

The Honourable John Gerretsen
Minister of the Environment
12th Floor, 135 St. Clair Avenue West
Toronto, Ontario
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June 25, 2008

Dear Hon. Minister John Gerretsen:

Re: Domtar Inc.'s Project to Redevelop the Hydroelectric Potential of the Existing Chaudière Island Site in Ottawa.

Opening Remarks

I acknowledge receipt of the letter dated June 6, 2008, from Agatha GarciaWright, A/Director, Environmental Assessment and Approvals Branch, (EAAB) regarding the request of November 20, 2006, that Domtar Inc. be required to prepare an **Individual Environmental Assessment for the Project to Redevelop the Hydroelectric Potential of the Existing Chaudière Island Site in Ottawa.**

I am deeply disturbed by the negative decision and its rationale, see many deficiencies and weaknesses in it arguments (elaborated below) and hence, consistent the *Guide to EA Requirements for Electricity Projects* Section B.4.1.2 *Requesting the Minister to Review a Decision by the Director*, I request you review and vary the June 6, 2008 Decision on the Domtar Inc. Project – Screening Report Q101794.

Background and Reason for Request

The decision and rationale indicates that the EAAB does not understand the position of the Algonquin Nation in relation to this Sacred Site, for which, as I advised previously, we have developed a vision to share with all people (attachment 1), and to portions of which, we learned on July 12, 2007, Domtar Inc. holds the lease in perpetuity, renewable periodically, for \$100 a year.

The Individual Environmental Assessment requested would have offered opportunity for broad discussion on the future of this most significant area within the nation's capital and history with First Peoples and others; and on behalf of all living creatures that share this sacred space, some being species at risk.

In this regard, please note that the two plants Domtar presently owns are reaching the end of their life spans. New funds will now be required for investment in this new project, while the location comes cheap. As I see it, Domtar has nothing to lose but its dream for new development on space it has occupied for a pittance over the past decade; its losses of late are related to its lumber operations, and we all carry the burden of that legacy.

Indigenous Peoples occupied this site for at least six thousand years, and I believe our dream is of potential benefit for all and demands serious attention.

Even as Domtar talks green energy, innovative projects are already underway in Ottawa to convert waste to energy, and offset energy needs that will transform our environments in non-invasive ways (www.plascoenergygroup.com). In September, 2008, Canada Wind Energy Association is hosting a conference in Ottawa, to which the Hon. Michael Bryant, Ontario Minister of Aboriginal Affairs, has been invited, and at which I shall be offering greetings and prayers. New technologies are growing by leaps and bounds and Domtar Inc.'s Project is already obsolete. Further there is international momentum to explore alternative energy sources, including solar energy, beyond the traditional ones that are so invasive on our environments. All these developments must weigh in in any review of the Domtar Inc. Project

Additional Specific Concerns

1. Consultation with First Nations and Other Aboriginal Communities, and Archaeology

We assert that contrary to the statement on page one that “The issues and concerns have been addressed by the work done to date by Domtar”, in fact the EAAB letter reflects no understanding or respect whatsoever of the very legitimate matters raised with respect to Aboriginal rights and the Duty to Consult now enshrined in Canadian Law and indeed in Ontario's recent Ipperwash Inquiry.

In your M.O.E. *Guide to Environmental Assessments, Section A.6.2.3 Consultation with First Nations and Other Aboriginal Communities* requires proponents give particular consideration to the concerns of, and to identify, notify, consult, and involve First Nations and other Aboriginal communities having a potential interest in the project. For several decades, but more specifically since 1998, I myself have consulted with Algonquin Peoples of the Ottawa River Watershed, in both Ontario and Quebec, on reserves and off, as well as with environmentalists and non-Aboriginal peoples, and have articulated publicly, in www.circleofallnations.ca; www.asinabka.com, and elsewhere, and specifically to the National Capital Commission (NCC), the Governor General, and federal and provincial governments, **the core vision for the Sacred Chaudière Site developed in May 2003, and this predates the Domtar Notice of Commencement of November 22, 2004** (attachment 2 – original dated).

The EAAB letter makes several references to Domtar's collaboration with the NCC, and I am obliged to say that, notwithstanding our many years of positive discussions with NCC, it is disturbing that the NCC appears to have failed in its obligations to First Peoples. In fact, with respect to the portion of the vision pertaining to a National Aboriginal Centre, identified from the time of Ms. Jean Pigott as Chair of the NCC in the 1970s, I myself have approached three Prime Ministers in the past decade, who have in turn referred me to various departments, eventually back to the NCC, then to have our aspirations stalled by the recent lengthy federal review of the mandate and even existence

of the NCC, and most recently this year to be referred back to NCC by the Minister responsible for the NCC and Minister of Transport, Infrastructure and Communities.

