

Michigan Statewide Public Advisory Council
Summer Business Meeting

Wednesday, July 16, 2014
Red Rock Lanes and Banquet Center
1011 North Road
Ishpeming, Michigan

Meeting Attendees

Anne Vaara, Clinton River AOC	Rick Hobrla, Michigan DEQ-Office of the Great Lakes (OGL)
Lynne Seymour, Clinton River AOC	Roger Eberhardt, Michigan DEQ-OGL
Mary Bohling, Detroit River AOC	Stephanie Swart, Michigan DEQ-OGL
Bob Burns, Detroit River AOC (<i>Phone</i>)	John Riley, Michigan DEQ-OGL
Dick Micka, River Raisin AOC	Jen Tewkesbury, Michigan DEQ-OGL
Pete Nault, Deer Lake AOC	Melanie Foose, Michigan DEQ-OGL
Diane Feller, Deer Lake AOC	Sharon Baker, Michigan DEQ-OGL
Tom Feller, Deer Lake AOC	Lindsey Ringuette, Michigan DEQ
Jamie McCarthy, Kalamazoo River AOC	Michelle Bruneau, Michigan Dept. of Community Health
Kathy Evans, Muskegon Lake AOC	Matt Doss, Great Lakes Commission
Mark Evans, Muskegon Lake AOC	Erika Jensen, Great Lakes Commission
Brandy Bakita Siedlaczek, Rouge River AOC	Bryan Comer, Great Lakes Commission
Corey Barr, Manistique River AOC	Marc Tuchman, U.S. EPA-GLNPO
Keith West, Menominee River AOC	John Perrecone, U.S. EPA-GLNPO (<i>Phone</i>)
Mark Erickson, Menominee River AOC	Chris Korleski, U.S. EPA-GLNPO (<i>Phone</i>)
Dennis Zimmerman, Saginaw River/Bay AOC	Tonya Lewandowski, Environmental Consulting and Technology
Emily Martin, St. Marys River AOC	Meghan Price, Environmental Consulting and Technology
Patty Troy, St. Clair River AOC	Laurel Last, Wisconsin DNR
Phil Vallance, St. Clair River AOC	Joe Duris, USGS
Judith Perlinger, Torch Lake AOC	Jessica Koski, Keweenaw Bay Indian Community
Noel Urban, Torch Lake AOC	Katie Kruze, Keweenaw Bay Indian Community
Dave Jukuri, Torch Lake AOC	
Dan Lorenzetti, Torch Lake AOC	
Horst Schmidt, Torch Lake AOC	
Tanya Cabala, White Lake AOC	

Meeting Summary

Welcome, Introductions, and Review of Agenda

Mary Bohling, SPAC Chair, Detroit River AOC opened the meeting. She noted that this is the first time we have had all 14 AOCs represented in a number of years.

Matt Doss, Great Lakes Commission, gave an overview of the meeting agenda and logistics.

Meeting minutes from the March 2014 SPAC Business Meeting were adopted.

Reports from SPAC Members

Detroit River

A binational celebration was recently held on Fighting Island in the Detroit River AOC to celebrate a BUI removal (tainting of fish and wildlife flavor). The Detroit River AOC has also received tentative approval for a GLRI grant for a Lake Okonoka feasibility study. Finally, last year, the US EPA conducted a sediment site characterization for portions of the Detroit River AOC including around Stoney & Celeron Islands where the PAC is currently conducting feasibility & design of two habitat restoration projects with funding from NOAA.

Saginaw River and Bay

The Saginaw River & Bay AOC PAC submitted a request to the US EPA for fish and wildlife habitat BUI removal; they haven't heard anything, but anticipate approval. Beach closings and eutrophication BUIs are slated to be addressed next. Additionally, there are two ongoing projects: Wayne State and Michigan State University (MSU) dissolved oxygen and algae studies in the bay; and Grand Valley State University (GVSU) investigating dead zones in the Kawkawlin River. Finally, Brad Hill, secretary of the Partnership for the Saginaw Bay Watershed, found that there are some projects funded by GLRI that are not related to the AOC. They do not count toward the Saginaw River and Bay AOC projects, but Dennis Zimmerman thinks they ought to count because they are in tributaries to the AOC.

