From:	Hansen, Linda (DEQ)
To:	Battle, Jean M LRE; Melgin, Wendy
Cc:	Burdick, Melanie; Deroche, Robert D LRE; Reinke, Donald T LRE; Pennala, Virginia (DEQ); Gustafson, John (DEQ); Meier, Sheila (DEQ)
Subject:	RE: reported road construction along the County Rd 595 alignment, Marquette Co (UNCLASSIFIED)
Date:	Sunday, June 29, 2014 10:55:31 PM
Attachments:	13520007p.pdf

All-

A regulator formerly with MDEQ WRD (Mike Smolinski) issued a permit for Plum Creek to do stream crossing/road work in the Mulligan Creek area. See the attached permit that Mike S. issued last August.

It sounds like this is the work the complainant that contacted Jean is referring to. It looks like the work was authorized on the snowmobile trail.

I am the regulator temporarily covering this portion of Marquette County at this time and can follow up with the complainant.

Linda D. Hansen, PE
DEQ - Water Resources Div.
DNR Service Center
427 US-41 North
Baraga, MI 49908

Phone: 906.353.7522
Fax: 906.353.7464
e-mail: HansenL6@michigan.gov

-----Original Message-----
From: Battle, Jean M LRE [mailto:Jean.M.Battle2@usace.army.mil]
Sent: Friday, June 27, 2014 4:06 PM
To: Melgin, Wendy MVS External Stakeholder
Cc: Burdick, Melanie; Deroche, Robert D LRE; Reinke, Donald T LRE; Pennala, Virginia (DEQ); Hansen, Linda (DEQ); Gustafson, John (DEQ)
Subject: reported road construction along the County Rd 595 alignment, Marquette Co (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Wendy

We got a report that a gravel road has been built along an alignment similar to County Road 595 (the caller is unsure whether it went along portions of the existing snowmobile trail or the most recently proposed CR 595 alignment.)

-Construction appears to have occurred within the last 2-3 weeks -The caller did not get the contractor's name, but spoke to an equipment operator and a forester from Plum Creek, who confirmed the road was recently constructed, and claimed that a permit for a bridge over Mulligan Creek was already obtained- he didn't answer questions about the road fill, land clearing, etc issues.
-The caller took photos and is going to send them. He was able to drive all the way from the Triple A Road at the north end near the mine, to US-41 today.

I've also alerted MDEQ (I copied them on this email.)

I'm out of the office next week, but Bob Deroche, who is copied on this email, is my office partner (906-225-8089), and he can go look at the site and take some photos for whoever the EPA PM would be- just let him know.

A general location map is attached.

Jean

Jean Battle
Regulatory Project Manager
Marquette Regulatory Field Office
US Army Corps of Engineers, Detroit District
(906) 228-2833
Jean.M.Battle2@usace.army.mil
Please visit our Detroit District Regulatory website at
http://www.lre.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx

We would appreciate your feedback. Our National Customer Service Survey is located at
http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

Classification: UNCLASSIFIED
Caveats: NONE

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
PERMIT

ISSUED TO:

Plum Creek
Patrick Riley
15800 Mead Road
L'Anse, MI 49946

Permit No.	13-52-0007-P
Issued	August 30, 2013
Extended	
Revised	
Expires	August 30, 2018

This permit is being issued by the Michigan Department of Environmental Quality (MDEQ) under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and specifically:

- ☒ **Part 301, Inland Lakes and Streams**
- ☐ **Part 315, Dam Safety**
- ☐ **Part 325, Great Lakes Submerged Lands**
- ☐ **Part 323, Shorelands Protection and Management**
- **Part 303, Wetlands Protection**
- ☐ **Part 353, Sand Dunes Protection and Management**
- ☒ **Part 31, Floodplain/Water Resources Protection**

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Permitted Activity:

Improve the snowmobile bridge across Mulligan Creek by replacing the abutments and replacing some of the bridge beams. Place approximately 350 cubic yards of approach fill. The new bridge over the Mulligan will be 24.5' long x 12' wide and will be 6' above the existing stream bottom. Also, install two (2) 24" diameter floodplain culverts into the approach fill as shown on the attached site plan. At crossing #1, install a 30-foot long, 24-inch plastic culvert. At crossing #2, remove the existing culvert and install a 30-foot long 24-inch culvert. Place approximately 75 cubic yards of approach fill at crossing #2. All work shall be done according to attached plans and permit conditions.

Water Course Affected: Mulligan Creek and Tribs
Property Location: Marquette **County,** Michigamme Township, **Section** 26 35, **Town/Range** 50N, 29W

Authority granted by this permit is subject to the following limitations:

A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31, Water Resources Protection, of the NREPA.
C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that Act.
G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
I. Permittee shall notify the MDEQ within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached preaddressed postcard to the office addressed thereon.
J. This permit shall not be assigned or transferred without the written approval of the MDEQ.

K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31, and wetland).
M. In issuing this permit, the MDEQ has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, the MDEQ may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the State (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the State and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, the MDEQ may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from the MDEQ. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the MDEQ prior to being implemented.
Q. This permit may be transferred to another person upon written approval of the MDEQ. The permittee must submit a written request to the MDEQ to transfer the permit to the new owner. The new owner must also submit a written request to the MDEQ to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties which includes all the above information may be provided to the MDEQ. The MDEQ will review the request and if approved, will provide written notification to the new owner.
R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.
S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent.
U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.
V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the waterbody are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the MDNR, Fisheries Division.
Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

The following threatened or endangered species are known to occur on or near this project site and may be impacted by your activities: Narrow-Leaved Gention, *Gentiana linearis*. Issuance of this permit does not obviate the need to obtain approval under Part 365, Endangered Species, of the NREPA, from the Michigan Department of Natural Resources (DNR) Natural Heritage Program prior to commencement of construction activity. Please contact Lori Sargent, Wildlife Division, MDNR, P.O. Box 30180, Lansing, MI 48909, or at 517-373-1263.

