



## COUNCIL AGENDA REPORT

**TO:** Mayor Harding and Members of Council  
**MEETING DATE:** November 13, 2019  
**SUBJECT:** Bala Falls Generating Station Update

### **RECOMMENDATION:**

None. This report is for information purposes.

### **APPROVALS:**

	Date	Signature
<b>Submitted: Ken Becking P. Eng., Director of Public Works</b>	<u>08/11/2019</u>	<u>Original signed by K. Becking</u>
<b>Approved: Derrick Hammond, CAO</b>	<u>08/11/2019</u>	<u>Original signed by D. Hammond</u>

### **SUMMARY:**

Following up on questions that arose at the October 16<sup>th</sup> Council and October 17 General/Finance Committee meetings, staff have reviewed the matters and the information available as of the date of this report is provided below. An invitation has been made to Mr. Frank Belerique of Swift River Energy Limited (SREL) to attend the December 11, 2019 meeting of Council to provide further information on the operational safety plan and restoration of the parkette. A legal opinion has been requested and will be forwarded to Council when it becomes available.

### **ORIGIN:**

Township of Muskoka Lakes – Public Works

### **BACKGROUND:**

Mr. M. Shnier delegated at the October 16<sup>th</sup>, 2019 meeting of Council and raised concerns with respect to the safety measures put in place for the operation of the dam/hydro generating facility and the potential liability implications for the Township due to the proximity of the Bala Municipal Dock and the Portage Parkette. Further questions relating to the economic impact of the dam on Bala were also posed. Council

directed staff to consult with SREL, the Ministry of Natural Resources and Forestry (MNRF), the Township insurer and legal counsel as well as to review existing reports and commitments and report back to Council with findings.

The subsequent discussion at General/Finance Committee raised the issues the status of the restoration of the parkette adjacent to the generating station.

## **DISCUSSION**

The following updates are provided for the information of Council:

### **Dam Safety Plan/ Municipal Liability:**

- Staff have spoken to Mr. Duggan of Ministry of Natural Resources and Forestry (MNRF). He confirmed that the dam safety plan is in place and that it has been approved by Transport Canada (the approval authority) and MNRF. Mr. Duggan advises that Province and Swift River Energy Limited (SREL) have yet to finalize arrangements that will transfer responsibility for the operation of the dams at Bala Falls to SREL (An Agreement, an amendment to the Muskoka River Water management Plan and a Permit to Take Water are still outstanding).
- Staff have had a teleconference with SREL on November 8, 2019. Mr. Frank Belerique agreed to attend the December 11, 2019 meeting of Council to explain the safety features that are/will be incorporated into the safety measures at the dam.
- A legal opinion has been requested from the firm of Paterson MacDougall. Our initial discussion revealed that warning signage should be erected at the municipal dock as a proactive measure. A written legal opinion will be brought forward to Council upon receipt.
- Staff have contacted our insurer, BFL Canada Ltd., and are awaiting a response.

### **Parkette Restoration:**

- The Township entered into an agreement with SREL for the use and restoration of the parkette in accordance with an approved plan.
- Subsequent to the start of construction of the facility, a boulder with heritage significance was discovered at the site which Council has directed be incorporated into the restored parkette. The plan and the agreement would need to be amended to reflect the proposed change.
- SREL advises that construction to restore the park will commence as soon as suitable conditions exist in the spring. Construction is expected to last approximately one month.

### **Economic Impact:**

- The economic impact of the generating station on the local community was considered as part of the environmental assessment of the project.
- SREL has indicated that a commitment is in place to protect Purk's Place should they be adversely affected by the generating station. Further details may be provided when Mr. Bellerique attends the Council meeting in December.

## **RATIONALE:**

N/A

## **FINANCIAL:**

None at this time.

**TOWNSHIP STAFF CONSULTED:**

N/A

**ATTACHMENTS:**

Mr. Shnier's Presentation

**CONTACT:**

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