

Finding of No Significant Impact
and Supporting Documentation for
a Finding of No Significant Impact
M-139 (Main Street) Bridge Replacement
City of Niles, Berrien County, Michigan

November 2012



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

Michigan Division

November 20, 2012

315 W. Allegan Street, Room 201
Lansing, MI 48933
517-377-1844
517-377-1804
FHWA.Michigan@dot.gov

In Reply Refer To:
HDA-MI

Ms. Kristin Schuster
Manager, Environmental Service Section (B220)
Bureau of Highway Development
Michigan Department of Transportation
Lansing, Michigan

Dear Ms. Schuster:

Finding of No significant Impact
Proposed M-139 Main Street Bridge Replacement
(Control Section 11201 and Job Number 104152)
Over the St. Joseph River in the City of Niles
Berrien County, Michigan

Reference is made to your letter of November 16, 2012, which requested a Finding of No Significant Impact (FONSI) for the proposed project. We have completed our final review of the Environmental Assessment document and conclude the preferred alternative will have no significant impacts to the environment. Accordingly, our signed FONSI determination is enclosed. Please transmit a notice to the affected federal, state and local government units informing them the FONSI document will be available from your Department, or our office, upon request from the public.

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

Sincerely,

Ruth E. Hepfer
Area Engineer – Southwest Region

For: Russell L. Jorgenson, P.E.
Division Administrator



US Department of Transportation

**Federal Highway
Administration**

Contact: Michigan Division
315 W. Allegan Street, Room 201
Lansing, MI 48933
Email: Michigan.FHWA@dot.gov
Phone: (517) 377-1844

Finding of No Significant Impact

Proposed M-139 Main Street Bridge Replacement
(Control Section 11021 and Job Number 104152)
Over the St. Joseph River in the City of Niles
Berrien County, Michigan

FINDING

In accordance with 23 CFR 771, the Federal Highway Administration (FHWA) has determined that the preferred alternative will not have any significant impacts on the human or natural environment. This Finding of No Significant Impact (FONSI) is based on the:

- September 20, 2012 Environmental Assessment (EA)
- Supplemental material submitted by the Michigan Department of Transportation (MDOT) on November 16, 2012.

FHWA independently evaluated this information and determined the documentation to adequately and accurately discuss the purpose & need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis to determine an EIS is not required. In addition, the construction phase of this project is listed in the 2014 Regional Transportation Plan and Transportation Improvement Plan for the Southwest Michigan Commission per 23 U.S.C. § 135(g)(4)(E) and § 134(j)(3)(D).

Note: MDOT has committed to hold at least one meeting to assess community preferences for the aesthetics of the replacement bridge based on engineering requirements and local input.

DESCRIPTION OF THE PROPOSED ACTION

The purpose of the project is to replace the M-139 Main Street Bridge, bridge approaches and improve drainage. The bridge needs to be replaced because the structure is scour critical. The action is proposed by the Michigan Department of Transportation's (MDOT). See attached Proposed Cross Section. The project consists of:

- Two 15-foot travel lanes, seven-foot sidewalks on both sides of the bridge. The 15-foot lane will be a shared use lane to allow for bicycle use. MDOT will design the preliminary structure following the 1999 AASHTO guideline for shared roadways, and will mark it using the appropriate marking for a shared use lane.
- It will be constructed on the existing alignment, but will implement horizontal and vertical curves to change the skew slightly to improve sight lines.
- Traffic detour. See attached for detour route and associated information. Pedestrian and bike traffic under the bridge will also be detoured, signed and ADA accessible.

The project is included in the 2014 RTP and TIP for the Southwest Michigan Commission, which is the MPO for this region. Construction is anticipated to begin 2013 and is anticipated to be completed by the end of 2014. The project's total estimated cost is approximately:

\$ 5.9 million (2011 dollars) = \$4.72 million Federal Funds + \$1.18 million State/Local Funds

ENVIRONMENTAL EFFECTS & MITIGATION

The EA Green Sheet (see attached) contains the anticipated environmental impacts, required mitigation, and any environmental enhancements the project proponent has elected to implement. Environmental enhancements are those activities above and beyond what is required by law, and developed in cooperation with the local community.

Those areas of specific interest to FHWA are:

- **Air Quality Conformity.** The project is exempt from air quality conformity analysis under 23 CFR 93.126 bridge reconstruction without adding lanes. The project is identified in the Southwest Michigan Commission's, which is the MPO for this area, Long Range Plan and TIP.
- **Environmental Justice.** Per Executive Order 12898 (*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*), the project is not anticipated to have an adverse or disproportionate impact on low-income or minority individuals/communities.
- **Historic Resources.** Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, the Michigan State Historic Officer (SHPO) evaluated the preferred alternative in accordance with the requirements of 36 CFR 800.5(b) and the Main Street/M-139 Bridge (Bridge) to be the only National Register-eligible property adversely affected by the project within the area of potential effects of the undertaking. A Memorandum of Agreement (MOA) has been prepared in compliance with Section 106 of the National Historic Preservation Act. A signed copy of the MOA is included in **Attachment D** in the **Programmatic Section 4(f) Evaluation** and outlines the mitigation required for the project. Native American Tribes from the surrounding areas were consulted and they did not identify any specific concerns.
- **Noise Considerations.** The bridge meets the definition of a Type III project under 23 CFR 772.5 and identified under 23 CFR 771.117(d)(3). Type III projects are exempt from noise analysis.
- **Property Acquisition.** Additional fee right-of-way (ROW) (approximately 1000 square feet) in the northwest quadrant of the bridge will need to be acquired in order to construct the new bridge, sidewalk, roadway and retaining walls. The parcel which includes the old vacant YMCA building is currently for sale. The acquisition of this ROW would not require the relocation of businesses or homes. See the attached **Figure 1, Project Location Map**, as well as **Figure 7 of Appendix A of the EA**. All fee right-of-way will be acquired in accordance and compliance with the Federal Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended; Act 149, Michigan P.A. 1911 as amended; and Act 87, Michigan P.A. 1980, as amended.
- **Section 4(f)/6(f).** In accordance with 23 CFR 774, the Federal Highway Administration finds that the project will affect the:
 - The M-139/Main Street Bridge, eligible for listing on the National Register of Historic Places.
 - The Riverfront Park, temporary impacts the Riverfront Park Trail and the Riverfront Park boat launch during construction of the new bridge

MDOT coordinated with the City of Niles and the Michigan Department of Natural Resources and received approval for the temporary impacts to Riverfront Park and 6(f) resource respectively.

- **Wetlands Finding.** No wetlands were identified in the project area based on a database search and field survey.
- **Permits.** MDEQ Permits needed for the M-139 bridge replacement in Niles include Part 31 (Floodplains and Water Quality) and Part 301 (Inland Lakes and Streams) of ACT 451 (Natural Resources and Environmental Protection).

COMMENTS AND COORDINATION

The FHWA verified MDOT conducted the public involvement process in accordance with 23 CFR 771.119. MDOT offered an opportunity for a public hearing, but no public hearing was requested by the public. Four public comments were received during the public comment period. These comments were from the resource agencies.

REVISIONS TO THE ENVIRONMENTAL ASSESSMENT

The EA released for public review was signed on September 20, 2012. Prior to finalization of the EA for public review and comment, FHWA Michigan Division staff reviewed it and provided comments. All of the Division's comments were addressed. The supplemental material submitted by the Michigan Department of Transportation (MDOT) on November 16, 2012 contains the information pertaining to the public comment period and a revised Green Sheet.

FHWA has reviewed the:

- MDOT's November 16, 2012 letter requesting a Finding of No Significant Impact (FONSI).
- Original EA signed on September 20, 2012, and supplemental material submitted on November 16, 2012.

DETERMINATION THAT AN ENVIRONMENTAL IMPACT STATEMENT IS NOT NECESSARY

Per 40 CFR 1508.27 – Council on Environmental Quality's regulations requiring consideration of a project's context and intensity in determining whether the project will have a significant impact -- the EA provides sufficient evidence and analysis for determining that an environmental impact statement is not required.

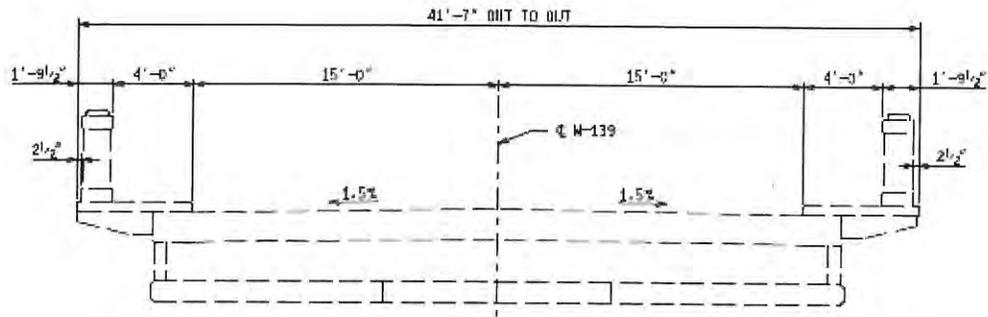
The revised EA is hereby incorporated by reference into this FONSI, and this FONSI will be reevaluated as appropriate pursuant to 23 C.F.R. 771.129(c).

