

## **Appendix C**

### **Agency Correspondence**

- Attachment 1: Farmland Impact Calculation Form**
- Attachment 2: Wetland Pre-Application Meeting Minutes and Correspondence**
- Attachment 3: WDNR Endangered Resources Review**
- Attachment 4: SHPO Consultation**
- Attachment 5: Coastal Zone Management Consultation**
- Attachment 6: Endangered Species Act, Section 7 Consultation**

**Attachment 1**  
**Farmland Impact Calculation Form**



June 27, 2018

Jill Morris, Environmental Engineer  
Foth Infrastructure & Environment, LLC  
8550 Hudson Blvd. North, Suite 105  
Lake Elmo, MN 55042

RE: Prime Farmland Assessment – Saxon Harbor Campground Reconstruction, Iron County, Wisconsin

Dear Ms. Morris:

Thank you for the opportunity to provide comments on the above projects for the Farmland Protection Policy Act (FPPA) requirements. Farmland of Statewide Importance are present within the project area. Since the sum of the relative value of the farmland and the total site assessment is less than 160, no further consideration for protection is required and no additional alternatives need to be evaluated.

If you have any questions, please feel free to contact me, at (715) 832-6547 ext 6014.

Sincerely,

DEANNA  
PETERSON

Digitally signed by  
DEANNA PETERSON  
Date: 2018.06.28  
16:50:58 -05'00'

DEANNA M. PETERSON  
Acting Area Resource Soil Scientist, NW Area Office

Cc: Gary Haughn, District Conservationist, Ashland, WI

**FARMLAND CONVERSION IMPACT RATING**

<b>PART I</b> (To be completed by Federal Agency)		Date Of Land Evaluation Request			
Name of Project		Federal Agency Involved			
Proposed Land Use		County and State			
<b>PART II</b> (To be completed by NRCS)		Date Request Received By NRCS		Person Completing Form:	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES <input type="checkbox"/>	NO <input type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres:                      %		Amount of Farmland As Defined in FPPA Acres:                      %		
Name of Land Evaluation System Used	Name of State or Local Site Assessment System		Date Land Evaluation Returned by NRCS		
<b>PART III</b> (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
<b>PART IV</b> (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
<b>PART V</b> (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
<b>PART VI</b> (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A	Site B	Site C
1. Area In Non-urban Use		(15)			
2. Perimeter In Non-urban Use		(10)			
3. Percent Of Site Being Farmed		(20)			
4. Protection Provided By State and Local Government		(20)			
5. Distance From Urban Built-up Area		(15)			
6. Distance To Urban Support Services		(15)			
7. Size Of Present Farm Unit Compared To Average		(10)			
8. Creation Of Non-farmable Farmland		(10)			
9. Availability Of Farm Support Services		(5)			
10. On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
TOTAL SITE ASSESSMENT POINTS		160			
<b>PART VII</b> (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100			
Total Site Assessment (From Part VI above or local site assessment)		160			
<b>TOTAL POINTS (Total of above 2 lines)</b>		260			
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>			
Reason For Selection:					
Name of Federal agency representative completing this form:					
Date:					

(See Instructions on reverse side)

Form AD-1006 (03-02)



## **STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM**

- Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006. The Land Evaluation and Site Assessment (LESA) process may also be accessed by visiting the FPPA website, <http://fppa.nrcs.usda.gov/lesa/>.
- Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s) of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The USDA Office Information Locator may be found at [http://offices.usda.gov/scripts/ndISAPI.dll/oip\\_public/USA\\_map](http://offices.usda.gov/scripts/ndISAPI.dll/oip_public/USA_map), or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)
- Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.
- Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.
- Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.
- Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office.
- Step 7 - The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

## **INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM**

*(For Federal Agency)*

**Part I:** When completing the "County and State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

**Part III:** When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.

**Part VI:** Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment (LESA).

1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.
2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

**Part VII:** In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160.

Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site A}$
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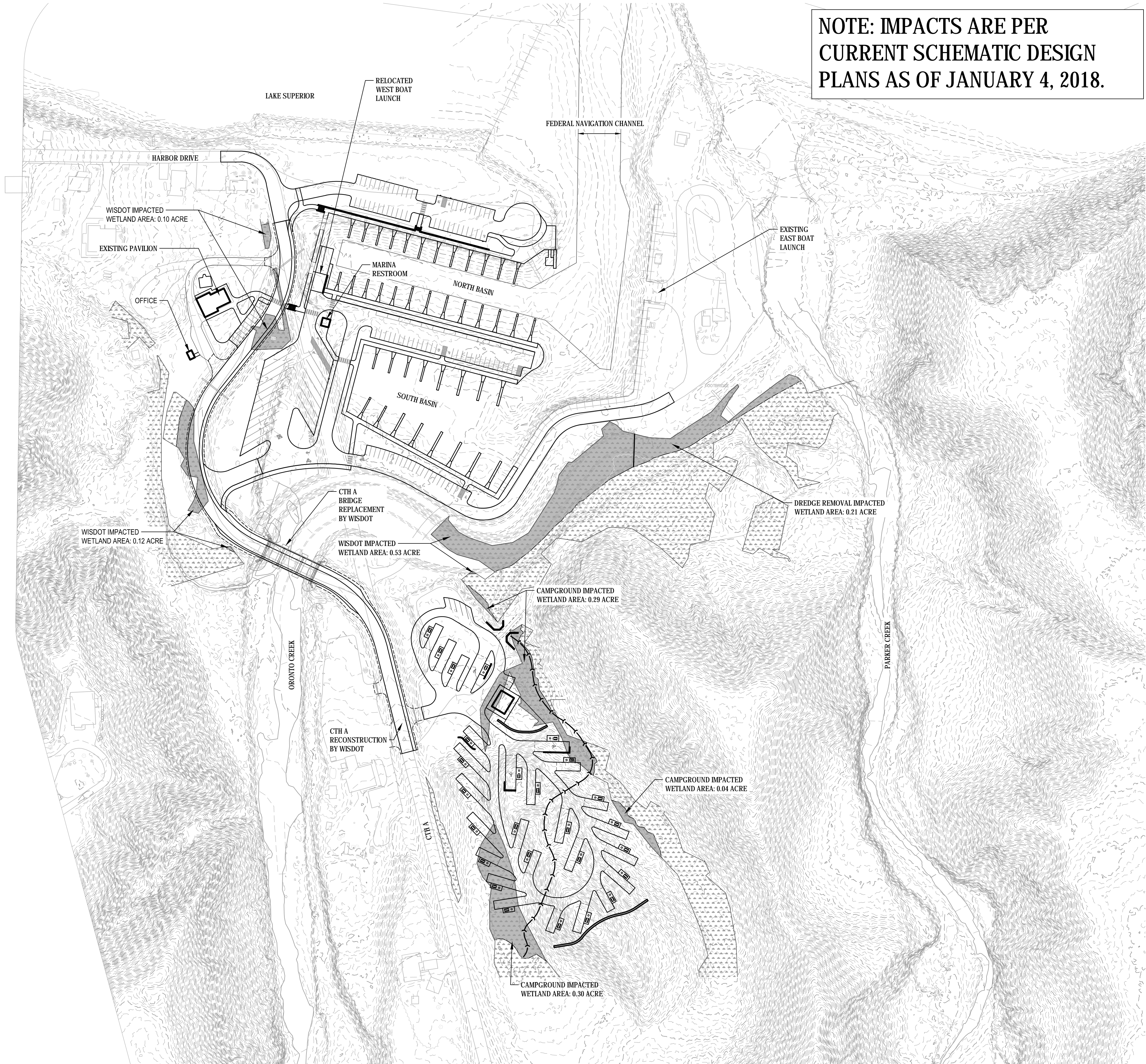
For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.

**Attachment 2**  
**Wetland Pre-Application Meeting Minutes and Correspondence**



P:\10121\000\CAD\sheet\10121-G102-CAMP.dwg  
P:\10121\000\CAD\sheet\10121-G102-CAMP.dwg



NOTE: IMPACTS ARE PER  
CURRENT SCHEMATIC DESIGN  
PLANS AS OF JANUARY 4, 2018.



SHEET NOTES

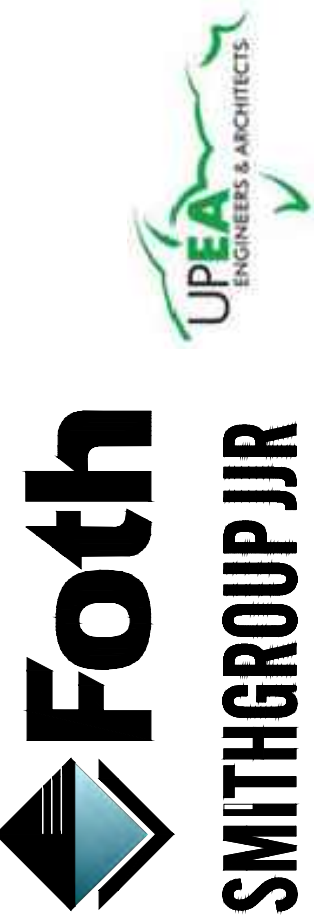
1. THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES PRIOR TO COMMENCING WORK UNDER THIS CONTRACT AND REQUEST THAT UNDERGROUND UTILITIES BE LOCATED IN ACCORDANCE WITH SECTION 182.0175(2) OF THE WISCONSIN STATUTES. ANY UTILITY LOCATIONS AS SHOWN ON THE PLANS ARE APPROXIMATE ONLY, AND OTHER UTILITIES MAY BE PRESENT.
2. PROTECT ALL WETLANDS FROM DISTURBANCE UNLESS SPECIFICALLY ALLOWED BY PERMIT.
3. HORIZONTAL CONTROL DATUM IS REFERENCED TO THE IRON COUNTY COORDINATE SYSTEM, U.S. SVY FT.
4. ELEVATIONS ARE REFERENCED TO THE NAVD88 DATUM.

LEGEND

- 610 --- EXISTING MAJOR CONTOUR
- 610 --- EXISTING MINOR CONTOUR
- ROAD / PARKING LOT
- CONTROL POINT
- PARK BUILDING
- SITE WALL
- INTERMITTENT STREAM RELOCATION
- EXISTING WETLAND
- IMPACTED WETLAND

WETLAND IMPACTS

CAMPGROUND	0.62 ACRE
DREDGE REMOVAL	0.21 ACRE
WISDOT	0.75 ACRE



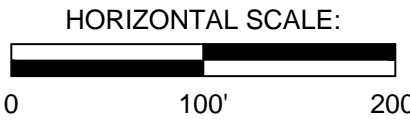
REUSE OF DOCUMENTS  
THIS DOCUMENT HAS BEEN DEVELOPED FOR A SPECIFIC APPLICATION AND NOT FOR REUSE. IT IS THE USER'S RESPONSIBILITY TO OBTAIN NECESSARY APPROVAL OF FOTH INFRASTRUCTURE AND ENVIRONMENT, C. UNAPPROVED USE IS THE SOLE RESPONSIBILITY OF THE UNAUTHORIZED USER.

BID DRAWINGS FOR  
SAXON HARBOR PROJECT  
CAMPGROUND RECONSTRUCTION  
IRON COUNTY FORESTRY DEPARTMENT  
DISASTER #4276,  
APPLICANT ID# 051-UGW8-00  
IRON COUNTY, WISCONSIN

REVISIONS		DATE		DESCRIPTION	
NO.	BY	DATE	12/15/17	SCHEMATIC DESIGN	
RECORD DRAWING OF COMPLETED CONSTRUCTION BY:					
RECORD DRAWINGS OF COMPLETED CONSTRUCTION CONFORMING TO CONTRACTOR AND/OR OWNERS RECORDS.					
BY: _____ DATE: _____					

DATE OF PREPARATION	
BY	DATE
SURVEYED	
DRAWN	
DESIGNED	
CHECKED	

PROPOSED  
WETLAND  
DISTURBANCE  
LIMITS



PROJECT ID: 171004.00

G102





## Foth Infrastructure & Environment, LLC

### Project Meeting Summary

<b>Meeting Site:</b>	<u>Iron County Office</u>	<b>Time:</b>	<u>February 2, 2018 10:00 a.m.</u>
<b>Participants:</b>	<u>Eric Peterson</u>	<b>Representing:</b>	<u>Iron County Forestry Department</u>
	<u>Tara Krall</u>		<u>Iron County Forestry Department</u>
	<u>Kyle McLaughlin</u>		<u>WDNR</u>
	<u>Jonathan Simonsen</u>		<u>WDNR</u>
	<u>Cami Peterson</u>		<u>WDNR</u>
	<u>Bill Sande</u>		<u>USACE</u>
	<u>Jesse Fink</u>		<u>SmthGroupJJR</u>
			<u>UP Engineers</u>
	<u>Craig Harley</u>		<u>Foth</u>
	<u>Mike Raimonde</u>		<u>Foth</u>
	<u>Brian Stanul</u>		<u>Foth</u>
	<u>Stacy Dehne</u>		<u>DATCP</u>
<b>Summary By:</b>	<u>BJS1</u>	<b>Distribution:</b>	<u>Participants</u>

**Reason for Meeting:** The purpose of the Pre-application Meeting was to start the wetland permitting process for the Saxon Harbor Marina and Campground Reconstruction Project and for the Owner, regulatory agencies, and the consulting team to discuss the requirements for the Wetland Mitigation permit process.

#### Summary of Discussion:

Foth provided a meeting introduction and a project background for the participants. The Saxon Harbor Marina and Campground Reconstruction Project (Project) is the reconstruction of the campground, harbor basin, roadway and bridge, and stream relocation due to storm damage that occurred at the Project site in July 2016. As part of the reconstruction, wetlands will be impacted.

The Participants discussed the results of the Wetlands Delineation Report (Report) performed by Wetlands and Waterways, LLC in October 2017. The WDNR and USACE stated that based on the results of the report, that the wetlands (Wetlands 3, 4, 5, and 6) impacted by the CTH A reconstruction in the vicinity of the Marina are exempt. Also, the wetland along the stream bank (a portion of Wetland 1) below the ordinary high water mark is also exempt. Therefore, the total impacted wetlands for the Project is 0.63 acres. The impacted wetlands, also identified as Wetland 1 in the Report, are in the vicinity of the proposed campground. The participants discussed the type of wetland impacted by the proposed campground location. The Report stated that Wetland 1 was identified as Forested Floodplain. The WDNR and USACE requested that a Rapid Assessment of the impacted wetlands be performed. The WDNR stated that the rapid assessment could only be performed on the ground cover during the growing season, but suggested that Wetlands and Waterways could provide the



assessment based on site observations from the Report. Foth will follow up with Wetlands and Waterways regarding the Rapid Assessment. The WDNR and USACE also requested that Impacted Wetlands Figure be updated to show the wetland types. Foth will follow up with SmithGroupJJR and UP Engineers to provide the updated figure.

The Participants discussed the mitigation approach. The Project team discussed the decision making progress regarding the final location for the campground. The WDNR and USACE noted that the narrative for the campground location will need to be provided as part of the permitting process. The WDNR and USACE also asked about possibly revising the campground grading plan to minimize the wetland impacts. UP Engineering responded that significantly changing the wetland impact was unlikely due to space constraints and the required stormwater management facilities.

The Participants discussed the wetland mitigation options. At the time of the meeting, 0.63 acres of wetlands will be impacted. The WDNR explained the permitting process and how decisions regarding the use of mitigation banks, in-lieu of fees, or responsible mitigation are determined. If there are wetland banks available in the Lake Superior District, they are the first choice. There are currently two wetland banks with available credits: The Ashland (Chequamegon) Bank and the Douglas County (Cloverland) Bank with available credits. Neither of those banks contain Forested Floodplain wetlands. There is an out-of-kind ratio that is applied to the impacted wetland acreage to determine the credit ratio. If there are no credits available in the district, then credits can be purchased out of the district (watershed) and an additional out-of-watershed ratio is applied. Also, an in-lieu of fee can be paid with an addition in-lieu-of-fee ratio. Based on the nature of the Project, the WDNR stated that responsible mitigation was not an option. The WDNR stated that there would be a 1.45:1 ratio (out-of-kind) applied to the Project. Therefore, at the time of the meeting, the Project will require the purchase of 0.91 credits from one of the wetland banks. Foth provided the costs for the two wetland banks. The Douglas County bank is currently charging \$87,120.00 per credit. The Ashland (Chequamegon) Bank is currently charging \$75,000.00 per credit. Foth suggested that the Ashland (Chequamegon) Bank be used for the FEMA cost estimates as that appears to be the most likely choice for the purchase of credits. The WDNR agreed.

## **Miscellaneous:**

The following action items were generated during the Meeting:

- ◆ Foth will follow up with Wetlands and Waterways regarding the Rapid Assessment.
- ◆ The WDNR and USACE also requested that Impacted Wetlands Figure be updated to show the wetland types. Foth will follow up with SmithGroupJJR and UP Engineers to provide the updated figure.

## Morris, Jill A

---

**From:** Wagner, Tim  
**Sent:** Monday, June 04, 2018 9:01 AM  
**To:** Morris, Jill A  
**Subject:** FW: Saxon Harbor Marina and Campground Reconstruction - Wetland Pre-application Meeting Request  
**Attachments:** Saxon Harbor Reconstruction Mitigation Summary Worksheet.pdf; 2018-0104 Wetland Impact Diagram.pdf

Look at this

**Tim Wagner, PE (IA, MI, MN, WA, WI)**  
**Coastal Engineer**

Foth Infrastructure & Environment, LLC  
Eagle Point II  
8550 Hudson Boulevard North, Suite 105  
Lake Elmo, MN 55042  
Ph: (651) 288-8550 / Fax: (651) 288-8551  
Direct: (651) 288-8578 / Cell: (952) 356-9386  
[www.foth.com](http://www.foth.com)



Go Green, keep it on the screen. Please do not print this email unless necessary.

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**From:** Harley, Craig M  
**Sent:** Thursday, January 25, 2018 10:19 AM  
**To:** McLaughlin, Kyle L - DNR <Kyle.McLaughlin@wisconsin.gov>; Jonathan.Simonsen@Wisconsin.gov; William.Sande@usace.army.mil  
**Cc:** Eric Peterson <icfadmin@ironcountyforest.org>; Tara Krall <tara@ironcountyforest.org>; Jessie Fink <Jessie.Fink@smithgroupjir.com>; Raimonde, Michael S <Michael.Raimonde@Foth.com>; Stanul, Brian J <Brian.Stanul@Foth.com>  
**Subject:** Saxon Harbor Marina and Campground Reconstruction - Wetland Pre-application Meeting Request

Mr. McLaughlin, et al,

On behalf of the Iron County Forest and Parks Department (Iron County), I am submitting this Pre-application Meeting Request for the Saxon Harbor Marina and Campground Reconstruction project (Project) to begin the process of permitting potential impacts to wetlands within the project. Attached are copies of the Mitigation Summary Worksheet for Wetland Individual Permit and a Proposed Wetlands Disturbance Limits Map. The associated Wetlands Delineation Report has been submitted to the WDNR under application # WP-ADR-NO-2017-26-X12-04T13-11-28. For easy access to the report you can also use the link provided below:

<https://foth.sharefile.com/d-s5f119fdf2fe498d8>

The Project consists of the reconstruction of the Saxon Harbor marina and campground resulting from the storm and flood damage that occurred at the Project site in July of 2016. As part of the Project, an estimated 1.49 acres of Floodplain Forest wetland and 0.10 acres of exempt wetlands will be disturbed. This is based on our current conceptual level design of the project and wetland delineation report.

As an initial request we would like to consider use of the Wisconsin Wetland Conservation Trust (In-Lieu Fee) credit purchase option for wetland mitigation due to the considerable cost difference between the in-lieu fee versus either of the two available wetlands banks in the Lake Superior district. Based on current credit prices, the Wisconsin Wetland Conservation Trust (In-Lieu Fee) fee is an estimated \$87,910.00, the Ashland County Town of Gingles wetland bank fee is an estimated \$111,750, and the Douglas County Town of Cloverland wetland bank fee is \$129,808.80.

As you are aware, the overall project schedule is challenging due the amount of planning and design required for the work, the various reconstruction interests involved (WiSDOT, USACE), and the limited annual construction window on the shore of Lake Superior. We would like to request the pre-application meeting at soonest availability to stay on track for planned construction work this spring and summer. Since there will be a number of participants involved with this initial meeting I would be happy to coordinate an online meeting space. To assist with scheduling that meeting please submit any times and/or dates that you are not available over the next two weeks and who specifically we need to coordinate with on the state and federal regulatory side.

Looking forward to hearing back from you!

Respectfully,  
Craig M. Harley, PE  
Foth Infrastructure & Environment, LLC  
Direct: (414) 336-7923  
Cell: (262) 389-4412

**Notice:** Pursuant to § 281.36, Wis. Stats., this Mitigation Summary Worksheet (MSS) must be completed in its entirety and submitted to the Department of Natural Resources (DNR) prior to the required pre-application meeting set up by the DNR. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin Open Records law [§§ 19.31 – 19.39, Wis. Stats.]

This MSS is required for Wisconsin Department of Natural Resources Wetland Individual Permit (IP) applications as wetland compensatory mitigation is required for all issued IP projects. The applicant, or authorized representative, shall complete all fields below and submit this MSS along with their required pre-application materials in advance of the mandatory pre-application meeting. A final version of the MSS shall then be re-submitted along with the final IP application following completion of the pre-application meeting reflecting any resulting alterations to the proposed project representing the final wetland compensatory mitigation details.

<input checked="" type="checkbox"/> Preliminary mitigation summary sheet		<input type="checkbox"/> Final mitigation summary sheet	
CONTACT INFORMATION		APPLICANT	
Name (Last, First, Middle Initial)	Peterson, Eric	Harley, Craig	
Title	Forest Administrator	Lead Environmental Engineer	
Organization / Entity	Iron County Forest and Parks Department	Foth Infrastructure & Environment, LLC	
Mailing Address	607 3rd Ave N	2514 South 102nd St, Ste 278	
City, State, Zip Code	Hurley, WI 54534	West Allis, WI 53227	
Email Address	icfadmin@ironcountyforest.org	Craig.Harley@Foth.com	
Phone Number (incl. Area Code)	(715) 561-2697	(414) 336-7923	
PROJECT INFORMATION			
Project Name		Saxon Harbor Marina and Campground Reconstruction	
Mitigation Service Area		Lake Superior	
Latitude---Longitude Coordinates		46.561 deg N, 90.437 deg W	
Municipality Location (City, Village, Town)		Town of Saxon	
Township --- Range --- Section		T47N, R01W	
County Location		Iron	
Project Description (including description of wetland impact)		Reconstruction of a campground, harbor basin, roadway and bridge, and stream location due to July 2016 flood damage. Wetlands impacted due to grading and dredging activities during reconstruction.	
PROPOSED UNAVOIDABLE WETLAND IMPACTS BY COVER TYPE AND DELINEATED ACREAGE			
Acreage (to nearest 0.01)		Wetland Cover Type	
		Shallow, Open Water	
		Deep and Shallow Marshes	
		Sedge Meadows	
		Fresh (Wet) Meadow	
		Wet to Wet-Mesic Prairie	
		Calcareous Fens	
		Bogs (Open or Coniferous)	
		Shrub – Carr or Alder Thicket	
		Hardwood or Coniferous Swamps	
1.49		Floodplain Forests	
		Seasonally Flooded Basins	
CHECK SELECTION	PROPOSED COMPENSATORY MITIGATION	EXPLAIN WHY TYPE WAS CHOSEN / LIST CONTACTED PARTY	EXPLAIN WHETHER CREDITS ARE AVAILABLE
<input type="checkbox"/>	Credit Purchase: Mitigation Bank		
<input checked="" type="checkbox"/>	Credit Purchase: WI Wetland Conservation Trust (In-Lieu Fee)	In-Lieu Fee was chosen because it is the most cost effective option. The in-lieu fee is estimated at \$87,910 vs. \$129,808.80 or \$111,750 for the wetland banks.	Ashland County Gingles and Douglas County Cloverland wetland banks have available credits.
<input type="checkbox"/>	Permittee Responsible Mitigation		





INF-NO-2019-26-01195

**Wetland Individual Permit Pre-Application Meeting Summary April 24, 2019, 11:00 a.m.**

**Participants:**

Eric Peterson; Iron County Forestry Department  
Michael Raimonde; Foth  
Brian Stanul; Foth  
Steve LaValley; Department of Natural Resources  
Keith Patrick; Department of Natural Resources  
Connie Antonuk; Department of Natural Resources  
Jenny Murphy; Department of Natural Resources  
Bill Sande; US Army Corps of Engineers

Meeting was held via Skype.

**Summary of discussion.**

Discussion broken in to two parts: what has already occurred at the site and what is proposed.

**What has occurred:**

Discussion about logging activity, timber sale, best management practices, and whether this site would have been logged without preparing for the development of a campground. DNR and USACE shared concerns about roads, rutting, culvert placement/replacement and placement of slash in delineated wetlands. Erosion control was discussed. Eric Peterson responded to concerns with a timetable and description of what existed on the site prior to logging and what was improved/constructed. He noted A. Core had determined the drainages on site as non-navigable in or around 2017.

**Potential Campground Wetland IP Pre-Application discussion:**

.77 acres of wetlands proposed to be disturbed/filled. Two off site alternatives were discussed and why they were not feasible. Potential on-site reconfiguration of the facility to minimize impact to wetlands was discussed. Size of campground was clarified – previous number of sites was 33, proposing 28 sites. Stability of wetland fill was discussed, including stormwater and erosion control concerns and plans.

There is an environmental assessment through FEMA in public notice until April 30. The EA may address several concerns previously discussed.

Timetable for project: substantial completion by September, 2019 with campground operational 2020.

Floodplain and timetable for LOMAR discussed.

There may be a large amount of material to be hauled off site. USACE and DNR requested notification on where the fill will be placed when it is decided – not in a wetland. Potentially at a local pit.

General discussion about the permit process to this point. This is the second pre-application meeting for this project. Since the initial pre-application meeting the footprint has been reduced and mitigation credits in the Lake Superior Basin are no longer available. In Lieu Fee program, cost, and when to purchase credits was discussed. Construction costs and practicable alternatives was discussed.

**Action items:**

Foth/Iron County Forestry:

Provide photos of the pre-logging condition of the property and roads to the DNR/Army Corps

Provide a copy of the Environmental Assessment to DNR/Army Corps

For the Wetland IP application:

- Include an Alternatives Analysis: Discuss avoidance of wetlands first then minimize impacts second. Discuss alternative sites considered, why this can't be constructed entirely in upland, and reconfiguring the proposed campground to reduce impacts, etc.
- Potential data to support the alternatives analysis. May include but is not limited to safety data, engineer and technical data, economic and cost data.
- Include more detailed design specifications for erosion and stormwater control

Drafted by:

[Jennifer Croonborg-Murphy](#)

Water Management Specialist

Department of Natural Resources

4/24/2019

**Attachment 3**  
**WDNR Endangered Resources Review**



## Endangered Resources Preliminary Assessment

Created on 7/6/2017. This report is good for one year after the created date.

### Results

**Further actions recommended.** Endangered resources are present; however, the species recorded are not legally protected. Therefore an Endangered Resources Review <http://dnr.wi.gov/topic/ERReview/Review.html> is recommended but not required for this project.

### Project Information

Landowner name	Iron County Forestry Department
Project address	Saxon Harbor, Iron County
Project description	Two new campgrounds.

### Project Questions

Does the project involve a public property?	Yes	Is the project a utility, agricultural, forestry or bulk sampling (associated with mining) project?	Yes
Is the project on a federal property?	Yes		
Is the project federally funded?	Yes	Is the project property in Managed Forest Law or Managed Forest Tax Law?	No





<https://dnrx.wisconsin.gov/nhiportal/public>

101 S. Webster Street . PO Box 7921 . Madison, Wisconsin 53707-7921



**State of Wisconsin / DEPARTMENT OF NATURAL RESOURCES**

Scott Walker, Governor  
Daniel L. Meyer, Secretary

101 S. Webster St.  
Box 7921  
Madison, WI 53707-7921  
Telephone 608-266-2621  
FAX 608-267-3579  
TTY 608-267-6897

June 25, 2018

Mr. Robert Stoikes  
Wisconsin Emergency Management  
2400 Wright Street  
Madison, WI 53707-7865

SUBJECT: Endangered Resources Review (ERR Log # 17-152 (Revised site location))  
Proposed Saxon Harbor Campground Relocation - Renewed 06/25/18, Iron County, WI (T47N R01W S12)

Dear Mr. Robert Stoikes,

The Bureau of Natural Heritage Conservation has reviewed the proposed project described in the Endangered Resources (ER) Review Request received June 30, 2017. The complete ER Review for this proposed project is attached and follow-up actions are summarized below:

Required Actions: 0 species

Recommended Actions: 3 species

No Follow-Up Actions: 2 species

Additional Recommendations Specified: Yes

This ER Review may contain Natural Heritage Inventory data (<http://dnr.wi.gov/topic/NHI>), including specific locations of endangered resources, which are considered sensitive and are not subject to Wisconsin's Open Records Law. Information contained in this ER Review may be shared with individuals who need this information in order to carry out specific roles in the planning, permitting, and implementation of the proposed project. **Specific locations of endangered resources may not be released or reproduced in any publicly disseminated documents.**

The attached ER Review is for informational purposes and only addresses endangered resources issues. **This ER Review does not constitute DNR authorization of the proposed project and does not exempt the project from securing necessary permits and approvals from the DNR and/or other permitting authorities.**

Please contact me at 608-267-0862 or via email at [melissa.tumbleson@wi.gov](mailto:melissa.tumbleson@wi.gov) if you have any questions about this ER Review.

Sincerely,

*Melissa Tumbleson*

Endangered Resources Review Program

cc: Alyssa Core, Water Regulations and Zoning Specialist

**Endangered Resources Review for the Proposed Saxon Harbor Campground Relocation - Renewed 06/25/18, Iron County**  
**(ER Log # 17-152 (Revised site location))**

**Section A. Location and brief description of the proposed project**

Based on information provided by the ER Review Request form and attached materials, the proposed project consists of the following:

<b>Location</b>	Iron County - T47N R01W S12
<b>Project Description</b>	The proposed project would be construction of a new campground facility to replace the one lost during the storm of 7/11/16. The new facility would have electricity, bathroom/shower buildings, sewer system/RV dump station and necessary access roadway between the two campground "cells." The campground facility will contain a minimum of 26 campsites between the two cells with water, electricity and gravel pads. The project location is along the southern border of Oronto Creek at the Saxon Harbor facility.
<b>Project Timing</b>	November 2017 - May 2019
<b>Current Habitat</b>	95% upland forest, 2% existing road and 3% dirt road
<b>Impacts to Wetlands or Waterbodies</b>	Oronto Creek, Parker Creek and Lake Superior are all within 1 mile of the project area. Erosion control measures are planned.
<b>Property Type</b>	
<b>Federal Nexus</b>	Yes

*It is best to request ER Reviews early in the project planning process. However, some important project details may not be known at that time. Details related to project location, design, and timing of disturbance are important for determining both the endangered resources that may be impacted by the project and any necessary follow-up actions. Please contact the ER Review Program whenever project plans change or new details become available to confirm if results of this ER Review are still valid.*

**Section B. Endangered resources recorded from within the project area and surrounding area**

	<b>Group</b>	<b>State Status</b>	<b>Federal Status</b>
████████████████████	Bird~		████
████████████████████	Community	NA	
████████████████████	Mussel~	SC/P	
████████████████████	Plant	THR	
████████████████████	Plant~	THR	

*For additional information on the rare species, high-quality natural communities, and other endangered resources listed above, please visit our Biodiversity (<http://dnr.wi.gov/topic/EndangeredResources/biodiversity.html>) page. For further definitions of state and federal statuses (END=Endangered, THR=Threatened, SC=Special Concern), please refer to the Natural Heritage Inventory (NHI) Working List (<http://dnr.wi.gov/topic/nhi/wlist.html>).*

**Section C. Follow-up actions**

**Actions that need to be taken to comply with state and/or federal endangered species laws:** None

**Actions recommended to help conserve Wisconsin's Endangered Resources:**

• [REDACTED] Bird~

State Status: Federal Status: [REDACTED]

Impact Type	Impact possible
Recommended Measures	Time of year restriction
Description of Recommended Measures	<p>This project is within 1 mile of a [REDACTED] nest and suitable habitat for the [REDACTED] is present in the project area. If [REDACTED] nest is present and active, then human activity should be avoided from January 15 – July 30 within 660ft of the nest.</p> <p>Please note, that the [REDACTED] is [REDACTED] protected by the [REDACTED] and the Migratory Bird Treaty Act. Visit the [REDACTED] for detailed guidelines and conservation measures for your specific project activity.</p>

• [REDACTED] - Community

State Status: NA

Impact Type	Impact possible
Recommended Measures	Other
Description of Recommended Measures	<p>[REDACTED] may occur within the project site. Natural communities may contain rare or declining species and their protection should be incorporated into the project design as much as possible. We recommend minimizing impacts to and/or incorporating buffers along the edges of the [REDACTED]</p>

• [REDACTED] - Mussel~

State Status: SC/P

Impact Type	Impact possible
Recommended Measures	Erosion Control
Description of Recommended Measures	<p>The [REDACTED] is known to occur near the project site. Because this project has the potential to impact Lake Superior, it is recommended that erosion and runoff prevention measures be implemented during the course of the project.</p>

*Remember that although these actions are not required by state or federal endangered species laws, they may be required by other laws, permits, granting programs, or policies of this or another agency. Examples include the federal Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, State Natural Areas law, DNR Chapter 30 Wetland and Waterway permits, DNR Stormwater permits, and Forest Certification.*

**Additional Recommendations**

Please note that plastic or polypropylene netting associated with erosion matting (also known as an erosion control blankets or erosion mesh netting) without independent movement of strands can easily entrap snakes and other wildlife moving through the area, and cause dehydration, desiccation, and eventually mortality. Biodegradable jute/twine netting with the "leno" or "gauze" weave (contains strands that are able to move independently) has the least impact on snakes.

If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior "All Natural" products.

**No actions are required or recommended for the following endangered resources:**

• [REDACTED] - Plant

State Status: THR

Impact Type	No impact or no/low broad ITP/A
-------------	---------------------------------



<b>Reason</b>	Lack of Suitable Habitat within Project Boundary
<b>Justification</b>	Based on habitat descriptions and site photos, the project site does not have suitable habitat for [REDACTED]. No impacts are anticipated.

• [REDACTED] - Plant~

**State Status:** THR

<b>Impact Type</b>	No impact or no/low broad ITP/A
<b>Reason</b>	Lack of Suitable Habitat within Project Boundary
<b>Justification</b>	Based on habitat descriptions and site photos, the project site does not have suitable habitat for [REDACTED]. No impacts are anticipated.

## Section D. Next Steps

1. Evaluate whether the **'Location and brief description of the proposed project'** is still accurate. All recommendations in this ER Review are based on the information supplied in the ER Review Request. If the proposed project has changed, please contact the ER Review Program to determine if the information in this ER Review is still valid.
2. Determine whether the project can incorporate and implement the **'Follow-up actions'** identified above:
  - 'Actions that need to be taken to comply with state and/or federal endangered species laws' represent the Department's best available guidance for complying with state and federal endangered species laws based on the project information that you provided and the endangered resources information and data available to us. If the proposed project has not changed from the description that you provided us and you are able to implement all of the 'Actions that need to be taken to comply with state and/or federal endangered species laws', your project should comply with state and federal endangered species laws. Please remember that if a violation occurs, the person responsible for the taking is the liable party. Generally this is the landowner or project proponent. For questions or concerns about individual responsibilities related to Wisconsin's Endangered Species Law, please contact the ER Review Program.
  - If the project is unable to incorporate and implement one or more of the 'Actions that need to be taken to comply with state and/or federal endangered species laws' identified above, the project may potentially violate one or more of these laws. Please contact the ER Review Program immediately to assist in identifying potential options that may allow the project to proceed in compliance with state and federal endangered species laws.
  - 'Actions recommended to help conserve Wisconsin's Endangered Resources' may be required by another law, a policy of this or another Department, agency or program; or as part of another permitting, approval or granting process. Please make sure to carefully read all permits and approvals for the project to determine whether these or other measures may be required. Even if these actions are not required by another program or entity for the proposed project to proceed, the Department strongly encourages the implementation of these conservation measures on a voluntary basis to help prevent future listings and protect Wisconsin's biodiversity for future generations.
3. If federally-protected species or habitats are involved and the project involves federal funds, technical assistance or authorization (e.g., permit) and there are likely to be any impacts (positive or negative) to them, consultation with USFWS will need to occur prior to the project being able to proceed. If no federal funding, assistance or authorization is involved with the project and there are likely to be adverse impacts to the species, contact the USFWS Twin Cities Ecological Services Field Office at 612-725-3548 (x2201) for further information and guidance.

## Section E. Standard Information to help you better understand this ER Review

**Endangered Resources (ER) Reviews** are conducted according to the protocols in the guidance document Conducting Proposed Endangered Resources Reviews: A Step-by-Step Guide for Wisconsin DNR Staff.

**How endangered resources searches are conducted for the proposed project area:** An endangered resources search is

performed as part of all ER Reviews. A search consists of querying the Wisconsin Natural Heritage Inventory (NHI) database for endangered resources records for the proposed project area. The project area evaluated consists of both the specific project site and a buffer area surrounding the site. A 1 mile buffer is considered for terrestrial and wetland species, and a 2 mile buffer for aquatic species. Endangered resources records from the buffer area are considered because most lands and waters in the state, especially private lands, have not been surveyed. Considering records from the entire project area (also sometimes referred to as the search area) provides the best picture of species and communities that may be present on your specific site if suitable habitat for those species or communities is present.

**Categories of endangered resources considered in ER Reviews and protections for each:** Endangered resources records from the NHI database fall into one of the following categories:

- Federally-protected species include those federally listed as Endangered or Threatened and Designated Critical Habitats. Federally-protected animals are protected on all lands; federally-protected plants are protected only on federal lands and in the course of projects that include federal funding (see Federal Endangered Species Act of 1973 as amended).
- Animals (vertebrate and invertebrate) listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on all lands and waters of the state (s. 29.604, Wis. Stats.).
- Plants listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on public lands and on land that the person does not own or lease, except in the course of forestry, agriculture, utility, or bulk sampling actions (s. 29.604, Wis. Stats.).
- Special Concern species, high-quality examples of natural communities (sometimes called High Conservation Value areas), and natural features (e.g., caves and animal aggregation sites) are also included in the NHI database. These endangered resources are not legally protected by state or federal endangered species laws. However, other laws, policies (e.g., related to Forest Certification), or granting/permitting processes may require or strongly encourage protection of these resources. The main purpose of the Special Concern classification is to focus attention on species about which some problem of abundance or distribution is suspected before they become endangered or threatened.
- State Natural Areas (SNAs) are also included in the NHI database. SNAs protect outstanding examples of Wisconsin's native landscape of natural communities, significant geological formations, and archeological sites. Endangered species are often found within SNAs. SNAs are protected by law from any use that is inconsistent with or injurious to their natural values (s. 23.28, Wis. Stats.).

