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Michigan Statewide Public Advisory Council

Spring Business Meeting  
Wednesday, May 30, 2012  
Ralph A. MacMullan Conference Center  
104 Conservation Drive, Roscommon, MI 48653

Mary Bohling, Detroit River AOC  
Tom Quail, Clinton River AOC  
Tricia Blicharski, Detroit River AOC  
Richard Micka, River Raisin AOC  
Dan Stefanski, River Raising AOC  
Paulette Duhaime, St. Clair River AOC  
Thomas Raymond, St. Clair River AOC  
Patty Troy, St. Clair River AOC  
Terry Burrell, St. Clair River AOC  
Tanya Cabala, White Lake AOC  
Zachare Ball, Rouge River AOC  
Bill Craig, Rouge River AOC  
Noel Mullett, Rouge River AOC  
Elizabeth LaPorte, Michigan Sea Grant  
Kathy Evans, Muskegon Lake AOC  
Sharon Baker, Michigan DEQ  
Noel Urban, Torch Lake AOC

John Riley, Michigan DEQ  
Sam Lovall, Detroit River AOC  
Michelle Selzer, Michigan DEQ  
Warren Smith, Saginaw River/Bay AOC  
Thomas Tissue, White Lake AOC  
Dennis Zimmerman, Saginaw River/Bay  
AOC  
Rick Hobrla, Michigan DEQ  
Jen Tewkesbury, Michigan DEQ  
Stephanie Swart, Michigan DEQ  
Matt Doss, Great Lakes Commission  
Erika Jensen, Great Lakes Commission  
Jeff Spoelstra, Kalamazoo River AOC  
(*phone*)  
Ben Uvaas, Menominee River AOC (*phone*)  
Amanda Bosak, St. Marys River AOC  
(*phone*)

**Wednesday, May 30**

**Welcome, introductions and housekeeping items**

Mary Bohling, SPAC chair, welcomed participants, led a round of introductions, and reviewed the agenda. Matt Doss reviewed logistical items and plans for the workshop the following day. A motion was made by Dennis Zimmerman and seconded by Bill Craig to approve the November 2011 meeting summary. The motion was approved. Jeff Spoelstra, immediate past chair of the SPAC, was presented with a gift in recognition of his time spent working with the SPAC.

**Status reports from SPAC members**

SPAC members gave brief updates on activities in their AOCs focused on BUI removals and plans for project proposals, capacity challenges, new partnerships, etc.

- Clinton River AOC: The AOC has eight BUIs, none of which have been removed; however progress is being made on the fish and wildlife populations BUI for anticipated removal in the next 18 months. Several assessments and projects are underway, including an assessment of benthos; habitat restoration; Phragmites

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remediation; sedimentation remediation; debris management; angler access; and fish habitat mapping and population assessment. The AOC also won \$25,000 from Miller-Coors for restoration work at Yates Park Dam.

- Detroit River AOC: Efforts are underway to delist the tainting of fish and wildlife flavor BUI through extensive public surveying. Findings of the U.S.-based surveys were consistent with Canadian results. There are three GLRI projects ongoing, including two projects on Belle Isle and one at a U.S. Steel site for habitat enhancement work and creating fish spawning shoals. The AOC also has a new PAC grant to map contaminated sediments in the river, gather data and determine priority areas for the next Great Lakes Legacy Act project. In addition, there is another project proposal submitted to NOAA.
- Kalamazoo River AOC: The aesthetics BUI has been removed. The Kalamazoo River Watershed Council is currently not staffed, but the Board is aligning resources to bring on new staff. They are looking at long-term cleanup issues associated with the oil spill. Two Great Lakes Restoration Initiative (GLRI) projects are continuing on the river to assess dam removals.
- Menominee River AOC: Technical and citizen advisory committees are working on restoration targets for fish and wildlife BUIs and identifying priority projects. The restrictions on recreational contact BUI was removed in late 2011. Several big dredging projects are starting this year and next year including RCRA remediation on arsenic contamination and PAH removal at a smaller site. Once sediment remediation is completed, the PAC will be significantly closer to removing several BUIs. Phase one of a sturgeon passage project will be completed this year and work will begin on phase two later this year. There are four phases of work in total.
- Muskegon Lake AOC: One of nine BUIs has been removed: restrictions on dredging. There are significant concerns about abandoned oil wells that may create problems with private residential drinking water wells. However, the PAC can recommend removal of the drinking water BUI since the problem is not associated with the municipal (public surface) water supply and can be addressed through the criteria that were established. A public meeting was held on the fish consumption BUI which might be removed soon. Progress is being made on the fish and wildlife BUIs through NOAA and EPA grants for habitat restoration. Several sediment projects are completed and underway to address benthos problems. The PAC will also be working on the beach closing BUI to identify problem areas. Aesthetics issues associated with abandoned oil wells and oil slicks will be addressed through a federal-state partnership. The eutrophication BUI is being addressed through a grant to identify nutrient issues and design a wetland restoration to mitigate those issues.
- River Raisin AOC: The AOC has nine BUIs; a sediment removal project is underway to address three. The contaminated area is within a port where it is hard to make gains with fish and wildlife. A dam removal/ fish passage project is planned as well as the Sterling Island restoration project; other Sterling State Park projects for fish and wildlife; and stewardship projects around the Monroe Power Plant.
- Rouge River AOC: The PAC has recently completed a delisting strategy for Upper Rouge River and is beginning on a strategy for the lower branch of the river and a

