



**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
PERMIT**

ISSUED TO:

RACER Properties
c/o Dave Favero
500 Woodward Avenue, Suite 1500
Detroit, MI 48226

Permit No.	15-73-0003-P
Issued	August 11, 2015
Extended	
Revised	
Expires	August 11, 2020

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:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Part 301, Inland Lakes and Streams | <input type="checkbox"/> Part 315, Dam Safety |
| <input type="checkbox"/> Part 325, Great Lakes Submerged Lands | <input type="checkbox"/> Part 323, Shorelands Protection and Management |
| <input type="checkbox"/> Part 303, Wetlands Protection | <input type="checkbox"/> Part 353, Sand Dunes Protection and Management |
| <input checked="" type="checkbox"/> 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: 2350 Veterans Memorial Parkway, Saginaw, MI

Place up to 3,826 cubic yards of clean fill and excavate 482 within the 100-year floodplain of the Saginaw River. All work must be completed in accordance with the attached plans.

Water Course Affected: Saginaw River
Property Location: Saginaw County, City of Saginaw, Section 8
Town/Range 12N, 5E **Property Tax No.** 21-4333-00500

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:
 1. The design flood or 1% annual chance (100-year) floodplain elevation at this location on the Saginaw River is 589.3 feet NGVD29.
 2. Unless specifically stated under the "Permitted Activity" of this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a floodplain, 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.
 3. The compensating cut (excavations) for floodplain fill, as authorized by this permit, shall be completed prior to, or concurrently with, the placement of the fill. The compensating cut and fill areas shall be

properly stabilized to prevent soil erosion and off site sedimentation in conformance with Part 91, Soil Erosion and Sedimentation Control, of the NREPA.

4. Fill shall not be placed to prevent surface water drainage across the site. Site runoff shall be directed to public or natural drainage ways and not unnaturally discharged onto adjacent properties.
5. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
6. All fill/backfill shall consist of clean inert material that will not cause siltation nor contain soluble chemicals, organic matter, pollutants, or contaminants. All fill shall be contained in such a manner so as not to erode into any surface water, floodplain, or wetland. All raw areas associated with the permitted activity shall be stabilized with sod and/or seed and mulch, riprap, or other technically effective methods as necessary to prevent erosion.
7. Under Appendix G of the Michigan Building Code 2009, a local building permit is required for development located in flood hazard areas.
8. The project is located within a community that participates in the National Flood Insurance Program (NFIP). As a participant in the NFIP, the community must comply with the Michigan Building Code (including Appendix G and listed supporting materials); the Michigan Residential Code; and Title 44 of the Code of Federal Regulations, Part 60, Criteria for Land Management and Use. The community is also responsible to ensure that its floodplain maps and studies are maintained to show changes to flood elevations and flood delineations as described in 44 CFR, Part 65, Identification and Mapping of Special Hazard Areas.
9. The permittee is responsible for acquiring all necessary easements or rights-of-way before commencing any work authorized by this permit. All construction operations relating to or part of this project shall be confined to the existing right-of-way limits or other acquired easements.
10. Authority granted by this permit does not waive any jurisdiction of the United States Army Corps of Engineers or the need for a federal permit, if required.
11. Authority granted by this permit does not waive permit or program requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA), if applicable. To locate the Soil Erosion Program Administrator for your county visit www.mi.gov/soilerosion and look for Soil Erosion and Sedimentation Control Agencies under "SESC Info".
12. No fill, excess soil, or other material shall be placed in the 100-year floodplain, any wetland or surface water area not specifically authorized by this permit, its plans, and specifications.
13. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state or federal approval or authorization, necessary to conduct the activity.
14. This permit is limited to authorizing the construction as specified above and carries with it no assurances or implications that associated lake, stream, wetland or floodplain areas can be developed and serviced by the structures authorized by this permit.
15. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by the MDEQ, will be for a five-year period beginning at the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.

