



CITY of NOVI CITY COUNCIL

Agenda Item G
July 8, 2013

SUBJECT: Approval to award an amendment to the engineering services agreement to URS Corporation for the final design engineering services related to Greenways Phase 1A (between ITC Community Sports Park and Nine Mile Road) in the amount of \$24,454.

SUBMITTING DEPARTMENT: Parks, Recreation and Cultural Services
Department of Public Services, Engineering Division *BSL*

CITY MANAGER APPROVAL: *[Signature]*

EXPENDITURE REQUIRED	\$ 24,454
AMOUNT BUDGETED	\$ 38,500 (plus \$15,410 to be rolled over from FY12-13)
LINE ITEM NUMBER	208-691.00-974.105

BACKGROUND INFORMATION:

A north-south regional pathway in the western portion of the City was included in the adopted *City of Novi Non-Motorized Master Plan 2011*. The proposed regional pathway would provide a connection between ITC Community Sports Park and Maybury State Park to the south and the City of Wixom to the north. The master plan shows this non-motorized pathway roughly following a corridor of property owned by International Transmission Company (ITC).

Phase 1 was originally planned to be the pathway connection between ITC Community Sports Park to Fire Station No. 4 at Ten Mile, but has now been broken into two separate phases. This project, Phase 1A, will consist of an approximate 1.25 mile long, 10-foot wide, asphalt pathway between ITC Community Sports Park and Nine Mile (see attached location map). A future phase would continue the path north to Fire Station No. 4 at Ten Mile, where a trailhead parking area could be located. The entire Phase 1A portion of the path will be located along the ITC Transmission Corridor or ITC property.

Because there are many aspects to this project (such as easements, wetlands, soil conditions, ITC license agreement requirements, among other unknowns) that make it difficult to accurately scope, the approved fiscal year 2012-13 project budget included only preliminary engineering so the consultant could conduct a topographic survey, review the wetland boundaries and scope the necessary easements. See attached report from URS summarizing the findings from the preliminary design phase of Phase 1 (includes Phase 1A and the future phase to Ten Mile). Now that the preliminary engineering has been completed, staff has worked with URS to establish a construction budget, and will now begin final engineering design for Phase 1A.

URS' engineering fees are based on the fixed fee schedule established in the Agreement for Professional Engineering Services for Public Projects. The total design fees for this project would be 8.9% of the estimated construction costs, however some of the initial design effort has already been completed as part of the initial preliminary engineering. Therefore, the preliminary design engineering fee for this phase will be \$24,454 (8.9% of the estimated construction cost of \$445,552, less \$15,200 for the survey and conceptual engineering already completed). The construction phase engineering fees will be awarded at the time of construction award and will be based on the contractor's bid price and the fee percentage established in the Agreement for Professional Engineering Services for Public Projects. A draft of the Supplemental Professional Engineering Services Agreement for this project is enclosed and includes the project scope and estimate.

Preliminary engineering of the Greenways Development Phase 1A is funded for FY13-14 and is anticipated to be completed in 2014. The final design and construction schedule is dependent upon the acquisition of the necessary license agreements with ITC and future funding. Discussions with ITC on the license agreement are anticipated to begin this August.

RECOMMENDED ACTION: Approval to award an amendment to the engineering services agreement to URS Corporation for the final design engineering services related to Greenways Phase 1A (between ITC Community Sports Park and Nine Mile Road) in the amount of \$24,454.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				



June 26, 2013

Mr. Ben Croy, PE
City of Novi
Field Services Complex
26300 Delwal Drive
Novi, MI 48375

Reference: Greenways Development Phase 1A

Dear Mr. Croy:

URS is pleased to submit this proposal for the above referenced project. The following tasks will be completed:

Task 1 – Initial Meeting and Scope Verification

The intent of this task is to meet with the City and verify the limits and scope of work for the project. The need for and location of soil borings will also be discussed and determined at the scope verification meeting.

Upon completion of this task, the URS team will move forward with the preliminary design.

Task 2 – Survey and Base Plans

All surveying and initial route studies have already been completed. Using the information in the Greenways Development Phase 1 Preliminary Engineering Report and the survey data, URS will prepare base plans (30%-40% complete). These plans will also be used to further the utility investigation and resolution of potential conflicts and geotechnical investigations.

Base plans will include the results of the survey information, utility information from response to our solicitations, and a preliminary design. An estimate will be included with the submittal.

URS will distribute the base plan design set to the utility companies that have indicated that they have facilities in the project area. URS will incorporate the additional information that utility companies provide to URS into the plan set. On-site meetings may be necessary to further clarify coordination and clearance of particular overhead and underground utility facilities.

Task 3 – Preliminary Plans

Incorporating the information obtained from the above tasks, URS will prepare the preliminary plan set (90%) and proposal package. This submission will include items such as utility locations, materials/quantities and boring logs. The preliminary plan submittal will also include the Project Manual and an estimate of cost.

