

Michigan Statewide Public Advisory Council

Spring Business Meeting

May 4-5, 2015
Great Lakes Maritime Center
Port Huron, Michigan

Meeting Attendees

Anne Vaara, Clinton River AOC
Lynne Seymour, Clinton River AOC
Mary Bohling, Detroit River AOC
Jim Clatworthy, St. Clair River AOC
Donna Strang, St. Clair River AOC
Patty Troy, St. Clair River AOC
Paulette Duhaime, St. Clair River AOC
Kirsten Lyons, St. Clair River AOC
Robert Burns, Detroit River AOC
Richard Micka, River Raisin AOC
Jamie McCarthy, Kalamazoo River AOC
Donna Buechler, Menominee River AOC
Kathy Evans, Muskegon Lake AOC
Bill Craig, Rouge River AOC
Laura Ogar, Saginaw River/Bay AOC
Dennis Zimmerman, Saginaw River/Bay
AOC
Emily Martin, St. Marys River AOC
Tanya Cabala, White Lake AOC
Sheri Faust, St. Clair County Health
Department

Rick Hobrla, Michigan Department of
Environmental Quality (MDEQ)-Office of
the Great Lakes (OGL)
Roger Eberhardt, Michigan MDEQ-OGL
John Riley, Michigan MDEQ-OGL
Jen Tewkesbury, Michigan MDEQ-OGL
Melanie Foose, Michigan MDEQ-OGL
Sharon Baker, Michigan MDEQ-OGL
Michelle Bruneau, Michigan Dept. of Health
and Human Services
Matt Doss, Great Lakes Commission (GLC)
Rebecca Pearson, Great Lakes Commission
Marc Tuchman, U.S. EPA-Great Lakes
National Program Office (GLNPO)
Jim Ridgway, Environmental Consulting &
Technology
Derek Stratelak, Hubbell Roth & Clark
Matthew Child, International Joint
Commission
Amy Jo Klei, Ohio EPA

Attendees on the Phone

John Perrecone, U.S. EPA-GLNPO
Chris Korleski, U.S. EPA-GLNPO
Beth Hinchey Malloy, U.S. EPA-GLNPO
Bretton Joldersma, Michigan MDEQ-OGL
Michelle Selzer, Michigan MDEQ-OGL
Matt Preisser, Michigan MDEQ-OGL
Stephanie Swart, Michigan MDEQ-OGL

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

Meeting Summary

Monday, May 4

Welcome, Introductions, and Review of Agenda

Mary Bohling, SPAC Chair, Detroit River AOC, opened the meeting. *Matt Doss, Great Lakes Commission (GLC)*, gave an overview of the meeting agenda and logistics. Meeting minutes from the October 2014 SPAC business meeting were adopted.

Reports from Michigan DEQ

Rick Hobrla, MDEQ, noted that White Lake and Deer Lake were delisted. He reported that four specific people (not representatives of the AOCs) from these delisted AOCs had been invited to participate as emeritus members of SPAC. He indicated that emeritus status is not transferable.

Roger Eberhardt, MDEQ, talked briefly of the state water strategy. The state is continuing to get input on the draft water strategy. It is nearly final. It will be released soon with a comment period.

Roger Eberhardt discussed revisions to the statewide beneficial use impairment (BUI) removal criteria. Three BUIs offered some special challenges related to monitoring and developing criteria to measure progress toward removal.

1. Dredging criteria originally had a potential requirement to do comparisons with non-AOCs. This approach didn't work, as the comparisons would have zeros associated with the non-AOC sites.
2. Eutrophication was revised substantially. The way eutrophication was measured in the open water was a challenge and continues to be a challenge. In most cases, if it is on the nonattainment list, it is a BUI to be addressed. There is a process with actual monitoring to look at eutrophication. Since blooms are generally in the spring, consideration should be given to sampling four times (spring and summer) over two years.
3. Beach closing criteria will be simplified, providing additional language to the alternative where the focus will be on human waste induced pathogens from sanitary or combined sewer overflows, which are regulated under the NPDES (National Pollutant Discharge Elimination System) permit administered by the state, are on schedule for control through implementation of permit requirements. Failing septic systems are regulated locally and not equally state-wide, therefore not an AOC Program issue.
4. The AOC Delisting process steps have been simplified reflecting the Deer Lake and White Lake AOC experiences.

