U.S. Department
of Transportation
**Federal Highway
Administration**

Michigan Division

315 W. Allegan, Room 201
Lansing, Michigan 48933

March 21, 2007

Ms. Susan P. Mortel, Director
Bureau of Transportation Planning (B340)
Michigan Department of Transportation
Lansing, Michigan

Dear Ms. Mortel:

Finding of No Significant Impact (FONSI)
I-75 from I-675 to US-10/M-25
Saginaw and Bay Counties, Michigan

Reference is made to your letter of March 20, 2007, which requested a Finding of No Significant Impact (FONSI). Based on the information provided, we have concluded that the proposed project will have no significant impacts to the environment. Accordingly, please find attached our signed Finding of No Significant Impact (FONSI).

By our adoption of the FONSI and completion of the public comment/hearing requirements of 23 U.S.C. 128, the department is authorized to proceed with the further project development.

Sincerely,

Ronald K. Hatcher

Ronald K. Hatcher
Area Engineer

For: James J. Steele
Division Administrator

Attachment

cc: Matt Webb, MDOT, Planning (B340)
Profile No. P-21146

MOVING THE
AMERICAN
ECONOMY

Federal Highway Administration
Finding of No Significant Impact
For
I-75 from south of I-675 to south of US-10/M-25
Saginaw , and Bay Counties, Michigan

The FHWA has determined that this project will not have any significant impacts on the human or natural environment. This finding of no significant impact is made after review of the attached Environmental Assessment, which has been independently evaluated by the FHWA and determined to be adequate and accurately discuss the environmental issues and impacts of the proposed project.

The Public Involvement process has been complied with as described by the Michigan Department of Transportation's March 20, 2007 letter.

The Environmental Assessment provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope and content of the attached Environmental Assessment.

3/21/07		Field Operations Group Leader
Date	Responsible Official	Title

File No. 21145-P

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

KIRK T. STEUDLE
DIRECTOR

March 20, 2007

Mr. James J. Steele
Division Administrator
Federal Highway Administration
315 West Allegan Street, Room 201
Lansing, Michigan 48933

Dear Mr. Steele:

This is a request for a Finding of No Significant Impact (FONSI) for the proposed I-75 Corridor Improvements from south of the I-675 bridge to south of US-10/M-25 Interchange in the counties of Saginaw and Bay, Michigan (C.S. 09034 and 73112, J.N. 84072, 87508 and 74138).

The Environmental Assessment (EA) for this project was approved on February 8, 2007. Copies of the EA were distributed to potentially affected or interested parties, with written comments to be submitted no later than March 16, 2007. Five e-mail comments were received regarding this project. An opportunity for a public hearing was offered, but no requests were received. Certification of a Public Involvement Process was completed on March 19, 2007.

The comments submitted to the Michigan Department of Transportation (MDOT) regarding this project, as well as the responses to the comments are summarized in the attachment to this request for a FONSI. Copies of the e-mails received and the public involvement certification memo are enclosed.

Based on studies of the proposed project conducted by MDOT, we request that a FONSI be made and that location/design approval be granted. If you have any questions, please contact me or Matt Webb, Project Manager, at 517-335-4627.

Sincerely,

Susan P. Mortel, Director
Bureau of Transportation Planning

Enclosure(s)

BTP:PPD:LN:kp

DOCUMENTATION SUPPORTING A FINDING OF NO SIGNIFICANT IMPACT FOR THE PROPOSED I-75 CORRIDOR IMPROVEMENTS FROM SOUTH OF THE I-675 BRDIGE TO SOUTH OF US-10/M-25 INTERCHANGE IN THE COUNTIES OF SAGINAW AND BAY, MCIHIGAN

SECTION 1

PROPOSED PROJECT

1.1 PROJECT DESCRIPTION

An Environmental Assessment (EA) for the proposed I-75 Corridor Improvements from South of the I-675 Bridge to South of US-10/M-25 interchange in the Counties of Saginaw and Bay, Michigan was approved by the Federal Highway Administration (FHWA) on February 8, 2007. A legal notice was placed in the Bay City Times and the Saginaw News newspapers on February 14, 2007, announcing the availability of the Environmental Assessment. The comment period for providing comments and/or requesting a public hearing was from February 14 through March 16, 2007. The Michigan Department of Transportation (MDOT) did not receive any requests for a public hearing. In accordance with Federal and State Public Involvement/Public Hearing Procedures, the public comment/hearing requirements have been met as certified by MDOT's Public Hearings Officer (Appendix A).

Two alternatives were presented in the EA: (1) No Build Alternative; and (2) Preferred Alternative - Reconstruct and Widen I-75 from south of the I-675 bridge to south of US-10/M-25 Interchange in the counties of Saginaw and Bay. The second alternative was selected because it would replace and rehabilitate deteriorating pavement and bridges and improve traffic flow during construction along this segment of the I-75 corridor.

A final Project Mitigation Summary "Green Sheet" that describes proposed mitigation measures for this project can found at the end of Section 2.

SECTION 2

COMMENTS AND RESPONSES

MDOT received one letter from a federal resource agency and 5 email comments from the public during the comment period that ended on March 16, 2007. MDOT did not receive any comments or letters from state or local agencies.

The following is a summary of the federal resource agency letter and the 5 email comments that were received and responses to each of those comments. Copies of the letter and emails are included in Appendix B.

2.1 LETTER FROM FEDERAL RESOURCE AGENCY

MDOT received a letter from the U.S. Army Corps of Engineers (USACE). Their comments and responses to each of their comments are as follows:

First Comment: The USACE indicated that the "characterization of wetland "quality" is based on current low water conditions. In reality, current vegetation changes may not survive when normal water level regimes return. In this regard, the presence of vegetation at a specific point of time, without giving consideration to context may not be a fair indicator of wetland values".

First Response: The wetlands associated with the project and their quality characterization is in relationship to their species composition and diversity. These wetlands rank very low in relationship to scores obtained from use of the Michigan Floristic Quality Assessment tool (*Floristic Quality Assessment with Wetland Categories and Examples of Computer Applications for the State of Michigan, Revised, 2nd Edition- October 2001, Michigan Department of Natural Resources Wildlife Division Natural Heritage Program*). No attempt to characterize these wetlands based upon hydrological conditions associated with low water conditions verses normal water regimes was attempted. These wetlands are hydrologically connected, and influenced by both seasonal (short-term) fluctuations in stream hydrology and Great Lakes water levels (long-term). More importantly, the character of the water which supports the wetlands likely plays a significant role in their vegetative diversity, as do changes in water level. Overall water quality, both instream and from the overland flow (i.e., road surfaces), is degraded by both sediment and road de-icing agents, particularly under bank-full conditions. These inter-related conditions affect the character of the wetland vegetation, and when coupled with their location within the road right of way, further affect their value and functions.

Second Comment: The USACE indicated that "the authority of the USACE to regulate construction or other work in navigable waters of the United States is contained in Section 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act, and regulations promulgated pursuant to these acts. As in all navigable waters of the United States, including their adjacent wetlands, any discharge of dredged and/or fill material or any construction waterward of the Ordinary High Water Mark (OHWM) must be authorized by the Department of the Army. The OHWM in this area corresponds to an elevation contour of 581.5 feet referenced to the International Great Lakes Datum of 1985 (IGLD 85) or an elevation contour of 582.2 referenced to the USCS datum".

Second Response: MDOT acknowledges that U.S. Army Corps of Engineers (USACE) jurisdiction is based upon the International Great Lakes Datum of 1985 (IGLD 1985) of an elevation contour of 582.2.

Third Comment: The USACE has "determined that the proposed work in and/or over Dutch Creek (Kolb Drain), Squaconning Creek, Ziegler Drain, Goetz Drain, Davis Drain, and Kochville Drain and adjacent wetlands including those shown on figure 2.2 of the EA, are within USACE jurisdiction pursuant to Section 10 and 404. Any construction or other work in or over these waterways waterward of the OHWM and/or the discharge of any dredged or fill material in adjacent wetlands will require prior authorization, in the form of a permit from this office".

Third Response: The appropriate permits will be obtained through the joint USACE-Michigan Department of Environmental Quality (MDEQ) permit application process.

Fourth Comment: USACE has "enclosed a permit application for the work that is anticipated at the locations mentioned. USACE also indicated that they require a 1.5:1 minimum replacement ration for wetland mitigation. Their approval of any mitigation plan would be based on appropriate replacement of wetland functions. Typically USACE prefers mitigation sites to be in similar hydrologic situations; and since this project would occur in navigable waters of the United States, USACE prefers a mitigation site that is also adjacent to the same navigable water".

Fourth Comment: MDOT will work with MDEQ and USACE in obtaining the appropriate permits and finding an acceptable wetland mitigation opportunity to mitigate for any wetland impacts.

2.2 EMAIL COMMENTS FROM THE GENERAL PUBLIC

MDOT received 5 email comments from the general public. The comments and responses to those comments are as follows:

First Email Comment: "This project is a major waste of both money and time. The State of Michigan could find a much better purpose for the $77 million dollars in today's economic environment.

Response: The reconstruction and widening of this segment of I-75 is needed because the existing roadway pavement and bridges are deteriorating and need to be reconstructed and/or replaced. Over the last few years, MDOT has developed a strategy to address deteriorating pavement and bridge conditions on major roadways and bridges in the State of Michigan. As part of this strategy, this segment of I-75 was identified as a segment that needed to be improved. The $77 million dollars allocated for improving this segment of I-75, is from a transportation fund that can only be used for transportation projects. This type of funding can not be used to fund other state programs.

Transportation plays a fundamental role in supporting and growing Michigan's economy and protecting quality of life in our communities. A safe, well maintained and efficient transportation system provides the backbone for all economic activity within the State of Michigan. Without this comprehensive transportation system, Michigan's economy would be at a great competitive disadvantage and the quality of life within our communities would greatly deteriorate. Businesses throughout the state rely on a good transportation system to transport goods and services each day. MDOT's investment to maintain Michigan's complex infrastructure network results in benefits both for Michigan's overall economy and for its industry sectors individually. Specifically, the proposed improvements to the I-75 corridor will result in a modernized corridor that will more efficiently facilitate the safe and efficient movement of goods and will be an economic asset to help retain existing and attract potential new businesses to the area.

Second Email Comment: "Feels that the proposed fourth lane on I-75 between I-675 and US-10 would be a tremendous waste of money at time". The $77 million dollars should be banked for future repairs of the present road system. Most of the traffic flow problems are created by the drivers who are impatient, speeding and constantly changes lanes, causing other drivers to hit their brakes. "Doesn't think spending this kind of money to add more highway, that would require maintenance, is in the tax payer's best interest". If MDOT has some extra money, fix the large potholes on US-131 north of Grand Rapids.

Response: This segment of I-75 supports travel for local residents, tourists from Michigan and other states, and north-south long-distance tourist and freight travel. It is imperative that travel along this corridor moves efficiently both now, and during the construction of this project as well as in the future in order to support the state's economy. The addition of a fourth lane (travel lane) on this segment of I-75 is needed for maintaining traffic during construction; and traffic studies conducted by MDOT, indicate that there is a need for a fourth lane based on future year 2030 traffic volumes for this segment of I-75. The extra travel lane will alleviate congestion, improve traffic flow during construction, and enhance safety on the I-75 freeway corridor. The $77 million dollars have been allocated specifically for these improvements in MDOT's Bay Region. However, MDOT has forwarded your email to MDOT's Grand Region regarding the potholes on US-131 north of Grand Rapids.

Third Email Comment: "I am against the proposed "4th lane" project along I-75 between I-675 and US.10. I travel this route weekly and while traffic at times is heavy, I believe the money earmarked for this project could be better spent on other projects".

Response: The addition of a fourth lane (travel lane) on this segment of I-75 is needed for maintaining traffic during construction; and traffic studies conducted by MDOT, indicate that there is a need for a fourth lane based on future 2030 traffic volumes for this segment of I-75. The extra travel lane will alleviate congestion, improve traffic flow during construction, and enhance safety on the I-75 freeway corridor. The $77 million dollars allocated for this project is not only for constructing an extra travel lane, but also to reconstruct the deteriorating roadway pavement and bridges.

Fourth Email Comment: "I am opposed to the lane addition in the up-coming I-75 reconstruction near Saginaw (or any other lane building). When the rest of the roads and bridges are back to safe and good, then start adding on. I believe it is a misuse of my tax dollars to add to the mess we have on a lot our roads. I drive that stretch 20-25 times a year going up north. I have learned to be flexible on my drive time to avoid the rush. Other people can too. Maybe with some education to the motoring public in this vein we can avoid more of these costly road improvements".

Response: The addition of a fourth lane (travel lane) on this segment of I-75 is needed for maintaining traffic during construction; and traffic studies conducted by MDOT, indicate that there is a need for a fourth lane based on future year 2030 traffic volumes for this segment of I-75. The extra travel lane will alleviate congestion, improve traffic flow during construction, and enhance safety on the I-75 freeway corridor. The $77 million dollars allocated for this project is not only for constructing an extra travel lane, but also to reconstruct the deteriorating

roadway pavement and bridges.

MDOT has taken many steps to inform motorists of any upcoming changes to the roadway system they are traveling on. Before and during construction, electronic message boards, along with signs inform motorists of back-ups, alternate routes to take in case of construction or accidents, public information meetings to notify motorists/residents of any upcoming construction work or planned detour routes that may impact them.

Fifth Email Comment: "I feel that there are many better ways to spend this amount of money. 1) Fund education on a proper level. 2) Fund the State Police properly instead of laying them off. 3) Encourage new business (non-auto) to come to our state. Enforce the Speed Limit in this Corridor".

Response: The $77 million dollars allocated for improving this segment of I-75, is from a transportation fund that can only be used for transportation projects. This type of funding can not be used to fund other state programs. However, MDOT has worked with various law enforcement agencies to provide additional transportation funding for patrolling work zones.

In order to encourage new businesses to locate in Michigan, it is vital to have a transportation system that is efficient and in good condition. Businesses rely on a solid transportation infrastructure to transport goods and people each day. MDOT is committed to providing a safe and efficient transportation system that benefits everyone.

Project Mitigation Summary (Green Sheet)
For the Preferred Alternative

March 19, 2007

Finding of No Significant Impacts

Proposed Reconstruction and Widening on I-75
From the I-675 Freeway Interchange (Northern Terminus)
To just south of the US-10/M-25 Interchange
In the Counties of Saginaw and Bay, Michigan

This Final Project Mitigation Summary "Green Sheet" contains project specific mitigation measures being considered at this time. These mitigation items may be modified during the final design, right-of-way acquisition, or construction phases of this project.

I. Social and Economic Environment

A. *Access to Residential and Commercial* - Access to adjacent properties will be maintained during construction. Following resurfacing of the rest area parking lot, parking spaces will be marked using Americans with Disability Act guidelines.

B. *Noise Impacts* - A noise wall was considered for the subdivision located east of I-75 and north of East Salzburg Road. The noise wall cost did not meet the reasonableness requirement of MDOT's Noise Policy and will not be constructed. However, additional vegetation along the ROW to provide screening of the highway from the residences will be evaluated during the design phase of the project.

II. Natural Environment

A. *Stream Crossings* - New structures will span the entire width of the stream channel, be aligned with the stream, and be will be recessed at least six inches below the streambed elevation to allow for a natural bottom to be created. Disturbed stream channel areas will have streambed protection stone placed to stabilize them and provide spawning areas. Construction staging plans will be set up during the design of the proposed culvert replacement, culvert extensions, and at the two bridge widenings to address the need for uninterrupted water flow and fish movement.

B. *Wetlands* - This project will impact 0.49 acres of emergent wetlands which will be mitigated at a ratio of 1.5:1 for a total mitigation of 0.74 acres. The wetland mitigation will be done at an approved Moment of Opportunity (MOO) site. Coordination will occur with MDEQ at the time of permit application.

C. *Floodplains* - Minor amounts of floodplain fill may be required at several of the stream crossings to accommodate the new culverts, culvert extensions, and widened bridges. Culvert sizes will be reviewed (and increased if necessary) in the design phase following completion of the hydraulic and scour analysis's to ensure that culverts are able to pass the 100 year storm event without increasing backwater elevations.

D. *Water Quality* - Best Management Practices (BMP's) will be used to treat storm water when designing the I-75 drainage systems. BMP's include routing road and bridge runoff through vegetated swales prior to discharge into project watercourses.

E. *Fisheries Resources* - No work will be allowed in project stream channels from March 1 through May 31 to protect spawning activities of native species. Work may occur during this time frame if done inside an enclosed cofferdam installed prior to the March 1 date. Stream flow will be maintained during construction except for short periods of time necessary to place new culvert sections.

F. *Wildlife Resources* - The Special Provision for Migratory Birds will be set up on this project to avoid impacts to nesting barn swallows at the Squaconning Creek and Kochville Drain bridges.

III. Hazardous/Contaminated Materials

A. *Foundry Sand* - If spent foundry sand or contaminated media (soil or groundwater) is encountered at any time during construction, it will be handled and disposed of appropriately in accordance with current state and federal regulations.

IV. Construction

A. *Maintaining Traffic* - Traffic on I-75 and ramps will be maintained by part-width construction. All lane closures, traffic shifts, and changed travel patterns will be clearly marked. MDOT will coordinate with local officials to provide updated project information to assist all motorists including emergency vehicles, school buses, and public transit.

B. *Soil Erosion/Sedimentation Control* - Strict soil erosion and sedimentation controls will be set up and maintained during construction.

C. *Construction Permits* - Permits under Act 451, Parts 31, 301, and 303, are required from the MDEQ for this project. Coverage under the National Pollutant Discharge Elimination System (NPDES), which is administered by the MDEQ, is also required. A federal permit under Section 10 and Section 404 will be required from the U. S. Army Corps of Engineers (COE).

D. *Permit Time Restrictions* - No work will be done in project watercourses from March 1 through May 31 unless done within an enclosed cofferdam.

APPENDIX A

Legal Notices and Certification of Public Comment Review Period

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

KIRK T. STEUDLE
DIRECTOR

March 20, 2007

Mr. James J. Steele
Division Administrator
Federal Highway Administration
315 West Allegan, Room 211
Lansing, Michigan 48901

Dear Mr. Steele:

Certification of the request for public hearing on the proposed I-75 corridor improvements from south of the I-675 north interchange to south of the US-10/M-25 interchange in Saginaw and Bay counties

This is to certify that a legal notice was placed in the *Bay City Times* and the *Saginaw News* on Wednesday, February 14, 2007 to determine interest in conducting a public hearing on the proposed I-75 corridor improvements from south of the I-675 north interchange to south of the US-10/M-25 interchange in Saginaw and Bay counties. The advertisement invited citizens affected by the proposed project to request, in writing, that a formal public hearing be held concerning the social, environmental and economic effects of the proposal. My phone number and address were provided. We received five written comments from the public, with no hearing requests, during the 30-day comment period that ended March 16, 2007. We also received one letter from the U.S. Army Corps of Engineers.

A copy of the legal notice is attached for your review and record.

Sincerely,

Robert H. Parsons
Public Involvement and Hearings Officer
Bureau of Transportation Planning

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NOTICE
MICHIGAN DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL ASSESSMENT FOR PROPOSED I-75 CORRIDOR IMPROVEMENTS FROM SOUTH OF THE I-675 NORTH INTERCHANGE TO SOUTH OF THE US-10/M-25 INTERCHANGE IN SAGINAW AND BAY COUNTIES, MICHIGAN

The Michigan Department of Transportation (MDOT) has completed an Environmental Assessment (EA) on proposed improvements to the I-75 corridor from south of I-675 north interchange to south of the US-10/M-25 interchange in Saginaw and Bay counties, Michigan.

The EA describes and analyzes the proposed work and the measures taken to minimize harm to the project area. The proposal consists of concrete reconstruction of 6.8 miles of existing 6-lane freeway, plus construction of an additional travel lane to assist with maintaining traffic during construction and provide future capacity. The majority of the widening will occur within MDOT's existing median. Several structures would be widened or replaced, including Kochville, Goetz/Davis and Zeigler drains, and Squaconning and Dutch creeks.

MDOT has encouraged public involvement during the study process by conducting a public meeting on January 9, 2007, and providing study information and opportunities for comment at www.michigan.gov/mdotstudies. The EA is available for review and comment through March 16, 2007, on-line and at the following locations: Alice and Jack Wirt Public Library, 500 Center Ave., Bay City; Hoyt Public Library, 505 Janes Ave., Saginaw; Bay County Transportation Planning Division, 515 Center Ave., Bay City; Saginaw County Metropolitan Planning Commission, 111 S. Michigan Ave., Saginaw; MDOT's Bay City Transportation Service Center, 2590 E. Wilder Rd., Bay City; MDOT Bay Region Office, 55 E. Morley Dr., Saginaw; and MDOT Bureau of Transportation Planning, 425 W. Ottawa St., Lansing.

Under federal and state policy, any citizens who would be affected by the proposed project may request, in writing, that a formal public hearing be held concerning the social, environmental and economic effects of this proposal. Persons unable to submit requests in writing should call 517-373-9534 (voice) or 517-373-9012 (TDD) to arrange accommodations.

Those agreeing or disagreeing with the determination set forth in the EA, or those requesting a public hearing are invited to furnish comments summarizing the specific substantive and factual basis for such support or opposition. Such comments, or requests for a public hearing, must be received on or before March 16, 2007. Please address them to: Robert H. Parsons, Public Involvement and Hearings Officer, Bureau of Transportation Planning, Michigan Department of Transportation, P.O. Box 30050, Lansing, MI 48909.

If the study finds no significant impact from the proposed improvements, the EA will be forwarded to the Federal Highway Administration with a recommendation for issuing a Finding of No Significant Impact.

1717392-01

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NOTICE

MICHIGAN DEPARTMENT OF TRANSPORTATION

ENVIRONMENTAL ASSESSMENT FOR PROPOSED I-75 CORRIDOR IMPROVEMENTS FROM SOUTH OF THE I-675 NORTH INTERCHANGE TO SOUTH OF THE US-10/M-25 INTERCHANGE IN SAGINAW AND BAY COUNTIES, MICHIGAN

The Michigan Department of Transportation (MDOT) has completed an Environmental Assessment (EA) on proposed improvements to the I-75 corridor from south of I-675 north interchange to south of the US-10/M-25 interchange in Saginaw and Bay counties, Michigan.

The EA describes and analyzes the proposed work and the measures taken to minimize harm to the project area. The proposal consists of concrete reconstruction of 6.8 miles of existing 6-lane freeway, plus construction of an additional travel lane to assist with maintaining traffic during construction and provide future capacity. The majority of the widening will occur within MDOT's existing median. Several structures would be widened or replaced, including Kochville, Goetz/Davis and Zeigler drains, and Squaconning and Dutch creeks.

MDOT has encouraged public involvement during the study process by conducting a public meeting on January 9, 2007, and providing study information and opportunities for comment at www.michigan.gov/mdotstudies. The EA is available for review and comment through March 16, 2007, on-line and at the following locations: Alice and Jack Wirt Public Library, 500 Center Ave., Bay City; Hoyt Public Library, 505 Janes Ave., Saginaw; Bay County Transportation Planning Division, 515 Center Ave., Bay City; Saginaw County Metropolitan Planning Commission, 111 S. Michigan Ave., Saginaw; MDOT's Bay City Transportation Service Center, 2590 E. Wilder Rd., Bay City; MDOT Bay Region Office, 55 E. Morley Dr., Saginaw; and MDOT Bureau of Transportation Planning, 425 W. Ottawa St., Lansing.

Under federal and state policy, any citizens who would be affected by the proposed project may request, in writing, that a formal public hearing be held concerning the social, environmental and economic effects of this proposal. Persons unable to submit requests in writing should call 517-373-9534 (voice) or 517-373-0012 (TDD) to arrange accommodations.

Those agreeing or disagreeing with the determination set forth in the EA, or those requesting a public hearing are invited to furnish comments summarizing the specific substantive and factual basis for such support or opposition. Such comments, or requests for a public hearing, must be received on or before March 16, 2007. Please address them to: Robert H. Parsons, Public Involvement and Hearings Officer, Bureau of Transportation Planning, Michigan Department of Transportation, P.O. Box 30050, Lansing, MI 48909.

If the study finds no significant impact from the proposed improvements, the EA will be forwarded to the Federal Highway Administration with a recommendation for issuing a Finding of No Significant Impact.

1716934-01

APPENDIX B

LETTER FROM FEDERAL RESOURCE AGENCY AND FIVE EMAIL COMMENTS

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
BOX 1027
DETROIT, MICHIGAN 48231-1027

March 13, 2007

IN REPLY REFER TO

Engineering & Technical Services
Regulatory Office
File No. LRE-2007-170-20

David E.Wresinski, Administrator
Project Planning Division
Michigan Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909

Dear Mr. Wresinski:

This is in response to your recent correspondence, dated February 12, 2007, regarding proposed Michigan Department of Transportation (MDOT) I-75 corridor improvements from south of the I-675 bridge to south of the US-10/M-25 Interchange in Kochville Township, Saginaw County and Monitor and Frankenlust Townships, Bay County, Michigan. Your letter and attached Environmental Assessment (EA), indicates that the project could involve or potentially involve, work (Encl. 1) along a 6.8 mile corridor (Encl. 2) which includes six waterway crossings and wetlands adjacent to these crossings.

Regarding the EA discussion of wetland impacts (Section 2.15), we note that your characterization of wetland "quality" is based on current low water conditions. In reality, current vegetation changes may not survive when normal water level regimes return. In this regard, the presence of vegetation at a specific point in time, without giving consideration to context may not be a fair indicator of wetland values and functions.

Regarding the EA discussion of permits (2.17), the authority of the U.S. Army Corps of Engineers (USACE) to regulate construction or other work in navigable waters of the United States (US) is contained in Section 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act, and regulations promulgated pursuant to these acts. As in all navigable waters of the US, including their adjacent wetlands, any discharge of dredged and/or fill material or any construction waterward of the Ordinary High Water Mark (OHWM) must be authorized by the Department of the Army. The OHWM in this area corresponds to an elevation contour of 581.5 feet referenced to the International Great Lakes Datum of 1985 (IGLD 85) or an elevation contour of 582.2 referenced to the USGS datum.

We have determined that proposed work in and/or over Dutch Creek (Kolb Drain), Squaconning Creek, Ziegler, Drain, Goetz Drain, Davis Drain, and Kochville Drain and adjacent wetlands including those shown on figure 2.2 of your EA (Encl. 3), are within USACE jurisdiction pursuant to Section 10 and 404. Be advised that construction or other work in or over these waterways waterward of the OHWM and/or the discharge of any dredged or fill material in

adjacent wetlands will require prior authorization, in the form of a permit, from this office. Filling and grading work, mechanized landclearing, the sidecasting of excavated material, and some forms of piling installation constitute or otherwise involve discharges of dredged and/or fill material under the Corps' regulatory authority. Work in uplands that exist within the corridor could be conducted without authorization from this office. This determination has been conducted to identify the limits of the Corps of Engineers Clean Water Act jurisdiction for the particular site identified in this request. This jurisdiction determination is valid for a period of five (5) years from the date of this letter unless new information warrants revision of this determination before the expiration date.

We have enclosed a permit application for the work you anticipate at these locations. The application should include legible plan-view and profile drawings in 8-1/2 x 11-inch format, a description of project activities, including quantities, dimensions, equipment use, construction sequencing, and the results, including data sheets and drawings, of a wetland delineation conducted according to the *Corps of Engineers 1987 Wetlands Delineation Manual*.

Our assertion of jurisdiction is based on our documentation that:

(1) The particular reaches of Dutch (Kolb Drain) and Squaconning Creeks, and Ziegler, Goetz, Davis, and Kochville Drains within the project corridor are within the limits of lands inundated by the ordinary high waters of the Saginaw River, a navigable water of the US; and

(2) The wetlands in the vicinity of these waterways in the project corridor, including those described in the EA, are adjacent (bordering, contiguous, or neighboring) to this navigable water of the US.

Regarding the Project Mitigation Summary for the Preferred Alternative contained in the EA, we require a 1.5:1 minimum replacement ratio for wetlands mitigation. In addition, our approval of any mitigation plan would be based on appropriate replacement of wetland functions. Typically we prefer mitigation sites to be in similar hydrologic situations. Since the project would occur in navigable waters of the US, we prefer a mitigation site that is also adjacent to this same navigable water.

Per our regulations found at 33 CFR, Part 331 (as amended in the Federal Register on March 28, 2000), you may appeal this approved jurisdiction determination over the waters/wetlands on the property in question. Our appeal process is briefly described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal* document (Encl. 4) and flowchart (Encl. 5). Appeals of jurisdiction determinations are initially handled at our Division level and any *Request for Appeal* should be sent to the Division Engineer at:

Division Engineer
U.S. Army Corps of Engineers
Lakes & Ohio River Division
P.O. Box 1159
Cincinnati, Ohio 45210-1159

Should you decide to request an appeal, the Division Engineer must receive the appeal within 60 days of the date of this letter.

Be further advised that permit number 86-20-001 (new file number LRE-1986-200011) for entrance ramp construction from M-84 to SB I-75, issued to the Michigan Department of Transportation on July 22, 1987, contained authorization for the construction of three wetland mitigation areas. One area is between the M-84 on-ramp to southbound I-75 and southbound I-75, and two sites are located west of this on-ramp between M-84 and Squaconning Creek (Encl. 6.). Should the proposed I-75 modifications include alterations to any of these mitigation areas, you must notify us per special condition 6, as stated below, of the referenced permit:

> *6. That the permittee shall notify and receive prior approval of the Corps District Engineer for any modification or earth change within the mitigation area which is not contained in the application for this permit.*

Thank you for giving the Corps of Engineers the opportunity to review this property. If you have any questions, please contact Colette Luff at 313-226-7485 or the above address. Please refer to File Number: LRE-2007-170-20.

Sincerely,

Colette M. Luff
Project Manager
Permit Evaluation Branch B

Enclosures

1. Summary of proposed work (Table 2-6 of EA)
2. Site Map
3. Environmental Constraints Map
4. NAP Document
5. Flowchart
6. Permit no. LRE-1986-200011 wetland mitigation areas

Copies Furnished:

MDOT, Matt Webb, Project Manager, w/encl.
FHA, David Calabrese, Project Manager w/encl.
MDEQ, Saginaw Bay District Office w/encl.
Enforcement, Bay City Field Office

Table 2.6 Summary of Major Stream Crossings within the Project Limits

No.	Name of Watercourse	Existing Structure Type	Existing Dimensions	Proposed Structure Change	Proposed Dimensions
1	Dutch Creek	Twin, concrete pipe culvert	96" diameter 189' long	Single, concrete box culvert	16' x 8' 192' long
2	Squaconning Creek	Steel, multi-stringer, composite bridge	106' long 207.4' deck width (NB plus SB lanes)	Widen both bridge decks towards median*	244.5' deck width
3	Ziegler Drain	Concrete elliptical culvert	44" x 68" 188' long	No change*	No change*
4	Goetz Drain	Concrete slab culvert	8' x 16' 150' long	Add extensions*	166' long
5	Davis Drain	Concrete elliptical culvert	72" x 112" 163' long	No change*	No change*
6	Kochville Drain	Steel, multi-stringer, composite bridge	52' long 144.6' deck width (NB plus SB lanes)	Enclose median area	172' deck width

* final structure design will be adjusted pending results of hydraulic analysis

Encl. 1

Figure 1.1
I-75 Corridor EA Study Area Map

LOCATION: I-75 from South of the I-675 bridge over I-75 located in Saginaw County to South of the US-10/M-25 interchange located in Bay County

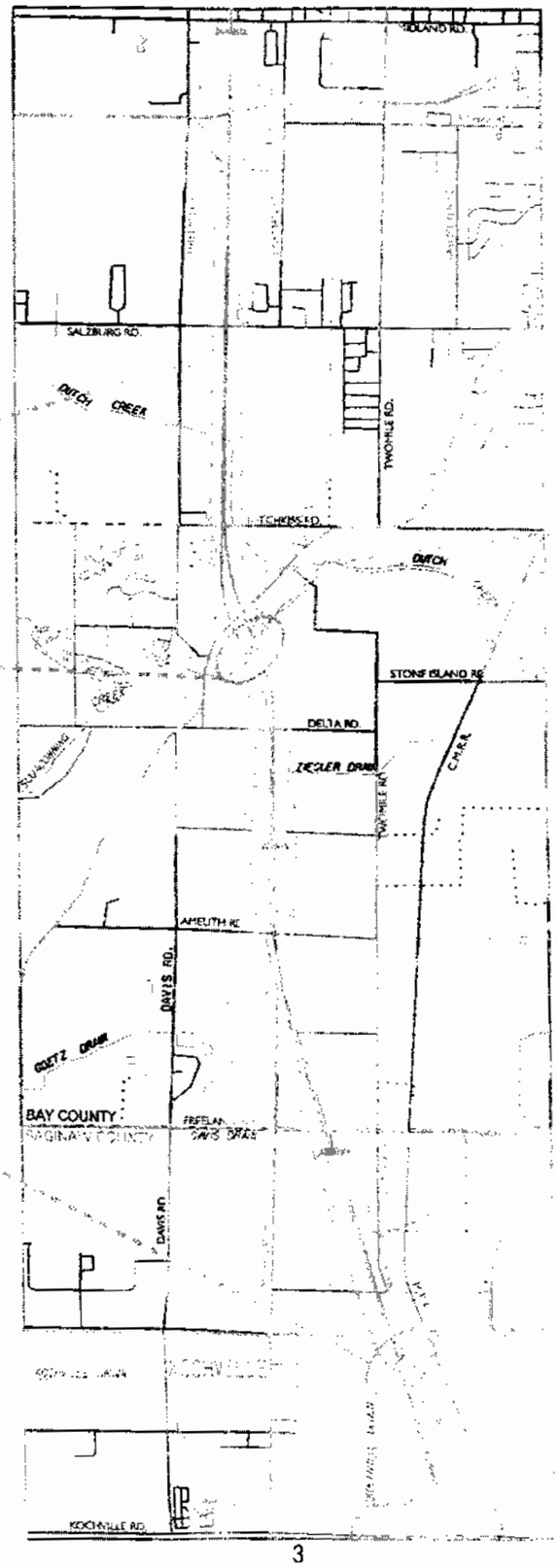
LENGTH: Approx. 6.8 miles

I-75 CORRIDOR STUDY AREA

RECONSTRUCT AND WIDEN TO 4 LANES WITHIN THE MEDIAN (2008)
North of Hotchkiss Road to south of the US-10/M-25 interchange.

NB AND SB I-75 OVER SQUACONNING CREEK 2010
Widen bridge toward the median, deep concrete overlay and substructure repair.

NB AND SB I-75 OVER KOCHVILLE DRAIN (2011, 2012)
Widen bridge toward the median, a complete deck replacement and painting.



GENERAL DESCRIPTION OF WORK:
Concrete reconstruction of existing 6-lane freeway section. An additional travel lane will be added to this segment of I-75 to accommodate future traffic volumes. The majority of the widening will occur within MDOT's existing median. Several structures will need to be widen or replaced. These structures include: Kochville, Goetz/ Davis, and Ziegler Drains and Squaconning and Dutch creeks.

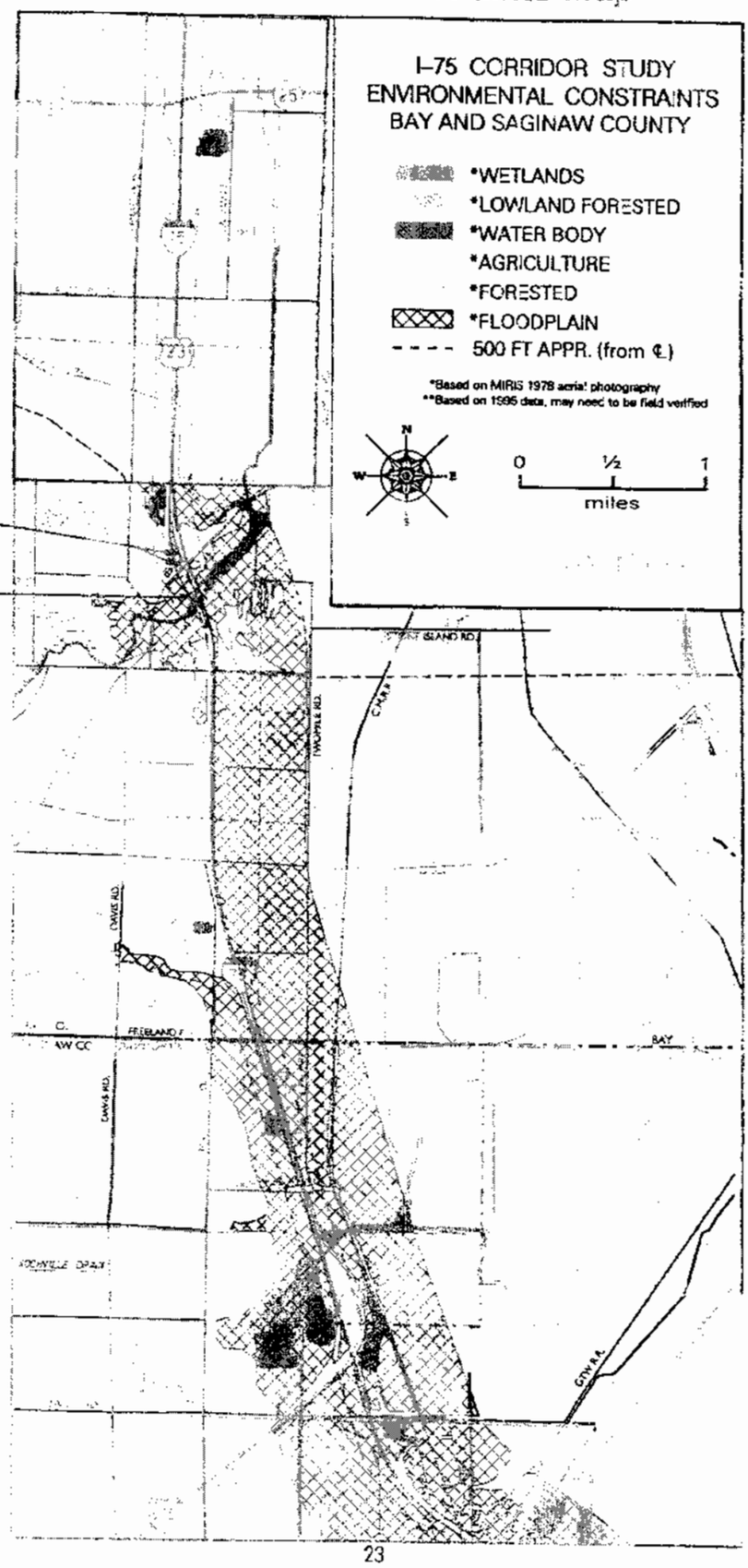
PROPOSED FUTURE WORK
Reconstruct and widen to 4 lanes along with improvements to M-84 interchange in conjunction with the M-84 (Delta Road to Euclid Avenue) corridor widening project.

