

Appendix A

Battah, LEEANNE (MNR)

From: Taylor, Steve (MNR)
Sent: May 16, 2014 5:16 PM
To: Collins, Anne (MNR)
Subject: Licence of Occupation: Bala shield parking lot
Attachments: crown lease with township.pdf

FYI

Here is the LO which essentially came to our attention on June 8, 2012 when Karen shared it with me which she received through a FOI request to the TML.

This may help to put the chronology of letters into perspective.

Steve

From: Taylor, Steve (MNR)
Sent: Friday, June 08, 2012 4:24 PM
To: Zwicker, Ariel (MNR)
Cc: Tuyten, Nicole (MNR); Collins, Anne (MNR)
Subject: FW: further to our conversation

Ariel,

Please see the attached. Swift River Energy obtained this through a FIPPA request for Township of Muskoka Lakes records.

It seems that there is in fact a Crown lease for the location known as the Shield Parking Lot which is immediately east of Muskoka Road #169 and south of the of the Bala South Dam downstream channel. I really don't understand why MNR (Lands and Forests) would or could have provided such a Crown Lease as I thought that this was MTO property up to the year 2000 when MTO "downloaded" roads to municipalities; and in the case of the "Shield Parking Lot" to the MNR;

You may recall that originally we (through Tim Cavanagh) thought that this Shield parking lot was not MNR-administered/owned Crown land, but Swift River had a meeting with MTO in North Bay and it was determined that it was in fact MNR-owned Crown land (I recall that the plan wasn't deposited or something along that line).

Also, I do recall about 10 years ago that District lands staff (Paul Gavel I think) had provided the Township of Muskoka Lakes either a lease or sale of a portion of this location; the most northerly portion fronting the south dam channel. I assume that occurred as I recall that there were some improvements made including the cement sidewalk and railing for public viewing of the dam channel.

Would it be possible to fully review or confirm any land tenure or agreements for the Crown lands around the Bala dams that are under the administration of the MNR?

This seems to be becoming an issue as you know. It seems that the Township may think they have either a lease or agreement for the park at the north end of the Bala North Dam. As well, I do recall some sort of agreement for the use of the Crown land beside the Bala South Dam; only for its "beatification" but nothing placed (shrubs, signs, etc) that would be considered permanent and would need to be removed for dam maintenance at any point in

time.

We can talk about this first if necessary.

Thanks again Ariel

Steve

From: KMcGhee MKE [<mailto:kmcghee@m-k-e.ca>]
Sent: Friday, June 08, 2012 11:20 AM
To: Taylor, Steve (MNR)
Subject: further to our conversation

Regards,
Karen McGhee, P.Eng.

MKE Limited
Consulting Engineers
1959 Creston Place
Burlington, ON
L7P 2Y5
p: 905-331-9692
c: 416-931-0635
e: kmcghee@m-k-e.ca
w: www.m-k-e.ca

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482.

Cheryl Mortimer

From: Cheryl Mortimer [cmortimer@muskokalakes.ca]
Sent: Monday, April 04, 2011 8:49 AM
To: 'SWalker@muskokalakes.ca'
Subject: FW: SREL, Granite Shield Parking Lot Lease

From: Walt Schmid [mailto:wschmid@muskokalakes.ca]
Sent: Sunday, April 03, 2011 11:47 PM
To: Cheryl Mortimer
Subject: SREL, Granite Shield Parking Lot Lease

Cheryl: Can you please research for me whether we have a lease agreement with the MNR , MTO or MGS (other) for the use of the Granite Shield Parking Lot . We own part the Crown owns the other part.

Thanmks

Walt



Walt Schmid, P.Eng.
Chief Administrative Officer
P.O. Box 129, 1 Bailey Street,
Port Carling, Ontario, POB 1J0
Fax: 705 765-6755 Telephone: 705 765-3156
Email: wschmid@muskokalakes.ca
Website: www.muskokalakes.ca

Appendix B**Sanzo, Adam (ENE)**

From: Harrison2, Michael (ENE)
Sent: July 23, 2010 9:45 AM
To: Sanzo, Adam (ENE)
Subject: FW: Bala Falls - confidential - NOT FOR PUBLIC DISTRIBUTION
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Bala - Purk's Place agreement-blacked out.pdf

Michael Harrison
Supervisor, Project Review Unit
Environmental Assessment and Approvals Branch

Tel: 416-314-7237
Email: michael.harrison2@ontario.ca

From: KMcGhee MKE [<mailto:kmcghee@m-k-e.ca>]
Sent: July 15, 2010 9:40 AM
To: 'Robertson, Al'
Cc: Rudzki, Kristina (ENE); Harrison2, Michael (ENE); 'Anthony Zwig'
Subject: Bala Falls - confidential - NOT FOR PUBLIC DISTRIBUTION

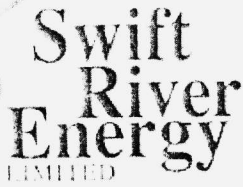
Al: Please find attached a copy of the agreement with Purk's Place as discussed.

Please note that this email is not to be released under the Freedom of Information Act, as per section 20.(1) it contains confidential information being provided to the government and is treated consistently in a confidential material, and per section 20 (1) c) disclosure could reasonably be expected to interfere with contractual obligations of a third party.

Regards,
Swift River Energy Limited (SREL)

Karen McGhee, P.Eng.
Bala Project Manager

p: 305-331-9692
www.balafalls.ca



Swift River Energy Limited (SREL) is a 100% Canadian owned company with a mission to develop small, low-impact, run-of-river waterpower generating facilities. SREL is currently in the final stages of the Environmental Screening process for the construction of a 4-5 MW run-of-river waterpower facility at the Ministry of Natural Resource's (MNR) existing North Bala Dam. This was one of the first sites MNR released as part of its competitive site release program in 2005. The Bala Falls project exemplifies Muskoka's commitment to conservation and renewable power. By producing power locally, the need for new large transmission line projects in the area is reduced. The project will generate in excess of 5,000 person days of labour during the construction period. A large percentage of the estimated \$14.5 million total construction costs is expected to be spent locally. SREL are planning on burying the powerhouse and professionally landscaping on top to create a public park / sunset lookout complete with interpretive signage describing the heritage of the area and its roots in renewable energy. By developing this project, SREL will help Ontario realize its goals under the Green Energy Act of: expanding Ontario's use of clean and renewable sources of energy; creating 50,000 "green collar" jobs over the next 3 years; and protecting the environment by offsetting coal generation and its related greenhouse gas (GHG) emissions in the fight against climate change.

Appendix C

O'Neill, Bernadette (MNRF)

From: Nelson, Kirt (MNR)
Sent: Monday, June 02, 2014 2:54 PM
To: Taylor, Steve (MNR)
Cc: Cavanagh, Tim (MNR); Collins, Anne (MNR)
Subject: RE: Bala Falls: Crown Land Survey Instructions?

I dropped them off today. I had a little difficulty finding Ariel's original instructions to E.J. Williams Co..

From: Taylor, Steve (MNR)
Sent: May 30, 2014 2:26 PM
To: Nelson, Kirt (MNR)
Cc: Cavanagh, Tim (MNR); Collins, Anne (MNR)
Subject: Bala Falls: Crown Land Survey Instructions?

Hi Kirt

I thought that SREL already had the (current) MNR survey instructions, but could you please follow this up and provide Karen McGhee and/or her Surveyor with the survey instructions.

See the below e-mail from the Surveyor that provides some insight into the status of the Crown land survey.

Steve

From: Karen MKE [<mailto:kmcghee@m-k-e.ca>]
Sent: Friday, May 30, 2014 1:25 PM
To: Taylor, Steve (MNR)
Subject: FW: Bala Falls

I received the following email from the surveyor. Do you know when we can expect the new survey instructions he talks of will be provided?

We would like to get this completed as soon as possible now that the spring is here.