Dennis Zimmerman, Saginaw River/Bay AOC, brought two letters commenting on the revisions to the statewide BUI removal criteria. On dredging restrictions, he would like to have

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a better representative sampling for dredging. Furthermore, he would like to see the criteria for eutrophication and beaches decoupled. *Laura Ogar, Saginaw River/Bay AOC*, was concerned about the septic system sources for eutrophication. Dennis didn't like the term eutrophication and suggested major revisions to it. *Kathy Evans, Muskegon Lake AOC*, noted that the language under beach closings is too vague. Discussion ensued about failing septic systems being a statewide problem. However, septic systems are regulated locally, not by the state.

Roger Eberhardt will continue to consider feedback on these items before giving it back to U.S. EPA before June 1. The state will ask for affirmation on changes from the appropriate PACs on these proposed Guidance revisions.

Status of GLRI State Capacity Grant

Rick Hobrla reported that the state submitted the most recent grant application in November 2014 in hopes of having a grant in place by January, 2015. In February the state received word that U.S. EPA was re-examining how to allocate funds for state capacity. The U.S. EPA will be proposing a reduction to the states based on the reduction in GLRI funding. The states submitted to U.S. EPA a letter highlighting the importance of state capacity grants. The U.S. EPA will need to talk to its partners and would get back to the states after those discussions by the end of May. Currently, the state is operating under a second year of what is supposed to be a one year grant (e.g., FY 2015).

1. How much funding will there be for the next round?

The AOC funding may be reduced by 20 percent, and funding for lakewide management programs may be reduced by 40 percent.

2. When will the funding be made available?

The U.S. EPA is trying to get all the states on the same timeline for the PAC support grants. Therefore, funding could be delayed by 6 months.

SPAC members agreed that the PAC support grants add great value to the Great Lakes Restoration Initiative (GLRI). This value needs to be re-emphasized to U.S. EPA. The SPAC will submit a letter to U.S. EPA describing how important these grants are and with specific examples. Copies of this letter should be given to legislators.

Anne Vaara, Clinton River AOC, said that these grants funded four assessments studies (at \$15,000 each) that prepped the Clinton River AOC for some larger restoration work totaling \$20 million.

Matt Doss, Great Lakes Commission, pointed out that U.S. EPA has an aggressive delisting schedule, while at the same time reducing capacity grants to the states.

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Kathy Evan, Muskegon Lake AOC, suggested sending twelve letters at the local level instead of one. Individual PACs should be encouraged to send the letters addressed to Susan Hedman.

Jim Ridgway, Environmental Consulting & Technology, suggested sending the letters to individual congressman and copied to Susan Hedman.

Rick Hobrla, MDEQ, mentioned that the state has a small amount of money from the last grant. There may be some opportunity to do a little work, but first PACs should talk to their MDEQ AOC coordinator.

The GLC staff can help draft a template letter on behalf the PACs.

Matt Doss, GLC, will email the letter sent by the GLC to the U.S. EPA to the PACs. SPAC members supported this action item.

Schedule, Process and Coordination on Work in Michigan's AOCs under the Great Lakes Restoration Initiative

Marc Tuchman, U.S. EPA, presented on AOCs in the Great Lakes. The AOCs have received on average approximately \$100 million annually under the GLRI. Thirty six BUIs were removed in Michigan. Three more BUIs will be proposed for removal in Michigan in FY 2015. The following BUIs will be considered for removal:

- Menominee AOC - fish consumption, benthos and dredging if all BUI are meeting local criteria
- Muskegon Lake AOC – beach closings
- River Raisin AOC – loss of fish and wildlife habitat and degradation of fish and wildlife

Marc Tuchman presented a timeline for individual AOCs to complete their management actions. U.S. EPA seeks to clearly document when states, in partnership with individual AOCs, anticipate “all management actions complete” necessary to remove BUIs and eventually delist individual AOC's. They do not include monitoring as part of the projected “all management actions complete” timeline. What is an “Area in Recovery” and how to apply that status is still under discussion between the Four Parties (U.S., Canada, Ontario Ministry of the Environment, and U.S. EPA) under the GLWQA-Protocol. Tuchman also indicated that further discussions were necessary for those AOCs with anticipated delisting dates great than 25 years.

Rick Hobrla thinks this is an ambitious BUI Removal schedule, especially for the Detroit River AOC. He thought it was good to set high goals, though.

Kathy Evans thought the timeline was pretty ambitious for the Muskegon Lake AOC because new issues may emerge from the current restoration projects. She emphasized that the PAC

support continues to help in coordinating Great Lakes Legacy Act projects with local stakeholders.

Matt Doss asked whether the timeline is contingent on GLRI funding. Marc was not able to answer.

Matt Doss asked what more the SPAC could be doing to meet this aggressive schedule. Members responded with suggestions related to public relations, media releases, and community celebrations highlighting successes (e.g., celebration planning).

Anne Vaara thought that she is missing the opportunity to document the improvements to the Clinton River AOC due to the lack of a PAC support grant.

Paulette Duhaime, St. Clair River AOC, supported the idea of conducting outreach before starting restoration projects.

Matt Doss noted that this year 51 members of Congress signed a letter urging that GLRI funding be maintained at the baseline level of \$300 million.

Kathy Evans suggested a semi-annual reporting on PAC support grants.

Roger Eberhardt asked whether the U.S. EPA timeline will continue into the 2020s. Marc responded that U.S. EPA envisions that the timeline will eventually extend into the 2020s timeframe.

Overview of Habitat Restoration Projects in the St. Clair River AOC

Melanie Foose, MDEQ-OGL, showed some before and after photos of various habitat restoration projects in the St. Clair River AOC. They demonstrated a dramatic improvement of shoreline access and aquatic habitat. After the presentation, the meeting adjourned and participants toured the restoration project sites.

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Habitat Tour Comments

Matt Doss asked for any comments on the habitat tour. *Melanie Foose* noted that the Cuttle Creek project was supposed to be completed by April 1, 2015. The project cost \$2.5 million and is managed by the City of Marysville.

Report from SPAC members

St. Marys River

Emily Martin, St. Marys River AOC, reported that the Canadian side is examining the feasibility of a habitat project. She further noted that two BUIs will be removed from the St. Marys River in the near future.

Detroit River

Robert Burns, Detroit River AOC, reported on the completion of the Stoney Island feasibility study for two habitat projects. They were able to apply for a construction grant through NOAA for Stoney Island. They were making contacts with landowners related to another project. The upper channel project was proceeding with habitat restoration work. Next, they applied for a GLC PAC support grant and proposed transposing sampling data of Detroit River hotspots into a GIS format. This information would help remediate the benthos BUI.

St. Clair River

Patty Troy, St. Clair River AOC, reported that the PAC was examining the drinking water BUI. This study includes identifying all the intakes and understanding the current monitoring framework at these intakes. The beach closings BUI is close to being removed. The Canadian Remedial Action Plan Implementation Committee (RIC) is looking for funding for their sediment cleanup project. May 30 is the sturgeon festival.

White Lake

Tanya Cabala, White Lake AOC, reported that they have been meeting weekly to develop a strategic plan for life after delisting. The PAC is changing its name to the White Lake Environmental Network and will have a new vision, mission, goals and objectives post-delisting. The group invited all the area local governments, industries and the chambers of commerce to participate. The city of Whitehall will provide secretariat services. The group will have a meeting to roll out its strategic plan by the end of May. For more information about developing a low budget documentary, talk to Tanya.

Clinton River

Anne Vaara, Clinton River AOC, reported that the PAC has been meeting for 29 years. The PAC has been working on the status of removal of several BUIs including beach closings (possibly this year), fish and wildlife populations and habitat. The bulk of these projects are in Macomb County. In coming months there will be design, modeling and pre-monitoring for the habitat projects.

In 2010, the PAC compiled 100 project ideas in response to GLRI funding. A couple of years ago, U.S. EPA asked them to reduce the number of projects. The PAC created a habitat workgroup to review these projects. The list was reduced to 17 project, then 14 and then to 11, using a MDEQ and DNR ranking system based on fish populations, habitat, and water quality. The list of 11 was finalized this year. It was a good process, but lengthy. It was critical to get the right people on the workgroup.

Saginaw River and Bay

Dennis Zimmerman, Saginaw River/Bay AOC, reported the challenge the PAC had in developing delisting criteria for several BUIs. In 2012 the PAC completed a technical study and by the summer of 2015 the PAC will be able to agree to removal criteria for several of these BUIs. They have a speaker series/meetings set up to talk about agri-business and agriculture BMPs.

Menominee River

Donna Buechler, Menominee River AOC, reported that all contaminated sediments have been removed from the AOC. The remaining arsenic contaminated sediments found in glacial till in the “Turning Basin” will be capped soon. The contaminated sediments removal area in Menekaunee Harbor still requires some rock-rip-rap and sand fill, which should also be completed soon. Habitat restoration will take place in both removal areas including the South Channel as well as on the mainstream islands. The last fish population BUI data will be collected this summer. The upstream fish elevator is installed at the Menominee Dam and downstream passage at the Park Mill Dam. The downstream fish passage project at the Menominee Dam will be completed next year.

Rouge River

Bill Craig, Rouge River AOC, reported that the PAC has some new members ready to take on leadership roles. Rose Ellison, U.S. EPA-GLNPO, is working on a complicated Legacy Act project on the lower Rouge River, Old Channel. MDEQ is collecting data in some hotspots.

Muskegon Lake

Kathy Evans, Muskegon Lake AOC, reported that the drinking water, dredging and fish consumption BUIs have been removed. The PAC submitted a request to remove the beach closings BUI. Fifteen habitat projects were completed thanks to previous NOAA grants. Four new habitat projects, supported by GLRI, have begun. A \$1 million dollar marine debris removal project will be complete this summer, with additional projects being designed for implementation in 2016. Among the marine debris is historic sawmill waste, slab wood and logs which have received some interest in their reuse. On a related note, the Lakeshore Museum Center received a grant through NOAA to do an exhibit on the history of the saw mills along the shoreline. A \$7 million dollar Bear Creek habitat restoration project and a \$2 million dollar Muskegon River Veterans Memorial Park habitat restoration project have isolated wetland lagoons which will be restored and reconnected to surface waters. There are two Great Lakes Legacy Act sediments cleanups planned. The MDEQ is sponsoring the Zephyr project and the Ryerson Creek project is being pursued with a private partnership. Later this week the PAC will send a letter to MDEQ indicating all the management actions necessary to remove BUIs have been identified. It was announced that Kathy will be inducted in the Michigan Environmental Hall of Fame later in the month.

Review of the Regional AOC Conference

Marc Tuchman, U.S. EPA-GLNPO, invited feedback on the regional AOC conference held in March at the University of Toledo (UT). He noted that the conference was well attended with 250 people representing a diverse group of stakeholders. Wisconsin and New York were

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weak in representation due to travel restrictions. Plenary sessions were well organized; one included instant polling. The planning committee made the conference a success. *John Perrecone, U.S. EPA-GLNPO*, discussed conference evaluations which were positive mostly because the conference topics were on point. Mary Bohling recommended U of M-Dearborn for the location of the next conference. The conference focus will continue to be removing BUIs and completing management actions. The low cost for conducting the conference was noted. It was under \$15,000, with UT providing the meeting rooms for free. Planning for the next conference will start in September.

SPAC members provided the following comments:

- Is there a source for the instant polling? Michigan Sea Grant has the polling technology. Contact *Mary Bohling* for more information.
- The half hour breaks were great for networking.
- Marc asked the SPAC members if they stopped at the vendors booths. There were a few members who did; *Mary Bohling* picked up some factsheets from vendors.
- *Matt Doss* noted that attendees liked the tour of the Great Lakes Maritime Museum.
- *Kathy Evans* would like a list of conference attendees in the packet. U.S. EPA cannot publish this list. However, distributing an attendees list with just name and affiliation may be feasible.
- *Rick Hobrta* was disappointed about the low representation from local AOC participants from outside Ohio and Michigan. We need to think about how to draw them in. Matt noted that as a result of low participation the GLC did not use up all the available travel support funding. Suggestions for involving local stakeholders include: 1) inviting them to participate on panels; and 2) figuring how to meet their needs beyond just items related for delisting.
- An update on the major issues that were presented during the conference would be valuable.

Review of Changes to Ohio's AOC Program

Amy Jo Klej, Ohio EPA, presented on the Ohio AOC program. She discussed the framework Ohio developed for facilitating the state's AOC PACs. She handed out an Ohio EPA guidance document that describes the framework, roles and expectations of Ohio PACs. The following comments were raised after her presentation:

- What happens if an advisory committee does not meet their minimum expectations? Ohio EPA will work to bring in facilitators. Amy Jo further noted that the framework is a guideline.
- *Lynne Seymour, Clinton River AOC*, thinks that the Ohio framework is excellent and is crucial. Amy Jo noted that the framework has brought a lot of local folks to the table.
- *Rick Hobrta* asked if Ohio EPA seriously considered switching the sponsoring organizations of the PACs. Amy Jo responded that Ohio EPA did not consider this since the expectations were communicated to these organizations, and the state is having internal discussions about the capacity grants.
- *Roger Eberhardt* asked if finding leadership for the advisory groups was difficult. Amy Jo responded that it varied among the AOCs and that there were struggles.
- *Anne Vaara* asked if we can do a similar framework for Michigan.

AOCs in Context of the Lakewide Action and Management Plan Partnerships

Roger Eberhardt, MDEQ, shared a handout on discussion points and questions for this agenda item. There are some actions that fit better on a lakewide scale rather than a smaller AOC scale for some of the BUIs. Roger discussed with Kendra Axness (WI) and Amy Jo (OH) the eutrophication BUI for Green Bay, Maumee Bay and Saginaw Bay, which fits better at the lakewide scale. Another example of a BUI that is better addressed at a larger scale is bird and animal deformities and reproductive problems. Are there actions better suited for the lakewide partnership that would help remove this BUI, for instance in the River Raisin? Chris Korleski added that one of the struggles is figuring out a solution. Is the solution to shrink the size of the AOC or change the standards for removing the BUIs? Do you look very realistically at the BUI targets and consider if they can be achieved? He is a big believer that AOCs should not be on the books forever. The other big question is what is the relation between the LAMP and the AOC? His view is when an AOC is delisted – that is the end of the process. Post delisting, what happens to the PAC? Every PAC and state will have to work out these questions. In other cases, people will say that even though the AOCs are done there are still problems to address. Nobody wants to see environmental degradation post-AOC status. State regulatory programs and LAMPs should help in a post-AOC world. It is up to the LAMP partnership to achieve the lakewide objectives. Money continues to be an issue everywhere. The U.S. EPA is working out the appropriate levels of AOC and LAMP funding. The U.S. EPA thinks that \$25,000 should be provided to the PAC for a year after delisting.

