

US-31 ROD MASTER COMMENTS AND RESPONSES

The FEIS was signed by FHWA on February 5, 2010; copies were distributed and a Notice of Availability was published in the Federal Register on February 19, 2010. The waiting period was 30 days and all comments were received by March 26, 2010.

All comments received during the review period and their subsequent responses are below. The comments are organized by commenter. All comments received have been responded to and can be obtained through: the MDOT Office by calling (616-451-3091) and referencing the project name, or the project website at: http://www.michigan.gov/mdot/0,1607,7-151-9621_11058---,00.html

FHWA has reviewed all comments received and found that the proposed project was examined and potential impacts were identified and addressed.

Michigan Department of Natural Resources and Environment

Comment: The LWMD has no objections to the selection of the preferred alternative as described in the FEIS

Response: Comment Acknowledged.

Comment: The FEIS indicates that the new M-231 will be a new two-lane route but additional right-of way will be acquired to protect the corridor from development and not to exclude expansion to a four-lane boulevard or a non-motorized facility. The FEIS does not indicate what the potential resource impacts would be if that expansion occurred.

Response: Identification of impacts with regards to future expansion are not required to be studied in the FEIS because the need for the additional improvements is not warranted. Any future expansion within the additional Right of Way is not likely to occur until after the 20 year design horizon, based on traffic projections and funding availability. If and when expansion is warranted due to traffic congestion or other triggers, MDOT will initiate the necessary NEPA documentation to identify environmental resources, the extent of potential impacts and mitigation requirements. MDOT will also initiate early coordination with all relevant resource agencies.

Comment: Section 4.11.1 Surface Water Quality. The discussion of the water quality in the Grand River should be limited to current data and the recent MDNRE Water Bureau's assessment on the attainment status of designated uses as defined in Part 31 of NREPA. The reference to the 20-year old study conducted by the GVSU-AWRI is likely not an accurate description of the resource and should be omitted.

Response: The surface water quality analysis based on work done by Grand Valley State University Annis Water Resource Institute in 1990 and a 2005 report by the DNRE Surface Water Quality Analysis Unit titled "MI DEQ Water Bureau Report # 05/097" (Report date: September 2005). The 2005 Report represents the most

current information available regarding the water quality in the lower Grand River. The portions of the lower Grand River listed as not attaining State Water Quality Standards remain as indicated in Section 4.11.1 of the FEIS.

Comment: *Table 4.12-1 provides an inventory of the proposed crossing and treatments. Six of the crossings are proposed to be modified with culvert extensions of various lengths. No discussion or analysis was provided as to the condition of these crossings. An assessment to determine if the existing structures are of adequate size to convey bankfull flows, are properly recessed, and are placed at the appropriate slope should be conducted. If the existing structures are not adequate, they should be replaced with bridges or culverts of appropriate dimensions. We request early coordination with the resources agencies for the existing and proposed new crossings.*

Response: MDOT will conduct a hydraulic analysis for all crossings during the design process to determine structure type and size. All structures are sized for a minimum 100 year flood event which is expected to cover bankfull flows. Coordination with the DNRE will be maintained through out the design process.

Comment: *Section 4.12.1, River, Creek, and Drain Crossings. The discussion and associated table (4.12-2) indicate the Ohio Qualitative Habitat Evaluation Index (QHEI) was utilized to assess the aquatic resources at the proposed crossings of the five Grand River tributary crossings. The QHEI was developed to provide a quick and qualitative assessment of existing physical habitat. It is not a measure of the value of the fishery or the composition of the fish community. Without actual fish sampling data, the qualitative descriptions of the fish communities at these locations are of little or no value.*

Response: The QHEI was used in conjunction with field observations. In addition, wildlife surveys will be performed at all crossing locations prior to design. It is true that the QHEI only measures physical stream characteristics and, in order to make a definitive statement regarding fish and other aquatic vertebrate communities, must be coupled with a biological metric. However, an assessment of the existing physical habitat is a valuable tool in that it is a good indicator of what fish species could be expected to inhabit the stream and, perhaps more importantly, what species are not likely to be present given the habitat conditions. Regardless, the impacts and mitigation measures discussed within Section 4.12.1 are intended to be protective of all species that could potentially be present in the stream. Also, construction of the two piers in the waterway will have minor temporary impacts to the fisheries resource. Long term impacts are also expected to be very minor as the piers total bottomland area is less than 0.07 % of the total area under the proposed structure. During the environmental permitting phase, DNRE Fisheries staff will have an opportunity to provide further input regarding specific design elements and mitigation measures at each stream crossing location.

