

Duluth-Superior Metropolitan Interstate Council

HARBOR TECHNICAL ADVISORY COMMITTEE

Meeting Summary

March 2, 2011

Superior Public Library, Superior, WI

HTAC Voting Members Present

Representative	Organization	Representative	Organization
Ed Anderson, <i>Chair</i>	MIC	Nancy Larson	WI DNR
Dan Belden	WLSSD (<i>alternate</i>)	Denise McDougall	Industry – General Cargo
Dale Bergeron, <i>Vice-Chair</i>	MN Sea Grant	Ed Montgomery	Industry – Harbor Services
Cameron Bertsch	Douglas County	Nancy Paisley	Save Lake Superior Association
CDR Kenneth Bryan	US Coast Guard Marine Safety Unit	Jason Serck	City of Superior
Gene Clark	WI Sea Grant	Jim Sharrow	Duluth Seaway Port Authority
Pat Collins	US Fish & Wildlife Service	Fred Shusterich	Industry – Coal
Martin Forbes	WisDOT	Scott Smith	St. Louis County
Gary Glass	Izaak Walton League	Ted Smith	Industry – Harbor Engineering
Joel Johnson	Industry – Recreation	Danny Weber	Natural Resources Conservation Service

HTAC Voting Members Absent

Representative	Organization	Representative	Organization
Steven Brossart	US Army Corps of Engineers	Jason Laumann	NWRPC
Pat Carey	MPCA	Bob Libby	Industry – Pilots/Vessel Operations
Mark Erickson	Industry – Ore	Bill Majewski	St. Louis River Alliance
Patty Fowler	MN DNR	Mike McCoshen	Industry – General Bulk
Chuck Froseth	City of Duluth	Mick Sertich	Industry – Grain
Dick Lambert	MnDOT		

Other Stakeholders Present

Representative	Organization	Representative	Organization
David Bolgrien	US EPA	Cordell Manz	WDNR
Dan Breneman	NRRI-UMD	J. Howard McCormick	St. Louis River Alliance
Ron Chicka	MIC Staff	Andy McDonald	MIC Staff
Marshall Elder	MERC	Jessica Montgomery	MIC Staff
Cheryl Erickson	NS Harbors Program	John Morris	WDNR
Maureen Ferry	WDNR	Lisa Neitzel	JPG Group
Todd Fryzek	SEH	Jason Paulson	Lake Superior Warehousing
Ken Gerasimos	Key Lakes/Great Lakes Fleet	Jeff Stollenwerk	MPCA

Joe Graham	WDNR		Kody Thurnau	MIC Staff
Sandy Hoff	F.I. Salter		Heidi Timm-Bijold	City of Duluth
Beth Krebsbach	MIC Staff		Rondi Watson	MIC Staff
Barbara Lambus	US Customs Service		Carol Wolosz	GLMRI
Tracey Ledder	WDNR			

1. Agenda Review / Introductions

HTAC **Chair Ted Smith** called the meeting to order at 9:02 am. All participants introduced themselves. No changes to the agenda were put forward.

2. Committee Business

December 1, 2010 HTAC Meeting Summary

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

Martin Forbes/Jason Serck moved to approve the previous HTAC Meeting Summary with no changes. The motion carried unanimously.

HTAC Officers for 2011-2012

Ted Smith and **Jason Serck** nominated Ed Anderson for the position of chair and Dale Bergeron for vice-chair.

Jason Serck/Marshall Elder moved to elect the above as chair and vice-chair. There was no discussion and the motion passed unanimously.

3. Subcommittee Updates

Dredging Subcommittee

Gene Clark presented an update on the latest actions of the Dredging Subcommittee.

The first topic he presented on was an anticipated update of the Erie Pier Management Plan. He noted that Erie Pier no longer looks like confined disposal facility (CDF), but has been transitioned into a processing and reuse facility (PRF).

