

APPENDIX A

JANUARY 30, 2002 SCOPING MEETING MINUTES

Tobico Marsh Restoration Public Comments

Notes from Public Scoping Meeting, January 30, 2002

[Comments were compiled by Lisa Williams, U.S. Fish and Wildlife Service, on January 31, 2002, based on her written notes from the meeting. Comments recorded in this section are approximate quotes or paraphrases of statements made by private citizens at the meeting and do not reflect conclusions of the Tobico Marsh Restoration planning group.]

Historically, water levels have been much higher than they are now. An engineering study should be done to determine the effects of rain and wind events during high water periods.

Several people expressed concern about the Hartley & Hartley Landfill:

- site will be delisted from Superfund this year, so time to do something is now
- need to determine if site is leaking contaminants into the marsh
- people in the audience blame human and pet cancers, human cranial nerve disorders and chemical sensitivity on the landfill
- need to determine if changing water fluctuations would cause more contamination in the marsh and bay
- check MDEQ report, August 1993, available from Mike Jury
- sediment lifted from the bottom (unspecified location) releases an oily sheen
- contamination should be fixed before money is spend on restoration
- Can this money be used to fix the landfill or to leverage money to fix the landfill?

Tobico Lagoon had two openings in the 1960's.

The opening now is smaller and farther south than the opening shown in an aerial photograph from the July 1974 cover of Lakeland Boating magazine [Mike Bristow].

The existing opening was changed in 1993 by the park manager.

At a different public meeting several years ago, several people remember a farmer from near Linwood or Pinconning saying that the marsh once had an opening to the bay at its north end. One commenter remembered him saying that the farmer owned the land that the opening had been on and might donate it under the right conditions. After the meeting, one person described this opening as being a ditch with a culvert under a road, like the one south of Singing Bridge. He had gone smelting there as a kid and even gotten a rainbow trout one time.

Property in Little Killarney beach extends from the bay into the marsh. Property owners believe they own land which is inundated in the marsh and that any rise in water levels will take additional property.

Fertilizer in runoff may affect water quality in Tobico Marsh.

A larger opening to the bay could result in increased boat traffic in the lagoon and this may affect "privately owned parts of the marsh" and bring in more trash and pollution from boat operation.

Roads have been flooded sometimes.

The flap gate isn't big enough. More holes should be made in the dike by the flap gate. The flap gate should be removed. The flap gate should be replaced with a spillway, but that spillway should allow fish passage. Consider two spillways with the same sill height, but facing opposite directions. Look at the RMG report for a floating spillway designed to stop inflow during high lake levels. The flap gate sits two feet higher than the old one.

The pumping station at Tobico Road continues to pump ditch water into the marsh which then backs up from the culvert. This water should be pumped to the other (downstream) side of the road and culverts.

For the RMG report, the investigators were not allowed into the back part of the marsh. The railroad is gone, but they used to complain about high water in the marsh eroding the foundation of the tracks.

The water level was low in the 1930's. Did the marsh dry up then?

Cattails are now choking the marsh and something should be done about them.

Some locals are on extended winter vacations and may not be able to reply by the March 6 deadline for comments. [The Service agreed, at the meeting, to extend the deadline until April 6, 2002.]

Consider future meetings on the weekend since some people are only here on the weekends, although other commenters disagreed that many people would come on a weekend.

Some people pump water out of the marsh to mow their lawns. They might be getting contaminants that way.

The wildlife and plants must be protected too, not just private property. People who don't live here use and enjoy nature here.

One person, 42 years old, has hunted here his whole life and not seen anything wrong with any fish or wildlife or himself.

Get the flow going so the marsh is not stagnant anymore. Make it better for bass and pike.

The existing footbridge that crosses the outlet might need to be changed if the opening is enlarged and if continued dredging is anticipated.

Walls extending into the bay may be needed to keep the opening open.

The author of one of the chapters in the book Tobico Marsh offered historical maps of the hunt club to Mike Tomka. Mike has the gentleman's business card.

Written Comments following Public Scoping Meeting, January 30, 2002

1) (name withheld) [Written comments submitted at meeting.]

Cattails need to be reduced. More open water needs to be available. Cattails choke out aquatic weeds.

Pumping station on north end of marsh must be eliminated so water flows thru marsh. Boutel and Parish.

Opening to Bay at State Park lagoon must be opened and kept open so fish can migrate into the marsh from the bay.

The wetland southeast end may have a negative impact
dead weed decay rob lagoon of oxygen.

2) Mike Bristow [Written comments submitted at meeting.]

Submitted copies of documents on Hartley & Hartley landfill from MDEQ files.

