

Appendix K

Environmental Resources Reviewed



OFFICE MEMORANDUM

DATE: May 20, 2015

TO: Ayers GERALYN A
Design Division

FROM: Michael Belligan
Environmental Section
Design Division

SUBJECT: CS: 28012 Scoping Review: JN 123248 (Envir Scoping JN 607E)
US-31/Division St from 14th St/Silver Lake Rd to Grand View Parkway, in Traverse City, Grand Traverse Co, Traverse City TSC, North Region

Summarized below are the results of the Environment Scoping Review. These concerns should be addressed during the scoping process.

THIS DOCUMENT DOES NOT PROVIDE ENVIRONMENTAL CLEARANCE.

Agriculture

FARMLAND PROTECTION POLICY ACT (FPPA)

No anticipated concerns. In the city of Traverse City there are no Agriculture or Forestry zoning districts. No impacts are anticipated for the current project location and scope of work. A zoning map for the project area has been made available in ProjectWise:

pw:\HCS591PWISPA901.som.ad.state.mi.us:MDOTProjectWise\Documents\North Region\Traverse City TSC\123248\Environmental\Traverse City city of Grand Traverse County Zoning Map.pdf

FARMLAND DEVELOPMENT RIGHTS AGREEMENT (PA116)

A MDA PA116 database inquiry has been conducted and it has been determined that there are no active PA116 parcels in the vicinity of the project.

NPDES

No anticipated concerns based on worst case scenario of greater than 5 acres earth disturbance. If this project includes earth disturbance of greater than one (1) acre, PA 451, Part 31 requires that a Storm Water Certified Operator conducts inspections of soil erosion and sedimentation control measures on a weekly basis or within 24 hours of a storm event. The Certified Storm Water Operators are also required to maintain inspections logs and make them available to resource agencies as requested. If the project involves greater than five (5) acres of earth disturbance, a Notice of Coverage form will need to be submitted to the Michigan Department of Environmental Quality. Please contact Tom Killingsworth if you have any questions.

Coastal Zone

Potential concerns. If there will be no widening of the existing structure or roadway and the project does not require environmental permits, then federal consistency review is not required.

If there is widening of the existing structure or roadway beyond the existing footprint within the coastal zone, then federal consistency review is required.

("Coastal Zone" review continued on the following page)

("Coastal Zone" review, continued)

The project is within the coastal zone management boundary. If Michigan Department of Environmental Quality-Water Resources Division (WRD) permits are required, then federal consistency and potential impacts to coastal resources will be reviewed as part of the permit process. If environmental permits are not required, then federal consistency review is unnecessary for this project.

Wetlands

Potential concerns. There is riparian wetland associated with Kids Creek about 90 feet west of the project limits. There is also wetland close to the project limits at the southern end of the job. If work takes place in any wetland then a Michigan Department of Environmental Quality Part 303 permit will be applied for by the Region Permit Specialist. Wetland mitigation will also be required for all wetland impacts. There is also the potential for a U.S. Army Corps of Engineers (USACE) Section 404 or Section 10 permits and/or coordination with the U.S. Coast Guard. A map showing the locations of regulated features and a map showing the location of delineated wetlands are available in ProjectWise:

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TSC\123248\Environmental\JN 607E Map wetland stream floodplain.pdf

pw:\\HCS591PWISPA901.som.ad.state.mi.us:MDOTProjectWise\Documents\North Region\Traverse City
TSC\123248\Environmental\JN 607E Map Wetland Delineation.pdf

Streams

Potential concerns. Kids Creek is a trout stream that crosses the project about 1600 feet south of Grandview Street and Grand Traverse Bay is at the northern limits of the project. If the proposed work impacts a stream, lake or drain then a Michigan Department of Environmental Quality Part 301 permit will be required and applied for by the Region Permit Coordinator. There is also the potential for a U.S. Army Corps of Engineers (USACE) Section 404 or Section 10 permits and/or coordination with the U.S. Coast Guard. A map showing the locations of regulated features is available in ProjectWise:

pw:\\HCS591PWISPA901.som.ad.state.mi.us:MDOTProjectWise\Documents\North Region\Traverse City
TSC\123248\Environmental\JN 607E Map wetland stream floodplain.pdf

Floodplains

Potential concerns. There is most likely floodplain area associated with Kids Creek which crosses the project limits about 1600 feet south of Grandview Street. There may also be some floodplain area associated with Grand Traverse Bay at the northern limits of the project. If cut or fill is required at any floodplain area then a Michigan Department of Environmental Quality Part 31 permit will be required and applied for by the Region Permit Coordinator. There is also the potential for a U.S. Army Corps of Engineers (USACE) Section 404 or Section 10 permits and/or coordination with the U.S. Coast Guard. A map showing the locations of regulated features is available in ProjectWise:

pw:\\HCS591PWISPA901.som.ad.state.mi.us:MDOTProjectWise\Documents\North Region\Traverse City
TSC\123248\Environmental\JN 607E Map wetland stream floodplain.pdf

Migratory Birds

Not included in this review due to lack of bridge work in scope. If bridge work is added at any time then this review factor will be re-visited.

