

Meeting Minutes from Hog Island / Newton Creek 3rd Public Workshop
Thursday July 12th, 2007: 8:30AM - Noon
Bong World War II Heritage Center
Superior, WI



Welcome and introductions

Jeremy Thomas

- “Thank you” to those who provided comments to the Draft Master Plan.

Overview of goals and proposed agenda

Amelia Greiner

- All participants asked to state their name, affiliation, and what they hope to get out of the meeting today.
- *Stakeholder comment:* Concerns from stakeholders that all the cards are on the table.
- *Stakeholder comment:* If we don’t know what is standing in the way (in terms of corporate expansion and other obstacles to implementation) it doesn’t make sense to go further.
- Decide to go with agenda as is and evaluate utility of breakout session.

Background and rationale for Hog Island efforts and 3rd Public Workshop

Karen Rodriguez

- This meeting wasn’t anticipated in the original scope of work, but was added to address stakeholder concerns about not having enough input into the Draft Master Plan.
- Beneficial Use Impairments (BUIs) - the three that we are concerned about are:
 - degradation of fishing and wildlife populations,
 - degradation of benthos,
 - the loss of fish and wildlife habitat.
- What this Master Plan is - a blueprint with the following elements:
 - Zero in on the sites that caused the habitat impairments.
 - Set habitat targets based on previous work, for example, piping plover, industrially influenced bays, clay-influenced tributaries, coastal wetlands, and upland forest communities.
 - For each site specify ecological and cultural description; reference/target ecosystem; schedules and costs for site preparation, implementation, post implementation; and performance standards.
- Next steps:

- Landowner approval.
 - Community adoption.
 - Implement actions.
- Ready to delist habitat-related BUIs when: sources that caused the impairments are controlled, blueprint sites are restored, and sites are on a trajectory to recovery.
 - Why does this matter?
 - For the AOC it could count toward delisting.
 - For Superior and the region, improvement in the natural resource amenity.
 - EPA's role:
 - Remediation to restoration.
 - Blueprint development.
 - Funding for actions.
 - Themes from community input into the Draft Master Plan:
 - Need more time for input.
 - Economy versus ecology.
 - Newton Creek's contribution to the health of the inlet and the fishery.
 - Targets for the AOC won't necessarily work here—if not here then where?
 - Community's decision point
 - If the Master Plan is not adopted, then you will have to look elsewhere to find sites that will contribute to delisting and EPA will end its participation in Hog Island and Newton Creek.
 - If the Master Plan is adopted at least in part, EPA will help find funding for the actions.
 - Stakeholder concerns over whether or not their input into the Master Plan will make any difference and whether landowners know enough about the Master Plan.
 - Response that it is a landowner decision. But it is also a community decision. The landowners present state that they have been involved in the process.

Douglas County's involvement and proposed stewardship for Master Plan

Christine Ostern

- Hog Island workgroup mission statement: will define the desired end state of the Hog Island site and seek funding restoration and support.
- Want to talk about some of controversial items: don't want to confuse this with a Murphy Oil plan or a site review.
- Master Plan won't be done once it is handed over from Biohabitats.

- It has been a help to get something down and something to look at and comment on.
- *Stakeholder comment:* giving everybody false hope to think that the plan we are working on today is a rough draft. I'd like to think that what we are putting here together collectively is pretty close to what people want.
- *Stakeholder comment:* The decision makers are the elected officials, not the subject matter experts who are in the room. The decision makers are relying on the subject matter experts to give them a plan to digest. It would be unrealistic to expect the mayor, the council, etc...to become sufficiently astute to understand the environmental, ecological, economic aspects of this plan.
- *Stakeholder comment:* Without a plan will get no decision from them will not get a scintilla of feedback.
- *Stakeholder comment:* Not necessarily what DNR wants, fish and wildlife, Murphy Oil but what we all can accept. It's a nexus.
- Next step is to get elected officials information.

