

St. Marys River AOC BPAC Meeting Minutes

Place: Michigan Room, Cisler Center, LSSU
Sault Ste. Marie, Michigan

When: August 24, 2017
6:30 – 8:30 p.m.

1. Call to order/introductions

Members: Mike Ripley, Klaas Oswald, Donald Marles, Alexia Whisler, Aubrey Maccoux-LeDuc, Jesse Wesolek, Brian Wesolek, Chris Graham, Cystal Falk

Agency Reps: Lisa Derickx (Algoma U), John Perrecone (USEPA), John Riley (MDEQ)

Guests: Daniel Laudreville

Regrets: Paula Antunes, Catherine Taddo

2. Approval of Last Meetings Minutes

- June 1, 2017 – Approved with the condition that regrets be included

3. Business arising from previous minutes

- Response from USEPA regarding BPAC's letter on unilateral delisting of the St. Marys River AOC.
 - John Perrecone from the USEPA provided the following summary:
 - The Parties reserve the right to unilaterally delist one side of the AOC. However, that decision has not been made. Further such a decision will not be made without extension consultation with BPAC and other stakeholders.
 - BPAC was citing from a previous version of the Compendium (*Compendium of Position Papers, a Four Agency Framework of Roles and Responsibilities for Implementation of the Detroit River. St. Clair River, St Marys River Areas of Concern Shared Remedial Action Plan*) and not the most up-to-date version (2012).
 - Delisting an AOC is a hard thing to do – gathering all the required data, ensuring that projects are done, and showing that targets have been hit. Some targets are linked as is the case with the Degradation of Benthos BUI.
 - Comments/questions:
 - BPAC was not invited to make comments on the 2012 Compendium updates. BPAC would like to be consulted when important changes such as these are made.
 - **ACTION ITEM:** Joh Riley will look into getting a link to the 2012 Compendium for BPAC and inquire about the consultation process.
- Asian Carp discussion – Klaas Oswald
 - The Army Corp of Engineers has released a report that may help to keep Asian Carp out of the Great Lakes (and the St. Marys River). It analyzes options for upgrading the Brandon Road Lock and Dam near Joliet, a complex on the Des Plaines River southwest of Chicago that is considered a bottleneck where defences could be strengthened to prevent carp populations in the Mississippi River watershed from migrating into Lake Michigan. The Army corps said the plan

outlined in the 488-page document is intended to block the path of invasive species while minimizing impacts to waterway uses and users.

- Comments by Klaas Oswald:
 - With a mandate to rehabilitate and then maintain ecosystems in the St. Marys River, BPAC welcomes meaningful and effective efforts to prevent Asian Carp from entering the Great Lakes and through them the St. Marys River
 - We are concerned that the planned upgrades listed in the report are by themselves not sufficient, long term, to prevent AC from entering Lake Michigan, as there as many examples of structural and technological system failures in many fields
 - We are also concerned that the US government is not fully behind the effort to control AC
 - More particularly, we are concerned with the media report that states "Elected officials and business leaders in Illinois and Indiana have said that significant changes to the Brandon Road complex could hamper cargo shipment on the busy waterway." This would seem to indicate that these persons, who have some weight in decision making, are putting local interests ahead of a potential wide-spread, non-reversible, and economically devastating threat. *Image if this scenario was reversed:* If, in a parallel situation, a deadly airborne contagious disease was rampant in a Canadian city situated near a US city that depended on those Canadians for its retail sales and prosperity; should the US border city elected officials and business leaders hold the determinant view on whether to continue to allow a free passage of diseased Canadians into the USA? We suggest that in that case the larger danger would determine the proper, sensible, practical, and effective course of action. It is the same with Asian Carp in the rivers of Illinois connecting to Lake Michigan: they simply cannot be allowed to enter the Great Lakes. Half measures are being called for in this report, and we continue to believe that the only really effective measure at this time is to physically close the Chicago Ship Canal by means of earth fill. We understand that it is a heavily used and important commercial waterway, but there are times and places that call out for local sacrifice for the greater and larger good. The elected officials and business leaders of Joliet will never be affected by the introduction of AC into the Great Lakes, but millions of American and Canadian citizens will suffer serious economic loss if these fish gain access into Lake Michigan
 - Proposal that BPAC write a letter to the ACOE. Motion to write a letter to ACOE (First-Don, Second - Chris) regarding the army corp study on asian carp. No opposition from BPAC members in attendance.
 - **ACTION ITEM:** Klaas to write a draft letter which will be circulated to BPAC.

4. Presentations

- N/A

5. Office Reports

- Ontario RAP office update (Lisa) –
 - Summer student update: Josh Brooks has been working on a tributary assessment as well as an interactive map for the SMR AOC. The interactive map is an outreach piece which will show progress and future initiatives.
 - A multi-agency sediment task team led by ECCC and MOECC will be formed in the near future. The team will draft a sediment management plan for the Canadian side of the AOC. This plan is part of the delisting criteria for the Restrictions on Dredging BUI.

6. Agency Updates

Environment Canada (ECCC)

ECCC continues to work with the Batchewana First Nation to advance proposed aquatic habitat restoration on Whitefish Island; a recommended action in the Stage 2 RAP. ECCC has prepared RFP/contract documents for the next phase of the project: produce engineered designs (construction plans) for the proposed naturalization of channel bed and bank areas and construction of islands and shoals east of the island. The objective is to restore and create habitat important to native fish species, including Brook Trout, Whitefish and Walleye.

United States Environmental Protection Agency (USEPA)

EPA will discuss the three projects that were completed at this AOC that were identified as the key management actions for this AOC. With the completion of the Little Rapids project, and in addition to the Tannery Bay and Manufactured Gas plant clean-up projects, we are now prepared to say that all the actions have been completed.

Approximately 20 million dollars has been spent to improve environmental conditions on the American side of the SMR AOC. The USEPA will be making a statement to Congress and the Action Plan that all major projects/actions have been completed on the American side of the AOC.

Questions/Comments:

- Will the USEPA put out a press release? No
- Discussion about the possibility of having a celebration in the spring. Some ideas mentioned included a progress report for the AOC, bringing back the Environmental Summit, combining the celebration with Lake Superior Day (third weekend in July). MDEQ would likely be supportive and could potentially lend resources to help provide for such an opportunity.
- **ACTION ITEM:** Discuss the potential of having a celebration again at next meeting

Michigan Department of Environmental Quality (MDEQ)

Today, Michigan's Office of the Great Lakes, USEPA, NOAA, BPAC, CORA, the Chippewa County Road Commission, EUP Planning and others held a celebration of the completion of the Little Rapids Project at Rotary Park, in Soo MI. Congressman Jack Bergman was a featured speaker, among others. LSSU, MDNR and MDEQ will continue with monitoring activities over the next several months. Data collected are expected to support the future restoration of the Fish and Wildlife Habitat and Populations BUIs on the US side.

The Public Comment period for the removal of the Restrictions on Dredging BUI ended this week. The Office of the Great Lakes will send an official request to EPA's Great Lakes National Program Office in the coming week or so for concurrence on the BUI removal.

7. Memberships

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

8. New Business

- Algoma Steel update – Chris Graham
 - Algoma will be dredging the north end of the boat slip to remove contaminated sediment. The plan is to dredge for 15 days. The dredged sediment will go to the landfill on site (pending TCLP tests). Sediment curtain will be installed across the slip, silk curtain booms.
 - Questions: Will Algoma Steel provide the BPAC with a report? Yes, when available

- Lake Huron LAMP discussion – Mike Ripley
 - The Draft Lake Huron LAMP is out for public comment.
 - This is the first time that Lake Huron has had a Lakewide Action and Management Plan (LAMP).
 - It is a collaborative effort to protect and restore a Great Lake.
 - The St. Marys River AOC is part of this LAMP.
 - Some potential issues brought up include:
 - Previous drafts had included Enbridge’s Line 5 as a threat but have since been removed. The deep geologic repository has also been removed.
 - Oil from the Straights of Mackinaw or contaminants from the nuclear facility may not have a direct effect on the St. Marys River, so is it appropriate for BPAC to comment on these issues? These issues may not have a direct impact but they could have an affect on spawning fish and migratory birds that use the SMR during certain life stages/seasons.
 - Members are encouraged to review the draft LAMP document and pass along any comments to Mike or Lisa.

- Pte. Louise/Avery actions and Ontario’s Great Lakes Protection Act – Klaas Oswald
 - The developer/owner has begun logging the wetland, including clear-cutting large portions, with heavy machinery.
 - This has been in local media, which includes one article with many aerial and other photos at <http://northernhoot.com/pointes-residents-shocked-neighbourdeveloper-clear-cuts-wetland/> . Another article in a widely-read online local news outlet also covered this story, see <https://www.sootoday.com/local-news/sault-residents-react-to-developers-logging-activity-655574> . Both articles have generated many comments from local citizens.
 - The aerial photos show that large areas of the Pointe Louise wetlands were treeless or sparsely treed, indicating that the water table was at or near the surface. There was uncontradicted evidence, including oblique-angle aerial photos, at the OMB hearing that there was standing water over much of the wetland. The photos published recently in the media show the tracks of heavy machinery through the wetland as part of the logging; these tracks are full of water. It is likely that these heavy machinery trails have permanently changed the original flow of water through the wetland, and that the damage done by tree removal itself, and the skidding of trees through the wetland, has altered the wetland and its functions as wildlife habitat.
 - The Sault Ste. Marie Region Conservation Authority has laid a charge for interfering with the function of a wetland (likely a small monetary charge)
 - Klaas has created a draft letter that shows major loopholes in legislation and policy that have allowed the wetland to be adversely affected. The letter will help to notify the appropriate agencies that these loopholes exist and suggest possible remedies.
 - Motion that BPAC support the writing of a letter (Don - first, Crystal - second)
 - **ACTION ITEM:** Klaas will refine the letter that will be circulated to BPAC for review.

- Current status and update on Tannery Bay site – John Perrecone (USEPA)
 - This is also the Cannelton Superfund Site.
 - Sampling at this site will be done at least one more time.
 - Low levels of mercury in surface water and chromium in sediment were found above the detection limits but within reasonable levels.
 - Continued monitoring needs to be done before it can be removed as a Superfund site.
 - Questions/Comments:
 - BPAC would be interested to hear from the Superfund with updates.

- The City of Sault Ste. Marie’s Official Plan
 - Will be re-launched in the upcoming weeks.
 - BPAC should be involved during review/comment period.

9. Public Comments

- None

10. Next Meeting

- Schedule for mid-late October