The road fill side slopes shall not be steeper than 1-on-2 (1 vertical to 2 horizontal) except where headwalls of reinforced concrete, mortar masonry, dry masonry, or other acceptable methods are used.

Road fill side slopes terminating in the stream and any raw streambanks resulting from the construction, shall be stabilized with temporary measures in accordance with appropriate Best Management Practices based on site conditions, and if necessary, may be riprapped placed on top of geotextile fabric extending above the ordinary high water mark, before or upon commencement of the permitted activity. Temporary stabilization measures shall be maintained until permanent measures are in place.

All other road fill slopes, ditches, and other raw areas draining directly to the stream may be protected with riprap placed on top of geotextile fabric, sod and/or seed and mulch as may be necessary to provide effective erosion protection.

The placement of riprap shall be limited to the minimum necessary to ensure proper stabilization of the side slopes and fill in the immediate vicinity of the structure.

If the project, or any portion of the project, is stopped and lies incomplete for any length of time (other than that encountered in a normal work week) every precaution shall be taken to protect the incomplete work from erosion, including the placement of temporary gravel bag riprap, temporary seeding and mulching, or other acceptable temporary protection.

No work shall be done in the stream during periods of above-normal flows except as necessary to prevent erosion.

The existing structure shall be kept open to pass the stream flow during removal of the existing road fill.

The placement of the new culvert and the initial placement of fill in the stream shall be done immediately after removal of the existing culvert. The placement shall be conducted in such a manner that all flow is immediately passed through the new culverts, allowing the major placement of fill to be done in the dry or in still water where erosion and siltation will be minimized. The fill material used in this initial placement shall be washed gravel, coarse aggregate, or rock and shall be placed at both ends of the culvert to a level above normal water level before backfill material is placed.

The culvert shall be installed to align with the center line of the existing stream at both the inlet and outlet ends, and must be buried below the stream bed to provide a natural channel substrate through the structure as shown on the approved plans.

Notification shall be made to the MDEQ's Water Resources Division, five days prior to starting the project. Please notify Mike Smolinski at 906-346-8562 or smolinskim@michigan.gov.

The 100-year flood elevation of Mulligan Creek is estimated to be 5 feet above the stream bottom.

All debris and excess material from the project shall be removed to an upland site above the 100-year floodplain.

No change in road grade elevation, other than that shown in the plans, is authorized by the Mulligan Creek crossing.

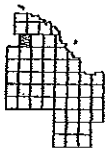
Rock riprap shall be placed so that it not narrow up the stream channel OR interfere with stream flows in and out of the bridge or culverts.

The culverts installed on the tributaries shall not be recessed more than 4 inches into the stream bottom.

By: _____
Mike Smolinski
Water Resources Division
906-346-8562

cc: Michigamme Township Clerk
Marquette CEA
Brian Roell, DNR, Wildlife, Marquette
George Madison, DNR, Fisheries, Baraga

Michigamme (NC)



T.50N.-R.29W.

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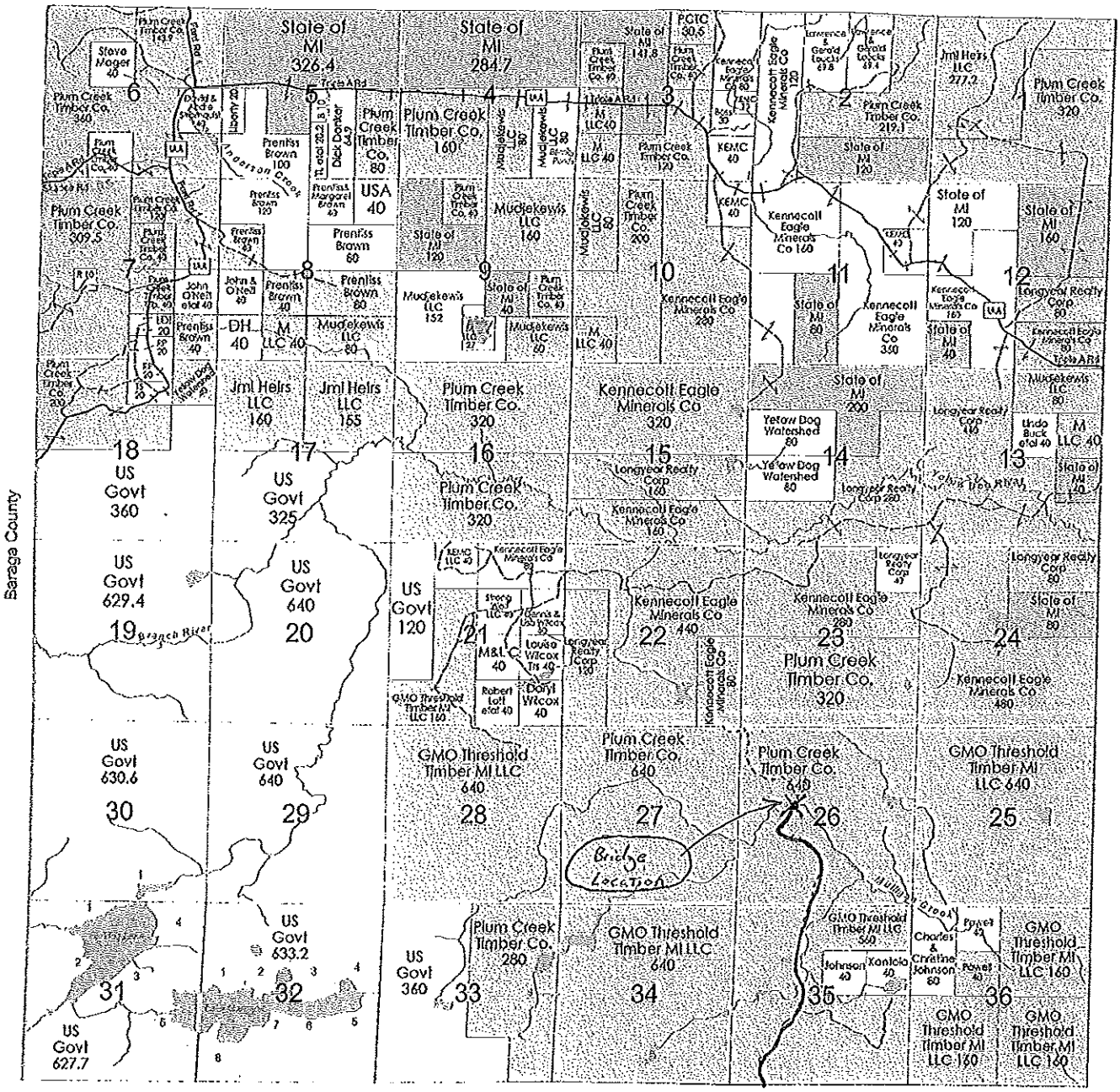
See Powell (W) Michigamme (N) Page 56, Powell (WC) Page 57



