

Environmental Review Tribunal

Cham Shan Temple v. Director, Ministry of the Environment

Case Nos: 13-140/13-141/14-142

PARTICIPANT STATEMENT

Update of relevant facts since original submission dated February 5, 2014

(Refer to Document Book)

Ron Taylor, Director of Development Services
PARTICIPANT on behalf of the Corporation of the City of Kawartha Lakes
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November 7, 2014

Summary

By necessity, the City of Kawartha Lakes is involved in the planning and review of proposed industrial wind turbine projects to ensure municipal policy objectives are met, consultation and information to the public is provided, and that the public, natural environment and municipal infrastructure is not negatively impacted by the construction and operation of these projects. The City has endorsed many renewable energy projects throughout the City of Kawartha Lakes, totaling approximately 90MW of total power. As a participant in the ERT Hearing respecting the proposed Sumac Ridge Wind Project, the City contends that local interests and objectives will not be met, and that the approval holder's proposal is incomplete and should not have been approved by the Director.

City of Kawartha Lakes (CKL) Council has, on numerous occasions, passed Resolutions respecting the impact of Industrial Wind Turbines (IWT) on health, safety, and the well-being of the public. Council has repeatedly requested that the Province implement a moratorium on approvals of IWT projects in Ontario until the effects of low frequency noise emissions are better understood by the medical community. At a minimum, Council recommended that the Province be requested to implement a minimum setback of two (2) km from the base of any IWT to the property line of any sensitive receptor. (See Tab # 9 in Document book)

Further, as the Premier has stated that the Province will not force wind projects upon communities that are not willing hosts, Council is on record advising that the City of Kawartha Lakes is not a willing host. (See Tab #19 in Document book) The intent of these resolutions was to provide clarity to proponents, the public and Province with respect to the City's position on proposed wind turbine projects. Notice of this resolution was sent to the Ministry of the Environment, who responded "to complete the Municipal Consultation Form to identify the impacts of the proposed project on the municipality and to identify local community needs." The letter went on to say that "we will consider your resolution of being an unwilling host during review of these applications."

The City has lobbied the Provincial government as a delegate at the Rural Ontario Municipal Association (ROMA) and Ontario Good Roads Association (OGRA) Conference in 2012 and 2013 requesting for meaningful consultation with both the host municipality and the local community. This request was also directed to Premier Kathleen Wynne on April 18, 2013, who responded on April 25, 2013 that "I trust that the ministers will also take council's views into consideration". (See Tab #21 in Document book)

1 - Health and Public Safety Concerns

Fire & Rescue

City Fire and Rescue Services do not have suitable resources, equipment or training to adequately respond to some potential emergencies associated with these structures. City By-law 2014-273 was passed on October 14th, which establishes fire department regulations and system requirements for industrial wind turbines. These requirements are outlined in Appendix "A".

All proponents must adhere to the requirements of By-law 2014-273. Wpd has not adequately addressed proposed fire safety and access to-date. As a result, the City takes the position that the proposed development will cause serious harm to human health, in the event of an emergency.

Noise and setbacks for cumulative number of turbines:

Sumac Ridge Wind Project, Settlers Landing and Snowy Ridge Wind Parks each propose 5 turbines, for a cumulative total of 15 turbines. Between the Sumac Ridge and Snowy Ridge Project, 10 turbines are proposed within a radius of approximately 4.6 km. Settlers Landing is approximately 5 km from Sumac Ridge to the south west. Sumac Ridge has received REA approval, however, the cumulative impact was not considered as part of the approval process. The Ministry has the information necessary to consider all turbines and their cumulative impact. (Map #1)

The Ministry of the Environment has advised in an email related to the Sumac Ridge wind project that greater setbacks would be applied to projects approved after the first wind project. (Appendix "B").

2 - The Oak Ridges Moraine Conservation Plan (ORMCP)

The proposed project is located partially within the Oak Ridges Moraine Conservation Plan (ORMCP). Turbines # 4 and # 5 are located in the Country Side Area of the Oak Ridges Moraine and are also in a High Aquifer Vulnerability Area. Turbine #5 is located within the minimum area of influence for a Natural Heritage Feature - Significant Woodland. (Map #2 and Map #3)

The ORMCP is an ecologically based plan established by the Ontario government to provide land use and resource management direction for the 190,000 hectares of land and water within the Moraine. Through the legislation and the ORMCP, the Ontario Government has set a clear policy framework for protecting the Oak Ridges Moraine. This provincial policy is reflected in the City's official plan and implementing zoning by-law to inform decisions on all development applications. The Plan also provides that:

“Any City Official Plan is required to be in conformity with the ORMCP. Nothing in this Plan is intended to prevent municipalities from adopting official plan policies more restrictive than the ORMCP, except where prohibited by the ORMCP.”