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

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From: Paul Forth [<mailto:paul.forth@tulloch.ca>]
Sent: May-30-14 1:10 PM
To: kmcghee@m-k-e.ca
Subject: Bala Falls

Karen: The field work is close to being half completed. We are trying to deal with the very high and fast moving water that some soundings may be necessary and work on and around the dams. I am trying to arrange a site meeting for next week with the township for a locate of the sewer lines that may require easements. I have scheduled such that the field work should be completed within the next week to 10 days and the draft crown land plan should be available approximately 2 or 3 days after field work is complete. After discussions with the local Ministry of Natural Resources office 2 weeks ago they are to issue new crown lands survey instructions to me. I have still not received the same.

Paul

Paul Forth OLS

Senior Advisor



Tel: 705 746 8404

Fax: 705 746 7685

Cell: 705 746 3068

TULLOCH Geomatics Inc

5 Seguin Street, Parry Sound, ON P2A 1A9

paul.forth@TULLOCH.ca | TULLOCH.ca

Appendix D

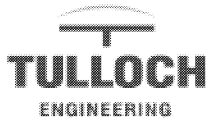
Battah, Leanne (MNRF)

From: Donna Lashbrook <donna.lashbrook@tulloch.ca>
Sent: December 3, 2014 2:35 PM
To: Nelson, Kirt (MNRF)
Cc: Paul Forth; lilie.ying@tulloch.ca
Subject: Bala Falls
Attachments: Inst DM320662.pdf; Inst DM304223.pdf

Kurt,

I have attached the documents that you requested. Please let us know if you need any further information.

Donna Lashbrook
Geomatics Technician



Tel: 705 746 8404
Fax: 705 746 7685

TULLOCH Geomatics Inc
5 Seguin Street, Parry Sound, ON P2A 1A9
donna.lashbrook@TULLOCH.ca | TULLOCH.ca

Appendix E

Battah, Lianne (MNRF)

From: Bridle, Joy (MNRF)
Sent: November 14, 2014 3:34 PM
To: Ausma, Sandra (MNRF)
Subject: RE: Bala Land Use Permit - LUP1656-1010316

No Problem..

Joy Bridle ☺

District Resources Clerk
Ministry of Natural Resources & Forestry
7 Bay Street, Parry Sound ON P2A 1S4
☎ (705)773-4211 ✉ joy.bridle@ontario.ca

From: Ausma, Sandra (MNRF)
Sent: November-14-14 3:09 PM
To: Bridle, Joy (MNRF)
Subject: RE: Bala Land Use Permit - LUP1656-1010316

Thank you for looking after this Joy :o)

Sandra

Sandra Ausma

Resource Operations Supervisor (A) | Parry Sound District | Ministry of Natural Resources and Forestry | 7 Bay St.,
Parry Sound, ON P2A 1S4 | (705)773-4260

From: Bridle, Joy (MNRF)
Sent: November-14-14 2:17 PM
To: Lourie Ann Kapoor-Chopra
Cc: Anthony Zwig; Frank Belerique; 'KMcGhee@m-k-e.ca'; Duggan, Dan (MNRF); Ausma, Sandra (MNRF)
Subject: RE: Bala Land Use Permit - LUP1656-1010316

Good Afternoon Lourie Ann,

Please find attached a copy of your Authorized Land Use Permit and the Visa Receipt for payment.

Regards,

Joy Bridle ☺

District Resources Clerk
Ministry of Natural Resources & Forestry
7 Bay Street, Parry Sound ON P2A 1S4
☎ (705)773-4211 ✉ joy.bridle@ontario.ca

From: Lourie Ann Kapoor-Chopra [<mailto:lkapoor@horizonlegacy.com>]
Sent: November-14-14 1:57 PM
To: Ausma, Sandra (MNRF); Bridle, Joy (MNRF)
Cc: Anthony Zwig; Frank Belerique; 'KMcGhee@m-k-e.ca'
Subject: RE: Bala Land Use Permit - LUP1656-1010316

Hi Joy,

Thank you for your assistance. Kindly scan and send me a copy of the VISA payment of \$1,299.50, at your earliest convenience.

Please find attached the executed documents. 2 originals will be FedEx to your attention today.

If you require further information, please do not hesitate to contact me.

Lourie Ann Kapoor-Chopra
Horizon Legacy Group

801 - 2300 Yonge Street Toronto ON M4P 1E4
Tel 416.864.9977 x 8234 Fax 416.864.9568
lkapoor@horizonlegacy.com

From: Karen MKE [<mailto:kmcghee@m-k-e.ca>]
Sent: November-13-14 4:34 PM
To: Frank Belerique; Anthony Zwig
Subject: FW: Bala LUP
Importance: High

Here is the LUP for signature and payment.
Thanks.

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

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From: Ausma, Sandra (MNRF) [<mailto:Sandra.Ausma@ontario.ca>]
Sent: November-13-14 4:21 PM
To: kmcghee@m-k-e.ca
Cc: Duggan, Dan (MNRF)
Subject: Bala LUP

Hi Karen,

Attached are the documents that make up the Land Use Permit for Swift River. As we are doing this electronically, please print one copy of the LUP document (double-sided) and sign. Scan and return by email to me along with payment - VISA is an option. We will provide back a signed copy with receipt. If you have any questions, let me know.

Regards,
Sandra

Sandra Ausma
Resource Operations Supervisor (A) | Parry Sound District | Ministry of Natural Resources and Forestry | 7 Bay St.,
Parry Sound, ON P2A 1S4 | (705)773-4260

www.muskokaregion.com/opinion-story/5716868-what-else-can-go-wrong-with-this-project/



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What else can go wrong with this project?

Gravenhurst Banner
DEAR EDITOR — What a public relations disaster for Swift River Energy, the company proposing to build a hydro plant at the Bala Falls. Their spokesperson, Karen McGhee, is now decreeing from her Toronto office who can and who cannot use Bala's parks, which have been enjoyed by Bala residents and visitors for generations.

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You have to feel sorry for Tony Zwig, owner of Horizon-Legacy, a big Toronto real estate developer and parent company of Swift River. He must be squirming at his staff's bungling and wondering what else can go wrong with this project.

And you have to feel sorry too for Don Furniss, mayor of Muskoka Lakes, who has staked what is left of his political capital on trying to "Save Margaret Burgess Park."

After giving away all the township's parkland and parking around the Bala Falls, supposedly to achieve this goal, we see now what he has managed to save — absolutely nothing.

Allan Turnbull, Bala



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Nov 21, 2014 | Vote 0 0

Swift River has use of Bala Falls land

Company plans to move ahead but still mum on timetable for project

MuskokaRegion.com

By Brent Cooper

BALA - Swift River Energy Ltd. has announced it has resolved its land use issue and will be proceeding with the Bala Falls hydroelectric project in the near future.

However, project manager Karen McGhee stopped short of saying exactly when the project will be moving ahead.

"Yes, we now have land tenure," she said in an email to this newspaper on Friday. "No we won't be providing any dates at this time."

The company announced plans this past fall to access the Crown land designated for the project around Oct. 20, just after the annual Bala Cranberry Festival.

However, during the Oct. 17 Muskoka Lakes council meeting, it was revealed that the company had not yet obtained the land rights use agreement from the Ontario government for the property. Without the lease, the District of Muskoka would not issue the entrance permits to the property. Part of the frontage of the designated site is district land and the permits would be necessary for SREL to access the Crown land.

McGhee said SREL has since received its land rights for the project lands in the form of a land use permit.

"Site preparatory work is currently being planned. Yes, the weather may have some impact on the schedule, but only time will tell exactly how much impact," she said in her email.

