

EB-2014-0300

**APAI RESPONSE TO
BOARD STAFF INTERROGATORY 1
QUESTION ii**

Question ii:

Please complete the table appended to reference (c) by highlighting APAI's concerns with each outstanding permit referenced.

Response ii:

See table below.

Govn't	Authority	Potentially Permit or Approval	Estimated Timing	APAI Comment
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Govn't	Authority	Potentially Permit or Approval	Estimated Timing	APAI Comment
Federal	Fisheries and Oceans Canada	Completion of self-assessment process for potential fisheries impacts in connection with crossing of one water body	Request for review submitted October 8, 2014. Response expected by January 2015.	<p>Department of Fisheries and Oceans</p> <ul style="list-style-type: none"> - During the self-assessment/review phase the public does not have access to information. - DFO stated that the length of time required for review and approval varies. - APAI has submitted an Access to Information Request¹ to DFO to determine if Windlectric's self-assessment deals with all relevant issues. For example: <ul style="list-style-type: none"> - did Windlectric indicate that there would need to be construction into the lakebed? - Were the findings of the Windlectric Underwater Archaeological Survey shared with DFO? - Two shipwrecks were discovered, one in close proximity to the underwater transmission line at the intersection of the bubbler line and the other near the cable landing on the mainland. <p>Windlectric acknowledges in their report that the North Amherst Wreck located near the bubble line/cable could be the <i>Two Brothers</i>² a British ship that sailed with the Royal George.</p> <ul style="list-style-type: none"> - DFO has indicated that the review has been completed <i>based on the information provided to them.</i>

Govn't	Authority	Potentially Permit or Approval	Estimated Timing	APAI Comment
Federal	Transport Canada	Navigational Clearances under the <i>Navigable Waters Protection Act</i> in connection with the submarine segment of the transmission line.	Notice of Works submitted in early September, 2014.	<p>Clearances Re: Navigation Protection Act</p> <ul style="list-style-type: none"> - Transport Canada posted a Notice for comments on Windlectric's application for approval under the Navigation Protection Act. Comments were due by Feb. 17, 2015. - APAI's Letter of Feb. 2, 2015 highlights significant issues with this application.³ Sixty (60) letters have been sent to Transport Canada by affected parties. These letters provide substantive content and raise serious concerns. - APAI and others are requesting a new posting because the five-page document submitted by Windlectric was not legible and not signed. - There is a possibility for a delay in obtaining this permit owing to the incomplete nature of the documentation provided by Windlectric.

Govn't	Authority	Potentially Permit or Approval	Estimated Timing	APAI Comment
Provincial	Ministry of the Environment	Renewable Energy Approval	Expected in Q 1 2015.	<p>Renewable Energy Approval</p> <ul style="list-style-type: none"> - APAI believes that the MOECC's technical review will continue for some time. There are many issues in play and APAI is submitting new information⁴ as it becomes available. - If the decision-making process is sound and evidence-based, the Windlectric Application for Renewable Energy Approval will be denied. Premier Wynne, in a meeting with APAI in August 2013 said she trusted the process and believed in the importance of evidence.⁵ <p>APAI is not alone in its opposition to this project. There are countless individuals and organizations who are working to preserve Amherst Island and its fragile ecosystem. Canada; Nature Canada and many groups and individuals who are against industrializing this tiny Island ecosystem,</p> <p>Loyalist Township provided extensive comments on the application to the EBR. The Township has said that the Windlectric Application is incomplete and they will not support incomplete renewable energy applications.</p> <ul style="list-style-type: none"> - A summary of APAI reviews of Windlectric's Final documents⁶ to the Environmental Registry in Q1, 2014 provides an overview of the extent of missing documents, and information in the Windlectric Application. The record is voluminous in all areas. - APAI (Denise Wolfe) has conducted audits⁷ of Windlectric's reports to determine where the regulations have not been followed the (O. Regulation 359/09).

Govn't	Authority	Potentially Permit or Approval	Estimated Timing	APAI Comment
Provincial	Ministry of Natural Resource s and Forestry	Water Crossings Work Permit under O. Reg. 453/96 of the <i>Lakes and Rivers Improvement Act</i>	Application for Work Permit in respect of submarine segment of transmission line expected to be submitted in Q1 2015 for approval in Q2 2015.	Currently APAI has no information on this application and but will be following up on it.

Govn't	Authority	Potentially Permit or Approval	Estimated Timing	APAI Comment
Provincial	Ministry of Natural Resource s and Forestry	Dispositio n of Crown Land Authorizat ion	To be sought upon receipt of Work Permit from MNRF, with some overlap between the two review processes. As such, it is estimated that the tenure process would commence in 2015 and be concluded within approximately 6 months	MNRF - APAI was impressed with the quality of an environmental study ⁸ that was carried out for the Amherst Island Ferry Terminals Project slated to begin in summer 2015. - the permitting process by MNRF for the Transmission Project and Generation project construction is not yet clear to APAI. Further work is being done to clarify how the REA process relates to the MNRF process noted in the Terminals Study.