RECONSTRUCT AND WIDEN TO 4 LANES WITH MEDIAN (2010)
Saginaw/Bay county line north to M-84

RECONSTRUCT AND WIDEN TO 4 LANES WITH MEDIAN (2011, 2012)
I-675 north interchange to the Saginaw/Bay county line.

Encl. 2

Figure 2.2
Environmental Constraints Map



Encl. 3

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Michigan Department of Transportation (David E. Wresinski)	File Number: LRE-2007-170-20	Date: March 16, 2007
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

Encl. 4

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

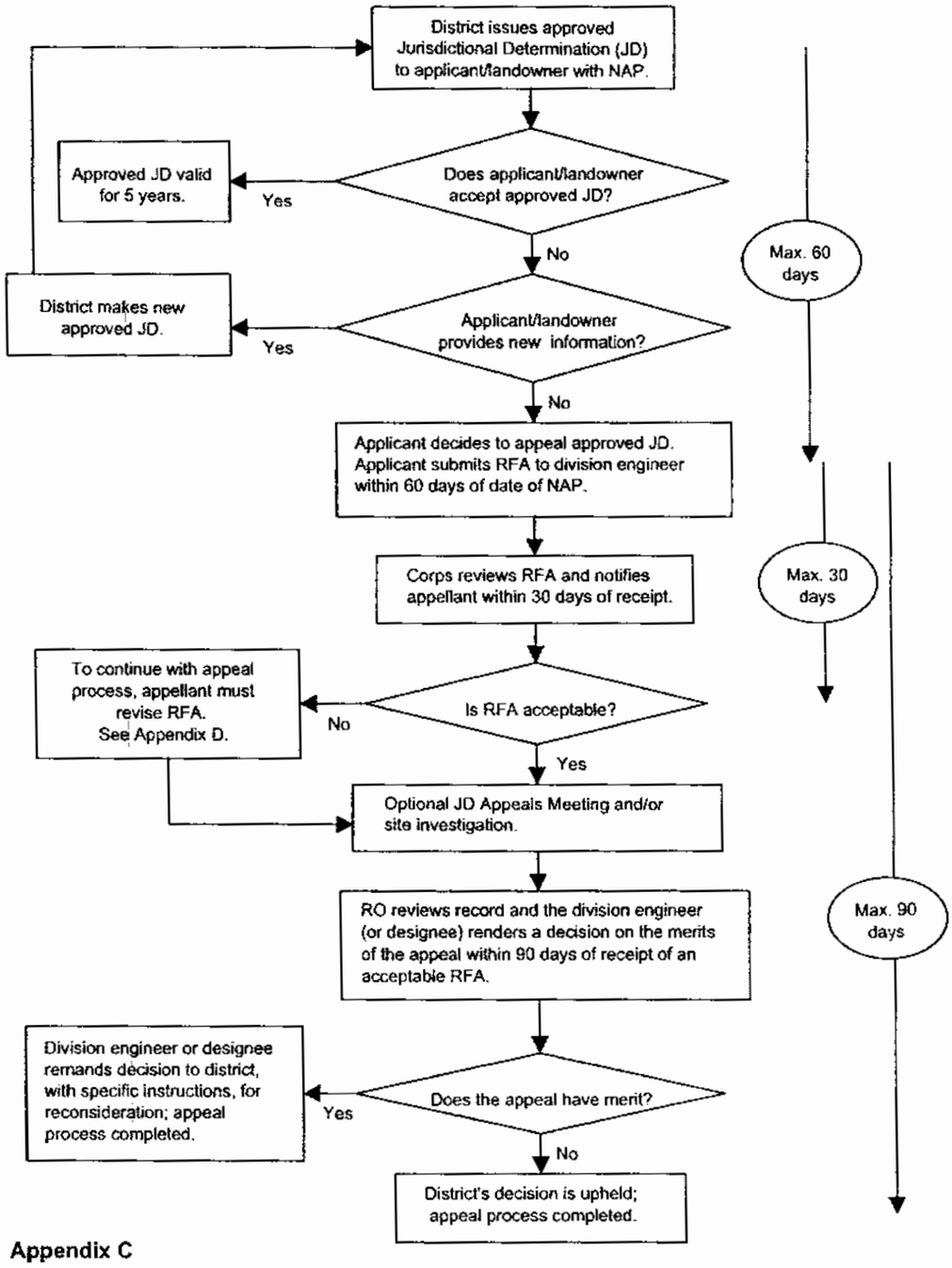
POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact: Colette M. Luff Project Manager Permit Evaluation Branch B (313) 226-7485	If you only have questions regarding the appeal process you may also contact: Mike Montone, Appeal Review Officer Great Lakes and Ohio River Division P. O. Box 1159 (550 Main Street) Cincinnati, Ohio 45201-1159 Tel. (513) 684-6212 Fax(513) 684-2460

