

Revised Response to Algonquin Power Co. Report: Construction and Operations Use of Loyalist Township Roads and Right of Way Space on Amherst Island

Association to Protect Amherst Island and SaveAI – February 2013

This revision takes into account the January 29th Loyalist Township public meeting on the proposed road-use agreement and comments received following the public meeting.

The prospect of 11,000 heavy truckloads and the same number of return trips hauling turbine components, aggregate and concrete around the island is, at the least, distressing. In addition there will be the dust, mud, inconvenience, noise and environmental damage. We would urge Council not to be swayed by the promises offered in the Hatch report. Similar promises were made by Stantec and Canadian Hydro Developers for the Wolfe Island project; the reality proved to be otherwise. In our response submitted before the public meeting we included an Appendix demonstrating the problems that were faced by Wolfe Islanders.

Use of Present Island Roads

Hatch writes that: "The route has been developed in order to minimize exposure of public roads to construction roads". But, looking at the "Transportation Roads" map, Algonquin plans to use almost all of Second Concession Road, most of Third Concession Road, half of Front Road, half of the Stella 40', probably all of the lower 40', parts of the South Shore Road and a quarter of the Art McGinn Road.

Under the present draft plan one quarter of all truck deliveries will pass through the hamlet of Stella. All of the deliveries will pass close to the school, one quarter directly in front and three quarters on a construction road within 450 metres. 11,000 truck deliveries and their return over 18 months equates to one every 10 minutes. Most of the deliveries will probably take place over a shorter period of 6 months; that translates into a truck every 3 minutes.

Second Concession Road west of the Emerald 40' is a no exit road. If this road is blocked by one or more delivery vehicle there is no alternate route for island traffic or emergency vehicles.

The School and Stella

It came through loud and clear during the meeting, in the follow-up comments and in a letter written by parents to Council that there should be no construction traffic past the school on Front Road, close to the school on a private road to the west of the school or through the village of Stella. Township staff and Council must take a firm stance on this.

There are a number of concerns but one immediately stands out and that is the safety of our children in the village, walking to and from school, using the park, biking in summer etc. Algonquin's construction plan tells us about the density of truck traffic they expect to create during the 18 month construction period-- 11,000 truck-loads, one quarter through the village, and all past and around the public school, 13 hours per day. Algonquin showed little understanding of the culture of the village. Algonquin seemed to have no idea that Island population doubles in summer, as families (with children) visit, visitors go to concerts, walk to art shows, the café, the Neilson Store Museum, the market in the park and the Post Office store. Visitor car travel and walkers around the Island increase substantially.

The school is also the Island Community Centre. This is where we have year-round social activities such as church dinners, the annual Seniors' Dinner, card parties, the Canada Day Parade and Strawberry Social, public meetings, dances and so on.

If Algonquin Power knows that it must avoid the school and the village it will find a way to do so. Mr. Lensink claimed that the present plan is optimum; perhaps for Algonquin Power's bottom line but not for Amherst Island and by extension for Loyalist Township.

Batch Plant

Algonquin plans to produce concrete on the island. Under the present draft plan this will add traffic to the west of the school. The prevailing wind will carry dust (and noise) to the school and to the large concentration of residents in the village of Stella. The proposed site of the batch plant must be moved. Although this is not primarily a road-use issue, the site does dictate the siting of the road access to the batch plant.

It is known that access to water is a problem away from the shoreline. When a revised site is selected the following questions need to be answered: How will the batch plant access water? If a drilled well is used, what will be the impact on the ground water for other uses? If water is trucked to the batch plant, what additional traffic will result?

Ownership of the Island Roads

We understand that the Township does not own the full forty feet of road allowance in some parts of the island. Mr. Wilkin argued that roadways used by the public and maintained by the Township are "forced roads" and can be used by Algonquin Power. However, if the Township does not own the full forty feet then Algonquin may not have access beyond the travelled roadway. It is our understanding that the right of use of the travelled "Forced Roads" does not include the right to dig trenches. It is also our understanding that a private company does not have the right of eminent domain over the road system.

There needs to be research to determine where Algonquin Power can and cannot access a full forty feet of roadway.

Environmental Impact

As part of the Renewable Energy Approval process, Algonquin Power Co. is obligated to consider the environmental impact of the road use plan. This has not been done. We ask that before Council takes any action, Algonquin Power should revise the report to include the environmental impact.

We have a contract with an independent field naturalist. His reports have been submitted to the Ministry of Natural Resources. A copy of his report on the unopened road allowance between the Stella 40' and the lower 40' is included as an Appendix.¹ We are aware that there are breeding sites of species-at-risk along this unopened road allowance. We are also aware that throughout the island there are breeding sites for a variety of species-at-risk. We presume that Stantec has also been gathering similar information. This information is fundamental for the siting of the access roads. Without their impact report the Algonquin Power road use report is incomplete.

Similarly, for all of the proposed roads on private land there is need for an environmental assessment. This is part of the approval process under the Green Energy Act 359/09. Until MNR has given approval for the project there can be no agreement on the use of public roads.

