



association to protect AMHERST ISLAND

25 January 2015

WITHOUT PREJUDICE TO ALL OF OUR RIGHTS:

This email below was sent to Josh Chief Policy Advisor of the Minister of Natural Resources as a follow up to a meeting with the Minister's Chief Policy Advisor and Chief of Staff.

Josh,

Thank you again for taking the time out of your busy schedule to meet with Michele and I on Friday.

As promised I am providing you with the other Gap Analysis I completed for submission to the EBR Registry Posting 012-0774. These Gap Analysis address process issues, inconsistencies and errors identified in the Algonquin Power NHA/EIS and as such also served as Affidavit in the Application for Judicial Review APAI issued 6 March 2014. Due to e-mail size constraints I have downloaded these to a USB Key that I am sending to you via courier on Monday.

As you know, the Amherst Island Wind Project is presently in Technical Review and I respectfully request that your department investigate the numerous process issues identified in these Gap Analysis. I would like to point out that the Algonquin Power REA file has been in Technical Review since January of this year and I am very concerned that approval is imminent.

With regards to the MOE REA Species of Concern process, I am attaching the MNR Confirmation Letter issued December 2012. This letter is a requirement for REA submission and asserts, "site investigations and records review were conducted using applicable evaluation criteria and procedures established or accepted by the MNR." I believe that during our discussion on Friday I clearly illustrated that MNR "established evaluation criteria and procedures" were not adhered to in all instances. It would appear that the MNR evaluation process of the NHA/EIS Reports submitted in support of the Algonquin Power REA application did not include an in-depth review / audit of the



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Proponent's research protocols and the Proponent's execution of these protocols as they pertain to published Ministry Guidelines.

I note that the Letter of Confirmation states, "procedures established **or accepted** by the MNR". I would assume that deviation from "established procedures" would require documentation, justification and approval at a management level. Despite numerous requests by APAI for clarification on this point, a clear response remains elusive. For your information, I am attaching a Chronology of the more pertinent correspondence with the Ministry of Natural Resources.

During our discussion I also mentioned that the Cataraqui Regional Conservation Authority (CRCA) mirrors many of our concerns. I am including on the USP Key the Loyalist Township REA Consultation Form. The review of the NHA/EIS was completed by the CRCA for the purposes of the Municipal Consultation Form. The Township summarizes their concerns with the following:

The Township is concerned that the various studies provided lack the level of detail needed on a number of substantive issues to adequately assess the potential impact on municipal infrastructure and natural heritage and cultural assets on Amherst Island. Therefore, a Renewable Energy Approval for this project is premature until the level of detail has been provided and re-submitted to the Township for review.

The USB Key also includes the Algonquin Power NHA/EIS Report and Appendices as well as the Algonquin Species at Risk Report.

As I mentioned on Friday, the Bobolink, Eastern Meadowlark and Eastern Whip-poor-Will studies "for the most part" followed published MNR guidelines and the APAI submission to EBR Registry Posting number 011-9446 discusses the interpretation of the SAR Report findings. I am also including on the USB Key an Annotated Report (AR) of the Algonquin SAR Report. The AR identifies some process flaws and issues of concern including the area searched for SAR habitat, lack of clarity regarding search parameters, lack of consultation with the local Naturalist Club, inappropriately timed Ecological Land Classification Surveys, and most importantly numerous SAR that were mysteriously not included in the MNR Permitting Process.

The following SAR have been documented migration and / or breeding on Amherst Island within the past 4 years and should therefore also be included in the MNR Permitting Process.

	Observed Migrating Algonquin Power	Observed Breeding Algonquin Power	Observed Kingston Field Naturalist	COSARO (Prov.)
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AVIAN				
Barn Swallow	Yes	Yes	Yes	THR
Bank Swallow	Yes	Yes		THR
Cerulean Warbler	Yes		Yes	THR
Eastern Meadowlark	Yes	Yes	Yes	THR
E. Whip-poor-Will	Yes		Yes	THR
Golden Eagle			Yes	END
Least Bittern	Yes (field notes)		Yes	THR
Red Knot			Yes	END
TURTLES				
Blanding's Turtle			Yes	THR
BAT				
Little Brown Bat			Yes	END

With regards to the Blanding's Turtles specifically, I did follow up with Kate Pitt, MNR Biologist assigned to the EBR posting 011-9446 enquiring as to when the Blanding's Turtle would be included in the MNR Permitting Process. She replied that it has been decided this would not be required. I have attached to this email my response to Kate. Josh, I am not known for my brevity and I realize that my Gap Analysis are heavy going. If it would be at all helpful to you, I would be more than happy to meet with you to spend some time walking you through the process. Meanwhile the summary information provided in the letter to Minister Mauro dated 29 November 2014 gives you a high level overview of the various issues.

If you have any questions, please feel free to give me a call at 613-384-8040.

Best Regards,

Denise Wolfe

Denise Wolfe
APAI