWALKS, BUILDINGS, OR LANDSCAPING, WITHIN THE LIMITS OF CONSTRUCTION.
7. NO LAND DISTURBING ACTIVITIES SHALL TAKE PLACE UNTIL ALL TEMPORARY SOIL EROSION DEVICES ARE INSTALLED.
8. ALL GRADE TRANSITIONS BETWEEN NEW AND EXISTING SHALL BE SMOOTH AND GRADUAL WITH NO SHARP OR ABRUPT CHANGES.
9. COORDINATE THE WORK OF ALL TRADES-VERIFY ALL FIELD CONDITIONS, QUANTITIES AND DIMENSIONS PRIOR TO COMMENCEMENT OF WORK. ANY DISCREPANCIES SHALL BE PROMPTLY BROUGHT TO THE ATTENTION OF THE ARCHITECT.
10. EXECUTE ALL WORK WITH CARE AS TO PROTECT FROM DAMAGE ADJACENT EXISTING FEATURES TO REMAIN. ANY SUCH DAMAGE SHALL BE REPAIRED OR REPLACED TO MATCH THE ORIGINAL CONDITION AS APPROVED BY THE ARCHITECT.
11. UNLESS REFERRED TO, OR INDICATED AS "EXISTING", ALL WORK SHOWN ON THESE DRAWINGS SHALL BE CONSIDERED AS NEW AND PROVIDED UNDER THIS CONTRACT.
12. FINISHED GRADE OF TOPSOIL (AFTER COMPACTION) SHALL BE 1/2" TO 1" BELOW TOP OF EXISTING PAVEMENTS, SIDEWALKS, AND CURBS.
13. NO DISTURBANCE SHALL OCCUR OUTSIDE OF SITE LIMITS.
14. GENERAL CONTRACTOR SHALL OBTAIN APPROVAL FROM OWNER AND MUNICIPALITY PRIOR TO ANY LAND DISTURBANCE OUTSIDE THE CONSTRUCTION LIMITS.
15. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING WORK IN RIGHT OF WAY PERMITS.
16. NO HAZARDOUS MATERIALS WILL BE STORED ON-SITE.
17. FOR LEGEND AND ABBREVIATIONS SEE SHEET 0.1.
18. FOR EROSION CONTROL PLAN AND NOTES SEE SHEET C5.0 AND C5.1

BENCHMARKS

LABEL	ELEVATION	DESCRIPTION
BM 1	771.05	SW HYDRANT TAG BOLT
BM 2	769.06	SE HYDRANT TAG BOLT
BM 3	769.60	SE HYDRANT TAG BOLT

DEMOLITION
C10 PLAN 0

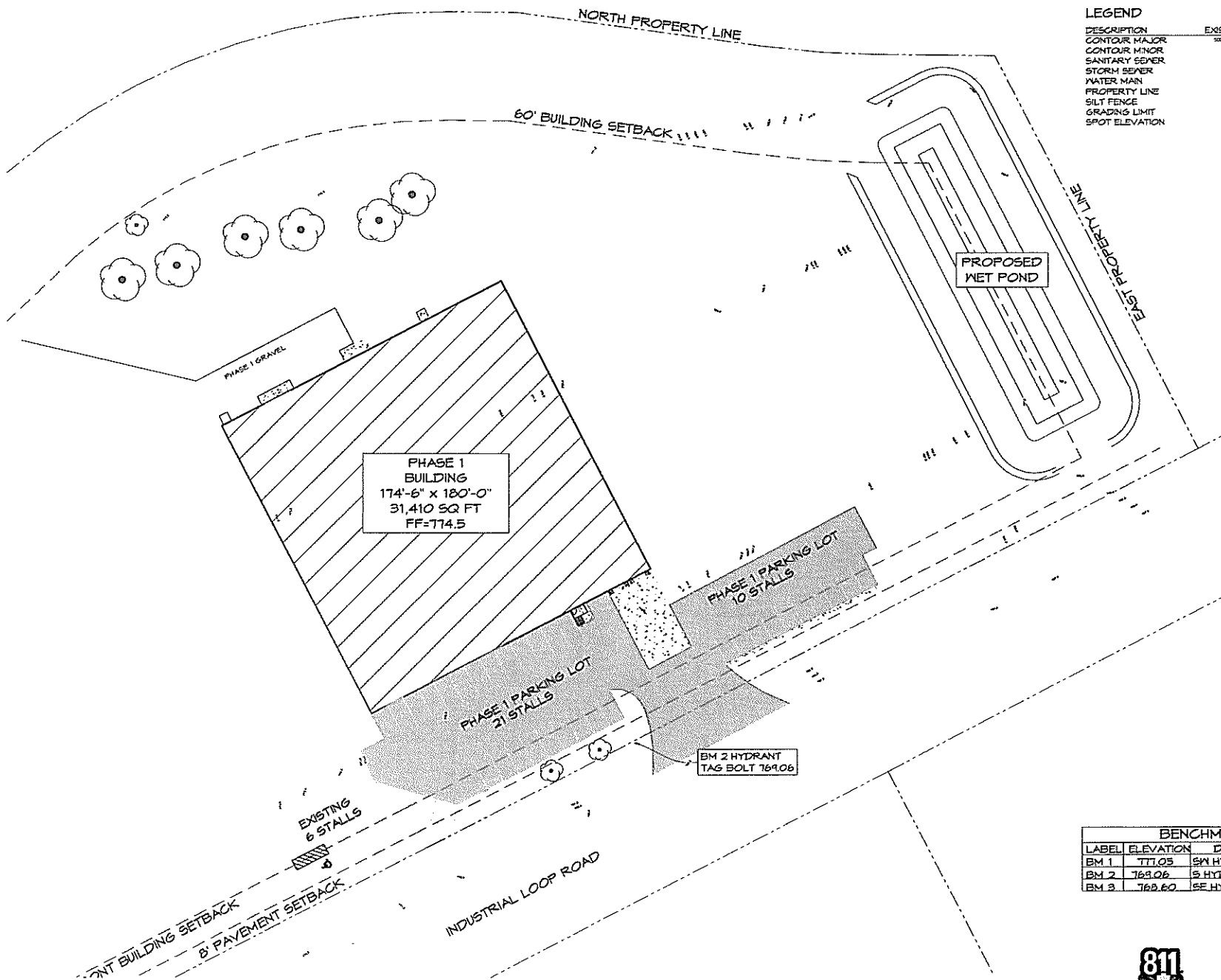


Drawn By: CJP
Approved By: CJP
Project No.: 21-210
Date: 02/19/2021
Sheet No.: C1.0

PROPOSED FACILITY ADDITION FOR:
TITAN INDUSTRIES

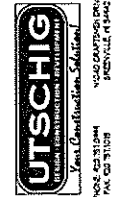
725 REDMOND LANE, NEW CANON, MI 48101

DEMOLITION PLAN



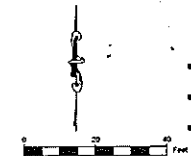
LEGEND

DESCRIPTION	EXISTING	PROPOSED
CONTOUR MAJOR	---	---
CONTOUR MINOR	---	---
SANITARY SEWER	---	---
STORM SEWER	---	---
WATER MAIN	---	---
PROPERTY LINE	---	---
SILT FENCE	---	---
GRADING LIMIT	---	---
SPOT ELEVATION	---	---



PROPOSED FACILITY ADDITION FOR:
TITAN INDUSTRIES
725 INDUSTRIAL LOOP SE, NEW COLUMBIA, AL 36851
SITE PLAN

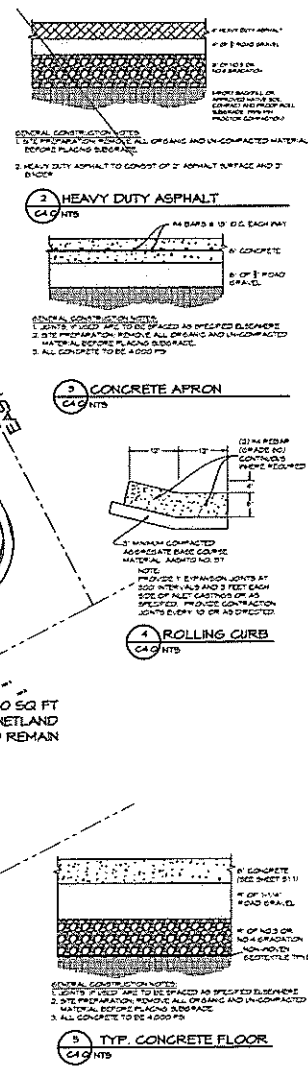
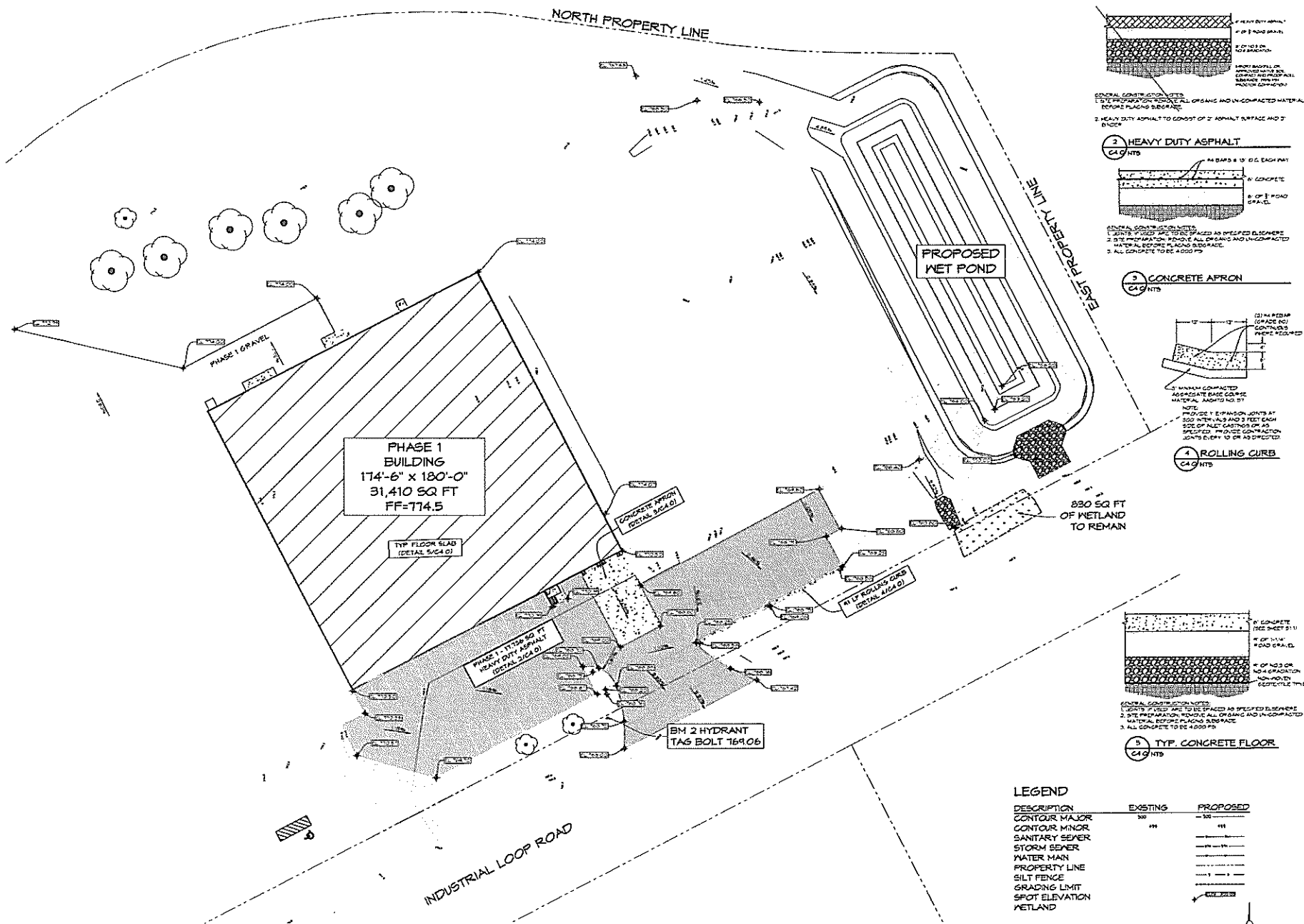
BENCHMARKS		
LABEL	ELEVATION	DESCRIPTION
BM 1	771.03	SW HYDRANT TAG BOLT
BM 2	769.06	S HYDRANT TAG BOLT
BM 3	769.60	SE HYDRANT TAG BOLT



