



Black Bay Fish and Game Club Comments for the Draft Black Bay Fisheries Management Plan

Preamble

The Black Bay Fish and Game Club (BBF&GC) recognizes the uniqueness and importance of Black Bay, Lake Superior – this bay historically supported a large, diverse fish community (walleye, perch, lake sturgeon, lake whitefish, cisco) which provided commercial and recreational fishing opportunities and therefore is deserving of its own Fisheries Management Plan (FMP).

The BBF&GC recognizes and appreciates the amount of work undertaken by the Upper Great Lakes Management Unit (UGLMU) through this planning exercise as well as the vast amount of previous science and research undertaken in Black Bay by Ontario Ministry of Natural Resources (MNR) to support this document.

The BBF&GC appreciates the opportunity to participate in the Black Bay Fisheries Management Plan (BBFMP) and the opportunity to comment on the draft plan.

General Comments

BBFMP should include the wording “Black Bay and Black Sturgeon River Native Fisheries Rehabilitation Plan.”

This is consistent with the new Provincial Fish Strategy Goals and Objectives:

“Protect and maintain aquatic ecosystem diversity, connectivity, structure, and function including fish habitat.”

With the goal and objective through the implementation of the Native Fisheries Rehabilitation Plan to reach a desired outcome of Rehabilitation Success.

BBF&GC feel very strongly that there are significant concerns related to habitat and access to critical habitat for native fish species.

The proposed BBFMP does not address the ecological consequences of habitat fragmentation caused by the Camp 43 Dam with proven past science and information that the vast majority of habitat is rendered inaccessible by the Camp 43 Dam.

Many of the graphs/figures/analyses are highly technical and complex and very difficult to understand for the average reader. As an example: Page 60, Figure 5, what is this figure trying to show? Why has the data been log-transformed? Fish/angling data would be simpler, easier to understand, and more transparent. This is only one example of many in this document. Including complicated analyses that your audience cannot understand

means they must take the authors' word for the results and cannot reach their own conclusions.

The list of figures does not match the figures in the body of the document. I.e figure 24 in the list is not figure 24 in the document.

The BBFMP should reflect lake unit priorities for Black Bay (guide lake unit efforts/use of resources, etc.). BBF&GC recommends that the Lake Superior Fish Community Objectives and Native Species Rehab Plans (referenced in the plan's opening sections as guiding principles) should establish priorities in Black Bay. It is not clear in the current document what the priorities are for Black Bay (are the species sections listed in the order of priority?).

Conclusions of the Fisheries Management planning exercise should guide future Lake Superior Unit work plan activities — not vice versa. Currently the plan seems to recommend continuing regular lake unit activities (e.g., BSM netting in Black Bay, rainbow trout monitoring, etc.).

Overall, the background information presented (or referred to) is lacking. There is a very large amount of data, information, analysis, and reporting on walleye, lake sturgeon, and lake herring that is not presented or acknowledged in this document.

Species Specific Comments

Rainbow Trout

- Does the fact this is the first species addressed and has more targets and objectives than most of the other species suggest it is a top priority? If so, the BBF&GC suggests there is too much emphasis on this species at the expense of others.
- The document suggests rainbow trout problems and issues (anecdotal and Portage Creek study) are not restricted to Black Bay but are an issue across the north shore. If so, rainbow trout should be addressed as a lake-wide issue and not central to the BBFMP.
- Suggesting that any further recovery of Black Bay walleye stocks would be detrimental to rainbow trout populations is highly speculative and seems like an excuse to do nothing further about walleye recovery.

Walleye

- There is no rationale given to ignore critical habitat concerns. In fact, Black Bay's walleye population is a fraction of its former abundance due to lack of access to spawning habitat. The limiting factor is habitat access. For the last 20 years the walleye population has flat-lined at 20% of historical levels.
- As long as the Camp 43 Dam remains standing, the walleye population will remain capped at 20% of the pre-collapse population unless habitat limitations are resolved. Independent review by the BBF&GC concludes that the data presented in this plan —

and a great deal of prior science by MNRF and other agencies (not referenced here) — supports this contention.

- Other fish species in Black Bay have had no issues accessing spawning habitat; Walleye, Brook Trout, and Sturgeon have suffered the most habitat degradation. These three species each have native species rehabilitation plans and are identified by the Great Lakes Fish Commission as priority species for action.
- The document is not clear on the goal for walleye recovery/rehabilitation. Is the goal to return to historical levels? Are we at or near that level? The measures discussed to assess recovery are flimsy. We need a simple, reliable recovery measure that everyone can understand — ideally one already established in past Black Bay walleye studies. Comparing current BSM catches in Black Bay to Zone 6 catches is of no value.
- Page 62, to suggest that shoal or lake spawning may be occurring in the northwest corner of Black Bay is premature and speculative at best, especially if it is because fish “appear” to remain in that corner of the Bay. They could also be staging to move up the Wolf River perhaps?
- Figure 30, it looks like there are detections of tagged walleye (telemetry) in the Wolf River, is this the case?
- Page 69, it is premature to introduce a slot size for walleye without some solid creel information to determine what anglers are harvesting, what proportion of the population the slot protects and how this may impact harvest opportunities for anglers. At the very least it would be informative to see the length distributions obtained from the netting exercises to compare against the slot proposals.
- Figure 24 (adult walleye biomass), fall walleye index netting and broadscale netting results don't belong on the same graph since the gear types are different, these techniques sample different strata and are carried out at different times of the year.

Lake Sturgeon

- Lake Sturgeon receive very little consideration despite a priority designation from the GLFC, a lake-specific rehabilitation plan, and species-at-risk status (a threatened species). Barriers to migration, (dams) which result in habitat loss is the number one impediment to rehabilitation.
- The document contains no identification of issues, objectives, targets, or strategies for this species.
- It is hard to imagine why a species arguably priority 1 for the Black Bay fish community is given such minor consideration (an afterthought?).
- There are numerous lake unit technical reports concerning lake sturgeon that would be useful as background information.
- Despite MECP being the lead for species at risk Ontario, does not mean they are responsible for the goals and objectives of the lake sturgeon rehabilitation plan. It is the sole responsibility of the UGLMU to maintain, enhance and rehabilitate lake sturgeon in Black Bay. The GLFC and LSTC recognize Black Bay as a priority area for rehabilitation (p. 16).

Northern Pike

- Page 39, one of the pike objectives is the opportunity to harvest a trophy pike greater than 101 centimeters, but this isn't in the action or strategy section, the proposed regulation is no fish greater than 90 centimeters.

Lake Herring

- Loss of any meaningful lake herring stocks spawning in southern Black Bay (illustrated by lack of any commercial catches) should be addressed in this plan.
- Lake herring are the most important native forage fish in the Lake Superior fish community and historically Black Bay had the largest fall commercial herring harvest (spawning stock?) in Lake Superior for decades.
- There is a great deal of historical science/assessment data available undertaken by UGLMU from this fishery that should be referenced.
- Similar to walleye loss/collapse of important fish stock and potential ecological consequences largely ignored in this plan. In the case of the herring stock this may have Lake Superior wide implications.

Summary

The BBFMP should be reorganized to reflect native species first as high priority. Currently, walleye and lake sturgeon are discussed after all other species (including prey and invasive species), reflecting the low consideration given to these top-priority species over the past 20+ years by GLFC and MNR until the BBFMP exercise. Now they appear to be the lowest priority.

The decision to repair the dam was a short-term safety fix, not the final decision on the Camp 43 Dam. Former Minister of Natural Resources Hon. John Yakabuski wrote to former MPP Michael Gravelle that the repair was necessary for safety and that no final plan had been made on the Camp 43 Dam (Appendix A).

The provincial government spent hundreds of thousands of dollars, utilizing all available science to initiate a public engaged environmental assessment process in 2013 to remove the Camp 43 dam on the Black Sturgeon River and replace it with a barrier at the former Camp one site to suppress sea lamprey

This preferred option was viewed as a win win situation as it would maximize walleye production and contribute to walleye rehabilitation while also controlling sea lamprey via treatments within the Black Sturgeon River. Additional sea lamprey control treatment costs were estimated at only \$23,600 amortized per year for a five year treatment cycle and \$38,650 amortized for a four-year treatment cycle.

Despite the importance and significance of habitat upstream of the Camp 43 dam, especially to native species rehabilitation, the BBFMP task team has been instructed by MNR that any

concerns regarding the ecological impacts of the Camp 43 dam are out of scope for this planning exercise (BBFMP). We disagree with this approach.

The government spent thousands of dollars to demonstrate and support dam removal, then they spent millions to repair the dam without any engagement with stakeholders involved in the dam removal process. We disagree with this approach.

MECP now owns the dam and they support the camp 43 dam as a federal sea lamprey control barrier with total disregard for native fisheries habitat requirements and habitat loss. MECP is not in the sea lamprey control business nor are they responsible for native fisheries rehabilitation period MNR is the lead provincial agency responsible for managing Fish and Wildlife populations. We disagree with these outcomes.

We feel that the government is not being fair and transparent and are demonstrating the same behaviour surrounding the cancellation of the environmental assessment and the transfer of ownership of the camp 43 dam.

We are not allowed to discuss the impacts of habitat fragmentation (one of the leading causes of fish population declines globally), to migratory native fish species that previously relied on accessing upstream habitat for their unique life cycle requirements.

Based on 10 MNR netting surveys, over 16 years (2008-2024), there has been no significant increase walleye abundance. From a rehabilitation perspective, it is concerning that walleye densities have stabilized well below historical abundances (less than 20%) and it appears that further increases in walleye densities are unlikely. This trend is unsatisfactory.

The frustration for the BBF&GC has been overwhelming as this management planning exercise does not meet the needs of long overdue expectations of native fisheries rehabilitation

In 2013 the MNR initiated an environmental assessment that the camp 43 dam removal would satisfy the requirement for compensation of lost fish production maintain the annual return of migratory fish and mitigate the ecological consequences of the dam's long term existence. This habitat compensation work undertaking would meet or exceed the no net loss of the product capacity of fish habitat that supports lake superior's migratory fish community which is consistent with recommended goals and objectives for the lake wide management plan and the Great Lakes fisheries Commission

Questions for clarification:

- What is the final decision for the Camp 43 Dam?
- What is the functional purpose of the Camp 43 Dam?
- Where is the transparency on dam-related decisions?
- Does the public need to be consulted on such decisions?

Since 1993, our club has worked in good faith on walleye rehabilitation. The studies and information we received made sense — habitat limitations have prevented recovery for

over 61 years. MNRF educated us thoroughly, and we participated fully. The government cannot expect us to suppress 30 years of science, nor should MNRF or MECP.

Additional questions

Which acts policies and legislation have legal precedence related to fish habitat and the ecological consequences caused by the Camp 43 dam

Why is the draft black Bay management plan not including the wording black bay black sturgeon river native fisheries rehabilitation?

Why is there no fish habitat consideration for Black Bay/Black Sturgeon River migratory fish species consistent with the goals of the provincial fish strategy?

Under what authority does MECP have to block native fish migration and put more emphasis to sea lamprey control?

Will the MNR request MECP to submit a fish habitat compensation plan to MNR and DFO for the no net loss of the productive capacity a fish habitat that supports Lake Superior's migratory fish community?

Did the MNR and MECP sign an agreement with the federal sea lamprey control program to support the maintenance and function of the Camp 43 dam to suppress sea lamprey?

Under what authority is MECP using to stop the MNR from rehabilitating black bayes walleye population beyond 20% of the historical population level by rendering the habitat above camp 43 dam inaccessible?

What is to happen with all of the past science and data supporting dam removal?

What has the MNR replaced it with to justify dam repairs?

Should we be seeking a second opinion?

Why was there no public consultation when the ownership of the Camp 43 dam was transferred to MECP from MNR

Data Gaps

While telemetry is a useful tool to examine the seasonal distribution and movement patterns of fish, it should not be used to speculate specific fish behaviors such as spawning activity without additional evidence to back it up. Speculating that walleye are spawning in the NW portion of Black Bay based on congregating fish, seems to be a strategy to diminish the importance of riverine spawning habitat upstream of the Camp 43 dam and creates false expectations among your user groups that the population may increase because walleye could be spawning in the Bay. It should be a priority for MNR to determine if walleye are spawning in the Bay, where this is occurring and/or if they are there for some other reason.

Since it's just as plausible that walleye may be congregating to move up the Wolf River, this should also be examined by MNR through telemetry (if this data does not presently exist) or by some other means.

Establish a measurable rehabilitation target for walleye in Black Bay based on historical abundance. Page 16 presents several targets that have been previously considered but nothing has been finalized.

What is the population status (adult population size etc.) of the Black Sturgeon River Lake Sturgeon population in relation to the rehabilitation goals in the lake sturgeon rehabilitation plan for Lake Superior?

Creel data to support and provide rationale for proposed walleye regulation changes, ie slot size.

Walleye length distribution data from broad scale in relation to the proposed walleye slot size (16 to 20 inches).

Conclusions

The BBF&GC is very concerned and dissatisfied with the outcome of the Black Bay Fisheries Management planning process and the draft version of this plan for all of the reasons outlined above especially in relation to the ecological consequences of habitat fragmentation caused by the Camp 43 Dam. The Government of Ontario's decision to retain the Camp 43 Dam, despite prior findings supporting its removal, raises serious legal and environmental concerns (Appendix A). The BBF&GC has continued to participate and act in good faith in this process despite a lack of transparency and honesty to fulfill their promises on the part of UGLMU and other government agencies involved in this exercise over the past 20 years (Appendix A). It is our intention to continue to act with transparency and integrity and as such we will be exploring all available options to address the following concerns:

- Potential non-compliance with the Fisheries Act (The Camp 43 Dam has blocked upstream access for Lake Sturgeon since its construction; its continued operation and the 2020 repairs may constitute an unauthorized HADD Section 35.2(1).
- Violation of the Endangered Species Act 2007; Lake Sturgeon (Great Lakes–Upper St. Lawrence population) is listed as Endangered under Ontario's ESA. The continued presence of the dam impairs reproduction and habitat, which may constitute an unlawful interference with a protected species. There is no indication that the Ministry obtained a permit exempting the dam's impacts.
- Potential non-compliance Lakes and Rivers Improvement Act; Under Ontario's LRIA, any structural modifications to dams require ministerial approval.⁴ It is unclear whether the 2020 emergency repairs to the Camp 43 Dam were lawfully authorized or reviewed under the LRIA.

- **Environmental Assessment Irregularities:** The Camp 43 Dam decommissioning was subject to an Environmental Assessment under the Class EA for Provincial Parks. The ESR was completed in 2018 but not released until 2020, after the project was effectively cancelled. This withholding may violate the transparency and consultation requirements under Ontario's EA framework.
- **Oversight Bodies: (Ombudsman, Auditor General)** The Ontario Ombudsman may investigate whether ministries acted unfairly in their reversal of the dam removal plan, including the withholding of the ESR and failure to consult affected communities. The Auditor General may also be asked to review whether public funds were misused or wasted in the commissioning reports that were ultimately discarded without justification
- **Failure to consult Indigenous communities.**

Reference material

Ontario's provincial fish strategy

Black Bay walleye rehabilitation options

Black Sturgeon River: a barrier to the rehabilitation of Black Bay walleye

Camp 43 dam feasibility study for removal

Black Bay and Black sturgeon river native fisheries rehabilitation recommendations and rationale

Black Bay and Black Sturgeon River native fisheries rehabilitation - decommissioning of the Camp 43 dam and construction of a multipurpose sea lamprey barrier at Eskwanonwatin lake project description

A class environmental assessment for provincial parks and conservation reserves

Federal/Provincial agreement on sea lamprey barrier dams

Decision support for barrier/dam modification and removal Great Lakes basin protocol

Federal Fisheries Act

Historical genetic connectivity of Lake Sturgeon in a dammed Great Lakes tributary

The spatial extent of Walleye and Lake Sturgeon spawning migrations below a dam in the lower Black Sturgeon River, Lake Superior

Black Bay fisheries management plan, May 2025

Appendix A – Correspondence

Subject: FMZ9

From: Kevin Muloin <kevinmuloin@hotmail.com>

Date: 2025-02-27, 3:21 p.m.

To: "Mighton, Bruce (MNR)" <bruce.mighton@ontario.ca>, Adam Weir <adam_weir@ofah.org>, "environmentalofficer@fwfn.com" <EnvironmentalOfficer@fwfn.com>, Brittany Moses <brittany.moses@picriver.com>, Chief Hardy <marcus.hardy@rrib.ca>, Connor <connor.warne@ocfa.on.ca>, Dean <consultation@rsmin.ca>, Ed Wawia <edward.wawia@rrib.ca>, Ernie Ukrainec <eukrainec@equipworld.com>, "Shearer, Janene (MNR)" <Janene.Shearer@ontario.ca>, John Hay <bigpaw@tbaytel.net>, Jon <jgeorge@tbaytel.net>, Lisa <lisa.nyman@pc.gc.ca>, Marcel <shirleychico@hotmail.com>, Marissa <Marissa.Wegher@pc.gc.ca>, Mike <mike.steeves@dfo-mpo.gc.ca>, Mike Rennie <mrennie@lakeheadu.ca>, Monty <kamamonty@icloud.com>, Neil Wiens <nwiens@tbaytel.net>, "nickk@tbaytel.net" <nickk@tbaytel.net>, Pam <karone_m@hotmail.com>, Paul <paul@petersonmachineinc.com>, Mary Hardy <ppconsult@tbaytel.net>, "PeterC." <pjcolby@tbaytel.net>, Robert Pierre <RobertPierre@fwfn.com>, Sam <landsandresourcesdirector@rrib.ca>, "'shane'" <skbak@tbaytel.net>, Terry Kosolowski <terrykay1961@gmail.com>, Tom <tomsteelhead@gmail.com>, Vito <Vito.Figliomeni@ocfa.on.ca>, Adam Weir <adam_weir@ofah.org>, Brad <bradbuck@bucksmarina.com>, Brett <broutdooradventures@gmail.com>, Bruce Morrison <Bruce.Morrison@dfo-mpo.gc.ca>, Chris Surita <chris.surita@picriver.com>, Dean Lapham <redwoodcharters@hotmail.com>, Glenn <ggou@shaw.ca>, Greg <greg.petten@picriver.com>, Harvey <ihrobbins@sympatico.ca>, Jeremy <Jlguitarman@hotmail.com>, Jim <jimzlt@xplornet.ca>, Randy Fawcett <gramps358@gmail.com>, Ryan <ryan.namespetra@saultcollege.ca>, Ryan Kowalchuk <RyanK@metisnation.org>, Nicholas Richard <nicholasr@metisnation.org>
CC: "Furfaro, Daniel (MECP)" <Daniel.Furfaro@ontario.ca>, Dave Gonder <david.gonder@ontario.ca>, "Friedrich.Fischer@ontario.ca" <Friedrich.Fischer@ontario.ca>

Hello Bruce,

As a long serving member of the FMZ9 I respectfully disagree with you. As I said in my last email, the government made a decision to conduct emergency repairs and now that safety is no longer an issue, I would like to resume our discussion about the dam and the environmental impacts it continues to cause. We have previously requested MECP to attend FMZ9 and BBFMP meetings and we were ignored. Fish habitat issues exist on the Black Sturgeon River that negatively affect fish species in Black Bay which the MNR is responsible for managing. MECP is the owner of the structure that is impeding fish passage. We need all parties at the table to resolve these long-standing issues. FMZ9 made recommendations to the Minister of Natural Resources and included eight options. It is time to review this process.

The proposed management plan for Black Bay is deeply flawed with error's and omissions that do not properly address Native Fisheries Rehabilitation and critical spawning habitat. Over the last twenty years the involved stakeholders have been given volumes of proven science information that the vast majority of habitat is rendered inaccessible by the Camp 43 Dam. Where is the rationale not to support critical habitat concerns? It doesn't address lake sturgeon and the proposed restrictive walleye regulations that suggest a walleye slot size and the time of year to harvest walleye, demonstrates a species that is far from recovery. This management

1 of 2

2025-02-27 11:27 AM

FMZ9

mailbox:///C:/Users/Owner/AppData/Roaming/Thunderbird...

action to create a restrictive and premature angling opportunity is not Native Fisheries Rehabilitation.

I look forward to and open and transparent discussion at the FMZ9 table to discuss all aspects of fisheries management in FMZ9.

Best Regards

Kevin Muloin

From: Mighton, Bruce (MNR) <bruce.mighton@ontario.ca>
Sent: December 20, 2024 10:31 AM
To: Kevin <kevinmuloin@hotmail.com>
Cc: Furfaro, Daniel (MECP) <Daniel.Furfaro@ontario.ca>
Subject: FW: FM29

Dear Kevin,

Your questions have been forwarded to me and I have confirmed that no further actions regarding the Camp 43 dam are being considered at this time.

As such, it is in the best interest of the FMZ 9 Council not to discuss the Camp 43 dam.

Any additional questions on this matter can be directed to Daniel Furfaro, Park Superintendent from the Ministry of Environment Conservation and Parks, Ontario Parks.

We'll be sure to notify you of our next FMZ 9 Council meeting as soon as dates are confirmed.

Sincerely

Bruce Mighton

From: Kevin Muloin <kevinmuloin@hotmail.com>
Sent: Sunday, October 27, 2024 1:16 PM
To: John Hay <bigpaw@tbaytel.net>; Rogers, Kyle (MNR) <Kyle.Rogers@ontario.ca>
Subject: FM29

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.
Hello Gentlemen

When is the next FM29 meeting?

I would like to put the Camp 43 Dam on the agenda. The government made a decision to conduct emergency repairs and now that safety is no longer an issue, I would like to resume our discussion about the dam and the environmental impacts it continues to cause.

Kevin Muloin

Subject: RE: May 13th 2025 - Meeting Notes

From: Kevin Muloin <kevinmuloin@hotmail.com>

Date: 2025-07-03, 9:03 a.m.

To: "Rogers, Kyle (MNR)" <Kyle.Rogers@ontario.ca>, Adam Weir <adam_weir@ofah.org>, "Adam C." <landsandresourcesdirector@rrib.ca>, Bobbi <EnvironmentalOfficer@fwfn.com>, Brittany Moses <brittany.moses@picriver.com>, Chief Hardy <marcus.hardy@rrib.ca>, Connor <connor.warne@ocfa.on.ca>, Dean <consultation@rsmin.ca>, Ernie Ukrainec <eukrainec@equipworld.com>, Gord Johnson <lainieb69@yahoo.com>, "Shearer, Janene (MNR)" <Janene.Shearer@ontario.ca>, Joe Carney <jcarney@lakeheadu.ca>, John Hay <bigpaw@tbaytel.net>, Jon <jgeorge@tbaytel.net>, Lisa <lisa.nyman@pc.gc.ca>, Marcel <shirleychico@hotmail.com>, Marissa <Marissa.Wegher@pc.gc.ca>, Mike <mike.steeves@dfo-mpo.gc.ca>, Mike Rennie <mrennie@lakeheadu.ca>, Monty <kamamonty@icloud.com>, Neil <nwiens@tbaytel.net>, Nick <nickk@tbaytel.net>, Pam <karone_m@hotmail.com>, Paul <paul@petersonmachineinc.com>, Pays Plat First Nation <ppconsult@tbaytel.net>, "PeterC." <pjcolby@tbaytel.net>, Robert Pierre <RobertPierre@fwfn.com>, Shane <skbaker@tbaytel.net>, Terry <terrykay1961@gmail.com>, Tom <tomsteelhead@gmail.com>, Vito <Vito.Figliomeni@ocfa.on.ca>, Brad <bradbuck@bucksmarina.com>, Brett <broutdooradventures@gmail.com>, Bruce Morrison <Bruce.Morrison@dfo-mpo.gc.ca>, Chris Surita <chris.surita@picriver.com>, Dean Lapham <redwoodcharters@hotmail.com>, Glenn <ggou@shaw.ca>, Greg <greg.petten@picriver.com>, Harvey <ihrobbins@sympatco.ca>, Jeremy <Jlguitarman@hotmail.com>, Jim <jimz1td@xplornet.ca>, Randy Fawcett <gramps358@gmail.com>, Ryan <ryan.namespetra@saultcollege.ca>
CC: "Mighton, Bruce (MNR)" <bruce.mighton@ontario.ca>, "Fischer, Friedrich (He/Him) (MNR)" <Friedrich.Fischer@ontario.ca>, "Gonder, David (MNR)" <david.gonder@ontario.ca>, "Stratton, Kyle (MNR)" <Kyle.Stratton@ontario.ca>, "Deschamps, Michael (MNR)" <michael.deschamps@ontario.ca>, "Carl, Christian (MNR)" <Christian.Carl@ontario.ca>, "Heerschap, Matthew (MNR)" <Matthew.Heerschap@ontario.ca>, "Westerman, Patti (MNR)" <Patti.Westerman@ontario.ca>, "Goertz, Derek (MNR)" <Derek.Goertz@ontario.ca>, "Tremblay, Kim (MNR)" <Kim.Tremblay@ontario.ca>, Michael Gemmell <michael.gemmell@pc.gc.ca>, "Bobrowicz, Steve (MNR)" <steve.bobrowicz@ontario.ca>

Hi Kyle

Bruce's statement from the email refusing to discuss the Camp 43 dam at FMZ9 was said during the discussion at the meeting and I requested that it be captured in the minutes.
Please amend the minutes to capture Bruce refusing to discuss the Camp 43 dam at FMZ9.

Kevin

Sent from my Galaxy

----- Original message -----

From: "Rogers, Kyle (MNR)" <Kyle.Rogers@ontario.ca>



MICHAEL GRAVELLE, MPP

Thunder Bay - Superior North | Thunder Bay - Superior-Nord

December 7, 2019

The Hon. Jeff Yurek Minister
Ministry of the Environment,
Conservation & Parks
777 Bay St. 5th Floor Toronto, ON M7A 2J3

The Hon. John Yakabuski Minister
Ministry of Natural Resources & Forestry
Whitney Block 6th Flr Rm 6630
99 Wellesley St W. Toronto, ON M7A 1W3

Dear Ministers,

Please find enclosed a copy of a letter to my MPP office from Mr. Dave Nuttall, Co-Chair of Fisheries Management Zone 9 - Lake Superior.

Mr. Nuttall is inquiring about the status of the Camp 43 dam on Black Sturgeon River. He writes that eight years ago, FMZ 9 Council recommended that the deemed-unsafe dam be removed and that a variable-crest dam barrier be placed upstream. Both the dam and the proposed barrier site are inside the borders of Black Sturgeon River Provincial Park, which means that primary authority for the dam and the proposed replacement barrier reportedly now rests with the MECP, rather than MNRF.

Mr. Nuttall and FMZ 9 Council are seeking information about plans for the dam. They wish to be updated on the dam's status as unsafe, and its present structural integrity, and want to see the conclusions that were delivered to MNRF by KGS Consulting Group in a 2017 ESR. There is also a request that the KGS report be made available to FMZ 9 Council and the public.

I will thank Mr. Nuttall for his many years of service and expert advisory to the FMZ 9 Council, and his dedication to the restoration of the Black Bay - Black Sturgeon fishery. The questions put by Mr. Nuttall and Council are quite simple, and are aimed at avoiding the dam's failure and serious consequences, and at expediting the removal of the unsafe dam and the installation of the variable crest dam that would allow for spawning by walleye and other species, while blocking lamprey migration.

As MPP for Thunder Bay-Superior North, I will respectfully submit Co-Chair Nuttall's questions for the timely response of your Ministries.

Sincerely thanks,

Michael Gravelle, MPP
Thunder Bay-Superior North

cc Mr. Dave Nuttall Co-Chair
FMZ 9 Council
2021 Oliver Rd. Thunder Bay ON P7G1P3

Constituency Office

179 rue South Algoma Street, Thunder Bay, Ontario P7B 3C1
Tel / Tél : 807-345-3647 | Fax / Téléc : 807-345-2922 | Toll Free / Sans frais : 1-888-516-5555
mgravelle.mpp.co@liberal.ca | www.michaelgravelle.ca

From: MIN Feedback (MNRF)
Sent: February 25, 2020 2:23 PM
To: 'mgravelle.mpp.co@liberal.ola.org' <mgravelle.mpp.co@liberal.ola.org>
Cc: Campbell, Brian (MNRF) <Brian.Campbell2@ontario.ca>
Subject: Message from the Honourable John Yakabuski, Minister of Natural Resources and Forestry

Ministry of Natural
Resources and Forestry
Office of the Minister

Room 6630, Whitney Block
99 Wellesley Street West
Toronto ON M7A 1W3
Tél: 416-314-2301

Ministère des Richesses
naturelles et des Forêts
Bureau du ministre

Édifice Whitney, bureau 6630
99, rue Wellesley Ouest
Toronto (Ontario) M7A 1W3
Tél.: 416-314-2301

354-2019-2309

February 25, 2020

Michael Gravelle, MPP
Thunder Bay-Superior North
mgravelle.mpp.co@liberal.ola.org

Dear Michael:

Thank you for your letter to me and the Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks, on behalf of Mr. Dave Nuttall, regarding the maintenance and upkeep of the Black Sturgeon River Camp 43 Dam. I am pleased to respond.

Ministry of Natural Resources and Forestry staff continue to monitor the dam and regularly inspect the structure. A hydraulic and stability assessment report was completed for the Camp 43 dam. As a result of the findings of the report, and as a matter of due diligence, my ministry has executed a tender for a design to address structural concerns related to the stability and performance of the dam, and to comply with the legislative requirements of the *Lakes and Rivers Improvement Act* (LRIA). This tender is currently not part of the long-term plan for the dam, which has been the subject of an Environmental Assessment (EA) process.

As you are also aware, the draft Environmental Study Report (ESR) for the Camp 43 Dam EA project was released in 2017 for inspection. I understand that Mr. Nuttall and some of the Fisheries Management Zone 9 Advisory Council provided valuable input to my ministry prior to, and during, the report's review period.

There was significant engagement, and mixed reactions, to the ESR options ranging from partial demolition to repair of the existing dam, with strong opinions both for and against the project alternatives. I am aware of the concerns Mr. Nuttall raised regarding the removal of the Camp 43 Dam.

We are currently working with our partner ministry, the Ministry of the Environment, Conservation and Parks, determining next steps, as the Class EA now falls under their mandate with responsibility for Ontario Parks and the *Provincial Parks and Conservation Reserves Act*.

If you or Mr. Nuttall would like further information, please contact Brian Campbell, Project Manager, Black Sturgeon Dam project, at 807-475-1450.

Thank you again for writing. I trust this information is of assistance in addressing the concerns of your constituent.

Sincerely,

John Yakabuski
Minister of Natural Resources and Forestry

c: The Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks
Brian Campbell, Project Manager, Black Sturgeon Dam, MNRF

Please contact the Project Manager, Brian Campbell, with any questions you may have regarding this matter at blacksturgeon.project@ontario.ca or 807-473-3000.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Leveque', with a stylized flourish at the end.

Kevin Leveque
Zone Manager
Ontario Parks
Ministry of the Environment, Conservation and Parks



Northwest Zone
435 James Street South, Suite 221d
Thunder Bay, ON
P7E 6S7

March 13, 2020

Subject: Update on the Black Sturgeon River Camp 43 Dam

Dear Stakeholder:

The Ministry of the Environment Conservation and Parks (MECP) would like to inform you of the status of the Black Sturgeon River Camp 43 Dam Environmental Assessment (EA) Project, which has been ongoing under the *Class Environmental Assessment for Provincial Parks and Conservation Reserves* (Parks Class EA).

In 2018, the responsibility for Ontario's provincial parks transitioned from the Ministry of Natural Resources and Forestry (MNR) to MECP. The Parks Class EA now falls under MECP's mandate with responsibility for Ontario Parks and the *Provincial Parks and Conservation Reserves Act*.

In 2018-19, there was a full engineering review of the Camp 43 Dam structure by KGS Consulting Engineers. The resulting hydraulic and stability assessment report indicated that the dam is well below mandatory safety requirements stipulated in the *Lakes and Rivers Improvement Act* and is at a high risk of failure under most of the hydraulic loading conditions tested. An MNR engineer reviewed this report and concurred with the report's conclusions.

The current high risk of failure of the dam, and imminent threat to property, public services and the environment downstream of the dam, is a matter of public and environmental safety. Given this situation, MECP has made a decision to proceed with urgent and critical repairs to the dam structure. Consequently, the ministry will not be proceeding with the proposed partial demolition of the Camp 43 dam and construction of a new multi-purpose barrier at the Camp 1 site, nor will it be carrying out any further steps under the related class environmental assessment process.

To ensure that the dam is safe and stable, and its integrity is not further compromised, a procurement process regarding the structural repairs to the dam will be carried out immediately. The successful company will complete the necessary repairs to maintain the current structure and configuration of the dam during the upcoming construction season from May through November 2020.



June 29, 2020

Hon. John Yakabuski
Minister of Natural Resources and Forestry
Whitney Block Suite 6630
6th Floor 99 Wellesley Street W.
Toronto, ON. M7A 1W3

Subject: Black Sturgeon River Camp 43 Dam

Hon. Minister Yakabuski:

The Northwestern Ontario Sportsmen's Alliance is aware of the change in direction for the previously intended plans re: Removal of Camp 43 Dam on the Black Sturgeon River/Northwest Region. With what is apparently abrupt and secretive changes in focus by both the Ministry of Natural Resources and Forestry (OMNRF) and Ministry of Environment, Conservation and Parks (MECP) regarding the fate of the Camp 43 Dam, located on the Black Sturgeon River, which flows into Black Bay, Lake Superior, our organization feels it is vitally necessary to speak out in opposition to the shift in direction being taken by the Ontario government with respect to this issue.

Over the past fourteen years, a professional fisheries biologist's study, a Fisheries Management Zone 9 Council study, a structured decision-making workshop and an Environmental Assessment (EA) Draft have been undertaken, all commissioned by the OMNRF and with the common objective being how best to rehabilitate a once thriving fishery in Black Bay. Without exception, the conclusions drawn and the recommendations made were that the removal of the Camp 43 Dam (and a replacement barrier placed further upstream) was the key to any

...2

2.

rehabilitation efforts for a number of species, including but not limited to walleye, coaster brook trout and lake sturgeon, an endangered species. Removal of the dam would also restore ecosystem connectivity close to its original unaltered state. The stated objective, clearly, was native fish rehabilitation.

Shortly after FMZ 9 Council recommended dam removal, on 30 January, 2013, an Initial Public Notice was published with the OMNRF as the lead proponent notifying the public of its intent to remove the dam and install a multi-purpose sea lamprey barrier at Eskwanonatin Lake.

However, in the past several months, it has become apparent that both Ministries decided some time ago, behind closed doors and without any public consultation whatsoever, to shift the focus away from the previously documented objective of fisheries rehabilitation and instead change the objective to one that prioritizes lamprey control, as the dam is an effective barrier for all species of aquatic animals. In order to carry this new direction forward with some perceived form of reasoning, the dam was suddenly deemed to represent an imminent danger of failure, which therefore could potentially cause down stream damage to private property, public structures (a highway bridge several kilometers downstream) and the aquatic environment, and emergency and permanent repairs were to be undertaken. Declaring these consequences resulting from dam failure, is patently false, as a previous catastrophic failure at the dam site in 1968 inflicted no such damage. This change in focus is of great concern to the Northwestern Ontario Sportsman's Alliance(NOSA) as is the deceitful manner in which the Ministries are acting with respect to the Camp 43 dam.

We also have several other concerns regarding the actions of both Ministries.

First, both FMZ 9 and FMZ 6 Councils (NOSA has well respected representatives on both FMZ councils) have always acted in good faith in making recommendations. In this particular case, FMZ 6 and FMZ 9 both made formal recommendations to support the removal of the Camp 43 Dam, in order to promote the goals and objectives associated with fisheries rehabilitation. No such courtesy has been forthcoming from the upper levels of the OMNRF or MECP. The very fact that the final KGS Environmental Studies report, given to OMNRF in March of 2018, was never made public or even available for review by FMZ6/FMZ 9 Councils speaks volumes for the blatant disregard for the Environmental Assessment process and the secretive and underhanded way in which both Ministries have dealt with this controversial issue recently. An Ontario Parks presentation to Z9 assured them that a 30 day comment period would be available to the public once the EA was released, but this never happened.

3.

Second, we have grave concerns regarding the substance of the final KGS report, especially when it is compared to the draft report, which was made available for public review in February of 2017. The draft report was a scientific study that concluded the Camp 43 dam must be removed for any significant fisheries rehabilitation to take place. The final report contained no such science, and was instead a sociological study concluding that the dam should be repaired because of a number of social objections to its removal. We suspect that KGS was influenced by the upper levels of either or both Ministries, to alter their focus to lamprey control instead of fisheries rehabilitation.

Our third concern rests with the dam itself. It was constructed as an aid to timber rafting, and never as a sea lamprey barrier. If, as the Ministries now suggest, there is imminent danger of failure and that the reason for repair is to prevent downstream damage, why do they not instead remove the stop logs one layer at a time until there is no remaining pressure and hence no downstream danger. Again, clearly the Ministries have opted for the dam to be used as a barrier to sea lamprey. Sea lamprey control rests with the Department of Fisheries and Oceans, and the dam, apparently owned by OMNRF, would be DFO's responsibility if lamprey control was the objective. Why is the provincial government involved in repair of this structure when it is clearly a barrier to native fisheries rehabilitation?

Fourth, the OMNRF Provincial Fish Strategy supports native fisheries rehabilitation, with implementation and management plans, performance indicators, measurable goals and timelines, to reach a desired outcome. Several scientific studies have demonstrated that the camp 43 dam is the limiting factor for any rehabilitation effort in Black Bay and the Black Sturgeon River. As of now, there has been no plan released by OMNRF to carry out this rehabilitation if the dam is permanently repaired. Walleye populations have remained at 20% of historical norms for over 10 years, despite angling restrictions on significant parts of this ecosystem to both recreational anglers and commercial fishing for both walleye and perch since 2007. Lake sturgeon, an endangered species and a species of considerable cultural importance to Indigenous harvesters, are routinely seen at the base of the dam, are impeded in any attempt to reach their probable spawning areas.

The report "Black Sturgeon River Dam: A Barrier to the rehabilitation of Black Bay walleye," released in June 2006 (Upper Great Lakes Management Unit- Lake Superior Technical Report No. 06-03), provides a comprehensive evaluation of all this information. This report supports the argument that rehabilitation of Black Bay walleye is limited primarily by habitat loss related to dam construction on the Black Sturgeon River, and that measures such as stocking walleye

4.

will not restore the Black Bay population without addressing the primary habitat problem. In fact, continued stocking of non-native walleye could prove to be highly disruptive to the gene pool of what appears to be highly-evolved river spawning Great Lakes Stock. OMNRF therefore has already acknowledged the problem of fisheries rehabilitation, but since that report OMNRF has not done anything to address this problem.

Finally, the Northwestern Ontario Sportsmen's Alliance(NOSA) supports a recent statement by the Metis Nation of Ontario voicing their opposition to the shift in the management direction being taken by OMNRF and MECP with respect to repairing the Camp 43 Dam versus removal of the Dam and implementing measures to ensure fisheries rehabilitation AND mitigate the spread of lamprey, as was originally identified in the draft report by KGS.

Minister Yakabuski we implore you to reconsider your Ministry's support for the current direction being taken by MECP and we fully expect that a comprehensive strategy for fisheries rehabilitation in this ecosystem will be resumed as per the recommendations of the draft report. The Northwestern Ontario Sportsmen's Alliance (NOSA) would support your role in that effort and would certainly engage as a partner with OMNRF and MECP to meet that objective. We look forward to your response in this respect.

Sincerely,



John Kaplanis
Executive Director/Northwestern Ontario Sportsmen's Alliance

cc. NOSA Board of Directors
Kevin Muloin, Metis Nation of Ontario
Dave Nuttall, Co Chair FMZ 9
Brock Vandrick, OMNRF
Adam Bloskie, OMNRF

Note to Ontario Ombudsman March 14, 2020

Via online complaint form

From Dave Nuttall

Both the above named Ministries appear to be circumventing part of the Environmental Assessment process with respect to an Environmental Studies Report that was commissioned by the OMNRF a few years ago. This ESR concerns a dam on the Black Sturgeon River which flows into Black Bay, one of three northern bays in Lake Superior.

The consultant (KGS Consulting Group) first provided a draft copy which was made available to the public for inspection and comment. Following that, they were to have completed a final report by December of 2017. The public has yet to see that final report, and there has been no 30 day comment period ever made available.

Thorough examination of the many issues surrounding this dam were undertaken, first by Fisheries Management Zone 9 Council (a public body), then through a structured decision making process that was commissioned by the OMNRF approximately five years ago, and finally the KGS Consulting Group investigation, which was again commissioned by the OMNRF. All three studies reached the same conclusion, although there is only the draft report from KGS available to the public at the present time. That common conclusion was that the dam, referred to as the Camp 43 Dam, was to be dismantled and a variable crest barrier be placed further upstream at a location known as Camp 1. The goal of this action was to provide better opportunity for spawning fish to rehabilitate the fishery in Black Bay.

In the past two days, both the OMNRF and MECP have issued letters to FMZ 9 Council indicating that the Camp 43 dam is in very poor condition and needs immediate repair. Repair of the dam was not considered to be a viable long term option for rehabilitation by any of the three studies, yet MECP has firmly stated that this is what their plans are.

FMZ 9 Council asks that the office of the Ontario Ombudsman look into this issue (circumventing the required 30 public comment period of any Environmental Assessment) immediately, and if you have the authority, to issue a cease and desist order to MECP until the public has the 30 opportunity to comment on the final report of KGS Consulting Group Environmental Assessment.

**Ministry of Natural Resources
and Forestry**

Northwest Region

Suite 221a, Ontario Government Building
435 James Street South
Thunder Bay ON P7E 6S7
Tel.: 807 475-1251
Fax.: 807 473-3023

July 30, 2020

John Kaplanis
Executive Director
Northwestern Ontario Sportsmen's Alliance
1100 Memorial Ave. Suite 253
Thunder Bay, ON P7B 4A3

Email:

RE: Black Sturgeon River Camp 43 Dam

Thank you for your letter of June 29, 2020 regarding the Black Sturgeon River Camp 43 Dam, I have been asked to respond on the Minister's behalf.

Public safety is always the government's priority when it comes to managing Ontario's dams.

In 2019, a hydraulic and stability assessment report, completed by KGS Group Consulting Engineers, showed deterioration in the concrete and wood structures of the dam, which could compromise the dam's stability and performance. The Ministry of the Environment Conservation and Parks (MECP) relied on this report, and a subsequent Ministry of Natural Resources and Forestry (MNRF) Engineering Unit review that concurred with the report's conclusions, in making the decision to proceed with urgent and critical repairs to the dam structure. The report and subsequent MNRF review recommended that repairs be done as soon as possible. I have attached a copy of the hydraulic and stability assessment report as well as the MNRF review.

Failure of the dam could release enough water and sediment downstream to impact or damage the TransCanada Highway bridge, a significant rail line bridge, TransCanada pipeline, hydro lines and residential properties. The increased sediment and water flows would also affect fish and wildlife habitat downstream, including critical lake sturgeon habitat and populations. The Camp 43 Dam also acts as a barrier preventing spread of sea lamprey, an invasive species of particular concern in the Great Lakes. A breach in the dam could enable sea lamprey to migrate into the upper areas of the Black Sturgeon River.

Given the urgency of this matter, MNRF and MECP will no longer be proceeding with the Environmental Assessment (EA) process and are will be moving forward with urgent and critical repairs to the dam structure.

We understand that some parties that have been involved in the Environmental Assessment may be disappointed in the decision to end the process and proceed with repairing the dam. The provincial election in 2018 and the subsequent transition of Ontario Parks to MECP resulted in delays in the EA process. Further delays occurred through 2019 as statutory responsibility for the Parks Class EA and management and control of provincial parks including improvements and infrastructure of dams were determined.

Despite these delays, considerable work has been done since the 2017 draft Environmental Study Report was released to understand the complex viewpoints and interests of all stakeholders and Indigenous communities with an interest in the Camp 43 Dam. There have consistently been strong opinions both for and against removal of the dam. Removing the dam would compromise the environmental, recreational, social, and economic use of the Black Sturgeon River. It would also allow sea lamprey, an invasive species, into the upper reaches of the Black Sturgeon River. New sea lamprey barriers would have to be constructed upstream of the current dam at considerable additional cost. Repairing the dam will have the least environmental impact and eliminates the risks associated with failure or removal of the dam.

In closing I wanted to speak to fisheries research in Black Bay. Since 2016, MNRF has been researching walleye spawning locations and movements within Black Bay and into Lake Superior to determine whether walleye are spawning in Black Bay and below the dam. Future work will involve efforts to verify and document walleye spawning in north west Black Bay, and to continue monitoring whether the walleye population is recovering on its own. Ongoing bi-annual index netting results indicate signs of walleye recovery from the very low numbers documented in 2002. MNRF will continue to conduct index netting to track population rehabilitation.

Thank you again for writing.

Yours sincerely,

Email signature

Brian Campbell
Project Manager
Black Sturgeon River Camp 43 Dam Project

cc: Kevin Leveque, Zone Manager, Ontario Parks, Northwest Region, MECP