

## Chapter 8

# ENVIRONMENTAL CONSULTATION

In order to foster cooperation while promoting communication within Federal, State and local agencies responsible for land use management, natural resources, environmental protection, conservation and historic preservation, the Kalamazoo Area Transportation Study (KATS) initiated a consultation process for the 2030 Transportation Plan. The goal being to eliminate or minimize conflicts with other agencies' plans that may impact transportation in the Kalamazoo metropolitan area.

Federal legislation, in the form of SAFETEA-LU, requires metropolitan planning organizations to seek input under Environmental Mitigation and Consultation. The legislation requires a "discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan. This discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies."

KATS compiled a list of Federal, State, Indian Tribes, local, and private agencies to contact in order to open a dialog concerning the 2030 Transportation Plan. The agencies below were contacted by mail:

Arcadia Neighborhood Association	Kalamazoo Valley Walkers
BC/CAL/KAL Inland Port Development Corp	Kalamazoo Public Schools
City of Portage Environmental Board	Kalamazoo County Drain Commissioner's Office
City of Portage Parks Department	Kalamazoo County Parks Department
City of Kalamazoo - Historic Preservation	Kalamazoo River Valley Trailway Partners
Consumers Energy	Kalamazoo Regional Education Service Agency
Disability Resource Center	Kalamazoo Valley Community College
Douglas Community Association	Kalamazoo Conservation District
Downtown Kalamazoo Inc.	Lakeside Beach Corporation
Eastside Neighborhood Association	Match-E-Be-Nash-She-Wish Band of Potawatomi
Edison Neighborhood Association	Indians (Gun Lake Band)
Environmental Concerns Committee	May Delivery Services Inc.
Environmental Protection Agency - Region 5	Michigan Department of Agriculture
Federal Express Ground	Michigan Economic Development Corporation
Fish and Wildlife Service	Michigan Historical Center
Friends of the Kal-Haven Trail	Michigan Commission for the Blind
Historical Preservation Committee	MI Dept of Environmental Quality- Kalamazoo
Homecrest Circle Neighborhood Association	Michigan Department of Community Health
Housing Resources Inc	Michigan State University Extension- Kalamazoo
Interfaith Strategy for Advocacy and Action in the Community (ISAAC)	MI Department of Natural Resources - Plainwell
Kalamazoo River Watershed Council	Milwood Neighborhood Association
Kalamazoo Community Foundation	Minority Business Alliance
Kalamazoo Environmental Concerns Council	MRC Industries Inc
Kalamazoo Co. Convention and Visitors Bureau	National Trust for Historic Preservation
Kalamazoo County Chamber of Commerce	Northside Economic Potential
Kalamazoo County - Farm Service Agency	Northside Business Association
Kalamazoo Neighborhood Association	Northside Association for Comm. Development
Kalamazoo Battle Creek International Airport	Nottawaseppi Huron Band of Potawatomi
	Oakland Drive/Winchell Neighborhood Assoc.

Oakwood Neighborhood Association	Stuart Area Restoration Association
Oshtemo Business Association	The Forum for Kalamazoo County
Parker-Duke Neighborhood Association	USDA - Michigan State Office
Parkview Neighborhood Association	USGS- Lansing District Office
Parkwyn Village Association	Vicksburg Community Schools
Portage Environmental Board	Vine Neighborhood Association
Region III Area Agency on Aging	West Douglas Neighborhood Association
Schoolcraft Community Schools	West Main Hill Neighborhood Association
Senior Services Inc.	Western Gateway Coalition
Sierra Club - Kalamazoo Valley Group	Western Michigan University
South Whites Lake	Westnedge Hill Association
Southside Neighborhood Association	Westwood Neighborhood Association
Southwest Michigan First	White/Edgemoor/Bronson Neighborhood Assoc.
Southwest Michigan Land Conservancy	Woods Lake Association
State Representative Lorence Wenke	

KATS recorded all comments while consulting with these agencies. It is KATS' intent to maintain this dialog into the future in order to facilitate the planning process. The following summarizes the responses received by each agency. Copies of each agency's response are contained in the appendices.

#### ***City of Kalamazoo Community Planning and Development, Historic Preservation***

Comments were made on each capacity project within the City of Kalamazoo. It was noted that project 208 and 332 are located next to buildings currently listed on the National Register of Historic Places. Project 4 intersects the Haymarket National Register and the local Historic District on East Michigan.

The remaining projects within the City of Kalamazoo either have no potential or designated historic resources, or are near National Register of Historic Places eligible buildings.

Consultation with the Historic Preservation office will continue throughout the planning process. KATS will notify road agencies of these noted potential issues regarding project locations. It is the responsibility of the road agency to identify and mitigate the affected environmental factors appropriately during project design and construction.

#### ***State of Michigan, Department of Agriculture***

The primary concern of the Michigan Department of Agriculture (MDA) is the potential impacts of a project in regards to properties enrolled under Part 361 of NREPA (formerly PA 116, the Farmland and Open Space Preservation Act) and on established intra-county and inter-county drains. While most projects will be completed within existing right of ways and should not impact Part 361 properties, the MDA would want to review the project specific plan to determine if there might be any Part 361 impact.

New projects will also have a possible impact on the intra-county and inter-county drain system. MDA encourages cooperation with the Kalamazoo County Drain Commissioner during the construction process.

Otherwise, the MDA does not anticipate additional Social, Economic and/or Environmental impacts from the proposed projects, as they relate to agriculture and the various functions of the Department.

Consultation with the Michigan Department of Agriculture will continue throughout the planning process. KATS will notify road agencies of these noted potential issues regarding project locations. It is the responsibility of the road agency to identify and mitigate the affected environmental factors appropriately during project design and construction.

#### ***State of Michigan, Department of Environmental Quality***

The Michigan Department of Environmental Quality (DEQ) offered comments at a plan level. Contact information was given for each of the following areas: Construction Site Storm Water, Municipal Storm Water, Sites of Environmental Contamination, and Community Water Supplies. Overall, the DEQ requests that all regulations be followed in construction activities, and that due diligence be followed in regards to the natural environment.

The Land and Water Management Division offered advice on where to obtain information regarding wetlands, water bodies and floodplains to include within the plan. However, they also stated that information at the plan level does not negate the need for site inspections.

Consultation with the Michigan Department of Environmental Quality will continue throughout the planning process. KATS will notify road agencies of these noted potential issues regarding project locations. It is the responsibility of the road agency to identify and mitigate the affected environmental factors appropriately during project design and construction.

#### ***United States Department of the Interior, Fish and Wildlife Service***

The U.S. Fish and Wildlife Service offered information regarding rare and endangered species:

- The Indiana bat, a federally listed endangered species, may occur within suitable habitat in the study area.
- The Mitchell's satyr butterfly, which is also a federally listed endangered species, also occurs at several locations within Kalamazoo County.
- An active bald eagle nest site occurs approximately .9 miles north of project #310 (D Avenue widening). The bald eagle is federally listed as threatened.

Information on habitat and range on each species was also included. Section 7 of the Endangered Species Act of 1973, as amended requires federal agencies, or their designees, to consider impacts to federally listed threatened and endangered species for all federally funded, constructed, permitted, or licensed projects.

Consultation with the Fish and Wildlife Service will continue throughout the planning process. KATS will notify road agencies of these noted potential issues regarding project

locations. It is the responsibility of the road agency to identify and mitigate the affected environmental factors appropriately during project design and construction.

#### ***Kalamazoo County, Parks and Fairground***

The Kalamazoo Parks and Fairground Department would like to see bike lanes or wide shoulders added to D Avenue, to facilitate access to the Kalamazoo River Valley Trail. Consultation with the Parks and Fairground office will continue throughout the planning process. KATS will notify road agencies of these noted potential issues regarding project locations. It is the responsibility of the road agency to identify and mitigate the affected environmental factors appropriately during project design and construction.

#### ***United States Department of Agriculture, Natural Resources Conservation Service***

The Natural Resources Conservation Service (NCRS) notified KATS that 20 of the proposed 62 capacity projects may affect one or more acres of prime and unique farmland. In each case, a Farmland Conversion Impact (Form NRCS CPA-106) rating should be completed to compare an alternative to the proposal. A quick preliminary study done by the NRCS revealed that most of the 20 projects listed will have relative values of 76 to 93 points out of a possible 100 under land evaluation and from 80 to possibly more than 100 points in site assessments. The NRCS would like to see more than one alternative considered for each of the project sites, to minimize the loss of prime and unique farmland.

