

The Corporation of

THE TOWNSHIP OF MELANCTHON

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*Denise B. Holmes, AMCT
CAO/Clerk-Treasurer*

July 20, 2012

Dillon Consulting Limited
130 Dufferin Avenue
Suite 1400
London, Ontario
N6A 5R2

Attention: Rebecca Crump, REA Project Coordinator

Dear Ms. Crump:

**Re: Dufferin Wind Power
File No.: 300030497**

Further to your project submission of April 25, 2012, we are hereby providing our review comments. These comments result from input received from Township Staff and its Review Team and have been consolidated and endorsed by the Township Council. Please be advised that there is also a Peer Review being done of the Noise Study and we expect it to also form part of our submission, even though it will be submitted separate to these comments.

Renewable Energy Approval

The Township would like to use this opportunity to voice a number of general concerns with the impact of wind farms on municipalities. It is recognized that these issues are beyond the scope of your specific project, but we have some frustration with our inability to provide input on matters that have major effects on the Township.

- The Township of Melancthon currently hosts 118 constructed turbines and Dufferin Wind Power will raise that number to 167. For a small rural municipality the impact is staggering. We feel that the cumulative impact of these turbines should be considered and that an assessment of current turbine development should be a prerequisite to new approvals.
- The excessive distance to the interconnection point with the provincial grid and the resulting impact of transmission lines and facilities crossing extensive areas of a number of

municipalities should be considered. It is an impact that could be potentially reduced if such projects were limited to a specific relatively short distance from such interconnection points. It has been suggested that these remote, independent projects are analogous to building housing developments that would each build their own parallel roads to connect with major highways. It makes a lot more sense when one transmission line is installed and shared by the independents.

- There is inevitably a labyrinth of access roads and buried power lines across the project area which, in most cases, is a matter between the power generator and the private landowner. But this has a potential to involve the Township.
- 90 days does not provide sufficient time for full assessment of over 3,500 pages of technical documents.
- There is a lack of any cost benefit or social impact analysis in the process.
- Unlike the requirements of other provincial processes, such as the Environmental Assessment Act, there is no hierarchy or assessment of options on relative terms. For example, a turbine is required to be 120 m away from a Provincially Significant Wetland, unless a study of the wetland is completed and mitigative measures are established. When the study is done, there is no further consideration of the separation distance to the turbine. We think that mitigative measures should include an attempt to maximize the distance, but there appears to be no such requirement.
- Horizontal directional drilling or any other similar works should be prohibited within at least provincially significant wetlands and, preferably, all wetlands other than where such drilling occurs along open and traveled road allowances.

Comments Relating to the Application

We did not find the submitted material to be reader friendly. Rather than using the Project Description Report to provide an overview with the other reports being specific to its own area, each and every report started with a copy of the project description. This made the material highly repetitive and several reviewers commented on the difficulty in focussing on the issues at hand. The Design and Operations Report was particularly difficult with alternating pages being printed upside down. The net result is a concern that all of the various recommendations of the different reports are embedded so deeply in the text that they may not be properly acted upon. The CD containing the printed materials is totally user unfriendly and serves no purpose except to allow the printing of all or some of the materials. At the very least, the PDF files should be in searchable format, allowing checking the materials for relevant information, but the PDFs are not searchable. It boggles the mind that anyone could and would have produced a compilation of unsearchable PDF files.

It would be extremely helpful to produce an overall site plan with notations or colour codes to identify recommendations and areas of concern. For example the map could have notes on T30 and T42 saying "archaeological area to be fenced prior to construction" and notes on Turbine 34 saying "construction of this turbine, access road and cabling is prohibited from April 15 to June 15."

Our reviewers also commented on the difficulty of reviewing reports that continued to change. Many of the reports submitted on April 25 were actually dated February 2012 but were revised in May, for the public release. As we discussed at our meeting with you on April 12, 2012, the Township review was not authorized until the public documents were released, in order to have certainty that our reviewers were in fact using the same documents that were being provided to the public and also to maintain the transparency that is expected of municipalities. To this day we have not received the Visual Impact Study and the routing of the transmission line is unknown. Specifically the routing has not been determined for Power Line Option #2, a 230 kV line connecting the project to the Orangeville railway, which is a significant concern.

The Township is willing to indicate its initial preference for Power Line Option #2, but until we receive documentation of the routing we are unable to assess the various impacts and therefore cannot formulate a final opinion.

We also note with regard to Power Line Option #2, the apparent intent to use horizontal directional drilling through a provincial wetland as part of this route. It appears the proposal could involve close to half a kilometre of drilling through one of the largest wetlands in the Township. This is unjustified, unacceptable and should not be approved.

In view of the above referenced lack of a Visual Impact Statement, lack of details on Power Line Option # 2 and other deficiencies such as the lack of a Traffic Management Plan, the application should be classified as either incomplete or premature, as would be the case if it was an application under the Planning Act.

Project Description Report

Table 1 on page 7 incorrectly shows that the Township of Melancthon as being the authority for issuance of Building Permits. In fact, the County of Dufferin fulfills this role.

