Draft Restoration Plan/Programmatic Environmental Impact Statement

for the Allied Paper, Inc. / Portage Creek / Kalamazoo River Superfund Site

Public Meeting
September 15, 2015
Kalamazoo, Michigan

Kalamazoo Natural Resource Trustee Council
Topics

- Who are the members of the Natural Resource Trustee Council and what is a Natural Resource Damage Assessment (NRDA)?
- How does this relate to Superfund cleanup?
- What is a Restoration Plan/Programmatic Environmental Impact Statement and why is it needed?
- What are the Trustees proposing?
  - Restoration alternatives, approaches, projects
- Where do we go from here?
Who Are the Members of the Natural Resource Trustee Council?

- The Natural Resource Trustee Council consists of agencies authorized under federal and Michigan law to seek environmental restoration:
  - Michigan Department of Natural Resources (MDNR)
  - Michigan Department of Environmental Quality (MDEQ)
  - Michigan Attorney General
  - U.S. Fish and Wildlife Service (USFWS)
  - National Oceanic and Atmospheric Administration (NOAA)
What is NRDA?

A process that the Trustees use to:
- assess injuries to natural resources that have been caused by releases of hazardous substances
- plan and conduct restoration actions that can compensate for injuries

The purpose is to make the public whole, beyond site cleanup

The responsible party is required to provide for restoration
This Trustee Council has been working on the Kalamazoo River NRDA since 2000

- Assessment plan and reports
- Input on cleanup projects
- Restoration projects compiled
- Project selection criteria
- Bankruptcy settlements
- Restoration planning...
- Information at www.fws.gov/midwest/es/ec/nrda/KalamazooRiver
How Does this Relate to Superfund Cleanup?

- EPA is charged with cleaning up PCB contamination based on risk to humans and environment
  - Removal actions, e.g. Portage Creek, Plainwell Impoundment
  - Remediation, e.g. landfills
- The Trustee Council is charged with ensuring that natural resource restoration compensates the public for injuries to natural resources
- Restoration is coordinated with cleanup actions and can occur in parallel
Generalized Restoration and Cleanup Processes

**Generalized Restoration Process**
- Restoration Planning
- Restoration Implementation

**Generalized Cleanup Process**
- Feasibility Study
- Record of Decision
- Remedial Actions

**Or**
- Time-Critical Removal Action
Why are the Trustees doing restoration planning now?

- The natural resources of Kalamazoo River and Portage Creek have been contaminated with PCBs from the recycling of carbonless copy paper
  - PCBs are persistent and accumulate in organisms
  - PCBs are toxic to fish, birds, mammals, and other wildlife
- Trustee are seeking restoration from Potentially Responsible Parties
  - Bankruptcy settlement from Plainwell Inc. and Plainwell Holding Co. in 2005 for $890,000
  - Bankruptcy settlement with Lyondell in 2009 for ~$2M
  - Other settlements possible as legal agreements are negotiated in parallel with remedial actions
- Trustees are seeking public input into geographic scope and types of restoration projects
Restoration Planning: What is an RP/PEIS?

- A RP/PEIS is a document intended to:
  - Guide the Trustees in selection of potential restoration projects that can serve as compensation for injuries to natural resources
  - Notify the public about these potential projects
  - Help with coordination among agencies to ensure that proposed restoration actions will not conflict with proposed remedial actions
- The Trustee agencies are asking for your comments on this RP/PEIS by October 29, 2015.
Why Else Are the Trustees Preparing an RP/PEIS?

- A Restoration Plan is required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
  - Specific for NRDA

- An EIS is required under the National Environmental Policy Act (NEPA)
  - Federal agencies must evaluate the impact of their decisions on the environment
    - Compared to no action
  - Programmatic EIS is being used
    - Restoration program
    - Specific projects
What Are the Criteria for Restoration Projects?

- Based on NRDA regulations
  - Case-specific criteria included in Assessment Reports (2005) and are also in the RP/PEIS

- Screening Criteria (yes/no)
  - Comply with laws and regulations
  - Address resources injured by hazardous substance

- Evaluation Criteria (ranking)
  - Focus on on-site, in-kind and benefitting priority trust resources
  - Benefits measurable and likely from cost-effective, reliable methods
  - Consistent with natural resource policies and regional planning
  - Considers completed or anticipated response actions
  - Provides large range of benefits to natural resources and diverse public

- Based on types of injuries here, priority will be given to projects that:
  - Improve aquatic and riparian habitat and habitat connectivity
  - Benefit fish, birds and fish-eating mammals
What are the Restoration Alternatives Being Considered?

- **Alternative A** – “No Action” Alternative

- **Alternative B** – Restoration within the Superfund Site

- **Alternative C** – Restoration within the Kalamazoo River watershed, including within the Superfund Site
Kalamazoo River Watershed
Alternative A— No Action

- Trustees would not conduct restoration actions to restore injured natural resources or compensate the public for natural resource damages.
- State and Federal agencies would continue management of Kalamazoo River environment without NRD actions.
- This alternative is considered for the comparison of the impacts of the other alternatives.
Alternative B – Restoration within the Superfund Site

- Restoration in and along 80 miles of the Kalamazoo River and 3 miles of Portage Creek

- Restoration would focus on connecting habitats along the creek and river

- May achieve efficiencies by working with Potentially Responsible Parties, EPA and MDEQ in design, equipment and labor

- Constrained by space of the Superfund Site and timing of remediation
Alternative C – Restoration Within the Kalamazoo River Watershed

- Consists of entire Kalamazoo River watershed, including the Superfund Site area
- Restoration could include both longitudinal connectivity along the creek and river as well as lateral connectivity of floodplain and upland habitats
- Same potential benefits of working with PRPs, EPA and MDEQ as Alternative B
- More opportunities for early restoration and potential for projects in a larger area
  - Restoration criteria still apply
Trustee’s Preferred Alternative

Alternative C—Restoration within the Kalamazoo River watershed
- Would provide opportunities for early restoration, not totally contingent upon response actions
- Would provide more opportunities for lateral connectivity
- Would allow more flexibility in working with partners and selecting projects to maximize restoration benefits
Types of Restoration Projects

- Aquatic habitat restoration
- Riparian and wetland habitat restoration
- Aquatic barrier removals
- Habitat conservation

Techniques described in RP/PEIS
- Might be used in combinations in projects
- Some would rank more favorably than others
- Trustees seeking input
Aquatic Habitat Restoration: In-stream

- Boulder clusters
- Tree cover
- Pools and riffles
- Rock weirs
- Thalweg line
- Wing deflectors
Aquatic Habitat Restoration: Stream Banks

- Bank shaping and plantings
- Anchored trees and logs
- Brush mattresses
- Livestock management in riparian areas
Aquatic Restoration: Species-specific & Invasives Control

Mussel rearing /stocking

Sturgeon rearing/stocking

Asian clam removal

Lake George Asian Clam Rapid Response Task Force
Riparian and Wetland Restoration

Invasive Control

Restoration of hydrology

Restoration of disturbance

Purple loosestrife

Source: Photograph taken by B.S. Walters; Reznicek et al., 2011.

Phragmites

Source: Photograph taken by L. Wallis; Reznicek et al., 2011.

L. Williams, USFWS

USFWS

http://www.erie.buffalo.edu/researchProjectsOxbow.php
Riparian and Wetland Restoration

- Reintroduction and enhancement of native plants
- Reintroduction and enhancement of native animals
  - Nest and hibernation structures
- Preventing/limiting invaders
  - Education and monitoring
- Invasive species control
  - Biological
  - Mowing, cutting, burning, grazing, flooding
  - Herbicides
Barrier Removal

- Dam removal
  - Otsego City
  - Otsego Township

- Small barrier removal
  - Road crossings
  - Utility crossings

- Fish passage
  - Rock ramps
  - Fishways
  - Bypass channels
Specific Restoration Projects for Public Comment – Otsego City Dam

Description: Removal of Otsego City Dam and channel restoration, coordinated with sediment removal

Benefits:

- Improve upland and wetland habitat for birds, fish, and other species
- Allow fish, nutrients, woody debris to move
- Connect habitat and people
Description: Removal of Otsego Township Dam and channel restoration, coordinated with sediment removal

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- Allow fish, nutrients, woody debris to move
- Connect habitat and people
Draft RP/PEIS provides opportunity for public input on restoration types, projects, and geographic scope

Final RP/PEIS will guide future restoration activities to be carried out by the Trustees or conducted under their oversight.

Three alternatives for scope of restoration

Criteria for selection of future projects within alternatives

Many restoration techniques

Two specific dam removal projects
  ◦ Otsego City
  ◦ Ostego Township
Public review and comments are welcome!
  ◦ Comments due October 19, 2015
  ◦ kzoorrivernrda@fws.gov

Draft RP/PEIS is available for public review:
  ◦ Trustee websites (see fact sheet)
  ◦ Public libraries in Kalamazoo, Plainwell, Otsego, Allegan, Saugatuck–Douglas, and WMU
  ◦ Paper or CD copies available by request

Trustees welcome restoration project ideas any time

Trustees will review comments
  ◦ Consider changes to RP/PEIS
  ◦ Re-issue a new draft or finalize RP/PEIS
Discussion

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