Task 4 Final Plans and Proposal

Incorporating comments from the City, URS will develop the Final Plans, Project Manual, and Cost Estimate.



Mr. Ben Croy
June 26, 2013
Page 2

Task 5 Advertising

URS will respond to any final comments received from the City and will prepare the advertisement for bids. URS will distribute the contract documents to plan rooms and prospective bidders and answer questions and prepare addenda, as required, during the bidding.

Tasks 6 and 7- Bid Opening and Award

URS will attend the bid opening, if requested, and analyze the bids received. A tabulation of bids and a letter with recommendations on award of a contract will then be prepared and submitted.

Tasks 8 and 9 - Construction

URS will provide full time inspection, contract administration, and staking as required for the project and will solicit and coordinate the efforts of the Materials Testing firm hired for the construction phase.

Schedule

Upon notification to proceed, it is estimated that the following schedule could be maintained:

Task 1 - Scope Verification Meeting	July 25, 2013
Task 2 -Base Plans Submittal	August 15, 2013
Task 3 - Preliminary Plans Submittal	September 31, 2013
Task4 - Final Plans Submittal	November 7, 2013
Task 6 - Advertise for Bids	February 10, 2014
Task 7 - Contract Award (By City)	March 17, 2014
Task 8 - Begin Construction	May 15, 2014
Task 9 - End Construction	June 15, 2014

Estimated Fees

The estimated construction cost for the Phase 1A project included in the Preliminary Engineering Report is \$445,552.

TOTAL DESIGN COST (8.9% of \$445,552):	\$ 39,654
Less Surveying and Conceptual Design completed during prior phase:	\$ 15,200
Phase 1A Design Fee	\$ 24,454

Construction Phase fees will be determined based upon the awarded contract cost.

