The Mississippi RiverWatchers Response to Enerdu / OEL-Hydrosys OE8982-00

Environmental Report on the Enerdu GS Expansion and Redevelopment Project

Revision 1.1

January 18, 2013

The RiverWatchers

P.O. Box 525, River Road, Almonte

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1 Process and Timelines

Because time is of the essence in the completion of the ER response process, we respectfully ask for a reply to the concerns we raise, as detailed herein, at your earliest convenience, so as to allow reasonable time for the required discussion, intended to find resolution to our differences, before the deadline at the end of this month.

2 Summary of Objections

2.1 The Spirit of Our Objections

Enerdu is proposing a project that will change the riverscape in the middle of the town of Almonte, and impact the river that flows through the heart of the community. We have failed to identify any significant community benefit from this project, but can clearly identify several areas where riparian owners, residential dwellers in proximity to the project and the greater community will be disadvantaged.

2.2 The Catalyst for our Objections

Concerns about the Enerdu operational impact were voiced in 2011 with an expectation of resolution through discussion. Repeated communication attempts were rebuffed. An expression of concern for the obvious upstream environmental effects of Enerdu operations was denied by Enerdu management. This approach taken to addressing community concerns served as a spark amongst riparian owners and community members aware of deteriorating environmental conditions. Enerdu's failure to address these community concerns in a forthright manner made the Enerdu application for expanded operation suspect and a target of our scrutiny.

2.3 Summary of our Concerns

2.3.1 The ER Fails To Acknowledge The Finding Of The Public Advisory Committee Of The Mississippi River Water Management Plan

The ER itself fails to acknowledge the finding of the Public Advisory Committee of the Mississippi River Water Management Plan, in defining the zone of influence of the Enerdu project to the entirety of Reach 18 (from the weir to the Appleton Dam), rather than the 250 m. long area between the project site and the McLann Bridge by the Old Town Hall.

2.3.2 Current Operating Practices

Current operating practices causing fluctuations in the water level and ongoing higher levels of water than pre-2004 are causing broad-reaching environmental damage and are not addressed in the ER. Moreover, the holding pond and peaking mode will create the possibility of increased fluctuations in the future, affecting fish spawning beds,

amphibians, nesting aquatic birds, trees, and waterfront owners.

2.3.3 Impact on Residents in the Immediate Area

The impact on residents in the immediate area of the new power plant and the community at large has been minimized. The visual and sonic impact of the development has not been considered as part of a small town riverscape. We protest an industrial plant for private gain being placed upon crown land in the middle of a small town downtown riverscape, and within meters of condominiums, homes, and a popular pub. We propose that an expansion in generation capacity could be achieved within the existing powerhouse building and without undue alteration to the riverscape.

2.3.4 Historic Recreational Nature

The historic recreational nature of the area of the upper falls is not being considered and will become a public hazard area requiring restriction of access through fencing, buoys, and large-scale bright red signage.

2.3.5 Placement of the New Proposed Weir

The new weir placement downstream of the original footprint, its placement largely on crown land, and the lack of guarantee of flow of water over the top of the weir throughout the year (compensatory flow) indicate a disregard for the appearance of the upper falls cascade so much a part of the look of the town.

2.3.6 Impact of the Construction Phase

The impact of the construction phase is being minimized and the full impact underestimated.

2.3.7 Water Management Practices of Enerdu

The water management practices of Enerdu exceed the intent of its license. The riparian rights of nearby land owners are being infringed upon and are not addressed in this plan. These include fluctuating water levels at shorelines and docks, erosion of land, and lack of consultation.

3 Pre-Existing Issues

3.1 Proof of Awareness

The Environmental Report (ER) fails to address pre-existing issues brought to the proponents' attention in 2011 and 2012 by members of the public, riparian owners, the Mississippi Valley Conservation Authority, the Mississippi Valley Field Naturalists, the Mississippi RiverWatchers, and the Steering Committee and the Public Advisory Committee for the Mississippi River Water Management Plan. This failure to identify these issues and address them in the ER is a serious omission that makes much of the report invalid. In the sections that follow we attempt to put the issues and timeline in perspective in order to clarify our concerns over these issues.

3.2 Run-of-the-River

The facility where Enerdu operates originally started in the 1800s as a water powered flour mill. It was subsequently converted to a hydro generation station by the Dupuis family in the 1990s, and later purchased by the present owner. Through most of this early period, the facility operated as a true run-of-the-river plant.

The term as applied to a hydro generation facility normally implies that it offers little real disruption to the normal flow of the river, has little or no storage of water, and is environmentally benign. A number of other more formal definitions are quoted below:

> *Websters Dictionary defines "run of river" as "operating on the flow of the river without modification by upstream storage."*
>
> *The World bank definition: "developments where no or little impoundment takes place and the natural river flow is utilized with no seasonal regulation."*
>
> *According to Natural Resources Canada, "Run-of-river" refers to a mode of operation in which the hydro plant uses only the water that is available in the natural flow of the river, as depicted in Figure 6." Run of river" facilities are generally designed to take advantage of the natural flow, with no manipulations of flows. **
>
> **(RETScreen International, Clean Energy Project Analysis: RETScreen Engineering and Cases Texctbook, Natural Resources Canada, P. 11)*

It is interesting to note that Enerdu also appears to agree with essence of these definitions since they state on page 18 of the ER:

> *"Run-of-River operations usually incorporate a weir and a headpond of limited storage capacity. As the name suggests, a run-of-river facility is generally designed to utilize the water of a river system at its naturally occurring rate of flow, with essentially no water storage. Water is conveyed from the site of the weir to the top of the penstock, a distance that may be mere meters or several kilometers depending on site conditions. Generally, all dams or weirs associated with hydroelectric developments tend to alter the natural flow regime of a river*

> *system by affecting when and how quickly water is released downstream. A true run-of-river system, however, has the least potential impact on a system as water is released or discharged at essentially the same volume and rate as it enters the system upstream. The primary area of potential impact is therefore the portion of river system between the dam intake and the powerhouse/ tailrace area."*

Unfortunately, current operations are not really run-of-the-river, and in spite of the many repetitions of the run-of-the-river mantra in the ER, future operations will not be true run-of-the-river. Examples are scattered throughout the ER:

> *Page i – "The Enerdu GS will continue to operate as a run-of-river facility,...."*
>
> *Page 3 – "The existing generating station operates as a "run-of-river" facility..."*
>
> *Page 13 – "The proposed generating station would operate as a run-of-river facility."*
>
> *Page 18 – "The Enerdu GS would be operated as a Run-of-River facility, in the same manner as the existing generating station."*
>
> *Page 19 – "As a run-of-river development, the proposed facility's operating regime would not differ from the operating regime of the existing facility ....."*
>
> *Page 84 – "As a run-of-river facility, the Enerdu GS project will generate sustainable and renewable energy and, in combination with other green energy projects, contribute to the improvement of air quality and public health in Ontario by facilitating the shutdown of coal fired energy generation."*

In our opinion this over use of the term "run-of-the-river" is an attempt to "greenwash" the project. Enerdu has significantly altered the river environment with non-seasonal raised water levels and they are also using the 9 km length of Reach 18 as a storage reservoir.

3.3 Weir and Flashboards

Early photographs of the Almonte section of the river do show some evidence that some form of weir with possible flashboards was in use in the 1800s and early 1900s. The resolution of these images is low, and it is impossible to determine the exact height of these arrangements. It is believed that they were primarily to help direct the river flow towards the intake of the flour mill and the Thoburn mill rather than to increase the available head significantly. At some point, probably in the early 1900s, the existing concrete weir was built with the top at a level of 117.20 masl (meters above sea level). The records of the Mississippi River Power Corporation (MRPC) do contain a half dozen or so mentions of installing flashboards on the weir along with a couple of invoices for lumber and pipe for flashboards over the period from the 1950s to the 1980s. However, there is no record of the height of the boards at any time, nor a firm record that they were in place every year. The memories of various people suggest that the boards were absent or in poor repair most of the time, and that they were relatively low (6 to 8 inches) when present.

This changed in the summer of 2004 when 0.5 meter flashboards were installed on the concrete weir. The result was a significant rise in water level the full nine Km length of Reach 18 to

Appleton. This rise was most evident in the Appleton wetland where summer water levels used to be below the base and top roots of the maple trees, but were now well up the trunks.

We note that page 49 of the ER states:

> *"The present flashboard system has been in place for seventeen (17) decades, originally installed to maintain upstream water levels, but the flashboards can no longer be easily (and safely) manipulated."*

This is not true, since the present flashboards and resulting water levels over that period of time would have killed all of the trees in the Appleton wetland and converted it to a cattail swamp. In fact, the wetland was thriving and filled with healthy maples until 2006.

3.4 Mississippi River Water Management Plan

In 2003 work was started on developing the Mississippi River Water Management Plan (MRWMP), and the final document was approved by all concerned in 2006. Its purpose was to establish the operating rules for all of the dams on the Mississippi River system including both storage reservoirs and the five hydro power dams. In the MRWMP all of the power dams are classed as run-of-the-river operations. In the case of the Enerdu generating station, the plan noted that they were using 0.5 meter flashboards and that the "best management practices or target range" for water levels were 117.20 to 117.70 masl. In addition, if during periods of higher river flow the water level exceeded 118.00 masl, the MRWMP states that the flashboards were to be removed.

This appears to have been a case of grandfathering an existing practice, even though it had only existed since 2004. In addition, the effects that higher water levels would have on the Appleton wetland seems to have been overlooked during plan development.

3.5 Appleton Wetland Damage

The Appleton wetland is recognized as a Provincially Significant wetland and an ANSI, and is a soft maple swamp. That is, it is an area, populated by soft maple trees, that is subject to seasonal flooding. Soft maples are flood tolerant provided that water levels recede during the summer and fall growing season to the point where the base of the trunk and top roots can dry out and breathe. There are many examples of this type of wetland in the area in addition to the Appleton Wetland. Although the maples are flood tolerant, sustained flooding for a period of two years will result in dying trees. We note that the Appleton Wetland had been thriving for as long as anyone can remember with regular spring floods, and low water periods in summer and fall.

The seasonal water level pattern changed in 2004 when the water levels remained high through the normal summer and fall low water period, and the new pattern continues annually to the present time. In 2006, two years after the start of the summer high water levels, significant numbers of dying trees were noted in the wetland, and the quantity of dead trees continues to grow. The 2004 increase in water levels coincides with the introduction of extra high flashboards (0.5 meters) on the Enerdu weir, and there is little doubt that they are responsible for the damage to the Appleton Wetland. Unfortunately, Enerdu continues deny any responsibility for this and only repeats the litany that they are simply operating in compliance with the MRWMP.

3.6 Potential Amendment to MRWMP

Submissions to MNR about the wetland damage by Mississippi RiverWatchers and the Mississippi Valley Field Naturalist (MVFN) lead to a meeting of the Steering Committee of the MRWMP on Nov. 11, 20012 at which the issue of Reach 18 water levels was discussed and was referred to the Standing Advisory Committee. That committee met on Nov. 29, 2012 and RiverWatchers, MVFN and others made presentations on the Reach 18 water levels. The final recommendation of the committee was that an amendment to the MRWMP was in order with the objective of restoring water levels to those that prevailed prior to 2004. We note that Enerdu was present at both meetings as confirmed in the following quotation from page 43 of the ER:

> *"The proponent had previously attended a meeting with the Standing Advisory Committee on January 11, 2011, and later on November 29, 2012; a meeting was held with the Steering Committee on November 11, 2012. During these meetings, information on the proposed development was shared with the attendees. "*

The ER makes no acknowledgement of the real intent or results of that meeting; to correct a flaw in the MRWMP that would have a major effect on this ER.

3.7 Zone of Influence Conflict

Subsequent to the above recommendation of the Standing Advisory Committee, on Dec. 17, 2012 Enerdu released this ER. The zone of influence for this project has been defined in the ER as only the area in the immediate vicinity of the new power house (about 250 meters). The fact that water levels raised in 2004 with 0.5 meter flashboards are causing environmental damage to the Appleton Wetland are completely ignored, and the continuation of these higher water levels is justified in the ER on the basis that they will be doing exactly what is permitted in the MRWMP. Some relevant quotations from the ER follow.

From Final Environment Report:

> *Page 6 – "Through the course of the environmental assessment planning process, the proponent undertook the identification and evaluation of alternative conceptual designs, and ultimately identified a preferred project alternative. It is important to note that the resultant operating regime of the redeveloped Enerdu GS will honour the existing approved operation plan as documented in the Mississippi River Water Management Plan. Operations of the redeveloped facility would not affect water levels upstream or downstream of the zone of influence from those experienced under the existing operating regime; there will be no new or changed interactions between the Enerdu GS and any other control structures or waterpower facilities on the Mississippi River system."*
>
> *Page 18 – "The primary area of potential impact is therefore the portion of river system between the dam intake and the powerhouse/tailrace area."*
>
> *Page 44 – 45: "The MVCA noted some previously raised concerns by a member of the public regarding the flooding of the Appleton Wetland and the Enerdu*

> *operating regime. It was confirmed by the proponent that the facility has been operating in adherence to the MRWMP. The project team stated that the EA would address any changes that the redevelopment Enerdu GS would cause to the environment within the project zone of influence in order to meet the planning requirements. The wetland was 9 km upstream of the existing weir, well outside the geographic scope of the project."*

We are concerned that Enerdu is moving forward with expansion plans on the Mississippi River and the important recommendation from the Standing Advisory Committee to restore historical water levels to Reach 18 has been deliberately ignored by Enerdu in this ER. It is clear that the present hydroelectric operation is influencing water levels throughout Reach 18, 9 kilometers upstream of the dam, and that the upgrades covered in this ER will continue to do so. The "zone of influence" in the ER must be extended to all of Reach 18 and a proper assessment of all environmental issues in this reach, including the Appleton Wetland, must be completed before the project is approved.

We would also note that it is foolhardy to proceed with the design for the upgraded facility without knowing what the amended MRWMP for Reach 18 will establish for operational water levels. Without that information the economic return on the upgrade investment cannot be estimated, and some aspects of a premature implementation may need to be replaced. We sincerely urge Enerdu to withdraw the current EA and wait until the MRWMP amendment is settled.

3.8 Peaking Operation

Based on observations during the summer and fall of 2012 there is little doubt that Enerdu is presently using the full length of Reach 18 as a storage reservoir and operating in a peaking mode during periods of when river flow is too low for continuous operation. When the water level above the weir approached their lower operational level, the generators were shut down until the river level rose nearly to the top of the flashboards and then generation resumed. The cycle repeated on a daily basis.

Clearly this is not currently a run-of-the-river operation, and the frequent cycling of river level can create problems. It is expected that the expanded facility proposed in the ER will continue this practice, but the higher flow rate through the generators will cause the river level fluctuations to be greater and more frequent.

3.9 Other Impacts on Reach 18

In addition to the major damage to the Appleton wetland, the existing Enerdu operation has negative effects on other users of the river, and the expansion proposed in the ER will continue the same effects.

3.9.1 Appleton Dam

Upstream, the effects of higher operating levels maintained by Enerdu were reported as measurably raising the tailrace levels at the Appleton Power Generating Station with a consequent reduction in net hydraulic head. The result is a reduction of electrical output. This

reduction was reported by Mike Stockton, the former Appleton Generating station operator.

3.9.2 MRPC Dam

When operating in peaking mode, particularly during the summer low-flow periods, the Enerdu GS can cause problems for the MRPC in meeting its mandatory requirement to maintain a minimum compensation flow of 2.2 m^3/s over their dam. Currently, when the Enerdu generators are shut down during low flow periods, the only water going to MRPC is the approximately 1 m^3/s that leaks through the Enerdu flashboards. In the compensation flow compliance reports for 2010 and 2011 that are available on the MRPC web site, there are a number of such incidents reported. It is expected that the 2012 report when published will show similar incidents. It is not evident in the ER that any steps will be taken to mitigate this problem in the future.

3.9.3 Riparian Land Owners

Under common law, riparian rights include right of access to and from the river, right to the natural flow of the water, right to quality of water, right to use the water for domestic and other purposes, rights of accretion.

Riparian rights extend to every point along the frontage and over every part of the foreshore.

Enerdu is proposing to continue to modify the height of the water with the use of the new weir, and will continue to maintain a high water level to create a holding pond. Enerdu proposes to increase the volume of water travelling past every property when they are generating power.

These constant fluctuations of water level will hasten erosion of the riparian shoreline, will make it difficult to use the docks within the immediate area, will restrict and limit the enjoyment of the riparian owners within the immediate area and upstream, will limit or reduce the enjoyment by swimmers, fishermen, canoeists, and boaters who are or may not be riparian owners.

Riparian owners' concerns have not been addressed in the ER, nor has Enerdu responded to the owners on an individual basis. Many riparian owners were not notified of the Enerdu information meetings, and have yet to hear from Enerdu.

3.9.3.1 Consultation with Riparian owners:

ER Pages 5/6 - Overview of Environmental Assessment,

> *"Environmental effects may also include displacement, impairment, conflict or interference with existing land uses, approved land use plans, businesses or economic enterprises, recreational uses or activities, cultural pursuits, social conditions or economic attributes."*

This is a clear acknowledgement that there may be major negative impacts. The ER states that:

> *"the project team took a consultative approach to address the proposed development and its potential effects".*

Most of the directly affected property owners have raised major concerns not only about the

public consultation process but also about the direct impact on their properties and activities. Letters have been written to Enerdu about these concerns. The responses have been dismissive and in most cases persons were told to wait for the ER. The ER does not address the concerns of the property owners and we feel each owner should have their concerns addressed directly.

As of December 30 2012 the three adjacent upstream property owners and the Thoburn Mill condominium owners have had no such contact.

3.10 Concerns

The above paragraphs lead to many concerns as listed below:

1) We would request the deletion of the run-of-the-river term from the ER, or preferably accompany its use with a clear commitment to true run-of-the-river operation, with protection of the Reach 18 environment and maintenance of community values as part of future operations.
2) Do you agree that the present flashboard system has not been in place for 17 decades but was an addition in 2004? If you disagree can you provide evidence to support your claim?
3) Do you agree that the higher water levels resulting from the 0.5 meter flashboards have damaged the Appleton wetland?
4) Do you agree that the MRWMP should be amended to return operational water levels on Reach 18 to historical values?
5) Do you agree that the ER should be deferred until such time as the potential MRWMP amendment is completed and then a new ER that complies with it should be prepared?
6) Do you agree that the “zone of influence” in the ER must be extended to all of Reach 18 and a proper assessment of all environmental issues in this reach, including the Appleton Wetland, must be completed?
7) Do you agree to cease peaking operation and change to a true run-of-the-river operation?
8) Will you operate in a manner that reduces impacts on the Appleton and MRPC generating stations?
9) Do you plan to compensate the effected property owners for both short term and permanent impacts?
10) *“Environmental effects may also include displacement, impairment, conflict or interference with existing land uses…”* is a catch all statement which seems to in tend to absolve Enerdu from any number of impacts. Can you be specific as to the recreational uses and activities impacted, and what remedies will be taken?

4 Issues With Proposed Project

4.1 General Public Concerns

4.1.1 Community Benefits

As yet there has been no clearly defined benefit to the community. While a small amount of generating capacity will be added to the provincial grid (even though we have excess capacity now) we would like to have clarification as to the local community benefit.

In other industries, for which an owner must seek regulatory approval, a “tangible benefit” is required in exchange for the license to operate the enterprise. Telecommunications, (radio, Television and telephone), come to mind as having to prove benefit to the community in which they are licensed to operate.

The Enerdu expansion proposal is a significant business enterprise, not unlike a mine or a gas well, in this case situated not in a remote field or distant mineral outcropping far from civilization, but in the heart of a vibrant community, surrounded by heritage buildings, attractive shops and lovely homes. The electrical generating enterprise offers no service to the community, no opportunities for employment and no benefits to the community in exchange for a license to operate smack in the most attractive part of the river and integral to the heart of Almonte.