“report card” for the whole AOC. Two dam removal projects are taking place this summer. An application was submitted to NOAA for design of fish passage around the Henry Ford Estate Dam. Green infrastructure projects are being implemented at various locations and Friends of the Rouge will be undertaking a fish monitoring project. The ARC applied for a grant to help move a Great Lakes Legacy Act project forward.

- Saginaw River/Bay AOC: Concerns with “muck” are being addressed through the aesthetics BUI and the PAC is working with the DEQ to develop site specific criteria related to “muck” problems. Actual monitoring is anticipated next year. The PAC is close to removing the beach closing BUI and assessing progress goals for the fish and wildlife BUIs. Ducks Unlimited is helping the AOC to document sites and acreage. A new PAC support grant will be used to revitalize the PAC, the AOC and watershed partners.
- St. Clair River AOC: Two of the 12 BUIs have been removed – dredging and fish tainting – and the PAC has approved removal of the aesthetics and added costs to agriculture BUIs. The agriculture BUI removal will be binational. There has been progress on the beach closings, fish and wildlife habitat and fish consumption BUIs. A review of benthos data is underway and Michigan Sea Grant is putting in artificial fish spawning habitat that has already attracted sturgeon even though it is not complete. Concerns with the drinking water BUI are related to spill responses and notification. A St. Clair River symposium is planned for June 7 in Sarnia. In addition, Shell Oil Canada awarded \$100,000 to Friends of the St. Clair River for projects within the AOC.
- St. Marys River AOC: The AOC has received funding from the GLRI through NOAA to do engineering design for a habitat restoration project. Dredging projects on the Michigan side were completed last year. Aesthetics monitoring is also being worked on through the DEQ.
- Torch Lake AOC: There has not been a lot of progress on this large AOC with two BUIs remaining: benthos and fish contamination. There is funding from Sea Grant to conduct an integrated assessment on where PCB contamination exists and to look at continuing sources of copper inputs to lake sediments and evaluate potential remediation options. Work will also be conducted to inform the public and get more people involved in remediation.
- White Lake AOC: The AOC has eight BUIs, two of which have been removed: eutrophication and dredging. A final report has been completed for the fish consumption BUI. The PAC is looking at the feasibility of removing some debris to address the aesthetics BUI. They are also documenting the status of known groundwater contamination to make sure it is not affecting the drinking water (and drinking water BUI), which is groundwater-sourced. The BUIs for fish and wildlife should be addressed when projects currently underway are completed later this year. A request to remove the benthos BUI is going to EPA in the very near-term. Public outreach is also being planned on all of the activities.

Following the updates, SPAC members were encouraged to communicate successes, including holding project kick-off events and celebrating BUI removals. The importance of

PACs in making the case for sustaining federal programs like the Great Lakes Legacy Act and the Great Lakes Restoration Initiative was also emphasized.

