

DRAFT ENVIRONMENTAL ASSESSMENT FOR THE WOLFE ISLAND WIND FARM PROJECT:
SOME COMMENTS AND CONCERNS

Introduction

We have been retained by a group of citizens, collectively known as “WIRE”, to review the draft Environmental Review Report , (“the Report”), recently released for the Wolfe Island Wind Farm project. The purpose of the review is twofold: (1) to identify any areas of general interest to the community, and (2) to identify any issues recognized as having a potential for negative impact on the environment, and to comment on the proposed mitigation methods.

This review is not a technical review, and in making the following comments, we are not holding ourselves out to be experts or specialists in any particular field. The critique is with a view toward asking if the proposed mitigation methods are “reasonable”, from a lay persons perspective.

Comments and Concerns

1. The Proponent has Not Been Open and Accessible with the Community

The proponent has failed to communicate the importance or magnitude of the project to the community. In particular, they failed to communicate the following:

a) Wolfe Island is an Important Bird Area

None of the open houses have offered information on the critical importance of the Island as an Important Bird Area. None of the protected or important bird species were identified, and there was no attempt to engage the community in the identification or recording of the birds. Few if any members of the community are aware of the global and continental significance of the Island, or that the designation of the Island as an Important Bird Area means that it is a level 4 project, or one which requires the “highest level of scrutiny”, to ensure environmental protection.

b) The Environmental Screening Report is a Proponent Driven, Self-Assessment Process.

The proponent is responsible for determining the time required to adequately conduct the ESP, and when to publicly release project documentation and/or solicit comments from stakeholders. The proponent has been aware of the need for a high level of scrutiny since the beginning of the project, and furthermore, has been aware that the bird studies conducted in 2002 and 2004 were not deemed adequate by the relevant agencies reviewing the data. In August, 2006, Environment Canada requested that more information was needed, and that bird studies should continue through the winter of 2006-2007. The proponent was aware in the fall of 2006 that the environmental report would not be ready to be released as promised, but did not convey this to the community.

c) The Visual Impact of the Towers will be Considerable

Despite multiple requests at open houses and public meetings for a visual representation of the project, it was not until March, 2007, that pictures of the project were released. Many people in the community were visibly shocked and disturbed by the large clusters of wind towers, particularly those in the Sandy Bay Wetland area . In March, there was no discussion or disclosure of the additional wind plants planned for the immediate geographic area.

In the report, it is disclosed that:”on the south side of Wolfe Island, residents, cottagers and recreational users will view the 86 turbines of the Wolfe Island project, up to 96 turbines of the St. Lawrence Wind Plant, and potentially 70 turbines of the Cape Vincent Wind Plant. [a total of 252]” The report still fails to recognize or consider the additional impact of the 100 towers planned by the proponent for nearby Amherst Island.

d) There are 256 non-participating “receptors” located within project.

None of the 256 “receptors” have been notified of who they were, and many may not be aware that they could potentially be affected by the project. Because of the unique nature of the community, and the relatively small number of sites to study, there was an opportunity for the “receptors” to be invited to share their particular concerns, to identify where their bedroom windows are located, if they sleep with their windows open or closed, and if any of the members of the family had particular health concerns that should be given due regard, and if they had particular plans for their property in the future.

This effort would assist to mitigate any impact noise and the siting of towers on adjoining participating properties may have on the “real people” living in the affected area.

e) “I guarantee tourism will go through the roof”

In response to the concerns raised by the community at the open house on March 27, 2007, the proponent responded via the press by with the guarantee that tourism “would go through the roof”. However, the report concludes there will be no or a neutral impact on tourism.

f) The Project Must be Completed by October, 2008

Many of the proposed “mitigation measures” in the report rely upon the ability of the proponent to stop working or schedule construction work for specific periods of time, to ensure the potential for harm is reduced. However, the ability of the proponent to implement the mitigation methods may be fettered by the October, 2008 deadline set to have the project in operation.

The mitigation methods are proposed, and not promised. However, the conclusions are based on the mitigation methods being acted upon.

2. The Report Fails to Accurately Reflect the Real Bird Population on the Island

The report indicates the presence of 3 bald eagles on the South side of the Island during the winter of 2006-07. It also concludes that the bald eagle has only been seen in the winter.

Residents of the Island report viewing Bald Eagles this winter in the following areas of the Island: 5th Line and Ridge Road area, 7th Line and Button Bay area, Highway 95 and Ridge Road area, South Shore of Sandy Bay, North Shore of Reeds Bay, North and South Shores of Bayfield Bay, the Winter Ferry Dock, the North Shore in channel between Simcoe Island and Garden Island, and the Village Dock area.

Bald Eagles continue to be seen, (as of June 9, 2007), in the area between Highway 95 and Button Bay, and Bayfield Bay areas.

One Turkey Vulture was sited in the report. There have been multiple and frequent siting of Turkey Vultures on the Island in May and June.

There is no discussion of the Trumpeter Swan, which is frequently seen in large numbers in Button Bay , or on the migration patterns of the Blue Heron.

3. The Report Fails to Answer Important Questions About the Impact on Birds

Given the importance of the Island as a Bird Area, and the uncertainty of the impact of turbines on raptors, in a letter dated July 21, 2004, the Ministry of Natural Resources recommended that the company “consider establishing a small subset of test turbines within the study area to better monitor the effects on birds over multiple seasons”. This recommendation was not acted upon.

The report recognizes the following gaps in the studies that have been completed to date: - no

studies have been completed to address the effects of turbines or other disturbance on wintering Short - eared Owls.

- no studies have been done on the cumulative impact of the Wolfe Island Project and the two American projects planned right across the river, for a total of up to 321 turbines.

The report contains the following discussion (at page 388):

“Cumulative effects may occur through interaction of the Wolfe Island wind project, with the Cape Vincent and St. Lawrence wind plants. The three proposed wind power projects have the potential to affect four important bird areas, including (1) Wolfe Island, (designated for concentration of wintering raptors and owls, staging waterfowl), (2), Upper St. Lawrence. Thousand Islands bird area, designated for concentrations of staging waterfowl, colonial water birds, wintering bald eagles, (3) Point Peninsula bird area, identified for concentration of wintering raptors and owls, and (4) Ashland, for grassland breeding birds and short eared owls.

With respect to grassland birds, all areas are reported to support a significant proportion of some grassland species... habitat in this region is under pressure from other land uses, so a decline in this region from various sources, where densities are particularly high, could have an effect on overall populations.

At this time, no quantitative data has been made available, and no transboundary bird studies have taken place. As a result, there is a high degree of uncertainty regarding interactions between bird populations and behaviours, the project and the US wind plants”.

With respect to the studies and information provided, we note the following concerns:

i) It has been recognized by Environment Canada that the raptor population of Wolfe Island makes it a unique site. The proponent was cautioned that because no other project has been planned in such a vulnerable area, it is not accurate to compare the possible incidence of bird kill from collusion to that of other projects. The proponent did not convey this information, but rather, the fact board at the open house states that the mortality rate would be an average of 2 birds per year per tower.

ii) The report recognizes the possible impact of disruption to bird habitat, but states that such impact will be mitigated by fact that not all towers will be constructed at once. The report also states:

- two 660 ton cranes, approximately 10 by 13 metres long, not counting for boom and counter weights, will work together;
- each crawler crane will be delivered by 20-30 individual transports;
- a concrete foundation of approximately 19-20 m diameter will be placed, requiring about 40 truck trips per turbine;
- the delivery of each tower will involve up to 7 oversized vehicles, including one 500 ton crane and one 600 ton crane;
- there will also be “an assortment of flatbed trucks and specialty trucks to deliver both the smaller cranes and the remaining turbine components”;
- each turbine will take approximately 3-5 days to assemble;
- it does not state how many acres will be disrupted to assemble each tower, or how long it will take for the habitat to recover;
- ultimately, the ground coverage will be 2.5 acres per turbine.

There is no discussion as to what size area this amount of activity will disrupt or impact upon at any given time. Furthermore, if either of the proposed sites for a cement batching plant are used, the location will be such that construction will impact the entire project area throughout the construction period.

iii) There is no discussion of the impact of placing over 30 towers in the western corner of the Island, completely surrounding the Sand Bay Wetland. It does not discuss how much habitat the siting of those towers will displace, the impact of the siting of those towers on any field bird needs, the disturbance on the bald eagle population, or the impact on the high number of wintering short-eared owls sited in that area.

4. The Time Lines in the Report Have not Been Followed by the Proponent

In the Request for Proposal, the application of the proponent set out the following time lines:

- commence environmental screening process: July, 2004
- complete provincial and federal assessment process: July, 2006
- issue statement of completion : August, 2006
- obtain official plan and zoning by law amendments: Sept. 2006

The Report indicates the following benchmarks at p.11:

- initiate preliminary engineering - April, 2004
- Post Notice of Commencement and begin ESP - May 2004
- Post Notice of Modification and continue the ESP - July 2005
- complete provincial and federal environmental assessment processes and issue Notice of Completion - Q2 2007
- Issue ESP Statement to Ontario MOE - Q2, 2007
- Obtain Official Plan and Zoning By-Law Amendments - Q2 2007
- obtain other project approvals - Q3 2007
- initiate construction - Q3 2007
- complete construction activities - September 2008
- start of commercial operations - Oct., 2008
- decommissioning /recovering - 2008

In both instances, the proponent indicates that the Notice of Completion will be issued prior to the obtaining of the official plan and zoning by-law amendments.

In fact, the official plan and zoning by-law amendments were proposed, considered and passed by local council in November, 2006, at the urging and request of the proponent, on the basis that the ESR would be ready to be released “any time”.

This assurance was made despite clear direction from Environment Canada in August, 2006, that more bird studies and information was needed, and a clear direction for studies to be done throughout the winter of 2006-2007.

5. The Report Does not Give Sufficient Information to Adequately Assess the Economic Benefits

Taxes

The information published places emphasis on a total tax benefit from the project of \$551,900. The break down shows a benefit to the township of 111,000. There is no record or reference to the current tax bill for the properties involved, so it is not possible to know what the increase will actually be.

The report states that the \$339,000.00 in taxes that is paid to the school boards will “help keep local schools open”. There is no basis to support that statement. Schools in Ontario are not planned or maintained relative to the local tax base.

The Amenities Agreement

The report states a benefit to the Island of 645,000 annually. The amenities agreement is executed with the Township of Frontenac Islands, which shares revenue by a 54- 46% split. Therefore, the benefit to Wolfe Island will be about 350,000.

This money is being provided to assist the township in paying for post construction costs, which are referred to as “minimal,” but are not itemized. As there is no report or estimate of what the post construction costs will be, it is not possible to know what the net benefit will be to the Island.

6. The Report Fails to Answer Questions About Transportation

The report fails to address transportation issues that have been discussed since 2004. It indicates the following facts:

- Workers (up to 225 per day) will use the existing ferry
- 460 - 500 tractor trailer loads of equipment and supplies will arrive from Kingston to Wolfe Island over a seven month period commencing last quarter of 2007
- gravel to be brought to the island via ferry
- CERC “may “ utilize the MTO ferry (or an alternative private carrier) to bring cement to the island

There are no clear answers as to how these issues will be dealt with.

7. The Report Fails to Answer Questions About Waste Management

The report indicates that the local dump will be used for most waste, as there is about 13 years capacity left. It does not estimate the impact in years the proponent’s use may have.

With respect to hazardous materials, the report indicates they will design “a construction and environmental management plan to minimize potential for adverse environmental effects”

8. The Discussion on Wetlands is Incomplete

The report concludes that any impact on wetlands will be mitigated by the set backs applied.

The uniform and automatic application of a minimum set back does not address a number of concerns and objectives of habitat protection outlined by MNR, including the following:

- the need for a critical function zone, protected from the adverse effects of activity, that is based on a site specific study of the particular attributes, sensitivities, and management objectives for each site;
- the need for forest patches to be within two kilometres of one another, and a corridor to connect them;
- the need for corridors designed to facilitate species movement;
- the need for continuous corridors for some breeding species.

There is no study that documents the ecological function of each of the 7 provincially designated wetlands, and if or how they are interdependent. There is no study that assesses the potential impact to the species and vegetation supported in each wetland during the construction period, only that it will be “mitigated” if necessary.

It is possible that a set back of greater than 120 meters may be required in some areas to maintain the appropriate buffer zones and corridors required by the species using the area.

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Conclusion

It is our opinion that the most important issue left unaddressed in this report is the impact on the bird population, which is also the most important environmental issue to be addressed. There are many unanswered questions, and the mitigation proposals are not only untested, but are voluntary. Once the project commences, the main objective of the proponent will be to complete the project on time,

The legal requirement to ensure the protection of habitat for endangered species and migratory birds, may require that the Ministry of the Environment take any one of the following measures, prior to issuing the final approval of the Environmental Review: (1) require more bird studies, (2) in the event that mitigation is deemed to be inadequate or insufficient, require movement of some of the turbines, and (3), issue an order making any important mitigation methods mandatory and binding on the proponent.

Finally, given the international and environmental importance of this project, the issues that have been raised and the proposed mitigation methods should be circulated to all relevant authorities and external experts for comment and approval, to ensure that all applicable environmental laws are considered and enforced prior to the commencement of the project.

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