Air Quality

No anticipated concerns. The area is in attainment for all EPA National Ambient Air Quality Standards (NAAQS).

Bridge Painting

Not included in this review due to lack of bridge work in scope. If bridge painting is added to the scope of work then this review factor will be re-visited.

Endangered Species - Flora

No anticipated concerns. There are no known records for state or federally listed threatened or endangered plant species within a two mile radius of the proposed project location. Based on this review, no further field surveys or coordination with the Michigan Department of Natural Resources or the US Fish and Wildlife Service is required.

Endangered Species - Fauna

Potential concerns. Aerial photo review indicates extensive sedge/cattail marsh habitat is not present within the right-of-way. Therefore, no impacts are anticipated to state endangered King Rail which was observed 0.7 miles southeast of the project site in 1970. If the project is extended south, potential nesting sites may be present near the right-of-way line. A site review would be needed to determine any potential impacts to King Rail.

This project is located within the range of the Northern Long-eared Bat. If ANY tree removals or clearing of trees greater than 3" diameter at breast height (dbh) will occur, then review and consultation by the MDOT Environmental Section and US Fish and Wildlife Service (USFWS) will be required.

If proposed tree removals can take place between October 1 and March 31, then informal consultation with the U.S. Fish and Wildlife Service will be completed by the Environmental Section prior to Environmental Certification. If the removals cannot take place between October 1 and March 31 (ie winter), a biological survey will be required. The survey will take place between the months of May 15th and August 15th at a cost to the project. If the survey results are negative, tree removals can occur any time of year. If the results are positive and cutting cannot be completed in the winter, formal consultation with FWS will be required taking from 12 to 18 months to complete. Contact Jeff Grabarkiewicz, MDOT Ecologist, at (517) 335-2633 with questions.

Contamination

No anticipated concerns as long as all contaminated media is handled and disposed of appropriately in accordance with state and federal regulations. Based on a general Michigan Department of Environmental Quality (DEQ) database search, ten (10) known contaminated sites were identified within or adjacent to the proposed project area. A map showing the locations of the known contaminated sites is available in ProjectWise.

It is recommended a Project Area Contamination Survey (i.e., PACS, Phase I Environmental Site Assessment) be conducted to confirm known, and identify potential sites of contamination. A PACS is necessary to purchase fee ROW, and may be necessary for grading permit/easement ROW. All contaminated media must be handled and disposed of appropriately in accordance with state and federal regulations.

Water Quality

Potential concerns. Adjacent surface waters include:

- Kids Creek, 1,500 feet south of the northern terminus of project limits is a designated trout stream impaired for other indigenous aquatic life and wildlife due to other anthropogenic substrate alterations, PCBs in water column and sedimentation/siltation and fish consumption due to PCBs in water column. (Note: creek meanders 2,400 feet southward within approximately 250-500 feet on western edge of roadway)

Compliance with MDOT's NPDES Stormwater Discharge Permit:
Stormwater BMPs must be in place that will prevent or minimize water quality impacts, including, but not limited to, those from extreme flow rates and volumes. New controls may not be necessary if existing controls are evaluated and determined to be adequate to treat proposed runoff volume and prevent impacts.

This project has a designated trout stream which has several impairments, including sedimentation. BMPs must be in place to remove 80% of sediment from waters entering the stream. A natural buffer of woody vegetation should be left in place on the shoreline for thermoregulation of the water temperature.

("Water Quality" review continued on the following page)

("Water Quality" review, continued)

At a minimum, goals for treating stormwater runoff for all MDOT projects are:

- Eliminate direct discharges into receiving waterbodies;
- Reduce runoff velocities
- Reduce the amount of sediment entering the receiving waterbody

The plan for controlling stormwater must be coordinated with and approved by the Aquatic Resource Specialist in the Environmental Section prior to Plan Review. If stormwater controls are not feasible, then documentation of alternatives examined is required, including justification for why they were not feasible.

