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Aug 12, 2012

Ms. Melanie Haveman
EPA Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

BY EMAIL ONLY

Re: Public Notice No. 11-52-0075-P, Marquette County Road Commission Proposed CR 595

Dear Ms. Haveman:

Marquette County Road Commission (MCRC), being aware of the large amount of information that has been submitted to the Michigan Department of Environmental Quality (MDEQ) and the U.S. Environmental Protection Agency (EPA) for the proposed CR 595 project and the related difficulties for all of us to keep the revisions and responses organized, thought that it would be helpful to provide a summary that notes the dates and locations (in the submitted documents) of MCRC responses to EPA comments. We understand that you have a large amount of material to analyze in a relatively short period of time and we hope that this summary is as helpful to you as it is to the MCRC project team.

MCRC believes, with the exception of the wetland mitigation plan, that it has fully and adequately addressed each of the comments EPA submitted to Colleen O'Keefe of the MDEQ on April 23, 2012. While MCRC thought your mitigation plan comments were appropriately addressed in our most recent submittal, the wetland mitigation plan is again being given consideration for revision based upon the input you provided to us during the June 29, 2012 site visit. We intend to have a revised wetland mitigation plan submitted to you and the MDEQ for your review within the next two weeks.

To hopefully assist in your review, we have excerpted each of the comments from the April 23, 2012 EPA response to MDEQ below, noting the date of the MCRC response to the comment and the location of that response in the relevant document.

In bold below, please find a brief summary or description of the EPA comment and the location of that comment in the April 23, 2012 letter. The location of the MCRC response is italicized and provided immediately below the respective EPA comment.

1. **Project Purpose; EPA letter, page 2, ¶3. Other alternatives will meet the project purpose.**

   MCRC Response: In June 6, 2012 Response to EPA Comments; page 1, ¶2.

2. **Alternatives Assessment; EPA letter page 2, ¶4 and all of page 3. The alternatives analysis should demonstrate that the County's preferred alternative is the least environmentally damaging practicable alternative.**

   MCRC Response: In the April 12, 2012 response to MDEQ, additional information was provided in regard to the impacts of the Mulligan Plains West, Mulligan Plains East, and CR 510/Red Road/Sleepy Hollow alternatives. This additional information is provided on pages 1 through 4; pages 20 through 21; and pages 31 and 32 of that April 12 response. Supporting information was provided in the Appendices of the April 12 response.

   In the May 7, 2012 response to MDEQ (via email), pages 2 through 4, additional information is provided on the alternatives considered.

   In the May 29, 2012 response to MDEQ, additional information was provided on the analysis of alternatives on pages 1 through 3 and in the attached plans for the Wolf Lake Road South route segment.

   The revised Alternatives Analysis/Project Assessment dated June 29, 2012 provided additional information on the alternatives, as identified in bold font in that June 29 document.

   In the July 5, 2012 letter to Ms. Tinka Hyde, pages 1 through 3, a comparison of the CR 595 and CR 510/Red Road/Sleepy Hollow alternatives was presented.

   In addition, as you and Jeff King briefly discussed, last week we discovered errors regarding the wetland impacts for the CR 510/Red Road route that had previously been provided to EPA and MDEQ. The email from Jeff to Jerry Fulcher (copy to you) dated July 23, 2012 corrected those errors.

3. **Indirect and cumulative impacts, EPA letter page 4, ¶1 and 2.**

   MCRC Response: In the April 12, 2012 response to MDEQ, pages 4 through 10; pages 25 through 31.

   In the June 6, 2012 response to MDEQ comments, pages 9 through 13.

4. **Impacts analysis, direct impacts; EPA letter page 4, ¶3, 4, and 5; page 5, ¶1.**

   MCRC Response: Evaluation of direct impacts to S3 wetlands provided in the June 6, 2012 response to MDEQ, pages 4 through 7.

   In the June 6, 2012 response to EPA comments, pages 1 through 5.

   The revised Alternatives Analysis/Project Assessment dated June 29, 2012 provided additional information on direct wetland impacts and stream crossing revisions, as identified in bold font in that June 29 document. Direct wetland impacts from CR 595 (not including the 0.36 acres of impact from the Snowmobile Trail 5 relocation) were reduced from 25.45 acres to 23.96 acres.

5. **Indirect impacts; EPA letter page 5, ¶2; Indirect impacts to hydrology and water quality.**

   MCRC Response: In the June 6, 2012 response to MDEQ comments, page 13.

