

CAT ISLAND MANAGEMENT PLAN

CAT ISLAND CHAIN RESTORATION & DREDGED MATERIAL DISPOSAL FACILITY



GREEN BAY, WISCONSIN



March 30, 2014

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DREDGED MATERIAL DISPOSAL FACILITY
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**CAT ISLAND CHAIN RESTORATION
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I. INTRODUCTION AND GENERAL INFORMATION

A. CHAPTER 30 PERMIT REQUIREMENTS

Brown County, in cooperation and partnership with the Corps of Engineers, will be responsible for maintaining compliance with the State of Wisconsin, Chapter 30 Permit, including the establishment of and working with the permit-required Cat Island Advisory Committee. The committee consists of the applicant (Brown County) and invited member(s) of the County, the WDNR, USFWS, USACE, and selected representatives of interested stakeholder groups. The purpose of the team is to provide guidance to the applicant on how the area will be managed consistent with improving water quality, managing invasive species, managing habitat, and managing recreation in the area. The team will operate to achieve consensus but where not obtainable may rely on substantial agreement to achieve specific goals and outcomes consistent with the terms of the state's Chapter 30 permit and the lake bed grant. The applicant is responsible for implementing the plan with oversight from the advisory team. The applicant must consider the advisory team input when making management decisions and must provide a written explanation for cases where advisory team recommendations are not followed. The applicant is responsible for maintaining a written record of advisory team meetings and decisions. The Cat Island project is a unique project and the DMDF will operate for multiple decades. Because of this, continuing communication will be vital to minimize and address any situations that may arise during its construction and use as a DMDF.

B. LAKE BED GRANT REQUIREMENTS

On May 10th 2006 the State of Wisconsin passed Assembly Bill 868 (2005 Wisconsin Act 390) granting Brown County all rights and title to, and interest in, the submerged land under the waters of Green Bay and dry land that exists or may be created within that area for the purposes of restoring the chain of islands that formerly existed in approximately this location and that were known as the Cat Island Chain, in order to have a place to deposit unrestricted dredged materials from the navigation channel, to construct the islands and restore the function of the Cat Island Chain in protecting water quality in Green Bay, to restore the former terrestrial habitat and near-shore aquatic habitat of the Cat Island Chain, and to provide opportunities for public use.

The Lake Bed Grant also sets the following conditions:

1. Public access and use; Brown County may restrict public access to, and public use of, the land granted under this Act during the bird breeding and nesting season. Brown County is not required to provide facilities for public access to, and public use of, the

land. Brown County may impose reasonable regulations on the use of the land in order to protect the public safety and welfare.

2. Design and construction; Brown County shall cooperate with the Wisconsin Department of Natural Resources in the development and implementation of plans for the construction of the Cat Island Chain to ensure that the purposes under this Act are achieved and that the water quality in Green Bay is not adversely affected.

3. Structures; Brown County may erect structures on the land granted under this Act that are limited to the following purposes:

- a. Facilitating public use of, and access to, the land.
- b. Construction and maintenance of aids to navigation.
- c. Construction and maintenance of the Cat Island Chain.

4. Commercial use; Brown County may not license or permit any private commercial use of the land granted under this Act.

5. Conveyance; Brown County may not convey all or any part of, any rights to, or any interest in, the land granted under this Act to any person other than this state, a political subdivision of this state, or a special purpose district of this state. If Brown County conveys the land granted under this Act as authorized under this subsection, the grantee shall comply with this section.

C. CAT ISLAND MANAGEMENT PLAN

This Cat Island Management Plan (CIMP) is a “living document” subject to change in coordination with Brown County and the Chapter 30 Permit. The CIMP is effective during construction and filling of the DMDF and will detail all of the stakeholders’ responsibilities under the Chapter 30 permit until the time that the USACE turns them over to Brown County. An Operations and Maintenance Manual (Appendix A) will be in effect from the time that construction of the wave barrier and leg dikes are complete. Turnover of part or all of the facility will be outlined in detail in (Appendix B) which will be developed once an island reaches 95 percent of capacity.

