

**U.S. Department of Agriculture  
Natural Resources Conservation Service**

July 29, 2002

Bay County Soil Conservation Office  
4044 Three Mile Road  
Bay City, MI 48706

Attention: Mr. Will Sears

Re: Farmland Conversion Impact Rating Form  
Garfield and Walters Subdivisions  
City of Auburn, Bay County, Michigan

Dear Mr. Sears:

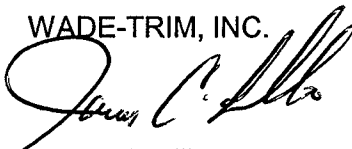
The Bay County Drain Commissioner is in the process of securing funding for a flood mitigation project in Auburn, Michigan. Specifically, the Garfield and Walters Subdivisions have experienced severe flood damage over the past 15 years. In an effort to mitigate future damage, an application is currently being reviewed by URS Corporation on behalf of the Federal Emergency Management Agency (FEMA) as to environmental impacts this project may have.

The proposed project entails converting an existing farm field into a detention pond to detain waters during large storm events from flooding these two subdivisions. The intent of this project is to excavate the farm field and a portion of the adjacent property to the west to create a detention pond for floodwaters. The resulting pond will be restored and seeded with grass to prevent soil erosion and sedimentation into the drain. As part of the review process, a Farmland Conversation Impact Rating Form must be completed and submitted to FEMA. Please review the project site and complete the Farmland Conversation Impact Rating Form and forward it to our office. We have included a map of the area and of the proposed detention pond site.

If you have any questions or require any additional information, please contact our office. Thank you for your time and attention to this matter.

Very truly yours,

WADE-TRIM, INC.



James C. Lillo, PE

JCL:jlb

BDC 2045.04B

P:\BDC2045\04B\ADMIN\CORRES\0729SEAR-LTR.DOC

Enclosures

cc: Ms. Andrea Farley, URS Corporation ✓  
Mr. William H. Rosebush, Bay County Drain Commissioner





25 September 2003

United States  
Department of  
Agriculture

Natural  
Resources  
Conservation  
Service

Bay City Service  
Center

4044 S. Three Mile  
Bay City, MI 48706  
Ph (989) 686-0430  
Fax (989) 686-7925  
[www.mi.nrcs.usda.gov](http://www.mi.nrcs.usda.gov)

Wade-Trim  
3933 Monitor Road  
P. O. Box 580  
Bay City, MI 48707

Re: Detention pond for Garfield and Walters Subdivision

Dear Mr. James C. Lillo,

I did a field visit of your project site and determine the area not to be prime, unique, statewide, or local farmland. Enclosed is a copy of the United States Department of Agriculture Form AD-1006: Farmland Conversion Impact Rating. Please contact our office if you have any questions or concerns.

Sincerely,

Gracie Moreno  
NRCS District Conservationist

Enclosure

cc: Ms. Andrea Farley, URS Corporation



The Natural Resources Conservation Service works in partnership with the American people to conserve and sustain natural resources on private lands.

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U.S. Department of Agriculture

# FARMLAND CONVERSION IMPACT RATING

<b>PART I (To be completed by Federal Agency)</b>		Date Of Land Evaluation Request <u>29 July 02</u>	
Name Of Project <u>Cartfield &amp; Walters Subdivisions</u>		Federal Agency Involved	
Proposed Land Use <u>detention pond</u>		County And State <u>Bay County, MI</u>	
<b>PART II (To be completed by NRCS)</b>		Date Request Received By NRCS <u>16 June 03</u>	
Does the site contain prime, unique, statewide or local important farmland? <i>(If no, the FPPA does not apply -- do not complete additional parts of this form).</i>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Major Crop(s)		Acres Irrigated	Average Farm Size
Name Of Land Evaluation System Used		Farmable Land In Govt. Jurisdiction Acres: %	Amount Of Farmland As Defined In FPPA Acres: %
Name Of Local Site Assessment System		Date Land Evaluation Returned By NRCS	
<b>PART III (To be completed by Federal Agency)</b>		Alternative Site Rating	
		Site A	Site B
		Site C	Site D
A. Total Acres To Be Converted Directly			
B. Total Acres To Be Converted Indirectly			
C. Total Acres In Site		0.0	0.0
		0.0	0.0
<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>			
A. Total Acres Prime And Unique Farmland			
B. Total Acres Statewide And Local Important Farmland			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value			
<b>PART V (To be completed by NRCS) Land Evaluation Criterion</b> Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)		0	0
		0	0
<b>PART VI (To be completed by Federal Agency)</b>			
Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))	Maximum Points		
1. Area In Nonurban Use			
2. Perimeter In Nonurban Use			
3. Percent Of Site Being Farmed			
4. Protection Provided By State And Local Government			
5. Distance From Urban Builtup Area			
6. Distance To Urban Support Services			
7. Size Of Present Farm Unit Compared To Average			
8. Creation Of Nonfarmable Farmland			
9. Availability Of Farm Support Services			
10. On-Farm Investments			
11. Effects Of Conversion On Farm Support Services			
12. Compatibility With Existing Agricultural Use			
<b>TOTAL SITE ASSESSMENT POINTS</b>	160	0	0
		0	0
<b>PART VII (To be completed by Federal Agency)</b>			
Relative Value Of Farmland (From Part V)	100	0	0
Total Site Assessment (From Part VI above or a local site assessment)	160	0	0
<b>TOTAL POINTS (Total of above 2 lines)</b>	260	0	0
		0	0
Site Selected:	Date Of Selection	Was A Local Site Assessment Used?	
Reason For Selection:		Yes <input type="checkbox"/>	No <input type="checkbox"/>

**U.S. Fish and Wildlife Service**



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

East Lansing Field Office (ES)

2651 Coolidge Road, Suite 101

East Lansing, Michigan 48823-6316

IN REPLY REFER TO:

February 13, 2002

Matt Schnepf  
Michigan Dept. of State Police  
Emergency Management Division  
4000 Collins Road  
Lansing, MI 48909-8136

Re: Endangered Species List Request, 1346-DR-MI Hazard Mitigation Grant Program Project, Bay County Drain Commission, Improvements to the Dell Creek Drain from Eddy Drive to North Union Road, Williams Township, Bay County, Michigan

Dear Mr. Schnepf:

Thank you for your February 5, 2002 request for information on endangered, threatened, proposed, or candidate species, and critical habitat which may be present within the proposed project area. Your request and this response are made pursuant to Section 7 of the Endangered Species Act of 1973 (the Act), as amended, (87 Stat. 884, 16 U.S.C. 1531 *et seq.*).

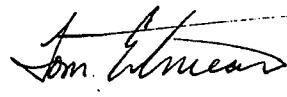
Based on information presently available, there are no endangered, threatened, proposed, or candidate species, or critical habitat occurring within the proposed project area. This presently precludes the need for further action on this project as required under Section 7 of the Act.

We advise, however, that should a species become officially listed or proposed before completion of this project, the Federal action agency for the work would be required to reevaluate its responsibilities under the Act. Further, should new information become available that indicates listed or proposed species may be present and/or affected, consultation should be initiated with us.

Since threatened and endangered species data is continually updated, new information pertaining to this project may become available which may modify these recommendations. Therefore, we recommend your agency annually request updates to this list. We also suggest you contact the Michigan Department of Natural Resources, Wildlife Division for information regarding state listed species.

We appreciate the opportunity to provide these comments. Please refer any questions directly to Tameka Dandridge of this office at (517) 351-8315 or the above address.

Sincerely,

  
for

Craig A. Czarnecki  
Field Supervisor

cc: Michigan Department of Natural Resources, Wildlife Division, Lansing, MI  
(Attn: Lori Sargent)

# UNITED STATES DEPARTMENT OF THE INTERIOR

## FISH AND WILDLIFE SERVICE

East Lansing Field Office (ES)  
2651 Coolidge Road, Suite 101  
East Lansing, Michigan 48823

Electronic Mail Transmittal

April 27, 2004

Ms. Janet E. Frey  
URS Group, Inc.  
200 Orchard Ridge Drive  
Suite 101  
Gaithersburg, MD 20878

Re: Endangered Species List Request, 1346-DR-MI Hazard Mitigation Grant Program Project,  
No. A1346.41, Proposed Detention Basin Construction and Drainage Improvements, Cass County  
Drain Commission, Porter Township, Cass County;  
No. A1346.89, Proposed Dell Creek Drain Improvements, Garfield and Walter's Subdivisions,  
Williams Township, Bay County, Michigan

Dear Ms. Frey:

Thank you for your March 26 and 29, 2004 requests for information regarding federally listed and proposed threatened and endangered species, candidate species, or critical habitat near your proposed projects. Your requests and this response are made pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act).

### Endangered Species Act Comments

Our records indicate that the candidate eastern massasauga rattlesnake (*Sistrurus catenatus catenatus*) may occur in the general vicinity of the proposed action area, near the Baldwin Lake in Cass County. There were no listed species occurrences near the Bay County project. While the Act does not extend protection to candidate species, we encourage their consideration in resource planning. Avoidance of unnecessary impacts to candidate species will reduce the likelihood that they will require the protection of the Act in the future.

Eastern massasauga habitat is typically associated with open shallow wetland systems. The rattlesnake prefers habitat with open canopy and a sedge or grass ground cover. If early evaluation of your project indicates that it is likely to adversely impact a candidate, your agency may request technical assistance from this office.