Date: November 20, 2012

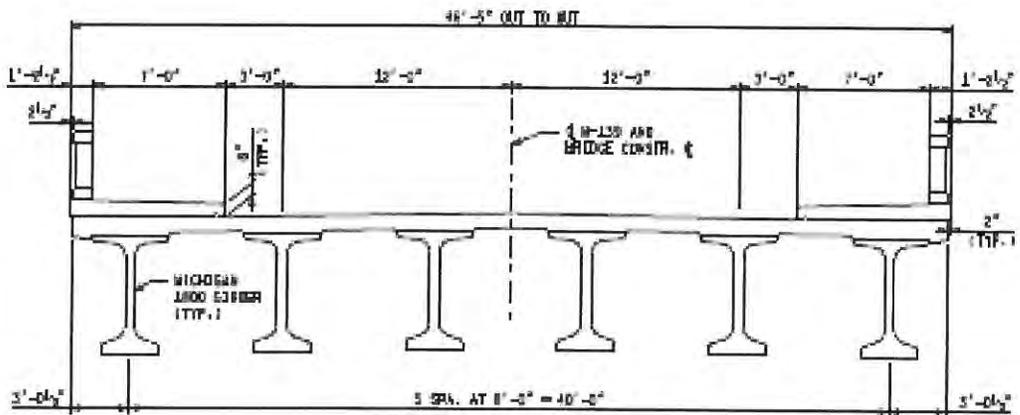
Responsible Official:



Engineering and Operation Unit Manager
FHWA-Michigan Division

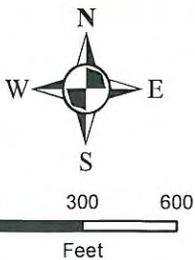
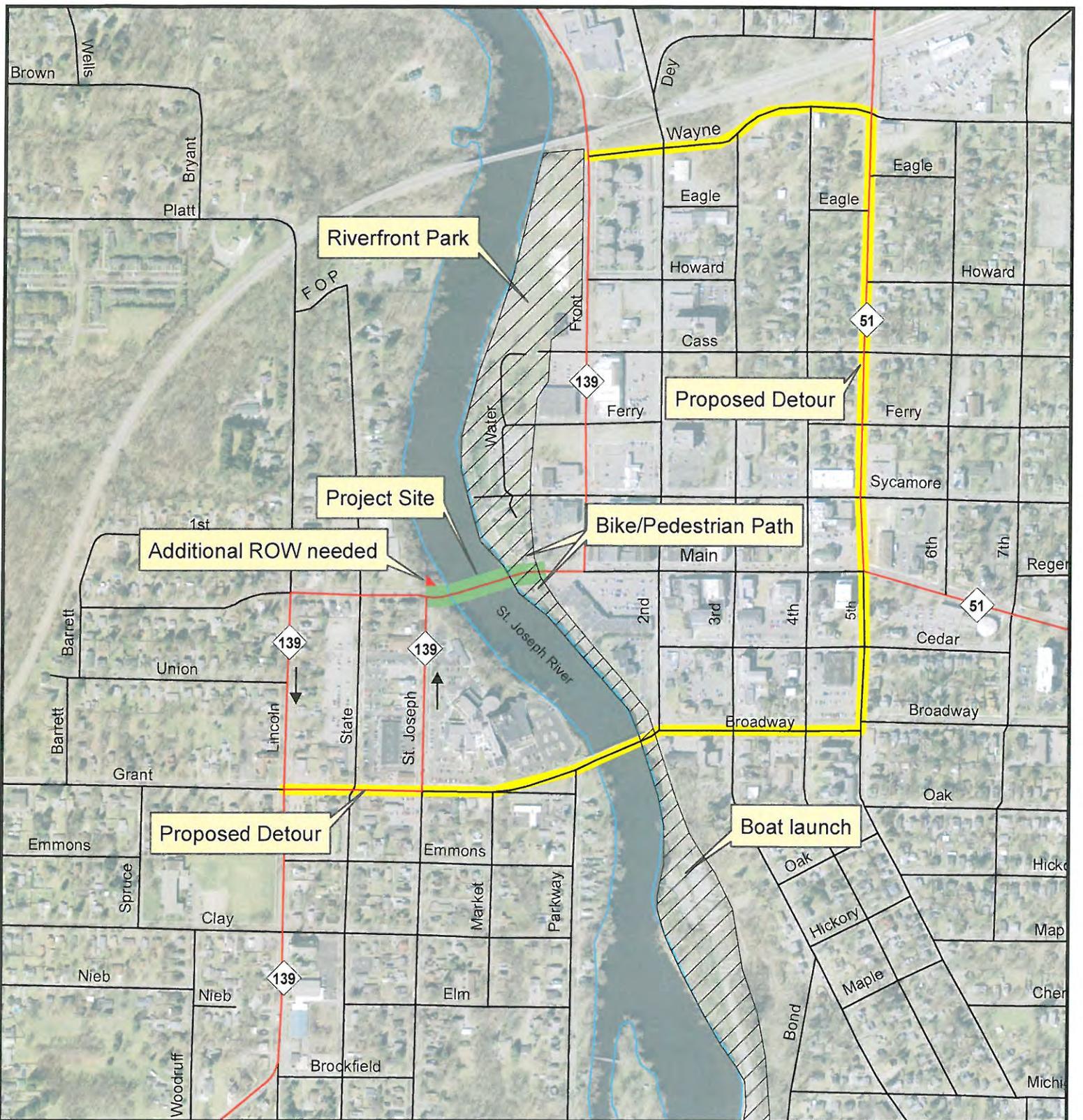


EXISTING CROSS SECTION



PROPOSED CROSS SECTION

**Figure 2:
Bridge Cross Sections**



M-139 PROJECT LOCATION



Figure 1

DOCUMENTATION SUPPORTING A FINDING OF NO SIGNIFICANT IMPACT FOR THE PROPOSED M-139 (MAIN STREET BRIDGE) REPLACEMENT IN THE CITY OF NILES, BERRIEN COUNTY, MICHIGAN

SECTION 1

PROPOSED PROJECT

1.1 PROJECT DESCRIPTION

An Abbreviated Environmental Assessment (EA) and Programmatic Section 4(f) Evaluation for the proposed M-139 (Main Street) Bridge Replacement in the City of Niles, Berrien County, Michigan was approved by the Federal Highway Administration (FHWA) on September 20, 2012. A Legal Notice was placed in the *Niles Daily Star* on October 1, 2012, announcing the availability of the Environmental Assessment. The comment period for providing comments and/or requesting a public hearing was from October 1, 2012 through November 14, 2012. 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 Hearing Officer and can be found in Appendix A.

Six Alternatives were presented in the EA. A brief description of each can be found below. Practical Alternative 3B was chosen as the preferred alternative as it will replace the scour critical bridge, which cannot be rehabilitated without compromising the structural integrity. It also best meets the purpose and need of the project. This alternative also had no park or historic impacts and provides for safety improvements.

Practical Alternative #1

Alternative #1 is the In-Kind Geometrics option presented in the illustrative alternatives and consists of the replacement of the bridge on existing alignment with either a two-span or three-span bridge structure, and the reconstruction of only the necessary roadway to facilitate this structure. Vertical alignment would not be modified and minor horizontal improvements would be made only to facilitate the new bridge and the improved sidewalk widths. Additionally, the bridge approaches would be reconstructed to allow the bridge expansion joint to be relocated behind the abutment. This reconstruction would include replacement of all approach retaining walls and railings associated with the bridge.

Practical Alternative #2

Alternative #2 is the Improved Geometrics option presented in the illustrative alternatives and improves geometrics based on current design standards, safety, and operation changes relative to the flow of traffic. Under this alternative, it is proposed to rotate the bridge about the east abutment by approximately five degrees and to add a 510 foot radius curve at both ends of the bridge to smooth the travel path and enhance sight distance. This improvement would also correct the northern alignment of the pavement edge that currently intrudes into the through lane of traffic at the St. Joseph Avenue intersection.

Practical Alternative #3

Alternative #3 uses available land at the former YMCA parcel to remove the impact to the park on the east side of the bridge. By extending the length of the tangent and bridge, the roadway is pushed to the north and removes the encroachment to the linear park on the east side of the bridge. Relocation of the Main Street and St. Joseph Avenue intersection to the north would require additional retaining wall and fill or construction of additional bridge length. In discussion with the MDOT team, the historic homes are impacted by moving the roadway away from the original location of the road. This changes the character and setting of the historic houses.

This alternative also introduces a 9.4 degree deflection into the intersection of Main Street and N. State Street at the west end of the project. St. Joseph Avenue has a curve introduced to provide a perpendicular intersection with Main Street. A large turning radius was provided in the southeast quadrant for large right turning vehicles. With this design the west abutment could be completely constructed without impacting the existing bridge, allowing for a shorter closure time.

Practical Alternative #3A

Alternative #3A refined the concept of Alternative #3 to remove the deflection at the intersection of Main Street and N. State Street by adding a curve into the alignment prior to the intersection. This reduces the impact to the YMCA property while still removing impacts to the park on the east side of the bridge. With this alternative the roadway is brought further to the south and does not allow for the west abutment to be built completely off alignment.

