

August 18, 2011

Mr. Walt Schmid
Chief Administrative Officer
Township of Muskoka Lakes
P.O. Box 129, 1 Bailey Street
Port Carling, ON P0B 1J0
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Dear Mr. Schmid:

**Re: Proposed Bala Falls Hydro-electric Generating Station,
Incorrect Information Provided by Proponent and
Proponent Refuses to Answer the 156 Questions Asked**

Summary

The proponent for this proposed project continues to refuse to answer the public's fair and relevant questions, most recently, for the 156 questions forwarded to them by the Township of Muskoka Lakes on March 24, 2011.

In a court of law, the truth and nothing but the truth is required. However, the proponent for this proposed project has repeatedly and continues to:

- Provide incorrect information.
- Not answer the questions asked.

As detailed below, this incorrect information and these unanswered questions concern public safety and issues that affect tourist draw – and therefore the economy of all area businesses.

That is, these are all major issues, and have been repeatedly asked of the proponent for years. Their continued refusal to respond honestly and completely has frustrated the public and the environmental assessment process.

The Township of Muskoka Lakes resolution of July 8, 2008, in which it is considered to lease land requested by the proponent for the above proposed project included a condition that this lease offer be subject to public input.

Despite many opportunities, as the proponent continues to not actually answer the questions asked by the public, the Township of Muskoka Lakes should inform the proponent that their request to lease this land is denied, this being the direct result of the proponent's own wilful actions.

Detail

Our detailed review of the proponent's responses to the 156 questions asked by the public is in Appendix A to this document. Overall we note that the proponent **did not provide any new information**.

In summary:

- We accept the proponent's responses for 46 of the questions.
- For 71 of the questions the proponent **continues to not answer the question** asked.

- But worse than that, for 39 of the questions, the proponent provides **incorrect information**, and this from people that keep reminding us they are professionals, experts and specialists.

We also note that 61 of the questions substantially repeated other questions, so there were only about 95 unique questions. This repetition indicates the questions which are of especially widespread concern.

Incorrect Statements

The proponent makes statements which are wrong, as detailed below.

Proponent stated:	Comments
<p><i>“The ESR identified Option 2 as being the ‘preferred option’. This opinion has been supported by the vast majority of the members of the public over the extensive 4 years of public consultations.”</i></p>	<p>This is incorrect:</p> <ul style="list-style-type: none"> ● In the October 25, 2010 municipal election, the majority of the candidates elected clearly stated in their election campaigns that if elected they would vote to rescind the motions to consider making the District/Township land available for the proponent's proposed Option 2. ● Furthermore, all but one of the previous Township Councillors were voted out of office. ● It has therefore been clearly shown through our democratic process that the vast majority of the public do not prefer Option 2.
<p>There has been an <i>“extensive 4 years of public consultations”</i>.</p>	<p>This is incorrect.</p> <p>The public consultation has consisted of:</p> <ul style="list-style-type: none"> ● Two open house events (Wednesday, August 29, 2007 and Wednesday August 13, 2008), note as these were held on weekday evenings, most seasonal residents could not attend, this scheduling decision by the proponent can only be viewed as an effort to avoid public consultation. ● An offer to meet individually in February 2010. Many were very intimidated and extremely stressed by this (we received feedback from seniors concerned they had to meet with an engineer and PhD due to a letter they wrote to the government, and if they didn't meet it would be seen they didn't care). And many could not attend due to the few dates and locations available – and asking a senior to get themselves to downtown Toronto in February was an onerous imposition. <p>Other than this, there has been no interaction with the public.</p> <ul style="list-style-type: none"> ● The proponent's responses to comments provided on the environmental screening report only repeated the same evasive and incomplete information presented in the environmental screening report. ● This is not “extensive”, this is an abuse of process.
<p>14.5% of the gross revenue would be paid to the provincial government.</p>	<p>This is incorrect:</p> <ul style="list-style-type: none"> ● While the revenue to the project would be 14.5% of the “contract price” of 17.685 ¢/kW•h (during peak demand periods of 11:00 am to 7:00 pm on business days), 11.79 ¢/kW•h at all other times, the Gross Revenue Charge paid to the government would be only 14.5% of the “proxy price” of 4 ¢/kW•h. This is a substantial difference – approximately a million dollars over ten years. ● And, this Gross Revenue Charge would not be paid for the first 10 years of operation of the proposed station, according to Section 92.1 (6) of the Electricity Act, 1998. This a reduction of approximately an additional million dollars over the ten years. ● That is, the information provided by the proponent is wrong by over two million dollars.
<p>Renderings and drawings</p>	<p>These are incorrect, misleading, and deceptive, and have been for years.</p>

