

Michigan Statewide Public Advisory Council Meeting Minutes
July 16 – 17, 2019
Great Lakes Research Center, Michigan Technological University
Houghton, Michigan

Attendees:

Mary Bohling, Detroit River AOC (Chair of SPAC)
Horst Schmidt, Torch Lake AOC (Vice Chair of SPAC)
Dick Micka, River Raisin AOC
Dennis Zimmerman, Saginaw River/Bay AOC
Patty Troy, St. Clair River AOC
Bill Craig, Rouge River AOC
Aubrey Maccoux-LeDuc, St. Marys River AOC
Anne Brasie, Clinton River AOC (via phone)
Bob Burns, Detroit River AOC (via phone)
Rick Hobrla, Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Jennifer Tewkesbury, EGLE
Stephanie Swart, EGLE
John Riley, EGLE
Matt Tomlinson, EGLE
Nabil Fayoumi, EPA - Torch Lake Superfund
Wally Wagaw, EGLE - Torch Lake Superfund
Clara Austin, AECOM – Torch Lake Superfund
Rep. Greg Markkanen, 110th District
Paul Seelbach, University of Michigan (via phone)
Matt Doss, Great Lakes Commission (via phone)
Mary Sears, Torch Lake PAC (TLPAC)/Franklin Township Supervisor
Warren (Chris) Swartz, Keweenaw Bay Indian Community (KBIC)
Jeff Loman, KBIC
Evelyn Ravindran, KBIC/TLPAC
Dione Price, KBIC/TLPAC
Shannon DesRochers, KBIC
Sere Gauthier, KBIC
Karena Schmidt, KBIC
Gina Nicholas, TLPAC
Glen Ekdahl, TLPAC
Michele Bourdieu, Keweenaw Now
Carol MacLennan, Michigan Tech
Hugh Gorman, Michigan Tech
Emily Shaw, Michigan Tech
Devin Leonarduzzi, Smart Creative

Welcome, Introductions, Review of Agenda – Mary Bohling

Mary Bohling, PAC Chair brought the meeting to order. Horst Schmidt, SPAC Vice Chair, and Mary Sears, Township Supervisor welcomed the group to Torch Lake. Andrew Barnard, Executive Director of the Great Lakes Research Center (GLRC) gave an overview of the center's activities.

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Logistics – Horst Schmidt and Rick Hobrla

Horst and Rick provided logistical comments on the Torch Lake bus tour immediately following the business activities for the day as well as the location for the group dinner.

Review/Approve Minutes from May 15-16 SPAC Meeting – Mary Bohling

Dennis Zimmerman moved to approve the minutes; Dick Micka seconded. Minutes approved.

Revised SPAC bylaws – Mary Bohling

Mary stated she has signed the by-laws making them official. She thanked everyone for their assistance with the process.

EGLE Update – Rick Hobrla

Funding: There have been a number of challenges since the AOC program was moved to the new EGLE under the Water Resources Division (WRD). The cooperative agreement between EGLE and EPA was set to expire March 31, 2019 but an extension was requested and received until July 31, 2019. To further complicate things budget duties within the state were transferred initially from the now defunct Michigan Department of Environmental Quality (MDEQ) to the Michigan Department of Natural Resources (MDNR). With the creation of the new EGLE budget duties are now being transferred again but from MDNR to EGLE. It has been a lengthy process, but it is almost complete and EGLE anticipates quicker turnaround on future budget related activities. In addition to budget delays, submittal of a new workplan to EPA was also stalled in the reorganization and was submitted approximately three weeks ago. With the late submittal EPA is unsure if they can issue the new cooperative agreement by August 1, 2019. EPA is unable to back date the agreement so they have offered EGLE a pre-award process that would cover the front two months of the grant with the remainder of the grant beginning October 1, 2019.

