

St. Marys River AOC BPAC Meeting Minutes

Place: LSSU, Ontario Room
Sault Ste. Marie, Michigan

When: June 15th, 2016
6:30 – 8:30 p.m.

1. Call to order/introductions

Members: Klaas Oswald, Jessica Wesolek, Brian Wesolek, Ron Prickett, Jim Dukes, Paula Antunes

Agency Reps: John Riley (MDEQ), Catherine Taddo (City), Lisa Derickx (AU)

Guests: Kristen Sherlock, Rebecca Bolen

Regrets: Kristina Denison, Chris Graham, Mike Ripley, Emily Martin, Don Marles, Barbara Keller, Gary Leith, Megan Kelly

2. Approval of Last Meetings Minutes

- March 17th, 2016 & April 27th, 2016 - Minutes approved and adopted

3. Business arising from previous minutes

- Degradation of Benthos BUI (U.S.) status letter from BPAC – John Riley
 - Update – clean-up of the Tannery Bay site was completed in 2007, however, the site still hasn't been deleted from the National Priorities list. There are some concerns that there are some data gaps in the follow-up monitoring. John is waiting for additional information from the EPA. As a result, John has withdrawn his previous request for a letter from BPAC.
- Statement from BPAC that all management actions on the US side will be complete when the Little Rapids Project is finished – John Riley.
 - John has also withdrawn his request for this statement since there may be more work done at the Tannery Bay site depending on what the above-mentioned monitoring reveals. John will share more information with the BPAC when it becomes available. There is too much uncertainty at this time to go forward with the requested letter and statement.

4. Presentations

- N/A

5. Office Reports

- RAP Office (Ontario)
 - New hire for summer RAP Outreach Assistant – Interviews were conducted and Billy Wilson was hired to help out with outreach activities.
 - Yellow Fish Road Participation – Lisa participated in the yellow fish road with the City of Sault Ste. Marie, and the SSM Region Conservation Authority. Yellow fish were painted by storm drains with the help of 30 girls from Brownies, Girl Guides, and Pathfinders. A total of 114 storm drains were painted, and 196 houses were given fish hangers. The

Yellow Fish Road program is run by Trout Unlimited Canada (<http://www.yellowfishroad.org>).

- Art Competition at upcoming Sustain Algoma Expo (July 23, 2016) – The competition will have a St. Marys River theme to help raise awareness amongst members of the local community.
- SPAC meeting: June 27-28, 2016. There is a public advisory council for each of Michigan's Areas of Concern. Meetings happen several times a year and the next meeting will be in Sault Ste. Marie. All BPAC members are invited to attend and John Riley will send out an agenda when it becomes available. The BPAC will need to find a new SPAC representative.
- After SPAC meeting the Little Rapids Restoration Project Kickoff Celebration will take place at Rotary Park starting at 1pm on June 28, 2016. Some of the people who will be speaking include the Chair of the Chippewa County Road Commission, the Mayor of Sault Ste. Marie Michigan, Mike Ripley on behalf of CORA and the BPAC, John Catena from NOAA, Patrick Hamblin from EPA, Jon Allan from the Office of the Great Lakes, Bud Willis from the Soo Area Sportsmen's Club, etc. It is really important to let the community know about good projects such as these.

6. Agency Updates

i. Environment & Climate Change Canada (ECCC)

- Recall at the June 2015 BPAC meeting, Angela Darwin (Canadian Wildlife Service) presented the initial results from ECCC's evaluation of the Loss of Fish & Wildlife Habitat BUI. The multi-year effort was to assess current conditions and evaluate the degree of impairment (if any) in coastal wetland water quality, and breeding marsh bird, amphibian, aquatic macroinvertebrate and submerged aquatic vegetation communities within Canadian side of the AOC.
- A final study report has now been prepared, and it will be shared with BPAC pending agency review. Ms. Darwin is happy to present the final results in person at a future BPAC meeting.
- The main conclusions that are to be detailed in the final report include:
 - water quality within the AOC's coastal wetlands is comparable to non-AOC reference sites; suggesting overall water quality can be considered not impaired. AlgomaU's water quality survey (2013-15) corroborates this.
 - breeding marsh birds in the AOC are in relatively undisturbed condition, and sites inside and outside the AOC are in comparable condition; thus this can be considered not impaired.
 - there is no clear response to disturbance within the amphibian and aquatic macroinvertebrate communities, suggesting they can be considered not impaired.
 - there are some differences between submerged aquatic vegetation communities in the AOC versus non-AOC reference sites, but the overall area is not impaired for this community type.
- The lack of wide and well-distributed disturbance when developing the index of biotic integrity provides evidence that coastal wetland habitat and biotic communities on the Canadian side of the AOC are Not Impaired with respect to criterion (i) of BUI delisting criteria:

The Loss of Fish and Wildlife Habitat beneficial use will no longer be impaired when:

- i) coastal wetland wildlife habitat conditions within the Area of Concern are comparable to those of suitable reference sites, as assessed using an index of biotic integrity;

- ii) rapids habitat conditions are enhanced through feasible conservation and restoration measures identified in the Stage 2 Remedial Action Plan; and
- iii) the closely linked “Degradation of Fish Populations” BUI is no longer deemed impaired.

- As presented to BPAC in March 2015, ECCC commissioned a study to determine the physical, ecological and economic feasibility of undertaking several options recommended in the Stage 2 RAP for creating new or augmenting existing aquatic habitat in the AOC. This is relevant to criterion (ii) of the BUI delisting criteria. ECCC has been in discussions with the Batchewana First Nation regarding possible next steps for an aquatic habitat restoration project on Whitefish Island, because it was concluded to be the best opportunity for enhancements given the physical and ecological characteristics of the island and its channel, and its position within the St. Marys River.

ii. Ontario Ministry of the Environment & Climate Change (MOECC)

Great Lakes Guardian Community Fund

- The Sault Ste. Marie Innovation Centre has received approval for two projects in the Lake Superior basin. One project will restore and protect the riverbank of the Michipicoten River by planting native species and hydro-seeding along steep slopes and the other will restore wildlife habitat along power line corridors on the south side of Stokely Creek by planting native grasses, shrubs, and plants.
- Garden River First Nation also received approval for two projects (Lake Huron basin). One project will improve the beach and shoreline of the Ojibway Tent and Trailer Park Campground to allow access to traditional lands and the other will monitor shoreline/wetland habitat for invasive species.

iii. United States Environmental Protection Agency (USEPA)

Little Rapids Update:

All permits have been finalized and approved. The contractor is installing the turbidity curtain; work started early May; the contractor has installing a temporary access road. Alicia Krouth confirmed that the project is on schedule, the bridge plans are in hand. Flaggers have been put in place on both ends of the bridge and the contractor has been mindful of the ferry. Overall things are going smoothly.

Communications to the islanders has primarily been through the Quacker. Krouth sent an update to the Sugar Island Clerk and posted information on the project website. The contractors are providing an updated 3 week schedule that Krouth can send out.

A kickoff event is scheduled for Tuesday June 28th at 1pm. Congress is off so attendance from a representative could be possible and GLC will put out a request to Dan Benishek.

iv. Michigan Department of Environmental Quality (MDEQ)

The Beach Closings BUI Removal Recommendation is on Public Notice through July 12. At the end of that period, if there are no substantial concerns or issues raised, the DEQ will make a formal request to US EPA to remove the BUI from the US side of the AOC.

The DEQ continues to seek information from the US Army Corps of Engineers in support of the removal of the Restrictions on Dredging BUI. We hope to have a Draft Removal Recommendation to the BPAC in time for the first fall meeting in Michigan.

7. Memberships

- For new members, applications must be received & prospective members present for confirmation – standard procedure.

8. New Business

- Draft Minutes of Settlement re Pointe Estates – Klaas Oswald
 - An update was provided in regards to the proposed Pointe Estates development, in which Klaas Oswald was participating on behalf of BPAC in opposition to the development. The Developer has decided pursue an appeal in the divisional court of Ontario as well as a judicial review. Klaas will not continue in the appeals process. Minutes of settlement were past around for review by the BPAC. Klaas Oswald will be providing the Developer with a letter from BPAC confirming that BPAC:
 - Consents to Klaas Oswald withdrawing from the Proceedings on its behalf; and
 - Will not authorize anyone else to act on its behalf in the Proceedings or in any other proceeding in respect of the proposed Pointe Estates development.
 - It should be noted that this letter will not restrict BPAC from acting in the public interest. Also, the Pointes Protection Association remains involved to advocate for similar issues and they have a lawyer who is acting on their behalf.
 - The draft letter was reviewed by BPAC during the meeting and members voted in favour of providing the letter. All members present were in favour.
- Letter of Support RE: Aquatic Research Laboratory Expansion – Paula Antunes
 - A draft letter was circulated and reviewed by members of BPAC. NO objections were made in regards during the review. Klaas moves to adopt the draft letter as is, Jessica seconds.
- Removal Recommendation: Eutrophication or Undesirable Algae BUI (U.S.) – John Riley
 - The BPAC will write a letter following the format of the recently submitted Beach closure support letter.
- Natural Heritage Information Request: Port of Algoma (AECOM Project: 60342915)
 - The AECOM construction plan is not the same as presented a couple of weeks ago.

9. Public Comments

- None

10. Next Meeting

- Late August or September