The REA process incorporates some restrictions for alternative energy applications within the ORMCP. These restrictions are intended to protect significant natural heritage features including provincially significant wetlands, areas of natural and scientific interest, significant woodlands and valleylands, and sensitive water bodies. Under the REA process, and subject to approval from the Ministry of Natural Resources, the developer must submit a Natural Heritage Assessment and geotechnical surveys which evaluate the ground water and hydrology of the area.

Under the ORMCP, hydrology and hydrogeological reports are routinely required to rationalize proposed development. The City requested additional reports from wpd (not prescribed in the REA process) including detailed maps showing high aquifer vulnerability zones, natural heritage features and a hydrogeological report. The proponent noted in the REA Consultation Report that they had submitted a Hydrology Report, however the City requested a Hydrogeological Report. This information has not been provided to the City to-date.

The applicants have not demonstrated that any of these potential environmentally significant features will be impacted and/or protected, as mandated by the ORMCP, and have not addressed:

- site specific information about groundwater and aquifer features and hydrogeology; and
- local natural heritage features and potential impacts.

Further, Industrial Wind Turbines are not considered a permitted use in either the ORMCP (Section 41) or the Oak Ridges Moraine Zoning By-law 2005-133, as there is no description provided for this use under the definition of transportation, infrastructure and utilities, which are limited to: (see Tab #4 in Document book)

- a) public highways;
- b) transit lines, railways and related facilities;
- c) gas and oil pipelines;
- d) sewage and water service systems and lines and stormwater management facilities;
- e) power transmission lines;
- f) telecommunications lines and facilities, including broadcasting towers;
- g) bridges, interchanges, stations, and other structures, above and below ground, that are required for the construction, operation or use of the facilities listed in clauses (a) to (f); and
- h) rights of way required for the facilities listed in clauses (a) to (g).

This list does not contemplate, nor permit, uses related to renewable energy.

The ORMCP provides that Transportation, infrastructure and utilities uses may be permitted to cross a natural heritage feature or a hydrologically sensitive feature if the need for the project has been demonstrated and there is no reasonable alternative. The City contends that there are other locations, outside of the Oak Ridges Moraine, where the potential impact to environmental and natural features can be mitigated.

In addition, these specific uses are only permitted to cross a key natural heritage feature or a hydrologically sensitive feature if the applicant demonstrates that:

- a) the need for the project has been demonstrated and there is no reasonable alternative;
- b) the planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Plan Area to a minimum;
- c) the design practices adopted will maintain, and where possible improve or restore, key ecological and recreational linkages;
- d) the landscape design will be adapted to the circumstances of the site and use native plant species as much as possible, especially along rights of way; and
- e) the long-term landscape management approaches adopted will maintain, and where possible improve or restore, the health, diversity, size and connectivity of the key natural heritage feature or hydrologically sensitive feature.

The portion of the project that is located within the Oak Ridges Moraine boundary is identified as an area of High Aquifer Vulnerability. (Map #4) The Plan states that development in wellhead protection areas and areas highly vulnerable to groundwater contamination is limited. Development near these hydrologically sensitive features is only permitted if it will not adversely affect these features.

The City requested a Hydrogeological Report from the proponent, but never received the information. The Hydrogeological Report is necessary to determine potential impact to ground water and potential ground water contamination.

The ORMCP states that “the Ontario government’s vision for the Oak Ridges Moraine is that of a continuous band of green rolling hills that provides form and structure to south-central Ontario, which protecting the ecological and hydrogeological features and functions that support the health and well-being of the regions residents and ecosystems.

In the absence of this supplementary information, it is not clear if the proposed development will cause either serious harm to human health, or cause serious and irreversible harm to plant life, animal life or the natural environment. Through discussions with Ministry of Environment staff on this matter, the City was advised that municipalities are encouraged to provide additional comments that are not

prescribed in the Part B form if there are any additional concerns or comments. (See Tab # 18 in Document book). The approval of this project by the Director in the absence of this prescribed information in the ORMCP is flawed.

3 – Impact to Municipal Infrastructure:

The proponent requested, as early as June 2012, permission from the City for road upgrades and access to Ballyduff Road, Wild Turkey Road and Gray Road. Permission has not yet been granted. There are four (4) roads potentially impacted by the proposed development: (Map #5)

Ballyduff Road – open and maintained rural municipal road. Wpd proposes to travel on this road to Wild Turkey Road for both construction and future maintenance access.