Muskegon

The beach closings BUI remains, but work is being done toward removing it; the PAC plans to submit the beach closing BUI to the EPA for removal in September 2014. Then, in August, the PAC plans to hold a public meeting to discuss BUI removal. Regarding the habitat BUI, there are four priority habitat projects; however, only three may need to be completed to meet the habitat quality goal and request a habitat BUI removal. Additionally, there are two ongoing Legacy Act projects that are moving forward with feasibility and design: Zephyr Oil Refinery and Ryerson. These are public/private partnerships and work has been done at these sites for a number of years.

Menominee

A coal tar cleanup is ongoing. Also, the Tyco cleanup is progressing and a betterment action was just announced to lower the target for arsenic in the sediments from 50 ppm to 20 ppm. Additionally, invasive cleanup is occurring on islands in the AOC, a fish elevator is being installed, and USACE will dredge this fall.

Torch Lake

Torch Lake has been involved in the Superfund process, trying to get cleaned up and delisted from CERCLA. After the Superfund cleanup, the lake itself can be focused on. There is an elusive PCB problem that is making it difficult to remove the fish consumption BUI. The source of the PCBs has not been identified, and it is hoped that Michigan Tech researchers can help identify the source. There is also a benthos problem which is anticipated to persist and will be a long-term project to remediate. Last year Superfund helped by removing a number of buildings that were contributing to contamination in the AOC.

Rouge River

There are no specific projects right now. The AOC is struggling with being in an urban watershed. There are a lot of possibilities that could potentially be funded. There is a Legacy Act project being developed in the old channel in partnership with Honeywell and CSOs are beginning to be addressed.

St. Marys River

Canada is revising its delisting criteria. On the US side, two BUIs have been removed (aesthetics and bird/animal deformities). Other BUIs, including fish tumors, are being worked on so that they can be removed. Finally, planning for the construction of Little Rapids habitat restoration project is moving forward.

Manistique

Manistique has active CSOs within the AOC, but this should be remedied by 2019. Some BUIs have been removed, but there are still dredging restrictions. Additionally, it was noted that it used to be that in a one-inch rain event CSOs would be 8 million gallons/day; separation has reduced that flow greatly.

Clinton River

There are eight BUIs in the Clinton River AOC; none have been removed so far. However, they are close to removing the fish and wildlife habitat BUI. A PAC habitat workgroup has been formed and they have developed a project matrix with 18-20 projects. Fact sheets are being developed for these projects. Additionally, work is being conducted on all BUIs. They are having trouble with the aesthetics BUI because of a landfill located behind a cemetery that leaches trash into the river. For the beach closings BUI, CSOs are under control but *E. coli* levels are still too high (impairing recreation). For the eutrophication BUI, an assessment is forthcoming, and the BUI may be able to be removed because of lower phosphorus loads. For the fish and wildlife habitat and benthos BUIs comparative analyses are being conducted.

Kalamazoo River

There are a number of ongoing projects. First, there is a fish and wildlife restoration plan. There are dams in the main stem that hold PCBs in the sediment behind them. There are plans for a temporary fix so that Superfund can be used to clean up these contaminated sediments. Two dams have engineering and design work, and they expect action within one year. There is a smaller dam on a tributary in the AOC. NRDA funds from Superfund settlement are being used to remove this dam which is close to a GLRI cleanup site.

River Raisin

There are nine BUIs in the River Raisin AOC. Six have been removed. Dams have been removed. Wayside markers have been installed so people can read about the dams and what happened to them. Fishways have been built. Pending items include dealing with fish and wildlife consumption, benthos, and dredging BUIs. There is an estimated 35 million tons of toxic waste in the harbor. There are a number of activities in the AOC led by the U.S. Fish and Wildlife Service, the National Parks Service, Michigan DNR and Michigan DOT.

