



Special Area Management Plan (SAMP II) Wetland Permit Application & Information Packet

1. Superior Special Area Management Plan (SAMP)

The goals of a SAMP are to provide:

- a. Predictability for landowners and developers by identifying both upland and wetland areas suitable for development.
- b. Reduction in permit processing time and increased efficiency.
- c. Objective criteria to define eligibility for development projects that impact wetlands in the City.
- d. Plans for mitigating wetland losses as required by federal and state laws.

2. Permit Overview

Projects that impact wetlands require permitting by the U.S. Army Corps of Engineers (COE) per Section 404 of the Clean Water Act (CWA). Section 401 of the CWA also requires the Wisconsin Department of Natural Resources (DNR) to authorize wetland impacts as well. "Individual Permits" may be obtained on a project-by-project basis, or a "General Permit" may be obtained for certain activities or projects that meet a set of general criteria (ex. roadway or utility projects). The City of Superior has been given a "General Permit" to provide wetland fill permits for qualified projects as part of the Superior SAMP program. Eligible projects are able to meet the requirement for wetland compensatory mitigation by purchasing mitigation credits from the City. SAMP-permitted developments are subject to all applicable local, county, and state zoning laws.

3. SAMP Permit Application

A SAMP Permit Application consists of a standard form requesting contact information, general project information, the SAMP wetland identification number, and pertinent dates as well as a document narrative describing the project site, project description, wetland delineation, rare plant survey, alternatives analysis, mitigation plan, and any and all means considered and/or employed to minimize and/or avoid wetland impacts on the project site.

The application is not complete unless it contains ALL of the following components:

- a. **SAMP Application Form** (enclosed at the end of this document)
- b. **Wetland Delineation**

All wetland delineations must be performed in accordance with the Corps of Engineers Wetlands Delineation Manual (COE, January 1987) and the Northcentral-Northeastern

Regional Supplement (2012). Delineation must be written in accordance with the COE technical standards and current guidance for submitting wetland delineations in Wisconsin.

To be valid for a SAMP permit application, delineation field work must be conducted between May 15 and October 1. Any exception to this is at the sole discretion of the SAMP Technical Committee and must be determined in advance of a wetland delineation being conducted outside of this time frame.

Delineations are valid for a period of five years from the date of assessment.

For regulatory purposes, such as under Section 404 of the CWA, wetland delineations must be completed by a qualified wetland scientist who has completed COE approved wetland delineation and related training coursework and applicable refresher courses. A resume or other statement of qualifications must be provided upon request.

c. T&E Plant Survey

A survey for Threatened and Endangered (T&E) plant species is required for all SAMP permit applications. Surveys must be conducted between June 15 and September 15. The City reserves the right to request allowance of a survey conducted outside this timeframe from the SAMP Committee, only if the request is made and approved in advance. No survey completed outside the stated timeframe will be accepted without prior approval.

A qualified wetland ecologist or plant biologist must conduct surveys. Qualifications include:

- Experience as a botanical field investigator with expertise in field sampling design and field methods.
- Demonstrated ability in botany, field ecology, and demonstrated taxonomic skill.
- Familiarity with the plants of the Superior region, including the ability to recognize common and listed plants in the field.
- Familiarity with the phenology of state listed threatened and endangered species known in the vicinity of the City of Superior.
- A summary resume of relevant experience for all scientists involved in the survey shall be included with the T&E survey.

The survey is valid for a period of three years, after which it must be updated and field surveys repeated.

Species verification:

Rare plant identifications that are in question must be verified by a taxon expert. Guidelines established by the DNR-BER must be followed if vouchers are necessary. Ecologist may provide a series of photographs that clearly show key characteristics indicated in floras if this method is sufficient to avoid disturbing the plant population by making a collection. In general, if it is necessary to collect voucher material, the minimum amount of material shall be collected (e.g. perigynia, a flower). If a population is sufficiently large and it is necessary to collect a whole specimen for verification, once the species is verified, the specimen must be accessioned in the Wisconsin State Herbarium at the University of Wisconsin- Madison. The specimen must be accompanied with a herbarium label including the following data: the collector, collection number, collection date, location (TRS and/or lat/long).

If T&E species are found on the site, applicants are advised to contact the SAMP administrator to discuss options to proceed with the permitting process.

For each occurrence of a state listed threatened or endangered species identified on the project sites, a DNR Natural Inventory Rare Plant Report Form (DNR Form 1700-049) must be completed and submitted with the T&E species survey as part of the SAMP application process. Each occurrence must be recorded in the field with GPS. GPS coordinates must be included on the NHI Rare Plant Report Form along with a map of the project area indicating the location of each occurrence. An electronic text file of latitude/longitude in decimal degrees in WGS84 datum of GPS waypoints must be included with the forms. Good quality photographs must be included with the report and provided as negatives/slides or electronically, upon request.

d. Site Plan

A detailed site plan, surveyed with one-foot contours at a scale not less than one inch to 100 feet, must be included. Site plan should include:

- lot dimensions
- locations of all proposed and existing buildings.
Note: projects involving "speculative fill" are not allowed. This refers to filling wetlands specifically to make a site more suitable for development by an unknown entity at an unknown future date (i.e. speculation).
- recreational facilities
- streets, sidewalks, driveways, drainage ways, easements, and utility connections
- all wetlands by WWI classification and type
- acreage of temporary impacts, permanent impacts, and avoided wetlands

Minimum map size 11x17.

e. Alternative Analysis: Measures Employed or Considered to Avoid or Minimize Impacts

Consideration of alternatives must be provided, including demonstration of how wetland impacts either on or off site were avoided or minimized as practicable, and why other alternatives were not practicable. Discuss the need for the development to take place, upland alternative sites and design alternatives considered to reduce or avoid wetland impacts, and any other alternatives considered. Records or documentation of available land or real estate for sale will be accepted as documentation that alternative project sites were considered. Show use of available upland area and any others measures to avoid or minimize wetland impacts on the project site on site plans (see **Site Plan** above).

f. Mitigation Plan

Mitigation for SAMP-permitted projects is typically fulfilled through purchase of mitigation credits from the City of Superior Wetland Mitigation Bank (see **Fees**). However, if onsite or offsite mitigation is proposed to compensate for unavoidable wetland impacts (in lieu of purchasing credit from the mitigation bank) or if the project

involves restoration of temporary wetland impacts, the mitigation/restoration plan must include all of the following:

- Description of the impacted wetland functions and values
- Description of the vegetation type to be restored
- A project narrative specifying the means to restore the temporary impact area to its original elevation and revegetate the site with proposed time schedules
- Mitigation plan may need to include mitigation of T&E species as defined by any special conditions applied to the permit.

g. Affidavit of compliance with local, state, and federal regulations

Affidavit form provided by the City of Superior must be signed by the applicant and notarized by a certified public notary. Form is enclosed with this document.

4. SAMP Permit Review Timeline

As with all wetland fill permits issued in Wisconsin, the COE and DNR review SAMP permit applications submitted to the City. However, the timeline is shortened when compared to a typical wetland permit. Regulatory agencies have 20 calendar days for projects with less than 5 acres of wetland impacts, or 30 calendar days for projects with 5-10 acres of wetland impacts. During this time they verify compliance with the conditions of the General Permit, and apply any special conditions if necessary. If the applicable review period passes and the City does not receive any objections or comments, then the City may proceed to issue the SAMP permit.

5. Fees

A standard permit fee is required for each SAMP permit payable at the time the permit is issued. Permit fees are based on the project classification as defined in the City of Superior Zoning Ordinance:

- \$1,000.00 for commercial, industrial, and institutional projects
- \$500.00 for multi-family residential projects (greater than 2 housing units per building)
- \$150.00 for residential projects resulting in single-family houses or duplexes
- No fees are charged for public projects

See the section on Mitigation Credits below for additional costs.

6. Mitigation Credits

As with all wetland fill permits issued in Wisconsin, wetland compensatory mitigation is required to offset wetland impacts resulting from the project. Projects permitted through the SAMP program are eligible to fulfill the mitigation requirement by purchasing mitigation credits from the City of Superior Compensatory Wetland Mitigation Bank.

The fee per credit is \$12,000.00 (higher for projects *not* permitted through the Superior SAMP program). **Every one (1) acre of impact requires a minimum of 1.2 credits** (ratio of 1.2:1 as determined by COE and DNR guidance, 2013). Mitigation credits are sold, as available, for the acreage approved in the SAMP permit. Partial fees for partial acreage are allowed.

7. General SAMP Permit Conditions

- a. All SAMP permits are valid only while permitted projects operate under the COE General Permit conditions and any special conditions applied at the time of permitting.
- b. The permittee is responsible for ensuring that whomever performs, supervises, or oversees any portion of the physical work associated with the construction of the project has a copy of, is familiar with, and complies with all the terms and conditions of the permit.
- c. A copy of the permit and drawings shall be provided to the contractor and made available to the COE, DNR, City or County staff, or their authorized representatives during inspections at the project site.
- d. At least one week (seven calendar days) prior to the commencement of any work authorized by this permit, the permittee shall contact the City of Superior Public Works Department by email or postal delivery with the field contact name, address, and telephone number for all companies contracted to work on the project.

8. Special SAMP Permit Conditions

- a. SAMP permits will only be issued in accordance with NR 216 and NR 151, and any other applicable local ordinances, for peak flow and water quality protection. Additional measures to mitigate stormwater functions may be required to ensure that the provisions of NR 216 and NR 151 are met.
- b. SAMP permits are subject to the results of a survey for state and/or federally listed threatened, endangered, or special concern plants and to a review by the State Historical Preservation Office.
- c. Use of Best Management Practices may be applied as special conditions to a SAMP-permitted project.