D. DESCRIPTION OF THE DMDF

The Dredged Material Disposal Facility (DMDF) site is about 6,500 feet out from the head of Green Bay, extending from near the Federal navigation channel northwest about 8,000 feet to the shore of Green Bay. Formerly there was a chain of islands called the Cat Island Archipelago that occupied this location, extending about 2.5 miles, west to east, and halfway across the bay. The former Cat Island Archipelago consisted, from west to east, of the two Bass Islands, Cat Island, and Grassy Island. This island chain restoration and DMDF project focuses on the sites of the former Bass Islands and Cat Island. The site of Grassy Island, which lies east of the Federal navigation channel, is not a part of this project.

E. PROJECT BACKGROUND AND GOALS

The Cat Island Chain Restoration project will reconstruct the Cat Islands protecting and restoring approximately 1,225 acres of shallow water and wetland habitat with construction of a 2.5-mile long wave barrier along the remnant Cat Island shoals. The wave barrier will protect and restore shallow water and wetland habitat and provides the base for constructing three islands which will be built from beneficially reused dredged material from the outer navigation channel. The three islands total about 272 acres and will help to restore island habitat and, by blocking wave energy, reestablish aquatic plant beds in the lower bay. Restoring the islands will lead to recovery of much of the important lower bay habitat and benefit sport and commercial fisheries, colonial nesting water birds, shorebirds, waterfowl, marsh nesting birds, amphibians, turtles, invertebrates, and furbearing mammals. Expected habitat developments include a variety of beach and wetland types both on and off the islands. Wildlife and fish populations which might take advantage of these habitat developments include a wide range of both common and rare species. The wave barrier will provide long term protection to the barrier islands and restored wetlands from future storm and ice damage. In addition, restoration of the Cat Island chain will contribute to conservation and habitat goals of the Remedial Action Plan specifically regarding colonial bird nesting habitat, restoration of wetlands, and restoration of shoreline habitat. The project is a partnership between the Port of Green Bay, Brown County, US Army Corps of Engineers, US Environmental Protection Agency, US Fish & Wildlife Service, Wisconsin Departments of Transportation and Natural Resources, Lower Fox River/Green Bay Natural Resources Trustee Council, UW Sea-Grant, UW-Green Bay and 14 port terminal operators.

II. BROWN COUNTIES RESPONSIBILITIES

A. GENERAL

Brown County was issued a Water Quality Permit (Chapter 30 Permit) for the Cat Island Project that governs both that portion of the project constructed by Brown County as well as applying to the portion of the project constructed within the footprint of the lakebed grant area by the Corps. The permit conditions outlined in the Chapter 30 permit are consistent with the conditions of the lakebed grant as it was originally authorized and are applicable to all parties involved in construction and maintenance of this facility. It is anticipated that Brown County will assume responsibility for the long-term maintenance and management of Cat Islands after closure is completed and the USACE has transferred the Cat Island Dredged Material Disposal Facility to the County.

B. SITE ACCESS

Brown County provided a vehicle gate where Bayshore Drive and the access road to the facility meet to limit or prevent vehicular traffic during construction/filling and maintenance activities. Appropriate signage will be provided by Brown County on the first entrance gate to the facility to warn the public about access restrictions to the site.

During the island construction/filling and maintenance phases, access to the islands is limited to USACE and its contractors (during construction and filling activities). Members of the CIAC, the state permitting agency, and the USFWS may also access the island, but need to coordinate their access with USACE. Others may be given permission by Brown County and USACE on a case-by-case basis.

