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Agatha Garcia-Wright
Director – Environmental Approvals Branch
Ministry of the Environment
12A Floor 2 St Clair Ave W Toronto ON
M4V1L5
Email: Agatha.GarciaWright@ontario.ca

Re: Proposed Amendment to the Class Environmental Assessment for Waterpower Projects

Dear Ms. Garcia-Wright:

Ontario Rivers Alliance (ORA) is a Not-for-Profit grassroots organization with a focus on healthy river ecosystems all across Ontario. ORA members represent numerous organizations such as the French River Delta Association, Vermilion River Stewardship, CPAWS-Ottawa Valley, Friends of Temagami, Paddle Canada, Whitewater Ontario, along with many other stewardships, associations, and private and First Nations citizens, who have come together to support healthy river ecosystems in Ontario and to ensure that development affecting Ontario rivers is environmentally, ecologically and socially sustainable.

ORA wishes to comment on the proposed Amendment to the Class Environmental Assessment for Waterpower Projects as follows.

Recommendations:

Healthy rivers provide drinking water, food, flood protection, fish and wildlife habitat, recreation opportunities, and economic benefits to local and First Nation communities. They are a vital part of our heritage and are sources of community identity and pride. In an era of global warming, effective long-term protection for rivers must begin at the headwaters and encompass the entire watershed. Streamlining development opportunities on Ontario rivers is the wrong direction – instead we must be strengthening environmental protection, removing older dams, and restoring rivers to a healthy and balanced state. Approving this major Amendment to make development opportunities easier and/or cheaper, at the expense of healthy riverine ecosystems and local communities would be short-sighted and irresponsible.

For the reasons set out below, ORA strongly opposes the proposed amendment to the Class Environmental Assessment for Waterpower Projects, and recommends that it be denied.

1. Assumptions Made:

With this Amendment, Ontario Waterpower Association (OWA) assumes these dam redevelopment proposals would not require an Environmental Assessment (EA) because, "These small projects will all use existing infrastructure where the original impact has already occurred."¹

- Water infrastructure is already in place and no significant changes would be made,
- Downstream flow regime within the existing daily average operating band would be the same,
- Upstream water level regime within the existing daily average operating band would be the same, and
- Footprint of the civil infrastructure would be limited to an increase of 25% or less.

Unfortunately existing daily average operating bands do not prevent harmful new operating strategies. We have already witnessed older hydroelectric facilities respond to lucrative incentives by changing their daily operations from traditional run-of-river to peaking/cycling, and yet still remain within their "existing daily average operating band". This is happening without public consultation or environmental impact studies to understand what the consequences of these changes will be. The point is that there is great flexibility within the "existing daily average operating band", which would not preclude significant additional negative impacts.

Any retrofit, redevelopment, refurbishment, or upgrades to waterpower facilities of 2 MW or under would surely be destined for cycling and/or peaking operating strategies so developers can take advantage of peaking bonuses by generating more renewable energy – additional energy that is not even needed at present as all reports indicate we have had a surplus of power and will continue to for many years into the future. These types of hydroelectric dams result in numerous negative impacts, both upstream and downstream, and ORA submits that significantly more damage would be inflicted on these riverine ecosystems when an operating strategy changes from a run-of-river flow regime to a cycling and/or peaking facility.

This entire Amendment is based on the assumption that if a retrofit, redevelopment, upgrade or refurbishment is made to an existing infrastructure to produce waterpower at an installed capacity of 2 MW or less, any potential impacts would have already occurred, would be relatively free of any additional negative impacts, and any that might occur would be covered under other permits and approvals; therefore, an environmental assessment and public consultation process would not be required. ORA submits that this is simply not true, and any new cycling or peaking facility would involve surging, pulsing, erosion, sedimentation, eutrophication, withholding water from the downstream flow for hours and sometimes days at a time, elevated methylmercury and nutrient levels, warming of water in headponds, fragmentation of fish habitat, and a general degrading of water quality, fish populations, and riverine health. If the damage has already been done, then it is vital that a proper environmental assessment take place to address reparative mitigation measures, such as effective fish passage and enhanced environmental flows.

¹ Attachment A – Questions and Answers – August 27, P-2

2. Economics First – Environment and Communities Last:

OWA justifies this Amendment with economics, not with a balanced consideration which also takes into account public health and safety, and riverine and environmental health. Many of these rivers flow through First Nation traditional territory, towns, cities, and residential areas, and are vitally important to their communities; and many also have copious amounts of wastewater and mining effluent discharged into them, and rely on sufficient river flow for dilution. Thousands of local residents rely on these rivers for their drinking water and other household requirements. In fact many of these rivers see use by hikers, snowmobilers, ATV traffic, angler and ice fishing activities, canoeing, swimming, and public safety issues would likely arise due to extreme variability in flows and water levels as a result of these hydroelectric dams.

A 2 MW hydroelectric dam will only produce about 50% of Installed Capacity, contributing approximately 1 MW of power to the grid, and much of that is easily produced during the spring freshet when the power is not really needed. Therefore, the need for harmful operating strategies such as cycling and peaking are required to provide power during the low flow months of summer when demand is high. For this insignificant amount of power, entire riverine ecosystems would be compromised, and public health and safety put at risk. At the same time, all reports indicate that Ontario has a large surplus of power, and will have for several years into the future.

3. ORA's Challenge to OWA:

OWA claims that making it easier and quicker to retrofit or redevelop hydroelectric dams will “*create social and environmental benefits*”, and yet does not demonstrate how that will happen? If OWA is really serious about “*creating social and environmental benefits*”, then we recommend OWA embrace and incorporate the United Nation's Millennium Ecosystem Approach into its Class Environmental Assessment for Waterpower, where it would instruct developers to “*assess the consequences of ecosystem change for human well-being and provide the scientific basis for action needed to enhance the conservation and sustainable use of those systems and their contribution to human well-being.*”

4. Sustainability:

The Government of Canada adopted the Brundtland Commission's definition of *sustainable development* in its 1995 report, *A Guide to Green Government*, in which it made a commitment to achieving *sustainable development* and outlined its action plan for reaching this goal. Additionally in 1995, parliament passed amendments to the *Auditor General Act* that included the creation of a legal requirement for certain departments and agencies to prepare and table *sustainable development* strategies in parliament every three years.

“*Sustainable Development* is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

In the spirit of sustainable development, all waterpower must take into account other water uses, both existing and planned. The sharing of the water must be done fairly, without compromising water quality and quantity, and on the basis of criteria that all stakeholders agree to.

5. Stakeholder Consultation:

The webinar held on 21 August 2012 was totally inadequate as my questions were not fully or accurately reflected, either in the webinar or in the resulting updated Q & A sheet. At best my questions were summarized leaving out important aspects, and my last question was totally ignored when the Webinar was cut short by 10 minutes. Having to send an email or type in a chat box is very slow and cumbersome, and doesn't allow for a free and transparent exchange of questions and answers. A teleconference or in-person meeting would have been a much more user friendly, transparent and efficient method of consulting with stakeholders.

Summary:

The whole foundation of the Green Energy Act and its mandate for renewable energy is to "*better protect the environment*" and to "*create a culture of conservation*" – so how does compromising our finite supply of fresh water with increased hydroelectric dam construction fulfill that mandate? These peaking/cycling hydroelectric facilities of 2 MW and under would result in numerous negative impacts on the environment and riverine ecosystem, and an increased risk to public health and safety? OWA is focusing on developers' needs, as this is its mandate, not on the needs of Ontarians or on the health of our natural environment.

This Amendment does not take into account other uses, such as the number of other waterpower facilities, wastewater/mining/industrial effluent being released into the riverine ecosystem, or the *cumulative effects* of all facilities, water management practices, roads, transmission lines, diversions. In addition, the resulting cumulative environmental effects of these various uses are ignored by the Amendment with its across the board free pass for development of 2 MW and under. We must use the *precautionary approach* in order to protect communities, the environment, and riverine ecosystems, and to comply with the EAA.

The Ontario government has adopted the *precautionary principle and an ecosystem approach* through its Statements of Environmental Values (SEV). Studies must be undertaken to enable approving agencies to ensure the SEVs are met, and that cumulative effects, and effects on sturgeon, walleye, and habitat are considered. In such instances the agencies will need to strongly invoke the *precautionary principle*.

ORA submits that the physical, biological and socio-economic impacts and costs of this Amendment are too great, and do not fit within the mandate of the Green Energy Act, or support the integrity of the Class Environmental Assessment Act for Waterpower. This Amendment does not meet the criteria of assessing "*sustainable development*", or contribute to "*the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment.*"² For all the reasons noted above, the Amendment would compromise ecosystems and communities for decades into the future, and the ability of our future generations to meet their own needs. Clean water is essential to life.

² Environmental Assessment Act (EAA), R.S.O. 1990, c E.18

Therefore, ORA requests that the proposed major Amendment to the Class Environmental Assessment for Waterpower Projects be rejected.

Thank you for this opportunity to comment.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Heron", with a long horizontal flourish extending to the right.

Linda Heron
Chair, Ontario Rivers Alliance

Cc: Paul Norris, Director, OWA – Pnorris@owa.ca