The Township of Melancthon has received proposals for five wind farms. There are ongoing concerns about the overcrowding of road allowances with multiple power lines and with the unsightly appearance of aboveground power lines. The Township is no longer willing to accept new pole lines for above ground installations. As mentioned before, it is the requirement of the Council to have hydro lines buried. This has been the practice with the last two developments in the Township. As with the last project, there could be some room for discussion for lines above ground in non-populated areas. Council would discuss this in more detail once final placements of the turbines have been provided. We reserve the right to comment and have input later on this matter.

It is noted that the project substation is located within a “non significant” woodlot that will be largely clear cut of trees. The Township is concerned with unnecessary tree removal on such a large scale. It would be preferable to have the substation placed in association with a properly designed operations and maintenance building. The report should also indicate what plans are being made for the existing house in this location.

Ontario Regulation 359/09, Table 1, Paragraph 10.6 specifically requires the Project Description Report to set out the ownership of land on which the project location is to be situated. This appears to be addressed in Section 4.4 of your Project Description Report with the sentence “Turbine and the project substations will be located entirely on private land”. In our opinion, the requirements of the Regulation are more specific, and the names of the private landowners that hold title should be provided. While the property owner names are shown in the Design and Operations Report, those plans do not show property boundaries which makes it difficult to review impact on neighbours etc.

In Section 5.6 it is noted that a Visual Impact Assessment is being undertaken. A copy should be provided to the Township when it becomes available.

Several drawings in the Appendices show details of transmission poles and contain a note, indicating that “Snow Accumulation” is expected to be 600 mm. In our experience, this number is too low, particularly when poles will be located in areas where snow is cleared from roadways and piled in the vicinity of the pole locations. It is not uncommon for snowmobiles or children to be on top of the snow banks and we would like to receive your assurance that all safety requirements will be met under these conditions for minimum separation distances to power lines.

It is completely wasteful to include copies of Appendix C, which is the Technical Specifications for Turbines, rather than simply referring to the Specification Report which is a separate document containing identical information.

Construction Plan Report

Item 1 of Table 1 of Ontario Regulation 359/09 requires the Construction Plan Report to set out a description of “The location and timing of any construction or installation activities for the duration of the construction or installation”, followed by “Any negative environmental effects that may result from construction or installation activities...”. It was our expectation that the Construction Plan Report would be much more specific about establishing the necessary scheduling to carry out the project. Many of the Natural Environment studies made specific recommendations about the importance of timing, so the Construction Plan Report should be used to consolidate these recommendations, provide direction, and ensure they are followed. Instead, there is a scant 10 lines of generalities contained in Section 4.3, making such statements as “*All construction adjacent to wet areas will be undertaken outside of the amphibian breeding season April 15 to June 15, wherever possible*”. How is “wet areas” defined? What if it is “wet” in April but dry in May, like normal? Who enforces this? What is meant by “wherever possible?” Does that mean it is ok to disturb breeding areas if the project schedule gets behind? We expect a much

more detailed effort. As an example "All construction activity on the site of Turbine 43 is prohibited between April 15 and June 15." We believe the intent of this recommendation relates to works that are located within 120 m of a wetland. There should be a map of all such locations indicating that construction in the areas identified as being within 120 m of a wetland may not be undertaken between April 15 and June 15.

Page 9 directs the reader to Section 3.1 for details regarding Dust and Noise. The correct reference should be to Section 5.1.

Table 3 is the Proposed Construction Schedule that shows several activities, including development of access roads, to be built in "spring 2013". We remind you that Township roads will be restricted to half loads during the spring season.

Section 4.6 of the Construction Plan Report indicates that "*All trees, brush and root material will be chipped and buried on site with landowner approval.*" We are of the understanding that burials of tree brush and root material is not permitted by the Environmental Protection Act, unless the burial takes place within an approved landfill.

Section 4.7.1 describes survey and geotechnical investigations needed for site preparation, but excludes any Road's Condition Reports. Other wind farm developers in Melancthon have been required to inventory the Township roads that will be affected by the high volumes of cement and gravel trucks. Most of these turbine locations are in remote areas of the Township that have never been subjected to so many heavy loads.

Also in regard to the traffic impacts, we note that the current edition of the Construction Plan Report has deleted the estimated truck trips from Table 2. Based on the information in the previous edition of the report, the construction of the development would generate over 18,000 truck trips. We also note that the only plan showing the proposed full extent of construction related haul routes appears to be the plan provided during the recent tour of the project site. Among other things, that plan showed the 4th Line between County Roads 17 and 21 as a haul route. This is contrary to the Township's policy on haul routes and this route should be eliminated other than in the immediate vicinity of the adjacent turbine sites. Truck traffic should be confined to County Roads as much as possible. Also, a Traffic Management Plan should be prepared and finalized before any approval of this application.

Section 4.7.2 (Clearing) is another example of the vagueness that made this review difficult. "*Clearing may also be required for portions of the site access roads, crane paths, collector lines and power line right of way*". How can the municipality provide meaningful comments on that? It certainly can't be acceptable without some indication of the location and extent. This is intended to be a near final report, indicating all areas of "negative environmental effects that may result from construction or installation activities within a 300 m radius of the activities" (Ontario Reg 359/09). To fulfill the requirements of the regulation in our opinion, the proponent should prepare mapping that shows all areas that may be cleared as part of this project, so that we know

the worst case scenario. It really would not be difficult to provide such a map. We cannot comment on ambiguities.

