



association to protect
AMHERST ISLAND

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Without prejudice to all our rights

February 2, 2015

Ms. Kelly Thompson
Regional Manager, Navigation Protection Program,
Transport Canada,
100 Front Street S,
Sarnia, Ontario N7T 2M4

Dear Ms. Thompson

The Association to Protect Amherst Island objects to the issue of any permit to Windlectric under the Navigation Protection Act on the basis of the grounds set out below. These are not small docks. The proposal is for industrial port facilities.

1. Submission Available for Public Review is Not Readable and Lacks Detail

The documents available in the Napanee Registry Office are page size versions of large scale colour maps and simply cannot be used to make informed comment. While the public notice suggests that the Ministry seeks “comments regarding the effect of this work on marine navigation” absolutely no information is provided about:

- how the 4.5 km submarine cable will be installed over what time period,
- how many barges and loads will be required to transport turbines parts, materials and hazardous goods to and from Amherst Island over what time period,
- what type of barges and tows will be utilized,
- what measures are proposed to protect and educate recreational boaters typically not familiar with tow barges
- the detailed location of the proposed dock on the mainland as three options are shown
- details about measures to avoid conflict with the Frontenac II, the ferry that serves Amherst Island, given that both the submarine cable route and the tow routes cross the ferry path
- proposed use of the Frontenac II to transport materials and workers to construct the proposed dock on Amherst Island

- information about the proposed dock dimension and load capacity certified by a professional engineer
- information about the company's emergency response plan
- information about access to the roadways by heavy equipment
- the amount of dredging and fill removal or fill to be provided and the related environmental impacts and mitigation measures,
- a comprehensive schedule and project plan and
- many related details

Accordingly, the Association requests that the application be withdrawn and the applicant be required to provide a comprehensive readable application with full size legible maps and drawings showing the full impact on marine navigation and a comprehensive written description of the proposal addressing the items noted above. The applicant should also be required to post a full version of the proposal and all maps and plans online. The public deserves no less.

2. Prematurity

Windlectric's application under the Navigation Protection Act is premature because the company's:

- application to the Ontario Ministry of Natural Resources (EBR 011-0773) for use of crown lands and docks remains under review. Specifically, the Crown has not granted approval for access to and use of public lands. Should the application be approved, conditions of approval may include limitation on construction during periods of fish spawning and other environmental protections.
- application to the Ontario Ministry of Environment and Climate Change (EBR 012-0774) for Renewable Energy Approval has not been approved and remains under technical review. Substantive changes to the project may be required.
- Application to the Ontario Energy Board for Leave to Construct (EB 2914-0300) has not been approved and similarly may result in substantive changes to the project, dock locations, and proposed submarine cable path
- Road Use Agreement has not been approved by Loyalist Township. In a report approved by Loyalist Township Council on April 2, 2013, Murray J Beckel 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.

According to an article in Windpower Engineering¹:

“moving just one complete turbine takes 9 to 10 trucks, most of which are specialized trailers. Different trailers are needed for the nacelle, blades, and towers. . . . For instance, three vehicles are needed to move each blade set, one specialized trailer moves the nacelle, and up to four specialized trailers transport tower sections. In some cases, the latter group requires even more specialized rigs, called Schnables. These trailers are used as the diameter of the tower increases and to lower the transport’s overall height to obtain more direct permitted routes. Generally, the smaller sections ship on more conventional specialized trailers. Finally, one or two more trailers are often needed for other smaller components.”

- The County of Lennox and Addington in a letter dated July 23, 2013 to Stantec Consulting that

“The County of Lennox & Addington concurs with Loyalist Township that the various studies lack the level of detail needed to adequately assess potential impacts on municipal infrastructure. Further, the County agrees with Loyalist Township that a renewable energy approval for this project is premature until such time that further details are provided that adequately address all concerns raised.”

- The Ministry of Transport cannot consider the proposed dock locations in isolation from the implications on land for traffic management, staging, loading and unloading. This is creating a “port” on Loyalist Parkway, a scenic two lane provincial highway, without regard for the adjacent land uses and traffic management. Similarly, the proposed Island dock location will create a permanent port. Has MOT required the applicant to consider use of the existing dock facilities nearby at Lafarge or the former Invista plant?

Consideration of dock locations in isolation cannot be entertained by the Ministry of Transport.

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3. Impact on Navigation

Windlectric is proposing to construct up to 33 fifty storey turbines, a transformer substation, a cement batch processing plant and related infrastructure on Amherst Island. The Frontenac II ferry operated by Loyalist Township provides access to the

¹ “Challenges in moving huge and heavy components” by Paul Dvorak October 2011

Island hourly in each direction from 6:00 am to 2:00 am, has a capacity of 33 cars, and can only accommodate trucks up to 35 feet precluding any transport of heavy equipment. Consequently all turbine parts, trucks, cranes, materials, fuel and supplies are proposed to be transported by barge to and from the docks described in the application to the Ministry of Transport.



- The proposed location of the docks means that every barge carrying hazardous materials will cross the ferry path with the potential for a marine accident or spill. A more prudent design would be to select a location that would not conflict with the ferry route. Has MOT required the applicant to consider use of the existing dock facilities nearby at Lafarge? Or better yet the applicant should be required to use a real port at Oshawa or similar facility.

The applicant should also be required to provide information concerning the proposed number of barge trips and mitigation measures approved by Loyalist Township to limit the impact on the ferry and recreational boating, fuel storage and fueling, traffic management, conditions of approval by Loyalist Township and the Ontario Ministry of Transportation.

According to Windlectric² this is the type of equipment that will be transported to and from the proposed docks;

² All photos extracted from Amherst Island Wind Energy Project (Windlectric) Presentation at Loyalist Township (undated)

Construction Activities

Turbine Transport

Large turbine components will be delivered on specialized trucks

Blades and towers are the longest components



Construction Activities

Turbine Transport

Large turbine components will be delivered on specialized trucks

The heaviest loads are spread over many axles



Construction Activities

Crane Movements

Erection crane can be broken down and moved by flatbed

Expected to be one road crossing walk



4. Risk and Liability

The Ministry of Transport is requested to undertake due diligence to ensure that Windlectric Inc. and all of its suppliers each have liability insurance in an amount of at least \$100 million to protect the adjacent communities and Lake Ontario. If Windlectric Inc. (not the parent company) is unable to demonstrate proof of liability insurance then the community should not be asked to assume the risk and approval should not be granted.

The Ministry of Transport is requested to ensure that Windlectric Inc. has developed an Emergency Management Plan acceptable to Loyalist Township prior to consideration of this application.

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 may be used in future to facilitate winter crossings by the public ferry.

5. Conflict with Proposed Millhaven and Stella Ferry Improvements

Please have regard for the attached report Amherst Island Ferry Terminal Study Transportation Environmental Study Report dated January 2014 prepared by URS for the Ministry of Transportation. In particular your attention is drawn to the long list of agencies and organizations consulted concerning the application:

*Amherst Island Ferry Terminal Study (G.W.P. 4067-09-00)
Preliminary Design and Class Environmental Assessment*

January 2014

Governmental Agencies

- Corrections Canada, Millhaven Institution;
- Transport Canada;
- Canadian Environmental Assessment Agency;
- St. Lawrence Parks Commission;
- Ministry of Aboriginal Affairs;
- Aboriginal Affairs and Northern Development Canada;
- Ministry of the Environment – Regional and District Offices;
- Ministry of Energy and Infrastructure;
- Ministry of Natural Resources – Regional and District Offices;
- Ministry of Tourism, Culture and Sport;
- Ministry of Agriculture, Food and Rural Affairs;
- Ministry of Municipal Affairs and Housing;
- Ministry of Infrastructure; and
- Cataraqui Region Conservation Authority.

Elected Officials

- Scott Reid (MP – Lanark-Frontenac-Lennox and Addington); and
- Randy Hillier (MPP – Lanark-Frontenac-Lennox and Addington).

Municipalities

- Loyalist Township; and
- County of Lennox and Addington.

