



**CITY OF NOVI CITY COUNCIL
NOVEMBER 14, 2022**

SUBJECT: Approval of the request of Sakura Novi Land Development LLC for the Second Addendum to the PRO Agreement. The subject property is zoned TC-1 with a Planned Rezoning Overlay (PRO), which conditions development to the terms of a PRO Plan and Agreement. The addendum would amend the amount of wetland mitigation required from 2.41 acres to 1.88 acres based on the revised determination of wetland impact.

SUBMITTING DEPARTMENT: Community Development Department - Planning

BACKGROUND INFORMATION:

The applicant requests a minor amendment of the PRO Agreement as it relates to wetland mitigation. The PRO Agreement lists specific conditions for allowing the deviation to purchase wetland mitigation credits in an EGLE-approved bank rather than constructing mitigation within the City. These conditions were based on the understanding of the wetland impacts in January 2020, which was a total impact area of 1.657 acres and required mitigation of 2.41 acres.

Since that time, the size of the wetland area was determined by EGLE to be smaller than initially surveyed during the PRO process. In particular, Wetland 4, which was initially 0.9 acres, was determined by EGLE to be 0.55 acres. Therefore, rather than an overall wetland mitigation requirement of 2.41 acres, only 1.88 acres would be required under the City's mitigation calculations. The reduction of required wetland mitigation does not materially impact the layout of the site. Administrative staff has no objection to issuing the Second Addendum to the PRO Agreement to acknowledge this minor change.

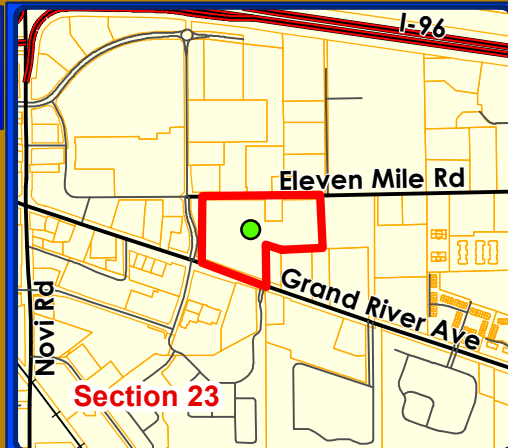
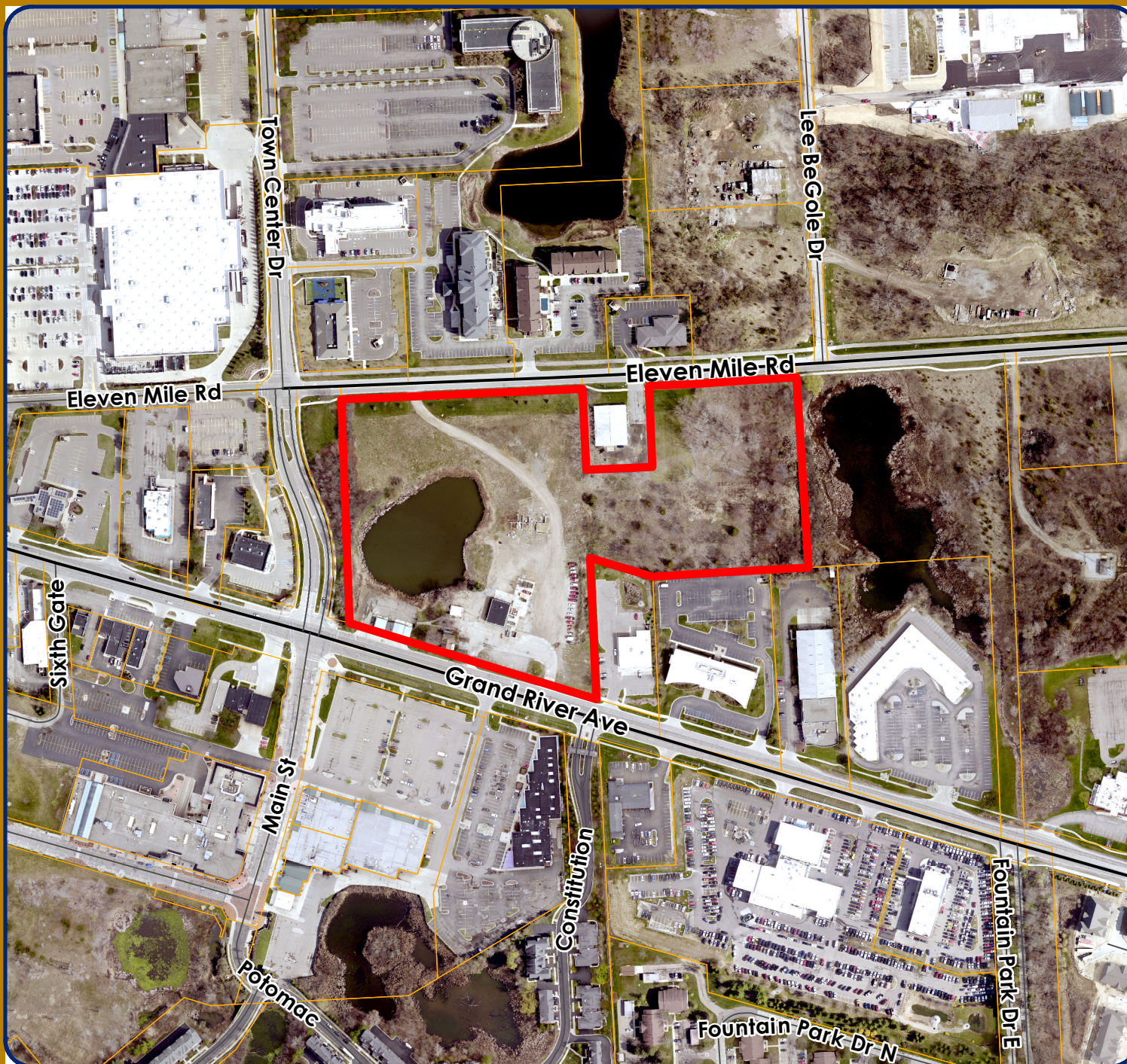
As of September 28, 2022, the applicant has purchased 1.88 acres of forested wetland from the River Raisin Watershed Wetland Mitigation Bank, which is in the Ann Arbor End Moraines region. If the proposed addendum to the PRO Agreement is approved, the Wetland Permit would be able to be issued in order to begin the brownfield cleanup and mass grading of the site, assuming the plans otherwise meet the City's requirements.

