WISCONSIN LAKE SUPERIOR PUBLIC

ADVISORY COMMITTEE

TIER 3
SPECIAL RECOGNITION
OF
LAKE SUPERIOR

(Draft)

Prepared by

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TABLE OF CONTENTS

Wisconsin Lake Superior Public Advisory Committee
Tier 3 Special Recognition of Lake Superior
Demonstration Project Proposal for the Lake Superior Basin

Introduction

In 1991 Wisconsin recognized Lake Superior as a Binational Demonstration Project for protection and restoration. The members of the Wisconsin Lake Superior Public Advisory Team (WLSPAT) advance the concept of Tier 3 in the spirit fulfilling this promise. The Lake Superior basin needs Wisconsin to honor its commitments as a partner and stakeholder by lending public support to this effort.

1) Why is a Demonstration Project Needed?

- Tier I and Tier II Special Designations fail to address the most important and leading cause of water quality impairment for the Lake Superior Basin.
- Lake Superior is a very high quality resource water which has been impaired from non-point source pollution and changes in flow patterns and is in need of protection.
- Protection of basin hydrological integrity costs far less than restoration of the watershed.
- Non-point pollution is the leading cause of water quality impairment within the basin.
- The effects of extreme flow -- both excessive hydrologic flow (flooding) and reduced base flows -- are leading non-point causes of impairment.
- If not managed, flooding can cause tremendous damage and destruction to property, the environment and even the loss of life.
- Low base flows limit the availability of habitat for aquatic species.
- Regulations and programs intended to protect Lake Superior from non-point pollution seem to be in place but may require improved coordination to be effective.

2) Goal

To meet the objectives of the Great Lakes Water Quality Agreement and the Bi-National Program by protecting and restoring the hydrologic integrity (slowing down the flow rates that cause impairment) of the Lake Superior watershed thereby protecting aquatic habitat critical to the Lake Superior ecosystem and reducing non-point source pollution.

3) Summary of Concepts

Although adequate regulations and programs for addressing non-point pollution seem to be in place within the basin, the Lake Superior Public Advisory Team has identified a need to better coordinate and fund local governments for the implementation of these important programs. This proposal provides for a grant funded demonstration project. Phase I of this project will identify gaps and barriers in current non-point source pollution regulations and programs and then provide methods for removing these barriers. Phase II will implement the methods. The efforts will be directed within the basin counties of Ashland, Bayfield, Douglas and Iron.

4) The WLSPAT 3 Tier Program for the Lake Superior Basin

Tier I and II advance the concepts of the Great Lakes Initiative by providing Lake Superior with Special Designation, the highest levels of regulatory protection against point-source pollutants. Tier III advances the Demonstration Project concept through Special Recognition of the Basin, by funding a demonstration project to maintain and restore the hydrologic integrity of the tributaries.

Therefore, the WLSPAT proposes a two-year pilot project to identify implementation barriers to hydrologic and flood management and to develop methods to resolve these issues, followed by a five-year application phase to initiate these methods. It is the request of the Advisory Team that the Wisconsin Department of Natural Resources support this proposal in spirit as well as promote Team efforts in obtaining the necessary funding to implement the pilot project.

Tier 3 Special Recognition Demonstration Project for the Lake Superior Basin in More Detail

Phase I – Two Year Pilot Project (Assessment of Needs)

Objective: To identify areas in which local units of government require assistance in implementing programs, regulations and practices intended to address flooding and hydrologic impacts upon people and the environment, and to develop Methods to resolve the issues.

Year One:

1. Meet with technical and regulatory agencies to develop criteria for screening hydrologic issues and to formulate questions to elicit useful information from county and municipal officials and program/project implementers.
2. Develop project-qualification criteria.
3. Develop local government survey based upon regulatory and technical requirements.
4. Survey municipal, city and township officials from Ashland, Bayfield, Douglas and Iron (ABDI) counties to identify gaps, conflicts, inconsistencies and barriers to effective implementation of regulations, programs and practices created to mitigate flooding and low base flows, and protect the hydrologic integrity of watershed including but not limited to emergency management, road and culvert practices, forestry and agricultural impacts, habitat and buffers requirements. Planning documents, completed and being created (comprehensive, land and water resource management, etc) will provide a source of information for developing Methods, which can be used in implementing the plans.
5. Develop a ranking system to evaluate and prioritize needs (i.e. relative impact on basin waters quality or flow/quantity issues, relative importance to the political entity, consistency with needs of neighboring political entities).

