

Zulma DeBonis

From: BoardSec
Sent: February 26, 2014 10:15 AM
To: [REDACTED]
Subject: FW: OEB File Number EB-2013-0442 - Comments Provided
Attachments: SumacRidgeApproval.pdf; SumacRidgeFirstNationResolution.pdf; sumac ridge wind farm MTO comments july 28 11 plans aug 2011-3.pdf; SumacRidgeMOEWaterReviewMemo.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: February-26-14 8:49 AM
To: BoardSec
[REDACTED]
Subject: OEB File Number EB-2013-0442 - Comments Provided

Attention: Board Secretary

Re: File number EB-2013-0442 How to Participate Comment

If you wish to give your opinion on the proceeding to the panel of Board Members hearing the application, you are invited to send a letter of comment to the Board no later **than 30 days after the publication or service date of this notice**. A complete copy of your letter of comment, including your name, contact information, and the content of the letter, will be provided to the Applicant and the hearing panel.

DATED at Toronto January 27, 2014

http://www.rds.ontarioenergyboard.ca/webdrawer/webdrawer.dll/webdrawer/rec/423905/view/noa_%20Sumac%20Ridge_20130127.PDF

Comments Being Provided by:

Jane Zednik



Submitted February 26th, 2014.

Cc Jane Zednik; City of Kawartha Lakes Ward 16 Councillor Heather Stauble

Four Attachments

Sumac Ridge Project Approval

**COMMENTS - EB-2013-0442 FOR DETERMINATION OF LOCATION OF DISTRIBUTION
FACILITIES WITHIN ROAD ALLOWANCES OWNED BY THE MUNICIPALITY OF KAWARTHA
LAKES**

Dear Members of the Board:

This is a request that the application EB-2013-0442 FOR DETERMINATION OF LOCATION OF DISTRIBUTION FACILITIES WITHIN ROAD ALLOWANCES OWNED BY THE MUNICIPALITY OF KAWARTHA LAKES filed on January 27th, 2014 be deferred or refused. The reasons for this request, are, as follows:

One. There is a contradiction between wpd Canada's application for distribution facilities and the REA application for the Sumac Ridge project that was approved by the Ministry of the Environment on December 11th, 2013.

In this application for a distribution line, wpd Canada indicates that it intends to construct an **aboveground distribution line along Gray Road.**

*"As part of its distribution system, the Applicant is proposing to construct a 44kV underground collector line crossing beneath Wild Turkey Road and an **aboveground 44 kV distribution line along Gray Road** that will connect to an existing local distribution system located along Highway 35 (collectively the "Distribution Facilities")"...* page 1 **NOTICE OF APPLICATION AND WRITTEN HEARING APPLICATION FOR DETERMINATION OF LOCATION OF DISTRIBUTION FACILITIES WITHIN ROAD ALLOWANCES OWNED BY THE MUNICIPALITY OF KAWARTHA LAKES** Dated at Toronto January 27, 2014.

However, in documents of disclosure regarding some of the 2874 comments posted to the EBR regarding the Sumac Ridge project, the proponent states several times that the **distribution line along Gray Road will be below ground.**

The following passages are copied from disclosures from the ERT Hearing Cham Shan vs MOE 13-140/141/142. The column on the left contains comments sent by the Ministry of the Environment to wpd Canada during and after the EBR comment period of April 11th to May 20th 2013. The right hand column contains wpd Canada's response which clearly indicates that the distribution line along Gray Road will be constructed below ground.

- Gray Road is part of a snowmobile trail system and trail used for hiking, bird watching and mountain biking, which would become unavailable

- We are not upgrading to be to bury cables under transmission poles. Any trails used for hiking, bi (limited to on-site const restored to their origina

process for

Comments ...

- contradiction in report wrt transmission lines (overhead vs. buried)

- To clarify, intercon assessments may REA application al ground for the con

- concern over ensuring that transmission poles on Gray Road do not topple over in saturated soils

- wpd will not i

The REA application for the Sumac Ridge project was approved with the understanding of Ministry of the Environment project adjudicator Kristina Rudzki and the Director Vic Schroter that the Gray Road distribution line will be constructed below ground - not above ground as indicated in this application. On page 17 of the Approval of the Sumac Ridge Project NUMBER 8037-9AYKBK (attached) it states

SCHEDULE A

Facility Description

The Facility shall consist of the construction, installation, operation, use and retiring of the following:

- (a) Five (5) wind turbine generators, model REpower MM92, each rated at 2.05 megawatts generating output capacity with a total name plate capacity of 10.25 megawatts, designated as source ID Nos. WTG 1 to WTG 5, each with a hub height of 100 metres above grade, and sited at the locations shown in Schedule B of this Approval; and
- (b) associated ancillary equipment, systems and technologies including, but not limited to, one (1) switching station, on-site access roads, below and above grade cabling, and below and above grade distribution and transmission lines,

all in accordance with the Application.

The application before the OEB for an aboveground distribution line along Gray Road is not in accordance with the Application.

Two. The Sumac Ridge project is presently under an appeal to the Environmental Review Tribunal. The appeal was filed on December 23rd, 2013. ERT appeal Cham Shan vs MOE 13-

140/141/142 is not expected to be decided for several months. It is premature for wpd Canada to seek this application when the result of the ERT appeal is unknown.

Three. Curve Lake First Nations passed a resolution dated January 20th 2014 – File Number 479/2013-2014-18 (Attached) :

That the consultation provided in regards to the Sumac Ridge Wind Project meets the standard of consultation for Curve Lake First Nation.

Curve Lake First Nation insists that further consultation takes place before the project moves forward.

In light of the First Nations resolution, the application EB -2013-0442 FOR DETERMINATION OF LOCATION OF DISTRIBUTION FACILITIES WITHIN ROAD ALLOWANCES OWNED BY THE MUNICIPALITY OF KAWARTHA LAKES is premature.

Four: The applicant has admitted to the Ontario Ministry of Transportation in a letter dated August 10th, 2011 that alteration of Gray Road will cause serious harm to its ecological functions. In light of the prospect of serious and irreversible harm to Gray Road, wpd Canada sought permission from the MTO to create an alternative access road to Turbines # 1 and 3 from Highway 7 A. The letter is attached. As indicated in the following passage from the letter, alteration of Gray Road for the distribution line will result in serious harm to the environment as well as species at risk.

Proposed Highway 7A Access:

According to Figure 3, Ortech is proposing access to turbines 1 and 3 via an existing residential entrance on Highway 7A. As you know, MTO policy states that where alternate access exists via the municipal road system, then MTO does not permit highway access. During our telephone discussion last week, you explained that there is wetland and species at risk issues should Gray Road be extended to provide access to the site. Prior to approving a Highway 7A mutual entrance, MTO will require the environmental documentation supporting the need to avoid the Gray Road access alternative.

Five. There is no evidence that the MTO granted permission to wpd Canada to construct an alternate access road from Highway 7A instead of using Gray Road. The City of Kawartha Lakes has no record of any permit being issued by the MTO. Since it is unknown when or if a permit will be issued by the MTO for this access road, the application for a distribution line is premature. The current design of the Sumac Ridge project is dependent on decisions made by the MTO and that might change.

Six. Gray Road is a narrow unopened dead-end road allowance that wpd Canada has referred to as a 'trail'. This trail has been in existence since the early 1800s and is off-limits to most vehicular traffic. It is used primarily by naturalists, hikers and bikers. The ground water table is at the surface along a long section of Gray Road. Wild Turkey Road is an unmaintained road allowance on the Oak Ridges Moraine.



Gray Road (left) – Wild Turkey Road (right)

There are several seeps, artesian wells, streams and a pond that will be affected by road widening and the installation of the distribution line along Gray Road. The Sumac Ridge project is located over a designated 'High Vulnerability Aquifer' as well as a "Significant Recharge Area". The proposed underground cabling under Wild Turkey Road will be constructed between two headwaters that drain into the 900 acre Fleetwood Nature Reserve. The Water Assessment for the Sumac Ridge project was not conducted by hydrologists. In a letter dated September 24, 2013 (attached), B.W. Metcalfe Senior Environmental Officer, Water Resources Unit indicates on page 6 that,

- **The surface water reviewer does not have the expertise to provide a hydrogeological component presented in this section of the Report. The recommendation is that the project submission should be reviewed by a Hydrogeologist to address any potential groundwater impact from project construction activities.**

There is no evidence that the Sumac Ridge project has been reviewed by the MOE Regional Hydrologist. Furthermore, in this same letter on page 7 it states:

"The areas around Turbines 4 and 5 are identified to be of great concern due to the SLR findings of coarser and more permeable soils in this general location. In figure 1 of the water report and EIS the applicant demarcated a general area of high groundwater susceptibility where an accidental spill must be avoided at all cost."

The distribution line to be run underground across Wild Turkey Road is to connect Turbine Number 4 and 5. Without a hydrogeological study, it will be impossible to predict the impact underground cabling as well as road alteration will have on the headwaters as well as the quality and quantity of vulnerable groundwater resources on the Oak Ridges Moraine.

Seven: wpd Canada has just issued a Notice of Commencement that wpd Canada is conducting, without the consent of the City Of Kawartha Lakes, a Municipal Class B EA on Gray Road, Wild Turkey Road and Ballyduff Road concerning 'road upgrades'. The public comment period deadline is February 28th, 2014. It is arguably premature for Application EB-2013-0442 to go forward before a Notice of Completion has been issued for this Municipal EA which affords members of the public to request a bump-up for an EA Part II Order. This process can take several months to complete.

