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

MAR 3 2011

REPLY TO THE ATTENTION OF:

Ms. Patricia Birkholz, Director
Office of the Great Lakes
Michigan Department of Natural Resources and Environment
Constitution Hall
525 West Allegan Street
PO Box 30473
Lansing, Michigan 48909-7973

Dear Ms. Birkholz:

This letter is the U.S. Environmental Protection Agency's (EPA) official response to your letter of January 26, 2011, requesting the delisting of the Restrictions on Recreational Contact Beneficial Use Impairment (BUI) in the Lower Menominee River Area of Concern (AOC). Since this AOC is on the border between Michigan and Wisconsin, this is a joint request from the Michigan Department of Natural Resources and Environment (MDNRE) and the Wisconsin Department of Natural Resources (WDNR). As your request points out and the supplied data support, the following restoration criteria for the Recreational Contact BUI in the Lower Menominee River AOC has been met:

- No waterbodies within the AOC are included on the list of non-attaining waters due to contamination with pathogens from combined sewer overflows in the most recent Clean Water Act Water Quality and Pollution Control in either states: Section 303(d) and 305(b) Integrated Report, which are submitted to the EPA every two years.

Your supporting documentation states that existing MDNRE monitoring records indicate that the Recreational Contact BUI criteria for water quality have been met and that the Michigan portion of the Lower Menominee River AOC is not listed as impaired for pathogens in the 2008 or 2010 Integrated Reports.

Based upon EPA's review of your request and the supporting data, and upon our shared desire to show progress as we move all of the Great Lakes AOCs toward restoration of all BUIs and formal delisting, EPA approves your request for the delisting of the Recreational Contact BUI in the Lower Menominee River AOC. EPA will notify the International Joint Commission (IJC) of this significant positive change in the environmental health of this AOC.

We congratulate all of the parties involved in this Federal/State/local partnership. This has been instrumental in achieving this important environmental improvement which will benefit the citizens of the Lower Menominee River AOC, the States of Michigan and Wisconsin, and of the Great Lakes Basin. We look forward to the continuation of this important and productive relationship with the MDNRE and the local coordinating committees as we work together to

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fully restore all of Michigan's AOCs.

If I or my staff can be of further service to you, please do not hesitate to contact us.

Sincerely,

Gary V. Gulezian
Director

cc:
Stephen Galarneau, WDNR
Diana Klemens, MDNRE
Richard Hobrla, MDNRE
Sharon Baker, MDNRE
Ben Uvass, WDNR
Kendra Axness, WDNR
Dr. Saad Jasim, Director, Great Lakes Regional Office, IJC
John Perrecone, RAP Coordinator, USEPA-GLNPO
USEPA-Office of International Activities

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

January 26, 2010

Mr. Gary Gulezian, Director
Great Lakes National Program Office
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard (G-17J)
Chicago, Illinois 60604-3507

Dear Mr. Gulezian:

The purpose of this letter is to request the United States Environmental Protection Agency (U.S. EPA), Great Lakes National Program Office's (GLNPO), concurrence with the removal of the Restrictions on Recreational Contact Beneficial Use Impairment (BUI) from the Lower Menominee River Area of Concern (AOC). The Michigan Department of Natural Resources and Environment (DNRE) and the Wisconsin Department of Natural Resources (WDNR) have assessed the status of this BUI in accordance with the *Lower Menominee River BUI Restoration Targets* (WDNR-MDEQ, 2008), and recommends that the BUI be removed from the list of impairments in the Lower Menominee River AOC.

Enclosed, please find documentation to support this recommendation, including the BUI removal Briefing Paper prepared by the Michigan Department of Natural Resources and Environment and Wisconsin Department of Natural Resources (WDNR) technical staff. The Lower Menominee River Remedial Action Plan Citizens Advisory Committee passed a motion supporting this recommendation on November 3, 2010.

We value our continuing partnership in the AOC Program and look forward to working with the GLNPO, in the removal of BUIs and the delisting of AOCs. If you need further information concerning this request, please contact Ms. Sharon Baker, Office of the Great Lakes, at 517-335-3310, or you may contact me.

Sincerely,

Patty Birkholz, Director
Office of the Great Lakes
517-335-4056

Enclosures
cc/enc: Mr. John Perrecone, U.S. EPA
Mr. Stephen Galarneau, WDNR
Mr. Benjamin Uvaas, WDNR
Ms. Diana Klemans, DNRE
Mr. Richard Hobrla, DNRE
Ms. Sharon Baker, DNRE

Lower Menominee River Area of Concern Remedial Action Plan
Proposed Removal Recommendation
for the
Restrictions on Recreational Contact
Beneficial Use Impairment
October 27, 2010

PURPOSE

The purpose of this document is to delineate restoration activities and support the recommendation to remove the Restrictions on Recreational Contact (Beach Closings) Beneficial Use Impairment (BUI) in the Lower Menominee River Area of Concern (AOC).

BACKGROUND

The 1990 Lower Menominee River Remedial Action Plan (RAP) recognized that the International Joint Commission (IJC) "Beach Closings" BUI designation was not consistent with the issues present in the Lower Menominee AOC. The RAP indicated that although closings of designated swimming beaches had not occurred within the AOC, elevated bacterial levels in the riverine portion of the AOC were associated with wet weather events. The RAP advisory committees therefore determined that Total or Partial Body Contact Restrictions, now referred to as Restrictions on Recreational Contact, more accurately described the bacteria-related impairment in the AOC. As described in the 1990 and 1996 RAPs, this issue was due primarily to combined sanitary sewer overflows from the cities of Menominee, Michigan and Marinette, Wisconsin. It was determined that once these sources were controlled through sewer separation projects, the issues leading to restrictions on recreational contact under the AOC program would be resolved.

Geographical Description/AOC Boundary

The Menominee River is a river in northwestern Michigan and northeastern Wisconsin. It is approximately 118 miles (190 km) long, draining a primarily rural forested area of northern Wisconsin and the Upper Peninsula of Michigan into Lake Michigan. Combined with its major tributaries, the Brule River and Michigamme River, the Menominee River forms one of the largest watersheds in the Lake Michigan Basin. The entire course of the Menominee forms part of the boundary between Wisconsin and Michigan and therefore the responsibility for the management of the watershed is shared by both states.

The AOC is jointly managed by the Wisconsin Department of Natural Resources (WDNR) and the Michigan Department of Natural Resources and Environment (MDNRE). The AOC is comprised of the lower three miles of the river, from the Upper Scott Dam (also known as the Park Mill Dam), to the river mouth. It also includes the adjacent Green Bay shoreline from the river mouth south to Seagull Bar in Marinette, Wisconsin, and from the river mouth north to John Henes Park in Menominee, Michigan. Green Island in Green Bay is also included in the AOC (RAP, 1990; RAP, 1996).

Area of Concern/Beneficial Use Impairments History
Areas of Concern (AOCs) were identified in the mid 1980s through work completed by the federal governments of the United States and Canada, in cooperation with state and provincial governments under the Great Lakes Water Quality Agreement (GLWQA). The 1987 amendments to the GLWQA further defined the BUIs (IJC, 1987). Identified BUIs for the Lower Menominee River AOC are as follows:

1. Restrictions on fish consumption;
2. Degradation of benthos;
3. Restrictions on dredging activities;
4. Degradation of fish populations;
5. Loss of fish and wildlife habitat; and,
6. Restrictions on recreational contact (also referred to as beach closings or restrictions on total or partial body contact).

The first five of these six BUIs are primarily the result of historic industrial and municipal waste discharges leading to contaminated sediments and water quality degradation. Some known ongoing contamination exists within the AOC and these areas are currently in negotiations with the responsible parties related to source control and associated remedial actions. The primary industrial contaminants identified in the 1990 Lower Menominee River RAP included paint sludge with associated heavy metals (remediated), PCBs, arsenic, and coal tars with associated polycyclic aromatic hydrocarbons (PAHs).

The sixth BUI is primarily the result of bacterial contamination from combined sewer overflows from the cities of Marinette and Menominee. A secondary and relatively minor source of contamination inside the Menominee Marina was thought to be related to wildlife or boat holding tanks (RAP, 1990). The terminology "Beach Closings" remains the accepted designation listed in the 1987 Amendments to the Great Lakes Water Quality Agreement (IJC, 1987).

The 1990 RAP concerns were related to bacterial contamination exceeding the Wisconsin and Michigan water quality standards. The 1996 RAP considered that although bacterial levels in the Menominee Marina were no longer an issue, concerns remained related to combined sewer overflows and sanitary sewer overflows from the City of Menominee. These issues were resolved with wastewater and stormwater infrastructure improvements (MDEQ, 2009a).

Beneficial Use Impairment Restoration Targets
The restoration targets developed by the states are described in the *Lower Menominee River BUI Restoration Targets* dated December 22, 2008 (WDNR-MDEQ, 2008). We will follow the BUI removal process outlined in the *Guidance for Delisting Michigan's Great Lakes Areas of Concern (Guidance)* (MDEQ, 2008a) but modified to include approval steps for both states. The BUI removal process described in the guidance includes AOC Citizens Advisory Committee (CAC) involvement as well as a public meeting. The Lower Menominee River CAC has been involved throughout the development of this document, and the specified public meeting was held on November

3, 2010, in conjunction with the CAC meeting (Appendix A). Meeting attendees did not offer comments on the document. The CAC voted to endorse it by providing a letter of support (Appendix B). CAC members that were not present for the meeting were contacted individually by the UW-Extension CAC facilitator to cast a vote.

The public comment period was open from November 3, 2010 to December 2, 2010. A news release announcing the public informational meeting was published in the Marinette-Menominee EagleHerald newspaper and GLIN-announce listserv on Tuesday, Ocober 26 (Appendix C). A separate news release with details of the public comment opportunity was sent to the EagleHerald and GLIN-announce listserv on November 10, 2010 (Appendix D). No public comments were submitted.

Restrictions on Recreational Contact BUI Restoration Criteria
The restoration criteria for the Restrictions on Recreational Contact BUI in the Lower Menominee River AOC are as follows:

This BUI will be considered restored when:

1. No waterbodies within the AOC are included on the list of non-attaining waters due to contamination with pathogens ***from combined sewer overflows***[1] in the most recent Clean Water Act Water Quality and Pollution Control in either states: Section 303(d) and 305(b) Integrated Report (Integrated Report), which are submitted to the United States Environmental Protection Agency (U.S. EPA) every two years.

2. OR, in cases where the waterbodies within the AOC are on the list of non-attaining waters due to the presence of Combined Sewer Overflows (CSOs) or are impacted by upstream CSOs, this BUI will be considered restored when CSOs have been eliminated or are being treated.

3. OR, in cases where CSOs still exist and significant progress has been made towards their elimination or treatment, this BUI will be considered restored when:

    - All known sources of bacterial contamination to the AOC originating in the AOC and tributary watersheds have been controlled or treated to reduce exposures; and
    - No unpermitted sanitary sewer overflows have occurred within the AOC during the previous five year period as a result of a less than 25-year precipitation event or snow/ice melt conditions; and
    - Marinette, WI and Menominee, MI have adopted and are implementing storm water reduction programs including an illicit discharge elimination program

TECHNICAL TEAM

The Lower Menominee River Technical Team is comprised of members of state agency staff and the Lower Menominee River CAC. The technical team worked closely with the

[1] The CAC voted to add the phrase, "from combined sewer overflows," to bullet 1 of the delisting target at its August 25, 2010 meeting to clarify that delisting could occur when the primary issue of combined sewer overflows identified in the 1990 RAP and 1996 RAP Update had been addressed. The meeting notes are attached as Appendix E.

