

# Restoration Planning for the Kalamazoo River Watershed



**KALAMAZOO RIVER TRUSTEES**

*Restoring Your Natural Resources*

Public Meeting  
January 13, 2020  
Kalamazoo, Michigan

# Presentation Topics



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- Who are the members of the Natural Resource Trustee Council and what is a Natural Resource Damage Assessment (NRDA)?
- How does NRDA relate to Superfund cleanup?
- What funding do the Trustees have for restoration (settlements)?
- How do you propose project ideas?
- When and how will Trustees select projects?

# Who Are the Members of the Natural Resource Trustee Council?



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The Natural Resource Trustee Council consists of agencies acting under federal and state law to seek environmental restoration:

- Michigan Department of Natural Resources (MDNR)
- Michigan Department of Environment, Great Lakes, and Energy (EGLE)
- Michigan Department of Attorney General (MDAG)
- U.S. Fish and Wildlife Service (USFWS)
- National Oceanic and Atmospheric Administration (NOAA)



# “Natural Resources”

Natural resources means land, fish, wildlife, other biota, air, water, groundwater, drinking water supplies and other such resources...

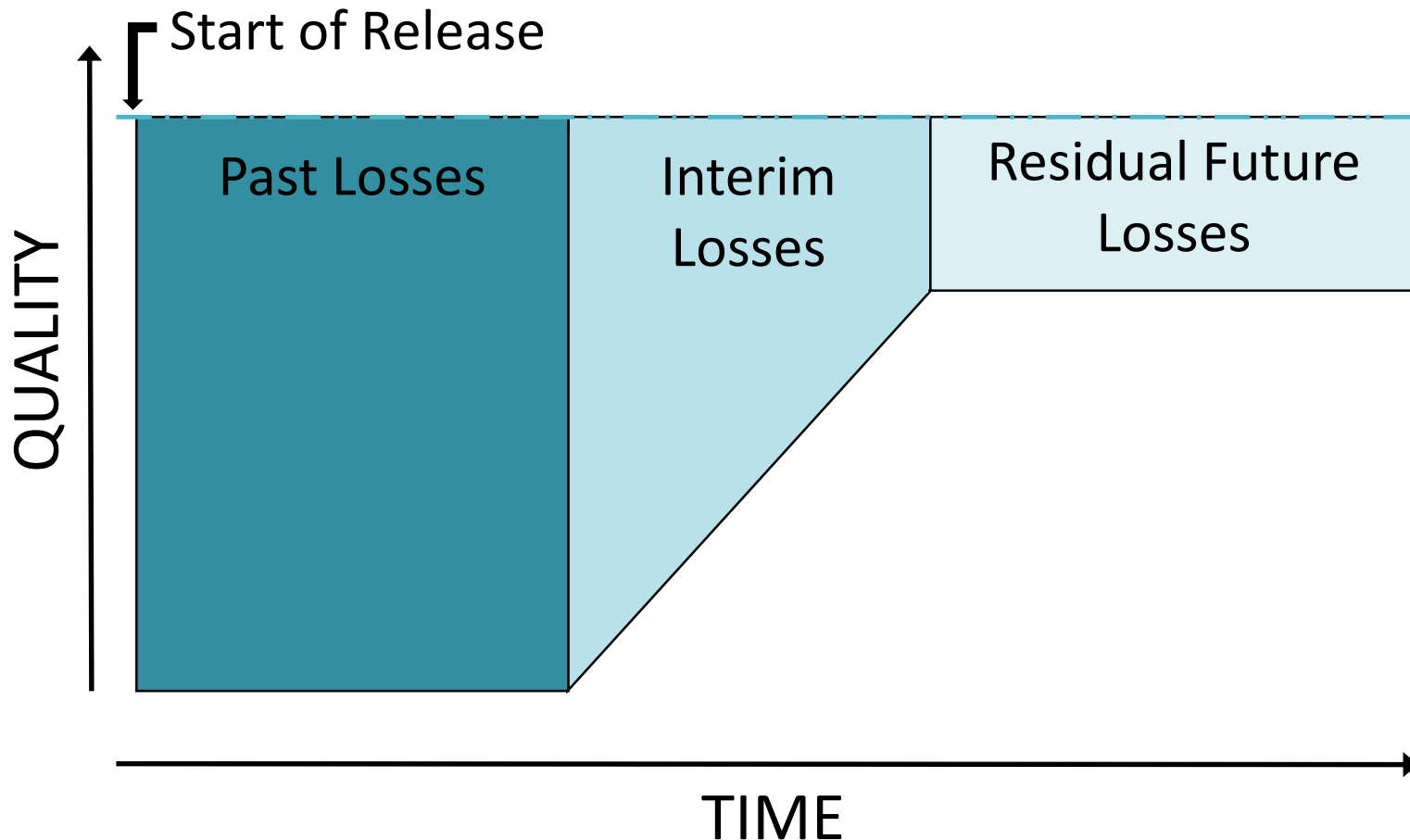


# What is NRDA?

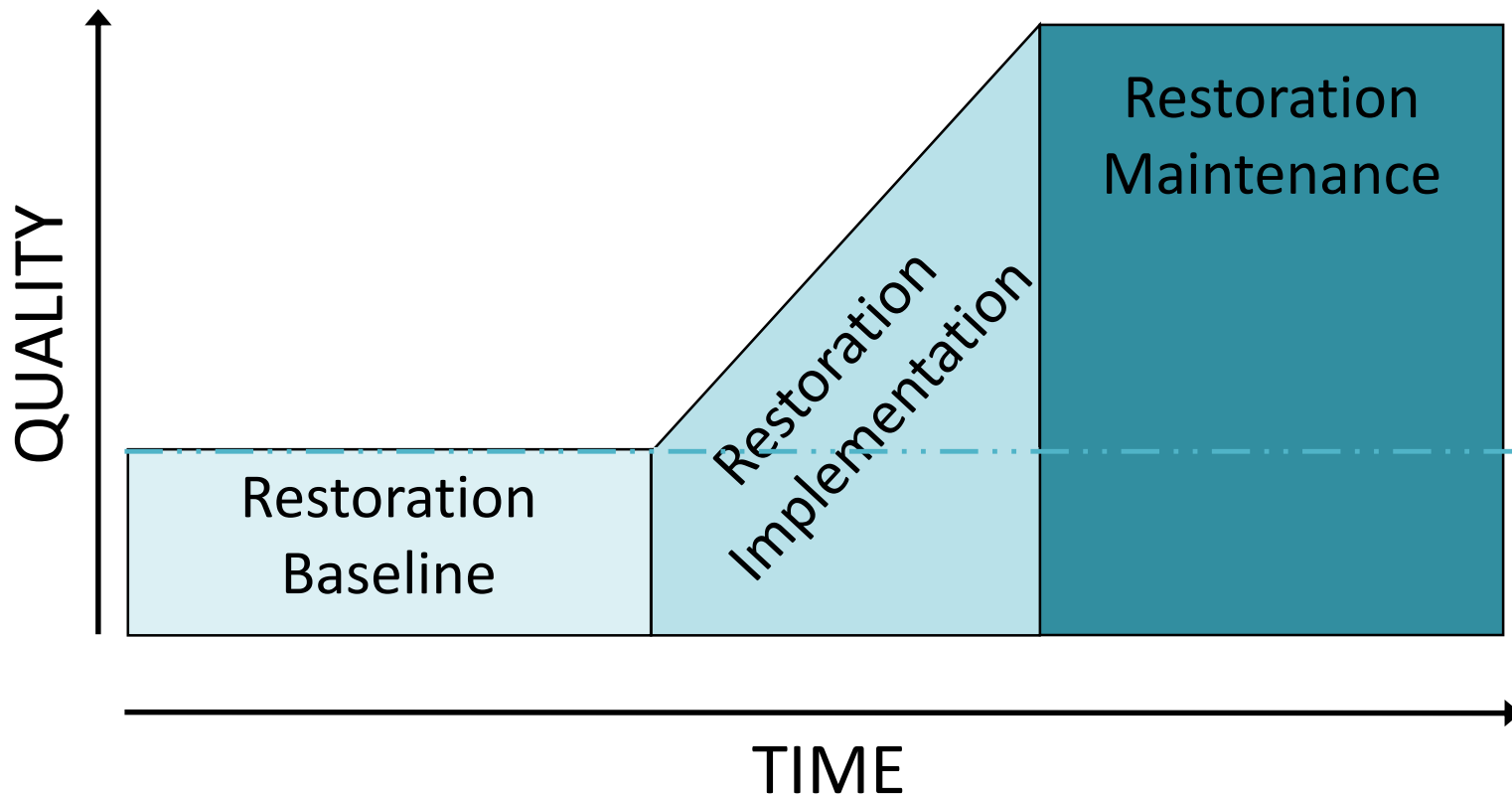
- A process that the Trustees use to:
  - assess injuries to natural resources that have been caused by releases of hazardous substances
  - plan and conduct restoration actions that compensate for injuries
- The purpose is to make the public whole
- Law requires the responsible party to provide for restoration, through funding and/or projects



# NRDA Damages (“debits”)

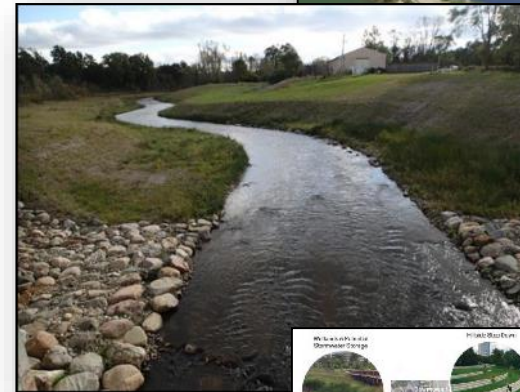


# NRDA Benefits (“credits”)





- Assessment plan and reports
- Input on cleanup projects
- Restoration plans
  - Portage Creek (2013)
  - Site-wide (2016)
- Project selection criteria
- Negotiations and settlements
- Restoration projects



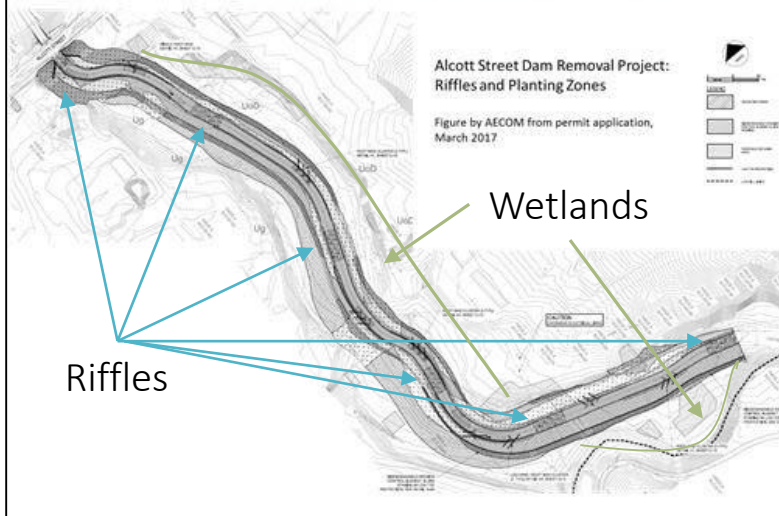
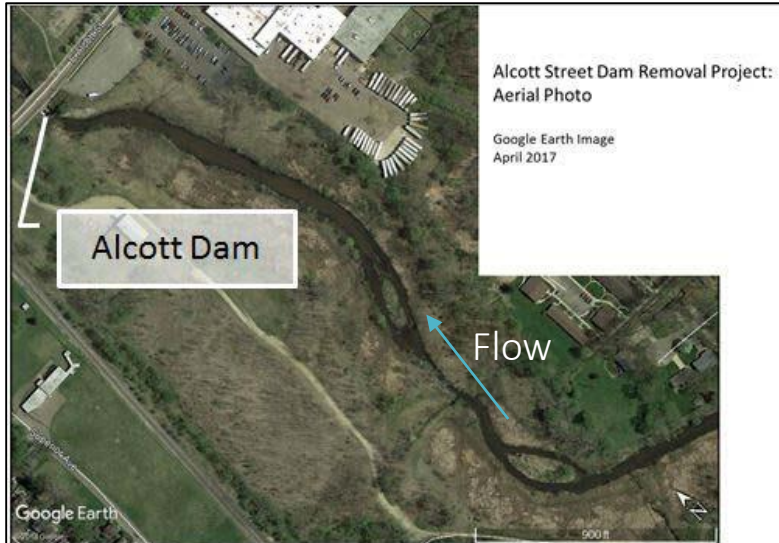


# Alcott St. Dam Removal



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# How Does NRDA Relate to Superfund Cleanup?

