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Comment

Kwey,

You will not let me give you my name so you and I are both poorer because of your rule. It has always been so. Like my ancestors before me I am your anonymous Indian. I am an old man but my people call me Elder. In my anonymity I may be the voice of the river, the voice of the fish, even the voice of countless silent First People on countless Ontario lakes and rivers. So you need to listen very K carefully to what I say and ask. Someday maybe you will look me in the eye.

I have a spirit name, a name that bonds me to the free flowing river that passes by my door. I was born on the very banks of this river. Like my ancestors before me, I know the ways of this river as it flows freely. I know the sturgeon and the catfish. And I am old enough to remember when the eels were plentiful. So I have good credentials to say what I am going to say to you. My personal identity and the identity of my people are tethered to this free flowing river. The sound of the rapids is the united voice of All My Relations.

You have an act of the Ontario Legislature. You call it the Lakes and Rivers Improvement Act (LRIA). It is not very clear what you think an improvement is. Some people from far away have come to my community and want to put a dam on the river. They want to flood the rapids. They want to still the voice of All My Relations. They do not care if their plan harms my relationship with the river, harms my spirit name, and harms my identity and the identity of my people. So I need your help and understanding. I need to count on the Lakes and Rivers Improvement Act to preserve the river. That means that any guidelines that flow from the LRIA must empower the people who work for the Ontario Ministry of Natural Resources to follow the Ontario's commitment to its biodiversity strategy and to the spirit at the heart of the Province's Endangered Species Act. So I look for help in The Technical Guidelines and Requirements for Approvals under the LRIA.

You do not make it easy in such a large document for people to find your fish passage section, especially since you do not mention it in your "Description of Policy". You seem to have a lot of focus on dams without highlighting the fish. I think you have your priorities wrong since dams never improve the flow of a river.

When I looked at your plans I became very alarmed. Under Proposed Dam Operations, Section 14.2.3, page 123, you lay out only limited scope of issues to be taken into account. You do not mention the need for attention to all of the matters listed as Purposes of the LRIA in Section 2 of the Act. That's a problem you need to fix, especially the need to preserve the use of the waters of rivers, the perpetuation of the fish dependent on the rivers, and the protection of the shores and banks of the rivers (like the river bank where I was born). You need to go back to the drawing board to address these matters in the LRIA Guideline.

Under Section 14.5.2, page 129, you want to defer fish passage issues to DFO which has a horrible record since it does not insist that dams have safe fish passage. No matter what the Fisheries Act says about DFO "taking into account fish passage requirements" fish passage is hardly ever required to be built so fish die. That problem has existed for as long as I can remember and I have been a senior citizen for well over a decade. Dams get built without fish passage. DFO doesn't even enforce the part of the Fisheries Act which requires approval to kill fish which the waterpower industry does on a massive scale.

The American eel is listed as endangered in Ontario under the Endangered Species Act but is not declared as even "Special Concern" under the federal Species at Risk Act. You know that. So it is irresponsible for the Province of Ontario to try to pawn off to DFO the provincial LRIA responsibility for fish passage. You propose only that "consideration" should be given to the need for "improving" fish passage. This is unacceptable. The fish need more than an "improvement" over the existing dire situation. They need a guarantee of safe fish passage. The fish need more than a casual, non-binding "consideration". They need an iron-clad guarantee of a process that ensures the building of structures and procedures which ensure their safe passage.

Please split your massive proposed guideline into two separate documents. "Requirements for Approvals" must be a separate document in its own right and that document must reflect the title, identifying requirements, not ambiguously worded tentative actions or the specter of inaction. Within those requirements please make sure that your approvals of new dams state an absolute requirement of safe upstream and downstream fish passage. And please make sure that all new dams and existing dam retrofits require LRIA approvals with conditions of that safe fish passage. The conditions in the LRIA approval at Domtar's Redevelopment Project at Chaudière Island in June, 2009 must be used as a precedent for the issuing of such approvals elsewhere.

In my own community, as you issue conditional approvals for any development proposal, please make sure that the conditions require a guarantee that the flowing river of my birthplace continues to be able to nurture my spirit name and the identity of my community. I am counting on you to accommodate these requests. The fish and the river are counting on you too.

Miigwech.

All My Relations.