The high degree of both temporary and permanent disruption to the scenic and natural course of the river through the downtown core of Almonte, along with the annexation of public lands as envisaged by the Proponent, might be acceptable if there were truly significant offsetting benefits. However, no benefit to the community is contemplated in the Expansion proposed by Enerdu.

4.1.1.1 Concerns

Would you please provide details of how this project will benefit Mississippi Mills and the Town of Almonte in particular as a balance to the impact of the project?

4.1.2 Implied ownership of a community recreational resource

Enerdu’s expansion plans include limiting access to a historic public recreation area, annexing of public land for the erection of private structures, and limiting access by creating an industrial safety hazard. The historic run of the river operation pre-2004 was compatible with community recreation. Access to the upper Almonte falls, a well-loved and historic summertime recreation area, was popular without any known history of accidents or deaths. The expanded operation plans to lay claim to this public area and eliminate a natural area of summertime recreation.

4.1.2.1 Concerns

Using the existing power house location only and the existing weir footprint would address a number of public concerns. Why is this not a project design option?

4.1.3 The ER Does Not Address the Long Term Impact on the Cultural, Historic and Tourism Concerns of the Community

A number of community members and adjacent land owners have major concerns about the proposed Enerdu project in terms of the culture and history of the town and need to have these concerns addressed.

We understand that as part of the ER, the cultural impact of the proposed project must be addressed. As a historic river community, the falls, rapids, and historic buildings make up a critical part of our community's attraction to visitors, new residents and long term residents alike. The impact of this project will be significant, yet the cultural aspects have been treated as minor.

Only temporary tourism issues (in Table 1 on pages 58 and 62 of the E.R.) are identified and long term issues are ignored.

Also, in ER TABLE 1: Potential Project Effects and Mitigation Measures (page 62) The "Buildings or Structures" section states:

> *"Impacts on aesthetics/heritage value of the old mill building, view from nearby condominiums. : No impacts anticipated."*

As an example of long-term impact, the proposed new powerhouse will be constructed in the middle of the historic tourist section of the river as it flows through the commercial and tourist centre of Almonte. As a structure it will be out-of-scale with the surrounding environment. The visual impact will be massive.

The proposed new powerhouse will completely change the look of the river, yet the cultural aspects have been treated as minor. The lack of specific information on exterior finish of the powerhouse leaves the concern that it will end up looking like an ugly concrete bunker. The lack of perspective drawings of the powerhouse, in its river front setting, as viewed from various vantage points along the River Walk, does make it difficult to assess the appearance and impact of this plan.

Moreover, it appears that the sound generated from the enlarged facility may well adversely impact the immediate residential and commercial community.

4.1.3.1 Concerns

11) Acknowledge the potential impact of any new structure and make formal commitments to ensure any structure fits within the aesthetic, historic and tourist nature of this section of the river.

12) Provide scale elevation drawings of the new power house in the ER showing its impact on River Walk, the Old Town Hall gardens, and the park behind the Post Office, neighbouring residential properties, and businesses (e.g. The Barley Mow patio).

Note: Also see discussions re exterior of powerhouse, our sections 4.2.3 and 5.5.4.

4.1.4 Property Ownership Issues

Based on the information obtained through Access to Information, there are issues concerning property ownership in the project area. It would seem that the powerhouse, weir, and excavation

areas may well be on crown land not eligible for quit claim. It is possible that adjacent property owners may have objections to either the quit claim or use of crown land for the project.

We feel that the issue of property ownership, quit claims, use of crown land, and boundary agreements with adjacent property owners should be completed before the ER approval is given.

4.1.4.1 Concerns

Have agreements been initiated with the provincial ministries regarding access to public lands and if so what are the agreements?

4.1.5 Erosion

The ER states on Page 76

> *"In addition, the bank on the north shore upstream of the Enerdu GS is likely already quite stable due to it being underlain by bedrock and being vegetated. For these reasons, it is not anticipated that the proposed expansion and redevelopment of the Enerdu GS will result in accelerated bank erosion."*

Erosion is a legitimate concern for property owners in the immediate vicinity of the proposed river bottom excavation This area of shoreline has already suffered significant erosion as evidenced by the location of property pins which are now well out into the river. The erosion of the shoreline has accelerated in recent years with the increase in the height of the weir flashboards. Recent history has shown that there are stability issues in this section of shoreline, contrary to the ER statement above.

The erosion concerns by landowners have not been addressed. The owners challenge the statement of stability since they can see and prove ongoing erosion.

4.1.5.1 Concerns

Please address the erosion concern in the ER and meet with the affected property owners.

4.1.6 Tail Race Area Access

The area below the tail race of the existing powerhouse is regularly used by local fishermen. It is common to see people in hip waders, people in canoes, kayaks, and even motor boats in this area. The proposed new powerhouse will make this area unsafe for any of these activities yet none of these impacts are acknowledged in the ER. Increased water currents and excavation will impact public access to the river along a much larger section than covered by the ER.

4.1.6.1 Concerns

1) How does Enerdu plan to address the impact of this loss of public fishing and recreational area?
2) Why is this concern not addressed in the ER?

4.1.7 Location of Residential Developments

The new powerhouse will be located within 75 meters of a condominium development, and there are several private homes adjacent to the weir and excavation areas. There are local businesses which have outdoor patios very close to the proposed new powerhouse.

The residential rental units in the building attached to the existing powerhouse are directly adjacent to the project at a distance of approximately 7 meters from the proposed new powerhouse– and are not mentioned in the ER or Noise Screening application.

The ER documents and maps provide inaccurate and confusing information concerning the location of residences and businesses adjacent to the project.

4.1.7.1 Concerns

How does Enerdu plan to clarify this ER information so that it is complete and accurate?

4.1.8 Safety Boom Location

The location of new safety booms and access restrictions are a major concern for local residents. Riparian owners are concerned over their access to the river. Regulations and guidelines concerning the placement of these access restrictions are clear and available to the proponent. Accurate flow models would tell the proponent where these restrictions would be placed.

The proponent has been made aware of the concerns of the riparian owners, yet has not provided any clear information. The safety barrier locations are a major impact of the project that has been ignored and must be clarified.

4.1.8.1 Concerns

1) Please provide clear and accurate drawings of the locations of the safety booms and fences.
2) When will you provide the access restriction details?
3) What are the impacts on local riparian owners, and how will they be compensated if adversely affected?

4.1.9 Ice Impact on Reach 18

Reach 18 encompasses a popular recreational area of the Mississippi river, stretching between the town of Almonte and the village of Appleton, This stretch is a popular winter recreation area with local residents, particularly cross country skiers, and ice fishermen as well a local snow mobile traffic. Peaking operations are known to create unstable ice conditions and have been identified as a major area of public safety concern by Ontario Power Generation. The area if influence of Enerdu operations extends through the entirety of Reach 18.

4.1.9.1 Concerns

1) Does Enerdu intend to address upstream ice conditions for public safety in its operating plan?

2) Why were Reach 18 winter ice conditions not addressed in the ER?

4.2 Site Concerns

There are a number of issues concerning the design and construction of the new weir and proposed new powerhouse. Some are contained in the Final Environmental Report, some in Appendix A, and others are in Annex I and the included drawings. These are referenced below followed by our concerns.

4.2.1 Inconsistent Information on the Powerhouse

The description of the powerhouse is inconsistent throughout the document and needs clarification. In some areas the term “Expansion” is used, while in other parts of the ER the term “New” is used. Based on the description provided in the ER the powerhouse is a completely new structure and any reference to an “expanded” powerhouse is inaccurate.

On page 13 of the ER it is stated that the construction will take place in the same physical area as the old powerhouse. Based on your drawings, the new powerhouse will clearly occupy an area that currently has no structures. The proposed powerhouse would be placed mainly on an area of the river bottom currently covered with water. Our research indicates that much of this area is considered crown land and would likely not be subject to quit claim.

4.2.1.1 Concerns

1) The correct description must be used throughout the document so Provincial staff clearly understand that the old powerhouse will no longer be used for power generation and that an entirely new structure is being proposed on a different footprint.
2) Why is the proposed powerhouse being moved from an area which could possibly be obtained by Enerdu through the quit claim process and into an area of crown ownership?

4.2.2 Powerhouse Noise

The new Powerhouse proposed for the center of the river is located in proximity of residential buildings and a restaurant with a popular outdoor patio.

The MOE noise screening form (Appendix E - Noise Screening) seems to be incomplete and inconsistent. The application form as stated shows closest point of reception is 50 meters but the prescribed minimum separation distance is stated as 1000 meters. The closest point of reception is actually much less than the Enerdu stated 50 meters since the apartments in the mill building are adjacent to the proposed new powerhouse (approximately 7 m).

Additionally, the Noise Screening application classified the project area as POR Acoustical Class 1 (a major population center). It is actually a quiet small town (pop approx. 5000) and adjacent to quiet rural areas – clearly a POR Acoustical Class 2. We are concerned that the noise from the expanded power plant may significantly alter the quiet centre of Almonte.

No estimated noise levels are provided.

4.2.2.1 Concerns

1) The screening form needs to be revised to show the POR Acoustical Class 2 designation for Almonte and resolve missing data.
2) The screening form needs to be revised to show the nearest residential buildings to be approximately 7 (seven) meters from the proposed powerhouse.
3) Can you provide estimated sound levels for all noises emanating from the new plant?

4.2.3 Proposed New Powerhouse Size, Location and Appearance

From Drawing G10:

The proposed new powerhouse will be located adjacent to the existing powerhouse and the mill building, and will extend horizontally into the river by 15 meters and down river by 33 meters. The central part of the powerhouse will rise 7 meters above the tailrace water level.

From Drawing G11:

The vertical profile of the powerhouse shows it to be of significant size relative to the mill building behind it; it is significantly longer than the mill building, and as high as the first floor windows in the mill building. There is no indication on the drawing as to the exterior wall finish, nor does there appear to be any specific reference to finish elsewhere in the ER.

The size and appearance of the powerhouse, in a prime river front location in the centre of Almonte, is a major concern. It will be large and intrusive. As an historic river community, our falls, rapids, and historic buildings constitute a unique focus for our community's culture and attraction to tourists and new residents. The new powerhouse must be designed so it blends into the existing historic community.

We are left with the feeling that a more modest upgrade designed to fit the footprint of the old powerhouse, or a moderate extension to it, would be much more acceptable to the community of Almonte.

4.2.3.1 Concerns

1) Would you consider a smaller upgrade that will fit in the footprint of the old powerhouse, or a moderate extension to it? If not, what are the reasons for rejecting this?
2) Can you provide more specific information on the exterior finish of the powerhouse?

4.2.4 Powerhouse Dimensions Inconsistency

From Final Environmental Report - page 16 -17:

> *"The horizontal extension is approximately 13 m beyond the existing powerhouse into the river, which is approximately the extent of the island at its widest point."*

The dimension of 13 meters is in conflict with other references elsewhere, and the applicable drawings all show the horizontal extension as 15 meters. The inconsistency should be clarified.

4.2.4.1 Concerns

Can you confirm a precise measure of extension of the powerhouse into the river?

4.2.5 Land Ownership for Powerhouse

From Final Environmental Report - Page 42:

> *This drawing shows the area to be covered by the powerhouse and tailrace to be partly crown land, and partly potentially quit claim lands.*

We believe that a portion of the land on the small island adjacent to the Enerdu building is not eligible for quit claim since it is largely under water during the spring flood, and it does not appear to have been in use as part of the mill operation in the past. Acquisition of the crown land portion is required.

4.2.5.1 Concerns

What is the status of the acquisition of the necessary lands for the proposed powerhouse?

4.2.6 Land Ownership for Weir

From Final Environmental Report - Page 42:

> *This drawing shows the area to be covered by the new weir as part of the "potential quit claim lands" on the basis that the current concrete weir has been positioned there and used by the proponent for many decades.*

The problem is that the new weir will be 3.75 meters wide as compared to the far narrower width of the existing concrete weir (estimated about 0.3 meters), and the placement of the new weir sections B, C and D is actually down stream from the old weir. The result is that the new weir sections will occupy crown land that has not been part of the proponents operation in the past, and should not be part of a quit claim process. This area needs to be classed as crown land that will be subject to the normal rules for acquisition of crown land.

4.2.6.1 Concerns

Placing the new weir outside of the footprint of the existing weir invalidates a quit claim for the land for the new weir; it will require a normal crown land acquisition process.

4.2.7 Weir Height Ambiguity

From Environmental Report page 14:

> *"The required height and length of the adjustable section of the new weir was estimated using the established Mississippi River flood plain mapping and HEC-RAS software. Based on the results of this model, an adjustable weir length and height of approximately 68.2 m x 1.00 m (for weir Option 1) or 45 m x 1.00 m (for*

weir Option 2) will be required to pass the design flood flow of 261 m3/s."

The effect of the 1.00 m weir height is very ambiguous in the absence of clear cross section drawings of the structure. If it means the lowest level of the weir is 1.0 m below the 118.00 masl level that is frequently mentioned in the ER that would put the lower limit at 117.00, 20 cm below the existing concrete weir.

On the other hand, if it means that the weir could extend 1.0 m above the current concrete weir level to 118.20 masl, we would question the purpose for such an extreme extension. None of the details of the HEC-RAS flow modeling are provided, and we would feel more comfortable about potential upstream flooding if such information was provided.

4.2.7.1 Concerns

1) Will you provide a clarification of the control range of the weir in absolute masl terms?
2) Will you provide more information on the upstream HEC-RAS modelling?

4.2.8 Potential Flooding in By-Pass Reach

From Drawing G03A:

> *As scaled from the drawing, the width of the river between the current powerhouse to the patio of the Barley Mow pub is 54 meters. With the new powerhouse the river width is reduced to 39 meters. The distances were also measured from Google Earth and produced the same values.*

The new powerhouse will result in a reduction of river width at this point by 28%.

During an unusually high spring flood in recent memory, the river came very close to flooding over the Barley Mow patio. Had it gone much higher, flood water would have run through the pub parking lot, the Post Office parking lot, down Mill Street and Almonte Street to Metcalfe Park at Gemmill's Bay. This could have been very serious.

With a 28% reduction in river width the risk of serious flooding at this point is now much higher. There is no indication that you have done HEC-RAS modelling of this choke point in the river. In the absence of any data, the flood risk here is a serious concern.

4.2.8.1 Concerns

1) Has there been any HEC-RAS modelling of this point of the river under 100 year flood conditions?
2) If so, what are the results of that modelling?
3) If the models show a real flood risk what mitigation measures will you be taking?

4.2.9 Excavation

Extensive excavation of the river bed is planned. Some may be required to improve the flow to the new turbines. Some excavation seems unnecessary.

From Annex I - Drawing G16:

> *This drawing shows the four stages in construction and includes placement of coffer dams, excavation and construction of structures. Stage 2 shows excavation both upstream and downstream from weir section C and D. Stage 3 shows excavation beside and above weir section B.*

The excavation area in stage 3 may be plausible for purposes of improved flow to the turbines, and the stage 2 excavation on the upstream side of weir sections C may contribute marginally to the same goal.

However, we can see no purpose to the excavation downstream of weir sections C and D. This excavation will detract from the appearance of the natural rock features and cascaded water flow of this area which is a prime part of the aesthetics of the River Walk. We believe that the river bottom in the excavation areas is all crown land and that some form of land acquisition will be required

4.2.9.1 Concerns

1) Is it possible to reduce the total planned excavation e.g. reduce or remove stage 2?
2) We strongly object to and request the elimination of the excavation downstream of weir sections C and D from the project proposal.
3) What is the status of land ownership in the excavation areas, and what other permits will be required?

4.2.10 Compliance Range

From Final Environmental Report - page 18:

> *"The operating compliance range for the Enerdu GS is 116.7 to 118.0 m."*

The MRWMP does not use the term "operating compliance range". The specified compliance range for the Enerdu GS is 116.7 to 118.0 masl and only applies to extreme river flow conditions beyond the control of Enerdu. The word operating or operational is applied only to the best management range or normal operating range of 117.20 to 117.70 masl.

4.2.10.1 Concerns

Will you correct this misuse of terminology to reflect the MRWMP usage?

4.2.11 Normal Operation Water Level (N.O.W.L.)

From Annex I - Drawings G01B, G02, G03A, G03B, G10, G11 and G12:

> *All these drawings show N.O.W.L. (defined as Normal Operation Water Level) as 117.70 masl.*

That level in the MRWMP is not a normal level but is actually the maximum operational water level. Note that the value may be reduced as a result of amendment to the MRWMP.

4.2.11.1 Concerns

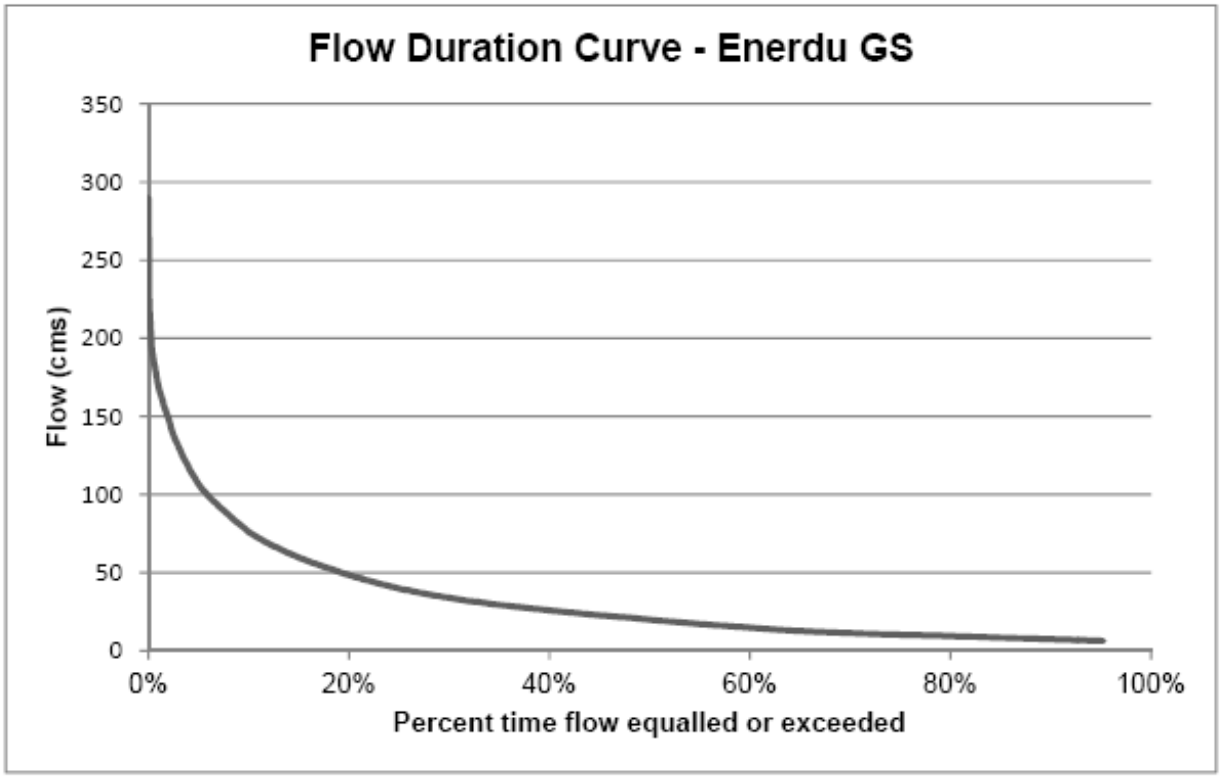
Will you correct all listed drawings to show the 117.70 masl level as M.O.W.L. defined as

Maximum Operational Water Level to reflect the MRWMP usage?

4.2.12 Power Plant Design Capacity

The facility upgrade has a design capacity of 950 kW and at full output will require a flow of 37 m^3/s through the generators. Adding an additional 5 m^3/s for weir compensation flow and flow over the Thoburn weir would bring the total required river flow to 42 m^3/s.

From Annex I - Page 6:



The Flow Duration Curve shows that a flow of 42 m^3/s is available less than 25% of the time. It seems uneconomic to design a facility of this capacity that will operate at full capacity for less than 25% of the time.

There is the probability of an amendment to the MRWMP that may reduce further the available head at this location and consequent reduction of power output. To make the project financially viable it is anticipated that Enerdu may be planning to operate in peaking storage mode at times of peak power rates, in spite of repeated Enerdu claims to be a run-of-the-river operation.

It may also be possible that Enerdu is planning a future request to raise the operational water level limits in the MRWMP to increase power generation.

4.2.12.1 Concerns

1) Can you confirm that Enerdu will not operate in a peaking mode at times of peak power rates?
2) Can you confirm that you will not request higher operational water levels under the MRWMP?
3) Has Enerdu given any consideration to a smaller scale upgrade that could be implemented within the footprint of the existing powerhouse, or with a moderate extension to that footprint?

4.2.13 Weir Gate Limits

From Final Environmental Report - Page 15

"Option 1 (existing weir alignment):

- *Concrete spillway weir built on the footprint of the existing weir and equipped with an Obermeyer gate allowing operation at a higher level (but without exceeding the compliance limit of 118.00 masl) with enhanced and automated discharge capacity during flood conditions.*

Option 2 (alternative weir alignment):

- *Concrete spillway weir built downstream of the existing weir and equipped with an Obermeyer gate allowing operation at a higher level (but without exceeding the compliance limit of 118.00 masl) with enhanced and automated discharge capacity during flood conditions."*

From Appendix A - Page 10 -11

"Dam - Design Option 1

- *Concrete spillway dam built immediately downstream of the existing weir and equipped with a weir gate allowing operation at a higher level (118.00 masl) with enhanced and automated discharge capacity during flood conditions.*

- *Demolition of the top of the existing weir in order to allow free spillway to the new weir gate.*

Dam - Design Option 2

- *A combined structure retaining the north part of the timber weir and the construction of a new concrete weir further down stream. An adjustable weir crest gate may be included; the position has yet to be determined.*

- *Partial demolition of the existing weir would be required to accommodate the new section"*

The gates for either option must not allow operation above the current maximum operational level of 117.70 masl as prescribed by the current Mississippi River Water Management Plan (MRWMP). The 118.00 masl upper compliance limit applies only to extreme flood conditions

and means that the gates must be fully opened to limit the water level to 118.00 masl or less.

It also must be noted that pending amendments to the MRWMP for Reach 18 may reduce the maximum operational level below the 117.70 masl limit, and the gates may have to be designed to limit operation to the amended level.

The term “dam” as used in the Appendix A quotation is confusing since it really applies to the same structures covered in the ER quotation as “weir”. In addition, “allowing operation at a higher level (118.00 masl)“ reappears in Appendix A, and is erroneous as previously noted. In “Dam - Design Option 2" there is a reference to “*the timber weir*“. There are in fact no timber weirs, only concrete.

4.2.13.1 Concerns

1) Please correct the “compliance limit of 118.00 masl” to read “maximum operational level of 117.70 masl”.
2) Do you agree that if the MRWMP is amended to specify a lower maximum operational level that you will comply with that lower level?
3) Please correct the inconsistencies in the Appendix A quotation.

4.2.14 Historic Water Levels

From Annex I - Page 5

> *“The design criteria for the project are as follows:*
>
> • *Power production installations will be built for a minimum reliable period of 25 years or more.*
>
> • *Natural stream flows will be optimized maintaining the normal historical upstream water operation level to 117.7 m above sea level.”*

The normal historical upstream level was 117.20 masl, the level set by the concrete weir that has been in place for many decades. The higher 117.7 masl level stated in the ER is set by the currently high flashboards that have only been in place since 2004, and is termed the maximum operational level in the MRWMP. We understand that 118.0 masl is intended to be the maximum spring flood level.

4.2.14.1 Concerns

Do you agree that the normal historical upstream level was 117.20 masl?

4.2.15 Weir Drawing Issues

Annex 1 - Drawing G03A:

1) The placement of weir sections B, C and D is immediately downstream from the existing concrete weir.

2) The cross-section drawings for B, C and D are indicated to be on Drawing G20.

3) The height of the concrete blocks between weir sections and at the ends is shown as 118.00 masl.

4) The details for the proposed spillway adjacent to Thoburn Mill is indicated to be on Drawing G30, which has not been provided.

5) The final section of weir has been designated as a “canal wall” and shows a fixed height of 118.00 masl with a short spillway section.

Since the proposed new weir is 3.75 meters wide, placing it downstream from the existing concrete weir will reduce the area and shape of an attractive water feature beside the River Walk This feature should be preserved by placing the new weir on the upstream side of the existing weir, and we request this change in design.

The Drawing G20 with cross-sections for B, C and D is missing from this Appendix. We do need to see this drawing in order to assess what is planned for these weir sections.

There appears to be no purpose to having the bastions at the ends of and between weir sections at a height of 118.00 masl. The maximum operational water level in the MRWMP is 117.70 masl, and this is the proper height for these blocks. This lower level will not interfere with normal operation, and provides a bit more space for dealing with excess flows. It also would provide a very visible public indicator as to when the water level exceeds the maximum operational level, and when the dam operator should be taking action. As noted elsewhere there is a likelihood that the MRWMP will be amended to reflect a lower maximum operational level, and these block heights should be lowered accordingly.

The Drawing G30 with details for the Thoburn Mill spillway is missing from this Appendix. We do need to see this drawing in order to assess what is planned for the spillway. As noted in the earlier section on Compensation Flow, this spillway should be designed to provide a controlled continuous flow.

As noted in the Compensation Flow section, the canal wall section should be converted to a weir similar to sections B, C and D to allow for compensation flow over this section and to preserve the aesthetic values of this portion. Again, the maximum weir height here should be 117.7 masl, or any lower figure may result from amendment to the MRWMP.

4.2.15.1 Concerns

1) Do you agree with moving the new weir from immediately downstream of the old concrete weir to immediately above stream?
2) Will you provide a copy of Drawing G20 for our evaluation?
3) Do you agree that the height of the bastions in the weir should have a maximum height of 117.70 masl, or whatever lower maximum operational level may be established as a result of amending the MRWMP?
4) Will you provide a copy of Drawing G30 for our information?
5) Do you agree that the canal wall section should be changed to a weir section similar to the other weir sections with the same maximum height of 117.70 masl?

4.3 Environmental Concerns

4.3.1 Flooding

Flooding is a major concern for local residents both up and down the river from the proposed project.

We are very concerned that the proposed new weir structure may impact upstream flood levels. See section 4.2.7 concerning ambiguity of the proposed weir height and subsequent upstream water level impact.

Flooding in the bypass river section (between the powerhouse and the Barley Mow) has not been addresses at all in the ER as noted in section 4.2.8.

It is also not clear what values have been used in the HEC-RAS flow modeling.

4.3.1.1 Concern

Please provide detailed information on the flow models for the proposed project to ensure that there is no increase in flood potential both up and down stream.

4.3.2 Fish Sampling

The zone of impact and location of the fish sampling raises several questions. By creating an artificially restricted zone of impact, the sampling area was not representative of the true impact area. Fish sampling above the weir in Reach 18 and below immediate powerhouse area were not conducted.

We believe that several sampling areas were selected to ensure minimal species catches. The Electrofishing sites A-D were in fast water flow over bedrock (i.e. the Falls #3). The hoopnets were placed in a minimal number of areas very close to shore – this is not where local fishermen cast their lines!

4.3.2.1 Concerns

Fish sampling should be performed in all areas impacted by the project.

4.3.3 American Eel – Detailed Management Strategies

Section 7.2.3 of the ER (pages 74-75) provides a lot of general detail about proposed steps to accommodate eel migration around the new power plant and to avoid eel mortality as a result of passing through the turbines. General options are outlined, but specific detail about what will be done is missing.

We are concerned that at this stage there are no firm plans in place for dealing with American eel migration and protection.

4.3.3.1 Concerns

Can you provide firm details on provisions for American eel migration and means of preventing their access to the turbines?

4.3.4 Eel Ladder Location

In the Access to Information material, Mr Ron Campbell states that the eel ladder would be through the Thoburn Mill property. Since the Thoburn Mill property owners have never been consulted and this is private property, more information on the location of this fish ladder is required.

4.3.4.1 Concerns

1) It is very unlikely that the owners of the Thoburn Mill Condominiums will consent to an Eel ladder adjacent to their building and on their property - where do you plan to place this structure?
2) If you have a written agreement from Thoburn Mill Condominiums please so indicate. An alternate location could have a major impact on your weir design. Please show the changes so the public can assess the impact.

4.3.5 Bathymetric Impact

With upstream wintertime water levels under the control of Enerdu, and the current fluctuating levels covering large areas of low slope shoreline, there is a freeze/thaw on reptiles and amphibians that hibernate along the shoreline. We have concerns regarding the negative impact on amphibian species hibernation in the foreshore zone.

4.3.5.1 Concern

A bathymetric survey is required for the area of influence. Why has this large area of impact for amphibian species been overlooked in the ER?

4.3.6 Wildlife and Bird Sampling

The wildlife and bird sampling was again restricted to an extremely small area. The actual project zone of influence extends well beyond the area surveyed and many species of birds, wildlife, insects, plants, and trees have likely been missed.

Even species that are often seen in the stated zone of impact were not mentioned. Species as loons, ducks, herons, river otters, beavers, mink, and others are regular residents of the area proposed for the project yet none of these were identified as affected species. There are winter otter slides at Thoburn Mill, loons directly above and below the current weir, and herons who fish daily in the falls #3 bedrock ledge, these species can not be ignored.

Above the project area throughout Reach 18 of the river contains many waterfowl nesting areas that are adversely affected by frequent water level changes. None of these effects on waterfowl nesting have been addressed in the ER.

There is also no evidence that the biologists conducting the ER spoke with local residents, or to local fish and wildlife groups to obtain additional information on bird, wildlife, and plant impacts.

4.3.6.1 Concerns

The inadequate wildlife and bird sampling must be addressed in the ER.

4.3.7 Methylmercury Impacts on Fish and Wildlife

Section 5.8 Ecology: pg.26:

> *"A review of available background information was conducted in order to identify potential environmental concerns and to supplement field data, This included identifying natural heritage features within the project area, including the habitat of endangered or threatened species, significant wetlands, fish habitat, …"*

This ER section makes no mention of potential effects of mercury pollution.

According to the published information on the naturally occurring processes of the methylation of mercury, the frequent raising and lowering of water levels will cause the natural cycle of the methylation of solid mercury to accelerate. Solid mercury can be found as an airborne pollutant (from the burning of fossil fuels) or as industrial wastes (such as by-products of the Collie Woollen Mills in Appleton, from whose lagoons spillages took place in 1989 - 1990 upstream of the proposed Enerdu project.).

According to The Appendix G to the report on Northland Power, Draft EA, [1] from 5-15 years after flooding, there is a huge increase in the methylation of mercury embedded in the shorelines or wetlands beside the river involved.

> **[1]**, Northland Power Inc. - Kabinakagami River Project Draft Environmental Report/Environmental Screening Potential for Increased Fish Mercury Concentrations Associated with the Proposed Kabinakagami River Hydroelectric Project.

No studies have been included in the Enerdu ER on the fish Mercury levels on Reach 18.

4.3.7.1 Concerns

A study of the fish Mercury levels must be included in the ER.

4.3.8 Provincially Significant Wetlands

Annex II, section 3 states:

> *"The background review of the available on-line databases indicated that there are no known provincially significant wetlands (PSW), ANSIs or significant woodlands in or within 500m of the project area."*

4.3.8.1 Concerns

As noted earlier, all of Reach 18 is within the Zone of Influence and it contains the

Provincially Significant Appleton Wetlands, and these must be considered in this ER.

4.4 Construction Concerns

4.4.1 Access During Construction

From Drawing G16

> *"Temporary machinery access" roads are shown from the Old Town Hall parking lot and from Main Street beside the railway bridge to the river bed.*

The two access routes would be across both Municipal and private land. We are unsure that Enerdu reached agreements with these land owners, or that there are contingency plans if the landowners refuse to allow access. There is also concern for property damage as heavy machinery moves over these roads. This is particularly so in the case of the very steep grade beside the railway on the north side of the river. The potential for damage to the historic Old Town Hall is also significant.

4.4.1.1 Concerns

1) Has Enerdu begun the process of getting access permission from the affected land owners for these access roads?
2) Will you confirm complete restoration of the area impacted by the construction of access roads to the original or better condition and will you accept liability for any damage resulting from the use of these access roads?

4.4.2 Blasting and Hoe Ramming

Section 7.1.4 covers the broad aspects of the planned excavation of the river bed and the alternate use of blasting and hoe ramming.

Whichever method of excavation is selected, the excavation will potentially have an impact on nearby buildings. Some of these building are private residences, one is a condominium development and one is the local Old Town Hall (a historic stone building recently restored at the cost of several million dollars). All of these buildings are old. Many date from the 1800's, and as such are quite fragile. The rock structure of the excavation area is of a type that is layered and as such tends to have more lateral movement than other types of rock. The old buildings are on the same rock plate and directly adjacent. No geological studies are included in the ER.

ER section 7.1.4 also states:

> *To address public concern over the impacts of blasting/hoe-ramming on the structural stability of nearby buildings and residences, the proponent will commit to pre- and post-excavation surveys of all buildings in the affected area.*

This does not mention any liability for potential damage caused by blasting or hoe-ramming.

4.4.2.1 Concerns

1) As a project in a built up area, how does the proponent plan to ensure that either no damage will occur to these structures or if damage occurs to these structures, how will they return these structures to their original condition?
2) Has the proponent carried out geological studies of the area to assess the potential impact?
3) Has the proponent contacted the property owners to develop a plan to ensure damage repairs are prompt and fully completed?
4) Does the proponent accept liability for all damage caused by blasting and hoe-ramming?

4.4.3 Heavy Equipment Damage to Public Property

Enerdu plans to have heavy equipment use an access through the parking area adjacent to the Almonte Old Town Hall. This building has recently restored at a cost of several million dollars. The access area for the equipment is within feet of this building.

4.4.3.1 Concern

Does the proponent accept liability for all damage caused by the movement of heavy equipment?

4.5 Other Concerns

4.5.1 Current Land and Water Use

In section 5.9.3 of the ER the description of the water use in the affected area is inaccurate and does not reflect ongoing public use.

> *"The project area between the existing weir and the tailrace is unsafe for recreational use and access for fishing, and camping and other waterway uses. Angling is reportedly practiced along the shoreline and upstream of the weir."*

On the river adjacent to and below the powerhouse, there are public parks (behind the Post Office and on Coleman Island) which allow public boat access. Boating on this section is carried out on a regular basis. Moreover, last summer there was a canoe and a kayak on the Enerdu property itself which were used by residents of the Enerdu property for recreation on the river. It is common to see people fly fishing (using chest waders) outside the Barley Mow in the middle of the river, or fishing from a canoe or kayak below the weir.

4.5.1.1 Concern

In the ER the proponent is attempting to portray this area as devoid of public use and access. This is inaccurate and must be addressed in the ER.

4.5.2 Page 26, re: Traditional swimming area

> *"The bedrock outcrop is referred to locally as "The Bubble" and is reportedly used for swimming, although warning signage is posted on the south shoreline along the walkway indicating that swimming is prohibited".*

The rock outcrop is not "The Bubble". The Bubble is a shallow depression about 4 - 5 feet deep in the rock directly below the railway bridge, at the southern shore of the main channel of the river, and downstream of the weir. The Bubble has been used by generations of local Almonte youth, and is in virtually daily use during summer months.

To our knowledge, the bubble is a safe area to swim in and there had not been any major accidents or incidents of drowning there.

4.5.2.1 Concerns

1) Please correct the ER.
2) Please provide clear and accurate drawings of the locations of proposed safety booms and fences in the area of the "Bubble".

4.5.3 Page 26, re: Warning signs:

Enerdu is incorrect in stating that warning signage is posted. Signage was recently and temporarily erected since Enerdu has started planning for this project.

This past summer there were two signs (caution dangerous water, or such) that had been installed on crown riverbed during mid summer. The signs were from a sign rental company. One sign was up for a very short time, and the other sign was quickly bent (it disappeared a few days later).

4.5.3.1 Concerns

Did Enerdu have the sign installed themselves on crown land and private property, and if so to what end?

4.5.4 Brownfield Site Registry

The proponent indicates that there is only one Brownfield Site above the project area. While this may be the only site identified on the registry, there is reason to believe that there could be other sites upstream as this was a mill town, and it was not uncommon to use personal dumps or even the river to dispose of residential and commercial waste.

4.5.4.1 Concerns

What action do you plan to undertake to ensure that contaminants from any site upstream will not impact water quality and habitat due to frequent fluctuations of water levels?

4.5.5 Peaking, MVCA Comments, at a preliminary scoping meeting in March 2011, Page 44:

> *"MVCA inquired about water levels and whether the function of the proposed weir gate was to create a peaking scenario. The proponent responded that the purpose of the gate was to maintain water levels to continue to operate within the Mississippi River Water Management Plan (MRWMP)."*

This paragraph deliberately avoids the question of peaking. The design of the project is such that the proponent can easily use peaking for generation. With the storage capacity of the full length of Reach 18, the amount of water storage is significant.

4.5.5.1 Concerns

1) Will the proponent be using peaking?
2) Will the proponent be applying for an OPG contract where they will be paid peak rates?
3) If so, how can this operation be classed as a "Run of River" operation?

4.5.6 MVCA Comments ER - Page 44, paragraph 2

The second paragraph concerns the plan to design the Obermeyer Weir to operate up to 118 Meters. According to the Access to Information material provided by the MVCA, the proponent agreed to make the maximum design height of 117.7 meters.

4.5.6.1 Concerns

Please clarify this design detail. Will the weir be designed to operate above the maximum compliance range (117.7)? If so, why?

4.5.7 MVCA Comments ER - Page 44, paragraph 3

The third paragraph states that

> *"…the Appleton Wetland is 9 Km above the weir, well outside the geographic scope of the project.".*

This is not accurate. The lower sections of the wetland are much closer to the weir.

The impacts on the Appleton Wetland are being dismissed by the proponent through statements such as this.

4.5.7.1 Concerns

We request Enerdu update the ER information so that Ministry Staff can properly assess the impact of the project.

4.5.8 Municipal Water Supply

The matter of the Municipal Water Supply Section needs to be clarified. If, in the future, the

Town of Almonte requires access to the river for additional water supplies from the upstream portion of the river, will the proponent challenge this requirement, since it may impact on their power generation capabilities? Would the town be forced to compensate the proponent for water needed for municipal purposes.

4.5.8.1 Concerns

Will any water taking permit issued to the proponent give precedence to municipal water requirements without compensation?

4.6 Compensation Flow - Residual Flow

It is common practice at hydro facilities that a portion of the river flow, normally termed the compensation flow, must by-pass the powerhouse for environmental or aesthetic reasons. Enerdu does not use this term in the ER, but instead refers to this as minimum flow or residual flow. The term By-Pass Reach is also applied by Enerdu to the portion of the river beside the powerhouse and between the weir and tailrace. The following quotations from the ER provide more context.

