

**Duluth-Superior Metropolitan Interstate Council**  
**HARBOR TECHNICAL ADVISORY COMMITTEE**

**Meeting Summary**

June 2, 2010

Inn on Lake Superior Conference Center, Duluth, MN

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**HTAC Voting Members Present**

<b>Organization</b>	<b>Representative</b>	<b>Organization</b>	<b>Representative</b>
City of Superior	Jason Serck	MPCA	Pat Carey
Douglas County	Cameron Bertsch	NRCS	Paul Sandstrom
Duluth Seaway Port Authority	Jim Sharrow	St Louis County	Scott Smith
Industry-General Bulk	Mike McCoshen	SLRA	Bill Majewski
Industry-Harbor Engineering	Ted Smith ( <i>Chair</i> )	SLSA	Nancy Paisley
Industry-Pilots/ Vessel Ops	Bob Libby	U.S. ACE	Steve Brossart
Industry-Recreation	Joel Johnson	WLSSD	Dan Belden
Izaak Walton League	Gary Glass	Wis DNR	Nancy Larson
MnDOT	Dick Lambert	WisDOT	Martin Forbes
MN Sea Grant	Dale Bergeron	WI Sea Grant	Gene Clark

**HTAC Voting Members Absent**

<b>Organization</b>	<b>Representative</b>	<b>Organization</b>	<b>Representative</b>
City of Duluth	Chuck Froseth	MIC	Ed Anderson ( <i>Vice-Chair</i> )
Industry-Coal sector	Marshall Elder	MN DNR	Patty Fowler
Industry-General Cargo	Denise McDougall	NWRPC	Jason Laumann
Industry-Grain sector	Doug Christianson	USCG Duluth MSU	CDR Mike Lebsack
Industry-Harbor Services	Ed Montgomery	US Fish & Wildlife	Dave Warburton
Industry-Ore Sector	Mark Erickson		

**Other Stakeholders Present**

<b>Organization</b>	<b>Representative</b>	<b>Organization</b>	<b>Representative</b>
Barr Engineering	Eric Dott	MIC staff	Rondi Watson
Congressman Oberstar's Office	Jackie Morris	MIC intern	Tim Hohn
Douglas County Conservation	Christine Ostern	NRRI-UMD	Dan Breneman
GLMRI	Carol Wolosz	St. Louis River Alliance	Julene Boe (speaker)
JPG Group	Lisa Neitzel	St. Louis River Alliance	J Howard McCormick
MIC staff	Ron Chicka	US Customs Service	Rick Olson
MIC staff	Andy McDonald	USDA-NRCS	John Beckwith (speaker)
MIC staff	Kody Thurnau	WLSSD	Jack Ezell (speaker)

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**1. Agenda Review / Introductions**

HTAC Vice-Chair **Ted Smith** called the meeting to order at 9:05 am. All participants introduced themselves. No changes to the agenda were put forward.

**2. Committee Business**

**March 3, 2010 HTAC Meeting Summary**

Chair Smith called for changes to the previous meeting summary. Hearing none, he asked for a motion to approve.

*Motion by Joel Johnson/Mike McCoshen to approve the previous Meeting Summary with no changes. Motion carried unanimously.*

### 3. Subcommittee Updates

#### **Dredging Subcommittee**

**Ted Smith:** Reported that the WRTA bill is in the works, but nothing coming out of DC at this time. Added that he had attended invasive species conference, very interesting; but new Michigan regulations being proposed that did not include any industry input.

**Gene Clark** reported that staff from the Detroit office of the Army Corps of Engineers conducted a two-day meeting on May 12-13 at the Lake Superior Maritime Visitor Center on the topic of Duluth-Superior harbor dredged material management. They called in a lot of stakeholders and covered a long list of Duluth-Superior harbor topics, including presentations about the HTAC and harbor corrosion.

One message from the Corps was loud and clear: they will not be building new Confined Disposals Facilities or CDFs – that’s what lent the sense of urgency to this topic. There is a need to dispose of 20 million yards of dredge materials from the harbor over the next 20 years. Erie Pier is part of the mix—but unless they can get to the point of re-using it all, they will need other options as well, which is the point of the projects included in the Dredge Materials Management Plan (DMMP) that this meeting was called to address.

In regard to progress with moving Erie Pier forward as a Processing and Reuse Facility, he commented that although it is encouraging though that the Corps’ new Great Lakes management strategy has a strong beneficial use and partnering component, locally we are seeing a discouraging degree of resistance to the re-use of its materials. Questions still remain. For example, recently within the Douglas County Land Conservation Committee, a resolution was moving forward to prohibit the use of the materials from Erie Pier. They heard about it in time, however, and it ultimately provided an opportunity to give accurate info about the materials in Erie Pier—specifically, that it’s not contaminated—although there still is a major concern about invasives.

