

PLAN COMMISSION

City of Kaukauna
Council Chambers
Municipal Services Building
144 W. Second Street, Kaukauna



Thursday, October 19, 2023 at 4:00 PM

AGENDA

1. Roll Call.
2. Approval of Minutes.
 - [a.](#) Approve Minutes from October 5, 2023 meeting
3. New Business.
 - [a.](#) Site Plan Review - Berker's Dental & Brain Balance Addition - 1403 Arbor Way
4. Other Business.
5. Adjourn.

NOTICES

IF REQUESTED THREE (3) DAYS PRIOR TO THE MEETING, A SIGN LANGUAGE INTERPRETER WILL BE MADE AVAILABLE AT NO CHARGE.





City of Kaukauna
Council Chambers
 Municipal Services Building
 144 W. Second Street, Kaukauna

Thursday, October 5, 2023 at 4:00 PM

MINUTES

1. Roll Call.

Members Present: Giovanna Feller, DPW John Neumeier, Mayor Tony Penterman, Pennie Thiele, John Moore

Members Absent: Michael Avanzi, Ken Schoenike,

Others Present: Jason Holmes, Joe Stephenson by phone

Moore made a motion to excuse the absent member. Neumeier seconded the motion. The motion passed unanimously.

2. Approval of Minutes.

a. Approve Minutes from September 7, 2023 Meeting

Feller made a motion to approve the minutes from September 7, 2023 meeting. Moore seconded the motion. The motion passed unanimously.

3. New Business.

a. Review Petition for Direct Annexation by Unanimous Consent.

The Mayor explained the location of the proposed annexation and gave background information as to the need for City sewer and water service. Mr. Neumeier asked if a commercial business was going to be operated from the out building on the Lot. Joe was called by the Mayor and said he was unaware of any business plans for that building. Moore stated a direct question should be asked of the applicants for an explanation of intentions regarding an out building and the owners plans for it. The question was raised if the annexation had to go before the Common Council. Joe replied it did.

Neumeier made a motion to forward the request to the Common Council contingent upon the use of the lot conforms to the Single Family Zoning Code, seconded by Moore, all members voted Aye.

b. Park Donation Application Review

Discussion was led by the Mayor about a park bench being donated for Riverside Park and a tree donation for the Dog Park. Thiele asked if the bench was replacing

an existing bench and if the bench being replaced was a memorial bench. Neumeier stated it was replacing an existing bench that will be used somewhere else in the City.

Thiele made a motion directing staff to work with the family for the installation of the bench at Riverside Park. Feller seconded the motion all members voted Aye.

Moore made a motion to approve the tree at the Dog Park and directed staff to work with the Family. Second by Neumeier, all members voted Aye

4. Other Business.

There was no other business.

5. Adjourn.

Neumeier made a motion to adjourn the meeting. Thiele seconded the motion. The motion passed unanimously, meeting adjourned at 4:21 PM.



MEMO

PLANNING AND COMMUNITY DEVELOPMENT

To: Plan Commission
From: Associate Planner Lily Paul
Date: October 13, 2023
Re: Site Plan Review – Berker’s Dental & Brain Balance Addition, 1403 Arbor Way

Berkers Family Dentistry building offers a tenant suite that is being utilized by Brain Balance Center of the Fox Valley. Brain Balance creates programs to help kids improve focus, behavior, social skills, anxiety, and academic performance. The addition for the building is for the tenant suite that Brain Balance occupies. The addition is 2,452 square feet and a parking lot expansion.

Site Plan Review

Site/Architectural

This site plan adheres to all setbacks within the Commercial Highway District. 2,452 square feet will be built to help accommodate Brain Balance with more offices, work rooms, and another bathroom. The total building size will be 10,777 square feet after completion. The parking lot will be expanded to add 32 more parking spaces, for a total of 97 parking spaces.

Façade

Lap siding and EFIS will be installed to match the current siding. The east side of the addition is lacking masonry requirements, 10% masonry is required on public facing walls. The current building does have masonry wainscoting and adheres to the façade requirements.

Landscape

The current landscaping meets all requirements. 5 canopy trees within the front yard, and plantings adjacent to the building. Need to see the landscaping plan for the addition.

Lighting

A light pole shall be installed for the additional parking spaces.

Stormwater

The developer will work with the Engineering Department to complete Erosion Control and Stormwater Management permitting.

Recommendation:

Staff recommends to approve the site plan for Berkers with the following conditions:

- **Prior to issuance of building permits, must obtain Stormwater and Erosion Control permits from Engineering Department**
- **Façade requirements are met**
- **Landscaping plan is submitted**
- **Lighting plan is submitted**





SITE PLAN REVIEW APPLICATION

PROPERTY OWNER	APPLICANT (IF DIFFERENT PARTY THAN OWNER)
Name: Chris Berkers, CHB Properties, LLC	Name: Dave Stubbs
Mailing Address: 2301 Riverside Drive, Kaukauna, WI 54130	Mailing Address: P.O. Box 620, Kaukauna, WI 54130
Phone: 920-766-9521	Phone: 920-766-5795
Email: berkerschris@gmail.com	Email: dstubbs@kellerbuilds.com

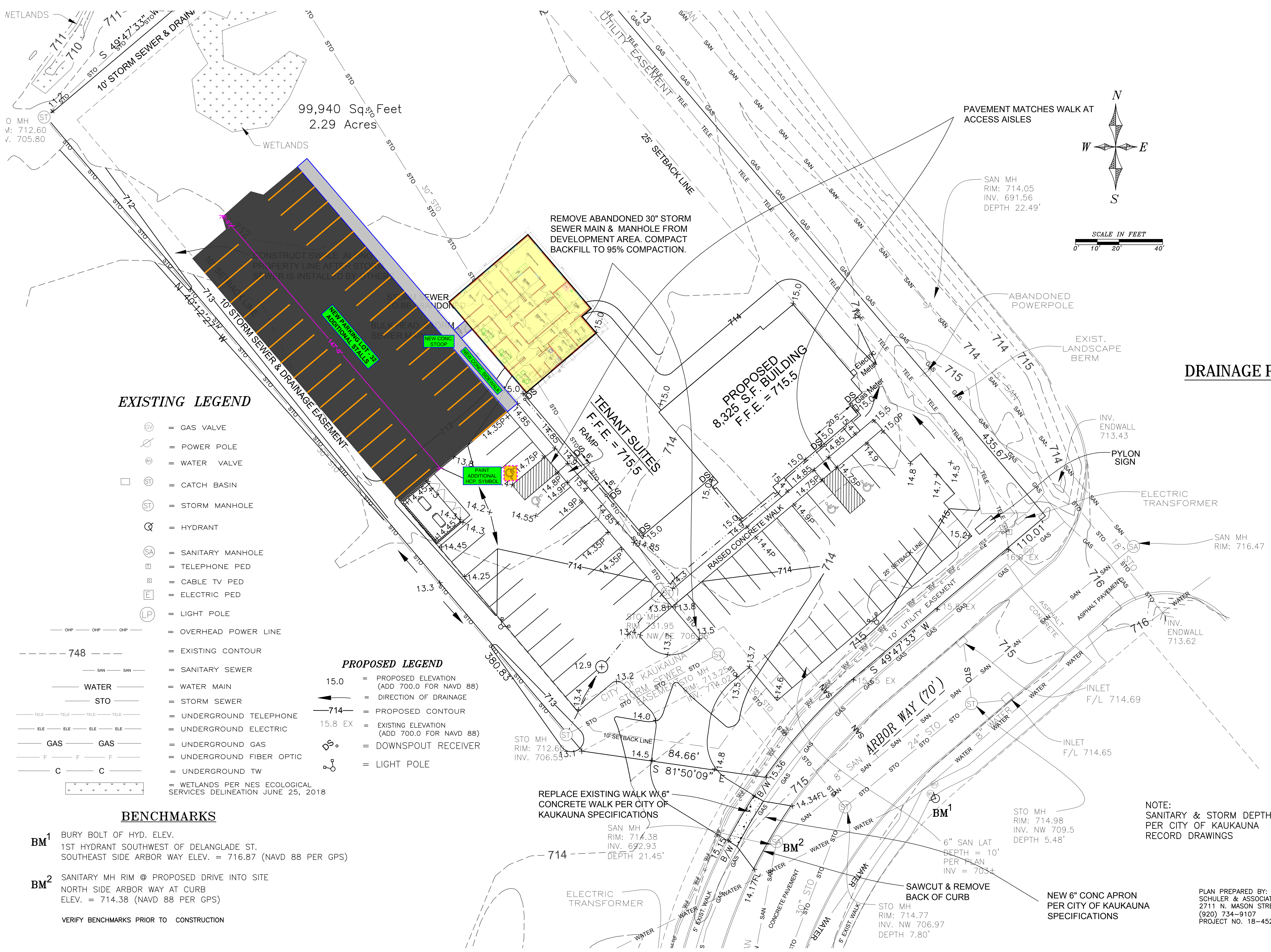
PROPERTY INFORMATION	
Described the Proposed Project in Detail: The project entails a building and parking lot addition for the tenant space (Brain Balance) on the property.	
Property Parcel (#): 322095704	
Site Address/Location: 1403 Arbor Way (Brain Balance)	
Current Zoning and Use: Commercial Highway District (CHD): Dental Office and Tenant Space for Brain Balance	
Proposed Zoning and Use: Commercial Highway District (CHD): Dental Office and Tenant Space for Brain Balance	
Existing Gross Floor Area of Building: 8,325 sf	Proposed Gross Floor Area of Building: 10,777 sf
Existing Building Height: 23' (Roof Peak)	Proposed Building Height: 23' (21' for addition)
Existing Number of Off-Street Parking Spaces: 49	Proposed Number of Off-Street Parking Spaces: 97
Existing Impervious Surface Coverage Percentage: 27.57	Proposed Impervious Surface Coverage Percentage: 54.47

I certify that the attached drawings are, to the best of my knowledge, complete and drawn in accordance with all City of Kaukauna codes.

Owner/Agent Signature: X

Owner/Agent Name (printed):

Dave Stubbs



EXISTING LEGEND

- = GAS VALVE
- = POWER POLE
- = WATER VALVE
- = CATCH BASIN
- = STORM MANHOLE
- = HYDRANT
- = SANITARY MANHOLE
- = TELEPHONE PED
- = CABLE TV PED
- = ELECTRIC PED
- = LIGHT POLE
- = OVERHEAD POWER LINE

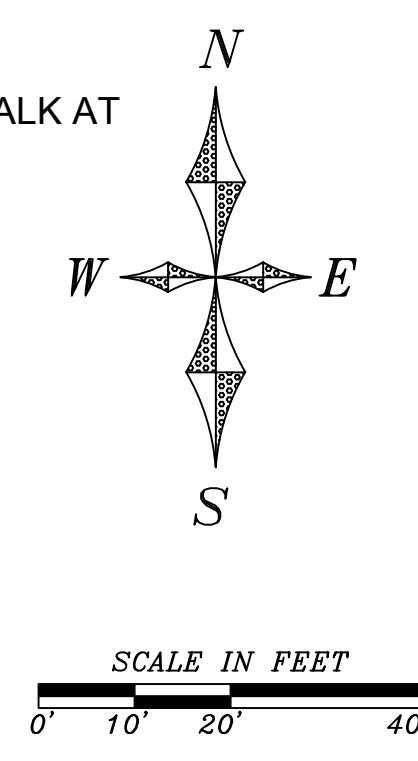
PROPOSED LEGEND

- = PROPOSED ELEVATION (ADD 700.0 FOR NAVD 88)
- = DIRECTION OF DRAINAGE
- = PROPOSED CONTOUR
- = EXISTING ELEVATION (ADD 700.0 FOR NAVD 88)
- = DOWNSPOUT RECEIVER
- = LIGHT POLE

BENCHMARKS

- BM¹** BURY BOLT OF HYD. ELEV.
1ST HYDRANT SOUTHWEST OF DELANGLADE ST.
SOUTHEAST SIDE ARBOR WAY ELEV. = 716.87 (NAVD 88 PER GPS)
- BM²** SANITARY MH RIM @ PROPOSED DRIVE INTO SITE
NORTH SIDE ARBOR WAY AT CURB
ELEV. = 714.38 (NAVD 88 PER GPS)
- VERIFY BENCHMARKS PRIOR TO CONSTRUCTION

DRAINAGE PLAN



Keller
PLANNERS ARCHITECTS BUILDERS

FOX CITIES
N216 State Road 55
P.O. Box 620
Kaukauna, WI 54130
PHONE (920)766-5795
1-800-236-2534
FAX (920)766-5004

