

Water Management on the Matabitchuan River

Terms of Reference – Matabitchuan River Water Management Plan

Introduction

The Ontario Ministry of Natural Resources (MNR), under its “New Business Relationship” with the Power Industry, and with subsequent amendments to the *Lakes and Rivers Improvement Act*, is requiring that a Water Management Plan be developed for the Matabitchuan River. There is one hydroelectric generating station on this river – Matabitchuan Generating Station is owned and operated by Ontario Power Generation Inc. (OPGI). In addition, OPGI owns and operates the Rabbit Lake Dams.

A Water Management Plan for this river will be developed through a formal planning process, and will follow the *Water Management Planning Guideline for Waterpower*, issued by MNR in May 2002. The key to the success of this process will be the involvement and participation of the public.

The people of Ontario rely on the Matabitchuan River for natural resources and hydroelectric energy. While the station generates electricity for OPGI, it is also noted that there are substantial fishery, industrial, recreational and cultural interests active in the watershed that need to be considered in relation to station and dam operations. All activities and interests will be considered in the development of the Water Management Plan.

Description of River and Waterpower Facilities

The Matabitchuan River has its headwaters on the heights of land between Hudson Bay and the St. Lawrence River, 296.5 meters above sea level. The length of the river is approximately 70 kilometers with a drainage area of about 933 square kilometers. The headwaters extend to Rib Lake to the North East of Temagami and takes in other major tributaries such as Net, Cassels, Rabbit and Fourbass lakes, before emptying into Lake Temiskaming.

Facilities:

Net Lake Dam: Originally a timber crib structure built by the Temagami Timber Company in 1920 and later replaced with a concrete dam by the MNR in 1974. Operated to a regulated water level of 296.16 meters.

North Milne Lake Dam: Originally built by the Department of Public Works in 1958. Presently owned and operated by the Ministry of Natural Resources, and operated to a regulated water level of 310.25 meters. Plans are to replace this structure with a new self-regulating control dam in the near future.

Rabbit Lake Dam: Originally a timber crib structure built by the Mines Power Limited Company at the outlet of Rabbit Lake in 1910, rebuilt in 1927 by the Northern Ontario Light and Power Company, and replaced by Ontario Hydro with a concrete structure in 1957. It has a normal operating range of 286.0 to 292.18 meters.

Matabitchuan Generating Station: This power dam was constructed in 1910. It consists of four units with a total output of 10 MW. This run-of-the-river facility has an operating head of 95 meters, which is second only to Eugenia G.S. in the Province of Ontario. It has a normal operating range of 273.20 to 275.33 meters.

CURRENT OPERATING PRACTICES

Refer to the Matabitchuan River – Facility Description and Constraints

Goal

To manage the waterpower resources on the Matabitchuan River system in an ecologically sustainable and responsible manner in order to contribute to the environmental, social and economic well being of the people of Ontario.

Objectives

1. To review the existing operational plans and to develop an overall Water Management Plan for the Matabitchuan River system with specific operational plans for each generating station and the water control structure.
2. To identify issues and concerns regarding management of dam and hydroelectric facilities associated with the Matabitchuan River and develop strategies to address these.
3. To establish a process for on-going monitoring of WMP compliance and amendments to the plan if necessary.

Guiding Principles

1. The water management plan should attempt to maximize the net environmental, social and economic benefits derived from how waterpower facilities and their associated water control structures are operated through the manipulation of flows and levels.
2. Current and future operations must adhere to licensing and regulatory requirements and build on existing operational practices (under extreme natural conditions, it may not be possible to operate within normal limits).
3. Several stakeholder interests have been considered in developing the present operating plans for the river. These plans represent the base condition for which incremental improvements will be sought.
4. Options for the management of flows and levels shall be developed in an open and participatory manner with technical, financial, social and economic considerations.
5. Internal and external communications are integral parts of this review and will be coordinated between the organizations.
6. The facility operators and MNR will commit to applying the necessary resources to implement the outcome of the plan.
7. Water management planning will be undertaken without prejudice to the rights of Aboriginal people and treaty rights. MNR will undertake meaningful consultation with affected First Nation communities.
8. Public input and consultation will be integral part of development of the plan.
9. The water management plan will promote the ecologically sustainable management of waterpower resources.
10. An adaptive management approach will be the basis for the preparation of the water management plan.
11. The best information that is available at the time of decision-making is to be used in the preparation of the water management plan.
12. Decisions shall be made by consensus. Where consensus cannot be reached they will go through an MNR issue resolution process, or be referred by MNR to the appropriate authority.
13. Both the Steering Committee and the Planning Team will follow the philosophy of consensus decision-making.

ROLES AND RESPONSIBILITIES

▪ Plan Proponents Responsibility in Planning

Water management plan proponents are responsible for the development and content of the water management plan through the completion of the planning process as outlined in the guidelines. All proponents have a responsibility to contribute to and complete the plan.

