State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1027 W. Saint Paul Avenue
Milwaukee WI 53233

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

March 13, 2023

Jesse Scott
Harley-Davidson Foundation, Inc.
3700 West Juneau Avenue
Milwaukee, WI 53208

Via email only to: jesse.scott@harley-davidson.com

Subject: Conditional Approval for Development on a Property where Solid Waste has been Disposed
Harley-Davidson Motor Company
Lot 1, 3700 Block of W. Highland Blvd., Milwaukee, WI 53208
DNR BRRTS Activity #07-41-591365, FID #241025070

Dear Mr. Scott:

The Wisconsin Department of Natural Resources (DNR) reviewed and approves the proposed development on the solid waste disposal facility at Lot 1 (formerly 3725 W. Juneau Ave., 3712 & 3702 W. Highland Ave., and 1127 N. 35th St.), Milwaukee, WI, in accordance with Wisconsin Administrative (Wis. Admin.) Code § NR 506.085, subject to the conditions listed in the attached approval. The location of Lot 1 is shown on the attached *"Certified Survey Map No. 9458,"* dated January 4, 2023. This approval is limited to the specific activities described in the application submitted to the DNR, dated January 24, 2023. If any changes or additional activities are considered beyond those described in the application, a new application must be submitted to the DNR for approval.

The proposed activities include the following:

- Removing existing parking lot asphalt and constructing a terraced, amphitheater-like outdoor community park with permeable and impervious pavement, landscaped areas, and a stormwater management system with underground detention/storage tanks and bioswales. The proposed development is shown on attached Sheet C100, *"Erosion & Sediment Control Plan."*

This approval does not relieve you of obligations to meet all other applicable federal, state and local permits, or zoning and regulatory requirements. This approval should not be construed as a case closure approval under Wis. Admin. Code ch. NR 726.

PRINTED ON RECYCLED PAPER

If you have questions or concerns regarding this letter, please contact Greg Moll, at (262) 202-3921 or john.moll@wisconsin.gov.

Sincerely,

Pamela A. Mylotta
Southeast Region Team Supervisor
Remediation and Redevelopment Program

Attachments: Conditional Approval
Certified Survey Map No. 9458
Sheet C100, Erosion & Sediment Control Plan

cc: Joyce Koker, Harley-Davidson Motor Co. – joyce.koker@harley-davidson.com
Chelsea Engnath, The Sigma Group, Inc. – cengnath@thesigmagroup.com
Hera Hulsey, DNR, Remediation & Redevelopment Program – hera.hulsey@wisconsin.gov
Jezamil Arroyo-Vega, City of Milwaukee Building Inspection Services – javega@milwaukee.gov

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL APPROVAL
FOR
DEVELOPMENT ON A PROPERTY WHERE SOLID WASTE HAS BEEN DISPOSED

FINDINGS OF FACT

The Wisconsin Department of Natural Resources (DNR) finds that:

1. Harley-Davidson Motor Company owns the historic fill site designated as Lot 1 of Certified Survey Map No. 9458 (formerly 3725 W. Juneau Ave., 3712 & 3702 W. Highland Ave., and 1127 N. 35th St., Milwaukee, WI).

2. Solid waste, specifically brick, possible foundry material, metal, concrete, and wood, is present at the site.

3. On January 31, 2023, the DNR received an application from The Sigma Group, Inc. (Sigma) on behalf of the Harley-Davidson Foundation, Inc. for approval to develop on the Harley-Davidson Motor Company Lot 1 site. The DNR received the review fee of $700, per Wisconsin Administrative (Wis. Admin.) Code ch. NR 749 on January 31, 2023.

4. The information submitted in connection with the proposed activities includes:
    a. The Development at Historic Fill Site or Licensed Landfill Application form dated January 24, 2023 and received by the DNR on January 31, 2023.

5. Additional documents considered in connection with the review of the proposed activities includes:
    a. *"Site Investigation Report/Remedial Action Plan, Harley-Davidson Parking Lot, Southeast Corner of N. 38th Street and W. Juneau Avenue, Milwaukee, WI,"* prepared by Sigma, dated January 24, 2023.
    b. The DNR's files pertaining to BRRTS activity #02-41-591115.

