

From: Deborah Barrett <justdebbarrett@gmail.com>
Subject: Application under the Navigation Protection Act - Windlectric Inc.
Date: 22 January, 2015 5:41:02 PM EST
To: NPP ONT - PPN ONT <NPPONT-PPNONT@tc.gc.ca>
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Regional Manager, Navigation Protection Program,
Transport Canada,
100 Front Street S,
Sarnia, Ontario N7T 2M4

Good day

I object to the issue of any permit to Windlectric under the Navigation Protection Act.

This application under the Navigation Protection Act is premature as the submission by Windlectric for Renewable Energy Approval is under technical review by the Ontario Ministry of the Environment and Climate Change (EBR 012-0774) and may be substantially changed. The applicant has also only recently applied to the Ontario Energy Board for Leave to Construct (EB 2014-0300) a 115 KV transmission line and related infrastructure and this application may also result in significant modifications to the proposal.

If the Ministry of Transport learned nothing else from the Lac Megantic disaster it is that due diligence is critical prior to the issue of any approvals by the Ministry of Transport.

Please consult with Legal Counsel as this matter may be subject to judicial review and ensure that MTO undertakes due diligence with respect to an application by Windlectric Inc. for an a permit and authorizations under Navigation Protection Act.

Windlectric is a shell company (Business Number 857686299RC0001 and Corporation Number 7001690) incorporated on June 28,

2008. The company has two Directors David Bronicheski (also CFO of Algonquin Power) and Ian E. Robertson (also CEO of Algonquin Power).

Windlectric Inc. is a private company with two Directors, no independent oversight, no financial history, no employees, and no record of construction and operation of industrial wind turbines, docks, hydro infrastructure, and submarine cables.

The Ministry of Transport is requested firstly to cease further consideration of the application for approval under the Navigation Protection Act unless it was signed by one of the two Directors for Windlectric Inc., I suggest to you that it has no status if it was not duly authorized by Mr. Robertson or Mr. Bronicheski and should not be further considered as no other party has the authority to bind the company.

As the drawings are not available save in the Napanee Registry office and no copy has been provided to Loyalist Township, the Ontario Ministry of Transportation, or the Cataraqui Region Conservation Authority or made available on Amherst Island or posted on the applicant's web site, it is difficult if not impossible to assess the impact on marine navigation, the ferry operated by Loyalist Township Amherst Island,, its residents, species at risk including bathnemic fish and their habitat, species at risk on land and underwater archaeology. The applicant has also submitted different drawings to various agencies and the need to compare documents is vital. For example, the Renewable Energy Approval application shows three possible dock locations on the mainland and at least two submarine cable routes.

In a report approved by Loyalist Township Council on April 2, 2013, Murray J Beckell MCIP, Director of Planning and Development for Loyalist Township pointed out the many deficiencies and omissions in the Windlectric Inc proposal and advised that the consultants' reports lack detail and an approval of **the project is premature** until the full scope of the project including an appropriate level of detail is supplied enabling a proper assessment of impact on municipal infrastructure, the natural environment, cultural heritage, and land use compatibility

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The approvals requested by Windlectric include the construction of docks on both Amherst Island and the mainland, installation of a cable of approximately 4.5 km across a Lake Ontario channel to the mainland and construction of related infrastructure including a very high voltage transmission line in proximity to the Island's only school. These activities may involve blasting, boring, hoe ramming and transport of wind turbine parts and other infrastructure by barge as well as the laying of cable across the channel. The work may conflict with the public ferry operation to the Island and construction related to the ferry dock by the Ministry of Transportation on the Island and the mainland as the submarine cable path and barge path cross the ferry route.

When similar work was undertaken on Wolfe Island, the proponent has at least one fuel spill which resulted in a ban on drinking water from shore wells.

Consequently, Windlectric should be required to submit a comprehensive risk assessment prepared to the satisfaction of the Ministry and submitted to the public for comment prior to consideration of any approvals. No conflict in route with the public ferry should be permitted for the submarine cable or the barge traffic especially as a bubbler is used to facilitate winter crossings by the public ferry.

The Island emergency services station has a complement of 17 volunteers many of whom work off Island and three vehicles. The service simply does not have the capability to deal with a marine disaster an industrial spill, and accident related to blasting, collision, boring, or high voltage. The ferry does not operate between 1 am and 6 am so no back-up is not readily available. The proponent has not submitted an emergency services plan or a roads plan satisfactory to Loyalist Township. In this context, consideration of any permit until these important matters are resolved would not be prudent.

Surely the precautionary principle should apply. Should the Ministry issue a permit and authorizations, it will be liable for any consequence. The Ministry is requested to conduct appropriate due

diligence to ensure that Windlectric Inc. as the capability and resources and safety record to undertake the work.

Should the Ministry proceed to consider this application, the Ministry is requested to place performance conditions on the issue of any permit and authorizations including:

1. conditions that reflect that the Ministry of Transport has undertaken due diligence with respect to the financial capability, history,
and capabilities of Windlectric Inc. to meet its obligations under any permit issued by the Ministry
2. provision of a letter of credit binding on successors and assigns for a least 20 years or the life of the project in the amount of \$100 million
dollars to ensure compliance with the permit and approvals as construction may occur for the duration of the project,
3. a detailed description of what constitutes compliance including an obligation by Windlectric to not destroy or fragment the habitat of
underwater species at risk and to set out financial penalties for non-compliance equal to at least \$500,000 per incident of failure to
comply.
4. the selection of an independent environmental full-time monitor to be funded by Windlectric with unfettered access to the project lands and water
and to report to the Ministry of Transport with public reporting of all inspections and findings, to investigate all incidents of
non-compliance reported by the public and to publish all findings to the public and to the Ministry
5. a commitment to shut the project down permanently should Windlectric Inc. fail to comply with all conditions of approval
6. provision of proof of liability insurance in the amount of \$100 million with the named insured to include residents, visitors and workers on Amherst Island to protect Ontarians and visitors for the duration of the twenty year life of the project
7. and such other conditions as will protect residents of Amherst Island

Please provide me with a detailed response prior to issuing any

permit.

Thank you for your consideration.

Sincerely

Deborah Barrett
4455 South Shore Rd
Stella ON
K0H 2S0

cc

Honourable Lisa Raitt, Minister of Transport
Scott Reid, MP
Randy Hillier, MPP
Honourable Glen Murray, Minister of the Environment and Climate
Change
Association to Protect Amherst Island

Attachments: