

From: BoardSec
Sent: April 24, 2014 10:13 AM
To: [REDACTED]
Subject: FW: RE- EB-2013-0442 "FOR DETERMINATION OF LOCATION OF DISTRIBUTION FACILITIES WITHIN ROAD ALLOWANCES OWNED BY THE MUNICIPALITY OF KAWARTHA LAKES"

Follow Up Flag: Follow up
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From: Steve Gilchrist [REDACTED]
Sent: April-23-14 10:57 PM
To: BoardSec
Cc: ManversWind Concern; Heather Stauble
Subject: RE- EB-2013-0442 "FOR DETERMINATION OF LOCATION OF DISTRIBUTION FACILITIES WITHIN ROAD ALLOWANCES OWNED BY THE MUNICIPALITY OF KAWARTHA LAKES"

April 23, 2014

The Board
Ontario Energy Board
P.O. Box 2319
27th Floor,
2300 Yonge Street,
Toronto, Ontario,
M4P 1E4

Dear Members of the Board;

These comments are filed pursuant to Section 4.4 of the Ontario Energy Board Act and offered in support of the intervenors in application EB-2013-0442 "For Determination of Location of Distribution Facilities within Road Allowances Owned by the Municipality of Kawartha Lakes", originally filed on January 27th, 2014 and then re-filed on March 28th, 2014. It is my humble submission that the application, by the proponents in this project, be set aside.

The Ontario Energy Board is statutorily obliged to ensure that any proposed work is in the public interest and in the interest of consumers with respect to the reliability and quality of the electricity services as well as to ensure generation of electricity from renewable energy sources is in a manner consistent with the policies of the Government of Ontario. The Government of Ontario policy regarding renewable energy projects such as the Sumac Ridge project includes: a streamlined approvals process with service guarantees for renewable energy projects while ensuring that high safety and environmental standards are met".<http://www.energy.gov.on.ca/en/renewable-energy-facilitation-office/#.U0nH46xOUqQ>

I believe that application EB-2013-0442 should be set aside since it is, clearly, not in the public interest nor would it serve the best interest of consumers. The Gray Road transmission line and a distribution line crossing Wild Turkey Road,

components of the Sumac Ridge project, will not ensure reliability and quality of electricity services and also fails to meet high safety and environmental standards as set under government policy. Support for the request to set aside application EB-2013-0442 includes the following:

In the public interest regarding reliability and quality of electric services:

1. According to the MNR Renewable Energy Atlas, wind power in the Sumac Ridge project area is rated as being 'marginal' and will not provide consistent, reliable, quality energy production and service. Wpd Canada did not supply meteorological data to the Ministry of the Environment in the application for approval that confirms the developer's estimated annual output for the Sumac Ridge project will be 26,000MW per annum. There is, therefore, no evidence before the Board that the energy production estimate is accurate. Marginal rated wind resources in the project area could result in much less energy output than predicted, an expectation that is reasonable, given the variable topography in the area of the project.
2. The applicant has indicated the Sumac Ridge project might supply energy to meet the needs of 1800 residential units. That means that the project would not even fulfill the needs of the nearby villages of Pontypool, Bethany and Janetville, with a total of 2241 households, despite the visual and other impacts this project will have on residents of those villages and the overwhelming opposition they have expressed to the Sumac Ridge project.
3. Approval of the Sumac Ridge REA application will necessitate an underground transmission line along Gray Road. The application before the OEB is not the same as the plan approved by the Ministry of the Environment. The design has changed dramatically from the REA application to the application before the OEB. The public was not, and has not been made aware of this new plan for an aboveground transmission line. There has been no opportunity for the public or the City of Kawartha Lakes to raise potential safety and reliability issues or to examine and address any issues that might arise as a result of this new design concept. I would submit that this is a significant alteration of the plan, as approved, and one that should, in all fairness to the municipality and the affected residents, require the proponent to undertake a new round of public hearings and for the Ministry of the Environment to undertake a new review of the project application.
4. Gray Road is an unmaintained trail. Year round access to the transmission line for maintenance and repairs is not be possible. Not being able to maintain the line or access it during emergency situations places the public in danger and would, almost certainly, increase insurance costs for the proponents, to the point that it may well undermine the economic viability of the project.
5. The Sumac Ridge project is under appeal to the Environmental Review Tribunal. The REA is being amended since Turbine # 1 has been identified as being too close to a 'receptor'. The configuration of the project might be changed, so any consideration of road access requirements is premature and inappropriate.
6. Turbine # 2 in the Sumac Ridge project has been identified as a navigation hazard by the Peterborough Airport and the configuration of the Sumac Ridge project might change. Again, likely amendments to the design of the project would suggest that any approval of road access would be premature and inappropriate.
7. Possible changes to the Sumac Ridge project might affect the route of the

transmission line; again, the application before the OEB is premature.

