

**Ministry of
the Environment**

Environmental Approvals
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**Ministère de
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November 27, 2013

Mr. Peter Large
President
Association to Protect Amherst Island
P.O. Box 4, 5695 Front Road
Stella, ON K0H 2S0

Dear Mr. Large:

Thank you for your November 1, 2013 letter regarding Windelectric Inc.'s proposed Amherst Island Wind Energy Project.

I understand that your letter summarizes ten reasons why the Renewable Energy Approval (REA) application for the Amherst Island Wind Energy Project should be rejected by the Ministry.

I understand that you are aware that the ministry is currently in the process of screening the application in order to determine whether it meets the information requirements set out in the REA Regulation (O. Reg. 359/09) and whether it can be accepted for technical review.

Please note that the completeness of applications is determined by checking that submissions include the information requirements as set out in the REA Regulation. The checklist used to make this determination is available on the ministry's website at: www.ene.gov.on.ca/environment/en/resources/STDPROD_080442.html. Only complete applications are accepted for technical review.

Regarding your observations concerning the Amherst Island Wind Energy Project reports, please find my comments below:

1. Municipal Consultation Report

The Ministry considers consultation with municipalities as a critical element of the REA process. Applicants are advised to consult early in the REA process with municipalities, the public, Aboriginal communities, local service boards and other federal/provincial government agencies, as applicable, to identify local interests in the vicinity of the project and to determine if the project could potentially result in negative effects.

Municipal consultation on these interests is further facilitated by the Municipal Consultation Form which must be provided 30 days in advance of the first public meeting to each municipality

in which the project is located. Sections on the Municipal Consultation Form will allow the municipality to comment on the potential impacts on local interests. This feedback assists the applicant in assessing the magnitude and likelihood of any potential negative effects related to local interests and infrastructure.

If the REA application for the Amherst Island Wind Energy Project is accepted for technical review, the review team will review comments received from the municipality, including the Municipal Consultation Form, in detail to assess whether the proponent has adequately considered issues raised by the municipality.

2. Natural Heritage Assessment

In your letter you note that the Association to Protect Amherst Island has raised the issue of Blanding's Turtles with the Ministry of Natural Resources (MNR).

Under the *Endangered Species Act* (ESA), applicants must obtain authorization from the MNR should their project have the potential to negatively affect a species or habitat protected under the ESA. As part of the REA for most projects types, a study of the potential impacts on wildlife habitat must be completed to the satisfaction of the MNR. The process integrates existing study requirements with provincial standards to ensure the natural environment is protected.

The MOE would look to the MNR for confirmation that proponents of wind energy facilities use appropriate evaluation criteria or procedures in their Natural Heritage Assessment. For more information concerning MNR's requirements in relation to the Amherst Island Wind Energy Project, I would refer you to Eric Prevost, Renewable Energy Planning Ecologist, (705) 755-3134 at MNR's Peterborough District Office.

3. Decommissioning

In your letter, you also expressed concerns about the decommissioning of wind turbines at the end of the project life-cycle. As part of the REA application, applicants are required to prepare a Decommissioning Plan Report (DPR) that describes how the applicant proposes to restore the project location to a clean and safe condition. At minimum, the DPR must describe procedures for dismantling or demolishing components of the facility; activities related to the restoration of the land and water to bring the site into a condition consistent with probable future use; and procedures for managing excess materials and waste.

4. Cultural Heritage Assessment

Regarding your concern for the heritage properties, dry stone walls and cemeteries on Amherst Island, I would advise that in their application for REA, Windlectric Inc. must consider whether the proposed project may have an impact on cultural heritage and archaeological features within the project location.

The proponent is required to complete a cultural heritage assessment, including a study to determine whether protected properties, archaeological or heritage resources are present, to the satisfaction of the Ministry of Tourism, Culture and Sport (MTCS).

Applicants are advised to contact the Ministry of Tourism, Culture and Sport (MTCS) at an early stage of project planning to ensure they understand the cultural heritage assessment requirements and to receive additional guidance on meeting them. Further information on how applicants might to address the cultural heritage requirements can also be found in the MTCS's guidance document: *Cultural Heritage Resources: An Information Bulletin for Projects Subject*

to Ontario Regulation 359/09 Renewable Energy Approvals. This document is available on MTCS's website (www.mtc.gov.on.ca).

The comments provided by MTCS with respect to any commitments made regarding cultural and heritage assessments and mitigation options are considered by the MOE during the technical review of a REA application. Should you have any questions regarding the cultural heritage or archaeological assessments conducted by Windlectric Inc., I would recommend that you contact MTCS directly to discuss your concerns by telephone at 1-888-997-9015 or by e-mail at internet.feedback.mtour@ontario.ca.

5. Noise Maps

In your letter you also note that the information provided by Windlectric Inc. does not permit the residents of Amherst Island to identify their receptor number or predict the amount of shadow flicker that would be caused by the turbines, should the project be approved.

The proponent has recently advised the MOE that receptors can now be identified through a link "Amherst Island Wind Energy Project Receptor ID Clarification" which you can access through their website (www.amherstislandwindproject.com/).

I would also note that shadow flicker studies are not required for REA applications. However, larger (Class 4) wind facilities such as the proposed Amherst Island Wind Energy Project may be required to submit a Wind Farm Noise Report in order to determine site-specific setback distances when multiple turbines or those with a sound power level of >102 dBA are proposed. If a Wind Farm Noise Report is not prepared, the turbines must meet regulated setback distances outlined in section 55 of O. Reg. 359/09. These range from 550 m to 1.5 km.

As noted earlier, the REA application for the Amherst Island Wind Energy Project is currently undergoing screening for completeness. However, if accepted for technical review, the applicant will be required to post all final REA documents, including any noise assessment studies, on their website.

6. Signing Officers

Regarding your concern about the legality of signatures on the REA application for the Amherst Island Wind Energy Project, I would like to assure you that this is checked as part of the Ministry's review.

7. Groundwater

As part of the REA application, the Ministry requires that proponents of renewable energy facilities consider impacts related to water resources in the Construction Plan Report including surface water runoff, impacts on water bodies, and impacts related to water takings. In addition, if the planned construction activities present the potential for spills, this should be described. The *Environmental Protection Act* places specific duties and obligations with respect to spills and proponents are advised to be familiar with their legal obligations in the event of a spill before beginning construction.

As noted earlier, if the REA application is accepted for technical review, the review team will carefully examine the application to ensure the proposal meets regulatory requirements.

8. Emergency Services and Roads Use

In your email, you reiterate your concern with respect to the safety of residents in the event of an emergency. As noted in our July 22, 2013 correspondence with you, for Renewable Energy Approval, proponents of renewable energy facilities are required to prepare a Design and Operations Report, including an Emergency Response and Communication Plan to manage emergencies at the project location. These plans are to clearly indicate a plan for communications in the event of an emergency and a description of how the information will be disseminated to all relevant stakeholders such as the local fire department. The proponent is expected to consult with the municipality on these plans.

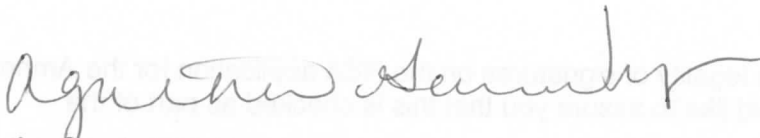
Due to the reasons outlined in your letter, I understand that you feel the REA application for the Amherst Island Wind Energy Project does not satisfy your information requirements. As noted above, the Ministry determines completeness of REA applications according to requirements outlined in the REA Regulation (O. Reg. 359/09). The Ministry remains confident that the REA provides certainty with respect to provincial standards and ensures the protection of human health and the environment.

As noted in previous correspondence with you, if the REA application for the Amherst Island Wind Energy Project is determined to be complete, Windlectric Inc. will be notified and the detailed technical review phase will commence. An Instrument Proposal for the application will be posted on the Environmental Bill of Rights (EBR) Registry (www.ebr.gov.on.ca) for a minimum 30 day public review and comment period. If accepted for review, I would encourage you to submit your comments regarding this project through the EBR Registry. All comments received through the registry will be considered prior to making a decision.

I would like to remind you that the status of the ministry's review of the REA application for the Amherst Island Wind Energy project can be monitored online at:
http://www.ene.gov.on.ca/environment/en/subject/renewable_energy/projects/index.htm.

Thank you again for bringing your concerns to the attention of the ministry.

Yours sincerely,



Agatha Garcia-Wright
Director (Acting)
Environmental Approvals Access and Service Integration Branch