

these lands are purchased using federal dollars and the federal government seeks compensation if the lands are no longer used for fish and wildlife habitat. Also, the centerline of the road may not match the centerline of the ROW, which could further complicate matters, especially if the LCRC requires that the road be moved to match the ROW (or vice versa). The DNR's response to Mr. Osborn's letter will probably address these issues. However, as a point of reference, it took 10 months for the DNR to grant the KWA a permanent easement at another location on the route.

The second complication is that much of land beside Norway Lake Road through the LSGA is forested wetland that is protected under Part 303, Wetlands Protection, of the NREPA. As I advised KWA representatives in August of 2014, the expansion of the roadway into wetland will need to be addressed under a new permit application. Although there is a minor project (MP) category for limited wetland fills for transportation safety purposes, it is likely that the additional wetland fill in this case will exceed 0.1 acres or otherwise fail to meet the MP criteria. That means that the DEQ's Water Resources Division (WRD) would have to prepare and issue a public notice, which opens a 20-day public comment period. The Lansing District WRD staff are currently backed up in our permit processing due to the roll-out of the MiWaters information/permit-management system on top of the normal heavy load of summer permit application. It is likely that we would need the full 120 days allowed for in statute to process this application. Further, if an affected party (say the LCRC) requested a public hearing on the permit application, we would be allowed an additional 60 days in which to hold a hearing and assess the public comments from the hearing and the 10-day post-hearing comment period. All of this assumes that the KWA doesn't require time to provide additional information after they submit their permit application. Additionally, and perhaps more importantly, it is likely that this permit application would require a (concurrent) federal review. The EPA has generally been submitting its comments near the end of their 90-day review period, which starts when they receive our Public Notice and thus, typically, corresponds with our 120th day. Also, it is likely that the KWA will have to mitigate (at 2:1) for all permanent wetland losses, which will, at a minimum, increase the cost of the project. It may also slow the process down as KWA will need to either purchase credits in a wetland mitigation bank or design and build its own mitigation wetland.

Let me know if you have any questions on this or need additional information/documents from me.

Thanks.

Chris

Christopher Clampitt
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Water Resources Division
Michigan Department of Environmental Quality
525 W. Allegan Street
P.O. Box 30242
Lansing, MI 48909
Phone: 517-243-6956; FAX: 517-241-3571

-----Original Message-----

From: Hansen, Ron B. [mailto:ronh@spicergroup.com]
Sent: Tuesday, October 13, 2015 5:09 PM
To: Clampitt, Christopher (DEQ) <CLAMPITTC@michigan.gov>
Cc: Miller, Warren T. <warrenm@spicergroup.com>
Subject: FW: KWA along Norway Lake Road

Chris,

We previously have advised all parties that modifications to wetland and stream permits should be anticipated should widening of Norway Lake Road be incorporated into the project scope. At this point, we have not been asked to prepare

any permit modification requests or additional permit applications.

See update from Larry Osborne in email string below and copy of the letter sent to MDNR.

Ron
989-928-8021

-----Original Message-----

From: Osborn, Larry [mailto:LOSBOURN@WadeTrim.com]
Sent: Tuesday, October 13, 2015 3:14 PM
To: Hansen, Ron B. <ronh@spicergroup.com>
Cc: 'Matt Raysin' <mrraysin@gcdcwws.com>; Harrison, Tiffany <tharrison@wadetrim.com>; Kenyon, Jason <JKenyon@WadeTrim.com>
Subject: RE: KWA along Norway Lake Road

Ron,

At this time nothing has changed as far as the road width or what was permitted. However, the Lapeer County Road Commission is requiring additional road widening and shoulders or they will issue a stop work order to the Contractor once he gets to M-24. We are exploring this requirement via the DNR since they have fee simple interest to the land over which the ROW easement runs, so essentially they own the land. Here is the letter I sent to Jennifer Olson today.

Any questions, give me a call.

Larry A. Osborn, PE, Professional Engineer
555 S. Saginaw Street, Suite 201, Flint, Michigan 48502
810.235.2555 direct | PPI cell | 810.235.4975 fax

-----Original Message-----

From: Hansen, Ron B. [mailto:ronh@spicergroup.com]
Sent: Tuesday, October 13, 2015 1:51 PM
To: Osborn, Larry; Kenyon, Jason; Harrison, Tiffany
Subject: Fwd: KWA along Norway Lake Road

Please advise.

Ron
989 928 8021

Begin forwarded message:

From: "Clampitt, Christopher (DEQ)" <CLAMPITTC@michigan.gov<mailto:CLAMPITTC@michigan.gov>>
Date: October 13, 2015 at 1:20:53 PM EDT
To: "Ronald B. Hansen (ronh@spicergroup.com<mailto:ronh@spicergroup.com>)"
<ronh@spicergroup.com<mailto:ronh@spicergroup.com>>
Subject: KWA along Norway Lake Road

Ron,