

St. Marys River AOC BPAC Meeting Minutes

Place: CC202, Algoma University
Sault Ste. Marie, Ontario

When: October 3, 2018
6:30 – 8:30 p.m.

1. Call to order/introductions

Members: Paula Antunes, Mike Ripley, Klaas Oswald, Don Marles, Ron Prickett

Agency Reps: Catherine Taddo (City), Dawn Talarico (MECP)

Guests: Joanie McGuffin, Gary McGuffin, Peter Greve, Pooja Sharma, Roz Anderson

Regrets: Jessica Wesolek, Mary Rossiter, Jim Dukes, Kristen Sherlock

2. Approval of Last Meetings Minutes

- June 7, 2018 – Approved as presented
 - Updates requested in regards to the following:
 - Biodiversity Atlas – John Paskus
 - Little Rapids Habitat Restoration – post monitoring results from Ashley Moerke
 - **UPDATE:** Ashley will be ready to present the results in February/March 2019.
 - Whitefish Island Habitat Restoration – ECCC/Batchewana First Nation
 - **UPDATE:** A presentation will be given at the December BPAC meeting

3. Business arising from previous minutes

- BPAC letter to City of SSM (Review of Official Plan)
 - Letter was submitted to the City of Sault Ste. Marie– gave recommendations for what BPAC thought the City should consider when writing the official plan.
 - Sault Naturalists have also been in conversation with the City Planning Department. Have been in meetings with the City and the SSMRCA to naturalize tributaries in the West End. Have made a list of things they recommend that the City could do in regards to the Shape the Sault project.
 - **Action Item:** Invite Peter Tonazzo to give an update on the Official Plan at a BPAC meeting when it enters the second stage of development – potentially a year away.
- BPAC membership
 - Always welcoming new members – process is to write a letter of interest
 - There are a few members who have not attended for quite some time for various reasons. Suggestions that there may be a separate category called auxiliary members (or could use different terminology). Members who are still interested in hearing about the meetings but may not have the capacity or time to actually attend.
 - It was brought up that in the past people have to express interest to remain – those that do not respond will get a letter of intent.

- People can remain on the mailing list and they can attend a meeting but they can not vote unless they are a member. A “mailing list membership” – they don’t get to participate in the doodle poll or vote but can still keep in the loop.
- In BPAC Terms of Reference it is the Executive’s responsibility to send out the letters of intent – members must not have attended for at least 3 meetings and not expressed regrets.
- **Action Item:** Paula to draft correspondence.

4. Presentations

- NA – The Ontario RAP office was hoping to have an employee from the Ministry of Environment, Conservation and Parks to give a presentation on the results of fish consumption work – but there is a provincial travel ban. It is better to postpone the presentation until one can be done in person.
- **Action Item:** Lisa to send report once completed and arrange for a future presentation.

5. Office Reports

- Ontario RAP Office
 - The Ontario RAP Office was able to hire an outreach assistant for 4 months during the summer to help with various public events. An information booth was setup at the Sustain Algoma Expo in June. Presentations were given at meetings of the Sault Ste. Marie Chapter of Scouts Canada. The groups included both cubs and scouts so activities were geared towards children aged 8-13. Youth activities were held at the Centennial Library to encourage children to learn about the river. Factsheets and newsletters were on hand for adults to take home as well. A drop-in information session was held on the Beach of Bell’s Point Campground in August. This was a testing site for the Water Quality Assessment completed by Carrie Ginou, Algoma University. Information was also provided at both the Mill Market and the Honoring Mother Earth Environmental Fair.

6. Agency Updates

Environment and Climate Change Canada (ECCC)

The ECCC-MECP approvals process to officially remove the three beneficial use impairments supported by BPAC on the Canadian side of the AOC is progressing. The submission to redesignate “Beach Closings”, “Degradation of Aesthetics”, and “Eutrophication/Undesirable Algae” to Not Impaired was made to senior management for final decision. These three BUIs have already been removed on the U.S. side.

This summer, ECCC’s contractor (Riggs Engineering) completed fieldwork with staff from the Batchewana Natural Resources Department and Parks Canada needed to produce engineered designs for naturalizing the channel bed and bank areas of the Whitefish Channel and constructing islands and shoals east of Whitefish Island to benefit native fish populations. Assessment of physical landscape and measurement of water flowing from the culverts through Whitefish Channel has helped to better understand the area’s geomorphology and hydrology. Depth soundings and bathymetry data conducted off the eastern end of Whitefish Island has aided detailed designs. A presentation on the work will be delivered to BPAC later in 2018.

ECCC and MECP are furthering the development of a multi-agency contaminated sediment management strategy for the Canadian side of the AOC. The process will involve BPAC and community consultation, which will begin in late 2018/early 2019. A BPAC meeting in the near future is proposed, where ECCC/MECP will present an overview on the current situation with respect to contaminated sediment on the Canadian side of the river that summarizes the data

collected over the past 10+ years, and outline a plan with timetable for seeking BPAC and community input into the AOC management strategy. A “Conceptual Site Model” is being drafted that will capture all of this information, and it will be shared with BPAC when completed in March-April 2019. ECCC/MECP will return to BPAC to provide an update on the results of the 2018 sampling and to discuss the next steps. BPAC and community engagement will continue throughout 2019, with the objective of having a sediment management strategy developed by December 2019.

- BPAC comments:

- The drafting of a Sediment Management Plan is a big issue. There have been lots of studies completed over the past 10 years but what to do with the data will be a major issue. What does BPAC think is the best long-term plan to deal with the contaminated sediment? It will also be a big deal for other groups (ie. Sailboat club by Bellevue Park and their need to dredge). There may be some contentious issues to deal with.
- There was a request for background information. The purpose of the Conceptual Site Model is to bring together everything we know on the sediments into one document.
- The town of Marathon put a cap to cover up the mercury in Peninsula Harbour. It was a sand cap completed a number of years ago. Post-monitoring results are not available yet but so far looks positive. It looks like the cap is restricting the movement of mercury and the cap seems to be remaining in place. A good practical example. A report will be available in spring 2019. Dawn to share with BPAC.
- **Action Item:** Dawn to share report with BPAC once available.
- **Action Item:** Dawn to look into the following questions – Are there any regulatory restrictions for dredging in that area? What about anchoring?
- **UPDATE:**
 - Administrative controls have not been implemented to protect the thin layer cap installed at Peninsula Harbour. It’s up to the government to consider the cap when evaluating any proposals for work that could potentially disturb it, and a condition is put in place that if there is any disturbance to the cap the proponent then becomes responsible for monitoring to ensure the disruption has not/will not result in contaminant migration and conduct any work needed to restore the cap.
 - Administrative controls have been implemented in the Cornwall AOC where natural recovery (leave the material in place with it to be covered via natural deposition over time) with long term monitoring was determined to be the preferred sediment management option. Seven participating agencies developed an Administrative Controls Protocol to ensure sediments are not disturbed by human activities. Administrative controls (planning, approval and permit control mechanisms) specify that there must be no disturbance, exposure or re-suspension of contaminated sediments. All permit applications and proposed projects along the Cornwall waterfront will be assessed by Environment and Climate Change Canada, the Ontario Ministry of Environment, Conservation and Parks, Department of Fisheries and Oceans, Ontario Ministry of Natural Resources and Forestry, Raisin Region Conservation Authority, City of Cornwall and Mohawk Council of the Akwesasne based on the Protocol's decision-making framework. The Raisin Region Conservation Authority is the lead for co-ordinating the application review process. The administrative controls protocol is available here, <https://www.rrca.on.ca/files/file/doc-Cornwall-Sediment-Strategy-Accord.pdf?phpMyAdmin=415bcc74a9c69072ce5800d6de86a905>
 - It should also be noted that a Dredging Administrative Controls Guidance Document is currently in place for the St. Marys River and available

here, <http://bpac.algomau.ca/wp-content/uploads/2017/07/SMR-Dredging-Admin-Controls.pdf>

Ontario Ministry of the Environment, Conservation and Parks (MECP)

Following the provincial election in June, the Ministry of the Environment & Climate Change was renamed the Ministry of the Environment, Conservation and Parks.

United States Environmental Protection Agency (USEPA)

John Perrecone, USEPA's Great Lakes National Program Office point person for the St. Marys River Area of Concern, retired very recently. A replacement has not yet been assigned.

Michigan Department of Natural Resources (MDNR)

MDNR's Office of the Great Lakes intends to have a draft Removal Recommendation for the Loss of Fish and Wildlife Habitat and the Degradation of Fish and Wildlife Populations BUIs in one document before the end of the calendar year.

7. Memberships

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

8. New Business

- 2019 Watershed monitoring recommendations for MDEQ
 - The MDEQ Water Resources Division is soliciting water quality monitoring recommendations for 2019 to support implementation of their Strategic Environmental Quality Monitoring program. The Eastern Upper Peninsula is identified for 2019 which may be of interest to BPAC since they can recommend specific water bodies within the larger area. In 2014, BPAC recommended urban creeks within the City of Sault Ste. Marie, Michigan.
 - The Conservation District is recommending the Munuscong River and the Charlotte River. There are some known issues with these rivers (ie. They run through farmland and there are old landfills in the area).
 - Bay Mills may also recommend some tributaries such as the Waiska River, but may also be supportive of the two above-mentioned rivers.
 - **Action Item:** Mike to discuss and inquire with Bay Mills.
 - It was mentioned that the BPAC might consider supporting the Munuscong River due to its outflow into the St. Marys River AOC and the fact that it is spawning habitat for Walleye.
 - **Action Item:** To further discuss this topic at the next BPAC meeting.
- Is there an equivalent Canadian monitoring program? Provincial Water Quality Monitoring Network where a number of stations are setup across the province.
- **Action Item:** Dawn to look into location and will provide BPAC with a website link.
- **UPDATE:**

- Monitoring is conducted on several streams in the vicinity of Sault Ste. Marie as part of the Provincial Water Quality Monitoring Network: Big Carp River, East Davignon Creek, 2 locations on the Root River, and Coldwater Creek.
 - A map showing the monitoring locations is available at <https://www.ontario.ca/environment-and-energy/map-provincial-stream-water-quality-monitoring-network>
 - Data for individual sites can be obtained by clicking at a point on the map, and full datasets are available for download at <https://www.ontario.ca/data/provincial-stream-water-quality-monitoring-network>
- Chromium Smelter Proposal
 - BPAC should discuss as a group in case the proposal goes through. As a group, how can BPAC advise on ways to minimize the impacts of a smelter? This is an important topic and something to think about in advance. BPAC should learn more about current technologies associated with the industry. Is an Environmental Assessment or an Environmental Impact Study needed if Noront builds on an existing industrial site (ie. Algoma Steel)?
 - **Action Item:** Dawn to find out more information.
 - **UPDATE:**
 - MECP is unable to say whether Ontario's environmental assessment (EA) requirements will be triggered as we don't currently have a proposal providing project details for consideration. If the province's EA process is not triggered, a proponent can still choose to voluntarily complete an EA or be required to do so by regulation.
 - The Minister can recommend to Cabinet that a project be subject to the requirements of the Environmental Assessment Act based on the nature of the project, potential for significant environmental effects, and level of public interest. Anyone may submit a designation request to the Ministry asking that a project go through an EA process by making a written request to the Ministry of the Environment, Conservation and Parks. Include as much information about the project as possible and the reason for your request, and submit to:

Director, Environmental Assessment and Permissions Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West, 1st floor
Toronto, Ontario M4V 1P5
 - The ministry assesses the merits of the request and may make a recommendation to the Minister. A proposed designating regulation is then posted on the Environmental Registry for a minimum of 30 to 45 days for public consultation.
 - Proponents may choose to voluntarily comply with the requirements of the Environmental Assessment Act through an agreement with the ministry. This is usually done when the proponent feels that the nature of the project and the level of public interest warrant an EA.
 - It should be noted that regardless of whether the project is subject to EA requirements, provincial permissions will likely be required to facilitate the

operation (e.g., Environmental Compliance Approvals for air, waste and wastewater discharges). Detailed design documents, and often supporting studies, must be provided and accepted by the Ministry of the Environment, Conservation and Parks in order to obtain these permissions.

- ECCC also asked for information on this subject and we received the following information from Rob Dobos, Manager of the EA Section for Ontario under ECCC's Environmental Protection Branch. Main points when I asked if there will be federal EA requirements:
 - The Canadian Environmental Assessment Agency will need to determine if the *Canadian Environmental Assessment Act* (CEAA 2012) will apply. The proponent (Noront Resources Inc.) first needs to submit a project description to the Agency, who will then determine the federal EA requirements, and the timing of when they will do that.
 - The Agency is keenly following Noront's plans and has been discussing it with them. The City of Sault Ste. Marie has also been talking to the Agency about it.
 - The other factor is the proposed new *Impact Assessment Act*, and depending on when the proponent comes forward with their project, it could fall under either the new act or the CEAA 2012.
 - Under the existing CEAA 2012 Project List regulation, there is no specific item for a ferrochrome production facility or generally for metal smelters. There is one for metal mills. Under CEAA 2012, the Minister has the ability to designate a project that is not normally triggered under the Act to require a federal EA.
 - The IAA will also have a Project List to determine what gets caught under it, which is still under development, so it's not known yet whether it will or not.

9. Public Comments

- The Lake Superior Watershed Conservancy (LSWC) is a charitable non-profit organization in Canada and the United States. The LSWC is a land trust that strives to be an international model for freshwater protection. To sustain a healthy Lake Superior watershed for future generations, the LSWC facilitates the implementation of replicable projects within the watershed. The LSWC is the lead steward organization of the Lake Superior Water Trail and maintains several land trust preserves. To find out more visit: <http://www.superiorconservancy.org/>

11. Next Meeting

- The next meeting will take place in November at LSSU in Michigan.