**Bill Majewski** commented that the problem with invasives is basically all about purple loosestrife, and asked if there are funding sources available to study and solve this problem.

**Steve Brossart** commented that purple loosestrife will never be completely eradicated; they are taking the approach of continually monitoring and seeking ways to treat.

**Jim Sharrow** added that efforts to control it do not kill it all off; rather it is managed, for example by biological control. He added that it was unfortunate that the large nearby Duluth megaproject would not be utilizing available fill material from Erie Pier. Despite the Port Authority’s efforts at communication, they were very disappointed to learn that MnDOT had explicitly excluded the use of Erie Pier materials in their contracts. As a result, a lot more truck transport will be required to haul in fill from outside this area, while the useable materials right alongside the project are going to be shipped to outlying areas.

**Gene Clark** responded that what we really need to do is clarify the message about when and where these materials can be used. The MPCA has a long history of data on the composition of the Erie Pier materials and testing procedures are defined for residential and commercial use. The coarse materials are safe; the only issues are copper and arsenic which is naturally occurring in the soils in this area. The biggest issue is basically a perception problem. This is a viable resource, and we need to educate the public as well as the municipalities (county, city and state) that not only are these materials safe and readily available but also that this needs to happen for the bigger picture of dredge materials management.

However, there are many agencies with different processes and standards – and better coordination is needed. The goal now is to analyze the internal and inter-agency processes within MnDOT, the MPCA and the Army Corps to figure out how this opportunity was missed.

### **Harbor Partnering Agreement**

**Andy McDonald** reviewed the efforts to update the Harbor Partnering Agreement to encourage communication and understanding among stakeholders. A working group of the HTAC has identified potential partners whose interest areas include dredge materials management, information exchange, maritime commerce, promoting mutual understanding of partners' objectives and constraints, and encouraging timely problem solving. It is planned that this initiative will culminate with some type of event or signing ceremony later this year.

**Carol Wolosz** asked why non-agency partners were not being asked to be signatories to the Agreement. Andy responded that the subcommittee had held a lengthy discussion about who to include. Separate from the HTAC, which is made up of a broad range of harbor stakeholders, the intent of the Harbor Partnering Agreement is to bring the regulatory (permitting) agencies together to identify and work on achieving and streamlining processes to meet its common goals as they relate to the Duluth-Superior harbor.

## **4. Western Lake Superior Sanitary District (WLSSD) Comprehensive Plan Update**

Jack Ezell, Planning and Technical Services Division Manager at WLSSD, presented information about their 2010 update to the Comprehensive Wastewater Master Plan – a broad-scale planning effort centered on WLSSD's mission to balance environmental sensitivity with key water quality and wastewater collection needs. At the same time the Plan also provides a basis for current and future cost effective planning, consistent with local and regional planning guidelines. He added that this Plan just deals with wastewater (solid waste is a whole different aspect of their operations, covered by a separate comp plan).

He credited senior planner Dan Belden for completing much of the work. The final plan is available online at [http://www.wlssd.com/uploads/2010\\_Comprehensive\\_Plan\\_Document.pdf](http://www.wlssd.com/uploads/2010_Comprehensive_Plan_Document.pdf).

The Comprehensive Wastewater Master Plan addresses water resource, socioeconomic, and engineering issues for WLSSD's large area covering approximately 530 square miles, including eight cities and ten townships with 78 miles of pipe and 18 pump stations. Much of the pipe infrastructure dates back to the 1920's from the City of Duluth.

A key recommendation includes establishing a regional work group on sub-surface treatment systems (SSTS) to manage decentralized collection systems in unsewered areas and areas of concern. Emerging issues are found in the communities around suburban lakes that are experiencing rapid growth around suburban lakes and other unsewered areas that are attracting rapid growth. He noted that on-site systems are generally not as bad as they used to be, but it is projected that Caribou and Grand lakes will potentially have problems down the road.

Another recommendation is the modification of the current Urban Services Boundary to reflect the current and planned needs of the region.

He noted that they are on a tight timeline to eliminate all overflows by 2016, in accordance with the Consent Decree between the City of Duluth, the U.S. Environmental Protection Agency (EPA) and Minnesota Pollution Control Agency (MPCA) to address continuing problems with wastewater overflows resulting from excessive inflow and infiltration (I & I) into the wastewater collections and treatment system. He added that greatly reduced I and I is already occurring.

The question was asked if there is enough capacity to serve the City of Superior at some point in the future – answer: not sure.

Bill Majewski added that WLSSD spends \$7-10 million annually on capital improvements, up from \$5 million; they also serve Knife River which is technically outside the service boundary.

## 5. Great Lakes Restoration Initiative – Update on Project Submittals

Pat Carey, Watershed Unit Supervisor, MPCA-Duluth, gave an update about the very recent announcement by the EPA of Great Lakes Restoration Initiative grant awards totaling \$161 million. 270 finalists were trimmed from a list of 1,057 proposals requesting \$946 million. Beach monitoring, habitat restoration, outreach and environmental education and forecasting were prominent themes of the grants that were funded.

Procedurally, finalists still have to submit one more non-competitive application before the projects are funded and work begins – as soon as this summer.

Pat commented that he is still learning about all the funded projects. Minnesota had a total of \$9.7 million awarded for 14 projects (6% of overall funding), with \$3.9 million for five University of Minnesota projects, including moose habitat restoration and avian botulism management. The MPCA was awarded \$1.7 million for three restoration projects on Amity Creek and the Flute Reed and St. Louis rivers. Community Action Duluth was awarded \$636,000 for a project “Restoring Lake Superior's Streams One Neighbor at a Time” that has a job creation aspect as well, good local impact from this project.

Gene Clark noted that several of the projects involve multiple states. Dale Bergeron commented that their big projects will have broad reach, \$12.5 million total. The overall mix of projects will help to paint an overall picture of what “restoration and protection” really looks like, one project at a time. For those not selected this round, EPA will be offering a session to discuss how to improve applications prior to re-submittal, and they will offer a project by project debriefing. Possible that grant focus will change from year to year as well. Bill Majewski noted that the Amity Creek project follows upon a privately funded initiative to make watershed improvements.

Pat added that their hope is that this is the first year of a five-year initiative. Next phase will be to work with the EPA on implementation for these projects. Hopefully there will be another round of RFPs.

Nancy Larson, Lake Superior Basin Water Team Leader, Wisconsin DNR, announced that Wisconsin was awarded \$29 million for 50 projects, with nine funded for Lake Superior projects.

She commented that the EPA recognized that staffing will be an issue for many of the agencies to carry out these initiatives, is pleased that their grants allow for staffing which will definitely facilitate implementation and coordination.

NWRPC received \$1 million for toxic waste collection and education and they are also excited about the UWS project to implement its near shore management plan, adding that we need a much better understanding of the shallow near shore waters to monitor health and trends. Tribes also received funding...

She stated that she plans to use the HTAC as a forum to track and report on the progress of these projects.

Carol Wolosz asked about the success rate of DNR-sponsored proposals. Nancy responded that it was about 32% which is pretty respectable. She added that they are not sure if having a state agency on board made a difference--although the EPA emphasized partnerships, lots of single-entity projects were still funded.

Pat added that Minnesota got about 25% of its projects funded, and for the MPCA, only 3 of its 19 submitted projects were funded. Their agency as well as the EPA itself will learn something about the process and the results, and they will be soliciting feedback prior to the next round.

## 6. St. Louis River AOC Remediation to Restoration Project

Julene Boe, Executive Director of the St. Louis River Alliance, presented information about a project on the St. Louis River recently funded by the Fish and Wildlife Service in the amount of \$212,000. She began by stating that she had hoped that Dave Warburton would be able to be here, but he has been called out of the area, to the gulf which obviously needs help right now, but it is not an opportune time for him to be absent, especially as the sole Fish and Wildlife person up here now that these projects were funded.

The overall project vision is to make progress towards delisting of the Area of Concern in a collaborative effort with federal, tribal state, local partners along with adjacent landowners. They hope it will serve as a model for other efforts in the estuary.

The primary project goals include:

- Eliminating exposure of biological receptors to persistent toxic compounds.
- Increasing the extent and quality of fish and wildlife habitat.
- Improving the productive of selected fish and wildlife populations.

Remediation goals of the project include:

- Removing or sequestering contaminated sediments;

- Removing all marine debris.
- Incorporating appropriate bathymetry and substrate in clean up solutions to accomplish restoration goals.

Habitat restoration goals include:

- Protecting extant high quality habitats
- Establishing mosaic of submerged aquatic vegetation and deep water habitats
- Increasing littoral zone width
- Increasing shoreline length and extent of emergent aquatic vegetation.
- Decreasing wave energy/wind fetch
- Reducing establishment of non –native species
- Creating piping plover/common tern habitat

14 sites were considered in a process facilitated by the MPCA, with input from the SLRA Habitat Work Group, including representatives of the WDNR, MN DNR, Fond du Lac, USFWS and other stakeholders. The final 300-acre site combined two sites -- Coffee Ground Flats & Erie Pier Complex.

Project steps and timeline (“this is what the \$212k is being spent on”):

- Ecological Design Assessment – 2010 -2011
- R to R Design and Project Permits – 2011-2012
- Implementation of Preferred Design - 2013-2015
- Evaluation and Planning – 2013-2015

Pat Carey commented that they are currently conducting an assessment of the extent and magnitude of contaminated sediments in that area.

