Appendix 2: Coordination

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, CHICAGO DISTRICT
231 SOUTH LASALLE STREET, SUITE 1500
CHICAGO IL 60604

May 13, 2022

SUBJECT: NEPA Scoping Coordination, Algoma Harbor Breakwater Repair and Maintenance, Kewaunee County, Wisconsin.

Dear Recipient:

The U.S Army Corps of Engineers, Chicago District will be preparing a National Environmental Policy Act (NEPA) document on the potential impacts associated with a repair and maintenance project at the Algoma Harbor which is located on the western shore of Lake Michigan in Algoma, Wisconsin (Figure 1). The harbor breakwater consists of a 1,102-foot long North Pier and a 1,530-foot long South Breakwater. The purpose of the proposed project is to stabilize the North Pier and South Breakwater by encapsulating them.

The Algoma Harbor North Pier and South Breakwater are man-made structures that were initially built in 1871 and since then have been subject to occasional repairs as part of ongoing routine operation and maintenance. Though the structure has not undergone maintenance for several years. Currently, the interior timber crib is deteriorating and there has been a loss of stone fill from within and around the structures. This has led to voids in the structures and increased sedimentation within the channel. The proposed project would provide more stable and long-lasting structures, better maintaining safe passage for vessels entering and exiting the harbor.

An Environmental Assessment will be prepared to address any potential environmental impacts of the proposed repairs at Algoma Harbor. The U.S. Army Corps of Engineers would appreciate any comments, concerns, or modifications you might have about any potential environmental or social impacts from this proposed project. We request that you provide your comments by June 13, 2022. Please direct any questions you may have to John Belcik of my staff at John.T.Belcik@usace.army.mil or 312-846-5595.

Sincerely,

Susanne J. Davis

Susanne J. Davis P.E.
Chief, Planning Branch

Enclosures:
Figure 1: Project Area Map
Figure 2: Existing Breakwater Dimensions
Figure 3: Proposed Breakwater Cross Section

Figure 1: Project Area Map. Green lines indicate the extent of the South Breakwater and orange lines indicate the extend of the North Pier.

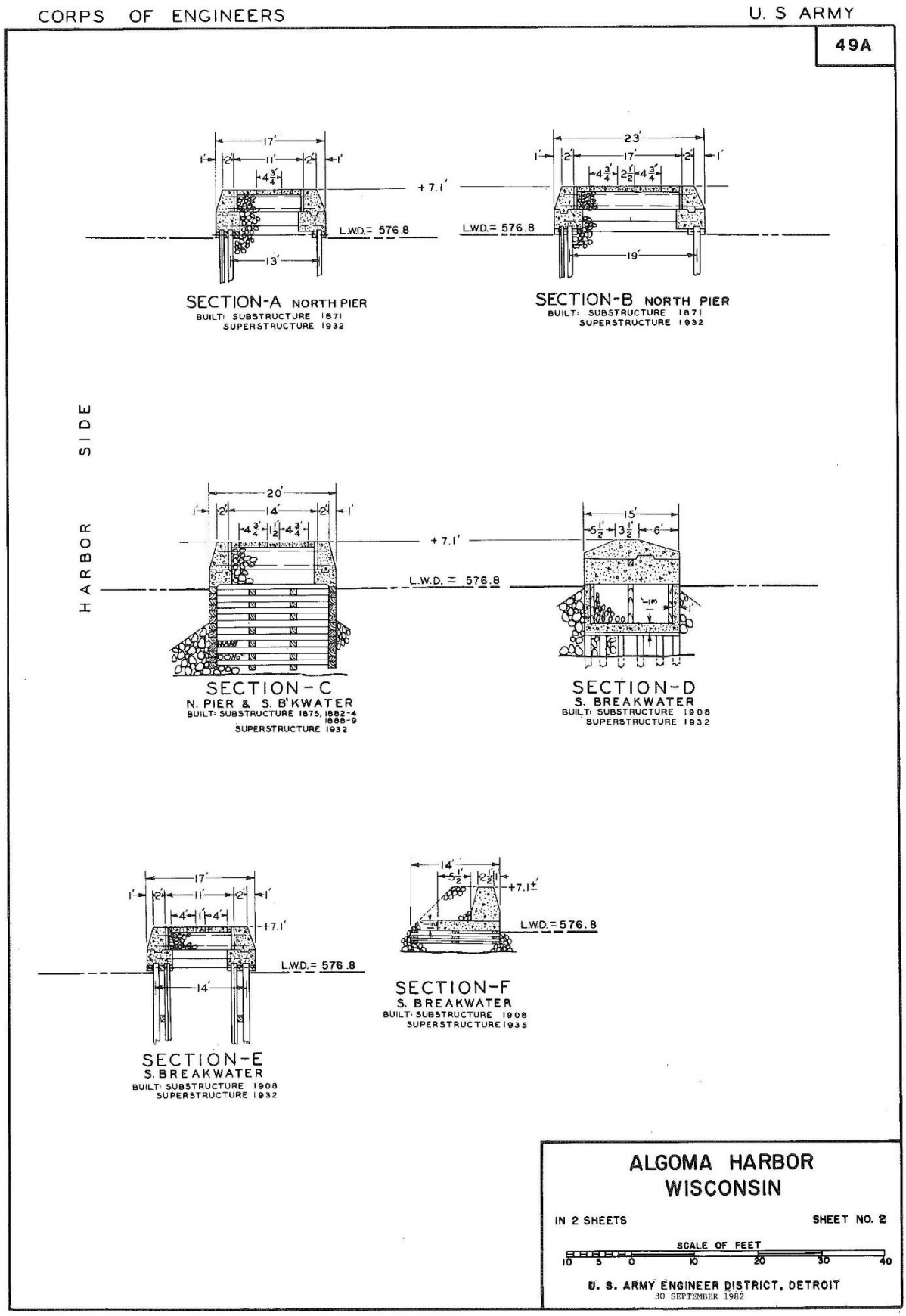

Figure 2: Existing Breakwater Dimensions.

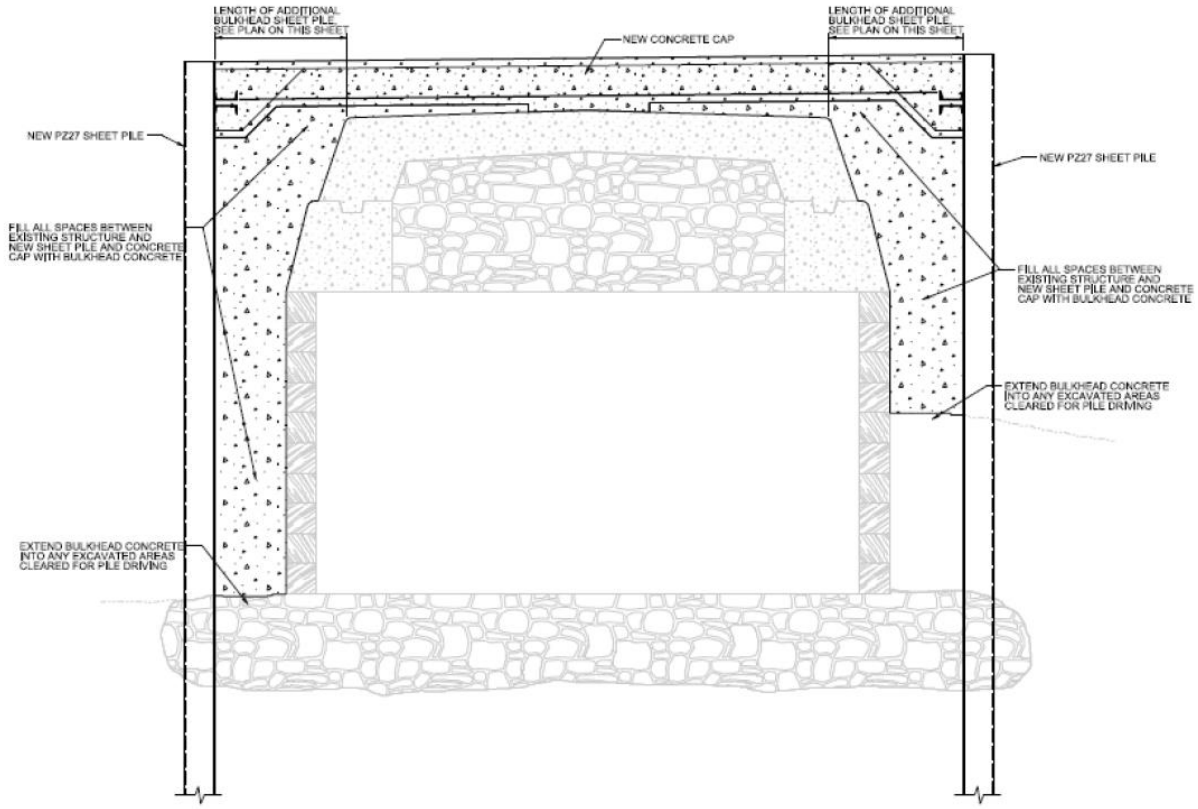

Figure 3: Proposed Breakwater Repair cross section.

Mr. Wayne Schmidt
City Council
805 Alpine Rd.
Algoma, Wisconsin 54201

Mr. Kevin Schmidt
City Council
1920Mueller St.
Algoma, Wisconsin 54201

Mr. John Pabich
City Council
305 Fremont St.
Algoma, Wisconsin 54201

Mr. Scott Meverden
City Council
1780 Fremont St
Algoma, Wisconsin 54201

Ms. Leah Pierquet
City Council
316 Frank Ave
Algoma, Wisconsin 54201

Mr. Casey Buhr
City Council
121 Vernon St.
Algoma, Wisconsin 54201

Mr. Steve Lautenbach
City Council
260 Buchanan St.
Algoma, Wisconsin 54201

Mr. Jake Maring
City Council
619 Buchanan St
Algoma, Wisconsin 54201

Mr. Lee Dachelet
City Council
725 Division St
Algoma, Wisconsin 54201

Mrs. Tammy Baldwin
U.S. Senator for Wisconsin
633 West Wisconsin Ave. Suite 1300
Milwaukee, Wisconsin 53203

Mr. Ron Johnson
U.S. Senator for Wisconsin
517 East Wisconsin Ave Suite 408
Milwaukee, Wisconsin 53202

Mr. Mike Gallagher
U.S. House of Representatives
1702 Scheuring Rd. Suite E.
De Pere, Wisconsin 54115

Mr. Joel Kitchens
State Legislature
Room 220 North State Capitol PO Box 8952
Madison, Wisconsin 53708

Mr. Andre Jacque
State Senate
Room 7 South State Capitol PO Box 7882
Madison, Wisconsin 53707

Ms. Shauna Marquardt
U.S. Fish and Wildlife Service
4101 American Boulevard East
Bloomington, Minnesota 55425

Ms. Kathleen Angel
WI Coastal Mangement Program
101 E Wilson Street, 9th Floor P.O. Box 8944
Madison, Wisconsin 53708

Mr. Tony Evers
Wisconsin State Governor
819 N 6th St
Milwaukee, Wisconsin 53203

Ms. Cindy Wojtczak
Bay Lake RPC
1861 Nimitz Drive
De Pere, Wisconsin 54115

Mr. Nick Legler
Wisconsin DNR
110 S Neenah Ave
Sturgeon Bay, Wisconsin 54235

Mr. Scott Hansen
Wisconsin DNR
110 S Neenah Ave
Sturgeon Bay, Wisconsin 54235

Ms. Ann Schoenborn
Algoma Public Library
406 Fremont Street
Algoma, Wisconsin 54201

Algoma Marina
City ofAlgoma
416 Fremont Street
Algoma, Wisconsin 54201

Mr. Thomas Ackerman
City of Algoma
416 Fremont Street
Algoma, Wisconsin 54201

Mr. Matt Murphy
City of Algoma
416 Fremont Street
Algoma, Wisconsin 54201

Ms. Davina Burgess
Kewaunee County
Land & Water Conservation 625 Third Street
Luxemburg, Wisconsin 54217

Mr. Scott Feldt
Kewaunee County
County Administrator's Office 810 Lincoln Stree
Kewaunee, Wisconsin 54216

Ms. Sydney Swan
Bay Lake Regional Planning Commission
1861 Nimitz Drive
De Pere, Wisconsin 54115

Mr. Adam Christensen
Bay Lake Regional Planning Commission
1861 Nimitz Drive
De Pere, Wisconsin 54115

Mr. Pete Haack
Algoma Utilities
1407 Flora Avenue
Algoma, Wisconsin 54201

Mr. Ryan Pichler
DNR Green Bay Service Center
2984 Shawano Ave
Green Bay, Wisconsin 54313

Mr. Jared Jeyn
City of Algoma
416 Fremont Street
Algoma, Wisconsin 54201

Ms. Erin Carviou
Wisconsin DNR
2984 Shawano Ave
Green Bay, Wisconsin 0

Friends of Crescent Beach
PO Box 344
Algoma, Wisconsin 54201

Miami Tribe of Oklahoma
3410 P St. NW, Miami, OK 74354 ● P.O. Box 1326, Miami, OK 74355
Ph: (918) 541-1300 ● Fax: (918) 542-7260
www.miamination.com

Via email: john.t.belcik@usace.army.mil

June 28, 2022

John Belcik
US Army Corps of Engineers
Chicago District
231 South La Salle St.
Suite 1500
Chicago, IL 60604

Re: Algoma Harbor Breakwater Repair & Maintenance, Kewaunee County, Wisconsin – Comments of the Miami Tribe of Oklahoma

Dear Mr. Belcik:

Aya, kikwehsitoole – I show you respect. The Miami Tribe of Oklahoma, a federally recognized Indian tribe with a Constitution ratified in 1939 under the Oklahoma Indian Welfare Act of 1936, respectfully submits the following comments regarding Algoma Harbor Breakwater Repair & Maintenance in Kewaunee County, Wisconsin.

The Miami Tribe offers no objection to the above-referenced project at this time, as we are not currently aware of existing documentation directly linking a specific Miami cultural or historic site to the project site. However, given the Miami Tribe's deep and enduring relationship to its historic lands and cultural property within present-day Wisconsin, if any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) or archaeological evidence is discovered during any phase of this project, the Miami Tribe requests immediate consultation with the entity of jurisdiction for the location of discovery. In such a case, please contact me at 918-541-8966 or by email at THPO@miamination.com to initiate consultation.

The Miami Tribe accepts the invitation to serve as a consulting party to the proposed project. In my capacity as Tribal Historic Preservation Officer I am the point of contact for consultation.

Respectfully,

Diane Hunter

Diane Hunter
Tribal Historic Preservation Officer

From: Richard Swanson
To: Belcik, John T CIV USARMY CELRC (USA)
Subject: [Non-DoD Source] Algoma breakwater/pier
Date: Thursday, May 26, 2022 2:41:37 PM

Thank you for starting on this project...I have lived in Algoma for almost 10 years...right across the street from the beach and the river. I remember the City having a study done on the Ahanapee River a few years ago...I think they still have it...could be of some interest to you. This beach is what drew us here...and...still does. Protecting it should be job #1. We have a huge problem with what is happening upstream and the pollution issues...I'm not sure you can help with liquid manure and runoff...wish you could..! If you have any questions, just ask.

Thank you
Dick Swanson

From: Louis Jacobucci
To: Belcik, John T CIV USARMY CELRC (USA)
Subject: [Non-DoD Source] Algoma harbor breakwater repair
Date: Friday, June 10, 2022 2:51:37 PM

Mr. Belcik,
I would like to see a modification in the plans for the south side of the breakwater to prevent the accumulation of algae and other debris at the North end of the beach. There has been a lot of effort to clean up the beach area to provide an environmentally safe place for people to enjoy Crescent Beach and dealing with this issue will help in continuing with this effort.

Sincerely,
Lou Jacobucci

From: Gurmit Kaur
To: Belcik, John T CIV USARMY CELRC (USA)
Subject: [Non-DoD Source] Algoma Harbor Breakwater Repair and Maintenance, Kewaunee County, Wisconsin
Date: Monday, June 6, 2022 10:28:21 AM

Mr. Belcik,

As you prepare the Environmental Assessment for the subject project, please consider the sandy area directly below the breakwater pier. Wind and waves bring biological matter into the corner where the pier meets the beach. The matter becomes trapped. The aroma in that part of the pier can only be described as a stench with possible negative impacts to humans and the environment.

We will appreciate that your team investigates the site and considers remediation of the problem.