School Boards

- Tri-Board Student Transportation Services Inc.;
- Limestone District School Board; and
- Algonquin and Lakeshore Catholic District School Board.

Emergency Services

- County of Frontenac Paramedic Services;
- Loyalist Emergency Services; and
- Ontario Provincial Police.

Utilities

- Hydro One, Power Line Management;
- Union Gas Limited;
- Bell Canada;
- FCI Broadband;
- Allstream; and
- Veridian Connections.

Interest Groups

- Ontario Federation of Agriculture;
- Ontario Heritage Trust;
- Ontario Federation of Snowmobile Club, District 1;
- Frontenac Trails Committee;
- Eastern Ontario Trail Alliance;
- Kingston Naturalist Club;
- CORK Sail Kingston Inc.;
- Tourism Kingston;
- Windlectric Inc.; and
- Agriculture and Rural Development Agency.

Your attention is also drawn to the many issues that must be addressed prior to granting approval of this application again using the model provided by the MTO study:

4. OVERVIEW OF EXISTING CONDITIONS

To support the examination of a reasonable range of alternatives, all significant features within the study area were identified to determine their sensitivity and potential for impacts associated with the recommended improvements to the Millhaven and Stella Terminals. Identifying significant features involved the collection of primary and secondary source data derived from surveys, field investigations, published and unpublished literature, government sources, and consultation with agencies and the public. The data collected was grouped in the following categories:

- Natural Environment;
- Socio-Economic Environment;
- Cultural Environment; and
- Transportation Infrastructure.

Information about the existing environmental features within the study area was collected from the following sources:

- Observations recorded during site visits;
- Aerial photos of the study area;
- Loyalist Township Official Plans;
- Cataraqui Region Conservation Authority (CRCA);
- Ministry of Agriculture, Food and Rural Affairs (OMAFRA);
- Statistics Canada;
- Canada Land Inventory;
- Ministry of Natural Resources (MNR);
- Natural Heritage Information Centre (NHIC);
- Department of Fisheries and Oceans (DFO);
- Kingston Field Naturalists; and
- Local residents.

In particular it is essential that detailed information about the amount of dredging and fill that will be excavated or deposited, the environmental impacts and the related proposed mitigation measures.

6. What **Exactly** is Proposed **Where**

The documents filed in the Napanee Registry Office show three proposed dock locations on the mainland. The scale of the drawings is insufficient to determine the exact locations.

The Association is astounded that the Ministry of Transport is even considering a permit application with three vague locations for docks on the mainland. Posting a vague, ill-defined application for public comment without sufficient detail is simply unacceptable. Even an application for a garage in Loyalist Township requires considerably more information with detailed site plans, engineering drawings, load design and careful consideration of setbacks and access.

At a minimum the applicant should be required to submit detailed plans that enable MNR, MTO, other organizations such as the County, Township and CRCA, and the public to consider the impact of the proposals. "Related infrastructure" should be specifically defined, the location mapped to scale, and the words final with an appropriate engineering stamp on every drawing. What blasting will occur?

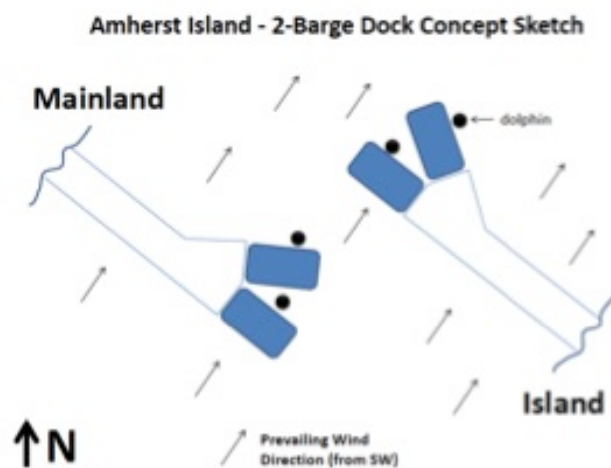
Please note that the proponent has not sought approval to construct a batch processing plant required to construct turbines bases and related infrastructure on Amherst Island and may contemplate moving filled cement trucks by barge.

When other levels of government negate the ability of the Township to manage planning and land use compatibility, they de facto take on responsibility for ensuring the safety of its citizens and the protection of the environment.

A copy of the application for a dock required by the Cataraqui Region Conservation Authority is attached to demonstrate the level of detail that should be required for a dock in Lake Ontario. Windlectric's application to the Ministry of Transport should never have made it to this stage and should be immediately rejected as deficient in all respects.

7. Discrepancies with Other Applications

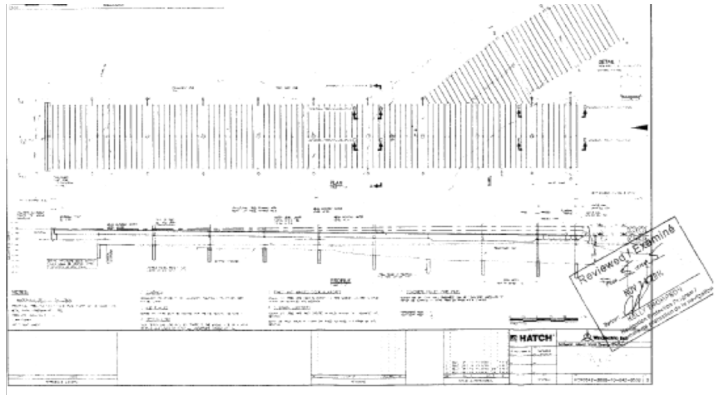
In a report dated June 2014 REA Amendment Modification Report, Windlectric submitted the following diagram to the Ontario Ministry of the Environment and Climate Change showing the design of the permanent dock on Amherst Island and the temporary dock on the mainland:



As you can see the design varies significantly from that provided in the application to the federal Ministry of Transport. Please note that "North" is incorrectly shown, the

docks are certainly not to scale else they could form a bridge across the channel, and the docks are not geographically correct in their relation to each other as Kerr Bay on Amherst Island is certainly to the west of the proposed mainland dock locations.

This is the drawing included in the MOT package:



So which design is actually proposed by Windlectric? Should the public believe what is submitted to the Ministry of the Environment and Climate Change or to the Ministry of Transport?

Similarly the legal descriptions for the dock locations vary in the submissions to the Ministry of the Environment and Climate Change, the Ministry of Transport and the Ontario Energy Board. Exactly what locations are proposed?

8. Due Diligence

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.

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 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.

9. Landowner Authorization

Windlectric has submitted no evidence to the Ministry of Transport that it owns or leases the land adjacent to the proposed docks or indeed has any authority to make the application to the Ministry of Transport. The company should be required to provide evidence that it has the authority to act for the landowners, has a lease for the twenty-year life of the project and has indemnified the owners.

10. Environmental Implications

Windlectric should be required to demonstrate that it has obtained comments and will comply with all conditions concerning limitations on construction during fish spawning season, blasting, fill deposit and removal pile driving, concrete pouring, and all requirements of Loyalist Township, the Ontario Ministry of Transportation, the Cataraqui Region Conservation Authority, Limestone District School Board and First Nations.

11. Precautionary Principle

Surely the precautionary principle should apply. This application should be rejected in its entirety and Windlectric required to submit appropriate engineering and location drawings and a complete project description for review by all affected organizations and the public.

Thank you for your consideration. I look forward to your reply.

Sincerely

Peter G. S. Large P. Eng.
President

cc

Honourable Lisa Raitt, Minister of Transport
Mr. Scott Reid, MP
Mr. Randy Hillier, MPP
Honourable Glen Murray, Minister of the Environment and Climate Change
Honourable Bill Mauro, Ministry of Natural Resources and Forestry
Association to Protect Amherst Island
Ms. Sarah Paul, Director, MOECC
Ms. Kirsten Walli, Board Secretary, Ontario Energy Board
Mayor Bill Lowry and Members of Council, Loyalist Township
Mr. Robert Maddocks, CAO Loyalist Township
Mr. Larry Keech, CAO, County of Lennox and Addington