St. Clair River

There have been a number of activities on the U.S. and Canadian side of the AOC. On the U.S. side, the PAC voted to recommend removal of the benthos BUI in March. The PAC also developed local delisting criteria for the drinking water BUI in June. Additionally, there are five habitat projects going on this summer. Eight-tenths of a mile of shoreline has been naturalized by removing 10,000 tons of debris and restoring an acre of spawning habitat. The sturgeon reef has a silting problem, making it ineffective for spawning. In Marysville, there is a "living shoreline," a sewage treatment plant upgrade, and illicit discharges have been identified and removed. Dunn Paper had a filamentous algae discharge problem. There was a sturgeon festival in June, attended by 2500 people; 600 people took a ride on the *Huron Lady* where they could see live video of sturgeon spawning below. A symposium (St. Clair River – Bridging Economy and Environment) is scheduled for September.

On the Canadian side, a RAP exists and they are in the second iteration of a five-year plan, although they continue to work through the activities of the first five-year plan. The largest single activity is dealing with the three remaining hotspots of chemical contamination in the sediments. They would like to remove the benthos BUI and recommendations for dealing with these hotspots are being developed.

The White Lake and Deer Lake AOC updates were provided later in the agenda.

Report from Michigan DEQ

The MDEQ noted that there is the potential for turnover at the agency pending the outcome of the upcoming gubernatorial election. They also noted that some AOC coordinators have been reassigned and stated that it's time to shift AOC resources toward the Great Lakes program because of two anticipated AOC delistings (Deer Lake and White Lake). The MDEQ explained that there have been approximately 36 BUI removals in Michigan AOCs. Michigan BUIs constitute 40% of all US AOC BUIs but account for 60% of US AOC BUI removals to date. They indicated that BUI removal is important because the success of the GLRI is measured in part by the number of BUI removals and the number of AOCs delisted. MDEQ stated that there are no significant changes in AOC strategy and mentioned that there is an AOC action plan tracking table that lists activities and projects that have to happen to remove BUIs and achieve delisting.

Speaking on water strategy, MDEQ stated that Governor Snyder asked the Office of the Great Lakes to write a water strategy one-and-a-half years ago. It was a considerable task and is still being drafted. They anticipate a draft of the water strategy in August 2014. This draft will be circulated to interested persons and organizations in the fall. The purpose of the water strategy is to take a longer-term focus (30 year view) of water in the state of Michigan. Speaking on the budget outlook, MDEQ stated that the Great Lakes program is entirely federally funded and they expect to be adequately funded in the future. As a whole, the budget outlook for MDEQ is good. They received a budget increase over last year.

Miscellaneous Updates

PAC Support Grants

Erika Jensen, Great Lakes Commission, noted that the 2013 round PAC support grants are finishing up. Many PACs are working on their final reports and final reimbursements will be made after final report review by the GLC and DEQ. An RFP for the 2014 round of grants was released in February; 12 proposals were received and to date 9 awards have been made. Contracts for the 2014 grants were sent out at the end of June. If PACs have specific questions regarding their grant, they should contact Erika.

AOC Perceptions Research Project

Matt Doss, Great Lakes Commission, speaking on the AOC perceptions research project, stated that the project came out of discussions about how to deal with “life after delisting.” Some PAC funds were used to support perceptions research. Muskegon and White Lake provided more funding. A contractor was hired to study the perceptions of locals and visitors. A final report will be available later this summer. The findings of the report will include “lessons learned” to help think about improving the perceptions of AOCs.

Tanya Cabala, White Lake AOC, noted that Muskegon and White Lake are in the same county but are very different communities. Despite these differences, the AOC perceptions project is going well.

Kathy Evans, Muskegon Lake AOC, said that the Muskegon Lake PAC is interested in the outcome of the study to better engage the public.

Tanya Cabala, White Lake AOC, stated that White Lake still suffers from misperceptions about contamination.

Congressional Action on Great Lakes Priorities

Matt Doss, Great Lakes Commission, gave an update on Congressional action on Great Lakes priorities. He noted that \$300 million has been proposed for the GLRI in FY2015 in both the House and Senate, \$25 million *more* than the President’s budget request. The GLC applauded SPAC members for doing a good job of communicating with elected officials to let them know about the good work and successes under the GLRI.

The Great Lakes Ecological and Economic Protection Act (GLEEPA) was introduced last year and formally authorizes the GLRI; reauthorizes the Legacy Act, which has been in place since the early 2000s; reauthorizes the US EPA Great Lakes National Program Office; and creates the Federal Interagency Task Force and the Great Lakes Advisory Board. The GLC noted that the GLRI has never been authorized as a stand-alone program. Ideally, the GLRI would be independently authorized to provide safeguards for continued funding; thus, the GLC is advocating for formal authorization of the GLRI.