Gurmit Kaur
Maritime Pointe
Algoma, Wisconsin

From: Michael Dovichi
To: Belcik, John T CIV USARMY CELRC (USA)
Subject: [Non-DoD Source] Algoma Harbor Breakwater Repair
Date: Wednesday, June 1, 2022 10:09:25 AM

Mr Belcik I am writing to recommend that the design of the south breakwater be tweaked to remove the dogleg at the landward end of the breakwater. I am a retired environmental geologist living by Algoma who has sailed out of the harbor and walked the pier and shoreline for 50 years. As constructed, the pier has created a health and aesthetic problem by the beach. South winds trap nutrients in this corner as shown by aerial photos. The COE engineers should agree that eliminating this “dead” spot would have a positive effect on the littoral current and therefore improve near shore water quality.
In another couple weeks, a visit to the harbor will clearly show that part of the $14 million available for this project should be used to improve the location of the south pier.
Sincerely,
Michael Dovichi
mdovichi@ gmail.com
920-621-9204
N8598 County Road M
Algoma Wi 54201

From: Joann Wiesner
To: Belcik, John T CIV USARMY CELRC (USA)
Subject: [Non-DoD Source] Algoma Harbor BreakwaterRepair and Maintenance, Kewaunee County, Wisconsin
Date: Monday, June 6, 2022 10:46:15 AM

Mr. Belcik,
Please consider the sandy area directly below the breakwater pier as you prepare the Environmental Assessment for the subject project. As a permanent Algoma resident living on Lake Michigan, it is of great concern to me that Crescent Beach be protected and improved. Wind and waves bring biological matter into the corner where the pier meets the beach. As the matter becomes trapped and becomes stagnant, the stench becomes unbearable, negatively impacting humans and the environment.

I will appreciate that this site is investigated and remediation of the problem is sought..

Joann Wiesner
2024 Lake Street
Algoms, WI. 54201

Joannwiesner@yahoo.com

Sent from Yahoo Mail for iPad <Blockedhttps://overview.mail.yahoo.com/?.src=iOS>

From: B. Cook
To: Belcik, John T CIV USARMY CELRC (USA)
Subject: [Non-DoD Source] Crescent beach Algoma
Date: Monday, June 6, 2022 4:25:35 PM

Dear Mr Belcik

I live at just down the lake from the crescent beach in Algoma and have learned about the upcoming improvements to breakwall at the north end of same. The smell gets very bad there when debris is deposited after a north wind. I hope this issue is being addressed as the improvements are made, such as increasing the angle at the intersection of beach and pier so that debris is not trapped there.
Thank you for your time and consideration,

Brian Cook

From: edward lemke
To: Belcik, John T CIV USARMY CELRC (USA)
Subject: [URL Verdict: Neutral][Non-DoD Source] Algoma Harbor Breakwater Repair and Maintenance, Kewaunee County, Wisconsin
Date: Monday, June 6, 2022 9:44:56 AM

Mr. Belcik,

As you prepare the Environmental Assessment for the subject project, please consider the sandy area directly below the breakwater pier. Wind and waves bring biological matter into the corner where the pier meets the beach. The matter becomes trapped. The aroma in that part of the pier can only be described as a stench with possible negative impacts to humans and the environment.

We will appreciate that your team investigates the site and considers remediation of the problem.

...

[

Algoma Harbor Breakwater Repair and…

From: Penny Lemberger
To: Belcik, John T CIV USARMY CELRC (USA)
Subject: [URL Verdict: Neutral][Non-DoD Source] Repairs to Algoma Harbor Breakwater
Date: Friday, June 10, 2022 7:23:19 AM

Dear Mr. Belcik,

I am writing this letter in regards to concerns that I have about the Algoma Harbor Breakwater repairs. I have been a middle/high school educator in the Algoma School District for the past 19 years and have seen the effects of the "dead" zone that is created. It not only affects our tourism in the area, but the health of our young local residents (youth) who might not pay attention to the "beach closing" days as well as the residential and migratory wildlife.

On a good day, Algoma may appear to be a "Quaint little town on the beautiful Lakeshore of Lake Michigan". The tourism the lake attracts is vital to our struggling businesses. The youth in Algoma do not come from wealthy homes (with a median family income of $51,250) Students are always excited about doing their part to take care of Crescent Beach and are very proud of it. However, it seems that nearly every time I have had my students go down for a Beach Clean-up, the portion by the pier and youth club is absolutely disgusting and NOT something to be proud of.

Please help us by considering some alternative engineering designs that might help to eliminate the problems that the South Breakwater forms.

Thank you for your time and efforts,

Penny Lemberger
plemberger@algomaschools.org
920-227-3665
E4999 Washington Road
Algoma, WI. 54201

Catherine Pabich
305 Fremont Street
Algoma WI 54201
Email: pabichc@gmail.com

June 2, 2022

Dear Mr. Belcik:

I am sending this letter in response to the Corps of Engineers request for comment on the potential environmental and social impacts of the Algoma Harbor breakwater repair and maintenance project. I urge you to consider the impact on Crescent Beach when determining the best strategy for the repair and maintenance of our vital harbor infrastructure.

The south breakwater forms the northern border of Crescent Beach. Crescent Beach and Boardwalk is an important tourist attraction and a prime recreation and leisure destination for Algoma area residents and visitors. During the summer months it is common to see hundreds of people enjoying the beach or strolling the boardwalk daily. Algoma's Shanty Days celebration features beach volleyball and the annual Soar on the Shore kite fly and beach party attracts thousands. The Friends of Crescent Beach group provides support for the maintenance and improvement of the beach by recruiting volunteers, including Algoma School District students, to participate in that effort, learn about the importance of the beach and appreciate our community's associated stewardship responsibilities. The local economy benefits from the growing awareness of Algoma as a destination Lake Michigan shoreline community that is a great place to visit, do business and call home. Algoma is a community that values and cares about its lake front.

Unfortunately, where the south breakwater intersects the beach, a problem exists that impacts aesthetics, the environment and public health. As currently configured, wind and waves carry algae and other debris into this corner of the beach where it becomes trapped and accumulates. The result is a stagnant, smelly mess of organic matter and debris. The odor can sometimes extend to blocks away. The only beach adjacent parking lot is located at this end of the beach, one of only two handicap accessible boardwalk access points, so when this problem exists it provides an unpleasant and potentially unhealthy experience at a location where beach visitors are encouraged to enter. Shore birds also frequent this area adding to, as well as, being exposed to the pollution.

As a strategy is developed for the repair and maintenance of Algoma's breakwater, please consider this problem area at Crescent Beach and investigate if adjustments to the configuration of the breakwater could eliminate or mitigate this issue. The substantial investment this project represents offers a unique opportunity to incorporate changes that could successfully address this issue and impact Crescent Beach in environmentally and socially positive ways.

Sincerely,
Catherine Pabich

Karen Newquist
628 Fremont Street
Algoma WI, 54201
karennewquist8@gmail.com

June 7,2022

Dear Mr. Belcik,

I am sending this letter in hopes of reconsideration of the decision by the Army Corps of Engineers to put a sleeve over the rotting structure that is the Algoma pier/ break wall.

Along with the decomposition of this obsolete fabrication the problem of the poor design of water flow now has a chance to be addressed, and with the amount of money available, and I am hoping with your in person view of the situation this can be resolved with a sturdy structure and an end to stinky dead pooled water.

I thank you for your attention,
Sincerely,
Karen Newquist
Karen Newquist

John H. Pabich
305 Fremont Street
Algoma WI 54201
Email:
pabichjohn@gmail.com

June 6, 2022

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, CHICAGO DISTRICT
231 SOUTH LASALLE STREET, SUITE 1500
CHICAGO IL 60604

Attn: Susanne J. Davis P.E. Chief, Planning Branch

Dear Ms. Davis:

I am sending this letter in response to the Corps of Engineers request for comment on the potential environmental and social impacts of the Algoma Harbor breakwater repair and maintenance project. I urge you to consider the impact on Crescent Beach when determining the best strategy for the repair and maintenance of our vital harbor infrastructure.

The south breakwater forms the northern border of Crescent Beach. It also creates a flow path directly to Crescent Beach for the all too familiar algal blooms coming in from deeper waters. The beach is an important tourist attraction and a prime recreation and leisure destination for Algoma area residents and visitors. During the summer months it is common to see hundreds of people enjoying the beach or strolling the boardwalk daily. Algoma's Shanty Days celebration features beach volleyball and the annual Soar on the Shore kite fly and beach party attracts thousands. The local economy benefits from the growing awareness of Algoma as a destination Lake Michigan shoreline community that is a great place to visit, do business and call home. Algoma is a community that values and cares about its lake front.

I have already provided to the USACOE office in Chicago a copy of a presentation on alternative designs that work with nature, reduce the algal bloom impact and efficiently reduce shore erosion. These would be 3rd and 4th generation barriers that work with nature and not just the 1st generation brute strength of concrete and steel that was part of the 1871 design. While we still have the erosion concerns and harbor protection need, we also have different problems today. These were never a consideration when the original breakwater was designed. A well-designed barrier will provide erosion control, harbor protection, a healthier beach. That will mean healthier flora, fauna and residents. That step begins with a redesign of the south breakwater that doesn't steer everything from algal blooms, to timber, to snow tires to the public beach. Algal blooms will continue, but they don't have to become rotting beach mats through breakwater steerage and concentration where it meets the beach.

