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15 October 2012

The Honourable Minister Jim Bradley,
Minister of the Environment
11th Floor, Ferguson Block
77 Wellesley Street West
Toronto, ON
M7A 2T5
Email: Minister.moe@ontario.ca

Dear Minister Bradley:

**Re: Bala Falls
Request to Review the Director's Decision**

Ontario Rivers Alliance (ORA) is a Not-for-Profit grassroots organization with a focus on healthy river ecosystems all across Ontario. ORA members represent numerous organizations such as the French River Delta Association, Vermilion River Stewardship, CPAWS-Ottawa Valley, Friends of Temagami, Paddle Canada, Whitewater Ontario, Mississippi Mills Riverkeepers, along with many other stewardships, associations, and private and First Nations citizens, who have come together to support healthy river ecosystems in Ontario and to ensure that development affecting Ontario rivers is environmentally, ecologically and socially sustainable.

ORA requests that the Director's decision to deny our elevation request be reviewed for the following reasons:

1. A Major and Environmentally Significant Change

Our main objection to the Addendum, were that the changes in the proposed design were not minor modifications, but were in fact major and environmentally significant, and were not adequately addressed. Please refer to our letter to Agatha Garcia-Wright, dated 29 June 2012.¹

2. Economic Impact Study

The Director's Report acknowledged that "the actual impact (positive or negative) the proposed project will have on the local economy could not be determined" because the relevant economic data for the Village of Bala "is non-existent". If this is actually the case, then it is critical that the required economic data be acquired and evaluated in a proper and Economic Impact Study. As is, the integrity and intent of this Study is in serious question with the lack of timing, sampling and application, so it has no meaning or usefulness. It has to be expected that some economic data would not be readily available, that is exactly why the proponent needed to conduct a study. The proponent could easily have conducted

¹ Letter to MOE, dated 29 June 2012

interviews with tourists and local businesses to obtain the required and complete information. It is unacceptable for the proponent to claim a “net benefit” when they clearly do not have all the information necessary on which to base such a statement.

A complete and accurate Economic Impact Study must be prepared.

3. **Public Lands Act – Bala Falls Portage Trail**

The portage trail south of Bala's north falls has been there for over 150 years. As the portage was in use before this area's Crown land grant to Thomas Burgess in 1873, the portage is protected under the Public Lands Act, which requires that it not be obstructed. The proponent's new proposal would obstruct this portage and make it inaccessible – therefore approval should not be allowed.

4. **Lakes and Rivers Improvement Act – Safe Access**

The proponent's analysis of the flows exiting the proposed generating station did not extend to the Town docks on the Moon River or the docks and shoreline of the nearby private property owners. Safe access to one's docks and shoreline is protected by the Lakes and Rivers Improvement Act, and the proponent has not provided the needed information to ensure this.

5. **Jurisdiction**

For over 100 years, in-water recreation such as swimming and wading has been very popular, both upstream and downstream of the proposed generating station, and has been very important to the area's economy. Transport Canada (TC) says that boating can continue, but TC does not have the mandate or expertise for in-water recreational safety. Therefore, this question of in-water recreational safety remains unassessed and unanswered.

6. **Questions of Process**

This environmental assessment must follow the process in the *Guide to Environmental Assessment Requirements for Electricity Projects* which requires meaningful public consultation, and yet:

- Environmental flow is a crucial negotiation that must be agreed upon before environmental approval is received. It is crucial that the public have meaningful input and confidence in the decision of how the public resource of our water will be used.
- The proponent has not demonstrated any sensitivity to the aesthetics required for the proposed location, all we have seen are renderings of projects that would be impossible to build. The proponent has ignored the community, as **there has been no meaningful public consultation**.
- The proponent's new proposal would need to build a temporary bridge over the north channel for construction vehicles and would drive these construction vehicles through Margaret Burgess Park and store construction materials there too. However, the proponent's 2009 Environmental Screening Report did not inform the public of these requirements which are **environmentally-significant**, and according to Section B.5.2 of the *Guide to Environmental Assessment Requirements for Electricity Projects*, **public consultation is therefore required**, but this has not occurred.

7. **Part II Order Request**

As Gord Miller, Environmental Commissioner for Ontario has noted, “A “no” decision is not a possible outcome.... Frustrated members of the public invoke the available appeal mechanism (a request for a “bump-up” to an individual EA, also known as

a “Part II Order”) about 60 to 70 times in a typical year, but to the ECO’s knowledge, the ministry has not granted one such request.”²

ORA questions the integrity of such an appeal mechanism that provides no opportunity for a “no outcome” or a Part II Order request being granted, and which places Bala Falls and it’s community at the mercy of a for-profit developer.

ORA looks forward to your response.

Respectfully,



Linda Heron
Chair, Ontario Rivers Alliance

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Honourable Michael Gravelle, Minister of Natural Resources – Minister.mnr@ontario.ca
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² Getting to Know, 2007-8 Annual Report, P-42