Govn't	Authority	Potentially Permit or Approval	Estimated Timing	APAI Comment
Provincial	Ministry of Natural Resources and Forestry	Species at Risk Permit under the <i>Endangered Species Act</i> (if designated species habitat is impacted)	Expected in Q1 2015.	<p>Species at Risk</p> <ul style="list-style-type: none"> - Windlectric has applied for <u>only</u> three (3) Overall Benefit Permits for Species at Risk, the Bobolink, the Eastern Meadowlark and the Eastern Whip-poor-Will. - There are 24 species at risk on Amherst Island that are listed as Endangered, Threatened or as Species of Concern. - APAI⁹ CRCA¹⁰, Nature Canada¹¹ and nature groups have provided strong and overwhelming evidence for rejecting the Windlectric application based on its natural heritage. - Heritage Canada, the National Trust placed Amherst Island on the 2013 list of the Top Ten Most Endangered Places in Canada because of Windlectric's wind energy project. - APAI believes that the Overall Benefit Permits will be denied and an REA will not be granted on the basis of the serious harm to the environment posed by this project.

Govn't	Authority	Potentially Permit or Approval	Estimated Timing	APAI Comment
Provincial	Cataraqui Region Conservation Authority (CRCA)	Permit for water crossings and works within floodplain under <i>Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation</i>	Application expected to be submitted in Q1 2015, with approval expected within approximately 30 days.	<p>Cataraqui Regional Conservation Authority</p> <ul style="list-style-type: none"> - APAI expects that the approval process with the CRCA will be much longer than 30 days. - the application process is quite detailed¹² and there are a number of sites that will require approval. - In 2013, CRCA provided extensive comments on the final versions of Windlectric's Assessments/reports to Loyalist Township¹³ and in 2014 provided comments to the Environmental Posting (EBR-012-0774) stating serious concerns about the project. - CRCA is part owner and manager of the internationally recognized Amherst Island Owl Woods; Windlectric has sited four turbines in the area of the Owl Woods. - APAI has contacted CRCA for an estimate of the time required for review of Windlectric's application. - Three groundwater studies on Amherst Island have shown that some or all of the area has a high vulnerability to contamination.¹⁴ <p>Windlectric's construction plan did not mention groundwater. APAI has summarized its concerns about impacts of the project on groundwater.¹⁵</p>

Govn't	Authority	Potentially Permit or Approval	Estimated Timing	APAI Comment
Provincial	Ministry of Tourism, Culture and Sport	Archeological and Cultural Heritage Clearances under the <i>Heritage Act</i>	Confirmation letter received in April 2014.	<p>Clearances under the Ontario Heritage Act</p> <ul style="list-style-type: none"> - Stage 3 Archaeology could delay construction of the docks on the mainland by 2-3 months. - Although Confirmation Letters have been issued by the MTCS for the Stage 1; Stage 2; Underwater Archaeological; Protected Properties; and Heritage Assessments; further work is required to meet the conditions set out in those letters. - Stage 3 Archaeological Assessments are required for seven sites within the project location and further Stage 3 and potentially Stage 4 archaeological excavation needs to be carried out on these sites in advance of construction. - Three of these sites are on the mainland. Two at the site of the central cable landing and one at the west dock location;¹⁶ once confirmation letters are issued for the Stage 3 sites, and assuming no further investigation is required by MTCS under the Ontario Heritage Act, construction can begin. - APAI identified over 100 built heritage resources¹⁷ that were not included in Windlectric's Heritage Assessment and have not been included in the Applicant's prefiled evidence. - There is a very well preserved stone wall¹⁸ (stone walls on Amherst Island are protected under the Municipal Act) at 6845 Front Rd. at the site of the former St. James Church of England (1836). In addition, an 1878 Ontario Farmhouse is within 60 m. of the Transmission project.

Govn't	Authority	Potentially Permit or Approval	Estimated Timing	APAI Comment
				<p>Cultural Heritage (Continued)</p> <p>- There is a pre-construction condition in the Confirmation Letter on Windlectric's Final Heritage Assessment from the Ministry of Tourism, Culture and Sport¹⁹ of April 17, 2013.</p> <p>The letter (p.3 of 4) states:</p> <p><i>Prior to construction of shoreline Project infrastructure, views from the Ferry Landscape should be more thoroughly documented, particularly towards the proposed locations of new permanent and temporary infrastructure. The documentation should include at the very least, a photographic record of existing conditions and views.</i></p> <p>Clearance in this case, will depend on the fulfillment of the condition set out by MTCS.</p>

Govn't	Authority	Potentially Permit or Approval	Estimated Timing	APAI Comment
Provincial	Ministry of Transportation	Compliance with the <i>Highway Traffic Act</i> and <i>Road Safety Regulations</i> - Highway Entrance Permit,	Applications to be submitted so as to receive permits in approximately mid- 2015.	Currently APAI does not have information on theses Permits
Provincial	Ontario Energy Board	Notice of Proposal under Section 81 of the <i>Ontario Energy Board Act</i>	To be provided concurrently with generation licence application, upon receiving notice to proceed from the OPA. Maximum 2 months to receive letter of no review.	APAI does not currently have information on this licence and Notice of Proposal.