Wild Turkey Road – portion of this municipal road within the project area is unopened and not maintained by the City. Wpd proposes to utilize this section of unopened road allowance to accommodate construction access, future maintenance access through three (3) proposed property entrances, and a transmission wire crossing. This involves clearing and grubbing of roadside vegetation; importation and placement of Granular A and B; grading; digging of roadside drainage ditches; installation of culverts; installation of access points for existing properties; and compaction of road materials. (Reference: MECA project file report)

Gray Road – unopened and not maintained municipal road. Wpd proposes to install an above ground transmission wire corridor within this road allowance to service the proposed development and connect to a transformer station located at Highway 35. (Reference: OEB Procedural Order October 23, 2014)

Highway 7A – open and maintained Provincial Highway. Wpd is proposing access to the project from this highway. The City is not aware of any Provincial approvals granted by MTO for this access to-date, and was advised by MTO that there are a number of outstanding items including detailed engineered drawings that demonstrate that the proposed turning movement can be achieved.

On January 21, 2014, the City received correspondence from wpd Canada (proponent) that they were initiating a Class Environmental Assessment (EA) using the Municipal Class Environmental Approval (MCEA) process, to address the upgrades to Wild Turkey Road for construction and property access in relation to the Sumac Ridge Wind Energy Project.

This letter provided that “the Class Environmental Assessment (EA) was being initiated by wpd Canada, on behalf of the City for upgrades to Wild Turkey Road, in relation to the Sumac Wind Energy Project.” The City immediately requested wpd change the language in the letter, specifically “on behalf of the City of Kawartha Lakes”. The City also requested more information with respect to the work proposed in the MCEA.

On January 29, 2014, wpd provided staff with a revised MCEA letter, however, back dating the letter to the original date (January 21, 2014). The letter states that if comments are not received from the City by January 31, 2014, wpd Canada will "take that as general support for the MCEA".

The City has not consented to any proposed upgrades to Wild Turkey Road, and despite wpd's representation otherwise, the City did not conduct the MCEA, nor did it authorize wpd to conduct the MCEA as its agent. Furthermore, the City takes the position that widening Wild Turkey Road is not in keeping with the current use as a naturalized area for recreational use.

Under the Ontario Municipal Act 2001, s. 31(1), s. 31(2) it should be noted that unopened Municipal road allowances can only be opened and assumed by Municipal Council by virtue of a by-law. The Electric Act, 1998 does not grant permission to a distributor to open a Municipal Public Highway. The City has no obligation to open this section of Wild Turkey Road to accommodate the proposed development, regardless of the recommended preferred alternatives developed through the proposed MCEA process.

Typically, the City will only assume an unopened road allowance that meets minimum City standards and enhances the overall planned road network. Road assumption requests are considered only as budget allows (as the City is then responsible for the long term maintenance and servicing costs).

Further, the ORMCP, Section 41: Transportation, Infrastructure and Utilities, requires that the need for the project has been demonstrated and there is no reasonable alternative. This requirement has not been satisfied. In addition, the City has requested from the proponent more information on the use and utility of Gray Road and Wild Turkey Road. Detailed information respecting proposed entrances, construction activity and infrastructure replacement and rehabilitation has not been provided to the City. Both roads are rural and unsuitable for significant traffic and disruption.

On March 19, 2014, City staff met with wpd representatives to discuss the alternatives for construction access to the site. Staff reiterated that Council does not support the project, and there would be no support to conduct work in either the municipal right of way, or in the unopened road allowance.

In response to draft options provided by wpd Canada, Council adopted a resolution that any request by wpd Canada and/or future successors for use of the unopened portion of Wild Turkey Road for property access and/or other vehicular traffic to support proposed wind turbine development be refused. (Appendix "C")

On September 18, 2014, the City received the Notice of Completion and the Project File Report. The Notice is misleading as it states that the purpose of the road upgrade is to facilitate construction vehicles, which implies that access would be temporary. However, the project report provides that the purpose of the Class

EA is to give access to the site for construction, maintenance, and decommissioning of the energy project.

The option preferred by wpd Canada (Alternative 1A) does not reflect comments put forward by the City or the community. There is no justification to substantiate the need to pursue a MCEA, when the only options for infrastructure remain private on-site driveways. Existing access is available to existing public roads, therefore, an MCEA is not required, and the proponent can obtain approval through the provincial process.