Consultation with the Natural Resources Conservation Service will continue throughout the planning process. KATS will notify road agencies of these noted potential issues regarding project locations. It is the responsibility of the road agency to identify and mitigate the affected environmental factors appropriately during project design and construction.

#### ***United States Environmental Protection Agency***

The Environmental Protection Agency (EPA) provided information and data at a system wide level. The EPA asks that policy makers should be aware of wetlands, floodplains, impaired streams and other water bodies, environmental justice, hazardous waste sites, endangered species, and air quality.

The EPA supplied information for its online mapping portal, called NEPAassist, and information on best practices in storm water management, smart growth, industrial materials recycling, and diesel reduction strategies.

Consultation with the Environmental Protection Agency will continue throughout the planning process. KATS will notify road agencies of these noted potential issues regarding project locations. It is the responsibility of the road agency to identify and mitigate the affected environmental factors appropriately during project design and construction.

## **ENVIRONMENTAL MITIGATION**

Transportation projects can have a significant impact on the surrounding landscape. The intent of the Environmental Mitigation process is to assure decision makers take into account potential environmental impacts when adopting the transportation plan, so that consideration is given to how

such impacts might be mitigated. KATS will also inform and educate road agencies regarding the potential environment factors. Road agencies will also be given “best practices” on how to properly mitigate environmental issues at the project level.

The Kalamazoo Area Transportation Study chose to analyze the projects within the 2030 Transportation Plan at a system wide level. Each of the proposed capacity and preservation projects were entered into a Geographic Information System (GIS), where they could then be compared to available Environmentally Sensitive Resources. Five Environmentally Sensitive Resources were identified and available in a digital format.

**Environmentally Sensitive Resources**

- Well Heads
- Water Features (Lakes, Rivers, Streams and Wetlands)
- Parks and Recreation Areas
- Cemeteries
- Schools
- Probability of Rare Species or High Quality Natural Communities

Using these six resources, KATS analyzed the likely impacts of proposed projects. Using GIS, projects were mapped and then buffered in order to display an area around the projects that might be affected. The buffer sizes used varied by environmental resource.

**PROJECT BUFFERS BY RESOURCE TYPE**

<b>Environmental Resource</b>	<b>Buffer Size</b>
Well Heads .....	2500 feet
Water Features (Lakes, Rivers, Streams and Wetlands) .....	¼ mile (1320 feet)
Parks and Recreation Areas .....	¼ mile (1320 feet)
Cemeteries .....	¼ mile (1320 feet)
Schools .....	¼ mile (1320 feet)
Probability of Rare Species or High Quality Natural Communities .....	¼ mile (1320 feet)

With these buffers in place, KATS was able to show which projects intersect an environmentally sensitive resource. While these intersections do not guarantee the project will impact an environmentally sensitive area, they were able to show policy makers the impact the projects may have. It is also possible that a project showing no intersections with any of the environmental resources may have an environmental impact or that an impact may occur outside the buffer area. This potential of possible impacts from planned transportation projects should not be used to justify the elimination of a project. It is simply intended to show the range of possible impacts while noting the importance of the environment in all phases of project planning, design, construction and maintenance. KATS will inform the road agencies of the noted potential environmental impacts so that they may investigate, identify, and mitigate potential environmental impacts appropriately during project design and construction.

For more information on the data and terms used on the following maps, please visit the following websites:

- Michigan Center for Geographic Information: <http://www.michigan.gov/cgi>
- Michigan Natural Feature Inventory: <http://web4.msue.msu.edu/mnfi/data/rarityindex.cfm>

## BEST PRACTICE GUIDELINES<sup>14</sup>

Regardless of the type of project or the resource that maybe be impacted, these guidelines deserve consideration during the planning, design, construction, and maintenance of transportation projects. These “best practice” guidelines will help to ensure good planning practice that will assist in the overall environmental mitigation objectives.