This project is an opportunity to make a meaningful, creative, change for the future. Doing the same thing over and over, without considering how the environment itself has change, does no one any good and would be a waste of our precious taxpayer dollars.

Sincerely,

John H Pabich

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, CHICAGO DISTRICT
231 SOUTH LA SALLE STREET, SUITE 1500
CHICAGO IL 60604

October 21, 2022

Planning Branch
Planning, Programs, Project Management Division

SUBJECT: Coastal Zone Management Act Federal Consistency Determination for Algoma Harbor Breakwater and Pier Repair, Kewaunee County, Wisconsin

Ms. Kathleen Angel
Wisconsin Coastal Management Program
DOA/DIR 9th Floor Admin. Bldg.
101 East Wilson Street
Madison, WI 53708

Dear Ms. Angel:

The U.S. Army Corps of Engineers (USACE), Chicago District is planning to conduct maintenance on the South Breakwater and North Pier of the Algoma Harbor federal navigation project in Algoma, Kewaunee County, Wisconsin (Enclosure 1). The purpose of the proposed maintenance is to stabilize the North Pier and South Breakwater by encapsulating them in sheet pile and filling voids within the structure. This would provide more stable and long-lasting structures better maintaining safe passage for vessels entering and exiting the harbor.

PROJECT DESCRIPTION

The Algoma Harbor North Pier and South Breakwater are man-made structures that were initially built in 1871. Since then, they have been subject to occasional repairs as part of ongoing routine operation and maintenance. However, the structures have not undergone maintenance for several years. Currently, the interior timber crib is deteriorating and there has been a loss of stone fill from within and around the structures. This has led to voids forming within the structures and increased sedimentation within the channel.

Pursuant to Section 7 of the Endangered Species Act, USACE has analyzed the potential impacts to threatened and endangered species in the area and has determined that the proposed action would have “no effect” on listed species (IPAC Project Code: 2022-0045007). No work will be conducted between March 15 and July 1 in accordance with a fish spawning window established by Wisconsin Department of Natural Resources.

COASTAL ZONE MANAGEMENT ACT (CZMA of 1972)

Since the proposed work is within the state boundary, on the waterward side, of Wisconsin's coastal zone boundary established under the State of Wisconsin's Coastal Management Program, USACE is required to evaluate whether the activity will affect any coastal use or resource under the Coastal Zone Management Act. The proposed action is the repair of an existing breakwater by encapsulating it with full steel sheet pile and installing new reinforced concrete caps. This will have minimal change to the breakwater footprint. Since the proposed action ensures safe conditions within the federally authorized navigation channel with no water quality impacts, the determination is that the proposed action will have beneficial effects on coastal resources. However, 15 CFR 930.33(a)(1) states "Federal agencies shall, in making determination of effects, review relevant management program enforceable policies as part of determining effects on any coastal use or resources." Therefore, in addition to making the above determination, applicable specific state coastal policies were reviewed for consistency.
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SPECIFIC STATE COASTAL POLICIES

USACE reviewed the list of coastal policies from Appendix C "Specific State Coastal Policies, "Wisconsin Coastal Management Program: A Strategic Vision for the Great Lakes"", dated October 2007. Below is a list of the policies that appear to be applicable to the proposed breakwater repair. In addition, each identified policy includes an evaluation of the proposed habitat management action for consistency with the State of Wisconsin Coastal Management Program.
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Coastal Water Quality and Quantity and Coastal Air Quality

Policy 1.2: An interim goal is the protection and propagation of fish and wildlife and the maintenance of water quality to allow recreation in and on the water to be achieved. (See Wis. Stats. § 283.001(1)(b))

Consistency of Project: USACE will not conduct breakwater work during the established environmental windows (01 March – 15 June, of any year).

Policy 1.4: Disposal in the waters of the state of the following defined pollutants shall be restricted: dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water. (See Wis. Stats. §§ 283.02(13). 283.31(1) and 29.601. See also managed uses #8 and #9).

Consistency of Project: The project involves the placement of sheet pile and reinforced concrete caps. There is no return water associated with the placement of sheet pile and filling voids**.** The current breakwater is flanked by a layer of armor and toe stone. This stone will be temporarily removed and stored while the new sheet pile is installed. Once sheet pile is installed, the previously used stone

will be placed back along the breakwater assuming it is suitable. New, appropriately sized stone will be used as necessary to fill in any additional locations along the breakwater. The current footprint of the breakwater will not be expanded as a result of this project.

Policy 1.15.1: No person may conduct an activity for which the Wisconsin Department of Natural Resources denies a required water quality certification. No person may violate a condition imposed by the department in a water quality certification. (See Wis. Stats. § 281.17(10)).

Consistency of Project: Coordination with WDNR for a 401-water quality certification will begin when the 100% project designs are received from the contractor. This is anticipated to occur before January 1, 2023. A construction contract will be awarded after a 401 Water Quality Certification is received from WDNR for this project.

Coastal Natural Areas, Wildlife Habitat and Fisheries

Policy 2.15: The Wisconsin Department of Natural Resources shall preserve, protect, restore, and manage the state's wetland communities to be sustainable, diverse, and interspersed with healthy aquatic and terrestrial communities. Department actions must be consistent with the goal of maintaining, protecting, and improving water quality. The administrative rules regarding wetlands shall be applied in such a manner as to avoid or minimize the adverse effects on wetlands due to actions over which the department has regulatory or management authority and to maintain, enhance and restore wetland functions and values. (See Wis. Stats. §§ 281.12(1) and 281.11, and Wis. Admin. Code NR 1.95, NR 299, NR 103 and NR 353. See also managed use #1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 21, 22.)

Consistency of Project: The proposed breakwater repair area does not provide habitat for threatened or endangered species. Fish windows would be observed to protect local fish populations. The operation does not include direct return water, such that the operation is expected to have *de minimis* water quality impacts.

Community Development

Policy 4.11: Unless an individual or a general permit has been issued or authorization has been granted by the legislature, no person may deposit any material or place any structure upon the bed of any navigable water where no bulkhead line has been established or beyond a lawfully established bulkhead line. Exemptions from permit requirements for the placement of a structure or the deposit of material only apply where the structure or material is in an area other than an area of special natural resource interest and does not interfere with the riparian rights of any other riparian owners. (See Wis. Stats. §§ 30.12 and 30.11. See also SCA #2, and managed use #1, 2, 6, and 7)

Consistency of Projects: In lieu of applying for a Chapter 30 permit, USACE will be coordinating a Section 401 Water Quality Certification with WDNR. However, consistent with the CZMA, USACE will comply with the substantive requirements of the Chapter 30 permit.

CZMA FEDERAL CONSISTENCY DETERMINATION

In accordance with 15 CFR Part 930.36(a), based on the evaluation of the applicable enforceable policies contained in Appendix C of the State of Wisconsin Coastal Management Program, USACE has determined that the proposed breakwater and pier repair project at Algoma Harbor complies with the enforceable policies of Wisconsin's approved Coastal Management Program and will be conducted in a manner consistent to the maximum extent practicable with such policies.

We request your concurrence with this determination within 60 days in accordance with the Coastal Zone Management Act. Wisconsin's concurrence will be assumed if its response is not received by USACE within 60 days plus any extension, as applicable pursuant to 15 CFR 940.41(b). Please contact John Belcik at john.t.belcik@usace.army.mil or 312-846-5595 if you have any questions or need any additional information regarding the proposed project.

Sincerely,

Susanne J. Davis

Susanne J. Davis, PE
Chief, Planning Branch
Chicago District

Enclosure
1) Harbor and Channel Map

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
4101 American Blvd E
Bloomington, MN 55425-1665
Phone: (952) 252-0092 Fax: (952) 646-2873

In Reply Refer To:
Project Code: 2022-0045007
Project Name: Algoma Breakwater Repair

October 14, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

This response has been generated by the Information, Planning, and Conservation (IPaC) system to provide information on natural resources that could be affected by your project. The U.S. Fish and Wildlife Service (Service) provides this response under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

Threatened and Endangered Species
The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS IPaC system by completing the same process used to receive the enclosed list.

Consultation Technical Assistance
Please refer to refer to our Section 7 website for guidance and technical assistance, including step-by-step instructions for making effects determinations for each species that might be present and for specific guidance on the following types of projects: projects in developed areas, HUD, CDBG, EDA, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

1. If IPaC returns a result of "There are no listed species found within the vicinity of the project," then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **no effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project – other than bats (see below) – then project proponents must determine if proposed activities will have **no effect** on or **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain Life History Information for Listed and Candidate Species on our office website. If no impacts will occur to a species on the IPaC species list (e.g., there is no habitat present in the project area), the appropriate determination is **no effect**. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
3. Should you determine that project activities **may affect** any federally listed, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

Northern Long-Eared Bats
Northern long-eared bats occur throughout Minnesota and Wisconsin and the information below may help in determining if your project may affect these species.