New NPDES permit requirements will be in effect in fiscal year 2015 and will require treating the first one inch of runoff by removing 80% of total suspended solids, and retaining any additional stormwater resulting from widening or increasing impervious surface to reduce stream bank erosion up to the 2 year/24 hour storm event. All projects with construction starting in calendar year 2018 will be required to comply with the new permit post construction BMP standards.

If this project is required to meet the 2015 NPDES permit conditions, additional ROW may be required, as well as BMPs that may require additional environmental reviews and increased project costs.

For additional information please contact Barb Barton, Aquatic Resource Specialist at (517) 241-2311.

Historic

Potential concerns. There are many National Register listed and eligible historic districts and individual properties located adjacent to the proposed project. Any easement and/or fee ROW purchase (or donation), widening, radius improvements, or other proposed work outside the existing curb at these locations will involve both formal SHPO consultation and likely Section 4(f) impacts. Based on the preferred alternative, an adverse effect determination under Section 106 of the National Historic Preservation Act is possible. The chosen preferred alternative could also result in the need for an individual Section 4(f) document to address ROW acquisition and potential constructive use impacts.

Individual National Register-eligible properties (see maps in PW at pw:\HCS591PWISPA901.som.ad.state.mi.us:MDOTProjectWise\Documents\North Region\Traverse City TSC\123248\Environmental\JN 607 Maps of historic properties.pdf):

- 1) 703 West Seventh Street (Sivek House) at SW quad of Seventh St.
- 2) 704 West Seventh Street (Bilsky House) at NW quad of Seventh St.
- 3) 216 South Division Street on the W side of Division, 2nd building N of Sixth St.
- 4) 617 West Front Street on the S side of Front St., 2nd building E of Division.
- 5) 620 Second Street (Catholic Lodge/Bohemian Hall), on the N side of Second St., 2nd building E of Division.
- 6) 405 North Division Street (Dairy Lodge) at the NW quad of Randolph.

Historic Districts:

- A. Central Neighborhood Historic District. The limits along Division are between the NE quad of the alley S of Eleventh Street and the SE quad of the alley N of Fifth Street.
- B. Northern Michigan Asylum Historic District. The limits along Division are between the NW quad of Fourteenth/Silver Lake and roughly the NW quad of the alley N of Eighth Street.
- C. Immaculate Conception Church and School Complex Historic District. The limits along Division are between the NE quad of Third Street and include all buildings to the SE quad of Second Street.
- D. Sleder's Tavern Historic District. The limits include a building on the S side of Randolph, the 2nd building to the W of Division, and on the W side of Vine Street, the 2nd building S of Randolph.

Archaeology

Potential concerns. The only previously recorded site of concern is 20GT22, a Hinsdale Cemetery in NE Section 4 of 27N/11W; even this vague location for the site is in doubt. The 1881 plat map of Traverse City depicts a mill pond dam and possible related early sites between Front and 3rd on the east side of Division, and the Slabtown area from Front Street to Bay may also have some evidence of early historic period archaeological sites along Division. Overall, the archaeological sensitivity is low due to the high likelihood that urban development has disturbed any significant prehistoric or historic archaeological sites that may have once been present.

4(f)/6(f)

Potential concerns. Public recreational properties are located adjacent to the proposed project:

- 1) Meijer's Silverbrook Acres is located on the west side of Division, south side of Silver Lake Rd. This property has many deed restrictions.
- 2) Grand Traverse Commons is located on the west side of Division, from the north side of Silver Lake Rd to south of Seventh St. This property has many deed restrictions.
- 3) Veterans Memorial Park/Dog Park is located on the west side of Division between Cypress and Bay St. This property may also have Land and Water Conservation Funding attached to the deed.
- 4) West End Beach is located between the Grandview Parkway and the West Bay.
- 5) TART Trail is located adjacent to and crossing Division between Bay St and the Grandview Parkway AND between Grandview Parkway and the West Bay.

If any ROW, grading permits, easements, and/or consents to grade are needed from the properties OR if access is not maintained to the properties this project will have a Section 4(f) impact. Projects with Section 4(f) impacts must have formal coordination with the official with jurisdiction over the property. Avoidance alternatives must be discussed and reasons to dismiss these alternatives must be documented. Mitigation measures must also be discussed and documented. A public meeting may be required. The official with jurisdiction must also concur with our use of their property in writing. If the property was acquired or developed with Land and Water Conservation funding, the Department of Natural Resources and the Department of Interior must also approve of the use. Additionally, the contractor cannot use public recreational properties as staging/storage areas.