Proponent stated:	Comments
are provided in the environmental screening report on the project website.	<ul style="list-style-type: none"> All renderings and drawings provided have had major omissions for factors of crucial importance to the public. For example, the drawings show the view from the public look-out would be completely obstructed and there would be noisy fans blasting hot machinery ventilation exhaust directly at the public. We have detailed our concerns and yet the proponent does not address these.
<p><i>“Conclusions from the economic impact study state that the project’s economic impacts will be positive.”</i></p>	<p>This is incorrect:</p> <ul style="list-style-type: none"> As the study did not examine negative impacts it is not possible to determine whether the net benefits would be positive. The study did not interview tourists, so would have no basis to determine if the proposed reduction in scenic flow would affect their decision to come to Bala.
<p><i>“All activities related to the annual regatta will be able to proceed as they presently do.”</i></p>	<p>This cannot be stated as there has not been any evaluation of how the proposed project would affect the safety of in-water recreation.</p> <ul style="list-style-type: none"> The only evaluation has been by Transport Canada, and their mandate and expertise is marine vessel navigation, not swimming safety.
Proposed generating station would be a run-of-river facility.	<p>This is incorrect.</p> <ul style="list-style-type: none"> In a letter dated March 25, 2011 from the Director of the Environmental Assessment and Approvals Branch of the Ministry of the Environment we were informed that the proponent had signed an agreement over three months earlier requiring that the proposed station operate in a cycling mode throughout most of the summer (that is, at least up to ½ of its capacity). Why weren’t we told when this occurred. And despite this major change having many public safety, environmental, and fish habitat negative impacts, no analysis or mitigation was provided to the public (or apparently, even to the Ministry of the Environment).
The noise concerns have been addressed.	<p>This is incorrect.</p> <ul style="list-style-type: none"> Noise calculations include only 2 of the 5 noise sources. Noise calculations assume proposed poured-concrete structure would have 8"-thick walls with no doors, equipment hatches, or ventilation openings. But in fact, it would have all of these and they would all let the noise out. <p>Why won’t the proponent re-do the noise calculations to include these realities.</p>
Speed limits will not need to be reduced on the highway.	<p>This is ridiculous, please note:</p> <ul style="list-style-type: none"> There would be construction directly adjacent to both sides of the highway. There would be 1,700 truck-loads of rock to haul away, plus soil and all the trees. There would be months of blasting on both sides of the highway. There would be materials and equipment to transfer across the highway. For several months there would be a temporary bridge for which the deck would be raised 4½' above the road surface – with a long ramp leading up, and down from this ramp. There would be tons and tons of concrete and backfill to truck in. <p>And in any case, it is common sense and common knowledge that there are speed reductions at construction sites.</p> <p>A speed reduction would certainly be required.</p>
Gyre at head of Moon River would be eliminated.	<p>Firstly, nobody has ever noticed or complained about the gyre that supposedly would be eliminated as a result of the proposed project.</p> <p>But, as stated in a letter we sent to Mr. A. Sanzo of the Ministry of the Environment (dated July 6, 2011, and unacknowledged as of this writing) we</p>

Proponent stated:	Comments
	<p>note that the proponent has not simulated the tailrace flow from the proposed project far enough (that is, to the far shore), so there likely would be the following unaddressed problems:</p> <ul style="list-style-type: none"> • Marine navigation hazard in the Moon River, as the flow would push marine vessels to the far shore. • Impinging the riparian rights of those on the far shore of the Moon River, as swimming and boat docking would become dangerous. • A gyre would be created when this flow hits the far shore.
Scenic flow committee's work " <i>will indeed be considered</i> ".	<p>The proponent's own statements show this is not true:</p> <ul style="list-style-type: none"> • Proponent asked the Ministry of the Environment to completely ignore the scenic flow committee's work and to approve the initially offered trickle flow.
Bailey bridge would have a sidewalk.	Environmental screening report noted the Bailey bridge would have a sidewalk. But the June 27, 2011 response from proponent states this may not be true.

Unanswered Questions

For too many important questions, the proponent responds, but **does not answer the question asked**. Such scheming must not be rewarded. And this has been happening for years, wasting everyone's time.

We here list the questions which the proponent continues to avoid answering.

Again, these are crucial issues to public safety and the area's businesses, answers are needed as they are part of the environmental impact, and the answers are needed as part of the decision of whether this project should proceed. An attitude of *let's just get started and hope it all works out* is not acceptable for a project such as that proposed.

Question	Comments
Why does the upstream safety boom not use a design which enables self-rescue , as is recommended by the Canadian Dam Association.	<p>Proponent will not answer the question.</p> <ul style="list-style-type: none"> • The public needs to know whether a person in a kayak or canoe would be able to pull themselves along the upstream safety boom to shore.
Why did the proposal for the economic impact study (as presented to and accepted by the Township of Muskoka Lakes) state the negative impacts would be evaluated, but this information was not in fact surveyed or reported .	<p>We can only assume the proponent directed the study's authors to not pursue this crucial issue.</p> <ul style="list-style-type: none"> • This "bait and switch" treatment of the Township is disrespectful of the public and process. Why did the proponent provide the proposal to the Township if that isn't what would be delivered. • And yet, the proponent later states "<i>Note that the scope of the study, and the selection of the firm (Centre for Spatial Economics) to complete it were agreed on by the Township in August 2010</i>".
What would the negative economic impacts be.	<ul style="list-style-type: none"> • The project's construction and operation needs and effects must be described to area businesses so they can comment. The proponent refuses to describe the construction impact. This is important as tourism is so important to the area. • Interviews with tourists need to be conducted to understand whether the proposed scenic flows would affect their decision to visit Bala.
Construction equipment and materials.	<p>What would the appearance of the site be throughout the construction:</p> <ul style="list-style-type: none"> • Would there be a construction crane with a 100' boom, where would this be located.