### Planning and Design Guidelines

- Employ the Context Sensitive Solutions (CSS) process. CSS identifies the physical, visual, and social context in which a project is situated while involving all stakeholders in a collaborative effort. A project using CSS is highly responsive to the environmental conditions, both cultural and natural, in which it occurs.
- Identify an area of potential impact related to each transportation project, regardless of project type or scope.
- Catalog areas of environmental sensitivity that may be impacted by proposed projects.
- Use the areas’ Hazard Mitigation Plan in coordination with the transportation plan to mitigate project impacts.
- Identify “historic properties” prior to construction. A “historic property” is a district, site, building, structure or object included in or eligible for the National Register of Historic Places. Historic buildings and archaeological sites are the best-known kinds of historic properties, but expansive urban and rural districts, landscapes, roads and trails, natural areas of traditional cultural importance, and even highways themselves may be eligible for the Register.
- If impacts cannot be avoided, mitigate them as much as possible. Coordinate the evaluation of impacts, alternatives, and mitigation strategies with the required federal, state, and local authorities.
- Design projects to accommodate wildlife, habitat connectivity and safe crossings. Wildlife related concerns include habitat fragmentation and connectivity for wildlife, loss of habitat, increasing numbers of threatened and endangered species, and secondary and cumulative impacts. The federal Endangered Species Act prohibits harm to any listed species or adverse modification of designated critical habitat. Maintenance and construction staffs are responsible for ensuring that no threatened or endangered species within areas they are working are injured or destroyed or their habitat impacted without proper permits.
- Design projects to minimize air quality issues. Air quality and pollution have been concerns in the United States for many years, especially in metropolitan areas.

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<sup>14</sup> SEMCOG. *Integrating Environmental Issues in the Transportation Planning Process: Guidelines for Road and Transit Agencies*. January, 2007.

- Integrate storm water and erosion management into the design of the project.
- Design for sustainability and energy conservation. These decisions can be a factor in mode choice decisions made in Planning, as part of Major Investment Studies, or in Project Development as part of an alternatives analysis for projects.
- Conduct pre-construction meeting with local community officials, contractors, and subcontractors to discuss environmental protection.

### **Construction and Maintenance Guidelines**

1. Include all special requirements that address environmentally sensitive resources into plans and estimates provided to construction contractors. Bring to attention the kinds of activities that are not appropriate in sensitive areas.
2. Limit the size of construction and staging areas to the smallest necessary. Clearly mark area boundaries.
  - Use fencing or flagging around sensitive areas where appropriate
3. Avoid disturbing the site as much as possible.
  - Protect established vegetation
  - Implement sediment and erosion control
  - Protect water quality by preventing direct run off, sweeping streets to reduce sediment, implementing salt management techniques, and controlling storm water drains to prevent construction debris from polluting waterways
  - Protect culture and historic resources by limiting impact and disturbance near them.
  - Minimize noise and vibration.
  - Provide for proper solid waste disposal
4. Conduct on-site monitoring during and after construction to ensure environmental resources are protected as planned.
5. Keep equipment in good working condition and free of leaks. Avoid fueling or maintenance near environmentally sensitive areas.
6. Reduce land disturbances by properly organizing construction activities.
7. Use Integrated Pest Management techniques if using pesticides during maintenance operations.

## ENVIRONMENTAL MITIGATION FINDING

The Environmental Mitigation consultation process has identified potential environmental impacts associated with the 2030 Transportation Plan road projects. These potential impacts are just that potential, not confirmed. The responsible road agencies have been informed of these potential environmental impacts so that they can investigate and determine if there will be actual impacts and evaluate how best to avoid or mitigate impacts.

These determinations and evaluations by the responsible road agencies will be made as the projects are scoped, designed, and constructed. No further findings can be made at this time with the information currently known.

## ENVIRONMENTAL FACTORS NEAR CAPACITY PROJECTS

Project ID	Wells	Schools	Parks	Cemeteries	Wetlands	Rare Species
4		Yes			Yes	
11					Yes	
26				Yes	Yes	
29		Yes	Yes		Yes	
32	Yes	Yes			Yes	
40	Yes				Yes	
54	Yes				Yes	
56					Yes	
57					Yes	
59					Yes	Low
78	Yes				Yes	
79		Yes			Yes	High
81					Yes	
108	Yes				Yes	
133					Yes	
139					Yes	
157					Yes	
166			Yes		Yes	High
170	Yes	Yes			Yes	
199	Yes				Yes	Moderate
204	Yes	Yes		Yes	Yes	Low
205	Yes	Yes			Yes	
208		Yes	Yes		Yes	
214		Yes			Yes	Moderate
218	Yes			Yes	Yes	High
219	Yes				Yes	
220			Yes	Yes	Yes	
221	Yes				Yes	High
236				Yes	Yes	
249					Yes	Low
255	Yes		Yes		Yes	High
256					Yes	
265	Yes	Yes	Yes	Yes	Yes	
267	Yes			Yes	Yes	High

