

From: Mitchell Shnier
Sent: Wednesday, March 14, 2018 11:07 PM
To: 'Teske, Tom (MOECC)'
Cc: 'O'Neill, Kathleen (MOECC)'; 'info@ombudsman.on.ca'
Subject: Finding of industrial heritage resources at the site of the proposed hydro-electric generating station at the Bala falls
Attachments: Appendix C7 - Stage 1 and 2 Archaeological Assessments, marked-up.pdf

Hello Mr. Teske,

I have attached an Appendix from the Bala proponent's 2009 Environmental Screening/Review report. This appendix concerns the proponent's Archeological Assessments, and includes both a Stage 1 and Stage 2 Archaeological Assessment.

I have highlighted with red lines particular relevant statements in the proponent's Stage 2 Archaeological Assessment, which is the last 11 pages of the attached document – this has page numbers marked at the bottom of the pages, numbered 1 through 9 (plus the cover page and table of contents). Below I will only refer to these bottom page numbers in the last 11 pages of the document.

Firstly, the proponent notes on page 3 that: *"buried industrial heritage resources relating to the former power station once located on that site"* are of archaeological interest (I've added a red box around this text). However:

- a) Towards the top of page 3 (I've underlined this text in red), the proponent notes they exempted shovel testing some areas where the property was: "too steep".
- b) At the top of page 7 (underlined in red) the proponent notes that: *"About 65% of the subject property was exempt from Stage 2 shovel testing due to low archaeological potential. Two areas on the west side of Highway 169 were exempt due to the steepness of the hill slopes"*.

This is a complete blunder, as widely available official historical surveys and photographs clearly show the Bala #2 generating station was on this land on the west side of Highway 169, exactly where the steep slope is – and it had to be there as that was the only land owned by the Hydro-Electric Power Commission which owned the Bala #2 generating station.

It is therefore not surprising that at the bottom of page 7 it is reported: *"nothing of archaeological significance dating to either the historic or precontact time periods was encountered during the Stage 2 assessment. No artifacts were recovered, and no structural remains, industrial remains, or any other cultural heritage resources were discovered. No indications of the presence of deeply-buried industrial remnants were noted on the former site of the Bala No. 2 Power Station."*

Of course they didn't find anything, they were looking in the wrong place. So their: *"complete clearance of the archaeological condition of the subject property"* (page 8) was in error.

At the bottom of page 8, the report states: *"There is always the possibility that deeply buried heritage resources or human burials can exist on site and were not identified during a*

standard archaeological assessment. Therefore, if deeply buried archaeological resources, either historic or precontact, are encountered on the subject property during construction, the proponent must stop work immediately and contact Mr. Andrew Hinshelwood of the Heritage Operations Unit of the Ontario Ministry of Culture at (807) 475-1632."

A few months ago, the inadequacy of this deficient report was proven by the proponent finding barely-buried inscriptions on a large rock.

Now, I understand that the proponent has recently found remnants from the Bala #2 generating station, both concrete and metals:

- 1) It appears they self-assessed the significance, and therefore did not stop work or comply with this obligation to the Ministry of Tourism, Culture, and Sport. Can you tell me what you know of the proponent's compliance with this aspect of their environmental obligations.
- 2) These concrete and metal materials may have been contaminated with polychlorinated biphenyls (PCBs), as I have noted in my December 6, 2017 letter to your Ministry. Can you tell me whether testing was done on these materials and where these materials were disposed of. If testing for PCBs and other contaminants was not performed on these materials, the site at which they have been disposed may now be contaminated, which would qualify as several adverse effects as defined in the Environmental Protection Act, including:
 - impairment of the quality of the natural environment for any use that can be made of it
 - injury or damage to property or to plant or animal life
 - rendering any property or plant or animal life unfit for human use

I look forward to your responses to the above two questions.

Thank you.

Mitchell Shnier, on behalf of SaveTheBalaFalls.com
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