

William A. Allen
9 First Ave., Box 85
Burk's Falls, ON P0A 1C0
September 9, 2011

Copy #1:

The Honourable John Wilkinson
Minister of the Environment
12th Floor, 135 St. Clair Avenue West
Toronto, ON M4V 1P5

Copy #2:

The Honourable John Wilkinson
Minister of the Environment
77 Wellesley Street West
11th Floor, Ferguson Block
Toronto ON M7A 2T5

Dear Mr. Minister,

Open Letter RE: **Request for Elevation to a Part II Order under the Environmental Assessment Act re The Chute Waterpower Project – Ivanhoe River proposed by Xeneca Power Development Inc.**

Introduction:

I request that a Part II Order be made for The Chute Waterpower Project which has been proposed by Xeneca Power Development Inc. (Xeneca). I believe that this project needs to be considered under an Individual Environmental Assessment. I make this request because I am not satisfied with the project assessment and the evaluation process used by Xeneca and, further, I am not satisfied with Xeneca's lack of response to my letters of August 12, 2011 and September 4, 2011 which I issued in good faith believing that Xeneca would honour the process of attempted resolution of issues raised by me as a registered stakeholder. I believe that Xeneca, which has responsibility in the proponent-driven process, has failed to meet its responsibilities. I also believe that the Notice of Completion was issued prematurely by Xeneca before important components of the environmental assessment actually were completed, to the end that the Environmental Report released by Xeneca at the beginning of the period of public review and comment, is woefully incomplete. Xeneca's posting of the incorrect address of the Minister of the Environment is just one example of the company's sloppiness. I make the request for a Part II Order in accordance with the provisions set out in the Class Environmental Assessment.

I write as an individual representing only myself and no other person or organization. If you receive more than one request for a Part II Order I request that issues which others raise not be attributed to me. An individual response to the issues which I raise herein is requested.

To avoid having this request denied on a technicality I am sending you two copies of this letter.

1. To the outdated address of the Minister set out in the July 14 letter of Patrick Gillette, President, Xeneca Power Development Inc. and in Xeneca's Notice of Completion re The Chute Waterpower Project, and
2. To the actual address of the Minister as set out in the Ministry of the Environment webpage at http://www.ene.gov.on.ca/environment/en/about/minister_of_environment/index.htm.

The Nature of Unresolved Specific Concerns:

My concerns with The Chute proposal are clearly set out along with my questions to Xeneca in my letters of August 12 and September 4, copies of which are attached and which I ask you to review. My August 12 letter was issued within the first 30 days of the 60 day comment period as requested by Xeneca. That was four weeks ago. Because Xeneca did not have key aspects of the needed information in its Environmental Report I had to make a personal visit to The Chute and other parts of the Ivanhoe River Watershed to gather information which I believe should have been provided in the Environmental Report. That four day visit led to my additional concerns identified in my September 4 communication to Xeneca. Since Xeneca has not responded to any of the issues raised and has not answered any of my questions no resolution has taken place. A summary of the headings in my August 12 and September 4 letters to Xeneca outlines the nature of my outstanding concerns:

- A. Xeneca's File Format for Documents
- B. Lack of Integration of The Chute and Third Falls Proposals
- C. Gaps in ER Organization Prevent Full Reader Understanding
- D. Bizarre Rationale for Team Consultative Approach Reveals Xeneca's Contempt for Science
- E. First Nation Consultation Process and Limited Traditional Knowledge Sharing:
- F. Navigable Waters Protection
- G. Xeneca Failure to Respond to My Questions
- H. Registered Archaeological Site at The Chute
- I. Ivanhoe River as a Significant Cultural Heritage Landscape
- J. Silting and related Cumulative Effect of Silting at More Than One Dam on the Ivanhoe River
- K. Full Impacts of The Chute Proposal Are Unknown

Actions Other Than a Part II Order That Might Resolve These Concerns

At this time I envision two actions that, if implemented, would resolve my concerns.