Practical Alternative #3B

Alternative #3B, the preferred alternative, is a refined concept combining Alternatives #2 and #3A. By extending the length of the bridge to the west, ROW impacts can be avoided at the east abutment. If the YMCA parcel is able to be utilized the deflection angle of the bridge can be reduced, allowing the west end of the bridge to move north from its current position. St. Joseph Avenue is left to its current alignment, as the intersection angle is within MDOT guidelines for intersection angles at approximately 79 degrees. The right turning radius from St. Joseph Avenue is also smaller due to

discussion of removing the truck traffic from it. This bridge is being built mostly within the limits of the existing bridge; therefore a full closure must occur during construction.

Practical Alternative #4

Alternative #4 introduces deflections into both intersections and uses a straight line to connect the intersections, simplifying the alignment of the roadway. ROW impacts are introduced in opposite quadrants in the southeast and northwest quadrants. Simplification of the alignment allows for safety improvements by improving the sight distance of vehicles as they traverse the bridge. Inflections at the intersections counter some of the safety advantages of this simple alignment. Due to the realignment of the east end of the bridge to the south, the improvements to the bicycle path and adjacent drives will need to be extended.

The Project Mitigation Summary “Green Sheet” that describes proposed mitigation measures for this project can be found at the end of Section 2. A signed Memorandum of Agreement (MOA) between MDOT, FHWA and the State Historic Preservation Office (SHPO) can be found in Appendix B.

SECTION 2

COMMENTS AND REPSONSES

MDOT received four comments, all from resource agencies, on the M-139 EA.

The following section lists the Resource Agency comments (and MDOT responses) received from review of the Environmental Assessment/Programmatic Section 4(f) Evaluation prepared for the replacement of the M-139 (Main Street) bridge over the St. Joseph River in Niles, Michigan. The Resource Agency letters can be found in Appendix C of this FONSI/ Programmatic Section 4(f) Evaluation.

2.1 COMMENTS FROM RESOURCE AGENCIES

Michigan Department of Agriculture and Rural Development (MDARD)

Comments: Our primary concern is the potential impacts to properties enrolled under Part 361 of PA 451, Natural Resources and Environmental Protection, formerly PA 116, the Farmlands and Open Space Preservation Act. Another concern would be potential impacts to established intra-county and inter-county drains. Based on this project being within the city limits in a highly urbanized corridor, we find no potential impacts to Part 361 lands nor do the plans indicate any impacts to established intra-county or inter-county drains. We have no additional concerns regarding this Environmental Assessment and have no opposition from a MDARD standpoint to the preparation of a Finding of No Significant Impact (FONSI).

Response: Comments noted.

Michigan Department of Environmental Quality (DEQ), Water Resources Division (WRD)

The DEQ, WRD, does not object to the issuance of a Finding of No Significant Impact (FONSI) by the Federal Highway Administration for this project. We have the following comments:

Comment #1: As indicated in the EA, a permit will be required from the DEQ under the Floodplain Regulatory Authority found in Part 31, Water Resources and Part 301, Inland Lakes and Streams of the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended.

Response: Comment noted.

Comment #2: The WRD recommends that the runoff from the bridge be collected and treated prior to discharge into the St. Joseph River.

Response: Detention and vegetative filtering treatment options were not possible due to limited right-of-way on the east side of the bridge and not being able to purchase property from the adjacent parkland. Drainage from the new structure will be collected in an enclosed drainage system that will tie into the City of Niles enclosed drainage system at the east end of the bridge. The bridge drainage will be treated by directing the water through two enlarged City of Niles catch basins with deep sumps before outletting into the St. Joseph River through an existing pipe in the NE quadrant of the bridge. The enlarged catch basins with the deeper sumps will better remove any sediment contained in the bridge runoff than direct discharging of water into the river.

Comment #3: Due to the potential for encountering contaminated sediments during project construction, it is recommended that an action plan be developed and approved by the DEQ prior to the submittal of a permit application for this project.

Response: All areas of contamination will be identified in the plans and an estimated quantity of non-hazardous contaminated media will be included in the project proposal for the appropriate handling and disposal of contaminated soil at the bridge abutments and dredged/excavated sediment at the east pier and east abutment. Conditions stipulated in the “Special Provision (SP) for Non-Hazardous Contaminated Material Handling and Disposal” must be met during construction; including laboratory testing to solicit landfill approval and temporary storage requirements. Proper measures must be taken to contain disturbed soil and sediment. Soil erosion and sedimentation controls based on best management practices (BMP’s) such as cofferdams and turbidity curtains will minimize the sediment disturbance and control sediment loss in the river. All contaminated media which includes dredged sediment will be properly handled and disposed of in accordance with state and federal regulations. Compliance with the above mentioned SP will ensure that MDOT is in compliance with all applicable state and federal rules and regulations concerning the handling and disposal of non-hazardous material. The above SP is a generic action plan for most MDOT projects. A project specific action plan submittal to MDEQ for approval is not required. MDOT will submit a copy of the MDOT “Special Provision for Non- Hazardous Contaminated Material Handling and Disposal” with the MDEQ permit application for this project.

U. S. Environmental Protection Agency (EPA)

The EPA recommends the following measures be committed to in the FONSI to ensure impacts to the St. Joseph River are minimized.

Comment #1: Use easily-removed materials for construction of access roads that are sited within wetlands adjacent to the St. Joseph River (e.g., swamp/timber mats) in lieu of materials that sink (e.g., stone, rip-rap, wood chips)

Response: No wetlands exist adjacent to the St. Joseph River or within the project area.

Comment #2: Use swamp/timber mats or alternative matting to distribute the weight of construction equipment. This will minimize soil rutting and compaction.

Response: There are no wetlands or soft soils present adjacent to the St. Joseph River. Any proposed temporary access pads in the St. Joseph River will be reviewed and appropriate soil erosion and sedimentation controls will be implemented.

Comment #3: Use vehicles and construction equipment with wider-tired or rubberized tracks or use low ground pressure equipment to further minimize impacts during construction access and staging.

Response: No wetlands or soft soils are present within the project area so the impacts to project soils will be minimal.

Comment #4: Use long-reach excavators, where appropriate, to avoid driving, traversing, or staging in the St. Joseph River.

Response: To the extent practicable, all work will be done by cranes located at the top of the river banks or from barges in the river. Temporary construction access pads may be required to be placed in the St. Joseph River to allow for cranes to drive pier piles and place beams for the new structure. The access pads will be higher than the normal water elevation to keep the construction vehicle out of the river. The access pads will receive a hydraulic analysis to ensure they will not have a harmful effect and permit revisions will be applied for prior to construction of the access pads. During high water periods, the construction vehicles can be moved off of the access pads. The Contractor will be prohibited from traversing the St. Joseph River with any construction equipment.

Comment #5: Place mats under construction equipment, where appropriate, to contain any spills or leaks.

Response: The Contractor is required to follow all applicable laws and regulations regarding management of polluting materials and is responsible for maintaining his equipment and insure the equipment is in good working order. MDOT procedures are in place to immediately respond to any inadvertent leaks.

Comment #6: During destruction of the current bridge, ensure action to minimize the number of smaller pieces that may drop into the St. Joseph River. Commit to removing all concrete pieces or other debris larger than 5 inches in any dimension that may fall into the St. Joseph River.

Response: A Construction Staging Plan that details structure removal and construction phases will be prepared during the design phase. Removal of earth-filled concrete arch structures is often difficult. The following plan note will be added to the bridge plans: "Measures shall be taken to prevent debris from falling from the structure during removal or construction operations. Since disturbance of the waterway bottom may be as harmful as the debris itself, the preventive measures must be effective. If debris does fall in to the waterway, it shall be removed within 24 hours.

U. S. Department of Interior, Fish and Wildlife Service

We submit the following comments in accordance with Section 7 of the Endangered Species Act of 1973, as amended and the National Environmental Policy Act (NEPA).

Comment #1: Under the Migratory Bird Treaty Act of 1918, as amended, it is unlawful to take, capture, kill, or possess migratory birds, their nests, eggs, or young. We recommend that removal of potential nesting structures or habitat associated with the proposed project be completed before spring nesting begins or initiated after the breeding season has ended to avoid take of migratory birds, eggs, young, and/or active nests.

The Michigan Department of Transportation (MDOT) states that the Special Provision for Migratory Birds will be used on this project to avoid impacts to nesting swallows. To protect all migratory birds we further recommend that no habitat or nest structure disturbance, destruction, or removal occur between April 15 and August 15 of each year to minimize potential impacts to migratory birds during their nesting season, although MDOT should be aware that some avian species initiate nesting before April 15.

Response: The Special Provision (SP) for Migratory Bird Protection will be set up for this project. This SP provides for protection of active nests from April 15 to September 1.

The Contractor may erect barriers or deterrents prior to the April 15 date to prevent active nests from being built.

Comment #2: The proposed project occurs within the range of the federally endangered snuffbox mussel (*Epioblasma triquetra*). MDOT indicates that a mussel survey will be conducted prior to construction. Due to the potential for snuffbox to occur in the project vicinity, we request that the survey be conducted by an individual who possesses a current Federal permit authorizing them to survey for snuffbox. If snuffbox is found to be in proximity of the proposed project, the Federal Highway Administration should consult with our office to determine if snuffbox would be adversely affected by the proposed project.