6. Additional facts relevant to the review of the proposed activities include:
    a. The fill material and underlying soils do not appear to present a risk for methane gas generation.
    b. Lot 1 was created from former parcels located at 3725 W. Juneau Ave., 3712 & 3702 W. Highland Ave., and 1127 N. 35th St., Milwaukee, WI
    c. Harley-Davidson Parking Lot is an open site tracked under BRRTS activity #02-41-591115.

If the special conditions set forth below are complied with, the proposed development should not interfere with maintenance of the solid waste disposal area or cause a significant threat to public health, safety or welfare or to the environment.

CONCLUSIONS OF LAW

1. The DNR has authority under Wis. Admin. Code § NR 506.085 to approve development at a solid waste facility as defined in Wisconsin Statute (Wis. Stat.) § 289.01(35).

2. The DNR has authority under Wis. Stat. § 289.46(2) to limit its approval under Wis. Admin. Code § NR 506.085 to activities which will not interfere with a closed solid waste disposal facility or cause a significant threat to public health, safety or welfare.

3. The conditions of the approval set forth below are needed to ensure the proposed development does not interfere with the closed solid waste disposal facility or cause a significant threat to public health, safety or welfare as required under Wis. Stat. § 289.46(2).

4. In accordance with the foregoing, the DNR has authority under Wis. Admin. Code § NR 506.085 to issue the following approval.

CONDITIONAL APPROVAL

The DNR conditionally approves the proposed activities on the Harley-Davidson Motor Company Lot 1 site subject to the following conditions:

1. All aspects of the proposed activities shall be performed in accordance with the application received by the DNR and the conditions of this approval. In the case of any differences between the approval conditions and the application, the approval conditions shall take precedence.

2. This approval is limited to the activities described in the application received by the DNR on January 31, 2023. Any changes or additional activities beyond those described in the application shall not be implemented without prior written DNR approval (Wis. Admin. Code § NR 506.085).

3. No action related to the proposed activities at the property may be taken which will cause any of the impacts or effects described in Wis. Admin. Code §§ NR 504.04(4)(a) to (f).

4. A report shall be submitted to the DNR within 60 days of completion of the proposed activities that documents the project was completed in accordance with the approved plan and conditions of this approval. The report may be submitted in conjunction with a Wis. Admin. Code § NR 724.15 remedial action construction documentation report. The report shall include:

    a. Narrative describing work completed in accordance with approval and any problems encountered.
    b. If waste was encountered, documentation of proper disposal of waste.
    c. Photo documentation of all aspects of construction.
    d. An explanation of any deviations from the plan and for documentation of minor field modifications discussed with the DNR.
    e. A set of as-built plans.

5. The proposed activities shall not prevent the completion of remedial response actions required under Wis. Admin. Code chs. NR 700-799 and shall be coordinated with site investigation, remedial action and/or materials management requirements and related DNR approvals.

6. If contamination is encountered during the proposed activities that is not related to documented contamination, notification of the contamination shall be submitted to the DNR.

7. Any continuing requirements of the development plan or the conditions of the approval shall transfer with changes in property ownership.

8. This approval is based on the information available to the DNR as of the date of approval. If the proposed project changes or if circumstances change such that there may be a need to modify this approval, the DNR may ask applicants to provide additional information relating to activities to determine if the approval will need to be modified

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the DNR, you should know that Wisconsin statutes and administrative codes establish time periods and requirements for reviewing DNR decisions.

- For judicial review of the DNR's decision pursuant to Wis. Stat. §§ 227.52 and 227.53, you have 30 days after the decision is mailed or otherwise served by the DNR to file the petition with the appropriate circuit court and serve the petition on the DNR. Such a petition for judicial review must name the "Department of Natural Resources" as the respondent.