**Please remember** the following:

1. This ER Review is provided as information to comply with state and federal endangered species laws. By following the protocols and methodologies described above, the best information currently available about endangered resources that may be present in the proposed project area has been provided. However, the NHI database is not all inclusive; systematic surveys of most public lands have not been conducted, and the majority of private lands have not been surveyed. As a result, NHI data for the project area may be incomplete. Occurrences of endangered resources are only in the NHI database if the site has been previously surveyed for that species or group during the appropriate season, and an observation was reported to and entered into the NHI database. As such, absence of a record in the NHI database for a specific area should not be used to infer that no endangered resources are present in that area. Similarly, the presence of one species does not imply that surveys have been conducted for other species. Evaluations of the possible presence of rare species on the project site should always be based on whether suitable habitat exists on site for that species.
2. This ER Review provides an assessment of endangered resources that may be impacted by the project and measures that can be taken to avoid negatively impacting those resources based on the information that has been provided to ER Review Program at this time. Incomplete information, changes in the project, or subsequent survey results may affect our assessment and indicate the need for additional or different measures to avoid impacts to endangered resources.
3. This ER Review does not exempt the project from actions that may be required by Department permits or approvals for the project. Information contained in this ER Review may be shared with individuals who need this information in order to carry out specific roles in the planning, permitting, and implementation of the proposed project.

**Attachment 4**  
**SHPO Consultation**

## REQUEST FOR SHPO COMMENT AND CONSULTATION ON A FEDERAL UNDERTAKING

Submit one copy with each undertaking for which our comment is requested. Please print or type. Return to:

Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning, 816 State Street, Madison, WI 53706

Please Check All Boxes and Include All of the Following Information, as Applicable:



## I. GENERAL INFORMATION

- ☒ This is a new submittal.  
☐ This is supplemental information relating to Case #: \_\_\_\_\_ and title: \_\_\_\_\_ BY: \_\_\_\_\_  
☐ This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement.  
 The title of the agreement is \_\_\_\_\_

- a. Federal Agency Jurisdiction (Agency providing funds, assistance, license, permit): FEMA  
 b. Federal Agency Contact Person: Nicholas Dorochoff Phone: 312-408-4424  
 c. Project Contact Person: Same Phone: \_\_\_\_\_  
 d. Return Address: 536 South Clark Street, 6th Floor, Chicago, IL Zip Code: 60605  
 e. Email Address: nicholas.dorochoff@fema.dhs.gov  
 f. Project Name: DR 4276 PWs 148 and 149  
 g. Project Street Address: Saxon Harbor  
 h. County: Iron City: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 i. Project Location: Township 47N, Range 1W, E/W (circle one), Section 12, Quarter Sections \_\_\_\_\_  
 j. Project Narrative Description—Attach Information as Necessary.  
 k. Area of Potential Effect (APE). Attach Copy of U.S.G.S. 7.5 Minute Topographic Quadrangle Showing APE.

## II. IDENTIFICATION OF HISTORIC PROPERTIES

- ☐ Historic Properties are located within the project APE per 36 CFR 800.4. Attach supporting materials.  
☒ Historic Properties are not located within the project APE per 36 CFR 800.4. Attach supporting materials.

## III. FINDINGS

- ☒ No historic properties will be affected (i.e., none is present or there are historic properties present but the project will have no effect upon them). Attach necessary documentation, as described at 36 CFR 800.11.  
☐ The proposed undertaking will have no adverse effect on one or more historic properties located within the project APE under 36 CFR 800.5. Attach necessary documentation, as described at 36 CFR 800.11.  
☐ The proposed undertaking will result in an adverse effect to one or more historic properties and the applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect per 36 CFR 800.6. Attach necessary documentation, as described at 36 CFR 800.11, with a proposed plan to resolve adverse effect(s).

Authorized Signature: Nicholas Dorochoff Date: 11/16/2017

Type or print name: Nicholas Dorochoff

## IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS

- ☒ Agree with the finding in section III above.  
☐ Object to the finding for reasons indicated in attached letter.  
☐ Cannot review until information is sent as follows: \_\_\_\_\_

Authorized Signature: [Signature] Date: 11/21/17



**FEMA**

January 10, 2019

MEMORANDUM FOR: File

FROM: Nicholas Dorochoff, NICHOLAS  
Deputy Regional Environmental Officer DOROCHOFF

Digitally signed by NICHOLAS  
DOROCHOFF  
Date: 2019.01.10 09:51:27 -06'00'

SUBJECT: Demolition of Two Utilitarian Structures  
DR-4276 PW 149 Saxon Harbor Campground Relocation  
Iron County, Wisconsin

The Federal Emergency Management Agency and the Wisconsin State Historic Preservation Office concluded consultation on the captioned undertaking on November 11, 2017 with the SHPO's concurrence with FEMA's finding of no historic properties affected. That consultation included an archaeological investigation of the APE.

Subsequently, FEMA discovered that two structures would be demolished as part of this undertaking. One is a sanitary facility (restrooms) built early mid-1970s constructed of concrete block with pit toilets, while the other is a pre-fabricated storage shed for the previous campground built in 2008. These structures are 43 years old and ten years old, respectively.

Per Statewide Programmatic Agreement effective November 7, 2014, SOW meets allowance II.B.10, pertaining to the demolition of buildings or structures less than 45 years of age. For this reason, FEMA will move forward with this undertaking without further SHPO review.





**FEMA**

November 16, 2017  
Ms. Daina J. Penkiunas, Deputy State Historic Preservation Officer  
Office of Preservation Planning  
Wisconsin Historical Society  
Wisconsin State Historic Preservation Office  
816 State Street  
Madison, WI 53706

Re: Iron County Forestry Department  
Saxon Harbor and Saxon Harbor Campground, Iron County, Wisconsin,  
(DR-4288-WI, PWs 148 and 149)

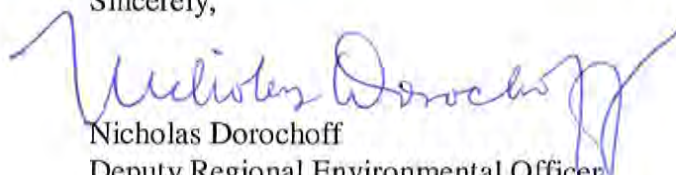
Dear Ms. Penkiunas:

Pursuant to the Section 106 of the National Historic Preservation Act, I am writing this letter to initiate and conclude consultation regarding the captioned Public Assistance grant project.

In accordance with 36 CFR §800.11, I am enclosing documentation regarding the proposed undertaking and its effect on historic properties. The documentation provides the justification for FEMA's finding of no historic properties affected; the purpose of this communication is to seek concurrence in that finding.

Please provide your final response by fax, email or mail. Pursuant to 36 CFR 800.4(d)(1), if we receive no response from your office within thirty (30) days, we will consider FEMA's responsibilities under Section 106 fulfilled and will move forward with this undertaking. For your convenience, we have included a response area below. If you have questions or comments please contact me at 312-408-4424 or at [nicholas.dorochoff@fema.dhs.gov](mailto:nicholas.dorochoff@fema.dhs.gov).

Sincerely,

  
Nicholas Dorochoff  
Deputy Regional Environmental Officer  
FEMA Region V

enclosures

+++++++You may fax this page to 312-408-5551, attn: Nicholas Dorochoff+++++++

Re: Iron County Forestry Department  
Saxon Harbor and Saxon Harbor Campground, Iron County, Wisconsin,  
(DR-4288-WI, PWs 148 and 149)

- ☐ Under the authority of the National Historic Preservation Act of 1966, as amended, the Wisconsin State Historic Preservation Office *concurs* with FEMA's determination that the captioned project will result in *no historic properties affected*.
- ☐ Under the authority of the National Historic Preservation Act of 1966, as amended, the Wisconsin State Historic Preservation Office *objects* to FEMA's determination that the captioned project will result in *no historic properties affected* for the reasons provided below:

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Office of Preservation Planning  
Wisconsin Historical Society  
Wisconsin State Historic Preservation Office

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Date

**REQUEST FOR SHPO COMMENT AND CONSULTATION ON A FEDERAL UNDERTAKING**

Submit one copy with each undertaking for which our comment is requested. Please print or type. Return to:

Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning, 816 State Street, Madison, WI 53706

Please Check All Boxes and Include All of the Following Information, as Applicable:

**I. GENERAL INFORMATION**

- ☒ This is a new submittal.  
☐ This is supplemental information relating to Case #: \_\_\_\_\_ and title: \_\_\_\_\_  
☐ This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement.  
The title of the agreement is \_\_\_\_\_

- a. Federal Agency Jurisdiction (Agency providing funds, assistance, license, permit): FEMA  
b. Federal Agency Contact Person: Nicholas Dorochoff Phone: 312-408-4424  
c. Project Contact Person: Same Phone: \_\_\_\_\_  
d. Return Address: 536 South Clark Street, 6th Floor, Chicago, IL Zip Code: 60605  
e. Email Address: nicholas.dorochoff@fema.dhs.gov  
f. Project Name: DR 4276 PWs 148 and 149  
g. Project Street Address: Saxon Harbor  
h. County: Iron City: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
i. Project Location: Township 47N, Range 1W, E/W (circle one), Section 12, Quarter Sections \_\_\_\_\_  
j. Project Narrative Description—Attach Information as Necessary.  
k. Area of Potential Effect (APE). Attach Copy of U.S.G.S. 7.5 Minute Topographic Quadrangle Showing APE.

**II. IDENTIFICATION OF HISTORIC PROPERTIES**

- ☐ Historic Properties are located within the project APE per 36 CFR 800.4. Attach supporting materials.  
☒ Historic Properties are not located within the project APE per 36 CFR 800.4. Attach supporting materials.

**III. FINDINGS**

- ☒ No historic properties will be affected (i.e., none is present or there are historic properties present but the project will have no effect upon them). Attach necessary documentation, as described at 36 CFR 800.11.  
☐ The proposed undertaking will have no adverse effect on one or more historic properties located within the project APE under 36 CFR 800.5. Attach necessary documentation, as described at 36 CFR 800.11.  
☐ The proposed undertaking will result in an adverse effect to one or more historic properties and the applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect per 36 CFR 800.6. Attach necessary documentation, as described at 36 CFR 800.11, with a proposed plan to resolve adverse effect(s).

Authorized Signature: Nicholas Dorochoff Date: 11/16/2017

Type or print name: Nicholas Dorochoff

**IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS**

- ☐ Agree with the finding in section III above.  
☐ Object to the finding for reasons indicated in attached letter.  
☐ Cannot review until information is sent as follows: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_





**FEMA**

November 16, 2017

*—Continuation Sheet—*

***Iron County Forestry and Recreational Department  
Saxon Harbor and Saxon Harbor Campground  
DR-4276-WI, PWs 148 and 149  
Section 12 T47N R1W***

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**Description of  
Undertaking and  
APE:**

During the incident period between July 11 and July 12, 2016 heavy rains resulted in severe flooding in Iron County. Heavy rainfall and overland flooding resulted in the inundation of Saxon Harbor, natural rechanneling of Oronto and Parker Creek. Raging waters ripped through the entire facility causing severe erosion, wiping out docks, piers, electrical, the campground and moving the bathroom building off its foundation. Silt and debris was strewn throughout the harbor, Highway A at the Wisconsin Department of Transportation (WisDOT) bridge was breached, and private boats were thrown off their moorings. The raging waters coursed through the campground instituting emergency evacuations from which a catastrophic drowning occurred. The end result is that the entire harbor including amenities were compromised.

Saxon Harbor was determined inaccessible and was closed after thorough inspection at the immediate conclusion of the declared event. Damages were deemed so severe that Saxon Harbor to date has not yet reopened.

The subgrantee proposes to reconstruct Saxon Harbor to pre-existing conditions to maintain its status as a small craft harbor of refuge, to abandon the previous campground and relocate the campground to one of two new locations within the existing Saxon Harbor. The scope of work includes the following:

1. Saxon Harbor to reconstruct and repair in kind to pre-existing conditions.
  2. Abandon the previous campground.
  3. Relocate the campground to one of two locations within the existing Saxon Harbor.
  4. Hazard Mitigation South Harbor Roadway dirt berm armor the Oronto Creek side with rip rap measuring 200 ft long x 16 ft wide x 1.5 ft thick = 250 tons of rip rap.
  5. Hazard Mitigation North Harbor/East Parking Lot embankment armor the Parker Creek side with rip rap measuring 250 ft. long x 6 ft wide x 1.5 ft thick = 116 tons of rip rap.
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Scope 1 is to reconstruct and repair in kind Saxon Harbor which includes docks, piers, electrical, bathroom facility to pre-existing conditions. These are covered under the following Programmatic Allowances and are not considered further:

- Tier I B. 6 **Buildings and Structures** Substantially in-kind repair or replacement of metal, wooden or masonry utilitarian structures (e.g., pump houses, flag poles, bleachers, dugouts, concession stands, etc.), including major exposed pipelines. Modern materials may be used, provided their finish is compatible with the context of the site.
- Tier II A.1.a **Ground Disturbing Activities and Site Work Footings, Foundations, Retaining Walls, Slopes, and Slope Stabilization Systems** In-kind repair, replacement, and reinforcement of footings, foundations, retaining walls, slopes, and slope stabilization systems (e.g., gabion baskets, crib walls, soldier pile and lag walls) if related ground disturbing activities, such as staging areas, are within the boundary of previously disturbed soils.
- Tier II A.2.a **Recreation and Landscaping Elements** In-kind repair or replacement, and minor upgrades to landscaping elements (e.g., fencing, free standing walls, paving, planters, irrigation systems, lighting elements, signs, flag poles, ramps, steps). This allowance includes minor mitigation measures or upgrades that do not affect character-defining features, for example, hardening below-grade foundations, or replacing contemporary fixtures with similar though not identical models when no additional ground disturbance is required or work is done in previously disturbed soils.
- Tier II A.2.b **Recreation and Landscaping Elements** In-kind repair or replacement of recreational facilities and features (e.g., gazebos, playgrounds, campgrounds, fire pits, dump stations and utility hook-ups, swimming pools, athletic fields and signage, batting cages, basketball courts, swing sets, pathways, simple wooden/wire stream crossings). This allowance includes minor mitigation measures or upgrades that do not affect character defining features, for example, adding interior bracing to structures, minor upgrades to athletic field equipment and appurtenances, or replacing contemporary equipment with similar though not identical models when no additional ground disturbance is required or in previously disturbed soils.
- Tier II A.3 **Piers, Docks, Boardwalks, Boat Ramps, and Dune Crossovers:** In-kind repair and replacement and minor upgrades to existing piers, docks, boardwalks, boat ramps and dune crossovers in areas of previously disturbed soils.