PAC Support Grants: PAC Support funds can not be dispersed until EGLE has the formal agreement with EPA in place. The pre-award has been requested by EGLE to include PAC support funds, but EPA may only be able to fund EGLE staffing until the full agreement is in place, which likely won't occur until October 1st. Mary Bohling expressed concern that the PACs are shutting down without PAC grant funds to cover their staffing needs. Dennis Zimmerman added that this is the State's issue not so much EPA's. Rick added EGLE is encouraging PACs to be ready for when the funds do become available, but Mary added that effort requires PAC staff time that they currently can't pay for without PAC grant funds. Rick also added that WRD will be utilizing some funds from the EPA grant, but he anticipates the PAC grant award amounts should remain the same as in previous years. Dennis questioned why non-AOC programs were using the EPA grant dollars. Rick explained that most of the funds will be used for work being done in the AOCs by other WRD staff which they have previously not been charging to the program. Patty Troy and Mary Bohling shared concerns that reimbursements to the PACs are taking far too long. Rick is hoping the next round of PAC support grants will cover a 2 ½ year period to alleviate some of these issues in the future. Rick also mentioned he will be working on edits to the RFP due to concerns identified in the OAG audit.

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ACTION ITEM: EGLE is recommending PACs discuss plans for the next round of PAC support grants so they can be issued quickly once the funds are available and share those with their AOC coordinator.

ACTION ITEM: Rick will complete drafting the revised RFP.

GLC Grant: The agreement between and EGLE and the Great Lakes Commission has also expired and won't be addressed until the EPA agreement is in place.

University of Michigan Collaboration: Under the new workplan that has been submitted to EPA formal collaboration with Paul Seelbach and his students will be ending but Paul is willing to continue to collaborate informally. EGLE will continue to serve as the client for the ongoing University of Michigan Masters project.

Staffing Changes: The new EGLE workplan will include some staffing changes. Ginny Berry will no longer be working with the AOC program and has been moved with the Coastal Zone Management program. Rick is working with WRD to create and fill a secretarial position with the expectation of filling prior to the next SPAC meeting.

GLC Update – Matt Doss

Great Lakes Public Forum: The forum was held on June 17-19 in partnership between EPA and Environment and Climate Change Canada. Report outs and presentations were given on the status of the Great Lakes. Sessions were held covering topics such as AOCs and the GLC's economic model. The economic model can be found at <https://www.glc.org/work/blue-economy/GLRI-economic-impact>. Matt stressed it is important to continue showcasing progress and results for Congress under the GLRI to keep funding and momentum going.

2019 AOC Conference: The AOC conference will be held on September 11 and 12, 2019 in the Cuyahoga AOC of Cleveland, Ohio and will commemorate the 50th anniversary of the Cuyahoga River fire. The conference will include many relevant topics during plenary and breakout sessions and additional relevant tours will be available for participants. The GLC, as per previous years, will provide funding to local PAC members to attend the conference. Registration for the conference is now open and will cost \$95 for the conference only <https://www.epa.gov/great-lakes-aocs/2019-great-lakes-areas-concern-conference-september-11-12-2019-cleveland-ohio>).

EPA Superfund Torch Lake Update – Nabil Fayoumi and Wally Wagaw

Copper mining activities in the area from the 1890s until 1969 produced mill tailings (called stamp sands) that contaminated lake sediments and the shoreline. The site includes several areas ranging in size from about 10 acres to over 200 acres. The site's long-term remedy included covering 800 acres of slag piles and tailings with soil and vegetation and long-term monitoring. Construction of the soil and vegetative cap started in September 1998. Long-term monitoring of Torch Lake started in 1999. Remediation of the 800 acres of stamp sands and slag finished in 2005. The State of Michigan is responsible for ongoing operation and maintenance activities. EPA has conducted several five-year

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reviews of the site's remedy, the most recent in 2018. These reviews ensure that the remedies put in place protect public health and the environment, and function as intended by site decision documents. The most recent review concluded that response actions at the site are in accordance with the remedy selected by EPA and that the remedy continues to be protective of human health and the environment in the short term. EPA is requesting owners that had clean soil and vegetation placed on top of stamp sands (mining tailings) on their property to add certain land-use controls to their deeds. The controls would restrict digging into the clean soil and vegetative cover. If an owner were to disturb the soil or cover, they would be required to restore it. EPA continues to provide outreach to the 76 property owners. Horst Schmidt asked whether EPA has monitored the site for erosion after last year's flooding in the area. Wally acknowledged that erosion continues to be an issue due to flash flooding. EPA and EGLE have prioritized the six worst locations for this year and AECOM and the contractor will be out in August to address those locations. They have also been in discussions with the Michigan Department of Transportation and the Townships to address erosion sources not physically on the site. John Riley questioned if GLRI funds could assist those local stakeholders with that type of effort. Carol MacLennan added lake levels will continue to affect erosion into the future. Horst asked how the erosion was affecting the potential for any benthic community in the lake. Wally stated the key is to keep the stamp sands from eroding into the lake through continued stabilization techniques and long-term maintenance.