C. VEGETATION MANAGEMENT

In some cases, local groups may desire to administer more intensive control methods, such as herbicide or burning, which would require the appropriate permits and/or approvals (reference Appendix A) “Non-Federal Sponsor Responsibilities” for additional information on exotic species management during and after island filling. These more intensive control methods will be the responsibility of the Non-Federal sponsor

D. FACILITY TRANSFER

The access road installed by Brown County as part of the project is considered a temporary feature of the DMDF and is to be removed in accordance with the State Chapter 30 Permit unless the County applies for and receives permits from the State and USACE Regulatory as applicable to retain the access road as a permanent feature. The causeways installed by USACE between the islands including the culverts will be considered for removal at the time of the facility turnover if the CIAC deems it necessary in order to maintain water quality.

III. U.S. ARMY CORPS OF ENGINEERS RESPONSIBILITIES (USACE)

A. GENERAL

The USACE, subject to the availability of funds and as it determines necessary, shall operate and maintain the facility while they are being used for dredged material disposal and until turnover is completed. The USACE is required to act as described in the Phase II Dredged Material Management Plan (DMMP) Green Bay Harbor, WI, approved 05 OCT 2011, the Finding of No Significant Impact (FONSI) signed 23 NOV 2010, the Environmental Assessment (EA) dated September 2010, and the Project Partnership Agreement effective 27 July 2012 and any subsequent amendments to the agreement.

USACE must follow any applicable Federal regulations to insure that the operations and maintenance activities are carried out in a manner that is engineeringly, economically and environmentally feasible, while maintaining an amicable relationship with Brown County and the CIAC. USACE will assist Brown County in following applicable Chapter 30 Permit requirements.

Personnel assigned by USACE's Engineering and Technical Services Office, Detroit District shall be responsible for operating, inspecting, and maintaining the DMDF site, until the facility is turned over to Brown County.

B. USACE'S NAVIGATION STRATEGIC VISION

USACE operations and maintenance activities are carried out under the vision provided by the *USACE Navigation Strategic Vision, December 2012*. The entire Strategic Vision can be viewed at <http://operations.usace.army.mil/nav/pdfs/NavStrategy.pdf>. Three key tenets of the strategy that are of specific interest for this project are stated below:

- *[USACE's goal is] To provide safe, reliable, efficient, effective and environmentally sustainable waterborne transportation systems for movement of commerce, national security needs, and recreation;*
- *The Corps develops, supports and maintains effective partnerships with State, Federal and Local agencies and offices to ensure proper communication and coordination of activities and activity priorities to continue successful mission execution;*
- *Navigation construction and maintenance activities are performed in a systematic, efficient, sustainable manner based on sound engineering that enhance opportunities for environmental benefits and beneficial use through Engineering With Nature;*

C. PROJECT COORDINATION

All activities related to the island management and filling, including sequence of island filling, will be coordinated with Brown County in accordance with the PPA and coordinated with the CIAC. The material placement will be dictated by conditions on the ground and the available budget. The material placement planning will be coordinated with Brown County and the CIAC in accordance with the annual dredging plan preceding a planned dredging event for the following year.

As the District develops annual dredging projects, information will be gathered as is standard practice, including condition surveys, requesting input from shippers to identify shoals, evaluating existing or obtaining new sediment chemical data as needed per applicable Federal guidelines.

As early in the process as practical, the USACE will coordinate activities with the CIAC including where the next placement activities are to take place. This action will likely take place in December for dredging projects scheduled to take place in the following spring. The process for developing plans and specifications is often very fast paced. All coordination should be completed as quickly as possible, and no later than December.

The current “Best Practice” for material placement activities is constraining the placement of material until after August 1st each. This is subject to change based on conditions on the ground, and the availability of funding.

The goal of the coordination with the CIAC is to “develop, support and maintain effective partnerships with State, Federal and Local agencies and offices to ensure proper communication and coordination of activities and activity priorities to continue successful mission execution”.