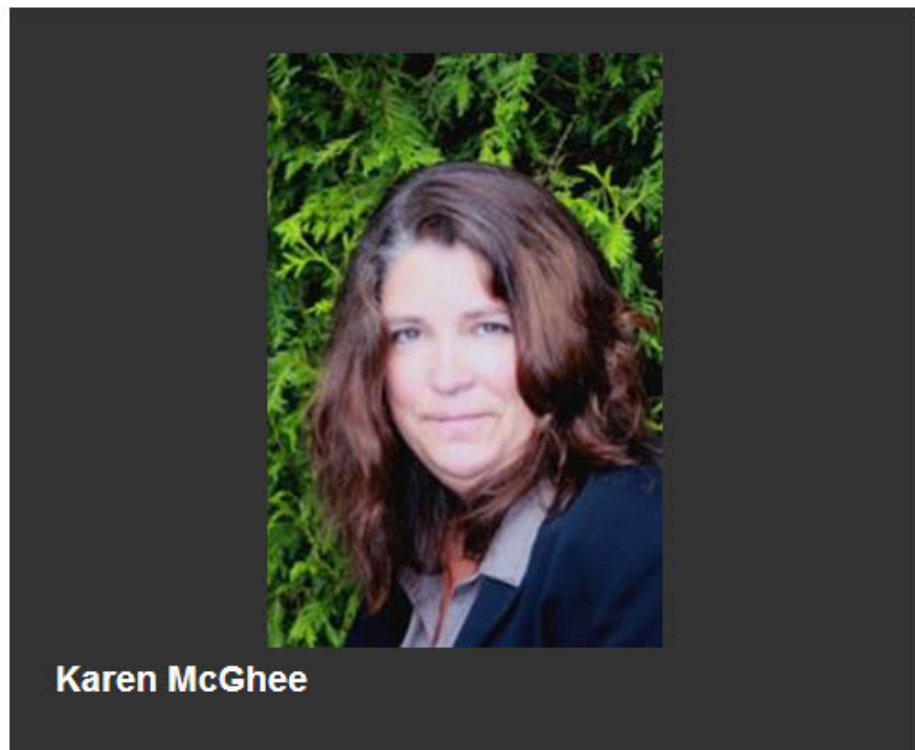
"My understanding is that SREL has not obtained the full land lease, but has obtained a use permit from the (Ministry of Natural Resources and Forestry), and will be granted the lease pending their completion of some additional requirements," said Muskoka Lakes mayor-elect Don Furniss. "The permit will allow SREL to conduct preliminary work on the site."

McGhee went on to say that the project has been in the planning stages for over nine years now and the company is eager to move forward into the construction and ultimately the operation stages.

"This is an estimated \$20-million green energy construction project that is projecting over \$10 million to be spent in Muskoka over the next couple of years. Every time this project makes the news, we are flooded by emails and calls from local contractors and service suppliers looking to be involved in the construction of this project."

While there is no dates forthcoming about the progression of the project, McGhee said the company will continue to keep the community updated on its progress through the project website, on social media accounts, as well as through the mainstream local media.

Brent Cooper is a journalist with the Bracebridge Examiner. He can be reached at bcooper@metrolandnorthmedia.com. Follow him on [Twitter](#) and [Facebook](#)



Karen McGhee

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Dec 13, 2016 | Vote 0 0

Bala residents want power plant over and done with, says SREL official



TALKING FRANKLY

Brent Cooper/Metroland

Swift River vice-president Frank Belerique, left) talks with a Bala resident at a Dec. 8 open house.

Gravenhurst Banner

By Brent Cooper

BALA — Swift River Energy Ltd. (SREL) vice-president Frank Belerique doesn't believe the bulk of Bala residents are opposed to the proposed power plant any longer.

RELATED STORIES

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"I would disagree ... that the majority of people in Bala are opposed to the power plant," Belerique said. "I don't think it is the majority. I think there is a core group that I think is small, that continue to express their opposition to the power plant."

Belerique made the comments one day after Swift River co-hosted an open house in Bala on Dec. 8 on the proposed redevelopment of the Port Landing property.

He made his statement while discussing the comments he had received during the open house relating to the controversial plant project.

"What I am hearing from people is, 'It doesn't matter if I support the power plant or not, I am just tired of talking about it, get on with it,'" he said.

If true, that would be a change in opinion of the Bala population based on a poll taken two years ago.

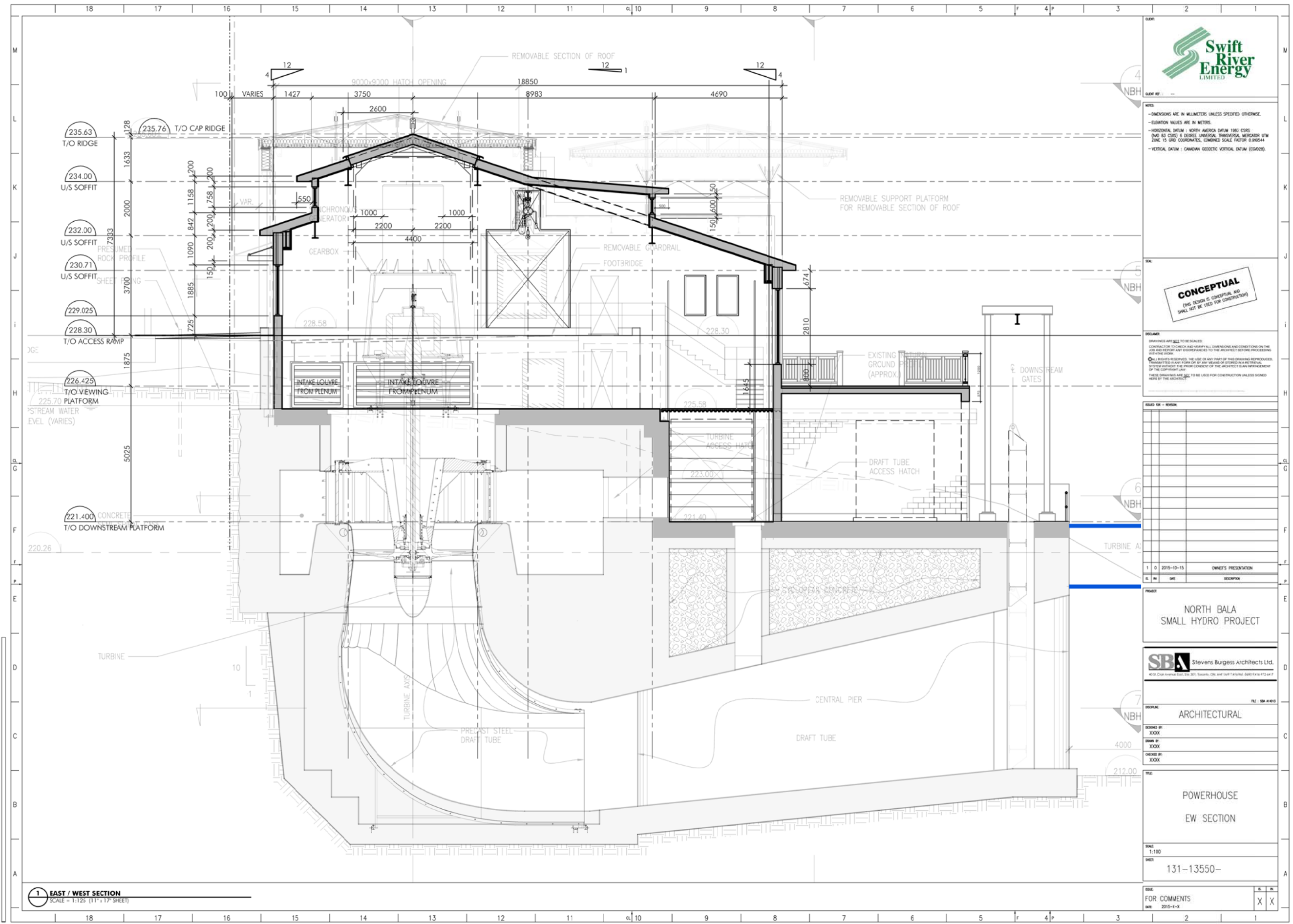
The poll, conducted and monitored by Toronto-based research firm Protean Strategies, indicated in 2014 an average of more than 83 per cent of those surveyed answered, "No," to the question, "Do you think the proposed power plant at Bala Falls should be built?"

The percentage of "no" answers increased to 85 per cent for people who identified themselves as living in the P0C 1A0 postal code, where the proposed power plant would be located.

The study was sponsored and paid for by the Bala Voice, a group of Bala residents, who have a Facebook page, but have not made a posting since September 2014.

Belerique said that, as far as the power plant goes, the project is still set to begin construction this coming spring.