Principal costs for planning will be borne by the plan proponents. The sharing of responsibilities and costs by the proponents should be negotiated and determined based on their capacities. The plan proponents will not be expected to pay for MNR staff or stakeholder time, expenses and resources.

Other responsibilities assigned to the proponent by the water management planning guidelines include:

- Preparation of “Public Consultation Plan”
- Issuance of Public Notices
- Preparation of “Scoping Report”
- Maintenance of public consultation record
- Development of range of options
- Preparation of “Report on Options”

▪ MNR’s Responsibility in Planning

The principal responsibility of MNR in the water management planning process will be to provide direction during plan preparation to ensure statutory and regulatory obligations are fulfilled, to advise on the planning process and to ensure that the intent of the planning guidelines are met. MNR will also perform plan review and approval functions, ensure the adequacy of public consultation, and ensure compliance with and enforcement of orders and plan provisions that MNR will involve the provincial and federal agencies, as required, and will act in a fair, impartial and objective manner.

Since MNR has control structures on the river system it will also be a plan proponent. In this circumstance MNR is responsible for contributing to the plan as a proponent and develop operational plans for its own control structures to be included in the overall plan.

MNR will provide resources to support the planning process, including technical support and relevant resource management information. MNR or stakeholders may share the cost of data collection, research and monitoring, where MNR or stakeholders can use the results for other purposes.

Other responsibilities of MNR representatives of the planning team are the following:

- Preparation of “First Nation Consultation Plan”
- First Nation Consultation for:
 1. Initial identifying issues and resource values
 2. The Scoping Report
 3. The Options Report
 4. The Draft Plan
- Issuance of First Nation Notices
- Maintenance of First Nation Consultation Record
- Preparation of “First Nations Report on Options”

▪ **First Nations Responsibilities in Planning**

First Nation Representatives will facilitate communications with their respective communities and provide a link for information exchange/flow between the communities and the Planning Team. First Nations will provide meaningful input, ensure Aboriginal interests are included in the decision making process, ensure the identification and protection of Aboriginal values and the application of traditional ecological knowledge throughout the planning process. First Nations will identify and research information needs of their communities to participate in the process. As well, First Nation representatives will identify training needs that may be required for all participants to understand each other's roles, interests and needs to fully appreciate the values and processes.

Steering Committee

The role of the Steering Committee is to provide direction to the planning team, decide on responsibilities for the cost associated with the development of the plan, to resolve any impasses reached by the planning team and to recommend approval of the water management plan. The Steering Committee is responsible for:

- ◆ Approval of Terms of Reference
- ◆ Approval of project funding
- ◆ Appointment of the Planning Team
- ◆ Establishment of the Planning Advisory Committee
- ◆ Work cooperatively with the planning team, PAC to fulfill its planning responsibilities
- ◆ Approval of the range of options and the recommended option
- ◆ Approval of communication plans
- ◆ Establishment of the Standing Advisory Committee
- ◆ Resolve planning team disputes
- ◆ Review Draft WMP
- ◆ Recommend approval of WMP

The Steering Committee will meet on an as required basis at the request of the chair.

Steering Committee Membership (joint Montreal/Matabitchuan Steering Committee)

Ministry of Natural Resources

- Dave Payne, District Manager, North Bay District
- Rick Calhoun, District Planner, North Bay District (alternate to the District Manager)

First Nations

- Alex Paul, Temagami First Nation
- Doug McKenzie, Teme-Augama Anishnabi

Ontario Power Generation

- Peter Murray, Plant Manager, OPGI
- Joan Frain, Manager -Water Planning and Policy, OPGI
- Ed Dobrowolski, Asset Manager, OPGI (alternate Steering Committee chair)

Department of Fisheries and Oceans

- Carl Jorgensen

Chair for the Steering Committee

- Peter Murray, Plant Manager, Northeast Plant Group, OPGI

Meeting Secretary

- Adelina Thompson, OPGI

Planning Team

The Planning Team is responsible for seeing that all tasks are completed to meet the objectives of the review. They will meet as necessary to complete the review to meet the deadline set by the Steering Committee. Minutes of all meetings will be taken. Draft minutes will be circulated to Planning Team members and the Steering Committee for review at the next meeting. If the Planning Team cannot reach consensus on a particular item, the Steering Committee will be asked to resolve the issue.

The specific areas which the planning team will be involved in, include:

- Identification of PAC training needs
- Public consultation plan and implementation
- Most of the elements of the Scoping exercise
- The development of the range of options along with the socio-economic evaluation
- Preparation of a report of the options
- Identification of the preferred option
- Data collection program
- Train the Public Advisory Committee (PAC)
- Identify gaps and collection
- Development of the draft plan
- Revision of draft plan to final plan

Planning Team Membership (*joint Montreal/Matabitchuan Planning Team*)

Ministry of Natural Resources

- Rob Sanderson, MNR, North Bay District
- Other resources as required

First Nations

- Arnold Paul, Temagami First Nation
- Wally Irvine, Teme-Augama Anishnabai

Ontario Power Generation

- Mario Durepos - Public Affairs Officer, OPGI
- Paul Lynch, Water Management Specialist, OPGI
- Louis Verville, Water Management Specialist, OPGI
- Shaun Banks, Plant Engineer/Officer, OPGI
- Darcy Heon, Environmental Specialist, OPGI
- Other resources as required

Canadian Hydro Developers Inc.

- Bob Heroux

Public Works and Government Services Canada

- Yvon Morin

Public Advisory Committee Representative

- Jim Grayston, PAC Chair

Co-Chairs for the Planning Team

- Rob Sanderson, MNR, North Bay District
- Mario Durepos - Public Affairs Officer, OPGI

Meeting Secretary

- Adelina Thompson, OPGI

Public Advisory Committee

A dedicated Public Advisory Committee for the development of the WMP will be appointed by the Steering Committee. The role of the PAC is to assist the planning team in developing and implementing the Public Consultation Plan and to ensure that the concerns of other users are addressed in the water management planning process.

Specific responsibilities of the PAC are:

- Assist the Planning Team in identifying PAC training requirements
- Attend appropriate training
- Assist the Planning Team in developing the Public Consultation Plan
- Jointly host, with the Planning Team, formal public consultation sessions
- Assist the Planning Team in identifying issues, values and interests for the WMP
- Assist the Planning Team in identifying objectives for the WMP
- Prepare “Public Report on Options” for WMP
- Assist the Planning Team in preparing “Public Consultation on Draft Plan” for WMP
- Provide recommendations to the Steering Committee for membership of Standing Advisory Committee
- Provide regular updates on the Matabitchuan River Water Management Planning process to their constituents

Terms of Reference will be developed for the administration of the PAC

Public Advisory Committee Membership *(joint Montreal/Matabitchuan Planning Team)*

- Jim Grayston, Chair
- Robert Goddon
- Don Hueston, Horse Shoe Island Camp
- Jim O'Brien, Marsh Bay Resorts
- Garfield Pinkerton
- Anthony Story
- Dave Robson
- Fred Paoletti

TERM OF THE PLAN

The aim of the planning process is to have an approved water management plan in place by April 2004. The term of the plan will be 10 years.

During the term of the plan, a Standing Advisory Committee will monitor the progress of plan implementation and determine the need for any plan amendments. Each year the Committee will prepare an Annual Report which will provide an overview of system operations, document any new issues and associated actions and highlight ongoing monitoring and assessment activities. The Annual Report will be sent to all key system stakeholders and to all First Nation communities and will be available to the public.

In the fifth year of the plan, a five Year Water Management Status Report will be prepared by the Committee which will summarize progress on plan implementation and recommend any additional actions necessary to meet plan objectives. System stakeholders and the general public will be invited to inspect the report through notice on the Environmental Bill of Rights Registry, notices placed in local newspapers throughout the system and through direct mailing. Copies of the report will be provided directly to all First Nation communities. The Committee will consider any comments received on the Report and may make recommendations to waterpower operators and MNR on the need for additional monitoring or assessment activities or for minor changes to facility operating regimes. Plan amendments will be initiated where required to address these changes. If the Committee determines there are significant unresolved issues, a recommendation may be made to undertake an early review of the plan.

In the beginning of the ninth year of the plan, a comprehensive review of the Water Management Plan will be initiated. The plan review process will mirror the steps involved in the initial plan preparation, as appropriate, with new data and information considered as a basis for continuing with the status quo or recommending changes.

SCHEDULE

Stages

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|---|-------------------------------|
| 1. Planning Organization and Commencement | |
| ▪ Establishment of Planning team and PAC | |
| ▪ Development of Public Consultation Plan | September 2002 – January 2003 |
| 2. Scoping for a WMP | |
| ▪ Data collection program | December 2002 – July 2003 |
| 3. Option Development, Evaluation and Selection | July 2003 – October 2003 |
| 4. Draft Plan | |
| ▪ Development and Public review | October 2003 – December 2003 |
| 5. Final Plan | |
| ▪ Preparation | |
| ▪ Establishment of Standing Advisory Committee | |
| ▪ Submission | January 2004 - March 2004 |

Terms of Reference recommended for approval by:

Signatories:

Peter Murray, Plant Manager
Northeast Plan Group
Ontario Power Generation Inc.

Date

Dave Payne, District Manager
North Bay District
Ministry of Natural Resources

Date

Terms of Reference approved by:

Signatories:

Rob Galloway, R.P.F.
Regional Director
Northeast Region

Date