

Appendix B

MNR Class EA Correspondence

Class Environmental Assessment for Access Road Upgrades and Construction of 3 Spur Roads Bow Lake Phase 1 Wind Farm

SUMMARY OF PUBLIC COMMENTS AND RESPONSES



A DIVISION OF TULLOCH ENGINEERING INC.

Prepared by:

Great Lakes Environmental Services

A Division of Tulloch Engineering Inc.

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Contents

General Comments Regarding Tourism and Natural Heritage	1
General Comments Regarding Green Energy and Wind Power Facilities	5
Specific Comments Regarding Wildlife and Rare Plant Species.....	7
Specific Comments Regarding Process	12

General Comments Regarding Tourism and Natural Heritage

Comment:

"I have purchased property in the area of Annie Lake within the last five years to enjoy the natural beauty and wildlife that exist here. I was born and raised in Sault Ste. Marie and I do not support the government, private companies or any other interested parties that wish to dictate what we should be doing in Northern Ontario with our natural resources.

It is time to say No and look after our own interest in the north."

Comment:

"The proposed wind turbines will pose a threat to the countless wildlife species that inhabit the area. Here lies the largest body of fresh water on this planet and the most pristine wilderness. We must preserve its natural beauty and wildlife habitat. We are all intrinsically connected to nature and our very lives depend on it.

I therefore, submit my opposition to the construction and destruction of our great wilderness that has become famous through the paintings of the Group of Seven."

Comment:

"Today's economy such as it is, in the Sault and along the shore of Superior is built on tourism - wilderness tourism - parks, coastal hiking trails, 'Voyageur Trail', cross country skiing, snow mobiling and snow shoeing, canoeing, kayaking, rock climbing, summer residents - and the infrastructure of motels, cabins, restaurants and suppliers who support it. Wind turbines, are not compatible with wilderness. They are noisy and they vibrate. They kill birds and bats. They flash lights. They certainly do not blend into a 'bush' environment. They are surrounded by fences and locked gates. Why would a tourist camp at Crescent Lake Park, beneath a whirling wind turbine built on a prominence 3.5 km away?

We will gain nothing from your proposed developments. In fact, we have everything to lose. Please build your wind turbines where they are needed and wanted. Perhaps in your backyard."

Comment:

"This is an area of great natural beauty that provides one of the few reasonably accessible areas in which people can get away from civilization to experience the natural beauty of Ontario.

That it is the inspiration of much of the work of the Group of Seven makes it even more precious. I find it extremely difficult to imagine a Group of Seven landscape including huge towers with spinning vanes having the impact on the Canadian psyche that their works have had. What a shame it would be for future generations to wander the shores of Lake Superior and the trails of Lake Superior Park only to look up and see industrial power generators or flashing lights rather than the magnificent landscapes those artists saw!

Tourism and the potential for tourism based on the Group of Seven are major resources for the area and should not be compromised. I can understand that people from Southern Ontario want power supplies that simply show up (so they don't have to look at them or deal with them in any way) and don't cost too much, but this is not the way to provide them. Even those from Southern Ontario who come to the Algoma region for its beauty will be sad to find that their easily-accessible power has taken from them the capacity to experience the Lake Superior region without industrial installations ruining the experience.

The amount of power that can be delivered to the large users in Southern Ontario, after taking into account the vagaries of wind and transmission losses, is very small compared to the loss, both psychological and economic, to the Algoma region.

PLEASE stop any further development of these towers and the associated scarring of the landscape with access roads."

Comment:

"I am writing to express my strong objections to the Bow Lake Wind Farm and the advance preparatory work that has been proposed. This project cannot yet have been approved yet permission is being sought to forever destroy the magnificent natural splendor of this area on the Heritage Coastline of Lake Superior. Furthermore, these proposed roads etc. will obliterate an area of enormous cultural significance for Canada. It is in these Algoma Highlands that the Group of Seven found their inspiration and it is their vision that has been the foundation of our Canadian identity. How tragic that this will be destroyed in order to produce cheap power that will frequently be sold AT A LOSS to the United States because Ontario has excess power. Furthermore, this power is being developed and paid for by the people of Ontario through exorbitant rates for electricity. These high rates have in turn forced manufacturing companies to cease operations because they cannot be competitive. Since businesses in Northern Ontario are being shuttered by the Green Energy Act not to speak of other abuses by the Toronto-centric myopia of our provincial government, one of the few areas for growth, is tourism. However, the industrialization of one of the most pristine and magnificent areas of Canada, namely the north shore of Superior, will effectively destroy that possibility as well. Who will pay thousands of dollars to fly to Northern Ontario to paddle their kayak or hike through the wind turbines? I have recently returned from the French Riviera. The Mediterranean coastline has not been has not been pock marked by wind turbines. They have other values besides the pursuit of profit. Beauty itself is valuable; it does not need to generate cash flow. It is remarkable that the provincial government has not felt it was necessary to fill the Toronto Harbour with 500 feet tall industrial turbines. Why is that? It would spoil the scenic beauty perhaps? The citizens of Toronto would vote them out of office? The thought of massive clear cut roadways to accommodate giant cranes and heavy earth moving equipment being slashed across the historic and ancient face of the Canadian shield sickens me. This must be stopped before our heritage is gone forever. The world was outraged when the Taliban blew up the giant Buddhas in Afghanistan. Will we too not pause and reflect on what we are doing before it is too late? Will we too rush ahead and destroy this natural wonder crafted by millions of years of nature's work and entrusted to us for a few shekels of silver? Short term gain for long term pain. We deserve better."

Comment:

*"I am totally against this destruction of our forests and natural resources.
How about putting the wind towers along the windy rolling hills between Toronto and Barrie?
The construction, transportation and engineering costs would be drastically cut in half.
Why is our government selling electricity out of province cheaper than we taxpayers are paying wind and solar farm operators to produce it?"*

Comment:

*"The cost of power is high enough now.
No more towers especially along our beautiful Lake Superior and the interior of the Algoma district, the price to produce this kind of power is to high. Put them somewhere that people don't mind looking at high towers and telephone poles sticking out of the lake like the water front in Toronto and protect the natural environment and nature of the north."*

Comment:

"The locations outlined on the map included in the notice are all situated in a part of Canada that our province and/or nation should protect because of the area's extreme natural beauty and uniqueness. The region north of Sault Ste. Marie is amongst the most beautiful natural areas in Canada, unique due to its proximity to the largest Great Lakes Environmental Services, a Division of Tulloch Engineering

lake in the world and as such deserves recognition and protection, not road work activities that have a strong potential to lead to destroying that which we should protect. The drive along the Trans Canada Highway between Sault Ste. Marie and Wawa is one of the most spectacular in Canada if not the world. It's the abundance of water, trees and hills that make it so beautiful. It goes against the grain to prepare the area for industrialization and subsequent destruction of the landscape. This is the landscape enjoyed by tourists and locals alike, not only from the highway but also from the Agawa Tour Train and Lake Superior Park and so on. If I'm not mistaken the Group of Seven artists appreciated it also for its beautiful landscape. This is a landscape we should treasure, not industrialize."

Response:

The construction and operation of the wind turbines and electrical infrastructure associated with Phase 1 and Phase 2 of the proposed Bow Lake Wind Farm is being evaluated under the Ministry of the Environment's ("MOE") Renewable Energy Approval ("REA") process. Within the studies completed as part of the REA, the potential effects of the Bow Lake Wind Farm on tourism, landscape visibility and the use of the general area by the Group of Seven artists are evaluated and discussed in detail. In the coming months, these technical reports will be made available for public comment and additional opportunity for public comment will be provided. These public comment opportunities will be publicly advertised. Your contact information has been added to the stakeholder contact lists for Phase 1 and Phase 2 of the Bow Lake Wind Farm to ensure that you receive all future notices under the REA process.

The works proposed under the Class EA Bow Lake Phase 1 Wind Farm Access Road Upgrades will not be undertaken until the REA analysis is complete and the corresponding decision is rendered by the MOE.

The scope of this public notification is restricted to the Class EA for Bow Lake Phase 1 Wind Farm Access Road Upgrades. We would like to let you know that all proposed Class EA works have been subject to a Natural Heritage Assessment under the Ministry of Natural Resources (MNR) Class EA for MNR Resource Stewardship and Facility Development Projects. This process is designed to identify and assess effects upon species at risk, rare species and significant habitat that could be found in the area. As part of the process, field investigations for natural heritage and archaeological heritage were completed and mitigation measures intended to minimize impacts to natural and cultural heritage will be implemented.