1. Xeneca's voluntary cancellation of all plans for this and any other subsequent proposal by Xeneca or any transfer by Xeneca to another proponent for hydroelectric generation at The Chute
2. Refusal by the Ontario Government or one of its Ministries to allow the proposal to proceed

Specific Nature of the Concerns on which the Request is Based

Because Xeneca has not addressed any of the concerns or specific questions raised in my submissions to the company per the above noted list of "The Nature of Unresolved Specific Concerns" those concerns continue to remain unresolved and form the basis for my request.

Efforts to discuss/resolve these concerns/effects to the environment with the proponent

I have made submissions to Xeneca on August 12 and September 4 and have had no opportunity to react to their answers since they have not provided with answers to a single question.

Adequacy of the Planning and Public Consultation Process Conducted under the Class EA

I believe that Xeneca's planning before issuing its Notice of Completion had significant gaps so was completely inadequate. I outlined for Xeneca, with quotes from a world renowned Ontario scientist, my concern about Xeneca's bizarre rationale for its team consultative approach and the impact of that rationale to attempt to justify its contempt for science. If the Ontario government is going to continue to advocate for a science-based approach, for the precautionary principle and for respect for the Statements of Environmental Values of its various ministries it must not allow proponent-driven planning based on such an outrageous rationale which is so non-compliant with Ontario Government approaches to planning in a wide range of matters.

Adequacy of Xeneca's response to the Concerns and Questions Raised in my Submissions

Xeneca responded to me on August 15 (i.e) within three days of my August 12 letter, acknowledging receipt of my August 12 submission, providing me with notice that my name had been added to the Stakeholder Contact List for the Ivanhoe River projects and providing me with notice that my questions had been sent to the appropriate staff and consultants. That much of Xeneca's August 15 response to my submission was appropriate and I thanked them in writing for that on September 4. However, Xeneca's final August 15 statement to me that Xeneca will get back to me in a timely fashion has not been honoured. Xeneca has not responded in a timely fashion and, as of today, has not acknowledged receipt of my

September 4 submission. The EA process clearly outlines an expectation of attempts by the proponent to resolve issues identified by stakeholders. Xeneca has failed to undertake such resolution. Today is the last possible day for me to wait for Xeneca's response since it is the last business day before September 12, the deadline for receipt by The Minister of the Environment for a request for a Part II Order. Xeneca's approach is not adequate. I believe that The Minister of the Environment should not allow such inadequate communications processes by a proponent so should sent a clear signal to Xeneca that resolution of the issues must be undertaken. Elevation to an Individual Environmental Assessment is the option that would provide an opportunity for issue resolution under the circumstances and that is what I am requesting.

My Personal Involvement in the Class EA Process:

I undertake research and writing on matters with provincial implications. I am one of the people in the photograph on the front cover of Ontario's Forest Management Guide for Cultural Heritage Values. I serve as one of the six writing team members in the development of advice to government for the recovery strategy of one of Ontario's species at risk, the American Eel. I serve on the Public Advisory Committee of one of the province's Watershed management Plans. I have undertaken research about the historical and cultural significance of several Ontario rivers. The Ivanhoe River is one of the rivers which is a subject of my research. I have served as co-author in a number of publications including those of the American Fisheries Society including a paper about cumulative effects which now at is at press so I have a good understanding of broad cumulative effects and the ambiguity introduced to public policy in the post 2008 Lafarge policy environment if environmental assessments are undertaken with the kind of local perspective which dominated EAs in the pre 2008 Lafarge case era.

I did not find out about Xeneca's initial notices about Public Information Centres because they were not made available in the media in the area where I live or in media of provincial distribution. Once I became aware of Xeneca's Notice of Completion for The Chute through colleagues I could see that there were provincial policy implications for the proposal. So I undertook analysis of the documents which Xeneca provided online. Those documents were in secure format so responses to specific issues were time consuming to develop since I could not highlight and copy selected sections on which I wanted to make comment. Instead laborious retyping was necessary. I found that process unhelpful and told Xeneca so but my request to make the documents available in unsecured format was ignored by Xeneca.

Because Xeneca's documentation was so incomplete I made a personal four day visit to The Chute and other sections of the river both upstream and downstream of The Chute. Those areas of observation included portions of the proposed inundation zone upstream from The Chute and locations as far downstream as the conservation reserve which could be impacted by The Chute proposal but has not been addressed adequately by Xeneca.

