

Michigan Statewide Public Advisory Council

Spring Business Meeting

Tuesday-Wednesday, June 8-9, 2010
Port Huron, Mich.

DRAFT Meeting Summary

Meeting Participants:

Christine Aiello
Jeff Auch
Bryan Babcock
Tim Backhurst
Sharon Baker
Zachare Ball
Sharon Bender
Mary Bohling
Ivette Bolender
Heather Braun
Bob Burns
Melissa Damaschke
Ken DeBeaussaert
Scott Dierks
David Dortman
Matt Doss
Paulette Duhaime
Roger Eberhardt
Rose Ellison
Kathy Evans
John Groleau
Terry Heatlie
Dan Herrema
Rick Hobrla

Erika Jensen
Peggy Johnson
Dan Keifer
Claude LaFrance
Janice Littlefield
Jordan Lubetkin
Amy Mangus
Dick Micka
John Perrecone
Greg Peterson
Jim Ridgway
John Riley
Karen Rodriguez
Henry Rosenfield
Frank Ruswick
Michelle Selzer
Michael Sertle
Julie Sims
Warren Smith
Patty Troy
Bob Whitesides
Eric Witter
Greg Zimmerman

Day 1: Tuesday, June 8

Welcome, Introductions and Review of Agenda

Mary Bohling, SPAC vice chair, Detroit River AOC

Report on the Healing Our Waters (HOW) Great Lakes Coalition and the Michigan HOW Coalition

Jordan Lubetkin, National Wildlife Federation, HOW Coalition

Lubetkin gave an overview of the regionally based HOW Coalition, which is coalition of over 115 groups with a goal of restoring the Great Lakes through federal policy and appropriations initiatives. Under the new Great Lakes Restoration Initiative (GLRI), which provides federal

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money for state and local projects, the Coalition is focused on making sure that the GLRI is fully funded now and into the future. Lubetkin said the best way to ensure future funding is to show success in restoration. Toward this end, the Coalition is looking for opportunities to provide assistance at a local level to ensure successful participation in the GLRI. For instance, the Coalition is providing small grants as “seed money” to help local groups in priority sub-watershed areas to participate in the GLRI. In addition, the Coalition is compiling a report on restoration success stories that will show the positive effects of restoration projects on both the lakes and the economy. Those benefits can include indicators that are difficult to quantify, such as quality of life. More work is also needed to calculate job creation from investment in restoration. Overall, the Coalition wants to show that the GLRI is a worthy investment. At the state level, the Coalition is made up of a network of state programs. The state coalitions are increasingly trying to engage officials and others at the state level to show support for federal investment in Great Lakes restoration. The Michigan coalition is chaired by the Sierra Club and Michigan United Conservation Clubs.

Matt Doss spoke briefly about the GLC’s work on advocating for GLRI funding, much of which is done in coordination with the HOW Coalition. He recognized the efforts of the National Wildlife Federation and the National Parks Conservation Association in chairing the regional HOW Coalition and organizing its grassroots efforts targeted at Washington. Some expressed interest in having AOCs more engaged in HOW Coalition.

Lubetkin said that one of the reasons the restoration effort has been successful is the regional unity that is displayed not just among conservation organizations, but also with state and local agencies, tribes and other stakeholder groups. Based on the first round of funding, there is a seven to one demand on funds requested to what funding is available. The Coalition hopes to see a steady, consistent stream of funding to build momentum on Great Lakes restoration. John Perrecone (U.S. Environmental Protection Agency (EPA)) emphasized the need to show that funding was spent efficiently and effectively by demonstrating results. These results will be measured under the GLRI Action Plan and will be heavily scrutinized to determine future funding and work.

There was further discussion on the topic of tracking economic benefits from restoration projects. A good example of these efforts is what will be required for projects under the American Recovery and Reinvestment Act (ARRA). The Muskegon Lake project is an ARRA project and Doss said he would share their socioeconomic monitoring plan with the SPAC. Lubetkin expressed hope that robust economic data would be available for at least a small number of projects. It was suggested that for projects without capacity for significant economic analysis, local impacts could be documented anecdotally, similar to how a local journalist might report on local trends. In addition, grantees could be asked to informally collect certain types of economic data. Doss said he would follow-up with Lubetkin on the types of information that is useful to document throughout project implementation. Additional follow-up will occur on the potential for the SPAC to be represented in the Coalition.

