

April 18, 2010

Ms. Millicent Dixon,
Manager – Client Services
Environmental Assessment and Approvals Branch,
Ministry of the Environment
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Dear Ms. Dixon:

Re: Proposed Bala Hydro-electric Power Station

Summary

In advance of the November 27, 2009 response deadline, we submitted 60 paged of detailed technical comments to the proponent's environmental screening report for their proposed hydro-electric power station.

- 1) On April 1, 2010 the proponent replied to us with a 12-page letter.
- 2) In addition, the proponent held meetings with individuals and I attended a total of three of these meetings.

We are shocked and dismayed that this 12-page letter and the individual meetings have been a **complete waste of everyone's time** as they are completely ignoring the questions we asked. These were reasonable questions which need to be answered before the project is given authorization to proceed – that is, as part of the environmental assessment.

Unfortunately, the proponent basically says *trust us, we'll work it out later*. In their responses and meetings, the proponent has not provided **any** additional information, they are just repeating the unrealistically optimistic responses which "answer the questions they **wished** we asked". They have not answered the questions we did ask.

Because we still do not have the answers to the clear questions we asked, the proponent's proposal requires further study. Accordingly, we continue to request that this project be elevated to an individual environmental assessment so that the proponent can appropriately respond to the questions which were asked.

Our November 27, 2009 comments requested that the proponent report on a total of 69 issues. Below we respond to their April 1, 2010 reply.

Detail

To Report 1: We noted that youth jump off the railway bridge, and the proposed power station water intake would **create a grave danger** to this reality. The proponent has chosen to **completely ignore** this serious

issue, stating that anything they do “may be construed as encouragement”. **This response is entirely inadequate.**

- Would proposing a **rescue plan** be “encouragement”? – we would think it would be prudent.
- Would seriously considering building the power station in the south channel, and away from the recreational area be “encouragement”?

To Report 2: We requested information on the safe water speeds for various activities. The proponent reports that areas outside of their proposed safety booms would be safe. Of course this is true, **but what if the safety boom** doesn’t keep one out – it would take some skill, strength, and luck to be able to grab it if one is in the water.

- For example, the south end of the upstream safety boom would be anchored to a small area which is called Diver’s Point – this name because this area is used for scuba diving. For Report 25 the proponent admits “scuba diving adjacent to the upstream safety boom is not recommended as the diver could inadvertently wander inside the restricted/unsafe zone”.
- This is **exactly** the point – there’s nothing dangerous about a cliff **unless you fall off**. Docking one’s boat at the town docks and regatta activities would be safe **if** your boat doesn’t tip and you end up in the water.
- The proponent’s suggestion that “Lake Muskoka is a very large lake with many other safe locations for scuba diving” **is** the problem, not a mitigation. Their proposed project would **send people away from Bala**. This is a **zero-sum** game. If the Bala Falls are developed for the benefit of this for-profit private developer the net result will be to accrue revenue for **themselves** with less revenue to the town – which is already in difficult economic times; witness the number of empty storefronts even during the summer.

To Report 3: We requested the rescue procedures and responsibilities. For example, local police or volunteers should know **now** whether they need to plan and budget for training or other resources. The proponent has stated they will not address this at this time. This is **preventing those who will be forced to be stakeholders** from having adequate information on which to even pose questions (for example, to our knowledge, the OPP has not been contacted).

To Report 4: The proponent to date has provided neither information on how nor information on how long it would take to shut down the power station in an emergency situation. As above, this is information which should be **made known now**, as part of the evaluation of this proposed project.

To Report 5: The proponent notes that the water speeds near the town docks would be comparable to those during the treacherous spring runoff time. **This is bizarre**. Everyone knows to **stay away from the water during spring runoff**, yet they propose exposing the public to this **danger in the peak tourism season**. The safety boom does

not mitigate this. The proponent has not addressed this life-and-death safety concern. We know the water speeds **at** the town docks may be safe, we are concerned about the water speeds **past the town docks**, where your boat would be if it stalled or the wind blew unexpectedly. The safety boom is a **last resort, not something that makes the area safe.**

To Report 6: There are safer designs ("V" shape) for safety booms, as these enable self-rescue. But such a design may interfere with boat navigation (as such a design may not provide adequate room for turning one's boat when leaving the town docks). This **needs to be investigated as part of the evaluation** of this project, **not at some later** detailed design stage.

To Report 7: Nobody wants to be near danger. Would you want to see a child standing beside a busy highway?

People drown due to fast water. It is as **dangerous and scary as a highway**. Just last month there was a tragic downing of a canoeist in the Holland River north of Newmarket – even though he was **wearing a life jacket**. Fast water is dangerous and this project proposes to bring the fast water **hundreds of feet closer to the popular town docks**. This will scare away tourists.

Has the Township of Muskoka Lakes informed their liability insurance broker of the greatly increased danger at the Bala town docks.

The proponent claims the area is currently "signed as a 'no swimming' area". **This is not true. Why does the proponent continue to claim swimming is prohibited in the area.** The only sign is mounted directly on the dam (150' from where people swim) and the text is "Danger, Fast Water, Keep Away". Yet the proponent publically laments "how much misinformation is out there."

To Report 8: The proponent confirms that they will be requesting an amendment to the Muskoka River Water Management Plan, yet they do not provide the rationale for this, as is required by the amendment process.

To Report 9: For example, the proponent's response states "There will be no increase in the water levels as a result of the plant operation" – but this **isn't the issue we carefully raised**. The proponent continues to provide **intelligent-sounding answers to questions we didn't ask**. This is **obfuscation, not response**. This demands strong direction from the Ministry of the Environment to get the answers the public deserves. The proponent is being evasive, not forthcoming.

To Report 10: Fine, they answered one question clearly. Only 68 more to go.

To Report 11: Due to changes in water flow and the need for coordination with the Ragged Rapids and other water control structures, the flow through the plant **will need** to be changed. This change in flow will be done **remotely and will not be signalled** to those nearby. This proposed power generating station will be exactly at an extremely popular and widely-known tourist area, yet **those nearby will have no way of knowing** how much water is being drawn into the water intake, and

when this is about to change. The proponent **continues to avoid answering** how the proposed power station can be operated in a manner **safe** for the **existing** recreational activities of the area.

To Report 12: We have identified a significant problem with the proposed safety boom design, and we have offered a solution. Yet the proponent **refuses to spend time to evaluate this**. Safety and navigation are important and need to be considered **as part of the environmental assessment**.

It needs to be determined whether the required safety boom can indeed be safe, and whether it will interfere with boat navigation, and this needs to be determined before approval to proceed is given. The proponent's attitude of wanting to get started now and hope it works out later is completely inappropriate when considering such life-and-death safety concerns.

If Transport Canada has not found any problem with the safety boom design, then there must be a misunderstanding of how the area is used. Further study is needed.

To Report 13: The proponent proposes a public lookout 18' above the **dangerously turbulent water** exiting the proposed power station. One cannot imagine how a handrail could be designed so that a curious child could not climb over it, yet the proponent considers this **"a detail to be sorted out during detailed design"**. Whether this **can** be done to satisfy safety and insurance and legal requirements, while not requiring barbed wire or other objectionable fencing needs to be determined **as part of the environmental assessment process**. This cannot be deferred until later.

All three of the power stations at and north of Bracebridge have high chain-link fencing topped with barbed-wire – **how can the proponent be so sure** that not only would barbed-wire fencing not be required at this site, but that west of District Road 169 there would be no fencing at all?

To Report 14: The proposed project would bring the fast water that currently enters the Moon River through the south channel **hundreds of feet closer to the main recreation area**. The proposed "safety booms, signage and/or fencing" would not provide **any** measure of meaningful safety.

In fact, one can imagine the same youth who jump off the railway bridge getting quite a thrill riding the fast water exiting the power station. The proponent has not mitigated this danger and continues to **avoid addressing the realities of the site** and situation. Ignoring a problem is not mitigation.

To Report 15: The proponent notes that the safety boom locations presented in their environmental screening report **are preliminary** – meaning a change is possible. And a small change could completely prevent water access south of the north falls, which effectively means **no public access to the Moon River** at the Bala Falls. We continue to request that the safety boom design needs to be finalized and approved **as part of** the environmental assessment, otherwise this is all just a "bait and switch" exercise. They **waste everyone's time**

reiterating what they don't know. They should do their homework and report real information.

To Report 16: The proponent claims that Transport Canada has not requested the proposed downstream safety boom be moved, yet Transport Canada does not recommend the area between the proposed power station and the north falls (which is shown to be safely outside of the restricted area) as a portage location. It therefore **isn't clear what activities are allowed in which locations**, and this needs to be confirmed as part of this environmental assessment process.

To Report 17: The proponent claims that the area south of the proposed power station could be used as a portage location. This area is already too steep to walk down, and would therefore be unacceptably and dangerously steep while carrying a canoe. This area would in fact become even steeper due to the retaining wall required to support the proposed driveway. Therefore the proponent is once again wasting our time with misleading responses. They should get their information **complete and correct and then present it.**

To Report 18 to 21:

Any builder needs to provide details before receiving a building permit. The current environmental assessment process is the public's only chance to approve the details of this project before the proponent is given approval to proceed.

