

April 8, 2015

The Honourable Glen R. Murray
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Dear Minister Murray:

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

Summary

The proponent for the subject proposed project plans significant work for which they **do not have environmental approval**. We have detailed this to your Ministry, but have not received a reply to these concerns.

For the environmental assessment process to be meaningful, **proponents must be seen to comply with the commitments they made** and approvals received.

Please notify the proponent that they must either comply with their commitments, or utilize the Addendum Provisions of the *Guide to Environmental Assessment Requirements for Electricity Projects*.

Detail

- 1) We have sent letters dated May 28, 2014 and January 8, 2015 to Agatha Garcia-Wright. I understand she is no longer with the Ministry, so on March 3, 2015 she forwarded my January 8, 2015 letter to Mary Hennessey and the branch. In addition, I re-sent the January 8, 2015 letter to Adam Sanzo on March 4, 2015. I **have not received any response** to my January 8, 2015 letter.
- 2) The proponent plans work which was not described in either their 2009 Environmental Screening/Review Report or their 2012 Addendum to this. Therefore, they **do not have environmental approval** for any of the following.
 - a) **In-water work**

The proponent agreed to the MNR's requirement that in-water construction work begin after July 15, to protect warm-water species reproduction.

- However, they plan on starting work more than a month earlier.

b) Upstream cofferdam area

The proponent stated that their upstream cofferdam would result in the loss of 840 m² of aquatic habitat.

- However, their proposed construction would actually destroy three times this area.

c) Temporary downstream access ramp

The proponent plans to build a gravel construction road, directly adjacent to the Moon River.

- This was not described in their 2009 ESR/R or 2012 Addendum, so they do not have environmental approval for this.

d) Silt curtain

To attempt to contain the runoff from their temporary road, the proponent intends to install a silt curtain.

- However, the proponent does not have environmental approval for this silt curtain.

e) Type 1 Walleye habitat

The proponent committed that they would not impact the Walleye habitat (for example, that at the base of the Bala north falls).

- However, the unapproved temporary downstream access ramp and silt curtain would infringe on this area.

f) Upstream cofferdam blocking entire north channel

The proponent's Addendum showed their proposed construction would continuously maintain flow for the critical Walleye habitat at the base of the Bala north falls, as is required by the Muskoka River Water Management Plan.

- However, the proponent would entirely block this flow for ten months, harming this important fish habitat. They have neither environmental or MRWMP approval for this.
- Entirely blocking the Bala north channel also creates the risk of flooding Lake Muskoka as historical data shows the Bala north channel must be able to carry up to 80 m³/s during the months of June through March to handle high flow events.

g) Building size

The proponent committed that the building footprint presented in their 2012 Addendum would be the *"largest building size required"* and *"this size may indeed be reduced following detailed design prior to construction"*. They also stated they would provide tree plantings.

- However, the proponent has actually increased the footprint to be 48% larger still, and would not provide any tree plantings.

h) Portage Landing

The proponent committed they would not impact the Township's Portage Landing site.

- However, the proponent has requested to cut down over 100 trees there and pile it 15' high with blasted rocks.

i) Public Advisory Committee

The proponent committed to convene a Public Advisory Committee.

- However the members, agenda, and meetings are secret, there is nothing public about this. They have not fulfilled this commitment.

Clearly, the proponent has decided not to *“implement the project in the manner described in the completed Screening or Environmental Review Report”*, so the proponent must apply the Addendum Provisions of the *Guide to Environmental Assessment Requirements for Electricity Projects*.

Conclusion

Of these **nine unauthorized changes, six would directly affect the water and fish habitat**, and two would directly result in more concrete and fewer trees. Surely, protecting the water, fish habitat, and trees is fundamental to the environmental assessment process, but the proponent appears to be **out of control, believing they can do whatever facilitates their proposed construction without regard for the environment**.

Please respond with what steps the MOECC will take to ensure the proponent either is required to build according to their environmental approvals, or will be required to utilize the Addendum Provisions.

Thank you.

Sincerely,



Mitchell Shnier, on behalf of SaveTheBalaFalls.com

Cc: The Honourable Kathleen Wynne, Premier of Ontario, KWynne.mpp.co@liberal.ola.org

The Honourable Bill Mauro, Minister of Natural Resources and Forestry, BMauro.mpp.co@liberal.ola.org

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