

Change of plans for Bala Falls

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BALA — Swift River Energy Limited has had enough.

After months of **trying to compromise** with Muskoka Lakes council to build a less obtrusive hydro plant at the Bala Falls, the developer has decided it will go ahead with a plan that does not need township approval.

In a [letter](#) addressed to this newspaper on Sunday, Swift River Energy Limited president Anthony Zwig, and vice-chair John Wildman blamed the decision on the unwillingness of Muskoka Lakes Mayor Alice Murphy and council to work with the company in **seeking a compromise** on construction options.

In the [letter](#), Swift River announced that it will no longer consider building the project in the Option 2 elevation, which it says is the less obtrusive of two possible elevations for the project.

“Mayor (Alice) Murphy has made no secret of the fact that she is opposed to seeing any water-power development at the site for which her property is located directly opposite,” [the letter](#) reads.

Zwig and Wildman said Option 2, which requires a combination of Crown and municipal lands, would only be viable with the township’s cooperation. Because of that, they said Swift River will now have to proceed with



Here's the plan. This is what Swift River Energy Limited has decided the Bala Falls hydro project will look like. The developer scrapped another elevation for the plan earlier this week, citing an **inability to reach a compromise** with council and Muskoka Lakes Mayor Alice Murphy. (Submitted photo)

Option 1, which it says is more obtrusive, but requires only Crown land that the developer already has an applicant of status for.

The project has been the topic of a heated, long-standing debate in the community. During last year's municipal elections, candidates including Murphy ran their campaigns based on opposition to the proposal.

Swift River unveiled Option 2 this past February after garnering input from the community in 2007. A year later, Option 2 was approved in principle by the previous council and the District of Muskoka, which owned a section of Muskoka Road 169 road allowance near the site at the time. In May, the district transferred the road allowance to Muskoka Lakes, stepping out of the controversy and leaving the project's fate solely to the township and Swift River.

"(Option 2) was made to specifically accommodate the community's requests to maintain greater public access to the south shore of the Bala Falls, to improve the appearance of the facility, and to incorporate a public park area atop of the facility that the whole community would enjoy," Swift River's letter reads.

In a closed-session resolution in late July, the new Muskoka Lakes council decided it would not grant Swift River any leases for municipal lands, citing environmental and local community concerns.

Since June, council also sought to have numerous municipal properties around the Bala Falls protected with heritage designations, including Divers Point, Margaret Burgess Park, Purk's Place, the Precambrian Shield parking lot, the Bala Cenotaph, the Moon River dock and the township docks on Lake Muskoka.

However, 13 letters of objection were received shortly after the township's intention to designate was posted in area newspapers, with some accusing council of using the designations to obstruct Swift River's attempts to build the project on municipal land.

Under the Ontario Heritage Act, the objections mean the designations will be reviewed by the Conservation Review Board (CRB), a body that is similar to the Ontario Municipal Board (OMB). However, the CRB's recommendations, which will be outlined in a report, are not binding rulings.

"It's a recommendation that gets sent back to whoever the decision-maker is; it's not an OMB decision," said CRB communications consultant Karen Kotzen. "The municipal council or the minister makes the final decision, but they can take the board's report into account."

Council's actions in the controversy to date have drawn criticism from some in the local community, including former Muskoka Lakes district councillor Mary Grady.

"It is not the job of a council to behave in a biased way, as this council has done from the time they took office. They have ignored facts, tried to justify their absurd conduct by blaming Swift River Energy Limited, and have been wilfully blind to the ramifications of their biased decision-making," she said "I have just four words for the disgraceful conduct of the Muskoka Lakes council, mayor and their 'stop the hydro project' strategy — resign, all of you!"

Murphy released a statement on Monday afternoon in response to Swift River's announcement, in which she said the current council has "worked diligently to ensure that the concerns of the community are addressed

in advance of any significant waterfront development.”

“Our water and prized waterfront are the economic engine of our tourism and recreation-based economy,” she said. “Since 2005, the community and previous council had expressed significant concerns regarding a variety of issues, including scenic flows, scenic views, tourism, heritage, public safety, the local economy, the local ecology and shoreline access since 2005.”

Murphy said Swift River’s statement that the previous council had agreed to its plan as acceptable “is simply not factual.” She said the township must view all development from a long-term perspective, in tune with its strategic plan.

“This has been a long, drawn-out process, and a hardship to a community that deeply values its waterfront, ecology and heritage,” she said. “The Muskoka Lakes council will continue to work to ensure these values are respected.”

Zwig and Wildman said Swift River remains committed to being a “socially and environmentally responsible member” of the local community, and that it would continue to maintain dialogue with area residents and businesses.

The developer’s next steps, they say, will be announced in the coming weeks. The project is still awaiting final approval from the Ministry of the Environment.

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