RECOMMENDED ACTION: Approval of the Second Addendum to the Sakura Novi PRO Agreement, JZ19-31, to amend the amount of wetland mitigation required from 2.41 acres to 1.88 acres based on the revised determination of wetland impact, with any final minor alterations required in the determination of the City Manager and City Attorney to be incorporated by the City Attorney's office prior to the execution of the final addendum. This motion is made because the change does not materially affect the PRO Agreement.


LOCATION MAP

SAKURA NOVI: JSP22-09

LOCATION



LEGEND

 Subject Property



City of Novi

Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: Lindsay Bell
Date: 7/8/22
Project: SAKURA NOVI JSP22-09
Version #: 1



1 inch = 375 feet



MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

**2ND ADDENDUM TO THE PRO AGREEMENT
DRAFT**

**SECOND ADDENDUM TO
PLANNED REZONING OVERLAY (PRO) AGREEMENT
SAKURA NOVI**

This Addendum to Planned Rezoning Overlay (PRO) Agreement (“Agreement”) by and between SAKURA NOVI, LLC, a Michigan limited liability company, whose address is 350 North Old Woodward Ave, Ste 350, Birmingham, MI 48009 (referred to as “Developer”); ECCO TOOL CO., INC., 42525 W. Eleven Mile Rd., Novi, MI 48375 (“ECCO”); and the CITY OF NOVI, 45175 Ten Mile Road, Novi, MI 48375-3024 (“City”).

RECITATIONS

I. The Applicant and the City entered into a PRO Agreement effective September 28, 2021, which is recorded at Liber 56783, Page 631, Oakland County Records, and an Addendum to such Agreement dated _____ and recorded at Liber ____, Page ____, Oakland County Records.

II. The PRO Agreement includes a “deviation” at Section 2.aa.ii that allows mitigation of certain wetland impacts contingent upon (among other things) Developer purchasing 2.41 acres of credit within a single wetland mitigation bank.

III. The Michigan Department of Environment Great Lakes and Energy (EGLE) has revised the delineation of one of the affected wetland boundaries, which has the effect of reducing the size of the overall wetland impact. The City’s wetlands consultant agrees with the revised delineation by EGLE. The revision would bring the typical mitigation requirement to 1.88 acres.

IV. Developer has requested an amendment to the PRO Agreement to reduce the mitigation requirement from 2.41 acres to 1.88 acres.