Section 4.8.5 discusses the sub-station/transformer. It says that the transformer will sit in a concrete containment system to capture any oil leaks, and of course snow and rain water will also be captured by the container as well, because it is open to the sky. The report provides an inadequate description of how the rain water will be tested for contaminants and pumped out to maintain adequate capacity for emergency use. Frequency of inspecting and testing is not addressed, nor is the testing protocol. And since leakage is not expected, any contamination may signify a greater problem but no plans are laid out for such an occurrence.

Section 4.8.7 indicates that *“the power line will be an overhead line and require 8 - 10 m of space within the municipal road right of way”*. Given that the municipal right of way is typically 20 m in total width, it is a concern to devote such a large proportion to an enterprise that does not provide any municipal function. Because the Construction Plan Report does not address temporary road closures for the construction, we assume there will be none.

Section 4.9.1 notes *“any hazardous waste produced on site ... would be trucked to the County of Dufferin Transfer and Recycling Facility”*. But no indication is provided anywhere else of what may possibly be classified as hazardous waste. It would be proper for the proponent to provide a list of any materials or activity that could possibly lead to the generation of hazardous waste. We would also like to clarify that the County of Dufferin does not have a Transfer and Recycling Facility.

Section 5.1.1 provides another example of the off handed manner used to address potential issues. The potential effects of dust are reduced to six lines, most importantly described in the penultimate sentence *“As the construction areas are generally well removed from receptors, air quality related effects are expected to be minimal and would be temporary”*. Presumably, the author does not feel that wetlands or wildlife can be defined as “receptors”. We feel that dust does in fact meet the definition in Ont. Reg 359/09 of “any negative environmental effects that may result from construction or installation activities within a 300 m radius of the activities”. As such, it is required to be addressed more thoroughly in the Construction Plan Report. We also note that the Design and Construction Report gives consideration to the effect of dust on wildlife habitat in the post construction state, so it stands to reason that it should also be considered in the construction stage itself.

Section 5.1.2 tells us *“during the construction period, the contractor will implement standard practices to minimize air emissions ...”*. This does not provide any assurance at all. Firstly we have been witness to “standard practices” and are not convinced that the standard is adequate, and secondly, the proponent is not providing any quality control measures to consider what may happen if the contractor fails. It is usual to engage independent parties to review the activities of contractors. *“Minimize operation and idling of gas powered equipment and vehicles, in particular, during smog advisories – this is to be strictly monitored”*. Really? What does it mean to minimize the operation of gas powered equipment? Will your contract specify that the alternative engines

be used? Are diesel engines preferred? How is it strictly monitored? By whom? Will extra inspectors be hired during smog advisories?

5.1.3 *"The Construction Contractor's Project Manager will also act as the Construction Monitor and will be responsible for implementing noise compliance on the construction site".* We would prefer for the guardian of compliance to be an independent party from the contractor. This seems to be the intent of the final sentence of 5.1.2, so the role of the Construction Monitor versus the Environmental Compliance Monitor needs to be defined.

5.3.2 *"A Horizontal Directional Drilling contingency plan will be put in place prior to construction that will include a construction monitoring plan. Environmental protection measures will be considered for reducing potential adverse impacts on the natural environment. The contingency plan to be developed between DWP and the drilling contractor will include contingency measures to be taken if potential problems arise resulting from adverse conditions or crossing method failures."* We have a number of concerns with this section. Firstly, it is our opinion that Ont Reg 359/09 expects this Construction Plan Report to be a near final document and its contents used to give assurances to the public. Using the Construction Plan Report to simply defer the environmental protection measures is unacceptable. We also do not think that the contractor should be a co-author of the contingency measures. Once the contract is signed and payment terms are finalized, it is unlikely that the contractor will be unbiased in determining contingency measures. We believe that the Construction Plan Report should define the contingency measures, the public should have an opportunity to participate in their approval, and the contractor should simply abide by them.

Ontario Regulation 359/09 limits the contents of the Construction Plan Report to matters relating specifically to construction. This does not include archeology or cultural matters, which are included in the requirements of the Design and Operations Report. That is where they should be, as they are design issues and not construction issues.

Conversely, the Construction Plan Report should include completed Work Permit Applications where water crossings are part of the project. However there were no such applications included.

The conclusion should not comment on the benefits of municipal taxation or increased employment opportunities or the virtues of renewable electricity or royalties to homeowners. Table 1 of Ontario Regulation 359/09 makes no reference to these matters in its description of a Construction Plan Report.

There is a need for a plan referencing the total system of trucking haul routes, not just that relating to the delivery of the turbines. According to the previous edition of the construction Plan Report, there would be 637 truck trips related to turbine deliveries out of a total of over 18,000 construction related truck trips, approximately 3.5 percent of all trips.