- To request a contested case hearing pursuant to Wis. Stat. § 227.42, you have 30 days after the decision is mailed or otherwise served by the DNR, to serve a petition for hearing on the secretary of the DNR. All requests for contested case hearings must be made in accordance with Wis. Admin. Code § NR 2.05(5), and served on the DNR secretary in accordance with Wis. Admin. Code § NR 2.03. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

Dated: ____*March 13, 2023*_____

DEPARTMENT OF NATURAL RESOURCES
For the Secretary

_____
Pamela A. Mylotta
Southeast Region Team Supervisor
Remediation and Redevelopment Program

_____
J. Gregory Moll, P.G.
Hydrogeologist
Remediation and Redevelopment Program

DCD # 3363

CITY OF MILWAUKEE
DEPARTMENT OF CITY DEVELOPMENT
809 NORTH BROADWAY
MILWAUKEE, WI 53202

CERTIFIED SURVEY MAP NO. 9458

Lot 1 of Certified Survey Map No. 8837, Lots 1 through 20 in Block 3 of Highland Home, vacated alley and portions of vacated North 37th Street and North 38th Street adjacent and Lands, all in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 25, Township 7 North, Range 21 East, City of Milwaukee, County of Milwaukee, State of Wisconsin.

VICINTY MAP

NW $\frac{1}{4}$ of Sec. 25-7-21
SCALE: 1" = 2000'

Tax Key No. 387-0359-100, 387-0360-100, 387-0367-114, 387-1151-000
Zoning: IO2

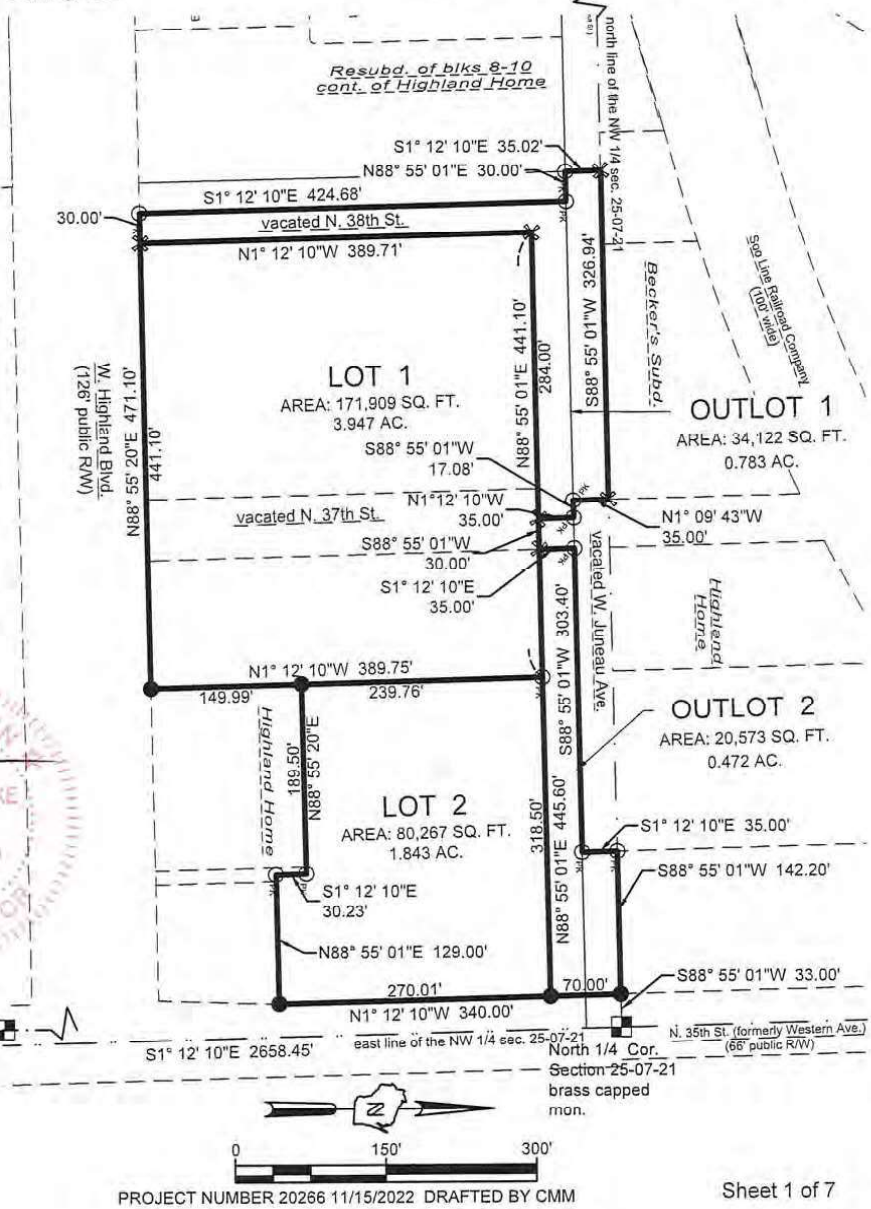
LEGEND & NOTES:

✕ INDICATES CHISELED CROSS SET

⊙ INDICATES PK NAIL SET

● INDICATES SET 3/4" DIAM. REBAR, 18" LONG WEIGHING 1.50 LBS/LIN. FT.