In April 2008, we made a presentation to the new NCC Board, (attachment 3 – Text of Presentation to NCC Board, April 2008); and we hope to see the NCC expressing the interests of the Aboriginal Communities, and indeed the community at large, articulated via the *Circle of All Nations*, in its future discussions with Domtar Inc., and exercising leadership in ensuring the establishment of the National Aboriginal Centre, and celebrating Aboriginal heritage, this being a part of its national cultural and heritage responsibilities within the National Capital Region.

The EAAB letter notes on page 6 that the Federal Land Use Approval (FLUA) contains details of how the NCC and Domtar will work together during the implementation phase of this Project, and that the NCC and Domtar are the parties jointly responsible for the FLUA. The implications are not clear, and I request a copy of this FLUA agreement of Domtar. It is not clear whether the Ministry consulted with NCC. My concern, further to the EAAB letter, is that it appears that NCC is deeply connected to this private enterprise project, and that this may have compromised its understanding and support of the Aboriginal proposal, which, in my opinion, serves Canadians at large, as well as our ancient and modern histories, and supports environmental stewardship.

You know, in the book about the history of my community, *Since Time Immemorial, Our Story: The Story of the Kitigan Zib Anishinabeg (ISBN 0-9734910-1-9 Pincipal Author Stephen McGregor)*, the authors reflect on the imposition of seigneuries, the exploitation of the natural resources in the territory of my ancestors, and on the concept of “patronage .. that form of corruption where ambitious businessmen contribute directly to the political ambitions of men within government, who in turn contribute to the economic interests of the businessmen supporting them”. My own great great grandfather Pakinawatik, and my Uncle Gabriel Commanda were defrauded under such regimes. While, notwithstanding the Sponsorship Scandal, I am sure we no longer operate in such dishonourable ways, still, First Peoples remain excluded from a club, and the EAAB letter illustrates this alienation. NCC’s commitment to honouring the presence of First Nations on the site and the extensive efforts to develop a trusting relationship is in apparent conflict with the alleged agreements developed with Domtar, exclusive of our engagement.

Domtar Inc. did not voluntarily engage in public consultation such as we called for originally; and holding meetings with the few people who were aware of the project does not constitute such public consultation, and certainly my passionate presentation to them had no impact on its position; and it is irresponsible for the EAAB letter to state on Page 5 that “It is *Domtar’s* opinion that it has responded to all issues that were raised as part of the public consultation process.” Has it reviewed Domtar’s tape of that meeting with me?

Further, Ministry staff were involved in the meeting with Domtar and Algonquin First Nations on July 12, 2007, when Domtar representative Francoise Jette revealed that Domtar holds the lease in perpetuity for around \$100 a year within what I had already for

years described as a Sacred Site. This important matter should surely have been taken into consideration by Ministry staff, coming as it did upon the heels of the Ipperwash Inquiry, which concluded, amongst other things, that “*Treaties envisioned Aboriginal peoples and settlers sharing the wealth and stewardship of this great land.*”

Thus, with respect to *Socio-Economic Section Point 7.1 on Heritage and Culture – have negative impact on ...archaeological resources, or cultural heritage landscapes*, and point 8 on *Aboriginal - cause negative effects on First Nations or other Aboriginal communities*, the EAAB decision has definite negative impacts on recovery of a sacred landscape, Algonquin nation building as asserted by Mr. Robert Potts, Principal Algonquin Negotiator, and on my Circle of All Nations work for environmental stewardship, racial harmony and peace building. Further, the bike and foot path, mentioned in the original proposal, is scarcely conducive to spiritual ceremony, and in fact reflects an insulting and demeaning dismissal of my prayer; may I also add that I am ninety four, and can neither cycle nor walk to where I would like to take my ceremony; and this is the case for many other Elders as well.

With respect to Archaeology, please note that in March 2003, I myself was interviewed for *Project No. ONO 50541 Stage 1 Archaeological Report by Jacques Whitford Environment Limited* for the NCC. Dr. Jean-Luc Pilon, Curator of Ontario Archaeology, Archaeological Survey of Canada, suggested that anywhere there might be undisturbed lands there was definite potential for prehistoric archaeological resources. I also quote the following paragraph from that report:

The importance of the islands as a significant locus of Aboriginal activity was most strongly iterated by Elder William Commanda. Through discussions with Elder Commanda the study team was made aware of both the functional and spiritual significance of the islands near the Chaudière Falls. The Chaudière Falls has been an important gathering place along the Ottawa River for Algonquin Peoples for thousands of years, as well as being a place of continuing spiritual significance. While Elder Commanda could not detail specific locations of archaeological significance, either of previous occupation or resource extraction loci, he was clear in identifying the full extent of the islands as having been utilized by Aboriginal peoples. In this case he suggested that anywhere there might be undisturbed soils the potential for Aboriginal archaeological resources exists (Commanda, pers. comm. page 6). On page 20, it recommends that “NCC invite appropriate members of the Kitigan Zibi community ... to have a walkabout of the island to discuss both the spiritual significance of the island as well as its prehistoric archaeological potential. The Algonquin Nations should be invited to participate in the archaeological assessments to come.”

This reference to the Kitigan Zibi community raises an important point – this community is actually closer to the Chaudière Site than the Pikwakanagan First Nations, and over the past decades, its members have been more regularly engaged in spiritual ceremony here than any other Algonquin First Nation. I have worked hard to develop a common vision for the area, irrespective of the provincial, community, language and religious barriers

that have divided the Algonquin First Nations of the Ottawa River Watershed, and all have affirmed support for this vision. The statement on page 6 that “*Domtar considers the Project to have an impact on the local area of Ottawa only and notes that individuals from outside the Ottawa area have participated in the consultation process*” is insulting and hurtful to both myself and Algonquin Nations in both Ontario and Quebec. On June 21, 2006, I was presented with the *Key to the City of Ottawa* by the Mayor on Victoria Island, a significant acknowledgement of my work and indigenous presence in the National Capital Region, and support for the Algonquin national vision for the Chaudière Site was affirmed publicly.

Please note also that in 2005, NCC was informed that William A. Allen, Archaeologist, was supporting my efforts in the area. He was prohibited from accessing the heritage parts of the Domtar property and also was prohibited from accessing any of the heritage materials in Domtar's private files. The EAAB decision informs that, since November 2006, Domtar has conducted a Stage 11 archaeological assessment and it (Domtar) has concluded that “*no further archaeological is needed as the Stage 11 assessment shows that the Project site has been subjected to intensive investigation. The Ministry of Culture staff reviewed the archaeological assessment reports prepared for the Project and concluded it is satisfied that provincial concerns for impacts to archaeological sites have been addressed and there are no outstanding concerns for the subject lands.*”

I question the conclusions drawn, reaffirm Aboriginal concerns, and I request a copy of the report from Domtar Inc.

The reference to world renowned Indigenous Architect Douglas Cardinal is ill advised. He had been working with the NCC for well over a decade on Aboriginal visions for the area, and given that the EAAB letter notes NCC’s extensive involvement with Domtar’s Project, the onus should be placed elsewhere to have ensured consultation. From our perspective, it was precisely to allow for input from such exemplary creative Indigenous leaders that we requested the IEA and broader consultation.

Finally, I had been assured that I would have the opportunity for a site visit with the Director of the EAAB, to present the vision for the area to ensure proper project evaluation prior to any decision-making – and this did not happen; but the EAAB decision letter reveals extensive Ministry undertakings with Domtar Inc.

2. American Eel

With respect to the American Eel, it is apparent Ministry staff do not really understand this urgent matter. In view of the fact that the EAAB letter acknowledges awareness of the following facts:

- 1) that the *Committee on the Status of Endangered Wildlife in Canada* gave the American Eel the status of special concern in April 2006, and a decision to list it on Schedule 1 of the Species at Risk is expected to be finalized by September 2008;

- 2) that the American Eel will be listed as Endangered when the *Endangered Species Act, 2007* comes into force on June 30, 2008;
 - 3) that comments on a regulation under consideration permitting any mitigation for hydro electric plants were due June 16, 2008; and finally,
 - 4) the inclusion of this paragraph on page 3: *The DFO has advised MOE staff that fish entrainment and impingement are matters being examined by the DFO and the MNR as part of the fisheries management objectives on the Ottawa River and the draft American Eel Management Plan. It is the MOE's understanding that the draft American Eel Management Plan will develop mitigation measures to reduce mortality of the American Eel at hydroelectric generating stations. The DFO has also advised MOE staff that the DFO has made a commitment to reduce mortality of American Eel by 50 percent within two years. This commitment is echoed in the draft American Eel Management Plan*
- (again, in light of the above) its conclusion that the Domtar "Project is expected to reduce American Eel mortality at the site and further mitigation measures will be considered through broader initiatives being undertaken by the DFO, the MNR, and the MDDEP", at this crucial time in the Eel review, and the making of the decision on June 6, 2008 that no IEA is warranted, after eleven months of silence, is reprehensible.

I am not a biologist or fisheries expert, but I have learned the following things about the American Eel:

- The eel is an ancient fish, and my people have known it as a cleaner and regulator of the natural balances within rivers, and a source of material, nutritional, cultural and spiritual sustenance.
- While my ancestors and others have talked about eels creating great silver pathways in the rivers during migration times, it is now gestimated that ninety nine percent of them have disappeared, as a result of hydroelectric generating stations (there are over 8,000 on the St. Lawrence Watershed), commercial fishing, and habitat destruction.
- The American Eel spawns in the Sargossa Sea, in the North Atlantic Ocean, and undergoes many known and many mysterious transformations as it migrates upstream to Lake Ontario, the Ottawa River, and lakes in my ancestral grounds.
- It spends twenty to twenty two years maturing in these waters, before it makes the great journey to its spawning grounds in the Sargossa Seas.
- Sex differentiation occurs given the fish density; such that where there are greater numbers, females develop.
- Most of the females are found in this area, at the upper limits of the migratory route.
- Mature females face uncounted challenges in undertaking the now hazardous journey to the spawning grounds, and every dam and hydroelectric generating plant substantially impacts and decreases the numbers that eventually get there.

Thus, one has to plan for survival across watersheds and the overall migratory route. Project by project decision-making is no longer acceptable, given new knowledge bases.

It is surely hard enough to manage the existing challenges on our waterways, without this irresponsible and hasty approval of the new Domtar Project, at this crucial location at the

upper reaches of the Eel's migratory path, and also to accept Domtar's position that Fish Ladders are unnecessary.

Many of the statements offered as facts are not based in science; for example, it is not the absence of fish ladders but rather the presence of locks that permits the movement of eels at the Carillon Dam. The reduction in the flow of waters over the Chaudière, particularly in the summer months will indeed impede the movement of juvenile eels upstream, since they do much of their migration in highest water temperatures, and this condition (water levels) will undoubtedly also be exacerbated with climate change. There is no empirical evidence that the new turbines will reduce eel and other fish mortality, and Domtar's statement that the proposed new turbines are expected to increase survival is not established in fact, according to Dr. John M. Casselman, accepted expert on the American Eel. He should be consulted for a more exhaustive examination of this important subject (Adjunct Professor, Department of Biology, Queen's University).

Also, our collective concern regarding invasive species is deepening; and we recognize that as species survival is threatened and weakened, this opens the door to the disastrous effects and impacts of invasive, alien species. Hence the need for remedial efforts with the American Eel and Lake Sturgeon and other species is essential and urgent.

As it happens, quite separately from the Domtar Project, I have made two interventions on the plight of the American Eel, and I attach my remarks as attachments 4 and 5. I also helped coordinate a multi-disciplinary workshop on the American Eel on May 21 and 22, 2008, and the relevance of Aboriginal Traditional Knowledge is now both acknowledged and desired at both federal and provincial levels. Your Ministry's stand seriously undermines such fledgling efforts.

3. Other Items

Phil Weir, in correspondence to you dated June 22, 2008, offers clarification and current information on matters pertaining to the Designation of the Ottawa River a Heritage River, (in which effort I sit as Honorary Chair of the Ottawa River Heritage Designation Committee) and on the position of the City of Ottawa Environmental Committee, hence I shall not elaborate on these contested issues here.

Finally, I must say that I have made similar points to the ones I raise now in earlier correspondence with your Ministry, and Domtar Inc. only to see them dismissed, and the status quo affirmed, and it is disheartening to have to repeat this effort.

Concluding Remarks

On June 11, 2008, the country apologized to First Peoples for the injustices and abuses of the past, and committed to turn the page on the shameful history.

I hope in this new climate, your Ministry, Domtar Inc. and the NCC will be able to move beyond the limitations of the past and embrace a new relationship with First Peoples, and with our vision for the National Capital Region.

I hope the proponent, Domtar Inc., will withdraw its proposed project, as I have humbly requested in separate correspondence to them in the past (attachment 6).

At this time, I request that you, Minister Gerretsen, intervene quickly and vary the EAAB decision, and require an Environmental Assessment for the proposed Project at the Chaudière Site.

Thank you for your attention to this file that is so important to the Algonquin Peoples of the Ottawa River Watershed and to the countless others who have also registered their interest and support in writing, to the Prime Minister amongst others.

Please note that we will be sharing this correspondence with federal ministers, the senate and other key leaders and interested parties.

Sincerely,

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6 attachments