

SAULIUS SIMOLIUNAS

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313-832-3117

March 25, 1992

Dr. Bruce Manny
US Dept of Interior - Fish and Wildlife Service
Nate Fisheries Research Ctr - gt lakes
1451 Green Rd
Ann Arbor, MI 48105

Dear Dr. Manny,

Thank you very much for a very careful and thoughtful review of my and Coronado's abstract "Critique of Detroit River RAP Stage I". We shall correct our abstract as per your instructions and send back to you the corrected version. The paper starts to become more accurate and precise because of your input. Thank you for your patience and your good advice.

I take the liberty to send to you the critique that we got from MDNR. I also include my answer to MDNR. MDNR is very dictatorial and is always right. Given this position of MDNR, public participation is non-existent in the MDNR affairs. Somehow we shall fit our response to MDNR in our paper.

Sincerely,
Saulius Simoliunas

ROUTING AND TRANSMITTAL SLIP

Date

3-20-92

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. S. Simolunas		
2.		
3.		
4.		
5.		

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REMARKS

Please don't be put off by the many marks I made. Your point of view is valuable.

The document is a little long for an abstract.

Would it be effective to influence future actions on the Stage 2 RAP by restructuring public involvement? If so, how might that involvement best be made?

As outlined on p. 3 of this abstract?

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FROM: (Name, org. symbol, Agency/Post) B. Manny	Room No.—Bldg.
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SAULIUS SIMOLIUNAS

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March 9, 1992

Dr. Bruce Manny
US Dept of Interior-Fish and Wildlife Service
Natl Fisheries Research Ctr - Gt Lakes
1451 Green Rd
Ann Arbor, MI 48105

Dear Dr. Manny,

I am sending to you our extended abstract "Critique of Detroit River RAP Stage I" for the session "Remedial Action Plans for the Gt Lakes" at IAGLR annual meeting in Waterloo this June. Also I am chairing the said session. Mr. Rick Coronado is the president and I am a director of Citizens Environment Alliance, he represents CEA at Detroit River RAP BPAC and I am citizen-at-large member at the same BPAC only from the US side.

Rick and I were very impressed by your criticism of the Stage I document. We also feel that ~~quantitative risk assessment for at least PCB and Hg should be done~~ ^{to human health} for the Detroit River region. Only then one could measure the future progress, if any.

I ask you to criticize our abstract so that we could give a fuller picture of the shortcomings of the RAP Stage I document. Perhaps then the abstract could become a full paper worthy to be published in the Journal.

Why not include this idea in your abstract as a need perceived by the public that needs to be incorporated in the Stage 2 DTR RAP?

Sincerely,
Saulius Simoliunas



CITIZENS ENVIRONMENT ALLIANCE

(formerly Clean Water Alliance Environment Group)

P.O. Box 548, Station A, Windsor, Ontario N9A 6M6 (519) 973-1116

CRITIQUE OF DETROIT RIVER REMEDIAL ACTION PLAN STAGE 1 February 1992.

SAULIUS SIMOLIUNAS & RICK CORONADO

International Association for Great Lakes Research

*Annex 2 of the amended
GL Water Quality Agreement
mentions 5 general principles
(e) of which ensure public
consultation.
(See attachment)*

*According to what
authority? In other words,
where in it written that
RAP's development
has these two
components?*

The development of the RAP has two major components: technical information and public participation.

The technical information was gathered by the RAP Team, which includes representatives from Federal, State, and Provincial governments. Representatives on the RAP Team were mainly made up of bureaucrats from Michigan Department of Natural Resources (MDNR) and Ontario Ministry of Environment (MOE), other departments and agencies were involved, such as U.S. Environmental Protection Agency (EPA) and Environment Canada, but it was MDNR that was the lead agency for the Detroit River RAP.

on the RAP, not assist in preparing it.

A Technical Advisory Committee was organized but did not have a primary review role, that is, the Technical Review Committee was given the opportunity to only comment but had no official status as a review or advisory committee that was necessary for the overall success of the Detroit River Stage 1 RAP. Furthermore, the Technical Advisory Committee did not have the opportunity to interact with the Public Bi-National Advisory Committee (BPAC); this acted to further enhance the separation of science and technical aspects of the RAP process from the BPAC and general public understanding.

to

opportunity

The RAP Team did include four public members of the BPAC on its committee, plus the BPAC Chairperson, but their role was minimal due to the lack of opportunity for review and interaction with the Technical Advisory Committee. In other words, the separation of science and the public was to continue throughout the Stage 1 RAP, and no opportunity existed for an independent technical review that could be conducted by the public BPAC.

*preparation
of
between
the RAP
Team and
of the RAP*

As a result, the ^{Stage 1 RAP} written document of June 1991 was more an effort in effective public and agency relations than an extensive and thoughtful review of what is known about impairments in the Detroit River. Although ^{the RAP} it has been referred to by the MDNR as "not a public document" it cannot be classified as a comprehensive technical document either, because of ^{many} constant clarifications of data and comments by MDNR bureaucrats. The Upper Great Lakes Connecting Channel Study (UGLCCS), of December 1988, was published before the present Stage 1 ^{RAP} report. UGLCCS provided excellent and practical recommendations, and has been referred to by a Great

*by the
Public
start*

did not receive



RECYCLED PAPER

Lakes Scientist as the "best data we will get for the next 50 years, and we should use it and act ^{upon} with it". This data was not used effectively by the Detroit RAP Team. Unfortunately, the Stage 1 document ~~has~~ settled for the status quo, which means, "what is and what is not" impaired according to the IJC delisting/listing criteria. Neither MDNR nor MOE looked at what was actually achievable and what was possible beyond, ~~merely prescribed~~, guidelines from the International Joint Commission (IJC). These guidelines were interpreted by MDNR, and to a lesser extent MOE, as the ultimate ~~adjudication~~ ^{judgement?} for the Detroit River area of concern.

Amherstburg
the 1998 WQA

What is
"more
ultimate"
than the
WQA?

no engineers
participated
in UGLCCS
and with

Another of the ~~major~~ shortcomings of the Detroit RAP Stage 1 is that it was written by bureaucrats, re: public relations agency people, as contrasted by the UGLCCS scientists ^{and engineers}. This is an example of the failure of the experiment in binational public relations on the Detroit River as offered by the MDNR (lead role) and MOE, while ignoring, misinterpreting, and in some cases, ~~deflecting~~ the science and engineering work of the Technical Advisory ^{Committee} and the UGLCCS.

finding

As per the Great Lakes Water Quality Agreement, the BPAC was formed in December 1987. The BPAC consists of approximately 20 members from Michigan and 20 members from Ontario from the following interest groups: environment, labour, academic, industry, recreation, municipal, port authorities, and conservation groups, non-point sources and citizens at large. Unfortunately, "stakeholder" participation at BPAC meetings has dwindled down to the point where only three industry representatives are active and only the City of Windsor and Amherstburg have been attending meetings, while the City of Detroit has not been involved. Public attendance has not been very ^{high} good at meetings, but the public membership and involvement on the Detroit BPAC has been consistent, ~~while, at the same time, participating with no resources to conduct independent scientific reviews of Stage 1 documents.~~ despite, The Citizens Environment Alliance (CEA) ~~did~~ ^{did} publish their own "dissenting" report and "citizens guide" to the Stage 1 RAP, which was entirely funded by charitable donations. This material is not found in the Stage I document.

As the Stage I RAP ^{was completed} came to its conclusion, members of the BPAC attempted to ~~table~~ ^{delay} the formal acceptance of the Stage I document, but the MDNR sought and received approval of "their" document at the Michigan Water Resources Commission; ~~even then the approval was not unanimous.~~ ^{by} Many critical details of the Stage I document still need to be addressed, and are to be ^{considered} "carried over" into Stage II. Ten studies have been identified as having a "high" priority for the Stage II Detroit River RAP.

by
given but

?

preparation of RAP for the Detroit River

The role of the public in the Stage I has been under dispute and confusion since 1987. Both Michigan and Ontario have different interpretations of public involvement, while the public involved in the BPAC to date have another view. MDNR (and MOE) has admitted they do not have the expertise or capacity to deal with social or economic factors pertaining to the Detroit River RAP.

in preparation

The decision to consolidate the role of public participation by Michigan and Ontario in June of 1987 was the key mistake in the loss of public profile of the Stage I RAP. Since then neither Michigan nor Ontario has been able to effectively ^{include} tap the public interest. Furthermore, ^{both} neither agency should have attempted to "control" public input. Ontario's role in public involvement has been just as misguided as MDNR's. In 1986, Ontario refused to fund a separate public participation proposal from a Windsor environmental and scientific group. Several provincial and federal bureaucrats have intimated that monies earmarked for Canadian public involvement and education on the Ontario side of the Detroit RAP were never spent for fear of offending Michigan and their lead role and the agreement that was signed in 1985.

Saulina, This seems to be the main point of this presentation. Why not move it to the beginning of the talk?

in preparation of the Stage 2

There are 5 major precepts that can be drawn from the Detroit River RAP: 1) there should be a separate technical review committee set up to actually write the documents; 2) other subcommittee's could be set up to look at various components of the RAP, including permits, sediments, point and non-point sources, ^{and} treatment plants, etc.; 3) the public should control and run its own involvement, and be directly funded by government; 4) a special citizens, (Friends of The Detroit River) community group could be created ^{with the many Detroit groups that have not participated in the Detroit RAP, along with the environmental organizations on the Canadian side (Windsor Essex County);} 5) a public edition of the Stage I RAP should be published, and it should only contain public input, review, and dissenting opinion. ^{It would be a "public document", for public consumption.}

is a key point

Who?

~~We must acknowledge the fact that a technical review and evaluation is necessary and could be effectively integrated with public input. We are not attempting to "solve the problems of the world in one document", but, we are attempting to bridge the gap between the public and their understanding of the role of science and engineering in environmental remediations. In closing, both writers acknowledge some positive aspects of the Detroit River binational experiment, however, they are far outweighed by the negative aspects. In our opinion, the Detroit River RAP should split into a Michigan and Ontario RAP, as proposed in 1986 by the CEA and others, with periodic integration and joint evaluations of ongoing documentation and progress in this area of concern. The public interest groups would then be promoting the "Friends of the Detroit River" concept, and at the same time, democratic decision making, and public ownership.~~

These very important concepts need to be more adequately presented near the beginning of this abstract. Why not illustrate these concepts by reference to (the more successful) public participation in prep. of the Stage I RAP?