MADISON
3308 Nursery Drive
Middleton, WI 53562
PHONE (608)445-2245

MILWAUKEE
W177 N856 Rivercrest
Dr. Suite 104
Germantown, WI 53022
PHONE (262)250-9710
1-800-236-2534
FAX (262)250-9740

WAUSAU
3600 Stewart Avenue
Suite B
Wausau, WI 54401
PHONE (715)849-3141
FAX (715)849-3181

www.kellerbuilds.com

DRAINAGE PLAN FOR:

BERKERS FAMILY DENTISTRY

WISCONSIN
KAUKAUNA

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REVISIONS	
6-29-2018	DOWNSPOUT COLLECTORS
7-19-2018	ISSUED FOR CONSTRUCTION

PROJECT MANAGER: _____

DESIGNER: _____

DRAWN BY: _____

EXPEDITOR: _____

SUPERVISOR: _____

PRELIMINARY NO: _____

CONTRACT NO: _____

DATE: 03.13.2013

SHEET: C1.3

PLAN PREPARED BY:
SCHULER & ASSOCIATES, INC.
2711 N. MASON STREET, SUITE F
(920) 734-9107
PROJECT NO. 18-4525



Keller

PLANNERS | ARCHITECTS | BUILDERS

FOX CITIES
N216 State Road 55
P.O. Box 620
Kaukauna, WI 54130

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1.800.236.2534
FAX 920.766.5004

MILWAUKEE
W204 N11509
Goldendale Road
Germanstown, WI 53022

PHONE 262.250.9710
1.800.236.2534
FAX 262.250.9740

MADISON
711 Lolo Drive
Sun Prairie, WI 53590

PHONE 608.318.2336
1.800.236.2534
FAX 608.318.2337

WAUSAU
5605 Lira Avenue
Wausau, WI 54401

PHONE 715.849.3141
FAX 715.849.3181

www.kellerbuilds.com

PROPOSED ADDITION FOR:

BRAIN BALANCE

54130
WISCONSIN

1401 ARBOR WAY
KAUKAUNA,

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REVISIONS

PROJECT MANAGER: STUBBS

ARCHITECT: MANSKE

DRAWN BY: KRW

EXPEDITOR: ---

SUPERVISOR: ---

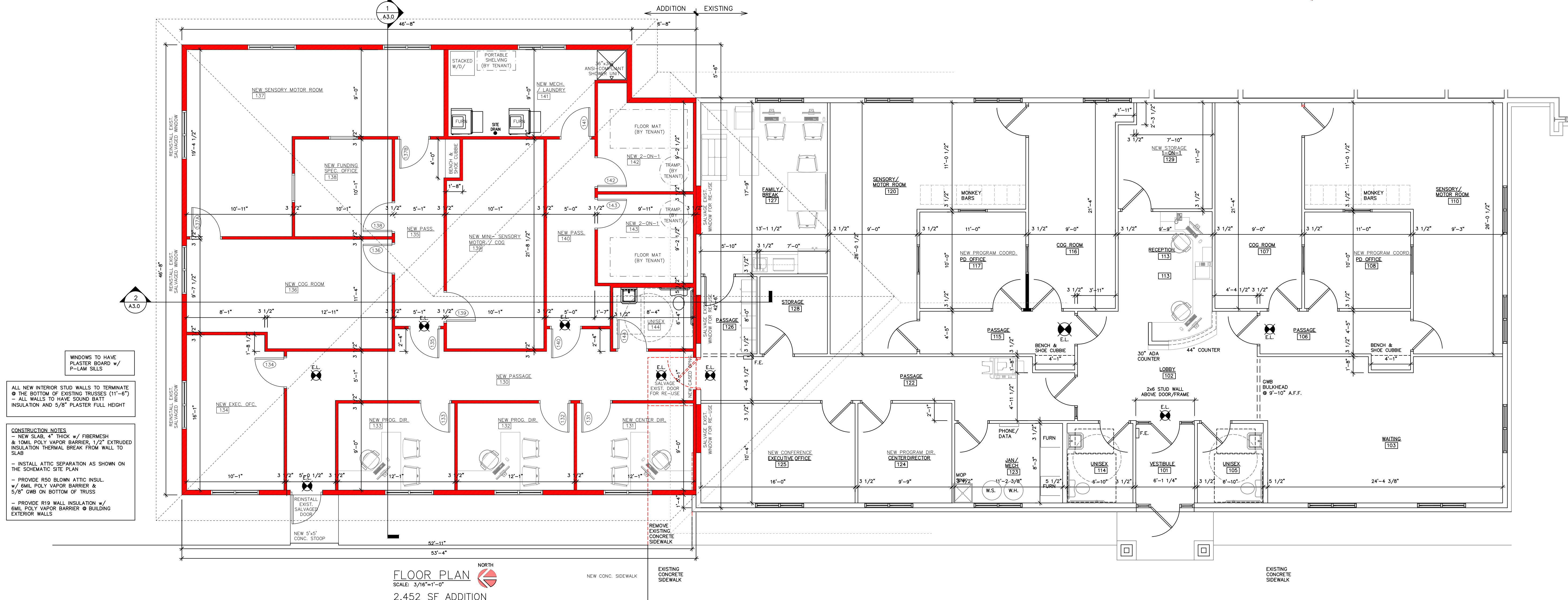
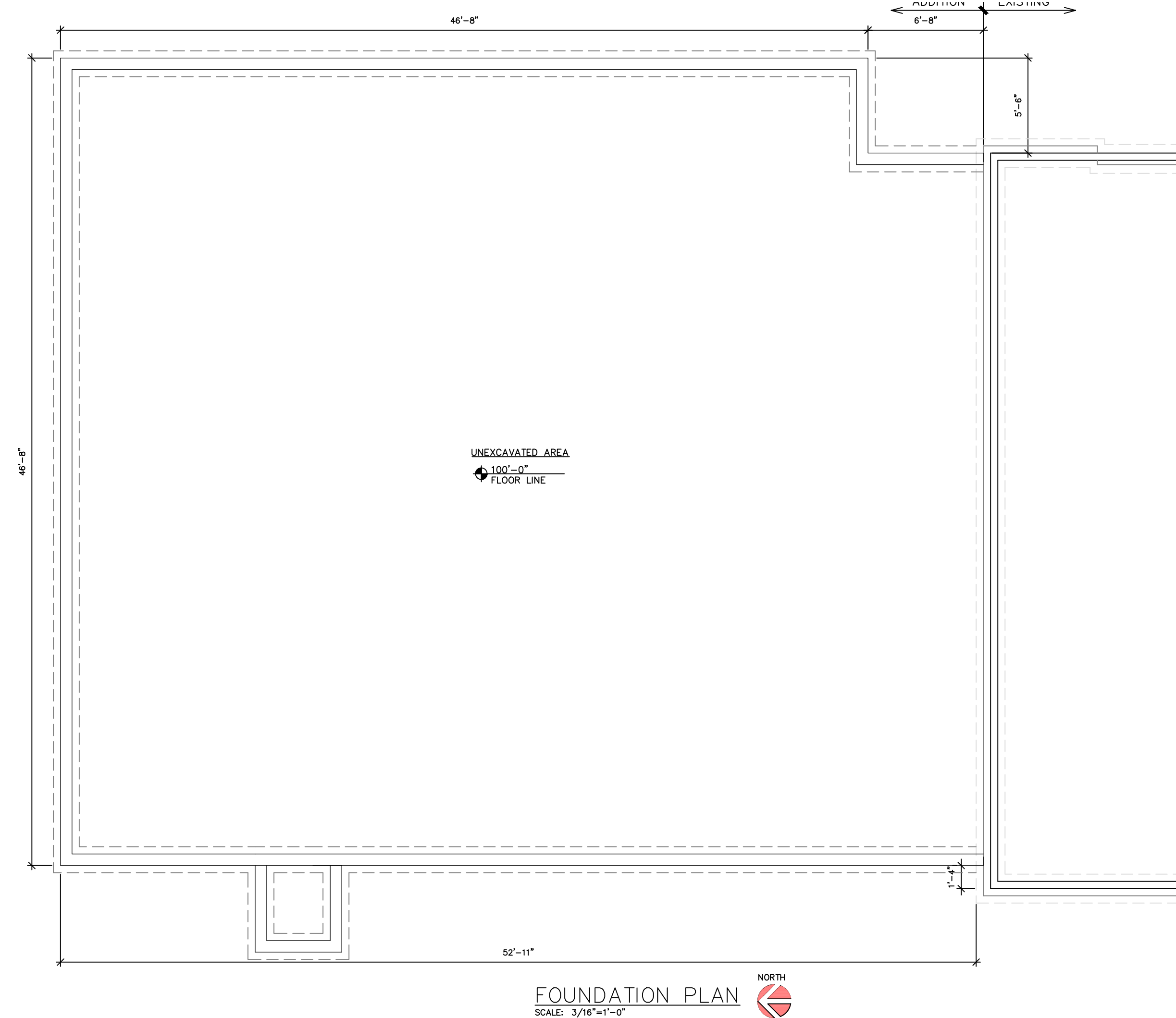
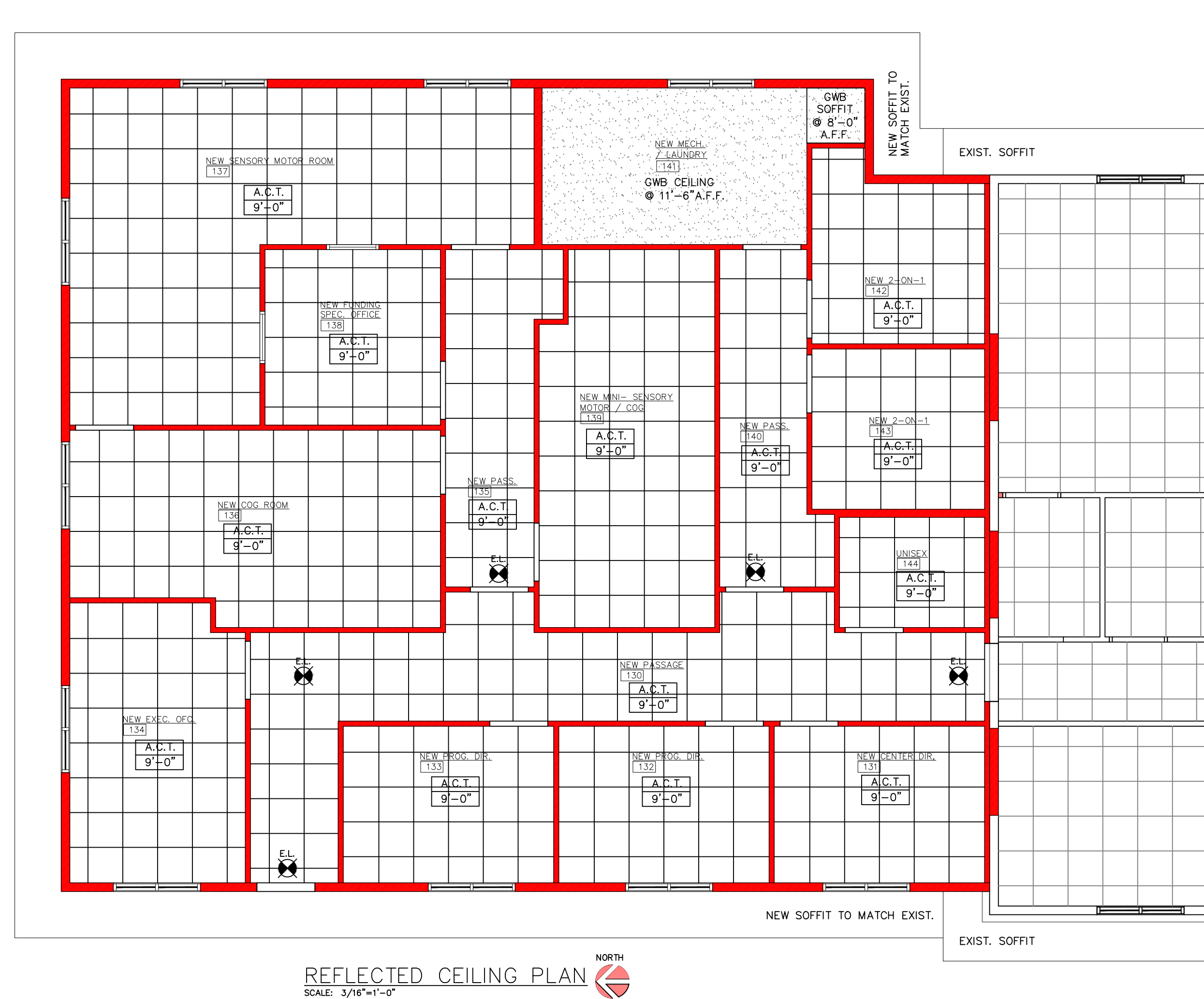
PRELIMINARY NO: P23068