Brent Cooper is a journalist with the Bracebridge Examiner. He can be reached at bcooper@metrolandnorthmedia.com. Follow him on Twitter and Facebook



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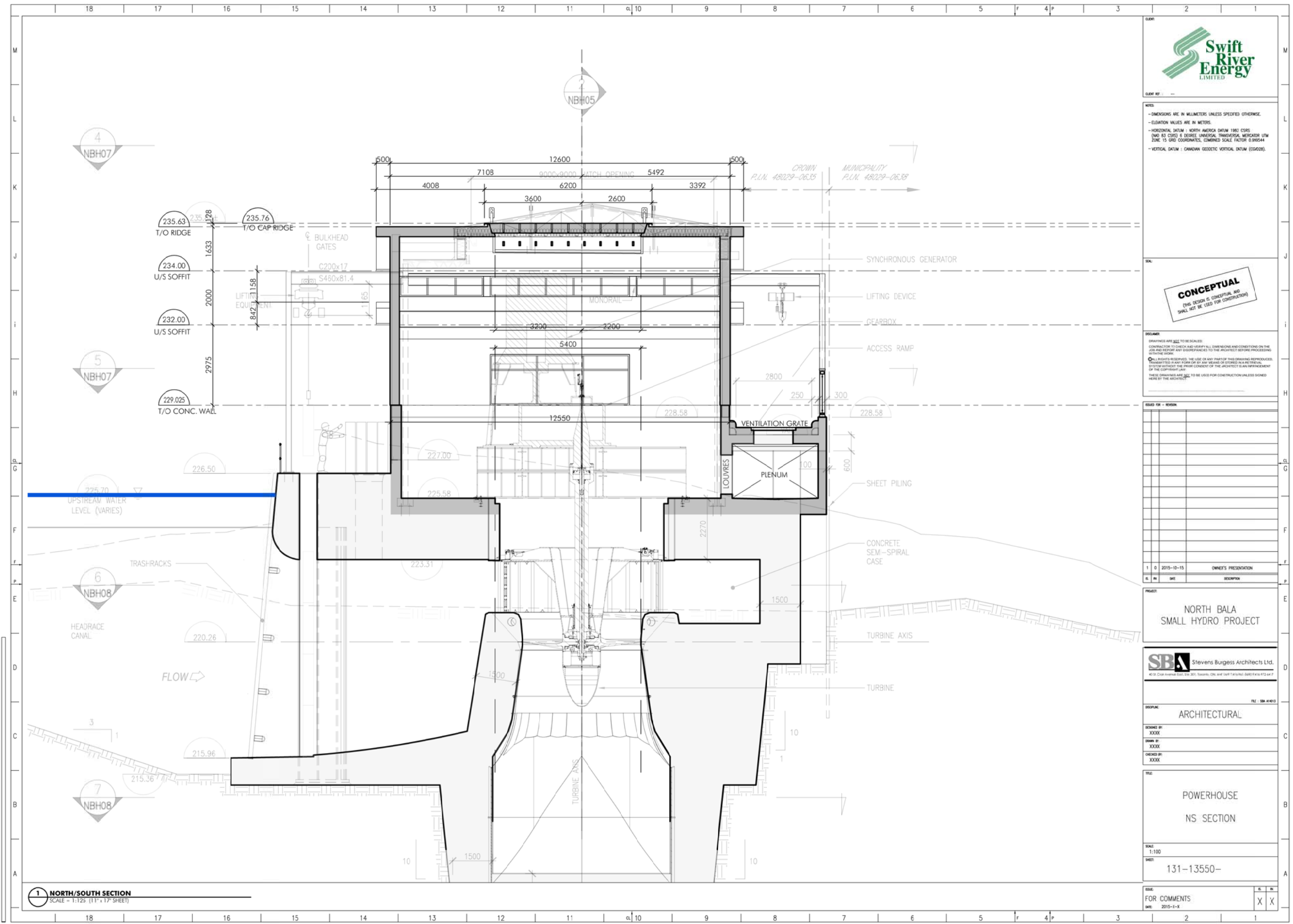
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 DATE: 2015-11-4

1 EAST / WEST SECTION
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DATE
 2015-1-1

February 1, 2017

Mr. Frank Belerique
Swift River Energy Limited
2300 Yonge Street, Suite 801, P.O. box 2300
Toronto, ON M4P 1E4
Telephone: 416 864-9977
E-mail: FBelerique@horizonlegacy.com

Hello Frank:

Re: Proposed hydro-electric generating station at the Bala falls

As you may know, the public has many unaddressed public safety concerns for the proposed hydro-electric generating station at the Bala falls, for which the company you work for is the proponent.

As detailed in our letter of May 10, 2016 which was both hand-delivered to your office and e-mailed to you, we have previously sent you and your company several e-mails and letters on these concerns but other than your e-mail of May 10, 2016 confirming receipt we have not received any replies from you or your company. We therefore would appreciate a response to the concerns below.

1) Proposed downstream safety boom

- a) The attached graphic is a composite of:
- A Bing satellite photograph of the area surrounding the proposed project.
 - An overlay of the proposed downstream safety boom taken from the June 25, 2014 approval which Transport Canada issued under the *Navigation Protection Act* for this proposed project.
 - An overlay of the flow simulation taken from the last page of the 2012 *Addendum* for the Environmental Screening Report for this proposed project. This simulation is for a flow through the proposed generating station of 98 m³/s, which historical flow data shows would occur an average of 21 days each summer.

Transport Canada has no mandate or expertise for in-water recreation such as swimming, wading, and Scuba diving. Also, as an unscheduled waterway under the *Navigation Protection Act*, Transport Canada has no responsibility for assessing boating safety in the Moon River. Therefore, their approval does not address these public safety concerns.

- b) Transport Canada reports that the maximum safe water velocity for canoeing and kayaking is 0.5 to 0.7 m/s, yet your own company's information shown on this composite graphic shows the water exiting the proposed generating station would have a velocity of more than twice this, extending more than 160' **outside** and downstream of the proposed safety boom.

This fast water would be even more dangerous for people swimming, which is a popular activity in the area downstream of the proposed generating station.

In the *Addendum* for the *Environmental Screening Report* for this proposed project, it was stated in Section 6.2.4 and shown in Figure 6.4 that the operation of this proposed project would only make areas **within** the downstream safety boom dangerous.

It would therefore appear that this proposed project would not comply with the 2013 environmental approval received from the Ministry of the Environment and Climate Change, which requires that: *“Swift River Energy Limited must implement the Project in the manner it was developed and designed, as set out in the Environmental Screening Report”*.

- c) Through a competitive process, Swift River Energy Limited was selected based on their July 2005 proposal in which the commitment was made that this proposed project would *“not generally diminish the public’s enjoyment of the area for swimming, boating ...”*.

As the waters made dangerous by this proposed project would extend outside of the proposed downstream safety boom, it would appear this statement in the proposal was inaccurate and misleading.

- d) The Canadian Dam Association’s 2011 *Guidelines for Public Safety Around Dams* defines a safety boom as a *“physical barrier to delineate a dangerous water area”*.

As the water made dangerous by the proposed hydro-electric generating station would extend outside of the proposed downstream safety boom, it would appear this safety boom would not comply with the Canadian Dam Association’s public safety guidelines.

2) Providing warning to the public before operation would begin

- a) The Ministry of Natural Resources and Forestry’s *Public Safety Measures Plan* for the Bala falls dams, March 2011, requires that the public be warned before flow is increased to the Moon River.
- b) Yet the May 24, 2012 Minister’s decision for your environmental assessment notes your company has stated there would be no warning to the public before operation would begin.
- c) Historical flow data shows that your proposed generating station would operate in cycled mode and therefore start operation daily on about 1/3 of summer days.

It would therefore appear that your proposed operation would not comply with MNRF safety requirements.

Conclusion

- 3) It would appear the design and operation of the proposed hydro-electric generating station at the Bala falls would not comply with the:
 - a) Environmental approval received from the MOECC in 2013.
 - b) Proposal submitted to the MNRF in July 2005.
 - c) Canadian Dam Association’s public safety guidelines.
 - d) MNRF’s *Public Safety Measures Plan* for the Bala falls dams.

- 4) As design changes may be required, we request that before any further approvals are sought or awarded, the public be informed how the proposed generating station could be operated safely.
- 5) Please respond with how the design and operation of the proposed hydro-electric generating station at the Bala falls would comply with all required safety commitments and measures, such as those above.