Year Two:

1. Coordinate with local government (ABDI) officials and agencies to facilitate and develop methods to resolve the issues identified during year one. The methods will depend upon the results of year one, but may include such actions as modification of or creation of new BMPs, educational efforts, funding incentives to assist local governments in implementing or coordinating program applications, improving interagency/intergovernmental interaction, or regulatory changes such as modifying grant language so as to not exclude the basin, and other actions defined according to the needs.
2. Prioritize and rank the methods.
3. Develop an implementation schedule.
4. Make recommendations for Phase II funding and staffing based upon the findings.
5. Develop and initiate a funding mechanism to achieve implementation (grants, line item appropriations, etc).

If it is determined that there are no significant deficiencies, the process will end at Phase I.

Phase II – Five-year Implementation and Incentive Program (Best Methods Application)

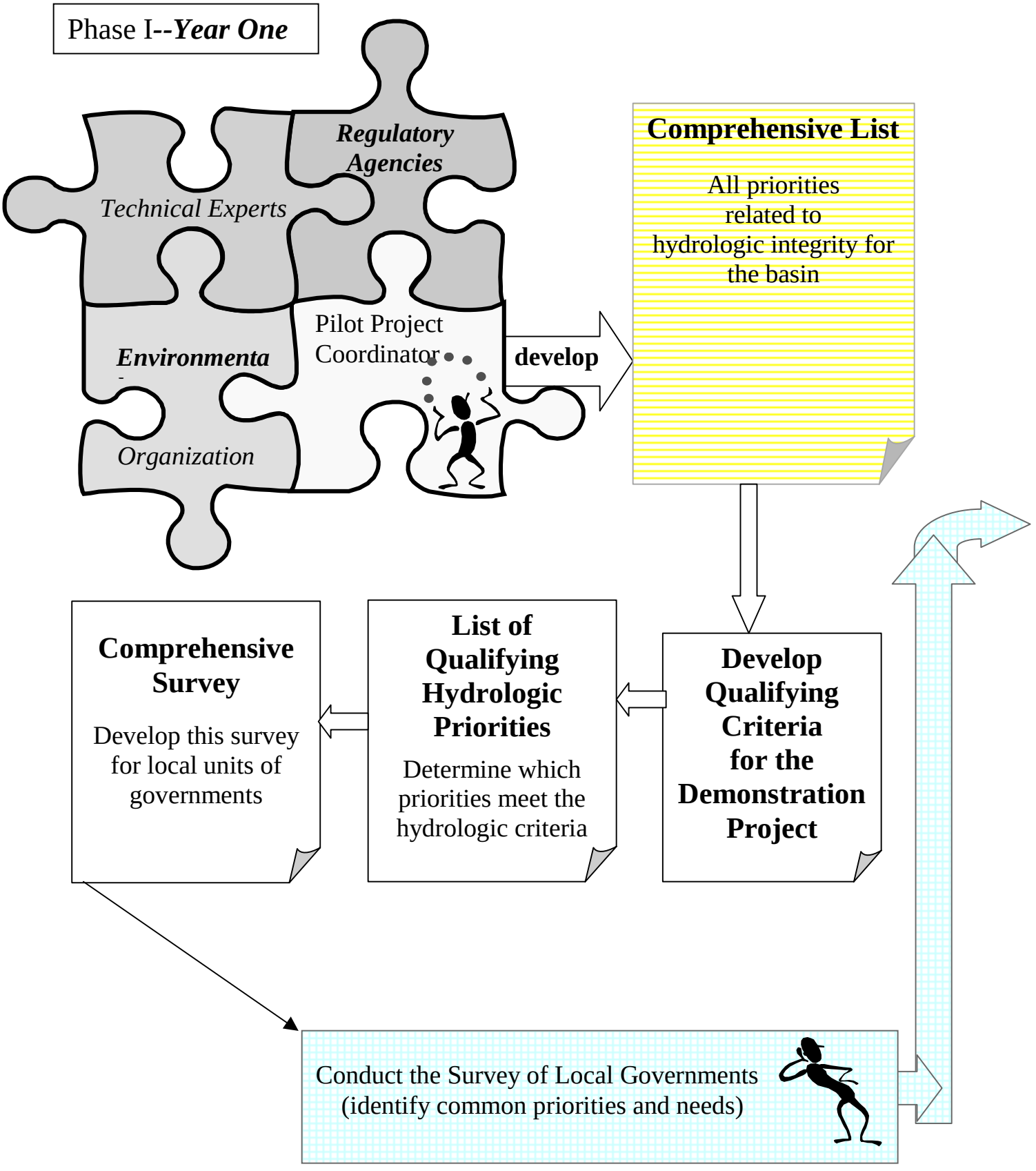
Objective: To implement the methods developed in Phase I.

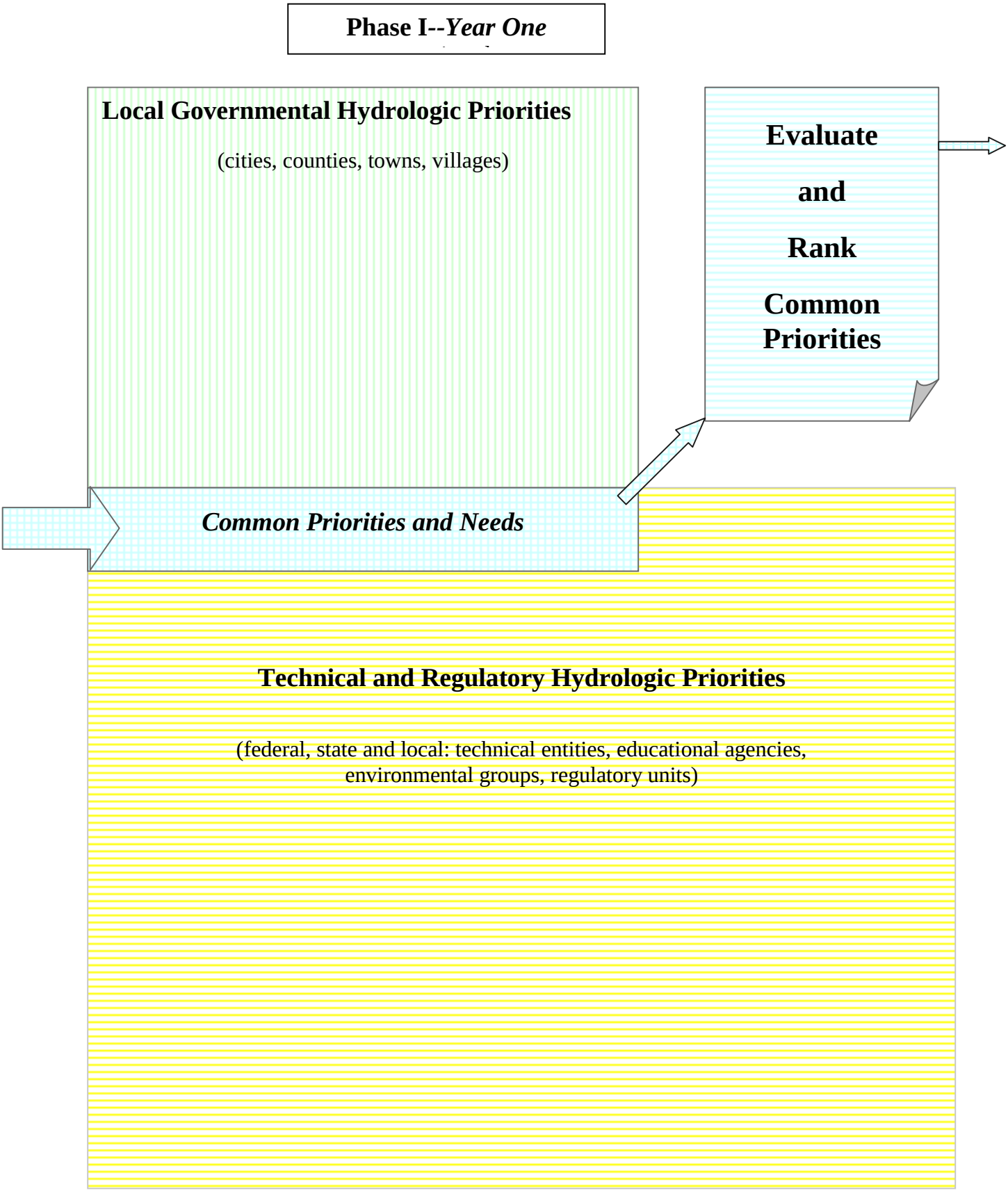
NOTE: This phase cannot be fully defined until completion of the two-year pilot project.

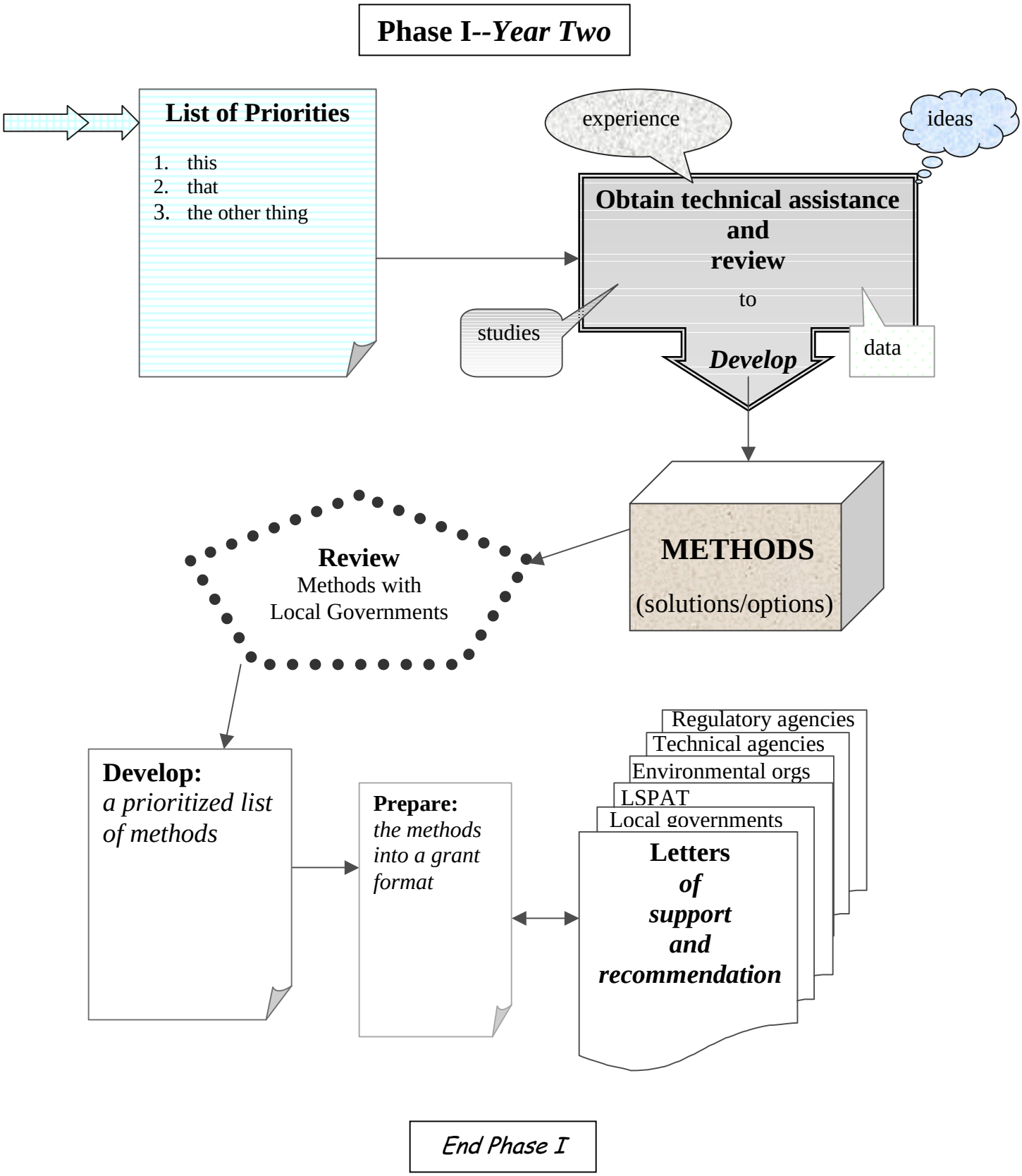
Years three to seven:

1. Work through and with the planning processes (comprehensive, land, water, stormwater, flood and other management programs) for implementing the methods identified in the pilot project.
2. Provide technical and financial assistance to local units of government to develop and implement hydrological/flood management projects that serve to fill gaps in existing regulations or programs.
3. Evaluate the effectiveness of the program and formulate recommendations.
4. Seek and secure funding.
5. Successful methods will be used as a model for other similar activities within the basin and can be applied to any other communities outside of the basin.
6. Consideration will be given to whether this phase should continue based upon its success.

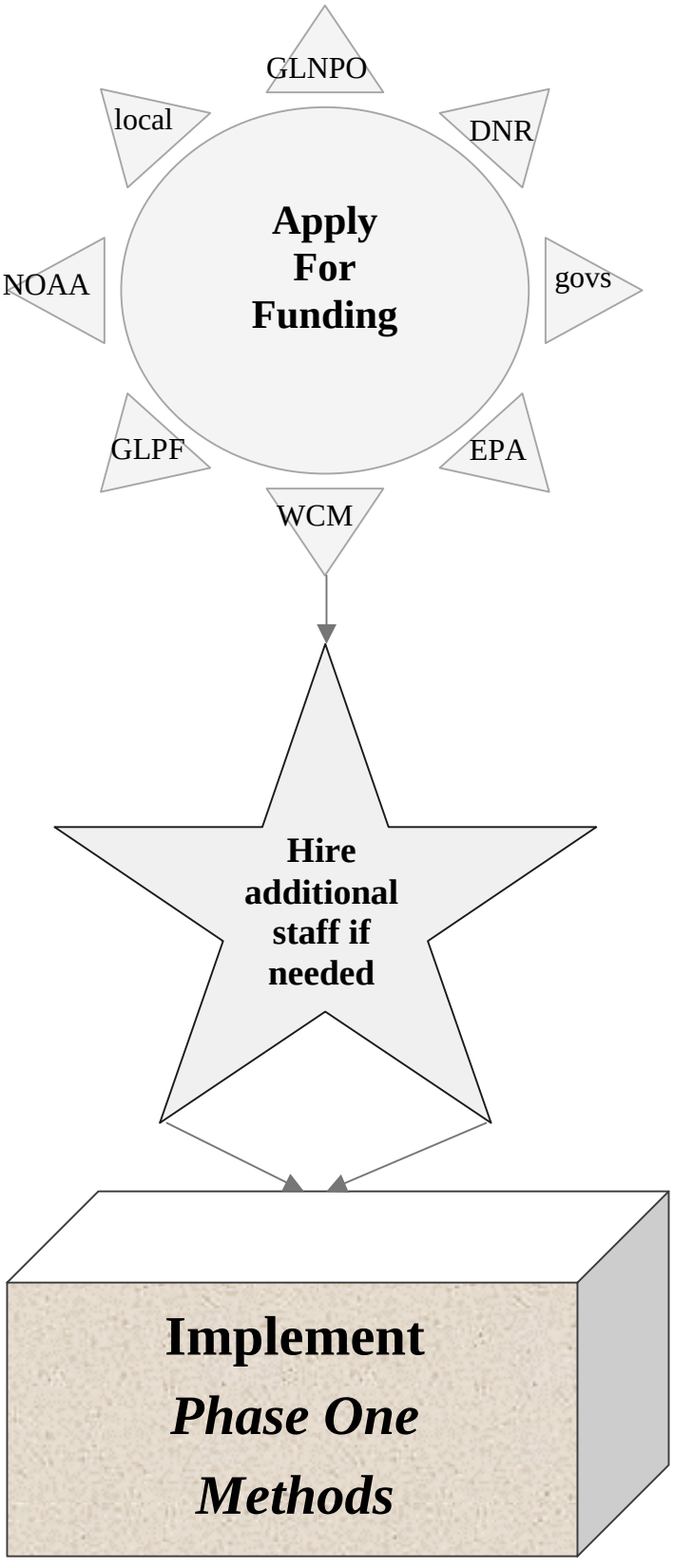
Flow Chart of Phase I and II




Phase I--*Year One*
Local Governmental Hydrologic Priorities
(cities, counties, towns, villages)
Evaluate
and
Rank
Common
Priorities
Common Priorities and Needs
Technical and Regulatory Hydrologic Priorities
(federal, state and local: technical entities, educational agencies, environmental groups, regulatory units)


Phase I--Year Two
List of Priorities
1. this
2. that
3. the other thing
experience
ideas
Obtain technical assistance and review
to
Develop
studies
data
METHODS
(solutions/options)
Review
Methods with
Local Governments
Develop:
a prioritized list of methods
Prepare:
the methods into a grant format
Regulatory agencies
Technical agencies
Environmental orgs
LSPAT
Local governments
Letters of support and recommendation
End Phase I

Phase II--*Years Three through Seven*



HOW DO WE GET THERE?

TASKS	CHECKLIST
1. Gain support from of Tier 3 Work Group.	Done, unanimously.
2. Gain support from the WLSPAT for the Tier 3 Concept.	Pending.
3. Gain WDNR support for the Tier 3 Concept. (Staff time and public support)	Pending.
4. Develop grant application for the two-year pilot project. (Potential funding sources include but are not limited to EPA, DNR, NOAA, Wisconsin Coastal Management, Great Lakes Protection Fund. City of Superior WWTP will assist with grant writing/submission.)	
5. Select an organization to administer the grant. (ABDI, NWRPC, UW-Ex, LSRI/NEMO, …)	
6. Complete the grant submittals and hire a pilot project coordinator, a full time position, dedicated solely to the pilot project.	

Budget

Item	Estimated Cost
Phase I: Two-year pilot project	
Wages/benefits: one person, dedicated to this project full time	
Office overhead	
Supplies	
Travel	
Reference materials	
Total Phase I	
Phase II: Five-year Implementation Program	
Wages/benefits	
Office overhead	
Supplies	
Travel	
Reference materials	
Project Implementation Reimbursement Funding (planning, implementation, materials, staffing …)	
Total Phase II	
Total for Tier III Special Recognition Implementation	

Listing of Area Organizations Involved with Flooding and Hydrologic Impacts on People and the Environment

Municipal and County Officials across the Lake Superior Basin
Wisconsin Department of Natural Resources
Region 5 EPA
Ashland, Bayfield, Douglas, Iron County Land Conservation Department (ABDI)
University of Wisconsin-Extension
Northwest Regional Planning Commission
Arrowhead Regional Planning Commission
Great Lakes Indian Fish and Wildlife Commission
Sigurd Olson Institute
Lake Superior Public Advisory Team
Lake Superior Toxic Reduction Committee
Project NEMO
Wisconsin Coastal Management Program
US Policy Committee
Lake Superior Alliance
Great Lakes Commission
Lake Superior Association of Soil and Water Conservation Districts
Land and Water Conservation Board
Nature Conservancy
Natural Resources Conservation Service
FEMA and Wisconsin Emergency Management
Clean Water Coalition

Listing of Area Programs or Regulations Involved with Flooding and Hydrologic Impacts on People and the Environment

NR216 – Stormwater Management

FEMA

NEMO

WDNR/USEPA Pollution Prevention Programs

Coastal Management Grants Program

Smart Growth

Development/Redevelopment Erosion Control Programs

Reforestation Programs

Wisconsin Department of Natural Resources Grant Programs include Urban Nonpoint Source; Targeted Runoff Management; River Protection; Lake (inland) Protection; Wetland Protection; Municipal Flood Control; …

Projects With Activities Similar to the Proposed Demonstration Project

Numerous examples of watershed or basin approaches to water quality and quantity management provide models and verification of the viability of this proposal. One consistent theme is the essential preliminary steps of organizing the various stakeholders into a cohesive unit. A small sampling follows:

The Rouge River National Wet Weather Demonstration Project
http://www.wcdoe.org/rougeriver/

A working example of how a systematic watershed approach to pollution management can result in cost-effective achievement of designated uses in a water body.

Although the primary focus was to restore rather than protect, several key components mirror Special Designation goals and objectives such that the Rouge Project presents a model.

- Began in 1992 with the development, implementation and financial integration of technical, social and institutional frameworks leading to cost-efficient and innovative watershed-based solutions to wet weather problems.
- A comprehensive watershed management effort between federal, state and local agencies to manage wet weather pollution.
- A 3-county, cooperative, locally based approach.
- Aggressively invested to develop the necessary holistic watershed management strategy.
- Supported by multi-year EPA grants and funding from local communities.
- Grant is managed by Wayne County.
- Began by focusing on combined sewer overflows.
- Focus became more holistic to consider impacts from all pollution sources and use impairments including nonpoint source pollutants, such as storm water runoff, illicit connections, failing septic systems, erosion control and stream bank erosion, all aggravated by the variable flow.
- Demonstrating solutions to watershed management that can be used by other urban watersheds throughout the country
- Achieving the long-term goals will require a series of iterative steps over several years.
- Goals, action steps, and measures tailored to individual subwatersheds have established a strong foundation to guide existing and future cooperative efforts.

Chesapeake Bay http://www.chesapeakebay.net

- Mid-1970's, a fact-finding tour initiates formation of the Chesapeake Bay Program - a multi-jurisdictional partnership to restore and protect the Bay and its resources.
- 1983: recognized need for a cooperative approach among the EPA, the State of Maryland, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia to fully address the extent, complexity, and sources of pollutants entering the Bay.
- Chesapeake Executive Council established (governors cabinet designees, mayors, and EPA regional administrator) to assess and oversee implementation of coordinated plans to improve and protect the water, quality and living resources of the estuarine systems.
- Council establishes implementation committee of agency representatives to coordinate technical matters and development and evaluation of management plans.
- Commission to coordinate interstate planning and programs, commit to specific actions to achieve those objectives; implementation reviewed annually and additional commitments developed as needed.
- Cooperation necessary to sustain an effective Chesapeake Bay restoration and protection effort requires a formal working arrangement involving states and federal government. Institutional arrangement must allow for and promote voluntary individual actions coordinated within a well-defined context of individual responsibilities and authorities of state and the federal governments. Must also ensure actions which require a concerted, Bay-wide approach be addressed in common and without duplication. One principal function of coordinating institution is to develop strategic plans and oversee implementation, based on advice from the public, the scientific community and user groups. Coordinating body must exert leadership to marshal public support, and it must be accountable for progress.
- 1992: Clear need to expand program efforts in tributaries, since most of spawning grounds and essential habitat are in tributaries. Intensified efforts to control nonpoint sources of pollution, amended the water quality goal of the 1987 Chesapeake Bay Agreement to reflect the critical importance of the tributaries Develop and begin implementation of tributary-specific strategies

West Virginia Watershed Resource Council http://www.wvwrc.org/indx.htm

Cooperative partnership:
West Virginia's 14 Conservation Districts
U.S.D.A. Natural Resource Conservation Service
WV Resource Conservation &Development Association
WV Conservation Agency
WV Department of Education
WV Department of Environmental Protection
US Environmental Protection Agency.

Major features of a Watershed Protection Approach are:
- Targeting priority problems,
- Promoting a high level of stakeholder involvement,
- Integrated solutions that make use of the expertise, and
- Authority of multiple agencies

Georgia; Ogeechee River Basin
www.state.ga.us/dnr/eviron/plans_files/plan/ogeechee-pdf/ogeechee.htm

River Basin Management Plan, (RBMP), designed to coordinate management of water quantity and quality by integrating activities across regulatory and non-regulatory programs; provides a framework for identifying, assessing, and prioritizing water resources issues, developing management strategies, and providing opportunities for targeted, cooperative actions to reduce pollution, enhance aquatic habitat, and provide a dependable water supply.

RBMP includes opportunities for stakeholders to participate in developing and implementing river basin management plans.

1993, first river basin management plan produced. During first iteration of RBMP, much effort and resources are being dedicated to building the infrastructure of RBMP, cataloging current water management activities and beginning to coordinate with the many agencies, organizations, and individuals that have a stake in river basin management, and making programmatic changes.

1996 Basin Team initiates first meetings;

Implementation of strategies not anticipated until 2001

Future iterations of the basin planning cycle will provide a better opportunity for developing new, innovative, and cost-effective strategies for managing water quality and quantity.

A major goal of RBMP is to involve interested citizens and organizations in plan development and implementation to improve the identification and prioritization of water quality and quantity problems, maximize the efficient use of resources and expertise, create better and more cost-effective management strategies, and be responsive to stakeholder perceptions and needs.

MetroEnvironment Partnership Grant Program (Minneapolis/St. Paul)
http://general.metc.state.mn.us/mepg/index.asp

To improve the quality of Metro Area lakes and rivers by reducing nonpoint source pollution, by providing funding for planning and implementation of education and remediation projects.

- Metropolitan Council: regional planning agency serving the Twin Cities seven-county metropolitan area; 17-members, 16 each represent a geographic district, one chair serves at large; appointed by governor.
- November 13, 1998, Metropolitan Council, and Minnesota Center for Environmental Advocacy entered into a Memorandum of Understanding to abate nonpoint sources of pollution to Metropolitan Area lakes and rivers.
- Applicants encouraged to work cooperatively with other local government and non-government organizations to develop joint, multi-purpose projects.
- Council's highest priority are proposals using smart growth principles in development or redevelopment projects to minimize or eliminate movement of solids and chemicals from landscape to waterways.