1 SITE PLAN
1" = 20'-0"

Drawn By	Approved By
CS	CS
Project No.	202
21-2372	02/18/2022
Sheet No.	

C2.0



LEGEND

DESCRIPTION	EXISTING	PROPOSED
CONTOUR MAJOR	---	---
CONTOUR MINOR	---	---
SANITARY SEWER	---	---
STORM SEWER	---	---
WATER MAIN	---	---
PROPERTY LINE	---	---
SILT FENCE	---	---
GRADING LIMIT	---	---
SPOT ELEVATION	---	---
WETLAND	---	---

BENCHMARKS		
LABEL	ELEVATION	DESCRIPTION
BM 1	171.05	SW HYDRANT TAG BOLT
BM 2	169.06	S HYDRANT TAG BOLT
BM 3	169.60	SE HYDRANT TAG BOLT



PROPOSED FACILITY ADDITION FOR:
TITAN INDUSTRIES
178 E. INDUSTRIAL LOOP RD. TALLAHASSEE, FL 32310
GRADING PLAN - PHASE 1

NO.	DATE	DESCRIPTION
1	03/18/2022	ISSUED FOR PERMIT
2	03/18/2022	ISSUED FOR PERMIT
3	03/18/2022	ISSUED FOR PERMIT
4	03/18/2022	ISSUED FOR PERMIT
5	03/18/2022	ISSUED FOR PERMIT
6	03/18/2022	ISSUED FOR PERMIT
7	03/18/2022	ISSUED FOR PERMIT
8	03/18/2022	ISSUED FOR PERMIT
9	03/18/2022	ISSUED FOR PERMIT
10	03/18/2022	ISSUED FOR PERMIT

Drawn By	Approved By
C.F.	C.F.
Project No.	Date
21-2230	03/18/2022
Sheet No.	

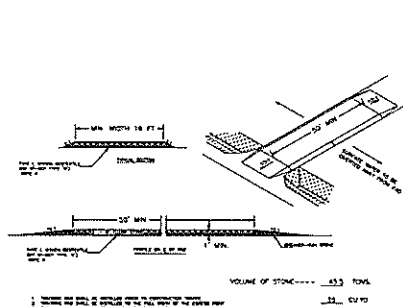
C4.0

1 GRADING PLAN - PHASE 1
C4.0 1" = 20'-0"

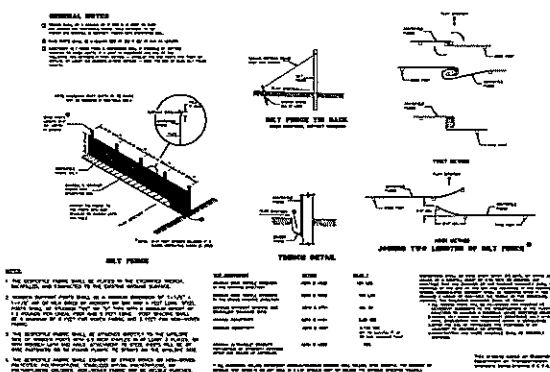
Description	Quantity
1. TRACKING PAD	1.00
2. SILT FENCE	1.00
3. SEEDING PLAN	1.00
4. FILTER SOCK	1.00
5. INLET PROTECTION	1.00
6. MULCH NETTING	1.00
7. STRAW BALE BARRIER	1.00

Drawn By:	Approved By:
GP	GP
Project No:	Date:
21-010	03/15/2021
Sheet No:	

C5.1



1 TRACKING PAD
NTS



2 SILT FENCE
NTS

Item	Quantity	Unit
1. TRACKING PAD	1.00	sq. yd.
2. SILT FENCE	1.00	sq. yd.
3. SEEDING PLAN	1.00	sq. yd.
4. FILTER SOCK	1.00	sq. yd.
5. INLET PROTECTION	1.00	sq. yd.
6. MULCH NETTING	1.00	sq. yd.
7. STRAW BALE BARRIER	1.00	sq. yd.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

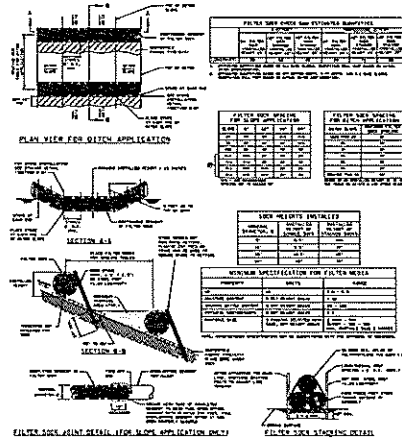
THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

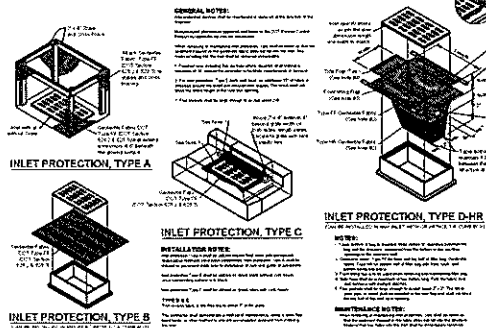
THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.

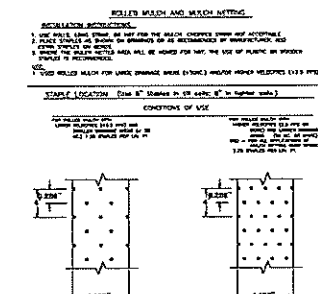
THE TOTAL OF 43.3 CU YD. OF STONE IS REQUIRED FOR THE TRACKING PAD AND SILT FENCE.



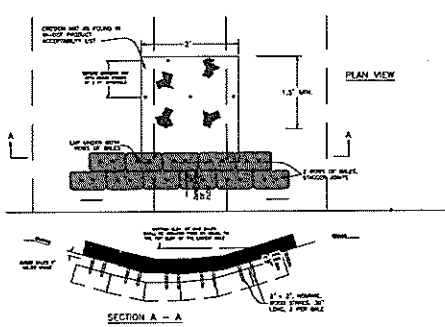
4 FILTER SOCK
NTS



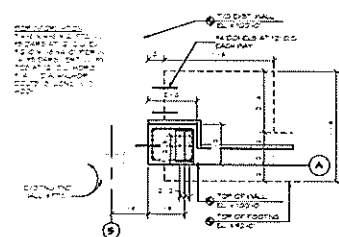
5 INLET PROTECTION
NTS



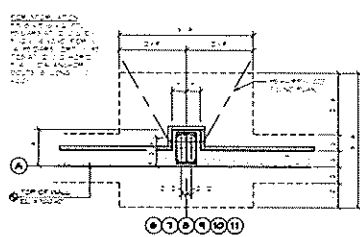
6 MULCH NETTING
NTS



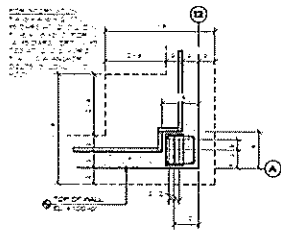
7 STRAW BALE BARRIER
NTS



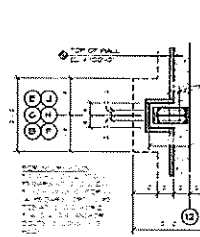
1 PIER DETAIL P-1
SS.1 1/2" x 1'-0"



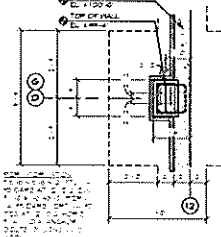
2 PIER DETAIL P-2
SS.1 1/2" x 1'-0"



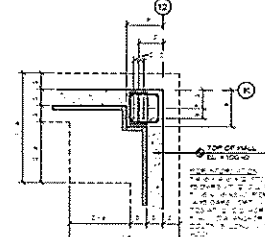
3 PIER DETAIL P-3
SS.1 1/2" x 1'-0"



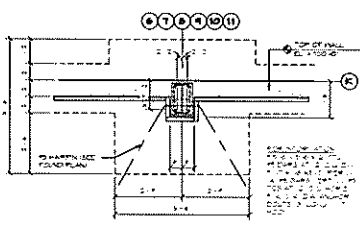
4 PIER DETAIL P-4
SS.1 1/2" x 1'-0"



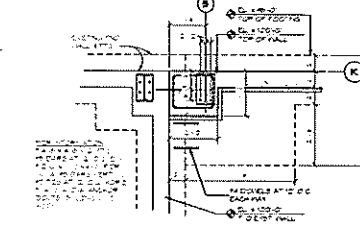
5 PIER DETAIL P-5
SS.1 1/2" x 1'-0"



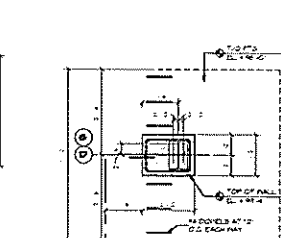
6 PIER DETAIL P-6
SS.1 1/2" x 1'-0"



