



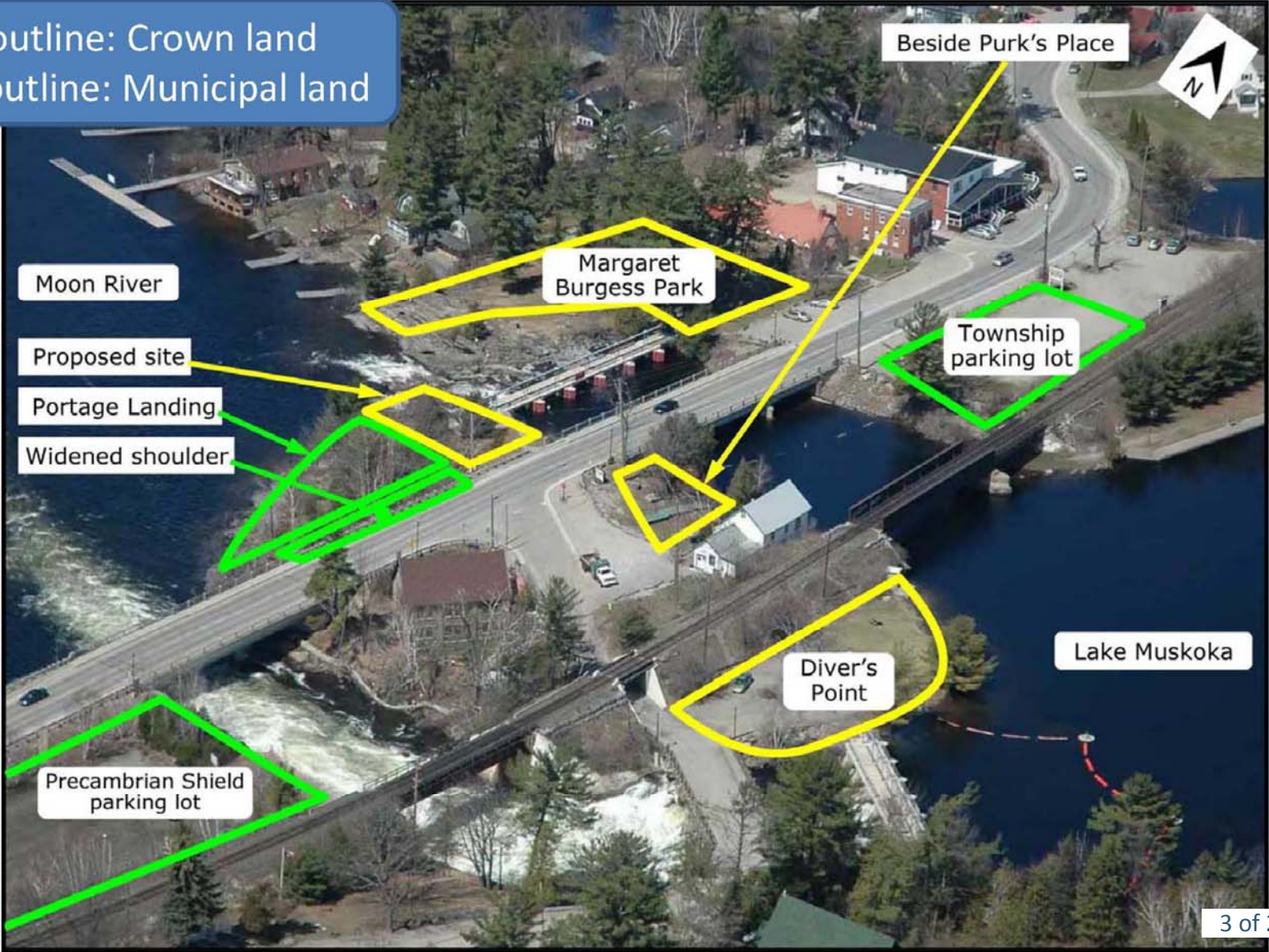
Proposed Hydro-electric Generating Station at the Bala Falls *Update*