	<ul style="list-style-type: none"> • Where would the site office trailer, toilets, and pumped water treatment unit be. • When would blasting occur. • When would all the trees be cut down. • The area needed for construction equipment and materials (in addition to the area on Bala Falls Road). <p>Draw a timeline of the entire construction period, showing the activities and equipment needed for each.</p> <p>This is important as it affects tourism.</p>
Traffic delays.	The traffic delays and queue lengths due to the various traffic disruptions (speed delay through site, blasting, dump trucks loading and waiting, and so on) need to be reported.
Performance bond and insurance coverage.	<p>Proponent states this is not required, but provides no assurance that:</p> <ul style="list-style-type: none"> • There would be adequate insurance coverage for the public and private property. • A dam risk assessment has been completed (could the north dam withstand blasting in such close proximity). • The public's interest would be protected if the project encountered delays or technical problems that resulted in the project being abandoned while the 50' deep trench is across the highway or the tons of rocks of the 300' coffer dam is in the Moon River. • Damage to the highway bridge or north dam could be repaired. <p>And what if the north dam was damaged so that it failed – Lake Muskoka is 100 km² in area and is 20' higher than the Moon River.</p>
Appearance	<p>Proposed structure would be at the most visited and high-profile location in Bala, and yet the only renderings and drawings provided have such major omissions and errors that they are simply not credible.</p> <p>Drawings need to show:</p> <ul style="list-style-type: none"> • The correct amount of scenic flow for the main tourist season. • Landscaping as would be possible in the first few years after the proposed project is completed. • The entrance door and any emergency hatches. • All fencing, drawn to the height required. • The driveway retaining wall. • The intake. • Would every tree on Burgess Island, west of the highway need to be taken down. • What materials storage (such as stop-logs, hoists, or any other equipment) would be visible. • What lighting would be required. • The emergency diesel generator exhaust and fuel tank. • The ventilation intakes and exhausts.
Loss of use of shoreline	<p>As over 500' of the only publically-accessible shoreline in the area would become too dangerous for use, the other sections of shoreline become very important and we have no information on:</p> <ul style="list-style-type: none"> • How the shoreline south of the proposed tailrace would be accessible. • Whether it would be safe for children to use the portage landing just north of the proposed tailrace, given the flows from the tailrace.
In-water recreation	<p>A map is needed showing the locations in which in-water recreational activities could safely continue.</p> <ul style="list-style-type: none"> • An organization with in-water recreational safety expertise (for swimming, scuba diving, canoeing and kayaking) needs to provide input for this. • This needs to include all Bala Regatta activities.
Would barbed-wire fencing	Proponent will not answer this question.

be required.	<ul style="list-style-type: none"> • Barbed-wire is installed at the three power stations at and north of Bracebridge (these plants are operated by the same company proposed to operate this proposed station). • This would be an important negative environmental impact and this question needs to be answered as part of the environmental assessment.
How much scenic flow would be required for the north and south falls, throughout the year.	This was to be determined by the flow distribution committee, but was not. This is a major environmental impact, and as such needs to be addressed as part of the environmental assessment.
Would an audible alert, such as a siren, need to be sounded when the water flow into the plant is increased.	<p>Proponent will not answer this question.</p> <ul style="list-style-type: none"> • Industry practice is that sirens are sounded when flow changes (and this would be even more significant as the proposed station would be cycled daily in the summer). • This would be an important negative environmental impact and this question needs to be answered as part of the environmental assessment.
Noise.	<p>The noise levels to be expected on the proposed public look-out and on the path beside the proposed structure.</p> <ul style="list-style-type: none"> • That is, in the locations where the visiting public will be.
Vibration.	<p>Proponent states “No perceptible vibration is expected to be felt from the park above the powerhouse ...”.</p> <ul style="list-style-type: none"> • But standing on the public look-out of the Fenelon Falls generating station (which is of similar construction to that proposed) feels like one is standing on a humming factory – and the sound of the machinery below drowns out the sound of the Fenelon Falls. • We need to know this wouldn’t happen for the proposed station Bala. <p>No speculation, we need calculation.</p>
Cycling operation.	<p>Proponent states there would be no additional negative environmental impacts but has no science-based or factual justification.</p> <p>Concerns include public safety as well as fish habitat, and are detailed in a letter we sent to the Ministry of the Environment June 6, 2011.</p>
What is the rationale for requesting the Best Management Zone.	Changes to the Muskoka River Water Management Plan require this information to be provided, yet it is not.
Rescue plan.	<p>What agencies would need to have what equipment, training, and budget to be able to respond to emergency calls.</p> <ul style="list-style-type: none"> • Consultations and feedback from these stakeholder agencies should be part of the environmental assessment.
Equipment failure causing hazardous spills.	<p>No information is provided on what maintenance procedures (and the frequency of them) would be used to detect leaks (such as of lubricating fluids) into the cooling water.</p> <ul style="list-style-type: none"> • This would be especially important given that the proposed station would usually be operated unattended.
Margaret Burgess Park and Diver’s Point.	We need written assurance that Margaret Burgess Park and Diver’s Point would remain publically accessible and that there would never be an attempt to build on the properties (proponent only states they do not currently intend to build on the properties).