Another environmental concern is the possible toxic or carcinogenic character of road dust, particularly if there is extensive removal or disturbance of the present roads. Lead from past use of leaded gasoline is a known hazard, but so are dust-suppressants used in the past. Before any extensive modification of the island roads is contemplated there needs to be chemical analysis of road surfaces and road beds. Based upon a 2006 Ontario government report, Dr. McKittrick at Guelph University has noted that 3% of the particulate matter in the atmosphere in Ontario comes from coal plants and over 50% from dirt roads!

Noise Bylaw

There is a Township noise bylaw. This limits the hours for construction and for truck deliveries. In addition the by-law stipulates that the noise at homes be inaudible. There needs to be very clear evidence that Algonquin Power understands this. We note that the bylaw was revised so that the parts of the island zoned shore-line residential are now designated.

Tree Bylaw

As noted above, there was disregard for mature trees on Wolfe Island during construction. Our consultant naturalist advises us that hedgerows are also a vital environmental concern for breeding and nesting sites, and in many cases the

¹ Note that Ministry of Natural Resources protocol does not allow detailed specification of the bird or nesting sites in reports. However, these sites have been logged into the Ministry data-base.

hedgerows meet the criteria of Significant Wildlife Habitat (SWH). SWH are protected by the Ministry of Natural Resources and this ministry must be consulted prior to any wholesale destruction of habitat.

Loyalist Township needs to obtain an agreement that any mature trees that are removed be replaced by mature trees after construction; any ground cover and hedgerows that are removed be replaced by topsoil and native hedgerow plants.

We note that after ploughing land for the archaeological study the land was not refinished. The grassland has been left ploughed and subject to weed growth.

We are heartened that Algonquin Power recognized that each mature tree will need to be replaced with multiple trees. However, this requirement should be firmly in place in the agreement.

Transmission Lines

It was the wish of the previous Council, in formulating the Official Plan Amendment for Renewable Energy, that all transmission lines be buried. That is also our wish. Having to contend with the visual intrusion of the turbines is more than enough. We ask Council to insist that all transmission lines be buried. We understand the Director of Engineering's concern; however, there must be methods for burying cables under roadways and under culverts. It is up to Algonquin's engineers to design the burials so as to meet the Director's concerns.

Ferry Use

We ask that Loyalist Township enter an agreement on the use of the ferry in the event that the island dock needs to be constructed from the island. For instance, the Township could request that all workers be "bussed" across on the ferry and to their work site.

Extended Hours

Hatch mentions the possible need for extended hours for project commitments. Islanders should not be penalized for Algonquin Power's delayed progress on the Renewable Energy Approval process. Loyalist Township must make it clear to Algonquin that extended hours are to be requested only for the safety of its workers. If Algonquin has to pay penalties for falling behind schedule it has only itself to blame.

Independent Consulting Engineer

We are pleased that Loyalist Township has contracted with its own engineering company to oversee the project if it should go ahead. We emphasize that the role will be to ensure that the contractors conform to the agreements between Loyalist Township and Algonquin Power and meet the various by-laws that protect trees, noise, dust levels, environment and habitats, cultural and historic heritage items such as the stone walls, road widths etc. etc. Further, the

consultant should be retained to ensure that all the promises to restore road curves and widths, re-planting of destroyed trees and turf, and general site clean-up afterwards is done.

Dispute Resolution Mechanism

The rebuilding, realignment and use of the roads is clearly going to be an inconvenience and annoyance to islanders. There has to be a dispute resolution mechanism during construction, and indeed during the operation of the wind energy generating system. This mechanism needs to be in place before the Township approves the road use agreement. We have on the island a professional in this field. He is a member of the Canadian Armed Forces and has performed this role in Afghanistan and elsewhere. As far as we know he has taken no stand for or against turbines on the island. He would be able to guide Loyalist Township on how to find an expert in dispute resolution.

The cost of this should be covered by the amenities agreement; there may need to be re-negotiation of the agreement.

Traffic Management Plan

If the project is approved, then a formal traffic-management plan will be essential. It may be that Algonquin Power has had experience with green-field operations but it has shown no indication that it will be working within a living breathing community. There will be need for: co-ordinating its barge traffic with the island ferry; recognition that islanders are attuned to the ferry schedule, that automobile and pedestrian traffic are a fact of life on the island, that emergency vehicles have absolute priority, that in large part the island is a farming community with seasons for haying and hay transport, for cattle transport and for movement of the 4000 island sheep, that contractors and sub-contractors will need strict supervision, that dust control on public and private roads is a given, that advance notice of road encumbrance will be needed. The construction process, if it happens, will be very disturbing and stressful to islanders and their visitors. At the very least there needs to be a formal traffic management plan and a dispute resolution process.

End-Note

It is clear that the proposed draft road-use agreement is incomplete. **Islanders have requested and need a second public meeting on the draft agreement when it has been revised to take account of the many omissions and questions listed above.** The rationale for Council to do this is that Council needs public input on the revised road-use plan when all of the above omissions and deficiencies have been incorporated into the draft plan. It is also clear that Algonquin Power sees no urgency in the process. If there was, the company would have had a traffic management plan in place, it would have foreseen the need to avoid the school and village, it would itself have proposed the funding of engineering oversight by Loyalist Township, it would have foreseen the need for a dispute resolution mechanism, it would have made its decision on the dock

sites and have all of the permits in place, it would have faced up to the uncertainty of road allowance in some cases rather than ignoring the challenges that it has received. Finally the company would have an environmental assessment in place.