



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

Michigan Division

August 16, 2011

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Michigan.FHWA@dot.gov

In Reply Refer To:
HDA-MI

Ms. Margaret Barondess
Environmental Section Manager (B340)
Michigan Department of Transportation
Lansing, MI

Dear Ms Barondess:

Per your request and upon review of the *Re-evaluation of the US-31 Holland to Grand Haven project* (FHWA-MI-EIS-98-01-F), the Federal Highway Administration (FHWA) has signed the Re-evaluation. Upon consultation with FHWA-Legal Counsel, FHWA has amended the Record of Decision (ROD) for the project – the rationale is contained in the amendment. Enclosed for your records are:

- The *Re-evaluation of the US-31 Holland to Grand Haven project* (FHWA-MI-EIS-98-01-F) signed by The Federal Highway Administration's Michigan Division Office (FHWA) on July 25, 2011 and;
- The *Amendment to the Record of Decision (ROD) for the US-31 Holland to Grand Haven Project* (FHWA-MI-EIS-98-01-R) signed by FHWA on August 16, 2011.

Please publish a public notice in the newspaper(s) where the project is located, announcing the amendment, and make the amendment available to the public via request, the project website, and locations where the NEPA documents are currently available to the public.

If you have questions, you can reach me via phone at (517) 702-1820, or via email at David.Williams@dot.gov.

Sincerely,

David T. Williams
Environmental Program Manager

For: Russell L. Jorgenson
Division Administrator



US Department of Transportation

**Federal Highway
Administration**

Contact: Michigan Division
315 W. Allegan Street, Room 201
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Amendment to the Record of Decision

The US-31 Holland to Grand Haven
Ottawa County, Michigan
FHWA-MI-EIS-98-01-R

AMENDMENT TO THE RECORD OF DECISION

The Federal Highway Administration (FHWA) is amending its decision regarding the location of the access/maintenance road for the new M-231 Grand River Crossing. In its Record of Decision (ROD) for the US-31 Holland to Grand Haven Project, FHWA decided to locate the new M-231 Grand River Crossing access/maintenance road from 120th Avenue, as described in the ROD (Appendix A, Figure 9).

Under this amendment, FHWA will:

- Incorporate the acquisition and use of the Western Michigan Boater & Campers property as part of the US-31 Holland to Grand Haven project (see ROD, Appendix A, Figure 8). An existing service drive on this property – that will require some modification – will be used in place of the previously planned access/maintenance road from 120th Avenue. However, as originally depicted in the FEIS, a portion of this road will remain in place, across the M-231 Right-of-Way (ROW) to replace access to the affected property from 120th Avenue. A portion of the existing access to the affected property is being removed due to construction of the M-231 Bridge. Outside the M-231 ROW, connecting property access roads will be constructed by the property owner.

For the analysis of alternatives, see the *National Environmental Policy Act (NEPA) Re-evaluation of the US-31 Holland to Grand Haven Final Environmental Impact Statement* (Re-Evaluation) as concurred with by FHWA-Michigan Division on July 25, 2011.

- Incorporate by reference, the Re-evaluation.

This amendment was initiated due to complications related to realigning the existing roadway (as depicted on Figure 9 in Appendix A) to follow the easement as legally recorded. This realignment of the original access/maintenance road would introduce additional project costs and environmental impacts. As stated previously, the analysis of access/maintenance road alternatives is contained the Re-evaluation that is to be incorporated as part of this amendment.

In summary, this ROD Amendment is essential to:

- Provide access for temporary construction use and future bridge inspection and maintenance activities.
- Obtain the NEPA approval to allow Michigan Department of Transportation (MDOT) to acquire the property in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended; Act 149, Michigan P.A. 1911, as amended; and Act 87, Michigan P.A. 1980 as amended.

In addition, this amendment is anticipated to cause no additional wetland impacts, result in a minor increase to floodplain impacts (that will be mitigated through the permit process), and avoid construction impacts to the residential area as described in the ROD. Finally, it will avoid a recently discovered archeological site that the previously identified access/maintenance road would have impacted.

SUPPLEMENTAL INFORMATION

In accordance with 23 CFR 771, FHWA has re-evaluated the US-31 Holland to Grand Haven Project in the context of two project changes proposed by MDOT:

1. Acquisition of Western Michigan Boater & Campers property for the purpose of using it as an access road.
2. Modification to the stormwater run-off management method.

FHWA determined that these changes were necessary and did not warrant the development of supplemental FEIS (see the Re-evaluation).

FHWA also determined that the Project's ROD needed to be amended to include the property acquisition since there is no "independent utility" between the project and the property acquisition.

Independent Utility

FHWA regulations indicate three principles to use when determining the termini and function of a project. These principles are taken from 23 CFR §771.111(f).

One of these principles is "independent utility" -- a project must be able to function on its own, without further construction of an adjoining segment. In this case there is no independent utility since the Western Michigan Boater & Campers property is needed for the M-231 Grand River Crossing as an access and maintenance road.

FURTHER INFORMATION CONTACT

Copies of this ROD and this amendment may be requested by contacting:

- Federal Highway Administration - Michigan Division Office, by mail: 315 W. Allegan Street, Room 201, Lansing, MI, 48933; by phone: (517) 377-1844; by fax: (517) 377-1804; or e-mail: Michigan.FHWA@dot.gov.
- Michigan Department of Transportation, Bureau of Transportation Planning, by mail: 426 W. Ottawa St, Lansing, Michigan, 48933, Attn: Robert Parsons; by phone: (517) 373-9534; by fax: (517) 335-9255; or by email: ParsonsB@michigan.gov

This ROD and amendment are available on the MDOT project Web site: http://www.michigan.gov/mdot/0,1607,7-151-9621_11058_35076---,00.html.

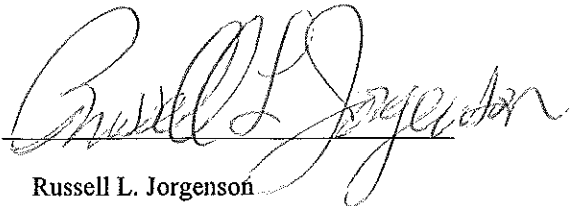
RECORD OF DECISION AMENDMENT APPROVAL

This ROD amendment was prepared in accordance with regulations of the Council on Environmental Quality (Title 40 Code of Federal Regulations [CFR] parts 1500-1508) for implementing the National Environmental Policy Act (NEPA) and FHWA's NEPA Implementing Procedures (23 CFR 771).

Based on information previously provided in the FEIS and the Re-evaluation, FHWA has determined that no further review is required under NEPA.

Issued: August 16, 2011

Responsible Official:



Russell L. Jorgenson
Division Administrator
FHWA-Michigan Division

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) RE-EVALUATION

THE US-31 HOLLAND TO GRAND HAVEN FINAL ENVIRONMENTAL IMPACT STATEMENT OTTAWA COUNTY, MICHIGAN FHWA-MI-EIS-98-01-F

The Michigan Department of Transportation (MDOT) re-evaluated the US-31 (Holland to Grand Haven) Final Environmental Impact Statement (EIS) and Record of Decision (ROD) per the Code of Federal Regulations (23 CFR 771.129)¹. MDOT has determined that a Supplemental Final EIS is not warranted, as the Final EIS remains valid, and the Selected Alternative and impacts in the ROD have not changed significantly.

The following discussion addresses each criterion that must be evaluated before a determination can be made on this project.

Was an acceptable Final EIS submitted to the Federal Highway Administration (FHWA) within three years from the date that the DEIS was approved and circulated?

No. However, a Re-Evaluation of the Draft EIS was submitted by MDOT and approved by FHWA on March 16, 2009, per the project history noted below.