Response: A freshwater mussel survey for the M-139 bridge project was conducted on October 4 and 5, 2012. The results of the survey listed a total of 128 mussels located and moved to an area upstream of the project site. Of the 128 mussels found, none were either State or Federal listed species. However, three Elktoe, a State Special Concern species were found. Mitigation for any impacts to freshwater mussels has been satisfied.

Comment #3: The proposed project site is also within the range of the Indiana bat (*Myotis sodalis*), a federally listed endangered species. Summering and breeding Indiana bats roost in trees in riparian bottomland and upland forests. Roost trees generally are dead, dying, or live trees with peeling or exfoliating bark, which allows the bat to roost between the bark and the bole of the tree. Favored roost trees often have a southern exposure. To avoid take of this endangered species, we recommend minimizing tree clearing to the extent feasible and leaving any tree larger than 3 inches in diameter standing. If tree removal is necessary, tree clearing should occur after Indiana bats typically leave Michigan for the winter (October 15) and before Indiana bats typically arrive in Michigan to breed (April 1).

Response: No impacts are anticipated because there was no suitable habitat which exists for the Indiana bat within the project site.

Comment #4: MDOT states that concentrations of mercury, lead and selenium above the Michigan Department of Environmental Quality's cleanup criteria were detected in the project vicinity. We understand that Best Management Practices (BMP's) and special provisions will be used to minimize erosion and re-suspension of the contaminants during excavation and/or dredging. We are concerned, however, that the dredging and excavation of sediment may expose deeper layers of sediment that may have greater concentrations than those currently on the surface.

Therefore, we recommend that an appropriate number of samples be taken at the depth in the sediment cores that will become the new surface layer of sediments in the excavated or dredged area. The results of analyses of these core sections can be used to address whether the project is increasing the risk of contaminant exposure to benthic invertebrates, fish, and the rest of the aquatic food web, and to what extent.

Response: The Preliminary Site Investigation (PSI) for this project entailed 4 soil samples at the abutments and 16 sediments samples in the vicinity of the existing and proposed bridge piers. The samples covered both surface and sub-surface depths. Concentrations of mercury above Part 201 cleanup criteria were detected at the east and west abutments at depths ranging from 0 to 10 feet below grade surface. Concentrations of lead above Part 201 cleanup criteria were detected north and south of pier 3 at depths ranging from 0 to 3 feet and south of the east abutment at depths between 0 and 1 foot. A concentration of selenium above Part 201 cleanup criteria were detected at the west bridge abutment at depths ranging from 9 to 10 feet below plan grade. MDOT will minimize the risk of increasing exposure of contaminants to benthic invertebrates, fish, and the rest of the aquatic food chain by dredging inside enclosed cofferdams and implementing erosion and sedimentation controls to contain excavated and dredged material. The requirements of the "Special Provision for Non-Hazardous Contaminated Material Handling and Disposal" will be met; including laboratory testing to solicit landfill approval and temporary storage requirements.

Comment #5: We do not have any comments regarding the impact of the proposed project on any property eligible or listed on the National Register of Historic Places.

Response: Comment noted.

Project Mitigation Summary “Green Sheet”
For the Preferred Alternative

November 15, 2012

Findings of No Significant Impact (FONSI)
Programmatic Section 4(f) Evaluation

M-139 (Main Street) Bridge Replacement
Over the St. Joseph River
In the City of Niles,
Berrien County, Michigan

This project mitigation summary “Green Sheet” contains the project specific mitigation measures being considered at this time. These mitigation items and commitments may be modified during the final design, right-of-way acquisition or construction phases of this project.

I. Social and Economic Environment

- a. *Visual Resources* – MDOT will facilitate a “context sensitive design workshop” during the design phase to involve the community and State Historic Preservation Office (SHPO) in determining the aesthetic treatment for the proposed new structure.
- b. *Maintaining Traffic* – Traffic will be detoured during construction. The Broadway/Grant Street bridge located approximately 1000 feet south of the proposed M-139 (Main Street) structure will be used for the detour. The detour is expected to be in place for approximately one year. The Detour will also include Lincoln Street, 5th Street (M-51), and Wayne Street. Coordination with local officials will occur to facilitate emergency service and school bus routes. Access to residences and businesses within the project area will be maintained during construction.
- c. *Parks* – No fee right-of-way (ROW) is required from Riverfront Park located adjacent to the NE quadrant of the structure. The section of existing non-motorized path under the M-139 structure along the east side of the St. Joseph River will be replaced and widened to current standards within MDOT ROW as part of this project. The construction area will be fenced and pedestrian access will be prohibited. The non-motorized path will be signed and detoured during construction. A temporary 30’ by 50’ triangular grading permit will be needed from the park to replace and lengthen the retaining wall adjacent to the non-motorized path. The Contractor shall not use Riverfront Park for construction staging and no vehicles or materials will be stored on park property. Access to Riverfront Park shall be maintained at all times during construction.

There is a City of Niles owned recreational property that contains two boat ramps located on the east side of the St. Joseph River south of the Broadway/Grant Street bridge. The City has indicated they will allow the Contractor to use a portion of this property to assemble and launch a construction barge and crane to be used for the M-139 structure

replacement. The Contractor will be allowed to use the launch site to remove the crane and barge when no longer needed. The Contractor will not be allowed to use this City recreational property for a staging yard for this project and no materials or equipment other than the barge and crane will be allowed on this property during construction. Public access to this City of Niles recreational property must be maintained at all times during construction.

II. Natural Environment

- a. *Stream Crossing* – Removal of the existing river piers and construction of the new bridge piers will be done inside enclosed cofferdams. If possible, all work will be done by cranes located at the top of the river banks or from barges in the river. If barges are used, minor dredging may be required to obtain the five foot minimum depth required for barges supporting cranes. Temporary construction pads may be required in the St. Joseph River to allow for cranes to drive pier piles and place beams for the new structure. A Construction Staging Plan that details structure removal and construction phases will be prepared during the design phase. Removal of earth-filled concrete arch structures is often difficult but any bridge debris that falls into the river will be removed within 24 hours. Coordination with permitting agencies will occur during the permit application phase of the project. Soil erosion and sedimentation control measures will be included in the design plans and enforced during construction.
- b. *Floodplains* – The new M-139 structure will be able to pass the 100-year storm event without causing harmful interference. The new bridge will be designed to handle anticipated scour based on FHWA guidelines. Preliminary hydraulic review indicates riprap will be required around both sides of the new piers and extend out from each new abutment. The hydraulic information will be verified in final design once all construction limits and design details are identified.
- c. *Water Quality* – Compliance with MDOT’s MS4 NPDES permit will be required. All storm water outfalls will be properly labeled. All work in the St. Joseph River for removal of existing piers and construction of new piers will be done inside an enclosed cofferdam to isolate the construction activity from the St. Joseph River. Drainage will be collected in an enclosed drainage system that will tie into the City of Niles enclosed drainage system at the east end of the bridge. The bridge drainage will then travel thru two enlarged City of Niles catch basins before being allowed to outlet to the St. Joseph River thru an existing pipe in the NE quadrant. The enlarged catch basins will better contain any sand contained in the bridge runoff.
- d. *Wildlife Resources* - The Special Provision (SP) for Migratory Birds will be set up on this project to avoid impacts to nesting swallows at the M-139 Structure over the St. Joseph River. This SP provides for protection of active nests from April 15 to September 1. The Contractor may erect barriers or deterrents prior to the April 15 date to prevent active nests from being built.
- e. *Threatened/Endangered Species* – A freshwater mussel survey was conducted in the vicinity of the M-139 on October 4 and 5, 2012. A total of 128 mussels were found and were relocated to an area upstream of the project site. No State or Federal listed species were found but there were 3 Elktoe, a State Special Concern, species found.

III. Cultural Environment

- a. *Historic Resource* – Prior to any construction activities, the historic M-139 (Old US-12BR)/Main Street structure will be documented in text and graphics to record its place in history. The design of the replacement bridge will draw from SHPO and community input and will complement the setting and community values and vision. MDOT will provide an interpretive sign, located near the replacement bridge, to explain the history of the crossing at the St. Joseph River. MDOT will salvage the existing bridge plaque to be re-used on the new bridge with associated interpretation or donated to a local institution. If owner permission is obtained, MDOT will provide National Register nominations for the two National Register-eligible homes in the southwest quadrant of the bridge. Specific details of the historic structure mitigation commitments are listed in the signed Memorandum of Agreement (MOA) found in Appendix B of this FONSI/Programmatic Section 4(f) Evaluation.

IV. Hazardous/Contaminated Materials

- a. *Project Contamination* – A Project Area Contamination Survey (PACS) and Phase II Environmental Site Assessment were performed for this project. Concentrations of mercury above MDEQ cleanup criteria were detected at the east and west abutments. Concentrations of lead above MDEQ cleanup criteria were detected in river bottom sediment around the east pier and between the east pier and the east abutment. A concentration of selenium above MDEQ cleanup criteria was detected at the west bridge abutment. Potential areas of concern have been identified and additional review (and testing if required) will occur during the design phase when slope-stake lines and construction limits are determined.
- b. *Contamination Mitigation* – All areas of contamination will be identified in the plans and an estimated quantity of non-hazardous contaminated media will be included in the project proposal for the appropriate handling and disposal of contaminated soil at the bridge abutments and dredged/excavated sediment at the east pier and east abutment. Conditions stipulated in the “Special Provision for Non-Hazardous Contaminated Material Handling and Disposal” must be met during construction; including laboratory testing to solicit landfill approval and temporary storage requirements. Proper measures must be taken to contain disturbed soil and sediment. Soil erosion and sedimentation controls based on best management practices (BMP’s) such as cofferdams and turbidity curtains will minimize sediment disturbance and control sediment loss in the river. All contaminated media which includes dredged sediment will be properly handled and disposed of in accordance with state and federal regulations. A copy of the above SP will be submitted to MDEQ along with the permit application.
- c. *Contamination Exposure* – A Workers Health and Safety Plan will be prepared for this project.

V. Construction

- a. *Construction Permits* – Permits under Act 451, Part 31 (Water Quality and Floodplains), and Part 301, (Inland Lakes and Streams) 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. Coordination will occur with

owners/operators of dams located both upstream and downstream of the proposed M-139 structure over the St. Joseph River in design and during construction to address any water level changes.

- b. *Construction Restriction Dates* – No work will occur in the St. Joseph River channel from May 1 through June 30 to protect juvenile and spawning life stages and habitats of warmwater fish species in the St. Joseph River. Any work in the water that is necessary during this seasonal time restriction must be performed inside an enclosed cofferdam installed prior to May 1. It is possible that changes to these restriction dates may occur during the environmental permitting process. Dates issued by the MDEQ in the final environmental permit will supersede dates listed in this Environmental Assessment.
- c. *De-Watering* – Water from de-watering of cofferdams used for work in the St. Joseph River will be treated prior to discharge.
- d. *Construction Noise* - Construction noise will be minimized by measures such as requiring that construction equipment have mufflers, that portable compressors meet federal noise-level standards for that equipment, and that all portable equipment be placed away from or shielded from sensitive noise receptors. Since the bridge replacement will occur with a detour route, no work outside of normal daylight construction is anticipated. MDOT will monitor the contractor to ensure they are in compliance with the city of Niles Noise Ordinance Policy (work prohibited from sundown until 7:00 a.m. the following day) or any variances granted the contractor by the Niles City Administer.
- e. *Construction Vibration* - Basement/foundation video-taping prior to construction will be offered to structures within 150 feet of any construction activity in areas where vibration effects could occur, where pavement and the bridge will be removed or where piling and/or steel sheeting is planned. These areas will be identified during the design phase and would include the two historic buildings and stone wall in the southwest quadrant of the existing bridge. The sections of Main Street and St. Joseph Street in the vicinity of the two historic buildings and stone wall will have the sub-base compacted by rolling instead of vibratory equipment. Monitoring will occur before, during and after the construction phase.
- f. *Air Quality Impacts* – Exposure to diesel exhaust by construction workers and those nearby a construction site can have serious health implications. The construction period is of short duration and construction mitigation is not required. However, several measures may be implemented to reduce engine activity or reduce emissions per unit of operating time. Construction equipment should be kept clean, tuned-up, and in good operating condition. MDOT’s Standard Construction Specification Sections 107.15(A) and 107.19 would apply to control fugitive dust during construction and cleaning of haul roads. All MDOT vehicles and equipment must follow MDOT Guidance #10179 (2/15/2009) Vehicle and Equipment Engine Idling.

APPENDIX A



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

KIRK T. STEUDLE
DIRECTOR

November 16, 2012

Mr. Russell Jorgenson
Division Administrator
Federal Highway Administration
315 West Allegan, Room 211
Lansing, Michigan 48901

Dear Mr. Jorgenson:

Certification of the request for public hearing on the Environmental Assessment (EA) and Programmatic 4(f) Evaluation for the proposed replacement of the the M-139 (Main Street) bridge over the St. Joseph River in Niles, Michigan.

This is to certify that a legal notice was placed in the *Niles Daily Star* newspaper on Monday, October 1, 2012, to obtain public comments and determine interest in conducting a public hearing on the proposed replacement of the M-139 (Main Street) bridge over the St., Joseph River in Niles.

The advertisement, as well as a news release issued by the MDOT Office of Communications, 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. I received no public comments and no requests for a public hearing by the November 14, 2012, deadline stated in the legal notice and news release.

Copies of the legal notice and news release are attached for your review and record.

Sincerely,

Robert H. Parsons
Public Involvement and Hearings Officer
Bureau of Highway Development

Enclosure



MDOT PRESS RELEASE

FOR IMMEDIATE RELEASE

MONDAY, OCT. 1, 2012

**CONTACT: Robert Parsons, MDOT Public Involvement and Hearings Officer,
ParsonsB@michigan.gov; 517-373-9534**

Environmental Assessment completed for M-139 bridge replacement in Niles, open for public review and comment

October 1, 2012 -- The Michigan Department of Transportation (MDOT) has completed an Environmental Assessment (EA) on the proposed replacement of the M-139 (Main Street) bridge over the St. Joseph River in Niles, Berrien County.

The EA describes and analyzes the proposed project to replace the existing M-139 bridge and drainage improvements. The new concrete structure will consist of two, 15-foot wide travel lanes, the same as the existing, but will have wider, seven-foot wide sidewalks on both sides. It will follow the existing alignment, with slight changes in the horizontal and vertical curves to improve sight lines. The bridge is eligible for listing on the National Register of Historic Places and its removal will be an adverse effect, requiring MDOT to coordinate with the State Historic Preservation Office.

During construction of the new bridge, M-139 traffic will be detoured. MDOT has coordinated with the city of Niles regarding the proposed detour. Pedestrian and nonmotorized traffic under the bridge also will be detoured, signed and ADA accessible.

The EA is available for public review and comments through Nov. 14, 2012, on-line and at the following locations:

Niles City Hall, 508 E. Main St..

Niles District Library, 620 E. Main St., Niles

MDOT Coloma Transportation Service Center, 3880 Red Arrow Hwy., Benton Harbor

MDOT Southwest Region Office, 1501 Kilgore Rd., Kalamazoo

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), 800-649-3777 (TRS) or 711 (TRS) 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 Nov. 14, 2012. 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.

###

Don't Barrel Through Work Zones! – Drive Smart to Stay Alive.

www.michigan.gov/drive | www.twitter.com/MichiganDOT | www.facebook.com/MichiganDOT

*They watched over us...
Now it's our turn.*



IF YOU SUSPECT SENIOR ABUSE, IMMEDIATELY CONTACT THE:

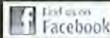
**BERRIEN COUNTY SHERIFF'S DEPARTMENT
1 (866) 630-7679**

ADULT PROTECTIVE SERVICES (APS)

1 (855) 444-3911



OR 911 FOR ALL EMERGENCIES



www.bcsheriff.org

calendar

Please submit calendar events to Managing Editor Katie Rohman by email, katie.rohman@leaderpub.com; phone, (269) 687-7713; fax, 683-2175; or mail, or visit the Leader Publications office at 217 N. Fourth St., Niles, MI 49120.

Today

— "Showcase for Symphony and Youth," presented by the Monday Musical Club of Southwestern Michigan, is at 1 p.m. at St. Joseph First United Methodist Church, 3003 Leco Court, St. Joseph; free.

Tuesday

— The Cass County Council on Aging's Front Street Crossing, 227 S. Front St., Dowagiac, will host a public flu clinic from 9 a.m. to noon. To schedule a visit, call (269) 445-5280.

— The Niles Art Association will meet at 7 p.m. in the Community Room of The Niles District Library, 620 E. Main St. Meetings are free and open to the public.

Wednesday

— Slim Gypsy Baggage plays 7 p.m. at Rivers Edge Bar & Grill, 653 W. Main St., Benton Harbor.

— Michigan Blood drive, 2 to 7 p.m., VFW Post 1855, large banquet room, 472 E. Division St., Dowagiac.

— A praise and worship

celebration at Beacon Baptist Church, 2522 S. 13th St., Niles, will take place at 7 p.m. The public is invited.

Thursday

— Bend of the River Conservation Club will be holding a hunter safety class from 6 to 10 p.m. at 900 Mayflower Rd., Niles. Registration is \$10 and includes Saturday's lunch. Hunters must attend the class all three days, Oct. 4, 5 and 6. Contact Julie Winquist at (269) 635-3705 with questions.

— Michigan Blood drive, 2 to 6 p.m., Bodek and Rhodes, 2121 Chicago Rd., Niles.

Friday

— On Shore Cruise Party, embarking at 6 p.m. at Vineland Center, 1155 Vineland Rd., St. Joseph; \$50. Event includes dinner, dancing, karaoke, silent auction, bingo, casino, talent show and fashion parade.

— "A Bad Year for Tomatoes," 7:30 p.m. The Beckwith Theatre, 100 New York Ave. in Dowagiac; \$10.

— "Wait Until Dark," 8 p.m., Twin City Players Playhouse, 600 W. Glenford Rd., St. Joseph; \$12.

— "Remembering Marilyn, opening reception, 6 to 8 p.m. at Anna Russo-Sieber Gallery, 147 Fifth St., Benton Harbor; free.

— Michigan Blood drive, Borgess Lee Memo-

rial Hospital, bus, 420 W. High St., Dowagiac.

— Bluesman Keith Scott performs from 5 to 8 p.m. at the Gravity Winery, 10220 Lauer Rd.

— An opening reception for artist Marilyn O'Bryant is from 6 to 8 p.m. at Anna Russo Sieber Gallery, 147 Fifth St. in Benton Harbor.

— Baroda Founders Wine Cellar, 8963 Hills Rd. in Baroda, hosts Wine-Down Friday from 5:30 to 9 p.m. with \$5 wine tasting, appetizers and live music.

— TOPS meets at 8:15 a.m. every Friday at Michiana Christian Embassy, Niles. Weigh-in at 8:15 a.m.; meeting at 9:30 a.m. TOPS men and women learn health and diet tips during programs.

— Our Lady of the Lake will host their annual spaghetti dinner at the church, 24832 US 12 East, Edwardsburg, from 4:30 to 7 p.m. Adults are \$8, children \$4.

— Bend of the River Conservation Club will be holding a hunter safety class from 6 to 10 p.m. at 900 Mayflower Rd., Niles. Registration is \$10 and includes Saturday's lunch. Hunters must attend the class all three days, Oct. 4, 5 and 6. Contact Julie Winquist at (269) 635-3705.

— A First Friday film will begin at 8 p.m. at the Box Factory for the Arts, 1101 Broad St., St. Joseph. Tickets are \$5 at the door.

WINTER SHUT-OFF PROTECTION PROGRAM City of Niles Utilities Department



Winter heating bills can have a major impact on your household budget. For those having trouble paying their bills, it is very important that you know that help with winter heating bills may be available to you. If you are unable to pay your utility bill, you should first contact your energy supplier and explain your situation before receiving a shut-off notice. *Winter shut-off protection for eligible electric customers is available for the winter heating season which runs from November 1 to March 31.*

The State Emergency Relief (SER) Program is administered by the Department of Human Services (DHS). SER is a crisis intervention program and provides services such as payment for heating fuel and electricity. Call 800-292-5650, Monday through Friday, between the hours of 8:00 am and 4:45 pm to determine eligibility, or for more information.

The following programs are available to City of Niles Utilities Department electric customers:

Critical Care Customer / Medical Emergency Customer

Customer shall provide certification from a physician of the emergency/critical care condition to get a 21-day postponement. An additional 21-day postponement can be obtained if the physician's certification still applies. Total postponement is not to exceed 63 days.

Military Shutoff Protection:

This program offers the eligible customer shut-off privileges for a period of 90 days. The eligible customer may be granted at least one additional 90-day period as long as the customer meets all the conditions for an eligible military customer and requests us to do so. After the close of the last 90-day period, the customer will be required to pay any past due amounts in equal monthly payments over a period of up to 12 months.

Low Income / Senior Citizen Protection:

Eligible low income customers, and senior citizen customers, aged 65 years or older, who provide proof of eligibility, also have winter protection payment program options available to them. Call us for more details.



Call us for information on any of these programs
City of Niles Utilities Department
(269) 683-4700

Your community-owned electric utility is at your service.



NOTICE MICHIGAN DEPARTMENT OF TRANSPORTATION ENVIRONMENTAL ASSESSMENT AND PROGRAMMATIC SECTION 4(F) EVALUATION FOR THE PROPOSED REPLACEMENT OF THE M-139 (MAIN STREET) BRIDGE OVER THE ST. JOSEPH RIVER, NILES, MICHIGAN

The Michigan Department of Transportation (MDOT) has completed an Environmental Assessment (EA) Programmatic Section 4(f) Evaluation on a proposed replacement of the M-139 (Main Street) bridge over the St. Joseph River in Niles.

The EA describes and analyzes the proposed work and the measures taken to minimize harm to the project area. The proposed project involves replacement of the existing bridge and bridge approaches, and improvements to drainage. The new concrete structure will consist of two, 15-foot wide travel lanes, the same as the existing, but will have wider, seven-foot wide sidewalks on both sides. It will follow the existing alignment, with slight changes in the horizontal and vertical curves to improve sight lines. The bridge is eligible for listing on the National Register of Historic Places and its removal will be an adverse effect, requiring MDOT to coordinate with the State Historic Preservation Office.

MDOT has encouraged public involvement during the study process by conducting public meetings on April 26, 2010 and January 26, 2011, and by providing study information and opportunities for comment at www.michigan.gov/mdotstudies. The EA is available for review and comment through November 14, 2012, on-line and at the following locations: Niles City Hall, 508 E. Main St.; Niles District Library, 620 E. Main St., Niles; MDOT Coloma Transportation Service Center, 3880 Red Arrow Hwy., Benton Harbor; MDOT Southwest Region Office, 1501 Kilgore Rd., Kalamazoo; 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), 800-649-3777 (TRS) or 711 (TRS) 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 November 14, 2012. 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. When the project proceeds to design, MDOT will host a meeting to assess community preferences for the aesthetics of the replacement bridge.

APPENDIX B



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

KIRK T. STEUDLE
DIRECTOR

November 16, 2012

Mr. Russell Jorgenson
Division Administrator
Federal Highway Administration
315 West Allegan, Room 211
Lansing, Michigan 48901

Dear Mr. Jorgenson:

Certification of the request for public hearing on the Environmental Assessment (EA) and Programmatic 4(f) Evaluation for the proposed replacement of the the M-139 (Main Street) bridge over the St. Joseph River in Niles, Michigan.

This is to certify that a legal notice was placed in the *Niles Daily Star* newspaper on Monday, October 1, 2012, to obtain public comments and determine interest in conducting a public hearing on the proposed replacement of the M-139 (Main Street) bridge over the St., Joseph River in Niles.

The advertisement, as well as a news release issued by the MDOT Office of Communications, 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. I received no public comments and no requests for a public hearing by the November 14, 2012, deadline stated in the legal notice and news release.

Copies of the legal notice and news release are attached for your review and record.

Sincerely,

Robert H. Parsons
Public Involvement and Hearings Officer
Bureau of Highway Development

Enclosure



MDOT **PRESS RELEASE**

FOR IMMEDIATE RELEASE

MONDAY, OCT. 1, 2012

**CONTACT: Robert Parsons, MDOT Public Involvement and Hearings Officer,
ParsonsB@michigan.gov; 517-373-9534**

Environmental Assessment completed for M-139 bridge replacement in Niles, open for public review and comment

October 1, 2012 -- The Michigan Department of Transportation (MDOT) has completed an Environmental Assessment (EA) on the proposed replacement of the M-139 (Main Street) bridge over the St. Joseph River in Niles, Berrien County.

The EA describes and analyzes the proposed project to replace the existing M-139 bridge and drainage improvements. The new concrete structure will consist of two, 15-foot wide travel lanes, the same as the existing, but will have wider, seven-foot wide sidewalks on both sides. It will follow the existing alignment, with slight changes in the horizontal and vertical curves to improve sight lines. The bridge is eligible for listing on the National Register of Historic Places and its removal will be an adverse effect, requiring MDOT to coordinate with the State Historic Preservation Office.

During construction of the new bridge, M-139 traffic will be detoured. MDOT has coordinated with the city of Niles regarding the proposed detour. Pedestrian and nonmotorized traffic under the bridge also will be detoured, signed and ADA accessible.

The EA is available for public review and comments through Nov. 14, 2012, on-line and at the following locations:

Niles City Hall, 508 E. Main St..

Niles District Library, 620 E. Main St., Niles

MDOT Coloma Transportation Service Center, 3880 Red Arrow Hwy., Benton Harbor

MDOT Southwest Region Office, 1501 Kilgore Rd., Kalamazoo

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), 800-649-3777 (TRS) or 711 (TRS) 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 Nov. 14, 2012. 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.

###

Don't Barrel Through Work Zones! – Drive Smart to Stay Alive.

www.michigan.gov/drive | www.twitter.com/MichiganDOT | www.facebook.com/MichiganDOT

*They watched over us...
Now it's our turn.*



IF YOU SUSPECT SENIOR ABUSE, IMMEDIATELY CONTACT THE:

**BERRIEN COUNTY SHERIFF'S DEPARTMENT
1 (866) 630-7679**

ADULT PROTECTIVE SERVICES (APS)

1 (855) 444-3911



OR 911 FOR ALL EMERGENCIES



www.bcsheriff.org

calendar

Please submit calendar events to Managing Editor Katie Rohman by email, katie.rohman@leaderpub.com; phone, (269) 687-7713; fax, 683-2175; or mail, or visit the Leader Publications office at 217 N. Fourth St., Niles, MI 49120.

Today

— "Showcase for Symphony and Youth," presented by the Monday Musical Club of Southwestern Michigan, is at 1 p.m. at St. Joseph First United Methodist Church, 3003 Leco Court, St. Joseph; free.

Tuesday

— The Cass County Council on Aging's Front Street Crossing, 227 S. Front St., Dowagiac, will host a public flu clinic from 9 a.m. to noon. To schedule a visit, call (269) 445-5280.

— The Niles Art Association will meet at 7 p.m. in the Community Room of The Niles District Library, 620 E. Main St. Meetings are free and open to the public.

Wednesday

— Slim Gypsy Baggage plays 7 p.m. at Rivers Edge Bar & Grill, 653 W. Main St., Benton Harbor.

— Michigan Blood drive, 2 to 7 p.m., VFW Post 1855, large banquet room, 472 E. Division St., Dowagiac.

— A praise and worship

celebration at Beacon Baptist Church, 2522 S. 13th St., Niles, will take place at 7 p.m. The public is invited.

Thursday

— Bend of the River Conservation Club will be holding a hunter safety class from 6 to 10 p.m. at 900 Mayflower Rd., Niles. Registration is \$10 and includes Saturday's lunch. Hunters must attend the class all three days, Oct. 4, 5 and 6. Contact Julie Winquist at (269) 635-3705 with questions.

— Michigan Blood drive, 2 to 6 p.m., Bodek and Rhodes, 2121 Chicago Rd., Niles.

Friday

— On Shore Cruise Party, embarking at 6 p.m. at Vineland Center, 1155 Vineland Rd., St. Joseph; \$50. Event includes dinner, dancing, karaoke, silent auction, bingo, casino, talent show and fashion parade.

— "A Bad Year for Tomatoes," 7:30 p.m. The Beckwith Theatre, 100 New York Ave. in Dowagiac; \$10.

— "Wait Until Dark," 8 p.m., Twin City Players Playhouse, 600 W. Glenford Rd., St. Joseph; \$12.

— "Remembering Marilyn, opening reception, 6 to 8 p.m. at Anna Russo-Sieber Gallery, 147 Fifth St., Benton Harbor; free.

— Michigan Blood drive, Borgess Lee Memo-

rial Hospital, bus, 420 W. High St., Dowagiac.

— Bluesman Keith Scott performs from 5 to 8 p.m. at the Gravity Winery, 10220 Lauer Rd.

— An opening reception for artist Marilyn O'Bryant is from 6 to 8 p.m. at Anna Russo Sieber Gallery, 147 Fifth St. in Benton Harbor.

— Baroda Founders Wine Cellar, 8963 Hills Rd. in Baroda, hosts Wine-Down Friday from 5:30 to 9 p.m. with \$5 wine tasting, appetizers and live music.

— TOPS meets at 8:15 a.m. every Friday at Michiana Christian Embassy, Niles. Weigh-in at 8:15 a.m.; meeting at 9:30 a.m. TOPS men and women learn health and diet tips during programs.

— Our Lady of the Lake will host their annual spaghetti dinner at the church, 24832 US 12 East, Edwardsburg, from 4:30 to 7 p.m. Adults are \$8, children \$4.

— Bend of the River Conservation Club will be holding a hunter safety class from 6 to 10 p.m. at 900 Mayflower Rd., Niles. Registration is \$10 and includes Saturday's lunch. Hunters must attend the class all three days, Oct. 4, 5 and 6. Contact Julie Winquist at (269) 635-3705.

— A First Friday film will begin at 8 p.m. at the Box Factory for the Arts, 1101 Broad St., St. Joseph. Tickets are \$5 at the door.

WINTER SHUT-OFF PROTECTION PROGRAM City of Niles Utilities Department



Winter heating bills can have a major impact on your household budget. For those having trouble paying their bills, it is very important that you know that help with winter heating bills may be available to you. If you are unable to pay your utility bill, you should first contact your energy supplier and explain your situation before receiving a shut-off notice. *Winter shut-off protection for eligible electric customers is available for the winter heating season which runs from November 1 to March 31.*

The State Emergency Relief (SER) Program is administered by the Department of Human Services (DHS). SER is a crisis intervention program and provides services such as payment for heating fuel and electricity. Call 800-292-5650, Monday through Friday, between the hours of 8:00 am and 4:45 pm to determine eligibility, or for more information.

The following programs are available to City of Niles Utilities Department electric customers:

Critical Care Customer / Medical Emergency Customer

Customer shall provide certification from a physician of the emergency/critical care condition to get a 21-day postponement. An additional 21-day postponement can be obtained if the physician's certification still applies. Total postponement is not to exceed 63 days.

Military Shutoff Protection:

This program offers the eligible customer shut-off privileges for a period of 90 days. The eligible customer may be granted at least one additional 90-day period as long as the customer meets all the conditions for an eligible military customer and requests us to do so. After the close of the last 90-day period, the customer will be required to pay any past due amounts in equal monthly payments over a period of up to 12 months.

Low Income / Senior Citizen Protection:

Eligible low income customers, and senior citizen customers, aged 65 years or older, who provide proof of eligibility, also have winter protection payment program options available to them. Call us for more details.



Call us for information on any of these programs
City of Niles Utilities Department
(269) 683-4700

Your community-owned electric utility is at your service.



NOTICE MICHIGAN DEPARTMENT OF TRANSPORTATION ENVIRONMENTAL ASSESSMENT AND PROGRAMMATIC SECTION 4(F) EVALUATION FOR THE PROPOSED REPLACEMENT OF THE M-139 (MAIN STREET) BRIDGE OVER THE ST. JOSEPH RIVER, NILES, MICHIGAN

The Michigan Department of Transportation (MDOT) has completed an Environmental Assessment (EA) Programmatic Section 4(f) Evaluation on a proposed replacement of the M-139 (Main Street) bridge over the St. Joseph River in Niles.

The EA describes and analyzes the proposed work and the measures taken to minimize harm to the project area. The proposed project involves replacement of the existing bridge and bridge approaches, and improvements to drainage. The new concrete structure will consist of two, 15-foot wide travel lanes, the same as the existing, but will have wider, seven-foot wide sidewalks on both sides. It will follow the existing alignment, with slight changes in the horizontal and vertical curves to improve sight lines. The bridge is eligible for listing on the National Register of Historic Places and its removal will be an adverse effect, requiring MDOT to coordinate with the State Historic Preservation Office.

MDOT has encouraged public involvement during the study process by conducting public meetings on April 26, 2010 and January 26, 2011, and by providing study information and opportunities for comment at www.michigan.gov/mdotstudies. The EA is available for review and comment through November 14, 2012, on-line and at the following locations: Niles City Hall, 508 E. Main St.; Niles District Library, 620 E. Main St., Niles; MDOT Coloma Transportation Service Center, 3880 Red Arrow Hwy., Benton Harbor; MDOT Southwest Region Office, 1501 Kilgore Rd., Kalamazoo; 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), 800-649-3777 (TRS) or 711 (TRS) 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 November 14, 2012. 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. When the project proceeds to design, MDOT will host a meeting to assess community preferences for the aesthetics of the replacement bridge.

APPENDIX C



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 09 2012

REPLY TO THE ATTENTION OF:
E-19J

Kristin Schuster
Michigan Department of Transportation
425 West Ottawa – P.O. Box 30050
Lansing, Michigan 48909

RE: Draft Environmental Assessment/Programmatic Section 4(f) Evaluation: Main Street Bridge Replacement, City of Niles, Berrien County, Michigan

Dear Ms. Schuster:

The United States Environmental Protection Agency has received the Michigan Department of Transportation's (MDOT) and the Federal Highway Administration's (FHWA) correspondence dated September 26, 2012, requesting EPA's comments on a Draft Environmental Assessment/Programmatic Section 4(f) Evaluation and its associated documents, plans, and appendices (hereafter referred to as the Draft EA) for the proposed Main Street Bridge Replacement project in Niles, Michigan.

The overall goal of this project is the replacement of the Main Street Bridge because of its poor structural integrity. This Draft EA discusses the potential negative impact the MDOT and FHWA's proposal might have pertaining to the construction alternatives, protection of Riverfront Park, the existing historic bridge, and other properties identified as being listed on the National Register of Historic Places. The Draft EA includes a Programmatic Section 4(f) Evaluation which addresses the necessity of the preferred alternative and that such measures would adequately limit potential harm to the relevant properties. Additionally, Section 6(f) of the Land and Water Conservation Act regulates actions that would prevent public outdoor recreation areas from being converted to areas for transportation use. Proposed mitigation measures include: 1) adequate dust-control measures; 2) no construction work in the St. Joseph River channel from May 1 to June 30 to protect warm-water fish species; 3) any work in the water during the aforementioned time restrictions must be performed in an enclosed cofferdam installed prior to May 1, and 4) measures to limit exacerbation of water quality concerns due to chemicals already present in the river. The Draft EA also documents discussions between MDOT and the Michigan State Historic Preservation Office regarding the existing historic bridge.

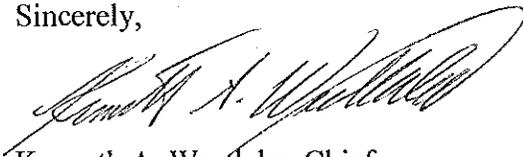
EPA has reviewed the Draft EA. This letter provides our comments on the Draft EA pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

Under the Existing Environment and Potential Impacts – “Effect on Lakes, Streams, or Other Bodies of Water” Section, the Draft EA states that mitigation measures will ensure that contactors will be responsible for maintaining the integrity of such aquatic resources. EPA recommends the following measures be committed to in the Findings of No Significant Impact (FONSI) to ensure impacts to the St. Joseph River are minimized. When doing work in or adjacent to wetlands, streams, lakes, or other bodies of water, MDOT and FHWA should ensure that contractors employ the following measures to minimize any adverse effects on aquatic resources.

- Use easily-removed materials for construction of access roads that are sited within wetlands adjacent to the River (e.g., swamp/timber mats) in lieu of materials that sink (e.g., stone, rip-rap, wood chips).
- Use swamp/timber mats or alternative matting to distribute the weight of construction equipment. This will minimize soil rutting and compaction.
- Use vehicles and construction equipment with wider-tired or rubberized tracks or use of low ground pressure equipment to further minimize impacts during construction access and staging.
- Use long-reach excavators, where appropriate, to avoid driving, traversing, or staging in the St. Joseph River.
- Place mats under construction equipment, where appropriate, to contain any spills or leaks.
- During destruction of the current bridge, ensure action to minimize the number of smaller pieces that may drop into the St. Joseph River. Commit to removing all concrete pieces or other debris larger than 5 inches in any dimension that may fall into the St. Joseph River.

