

St. Marys River Binational Public Advisory Council (BPAC) Meeting Minutes

Place: BT 202, Essar Convergence Centre, Algoma University
Sault Ste. Marie, Ontario

When: October 28th, 2013
6:00 pm – 8:00 pm

1. Call to order/introductions

Present: Corrina Barrett, Mike Ripley, Kristina Denison, Gary Leith, Max Cox, Bretton Joldersma (via teleconference), Catherine Taddo, Klaas Oswald, Lorelei Premo, Kira Fry

Guests: Jason Bertrim (Q104)

Regrets: Paula Antunes, Chris Graham, Chris Tenaglia, Don Marles

2. Approval of Last Meetings Minutes

- September 4, 2013, adopted.

3. Business arising from previous minutes

Update on the letter sent to Ontario Minister of Natural Resources

- A letter was written by Klaas and signed by the Chair (Mike Ripley), which was sent to David Oraziotti (the OMNR and SSM MPP) (the letter was an updated version of the one that had been circulated at the previous meeting) regarding the BPAC's take on the protection of the Pointe Louise wetlands in the St. Marys River AOC.
- Overview: Avery Construction filed a plan with the Conservation Authority, and then with the City, to develop an area of the Pointe Louise wetland. The development was for 91 '1 acre' estate lots. The wetland portion to be developed includes about 100 acres, which would ultimately be destroyed. The CA board passed the plan, but City council turned the development down. Avery has appealed the City's decision to the Ontario Municipal Board (OMB), and their word is final. Both BPAC and the Pointes Protection Association have been fighting against the development in hopes to keep the wetland intact. Even though it is not currently "Provincially Significant", both groups feel it has the potential to be, and that it is definitely "Locally Significant". One of the SMR AOC's BUIs is the "Loss of fish and wildlife habitat" which includes remediation/creation/protection of rapids habitat and associated wetlands. Therefore this development goes against the mandate of the BPAC, and BPAC will continue to defend it.
- Klaas explains that to have an impact on the appeal, there are 3 choices. 1) Do nothing. 2) Become a 'Participant'. 3) Become a 'Party'. 'Participants' can make a statement, but are not allowed to cross-examine any witnesses. The statement of a 'Participant' does not carry the weight of a statement by a 'Party'. A 'Party' is allowed to sit at the table with the lawyers, make presentations, tender documents for evidence, call witnesses, and cross-examine. So to have the effect we want at the hearing, we need to be a 'Party'. One thing to note is that in becoming a 'Party', you may be liable for costs if it is found that you are 'wasting time' and not adding anything meaningful to the process. Everything must be to the point of the issue.
- Mike mentioned another issue with the development, being the bacterial issues and the potential contamination from 91 septic tanks. On this note, Frank Breen may be a good potential witness.
- Klaas would also like to try to have the wetland redesigned as a "Provincially Significant" wetland in conjunction with being a Great Lakes Coastal wetland, which would inevitably shut the hearing down.
- Klaas has tentatively identified the BPAC as a 'Party' with the OMB, in case of any hearings or prehearings that come up.

- Officially, the OMB needs written authorization by BPAC, recognizing itself as a ‘Party’ and it’s representative at the hearings. Klaas proposes for the BPAC to become a ‘Party’ at the OMB hearing, and volunteers himself as the BPAC representative. Max Cox motioned to have BPAC as a Party to the OMB Hearing, and Klaas being the BPAC representative. Greg Zimmerman seconded. No opposition. Motion passed. Keep as a placeholder on future agendas.
- Update on Pointe Estates: Article from Soo Today (October 2, 2013) <http://www.sootoday.com/content/news/details.asp?c=62346>
- Update on Deep Water Port – there is no new information on this at this time.
- Update on Little Rapids and announcement of NOAA funding – there is a proposal to restore some rapids around Sugar Island. The causeway from the Sugar Island ferry to the Island itself blocked the flow for the historical rapids (over 90% of the original rapids in the SMR have been destroyed to date). The plan is to build a bridge/culverts to restore the flow and along the rapids to come back to life (allowing spawning for fish, etc.). This is in an effort to restore habitat within the AOC. The Eastern UP Planning Commission and the Great Lakes Commission are the leads on this project, and the Chippewa County Road Commission will be undertaking the work itself. Some island residents are against the project though, as residents who live in the little embayment created by the causeway like to swim in the warm/calm water in the summer, and therefore they will lose their recreational area due to an increase in flow. Some are also worried that the construction will cause blockages in traffic, but the Road Commission will address this by creating temporary roads around the construction. As the BPAC has been behind this project since the beginning, the group is asking for BPAC to help gain more support from the community.
- MDEQ are taking comments (need support!) on the permit issued by the DEQ on behalf of the rapids project. The permit is part of the DEQ’s wetland and inland streams permitting process, it is a joint permit between the DEQ and the US Army Corps. The commenting ends on November 10th, 2013.

5. Office Reports

Update on LSSU BPAC Resource Office activities

- BPAC Environmental Summit will be coming up in March/April
- Lake State Aquatic Research Lab has some left over money from monitoring so it is being used to do some social science; a survey is being given to people around the river to find out their perceptions of the river, their use of the river, and the work being done on it (in Michigan).
- A second student will be updating the US SMR AOC poster to emphasize recent activities and progress towards delisting.

6. Agency Updates

- 4 Agency Update (attached).

7. Memberships

8. New Business

- Discussion on Implementation Annex Comments – Only three people have commented on the Annex at this time, so please take a look and send your comments to Corrina ASAP.
- Update on Water Quality Study through Algoma U – The open competitive process was initiated and the pile of resumes received was narrowed down to three. Ultimately, Lorelei Premo was the person chosen to be the Water Quality Sampling Technician. Lora and Corrina will be undertaking a reconnaissance trip and preliminary sampling trip in early November.
- US Army Corps work on the river near Sherman Park – the work is being done by the Chippewa County Health Department and involves trying to mitigate *E. coli* in the river through better management of storm water.
- Update from Ashmun Creek Technical Committee – now known as the “Sault Area Watershed Association” – had a meeting at city hall last week and talked about the DEQ requesting ideas for

monitoring in the Eastern UP as part of the 5 year rotation on water quality sampling, so they created a list of parameters to be tested in Ashmun Creek and Mission Creek.

- Review of SSM Official Plan:
http://www.cityssm.on.ca/contentadmin/UserFiles/File/CityDepartments/Engineering/Planning/Planning%20Documents/Draft_OP_Text_Schedules_February_March_2013_Public_Release_Binder.pdf - opportunity for comment, and section 3 deals with the environment. There will be open houses sometime over the next couple of months.
- Update on Bill 6: http://www.ontla.on.ca/web/committee-proceedings/committee_business_notices.do?locale=en&BillID=2718+&CommID=138&BusinessType=Bill&detailPage=notices - is in second reading in the legislator which includes the 'committee stage'. Public comment/input should be coming up soon.
- Land Use Planning and Appeal System – SSM Workshop Nov. 12 or 13 http://www.wawa-news.com/index.php?option=com_content&view=article&id=19110:province-reviewing-municipal-planning&catid=34:provincial-news&Itemid=80

9. Public Comments

- None.

10. Next Meeting

- Date to be determined. Will send out Doodle Poll.

Four Agency Report to the St. Marys River BPAC Meeting

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Environment Canada

- St. Marys River Rapids Habitat Feasibility Study: EC received five bids to carry out a feasibility study for creating new or augmenting existing rapids areas on the Canadian side of the river. A contract is now in place with the winning firm – Morrison Hershfield Inc. – who will soon begin site visits and even preliminary fieldwork, which will continue into the 2014 field season. The study will seek to include the “Big Rapids” area near Whitefish Island, the northern shoreline of the river downstream of the “Big Rapids”, and tributaries to the St. Marys River including the Big Carp River, Fort Creek, Root River, Garden River, Echo River and Bar River. The results are expected in early 2015, and will support future discussions with the RAP Implementation Committee and BPAC regarding the prospect of creating and/or restoring rapids habitat in the AOC.
- Agricultural Impacts Study: EC is planning to hire a contractor to determine to what extent agriculture may be negatively impacting the water quality of the St. Marys River. With support from government and non-government agencies (e.g., OMAF), it will involve an examination of the current nature, density and scope of Ontario-based agricultural activities and the associated water quality impacts. The agricultural sector was identified as deserving attention in the Remedial Action Plan to address non-point sources of pollution, and in fact has a specific action: *NPS-6: Control of agricultural and other non-point sources of pollution* (p.56). When environmental impairments were being evaluated into the early-90s, the inclusion of the agricultural sector was based on information that is now out of date. The appraisal of the amount and type of agricultural activities around the river today – and the associated environmental impacts – will provide current information needed to make an informed decision about what to do going forward with respect to agricultural non-point sources of pollution. The project will be completed before Spring 2014.

Michigan Department of Environmental Quality

- Michelle and Jamie Schardt are developing a series of 1-hr Lk Huron-focused webinars to highlight recent protection, monitoring and restoration activities in the basin. Lake Huron stakeholder from across the basin, including the BPAC, will be invited to participate. For first webinar, we are planning to have Stephen Riley with USGS give an overview/update webinar on the recent State of Lake Huron report recently released (on webpage under special publications):
<http://www.glfco.org/lakecom/lhc/lhchome.php>
- Little Rapid Habitat Restoration Project: On October 22, 2013 NOAA announced that \$5.9 million dollars was awarded to the Great Lakes Commission to implement the Little Rapids Habitat Restoration project. At this time the project team is still hopeful that the project will be constructed during the 2014 construction season. Also, the project team will be seeking the BPAC's assistance to help with public outreach. Public outreach and engagement is still a very important part of this project and will be on-going throughout the project.
- Public notice for Bird or Animal Deformities or Reproductive Problem and Aesthetics BUIs ended on October 14, 2013. Only minor editorial comments were received from EC and OMOE and both agencies supported the removal recommendation for both BUIs. OGL hopes to put together the removal recommendation package and submit it to EPA for review sometime within the next couple of weeks.