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Re: ERO-019-0774 – Bill 132, Better for People, Smarter for Business Act, 2019
ERO-019-0545 - Waterpower Exemption from Permits to Take Water
ERO-019-0732 – Proposal to Amend the Lakes and Rivers Improvement Act to Give
Authority to the Minister to make a Regulation to Assess and Monitor Methylmercury

Dear Sirs and Madam:

The Ontario Rivers Alliance (ORA) is a Not-for-Profit grassroots organization with a mission to protect, conserve and restore healthy riverine ecosystems. Underlining indicates emphasis.

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Executive Summary

The changes to 14 different Acts being proposed in omnibus Bill 132, Better for People, Smarter for Business Act, 2019, are sweeping and their potential consequences are highly concerning. The full impact and unintended consequences of this Bill on Ontario riverine ecosystems and communities are beyond anyone's ability to fully calculate, but it is fair to say they could be severe. With such a short comment period for so many pieces of legislation, ORA's main focus in this document will be the proposed exemption of waterpower from the requirement to obtain a Permit to Take Water (PTTW), and the associated amendments to the *Lakes and Rivers Improvement Act (LRIA)*.

With approximately 224 hydroelectric facilities in Ontario, and many more associated control dams, the environmental, social, cultural and economic impacts of these proposals would be widespread and significant.

In Ontario, hydroelectric schemes are offered lucrative peaking bonuses to produce more power during peak demand hours. This encourages operators to hold water back in headponds during off-peak hours so they can generate maximum power and profits during peak hours. The temptation is great to sacrifice fish, habitat and healthy waters for increased profits. The impacts of the unfair sharing of water and irresponsible ramping rates are well known.

In order to maintain a healthy riverine ecosystem, it is crucial that adequate flow levels and variability in rivers are regularly monitored, assessed and reported. There must also be meaningful consequences when hydro operators disregard the fair sharing of water for aquatic ecosystems and communities dependent upon these resources.

The Ministry of the Environment, Conservation and Parks (MECP) is an independent agency that administers a Permit to Take Water (PTTW), serving to ensure the fair sharing of water, that there is enough water available for the aquatic ecosystem and for other water users, it requires annual monitoring and reporting to ensure water quality and water quantity, proper mitigation of any impacts, and a review is required every 10 years. A PTTW also provides an appeal process, proper engagement opportunities for stakeholders and a Duty to Consult with Indigenous peoples.

On the other hand, the Water Management Plan (WMP) is the most likely instrument that would be used if responsibility for methylmercury is transferred to the Ministry of Natural Resources and Forestry (MNRF) under *LRIA*. However, the WMP is prepared by the industry for the industry. The WMPs developed under *LRIA* are prepared by the facility owner, not regularly reviewed by the MNRF, with no public engagement or appeal process after the WMP is developed, and not all waterpower facilities are required to have one. Most WMPs that have been approved are now 10 years or older and balances environmental concerns with the economic concerns of the Industry. As a result, they vary significantly in objectivity, data/information and the consideration of environmental matters which are key issues of interest in the PTTW. In addition, MNRF has since directed that no new WMPs need to be prepared.

It is clear that the functions of a PTTW are in no way similar to a WMP under the *Lakes and Rivers Improvement Act (LRIA)*.



Those proposing these “red tape” cuts are not considering the value and essential benefits that healthy rivers bring to the people of this Province, versus the extent of the environmental costs if this waterpower exemption to a PTTW is approved. The effects of waterpower facilities on fish populations and fisheries have been well documented over the past century and include the loss or serious decline of many iconic fish species, which are renewable resources of importance to Ontario's economy, biodiversity, and natural and cultural heritage.

There has also been insufficient consultation on a Bill that would have such sweeping and insufficiently considered consequences. The economic, environmental, social and cultural impact of these proposals would be devastating and long-lasting to water quality and fisheries and will be most acutely felt in Indigenous communities and the northern regions of the Province.