The public deserves more than a "concept" drawing. Details are everything – just ask any Toyota car owner about the **"detail" of that accelerator issue.** Yet the proponent claims "The final smaller details will be sorted out during detailed design ...". We say No; **now** is the time to respond to our requests for these important details.

To Report 22: This project is in a location where appearance really matters, and the proponent needs to respond with **much more than a "concept"** as part of this environmental assessment process. We have taken the time to **detail** the many shortcomings of the drawing, **why can't the proponent take the time to address these shortcomings?**

To Report 23: The proponent plans on making 500' of prime, public, Muskoka shoreline too dangerous for public access, yet offers **no analysis of the economic impact** of this.

The proponent has since stated that they may study this. If in fact the proponent will be having an economic impact study completed, **we would like to review the terms of reference** before this is initiated to be sure that this work will be helpful.

For example, the study should emphasize the long-term economic impact, and should include detailed interviews with tourists.

To Report 24: How can the proponent make the **ridiculous statement** that "water speeds upstream of the safety boom should not be significantly changed". Of course the water speeds upstream of the safety boom **will be** significantly changed since rather than just "leakage flow" (of 1 m³/s) through the north dam, most all of the water available (up to about 90 m³/s) would flow into the North Channel. The proponent **needs to provide correct information.**

To Report 25: It isn't mitigation for the new dangers which would be created for the proponent to tell us that "Lake Muskoka is a very large lake" and people could go elsewhere for recreation. They are **evading their responsibility** to deal with the serious safety problems they would create.

To Report 26: We would appreciate receiving information on the types and locations of activities which would be considered safe upstream of the proposed generating station's water intake.

To Report 27: The proponent directs us to the response for "To Report 7" for the proponent's evaluation of the impact of this project on tourism and the local economy. We do not see **any** relevant information there. **This is a serious issue and the proponent is yet again providing confusion** rather than information.

To Report 28: The proponent has demonstrated many times that they are manipulating this process solely for their own purposes. Therefore, the scenic flow negotiations so vitally important to the business and public stakeholders must be concluded **before the proponent receives approval** to proceed. Otherwise the proponent can completely ignore any community input and would be **highly motivated** from a revenue perspective to do so.

To Report 29: Again, the proponent **avoids answering the question**.

To Report 30: As the proposed power station would be to the south of the north falls, we are concerned about the shadow it would cast onto the north falls.

For some reason, the proponent mentions the highway and trees which may be planted along it and claims they too would cast a shadow. The proponent should note that the highway is to the east of the north falls, so **isn't** an issue during the times of interest.

It is exactly to avoid this type of **speculation** that we requested a study. The proponent shows no interest in addressing our stated concerns. What was the purpose of their soliciting public comments if the **proponent refuses to actually address** issues raised by the public?

To Report 31 to 36:

The proponent states they are "of the opinion that the project will have an overall positive impact on the local economy". This statement is made **without** the benefit of any independent economic **analysis or expertise**.

The proponent has already stated their unsubstantiated views in their environmental screening report, but we are asking for facts and information. The **proponent continues to simply repeat their unsubstantiated "opinion"**.

To Report 37 to 38:

We have asked for **specific** and important scheduling information which they have not yet provided. The proponent **ignores** this request, instead **repeating information already provided**.

To Report 39 to 41:

We are asking for specific construction-related information which would be **required as part of assessing the economic impact** (for example, would parking be available near the falls for tourists or for patrons of the local stores). But the proponent makes **no effort** to provide even their ubiquitous "opinion".

To Report 42: Again, the proponent answers a question we didn't ask, and **ignores the question** we did ask. We asked that financial assurances be provided that the work will be completed as planned, and the proponent refuses to respond to the question.

To Report 43 to 44:

We expect at least a rough estimate of the disruption expected to municipal services.

To Report 45: We understand that the specific locations where construction equipment and materials would be stored are not currently known, which is why we asked for the size of the area needed. It is a concern that the proponent apparently does not have the **expertise or time** to reply to this.

To Report 46 and 47:

The speed limit through Bala is currently 50 km/h. We find it **impossible** to believe that the speed limit **through** the construction site would continue to be 50 km/h (everybody knows speed limits through construction sites are reduced).

And it is **even more unlikely** that the speed limit over a **temporary bridge**, which has **ramps** rising 4½' would **still** have a speed limit of 50 km/h.

Such incredible statements cause us to **question the veracity** of other presumably authoritative information provided by the proponent.

To Report 48 and 49:

If the travelling public avoids Bala due to construction traffic gridlock concerns, there will be a **profoundly** negative effect on the area's economy. The proposed traffic light would affect the intersection of **both major roads** (Muskoka Road 169 and Muskoka Road 38) as well as Bala Falls Road.