Design and Operations Report

Because the Green Energy Act limits the authority of municipalities for projects that they host, the greatest direct interest of the Township of Melancthon may be for works within the municipal right of way. Their extent of description is as follows: *“The underground collector system follows access roads and road allowances wherever possible and also transects participating landowner parcels to reduce the length of collector lines.”* We are pleased that the description includes the word “underground”. The Design Report includes some small scale conceptual drawings indicating the locations of rights of way that are likely to be affected. There are also sketches contained on the individual site plans that give some indication of what side of the road allowance you hope to be located on, but the level of commitment to these designs was unclear. Certainly there was no investigation of existing buried utilities and we were unable to conduct a detailed review. The following points will need to be addressed in the future:

- We have concerns with multiple utilities competing for corridors within our road allowances. As a result we assign a restricted corridor to each utility and you will not have the freedom to vary from one offset to another. The locations where your cable can cross from one side of the right of way to the other will be held to a strict minimum.
- Some existing overhead power lines restrict the use of construction equipment beneath them. As a result there may not be available corridors beneath the overhead lines.
- There will be buried gas, telephone, and hydro lines in some areas that must be avoided.
- Where trees are significant you must use horizontal directional drilling to go underneath them.
- Lighting - even though the report states that the flashing lights are required and are expected to flash simultaneously to minimize disturbance, there is nothing that says that the lights will point in an upward direction and therefore, Council insists on this requirement.

The February version of the Report that was provided to our team on April 25, 2012 contained Appendix E, Visual Assessment. It contained only a placeholder that said “forthcoming”. Our reviewers have checked your website for this information and found that this Appendix had been removed.

Section 8.1.2 describes the appointment of the Environmental Monitor (EM). It is implied, but not specified, that the EM will be onsite full time. Please confirm.

We suggest that the credentials of the EM should be cited, rather than simply stating that the owners will make an appointment. We find it rather odd that the Owners are completely responsible for the engagement of an individual to monitor and control their own actions. There appears to be no one monitoring the monitor, and the Township may be required to fulfill this role

to some extent in the event of receiving a complaint. We would like to receive notification in the event that a stop work order is issued as described in Section 8.1.2.

The same section refers to *“failure of best industry practices which result in off-site sedimentation that violates applicable water quality standards”*. This description needs to be clear and it is not. “Best industry practices” provides no measurable guideline as industry practices vary from place to place and company to company. Who can pass judgment on best practices? And what is meant by “applicable water quality standards”? Drinking water standards or discharge criteria? To determine whether any standard is being violated there would be a need for laboratory testing which seems impractical for this purpose. There are recommendations in the Water Body Report for the preparation of a Sediment and Erosion Control Plan and although we believe that Plan should have been submitted as part of this application and it was not, it would make more sense for the Environmental Monitor to take actions when the provisions of the Sediment Control Plan are not followed.

And while the report states *“will ensure compliance with all site permits and mitigation measures required by local, provincial, or national law or applicable contracts”*, we would prefer the definition to include *“and mitigation measures recommended in all reports filed under Ontario Regulation 359/09 or required by....”*

Section 9.1 The municipality would also like to be notified of any Spills.

Section 9.3 The municipality would like to be provided with copies of correspondence arising from the Complaints Resolution Process, including confirmation of the outcome of the process. The Township also must be informed immediately of any spills or emergencies and the related plans and agreements must reflect this requirement.

Wind Turbine Specification Report

We have no comments on this Report.

Property Line Setback Report

It is disheartening to see turbine placement such as that on Turbine 23. Its preferred setback should be equal to the hub height, which is 80 m but instead it is being proposed at setbacks for 63.7 m and 62.2 m. In each case the setback is to a wood lot. There appears to be no reason for reducing the setback as the turbine is located within an agricultural field and there appear to be no other potential encroachments. The woodlots provide interior forest breeding bird habitat. Logic would suggest that the minimum setback should apply in a situation such as this. We are more understanding of situations where relocation would simply cause a reduction in setback somewhere else.

Other examples similar to Turbine 23 would be Turbines 1 and 11.

It is unfortunate that the report also reflects the flawed requirements of Regulation 359/09 in that it contains no documentation as to why it is necessary to reduce the setbacks on approximately one third of the project's turbines. As discussed above, the report simply provides some very general comments on the apparent lack of impacts associated with these reduced setbacks without justifying the need for such setbacks through a logical, well documented needs analysis. Such an approach would be completely unacceptable in any application under the Planning Act.

Decommissioning Plan Report

The Township of Melancthon is worried that changes in the economic viability of wind energy in Ontario could cause turbines to become derelict and abandoned, causing safety hazards and becoming an eyesore. We are less concerned with the specifics of how decommissioning will be done, and more concerned with if it will be done. The Ministry of Natural Resources imposes rehabilitation fees on aggregate extraction to ensure the sites are topsoiled and grassed and we are disappointed that similar procedures are not followed to ensure the removal of derelict turbines.

With respect to this proposed Decommissioning Report we note that soils testing for pollutants is not included in the procedure. We feel that it should be.

Section 4.3.4 indicates the intention to leave underground cables in place. This will not be permissible for cables on municipal property, due to the aforementioned concern for over congestion of our right of way. Abandoned cables could be dangerous if confused with other active lines so we must insist on their removal.

While Sections 5 and 9 make a general reference to environmental protection we are of the opinion that a more specific recommendation should be made. Clearly, removal of any works that are located within setbacks to sensitive areas should be removed under the same restrictions as their installations. In particular the scheduling of construction in woodlots and open fields, adjacent to wet areas, and where amphibians are known to be present should follow the same restrictions with respect to breeding seasons.

Water Reports

Water Assessment Report - It appears that the records review was done satisfactorily. We were not made aware of the scheduling of site investigations that took place over a two year period and so we are unable to comment on the results. This work has been approved by the Ministry of the Environment prior to submission to the Township, and copies of the MOE approval should be provided to us.

The Renewable Energy Approval Regulation requires all lands within 120 m of a project component to be physically assessed for water bodies. Section 31(3) of the Regulation excuses the need for a site visit in situations where it is not reasonable and Section 31(7) requires an explanation of why it was considered unreasonable. We were unable to find the explanation in the material that was

submitted. Section 7.3 of the report discusses inaccessible lands, but offers no reason for this conclusion. Reference is made to Figure 4, but the only distinction made in the Figure is between leased lands and non leased lands, which would not be considered as a “reasonable” lack of access. On behalf of the taxpayers and landowners of Melancthon we expect that physical site investigations should be completed on all water bodies within 120 m of the project, unless the proponent documents that the landowner had denied access and therefore waived their right to the protections envisioned in the Regulation. The field notes contained in the appendices did not appear to contain any such notes. It is noted in the Table 7 of the MNR Natural Heritage Assessment Guide that supporting information should include list of landowners contacted, number of attempts, time/date of contact, copies of written correspondence and replies etc.

We accept the conclusion that an Environmental Impact Study (Water Body Report) is warranted.

Water Body Report (Environmental Impact Study)

Section 5.5.2 determines that various aspects of the proposal fall within Source Water Protection areas. However there does not appear to be any further consideration given to the matter. We expected the Water Body Report to comment on the impact of the project from the perspective of Source Water Protection.

Table 6 includes a mitigation measure that reads *“Develop and implement a stormwater management plan which maintains pre-construction surface water flows to adjacent lands (quantity, quality, infiltration, conveyance patterns and seasonality of water flow)”*. We think that plan should have been developed as part of the current submission. There is no reason to delay it and if were submitted now, the public and the municipality would have the benefit of reviewing it.

Likewise, there is a measure to *“Develop and implement an erosion and sediment control plan prior to site preparation activities.”* There is no reason that such a plan would be delayed until then and not be part of the current process.

Suggestions such as *“before dewatering, rescue any fish from within the isolate and release them downstream”* should be included in a summary within the Construction plan.

Natural Heritage Reports

Records Review - This report has already been approved by the Ministry of Natural Resources. Please provide us with copies of their letter. The Township has no further comment at this time.

Site Investigation - The Township was not present at the time of the site investigation and the work has already been approved by the Ministry of Natural Resources. Please provide us with a copy of their approval letter.

Evaluation of Significance

It is noted in Section 6.4 that in the Grand River Watershed woodlots greater than 20 ha are considered significant, while in the Nottawasaga Watershed the area threshold for significant woodlots is two and a half times higher, at a level of 50 ha. We have difficulty accepting the logic of woodlots in one part of our municipality having such completely different standards than other woodlots nearby. A review of the documentation seems to support our concern. While the DWP Evaluation of Significance Report states in Section 6.4 that the conservation authority coverages are “based on guidelines from the MNR”, we disagree. MNR’s Natural Heritage Assessment Guide for Renewable Energy Projects (July 2011) in Section 6.2.2.1 refer to “percentage of woodland cover in the lower tier or single tier municipality where the project has been proposed”. Table 8 in the same section makes repeated reference to “Woodland Cover within the Municipality”. We would like the same standard, a municipal standard, to be used for the review of this project. If the percentage of woodland cover is not readily available for our Township then we suggest that the GRCA criteria should be applied throughout the project. It is more conservative and we feel that our large areas of cleared farm fields are better represented by the GRCA watershed. You should be aware, as was discussed during the bus tour on July 5, 2012, that a permit is required from the County of Dufferin Forest Manager for the removal of trees in any area .5 ha or larger as per County By-law 2006-15. It is Councils desire not to destroy any trees and therefore, as previously mentioned in this letter, recommends that the substation be placed elsewhere and not in the woodlot. However, if the substation must go in the woodlot, Council insists that any trees removed be replaced by new trees and planted elsewhere on the property.

Environmental Impact Statement

This report has already been reviewed and approved by the Ministry of Natural Resources. Please provide up with a copy of their approval letter.

Table 3 in Section 7.1 indicates that the type of watercourse crossing and mitigative measures will be developed in consultation with MNR. The Township would like to be apprised of these decisions in crossing of Municipal Drains. Approval from the applicable Conservation Authority is also required.

The decommissioning plan is discussed in Section 7.3. We suggest that soils testing should be conducted as part of the decommissioning process.

The methodology should be chosen and detailed for the post construction mortality assessment and potential components of the adaptive management plan should be identified.

It is recommended on page 185 that an experienced biologist should survey impacted amphibian breeding areas prior to construction and remove amphibian species present. The Township would like to be apprised of this work as it is being completed. In keeping with what would be the typical approach to a development application under the Planning Act, it would be preferable to simply avoid amphibian breeding areas, particularly in a project encompassing such a large area.

On page 187 it is recommended that site preparation be done outside of the core breeding period (May 1 to July 15) to avoid disturbance to breeding birds. However the Construction Plan Report in Table 3 indicates that site clearing will be done in a 1 to 2 month period during Spring, 2013. Noting that many areas are prohibited from construction if they are in proximity to "wet" areas, we expect the spring work may not commence until late spring and accordingly, there may be a conflict between this recommendation and the construction schedule. It is remedied by the recommendation that a qualified biologist conduct nest searches prior to clearing.

On page 189, and in other areas, it is recommended that a stormwater management plan will be developed and implemented. We would prefer for that plan to be included in these final reports, but nevertheless we would like to review a copy when it becomes available.

Please provide the Township with a copy of the contractor information package that is being provided for five line skink.

The Township is also interested in details of the habitat replacement initiative that is described on page 193 and the Erosion and Sediment Control Plan that is recommended repeatedly.

We look forward to resolving these issues with you and working through the municipal agreements that will be required. The Township reserves the right to make further comments on this Project as the Reports that our Staff are working from are Draft Reports.

In closing, attached is a resolution that was passed at the Council meeting held on July 19, 2012, as well as a copy of a letter that Mayor Hill has sent to Marcia Wallace, Director, Modernization of Approvals Project, MOE.

Also, attached is the completed Municipal Consultation Form.

Yours truly,



Denise Holmes, AMCT
CAO/Clerk-Treasurer

Enclosures

- c. Jeff Hammond, Vice President Dufferin Wind Power Inc.
GW Jordan
Andrew Osyany
Gord Feniak

**PART A: TO BE COMPLETED BY THE APPLICANT BEFORE SUBMITTING TO
 MUNICIPALITY OR LOCAL AUTHORITY**
Section 1 - Project Description

1.1 - Renewable Energy Project
Project Name (<i>Project identifier to be used as a reference in correspondence</i>)
Dufferin Wind Power Project

Project Location					
Same as Applicant Physical Address? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If no, please provide site address information below)					
Civic Address- Street information (<i>includes street number, name, type and direction</i>)					Unit Identifier (<i>i.e. apartment number</i>)
See Project Description Report					
Survey Address (<i>Not required if Street Information is provided</i>)					
Lot and Conc.: used to indicate location within a subdivided township and consists of a lot number and a concession number.			Part and Reference: used to indicate location within unorganized territory, and consists of a part and a reference plan number indicating the location within that plan. Attach copy of the plan.		
Lot	Conc.	Part	Reference Plan		
Location Information (<i>includes any additional information to clarify physical location</i>)(e.g. municipality, ward/ township)					
Geo Reference (<i>e.g. southwest corner of property</i>) southeasternmost Turbine (T21)					
Map Datum	Zone	Accuracy Estimate	Geo Referencing Method	UTM Easting	UTM Northing
NAD 1983	Zone 17N	+/- 1m	GPS	562339.144	4892554.451

Project Phasing (<i>outline construction, operation and decommissioning activities</i>)
<p>Please see Tables 3 and 4 of the draft Project Description Report for an outline of project phasing. More detail is provided in the draft Construction Plan Report, draft Design and Operations Report and draft Decommissioning Plan Report</p>

1.2 - Environmental Context
Describe any negative environmental effects that may result from engaging in the project (<i>consider construction, operation and decommissioning activities.</i>)
<p>Please refer to Section 8 of the draft Design and Operations Report and the Sections 8 -12 of the Natural Heritage Assessment draft Environmental Impact Statement.</p>
Propose early avoidance/prevention/mitigation concepts and measures.
<p>Please refer to Section 8 of the draft Design and Operations Report and the Sections 9 -12 of the Natural Heritage Assessment draft Environmental Impact Statement.</p>

1.3 - Renewable Energy Generation Facility

Type of Facility / Operation (select all that apply & complete all appropriate sections)

<input checked="" type="checkbox"/> Wind Facility (Land Based)	<input type="checkbox"/> Biofuel Facility
<input type="checkbox"/> Wind Facility (Off-Shore)	<input type="checkbox"/> Solar Photo Voltaic Facility
<input type="checkbox"/> Biogas Facility (Anaerobic Digesters)	<input type="checkbox"/> Other Describe :
<input type="checkbox"/> Biomass Facility (Thermal Treatment)	<input checked="" type="checkbox"/> Class (if applicable) : Class 4 Wind Facility

Name Plate Capacity	Expected Generation	Service Area	Total Area of Site (hectares)
100 MW	99.1 MW	Fed into Provincial Grid	Approx 3000 ha

Provide a description of the facilities equipment or technology that will be used to convert the renewable energy source or any other energy source to electricity.

The source of renewable energy that will be used to generate electricity will be the kinetic energy of the wind which will be converted into mechanical power and then into electricity via a generator.

1.4 – Renewable Energy Generation Activities

Describe the activities that will be engaged in as part of the renewable energy project

See attached Project Description Report for details

Section 2 – Supporting Documents

2.1 – Requirement	Name of Draft documents distributed for consultation	Date available to Municipal or Local Authority Contact
DRAFT Project Description Report	Same as previous column for all	All reports distributed on February 24, 2012
DRAFT Design and Operations Report		
DRAFT Construction Plan Report		
DRAFT Decommissioning Plan Report		
List of other Documents		
-Draft Wind Turbine Specifications Report		
-Draft Water Assessment Report		
-Draft Water Body Report		
Draft Natural Heritage Assessment		
-Draft Records Review Report		
-Draft Site Assessment Report		
-Draft Evaluation of Significance Report		
-Draft Environmental Impact Statement		
-Draft Noise Study Report (Appended to Design and Operations Report)		
-Archaeological and Cultural Heritage Assessments (Appended to Construction Plan Report)		
-Draft Geotechnical Report (Appended to Construction Plan Report)		

Location where written draft reports can be obtained for public inspection (physical location for viewing and applicants project website if one is available):

On March 16th 2012, DWP will release the drafts documents (listed above) on the project website (forthcoming) and at municipal offices for public review.

Section 3 – Applicant Address and Contact Information

3.1 - Applicant Information (Owner of project/facility)				
Applicant Name (legal name of individual or organization as evidenced by legal documents)			Business Identification Number	
Dufferin Wind Power Inc.			657593	
Business Name (the name under which the entity is operating or trading - also referred to as trade name)			<input checked="" type="checkbox"/> same as Applicant Name	
Civic Address- Street information (includes street number, name, type and direction)			Unit Identifier (i.e. apartment number)	
TD Canada Trust Tower, 161 Bay St, Toronto, ON M5J 2S4			Suite 4550	
Survey Address (Not required if Street Information is provided)				
Lot and Conc.: used to indicate location within a subdivided township and consists of a lot number and a concession number.		Part and Reference: used to indicate location within an unsubdivided township or unsurveyed territory, and consists of a part and a reference plan number indicating the location within that plan. Attach copy of the plan.		
Lot	Conc.	Part	Reference Plan	
Municipality	County/District	Province/State	Country	Postal Code

PART B: TO BE COMPLETED BY THE MUNICIPALITY OR LOCAL AUTHORITY

Section 4 - Municipal or Local Authority Contact Information (check the one that applies)

Local Municipality (include each local municipality in which project location is situated)					<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Name of Municipality	Address	Phone	Clerk's Name	Clerk's Phone/Fax	E-Mail Address	
Melancthon Twp. of Melancthon	157101 Hwy 10 RR 6 Shelburne	5199255525	Denise Holmes	5199255525	dholmes@melancthon.ca	
Upper Tier Municipality (include each upper tier municipality in which project location is situated)					<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Name of Municipality	Address	Phone	Clerk's name	Clerk's Phone/Fax	E-Mail Address	
					township.ca	
Local roads area (include each local roads area in which project location is situated)					<input type="checkbox"/> Yes	<input type="checkbox"/> No
Name of local roads board	Address	Phone	Secretary-treasurer's Name	Secretary-treasurer's Phone/Fax	E-Mail Address	
Board Area (include each board area in which project location is situated)					<input type="checkbox"/> Yes	<input type="checkbox"/> No
Name of Local Service Board	Address	Phone	Secretary's name	Secretary's Phone/Fax	E-Mail Address	

Section 5: Consultation Requirement

5.1 - Project Location
Provide comment on the project location with respect to infrastructure and servicing.
There are no infrastructure or servicing requirements for this project beyond those discussed in the following sections or in the attached letter to Mr. Drummond, including those relating primarily to the impacts on the local
5.2 - Project Roads (continued on reverse)
Provide comment on the proposed project's plans respecting proposed road access.
The plans are not detailed and some are incomplete. A municipal agreement is required prior to construction.
Identify any issues and provide recommendations with respect to road access
Need to finalize transmission route, provide existing utility information, choose cable routes, inventory road conditions and provide turbine delivery and routing for some turbines.
Provide comment on any proposed Traffic Management Plans
Traffic was not addressed in detail. We have concluded that there will be no road closures.
Identify any issues and provide recommendations with respect to the proposed Traffic Management Plans
A Traffic Management Plan has not been provided and one should be prepared and approved by the Township before the project is approved. The vague statement in the Project Description Report that "DWP will consult with all municipalities....to determine the need for a Traffic Management Plan for the construction phase of the project" is not satisfactory.

5.1 - Cont

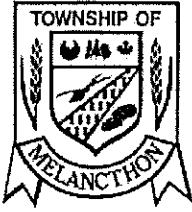
road system in terms of increased traffic including construction related equipment, and accomodating project related transmission lines.

5.3 – Municipal or Local authority Service Connections
Provide comment on the proposed project plans related to the location of and type of municipal service connections, other than roads. Not applicable.
Identify any issues and provide recommendations with respect to the type of municipal service connections, other than roads.
5.4 – Facility Other
Identify any issues and recommendations with respect to the proposed landscaping design for the facility Landscaping Design was not provided.
Provide comment on the proposed project plans for emergency management procedures / safety protocols. Rather general information was provided by the applicant and nothing that could be considered as a fully operational safety protocol. These procedures and protocols must include provisions for immediate Township notification of emergencies and situations affecting or potentially affecting public safety.
Identify any issues and recommendations with respect to the proposed emergency management procedures / safety protocols. (cont. on reverse) See the response immediately above.
Identify any issues and recommendations with respect to any Easements or Restrictive Covenants associated with the Project Location We are not aware of any easements or restrictive covenants relating to the project location and the applicant has not indicated the presence or location of any or the intent to implement any. If the applicant provides further information on this, we ask for the opportunity to comment on that new information.
5.5 Project Construction
Identify any issues and recommendations with respect to the proposed rehabilitation of any temporary disturbance areas and any municipal or local authority infrastructure that could be damaged during construction. See attached letter.
Identify any issues and recommendations with respect to the proposed location of fire hydrants and connections to existing drainage, water works and sanitary sewers Not applicable.
Identify any issues and recommendations with respect to the proposed location of buried kiosks and above-grade utility vaults None proposed in municipal right of way.

Continued from front

Conversely, methods should also be in place for the Township, residents and the public to quickly notify the operators of any observed existing or potential emergency or safety related situations.

Identify any issues and recommendations with respect to the proposed location of existing and proposed gas and electricity lines and connections
Existing utilities were not inventoried. Proposed locations have not been submitted.
Provide comment on the proposed project plans with respect to Building Code permits and licenses.
Administered by the Upper Tier.
Identify any issues and recommendations related to the identification of any significant natural features and water bodies within the municipality or territory.
See attached letter.
Identify any issues and recommendations related to the identification any archaeological resource or heritage resource.
None.



Corporation of the Township of Melancthon

Moved by "D. White"

Seconded by "John Crowe"

Date July 19, 2012

Be it resolved that:

Whereas, the Council of the Corporation of the Township of Melancthon passed a motion on February 4, 2010 requesting the Government of the Province of Ontario place a moratorium on the approval of wind farms until issues regarding property values and health issues were resolved. And further, that motion asked the Premier to keep his election promise and appoint an Ombudsman to investigate health issues.

And Whereas, the Council of the Corporation of the Township of Melancthon passed a motion on March 24, 2011 petitioning that the MOE and the medical officer of health conduct a study on the potential health effects of industrial wind farms.

And Whereas, both of those motions have been ignored by the Provincial Government and no response or acknowledgment received.

And Whereas, Health Canada has recently announced that the Federal Government will conduct a study on the potential health effects of industrial wind farms;

Therefore be it resolved that the Council of the Corporation of the Township of Melancthon demands that the Premier and the Minister of Energy, suspend approvals of any industrial wind farm projects until the results of the study conducted by Health Canada is done and those results are made public so conclusive evidence, pro or con, can be determined regarding impacts to public health.

Recorded Vote

Yea

Nay

Mayor Bill Hill

Deputy Mayor Darren White

Councillor John Crowe

Councillor Janice Elliott

Councillor Nancy Malek

Carried/Lost:

"Bill Hill"

MAYOR



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Hwy. 10, R.R. # 6, Shelburne, Ontario, L0N 1S9

Telephone - (519) 925-5525

Fax No. - (519) 925-1110

Website: www.melancthontownship.ca

Email: info@melancthontownship.ca

Denise B. Holmes, AMCT
CAO/Clerk-Treasurer

July 17, 2012

Ministry of the Environment
4th Floor, 135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Attention: Marcia Wallace, Director, Modernization of Approvals Project

Dear Ms. Wallace

Re: Your letter dated July 16, 2012 to Mark Davis, Chair Multi-Municipal Wind Turbine Working Group

I read with interest your response to Mr. Davis. I was quite surprised that as Mayor of a Municipality with 118 turbines plus another 49 proposed for our Township, as well as 32 more in our neighbouring Municipalities of Amaranth and East Luther Grand Valley, that the County of Dufferin was excluded from Health Studies being conducted.

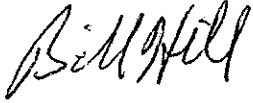
You indicated that your Ministry is funding the Chair in Renewable Energy Technologies and Health at the University of Waterloo which will be conducting studies on the potential health effects of wind turbines on residents living in Haldimand and Norfolk area as well as Bruce County.

Our Township has passed motions that have been ignored by your Ministry and the Government requesting Health Studies be conducted. We are also aware that our neighbours in Amaranth Township have had various discussions with your Ministry regarding health issues of their citizens.

... 2

Therefore, the Council of the Corporation of the Township of Melancthon urges and sincerely requests that you expand the Health Studies being conducted to include the County of Dufferin and, in particular, the Township of Melancthon.

Respectfully,

A handwritten signature in black ink that reads "Bill Hill". The signature is written in a cursive style with a large, prominent "B" and "H".

Bill Hill

Mayor

- c. Don MacIver, Mayor - Township of Amaranth
- John Oosterhof, Mayor - Township of East Luther Grand Valley
- Sylvia Jones, MPP - Dufferin Caledon
- Doris Dumais, Ministry of the Environment
- Agatha Garcia-Wright, Ministry of the Environment
- Mirrun Zaveri, Ministry of Natural Resources
- Suzanne Rowe Knight, Ministry of Tourism, Culture and Sport
- Premier Dalton McGuinty