Some of the proposed mitigation measures include:

- Clearing of trees and vegetation will be minimized wherever possible to minimize effects on wildlife habitat. Vegetation disturbed during the work will be re-established using an appropriate native seed mix or plantings.
- A pre-clearing field inspection will be performed for rare flowering plant species at the locations of the planned road upgrade areas during the appropriate season. If any rare flowering plant species are found, the MNR will be contacted immediately to determine a satisfactory course of action.
- Clearing of trees and vegetation will not occur during the critical breeding periods for migratory birds and raptors unless a pre-clearing check for birds and active nests is completed by a qualified avian specialist or biologist. If a species or nest protected under the Endangered Species Act, Migratory Birds Convention Act or the Fish and Wildlife Conservation Act is identified during the pre-clearing check, the Canadian Wildlife Service or the MNR will be contacted immediately to determine a satisfactory course of action.
- MNR in water work timing restrictions (Sept. 1 – June 15) will apply to work within a waterbody to avoid any impacts to spawning fish utilizing the stream.

- Oval-leaved bilberry (ranked S3 by the MNR) is a species identified in three of the proposed upgrade areas. This species will be transplanted to similar habitat to protect it from construction activities. The transplant procedure includes tending of the plants until they have established in their new habitat.
- An erosion and sediment control plan will also be implemented. The overall objective of the plan is to prevent soil erosion and the subsequent introduction of disturbed soil particles in the identified waterbodies.

For a full listing and explanation of the proposed mitigation measures please refer to the Class Environmental Assessment for Access Road Upgrades and Construction of 3 Spur Roads, Bow Lake Phase 1 Wind Farm and Draft Project Description Report, which can be found on the DP Energy website (www.dpenergy.com). With the implementation of these mitigation measures, negative effects of the proposed road upgrades and spur roads on the natural environment are anticipated to be minimized to a significant degree.

Report Update: Added wording to Page 1 clarifying references for REA process.

General Comments Regarding Green Energy and Wind Power Facilities

Comment:

Wind turbines on the North Shore of Lake Superior? How dare you. This shoreline is one of, if not the greatest, in the world.

We provide many times our share of electricity from our rivers from Sault Ste Marie to Thunder Bay. This wind turbine farm is about a few persons making money at our expense. Enough.

Comment:

I am opposed to the Bow Lake Industrial wind turbine development and to having my electricity bill cover the costs of excess generation. Please revisit the green energy act and amend it to keep more dollars in Ontario and improve safe guards to the environment. If we are over producing power we probably have time to conduct meaningful environmental assessments. I believe generation located close to the user (ie rooftop solar), with low visual impact is a great idea. I believe cutting down large tracts of forest to build large windmills hundreds of kilometers from the user will only lead to cutting down larger tracts of forest to build more transmission lines.

Comment:

... The Auditor General 2011 Report on renewable energy found:

Although the Ministry consulted with stakeholders in developing the supply-mix directives, the LTEP, and the Green Energy and Green Economy Act, billions of dollars were committed to renewable energy without fully evaluating the impact, the trade-offs, and the alternatives through a comprehensive business-case analysis. Specifically, the OPA, the OEB, and the IESO acknowledged that:

- no independent, objective, expert investigation had been done to examine the potential effects of renewable-energy policies on prices, job creation, and greenhouse gas emissions; and*
- no thorough and professional cost/benefit analysis had been conducted to identify potentially cleaner, more economically productive, and cost-effective alternatives to renewable energy, such as energy imports and increased conservation....*

Comment:

What about the turbines that have fallen over or that have had blades fly off? Just Google "wind turbines fell over" to get an idea of the safety of these things. It seems that some accidents are happening because there is too much wind, and the turbines cannot handle that. Hmmm... how brisk is the wind at Bow Lake? What about lightning strikes which are common problems?

Comment:

Neither your company nor any other would be on Ontario's doorstep if the Ontario taxpayers weren't underwriting the massive subsidies for producing power that we already have a surplus of. When the subsidies dry up, your company along with all others will leave landscapes like the Lake Superior coast a wasteland of these industrial towers with their road systems and millions of tons of concrete footings, loss of wildlife habitat and huge loss of pristine ecological and tourism value.

Large Scale industrial wind turbine projects purport to provide green energy. What a fallacy this is.