The Michigan Department of Natural Resources (MDNR) protects the massasauga rattlesnake through Part 365, Endangered Species Protection, of the Natural Resources and Environmental Protection Act, 1994, PA 451. Please contact the Endangered Species Coordinator of the MDNR at (517) 373-1263 for information regarding the protection of threatened and endangered species under State law. State law requires permits in advance of any work that could potentially damage, destroy, or displace State-listed species.

This precludes the need for further action on these projects as required by section 7 of the Act. If the projects are modified or new information about the projects becomes available that indicates listed species or critical habitat may be affected in a manner or to an extent not previously considered, you should reinitiate consultation with this office.

Since threatened and endangered species data changes continuously, we recommend you contact this office for an updated federal list of the species that may be present in the project areas every six months during the remaining planning and building period.

We appreciate the opportunity to provide these comments. Please refer any questions to Tameka Dandridge of this office at (517) 351-8315 or the above address.

Sincerely,

/s/ Craig A. Czarnecki


Craig A. Czarnecki  
Field Supervisor

cc: Michigan Department of Natural Resources, Wildlife Division, Lansing, MI  
(Attn: Lori Sargent)





Janet  
Frey/Gaithersburg /URSCorp  
03/01/2006 05:09 PM

To Tameka\_Dandridge@fws.gov  
cc Vincent.Parisi@dhs.gov, Donald  
Glondys/Chicago/URSCorp@URSCORP  
bcc  
Subject Re: HMGP A1346.89, Bay Co. 

Good afternoon Ms. Dandridge-

I have attached some photographs of the project area and provided a description of the project area below. Some trees will be removed to construct the proposed detention basin, and it is likely that some of these may be >9-inch diameter. I do not know for certain if any of the trees contain exfoliating bark. However, as with previous projects, FEMA can include as a condition of the funding the requirement that tree removal not occur during the season when Indiana bats may be present. Please contact me if you need additional information.

Thank you,  
Janet

**Description of Project Area :**

Within the project site of both action alternatives are several isolated stands of trees. This vegetation community is comprised of various types of maple and oak, including red maple (*Acer rubrum* ) and red oak (*Quercus rubra* ). American beech (*Fagus grandifolia* ) can also be found within this community. Habitat along the Dell Drain in the vicinity of the culvert replacements is similar to that found along the drain as it passes through the agricultural field. The habitat is dominated by regularly maintained grasses with small components of native vegetation, including willow (*Salix* sp.).



Appendix A - Photos.doc

Janet Frey  
URS Corporation - Gaithersburg, MD  
Direct Line: 301-670-3345  
Fax: 301-309-1579  
e-mail: janet\_frey@urscorp.com

This e-mail and any attachments are confidential. If you receive this message in error or are not the intended recipient, you should not retain, distribute, disclose or use any of this information and you should destroy the e-mail and any attachments or copies.

Tameka\_Dandridge@fws.gov



Tameka\_Dandridge@fws.gov  
03/01/2006 11:19 AM

To janet\_frey@urscorp.com  
cc  
Subject HMGP A1346.89, Bay Co.



Ms. Frey,

This is in reference to the proposed improvements to the Dell Creek Drain. Will you please supply a description of the project area? Also, do you know if any large (>9 in diameter) live, dead or dying trees with exfoliating bark will require removal for this project? Our concern is the endangered Indiana bat, which may use these types of trees (during the breeding season, while in Michigan) near wetlands and open water, in addition to some upland areas.

We've consulted with FEMA recently and further in the pass for similar projects in which tree removal may have been required and recommended that if tree removal should occur, tree cutting activities should be conducted while the bats are not in Michigan (during hibernation south of MI: Nov 1-Mar 31).

If this information is known at the beginning, it helps to include it in your federal species list request to us and it expedites the process because I won't have to make phone calls or emails to request additional information.

\*\*\*\*\*

Tameka Dandridge  
U.S. Fish & Wildlife Service  
East Lansing Field Office  
2651 Coolidge Rd., Suite 101  
East Lansing, MI 48823  
517-351-8315  
tameka\_dandridge@fws.gov

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## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

East Lansing Field Office (ES)  
2651 Coolidge Road, Suite 101  
East Lansing, Michigan 48823-6316

IN REPLY REFER TO:

March 6, 2006

Ms. Janet Frey  
URS Corporation  
200 Orchard Ridge Drive, Ste. 101  
Gaithersburg, MD 20878-1978

Re: Endangered Species List Request, Proposed Improvements to the Dell Creek Drain,  
HMGP #A1346.89, T14N-R3E-Sec. 22, Bay County, Michigan

Dear Ms. Frey:

Thank you for your January 31, 2006 request for information regarding federally listed and proposed threatened and endangered species, candidate species, or critical habitat near your proposed project. Your request and this response are made pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act). Under this Federal Emergency Management Agency (FEMA) funded project, URS Corporation, a consultant for the Bay County Drain Commission, is serving as a non-federal representative for purposes of section 7 of the Endangered Species Act of 1973, as amended (Act). The Bay County Drain Commission proposes to install improvements to the Dell Creek Drain and construct a detention pond and dewatering pump station.

This project is within the breeding range of the endangered Indiana bat (*Myotis sodalis*). You discussed with Tameka Dandridge, of this office, by email on March 1, 2006, the nature of your project and its potential to affect Indiana bats if any were present. You advised that tree removal is proposed for the construction of the detention basin and some trees may measure greater than 9 inches in diameter; however, you are uncertain if any trees have exfoliating bark. Furthermore, you stated that FEMA may advise of temporal tree removal activities as a condition of receiving funding.

A March 2, 2006 email correspondence between Ms. Dandridge and Jeanne Millin of FEMA, discussed temporal tree cutting activities for the above project. Ms. Millin advised that trees proposed for removal will occur while the bats are south of Michigan to avoid potential direct adverse effects to any bats that may utilize the trees for roosting. It is unlikely that Indiana bats will be adversely affected because trees are proposed for removal between November 1 and March 31, during the Indiana bat hibernation period south of Michigan.

Ms. Janet Frey

2

This precludes the need for further action on this project as required by section 7 of the Act. If the project is modified or new information about the project becomes available that indicates listed species or critical habitat may be affected in a manner or to an extent not previously considered, you should reinitiate consultation with this office. Since endangered species data changes continuously, we recommend you contact this office for an updated species list if more than six months passes prior to commencement of proposed activities.

The Michigan Department of Natural Resources (MDNR) protects endangered and threatened species through Part 365, Endangered Species Protection, of the Natural Resources and Environmental Protection Act, 1994, P. A. 451. Please contact Ms. Lori Sargent, of the MDNR, at 517/373-1263 for information regarding the protection of threatened and endangered species under State law. State law requires a permit in advance of any work that could potentially damage, destroy or displace state-listed species.

We appreciate your concern for endangered and threatened species. Any questions can be directed to Tameka Dandridge of this office at [Tameka\\_Dandridge@fws.gov](mailto:Tameka_Dandridge@fws.gov) or 517/351-8315.

Sincerely,

*Acting for*   
Craig A. Czarnecki  
Field Supervisor

cc: MDNR-Wildlife Division, Lansing, MI (Attn: Lori Sargent)

s: admin/archives/mar06/se list/URS-HMGP-A1346.89DellCk.tnd.doc

**Michigan State Historic Preservation Office  
Michigan Historical Center**



State of Michigan  
John Engler, Governor

Department of History, Arts and Libraries  
Dr. William M. Anderson, Director

State Historic Preservation Office

Michigan Historical Center  
717 W. Allegan Street  
P.O. Box 30740  
Lansing, MI 48909-8240  
517/373-1630

March 5, 2002

JEANNE MILLIN  
REGIONAL ENVIRONMENTAL OFFICER  
FEMA REGION V  
536 S CLARK 6<sup>TH</sup> FLOOR  
CHICAGO IL 60605

RE: ER97-416

Hazard Mitigation Project #A1346.89-T14N, R3E, Sec. 22, Dell Creek Drain  
Projects, Williams Twp., Bay County (FEMA)

Dear Ms. Millin:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that **no historic properties are affected** within the area of potential effects of this undertaking.

The views of the public are essential to informed decision making in the Section 106 process. Federal Agency Officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties and other provisions per 36 CFR § 800.2(d). We remind you that Federal Agency Officials or their delegated authorities are required to consult with the appropriate Indian tribe and/or Tribal Historic Preservation Officer (THPO) when the undertaking may occur on or affect any historic properties on tribal lands. **In all cases**, whether the project occurs on tribal lands or not, Federal Agency Officials or their delegated authorities are also required to make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties per 36 CFR § 800.2(c-f).

This letter evidences the Federal Emergency Management Agency's compliance with 36 CFR § 800.4 "Identification of historic properties", and the fulfillment of the Federal Emergency Management Agency's responsibility to notify the SHPO, as a consulting party in the Section 106 process, under 36 CFR § 800.4(d)(1) "No historic properties affected".

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

If you have any questions, please contact Martha MacFarlane Faes, Environmental Review Coordinator, at (517) 335-2721. Please reference our project number in all communication with our office regarding this undertaking. Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

Martha MacFarlane Faes  
Environmental Review Coordinator

for Brian D. Conway  
State Historic Preservation Officer

MMF:AKR:cm

copy: Matt Schnepf, Michigan State Police





# Telephone Conversation Record

Date:	May 3, 2004, May 19, 2004		Time:	
Project:	FEMA Reg. V HMGP Projects A1346.41, Cass Co., MI and A1346.89, Bay Co.			
To: _____	Alexandra Raven			
From: <u>X</u>	Affiliation Michigan Historical Center	Telephone 517-373-1272	Location Lansing, MI	
Recorded By:	Janet Frey		URS CORPORATION	
SUBJECT:	Response to Agency Coordination Letter			

## Record (Pertinent Facts & Data):

Alexandra Raven with the Michigan State Historic Preservation Office (SHPO) left a message in response to a March 26, 2004 project review request submitted by URS for HMGP project A1346.41. This project had been previously reviewed by the SHPO and a response letter was issued on September 6, 2001. The original request included the review of two project areas for proposed detention basins. The revised review request included only one of the original project locations since the Applicant had eliminated one of the proposed detention basins from the project. Ms. Raven indicated that since no changes to the location of the remaining project area had occurred, additional review by the SHPO was not required. The opinion that "no historic properties are affected" by the proposed project is still valid and a new response letter will not be issued by the SHPO.

Ms. Raven was contacted on May 19, 2004 to confirm that her comments also applied to the Bay County project (A1346.89), since no changes to the project had occurred since SHPO's initial review. Ms. Raven indicated that the opinion that "no historic properties are affected" provided in their letter response dated March 5, 2002 for project A1346.89 in Bay County, Michigan was also still valid and a revised response letter would not be issued.



JENNIFER GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF HISTORY, ARTS AND LIBRARIES  
LANSING

DR. WILLIAM ANDERSON  
DIRECTOR

June 15, 2004

JEANNE MILLIN  
REGIONAL ENVIRONMENTAL OFFICER  
FEMA REGION V  
536 S CLARK 6<sup>TH</sup> FLOOR  
CHICAGO IL 60605

RE: ER97-416 Hazard Mitigation Project #A1346.89-T14N, R3E, Sec. 22, Dell Creek  
Drain Projects, Williams Twp., Bay County (FEMA)

Dear Ms. Millin:

We have received your request for the above-cited undertaking at the location noted above. According to our records, we commented on this undertaking in our letter dated March 5, 2002. Based on the previous determination and provided that there has been no change in the scope of work as originally submitted for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that **no historic properties are affected** within the area of potential effects of this undertaking.

This letter evidences the Federal Emergency Management Agency's compliance with 36 CFR § 800.4 "Identification of historic properties", and the fulfillment of the Federal Emergency Management Agency's responsibility to notify the SHPO, as a consulting party in the Section 106 process, under 36 CFR § 800.4(d)(1) "No historic properties affected".

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

If you have any questions, please contact Brian Grennell, Environmental Review Specialist, at (517) 335-2721 or by email at ER@michigan.gov. **Please reference our project number in all communication with this office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

Brian D. Conway  
State Historic Preservation Officer

BDC:BGG

Copy: Janet Frey, URS Corporation



U.S. Department of Homeland Security  
Region V  
536 South Clark Street, Floor 6  
Chicago, IL 60605



**FEMA**

OCT 18 2004

Mr. Bryan D. Conway  
State Historic Preservation Officer  
Michigan Historic Preservation Office  
Michigan Historical Center  
717 West Allegan Street  
Lansing, MI 48918-1800

RE: SHPO Concurrence – 1346.89 Bay County Drain Commission

Dear Mr. Conway:

The Michigan State Police, Emergency Management Division has proposed on behalf of Bay County Drain Commission to construct a detention pond, dewatering pump station and improve the Dell Creek Drain from Eddy Drive to North Union Road. Based on information provided by Michigan State Police Emergency Management Division, FEMA has independently determined this project will have no adverse effect on any historic properties. This determination has been made to fulfill FEMA's obligation under the process outlined within 36 CFR Part 800 (Section 106).

This determination is consistent with your review of March 29, 2004; in accordance with 36 CFR Part 800.5, FEMA shall proceed with the proposed undertaking. If you have any questions regarding this project, please contact me at (312) 408-5540.

Sincerely,

Jeanne Millin  
Regional Environmental Officer

**Michigan Department of Environmental Quality**



STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



JOHN ENGLER  
GOVERNOR

RUSSELL J. HARDING  
DIRECTOR

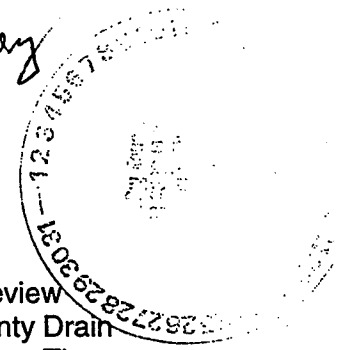
March 15, 2002

TO: Matt Schnepf, HMGP Assistant Grants Manager  
Emergency Management Division  
Michigan Department of State Police

FROM: Bruce Menerey, P.E., Hydrologic Studies Unit  
Land and Water Management Division  
517-335-3181

SUBJECT: Environmental Review for 1346-DR-MI Hazard Mitigation Project  
Project A 1346.89 – Bay County Drain Commission, Bay County

*Bruce Menerey*



This is in follow-up to your memo of February 5, 2002, requesting environmental review comments from the Land and Water Management Division relating to the Bay County Drain Commission's proposal seeking funding under the Hazard Mitigation Grant Program. The project is located in Williams Township of Bay County, Section 22, T14N, R3E, and involves the construction of a detention basin, a de-watering pump station, and improvements to the Dell Creek Drain from Eddy Drive to North Union Road.

Based on the project description, a permit may be required from the Department of Environmental Quality (DEQ).

A cursory review of the wetlands maps for Bay County indicates that wetlands may exist in the vicinity of the project. Any dredging, filling, or draining of regulated wetlands will require a permit under Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The most accurate method of determining whether or not regulated wetlands exist on the project site will require an on-site determination. If there is a question as to whether or not wetlands exist in the project area, the applicant can use the enclosed wetland assessment form to request the DEQ to determine if wetlands are present on the site, which may fall under the authority of Part 303.

The project description indicates that a portion of the drain will be relocated. The drain relocation will require review under Part 301, Inland Lakes and Streams, of the NREPA. If the drain relocation involves 500 feet or more of drain, the application fee will be \$2,000.

The project is not within a federally identified flood hazard area. Although the drain downstream of Midland Road has a drainage area that is greater than two square miles, and thus falls under the State's Floodplain Regulatory Authority found in Part 31, Water Resources Protection, of the NREPA. It will be necessary for our office to review the project under Part 31.

If there are any questions on the wetland or inland lakes and streams permit requirements, please contact Joe Haas in our Bay City District Office, at 989-686-8025 ext. 8363. Should you have any other questions, or require additional information, please feel free to contact me.

Enclosure: Wetland assessment form  
cc: Joe Haas, DEQ



# Telephone Conversation Record

Date:	August 19, 2002	Time:	
Project:	FEMA Reg. V HMGP Project A1346.89, Bay Co.		
To: _____	Terry Walkington		
From: <u>X</u>	Affiliation MDEQ, Saginaw Bay District	Telephone 517-686-8025 ext. 8260	Location Lansing, MI
Recorded By:	Andrea Farley	URS CORPORATION	
SUBJECT:	Surface Water Quality Data		

**Record (Pertinent Facts & Data):**

Inquired if the Michigan Department of Environmental Quality (MDEQ) has obtained any water quality data for Dell Creek Drain, a tributary of the Kawkawlin River. URS was informed that MDEQ has not obtained surface water quality data for Dell Creek, but there is water quality data for the Kawkawlin River.



# Telephone Conversation Record

Date:	August 22, 2002	Time:	
Project:	FEMA Reg. V HMGP Project A1346.89, Bay Co.		
To:	Rhonda Klann		
From: <input checked="" type="checkbox"/>	Affiliation MDEQ, Environmental Response Division	Telephone 989-686-8025 ext. 8302	Location
Recorded By:	Andrea Farley	URS CORPORATION	
SUBJECT:	Groundwater Information for Dell Creek Drain Project Site		

## Record (Pertinent Facts & Data):

I inquired about the potential for groundwater contamination issues in the project area due to the gas stations located near the project site. Rhonda Klann with the Environmental Response Division claims that there is not a lot of shallow groundwater movement in the project area due to the presence of heavy clay soils about 2 feet down. The deeper groundwater (~100 feet down) presumably moves in a northeast direction towards Saginaw Bay. There are 2 gas stations (Speedway on the corner of Garfield and US 10 and Auburn Kar Klean on the corner of Midland Rd. and Garfield Rd.) that have had issues with leaking underground storage tanks, but she does not feel that either one will be a source of contamination in relation to the proposed project.



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



STEVEN E. CHESTER  
DIRECTOR

April 27, 2004

Ms. Janet Frey  
URS Group  
200 Orchard Ridge Drive, Suite 101  
Gaithersburg, Maryland 20878-1978

Dear Ms. Frey:

**SUBJECT: Environmental Review for 1346-DR-MI Hazard Mitigation Project  
Project A 1346.89 – Bay County Drain Commission, Bay County**

This is in follow-up to your March 29, 2004 letter requesting updated environmental review comments from the Geological and Land Management Division (GLMD), relating to the Bay County Drain Commission's proposal seeking funding under the Hazard Mitigation Grant Program. The project is located in Williams Township of Bay County, Section 22, T14N, R3E, and involves the construction of a detention basin, a de-watering pump station, and improvements to the Dell Creek Drain from Eddy Drive to North Union Road.

Our March 15, 2002 comments still apply to the project, and a permit may be required from the GLMD.

A cursory review of the wetlands maps for Bay County indicates that wetlands may exist in the vicinity of the project. Any dredging, filling, or draining of regulated wetlands will require a permit under Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The most accurate method of determining whether or not regulated wetlands exist on the project site will require an on-site determination. If there is a question as to whether or not wetlands exist in the project area, it is suggested that the applicant contact the GLMD concerning the Wetlands Assessment Program (WAP) or engage a private wetland consultant. For more information regarding the WAP, please contact Ms. Wendy Veltman, Inland Lakes and Wetlands Unit, at 517-241-8485.

The project description indicates that a portion of the drain will be relocated. The drain relocation will require a permit under Part 301, Inland Lakes and Streams, of the NREPA. If the drain relocation involves 500 feet or more of drain, the application fee will be \$2,000.

The project is not within a federally identified flood hazard area, although the drainage area of the drain downstream of Midland Road is greater than two square miles and falls under the State's Floodplain Regulatory Authority found in Part 31, Water

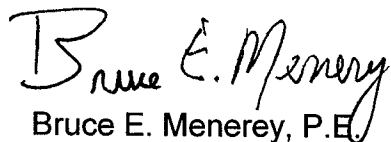
Ms. Janet Frey  
Page 2  
April 27, 2004

Resources Protection, of the NREPA. It will be necessary for our office to review the project under Part 31.

If the proposed detention basin impounds five acres or more, and will include an outlet structure or embankment which has a height that is six feet or more, the project falls under Part 315, Dam Safety, of the NREPA. Even if the detention basin does not fall under Part 315 review, we strongly recommend that the outlet structure include an emergency spillway, to minimize the potential for a failure of the structure, in the event its capacity is exceeded. If there are questions on the dam safety requirements, please contact Mr. Paul Wessel in our Dam Safety Unit, at 517-335-6748.

If there are any questions on the wetland or inland lakes and streams permit requirements, please contact Mr. Joe Haas in our Saginaw Bay District Office, at 989-686-8025, extension 8363. Should you have any other questions on the floodplain permit requirements, please contact Ms. Joy Brooks, also in our Saginaw Bay District office, at 989-686-8025, extension 8364. If you have any other questions or require additional information, feel free to contact me.

Sincerely,



Bruce E. Menerey, P.E.  
Hydrologic Studies Unit  
Geological and Land Management Division  
517-335-3181

cc: Mr. Matt Schnepf, Michigan State Police, Emergency Management Division  
Mr. Joseph Haas, MDEQ, GLMD, Saginaw Bay District, w/site map

**Michigan Department of Environmental Quality Part 301 and 303 Permit**



# MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY PERMIT

Bay County Drain Commissioner  
Attn: Mr. Joseph Rivet  
515 Center Avenue, Suite 601  
Bay City, MI 48708

Permit No.	05-09-0032-P
Issued	August 17, 2006
Extended	
Revised	
Expires	December 31, 2008

Under the provisions of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended and specifically:

- Part 301 Inland Lakes and Streams
- Part 315 Dam Safety
- Part 325 Great Lakes Submerged Lands
- Part 323 Shorelands Protection and Management
- Part 303 Wetland Protection
- Part 353 Sand Dune Protection and Management
- Part 31 Floodplain/Water Resources Protection

Permission is hereby granted, based on permittee assurance of adherence to State requirements and permit conditions to:

**Permitted Activity:**

**Construct a 22.6 acre detention basin for flood water storage.**

**Abandon approximately 5,734 lineal feet of stream and relocate and construct approximately 5,539 lineal feet of stream.**

**Place approximately 1500 cubic yards of fill in 0.41 acres of regulated wetland, and excavate approximately 448 cubic yards of material from 0.66 acres of regulated wetland, for a total impact of 1.07 acres of regulated wetland during the construction of the detention basin, stream relocation and placement of dredge spoils. Compensatory mitigation of 1.4 acres of emergent wetlands and 0.3 acres of scrub shrub wetland will be constructed.**

**Remove existing culverts at Monica Street and Midland Road and replace them with a 6 foot by 9 foot concrete box culvert 430 feet long. Replace existing drain crossing at North Union road with a 6 foot by 9 foot box culvert that is 40 feet long. Replace three other existing drain crossings with two 5 foot by 10 foot box culverts that are 70 and 30 lineal feet, and one 36 inch diameter culvert that is 70 lineal feet.**

**Place a total of approximately 113 cubic yards of riprap at crossing sites.**

**Water Course Affected:** Dell Drain

**Property Location:** Bay County, Williams Township, Section 22  
Subdivision, Lot      Town/Range 14N, 3E      Property Tax No.

**Authority granted by this permit is subject to the following limitations:**

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee in exercising the authority granted by this permit shall not cause unlawful pollution as defined by Part 31, Floodplain/Water Resources Protection of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.

- D. All work shall be completed in accordance with the plans and the specifications submitted with the application and/or plans and specifications attached hereto.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved herein.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that act.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify the Department of Environmental Quality within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached, preaddressed post card to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of the Department of Environmental Quality.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific State Act, Federal Act and/or Rule under which this permit is granted.
- L. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

All work shall be completed in accordance with the attached modified plans dated June 30, 2006 and the wetland mitigation plan dated May 24, 2006. Figures D-5.0, 2-B, and 3 have been modified from the original submittal.

Authority granted by this permit does not waive permit requirements under the Natural Resource and Environmental Protection Act, Part 91 - Soil Erosion and Sedimentation Control, or the need to acquire applicable permits from the County Drain Commission.

The construction of the detention basin will result in the creation of over 22 acres of wetland. Of the 22 acres, 1.7 acres are subject to the formal mitigation requirements of Part 303, Wetland Protection. Approximately 18 acres of wetland will be created or enhanced in excess of the wetlands impacted or utilized for mitigation requirements.

The proposed channel relocation shall be constructed in the dry. Upstream and downstream plugs shall remain in place until the new channel is capable of handling flows without causing siltation.

The placement of the new culvert and the initial placement of fill in the stream shall be done immediately after removal of the existing culvert and shall be in such a manner that all flow is immediately passed through the new culverts, allowing the major placement of fill to be done in the dry or in still water where erosion and siltation will be minimized. The material used in this initial placement of fill shall be washed gravel, coarse aggregate, or rock, and shall be placed at both ends of the culvert to a level above normal water level before backfill material is placed. Bagged concrete riprap may be used for end fill.

No work shall be done in the stream during periods of above-normal flows except as necessary to prevent erosion.

If the project, or any portion, is stopped and lies uncompleted for any length of time other than that encountered in a normal work week, every precaution shall be taken to protect the uncompleted work from erosion, including the placement of temporary sandbag riprap or other acceptable temporary protection.

During removal of the existing structures, every precaution shall be taken to prevent debris from entering any watercourse. Any debris reaching the watercourse during the removal and/or reconstruction of the structure shall be immediately retrieved from the water and disposed of at an upland site.

### **Wetland Mitigation**

The permittee shall, as a primary condition of this permit, mitigate the loss of 1.07 acres of wetland, consisting of emergent (0.779 acres), forested (0.157 acres) and scrub/shrub (0.136 acres) wetland. The authorization granted by this permit is contingent upon the completion of mitigation as follows:

- a. A new 1.7 acre wetland area, consisting of emergent (1.4 acres), and scrub/shrub (0.3 acres) wetland, shall be created in accordance with plans approved by the MDEQ. If the permit conditions modify the mitigation plan, the permit conditions shall take precedence over the mitigation plan.
- b. The mitigation shall be constructed prior to or concurrent with initiating any other permitted activities and shall be completed prior to expiration date of this permit.
- c. The permittee shall provide a bond or letter of credit to the MDEQ in a form identical to the financial assurance models on the MDEQ's website at [www.michigan.gov/deqwetlands](http://www.michigan.gov/deqwetlands) in the amount of \$100,000 to ensure that the replacement wetland is constructed, the conservation easement is recorded, monitoring is completed and corrective actions are performed as required to comply with the mitigation requirements and conditions of this permit. The financial assurance document must be provided and accepted by the MDEQ prior to signature of this permit by the MDEQ.

Prior to the transfer of this permit to another person, the new person must obtain a financial instrument acceptable to the MDEQ in the name of the new person and in the amount required by this permit.

Upon MDEQ's written approval of the completed mitigation grading and planting, 50% of the financial instrument shall be released. Another 25% will be returned upon the establishment of proper hydrology. The remaining 25% will be returned upon all of the following:

- i. Submittal of all the required monitoring reports,
  - ii. Substantial compliance with the performance standards as outlined in this permit, and
  - iii. Final approval by the MDEQ.
- d. The permittee shall execute a conservation easement over the mitigation wetlands and/or remaining wetlands on site as shown on the permit plans in a form identical to the conservation easement model on the MDEQ's website at [www.michigan.gov/deqwetlands](http://www.michigan.gov/deqwetlands). The original executed conservation easement and associated exhibits must be sent to the MDEQ for review and recording within 60 days of the issuance of this permit. Send to: Conservation Easement Coordinator, MDEQ, Land and Water Management Division, PO Box 30458, Lansing, Michigan, 48909, with a copy of the executed easement sent to the MDEQ District Office address above.

