

Sanzo, Adam (ENE)

From: KMcGhee MKE [kmcghee@m-k-e.ca]
Sent: September 29, 2010 7:46 PM
To: 'Robertson, Al'; Taylor, Steve (MNR); Sanzo, Adam (ENE)
Cc: 'Putt, Barry'; 'NWP Website - Site internet PEN'
Subject: RE: Bala Falls our file num,ber 8200-07-6495

Thank you Al. As usual your response was very informative and complete. I will try to start getting the message out to those that have inquired about this.

Regards,
 Karen McGhee, P.Eng.
 p: 905-331-9692

From: Robertson, Al [mailto:Al.Robertson@tc.gc.ca]
Sent: September-29-10 6:06 PM
To: 'KMcGhee MKE'; 'Taylor, Steve (MNR)'; 'Sanzo, Adam (ENE)'
Cc: Putt, Barry; NWP Website - Site internet PEN
Subject: RE: Bala Falls our file num,ber 8200-07-6495

Folks;
 I can weigh in on this now (apologies for not doing so earlier - quite a lot happening right now - reality not excuses).

I have contacted my insider at OPG and following a lengthy discussion I can provide some background on the TV and internet ads.

- Transport Canada, under the NWPA, has the authority and responsibility to require and approve safety measures around dams for the protection of navigation. Other dam owners may wish to install these safety devices for many reasons (OPG and MNR being two examples of owners who are concerned about overall dam safety) but the cannot legally install in water measures (booms, buoys etc.) without our approval.
- We do not agree with the use of Cables as navigation safety devices except under the most unusual of circumstances. The cables mentioned in the original email of this string are on a Federal Waterway and they have received "grandfathered" approval under the NWPA . We are quietly working with the owners to improve the existing dam safety system.
- I am also aware that the industry association (Canadian Dam Association) does not endorse aerial cables as protective devices for many reasons.
- There is reference in the OPG/OPP ads to fines and distances to keep away from dams and other water control structures. These references are based on a number of pieces of existing legislation including the Ontario Trespass acts and regulations, the federal Fisheries Act, the Vessel Operation Restriction Regulations under the Canada Shipping Act 2001 (VORR'Ss and CSA 2001) and the Heritage Canal Regulations under Environment Canada/Parks Canada. Each of these acts and regulations has wording that includes fines and other actions that may be taken and for most of these acts Peace Officers (local authorities, Provincial enforcement authorities (OPP etc.) or the federal authorities (RCMP)) have the ability to lay charges, administrative fines or other actions. There is not a one stop shop single piece of legislation that requires persons to stay 1000m radius away from all dams and the Ontario Power Generation folks do not have the power to directly lay any charges.
- OPG is very interested in coordinating water flow and resource sharing when private facilities can impact on their structures - but I believe that SREL already has this aspect well covered. (discussions in the ESR)
- I have previously advised SREL and their consultants Hatch, that for navigation purposes, the location of

the safety booms meet our requirements for location, distance away (up and downstream) from the intake and outfall and recently I have had discussions with Karen McGhee of SREL concerning the colour and type of safety boom that we would consider for this location. On final design and within the NWPA approval process I will be addressing this issue.

- Transport Canada does not have authority over swimming safety, snowmobiling safety or vehicular access to the site - we have sole responsibility for Marine Navigation and also some responsibility for ensuring assessment under the Canadian Environmental Assessment Act (CEAA) as outlined in that Act.
- during my on site inspections of this project I have observed incidents of persons swimming off the rail bridge and human/ train interactions at this site. While we do not regulate this I would agree with many that this must be an unsafe situation and it must not be encouraged.

I hope that the above helps to clarify this concern and establish Transport Canada's position - but if additional detail or clarification is needed please do not hesitate to contact me directly. I operate between two physical offices so email is a good contact point to set up discussions. My office numbers are Prescott 613-925-1934, Ottawa 613-990-5901.

I look forward to additional discussions as needed.

Regards.
Al

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From: KMcGhee MKE [mailto:kmcghee@m-k-e.ca]
Sent: September 29, 2010 12:00 PM
To: 'Taylor, Steve (MNR)'; 'Sanzo, Adam (ENE)'
Cc: Robertson, Al
Subject: RE: Bala Falls

Dear MNR/MOE/TC:

Further to the discussion below regarding the ads by OPG and OPP regarding "Stay Clear - Stay Safe" I cannot see how OPG, being an independent development company, would have any comment on our booms - they are not a regulatory agency. The OPP, however, appear to be the one's in charge of enforcing these rules (based on the TV ads) but I am not sure.

I guess my question to all, including the OPP, is if the area is currently signed (see attached photo) by the province (MNR) as "DANGER, Fast Water, Keep Away" with pictographs indicating "no boating, no swimming, no fishing, no wading" and is obviously not being enforced by the province or anyone else (unfortunately), is it really up to the proponent of a new project to protect the public's "right" to do these prohibited activities here?

2011/02/16