CONTRACT NO: ---

DATE: 03.29.2023

SHEET: A1.0

PRELIMINARY - NOT FOR CONSTRUCTION





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FOX CITIES N216 State Road 55 P.O. Box 620 Kaukauna, WI 54130 PHONE 920.766.5795 1.800.236.2534 FAX 920.766.5004	MADISON 711 Lole Drive Sun Prairie, WI 53590 PHONE 608.318.2336 FAX 608.318.2337
MILWAUKEE W204 N11509 Goldendale Road Germanstown, WI 53022 PHONE 262.250.9710 1.800.236.2534 FAX 262.250.9740	WAUSAU 5605 Linc Avenue Wausau, WI 54401 PHONE 715.849.3141 FAX 715.849.3181

www.kellerbuilds.com

PROPOSED ADDITION FOR:

BRAIN BALANCE

54130

WISCONSIN

1401 ARBOR WAY

KAUKAUNA,

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REVISIONS

PROJECT MANAGER: STUBBS

ARCHITECT: MANSKE

DRAWN BY: KRW

EXPEDITOR: ---

SUPERVISOR: ---

PRELIMINARY NO: P23068

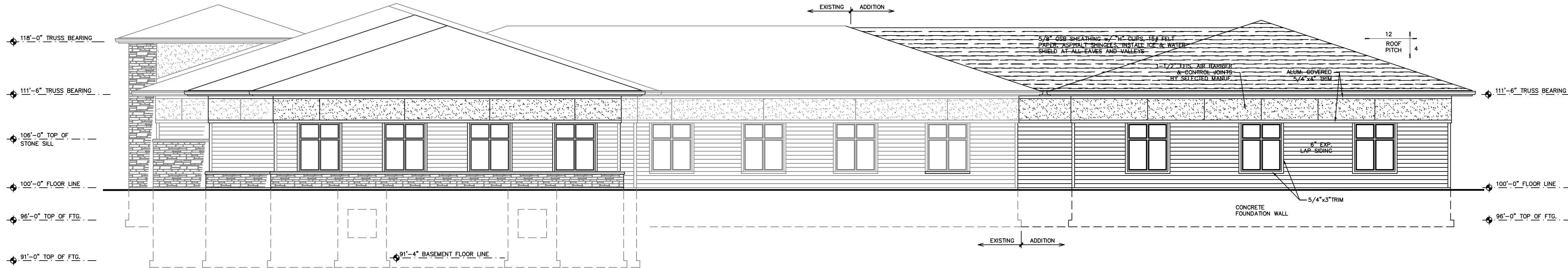
CONTRACT NO: ----

DATE: 03.29.2023

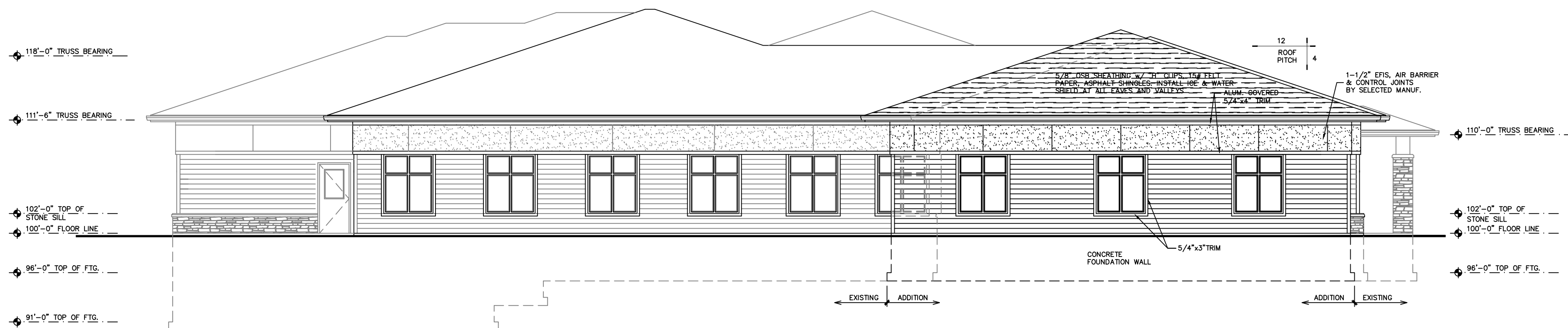
SHEET:

A2.0

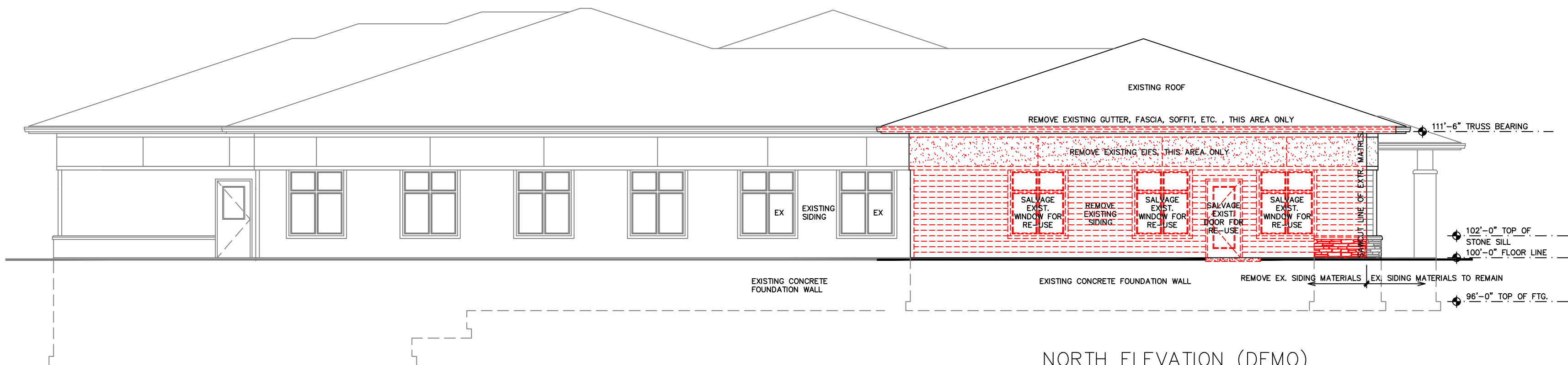
PRELIMINARY - NOT FOR CONSTRUCTION



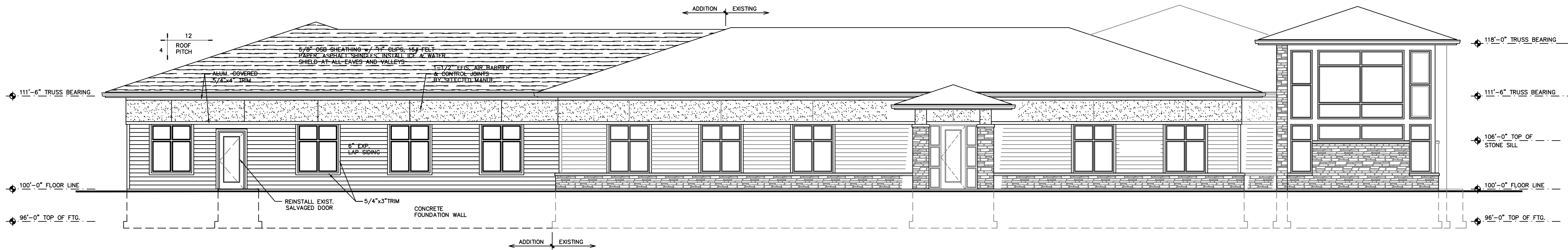
EAST ELEVATION
SCALE: 1/8"=1'-0"



NORTH ELEVATION
SCALE: 1/8"=1'-0"



NORTH ELEVATION (DEMO)
SCALE: 1/8"=1'-0"



WEST ELEVATION
SCALE: 1/8"=1'-0"



PHONE 262.250.9710
1.800.236.2534
FAX 262.250.9740

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REVISIONS

ARCHITECT:

EXPEDITOR:

PRELIMINARY NO:

DATE: _____

PROJECT INFORMATION

LEGAL DESCRIPTION

LOT 1, CERTIFIED SURVEY MAP NO. 7547,
CITY OF KAUKAUNA, OUTAGAMIE COUNTY,
WISCONSIN

LOT SIZE
99,940 S.F.

PARCEL ZONING

COMMERCIAL HIGHWAY DISTRICT (CHD)

ZONING ORDINANCE SETBACKS
FRONT YARD SETBACK: 25'

SIDE YARD SETBACK: 10

REAR YARD SETBACK: 10'

PROPOSED USES
DENTAL CLINIC & TENANT BUILDING
(ADDITION IS TENANT SPACE ADDITION
FOR BRAIN BALANCE)


INDEX

C1.1 - Site Plan
C1.2 - Drainage - Grading - Utility Plan
C1.3 - Erosion Control Plan
C1.4 - Details

LOT COVERAGE

	EXISTING	CHANGE	NEW TOTAL	% OF SITE
BUILDINGS	8,325 S.F.	+2,452 S.F.	10,777 S.F.	10.79%
PAVEMENT/CONCRETE	19,230 S.F.	+15,491 S.F.	34,721 S.F.	34.74%
IMPERVIOUS	27,555 S.F.	+17,943 S.F.	45,498 S.F.	45.53%
OPEN SPACE	72,385 S.F.	-17,943 S.F.	54,442 S.F.	54.47%
TOTAL	99,940 S.F.	0 S.F.	99,940 S.F.	100%




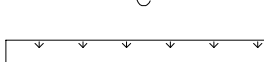
SCALE IN FEET



A horizontal scale bar with a black background and white markings. The markings are at 0', 15', 30', and 60'. The text 'SCALE IN FEET' is centered above the bar.

PLAN PREPARED BY:
SCHULER & ASSOCIATES, INC
2711 N. MASON STREET, SUITE F
(920) 734-9107
PROJECT NO. 4525

EXISTING LEGEND

- | | |
|---|--|
|  | = GAS VALVE |
|  | = POWER POLE |
|  | = WATER VALVE |
|  | = CATCH BASIN |
|  | = STORM MANHOLE |
|  | = HYDRANT |
|  | = SANITARY MANHOLE |
|  | = TELEPHONE PED |
|  | = CABLE TV PED |
|  | = ELECTRIC PED |
|  | = LIGHT POLE |
| _____ OHP _____ | = OVERHEAD POWER LINE |
| _____ 743 _____ | = EXISTING CONTOUR |
| _____ SAN _____ | = SANITARY SEWER |
| _____ WATER _____ | = WATER MAIN |
| _____ STO _____ | = STORM SEWER |
| _____ TELE _____ | = UNDERGROUND TELEPHONE |
| _____ ELE _____ | = UNDERGROUND ELECTRIC |
| _____ GAS _____ | = UNDERGROUND GAS |
| _____ F _____ | = UNDERGROUND FIBER OPTIC |
| _____ C _____ | = UNDERGROUND TW |
|  | = WETLANDS PER NES ECOLOGICAL SERVICES DELINEATION JUNE 25, 2018 |

BENCHMARK

BM¹ FLOOR ELEVATION OF EXISTING
TENANT SPACE = 715.5

NOTES

1. THE EXISTING TOPOGRAPHY SHOWN IS BASED ON 2018 PROJECT.
2. EACH EXCAVATING CONTRACTOR IS RESPONSIBLE FOR CONTACTING DIGGERS HOTLINE.