The remaining scope items 2-5 are not covered under programmatic allowances and these are considered under this consultation for the undertaking.

It should be noted that Saxon Harbor has undergone numerous phases of construction and dredging activities which occurred in 1958, 1965, 1989, 1994 and most recently in 2005. These undertakings were under the jurisdiction of the United States Army Corps of Engineers, the Detroit District (USACE). USACE jurisdiction for Saxon Harbor is the north basin, the shoreline and both the east and west breakwaters. Additionally, the Highway A breach and destroyed bridge that occurred as a result of the disaster event are under the jurisdiction of the Wisconsin Department of Transportation and are not

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part of the FEMA undertaking.

The area of potential effect (APE) for this undertaking are within the boundaries of Saxon Harbor as noted on the enclosed maps.

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**Steps Taken to  
Identify Historic  
Properties:**

A review of the WI SHPO databases for standing structures and archaeology shows that there are no known listed historic properties within the undertaking's APE.

**Brief History of Saxon Harbor:**

The Tribal Historic Preservation Officer (THPO) of the Bad River Band of Lake Superior Tribe of the Chippewa indicated that Saxon Harbor was of traditional and cultural interest<sup>1</sup> to the Tribe. According to their website, territory ceded to the United States Government includes the upper one third of what is now the State of Wisconsin<sup>2</sup>. The 125,000 acre reservation was established on September 30, 1854 at Lapointe on Madeline Island, longtime capital and cultural/religious center of the Ojibwe also known as the Chippewa Nation.

Historic documents detail that Augustus H. Barber established Ironton as an access point for the Iron Range. The location was chosen for practicality according to Wackman:

A practical location for an operating headquarters was chosen at the site of the Indian settlement on the shore of Lake Superior on that piece of level ground where there were mountains on three sides and through which a creek ran. The village at this location was named Ironton, and because of the activities planned for it and two other mining locations farther inland a group of merchants from Ashland assisted in building up this boat landing and supply headquarters. A dock was built and several buildings for warehouses and some living quarters<sup>3</sup>.

Ironton and Ironton Harbor were short lived and was abandoned in the Panic of 1857.

Historic plat maps dating to 1861<sup>4</sup> illustrate the Bad River Band of Lake Superior Tribe of the Chippewa reservation to the west of current Saxon Harbor. The 1861 plat also notes native American trails leading to the harbor which according to historic documents was already abandoned.

According to USACE initial construction of Saxon Harbor began in 1939 under the auspices of the Works Progress Administration (WPA). Further construction was

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<sup>1</sup> Personal Communication THPO to Regional Environmental Officer, FEMA, September 2016

<sup>2</sup> <http://badriver-nsn.gov/history> accessed November 2017.

<sup>3</sup> Great Lakes Archaeological Research Center, Inc. (GLARC) A Historical and Archaeological Reconnaissance of the Saxon Harbor Area, Iron County, Wisconsin, John Wackman and Edgar Oerichbauer, 1979, pgs. 57-58.

<sup>4</sup> <http://images.library.wisc.edu/awareImageServer/SurveyNotesImageNav.jsp?collection=SurveyNotes&resource=PlatMaps/TN47/reference/004701WA.jp2> accessed November 2017.

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authorized under the River and Harbors Act of 1958 and by 1965 plans detailed the larger harbor which replaced the WPA harbor (see USACE jurisdiction map)<sup>5</sup>. The east and west breakwaters appear on the 1958/1965 as being constructed with steel sheet piling with cellular modules on each. According to a 1984 Environmental Assessment, the WPA 1938 breakwaters were removed in 1965<sup>6</sup>.

In 1977 a cultural resource survey was undertaken for a USACE Environmental Assessment.<sup>7</sup> U.S. Coast Guard navigational aid lights were added to both the outer ends of the breakwaters in 1972. Modifications were made to the east breakwaters and additional stone was added to the east breakwater.

The USACE Environmental Assessment public notice dated April 26, 1989 denotes maintenance dredging on the north basin and repairs to both the east and west breakwaters as well as shoreline repairs.<sup>8</sup> At this time the purpose was to maintain the concrete cell caps, maintain the protection of the stone revetments to the east and west breakwaters, and to protect the landward base of the west breakwater along the shoreline. The EA notes that SHPO concurred that no cultural resources would be impacted.<sup>9</sup>

The 2005 USACE Environmental Assessment was for the additional of the south basin including piers, docks, bathroom facilities also addressed Lake Superior shoreline protection, changes insured the structural integrity of the harbor and by decreasing the height of waves entering the marina would reduce wave action damage to the marina. This includes changes to the west side of the breakwater and around the interior of the added southern basin.

**Architecture:**

There are no National Register of Historic Places properties or National Historic Landmarks within a mile of the APE. Five National Register properties are located within Iron County, the closest is the Plummer Mine Headframe (NPS Reference Number 97001141 listed 09-24-1997) within the Town of Pence located approximately 13 miles southeast of the APE.

The Wisconsin Architecture and History Inventory indicates that there are two inventoried properties, the Ironton Harbor aka Saxon Harbor (AHI 18641) within Saxon

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<sup>5</sup> USACE Environmental Assessment, Upland Placement of Dredged Material, Saxon Harbor, Iron County, Wisconsin, July 14, 2017, page 2.

<sup>6</sup> Department of the Army Detroit District Detailed Draft Report and Environmental Assessment Mitigation on Shore Damage at Saxon Harbor, Wisconsin, September 1984, pg. 20.

<sup>7</sup> Draft Detailed Project Report and Environmental Assessment on Mitigation of Shore Damage at Saxon Harbor, Wisconsin. Attachment A An Investigation of Cultural Resource Potentials in Areas of Proposed Harbor Projects, Erosion Control Projects, and Creek Re-Routing in Ashland, Port Wing, Saxon Harbor, and Washburn, Wisconsin, August 1977, Richard B. Lane, Archaeologist.

<sup>8</sup> USACE Public Notice Dredging and Maintenance of the Breakwaters and Shoreline Saxon Harbor, Iron County, Wisconsin. April 26, 1989.

<sup>9</sup> Ibid., page 26.

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Harbor and two houses one of which is noted as constructed with asbestos (AHI 18642) near Saxon Harbor.

The Ironton Harbor aka Saxon Harbor (AHI 18641) inventory is dated 1975. The inventoried property is described as a dock/pier dated to 1856 and was not evaluated for the National Register of Historic Places. The dock/pier is described to be located on the site of a popular Indian campsite and that the harbor served as a port during the Iron Range and was abandoned in the Panic of 1857. It is not clear whether the dock/pier, the east breakwater or the entire harbor is the inventoried property as photos for each are included. For purposes of this consultation, each are evaluated.

The wood dock/pier depicted in Photo 4 of AHI 18641 is no longer extant as indicated in Photo 5. Additionally, these are outside of the APE.

Photo 6 and 8 of the AHI 18641 depict the east and west breakwaters and current conditions of them are illustrated in Photo 7 and 9. These are outside of the APE.

As previously mentioned, Richard Lane's 1976 background research indicates that historic Ironton was built in 1856 to serve as the Ironton port facility for the burgeoning mining operations in the nearby Gogebic Iron Range and that the port was abandoned after the Panic of 1857<sup>10</sup>. No evidence of the historic port, prehistoric or historic Indians were encountered. The survey was submitted as part of a Draft Report and Environmental Assessment for Mitigation on Shore Damage State Historic Preservation Agency (SHPO) concurred on November 1, 1983.<sup>11</sup>

As part of the 1994 Environmental Assessment for Maintenance Dredging and Associated Placement of Material at Saxon Harbor, Iron County, Wisconsin coordination was undertaken with the SHPO. The SHPO concurred that there were no known archaeological resources or standing structures within Saxon Harbor.<sup>12</sup>

Finally, as part of the 2005 USACE Environmental Assessment Saxon Harbor of Refuge Expansion, Iron County, Wisconsin the SHPO was consulted for potential impacts due to the addition of the south basin. SHPO concurred with USACE that no cultural resources would be impacted due to prior heavy disturbance.<sup>13</sup>

The inventory form for AHI 18642, the asbestos house, notes that it is located at the end of Highway A. The photograph is dated 1975 and the view is taken from Harbor Drive

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<sup>10</sup> Richard B. Lane, Archaeologist, The St. Cloud Museum of Man, Stewart Hall, St. Cloud State University, St. Cloud, Minnesota, An Investigation of Cultural Resource Potentials in Areas of Proposed Harbor Projects, Erosion Control Projects and Creek Rerouting in Ashland, Port Wing, Saxon Harbor and Washburn, Wisconsin August 1977. Submitted as Attachment A for the Department of the Army Detroit District Detailed Draft Report and Environmental Assessment Mitigation on Shore Damage at Saxon Harbor, Wisconsin, September 1984.

<sup>11</sup> Richard W. Dexter, Chief, Registration and Compliance Section, Wisconsin Historical Society, State Historic Preservation Office, November 1, 1983.

<sup>12</sup> State Historical Society of Wisconsin, Richard W. Dexter concurrence letter to Mr. Dale Monteith, Detroit District, Corps of Engineers, February 17, 1984.

<sup>13</sup> USACE Environmental Assessment Saxon Harbor of Refuge Expansion Iron County, Wisconsin, Pg. 9

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looking northwest with Lake Superior in the background. A review of historic aerials dating from 1963 confirms the location of the property. Based on this location, the house is not within the direct APE of Saxon Harbor. However, a review of current aerials dated 2016 indicate that the houses are no longer extant (See Photo Sheet).

**Archaeology:**

There are two recorded archaeological sites within a half a mile of the project area according to the Wisconsin Archaeological Site Inventory, Site #IR-0017 and State Site #IR-0019. State Site #IR-0017 is recorded as the Saxon Harbor Birching Station. State Site #IR-0019 is recorded as a post-contact Native American encampment occupied circa 1867 by eight families.

One archaeological site is directly within the APE #IR-0018, Saxon Harbor Trading Post Site. According to the archaeological inventory for #IR-0018, this site consists of two slight depressions just east of the cul-de-sac of the road leading into the now abandoned camp ground. The cellar of the post is reported to have been filled during the development of the harbor. GLARC interviewed Charles Lambrand and he reportedly found historic artifacts including kaolin pipe fragments.<sup>14</sup>

Given the amount of disturbance from the disaster, FEMA required that the applicant conduct an archaeological survey to assess the condition of the previously recorded archaeological site, #IR-0018 within the harbor area.

It should be noted that the Bad River Tribal Historic Preservation Office (THPO) originally expressed interest in Saxon Harbor due to the proximity to their lands with initial disaster notification. The THPO did not respond to the formal consultation specific to this Saxon Harbor undertaking.

The 2017 archaeological survey concluded given extensive ground disturbance due to the disaster event, the activities dating to 1976, 1989, 1994 and 2005 Environmental Assessments, the lack of intact and distinct soil horizons and the lack of archaeological artifacts or features encountered during the archaeological survey, no historic properties were located including evidence of #IR-0018 (Archaeological Research Incorporated, 2017).<sup>15</sup>

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<b>Determination of Eligibility</b>	AHI 18641 dock/pier, AHI 18642 asbestos house are no longer extant.
	AHI 18641 Ironton Harbor which dates to 1856 was abandoned, is no longer extant, and no remnants were encountered during any of the cultural resource surveys affiliated with the 1976, 1989 1994, 2005 and 2017 cultural resource

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<sup>14</sup> Great Lakes Archaeological Research Center, Inc. (GLARC) A Historical and Archaeological Reconnaissance of the Saxon Harbor Area, Iron County, Wisconsin. John Wackman and Edgar Oerichbauer, 1979.

<sup>15</sup> Archaeological Research, Incorporated. Dr. David Keene. Phase I Archaeological Investigations Saxon Harbor and Saxon Harbor Campground Relocation, Iron County Forestry Department, DR 4276 PWs 148 and 149, September 2017.

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surveys.

Extensive modifications to the 1958 Saxon Harbor dating to 1976, 1989, 1994, 2005 and the sustained damage from the 2016 flood indicate that the property as a whole no longer retains sufficient integrity for listing on the National Register of Historic Places.

