

Saginaw River and Bay Trustee Council

2019 Restoration Planning

Draft Restoration Alternatives

Background & Restoration Strategy

In 1998, the U.S. Fish and Wildlife Service, the State of Michigan, and the Saginaw Chippewa Indian Tribe, together acting as Trustees for natural resources in the Saginaw River and Bay, negotiated a settlement for natural resource damages with the General Motors Corporation and the cities of Bay City and Saginaw, which was memorialized in a Consent Judgment. The settlement provided for substantial cleanup and restoration of fish and wildlife habitats in the Saginaw River and Bay that were injured as a result of the releases of polychlorinated biphenyls (PCBs). Significant funds from the 1998 Settlement remain available for use by the Trustees. In the event that the Trustees completed activities described in the settlement and unused funding remained, as is the case now, the 1998 Consent Judgment provided direction to the Trustees for the use of these funds:

- future monitoring, modeling, and studies to determine the effectiveness of dredging and restoration;
- additional activities associated with dredging or disposal of contaminated sediments, including at the Saginaw Bay Confined Disposal Facility (CDF);
- purchase and restoration of lands within the Saginaw Bay watershed;
- natural resource restoration projects designed to protect, restore, replace, enhance or acquire equivalent natural resources in the area.

Substantial time has passed since the implementation of the 1998 Settlement and the reinitiation of restoration planning by the Trustees. The Trustees, aware of the Response Action administered by the Environmental Protection Agency (EPA) for the Tittabawassee River¹, felt it was strategically appropriate to delay restoration planning associated with the use of remaining funds until such a time as when response actions would be sufficiently complete to prevent any response action from impacting a restoration project that might be implemented by the Saginaw River and Bay Trustee Council. For example, portions of the Shiawassee National Wildlife Refuge border Sediment Management Areas (SMAs) or Bank Management Areas (BMAs) along the Tittabawassee River. In particular, the Green Point Area of the Refuge, which encompasses the Green Point Environmental Learning Center, is specifically identified within the 1998 Consent Judgment as a focal area for restoration. It is likely that, as the Tittabawassee response effort reaches the Refuge, the staging of equipment and operations will occur in the Green Point Area. Response operations on the Tittabawassee River, however, are likely to be complete within the next few years, allowing the subsequent implementation of restoration administered by the Saginaw River and Bay Trustee Council in the Green Point Area and the downstream Saginaw River watershed. Given the progress of the Tittabawassee response efforts that are approaching the confluence of the Shiawassee and Tittabawassee rivers and likely to be completed in the next several years, the Trustees for the Saginaw River and Bay determined that it was appropriate to reinitiate restoration planning.

¹ <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0503250>

Restoration Planning – Draft Restoration Alternatives

The action under consideration by the Saginaw River and Bay Trustees is to restore, replace, or rehabilitate the natural resources that were injured or lost as a result of the release of a hazardous substance, or to acquire the equivalent natural resources or the services they provide (CERCLA, 42 U.S.C. § 9601 *et seq.*; 43 C.F.R. Part 11).

In this case, the Trustees are considering alternatives that would provide remedies for natural resource injuries, and the loss of associated services, related to the release of polychlorinated biphenyls (PCBs) into the environment. The Trustees are evaluating the extent and means by which four different alternatives may achieve natural resource restoration and recovery. The Trustees are also developing criteria for restoration projects consistent with the [1998 Consent Judgment](#) and the NRDA regulations at [43 C.F.R. Part 11](#).

The Trustees for the Saginaw River and Bay have developed four distinct approaches, or alternatives, to describe and evaluate in a restoration plan that would guide the use of remaining available funding from the 1998 GM Settlement. These alternatives, as currently envisioned by the Trustees, are as follows:

- a No Action Alternative that would allow for contaminant monitoring and the continued investment of funding until the Trustees felt there was a compelling reason to reinitiate restoration planning,
- a Stewardship Alternative whereby the Trustees would use the remaining available funding to improve the ecological condition of projects implemented under the 1998 Settlement and to continue monitoring of contaminants and recovery in the Saginaw River and Bay,
- a Proposal-Driven Alternative wherein the Trustees would issue one or more requests for proposals from stakeholders to identify restoration actions which the Trustees would then evaluate for their suitability to be implemented using the remaining available funding,
- and, a Collaborative Conservation Alternative that would encompass the strategic investment of remaining settlement funds until they were needed; stewardship of previously implemented restoration actions; on-going monitoring of contaminants in the Saginaw River and Bay; and, as funding allowed, the implementation of additional restoration actions identified as a result of stakeholder engagement in the restoration planning process, potentially through requests for proposals.

The Trustees have preliminarily identified the Collaborative Conservation Alternative, which integrates aspects of investment, stewardship of previously implemented projects, monitoring of contaminants, and consideration of stakeholder identified restoration actions, as their preferred alternative. The Trustees are estimating costs for stewardship and monitoring as part of developing the draft restoration plan so that the balance between these activities and implementation of additional restoration projects can be understood during review of that plan. Feedback regarding restoration planning by the Saginaw River and Bay Trustee Council is welcomed.

For additional information, or to provide feedback to the Trustees, please contact:

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