Details of previous discussions held with the proponent:

My August 12 letter to Xeneca, Xeneca's August 15 acknowledgment, and my September 4 letter have been summarized above and appear as reprints in the appendices to this letter of request. In addition, on August 19 I was informed by Dr. John Casselman that Mr. Gillette of Xeneca had contacted him, had mentioned my name and had asked him to respond to some questions "so we may respond to William A. Allen to the best of our ability in fulfillment of the process." Dr. Casselman also shared with me his response the same day to Mr. Gillette saying, "I will respond to your email in due course. However, my response will be independent and should not in any way hold up your response to the items and issues that Mr. Allen put forth. John Casselman". Dr. Casselman sent that advice to Xeneca by e-mail three weeks ago but Xeneca has not followed the advice in those three weeks. I still have yet to receive answers to any of the questions in my submissions to Xeneca.

Reason Why the Project Would be more Appropriately Considered Under Part II Order Provisions and Anticipated Benefits

Xeneca has not answered any questions under its interpretation of the current process so the provisions of the EA which provide for a Part II Order will help Xeneca to address unaddressed issues. The Part II Order gives Xeneca the opportunity to attain a higher standard of completion of the EA than it has demonstrated to date and also will give Xeneca the opportunity to improve its communication with a stakeholder.

Factors Suggesting that The Chute Proposed Project Differs from other Projects Subject to This Class of EA

The Chute proposal apparently is Xeneca's first Notice of Completion using this class of EA so comparisons to other projects which have no notice of completion would be speculative. The Chute does have certain characteristics which are outlined in my concerns. Also it is the first proposed hydroelectric facility downstream from the Height of Land between the Great Lakes Watershed and the Arctic Watershed within the Ivanhoe River Watershed. The Chute is in a watershed that has been damaged by the folly of cutting through the provincially significant esker, an action which has led to dam bursts in 1918 and 1960, to the artificial lowering of Ivanhoe Lake and to a looming silting problem so we know that this is a vulnerable watershed where the accumulation of even one more dam of any type would contribute to major negative cumulative effects for which the Ministry of the Environment has a Statement of Environmental Values which should inform the concern about cumulative effects. No other known hydroelectric development proposal is at a site which has culturally modified trees that have been accepted by the Ministry of Tourism and Culture as an archaeological site. Living culturally modified trees cannot be mitigated by removal of the cultural resource because of the importance to First Nations people of the power of place at this location. This is a highly significant factor which normally would bring a company

to the conclusion that development plans at this location would be best to be withdrawn voluntarily. Even when this issue is pointed out to Xeneca there is no indication that the company is considering voluntary cancellation of the proposed project despite my request to do so.

Thank you for your consideration of this important request.

William A. Allen

Copies:

- Vanesa Enskatis, Public affairs Liaison, Xeneca Power Development Inc.
- Gord Miller, Environmental Commissioner Ontario
- Linda Heron, Ontario Rivers alliance
- Others as determined by the requester

Appendices

- 1. Aug. 12 letter: Allen to Xeneca Pages 7 - 12**
- 2. Aug. 15 acknowledgment: Xeneca to Allen Page 13**
- 3. Aug. 19 note: Gillette to Casselman re W. A. Allen Pages 14 - 15**
- 4. Sept. 4 letter: Allen to Xeneca Pages 16 - 19**

William A. Allen
9 First Ave., Box 85
Burk's Falls, ON P0A 1C0
August 12, 2011

Vanesa Enskaitis
Public Affairs and Stakeholder Relations
Xeneca Power Development
5160 Yonge Street, Suite 520
North York, ON M2N 6L9
Ref: (416) 590-9362 X104; E-mail venskaitis@xeneca.com

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

August 15, 2011

Dear Mr. Allen,

Thank you for your interest in the proposed Ivanhoe: The Chute project and for your participation in the EA Process. I have sent your questions to the appropriate staff and consultants and we will get back to you in a timely manner.

I have added your contact details to the Stakeholder Contact List for the Ivanhoe River projects.