Comment: *We recommend the proposed culvert at the Beeline Drain crossing be replaced with a bridge. Proposed crossings should also be evaluated for potential wildlife usage along the stream corridor.*

Response: MDOT will conduct a hydraulic analysis for Beeline Drain during the design process to determine structure type and size.

MDOT will conduct a wildlife surveys at the crossing locations prior to design to determine wildlife usage. If wildlife crossings needs are evident, MDOT will coordinate with DNRE to evaluate the structure type during design to address wildlife passage concerns.

Comment: The following Grand River tributaries are currently classed as Type 1 Designated Trout Streams which include Beeline Drain, Stearns Creek and Little Robinson Creek. Restricted work dates are October 1 through April 30. The following tributaries are warm water streams which include Unnamed drain (Cypress Street), Black Creek tributary (M-104 west of 120th Ave), Black Creek tributary (New alignment at I-96 Interchange) and Unnamed drain (I-96/112th Interchange). Restricted work dates May 1-June 30

The lower portion of the Grand River is used in the spring by a variety of migrating fish species including lake sturgeon (State-threatened) northern pike, muskellunge, and several species of suckers including the river redhorse (State-threatened). In addition, several species of resident fish spawn in the lower Grand River and bayous. To protect these species, restricted work dates are March 1 – June 30.

Because the Grand River mainstream and connected bayous are utilized in the fall and early winter as foraging areas by juvenile lake sturgeon, additional work restrictions are recommended. To protect this species during this period, restricted work dates are October 1 – December 30.

Response: All attempts will be made to work within these restriction dates. However, due to construction constraints such weather and high water, it may be necessary to request “revisions” from DNRE, Fisheries Division, to work outside these dates.

Comment: The lower Grand River also contains a relatively diverse freshwater mussel fauna. Surveys and relocation of freshwater mussels in the location of the proposed bridge piers may be necessary.

Response: No endangered species or species of concern were found at the bridge crossings and MDOT does not perform mussel surveys or relocations for common species. The MDOT Wildlife and Terrestrial Ecologist has performed a search in the Michigan Natural Features Inventory Endangered Species (MNFI) Database for the proposed project. Prior to construction, the MNFI database will be checked again to determine if there are new records for listed species in the area. If new records are determined to be present adjacent to the proposed work areas in the Grand River then, MDOT will address these concerns with the DNRE endangered species and fisheries staff during the permitting process.

U.S. Environmental Protection Agency

Comment: We agree that the preferred alternative (F-1a) substantially meets the project's Purpose and Need while minimizing impacts. We understand that this alternative has support from affected local government agencies and its costs could be funded within projected revenues. For these reasons, we concur with the preferred alternative for this project (Concurrence Point # 3).

Response: Comment Acknowledged.

Comment: From the FEIS, it is clear that additional capacity on M-231 is anticipated, but it isn't clear when that might be needed or what traffic volumes or congestion levels would be thresholds useful for considering this decision.

Response: Triggers for future M-231 improvements not part of the Selected Alternative will be a function of multiple factors including the roadway's Level of Service, operational status, traffic volumes, funding and statewide/regional priorities. As stated in the FEIS, any future capacity improvements will need to follow a future NEPA process. The locations of any future projects will be determined following observation and analysis of how the Selected Alternative and adjacent roadways are functioning vs what was modeled with the FEIS.

Comment: The FEIS and the ROD should provide more information about how the highways adjacent to M-231 will function and when changes in capacity may be needed.