Passing of Responsibility

Furthermore, we note that approximately 46 times the proponent states that the Director of the Ministry of the Environment’s Environmental Assessment and Approvals Branch has

addressed a question. It is the responsibility of the proponent to answer, not to pass that responsibility to the Director.

Conclusion

The Township of Muskoka Lakes has an obligation to gather public input as part of the process to consider leasing the land required by the proponent for their proposed generating station.

The 156 questions forwarded to the proponent has provided them an opportunity to respond to questions which have remained unanswered and incorrectly answered throughout the Ministry of the Environment's environmental assessment process.

Unfortunately, the proponent again has demonstrated that they will not answer the actual questions asked, and worse than that, they have provided incorrect information to the public.

We therefore request that the Township of Muskoka Lakes deny the proponent's request to lease Township land, as the proponent's own actions have thwarted the required public input.

Sincerely,

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

Mitchell Shnier, on behalf of SaveTheBalaFalls.com

Cc: A. Sanzo, Ministry of the Environment, Environmental Assessment and Approvals Branch, Adam.Sanzo@ontario.ca

The Honourable John Wilkinson, Minister of the Environment,
JWilkinson.mpp.co@liberal.ola.org

**SaveTheBalaFalls.com Comments on Proponent's June 27, 2011 Responses to
the Public's Questions on the Proposed Hydro-electric Generating Station at the Bala Falls**

Question	Summary	Comments	Disposition
1	Other power stations	Proponent claims not in scope.	Accepted
2	Other power stations	Proponent claims not in scope.	Accepted
3	Proposed scenic flow	Proponent claims in environmental screening report.	Accepted
4	Scenic flow committee	Proponent indicates input is being considered, but: In a November 29, 2010 e-mail to Mr. Adam Sanzo of the MOE, the proponent stated of their flow distribution committee meetings: <ul style="list-style-type: none"> • <i>"No decisions have come from these meetings as the recommendations for additional flow are excessively higher than (sic) what we have proposed."</i> • <i>"Therefore, from the point of view of the ESR, there have been no changes to flow distribution plan provided in the ESR."</i> That is, the proponent is proceeding with environmental approval at their original proposed scenic flow, so obviously have no intention of increasing this or accepting the work of the scenic	Incorrect
5	Renderings	All renderings provided by the proponent have always had gross errors and the proponent has not made attempts to correct these, despite detailed feedback from some members of the public. The proponent has never provided any information with these renderings to indicate what aspects of the renderings may not be correct. The proponent's renderings continue to be unacceptably erroneous .	Incorrect
6	Water management plan	<ul style="list-style-type: none"> • The rationale for the proposed Best Management Zone has not been provided, even though such proposed changes to the Muskoka River Water Management Plan requires this. • As detailed in a June 6, 2011 letter from SaveTheBalaFalls.com to the Ministry of the Environment, the proponent has not provided the factual and scientific information needed to show that any negative impacts of the proposed cycling operation have been mitigated. 	Not answered
7	Water level management	The diffused responsibility for water levels between too many organizations, the lack of clear procedures and precedents for the public to initiate or receive responses, the proponent's statement that any damages due to water level issues would only be addressed through the courts, and the Ministry of Natural Resource's lack of any clear statement on how water level management would be enforced do not provide any comfort to the public that water levels will be continuously maintained in an acceptable manner.	Not answered
8	Cycling	The proponent has still not provided adequate information on the cycling operation. Given the public safety issues, more detail of the timing, frequency, and warning requirements is needed.	Not answered
9	Water level enforcement	As for Question 8, the process and especially the size and frequency of the penalties are not clear, to the point that it is not known if they would be effective, especially given the major financial incentives of allowing the Lake Muskoka water level to be too high, and to increase the cycling operation .	Not answered
10	Water level management	Same as Question 7.	Not answered
11	Water level enforcement	Same as Question 9.	Not answered
12	Water level enforcement	Details of any funds or insurance available to cover damages to private property has not been provided.	Not answered
13	Water level enforcement	Same as Question 7.	Not answered
14	Water level during construction	Proponent claims restriction acceptable.	Accepted