Best regards,
Vanessa

From: Patrick Gillette [mailto:pgillette@xeneca.com]
Sent: Friday, August 19, 2011 12:13 AM
To: casselmj@queensu.ca
Cc: Vanesa Enskaitis; Ed Laratta; Mark Holmes; Arnold Chan; Rob Steele; Tami Sugarman; btouzel@wesa.ca
Subject: Comments to Chute EA referenced in letter follow-up
Importance: High

Dear Dr. John Casselman:

You have been referenced in a letter concerning a EA Report by William A. Allen for the Chute project on the Ivanhoe River. You have been quoted as stating:

“I’ve seen Xeneca’s environmental assessments on a couple of projects and certainly was not impressed.”

Could you please clarify that statement given Xeneca Power Development Inc. and Xeneca LP have never issued a Environmental Assessment Report before? Could you please reference the projects? I have a very experience staffs and good consultants but, the company itself is issuing its first Class EA under what is a very new process.

I would also request that if possible you clarify the balance of the quote with staff:

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.”

I hope you can help us understand your critique so we may respond to William A. Allen to the best of our ability in fulfillment of the process. We also want to understand the level of review you did and the context because we are a little bemused by the statement that you have reviewed past EAs which we have never issued; I believe there must be

some confusion. Since you are being brought forward as a expert we would also request your background in reviewing EA Reports and you area of study.

Thank you for you kind consideration of this matter.

Yours very truly,

Patrick

Patrick W. Gillette BA, MES, MPA

President and COO

5160 Yonge Street

Suite 520

North York, Ontario, Canada

M2N 6L9

Tel: 416-590-9362

Cell: 416-697-4004

Fax: 416-590-9955

William A. Allen
9 First Ave., Box 85
Burk's Falls, ON P0A 1C0
September 4, 2011

Vanesa Enskaitis
Public Affairs and Stakeholder Relations
Xeneca Power Development
5160 Yonge Street, Suite 520
North York, ON M2N 6L9
Ref: (416) 590-9362 X104; E-mail venskaitis@xeneca.com

Dear Ms. Enskaitis,

Re: Ivanhoe River – The Chute

INTRODUCTION:

Further to my letter of August 12, 2011 to you please note that 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 your communication of August 15, 2011:

- acknowledging Xeneca's receipt of mine of August 12,
- your notice that you have added my contact details to the Stakeholder Contact List for the Ivanhoe River projects
- your further notice that you have sent my questions to the appropriate staff and consultants and
- your notice that Xeneca will get back to me in a timely fashion.

Since Aug. 15 I have received no further communication from Xeneca or representatives of Xeneca. As a result Xeneca has not followed through in a timely fashion with me as promised. Nor does your website provide answers to my questions. I continue to not be satisfied with The Chute proposal or the evaluation process and now am not satisfied with Xeneca's lack of communication with me.

Since Aug. 12 I have made a personal visit to various parts of the Ivanhoe River Watershed including The Chute and Third Falls (as well as Second and First Falls) and their respective proposed inundation zones. I found information that is not available in any of the documentation that Xeneca has shared with the public. Nothing during those visits reduces the concerns that I raised in my August 12 letter to you. In addition to the points which I raised on August 12 please note the following points.

ALLEN Additional CONCERNS AND QUESTIONS as of September 4, 2011 (Lettering of issues carries on from the lettering in my Aug. 12 letter to you):

G. Xeneca Failure to Respond to My Questions

After holding my questions of August 12 for over three weeks Xeneca has failed to answer a solitary one of my questions of to notify me what it considers a timely response. The delay of Xeneca's response is unhelpful in resolving issues raised as required by the process.

G-1: Will Xeneca respond to all of my August 12 and September 4 questions by September 8, 2011?