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

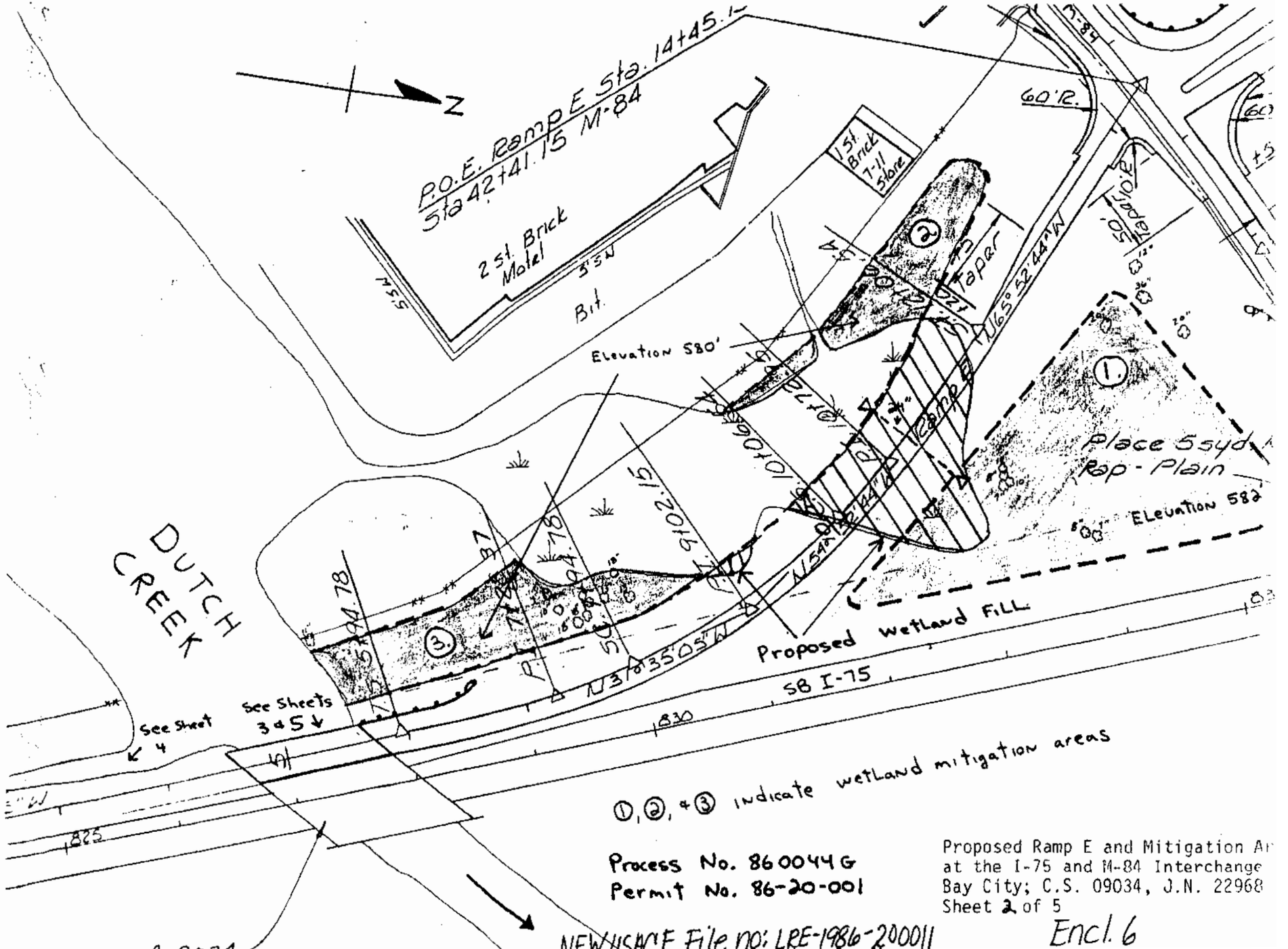
Signature of appellant or agent.	Date:	Telephone number:

Administrative Appeal Process for Approved Jurisdictional Determinations



Appendix C

Encl. 5



Proposed Ramp E and Mitigation Ar
at the I-75 and M-84 Interchange
Bay City; C.S. 09034, J.N. 22968
Sheet 2 of 5

Encl. 6

From: "Christina Weasel" <christinaweasel@hotmail.com>
To: <burchelll@michigan.gov>
Date: 2/16/2007 6:24:30PM
Subject: I-75 project

Hello, I just wanted to express my opinion about the proposed MDOT I-75 project from I-675 to US 10. I feel as though this project is a major wate of both money and time. I have personal experience driving this route daily and can count the number of slow traveling times on one hand. I am sure the State of Michigan can find a MUCH better purpose for the $77 million dollars especially in today's economic environment.
Please fell free to contact me as needed,
Christina L. Weasel

From: "MAGBHP" <magbhp@sch-net.com>
To: <burchelll@michigan.gov>
Date: 2/17/2007 12:06AM
Subject: Improved I-75

To whom it may concern;

I feel the proposed fourth lane on I-75 between 675 and U.S. 10 would be a tremendous waste of money at this time. If you have 77.5 million dollars, you should bank it for future repairs of the present road system. Most of the traffic flow problems are created by the drivers who are impatient, speeding and constantly changing lanes, causing other drivers to hit their brakes. Last summer at the end of a holiday weekend, we were traveling north, the south bound traffic was bumper to bumper and traveling at or above the posted speed limit. A driver pulling a trailer moved from the slow lane into the fast lane, causing the next car in the fast lane to hit his brakes. Within two miles traffic was stopping and backing up. I don't think spending this kind of money to add more highway, that will require maintenance, is in the tax payer's best interest. If you have some extra money fix the large potholes in U.S. 131 north of Grand Rapids. We were over there a couple weeks ago, you could tear a wheel off a small car in some of those holes.

I would be interested in your comments.

Thanks for your time.
Jim Trinklein
989-654-2656
jttrinklein@sch-net.com

From: Chris Barbb <w8cop@yahoo.com>
To: <rivarda@michigan.gov>
Date: 2/17/2007 11:03AM
Subject: I 75 project

Dear Mr Rivard,

I am against the proposed "4th lane" project along I 75 between 675 and US 10.

I travel this route weekly and while traffic at time is heavy,I believe the money earmarked for this project could be better spent on other projects.

Thank you for you time

Chris Barbb
3647 Carol
Melvindale,Mi 48122

From: "dandv3272" <dandv3272@sbcglobal.net>
To: <burchelll@michigan.gov>
Date: 2/18/2007 10:47PM
Subject: I-75 lane addition
CC: <rivarda@michigah.gov>, <richardsona@michigan.gov>

Hi Linda, Adam, and Anita,
I am opposed to the lane addition in the up-coming I-75 reconstruction near Saginaw (or any other lane building). When the rest of the roads and bridges are back to safe and good, then start adding on. If you can't take care of the roads that are already built, I believe it is a misuse of my tax dollars to add to the mess we have on a lot of our roads.
I drive that I-75 stretch 20-25 times a year going up North.
I learned to be flexible on my drive time to avoid the rush.
Other people can too. Maybe with some education to the motoring public in this vein, we can avoid more of these costly road improvements.
Sincerely, Dave Gank

From: "Gordie" <poppasplace@charter.net>
To: <burchelll@michigan.gov>
Date: 2/19/2007 9:40PM
Subject: I feel that there are many better ways to spend this amount of money. 1) fund education on a proper

---

I feel that there are many better ways to spend this amount of money. 1) fund education on a proper level. 2) fund the State Police properly instead of laying them off. 3) encourage new business (non-auto) to come to our state.

ENFORCE THE SPEED LIMIT IN THIS CORRIDOR!!!!!!

Thank you for the opportunity to voice my opinion.

Gordon Martin