

ST. CLAIR RIVER BINATIONAL PUBLIC ADVISORY COUNCIL
(BPAC)

Minutes - Final
Meeting 2016-4

Wednesday, July 13, 2016
Lambton Public Health
160 Exmouth Street
Point Edward, Ontario

ATTENDEES:

Donna Strang
Terry Burrell
Kris Lee
April White
Naomi Williams
Fred Kemp

Kathy Watts
John Jackson
Theresa Warren
Melanie Foose
Patty Hayman

Peter Westfall
Patty Troy
Ted Briggs
Marina Plain
Darrell Randell

REGRETS:

Lori Eschenburg

Fred Fuller

Call to Order and Introductions – K. Lee

The meeting was called to order by Kris Lee at 6:30 pm.

Adoption, Additions or Corrections of Draft Agenda – All

The draft agenda was reviewed and additions or corrections were solicited from BPAC members.

Moved by Terry Burrell and seconded by Fred Kemp that the draft agenda be accepted as prepared.

CARRIED

Approval of May 10, 2016 Draft Minutes and Actions – All

Actions arising from the last meeting on March 30, 2016 were reviewed along with the draft minutes.

- A correction was noted on page 2 of the minutes regarding microplastics in the Great Lakes. John Jackson advised that in Canada, the use of microplastics (i.e., microbeads) has not been banned as was stated in the minutes. Recently however, the government of Canada identified them as a toxic substance.
- Kris Lee advised BPAC members that she hadn't received any articles for the Lake Erie Forum blog and asked that BPAC members let her know the status of these articles so she could inform her contact for the blog.

ACTION – BPAC members will forward articles for the Lake Erie Public Forum to John Jackson (jjackson@web.ca).

Moved by Fred Kemp and seconded by Theresa Warren that the draft minutes of May 10, 2016 be accepted with the modification identified.

CARRIED

Restriction on Dredging Activities BUI – Canadian Remedial Action Plan (RAP) Implementation Committee (CRIC) – D. Strang and A. White

At the March 30, 2016, BPAC meeting, Donna Strang presented the status assessment for the Canadian “Restrictions on Dredging Activities” Beneficial Use Impairment (BUI) that recommends re-designation from “Impaired” to “Not Impaired”. At that time, BPAC members requested that a number of revisions be completed and that additional data be collected on the sediment chemistry in Sarnia Harbour. In addition, more time to comment on the draft status assessment was recommended prior to approval of the re-designation recommendation.

At the current meeting, Donna Strang provided an overview of revisions made to the status assessment to address feedback from BPAC members along with major questions received during the comment period. Revisions to the draft status assessment included:

- The inclusion of information about the Environment and Climate Change Canada (ECCC)/Ontario Ministry of the Environment and Climate Change (OMOECC) guidance document that provides guidance on how to properly apply this BUI in Ontario Areas of Concern (AOCs) and outlines different scenarios that justify re-designating this BUI to “Not Impaired”.
- Updated information on dredging projects (e.g., 2015 dredging in the South East Bend Cutoff Channel)
- Additional sediment chemistry data collected by the City of Sarnia from Sarnia Harbour which indicated that:
 - Sediment conditions have improved or remained stable in Sarnia Harbour indicating that the outfall historically connected to the Exmouth combined sewer (that was separated in 2009), is no longer a source of contaminants to the harbour. The proposed dredging of this location in 2016 by the City of Sarnia will further improve conditions by removing sediment where elevated contaminant levels remain.
 - Despite some exceedances of the Provincial Sediment Quality Guidelines (PSQG) Lowest Effect Level (LEL), dredged material from Sarnia Harbour is suitable for soil-like fill on industrial, commercial or community properties based on the OMOECC Soil, Ground Water and Sediment Standards.

The recommendation remained that the “Restrictions on Dredging Activities” BUI be re-designated to “Not Impaired” on the Canadian side of the St. Clair River AOC.

Moved by Terry Burrell and seconded by Darrell Randell that the recommendation to re-designate the “Restrictions on Dredging Activities” BUI to “Not Impaired” on the Canadian side of the St. Clair River AOC be accepted.

TABLED

Discussion, questions and comments from BPAC members included the following:

- Because the revised status assessment was only sent to BPAC members the day before the meeting (July 12, 2016), BPAC members did not have enough time to review the revised report and were not comfortable supporting the re-designation until they had the opportunity to read the report thoroughly.
- Clarification on how the ECCC/OMOECC guidance document was applied in the status assessment is required.

- Patty Troy and Paulette Duhaime provided a list of questions and comments upon their initial review of the status assessment. BPAC members requested that these questions be answered individually with reference to where the revision is located within the report (if required).

ACTION – Donna Strang will revise the “Restrictions on Dredging Activities” BUI status assessment and provide answers to questions prior to the next BPAC meeting.

Bird and Animal Deformities or Reproductive Problems BUI – Status Assessment and Recommendation – MDEQ – P. Duhaime and M. Foose

Paulette Duhaime was unable to attend the BPAC meeting, however, herself, Kirsten Lyons and Patty Troy attended a meeting with Michigan Department of Environmental Quality (MDEQ) scientists where clarification and additional information was provided on the statewide assessment of the “Bird or Animal Deformities or Reproductive Problems” BUI in Michigan.

Melanie Foose provided BPAC members with an overview of the “Bird and Animal Deformities or Reproductive Problems” BUI status assessment for the American side of the St. Clair River AOC. Two different approaches were utilized to determine the status: 1) Examining direct observational productivity data and/or measurements of contaminants in blood and/or tissue and 2) Analysis of fish tissue as an indicator for deformities in wildlife that consume these “forage fish”. Wildlife species studied in support of this assessment in the St. Clair River AOC included bald eagles (*Haliaeetus leucocephalus*), mink (*Neovison vison*), tree swallows (*Tachycineta bicolor*), carp and forage fish (including bluegill (*Lepomis macrochirus*), yellow perch (*Perca flavescens*) and bluntnose minnow (*Pimephales notatus*)).

Results of the status assessment were positive. Bald eagle productivity and contaminant levels (particularly PCB and pp-DDE) in the plasma of eaglets support a stable population. PCB levels in mink livers and tree swallows were well below levels associated with deformities or reproductive impacts and contaminant levels in carp were comparable to areas outside the AOC. Lastly, contaminant concentrations in forage fish were similar to levels found outside of the St. Clair River AOC in the Les Cheneaux Islands in Lake Huron.

Moved by Patty Troy and seconded by Fred Kemp that the recommendation to remove the “Bird and Animal Deformities or Reproductive Problems” BUI on the American side of the St. Clair River AOC be accepted.

CARRIED

Bird and Animal Deformities or Reproductive Problems BUI – CRIC Update - April

April White updated BPAC members on the current status of the “Bird and Animal Deformities or Reproductive Problems” BUI on the Canadian side of the St. Clair River and provided an overview of results. Currently, the status assessment recommendation to re-designate this BUI from “Requires Further Assessment” to “Not Impaired” has been approved by the CRIC. Consultation with Aamjiwnaang First Nation and Walpole Island First Nation (WIFN) will be planned shortly.

The status assessment examines contaminant levels, reproductive success and deformity rates in northern leopard frogs (*Rana pipiens*) and common snapping turtles (*Chelydra serpentina*) in the St. Clair River AOC. These species were chosen as sentinel species to assess this BUI for numerous reasons including their sensitivity to poor water quality, wide geographic distribution and their semi-aquatic characteristics.

Results indicate that hatching success of frog embryos exposed to St. Clair River AOC water and sediment was 98%. In addition, frog deformity rates were lower than the average 5% rate in the wild. Contaminants measured in leopard frogs were low and do not impede reproduction or cause deformities.

Results from the common snapping turtle studies also yielded positive results. In 2011, turtle eggs were collected from multiple sites within the WIFN delta to assess hatching success, hatching deformities and contaminant levels in eggs. Hatching success was above 90% and hatching deformity rate was approximately 7%; lower than the deformity rate observed at the reference site on Lake Huron. Contaminant levels in turtles for organochlorines (including PCBs) were low overall and below concentrations associated with reduced survivability. Mercury levels varied but even the highest concentrations measures were below those that would influence hatching success.

It is hopeful that re-designation of this BUI will be brought to BPAC in the fall for endorsement.

Restrictions on Drinking Water Consumption or Taste and Odour Problems BUI Discussion Paper Open Houses – D. Strang

Donna Strang advised BPAC members that open houses on the “Restrictions on Drinking Water Consumption or Taste and Odour Problems” BUI discussion paper have or will be conducted. To date, open houses have been held at Aamjiwnaang First Nation, Sarnia and Wallaceburg, with one being planned at WIFN. Most comments received have related to spill prevention at industrial facilities. The CRIC is currently finalizing a survey that will be sent out to local industries. The survey will solicit additional information from industries on initiatives that reduce their connection to the St. Clair River.

Kris Lee advised that the survey being developed was initiated through recommendations by the Wallaceburg Advisory Council for a Cleaner Habitat (WATCH) to the CRIC.

BPAC Celebration Event – September 7, 2016 – P. Troy

Patty Troy updated BPAC members on plans for a celebration event on September 7th. Initially, it was anticipated that a binational event could be held, however, BPAC members preferred to delay any Canadian celebration until a BUI was officially re-designated.

On the American side of the St. Clair River AOC, the BUI removals for “Degradation of Benthos” and “Beach Closings” will be celebrated along with the completion of all management actions for the “Loss of Fish and Wildlife Habitat” BUI. The event will take place at 2 pm at the Marysville Golf Course and will include tours of nearby completed habitat projects. Representatives from the MDEQ and the United States Environmental Protection Agency (USEPA) will speak during the ceremony.

OMOECC, ECCC, MDEQ and USEPA Updates on Canadian and American Projects – T. Briggs, A. White, M. Foose and R. Ellison

OMOECC Update:

Ted Briggs was not available to provide an update.

ECCC Update:

April White updated BPAC members on recent ECCC activities. A number of BUI status assessments are currently in different stages of re-designation or will be brought forward to the CRIC in the near future. These BUIs include the “Bird and Animal Deformities or Reproductive

Problems”, “Restrictions on Dredging Activities” and “Beach Closings” BUIs. Draft reports have also been prepared for the “Degradation of Fish and Wildlife Populations” and “Fish Tumours or Other Deformities” BUIs and are currently being reviewed.

The 2016-17 Great Lakes Sustainability Fund (GLSF) will support four projects in the St. Clair River AOC including: 1) developing a shoreline plan at WIFN, 2) shoreline restoration at Aamjiwnaang First Nation, 3) the installation of riparian buffers by the Rural Lambton Stewardship Network (RLSN) and 4) RAP governance and coordination.

April offered to provide a brief update on the habitat projects on the Canadian side of the St. Clair River at a future meeting.

MDEQ Update:

Melanie Foose reported that monitoring continues at the completed habitat projects along the St. Clair River and will continue until the end of summer. Melanie and Rose Ellison will be presenting at the Healing our Waters Conference hosted by the Great Lakes Coalition in Sandusky, Michigan on September 20-22, 2016.

USEPA Update:

Rose Ellison was unable to attend the meeting. No update was available.

Committee Reports:

Statewide Public Advisory Council (SPAC) – P. Troy and P. Duhaime

The last Statewide Public Advisory Council (SPAC) meeting was held in Sault Ste. Marie, Michigan. A major point of discussion related to the development of AOC specific communications plans. The 2016 AOC Conference is scheduled for March 28-30 in Grand Rapids, Michigan.

Friends of the St. Clair River (FOSCR) – Canada – D. Randell and T. Burrell

There has not been Friends of the St. Clair River (FOSCR) meeting since the last BPAC meeting. Darrell Randell advised that FOSCR members attended the Blue Water Anglers Kids Training Day in Sarnia to teach kids about the St. Clair River and its importance.

Friends of the St. Clair River (FOSCR) – USA – S. Faust

Patty Troy reported for Sheri Faust who was unable to attend the meeting. The Friends of the St. Clair River (FOSCR) BPAC members were unavailable to attend the meeting as they were participating at a parade in Port Huron. Patty reported that the annual Sturgeon Festival held in June was a success with an estimated 6000 people attending. At the BPAC celebration event on September 7th, partnership awards will be presented. The 2016 recipients include: 1) Cargill Salt, 2) Jeff Friedland, St. Clair County Office of Emergency Management, whose efforts brought the CANUSLAK spill exercise to the St. Clair River, 3) Kirsten O’Reilly who was a long time member of the BPAC and chaired the US Habitat Subcommittee and the American FOSCR, 4) Kay Cumbow for alerting the community about the Plains LPG pipeline application and 5) the St. Clair River stewards who maintain the Blue Water River walk.

BPAC Membership Subcommittee – A. Kerr and F. Kemp

No new updates identified.

Canadian RAP Implementation Committee (CRIC) – TBD

Donna Strang advised BPAC members that the last Canadian RAP Implementation Committee (CRIC) meeting was held on June 14, 2016. Highlights from the meeting included CRICs approval for the re-designation of the “Bird or Animal Deformities or Reproductive Problems” BUI to “Not Impaired” and a tour of local coastal wetland projects in the Mitchell’s Bay area.

Four Agency Managers Work Group – T. Briggs

No new updates identified.

Other Business:

- Patty Troy updated BPAC members on the permit violation at Dunn Paper. A notice of violation of their National Pollution Discharge Elimination System (NPDES) permit from the MDEQ was received by Dunn Paper. Dunn Paper has provided a response to the violation that MDEQ staff are currently reviewing.
 - Patty also advised that two complaints had been received regarding discharges from the Domtar facility in June, 2016.

ACTION – Patty Troy will invite representatives from Dunn Paper and Domtar to the next BPAC meeting to discuss the recent permit violations and complaints surrounding discharges to the St. Clair River.
- Patty Troy advised BPAC that Vortex Hydroenergy has deployed their Vivace Converter into the St. Clair River. The location is marked with buoys to alert local boaters.

Next Meeting Date

The next meeting will be held on Wednesday, September 14, 2016 at the St. Clair County Building Auditorium in Port Huron, Michigan.

Adjournment

The meeting was adjourned by Kris Lee at 9:20 pm.