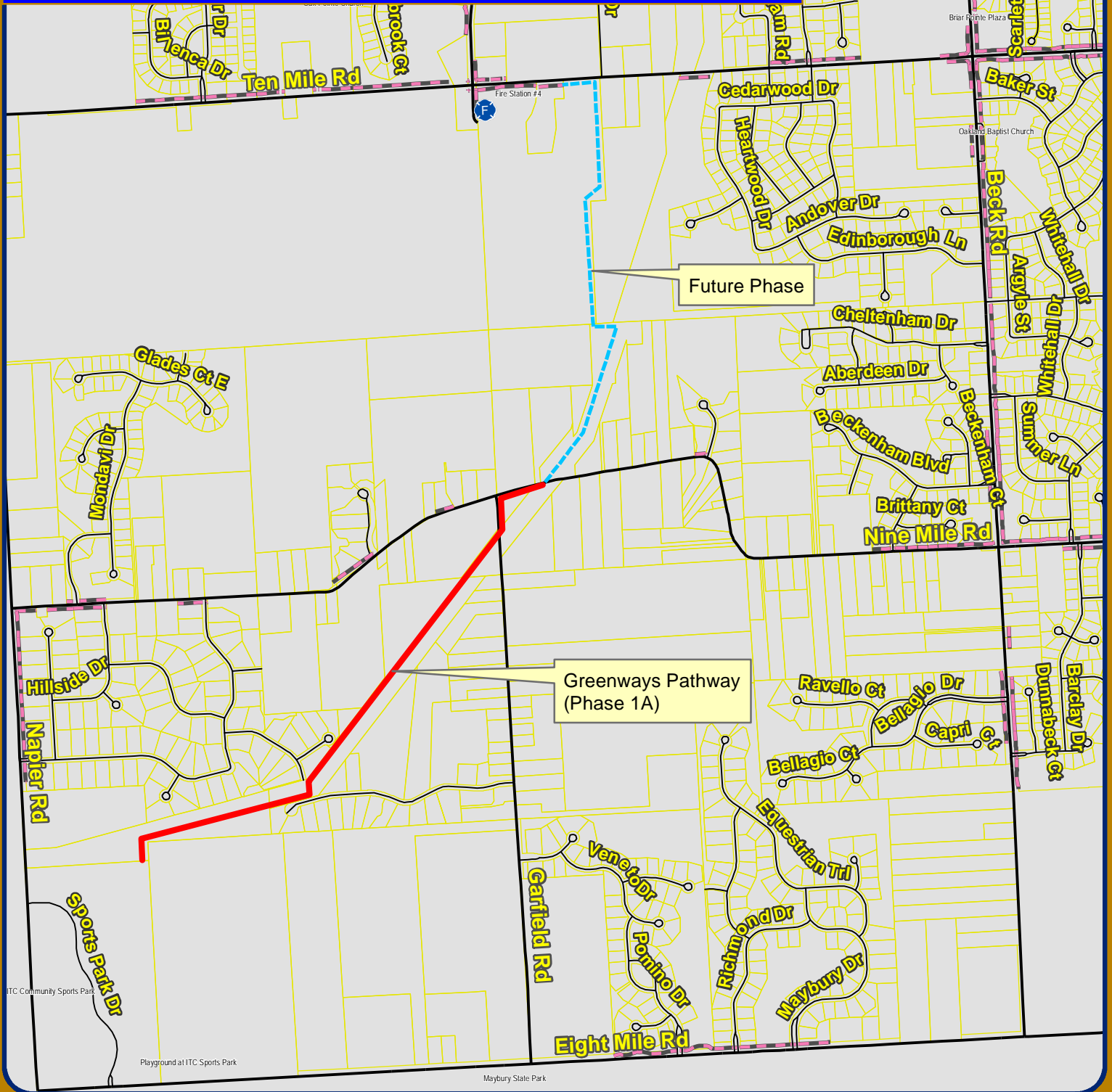
URS Corporation Great Lakes

Jan Hauser, PE
Vice President

Sean Kelsch, PE
Manager, Highway Engineering Services

GREENWAYS DEVELOPMENT PATHWAY (ITC Community Sports Park to Ten Mile)

General Location Map



Map Author: Croy
Date: 6/26/13
Project: Greenways Development PH 1
Version #: v4.0

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



1 inch = 1,500 feet



City of Novi
Engineering Division
Department of Public Services
26300 Lee BeGole Drive
Novi, MI 48375
cityofnovi.org

GREENWAYS DEVELOPMENT PATHWAY - PHASE 1A (ITC Community Sports Park to Nine Mile)

General Location Map



Map Author: Croy
Date: 6/25/13
Project: Greenways Development PH 1A
Version #: v3.0

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Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



1 inch = 800 feet



City of Novi
Engineering Division
Department of Public Services
26300 Lee BeGole Drive
Novi, MI 48375
cityofnovi.org

PRELIMINARY ENGINEERING REPORT

GREENWAYS DEVELOPMENT PHASE 1 ROUTE STUDY AND RECOMMENDATIONS

CITY OF NOVI
OAKLAND COUNTY, MICHIGAN

Prepared For:

CITY OF NOVI ENGINEERING DEPARTMENT

Prepared By:

URS

GRAND RAPIDS – SOUTHFIELD – TRAVERSE CITY

February 28, 2013

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1.0 PROJECT OVERVIEW

The Community Development Department has worked with the Walkable Novi Committee to identify several alternatives for a 4.5 mile long north-south regional pathway. The pathway would connect ITC Community Sports Park to the Providence Park Campus. Due to the length of the project, it will proceed in phases.

Phase 1 of the pathway would begin at the ITC Community Sports Park on Napier Road, continue north and east along the ITC corridor, cross Nine Mile Road near the Garfield Road intersection, continue north again in the ITC corridor and end at Fire Station No. 4, where a parking area could be located (see Figure 1 Greenways Development Pathway Phase 1 - General Location Map).

The pathway will be a 10 foot wide bituminous path. In wetland areas, the path will be a 14 foot wide elevated boardwalk.

Most of Phase 1 would be built in a new 14 foot wide easement within the existing International Transmission Line Company (ITC) corridor. The ITC corridor is an active utility corridor with numerous large transmission towers and overhead transmission lines. The exact location of the proposed trail is subject to approval by ITC, but generally should be as far from the towers as practical, and no less than fifteen feet from any tower leg or pole. The ITC corridor is a relatively flat, open prairie that poses few physical obstacles.

The northernmost portion of the Phase 1 path leaves the ITC corridor and would be located on city owned property south of Fire Station No. 4. This city owned parcel is largely covered by a forested wetland complex. Forested wetlands are considered among the most valuable types of wetlands, and impacts to them are difficult to mitigate because of the time it takes for them to develop. This part of the path poses the most challenging design issues for Phase 1.

2.0 METHODOLOGY

Planning Process

Collection of Data

Data gathering began during the “kickoff” field visit when City and URS staff walked the Phase 1 corridor. URS then performed a detailed topographic field survey of the Phase 1 corridor during the fall of 2012. Then, on October 27th, URS staff biologists delineated existing wetlands in and around the project area.

In addition, Geographic Information Systems (GIS) data was obtained through the Michigan Center for Geographic Information Department of Information Technology, and the Oakland County GIS Department. URS compiled data to facilitate analysis of existing conditions. The purpose was to identify and describe existing regulatory constraints and subsequent agency approvals needed for the proposed route alternatives.

Permitting Requirements Analysis

URS has identified six wetland areas within the project area. On December 10, 2012, URS and City staff met at the site with Jeremy Richardson of MDEQ’s Water Resources Division to conduct a field review of the project. The team then reviewed the Baseline Alternative Route (shown as a solid red line in Figures 1 and 3). Most of the field review focused on Wetland “F”.

The purpose of this meeting was to identify wetland impacts & permit requirements and discuss design options. At this meeting MDEQ confirmed that the large wetland area south of fire Station No. 4 was the only apparent significant environmental issue in the project and that a joint MDEQ/ACACE permit would be required (see Mr. Richardson’s follow up letter in Appendix A). At the field meeting, Mr. Richardson recommended studying alternate routes that would not have as much wetland impact as the Baseline Alternative Route.

