

**Toledo Harbor Dredging Task Force
COMMITTEE MEETING MINUTES**

**Date: January 24, 2011
Lake Erie Center- Oregon, OH**

Attending Committee Members:

Craig Forgette, USACE (videoconference)
Scott Pickard, USACE (videoconference)
Mike Pniewski, USACE
Joe Cappel, TLCPA
Gilda Mitchell, TLCPA
Paul LaMarre, TLCPA
Ed Hammett, OLEC
Kristin Gardner, OLEC
John Watkins, ODNR
David Knight, Great Lakes Commission
Brooke Furio, USEPA, Region 5
Monica Drake, ODOT
Dan Glomski, Ohio EPA-NWDO
Sandy Bihn, WLEWA
Tim Murphy, City of Toledo
Cheryl Rice, Lucas County USDA NRCS
Paul Roman, City of Oregon
Tim Schetter, Toledo Area Metroparks
Jane Ruvolo, Rep. Marcy Kaptur

Committee Members Not Present:

Paul Toth, TLCPA
Matt Sapara, TLCPA
David Romano, USACE
Ron Kozlowski, USACE
LTC Stephen Bales, USACE
Ron J. Kozlowski, USACE
Mark Locker, ODOT
Jeff Reuter, OSU Stone Lab
Ann Longsworth, Sen. Sherrod Brown
Everett Woodell, Rep. Robert Latta
Steve Smigelski, Kuhlman Corporation
Eileen Granata, ODOD
Richard Bartz, USGS
Peter Ujvagi, Lucas County

Guests:

John Hull, Hull & Associates, Inc.
Kelly Bensman, Hull & Associates, Inc.
Lori Dixon, Great Lakes Marketing

August 2010 Meeting: The Committee approved the minutes from the August 2010 meeting.

Task Force Overview: Mr. Hammett discussed that the Ohio Lake Erie Commission received \$250,000 in GLRI funding from the US EPA to secure professional technical and facilitator services to assist the Toledo Harbor Dredging Task Force in developing a sediment management plan for the federal and non-federal channel. The Ohio Lake Erie Commission subgranted the funding to the Toledo Lucas County Port Authority, who issued a request for qualifications for the work. The Hull & Associates, Inc. Team was selected to assist the Task Force in developing a Toledo Harbor Sediment Management Plan, which will be completed in May 2012. Mr. Hammett stated that the contract is currently being finalized.

Mr. Cappel added that the first meeting of the Task Force was held in November 2009. The Task Force was established to increase communication between key stakeholders and to work as a group in addressing sediment management issues in the Toledo Harbor.

Mr. Hammett also noted that as part of this work there would be opportunity for stakeholders to provide input in the development of the sediment management strategy during future workshops being conducted with the Great Lakes Commission.

USACE 401/404 2011 Permit Application Update: Mr. Pickard provided a status update for the Section 401 permit for the Corps Toledo Harbor navigational dredging work for 2011. He indicated that Ohio EPA will hold a public hearing on March 3, 2011 at 6:30 pm in Toledo City Council Chambers to allow the public to comment on the permit application. In response to the permit, the Corps received comments from the Lake Erie Waterkeepers Association and ODNR. He discussed that the Corps requested dredging and open lake disposal of approximately 850,000 yd³ of material from the Lake approach to R.M. 0. He noted that since river work was not planned for 2011, the federal CDF would not be used. The requested dredge and disposal amounts were driven by funding.

John Watkins added that the Corps must obtain a Section 401 Water Quality Certification before ODNR will concur the requirements of the Coastal Management Program have been met. Mr. Watkins noted that ODNR has 60 days to issue a determination and if the application is complete, it may issue a conditional approval. Ms. Bihn stated that last year's approval is still in the appeals process and did not think the permit should be approved.

Toledo Harbor Sediment Management Plan Overview: Mr. Hull conducted a power point presentation, provided as Attachment A, and provided an overview of the Hull Team's proposed implementation and schedule for the Toledo Harbor Sediment Management and Re-Use Plan. Mr. Hull introduced the Hull Team members of Hull & Associates, Inc., ARCADIS, Moffatt & Nichol, Great Lakes Marketing, Proudfoot & Associates, and Garcia Surveying, and noted the University of Toledo will provide academic support throughout the project. Mr. Hull discussed the Hull Team's substantial involvement on Toledo Harbor projects and in sediment management and beneficial use issues.

Mr. Hull discussed the objectives of the GLRI project are to identify and provide supporting documentation for recommended short-term (1-5 years) options, recommended long-term (30 year) options, funding needs, and timelines for implementation of recommended options and incorporate these options into a sediment management and Re-Use Plan for the Toledo Harbor. As part of this project, the Hull Team will assist the Task Force with meetings, develop a Quality Assurance Project Plan, establish a data repository of existing data and information, identify data gaps, and develop a Sediment Management Plan. Ms. Bensman discussed that the goals of the data management system are to assist in the timely exchange of information and to provide the Task Force with a single point of access to information. Ms. Bensman asked that Task Force members either e-mail her documents and data for inclusion or e-mail her a request to be provided a username and password to upload documents directly.

Public Forums and Consensus-based Approach: Mr. Hull discussed that the Hull Team would also work with TLCPA, OLEC, and the Great Lakes Commission in planning and conducting two public forums to gain stakeholder input from stakeholders for dredge material management and to identify preferred alternative(s) using a consensus-based approach where a systematic methodology will be used to evaluate identified alternatives using a scoring of technical and assigned weighting factors (issues/prioritization) for major attribute categories including habitat and environmental factors, economic feasibility, design and construction, and other categories.

Mr. Hull suggested that the first forum be conducted to seek stakeholder input on specific alternatives and issues in the late spring/early summer and that the second forum be conducted to seek stakeholders' input on the Task Force's approach in establishing viable alternative(s) between Fall 2011 and early 2012. Mr. Hull identified two general approaches that may be used to score attributes during the second workshop. The first option is that the stakeholders will provide the Task Force input on weighting criteria at the workshop, and the Task Force will use these scoring criteria to evaluate alternatives after the forum. The second option is that the Hull Team will assist the Task Force in assigning weighting criteria in advance of the second workshop, and the Task Force will score alternatives based on input from stakeholders on alternatives at the forum. Mr. Hull also solicited the Task Force for other ideas for a possible third option. Task Force members discussed the need to identify stakeholders that would be invited to the meeting. Mr. Knight suggested that the Great Lakes Commission could assist with marketing the forums. Mr. Cappel stated he has an e-mail distribution list. Mr. Hull indicated that additional discussion would need to be held in preparation for the public forums.

USACE Section 204 Update: Mr. Forgette conducted a powerpoint presentation, provided as Attachment B, and summarized the USACE's feasibility study of potential habitat restoration unit locations in Maumee Bay and noted the data presented is still draft and is not meant for release outside the Toledo Harbor Task Force. The presentation included an overview of the feasibility study process, Section 204 study schedule, the new Section 441 investigation study, HRU alternatives review, WRDA authority review (Sections 204, 207, 441), and new opportunities for sediment management in the Toledo Harbor.

Mr. Forgette indicated that as part of the feasibility study, USACE has inventoried existing conditions, identified the problem, determined planning objectives, and constraints, developed and combined measures to formulate alternative plans, and has just completed an evaluation of the alternatives plans.

The USACE detailed project report is 75% complete, and the next steps are to select an alternative plan and to identify a sponsor for the construction phase. Mr. Forgette presented an updated schedule that provided for the completion of the detailed project report in 2011, signing a project partnering cost share agreement in 2011, design plans and specifications from 2011-2012 (65% federal and 35% non-federal cost over base plan), and construction in 2012 (65% federal and 35% non-federal cost in excess of base plan).

Mr. Forgette also discussed that a new Feasibility Cost Share Agreement (FCSA) and project management plan is being drafted and presented a schedule of activities.

Mr. Forgette summarized the cost evaluation completed for nine proposed habitat creation sites and presented a general cross-section for a habitat restoration unit. He discussed the summary table showing the benefits and costs of alternatives, which identified the estimated acreage, capacity for beneficially used material, net average habitat units created, annualized cost, and incremental cost. He indicated that the net habitat unit is a measure of the environment improvement after the project is implemented. Mr. Hull asked if there is a cost factor that is incorporated into that measurement. Mr. Forgette indicated that USACE does not consider a cost factor for net habitat units.

Based on the evaluation Mr. Forgette identified the Maumee River Island, Island 18 (92 acres), Heckman Ditch Outfall, Uncovers, and Toledo Harbor Lighthouse alternatives as cost-effective, and the Cullen Park, Cullen Park Emergent Wetlands, Cullen Park including Removal of Base of causeway, and Island 18 (47 acres) alternatives as not cost effective. He explained that the

Toledo Harbor Lighthouse alternative provides the best cost for net habitat units, but has a high construction cost, and any of the other top three alternatives could be recommended for implementation. Mr. Forgette provided a summary of the alternatives, which is provided as Attachment C.

Mr. Forgette provided an overview of Section 204(a) Authority, as per Section 2037 of WRDA 2007, which authorizes USACE to use sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project to create regional sediment management plans and carry out projects at locations identified in those plans at Federal expense if the purpose of the sediment use is to reduce storm damage to property, protect, restore, and create aquatic, and ecologically related habitats, including wetlands, and to transport and place suitable sediment. Project costs are limited solely to construction costs that are in excess of the costs necessary to carry out the dredging for construction operation, or maintenance of an authorized Federal water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria. The non-federal sponsor is responsible for the operation, maintenance, replacement, and rehabilitation costs.

Mr. Forgette discussed Section 204(e) Authority, as per Section 2037 of WRDA 2007, which authorizes up to \$5,000,000 per fiscal year for USACE to cooperate with the State in the preparation of a comprehensive State or regional sediment management plans and to encourage the State participation in the implementation of the plan. Mr. Forgette referenced the April 8, 2008 USACE's guidance document for implementation of Section 204 WRDA projects, which is provided as Attachment D.

Mr. Forgette discussed the ODNR's December 27, 2010 request to the USACE for assistance in developing a Section 204(e) comprehensive regional sediment management plan for Ohio's Lake Erie Shore. A copy of ODNR's request is provided as Attachment E. ODNR requested assistance completing five projects that would aid in the development of Ohio's Lake Erie Shore Management Plan, and Mr. Forgette indicated the USACE is working through the request.

Section 207 Program Update: Mr. Forgette provided USACE' implementation guidance for Section 207 of WRDA 1996, which is provided as Attachment F, and noted it is somewhat outdated due to changes in WRDA 2007. He explained that Section 207 of WRDA 1996 allows USACE to construct Section 204 projects that exceed the \$5,000,000 limit. Section 207 projects are specifically budgeted to receive funds and provides for a 65% federal and 35% non-federal cost-share. A feasibility study under Section 207 would need new WRDA authority. Mr. Forgette provided a sample draft Feasibility Cost Share Agreement for a specifically authorized project, as would be required to complete a Feasibility Study under the Section 207 authority. The draft agreement is included as Attachment G.

Mr. Forgette also identified a potential beneficial use project at the Jeep site, and an ecosystem restoration project at the Erie Marsh Preserve with the Nature Conservancy.

There being no further business, the meeting concluded.