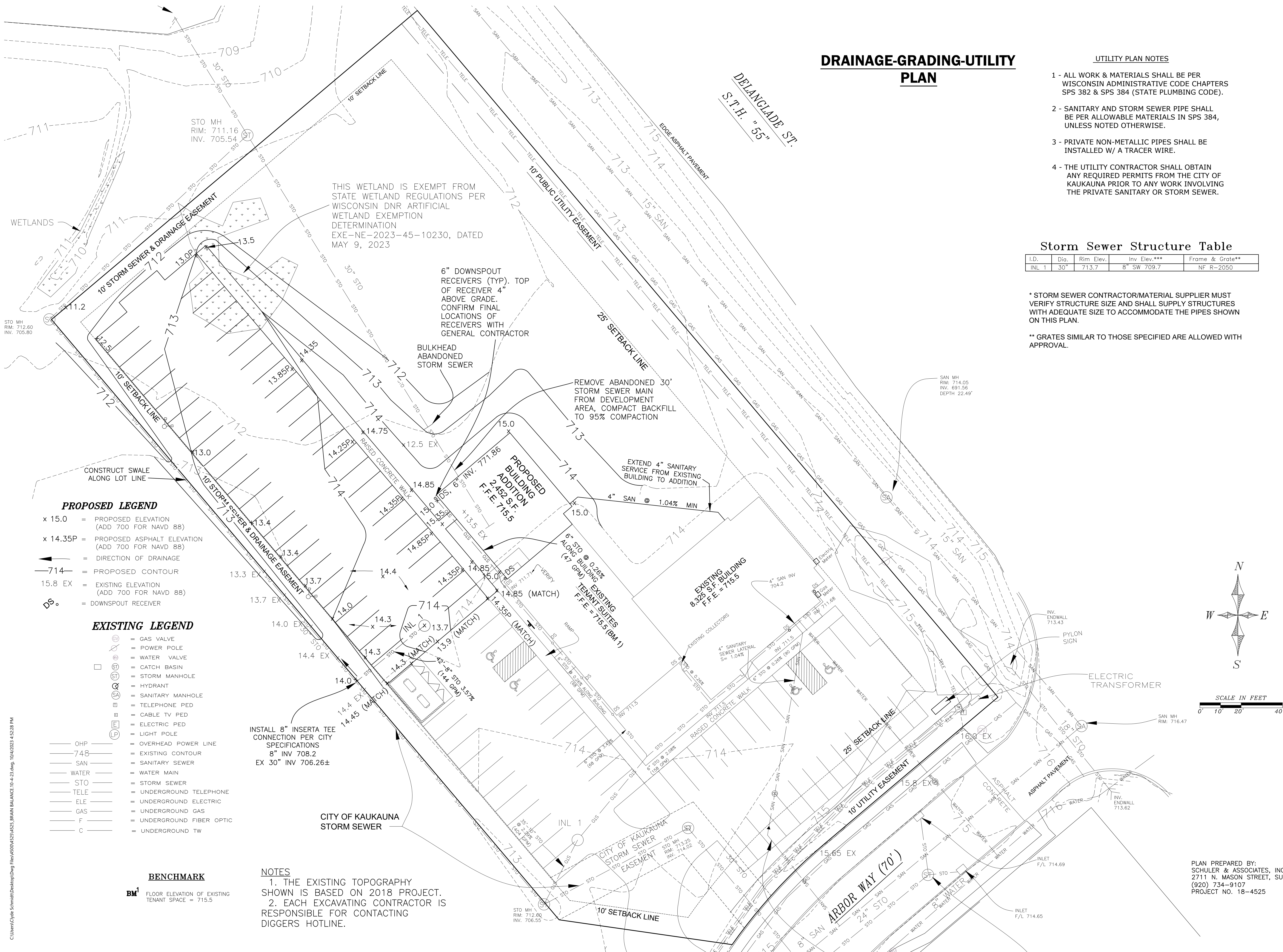
UTILITY PLAN NOTES

- 1 - ALL WORK & MATERIALS SHALL BE PER WISCONSIN ADMINISTRATIVE CODE CHAPTERS SPS 382 & SPS 384 (STATE PLUMBING CODE).
- 2 - SANITARY AND STORM SEWER PIPE SHALL BE PER ALLOWABLE MATERIALS IN SPS 384, UNLESS NOTED OTHERWISE.
- 3 - PRIVATE NON-METALLIC PIPES SHALL BE INSTALLED W/ A TRACER WIRE.
- 4 - THE UTILITY CONTRACTOR SHALL OBTAIN ANY REQUIRED PERMITS FROM THE CITY OF KAUKAUNA PRIOR TO ANY WORK INVOLVING THE PRIVATE SANITARY OR STORM SEWER.

I.D.	Dia.	Rim Elev.	Inv Elev.***	Frame & Grate**
INL 1	30"	713.7	8" SW 709.7	NF R-2050

* STORM SEWER CONTRACTOR/MATERIAL SUPPLIER MUST VERIFY STRUCTURE SIZE AND SHALL SUPPLY STRUCTURES WITH ADEQUATE SIZE TO ACCOMMODATE THE PIPES SHOWN ON THIS PLAN.

** GRATES SIMILAR TO THOSE SPECIFIED ARE ALLOWED WITH APPROVAL.



DRAINAGE - GRADING - UTILITY PLAN
PROPOSED ADDITION FOR:

DOES ADDITION TO: BRAIN BALANCE

1403 ARBOR WAY
KAUKAUNA,
WISCONSIN 54130

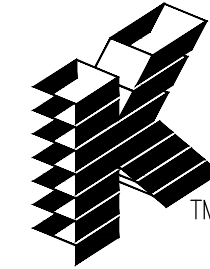
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REVISIONS

PROJECT MANAGER:	STUBBS
ARCHITECT:	SPENCER
DRAWN BY:	CRS
EXPEDITOR:	TIMM
SUPERVISOR:	WILDENBERG
PRELIMINARY NO:	P23068
CONTRACT NO:	83028 83131
DATE:	10.09.2023
SHEET:	

C1.2



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PLANNERS | ARCHITECTS | BUILDERS

FOX CITIES N216 State Road 55 P.O. Box 620 Kaukauna, WI 54130 PHONE 920.766.5795 1.800.236.2534 FAX 920.766.5004	MADISON 711 Lois Drive Sun Prairie, WI 53590 PHONE 608.318.2336 FAX 608.318.2337
MILWAUKEE W204 N11509 Goldendale Road Germantown, WI 53022 PHONE 262.250.9710 1.800.236.2534 FAX 262.250.9740	WAUSAU 5605 Lilac Avenue Wausau, WI 54401 PHONE 715.849.3141 FAX 715.849.3181

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EROSION CONTROL PLAN
PROPOSED ADDITION FOR:

BRAIN BALANCE

1403 ARBOR WAY
KAUKAUNA, WISCONSIN 54130

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REVISIONS

PROJECT MANAGER:	STUBBS
ARCHITECT:	SPERL
DRAWN BY:	CRS
EXPEDITOR:	TIMM
SUPERVISOR:	WILDENBERG
PRELIMINARY NO:	P23068
CONTRACT NO:	83028 83131
DATE:	10.09.2023
SHEET:	C1.3

EROSION CONTROL PLAN

EROSION AND SEDIMENT CONTROL CONSTRUCTION NOTES

1. EROSION CONTROL MEASURES ARE TO BE INSTALLED AND MAINTAINED PER THE "WISCONSIN TECHNICAL STANDARDS." EROSION CONTROL MEASURES ARE TO BE INSTALLED AS A FIRST ITEM OF CONSTRUCTION AND SHALL BE INSPECTED AND MAINTAINED UNTIL THE SITE IS COMPLETELY STABILIZED. UPON SITE STABILIZATION, TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED AND DISPOSED OF PROPERLY.
2. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED WHEREVER SEDIMENT TRANSPORT IS FOUND OR WHERE IT IS DETERMINED THAT THERE IS A HIGH LIKELIHOOD THAT SEDIMENT TRANSPORT MAY OCCUR. SEDIMENTS THAT HAVE MIGRATED OFF SITE SHALL BE IMMEDIATELY CLEANED UP.
3. ANY SEDIMENTS THAT ARE TRACKED ONTO PUBLIC ROADS SHALL BE CLEANED UP BY THE END OF THE WORK DAY.
4. ALL DISTURBED GROUND OR SOIL STORAGE PILES THAT ARE LEFT INACTIVE FOR MORE THAN SEVEN DAYS SHALL BE STABILIZED BY SEEDING, MULCHING OR COVERING.

EROSION & SEDIMENT CONTROL PLAN INFORMATION

1. PROJECT OWNER: CHB PROPERTIES, LLC
2301 RIVERSIDE DRIVE
KAUKAUNA, WI 54130
CONTACT: DR CHRIS BERKERS, (920) 766-9521

PLAN PREPARED BY: SCHULER & ASSOCIATES, INC.
2711 NORTH MASON STREET, Suite F
APPLETON, WI 54914
Contact: JEFF RUSTICK, (920) 734-9107

2. START OF CONSTRUCTION: 11-01-2023
END OF CONSTRUCTION: 07-15-2024
3. LEGAL DESCRIPTION: LOT 1, CSM 7547, BEING LOCATED IN PRIVATE CLAIM 35, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN

4. PROJECT DESCRIPTION: THE PROJECT CONSISTS OF THE CONSTRUCTION OF A TENANT BUILDING ADDITION ALONG WITH ASSOCIATED UTILITIES, PARKING LOTS AND DRIVES.
5. CONSTRUCTION SCHEDULE
1. 11-01-2023: INSTALL SILT FENCE, TRACKING PAD, EXISTING INLET PROTECTION
 2. 11-02-2023: STRIP TOP SOIL & STOCKPILE
 3. 11-03-2023: INSTALL STORM SEWER & INLET, INSTALL INLET PROTECTION ON NEW INLET
 4. 11-04-2023: EXCAVATE FOR BUILDING FOUNDATION
 5. 11-08-2023: BEGIN FOUNDATION CONSTRUCTION
 6. 11-10-2023: EXCAVATE FOR PARKING LOT. INSTALL BASE FOR PARKING LOT.
 7. 11-18-2023: BEGIN ABOVE GROUND BUILDING CONSTRUCTION. ROUGH GRADE SITE. TEMPORARY SEED AS APPROPRIATE
 8. 05-01-2024: INSTALL CONCRETE WALKS
 9. 05-15-2024: PAVE PARKING LOT
 10. 06-01-2024: FINAL SITE GRADING
 11. 06-15-2024: FINISH BUILDING CONSTRUCTION
 12. 07-15-2024: REMOVE TEMPORARY EROSION CONTROL MEASURES AFTER

6. THE ENTIRE PROJECT SITE IS 2.3 ACRES WITH APPROXIMATELY 0.85 ACRES BEING DISTURBED DURING CONSTRUCTION.

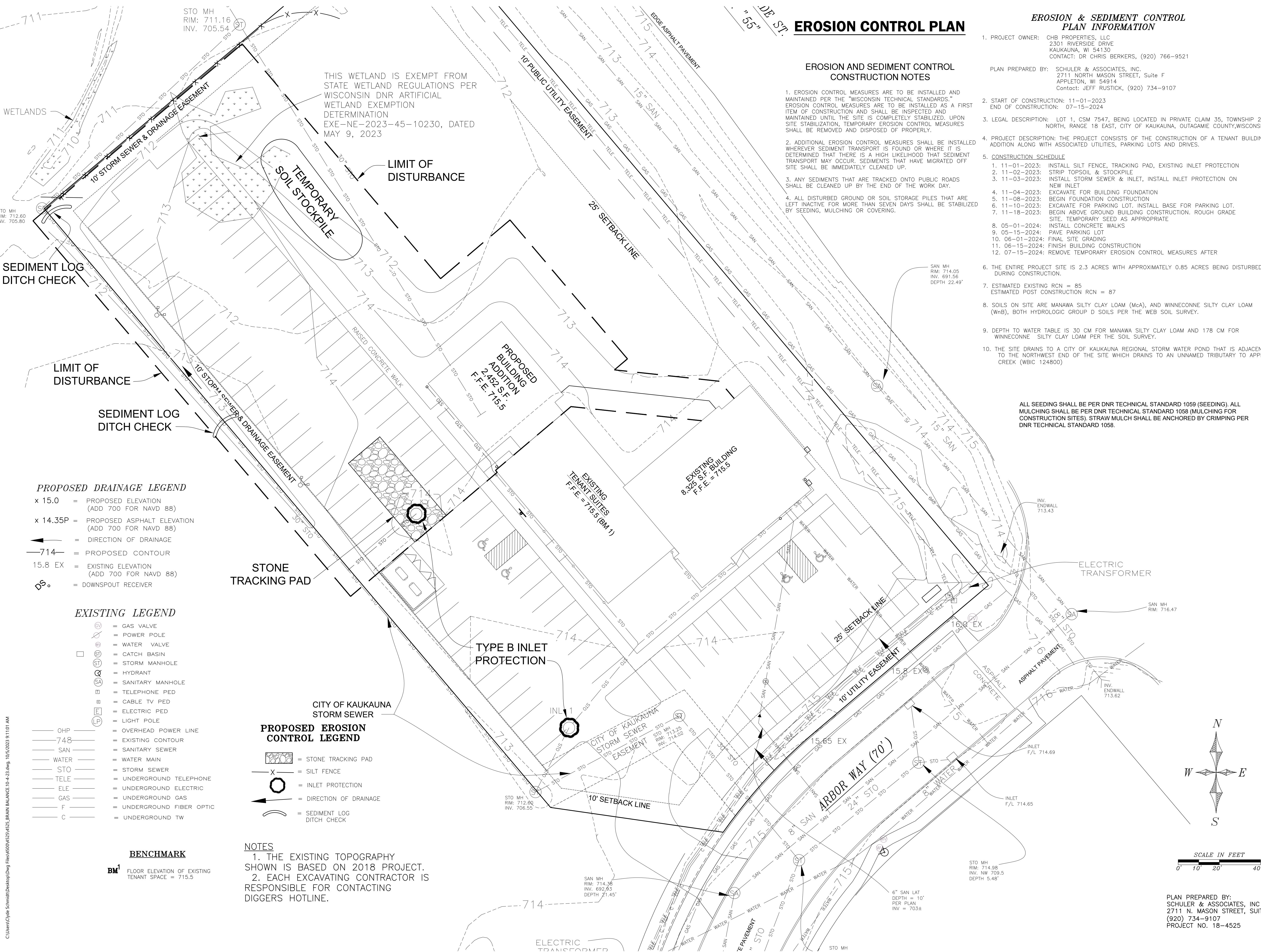
7. ESTIMATED EXISTING RCN = 85
ESTIMATED POST CONSTRUCTION RCN = 87

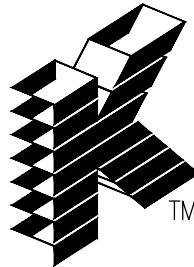
8. SOILS ON SITE ARE MANAWA SILTY CLAY LOAM (McA), AND WINNECONNE SILTY CLAY LOAM (WnB), BOTH HYDROLOGIC GROUP D SOILS PER THE WEB SOIL SURVEY.