After this meeting, URS performed additional wetlands delineation in order to evaluate alternate routes around and/or through Wetland “F”.

Routing Analysis

The routing analysis is based on identifying project opportunities and constraints, including: (1) identifying the various properties available to the project; (2) identifying and evaluating the environmental permitting requirements and issues for the proposed routes, (3) assessing the aesthetic benefits associated with each route; and (4) estimating the costs of each alternative.

3.0 EXISTING CONDITIONS

Location and General Land Use

Phase 1 of the pathway would begin at the ITC Community Sports Park at Napier Road, continue along the ITC corridor, cross near the Garfield and Nine Mile intersection, continue north again in the ITC corridor and end at the parking lot of Fire Station No. 4 on Ten Mile Road.

Land uses in the Project Area include the ITC Community Sports Park, the ITC utility corridor, Fire Station No. 4 and vacant city property behind Fire Station No. 4.

Land uses adjoining the Project Area are generally residential and undeveloped land.

Natural Resources

Phase 1 includes significant natural features such as open fields, woodlands, and wetlands. Figure 2 shows the locations of these features in the project area.

4.0 ROUTE SELECTION

Identification of Alternative Routes

During the preliminary design of Phase 1, it became obvious that the southern half of the project, from the ITC Sports Park to Nine Mile Road, is a fairly straight forward project. Nearly the entire project is within the ITC corridor. There is only one small wetland in this part of the project, and it can either be crossed with elevated boardwalk or, possibly, avoided altogether.

The northern half of the project from Nine Mile to Ten Mile Road, however, has several environmental issues. The key concern is the forested wetland south of Fire Station No. 4. MDEQ has determined that if the impacted area of this wetland is less than 1/3 acre, no wetland mitigation will be required. If more than 1/3 acre is impacted, some form of mitigation will be required. MDEQ and URS agreed that the area of impacted wetlands will be calculated as the area of elevated boardwalk above the wetland area.

Therefore, route evaluation will be done in two parts; the south half from ITC Sports Park to Nine Mile Road, and the north half from Nine Mile to Ten Mile Road.

Route from ITC Community Sports Park to Nine Mile Road

This section of the project is shown in Figure 3. The Baseline Alternative Route is shown as a solid yellow line. The Baseline Alternative Route is 7191 feet long. There are no wetlands, and therefore, no boardwalks along this route.

Figure 3 shows an alternative route with dashed yellow lines. The purpose of this alternative is to improve the user's overall experience by providing an opportunity to travel through part of the woodland area near the ITC.

The overall length of this alternative is 8014 feet. There appear to be no wetlands, and therefore, no boardwalks are needed along the alternative route. Wetland "B" is close to the path, but should not be impacted by it. Wetland "B" is a very small wetland; even if it is impacted it would add very little cost to the project. The biggest impact would be the time needed to apply for an MDEQ permit. This permit would be relatively simple, but would take 45 to 60 days to obtain. No mitigation is required for such a small wetland. The alternate route does require about 1593 feet of tree clearing that is not required in the Base Route.

Table 1 Route from Nine Mile Road to Fire Station No. 4 at 10 Mile Road		
	Baseline Alternative Route (shown in solid yellow)	Alternate Route (shown with dashed yellow lines)
Construction Cost	\$445,552	\$517,875
Additional Property Acquisition Needed	No	No
Wetlands Impact	None	Possibly Wetland B
Wetland Mitigation Required	No	No
Tree Clearing	None	1593 feet of tree clearing
MDEQ Permit Time Required	None	Possibly 45 to 60 days

Route from Nine Mile Road to Fire Station No. 4 at Ten Mile Road

The primary question in this part of the project is how best to go through, or around, Wetland “F” in order to connect to the parking lot at Fire Station No. 4.

Baseline Alternative Route

The Baseline Alternative Route goes through Wetland “F” from one end to the other. It requires no additional property, and it provides the path user with the most natural experience in a forested wetland setting. It is the most expensive alternative because of the amount of elevated boardwalk required to cross Wetland “F”.

The area of impacted wetland for the Base Route is 1.23 acres. Mitigation must be provided for impacts larger than 0.33 acres. MDEQ will require the city demonstrate that a less intrusive route is not practical before issuing a permit.

Alternative #1

Alternative No. 1 requires acquiring the triangular parcel just east of Wetland “F”. This route, for the most part, goes around wetland “F” and greatly reduces the amount of boardwalk. Part of the route is in Ten Mile Road right of way.

Alternative #2

Alternative No. 2 requires acquiring the triangular parcel just east of Wetland “F”. This route, for the most part, goes around wetland “F” and greatly reduces the amount of boardwalk. Of the routes that were considered, this route is the second most natural environment.

Alternative #3

Alternative No. 3 utilizes the ITC Utility Corridor and the Ten Mile Road right of way to go entirely around Wetland “F”. This greatly reduces cost and environmental impacts, but it also greatly reduces the aesthetic appeal of travelling through a more natural setting. This route would pass very close to the ITC facility at Ten Mile Road.

Table 2				
Route from Nine Mile Road to Fire Station No. 4 at Ten Mile Road				
	Baseline Route (shown in solid red)	Alternative #1 (shown in dashed blue)	Alternative # 2 (shown in dashed orange)	Alternate #3 (shown in dashed pink)
Construction Cost	\$1,346,065	\$681,568	\$782,754	\$574,754
Additional Property Acquisition Needed	No	Yes	Yes	No
Wetlands Impact	1.23 Acres	0.30 Acres	0.33 Acres	0.17 Acres
Wetland Mitigation Required	Yes	No	No	No
Woodlands Impact	3564 feet	905 feet	1098 feet	None
MDEQ Permit Time Required	120 days	90 days	90 days	45 to 60 days

5.0 PHYSICAL AND BIOLOGICAL RESOURCES

Physical Resources

Soils

Soil survey data, as described in the *Web Soil Survey* (USDA, 2009), was reviewed for soil types and the presence of hydric soils within the study area, and indicated that hydric soil is present in the project area. This is consistent with the wetlands identified by URS staff. The soils located within the Project Area show no other potential problematic issues. Refer to the soils map in Appendix E.

Topography

The majority of the Project Area is relatively flat with a general elevation of approximately 990 feet above mean sea level at ITC Sports Park and 955 at Fire Station No. 4.

Wetlands

Figure 2 depicts the wetlands mapped in the project vicinity according to the NWI and the URS field review. Six wetland areas were found in the project area. Five of these areas are very small; Wetland "F" is the only large wetland. Wetland "F" would be impacted by the proposed alignment options, and Wetland "B" (a very small, isolated wetland) might be impacted.

Appendix B includes the Wetland Determination Data Form prepared by URS staff during the wetland field delineation.

Michigan's wetland statute, Part 303, Wetlands Protection, of the NREPA, 1994 PA 451, as amended, defines a wetland as "land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as bog, swamp, or marsh."

6.0 ENVIRONMENTAL PERMITS AND APPROVALS

This section presents a description and analysis of the major Federal, State, and local environmental permits, reviews and approvals that are considered likely to be required for the construction of the proposed project.

As previously mentioned, a joint MDEQ/USACE permit is required since the project will impact wetlands. This permit will address state and federal requirements described as follows:

U.S. Army Corps of Engineers Permit

MDEQ has assumed primacy of the Section 404 permitting process in the state of Michigan. The USACE retains authority for impacts to the Great Lakes and other navigable waterways. Therefore, USACE review of a Section 404 permit will likely not be a significant part of this process.

Part 303 Wetlands Protection of the Natural Resources and Environmental Protection Act 1994 PA451, as amended

Any project involving placing fill in a wetland, dredging or removing soil from a wetland, constructing, operating or maintaining use or development in a wetland, or draining surface water from a wetland requires a Part 303 permit from the MDEQ Land and Water Management Division. Applicants must demonstrate that they have taken all reasonable actions to avoid impacts to waters, minimize impacts that cannot be avoided, and provide compensatory mitigation for all remaining impacts. Failure to meet these requirements may result in denial of the application permit or certification. Compensatory mitigation is generally created at a ratio of 1.5 to 1 (wetland created to wetland impacted) for emergent and scrub/shrub wetlands and 2 to 1 for forested wetland.

Part 301 Inland Lakes and Streams of the Natural Resource Protection Act 1994 PA 451, as amended

Any project involving work within the ordinary high water mark of an inland lake or stream requires a permit under Part 301 from the MDEQ Land and Water Management Division.

The following additional permits will be required because the project will cause earth disturbances that will require erosion control measures:

Part 91 Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act 1994 PA451, as amended

A permit is required under Part 91 for construction disturbances over 1 acre in size or within 500 feet of a waterway.

National Pollutant Discharge Elimination Control System (NPDES)

If the area of disturbed earth exceeds 5 acres, the City must file a Notice of coverage with MDEQ prior to construction

If federal funding is used to construct the project, the following requirements must also be met:

Endangered Species Act Compliance

Section 7 of the ESA requires Federal agencies to consult with the Secretary of the Interior to ensure that any action that they authorize, fund or carry out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the adverse modification or destruction of such species critical habitat (16 U.S.C. 1536 (a) (2)). In addition, the act requires that if species proposed for listing are likely to be jeopardized, consultation must be completed with the USFWS. Threatened and endangered species clearance from the MDNR and USFWS will be required prior to construction.

National Historic Preservation Act Compliance

Section 106 of the NHPA granted legal status to historic preservation in Federal planning, decision-making, and project execution. Section 106 requires all Federal agencies to take into account the effects of an understanding on historic properties, and provide ACHP with a reasonable opportunity to comment on those actions and the manner in which Federal agencies are taking historic properties into account in their decisions.