This species hibernates in caves or mines only during the winter. In Minnesota and Wisconsin, the hibernation season is considered to be November 1 to March 31. During the active season (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥3 inches dbh for northern long-eared bat that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, northern long-eared bats could be affected.

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas,
- Trees found in highly developed urban areas (e.g., street trees, downtown areas),

- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees, and
- A stand of eastern red cedar shrubby vegetation with no potential roost trees.

If IPaC returns a result that northern long-eared bats are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** this species **IF** one or more of the following activities are proposed:

- Clearing or disturbing suitable roosting habitat, as defined above, at any time of year,
- Any activity in or near the entrance to a cave or mine,
- Mining, deep excavation, or underground work within 0.25 miles of a cave or mine,
- Construction of one or more wind turbines, or
- Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

If none of the above activities are proposed, project proponents can conclude the proposed activities will have **no effect** on the northern long-eared bat. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.

If any of the above activities are proposed, please use the northern long-eared bat determination key in IPaC. This tool streamlines consultation under the 2016 rangewide programmatic biological opinion for the 4(d) rule. The key helps to determine if prohibited take might occur and, if not, will generate an automated verification letter. No further review by us is necessary.

Please note that on March 23, 2022, the Service published a proposal to reclassify the northern long-eared bat as endangered under the Endangered Species Act. The U.S. District Court for the District of Columbia has ordered the Service to complete a new final listing determination for the bat by November 2022 (Case 1:15-cv-00477, March 1, 2021). The bat, currently listed as threatened, faces extinction due to the range-wide impacts of white-nose syndrome (WNS), a deadly fungal disease affecting cave-dwelling bats across the continent. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB, as these rules may be applied only to threatened species. Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective (anticipated to occur by December 30, 2022). If your project may result in incidental take of northern long-eared bats after the new listing goes into effect this will first need to addressed in an updated consultation that includes an Incidental Take Statement. If your project may require re-initiation of consultation, please contact our office for additional guidance.

Whooping Crane

Whooping crane is designated as a non-essential experimental population in Wisconsin and consultation under Section 7(a)(2) of the Endangered Species Act is only required if project activities will occur within a National Wildlife Refuge or National Park. If project activities are proposed on lands outside of a National Wildlife Refuge or National Park, then you are not required to consult. For additional information on this designation and consultation requirements, please review "Establishment of a Nonessential Experimental Population of

Whooping Cranes in the Eastern United States."

Other Trust Resources and Activities
Bald and Golden Eagles - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

Migratory Birds - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the mortality of migratory birds whenever possible and we encourage implementation of recommendations that minimize potential impacts to migratory birds. Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

Communication Towers - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed voluntary guidelines for minimizing impacts.

Transmission Lines - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to guidelines developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

Wind Energy - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's Wind Energy Guidelines. In addition, please refer to the Service's Eagle Conservation Plan Guidance, which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

State Department of Natural Resources Coordination
While it is not required for your Federal section 7 consultation, please note that additional state endangered or threatened species may also have the potential to be impacted. Please contact the Minnesota or Wisconsin Department of Natural Resources for information on state listed species that may be present in your proposed project area.

Minnesota
Minnesota Department of Natural Resources - Endangered Resources Review Homepage
Email: Review.NHIS@state.mn.us

Wisconsin
Wisconsin Department of Natural Resources - Endangered Resources Review Homepage
Email: DNRERReview@wi.gov

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Minnesota-Wisconsin Ecological Services Field Office
4101 American Blvd E
Bloomington, MN 55425-1665
(952) 252-0092

Project Summary

Project Code: 2022-0045007
Project Name: Algoma Breakwater Repair
Project Type: Breakwaters - Maintenance/Modification
Project Description: The north pier and south breakwater around Algoma Harbor is in need of repair. The breakwater will be encapsulated within a layer of new sheet pile. A new concrete cap will also be installed. The footprint of the structures will not be increased and there will be no taking of lake bottom in the process of repairing the structures.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@44.60696815,-87.43216682588393,14z

Counties: Kewaunee County, Wisconsin

Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Hine's Emerald Dragonfly *Somatochlora hineana* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7877	Endangered
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
Dwarf Lake Iris *Iris lacustris* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/598	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

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1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover *Pluvialis dominica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Dec 1 to Aug 31

NAME	BREEDING SEASON
Black Tern *Chlidonias niger* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3093	Breeds May 15 to Aug 20
Black-billed Cuckoo *Coccyzus erythropthalmus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Bobolink *Dolichonyx oryzivorus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
Chimney Swift *Chaetura pelagica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Golden-winged Warbler *Vermivora chrysoptera* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8745	Breeds May 1 to Jul 20
Lesser Yellowlegs *Tringa flavipes* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Red-headed Woodpecker *Melanerpes erythrocephalus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Ruddy Turnstone *Arenaria interpres morinella* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Rusty Blackbird *Euphagus carolinus* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Short-billed Dowitcher *Limnodromus griseus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Wood Thrush *Hylocichla mustelina* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

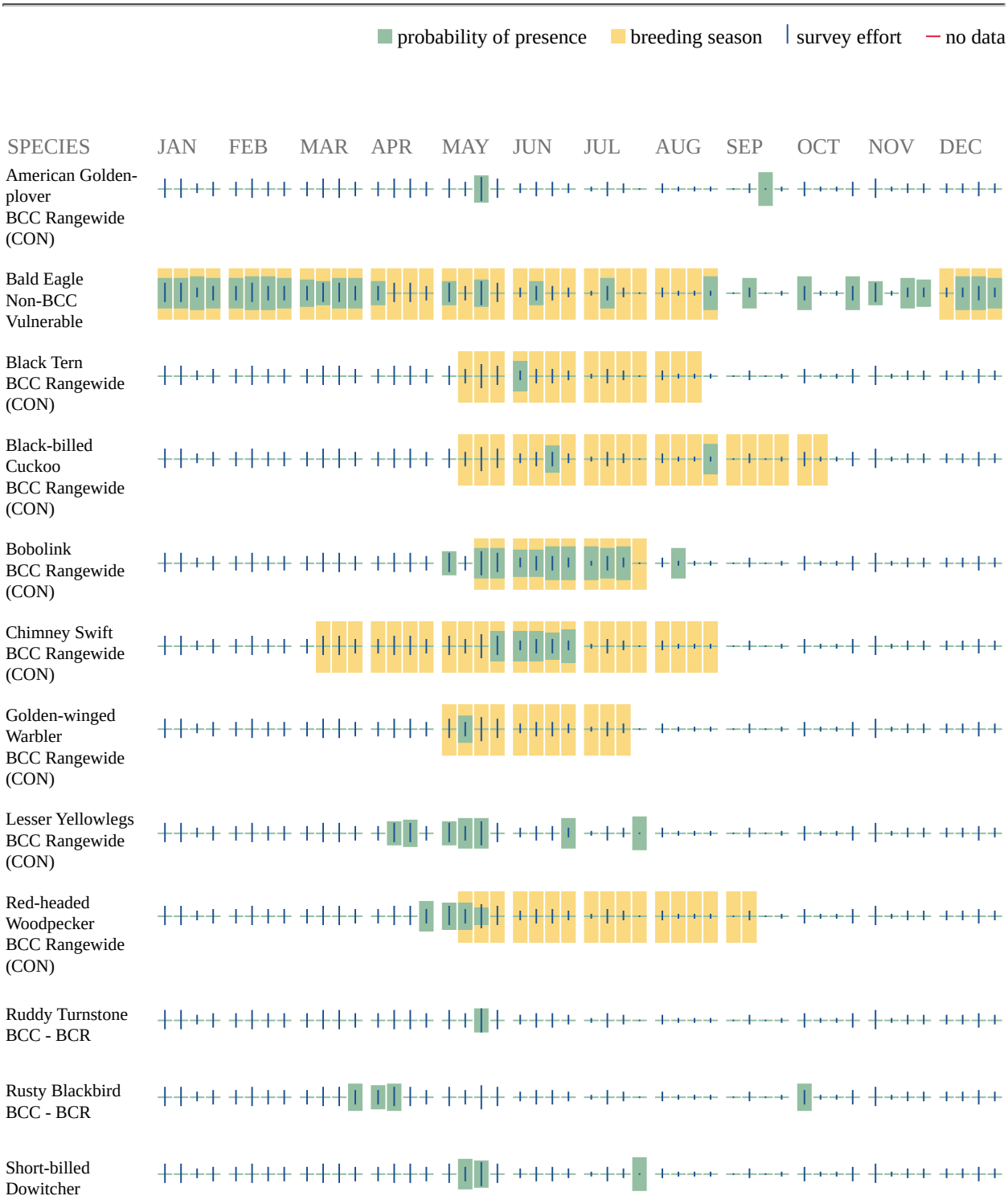
Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