8. Wpd Canada did not inform residents of the application before the OEB when originally posted. Wpd Canada did not post a public notice in the local media. Wpd Canada did not contact immediate landowners when the application was first filed. Under Treaty 20, the lands in question are under the stewardship of First Nations. There is no evidence that the seven First Nations communities under Treaty 20 have been notified about this application.

9. Wpd issued a press release on May 22, 2013, without the knowledge of the City of Kawartha Lakes, and while the Sumac Ridge project was under review at the Ministry of the Environment, implying that the project has been approved, which is, of course, not accurate, as demonstrated by the very consideration being given by the Board. This action demonstrates disregard for the public and its representatives.

10. The news story headline below dated June 5th, 2013 demonstrates wpd Canada is not acting in the public interest or is disrespectful of the REA process. It appears that wpd Canada is using the OEB as a tool to force the municipality of City of Kawartha Lakes into an position that runs contrary to the best interests of affected residents:

Wind energy company threatens to take its case to Ontario Energy Board to move Sumac Ridge Wind Farm forward
(KAWARTHA LAKES) A wind energy company says a refusal by the City of Kawartha Lakes to discuss the placement of collector lines for a controversial wind turbine project in Manvers Township could force the company to ask the Ontario Energy Board (OEB) to intervene - and the City may have to pay for the hearing...<http://www.mykawartha.com/news-story/3846800-wind-energy-company-threatens-to-take-its-case-to-ontario-energy-board-to-move-sumac-ridge-wind-farm/>

11. Ontario Minister of Energy Bob Chiarelli has indicated that Ontario has a surplus of energy and will continue to have a surplus for years to come. The applicant's estimated output of 26,000 MWh per annum will place an unnecessary financial burden on consumers. Each 2.5 MW wind turbine installed today, might expect to generate power at a capacity factor of 30%. The energy will be produced mostly at night and in the spring and fall when the system electricity demand and revenue is lowest. The rate of \$135 per MWh for wind energy does not compare favourably with the same amount of 'green' non- CO2 emitting nuclear electricity at the nuclear base price of \$45 per MWh and which is generated just a short distance south of the project site.

12. Parties voicing concerns regarding and their opposition to the wpd Canada Sumac Ridge project, the first industrial wind project approved to be constructed on the supposed government-protected Oak Ridges Moraine and currently under appeal before the Environmental Review Tribunal include ...

- The Buddhist community with thousands of followers in the GTA who see a 100 million dollar long-term investment placed in jeopardy.
- The Seneca Flying School that has made a huge financial investment moving to the Peterborough Airport
- The Peterborough Airport that sees a multi-million dollar expansion placed in jeopardy
- NAV Canada

- The Township of Cavan Monaghan
- The City of Kawartha Lakes
- The over 5000 people who signed petitions of opposition
- Those who submitted a record 2874 comments to the MOE when the project was posted to the EBR
- Naturalists
- Agencies and individuals working to protect The Oak Ridges Moraine
- Conservation authorities
- Scores of area residents, farmers and business owners
- Parents of schoolchildren who will be affected by the project
- The Williams Treaties First Nations comprised of seven First Nations including the Chippewas of Beausoleil First Nation, Georgina Island First Nation, Rama First Nation, Mississaugas of Alderville First Nation, Hiawatha First Nation, Scugog First Nation and Curve Lake First Nation.

This is in stark contrast to the miniscule level of support for the Sumac Ridge project - aside from the developer, wpd Canada, only the 4 landowners who signed the land lease agreements and one other person have registered support for the project on the EBR.

The transmission line along Gray Road which will involve significant and permanent alteration of a heritage trail and the distribution line that crosses Wild Turkey Road located on the Oak Ridges Moraine for a costly, intermittent energy supply is not in the public interest.

