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Sent: Monday, September 21, 2015 11:07 PM
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Cc: 'smcdonald@muskokalakes.ca'
Subject: Follow-up items to Township of Muskoka Lakes Council meeting of September 18, 2015
Attachments: POW_Public Safety Around Dams, Bracebridge Generation, 20101019, abridged.pdf; Muskoka Sun, 20080807, two drownings.pdf; SaveTheBalaFalls.com Township Council presentation, 20150918c.pdf; Aquatic Safety Audit report, Bala North Falls, Lifesaving Society, September 1, 2015.pdf; Aquatic Safety Audit report cover letter to Township Council, 20150921.pdf

Dear Mayor Furniss and Councillors,

1) Wilson's Falls Drowning

During the Township of Muskoka Lakes Council meeting last week Mayor Furniss stated that there were actually two drownings in Muskoka on July 26, 2008, and these were: *"Primarily due not to the hydro generating plants but the huge amount of rainfall that happened to have happened the week before that caused abnormal amounts of water to come down that river at that time of year."*

I would like to add two comments to this:

- a) The attached Muskoka Sun newspaper article about these two drownings notes that for the other drowning: *"In Janssen's case, it is believed some of his party cliff jumped at the same location last year when the current was slower."* That is, changing flow from what people have experienced results in increased risk to people.
 - In Bala, the MNR directs most of the water through the Bala south channel, but the proponent would change this to be through their proposed station. This would bring the fast water hundreds of feet closer to the in-water recreational area at the base of the Bala north falls. This would further increase the danger to people.
 - Even more dangerous is that for at least $\frac{1}{3}$ of summer days, the proposed Bala station would use a cycling operation so it would be automatically- and remotely-started at about noon, without any warning. Cycling is even more dangerous, as people would see the water as safe, but then it would suddenly become dangerous
 - And making this even more dangerous is that while their station was stopped all night and morning, the proponent would be storing up water in Lake Muskoka so when the station does start at noon it would have even greater flow than would be natural for that time of year.

- b) I have attached an abridged version of a 2010 presentation made at the annual waterpower industry conference by Bracebridge Generation, the owner and operator of the Wilson's Falls generating station, about the drowning there.
 - The second page shows the exact location of the drowning, so it can be seen that the drowning was not due to the "huge amount of rainfall" as the water velocity at this location is solely due to the tailrace discharge from the station.
 - The fourth page of the presentation notes the current was due to *"the discharge from the tailrace"*. In fact, this entire annual conference is only about hydro-electric generating stations and their operation, so the point of the presentation

was the impact of the hydro-electric generating station, not that natural river flows are sometimes greater.

- The full presentation is posted at the Ontario Waterpower Association's web site [here](#), starting on page 6 (it will take a minute or so to download).

That is, **Bracebridge Generation's own presentation confirms that the Wilson's Falls drowning was due to the flow from their station's tailrace discharge, not high flow in the river.**

2) Aquatic Safety Audit report

I have attached the Aquatic Safety Audit report. I have also attached a cover letter summarizing this report and the conclusions which can be drawn from this report and the situation; **the proponent's plans are unacceptably dangerous, so the proponent's current proposal must be stopped.**

3) Insurance Risk

Also during last week's Council meeting it was decided that the Township's insurer should be asked for their input on this issue. I would suggest that it is important that the insurer be informed that:

- a) Regardless of any fencing that could be installed and as is the case now, **the primary routes for people to access the waters which would be made dangerous by the proposed generating station** would be; from the **Township's** docks which are directly upstream and downstream, from the **Township's** Portage Landing, and from the **Township-maintained** Margaret Burgess Park – so the Township would have some liability.
- b) The Township now has a no-cost opportunity to have input whether the proposed generating station is built or not.

So the question to the insurer is **would it therefore be encumbent on the Township to do what it can to reduce risks to the visiting public.** For example, given the Township could have input whether the proposed project proceeds by requesting that the District Municipality of Muskoka not make their riverbed land under the Muskoka Road 169 bridge available to the proponent, should the Township make such a request.

In fact, it could be ensured that the proposed project would not proceed if:

- a) The Township of Muskoka Lakes did not make their Portage Landing land available to the proponent. This would be justified as this land is designated under Part IV of the Ontario Heritage Act and the proponent's plans would therefore contravene the Township's By-law protecting this land.
- b) The District Municipality of Muskoka did not make their riverbed land under the Muskoka Road 169 available to be blasted and excavated and did not make their road allowance available to widen the shoulder of Muskoka Road 169 available. This would be justified as it is not in the District's interest to risk damage to their bridge nor to endanger pedestrian traffic along the road allowance due to the proposed construction activities.

The Township has control, and should reduce its liability by exercising this and asking the District to not allow their riverbed to be blasted and excavated. The Township should

not assume the province has adequately investigated the risks, as **the province does not understand the local situation**. For example, the MNR apparently feels that all in-water recreation would be stopped with signage and the Ministry of the Environment has stated that everybody at the Bala falls should swim at Jaspen Park instead.

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