

August 17, 2017

[REDACTED]
Office of the Premier
23 Queen's Park Crescent East, Whitney Block
Toronto, ON M7A 1W3

Phone: [REDACTED]

E-mail: [REDACTED]

Dear [REDACTED]:

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

Summary

The proponent's changed plans are dangerous; to the environment, to public infrastructure, and to the nearby public, yet the risks are not being assessed because the MNRF and proponent will not disclose them and don't have the required expertise.

The result would be; contaminated materials dumped into the Moon River, damage to the highway bridge, and risking the lives of tourists.

This would all be avoided if the proponent's new plans were subject to the environmental assessment process. Could you therefore request that the MOECC inform the proponent that:

- While the proponent's 2013 environmental approval is still valid, their new plans do not comply with this approval.
- If the proponent wishes to proceed, they are required to submit an Addendum so that their many environmentally-significant changes will be properly assessed, as is required by both the Environmental Assessment Act and the Ministries' Statements of Environmental Values.

Detail

- 1) It would be unprecedented to locate a hydro-electric generating station in the middle of an extremely popular in-water recreational area, and a station one-tenth the size of the proposed Bala project caused the drowning of a 16-year-old boy in 2008 – so the danger is real. The MNRF's "*Stay Clear, Stay Safe*" campaign would not protect the public swimming near the only public docks on the Moon River, as these are far from the MNRF's dams.
 - a) The proponent has apparently submitted an update to the MNRF's *Public Safety Measures Plan for the Bala dams*, but this update has not been disclosed to the public. This does not comply with the MNRF's *Statement of Environmental Values* which requires that:
 - "*Those affected by proposed changes must have access to information and opportunities to provide input to decisions that affect their lives.*"
 - "*public consultation and participation is vital to sound environmental decision-making. The Ministry will provide opportunities for an open and consultative*

process when making decisions that might significantly affect the environment.”.

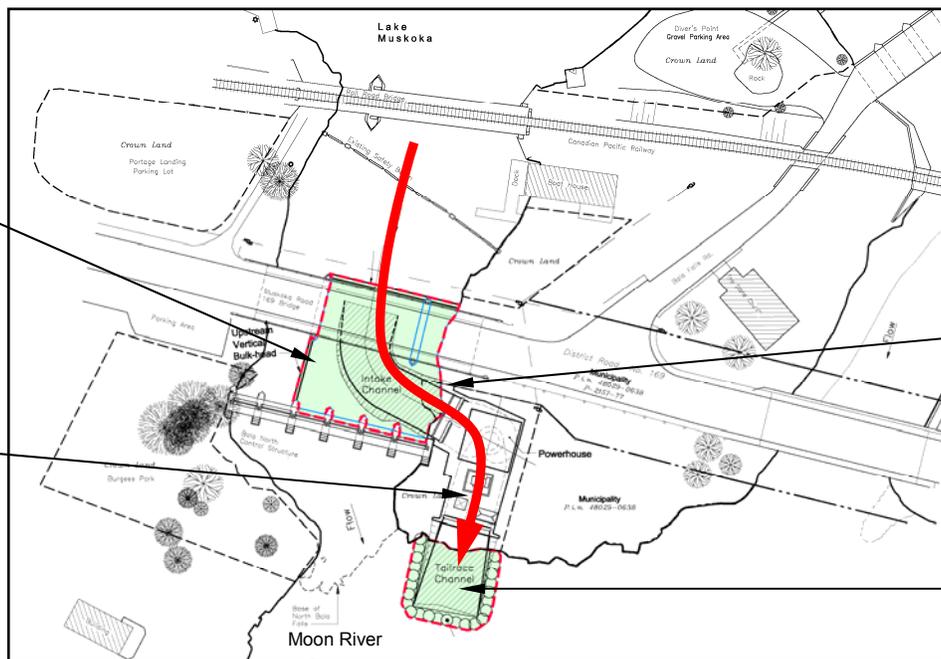
- b) Furthermore, the MOECC and MNRF have no in-house expertise for such in-water recreation, so they must utilize outside consultants for this:
 - The October 2016 Fairview Wind Incorporated decision by the *Environmental Review Tribunal* confirmed both; that human life must be considered for environmental approvals, and that Ministries must utilize external experts when in-house expertise is not available.
 - The current *Public Safety Measures Plan for the Bala dams* was authored by an external company with the required expertise, as the MNRF does not have the required expertise in-house.

2) Another unaddressed problem is:

- a) To avoid flooding Lake Muskoka if there was a heavy rain storm during the proposed construction, the MNRF requires that on 24 hours notice, the proponent remove their proposed upstream cofferdam and allow flow through their excavation and construction site.
- b) However, the proponent has recently changed their plans, and as shown by the sequence in the figure below, such high flow would result in:
 - Contaminated water entering the Moon River.
 - Damage to the District Municipality of Muskoka’s highway bridge and road.

② MNRF requires upstream cofferdam be quickly removed if heavy rain storm during construction

③ Resulting flow could tip tanks over, so untreated water and sediment would be washed into the Moon River



④ Also, erosion from flow into intake excavation could undermine bridge abutment and highway shoring, causing collapse

① Proponent’s new plan is to locate contaminated water treatment tanks in the Moon River

3) Our requests

- a) We try communicating with the proponent, but they have not replied to the last 11 letters we have written to them, and the MNRF has refused to meet with us. As the MNRF is not disclosing these plans and the public is not being consulted, this does not comply with the MNRF’s *Statement of Environmental Values*.

- We therefore request that the MNRF not issue any further approvals, and existing approvals be suspended until the proper environmental assessment process has been followed.
- b) These environmentally-significant negative impacts were not considered for the proponent's 2013 environmental assessment, so these new plans do not have environmental approval.
- As required by the *Environmental Assessment Act*, we request that the proponent be notified that their changes be subject to the Addendum provisions of the MOECC's *Guide to Environmental Assessment Requirements for Electricity Projects*.

We look forward to your response.

Sincerely,



Mitchell Shnier, on behalf of SaveTheBalaFalls.com

Cc: The Honourable Chris Ballard, Minister of the Environment and Climate Change, CBallard.mpp.co@liberal.ola.org
The Honourable Kathryn McGarry, Minister of Natural Resources and Forestry, KMcGarry.mpp@liberal.ola.org
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