16. The permittee is hereby notified that portions of the parcel, not covered by this permit, fall under the regulatory authority of Part 301, Inland Lakes and Streams, and/or Part 31, Floodplain Regulatory Authority/Water Resources Protection, and/or Part 303, Wetlands Protection, of the NREPA. A permit from the MDEQ's Water Resources Division may be required for certain regulated activities. Failure to comply with the requirements of the NREPA may subject the owner to compliance actions as provided by statute.

By:  8/11/15
Elizabeth Theile
Water Resources Division
989-894-6224

cc: City of Saginaw Clerk
Saginaw Public Works Office
USACE
John-eric Pardys, Conestoga-Rovers & Associates

15-75-COU 5-P
EMT

HE	Revision	Date	Sheet

LEGEND

- EXISTING GROUND CONTOUR
- RACER PROPERTY BOUNDARY
- APPROXIMATE CATCHMENT BOUNDARY
- EXISTING STORM SEWER
- PROPOSED SWALE
- EXISTING CATCH-BASIN
- 10-YEAR FLOODPLAIN (MDEQ 10-YEAR FLOODPLAIN)
- 20-YEAR FLOODPLAIN (MDEQ 20-YEAR FLOODPLAIN)
- 50-YEAR FLOODPLAIN (MDEQ 50-YEAR FLOODPLAIN)
- 100-YEAR FLOODPLAIN (MDEQ 100-YEAR FLOODPLAIN)
- PROPOSED 10-YEAR FLOODPLAIN COMPENSATING OUT BELOW 100-YEAR FLOODPLAIN ELEVATION AND ABOVE DITCH
- PROPOSED 20-YEAR FLOODPLAIN COMPENSATING OUT BELOW 20-YEAR FLOODPLAIN ELEVATION AND ABOVE DITCH
- PROPOSED 50-YEAR FLOODPLAIN COMPENSATING OUT BELOW 50-YEAR FLOODPLAIN ELEVATION AND ABOVE DITCH
- PROPOSED 100-YEAR FLOODPLAIN COMPENSATING OUT BELOW 100-YEAR FLOODPLAIN ELEVATION AND ABOVE DITCH
- PROPOSED SILT FENCE