The project history, since the Draft EIS Revaluation, is as follows:

- March 2009** MDOT requested and FHWA concurred with the I-96 @ M-231/M-104/112 Avenue and M-231 corridor traffic analysis, and preservation of right-of-way for future expansion of M-231 to a four-lane facility, on March 18, 2010.
- July 2009** MDOT requested and FHWA concurred with the Early Property Acquisition/Federal-aid Credit Eligibility and Public Interest Finding Statement, for a proposed wetland mitigation site, on July 27, 2009
- Feb. 2010** The Final EIS was signed by FHWA on February 5, 2010 and a Notice of Availability was published in the Federal Register on February 19, 2010.
- April 2010** The ROD was prepared and signed by FHWA on April 23, 2010.
- Mid-2010** Preliminary Engineering (PE), Right-of-Way (ROW) and Construction phases were added to the Holland and Muskegon Metropolitan Planning Organizations (MPO), Transportation Improvement Programs (TIP). Design and ROW activities were initiated following FHWA approval of the TIP amendments.
- Nov. 2010** An Interstate Access Justification Report, for the I-96 @ M-231/M-104/112 Avenue access revisions, was submitted by MDOT and approved by FHWA on November 3, 2010.

¹ Per 23 CFR 771.129: A re-evaluation of the Final EIS/ROD shall be prepared in cooperation with FHWA prior to requesting approval of changes to the ROD. The purpose of the re-evaluation is to determine whether or not the environmental document remains valid or a supplement to the Final EIS is needed.

Have there been any substantial changes to the project's scope or proposed action that would require a supplemental environmental document?

No. MDOT proposes two project modifications (a design change, and a change in mitigation measures) due to Michigan Department of Environmental Quality (MDEQ) and US Army Corps of Engineers (USACE) permit restrictions placed on the establishment of an access road for bridge maintenance as shown in the Final EIS, cost considerations, and additional impacts discovered during the design phase.

Design Change - Property Acquisition and Access Road

MDOT is proposing to relocate the permanent maintenance road access from 120th Avenue, as described in the Final EIS, Appendix A, Figure A9

Proposed Modification

The proposed modification will relocate the access from 120th Avenue to the south, along an existing private service drive, as shown on Appendix A, Figure A8 (see attached revisions to Figures A8 and A9). To accomplish this, MDOT proposes to acquire additional property, on the north side of the Grand River adjacent to the new M-231 Bridge. This property was not identified in the Final EIS or ROD; however, the property is located within the Project Study Area adjacent to the impacted property in the Final EIS. The subject property is described as follows:

Western Michigan Boaters & Campers, Inc., a Michigan Corporation; 15101 120th Avenue; located in Crockery Township, Ottawa County (Parcel # 70-04-33-200-003). The property is located just east of the new M-231 bridge, on the north side of the Grand River. It is approximately 6.09 acres net land area, not including 0.18 acres of adjacent 120th Avenue ROW. The property includes an existing service drive connecting to 120th Avenue.

The existing road on the property will also be extended by approximately 300 feet to connect with the maintenance road adjacent to the new M-231 Grand River bridge, within property already impacted and noted in the Final EIS. Some limited minor modifications to the existing road on the subject property are needed to improve its structural integrity, to accommodate construction and maintenance vehicle.

Other options considered included:

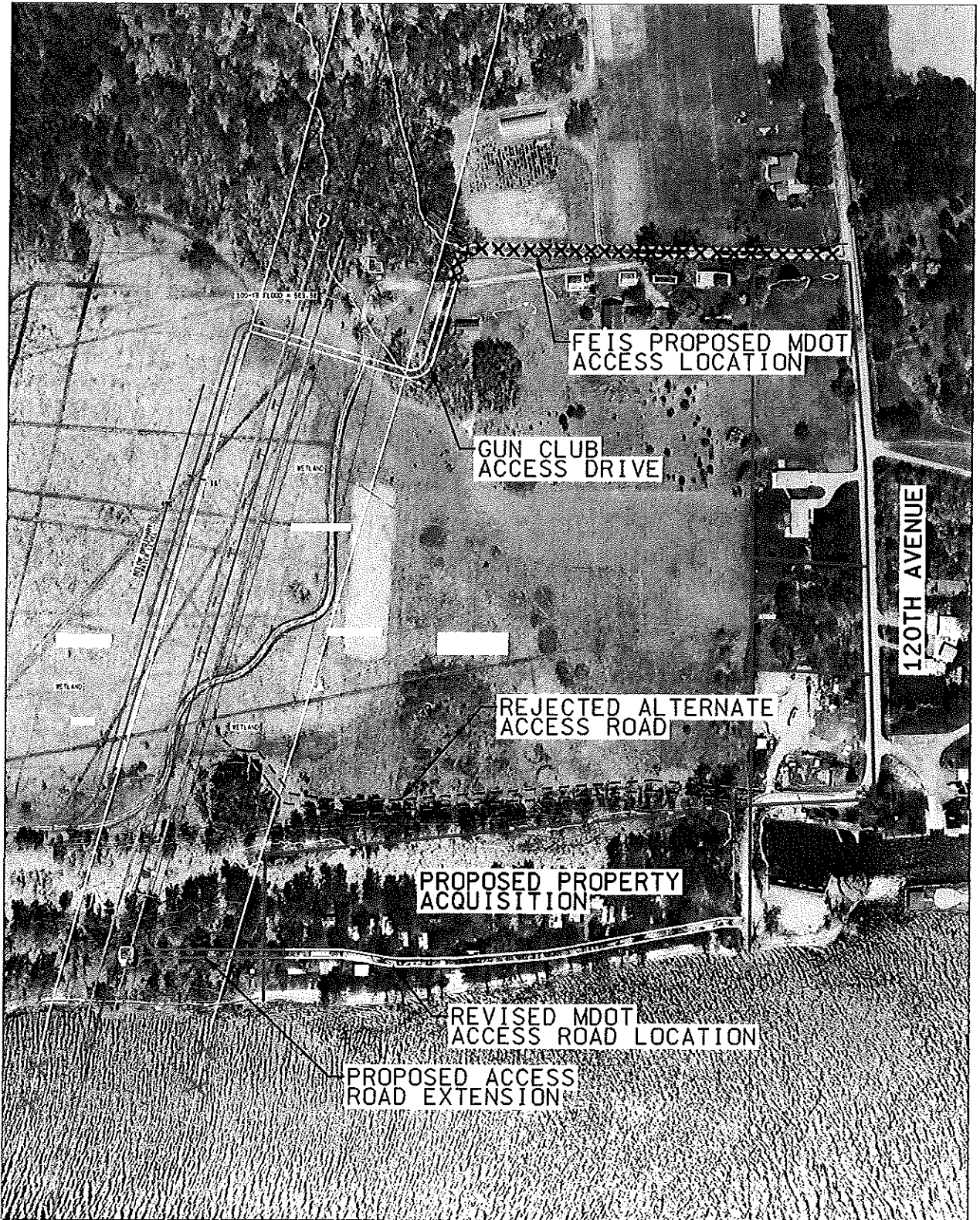
- Following the route identified in Final EIS (Appendix A, Figure A8), which was not feasible and has additional impacts identified during the design phase, as noted in the "Purpose and Need for the Design Change" sub-section below.
- Constructing a new maintenance road access to 120th Avenue, south of the Final EIS location and north of the proposed route, resulting in 0.73 acres of additional wetland and floodplain fill impacts, to Final EIS Wetland D, as shown on the attached.

Purpose and Need for the Design Change

The property is needed to provide access to the bridge for temporary construction use, as well as future bridge inspection and maintenance activities. The property includes an existing graded roadway which can be used by MDOT service vehicles.

LAST CORRECTION BY: DATE:

FILE NAME:



REVISED FEIS/ROD APPENDIX A, FIGURES A8 & A9

DATE	SCALE	CONT. SEC.	JOB NO.	SHEET NO.
6/20/11	1"=N/A			1

This option is being pursued because it includes an existing service drive, and will reduce construction impacts on adjacent property owners and residents located along the service drive in the Final EIS, and potential impacts to the archeology site discovered during the design phase (Appendix A, Figures 8 & 9). It was discovered that utilizing the service drive from 120th Avenue as shown Final EIS, to access the maintenance road, would have required realignment of an existing roadway to follow the easement as legally recorded, resulting in more costs and impacts. The subject proposed property acquisition and existing service drive are on a natural levee of the Grand River, and therefore avoid most of the additional impacts to Wetland D for this purpose.

Environmental Impact and Mitigation of the Proposed Modification:

This proposed modification will result in 0.17 acres of additional floodplain impact and no additional wetland impact, which is being addressed in the current MDEQ/USACE permit, and will avoid 0.73 acres of additional floodplain and wetland impacts (Final EIS Wetland D). The proposed modification will also avoid construction impacts to a residential area and potential archeological impacts, at the original site of the service drive. This impact will be mitigated, as a condition of the MDEQ/USACE permit, at a minimum of a 1.5 : 1.0 ratio.

Mitigation Measure Modification - Stormwater Run-Off Management

MDOT proposes to modify the enclosed drainage stormwater run-off mitigation technique for the Grand River Bridge, as described in the Final EIS, primarily on pages 4-80, 89 & 90, and Appendix A, Figures A8 and A9.,

Proposed Modification

The proposal includes changing run-off management from Enclosed Drainage/Detention Pond as noted in the Final EIS and ROD, to a modified Enclosed Drainage/Scupper System, for the new Grand River Bridge along M-231. This is a common stormwater management technique for structures of this length (approximately 0.75 miles), and is consistent with FHWA guidelines for water drainage on bridge decks. As proposed, water will drain, from the bridge deck segment directly over the river channel, into an enclosed system; the water then will drain into Scuppers, located on the remainder of the bridge, away from the river channel itself. The water will then drain into vertical down-spout pipes attached to piers, and onto rock rip-rap pads. From the rip-rap pads, the storm water will drain into the wetland system, using natural filtration via overland flow, then into the groundwater or surface water system, including the river. (see attached drawings)

Other options considered included:

- Enclosed drainage with detention pond(s) as noted in the Final EIS, which would result in the problems noted in the "Purpose and Need for the Mitigation Modification" sub-section below.
- The use of Scuppers along the entire bridge, which would include draining stormwater directly into the Grand River from the bridge, with more impacts to surface water systems.

Purpose and Need for the Mitigation Modification

The enclosed drainage with detention system has several problems, some of which were determined during the bridge design phase. As has been proven by experience with the US-131 S-Curve project, M-21 bridge replacement in Ada, and the M-6 freeway (all in Kent County), the fully enclosed system has various maintenance issues, including:

- Due to the cold weather environment in Michigan, the fully enclosed system is susceptible to becoming clogged with sand from winter maintenance operations, roadside debris (including plastic jugs), in addition to freezing and cracking, which will result in water ponding on the bridge deck, running along the road surface and eventually causing erosion on the adjacent slopes.
- The fully enclosed drainage system is also more costly. The modified system will cost approximately \$60,000, compared to the cost of approximately \$230,000 for the system originally noted in the Final EIS.

Therefore, MDOT is selecting the modified Enclosed Drainage/Scupper option for the following reasons:

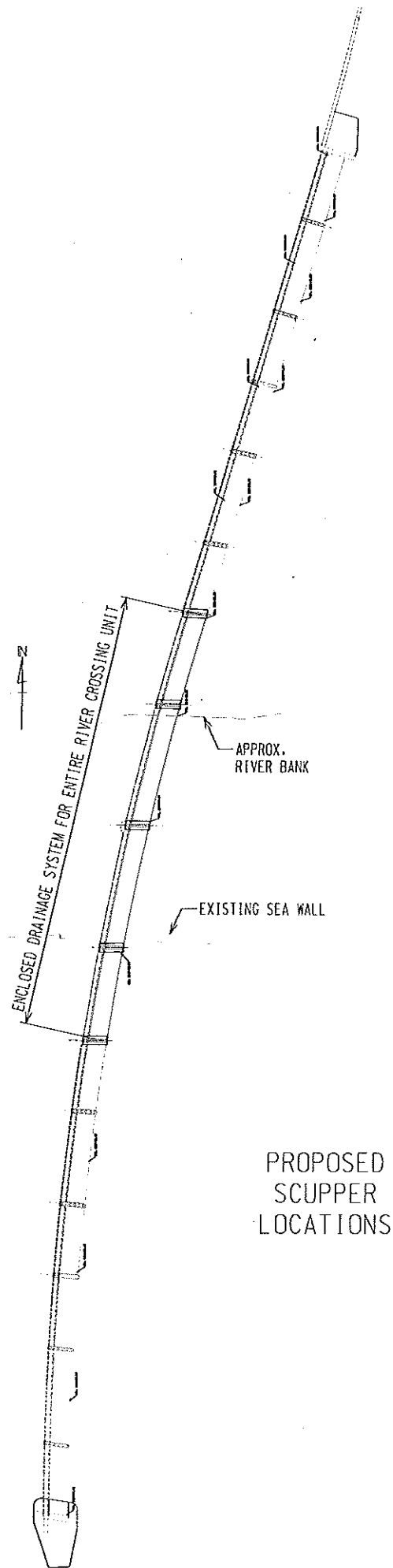
- The Scupper System is consistent with FHWA guidelines for water drainage on bridge decks, and is an approved storm water management technique identified in the MDOT Design manual.
- Due to the length of the system required for the Grand River structure (approximately 0.75 miles), the proposed modified Enclosed Drainage/Scupper system is a more efficient use of state and federal funds.
- By using scuppers on the structure, it eliminates the need for a storm water detention pond in an archeologically sensitive area, also discovered during the design phase.
- Scuppers (with enclosed drainage over the river channel itself) will minimize erosion impacts, reduce construction and on-going maintenance costs, and reduce the need for property to create a detention pond proposed in the Final EIS/ROD.

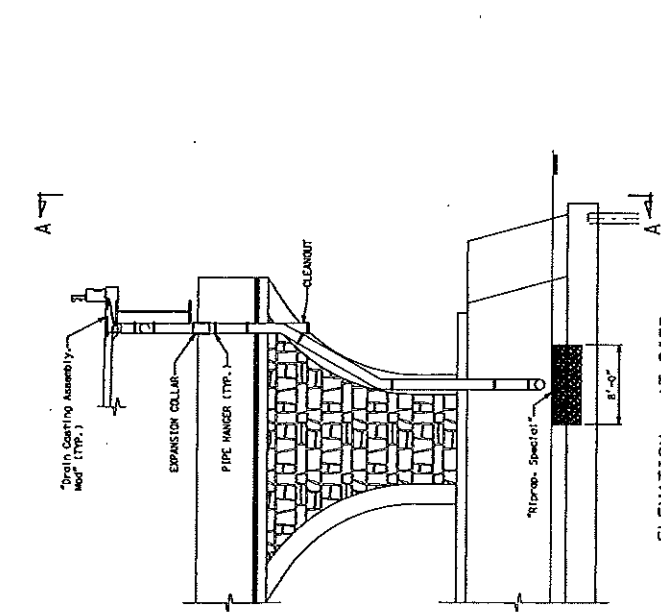
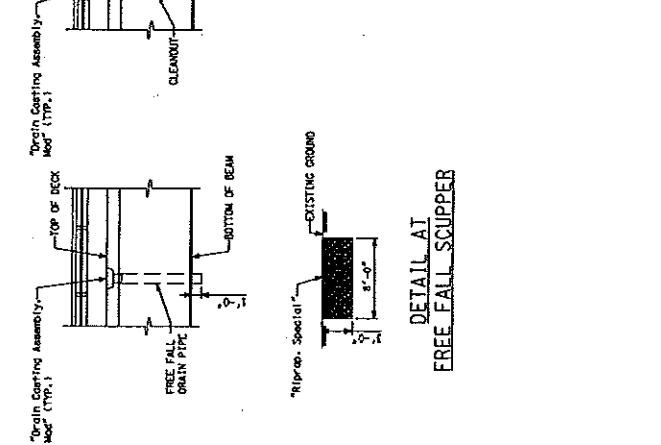
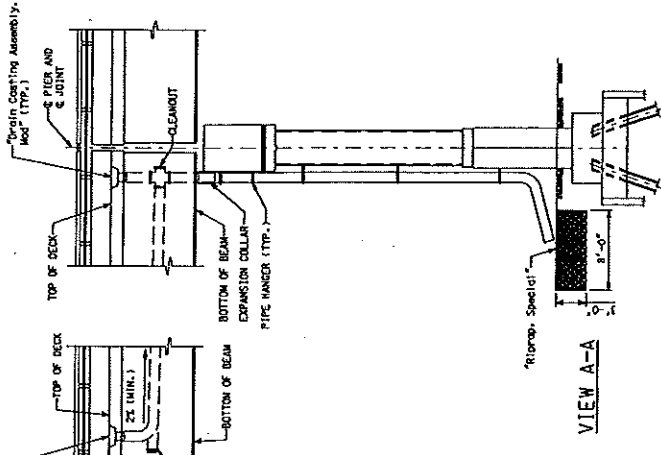
The proposed modification is consistent with the MDOT Phase II National Pollutant Discharge Elimination System permit, with the MDEQ by authority from the US Environmental Protection Agency. This system is less likely to fail than the Final EIS enclosed drainage system on a structure of this length, and therefore will provide more predictable and consistent stormwater treatment, and reduce the risk of system failure.

Environmental Impact and Mitigation of the Proposed Modification

Using the Scupper system will avoid the need a Detention Pond to capture stormwater from the enclosed system, and avoid archaeological impacts discovered during the design phase, north of the river. The rip-rap pads will prevent stormwater from draining directly into the wetlands; overland flow and natural filtration will treat the stormwater before it enters the groundwater and surface water systems, including the Grand River. Stormwater from the bridge, directly over the Grand River channel, will still be enclosed and not enter the scupper system until it is away from the river itself.

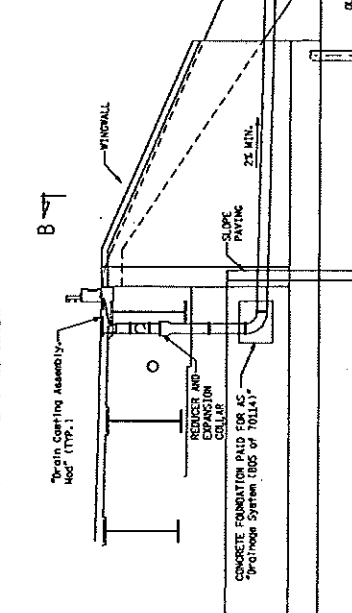
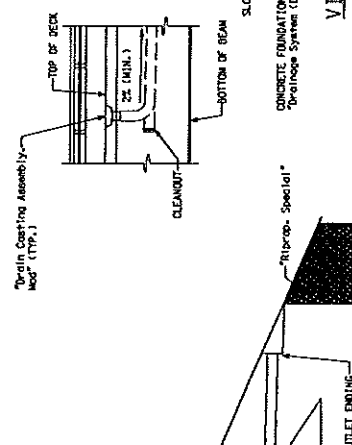
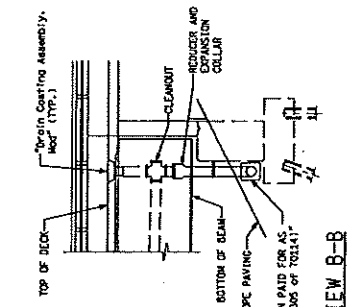
This proposal is included in the MDEQ/USACE permit currently being processed. One proposed 2.61 acre feet detention pond, and associated impacts, as noted in the Final EIS (approximately 63,000 square feet or 1.45 acres) will no longer be needed. The





DETAIL AT
FREE FALL SCUPPER

ELEVATION - AT PIER
EAST BARRIER SHOWN, WEST BARRIER SIMILAR



ELEVATION - AT ABUTMENT
EAST BARRIER SHOWN, WEST BARRIER SIMILAR

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welland/floodplain impacts, with the modified system as proposed, will be limited to 768 square feet (or 0.018 acres) from the rip-rap pads, not included in the Final EIS. This impact will be mitigated, as a condition of the MDEQ/USACE permit, at a minimum of a 1.5 : 1.0 ratio.

The referenced design and mitigation modifications are all within the Project Study Area in the Final EIS/ROD. These proposed modifications have been evaluated through the MDOT NEPA review process, and are consistent with the ROD Appendix B, Project Mitigation Summary "Green Sheet;" therefore, no Green Sheet changes are required.

Does the project still meet the originally identified purpose and need?

Yes. The Selected Alternative (F-1a) still meets the Purpose and Need for the proposed action from the Final EIS and ROD. No changes to the Purpose and Need for the project are proposed.

Have activities to advance this project occurred since the ROD was approved and distributed?

Yes. The following Activities to advance the project have occurred since the approval of the ROD:

1. PE, ROW and Construction phases were added to the Holland and Muskegon MPO TIPs in 2010, upon FHWA approval of the ROD.
2. Following FHWA approval of the TIP amendments, MDOT initiated PE and ROW activities for the new M-231 bridge project, as well as other segments of the Selected Alternative.
3. Additionally, public involvement, as well as stakeholder, tribal and resource agency coordination, has continued since the approval of the ROD. MDOT coordinated with the Michigan State Historic Preservation Officer (SHPO), State Archeologist, and Tribal Historic Preservation Officer (THPO) from various impacted tribes. MDOT has sent correspondence, and/or met with, affected or interested tribes on three occasions. The tribes contacted included the following: The Pokagon Band of Potawatomi Indians, Keweenaw Bay Indian Community, Lac Vieux Desert Band of Lake Superior, Chippewa Indians, Bay Mills Indian Community, Sault Ste. Marie Tribe of Chippewa Indians, Hannahville Indian Community, Little Traverse Bay Bands of Odawa Indians, Grand Traverse Band of Ottawa & Chippewa Indians, Grand River Band of Ottawa Indians (State Recognized), Burt Lake Band of Ottawa and Chippewa Indians (State Recognized), Little River Band of Ottawa Indians, Nottawaseppi Huron Band of Potawatomi Indians, Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake Tribe), and the Saginaw Chippewa Indian Tribe.
4. Grading and clearing work started in late 2010 for the M-231 Grand River bridge segment, and an archeological impact assessment is underway (Phase 1 is completed; Phase 2 began in May, 2011).
5. Construction of the new M-231 bridges, over the Grand River and Little Robinson Creek, is expected to begin in late 2011.

Have there been any changes in laws or regulations (federal, state, or local) occurring in which protected resources are affected by the project, since approval of the ROD?

No. Applicable changes were identified and addressed in the Final EIS and ROD.

Conclusion

A Supplemental Final EIS is not warranted, for the following reasons:

- The proposed modifications are limited in scope and impacts, and are all within the Project Study Area and adjacent to the Preferred Alternative from the Final EIS.
- The Selected Alternative and its related impacts identified in the ROD would not significantly change as a result of the modifications described herein.
- These proposed modifications are consistent with the ROD Appendix B, Project Mitigation Summary "Green Sheet." No Green Sheet changes or additional permits are required by the changes referenced herein.
- The proposed changes will reduce wetland impacts, as compared to other options analyzed, and result in less overall new construction and construction related impacts, as well as short and long term costs.

Recommendation

MDOT requests FHWA take the following actions based on the preceding analyses and conclusions:

- Concur with MDOT's finding.
- Issue a Revised ROD to reflect these modifications.

Michigan Department of Transportation:

Margaret M. Burdette
Environmental Section Manager

July 21, 2011
Date

Federal Highway Administration:

Christina D. Dargatzis
Michigan Division Administrator

7-25-11
Date