

## ST. CLAIR RIVER BI-NATIONAL PUBLIC ADVISORY COUNCIL

### Draft Minutes

Meeting 2009-4

Great Lakes Maritime Center  
51 Water St.  
Port Huron, Michigan

**Thursday November 19, 2009**  
**6:30 p.m.**

#### ATTENDEES:

Stewart Thornley	Paulette Duhaime	Patty Troy
Jim Clatworthy	Frank Schoonover (A)	Sharon Bender
Archie Kerr	Phil Vallance	Whitey Simon
Frank Schoonover	Kris Lee	Judy Ogden
Dan Collins	Janice Littlefield	Terry Burrell
Sheldon Parsons	Ron Simon	Ted Briggs

#### REGRETS:

Vicki Donohue	Modris Zandbergs	Tip Haagsma
Kristen O. Jurs		

#### GUESTS:

Fred Fuller	Julie Clatworthy	April White (E.C.)
Julianne Socha (U.S. EPA)	Annette DeMaria (ECT)	Christine Alexander (MDEQ)

#### 1. Welcome and Introductions

The meeting was called to order at 6:40 p.m. followed by introductions.

#### 2. Approval of Draft Agenda

It was moved by Terry Burrell, seconded by Phil Vallance that the Draft Agenda be accepted with additions. The Agenda was approved.

3. Approval of September 29, 2004 Draft Minutes

It was moved by Frank Schoonover, seconded by Patty Troy that the September 24, 2009 Draft Minutes be approved. The Minutes were approved.

4. Business Arising from Previous Minutes

i) Canadian Wildlife Service (CWS) Amphibian Studies

April White from Environment Canada (EC) updated the BPAC on the 2006-2007 collection of the northern leopard frog by the CWS. Data from the 2006-2007 collection will be added to data from previous CWS collections of amphibians and reptiles to help assess the status of the Beneficial Use Impairment (BUI) – Bird or Animal Deformities or Reproductive Problems. April indicated that a report is anticipated early in the New Year.

ii) River Projects for Delisting

Owing in part to the yet-to-be announced final details regarding the roll-out of funding opportunities through the Great Lakes Renewal Initiative (GLRI), there was no new information on de-listing projects in the Area of Concern (AOC) to be reported at this time.

5. E. coli monitoring Update

Annette DeMaria from Environmental Consulting and Technology Inc. (ECT), and Christine Alexander from the Michigan Department of Environmental Quality (MDEQ) assisted by Julianne Socha from the U. S. Environmental Protection Agency (U.S. EPA) presented data from E. Coli monitoring in the St. Clair River and Black River. These sampling data will be used in the development of a Total Maximum Daily Load (TMDL). It was explained that the calculation of a TMDL for a body of water is a requirement of the Federal Clean Water Act, for water bodies that are not meeting water quality standards (WQSs), to protect a designated use for partial and total body contact recreation.

Annette DeMaria led off with a background summary of goals and objectives; study design including station locations and sampling frequencies; and sampling results. Annette indicated that Christine Alexander would follow with information on the use of the data. It was also explained that supplemental data monitoring data were collected by the St. Clair County Health Department (SCCHD) and the City of Port Huron.

The study design for both the St. Clair River and the Black River included wet and dry-weather sampling. It was explained that E. coli bacteria are used as an indicator of fecal matter (and the possible presence of other pathogens) from warm-blooded animals.

Christine Alexander informed the BPAC that **the bacterial counts were very low** and could potentially lead to a re-listing (to meets water quality standards) for a lower portion of the St. Clair River. Seeking a re-listing for meeting Michigan's water quality standards would a first in her experience! **During discussion it was noted that it is important not to confuse the meeting of the Michigan water quality standard with the criterion for the re-designation of the Beneficial Use Impairment (BUI) for Beach Closings.**

The MDEQ indicated that they anticipated forwarding a report to the BPAC sometime in December 2009 – January, 2010.

Patty Troy updated the BPAC on E. coli monitoring conducted in 2009 by the City Port Huron. Sampling results were presented for both St. Clair River and the Black River. Patty informed the BPAC that Ian Harris had done a review of Port Huron monitoring data and had found a correlation between E. coli counts and total suspended solids (TSS). Ian Harris added that he had also found a significant correlation between E. Coli counts and rainfall. Patty reported that the Port Huron data indicated bacterial problems in the Black River and confirmed that there were no problems with e-coli counts in the St. Clair River.

**Motion:**

**It was moved by Patty Troy, seconded Judy Ogden, that BPAC request MDEQ place the Black River on the Clean Water Act Section 303(d) list to initiate TMDL development for TSS and nutrients in the Black River. Motion passed.**

6. Beneficial Use Impairment (BUI) Status and Update

Ted Briggs from the Ontario Ministry of the Environment (MOE) gave a brief summary of the status of Beneficial Uses for the St. Clair River, indicating that there are presently eight Beneficial Uses listed as “Impaired”; three listed as “Requires Further Assessment”; and three listed as “Not Impaired”. One of the three Beneficial Uses presently listed as “Not Impaired”, is Tainting of Fish and Wildlife Flavour. Ted indicated that recently the Walpole Island First Nation has requested additional input to the designation of this BUI.

BUI – Restrictions on Dredging Activities

Presently, this Beneficial Use is listed as “Impaired”. The Michigan Department of Environmental Quality (MDEQ) has recently suggested that this BUI could be listed as “Not Impaired”, and has provided a “Briefing Paper” in this regard. **It is important to note** that the Briefing Paper explains that: *“The Restrictions on Dredging Activities BUI applies only to federally-recognized commercial and recreational navigational channels within an AOC; removal of this BUI should not be interpreted to mean that there are no other problems relating to sediments outside of federally-recognized navigational channels within an AOC. The St. Clair River AOC does not have a federally-recognized recreational navigational channel in U.S. waters”.* This explanation is important as the BPAC had expressed concern for others areas of the St. Clair River that they believed could contain sediments requiring restrictions on dredging.

Janice Littlefield indicated that the Briefing Paper is only a Draft Paper, providing for public review and input, including input from BPAC, before a final status for this BUI is established.

Janice explained that, in preparation of the Briefing Paper, the MDEQ, had convened a Technical Committee to formally review the restoration status of the Restrictions on Dredging Activities BUI. The Technical Committee was comprised of Pam Horner and Martin Kuhn, (U. S. Army Corps of Engineers), Janice Littlefield (St. Clair River Public Advisory Council), Rose Ellison (U.S. Environmental Protection Agency), Ted Briggs (MOE), and Mike Alexander and Christine Aiello (MDEQ).

In response to invitation from Janice Littlefield, Patty Troy and Sharon Bender accepted participation through the Technical Committee.

BUI – Loss of Fish and Wildlife Habitat

Janice Littlefield informed the BPAC that a Fish and Wildlife Committee has put together a strategy for de-listing the BUI for Loss of Fish and Wildlife Habitat for the Michigan shoreline. The strategy is based on total acreage and involves 10 projects (five main projects) constituting a coastal management plan. Janice indicated the plan has been received favourably by several agencies, including the Great Lakes Commission, National Oceanic and Atmospheric Administration (NOAA) and MDEQ. Janice indicated that the Committee will be having a teleconference on December 3, 2009.

7. St. Clair River Coordinator

Ted Briggs updated the BPAC, indicating that, with funding now in place, the process for hiring a full-time St. Clair River RAP Coordinator is well under way. The funding for the position is provided through the Ministry of the Environment and Environment Canada, with the position housed at the St. Clair River Conservation Authority (SCRCA). Ted indicated that 53 applications had been received and are being reviewed. It is anticipated that the full-time RAP Coordinator will start in January, 2010.

8. Committee Reports:

i) SPAC

It was reported that the Statewide Public Advisory Council (SPAC) had participated in a conference call including information on the Request for Proposal (RFP) for funds provided through the Great Lakes Restoration Initiative (GLRI). There was discussion regarding a new de-listing strategy considering BUIs in three tiers of implementation; immediate, short term, and long term. Janice Littlefield reported that there would be money available for PAC support from the Great Lakes Restoration Initiative. Instead of being offered in a competitive grant, the funding will be passed through from the EPA to the MDEQ, who will distribute funding to the Michigan AOC's for PAC support in terms of a coordinator position. Janice offered that a selection committee could be formed, and Patty Troy interjected that she didn't think a committee was necessary.

**Motion:**

**It was moved by Patty Troy, seconded by Sharon Bender, that Janice Littlefield be nominated BPAC Coordinator, to facilitate BPAC in applying for MDEQ funds for habitat restoration projects.**

**Discussion: Paulette Duhaime agreed that Janice was probably the most qualified person to fill the position at this point. Motion passed.**

Janice Littlefield informed the BPAC that at 7:30 p.m. on Tuesday, November 24, 2009, at Community Foundation, Bob Haas and Jim Francis from the Michigan Department on Natural Resources (MDNR), will be giving a presentation on the Black River. Janice invited the BPAC to see her for additional information.

- ii) Friends of the St. Clair River (FOSCR)  
The BPAC was informed that the RAP video for the St. Clair River could be viewed from 3:00 p.m. to 7:00 p.m., Thursday, November 26, 2009, at an Open House at the St. Clair Township, Municipal Offices in Mooretown.
- iii) St. Clair River RAP Implementation Committee (RIC)  
Ted Briggs updated the BPAC on the continuing work on the management of contaminated sediments along the Ontario shoreline of the St. Clair River, as guided by the, "Canada-Ontario Decision-Making Framework for Assessment of Great Lakes Contaminated Sediments".  
Ted indicated that ENVIRON International Corps. had been chosen from five applicants for Phase Two – Evaluation of Contaminated Sediment Management Options, in the St. Clair River Area of Concern. A kick-off meeting for Phase Two is scheduled for November 25, 2009.

There were no reports from the Ontario Public Advisory Council (OPAC), Friends of the St. Clair River Watershed, or the Membership Committee.

11. Adjourn/Next Meeting

**The next meeting of the BPAC was set for January 14, 2010 at 6:30 p.m. at the Suncor Sustainability Centre, 1457 London Road, Sarnia, ON.**