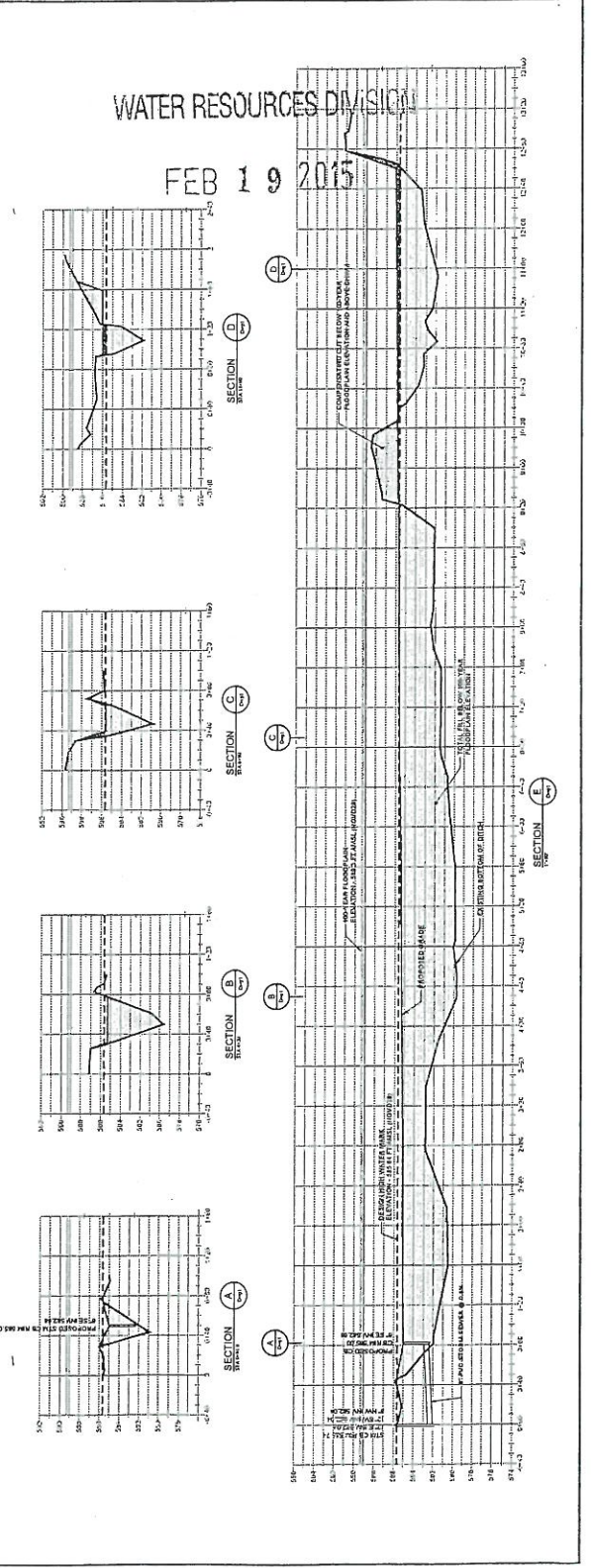
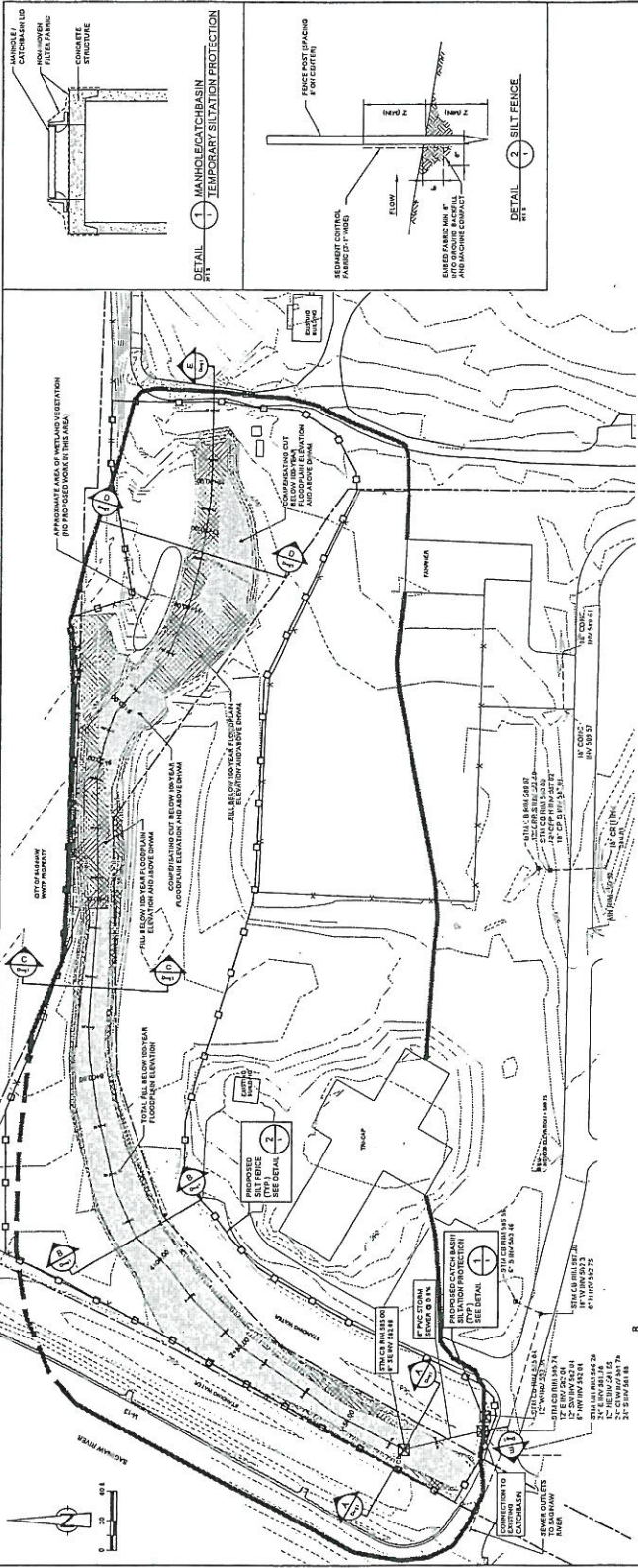
SCALE VERIFICATION

THIS DRAWING IS TO BE USED AS A GUIDE ONLY. ALL MEASUREMENTS SHALL BE TAKEN FROM THE CENTERLINE OF THE DITCH.

DESCRIPTION	FEET	INCHES
LENGTH OF EXISTING DITCH	100	12
LENGTH OF PROPOSED DITCH	100	12
TOTAL VOLUME OF FILLING DITCH	100	12
TOTAL VOLUME OF EXISTING DITCH	100	12
NET RESULT (EXCESS DITCH)	100	12

NOTE:

- EXISTING AND PROPOSED CONTOUR NOTES: THIS DRAWING IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE CLIENT SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DATA PROVIDED TO THE ENGINEER.
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REVITALIZING AUTO COMMUNITIES ENVIRONMENTAL RESPONSE (RACER) NORTH DITCH PLAN AND PROFILE

SAGINAW, MICHIGAN

CONES TOGA-ROVERS & ASSOCIATES

Project Name: RACER
 in: SAGINAW
 Date: 2/19/15
 Drawing No: 56502-T02
 MEMO 12 DWG 1

Scale: 1" = 20'-0"

Vertical Datum: NAVD 83

Horizontal Datum: NAD 83

Sheet: 15-75-COU 5-P



PHOTO 5: NORTH DITCH (7/2013)

RESOURCES DIVISION

FEB 19 2015

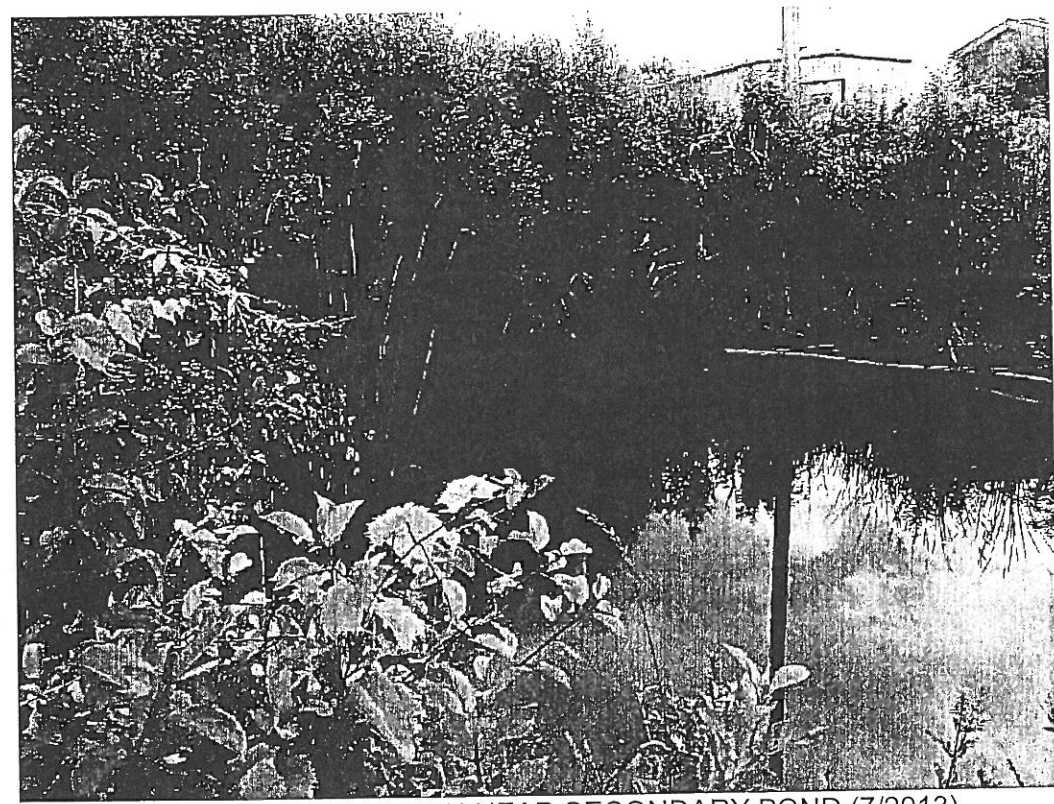


PHOTO 6: NORTH DITCH NEAR SECONDARY POND (7/2013)

SITE PHOTOGRAPHS
NORTH DITCH
NODULAR INDUSTRIAL LAND
SAGINAW, MI

15-10-000
EMT



RESOURCES DIVISION

PHOTO 5: NORTH DITCH (7/2013)

FEB 19 2015

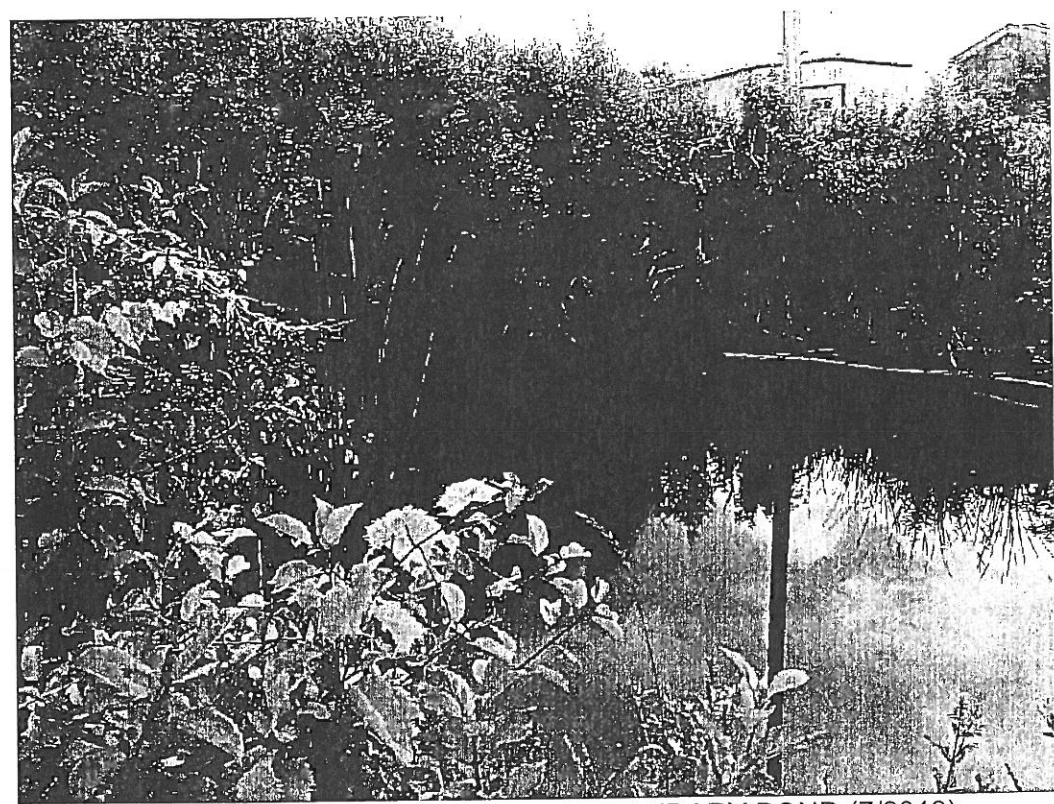


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