- Release of hazardous substances is the trigger for both cleanup and NRDA restoration

## Cleanup

- Led by EPA and the State
- Based on risk to humans and the environment
- Removals and remediation

## NRDA Restoration

- Led by Trustee Council
- Addresses injuries over time
- Restoration to baseline and to compensate

- NRDA restoration is coordinated with cleanup

# NRDA Settlements



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- Bankruptcy settlement with Plainwell Inc. and Plainwell Holding Co. in 2005: \$890,000
- Bankruptcy settlement with Lyondell in 2009: \$2M for Portage Creek and \$1.38 M for entire site
- Proposed settlement with NCR Corporation in 2019: \$27M
- Other settlements possible with other parties

# NCR Settlement Summary

| Settlement Component                              | Amount   |
|---|----------|
| Cost estimate for cleanup work to be done by NCR  | \$135.7M |
| Payment to EPA for future cleanup                 | \$75.0M  |
| Payment to EPA for EPA's past response costs      | \$1.5M   |
| Payment to EGLE for State's past response costs   | \$3.0M   |
| Payment to EGLE for State's future response costs | \$3.0M   |
| Payment to Trustees for NRDA restoration          | \$25.0M  |
| Payment to Trustees for past NRDA costs           | \$2.0M   |
| Total   | \$245.2M |

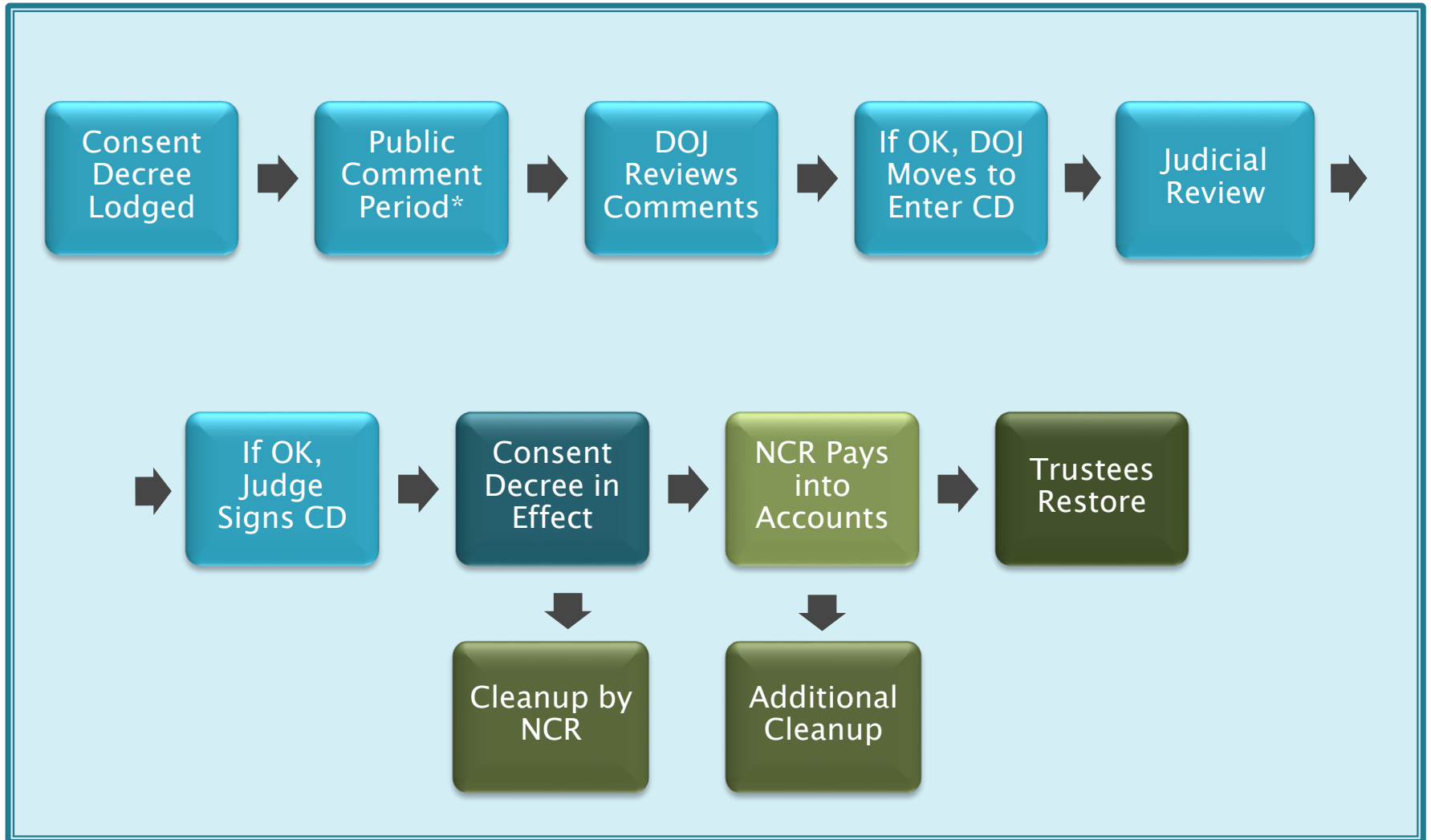
# NCR Payments for NRDA



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| Settlement Component                      | Timing from Consent Decree Entry | Amount         |
|---|----------------------------------|----------------|
| Payment to Trustees for past costs        | Shortly after                    | \$2.0M         |
| Initial payment for restoration           | 30 days                          | \$10.0M        |
| First annual payment for restoration      | 1 year                           | \$2.1M         |
| Five more annual payments for restoration | Years 2 – 6, total               | \$10.5M        |
| Final payment for restoration             | 7 years                          | \$2.4M         |
|   | <b>Total</b>                     | <b>\$27.0M</b> |

