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Species at Risk Branch
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I have submitted several rapidly, poorly written, long rambling comments on Waterpower Agreements: Now that the dust has settled for a bit I have some observations:

a) Sitting now as a concerned stakeholder/citizen outside of government, I now see very clearly the problem governments are faced with regarding public communication and consultation. Government has a job to do, has deadlines to meet and needs to tick off the public consultation box. In the case of waterpower agreements, apparently public consultation was not really required for some reason, but you're branch did it anyway. While I am glad you chose to consult, I am annoyed that there is a rule, policy or guideline that even suggests that public consultation is not mandatory for agreements with such far reaching and ongoing potential impacts; where does that policy appear? Now that there is a brief interlude, I have to get some things tabled; hopefully they will be helpful in future attempts to consult with the public. While I am obviously interested in these agreements and appreciate the opportunity to comment, I resent being put in the position I have been in over the last month. I, like all other members of the public, am extremely busy living life. I am also very interested and concerned over some matters that are going on with "sustainable management" of the environment within government, and I wish to have an opportunity to comment **effectively**. I did not, in the case of waterpower agreements, but I have the following synthesis comments:

- These advertisements/notices only provided 30 days to comment. They were only advertised once, often in small local papers. It took time to even find them, and I knew they were coming. How can you expect the rest of the interested public to find them, much less find time to comment even if they happened to trip over a notice? As these agreements were obviously of broad public concern and interest, other means of consultation would have been preferable - some sort of workshop/open house for instance. This is a very complex issue and the public notices could not hope to convey the nuances. Why were the notices not published in major newspapers with broad circulation as this is of broad interest; and why were they not voluntarily sent directly to obviously interested groups or individuals?
- So far, in the course of a very short period of time for people whose priorities lie elsewhere, there have been 5 notices covering about 10 facilities, and an EBR posting covering all waterpower agreements. Each agreement is very complex, but information provided to the public was short on substance and quality. I found myself madly rushing to read, think about and then try to write comments on these in a matter of the few hours that I could find. These agreements are inextricably linked to the recovery and very survival/existence of eels in Ontario; you provided 90 days for the public to comment on the Recovery Strategy, why was the public not given the same time frame to comment on these agreements? ... We (the public) should have been given more time to find an interval to comment effectively. I, probably like many others, fired some stuff in, but I could not hope to find the time that really was required - the quality of my

submission was less than adequate and not polished. I object to being put in that position, but I understand why you felt it was necessary (the looming deadline of OReg 242). In future your Branch needs to think of the public with empathy for their circumstances. This was a huge workload and highly stressful for people that care and want to contribute effectively, but have other lives and limited time. Government employees are not the only ones run off their feet, as I have found out.

- In retrospect, after seeing the issues more clearly in this package of agreements, I strongly believe the Class EA screening levels (categories) of all waterpower agreements should have been much higher.

b) I think most of the concerns that I and some others have over the agreements could be alleviated by the following:

- Embed the following requirements/principles (or whatever they eventually gets called) into each agreement:
 - develop and implement a plan for upstream and downstream passage into each agreement throughout the entire period of the agreement; this should be unequivocal.
 - clearly note that cumulative effects have and will continue to be considered
 - state that adaptive management will be used, and how
 - develop clear targets
 - develop and implement strong effectiveness monitoring programs, including the development of clear monitoring parameters against which the targets can be measured
 - Upstream and downstream passage provisions should be attempted each and every year to at least give the perception of attempting to not "jeopardize survival and recovery of eels". I doubt anyone thinks each and every eel can be saved to begin with - but the agreements must recognize that individuals of the species are important, and that strong effort should be made to conserve them; we are building from the ashes of those eels that have miraculously survived so far despite our strong, unwitting efforts to eliminate the species from Ontario. After all, that is why the Act prohibits the killing/harming/harassing of endangered species without a permit or agreement - it recognizes the importance of individuals of a species, and the act has determined that killing/harming/harassing individuals should only be allowed if effective measures to mitigate are undertaken. Reasonable measures are a matter of conjecture and negotiation, but no measure is reasonable if it is not effective. The two fundamental principles to ensure survival/recovery of eels at waterpower facilities are the provisions of effective upstream and downstream passage. Without this, eels are at strong risk in most watersheds of Ontario.
 - Involvement of public and aboriginal interests in implementation and oversight of the agreements should occur at defined stages - this should be embedded as another principle in the agreements. I know there are sensitivities, but if there was a sincere effort to mitigate through the development and implementation of an effective plan for passage, I feel the sensitivities would be less. Negotiation of the "how" can be sorted out as time progresses and adaptive management proceeds - as long as the need and sincere effort to provide passage is acknowledged and demonstrated.

Please consider this as the summary of my comments for all waterpower agreements except Domtar (which meets the sniff test) and Renfrew Power (I will provide separate comments on that agreement soon), and feel free to incorporate it as you like in my package of comments on the agreements, although I recognise it is past the deadlines for most.

My comments are intended to be helpful knowing that this is a very sensitive issue; hopefully they will help interpret my previous ramblings. Good luck with them and pass my sincere empathy on to those staff that are trying to manage these agreements on top of everything else. This is important work.

Sincerely,

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