

January 11, 2017

The Honourable Kathleen Wynne  
Premier of Ontario and MPP, Don Valley West  
795 Eglinton Avenue East, suite 101  
Toronto, ON M4G 4E4  
Phone: 416 425-6777  
E-mail: KWynne.mpp.co@liberal.ola.org

Dear Premier Wynne:

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

As you know, for over 11 years a proponent has been pursuing building a hydro-electric generating station at the Bala falls. The current status is that construction has still not started as they do not have required permits from both the Ministry of Natural Resources and Forestry, and from the Ministry of the Environment and Climate Change.

The evasive and often nonsense responses we now receive from both the MNRF and the MOECC show that the bureaucrats have reached a dead-end as they feel they cannot respond to the serious unaddressed issues of public safety.

- 1) For example, to our concerns about public safety the MNRF just repeats that areas near dams are not suitable for in-water recreation.
  - We understand this, but the proponent's own information shows their generating station would make the water dangerous down the Moon River; for more than 160' **outside** of their proposed safety boom, in front of people's private docks, and for people using the only public docks on the Moon River. The MNRF's response therefore does not address the problem.
- 2) Another unaddressed problem is that for safety the MNRF's procedures require that the public be warned before flow is increased to the Moon River, yet the proponent has stated they would **not** provide such warning.

In justification, MNRF replies the proponent's "*safety plan will be expected to address potential hazards ...*".

- It is unacceptable for the MNRF to hope and expect that safety can be addressed later. For example, perhaps design changes will be required, so these must be determined now and included in the MNRF's current *Plans and Specifications* assessment.
  - The only responsible action is that it be shown **before** any further approvals are granted how the proposed generating station would be operated safely. So far all we know is it would not be safe.
- 3) To our noting that Transport Canada has no expertise or mandate to assess the impacts on in-water recreation in the area, the MNRF replies we should discuss this with Transport Canada.
    - This makes no sense. As Transport Canada cannot provide the public safety expertise required, then the MNRF needs to obtain it elsewhere, such as from the Royal Lifesaving Society Canada, as we have done and shared with both the MNRF and MOECC.

- 4) The proponent **committed** for their environmental assessment that their proposed generating station would only make water **within** their downstream safety boom dangerous.

But **years after the proponent received environmental approval** we learned where they would locate their downstream safety boom and the proponent's own information shows their proposed project would make the water dangerous **far outside** of their safety boom.

Transport Canada is not required to, and did not assess boating safety in the Moon River, so Transport Canada approval does not address this serious public safety issue.

To this, the MOECC replies that the proponent received environmental approval in 2013.

- Therefore, the **proponent has reneged on a crucial public safety commitment** made for, and they would not comply with, their environmental approval. Yet the MOECC refuses to take action.
- 5) We have detailed to the MNRF that their well-written RFP enables them to cancel this proposed project without cost or penalty, and that their internal assessment of this reached an incorrect conclusion as it was based on a draft, rather than the released, version of their RFP.
- The MNRF refuses to respond to this. This seems to show the bureaucrats have worked themselves into a situation they cannot justify.
- 6) The October 2016 *Environmental Review Tribunal* decision for the proposed Fairview wind turbine project near Collingwood shows that the MOECC does not have the expertise in-house or available to them from other Ministries to assess public safety issues for technical situations such as this.
- We have provided technical information from both Transport Canada (maximum safe water velocities) and the proponent (the water velocities they would cause outside of their downstream safety boom) showing the danger, and the Ministry responses have not been able to refute this.

It is extremely troubling that the Ministry bureaucrats' replies to us continue to only repeat their previous evasive responses, which do not address the serious public safety issues.

It would be completely negligent to permit the construction of a generating station which would cause the water to be just as turbulent and dangerous **outside** of the safety boom as within it. Such **deception** would result in drowning unsuspecting tourists and would be found to be **inexcusable** at a drowning inquiry.

To prevent embarrassment to Ontario's Liberal government, now is the time for political action, and the solution is simple – the Ontario government should not provide any further permits until the proponent can show how they would operate their proposed generating station safely.

I request a response to this letter, but please ensure it does not repeat the Ministries' above evasive responses.

Sincerely,



Mitchell Shnier, on behalf of SaveTheBalaFalls.com

Cc: Norm Miller, MPP for Parry Sound – Muskoka, Norm.Miller@pc.ola.org