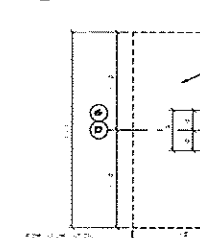
7 PIER DETAIL P-7
SS.1 1/2" x 1'-0"



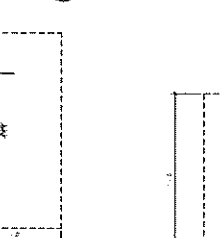
8 PIER DETAIL P-8
SS.1 1/2" x 1'-0"



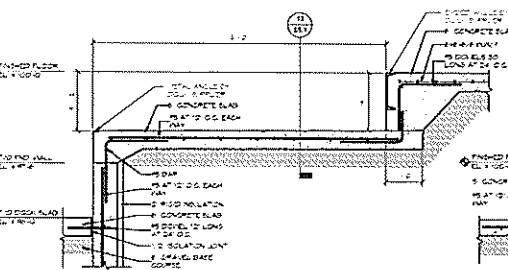
9 PIER DETAIL P-9
SS.1 1/2" x 1'-0"



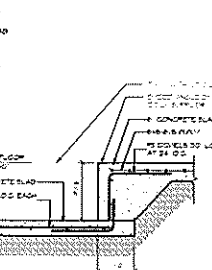
10 PIER DETAIL P-10
SS.1 1/2" x 1'-0"



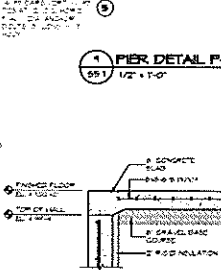
11 PIER DETAIL P-11
SS.1 1/2" x 1'-0"



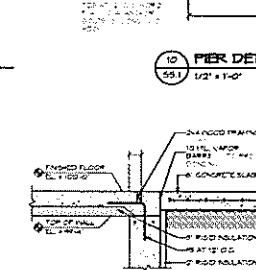
12 DOCK SECTION
SS.1 3/4" x 1'-0" AS REFERENCED BY SS.1



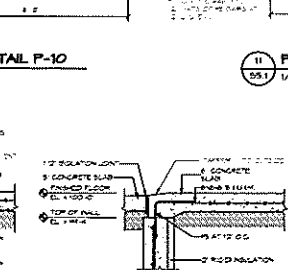
13 DOCK SECTION
SS.1 3/4" x 1'-0" AS REFERENCED BY SS.1



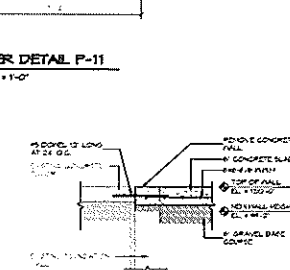
14 OPENING DETAIL
SS.1 3/4" x 1'-0" AS REFERENCED BY SS.1



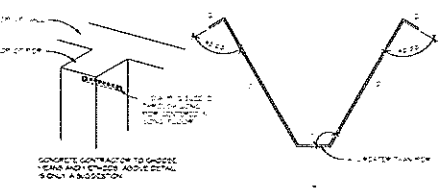
15 OPENING DETAIL
SS.1 3/4" x 1'-0" AS REFERENCED BY SS.1



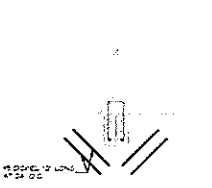
16 OPENING DETAIL
SS.1 3/4" x 1'-0" AS REFERENCED BY SS.1



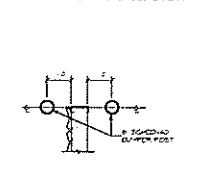
17 DETAIL
SS.1 3/4" x 1'-0" AS REFERENCED BY SS.1



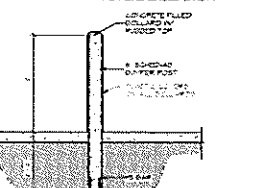
18 DETAIL
SS.1 3/4" x 1'-0"



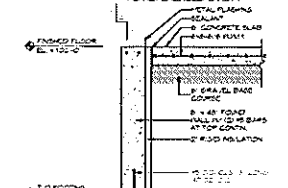
19 DETAIL
SS.1 1/2" x 1'-0"



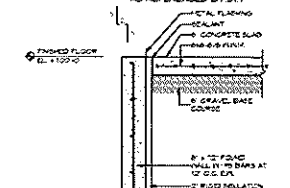
20 BOLLARD DETAIL
SS.1 1/2" x 1'-0"



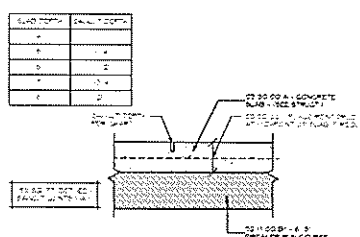
21 BOLLARD DETAIL
SS.1 1/2" x 1'-0"



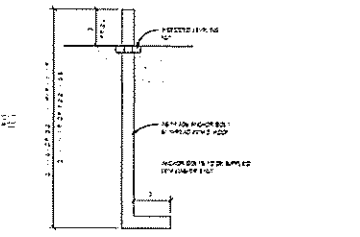
22 WALL SECTION
SS.1 3/4" x 1'-0"



23 WALL SECTION
SS.1 3/4" x 1'-0" AS REFERENCED BY AS.1

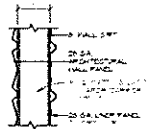


24 BANGUIT DETAIL
SS.1 1/2" x 1'-0"



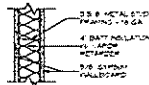
25 WALL SECTION
SS.1 3" x 1'-0"





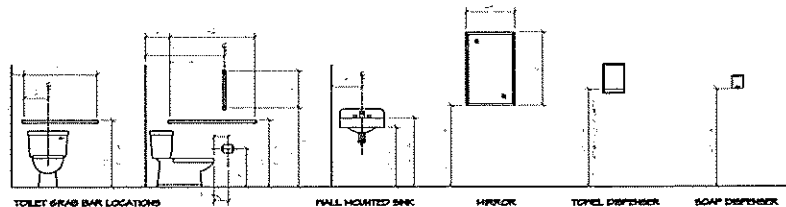
EXTERIOR WALL TYPES

NO SCALE

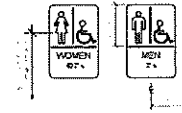


INTERIOR WALL TYPES

NO SCALE



ACCESSIBILITY REQUIREMENTS



ADA BATHROOM SIGNS

LIFE SAFETY INFO / CODE SUMMARY

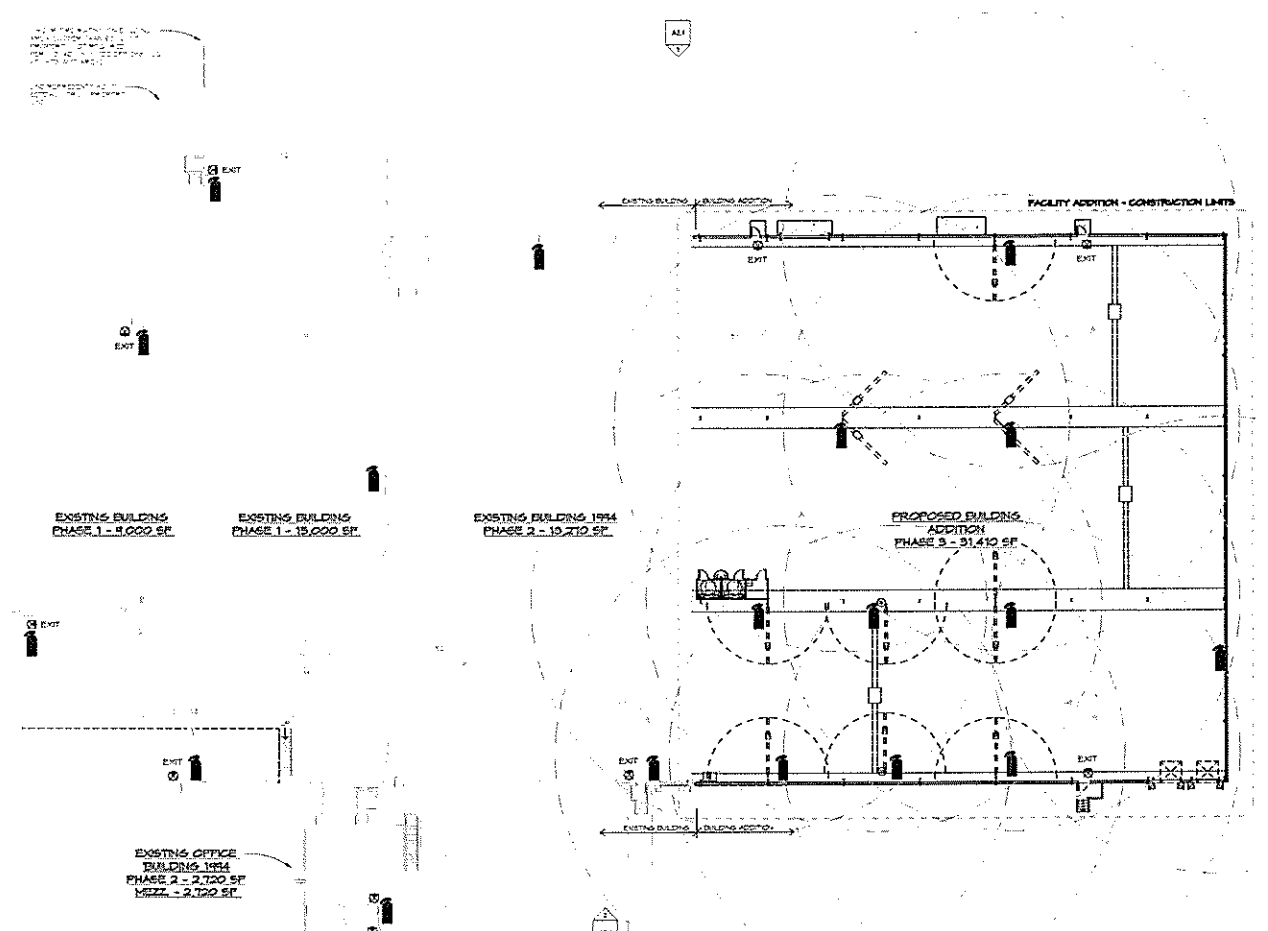
BUILDING CODES
 2018 INTERNATIONAL BUILDING CODE (IBC)
 2018 INTERNATIONAL FIRE CODE (IFC)
 2018 INTERNATIONAL PLUMBING CODE (IPC)
 2018 INTERNATIONAL MECHANICAL CODE (IMC)
 2018 INTERNATIONAL ELECTRICAL CODE (IEC)
 2018 INTERNATIONAL ENERGY CODE (IECC)
 2018 INTERNATIONAL SPOKE CODE (ISC)
 2018 INTERNATIONAL SAFETY CODE (ISC)