While the USACE is not legally beholden to the CIAC, coordination will be considered when making island management decisions. The USACE responsibility is to maintain the Federal navigation channel in the manner it finds to be engineeringly, economically and environmentally feasible, in accordance with all applicable Federal regulations while assisting Brown County in following applicable Chapter 30 Permit requirements. An overriding concern of the CIAC is the question, what will happen if no agreement can be reached? If, during operations of the DMDF, the USACE and the CIAC cannot reach agreement, the USACE is required to follow applicable Federal regulation and implement the least costly alternative, in terms of the life of the DMDF. The least costly project may also be used as a basis of cost share. If the CIAC so wishes, the USACE can implement a “locally preferred plan” in which the CIAC pays for the cost increment above what the USACE determines, per Federal regulation” to be the least costly option. The CIAC must also recognize that the funding vehicle to accomplish this task is the Contributed Funds method. Under this method an agreement would be negotiated and signed that details the scope of work and the estimated cost. This method can add 6-8 months to the schedule and would need to begin early in the preceding year before a material placement planning event is scheduled.

D. VEGETATION MANAGEMENT

Management of island vegetation during dredged material filling of the islands is focused on minimizing the establishment of invasive/exotic vegetative species. Some of the more aggressive invasive plants to manage against include giant reed grass (*Phragmites australis*), reed canary grass, Purple loosestrife, Eurasian milfoil, and Glossy buckthorn. Management of such species during island filling would likely be achieved by the USACE dredging contractors through manipulation of the fill material during each dredging/filling cycle.

To minimize the potential for introduction of exotic species (plant and animal) during construction, the contractors shall be required to clean equipment, including watercraft, to prevent the spread of seeds, eggs, larvae, or other dispersal vectors between Green Bay and other harbors and lakes.

E. WILDLIFE MANAGEMENT

The Federal responsibility for this facility is compliance with all applicable laws and Acts regarding the management of wildlife.

F. SITE ACCESS

During the useable life of the facility, access will be possible using the access road from the mainland. This road is gated and has signage provided by Brown County to limit or prevent vehicular traffic during construction/maintenance or filling activities. In addition, USACE has added an additional gate between the shoreline and the first island to further limit pedestrian traffic. Access to the islands and the Lakebed Grant area will always be possible by boat. When construction/maintenance or filling activities are in progress, the USACE and their contractors will limit access to the islands. As the islands are filled, access may be limited to certain times or activities. The responsible party for regulating access is USACE. Gates will be secured using locks and keys provided by Brown County.

Permitted use should be confined to non-motorized activities for the purpose of wildlife or vegetation management monitoring.