The GLC stated that the profile of the Great Lakes as an environmental and economic asset is being recognized in Washington, and there is now an invasive species caucus led by Rep. Dan Benishek (R-MI).

SPAC Representation

There are seven AOCs due for representation renewal. This can be the same person or a new person. An email to the GLC stating the AOC representative will suffice. Additionally, elections for SPAC officers will be held. Officers usually serve for up to two, two-year terms.

Report from U.S. EPA

GLRI Action Plan II

Chris Korleski, U.S. EPA-GLNPO, gave an update on the GLRI Action Plan. GLRI Action Plan I covered FY 2010-14; the GLRI Action Plan II will cover FY 2015-19. Overall, progress on the new Action Plan is good. There were very minor staff-level comments from OMB. There were also comments from the Great Lakes Advisory Board and the general public. Many concerns were local in nature, but the Action Plan is designed to be regional in scope. One consistent comment was that LAMPs should be mentioned; a reference to LAMPs will be included in the final version of the Action Plan. It's likely that it will be finalized before FY '15 after minor revisions based on comments. There will not likely be any changes to the portions that refer to AOCs. OMB will do a final line-by-line read in August on the final draft. GLNPO anticipates that the OMB will approve.

An SPAC member asked if the SPAC should consider submitting comments to EPA regarding the new draft Action Plan. Chris Korleski indicated that the comment deadline has passed and also noted that for all the issues that have been discussed at U.S. EPA, the one area where no one seems to have questions or concerns is the AOCs.

Great Lakes Accountability System

Chris Korleski, U.S. EPA-GLNPO noted an issue related to the Great Lakes Accountability System (GLAS). GLNPO wants to reconcile GLAS with GLRI website reporting. They also want one improved reporting system that is less "clunky" and easier to use. They want to give the public information on funded projects. The existing GLAS reporting process is too work-intensive and needs to be streamlined. He stated that they will find a way to fund this update.

GLRI

Chris Korleski, U.S. EPA-GLNPO announced that the 2014 RFA for the GLRI was now out and gave a brief overview of deadlines and the types of projects that could be funded (three categories: invasive species; watershed management; sediment and nutrient control).

Annex 2 of the Great Lakes Water Quality Agreement & LAMP Forums

Chris Korleski, U.S. EPA-GLNPO discussed LAMP forums (per Annex 2 of the GLWQA). He noted that U.S. EPA is in the process of reviewing Annex 2 under the revised GLWQA. He acknowledged that we have had LAMPs for a long time and U.S. EPA is trying to identify the parts that have worked well, have not worked well, and need changing. He mentioned that there have been confusions about LAMPs (the document) and LAMP partnerships (implementation). He stated that there should be two groups involved in Annex 2: the Annex 2 Executive Subcommittee and people involved in the LAMP partnerships who are dealing with implementation of the LAMPs. They are trying to merge these two groups or at least have some significant overlap. The remaining question is, "What do the LAMP forums do?" He noted that LAMP forums need clearer guidance on what they are supposed to do and U.S. EPA needs to figure out how to govern the LAMP process. The future of the LAMP forums is unclear. LAMP forums are not being funded this year.

There was a suggestion by an SPAC member that public input on the LAMP process is needed. GLNPO stated that they will reach out to current LAMP forum members and that U.S. EPA has not made a formal decision on LAMP forums yet. GLNPO suggested that *binational.net* could serve as a way to engage the public and solicit their input. Public input will be addressed, but it is unclear how it will be resolved.

Great Lakes Legacy Act

Marc Tuchman, U.S. EPA-GLNPO discussed Great Lakes Legacy Act activities. Partridge Creek received \$8 million in GLRI grants. The old creek was diverted out of the mine; some of the creek goes through a conveyance system and some has been daylighted. The Buffalo River AOC has seen dredging, restoration, aquatic habitat projects, and other “R3” (remediation, restoration, revitalization) projects. Legacy Act work accelerated the pace of sediment remediation in the Great Lakes. Sixteen projects have been completed and more than 10 sites are under development.

