



United States Department of the Interior

NATIONAL PARK SERVICE
Apostle Islands National Lakeshore
415 Washington Ave.
Bayfield, WI 54814

July 30, 2008

L7919 (NPS-APIS)

Mary Jean Fenske
Industrial Division, SP-5
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

Dear Ms. Fenske:

The National Park Service is pleased to see this important permitting process moving forward, and, as the superintendent of Apostle Islands National Lakeshore I welcome the opportunity to respond to the latest permit draft. The new draft and accompanying fact sheet addressed several questions from the National Park Service's earlier comments (dated April 30, 2008). However, I would like to reiterate a couple of key points that remain a concern from the NPS perspective.

Statement of Interest

The Lake Superior basin is home to several national park units, including Apostle Islands National Lakeshore, Grand Portage National Monument, Isle Royale National Park, and Pictured Rocks National Lakeshore. Each unit of the National Park system is mandated to "conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (National Park Service Organic Act, 1916). Native aquatic biota in each of these Lake Superior parks have suffered from aquatic invasive species (AIS) introduced via ballast water exchange. The National Park Service invests substantially in related prevention, monitoring, and research efforts in these parks, and has a vested interest in regulatory or policy changes that may reduce the risk of AIS introductions and spread.

Action(s) Desired and Supporting Rationale

1. Include Grand Portage National Monument and Grand Portage Indian Reservation in the list of prohibited discharge areas.

The NPS appreciates the inclusion of several state Scientific and Natural Areas as prohibited discharge zones in the new draft permit (page 3, part 2(8)). However, we note that the prohibited discharge area "east of Hat Point, south of the Minnesota-Ontario boundary and west of the Minnesota-Michigan boundary" does not include the nearby shoreline of Grand Portage National Monument or the waters of Grand Portage Indian Reservation in Grand Portage Bay. Grand Portage National Monument and the Grand Portage Band of Lake Superior Chippewa, in cooperation with the U.S. Fish and Wildlife Service, are working to protect and restore nationally and culturally important fishery resources such as coaster brook trout in these waters. Further, in the early 1990s the U.S. Army Corps of Engineers conducted a

study of Grand Portage Bay and concluded that it was likely eligible for the national register of historic places as a “traditional cultural property,” and should be managed as such until deemed otherwise. For these reasons, we recommend that MPCA add language to page 3, part 2(8), and to Map 1 in the appendix, which would identify all of Grand Portage Bay as a prohibited discharge area. This could be accomplished by either changing the latitudinal designation of the protected area from 47 degrees, 57 minutes, 13 seconds, to 47 degrees, 56 minutes, 40.67 seconds, or by including Grand Portage Bay in the description of protected area and defining Grand Portage Bay as the area North and West of a line between the above mentioned points. By enumerating these specific nationally-significant protected areas, Minnesota would also be demonstrating leadership that will be valuable in the effort to protect all appropriate nationally-significant areas from ballast water discharge as other states and the EPA develop similar regulations.

2. Encourage development and refinement of treatment options for non-traditional AIS.

The proposed biological performance standards are consistent with those of the International Maritime Organization (IMO), and we appreciate the rationale for this decision as described on page 9 of the Fact Sheet. However, we are concerned that some treatment technologies designed to meet these standards may not address certain small organisms (e.g., those <10 micron) or emerging pathogens of concern (e.g., the fish virus Viral Hemorrhagic Septicemia, VHSV). For example, a ship treating ballast water to IMO and State of Minnesota standards may learn, en route to Duluth-Superior, that it has taken on ballast water from a port undergoing a VHSV-related fish kill. Depending on the ballast water treatment technology employed by the ship, additional treatment may be necessary to prevent introduction of the virus to Duluth-Superior. We encourage MPCA to add a provision to the draft permit addressing additional treatment options related to such difficult organisms and pathogens, to be used on an emergency basis prior to or following the implementation of more standard ballast water treatment. Alternatively, we suggest that MPCA encourage work to test the effectiveness of treatment systems against these organisms and pathogens, possibly in the Fact Sheet (p 11, part VI-D) under discharge monitoring and frequency, related to up-front verification.

3. Clarify the applicability of the permit to NOBOB vessels.

In the NPS comments on the first draft permit (dated April 30, 2008), we noted that it was not clear whether or not the permit applied to vessels declaring “No Ballast on Board”, and recommended that it should apply due to the potential to re-suspend ballast tank sediments during ballasting within the Great Lakes. The new Fact Sheet speaks to this concern, noting that certain cleaning operations involve the re-suspension and discharge of tank sediment into open waters, and declares that discharge of such “non-suspended sediment” is prohibited, as a best management practice (Fact Sheet, Page 8, Part VI-A). MPCA should clarify in this section whether such discharges are strictly prohibited or are subject to the same treatment requirements identified in Part VI-B.

4. Consider provisions for accelerated treatment implementation.

We agree that consideration must be given to the lack of proven treatment technologies; however, perhaps the treatment implementation timeline could be “adaptive” based on the timing of the three technologies that are expecting final IMO approval in 2008, the dry dock schedule of individual vessels, and the possibility of wet dock overhauls. That is, MPCA could require a date of 2013 for those ships going to dry dock *if* the technologies are approved in time for implementation. Further, if ships go to dry dock every 5 to 6 years, and the permit takes effect in 2008, the proposed deadline of 2016 seems unnecessarily relaxed. Even if the 5-6 year period doesn’t begin until the closure of shipping in January 2009, the latest date should be January to March of 2015. Finally, the fact sheet specifically states that laker vessels are

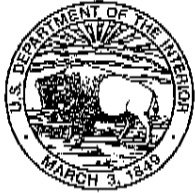
also worked to some extent in wet dock situations (e.g., for engine overhaul), but that wet docking does not allow for modifications to ballast water intake ports and associated piping. We highly recommend that MPCA consult various sources of ship construction expertise to determine whether or not dry docking is necessary to outfit ships with treatment technologies, as we believe opportunities may exist to implement treatment technologies during wet dock periods. If engine areas are accessible for modifications in wet dock situations, then ballast tanks and piping, where injection of oxidants would occur, would also be accessible in a number of ships. NPS has consulted with naval architects, ship engineers, and ballast researchers and it is our understanding that while dry docking may be necessary for extensive alterations or for a small number of ships, it would not be necessary for adding a metering system at the ballast pump on ships with central ballast pumps. Metering and monitoring devices can potentially be installed into ballast intake components that are accessible during wet or dry dock periods. Discharge could also be monitored at these sites. It is our understanding that the majority of ships have central ballast pumps on the Great Lakes. We suggest that MPCA include language allowing for the possibility of accelerated treatment implementation (i.e., before 2013) if IMO technologies are approved in 2008, if ships go to dry dock before 2013, or if implementation is possible in wet dock situations. Without such provisions, treatment implementation is unlikely to occur until the proposed and somewhat delayed deadline of 2016, increasing the potential for invasive species introductions.

Thank you for your efforts to develop a fair and protective vessel discharge permitting system, and for the opportunity to comment a second time. Questions related to any of our comments may be addressed to Jay Glase, NPS Regional Fishery Biologist (Jay_Glase@nps.gov, 906.487.7167) or Brenda Moraska Lafrancois, NPS Regional Aquatic Ecologist (Brenda_Moraska_Lafrancois@nps.gov, 651.433.5953 x35).

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Krumenaker". The signature is stylized with a large, looped "B" and a long, sweeping underline.

Bob Krumenaker



United States Department of the Interior

National Park Service

Midwest Region
601 Riverfront Drive
Omaha, Nebraska 68102-4226



July 31, 2008

L7919(MWR-NRSS)

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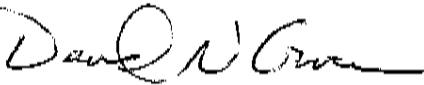
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Sincerely,



David N. Given
Acting Regional Director

cc:

Mr. Seth Moore
Grand Portage Band of Lake Superior Chippewa
P.O. Box 428
Grand Portage, Minnesota 55604