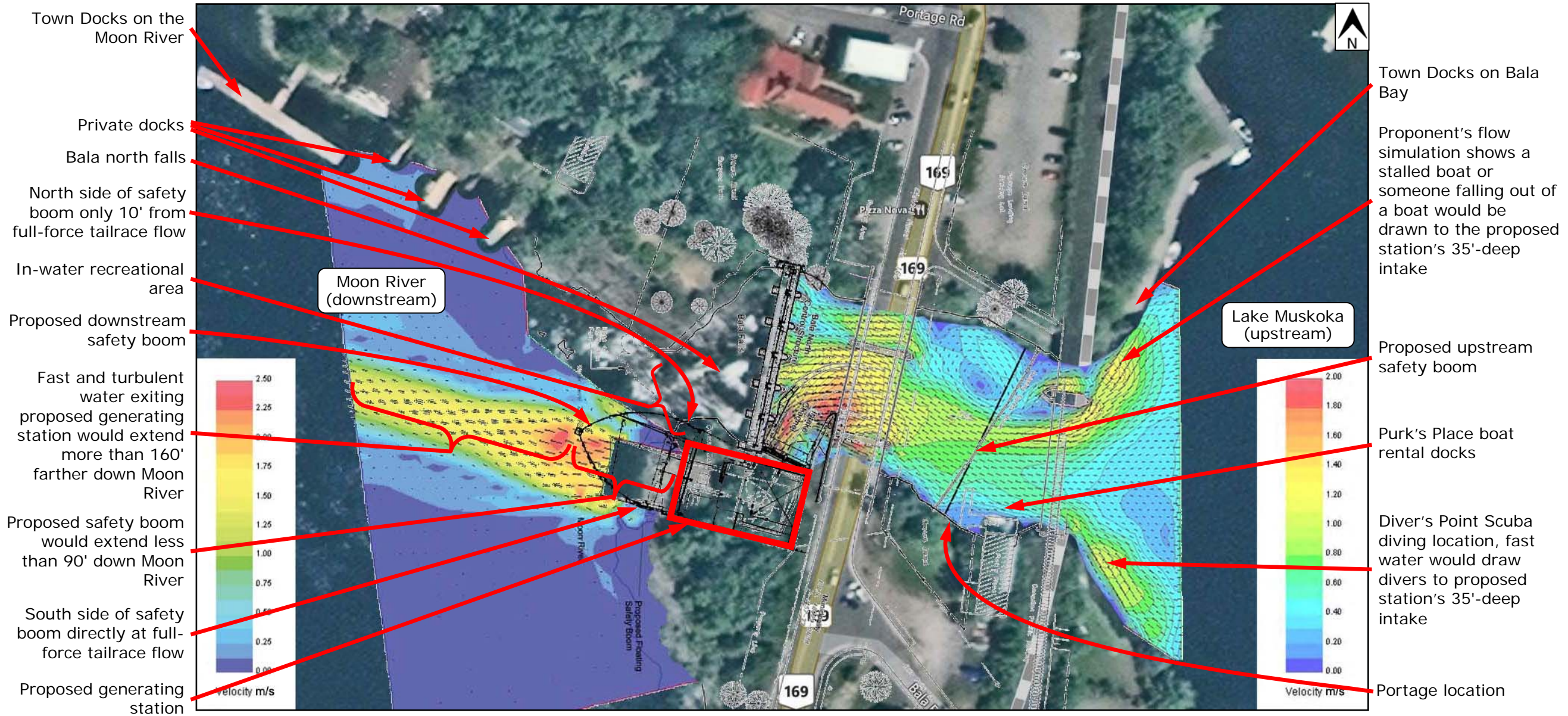
Sincerely,

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

Mitchell Shnier

Proposed safety boom locations and flow simulation for proposed Bala hydro-electric generating station

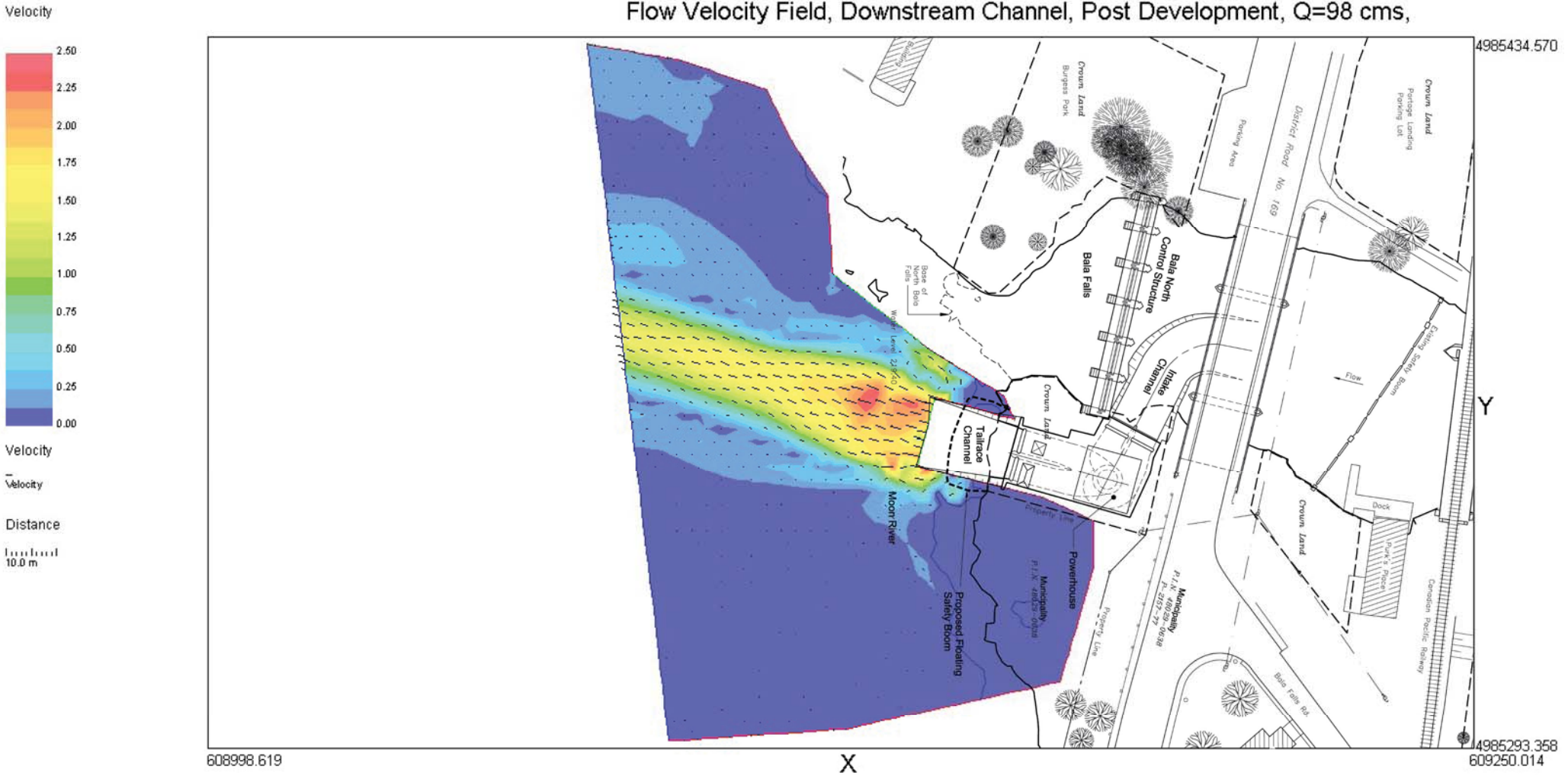
Flow simulation at full capacity, which would happen an average of 21 days every summer



Turbulent water exiting the proposed generating station's tailrace would be:

- Just as **fast and dangerous outside of the proposed downstream safety boom as within it.**
- Only 10' from the in-water recreational area to the north, and directly adjacent to the public area to the south.