Social

No anticipated concerns. Fee ROW and/or easement(s) and/or grading permit(s) may be required. If the purchase of ROW is necessary, there should be no long-term adverse impacts provided that all State and Federal guidelines and regulations pertaining to real estate acquisition are followed [including the Uniform Relocation Assistance and Real Property Acquisition Act of 1970*]. If more than two residential units are acquired, causing residents to be relocated, or a single business is displaced, then FHWA coordination is required. If the property is occupied, then a relocation plan is required. Access to businesses/properties must be maintained throughout the project. Additionally, if any sidewalk work/replacement is included and existing pedestrian facilities are present then a pedestrian detour will be required wherever possible.

*The Uniform Relocation Assistance and Real Property Acquisition Act of 1970 provides for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by federal and federally assisted programs and to establish uniform and equitable land acquisition policies for federal and federally listed programs. Whenever acquiring real property for a program or project by a federal agency displaces anyone, the agency shall reimburse and provide relocation planning, assistance coordination, and advisory services.

Detour

No anticipated concerns. If a detour is added, the following comment is offered: Although the detour will result in temporary inconveniences for travelers, such as longer travel times and distances, no long-term impacts are anticipated. Contact must be made locally concerning the detour route and the duration of the detour. Additionally, coordination with emergency services, transit authorities and schools must take place concerning the dates and routes of the detour. If controversy arises due to the duration of the detour, or upgrades become necessary, additional environmental review will be required.

Controversy

No anticipated concerns. Controversy is not anticipated from the scope of work associated with this project. If controversy does arise the following comment is offered: It is recommended that a public information meeting be held and possibly a stakeholder group be formed. The public meetings will help inform the concerned public and reduce controversy. If there is still controversy after the meeting, the project may need to be re-evaluated. Please contact Richard Bayus with any concerns at (517) 373-8046.

Noise

Potential concerns. There are noise sensitive land uses along the corridor (residences, places of worship, parks) within the area of potential effect. If the proposed project includes the addition of new through-traffic, or restriping for the purpose of creating new through-traffic lanes, or auxiliary lanes, (except turn lanes), or horizontal alignment (one that halves the distance from the existing roadway to residences), or a new park and ride then a noise analysis will be required.

If any part of the project includes an element listed in the previous paragraph, then the entire project is considered a Type I and will require a noise analysis.

Tree Removals

Potential concerns based on the assumption of tree removals being included in the final proposed design solution. If tree removals ARE included as assumed the following provisions are required:

- 1) U.S. Fish and Wildlife Service coordination is required and will be completed by the Environmental Section prior to Environmental Certification.
- 2) MDOT Region Resource Specialist must be contacted to identify tree removal locations and recommend appropriate tree replacements.
- 3) For tree removals within residential areas, the project manager must provide a 30 to 45 day advance notice to adjacent property owners.

If no tree removals are included in the final construction proposal then measures 1-3 above are not required.

Indirect/Cumulative

No anticipated concerns. It is not anticipated that this project will have any long-term impacts. It is not anticipated that the proposed project will change land use patterns in the area and should have no impact on future development patterns. Although, past activity in the area, recent development trends, and local projects (non-MDOT projects) within the study area could create a cumulative impact on the local business industry; Cumulative effects resulting from known and anticipated actions in the area are expected to be minimal. Meetings early on with stakeholder groups should take place to try to figure out ways to minimize construction and/or detour impacts. The project is not likely to start changes and development beyond what is already existing or planned.

THIS DOCUMENT DOES NOT PROVIDE ENVIRONMENTAL CLEARANCE.

If you have any questions or concerns regarding any portion of this review, please let me know.

An official environmental review and classification must be completed prior to final design activities.


