

Water Management Plans and Waterpower in Ontario

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Ontario-Great Lakes Area (DFO-OGLA) Waterpower Initiatives

- Water Management Planning
 - background
 - current status
- Ontario's Site Release Announcement
 - Implications for DFO OGLA Habitat Program
- Collaborative Initiatives
 - with Industry
 - with other regulatory agencies
 - coherence on regulatory decisions
 - Regionally and Nationally
 - streamline regulatory processes for Ontario



Water Management Planning in Ontario: Background

- Ontario's *Lakes and Rivers Improvement Act*,
 - develop and follow water management plan (WMP) for existing facilities
 - similar to BC requirements
 - legislative responsibility of OMNR
- WMP Goal
 - balance environmental, social and economic objectives
 - ensure sustainability of aquatic ecosystem
- 200 + waterpower facilities required to prepare WMPs by March 31, 2005
- WMPs developed according to provincial guideline
 - “Water Management Planning Guidelines for Waterpower”



Water Management Planning in Ontario: OGLA's Role

- OGLA established a Hydro Task Group
- OGLA engaged with OMNR in development of provincial guidelines and policies
- OGLA advises WMP Steering Committees
 - complex plans
 - OMNR covers for DFO on simple plans
- OGLA advises on;
 - habitat provisions of *Fisheries Act*
 - DFO's Habitat Policy
 - SARA and CEAA as necessary
- OMNR advises on
 - fisheries resources



Water Management Planning in Ontario: Current Status

- Approximately 80 WMPs expect to be completed by March 2005
- 17 complex plans being developed
 - cover 74 facilities + dams
 - 4 WMPs are completed and under DFO review
- Current OGLA involvement by district:
 - Peterborough 2 WMPs
 - Parry Sound 2 WMPs
 - Prescott 3 WMPs
 - Sault Ste. Marie 3 WMPs
 - Sudbury 6 WMPs
 - Thunder Bay/Kenora 5 WMPs



Water Management Planning in Ontario: WMPs and DFO's approval.

- MNR and Industry have compliance uncertainty associated with the *Fisheries Act* (private prosecutions)
- Industry and OMNR requested
 - DFO engagement in WMP process
 - DFO input to policies and guidance
 - DFO formal approval (sign off) of WMPs
- Pacific Region
 - DFO provides *Fisheries Act* authorizations to facilities where appropriate in relation to WMPs.
- No national policy on DFO 'approvals' of WMP's
 - OGLA has a proposed approach
 - Under consideration by senior managers
 - Relates to CEA/DFO MOU initiatives



Water Management Planning in Ontario: Proposed approach

- OGLA advises on OMNR led WMP steering committees
 - advice on *Fisheries Act*, *CEAA*, *SARA*, Habitat Policy
- OGLA
 - provides “Letter of Support” to OMNR on draft WMPs prepared for public review
 - “Sign Off” letter to OMNR following public review
 - If existing facilities identified in WMP to be out of compliance
 - DFO recommends they seek appropriate *Fisheries Act* approvals authorization (e.g. Ss 20, 22, 30, 32, 35)
 - Class or ‘turnkey’ authorizations issued to fit with WMP cycle and related conditions
- CEAA not triggered for facilities commissioned and operated prior to 1984
- Provides regulatory compliance for industry, OMNR, DFO



Water Management Planning in Ontario: Considerations

- Habitat Policy not applied retroactively
- *Fisheries Act* ss. 35 not applied retroactively
 - Past HADDs - not authorized
- *Fisheries Act* habitat provisions apply to
 - ongoing, proposed future facility operations and infrastructure
- OGLA review and decisions on WMPs for existing facilities will;
 - be supported through cooperative understanding and research
 - consider optimal operation flows for intended plant purpose
 - consider optimal flows for aquatic community above and below facility at appropriate times to fisheries resource
 - consider incidental harm to fish where necessary/possible
 - stranding, entrainment, impingement
 - accept that status quo is a viable option



Water Management Planning in Ontario: DFO-OGLA - OMNR MOU

- MOU under development
 - Canada-Ontario Fisheries Advisory Board (CONFAB) direction
- MOU will;
 - Clarify roles and responsibilities between DFO and OMNR in water management planning process for;
 - Existing facilities
 - New facilities
 - Clarify compliance and enforcement responsibilities
 - Establish a formal referral process between DFO and MNR for new waterpower facilities



New Waterpower Site Release in Ontario

- No new waterpower sites on Crown Land available for development in 10 years
- November 10, 2004 OMNR announced new site release policy
- OGLA provided advice on development of site release guidelines
- OGLA-OWA developing guide for new sites <200 mw;
 - Initiated 2004
 - To streamline regulatory process on;
 - provincial and federal environmental assessment requirements
 - Provincial and federal regulatory approvals
 - *Fisheries Act, SARA*
 - Fits with
 - recent Canada-Ontario Bi-Lateral Agreement on environmental assessment cooperation
 - Smart regulation and federal-provincial cooperation



Other OGLA Hydro Initiatives

- Habitat advice on ramping study with DFO Science, OMNR, Industry (Great Lakes Power/Brascan)
- Conducting an assessment of instream flow needs and mitigation in Ontario area.
- Participation on DFO/CEA MOU initiatives
- Ensure OGLA staff engaged in hydro referrals or compliance issues are informed on regional and national policies and procedures





Questions?