Govn't	Authority	Potentially Permit or Approval	Estimated Timing	APAI Comment
Provincial	Ministry of Labour	Notice of Project prior to commencing construction (to be obtained by contractor)	Will be obtained prior to start of construction and is expected in mid-2015	
Provincial	Hydro One Networks Inc.	Transmission Connection Agreement	Expected in Q1/Q2 2015	APAI currently reviewing information on this Agreement through the OEB process.
Provincial	Independent Electricity System Operator	Connection Approval	Expected prior to commissioning, following completion of IESO participant authorization, facility and	APAI currently reviewing information on this approval through the OEB process.

Govn't	Authority	Potentially Permit or Approval	Estimated Timing	APAI Comment
Provincial	Electrical Safety Authority	Certificate of Inspection	To be obtained upon completion of construction, prior to energization of the transmission facilities. See response to APAI Interrogatory #5.7.	APAI will review information on this certificate during the OEB process.

Govn't	Authority	Potentially Permit or Approval	Estimated Timing	APAI Comment
Municipal	Loyalist Township	Building Permits, Entrance Permits, Road Use Agreement	<p>See response to Board Staff #3. It is expected that the RUA will be finalized following issuance of the REA.</p> <p>Applications for building permits and entrance permits, as may be needed for the transmission project, will be applied for so as to receive the necessary permits by mid-2015.</p>	<p>Roads Use Agreement</p> <p>APAI believes that the Municipal approvals will take longer than Windlectric estimates.</p> <p>There is significant opposition on the part of Loyalist Township, APAI and parents²⁰ to Windlectric's Roads-use plans;</p> <ul style="list-style-type: none"> - one of the most contentious issues is Windlectric's plans to use Front Rd. immediately to the north and a new N/S road just west of the Amherst Island Public School and Community Centre, as main thoroughfares for construction traffic. - Loyalist Township held a Town Hall Meeting in January 2013 on Roads Use and an APAI summary of issues is attached.²¹ - The Municipal Consultation Form²² prepared by the Director of Planning, Murray Beckel and approved by Loyalist Council in March 2013, stated the following: <p><i>The consultant's reports as presented lack detail that is necessary to provide informed comments and as specifically stated by AECOM and the CRCA, an approval of the project is premature until the full scope of the project with 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.</i></p> <p>Loyalist Township passed a motion in October 2013, confirming that they did not support renewable energy projects with incomplete documentation.²³</p>

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Municipal	Loyalist Tshp			<p>In their submission to the Environmental Registry on Feb.27 , Loyalist Township resent the original Municipal Consultation Form with additional comments and stated:</p> <p>With the exception of the adjustments to the Heritage Assessments, the [Windlectric's] revised reports, have not responded to any of the Township's concerns or comments</p> <p>Building and Entrance Permits</p> <p>Loyalist Township and AECOM identified a number of issues with respect to the Building and Entrance Permits in the Municipal Consultation Form and the subsequent Township Response to the posting of Windlectric's application on the Environmental Registry.</p> <p>Other Loyalist Township: Additional Permits, Approvals, and Agreements</p> <p>Compliance with Municipal Tree by-law.</p> <p>Agreement on the use of the Island Ferry.</p>

¹ Peter Whiting, Correspondence with DFO

² <http://www.villageofbath.com/RoyalGeorge/history5.htm>

³ See: EB-20140300_APAI_IRR_Board_Staff_TC_20150202_20150220

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⁵ Letter to the Premier, Aug. 2013

⁶ APAI Summary of EBR Submissions 2014

⁷ Denise Wolfe, Gap Analyses

⁸ Ferry Terminals Study

⁹ APAI Letter to Minister Mauro SAR and Blandings Turtle Feb. 19, 2015

¹⁰ CRCA Review for Loyalist Township and Environmental Registry Submission

¹¹ Nature Canada Letter to Environmental Registry March 2014

¹² Cataraqui Conservation Application Checklist, APAI_IRR-EVD_

¹³ Loyalist Township Municipal Consultation Form

¹⁴ Loyalist Township Municipal Consultation Form

¹⁵ APAI Groundwater Letter

¹⁶ Stage 2 Archaeological Assessment

¹⁷ Inventory of Missing Built Heritage Resources

¹⁸ Stone wall evidence

¹⁹ MTCS Confirmation Letter

²⁰ Amy Caughey letter

²¹ Harrison, John, Summary of Roads Use

²² Loyalist Township, Municipal Consultation Form; March 22, 2013; p.4

²³ Loyalist Township no incomplete documents

²⁴ Loyalist Township, Administration Committee Report, Windlectric/Algonquin Renewable Energy Approval

²⁵ Loyalist Township, Minutes of Meeting No.2 of the Administration Committee, March 3, 2014, p.2-3