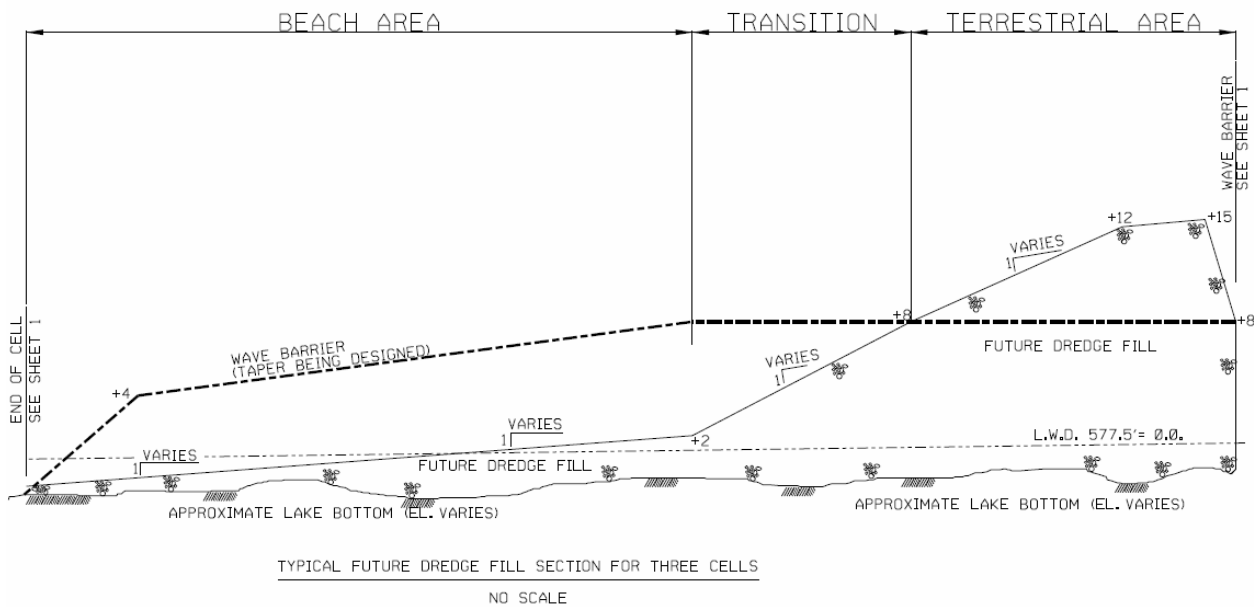
G. DEFICIENCIES AT THE DMDF

In the event an inspection determines that there is a problem with any aspect of the structural integrity of the DMDF, it will be immediately reported to USACE's Chief of Operations, Detroit District. It will be the responsibility of the Operations Office to ensure that the proper measures are taken to repair the problem.

