



25 January 2015

WITHOUT PREJUDICE TO ALL OF OUR RIGHTS

It is highly unlikely that Algonquin Power / Windlectric will be able to meet their stated construction timelines. Below you will find information pertaining to 3 reasons.

1. The timelines vary from 12 to 24 months depending on the document being reviewed
2. Algonquin Power / Windlectric have failed to request an Overall Benefit Permit for all of the Species at Risk documented to use the habitat found on Amherst Island. Below you will find a listing of the Species at Risk and Species of Concern that have been observed on Amherst Island, those requiring an Overall Benefit Permit are in red typeface. Those SAR for which Algonquin / Windlectric have already requested an Overall Benefit Permit are in blue typeface. Clearly, a number of permits still remain to be requested. It is important to note that the permitting process is quite extensive and time consuming.

	Observed Migrating by Algonquin Power	Observed Breeding by Algonquin Power	Observed by Kingston Field Naturalist	Breeding on Amherst Island /Atlas Breeding Birds of Ontario	COSARO (Prov.)	Federal Designati on
AVIAN						
Barn Swallow	Yes	Yes	Yes	Yes	THR	THR
Bank Swallow	Yes	Yes			THR	
Bobolink	Yes		Yes	Yes	THR	THR
Canada Warbler	Yes		Yes	Probable	SC	THR
Cerulean Warbler	Yes		Yes		THR	END
Eastern Meadowlark	Yes	Yes	Yes	Yes	THR	THR
E. Whip-poor-Will	Yes		Yes	Probable	THR	THR
Golden Eagle			Yes		END	
Golden-Winged Warbler	Yes		Yes	Possible	SC	THR
Hooded Warbler	Yes		Yes		SC	THR
Horned Grebe	Yes		Yes	Unknown	SC	END
Least Bittern	Yes*		Yes	Possible	THR	THR
N. Saw-Whet Owl		Yes	Yes	Probable		THR
Olive-sided Flycatcher	Yes		Yes	Unknown	SC	THR
Red-Headed Woodpecker	Yes		Yes	Yes	SC	THR
Red Knot			Yes	Unknown	END	THR
TURTLES						
Blanding's Turtle			Yes		THR	
BAT						



Little Brown Bat		yes	END	THR
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3. None of the timelines provided by Algonquin Power / Windlectric detail how the construction restrictions which will be imposed by the Ministry of Natural Resources (MNR) will affect the proposed timeline. These construction restrictions will be posted to the EBR should the requested Overall Benefit Permit for Bobolink, Eastern Meadowlark and Eastern Whip-poor-Will be granted by the MNR. Previous postings to the EBR Registry provide construction restrictions that range from April 1 to September 1 for Bobolink, Eastern Meadowlark and Eastern Whip-poor-Will. Previous postings to the EBR Registry provide construction restrictions that range from May 1 to September 30th for Blanding's Turtles.

Looking at the Species at Risk documented on Amherst Island this results in a 6 month period (April 1 to September 30th) during which construction activities cannot be undertaken on the island.

Below are examples taken from the EBR registry which provide information regarding construction restrictions imposed by the MNR.

EBR Registry # Project Name Type Location	Permit Type Size of Project Published Date	Species At Risk requiring Permit Timing restriction	Conditions listed in EBR Registry
011-94446 Amherst Island Wind Ecoregion 6E	Overall Benefit Permit 75 MW	Bobolink Eastern Whip poor will Eastern Meadowlark No Construction Permitted: April 1 to August 15	The wind power facility is proposed to be located within Bobolink, Eastern Meadowlark and Eastern Whip-poor-will habitat. Windlectric Inc. has applied for an overall benefit permit under clause 17(2)(c) of the ESA for the purpose of developing a wind power facility that will affect the habitats of Bobolink, Eastern Meadowlark and Eastern Whip-poor-will. Potential approaches to minimize adverse effects on individual members of Bobolink, Eastern Meadowlark and Eastern Whip-poor-will may include: - Conducting vegetation removal and construction activities outside of the breeding bird seasons, when Bobolink, Eastern Meadowlark and Eastern Whip-poor-will would not be present on the site (i.e. August 15th to April 1st); and
012-0083 EarthLight Solar Town of Georgina in the Region of York	Overall Benefit Permit 10 MW 20 June 2014 to remove up to 33 hectares of habitat	Bobolink Eastern Meadowlark No construction permitted: March 31 to August 1	The permit requires the proponent to undertake a number of measures to minimize adverse effects on individual members of Bobolink and Eastern Meadowlark, including: o Vegetation removal and site preparation activities are to be done between August 1 and March 31, outside the primary breeding period for this combination of species;



Ecoregion 5E			
011-9283 K2 Wind Wind Township of Ashfield-Colborne-Wawanosh, County of Huron, Ontario.	Overall Benefit Permit 270 MW Approximately 35.3 hectares of habitat for Bobolink has been identified within the project location and would be impacted by the development. 21 August 2013	Bobolink No construction permitted during Breeding Season	The permit requires K2 Wind to undertake a number of measures to minimize adverse effects on individual members of Bobolink, including: • Conduct construction activities outside the breeding season when Bobolink would not be present on the site.
011-7550 Go Transit Richmond Hill Ecoregion 6E	Overall Benefit 21 March 2013	Bobolink No construction permitted: April 30 to September 1	The permit requires Metrolinx to undertake a number of measures to minimize adverse effects on individual members of Bobolink including: Undertaking site preparation activities including removal of vegetation outside of the breeding season (i.e. work to occur September 1 through April 30) in order to avoid adversely impacting the species; using construction fencing to prevent access and disturbance to habitat outside of the work zone; implementing a comprehensive erosion and sediment control plan to prevent adverse impacts to Bobolink habitat outside of the construction area; and ensuring that a qualified professional oversees the implementation of the project.
011-3181 Gilead Power Wind Ostrander Point	Overall Benefit 22 Dec. 2012	Blanding's Turtle Bobolink No construction permitted: May 1 to Sept. 30 th .	The permit requires Ostrander Point GP Inc. to undertake a number of measures to minimize adverse effects on individual members of Blanding's Turtle, Eastern Whip-poor-will and Eastern Whip-poor-will habitat, including: - road maintenance would be completed at an appropriate time of year (outside nesting season) and include avoidance of chemical spraying; - construction window (October - April) would avoid most critical life cycle periods for Eastern Whip-poor-will and Blanding's Turtle;

Denise Wolfe

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