



CITY OF EAST LANSING

Quality Services for a Quality Community

May 18, 2020

John Gentilozzi
3400 West Rd, LLC
East Lansing, MI 48823

Subject: Application for Wetland Delineation Verification & WUP
3401 West Rd. EGLE Offices

Dear Mr. Gentilozzi:

Thank you for your application for a wetland delineation verification and Wetland Use Permit submitted on behalf of 3400 West Rd, LLC for 3401 Coolidge Rd. On behalf of the City of East Lansing, ASTI Environmental staff conducted a wetland delineation verification and Wetland Use Permit review, based on the provisions in Chapter 49, Wetland Protection, in the City's Code of Ordinances (Chapter 49), at the above-mentioned site on Coolidge Road (Property) for 3400 West Rd, LLC (Applicant) for construction of the new Lansing District Headquarters for Michigan Department of Environment, Great Lakes, and Energy (EGLE) at 3401 Coolidge Road (Property). The Property has been delineated several times since 2004 by various consultants and EGLE. Previous delineation reports were provided as part of the Wetland Use Permit submittal.

The proposed project entails the following:

1. Construct an access road off Coolidge Road with two (2) wetland crossings for access to the building site.
2. Construct an approximately 23,500 sq. ft. commercial office building with 80 workstations.
3. Construct a 31,831 sq. ft. parking lot to provide 100 parking spaces and subsurface storm water detention.
4. Remove an existing culvert and overlying fill that was historically placed in a segment of the main wetland swale on the property and restore the area consistent with the adjacent, undisturbed areas.

A City issued Wetland Use Permit is requested for the following activities:

1. Construct an access road from Coolidge Road through wetland to service the new building. This will entail two (2) wetland crossings, filling 0.16 acre of wetland with 942 cubic yards of fill.
2. Construct a building, parking area, and underground stormwater detention system. Grading for the building and parking lot and placement of the

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stormwater outfall for the subsurface detention basin will fill 0.08 acre of wetland with 370 cubic yards of fill.

A wetland permit application to EGLE for the same proposed activities was also submitted for this project. While a pre-application meeting was held between the Applicant and EGLE on November 14, 2019, the City of East Lansing was not invited to the meeting or consulted on the project until the proposed plans had been finalized and an application submitted.

Wetland Boundary Confirmation and Basis for Regulation

ASTI conducted a site investigation on April 24, 2020 to review wetland boundaries and review the proposed project area. While approved vegetation clearing had occurred prior to the wetland delineation verification by ASTI, ASTI was able to estimate the wetland flagging locations and confirmed the wetland delineation. ASTI had no changes to the wetland boundaries on the Property, as shown in the EGLE Wetland Identification Program (WIP) report.

All three of the previous delineations acknowledged the largest wetland (Wetland A), which is an open water, emergent and scrub shrub wetland, extending off site to the northeast and southwest. The EGLE WIP conducted in 2019 expanded the boundaries of Wetland A significantly (by 0.5 acre) and incorporated a smaller wetland unit previously identified by two wetland consultants within its boundaries. EGLE states that Wetland A is regulated by the State of Michigan under Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), because of wetland size and/or proximity to a pond, lake, or stream/drain.

A small wetland which is serving as a stormwater detention basin occurs along the western side of the Property. This wetland was noted by all delineators. EGLE did not take State of Michigan jurisdiction of this wetland, likely because it is a stormwater detention basin that was not created in wetland at the time of construction, although no reason is provided in the WIP report.

None of the wetland delineations provide a City jurisdictional assessment of the wetlands on the Property. Based on Asti's assessment, the City finds that Wetland A is regulated by the City under Chapter 49 because it is greater than two (2) acres in size, including off-site portions, therefore, meeting the definition of protected wetlands, as defined by Chapter 49. It is ASTI's opinion that the wetland detention basin is not regulated under Chapter 49 because it was incidentally created as part of a stormwater treatment system (Chapter 49-10 [3]d).

Wetland Permit Application Review

The City finds that developer has done a sufficient job in reducing proposed wetland impacts, reducing the proposed wetland impacts from 0.87 acre (site plan discussed at pre-application meeting) to 0.24 acre (current site plan). The Wetland Use Permit application's Feasible and Prudent Alternatives Analysis provided a thorough and well-documented summary of all that has been done to reduce impacts, including moving the

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location of the access drive and parking lot, eliminating one small additional parking area, re-design of the building and shifting its location, and offering a sub-grade stormwater detention system (at a considerable increase in building costs). This analysis was extremely helpful in determining if additional opportunities exist to further eliminate the need to impact regulated wetland.

Proposed Wetland Mitigation

While compensatory mitigation is not being proposed because the total wetland impacts are less than 1/3 of an acre and the applicant has stated that no reasonable opportunity for mitigation exists. You are proposing, however, to restore approximately 0.008 acre of wetland that was previously filled for a wetland crossing. It is difficult to argue that no reasonable opportunity exists to create wetland on a site where the entire remaining upland on the Property post-development is mapped a pre-settlement wetland with the "highest restoration potential."

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While EGLE has the ability to waive the mitigation requirement for state issued wetland permit, the City's wetland ordinance commits to no net loss of wetlands within the City. The remaining upland on the site has drained hydric soil and could be easily converted back to wetland. The City requests a mitigation ratio of 1:1, since the probability of success with creating wetland on this site is almost certain. The City agrees that the small amount of restoration proposed by removing the old wetland crossing will count towards this mitigation need.

Summary and Recommendation

The site contains one wetland regulated by both the State of Michigan and the City of East Lansing. The current site plan proposes to impact 0.24 acre of wetland for an access drive with sidewalk and for construction of a building with a stormwater discharge into the existing wetland. The proposed wetland impacts are acceptable, and a Wetland Use Permit will be considered by the City for the proposed activities contingent to the agreement that a mitigation ratio of 1:1 will be required since there is reasonable opportunity on site to create wetland in upland as mitigation.

If you have any questions, please feel free to contact me at 319-6936.

Sincerely,

Catherine DeShambo
Environmental Services Administrator
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