

Cornwall Sediment Strategy

Administrative Controls Protocol



St. Lawrence River
**Remedial
Action
Plan**



Photo courtesy of Stephany Hldebrand

2005 ACCORD

Cornwall Sediment Strategy Accord

The Governments of Canada and the United States have committed to restore and protect the Great Lakes Ecosystem through the signing of the Great Lakes Water Quality Agreement (GLWQA) in 1978. The GLWQA was amended in 1987 with the governments of Canada and the United States further defining their commitment to address problems in the most degraded areas, designated as Areas of Concern (AOCs) in the Great Lakes, through the development and implementation of Remedial Action Plans (RAPs).

Further, the Governments of Canada and Ontario committed, through the signing of the Canada Ontario Agreement Respecting The Great Lakes Ecosystem in 2002, to working in a cooperative, coordinated and integrated fashion in order to meet Canada's obligations under the GLWQA.

Since 1987 the Governments of Canada and Ontario have worked together with the local community to develop and implement a Remedial Action Plan (RAP) for the St. Lawrence River (Cornwall) AOC. To fulfill the federal and provincial commitments to the implementation of this RAP, Environment Canada and the Ontario Ministry of the Environment have led the development of a Cornwall Sediment Strategy to address the contaminated sediment issue along the Cornwall waterfront.

The outcome of this initiative is a sediment management plan known as the "Cornwall Sediment Strategy". This sediment management plan states that the sediments along the Cornwall waterfront are to be left in place and effective Administrative Controls are to be implemented to ensure that these sediments are not disturbed or re-suspended such that the deeper, more contaminated material is exposed.

In support of the Cornwall Sediment Strategy, the Parties to this Accord have agreed to act in a cooperative manner to harmonize their approval, permitting and planning processes to ensure the sediments located along the Cornwall waterfront are not disturbed. Approval, permitting and planning processes will be coordinated in the manner outlined in the document entitled "Cornwall Sediment Strategy – Administrative Controls Protocol".



2005 ACCORD

June 2005 – By signing this Accord, the parties confirm their commitment to protect the St. Lawrence River ecosystem.

■ **HER MAJESTY THE QUEEN IN RIGHT OF CANADA (CANADA) as represented by:**

The Minister of the Environment, Department of the Environment
Jim Abraham, Regional Director General (acting), Ontario Region

The Minister of the Department of Fisheries and Oceans, Department of Fisheries and Oceans:
D. Vic Gillman, Director, Ontario and Great Lakes Area

■ **THE MOHAWK COUNCIL OF AKWESASNE as represented by:**

Angie Wahienhawi Barnes, Grand Chief

■ **THE CITY OF CORNWALL as represented by:**

Phil Poirier, Mayor & Denise Labelle-Gelinas, Clerk

■ **HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO (ONTARIO) as represented by:**

The Minister of the Environment, Ministry of the Environment
Michael Williams, Assistant Deputy Minister, Operations Division

The Minister of Natural Resources, Ministry of Natural Resources
George Ross, Assistant Deputy Minister, Field Services Division

■ **THE RAISIN REGION CONSERVATION AUTHORITY as represented by:**

Roger Houde, General Manager & Bill Franklin, Chairman, Board of Directors



Mohawk Opening

Seven agencies met in the spirit of cooperation to create a protocol to harmonize their permitting review processes. The ultimate goal of their efforts is to fully implement the Cornwall Sediment Strategy, a multi-agency, community partnership to promote

the long-term protection of contaminated sediments in three zones along the Cornwall waterfront. What follows is the fruit of their collaboration and a testament to their commitment to environmental protection.



Photo courtesy of Richard Pilon

Ohén:ton Karithwatéhkwen – The Words That Come Before All Else

Haudenosaunee Greetings to the Natural World

Today we have gathered, and as we look around we can see that the cycles of life continue around us. We have all been given the duty to live in balance and harmony with each other and all living things and we share this duty to protect the St. Lawrence River and the life that is associated with it.

Let us now bring our minds together as one and turn to:

Our Mother Earth, for she continues to give us all that we need for life, supports our feet as we walk about upon her, and protects the sediments in the river, which we will now help her to protect...we agree;

The Waters of the world, which we know in many forms, quench our thirst and provide us with strength and the Fish and all the creatures that live in the waters of the world, which give their lives in order that we may gain their strength, help to cleanse and purify the water. Our duty to the river strengthens our resolve to contain the sediments on the river bed...we agree;

The Birds of the world, whose songs are music to our hearts, provide us with a sense of grace and beauty and the mystery of the far off places where they travel to complete their cycle of life, and the Animals of the river and the world, which have many things to teach us if we just take the time to watch and learn, will help warn us of impeding problems with the river...we agree;

The many kinds of Plants and Trees of this world, which add beauty to our lives, live in the waters of the river, cure and heal our weaknesses, provide us with fruits, beauty, fuel and shelter, and shade and protect the shores of the river...we agree;

The Four Winds, which cool our hottest days, bring the rains, help purify the air we breathe, and help bring on the changes in the seasons, the Thunders that bring with them the waters that renew life, our eldest brother, the Sun—the source of fire and light, and the Stars of the

world, which provide us with much beauty and mystery of the night sky, the information to help with our long voyages, and demonstrate the vastness of our Creator's ability...we agree;

Our Grandmother, the Moon, who lights the night time sky, controls the cycles of life and birth and the movements of the oceans of the world, is the leader of all women, and, by her changing faces, we measure time and judge plantings and harvestings...we agree;

Our Grandfathers, the Thunders who warn us of impending danger and stab the earth with their lightning and bring us the new rains...we agree; and

The Enlightened Elders, our teachers, who share the wisdom of our ancestors and keep alive all those things that are necessary for harmony in life in order that we may gain from their knowledge. We acknowledge the knowledge of the Elders to help us keep the accord and the river safe. It is their teachings that allow us to stand here and give greetings and thanks as our ancestors have done so in the past...we agree. We are provided with all the good things to live a good life, and to know that love is still around us is to know that there is caring going on all over creation. Let us now bring our minds together and send our best greetings and warmest thanks to the Creator for all the gifts of creation.

It gives us joy and we are grateful that they all continue to carry out their original instructions as given to them from our Creator—that we could be as constant in our responsibilities for their protection.

We can now declare this protocol officially issued as we keep these thoughts in focus as the day goes on, and may all decisions keep the next seven generations in mind. If there are any special thoughts or if I have left anything out, let your thoughts now take care of that.

Now our minds are one.



Photo courtesy of Richard Pilon

The Purpose of this Protocol

The purpose of this protocol is to assist with the implementation of the Cornwall Sediment Strategy, which states that:

- Contaminated sediment deposits in three zones along the Cornwall waterfront should be left in place, undisturbed, to allow natural recovery to take place; and
- Administrative controls should be put in place to ensure human activities do not disturb these sediments and expose the deeper, more contaminated material.

As they currently exist, historically contaminated sediments in three zones along the Cornwall waterfront are stable and covered with a cleaner layer of sediment and therefore, do not pose a significant ecological risk. However, certain development activities requiring dredging, filling, covering, piling, or scouring have the potential to disturb, expose or re-suspend the deeper more contaminated sediments.

The intent of this protocol is to ensure the integration of the efforts of several agencies that have the mandate and authority to regulate activities that may disturb, expose or re-suspend mercury-contaminated sediments in three zones along the Cornwall waterfront. The protocol represents an inter-agency commitment to collaborate for the long-term protection of sediments along the Cornwall waterfront.

The parties to this protocol have agreed to work together in a cooperative, coordinated and

integrated fashion and are committed to prevent the disturbance, exposure and re-suspension of contaminated sediments within the three zones as shown on the map “Geographic Scope of Protocol”.

The Objectives of this Protocol

The objectives of this protocol are:

- To create a common administrative approach to ensure contaminated sediments are not disturbed, exposed or re-suspended;
- To harmonize agency mandates and to strengthen and coordinate a common review process for regulating activities that have potential to disturb contaminated sediments;
- To establish principles that will guide decisions; and
- To clearly articulate the roles and responsibilities of each party to this protocol.

Participating Agencies

- Environment and Climate Change Canada (ECCC)
- Department of Fisheries and Oceans (DFO)
- Ontario Ministry of Environment, Conservation and Parks (MECP)
- Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR)
- Mohawk Council of Akwesasne (MCA)
- Raisin Region Conservation Authority (RRCA)
- City of Cornwall (City)

The Geographic Scope of the Protocol



The Principles of the Protocol

The following principles will guide the decisions of the parties to this protocol:

Prevent Disturbance – There must be no disturbance, exposure or re-suspension of contaminated sediments within Zones 1, 2 and 3.

Apply Design Making Process – All projects must be assessed based upon the application of the following design criteria in decreasing order of priority: Relocate, Redesign and Remediate.

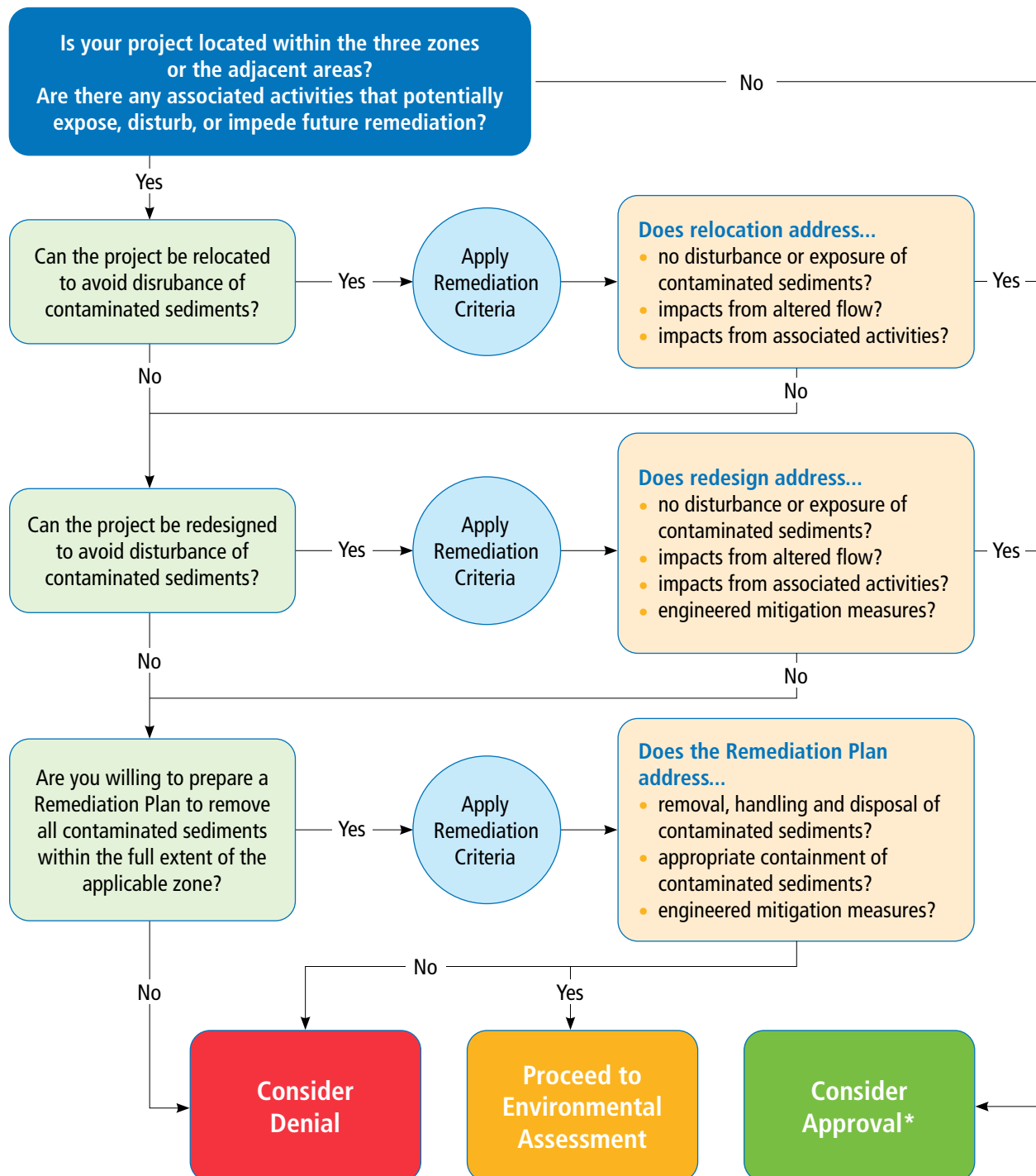
No Impediment to Future Remedial Activities – No development or activity may impede future remedial measures to address contaminated sediments.

Remediate Full Extent of Zone – Projects that cannot be relocated or redesigned and may potentially disturb any sediments must have a remediation plan that indicates how all contaminated sediments, within the full extent of the zone, will be handled, removed and disposed of in a safe and environmentally protective manner.

Proponent is Responsible for Costs – The proponent is responsible for all costs, including engineering reports and the removal, handling and disposal of contaminated sediments.

Decision Making Process

The "Decision Making Process" outlined below shall be applied to the review of all project applications involving the participating agencies located in the three zones of contaminated sediments or in adjacent areas.



* Pending consideration of applicable legislation

Roles and Responsibilities for Harmonizing Efforts

Through this protocol the parties confirm their commitment to work in a cooperative, coordinated and integrated fashion in order to harmonize the permit review process. To this end, the parties agree to:

- Recognize the Raisin Region Conservation Authority as the lead party that is responsible for co-ordinating the application review process, confirming the response of all agencies and notifying the proponent of decisions;
- A “No Wrong Point of Contact” approach, to provide proponents with a development guidance document to assist them through the process;
- Notify all parties when applications are received and when infractions of legislation, regulations and instruments related to this protocol are identified;
- Promote open communication and facilitate discussion between parties to review applications, exchange new information or to discuss the implementation of the Accord and Protocol; and
- Maintain a comprehensive long-term public awareness strategy. The Protocol should not affect the normal business of any party or result in an unacceptable burden to any party.

The intent of the protocol is to harmonize the permit review process and to identify opportunities to discuss and coordinate decisions.

Any party that is participating in an Environmental Assessment review process is responsible to notify all other parties.

The parties to this protocol agree to the roles and responsibilities as outlined in [Figure 1](#).



Figure 1 - Roles and Responsibilities of Parties

| RESPONSIBILITIES | LEAD | | SUPPORTING PARTIES | | | | |
|--|------|------|--------------------|-----|--------|------|-----|
| | CA | ECCC | MECP | DFO | MNDMNR | CITY | MCA |
| Coordinate Process | | | | | | | |
| Supports implementation of the Administrative Control Protocol | • | • | • | • | • | • | • |
| Ensures implementation of a coordinated application review process by all parties | • | | | | | | |
| Initiates meetings with all parties (once a year at a minimum) | • | | | | | | |
| Participates in meetings and discussions as required | • | • | • | • | • | • | • |
| Notification/Circulation | | | | | | | |
| Refers proponents to appropriate agencies | • | • | • | • | • | • | • |
| Provides Development Guideline to assist proponents throughout the process | • | • | • | • | • | • | • |
| Notifies lead agency and appropriate parties when applications are received | • | • | • | • | • | • | • |
| Responds to requests for information in a timely manner | • | • | • | • | • | • | • |
| Review Application | | | | | | | |
| Coordinates a review of applications with parties | • | | | | | | |
| Reviews application in accordance with jurisdiction | • | • | • | • | • | • | • |
| Provides information and data with respect to the impact of activities on contaminated sediments | | • | • | | | | |
| Provides notice of decision (if applicable) to lead agency | | • | • | • | • | • | • |
| Ensures review by all parties before final approval is granted and conducts meeting to review decisions | • | | | | | | |
| Coordinates response and confirms Final Review Decision with all parties | • | | | | | | |
| Notifies proponent of Final Review Decision | • | | | | | | |
| Monitoring – Activities | | | | | | | |
| Inventories existing shoreline structures to formulate baseline data to monitor change | • | | | | | | |
| Monitors activities within the 3 zones | • | | | | | | |
| Monitors and reports on effectiveness of administrative controls | • | | | | | | |
| Monitors compliance of activity with conditions of approval, if applicable | • | • | • | • | • | • | • |
| Monitors for illegal activities and informs all parties of infractions, if applicable | • | • | • | • | • | • | • |
| Monitoring – Sediments | | | | | | | |
| Updates maps as required | | • | • | | | | |
| Monitors sediment and biota (benthos, fish and wildlife) to ensure that environmental conditions are improving | | • | • | | | | |
| Informs all parties of new information as it becomes available | | • | • | | | | |
| Enforcement | | | | | | | |
| Enforces own acts and regulations | • | • | • | • | • | • | • |
| Communication | | | | | | | |
| Implements communication strategy to maintain awareness of general public, proponents and government agencies | • | • | • | • | • | • | • |



Photo courtesy of Stephany Hildebrand

Administration

Amendments to Protocol and Changes in Parties – Amendments to the administrative controls protocol can be made and new parties can be added at any time provided there is consultation with and consent of the other parties.

Dispute Avoidance – The parties to this protocol are committed to working collaboratively to avoid and resolve any dispute concerning the implementation of the Accord and Protocol.

Definitions

Adjacent Areas – those areas, contiguous to the zone, where it is likely that development or an activity may disturb or expose contaminated sediments located within the zone, through associated activities or altered flows.

Covering – the act of protecting, confining, sheltering or concealing sediments by covering or enveloping them.

Development – the construction of buildings and structures requiring placement on the riverbed or adjacent areas.

Dredge – the physical alteration of the riverbed by the removal of mud, sand and other sediments through suction or scooping by machinery.

Filling – the physical alteration of the riverbed by covering the bottom with deposited soil, sediment, concrete, cribs or any other material or object.

Piling – the act of driving of a beam or post into the riverbed.

Redesign – the process of making a new design or plan for a specific project to prevent the disturbance, exposure or re-suspension of contaminated sediments.

Relocation – the process of selecting another location for a development or an activity to prevent the disturbance, exposure or re-suspension of contaminated sediments.

Remediation – the cleanup or use of other methods to remove or isolate contaminated sediments.

Remediation Plan – a plan prepared by a qualified professional that indicates how to remove, handle and dispose of contaminated sediments in a safe and environmentally protective manner.

Re-suspension – the remixing of sediment particles and pollutants back into the water column.

Scouring – the moving or scraping of the top layer of the riverbed.

The Administrative Controls Protocol was developed by the following agencies:

- Environment and Climate Change Canada (ECCC)
- Department of Fisheries and Oceans (DFO)
- Ontario Ministry of Environment, Conservation and Parks (MECP)
- Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR)
- Mohawk Council of Akwesasne (MCA)
- Raisin Region Conservation Authority (RRCA)
- City of Cornwall (City)



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