Cutting “red tape” in the ways proposed in Bill 132 and especially the exemption of waterpower from requiring a PTTW, will have widespread and unintended negative consequences on communities and on lakes and rivers all across Ontario. It is a reckless move and the ORA is strongly opposed.

Therefore, the ORA recommends that the proposed PTTW exemption for hydroelectric be rejected in full and that the MECP continue to require hydroelectric facilities to obtain a PTTW under the OWRA. The ORA also recommends that the MECP undertake a full cost-benefit analysis to determine the full ecosystem services and value of a healthy riverine ecosystem as it exists today under the current PTTW program, versus the value of the trade-offs or costs that would be incurred if these protections are removed. There are other aspects of Bill 132 that are deeply concerning; therefore, ORA recommends that submissions of other individuals and organizations be meaningfully considered (i.e. CELA's ARA submission¹).

Overview of Bill 132:

Under ERO-019-0774, the government is proposing omnibus Bill 132, Better for People, Smarter for Business Act, 2019. The Bill proposes sweeping cuts to 14 Acts, reflecting legislation across several Ministries, for the stated purpose “*to further ease the regulatory burden to help businesses, people, schools, hospitals and municipalities*”. These environmental laws have taken decades to carefully develop and enact, most of which are intended to protect public health and safety, and ensure the equitable and sustainable sharing, protection and conservation of Ontario's natural resources.

Under ERO-019-0545, the province is proposing to exempt waterpower from having to obtain a **Permit to Take Water** (PTTW). Additionally, **under ERO-019-0732**, the Ministry of Natural Resources (MNRF) is proposing an amendment to the *Lakes and Rivers Improvement Act* (LRIA) to give authority to the Minister to make a regulation to assess and monitor methylmercury. The ERO posting explains that this is in pursuit of moving towards a one-window approvals system with cost savings for facilities while maintaining environmental protections. However, methylmercury is only one environmental issue of the many aspects covered by a PTTW, under the *Ontario Water Resources Act* (OWRA).

In fact, the purpose of the OWRA “*is to provide for the conservation, protection and management of Ontario's waters and for their efficient and sustainable use, in order to promote Ontario's long-term environmental, social and economic well-being*.” (s 0.1) - an important



reminder of a purpose that must not be lost with regard to any exemptions or amendments relating to hydroelectric facilities.

The ORA submits that these pieces of legislation are not “red tape”, it is in support of the Ministry of the Environment, Conservation and Parks’ (MECP) Statement of Environmental Values (SEV), and in pursuit of its vision of “*an Ontario with clean and safe air, land and water that contributes to healthy communities, ecological protection, and environmentally sustainable development for present and future generations*”².

The MECP has committed to applying the purposes of the *Environmental Bill of Rights (EBR)* when decisions that might significantly affect the environment are being made. As it develops Acts, regulations and policies, the Ministry is to apply a long list of principles and values, some of which are:

- An ecosystem approach to environmental protection and resource management;
- A precautionary science-based approach in its decision making to protect human health and the environment;
- A strategy to place priority on preventing pollution and minimizing the creation of pollutants that can adversely affect the environment;
- Encourage increased transparency, timely reporting and enhanced engagement with the public as part of environmental decision making;
- Decisions that reflect the above principles, etc...

The ORA submits that some of the proposals contained within Bill 132 are in contravention of the commitment and responsibilities that MECP made in its SEV and are at odds with its purposes as set out in the *EBR*.

Due to the short comment period, there is no way we could possibly research and comment on all of the proposed changes contained within Bill 132. Therefore, the ORA will more specifically speak to two Environmental Registry of Ontario (ERO) proposals included in this omnibus Bill, which could have devastating and far reaching impacts on Ontario Rivers and the communities that rely on them.

