



February 19, 2013

Mr. Rick Hobrla  
Office of the Great Lakes  
Michigan Department of Environmental Quality

**RE: Michigan Aesthetics Beneficial Use Impairment**

Dear Mr. Hobrla,

Members of the Bi-National Public Advisory Council (BPAC), who represent public opinion on both the U.S. and Canadian sides of the St. Marys River, thank you for the overview of the Michigan Degradation of Aesthetics BUI presented to Council July 31<sup>st</sup>, 2012.

Members of the BPAC have reviewed the presentation as well as the follow-up information on Michigan's Restoration Criteria for the Aesthetics BUI provided by the U.S. St. Marys River RAP Coordinator Mr. Bretton Joldersma. As a council, we would like to emphasize our understanding that: the goal of the Remedial Action Plan is not to return impaired BUIs back to pristine, pre-urban or pre-industrial conditions, and also; that the aesthetics BUI delisting criteria are intended to represent average conditions, rather than scattered or occasional events.

That being said, we understand that Michigan's Aesthetics BUI "will be considered restored when monitoring data for two successive monitoring cycles indicates that water bodies in the AOC do not exhibit persistent, high levels of (*turbidity, color, oil films, floating solids, foams, settleable solids, suspended solids, deposits*) in quantities which interfere with the State's designated uses for surface waters". Given the expected seasonal, temporal, and annual variability of these collective aesthetics indicators (influenced by anthropogenic activities and natural storm events), BPAC believes that two discrete sampling events, with only one event per calendar year, does not adequately meet the Restoration Criteria of 'two successive monitoring cycles'. While members agree that the results of the August 2011 and May 2012 sampling events (presented at the July 31<sup>st</sup>, 2012 meeting) did not show any aesthetics indicator impairments, the number of sampling events is believed to be too few to represent with confidence the 'average' conditions. While overall we believe the river aesthetics to be in good standing for the St. Marys River, the lack of data precludes us from making an informed decision to support the delisting of the U.S. Aesthetics BUI at this time.

To overcome concerns regarding the proposed delisting of Michigan's aesthetics BUI, BPAC members encourage the Michigan Department of Environmental Quality to undertake a third year of water quality sampling. This third year of data collection would preferably include sample acquisition during, or immediately following, a minimum of two flood or moderate-to-heavy rainfall events and one dry period. BPAC further believes that augmentation of this data set with a formal log of visual observations of relevant water quality indicators during the sampling season would also prove helpful in building a strong case for delisting. As it is our understanding that the logistics of staff mobilization for the purpose of sampling, particularly during a storm event, is a potential concern for the timely water quality sample acquisition, we encourage collaboration with BPAC and/or representatives from local agencies.

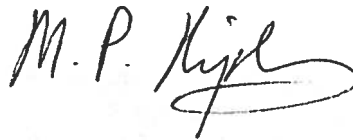
While separate from the overall river aesthetics, a clear statement outlining the (non-RAP) framework(s) or legislation in place to deal with shoreline debris on Sugar Island, should it be an issue after the aesthetics BUI has been removed, will also help in assuring BPAC support in delisting the aesthetics BUI.

Residents of both the U.S. and Canadian side of the St. Marys River are highly supportive of all efforts made to restore the remaining BUIs and delist those for which appropriate monitoring and/or restoration initiatives have been made. In this respect, BPAC welcomes the opportunity to review additional information as it becomes available.

Sincerely,



Dr. Paula Antunes  
Canadian BPAC Chair



Mr. Mike Ripley  
U.S. 1<sup>st</sup> Vice Chair