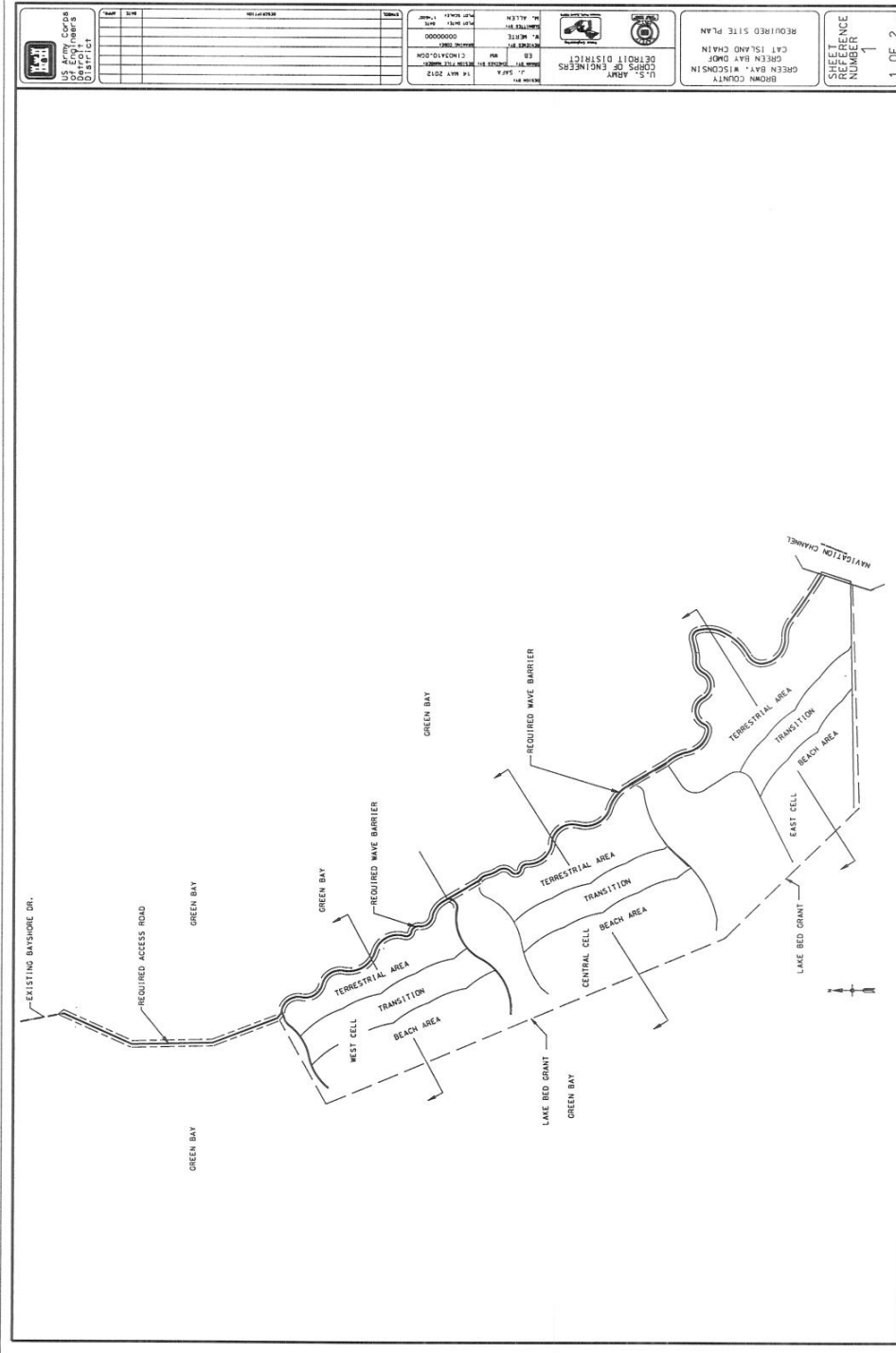
H. POST-DREDGED MATERIAL PLACEMENT

Periodic site inspections following the dredging operations will be performed. Site management efforts will concentrate on maximizing the storage capacity and minimizing the establishment of exotic and invasive plant species.

The dredged material shall be mounded behind the wave barrier in accordance with the approved Environmental Assessment to maximize capacity. The final island elevation should vary approximately from +10 to +15 ft, low water datum (to be compatible with the regional landscape and provide landscape diversity), sloping to the back of the islands in the protected area of the Bay to create beach areas, as shown in the figures below:



CAT ISLAND MANAGEMENT PLAN



Plan View for dredged material placement

I. FACILITY TRANSFER

Before transfer of the DMDF to Brown County, USACE, in coordination with Brown County will develop an Operations and Maintenance manual that will meet all applicable local, state, and federal requirements in effect at the time.

If one island of the facility reaches capacity and Brown County chooses to take ownership of that island for the purpose of establishing the base topography and vegetation plan, then USACE and Brown County can enter into an agreement if allowable under and in accordance with the prevailing USACE authorizations that govern at that time to turn over part of the facility to Brown County.

The access road installed by Brown County and the causeways between the islands will be evaluated by USACE, Brown County and the CIAC for consideration to be removed after all of the islands are filled and USACE agrees that these features are no longer required by USACE for maintaining this facility. Some of items to be considered at the time will include but are not limited to the following; water quality and water circulation, topography, future land use, and the impact to established wildlife.

The type of appropriation and authorization for funding this work will be determined at the time of the facility turnover. Project funding will follow the prevailing USACE authorizations that govern at the time and may require Brown County to cost share this work item and provide all the lands, easements, rights of way and real estate necessary for the disposal or reuse of the material that is removed.

Once the facility has reached capacity and the USACE has completed activities, USACE will transfer maintenance responsibilities to Brown County, upon termination of USACE's use of the site, in accordance with the PPA.

IV. U.S. FISH and WILDLIFE SERVICE (USFWS) RESPONSIBILITIES

A. WILDLIFE MANAGEMENT

The U.S. Fish and Wildlife Service (USFWS) is the administrator of the Migratory Bird Treaty Act of 1918, as amended and will be the governing body to arbitrate any disputes over interpretation of the Act or any wildlife management decisions associated with it.

V. WISCONSIN DEPARTMENT of NATURAL RESOURCES (WDNR) RESPONSIBILITIES

A. VEGETATIVE MANAGEMENT DURING ISLAND FILLING

Management of island vegetation during dredged material filling of the islands will focus on minimizing the establishment of invasive/exotic vegetative species. Some of the more aggressive invasive plants to manage against include giant reed-grass (*Phragmites australis*), reed canary grass, purple loosestrife, Eurasian milfoil, and glossy buckthorn. It is likely that dredged material will contain a seed bank and a number of desirable plants may be present. If present, the seed bank will also have undesirable plants. An assessment of volunteer establishment of vegetation from the seed bank will inform management decisions. Planting desired vegetation may be necessary. At a minimum, a cover crop to occupy the exposed soil and reduce the likelihood of invasive establishment should be planned. Control of invasive species may be necessary even during the period of dredged material placement within an individual cell. The cover crop should contain a mix of desirable native species to occupy the site. Management techniques to influence the final vegetative makeup of the islands may include planting, prescribed fire, herbicides, and manual control. Over time, woody vegetation is likely to establish on the islands.