U.S. EPA Great Lakes National Program Office (GLNPO) to obtain their technical review comments. The Technical Team used the first criteria established in the *BUI Targets* for the Beach Closings/Recreational Use BUI to determine they were ready to proceed with the removal of this BUI. Specifically, the technical team found that no waters within the AOC were proposed for listing by either state on the list of non-attaining waters due to controllable contamination with pathogens in the most recent Section 303(d) and 305(b) Integrated Report submitted to U.S. EPA (MDEQ, 2010; WDNR, 2010).

SUMMARY OF REMEDIAL ACTIONS OR SOURCE CONTROLS IMPLEMENTED TO ADDRESS THE BUI

Since the area was designated as an AOC, there have been several changes that affect the status of the Restrictions on Recreational Contact BUI. Among the most notable changes were upgrades to the wastewater treatment plants for both Marinette and Menominee which have resulted in both facilities operating within their respective state permit allowances (WDNR, 2010a; MDEQ, 2009a). In fact, Menominee has had no direct combined sewer overflows or sanitary sewer overflows following the treatment plant upgrade (MDEQ, 2009a). These upgrades are documented in detail in the 1996 RAP and include the following actions:

- 1974: City of Menominee upgraded their WWTP to a secondary treatment facility with conventional activated sludge with modifications to the primary clarifiers, aeration basins, final clarifiers, new chlorine contact chambers, new high rate diffusers, and new influent and effluent facilities.
- 1989: City of Menominee upgraded their WWTP with the addition of fine bubble diffusers, modifications to the chlorine chambers, and a new intake structure for the blowers.
- 1990: City of Marinette completed a combined sewer separation program to eliminate sewage bypassing by separating its previously combined sewer system. Work included 6.2 miles of new sanitary sewer and 6.5 miles of new storm sewer, rehabilitation of existing sewers, and repairs to deteriorated and leaking manholes.
- 1990: City of Marinette upgraded the wastewater treatment plant with major additions that reduced basement backups and bypasses previously caused by spring rains.
- 1992-1996: City of Menominee upgraded sections of the sewer system to eliminate the use of combined sewer overflow (CSO) pipe and installed almost 13 miles of new sewer pipe. This upgrade addressed the primary concerns related to CSO #2 which had provided the bulk of the overflows resulting from the core area of the city.
- 1996: Menominee Marina bacteria levels no longer considered an issue. Management included actions to reduce duck populations and increase flow by opening the north gates to allow for water to circulate inside the confines of the breakwater.
- 2002-2003: The City of Menominee upgraded their WWTP by completing further updates to facilitate wastewater treatment processes.

- 2005: The City of Menominee upgraded their WWTP through the installation of a 1,000 KW backup diesel generator with automatic switchgear for emergency backup power.
- 2006: The City of Menominee installed a fine screen (auger monster) onto the muffin monster.
- 2008: The City of Menominee installed a 500,000 gallon sludge tank with a truck loading station.

Given the extensive nature of these complete upgrades, the Technical Team has determined that Wisconsin and Michigan have addressed the original sources of bacteria contamination that were the basis for listing this use as impaired. Furthermore, neither Wisconsin nor Michigan has proposed to add any part of the AOC to the 303(d) list of impaired waters for pathogen contamination in their most recent Integrated Reports submitted to U.S. EPA. Current *E. coli* monitoring data suggest that the one monitored Michigan beach, John Henes Park, met water quality standards in 2008 and 2009 (MDEQ, 2009b; data available at http://www.deq.state.mi.us/beach/Default.aspx). Applicable criteria are based on the federal Water Quality Standards for Coastal and Recreational Waters published in the Federal Register (Vol. 69 – No. 220. pgs. 67218-67243) by U.S. EPA on November 16, 2004. In Wisconsin, no current bacteria data are available for beaches within the Menominee River AOC.

RECOMMENDATION

Based upon review of the Michigan and Wisconsin most recent Integrated Reports submitted to U.S. EPA (MDNRE 2010 and WDNR 2010b) and input from the Technical Team it is agreed that this BUI is meeting the Lower Menominee River AOC Delisting Criteria. Therefore, we recommend removal of the Restrictions on Recreational Contact BUI in the Lower Menominee River AOC.

Prepared by:

Sharon Baker, AOC Coordinator
Office of the Great lakes
MDNRE

Stephen Galarneau, Director
Office of the Great Lakes
WDNR

Acronyms/Glossary

AOC **Area of Concern**
Geographic area that fails to meet General or Specific Objectives of the GLWQA where such failure has caused or is likely to cause impairment of beneficial use or the area's ability to support aquatic life.

BUI **Beneficial Use Impairment**
Those impairments defined in Annex 2 of the November 1987-Great Lakes Water Quality Agreement. Impairment to a beneficial use means a change in the chemical, physical, or biological integrity of the Great Lakes System preventing or restricting the use.

CAC **Citizens Advisory Committee**
CACs or Public Advisory Councils (PACs) are groups comprised of local concerned citizens that advise agencies of local concerns and goals.

CSO **Combined Sewer Overflow**
A system of waste removal where storm runoff from streets empties into the same pipes as domestic and industrial wastes. In periods of high rain, the wastewater treatment plant cannot handle the increased volume and the wastewater empties through the combined sewer overflows into adjacent waterways without being treated.

GLWQA **Great Lakes Water Quality Agreement**
An agreement between the United States and Canada signed in 1978 and amended in 1987, which lays out the commitment by the two countries to cooperate in the management of their shared water resources. The Amended 1987 Protocol described, among other things, Lakewide Management Plans, Areas of Concern, and Beneficial Use Impairments.

IJC **International Joint Commission**
Formed by the 1909 Great Lakes Boundary Waters Treaty between the United States and Canada as the independent body overseeing the treaty with Commission appointees from both governments.

MDNRE **Michigan Department of Natural Resources and Environment**

RAP **Remedial Action Plan**
Plans developed by the states that identify Beneficial Use Impairments and outline the recommended remedial actions to remove the impairments. RAPs set the stage for eventual removal of all of the identified impairments, which will ultimately result in the delisting of AOCs.

U.S. EPA **United States Environmental Protection Agency**

Watershed All of the land area that drains into a particular waterbody.

WDNR **Wisconsin Department of Natural Resources**

WWTP **Wastewater Treatment Plant**

REFERENCES

Great Lakes Water Quality Agreement (GLWQA). 1987. The GLWQA of 1978 is an Agreement with Annexes and Terms of Reference, between the United States and Canada signed Ottawa, November 22, 1978, and Phosphorous Load Reduction Supplement signed October 16, 1983, as amended by Protocol November 18, 1987. Office Consolidation IJC United States and Canada. p.25.

International Joint Commission (IJC). United States and Canada. Revised Great Lakes Water Quality Agreement (GLWQA) of 1978 is an Agreement with Annexes and Terms of Reference, between the United States and Canada signed Ottawa, November 22, 1978, and Phosphorous Load Reduction Supplement signed October 16, 1983, as amended by Protocol November 18, 1987. Office Consolidation IJC United States and Canada. p.25.

MDEQ. 2009a. Personal communication to Sharon Baker from Ben Thierry, Environmental Quality Analyst. Upper Peninsula District Office.

MDEQ. 2009b. Personal communication to Sharon Baker from Shannon Briggs, Toxicologist, MDEQ-Water Bureau Beach Monitoring Program Manager.

MDEQ. 2008a. Guidance for Delisting Michigan's Great Lakes Areas of Concern. Report MI/DEQ/WB-06/001

MDEQ. 2008b. Water Quality and Pollution Control in Michigan 2008 Sections 303(d), 305(b), and 314 Integrated Report. Report number MI/DEQ/WB-08/007.

MDNRE. 2010 Water Quality and Pollution Control in Michigan 2010 Sections 303(d), 305(b), and 314 Integrated Report. Report number MI/DEQ/WB-10/001.

RAP. 1990. Lower Menominee River Remedial Action Plan: A Water Quality Protection Plan.

RAP. 1996. Lower Menominee River Remedial Action Plan: A Water Quality Protection Plan Update.

WDNR-MDEQ. 2008. Lower Menominee River AOC Beneficial Use Impairment Restoration Targets. Submitted to U.S. EPA on December 22, 2008. This document was prepared by the WDNR and MDEQ.

Appendix A
Notes of November 3, 2010 Citizens Advisory Committee Meeting

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Citizens Advisory Committee for the Remedial Action Plan
in the Lower Menominee River Area of Concern
Meeting Minutes
November 3, 2010
6:30-8:30 p.m., CDT

Geography/Geology Classroom
University YMCA/Max E. Peterson Field House
UW-Marinette
Corner of University Drive and Shore Drive, Marinette, Wisconsin

Attending: Kendra Axness (UWEX), Sharon Baker (MDNRE), Andrew Dane (SEH), Mike Donofrio (WDNR), Mark Erickson (Lloyd Flanders), Steve Galarneau (WDNR-OGL), Erin Hanson (USFWS), Sandy Olive (Citizen-at-Large), John Perrecone (USEPA-GLNPO), Trygve Rhude (Chappee Rapids Audubon), Rick Stoll (WDNR), Ben Uvaas (WDNR), Keith West (UW-Marinette), Steve Zander (Place Perfect Realty)
Via Conference Line: Jeff Danko (CH2M Hill), Brian Hinrichs (Foth), Rick Loeffler (North American Hydro), Derek Strohl (BLM)

Summary of Key Points and Action Items:
Prepare and distribute meeting notes – Kendra
Coordinate the December 8 CAC meeting – Kendra
Work with co-chairs to finalize the letter of support for the delisting document – Kendra

Public Informational Session for Restrictions on Recreational Contact (or Total & Partial Body Contact) BUI Delisting

- Kendra opened the meeting with introductory remarks about the purpose of the meeting.
- Round-the-table introductions
- Steve G. introduced Ben Uvaas, newly hired as the WDNR Lower Menominee AOC Coordinator.
- Steve G. thanked the CAC members for contributing to AOC efforts and staying engaged.
- Rick L. thanked the CAC for participating in the Oct 9 fish passage open house, especially John and Gail Clark who helped with the kids' fisheree, and Steve Z. and Mark for staffing the AOC exhibit. Rick estimated that ~300 people attended the open house.
- Sharon gave a PowerPoint presentation on the AOC and the Restrictions on Recreational Contact delisting document. Several discussion threads occurred, prompted by the slides:
    - John P. encouraged the CAC and habitat plan TAC to generate a list of projects that will take the AOC to delisting, to be competitive in the next GLRI RFP.
    - Derek mentioned that Bureau of Land Management manages Strawberry Island within the AOC, and it is infested with buckthorn and honeysuckle.
    - Steve G. provided a brief Ansul update: discussions now are centered on the question, "How clean is clean?" The next CAC meeting will include a full Ansul update.
    - Steve G. also provided an update on the Manufactured Gas Plant (MGP) site – right now the focus is on Sheboygan and there is not much to say about the Menominee site.
    - John P. clarified that the delisting document will be approved by EPA, but the International Joint Commission will provide comments on the document.
- Kendra asked for ideas about how to encourage more public comment. A news release was sent out about a week prior to the meeting (article appeared in EagleHerald on 10/26/10), and another news release will be sent following the meeting. The 10/26 news release also appeared on the GLIN listserve. John P. suggested using paid advertising in the future.

Convene CAC meeting, welcome and introductions – Mark Erickson and Steve Zander, CAC Co-Chairs

Steve opened the CAC meeting.

Review letter of support for the BUI delisting document and vote
Steve Z. provided a synopsis of the BUI delisting discussions to date: the *Total & Partial Body Contact/Restrictions on Recreational Contact* BUI [also referred to in other AOCs as the "Beach Closings" BUI] was listed due to combined sewer overflows. The sewers have been separated and overflows are no longer an issue. Steve accepted a motion to approve the delisting document from Trygve, seconded by Keith. All present voted in favor of approving the delisting document and no one opposed. Kendra will work with the co-chairs to finalize a CAC letter of support for the delisting document.

Kendra asked the group to provide input regarding whether to append a list of "Technical Committee" members to the delisting document. The technical committee included a mix of CAC members and agency staff who reviewed the document. A suggestion was made to take the list out of the document and this was a change from the document that the CAC had reviewed and approved at its August meeting. Mark E. asked if having the list would lend credibility, i.e. would reviewers get value out of seeing the list. John P. thought it wouldn't matter too much, but both John P. and Steve G. stated that such a list should be maintained in the delisting document file. John P. emphasized that the public process for the delisting should be documented in writing. Kendra asked about where to send courtesy copies of the support letter for each community, since the delisting is in large part recognition of the municipalities' successful sewer separation programs. Copies will be sent to Brian Miller at the City of Marinette, and to acting Mayor George Krah in Menominee.

Habitat Plan news – Kendra Axness, UWEX
The SPAC grant funds have been transferred to Marinette County. Kendra and Ben will be meeting with Greg Cleereman in December to coordinate project efforts. The October 9 fish passage open house was a success. Thanks to Keith for printing the display panels. We distributed WDNR Office of the Great Lakes calendars, a couple different wild cards, and a printed invitation to attend the November CAC meeting and to consider becoming a member.

Mark commented that he heard comments at a Menominee city council meeting regarding the city beaches not being very good. He thinks that kids would be interested in cleaning beaches in Menominee. Keith mentioned that both Marinette High School and UW-Marinette have service learning programs.

Report on Oct 28 SPAC meeting – Kendra and Sharon
Sharon mentioned that MDNRE is in the midst of reorganization, and Michigan's Office of the Great Lakes will be hiring more people. Kendra mentioned a few points of interest from the meeting:

- Discussion about whether delisting strategies are "living documents" vs. "cast in stone"
- Question from MDNRE leadership to prompt thinking about what makes for an acceptable Public Advisory Council or Citizens Advisory Committee in terms of diversity of membership.
- NOAA RFP for property acquisition in AOCs is expected to be released in December.
- Another SPAC meeting is expected in the next couple of months, but not sure if it will be before or after release of EPA GLRI RFP.
- Michigan is approaching the delisting strategies for some of the impairments at the state level. Menominee would potentially be affected by this since "Restrictions on Dredging" is a BUI that MDNRE plans to address at the state level.

News from WDNR Office of the Great Lakes – Steve Galarneau
AOC project positions are filled, with Ben hired to work in the Lower Menominee and Erin Hanson hired to work in Fox River/Green Bay. Their initial focus will be to work on Delisting Strategy documents. Steve G.'s former Lakewide Area Management Plan (LaMP) Coordinator position is likely to be frozen. The Office of the Great Lakes (OGL) will also be adding staff in WDNR's Central Office. OGL has funds available to support AOC advisory committees and also AOC-related monitoring and is determining a process for making the funds available. The process will likely be competitive (vs. setting aside a specific amount for each AOC).

Announcements, confirm Dec 8 meeting date & identify agenda items; look at 2011 dates

The next meeting is scheduled for December 8 and will include the following:

- Ansul update – Jeff mentioned briefly that the field work for this year is finished. He and Gary Cygan (USEPA) will present information about progress to date and upcoming activities at the Dec 8 meeting.
- Overview of brownfield assessment grant applications for City of Marinette, Marinette County (WI) and Menominee County (MI).

The next meeting is scheduled for January 19; after that, the meetings will be held on the last Wednesday of the month (Feb 23, March 30, April 27, May 25, June 29...etc).

Mike mentioned that the State of Wisconsin has acquired about 8 miles of river frontage in the upper reaches of the Menominee River with Stewardship Program funds.

Minutes respectfully submitted by Kendra Axness.

Appendix B
Letter of Support from the Citizens Advisory Committee for the Delisting Document

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LOWER MENOMINEE RIVER REMEDIAL ACTION PLAN

Lower Menominee River Remedial Action Plan Citizens Advisory Committee

The Lower Menominee River: A Great Lakes Area of Concern

November 3, 2010

Mr. Gary Gulezian, Director
Great Lakes National Program Office
US EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Subject: *Restrictions on Recreational Contact* Beneficial Use Impairment Delisting for the Lower Menominee River Area of Concern

Dear Mr. Gulezian,

The members of the Citizens Advisory Committee for the Remedial Action Plan in the Lower Menominee River Area of Concern are writing to express our support for removing "Restrictions on Recreational Contact" from the list of Beneficial Use Impairments (BUIs) for the Lower Menominee River Area of Concern.

The Restrictions on Recreational Contact BUI is a variation of the "Beach Closings" BUI that is identified in Annex 2 of the 1987 amendments to the Great Lakes Water Quality Agreement. The Remedial Action Plan (RAP) Advisory Committee selected this due to the specific issues causing impairment in the Lower Menominee. Impairments resulted not from the closings of designated swimming areas; rather, the impairments were caused by elevated bacterial levels associated with wet weather events in the riverine portion of the AOC, and by elevated bacterial levels detected inside the Menominee Marina.

We support delisting at this time because the original sources of the impairment have been addressed. The delisting document summarizes the activities which have been conducted by the cities of Marinette, Wisconsin and Menominee, Michigan to address the combined sewer overflows. The Menominee Marina issue had been addressed by 1996. The 1996 RAP states that "Elevated levels of fecal coliform bacteria have been previously detected inside the Menominee Marina. Subsequent monitoring has indicated that the bacteria levels have been reduced to an acceptable level" (pg 58).

The CAC voted to modify the delisting target at its August 25, 2010 meeting to clarify that delisting can occur once historical causes of impairments have been addressed. We recognize that in the future, should beach closings occur within the AOC, local, state and federal programs (such as the Wisconsin Beach Program) exist to address those issues.

Our group is primarily concerned with implementing remedial actions and achieving the targets set for delisting the Beneficial Use Impairments (BUIs) that have been identified for this Area of Concern. The delisting of the Restrictions on Recreational Contact impairment is an important milestone for us and recognizes the successful sewer separation programs carried out by the cities of Marinette and Menominee.

Much work is yet needed to remove the remaining BUIs in the Lower Menominee AOC, but we fully support and take encouragement from the removal of the Restrictions on Recreational Contact impairment.

Respectfully Submitted,

Steve Zander
CAC Co-Chair

Mark Erickson
CAC Co-Chair

On behalf of the Active Members of the Citizens Advisory Committee:

Cc: Sharon Baker, MDEQ
Stephen Galarneau, WDNR
Rick Stoll, WDNR
Brian Miller, City of Marinette
George Krah, City of Menominee

Appendix C
News Release to Marinette-Menominee EagleHerald and GLIN-announce Listserve
October 26, 2010

EagleHerald
www.eherald.com

Local

A3
Tuesday, October 26, 2010

FROM A1

HOMES:

2005. They have risen from July's rate of 3.84 million, which was the lowest in 15 years.

Most experts expect roughly 5 million homes to be sold through the entire year. That would be in line with last year's totals and just above sales for 2008, the worst since 1997.

Still, sales could fall further if potential lawsuits from former homeowners claiming that banks made errors when seizing their homes make consumers fearful of buying foreclosed properties.

The Federal Reserve on Monday become the latest government regulator to announce it would be looking into whether mortgage companies cut corners on their own procedures when seizing homes.

Chairman Ben Bernanke said the Fed would look intensively to see if policies, procedures or internal controls led lenders to improperly foreclosure on homeowners. Preliminary results of an in-depth report are expected to be released next month.

"We take violation of proper procedures very seriously," Bernanke said.

In a survey taken by the Realtors group this month, about 23 percent of the 2,000 agents surveyed said they have a client who is no longer interested in purchasing a foreclosed property due to the foreclosure-document mess.

"You're going to see uncertainty on the part of homebuyers," said Quinn Eddins, director of research at Radar Logic Inc., which tracks the housing market.

Mortgage applications to purchase homes last week were 29 percent below the same week a year ago, according to the Mortgage Bankers Association. At that time, buyers were rushing to purchase homes to qualify for federal tax credits.

Last month the inventory of unsold homes on the market fell about 2 percent to 4 million. That's a 10.8 month supply at the current sales pace. It compares with a healthy level of about six months.

POLL:

posturing, but no one has come out with a concrete plan that says, 'This is what I'll do and this is how I'll do it.'"

Late in the 2008 presidential race, which people followed far more closely, just 14 percent were persuadable, according to an AP-Yahoo News poll that October.

Campaign operatives and political scientists say most swayable voters end up reverting to the party they usually support. But with an unusually high number of House and Senate races up for grabs this year — scores of them, analysts say — Democrats and Republicans are vying for every fence-sitting voter they can find.

Local Democratic volunteers around the country have knocked on 3 million doors and made 8 million phone calls since the spring, in part to get undecided people behind the party, said Jennifer Crider, spokeswoman for House Democrats' campaign arm. Republicans are using similar tactics. In North Carolina, where early voting has begun, workers for GOP House challenger Harold Johnson distribute brochures at polling places where high-profile local races for sheriff and district attorney have stirred up interest, said Johnson spokesman Bryan Holladay.

"They're going to decide who controls the House, and by how many seats," GOP pollster Glen Bolger said of changeable voters.

Just like those who've made up their minds, persuadable voters consider themselves Republican by modest margins, according to the AP-GfK survey.

Fence-sitters, though, are likelier to be independents — a bad sign for Democrats in a year when independents are leaning toward GOP candidates.

DRINK:

known as the place where the 1990s television series "Northern Exposure" was filmed.

Police first responded to a report of an unconscious female in a grocery store abused," the statement said.

Four Loko comes in several varieties, including fruit punch and blue raspberry. A 23.5-ounce can sells for about $2.50 and has an alcohol content of 12 percent, comparable to four

SERIES:

and '09. While Goren expressed the required confidence of a TV executive that this matchup would fare just fine in the ratings, he acknowledged that it took longer for fans to warm up to teams they were less familiar with.

MLB almost got a rematch of that enticing

involved, there was much more of a buzz in that area," said Larkin, who retired in 2004 and now works as an analyst for MLB Network. "When they were not, it was so obvious that people could care less."

Larkin, who won a World Series in 1990, believes players such as Lincecum and Hamilton lack the star power to attract casual fans despite their dominant sta-

Hearing slated on Lower Menominee

MARINETTE — Cleaner water resulting from extensive upgrades to wastewater treatment systems in Marinette and Menominee have the states' natural resource departments proposing to remove restrictions on swimming and other recreation in the Lower Menominee River in which participants come in contact with the water.

A public meeting about the recommendation is scheduled for 6:30 to 8:30 p.m. Nov. 3 at the UW-Marinette field house.

The Lower Menominee River is one of 43 river stretches and harbors in the Great Lakes identified in the 1980s as "Areas of Concern" because of their severely degraded water quality and habitat.

Historic and industrial and municipal wastewater discharges resulted in contaminated sediments and degraded water quality in the Lower Menominee River. Also, bacterial contamination from combined sewer overflows from the Marinette and Menominee wastewater treatment facilities led to beach closings.

Extensive upgrades to these communities' wastewater treatment systems that separated sanitary sewers from stormwater sewers have significantly reduced sewer overflows.

As a result, the Wisconsin Department of Natural Resources and the Michigan Department of Natural Resources and the Environment have determined that the river's water quality now meets the criteria necessary for recreational contact.

So the two departments, which jointly manage the Menominee River AOC, are starting the process to remove, or "delist," the recreational contact restriction.

The Nov. 3 public meeting will give people a chance to learn more about the improvements and to vote on the proposed delisting of the recreational use restriction.

Attendees can also learn the latest about federal funding coming to the area to protect and restore the Great Lakes and their tributaries under the Great Lakes Restoration Initiative.

For more information about Wisconsin's Areas of Concern, visit http://dnr.wi.gov/org/water/greatlakes/priorities/aocs.html.

For more information about the Lower Menominee River public meeting, contact: Kendra Axness, UW-Extension basin educator, at 920-438-7581 or 715-582-1092 or by e-mail at kendra.axness@ces.uwex.edu.