3) Mr. and Mrs. William H. Quinn, 108 Killarney Beach, Bay City, Michigan 48706 (989-684-2230) [Written comments received at ELFO on 3-25-02.]

Regarding the proposed restoration of Tobico Marsh, we are in favor of it. We are concerned about flooding. We have been out here since 1956. In the 70's when the bay was high we had a foot of water in our yard and garage.

The Army Corp built the dyke and flood gate. Flood gate was some good when it worked and wasn't plugged with junk.

I would like water running through – help clean it out and improve fishing.

Thank you for letting me putting our 2 cents in.

4) Ethel M. Trombley, 124 Little Killarney Beach, Bay City, Michigan 48706 (989-684-9013) [Written comments received at ELFO on 3-28-02.]

My name is Ethel M. Trombley. I live on Little Killarney Beach - my land is part of the Tobico Marsh. I am concerned about the control of the water level. Who controls it? I would not want it opened to the

public for boating or fishing or sight seeing as this is part of my back yard.

I am very concerned about disturbing the Hartley landfill and all its chemicals. This could get into my back yard or the Bay itself. I'm in Fl. and will be home the 12th of May.

5) William S. Repp, 120 Little Killarney Beach, Bay City, Michigan 48706 (989-667-0908) [Written comments received at ELFO on 3-29-02.]

Regarding the proposed restoration of Tobico Marsh, I have the following concerns:

- 1) Who will have specific responsibility for dam/water control in event of emergencies?
- 2) Who will be responsible for maintaining structures used to control water?
- 3) We own a portion of the marsh. Do we have property rights of control? Access?
- 4) If the "Service" wishes to "restore" (change) the marsh, are they willing to purchase our land now in the marsh?
- 5) How can you dredge or otherwise modify our property without our approval?

6) Kiki Vanden Brooks, 122 Little Killarney Beach, Bay City, Michigan 48706-1114 (989-684-9525) [Written comments received at ELFO on 4-8-02.]

Regarding the proposed restoration of Tobico Marsh, I have the following concerns:

Who will control the water levels? What method(s) of control will be employed? Will measures be taken to ensure flooding of our back yards / roads / homes does not occur? Will prevention of erosion of our back yards be a consideration?

Will chemical leachate from the Hartley Landfill (which contains thorium & uranium & abuts the Marsh) be at all disturbed by dredging or high water? Is there even the slightest chance it will become airborne or seep into the water?

Will runoff from farmers' fields - or homeowners' lawns (fertilizers, etc.) - be more likely to end up in the Marsh that constitutes our back yards, or in the Saginaw Bay?

Will access to the Marsh be restricted? Little Killarney landowners own part of the Marsh, i.e. it constitutes part of our back yards. Unless you live there, you cannot tell where the public land ends & the private begins. We would not like people boating, fishing, or hunting in our back yard.

I find the word "adequate" in the goal statement troublesome. It is a subjective word, which could be interpreted to mean minimal, thus implying minimal "flood protection to riparian residences". I am sure you can understand how discomfiting that thought is to those of us who reside there. Hopefully a more encouraging qualifier can be substituted.

Saginaw River/Bay NRDA Meeting Minutes
Tobico Marsh Restoration Work Group
July 11, 2001
MDNR, Bay City, Michigan

Participants

- Jim Baker, Michigan Department of Natural Resources (MDNR), Fisheries Division
- Pieter Booth, Exponent
- Michael Evanoff, MDNR, Parks Division
- Donald Knorr, CRA
- Joe Medved, General Motors
- Doug Reeves, MDNR, Wildlife Division
- Michael Tomka, CRA
- Lisa Williams, U.S. Fish and Wildlife Service (U.S. FWS).

The meeting agenda and signup sheet are provided as Attachments 1 and 2.

Items Discussed and Results

1. Consent Judgment Requirements and Implementation Process

- Participants discussed the following Consent Judgment language referring to the Tobico Marsh restoration project: Paragraph 7.8: “**Resource Restoration – Fisheries Habitat Improvement.** *To enhance fishery resources of Saginaw Bay and Tobico Marsh (part of the Bay City State*

Recreation Area), Defendants shall submit within thirty (30) days after the third (3rd) anniversary of the entry of this Consent Judgment to the Trustees for approval an initial plan to restore and thereafter restore, in accordance with the approved final plan, fisheries habitat in the Tobico Marsh and to increase the recreational fishing opportunities provided by the Tobico Marsh. Defendants shall not be obligated to expend more than Five Hundred Thousand Dollars (\$500,000) under this Paragraph 7.8 and the approved plan hereunder.”

Participants concluded that the language in the Consent Judgment does not constrain the restoration to spawning habitat for northern pike. Participants also agreed that the settlement amount of \$500,000 should be used to provide the greatest benefit to the ecology and users of Tobico Marsh.

Participants discussed conceptual approaches to restoration in Tobico Marsh and agreed the restoration of natural hydrology in the Marsh while providing flood control should be the core concept pursued by the work group. Jim Baker proposed, and the group agreed, to the following general objective for hydrological restoration: “[f]acilitate to the extent practicable, natural fluctuations of water levels within Tobico Marsh, while providing adequate flood protection to residences riparian to Tobico Marsh.”

- The participants also agreed that it is important to consider other ecological restoration projects and projects that will enhance public use.

2. Tobico Marsh Management and Institutional and Community Considerations

- Participants discussed the makeup of the work group with respect to the current Tobico Marsh management structure and determined that the County Drain Commissioner (Bill Rosebush) and the Bangor Township Supervisor should be invited to participate in future meetings of the technical work group and should be kept apprised of progress during the planning process.

In addition, close coordination may be necessary with Mr. Paul Wendler, a local resident who has been a very active participant in decision-making concerning the management of Tobico Marsh.

- Doug Reeves noted that Tobico Marsh was donated to the state as a refuge for waterfowl and that the state continues to manage it as such. The continued use of the marsh as a waterfowl refuge must be taken into account during restoration planning.
- Participants discussed the need for public participation and adherence to the NEPA process and determined that a public scoping meeting should be held in the near future (e.g., mid- to late-September).

3. Discussion of Restoration Options

- Discussion of restoration options focused on potential alterations to water-level controls and water-level management. Participants were briefed by MDNR staff regarding water-control structures and current issues regarding water levels, including the role of beavers in affecting water levels in the Tobico Marsh system. Participants also discussed problems affecting water flow and barriers to fish passage between the marsh system and Saginaw Bay.
- Participants discussed approaches and data needs to understanding the hydrology of the Tobico Marsh system: 1) getting accurate and precise elevations at all water control points and one or more locations in Saginaw Bay (e.g., from the U.S. Army Corps of Engineers), and 2) looking at actual water levels based on past studies such as the hydrological study completed in 1995 and Park personnel. Participants also agreed that it will be necessary to have accurate elevation data for locations that may be prone to flooding and acknowledged that some data collection efforts may be necessary.

4. Discussion of Planning Process

- Participants discussed the process for developing and implementing restoration plans under the Consent Judgment and agreed to follow the expedited process model that is currently being used for the boat launch and wetland/lakeplain prairie restoration projects.

Other Issues

- Mute swan eradication continues to be a management problem in Tobico Marsh because of the swan's aesthetic appeal to local residents.
- The muskrat population in Tobico Marsh appears to be depressed relative to other areas such as Crow Island. The reason(s) for this are not currently understood. A larger population of muskrats would benefit the marsh ecosystem by limiting the spread of both floating and rooted cattail stands.
- Waterfowl hunting is allowed in the extreme northern portion of the marsh (the majority of which is north of Parish road). There have been ongoing discussions regarding the extent of the hunting area.

Problems

- None.

Action Items

- MDNR will compile information on water levels in Tobico Marsh and transmit the data to Exponent/CRA as soon as practicable.
- Exponent/CRA and MDNR will coordinate efforts to obtain current and historical aerial photos and topographic maps.

- Exponent/CRA will perform a determination of special status species in the Tobico Marsh area.
- MDNR will send Exponent/CRA copies of engineering drawings for water control structures as soon as practicable.
- Exponent and CRA will review all available material regarding Tobico Marsh hydrology and develop a scope of work for filling data gaps, if any. The scope of work will be transmitted to the technical work group by August 13, 2001.
- Lisa Williams will begin preparing for a scoping meeting in mid- to late-September.

Attachment 1

Meeting Agenda

Proposed Agenda
First Technical Work Group Meeting for
Pike Spawning Habitat Restoration in Tobico Marsh
July 11, 2001
MDNR, Bay City, MI

- Introductions
- Consent Judgment Requirements and implementation process
- Tobico Marsh Management and institutional and community considerations
- Discussion of restoration options
- Discussion of planning process
- Action items

Attachment 2

Signup Sheet

Tobico Marsh Technical
 Work Group Meeting
 July 11 2001
 MDNR Bay City

<u>Name</u>	<u>Affiliation</u>	<u>Phone</u>
Pieter Beeth	Exponent	425/519 8709
Michael Tomka	CRA	519 884 0510
Donald Knorr	CRA	610 280 0277
Doug Reeves	DNR/Wildlife	989-684-9141 x803
MICHAEL EVANOFF	DNR/PARKS REC	989 681 3020
L William.	US FWS	57 35 8324
Jim Baker	MDNR/Fisheries	989 684 9141 x807
Joe Medved	GM	810 634-106