The east and west breakwaters as individual structures are outside of the APE and are not evaluated for eligibility.

Finally, no historic or prehistoric archaeological artifacts or features were encountered during the 2017 archaeological survey or any of the cultural resource surveys after 1975.

Based on the information provided here, and in the absence of any evidence to the contrary, FEMA has determined that ***no properties eligible for listing on the National Register of Historic Places*** exist in the APE for this undertaking

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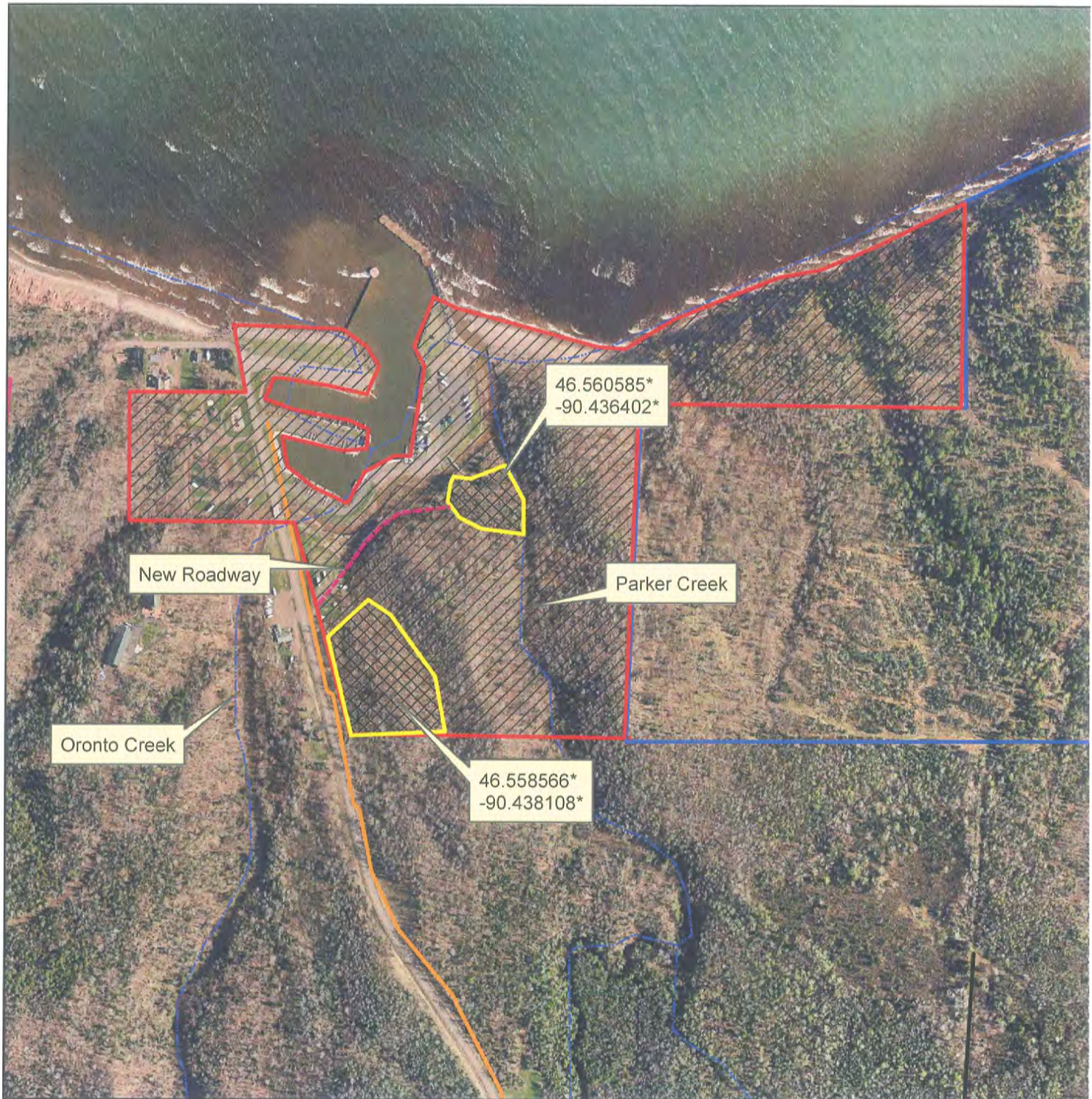
**Finding:** FEMA finds that this undertaking will result in ***no historic properties affected***.



# Saxon Harbor Potential Campground Relocation



0 312.5 625 1,250 Feet



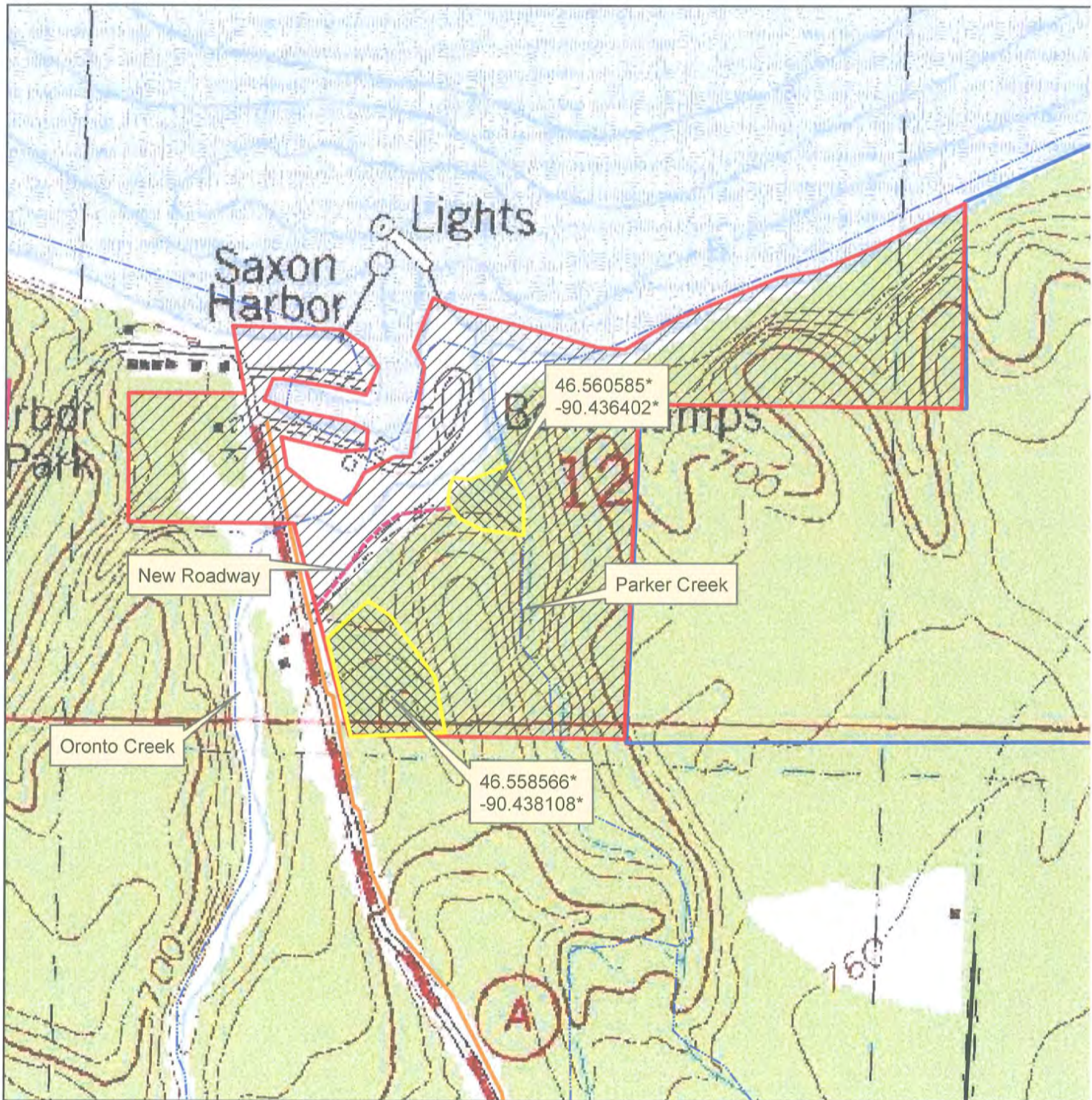
Map Prepared By: Eric Peterson, Forest Administrator  
June 29, 2017



# Saxon Harbor Potential Campground Relocation



0 312.5 625 1,250 Feet



Map Prepared By: Eric Peterson, Forest Administrator  
June 29, 2017



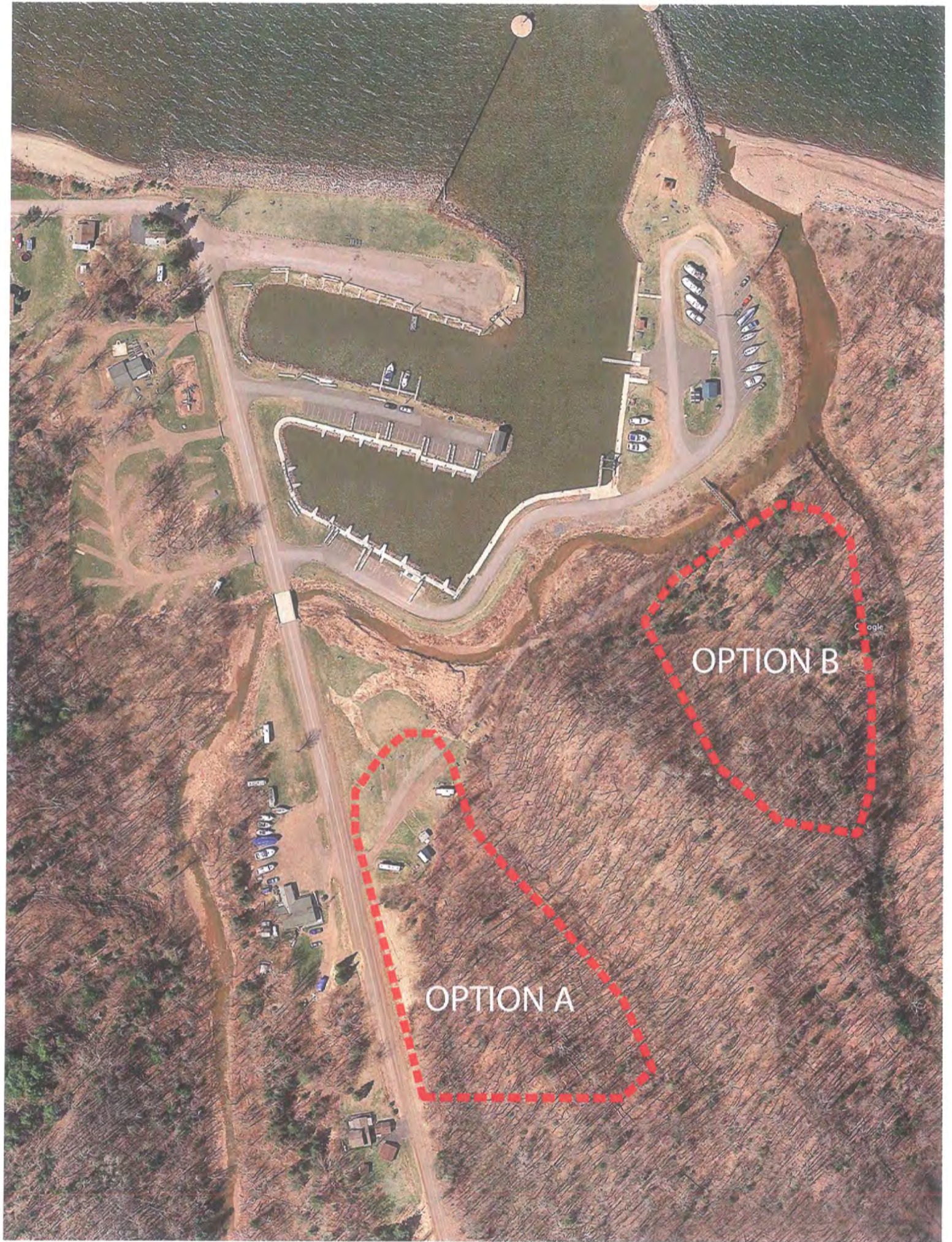




Photo 1: AHI 18642 inventory dated 1975.



Photo 2: AHI 18642 Historic Aerial dated 1963.





Photo 3: AHI 18642 Historic Aerial dated 2017. Note AHI 18642 is no longer extant.



Photo 4: AHI 18641 dated 1975.





Photo 5: AHI 18641 dated 2016 post disaster event 2016. Note the wooden posts for piers or docks in the water are no longer extant. Rip rap along shoreline is a heavier class and more dense. Part of 2005 Saxon Harbor Expansion Plan, Shoreline Revetment Plan, See Sheet C112.



Photo 6: AHI 18641 breakwater dated 1975. West breakwater with minimal view of east breakwater.



Photo 7: AHI 18641 east and west breakwater post disaster dated 2016. Part of 2005 Saxon Harbor Expansion Plan, Shoreline Revetment Plan, See Sheet C112.