ALLOWABLE HEIGHT
 3 stories maximum
ALLOWABLE AREA
 10,000 sq ft maximum per floor
CONSTRUCTION TYPE
 Type I or II
CONCRETE CLASIFICATION
 Class 1 or 2
WIND RESISTANCE
 150 psf minimum
SEISMIC DESIGN
 Seismic Design Category B

COMPLIANCE CODE	IBC	IFC	IPC	IMC	IEC	IECC	ISC
Minimum	100%	100%	100%	100%	100%	100%	100%
Provision	100%	100%	100%	100%	100%	100%	100%

INTERNAL ENVIRONMENT PERFORMANCE
 1.0 minimum
LIFE SAFETY LOGGING
 1.0 minimum

EXIT
 1.0 minimum
EXIT
 1.0 minimum



PLAN NORTH
 1/8" = 1'-0"
 OVERALL FIRST FLOOR



PROPOSED FACILITY ADDITION FOR:
 TITAN INDUSTRIES
 13500 TITAN DRIVE
 OVERALL FLOOR PLAN/LIFE SAFETY PLAN

NO.	DATE	DESCRIPTION
1	01/11/2023	ISSUED FOR CONSTRUCTION

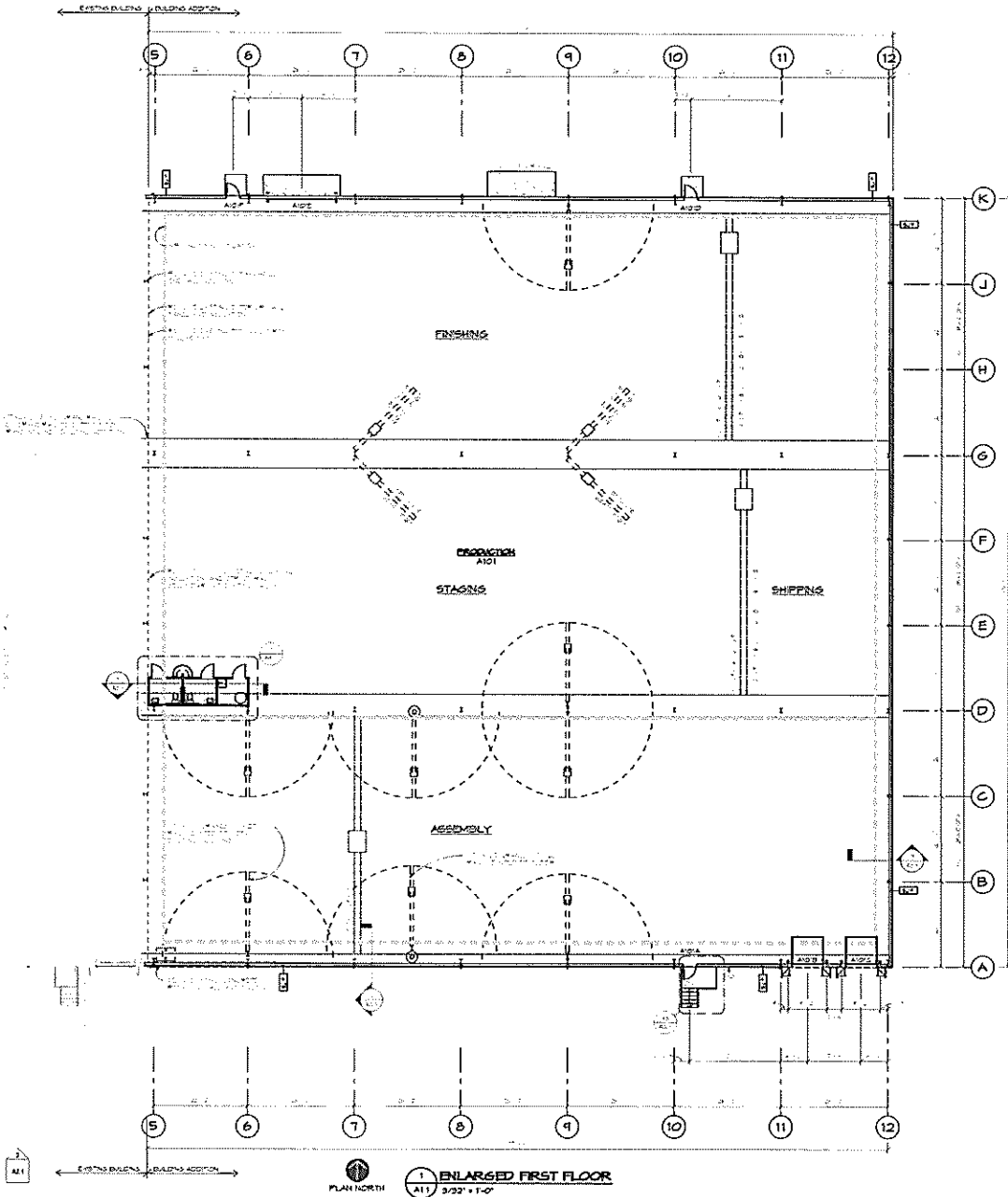
ISSUED FOR CONSTRUCTION
 Drawn By: [Signature]
 Project No: 2023-01
 Scale: 1/8" = 1'-0"
 A1.0

EXISTING BUILDING

EXISTING BUILDING

EXISTING BUILDING

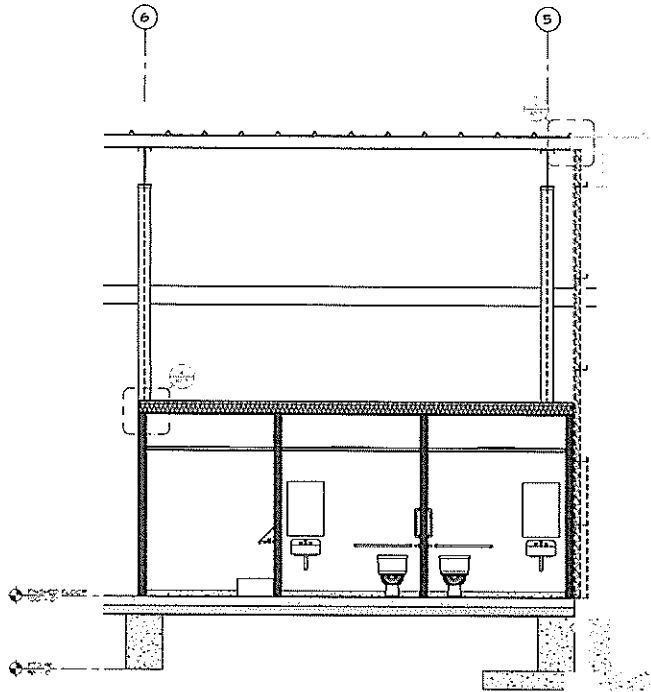
EXISTING OFFICE BUILDING



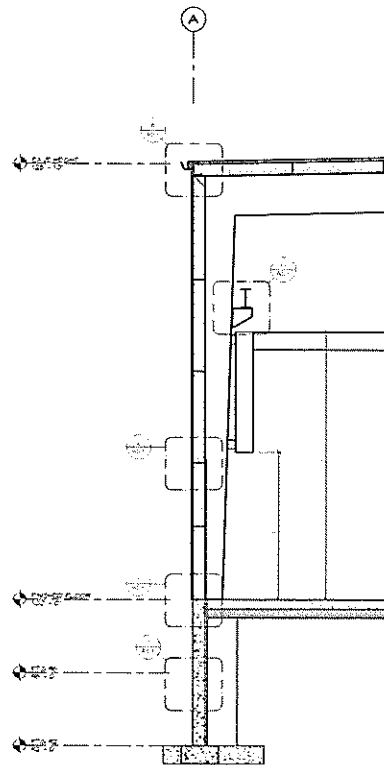
**PROPOSED FACILITY ADDITION FOR:
 TITAN INDUSTRIES**
 200 SOUTH LEXINGTON BLVD. (1000)
ENLARGED FLOOR PLAN

NO.	DATE	DESCRIPTION
1	01/11/2011	DATE CHANGED

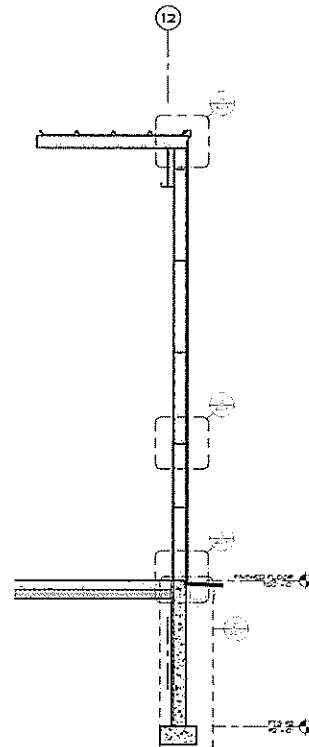




1 WALL SECTION
AS1
3/8\"/>



2 WALL SECTION
AS1
3/8\"/>



3 WALL SECTION
AS1
3/8\"/>

ISSUED FOR CONSTRUCTION

Drawn By	Approved By
12/1/11	12/1/11
Project No	12/1/11
Sheet No	12/1/11

A3.1

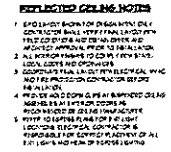
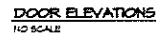
3/24/2012 11:40 PM

NO	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

PROPOSED FACILITY ADDITION FOR:
TITAN INDUSTRIES
788 PLASTER LANE, WILLOW PARK, WY 84054
BUILDING SECTIONS

[illegible]

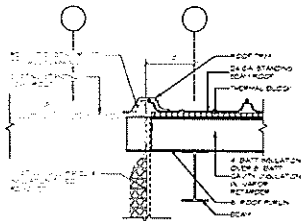
HARDWARE SCHEDULE

[illegible]

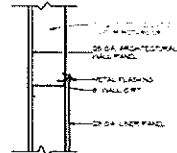
Drawn By	Approved By
JAY	JAY
Project No	Date
20-0370	18-2021
Sheet No.	