Outreach through Videography – Devin Leonarduzzi, Smart Creative

Smart Creative is a marketing firm located in Houghton. Devin played a video they created for Keweenaw Charters to show how cinematic styling could be used for a possible video about Torch Lake. Service they offer include drone and underwater camera capabilities. The TLPAC will need to figure out who the audience would be or if there may be a need for multiple videos for different stakeholders. The TLPAC and KBIC agree the video needs to call out the good and the bad as well as the tribal concerns. Smart Creative would work with PAC and KBIC members to shape the story through interviews and other efforts.

KBIC Environmental Initiatives – Warren (Chris) Swartz, KBIC

Keweenaw Bay tribes signed a treaty in 1842 with the United States government in which they ceded (sold) land in the Keweenaw Peninsula, which includes Torch Lake, but retained the rights to hunt, fish and gather in the ceded territories. The treaty was intended to honor their connections to the homeland and to provide an active sustenance and spiritual life for their people. Currently the tribes are bearing a disproportionate burden of the environmental contamination on Torch Lake as it was a vital fish spearing location, which influenced its name. The KBIC uses their own resources to continue to stock fish in the region through their own fish hatchery but the loss of fish habitat and the contaminants severely hinder these efforts. The KBIC will continue to be active in policy and decision making in Torch Lake and wants to work collaboratively with EPA, EGLE, and MDNR to fully restore the lake and its fishery. They also want to be involved in additional water quality and air quality discussions that affect the region. The KBIC will be taking a firmer stand on the cumulative effects of the industries that have abused and continue to abuse the natural resources. The tribes don't understand how it is acceptable for the EPA and EGLE Superfund and AOC programs to decide it is acceptable to delist Torch Lake when

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treaty rights are being violated. Dennis Zimmerman commented that the question of “How good is good enough?” is a struggle for all the AOCs. It is up to the locals to decide what management actions are needed to satisfy the stakeholders. If they do not agree with the State’s BUI removal or delisting criteria, then they need to create their own. That being said, going back to pre-settlement conditions is just not feasible for any AOC. Mary Bohling agreed that the AOC program does have limits. Jen Tewkesbury added that emerging contaminants like PFAS are being addressed at the state level and are not considered a part of the AOC program.

Pre-Tour Briefing – Carol MacLennan, Michigan Tech

Carol provided a brief overview of the Torch Lake AOC including its industrial and environmental history.

Torch Lake AOC bus tour and return to the GLRC. Adjourn Day 1.

Call to Order, Review of Agenda – Mary Bohling

The meeting was called to order by Mary Bohling. No additions to the agenda were requested.

Doctoral Research on Torch Lake AOC Community Engagement – Kelley Christensen, Michigan Tech

Kelley is a doctoral student at Michigan Tech focusing on community engagement in the Torch Lake AOC. This effort has included analyzing historical technical and scientific documents, newspaper content, semi-structured stakeholder interviews and community-based participatory research. Challenges she has identified in the AOC include AOC boundaries, sparse science and lack of integration of new science, and community disengagement. Lessons that can be learned from the Torch Lake AOC Superfund cleanup include policy structures, thoughtful boundaries, and meaningful participation.

Opportunities for the TLPAC and the AOC delisting -

- TLPAC taking steps to broaden PAC membership pool
- Learn from the Superfund cleanup and do better
- Exploring different ways of knowing and experiencing the AOC from the KBIC’s perspective

Kelley also mentioned other great places to reach out to people can include farmer’s markets, libraries, and schools. She also commented that it’s important to recognize that sometimes people feel marginalized because they are not property owners or get forced out of the discussion.

ACTION ITEM: Kelley will provide her report to the TLPAC and group once it is complete.

University of Michigan Master Team Project – Paul Seelbach, University of Michigan

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Paul's former master's students who engaged with the PACs have graduated but presented at the Great Lakes Public Forum in Milwaukee, WI and will be presenting at the AOC Conference in September.

University of Michigan Master's Project on Michigan Areas of Concern Public Advisory Councils by Collin Knauss, Ben Pollins and Juliana Lisuk:

<https://deepblue.lib.umich.edu/handle/2027.42/148804>

University of Michigan Master's Thesis on Michigan Areas of Concern Public Advisory Councils by Allison Voglesong Zejnati:

<https://deepblue.lib.umich.edu/handle/2027.42/148807>

There are three new students (Allison, Evan, and Kyle) whose work will be focused on strengthening PACs within the community and will specifically be engaging with the Kalamazoo, Rouge, and Saginaw AOCs. They have four methods they will be using to populate their model:

- Observations – How do people interact with the aquatic environment in these AOCs?
- Interviewing community members
- Focus groups
- Literature and internet research

PAC Reports – PAC Representatives

Torch Lake (Horst Schmidt): Currently working on PAC support grant application and revising PAC by-laws. The PAC is also investigating using PAC support funds for videography for community engagement. The Torch Lake summit revealed data gaps and PAC members had a fisheries meeting with the State for possible assistance with bathymetry work in the lake to better quantify the stamp sands. Culvert/erosion issues will also be investigated.

St. Marys (Aubrey Maccoux-LeDuc): As a binational AOC there is some concern on the U.S. side about the approval for a chromium smelter on the Canadian side. The Superfund site (Tannery Bay) just had a five-year review by EPA. The PAC is requesting PFAS/PFOS sampling at the site. They also need additional benthic and fish contaminant information. All management actions are complete on the U.S. side, but the PAC doesn't want to formally delist until all management actions are complete on both sides.

River Raisin (Dick Micka): Dick offered that the River Raisin PAC works with the Wyandotte tribes and they have similar concerns in Monroe as the KBIC do in Torch Lake. The PAC is continuing outreach efforts and five BUIs have been removed with the last four BUIs requiring further monitoring. Dick expressed concern that MDOT will be reconstructing I-75 directly through the AOC boundaries and he is concerned about them disturbing any contamination that has not yet been exposed. Lake Erie is also at record high levels leading to erosion in many areas. Dick also expressed concerns about the lack of communication and coordination between the AOC and the LAMPs, specifically the Lake Erie Partnership.

ACTION ITEM: Mary Bohling suggested that we have an overview of the LAMP program and their initiatives at the next SPAC meeting.

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Saginaw River/Bay (Dennis Zimmerman): The PAC is working on an updated workplan which they hope to have completed by the end of summer. Dennis mentioned that three PAC members were interviewed by Paul Seelbach's current students. Plans are underway for the State of the Bay Conference which the PAC supports. The PAC's reviewing the eutrophication BUI removal criteria and then the benthos. Dennis stated they also work closely with the Chippewa tribe and receive strong support. The PAC is supporting legislation for the banning of manure application on snow covered fields which leads to nutrient runoff in the bay. Finally, John Riley mentioned that there will be a webinar July 31st on the Saginaw Valley State University (SVSU) E. coli source tracking work. To register, visit: <http://bitly.com/MSTwebinar>.

St. Clair River (Patty Troy): Patty had two future SPAC agenda requests: training for EGLE's MiWaters database and a discussion on how PACs communicate with the stakeholders about PFAS. The Sturgeonfest in June was again a success with approximately 2,000 people attending and 700 students viewing sturgeon up close on the Huron Lady. The PAC needs support grant funds to update outreach materials and to possibly create a video about the AOC. There is the anticipation that Friends of the St. Clair River will be hiring an executive director and ramping up their efforts as the AOC work dwindles down. The PAC has been keeping tabs on the Enbridge Line 5 upgrade which is just one of 25 pipelines under the St. Clair River. On the Canadian side they are preparing to remove the fish tumors BUI. The drinking water BUI removal document is being drafted on the U.S. side.

Rouge River (Bill Craig): No BUIs removed yet. Current PAC grant is complete, awaiting the next 2019 grant. Henry Ford habitat project soon to be completed. Nankin Lake project is ongoing. Johnson Creek project will begin in 2019. The Tamarack Creek project is to start this fall. Five other projects in design phase. Fordson Island funding being assessed. Lower Rouge River Old Channel (concrete channel) project underway through multiple phases. Bill was also interviewed by Paul Seelbach's students and they attended a Trash to Art cleanup event in the Rouge. Bill commented that Rep. Markkanen was in attendance for the morning portion of the meeting, but we did not engage with him and that may have been a missed opportunity. Mary Bohling shared that she did offer him some time on the agenda, but he declined.

ACTION ITEM: Mary Bohling suggested that we make it a point to invite local government officials to the SPAC meetings.

ACTION ITEM: Dennis Zimmerman suggested that it would be beneficial to have the SPAC meeting minutes sooner so they can be shared. Rick Hobrila committed to having the draft minutes out in ten working days once the new secretary position is filled.

Detroit River (Mary Bohling): The Lake Okonoka project is moving forward after it has taken 4 ½ years to get a permit with MDOT for the culvert and crossing. Flooding has been an issue on Belle Isle due to the high-water levels. High water levels are also affecting the Upper Detroit Riverfront Parks project since the City of Detroit is considered closing off canals to manage flooding of homes in the area. Celeron Island is under construction and Sugar Island is in design. Hennepin Marsh is currently under up for feasibility and design. Mary mentioned that the National Oceanic and Atmospheric Administration

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partnership has allowed flexibility when managing multiple habitat projects. The EPA sediment characterizations report is complete and they can now start prioritizing sediment cleanup projects. The Upper Trenton Channel and Monguagon Creek/Upper Trenton Channel Legacy Act projects are in design. The Michigan Department of Community Health and Human Services has hired two river walkers as part of their Eat Safe Fish outreach.

Manistique River (John Riley): Dredging operations are currently underway for 30,000 cubic yards of PCBs and should be complete this year. The remaining two BUIS, fish consumption and restrictions on dredging, will be addressed by this project.

Kalamazoo River (John Riley): The Superfund site is being addressed by EPA. EGLE and MDNR are assessing the dams throughout the river for removal. The City of Allegan is in discussion for removal of their dam as they don't want the liability of any contaminated sediments that may be there. The Trowbridge dam removal is starting in August with a phased approach in conjunction with the Superfund work. The Consumers Energy dam would be the only remaining dam to be removed or modified to open the river for fish passage of salmon.

Menominee River (Stephanie Swart): All BUIs have been removed and the delisting report is being finalized. Letters will be sent from EGLE to EPA and then there will be public comment and International Joint Commission (IJC) comment periods. There is a desire for the PAC to become a watershed group after delisting and discussions are ongoing.

Clinton River (Jen Tewkesbury): All habitat projects are in the final maintenance stages except the Sterling Relief project. Macomb County is pursuing grants to cover long term maintenance and monitoring costs for their projects. The U.S. Geological Survey (USGS) is again sampling for E. coli this summer and doing some additional source tracking work. There have been fewer beach closings this recreation season and that may be attributed to better E. coli testing using qPCR technology. USGS is also performing sediment sampling in the river at two known hotspots for PCBs. EPA and EGLE are also working to evaluate if there are any ongoing sources. Once the extent of the contamination is identified clean up discussions can be pursued. The aesthetics BUI removal is in a holding pattern due to the EGLE reorganization.

Next Meetings (Fall Legislative Briefing, 2020) – All

Legislative Briefing: The fall meeting will be the Legislative Briefing, tentatively scheduled for October 22 and 23. The business meeting will take place on October 22 with the legislative briefing to take place the morning of October 23. Due to the structural changes of the department and division that houses the AOC program, the legislative briefing process may be like in year's past or it may be individual briefings in which PAC members are expected to schedule meetings with their elected officials on their own. Rick still needs to confirm with EGLE management.

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Potential meeting locations for 2020:

Detroit/Rouge Rivers possibly summer or fall with visits to multiple habitat projects; Menominee River with a celebration for delisting; Manistique River with a celebration for all management actions complete; Saginaw Bay with a presentation on the work being done by SVSU.

Potential topics for future meetings:

PFAS; LAMPs; MiWaters; revisit life after delisting discussion; AOC outreach; Seelbach student findings.

ACTION ITEM: Let Rick know if you have any agenda topics for the Fall 2019 or 2020 meetings.

Other business – None

Dennis Zimmerman moved to adjourn. Bill Craig seconded.

Adjourn Day 2.