Agenda

- Current status (“has the train left the station”)
- Recent developments
 - Legal action (November-December, 2015)
 - Cottage Life Show
 - Proponent cannot do blasting and excavation work this year
- Main unaddressed concerns
 - Public safety
 - Too high risk of flooding Lake Muskoka, during proposed
 - ▶ Construction
 - ▶ Operation
- What you can do to help
- Questions and answers

Land Ownership

Yellow outline: Crown land
Green outline: Municipal land



Current status

- Proponent **does not have all required approvals** to construct proposed project, and do not have:
 - From the **MNR**, approval for their proposed construction
 - ▶ Phase 2, Permanent Works, **Plans and Specifications Approval**, under the *Lakes and Rivers Improvement Act*
 - From the **Township of Muskoka Lakes**
 - ▶ **Building Permit** required for building shell
 - ▶ **Lease signed for Portage Landing**, which is required for construction crane and truck access to proposed construction site
 - From the **District Municipality of Muskoka**
 - ▶ Approval to proceed with **widening the shoulder** of Muskoka Road 169 (need to provide detailed drawings and \$2M Letter of Credit)
 - ▶ **Driveway entrance permit** to Portage Landing
- But they are working towards all
 - And may do preparation work, such as widening road

Legal Action (Nov/Dec, 2015)

- Proponent **needs to lease Township's Portage Landing and parking lots** to facilitate proposed construction
- It appeared the Township of Muskoka Lakes was not following required procedures and policies to lease land
 - They chose to ignore us rather than respond to the concerns
- While the Judge dismissed our legal action:
 - **We now have a year** to pursue the more serious issues
- We acted responsibly, paying Township's costs promptly
 - Proponent demanded Party status, but Judge determined they added nothing
 - ▶ **So we were not required to pay their legal costs**
- We learned about **Public Interest Litigant** status

Focus

- Judges can significantly reduce costs payable by unsuccessful ***Public Interest Litigants***, legal tests include
 - Is there **broad public support**
 - Action **must be in the public interest**, not to benefit a few
 - Is litigation the only option, are we most suited to bring it

We did not meet all tests for previous action

- This is one reason for our Memberships
- Issues not addressed by the government or proponent

- **Public safety**
- **Flooding**

**We now know:
Only pursue issues that are unique to Bala**

Pursuing other issues works against us

- Turtle habitat
- First Nations concerns

Cottage Life Show



- April 1 to 3, 2016
- Very well attended, goal was to raise awareness
 - Over 1,200 Petition signatures confirms broad public support
- Main lesson: the very few that facilitate the proposed project do not understand the dangers it would create