9. DEPTH TO WATER TABLE IS 30 CM FOR MANAWA SILTY CLAY LOAM AND 178 CM FOR WINNECONNE SILTY CLAY LOAM PER THE SOIL SURVEY.

10. THE SITE DRAINS TO A CITY OF KAUKAUNA REGIONAL STORM WATER POND THAT IS ADJACENT TO THE NORTHWEST END OF THE SITE WHICH DRAINS TO AN UNNAMED TRIBUTARY TO APPLE CREEK (WBC 124800)

ALL SEEDING SHALL BE PER DNR TECHNICAL STANDARD 1059 (SEEDING). ALL MULCHING SHALL BE PER DNR TECHNICAL STANDARD 1058 (MULCHING FOR CONSTRUCTION SITES). STRAW MULCH SHALL BE ANCHORED BY CRIMPING PER DNR TECHNICAL STANDARD 1058.





Keller

PLANNERS | ARCHITECTS | BUILDERS

FOX CITIES

N216 State Road 55
P.O. Box 620
Kaukauna, WI 54130PHONE 920.766.5795
1.800.236.2534

FAX 920.766.5004

MILWAUKEE

W204 N11509
Goldendale Road
Germantown, WI 53022PHONE 262.250.9710
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FAX 262.250.9740

MADISON

711 Lois Drive
Sun Prairie, WI 53590

PHONE 608.318.2336

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WAUSAU

5605 Lloc Avenue
Wausau, WI 54401

PHONE 715.849.3141

FAX 715.849.3181

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DETAILS
PROPOSED ADDITION FOR:
BRAIN BALANCE

54130

WISCONSIN

1403 ARBOR WAY

KAUKAUNA,

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REVISIONS

PROJECT MANAGER:

STUBBS

ARCHITECT:

SPERL

DRAWN BY:

CRS

EXPEDITOR:

TIMM

SUPERVISOR:

WILDENBERG

PRELIMINARY NO:

P23068

CONTRACT NO:

83028

83131

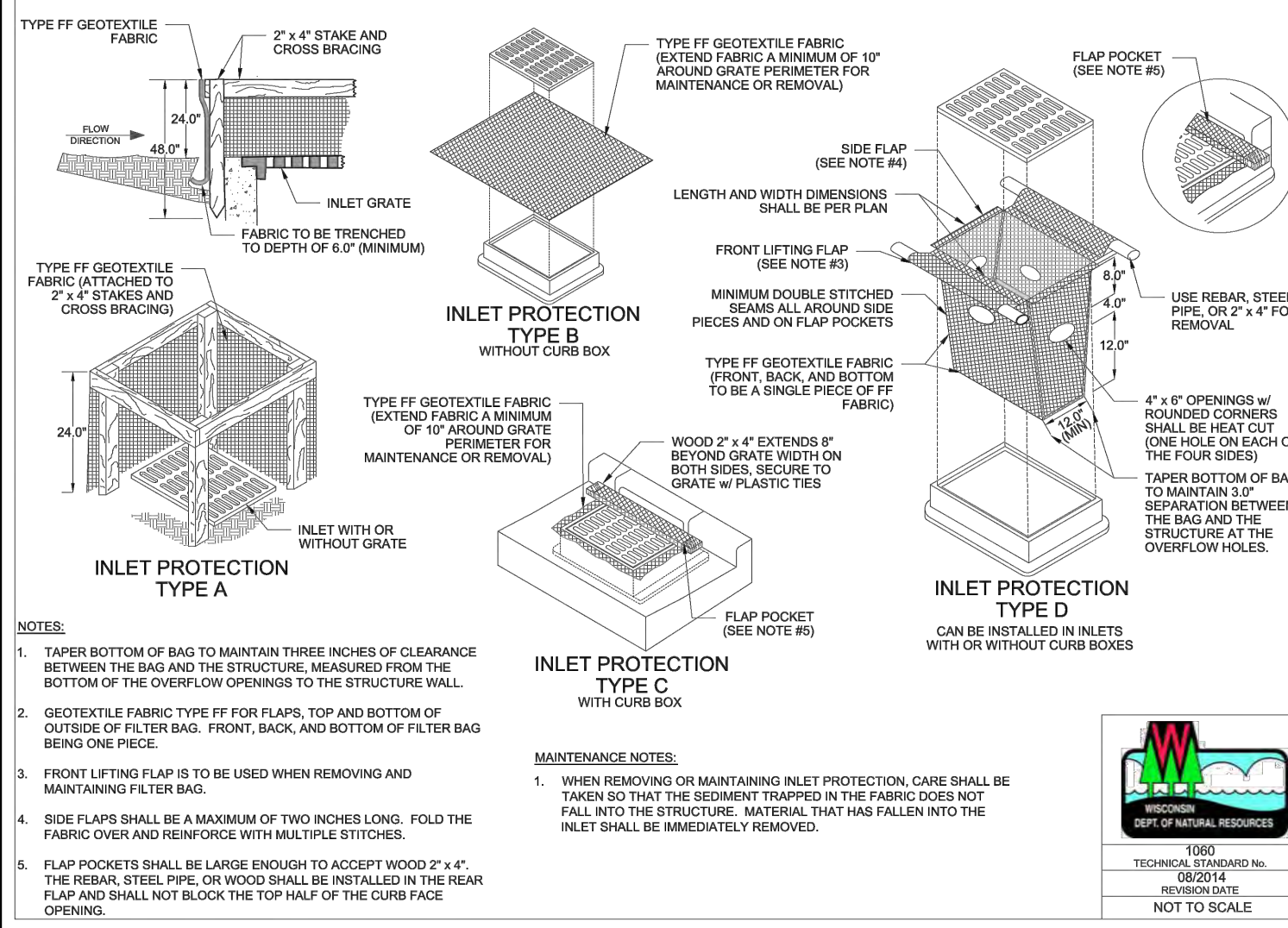
DATE:

10.09.2023

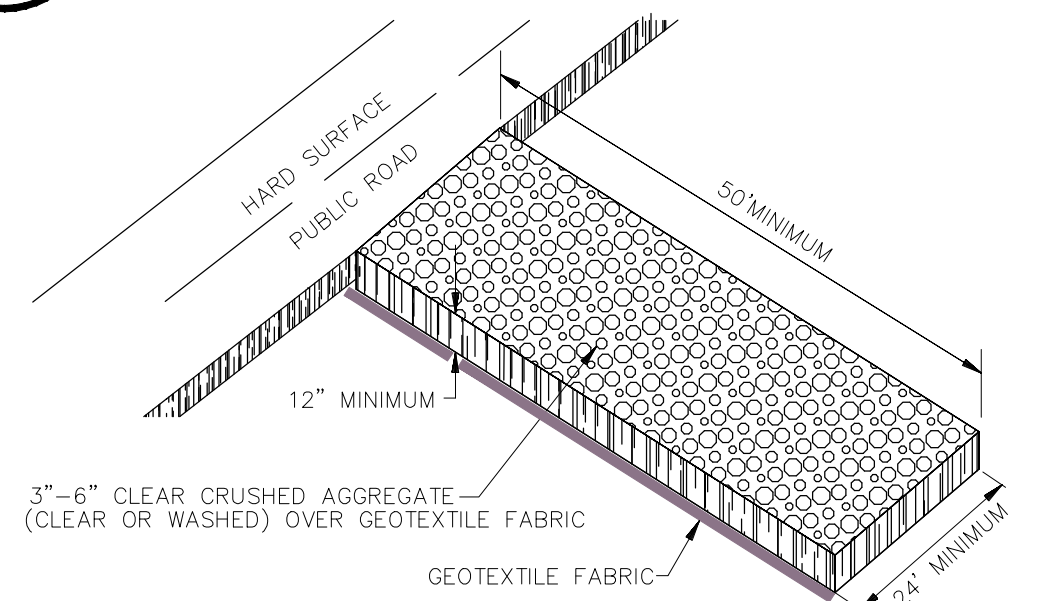
SHEET:

C1.4

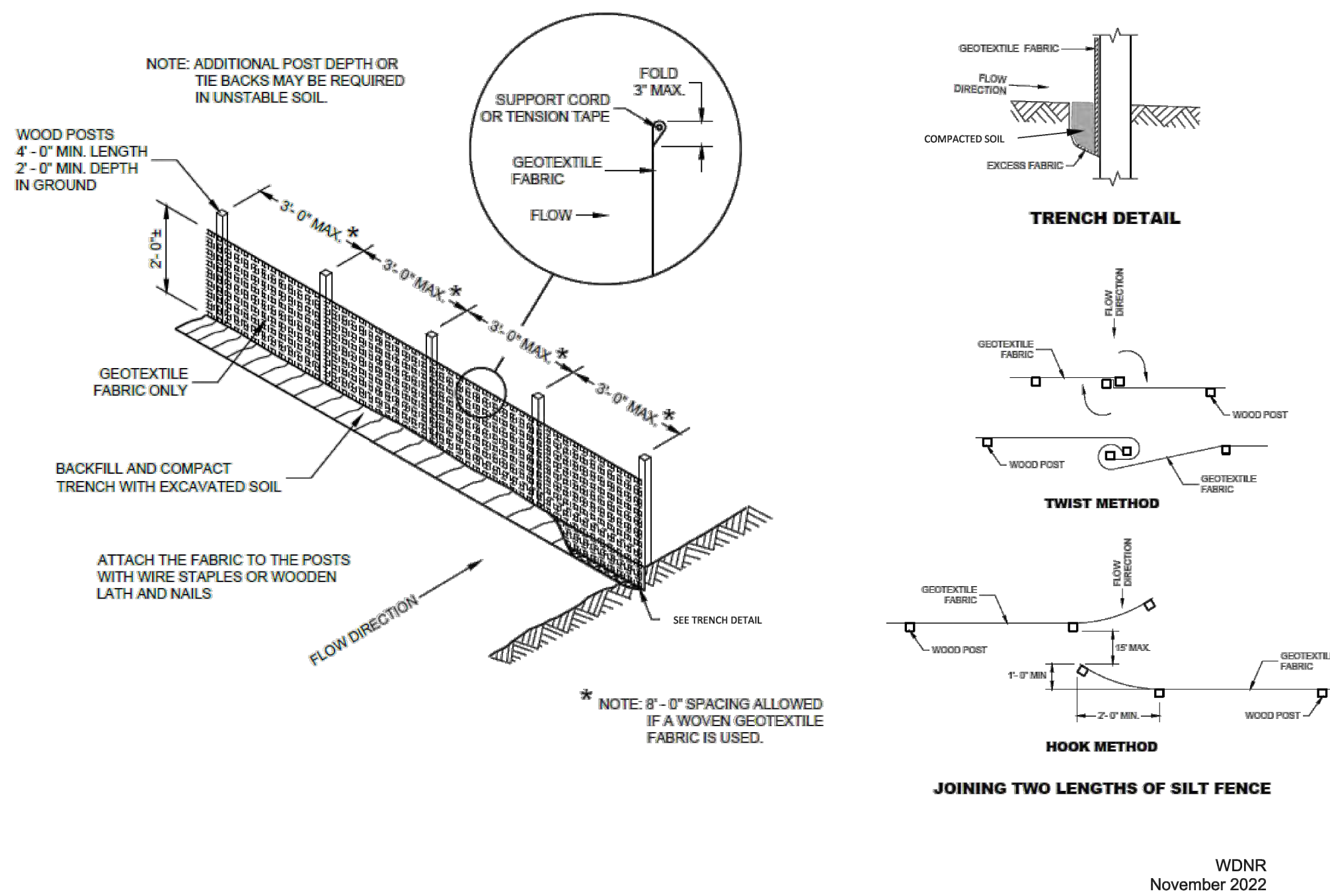
FIGURE 1. INLET PROTECTION TYPES A, B, C AND D