### **Miscellaneous updates**

- Status of PAC grants

Erika Jensen provided a short update on the status of the PAC support grants administered by the Great Lakes Commission. The Commission is in the process of closing out the 2011 grants; some grantees have received final payments, some payments are in process and others need additional follow-up on final reports and deliverables. An RFP for the 2012 grants was released in February with \$350,000 available for new grants. Decisions were made to award 10 grants for approximately \$270,000 and grantees were notified of their awards at the beginning of May. All contracts for the new grants have been signed and paperwork submitted for initial funding allotments (except for one grant which has a delayed start and will be getting underway this fall). Most of the grants are 18 month-long grants and will go until the fall of 2013. The Commission and MDEQ expect to make the grant cycles more predictable, so the next round of funding will likely be announced in early 2013

- Plans for 2012 AOC conference

Matt Doss gave an update on plans for the 2012 U.S. AOC annual meeting, which will be held as part of Great Lakes Week 2012 in Cleveland, Ohio on September 12-13. He noted that the Commission would not be coordinating the conference this year due to a change in contracting at the EPA. However, the Commission will still be administering travel support for local AOC participants to attend the conference (one person per AOC). Matt will communicate with PAC chairs on who is eligible for travel support. All SPAC members were encouraged to mark their calendar and plan to attend the conference.

### **Updates on Michigan's AOC program**

- AOC program organization, staffing and assignments

Rick Hobrle first reviewed staffing changes affecting Michigan's AOC program. Frank Ruswick, deputy director for the Office of the Great Lakes (OGL) is retiring and Lynelle Marolf will be taking his place. In addition, the interview process for two new AOC coordinators has been completed and decisions are waiting for approval from the office of human resources . The OGL will also be hiring a communications liaison that will be available to the AOC program; this interview process is ongoing and they expect to fill the position in July.

Rick also discussed recent funding discussions with the EPA, focused on the GLRI. The EPA has been generous with capacity funding to Michigan and MDEQ expects to be able to continue the AOC program at its existing level through FY2013 with just money they have on hand (i.e., without any new funding). MDEQ expects to direct new funds for capacity to specific projects in Michigan AOCs. EPA is moving towards putting together a three-year budget for AOC projects (FY2012-2014).

- Status of delisting strategies, AOC work plans and Stage II RAPs

Rick next discussed progress on AOC delisting strategies, workplans and Stage II RAPs. The AOC coordinators are working with the PACs to update action tracking tables for the delisting

strategy. He indicated that the EPA is relying heavily on those tables to make funding decisions for the next three years. PACs were encouraged to keep working on them as a tool for future funding. Development of workplans for each of the AOCs is mixed and more work is planned on them when the program is back to full staffing. Finally, Rick said that the Stage II RAPs were almost completed.

- Status of statewide BUI assessments (dredging, beach closings, aesthetics, bird and animal deformities or reproduction problems, and restrictions on fish and wildlife consumption)

John Riley provided an update on the statewide assessment of the aesthetics BUI. Monitoring is being conducted in two rounds for the 10 AOCs with the BUI. One round of monitoring has been completed for all 10 of the AOCs and a second round has been completed for eight of them. Of the eight AOCs that were completed, two of the BUIs have been removed; one removal is on its way to EPA; one needs to address local concerns but is likely no longer impaired; and four are still impaired for various reasons. The report on the assessment will document findings including photos and data sheets. John also said that for those BUIs which are still impaired, some may be easy to address.

Stephanie Swart gave an update on the statewide assessment for the beach closings BUI, which impacts nine of the AOCs in Michigan. First, an assessment was conducted to determine if water bodies were on the nonattainment list for pathogens and all were on the list. The next step is to see if the water bodies are impacted by a CSO to determine if nonattainment issues are related to a CSO. If the nonattainment issues are related to a CSO and that CSO is being treated or removed, then the BUI can be removed.

Stephanie also discussed the statewide assessment of the restrictions on dredging BUI. Both tier one and tier two assessments specified in the statewide delisting criteria have been completed for nine AOCs. None of the BUIs are ready for removal with the exception of the River Raisin AOC. There have been some concerns over the selection of comparison sites for the tier two reviews and there are plans to reconvene the technical committee to address this issue.

Sharon Baker updated the group on the bird and animal deformities BUI statewide assessment. She said that pending incorporation of peer review comments, the draft assessment will be released soon. Data were reviewed to develop the report and make recommendations; it was recommended that a BUI be retained if there were insufficient data. The BUI for the St. Clair River AOC might be able to be removed with additional data for the U.S. and the DEQ is considering spending monitoring funding to help with this.

Rick Hobrla spoke briefly about the assessment of restrictions on fish and wildlife consumption which is being led by the Michigan Dept. of Community Health (DOCH). The project is underway, but only assessing half of the AOCs with the BUI due to limited funding. There are ongoing discussions with EPA to fund the assessment of the remaining AOCs.