Review of the Delisting Process for Deer Lake and White Lake

Deer Lake

Pete Nault (Deer Lake AOC), Diane Feller (Deer Lake AOC), and Stephanie Swart (MDEQ) gave an update on the Deer Lake delisting process. There were three BUIs; all have been removed. The draft final delisting report is complete. The report identifies the BUIs, explains why they were removed, and addresses what to do after delisting. The 30 day comment period is over. Comments were received and a response to comments document is forthcoming. Then the report and a request for delisting will be sent to U.S. EPA and the State Department with consultation with the Tribes. **Delisting is anticipated in September 2014** and a celebration is being planned. Diane noted that Deer Lake used to be a “catch and release” lake because of contamination; now it is catch and release because it is a trophy lake.

White Lake

Tanya Cabala (White Lake AOC) and John Riley (MDEQ) gave an update on the White Lake delisting process. Tanya gave a history of the AOC, noting that White Lake is a small town and resort area with a legacy of chemical manufacturing. There has been a White Lake PAC for the last 22 years. **Delisting is anticipated for later this year.** All BUIs have been removed. The PAC voted to request that the state delist in May and the public comment period ended July 24. Tanya noted that there have been a lot of education and communications going out about delisting, including three public meetings this year and many presentations to local government, senior centers, and other groups. She also noted that there was the perception of widespread contamination and that there was a higher rate of cancer in the AOC. This was fueled by media coverage from Detroit News that may be false; this has exacerbated lingering risk perceptions.

John Riley commented that delisting is a big deal and it’s important to let other people know about the good work that’s happening in order to retain federal funding. He emphasized the need to let elected officials and other supporters know about the success of White Lake.

Status of Michigan’s Statewide BUI Assessments and Process and Considerations for Modifying BUI Removal Criteria

MDEQ representatives reviewed the status of Michigan’s statewide BUI assessments and process and considerations for modifying BUI removal criteria.

For the beaches BUI, Stephanie Swart (MDEQ) said that a statewide Tier 1 and Tier 2 assessment for all AOCs was completed. Some beach closing BUIs were removed; some moved to Tier 3 (assessment of water quality). For the dredging BUI, a similar process to the beach assessment was followed. No dredging BUIs were removed in any AOC. There seems

to be an ongoing issue in finding a “comparable” site, so MDEQ is developing a different way to assess the dredging BUI in the future.

For the bird/animal deformities BUI, John Riley (MDEQ) noted that there is an ongoing project to assess this BUI in affected AOCs. For the aesthetics BUI, five of 10 have been removed after assessment. However, he stated that there may need to be AOC-specific criteria for removing this BUI.

Michelle Bruneau (MDEQ) announced that Michigan’s Eat Safe Fish Guides are available and announced that new signage has been installed in fishing areas. The signs focus on “safe fish consumption” rather than avoiding consumption.

Roger Eberhardt (MDEQ) explained that existing statewide guidance for delisting and BUI removal, updated in 2008, was used to remove 30 BUIs thus far. He noted that the BUI removal criteria for eutrophication were tied too rigidly to the list of impaired waterways under the Clean Water Act. Once a TMDL has been developed, it creates a problem for eutrophication BUI removal. He also noted that the beach closure BUI is tied too rigidly to the regulatory programs for CSOs. He recommended adding a sentence to the second tier to include control for any sources (not just CSOs) as the removal criteria. Roger also suggested adding the following sentence to BUI removal guidance: “The MDEQ may consider removal of this BUI on a case-by-case basis for AOCs with circumstances that do not fit exactly into the evaluation steps outlined above.” The guidance will be updated and sent to SPAC and PACs via Mich-RAP in September. Then the guidance will be sent to GLNPO and posted on the MDEQ Web site in October.