From: mich-rap-bounces@great-lakes.net on behalf of Matt Doss [mdoss@glc.org]
Sent: Tuesday, October 26, 2010 10:11 AM
To: glin-announce@great-lakes.net; mich-rap@great-lakes.net
Subject: [mich-rap] Press release on Nov. 3 meeting about removing recreational contact restrictions from Lower Menominee R. Area of Concern

Nov. 3 meeting on removing recreational contact restrictions; Wastewater upgrades benefit Lower Menominee River Area of Concern
http://dnr.wi.gov/news/BreakingNews_Lookup.asp?id=1894

News Release Published: October 25, 2010 by the Central Office
Contact(s): Steve Galarneau (608) 266-1956

MARINETTE – Cleaner water resulting from extensive upgrades to wastewater treatment systems in Marinette, Wis., and Menominee, Mich., have the states' natural resource departments

proposing to remove restrictions on swimming and other recreation in the Lower Menominee River in which participants come in contact with the water.

A public meeting about the recommendation is set for Nov. 3 in Marinette and will run from 6:30 to 8:30 p.m. in UW-Marinette's Geography/Geology Classroom, University YMCA/Max E. Peterson Field House, at the corner of University Drive and Shore Drive.

The Lower Menominee River is one of 43 river stretches and harbors in the Great Lakes identified in the 1980s as "Areas of Concern" because of their severely degraded water quality and habitat. Historic and industrial and municipal wastewater discharges resulted in contaminated sediments and degraded water quality in the Lower Menominee River. Also, bacterial contamination from combined sewer overflows from the Marinette and Menominee wastewater treatment facilities led to beach closings.

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For more information about the Lower Menominee River public meeting, contact: Kendra Axness, UW- Extension Basin Educator at (920) 438-7581 or (715) 582-1002 or by E-mail at kendra.axness@ces.uwex.edu.

Appendix D
News Release to Marinette-Menominee EagleHerald and GLIN-announce Listserve
November 11, 2010

From: glin-announce-bounces@great-lakes.net on behalf of Axness, Kendra [kendra.axness@ces.uwex.edu]
Sent: Wednesday, November 10, 2010 8:40 AM
To: glin-announce@great-lakes.net
Subject: GLIN==> Menominee River BUI Delisting - Public Comment Opportunity
For immediate release

November 2010

Menominee River Citizens Group Votes to Support Agencies' Action on Area of Concern

Contact: Kendra Axness, 920-438-7581, kendra.axness@ces.uwex.edu

Marinette, Wis.–The Lower Menominee River Citizens Advisory Committee voted at its Tuesday, November 3 meeting to endorse a proposal by the state natural resource agencies of Michigan and Wisconsin to remove restrictions on swimming and other recreational activities in the waters of the Lower Menominee River that may involve total or partial body contact with the water.

The restrictions were identified in the late 1980s as part of the Great Lakes Areas of Concern program (also known as Remedial Action Plans) due to municipal combined sewer overflows during severe rainstorms. Since then, extensive upgrades to wastewater treatment systems in Marinette, Wis., and Menominee, Mich., have significantly reduced or eliminated sewer overflows resulting in cleaner river water.

Citizens Advisory Committee members supported the proposal to remove the restrictions because of improvements they have noted in the river since the wastewater treatment system upgrades. Committee Co-Chair Steve Zander noted that "It used to be pretty obvious that an overflow had occurred based on what we observed in the water. We just don't see the discharge of raw sewage anymore."

The proposal to remove the restrictions is described in a document that is open for public comment through December 2, 2010. Copies of the document can be obtained by contacting Kendra Axness, UW-Extension Basin Educator at 920-438-7581, or by e-mail at kendra.axness@ces.uwex.edu. The document is also available on the UW-Extension Upper Green Bay Basin web site: http://basineducation.uwex.edu/uppergb/.

The Lower Menominee River Citizens Advisory Committee is a group that meets monthly to advise government agencies on efforts related to the Area of Concern. Meetings are usually held on Wednesday evenings at UW-Marinette's Geography/Geology classroom,

University YMCA/Max E. Peterson Field House, at the corner of University Drive and Shore Drive. The next meeting will be held in this location at 6:30 p.m. on December 8, 2010, and the public is welcome.

Appendix E
Notes from the August 25, 2010 Citizens Advisory Committee Meeting

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Citizens Advisory Committee for the Remedial Action Plan
in the Lower Menominee River Area of Concern
Meeting Minutes
August 25, 2010
7-9 p.m., CDT

Geography/Geology Classroom
University YMCA/Max E. Peterson Field House
UW-Marinette
Corner of University Drive and Shore Drive, Marinette, Wisconsin

Attending: Kendra Axness (UWEX), Sharon Baker (MDNRE), Gail Clark (Resident and member of M&M Great Lakes Sport Fishermen), John Clark (Resident and member of M&M Great Lakes Sport Fishermen), Mike Donofrio (WDNR), Mark Erickson (Lloyd Flanders), John Groleau (Fibrek), Erin Hanson (USFWS), Brian Hinrichs (Foth Infrastructure & Environment), Trygve Rhude (Chappee Rapids Audubon), Rick Stoll (WDNR), Keith West (UW-Marinette), Steve Zander (Place Perfect Realty)
Via Conference Line: Jeff Danko (CH2M Hill), John Perrecone (USEPA-GLNPO)

Summary of Key Points and Action Items:
Prepare and distribute meeting notes – Kendra
Coordinate the September CAC meeting – Kendra
Update the Total & Partial Body Contact (formerly "Beach Closing") BUI delisting doc per CAC changes – Sharon
Work with co-chairs to generate a letter of support for the TPBC delisting document – Kendra
Explore the possibility of getting GIS layer showing USACE nav channels for Menominee Harbor - Keith
Work with co-chairs to generate a letter of support for the SPAC RFP outreach project - Kendra

Welcome and introductions – Steve Zander, CAC Co-Chair
Steve Z. started the meeting and asked attendees to state name and organization.

Update on Beach Closings BUI Delisting – John Perrecone, USEPA
The basis for delisting is option 1 in the delisting target, "No waterbodies within the AOC are included on the list of non-attaining waters due to contamination with pathogens in the most recent Clean Water Act Water Quality and Pollution Control in either states: Section 303(d) and 305(b) Integrated Report (Integrated Report), which are submitted to U.S. EPA every two years." A USEPA reviewer observed that there is no Wisconsin data to determine whether any beaches on the Wisconsin side of the river should (or should not) be added to the list of non-attaining waters. A similar comment was offered by a WDNR Office of Great Lakes reviewer.

Bay-Lake Regional Planning Commission received GLRI funds to conduct Beach Health Assessments at a number of beaches in northeast Wisconsin, including Red Arrow Park in City of Marinette. Through this project, data will be collected which would allow WDNR staff to make a determination about whether to add Red Arrow Park beach to the list of non-attaining waters. John pointed out that if the project identifies issues, then they could be addressed through BEACH Act or other programs, not necessarily through the AOC program.

Given the agency reviewers' comments, and the potential to have beach data for Wisconsin, John wanted to check in with the CAC before going ahead with delisting, to make sure that the CAC was aware of the project and the agency comments and still wanted to go ahead with delisting.

Sharon stated that Henes Park beach is not on the list of non-attaining waters, and that conditions at the Wisconsin beach are likely to be similar to those at Henes Park beach. Further, the initial reason for listing the Beach Closings BUI was related to combined sewer overflows (CSOs), not beach closings, and thus delisting should not be tied to beach issues. The CSOs have been resolved by comprehensive sewer separation efforts undertaken by the municipalities in the 1990s. Any problems at the beaches, if they exist, are likely due to waterfowl which is not an AOC-specific issue but instead is a lake-wide issue. Sharon and John both feel that it is appropriate to move ahead with delisting for those reasons.

Trygve noted that he'd seen an article in the local paper within the last few weeks that Henes Park beach had been closed for some amount of time due to the geese problem.

Overview of Bay-Lake RPC Beach Health Assessment Project – Brian Hinrichs, Foth Infrastructure & Environment

The goal of the beach health assessment project is to do a study (collect samples at beaches), identify issues, then look at causes and design best management practices to correct them. Foth will prepare documents that would be bid-ready, so that municipalities can show that they have "shovel-ready" projects for future grant opportunities.

A second Bay-Lake and Foth GLRI proposal that was not funded involved sediment characterization up to the first dam, to identify areas of scouring and deposition. This would help to identify fish habitat and also help to identify where contaminants are collecting. Brian would like to submit this project again when the next GLRI RFP is released. Sharon encouraged him to talk more about the project with herself and Steve Galarneau.

Discussion & Feedback on Beach Closings Delisting Document

Discussion about whether delisting the Beach BUI would hinder the ability of the BMPs identified in the Beach Health project to be funded by grant programs. It was generally thought that the AOC program would be an unlikely source of funding for the BMPs and other sources are available. Brian mentioned that the Wisconsin Coastal Management Program grants would be a possibility. Trygve stated that he was not comfortable holding up delisting if the reason for doing so was only to chase grant funds.

Steve stated that the "beach closing" term is problematic because the original Lower Menominee Remedial Action Plan (RAP) committee had stated the BUI as "Total and Partial Body Contact."

Each of the three options for delisting the BUI were reviewed by the group. None of them are currently a perfect fit because of the way they are written. Kendra suggested modifying option 1 to specify "No waterbodies within the AOC are included on the list of non-attaining waters due to contamination with pathogens ***from combined sewer overflows*** in the most recent Clean Water Act Water Quality and Pollution Control in either states: Section 303(d) and 305(b) Integrated Report (Integrated Report), which are submitted to U.S. EPA every two years."

Steve made a motion to modify the target in this way, and Mark seconded the motion. All CAC members voted in favor of making the change. John indicated that it would be okay to modify the target in that way so long as the delisting document explicitly identifies the modification with an explanatory footnote referring to the CAC meeting.

CAC members also agreed that they would prefer to see the delisting document use the "total and partial body contact" term instead of "beach closings." Sharon will make the changes to the document. A public informational session about the BUI delisting is expected to be part of the October CAC meeting. Erin recommended that the group be prepared to say a word about the number of beach closings that have occurred to emphasize that the Henes Park closing was an isolated event.

Kendra will work with CAC Co-Chairs to generate a letter of endorsement for the delisting document. The hope is that the BUI could be delisted by the end of the year.

Fish & Wildlife Plan Technical Advisory Committee Update – Kendra Axness, UWEX
Technical Advisory Committee meetings were held on July 13 and 22. Kendra handed out the draft goals/objectives/project summaries that TAC work groups generated on the 22nd and emphasized that they are still works in progress. She will present the TAC's work in more detail at the September CAC meeting. The Habitat TAC will meet again on September 9.

CAC members expressed concern about the statement under Goal 1 on the Habitat and Vegetation Work Group handout that "Green Island was removed from the goal statement..." Attendees did not want Green Island to be left out of the habitat plan altogether. Kendra explained that the habitat plan will include a list of projects that are supportive of AOC goals but not necessary for delisting, and Green Island would fit there. This is because Green Island is privately owned and it is unknown whether it could ever be acquired for public ownership, so the work group didn't want to have eventual delisting contingent upon acquiring Green Island. Steve pointed out that achievement of the objective, "50% of XX acres (to be determined) of natural areas are protected..." would be affected by whether or not Green Island is included in the calculation of total acres of natural areas.

There was discussion about the turning basin & whether it has been used in the recent past and if it should be identified as a project area in the habitat plan. Trygve noted that it was used once earlier this year. Tom Kuber had told Sharon that he uses it up to ten times per year. CAC members used an aerial photo provided by Brian to show where they thought the turning basin was located. The actual area that the U.S. Army Corps of Engineers dredges for navigation is smaller than what folks think of as the "turning basin." The CAC agreed that the dredged area shown on USACE project maps should not be identified as a project area, but that adjacent downstream areas (between nav channel and 6th Street slip) should be considered. Kendra asked Keith if it might be possible to get a GIS layer showing USACE project areas to use in generating habitat plan maps, and he agreed to look into it.

