

St. Marys River AOC BPAC Meeting Minutes

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

When: March 17th, 2016 from 6:30 – 8:30 p.m.

1. Call to order/introductions

Members: Klaas Oswald, Don Marles, Brian Wesolek, Jessica Wesolek, Matt Konieczki, Megan Kelly, Emily Martin, Mike Ripley,
Agency Reps: Lisa Derickx (Algoma U), John Riley (MDEQ), Ted Smith (EPA), Michelle Bruneau (MDHHS), Catherine Taddo (City),
Guests: Rebecca Bolen, Dan Motz, Corrina Barrett
Regrets: Kristina Denison, Paula Antunes, Ron Prickett

2. Approval of Last Meetings Minutes

- January 15th, 2015 - Approved as presented

3. Business arising from previous minutes

- DRAFT removal recommendations for Beach Closings BUI (U.S.) – discussion around the request for a formal letter of support:
 - John Riley received comments from Catherine Taddo and made some revisions based on the recommendations.
 - Beach closures BUI pertains only to human sources of pathogens, which was revised by the state of Michigan last year. These revisions were shared with both the SPAC and the BPAC. They were accepted as stated since there was no comment or feedback received.
 - Clarification from BPAC was sought for non-attaining waters, which was defined as areas where the pathogen counts exceed the water quality standards. It was suggested that a reference or definition be included in the recommendations.
 - John has not received a response or feedback from Christine Daley (CCHD) concerning the removal recommendations for Beach closings.
 - John points out that we haven't seen many cases of beach closures and those that did occur were related to wildlife sources or occurred after a storm event. Also, there is not a greater amount of beach closures in this AOC as compared to non-AOCs.
 - BPAC questions whether the BUI can be removed before the sewer separation project is complete. In response, John refers to the removal criteria: *this BUI will be considered restored when human sources of pathogens are on schedule to be controlled* (i.e. through the scheduled sewer separation project).
 - John asked for a letter of support from the BPAC – motion made by Mike Ripley to accept the removal recommendations and draft a letter of support. Seconded by Don Marles. All members present in favour and motion pass.
- DRAFT Dredging Administrative Controls Document (Canada) – update
 - The RAP Coordinator has been compiling comments and will be resending the draft to BPAC members for final review. BPAC would like to see the document in place for the upcoming season.

4. Presentations

- Michelle Bruneau with the Michigan Department of Health and Human Services will present new brochures and signs for the *Eat Safe Fish* campaign.
 - New brochures and signs were distributed for review. Requesting input on potential areas for posting signs. Michelle will take comments via email as well.
 - BPAC comment – lodge owners do not like these signs because their customers see that they can only eat a certain amount of fish. In response, Michelle explains that the recommendations are technically per year (even though they are broken down per month). Wording has become more positive to help alleviate these concerns.

5. Office Reports

- RAP Office (Ontario)
 - Lisa did not receive any comments from BPAC concerning the annual report. It has been approved to be posted on the website.
 - March 22nd is St. Marys Night! The theme is dinner and a movie (Watermark documentary). Any BPAC members are encouraged to come out.
 - The Spring Expo is on March 18-20th. Lisa will be setting up an information booth that will showcase RAP and BPAC related documents.
- SPAC update – Spring meeting was March 1st followed by the regional AOC meeting. The next meeting will be held locally in June or July. Lots of discussion about post BUI removal at the meeting and what would happen to the BPAC afterwards.
- Environmental Summit is scheduled for March 26th. It will include an information fair with exhibitors and a guest speaker. The guest speaker is Tanya Cabala from White Lake AOC who will be talking about life after delisting.

6. Agency Updates

Environment & Climate Change Canada (ECCC)

- Earlier this year, the department's name was changed to Environment and Climate Change Canada.
- As reported to BPAC in September, fieldwork for ECCC's fish tumour survey was completed in summer 2015, which successfully collected 100 White Suckers in the AOC. Visual inspection showed two abnormal livers, but conclusions as to the tumour rate will come from the detailed lab work. All liver samples have now been processed in ECCC's histology laboratory (prepared in wax blocks, microtomed and mounted on slides, then stained) and are being reviewed for quality assurance. They will then be sent for final evaluation to the B.C. Ministry of Agriculture, with final assessment expected by mid-2016.

Ontario Ministry of the Environment & Climate Change (MOECC)

- MOECC, ECCC and the RAP Coordinator are revising the RAP Implementation Annex for the Canadian side of the AOC. It will account for activities and accomplishments in 2015, and identify work items for 2016. The updated copy will be circulated to BPAC.
- MOECC and Algoma University have completed the funding agreement for 2016-17. The objective is to coordinate stakeholder involvement and the implementation of priority actions for the Stage Two of the RAP. Algoma University is responsible for identifying and facilitating remedial actions and public involvement which includes tracking, monitoring, and summarizing results for completed projects, and building relationships among stakeholder groups for new projects.

United States Environmental Protection Agency (USEPA)

- Update on Little Rapids:

Design: Last summer the team of Payne and Dolan was selected to complete the design and build of the project. This winter they have been working on the design, plans, permitting and utility coordination. 70% road design plans were approved by AECOM and the Road Commission at the end of February, 70% bridge design plans are in the process of being approved and the final design is due in early April.

Permitting: The project permit application was resubmitted to the USACE to reflect the design change to a bridge the projects will be improved, but review by the permitting agency was still required. The Corps released a public notice for the permit on February 22nd, with a 15 day comment period. NOAA is responsible for coordinating NEPA review of the project. They have initiated this process and are coordinating with the design team to ensure they have adequate information and that the NEPA process is completed in line with the planned construction start date.

Construction: AECOM has provided a construction schedule for project completion in 2016. The construction period, starting with mobilization and the construction of a temporary road is scheduled to begin on May 2nd, pending the completion of all the other aspects of the project. One of these is the restriction of heavy equipment on roads. There is a time at the end of winter/beginning of spring when there are load restrictions to reduce road damage from heavy/large truck use. According to Alicia at the Road Commission, those restrictions are lifted sometime in May, however, with the mild winter it is possible that restrictions will be placed and removed earlier this year. Bridge construction is scheduled to take place between June and October with final project delivery in November. Partners will work closely with our federal funding agencies to address any scheduling challenges.

Public Engagement: GLC, EUP Planning and the Road Commission have developed a communications strategy to ensure coordinated and consistent project messaging. Project updates and status are being conveyed through a project website on the GLC website, a project facebook page, articles to the Quacker and through other media as appropriate. Members of the project team have participated in recent BPAC meetings to provide status updates on the project. As the project moves forward, we will provide more frequent updates to ensure all partners are up to speed and can provide input.

Kick-Off Event: A public kick-off event will be held to recognize all partners involved in the development and implementation of this historic project. A May date to correspond with the start of construction is anticipated. This event would recognize the contributions of the local entities including the BPAC, Soo Area Sportsmen etc. that initiated this project, along with elected officials, leaders at NOAA and EPA etc.

Michigan Department of Environmental Quality (MDEQ)

- The Annual Great Lakes Areas of Concern Conference was held in Dearborn the first week of March, with about 275 attendees. Mike Ripley, Megan Kelly and Matt Konieczki attended, representing the St. Marys River AOC.
- Michigan's next Statewide Public Advisory Council meeting may take place in Sault Ste. Marie, MI in May or June this year, and will hopefully coincide with the beginning of construction of the Little Rapids project.
- Michigan's Office of the Great Lakes has drafted a Removal Recommendation for the U.S. side of the AOC for the Beach Closings BUI. We are seeking input on the draft document and a letter of support from the BPAC.
- The U.S. Army Corps of Engineers completed routine navigational dredging in part of the St. Marys River Navigation channel in 2015. MDEQ has reviewed the revised dredge material sampling data and determined it was suitable for unrestricted upland disposal and, therefore

meets Michigan's restoration criteria for the BUI. The Office of the Great Lakes will draft a removal recommendation for the BUI in the very near future. Those data either have been or will shortly be posted to the BPAC website.

- BPAC points out that the title "restrictions on dredging" is a little misleading when the dredging is restricted to the federal navigation channels. John points out that the title comes directly from the *Great Lakes Water Quality Agreement* so it is unlikely that it could be changed. However, he could make the point in the removal recommendations that this BUI is limited in geographical scope to the shipping channel.
- BPAC would like some clarification on how contaminated sediments will be addressed outside of these channels?
- In response from John Riley & Ted Smith: This is not the BUI that primarily deals with contaminated sediments – they are more so dealt with in other BUIs such as Benthos, fish consumption, fish and wildlife habitat, etc. Also, there are other programs that address contaminants.

7. Memberships

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

8. New Business

- John Riley provides documents on the U.S. BUI restoration criteria for (1) Beach closures, (2) Restrictions on dredging, and (3) Eutrophication and Undesirable Algae. These 3 BUIs were updated last year and circulated for comments. Since no comments were received it was interpreted as a form of acceptance. John explains the changes and is seeking a formal acceptance from BPAC in a voice vote. Mike Ripley motions to do a vote and Matt Konieczki seconds. All BPAC members present vote in favour of accepting all 3 BUI restoration criteria as presented (see attachments).
- U.S. BUIs – review of progress and future actions
 - i. Degradation of aesthetics - Removed 2014
 - ii. Bird or animal deformities or reproduction problems - Removed 2014
 - iii. Degradation of fish and wildlife populations – Little Rapids Project 2016
 - iv. Loss of fish and wildlife habitat - Little Rapids Project 2016
 - v. Beach closings – Compliance schedule in place for the Sault. Ste. Marie, MI waste water treatment facility, fulfilling BUI-removal criteria.
 - vi. Fish tumors or other deformities – Progress waiting for monitoring data collected in 2015 by Environment Canada.
 - vii. Degradation of benthos – U.S. delisting criteria met; BUI will be removed binationally. BPAC to write letter stating that it is in agreement U.S. goals have been met, but will not take further action until the Canadian side is prepared to move forward.

- viii. Restrictions on fish and wildlife consumption – Recent sampling indicates that Hg levels in rock bass and yellow perch in the AOC may be higher than in reference sites. Other species are NOT higher in the AOC. According to an IJC report, Hg levels may be staying the same or even increasing in fish throughout the Great Lakes Region. John Riley is awaiting a memo from the fish contaminant specialist with the MDEQ's Water Division, analyzing the latest data. Next steps are unclear at this time.
 - ix. Eutrophication or undesirable algae – MDEQ will conduct monitoring this summer to evaluate current conditions.
 - x. Restriction on dredging activities – No sources on U.S. side? What next? – John Riley has revised data from the US Army Corps of Engineers, along with analysis from the MDEQ's Waste Management Division that indicates the most recent dredging activity, which took place in 2015, consisted of clean material that did not require any special handling and was suitable for unrestricted upland placement. This analysis is a very recent development. He plans to take the next steps of presenting this information to the BPAC and to begin drafting a Removal Recommendation document.
- Klaas Oswald brings up the emerging issue with estrogen affecting fish in the St. Marys River (i.e. male fish showing signs of female characteristics which will probably have an affect on reproduction). Perhaps the BUI should not have been removed?
 - John Riley states that this occurs not only in areas of concern but everywhere and has nothing to do with the legacy of industrial contaminants or why this BUI was impaired in the first place. Ted Smith shares that studies are underway concerning this issue but is in agreement that it is not an AOC issue.
 - John Riley will share a letter from the State (DEQ, OGL) to EPA concerning a statement that all the major projects on the U.S. will have been completed with the completion of the Little Rapids Project. John will be seeking verbal support at the next U.S. BPAC meeting.

9. Public Comments

10. 2016 Executive Elections

Chairman – Paula Antunes (Canada)

1st Vice Chair – Emily Martin (U.S.)

2nd Vice – Don Marles (Canada)

Past Chair – Kristina Denison (U.S. – auto)