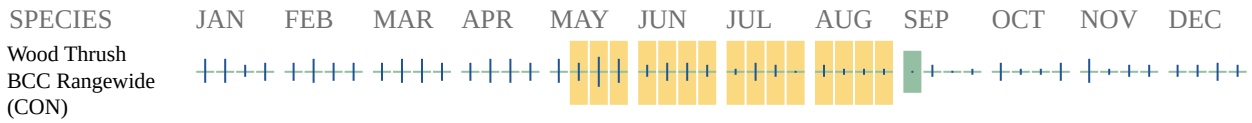
No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



BCC Rangewide (CON)



Additional information can be found using the following links:

- Birds of Conservation Concern https://www.fws.gov/program/migratory-birds/species
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?
The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?
To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the RAIL Tool and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?
Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects
For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?
If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report
The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- Riverine

LAKE

- Lacustrine

IPaC User Contact Information

Agency: Army Corps of Engineers
Name: John Belcik
Address: 231 S. LaSalle St, Suite 1500
City: Chicago
State: IL
Zip: 60604
Email john.t.belcik@usace.army.mil
Phone: 3128465595

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, CHICAGO DISTRICT
231 SOUTH LASALLE STREET, SUITE 1500
CHICAGO IL 60604

January 24, 2023

Environmental & Cultural Resources Section
Planning Branch

Ms. Daina Penkiunas
State Historic Preservation Officer
Wisconsin Historical Society
816 State Street
Madison, WI 53706

SUBJECT: FY23 Algoma Harbor Breakwater Maintenance Repair Project, Kewaunee County, Wisconsin

Dear Ms. Penkiunas:

The U.S. Army Corps of Engineers (Corps) proposes to conduct maintenance repairs on the south breakwater and north pier of the Algoma Harbor in Kewaunee County, Wisconsin (Figure 1). The purpose of the repairs is to stabilize the breakwater and pier by encapsulating them in sheet pile and filling the voids within the structure (undertaking). As part of our review under Section 106 of the National Historic Preservation Act, the Corps has determined that the proposed federal action is an undertaking that has the potential to affect historic properties. This letter provides a brief project description, documents the area of potential effect (APE), summarizes the efforts to identify historic properties, and provides agency findings as provided at 36 C.F.R. § 800.4. We request your agreement with our finding that there will be no adverse effect to historic properties by the proposed undertaking.

The Algoma Harbor North Pier and South Breakwater are man-made structures that were initially built in 1871 and since then have been subject to occasional repairs as part of ongoing routine operation and maintenance (Figure 2). Currently, the interior timber crib is deteriorating and there has been a loss of stone fill from within and around the structures. This has led to voids in the structures and increased sedimentation within the channel. The proposed project would include the installation of a sheet pile encapsulation and a new concrete cap along the entirety of the breakwater and pier. This includes approximately 1,102 linear feet of the north pier and 1,530 linear feet of the south breakwater (Figures 3-4). Construction would also include erosion protection through placement of toe stone on the existing structures and the filling of voids with gravel and stone fill. The footprint of the pier and breakwater would increase as a result of these repairs (Figure 5). The footprints of sections A, B, D, and E would increase by four feet while section C would expand by five feet and Section F would expand by seven feet. To complete the repairs, the catwalk on the easternmost portion of the north pier (which is also connected to the Algoma Pierhead

Light) would need to be removed. Currently the catwalk is defunct and can no longer be safely accessed as multiple components of the catwalk are structurally unsound and no longer compliant with Occupational Safety and Health Standards 1910.23(b)(2) (Enclosure 1). The condition of the catwalk structure would not allow for temporary removal and reinstallation based on its level of deterioration. Therefore, it would be permanently removed in preparation for the repairs. The majority of repairs would be conducted by barge with the work in the nearshore areas completed from land due to the shallow waters of the lake. The staging area is currently a parking lot and would primarily be used to hold materials (e.g., sheet pile), and any stone that is able to be reused from the current breakwater would be stored either in the staging area or on the barge.

The undertaking is in Section 26, Township 25 North, Range 25 East in Algoma, Kewaunee County, Wisconsin (Figure 6). The APE for the undertaking encompasses the project area, including staging and access routes, and totals approximately 50.5 acres. The Corps believes that the APE is sufficient to identify and consider potential effects of the proposed project.

The Corps has conducted a records search and literature review of the project APE on the Wisconsin Historic Preservation Database and the National Register of Historic Places (NRHP). The Algoma Pierhead Light (AHI # 26537) sits within the project APE on the Algoma North Pier and is eligible for the NRHP and listed on the Wisconsin Architecture and History Inventory. The Algoma Harbor North Pier and South Breakwater are not listed on the NRHP but given their age, importance to the region, and the fact that other similar structures have been listed, they are considered potentially eligible for listing on the NRHP. While the removal of the catwalk would alter the appearance of the Algoma Harbor North Pier and the Algoma Pierhead Light, it would not diminish the historic significance of these structures or alter their primary purpose of providing a safe harbor and passage through the Algoma Harbor. In addition, removal of the catwalk would ensure that both the North Pier and Pierhead Light are safety compliant and therefore more publicly accessible (Enclosure 1). Removal of the catwalk and completion of these necessary repairs would ensure the preservation of the Algoma North Pier and the Pierhead Light which sits upon it. Given the information above, the Corps has determined that the project would not adversely impact the potential NRHP eligibility of the Algoma North Pier or the Algoma Pierhead Light. In addition to these historic structures, the shipwreck of the Abner Howes (47KE0069) sits adjacent to the APE in Lake Michigan to the northeast. The contractor would be provided a copy of the historic structures map (Figure 7) to ensure this area is avoided.

The Corps is making a good faith effort to gather information from affected Tribes identified pursuant to 36 C.F.R.§ 800.3(f). We have notified the Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community of Wisconsin; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Hannahville Indian Community, Michigan; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Little Traverse Bay Bands of Odawa Indians, Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Ottawa Tribe of Oklahoma; and Prairie Band Potawatomi Nation to assist in identifying properties which may be of religious and cultural significance. The Tribes did not comment on the undertaking to date.

The Corps has made a reasonable and good faith effort to identify historic properties that may be affected by this undertaking. The proposed project is part of necessary routine maintenance of the Algoma North Pier and South Breakwater to ensure its continued

function. The in-kind repairs of the pier and breakwater would not significantly alter their form or function, or impact their NRHP eligibility nor that of the Algoma Pierhead Light. While the shipwreck of the Abner Howes is adjacent to the APE, it would not be impacted by the proposed undertaking and the contractor would be given a map of its approximate location and avoid transporting any materials near said location. Based on the information above, the Corps has determined that the proposed undertaking would result in no adverse effect to historic properties.

The Corps requests your review and agreement with our finding of No Adverse Effect to Historic Properties. If you have any questions or desire additional information, please contact the project archaeologist, Ms. Alexis Jordan, at alexis.m.jordan@usace.army.mil or (312) 846-5445.

Sincerely,

Alex Hoxsie
Chief, Environmental & Cultural Resources
Chicago District

Enclosures:

Enclosure 1- Algoma Catwalk Memo

Figure 1: Project Vicinity Map

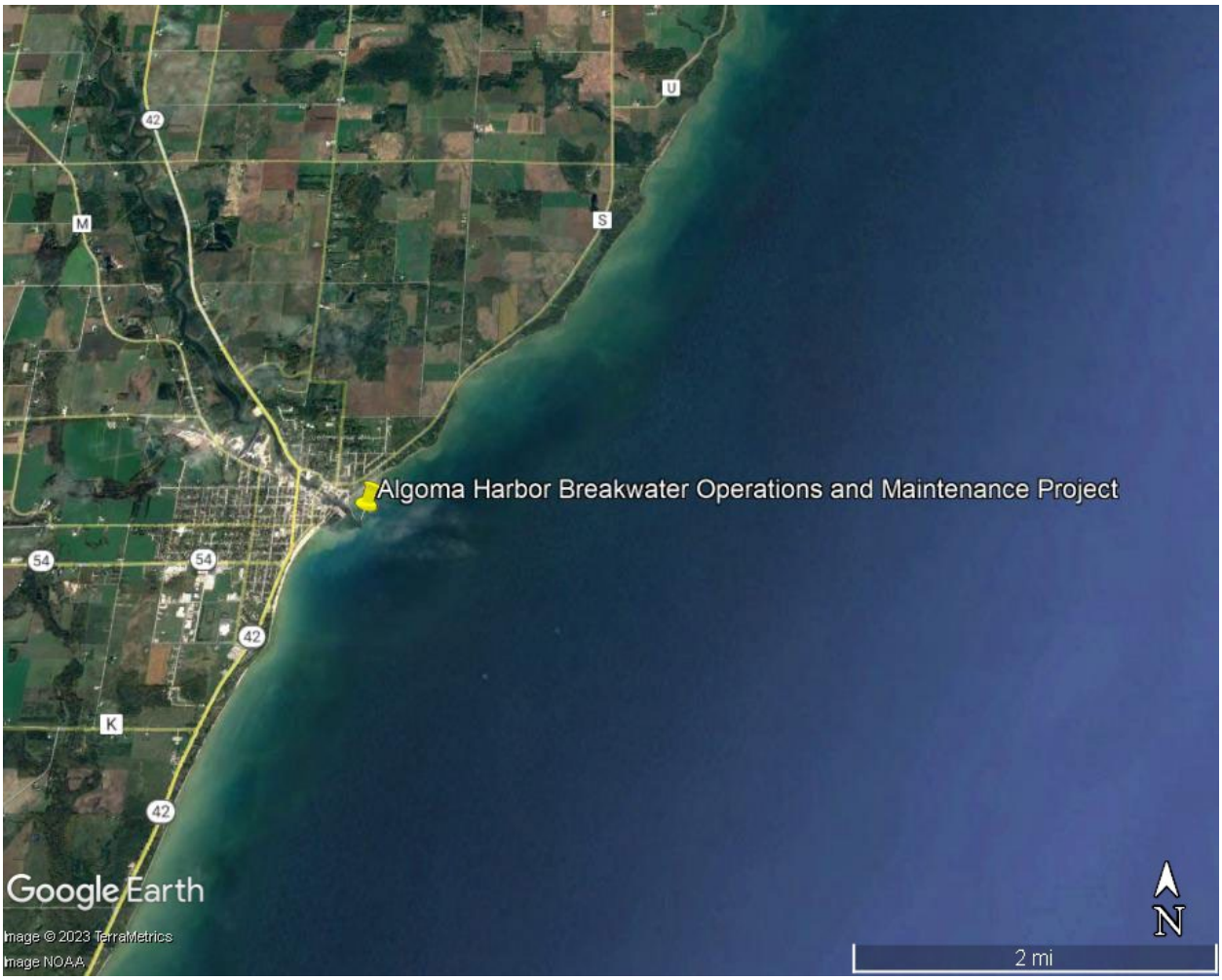


Figure 2: Algoma Harbor North Pier & South Breakwater Project Location

Figure 3: Existing Algoma North Pier and South Breakwater Dimensions

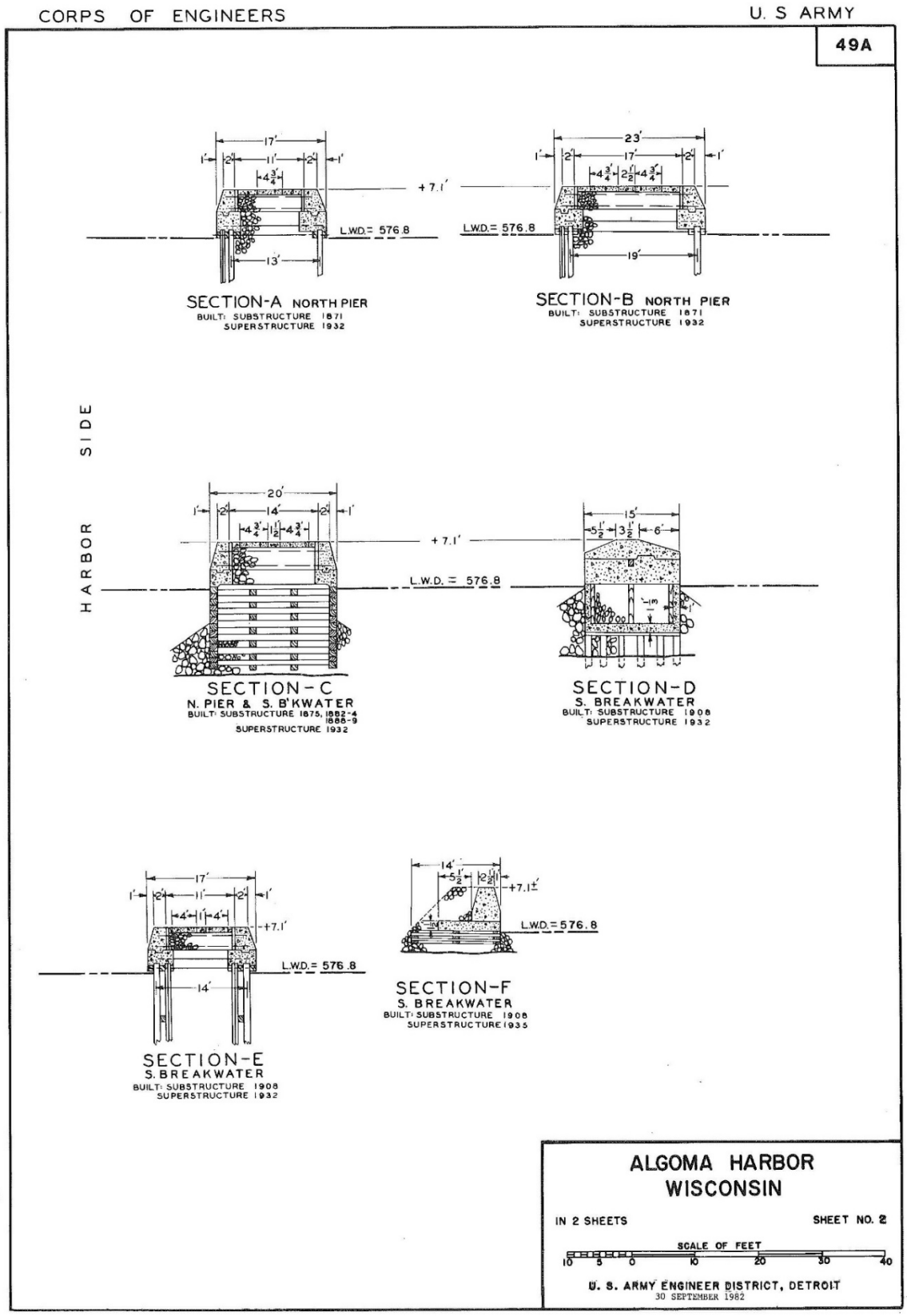


Figure 4: Cross Section of the Proposed Repairs

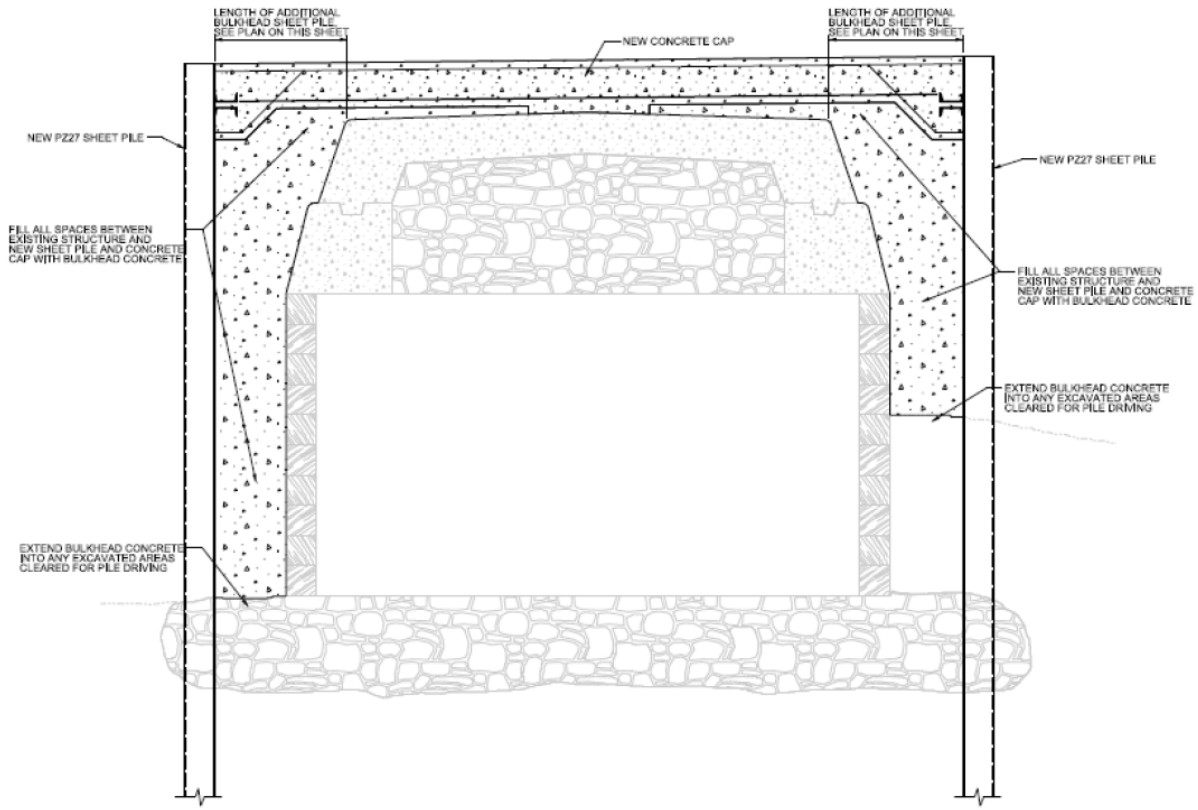


Figure 5: Sections A through F of the North Pier and South Breakwater

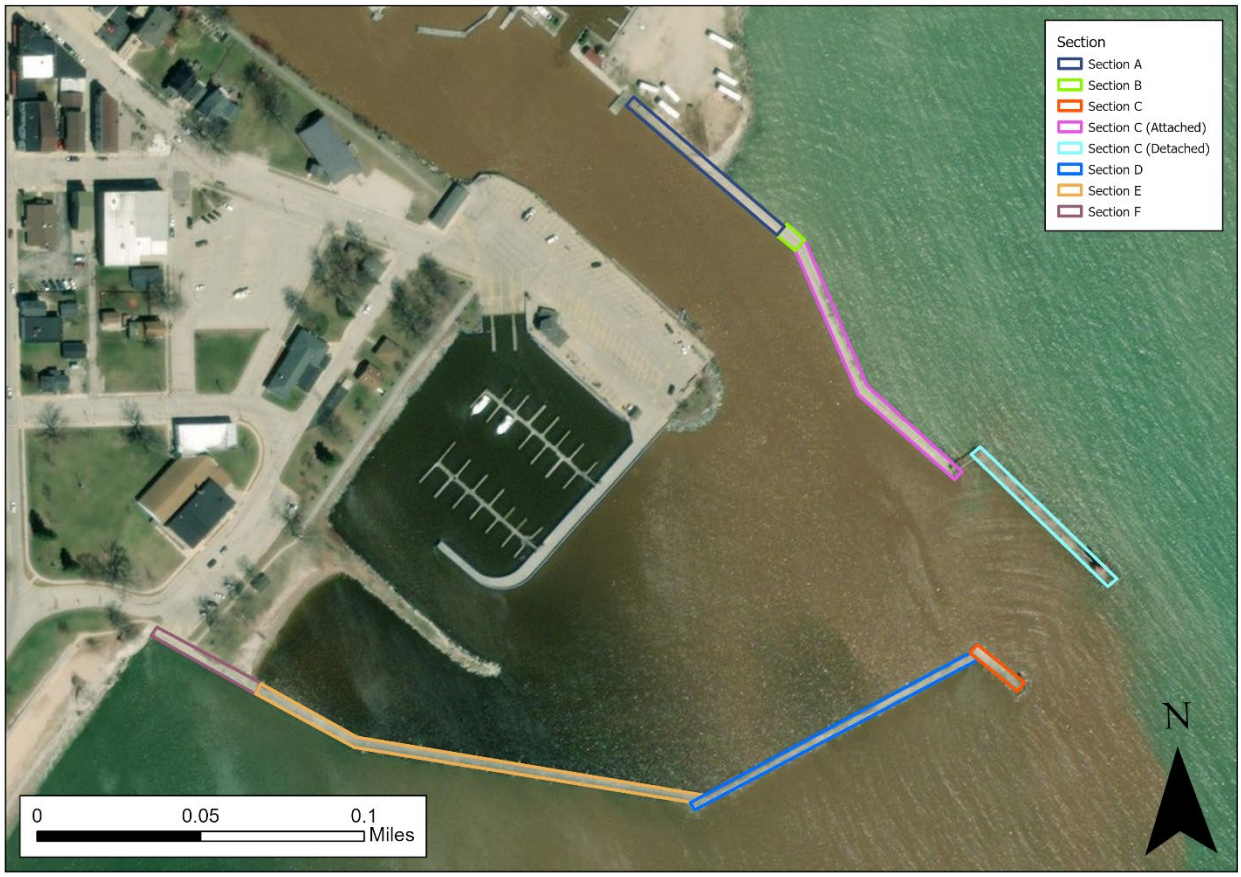


Figure 6: Project APE Map

Figure 7: Project APE and Adjacent Archaeological Sites and Historic Structures

Prairie-Hanson
SBA 8(a) Mentor-Protégé JV

MEMORANDUM

Date: 11/21/2022
To: USACE
From: Prairie-Hanson
Project No.: 21G0046004
Project Name: Algoma Breakwater Repair
Subject: North Breakwater Catwalk Condition
Copy to File, Others:

The original intent was for the existing catwalk structure to be removed and reinstalled as required to allow for construction of the proposed breakwater repairs. Field observations of the existing catwalk structure by Prairie-Hanson personnel indicated that the catwalk framing is displaying extensive deterioration including:

- inadequate catwalk bent anchorage to the top of the breakwater,
- advanced corrosion of steel members,
- deficiencies of existing member connections, and
- compromised integrity of structural members.

Due to its condition, preserving the catwalk during removal would be difficult and potentially hazardous. Additionally, existing catwalk connections are composed of original rivets, which further complicates removal and replacement. Rivets were