Kendra described a grant application that she, Greg Cleereman, and Sharon are developing to submit for the Michigan SPAC RFP of July 30, 2010. It involves habitat plan outreach as well as purchasing equipment to support future outreach activities. Marinette County Land and Water Conservation will be the applicant and will assist with carrying out the project. The CAC approved the project, and the co-chairs will work with Kendra to generate a letter of support for the application.

Nominate a CAC member to attend AOC Program Meeting in Buffalo, NY – Co-Chairs
The CAC agreed to endorse Trygve as the representative, with Steve Zander as an alternate in case Trygve isn't able to attend.

Exhibit for NAH Fish Passage Open House – Kendra Axness, UWEX
North American Hydro is hosting a fish passage open house on October 9 and Kendra is planning to set up a display for the event. Several CAC members offered to help staff the display and Kendra will send a sign-up sheet around with details of the event.

Announcements and identify agenda items for September 29, 2010
The next meeting is scheduled for September 29th and will include the following:

- Update on Total/Partial Body Contact (Beach Closings) BUI Delisting
- Report on U.S. Areas of Concern Program Annual Meeting
- Presentation on Habitat Plan TAC progress and discussion of draft documents
- Presentation of display materials for fish passage open house & CAC feedback
- Update on fall GLRI RFP, if it has been released

Meetings were scheduled for Oct 27 and Dec 8 and Kendra will send a save the date notice.

Minutes respectfully submitted by Kendra Axness.

Lower Menominee River Area of Concern Remedial Action Plan
Proposed Removal Recommendation for the
Restrictions on Recreational Contact
Beneficial Use Impairment
October 27, 2010

PURPOSE

The purpose of this document is to delineate restoration activities and support the recommendation to remove the Restrictions on Recreational Contact (Beach Closings) Beneficial Use Impairment (BUI) in the Lower Menominee River Area of Concern (AOC).

BACKGROUND

The 1990 Lower Menominee River Remedial Action Plan (RAP) recognized that the International Joint Commission (IJC) "Beach Closings" BUI designation was not consistent with the issues present in the Lower Menominee AOC. The RAP indicated that although closings of designated swimming beaches had not occurred within the AOC, elevated bacterial levels in the riverine portion of the AOC were associated with wet weather events. The RAP advisory committees therefore determined that Total or Partial Body Contact Restrictions, now referred to as Restrictions on Recreational Contact, more accurately described the bacteria-related impairment in the AOC. As described in the 1990 and 1996 RAPs, this issue was due primarily to combined sanitary sewer overflows from the cities of Menominee, Michigan and Marinette, Wisconsin. It was determined that once these sources were controlled through sewer separation projects, the issues leading to restrictions on recreational contact under the AOC program would be resolved.

Geographical Description/AOC Boundary

The Menominee River is a river in northwestern Michigan and northeastern Wisconsin. It is approximately 118 miles (190 km) long, draining a primarily rural forested area of northern Wisconsin and the Upper Peninsula of Michigan into Lake Michigan. Combined with its major tributaries, the Brule River and Michigamme River, the Menominee River forms one of the largest watersheds in the Lake Michigan Basin. The entire course of the Menominee forms part of the boundary between Wisconsin and Michigan and therefore the responsibility for the management of the watershed is shared by both states.

The AOC is jointly managed by the Wisconsin Department of Natural Resources (WDNR) and the Michigan Department of Natural Resources and Environment (MDNRE). The AOC is comprised of the lower three miles of the river, from the Upper Scott Dam (also known as the Park Mill Dam), to the river mouth. It also includes the adjacent Green Bay shoreline from the river mouth south to Seagull Bar in Marinette, Wisconsin, and from the river mouth north to John Henes Park in Menominee, Michigan. Green Island in Green Bay is also included in the AOC (RAP, 1990; RAP, 1996).

Area of Concern/Beneficial Use Impairments History

Areas of Concern (AOCs) were identified in the mid 1980s through work completed by the federal governments of the United States and Canada, in cooperation with state and provincial governments under the Great Lakes Water Quality Agreement (GLWQA). The 1987 amendments to the GLWQA further defined the BUIs (IJC, 1987). Identified BUIs for the Lower Menominee River AOC are as follows:

1. Restrictions on fish consumption;
2. Degradation of benthos;
3. Restrictions on dredging activities;
4. Degradation of fish populations;
5. Loss of fish and wildlife habitat; and,
6. Restrictions on recreational contact (also referred to as beach closings or restrictions on total or partial body contact).

The first five of these six BUIs are primarily the result of historic industrial and municipal waste discharges leading to contaminated sediments and water quality degradation. Some known ongoing contamination exists within the AOC and these areas are currently in negotiations with the responsible parties related to source control and associated remedial actions. The primary industrial contaminants identified in the 1990 Lower Menominee River RAP included paint sludge with associated heavy metals (remediated), PCBs, arsenic, and coal tars with associated polycyclic aromatic hydrocarbons (PAHs).

The sixth BUI is primarily the result of bacterial contamination from combined sewer overflows from the cities of Marinette and Menominee. A secondary and relatively minor source of contamination inside the Menominee Marina was thought to be related to wildlife or boat holding tanks (RAP, 1990). The terminology “Beach Closings” remains the accepted designation listed in the 1987 Amendments to the Great Lakes Water Quality Agreement (IJC, 1987).

The 1990 RAP concerns were related to bacterial contamination exceeding the Wisconsin and Michigan water quality standards. The 1996 RAP considered that although bacterial levels in the Menominee Marina were no longer an issue, concerns remained related to combined sewer overflows and sanitary sewer overflows from the City of Menominee. These issues were resolved with wastewater and stormwater infrastructure improvements (MDEQ, 2009a).

Beneficial Use Impairment Restoration Targets

The restoration targets developed by the states are described in the *Lower Menominee River BUI Restoration Targets* dated December 22, 2008 (WDNR-MDEQ, 2008). We will follow the BUI removal process outlined in the *Guidance for Delisting Michigan's Great Lakes Areas of Concern (Guidance)* (MDEQ, 2008a) but modified to include approval steps for both states. The BUI removal process described in the guidance includes AOC Citizens Advisory Committee (CAC) involvement as well as a public meeting. The Lower Menominee River CAC has been involved throughout the development of this document, and the specified public meeting was held on November

3, 2010, in conjunction with the CAC meeting (Appendix A). Meeting attendees did not offer comments on the document. The CAC voted to endorse it by providing a letter of support (Appendix B). CAC members that were not present for the meeting were contacted individually by the UW-Extension CAC facilitator to cast a vote.

The public comment period was open from November 3, 2010 to December 2, 2010. A news release announcing the public informational meeting was published in the Marinette-Menominee EagleHerald newspaper and GLIN-announce listserv on Tuesday, October 26 (Appendix C). A separate news release with details of the public comment opportunity was sent to the EagleHerald and GLIN-announce listserv on November 10, 2010 (Appendix D). No public comments were submitted.

Restrictions on Recreational Contact BUI Restoration Criteria
The restoration criteria for the Restrictions on Recreational Contact BUI in the Lower Menominee River AOC are as follows:

This BUI will be considered restored when:

1. No waterbodies within the AOC are included on the list of non-attaining waters due to contamination with pathogens ***from combined sewer overflows***[1] in the most recent Clean Water Act Water Quality and Pollution Control in either states: Section 303(d) and 305(b) Integrated Report (Integrated Report), which are submitted to the United States Environmental Protection Agency (U.S. EPA) every two years.

2. OR, in cases where the waterbodies within the AOC are on the list of non-attaining waters due to the presence of Combined Sewer Overflows (CSOs) or are impacted by upstream CSOs, this BUI will be considered restored when CSOs have been eliminated or are being treated.

3. OR, in cases where CSOs still exist and significant progress has been made towards their elimination or treatment, this BUI will be considered restored when:

    - All known sources of bacterial contamination to the AOC originating in the AOC and tributary watersheds have been controlled or treated to reduce exposures; and
    - No unpermitted sanitary sewer overflows have occurred within the AOC during the previous five year period as a result of a less than 25-year precipitation event or snow/ice melt conditions; and
    - Marinette, WI and Menominee, MI have adopted and are implementing storm water reduction programs including an illicit discharge elimination program

TECHNICAL TEAM

The Lower Menominee River Technical Team is comprised of members of state agency staff and the Lower Menominee River CAC. The technical team worked closely with the

[1] The CAC voted to add the phrase, "from combined sewer overflows," to bullet 1 of the delisting target at its August 25, 2010 meeting to clarify that delisting could occur when the primary issue of combined sewer overflows identified in the 1990 RAP and 1996 RAP Update had been addressed. The meeting notes are attached as Appendix E.

U.S. EPA Great Lakes National Program Office (GLNPO) to obtain their technical review comments. The Technical Team used the first criteria established in the *BUI Targets* for the Beach Closings/Recreational Use BUI to determine they were ready to proceed with the removal of this BUI. Specifically, the technical team found that no waters within the AOC were proposed for listing by either state on the list of non-attaining waters due to controllable contamination with pathogens in the most recent Section 303(d) and 305(b) Integrated Report submitted to U.S. EPA (MDEQ, 2010; WDNR, 2010).

SUMMARY OF REMEDIAL ACTIONS OR SOURCE CONTROLS IMPLEMENTED TO ADDRESS THE BUI

Since the area was designated as an AOC, there have been several changes that affect the status of the Restrictions on Recreational Contact BUI. Among the most notable changes were upgrades to the wastewater treatment plants for both Marinette and Menominee which have resulted in both facilities operating within their respective state permit allowances (WDNR, 2010a; MDEQ, 2009a). In fact, Menominee has had no direct combined sewer overflows or sanitary sewer overflows following the treatment plant upgrade (MDEQ, 2009a). These upgrades are documented in detail in the 1996 RAP and include the following actions:

- 1974: City of Menominee upgraded their WWTP to a secondary treatment facility with conventional activated sludge with modifications to the primary clarifiers, aeration basins, final clarifiers, new chlorine contact chambers, new high rate diffusers, and new influent and effluent facilities.
- 1989: City of Menominee upgraded their WWTP with the addition of fine bubble diffusers, modifications to the chlorine chambers, and a new intake structure for the blowers.
- 1990: City of Marinette completed a combined sewer separation program to eliminate sewage bypassing by separating its previously combined sewer system. Work included 6.2 miles of new sanitary sewer and 6.5 miles of new storm sewer, rehabilitation of existing sewers, and repairs to deteriorated and leaking manholes.
- 1990: City of Marinette upgraded the wastewater treatment plant with major additions that reduced basement backups and bypasses previously caused by spring rains.
- 1992-1996: City of Menominee upgraded sections of the sewer system to eliminate the use of combined sewer overflow (CSO) pipe and installed almost 13 miles of new sewer pipe. This upgrade addressed the primary concerns related to CSO #2 which had provided the bulk of the overflows resulting from the core area of the city.
- 1996: Menominee Marina bacteria levels no longer considered an issue. Management included actions to reduce duck populations and increase flow by opening the north gates to allow for water to circulate inside the confines of the breakwater.
- 2002-2003: The City of Menominee upgraded their WWTP by completing further updates to facilitate wastewater treatment processes.

- 2005: The City of Menominee upgraded their WWTP through the installation of a 1,000 KW backup diesel generator with automatic switchgear for emergency backup power.
- 2006: The City of Menominee installed a fine screen (auger monster) onto the muffin monster.
- 2008: The City of Menominee installed a 500,000 gallon sludge tank with a truck loading station.

