

The Thames River Anglers Association

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November 6th, 2015

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Comments provided regarding: Proposed changes to the Lakes and Rivers Improvement Act (LRIA) Administration of Section 16: Improvement and Repairs to Existing Dams Technical Bulletin

EBR Registry Number: 012-5093

The Thames River Anglers (TRAA) appreciates the opportunity to provide feedback on the technical bulletins and proposed updates to the administration of this Act. Our group was formed in 1986 by a group of anglers who noticed the ongoing degradation of the Thames River fishery and felt it was necessary to take action. The TRAA works actively to improve the watershed through grassroots projects involving stream rehabilitation, shoreline reforestation and removal of impoundments that cause landowner flooding while impairing fish migration.

Our club works closely with stakeholders and governing regulatory agencies to re-establish the fishery through stocking programs. This requires a notable degree of proficiency in municipal, provincial and federal policy adherence and sourcing funding for the actual projects. The single most important part of our organizational mandate is to create educational opportunities for anglers; both young and old to be involved in learning about and actively improving a watershed to support a viable and sustainable multi-species fishery.

The Thames River itself is a nationally designated heritage river, having a rich and historic role as a temporary and seasonal route for the First Nations and Métis people. Its watershed covers over 5,800 square kilometers and it supports over 90 species of fish, along with numerous aquatic species that have been listed as threatened, endangered or of special concern, which includes 12 fish species, six reptiles and seven mussels.

The Upper Thames River Conservation Authority (UTRCA) owns & operates 13 medium to large sized dams within the watershed. Fanshawe Dam, Pittock Dam and Wildwood Dam are the only structures that serve direct flood control purposes for property & public safety. The remaining 10 are primarily used to create reservoirs for recreational purposes. There are also approximately 225 other

small barriers that exist on the creeks and rivers within the region. Our organization experiences firsthand the negative impacts of many of these impoundments have on the river ecosystems they segment. Many of the dams are deteriorated and nearing the end of their safe and logical usefulness. There have been hundreds of dam failures throughout North America that have caused extensive property destruction, environmental damage and thousands of lives have been avoidably lost. Even as recently as October 2015 there was extreme flooding in North Carolina that caused 16 dams to breach and 19 lives were subsequently lost in the torrents of flood water. Closer to home the Misner Dam in Norfolk County, Ontario fell into disrepair and the stop logs were removed by the MNR only to be put back in without authorization in August of 2015. Perhaps the most encouraging local story is with the Lockerby Dam in Paisley, Ontario that also needed extensive repair work to be brought to suitable storm level standards. The city council decided it was too costly to invest in such expensive repairs for a dam that serves no flood control purposes and voted to decommission the structure instead. This took place over the summer of 2015 and was helped through a substantial donation from Bruce Power.

Here in London, Ontario we have had two very notable flooding events that involved dam failures. In April 1937 after 6 inches of rain fell during 5 days causing the main branch to crest 23 feet above normal summer levels. Many communities throughout the watershed had smaller dams on their creeks breach which caused extensive property damages in Stratford, Embro and St. Mary's. Near Beechville a passenger train derailed after the tracks were under swept by those floodwaters. As a result of this one flood 5 people lost their lives and over 1100 homes were ruined.

The UTRCA has completed an extensive safety and structural review of the dam structures throughout the watershed and there are currently numerous projects in various stages of planning involving dam repairs. This would include but is not limited to the recently repaired Mitchell Dam, an active Class EA in progress for the Embro Dam, another active Class EA in progress for the Harrington Dam along with a currently non-functional Springbank Dam that is in the midst of extensive litigation regarding the cause of gate failure. Springbank Dam was originally a stop log structure constructed on the main branch of the Thames River in 1929 to replace a 3 previous dams that were washed out by flood events upstream. The function of the dam was to create a recreational purpose reservoir during the summer months through the London, Ontario area to support rowing and paddling activities. This structure was again extensively damaged by flooding on July 9th, 2000 due to erosion of the South Bank resulting from debris buildup. A dam rehabilitation project was initiated and our club took on an active role within the Science Engineering & Technical Committee as there were numerous concerns regarding the design of the new dam, its impact on the water quality and the barrier is posed to fish movement & migration. During the summer months the reservoir water quality studies showed that e-coli levels spiked to 55x higher than provincially acceptable standards and 3 years of fish migration studies by Biotactic demonstrated that attraction & passage rates dropped even when the doors were lowered. It's also important to note that nearby First Nations & Metis communities were also not consulted during this streamlined EA process that favored the perceived social and aesthetic value of the reservoir to support the historical rowing club activities. Many groups besides our own supported dam decommissioning however the Environmental Assessment was expedited due to public safety concerns and the decision was made to move ahead

with repairing the dam. In 2008 construction was complete and the first time the hydraulic arm controlled gates were tested the bolts snapped on the door. The gates were lowered and since then the river has remained open year round for the first time in nearly 100 years.

I have provided this information as I feel it gives clear demonstration of how bad decisions with dams cost millions of dollars and only get more complicated. The problem is worsened by the fact that so many structures now need to be brought to a 100 to 250 year storm standard and the conservation authority that owns and operates these structures receives 75% of its funding through the municipality of the City of London. This perpetuates a system where city planning initiatives overshadow sound science based ecology and river protection. Our own Mayor; Matt Brown feels that the city needs this reservoir during the summer to bring people back to the river through a series of million dollar waterfront enhancement projects. With the river corridor now nearly 8 years into recovery the water quality has improved dramatically; riparian shoreline has been restored and many of these threatened and COSWIEC identified species at risk have shown measurable signs of improvement. For example in 2015 the UTRCA identified 214 nests of spiny soft-shelled turtles and incubated over 3000 eggs to be hatched and released. These turtles take 13 years to mature and it puts London on the map as one of the only communities in North America that is actually reversing the decline of this species.

Municipal and Provincial level fast tracking of infrastructure, energy and resource extraction projects combined with the changes to both the Fisheries Act and Navigable waters Protection Act have made it very difficult to protect the rivers and lakes across our country that may be threatened by development and pollution. If the Lakes and Rivers Improvement Act is intended to accomplish its namesake it requires consistent authority regarding these often difficult decisions. History has already shown that Municipalities and Conservation Authorities when financially reliant on each other will waste millions of dollars building and repairing dams that accomplish nothing more than degrading the environment, destroying property and risking human lives.

There is an extensive and irrefutable body of scientific evidence that links dams directly to destruction of habitat and blockage of fish spawning runs. Sedimentation pollution is exacerbated by impoundments and contributes to the growing problem of toxic blue-green algae in our rivers and Great Lakes. Frequent drawdowns of recreational and hydroelectric dams have been linked to methane gas spikes contributing to climate change through ozone depletion. It's becoming quite obvious to society that our old way of thinking about these structures is wrong and we should be removing the deadbeat dams and allowing the rivers to run free.

With respect to the specific objectives of the changes proposed to this Act we would suggest the following be considered for debate, additional detail or inclusion:

- a) The Technical Bulletin for Dam Decommissioning is extremely thorough and could easily be viewed by proponents as a far more complex, time consuming and costly process path compared to this streamlined bulletin and decision making process for improvements and repairs to existing dams. This creates a bias against decommissioning at a time when the frequency of having to make this

decision will continue to rise. Removal of dams typically costs 1/3 of the cost of repairing those same structures and subsequently should be highlighted as a sound & viable option right from the start of the process.

b) The technical bulletins and Act provide a very thorough outline of types of structures and works with the corresponding approval process. It is imperative that the Act be as diligent in defining what type of work would be deemed to negatively impact water and natural resources as this lacks much needed detail.

c) Many existing dams are not passable by fish; effort to improve or remediate fish passage to a no-net loss standard should be an explicit requirement of Section 16 Application for design, alter or repair of dam structure.

d) Under no circumstances should any streamlining of the Section 16 applications and review processes take place when it involves projects where public safety is a primary concern. If the only dams that failed were built, altered and repaired by proponents with a poor track record of successful works; this statement would not be necessary.

e) With respect section 4.6 Expiration of Approval; we are in full support of requiring proponents to be required to reapply for project approval if construction dates are exceeded and permits have lapsed. Miscalculations should not be rewarded with fast tracked oversight of projects by governing authorities; if anything it should be a key indication of poor design and/or planning on behalf of the proponent.

f) Projects that were authorized under previous Section 16 applications that did not adequately engage First Nations and Metis stakeholders in the process should require this key step before any future permits or work should be approved.

In closing; I would like to share a quote that seems appropriate:

"Without changing our patterns of thought, we will not be able to solve the problems we created with our current pattern of thought." – Albert Einstein

Thank you,
Robert Huber
President, Thames River Anglers Association