



THE DISTRICT MUNICIPALITY OF MUSKOKA

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To: Chair and Members
Engineering and Public Works Committee

From: Fred W. Jahn, P.Eng.
Commissioner of Engineering and Public Works

Date: August 23, 2017

Subject: Swift River Energy Ltd. Entrance and Licence of Occupation Permits

Report: PW-8-2017-10

Recommendation

This report is provided for information.

Origin

In January 2015 Resolutions [R9/2015-PW](#) and [R10/2015-PW](#) amended the conditions for the entrance and roadway occupation permits on Muskoka Road 169 (MR 169) in Bala previously outlined in Resolution [R53/2014-PW](#) and delegated the approval process to staff as below:

WHEREAS Engineering and Public Works Committee Resolution No. R53/2014-PW sets out the conditions for entrance and roadway occupation permits on Muskoka Road 169 in Bala;

AND WHEREAS it is desirable to resolve the matter of the entrance and roadway occupation permits;

AND WHEREAS the issuance of entrance and occupation permits is a function that has been delegated to staff through District By-law 87-50;

THEREFORE BE IT RESOLVED THAT Resolution No. R53/2014-PW **BE AMENDED** by the replacement of Attachment No. 1, as revised and amended and attached hereto;

AND THAT **STAFF BE AUTHORIZED** to work directly with the applicant to clarify, finalize, and manage the conditions as they relate to the entrance and occupation permits.

In June 2015 Resolution [R68/2015-PW](#) granted a roadway occupation permit for a permanent entrance subject to the stipulated permit conditions.

Analysis

The intention of this report is to provide an information update to the Engineering and Public Works Committee and the public on the status of Entrance Permits and Licences of Occupation associated with the Swift River Generating Station project. It is worthy to reiterate that the District's authority in regards to the construction of a generating station is restricted to granting Entrance Permits and Licences of Occupation on MR 169. Relevant considerations for the issuance of permits are restricted to ensuring effective traffic management and the protection of its infrastructure. It is our understanding that all approvals to permit the project to proceed have been granted by the Ministry of Natural Resources and Forestry (MNRF).

At the time of writing this report, Swift River Energy Ltd. (SREL) has substantially submitted the documents necessary to fulfill the required permit conditions as previously stipulated, as well as the additional requirements staff have deemed appropriate to ensure that public interests with respect to infrastructure are mitigated. The District is in the process of completing a final review of all documents and approval will be granted without delay when these requirements have been met. District Engineering staff and engineering consultants have worked diligently to ensure that the District's interests are duly preserved and protected. As typical with approval processes, some conditional requirements have been imposed which must be met prior to certain stages of the construction proceeding.

As mentioned, the primary focus of the District's approval process, in addition to traffic impacts, has been to ensure that District infrastructure is not adversely impacted from construction of or ongoing operation of the power plant. The following permits and licences are required for the project:

- Temporary Entrance Permit on lands owned by the Township of Muskoka Lakes;
- Permanent Entrance Permit on lands owned by the MNRF;
- Licence of Occupation for roadway crossing for hydro connection; and
- Licence of Occupation for Road widening and required infrastructure.

The following is a list of some of the significant considerations that have been taken into account:

- Proximity of power plant and intake excavations to District infrastructure including bridge abutments and MR 169 road platform;
- Vibration control methodology to mitigate impacts of blasting and mechanical removal of rock required for the construction of the intake and generating station;
- Approval of temporary and permanent retaining wall structures associated with the widening of MR 169;
- Review of cofferdam plans with respect to proximity and potential impacts to District infrastructure;
- Potential water flow impacts on Bridge abutments and highway platform;
- \$2M Letter of credit during the entire construction stage;
- \$10M Wrap up Insurance during construction and 2 years post construction;
- \$5M Liability insurance effective for 6 years;
- Single lane traffic on MR 169 permitted generally only from mid-October to mid-May, or with special approval; and
- Traffic control provisions in accordance with provincial regulations.

The engineering and construction plans have been reviewed by staff as well as civil engineering consultants qualified and specialized in bridge, roadway, and geotechnical construction. Consultants have been retained as required to provide onsite review and inspection as required during critical stages of construction that could potentially impact District infrastructure.

A Memorandum of Understanding has been entered into with SREL which acknowledges the need for the District to maintain or replace the bridge as may be required in the future. This may necessitate the need for the power generating station to shut down and as such, SREL will co-operate as required and not seek recovery of any resulting financial impacts from the District. The District will provide reasonable notice as may be possible under planned and emergency circumstances.

Financial Considerations

At this time the District is incurring consultant costs to peer review the documents pertaining to the permit conditions which SREL has agreed to pay up to a maximum of \$25,000.

Communications

Project stakeholders will be notified when the permits have been issued, including:

- Township of Muskoka Lakes;
- Ministry of Natural Resources and Forestry, Parry Sound;
- Ministry of Environment and Climate Change, Barry District; and
- Ontario Provincial Police.

Notice of the permit approval will be communicated by press release and also posted to the District’s Roads, Bridges and Transportation Webpage: <https://www.muskoka.on.ca/en/live-and-play/Roads-Bridges-and-Transportation.aspx>. The District is working collaboratively with the partner stakeholder agencies listed above to ensure that SREL is proactively executing communication strategies to ensure timely updates for the public throughout the construction project.

Strategic Priorities

Click on icons below to view strategies under each priority area:				
				
	s 2.1	s 3.1		

Respectfully submitted,

Original signed by

Fred W. Jahn, P.Eng.
 Commissioner of Engineering
 and Public Works

Original signed by

Michael Duben, B.A. LL.B
 Chief Administrative Officer