Review of DEQ-DNR Reorganization and Implications for Michigan’s AOC Program
Frank Ruswick, Deputy Director, Dept. of Natural Resources & Environment (DNRE)

- Status of transition to the new DNRE and formation of Citizens Advisory Councils

Ruswick spoke first on the formation of the new department and specifically the formation of citizen advisory councils. He handed out and reviewed a transition organizational chart. The restructuring is currently being filtered into the organization. The new structure is formed around three primary program areas which are broken out into divisions. In addition, there will be four regions led by regional directors. For each region, a citizen advisory council (CAC) will be created as a forum to discuss local issues and to receive and convey information with people on the ground. The CACs will be modeled after councils which have been previously put in place for the Upper Peninsula and have been successful. There are ongoing discussions within the agency to determine how the CACs will be structured and to define their role. The CACs will be geographically based, focused on DNRE activities within that region and will not have statewide responsibility. The CACs will also need a mechanism to interface with groups with broader responsibilities (e.g., statewide or issue-specific). The agency envisions that the CACs will have 20-25 members which are broadly representative of DNRE activities. Groups interested in being represented on the CACs will need to submit an indication of interest and members will then be selected by an agency panel. Ruswick thought that this process would likely happen in the next couple of months. He clarified that DNRE regions would be roughly associated with the watershed basins. The current field structure is not aligned by watersheds and will need to be integrated with the new regional structure. A key challenge and goal of the restructuring will be integration and recognizing relationships between offices.

- Review of the Environmental Advisory Council's *Roadmap to a New Environmental Management Model for Michigan*

Ruswick next spoke about a document prepared by the former Dept. of Environmental Quality's Environmental Advisory Council (EAC): *Roadmap to a New Environmental Management Model for Michigan* (Roadmap). In 2009, the EAC was given the task to consider a new way of looking at environmental management in Michigan (including natural resources management). Ruswick's presentation described the approach used by EAC in developing the roadmap; the content of the roadmap; implementation of the roadmap; and implications for the AOC program. The approach to the roadmap recognizes that environmental programs and policy perspectives evolve over time and historical trends show these cyclical changes. The EAC examined the current regulatory approach and socio-political atmosphere to identify characteristics that prevent agencies from doing as well as they'd like (e.g., economic downturn; distrust of government; legislative turn over, etc.) Based on this analysis the EAC worked to determine what a better environmental management model would look like? They decided that they agency should be capable of providing necessary functions and services; appropriately integrated with others; and have the skills and capacities to effectively address multiple party and system-wide issues. The Roadmap describes what such a system should look like. In response, the MDNRE Water Bureau developed several major goals with measurements: safe drinking water, enhanced recreation waters, protected groundwater, safe to eat fish. Ruswick reviewed these goals and measures of success. He then spoke about the AOC program as an environmental management model with good characteristics. It is a geographically and outcome based program (e.g., delist 5 AOCs) and has performance factors (BUI criteria), a community role, public/private action and program integration. He questioned whether the AOC program could be a precursor to something bigger, e.g., ecological integrity of the watershed, which would have different indicators, a broader scope, a broader community, collaborative decision-making and improved program integration.

Update on the Status of the Renegotiation of the Great Lakes Water Quality Agreement

Karen Rodriguez, U.S. EPA, Great Lakes National Program Office

Rodriguez gave an overview and status report on the current process for renegotiating the Great Lakes Water Quality Agreement (GLWQA). She noted that the GLWQA is meant to last a long time, so it should be set up as a framework for management and should not be prescriptive. The review process that led to this renegotiation began in 2004. The review process produced a report which has provided the basis for current negotiations. That report found that while the purpose of the GLWQA is still valid, the provisions are outdated and some issues that should be addressed are not included. In addition, the report said that the roles of government and the public are not as clear as they should be and accountability is not as robust as it could be. The two countries are negotiating on eight specific issues, which Rodriguez reviewed in more detail. Information on the renegotiation is available on the <http://binational.net> website. On the toxic substances issue, Ted Smith is the lead negotiator from EPA GLNPO. Other issues include science coordination; nutrients; aquatic invasive species; ship source pollution; climate change; habitats and species. Rodriguez said the renegotiation should be completed by the end of the year, and that there would be opportunities for public comment (e.g., webinars, public meetings). One specific area suggested for input was the issue of the Great Lakes connecting channels and how they should be addressed outside of the limited scope of the AOC and LaMP programs. Rodriguez concluded emphasizing that the GLWQA needs to be a framework under which both governments can operate, recognizing each other's strengths and weaknesses.

Funding for Michigan's Great Lakes Programs under the Great Lakes Restoration Initiative (GLRI)

- Overview of U.S. EPA support to state AOC programs
John Perrecone, U.S. EPA

Perrecone opened his presentation with map of AOCs on which was overlaid a land use map to illustrate how AOCs are located in urbanized areas and altered harbors, which present a huge land use challenge. He emphasized that a significant amount of work will be needed in order to achieve a "healthier" condition in AOCs, similar to other locations around the basin. Next he reviewed the goals and objectives of the RAP program, noting that the GLRI has created an unprecedented opportunity to move the RAP program forward to delisting AOCs. Some of the important steps in this process that the AOCs should be working on include developing a stage two RAP or equivalent; engaging in the Federal-State AOC Coordinating Committee (FED-STACC); and identifying opportunities for funding projects under the GLRI. In addition to competitive grant funding, the EPA is able to provide capacity funding from the GLRI to the states and local AOC groups; a total of \$5.8 million for the region in FY2010. Perrecone then spoke about the GLRI Action Plan, which will drive the focus of the GLRI over the next five years. Specifically he reviewed the targets and measures of progress for the AOC focus area:

1. Number of AOCs where all management actions necessary for delisting have been implemented
2. Number of BUIs removed
3. BUI delisting project starts

Funding under the GLRI will also provide opportunities for building capacity within the AOC program, specifically at the state and local level. Perrecone mentioned the Great Lakes Accountability System (GLAS), which will be used track the distribution of GLRI funding. He gave a brief overview of all of the Michigan AOC projects selected as finalists under the recent EPA GLRI RFP. To conclude his presentation, Perrecone discussed several “tools for moving forward,” acknowledging that fully restoring AOCs can be a difficult and lengthy process. This included removing BUIs; designating AOCs as in the Recovery State; and recognizing when subwatersheds in an AOC have been restored.

- Staffing for Michigan’s program and special projects; PAC support funding and SPAC funding; Other impacts from the GLRI
Rick Hobrla, DNRE

Hobrla discussed some changes and expectations for Michigan’s AOC program, which as a result of the reorganization has been moved into the Office of the Great Lakes. Regarding the anticipated programmatic funding under GLRI, Hobrla said the DNRE is still in negotiations with EPA. He anticipates that the RAP and LaMP programs will have separate staff under the funding. The other piece of the new funding is for pass-through to local PACs and to support the SPAC. DNRE and GLC staff have begun working on a draft RFP for that money, but are not sure when it will be available. Hobrla thought it unlikely that the agency as a whole would not expand as a result of GLRI funding, but that the Great Lakes programs may bring on additional staff from within the DNRE. In response to a question on eligible activities for the funding that will be distributed to the PACs, Hobrla said it will be similar to past PAC funding. Priority will be places on activities that relate to the GLRI goals and objectives and projects that will advance BUI and/or AOC delisting. He also said that administrative activities and grant writing might be eligible if it was part of a larger project. SPAC members requested that some of the PAC grant funding upfront, as opposed to entirely on a cost reimbursement basis.

Matt Doss brought up a letter that the SPAC developed and submitted to EPA after the last business meeting expressing support and urging funding for the PACs and the SPAC. He requested that the EPA representatives at the meeting provide a brief response to that letter. John Perrecone said that EPA will be providing funding for DNRE for PAC support and that they will be working to get that funding in place as quickly as possible.

Review of Year One Funding Decisions under the GLRI

Matt Doss (GLC) reviewed a summary and table of projects funded under GLRI which were distributed to meeting participants. A total of 1,050 proposals requesting approximately \$1 billion were submitted to EPA under their RFP. The EPA has selected 270 projects as finalists for approximately \$161 million. Of the finalists, Michigan is set to receive \$63 million for 99 projects (about 40 percent of the total); of which 13 projects for \$15 million will be led by state agencies. Further analysis shows that 27 of the 58 priority projects identified at the August 2009 SPAC workshop were selected as finalists for EPA funding. In addition, other federal agency programs funding announcements are still anticipated (e.g., NOAA). Doss noted some future challenges the PACs and others will likely face, such capacity to implement projects; coordination with non-AOC projects that will benefit AOCs; project

development including large-scale projects and Great Lakes Legacy Act projects; establishing sources of non-federal match; and measuring progress.