Permit to Take Water:

The MECP’s water quantity management policy is to ensure the fair sharing, conservation and sustainable use of the waters of the Province, and consistent with that policy the Ministry has adopted several principles, such as:

- Principle #1: The Ministry will use an ecosystem approach that considers both water takers’ reasonable needs for water and the natural functions of the ecosystem.
- Principle #2: Water takings are controlled to prevent unacceptable interference with other uses of water, wherever possible, and to resolve such problems if they do occur.
- Principle #3: The Ministry will incorporate risk management principles into the permit application/review process.
- Principle #4: The Ministry will consider cumulative impacts of water takings.
- Principle #5: The Ministry will incorporate risk management principles into the permit application review process.

These are all essential principles that ensure that waterpower is sustainable and environmentally responsible.



Some of the more serious risks that waterpower generation is prone to result in are ones that the Director of the PTTW Program addresses when considering a PTTW application, such as:

- Issues relating to the need to protect the natural functions of the ecosystem, including,
 - The impact or potential impact of the water taking on the natural variability of water flow or water levels, high and low stream flow and habitat protection
 - Minimum stream flow, and
 - Habitat that depends on water flow variability or water levels
- Issues relating to water availability and the impact of the water taking
- Low water conditions, if any
- Water quality and quantity
- Water conservation
- Other issues including the interests of other persons who have an interest in the water taking

Hydroelectric power generation is determined to be a Category 3 water taking, which has “a greater potential to cause adverse environmental impact or interference”³, and requires scientific studies and technical screening and evaluation carried out by the Ministry. The scientific studies are used to determine the potential impact of the proposed water taking on the aquatic ecosystem and other established in-stream uses and how the proposed taking should be designed and controlled to prevent or minimize the impact.

Transferring only the responsibility for methylmercury accumulation to MNRF under the *LRIA* is totally insufficient. This is over and above the fact that all the major scientific expertise in this area has always been with the Ministry of Environment (now MECP), and the scientists in MNRF are not experts in this field of science. Methylmercury is just one of the many environmental impacts that must be considered in addressing hydroelectric power generation. There must also be environmental considerations for aquatic life, habitat, stream flows, water levels, availability and temperature – all are crucial to ensure riverine ecosystems remain healthy and viable. Water balance and sustainability, as well as cumulative environmental impacts of water takings and shared uses within a watershed, are crucial.

The PTTW has been an important part of the checks and balances to ensure that the Operating Plan, as set out in the permit, is adhered to for the sustainable operation of hydroelectric facilities and the fair sharing, conservation and sustainable use of the waters of the Province.

Lakes and Rivers Improvement Act (LRIA):

“The LRIA provides the Minister of Natural Resources and Forestry with the legislative authority to govern the design, construction, operation, maintenance and safety of dams in Ontario.”⁴

“Section 23.1 of the LRIA provides the Ministry with the authority to require a dam owner(s) to prepare a plan for the operation of a dam, or require that an amendment be prepared for an existing plan for the operation of a dam. WMPs prepared under LRIA Section 23.1 are the Ministry’s primary tool for ensuring that operations of waterpower facilities and their associated water control structures provide for the purposes of the Act, and that there is a long-term mechanism in place for adaptive management.”⁵

A complex WMP has generally been prepared for rivers with multiple waterpower facilities or control structures with significant control over water levels and flows, and more simplified WMPs



were prepared for sections of rivers where there are one or more hydroelectric facilities with limited control over water levels and flows. WMPs are a long-term resource management and regulatory document that will not have an expiration date or a mandatory review of a plan term. However, the 2016 WMP Technical Bulletin indicates that new hydroelectric facilities are not required to prepare a WMP, but instead are required to prepare an Operating Plan through the Class EA for Waterpower process. It also appears that not all facilities under a WMP have to collect and report data when it reads, *“Where a simplified or complex WMP details specific commitments for monitoring as part of a data collection program and/or an effectiveness monitoring program, those requirements continue to apply”*⁶. This indicates that not all facilities under a WMP are required to monitor, collect data or do effectiveness monitoring. There are also some facilities that are not covered by an approved WMP or an Operating Plan. Therefore, there seems to be significant gaps in data collection and reporting under the *LRIA*, and cumulative effects are not even considered under *LRIA*.

Additionally, WMPs do not regulate ramping rates, peaking operations, timing or environmental flows - these have traditionally been managed through the PTTW. This is a problem when *“Resource managers believe that ramping rate restrictions mitigate the negative effects associated with dam operation, including habitat degradation and reduction of downstream diversity.”*⁷ If not properly regulated these aspects can result in some of the more severe environmental impacts.

Impacts of Hydroelectric Operations:

Methylmercury accumulation is not the only environmental risk with hydroelectric operations. While hydroelectric facilities have contributed to our power grid for over 100 years, a very high environmental and socio-economic price has been paid in terms of losses to valued natural resources. In the past, narrow one-off approaches to approvals have ignored waterpower’s potentially significant cumulative effects on the environment, ecology and biodiversity. Unless carefully identified and mitigated, significant cumulative and ongoing effects from waterpower will occur at the watershed, regional and/or provincial scale.

An Environment Canada report describes the impact of dams, diversions and climate change: *Most of our current knowledge of the impacts of hydrological changes on water quality is based on studies of the effects of Canada’s more than 600 dams and 60 large interbasin diversions, which makes the nation a world leader in water diversion*⁸. *Most Canadian dams store water during peak flow periods and release flow to generate power during winter, and/or low-flow periods. Such changes to water quantity also modify various water quality parameters within the reservoir and downstream, the effects decreasing with distance from the impoundment. Major examples include: thermal stratification within the reservoir and modification of downstream water temperatures; eutrophication; promotion of anoxic conditions in hypolimnetic water and related changes in metal concentrations in outflow; increased methylation of mercury; sediment retention; associated changes in total dissolved solids, turbidity and nutrients in the reservoir and discharged water; increased erosion/deposition of downstream sediments and associated contaminants. For impoundments used for drinking water, intra-storage processes also have serious implications for the quality of drinking water.*⁹

The simple obstruction of a dam on a free-flowing stream changes the basic hydrological characteristics of a watercourse, reducing flow velocity and causing subsequent changes in temperature, turbidity and water quality. These effects are only amplified by a hydroelectric



facility, especially when water is held back in reservoirs/headponds to generate power for peak demand. These modifications affect fish and other aquatic fauna directly and indirectly to varying degrees, depending on the species. The period of storage will, to some degree, modify temperature, dissolved gases and suspended solids in the water. In short, dams and waterpower facilities radically alter the ecology of rivers by changing the volume, quality and timing of downstream water flows.¹⁰

The effects of dams and waterpower facilities on fish populations and fisheries have been well documented over the past century and include the loss or serious decline of many iconic fish species, which are resources of importance to Ontario's economy, biodiversity, and natural and cultural heritage.

Ontario fisheries are a valuable and ecologically sensitive resource that contributes substantially to Ontario's economy, with recreational and commercial fishing valued at more than \$2.5 billion. This includes:

- 41,000 person years of employment;
- more than 1.2 million residents and non-resident anglers, who contribute \$2.2 billion annually to the Ontario economy;
- a driving force for Ontario's tourism industry and a key economic component in many communities, particularly in Northern Ontario with 1600 licensed tourist operators generating hundreds of millions of dollars in revenues annually;
- more than 500 active commercial fishing licenses, contributing more than \$230 million dollars to the Ontario economy; and
- 1200 commercial bait fishing licenses issued annually, with \$17 million in direct sales of live bait.¹¹

Do we really want to place this valuable resource at increased risk for the sake of reducing regulatory burden, streamlining important processes and increasing dam owners' profits? The PTTW program is not perfect; however, it has been working quite well to protect the environment and stakeholders for decades.

Lack of Transparency:

It is important to point out that it is unacceptable that this posting is so vague, with few specifics about the extent of the changes, and little background information made available to explain the purposes of the PTTW as it relates to hydroelectric operations, or what socio-economic or environmental protection/benefits might be in jeopardy. The background information links made available in the posting made no mention of hydroelectric or waterpower. It was only through reaching out to the ERO contact that we received the links to the relevant information.

All we know through these postings is that waterpower would be exempted from requiring a PTTW, and that methylmercury assessment and management would be moved from the authority of the MECP to the MNRF's authority through a complementary amendment to the *LRIA*. However, where are the details? What would happen to the many other functions that the PTTW process provides to protect the environment and the sharing of water - would they be lost? All these details should have been included within the ERO postings.



Unanswered but Vital Questions:

With the major changes being proposed and the minimal amount of information provided in the two ERO proposals, it leaves many questions unanswered, for example:

1. How exactly would waterpower facilities be regulated under the *LRIA*?

The WMPs developed under *LRIA* are prepared by the facility owner, not regularly reviewed by MNRF, and there is no public engagement process after the Plan is developed. It is a water management process for waterpower facilities by waterpower facilities. These WMPs, most now 10 years or older, balanced environmental concerns with the economic concerns of the Industry. As a result, they vary significantly in objectivity, data/information and the consideration of environmental matters which are key issues of interest in the PTTW. In addition, MNRF has since directed that no new WMPs need to be prepared.¹² Some waterpower facilities have been in operation for years without a WMP.

2. Would MNRF be making changes to ensure Dam Operating Plans and WMPs are up to date and commitments apply during critical low water periods?

A 2016 *LRIA* Technical Bulletin states that the provisions of WMPs do not apply in the event of a 'declared flood, low water condition or emergency situation'¹³; therefore, any protections for ecosystems, fish or endangered species in WMPs or Dam Operating Plans do not apply during drought. The PTTW has no such gap.

3. How would the *LRIA* approvals cover issues dealt with in a PTTW for the construction phase of a waterpower facility?

- **How does *LRIA* provide for the protection of water resources during the construction of a dam?**
- **How would the *LRIA* ensure interference with other water users, or impacts to natural ecosystems or nearby infrastructure would not occur while facilities are being constructed?**
- **What does constructing include?**
These short-term PTTW are issued for the construction phase of dam building/ repairs/ expansions to ensure water removed for construction purposes and discharged back to the river don't contain sediment, metals or contaminants (mercury, PCBs, etc.).
- **How would the *LRIA* be adapted to ensure pollutants don't travel downstream or are re-suspended in the reservoir contaminating the fish population and those of us that eat and are dependent on those fish?**
- **Would a discharge plan for treatment and release of water back to the river be included, and include the ability for the Ministry to audit for compliance?**

These are all aspects of the PTTW for "Construction". If the MNRF approvals under the *LRIA* are not adapted to meet these needs, MECP should require these waterpower facilities undergoing these types of activities to apply for an Environmental Compliance Approval.

4. Without the PTTW, how would the MECP track the implementation of actions and commitments made in the Class Environmental Assessment for Waterpower to "prevent, change, mitigate or remedy potential environmental effects of the undertaking"¹⁴?



This includes commitments made in relation to water quality, zone of influence, ramping rates and peaking effects to water levels and downstream river flows, as well as public and Indigenous engagement, which are often left to the PTTW to enforce. If these facilities no longer require a PTTW then MECP should revise its Class EA process to include the ability to track the status of commitments made during the planning stage of building, repairing or expanding waterpower facilities.

5. How would the *LRIA* approvals adapt to the expected impacts of the extremes of climate change?

There are numerous waterpower facilities located on crown land in northern Ontario, where the effects of a warming climate are expected to be most acutely felt, and many of these facilities are located in areas of high biodiversity with multitudes of endangered or threatened species. However, as stated above, WMPs do not apply during critical environmental conditions such as drought or emergency situations. This is a concern because hot and dry conditions are when operators would be incentivized to generate the most energy possible.

It is unacceptable to allow waterpower facilities to operate with disregard for the needs of environmental protection and other water users/stakeholders, especially during times of critical importance to the survival of water dependent ecosystems, including threatened or endangered species.

6. How would MNR Approvals under the *LRIA* incorporate restrictions on rapid changes in lake water levels and stream flows upstream and downstream of the dam?

LRIA approvals and plans do not require waterpower facilities to control the rate of water released through the turbines. *LRIA* does not appear to incorporate controls for ramping (rapid rates of change of water flow through turbines) and peaking (operating a facility so water is released in relation to energy demand). These operational methods increase energy production but can have devastating effects on water dependent ecosystems. For these types of facilities, the PTTW includes conditions of approval to restrict peaking and ramping while still allowing the facility to meet peak power demands. The purpose of the PTTW restrictions are to minimize the erosion of river and lakeside properties above the dam, as well as reducing erosion of the stream banks and sediment inundation of spawning grounds below the dam.

The *LRIA* approvals seem to focus on seasonal water levels under normal conditions; however, it is impossible to capture these types of day-to-day rapid changes in water release looking at seasonal averages.

Protecting critical ecosystems and biodiversity while maintaining steady water levels in the reservoir and downstream should be a priority when updating approvals and plans under the *LRIA*.

7. How would approvals under the *LRIA* consider ecosystem and water user needs?

LRIA does not require waterpower facilities to sustain water dependent ecosystems or consider the needs of other water users. However, the PTTW requires waterpower facilities to allow enough water to pass through the dam to maintain protective amounts of stream flow downstream of the facility. The amount is determined based on the needs of the downstream ecosystem and water use. Downstream water uses can



include drinking water supply for humans and wildlife. It can also include wastewater or mining operations that depend on a river flow being available to assimilate pollution discharge.

The majority of Dam Operating Plans and WMPs approved under the *LRIA* do not include maintaining adequate downstream river flows that consider site specific ecosystem needs and downstream water use.

8. How would the public be consulted and engaged under *LRIA* on changes to a waterpower facility's operation?

The PTTW process provides concerned citizens and Indigenous communities the right to appeal a PTTW decision to the Environmental Review Tribunal. Permits are currently issued for a maximum of 10-years and allow for changes or updates to be incorporated into the permit upon renewal or amendment.

Consultation must be meaningful and inclusive, with open and transparent communication that allows generous time for stakeholders to be consulted and engaged (unlike what is happening in this instance).

9. How would Indigenous Communities be consulted and engaged under *LRIA* on changes to a waterpower facility's operation?

Indigenous inherent rights are protected and embodied by section 35(1) of the Canada Constitution Act, 1982, and the Supreme Court of Canada has ruled that the Crown has a legal obligation and duty to consult and, where appropriate, accommodate when the Crown contemplates conduct that might adversely impact potential or established Aboriginal or Treaty rights. The PTTW is a legal instrument that can trigger the Duty to Consult.

ORA is concerned that the government's obligations to Indigenous people are not being respected, as has been stated by potentially impacted communities.

It is evident by these statements by Matawa Chiefs and leaders from across Nishnawbe Aski Nation that the Indigenous peoples have not been adequately consulted on these major changes proposed in Bill 132:

"Our First Nations [Matawa Chiefs] are not 'red tape or regulatory burdens' but Treaty partners in this country with rights and jurisdiction that pre-date any new proposed laws including this proposed bill. Any regulatory environment in Ontario must ensure our pre-existing rights are accurately reflecting Canada's Supreme Court decisions".¹⁵

"First Nation leaders from across Nishnawbe Aski Nation have declared their resolve to assert their rights and jurisdiction over their traditional lands by rejecting omnibus legislation being fast-tracked by the provincial government and controlling development in the Far North."¹⁶

10. Would *LRIA* ensure that reporting of diversions and in-stream hydroelectric water use are still reported to the Great Lakes Regional Water Use Database as per the Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement?



11. How would oversight and monitoring of transfers and diversions out of the Great Lakes Basin be reported and monitored under *LRIA*?

12. Would MNR be provided with sufficient funding to take on these critical responsibilities?

Conclusions:

It is no longer acceptable to trade valued ecosystem resources such as clean water, fisheries, wetlands and healthy lake and river ecosystems for power generation without effective mitigation, monitoring and reporting, and without clear and transparent public and Indigenous consultation on what these trade-offs would entail.

ORA recommends the Province undertake a cost-benefit analysis to determine the ecosystem services that a healthy river ecosystem provides, and the value of the trade-offs or costs that would be incurred if these proposals move forward. We must take into consideration that a PTTW functions to protect healthy freshwater ecosystems which is the foundation for a lucrative recreation and tourism industry, providing healthy drinking water and abundant fisheries. This must be the foundation for responsible and sustainable waterpower generation. Maintaining adequate flow levels and variability in rivers is essential to ecosystem health, and the PTTW program is best positioned to achieve this.

A PTTW ensures there is enough water available for the aquatic ecosystem and other water users, requires annual monitoring and reporting to ensure water quality and water quantity, proper mitigation of any impacts, and a review is required every 10 years. It provides an appeal process and proper engagement opportunities for stakeholders and a Duty to Consult with Indigenous peoples.

It is important that hydroelectric facilities continue to be assessed, monitored and reported through the PTTW policy by MECP. The MECP has the specific expertise, experience and mandate to manage water quality and water quantity, as set out in the MECP's SEV under the *EBR*. Having more than one ministry responsible for this important oversight is not efficient, would be cause for confusion, and would not be able to meet the purpose of the *OWRA*.

ORA strongly objects to this wholesale exemption for hydroelectric projects from the PTTW program. We consider any significant impact of hydro operations on water quality, water quantity and aquatic life should be subject to the same obligations as all other water users.

The economic, environmental, social and cultural impact of this proposal to fragment key freshwater protection policy could be devastating and long-lasting to water quality and fisheries and will be most acutely felt in Indigenous communities.

What is at stake if hydroelectric is exempted from the PTTW program:

- Extirpation of a number of endangered species
- Fisheries decline
- Degraded water quality
- Water quantity issues
- Shoreline erosion
- Dried-up riverbeds



- Wetland destruction
- A loss of clean drinking water for communities
- A loss of fish as a main source of sustenance for Indigenous communities
- Unbalanced and inequitable sharing of water

With climate change impacts bearing down on us, decision makers have a responsibility to ensure the resiliency of our freshwater resources. If this proposal moves forward it will be a precipitous turning point for our future with freshwater in Ontario and beyond.

ORA Recommendations:

1. The proposed PTTW exemption for hydroelectric be rejected in full.
2. MECP continue to require hydroelectric facilities to obtain a PTTW under the OWRA.
3. A full cost-benefit analysis be undertaken to determine the full ecosystem services and value of a healthy riverine ecosystem as it exists today under the current PTTW program, versus the value of the trade-offs or costs that would be incurred if these protections are removed.
4. There are other aspects of Bill 132 that are deeply concerning; therefore, ORA recommends that submissions of other individuals and organizations be meaningfully considered (i.e. CELA's ARA submission¹⁷).

Thank you for this opportunity to provide comments!

Respectfully,

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- ¹² <http://www.ontario.ca/page/maintaining-water-management-plans>
- ¹³ *Maintaining Water Management Plans Technical Bulletin. 1.2 Legislative and Regulatory Context*. P-2
- ¹⁴ *Ministry Review of the Class EA for Waterpower Projects*
- ¹⁵ *Matawa Chiefs Statement on Bill 132 – Better for People, Smarter for Business Act*
- ¹⁶ *Nan Chiefs reject omnibus Bill 132 Tactics, Assert Rights over Traditional Lands, 14 November 2019.*
- ¹⁷ <https://cela.ca/proposed-changes-to-the-aggregate-resources-act-and-ontario-regulation-244-97/>