A4.1

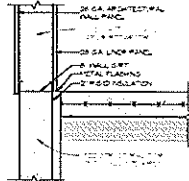
9/24/2022 4:11 42 PM



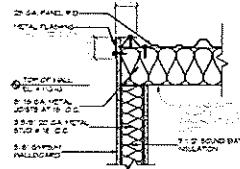
1 ROOF DETAIL
AS 1 1' x 1'-0"
AS REFERENCED BY A3.1



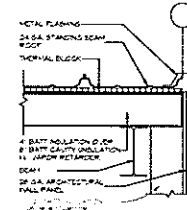
2 WALL DETAIL
AS 1 1' x 1'-0"
AS REFERENCED BY A3.1



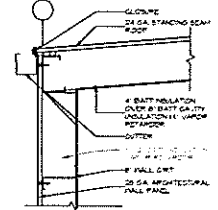
3 WALL DETAIL
AS 1 1' x 1'-0"
AS REFERENCED BY A3.1



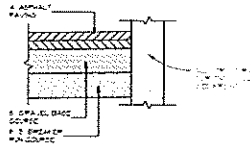
4 WALL DETAIL
AS 1 1 1/2' x 1'-0"
AS REFERENCED BY A3.1



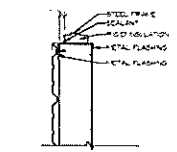
5 ROOF DETAIL
AS 1 1' x 1'-0"
AS REFERENCED BY A3.1



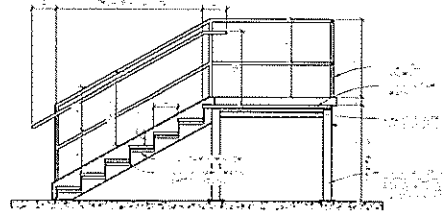
6 ROOF DETAIL
AS 1 1' x 1'-0"
AS REFERENCED BY A3.1



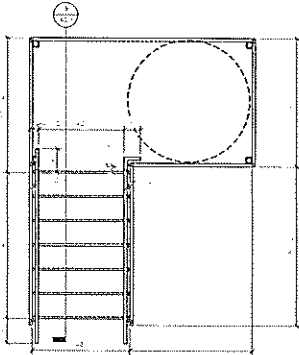
7 WALL DETAIL
AS 1 1' x 1'-0"
AS REFERENCED BY A3.1



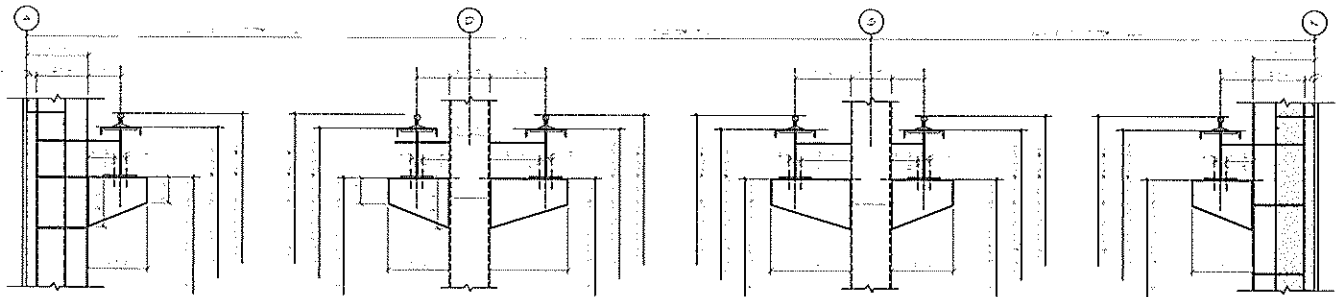
8 DOOR JAMB DETAIL
AS 1 1' x 1'-0"



9 STAIR SECTION
AS 1 1/2' x 1'-0"
AS REFERENCED BY A3.1

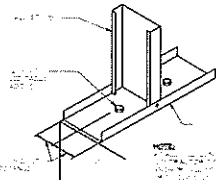


10 STAR PLAN
AS 1 1/2' x 1'-0"
AS REFERENCED BY A3.1

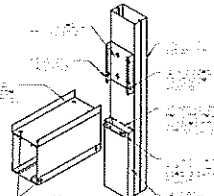


11 CRANE DESIGN DETAIL
AS 1 1' x 1'-0"
AS REFERENCED BY A3.1

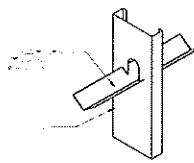
12	13	14
15	16	17
18	19	20



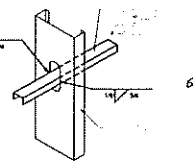
12 LIGHT GAGE BOTTOM TRACK CONN
AS 1 3/4' x 1'-0"



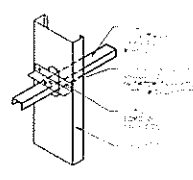
13 LIGHT GAGE HEADER
AS 1 3/4' x 1'-0"



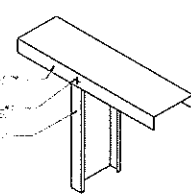
14 LIGHT GAGE STUD BRACING OPTIONS
AS 1 3/4' x 1'-0"



15 STUD TO BOTTOM TRACK CONN
AS 1 3/4' x 1'-0"



16 STUD TO TOP TRACK CONN
AS 1 3/4' x 1'-0"



PROPOSED FACILITY ADDITION FOR:
TITAN INDUSTRIES

DETAILS



ISSUED FOR CONSTRUCTION

DATE: 9/24/2023
BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]
DATE: 9/24/2023
TIME: 11:49 AM
A5.1

UTSCHIG
Steel Construction Solutions
10000 EAST 14TH AVE
DENVER, CO 80231
303.751.1234

Subject: Titan Industries, 735 Industrial Loop Road, New London, WI
Date: 03-30-22 By: RDT

Design hairpins for main frame sidewall columns

Design for $H = 7.09^k$

Try #5 hairpins

$$T_{ALL} = 0.6 (60\text{ksi})(0.3\text{in}^2) \sin 60^\circ = 9.35^k \text{ each leg.}$$

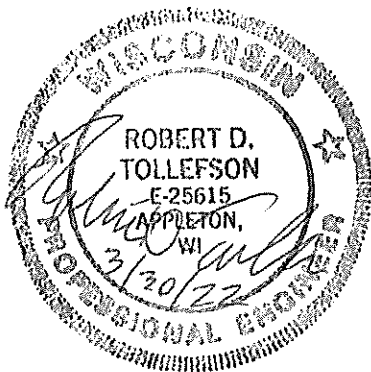
$$T_{ALL} = 9.35(2) = 18.7^k > 7.09^k \text{ o.k.}$$

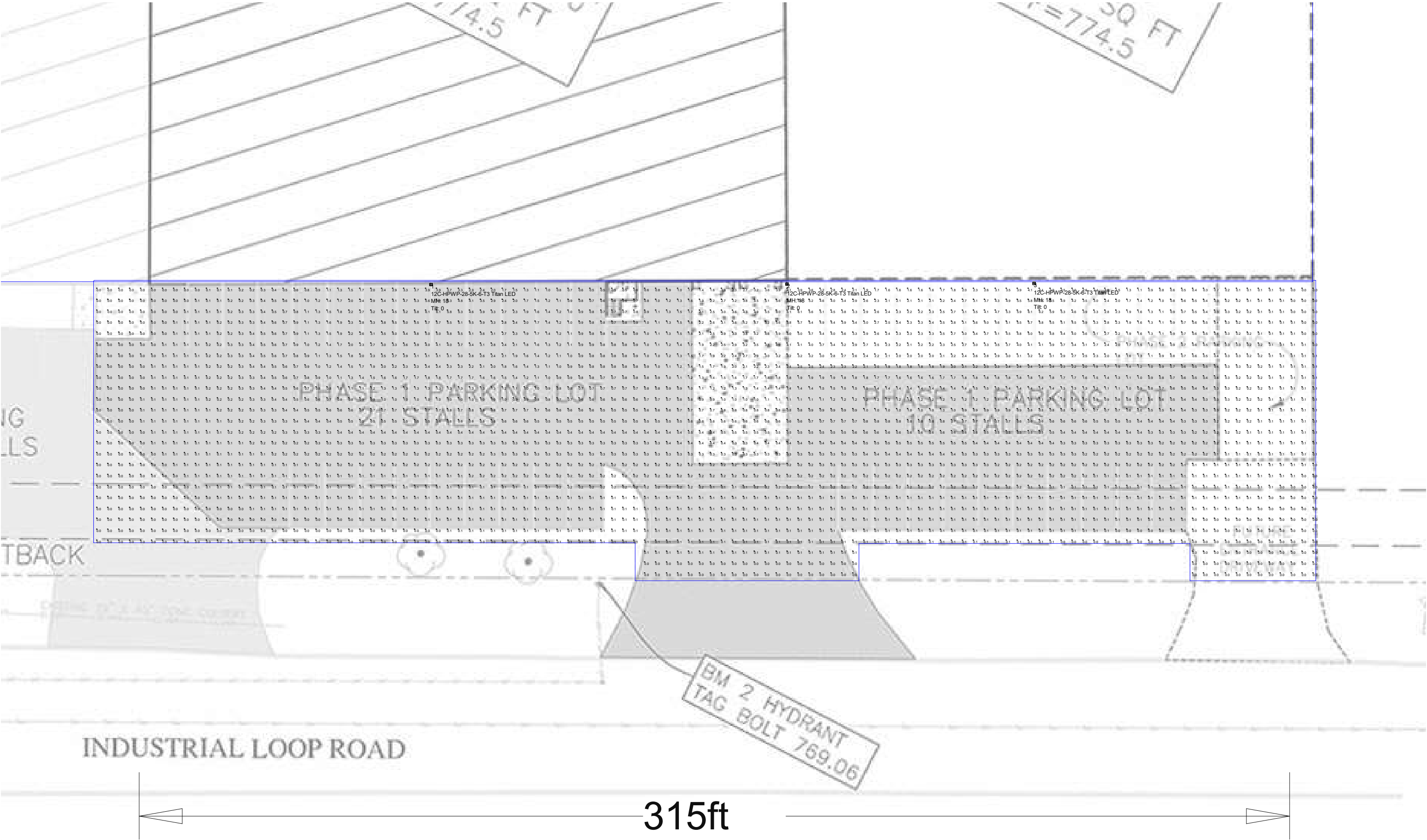
Calculate resistance from 12'-6" x 25' section of 6" floor slab


$$H_{ALL} = (12.5')(25.0')(0.5')(150\text{pcf})(0.5) / 1000 = 11.7^k > 7.09^k \text{ o.k.}$$


Use #5 hairpins x 20'-0" long (10'-0" each leg)