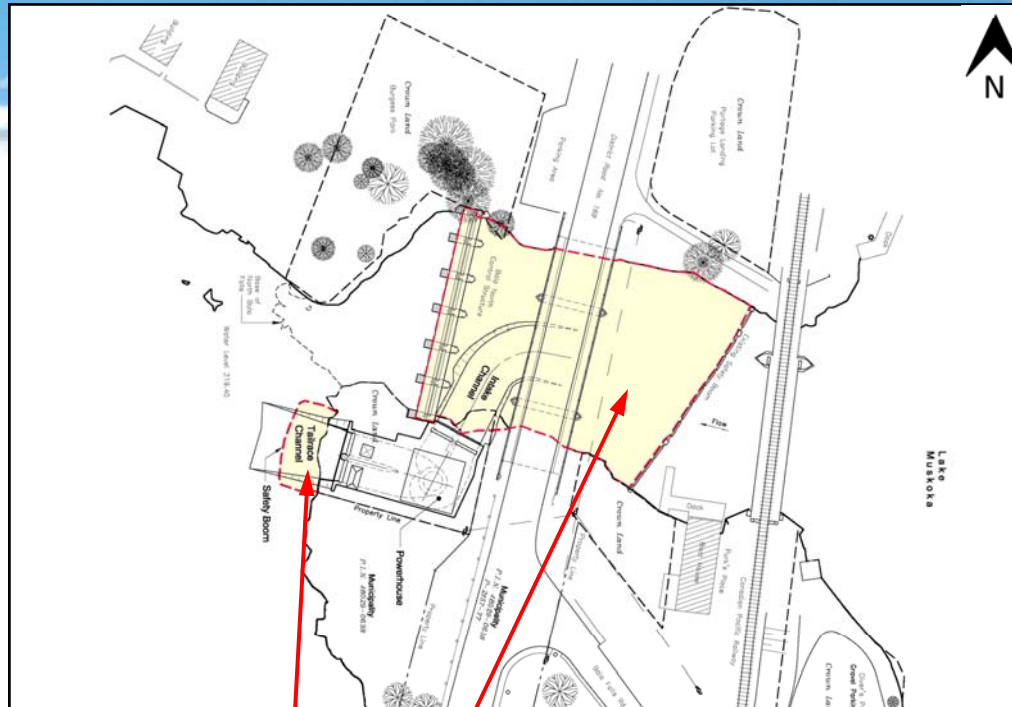
People can judge natural dangers



- This is Bala, and a lifetime memory
 - How would the proponent protect these people
- “Public Safety concerns” is the polite way of saying

It appears unsuspecting tourists would be drowned

Public Safety concerns



- Proponent's proposal stated proposed project would:
 - *"not generally diminish the public's enjoyment of the area for swimming, boating ..."*
- For their environmental approval, proponent stated:
 - Only areas within safety booms would be dangerous

The danger is real

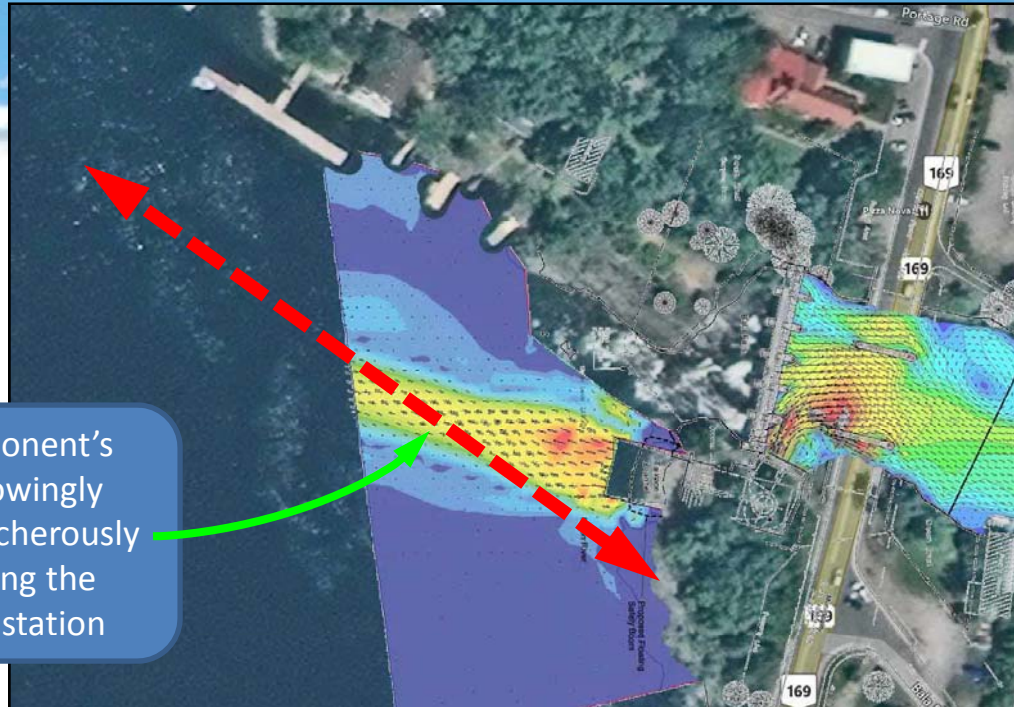
- Bracebridge Generation stated the 2008 drowning at their Wilson's Falls Generating Station (north of Bracebridge) was due to the turbulent water exiting it
- Proposed Bala station would be far more dangerous
 - More than **ten times** the flow
 - In an area far more popular for in-water recreation
 - Be started at about noon on summer days, with no warning
- Would be unprecedented to build a generating station this close to a very popular in-water recreational area
 - Yet no information on how it could be operated safely
 - The Royal Life Saving Society Canada's report confirms this



Incident Review

- OPP informed us that there was a group of boys skateboarding in the area.
- They were looking for a place to swim to cool down.
- Local resident gave them directions to a public swimming area. We believe they drove past and ended up at our generation site.
- The oldest was 21, the youngest was 12. Jose was 14 years old. The 21 year old climbed over the rocks, jumped in and swam through the discharge from the tailrace and over to the rocks on the falls.
- The youngest refused to go, thinking it was too unsafe. Jose was coerced by his peers into the water where he attempted to swim though the current but was overcome and didn't make it.

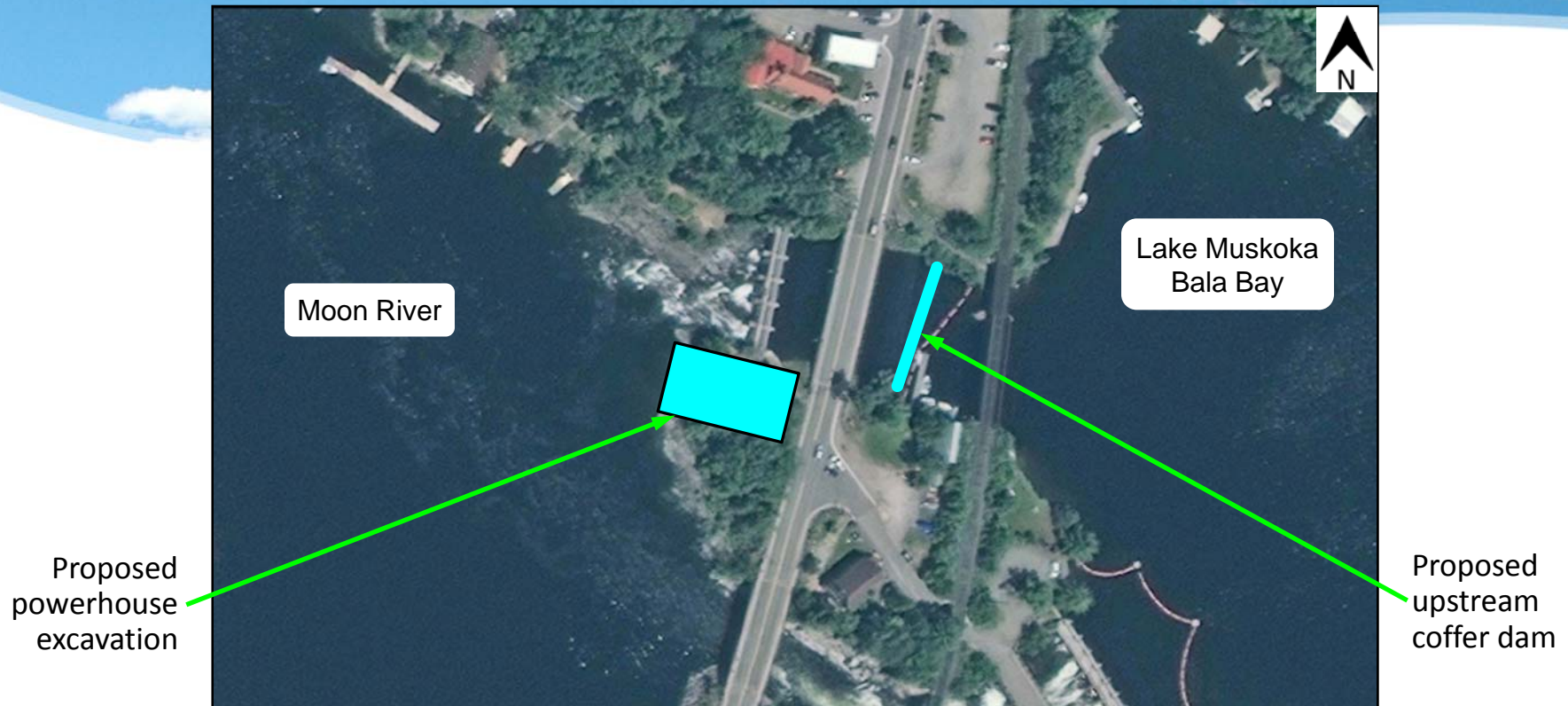
Proponent's proposed portage



People using the proponent's portage would unknowingly canoe through the treacherously turbulent water exiting the proposed generating station

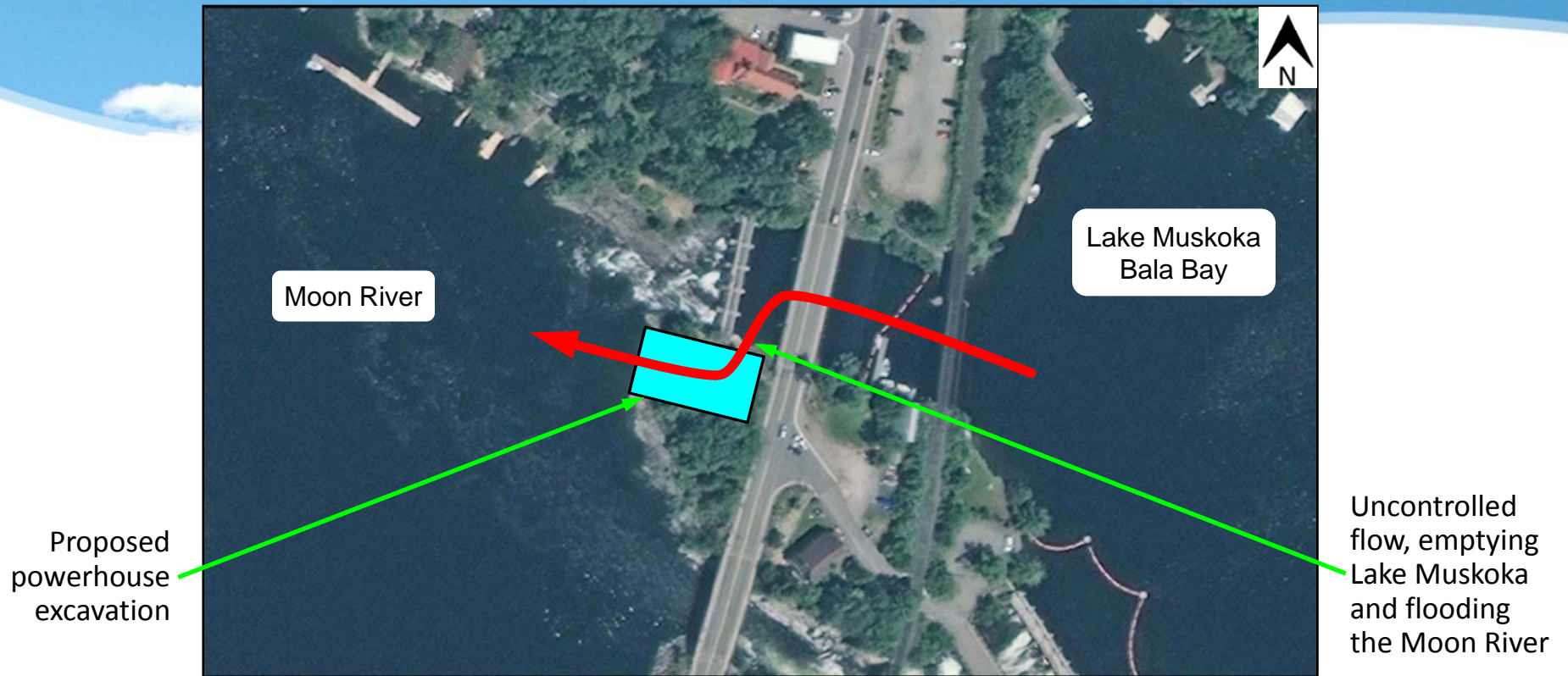
- In 2013 the MNR prohibited public access to the Crown land south of the Bala north falls as they say the water there is too dangerous
 - But proponent's rehabilitation of the Township's Portage Landing would include a canoe launch directly adjacent to their tailrace
 - This doesn't make sense

Flooding Lake Muskoka: Construction



- Upstream coffer dam would be in place June to February
 - Such **in-water work cannot begin before June 1** (and not this year)
 - Historical flows show more than a **20% probability** this coffer dam would cause **flooding of Lake Muskoka**
 - For years we've asked **how this flooding risk would be addressed**

Flooding Lake Muskoka: Construction



■ MNR's coffer dam lowering plan

- Requires proponent lower it by 9' on **24 hours notice**
- Is **unworkable**
 - ▶ For most of the time the result would be **uncontrolled flow** from Lake Muskoka to the Moon River, **bypassing the Bala north dam**

Flooding Lake Muskoka: Operation

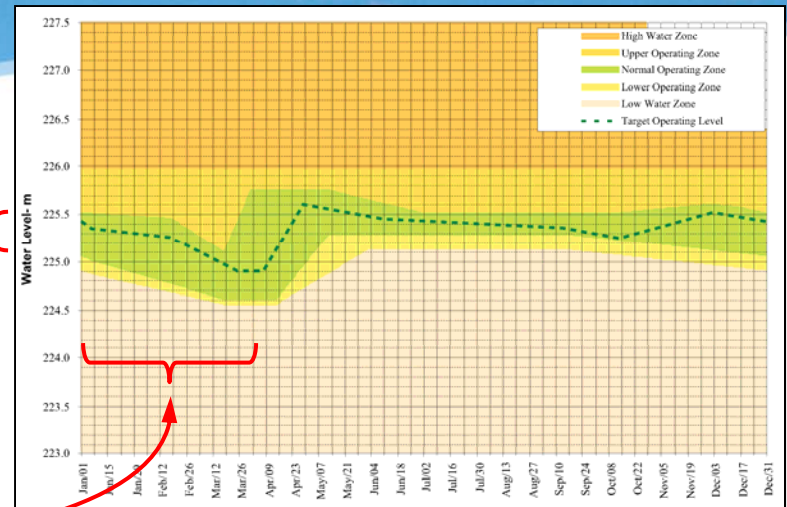
- *Muskoka River Water Management Plan (MRWMP)*

- Specifies range of acceptable water levels throughout the year
- Requires a “*winter draw-down*” (December through March) in anticipation of spring freshet

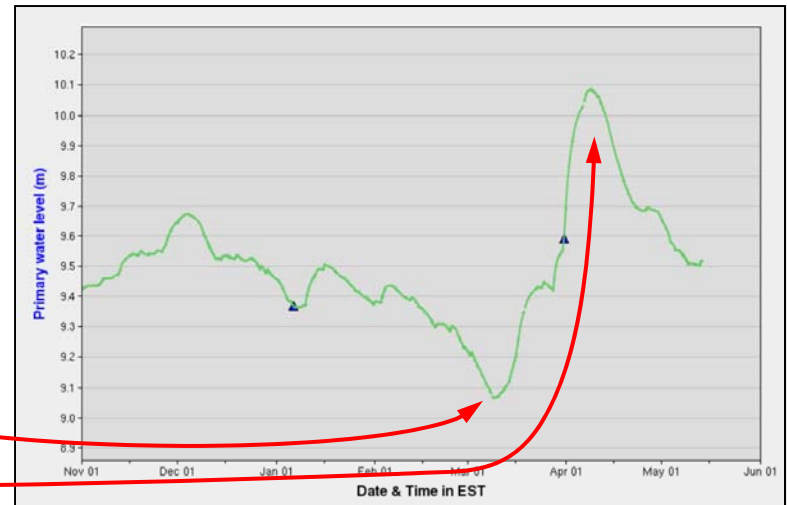
- Environment Canada Wateroffice data

- Available to all to view and download
- Example: see maximum draw-down and subsequent peak for each year
 - ▶ Should drawdown have been greater