COORDINATES & BEARINGS REFERENCED WISCONSIN STATE PLANE COORDINATE SYSTEM, NAD 83 (2012), WITH THE EAST LINE OF THE NW $\frac{1}{4}$ OF SEC. 25-7-21 BEARING S01°12'10"E



PROJECT NUMBER 20266 11/15/2022 DRAFTED BY CMM

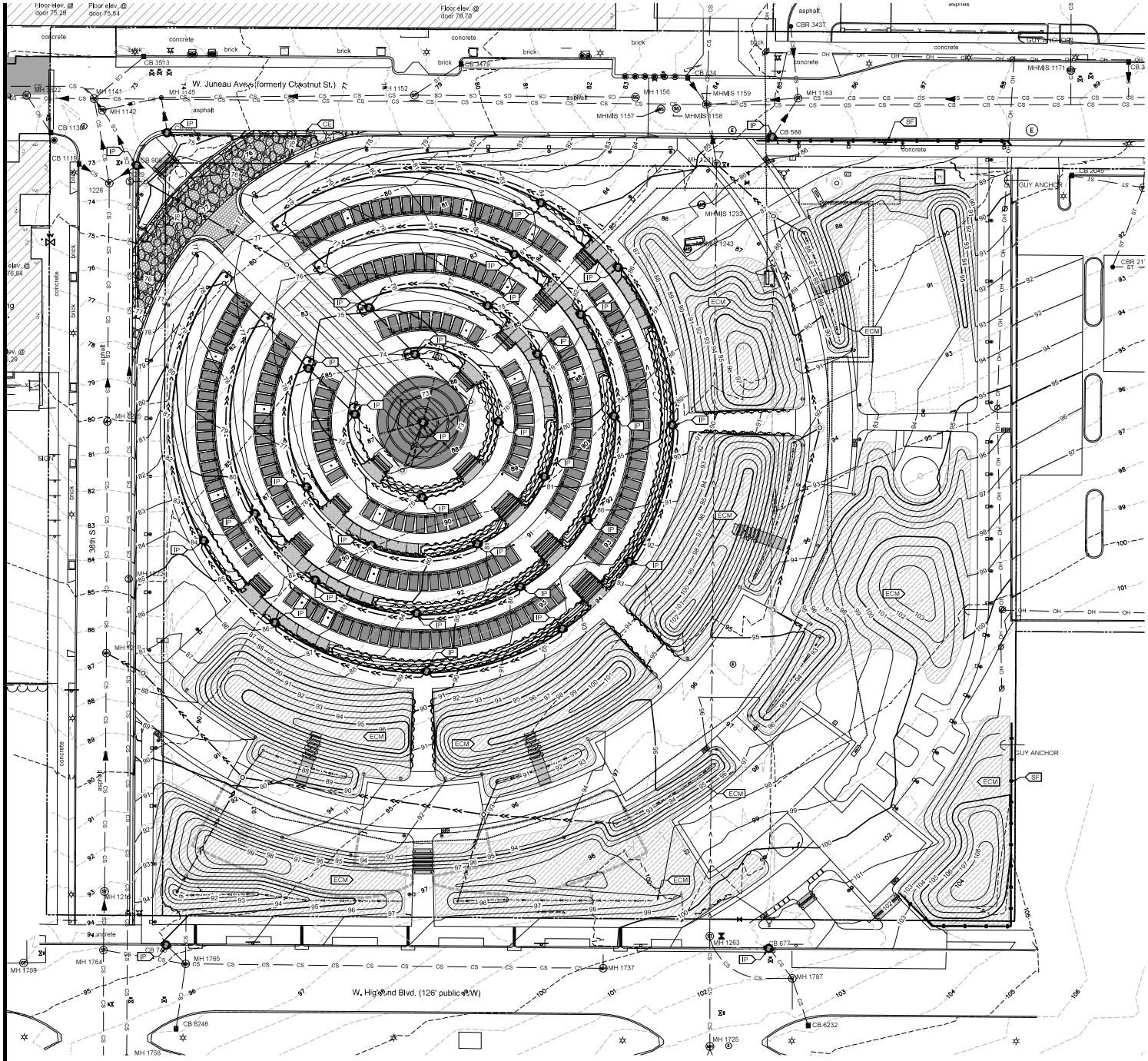
Sheet 1 of 7

WISCONSIN
JOHN A. SCHTKE
S-2633
MILWAUKEE,
11/16/22
SURVEYOR

INFRASTRUCTURE SERVICES DIVISION
11/22/2022
CENTRAL DRAFTING & RECORDS MANAGER
11-21-22
ENGR. IN CHARGE ENVIRON. ENGR.
CORRECT
11/22/2022
CITY ENGINEER
APPROVED

DEPARTMENT OF CITY DEVELOPMENT
CITY OF MILWAUKEE
OCT 11 2022
STAFF APPROVED

DOC. #11309982
RECORDED JANUARY 4, 2023
MILWAUKEE COUNTY, WI



KEY NOTES

- IP INLET PROTECTION
- CE CONSTRUCTION ENTRANCE
- ECM EROSION CONTROL MAT
- SF SILT FENCE

ANTICIPATED CONSTRUCTION SEQUENCING:

1. INSTALL SILT FENCE, INLET PROTECTION, AND CONSTRUCTION ENTRANCE.
2. REMOVE EXISTING FEATURES AND ALL PAVEMENT.
3. REMOVE EXISTING UTILITIES PER DEMO PLAN.
4. EXCAVATE FOR ROUGH GRADING.
5. INSTALL NEW UTILITIES & GREEN INFRASTRUCTURE (UNDERGROUND DETENTION SYSTEM, BIOSWALES, PERMEABLE PAVER BASES). RE-ESTABLISH INLET PROTECTION FOR NEW STORM SEWER INLETS, AND MAINTAIN ALL TEMPORARY EROSION & SEDIMENT CONTROLS.
6. FINE GRADE SITE.
7. SITE PAVING.
8. STABILIZE SITE.
9. REMOVE ACCUMULATED SEDIMENT FROM SEDIMENT & EROSION CONTROL PRACTICES.