**1 INLET PROTECTION DETAIL**

C1.4 NTS

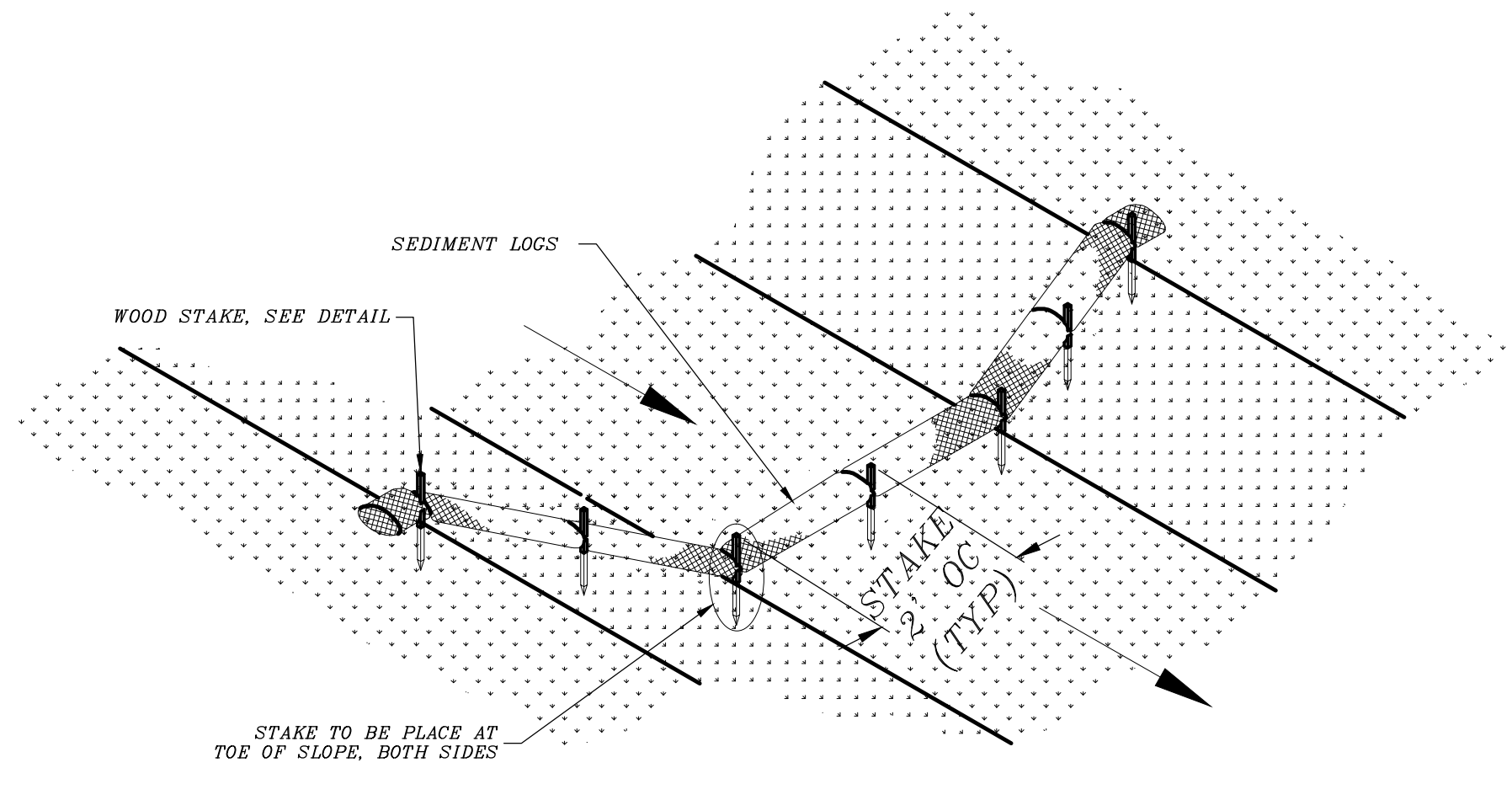
**2 TRACKING PAD:
CONST. ENTRANCE**

C1.4 NTS

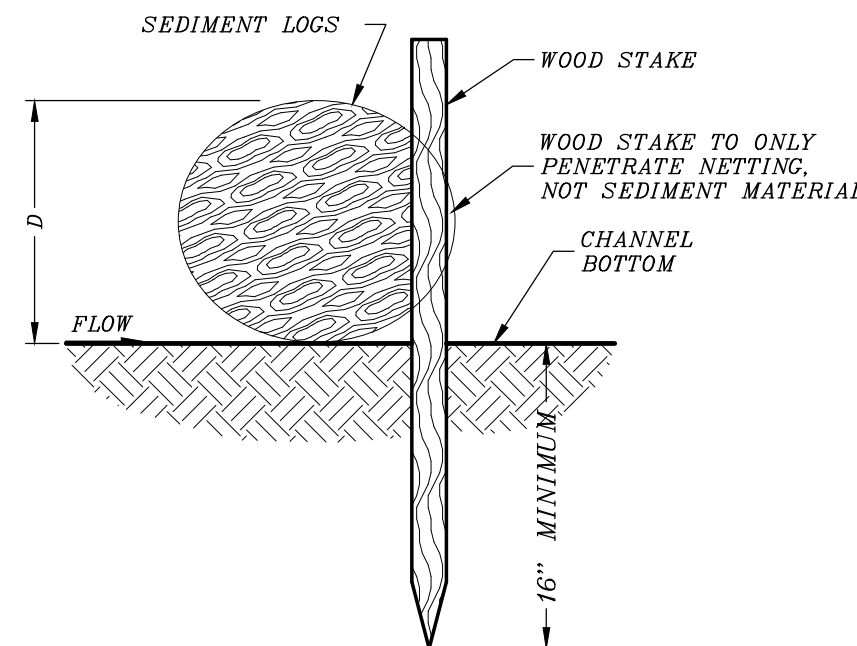
Figure 5:
Silt Fence Installation**3 SILT FENCE DETAIL**

C1.4 NTS

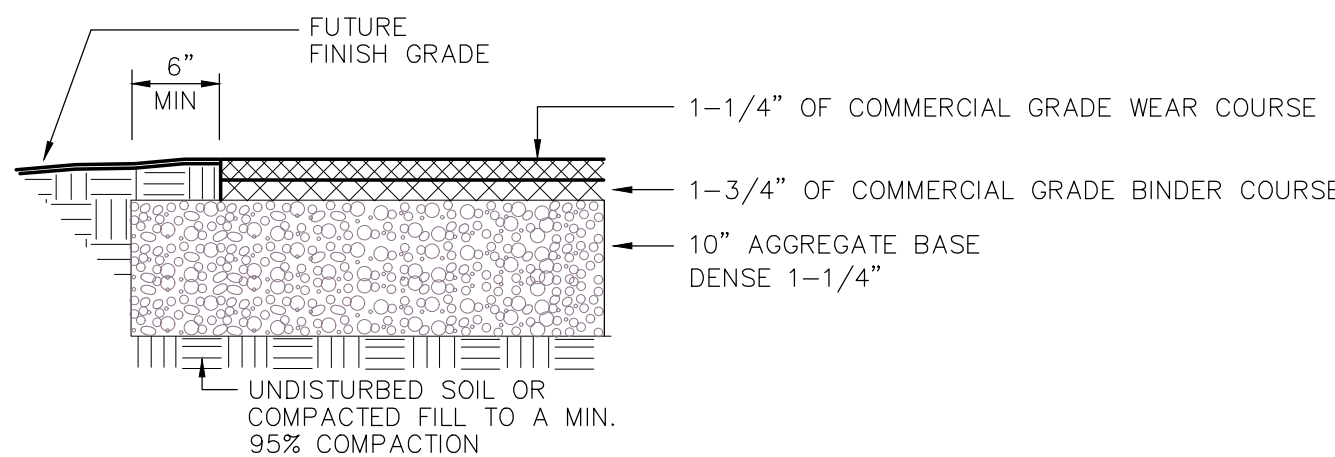
PLAN PREPARED BY:
SCHULER & ASSOCIATES, INC.
2711 N. MASON STREET, SUITE F
(920) 734-9107
PROJECT NO. 16-4427

**4 SEDIMENT LOG DETAIL**

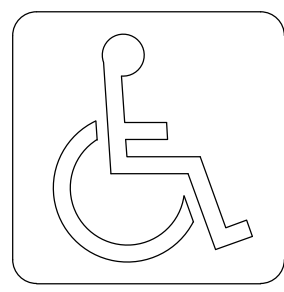
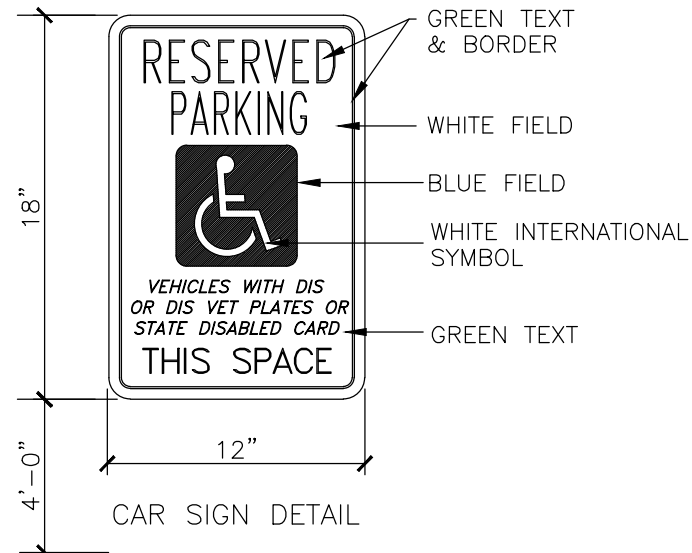
C1.4 NTS