V. Because the changes do not have a substantive impact on and would be consistent with typical mitigation requirements, the City agrees to Amend the PRO Agreement to reflect the changes.

NOW, THEREFORE, based upon the foregoing, the parties agree as follows:

1. Section 2, “Authorized Deviations,” of the PRO Agreement, subsection 2.aa.ii, is hereby amended to read in full as follows:

ii. 1.88 acres of wetland mitigation shall be purchased in a single wetland mitigation bank.

CITY OF NOVI

By: Robert J. Gatt, Mayor

By: Cortney Hanson, Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this ____ day of _____, 2022, before me appeared Robert J. Gatt and Cortney Hanson, who stated that they had signed this document of their own free will on behalf of the City of Novi in their respective official capacities, as stated above.

Notary Public
_____ County, Michigan
Acting in _____ County, Michigan
My Commission Expires: _____

Drafted by:

Thomas R. Schultz
Johnson, Rosati, Schultz & Joppich
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331-3550

When recorded return to:
Cortney Hanson, Clerk
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

MITIGATION PURCHASE CERTIFICATION



**NISWANDER
ENVIRONMENTAL**

FINDING SOLUTIONS IN A COMPLEX WORLD

9436 Maltby Road
Brighton, MI 48116
810.225.0539 office
810.225.0653 fax
www.niswander-env.com

September 28, 2022

Mr. Michael Pennington
EGLE
525 West Allegan St.
Constitution Hall 4th Floor
Lansing, MI 48933

**Subject: NE1449-15 River Raisin Watershed Wetland Mitigation Bank
EGLE permit: WRP025330 v.1 (63-42525 W. 11 Mile Road-Nov)
1.88 acres Credits Sold – Tracking Ledger and Sales Ledger**

Dear Mr. Pennington:

On behalf of River Raisin Watershed Wetland Mitigation Bank (Haley Farm, LLC), Niswander Environmental is pleased to submit this letter.

This letter certifies that Sakura Novi, LLC has purchased a total of 1.88 acres of forested wetland credits from the River Raisin Watershed Wetland Mitigation Bank to partially meet the permit requirements of EGLE Permit: WRP025330 v.1 (63-42525 W. 11 Mile Road-Nov), which required the purchase of 0.53 acres of emergent and 0.30 acres of scrub-shrub wetland from the River Raisin Watershed Wetland Mitigation Bank. The additional purchase of 1.05 acres of forested wetland credits was to meet the City of Novi local wetland mitigation requirements.

A copy of the River Raisin Watershed Wetland Mitigation Bank Credit Tracking Ledger and Sales Ledger are attached.

Please feel free to contact me at 810-986-0218 if there are any questions or concerns. I look forward to our continued work with you on this project.

Sincerely,

Steven Niswander, Ph.D.
Professional Wetland Scientist #1276

Attachments: River Raisin Watershed Wetland Mitigation Bank Credit Tracking Ledger and Sales Ledger

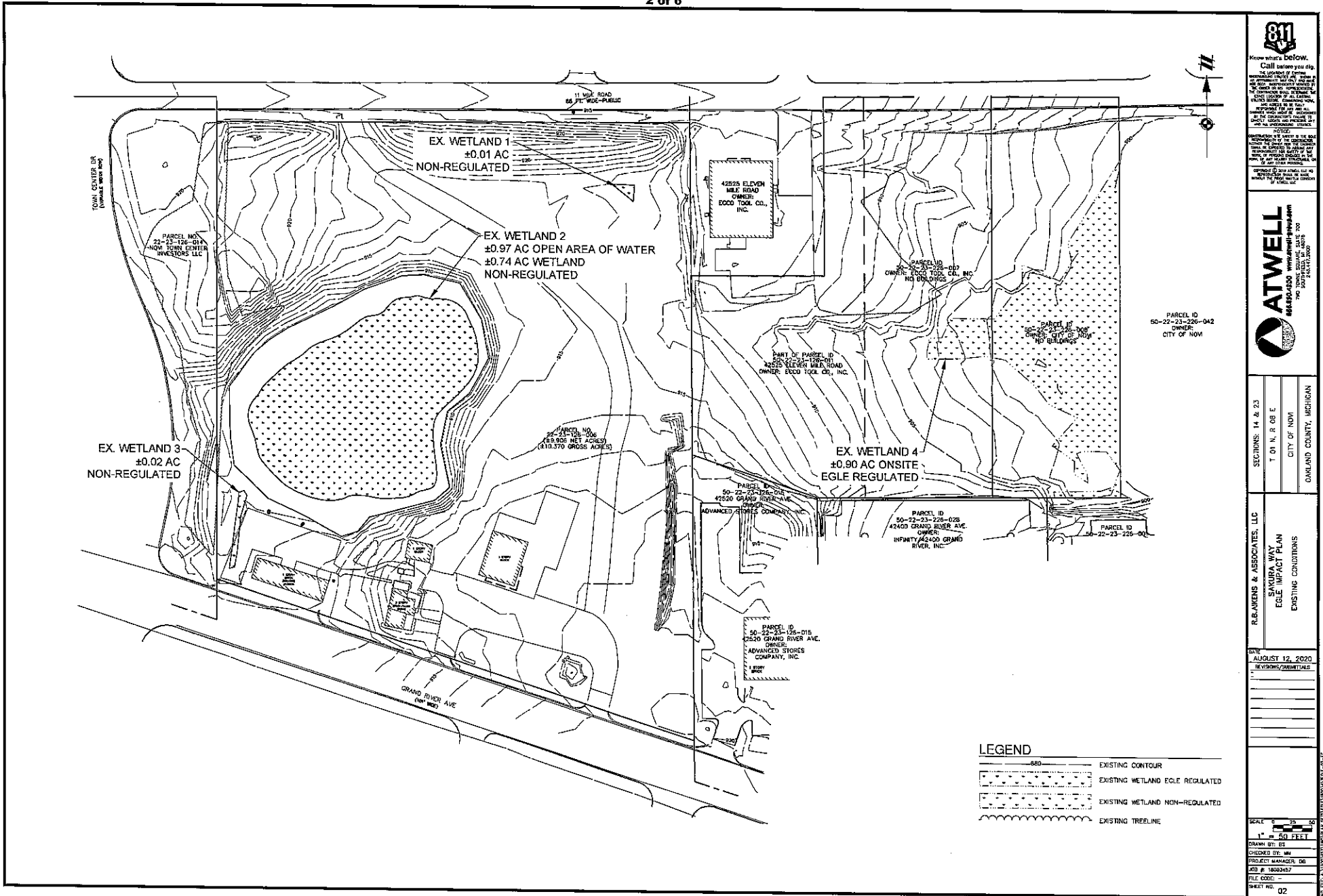
cc: Susan Tepatti, EGLE, e-copy without attachment
Andrew Hartz, EGLE, e-copy without attachment
Chris Kunkle, Atwell, e-copy without attachment
Tim Loughrin, Robertson Homes, e-copy without attachment

**EGLE-WRD
WRP025330 v1.0
Approved
Issued On:10/21/2022
Expires On:10/21/2027**

APPROVED EGLE WETLAND PLANS

Approved EGLE Plans

2 of 6



81
Know what's Below.
Call before you dig.
The protection of drinking water supplies and the safety of the public requires that utility owners and installers be notified of the location of underground utility lines before excavation work is undertaken. Call 811 to request a utility locate service. This service is provided at no charge to the public. For more information, visit www.811.com.



SECTIONS: 14 & 23
T O N , R O E
CITY OF NOM
OAKLAND COUNTY, MICHIGAN

R.B. AVENS & ASSOCIATES, LLC
SAYLOR WAY
EGLE IMPACT PLAN
EXISTING CONDITIONS

DATE: AUGUST 12, 2020
REVISIONS/COMMENTS:

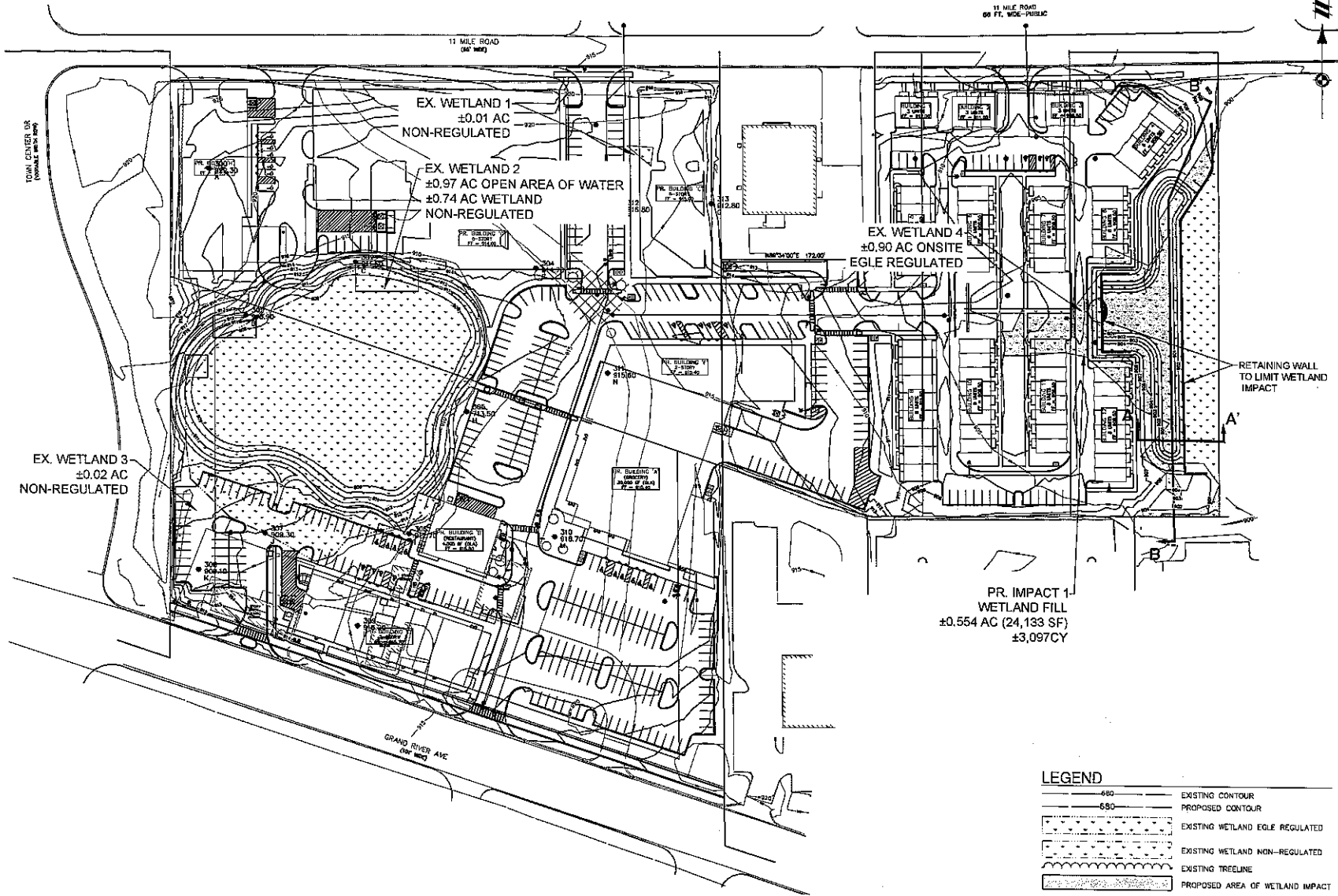
SCALE: 1" = 50 FEET
DRAWN BY: BS
CHECKED BY: MM
PROJECT MANAGER: DG
JOB #: 180000457
FILE CODE:
SHEET NO.: 02

asa

EGLE-WRD
WRP025330 v1.0
Approved
Issued On: 10/21/2022
Expires On: 10/21/2027

Approved EGLE Plans

3 of 6



LEGEND

	EXISTING CONTOUR
	PROPOSED CONTOUR
	EXISTING WETLAND EGLE REGULATED
	EXISTING WETLAND NON-REGULATED
	EXISTING TREELINE
	PROPOSED AREA OF WETLAND IMPACT

811
Know what's below.
Call before you dig.
The location of underground utilities is not guaranteed. Call before you dig to avoid damage to underground utilities. Call 811 to request a utility locate service. For more information, visit www.811.com.



