



The Corporation of
THE TOWNSHIP OF MELANCTHON

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Denise B. Holmes, AMCT
CAO/Clerk-Treasurer

November 26, 2012

Ontario Energy Board
PO Box 2319
27th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

Attention: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2012-0365 - Leave to Construct
Dufferin Wind Power Inc.

The following comments relate to the application by Dufferin Wind Power Inc., referenced as EB-2012-0365, for leave to construct a single circuit 230 kV electricity transmission line and associated facilities in this Municipality. These comments are submitted on behalf of Township Council.

This application is clearly and significantly premature and should be either denied, returned to the applicant or held for a future decision when and if a number of other matters have been resolved. Paramount among those other matters are the following.

1. There has been no decision made on the Renewable Energy Approval (REA) application for the proposed energy generation facility that the proposed transmission line is intended to service. In fact, at this point this Township and its residents have not yet had an opportunity to comment on the final version of the REA application since it remains with the Ministry of the Environment awaiting clearance for processing as a complete application.
2. As clearly indicated in the material accompanying the application, the County of Dufferin has not approved the use of the abandoned rail line for the proposed transmission line. In addition, it appears that there is a similar lack of finalization with regard to aspects of the line's proposed crossing of some of the private lands lying between the site of the proposed energy generating facility and the rail line.

3. The applicant has no agreement with the Township concerning the use of municipal road allowances, whether or not they are open, for any part of the route of the proposed transmission line. This also applies with regard to the terms, conditions and standards that would apply to the placement of the line within such road allowances.

These are fundamental factors in the assessment of this transmission line and it is completely inappropriate to continue or finalize the decision-making process without some assurance that the generation project will proceed and that the proposed route has been secured.

A second major process related concern is the lack of time provided for a thorough review of the 408 pages of material provided. The 30 day period for providing comments is inadequate. By way of comparison, it should be noted that the Township must provide a 20 day appeal period for even a simple zoning by-law amendment. Now we have 30 days to fully evaluate a proposal for the construction of very significant and extensive infrastructure crossing almost the entire municipality and having the potential for negative impacts on the Township and many of its residents. More time should be provided for analysis and more impact information should be required from the applicant. The commenting period should be extended to a minimum of 90 days.

There is no visual impact assessment of the proposed line. This deficiency results in a biased assessment of the route alternatives. The documentation provided briefly considers an alternative that would extend the transmission line along Highway 89 east of Shelburne. This alternative is immediately dismissed on the basis of the potential for adverse visual impacts on the Niagara Escarpment. Yet there is no visual assessment of the proposed route which would involve the placement of several kilometres of large poles up to 29 metres in height across the Township and along a major highway linking with the tourist areas to the north. This is proposed in an area above the Escarpment having an open landscape in which such intrusions are visible over extensive areas.

The proposed route would cross several wetlands, some having provincial significance. At least one such crossing involves directional drilling while others do not. In this area of Headwaters, large scale groundwater recharge and lands having environmental significance, avoidance of wetlands should be a fundamental route evaluation criteria. There are clearly route alignment options that involve few, if any, new crossings of wetlands. It is essential that such options be evaluated and that every effort be made implement one of them if this transmission line is to be approved.

One method of avoiding adverse visual impacts is to bury the transmission line. With the exception of a few areas such as in the Town of Shelburne, this option has been dismissed purely on the basis of the associated costs. It should be considered further and should be the preferred approach other than in very isolated areas. Rural residents deserve the same level of protection from the potential adverse impacts of large scale intrusive infrastructure facilities as urban residents.

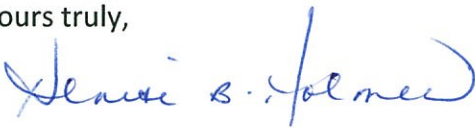
In conclusion we submit that:

1. The application is premature and should be either denied, returned to the applicant or held pending the resolution of key related matters as identified herein.
2. In the alternative, if the application is to be approved, such approval should be conditional

on:

- a. the approval of the REA application,
 - b. the applicant securing the required easements or other instruments relating to the subject lands,
 - c. the applicant satisfactorily addressing the other areas of concern identified in this submission relating to such matters as visual impact assessments, evaluation of further route options, and greater avoidance of wetlands.
3. The commenting period should be extended to at least 90 days to provide sufficient time to properly evaluate this major infrastructure proposal.

Yours truly,



Denise B. Holmes, AMCT
CAO/Clerk-Treasurer

- c. Andrew Osyany, Township Solicitor
Jeff Hammond, Dufferin Wind Power Inc.
Jonathan Myers, Torys LLP
Charles Keizer, Torys LLP