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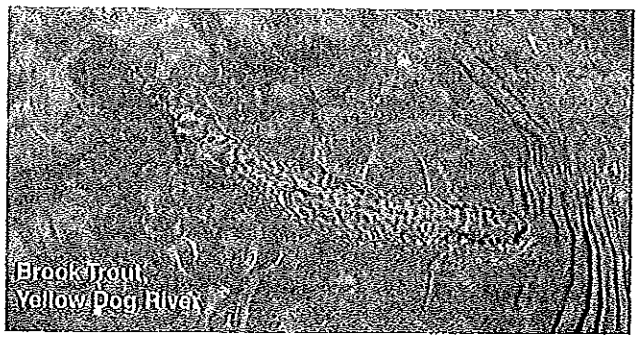
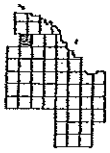
See Michigamme (EC) Champion (WC) Page 46



Chris Wetton

13-52-0007-P

Michigamme (NC)



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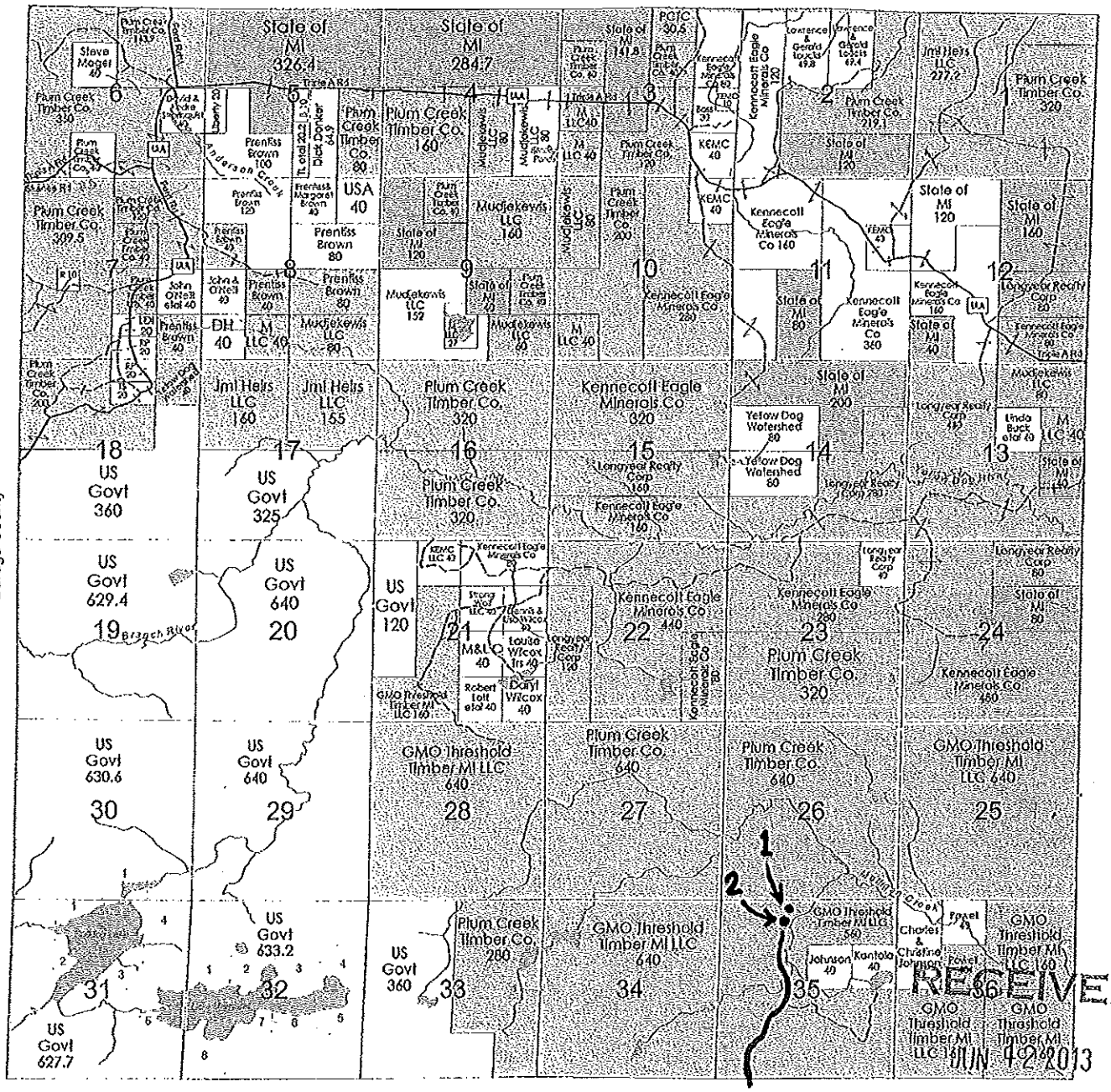
See Powell (W) Michigamme (N) Page 56, Powell (WC) Page 57



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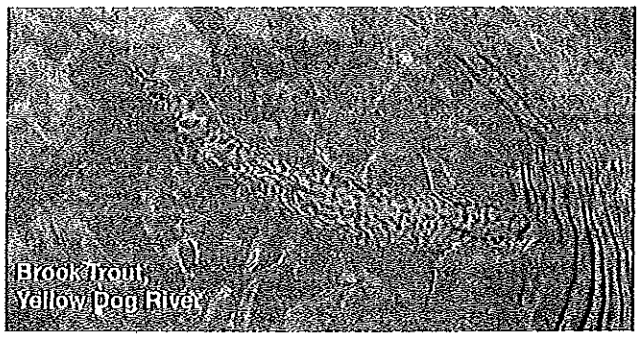

Chris Weston

Yellow Dog Watershed Preserve
P.O. Box 2
Big Bay, MI 49808
906 345-9223
www.yellowdogwatershed.org

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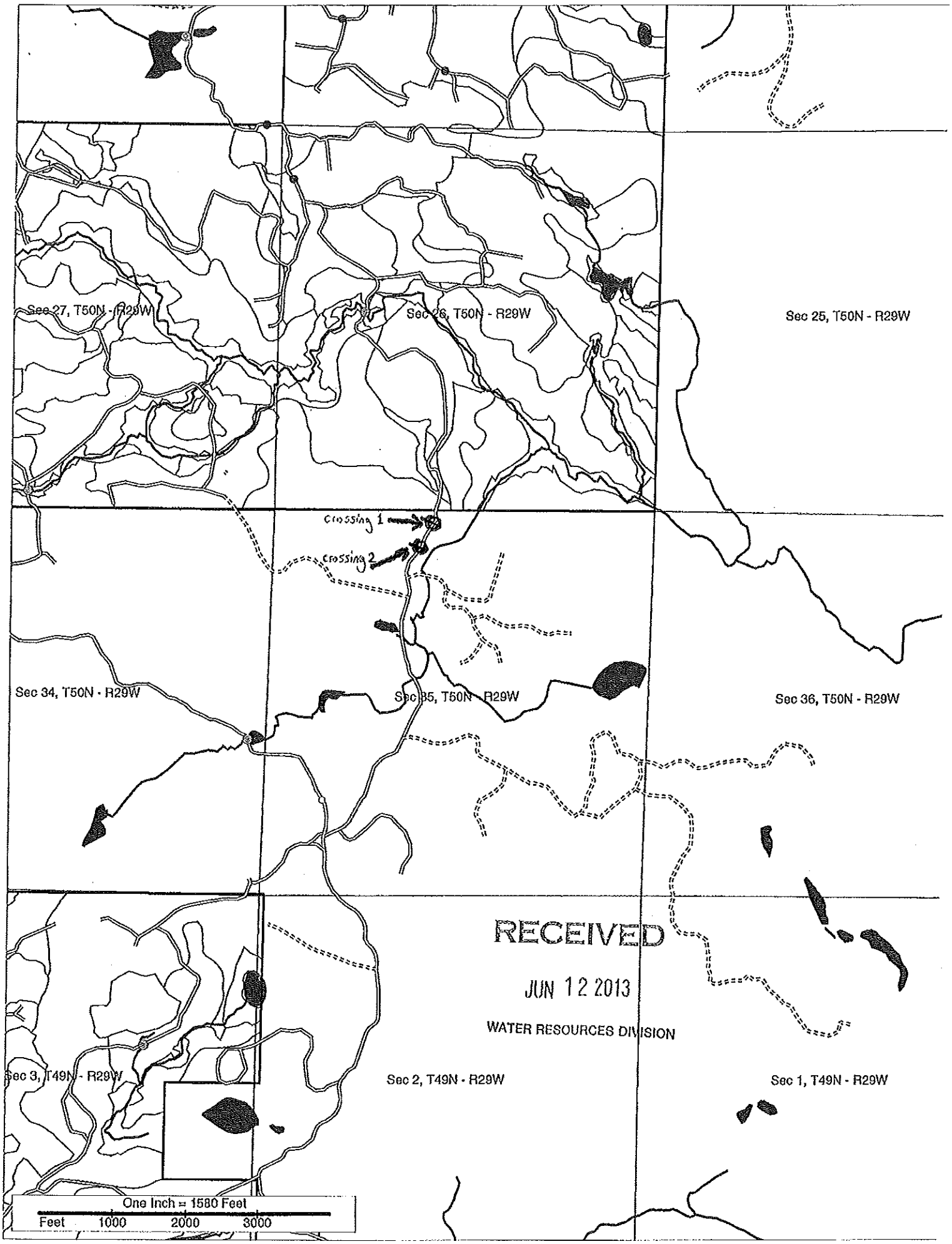

