

April 6, 2014

Honourable Kathleen Wynne
Premier of Ontario and Member of Provincial Parliament, Don Valley West
Minister of Intergovernmental Affairs and Minister of Agriculture and Food
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Dear Premier Wynne:

Re: Proposed Hydro-electric Generating Station at the Bala Falls

We understand that hydro-electric power generation can be an excellent source of renewable energy, but as proposed, the proponent's design is too big and too dangerous for the situation in Bala.

And in attempting to justify the province's support for this proposal, you present many statements which are simply incorrect.

Detail

As a result of our January 8 and February 4, 2014 letters to you, on March 21, 2014 Minister Oraziotti replied on your behalf. A similar response was sent by you to Mr. Hannu Ylanko on the same date.

We are alarmed and concerned that both of these responses have many incorrect statements, as quoted below.

1) *"The proponent has responded to concerns and potential impacts of the project."*

They have not. The Township of Muskoka Lakes forwarded the public's 156 fair and relevant questions which the proponent would not answer during the environmental assessment, with the result:

- a) For 39 questions, the proponent has provided **incorrect information**.
- b) And for an additional 71 questions the proponent has not actually answered the question asked.

Ignoring and misleading the public for over 70% of their questions is unacceptable.

2) *"The proposed project would occupy a similar footprint as the former hydro facility."*

"The footprint of the former hydro facility and associated structures occupied much of this site"

This is incorrect. Official surveys show the Bala #2 generating station was 16' x 16', which is 256 ft² (the intake was below grade, and the tailrace was an open channel, so it is fair to ignore these) – and also that it left more than a 15' width for the historic Portage to continue to be used.

However, the proponent's drawing for their current proposal shows the footprint – all of it concrete – to be over 4,000 ft² – that is, **more than 16 times the size**. And there would be no room for the historic Portage.

Worse than that, the proponent would be given full control of three other public sites totalling more than 35,000 ft² of the only publically-accessible shoreline in Bala. There has been no justification provided for this transfer of control to a private developer, nor any assurance that the public would continue to have full access to these sites.

3) *“Cycling operations will not create unsafe or large and sudden flow fluctuations”*

This is wrong. Being right beside and in full view of District Road 169 – which is the only through road within 20 km, people have always been attracted to the usually-serene Bala north falls.

- a) But the proposed generating station would **begin operation silently and without warning at about noon** most summer days, and the resulting treacherously-turbulent water would be just a few feet from these people.
- b) And the proposed generating station would also operate at **full capacity** many days of the summer, bringing the fast water which has traditionally been through the South Channel, 250' closer, right to those recreating as they always have, and will continue to, at the base of the Bala north falls.

There has been no evaluation by a competent authority of the risks to the long-time in-water recreation.

4) *“The proponent has made a commitment to maintain, if not enhance, the ‘scenic’ flows over the north Bala Falls”*

This is not true. Figure 2.4 of the proponent's environmental screening report shows they would reduce the Scenic Flow **throughout the year** to be just the leakage flow that now occurs **only** during the driest summer month.

5) *“The proponent completed the environmental assessment which included extensive public and government agency consultation”*

This is not true. In the nine years since they began pursuing this opportunity, the proponent has held only **two** public meetings – both of which were for proposals which **they have now abandoned**.

- a) These public meetings presented designs which directed the fast water exiting the proposed station **away** from the in-water recreational area.
- b) But the proponent's current proposal **directs this treacherously-turbulent towards both the in-water recreational area, and the private and public docks**. Yet the proponent has **never** held a public meeting to present this important information.

In fact, the proponent's current proposal, which has a different site, orientation, and design than their previous proposals, was first shown to the public buried in the proponent's 147-page Addendum, to which the public had only 30 days to read, understand, and respond. And the Addendum had no guidance on what detail in their previous 619-page environmental screening report was superseded or still applicable. Both the Ministry of the Environment's *Guide to Environmental Assessment Requirements for Electricity Projects*, and the Ministry of Natural Resources' *Lakes and*

Rivers Improvement Act require adequate public consultation. This has not happened for the proponent's current proposal.

- 6) *"There is an assigned 911 civic address for the Crown land associated with the North Bala dam. This provides the means for emergency response personnel to attend the site in a timely way – similar to any location in the province."*

This is a ridiculous statement. We've got a **volunteer fire department up here**, and they have no training or equipment to deal with a remotely-controlled generating station with a 40'-deep intake and tailrace which are just a few feet from very popular in-water recreational areas. The proponent has **never even met with the local emergency responders** to discuss what would be required of them.

- 7) *"The Class EA and subsequent Addendum, which includes the proposed mode of operation for flows and levels, demonstrates that there will not be any significant risk to public safety or traditional in-water recreation activities below the north Bala Falls due to the ongoing operation of the facility."*

The **environmental assessment did not assess the safety of in-water recreation**, as the only input was from Transport Canada which has since confirmed they have no expertise or mandate for swimming.

This is especially important since the proponent's flow simulations show there would be fast and treacherously-turbulent water **outside** of the downstream safety boom and just a few feet from the long-time in-water recreational area.

- 8) *"As known and further confirmed through the proponent's Class EA and public consultation process, the proposed waterpower facility and its ongoing operation will not significantly impact any riparian or abutting landowners in the area."*

The proponent's Addendum, released May 30, 2012, was the **first time** the public was informed that the fast water exiting the proposed generating station would be directed substantially towards both the Town Docks on the Moon River and the three private docks closer than that. There was **no public consultation for this major change** in the proponent's proposed design.

An unjustified, unilateral and wishful statement from the proponent does not make it true. **Transport Canada has not evaluated the downstream marine navigational issues** and a **competent authority has not evaluated the in-water risks**.

- 9) *"There are many examples of communities that have benefited from a collaborative approach, including the Town of Bracebridge (the Bracebridge Falls and Wilson's Falls waterpower projects) and the Village of South River."*

This is not applicable. Every situation is different, and it is very significant that all these three examples;

- a) Do not have nearby in-water recreation.
- b) Do not have nearby boating or docks (in Bracebridge there is a 110'-long concrete breakwater protecting the boats).
- c) Do not have cycling operation.

There has been no assessment of the risks to in-water recreation or to marine navigation downstream of the proposed generating station.

Premier Wynne, your recent communications and that from the Minister of Natural Resources use incorrect statements to arrive at unjustified conclusions.

The fact is, the public safety issues have not been assessed and the proponent's proposal is **too big for the Crown land site available**, which is why the previous generating station was acceptable.

Please respond with your plan for getting correct information, we would be pleased to discuss this further.

Sincerely,

A handwritten signature in cursive script that reads "Mitchell Shnier".

Mitchell Shnier, on behalf of SaveTheBalaFalls.com

Cc: The Honourable David Oraziotti, Minister of Natural Resources, DOraziotti.mpp@liberal.ola.org
Her Worship Alice Murphy, Mayor, Township of Muskoka Lakes, AMurphy@muskokalakes.ca