## Capacity Projects Continued . . .

Project ID	Wells	Schools	Parks	Cemeteries	Wetlands	Rare Species
272					Yes	
280	Yes				Yes	
282	Yes				Yes	Moderate
285					Yes	
286					Yes	
293				Yes	Yes	
301					Yes	High
302	Yes				Yes	
303					Yes	
304						
309					Yes	
310				Yes	Yes	High
311					Yes	Moderate
312		Yes			Yes	
313					Yes	
314		Yes		Yes	Yes	
316	Yes	Yes			Yes	
320	Yes				Yes	Low
324	Yes				Yes	
325					Yes	
326					Yes	High
327					Yes	High
330	Yes				Yes	High
335		Yes		Yes	Yes	
341					Yes	

## ENVIRONMENTAL FACTORS NEAR PRESERVATION PROJECTS

Project ID	Wells	Schools	Parks	Cemeteries	Wetlands	Rare Species
5	Yes	Yes	Yes			
6		Yes	Yes		Yes	
10					Yes	High
15				Yes	Yes	Low
16					Yes	High
19					Yes	Moderate
20					Yes	
21		Yes			Yes	
22					Yes	Low
23	Yes			Yes	Yes	High
31	Yes	Yes			Yes	Moderate
33		Yes		Yes	Yes	
34			Yes		Yes	High
37					Yes	Low
38		Yes		Yes	Yes	Low
39					Yes	
41	Yes			Yes	Yes	Low

## Preservation Projects Continued . . .

Project ID	Wells	Schools	Parks	Cemeteries	Wetlands	Rare Species
44					Yes	Low
45					Yes	Low
46		Yes			Yes	
47					Yes	
48					Yes	
49		Yes			Yes	
51	Yes				Yes	
52					Yes	
53		Yes			Yes	
58					Yes	
61					Yes	High
62				Yes	Yes	
65					Yes	Moderate
66				Yes	Yes	Low
67					Yes	
68					Yes	
70	Yes		Yes		Yes	
72	Yes	Yes	Yes		Yes	
74	Yes				Yes	
75					Yes	
76	Yes				Yes	
77					Yes	
83			Yes	Yes	Yes	
84					Yes	
85		Yes			Yes	High
88					Yes	High
93	Yes	Yes	Yes		Yes	
94					Yes	
95			Yes	Yes	Yes	Low
96	Yes		Yes		Yes	Low
98		Yes			Yes	
99		Yes		Yes	Yes	
100					Yes	Low
106					Yes	Low
107					Yes	Low
109	Yes				Yes	
110	Yes		Yes		Yes	Moderate
111				Yes	Yes	Low
114		Yes			Yes	Low
115					Yes	
118					Yes	
119	Yes	Yes	Yes		Yes	
122				Yes	Yes	
123	Yes				Yes	
124		Yes	Yes		Yes	
125	Yes				Yes	
129					Yes	
131	Yes				Yes	
132			Yes		Yes	Low

## Preservation Projects Continued . . .

Project ID	Wells	Schools	Parks	Cemeteries	Wetlands	Rare Species
134		Yes			Yes	
135					Yes	
136	Yes				Yes	
138			Yes	Yes	Yes	
141	Yes		Yes		Yes	
142		Yes			Yes	
143					Yes	
144					Yes	
146		Yes	Yes		Yes	Low
150					Yes	
152					Yes	
153		Yes			Yes	
180		Yes			Yes	Low
181					Yes	Low
182		Yes	Yes		Yes	Low
183		Yes		Yes	Yes	High
184	Yes			Yes	Yes	
187					Yes	
189					Yes	
190	Yes	Yes			Yes	High
191					Yes	
193					Yes	
197	Yes	Yes			Yes	
203					Yes	High
204	Yes	Yes		Yes	Yes	Low
207		Yes	Yes		Yes	
209		Yes			Yes	
212	Yes				Yes	High
215					Yes	
217	Yes			Yes	Yes	High
222	Yes			Yes	Yes	Low
242		Yes			Yes	
273			Yes		Yes	
274					Yes	Low
275					Yes	High
276					Yes	High
278					Yes	High
279	Yes				Yes	High