



Binational Public Advisory Council (BPAC)

Meeting Minutes

October 26, 2023 - Virtual Meeting Via Zoom

Minutes Prepared by Mike Moroney

Attending Members:

Paulette Duhaime	U.S. Co-Chair, Citizen at Large	Mike Moroney	St. Clair River RAP Coordinator
Kris Lee	CAN Co-Chair, Wallaceburg Advisory Team for Cleaner Habitat	Patty Troy	U.S. Co-Vice Chair, Citizen at large
Terry Burrell	CAN Co-Vice Chair, City of Sarnia, Friends of the St. Clair River	Fred Kemp	Appointed by City of Port Huron
Donna Blue	St. Clair Region Conservation Authority	Theresa Warren	Lambton Public Health
John Jackson	CAN Env. Sector	Dan Collins	Citizen at Large
Carla Rosenfeld	U.S. Environmental Protection Agency	John Timar	Appointed by City of Sarnia
Ted Briggs	Ministry of the Environment, Conservation and Parks	Naomi Williams	Walpole Island First Nation

Actions Arising from the Minutes

- a) **Action:** Mike to review postal codes in the Fish Consumption Survey results to determine if the number of surveys completed by Walpole Island First Nation members can be determined, and the number completed by individuals from the State of Michigan.
- b) **Action:** Naomi to seek input from the Heritage Committee on ways to capture additional members in the community in the Fish Consumption Survey. The next meeting is scheduled for November 13, 2023.
- c) **Action:** Ted Briggs and April White to look into whether the federal or provincial governments have any programs that would be relevant to providing internet access to the underserved areas of Walpole Island First Nation.
- d) **Action:** Mike to share the draft Spill Notification Fact Sheet with Melanie for Michigan EGLE input
- e) **Action:** Mike to confirm who the Emergency Responders are for Canada/U.S. as per the box shown in one of the flow charts in the Spill Notification Fact Sheet
- f) **Action:** Mike to finalize the amended BPAC By-Laws, indicating that they were amended on October 26, 2023
- g) **Action:** Mike to post a copy of the amended BPAC By-Laws to the FOSCR website

- h) **Action:** Mike to send an email to those that attended the recent event at Bogey's Inn on September 28, 2023 to determine if any are interested in being added to the BPAC meeting distribution list.
- i) **Action:** Paulette will follow-up with Melanie to determine if someone from Michigan EGLE can come and speak to BPAC about lead in drinking water. Aim for it to be held at an in-person meeting at some point in the future.

1.0 Call to Order, Introductions and Land Acknowledgment

Meeting called to order by Kris Lee at 6:32 pm.

2.0 Adoption, Additions or Corrections to Draft Agenda

Moved by: Kris Lee

Seconded by: Paulette Duhaime

That the agenda be approved.

CARRIED

3.0 Review of Action Items and Approval of August 2, 2023 Minutes

- a) Paulette to follow-up with DTE on each of their outstanding action items from the previous meeting. **Completed.** Has not received a response yet. Will follow-up again to determine when a response can be expected.
- b) BPAC to consider options for making the BPAC meetings public. **Completed.** On the agenda.
- c) Mike to confirm if the recorded portion of his presentation on BUI #9 can be shared with WATCH, through Kris, for posting on their website. **Completed.**
- d) Mike to review information on spill incidents to determine the reason for some differences between the spill graph for Wallaceburg water treatment plant closures and the spill graph related to spills from BASES (formerly SLEA) member companies. **Completed.**
- e) Mike to connect with Jason to confirm that there have been no spills from BASES companies since 2015 that required a water treatment plant closure due to a potential exceedance of drinking water criteria, and assess whether the graph should be updated. **Completed.**
- f) Mike to draft wording for the motion on BUI #9 based on comments made during the discussion, and seek consensus with the wording. **Completed**
- g) Mike to make additional amendments to the draft By-Laws:
 - add Land Acknowledgment statement as the second bullet point
 - amend Section 7 to read as follows: Each BPAC member present shall have one vote. If a member is absent, the alternate designated by the member may vote in their place.
 - amend Section 8 so that it reads as follows: A resolution or motion is passed by the casting of an affirmative vote by a majority of the voting members. **Completed.**

- h) Mike to schedule a meeting with the BPAC Executive and representatives from Walpole Island First Nation and Aamjiwnaang First Nation in September 2023 to discuss the current wording of the Land Acknowledgment statement, and the most recent revised draft of the By-Laws, to determine if any revisions are needed.

Completed

- i) Mike to distribute the marked-up version of the draft By-Laws and a clean version of the By-Laws to BPAC members. **Completed.**
- j) Patty to provide a link to a video called "Save the Sturgeon" to Mike to distribute to BPAC members with the meeting minutes. **Completed.**

4.0 Wording of Motion to Accept Recommendation that BUI 9 be Redesignated to Not Impaired – K.

Lee

- Mike reviewed the comments that were provided by BPAC members by way of email, following the last BPAC meeting, and presented the proposed wording of the motion for consideration by BPAC members this evening.
- **Moved by:** John Jackson
Seconded by: Fred Kemp

That the Binational Public Advisory Council accept the recommendation to redesignate BUI #9 on the Canadian side, from impaired to not impaired. This is based on the understanding that there is a commitment by federal, provincial and local governments, and industry, to maintain and improve, when needed, the multi-step programs (spill prevention, spill response, spill notification) that have been put in place for the protection of downstream drinking water intakes.

CARRIED

5.0 Presentation – Fish Consumption Survey Results – M. Moroney

- Mike made a presentation on the results of the survey that was conducted in 2021-2022 to gather information on fish consumption in the St. Clair River.
- The purpose of the survey was to gather information in support of the assessment of BUI 1 - Restrictions on Fish and Wildlife Consumption. More specifically, to make sure the indicator fish species identified in the delisting criteria match up with what people are catching and eating from the St. Clair River, and to also gather information on: preferred fishing locations; amount and type of fish consumed; frequency of consumption; how a fish is prepared for consumption; the part of the fish that is consumed; familiarity with the Guide to Eating Ontario Fish; and questions related to demographics.
- BPAC participants had a few questions and comments following the presentation which resulted in some action items being identified:
 - There was an inquiry as to how many participated in the survey from Walpole Island First Nation. It was suggested that the postal code N8A 4K9 could be used as an identifier for Walpole Island First Nation. Naomi advised that many members of Walpole Island First Nation live in the Wallaceburg area so just going on the postal code location would not capture the true number from the community.
 - Naomi explained that she would still like to capture more individuals in the survey that live on Walpole Island First Nation and do not have ready access to the internet.

- Naomi also advised that that their community has conducted fish consumption surveys in the past and she suggested that those survey results could be reviewed to see if there are things worth noting for base line information.
- Ted mentioned that ECCC entered into an agreement with Metis Nation of Ontario to collect similar fish consumption survey information for a number of AOCs. About 600 surveys were completed. The survey was not broken down by AOC but they are looking into whether it is possible to identify survey respondents from the St. Clair River AOC.
- John Jackson mentioned that Metis Nation of Ontario has put together a fish consumption guide that is easier to read and can be easily taken to go fishing.
- **Action:** Mike to review postal codes in the survey results to determine if the number from Walpole Island First Nation can be identified, along with the number from the State of Michigan.
- **Action:** Naomi will seek input from the Heritage Committee at their next meeting on November 13, 2023 on ways to capture additional members in the community for the Fish Consumption Survey.
- **Action:** Ted Briggs and April White to look into whether the federal or provincial governments have any programs that would be relevant to providing internet access to the underserved areas of Walpole Island First Nation.

6.0 Update on Draft Spill Notification Fact Sheet – M. Moroney

- Mike presented the draft Fact Sheet for Spill Notifications and explained that it now includes a text component, in addition to the flow charts. The intent is to provide information on who is responsible for reporting spills when a spill to the St. Clair River has occurred from either Ontario or Michigan, the spill notification phone numbers, the type of information that is to be provided, and what happens after the spill has been reported. The Fact Sheet references the spill notification process/flow chart for Ontario and the process/flow chart for Michigan.
- **Action:** Mike to share the draft Fact Sheet with Melanie for Michigan EGLE input.
- **Action:** Mike to confirm who the Emergency Responders are for Canada/U.S. as per the box shown in one of the flow charts.
- Paulette suggested that there should be a line between Michigan EGLE PEAS and National Response Centre and that it is two-way communication.
- Mike noted that Melanie wanted to review it one more time before finalization and Sheri Faust wanted to review it as well and to share it with the County for input.
- Patty suggested that there should be a line going from SAC to Homeland Security. SAC makes that contact directly, even if it is not official. Also, Homeland Security has a direct line to the downstream water treatment plants.
- Paulette advised that SAC has their official notification to Michigan State Police. When the spill occurred from Suncor in August 2022, SAC did do a direct notification to St. Clair County Homeland Security but that is not their normal practice.
- Fred explained that it works better if there is a direct contact with St. Clair County Homeland Security along with direct contact with Michigan State Police, and that this dual notification should be part of the official Ontario-Michigan notification process.
- **Moved by:** Fred Kemp
Seconded by: Patty Troy

That BPAC send a letter to the Ontario Spills Action Centre, St. Clair County Homeland Security, Michigan State Police, and copy Michigan EGLE, recommending that whenever SAC initiates a

notification to Michigan State Police of a spill to the St. Clair River, they also notify St. Clair County Homeland Security as part of their routine notification process.

CARRIED

7.0 Acceptance of Revised BPAC By-Laws – P. Duhaime, K. Lee

- **Moved by:** Paulette Duhaime
Seconded by: John Timar

That the BPAC Amended By-Laws be accepted as presented.

CARRIED

- **Action:** Mike to finalize the amended By-Laws, indicating that they were amended on October 26, 2023
- **Action:** Mike to post a copy of the amended BPAC By-Laws to the FOSCR site

8.0 Wallaceburg Advisory Team for a Cleaner Habitat (WATCH) Updated Webpage – K. Lee

- Kris discussed the changes to the WATCH website (<https://www.biowatch.ca/>) which includes a new Community Right to Know page with a link to the BUI #9 presentation that was made to BPAC in August 2023, and information provided by local industry on spill prevention measures.
- Kris is interested in suggestions from BPAC members as to where the FACT Sheets on Drinking Water and Spill Notifications should be added to the WATCH website.

9.0 Approach for Having BPAC Meetings Open to the General Public – M. Moroney

- Mike outlined a proposed process for creating more public awareness of the BPAC meetings, in accordance with the intent of the amended BPAC By-Laws. After some discussion and amendments to the proposed procedure, there was consensus that the procedure be as follows:
 - a. On the main page of the Friends of the St. Clair River (CA) website, the RAP Coordinator is to post a notice of an upcoming regularly scheduled BPAC meeting, two weeks before the planned date of the meeting. The notice is to include the draft meeting agenda and is to advise that anyone interested in attending is to provide their name and email address to the RAP Coordinator.
 - b. The RAP Coordinator is to inform FOSCR (U.S.) of the notice of meeting which can be included in their weekly E-Newsletter.
 - c. If it is a virtual meeting, the RAP Coordinator is to send the individual(s) a link to the virtual meeting. If it is an in-person meeting, the RAP Coordinator is to send the individual(s) details of the meeting time and location.
 - d. Awareness of the new procedure is to be promoted through the monthly FOSCR (CA) E-Newsletter.
 - e. Individuals that would like to be notified of BPAC meetings on an on-going basis will be added by the RAP Coordinator to the existing email distribution list for BPAC "Observers".

Action: The RAP Coordinator is to send an email to those that attended the recent event at Bogey's Inn on September 28, 2023 to determine if any are interested in being added to the BPAC meeting distribution list.

Moved by: John Jackson

Seconded by: Fred Kemp

That BPAC accept the public notification procedure as outlined above, which includes the amendments recommended by John Jackson and Patty Troy.

CARRIED

10.0 Agency Updates

Ministry of the Environment Conservation and Parks – Ted Briggs

- A new Minister for MECP was announced in September 2023 – Minister Andrea Khanjin.

Environment and Climate Change Canada - April White

- No updates. Not able to participate.

Michigan Department of Environment, Great Lakes, and Energy (EGLE) – Melanie Foose

- No updates. Not able to participate

U.S. Environmental Protection Agency – Carla Rosenfeld

- Carla did not have any updates to provide yet with respect to the US EPA Action Plan 4 - Great Lakes Restoration Initiative. There is a Michigan AOC meeting the week of Nov. 6th and there might be an update to provide after that meeting.
- Patty explained that she has a note from the last SPAC meeting that the draft Action Plan would be released in January 2024, and available for review and comments through to March 2024.
- If the draft is out for public comment when the next BPAC meeting is held, consideration will be given to having Carla speak to Focus Area 1 of the Action Plan.

11.0 Committee Reports

i. Statewide Public Advisory Council (SPAC) - Patty Troy

- Patty mentioned that there was a meeting on Oct 3/4, 2023 in Sault Ste Marie of SPAC. Heard that all the PAC grants were approved. There are two positions that are vacant for AOC coordinators that will soon be filled. Received updates from the DEIJ and Habitat subcommittees. Had a tour of the Little Rapids project on the St. Marys River, as well as a tour of the fish hatchery associated with the university.
- Paulette mentioned that there was an announcement that there is a new Director for the Michigan EGLE Water Resources Division – Phillip Roos

ii. Friends of the St. Clair River (Canada) - Terry Burrell

- Supported the recent Children’s Water Festival held in Chatham-Kent.
- Supporting the Bluewater Anglers.
- Continuing with the project to establish educational signs along the St. Clair River.

iii. Friends of the St. Clair River (USA) - Paulette Duhaime

- Sheri is now the Executive Director of FOSCR (U.S.).
- Worthwhile for FOSCR (CA) to have a discussion with Sheri on funding opportunities and life after delisting.

iv. Canadian RAP Implementation Committee (CRIC) – Kris Lee

- Meeting is being rescheduled. No updates at present.

v. Four Agency Managers Work Group

- Ted explained that the last meeting was on August 21, 2023. Mike presented the same information on BUI 9 as was previously presented to BPAC. The report is under review by US EPA and Michigan EGLE.

12.0 Other Business

- No other business.

13.0 Next Meeting Date and Adjournment

- The next meeting will be at the call of the U.S. Chair – Paulette, and will likely be towards the end of January 2024. Potential topics are the US Action Plan 4 and Status of the BUI 9 on the Michigan side.
- **Action:** Paulette will follow-up with Melanie to determine if someone from Michigan EGLE is available to come and speak to BPAC about lead in drinking water. Aim for it to be held at an in-person meeting at some point in the future.
- Paulette proposed having in-person meetings in the US and Canada in the spring and summer and to have virtual meetings in the fall and winter.

Moved by: Terry Burrell

Seconded by: Fred Kemp

That the meeting be adjourned.

CARRIED

Meeting adjourned at 8:32 p.m.