Discussion of new maps and protection sites

Jeremy Thomas

- Concerns in Goal B that there wasn't a distinction between absolutely necessary areas for land protection and secondary sites for land protection. New maps have been made that present land protection priorities – sites necessary for restoration actions to occur vs. other sites that would be beneficial to preserve as undeveloped lands to maintain ecological connectivity and high quality habitats.
- Liz Lundmark highlights Murphy Oil expansion:
 - Have purchased all the county land between refinery and the 11th street. Some private properties have been purchased as well.
 - \$6 billion project expansion. Have to find a partner. Nothing guarantees that this will happen.
 - If we expand, effluent discharge from the refinery would likely change locations.
 - Newton Creek could cease to exist or there could be much more effluent.
 - Have provided habitat plan to our environmental consultant. Huge number of permits and processes.
 - *Jeremy:* how much would Murphy oil consider input from this group?

- *Liz*: I imagine this would get a lot of consideration but we're just not there yet. We'll be having public meetings. We want to do this right.
- *Stakeholder comment*: 5 years ago had a contentious meeting that we did or did not need to clean up the creek. This meeting today is a good thing. Can have both economic growth and economic protection.

Break

Review comments to Draft Master Plan (themes listed in the agenda)

Jeremy Thomas

- *Stakeholder comment*: From what I've heard, don't try to cram habitat for everything into every site. Land conservation objectives here may not get a whole lot of benefit. May not have room to do all these actions.

Goal evaluations

Amelia Greiner

- Decide to discuss each goal as a whole group instead of breakout sessions.

Goal D:

- Was it considered that aesthetics be considered as recreation?
- Objective D1:
 - Can do restoration with views and bird watching.
 - Merits to "showing off" a restoration project.
 - Access without ecosystem destruction.
 - Trail not close to the Murphy Facility for security reasons.
 - Trail on upper Newton Creek shouldn't be there.
 - Who's going to maintain or see these trails?
 - Informational signage is good.
 - Potential for using Ogdensburg pier as a bird watching platform?
 - *Kris Benson, Enbridge*: Yes, that is a possibility.
 - "Ecotourism"
 - We have to be aware that human use will impact communities on Hog Island.
 - Priority should be habitat restoration – recreation should be down the road. Maintenance a necessary thing.
 - Change to: "Create passive recreational opportunities compatible with ecosystem function and landowner concerns."
- Objective D2:
 - Murphy Oil has its own stewardship and educational campaign.
 - Already satisfied by Murphy Oil and CAC stewardship actions.

- Tie Murphy and UW extension together (talk to Dennis Pratt about this).
- Think about augmenting existing stewardship and educational activities beyond Newton Creek and Hog Island – tie into other, larger groups. Aggregate into larger groups according to subwatershed.
- Ask Liz Lundmark if their Newton Creek program could also include Hog Island.
- City has concerns about the recreation component.

Goal A:

- Objective A1)
 - The flow in Newton Creek is determined by the outflow from Murphy Oil. I don't know that it makes a lot of sense to talk about restoring ecological flows.
 - Murphy wouldn't be able to accommodate this.
 - WDNR has a concern about what an ecological flows means. If it is to release sufficient water quantities to move the banks or change the flow of the course, resuspension can occur. We want to identify where those areas are. We would oppose those efforts to create flood flows.
 - If we go to a natural stream, it will be drier.
 - Determining ecologically-optimal flow can be difficult and long process. Lot of work, minimal benefit, may be resuspending flows. I recommend low priority or dismissal.
 - Murphy is probably 95% of the flow.
 - Historic reports of fishing in Newton Creek.

- Objective A2)
 - Ties directly to a BUI – excessive nutrient loading. Reports of nutrient loading. Tie directly to storm water outfalls.
 - City still developing map of storm water outfalls.
 - Work with DOT for future road construction and opportunities.
 - Majority support this action.
 - Maintain flows that do not exceed bankfull flows.

- Objective A3)
 - Murphy Oil heavily regulated with spillage plans. Worst case scenarios. Not necessary.
 - We can be assured that there are sufficient measures in place.
 - We should keep the Objective there – but change the action to say that the existing recommendations of Murphy and Enbridge are in place and active.
 - Make sure we are monitoring.
 - Change “reduce” to “manage.”
 - Look at the intake of water in the Lake relative to the risk of contamination.
 - Don't need a risk assessment – already in place.

- Objective A4)
 - Objective should be to determine what we have first, and then determine ways to remediate. We may want to also use more traditional remediation techniques. Should not be targeted at one technique.
 - Sediment issues have been dealt with. The issue is Segments B-K floodplain soils. We have met those goals. There are other areas to spend those resources.
 - Post-remediation monitoring show that stream is improving and that water quality and sed. sampling are meeting stated goals – not meeting chronic toxicity in benthic organisms.
 - Remove Action 1.

Goal B:

- Objective B1)
 - *Christine Ostern:* We have a proposal to the land development committee to protect county lands along creek. Already underway.
 - Change to “public” areas through “designation”.
 - City of Superior has expressed concerns about putting City lands in the watershed into permanent easement.

- Objective B2)
 - Buffer around Murphy lands would be good.
 - Place privately held identified “restoration” areas and sensitive habitats into permanent protection.
 - Maybe actions should be to “encourage” private landowners to put their properties into protection.
 - Target key areas to put into conservation.
 - Include “buffer” terminology.
 - Actions 1-3: “determine protection options” for all private properties including Ogdensburg Pier and BNSF railroad.
 - Ongoing strategic planning by City of Superior to determine what to do with these properties.
 - WDNR would not be interested in designating for conservation if it is designated for commercial expansion.
 - If railroad is acquired, does this cut off the possibility of this becoming an active pier? Probably so.

** Potential to NOT include land protection maps with Goal B!

Goal C:

- Objective C1)
 - Change “eradicate” to “control.”
 - Change to “establish a vegetation management plan” for these areas.

- Objective C2)
 - Perhaps to do some fishing – we would need a fishing pier along the shoreline. We would like to include a place to fish (include in Goal D?)
 - You can pan in compatibility of other Objectives. Not mutually exclusive.
 - Lift station is not replicable. Should include that as an exclusion.
 - City is not opposed to it, but does not have money available to replace culverts.
 - The Great Lakes Watershed Restoration Grant program has funded culvert replacement.

- Objective C3)
 - Wild Rice is picky. You have to meet habitat requirements for wild rice. Wild rice can at best tolerate 4.5’ of depth – not to 6’. You are looking at 2.5 – 3.5’ for a target. You also need to look at the organic content of the substrate. Also need to look at how much seiche is there? Not areas of direct seiche.
 - Doesn’t the habitat plan have places for wild rice? Yes – further up the estuary. BUT it would be nice to do this here.
 - *Dennis Pratt*: one of the ideas we have been thinking is the idea that “floating logs” have created bog features. One of the ideas was to use floating logs or remnant piling structures (NO CREOSOTE) to extend the landward buffer outward.
 - For breaching the isthmus – would require continual maintenance. Any attempt at breaching would be short term at best.
 - Maybe we should add a side by side comparison.
 - Action 2: change “superior shoreline” to “bay” shoreline.

- Objective C4)
 - Potential for zebra mussels if we put hard structures in the embayment.
 - Creates an attractive area for fish, then fisherman, then fisherman remove the fish.
 - Still think the benefits of vertical habitat structure would be valuable.
 - “Quahog” is confirmed in the harbor (Jeff Gunderson – Sea Grant).

- Objective C5)
 - Add “nesting” to “foraging”. Expand to include “shorebirds.”.
 - Include interpretive signage.

- Objective C6)
 - Include a communication piece in this.

Thank you and goodbye!

- Please get us any other comments you may have about the Draft Master Plan, the planning process, or this workshop in writing by August 1st, 2007.