**5 SEDIMENT LOG STAKE DETAIL**

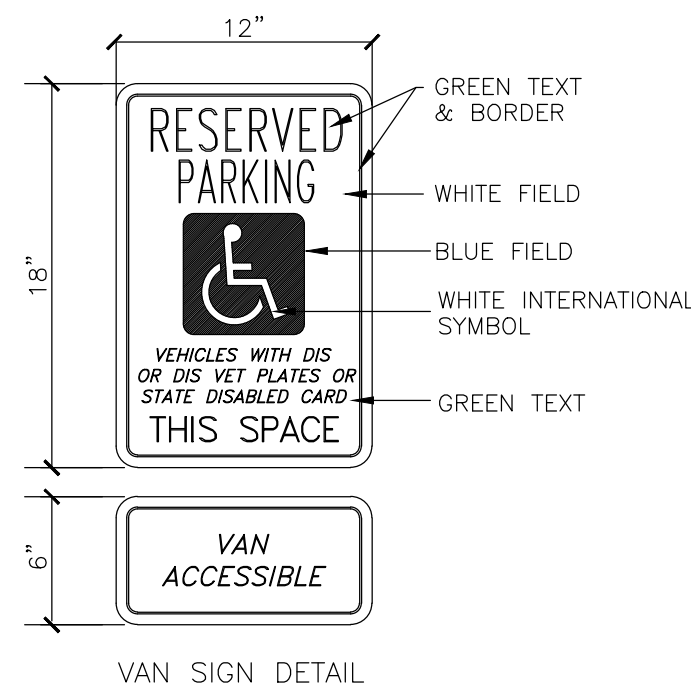
C1.4 NTS

**8 AUTO ASPHALTIC
PAVEMENT SECTION**

C1.4 NTS

INTERNATIONAL SYMBOL
OF ACCESSIBILITY

CAR SIGN DETAIL

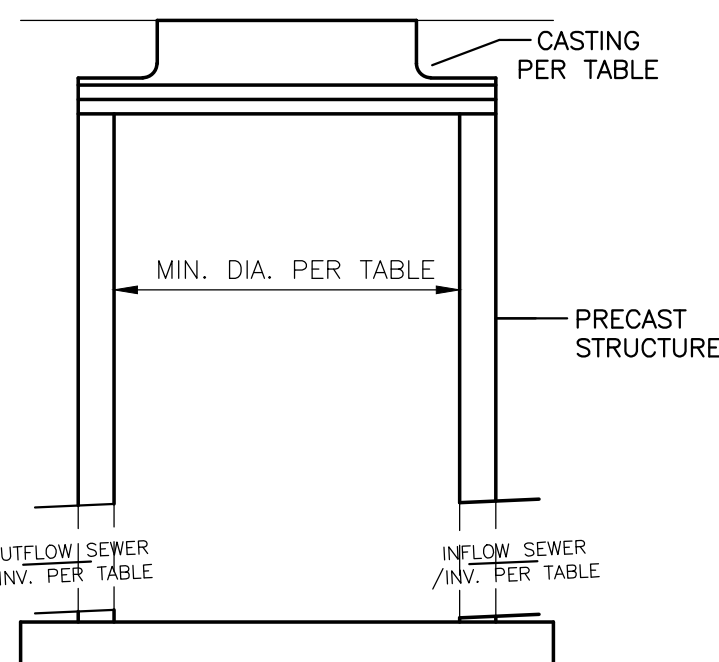


VAN SIGN DETAIL

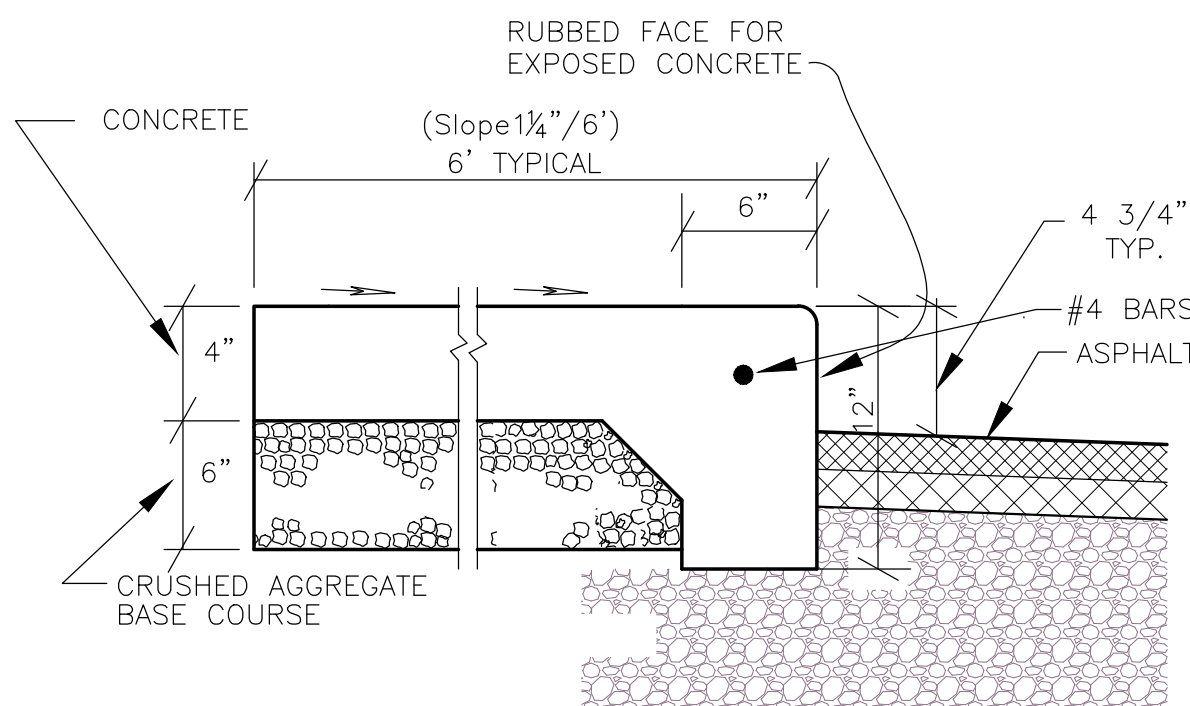
6 ACCESSIBLE PARKING SIGN DETAILS

C1.4 NOT TO SCALE

IT SHALL BE THE RESPONSIBILITY OF THE OWNER TO INSTALL (WHERE SHOWN
HEREON), BARRIER FREE PARKING SIGNS IN CONFORMITY TO WISCONSIN
ADMINISTRATIVE CODE: TRANS #200.07

**7 STORM SEWER MANHOLE /
CATCH BASIN CROSS SECTION**

C1.4 NTS

**9 RAISED SIDEWALK DETAIL**

C1.4 NTS

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
625 E County Rd Y Suite 700
Oshkosh, WI, 54901

Tony Evers, Governor
Adam N. Payne, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



Item 3.a.

May 9, 2023

Christopher Berkers
1401 Arbor Way
Kaukauna, WI 54130

EXE-NE-2023-45-01230

RE: Artificial Wetland Exemption Determination for an area described as Wetland 3-E located in the SE ¼, SE ¼, Section 11, Township 21 North, Range 18 East, City of Kaukauna, Outagamie County

Dear Mr. Berkers:

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

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

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

- The request narrative
- Site photographs that show different angles and views of the wetland
- Historic Maps such as the Original Land Survey Plat, Bordner Survey, USGS topographic Quad map, and/or soil mapping

Conclusion:

Based upon the information provided above, the wetland identified as Wetland 3-E lacked a wetland history prior to August 1, 1991 and fulfills all artificial wetland exemption standards. Therefore, Wetland 3-E is exempt from state wetland regulations.

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

If you have any questions, please call me at (608) 235-2057 or email Allison.Willman@wisconsin.gov.

Sincerely,



Allison Willman
Water Management Specialist

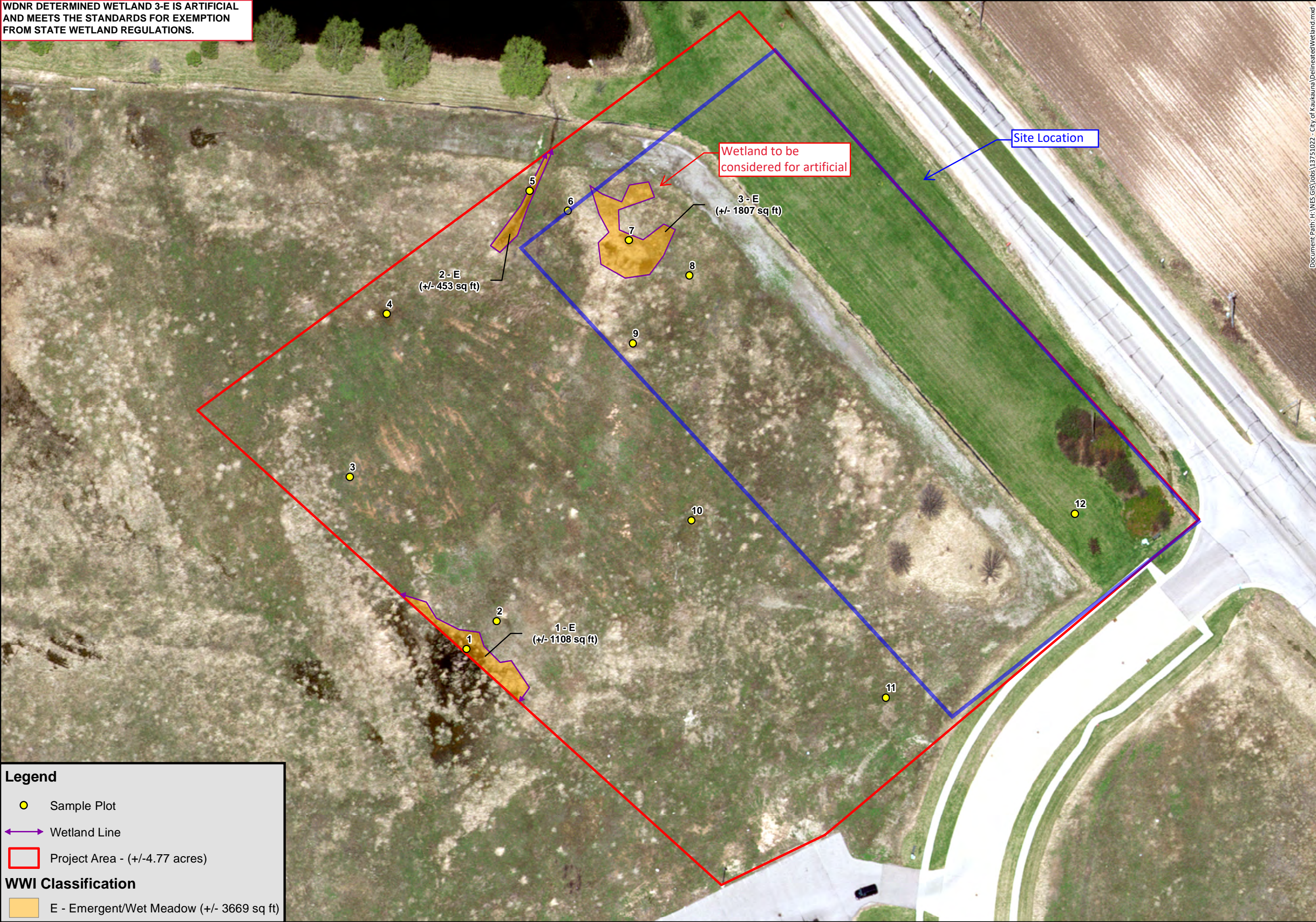
Enclosures:

Wetland Delineation/Exemption Location Figures

Copy to:

US Army Corps of Engineers
Stacy Jepson, Cedar Corporation
Kathi Kramasz, DNR Water Management Specialist
Steve Swanson, Outagamie County
Mary Bisch, DNR Conservation Warden

WDNR DETERMINED WETLAND 3-E IS ARTIFICIAL AND MEETS THE STANDARDS FOR EXEMPTION FROM STATE WETLAND REGULATIONS.



Legend

- Sample Plot
- Wetland Line
- Project Area - (+/-4.77 acres)

WWI Classification

- E - Emergent/Wet Meadow (+/- 3669 sq ft)



NES
ECOLOGICAL SERVICES
A Division of Robert E. Lee & Associates, Inc.

Item 3.a.


Delineated Wetland

5/1/2018

City of Kaukauna
Wetland Delineation
NES Project No. 13751022
City of Kaukauna
Outagamie County, Wisconsin

Sources: Robert E. Lee & Associates, Inc., Outagamie County

Disclaimer: Robert E. Lee & Associates, Inc. makes every effort to ensure this map is free of errors but does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use. Robert E. Lee & Associates, Inc. provides this map without any warranty of any kind whatsoever, either expressed or implied.



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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
332 MINNESOTA STREET, SUITE E1500
ST. PAUL, MN 55101-1323

October 6, 2023

Regulatory File No. MVP-2023-00418-CJB

Cedar Corporation
c/o Stacy Jepson
1695 Bellevue Street
Green Bay, WI 54311

Dear Ms. Jepson:

This letter regards an approved jurisdictional determination for property located at 1401 Arbor Way, Kaukauna, in Section 11, Township 21 North, Range 18 East, Outagamie County, Wisconsin. The review area for our jurisdictional determination is identified on the enclosed figure labeled 2023-00418-CJB Figure 2.

The review area contains no waters of the United States subject to Corps of Engineers (Corps) jurisdiction. Therefore, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within this area. The rationale for this determination is provided in the enclosed Approved Jurisdictional Determination Memorandum for Record (MFR). You are also cautioned that the area of waters described on the enclosed Jurisdictional Determination form is approximate and is not based on a precise delineation of aquatic resources.

This determination is only valid for the review area shown on the enclosed figure labeled 2023-00418-CJB Figure 2.

The delineation included herein has been conducted to identify the location and extent of the aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of an NRCS Certified Wetland Determination with the local USDA service center, prior to starting work.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP.

It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter.

Regulatory Division (File No. MVP-2023-00418-CJB)

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the determination in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination are still accurate.