He said the current Erie Pier Management Plan was being followed, but the plan needs updates, including new soil reference value tables, text reflecting new work, etc. He stressed that this would be an update, rather than a total rewrite.

He also noted that Julene Boe of the St. Louis River Alliance had come to the latest subcommittee meeting to present a proposal about 21st Avenue West project that also included Interstate Island. Clark said this project would be funded through US Fish and Wildlife. He said the subcommittee fully supports the project as a tool that could be used to examine beneficial use projects in the same area.

The final topic Clark commented on was the I-35 construction project and its relationship to Erie Pier material's use. He said the subcommittee had learned from the I-35 construction specifications

had said the dredge material would not be allowed to be used for the project, because MnDOT had a fear of potential environmental liability.

He said the subcommittee had met first to address this issue on December 14, 2010.

As a result of that meeting, MnDOT responded on 1-18-11 that it would not accept any Erie Pier dredged material until a solid waste utilization standing beneficial use determination (BUD) was received from MPCA.

The subcommittee then met January 23 to discuss that response. They noted the following points:

- The requirement for a standing BUD duplicates the permit issued from MPCA's Water Quality division.
- Both Water Quality and Solid Waste Programs at the MPCA use the Soil Reference Values (SRV) as their clean standard.
- This issue brings forward a legal question of whether a determination from one MPCA program can cover other programs as well.

Clark stressed that representatives from both MPCA and MnDOT had been as helpful as they could be at their own level, but both had noted that this issue was at a higher level than the one at which they worked.

Andy McDonald then distributed a draft of the letter from the MIC chairs addressed to the commissioners of MnDOT and MPCA. He said they were hoping the letter would get the commissioners' attention and lead to a fast resolution of this issue, faster than the new beneficial use determination that MnDOT had requested.

Ed Anderson asked whether the letter should be sent to Gov. Dayton's office as well. McDonald replied that it could be considered.

Denise McDougall asked whether Wisconsin was having similar problems with the use of this material. McDonald replied that there was an individual in WisDNR's leadership program who was focusing specifically on clearing this issue.

Nancy Larson commented that WisDNR staff member **Joe Graham** was the person who was working out this issue for WisDNR.

Ed Montgomery commented that there was a perception that the material was contaminated, but in his experience the material had tested as clean.

Jim Sharrow said the material was meeting the cleanest standard necessary for reuse, but that MnDOT was not working well with MPCA to resolve the issue.

Howard McCormick asked whether it would be wise to send the letter to the governor initially, in case he might not be supportive. He suggested it might be better to send the letter to the agencies first, in case the governor would not be supportive. He said if the agencies did not move to resolve the problem, perhaps the letter could be sent to the governor at that point.

Dale Bergeron commented that it would be an opportunity for the governor to celebrate solid collaboration between agencies, so he anticipated the support.

Ed Anderson commented that this appeared to be a bureaucratic issue, rather than a purely policy-based issue, and that the governor's office was likely to be supportive and helpful to clear up the disagreements between the agencies.

Joel Johnson/Denise McDougall moved to recommend this letter to the MIC board, and the motion passed unanimously.

Ted Smith gave a brief update on the federal transportation outlook. He said the biggest item of interest to HTAC is the use of the Harbor Maintenance Trust Fund. He said only a portion of the money is currently used for port maintenance, with the rest going to the general fund. He said legislators were working to direct all the funding to be used for port maintenance. Smith said this effort had been introduced in both the House and the Senate and was moving forward slowly. Smith also commented that it might be worthwhile to send some letters in support of this to the new congressmen on both sides of the bridge, particularly to help them keep focused on the harbor's interests.

4. Captain of the Port – Duluth Marine Safety Unit Annual Report

CDR Kenneth Bryan, U.S. Coast Guard, presented on the status of the port in the last year. Cdr. Bryan said the Coast Guard would be continuing to focus on its primary 11 core missions. He said he anticipated a diminished emphasis on post-Sept. 11 missions and a renewed emphasis on the more traditional missions of the Coast Guard.

Bryan noted that average age of a Navy ship is less than 10 years, while the average age of a Coast Guard ship is more than 30 years. He continued, saying that the Coast Guard is doing everything possible to update its fleet and resources, but that it continues to compete with every other federal agency for funding.

Bryan also told the committee that the U.S. Coast Guard is involved in all seven continents, in various security and icebreaking missions. He said in the next several years he anticipated that the Coast Guard would continue this involvement worldwide.

The Coast Guard had been involved with some internal reorganization in the last several years in order to improve the stewardship of tax dollars used by the Coast Guard, Bryan continued. He said there would be no significant changes in the locally based Coast Guard resources. He also noted the Coast Guard was working specifically on an initiative to continue a high level of safety on older vessels, for both human and environmental concerns.

Bryan said the forces of the Coast Guard remain a mix of civilian, active duty, reserve and auxiliary personnel. He said this season would see the transfer of approximately one-third of forces to other assignments. He said this system of frequent transfers allows the mariners to grow in a wider level of experience.

The Coast Guard continues to proactively examine long-term operational needs in this area, Bryan said. He reported that the resources in this area were tight, but not excessively so.

Bryan reported that the partnerships between the Coast Guard Duluth MSU and outside organizations were highly valued in the last year. He also noted a few changes in staff that would happen in 2011.

Joel Johnson asked a question about TWIC ID cards and a lack of coordination between the Coast Guard and TSA. Bryan replied that it would likely be a slow process to improve that coordination.

Jason Paulson asked about the Coast Guard chain of command. Bryan explained that the Coast Guard had recently undergone sectorization. He explained a few complex relationships, and asked whether it would be helpful to the committee if he would bring a handout to the next meeting to explain these issues further. It was decided that he should do so.

Gary Glass asked whether the Coast Guard would be assisting in a clean-up of a material other than oil. Bryan replied that the Coast Guard was required by certain legislation to assist with clean-up of other hazardous substances as well, but not the certain fish virus situation that Glass was talking about.

5. Bayfront Development Plan

Sandy Hoff of F.I. Salter presented on Bayfront development plans. He said what he presented were conceptual plans, which he said were without many of the permits or input of other agencies at this point. He stressed that at this point in the project, the developers were simply exploring possibilities and “thinking big,” and that they were aiming to create a remarkable waterfront development. Some of the concepts Hoff presented include:

- 50-60 slip docks for transient boats, for boaters to be able to come in by water to enjoy the Canal Park, etc.
- Plans for re-using the silos on the current area, with a variety of potential features, and even the capability of projecting movies or images on the sides of the silos
- Other silo reuse features could include a rotating, silo-top restaurant, creative hotel concepts, etc.
- A parking structure built beneath four feet of water in one of the slips. This concept would free up space on the water for recreational uses (speed skating, kayaking, etc.), while creatively incorporating parking without limiting views of the bay.
- An ice skating trail connecting the Bayfront development to the festival park.
- A variety of solutions to create connectivity between this development and the Bayfront Festival Park
- Various uses of the water space in Slip 2, including speed skating training in the winter and a floating pavilion with a grill-type restaurant in the summer
- Extensive retail opportunities for the area, including enclosed retail space on the bridges connecting the development to the festival park
- An ice climbing facility
- A glass elevator to the rooftop restaurant
- Decorative jumping water
- A “fishing village” feel to some retail and outdoor areas
- A variety of energy-efficient and environmentally friendly solutions

Joel Johnson commented that his marina provided transient docks in the area, closer than Barkers Island. He noted his frustration that several recent media reports, along with Hoff's presentation, had cited Barkers Island as the closest transient docks to Duluth, ignoring his marina.

Ed Montgomery asked about initial environmental testing. *Heidi Timm-Bijold* mentioned that some initial tests had been done and thus far showed levels of little concern.

6. Great Lakes Ballast Water Collaborative: Toronto Meeting and Regulatory Update

Dale Bergeron, Minnesota Sea Grant and Jeff Stollenwerk, MPCA, presented on the winter meeting of the Great Lakes Ballast Water Collaborative, which met in Toronto. Bergeron summarized the effort that had been undertaken to make the collaborative a neutral meeting with the highest quality of scientific presenters.

Bergeron commented that Lake Superior was one of the safest bodies of water in the world, in terms of ballast water.

Bergeron noted the situation in the wake of the Northwest Environmental Advocates vs. EPA, and Jeff Stollenwerk summarized this situation. Stollenwerk said that until this legal action, ballast water had been solely a Coast Guard issue, but afterward the EPA and other environmental groups had become more heavily involved.

Stollenwerk said that a lack of federal regulations on ballast water treatment had caused environmental professionals to step up to contribute. He said the GLBWC was working to bring together these state, environmental, federal and other stakeholders.

Bergeron said a major sticking point had been the numerical assessments of the ballast water, in that a lot of the science surrounding ballast water testing was still developing.

Bergeron then reviewed a list of the discussion items from the meeting.

Stollenwerk said that there was wide agreement among the participants of the meeting that there was a need of a federal standard. He said that it was an extremely difficult process, however, to agree on one.

In the meantime, Stollenwerk said, states had been asked to step up to the plate to assert their own interest in a standard. He commented that the statement of New York State (100 times IMO) was a bold statement that had been given a lot of criticism. Stollenwerk also said simply reaching compliance with the IMO (International Maritime Organization) standard was the next step for many areas, which may not be the final step. He said Wisconsin had recently studied this issue and found that, with current technological levels, IMO was the achievable standard.

Bergeron said New York and California had stepped back from their aggressive timelines for standards. He said at the Toronto Collaborative, one major discussion had examined the factor of statistical uncertainty, and had concluded that it would be unwise to implement a standard that was unfeasible to test for.

Bergeron commented that there was a proposal in place for a Great Lakes Risk Assessment, which would be useful only for fleets that stayed in the lakes. He said the ocean-going vessels might operate at a different standard in the future.

Bergeron also reported the up-to-date outcomes of the BWC. He said the effort thus far had 100+ participants, had met 6 times in 18 months, had produced 3 substantive reports, and was a solid base for mutual understanding and respect.

Stollenwerk said, in terms of future predictions, there may be a federal regulation within a year, but if not, or if it was not as strict as many state standards, it was likely that the states would work together to maintain tougher standards.

7. Roundtable Discussion of Local and Legislative Issues

Pat Collins commented that there had been a meeting of scientists and natural resource managers in February at the UW-Superior campus, the 2011 St. Louis River Estuary Summit. He said it had been a good collaborative effort among people who work in the estuary. He said he would be happy to provide the [website](#) with the summary of the meeting. He said the Lake Superior Natural Estuary and Reserve was thinking this may become a recurring event.

Carol Wolosz commented that GLMRI had recently released a report, and that copies were available in the room. She also noted that there was a K-12 teachers maritime education opportunity in Door County, WI, in June. She added that the 29th of March would be the Seafarers' blessing of the port at 5:00 p.m.

Andy McDonald said he had been in contact with the St. Paul office of the US Army Corps of Engineers to organize a meeting. He said the meeting would be a discussion of how the corps is interpreting Section 10 of the Harbors and Rivers Act of 1899, particularly dealing with what land and activities are subject to that section of the act. He asked for members who would be interested in that meeting to be in contact with him.

Jason Serck/Jim Sharrow moved to adjourn the meeting. The motion passed unanimously.

8. Adjourn

No other items were brought forward for discussion and the meeting was adjourned at 11:33 am.

Respectfully Submitted,

Beth Krebsbach, Administrative Assistant