# NCR Settlement Process



# Public Comment on Consent Decree

Public  
Comment  
Period

➤ *United States of America and the State of Michigan v. NCR Corporation*

D.J. Ref. No. 90-11-2-07912/11

<https://www.justice.gov/enrd/consent-decrees>

➤ Comments must be submitted to DOJ in writing

➤ Comments are due February 18, 2020

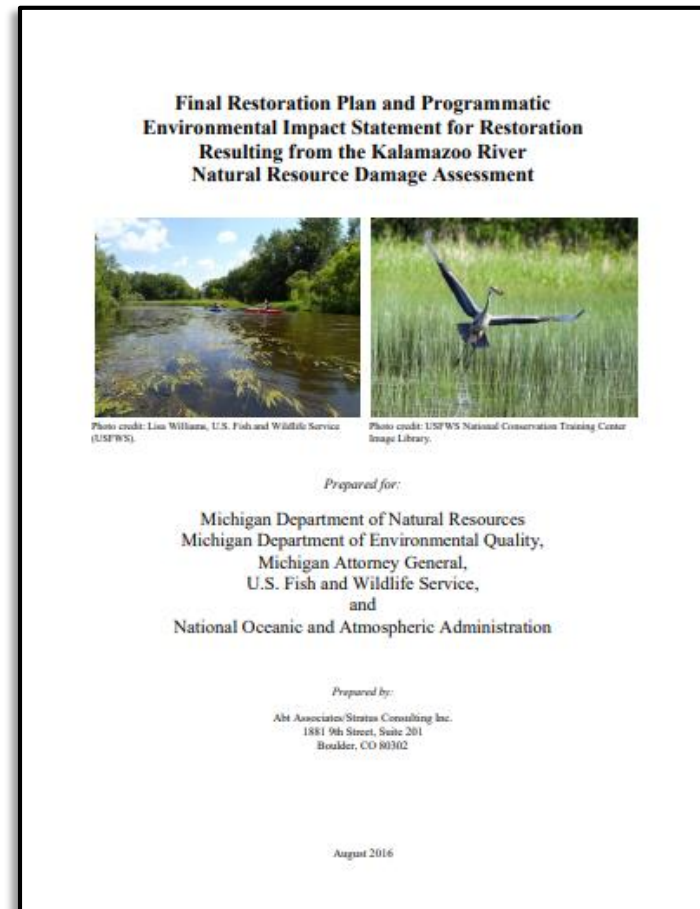
| To submit comments: | Send them to:   |
|---------------------|---|
| By e-mail           | pubcomment-ees.enrd@usdoj.gov   |
| By mail             | Assistant Attorney General<br>U.S. DOJ – ENRD<br>P.O. Box 7611<br>Washington, D.C. 20044-7611 |



# Guiding Document for Restoration for Proposed NCR Settlement for NRDA

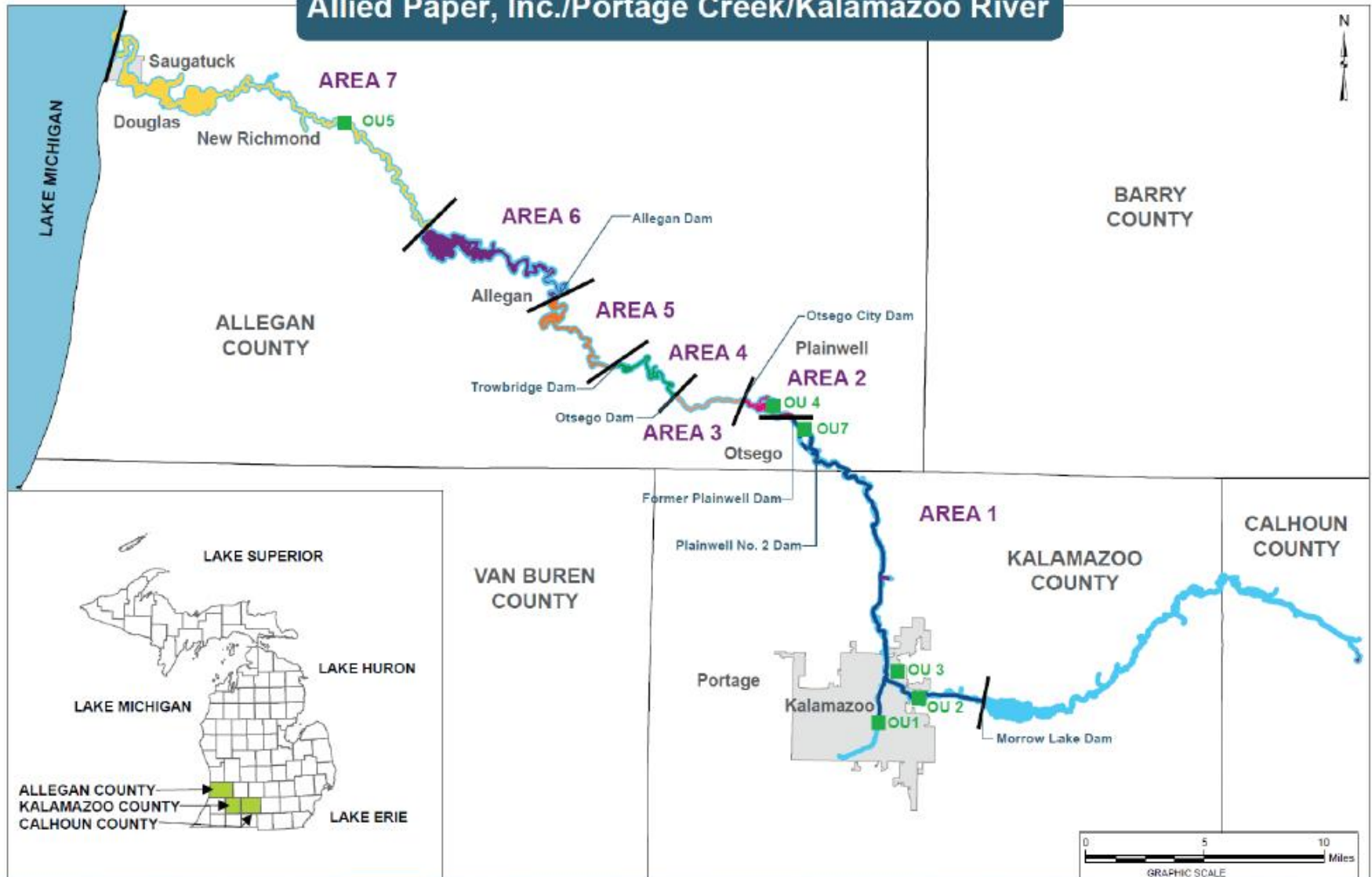
## 2016 Restoration Plan and Programmatic Environmental Impact Statement (RP/PEIS)

- Guides the Trustees in selection of potential restoration projects
- Notified the public that potential projects may be proposed in future Restoration Plan/Environmental Assessments (RP/EAs)
- Helps with coordination with proposed remedial actions

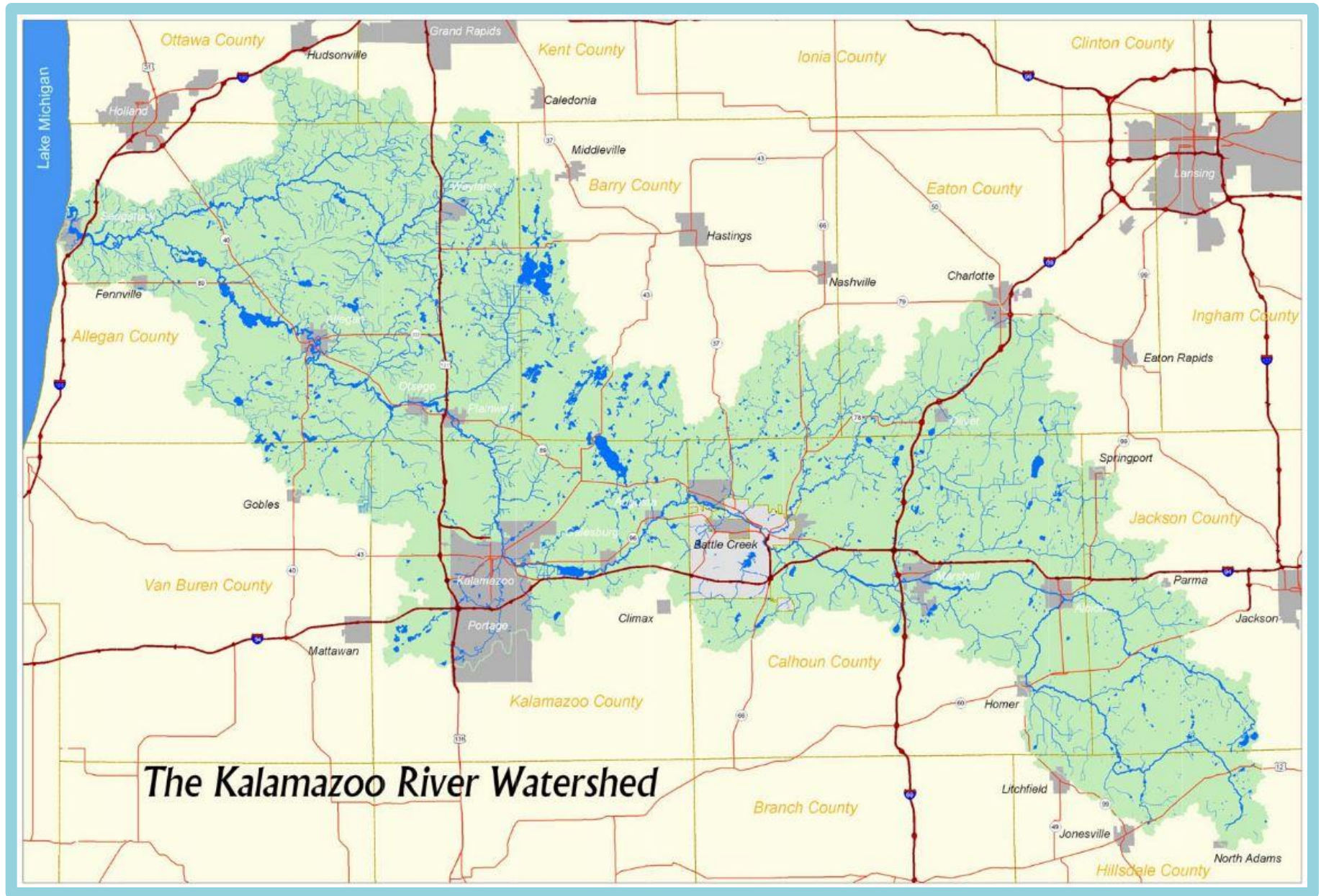


# Superfund Boundary

## Allied Paper, Inc./Portage Creek/Kalamazoo River



# Restoration Planning Boundary



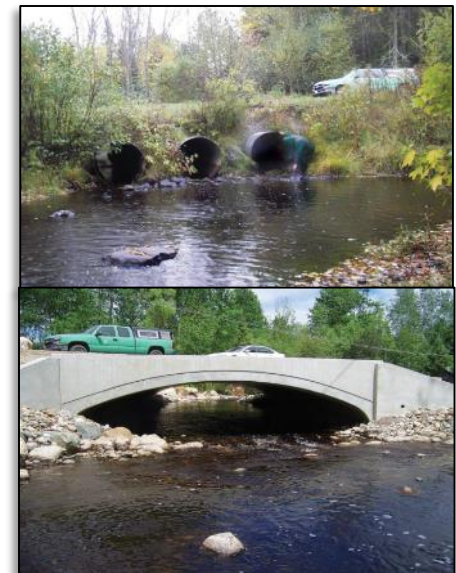
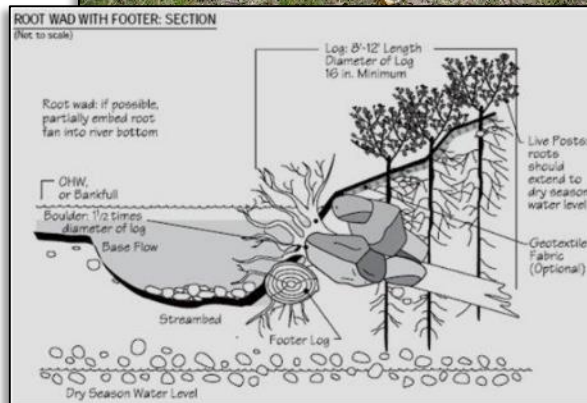
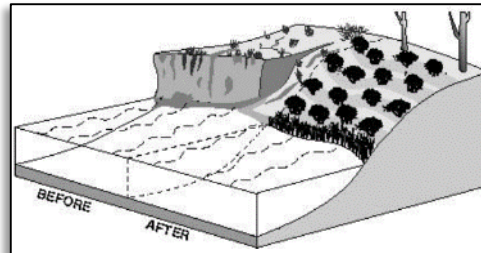
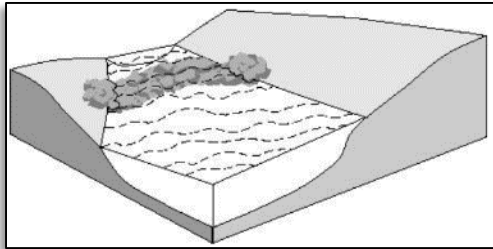
# Project types that **will** be considered:

Projects in the Kalamazoo River watershed that benefit fish and wildlife will be considered. These may include (but are not limited to):

- Instream habitat restoration through adding natural structure and reducing channelization
- Stream bank restoration and increasing floodplain habitat areas
- Removing barriers to fish passage in streams from undersized culverts and dams
- Enhancing native plant species and controlling invasive species
- Preserving, enhancing, or restoring riparian and wetland habitats
- Restoring habitat that also benefits recreational uses like fishing, wildlife viewing, or others

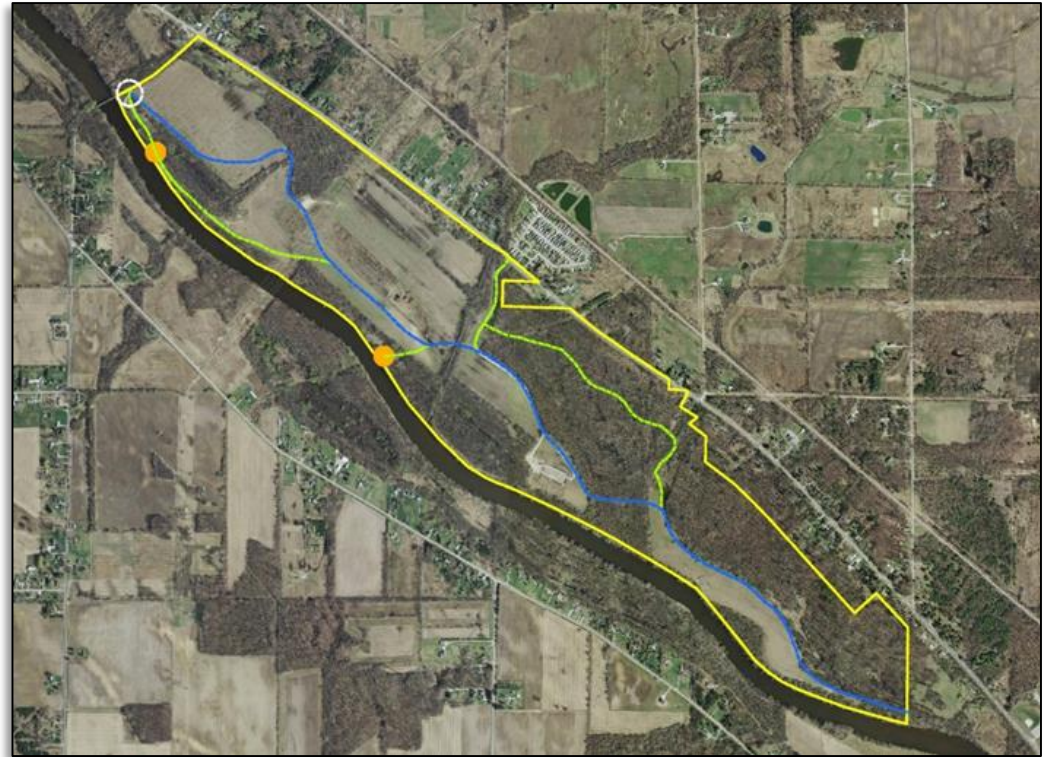


# Project types that **will** be considered:





# Project types that **will** be considered:



# Project types that **will not** be considered

- Projects located outside of the Kalamazoo River watershed
- Projects within the Kalamazoo River watershed that do not benefit injured resources
- Projects that do not restore natural ecosystem processes
- Projects that are solely focused on recreational uses and do not include ecological benefits
- Projects that are otherwise required by statute, regulation, court-order, or other regulatory requirements



# General Project Screening Criteria

- Project complies with applicable and relevant federal, state, local, and tribal laws and regulations
- Project addresses resources injured by hazardous substances or services lost because of injuries in the watershed
- Project is technically feasible

Screening  
Criteria are  
Pass / Fail



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# Summary of Project Evaluation Criteria

- Project focuses on-site, in-kind benefits to priority trust resources
- Project benefits are measurable and likely from cost-effective, reliable methods
- Project is consistent with natural resource policies and regional planning
- Project considers completed or anticipated response actions
- Project provides large range of benefits to natural resources and diverse public over the long term

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



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# How to Effectively Propose a Restoration Project Idea

# Getting to the Restoration Idea Portal

<https://darrp.noaa.gov/hazardous-waste/kalamazoo-river/suggest-project-kalamazoo-river-hazardous-waste-site> (Or search: Kalamazoo River restoration portal)



Damage Assessment, Remediation, and Restoration Program

# DARRRP

[News Archive](#)

[About DARRRP](#)

[What We Do](#)

[Oil Spills](#)

[Hazardous Waste](#)

[Ship Groundings](#)

[Science and Economics](#)

[Home](#) > [Hazardous Waste](#) > [Kalamazoo River](#) > [Suggest a Project - Kalamazoo River Hazardous Waste Site](#)

## Suggest a Project - Kalamazoo River Hazardous Waste Site

### Share Your Ideas

Do you have an idea for a specific restoration project in the [Kalamazoo River](#) watershed? The Natural Resource Trustees for the Kalamazoo River Superfund Site are interested in hearing from you. You can use the [online portal below](#) to provide the Trustees information about one or more projects you wish to have considered.

You can view the Trustees' project evaluation criteria in the [2016 Restoration Plan and Programmatic Environmental Impact Statement](#) (section 2.3). This page will be updated if there are any different criteria considered in the future. Other submission guidelines are [listed below](#).

Restoration activities are complementary to cleanup, and will focus on restoring or enhancing ecological services in aquatic, riparian, and upland habitats. The Trustees' goals are to restore and maintain the Kalamazoo River's ecosystem similar to its structure and function before degradation by dams and pollution.

Your submission will be [entered into our database](#) and reviewed. Suggested projects will be evaluated by the Trustees for consideration in project-specific restoration plans that will be subject to public review and comment.

After you've successfully submitted your information, you'll receive a confirmation number. Please keep that number for your records.

Attachments cannot be provided through the portal. If you would like to submit supplemental documents, please email them to [kalamazooriver.nrda@noaa.gov](mailto:kalamazooriver.nrda@noaa.gov). Be sure to reference your project's name and confirmation number in your email.



# Enter Your Project Idea

View submitted projects that meet our posting guidelines.

More questions about the process? Read our FAQs.

## Introduction

Intro → 1 → 2 → 3 → 4 → 5 → 6 → Submit

Next →

## Guidelines for Completion

Please complete all of the information requested with the best information that you have available. Specific instructions for each field in the form can be obtained by placing your mouse pointer on the  symbol associated with the field title.

Would you like to enter a new project or edit an existing project?

- ☒ Enter a New Project
- ☐ Edit an Existing Project
- ☐ Remove an Existing Project from Consideration

Next →

# Contact Information

Make sure your info is accurate!

## Contact Information

Intro ➡ 1 ➡ 2 ➡ 3 ➡ 4 ➡ 5 ➡ 6 ➡ Submit

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### A. Contact Information

Organization:

Michigan Department of Natural Resources

Contact Name (First Last)\*:

Mills, Mark

Title:

Field Operations Manager

Address:

621 N. 10th St.

City:

Plainwell

State:

Michigan

Zip:

49080

Phone Number:

269-204-7046

Extension:

Email\*:

millsm@michigan.gov

Organization Website:

[www.michigan.gov/dnr](http://www.michigan.gov/dnr)

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# Project Description

Provide adequate detail

## Project Description

Intro ➡ 1 ➡ 2 ➡ 3 ➡ 4 ➡ 5 ➡ 6 ➡ Submit

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### B. Project Description

Project Title\*:

Swan Creek Dam Removal

Project Description\*:

Design and remove dam at 118th Street in Valley Township, to restore fish passage and natural river functionality. Located within Allegan State Game Area.

Note: Need to work with Allegan County Road Commission to ensure integrity of road, which is a bridge that was constructed over the dam. Bridge may need to be replaced.

I

Note:

Only asking for a brief description of what the project consists of.

Habitat types improved and other expected benefits will be entered on later screens.

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# Project Size and Location

You can “draw” on a map: point, line or polygon

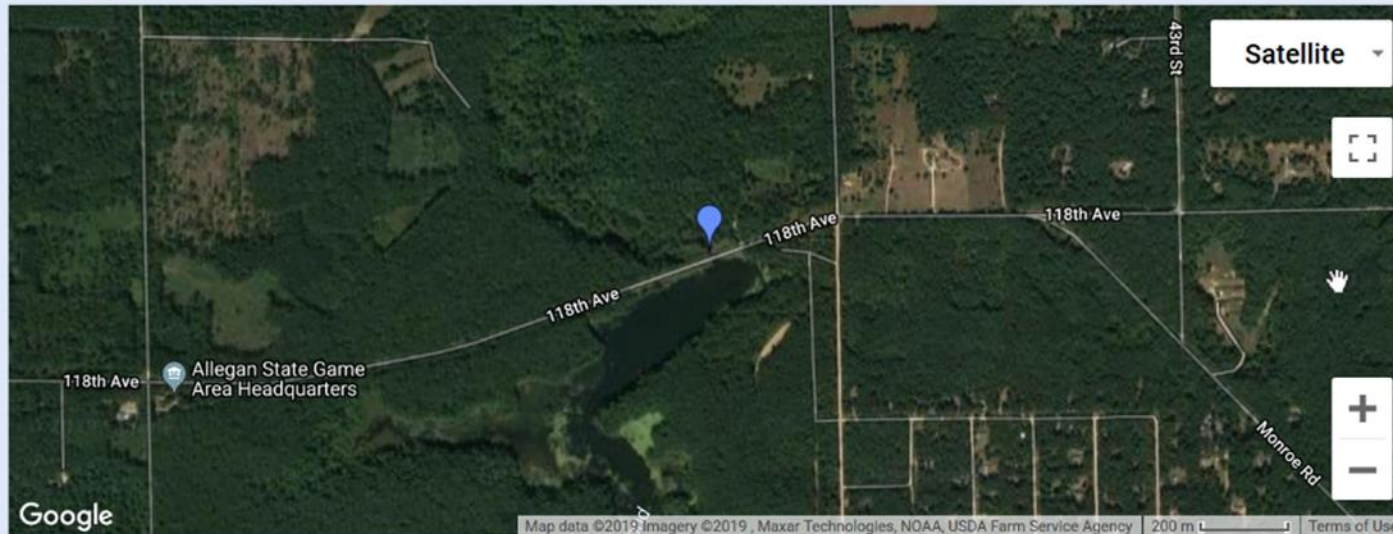
## Project Location

Intro 1 2 3 4 5 6 Submit

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Next

### C. Project Size and Location



#### Mapping Tools



Open Intro Page

#### Map Tips: Marker

1. Click on the map to place a marker
2. Once the marker has been placed, it can be dragged to another position
3. To place additional markers, select the tool again and repeat

# Project Activities, Habitats, and Benefits

## Project Activities, Habitats, and Benefits

Intro ➡ 1 ➡ 2 ➡ 3 ➡ 4 ➡ 5 ➡ 6 ➡ Submit

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Next

### D. Project Activity(s)

Select All That Apply:

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Restoration | <input type="checkbox"/> Debris Removal   | <input type="checkbox"/> Maintenance/Management |
| <input type="checkbox"/> Protection             | <input type="checkbox"/> Land Acquisition | <input type="checkbox"/> Education              |

### E. Project Habitat(s)

Select All That Apply:

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Upland   | <input type="checkbox"/> Marine/Estuarine Wetlands      | <input type="checkbox"/> Beach/Dune                    |
| <input checked="" type="checkbox"/> Riverine | <input checked="" type="checkbox"/> Freshwater Wetlands | <input type="checkbox"/> Subtidal (Nearshore/Offshore) |

### F. Resource Benefit(s)

Select All That Apply:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Marine Mammals                 | <input checked="" type="checkbox"/> Shellfish            | <input checked="" type="checkbox"/> Water Column                       |
| <input checked="" type="checkbox"/> Birds               | <input checked="" type="checkbox"/> Terrestrial Wildlife | <input checked="" type="checkbox"/> Sediment/Benthos                   |
| <input checked="" type="checkbox"/> Reptiles/Amphibians | <input type="checkbox"/> Corals                          | <input checked="" type="checkbox"/> Shoreline                          |
| <input checked="" type="checkbox"/> Fish                | <input checked="" type="checkbox"/> Vegetation           | <input checked="" type="checkbox"/> Human Use (Recreational, Cultural) |

Will the project directly benefit State- or Federally-listed species? If so, please list them. :

Indiana and Northern Long Eared bats, Copperbelly Water snakes and Eastern Massassauga rattlesnakes.

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# Project Status

Also, is it included in regional or statewide plans?

**Project Status**

Intro 1 2 3 4 5 6 Submit

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**G. Project Status**

☒ Property/Resource Acquisition:

☒ Project Planning/Design:

☒ Project Permitting:

N/A

Not Started

Not Started

☒ Time to Implementation (months):

☒ Time to Project Completion (months):

0-3 months

1-5 years

Is this project included under a regional or statewide plan?

Yes

If so please list:

Kalamazoo River Watershed Assessment, 2005.

BackNext

[OMB Control 0000648-0497 - Paperwork Reduction Act Information](#)[Privacy Act Statement](#)**Version:** 3.8.2.00

\* indicates a required field

# Funding and Partners

Identify possible partnerships

## Funding and Partners

Intro ➡ 1 ➡ 2 ➡ 3 ➡ 4 ➡ 5 ➡ 6 ➡ Submit

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### H. Project Costs

Estimated Cost:

\$1,500,000

Funding Available:

\$0

### I. Project Partners

Partner Organization:

Kalamazoo Valley Trout Unlimited

Partner Contact:

Paul Tulgetske

Partner Involvement:

possible small funder/habitat improvement labor

Add Another Partner

#### Project Partners

| Partner Organization           | Partner Contact | Partner Involvement |
|--------------------------------|-----------------|---------------------|
| Allegan County Road Commission | Craig Atwood    | Bridge owner        |

Remove Selected Partner

# Review and Submit

Make sure your info is complete and accurate

## Review and Submit

Intro ➡ 1 ➡ 2 ➡ 3 ➡ 4 ➡ 5 ➡ 6 ➡ Submit

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Submit

### A. General Information

Organization:

Michigan Department of Natural Resources

Contact Name (First Last)\*:

Mills, Mark

Title:

Field Operations Manager

Address:

621 N. 10th St.

City:

Plainwell

State:

Michigan

Zip:

49080

Phone Number:

269-204-7046

Extension:

Email\*:

millsm@michigan.gov

Organization Website:

www.michigan.gov/dnr

### B. Location Information

Edit Map Information

Location (e.g. John Smith National Wildlife Refuge):

State(s):

MI

County/Parish:

Allegan County

Watershed/Basin:

Latitude (Decimal degrees):

Longitude (Decimal degrees):

Project Size (Acres):

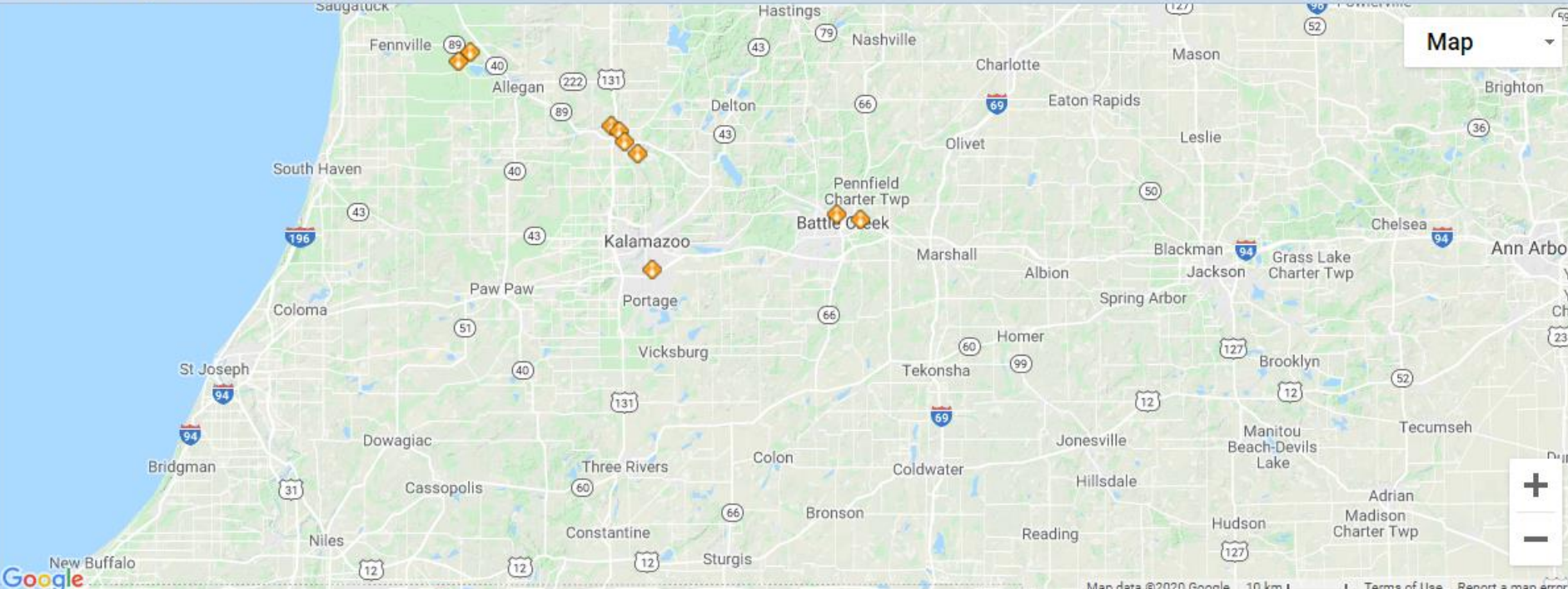


# View Accepted Projects

Inclusion on this list indicates project ideas have met posting guidelines and will be evaluated.

[Home](#) **Projects List**

[Filter Projects](#) [Refresh](#) [Download Project List](#)



**Project List (14 Projects)**

| View | Show on Map | Title  | State | County/Parish    |
|------|-------------|--|-------|------------------|
|      |             | Protect Nesting Area for Kalamazoo River Turtles | MI    | Calhoun County   |
|      |             | Elijah Root Dam Removal                          | MI    | Kalamazoo County |
|      | x           | Removal of concrete river channel                |       |                  |
|      |             | Plainwell Dam No. 2 (up-stream)                  | MI    | Allegan County   |
|      | x           | Kalamazoo River Access Points                    |       |                  |

# Do You Have a Project Idea?

- Talk to Trustee representatives about your ideas, get their feedback
- Submit or update previous submissions at any time in the portal
- To be considered – must be in the portal, but we can help you enter an idea if necessary



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# Tips for Submitting Project Ideas

- **DO** make sure your idea is consistent with evaluation criteria
- **DO** note your confirmation record so you can find your submission in the future
- **DO NOT** feel that you have to have a full-blown proposal
- **DO NOT** feel like you have to know how a project will be implemented or who will implement it

# Project Selection



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Trustees will:

- Provide public notice of initiation of next round of restoration planning
- Draft a focused restoration plan
  - Use project ideas
  - Evaluate with criteria
  - Propose projects to implement
  - Provide for 30 day public review & comment
- Finalize restoration plan
  - Select projects

**ADDITIONAL  
PUBLIC ENGAGEMENT**

# Project Implementation



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Trustees will fund projects using normal agency methods (e.g. contracts, grants)

Projects will need to include:

- Performance criteria
- Adaptive management plan
- Monitoring plan
- Reporting to Trustees
- Plan for long-term care of project

# Contacts and Information

## Contact info:

Lisa Williams: [Lisa\\_Williams@fws.gov](mailto:Lisa_Williams@fws.gov)  
(517) 351-8324

Julie Sims: [Julie.Sims@noaa.gov](mailto:Julie.Sims@noaa.gov)  
(734) 741-2385

Jay Wesley, DNR: [WesleyJ@michigan.gov](mailto:WesleyJ@michigan.gov)  
(269) 204-7057

Megen Miller, DAG: [MillerM59@michigan.gov](mailto:MillerM59@michigan.gov)  
(517) 335-7664

John Riley, EGLE: [RileyJ2@michigan.gov](mailto:RileyJ2@michigan.gov)  
(517) 284-5045

## Submit Project Ideas:

<https://darrp.noaa.gov/hazardous-waste/kalamazoo-river/suggest-project-kalamazoo-river-hazardous-waste-site>

## FAQs:

<https://darrp.noaa.gov/hazardous-waste/kalamazoo-river/frequently-asked-questions-faqs>

## NOAA Restoration Page with Links:

<https://darrp.noaa.gov/hazardous-waste/kalamazoo-river>

## Restoration Plan and Additional Information on FWS Website:

<https://www.fws.gov/midwest/es/ec/nrda/KalamazooRiver>



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