

Juan Rojas, Manager of Engineering Services, City of Kawartha Lakes

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STATEMENT BY JUAN ROJAS, MANAGER OF ENGINEERING SERVICES, DEVELOPMENT SERVICES,  
CITY OF KAWARTHA LAKES - 12 PEEL STREET, LINDSAY, ON K9V 5R8 (705) 324-9411 ext. 1151

- 1- I have been Manager of Engineering Services at the City of Kawartha Lakes for 4+ years. Prior to that, I was the Capital Projects Coordinator at the Town of Ajax for 3.5 years since March 2007. I will be giving fact and opinion evidence. My resumé is attached, as is a signed copy of Form 5.
- 2- During the past 15 years, I have worked as a Professional Engineer. I was with the Town of Ajax's Planning and Development Services Department, Engineering Section for 3.5 years; then with The Sernas Group (engineering consulting firm) for 6 years, before coming to the City of Kawartha Lakes. As shown in my resumé, my professional training continued throughout those years and included specialized courses and all professional exams.
- 3- My role as Manager of Engineering Services at the City of Kawartha Lakes includes being responsible to Council to ensure that capital projects, such as roads and bridges, are appropriately designed and built to municipal standards. I am responsible for the oversight of design and implementation of infrastructure.
- 4- For example, during the last few years we have carried out a comprehensive review of all roads in the City of Kawartha Lakes as part of our asset management approach to public safety and life cycle management. I have defined the Terms of Reference for municipal environmental assessments and detailed the design requirements on major capital projects. I have provided oversight for the construction of new roads, sidewalks, bridges and drainage within the City of Kawartha Lakes.
- 5- I am responsible for ensuring that our roads are built to the required municipal standards.
- 6- wpd has proposed to use a number of roads in the City of Kawartha Lakes as access roads and transmission corridors for the Sumac Ridge Wind project.
- 7- wpd proposes to use the unopened section of Wild Turkey Rd as an access road to Turbines 2, 4 and 5.
- 8- wpd proposes to use Gray Rd, west of Hwy 35, as access to the proposed substation on the SW corner of Hwy 35 and Gray Rd.
- 9- wpd will also require access to Ballyduff Rd in order to access the unopened section of Wild Turkey Rd from Hwy 35.

- 10- In a letter from MTO to wpd on August 10, 2011, MTO referred to a request by wpd to move the access road from Hwy 35 and Gray Rd to an entrance off Hwy 7A. MTO stated that wpd had mentioned wetlands and species at risk near Gray Rd road allowance. MTO advised that in order to move the entrance to Hwy 7A, wpd would need to provide documentation on the wetlands and species at risk.
- 11- The City has not been advised by MTO of approval or any permits for an alternate entrance to an access road off Hwy 7A.
- 12- wpd also proposes to use the unopened Gray Rd road allowance east of Hwy 35 as a transmission corridor.
- 13- A transmission line would also be required across the unopened portion of Wild Turkey Rd. for a short distance.
- 14- In order to get to the unopened portion of Wild Turkey Rd from Hwy 35, wpd would have to travel east along Ballyduff Rd. The road surface of Ballyduff Rd in this area is as follows:
  - The section of Ballyduff Rd from Hwy 35 to approx. 1.0km east of Hwy 35 has a Hi-Float road surface.
  - The section from 1.0km east of Hwy 35 to the intersection of Ballyduff Rd and the unopened road allowance of Wild Turkey has a gravel surface.
- 15- An access road cutting across the NW corner of Ballyduff Rd and Wild Turkey Rd intersection would be constructed to enable vehicles to make it around the corner. Construction of the turn corner will mean alteration of the topography.
- 16- wpd claimed in the Consultation Report – Appendix E - Public Correspondence, that Ballyduff Rd is currently used by gravel trucks coming from the Manvers Pit. There are no trucks using Ballyduff Rd.
- 17- The Manvers Pit is currently active and any trucks leaving the pit travel north onto the open portion of Wild Turkey Rd and go east on Gray Rd and then north up Pit Rd to Hwy 7A. (This is identified as route 55 on the City's draft Haul Route Plan).
- 18- Both Ballyduff Rd and Wild Turkey Rd are located on the Oak Ridges Moraine. Wild Turkey Road is located within a designated High Vulnerability Aquifer as well as a significant recharge area.

- 19- wpd has asked the City of Kawartha Lakes allow wpd to initiate an Environmental Assessment on behalf of the City of Kawartha Lakes for Wild Turkey Rd. The City has advised wpd that wpd does not have the municipality's consent to initiate an EA on behalf of the municipality.
- 20- The unopened portion of Wild Turkey Road is an unmaintained road allowance. The COKL has no plans to open this road allowance, upgrade or maintain this road. 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).
- 21- 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.
- 22- 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.
- 23- The City of Kawartha Lakes has been advised by the Appellants that the lawyers for wpd, and the Appellants have agreed, that wpd will give 30 days notice before commencing any construction. The City has also been advised that a Motion to Stay will be sought to prevent any construction beginning before the outcome of the Tribunal is known on the basis that construction would destroy evidence.

## CONCLUSION

The unopened portion of Wild Turkey Rd is located on the Oak Ridges Moraine and is currently used primarily by local residents and the public as a trail. It is not maintained by the City of Kawartha Lakes. It is a quiet, tranquil laneway used by hikers and nature lovers, occasionally by farmers and local residents during the months that it is somewhat passable.

Opening of roads under the Oak Ridges Moraine Conservation Plan is not permitted, unless the need for the project has been demonstrated and there is no reasonable alternative.

Section 41 of the ORMCP states regarding the construction of roads on the Moraine: "Right of way widths will be kept to the minimum"... <http://www.mah.gov.on.ca/AssetFactory.aspx?did=1779>

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The road allowance is very close to the headwaters of Fleetwood Creek. Dewatering may be required. The area is in a high aquifer vulnerability zone and a groundwater recharge zone. The widening of Wild Turkey Rd, a currently unassumed road, for an access road would open the road up and place an obligation on the municipality to maintain the road. The road is not needed by the municipality. The construction of the road would result in a wider road and the removal of the grassy verges, hedgerows and trees on both sides along the entire laneway.

Attachments: Location Map/Air Photo

SIGNED

A handwritten signature in blue ink, consisting of a stylized 'J' followed by a series of loops and a final flourish.

DATE November 6, 2014





**Proposed Industrial Wind  
Turbine Project - Sumac Ridge  
Geographic Township of Manvers  
City of Kawartha Lakes**

**Map 5**



1:4,532

0 0.075 0.15 0.3  
Kilometers

**Legend**

- Unassumed Road
- Assumed Road
- Sumac Ridge - Project Site
- Turbine Locations - UTM
- Driveway Access
  - Access Point
  - Access Path
- Oak Ridges Moraine
- Teranet Parcel Fabric - Oct 2014

Coordinate System: NAD 1983 UTM Zone 17N  
Projection: Transverse Mercator  
Scale Factor: 0.9996  
Units: Meter  
Aerial Image: 2013

Please Note: This map was created as part of a Geographic Information System (GIS) that compiles records, information, and data from various data sources. To date, no specific spatial data has been provided by the project applicant, therefore driveway access information displayed was determined based on visual interpretation only.

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Revisions: Revision No. 5 Date: 11/01/2014  
Mapping & GIS Division Created: 10/17/2013