

**Ministry of Natural
Resources and Forestry**

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April 17, 2015

BRA-15-02

MEMORANDUM TO:

Sandra Ausma
Resource Operation Supervisor
Parry Sound District
7 Bay Street
Parry Sound, ON P2A 1S4

**SUBJECT: Application under the *Lakes and Rivers Improvement Act*
North Bala Dam Small Hydro, Phase 1A Temporary Works
3111 Muskoka Road 169, Township of Muskoka Lakes
Lot 33, Concession 7, Geographic Township of Wood and
Lot 14, Concession A, Geographic Township of Medora both now
Township of Muskoka Lakes**

We have reviewed the plans and specifications submitted in connection with the above noted application and find them to be acceptable.

Attached, is our approval under subsection 14(5) of the *Lakes and Rivers Improvement Act* including the Schedule 'F' Conditions.

Henry Haemel, P. Eng.
Senior Project Engineer
Engineering Services, Southern Region

Attachments

A0262124_2-01203

Ministry of the Environment

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77 Wellesley Street West
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Toronto ON M7A 2T5
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Ministère de l'Environnement

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ENV1283MC-2012-3243

JAN 23 2013

Dear concerned citizen:

Thank you for your interest in Swift River Energy Limited's proposed North Bala Small Hydro Project addendum (Project).

You requested that the Minister of the Environment review the decision of the Director of the Environmental Assessment and Approvals Branch (Director) that an individual environmental assessment is not warranted for the Project. I am taking this opportunity to inform you that I have decided to confirm the Director's decision.

In making this decision, I have given careful consideration to the Environmental Screening Report addendum, the provisions of the Guide to Environmental Assessment Requirements for Electricity Projects, the issues raised in your request, and relevant matters to be considered under subsection 16(4) of the Environmental Assessment Act.

Swift River Energy Limited has demonstrated that it has planned and developed the Project in accordance with the Environmental Screening Process and addendum provisions of the Guide to Environmental Assessment Requirements for Electricity Projects. I am satisfied therefore that the purpose of the Act, "the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation, and wise management in Ontario of the environment," has been met for the Project.

Your concerns together with the reasons for my decision are set out in the attached table. In your appeal, you may have also raised issues that were previously considered in past decisions by either myself or the Director, and that do not specifically pertain to the change in the Project itself. The Guide to Environmental Assessment Requirements for Electricity Projects states that, under the Environmental Assessment Requirements for Electricity Projects addendum provisions, members of the public can only "request that the modification to the project be elevated to an Environmental Review or an individual EA." As some of your issues do not pertain to the modification of the Project, I am not able to review those issues under this decision making process.

I am satisfied that the issues and concerns have been addressed by the work done to date by Swift River Energy Limited, or will be addressed in future work that is required to be carried out.

Proposed Hydro-electric Generating Station at the Bala Falls

Approvals still needed from both the MNR and MOECC

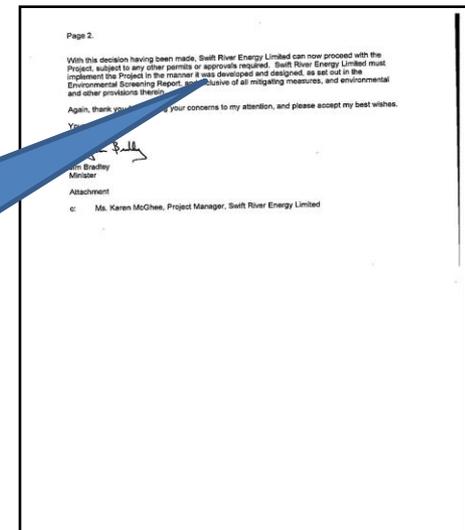
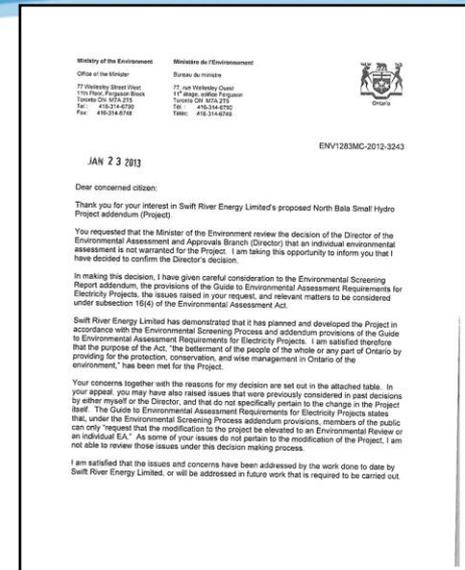
Summary

- The proponent's proposed construction still requires approval from both the MNRF and MOECC
 - And it appears the proponent would not comply with previously granted approvals

MOECC, environmental assessment

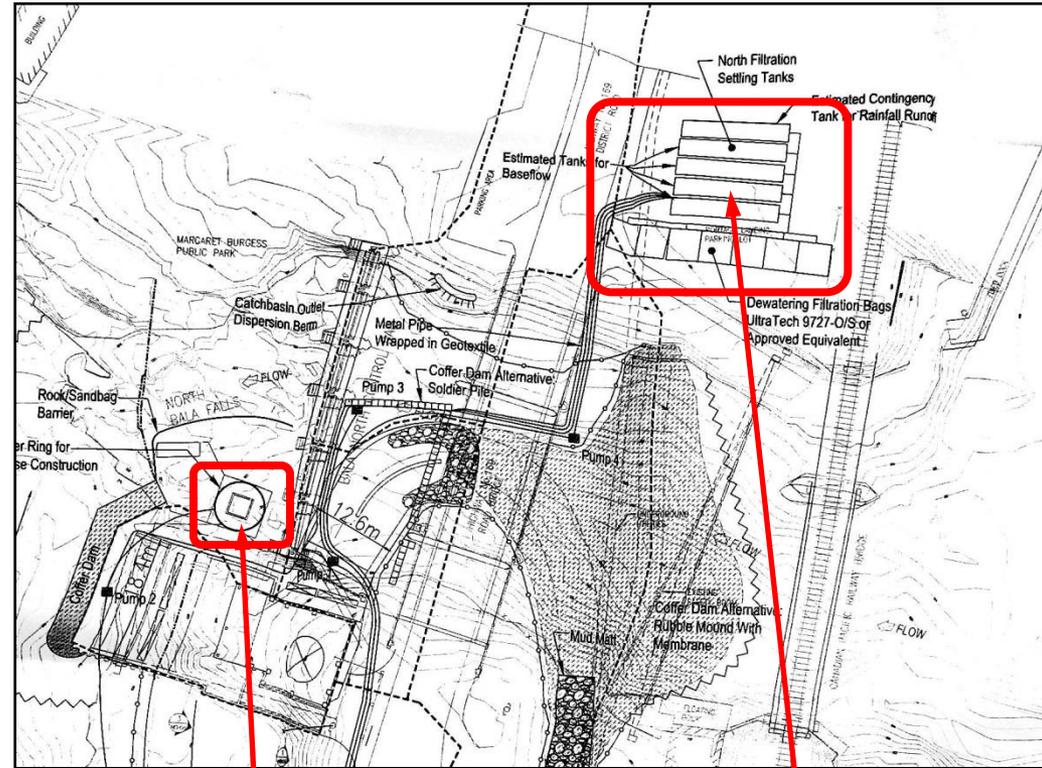
- Final environmental approval was granted January 23, 2013
- But they would not comply with it:
 - For example, the Moon River would be dangerous **outside** of the proposed downstream safety boom
- They have made significant changes:
 - Their new upstream cofferdam plan would threaten crucial infrastructure
 - Stakeholders have not been informed

“Swift River Energy must implement the Project in the manner it was developed and designed, as set out in the Environmental Screening Report ...”



MOECC, ECA

- Proponent still requires an *Environmental Compliance Approval* from the MOECC
 - Their current plans show construction equipment located where not permitted due to commitments to both the Township of Muskoka Lakes and the MNRF



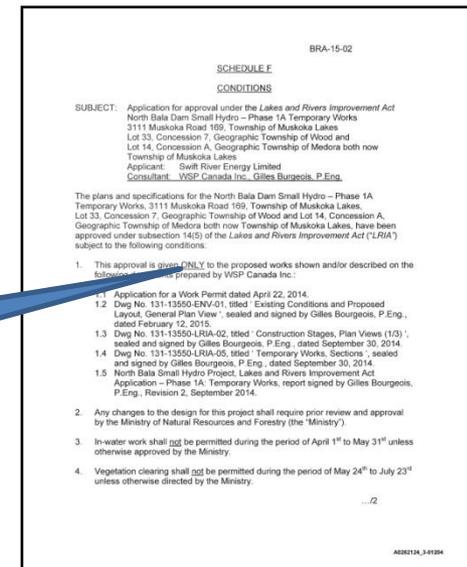
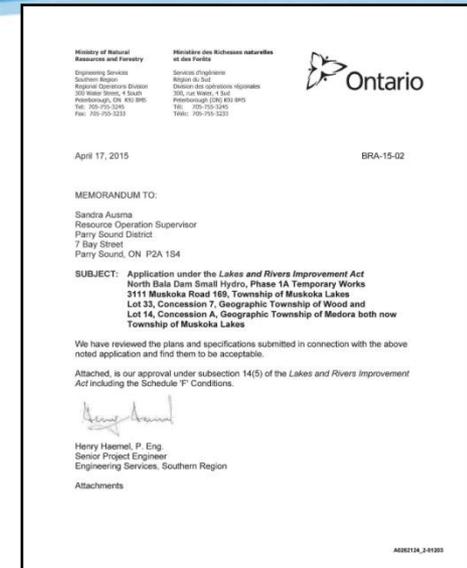
Construction crane obstructing flow through Bala north dam

Settling tanks in Don's Bakery parking lot

MNRF, Phase 1 Plans and Specifications

- Received approval for *Phase 1 Temporary Works* (such as the proposed upstream cofferdam) on April 17, 2015
 - But they would **not** build according to this approval as they have since made significant changes to their proposed upstream cofferdam
 - These changes would threaten crucial public infrastructure, and the public has not been informed

“This approval is given ONLY to the proposed works shown and/or described on the following documents prepared by WSP Canada Inc. ...”



MNRF, Phase 2 Plans and Specifications

- Proponent does not have approval to build their proposed generating station
 - *Phase 2, Permanent Works, Plans and Specifications* approval, under the *Lakes and Rivers Improvement Act*, from the MNRF

Summary

- The proponent's proposed construction still requires approval from both the MNRF and MOECC
 - And it appears the proponent would not comply with previously granted approvals
- It is time to ask that no further approvals be issued until the proponent shows they could operate their proposed generating station safely