The final vegetative complex on the islands and in the shadow of the islands will be a mix of community types ranging from the submergent and emergent aquatic vegetation in the marsh south of the chain to a range of wetland and upland plants on the islands. Nearby Longtail Point has areas of emergent marsh, sedges and grasses, shrub-carr, and wooded areas. It is likely that these vegetative types would eventually establish on the Cat Islands. Well-established, native species adapted to the site should be the goal of vegetation management on the islands. Control of undesirable vegetation will be dictated by the plants to be controlled. In addition to establishment, regular management of vegetation might include invasive control subsequent to discovery, prescribed burning, and mechanical control of woody material. Management schemes will be dictated by the vegetation on the island and desired habitat types.

Monitoring: Surveys for invasive species should be conducted multiple times during the first growing season after dredged materials have been placed. To facilitate this, a checklist including this topic should be developed for personnel visiting the site. Subsequent to establishment of desirable vegetation, annual inspections to determine the

presence of invasive species should be sufficient. While islands are under construction, occurrences of invasive plants should be noted during inspection visits. An abbreviated list of invasive plant species likely to be present on the islands is contained in Table 2.

Table 2. List of potential invasive plant species

Common Name	Scientific Name	Present in Area
Giant Reed Grass	<i>Phragmites australis</i>	Yes
Canary Grass	<i>Phalaris arundinacea</i>	Yes
Purple loosestrife	<i>Lythrum salicaria</i>	Yes
Knotweed	<i>Fallopia spp.</i>	Yes
Buckthorn	<i>Rhamnus spp.</i>	Yes

B. WILDLIFE MANAGEMENT

The islands and wetlands associated with them has become the state of Wisconsin’s largest stopover site for migratory shorebirds and in addition, will provide habitat for many species of wildlife in the lower bay. Some of these are generalists but some require specialized habitat features and may require protection from disturbance or competition. Habitat features identified during the planning phase regarding beach types and the land/water interface will be particularly important and may require modifications to dredged material disposal. Additional habitat modification beyond deposition of dredged material may be necessary to realize habitat goals. Where possible, activities to enhance habitat should be done by modifying the dredged material manipulation, but additional habitat work outside of dredged material disposal should be considered and coordinated with ongoing work on the islands.

Monitoring: Monitoring surveys will be focused on the breeding season. Surveys for breeding birds will be conducted from mid-April to July. Important species to consider will be colonial nesters, secretive waterbirds, and waterfowl. Amphibians and reptiles will also use the islands. Surveys for amphibians could be conducted during the same time period as breeding bird surveys. Additional surveys to determine wildlife impacts could be conducted during migration periods in spring and fall. This is particularly relevant to the 1,440 acre area behind the Cat Island chain.

Management: The first management likely to be necessary is to minimize colonization of the island by land-based meso-predators. Raccoons, coyotes, skunks, and possibly feral cats pose as potential problems. Fencing or other construction considerations in the access road should be incorporated to minimize predator access to the island. Management of colonial nesters could involve encouragement or discouragement of particular species. Double-crested Cormorants will be covered under existing management plans as part of the Lower Green Bay colony. With the exception of E/T species, other potential birds using the island do not have management plans. A management option to be considered is encouraging occupancy of the islands by terns through the use of nesting substrate, decoys, and audio recordings.