10. REMOVE TEMPORARY EROSION CONTROLS ONCE SITE IS ESTABLISHED.

NOTES :

1. SEE SHEET C001 FOR CIVIL NOTES AND LEGEND.
2. SEE SHEET C101 FOR EROSION CONTROL DETAILS.
3. SEE LANDSCAPE SHEETS L200A-L200D FOR ADDITIONAL INFORMATION.

N

SCALE 0 20 40 IN FEET

HGA
333 East Erie Street
Milwaukee, Wisconsin 53202
Telephone 414.278.8200

STRUCTURAL ENGINEER
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ELECTRICAL ENGINEER
HGA
JAMES KNOERR
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CIVIL ENGINEER
HGA
LEAH KNAPP
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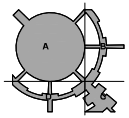
LANDSCAPE ARCHITECT
HGA
TRYGVE HANSEN
(612) 758-4523

LIGHTING DESIGNER
HGA
CATHY HALL
(414) 278 - 3405

HARLEY-DAVIDSON FOUNDATION

HARLEY-DAVIDSON FOUNDATION
3700 W JUNEAU AVE
MILWAUKEE, WI 53208

HUB PARK PROJECT



KEYPLAN

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDERMY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF WISCONSIN

NAME: TRYGVE PLAN
DATE: December 22, 2022
REGISTRATION NUMBER: 4784244

NO	DESCRIPTION	DATE

ISSUANCE HISTORY - THIS SHEET

HGA NO: COMMISSION NO.

EROSION & SEDIMENT CONTROL PLAN

DATE: December 22, 2022

CONSTRUCTION DOCUMENTS

C100

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