H. Registered Archaeological Site at The Chute

Please note that there are many very large cedars and some culturally modified cedars in both The Chute and Third Falls environs. Some of the very large cedars on the mainland at The Chute are in an area which Xeneca has determined needs to be cleared to make way for a large staging area and turnaround for trucks as well as access to a proposed new boat landing further downstream from the existing one. Such cutting of rare mature old growth cedars is unacceptable. Two culturally modified cedars are on the island at The Chute very close to proposed structures which would render these trees vulnerable. My data for one such culturally modified tree has been accepted by the Ministry of Tourism and Culture which has assigned Borden Number DcHo-01 under my archaeology licence. I am in the process of documenting a second culturally modified cedar which I observed at the upstream end of the island at The Chute directly in the location of part of the proposed spillway dam.

H-1: Based on this heads up to you will Xeneca contact the Ministry of Tourism and Culture to determine what implications the DcHo-01 site registration and my report about the second culturally modified cedar have for your proposed development at The Chute and let me know what changes Xeneca will implement in its proposal as a result?

I. Ivanhoe River as a Significant Cultural Heritage Landscape

Far, far more cultural heritage information is available about the Ivanhoe River than is contained in any documents which Xeneca has provided to the public yet. To name a few, the history includes:

- the archaeological site registrations upstream from The Chute at Ivanhoe Lake including the work of William Finlayson
- the history of disruption to First Nations people at Piskanagama
- the flood episodes from dam bursts in 1918 and 1960 including the reasons for the dams breaking
- the history of the relationship between the Ivanhoe River and the provincially significant esker which extends through several townships including Oates Township
- the history of erosion at Ivanhoe River Provincial Park with its attendant history of major silting backup behind the dam at the outlet to Ivanhoe Lake. There also is much knowledge available re the meaning of Piskanagama and its significance for all dams on the Ivanhoe River.

Xeneca is abandoning the precautionary principle by proceeding with its proposal at The Chute without documenting such history or analyzing the implications of that history for The Chute proposal.

I-1: Will Xeneca undertake a study of the topics noted above and release the results of that study to the public before proceeding with its proposal at The Chute?

J. Silting and related Cumulative Effect of Silting at More Than One Dam on the Ivanhoe River

Because of the fine soil composition of the esker in the region the Ivanhoe River's natural flow regime is disrupted by any dam. The silting behind the dam at the Ivanhoe Lake outlet is continuing to pose more and more of a problem which is going to require a very expensive mitigation before too many years. Any additional dam placed on the Ivanhoe River risks development of silting at a much higher rate than happens in the average dam. If The Chute dam were in place it is just a matter of time before the owners of the dam will have their own very expensive mitigation problem to solve re silting. The projected speed of long term silting has not been studied by Xeneca. Nor has the contribution of additional sources of silting from proposed new river banks in the proposed inundation area upstream from the dam. Nor has the proximity of Sand Lake where the Ivanhoe River crosses the esker. The cumulative silting effect of having more than one dam on the Ivanhoe River needs thorough scientific study and, since addressing Cumulative Effects is a Statement of Environmental Values for MNR, the study must include the nature of silting mitigation that will be required and the impact of that mitigation on the environment as well as anticipated costs of such mitigation over the length of the expected life on the proposed Chute Dam. In ignoring this large looming problem Xeneca again is not honouring the precautionary principle.

J-1: Will Xeneca arrange for a study conducted by scientists with specific expertise in silting problems and mitigation using careful mathematical calculations to identify potential long term silting impacts and to weigh the importance of those impacts and the costs of mitigating them?

K. Full Impacts of The Chute Proposal Are Unknown

I see a general problem of Xeneca not actually having the necessary background completed before its Notice of Completion was posted. The posting was premature. I saw a patch of rare calypso orchids during my walkabout. Cold water fisheries data is sparse. I see implications for The Chute because Third Falls is proposed inappropriately within Northern Claybelt Forest Complex Conservation Reserve (C1702). Xeneca's, a conservation reserve which is protected under provincial legislation. Xeneca's archaeological reports have not identified known archaeological potential in parts of the proposed transmission route that are in the immediate vicinity of known trapper trails and a vintage trapper's cabin.

K-1: Will Xeneca voluntarily withdraw all of its plans for hydroelectric generation at The Chute?

K-2: If Xeneca will not voluntarily withdraw its proposal for The Chute will it voluntarily agree to an elevation to an Individual Environmental Assessment at The Chute?

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

William A. Allen