Role of AOCs and SPAC Members after Delisting

Rick Hobrila (MDEQ) reviewed the range of possibilities for the role of AOCs and SPAC members after delisting. The options range from no further role to full SPAC membership after delisting. Most members seemed to agree that the solution will be somewhere in the middle of this range. The discussion centered on what types of financial and technical support would be available to PAC members after delisting. Some advocated for PACs in delisted AOCs to be eligible for PAC support grants to fund ongoing monitoring and advocacy efforts, as well as travel funds for SPAC meetings, while others suggested that no funding be provided after delisting. A consensus was not reached on this issue. However, it was noted that delisted AOCs would be eligible for assistance from MDEQ under the “Water Resources” section of DEQ, although there is little funding for this section.

As the SPAC shrinks due to delisting, members indicated a desire to maintain relationships among former PACs (some will become lake associations or other entities) so the SPAC does not lose the knowledge that PAC members have developed over the years.

Panel Discussion: Building Capacity within your PAC and Securing Funding for Restoration and Conservation Efforts

Matt Doss (GLC) asked SPAC members to describe how their organizations are structured and how they secure funding and conduct their business.

Mary Bohling (Detroit River AOC) noted that their relationship with the Friends of the Detroit River 501(c) (3) is helpful because they provide project management, grant writing, and other roles that the PAC doesn’t have the capacity to do. Mary also noted that all PAC members were expected to contribute dollars and/or in-kind services. She mentioned that a turning point for the Detroit River AOC was when Friends of the Detroit River became the fiduciary.

An involved AOC coordinator from the DEQ was really helpful for getting project started and completed

Jamie McCarthy (Kalamazoo River AOC) noted that the PAC is a 501(c) (3) and wants to attract good representation throughout the AOC (especially in rural areas). It partners with cities, DNR, and DEQ. Funding is from GLRI, PAC support grants, and other grants. Local organizations also provided funding. Ideally, they would have an endowment in the future. Persistent challenges are leadership and funding. Jamie noted the challenges of getting EPA regional folks to listen to the local community when EPA is directing Superfund cleanups in the AOC, but there can be a big payoff if BUIs are removed during the cleanup process.

Anne Vaara (Clinton River AOC) noted that the Clinton River AOC is a large watershed with over 1.5 million people and heterogeneous land uses, which presents challenges. Funding comes from GLRI and PAC support grants. They have seven staff, including a watershed ecologist. Anne pointed out that early communication about meeting times and previous meeting minutes helped PAC meetings run smoother. She also advocated for consistent meeting locations. She also stated that consulting firms are non-voting members but bring a lot of help to the table, including *pro bono* grant writing.

Lindsey Ringuette (MDEQ) can support PACs through federal 319 funding and announced that there would be an RFP in the end of July for implementation projects for watersheds that have approved watershed management plans. If no management plan exists, there is funding available to develop the plan (she recommended going to the MDEQ website for more information). She also stated that there is an Upper Peninsula representative for MDEQ that can help for AOCs in that area, even after delisting.

Kathy Evans stated that the Muskegon Lake PAC is not a 501(c) (3). The PAC has broad stakeholder involvement, all voluntary. There are bylaws and standing committees. They rely on Muskegon River Watershed Assembly (a 501(c) (3), GLRI and DNR for funding. Also, Muskegon County acquires lands for restoration.

Potentially useful ideas for improving PAC operations included subcommittees, case studies to highlight successes, and involving academics. Members also indicated that a key challenge is attracting younger people. Members suggested reaching out to stewardship programs to help attract younger people, including the Great Lakes stewardship program. It was pointed out that communicating the success of PACs, especially through press coverage and perhaps through social media, can help generate support and interest in what the PAC does.

Other Items from SPAC Members

Mary Bohling indicated that Michigan Sea Grant will issue an RFA for integrated assessments focused on “wicked problems.” She suggested that SPAC members send her ideas and that she will modify the RFA as necessary.

Anne Vaara suggested that a short report be developed to tell the story of Deer Lake and White Lake so we retain this institutional knowledge on how delisting can be facilitated. She noted that it would be nice if every AOC did this and suggested interviewing key players, especially SPAC members, who contributed to delisting.

Plans for Next SPAC Meeting

The next SPAC meeting will occur sometime in October, perhaps at Muskegon Lake or White Lake. It was suggested that the SPAC meeting be combined with the White Lake delisting celebration.

Topics for the next meeting will include a discussion of how to leverage social media, the MDEQ draft Water Strategy, and a discussion of the Blue Economy project.