Flow Velocity Field, Downstream Channel, Post Development, Q=98 cms,




Instrument Proposal Notice:

Proponent: Swift River Energy Limited operating as Swift River Limited Partnership
 2300 Yonge Street
 2300
 Post Office Box Delivery 2300
 Toronto Ontario
 Canada M4P 1E4
Instrument Type: Environmental Compliance Approval (project type: sewage) - EPA
 Part II.1-sewage

EBR Registry Number:
 012-7735
Ministry Reference Number:
 3984-9PWP5T
Ministry:
 Ministry of the Environment and
 Climate Change
**Date Proposal loaded to the
 Registry:**
 May 30, 2016

This proposal notice was originally posted on the Environmental Registry on May 30, 2016 with a 45 day comment period ending on July 14, 2016.

Upon further review, it has been discovered that the instrument was posted in error. The instrument under consideration by the ministry was subject to requirements under the Environmental Assessment Act (EAA) and is therefore exempted from posting on the registry.

The ministry will consider all comments submitted by July 14, 2016 in reference to this posting and will issue a decision notice when the Director has made their decision.

Leave to appeal rights do not apply to this posting.

Keyword(s): Wastewater | Sewage

The comment period for this proposal is now over.

Description of Instrument:

The proposal is for a new Environmental Compliance Approval (Industrial Sewage) for Swift River Energy Limited operating as Swift River Limited Partnership.

This application is for the approval of a temporary stormwater management works to serve a 4.5 MW Hydro Electric Generating Station located at 3111 Muskoka Road, in the Township of Muskoka Lakes, District Municipality of Muskoka.

The proposed stormwater management works consist of Settling Tanks and a temporary SWM pond or equivalent and will provide effluent quality, erosion and sediment control during the construction of a waterpower generation station and will discharge to Moon River and Lake Muskoka.

Public Consultation:

This proposal was posted for a 45 day public review and comment period starting May 30, 2016. Comments were to be received by July 14, 2016.

All comments received during the comment period are being considered as part of the decision-making process by the Ministry.

Please Note: All comments and submissions received have become part of the public record.

Contact:

Application Assessment Officer
 Ministry of the Environment and
 Climate Change
 Operations Division
 Environmental Approvals Access
 and Service Integration Branch
 Application Verification Unit
 135 St. Clair Avenue West
 Floor 1
 Toronto Ontario
 M4V 1P5
 Phone: (416) 314-8001
 Fax: (416) 314-8452
 Toll Free Phone: (800) 461-6290

**Location(s) Related to
 this Instrument:**

Muskoka Lakes District Municipality
 of Muskoka P0C 1A0

Lot:33 Concession:7 Wood
 District Municipality of Muskoka

Additional Information:

The following government offices have additional information regarding this Proposal. To arrange a viewing of these documents please call the Ministry Contact or the Office listed below.

Barrie District Office
54 Cedar Pointe Drive
Unit 1203
Barrie Ontario
L4N 5R7
Phone: (705) 739-6441
Toll Free Phone: (800) 890-8511

Environmental Approvals Access
and Service Integration Branch
135 St. Clair Avenue West
Floor 1
Toronto Ontario
M4V1P5
Phone: (416) 314-8001
Toll Free Phone: (800) 461-6290

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Bracebridge Generation Ltd.

Public Safety Around Dams Presentation

Power of Water Conference

October 19 ,2010



← **Bracebridge, ON**



Wilson's Falls Power house

Site of Drowning

Wilson's Falls

Wilson's Falls Rd
140

Wilson's Falls Rd

Wilson's Falls



Saturday July 26, 2008

- Mid afternoon received the call that there may be a drowning near our facility from our on-call personal.
- Arrive on site minutes later. Police, ambulance, fire department and Bracebridge Generation staff onsite.
- Helicopters perform aerial search of site looking for signs of the young man. Water is tea colored and makes it difficult to see anybody below a few feet of water.
- Family of young man arrived during search. OPP relations team occupying them as search continued.
- Search called off at dusk. Everyone left the site. Bracebridge Generation staff the last to leave and lock up.



Sunday July 27th, continued

- Less than an hour with the search and recovery unit, young man is found and brought to shore.
- This unit is very efficient, professional and quick. They were packed up and off site within five minutes of recovering the body.
- The local undertaker was onsite with the hearse, but was unable to traverse down the hill.
- OPP and Bracebridge Generation staff, placed young man in a body bag, placed on a gurney and carried him into the awaiting hearse.
- The family watched the events unfold. OPP professionals at their side.

Josue Sebastian Perez

- Born: July 7, 1992
- Died: July 26, 2008

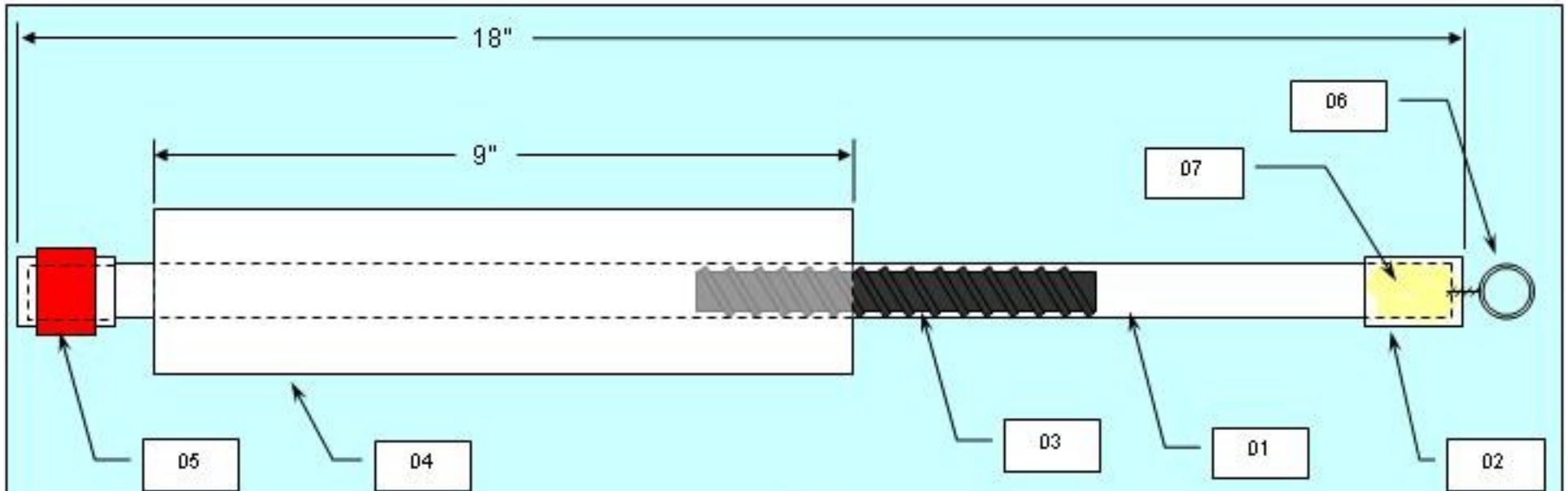




Incident Review

- OPP informed us that there was a group of boys skateboarding in the area.
- They were looking for a place to swim to cool down.
- Local resident gave them directions to a public swimming area. We believe they drove past and ended up at our generation site.
- The oldest was 21, the youngest was 12. Jose was 14 years old. The 21 year old climbed over the rocks, jumped in and swam through the discharge from the tailrace and over to the rocks on the falls.
- The youngest refused to go, thinking it was too unsafe. Jose was coerced by his peers into the water where he attempted to swim though the current but was overcome and didn't make it.