If you have any questions, please contact me in our Green Bay office at (920) 572-6709 or Cameron.J.Brock@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

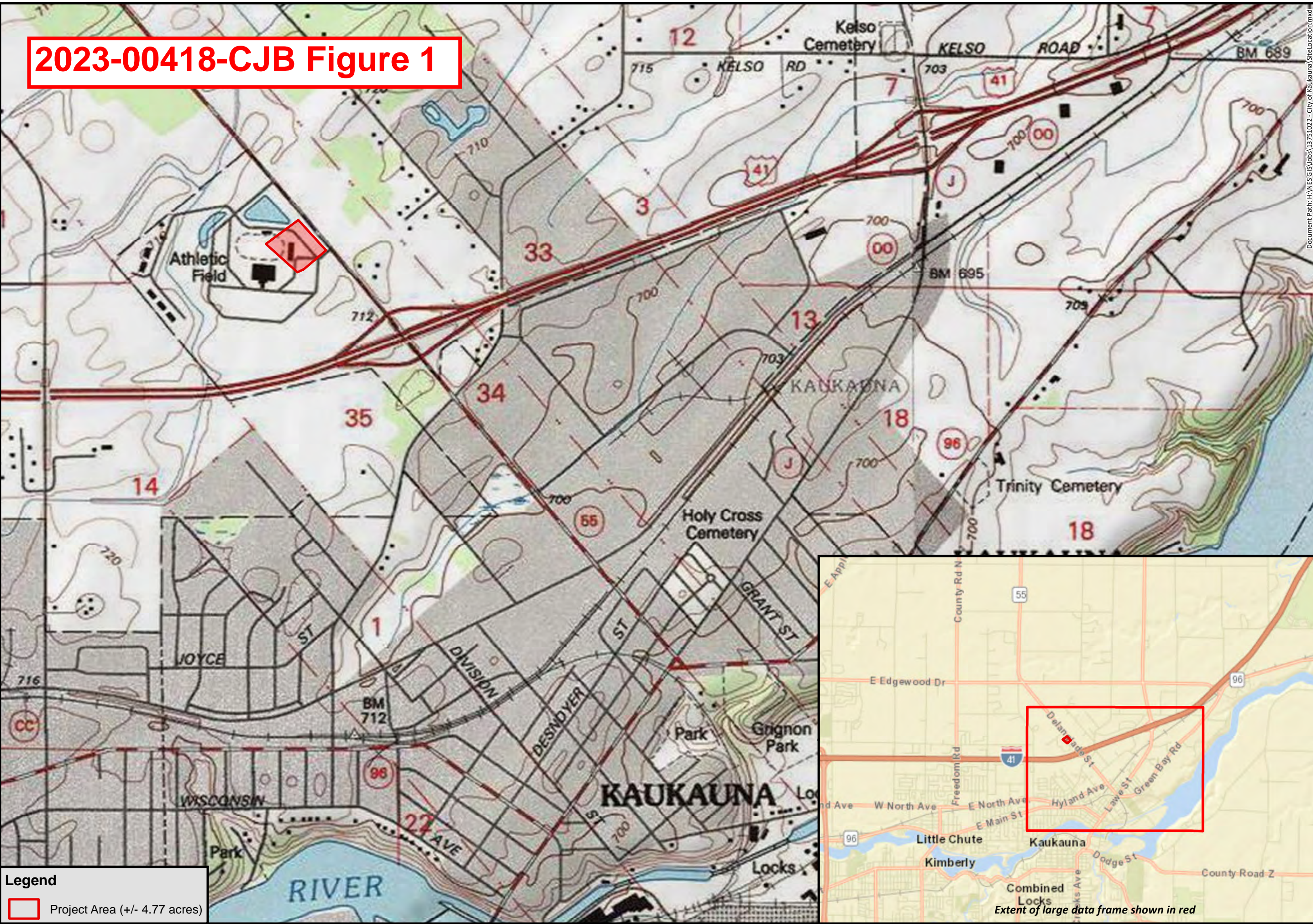
A handwritten signature in black ink, appearing to be 'CB' followed by a horizontal line.

Cam Brock
WI East Branch Regulatory Specialist

Enclosures

cc: Kathi Kramasz, WI DNR Water Management Specialist

2023-00418-CJB Figure 1



Legend

Project Area (+/- 4.77 acres)

Item 3.a.

ECOLOGICAL SERVICES
A Division of Robert E. Lee & Associates

Site Location

5/1/2018

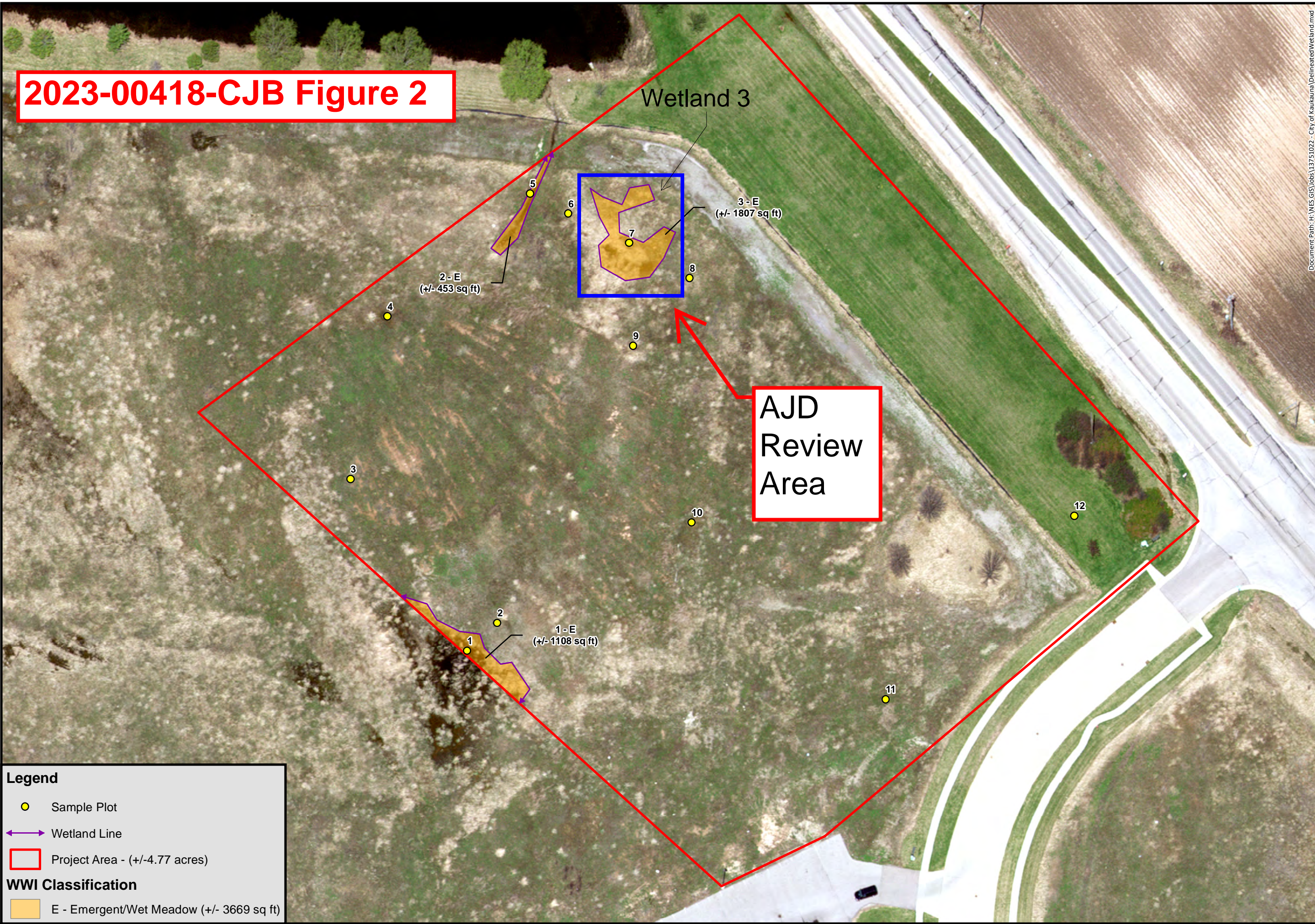
City of Kaukauna
Wetland Delineation
NES Project No. 13751022
City of Kaukauna
Outagamie County, Wisconsin


Located in part of:
Section 11, T21N, R18E
City of Kaukauna
Outagamie County
Wisconsin

0 1,000
Feet

19

2023-00418-CJB Figure 2





Item 3.a.


Delineated Wetland

5/1/2018

City of Kaukauna
Wetland Delineation
NES Project No. 13751022
City of Kaukauna
Outagamie County, Wisconsin

Sources: Robert E. Lee & Associates, Inc., Outagamie County

Disclaimer: Robert E. Lee & Associates, Inc. makes every effort to ensure this map is free of errors but does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use. Robert E. Lee & Associates, Inc. provides this map without any warranty of any kind whatsoever, either expressed or implied.



06020



**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
332 MINNESOTA STREET, SUITE E1500
ST. PAUL, MN 55101-1323**

CE-MVP-RD

06 October 2023

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the “Revised Definition of ‘Waters of the United States’”; (88 FR 3004 (January 18, 2023) as amended by the “Revised Definition of ‘Waters of the United States’; Conforming” (8 September 2023) ,¹ MVP-2023-00418-CJB, MFR 1 of 1.²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army (“the agencies”) published the “Revised Definition of ‘Waters of the United States,’” 88 FR 3004 (January 18, 2023) (“2023 Rule”). On September 8, 2023, the agencies published the “Revised Definition of ‘Waters of the United States’; Conforming”, which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) (“*Sackett*”).

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the 2023 Rule as amended,

¹ While the Revised Definition of “Waters of the United States”; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, the territorial seas, or interstate water that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

CE-MVP-RD

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVP-2023-00418-CJB

as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

- i. Wetland 3, non-jurisdictional

2. REFERENCES.

- a. "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule")
- b. "Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964 (September 8, 2023))
- c. *Sackett v. EPA*, 598 U.S. __, 143 S. Ct. 1322 (2023)

3. REVIEW AREA. The review area for this jurisdictional determination is approximately 0.25 acre in size and is identified by the blue polygon on the attached figure labeled 2023-00418-CJB Figure 2. The review area is located at Lat: 44.30260 N, Lat: -88.27717 W, in the City of Kaukauna, Outagamie County, Wisconsin. There are no other JDs associated with the review area.

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED.⁶ N/A

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. N/A

6. SECTION 10 JURISDICTIONAL WATERS⁷: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with

⁶ This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established.

CE-MVP-RD

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVP-2023-00418-CJB

Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁸ N/A

7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A

b. The Territorial Seas (a)(1)(ii): N/A

c. Interstate Waters (a)(1)(iii): N/A

d. Impoundments (a)(2): N/A

e. Tributaries (a)(3): N/A

f. Adjacent Wetlands (a)(4): N/A

g. Additional Waters (a)(5): N/A

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

⁷ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁸ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

CE-MVP-RD

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVP-2023-00418-CJB

- a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not “waters of the United States” even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).⁹ N/A
- b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

Based on the delineation report submitted by NES Ecological Services, review of the National Regulatory Viewer, and the Wisconsin Department of Natural Resources (WI DNR) Surface Water Data Viewer, Wetland 3, as identified in the figure labeled 2023-00418-CJB Figure 2, is a depressional wetland, surrounded by upland. This wetland is not a TNW, territorial sea, or interstate water and, therefore, not a category (a)(1) water. This wetland is not an impoundment or tributary and is, therefore, not a category (a)(2) or (a)(3) water. This wetland is located approximately 0.21 miles to the east of the closest unnamed tributary and does not directly abut a category (a)(1), (a)(2), or (a)(3) water of the conforming rule. Wetland 3 is not separated from a jurisdictional water by a natural berm, bank, dune, or similar natural landform. There are no ditches, swales, pipes, or culverts that connects Wetland 3 to downstream jurisdictional waters. Wetland 3 is a non-tidal wetland that does not have a continuous surface connection to a relatively permanent jurisdictional water and as such does not meet the definition of adjacent and cannot be evaluated as (a)(4) adjacent wetland; therefore, Wetland 3 is not jurisdictional under the 2023 Revised Definition of ‘Waters of the United States’; Conforming” 88 FR 61964 Final Rule.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.
 - a. Office evaluation conducted on September 25, 2023
 - b. Wetland Delineation Report, submitted by NES Ecological Services, dated June 25, 2018

⁹ 88 FR 3004 (January 18, 2023)

CE-MVP-RD

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVP-2023-00418-CJB

- c. National Regulatory Viewer, Hillshade Layer (derived from LiDAR), September 25, 2023
- d. WI DNR Surface Water Data Viewer, September 25, 2023

10. OTHER SUPPORTING INFORMATION. N/A

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Cedar Corporation c/o Stacy Jepson	File Number: MVP-2023-00418-CJB	Date: October 6, 2023
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL WITHOUT PREJUDICE	C
<input type="checkbox"/>	PERMIT DENIAL WITH PREJUDICE	D
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	E
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	F

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial

You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable

You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:

U.S. Army Corps of Engineers
St. Paul District
Regulatory Division
332 Minnesota Street, Suite E1500
St. Paul, MN 55101-1323

Phone: 651-290-5525

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Brian Oberlies
Administrative Appeals Review Officer
Mississippi Valley Division
P.O. Box 80 (1400 Walnut Street)
Vicksburg, MS 39180-0080
Phone: 601-634-5820
Email: brian.m.oberlies@usace.army.mil

SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

<hr/> Signature of appellant or agent.	Date:
Email address of appellant and/or agent:	Telephone number: