

KMcGhee MKE

From: KMcGhee MKE [kmcghee@m-k-e.ca]
Sent: March-28-11 7:28 PM
To: 'Ruth Nishikawa'
Cc: 'Alice Murphy'; 'Allen Edwards'; 'Bob McTavish'; 'Brad Burgess'; 'Cheryl Mortimer'; 'Don Furniss'; 'Gault McTaggart'; 'Phil Harding'; 'Ron Brent'; 'Ruth-Ellen Nishikawa'; 'Walt Schmid'
Subject: RE: Bala Hydro Project Clarification
Attachments: bala falls decision letter requesters mar 25 (2).pdf

Dear Council

This is in response to Councillor Nishikawa's email/question subsequent to the earlier email exchange below: "Could you please forward me a document with the intentions of the use for both Burgess Park and Divers Point for option one, (and or statements similar to those you have just made on Option 2). Also a clearer description of Swift Rivers term of a "staging area", what activities etc may occur on these lands. Thank you in advance."

With respect to **Option 1**, it is Swift River's preference to use the District land adjacent to (and south of) the crown land (same land that Option 2 would be located on) to facilitate construction, with the understanding that Swift River would rehabilitate it at the end of construction. However, some members of the public have suggested that should the District deny Swift River the land for the Option 2 plan, and Swift River is forced to return to its original Option 1 plan on Crown land only, that they would then request that the District also deny us any temporary use of that same district land to facilitate construction of the Option 1 plan. Therefore, we have been investigating several alternative construction methods to facilitate Option 1 construction:

Option 1 ONLY (crown land option) construction alternatives:

1. It is Swift River's preference that a temporary land use permit be obtained from the District for the land immediately south of the crown land, for the construction period - to facilitate construction. This temporary land use permit would be provided with the understanding that Swift River would ensure that this land is rehabilitated at the end of construction, as part of the project. This piece of District land, combined with the crown land adjacent to Purk's Place, and the use of the Shield Parking Lot, should be sufficient to facilitate the construction of the Option 1 plan. In this situation, if the Shield Parking Lot is not made available, but the district land is, an alternative off-site location may be a reasonable substitution, but would incur more traffic on Highway 169 from the project vehicles between the site and the off-site location.

However, should the District deny us this temporary use of their land, SREL would be left with a very small piece of land from which to construct the Option 1 plant. While this would indeed make construction more difficult, it would not make it impossible (or even unfeasible). The following are some of the further options at our disposal (and there may be more once a contractor is fully engaged):

2. A larger working platform would be constructed at the downstream end of the project to allow for some staging and barging of equipment and/or materials.
3. Excavation could be done in stages working from the water's edge back to the roadway, with a crane located on the upper level either adjacent to the road.
4. A temporary bridge could be installed parallel to the north dam to facilitate either a stationary crane or vehicle movement between the site and Burgess Park. Burgess Park would then be used for either staging or simply equipment/material movement.

If sufficient space for staging can be attained through a combine of: District land, shield parking lot, the crown land beside Purk's Place; then Diver's point would not be required to be used for anything other than dam access during operations. However, it is conceivable that only a portion of Burgess Park could be used plus Diver's Point and thereby reduce the land required at Burgess Park.

As you can see from above, there are several options available for the construction of this alternative Option 1 plan should we be forced to go that route. By far the least impact under this plan, would be to use the District Land immediately adjacent to the crown land for the construction period only and restore it at completion of construction. This plan would eliminate any requirement of Burgess Park during construction. And its use (as for Option 2) would remain in the short and long term as it is currently.

Swift River's only interest in Burgess Park and Diver's Point after construction of the project is complete (for either Option 1 or 2) is to ensure there is always access to the North and South Dam for their respective operations. This is consistent with MNR's current use of these lands.

I again offer to discuss this further with any of the councillors and I trust that this now satisfies Councillor Nishikawa's request for clarification/further information.

I am sure you have all heard by now, however, in the case that you have not, the MOE rendered its decision today on the Project's EA denying all elevation requests for the project. A copy of MOE Director's Decision was sent to CAO Schmid this morning should you wish further information on the details of the Township's specific items. In addition to this, I have attached, for your information, the more general version that was sent to bulk of the elevation requesters.

On another note, I would like to point out that given the Township's concern regarding safety with respect to this project, that the Ontario Waterpower Association will be holding a Public Safety Around Dams Workshop on April 11th in Peterborough that may be interesting to either councillors or staff. To register see - <http://www.owa.ca/owa-events/>

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

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From: KMcGhee MKE [<mailto:kmcghee@m-k-e.ca>]
Sent: March-28-11 12:44 PM
To: 'Ruth Nishikawa'
Cc: 'Alice Murphy'; 'Allen Edwards'; 'Bob McTavish'; 'Brad Burgess'; 'Cheryl Mortimer'; 'Don Furniss'; 'Gault McTaggart'; 'Phil Harding'; 'Ron Brent'; 'Ruth-Ellen Nishikawa'; 'Walt Schmid'
Subject: RE: Bala Hydro Project Clarification

If you would be so kind as to send me that document as that has never been in our plans, it would be appreciated.

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

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From: Ruth Nishikawa [<mailto:ruthellenish@gmail.com>]

Sent: March-28-11 12:42 PM

To: KMcGhee MKE

Cc: Alice Murphy; Allen Edwards; Bob McTavish; Brad Burgess; Cheryl Mortimer; Don Furniss; Gault McTaggart; Phil Harding; Ron Brent; Ruth-Ellen Nishikawa; Walt Schmid

Subject: Re: Bala Hydro Project Clarification

To clarify comments made concerning Burgess Park and the staging use. I have reviewed my notes and since I was the individual that asked the question concerning the use of Burgess Park I must note that the question was raised from a document produced by Swift River and Karen Mcgee on Option 2 site drawings noting staging areas. We were not discussing option 1 at that time, and the document in front of me shows Burgess Park as a staging area under Option 2.

On Mon, Mar 28, 2011 at 12:21 PM, KMcGhee MKE <kmcghee@m-k-e.ca> wrote:

Dear Township Councillors:

It has come to our attention that a statement I made in council a few weeks back may been misunderstood. I would therefore like to formally clarify the following points regarding Burgess Park and Diver's Point:

Burgess Park:

Swift River Energy does not, nor has it ever, intended to use the Burgess Park located northwest of the Bala North Dam for any purposes other than to access by foot to the North Dam for operations (which will likely be done from the other side of the dam (south side) the majority of the time anyway). The Option 2 plan (otherwise known as the District Land Option) does not require any use (other than for this dam access) of this space whatsoever during construction nor, at any time after construction. Swift River and its contractors will not be cutting any trees, doing any grading, construction, or storage, whatsoever on this land under the proposed Option 2 Plan, now or in the future. The reason the land is being included in the Crown's lease was purely an MNR decision and SREL did not have any say nor desire to have it included in its lease. It has always been SREL's plan to keep the Burgess Park in its current state, under its current use.

The statement made during that council meeting was in response to a question posed to us regarding the Option 1 Plan (otherwise known as the Crown Land Option), with respect to how Swift River intended to construct such a project on such a small piece of land, if the adjacent district land was not made available. My response was simply that if, and only if, we are forced back to our Option 1 plan, we did have some additional pieces of land that may be available to us for temporary use during construction, in addition to opportunities using barges etc.

Diver's Point:

This land is to be included in our crown lease for the same reasons as above - access to the Bala South Dam during operations of that dam. Please note that once the project is operational, Swift River will be taking over the responsibility for operating both the North and South Dams.

Therefore, Swift River does not, nor has it ever, intended to use Diver's Point for any purpose other than to access the South Dam for operations. Under the currently proposed Option 2 plan, Swift River has considered using this area as a construction staging area, however, if the Municipality will agree to lease Swift River, or its contractor, the Shield Parking lot (or a portion thereof) for the construction period, Swift River would not require even this temporary use of Diver's Point for the Option 2 either. In this situation, Swift River would not be cutting any trees, grading, constructing or storing anything whatsoever on Diver's Point either during or after construction. Swift River has requested information on leasing the Shield Parking Lot from the Township (if indeed the Township owns it) from the CAO, and is awaiting information about this parking area, as well as a decision on the township land for which we have applied for a long term lease at the intake, for the Option 2 plan.

I hope that this better clarifies this matter for you.

Please do not hesitate to contact me if you would like to discuss further.

Regards,

Swift River Energy Limited (SREL)

Karen McGhee, P.Eng.

Bala Project Manager

p: [905-331-9692](tel:905-331-9692)

www.balafalls.ca



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Ruth Nishikawa
(705) 762-0622