Response: These issues were taken into consideration and used in the analysis. The information and changes were updated in the Errata, along with figures added in the Appendix A of this ROD to show the summary of information. As per the traffic study, it is anticipated that the adjacent MDOT trunklines, M-45, I-96 and M-104, will show an increase in traffic as a result of the Selected Alternative. Most local roadways should see either no change or a decrease in traffic volumes, with the exception of Lincoln Street (which is the only local road access point to M-231), and on 120th Avenue south of M-45.

Comment: Specifically, we believe a discussion of how M-45 will function when M-231 is constructed is important to include in the evaluation and ROD. LOS information would be useful.

Response: Impacts to M-45 have been analyzed with the traffic study, included with this project. Per the traffic study, M-45 has the capacity to accommodate the projected traffic generated by the Selected Alternative. In addition, right and left turn lanes, along with additional ROW, are proposed on M-45 at M-231, to address some of the needs for the future, as shown on Fig A-6 in Appendix A of the FEIS.

Comment: The FEIS states that the project may influence the location of future cumulative impacts (i.e., land use changes, etc.) and concentrated areas of impact may occur along the proposed M-231 intersection locations. Going one step further to discuss what environmental resources are at M-231 intersection locations would be helpful.

Response: The proposed M-231 will have three at-grade intersections along the 7 miles on the new roadway including M-45, Lincoln Street and M-104. There are no

wetlands, historic, or archeological resources, and Threatened and Endangered species at these intersections. Along M-45 east and west of the proposed M-231 intersection there is mostly privately owned plant nursery related land uses. Land use adjacent to Lincoln Street is agricultural in three quadrants and forested and residential in the fourth quadrant. At M-104 intersection with M-231, most of the adjacent land is developed into commercial land uses. Potential indirect and cumulative impacts are more likely to occur along Lincoln Street which may affect agricultural land uses.

U.S. Army Corps. Of Engineers (March 22, 2010)

Comment: Since the Corps has not received a permit application for this project, we have not yet begun our public interest review or solicited comments under our public notice procedures. Thus, we feel we cannot give formal concurrence with the Selected Alternative given in the FEIS at this time.

Response: Subsequent to the receipt of their March 22, 2010 letter, the Corps. in a telephone conversation on April 2, 2010, agreed to concur with the Selected Alternative and send an additional letter for documentation. That letter was received April 7, 2010 (see comment below). All of their other concerns remain applicable and are discussed below.

Comment: The Corp encourages your agency to complete any necessary consultation under the Endangered Species Act and the National Historic Preservation Act during the completion of the Final Environmental Impact Statement, so that consultation is as complete as possible for impact sites and any wetland mitigation sites.

Response: Consultation with the SHPO and USFWS has been ongoing throughout the development of the DEIS and FEIS. Within the project limits and potential wetland mitigation sites, there are no impacts to archeological or above ground historic resources. MDOT, DNRE and the USFWS concur that there will be no impacts to state or federally listed species (endangered, threatened, species of concern and special concern) within the project limits and potential wetland mitigation sites. See chapter 4 of the FEIS for more details.

Comment: The project engineer must coordinate with our Detroit District Office to accurately locate the navigation channel to develop permit and construction drawings.

Response: MDOT will coordinate with the USACE during the design phase to obtain that information.

Comment: Proposed work that would require a permit from our agency would include any structures, dredging, or discharge of fill materials on the Grand River, and any discharges, including temporary access routes, in wetlands adjacent to the Grand River, Wetlands C and D, as identified on pages 4-63 through 4-68 of the FEIS.

Response: Comment acknowledged.

Comment: Mitigation wetlands should provide replacement of wetland functions and services lost at project impact sites.

Response: On-site or off-site at wetland mitigation at the Rogers site will replace functions and services such as water quality, flood storage, wildlife habitat, etc. See FEIS page 4-72 for more detail.

Comment: All wetland mitigation plans must contain clearly stated objectives, criteria for judging success, and provisions to allow for corrective actions during development of new wetland sites.

Response: The Wetland Mitigation and Monitoring Plan will contain objectives and criteria for judging wetland mitigation success. These mitigated wetlands will also be monitored as determined by a schedule as required by the permit, to determine success and identify necessary corrective actions.

Comment: Also, all mitigation sites should be permanently preserved under conservation easement or equivalent commitments.