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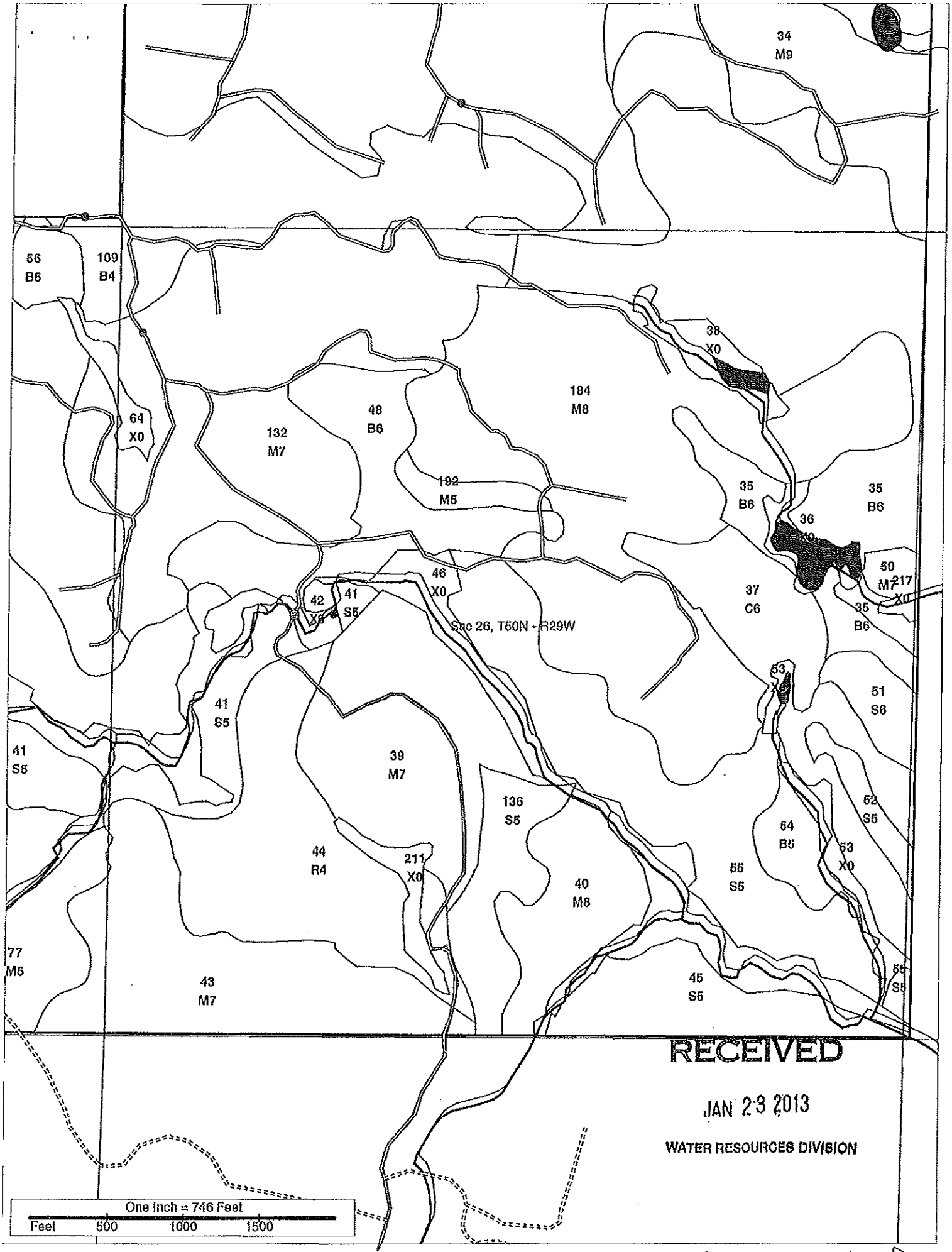