The conservation easement boundary shall be demarcated by the placement of signage along the perimeter. The signage shall be placed at an adequate frequency, visibility, and height for viewing, made of a suitable material to withstand climatic conditions, and should be replaced as needed. The signage shall include the following language:

WETLAND CONSERVATION EASEMENT  
NO MOWING, CUTTING, CONSTRUCTION, FILLING,  
APPLICATION OF CHEMICALS, OR DREDGING ALLOWED  
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

Except as otherwise provided by this permit or approved in writing by the MDEQ, the following activities are prohibited in perpetuity within the mitigation area: alteration of topography, the dredging, removal or excavation of any soil or minerals, construction or placement of any structures, placement of fill material, draining of water, cutting or alteration of vegetation, creation of paths or trails, use of chemicals, plowing, tilling, and cultivating.

**Any work in regulated areas authorized by this permit is prohibited until an acceptable executed conservation easement is submitted by the permittee.**

- e. The mitigation site shall not be fine graded, but shall be left in a rough grade state (allowing for the establishment of micro-topography). Any planting or seeding of the mitigation site must consist of native Michigan plant materials.
- f. It is recommended that the permittee install a water control structure that can manipulate the water levels in 2-6 inch increments. The failure to install adequate water control structures may lead to the need to re-grade the entire mitigation area should the hydrology establish differently than shown on the approved mitigation plans.
- g. The permittee shall notify the MDEQ District Office in writing within 20 days of completion of each of the following items:
  - 1) final grading
  - 2) seeding and plant installation
- h. In the event the permitted activity is begun but not completed, the permittee or owner of record shall remain responsible for completion of the mitigation wetland and associated conditions, as determined by the MDEQ. Such determinations shall be based upon the extent of the disturbance to the existing wetlands.
- i. Should the mitigation wetland fail to become established after two complete growing season(s), or fail to progress satisfactorily towards a self-sustaining wetland system as required by this permit, the permittee shall:
  - i. Assess the problem and its probable causes;
  - ii. Develop reasonable and necessary corrective measures as a revision to original plans;
  - iii. Submit proposed corrective measures to the MDEQ for confirmation and approval within 60 days of identification of the problem;
  - iv. Upon MDEQ approval, implement corrective measures.
- j. Prior to final written approval of the mitigation by the MDEQ, the permittee shall submit the following:
  - i. A written statement that the mitigation is complete and request for final approval of the mitigation.
  - ii. A copy of the permit.
  - iii. "As-built" plans and specifications signed and sealed by a registered surveyor or licensed engineer.
  - iv. A surveyed boundary of the established wetland within the mitigation area, including the total acreage of the mitigation wetland and the acreage of each type of wetland created.
  - v. Complete all monitoring requirements, including the submittal of all required monitoring reports.

### **Wetland Mitigation Performance Standards**

The following performance standards will be used to evaluate the mitigation wetland:

- a. Construction has been completed in accordance with the DEQ approved plans and specifications included in the permit and mitigation plan.
- b. The mitigation wetland is characterized by the presence of water at a frequency and duration sufficient to support a predominance of wetland vegetation and the wetland types specified at the end of the monitoring period.

- c. A layer of high-quality topsoil, from the A horizon of an organic or loamy surface texture soil, is placed (or exists) over the entire mitigation wetland area at a minimum thickness of 6 inches.
- d. The mitigation wetland shall be free of oil, grease, debris, and all other contaminants.
- e. A minimum of 6 habitat structures, consisting of at least 3 types, have been placed per acre of mitigation wetland. At least 50 percent of each structure shall extend above the normal water level. The types of acceptable wildlife habitat structures are:
  - i. Tree stumps laid horizontally within the wetland area. Acceptable stumps shall be a minimum of 6 feet long (log and root ball combined) and 12 inches in diameter.
  - ii. Logs laid horizontally within the wetland area. Acceptable logs shall be a minimum of 10 feet long and 6 inches in diameter.
  - iii. Whole trees laid horizontally within the wetland area. Acceptable whole trees shall have all of their fine structure left intact (i.e., not trimmed down to major branches for installation), be a minimum of 20 feet long (tree and root ball), and a minimum of 12 inches in diameter at breast height (DBH).
  - iv. Snags which include whole trees left standing that are dead or dying, or live trees that will be flooded and die, or whole trees installed upright into the wetland. A variety of tree species should be used for the creation of snag habitat. Acceptable snags shall be a minimum of 20 feet tall (above the ground surface) and a minimum of 12 inches DBH. Snags should be grouped together so as to provide mutual functional support as nesting, feeding, and perching sites.
  - v. Sand mounds at least 18 inches in depth and placed so that they are surrounded by a minimum of 30 feet of water measuring at least 18 inches in depth. The sand mound shall have at least a 200 square foot area that is 18 inches above the projected high water level and oriented to receive maximum sunlight.
- f. Mean percent cover of native wetland species in the herbaceous layer at the end of the monitoring period is not less than:
  - 80 percent for forested wetland.
  - 80 percent for scrub-shrub wetland.
  - 60 percent for emergent wetland.
  - 80 percent for wet meadow wetland.

Extensive open water and submergent vegetation areas having no emergent and/or floating vegetation shall not exceed 20 percent of the mitigation wetland area. Extensive areas of bare soil shall not exceed 5 percent of the mitigation wetland area. For the purposes of these performance standards, extensive refers to areas greater than 0.01 acre (436 square feet) in size.

The total percent cover of wetland species in each plot shall be averaged for plots taken in the same wetland type to obtain a mean percent cover value for each wetland type. Plots within identified extensive open water and submergent areas, bare soil areas, and areas without a predominance of wetland vegetation shall not be included in this average. Wetland species refers to species listed as facultative and wetter (FAC, FAC+, FACW-, FACW, FACW+, OBL) on the U.S. Fish and Wildlife Service's "National List of Plant Species That Occur in Wetlands" for Region 3.

- g. The mitigation wetland supports a predominance of wetland vegetation (as defined in the "MDEQ Wetland Identification Manual") in each vegetative layer, represented by a minimum number of native wetland species, at the end of the monitoring period. The minimum number of native wetland species per wetland type shall not be less than:

- 15 species within the forested wetland.
- 15 species within the scrub-shrub wetland.
- 15 species within the emergent wetland.
- 20 species within the wet meadow wetland.

The total number of native wetland plant species shall be determined by a sum of all species identified in sample plots of the same wetland type.

h. At the end of the monitoring period, the mitigation wetland supports a minimum of:

300 individual surviving, established, and free-to-grow trees per acre in the forested wetland that are classified as native wetland species and consisting of at least three different plant species.

300 individual surviving, established, and free-to-grow shrubs per acre in the scrub-shrub wetland that are classified as native wetland species and consisting of at least four different plant species.

8 native wetland species of grasses, sedges, or rushes in the wet meadow wetland.

i. The mean percent cover of invasive species including, but not limited to, *Phragmites australis* (Common Reed), *Lythrum salicaria* (Purple Loosestrife), and *Phalaris arundinacea* (Reed Canary Grass) shall in combination be limited to no more than 10 percent within each wetland type. Invasive species shall not dominate the vegetation in any extensive area of the mitigation wetland.

If the mean percent cover of invasive species is more than 10 percent within any wetland type or if there are extensive areas of the mitigation wetland in which an invasive species is one of the dominant plant species, the permittee shall submit an evaluation of the problem to the MDEQ. If the permittee determines that it is infeasible to reduce the cover of invasive species to meet the above performance standard, the permittee must submit an assessment of the problem, a control plan, and the projected percent cover that can be achieved for review by the MDEQ. Based on this information, the MDEQ may approve an alternative invasive species standard. Any alternative invasive species standard must be approved in writing by the MDEQ.

If the mitigation wetland does not satisfactorily meet these standards by the end of the monitoring period, or is not satisfactorily progressing during the monitoring period, the permittee will be required to take corrective actions.

### Wetland Mitigation Monitoring

The permittee shall monitor the wetland mitigation for a minimum of 5 years. A monitoring report, which compiles and summarizes all data collected during the monitoring period, shall be submitted annually by the permittee. Monitoring reports shall cover the period of January 1 through December 31 and be submitted to the MDEQ prior to January 31 of the following year. The permittee shall conduct the following activities and provide the information collected in the monitoring reports:

a. Measure inundation and saturation at all staff gauges, monitoring wells, and other stationary points shown in the mitigation plan monthly during the growing season. Hydrology data shall be measured and provided at sufficient sample points to accurately depict the water regime of each wetland type.

- b. Sample vegetation in plots located along transects shown in the mitigation plan once between July 15 and August 31. The number of sample plots necessary within each wetland type shall be determined by use of a species-area curve or other approach approved by the MDEQ. The minimum number of sample plots for each wetland type shall be no fewer than five (5). Sample plots shall be located on the sample transect at evenly spaced intervals or by another approach acceptable to the MDEQ. If additional or alternative sample transects are needed to sufficiently evaluate each wetland type, they must be approved in advance in writing by the MDEQ.