The community deserves to know the construction traffic impact **now**, as part of the environmental assessment. Business and public stakeholders are dependent on the smooth flow of traffic to, from, and through the community. The proponent's attitude of *let's just get started and hope it works out* is worrisome.

To Report 50 to 55:

While we appreciate the proponent's agreement with us that the site should actually be considered a Class 3 location, and we also appreciate the effort taken to provide an additional technical response, the noise information provided is **still based on conjecture** rather than calculation. For example:

- They note the building would be a "windowless poured concrete 'box' constructed with thick reinforced concrete walls", which we

agree would provide significant noise attenuation. **However**, the building will apparently have **three 13' x 13' removable roof hatches** (for equipment access) and **this changes everything**, as the sound attenuation through these hatches would be significantly less than through the 8"-thick concrete walls.

- They note that they would orient the ventilation openings so the sound escaping through them avoids sensitive receptors. The problem is that **all directions are sensitive**, as the proposed power station is **in the middle** of a sensitive area with people on **all sides** of the building – **and the roof** too.
- They want us to believe that they could muffle the sound which escapes through the ventilation openings, but provide **no detail as to why they are so sure this can be done** adequately.
- They continue to note they “will predict the noise outside ...”. That is, they confirm that they **still have not done meaningful noise calculations**.
- They confirm that they could calculate the expected noise levels on the lookout and at the stairs beside the proposed building, but **have not done this**.

We understand that the final equipment selection has not been done, so actual equipment noise values are not available. However, they could use noise values from similar equipment.

In summary, the proponent agrees their **noise calculations are incomplete**, but continue to basically say “trust us, it will all be fine”.

The purpose of this environmental assessment is to demonstrate that all concerns can be adequately mitigated. But the proponent continues to be **unresponsive to our requests** for information which should already have been provided.

To Report 56: We asked for a vibration analysis as would be perceived by people **on the rooftop** lookout and at the stairs beside.

The proponent responds that they “do not believe there will be any ground vibrations at the property limits that could be detected by a human observer”. Again, they don’t answer the question. We didn’t ask for vibration **at the property boundary**, we asked for it **on the roof**, which they describe as a “park-like setting”, which is to be “The Sunset Deck – Promenade with lattice and benches with a grand view down river”. That is, the roof is expected to be a key feature, certainly the vibration **there** (hopefully the absence of it) is **crucial** to providing the experience they claim.

Again, they **have not answered our question**.

To Report 57 to 61:

We have asked for information they have not provided in the environmental screening report, and they continue to not provide this.

To Report 62: Again, **we are asking for information that was not provided** in the environmental screening report, and the **proponent is simply repeating the inadequate information already presented**. We are not asking if their sumps and containment systems have enough capacity, we are asking **what happens if a heat-exchanger develops a leak**. Anybody looking at the floor of their garage knows this is a possibility.

It is no consolation that the cooling water is a small percentage of the water which would pass through the proposed power station. The point is **significant contamination and pollution can occur** and we are asking for details on **how this would be detected** and the proponent still does not provide an answer.

To Report 63: We are asking for the **types of potential contaminants** and the proponent still does not provide a response.

To Report 64 to 66:

We are asking why the District would allow the wash sink water or main sump to be treated by the power station and the proponent does not provide a response.

To Report 67: We have asked the proponent to confirm they would be allowed to let the proposed power station's roof drain into the Moon River and they **continue to speculate** on the answer rather than get an answer.

To Report 68: To ensure that the parties involved know what the expected royalties and other business arrangements will be, lease negotiations should be completed before any approval to proceed is granted.

To Report 69: We understand that in developing their current proposal the proponent was just conforming to the opportunity presented by the Ministry of Natural Resources. However, we have provided many reasons why a solution in the south channel would be worthy of serious consideration, even though it would also require the use of public land from the District Municipality of Muskoka or the Township of Muskoka Lakes.

We also understand that a south channel alternative would require maintaining flow capacity to ensure flooding cannot occur during or after consideration.

But we also understand the south channel has **not been considered in detail** and we feel this should be one of the areas to be studied as part of an individual environmental assessment.

Conclusion

The proponent has provided a response to only one of the 69 questions we posed last November. The responses to the other 68 areas have been evasive and otherwise avoided responding to the specific question asked. Too much of the proponent's plan seems to be "let's start and hope it all works out".

This site is too important, and the negative consequences too dire to continue as currently planned.

Significant further study is required, such as for a south channel alternative.

We look forward to assisting with the terms of reference for areas requiring further study as part of an individual environmental assessment.

Sincerely,

A handwritten signature in cursive script that reads "Mitchell Shnier".

Mitchell Shnier, on behalf of SaveTheBalaFalls.com

c.c. Kristina Rudzki, MoE
Michael Harrison, MoE