- Overview of U.S. EPA funding decisions and recommendations for future proposals
Karen Rodriguez and John Perrecone, U.S. EPA

Rodriguez first provided an overview of the distribution of the full \$475 million of GLRI funding. Approximately \$240 million was transferred to other federal agencies through interagency agreements, some of which was made available through those agencies' competitive grant programs. Through the EPA's competitive RFP, 66 projects were selected as finalists under the habitat and wildlife program area, of which 34 requesting \$38 million were in AOCs. The expected "on the ground" results from these projects – pending grant awards and successful implementation – are 11,200 acres of protected/restored/enhanced habitat, including 33,800 shoreline feet; 65 stream miles protected/restored/enhanced; and 20 percent of coastal wetlands assessed. Progress on habitat-related BUIs is expected in 16 AOCs including full delisting of the BUIs for the Ashtabula River and White Lake. Rodriguez said it was important to remember that funding distribution and project implementation are behind schedule this year because of the administrative burden. The agency is working with Congress to communicate these delays. EPA will be performing analyses to determine how this year's money was spent and progress towards meeting the goals of the GLRI Action Plan, as well as to identify gaps/emerging issues that need to be addressed and ways to improve the process. Recommendations for future applicants were to "fine tune" grant writing skills; develop partnerships for capacity building; and to carefully consider next steps for delisting. Current grantees should focus on managing their project well and be prepared send in project stories and photos.

Next, Perrecone provided some specific feedback on the AOC focus area of the GLRI. He said that the scope of activities for the AOC program may have been too broad, given the agency's preference for on the ground work. He noted that all project proposals were scored against the specific criteria that were outlined in the RFP. Proposals which did not reference the AOC or the PAC were not viewed favorably because the reviewers could not know how the project fit in with the AOC's plans or if it was endorsed by the PAC. Reviewers referred to letters of support and plans that were referenced to determine whether a project related directly to an AOC. Perrecone spoke briefly about the need to develop a "pipeline" of projects for funding that will eventually lead to delisting. The EPA will be looking at the AOCs to determine which could be delisted over the short versus long term. He emphasized that the agency will be evaluated on the delisting of BUIs and AOCs.

There was discussion on the issue of areas outside of AOCs – i.e., those not identified in the Great Lakes Water Quality Agreement – that suffer from substantial and significant contamination and how those areas would be cleaned up. The EPA primarily uses other programs – e.g., Superfund – to address those sites. Participants debated whether the AOC program should be expanded to include other sites or whether alternative clean up opportunities should be identified.

- Assess Michigan's process for identifying GLRI priorities (MI-Great Lakes Plan, GLRI Strategic Framework and statewide delisting strategy)
Roger Eberhardt, DNRE; John Perrecone and Karen Rodriguez, U.S. EPA

Eberhardt began by speaking about the process that the SPAC and DNRE used for identifying priority projects for the current year's funding. The state of Michigan used a multi-tiered approach under which much of the work was completed through work groups that were set up for each category in the GLRI funding guide. The work groups were responsible for many of the applications that went in from the agencies and helped with external applications when asked. The delisting strategy that was developed for Michigan's AOCs was a primary driver for identifying priority AOC projects. In terms of lessons learned, Eberhardt highlighted the new collaborations and partnerships that were formed through the process and improving communication processes. He said that some of the work groups may be combined next year.

EPA representatives that were present said that applications for the habitat and AOC funding categories were the easiest for decision making. The availability of the Michigan delisting strategy and the fish and wildlife restoration plans were helpful resources. They emphasized the importance of referencing those plans and providing them as attachments to proposals. In addition, tables that outline the steps that are being followed to achieve delisting are very helpful. Regarding letters of support, those that related directly to the project and described why the project is important were valuable. Most critical are letters that document the involvement and support of the local PAC. It was also noted that agencies were not allowed to refer proposals to other agencies and therefore, projects submitted to more than one agency could have been selected twice and it will be up to the applicant to decide which funding source to use. Participants suggested that agencies streamline and make their RFP requirements more consistent to ease the administrative burden on applicants. Finally, PACs were encouraged to work closely with their DNRE liaison to avoid overlap and duplication of effort on AOC projects.

Technical Assistance and Related Needs to Support Implementation of GLRI Projects

Moderator: Heather Braun, Great Lakes Commission

Braun introduced the session, noting the importance of being able to effectively manage and implement restoration projects given the level of scrutiny that GLRI projects will face. The GLC will be involved in ongoing technical assistance efforts and will be working with other partners to provide capacity building opportunities.