The herbaceous layer (all non-woody plants and woody plants less than 3.2 feet in height) shall be sampled using a 3.28 foot by 3.28 foot (one square meter) sample plot. The shrub and tree layer shall be sampled using a 30-foot radius sample plot. The data recorded for each herbaceous layer sample plot shall include a list of all living plant species, and an estimate of percent cover in 5 percent intervals for each species recorded, bare soil areas, and open water relative to the total area of the plot. The number and species of surviving, established, and free-to-grow trees and surviving, established, and free-to-grow shrubs shall be recorded for each 30-foot radius plot.

Provide plot data and a list of all the plant species identified in the plots and otherwise observed during monitoring. Data for each plant species must include common name, scientific name, wetland indicator category from the U.S. Fish and Wildlife Service's "National List of Plant Species That Occur in Wetlands" for Region 3, and whether the species is considered native according to the Michigan Floristic Quality Assessment (Michigan Department of Natural Resources, 2001). Nomenclature shall follow Voss (1972, 1985, and 1996) or Gleason and Cronquist (1991).

The locations of sample transects and plots shall be identified in the monitoring report on a plan view showing the location of wetland types. Sample transects shall be permanently staked at a frequency sufficient to locate the transect in the field.

- c. Delineate any extensive (greater than 0.01 acre in size) open water areas, bare soil areas, areas dominated by invasive species, and areas without a predominance of wetland vegetation, and provide their location on a plan view.
- d. Document any sightings or evidence of wading birds, songbirds, waterfowl, amphibians, reptiles, and other animal use (lodges, nests, tracks, scat, etc.) within the wetland noted during monitoring. Note the number, type, date, and hour of the sightings and evidence.
- e. Inspect the site, during all monitoring visits and inspections, for oil, grease, man-made debris, and all other contaminants and report findings. Rate (e.g., poor, fair, good, excellent) and describe the water clarity in the mitigation wetland.
- f. Provide annual photographic documentation of the development of the mitigation wetland during vegetation sampling from permanent photo stations located within the mitigation wetland. At a minimum, photo stations shall be located at both ends of each transect. Photos must be labeled with the location, date photographed, and direction.
- g. Provide one-time photographic documentation during construction of the placement of at least six (6) inches of high quality soil, from the A horizon of an organic or loamy surface texture soil, across the site.
- h. Provide the number and type of habitat structures placed and representative photographs of each structure type.

- i. Provide a written summary of data from previous monitoring periods and a discussion of changes or trends based on all monitoring results. This summary shall include a calculation of the acres of each wetland type established, a plan view drawing depicting each ecological type, and identification of all performance standards and whether each standard has been met.
- j. Provide a written summary of all the problem areas that have been identified and potential corrective measures to address them.

A qualified individual able to identify vegetation to genus and species must conduct the wetland monitoring. The department reserves the right to reject reports with substandard monitoring data.

The MDEQ will determine if the performance standards have been met. If the performance standards have not been met, the MDEQ may require subsequent annual monitoring until final approval from the MDEQ can be granted.

Unless specifically stated under the "Permitted Activity" of this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed on or over bottomlands and /or wetlands are not authorized by this permit and shall not be constructed unless authorized by separate permit or permit revision granted in accordance with applicable law.

Riprap shall consist of stone, rock, or clean broken concrete (containing no protruding steel reinforcement, soil or other fines, asphalt, soluble chemicals, or organic material). Riprap shall be of appropriate weight and dimension necessary to achieve the intended shore protection. Riprap shall be placed mechanically or by hand.

The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representatives of the permittee, undertaken in connection with this permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.

The authority to conduct the activity as authorized by this permit is granted solely under provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, or federal approval or authorizations necessary to conduct the activity.

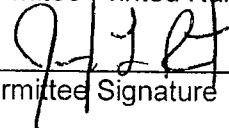
### **General**

- a. If any modification of this permit is determined necessary by the permittee, the permittee shall request, in writing, a revision of the permit and/or mitigation plan from the MDEQ and complete documentation supporting the modification. Proposed modifications must be approved, in writing, by the MDEQ prior to being implemented.
- b. This permit may be transferred to another person upon written approval of the MDEQ. The new person must request transfer of the permit and agree to all conditions of the permit in writing. The original permittee must also submit written notification to the MDEQ requesting that the permit be transferred to the new person.



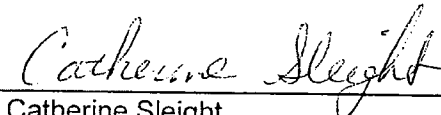
- c. Upon signing by the permittee named herein, this permit must be returned to Land and Water Management Division, Department of Environmental Quality, 503 N. Euclid, Suite 1, Bay City, Michigan, 48706 for final execution This permit shall become effective on the date of signature by the MDEQ. Permittee hereby accepts and agrees to comply with all the terms and condition of this permit.

JOSEPH L. RIVET  
Permittee Printed Name

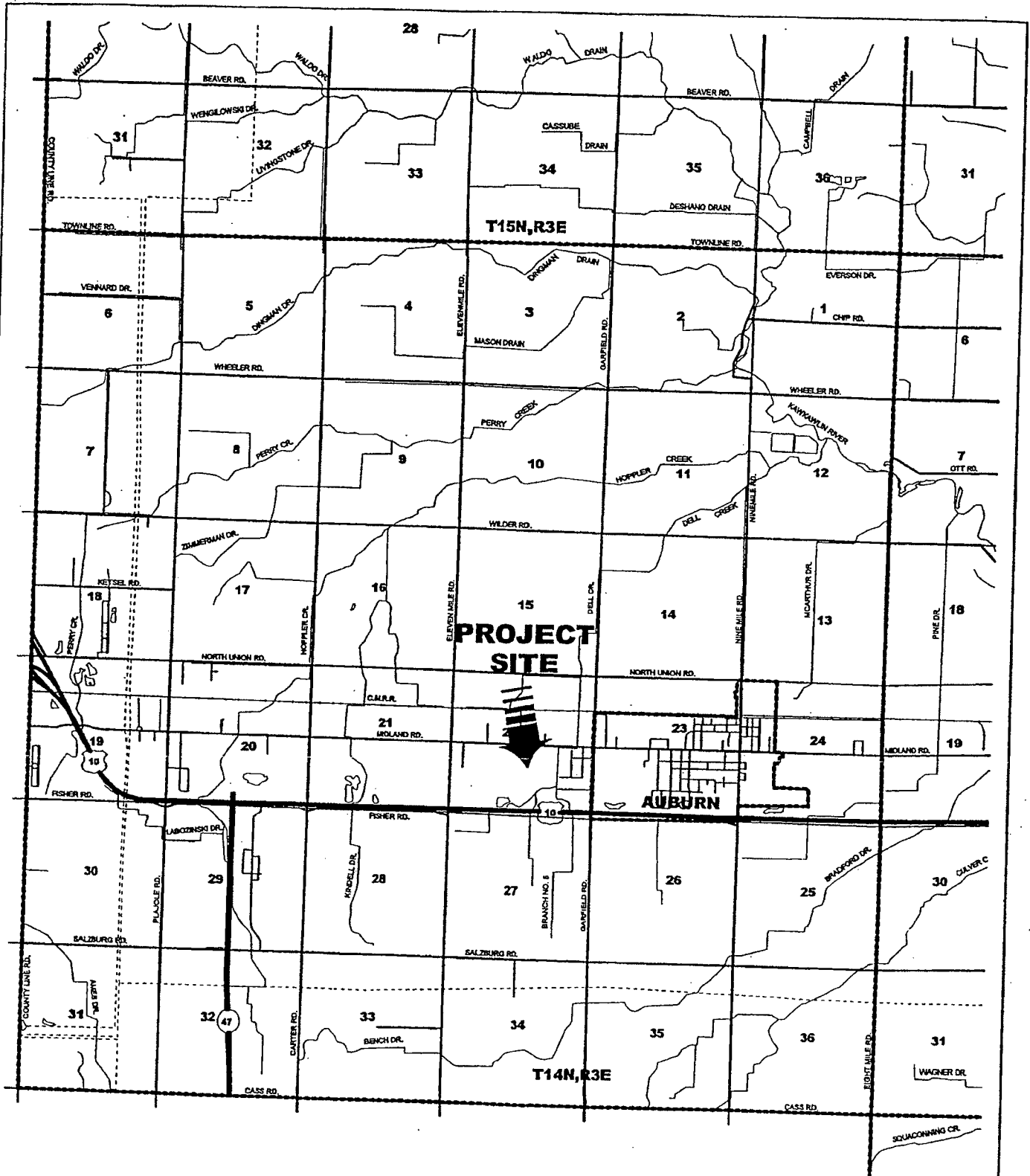
  
Permittee Signature

7-11-06  
Date

Steven E. Chester, Director  
Department of Environmental Quality

By   
Catherine Sleight  
District Representative  
Land and Water Management Division

cc: Bay CEA  
Williams Township  
Steven Roberts, Wade Trim  
Stu Kogge, Wetland and Coastal Resources