Given the extensive nature of these completed upgrades it is reasonable to assume that Wisconsin and Michigan have addressed the original sources of bacteria contamination that were the basis for listing this use as impaired. Furthermore, neither Wisconsin nor Michigan has proposed to add any part of the AOC to the 303(d) list of impaired waters for pathogen contamination in their most recent Integrated Reports submitted to U.S. EPA. Current *E. coli* monitoring data suggest that the one monitored Michigan beach, John Henes Park, met water quality standards in 2008 and 2009 (MDEQ, 2009b; data available at http://www.deq.state.mi.us/beach/Default.aspx). Applicable criteria are based on the federal Water Quality Standards for Coastal and Recreational Waters published in the Federal Register (Vol. 69 – No. 220. pgs. 67218-67243) by U.S. EPA on November 16, 2004. In Wisconsin, no current bacteria data are available for beaches within the Menominee River AOC.

RECOMMENDATION

Based upon review of the Michigan and Wisconsin most recent Integrated Reports submitted to U.S. EPA (MDNRE 2010 and WDNR 2010b) and input from the Technical Team it is agreed that this BUI is meeting the Lower Menominee River AOC Delisting Criteria. Therefore, we recommend removal of the Restrictions on Recreational Contact BUI in the Lower Menominee River AOC.

Prepared by:

Sharon Baker, AOC Coordinator
Office of the Great lakes
MDNRE

Stephen Galarneau, Director
Office of the Great Lakes
WDNR

Acronyms/Glossary

AOC **Area of Concern**
Geographic area that fails to meet General or Specific Objectives of the GLWQA where such failure has caused or is likely to cause impairment of beneficial use or the area's ability to support aquatic life.

BUI **Beneficial Use Impairment**
Those impairments defined in Annex 2 of the November 1987-Great Lakes Water Quality Agreement. Impairment to a beneficial use means a change in the chemical, physical, or biological integrity of the Great Lakes System preventing or restricting the use.

CAC **Citizens Advisory Committee**
CACs or Public Advisory Councils (PACs) are groups comprised of local concerned citizens that advise agencies of local concerns and goals.

CSO **Combined Sewer Overflow**
A system of waste removal where storm runoff from streets empties into the same pipes as domestic and industrial wastes. In periods of high rain, the wastewater treatment plant cannot handle the increased volume and the wastewater empties through the combined sewer overflows into adjacent waterways without being treated.

GLWQA **Great Lakes Water Quality Agreement**
An agreement between the United States and Canada signed in 1978 and amended in 1987, which lays out the commitment by the two countries to cooperate in the management of their shared water resources. The Amended 1987 Protocol described, among other things, Lakewide Management Plans, Areas of Concern, and Beneficial Use Impairments.

IJC **International Joint Commission**
Formed by the 1909 Great Lakes Boundary Waters Treaty between the United States and Canada as the independent body overseeing the treaty with Commission appointees from both governments.

MDNRE **Michigan Department of Natural Resources and Environment**

RAP **Remedial Action Plan**
Plans developed by the states that identify Beneficial Use Impairments and outline the recommended remedial actions to remove the impairments. RAPs set the stage for eventual removal of all of the identified impairments, which will ultimately result in the delisting of AOCs.

U.S. EPA **United States Environmental Protection Agency**

Watershed All of the land area that drains into a particular waterbody.

WDNR **Wisconsin Department of Natural Resources**

WWTP **Wastewater Treatment Plant**

REFERENCES

Great Lakes Water Quality Agreement (GLWQA). 1987. The GLWQA of 1978 is an Agreement with Annexes and Terms of Reference, between the United States and Canada signed Ottawa, November 22, 1978, and Phosphorous Load Reduction Supplement signed October 16, 1983, as amended by Protocol November 18, 1987. Office Consolidation IJC United States and Canada. p.25.

International Joint Commission (IJC). United States and Canada. Revised Great Lakes Water Quality Agreement (GLWQA) of 1978 is an Agreement with Annexes and Terms of Reference, between the United States and Canada signed Ottawa, November 22, 1978, and Phosphorous Load Reduction Supplement signed October 16, 1983, as amended by Protocol November 18, 1987. Office Consolidation IJC United States and Canada. p.25.

MDEQ. 2009a. Personal communication to Sharon Baker from Ben Thierry, Environmental Quality Analyst. Upper Peninsula District Office.

MDEQ. 2009b. Personal communication to Sharon Baker from Shannon Briggs, Toxicologist, MDEQ-Water Bureau Beach Monitoring Program Manager.

MDEQ. 2008a. Guidance for Delisting Michigan's Great Lakes Areas of Concern. Report MI/DEQ/WB-06/001

MDEQ. 2008b. Water Quality and Pollution Control in Michigan 2008 Sections 303(d), 305(b), and 314 Integrated Report. Report number MI/DEQ/WB-08/007.

MDNRE. 2010 Water Quality and Pollution Control in Michigan 2010 Sections 303(d), 305(b), and 314 Integrated Report. Report number MI/DEQ/WB-10/001.

RAP. 1990. Lower Menominee River Remedial Action Plan: A Water Quality Protection Plan.

RAP. 1996. Lower Menominee River Remedial Action Plan: A Water Quality Protection Plan Update.

WDNR-MDEQ. 2008. Lower Menominee River AOC Beneficial Use Impairment Restoration Targets. Submitted to U.S. EPA on December 22, 2008. This document was prepared by the WDNR and MDEQ.

Appendix A
Notes of November 3, 2010 Citizens Advisory Committee Meeting

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Citizens Advisory Committee for the Remedial Action Plan
in the Lower Menominee River Area of Concern
Meeting Minutes
November 3, 2010
6:30-8:30 p.m., CDT

Geography/Geology Classroom
University YMCA/Max E. Peterson Field House
UW-Marinette
Corner of University Drive and Shore Drive, Marinette, Wisconsin

Attending: Kendra Axness (UWEX), Sharon Baker (MDNRE), Andrew Dane (SEH), Mike Donofrio (WDNR), Mark Erickson (Lloyd Flanders), Steve Galarneau (WDNR-OGL), Erin Hanson (USFWS), Sandy Olive (Citizen-at-Large), John Perrecone (USEPA-GLNPO), Trygve Rhude (Chappee Rapids Audubon), Rick Stoll (WDNR), Ben Uvaas (WDNR), Keith West (UW-Marinette), Steve Zander (Place Perfect Realty)
Via Conference Line: Jeff Danko (CH2M Hill), Brian Hinrichs (Foth), Rick Loeffler (North American Hydro), Derek Strohl (BLM)

Summary of Key Points and Action Items:
Prepare and distribute meeting notes – Kendra
Coordinate the December 8 CAC meeting – Kendra
Work with co-chairs to finalize the letter of support for the delisting document – Kendra

Public Informational Session for Restrictions on Recreational Contact (or Total & Partial Body Contact) BUI Delisting

- Kendra opened the meeting with introductory remarks about the purpose of the meeting.
- Round-the-table introductions
- Steve G. introduced Ben Uvaas, newly hired as the WDNR Lower Menominee AOC Coordinator.
- Steve G. thanked the CAC members for contributing to AOC efforts and staying engaged.
- Rick L. thanked the CAC for participating in the Oct 9 fish passage open house, especially John and Gail Clark who helped with the kids' fisheree, and Steve Z. and Mark for staffing the AOC exhibit. Rick estimated that ~300 people attended the open house.
- Sharon gave a PowerPoint presentation on the AOC and the Restrictions on Recreational Contact delisting document. Several discussion threads occurred, prompted by the slides:
    - John P. encouraged the CAC and habitat plan TAC to generate a list of projects that will take the AOC to delisting, to be competitive in the next GLRI RFP.
    - Derek mentioned that Bureau of Land Management manages Strawberry Island within the AOC, and it is infested with buckthorn and honeysuckle.
    - Steve G. provided a brief Ansul update: discussions now are centered on the question, "How clean is clean?" The next CAC meeting will include a full Ansul update.
    - Steve G. also provided an update on the Manufactured Gas Plant (MGP) site – right now the focus is on Sheboygan and there is not much to say about the Menominee site.
    - John P. clarified that the delisting document will be approved by EPA, but the International Joint Commission will provide comments on the document.
- Kendra asked for ideas about how to encourage more public comment. A news release was sent out about a week prior to the meeting (article appeared in EagleHerald on 10/26/10), and another news release will be sent following the meeting. The 10/26 news release also appeared on the GLIN listserv. John P. suggested using paid advertising in the future.

Convene CAC meeting, welcome and introductions – Mark Erickson and Steve Zander, CAC Co-Chairs

Steve opened the CAC meeting.

Review letter of support for the BUI delisting document and vote

Steve Z. provided a synopsis of the BUI delisting discussions to date: the *Total & Partial Body Contact/Restrictions on Recreational Contact* BUI [also referred to in other AOCs as the "Beach Closings" BUI] was listed due to combined sewer overflows. The sewers have been separated and overflows are no longer an issue. Steve accepted a motion to approve the delisting document from Trygve, seconded by Keith. All present voted in favor of approving the delisting document and no one opposed. Kendra will work with the co-chairs to finalize a CAC letter of support for the delisting document.

Kendra asked the group to provide input regarding whether to append a list of "Technical Committee" members to the delisting document. The technical committee included a mix of CAC members and agency staff who reviewed the document. A suggestion was made to take the list out of the document and this was a change from the document that the CAC had reviewed and approved at its August meeting. Mark E. asked if having the list would lend credibility, i.e. would reviewers get value out of seeing the list. John P. thought it wouldn't matter too much, but both John P. and Steve G. stated that such a list should be maintained in the delisting document file. John P. emphasized that the public process for the delisting should be documented in writing. Kendra asked about where to send courtesy copies of the support letter for each community, since the delisting is in large part recognition of the municipalities' successful sewer separation programs. Copies will be sent to Brian Miller at the City of Marinette, and to acting Mayor George Krah in Menominee.

Habitat Plan news – Kendra Axness, UWEX

The SPAC grant funds have been transferred to Marinette County. Kendra and Ben will be meeting with Greg Cleereman in December to coordinate project efforts. The October 9 fish passage open house was a success. Thanks to Keith for printing the display panels. We distributed WDNR Office of the Great Lakes calendars, a couple different wild cards, and a printed invitation to attend the November CAC meeting and to consider becoming a member.

Mark commented that he heard comments at a Menominee city council meeting regarding the city beaches not being very good. He thinks that kids would be interested in cleaning beaches in Menominee. Keith mentioned that both Marinette High School and UW-Marinette have service learning programs.

Report on Oct 28 SPAC meeting – Kendra and Sharon

Sharon mentioned that MDNRE is in the midst of reorganization, and Michigan's Office of the Great Lakes will be hiring more people. Kendra mentioned a few points of interest from the meeting:

- Discussion about whether delisting strategies are "living documents" vs. "cast in stone"
- Question from MDNRE leadership to prompt thinking about what makes for an acceptable Public Advisory Council or Citizens Advisory Committee in terms of diversity of membership.
- NOAA RFP for property acquisition in AOCs is expected to be released in December.
- Another SPAC meeting is expected in the next couple of months, but not sure if it will be before or after release of EPA GLRI RFP.
- Michigan is approaching the delisting strategies for some of the impairments at the state level. Menominee would potentially be affected by this since "Restrictions on Dredging" is a BUI that MDNRE plans to address at the state level.

News from WDNR Office of the Great Lakes – Steve Galarneau

AOC project positions are filled, with Ben hired to work in the Lower Menominee and Erin Hanson hired to work in Fox River/Green Bay. Their initial focus will be to work on Delisting Strategy documents. Steve G.'s former Lakewide Area Management Plan (LaMP) Coordinator position is likely to be frozen. The Office of the Great Lakes (OGL) will also be adding staff in WDNR's Central Office. OGL has funds available to support AOC advisory committees and also AOC-related monitoring and is determining a process for making the funds available. The process will likely be competitive (vs. setting aside a specific amount for each AOC).