The following comments were raised:

- *Patty Troy, St. Clair River AOC*, acknowledged that there are some BUIs that should be addressed at the lakewide scale since they cannot be removed at the AOC level. Chris Korleski responded that if the AOC cannot address the BUI, and if it will take work across the lakewide basin, the actions at the larger level need to be defined along with a timeframe for implementation. Therefore, the actions need to be re-scoped so that they are achievable.
- *Tanya Cabala, White Lake AOC*, added that there is the management side and the “living-with-an-AOC” side of this issue. White Lake still needs to pay attention to certain contaminated sites outside of the AOC program. She hopes there will be some type of institutional framework to continue this type of work.
- *Kathy Evans* asked Chris Korleski and Beth Hinchey Malloy how she can meet some of the LAMP goals as she rolls out the community planning processes. She wants to identify a framework on priorities for these watersheds and needed funding so that she can engage the LAMP. She noted further that the LAMP goals are much bigger than the RAP. She asked if there is a way to plan for activities that are both of interest to local communities and to coordinate them around Lake Michigan. Beth will follow up with Kathy in supporting LAMP priorities.
- Roger noted that this issue warrants further discussions at a future SPAC meeting.
- Chris Korleski noted that U.S. EPA is in the process in moving to “LAMP 2.0.” In the short term, he wants to set up a video conference for the Lake Michigan and Lake Erie LAMP partnerships to talk about the status of those partnerships. This is the next step toward reinvigorating these partnerships. LAMP project capacity funding is a big issue because it would have to comply with the GLRI Action Plan.

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- Roger concluded the discussion by asking for feedback by next Monday from the SPAC members on the discussion questions he provided as a handout.

Update on the Great Lakes Advisory Board

Jim Ridgway, Environmental Consulting & Technology, a member of the Great Lakes Advisory Board, said that the board supports maintaining base funding for GLRI. The Board has had discussions related to the life after AOCs. The Board thinks that the LAMPs would be a good place to continue actions post-AOCs. Delisting AOCs shows Congress that we are making progress with the GLRI. The Board is thinking about how to get around the term BUI, which is a funny term that doesn't resonate with the public. Adaptive management is a good approach for advancing and making measured success. Key to this is some type of monitoring system on a lakewide basis. Discussions ensued on whether using the Clean Water Act Section 208 planning mechanism to encourage ecosystem planning on a watershed basis.

Upcoming SPAC Activities

The next SPAC meeting is June 3-4 in Lansing, Michigan. The business meeting will be June 3 and the legislative briefing will be on June 4 from 8:00-9:30 am in the Mackinac Room in the Anderson House Office Building. *Matt Doss* shared the agenda from the last briefing and discussed the proposed agenda for this year.

Sharon Baker, MDEQ, suggested that the PACs extend a personal letter/call to their state legislators. Matt emphasized the importance of having local PAC representative participate in the legislative briefing. He suggested that the PACs bring local officials to Lansing for the briefing, if possible. In terms of invitations, the SPAC will do an invitation to all legislators. However, Matt encouraged the PACs to communicate with their legislators as soon as possible. Then PACs should follow up with a phone call to their legislators a week before the briefing. *John Riley* mentioned that the State Senate passed a resolution encouraging Congress to fund the GLRI at \$300 million. He suggested that the PACs should thank the state senators for supporting that resolution.

Other Items from Members

Rick Hobrla thought the Ohio framework is great. But there would be some Michigan PACs that would have difficulty meeting the Ohio standards. He would like to add this to the next business meeting agenda.

Matt Doss would like contaminated sediment cleanup/Legacy Act projects and nonfederal cost share to be addressed at the next business meeting.

Presentations on LAMP priorities and the Michigan Water Strategy should be added to the agenda of the next business meeting. Additionally, the next agenda should exclude SPAC member updates. Matt requested that additional agenda items be emailed to him.