From: MIN Feedback (MNR)
To: Mitchell@Shnier.com;
Subject: Letter from Minister David Orazietti
Date: Thursday, May 30, 2013 9:37:45 AM

MNR5385MC-2013-245

May 29, 2013

Mr. Mitchell Shnier
SaveTheBalaFalls.com
Mitchell@Shnier.com

Dear Mr. Shnier:

Thank you for your congratulations on my appointment and your continuing interest in the Renewable Energy Proposal at Bala Falls. I am pleased to respond.

Regarding your concerns related to a traditional portage, I understand that ministry staff in the Parry Sound District have reviewed previous material that you provided on this subject. I have asked staff to review the file you attached ("SaveTheBalaFalls Review Request 20121015"). The District will determine whether the information you have provided is real evidence of a specific path or portage on the Crown land subject to this proposal and whether there is sufficient evidence to warrant consideration of protection under the *Public Lands Act*.

With respect to those concerns regarding the high risk of flooding, the *Lakes and Rivers Improvement Act* (LRIA) approval includes a review by Ministry of Natural Resources' (MNR) engineers of construction plans, as well as plans and specifications of the proposed project. The intent of the review is to ensure that the project poses no short-term or long-term risks to surrounding infrastructure or to downstream and upstream landowners. Our Engineering Unit has extensive experience with dam-related construction projects and will consider the risk of flooding and integrity of the dams and surrounding infrastructure as part of their thorough review.

With regard to the danger to in-water recreation, MNR has traditionally advised that swimming in waters adjacent to any control structure is a potentially dangerous or risky activity. MNR dams are posted with signage warning of the danger of fast waters when undertaking activities such as fishing, swimming, wading or boating in

the vicinity of dam outflows.

My ministry recently completed a public safety assessment that included the operations of the Bala Dams. This assessment recommended a number of public safety measures that the Parry Sound District has begun to implement, including signage warning of the risk of fast waters. As part of the Bala Falls Renewable Energy project LRIA approval, the proponent must submit supporting information for my ministry's review with respect to their planned public safety measures associated with the waterpower facility and operations. It is the company's responsibility to address public safety in connection with the facility, operations and resulting flows and levels.

You also inquired about public consultation requirements for location approval under the LRIA. As you noted in your most recent letter, the LRIA guidelines require that both the ministry and applicant consider the principles for effective consultation as part of the approvals process. As you know, this project was subject to the Class Environmental Assessment (EA) process for electricity projects which included extensive public and agency consultation. My ministry is satisfied that the extensive public consultation through the Class EA has fulfilled the requirements for public consultation under the LRIA guidelines.

If you have further questions or wish to discuss your concerns in more detail, please contact Steve Taylor, Water Resources Co-ordinator in the ministry's Parry Sound District, at (705) 646-5509 or steve.taylor@ontario.ca.

Thank you again for writing.

Sincerely,

Original Signed By

David Orazietti
Minister of Natural Resources

c: Steve Taylor, Water Resources Coordinator, Parry Sound District

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