The individual States, through State Historic Preservation Officers (SHPOs) appointed by the Governor of each State, provide matching funds, a designated State office, and a statewide preservation program tailored to State and local needs and designed to support and promote State and local historic preservation interests and priorities. In Michigan, the MISHPO is the designated state office. Clearance from the MISHPO office will be necessary prior to construction.

9.0 SUMMARY AND CONCLUSIONS

Route from ITC Community Sports Park to Nine Mile Road

The southern half of the project, from the ITC Community Sports Park to Nine Mile Road, is a fairly straight forward project. There are no significant environmental or property ownership concerns associated with this part of the project.

Nearly the entire route is within the ITC corridor. There are only a few minor choices to make regarding route alignment. The City may choose to divert parts of the path into the wooded areas next to the ITC path to improve aesthetic appeal. The cost difference between these alternatives is marginal.

Route from Nine Mile Road to Fire Station No. 4 at Ten Mile Road

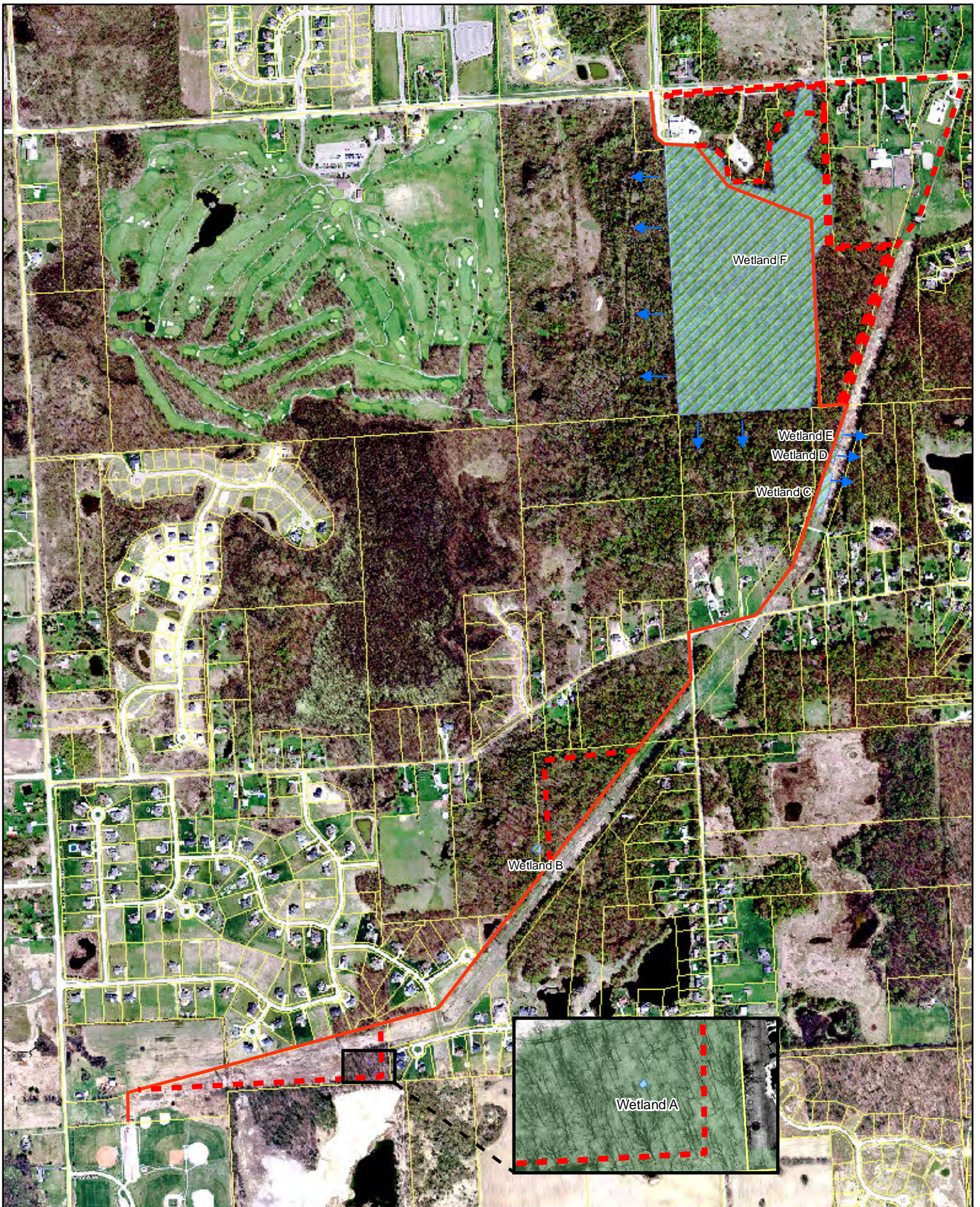
Four alternative routes were examined for this section of the project. The difference between these alternatives is significant, both in cost and availability of property, as well as environmental impact, and aesthetic appeal. Since some of the alternatives require additional property acquisition, a complete cost comparison cannot be done as this time.