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15	Water level during construction	Same as Question 14.	Accepted
16	Water level during construction	Proponent claims restriction acceptable.	Accepted
17	Water level during construction	Proponent claims restriction acceptable.	Accepted
18	Water level during construction	Proponent claims restriction acceptable.	Accepted
19	Water levels	Proponent claims in environmental screening report.	Accepted
20	Water levels	Proponent claims in environmental screening report.	Accepted
21	Public safety	Public safety for in-water recreational activities has not been examined by an organization with this expertise.	Incorrect
22	Public safety	Same as Question 22.	Incorrect
23	Public safety	Same as Question 22.	Incorrect
24	Public safety	The public safety and aesthetics of the viewing deck on the proposed generating station are a very important, given the high-profile location and expected significant public use. It needs to be determined as part of the approval process whether a solution is possible that both addresses the public safety and aesthetic requirements. The attitude of "let's just get started and hope it all works out" is not acceptable.	Not answered
25	Public safety	Same as Question 21.	Incorrect
26	Public safety	Responsibilities and methods to deal with new dangers have not yet been addressed.	Not answered
27	Public safety	Same as Question 26.	Not answered
28	Public safety	Same as Question 26.	Not answered
29	Safety booms	Proponent claims safety booms would not be lit at night.	Accepted
30	Public safety responsibilities	Same as Question 26.	Not answered
31	Public safety notification	The combination of events required for the quick shutdown claimed are too unlikely (that someone knows there is a phone number posted, that someone has access to a phone, that there is no language problem, that the Operator can immediately determine the nature of the emergency, and so on).	Not answered
32	Hazardous spill detection	There continues to be no detail provided concerning: <ul style="list-style-type: none"> • How there would be remote detection of an equipment malfunction resulting in hazardous waste entering the discharge water flow. • The assurance that the proponent could and would fund any resulting clean-up or remediation required. 	Not answered
33	Remote monitoring	Proponent claims remote monitoring will be adequate. For issues other than hazardous waste releases to the environment (this is Question 32) and other than public safety emergencies (Questions 31 and others), we accept this.	Accepted
34	Hazardous spill detection	Same as Question 32.	Not answered
35	Hazardous spill handling	Same as Question 32.	Not answered
36	Public safety responsibilities	Same as Question 26.	Not answered
37	Public safety	Proponent claims they would work out blasting protocols with CP Rail.	Accepted
38	Hazardous waste accidents	Same as Question 32.	Not answered
39	Hazardous waste accidents	Same as Question 32.	Not answered

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40	Public safety	Proponent claims they would work out blasting protocols with CP Rail.	Accepted
41	Public safety responsibilities	Same as Question 26.	Not answered
42	Public safety signage	Proponent claims adequate signage will be posted.	Accepted
43	Public safety instruction	Proponent claims interested public will be informed of dangers.	Accepted
44	Public safety	Same as Question 26.	Not answered
45	Hazardous waste accidents	Same as Question 32.	Not answered
46	Public safety	Same as Question 26.	Not answered
47	Temporary bridge sidewalks	Figure 5.1, Cross-section A of the environmental screening report clearly shows the temporary bridge would have a sidewalk. For the proponent to now state this may not be true is very troubling.	Incorrect
48	Blasting safety	Proponent claims they would work out blasting protocols with CP Rail.	Accepted
49	Snowmobile traffic	Proponent claims temporary bridge would have timber deck.	Accepted
50	Loss of public space	Loss of publically-accessible shoreline and water has not been adequately mitigated.	Not answered
51	Loss of public shoreline	Loss of publically-accessible shoreline and water has not been adequately mitigated.	Not answered
52	Marine navigation	Proponent claims marine navigation issues will be addressed.	Accepted
53	Margaret Burgess Park	The public needs to know that the proponent would never, during the entire term of the proposed land lease, attempt to develop the land. The proponent does not answer this with their statement "Swift River Energy does not, nor has it ever, intended to use the Burgess Park located northwest of the Bala North Dam for any purposes other than to access by foot to the North Dam for operations."	Not answered
54	Loss of public space	Loss of publically-accessible shoreline and water has not been adequately mitigated.	Not answered
55	Loss of portage	Proponent claims alternate portages are available.	Accepted
56	Alternate portage route	Proponent claims alternate portage route would not be too dangerous or difficult.	Accepted
57	Fish habitat	Scientific and factual information to show negative environmental effects of cycling operation has not been presented.	Not answered
58	Fish habitat	Same as Question 57.	Not answered
59	Fish habitat	Same as Question 57.	Not answered
60	Fish habitat	Same as Question 57.	Not answered
61	Fish habitat	Same as Question 57.	Not answered
62	Fish habitat	Same as Question 57.	Not answered
63	Fish habitat	Same as Question 57.	Not answered
64	Fish habitat	Same as Question 57.	Not answered
65	Fish habitat	Same as Question 57.	Not answered
66	Fish habitat	Same as Question 57.	Not answered