- Things to consider when implementing a major restoration project
Kathy Evans, Muskegon Lake AOC

Evans first described her role with the West Michigan Regional Shoreline Development Commission (WMRSDC), through which much of the support staff and capacity for the AOC is provided. Because WMRSDC administers other programs as well as its work for the AOC, the organization already has in place many policies and procedures that provide a solid framework for managing construction projects and large grants. WMRSDC is currently involved in managing two NOAA grants focused on restoring fish and wildlife habitat in the AOC. Evans spoke about several key things that an organization should have in place to administer a large project, including a procurement policies; staff capacity for contracting, RFQ/RFP and competitive bid package development and review/selection; and mechanisms for invoicing and processing payments. In addition, she emphasized regular communication with all parties involved in the project, with a focus on keeping them engaged and committed

to the project. A lot of time will be spent on communications with bidders, media, regulators, consultants/contractors, and others.

- Overview of potential permitting requirements for GLRI projects
Dave Dortman, DNRE

Dortman spoke about DNRE regulatory requirements dealing with construction in “waters of the state.” The Natural Resources and Environmental Protection Act (NREPA), the Inland Lakes and Streams Act (ILSA) and Wetland Protection Act (WPA) are the primary statutes which governs actions in these waters. The regulations will vary depending on the type of waterbody (resource) you are working in. For example, work in inland water requires one permit that represents both state and federal regulations. Work on the Great Lakes or on wetlands that directly connect to the lakes requires two separate permits. Dortman provided significant explanation of the types of waterbodies and their definitions under state regulation. He emphasized that it is important to contact your local DNRE office to help you determine which permit(s) are needed. Specifically, he recommended setting up a pre-application meeting with DNRE to determine which statute applies and which type of permit applies to your project. A pre-application meeting may help you make adjustments that will put your project in minor permit category which is more streamlined than a public notice permit. For example, a public notice permit requires that you notify adjacent landowners of the project. Dortman said that information such as plans, cross sections, volumes and types of material, impact on contaminated areas or endangered/threatened species is helpful when provided to DNRE up front. The DNRE considers endangered/threatened species, fish spawning windows, as well as navigation/access concerns when reviewing projects.

Henry Rosenfield, U.S. Army Corps of Engineers

In this context, the Army Corps of Engineers (Corps) generally issues permits under two federal acts: the Rivers and Harbors Act and the Clean Water Act. In 1984, the Corps signed a Memorandum of Understanding (MOU) with the state of Michigan which transferred their authority on inland waters (Clean Water Act Section 404) to the state. The result has been a joint permit application, i.e., one application that serves purposes of both the DNRE and the Corps. He said that most AOC related activities will be covered by Nationwide Permit 27. The objective of this permit is a net increase in aquatic resource function and services (not acres). It does not authorize conversion of an aquatic resource to something else and it does not authorize stream channelization. Rosenfield reviewed the other permit requirements and information needed for a complete application package. Regarding timeline, the Corps has up to 60 days to process a complete application. He noted that sometimes a site visit is required or the Corps requests additional information. He emphasized that the Corps does not want to stand in the way of projects, but only wants to verify that the project will not cause problems.

Terry Heatlie, NOAA Restoration Center

Heatlie echoed the importance of a pre-application meeting prior to submitting a project proposal, so that it can be documented in the proposal. Regarding NOAA’s regulatory requirements, Heatlie focused on the National Environmental Protection Act (NEPA). The focus of the NOAA Restoration Center’s work falls under the jurisdiction of the NEPA and NOAA has an administrative order in place outlining the agency’s policy for handling NEPA. The goal of NEPA is to help agencies make an informed decision regarding the work they are

planning; the NEPA process carries you through all the potential impacts your project could have. Heatlie indicated that one of the things NOAA is looking for when reviewing a project proposal is information that can be used in completing the NEPA process. The NEPA process requires consideration of a variety of factors when evaluating a project's impacts. If a project is found to have significant impacts, it may not get funded, it may need a more involved consultation processes, or it may need a full environmental impact statement. Heatlie said it is never too early or late to contact NOAA for guidance regarding a project proposal and NEPA.

- U.S. EPA administrative, reporting and accountability requirements for GLRI grants
Karen Rodriguez, U.S. EPA

Rodriguez gave a presentation on requirements for EPA GLRI awards. She pointed out that although NOAA or USFWS grants require a NEPA review, an EPA grant does not. To date, the EPA has made final selections for projects under its GLRI RFP, but official awards have not been made. Finalists are first required to submit a full application to EPA, which needs to be reviewed and approved. This negotiation period is ideal for making minor adjustments to projects based on changing circumstances. Rodriguez reviewed the formal application process, including the many items needed to complete the application. For example, EPA requires a quality assurance (QA) plan for some types of work. Potential grantees should work with their project officer on these items. She spoke about "10 common grant audit issues," to help potential grantees avoid future problems. Projects selected for funding by two federal agencies will need to choose only one funding source and applicants receiving funding for multiple projects should consider bundling them into one single application. She clarified that grantees are allowed to sub-award to local governments and non-profits, even if those groups were not mentioned in proposal, however contracts for for-profit groups require a competitive process.

EPA will be conducting pre-award capability reviews for awards over \$200,000 to ensure that applicants have the capacity to carry out the project. Throughout the course of the project, grantees will be required to submit standard progress and financial reports. In addition, the EPA will be tracking the distribution and spending of all \$475 million through the new Great Lakes Accountability System (GLAS, which is currently being pre-populated with information from proposals that were selected as finalists. The information in GLAS will be used for tracking hard facts and measures of progress under the GLRI Action Plan. It won't provide narrative stories, photographs, etc. More information provided, including an instructional video is provided on the GLRI website (<http://greatlakesrestoration.us>). Rodriguez spoke briefly about the role of the project officer. She said grantees should expect site visits and participation in conference calls or other meetings during the project. She pointed out that in the case of a grant project officers cannot suggest changes to the project once the final agreement is signed. Grants are different than cooperative agreements in this regard. Project officers can play an active role in the project if it is a cooperative agreement.

- Review of GLRI projects for Michigan's AOCs, how they will be implemented, and technical assistance needed by grantees and their partners
SPAC Members and GLRI Grantees

Braun asked those present that have been selected for grants to talk briefly about their projects and any needs they have identified thus far. The following is a summary of those projects and needs, by AOC:

- Clinton River: Paint Creek dam removal project. PAC has previous dam removal experience. Concern among local stakeholders regarding the historic value of the dam.
- Menominee River: Project to provide fish (sturgeon) passage over a dam.
- Deer Lake: Partridge Creek project to eliminate controllable sources of mercury contamination.
- River Raisin: Three projects: Nitrate TMDL focused on reducing agricultural runoff; providing fish passage at 6 dams; and marsh and prairie restoration.
- Detroit River: Three projects: shoreline restoration and two restoration projects on Belle Isle.
- Kalamazoo River: Creek naturalization and engineering studies for two dam removals.
- Saginaw River/Bay: AOC is being supported by work other entities are doing for the bay.
- St. Clair River: City of Marysville project; likely NOAA funded project on fishery reef habitat; and City of Port Huron shoreline restoration project.
- White Lake: Habitat restoration project at 7 sites around the lake. Potential issues are construction management, time management and getting 7 sites restored simultaneously.
- Rouge River: Dam removal and stream restoration project and a green infrastructure project.

Day 2: Wednesday, June 9

Opening Remarks and Review of Day Two Agenda

Mary Bohling, SPAC vice chair, Detroit River AOC

Review of Action Items from the March 2010 SPAC Meeting

Matt Doss, GLC

Doss reviewed progress on the action items from the March 2010 SPAC meeting. Those activities included distributing the new DNRE organizational chart; developing and submitting a letter to EPA on funding for the PACs and SPAC; following up with EPA on GLRI proposals which were not selected for funding; developing and submitting a letter to the Michigan Congressional delegation on priorities for the AOC program; getting feedback from DNRE on staff commitments and workload given new work under GLRI; following up with the HOW Coalition on engaging with the SPAC and AOCs; planning for the SPAC spring meeting; renewing SPAC representation; and coordinating an update for the SPAC on the GLWQA renegotiation process.

Presentation of Reorganized SPAC Website

Erika Jensen, GLC

Jensen walked through the updated and reorganized SPAC website. The new website features more information on SPAC meetings, delisting resources and SPAC publications. The goal of the reorganization was to make sure all of the information was up to date, increase the usefulness of the site and make both state and regional information easier to access. Additional revisions were suggested by DNRE staff and SPAC members, such as delineating between the most recent biennial updates and historical RAP documents. Jensen

committed to making those changes after the meeting, at which point the site would become “live.”

Implementing the Statewide Delisting Strategy for Michigan’s AOCs (Recent BUI delisting actions, Statewide BUI assessments and Updating the delisting strategy)

DNRE Program Staff

DNRE staff reviewed current activities related to BUI delisting. The following is a summary by AOC:

- St. Clair River: In final stages for removing the restrictions on dredging BUI.
- Detroit River: DNRE convening a technical committee to review the assessment of the drinking water BUI
- Manistique River: Removed the beach closing BUI in May
- Kalamazoo River: DNRE technical committee is reviewing documentation for beach closing BUI
- Muskegon Lake: Assessing the restrictions on dredging BUI for removal
- Deer Lake: In the process of removing the fish and wildlife reproduction BUI; will be working on fish consumption BUI; and working on source identification for the benthos and fish consumption BUIs
- Menominee River: Removal process underway for beach closing BUI; addressing the restrictions on dredging BUI through the statewide process
- River Raisin: DNRE technical committee is reviewing the eutrophication BUI; hope to remove the bird and animal deformities BUI as part of the statewide process

Next, the DNRE staff gave a brief overview of the statewide BUI assessments that would be conducted with new federal funding. The DNRE will be receiving a grant from the U.S. Fish and Wildlife Service to assess the bird and animal deformities BUI at 6 AOCs. In addition, the EPA has selected the state’s project to assess three BUIs: aesthetics, beach closings and dredging. In regards to the state delisting strategy, it was noted that the strategy had been “finalized” for the time being, i.e., the introductory text portion of the document is finalized, but the table of actions is considered a “living document” and will need to be updated from time to time.

Overview of Goals, Objectives and Measures of Progress for the AOCs under the GLRI

John Perrecone, U.S. EPA

Perrecone emphasized the importance of the GLRI Action Plan, which was discussed in detail the previous day. He said that any future inquiries, audits or other requests for information were going to be guided by the commitments made in the Action Plan. He also noted the importance of recognizing the amount of work that is required and will go into delisting AOCs. There is a need to conduct “triage” with the AOCs to understand where they are in the process of delisting (i.e., near, mid and long-term). The focus of the first year of the GLRI will be on the “low-hanging fruit.” It also needs to be clarified that the Great Lakes Legacy Act only addresses only a component of the AOC program (contaminated sediments). He made the point that in order to keep momentum in the program, there will need to be a project “pipeline” so that new projects are continually being developed and become “shovel ready” in time for subsequent rounds of funding.

Developing AOC-Specific Delisting Strategies as Stage Two Remedial Action Plans

Roger Eberhardt, DNRE

Eberhardt spoke about the DNRE's proposed approach to developing Stage II RAP documents, as will be requested by U.S. EPA in the near future. Their approach is to avoid creating a separate document, and to instead integrate what already exist to meet the requirements of a Stage II RAP. Those existing resources are:

- Michigan's statewide delisting strategy
- AOC specific delisting strategies (when available)
- Biennial RAP updates
- Michigan's guidance for delisting
- Historical documents
- Stage II RAP requirements as outlined in the GLWQA

Eberhardt reviewed the GLWQA State II RAP requirements, noting that they were viewed as leading a static and inflexible document. Because of this, the MDNRE has previously shifted to the biennial RAP update approach. The weakness of the historical documents (e.g., Stage I RAPs) was that they did not include criteria or a strategy for removing BUIs. The state's guidance for delisting provided a framework for delisting criteria, but did not identify specific remedial actions. The biennial RAP updates provide additional information, including remedial actions, but there is no tracking table or mechanism for documenting progress towards delisting. The state's strategy for delisting does this, but the limitation is that it's not AOC specific. Thus the suggested approach is to take most valuable elements of the biennial RAP updates and integrate them with the delisting strategy tracking table and other relevant information. The goal is to have one single document for each AOC that is the equivalent of a Stage II RAP. The hope is to complete the process within the next year, but the sooner it can be completed the better. Moving into the breakout sessions, Eberhardt outlined the discussion questions and topics for input into the Stage II RAP process.

AOC Breakout Session Discussion and Report Out

[See Attached]

Review of Action Items and Next Steps

Matt Doss, GLC

Doss reviewed the action items and next steps for the SPAC, which were as follows:

- Develop meeting summary
 - Follow-up on items discussed during the presentation from HOW (distribute contact information for those compiling project success stories; have socioeconomic monitoring plan for Muskegon Lake ARRA project; economic indicators that can be easily document through GLRI projects)
- Develop and submit a letter to the Michigan state legislature on state's success in getting GLRI funding
- Make final updates to SPAC website and "go live"
- DNRE will work on next steps for Stage 2 RAPs (or equivalent)

- Plan fall meeting focused on identifying priorities and strategizing for the next year of GLRI funding and further discussion on moving forward with Stage 2 RAPs (or equivalents)
- Hold conference calls as needed prior to the next meeting
- If possible, announce next round of PAC support grants once EPA and DNRE have finished negotiations
- Distribute information on the U.S. AOC annual meeting planned for this September; travel support will be available for one person from each AOC
- GLC will continue discussions with other agencies/partners on opportunities for providing more technical and capacity support as groups move forward with implementing restoration projects

SPAC Delisting Strategy Breakout Session

SPAC Spring Business Meeting

June 8-9, 2010

Port Huron, Mich.

QUESTIONS

1. What stakeholders should be invited to participate in the development of an AOC-specific delisting strategy (e.g., types of individuals or organizations)?
2. What tools, resources, and technical support might be beneficial to assist in the development of an AOC-specific delisting strategy (e.g., GIS data, AOC-related documents, consultant support)?
3. How should the process for developing AOC-specific delisting strategies be communicated to the PACs and other stakeholders (e.g., develop a guidance document, rolled-out individually by the respective AOC coordinator, SPAC conference call, or statewide workshop)?
4. How often should the AOC-specific delisting strategy be updated?

SUMMARY OF REPORT OUT

[Pink Group]

Reporter: Paulette Duhaime

Question 1

Local municipalities; DNRE district staff and AOC coordinators; academic/research institutions; tribal interests; local industry; EPA superfund/RCRA (where appropriate)

Question 2

- AOCs refine tracking table to adapt to specific needs, timelines, etc. through facilitated sessions
- Need funding for a full-time local coordinator/grant writer
- DNRE/EPA/GLC can be utilized to get technical support
- Need help in developing cost estimates for projects
- Coordinating with researchers/academia
- Need Funding for project development

Question 3

Public meetings with DNRE; email lists; public events (dinner cruise); announcements/events of major projects or BUI removals; fact sheets about the AOC for public communication; integration of Superfund/RCRA/AOC program; binational/bistate communication; educate and keep informed local and state officials

Question 4

- What are we updating?
- Regularly as events demand (major grants; BUI removals)
- Update annually as grants are approved or as DNRE updates tracking table

Please note these minutes have been reformatted to meet accessibility requirements. The original content has not been changed. 7/2022

- What does the update mean?
- Relationship to biennial RAP updates?
- Coordination with Canada for binational AOCs
- Who is responsible for document – DNRE or AOC?

[Black Group]

Reporter: Heather Braun

Question 1

- First step is to look at diversity across PAC
- Business/industry; elected officials, educational groups; partners that make sense for specific projects

Question 2

- Consultant support
- Communication with experts – research institutions (data collection and analysis to make it understandable for decision making)
- Mechanism to connect local data to state strategy
- GIS data can help create visual resources

Question 3

- SPAC-wide conference call to provide input on a guidance document
- Formalization of guidance document (DNRE)
- Workshop to inform on strategy for delisting
- Communication on roll out to individual PACs
- AOC specific information with clear expectations on what PAC responsibilities are associated with the strategy

Question 4

- At least annually or on and as needed basis
- Associated with funding cycles
- Need open and clear communication between DNRE and PACs

[Blue Group]

Reporter: Dan Keifer

General

- What are we trying to create and what is the purpose?
- Make clear the purpose of the document: how much is static reference, how much is a living document that drives and tracks our activities
- Don't want to create another document/process – want to integrate what we already have
- Many difference levels of involvement in PACs/AOCs so one document/process the works for all is a challenge
- Draft template:
 - First 5 sections come from current biennial update (except 5c – which might be a more “living” piece that requires frequent updating)

- What is #6? More than current tracking table and goes beyond just projects; BUI specific removal strategy; gets toward action and what the PACs are doing; question on level of detail
- Canadian Stage 2 as a reference
- Statewide guidance? Where is it reflected? Appendix or under #6?

Question 1

PAC; local officials, departments, agencies

Question 3

- Joint effort between PAC/DNRE
- Should there be a neutral third party facilitator since such an important document?

Question 4

- Dependent on level of activity
- Influenced by the degree to which it is a living vs. static document
- Perception that a “stage 2” is a static document that is submitted once

[Brown Group]

Reporter: Jeff Auch

Question 1

- Different partners for different BUIs – will vary
- Need technical people, but also need to have communication with less technical people
- Importance of outreach
- Benefits of a technical committee
- Importance of having a good AOC program knowledge base

Question 2

- Combined/integration of sampling and monitoring efforts (e.g., statewide assessments)
- Continuation of PAC support grants, consistency from year to year

Question 3

- SPAC workshops work
- Roll out with individual PACs
- Possibility of webinars- archiving information online

Question 4

- Annually; should be easy to update