



United States Department of State

*Bureau of Western Hemisphere Affairs
Washington, D.C. 20520-6258*

August 12, 2020

Mr. Sylvain Fabi
Executive Director
U.S. Transboundary Affairs Division
Department of Foreign Affairs, Trade and Development

Dear Mr. Fabi:

The Government of the United States, as a Party to the Agreement between Canada and the United States of America on Great Lakes Water Quality, signed at Ottawa on November 22, 1978, as amended, (the "Agreement"), is pleased to notify Canada that the United States is removing the Lower Menominee River designation as an Area of Concern (AOC). As you know, the U.S. Environmental Protection Agency designated the Lower Menominee River, in Michigan and Wisconsin, an Area of Concern in 1987. Environmental monitoring has confirmed that beneficial uses have been restored in accordance with the criteria established in the Remedial Action Plan, and, thus, pursuant to Annex 1 of the Agreement, the United States is removing the designation. The action is based upon analysis by the Environmental Protection (EPA) agency as summarized in the attached letter from EPA Regional Administrator Kurt Thiede.

We would appreciate confirmation of your receipt of this notification. We intend to move forward expeditiously in removing of the designation as an AOC. We hope to continue the binational progress of restoring the Great Lakes as one of North America's celebrated treasures.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Lochman".

Laura Lochman
Acting Deputy Assistant Secretary of State
for Western Hemisphere Affairs
U.S. Department of State

Cc: Kurt Thiede
Regional Administrator, Region 5
U.S. Environmental Protection Agency

Enclosures:

August 4, 2020 Letter from EPA Region 5 Administrator Kurt Thiede to U.S. Deputy Assistant Secretary of State for Western Hemisphere Affairs Cynthia Kierscht



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

Ms. Cynthia Kierscht
Deputy Assistant Secretary
Bureau of Western Hemisphere Affairs
U.S. Department of State
2201 C Street NW, Suite 6262
Washington D.C. 20520

Dear Deputy Assistant Secretary Kierscht:

The U.S. Environmental Protection Agency hereby respectfully requests that the U.S. Department of State process the removal of the designation of the Lower Menominee River (LMR) as an Area of Concern (AOC). Taking this action would constitute only the fifth time a U.S. AOC has been delisted.

AOCs are heavily contaminated sites in the Great Lakes basin that the United States and Canada have identified and targeted for cleanup under the Great Lakes Water Quality Agreement (GLWQA). The LMR AOC is located on the western shore of Lake Michigan's Green Bay, and primarily consists of the lower three miles of the Menominee River that separates Menominee, Michigan from Marinette, Wisconsin, and several miles of shoreline north and south of the River's juncture with the Bay.

The LMR was originally identified as an AOC in 1985 and formally designated as such under the 1987 version of GLWQA, primarily due to legacy sediment contamination from various industrial activities and significant changes in land use. Six of 14 possible types of environmental degradation known as Beneficial Use Impairments (BUIs) were identified in the LMR, including:

- *Beach Closings;*
- *Restrictions on Dredging Activities;*
- *Degradation of Benthos;*
- *Restrictions on Fish and Wildlife Consumption;*
- *Loss of Fish and Wildlife Habitat; and*
- *Degradation of Fish and Wildlife Populations.*

An initial Remedial Action Plan to address the environmental degradation in the LMR was written by the Wisconsin Department of Natural Resources (WDNR) and Michigan Department of Natural Resources in 1990. Over the next 29 years federal, state, and local governments in cooperation with local advocates, academic researchers, industrial interests, and many other stakeholders have described known impairments, conducted studies, and identified actions

needed to further define and remediate the environmental degradation affecting the LMR AOC. The Great Lakes Restoration Initiative provided a needed catalyst to complete all necessary projects to remove BUIs.

In 2019, after discussion between EPA and the States of Wisconsin and Michigan, it was determined that the two states would jointly take the lead in developing a delisting report justifying the delisting of the LMR AOC. EPA received a *Preliminary Delisting Report* from the WDNR and Michigan Department of Environment, Great Lakes, and Energy (EGLE), on August 12, 2019.

EPA, in coordination with the States of Michigan and Wisconsin, solicited review and comment of the *Preliminary Delisting Report* from the local Lower Menominee River AOC Citizens Advisory Council (CAC) and the International Joint Commission (IJC). In addition, EPA completed a tribal consultation on the *Preliminary Delisting Report* with the Menominee Indian Tribe of Wisconsin in accordance with EPA's Policy on Consultation and Coordination with Indian Tribes. Based on a review of the comments submitted on the *Preliminary Delisting Report*, including comments submitted by EPA and the public, WDNR and EGLE jointly prepared and finalized a *Lower Menominee River Area of Concern Final Delisting Report* (see enclosed).

In July 2020, the States of Michigan and Wisconsin submitted this *Final Delisting Report* to EPA and requested that EPA proceed with the delisting of the LMR AOC. This request was submitted to EPA because it serves as the U.S. Co-Chair of the binational Great Lakes Executive Committee, which is charged with administering GLWQA.

Annex 1 of GLWQA states:

A Party shall remove the designation of an AOC or AOC in Recovery when environmental monitoring confirms that beneficial uses have been restored in accordance with the criteria established in the [Remedial Action Plan].

The *Lower Menominee River Area of Concern Final Delisting Report, with which EPA concurs*, summarizes the environmental actions taken and monitoring data gathered in the AOC and confirms that all six beneficial uses subject to impairment have now been restored.

Based on the foregoing information, EPA has concluded that the LMR AOC is now suitable for delisting. Accordingly, EPA requests that the U.S. Department of State take such steps as are necessary to remove the AOC designation for the LMR. Taking this action would constitute a significant milestone in the restoration of the Great Lakes and a notable success under GLWQA and the U.S. Great Lakes Restoration Initiative.

If you have questions or would like to discuss this matter, please feel free to contact me at thiede.kurt@epa.gov or (312)-886-3000, or your staff may contact Chris Korleski, Great Lakes National Program Office Director, at (312) 353-8320.

Sincerely,

**KURT
THIEDE**

Digitally signed
by KURT THIEDE
Date: 2020.08.05
07:58:19 -05'00'

Kurt A. Thiede

EPA Region 5 Administrator and Great Lakes National Program Manager

Enclosure

cc: Daniel Kuchar, U.S. Department of State



August 14, 2020

125 Sussex Drive
Ottawa, Ontario
K1A 0G2

Ms. Laura Lochman
Director
Office of Canadian Affairs
United States Department of State

Dear Ms. Lochman:

Thank you for your letter of August 12, 2020, notifying the Government of Canada regarding the United States government's removal of the Lower Menominee River's designation as an Area of Concern pursuant to the provisions of the 2012 Protocol Amending the Canada and United States Great Lakes Water Quality Agreement, 1978 (GLWQA).

The Government of Canada congratulates the United States government on this important accomplishment and appreciates the hard work of all partners who have contributed to the removal of the Lower Menominee's River AOC designation. This milestone is truly significant progress towards restoring the beneficial uses of Great Lakes Areas of Concern and revitalizing communities and waterfronts.

The Government of Canada remains committed to restoring and protecting the Great Lakes, through science, action, and collaboration with the United States and other partners.

We look forward to continuing to work closely with the United States government towards our shared goals under the GLWQA, and in continuing to make significant progress towards cleaning up Great Lakes Areas of Concern.

Yours sincerely,

Sylvain Fabi
Executive Director
U.S. Transboundary Affairs Division

c.c. Mr. Michael Goffin, Regional Director General, Ontario Region, Environment and Climate Change
Canada