



Gibson Consulting Services, LLC
Wetlands and Environmental Permitting

RECEIVED

May 14, 2008

MAY 19 2008

Jim Malewitz
Performance Engineers, Inc.
406 Petoskey Avenue
Charlevoix, MI 49720

PERFORMANCE ENGRS., INC.

Re: Men's Toyland property
Section 16, Littlefield Township, Emmet County, Michigan

Dear Mr. Malewitz:

Pursuant to your request, on May 5, 2008 I conducted a wetland determination on the above-captioned property. Please note that I followed both the Michigan Department of Environmental Quality (MDEQ) and U.S. Army Corps of Engineers (USACE) guidelines for wetland determinations. However this determination does not constitute an official State or Federal wetland determination.

Property Description

The subject property consists of approximately 1 acre located on US 31 south of Alanson, formerly occupied by Men's Toyland. The property contains a large elevated area bordered by a chain link fence. This fenced area appears to have been used for parking vehicles for the previous business. There are two buildings and several vehicles still on the property, all located within the boundary of the chain link fence. The parcel is bounded by other commercial properties to the north and south, US 31 to the west and undeveloped forested land to the east. Crooked Lake is located several hundred feet to the east of the property.

Results

It is my professional opinion that the site contains one wetland area located along the eastern property boundary, however the balance of the property is upland. Please note that I have attached two wetland data forms showing the results of my investigation.

The upland portion of the property consists mainly of a historic, grassy fill pad. The vegetation in this area is dominated by orchard grass (*Dactylis glomerata*), but includes other upland species including Queen Anne's lace (*Daucus carota*), dandelion (*Taraxacum officinale*) and Canada goldenrod (*Solidago canadensis*). The water table was not found within 24 inches of the surface and the soil was brown gravelly sand over gravelly loamy sand.

The wetland portion of the property is mostly forested, although there is section along the wetland/upland boundary that has been cutover. The vegetation in this area is dominated by

trembling aspen (*Populus tremula*) and black ash (*Fraxinus nigra*). There was very little groundcover, possibly due to the time of year. The soil was saturated to the surface and the water table was 15 inches below ground. The soil consisted of black muck over sand.

Jurisdictional Status


The MDEQ regulates all wetlands that are within 500' or that have a seasonal or intermittent connection to an inland lake, pond over 1 acre, or stream. They also regulate wetlands that are over 5 acres in size. As this wetland belongs to a complex that is connected directly to Crooked Lake, the MDEQ would have jurisdiction over any activity in the wetland.

The USACE regulates wetlands adjacent to navigable waters, including Crooked Lake. Despite the distance of the property from Crooked, it is likely that the USACE would also assert jurisdiction over activities in this wetland.

Given the jurisdictional status of the wetland on this property, DEQ and USACE permits would be required for any regulated activity in the wetland located on this property. Regulated activities include any construction in the wetland or change to the soil (grading, dredging, filling, removing tree stumps, etc.).

Thank you for contacting me concerning this project, your business is greatly appreciated. Please let me know if you have any further questions, or would like assistance with any permitting issues.

Sincerely,


Kimberly Gibson, MS
Wetland and Environmental Specialist