Response: MDOT will obtain conservation easements (or has obtained conservation easement such as with Jacks Fish Farm) for all wetland mitigation sites. These conservation easements will be in the name of DNRE.

Comment: The Corps requests that first priority be given to expanding Wetland C by both removing fill from former [Grand River] riverside residences along Limberlost Lane and expanding the existing wetland mitigation site at the former Jack's Fish Farm site near the proposed Grand River crossing. We strongly recommend "on-site" restoration of wetlands complexes affected by the river hydrology to mitigate unavoidable impacts in Wetlands C and D.

Response: As stated in the FEIS, MDOT's first preference is on-site mitigation at the locations you reference. Also stated in the FEIS, MDOT will be able to create a minimum of 1.59 acres at these locations to mitigate for the 1.96 acres of wetland impacted by the Grand River bridge crossing. During the design phase of the project, MDOT will make all attempts to reduce impacts to all affected wetlands and maximize on site mitigation. Additional wetland mitigation will be provided at the Rogers Property.

Comment: The FEIS states the Rogers site will not be directly connected to the Grand River, and may not be within the floodplain of the Grand River. It appears to the Corps that the Rogers site is not the preferred site for mitigating impacts at the Grand River crossing site.

Response: MDOT's first preference is on-site mitigation. However, the Rogers site will be needed to mitigate for the remaining acres of impact. The Rogers site was visited by USACE and DNRE (formerly MDEQ) on November 13, 2007 along with 3 other potential wetland sites (including the Bolthouse Property mentioned in the FEIS). During the review, USACE staff indicated that they preferred the location of the Rogers and Bolthouse properties due to their proximity to the Grand River. The entire Rogers property, with the exception of the upland forested area to the north, is within the 100YR floodplain of the Grand River. Based on the field review and acceptance of the site, a Public Interest Finding statement was prepared by MDOT and approved by FHWA in July 2009 (see FEIS Appendix G, page G-4). Following approval of the Public Interest Finding Statement, MDOT has acquired the property.

Although MDOT initially intended on connecting the Rogers site to the Grand River, an investigation of the surrounding area found a large monoculture of

Phalaris arundinacea (reed canary grass) to the west of the site. Since MDOT is required to control invasive species in wetland mitigation sites, a direct connection to an existing monoculture of invasive species was not practical. The buffer of trees between the existing wetland to the west of the Rogers parcel and the existing wetland on Rogers appear to be an effective barrier in prevention of invasive species. In the future, the site may be opened up to the Grand River if DNRE (the property owner of the existing wetland) implements invasive species control on the monoculture and effectively controls the species at a reasonable level. Regardless, the Rogers wetland is designed to outlet to the existing wetland and will provide several of the functions of the impacted wetlands such as wildlife habitat, vegetation diversity and improved downstream water quality.

Comment: For the future Section 404/Section 10 permit application, wetland delineations must be performed for proposed mitigation sites, and data sheets in conformance with the Corp. of Engineers Wetland Delineation Manual, and the appropriately approved regional supplement, must be supplied to this office.

Response: MDOT will do this.

U.S. Army Corps. Of Engineers (April 7, 2010)

Comment: In summary, we concur with the third concurrence point, the Selected Alternative, as described in the February 5, 2010 Final Environmental Impact Statement. Should new information arise in the future, we may reconsider our position. Our comments on navigation, wetlands, and wetland mitigation found in our March 22, 2010 letter remain unchanged.

Response: Comment acknowledged. MDOT will coordinate with your agency if any compelling new information arises or there is substantial change in the project. Responses to your other listed concerns are discussed above.

U.S. Fish and Wildlife Service

Comment: Although we maintain some concerns, as outlined in our letter of January 15, 2010, about potential effects to migratory birds, we agree that the preferred alternative has substantially reduced and minimized impacts to the natural resources.

Response: In your letter dated January 15, 2010, you stated "Because the new alternative F1-a would require construction of a new roadway and a new crossing of the Grand River, we continue to have concerns about impacts to the habitat value of the wetlands and potential adverse impacts to migratory birds from habitat fragmentation and highway noise. The FEIS contains predicted noise levels from the new M-231 alignment, and we recommend you consider mitigation for the indirect effects of these noise levels as you develop a more detailed mitigation plan. Biologists from this office are available to assist addressing the effects to habitat value and migratory birds."

During the Grand River structure design phase, MDOT will coordinate with your agency to evaluate measures and address habitat value and noise effects on migratory birds to the extent practicable.

Comment: Pursuant to March 1994 FHWA NEPA/404 merging process, we agree with the third decision point and concur with the Preferred Alternative.

Response: Comment acknowledged.

Public Comments

Comment: We received comments from three residents that were concerned that the project would affect their properties.

Response: It is recommended that these residents and anybody else with those concerns contact the MDOT Real Estate staff at the MDOT Office in Grand Rapids, MI at (616) 451-3091, to discuss their individual concerns. Staff will be available to discuss the potential impacts, and if necessary, the appraisal and acquisition process, and property owner rights.

Property owners directly impacted by the Project will be contacted by the MDOT Real Estate staff during the design phase.

Comment: In part "Because of the economy.. Loss of business... closures of business's... and Many residents leaving this area for jobs in other states...I have noticed a large DECREASE in the amount of travel, traffic between Holland, Grand Haven, Muskegon. I think the money would be better spent repairing existing roads and bridges in West Michigan..."

Response: Despite the recent downturn in the economy and corresponding reduction in traffic, the long term growth potential for this area still remains. The MSU study showed the area between Holland, Grand Rapids and Grand Haven as one of the fastest growing areas of the state (prior to the recent economic downturn). Traffic projections are still anticipated to increase over the 20 year study time frame, thereby reducing capacity and increasing congestion and crashes on the existing roadways. This projected increase in traffic volumes still provides the basis for the purpose and need for this project. Approximately 90 percent of MDOT funding is spent on repairing existing roadways and bridges statewide, and this projects includes improvements on existing US-31, as well as the new M-231 route

Comment: I know the EIS process has been underway for many years. The above two library names were correct when the process started. However, the Loutit Library became Loutit District Library (407 Columbus Ave., Grand Haven) in 1999, and Warner-Baird Library became Spring Lake District Library (123 E. Exchange St., Spring Lake) in 1994. You may wish to correct these library locations before you finalize the EIS.

Response: Correction noted.

*Comment: We received comments via telephone by two local residents that suggested building an elevated freeway **over** existing US-31 and a new structure spanning the Grand River in Grand Haven/Ferrysburg.*

Response: Constructing a new elevated freeway and Grand River structure was considered following the DEIS and was addressed in the FEIS response to the December 8-9th Public Hearing comment on page C-381 in the "Support of a boulevard/freeway upgrade along existing US-31". The response as stated in the FEIS stated, "An elevated freeway is cost prohibitive, eliminates access to Grand Haven to all but a couple of locations, and complicates the US-31/M-104 interchange. Further, this alternative did not meet "Purpose and Need".

Comment: The telephone comments also suggested rerouting US-31 to M-11, via M-45, in western Kent County. This would be used by people heading from the Chicago vicinity to the Traverse City area, rather than the existing route or the new M-231 route from the FEIS

Response: This alternative was not considered because it does not meet the Purpose and Need (e.g. it does not relieve congestion in Grand Haven, it does not address safety issues on existing US-31 and does not provide an additional crossing of the Grand River in Ottawa County).

Nottawaseppi Huron Band of the Potawatomi

Comment: According to our enrollment records we have 177 NHBP members in Ottawa County, many of which own fee properties. Other Tribes may also have members residing in Ottawa County. With this information, what is meant by "There are no Native American settlements within the study area" on p 4-32.

Response: The statement in question is part of a longer sentence on page 4-32 that states "According to the Economic Development offices in Ottawa County, there are no Native American settlements within the study area." The meaning of the word "settlements" used by the Economic Development offices in Ottawa County with respect to residence and property ownership is ambiguous and the reader should refer to Table 4.4-1 for accurate census data. The 2000 census data presented in Table 4.4-1 clearly indicate the specific percentages of American Indian, Asian American, Black, and Hispanic populations living in the Townships within the Selected Alternative Study Area. Further, while there are individual properties in Ottawa County that are owned by members of these populations, the United States Census does not disclose the location of their residences, due to confidentiality requirements; hence, this information cannot be provided.

County of Ottawa Administrator's Office

Comment: On behalf of the Ottawa County, I would like to express strong support for Preferred Alternative F-1a as proposed in the US-31 Holland to Grand Haven FEIS, which includes improvements to US-31 and proposed new route,

commonly known as the M-231 bypass. Many residents, local agencies, and County Road Commission are also supporting these efforts.

Response: Comment Acknowledged.

City of Grand Haven

Comment: The City understands that improvements in Grand Haven will not be constructed until the Bypass is operational and the need for additional access restrictions in the City of Grand Haven is empirically demonstrated.

Response: The phasing of the Selected Alternative is discussed in the FEIS on page 3-16. As discussed with the City and as shown in the FEIS Conceptual Phasing Plan, the improvements in the City of Grand Haven are scheduled to be the last of the improvements associated with the Selected Alternative. The additional access restrictions, such as Seventh Street, will be analyzed after the modifications in Grand Haven have been completed. If the operation of US-31 is negatively impacted by these access points (after the above mentioned construction is completed and traffic operation is analyzed), they will be modified or removed, as per previous discussions and agreement with the City.

Comment: MDOT build a new bridge to replace the Bascule Bridge with sufficient height to allow boat passage underneath without interrupting the flow of vehicular or pedestrian passage across the river.

Response: Due to funding constraints and the remaining service life of the existing structure, replacement of the Bascule Bridge was not included in the improvements in the Selected Alternative. When replacement of the Bascule Bridge is necessary, analysis of structure height and multi-modal design options will occur at that time.

Comment: Assure that the new [bascule] bridge is constructed in such a way to allow pedestrian traffic underneath the bridge on all sides of the river and the south channel.

Response: Pedestrian access will be analyzed when replacement of the existing US-31 bascule structure is necessary. The future plan for any new structure to replace the bascule bridge will be consistent with DEIS information and analysis. In addition, the non-motorized needs will be analyzed with the locally adopted plans and demonstrated use. To date, the priority of the pedestrian access has been identified on the east and south sides only, per the current Non-motorized Master Plan.

Comment: Make available any lands no longer needed for the US-31 project to the City for \$1 if re-used for transportation or recreational purposes or for fair market value if not.

Response: Following completion of the project, MDOT will analyze any remaining excess property and discussions with the City will be held at that time. All MDOT excess

property will follow guidelines, regulations and laws for disposal of excess property.

Comment: The City of Grand Haven does not automatically agree with any changes made hereafter and would like to review and comment on any such modifications to the plans for the project from this point forward.

Response: As per MDOT's processes and Context Sensitive Design principals, the City will have the opportunity to review and provide input on the MDOT design projects within their jurisdiction.

Village of Spring Lake

Comment: Is there allowance for a non-motorized trail with M-231?

Response: With close coordination with Ottawa County and the North Bank Trail group, provisions have been made for a non-motorized trail to be accommodated with the M-231 structure over the Grand River, as shown on page 4-93 of the FEIS (Fig 4.12-2). Details and funding splits will be determined through the planning and design phases with these and other entities. In addition, non-motorized trail accommodations will be consistent with approved non-motorized plans in the respective jurisdictions.

West Michigan Shoreline Regional Development Commission

Comment: This letter is to document that the West Michigan Metropolitan Transportation Planning Program (WestPlan), the designated Metropolitan Planning Organization (MPO) for the Muskegon/Northern Ottawa areas, supports the Michigan Department of Transportation's US-31/M-231 Holland to Grand Haven project, as well as the Final Environmental Impact Statement document that was prepared for this project.

Response: Comment Acknowledged.

Macatawa Area Coordinating Council

Comment: At its meeting on February 22, 2010, the Policy Committee reviewed the findings and improvements contained in the Final Environmental Impact Statement for US-31 Holland-Grand Haven, Ottawa County. At the conclusion of the review a motion was made and passed unanimously, authorizing staff to submit this letter in support of the improvements contained in this document.

Response: Comment Acknowledged.