Thank you for the opportunity to review and comment upon this Draft Environmental Assessment/Programmatic Section 4(f) Evaluation. Please send us a copy of the final EA/FONSI. We are available to discuss our comments with you in further detail if requested. If you have any further questions about this letter, please contact Mr. Robert O’Brien of my staff at 312-886-3283 or via e-mail at obrien.robert@epa.gov.

Sincerely,



Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Enforcement and Compliance Assurance

cc: Gerald Fulcher, MDEQ, Water Resources Division, Transportation and Flood Management Unit



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

November 13, 2012

Ms. Kristin Schuster, Manager
Environmental Services Section
Bureau of Highway Development
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

Dear Ms. Schuster:

SUBJECT: Environmental Assessment (EA)– Main Street Bridge (M-139) Over the St. Joseph River, Niles, Michigan, Berrien County

The Michigan Department of Environmental Quality (DEQ), Water Resources Division (WRD), has completed review of your September 12, 2012, submittal of the Environmental Assessment (EA) for the Main Street Bridge (M-139) over the St. Joseph River, in the City of Niles, Berrien County, Michigan.

The purpose of the EA is to evaluate the proposed replacement of the existing historically significant four span earth filled arch bridge that was constructed in 1919 on spread footings. The existing road consists of 2, 15-foot lanes with 2, 4-foot sidewalks. The bridge needs to be replaced because it is scour critical is in poor structural condition, and there is a need to improve safety. The EA indicates that the following alternatives were evaluated:

- 1) Use of scour counter measures such as riprap and articulating block mats on the existing structure.
- 2) Drive piles into the existing bridge piers.
- 3) Build on existing alignment.
- 4) Build on slightly modified alignment for safety reasons.
- 5) A 2-span steel beam bridge consisting of 2, 166 foot spans
- 6) A 3-span concrete I-beam bridge consisting of 2, 104 foot spans and 1, 134 foot center span.
- 7) A 3-span concrete I-beam bridge consisting of 3, 111 foot span.

The EA indicates that the preferred alternative is to construct a 3-span (111 feet each span), concrete I-beam bridge with 2, 15-foot lanes which include shared bicycle usage and 2, 7-foot sidewalks. In addition, the preferred alternative also includes geometric improvements on a slightly modified alignment for safety reasons.

The WRD does not object to the issuance of a Finding of No Significant Impact (FONSI) by the Federal Highway Administration for this project. We have the following comments:

- 1) As indicated in the EA a permit will be required from the DEQ under the Floodplain Regulatory Authority, found in Part 31, Water Resources and Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

- 2) WRD recommends that runoff from the bridge be collected and treated prior to discharge to the St. Joseph River.
- 3) Due to the potential for encountering contaminated sediments during project construction it is recommended that an action plan be developed and approved by the DEQ prior to the submittal of a permit application for this project.

As the project planning becomes better defined, we may have additional comments.

Thank you for the opportunity to review this request and provide comments. If you have any questions or need to schedule a field review, please contact Ms. Holly Vickers at 517-373-4667, or you may contact me.

Sincerely,



Gerald W. Fulcher, Jr., P.E., Chief
Transportation and Flood Hazard Unit
Water Resources Division
517-335-3172

cc: Mr. Norm West, USEPA
Mr. Chris Mensing, USFWS
Mr. John Konik, USACE
Mr. Dave Williams, FHWA
Mr. Kam Jordan, DEQ
Ms. Holly Vickers, DEQ



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:

November 7, 2012

Mr. Nicholas Chevance
National Park Service
Midwest Region
1709 Jackson Street
Omaha, NE 68102

RE: Environmental Assessment and Programmatic Section 4(f) Evaluation for the Proposed M-139 Main Street Bridge Replacement, City of Niles, Berrien County, Michigan.

Dear Mr. Chevance:

We are responding to ER 12/0723 (dated October 2, 2012) for comments regarding the Environmental Assessment and Programmatic Section 4(f) Evaluation for the proposed M-139 Main Street Bridge replacement in Niles, Michigan. We submit these comments in accordance with Section 7 of the Endangered Species Act of 1973, as amended (Act), and the National Environmental Policy Act (NEPA).

Migratory Birds

Under the Migratory Bird Treaty Act of 1918, as amended, it is unlawful to take, capture, kill, or possess migratory birds, their nests, eggs, or young. We recommend that removal of potential nesting structures or habitat associated with the proposed project be completed before spring nesting begins or initiated after the breeding season has ended to avoid take of migratory birds, eggs, young, and/or active nests.

The Michigan Department of Transportation (MDOT) states that the Special Provision for Migratory Birds will be used on this project to avoid impacts to nesting swallows. To protect all migratory birds we further recommend that no habitat or nest structure disturbance, destruction, or removal occur between April 15 and August 15 of each year to minimize potential impacts to migratory birds during their nesting season, although MDOT should be aware that some avian species initiate nesting before April 15.

Endangered Species

The proposed project occurs within the range of the federally endangered snuffbox mussel (*Epioblasma triquetra*). MDOT indicates that a mussel survey will be conducted prior to construction. Due to the potential for snuffbox to occur in the project vicinity, we request that the survey be conducted by an individual who possesses a current Federal permit authorizing them to survey for snuffbox. If snuffbox is found to be in the proximity of the proposed project, the Federal

Highway Administration should consult with our office to determine if snuffbox would be adversely affected by the proposed project.

The proposed project site is also within the range of the Indiana bat (*Myotis sodalis*), a federally listed endangered species. Summering and breeding Indiana bats roost in trees in riparian bottomland and upland forests. Roost trees generally are dead, dying, or live trees with peeling or exfoliating bark, which allows the bat to roost between the bark and bole of the tree. Favored roost trees often have a southern exposure. To avoid take of this endangered species, we recommend minimizing tree clearing to the extent feasible and leaving any tree larger than 3 inches in diameter standing. If tree removal is necessary, tree clearing should occur after Indiana bats typically leave Michigan for the winter (October 15) and before Indiana bats typically arrive in Michigan to breed (April 1).

Contaminants

MDOT states that concentrations of mercury, lead and selenium above the Michigan Department of Environmental Quality's cleanup criteria were detected in the project vicinity. We understand that Best Management Practices (BMPs) and special provisions will be used to minimize erosion and resuspension of the contaminants during excavation and/or dredging. We are concerned, however, that the dredging and excavation of sediment may expose deeper layers of sediment that may have greater concentrations of contaminants than those currently on the surface.

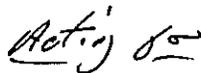
Therefore, we recommend that an appropriate number of samples be taken at the depth in the sediment cores that will become the new surface layer of sediments in the excavated or dredged area. The results of analyses of these core sections can be used to address whether the project is increasing the risk of contaminant exposure to benthic invertebrates, fish and the rest of the aquatic foodweb, and to what extent.

Programmatic Section 4(f) Evaluation

We do not have any comments regarding the impact of the proposed project on any property eligible or listed on the National Register of Historic Places.

We appreciate the opportunity to provide our resource protection recommendations. For further discussion, please contact Chris Mensing of this office at 517-351-8316 or via email at chris_mensing@fws.gov.

Sincerely,



Scott Hicks
Field Supervisor

cc: Dan Kennedy, MDNR, Lansing, MI
Kristin Schuster, MDOT, Lansing MI ✓
Jeff Gosse, USFWS, Fort Snelling, MN
Stephanie Nash, USFWS, Arlington, VA



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

JAMIE CLOVER ADAMS
DIRECTOR

October 29, 2012

Ms. Kristin Schuster, Manager
Environmental Services Section
Bureau of Highway Development
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

Re: M-139 Historic Bridge Replacement, City of Niles, Berrien County – Environmental Assessment/ Programmatic Section 4(f) Evaluation FONSI

Dear Ms. Schuster:

I received your information for review and comment as part of the Environmental Assessment (EA) and Programmatic Section 4(f) Evaluation for the proposed M-139 Historic Bridge Replacement, City of Niles in Berrien County. The Michigan Department of Agriculture and Rural Development (MDARD) staff provided initial comment on this project as part of early coordination in a letter dated April 27, 2010.

Our primary concern, then and now, as it relates to this project are the potential impacts the project could have on properties enrolled under Part 361 of the Natural Resources and Environmental Protection Act (NREPA), formerly PA 116, the Farmland and Open Space Preservation Act, and on established intra- and inter-county drains. Further plan development indicates the project is remains within the city limits in a highly urbanized corridor. We find no potential impacts to Part 361 lands nor do plans indicate any impacts on established intra-county or inter-county drains.

We find no additional concerns regarding the issues identified in this Environmental Assessment and have no opposition from a MDARD standpoint to the preparation of a Finding of No Significant Impact (FONSI).

Feel free to contact me at (517) 241-3933 if I can be of further assistance on this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Abigail S. Eaton'.

Abigail S. Eaton
Environmental Resource Specialist
Environmental Stewardship Division