Les Amis de la Rivière Kipawa
c/o Doug Skeggs, 197 Esther Street, Pembroke, Ontario, K8A 3C3

June 19, 2007

Jeff Charlebois
Public Works Government Services Canada
Maintenance Support Services
265 City Centre
Ottawa, Ontario
K1A 0S5

Re: 2007 Kipawa River Rally

Mr. Charlebois:

I received your letter dated today expressing your concerns that Les Amis is stating publicly that Public Works and Government Services Canada (PWGSC) has caused the cancellation of the 21st annual Kipawa River Rally.

We fully appreciate your concern that this information may bring PWGSC unfavourable public scrutiny. Please understand that it is not something Les Amis desired. It is a situation created by PWGSC, one that we have worked tirelessly to avoid over the past 27 months.

Mr. Charlebois, please accept that the following criticisms are not directed at you personally. Our contact with you has been very brief and recent. These criticisms are directed at your organization in the sincere hope that PWGSC can somehow find a way to work cooperatively with us in the future.

PWGSC has indeed caused the cancellation of our 20-year-old community festival, a festival that has attracted thousands of tourists over the years from as far away that the United States into the Témiscamingue region, a festival that has provided economic benefit and future promise to local businesses and two commercial rafting companies.

As a non-profit organization, run by volunteers, we are responsible for the safety of the people attending our festival, and we have an obligation to ensure that we do not run a financial deficit in sponsoring the event. As a direct result of actions taken by PWGSC since 2005, we cannot meet those responsibilities and obligations in 2007.

The fundamental reason behind the cancellation of our festival is that we cannot trust PWGSC to act responsibly, cooperatively, competently or in fact legally.

PWGSC began taking what we perceive to be punitive, retributive, and aggressive adversarial actions against Les Amis in 2005, when our organization, as a legitimate stakeholder on the Kipawa River, exercised our legal right to question the environmental impacts of the Laniel Dam reconstruction project, specifically its impact on our navigation rights.

At every opportunity over the past 27 months, Les Amis has maintained and expressed a willingness to consult with PWGSC in the interest of resolving any differences that stand in the way of the Laniel Dam project and the continued health and growth of our community festival.

Every step of the way, PWGSC has completely failed us:

- By **forcing** Les Amis, a non-profit volunteer group, to take very costly legal action to defend our clear rights under law, rights that PWGSC was fully aware of even as it took aggressive and secret actions against us in an attempt to eliminate those rights without meeting its legal obligation for meaningful consultation or proper consideration.

- By **purposefully releasing** a large amount of water from Lake Kipawa a week prior our 2005 festival, and then providing a significantly reduced flow for our event, an action that put festival participants at risk of personal injury, and directly contributed to a reduction in the number of people who attended the event in 2006.

- By **undermining** our historic, positive relationship with the local municipality while manoeuvring to eliminate our navigation rights.

- By **completely failing to consult** with our organization and the paddling community on the impact of the Laniel Dam project on our navigation rights.

- By **completely failing to consult** with our organization and the paddling community on the design and implementation of measures taken for the stated purpose of mitigating the impact of the dam project on our activity (portage trails and shuttle services).

- By **demonstrating incompetence** in the design of those “mitigations” (i.e a shuttle service that meets no one’s needs, an ill-conceived portage trail that caused extreme inconvenience to rally participants at our 2006 event and resulted in a physical injury to one person).

- By **ignoring suggestions** we put forward that might address serious inadequacies in the design and implementation of the above mitigations.

- By **purposefully misleading** the public and the paddling community by continuing to claim that navigation on the Kipawa River at Laniel is prohibited under the Canadian Dam Association guidelines and the Quebec Dam Safety Act—claims that PWGSC knows to be baseless and untrue.

- By **continuing to tritely express** that your efforts to arbitrarily eliminate historic navigation rights at Laniel are in the interest of public safety, when we have a clearly documented 100 percent safety record over almost 40 year of navigation at Laniel, a fact supported by a navigable waters protection officer from Transport Canada who covertly visited our festival in 2005 and stated in a follow-up report that our navigation was safe and without incident.

- By **continuing to tritely express** that your efforts to arbitrarily eliminate historic navigation rights at Laniel are in the interest of public safety, when during the 2006 festival the only obstacle to safe navigation was an extremely dangerous fence placed across the river by PWGSC.

- By **continuing to tritely express** that your efforts to arbitrarily eliminate historic navigation rights at Laniel are in the interest of public safety, when we have seen it clearly demonstrated that PWGSC is incapable of even ensuring the safety of its employees, its contractors and the public on the Laniel construction site (e.g. PWGSC staff on-site without legally required safety gear, a contractor working mindlessly right next to the powerful chute through the gates of the Laniel Dam without a life jacket, and small children wearing beach sandals being led across the entire construction site in full view security personnel).

- By **acting arbitrarily, without consultation** with Les Amis, in closing the Laniel Dam one day prior to the end of the 2006 Kipawa River Rally, further eroding our ability to host this annual event with any confidence, and causing a commercial outfitter to refund money to clients who had paid for a rafting trip that day.

- By **choosing to communicate** with our organization, not through email, in person, by phone or in writing, but **through a newspaper advertisement** in May of this year, an ad that stated PWGSC's intent to deny access to the entire top section of the Kipawa River during the 2007 festival, without any consultation with us on the impacts of this clearly illegal action.

Mr. Charlebois, I take personal offence in the last bullet above because even as PWGSC was publishing this advertisement, I was speaking to you on the phone desperately expressing our desire to meet with you to work out any issues that might stand in the way of a successful 2007 festival.

It is tragic that PWGSC has caused the cancellation of this valuable community festival. It was completely unnecessary and un-called for.

But again, we simply cannot trust that PWGSC will not act in ways that undermine our legal rights, the safety of festival participants, and the overall health and success of our event. Hopefully PWGSC will find a way to work with us in the future.

Doug Skeggs
Director of River Protection
Les Amis de la Rivière Kipawa

skeggsd@sympatico.ca

(613) 732-5698 (office)
(613) 635-4699 (home)

c. Michael Fortier, Minister of Public Works Government Services Canada