The role of the OEB to ensure renewable energy sources are developed in a manner consistent with the policies of the Government of Ontario which includes: “ensuring that high safety and environmental standards are met”....

High safety and environmental standards have not been met. The applicant has indicated the Sumac Ridge project will cover 477 hectares leaving a significant physical, environmental, social, cultural and economic footprint.

1. The application before the OEB is for an aboveground transmission line located on the north side of the Gray Road that will be constructed in significant woodland and wetland areas. Approval of the Sumac Ridge Project NUMBER 8037-9AYKBK states on page 17 the Gray Road distribution line will be constructed below ground - not above ground as indicated in the application before the OEB. Again, this is a material and significant deviation from the original plan, as considered by the MOE, and worthy, in and of itself, to warrant rejection of the application.

2. All studies regarding the approved MOE Sumac Ridge application are based on the transmission line along Gray Road being below ground. wpd Canada has not included natural heritage assessments, avian impact studies (there is a large 3 acre pond used as a migratory stopover for waterfowl) environmental impact statements, wetland impact assessments, geotechnical, hydrological or archaeological studies that support the ‘new’ aboveground plan and the location of the poles and cabling in the current application before the OEB. High safety and environmental standards have not been introduced, let alone met. There are several species at risk in the proposed construction zone.

3. In order to construct the transmission line along the unopened trail road allowance known as Gray Road, the heritage pioneer trail will have to be

considerably altered. Wpd Canada has not provided any designs or site plans that include road alteration to the MOE or in the application before the OEB. This omission places the safety of those who use the trail for recreational purposes at risk. First Nations peoples who are stewards of the lands in question under Treaty 20 have not been consulted regarding land alteration.

4. Gray Road is a dead end trail. In order to allow the passage of construction vehicles, a turn-around area will have to be created. Wpd Canada has not included plans for alteration of the road allowance as well as a turnaround area either in the REA application or this application before the OEB. Without a detailed site and construction plan including various requisite assessments, the safety of residents will be put at risk and the amount of land adversely affected by construction will be significantly greater than what was claimed in the original application, as submitted to the MOE.

5. The widening and opening of a dead-end trail such as Gray Road will invite unwanted vehicular traffic at certain times of the year, including possible illegal activities as well as illegal dumping. Gray Road trail is not maintained. It is inaccessible to vehicular traffic during the winter months. It is also impassable during part of the spring and fall months. During emergency situations and/or required maintenance, access to the transmission line will not be possible thus putting the safety of residents at risk. Changing the status of this road would not only entail short term capital costs, but permanent long-term maintenance costs on the backs of the very residents who are so fervently opposed to this project!

6. The water table is at the surface along an extended section of Gray Road. There are also seeps, springs and a wetland. Alteration of water features along Gray Road without any form of hydrogeologic assessment will place area wells in jeopardy including wells used at two nearby elementary schools. Any construction which has an adverse affect on table water is in contravention of the Oak Ridges Moraine Conservation Plan - a piece of Ontario legislation with the same weight and bearing as the Green Energy Act.

7. The Sumac Ridge project is located partially in the Oak Ridges Moraine. The applicant is seeking to construct a distribution line across Wild Turkey Road located on the Oak Ridges Moraine. Under Section 41 of the Oak Ridges Moraine Plan, Ontario Regulation 140/02, "Transportation, infrastructure, and utilities uses may be permitted to cross a key natural heritage feature or a hydrologically sensitive feature if the applicant demonstrates that, (a) the need for the project has been demonstrated and there is no reasonable alternative". Wpd Canada has not demonstrated a need for the project or that an alternative was considered. Violating the Oak Ridges Moraine Plan is unnecessary and illegal and the OEB, in its own best interests and to maximize the amount of electricity generated and available to consumers in this province, should reject this application and, should the proponents be so inclined, re-assign the provisional contract to another location in the province which does not have the same environmental and legal impediments, the same level of public opposition and which offers higher levels of wind-loading.

The intervenors in case EB-2013-0442 speak for the multitudes that the Sumac Ridge project, which includes the construction of a transmission line along Gray Road and a distribution line that crosses Wild Turkey Road on the Oak Ridges Moraine, is not in the public interest, that the project will not provide reliable and quality service and does not adhere to government policy that the highest safety

and environmental standards have been met. It is respectfully requested that the Ontario Energy Board set this application aside.

Thank you for your consideration.

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s S. Gilchrist

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