Environmental Clearance Coordinator

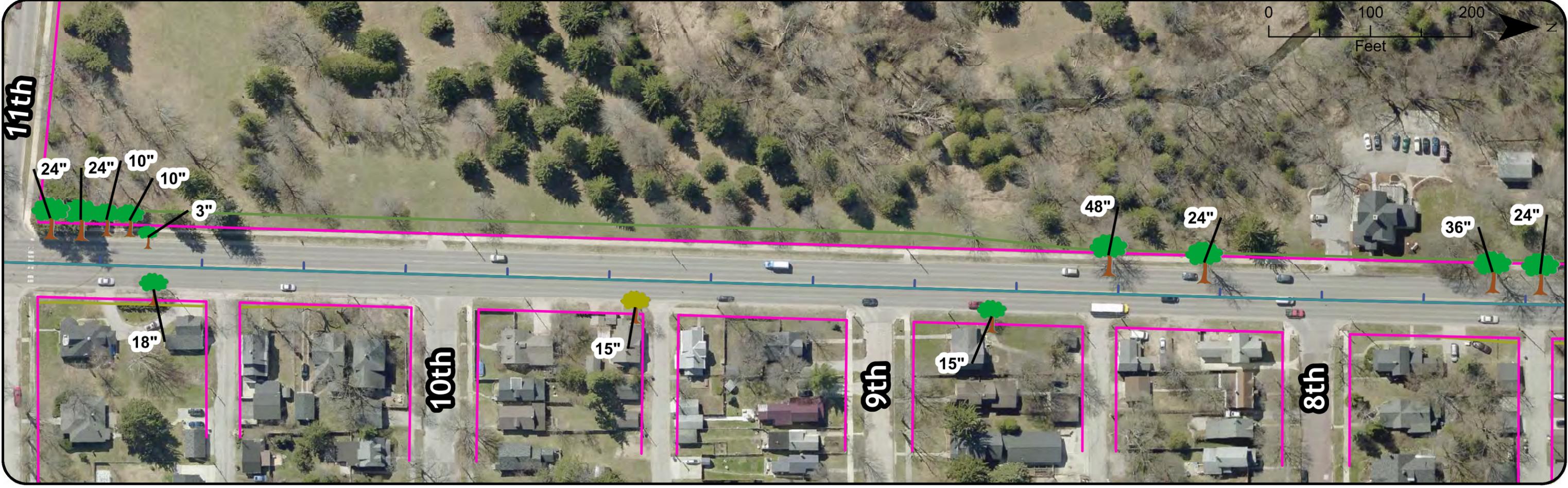
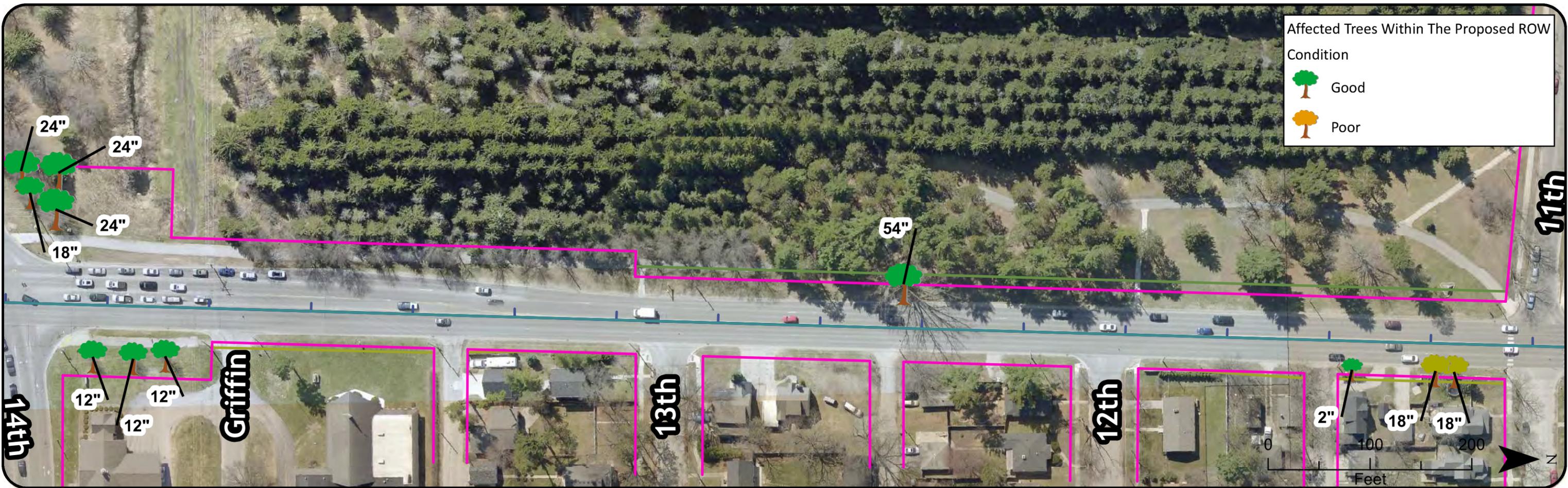
04/15/2015

Date

Affected Trees Within The Proposed ROW

Condition

-  Good
-  Poor



Grand Traverse County
Acme Township, T28N R9W, T28N R10W, and T27N R10W
East Bay Township, T27N R10W
Garfield Township, T27N R10W and T27N R11W
Traverse City, T27N R10W and T27N R11W

The heavy red line is the **Coastal Zone Management Boundary**
 The red hatched area is the **Coastal Zone Management Area**

