

International Joint Commission
Canada and United States



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June 9, 2015

Mr. Mike Goffin
Regional Director General, Ontario Region
Environment Canada
4905 Dufferin Street
Toronto, ON M3H 5T4
Canada

Re.: Nipigon Bay Remedial Action Plan – Report Recommending Delisting and Path Forward

Dear Mr. Goffin,

We are writing in reply to your letter dated May 7, 2015, formally requesting the Commission's review and comment on the above captioned report, in accordance with Annex 1 of the Great Lakes Water Quality Agreement.

The Commission finds that there is adequate scientific justification to remove the remaining five impaired beneficial uses - including Degradation of Fish and Wildlife Populations, Degradation of Benthos, Eutrophication or Undesirable Algae, Degradation of Aesthetics, and Loss of Fish and Wildlife Habitat – and that the cumulative removal of remaining BUIs justifies delisting of the Nipigon Bay Area of Concern. The Commission is therefore supportive of this delisting. Our detailed comments on the report are attached.

Commission staff visited the Area of Concern and met with the Public Advisory Committee (PAC) on February 18, 2015, and attended an agency meeting with Red Rock Indian Band and the separate Public Open House Delisting Meeting held on May 7, 2015. Commission staff also met with Environment Canada staff on March 30, 2015 to discuss the RAP, with the upgrade of the Red Rock wastewater treatment plant being a key topic of discussion. From the report and these engagements, it is evident to the Commission that since the listing of Nipigon Bay as an Area of Concern in 1987, significant progress has been made to restore the AOC, particularly related to point source controls, habitat restoration, and Nipigon River flow regime modifications. We applaud the investments and partnerships that have made the remedial projects possible.

As the report is being revised and finalized, we strongly recommend that the report more clearly acknowledge the outstanding management action (upgrading the Red Rock wastewater treatment plant) and that the rationale for delisting the AOC without the completion of this management action be fully presented. The Commission finds the reasoning sound but believes the report should articulate it explicitly.

Beyond this delisting, the Commission strongly supports current efforts by the PAC to define its involvement in ongoing Nipigon Bay stewardship. We understand that some resources have been provided to Lakehead University to assist in this effort, and encourage appropriate additional actions or

www.ijc.org

234 Laurier Avenue W., 22nd Floor
Ottawa, ON K1P 6K6
Phone: (613) 995-2984 Fax: (613) 993-5583
commission@ottawa.ijc.org

100 Ouellette Avenue, 8th Floor
Windsor, ON N9A 6T3
Phone: (519) 257-6700 Fax: (519) 257-6740
commission@windsor.ijc.org

2000 L St. NW, Suite 615
Washington, DC 20036
Phone: (202) 736-9000 Fax: (202) 632-2006
commission@washington.ijc.org

investments to ensure the substantial momentum that has been gained through the RAP is continued into the future.

The Commission also looks forward to news of the commencement, and eventual completion, of the Red Rock wastewater treatment plant upgrade.

The Commission is conveying these comments, by copy of this letter, to the Foreign Affairs, Trade and Development Canada, U.S. Department of State, and U.S. Environmental Protection Agency. Consistent with its current policy, the Commission will make these comments available to the public.

We congratulate Environment Canada, Ontario Ministry of Environment and Climate Change, Ontario Ministry of Natural Resources and Forestry, Nipigon Bay PAC and all RAP partners on the delisting of Nipigon Bay Area of Concern.

Sincerely,



Gordon Walker
Chair
Canadian Section



Lana Pollack
Chair
U.S. Section

attachment

cc: Christopher Wilkie, Foreign Affairs, Trade and Development Canada
Susan Saarnio, U.S. Department of State
Susan Hedman, U.S. Environmental Protection Agency
Edward Wawia, Red Rock Indian Band
Michelle McChristie, Ontario Ministry of Environment and Climate Change
Marilee Chase, Ontario Ministry of Natural Resources and Forestry
Jim Bailey, Nipigon Bay RAP Coordinator
Dave Crawford, Nipigon Bay Public Advisory Council

**INTERNATIONAL JOINT COMMISSION
NIPIGON BAY AREA OF CONCERN DELISTING DRAFT REPORT REVIEW**

June 9, 2015

Introduction

Under the Great Lakes Water Quality Protocol of 2012 (the Agreement), Remedial Action Plans (RAPs) for designated Areas of Concern (AOCs) are to be developed and implemented by the Parties (Canadian and U.S. Governments) in cooperation with State and Provincial Governments. The Agreement specifies that AOC Delisting Reports will be submitted to the International Joint Commission (Commission) and to other agencies and stakeholders for review and comment.

The *Nipigon Bay Remedial Action Plan Report Recommending Delisting and Path Forward* has been reviewed by the Commission, and comments for several IJC review criteria are included below. The Commission hopes that these comments will be thoroughly considered as the report is revised and finalized following public comment.

Overall, the Commission concurs that removal of the remaining beneficial use impairments is justified and that the cumulative removal of the remaining BUIs justifies delisting the Nipigon Bay as an Area of Concern. Peer reviewed science verifies significant improvements to water quality, aquatic habitat and aesthetics have been made as a result of implemented management actions to address point source control, habitat restoration and improvements in the flow regime of the Nipigon River.

One significant management action included in the Stage 2 report has not been completed – upgrading the Red Rock wastewater treatment plant. The Commission understands that this project is planned and that financial commitments are in place, however, we recommend that the report provide a clearer rationale for delisting the AOC without completion of this management action.

The Commission congratulates the enduring and significant work of the RAP team led by Environment Canada, Ontario Ministry of Environment and Climate Change, and Ontario Ministry of Natural Resources and Forestry, in collaboration with the Public Advisory Committee. The Commission is pleased that the collaborative efforts on Nipigon Bay will continue toward achieving the general and specific objectives of the Great Lakes Water Quality Agreement (2012).

The Commission recognizes that domestic policy arrangements provided by the Canada-Ontario Agreement and the Nipigon River Watershed Management Plan are in place that support continued restoration and protection for the Nipigon Bay Watershed in its ‘life after delisting’.

The IJC review of the Nipigon Bay RAP delisting report addresses individual review criteria developed by the Commission in assessing AOC delisting reports and determinations, with individual criteria bold-highlighted in the remainder of this document. Additionally, the Commission offers specific observations, comments, and recommendations for the RAP team to consider to strengthen the RAP Delisting report.

Have the identified delisting criteria been met for the impaired beneficial uses? Were appropriate standards, criteria, and guidelines used, and any assumptions justified?

The Nipigon Bay Stage 1 RAP report¹ identified eight beneficial use impairments (BUI) for the AOC. Three of those were redesignated to 'not impaired' in the Stage 2 RAP report². IJC's review of the Stage 2 report was provided to the RAP Team (consisting of federal and provincial agencies) and Public Advisory Committee in 1998. The RAP Delisting Report provides a rationale for the removal of the remaining five BUIs, which are the focus of our comments below.

Degradation of Fish and Wildlife Populations

The Commission finds there is adequate justification for removal of this BUI and offers the following rationale and specific comments.

The Stage 1 and 2 reports identified fish populations as impaired due to:

- (i) unnatural rapid water level and flow fluctuations;
- (ii) degraded water quality from industrial and municipal pollution;
- (iii) impaired aquatic habitat;
- (iv) sea lamprey predation; and
- (v) overfishing.

Delisting criteria were developed by the RAP team in consultation with the Public Advisory Committee (PAC) specifying that:

- (i) the fish community within the Nipigon Bay AOC should be similar to nearshore (0-80m depth) fish communities adjacent to the AOC for a minimum of three consecutive years, and
- (ii) the nearshore fish community should be dominated by healthy, self-sustaining populations of native species.

Remedial actions described in the RAP Delisting Report include lake trout and walleye stocking, sea lamprey control (part of the basin wide program coordinated by Great Lakes Fishery Commission), development and implementation of the Nipigon River Water Management Plan, and fish population monitoring.

Fish abundance within the AOC is relatively higher for some sport fish species than in adjacent waters as demonstrated by the fish community index netting from 2009-2014. Sea lamprey wounding rates to lake trout are below the Great Lakes Fishery Commission target of 5 wounds per fish. The RAP Delisting Report and supporting documents address the slow recovery of the walleye population following its collapse in the early 1960s, and note that the PAC acknowledges that walleye populations may never return to historical levels due to the new equilibrium that now exists in the Bay.

¹ Ontario Ministry of Environment, Environment Canada, Ontario Ministry of Natural Resources and Department of Fisheries and Oceans, 1991. *Nipigon Bay Remedial Action Plan Stage 1: Environmental Conditions and Problem Definition*. ISBN 0-7729-9033-6.

² Nipigon Bay Remedial Action Plan Team and Nipigon Bay Public Advisory Committee, 1995. *Nipigon Bay Remedial Action Plan Stage 2: Remedial Strategies for Ecosystem Restoration*.

A number of peer-reviewed papers relevant to the issues of fish population abundance, ecology and distribution in or near the Nipigon Bay AOC³ provide additional scientific justification for removal of this BUI. Other research arrived at similar conclusions noted in the RAP Delisting Report, specifically that recovery of walleye populations in both Nipigon Bay and Black Bay is several fish generations away⁴.

The Commission suggests the RAP delisting report could be strengthened by expanding the section on Removal of the Fish and Wildlife Degradation BUI to:

- (i) Include reference to additional relevant peer-reviewed research, including the papers listed in footnote 3. Reference to the specific research in relation to recent and potential future trends in brook trout populations is suggested.
- (ii) Clarify on p. 22 whether the RAP Team is confident that all remedial actions to benefit walleye have been completed.
- (iii) Explain factors contributing to inter-annual variability in catch-per-unit-effort (CPUE) for many of the monitored fish species, as well as recent declines in lake whitefish CPUE, if they are known.
- (iv) Provide additional reference to the current population status for key native species.
- (v) Ensure consistency in discussion of the Nipigon River Water Management Plan which came into effect in 2005, expired on March 31, 2015 and was renewed to 2018 under the authority of the Ontario's Lakes and Rivers Improvement Act.

Degradation of Benthos

The Commission finds there is adequate justification for removal of this BUI. However, the report should be clearer in its acknowledgement of the outstanding management action (upgrading the Red Rock wastewater treatment plant), and the rationale for delisting the site without the completion of this management action should be fully presented. Additional specific comments are included below.

The Stage 1 and 2 reports described impairments to benthos and identified sediment contamination in the vicinity of the former Domtar Mill outfall, and for a relatively short distance downstream of the wastewater treatment plant (WWTP) outfalls in Nipigon and Red Rock. The Stage 2 report also acknowledged that weathering of local geological materials is a significant source of metals to Nipigon Bay. Delisting criteria were developed by the RAP team in consultation with the PAC specifying that the *BUI will be considered no longer impaired when the remedial actions listed in the Stage 2 report are completed and monitoring data indicate that the benthic invertebrate communities and contaminant concentrations in sediment are improving when compared to past data.* Completed remedial actions in the Stage 2 report include:

³ Mucha J.M., Mackereth R.W., 2008. Habitat use and movement patterns of brook trout in Nipigon Bay, Lake Superior. *Transactions of the American Fisheries Society* 137: 1203-1212.

Ridgway, M.S. 2008. A Roadmap for Coasters: Landscapes, Life Histories, and the Conservation of Brook Trout, *Transactions of the American Fisheries Society* 137: 1179-1191.

Robillard M.M., McLaughlin R.L., Mackereth R.W., 2011. Diversity in Habitat Use and Trophic Ecology of Brook Trout in Lake Superior and Tributary Streams Revealed Through Stable Isotopes. *Transactions of the American Fisheries Society* 140: 943-953

⁴ Wilson C.C., Lavender M., Black J., 2007. Genetic assessment of walleye (*Sander vitreus*) restoration efforts and options in Nipigon Bay and Black Bay, Lake Superior. *Journal of Great Lakes Research* 33: 133-144.

- (i) secondary treatment for the Domtar mill, and Nipigon and Red Rock waste water treatment plants,
- (ii) restoration of benthic populations via sediment remediation; and
- (iii) development and implementation of the Nipigon River Water Management Plan.

Remedial actions are described in the RAP Delisting Report that include upgrading of the Domtar mill to secondary treatment in 1995 which addressed the major source of contaminants to the Bay. However, the mill was closed and decommissioned in 2006. The Commission understands that the former Domtar mill site is not subject to any ongoing environmental monitoring requirements, although current regulatory standards would apply to the site if a change of use was proposed by the current or future owners. Due to the proximity of the former mill site to the Nipigon Bay/Lake Superior shoreline, and the presence of settling ponds and possibly other sources of contaminants at the site, the Commission encourages ongoing monitoring of the nearshore to ensure that contaminant concentrations in the vicinity of the mill continue to decline, and that the mill site does not become a source of contaminants due to disturbance of sediments with more intense weather events and/or higher lake levels.

The RAP Delisting Report describes that the Nipigon wastewater treatment plant was upgraded to secondary treatment in 2012.

The Commission offers the following comments related to Section 2.1 ‘Sources of Pollution’:

- (i) Table 1 (p. 11) notes that the 2013 data for the Nipigon wastewater treatment plant is a carbonaceous biological oxygen demand value (CBOD). The biological oxygen demand (BOD) measure for the 1990-2010 values should be clarified – is it the sum of CBOD and nitrogenous BOD, or something else?
- (ii) Additional data on plant discharges of treated wastewater should be added to Table 1 if they are available e.g., total suspended solids, ammonia, etc.
- (iii) Table 1 would benefit from a notation as to why the Red Rock plant’s loadings declined substantially in 2010 and why data were not reported for the Red Rock plant for 2013. The Commission understands this is related to the permit, which does not require annual reporting.
- (iv) Section 2.1 would benefit from additional discussion on the performance of the upgraded Nipigon plant – while average annual BOD loadings have been reduced, reference to flow rates and discharge concentrations would provide additional insight on plant performance, as would the inclusion of other wastewater quality parameters (see (ii) above).

Although the report acknowledges that the Red Rock WWTP upgrade has not been completed, because the upgrade is identified as a management action in the Stage 2 report, the Commission is of the opinion that the upgrade needs to be dealt with more transparently in the RAP Delisting Report. Commission representatives heard from several local residents that they too are concerned with this outstanding management action. Over all, the Commission understands that the project is fully funded by the federal and provincial governments, and that the municipality is proceeding with the project. The Commission recognizes that this project will provide important additional benefits to Nipigon Bay but that completion of this project is not essential for delisting based on our understanding that:

- (i) Sediment chemistry and toxicity analyses and benthic community composition assessments have found a slow natural recovery in the plant discharge zone of influence.
- (ii) Nipigon Bay is an oligotrophic system and current nutrient loadings from the plant (given the relatively small capacity) are not expected to adversely affect trophic status.

- (iii) the Township of Red Rock has signed funding agreements which legally commits them to upgrade the plant by 2019 (with a stated preferred completion date of 2017).
- (iv) the plant is expected to use a similar design to the operational Nipigon plant which has experienced substantially reduced loadings compared to the period before secondary treatment was installed.

To strengthen the delisting report, the Commission offers the following specific comments:

- (i) In many places the report states that all of the remedial actions have been completed. Specifically in the discussion of the degradation of benthos in the Executive Summary, the report states “Recommended actions are complete...and no further remedial actions are required”. The report should more openly acknowledge that the site is proposed for delisting without the Red Rock WWTP upgrade action completed.
- (ii) In the current report, the upgrade project is alternately described as “planned”, “ongoing”, etc. The status of the project should be described consistently.
- (iii) The report does not specifically refer to the Red Rock plant’s impact on benthic community composition or sediment quality. The location of the plant outfall should be described. The Commission is of the understanding that the outfall is located proximal to the outfall of the former Domtar mill, and that the mixing zones for each outfall are co-located. Thus, it should be clarified that potential impacts to sediment quality/benthos are difficult to differentiate from those of historical mill discharges, although the historical mill discharge accounted for a much larger source of loadings to the Bay than historical or current loadings from the WWTP.
- (iv) A short section should be added to the report that is dedicated to a discussion of the outstanding management action concerning the Red Rock WWTP. That section should articulate clearly the rationale for delisting without its completion based on various lines of reasoning.

The RAP Delisting Report describes that sediment remediation options were developed and investigated, but the preferred option was not pursued due to its limited success when it was trialed at other AOCs. The Report summarizes extensive monitoring activities including sediment chemistry, sediment toxicity and benthic community structure. Multiple lines of evidence, using the results of several studies, found that AOC conditions are stable or improving, although pollution tolerant benthic communities still predominate in the point-source affected areas. Most monitored metal concentrations decreased in concentrations over the period 2003-2009. Application of the *Canada-Ontario Decision-Making Framework for Assessment of Great Lakes Contaminated Sediment* found that no stations required management actions.

Further to the report prepared by Milani and Grapentine⁵, the Commission recommends that the RAP Team agencies including Environment Canada and Ontario Ministry of Environment and Climate Change ensure timely and appropriate follow-up to determine the reasons for sediment toxicity or benthos alteration at the sites noted in that report. The Commission notes that any follow-up investigations would need to differentiate anthropogenic sources of contaminants such as metals, given that natural levels of metals in Nipigon Bay sediment typically exceed the Provincial Sediment Quality Guidelines.

⁵ Milani, D. and L. Grapentine, 2011. *Benthic Conditions in the Nipigon Bay Area of Concern in 2009 and Comparison to 2003*. Environment Canada – Water Science and Technology Directorate. WSTD Contribution No. 11-076.

Eutrophication or Undesirable Algae

The Commission finds there is adequate justification for removal of this BUI.

The Stage 1 and 2 RAP reports identified the presence of benthic algal growth in the Nipigon River upstream of the Nipigon wastewater treatment plant. The RAP recommended (i) identification of candidate sites and implementation of self-cleaning substrate, and (ii) assessment of algal growth on spawning substrates in the lower Nipigon River.

The RAP Delisting Report summarizes how a series of studies determined that algal growth on substrates is not impairing spawning, that the algal community that does exist is predominated by non-toxic species, and that conditions (nutrients, temperature, flow rates) are not conducive to algal blooms. Therefore, delisting criteria were not developed and implementation of self-cleaning substrate projects were not warranted. The IJC encourages the RAP team to briefly elaborate on the characteristics of harmful and nuisance algae and the mechanisms by which they affect water quality and the ecology of the bay⁶.

Figure 10 (p. 34) appears to include concentrations in raw (untreated) water for the identified parameters. This should be clarified since the title could be interpreted to refer to concentrations in finished (treated) drinking water. For the sentence spanning pp. 34 and 35, consistent units should be used. Further to earlier comments, the final sentence in the top paragraph on p. 35 (“...with upgrades currently being completed at the Red Rock WWTP...”) is misleading because project design and construction is not yet underway.

Degradation of Aesthetics

The Commission finds there is adequate justification for removal of this BUI.

The Stage 1 and 2 RAP reports describe how aesthetics were impaired due to degraded water quality associated with point source discharges and fluctuating water levels due to hydroelectric developments. Delisting criteria were developed by the RAP team in consultation with the PAC specifying that the beneficial use will no longer be considered impaired when the waters are devoid of any substance that produces a persistent objectionable deposit, unnatural colour or turbidity, or unnatural odour.

The RAP Delisting Report describes the remedial actions that have been completed to address this BUI. Activities include installation of foam barriers and subsequently implementation of secondary treatment for the Domtar mill, secondary treatment upgrades to the Nipigon WWTP, habitat and water circulation enhancements to the Red Rock marina, implementation of the Nipigon River Water Management Plan, and recreational enhancements as part of the Clearwater Creek restoration project, among other recreation-oriented projects in the AOC. In addition, qualitative assessments of the perception of aesthetics in the AOC were completed which concluded there were no impairments of aesthetics.

⁶ See for example Lopez, C.B., Jewett, E.B., Dortch, Q., Walton, B.T., Hudnell, H.K., 2008. *Scientific Assessment of Freshwater Harmful Algal Blooms*. Interagency Working Group on Harmful Algal Blooms, Hypoxia, and Human Health of the Joint Subcommittee on Ocean Science and Technology. Washington, DC.

The RAP Delisting Report clarifies that air odour problems associated with the Township of Nipigon wastewater treatment plant – which are arguably not a RAP issue – have nonetheless been resolved with the plant’s upgrade to secondary treatment.

Loss of Fish and Wildlife Habitat

The Commission finds there is adequate justification for removal of this BUI.

The Stage 1 and 2 RAP reports describe how fish habitat was impaired due to the accumulation of wood fibre from log-driving activities, and water level fluctuations associated with upstream hydroelectric developments that led to excessive shoreline erosion and fish habitat dewatering and fish stranding. Delisting criteria were developed by the RAP team in consultation with the PAC specifying that the beneficial use will no longer be considered impaired when the habitat restoration projects recommended in the Stage 2 report, in addition to the Kama Creek restoration project, have been completed and monitoring confirms the projects have met their objectives.

The RAP Delisting Report describes numerous habitat restoration projects that have been completed, including removal of wood fibre from spawning beds, and restoration projects at Clearwater Creek, Kama Creek, Red Rock marina, Bass (Purdom) Creek, and Nipigon Lagoon. The Report also details how the Nipigon River Water Management Plan has improved fish habitat in the AOC.

The Commission recommends that the areal extent of restored watercourse and wetland at Clearwater Creek be quantified. The groundwater upwelling project (p. 45) would benefit from a description of how upwelling was enhanced.

Did qualified individuals peer review the delisting report and/or individual beneficial use impairment removal reports associated with the delisting?

The IJC finds that qualified individuals carefully reviewed the BUI removal reports and delisting report.

The RAP Delisting Report was prepared by a writing team comprised of staff from Environment Canada, Ontario Ministry of Environment and Climate Change, and Ontario Ministry of Natural Resources and Forestry. Technical review of an earlier draft of the report was completed by different staff from those agencies, in addition to staff from the Toronto and Region Conservation Authority, Lakehead University, and Fisheries and Oceans Canada. Nipigon Bay Public Advisory Committee members have reviewed the RAP Delisting Report.

Several of the BUIs relied on technical reporting completed by agency science staff which were peer reviewed.

Both the RAP Delisting Report and reports used to justify BUI removals included the names and affiliations of the subject matter specialists involved in report preparation and/or review. Named individuals have expertise in the relevant subject matter areas.

Has RAP implementation been an important step in the elimination of the impaired beneficial uses?

The IJC review finds that RAP implementation has addressed the impaired beneficial uses. The RAP Delisting Report summarizes a range of implementation activities that addressed the beneficial use

impairments in the AOC, including point source reductions, habitat restoration and enhancement, and improvements to the flow regime of the Nipigon River.

The Commission compliments the RAP Team on maintaining a productive working relationship with the Public Advisory Committee, and for assisting the AOC community in accomplishing some of its recreational objectives through RAP projects.

If any beneficial uses remain impaired, are these impairments a result of influences outside of the AOC or are the result of natural causes, and have all reasonable actions been taken within the AOC to address the impairments?

The IJC finds the RAP Delisting Report provides an adequate justification that the five remaining beneficial uses are no longer impaired.

Subject to our above comments on the Red Rock wastewater treatment plant, the Commission concurs that all reasonable actions to address the identified impairments in the AOC have been, or are being, taken. The Commission looks forward to receiving news of the commencement, and eventual completion, of the Red Rock wastewater treatment plant upgrade.

Have Work Plans and resource commitments been made for long term monitoring and other necessary activities?

Ongoing monitoring of AOC conditions is, in the Commission's opinion, critically important to prevent backsliding and affirm the success of restoration actions. Commission representatives have heard that many community members also view ongoing monitoring as a priority.

The RAP Delisting Report describes the ongoing activities that will be undertaken in the AOC following delisting:

- Monitoring fish populations by Ontario Ministry of Natural Resources and Forestry
- Monitoring sediment and water quality conditions by Ontario Ministry of Environment and Climate Change and Environment Canada as part of the Canada – U.S. Cooperative Science and Monitoring Initiative
- Completion of a stormwater management plan by the Township of Nipigon
- Monitoring of raw and finished drinking water quality by the townships of Nipigon and Red Rock
- Development and implementation of the Lake Superior Lakewide Action and Management Plan (LAMP) and its Biodiversity Conservation Strategy
- Continued implementation of the Nipigon River Water Management Plan
- Monitoring contaminant levels in sport fish as part of the Ontario Sport Fish Contaminant Monitoring Program

As noted earlier, the Commission recommends that the current status of the Nipigon River Water Management Plan be updated to reflect its extension to 2018.

The Commission observes that the proposed Lake Superior National Marine Conservation Area shares many objectives related to natural heritage preservation, visitor experience and partnership opportunities that are consistent with activities that have been pursued through the Nipigon Bay RAP. The Commission encourages the federal and provincial governments to finalize arrangements for the

Marine Conservation Area since it should benefit Nipigon Bay and other features and communities in its proposed boundaries.

Commission representatives have heard from local residents and First Nations that their interest in completing additional habitat restoration activities is great. The Commission recommends that the RAP Team convene interested parties to develop and confirm a list of priority restoration projects that address the objectives of the Canada-Ontario Agreement.

Has public consultation been adequate?

In addition to the Commission's historical involvement in the AOC, Commission representatives attended the February 18, 2015 PAC meeting, the May 7, 2015 meeting with the Red Rock Indian Band, and the May 7, 2015 Public Open House. Additional informal discussions with the PAC Chair and several PAC members have also occurred. It is evident to the Commission that the PAC appears supportive of delisting.

In reviewing the PAC's involvement in the RAP, there was intensive involvement from the late-1980s to mid-1990s geared to development of the Stage 1 and Stage 2 reports, and then more recently from 2009-present to finalize delisting criteria for the remaining BUIs and advise on BUI removals. The Commission notes that the PAC endorsed removal of each of the BUIs discussed in the RAP Delisting Report. The PAC is to be commended for its sustained efforts, and the working relationships it developed with the relevant agencies.

The Commission is of the impression that Red Rock Indian Band involvement in the RAP has been less intensive than PAC involvement. However, the Band has recently expressed interest in increasing environmental monitoring and habitat restoration activities, with particular emphasis on Lake Helen. Although Lake Helen is part of the AOC, most of the remedial project focus has been on the Nipigon River and Nipigon Bay, in accordance with the Stage 2 report. The Commission encourages continued communication between Red Rock Indian Band and the RAP Team member agencies, since the type of activities being discussed could complement the remedial attention given to other parts of the AOC.

As the AOC transitions to 'life after delisting' the Commission is of the understanding that the PAC is exploring opportunities to redefine how it can continue to contribute to Nipigon Bay stewardship. The Commission strongly encourages the federal and provincial RAP partners to assist the PAC with this process. We understand that some resources have been provided to Lakehead University to explore ways to build on the RAP and engage the public in environmental issues on a lakewide basis. The Commission is encouraged by this, and recommends that appropriate support of the resulting plan be provided to ensure continued community attention on Nipigon Bay.

Miscellaneous and Editorial

1. The 3rd paragraph of section 1.1 (p. 3) and 4th paragraph of the Executive Summary (p. i) could acknowledge the role of the RAP in facilitating implementation of remedial actions.
2. The fourth paragraph of the Executive Summary states that "all priority actions identified in the RAP have been implemented". The Commission notes that the Red Rock wastewater treatment plant was identified as a management action in the Stage 2 report but has not yet been completed.

3. The third line of the final paragraph on p.7 should read “an historical...”.
4. The Commission notes that the first sentence in the first paragraph on p. 36 is incomplete.
5. Appendix 1 (p. 65) – should January 2014 read January 2015?
6. Appendix 2 (p. 70) – add meetings that have occurred since October 15, 2014.

Conclusion

The Commission finds that there has been a significant focus on remedial actions to address the primary drivers of beneficial use impairments, namely point source controls, habitat restoration and flow regime modifications on the Nipigon River. Removal of the remaining BUIs is justified, and cumulative removal of these remaining BUIs, in turn, justifies delisting. The Commission is supportive of the delisting, however, we recommend that the report more clearly acknowledge the outstanding management action (upgrading the Red Rock wastewater treatment plant) and that the rationale for delisting the AOC without the completion of this management action be fully presented.