Normal Operating Zone

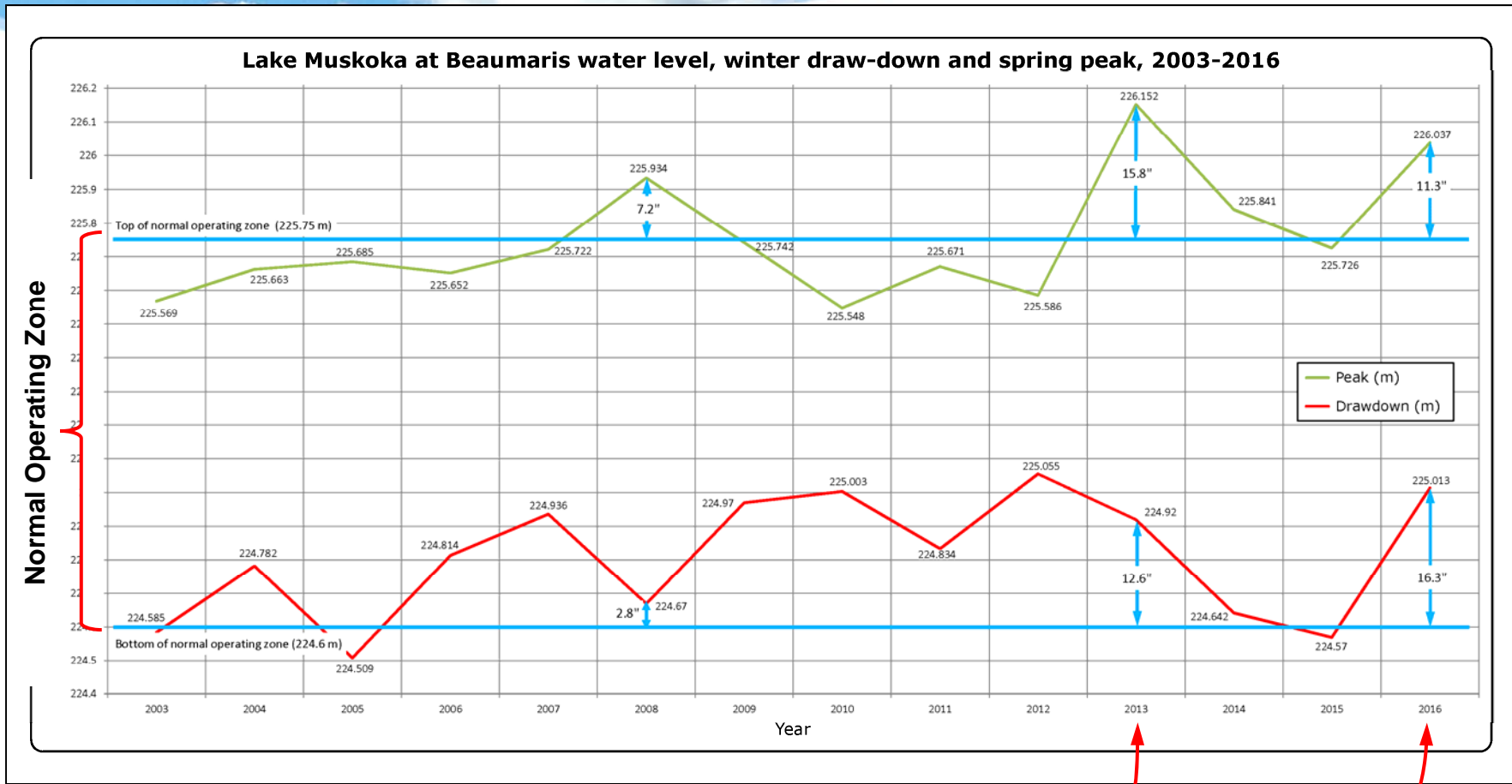


Muskoka River Water Management Plan
Figure 12.3.2, Lake Muskoka Operating Plan



Environment Canada Wateroffice, water level at Beaumaris,
February through April, 2016

Lake Muskoka maximum draw-down and peak, 2003 to 2016



- 2013: Could have drawn down 13" more
- 2016: Could have drawn down 16" more

Proponent's incentive to cause flooding

- Hydro-electric generating stations **generate more power** (and profits) when the **upstream water level is higher**
- Current MRWMP would allow proponent to keep Lake Muskoka at **high end of allowed range**
 - So Lake Muskoka would flood more often due to unexpected rains or a suddenly warm spring

Bizarre: the proponent would therefore receive a financial incentive to cause more frequent flooding of Lake Muskoka, both during Spring freshet and throughout the rest of the year

- *And* this would conform to the MRWMP
- The proponent's currently-proposed Amendment to the MRWMP does not address this

Amending the MRWMP

- Many stakeholders, a complex issue, is 700 pages
 - Proponent claims they could better control water levels since it would just be “a click of a mouse”
 - ▶ True, but the fact is they would receive more profits by keeping Lake Muskoka water level high
 - Municipality and Muskoka Lakes Association are requesting changes
 - ▶ But the MNR has decided to **extend for five years**, with no changes
- Suggested changes would be to require:
 - Lake Muskoka be at **lower end of range** by early March each year
 - OPG sooner and more fully open their **Moon Dam**
 - More transparency and **open public involvement**
 - ▶ Many committee members represent hydro-electric power generation companies, meetings are not public

Responses so far from the MNR ...

- Rather than accept their public safety responsibilities, the MNR claims this would
 - Be an **operational (not design) issue**, therefore
 - Be solely the proponent's responsibility
- Such “safe operation” appears to be an **impossible task**
 - If a car was designed with **brakes that didn't work in cold weather**, would it be the operator's fault when there was an “accident”
 - We ask: where would the **downstream safety boom** be, where and how would **visitors be informed** of the dangers, where would **fencing and signs** be, what **warning** before operation would begin

We are awaiting input from ...

- We met with the **MNR over five months ago**, detailing
 - **Public safety and flooding** concerns
 - That **this proposed project could be cancelled without cost**

We're **still waiting** for a reply

- It would appear they don't have answers
- That is why we must **focus on only these issues**
- We appreciate **MPP Norm Miller** both:
 - Reading our Petition to the Ontario Legislature last month
 - Submitting our two Written Order Paper questions to the MNR

We expect responses in the next few weeks

- We **contacted the proponent** weeks ago requesting
 - To meet to discuss our public safety and flooding concerns
 - Their construction plans for this summer

They have not replied to this

What you can do to help

- Stay informed
- Fundraising
 - Funds needed for Freedom of Information requests, legal advice ...
 - You will receive a charitable donation income tax receipt for donations through the Architectural Conservancy of Ontario
- Encourage friends and family to:
 - Sign-up for our e-Newsletters
 - Become Members
 - Read our web site, follow us on Facebook and Twitter
 - E-mail us if any questions or suggestions

All details at SaveTheBalaFalls.com

Questions and answers

- Brief questions
- We're always available at

info@SaveTheBalaFalls.com

Questions and answers

- **Q:** Could the efficiency be improved of the Ragged Rapids and Big Eddy generating stations downstream in the Moon River, so this project wouldn't be necessary

A: Such improvements would:

- Produce relatively little additional power
- Cost too much for the revenue OPG would receive
- Require the province to compensate the proponent for both costs and lost revenue, as the government would be cancelling the proponent's opportunity for another company's project (OPG)