

July 12, 2001

Construction-Operations  
Regulatory (98-07371-WMS)

Mr. John Didion  
Didion Milling, Inc.  
501 South Williams Street  
P.O. Box 495  
Cambria, Wisconsin 53923

**RECEIVED**

JUL 18 2001

U.S. ARMY CORPS OF ENGINEERS  
ST. PAUL DISTRICT  
WATERWAYS DIVISION OFFICE

Dear Mr. Didion:

As you know, this office has conducted an investigation into the mechanized land clearing activities which resulted in a discharge of dredged material into wetlands adjacent to North Branch Duck Creek. The project site is in the SE 1/4, NW 1/4 of Section 5, T. 12N., R. 12E., Columbia County, Wisconsin.

Activities such as this require prior authorization by a Department of the Army permit issued under Section 404 of the Clean Water Act (the 'Act'). Discharges without that authorization are in violation of Section 301 of the Act.

The Clean Water Act regulates the alteration of waters of the U.S., including wetlands, to ensure that projects serve a valid purpose, and are developed in a manner that minimizes adverse impacts on the waterbody. The regulatory program is intended to provide a pre-project review that evaluates the functions performed by the wetland -- such as filtration of sediment and pesticides to protect surface and groundwater quality, and preservation of important wildlife habitat. The failure to apply for a permit results in potentially destructive project impacts not being identified and reasonable steps not being taken to avoid or reduce such impacts.

After evaluating the information gathered, I have decided not to seek administrative, civil, or criminal penalties in this matter. However, you will need to stabilize the site to prevent further erosion into the creek. We suggest seeding and mulching the exposed soils as outlined in the restoration plan prepared for you by RSV Engineering, Inc. This decision is based on a careful review of the facts and circumstances directly related to the violations.

Please be aware, however, that this letter is a formal warning to refrain from such unauthorized activity in the future. You are hereby informed that this letter will be retained in our violation files. In the event of a subsequent violation, this action may be taken into consideration when determining an appropriate legal or administrative remedy to be sought.

The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision.

If you have any questions, contact William M. Sande in our Waukesha office at (262) 547-1876. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

Robert J. Whiting  
Chief, Regulatory Branch

Copy furnished to:

RJA 7-12-01

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