Bill Majewski added that in crafting the application, they discovered there is a significant amount of information that is already available to be utilized in this project (modeling inputs, etc).

Julene closed by noting that they are hoping to finish up by 2015 and will keep the HTAC apprised of the project’s progress.

## **7. Nemadji River Watershed Sediment Reduction – MN and WI**

John Beckwith, Water Resources Staff Leader, Natural Resource Conservation Service, presented information about...NRCS involvement in the GLRI-funded Nemadji River Watershed Sediment Reduction project. He began by explaining they have been involved for many years with watershed issues, priorities include nearshore health/nonpoint source pollution; habitat protection and restoration; invasive species management. As part of their involvement, they have assigned more staff to coordinate lakeside management programs (LaMPs).

He added that they received EPA funding through the USDA/Farm Bill programs, will be contracting work for next 2-3 years. They were asked to target watershed as opposed to taking on

the entire AOC. This project implements the recommendations from the 1998 “Erosion and Sedimentation in the Nemadji River Basin” report and will focus on three watersheds where riparian and upland forest management show the greatest potential for program participation and positive impact on resources.

This project will outreach to landowners in small identified areas to restore trees in targeted watershed areas as a key way to control sediments. It will provide technical assistance to plan practices and conservation systems along with financial assistance to help defray costs. In addition to core conservation practices, there are numerous supporting practices being promoted, including critical area planting, heavy use area protection, pasture and hayland planting, restoration of rare and declining habitats, riparian forest buffers and streambank and shoreline protection

He noted that they are looking to partner with multiple other agencies. Sign up for this program has begun and will continue through the month of June. Any help from this group appreciated. If (best case scenario) they have more signups than they have money, they can seek other sources of funding – they hope to plant more trees to keep the watershed from “unraveling.”

Nancy Larson commented that this was recommended for decades now, remedial action plans dating back to 1992 and before - this is the culmination of a lot of work and planning.

Gene Clark added that this project fits perfectly with the dredging subcommittee theme of reducing sediments in the harbor.

**Christine Ostern**, Douglas County Conservationist, presented information about coordinated proposals that had been submitted for GLRI funding through the Great Lakes Commission by the Douglas County Land & Water Conservation Department and the Carlton County Soil & Water Conservation District.

The focus of the projects was restoration of the Nemadji River Watershed, which is split pretty evenly between Wisconsin and Minnesota (277,400 acres total), and is notable in that it carries the largest annual sediment load among all rivers in both states—132,000 tons per year, with 98,000 tons reaching Lake Superior, the equivalent of 23 twelve-cubic-yard dump truck loads per day.

This level of runoff degrades fish & wildlife habitat and creates an increased need for dredging. She explained that there were many contributing factors, including clearcutting about 100 years ago, along with wetlands drainage and current development pressures.

Restoration has been a constant theme of recommendations from many planning initiatives; this project represents a mix of both long- and short-term recommendations. The Douglas County portion of the project proposes a 4-year conservation, education and monitoring project. It includes hiring of a joint MN/WI watershed coordinator to handle cost sharing info, with research and modeling information to be housed in a centralized location. Project also includes long term maintenance of project BMPs, to continue to work with landowners over time

Andy McDonald commented that this could have a considerable potential impact on the harbor’s dredging budget, considering that there are approximately 1.3 tons of sediment load per cubic yard of dredged sediment.

## 8. Roundtable Discussion of Local and Legislative Issues

Dale Bergeron reported that he had attended the meeting of the Great Lakes Ballast Water Collaborative in May – a well rounded and large gathering of over forty agencies from the US and Canada. The purpose of the meeting was for leaders in the shipping industry, regulatory agencies, and ballast water treatment research to advance an ongoing discussion about realistically achieving the goal of protecting the Great Lakes from aquatic invasive species spread through ballast water while maintaining shipping safety and preserving the ability of coastal communities to conduct business on the Great Lakes.

He added that it was particularly significant that regulators from multiple states were able to hear from scientists, shipping interests and technology vendors so that all were able to hear the same issues at the same time. The fleets are saying, don't paint us all with the same brush; vendors saying they can only manufacture so much; science is saying we're moving as fast as we can. There is a bigger picture, not everyone is going to get all of what they want – but there has been tremendous progress made just in the last couple of years. Important message was that there is no magic regulation that will fix this problem overnight, which in turn was significant as participants were able to share information that would assist Wisconsin Department of Natural Resources staff as they prepared to draft the Wisconsin Ballast Water Treatment Assessment Report.

## 9. Adjourn

No other items were brought forward for discussion and the meeting was adjourned at 11:45 am.

Respectfully Submitted,

Rondi Watson, Planning Assistant