Bill of Material

Item #	QTY	Description
01	1	1/2" PVC CONDUIT
02	2	1/2" PVC END CAPS
03	1	3/8" REBAR 5" LONG
04	1	9" LONG 3" DIAMETER WHITE CLOSED CELL FOAM
05	1	REFLECTIVE TAPE
06	1	EYELET SCREW
07	A/R	FOAM BUFFER AS REQUIRED
08	A/R	PVC CLEANER AND CEMENT (not shown)

NOTES:

1. IF WHITE FOAM IS NOT AVAILABLE SWIMMING POOL NOODLES CAN BE USED. IF NOODLES ARE USED WRAP JUGS USING WHITE DUCT TAPE TO MEET TPWD REGULATIONS.
2. SOME POOL NOODLES HAVE 3/4" HOLES, THEREFORE 3/4" PVC CONDUIT AND FITTINGS WILL BE REQUIRED. USE 5/8" REBAR.
3. INSTALL REBAR AND FOAM PRIOR TO INSTALLING BOTH PVC CAPS. GLUE FOAM IN PLACE TO PVC CONDUIT TO PREVENT

FISHINGTX FLAGGING JUGS

WWW.FISHINGTX.COM

OR

WWW.FISHINGTXUNLIMITED.COM

Proposed generating station would make the water dangerous outside of their proposed downstream safety boom

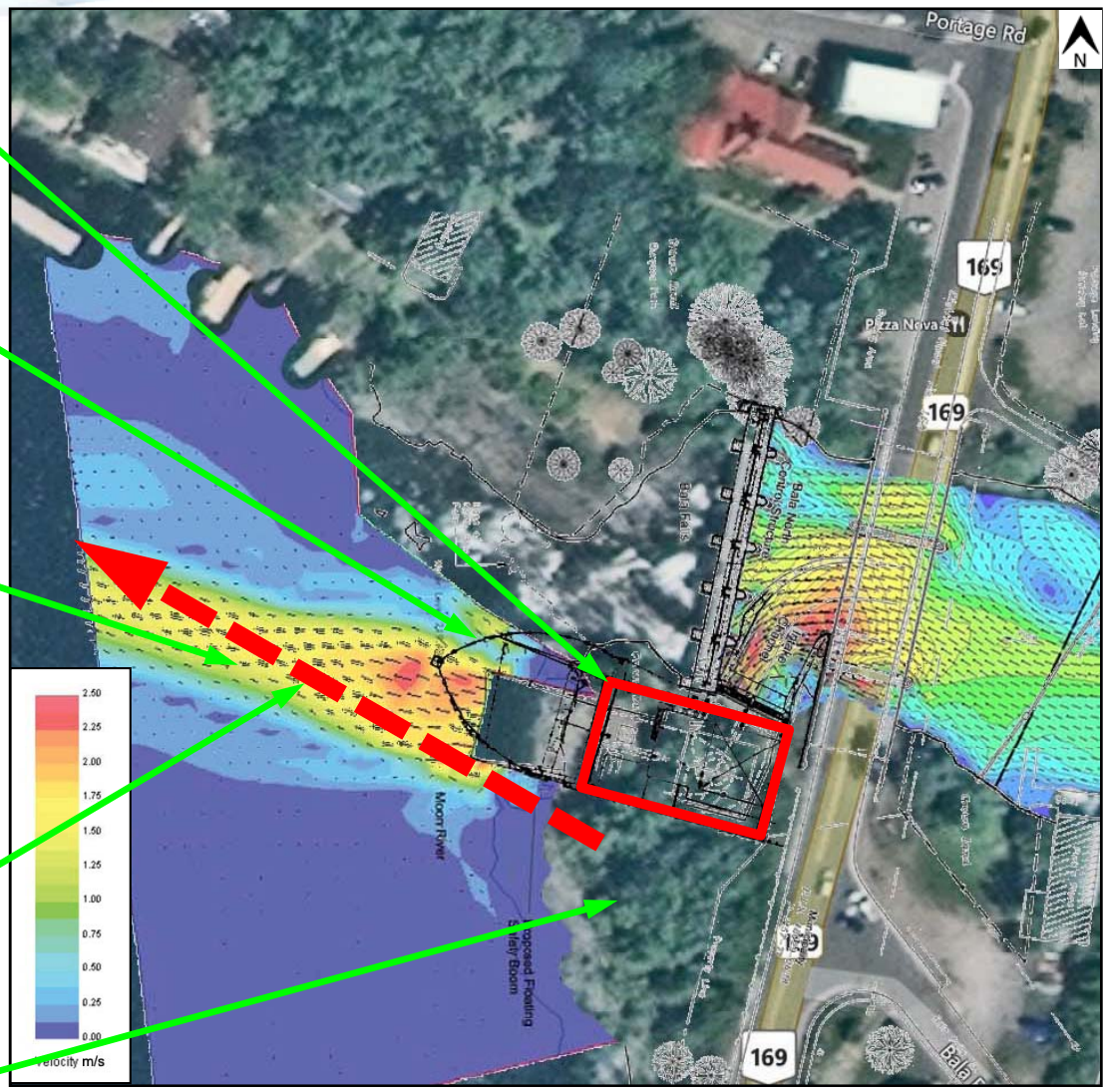
Proposed hydro-electric generating station would start without warning

Proposed downstream safety boom

Proponent's flow simulation shows water outside of proposed safety boom would be at least double the speed considers safe

Proponent's proposed portage would encourage canoeing and kayaking through dangerous water outside of safety boom

Township's Portage Landing



Mitchell Shnier

From: Mitchell Shnier
Sent: Tuesday, December 13, 2016 1:12 PM
To: Nordin, Sayla (MNRF)
Cc: 'Steve.Shapka@ontario.ca'; 'Troy Cockriell'
Subject: MNRF staff attempting to ignore and avoid public safety issues for proposed hydro-electric generating station at the Bala falls
Attachments: 06207-A0263656, Mitchell Shnier's letters 'This is more bullshit'.pdf; 07175-A0264005, Mitchell Shnier's letters 'falsified and Have become equally bizarre'.pdf; 07836-A0264273, Mitchell Shnier's request is 'Total silliness'.pdf

Hello Sayla,

This Thursday will be exactly one year since Troy and I met with your predecessor Stevie O'Brien, and as of today it has been five weeks since we met with you.

We have presented unaddressed issues to you in; letters copied to you dated November 8 and December 3, 2016, a letter e-mailed to you dated November 14, 2016, and an e-mail sent to you November 10, 2016.

After all these meetings and letters, we still have not received answers to our questions. As our questions are about; serious issues of public safety, damage to crucial public infrastructure, and bankrupting a local business, these do need to be addressed now to avoid future embarrassment and liability.

I am sure you are receiving strong push-back from your staff that they feel they have previously responded to these concerns, to which I note:

- Some key MNRF staff are attempting to discredit me, as shown by the attached e-mails in which they call my letters; *"Total silliness"*, *"falsified"*, *"have become equally bizarre"*, and *"This is more bullshit"*.
- I would accept such comments if they were accompanied by examples or justification. What is troubling about these comments is that they are not backed-up by any facts, and so are as malicious as gossip.
- I know that your staff feel my letters are repetitive, this is because they refuse to actually provide answers. To be blunt, SaveTheBalaFalls.com continues to pursue these issues because drowning unsuspecting tourists is unacceptable. That several of my most carefully-researched letters have not received any reply appears to be very telling.

We would like to meet with you to discuss what you have learned about the concerns we have presented in our letters to you.

Would you be available to meet on December 19 or 20.

Mitchell Shnier, on behalf of SaveTheBalaFalls.com
25 Lower Links Road
Toronto, ON M2P 1H5

Telephone: 416 222-1430

E-mail: Mitchell@Shnier.com

Kannakko, Kris (MNRF)

From: Collins, Anne (MNRF)
Sent: March 25, 2015 9:12 AM
To: Sharp, Jennifer (MNRF); Duggan, Dan (MNRF)
Cc: Donovan, Cindy (MNRF); Brown, Rhonda (MNRF)
Subject: RE: MO request re: Bala Falls - rush

I suspect the MO is responding to the latest STBF/Shnier posting/letters (which the Wahta Letters seem to mirror). In those he has developed a table in which he alleges the proponent has not met the 'commitments' of their original proposal. This is more bullshit (sorry, just calling it what it is) and without doing a similar table bullet by bullet response here's some info. (Similar info as will be included in the waiting to be approved response to Mr. Shnier latest and greatest missive to me).

Let me know if you need more info:

SREL's selection as Applicant of Record was made based on information that responded to the Request for Proposal (RFP). The content of a proposal following a RFP or subsequent selection of the Applicant of Record does not require final plant design commitments, as MNRF is not responsible for approving designs (e.g. exterior aesthetic designs). Relevant legislative-based comments are often provided to the proponent by regulatory agencies during the Environmental Assessment process which often become specific requirements and conditions within subsequent approval and permitting processes.