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67	Fish habitat	Same as Question 57.	Not answered
68	Fish habitat	Same as Question 57.	Not answered
69	Fish habitat	Proponent says their responsibility is to meet environmental laws and regulations, not for any destruction of the Moon River ecosystem which may nonetheless occur. This would be acceptable, however, the information concerning the proposed cycling operation which they submitted to the Ministry of the Environment was completely unscientific and unsubstantiated, so approval to proceed would be premature at this time.	Not answered
70	Fish habitat	Proponent claims professionals must uphold impartial views and are therefore right. For proof that it is wrong to have blind faith in this, one need only note that there are no court cases where both sides win. As for the "professionals" that put together the proponent's economic impact study, one can look at the peer review prepared for the Township of Muskoka Lakes to see the shortcomings. And as for the completely unscientific and unsubstantiated 3½-page letter written by Hatch Ltd. to the proponent on May 17, 2011, read http://www.thelakefalls.com/?p=2848	Incorrect
71	Noise	The proponent's noise calculations are incomplete and we do not understand why they have been accepted by the Ministry of the Environment. This is one of many examples of why the municipality must and is justified in demanding a higher standard of response than the Ministry of the Environment appears to accept	Not answered
72	Noise	Same as Question 71.	Not answered
73	Noise	Same as Question 71.	Not answered
74	Noise and vibration	For noise, same as Question 71. For vibration, same as Question 76.	Not answered
75	Noise	The proponent has not addressed this issue, despite their repeated and unjustified claims that they have. Show us the calculations.	Incorrect
76	Vibration	The proponent's statement " <i>No perceptible vibration is expected ...</i> " continues their shamefully unscientific method of responding to reasonable requests from the public. Speculation and hope is not a substitute for facts and expertise. Concern about vibration is justified as it can clearly be felt at the Fenelon Falls generating station which has a similar construction to that proposed, yet has smaller capacity.	Incorrect
77	Landscaping	The proponent needs to tell the public what the appearance of the proposed power station would be (that is what would be "under" the landscaping). The renderings provided so far have serious omissions and errors. Then the proponent should suggest some landscaping, including how the proposed project might appear for the first year or two after completion, along with more mature vegetation. Any architect proposing a house would do this, why has the proponent been unable to present such drawings.	Not answered
78	Landscaping	Same as Question 77.	Not answered
79	Landscaping	These are reasonable questions to which some example answers need to be provided.	Not answered
80	Landscaping	Same as Question 77.	Not answered
81	Landscaping	The proponent can provide a far more detailed answer than is being offered, it is certainly known which areas would certainly need to be clear-cut. This reluctance is not acceptable.	Not answered
82	Landscaping	Proponent notes they would determine who would be on their proposed landscape advisory committee.	Accepted
83	Landscaping	Same as Question 77.	Not answered

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84	Tourist impact	The proponent's economic impact study did not: <ul style="list-style-type: none"> • Interview tourists to understand why they come to Bala or how much they spend. • Describe the project's impacts, nor did it ask business owners what types of long-term impacts the proposed project could have on their businesses. Without this input information, how can the proponent (or the Ministry of the Environment) know whether there could be a long-term negative impact on area businesses.	Not answered
85	Business impact	Same as Question 84.	Not answered
86	Economic impact	Same as Question 84.	Not answered
87	Economic impact	The point is that the proponent has not shown any accomodation for how the site is used (such as leaving adequate scenic flow, making the proposed structure beautiful, and ensuring public safety).	Incorrect
88	Portage	Proponent claims alternate paths are acceptable.	Accepted
89	Economic impact	Same as Question 87.	Incorrect
90	Economic impact	The proponent's economic impact study did not include any effort to determine the negative impacts on the area's economy during construction, so there is no justification for concluding an overall positive impact.	Incorrect
91	Economic impact	Same as Question 90.	Incorrect
92	Economic impact	Same as Question 90.	Incorrect
93	Economic impact	Same as Question 90.	Incorrect
94	Noise	We still don't know whether sirens will need to be sounded daily as the proposed station's operation is cycled.	Incorrect
95	Property values	We still don't know the appearance of the proposed structure, and the proposed scenic flow is inadequate. So the issue of property values cannot be addressed.	Incorrect
96	Economic impact	Proponent claims economic impact study was only to survey businesses.	Accepted
97	Payments	The proponent neglects to state three important details: <ul style="list-style-type: none"> • While the Ontario Power Authority's "contract price" would be 13.1 ¢/kW•h, the actual amount paid to the proponent for power produced would be 17.685 ¢/kW•h during peak demand periods (11:00 am to 7:00 pm on business days) and 11.79 ¢/kW•h at all other times. • The 14.5% Gross Revenue Charge is actually calculated on a "proxy price" of only 4 ¢/kW•h, it is not paid on revenues as claimed by the proponent. This is a difference of over \$90,000 per year. • The 14.5% Gross Revenue Charge would not be paid for the first 10 years of operation of the proposed generating station. This is a savings of over a million dollars to the proponent (and a reduction of over a million dollars in revenue to the province – that is, to us taxpayers funding the subsidized rate for electricy paid to the proponent). That the proponent continues to provide inaccurate and complete answers is troubling.	Incorrect
98	Economic impact	For months prior to beginning their economic impact study the proponent stated they were "seriously considering undertaking an Economic Impact study to identify impacts to the local economy for the construction and operational periods" (for example, in a letter to the Township of Muskoka Lakes, dated March 17, 2010), and by the time they actually initiated it, the main summer tourist season had passed. An example of the problem this late start created is that the only visit by the authors of the economic impact study to Bala was September 21, 2010 – note this was a Tuesday after school had started for the year, of all ridiculous times to go. So the tourist's use of the area could	Incorrect