# Garfield and Walter's Subdivision Flood Mitigation

**WILLIAMS TOWNSHIP**  
BAY COUNTY, MICHIGAN



**WADE-TRIM**  
3933 Monitor Road  
Bay City, Michigan 48706  
(989) 686-3100

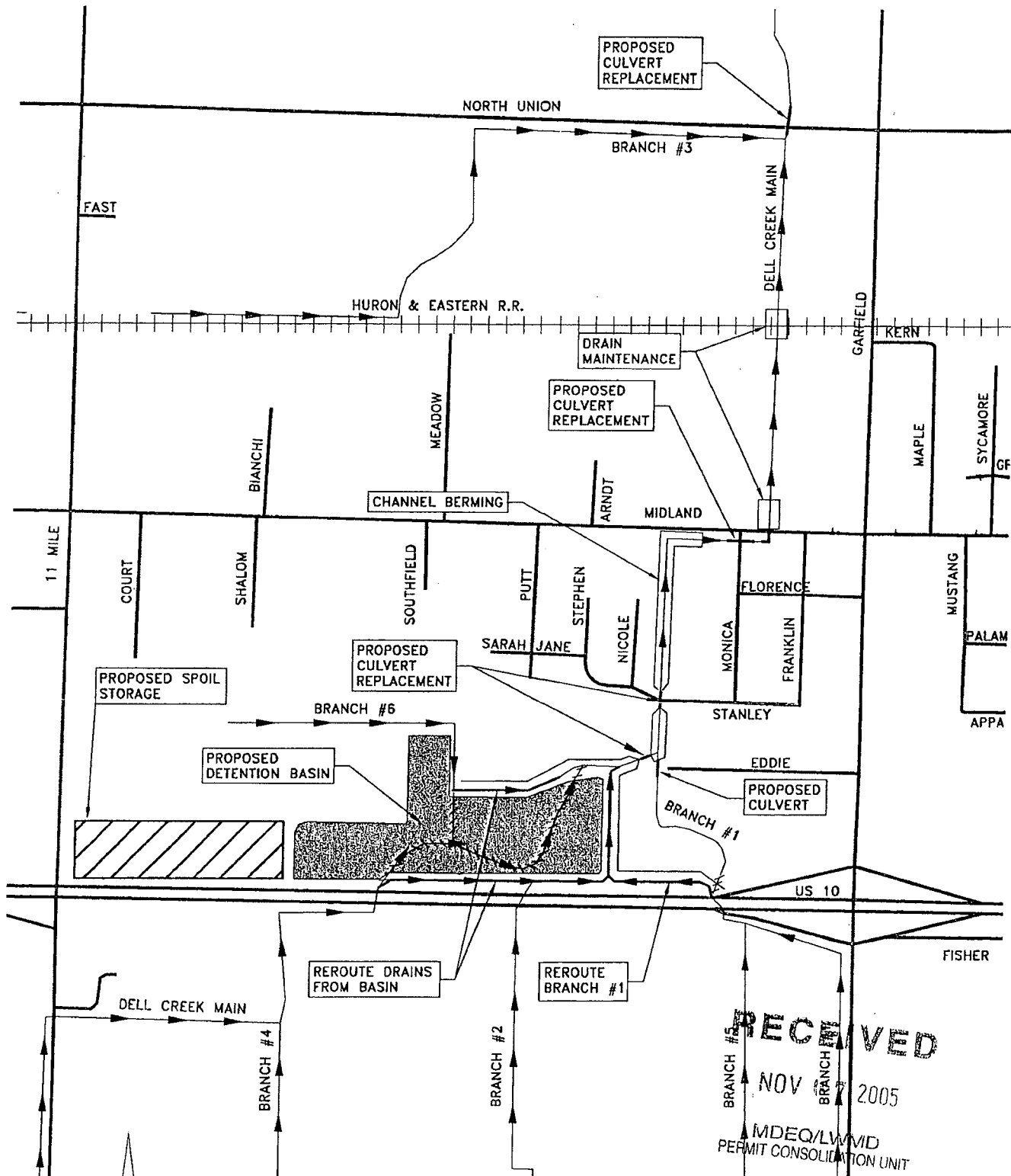
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**EXHIBIT 2**

NOV 07 2005

MDEQ/LWMD NORTH  
PERMIT CONSOLIDATION



10/17/01



**RECEIVED**  
 NOV 17 2005  
 MDEQ/LW/MD  
 PERMIT CONSOLIDATION UNIT



**WADE TRIM**

3933 Monitor Road, PO Box 580  
 Bay City, MI 48707  
 989.686.3100/800.322.4500  
 FAX: 989.686.4329  
 www.wadetrिम.com Building relationships on a foundation of excellence

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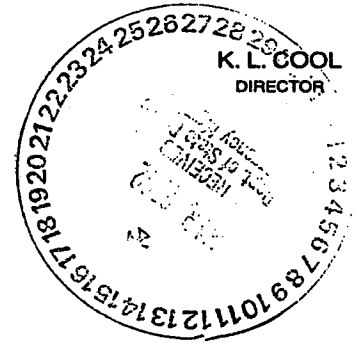
WADE TRIM PROJECT NUMBER:  
 BDC2045.06B

**Michigan Department of Natural Resources**



JOHN ENGLER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



March 12, 2002

TO: Matthew Schnepf, Emergency Management Division  
Department of State Police

FROM: Lori G. Sargent, Endangered Species Specialist, Wildlife Division

SUBJECT: Environmental Review for 1346-DR-MI Hazard Mitigation Grant Program Project  
Application No. A1346.89 – Bay County Drain Commission

The location of the proposed project was checked against known localities for natural features. Unique natural features are recorded in a statewide database. This continuously updated database is a comprehensive source of existing data on Michigan's endangered, threatened, or otherwise significant plant and animal species, natural plant communities, and other natural features. Records in the database indicate that a qualified observer has documented the presence of special natural features at a site. The absence of records in the database for a particular site may mean that the site has not been surveyed. Records are not always up-to-date, and may require verification. In some cases, the only way to obtain a definitive statement on the status of natural features is to have a competent biologist perform a complete field survey.

Under Act 451 of 1994, the Natural Resources and Environmental Protection Act, Part 365, Endangered Species Protection, "a person shall not take, possess, transport, ...fish, plants, and wildlife indigenous to the state and determined to be endangered or threatened," unless first receiving an Endangered Species Permit from the Department of Natural Resources, Wildlife Division. *Responsibility to protect endangered and threatened species is not limited to the list below. Other species may be present that have not been recorded in the database.*

The presence of threatened or endangered species does not preclude activities or development, but may require alterations in the project plan. Special concern species are not protected under endangered species legislation, but recommendations regarding their protection may be provided. Protection of special concern species will help prevent them from declining to the point of being listed as threatened or endangered in the future.

If the project is located on or adjacent to wetlands, inland lakes, or streams, additional permits may be required. Contact the Michigan Department of Environmental Quality, Land and Water Management Division, P.O. Box 30473, Lansing, MI 48909 (517-373-1170).

The following is a summary of the results for the project in Bay County, T14N R3E section 22.

There are no known occurrences of federal- or state-listed endangered, threatened, or otherwise significant species, natural plant communities, or natural features at the location(s) specified.

Thank you for your advance coordination in addressing the protection of Michigan's natural resource heritage. Responses and correspondence can be sent to: Michigan Department of Natural Resources, Wildlife Division – Natural Heritage Program, PO Box 30180, Lansing, MI 48909. If you have further questions, please call me at 517-373-1263.

LGS:kpg



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

K. L. COOL  
DIRECTOR

April 14, 2004

Ms. Janet Frey  
URS Group, Inc.  
200 Orchard Ridge Drive, Suite 101  
Gaithersburg, MD 20878

**RE: Proposed improvements to the Dell Creek Drain**

Dear Ms. Frey:

The location of the proposed project was checked against known localities for rare species and unique natural features, which are recorded in a statewide database. This continuously updated database is a comprehensive source of information on Michigan's endangered, threatened and special concern species, exemplary natural communities and other unique natural features. Records in the database indicate that a qualified observer has documented the presence of special natural features at a site. The absence of records may mean that a site has not been surveyed. Records may not always be up-to-date. In some cases, the only way to obtain a definitive statement on the presence of rare species is to have a competent biologist perform a field survey.

Under Act 451 of 1994, the Natural Resources and Environmental Protection Act, Part 365, Endangered Species Protection, "a person shall not take, possess, transport, ...fish, plants, and wildlife indigenous to the state and determined to be endangered or threatened," unless first receiving an Endangered Species Permit from the Department of Natural Resources, Wildlife Division. *Responsibility to protect endangered and threatened species is not limited to the list below. Other species may be present that have not been recorded in the database.*

The presence of threatened or endangered species does not preclude activities or development, but may require alterations in the project plan. Special concern species are not protected under endangered species legislation, but recommendations regarding their protection may be provided. Protection of special concern species will help prevent them from declining to the point of being listed as threatened or endangered in the future.

If the project is located on or adjacent to wetlands, inland lakes, or streams, additional permits may be required. Contact the Michigan Department of Environmental Quality, Geological and Land Management Division, P.O. Box 30473, Lansing, MI 48909 (517-241-1515) for wetlands permits.

The following is a summary of the results for the project in Bay County, Section(s) 22, T14N R3E:

There are no known occurrences of federal- or state-listed endangered, threatened, or otherwise significant species, natural plant communities, or natural features at the location(s) specified.

Thank you for your advance coordination in addressing the protection of Michigan's natural resource heritage. Responses and correspondence can be sent to: Michigan Department of Natural Resources, Wildlife Division – Natural Heritage Program, PO Box 30180, Lansing, MI 48909. If you have further questions, please call me at 517-373-1263.