Colonial nesting waterbirds will be present on these islands. Management plans for most species of colonial nesters are lacking. Double-crested Cormorants are currently being managed under a Green Bay plan. On the current remaining islands of the Cat Island chain, eggs are oiled to reduce recruitment and nesting attempts are disrupted to protect vegetation. Numeric goals for specific islands in Green Bay have been set. Double-crested Cormorants will continue to be managed under the guidance of this plan with restoration of the Cat Island chain. A population of Double-crested Cormorants is desirable on the islands and disruption of nesting which might cause emigration of the colony to other islands in the bay should be avoided. Three tern species - Common, Forster's, and Caspian - use the bay and are potential nesters on the restored islands. All are listed as endangered by the State of Wisconsin. Recovery plans for Forster's and Common Terns support development of nesting substrate in Green Bay similar to that envisioned in plans for the Cat Island restoration. An abbreviated list of birds expected to benefit from restoration of the islands is contained in Table 1. Some of these species are likely to be present very early in the construction period while suitable habitat for others will not be available for a number of years. As habitat develops on the completed islands, surveys to determine breeding bird occupancy of the islands will be necessary and should be used to inform management decisions.

Mammals will colonize the islands and the surrounding marshes. Muskrat and mink are likely to be early users of available habitat. The islands will be accessible to land-based mammals during the winter and will be large enough for some species to maintain residency throughout the year. There is a potential for conflict to develop with occupancy of the islands by a variety of wildlife species. Management of wildlife species through traditional consumptive harvest may be sufficient to alleviate potential problems but additional measures may be necessary. Additional measures may include targeted removal of predators if necessary to enhance nesting success of certain species or exclusion of some species through barriers on the access road from the mainland.

Fish and reptiles, particularly turtles, will benefit from the islands as will frogs. A variety of substrates planned for the island should provide suitable nesting areas for snapping and painted turtles.

Table 1. Water birds expected to be present on the restored Cat Island chain.

Common Name	Scientific Name
American Bittern	<i>Botaurus lentiginosus</i>
American Coot	<i>Fulica Americana</i>
American White Pelican	<i>Pelicanus erythrorhynchos</i>
Black -crowned Night Heron	<i>Nycticorax nycticorax</i>
Blue-winged Teal	<i>Anas discors</i>
Canada Goose	<i>Branta candensis</i>
Caspian Tern	<i>Hydroprogne caspia</i>
Common Gallinule	<i>Gallinula galeata</i>
Common Tern	<i>Sterna hirundo</i>

Forster's Tern	<i>Sterna forsteri</i>
Great Blue Heron	<i>Ardea herodias</i>
Great Egret	<i>Ardea alba</i>
Green Heron	<i>Butorides virescens</i>
Herring Gull	<i>Larus argentatus</i>
Least Bittern	<i>Ixobrychus exilis</i>
Mallard	<i>Anas platyrhynchos</i>
Marsh Wren	<i>Cistothorus palustris</i>
Red-winged Blackbird	<i>Agelaius phoeniceus</i>
Ring-billed Gull	<i>Larus delawarensis</i>
Sedge Wren	<i>Cistothorus platensis</i>
Sora	<i>Porzana carolina</i>
Spotted Sandpiper	<i>Actitis macularius</i>
Virginia Rail	<i>Rallus limicola</i>
Yellow-headed Blackbird	<i>Xanthocephalus xanthocephalus</i>

VI. EMERGENCY RESPONSE PROCEDURES

In the event any condition or occurrence at the DMDF requires immediate attention, USACE shall contact the WDNR and Brown County immediately. During the period of Federal operation and maintenance USACE shall have the primary responsibility to take appropriate measures to alleviate any condition or occurrence that has the potential to threaten public health and safety or the environment.

Contact shall be made as follows:

To USACE: Chief of Operations, Detroit District
Phone: 313-226-3573

To Brown County: Director, Brown County Port and Resource Recovery Dept.
Phone: 920-492-4950

APPENDIX A

Operations and Maintenance Manual

To be added before facility closure

APPENDIX B

Facility Turnover Plan

To be added before facility turnover