Conclusion

At this time, it would be reasonable to proceed with the part of the path from ITC Community Sports Park to Nine Mile Road. The alignment and end points of this part of the path are very unlikely to change, and there are no significant challenges that would prevent it from going forward.

Before proceeding with the path from Nine Mile Road to the Fire Station No. 4 at Ten Mile Road, the City should do three things:

1. Investigate the availability of the addition property needed to build Alternatives 2 and 3.
2. Investigate the feasibility of using the ITC Utility Corridor up to Ten Mile Road.
3. Investigate MDEQ requirements for issuing a construction permit for the Baseline Alternative. This could include submitting for a construction permit at this time based upon the study level plans included in Appendix C.

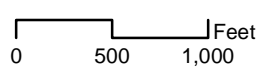


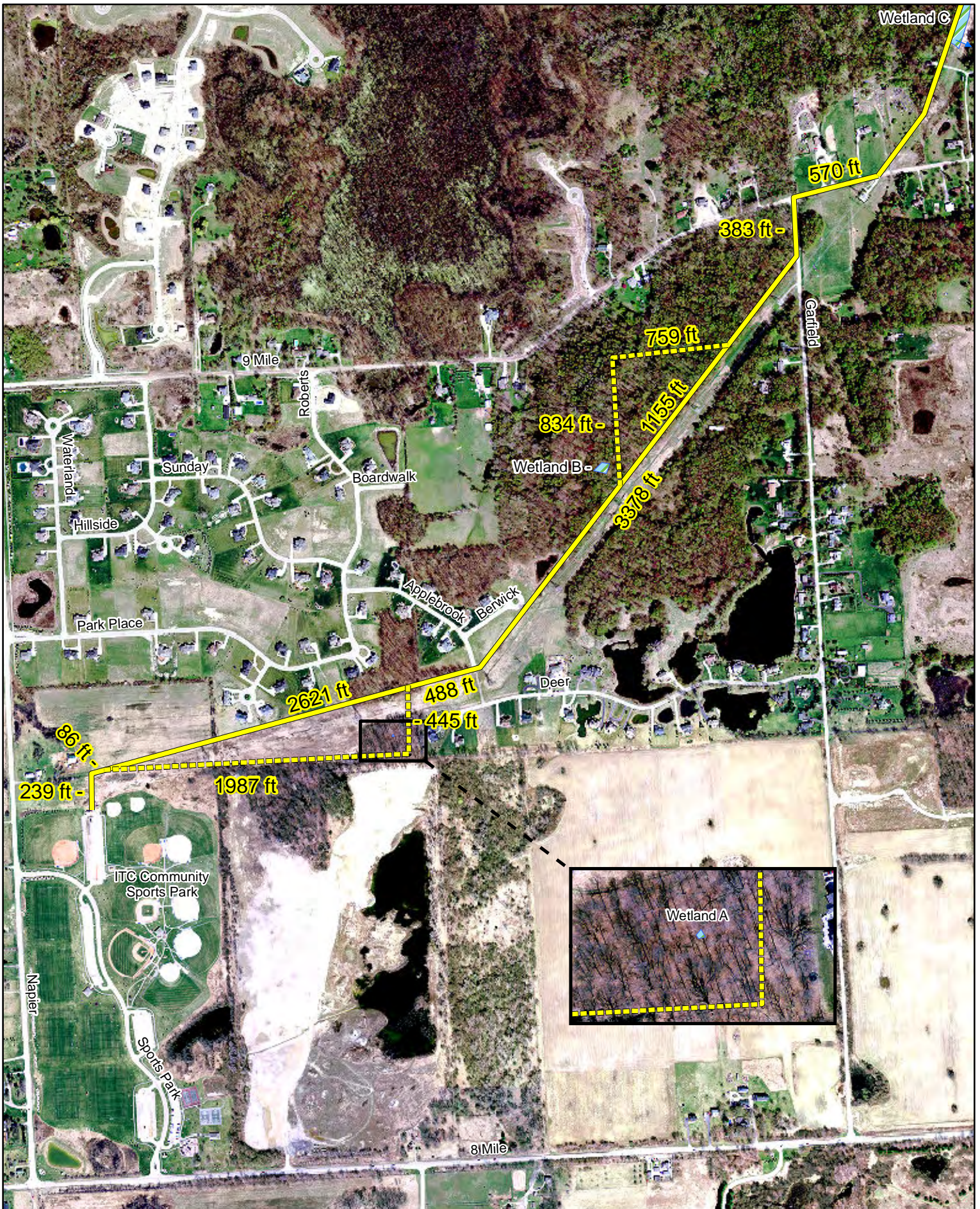
Greenways Development Pathway
Figure 2

Wetlands

Legend

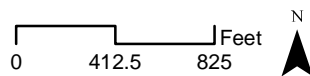
- Base Alternative
- - - Alternative Routes
- Tax Parcels
- URS Delineated Wetlands
- ➔ Open Ended Wetlands