also observed to be absent in multiple bent locations along the length of the structure. The failure of the riveted connections was likely due to rust jacking of the bent lacing that has caused plastic deformation of the structural members. Plastic deformation of the affected members would be difficult to restore back to original condition.

There is a high likelihood that removal of the catwalk could result in damages beyond repair. The observed condition of several of the members indicate it is likely deficient to resist code loading in its current state. It should also be noted that there is no/limited access to the catwalk from the ladders that currently exist. These ladders are also not code compliant per current Occupational Safety and Health Standards 1910.23(b)(2).

Based on the field observations, maintaining the existing structure cannot be easily achieved. It does not appear that the condition of the catwalk structure will allow for temporary removal and reinstallation.

Photo 1 – Existing Catwalk Structure on the North Breakwater

Photo 2 – Compromised Anchorage to Breakwater

Photo 3 – Rust Jacking of Lacing Resulting in Plastic Deformation of Bent Members

Photo 4 – Advanced Corrosion and Significant Deterioration of Critical Members Consistent Along Structure Length

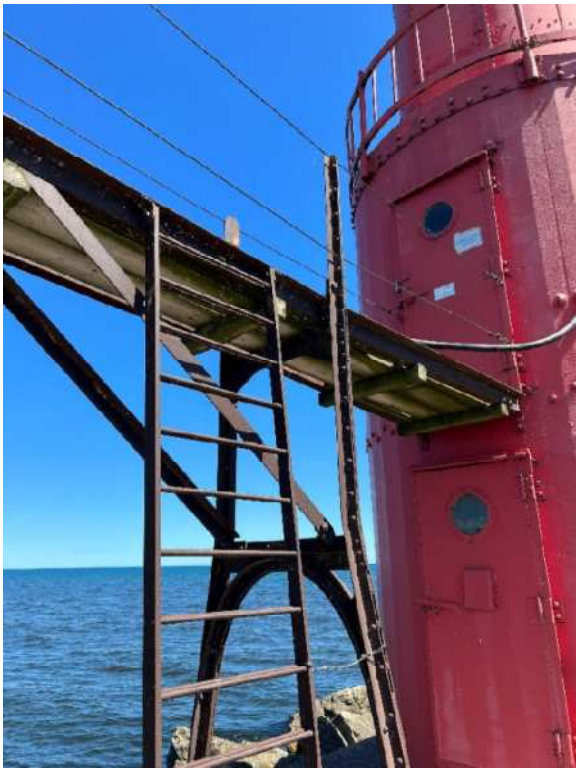


Photo 5/6 – Limited / No Access to Catwalk from Ladder; Ladder Rungs are Not Code Compliant

Photo 7/8 – Advanced Corrosion of Members Consistent Along Structure Length

Photo 9 – Decking and Associated Connections to Structure Could Not Be Observed Due to Limited Access