The proponent has substantively complied with or followed the MNRF's 2005 Request For Proposal requirements and expectations which include the expectation that any potential waterpower site, such as the Bala North dam site, be reasonably optimized for its water power potential or generation capacity. It is our understanding that the current proposed design not only provides for consideration of reasonably optimizing the site for electricity generation in view of the completed Class EA but also incorporates design input from the community based design committee and provides for a publically accessible viewing platform, as per their original proposal.

Further we understand that the community based scenic flow committee has made recommendations on minimum flows required to ensure the outflow of the Bala North dam and Bala South dam continue to be an attraction to tourists, also provided for in their original proposal.

Anne Collins
Resource Management Supervisor
Parry Sound District, Ministry of Natural Resources & Forestry
Bracebridge Office 705 646 5553
Home Office 705 635 3235

From: Sharp, Jennifer (MNRF)
Sent: March 25, 2015 8:42 AM
To: Duggan, Dan (MNRF); Collins, Anne (MNRF)
Subject: FW: MO request re: Bala Falls - rush

Hello Dan and Anne, can you help with this?
Thanks
Jenn

Jennifer Sharp - Regional Office Administrative Assistant

705-755-3243

From: Mallany, Stuart (MNRF)
Sent: March 25, 2015 8:40 AM
To: Sharp, Jennifer (MNRF); Brown, Rhonda (MNRF); Myschowoda, Clairissa (MNRF)
Cc: Rew, Sharon (MNRF)
Subject: Re: MO request re: Bala Falls - rush

Ask dan duggan and anne collins

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Sharp, Jennifer (MNRF)
Sent: Wednesday, March 25, 2015 8:37 AM
To: Brown, Rhonda (MNRF); Myschowoda, Clairissa (MNRF); Mallany, Stuart (MNRF)
Cc: Rew, Sharon (MNRF)
Subject: FW: MO request re: Bala Falls - rush

Good morning, can one of you please help with this!! Please see the highlighted email below from Jackie.
Jenn

Jennifer Sharp - Regional Office Administrative Assistant
705-755-3243

From: Pisani, Jackie (MNRF)
Sent: March 25, 2015 8:36 AM
To: Sharp, Jennifer (MNRF)
Subject: Re: MO request re: Bala Falls - rush

No, I haven't seen anything back yet, thanks!

From: Sharp, Jennifer (MNRF)
Sent: Wednesday, March 25, 2015 8:33 AM
To: Pisani, Jackie (MNRF)
Subject: RE: MO request re: Bala Falls - rush

Hi Jackie, has this been dealt with yet? If not I will try again to find someone to help
Jenn

Jennifer Sharp - Regional Office Administrative Assistant
705-755-3243

From: Pisani, Jackie (MNRF)
Sent: March 24, 2015 3:40 PM
To: Donovan, Cindy (MNRF); Brown, Rhonda (MNRF)
Cc: Myschowoda, Clairissa (MNRF); Sharp, Jennifer (MNRF); Anderson, Breanna (MNRF); Kamps, Heather (MNRF)
Subject: R: MO request re: Bala Falls - rush
Importance: High

MO is asking if they can get some info on the original proposal submitted by the proponent and whether there have been any changes to the current proposal by the proponent

Can I get something for end of day or first thing tomorrow?

Kannakko, Kris (MNRF)

From: Collins, Anne (MNRF)
Sent: April 15, 2015 2:09 PM
To: Gibson, Carissa (MNRF)
Cc: Duggan, Dan (MNRF); Myschowoda, Clairissa (MNRF); Taylor, Steve (MNRF)
Subject: FW: Proposed hydro-electric generating station at the Bala falls
Attachments: Minister of the Environment, Addendum commitments, 20150408.pdf; Minister of Natural Resources, proponent reneging, 20150408.pdf; PremierWynne,ProposedBalaProject,20150408.pdf

Hi,

In addition to these two letters, there is one (posted on the STBF website) to the Premier (third attachment)

Seems to me there should be some coordination of responses - is anyone doing that? I note in the MOECC letter that MOECC has not responded to past January letters....have they stopped responding to these repetitive and falsified letters? If so, can we also take that approach? At what point do we say 'enough'....I don't think we need to keep answering the same questions when the answers have proven consistent each time they are asked; regardless of who the questions are posed to. I would note that our other frequent correspondent [REDACTED] no longer requires a response; although not quite as bizarrely written, Mr. Shniers letters are/have become equally bizarre. s.21

If they won't allow us to ignore Mr Shnier's letters then at least ask for an extension to the April 20th due date please...as it will take me at least that long to think of something to say (that would pass the Public Service code of ethics) :o)

anne

Anne Collins
Resource Management Supervisor
Parry Sound District, Ministry of Natural Resources & Forestry Bracebridge Office 705 646 5553 Home Office 705 635 3235

-----Original Message-----

From: Gibson, Carissa (MNRF)
Sent: April 15, 2015 12:59 PM
To: Collins, Anne (MNRF)
Subject: FW: Proposed hydro-electric generating station at the Bala falls

Hi Anne,

The attached are the two letters from Mr. Shnier.

Carissa

-----Original Message-----

From: Bill Mauro, MPP (Constituency Office) [<mailto:bmauro.mpp.co@liberal.ola.org>]
Sent: April-09-15 9:44 AM
To: MIN Feedback (MNRF); Rankin, Peter G. (MNRF)

Subject: FW: Proposed hydro-electric generating station at the Bala falls

-----Original Message-----

From: Mitchell Shnier [<mailto:Mitchell@shnier.com>]

Sent: Thursday, April 09, 2015 12:34 AM

To: Murray_Glen-MPP-CO

Cc: Wynne_Kathleen-MPP-CO; Mauro_Bill-MPP-CO; info@ombudsman.on.ca

Subject: Proposed hydro-electric generating station at the Bala falls

Dear Minister Murray,

I have attached a letter to you concerning the proposed hydro-electric generating station at the Bala falls, along with a copy of a letter to Minister of Natural Resources and Forestry Mauro.

I look forward to your response.

Mitchell Shnier, on behalf of SaveTheBalaFalls.com

25 Lower Links Road

Toronto, ON M2P 1H5

Telephone: 416 222-1430

E-mail: Mitchell@Shnier.com

Kannakko, Kris (MNRF)

From: Taylor, Steve (MNRF)
Sent: April 22, 2015 11:24 AM
To: Collins, Anne (MNRF); Duggan, Dan (MNRF)
Subject: RE: Part II Order Request, Proposed Hydro-electric Generating Station at the Bala Falls

Total silliness

-----Original Message-----

From: Gibson, Carissa (MNRF)
Sent: Tuesday, April 21, 2015 10:07 AM
To: Collins, Anne (MNRF); Duggan, Dan (MNRF); Taylor, Steve (MNRF)
Subject: FW: Part II Order Request, Proposed Hydro-electric Generating Station at the Bala Falls

FYI ONLY through OCMS - no action required.

-----Original Message-----

From: Bill Mauro, MPP (Constituency Office) [<mailto:bmauro.mpp.co@liberal.ola.org>]
Sent: April-17-15 11:58 AM
To: MIN Feedback (MNRF); Rankin, Peter G. (MNRF)
Subject: FW: Part II Order Request, Proposed Hydro-electric Generating Station at the Bala Falls

-----Original Message-----

From: Mitchell Shnier [<mailto:Mitchell@shnier.com>]
Sent: Friday, April 17, 2015 11:52 AM
To: Murray_Glen - MPP; EAASIBgen@ontario.ca
Cc: Mauro_Bill-MPP-CO
Subject: Part II Order Request, Proposed Hydro-electric Generating Station at the Bala Falls

Hello Minister Murray,

I have attached a Part II Order Request for the proposed hydro-electric generating station at the Bala falls.

I look forward to your reply.

Mitchell Shnier, on behalf of SaveTheBalaFalls.com
25 Lower Links Road
Toronto, ON M2P 1H5

Telephone: 416 222-1430
E-mail: Mitchell@Shnier.com