Greenways Development Pathway
Figure 3
 From ITC Community Sports Park
 to 9 Mile Road

- Legend**
- Potential Route
 - - - Alternate Route Segments
 - ▨ URS Delineated Wetlands
 - ➔ Open Ended Wetlands



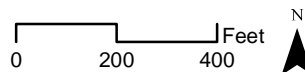


Greenways Development Pathway
Figure 4

Wetland F

Legend

- Base Alternative
- - - Alternative #1
- - - Alternative #2
- - - Alternative #3
- Dirt Berm
- Gas Pipeline
- Tax Parcels
- URS Delineated Wetlands
- ➔ Open Ended Wetlands



APPENDIX A

GREENWAYS DEVELOPMENT PATHWAY PHASE 1 MDEQ Pre-Application Meeting Letter



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE



DAN WYANT
DIRECTOR

December 19, 2012

Mr. Benjamin Croy
City of Novi
45175 West 10 Mile Road
Novi, MI 48375

Dear Mr. Croy:

SUBJECT: Pre-application Meeting
Michigan Department of Environmental Quality (MDEQ)
File Number 12-63-0283-P

This letter is a follow-up to our December 10, 2012 on-site pre-application meeting regarding the proposed pedestrian boardwalk project in City of Novi, Oakland County. The purpose of a pre-application meeting is to provide you with information that will clarify the permit process, answer preliminary questions about your specific project in order to avoid delays at a later date, and to determine, if possible, the need for wetland or inland lakes and streams permits.

During this meeting we reviewed the need to obtain a permit under Part 301, Inland Lakes and Streams; and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The review was based on discussion of the proposed project and/or draft permit application, the proposed site, and potential modifications to the project discussed during our meeting.

Based on the information provided with pre-application request and reviewed in our office, the MDEQ's Water Resources Division (WRD) has determined that a permit is required under Part 303 of the NREPA. Please reference the file number at the top of this letter when submitting a permit application for this project.

This determination is based on information provided at the time of this meeting only. Provided that the proposed project and location are not altered, this determination is binding on the MDEQ for a period of two years from the date of this meeting.

During the review of the project site, WRD staff made the following findings regarding the need for a permit under Part 301 and Part 303 of the NREPA:

- A permit is required for the project as proposed.
- A permit is not required for the project as proposed.
- It cannot be determined whether a permit is required given the information presented at this time.

During the review of the proposed project, WRD staff noted activities that, as currently designed, would require authorization under the following:

- Floodplain Regulatory Authority found in Part 31, Water Resources Protection, of the NREPA.
- Section 404 of the federal Clean Water Act and/or the federal Rivers and Harbors Act from the United States Army Corps of Engineers.

During the meeting, we also discussed a number of issues related to the project, including the following:

- Information on completing an application form.
- Possible alternative design options to minimize project effects on aquatic resources including an alternate boardwalk location to avoid impacting a significant portion of the forested wetland complex.
- The need to more clearly define the purpose and need of your project in the permit application.
- The need for a more thorough analysis of alternative methods or locations in the permit application to avoid and minimize significant adverse impacts to the wetland complex.
- Potential adverse effects to wetland complex and associated resources that may result from the proposed project including the introduction of invasive species within the boardwalk corridor.
- The potential presence of state or federally-listed threatened or endangered species on the site. We recommend review of the material available on the Michigan Department of Natural Resources (MDNR) Web site at <http://www.mcgi.state.mi.us/esa/> for further information regarding coordination with MDNR staff.

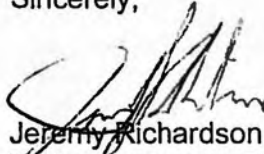
Please note that this is not a permit. The WRD cannot indicate during a pre-application meeting whether or not a permit will be issued. The WRD cannot make a decision regarding a permit until it has considered all of the information provided in the final permit application, and, in some instances, has also considered comments received in response to a public notice of the project. Therefore, WRD staff cannot legally tell you whether the project will be permitted in advance of a permit application being submitted and reviewed.

The MDEQ file number assigned to this project is 12-63-0283-P. Please keep a record of this file number, and use it when submitting a final application or otherwise corresponding with our office on this project.

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We appreciate the opportunity to meet with you, or your representative to address these concerns. We have established a file for this project, and the information submitted to date will be used to facilitate processing of the final application. If you should have follow up questions before then, please contact me at (586) 753-3860; or by e-mail at richardsonj1@michigan.gov.

Sincerely,



Jeremy Richardson
Water Resources Division

cc: Oakland County DPS
Phillip Vogelsang, URS
Sherry Slocum, URS