   In the June 6, 2012 response to EPA comments, pages 5 and 6.

   The revised Alternatives Analysis/Project Assessment dated June 29, 2012 provided additional information on indirect wetland impacts and stream crossing revisions, as identified in bold font in that June 29 document.

6. **Indirect impacts; EPA letter page 5, ¶3; Introduction of invasive species.**

   MCRC Response: In the May 30, 2012 response to the Michigan Department of Natural Resources (MDNR), pages 7 and 8.

   In the June 6, 2012 response to EPA comments, page 6.

   The revised Alternatives Analysis/Project Assessment dated June 29, 2012 provided additional information on the plan to prevent/control invasive species, as identified in bold font on that June 29 document.

7. **Indirect impacts; EPA letter page 5, ¶4; Impacts to fragmented wetlands.**

   MCRC Response: In the June 6, 2012 response to EPA comments, page 6.

   The revised Alternatives Analysis/Project Assessment dated June 29, 2012 provided additional information on indirect wetland impacts to fragmented wetlands, as identified in bold font on that June 29 document.

8. **Indirect impacts; EPA letter page 5, ¶5; Loss of stream functions.**

   MCRC Response: substantial revisions have been made to the proposed stream crossing structures in response to consultation with MDEQ and MDNR, as explained in the following responses.

   In the June 6, 2012 response to MDEQ comments, pages 9 through 13.

   In the June 6, 2012 response to EPA comments, pages 7 through 10.

   The revised Alternatives Analysis/Project Assessment dated June 29, 2012 provided updated information on stream crossing revisions that have been proposed for the purpose of reducing loss of stream functions and the stream mitigation plan also identifies the stream functions affected and the replacement of the functions proposed in the stream mitigation plan, as identified in bold font on that June 29 document.

9. **Wildlife impacts; EPA letter page 5, ¶6; page 6, ¶1 and 2; Wildlife mortality.**

   MCRC Response: In the May 30, 2012 response to the MDNR, pages 2 through 6.

10. **Endangered Species Act; EPA letter page. 6, ¶3, 4, 5, and 6.**

    MCRC Response: Additional surveys were conducted for Kirtland's warbler in consultation with the Fish & Wildlife Service in June 2012 and an analysis of Canada lynx was prepared; both are described in the revised Alternatives Analysis/Project Assessment dated June 29, 2012.

11. **Compensatory mitigation; EPA letter page 6, ¶7 and 8; page 7, ¶1 through 5.**

    MCRC Response: MCRC has been attempting to provide a wetland and stream mitigation plan that meets the requirements of MDEQ and EPA. A plan for wetland creation in each watershed where the proposed CR 595 is located, meeting MDEQ mitigation rules was prepared and submitted with the January 17, 2012 application for permit. EPA indicated in its April 23, 2012 comments that the plan was not adequate. A second wetland and stream mitigation plan meeting MDEQ mitigation rules was prepared and submitted to MDEQ and EPA in the June 6, 2012 response to MDEQ. Based upon comments received from MDEQ by email on June 19, 2012 and letter dated June 25, 2012, MCRC prepared a third wetland and stream mitigation plan that was submitted as part of the revised Alternatives Analysis/Project Assessment document dated June 29, 2012. Upon cursory review of the third mitigation plan, EPA provided oral comments during the June 29, 2012 field review that clarified the EPA-desired wetland mitigation plan that would require some flexibility by MDEQ rules/standards. MCRC is presently working on preparation of the fourth wetland mitigation plan that involves preservation of critical wetlands and will submit the plan to MDEQ and EPA upon completion.

MCRC remains committed to fully address, to the extent we can, any comments or concerns provided by MDEQ or EPA for the proposed CR 595 project. The time constraints that we are all under require us to efficiently communicate in order that we may meet the deadlines for this very important project. We respectfully request that EPA communicate with either MCRC or its permit application agent King & MacGregor Environmental, Inc. directly or, if you prefer, to communicate to MCRC through MDEQ with any further concerns, comments, or suggestions that EPA may have. We will work diligently with our project team and all regulatory agencies in making every effort to factually resolve the EPA objection to the issuance of a permit by MDEQ for this project.

Sincerely,

James M. Iwanicki, P.E.
Engineer Manager

Cc: Ms. Susan Hedman, EPA (By Email Only)
Ms. Tinka Hyde, EPA (By Email Only)
Mr. Steve Casey, MDEQ (By Email Only)