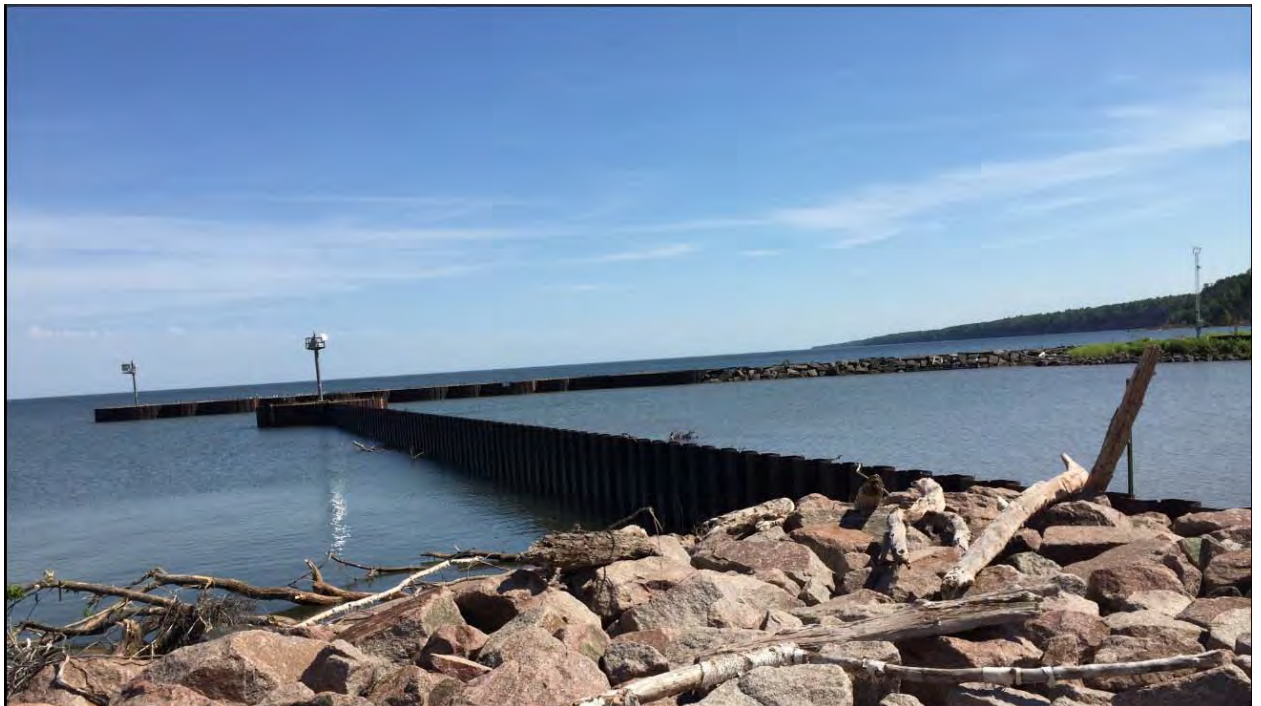




Photo 8: AHI 18641 east breakwater dated 1975.



Photo 9: AHI 18641 east breakwater post disaster dated 2016. Part of 2005 Saxon Harbor Expansion Plan, Shoreline Revetment Plan, See Sheet C112.





Photo 1: View to Northwest. Post disaster 2016. Partial view of campground to be abandoned.



Photo 2: View to West. Post disaster 2016. Partial view of campground to be abandoned.





Photo 3: Long view to west. Post disaster 2016. Campground to be abandoned in background.





Photo 4: View to South. Post disaster 2016. Disaster rechannelized Oronto Creek.



Photo 5: View to South. Post 2016 disaster event. Disaster rechannelized Oronto Creek and breached Highway A.





Photo 6: View to East. Modern 2005 bathroom in background, mid-ground south basin and foreground concrete pier with destroyed boat slips to either side.





Photo 7: View to Northwest. Post disaster 2016. North basin with destroyed docks and boat slips.



Photo 8: View to Southeast from Harbor Drive. Post disaster event 2016.





Photo 9: Aerial view of inaccessible catastrophic damages Saxon Harbor.



**Attachment 5**  
**Coastal Zone Management Consultation**



**FEMA**

January 9, 2019

MEMORANDUM FOR: File

FROM: Duane Castaldi, Regional Environmental Officer

SUBJECT: Coastal Zone Management Act – Federal Consistency Review  
DR-4276 PW 149 Saxon Harbor Campground Construction  
Iron County, Wisconsin

The Federal Emergency Management Agency has completed an environmental review for the relocation of the Saxon Harbor Campground in Iron County, Wisconsin. The proposed project will include site stabilization at the existing campground destroyed by flooding in 2016 to ensure the safe abandonment of that site. The proposed project itself will be a nearly 8 acre new campground, adjacent to the old site, that will have space for 33 campsites. Construction activities at the new campground site will involve the clearing and grubbing of 16,000 square yards, as well as substantial excavation and soil compaction to level and prepare the site. Existing buildings on site will need to be removed prior to construction. Rip Rap, slope stabilization, new culverts, catch basins and utility connections will all be required to complete the new campground development. In compliance with the Coastal Zone Management Act, consultation with the Wisconsin Department of Administration occurred for this project. In the State of Wisconsin, the coastal zone is defined to include the entire County for all counties touching the Great Lakes. Therefore, this project is located within the Wisconsin Coastal Zone.

FEMA Region V e-mailed the Coordinator of the Wisconsin Coastal Management Program on March 14, 2017, regarding the relocation of the campground out of the floodplain to an upland area. On March 22, 2017, Kathleen Angel responded that no federal consistency review would be required, and the program has no additional comments on the project. The Coastal Management Program review clearly states that all other local or state permits are still required.

Because the location and scope of work were modified slightly in the time between the 2017 consultation and the preparation of this Environmental Assessment, FEMA Region V provided updated information to the Coastal Zone Management Program on July 24, 2018. Subsequently, FEMA Region V reached out to the Wisconsin Coastal Zone Management Program regarding additional FEMA disaster declarations in Iron County on August 22, 2018 and November 1, 2018.

These conversations included discussion of the work at Saxon Harbor discussions, and FEMA committed to keeping the program up to date on any additional requests from Saxon Harbor. Based on the initial determination that no federal consistency review was required and the continued coordination with the Wisconsin Coastal Management Program, FEMA considers consultation under the Coastal Zone Management Act complete.



**From:** [Angel, Kathleen - DOA](#)  
**To:** [Poulson, Karen](#)  
**Cc:** [Mueller, Nicholas](#)  
**Subject:** RE: Supplemental FEMA Saxon Harbor Wisconsin Coastal Management Program Consistency Determination  
**Date:** Wednesday, March 22, 2017 2:38:28 PM

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Thank you for the reminder, Karen. WCMP does not have any comments and will not conduct a federal consistency review for the project. This does not exempt the proposed project from requiring any other necessary state or local permits or authorizations. If you have any questions, please feel free to contact me.

Kate

Kathleen Angel  
Wisconsin Coastal Management Program  
DOA/DIR 9th Floor Admin. Bldg.  
101 East Wilson Street  
Madison, WI 53708  
[Kathleen.Angel@Wisconsin.gov](mailto:Kathleen.Angel@Wisconsin.gov)  
(608) 267-7988  
<http://coastal.wisconsin.gov>

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**From:** Poulson, Karen [mailto:[Karen.Poulson@fema.dhs.gov](mailto:Karen.Poulson@fema.dhs.gov)]  
**Sent:** Wednesday, March 22, 2017 1:21 PM  
**To:** Angel, Kathleen - DOA  
**Cc:** Mueller, Nicholas  
**Subject:** Supplemental FEMA Saxon Harbor Wisconsin Coastal Management Program Consistency Determination

Hi Kate-

I emailed last week regarding the Saxon Harbor return to pre-disaster. The applicant provided to FEMA the relocation for the reconstructed campground from Saxon Harbor to an upland setting out of the floodplain. Attached is a map of the proposed location. This is new construction.

Saxon Harbor's scope of work for the proposed relocation is the construction of a new campground including electricity, bathroom/shower building(s), sewer system/RV dump station and the associated access road to be constructed from the north end of Erickson Road. The campground facility will contain a minimum of 26 campsites with electrical and water hookups and gravel pads. The proposed site location is approximately 3.8 acres, however, soil disturbance will be minimized to roadways and actual campsites to preserve the private, timbered feel of the campground. The access road will be approximately 2800 feet in length and will need water control devices and potential wetland permits.

Please let FEMA know if there is anything else you need for a consistency determination.

Thank you,  
Karen

**Karen Poulson, Historic Preservation Specialist**  
**Department of Homeland Security**  
**FEMA, Region V • Mitigation Division**  
**536 South Clark Street, 6th Floor • Chicago, Illinois 60605-1521**  
**desk: 312-408-5435**

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**From:** Poulson, Karen  
**Sent:** Tuesday, March 14, 2017 10:40 AM  
**To:** 'kathleen.angel@wisconsin.gov' <[kathleen.angel@wisconsin.gov](mailto:kathleen.angel@wisconsin.gov)>  
**Cc:** Mueller, Nicholas <[Nicholas.Mueller@fema.dhs.gov](mailto:Nicholas.Mueller@fema.dhs.gov)>  
**Subject:** FEMA Saxon Harbor Return to Pre-Disaster Condition

Good morning Kate-

Previously FEMA consulted on the Saxon Harbor debris removal and recently the applicant confirmed that the entire harbor will be returned to pre-disaster conditions. They will not be making improvements. Nic and I understand that the return to pre-disaster conditions will not require a consistency determination. I do have historic engineering plans including the plans from 2005 for the addition of the south basin. Also for your information, the campground will not be reconstructed in its original location, the floodplain, but rather will be relocated to an upland area.

Please let us know if our understanding is correct and if you would like to review the engineering plans.

Thank you so much for your continued assistance,  
Karen

**Karen Poulson, Historic Preservation Specialist**  
**Department of Homeland Security**  
**FEMA, Region V • Mitigation Division**  
**536 South Clark Street, 6th Floor • Chicago, Illinois 60605-1521**  
**desk: 312-408-5435**

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**From:** Angel, Kathleen - DOA [<mailto:Kathleen.Angel@wisconsin.gov>]  
**Sent:** Tuesday, January 10, 2017 9:13 AM  
**To:** Mueller, Nicholas <[Nicholas.Mueller@fema.dhs.gov](mailto:Nicholas.Mueller@fema.dhs.gov)>  
**Subject:** RE: Debris removal from Saxon Harbor

Yes, I think all of WCMP's concerns would be covered under the ch.30 permit process. If you meet all the permit requirements, you can consider yourself covered by federal consistency. Thank you for

sharing the information and giving me the chance to think about it. If you need a statement for your files:

Thank you for contacting the Wisconsin Coastal Management Program (WCMP) about the proposal to remove debris in Saxon Harbor. WCMP reviews federally-affiliated projects that have the potential to affect coastal resources. It is my understanding that you are working with the Wisconsin Department of Natural Resources to obtain any required ch. 30 permits. So long as you continue through that process, WCMP does not have any comments and will not conduct a separate federal consistency review. Please let me know if you have any questions or concerns.

Best,

Kate Angel

Kathleen Angel  
Wisconsin Coastal Management Program  
DOA/DIR 9th Floor Admin. Bldg.  
101 East Wilson Street  
Madison, WI 53708  
[Kathleen.Angel@Wisconsin.gov](mailto:Kathleen.Angel@Wisconsin.gov)  
(608) 267-7988  
<http://coastal.wisconsin.gov>

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**From:** Mueller, Nicholas [<mailto:Nicholas.Mueller@fema.dhs.gov>]  
**Sent:** Tuesday, January 10, 2017 8:43 AM  
**To:** Angel, Kathleen - DOA  
**Subject:** RE: Debris removal from Saxon Harbor

Am I correct to assume that coastal review would take place under the ch. 30 permit? If so, I would like to push this project through.

Thank you,  
Nic

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**From:** Angel, Kathleen - DOA [<mailto:Kathleen.Angel@wisconsin.gov>]  
**Sent:** Monday, January 09, 2017 11:41 AM  
**To:** Mueller, Nicholas <[Nicholas.Mueller@fema.dhs.gov](mailto:Nicholas.Mueller@fema.dhs.gov)>  
**Subject:** RE: Debris removal from Saxon Harbor

Thank you, Nic. Are there associated ch. 30 permits with the work? If so, are you already working with WDNR for those?

Kate

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**From:** Mueller, Nicholas [<mailto:Nicholas.Mueller@fema.dhs.gov>]  
**Sent:** Thursday, January 05, 2017 9:26 AM  
**To:** Angel, Kathleen - DOA  
**Subject:** RE: Debris removal from Saxon Harbor

Hi Kate,

Project worksheet indicates that the material to be removed includes sand, rock and mud deposited into the harbor and Oronto Creek following the storm. Estimates are below. The applicant plans to dredge the material out of the harbor and creek and return the facilities to pre-disaster condition. Type of dredging has not been established in the project worksheet because the removal has not been bid.

North Harbor: Remove and haul off 6,611 cy (54,449 sf surface with rip rap slope edges).

South Harbor: Remove and haul off 15,503 cy (57,513 sf surface (center) and 850 lf with rip rap slope edges).

Oronto Creek: Remove and haul off 1,698 cy (45,853 sf x 1 ft deep)

Estimated total amount of material to be removed is 23,812 cy of material. Material will be disposed of in the WI DNR licensed facility described as the Freiburg Pit at 46.45965, -90.42535.