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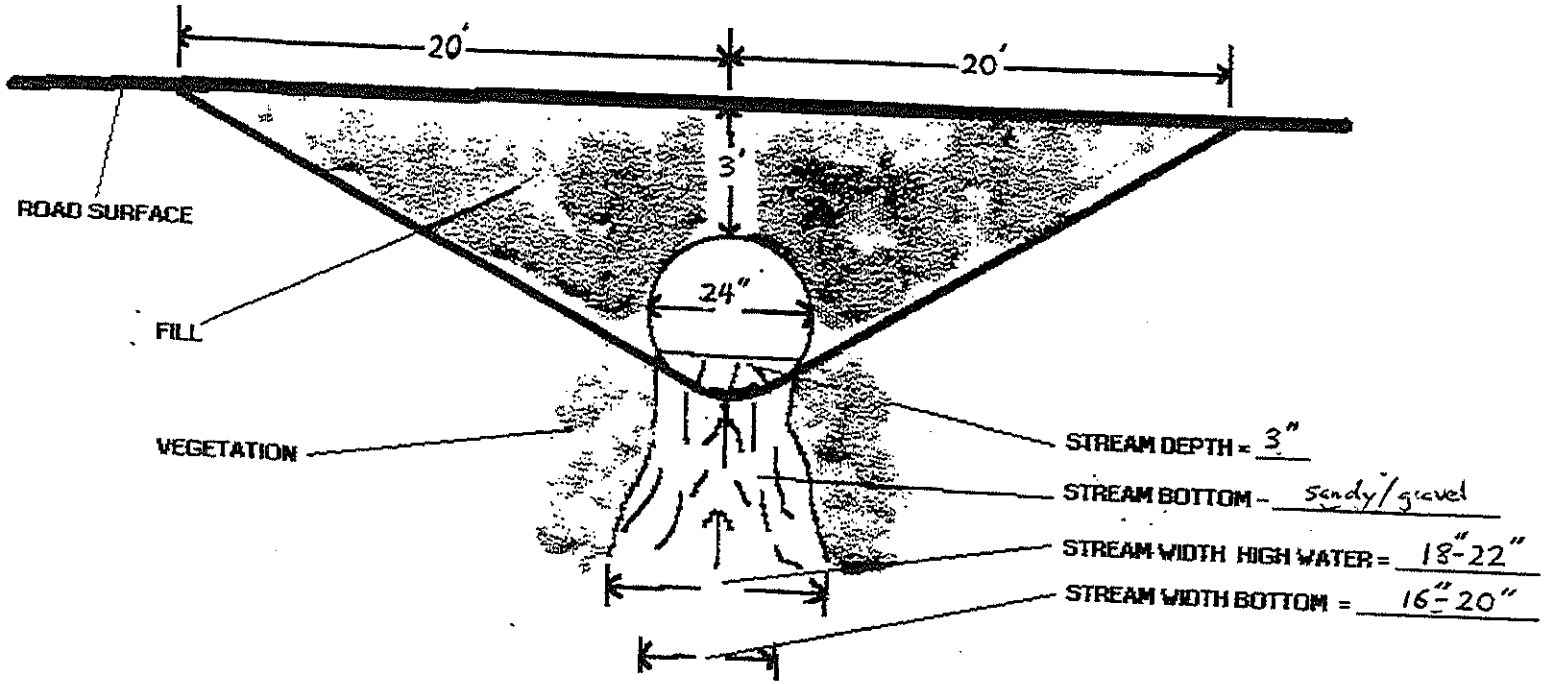
VIEW 1 crossing 1



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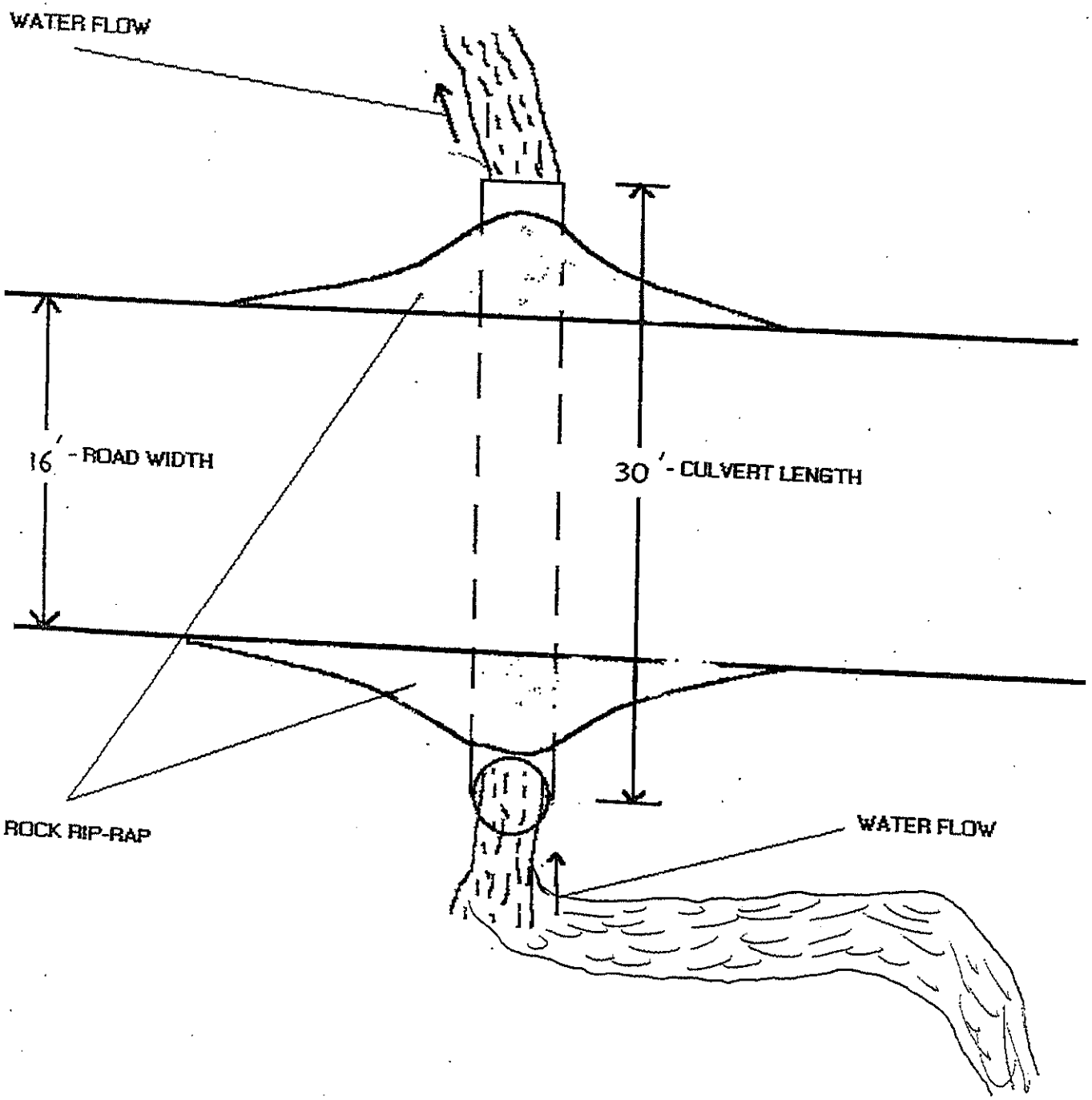
VIEW 2 crossing 1



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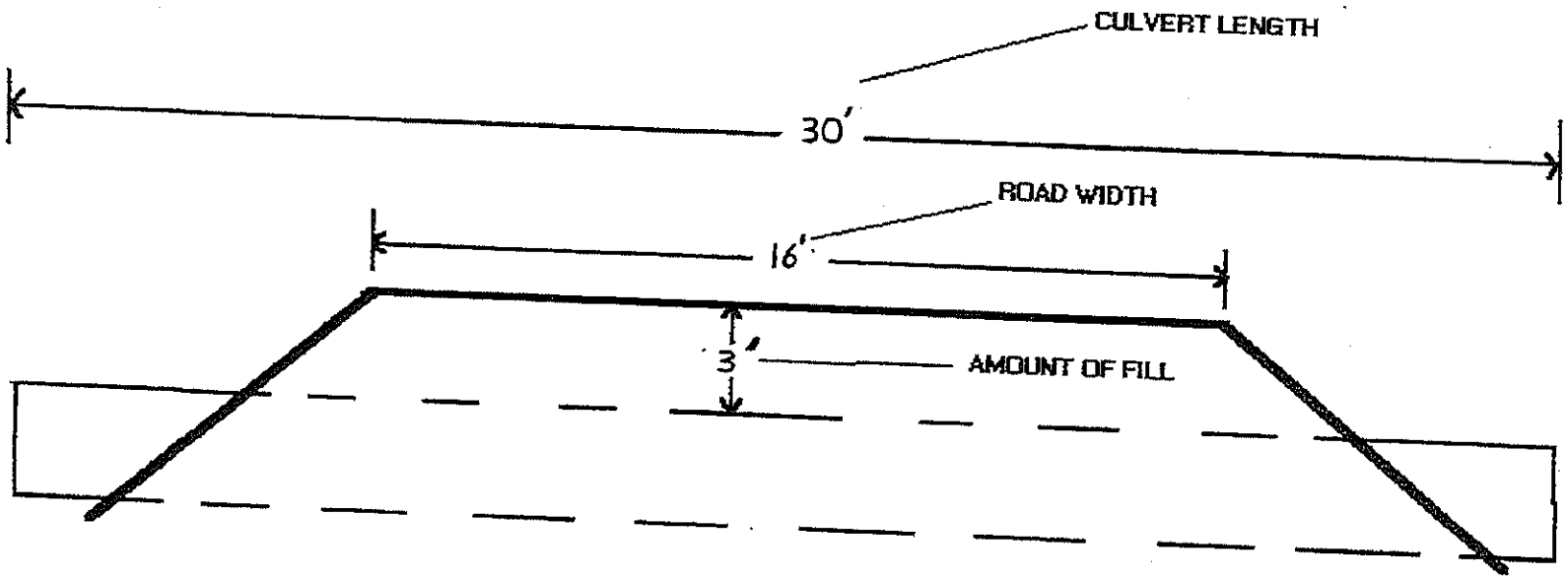
VIEW 3 crossing 1



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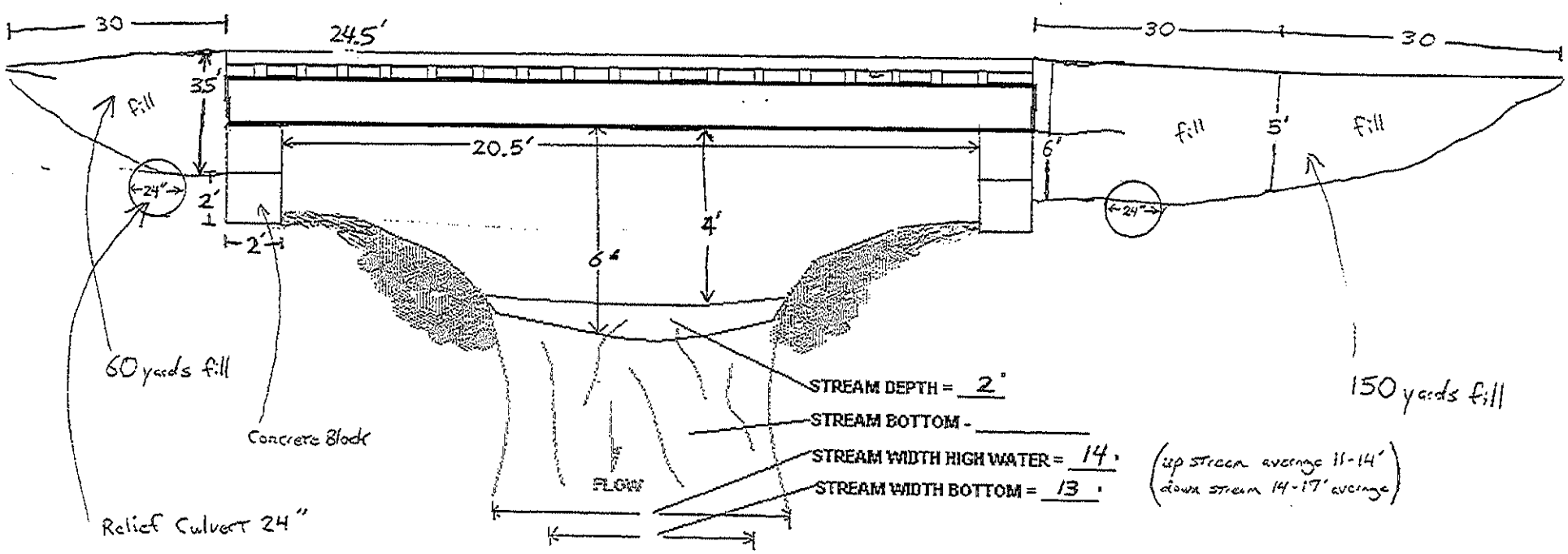

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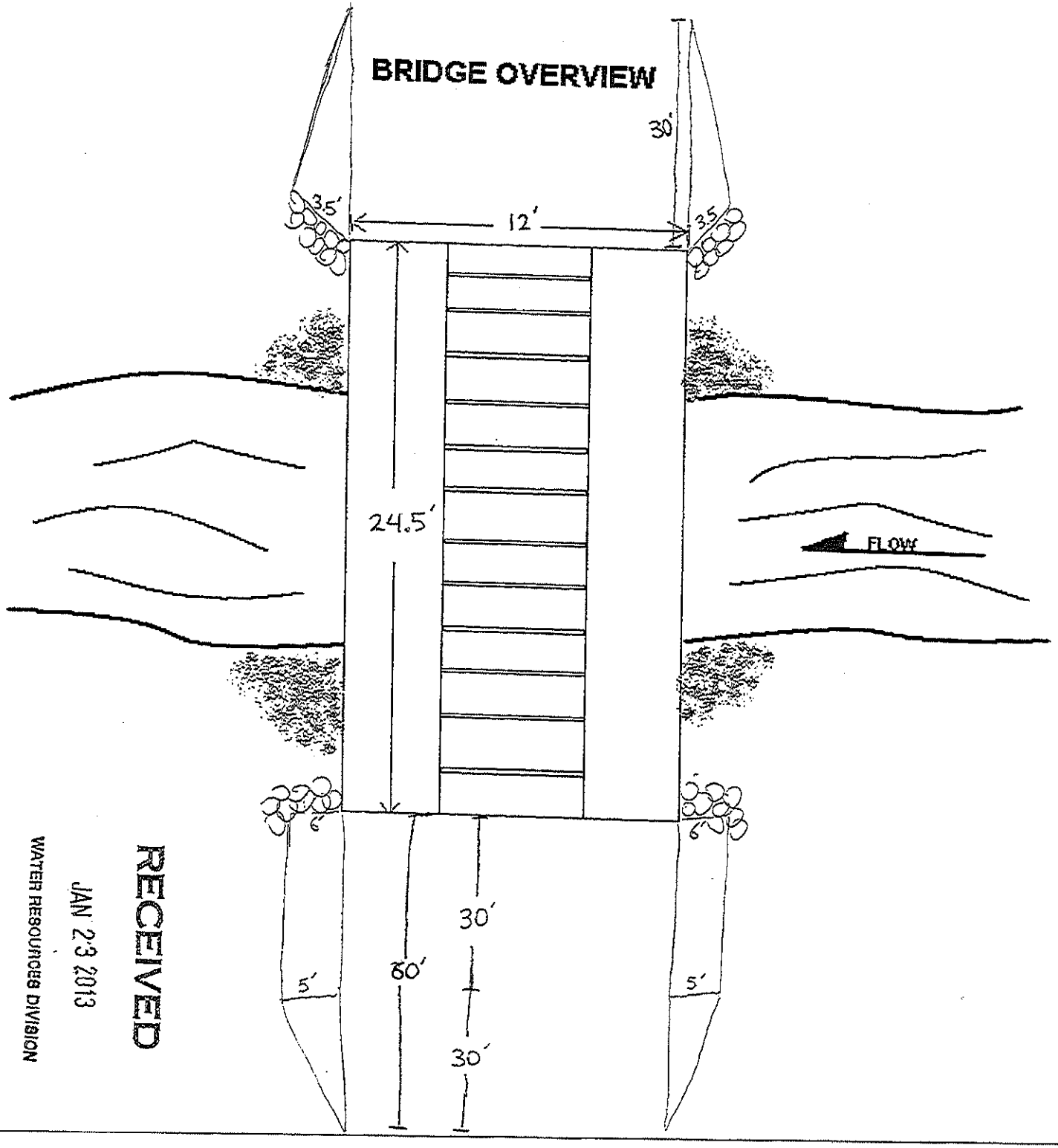

North

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