Announcements, confirm Dec 8 meeting date & identify agenda items; look at 2011 dates

The next meeting is scheduled for December 8 and will include the following:

- Ansul update – Jeff mentioned briefly that the field work for this year is finished. He and Gary Cygan (USEPA) will present information about progress to date and upcoming activities at the Dec 8 meeting.
- Overview of brownfield assessment grant applications for City of Marinette, Marinette County (WI) and Menominee County (MI).

The next meeting is scheduled for January 19; after that, the meetings will be held on the last Wednesday of the month (Feb 23, March 30, April 27, May 25, June 29…etc).

Mike mentioned that the State of Wisconsin has acquired about 8 miles of river frontage in the upper reaches of the Menominee River with Stewardship Program funds.

Minutes respectfully submitted by Kendra Axness.

Appendix B
Letter of Support from the Citizens Advisory Committee for the Delisting Document

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LOWER MENOMINEE RIVER REMEDIAL ACTION PLAN

Lower Menominee River Remedial Action Plan Citizens Advisory Committee

The Lower Menominee River: A Great Lakes Area of Concern

November 3, 2010

Mr. Gary Gulezian, Director
Great Lakes National Program Office
US EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Subject: *Restrictions on Recreational Contact* Beneficial Use Impairment Delisting for the Lower Menominee River Area of Concern

Dear Mr. Gulezian,

The members of the Citizens Advisory Committee for the Remedial Action Plan in the Lower Menominee River Area of Concern are writing to express our support for removing "Restrictions on Recreational Contact" from the list of Beneficial Use Impairments (BUIs) for the Lower Menominee River Area of Concern.

The Restrictions on Recreational Contact BUI is a variation of the "Beach Closings" BUI that is identified in Annex 2 of the 1987 amendments to the Great Lakes Water Quality Agreement. The Remedial Action Plan (RAP) Advisory Committee selected this due to the specific issues causing impairment in the Lower Menominee. Impairments resulted not from the closings of designated swimming areas; rather, the impairments were caused by elevated bacterial levels associated with wet weather events in the riverine portion of the AOC, and by elevated bacterial levels detected inside the Menominee Marina.

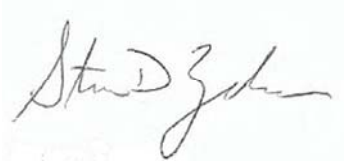
We support delisting at this time because the original sources of the impairment have been addressed. The delisting document summarizes the activities which have been conducted by the cities of Marinette, Wisconsin and Menominee, Michigan to address the combined sewer overflows. The Menominee Marina issue had been addressed by 1996. The 1996 RAP states that "Elevated levels of fecal coliform bacteria have been previously detected inside the Menominee Marina. Subsequent monitoring has indicated that the bacteria levels have been reduced to an acceptable level" (pg 58).

The CAC voted to modify the delisting target at its August 25, 2010 meeting to clarify that delisting can occur once historical causes of impairments have been addressed. We recognize that in the future, should beach closings occur within the AOC, local, state and federal programs (such as the Wisconsin Beach Program) exist to address those issues.

Our group is primarily concerned with implementing remedial actions and achieving the targets set for delisting the Beneficial Use Impairments (BUIs) that have been identified for this Area of Concern. The delisting of the Restrictions on Recreational Contact impairment is an important milestone for us and recognizes the successful sewer separation programs carried out by the cities of Marinette and Menominee.

Much work is yet needed to remove the remaining BUIs in the Lower Menominee AOC, but we fully support and take encouragement from the removal of the Restrictions on Recreational Contact impairment.

Respectfully Submitted,



Steve Zander
CAC Co-Chair

Mark Erickson
CAC Co-Chair

On behalf of the Active Members of the Citizens Advisory Committee:

Cc: Sharon Baker, MDEQ
Stephen Galarneau, WDNR
Rick Stoll, WDNR
Brian Miller, City of Marinette
George Krah, City of Menominee

Appendix C
News Release to Marinette-Menominee EagleHerald and GLIN-announce Listserve
October 26, 2010

EagleHerald
www.ehextra.com

Local

A3
Tuesday, October 26, 2010

FROM A1

HOMES:

2005. They have risen from July's rate of 3.84 million, which was the lowest in 15 years.

Most experts expect roughly 5 million homes to be sold through the entire year. That would be in line with last year's totals and just above sales for 2008, the worst since 1997.

Still, sales could fall further if potential lawsuits from former homeowners claiming that banks made errors when seizing their homes make consumers fearful of buying foreclosed properties.

The Federal Reserve on Monday become the latest government regulator to announce it would be looking into whether mortgage companies cut corners on their own procedures when seizing homes.

Chairman Ben Bernanke said the Fed would look intensively to see if policies, procedures or internal controls led lenders to improperly foreclosure on homeowners. Preliminary results of an in-depth report are expected to be released next month.

"We take violation of proper procedures very seriously," Bernanke said.

In a survey taken by the Realtors group this month, about 23 percent of the 2,000 agents surveyed said they have a client who is no longer interested in purchasing a foreclosed property due to the foreclosure-document mess.

"You're going to see uncertainty on the part of homebuyers," said Quinn Eddins, director of research at Radar Logic Inc., which tracks the housing market.

Mortgage applications to purchase homes last week were 29 percent below the same week a year ago, according to the Mortgage Bankers Association. At that time, buyers were rushing to purchase homes to qualify for federal tax credits.

Last month the inventory of unsold homes on the market fell about 2 percent to 4 million. That's a 10.8 month supply at the current sales pace. It compares with a healthy level of about six months.

POLL:

posturing, but no one has come out with a concrete plan that says, 'This is what I'll do and this is how I'll do it.'"

Late in the 2008 presidential race, which people followed far more closely, just 14 percent were persuadable, according to an AP-Yahoo News poll that October.

Campaign operatives and political scientists say most swayable voters end up reverting to the party they usually support. But with an unusually high number of House and Senate races up for grabs this year — scores of them, analysts say — Democrats and Republicans are vying for every fence-sitting voter they can find.

Local Democratic volunteers around the country have knocked on 3 million doors and made 8 million phone calls since the spring, in part to get undecided people behind the party, said Jennifer Crider, spokeswoman for House Democrats' campaign arm. Republicans are using similar tactics. In North Carolina, where early voting has begun, workers for GOP House challenger Harold Johnson distribute brochures at polling places where high-profile local races for sheriff and district attorney have stirred up interest, said Johnson spokesman Bryan Holladay.

"They're going to decide who controls the House, and by how many seats," GOP pollster Glen Bolger said of changeable voters.

Just like those who've made up their minds, persuadable voters consider themselves Republican by modest margins, according to the AP-GfK survey.

Fence-sitters, though, are likelier to be independents — a bad sign for Democrats in a year when independents are leaning toward GOP candidates.

DRINK:

known as the place where the 1990s television series "Northern Exposure" was filmed.

Police first responded to a report of an unconscious female in a grocery store

abused," the statement said.

Four Loko comes in several varieties, including fruit punch and blue raspberry. A 23.5-ounce can sells for about $2.50 and has an alcohol content of 12 percent, comparable to four

SERIES:

and '09. While Goren expressed the required confidence of a TV executive that this matchup would fare just fine in the ratings, he acknowledged that it took longer for fans to warm up to teams they were less familiar with.

MLB almost got a rematch of that enticing

involved, there was much more of a buzz in that area," said Larkin, who retired in 2004 and now works as an analyst for MLB Network. "When they were not, it was so obvious that people could care less."

Larkin, who won a World Series in 1990, believes players such as Lincecum and Hamilton lack the star power to attract casual fans despite their dominant sta-

Hearing slated on Lower Menominee

MARINETTE — Cleaner water resulting from extensive upgrades to wastewater treatment systems in Marinette and Menominee have the states' natural resource departments proposing to remove restrictions on swimming and other recreation in the Lower Menominee River in which participants come in contact with the water.

A public meeting about the recommendation is scheduled for 6:30 to 8:30 p.m. Nov. 3 at the UW-Marinette field house.

The Lower Menominee River is one of 43 river stretches and harbors in the Great Lakes identified in the 1980s as "Areas of Concern" because of their severely degraded water quality and habitat.

Historic and industrial and municipal wastewater discharges resulted in contaminated sediments and degraded water quality in the Lower Menominee River. Also, bacterial contamination from combined sewer overflows from the Marinette and Menominee wastewater treatment facilities led to beach closings.

Extensive upgrades to these communities' wastewater treatment systems that separated sanitary sewers from stormwater sewers have significantly reduced sewer overflows.

As a result, the Wisconsin Department of Natural Resources and the Michigan Department of Natural Resources and the Environment have determined that the river's water quality now meets the criteria necessary for recreational contact.

So the two departments, which jointly manage the Menominee River AOC, are starting the process to remove, or "delist," the recreational contact restriction.

The Nov. 3 public meeting will give people a chance to learn more about the improvements and to vote on the proposed delisting of the recreational use restriction.

Attendees can also learn the latest about federal funding coming to the area to protect and restore the Great Lakes and their tributaries under the Great Lakes Restoration Initiative.

For more information about Wisconsin's Areas of Concern, visit http://dnr.wi.gov/org/water/greatlakes/priorities/aocs.html.

For more information about the Lower Menominee River public meeting, contact: Kendra Axness, UW-Extension basin educator, at 920-438-7581 or 715-582-1002 or by e-mail at kendra.axness@ces.uwex.edu.

From: mich-rap-bounces@great-lakes.net on behalf of Matt Doss [mdoss@glc.org]
Sent: Tuesday, October 26, 2010 10:11 AM
To: glin-announce@great-lakes.net; mich-rap@great-lakes.net
Subject: [mich-rap] Press release on Nov. 3 meeting about removing recreational contact restrictions from Lower Menominee R. Area of Concern

Nov. 3 meeting on removing recreational contact restrictions; Wastewater upgrades benefit Lower Menominee River Area of Concern
http://dnr.wi.gov/news/BreakingNews_Lookup.asp?id=1894

News Release Published: October 25, 2010 by the Central Office
Contact(s): Steve Galarneau (608) 266-1956

MARINETTE – Cleaner water resulting from extensive upgrades to wastewater treatment systems in Marinette, Wis., and Menominee, Mich., have the states' natural resource departments

proposing to remove restrictions on swimming and other recreation in the Lower Menominee River in which participants come in contact with the water.

A public meeting about the recommendation is set for Nov. 3 in Marinette and will run from 6:30 to 8:30 p.m. in UW-Marinette's Geography/Geology Classroom, University YMCA/Max E. Peterson Field House, at the corner of University Drive and Shore Drive.

The Lower Menominee River is one of 43 river stretches and harbors in the Great Lakes identified in the 1980s as "Areas of Concern" because of their severely degraded water quality and habitat. Historic and industrial and municipal wastewater discharges resulted in contaminated sediments and degraded water quality in the Lower Menominee River. Also, bacterial contamination from combined sewer overflows from the Marinette and Menominee wastewater treatment facilities led to beach closings.

Extensive upgrades to these communities' wastewater treatment systems that separated sanitary sewers from stormwater sewers have significantly reduced sewer overflows. As a result, the Wisconsin Department of Natural Resources and the Michigan Department of Natural Resources and the Environment have determined that the river's water quality now meets the criteria necessary for recreational contact.

So the two departments, which jointly manage the Menominee River AOC, are starting the process to remove, or "delist," the recreational contact restriction.

The Nov. 3 public meeting will give interested citizens the chance to learn more about the improvements, and to vote on the proposed delisting of the recreational use restriction.

Attendees can also learn the latest about federal funding coming to the area to protect and restore the Great Lakes and their tributaries under the Great Lakes Restoration Initiative.

For more information about Wisconsin’s Areas of Concern, visit http://dnr.wi.gov/org/water/greatlakes/priorities/aocs.html.

For more information about the Lower Menominee River public meeting, contact: Kendra Axness, UW- Extension Basin Educator at (920) 438-7581 or (715) 582-1002 or by E-mail at kendra.axness@ces.uwex.edu.

Appendix D
News Release to Marinette-Menominee EagleHerald and GLIN-announce Listserv
November 11, 2010

From: glin-announce-bounces@great-lakes.net on behalf of Axness, Kendra [kendra.axness@ces.uwex.edu]
Sent: Wednesday, November 10, 2010 8:40 AM
To: glin-announce@great-lakes.net
Subject: GLIN==> Menominee River BUI Delisting - Public Comment Opportunity
For immediate release

November 2010

Menominee River Citizens Group Votes to Support Agencies' Action on Area of Concern

Contact: Kendra Axness, 920-438-7581, kendra.axness@ces.uwex.edu

Marinette, Wis.–The Lower Menominee River Citizens Advisory Committee voted at its Tuesday, November 3 meeting to endorse a proposal by the state natural resource agencies of Michigan and Wisconsin to remove restrictions on swimming and other recreational activities in the waters of the Lower Menominee River that may involve total or partial body contact with the water.

The restrictions were identified in the late 1980s as part of the Great Lakes Areas of Concern program (also known as Remedial Action Plans) due to municipal combined sewer overflows during severe rainstorms. Since then, extensive upgrades to wastewater treatment systems in Marinette, Wis., and Menominee, Mich., have significantly reduced or eliminated sewer overflows resulting in cleaner river water.

Citizens Advisory Committee members supported the proposal to remove the restrictions because of improvements they have noted in the river since the wastewater treatment system upgrades. Committee Co-Chair Steve Zander noted that "It used to be pretty obvious that an overflow had occurred based on what we observed in the water. We just don't see the discharge of raw sewage anymore."

The proposal to remove the restrictions is described in a document that is open for public comment through December 2, 2010. Copies of the document can be obtained by contacting Kendra Axness, UW-Extension Basin Educator at 920-438-7581, or by e-mail at kendra.axness@ces.uwex.edu. The document is also available on the UW-Extension Upper Green Bay Basin web site: http://basineducation.uwex.edu/uppergb/.

The Lower Menominee River Citizens Advisory Committee is a group that meets monthly to advise government agencies on efforts related to the Area of Concern. Meetings are usually held on Wednesday evenings at UW-Marinette's Geography/Geology classroom,

University YMCA/Max E. Peterson Field House, at the corner of University Drive and Shore Drive. The next meeting will be held in this location at 6:30 p.m. on December 8, 2010, and the public is welcome.

Appendix E
Notes from the August 25, 2010 Citizens Advisory Committee Meeting

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Citizens Advisory Committee for the Remedial Action Plan
in the Lower Menominee River Area of Concern
Meeting Minutes
August 25, 2010
7-9 p.m., CDT

Geography/Geology Classroom
University YMCA/Max E. Peterson Field House
UW-Marinette
Corner of University Drive and Shore Drive, Marinette, Wisconsin

Attending: Kendra Axness (UWEX), Sharon Baker (MDNRE), Gail Clark (Resident and member of M&M Great Lakes Sport Fishermen), John Clark (Resident and member of M&M Great Lakes Sport Fishermen), Mike Donofrio (WDNR), Mark Erickson (Lloyd Flanders), John Groleau (Fibrek), Erin Hanson (USFWS), Brian Hinrichs (Foth Infrastructure & Environment), Trygve Rhude (Chappee Rapids Audubon), Rick Stoll (WDNR), Keith West (UW-Marinette), Steve Zander (Place Perfect Realty)
Via Conference Line: Jeff Danko (CH2M Hill), John Perrecone (USEPA-GLNPO)

Summary of Key Points and Action Items:
Prepare and distribute meeting notes – Kendra
Coordinate the September CAC meeting – Kendra
Update the Total & Partial Body Contact (formerly "Beach Closing") BUI delisting doc per CAC changes – Sharon
Work with co-chairs to generate a letter of support for the TPBC delisting document – Kendra
Explore the possibility of getting GIS layer showing USACE nav channels for Menominee Harbor - Keith
Work with co-chairs to generate a letter of support for the SPAC RFP outreach project - Kendra

Welcome and introductions – Steve Zander, CAC Co-Chair
Steve Z. started the meeting and asked attendees to state name and organization.

Update on Beach Closings BUI Delisting – John Perrecone, USEPA
The basis for delisting is option 1 in the delisting target, "No waterbodies within the AOC are included on the list of non-attaining waters due to contamination with pathogens in the most recent Clean Water Act Water Quality and Pollution Control in either states: Section 303(d) and 305(b) Integrated Report (Integrated Report), which are submitted to U.S. EPA every two years." A USEPA reviewer observed that there is no Wisconsin data to determine whether any beaches on the Wisconsin side of the river should (or should not) be added to the list of non-attaining waters. A similar comment was offered by a WDNR Office of Great Lakes reviewer.

Bay-Lake Regional Planning Commission received GLRI funds to conduct Beach Health Assessments at a number of beaches in northeast Wisconsin, including Red Arrow Park in City of Marinette. Through this project, data will be collected which would allow WDNR staff to make a determination about whether to add Red Arrow Park beach to the list of non-attaining waters. John pointed out that if the project identifies issues, then they could be addressed through BEACH Act or other programs, not necessarily through the AOC program.

Given the agency reviewers' comments, and the potential to have beach data for Wisconsin, John wanted to check in with the CAC before going ahead with delisting, to make sure that the CAC was aware of the project and the agency comments and still wanted to go ahead with delisting.

Sharon stated that Henes Park beach is not on the list of non-attaining waters, and that conditions at the Wisconsin beach are likely to be similar to those at Henes Park beach. Further, the initial reason for listing the Beach Closings BUI was related to combined sewer overflows (CSOs), not beach closings, and thus delisting should not be tied to beach issues. The CSOs have been resolved by comprehensive sewer separation efforts undertaken by the municipalities in the 1990s. Any problems at the beaches, if they exist, are likely due to waterfowl which is not an AOC-specific issue but instead is a lake-wide issue. Sharon and John both feel that it is appropriate to move ahead with delisting for those reasons.

Trygve noted that he'd seen an article in the local paper within the last few weeks that Henes Park beach had been closed for some amount of time due to the geese problem.

Overview of Bay-Lake RPC Beach Health Assessment Project – Brian Hinrichs, Foth Infrastructure & Environment

The goal of the beach health assessment project is to do a study (collect samples at beaches), identify issues, then look at causes and design best management practices to correct them. Foth will prepare documents that would be bid-ready, so that municipalities can show that they have "shovel-ready" projects for future grant opportunities.

A second Bay-Lake and Foth GLRI proposal that was not funded involved sediment characterization up to the first dam, to identify areas of scouring and deposition. This would help to identify fish habitat and also help to identify where contaminants are collecting. Brian would like to submit this project again when the next GLRI RFP is released. Sharon encouraged him to talk more about the project with herself and Steve Galarneau.

Discussion & Feedback on Beach Closings Delisting Document

Discussion about whether delisting the Beach BUI would hinder the ability of the BMPs identified in the Beach Health project to be funded by grant programs. It was generally thought that the AOC program would be an unlikely source of funding for the BMPs and other sources are available. Brian mentioned that the Wisconsin Coastal Management Program grants would be a possibility. Trygve stated that he was not comfortable holding up delisting if the reason for doing so was only to chase grant funds.

Steve stated that the "beach closing" term is problematic because the original Lower Menominee Remedial Action Plan (RAP) committee had stated the BUI as "Total and Partial Body Contact."

Each of the three options for delisting the BUI were reviewed by the group. None of them are currently a perfect fit because of the way they are written. Kendra suggested modifying option 1 to specify "No waterbodies within the AOC are included on the list of non-attaining waters due to contamination with pathogens ***from combined sewer overflows*** in the most recent Clean Water Act Water Quality and Pollution Control in either states: Section 303(d) and 305(b) Integrated Report (Integrated Report), which are submitted to U.S. EPA every two years."

Steve made a motion to modify the target in this way, and Mark seconded the motion. All CAC members voted in favor of making the change. John indicated that it would be okay to modify the target in that way so long as the delisting document explicitly identifies the modification with an explanatory footnote referring to the CAC meeting.

CAC members also agreed that they would prefer to see the delisting document use the "total and partial body contact" term instead of "beach closings." Sharon will make the changes to the document. A public informational session about the BUI delisting is expected to be part of the October CAC meeting. Erin recommended that the group be prepared to say a word about the number of beach closings that have occurred to emphasize that the Henes Park closing was an isolated event.

Kendra will work with CAC Co-Chairs to generate a letter of endorsement for the delisting document. The hope is that the BUI could be delisted by the end of the year.

Fish & Wildlife Plan Technical Advisory Committee Update – Kendra Axness, UWEX
Technical Advisory Committee meetings were held on July 13 and 22. Kendra handed out the draft goals/objectives/project summaries that TAC work groups generated on the 22nd and emphasized that they are still works in progress. She will present the TAC's work in more detail at the September CAC meeting. The Habitat TAC will meet again on September 9.

CAC members expressed concern about the statement under Goal 1 on the Habitat and Vegetation Work Group handout that "Green Island was removed from the goal statement…" Attendees did not want Green Island to be left out of the habitat plan altogether. Kendra explained that the habitat plan will include a list of projects that are supportive of AOC goals but not necessary for delisting, and Green Island would fit there. This is because Green Island is privately owned and it is unknown whether it could ever be acquired for public ownership, so the work group didn't want to have eventual delisting contingent upon acquiring Green Island. Steve pointed out that achievement of the objective, "50% of XX acres (to be determined) of natural areas are protected…" would be affected by whether or not Green Island is included in the calculation of total acres of natural areas.

There was discussion about the turning basin & whether it has been used in the recent past and if it should be identified as a project area in the habitat plan. Trygve noted that it was used once earlier this year. Tom Kuber had told Sharon that he uses it up to ten times per year. CAC members used an aerial photo provided by Brian to show where they thought the turning basin was located. The actual area that the U.S. Army Corps of Engineers dredges for navigation is smaller than what folks think of as the "turning basin." The CAC agreed that the dredged area shown on USACE project maps should not be identified as a project area, but that adjacent downstream areas (between nav channel and 6th Street slip) should be considered. Kendra asked Keith if it might be possible to get a GIS layer showing USACE project areas to use in generating habitat plan maps, and he agreed to look into it.

Kendra described a grant application that she, Greg Cleereman, and Sharon are developing to submit for the Michigan SPAC RFP of July 30, 2010. It involves habitat plan outreach as well as purchasing equipment to support future outreach activities. Marinette County Land and Water Conservation will be the applicant and will assist with carrying out the project. The CAC approved the project, and the co-chairs will work with Kendra to generate a letter of support for the application.

Nominate a CAC member to attend AOC Program Meeting in Buffalo, NY – Co-Chairs
The CAC agreed to endorse Trygve as the representative, with Steve Zander as an alternate in case Trygve isn't able to attend.

Exhibit for NAH Fish Passage Open House – Kendra Axness, UWEX
North American Hydro is hosting a fish passage open house on October 9 and Kendra is planning to set up a display for the event. Several CAC members offered to help staff the display and Kendra will send a sign-up sheet around with details of the event.

Announcements and identify agenda items for September 29, 2010
The next meeting is scheduled for September 29th and will include the following:

- Update on Total/Partial Body Contact (Beach Closings) BUI Delisting
- Report on U.S. Areas of Concern Program Annual Meeting
- Presentation on Habitat Plan TAC progress and discussion of draft documents
- Presentation of display materials for fish passage open house & CAC feedback
- Update on fall GLRI RFP, if it has been released

Meetings were scheduled for Oct 27 and Dec 8 and Kendra will send a save the date notice.

Minutes respectfully submitted by Kendra Axness.