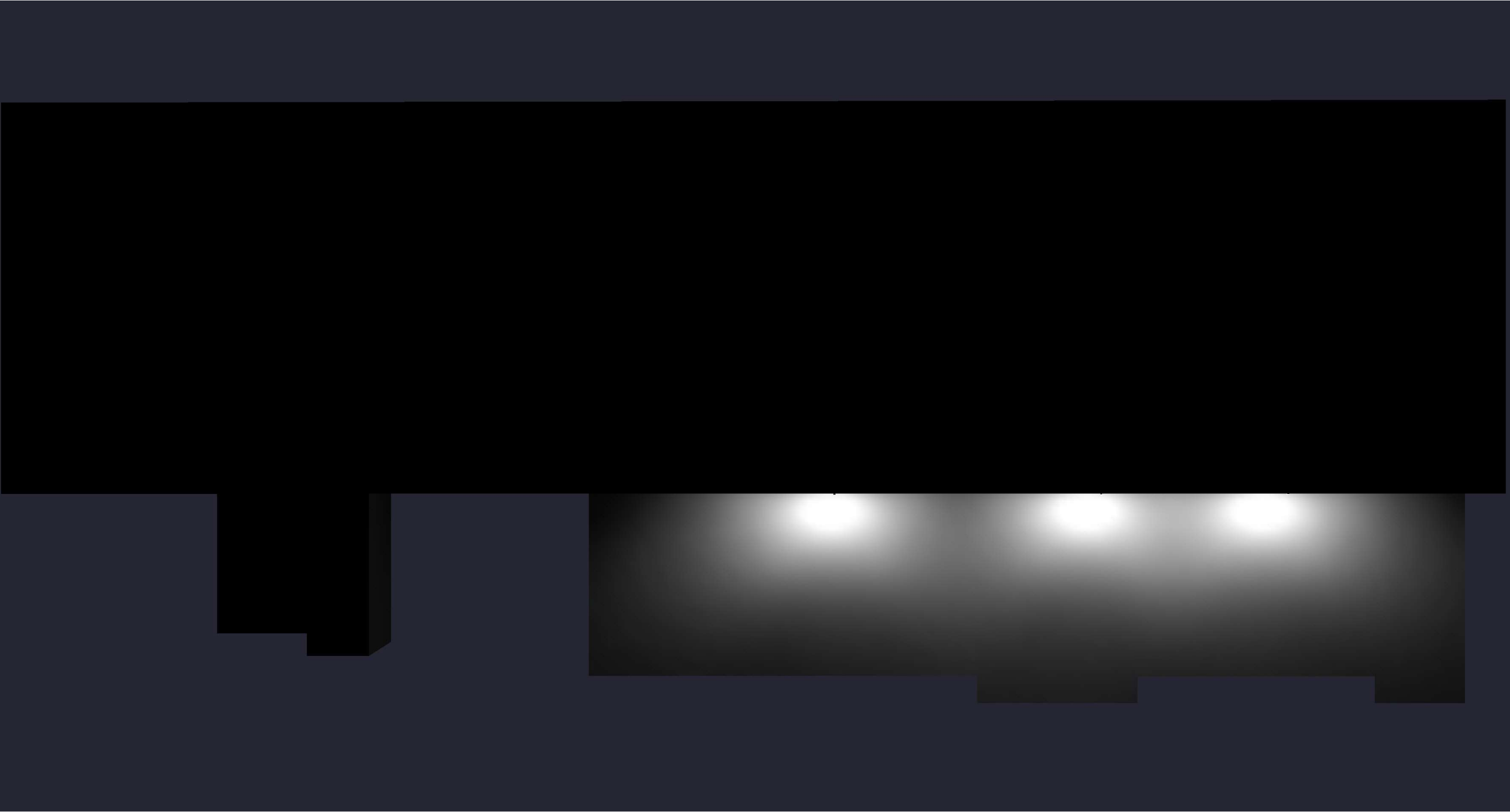
Conservative design. Will get resistance from fully loaded pier/footing & wall.



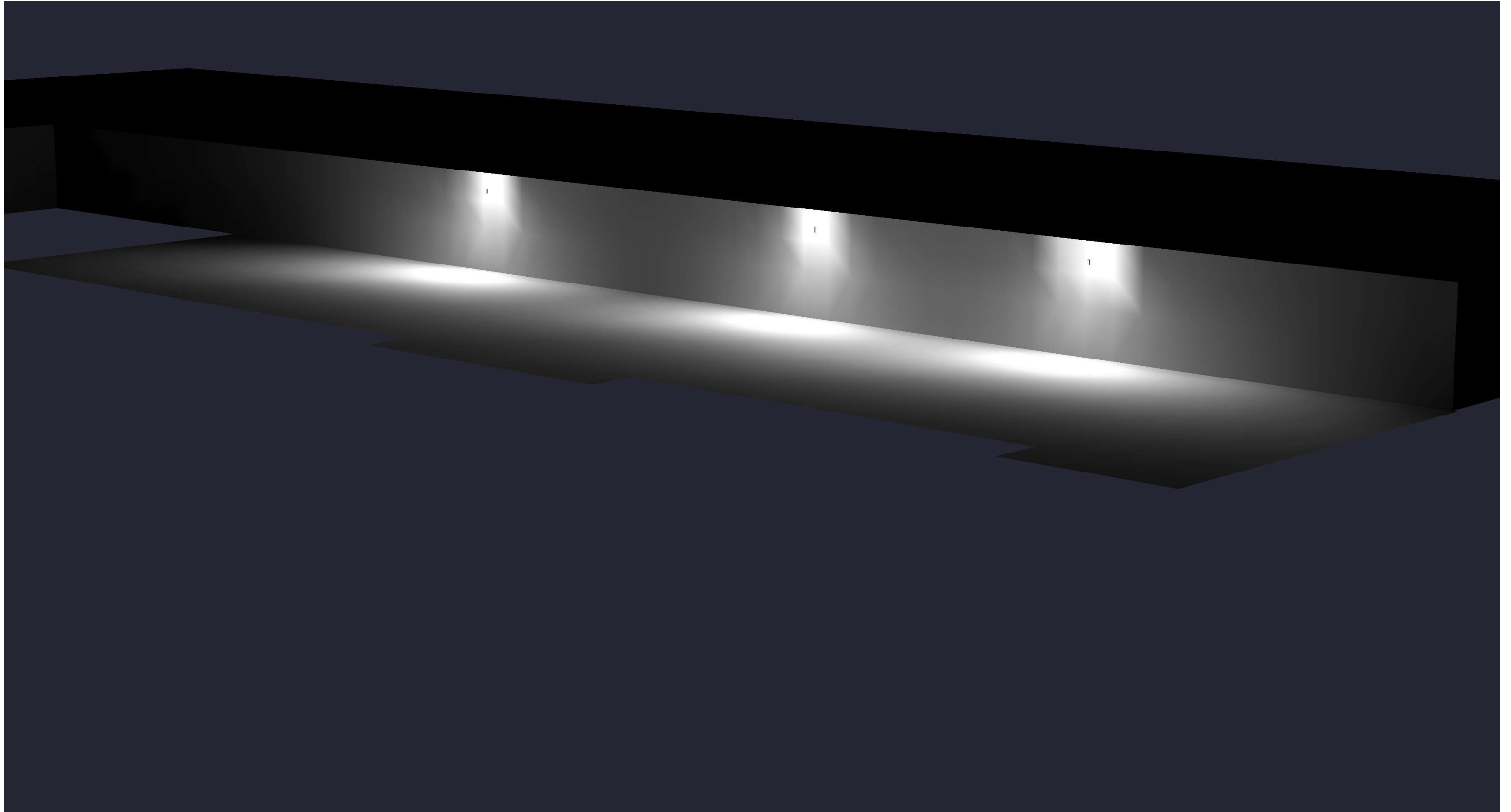


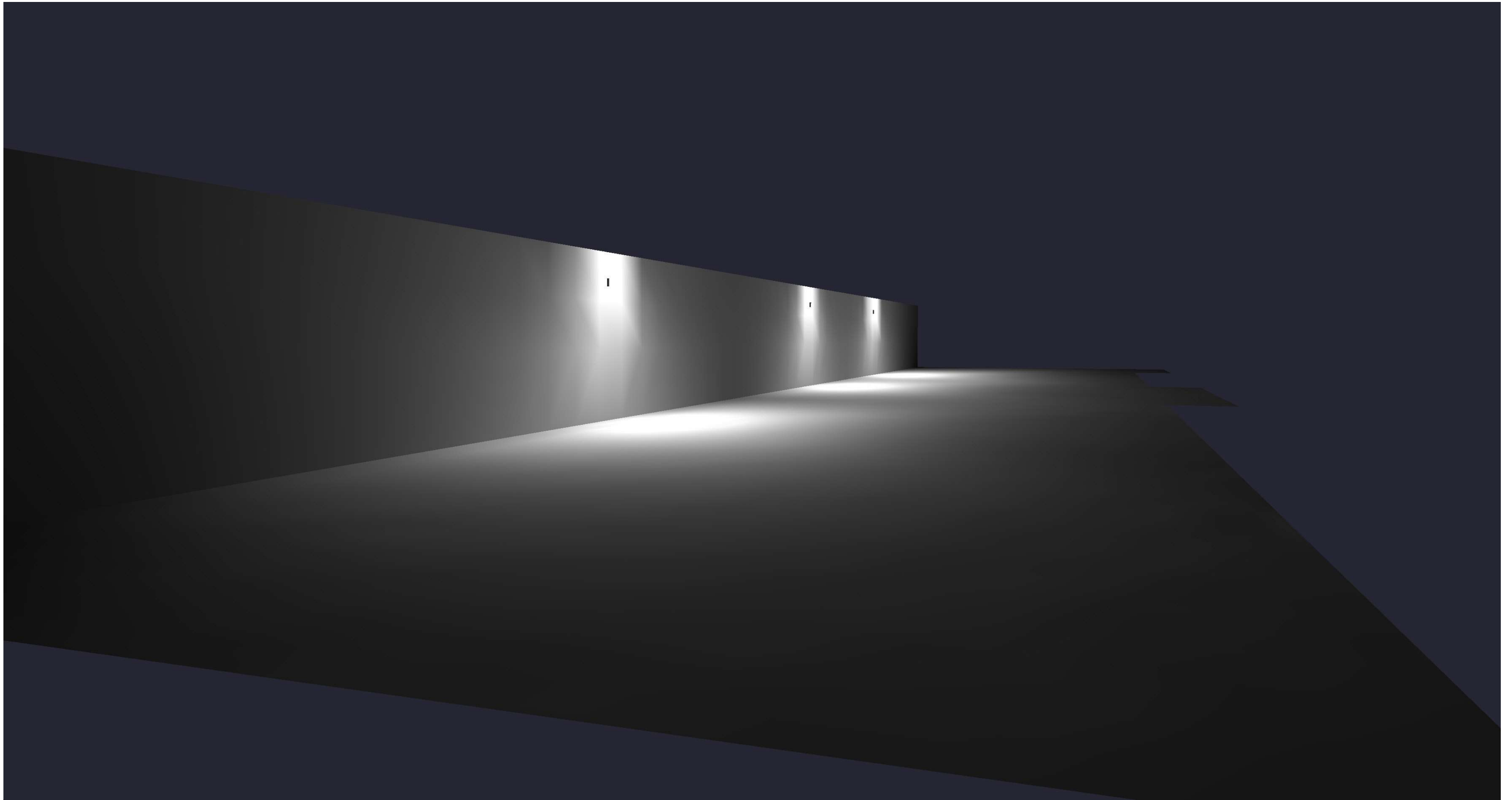


Luminaire Schedule									
Symbol	Qty	Label	Arrangement	Description	LLF	Luminaire Lumens	Luminaire Watts	Total Watts	
	3	12C-HPWP-28-5K-6-T3 Titan LED	Single	12C-HPWP-28-5K-6-T3 Hennessy Series II T3 Wall pack	1.000	7842	58.9	176.7	