Recently, the City became aware that the proponent is exploring alternative access road locations, through private property, to connect to turbines #2, #4 and #5. The proponent would still require vehicular access across Wild Turkey Road to access Turbine #5. This proposed crossing would not be approved by the City. These alternatives have not been vetted through the City, and the City has not had an opportunity to assess the potential impact to the natural environment.

Conclusion/Recommendation:

The City forwarded the Part B Municipal Consultation Form, together with Council's recommendation to the Province, recommending that the Sumac Ridge Wind Project be refused. In addition, the City has forwarded Council's resolutions respecting wind turbine projects and the REA process to the Minister of Energy, the Minister of Environment, and the Director of Environmental Approvals Access and Service Integration Branch, among others.

On April 5, 2013, an Instrument Proposal Notice for Sumac Ridge was posted on the Environmental Bill of Rights Registry (EBR) for a comment period ending May 20, 2013. A comprehensive list of comments addressing health and safety concerns, inadequate setbacks, lack of information, impact on roads and infrastructure, conflicts with Oak Ridges Moraine legislation, and various other concerns, was submitted in response to the Notice.

The REA approval (Number 8037-9AYKBK) outlines terms and conditions for the project, but only requires that the proponent submit a traffic management plan and a road use agreement to the City. No consideration to the City's expressed concerns respecting the protection of municipal interests and public safety, environmental impact and infrastructure impact was given. (See Tab #28 in Document book)

Approval of the Sumac Ridge Wind project by the Director is flawed as no City-requested conditions of project approval were imposed on the development, and impact on the Oak Ridges Moraine was not adequately demonstrated (in keeping with the Province's own ORM legislation).

The City contends that there is a significant lack of information to appropriately approve this project; as a result the proponent has not demonstrated that the proposed development will not cause either serious harm to human health, or

cause serious and irreversible harm to plant life, animal life or the natural environment.

The City remains NOT a “willing host” of wpd’s proposed industrial wind turbine project, particularly as there are reasonable alternatives and no demonstrated need to site them within the Oak Ridges Moraine. The City respectfully requests that the REA approval be revoked.



Respectfully submitted by Ron Taylor
Director of Development Services
On behalf of the City of Kawartha Lakes

Cc: Eric K. Gillespie Professional Corporation
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Toronto ON M5C 1C3

Attn.: Eric Gillespie – Counsel for the Appellants

Ministry of the Environment
Legal Service Branch 10th Floor
135 St. Clair Avenue West
Toronto ON M4V 1P5

Attn.: Andrew Weretelnik – Counsel for the Director

Sumac Ridge Wind Incorporated
2233 Argentia Road, Suite 102
Mississauga ON L5N 2X7

Attn.: Kevin Surette – Approval Holder

Stikeman Elliott LLP
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5300 Commerce Court West
Toronto ON M5L 1B9

Attn.: Patrick Duffy – Counsel for the Approval Holder

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2014-273

A BY-LAW TO ESTABLISH FIRE DEPARTMENT REGULATIONS AND SYSTEM REQUIREMENTS FOR INDUSTRIAL WIND TURBINES (IWT)

Recitals

1. Section 7.1 (1) of the Fire Protection and Prevention Act, 1997 provides that a council of a municipality may pass by-laws and further that 7.1(1)(A) regulating fire prevention, including the prevention of the spreading of fires.
2. Section 8 of the Municipal Act 2001, S.O. 2001, as amended provides that a municipality has the authority to govern its affairs as it considers appropriate and enables the municipality to respond to municipal issues.
3. It is deemed necessary and desirable that the Council of the Corporation of the City of Kawartha Lakes enact a by-law authorizing the Corporation to establish Fire Department Regulations and System Requirements For Industrial Wind Turbine proponents in the City of Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2014-273.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

"Council" or "City Council" means the municipal council for the City.

"Emergency Response" includes any life or property saving activity that is unrelated to fire prevention and training.

"Fire Chief" or "Chief Fire Official" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 Interpretation Rules:

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: General Provisions

- 2.01 All Industrial Wind Turbine proponents shall submit a fire safety and emergency plan for the approval of the Chief Fire Official.
- 2.02 All Industrial Wind Turbine proponents shall submit plans for fire detection and suppression systems for approval by the Chief Fire Official prior to implementation and upon approval install and maintain such systems.

- 2.03 All Industrial Wind Turbine proponents shall provide site familiarization and training for emergency service personnel.
- 2.04 All Industrial Wind Turbine proponents shall obtain a contract with a third party for specialized high angle rescue emergency response as the City of Kawartha Lakes Fire Rescue Service does not provide this service. All costs related to a third party contract shall be borne by the Industrial Wind Turbine proponents.
- 2.05 All costs related to emergency response of Industrial Wind Turbine shall be borne by the proponent on a full cost recovery basis.
- 2.06 For those Industrial Wind Turbines in existence at the date of passage of this by-law, the proponents shall satisfy the requirements of 2.01 and 2.03 within 60 days of the date of passage of this by-law.
- 2.07 For all new Industrial Wind Turbines, the requirements of 2.01, 2.02, and 2.03 shall be satisfied before such Industrial Wind Turbine is made operational and begins producing electricity.
- 2.08 All Industrial Wind Turbine proponents shall provide and maintain road access for emergency response vehicles capable of supporting the weight of responding apparatus to the base of the Industrial Wind Turbine and must be connected to a maintained public road.

Section 3.00: Enforcement and Penalties

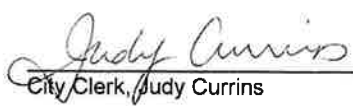
- 3.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.
- 3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.
- 3.03 Any person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable:
- a) on a first conviction to a fine of not more than \$10,000; and
 - b) on any subsequent conviction, to a fine of not more than \$25,000.00.
- 3.04 Any corporation which contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable;
- a) on a first conviction, to a fine of not more than \$50,000.00; and
 - b) on any subsequent conviction, to a fine of not more than \$100,000.00.

Section 4.00: Administration and Effective Date

- 4.01 **Administration of the By-law:** The City Clerk (or responsible position) is responsible for the administration of this by-law.
- 4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 14th day of October, 2014.


Mayor, Ric McGee


City Clerk, Judy Currins

**Ministry of
the Environment**

Environmental Approvals
Access and Service
Integration Branch

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**Ministère de
l'Environnement**

Direction de l'accès aux
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et de l'intégration des services

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ENV1283MC-2013-829

March 25, 2013

Mr. Ron Taylor
Director of Development Services
City of Kawartha Lakes
Development Services – Planning Division
180 Kent Street West, P.O. Box 630
Lindsay, ONK9V 1V6



Dear Mr. Taylor:

Thank you for your March 11, 2013 letter and Council Resolution regarding the Sumac Ridge Wind Project proposed by wpd Canada in the City of Kawartha Lakes. I am pleased to reply on behalf of Minister Bradley.

At a Special Council Meeting held on Tuesday, 5 February, 2013 in which the City of Kawartha Lakes passed a resolution that:

- Council recommends that the Sumac Ridge Wind Farm Project as generally outlined in Appendix "B" to Report PLAN2013-003 be refused by the Province; and
- That Council's recommendations, together with Report Plan 2013-003 and the Part B Municipal Consultation Form as generally completed in Appendix 'C' be forwarded to the Province.

Your letter included Council Report dated February 5, 2013 and the Municipal Consultation Form for the Sumac Ridge Wind Project. This form, as well as Council's resolution and report, will be considered during our technical review of the project for Sumac Ridge Wind Farm Renewable Energy Approval (REA) application. Thank you for participating in the project study process.

You also indicated that the City of Kawartha Lakes Council has particular concerns with the hydrogeological impact of the proposed wind farm as a portion of the project is located on the Oak Ridges Moraine within a high aquifer vulnerability area. You note that wpd Canada did not provide the City of Kawartha with a hydrogeological report as requested. Should this project be accepted for technical review by the MOE, our technical review team will assess and determine if any additional hydrogeological impacts studies will be required.

This letter also acknowledges that we received a box of documents regarding the Sumac Ridge Wind Project, as well as the Settlers Landing and Snowy Ridge projects. The box included submissions from the community outlining their opposition to and concerns about the proposed projects as well as reports, petitions and newspaper articles.

In your letter, you request that the ministry consider the Sumac Ridge Wind Project together with the Settlers Landing and Snowy Ridge projects proposed by Zero Emission People (zep) and Energy Farming Ontario due to their close proximity to one another.

As you may be aware, the Ontario Power Authority (OPA) is the province's planning authority for electricity supply, which is responsible for providing proponents of renewable energy projects with Feed-in-Tariff (FIT) contracts. The Sumac Ridge, Settlers Landing and Snowy Ridge wind projects have separate FIT contractual obligations with the OPA, and the ministry does not have the authority to combine these project activities.

It should also be noted that the REA applications for the abovementioned projects are in different stages of planning and development: The MOE has not yet received REA applications for either the Settlers Landing or Snowy Ridge wind projects; however, we have received a REA application for the Sumac Ridge Wind Project, which is currently under review for completeness.

The documents submitted to the ministry concerning the Snowy Ridge and Settlers Landing wind projects, including the petition with approximately 1,200 signatures, will be kept in a public record file. These will be considered if and when applications for REA are submitted for these projects and accepted for review. The petitions and letters concerning more than one project will be copied into the corresponding project files.

The studies submitted to the ministry concerning energy policy as well as the impact of wind turbines on health, the natural environment and property values will be forwarded to our Standards Development Branch for their consideration.

I understand that the Sumac Ridge, Settlers Landing and Snowy Ridge wind farms are proposed in proximity to one another and would like to assure you that the Ministry of the Environment (MOE) will consider the cumulative noise impact of the three wind farms as part of the REA approval process. Proponents are advised to consider the noise impacts of adjacent wind farms well in advance of submission of an application for a REA to the ministry. It is in the mutual best interest of proponents to consult with one another to ensure that wind farms are planned so as to ensure that combined noise impacts are below the noise limits. MOE recognizes that a proponent's ability to assess combined impacts may be affected by the availability of information on the adjacent wind farm. Accordingly, it is recommended that when a proponent is preparing a detailed noise impact assessment for submission to the Ministry, that the assessment addresses the combined impact of the proposed and adjacent wind farms where information on turbine locations and models at the adjacent wind farm is publicly available.

As mentioned above, the Sumac Ridge Wind Project application for REA is currently being reviewed for completeness. It should be noted that the completeness check simply reviews the submitted reports to determine if all the required content as specified in the REA Regulation (O. Reg. 359/09) has been included.

If the REA application for the Sumac Ridge Wind Project is determined to be complete, wpd Canada will be notified and the detailed technical review phase will commence, including a

review of the Municipal Consultation Form which you have provided and the additional documents that were submitted concerning this project.

It is also at this time that an Instrument Proposal for the application will be posted on the Environmental Registry (www.ebr.gov.on.ca) for a minimum 30 day period for public review and comment. This is an opportunity where the municipality and the public can continue to participate by submitting comments on the proposal directly to the MOE. These comments will also be considered by the MOE in making a decision.

If the application is determined to be incomplete, wpdCanada will be notified and the deficiencies that led to the not-complete determination will be identified. The applicant must address all deficiencies identified prior to resubmitting a complete application.

You can monitor the status of the ministry's review of the Sumac Ridge Wind Project at: http://www.ene.gov.on.ca/environment/en/subject/renewable_energy/projects/index.htm

This online portal will let you know if the application is deemed complete or returned due to deficiencies.

Thank you again for your submission.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Doris Dumais', with a stylized flourish at the end.

Doris Dumais
Director
Environmental Approvals Access and Service Integration Branch

The Corporation of the City of Kawartha Lakes

MINUTES

REGULAR COUNCIL MEETING

DATE: TUESDAY, MARCH 25, 2014

CLOSED SESSION COMMENCING AT 1:30 P.M. - COUNCIL CHAMBERS

OPEN SESSION COMMENCING AT 2:00 P.M.

COUNCIL CHAMBERS

CITY HALL

26 FRANCIS STREET, LINDSAY, ONTARIO, K9V 5R8

MEMBERS

Mayor	R. McGee
Councillor	R. Ashmore
Councillor	G. Campbell
Councillor	P. Dunn
Councillor	D. Elmslie
Councillor	D. Hodgson
Councillor	G. James
Councillor	B. Junkin
Councillor	A. Luff
Councillor	J. Macklem
Councillor	G. McGregor
Councillor	P. O'Reilly
Councillor	H. Stauble
Councillor	S. Strangway
Councillor	D. Villemaire
Councillor	P. Warren
Councillor	E. Yeo

MEETING # CC2014-08

RESOLVED THAT Report ENG2014-004, **Sumac Ridge Wind Turbine Project Impact on Infrastructure (Wild Turkey Road)**, be received;

THAT any request by wpd Canada and/or future successors for use of the unopened portion of Wild Turkey Road for property access and/or other vehicular traffic to support proposed wind turbine development be refused; and

THAT Report ENG2014-004 and a copy of Council's decision be forwarded to wpd Canada, the Premier, the Minister of Environment, the Minister of Energy, the Environmental Review Tribunal, and the Ministry of Transportation, Regional Office.

CR2014-279