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Dear Ms. Enskaitis,

Re: Ivanhoe River – Third Falls and The Chute

INTRODUCTION:

I write as a private citizen of Ontario, one of the citizens with whom Xeneca has made a “binding commitment” through the Class Environmental Assessment process. (Ref: The Chute Environmental Report [ER] Foreword, unnumbered page F4). I write in open format to share with others who may be interested.

Thanks for informing me on July 28 that Xeneca has issued a NOC for Ivanhoe: The Chute and for referring me to your website for details. I am working my way through the documentation. I also am awaiting responses to queries I have made to certain government officials who are familiar with The Chute file and to the Ontario Waterpower Association (OWA). Those queries cover issues relevant to the ER and also, in some cases, requests for face to face meetings. I also am awaiting the finalization of plans to make another personal visit to the Ivanhoe River Watershed.

Please register my name as a stakeholder for both hydroelectric development proposals on the Ivanhoe River, namely Third Falls and The Chute.

I am not satisfied with either The Chute proposal or the evaluation process evident to date. I have numerous concerns about the Environmental Report Ivanhoe River – The Chute. Because of the sheer volume of my concerns at this time I will issue an initial list of concerns and numbered questions to allow Xeneca time to answer those questions and attempt to resolve my initial concerns. I also will identify further concerns in the days ahead.

ALLEN CONCERNS AND QUESTIONS as of Aug, 12, 2011:

A. Xeneca's File Format for Documents:

Xeneca has issued its documents in “Secured Format”. That decision makes the cutting and pasting of specific clauses impossible for commenters. The resulting need to copy sections for comment is not a commenter-friendly process.

[A1. Will Xeneca make all Ivanhoe River documents on its website available in unsecured format?](#)

B. Lack of Integration of The Chute and Third Falls Proposals

I have been waiting to see Xeneca's posting of a Notice of Completion for Third Falls, the second Xeneca proposal on the Ivanhoe River. I expect that the Third Falls NOC must appear during The Chute 60 day comment period. I expect that Xeneca would demonstrate its claim of commitment to the precautionary approach (ER, page 107) by ensuring that it avoid any lack of agreement about the nature of an integrated system for generating electricity as provided in O. Reg. 116/01 s1(3). I also expect Xeneca to understand

the scope of barriers in the total Mattagami River Watershed including the Ivanhoe River Watershed tributary.

As of Aug. 12, 2011 at http://www.xeneca.com/projects/current_projects/index.html there is a heading "Ivanhoe River *Third Falls and The Chute*" but **no NOC for Third Falls appears** on the link provided by Xeneca. (Ref: http://www.xeneca.com/projects/current_projects/ivanhoe_river.html)

B1. Will Xeneca withdraw its Notice of Completion for The Chute until such time as the company also releases its Notice of Completion for Third Falls?

B2. Will Xeneca provide me with dated correspondence to Xeneca from both the Ministry of Environment Ontario (MOE) and the Ontario Ministry of Natural Resources (MNR) as evidence that those ministries clearly consider The Chute and Third Falls to not be part of an integrated system for generating electricity?

B3. By what legal authority does Xeneca propose to ignore the provision of O. Reg. 116/01, s1(3) which requires that when two or more generation facilities function together as an integrated system for generating electricity they be deemed to be a single generation facility for the purpose of this regulation ? (Ref: http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_010116_e.htm)

B4. Does Xeneca's notion of "cumulative effects" within a watershed avoid the integrated nature of impacts on the watershed by two developments in a sequence within that watershed?

C. Gaps in ER Organization Prevent Full Reader Understanding:

The ER starts well enough with clear statements of Xeneca's commitments but the information which follows largely does not provide evidence of the stated standard of commitment. Commenters have challenges in extracting information from the ER and making cross references to related sections of the ER because of multiple gaps in the information provided by Xeneca. In addition, the lack of Xeneca's clarity on several dimensions risks confusion in understanding commenter response. Gaps include the following:

- ER cover is not dated but the photo on it (2008/9/15) could lead to misunderstanding by readers assuming that the only date on the cover is the date of release of the ER
- It would be helpful if the LiDAR contour maps in Appendix A of the Project Description were appended to the ER. There is not sufficient detail for study, including study of the inundation area in the map at http://www.xeneca.com/files/Overview_Jan_10_11_Ivanhoe%20River%20%28The%20Chute%29.pdf
- very limited photographic and data support in comparison to the standard set by Xeneca in its McGraw Falls Generating Station Environmental Screening Report of April 1, 2009 as posted by Xeneca at <http://www.xeneca.com/files/Final%20Draft%20Environmental%20Screening%20Report.pdf>
- foreword not paginated (I have used F1, F2, F3 F6 for my references)
- executive summary not paginated (I have used ES1, ES2, ES3 ES12 for my references)
- Table of Contents not paginated (I have used TOC1, TOC2, TOC3 TOC7 for my references)
- List of Figures at page TOC5 not paginated (Fig. 1 on p.2, Fig. 2 on p.3, Fig. 3 on p. 25, Fig. 4 on p.39)
- List of Tables at page TOC5 not paginated (Table 1 on p.33, Table 2 on p.42, Table 3 on p. 43, Table 4 at pages 75 to 92, Table 5 at p. 103 to 106, Table 6 truncated – p. 109 and 110?, Table 7 at p.115)
- Acronyms list at pages TOC6 and TOC7 omits some of the acronyms used in the ER eg. LSB, PIC, PIM, RSFDP
- Table 4 Issues not numbered and pages 75 to 92 not numbered
- Table 5 Issues not numbered and pages 103 to 106 not numbered
- ER has no alphabetized subject index to lead readers to topics covered in various locations of the ER

- Project Development Schedule at Figure 1, page 3 omits dates of application to MNR and approval from MNR re benchmarks in the site release process

C1. Will Xeneca rewrite and redistribute The Chute ER incorporating all of the changes noted in this section?