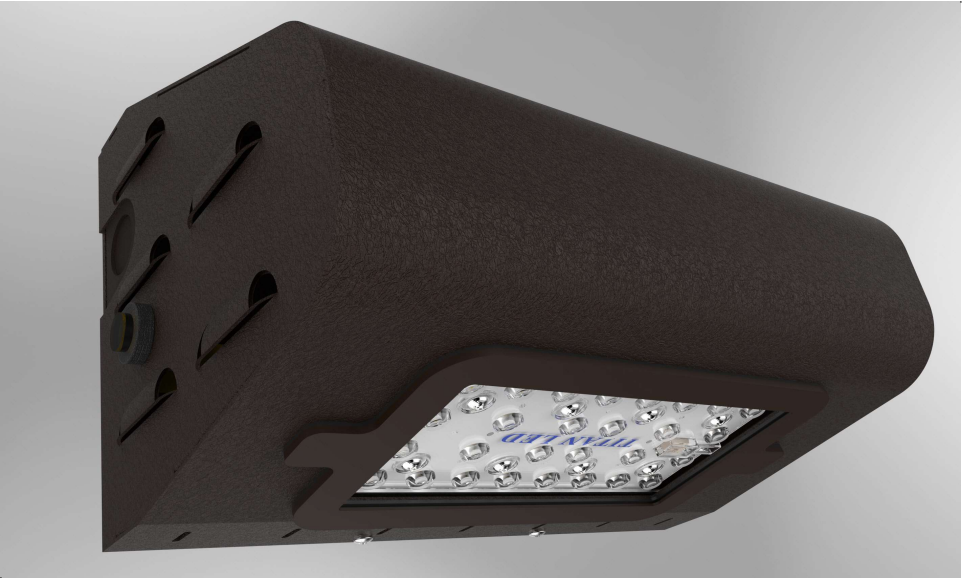


Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Ground_Planar	Illuminance	Fc	0.83	6.2	0.0	N.A.	N.A.





Luminaire Location Summary		Insertion Point				
LumNo	Label	X	Y	Z	Orient	Tilt
1	12C-HPWP-28-5K-6-T3 Titan LED	339.921	265.941	18	270	0
2	12C-HPWP-28-5K-6-T3 Titan LED	437.357	266.049	18	270	0
3	12C-HPWP-28-5K-6-T3 Titan LED	505	266.268	18	270	0



Hennessy Series II Wall Pack



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

February 24, 2022

Regulatory File No. MVP-2021-02200-RJH

George Eastman
TPCO, LLC
735 Industrial Loop Road
New London, Wisconsin 54961

Dear Mr. Eastman:

We are responding to your request for authorization to expand the existing Titan Industries facility. Expansion includes the construction of two additional buildings and asphalt parking area. The proposed work is located in Section 18, Township 22 North, Range 15 East, Outagamie County, Wisconsin.

Project authorization:

The regulated activities associated with this project include the discharge of fill material into 7,790 square feet of wetlands associated with the commercial expansion of the Titan Industries facility. We have determined that these activities are authorized by a Nationwide Permit (NWP) or a Regional General Permit (RGP), specifically, NWP 39, Commercial and Institutional Developments. This work is shown on the enclosed figures, labeled MVP-2021-02200-RJH Page 1 of 3 through Page 3 of 3 .

Conditions of your permit:

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

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

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

Water Quality Certification:

Wisconsin DNR has waived the Water Quality Certification conditions associated with this General Permit.

Permit expiration:

The 2021 NWP is valid until March 14, 2026 unless modified, suspended, or revoked. If the work has not been completed by that time, you should contact this office to verify that the permit is still valid. Furthermore, if you commence or are under contract to commence this activity before the date of General Permit expiration, modification, or revocation, you have 12 months to complete the activity under the present terms and conditions of the General Permit.

Jurisdictional determination:

An approved jurisdictional determination was previously prepared on December 13, 2021 and concluded that Wetland 1A, Wetland 2 and Wetland 3 as shown on Page 3 of 3 of the enclosed figures, are not waters of the U.S. Therefore, work in those aquatic resources does not require authorization.

Contact Information:

If you have any questions, please contact me in our Green Bay office at (651) 290-5859 or by email at ryan.j.huber@usace.army.mil.

Sincerely,



Ryan Huber
Project Manager

Enclosures

CC:

Ryan Pappas, Wisconsin Department of Natural Resources
Clark Fox, Civil Fox Engineering



MVP-2021-02200-RJH Location Map



Legend

- Municipality
- State Boundaries
- County Boundaries
- Major Roads**
 - Interstate Highway
 - State Highway
 - US Highway
- County and Local Roads**
 - County HWY
 - Local Road
- Railroads
- Tribal Lands
- Rivers and Streams
- Intermittent Streams
- Lakes and Open water

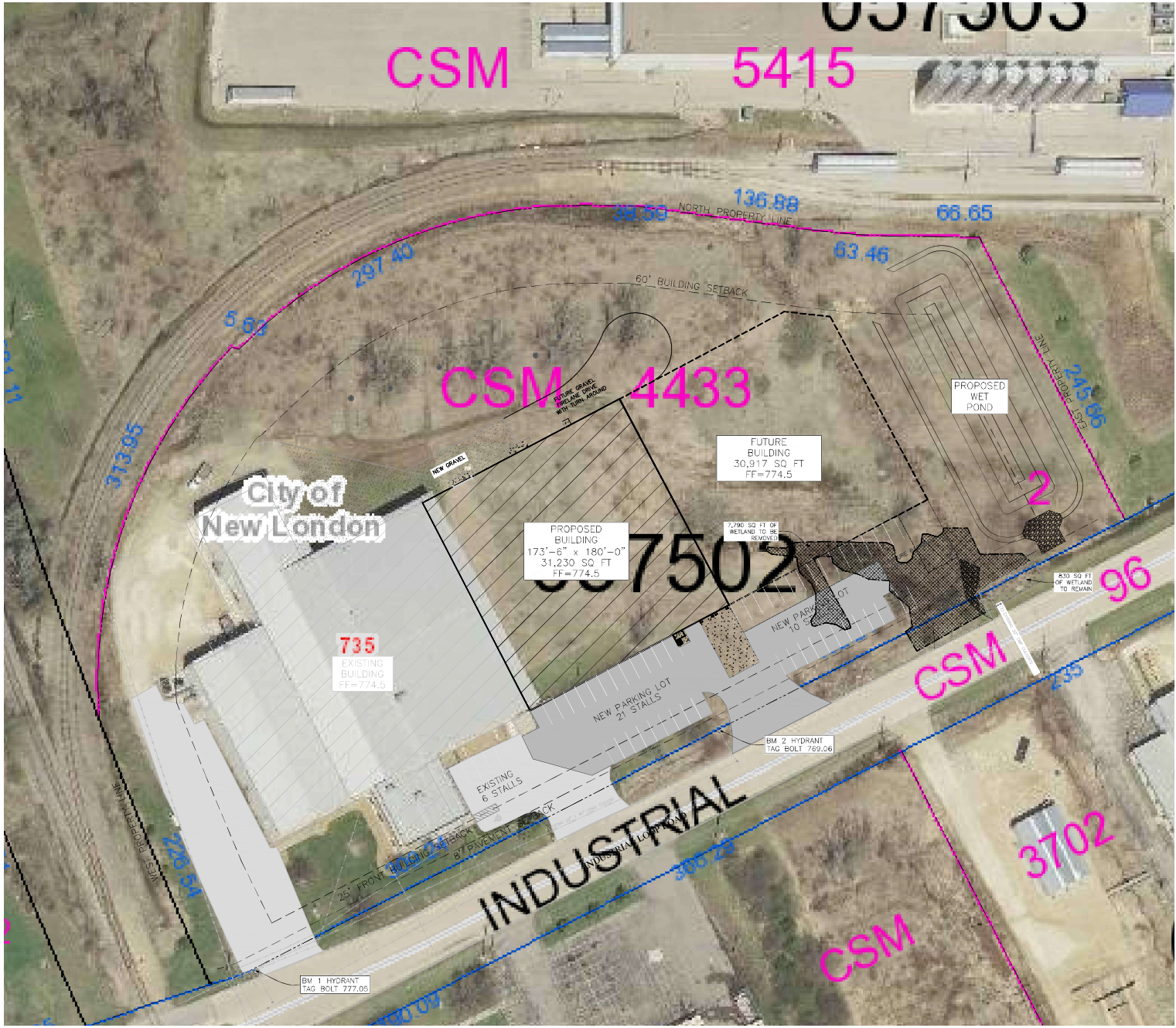
0.3 0 0.13 0.3 Miles

NAD_1983_HARN_Wisconsin_TM

1: 7,920

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

Notes



1 SITE PLAN
C1.1 1" = 30'-0"



Know what's below.
Call before you dig.



1730 E. SYLVAN AVE.
APPLETON, WI 54915
PH. (920) 419-5904

BENCHMARKS		
LABEL	ELEVATION	DESCRIPTION
BM 1	777.05	SW HYDRANT TAG BOLT
BM 2	769.06	S HYDRANT TAG BOLT
BM 3	768.60	SE HYDRANT TAG BOLT

[illegible]

SHEET INFORMATION

PROPOSED FACILITY ADDITION FOR:

TITAN INDUSTRIES

735 Industrial Loop Rd, New London, WI 54961

OVERALL SITE PLAN



PHONE: 920.757.0999
FAX: 920.757.1015

Drawn By	Approved By
C.F	C.F
Project No.	Date
21-2370	12/14/202
Sheet No.	

C1.1



Legend

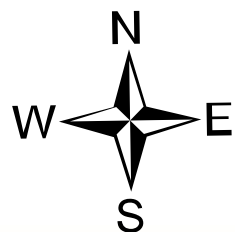
- Site Boundary
- Wetland Line
- Wetland
- Parcels
- Potentially Exempt Wetland
- ★ Sample Point

Wetland Delineation was conducted by
Chad Fradette, EP, Chem,
WDNR Professionally Assured Wetland Delineator
with assistance from
Shyann Banker, Environmental Specialist

Titan Industries Wetland Delineation Map with Potentially Exempt Wetlands 735 Industrial Loop Road City of New London Outagamie County, WI

Project: OUT21-036-14

0 50 100 200
 Feet



2918 Van Hoof Road • Green Bay, WI 54313

Phone: 920.615.0019 • Website: www.evergreenwis.com



US Army Corps of Engineers®

St. Paul District

COMPLIANCE CERTIFICATION

Regulatory File Number: MVP-2021-02200-RJH

Name of Permittee: TPCO LLC

County/State: Outagamie, Wisconsin

Date of Issuance: February 24, 2022

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

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

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

Signature of Permittee

Date

39. Commercial and Institutional Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses and new ski areas is not authorized by this NWP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Note: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Enclosure A

2021 Nationwide Permits (NWP) St. Paul District Regional Conditions

To qualify for NWP authorization, the prospective permittee must comply with the following regional conditions, as applicable, in addition to any case specific conditions imposed by the division engineer. The St. Paul District Regulatory website will provide current information regarding NWPs and the necessary 401 Water Quality Certifications at <https://www.mvp.usace.army.mil/missions/regulatory/nwp/>. Every person who wishes to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

The following NWPs have been revoked and are not available for use in St. Paul District: NWPs 12, 21, 48, 50, 55, 56, 57, and 58.

Information on other permits available for use in St. Paul District can be found at:
<https://www.mvp.usace.army.mil/Missions/Regulatory/Permitting-Process-Procedures/>.

Any regulated activity eligible for authorization under a St. Paul District Special Area Management Plan (SAMP) general permit is not eligible for authorization by NWPs.

The following regional conditions are applicable to all 2021 NWPs:

- A. **Linear Projects**: No linear utility or linear transportation projects are eligible for authorization by NWPs. These projects will be reviewed for authorization under the St. Paul District's regional general permits or an individual permit.
- B. **Temporary Impacts**: All regulated temporary impacts to waters of the U.S. must comply with the following criteria:
 - (1) If the temporary impacts in waters of the U.S., including wetlands, that occur as a result of the regulated activity would remain in place for longer than 90 days between May 15 and November 15, a PCN is required.
 - (2) Any PCN with temporary impacts must specify how long the temporary impact will remain and include a restoration and re-vegetation plan showing how all temporary fills and structures will be removed and the area restored to preconstruction contours and elevations. Native, non-invasive vegetation must be used unless otherwise authorized by a Corps NWP verification.
- C. **PCNs for Apostle Islands National Lakeshore and Madeline Island**: A project proponent must notify the District by submitting a PCN if the regulated activity would result in excavation, fill, or the placement of a new structure within the boundaries of Apostle Islands National Lakeshore and Madeline Island in Wisconsin.
- D. **Calcareous fens**:

WISCONSIN: No work in a calcareous fen is authorized by a NWP unless the Wisconsin Department of Natural Resources (WI DNR) has approved a permit for the proposed regulated activity. Project proponents must provide evidence of an approved permit to the District.

MINNESOTA: No work in a calcareous fen is authorized by a NWP unless the Minnesota Department of Natural Resources (MN DNR) has approved a calcareous fen management plan specific to a project that otherwise qualifies for authorization by a NWP. Project proponents must provide evidence of an approved fen management plan to the District. A list of known Minnesota calcareous fens can be found at:
http://files.dnr.state.mn.us/eco/wetlands/calcareous_fen_list.pdf.

- E. **Special Aquatic Resources**: A project proponent must notify the District by submitting a PCN if a regulated activity would occur in any of the following aquatic resources:
- (1) State-designated wild rice waters^{1,2};
 - (2) Bog wetland plant communities^{1,3};
 - (3) Fens^{1,3};
 - (4) Coastal plain marshes^{1,4};
 - (5) Interdunal wetlands^{1,4};
 - (6) Great Lakes ridge and swale complexes^{1,4};
 - (7) Aquatic resources within Lake Superior National Estuarine Research Reserve;
 - (8) Ramsar wetland sites, including: the Horicon Marsh, Upper Mississippi River Floodplain Wetland, Kakagon and Bad River Slough, Door Peninsula Coastal Wetlands, Chiwaukee Illinois Beach Lake Plain, and Lower Wisconsin Riverway. The complete up to date Ramsar list is available at <https://rsis Ramsar.org>.

¹ Information about Wisconsin plant community types for 1-6 above may be obtained from:
<http://dnr.wi.gov/topic/EndangeredResources/Communities.asp?mode=group&Type=Wetland>

² Information regarding wild rice waters and their extent may be obtained from:
<https://www.dnr.state.mn.us/wildlife/shallowlakes/wildrice.html> and <https://gisdata.mn.gov/dataset/biota-wild-rice-lakes-dnr-wld> in Minnesota, <https://dnr.wisconsin.gov/topic/wildlifehabitat/rice.html> in Wisconsin, and an interactive map is provided at: <http://maps.glifwc.org/> (under Treaty Resources – Gathering).

³ Additional information on bog and fen communities can be found at:
<http://www.mvp.usace.army.mil/missions/regulatory.aspx>
and in Minnesota at <http://www.dnr.state.mn.us/npc/classification.html>.

⁴ Coastal plain marshes, interdunal wetlands, and Great Lakes ridge and swale complexes are specific to Wisconsin

2021 Nationwide Permit General Conditions

1. Navigation.

- (a) No activity may cause more than a minimal adverse effect on navigation.
- (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the 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 or her 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.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

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

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment 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 or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Structures and Fills. Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers.

(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species.

(a) No activity is authorized under any NWP which is likely to directly or indirectly 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 (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.”

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWP.

(e) Authorization of an activity by an NWP 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 FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties.

(a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she

makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either

some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary,

to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWP.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality.

(a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States

for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification.

(a) *Timing.* Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

- (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
- (2) 45 calendar days have passed from the district engineer’s receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is “no effect” on listed species or “no potential to

cause effects” on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee’s right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification:* The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4)

(i) A description of the proposed activity; the activity’s purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the

proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification:* The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination:*

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity’s compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity’s adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity’s compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies’ concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
625 E County Road Y
Oshkosh, WI, 54901

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



07/01/2021

EXE-NE-2021-45-02289

TPCO LLC
735 Industrial Loop Road
New London, WI 54961

RE: Artificial Wetland Exemption Determination for an area described as Wetlands 1, 2 and 3 (0.41 acres total), located in the City of New London, Outagamie County

Dear Sir or Madam:

This letter is in response to your request for an artificial wetland exemption determination for the above-mentioned wetlands.

According to 281.36 (4n), State Statutes, a landscape feature where hydrophytic vegetation may be present as a result of human modification to the landscape or hydrology and for which no definitive evidence exists showing a prior wetland or stream history before August 1, 1991, may be exempt from state wetland regulations. The following types of artificial wetlands cannot be exempted from state wetland regulation: 1) a wetland that serves as a fish spawning area or that is passage to a fish spawning area and 2) a wetland created as a result of a wetland mitigation requirement. In addition, DNR must also consider whether the artificial wetland is providing significant flood protection to adjacent or downstream properties and infrastructure, and/or significant water quality functions to adjacent or downstream water bodies.

The Department reviewed the following materials to aid in our exemption determination:

- The request narrative
- Historic Maps, including the Original Land Survey Plat, Bordner Survey, historic USGS topographic Quad map, and soil mapping.
- Aerial photographs, including the 1937/8 era photograph, a pre-construction photograph, and a post-construction photograph.
- Site photographs that show different angles and views of the wetland

Below is a summary of our findings:

Request Narrative

According to the request narrative, Wetland 1 is a wet meadow within an excavated drainage ditch that connects to a depression in the southern half as well as a roadside ditch and is 14,585 square feet. The drainage ditch was excavated in between 1970 and 1980 as part of a ditching network. Wetland 2 is an artificial wet meadow located within a depression in an excavated drainage ditch and is 1,225 square feet. Wetland 3 is an artificial wet meadow located within a depression created due to poor grading and is 2,037 square feet.

All three wetlands have developed on fill soils or have been excavated. The Site was completely filled/graded between the years 1970 and 1980, as well as throughout the years as the building on Site was expanded.

Historic Map Review

- The topography at the Site ranges from an elevation of 774 feet down to 766 feet. The topography of the Site slopes down towards the east half of the Site, towards the excavated ditch.
- The Original Survey shows the Site in the south half of Section 18. The Original Survey Notes describe the vegetation in this area as basswood, black ash, and elm.
- The Bordner Survey shows the Site as cleared cropland.

Aerial Photograph Review

Aerial photographs from 1938, 1964, 1970, 1980, 1982-2002, 2005, 2006, 2008, 2010, 2013, 2014, 2017, and 2018 were reviewed.

- In 1938 the Site was cropland.
- In 1964 the Site is cropland with a road in the middle of the site boundary. Wetland 3 and part of Wetland 1 are roadside ditches.
- In 1970 the Site is cropland with a road in the middle of the site boundary. Wetland 3 and part of Wetland 1 are roadside ditches and have been impounded.
- In 1980 the Site has been filled/graded completely, with the excavated ditch recently excavated. The road in the middle of the Site has been removed, but the wetlands are still impounded from the fill/grading after the road was removed. Wetland 2 is shown as a roadside ditch.
- In 1994 the building was expanded, and part of the Site was filled during expansion of the building.
- In 2005 the Site was filled in the northern half; the railroad extension was added between 2002 and 2005 adjacent to the north Site Boundary.
- In 2018 the Site has been left fallow, occasionally mowed with a few trees. You can see the poor grading in this aerial photograph.

Conclusion:

Based upon the information provided above and in the exemption request, the wetlands identified as Wetlands 1, 2, and 3 lacked a wetland history prior to August 1, 1991, and fulfills all artificial wetland exemption standards. Therefore, Wetlands 1, 2, and 3 are exempt from state wetland regulations.

This letter describes DNR's decision regarding the jurisdictional status of Wetlands 1, 2, and 3, and is only valid for state jurisdictional purposes. For decisions regarding the federal jurisdictional status of Wetlands 1, 2, and 3, you will need to contact the U.S. Army Corps of Engineers.

If you have any questions, please call me at (920) 420-1528 or email sarah.adkins@wisconsin.gov.

Sincerely,

< [Redacted Signature]

Sarah Adkins
Water Management Specialist

Copy to: USACE Project Manager
Shyann Banker, Evergreen Consultants LLC