Eight: A geophysical survey dated February 19th, 2014 has found that there ten potential grave sites alongside and under Ballyduff Road.

The *Cemeteries Act*, R.S.O. 1990, Chapter C.4, provides:

Disturbing burial site prohibited

68. No person shall disturb or order the disturbance of a burial site or artifacts associated with the human remains except,
(a) on instruction by the coroner; or
(b) pursuant to a site disposition agreement.

Since alteration of Ballyduff Road will not be possible, the design of the Sumac Ridge project will be altered which will mean the distribution lines might or will be reconfigured.

Nine. MOE Director Vic Schroter instructed counsel for the Ministry in the ERT hearing *Cham Shan v. MOE* 13-140/141/142 that the Director recognizes an unidentified receptor located within 550m of Turbine #1 in the Sumac Ridge project. It is unknown whether Turbine # 1 will be removed or relocated. The removal or relocation of Turbine # 1 might or will affect the design of the distribution system.

Ten: The approval of the Sumac Ridge project includes Transport Canada mandated safety lighting that includes Turbine # 1 which has been recognized by the Director as being too close to a receptor under the setback specified for non-participants under O. Reg 359/09.

“Transport Canada requires that the proponent light turbines 1, 3, 4 and 5 according to TP 382 Standards Obstruction Markings. This includes a red flashing beacon on the highest point of the nacelle. Lights in some form will be necessary for safety and security purposes at ground level as well, but the proponent will make every effort to ensure that these lights have motion sensors and/or are only operated as needed to ensure the safety of our operators and the public”

Since the lighting pattern will now be changed due to the relocation and/or removal of Turbine # 1, Transport Canada needs to be notified. Until the lighting issue is resolved, OEB Application EB-2013-0442 on the part of wpd Canada is premature.

Eleven: The location of one turbine in the Sumac Ridge project has been identified as being problematic by the management of the Peterborough airport. This issue needs to be resolved. The resolution may result in a different configuration of the distribution line.

Wind turbines may limit growth of airport: MP

MP Dean Del Mastro says proposed Sumac Ridge wind farm may limit future growth of Peterborough Airport

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Peterborough This Week

PETERBOROUGH -- The manager of Peterborough's airport says a proposed wind turbine near Millbrook could limit the future growth of the revamped facility.

Trent Gervais says the proposed turbine -- part of a five-turbine project in the area -- is on one of the airport's landing approaches and, if built as proposed, would prevent the airport's ability to meet its future needs.

"Right now one wind turbine is definitely on our approach. That's an issue," he says.

It would, for example, prevent a chartered flight company from setting up at the airport. Mr. Gervais and others have met with the proponents of the Sumac Ridge wind turbine project to try and find a solution. As well, a designer has been hired to see what impact the four other turbines may have on the future growth of the airport. That report is expected to be provided to Mr. Gervais Tuesday.

Mr. Gervais notes that this situation is not unique to Peterborough and is a concern at airports across the province.

Peterborough MP Dean Del Mastro raised the issue in the House of Commons Monday. He is calling on transportation minister, Lisa Raitt, to review the mitigation agreement provided to the proponents of the Sumac Ridge Industrial wind farm project.

As well, Kawartha Lakes MPP Laurie Scott called on the premier to place a moratorium on wind projects.

NAV Canada, which oversees air traffic in Canada, has approved the wind turbine project, but with conditions.

Sumac must lower the turbine, move it to a new location or sign an agreement with the airport that would allow it remain as proposed.

Peterborough mayor Daryl Bennett says the practical approach would be to move the turbine in question. He says while the city would not normally get involved in an issue in another municipality, but project will potentially impact the growth of the airport.

The airport has undergone more than \$50 million in upgrades over the past few years with most of that money coming from the federal, provincial and municipal government.

Sumac Ridge faces significant opposition from many in the community. The project has also threatened to end a proposed multi-million dollar Buddhist retreat in the region.

The company handling the project, wpd, has said once constructed, the project will feed an estimated 26,497,200 kWh of clean, renewable energy annually into the electricity grid: an equivalent to the average annual power use of 1,514 homes.

The Ministry of Environment approved the project in December of 2013. That decision has been appealed by opponents of the project. The hearing for the appeal began today (Feb. 24).

<http://www.mykawartha.com/news-story/4382338-mp-callings-for-minister-of-transportation-to-step-into-wind-farm-debate/>

In summation... there are many issues that need to be resolved before the application EB-2013-0442 FOR DETERMINATION OF LOCATION OF DISTRIBUTION FACILITIES WITHIN ROAD ALLOWANCES OWNED BY THE MUNICIPALITY OF KAWARTHA LAKES filed on January 27th, 2014 be considered or approved. It is requested that the Ontario Energy Board set aside this application until all issues have been resolved to the satisfaction of all parties.