



Binational Public Advisory Council (BPAC)

Meeting Minutes

November 7, 2024 at 6:30 pm

Zoom Meeting

Minutes Prepared by Mike Moroney

Attending Members:

Paulette Duhaime	U.S. Co-Chair, Citizen at Large	Terry Burrell	CAN Co-Vice Chair, City of Sarnia
Kris Lee	CAN Co-Chair, Wallaceburg Advisory Team for Cleaner Habitat	Mike Moroney	St. Clair River RAP Coordinator, St. Clair Region Conservation Authority
April White	Environment and Climate Change Canada/Canada Water Agency	Ted Briggs	Ministry of the Environment, Conservation and Parks
John Jackson	CAN Env. Sector	Mollie Brown	St. Clair County Health Department
Naomi Williams	Walpole Island First Nation	Weston Hillier	Areas of Concern Coordinator, Michigan Department of Environment, Great Lakes, and Energy
Kathleen Stevack	MECP, Environmental Scientist, Great Lakes Monitoring Unit	Amber Falkner	U.S. EPA National Program Office
Daniel Collins	Citizen at Large	Vince Gagner	Safety, Health, Risk & Environmental Consulting Inc.
Carla Rosenfeld	U.S. Environmental Protection Agency	Kirsten Lyons	St. Clair County Parks and Recreation Commission
Donna Blue	St. Clair Region Conservation Authority		

Actions Arising from the Minutes

- a) BPAC members to review the information provided on the Status Recommendation Report that recommends BUI 3 (Degradation of Fish and Wildlife Populations) be redesignated to Not Impaired so that BPAC can discuss it again at the next BPAC meeting and decide whether to support the recommendation.
- b) John to provide a letter to Mike that extends an invitation to BPAC members to participate in a discussion with GLEN with respect to GLEN's comments on the Great Lakes Water Quality Agreement.
- c) Paulette/Kris to confirm that the Great Lakes summit in 2025 will not conflict with the planned Technical Symposium.
- d) Weston to provide additional information to BPAC around the reason for the change in the type of plan that is required to be submitted by the St. Clair Power Plant in Michigan. The information is to be provided to Mike for distribution to BPAC members.
- e) Weston to follow-up with Paulette on what her question was about the St. Clair Power Plant as her audio was not functioning properly during the Zoom call.
- f) Kris and Paulette to send a letter to BASES with respect to the three issues raised by Vince related to spill notifications and the water quality monitoring station.

1.0 Call to Order, Introductions and Land Acknowledgment

Meeting called to order by Kris Lee at 6:40 p.m. and a land acknowledgment statement was read.

2.0 Adoption, Additions or Corrections to Draft Agenda

Moved by: Terry Burrell

Seconded by: Paulette Duhaime

That the agenda be approved subject to rescheduling agenda item #5 to the next BPAC meeting, since Sheri Faust is not available to present, and replacing it with a BPAC Membership Update discussion.

CARRIED

3.0 Approval of May 2, 2024 Meeting Minutes and Review of Action Items

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

That the May 2, 2024 Meeting Minutes be approved.

CARRIED

Review of Action Items from Previous Meeting

- a) Satyendra to provide the article referenced in his presentation to Ted to share with BPAC members. **Completed.**
- b) Satyendra to share a copy of his presentation with Ted for distribution to BPAC members. **Completed.**
- c) Mike to share BUI removal criteria on the Canadian side for Restrictions on Fish and Wildlife Consumption with BPAC members. **Completed.**
- d) John to reach out to Jane Elder to confirm if she is available to be a keynote speaker for the September 25, 2025 symposium that is being planned. **Completed.** She is available and is waiting to be contacted by Sheri Faust once a decision has been made on who they wish to have as a keynote speaker.
- e) BPAC Chairs and Vice-Chairs to discuss timing for celebrating the redesignation of BUI 9 – Restrictions on Drinking Water Consumption or Taste and Odour Problems - separate celebrations or combined. **Completed.** Possibly align it with the Technical Symposium in September 2025. Decide if feasible once closer to the date.
- f) Mike to share electronic versions of the FOSCR sign boards with the Sheri and Paulette. **Completed.**
- g) Kris to have a discussion with Mike on whether to amend the Spill Notification Fact Sheet Flow Chart based on Ontario Spills Action Centre agreeing to include St. Clair County Homeland Security on the spill notification list, pending completion of a more formal review of the spill notification agreement between Ontario and Michigan. **Completed.** Spill Notification Fact Sheet flow chart modified to show the connection. Updated Fact Sheet posted to Friends of the St. Clair River website.

4.0 BUI #3 – Degradation of Fish and Wildlife Populations – April White

- April made a presentation on the status assessment report for BUI #3 – Degradation of Fish and Wildlife Populations which recommends that BUI #3 be redesignated from Requires Further Assessment to Not Impaired.
- Key points of the presentation included:

Guidance for BUI #3 Status:

- Not Impaired: When environmental conditions support healthy, self-sustaining communities of fish and wildlife.
- Impaired: When management programs identify degraded populations due to watershed causes or significant toxicity from contaminants.

Historical Reports:

- 1991 Stage 1 Report: Highlighted concerns about industrial contaminants in fish and wildlife.
- 1995 Stage 2 Report: Recommended actions for monitoring and assessing fish and wildlife populations.

Assessment Approach:

- Analyzed long-term data on wildlife abundance and diversity.
- Monitored contaminant levels in fish and wildlife.
- Compared trends within the AOC to those outside the AOC.

Findings:

- o Wildlife: Declines in some waterfowl species were due to factors beyond the scope of the RAP. Marsh birds, amphibians, and muskrats showed healthy populations.
- o Fish: Contaminant levels in fish have generally declined and are below thresholds associated with adverse health effects.
- o Over-wintering Waterfowl: Contaminant levels were below those associated with reduced survival.

Conclusions:

- o Contaminants in fish and wildlife have declined and are below harmful levels.
 - o Conditions in the river do not impact the ability of fish and wildlife to be self-sustaining.
 - o A "Not Impaired" status is recommended for BUI #3.
- After addressing a couple of questions related to the presentation, a motion was made to accept the recommendation.

Moved by: Terry Burrell

Seconded by: Paulette Duhaime

That BPAC accept the recommendation that the status of BUI #3 be changed to Not Impaired.

DEFEATED

- Some BPAC members would like to have additional time to review the status assessment report before deciding on whether to support the report's recommendation. **Action:** Postpone the decision to the next BPAC meeting.

5.0 BPAC Membership Update – Paulette Duhaime, Kris Lee

- Paulette spoke to updates to the BPAC membership list that she has been able to make. She is still waiting to hear back from some individuals to confirm if they wish to continue to be members of BPAC.
- **Moved by:** Paulette Duhaime
Seconded by: Terry Burrell

That BPAC accept Kirsten Lyons with St. Clair County Parks and Recreation Commission in Michigan as a member of BPAC.

CARRIED

- Kris Lee spoke to updates to the membership list on the Canadian side.

6.0 Great Lakes Ecoregion Network (GLEN) Update – John Jackson

- John provided an overview of the scope and nature of the review of the Great Lakes Water Quality Agreement using quotes from the Great Lakes Executive Committee document:
 - The review will examine improvements in the operation and effectiveness of the Annexes and key Article commitments examining these through the lens of the triennially-established Binational Priorities for Science and Action (BPSAs).
 - The Parties are approaching the review of the Agreement as an opportunity to improve operations and the delivery of commitments without amending and renegotiating the existing Agreement.
 - The review will be framed around assessing the timeliness and successful completion of past Binational Priorities for Science and Action.
 - Included in this analysis will be an assessment of past participating agencies and organizations and recommendations on possible approaches for improving participation in future Annex efforts.
 - While this review is narrowly focused, it will lead to several outcomes that were supported in the feedback received, including:
 - Identifying opportunities for enhancing participation of governmental organizations, including the Federal, State, Provincial, Tribal, First Nations, Métis, other local public agency members of the Great Lakes Executive Committee.
 - Identifying implementation successes, as well as lessons learned and areas for improvement.
 - Improving accountability for Agreement activities, including progress tracking and reporting.”
- The intention is not to change the annexes or wording in the agreement but to instead see other ways to change the processes being used for implementation and accountability. Not intended to renegotiate the agreement.
- GLEN has a few concerns about the process. Is the 3-year time frame sufficient? Are there new things that should be added? Need to look at the long-term, not just 3 years. A lot of comments were submitted on what should be strengthened, an example is drinking water sources – condition of the lakes as a source of drinking water. Climate change annex is focused on sharing information which is helpful but would also like to discuss what we need to do, is there a climate change action plan that is needed? Are there principles that have been developed, such as Environmental Justice or principles of resilience that should be referenced in the GLWQA?
- The government response to the comments was that the agreement is not constraining or limiting. Just because it is not in the agreement doesn't mean that it can't get done.
- GLEN likes to see it as a commitment in the GLWQA to make sure that it receives the required funding.
- Also, the next Great Lakes summit will likely be around December 2025 but timing is still to be confirmed. That is going to be when the next 3-year plan comes out for the GLWQA. There is no commitment in terms of public involvement while the plan is being developed. GLEN would like to see assurances of that there will be an opportunity to provide input.
- GLEN has drafted a letter with their comments but is pausing on sending them until additional discussions are held around the appropriateness of the timing.

- **Action:** John to provide a letter to Mike that extends an invitation to BPAC members to participate in that discussion with GLEN.

7.0 Planning for Technical Symposium in 2025 – Paulette Duhaime, Kris Lee

- **Action:** Paulette/Kris to confirm that the Great Lakes summit in 2025 will not conflict with this planned Technical Symposium.
- Still to confirm details. Still targeting 150 people. Looking for sponsors. Might need to reduce the numbers. Will get into full planning in January 2025.

8.0 Agency Updates

Ministry of the Environment, Conservation and Parks – T. Briggs

- Funding for two projects related to the St. Clair River have recently been approved. Now working on drafting up the funding agreements. One is with the FOSCR. It is a 2-year agreement until March 2026 for outreach and education. The other is with the SCRCA for conducting an assessment for the Restrictions on Fish and Wildlife Consumption BUI. Work will be done by GLIER. Work will get started in a couple of months and aim to have it completed by end of 2025.
- Dow will be starting the work on the sediment on November 18, to apply the ERC at the three priority areas.
- It will take about 7 weeks complete the project
- MECP will be issuing a news release the week of November 11, 2024.
- Suncor dock area will be 8 days of work, Shell dock area 3 days of work, and Guthrie Park is 14 days of work.

Environment and Climate Change Canada/Canada Water Agency – A. White

- The federal Canada Water Agency is now in place as of October 2024.
- No changes to AOC staff in terms of day-to-day work. Going forward, April will identify herself as being with the Canada Water Agency.
- In terms of funding, an agreement has been signed with the SCRCA for funding for the RAP program for another two years.
- ECCC is now in year two of a three-year funding agreement with both Walpole Island First Nation and Aamjiwnaang First Nation. The additional funds should enable the communities to have sufficient resources to support the RAP related work. The agreements are in place until the end of 2026.

Michigan Department of Environment, Great Lakes, and Energy (EGLE) – W. Hillier

- The St. Clair Power Plant submitted a revised spill prevention control and counter measures plan. They are no longer required to be under a facility response plan. This will have to be updated in the BUI document that Winston is working on.
- **Action:** Weston will look into getting clarity for BPAC around the reason for the change. He will provide the information to Mike to be relayed to BPAC members.
- **Action:** Weston to follow-up with Paulette on what her question was as her audio was not functioning properly.

- Next week, November 14, 2024 is the Lake St. Clair Binational Conference. An all-day event at Macray Harbor in Harrison Township, Michigan.
- Recruitment for a Water Resources Director is currently underway.

U.S. Environmental Protection Agency – C. Rosenfeld

- AOC Conference will be next year – September 16 to 18, 2025 in Toledo Ohio.
- In the AOC Program, another AOC was delisted – the Rochester AOC in New York.
- Action Plan 4 is currently going through the final review. It should be released very soon.

9.0 Committee Reports

i. Statewide Public Advisory Council (SPAC) – P. Duhaime

- The last SPAC meeting was October 8 and 9, 2024. It was hosted by the Clinton River AOC. There are 8 BUIs in their AOC. They have a watershed of 1.5 million people with 55% of the AOC surface area being impervious. Makes for quite a challenge. The meeting provided an opportunity to look at 3 habitat sites that they are working on. One of their success stories is their focus on communication with the public.
- The next grant cycle will start in October 2025. Guidance for applying will likely be coming out this summer.
- SPAC has the same Chair but have a new Vice Chair from Kalamazoo River.
- Muskegon Lake is close to delisting. Should be delisted in 2025
- Community engagement training will take place through Michigan EGLE

ii. Friends of the St. Clair River (Canada) – T. Burrell

- FOSCR is still working on having the municipalities install the signs that the FOSCR created to inform the community of progress in restoring the St. Clair River.
- The FOSCR held a photo contest that ended on November 1, 2024. A committee is currently selecting the winning photos.
- FOSCR has been approved for a 2-year grant until March 2026.
- Next Annual General Meeting for FOSCR will be in December 2024.
- There have been significant grants in the millions of dollars provided to conservation authorities on the Canadian side to address phosphorus. That includes the SCRCA. Will be beneficial for the St. Clair River.

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

- No updates.

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

- No updates. Next meeting will be towards the end of November 2024.

v. Four Agency Managers Work Group – A. White

- At the most recent meeting, two BUIs were presented for removal on the Canadian side. One for the Detroit River and BUI #3 for St. Clair River.

- Weston explained that there is a 60-day review period on the U.S. side to review the recommendations.
- During the meeting they also discussed the upcoming Lake St. Clair Conference

10.0 Other Business

- Vince Gagner mentioned Code 10s for a release to the river and wondered if BPAC was interested in having Code 10 notifications provided to the local community as well.
- Second recommendation was related to the BASES water quality monitoring station. He was wondering if there is interest in having the public have access to the data, similar to how the air data is made available.
- Lastly, Vince wondered if there is a long-term sustainability plan for the water quality monitoring station, the equipment and the building.
- Ted mentioned that BASES did present information on September 26, 2024 regarding plans for upgrading the station and sharing the information.
- **Action:** Kris and Paulette to send a letter to BASES with respect to the three issues raised by Vince Gagner.

11.0 Next Meeting Date and Adjournment

- The next meeting will be on the U.S. side at the call of the Chair.

Meeting adjourned at 8:45 p.m.