From Final Environmental Report (Pages 72-73). **Section "7.2.1 By-Pass Reach**

> *Some of the water that presently flows over, or leaks through, the weir sections into the by-pass reach will, in the future, be directed through the redeveloped generation plant and then be returned to the river via the tailrace canal. The proposed increase in capacity for the Enerdu GS is from approximately 14 m^3/s to 37 m^3/s, suggesting that, when naturally available, an extra 23 m^3/s will be passed through the plant. The effect will mean that for a longer period of time, the by-pass reach of the river will experience the low flow presently observed during the drier months of the year.*
>
> *Any excess flow above the generation facility's maximum operational flow would be directed over the weir. If the flow of the river drops below the minimum operational flow of the plant, the plant will be shut down and all flow will be directed over the weir into the by-pass reach.*
>
> ***Aesthetics***
>
> *As frequently cited by members of the public throughout the public consultation process (see Section 6.2 and Appendix C), the falls downstream of the existing weir are highly valued in the Town of Mississippi Mills for their aesthetic quality. In addition to the placement of the new weir in the footprint of the existing weir (to be discussed further in Section 7.4), a minimum flow will pass over the weir, at weir section C (see drawing G03A in Annex I), to ensure the preservation of the aesthetics of the falls**. In certain circumstances (e.g. during typical summer low flows), the provision of minimum flow may not be possible**, which is already the case with the existing weir structure."*

From Appendix A (page 13)

> "*It is assumed that a residual flow of 1.0 m^3/s will be required to be left in the river (i.e. through/ over the dam for ecological and aesthetic purposes. Based on our initial evaluation of the project, the minimum residual flow currently experienced at the existing facility will not be changed, but will be experienced over a longer period of time."*

From Annex I (page 7)

> ***"2.2 Hydraulic Model (HEC RAS)***
>
> *HEC RAS, a software program designed to model steady and unsteady flow*

> *conditions of a given river system, was used to compare the before- and after-construction conditions, average monthly water surface profiles and flow conditions for the Mississippi River to assess engineering and environmental impacts of the different scenarios. The design flow for the new powerhouse is set at 37 m^3/s. The existing residual flow of approximately 1.0 m^3/s will be maintained. This value was estimated based on site observations during low flow conditions."*

From the above quotations it is clear that Enerdu is planning to allow a compensation flow of only 1.0 m^3/s, and that it will be restricted only to section C of the weir. Furthermore, this very low compensation flow will extend beyond the current summer season, and may not even be possible at times. It must be noted that the present minimum flow of 1.0 m^3/s is the result of leakage through the flashboards on the current weir and has no aesthetic value - there is no water cascading over the flashboards and the river is reduced to a rocky canyon with a trickle of water in it.

This situation must be compared to that of the immediately downstream dam of the Mississippi River Power Corporation (MRPC). Their Water Taking Permit specifies that they will maintain a compensation flow of 2.2 m^3/s on a 24/7 basis for the entire year. Furthermore there are strict requirements for reporting any deviations below this level. In the Environmental Report for that facility, simulations reviewed by test groups confirmed that holding the water level above the dam at 2.5 cm above the dam height produced an aesthetically acceptable appearance across the dam face and in the riverbed below the dam, and provide the 2.2 m^3/s flow as specified in the Water Taking Permit.

In view of the fact that Enerdu shares the same stretch of the river with MRPC, in the heart of Almonte, the same standards must apply to Enerdu. Specifically, the top edge of the controllable Obermeyer gates on the weir must at all times be held to a level 2.5 cm. below the surface level of the river as measured above the weir. During periods of low river flow, when the weir height is reduced to its minimum value, the volume of water going through the turbines must be reduced or stopped completely to maintain this 2.5 cm differential. During extreme low flow conditions the compensation flow may be reduced to whatever nature will allow provided that the Obermeyer gates are in their lowest position and the turbines are shut down.

We note that Enerdu proposes to provide compensation flow (minimum flow) only for section C of the weir. This is not acceptable. The water flow in the by-pass reach is a key feature of the River Walk that runs along the south side of this river section. To maintain a proper aesthetic appearance, all four sections (A through D) of the weir must be operated to maintain a consistent compensation flow as noted above. Section A is a particular problem since it is shown on the drawings as having a height of 118.0 masl except for a short spillway section. This would mean a total lack of flow over most of Section A except during the peak of the spring flood. Since this section is very visible from the lower end of the River Walk, from the Barley Mow restaurant, and from the park behind the Post Office this section in particular needs to be a part of the compensation flow, and its design must include Obermeyer gates similar to the other weir sections.

Considering the relative lengths of the MRPC dam and the Enerdu weir sections it is estimated that the total compensation flow over the entire weir would amount to approximately 4.5 m^3/s with the 2.5 cm level differential. To confirm the best final compensation flow it is recommended that simulations reviewed by a suitable panel of citizen be used, similar to the case of the MRPC compensation flow. It is noted that during a recent period when the river level exceeded the

height of the current flashboards by approximately 3 cm. the resulting flow over the weir and down the by-pass reach had a quite satisfactory appearance.

We note also that there is no mention of compensation flow for the dam at the Thoburn Mill. Presently, leakage through the stop logs and flow over them forms a significant addition to the ambiance of the River Walk. This flow must also be maintained as part of the compensation flow. Again it is recommended that the same 2.5 cm differential between river level and dam height be established using an adjustable Obermeyer gate similar to those on the weir sections.

A further point related to the proposed residual flow of 1.0 m^3/s is that when the generators are shut down, this low flow is not sufficient to maintain the downstream mandatory minimum flow of 2.2 m^3/s for the MRPC dam, plus the additional 1.0 m^3/s, more or less, that goes over the falls at the Millfall condominium. Observations this past summer showed that there were many occasions when the Enerdu plant was shut down while the storage basin (Reach 18) refilled and only the 1.0 m^3/s leakage through the flashboards went to the lower level. At these times the MRPC dam had only a trickle going over it, and Millfall had a similar low flow. This is not acceptable from an aesthetic point of view, and it also puts MRPC in violation of their Water Taking Permit. Our recommendation to establish a 2.5 cm. differential between the adjustable Obermeyer gates and the upstream river level would avoid this problem.

In summary, the Enerdu approach to compensation flow is unacceptable. We ask you to adopt standards similar to those applied to the MRPC dam, and those standards must be applied to all four weir sections and to the Thoburn Mill dam.

4.6.1.1 Concerns

1) Do you agree that your proposed residual flow of 1.0 m^3/s is too low, and if not, why?
2) Do you agree that the compensation flow regime as applied to MRPC is a valid model for Enerdu? In particular, do you agree to maintaining the top of the Obermeyer gates to a level 2.5 cm. below the water level immediately upstream of the weir – at all times?
3) Do you agree that all sections of the weir (A through D) must be part of the compensation flow, and not just your planned section C only?
4) Do you agree to conversion of weir section A from a “canal wall” to an adjustable weir similar to the other three weir sections?
5) Will the dam at Thoburn Mill be designed to allow a compensation flow similar to the main weir sections?
6) Is our understanding the “minimum flow” vs. “Compensation flow” equivalent in terms of meaning?

5 Public Consultation Process

5.1 Public Consultation Announcements in September 2011

5.1.1 Notice in the Almonte-Carleton Place EMC is Not Sufficient Notice to Riparian Landowners

On p 48 "6.2 - Public Consultation" the Enerdu GS OE8982-00 Final Report states:

> *"The public consultation process was initiated with the issuance of the Notice of Commencement (NOC) on September 8 and 15, 2011, as advertised in the Almonte and Carleton Place EMC. The NOC included an invitation to a public meeting on September 26, 2011."*

According to the Class Environmental Assessment for Waterpower Projects (April 2012 – Third Edition) the public Notice of Commencement requirement:

> *"is mandatory and must be directly provided to adjacent and potentially affected riparian landowners/tenants" (p. 33)*

A Notice of Commencement published in the *Almonte-Carleton Place EMC*, a local newspaper, is insufficient notice to riparian owners and the public because the *Almonte-Carleton Place EMC* is not delivered door to door. The four residential homes on Main Street East between the former railway tracks and Union Street do not receive the *Almonte-Carleton Place EMC* at the door and have not received delivery since at least 2008. There residences are properties nearest to the proposed expansion and redevelopment project. Even the *Canadian Gazette*, another local newspaper stopped home delivery along Main Street East, homes of Riparian landowners adjacent to the proposed expansion and redevelopment project, when it amalgamated with the *Almonte-Carleton Place EMC* sometime in 2011 and home delivery of any local newspaper stopped.

5.1.1.1 Our concern

Enerdu should communicate directly with the affected Riparian land owners.

5.2 Notice of Commencement Not Delivered

Although we cannot speak for all Riparian Owners, we are aware that several Riparian Owners adjacent to the proposed weir project site **did not directly receive notice of the NOC from Enerdu or from OEL-HydroSys or WESA** either electronically or via post and as a result were not aware of the N.O.C. or of the September 26, 2011 "community information session".

On p 48, the Enerdu GS OE8982-00 Final Report states:

> *"Riparian landowners, nearby residents, members of the public, and the following local interest groups were provided with a copy of the NOC electronically or via post."*

5.2.1 Concern

Enerdu or OEL-HydroSys did not do a door to door mail drop or delivery to the four residential homes along Main Street and the eight residential homes along Union Street (the Riparian landowners on the North shore in the immediate area of the proposed expansion and redevelopment project) and to each of the condominium owners in Thoburn Mills (the Riparian landowners on the South shore in the immediate area of the proposed expansion and redevelopment project) to ensure that adjacent and potentially affected Riparian Landowners/Tenants were directly notified as required in the Class Environmental Assessment for Waterpower Projects (April 2012 – Third Edition)

5.3 A "Consultation" or an "Information" Meeting?

In reviewing Enerdu's Notice of Commencement, the information as presented in the notice to the public states

> *"Enerdu is pleased to provide the opportunity to learn more about the project and for all those interested to provide comment during a community information session scheduled for September 26, 2011 …" [emphasis added]*

The information as presented as a "community information session" was **misleading** because, **nowhere** in Enerdu's or OEL-HydroSys Inc.'s Notice of Commencement did Enerdu or OEL-HydroSys contain a statement that informed the public that the September 26, 2011 community information session **was about public consultation or was a part of a public consultation process or was part of its required public consultation process**. as required in the Ontario Waterpower Association's *Class Environmental Assessments for Waterpower Projects, April 2012, 3rd edition...*

5.3.1.1 Concerns

Also the official attendance sheet for the Enerdu GS Expansion and Redevelopment Project indicates that the meeting is a "Community Information Meeting. There is no indication of or reference to public consultation or a public consultation process as required by the Act.

5.4 Claims Made for Public Meetings, Sept. 26, 2011

The claims for public consultation are misleading due to insufficient numbers of citizens reached and/or participating.

On p 49, the Enerdu GS OE8982-00 Final Report states:

> *"There were a total of seven (7) attendees at the public meeting held on September 26, 2011 including a representative from the Mississippi Valley Field Naturalists. A poster display session was provided and members of the project team were on hand to answer any questions and address concerns."*

5.4.1.1 Concerns

The fact that so few members of the public attended and only 1 Riparian owner attended is a strong indication that something failed in Enerdu's, OEL-HydroSys's communication process / plan to the public.

5.5 Feb. 7, 2012, the Second Public Meeting

5.5.1 Notification of the Meeting

On p 50, the Enerdu GS OE8982-00 Final Report states:

> *"A letter was mailed to riparian landowners and tenants on January 9, 2012, inviting them to participate in the planning process by submitting their comments and concerns about the proposed project and informing them that a second public meeting is planned."*

The second public information event was held on February 7, 2012, in the Town of Mississippi Mills. The event was announced in a Notice of Public Information Session that was advertised in the local *Almonte-Carleton Place EMC* newspaper on January 26 and February 2, 2012."

5.5.1.1 Concerns

1) Again, although we cannot speak for all Riparian Owners, we are aware that several Riparian Owners at and near the proposed weir project site **did not receive a letter from Enerdu or from OEL-HydroSys or WESA about a public information event for February 7, 2012.**

Several Riparian Landowners who did attend the February 7, 2012 meeting were advised at the last minute by neighbours calling one another and telling of a community information meeting that was being held minutes before the community information meeting began.

2) At the February 7, 2012 information meeting Enerdu and OEL-HydroSys Representatives were advised that Riparian Owners in attendance did not receive notice beforehand of this meeting and not to rely solely on placing notices of future consultation meetings in the *Almonte-Carleton Place EMC* because of non-home delivery of the local paper along Main Street East.

Again Enerdu or OEL-HydroSys did not do a door to door mail drop or delivery to the four residential homes along Main Street and the eight residential homes along Union Street (the Riparian landowners on the North shore in the immediate area of the proposed expansion and redevelopment project) and to each of the condominium owners in Thoburn Mills (the Riparian landowners on the South shore in the immediate area of the proposed expansion and redevelopment project) to ensure that adjacent and potentially affected Riparian Landowners/Tenants were directly notified as required in the Class Environmental Assessment for Waterpower Projects (April 2012 – Third Edition).

3) Notice in the *Almonte-Carleton Place EMC* is not sufficient notice to Riparian landowners because this local community newspaper is not delivered door to door. (We know that

the four residential homes on Main Street East between the former railway tracks and Union Street do not receive the *Almonte-Carleton Place EMC* at the door and have not received delivery since 2008.

5.5.2 Lack of Information Provided:

*"A letter was mailed to riparian landowners and tenants on January 9, 2012, **inviting them to participate in the planning process** by submitting their comments and concerns about the proposed project and informing them that a second public meeting is planned." (our bold face type)*

5.5.2.1 Concerns

There were no information packages given to those who showed up. The only information made available to the attending pubic was poster boards. There was no formal presentation by Enerdu or OEL-HydroSys. Individuals who attended were directed to read the poster boards. Public Consultation cannot commence before information is provided and there is an opportunity to ask questions and review the materials.

5.5.3 Lack of Serious Consideration of Concerns Raised by Attendees

On p 50, the Enerdu GS OE8982-00 Final Report states:

"At least 21 individuals were in attendance."

Riparian Land / Home Owners in the area of Enerdu's proposed expansion, redevelopment raised several concerns including: blasting, hoe ramming, and / or excavation of riverbed bedrock behind the weir, property shoreline erosion due to increased water volume, velocity speed/rates, interference with and continuation of in-water recreation activities (including motor boating, canoeing, kayaking, docks, fishing, etc)

In answering and addressing Riparian Owners' questions and concerns, Enerdu and OEL-HydroSys Representatives downplayed, minimized and were dismissive of Riparian Owners' concerns / issues. When Riparian Owners asked for evidence of studies undertaken by Enderdu and OEL-HydroSys pertaining to the riverbed and hillside composition, Enerdu and OEL-HydroSys Representatives were evasive in their answers and relied on the Environmental Assessment as yet not complete.

Because there was no official proposed Project presentation, only poster boards with small writing and diagrams, and several questions not answered with clarity, Riparian Owners who attended this February 7, 2012 information meeting left with an expectation of a further meeting with Enerdu / OEL-HydroSys; a meeting with a focus on providing further information particularly to Riparian Land / Home Owners and authentic public consultation. To this day, neither Enerdu not OEL-HydroSys have provided their studies. We believe that Riparian Land / Home Owner's concerns are legitimate concerns.

In the absence of any further information from Enerdu or OEL-HydroSys, or notice of further information or consultation with Riparian Owners and nearby residents, concerned local citizens organized a Community meeting in April 2012 in the Old Town Hall.

5.5.3.1 Concerns

There has been no meaningful input from the public at any time up to the present apart from a preference for the location of the weir, only partially agreed to by the proponent.

5.5.4 The Public's Concern Over the Appearance of the New Power House

During the meeting called by the community, concerns as to the appearance of the Power House were raised. Several persons suggested that the exterior of the power house should be faced with or built of stone, that stainless steel was not in keeping with the historic look of the Old Flour Mill. Mr. Campbell said at that meeting that he would consider it and recommend it as a way to integrate the buildings. However, in the Environmental Report, the text varies:

On pg. 51 of the E.R., last paragraph:

> *"In response to concerns about the project's impact on local aesthetics, the proponent stated that the powerhouse will be low in height and will retain the historical aspects of the mill, matching the mill in appearance by having a stone rather than a steel exterior."(our underlines)"*

However, on pg. 16, paragraph 4, of the E.R. we find:

> *"The foundation [of the powerhouse] will be made of mass concrete with a steel structure above the existing high water mark." (our underlines)*

This inconsistency is worrying when we consider the historical, cultural, and aesthetic aspects of the project.

5.5.4.1 Concerns

We ask the proponent to promise unequivocally that the exterior of the power house above the water line will be built of stone.

5.5.5 Refusal to Honour Commitments Regarding Placement of the Weir:

Enerdu has repeatedly said that they would honour the desire of the community to preserve the cascade of the upper falls, but in its plans, has moved the weir down stream, designed a wide base (3.75 m.) which will encroach significantly upon that cascade, and plans to excavate part of the lower cascade away.

(1) April 11 Community Meeting

Riparian owners and concerned citizens of the town at the April 11, 2012 community meeting brought up the community's desire that the appearance of the cascade (the upper falls) below the present weir be maintained.

Ron Campbell said publicly at that meeting that Enerdu would keep the weir on its present footprint.

(2) Letter of August 2, 2012 from OEL HydroSys to the Mississippi Mills RiverKeepers/now

RiverWatchers Association, page. 1, last paragraph:

> *"As stated in the June 21, 2012 project update the weir orientation will remain the same and therefore barriers to navigability will not change." (Our underlining)*

Same letter, page 2, section 1.2, last paragraph:

> *"Two public meetings were held by the proponent and one by members of the community. Opinions expressed at these meetings revealed that the preferred option for local residents and interest groups is to construct the new weir on the footprint of the existing weir to preserve the long-valued uses of the area of the first falls. The proponent acknowledges the community's preference and is in the process of redesigning the weir to this purpose." (Our underlining)*

Same letter, page 3, section 1.5, second paragraph,:

> *"As was stated in 1.2, as a result of consultation with the community, Enerdu will commit to constructing the new weir on the footprint of the existing weir so as to preserve the first falls. "*

However, according to Drawing G03A, Appendix to the Environmental Report the new weir will extend well forward of the old weir outline, as the base of the weir will encroach some 3.75 meters onto the cascade. The proponent should preserve the cascade in its entirety - the width of the base of the Obermeyer weir should extend upstream from the current weir footprint, not downstream of it.

Enerdu and OEL- HydroSys are misleading the public by promising to keep the present weir outline, but creating engineering drawings which prove that the intention is to cover a good portion of the cascade with concrete. Moreover, the huge machines which will be needed to dig out the head pond will likely unavoidably damage the cascade's shelving rock.

5.5.5.1 Concerns

1) We ask that the proponent honour the commitments it has made over and over again, and move the footprint of the base of the new weir, upstream from the present engineering plans, so that none of the new weir with its triangular cross-section overruns the footprint of the present vertical weir and does not destroy the existing falls cascade.
2) We also ask that during their planning of access roads and direction of digging and blasting, that, Enerdu take care that the hoe rams or other large-scale vehicles do not run over the shelving rock of the cascade we wish to preserve.

5.5.6 Overall lack of serious consultation

Despite its claims to be consulting the public, neither the spirit nor the letter of the Public Consultation process as outlined in the ***Guide to Environmental Assessment Requirements for Electricity Projects, under the Environmental Assessment Act,*** **(R.S.O. 1990, Ontario Regulation 116/01,, Revised Jan. 2011)** ,is being observed.

Please note the requirements: Section A.6.2.1, on page 22, in a sidebar:

> *"It is the proponent's responsibility to design and implement an appropriate consultation program for the project. The consultation program must provide appropriate opportunities and forums for the public to participate in the screening process**. Failure to carry out adequate public consultation or to address public issues or concerns may result in requests to elevate the project."*** *(Italics are original to the document, bolding is ours.)*

Furthermore, lower on the same page,

> *"- The applicant's public consultation program should identify potentially affected stakeholders . . .*
>
> *- provide appropriate notification to identified stakeholders as prescribed in the Environmental Screening Process*
>
> *- inform the public where, when, and how they can be involved;*
>
> *- identify public concerns and issues related to the project*
>
> *- address public concerns and issues raised during the program*
>
> *- document how public input is taken into account in the screening process and in the project planning and development."*

5.5.6.1 Concerns

To this time no open consultation originated by Enerdu has taken place with the public. as requested by the public. Oral commitments made by Enerdu at the privately organized community meeting of April 11 2012 have only been partially fulfilled.

End of document.