Thanks again for your assistance in this, let me know if you have any additional questions.

Nic Mueller

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**From:** Angel, Kathleen - DOA [<mailto:Kathleen.Angel@wisconsin.gov>]  
**Sent:** Thursday, January 05, 2017 9:00 AM  
**To:** Mueller, Nicholas <[Nicholas.Mueller@fema.dhs.gov](mailto:Nicholas.Mueller@fema.dhs.gov)>  
**Subject:** RE: Debris removal from Saxon Harbor

Hello Nic,

I'm sorry – I missed your previous email. Thank you for following up.

I don't foresee any issues with federal consistency, but do you have any more information that you can easily share? Do you know what is in the sediment, how/when it will be removed, etc?

Thank you again for sharing the information with us.

Kate

Kathleen Angel  
Wisconsin Coastal Management Program  
DOA/DIR 9th Floor Admin. Bldg.  
101 East Wilson Street  
Madison, WI 53708  
[Kathleen.Angel@Wisconsin.gov](mailto:Kathleen.Angel@Wisconsin.gov)  
(608) 267-7988  
<http://coastal.wisconsin.gov>

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**From:** Mueller, Nicholas [<mailto:Nicholas.Mueller@fema.dhs.gov>]  
**Sent:** Wednesday, January 04, 2017 2:47 PM  
**To:** Angel, Kathleen - DOA  
**Subject:** RE: Debris removal from Saxon Harbor

Hi Kate,

I was just wondering if you needed any additional information on this request?

Thanks,  
Nic

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**From:** Mueller, Nicholas  
**Sent:** Wednesday, December 21, 2016 10:09 AM  
**To:** 'Angel, Kathleen - DOA' <[Kathleen.Angel@wisconsin.gov](mailto:Kathleen.Angel@wisconsin.gov)>  
**Subject:** Debris removal from Saxon Harbor

Hi Kathleen,

We are currently looking at a project worksheet for Iron County for the removal of sediment debris from Saxon Harbor. Our understanding is that no consistency review would be necessary to bring the area back to pre-disaster condition. Could you please confirm if that is accurate? Let me know if you need additional information.

Thanks,  
Nic Mueller

---

**From:** Angel, Kathleen - DOA [<mailto:Kathleen.Angel@wisconsin.gov>]  
**Sent:** Wednesday, August 24, 2016 4:19 PM  
**To:** Mueller, Nicholas <[Nicholas.Mueller@fema.dhs.gov](mailto:Nicholas.Mueller@fema.dhs.gov)>  
**Subject:** RE: Early coordination for DR-4276

Thank you very much for sharing this information, Mr. Mueller. I appreciate being kept in the loop. Let me know if there are any concerns that Wisconsin Coastal Management Program can help with, regarding permitting/federal consistency or otherwise.

To let you know, WCMP has been working with zoning staff in Iron County and we will likely be providing them with some funding for early planning efforts for addressing damages at Saxon Harbor. Also, our staff are going to be conducting a grant application/RFP workshop in Ashland



tomorrow: I expect we will have some people who were affected by the storm at the meeting.

Best,  
Kate

Kathleen Angel  
Wisconsin Coastal Management Program  
DOA/DIR 9th Floor Admin. Bldg.  
101 East Wilson Street  
Madison, WI 53708  
[Kathleen.Angel@Wisconsin.gov](mailto:Kathleen.Angel@Wisconsin.gov)  
(608) 267-7988  
<http://coastal.wisconsin.gov>

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**From:** Mueller, Nicholas [<mailto:Nicholas.Mueller@fema.dhs.gov>]  
**Sent:** Monday, August 22, 2016 3:39 PM  
**To:** Angel, Kathleen - DOA  
**Subject:** Early coordination for DR-4276

Good afternoon Ms Angel,

I wanted to provide you a little bit of information regarding the new FEMA declaration for northern Wisconsin DR-4276. The President declared the following counties and tribal nations for federal assistance: Ashland, Bayfield, Burnett, Douglas, Florence, Iron, Sawyer, Washburn and the Bad River Band of Lake Superior Chippewa Tribe. Damages identified in the preliminary damage assessment includes mostly roads and culverts damaged by the storm. In addition, there were two harbors that were adversely affected that may require extensive funding for debris removal, dredging and reconstruction of facilities. Once we receive more information on these harbors, I will share with you but our understanding is that the WDNR has been involved in permitting for both these facilities following the storm. Please let me know if you have any areas of concern in the declared counties or any other points of consideration for FEMA. Let me know if you have any additional questions. I am located in Superior for the time being supporting the disaster office, please use the cell phone listed below for any questions.

Thanks again,  
Nic Mueller  
Regional Environmental Officer  
FEMA Region V  
312-852-1584

**Attachment 6**  
**Endangered Species Act, Section 7 Consultation**



**FEMA**

January 9, 2019

MEMORANDUM FOR: File

FROM: Duane Castaldi, Regional Environmental Officer DUANE D CASTALDI

SUBJECT: Section 7 Endangered Species Act Consultation  
DR-4276 PW 149 Saxon Harbor Campground Construction  
Iron County, Wisconsin

Digitally signed by DUANE D  
CASTALDI  
Date: 2019.01.09 10:12:22  
-06'00'

The Federal Emergency Management Agency has completed an environmental review for the relocation of the Saxon Harbor Campground in Iron County, Wisconsin. The proposed project will include site stabilization at the existing campground destroyed by flooding in 2016 to ensure the safe abandonment of that site. The proposed project itself will be a nearly 8 acre new campground, adjacent to the old site, that will have space for 33 campsites. Construction activities at the new campground site will involve the clearing and grubbing of 16,000 square yards, as well as substantial excavation and soil compaction to level and prepare the site. Existing buildings on site will need to be removed prior to construction. Rip Rap, slope stabilization, new culverts, catch basins and utility connections will all be required to complete the new campground development. In compliance with Section 7 of the Endangered Species Act, a review of the potential impacts to federally listed endangered, threatened and candidate species has been completed. According to the U.S. Fish and Wildlife technical assistance website, the following federally listed species are known to occur in Iron County: Northern long-eared bat (threatened), Gray Wolf (endangered), and the Canada Lynx (threatened).

FEMA Region V e-mailed the Northern Long Eared Bat 4(d) Rule Streamlined Consultation Form to the USFWS Twin Cities Field Office Supervisor on May 9, 2017. To date, FEMA Region V has not received a response and so the notification is considered complete. On July 24, 2018, FEMA Region V reached out to the USFWS Field Office to notify the office of the Agency's intent to prepare an Environmental Assessment. The USFWS did not respond to either the 4 d) submittal or the notice of the Environmental Assessment and therefore FEMA Region V will move forward with the project without further comment from the USFWS.

In addition, Wisconsin Emergency Management submitted an Endangered Resource Review to Wisconsin Department of Natural Resources documenting the revised proposal for the Saxon Harbor

Campground relocation. WDNR responded on June 25, 2018, as ERR Log #17-152. No mammals were noted within the project site or surrounding area. The final 4(d) rule regulating take of the Northern Long-eared bat was published by the United State Fish and Wildlife Service on January 14, 2016. The rule indicates that projects that include tree cutting that are located over .25 miles away from known hibernacula incidental take is prohibited. Since there are no known hibernacula within .25 miles from the proposed project site, no impacts to listed species are anticipated.

As a condition of funding, to reduce any potential adverse effects on the federally threatened Northern Long Eared Bat, trees with woody stems greater than 3" diameter at breast height may not be cut between April 1 and September 30 of any year.

In addition, any trees removed from temporary impacts areas to facilitate campground construction shall be replaced with appropriate tree species from Wisconsin.

Due to the mobility of the Canada Lynx and Gray Wolf the project is unlikely to have any effect on those species as well.

Based on the site description and project activity, the Proposed Action for Iron County will have "no effect" on the listed species, habitats or proposed or designated critical habitat.



**From:** [Castaldi, Duane](#)  
**To:** [Peter Fasbender](#)  
**Cc:** [Dorochoff, Nicholas](#)  
**Subject:** NLEB Streamlined Consultation Saxon Harbor -- Update  
**Date:** Tuesday, July 24, 2018 3:01:59 PM  
**Attachments:** [NLEB streamlined consultation Saxon Harbor.pdf](#)

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Good Afternoon Mr. Fasbender.

FEMA is now preparing the Environmental Assessment for the Saxon Harbor Campground relocation project. In 2017, FEMA submitted the attached streamlined NLEB consultation to the FWS.

Based on this 2017 NLEB submission and a review of the project details and other listed species, FEMA has determined that Section 7 formal consultation is not required for this particular project. The proposed project site has shifted to the west approximately a tenth of a mile based on other project requirements but still consists of a campground relocation and some bluff stabilization along Oronto Creek. The WDNR has updated and confirmed their ERR for this project based on these small scope of work adjustments.

Please let me know if the FWS has any comments on our submission of the NLEB streamlined consultation or if you need additional information from FEMA regarding this project.

Thanks

Duane Castaldi  
Regional Environmental Officer  
FEMA Region V

## **Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form**

Federal agencies should use this form for the optional streamlined consultation framework for the northern long-eared bat (NLEB). This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service's (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance by: (1) notifying the USFWS that an action agency will use the streamlined framework; (2) describing the project with sufficient detail to support the required determination; and (3) enabling the USFWS to track effects and determine if reinitiation of consultation is required per 50 CFR 402.16.

This form is not necessary if an agency determines that a proposed action will have no effect to the NLEB or if the USFWS has concurred in writing with an agency's determination that a proposed action may affect, but is not likely to adversely affect the NLEB (i.e., the standard informal consultation process). Actions that may cause prohibited incidental take require separate formal consultation. Providing this information does not address section 7(a)(2) compliance for any other listed species.

<b>Information to Determine 4(d) Rule Compliance:</b>	<b>YES</b>	<b>NO</b>
1. Does the project occur wholly outside of the WNS Zone <sup>1</sup> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have you contacted the appropriate agency <sup>2</sup> to determine if your project is near known hibernacula or maternity roost trees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the project disturb hibernating NLEBs in a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Could the project alter the entrance or interior environment of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project remove any trees within 0.25 miles of a known hibernaculum at any time of year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Would the project cut or destroy known occupied maternity roost trees, or any other trees within a 150-foot radius from the maternity roost tree from June 1 through July 31.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You are eligible to use this form if you have answered yes to question #1 **or** yes to question #2 **and** no to questions 3, 4, 5 and 6. The remainder of the form will be used by the USFWS to track our assumptions in the BO.

**Agency and Applicant<sup>3</sup>** (Name, Email, Phone No.): Federal Agency Official – Nicholas Mueller, Regional Environmental Officer, FEMA Region V, [Nicholas.mueller@fema.dhs.gov](mailto:Nicholas.mueller@fema.dhs.gov), 312-408-5438; Local project sponsor - Iron County Forestry Department, Eric Peterson, [icfadmin@ironcountyforest.org](mailto:icfadmin@ironcountyforest.org), 715-561-2697.

**Project Name:** Saxon Harbor Campground Relocation

**Project Location** (include coordinates if known): T47N R01W S13, T47N R01W S12. See attached maps.

**Basic Project Description** (provide narrative below or attach additional information):

The proposed project is construction of a new campground facility including electricity, bathroom/shower buildings, sewer system/RV dump station and the associated access road to be constructed from the north end of Erickson Road. The campground facility will contain a minimum of 26 campsites with electrical and water hookups and gravel pads. The project site location is approximately 3.8 acres. However, soil disturbance will be limited to approximately 1.5 acres for roadways

<sup>1</sup> <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>

<sup>2</sup> See <http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html>

<sup>3</sup> If applicable - only needed for federal actions with applicants (e.g., for a permit, etc.) who are party to the consultation.



and actual campsites to preserve the private timbered feel of the campground. The access road will be approximately 2800 feet in length and will need water control devices and potential wetlands permits if required by DNR.

General Project Information	YES	NO
Does the project occur within 0.25 miles of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project occur within 150 feet of a known maternity roost tree?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project include forest conversion <sup>4</sup> ? (if yes, report acreage below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of forest conversion	1.5 acres	
If known, estimated acres <sup>5</sup> of forest conversion from April 1 to October 31	1.5 acres*	
If known, estimated acres of forest conversion from June 1 to July 31 <sup>6</sup>		
Does the project include timber harvest? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of timber harvest		
If known, estimated acres of timber harvest from April 1 to October 31		
If known, estimated acres of timber harvest from June 1 to July 31		
Does the project include prescribed fire? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of prescribed fire		
If known, estimated acres of prescribed fire from April 1 to October 31		
If known, estimated acres of prescribed fire from June 1 to July 31		
Does the project install new wind turbines? (if yes, report capacity in MW below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated wind capacity (MW)		

\* Time of year restriction for eagles, human activity required to be avoided between January 15-July 30. Tree clearing anticipated after the July 30 restriction.

#### Agency Determination:

By signing this form, the action agency determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule.

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.

The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

Signature: 

Date Submitted: 5-9-17

<sup>4</sup> Any activity that temporarily or permanently removes suitable forested habitat, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, etc. (see page 48 of the BO).

<sup>5</sup> If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre.

<sup>6</sup> If the activity includes tree clearing in June and July, also include those acreage in April to October.