

January 23, 2019

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Permit to Take Water Evaluator
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Dear Mr. Raisman:

Re: Comments for Swift River Energy Limited's Application for a Permit to Take Water, for the North Bala Small Hydro Project, Ministry Reference 8784-B6YRB2

Summary

It would be unprecedented to locate a hydro-electric generating station in the middle of a popular in-water recreational area, yet the proponent refuses to show their Public Safety Plan or any proof that an organization with the required expertise has confirmed this Proposed Project could be operated safely.

As noted below, all we know for certain is that the operation of this Proposed Project would create unacceptable dangers to the public.

We realize that the assessment of an Application for a PTTW typically does not include public safety concerns, but the proponent's environmental assessment did not address this life-and-death issue as (for example) at that time they had not even disclosed the extent of their proposed downstream safety boom, and they have since significantly increased the cycling flow as well.

We therefore request that the proponent not be issued a PTTW for the operation of their Proposed Project until an unbiased organization with in-water recreation safety expertise has confirmed that the proponent's Public Safety Plan would adequately protect the public.

Please confirm receipt of this letter.

Detail

Thank you for forwarding to me the 190-page Application from Swift River Energy Limited for a Permit to Take Water (PTTW) for the operation of their proposed hydro-electric generating station at the Bala falls (the Proposed Project).

I have divided my comments below into two categories:

- Concerns about public safety.
- Incorrect and conflicting statements.

Please let me know if you have any questions about the points raised below, or if I could provide additional information and background documents for these.

The page numbers below refer to the pdf document page numbers, from 1 through 190.

Public Safety

Page 3: In response to the question: “*Are you aware of any complaints or impacts resulting from water takings at the site?*”, the proponent responded No.

- This is incorrect. For years we have been sending letters to the proponent, MNRF, and MOECC/MECP noting the unaddressed risks to public safety that the operation of this Proposed Project would create. Clearly the proponent knows about these complaints and negative impacts and should have reported these to you.

Pages 14, 15, and elsewhere: The proponent claims this Proposed Project would operate as “run-of-river”. However on pages 63, 86, 87 and elsewhere they state the Proposed Project would use cycling operation when there is less than 26 m³/s of flow available.

- This conflicting information is environmentally-significant and needs to be corrected.
- Cycling operation is a major public safety concern as it would begin, remotely- or automatically-controlled, with no local Operator, and without warning, at about noon on 1/3 of summer days, just when people would be nearby in the water.
- People can judge natural hazards, such as the flow from a waterfall. But the flow due to the Proposed Project would mostly be below the surface, so would be both more dangerous and undetectable.
- People have drowned due to the flow caused by hydro-electric generating stations much smaller than the Proposed Project, both directly upstream and downstream of them. It would be unprecedented to construct such an industrial facility in the middle of an in-water recreational area, yet the proponent refuses to disclose how, or if, they would safely operate. All we have are the facts that would result in this being an unacceptably dangerous facility, including that:
 - It would use the more dangerous cycling operation.
 - The upstream safety boom should be farther upstream according to the Point of No Return calculation used by both Transport Canada and the MNRF. Even more alarming is that the only boat rental in the area is directly at this upstream safety boom and it is common for people to fall out of canoes and kayaks when they are getting in to and out of them. The proponent’s own information shows that people would be carried from falling into the water and held underwater at the Proposed Project’s intake in just **45 seconds**.
 - That the extent of the proposed downstream safety boom is inadequate as the Proposed Project would cause higher water velocities outside of it than Transport Canada says is safe for canoes and kayaks. Yet there are private residences and docks too close.
 - The proponent would construct a portage directly adjacent to the Proposed Project’s tailrace, encouraging people to canoe right into this treacherously turbulent water.

Page 14: For their 2009 Environmental Screening/Review report, the proponent stated the flow used for cycling operation, would be 14 m³/s (Section 6.2.2.1).