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99	Economic impact	<p>The economic impact study was fundamentally flawed in its planning and execution, to the benefit of the proponent. By not examining negative effects on area business, the study could not address the main concern -- the economic impact.</p> <p>The proponent's response states <i>"Note that the scope of the study, and the selection of the firm (Centre for Spatial Economics) to complete it were agreed on by the Township in August 2010"</i> .</p> <p>We note that the August 3, 2010 proposal from the Centre for Spatial Economics for this economic impact study included:</p> <ul style="list-style-type: none"> • That the study would assess the <i>"positive and negative economic impacts of the construction phase of the project"</i> and the <i>"positive and negative impacts of the operating phase of the project"</i> . • That the <i>"preliminary report will be circulated to the Township ... for comment prior to finalizing"</i> . <p>As the negative impacts were not assessed, and as the Township was not in fact provided with a preliminary report demonstrates that:</p> <ul style="list-style-type: none"> • The Township did not receive what they had agreed to and were expecting. • The proponent (as they were the client, and would therefore only pay for what they wanted) must have directed that the study not report on the negative impacts. 	Incorrect
100	Project completion	<p>We understand and agree that the proponent would intend to raise sufficient funds to complete the project. The point the proponent refuses to answer is to the public's concern that if a technical problem is encountered increasing the construction costs, or if the construction is delayed for any reason, or if the operating costs are greater than expected.</p> <p>The proponent states they have or would have confirmation from the Ministry of Natural Resources, Ontario Power Authority, and project investors, however they would only be assuring their own interest is protected (for example, that the electrical connection is used).</p> <p>The public's interest is different, for example, requiring that the Township of Muskoka Lakes land or the highway is restored, or that the coffer dam is removed, or that the site is landscaped as required, or the site would be made safe and its natural beauty would be restored if the project does not complete for any reason.</p>	Incorrect
101	Project completion	Same as Question 100.	Incorrect
102	Decommissioning	<p>Decommissioning could be required before the expected Feed-in Tariff contract term of 40 years for many reasons, such as the proposed station becoming uneconomical to run (for example, due to maintenance issues or the cost of other forms of electricity becoming relatively lower) or one of the many <i>"Events of Default by the Supplier"</i> as listed in the Feed-in Tariff Contract. The proponent's statements in Section 6.6 of their environmental screening report concerning Facility Decommissioning only consider the best-case scenario, ignoring the fact that the proposed station would be uneconomical without government subsidies. The public needs a guarantee that funds to make the site safe and restore for public use would be available even if the proponent ceased business operations.</p>	Incorrect
103	Project completion	Same as Question 100.	Incorrect
104	Project completion	Same as Question 100.	Incorrect

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105	Project design	As we have pointed out in detail to the District Municipality of Muskoka, Engineering & Public Works Committee in a presentation February 23, 2011, the ventilation and several other important details of the drawings and renderings provided by the proponent are inconsistent, incorrect, and incomplete. While we understand that all details would not be known until a detailed design is complete, all we ask for an example of what the proposed station could actually look like.	Incorrect
106	Liability insurance	The proponent would be blasting within 3' of the highway bridge and within 50' of the north dam (which holds back the water from all of Lake Muskoka). The proponent is a company with no assets, no operations, and no employees. The only compensation available due to, for example, damaging the highway bridge or the dam, would be from insurance. The public needs to know what insurance coverage would cover such	Incorrect
107	Project completion	Same as Question 100.	Incorrect
108	Accountable engineer	Proponent claims there would be several.	Accepted
109	Business compensation	The economic impact study did not consider the negative impacts to area businesses, either during construction or operation of the proposed station. It is therefore not known whether there would be compensation due to business owners, and therefore no justification for the proponent's statement " <i>No compensation required</i> "	Incorrect
110	Business compensation	Same as Question 109.	Incorrect
111	Gross Revenue Charge	Same as Question 97.	Incorrect
112	Business compensation	Same as Question 109.	Incorrect
113	Gross Revenue Charge	Same as Question 97.	Incorrect
114	Business compensation	Same as Question 109.	Incorrect
115	Option 2	The proponent's environmental screening report identified Option 2 as the "preferred option" only because it is preferable to the proponent, not to the public. For example, in the October 25, 2010 municipal election, the majority of the candidates elected ran on a platform of rescinding the motion to consider making the District/Township land available for the proponent's proposed Option 2. There has not been an " <i>extensive 4 years of public consultation</i> ". There have been exactly two public information centres, and these on weekday evenings when most seasonal residents would not be available. The only other "consultation" was an invitation to an individual meeting, which the public found extremely intimidating and which was held in the winter. For example, asking a senior to get to downtown Toronto on one particular date in February was extremely	Incorrect
116	Canadian ownership	Proponent claims ownership and investment cannot be guaranteed to remain Canadian.	Accepted
117	Subsidies	Same as Question 97.	Incorrect
118	Feed-in Tariff	Proponent doesn't justify Feed-in Tariff.	Accepted
119	Feed-in Tariff	Same as Question 118.	Accepted
120	Landscaping	Same as Question 77.	Not answered
121	Project design	Same as Question 105.	Not answered
122	Project design	Same as Question 105.	Not answered

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123	Hazardous spill detection	Same as Question 32.	Not answered
124	Project design	Same as Question 105.	Incorrect
125	Traffic disruption	Proponent claims issue was addressed (we accept the response to the question asked, but we still have several traffic concerns).	Accepted
126	Construction impact	Proponent has not described impacts expected during construction (such as would there be a tower crane with a 100' boom installed, what would disruption be to traffic due to blasting and hauling rocks, what would the speed limit be over the temporary bridge, what traffic queuing would this cause, show a timeline showing duration of each major activity).	Incorrect
127	Utility line damage	Proponent claims there would be no damage.	Accepted
128	Rock crushing	Proponent now claims no on-site rock crushing.	Accepted
129	Project design	Same as Question 122.	Not answered
130	Proposed project design	Given that the diesel generator would likely need to be tested every week and that all sides of the proposed station are claimed to be publically-accessible, it is important to show where the exhaust would be located.	Not answered
131	Hazardous spill detection	Same as Question 32.	Not answered
132	Proposed project design	As all drawings provided have major inconsistencies and omissions, we do not agree that the proposed station would not be visible from the highway. For example, cooling and ventilation, and the intake gate may be such that they are visible from the highway.	Not answered
133	Construction staging locations	Proponent claims locations not currently known.	Accepted
134	Building protection from blasting	Proponent claims buildings would be protected.	Accepted
135	Construction staging locations	Same as Question 133.	Accepted
136	Option 1 feasibility	Proponent claims site is feasible.	Accepted
137	Option 1 design	Proponent has provided many descriptions of Option 1, there is no assurance any of these could be built.	Not answered
138	Option 1 feasibility	Proponent claims Option 1 would require an Addendum to their environmental screening report.	Accepted
139	Option 1 construction challenges	Proponent claims MNR has not expressed concerns about the construction of Option 1.	Not answered
140	Option 1 construction challenges	Proponent has not provided any information to respond to claims it could not be built.	Not answered
141	South channel	Proponent claims they have addressed the possibilities of building in the south channel, we do not believe this has been thorough enough.	Not answered
142	Cycling concerns	Proponent claims to have addressed cycling concerns, we do not believe this has been adequate.	Not answered
143	Net proposed project benefits	Proponent claims net benefits have been shown, we do not believe this has been done.	Not answered
144	Outstanding questions	Proponent claims Township Council requested questions to be submitted in writing.	Accepted
145	Proposed project impacts	Public believe project would have net negative impacts.	Accepted
146	Proposed project impacts	Public believe project's negative impacts have not been adequately mitigated.	Accepted

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147	Outstanding questions	Outstanding questions need more thorough answers as part of the environmental assessment.	Not answered
148	Proponent business entity	Proponent claims only website is for project.	Accepted
149	Proponent experience	Proponent claims experience.	Accepted
150	Proponent investors	Proponent does not reply.	Not answered
151	Proponent experience	Same as Question 149.	Accepted
152	Risk assessment	Proponent claims expertise in risk management, however, we have not seen a risk assessment or that proponent's insurance would compensate for any possible damages of a dam or bridge failure caused by the proposed construction.	Not answered
153	Proponent business entity	Proponent summarizes involvements.	Accepted
154	First Nations involvement	Proponent claims no business involvement with aboriginal communities.	Accepted
155	Federal agency approvals	Proponent claims responses have been received, but no formal approvals or authorizations as these are generally not applied for until a Statement of Completion has been issued under the provincial environmental assessment process.	Accepted
156	Archaeological site clearance	Proponent claims this has been received.	Accepted

Response Summary

Accepted	We accept that the proponent has adequately answered the question.	46
Not answered	Proponent's response does not answer the question asked.	71
Incorrect	Proponent has provided a response which is incorrect, or claims question has already been answered when in fact it has not.	39
Total		156
Repeated	Questions which are substantially similar to other questions.	61