



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 15 2012

REPLY TO THE ATTENTION OF:

WW-16J

RECEIVED

AUG 20 2012

WATER RESOURCES DIVISION

Ms. Colleen O'Keefe
Michigan Department of Environmental Quality
Water Resources Division
P.O. Box 30458
Lansing, Michigan 48909-7958

Re: Public Notice No. 12-81-0027, Michigan Consolidated Gas Company

Dear Ms. O'Keefe:

This letter is in response to the above referenced Michigan Department of Environmental Quality (MDEQ) Public Notice in which Michigan Consolidated Gas Company proposes to dredge, place fill in, and construct two recreational whitewater park (WWP) features in the Huron River; discharge fill in an adjacent wetland and 100-year floodplain; and construct a boardwalk across an existing wetland. The proposed project is located in T2S, R6E, Section 20, City of Ann Arbor, Washtenaw County, Michigan. The following comments are the combined federal comments of the U.S. Fish and Wildlife Service (FWS) and the U.S. Environmental Protection Agency.

The Clean Water Act (CWA) § 404(b)(1) Guidelines prohibit discharges that will cause or contribute to significant degradation of the waters of the United States. Significant degradation may include individual or cumulative impacts to human health and welfare; fish and wildlife; ecosystem diversity, productivity and stability; and recreational, aesthetic or economic values [40 CFR Part 230.10(c)]. We are concerned that the project, as proposed, may cause significant degradation within the Huron River by inhibiting fish passage and increasing stream velocity which may alter sediment transport and degrade the stream stability. We are also concerned that the WWP features may inhibit public use of the Huron River.

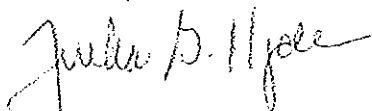
The FWS Fisheries Division has noted specific concerns related to the construction of WWP features including: the potential to negatively affect stream hydrology and hydraulics, sediment and debris transport, channel morphology and stability, in-stream habitat for biota, fish passage, floodplain connectivity, and overall stream function. FWS also requests that a full geomorphic survey, biological evaluation, and riparian habitat assessment be conducted to determine the potential ecological impacts of the proposed project. The EPA agrees that a detailed impacts analysis, including upstream and downstream impacts, is necessary to show the potential

disturbance to the Huron River and to demonstrate that the impacts are being avoided and minimized to maximum extent practicable.

Because this project may cause significant degradation to the Huron River, it does not comply with the CWA § 404(b)(1) Guidelines, and we object to the issuance of a permit for this project. This letter constitutes a Federal objection to the issuance of a permit for this project. Pursuant to CWA § 404(j)(B) and the CWA 404 Memorandum of Agreement Section 5(d)-(e), the MDEQ has 90 days from the date of this letter to either deny the permit or work with the applicant to resolve the issues raised above. The MDEQ may also request that EPA hold a public hearing on this objection. If the Federal objections are satisfactorily addressed within 90 days of the date of this letter, the EPA will withdraw its objection and the MDEQ permit may be issued. In the event the permit is not denied by the MDEQ and the Federal objection is not withdrawn, the applicant must obtain a CWA §404 permit from the U.S. Army Corps of Engineers for the proposed project before any work is undertaken in Waters of the U.S.

Thank you for the opportunity to comment on this Public Notice. If you have any questions regarding these comments, please contact Melanie Haveman at 312-886-2255.

Sincerely,

A handwritten signature in black ink, appearing to read "Tinka G. Hyde". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tinka G. Hyde
Director, Water Division