- However:
 - On page 14 the proponent states the cycling flow would be at least 19 m³/s.
 - On page 63 they state the cycling flow would be 20 m³/s.
 - On page 85 they state the cycling flow would be at least 19.2 m³/s.
 - On page 87 they state the cycling would have flows of 20 to 30 m³/s.

- This could be more than a doubling of the cycling flow approved during the environmental assessment. As the proponent themselves state on page 87, the greater the flow, the greater the danger to nearby in-water recreation.
 - The proponent should clearly state what the cycling flow would be.
 - As the proponent's environmental approval was only for a cycling flow of 14 m³/s, any of these greater cycling flows require information from a qualified expert that the proponent's Public Safety Plan would be adequate.

This is yet another example of how environmental impacts (risk to human life) follow from the taking of water, so is appropriate to include in the assessment of the proponent's Application.

I also note that government Ministries do not have in-house expertise for assessing risks to in-water recreational activities, as outside consultants have been used in the past.

Page 64: Concerning the "Anticipated Impacts of Project", the proponent states; there would be "*no adverse effects on aquatic habitat or biota*", "*the cycling operation may result in some change in benthic utilization*", and there is the "*potential for fish entrainment*".

- We are pleased to see that the proponent addresses impacts to fish habitat, however, they neglect to consider risk to humans.
- For example, for more than 100 years, the majority of the water flow through Bala has been through the Bala south channel, far from the in-water recreational areas. However, the drawing of water for the Proposed Project would change this so the majority of the flow would instead be through the Bala north channel, exactly where the in-water recreational areas, municipal docks, and residences are, and therefore creating new risks to human life.

Clearly this is a major and environmentally-significant change which was not addressed during the environmental assessment (for example, because at that time the proponent had not disclosed or had approved the extent of their proposed downstream safety boom).

By addressing only the impacts to fish habitat and not the increased risks to public safety, this Application is incomplete and should be rejected.

Incorrect and Conflicting Information

Page 17, Proof of legal name. This document was printed in 2007 and expired in 2012, so does not provide valid proof, so should be rejected.

Pages 62 and 86: Claims operation would be run-of-river – which means Lake Muskoka would not be used for water storage.

- However, later on the same page states that cycling operation would be used.
- Cycling operation is inherently dangerous, so the statement that "*Compliance with the WMP and public safety will continue to be ensured*" is unjustified and from the information currently available, is incorrect.

This conflicting information needs to be corrected, and steps to ensure public safety need to be disclosed or the claim withdrawn.

Pages 84, 87, and elsewhere: States the flow through the Little Burgess Generating Station is a maximum of 4.0 m³/s.

- However, PTTW number 8530-9ACQ3B, dated August 30, 2013 and valid to 2023, issued to the Operator of the Little Burgess Generating Station permits water taking up to 4.246 m³/s.

Page 85: This August 15, 2104 document states there would be no concession flows during cycling mode of operation.

- However, this conflicts with the commitment made to the proponent's Flow Distribution Committee (presentation dated September 17, 2014) and to the public (press release dated September 30, 2014).
- The proponent should be required to honour the commitments they have made.

If the proponent wishes to eliminate such concession flows, then the public needs to be notified of this as it was not disclosed for their environmental assessment.

Page 106, section 2.7, Figure 4.1, and Figure 4.2, and page 107, section 5.4: It may be appropriate to add North Bala GS, but the Bala North Dam would still exist so should not be removed.

Page 106, section 4: The original Bala Falls generating station was built in 1924, not 1929.

Page 107, Section 5.4 and page 109 section 5.4: The Little Burgess Generating Station (and that is the correct name) is owned by the Township of Muskoka Lakes, not Algonquin Power (which never owned it).

Page 108, section, 5.4: Typo: "generating station" repeated.

There are more errors in the proponent's proposed changes to the Muskoka River Water Management Plan, and this shows why the MNRF should have public review of proposed changes to this important document.

Sincerely,



Mitchell Shnier, on behalf of SaveTheBalaFalls.com