9. The following language may be added as a Special Condition to any SAMP permit, as required by the COE or DNR:

- a. The permittee shall not operate or stage equipment on wetlands not authorized for destruction by this permit to prevent damage to vegetation, soil, or water resources in adjacent wetlands or surface water adjacent to SAMP permitted areas.
- b. The permittee shall ensure the stabilization of fill sediment to prevent erosion or sedimentation into adjacent wetlands or surface water.
- c. The permittee shall remove all temporary fills and restore the area to its original elevation.
- d. For projects that do not result in wetland loss, the permittee shall limit the establishment of invasive species by applying a standard MNDOT or WISDOT approved native wetland seed mix.
- e. The permittee shall ensure that the discharge of excess material shall not be made in a wetland not authorized for fill by the SAMP permit.
- f. The permittee shall ensure that none of the work performed to construct, operate, or maintain this project (including preparatory work, staging, and site clean-up work) causes impacts to other waters or wetlands (including non-jurisdictional impacts such as drainage or non-point source sedimentation).

- g. Prior to initiating any physical work on the project sites, wetland areas that are to remain undisturbed shall be clearly marked in the field so that the boundaries are visible to equipment operators using appropriate signage, orange construction fencing, silt fencing, and/or continuous strands of flagging.
- h. To minimize the potential for future violations of Federal Law, the permittee shall provide the purchasers of any lot within the permitted project area with a copy of the wetland delineation map depicting the wetlands not authorized to be filled under this authorization. The permittee shall advise purchasers of these lots that all remaining wetlands are subject to Clean Water Act jurisdiction and Department of the Army authorization is required for filling and earthmoving activities within the boundaries. Remaining wetlands shall be shown on the subdivision plat recorded by the local zoning authority.

10. Permit Expiration

SAMP permits are valid for 24 months from the date of issuance. The applicant can request an extension for a maximum of 24 additional months by applying within 30 days of the permit's expiration date.

8. Project Information. Attach additional sheets.

(a) Describe proposed activity (include construction sequence).

(b) Purpose, need, and intended use of project.

(c) List and describe any upland alternatives considered, including opportunities for avoidance or minimization of wetland impacts on- or offsite.

(d) Survey Contour Map with proposed improvements Mitigation plan
 Statement by applicant Survey of endangered/threatened/special concern plant species

(e) Date activity will begin if permit is issued ____/____/____; be completed ____/____/____.

(f) Is any portion of the requested project now complete? Yes No
IF YES, identify the completed portion of the enclosed drawings and indicate the date activity was completed: ____/____/____.

I hereby certify that the information contained herein is true and accurate. I also certify that I am entitled to apply for a permit, or that I am the duly authorized representative or agent of an applicant who is entitled to apply for a permit. Any inaccurate information submitted may result in permit revocation, the imposition of a forfeiture(s) and requirement of restoration.

Signature of Applicant or Duly Authorized Agent

Date

LEAVE BLANK – FOR RECEIVING AGENCY USE ONLY

Date Received
____/____/____

Date Submitted for Review
____/____/____

Comments Due
____/____/____

Corps of Engineers Process No.

Wisconsin DNR File No.

DNR Approval Date
____/____/____

COE Approval Date
____/____/____

ACKNOWLEDGEMENTS

I hereby acknowledge that I was offered the opportunity to request an Approved Jurisdictional Determination from the U.S. Army Corps of Engineers, St. Paul District, according to Regulatory Guidance Letter No. 08-02 (RGL-08-02) for the purpose of verifying the federal jurisdiction of the wetlands proposed for impact by this application. I also acknowledge that if an Approved Jurisdictional Determination is requested, the processing timeline, according to the Superior Special Area Management Plan Federal General Permits, may be affected based on the conditions for completing an approved Jurisdictional Determination, according to the guidance in RGL-08-02 par. 5.

Signature of Applicant

Date

I hereby acknowledge that if the impacts proposed by this application affect wetlands that are not under federal jurisdiction, the wetland impacts will be subject to state regulation pursuant to Wisconsin State Act 6, with regulatory authority over all non-federal wetlands as defined in Act 6, Section 10, part 1m. Projects greater than 2 acres and affecting non-federal wetlands, subject only to Act 6, may not be eligible for general permitting under the City of Superior Special Area Management Plan.

Signature of Applicant

Date

In consideration of the above stated and signed acknowledgements, I hereby (please check only one):

Request an Approved Jurisdictional Determination according to my rights defined in Regulatory Guidance Letter 08-02.

Decline an Approved Jurisdictional Determination.

Signature of Applicant

Date

AFFIDAVIT

STATE OF WISCONSIN)
) SS
COUNTY OF DOUGLAS)

Your Affiant, _____,
under oath deposes and states as follows:

- 1) That, in the matter of an applicant for a Special Area Management Plan permit, we are in compliance with, and shall continue to comply with, all other applicable local, state and federal regulations.

- 2) That, other applicable authorities I have contacted, or will contact, and the status of each in regard to the development are:

FURTHER AFFIANT SAITH NOT.

(Signature of Affiant)

STATE OF WISCONSIN)
) SS
COUNTY OF DOUGLAS)

The above-named _____, known to me or satisfactorily proven to be the same, appeared before me and swore that the statements made in the foregoing affidavit are true to the best of their knowledge and belief, this _____ day of _____, 20____.

Notary Public, Douglas County, Wisconsin
My commission expires: _____