SECTIONS 14 & 23
T 01 N, R 08 E
CITY OF NOVI
OAKLAND COUNTY, MICHIGAN

R.B. ANKENS & ASSOCIATES, LLC
SAUKRA WAY
EGLE IMPACT PLAN
PROPOSED IMPACTS

DATE: AUGUST 12, 2020
REVISIONS/SUBMITTALS:
SEPTEMBER 22, 2020

SCALE: 0 25 50
1" = 50 FEET
DRAWN BY: BS
CHECKED BY: JM
PROJECT MANAGER: DE
JOB # 20200801
FILE CODE: -
SHEET NO. 03

959

EGLE-WRD
WRP025330 v1.0
Approved
Issued On: 10/21/2022
Expires On: 10/21/2027

SEEDING SPECIFICATION

GENERAL

SEEDING CAN BE USED FOR TEMPORARY OR PERMANENT STABILIZATION. DISTURBED AREAS OF THE SITE WHERE CONSTRUCTION ACTIVITY HAS CEASED FOR MORE THAN 14 DAYS SHALL BE TEMPORARILY SEEDED AND WATERED. AREAS WHERE FINAL GRADING HAS BEEN COMPLETED SHALL BE TEMPORARILY AND/OR PERMANENTLY SEEDED IMMEDIATELY FOLLOWING THE COMPLETION OF GRADING ACTIVITIES. REVISIONS TO PERMITTING AND ASSES SHALL BE COMPLETED WITHIN FIVE (5) DAYS. TEMPORARY AND PERMANENT SEED MIXTURES ARE SPECIFIED BELOW. TEMPORARY SEED MIX SHALL ALSO BE APPLIED DURING THE APPLICATION OF THE PERMANENT SEED MIX TO ENSURE TIMELY VEGETATIVE COVER OF EXPOSED AREAS.

IMMEDIATELY AFTER SEEDING, ALL ON-SITE SEEDING AREAS WITH UNWATERED SHALL OWN STRAW OR HAY UNIFORMLY AT THE RATE OF 1-1/2 TONS TO 2 TONS PER ACRE ON 100 SQUARE FEET, 1000 SQUARE FEET, AND/OR MUCH WITH 500-TON ANCHORING TOOL OR OTHER MEANS APPROVED BY THE LOCAL REGULATORY AGENCY.

SEEDING MIXTURES

SEE SEED MIXTURES TEMPORARY & PERMANENT SEED CHARTS.

SLOPES FLATTER THAN 3:1 (NOT INCLUDING BASINS)

APPLY 170-1747 COMMERCIAL ORGANIC FERTILIZER AT A RATE OF 30 LBS PER 1000 SQFT. SEED IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

TEMPORARY SEEDING PLANTING DATES
IMMEDIATELY FOLLOWING
LAST DISTURBANCE OR
WITHIN 14 DAYS

SEED VARIETY
(SEE CHART BELOW)

APPLICATION RATE
60 LBS PER ACRE

PERMANENT SEEDING PLANTING DATES
PREFERABLE EARLY SPRING
OR EARLY FALL

SEED VARIETY
(SEE CHART BELOW)

APPLICATION RATE
60 LBS PER ACRE

SLOPES 3:1 OR GREATER (NOT INCLUDING BASINS)

APPLY 170-1747 COMMERCIAL ORGANIC FERTILIZER AT A RATE OF 30 LBS PER 1000 SQFT.

AND SEED IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

TEMPORARY SEEDING PLANTING DATES
IMMEDIATELY FOLLOWING
LAST DISTURBANCE OR
WITHIN 14 DAYS

SEED VARIETY
(SEE CHART BELOW)

APPLICATION RATE
60 LBS PER ACRE

PERMANENT SEEDING PLANTING DATES
PREFERABLE EARLY SPRING
OR EARLY FALL

SEED VARIETY
(SEE CHART BELOW)

APPLICATION RATE
60 LBS PER ACRE

TEMPORARY SEED MIX	
40% SEED OATS	
20% KENTUCKY 31 TALL FESCUE	
20% CROFTING RED FESCUE	
15% TIMOTHY	
1.0% INSURE MATTER	
1.0% OTHER CROPP	
0.0% WEED SEED	

PERMANENT SEED MIX	
70% TRUE BLUE MONOCULT (BROADLEAF, BOUTIQUE, GRIME, AND HR-900 KENTUCKY BLUEGRASS)	
20% PERENNIAL RYE GRASS (MORNING 4, CHARGER, CITATION 4, AND PIZZAZZ PERENNIAL RYE GRASS)	

SEED BED PREPARATION (PERMANENT SEEDING)
SURFACE WATER CONTROL MEASURES SHALL BE IN PLACE. AREA TO BE SEEDED SHALL BE RIPPED AND SPREAD WITH AVAILABLE TOPSOIL. TOTAL SEEDING PREPARED DEPTH SHOULD BE AT LEAST 4 INCHES. LOGS, ROCKS, ROOTS AND OTHER OBSTRUCTIONS NEED TO BE REMOVED FROM THE SURFACE SO THAT THEY WILL NOT INTERFERE WITH THE ESTABLISHMENT AND MAINTENANCE OF VEGETATION. SURFACE FOR FINAL SEEDING PREPARATION SHOULD BE AT FINISH GRADE AND BE REASONABLY SMOOTH AND UNIFORM.

IF NO SOIL TEST IS TAKEN, FERTILIZER AND LIME SHOULD BE USED ACCORDING TO SEEDING SPECIFICATIONS. IF SOIL TEST IS TAKEN, APPLY FERTILIZER AND LIME ACCORDING TO SOIL TEST REPORT. FERTILIZER AND LIME SHALL BE APPLIED UNIFORMLY AND MIXED WITH THE SOIL DURING SEEDING PREPARATION. WEIGHS, SEED SPECIES AND PERCENTAGE OF PURITY AND GERMINATION MUST BE CHECKED PRIOR TO SEEDING.

SEEDING SHALL BE ACCOMPLISHED IN TWO DIRECTIONS AND AT RIGHT ANGLES TO EACH OTHER. LAWN AREAS SHALL BE SEEDED AT THE RATE INDICATED ON THE DRAWINGS BY SOWING EVENLY WITH AN APPROVED MECHANICAL CULTIVATOR SEEDER TO COVER THE SEED AND FORM THE SEEDBED FROM OPERATION. IF HANDSOWN SEEDING IS USED, THE SEEDING RATE SHALL BE TWO (2) TIMES THE SEED RATE. IN ACCESSIBLE AREAS, THE SEED SHALL BE LIGHTLY ROLLED WITH FLEXIBLE ROLLERS AND ROLLED WITH A WATER BALLAST ROLLER. AFTER ROLLING SEEDED AREAS ARE TO BE REACHED ACCORDING TO SPECIFICATION. IF HYDRO-SEED OPERATIONS ARE USED, SEEDING RATE SHALL BE FIVE (5) TIMES THE ROLLER RATE INDICATED ON THE DRAWINGS.

IF SEEDING CAN NOT BE ACCOMPLISHED DUE TO SEASONAL CONSTRAINTS, APPLY STRAW MULCH AND TACKIFIER TO ALL SLOPES AND DISTURBED AREAS UNTIL PERMANENT SEEDING IS ALLOWED. IN THE EVENT SEEDING OCCURS OUT OF SEASON, MAINTENANCE SHALL OCCUR AND CONTINUE UNTIL THE FOLLOWING GROWING SEASON OR UNTIL A UNIFORM STAND OF THE SPECIFIED PERMANENT GRASSES HAVE BEEN ESTABLISHED AND THE SITE HAS REACHED 80% STABILIZATION. PERMANENT AND TEMPORARY SEEDING SHALL BE ACCOMPLISHED THROUGHOUT THE CONSTRUCTION PERIOD.

EROSION CONTROL
INSPECT SEEDED AREAS FREQUENTLY. IF SEEDED AREAS FAIL TO GERMINATE, OR TO PROVIDE ADEQUATE COVERAGE, THE AREA SHALL BE RESEED UNTIL FINAL STABILIZATION IS ACHIEVED.

GENERAL EROSION AND SEDIMENT CONTROL NOTES:

- CONTRACTOR SHALL IMPLEMENT BEST MANAGEMENT PRACTICES AS REQUIRED BY THE PLANS. ADDITIONAL BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED AS DICTATED BY CONDITIONS AT NO ADDITIONAL COST TO OWNER THROUGHOUT ALL PHASES OF CONSTRUCTION.
- BEST MANAGEMENT PRACTICES (BMPs) AND CONTROLS SHALL CONFORM TO FEDERAL, STATE, OR LOCAL REQUIREMENTS OR MANUAL OF PRACTICES, AS APPLICABLE. CONTRACTOR SHALL IMPLEMENT ADDITIONAL CONTROLS AS DIRECTED BY THE GENERAL PERMIT.
- CONTRACTOR SHALL MINIMIZE EXPOSURE TO THE MAXIMUM EXTENT PRACTICAL OR AS REQUIRED BY THE GENERAL PERMIT.
- ALL WASH WATER (CONCRETE TRUCKS, WHEEL WASHING, EQUIPMENT CLEANING, ETC.) SHALL BE DETAINED AND PROPERLY TREATED OR DISPOSED.
- SOIL ON THE SITE SHALL BE CONTROLLED. THE USE OF MOTOR OILS AND OTHER PETROLEUM-BASED OR TOXIC LIQUIDS FOR DUST SUPPRESSION OPERATIONS IS PROHIBITED.
- BURNING, TRENCH OVERSIGHT LITTER, OR OTHER SUCH MATERIALS SHALL BE DEPOSITED INTO SEALED CONTAINERS. WASTE OILS SHALL BE PREVENTED FROM LEAVING THE PREMISES THROUGH THE ACTION OF WIND OR STORMWATER DISCHARGE INTO NEARBY DITCHES OR WATERS OF THE STATE.
- ALL EXPOSED AREAS THAT WILL BE INACTIVE FOR 14 DAYS OR MORE, MUST BE STABILIZED TEMPORARILY WITH THE USE OF FAST GERMINATING ANNUAL GRASSES OR LAWNS, STRAW MULCH, WOOD CELLULOSE FIBERS, TACKIFIERS, NETTING OR BLANKETS.
- ALL EXCESSIVE MATERIALS SPILLED, DROPPED, WASHED, OR TRUCKED FROM VEHICLES DURING PUBLIC ROADWAYS OR INTO WATER COURSES SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR.
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- CONTRACTOR SHALL APPLY TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES WHEN REQUIRED. HE SHALL REMOVE TEMPORARY MEASURES AS SOON AS PERMANENT STABILIZATION OF SLOPES, STOCKPILES AND OTHER EARTH CHANGES HAVE BEEN ACCOMPLISHED.
- LOW GROUND PRESSURE EQUIPMENT SHALL BE USED TO MINIMIZE EARTH DISTURBANCE BETWEEN STRUCTURES.
- ALL SOIL EROSION AND SEDIMENTATION CONTROL WORK SHALL CONFORM TO THE PERMIT REQUIREMENTS OF THE OAKLAND COUNTY WATER RESOURCES COMMISSION.
- ALL GRADING TO BE PERFORMED AS NOT TO OBSTRUCT LUPINE DRAINAGE.
- SITES WILL BE INSPECTED WEEKLY ANY AREAS OF OFF-SITE EROSION WILL BE CORRECTED WITHIN 24 HOURS.
- TRENCH CROSSINGS MUST BE USED AS SHOWN TO MINIMIZE DISRUPTION TO WETLAND AREAS.

SEQUENCE OF CONSTRUCTION FOR SOIL EROSION CONTROL (FOR EACH SITE)

*SCHEDULE TO BE FILLED OUT BY CONTRACTOR.

START DAY	END DAY	DESCRIPTION
		1. FILL ALL NECESSARY PERMITS & LICENSES.
		2. INSTALL SILT AND PROTECTIVE FENCING.
		3. CLEAR AND GRUB WORK AREA.
		4. COMPLETELY REMOVE EXISTING STRUCTURE & FOUNDATION.
		5. STRIP AND STOCKPILE TOPSOIL.
		6. EXCAVATE FOR PROPOSED STRUCTURE, STOCKPILE SPOILS AND DRAINAGE ACCORDINGLY.
		7. BEGIN FOUNDATION CONSTRUCTION OF NEW STRUCTURE.
		8. REPLACE TOPSOIL, SEED AND STABILIZE DISTURBED AREAS.
		9. REMOVE SILT FENCE, REPAIR DISTURBED AREAS AS NECESSARY.
		10. COORDINATE WITH PERMITTING AGENCIES FOR CLOSEOUT INSPECTION.

NOTE:
IF SEEDING CAN NOT BE ACCOMPLISHED DUE TO SEASONAL CONSTRAINTS, APPLY STRAW MULCH AND TACKIFIER TO ALL SLOPES AND DISTURBED AREAS UNTIL PERMANENT SEEDING IS ALLOWED. IN THE EVENT SEEDING OCCURS OUT OF SEASON, MAINTENANCE SHALL OCCUR AND CONTINUE INTO THE FOLLOWING GROWING SEASON. FOR ALL AREAS LEFT UNSTABILIZED DUE TO SEASONAL CONSTRAINTS, FINAL STABILIZATION SHALL BE ACHIEVED BY APRIL 15TH.



Know what's below. Call before you dig.
The Michigan Department of Natural Resources (DNR) is a state agency responsible for managing the state's natural resources. It oversees the Michigan Department of Environment, Great Lakes and Energy (EGLE), the Michigan Department of Natural Resources (DNR), and the Michigan Department of Transportation (MDOT). The DNR is also responsible for the Michigan Department of Natural Resources (DNR) and the Michigan Department of Natural Resources (DNR).

NOTICE
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SECTIONS: 14 & 23
T O N R 08 E
CITY OF INDIAN
OAKLAND COUNTY, MICHIGAN

R.B. ANDERSON & ASSOCIATES, LLC
35000 SAKURA WAY
EGLE IMPACT PLAN
SESS NOTES

DATE: AUGUST 12, 2020

REVISIONS/DATE: