

Erie Pier Management Plan Committee Meeting Summary

Wednesday, January 13, 2021 9-11 AM

Virtual Meeting via Microsoft Teams

PARTICIPANTS:

Brett Ballavance (Wenck-Stantec)	Anna Hess (MN DNR)
Dan Breneman (MN PCA)	Jon Imbrunone (USACE)
Steve Brossart (USACE)	Jason Serck (City of Superior)
Ellen Cooney (WI DNR)	Ted Smith (Marine Tech)
Diane Desotelle (City of Duluth)	Jeff Stollenwerk (Duluth Seaway Port Authority)
John Downing (MN Sea Grant)	Mike Wenholz (MIC) - facilitator
Patty Fowler (MN DNR)	

PURPOSE: Third meeting of the Erie Pier Management Plan (EPMP) Committee. The focus of the meeting is to discuss the next four draft sections and provide an update to the next steps.

AGENDA:

1. **Introductions/ agenda review**
2. **Change from Chapters to Sections**
3. **Summary review of the draft Section 3 – Material Acceptance**
 - Questions or comments?
4. **Summary review of the draft Section 5 – Water Level**
 - Questions or comments?
5. **Summary review of the draft Section 6 – Regulatory Controls**
 - Questions or comments?
6. **Summary review of the draft Section 7 – Data Management**
 - Questions or comments?
7. **Wrap-up**, Next steps and identify future work and topics of the Committee

HANDOUTS: *1/8/2021 Draft Sections of the EPMP (Table of Contents, Section 3 Material Acceptance, Section 5 Water Level Management, Section 6 Regulatory Controls, Section 7 Data Management, Erie Pier Capacity figure, Erie Pier Available Material figure)*

SUMMARY:

The meeting started at 9:02 AM.

Introductions/Agenda Review

- Mike thanked everyone for participating and everyone participating introduced themselves.
- Mike gave a brief summary of what has happened since the last Committee meeting.
- Mike walked through the agenda. There were no suggested changes to the agenda.

Overview & Change from Chapters to Sections

- Jeff reminded the group of the purpose of this effort and the EPMP. It is to focus on operations of the facility. Further, as permits reference the EPMP the plan has to be specific enough for this.
- We all agreed we want the new EPMP to be more focused, specific, and readily useable than the previous plan.
- The simple reason for changing the basic structure of the EPMP from chapters to sections is that Jeff believes each are more concise and less significant in volume than what chapters warrant.

Summary review of the draft Section 3 – Material Acceptance

- Jeff provided an overview of Section 3 and its role in the plan.
- Jeff suggests not including specific screening criteria as they change over time and would make it more difficult to keep the EPMP current.
- Steve: Most of the dredged material in the harbor is “clean” (Level 1 or 2) but some at times may not be and may need to be brought to EP. This opened up a longer discussion:
 - Dan asked if “clean” material is acceptable – can it be accepted at EP and/or used for in water placement?
 - Brett believes Level 1 and 2 material is by definition considered “clean”.
 - Jeff said USACE is reluctant to add material like this to EP for holding or temporary placement. But he is aware of limited times in the past when USACE has been asked permission to do this.
 - Steve said it would be good to add language in the Section 3 that “clean” material should not be brought to EP. However, on a case-by-case basis, as needed, an entity can work with USACE to discuss permission to do so. He suggested adding some language capturing this would be appropriate after the Level 3 sentence in paragraph two.
 - Jeff will consider revising this paragraph.
- Jon: USACE has concerns with Level 3. One, he believes it needs a clearer definition. Two, material being “loaded into trucks and transported ...” is problematic as O&M money cannot be used for this purpose. Jeff understands this and said local and state money typically pays for this.
- While he understands the point of including the final sentence in paragraph one, Jon said “must approve” is problematic as local jurisdictions do not have approval authority over the federal government here. Jon suggests different language.
 - Diane said the City of Duluth does not approve material acceptance at EP.
 - Jeff will revise the language.
- Diane suggested creating a new MOU for material acceptance – something that helps clarify the issues and who is responsible and for what. Jeff will consider making that a recommendation.

Summary review of the draft Section 5 – Water Level

- Jeff provided an overview of Section 5 and its role in the plan. While maintaining water levels and managing any discharges has not been an issue to date at EP, it likely will be at some point. And at that point Jeff believes a 401 Water Quality Certification will be the best approach.
 - Steve agrees with this need and approach.
 - Jon believes the USACE would need to be the permittee for a 401 Water Quality Certification but needs to confirm with legal counsel.
- Jon suggested preparing a dewatering and water quality plan.
- Patty and Jeff discussed the role of a Dam Safety Permit, and where it should be inserted in the EPMP. This has a hazard-based focus and is related to the original Work in Public Waters permit. They surmise these two permits would have been issued jointly.
- Brett suggests adding “engineering design” between “controlling” and “factor” in the first sentence of the paragraph one. Steve agrees.

Summary review of the draft Section 6 – Regulatory Controls

- Jeff provided an overview of Section 6 and its role in the plan. Jeff started by stating he realizes a need to include federal regulations regarding operations within this section. He also noted there are regulatory controls for three general areas of EP: the EP dock, EP CDF, and off-site beneficial use of dredged material.
- Brett suggested adding “in Minnesota” between “permit” and “expires” in the third sentence of paragraph five.
- Diane asked if the 1978 MOU should be updated?
 - Jeff suggests not to because it is a unique MOU, especially in terms of funding. Under the existing MOU USACE covers 100% of the costs. Generally, a 25% local match is required. Diane agrees not to update it.
 - Brett suggested including the 1978 MOU as an appendix. Jeff will consider this.
- Diane suggested also including the sediment reference values in an appendix. Jeff is reluctant to do this because Minnesota PCA may change the approach in the future and thus make the EPMP more difficult to update.

Summary review of the draft Section 7 – Data Management

- Jeff provided an overview of Section 7 and its role in the plan, which is basically to answer two questions:
 - What data is being collected?
 - Where is this data being kept?
- Brett suggests changing the title of the section to “Capacity and Data Management”
- Regarding “5 years of routing navigation channel maintenance” in the first paragraph Brett asked what is our obligation? Is it really 5 years?
 - Steve and Jon said from a strict answer the obligation is 20 years, but that needs to consider functional understanding and complexities. USACE has been operating with a general approach of 5-year capacity + 15 years of beneficial use. Since the last EPMP in 2007 this approach has been working.
- Jon and Brett suggest including another recommendation: Investigate ways to keep operations extended and capacity maintained long into the future, as this is a desired goal.

- Dan likes this recommendation but asked, “How do we turn this recommendation into an implemented commitment?” He feels this is essential and is especially relevant regarding transportation costs.
 - Mike said this could be part of an intentional implementation strategy that considers all the EPMP recommendations and is steered by this or a newly created committee/group. This is similar to what was done for the Port Land Use Plan of 2016, as well as other MIC plans.
- Jon suggests including another recommendation: Create a database of Duluth-Superior Harbor dredge data, as well as a means for sharing it.
 - Steve supports this suggestion, and agrees data is in many paper reports and spreadsheets and most of the knowledge is in Al Mosul’s head. It would be good to compile the data and information.
 - Mike asked how difficult it would be to enter the existing data into a database – how much data exists? Jon said much of the existing data, especially older data, is in many pages of typed reports with multiple referenced pages. It would not be an easy task to enter all past data into a current database.
 - Dan said it may be possible for the data to be housed with Minnesota PCA or in some larger harbor or Great Lakes-related database.
 - Brett said there should be some mechanism to add USACE data to MPCA NPDES monthly discharge monitoring permit DMR reporting, as he believes some has been included. Jeff was not sure of this depending on the scope of the permit.

Wrap-Up & Next Steps

- Mike walked through the next steps and remaining timeline:
 - Mike reminded Committee members they could submit additional comments.
 - In completing today’s review six of the proposed ten sections have been reviewed and are ready to finalize.
 - Jeff will continue working on completing the final four sections – 1, 8, 9, and 10.
 - This Committee will meet again in approximately one month to review these final four sections.
 - Mike will compile all the reviewed and finalized sections into one final document.
 - The goal is to ask the HTAC voting members to review and approve the final EPMP at their March 3 meeting. If approved the final EPMP would be brought to the MIC’s TAC and Policy Board.

The meeting ended at approximately 10:45 AM.