C2. Will Xeneca upgrade The Chute ER to provide a level of photographic support and data similar to the detail standards in its McGraw Falls Generating Station Environmental Screening Report of April 1, 2009?

D. Bizarre Rationale for Team Consultative Approach Reveals Xeneca's Contempt for Science

At page 4 Xeneca outlines three reasons for the Environmental Assessment Team to use a team consultative approach. The rationale, although instructive, is bizarre in the extreme and reveals Xeneca's lack of understanding of the value of science in environmental assessment. Xeneca's statements have been circulated in parts of the scientific community and the reaction has been swift and damning. The Xeneca position stands as an issue which, by copy of this communication, I ask the Environmental Commissioner Ontario to examine and to address with the Ontario Legislature through his normal reporting mechanisms.

Xeneca sets out at page 4 "**to avoid**:"

- attempts to quantify impacts which are dissimilar on a comparative basis;
- use of sophisticated matrix methods using mathematical calculations to weigh the importance of impacts;
- Lack of balance in assessments due to factors such as the tendency for individual experts to concentrate on the areas of the assessment in which they are most familiar."

Xeneca's avoidance of these matters is contrary to the science-based decision making documented in the Statements of Environmental Values of various ministries of the Ontario Government. Xeneca's advocating of a dumbing down of the approach to assessing environmental impacts undermines its credibility in multiple conclusions reached in The Chute ER. For instance, in its discussion of Cumulative Effects (page 107) Xeneca allows the watered-down science in the team approach as described potentially to override the precautionary approach. Such decision-making methods are unacceptable. In a proponent driven approach responsibility for a valid scientific approach must be exercised, not avoided.

Dr. John Casselman, Adjunct Professor of Biology, Queen's University, after examining The Chute ER reacted as follows to the rationale at page 4 (Casselman to Allen, Aug. 2, 2011, 7:03 AM, with permission to quote):

I've seen Xeneca's environmental assessments on a couple of projects and certainly was not impressed. It's really remarkable to see a rationale that is meant to avoid matters. The success of this very much depends upon the makeup of the team. This type of team approach usually results in the lowest common denominator, and I think this is what they are trying to seek. The approach is used to avoid attempts "to quantify impacts which are dissimilar on a quantitative basis". They certainly do not understand a team approach, or do not want to use a team approach, involving highly qualified experts, because highly qualified experts will not quantify impacts that are dissimilar in any comparative way.

The second point is sheer rubbish. If you want to know something about impacts, you have to have quantitative information. So they are trying to avoid building any kind of mathematical calculations into understanding them. Models aren't essential, but they can help. I suspect that the word "model" was put in to imply that models aren't useful. This again is an attempt to dumb down the understanding.

The last point really exposes the whole problem; that is, they really don't want experts to concentrate on anything. I've been in a number of these consultation groups, and they are used to bring the results to the lowest common denominator. And great stars, you wouldn't want individual experts to concentrate on their areas of expertise!? They emphasize avoiding a lack of balance. Again, this is proof that they want

the lowest common denominator. It's just rubbish. Years ago, we used to call these types of assessments "little green frog" studies. I think this reverts to that. Disappointing, for sure."

D1. Will Xeneca withdraw its statement of avoidance of the three features mentioned on page 4 and replace it with a statement of commitment to the same three features?

D2. Will Xeneca name the persons on its consultative team and publish those names prominently at the beginning of the ER?

D3. Since Adaptive Management is a process which aims to reduce uncertainty in decision making over extended periods of time through a system of ongoing detailed monitoring, will Xeneca provide a more thorough description of its currently limited notion of Adaptive Management?

E. First Nation Consultation Process and Limited Traditional Knowledge Sharing:

There is ambiguity of action in some statements in the ER. eg. "These processes may have required explicitly or implicitly the involvement of First Nations" (Page F3). The verb does not indicate certainty of commitment to the required consultation with First Nations. "Implicit" involvement does not meet the minimum standard of First Nations involvement. The focus seems to be on Xeneca's outgoing communication and does not address such important issues on the Ivanhoe River Cultural Landscape as Pishkanogami Post, the relationship with Flying Post via The Chute, flooded pictographs due to earlier dam construction, Native graves etc.

Xeneca is to be commended for noting at page ES4 the presence of white cedar trees in the river floodplain upstream of The Chute and the potential for culturally modified cedar trees in the area. However, Xeneca does not show why this Aboriginal Value must be preserved due to the value placed on planks removed from specific living trees for specific purposes. Replacement of trees killed by flooding is a poor substitute for honouring the site of the plank removal from live trees. Completion of Access and Benefit Agreements is not documented, nor is the process for resolution if the Access and Benefit Agreements are not reached.

E1. Will Xeneca complete a more comprehensive study of the specific traditional values which are evident within the project area and the region affected historically by The Chute to Third Falls part of the river?

F. Navigable Waters Protection

Xeneca is proposing changing a riverine environment to a lacustrine environment. This affects not only the fish, birds and other wildlife and vegetation of the river but the quality of river travel. At page 21 Xeneca notes that the Navigable Waters Protection Act (NWPA) prohibits construction in navigable waters unless an approval is issued for the undertaking.

F1. Has Xeneca applied for and received approval under NWPA to undertake the building of the structure? If so, what conditions were set in that approval?

F2. Will Xeneca build and maintain on an ongoing basis suitable portages around the Dam structures?

F3. Will First Nations and local people have priority opportunities for employment of maintaining portages?

In the days ahead I will document more of my concerns and will have questions related to those questions.

Thanks for reviewing these matters. I look forward to your responses.

William A. Allen