- Great Lakes Restoration Initiative engagement, priority restoration projects, monitoring, etc.

Rick said that the DEQ did not submit any proposals under the recent competitive RFA released by the EPA; however, the agency did support some other projects and provided

letters of commitment. As previously mentioned, the DCH is negotiating for the other half of the fish consumption project. The Dept. of Agriculture and Rural Development also submitted a proposal for Lake Erie technical assistance to address nonpoint source pollution.

Rick was asked how the EPA is administering funding for on-the-ground AOC projects since those funds were not included in the RFA. He said that EPA is working with the states to identify projects and then identifying other partners (often federal agencies) to carry out the projects. Concern was expressed about the lack of transparency regarding EPA's decision-making process, including how the priority projects are being determined and how the EPA is going to implement them. Rick emphasized that it was important to make sure the delisting action tracking tables are up to date to assist with this and that it is unclear whether the EPA is ready to share the list of priority projects. DEQ has been trying to make sure that the agency doesn't abandon AOCs that aren't close to delisting, but they don't know what EPA's plans are. The DEQ may not be directly receiving as much AOC project money as originally anticipated and doesn't want to be grant administrators; many of the projects can be done more effectively going directly to the federal agencies or others.

Concern was also expressed over what other federal agencies are planning to do with funding they receive from the GLRI and that they might not have a full understanding of the AOC program and related projects. Many felt that an important communication link was missing by not involving the states and local PACs more directly. This could potentially undermine the PACs and the work they've done to develop projects and build relationships within the community. Transparency concerns were raised for AOC funding as well as the GLRI as a whole, including the functionality of the Great Lakes Accountability System (GLAS) system for reporting and tracking. It was clarified that these are just concerns for the moment and that it is not yet known if these are actual problems. In addition, some of the AOCs that are close to delisting indicated they had received very good communication and involvement from EPA. ***It was decided that the SPAC would send a letter to the EPA requesting clarification on funding issues and suggesting the need for greater transparency in the decision-making process and the importance of state and local involvement in projects.***

#### **Follow-up on AOC program futures discussion**

- Status of concept paper and relationship to workshop objectives

Rick distributed an updated copy of the concept paper; a few changes had been made to the schedule and the appendices. The DEQ will be assigning staff to work on different parts of the concept paper. A suggestion was made to add language on the role of PACs in administering grants to the concept paper. He also discussed another related document that is in development on the issues of "life after delisting." DEQ is drafting a questions and answer document revolving around delisting of AOCs which is in final internal review and will be shared with the PACs for review and comment. This document will relate to the concept paper and may be added as an appendix.

The workshop planned for the next day fits in very well with the paper and the question and answer document. The roles and responsibilities of PACs, which are outlined in the document, were used to develop some of the workshop objectives, in addition to bringing up some of the "life after delisting" issues associated with marketing and rebranding communities. In addition, the workshop speakers may also be able to discuss support

available through their organizations for general watershed groups. Overall, the hope is to identify needs and opportunities for working together on these types of issues; Michigan is on the “front line” of delisting and there are opportunities to figure out how this process works and how AOCs evolve.

### **Upcoming SPAC activities**

- Next meeting; Technical support and capacity building opportunities; and Other potential activities

It was suggested that the next SPAC meeting be held after Great Lakes Week in September, possible in late October or early November. The White Lake AOC was suggested as a potential host, as they are beginning to address issues of delisting. SPAC members suggested that the workshop address communication issues such as telling their stories better to a general audience and to the media; public communication; and moving from a negative to a positive framing of the discussion. Members wanted to hear more from Chambers of Commerce and local economic development agencies. Effective online communications (e.g., blogs, social media) were also mentioned. Concerns were shared regarding challenges with bringing in the general public or business community and “speaking the same language” and how to make clear that the decisions that are being made are based on science.

### **Other items from SPAC members**

The issue of future comprehensive funding for environmental restoration, similar to past Michigan bond programs, was raised. In the past there was interest in a new bond, however, since then the GLRI was created and there was concern that the political atmosphere may not be right for something like this right now. Some members did see value in promoting dedicated funding for environmental restoration and it was pointed out that some significant and costly issues like CSOs are not covered by the GLRI.

### **Action Items**

- Send an SPAC letter to the EPA requesting clarification on GLRI AOC funding issues and suggesting the need for greater transparency and the importance of state and local involvement in projects.

Plan the fall SPAC meeting and workshop focused on issues of communication and “life after delist