Sincerely,

Lori G. Sargent  
Endangered Species Specialist  
Wildlife Division



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

REBECCA A. HUMPHRIES  
DIRECTOR

March 3, 2006

Ms. Janet Frey  
URS Group, Inc.  
200 Orchard Ridge Drive, Suite 101  
Gaithersburg, MD 20878

Dear Ms. Frey:

**SUBJECT: Hazard Mitigation Grant Program**

The location of the proposed project was checked against known localities for rare species and unique natural features, which are recorded in a statewide database. This continuously updated database is a comprehensive source of information on Michigan's endangered, threatened and special concern species, exemplary natural communities and other unique natural features. Records in the database indicate that a qualified observer has documented the presence of special natural features at a site. The absence of records may mean that a site has not been surveyed. Records may not always be up-to-date. In some cases, the only way to obtain a definitive statement on the presence of rare species is to have a competent biologist perform a field survey.

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The presence of threatened or endangered species does not preclude activities or development, but may require alterations in the project plan. Special concern species are not protected under endangered species legislation, but recommendations regarding their protection may be provided. Protection of special concern species will help prevent them from declining to the point of being listed as threatened or endangered in the future.

If the project is located on or adjacent to wetlands, lakes, streams, or other regulated resources, additional permits may be required. To obtain more information regarding permits in these areas, please visit the DEQ's website at <http://www.michigan.gov/deq>. Or you may contact the Michigan Department of Environmental Quality, Geological and Land Management Division at 517-241-1515.

The following is a summary of the results for the project in Bay County, Section 22, T14N R3E:

There are no known occurrences of federal- or state-listed endangered, threatened, or otherwise significant species, natural plant communities, or natural features at the location(s) specified.

Thank you for your advance coordination in addressing the protection of Michigan's natural resource heritage. Responses and correspondence can be sent to: Michigan Department of Natural Resources, Wildlife Division – Natural Heritage Program, PO Box 30180, Lansing, MI 48909. If you have further questions, please call me at 517-373-1263.

Sincerely,

Lori G. Sargent  
Endangered Species Specialist  
Wildlife Division

## **Michigan Tribal Consultation**





## ZIIBIWING CULTURAL SOCIETY

THE SAGINAW CHIPPEWA INDIAN TRIBE

6870 E. BROADWAY MT. PLEASANT, MICHIGAN 48858

July 30, 2002

Janet Frey, Senior Scientist  
URS Corporation  
200 Orchard Ridge Drive, Suite 101  
Gaithersburg, MD 20878-1978

Re: Bay County

Dear Janet Frey:

This letter is in response to the above referenced project(s).

At this time we do not have any information concerning the presence of any Indian Traditional Cultural Properties, Sacred Sites, or other Significant Properties to the projected project area(s). This is not to say that such a site may not exist, just that this office does not have any available information of the area(s) at this time.

This office would be willing to assist if in the future or during the construction there is an inadvertent discovery of Native American human remains or burial objects. I have enclosed an Informational Letter and a Site Reference Form this office uses when such an instance occurs. Feel free to call my office if you have any questions or requests at 989-775-4121.

We thank you for including this Tribe in your plans.

Sincerely,

Kayle Crampton  
Historic Preservation Coordinator

Enclosures: Informational Letter  
Site Reference Form

## **Repatriation of Ancestral Human Remains**

My name is Kayle Crampton. I am the Historic Preservation Coordinator for the Saginaw Chippewa Indian Tribe. This is a brief informational letter.

As times changed with the arrival of Columbus and the acquisition of land the Native People have had to deal with the legal recognition that we too have the human right to be buried and stay buried, to recover our people and property. During this massive property transfer real estate was not the only circumstance effected. Historically the Native People of this land have encountered relationships with non-Indians on matters of repatriation of ancestral burial grounds. "Repatriation" means to return to one's place of origin.

The repatriation process can be complicated from not only the tribal perspective but also for the property owner. The task of reburying Native American human remains as well as their grave goods is very important to the cultural integrity of these burials. The ideal situation is that the burials not be removed. This of course is not always possible. We need to know your needs and thoughts in order to assist you. This office has put together procedures and policies in order to respectfully return cultural items back to the earth. When this office is notified of a burial disruption we will send you a form that is a key to the start of this process.

The form we send you is called a **Site Reference Form**. This form contains key information such as the contact person, location and circumstances of discovery, authoritative personal and your scheduled table. We are interested in what your thoughts or position are regarding the burials found during the course of your project.

We appreciate if you could fill out the form and return to our office so we can begin to take action to assist you.

**SITE REFERENCE FORM**

Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_ (the date this form is being filled out)

**Owner/Site Representative** \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_

**Site Reference** (fill out if the site is different than owner or site representative's address)  
Address \_\_\_\_\_  
City \_\_\_\_\_ County \_\_\_\_\_

**Location and Circumstance of Discovery** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Discovery Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Time \_\_\_\_\_ AM/PM

**Official Contacts**  
Law Enforcement \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Investigation Officer \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Date Report received \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Medical Examiner \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Date Report received \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Native American Burial** yes \_\_\_\_\_ no \_\_\_\_\_  
Confirmed by \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Release Status \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Schedule Considerations** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Saginaw Chippewa Indian Tribal Contact:**  
Kayle Crampton 2250 Enterprise Drive  
Historic Preservation Coordinator Mt. Pleasant, MI 48858  
Phone 517/ 775-4121 Fax 517/ 772-1208

**Lac Vieux Desert Band of Lake Superior Chippewa Tribal Government**

P.O. Box 249, Choate Road • Watersmeet, Michigan 49969

906-358-4577 • Fax: 906-358-4785



**Executive Officers:**

Richard McGeshick Sr., Tribal Chairman  
James Williams Jr., Tribal Vice Chairman  
Elizabeth Martin, Treasurer  
Michelle Hazen, Secretary

**Council Members:**

Ruby Camp  
Michael Hazen Sr.  
Tyrone McGeshick  
Robert White  
Delores Williams

August 6, 2002

Janet Frey  
URS Corporation  
200 Orchard Ridge Dr, Suite 101  
Gaithersburg, MD 20878-1978

**Re: Review of Proposed Flood Control Projects in the Cities of Vassar,  
Marquette, Bloomfield Township, and Bay County, Michigan**

Dear Ms. Frey,

The Tribe appreciates the information you sent in regards to the proposal, however, the land in question is located beyond our boundaries.

May I request that any correspondence that has been previously addressed:


Mr. Richard Williams, Sr.  
Lac Vieux Desert Band Chippewa  
PO Box 249  
Choate Road  
Watersmeet, MI 49969

Please be changed to:

Elizabeth Martin  
Historic Preservation Office  
P.O. Box 129  
Watersmeet, MI 49969

Thank you for your cooperation in the manner.

Sincerely,

  
Elizabeth Martin  
HPO



**HANNAHVILLE**  
INDIAN COMMUNITY  
N14911 HANNAHVILLE B1 RD.  
WILSON, MICHIGAN 49896-9728



**Council Members:**  
Audrey Gamez, Lisa Little,  
Robin Halfaday, John Meshigaud,  
Anna Larson, Henry Philemon Jr.,  
Ann Saboo, Connee Sagataw

Administration: (906) 466-2934  
Fax: (906) 466-2933  
Accounting Office: (906) 466-9933  
Fax: (906) 466-2001

August 8, 2002

URS Corporation  
Janet Frey, Project Manager  
200 Orchard Ridge Drive, Suite 101  
Gaithersburg, MD 20878

RE: Cities of Vassar, Marquette, Bloomfield Township and Bay County,  
Michigan

Dear Mrs. Frey:

On behalf of the Hannahville Indian Community I would like to thank URS for your inquiry as to whether your above cited projects may come into conflict with the National Environmental Policy Act (NEPA), Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et seq., and the applicable regulations at 47 CFR § 1.1307. The burial grounds and artifacts of our ancestors are very dear to our community and we take all construction projects that may affect our ancestors and tribal history very seriously.

After a review of the specifications of your project, it is the belief of my staff and myself that your project does not affect an Indian religious site or burial ground of the Hannahville Indian Community and would not offend any federal law in place. If your firm does uncover any potential burial sites or religious artifacts, we would appreciate being contacted as soon as possible.

If you have any other questions please do not hesitate to call me at (906) 466-2934. Once again I would like to thank you for taking to time to contact my office on this matter.

Sincerely,

Kenneth Meshigaud  
Tribal Chairperson

KENNETH MESHIGAUD  
Tribal Chairperson

ELAINE MESHIGAUD  
Vice Chairperson

DONNA M. BODA  
Secretary

MARY LOU MESHIGAUD  
Treasurer

**Williams Township Clerk's Office**



# Telephone Conversation Record

Date:	<b>July 8, 2002</b>	Time:	
Project:	<b>FEMA Reg. V HMGP Project A1346.89, Bay Co.</b>		
To: _____	<b>Amy Charney</b>		
From: <u>X</u>	Affiliation <b>Williams Township Clerk's Office</b>	Telephone 989-662-4408	Location
Recorded By:	<b>Andrea Farley</b>	<b>URS CORPORATION</b>	
SUBJECT:	<b>Zoning Information for Garfield and Walters Subdivisions</b>		

## Record (Pertinent Facts & Data):

I inquired about the zoning and future development plans for the Garfield and Walters subdivisions in Williams Township. Ms. Charney indicated that the areas are zoned as low density single-family districts. Surrounding areas are mostly zoned as rural estate district and there are no future plans to rezone these areas or develop them.