First of all this project at Bow Lake is being situated far, far from where the power is being consumed.

Local businesses and industries and consumers do not derive benefit from this power.

On the contrary, everyone working in electrical generation that is networked by a North American grid knows that your industrial wind project will require backup from other sources of power like gas. This is not efficient. It is

wasteful and expensive. We already have a surplus of hydro electricity which, with dam retrofitting and a serious conservation of energy plan, would provide affordable electricity for Ontario citizens.

Industrial wind turbine projects like yours never reveal the full environmental cost through actual loss of forest, massive concrete production, irreparable negative effects upon the animals, bird and bat populations among other detrimental effects.

Response:

Although not part of the proposed access road upgrade works or geotechnical works, your concerns related to the Green Energy Act are noted and recorded as part of this consultation process. As you may be aware, the construction and operation of the wind turbines and electrical infrastructure associated with Phase 1 and Phase 2 of the proposed Bow Lake Wind Farm is being evaluated under the Ministry of the Environment's ("MOE") Renewable Energy Approval ("REA") process. In the coming months, technical reports associated with this process will be made available for public comment and additional opportunity for public comment will be provided. These comment opportunities will be publicly advertised. Your contact information has been added to the stakeholder contact lists for Phase 1 and Phase 2 of the Bow Lake Wind Farm to ensure that you receive all future notices under the REA process.

The works proposed under the Class EA Bow Lake Phase 1 Wind Farm Access Road Upgrades will not be undertaken until the REA analysis is complete and the corresponding decision is rendered by the MOE.

Report Update: Added wording to page 1 of report clarifying reference to the REA process.

Comment:

The information provided by GLES on page 1 of their Class Environmental Assessment for Access Road Upgrades and Construction of 3 Spur Roads Bow Lake Phase 1 Wind Farm Draft Project Description Report they state that "The Bow Lake Wind Farm will be completed in two phases. Phase 1 will include the installation of 12 General Electric ("GE") 1.6-100 model turbines representing a total nameplate capacity of up to 19.44 MW. Phase 2 includes the installation of 24 GE 1.6-100 model turbines representing a total nameplate capacity of up to 38.88 MW." However in their Draft Wind Turbine Specifications Report, a document which was submitted to the MOE and was part of the public consultations DP Energy held as part of the requirements to fulfill their REA application, DP Energy and M.K. Ince specify that the project will use 36 Siemens SWT-2.3-101, which are 2.3MW nameplate capacity IWT (Industrial Wind Turbines) for a total project nameplate capacity of 82.8MW. Either GLES is not sufficiently familiar with the project, which casts in doubt the thoroughness and correctness of the work performed for this Class Environmental Assessment for Access Road Upgrades and Construction, or the proponent has misinformed the public, or failed to inform the public of substantive changes to the project, as required under the REA. This may seem like a minor point, however the differences and impacts are significant.

Response:

The turbine specifications provided within the introduction of the Class EA Project Description Report are the most up to date design for the Bow Lake Wind Farm. As the project design advanced and technical assessments were completed, the turbine model was changed. In accordance with the requirements of the REA regulation, the specifications of the General Electric 1.6-100 will be documented in the REA documentation that will be made available in the coming months for public comment as part of the REA public consultation requirements for the Bow Lake Wind Farm.

Report Update: None.

Specific Comments Regarding Wildlife and Rare Plant Species

Comment:

Cutting of mature White Pines, and other tall canopy trees in the vicinity of the dump will reduce the number of resting sites for eagles. This could reduce the number of eagles that are able to use the site.

Heavy and/or continuous traffic on the new road next to the dump and/or road construction in the vicinity of the dump is likely to disturb both the feeding and resting activities of bald eagles.

Response:

The proposed Dump Road will be located approximately 30 m south of the waste disposal property. To accommodate the required width of the road, trees (including some of the super canopy white pine) will need to be removed. It is expected that this 30 m of forested area between the waste disposal property and the road, in addition to surrounding forest (north, east and west of the waste disposal site) will continue to provide adequate roosting sites for the feeding eagles. Particularly, the west side of Highway 17 (across from the waste disposal site) has a large number of super canopy white pines suitable for roosting eagles. These trees will not be removed during the required Dump Road upgrades. During the Dump Road construction, tree and vegetation removal will be kept to the minimum required for the road construction and associated ditching and sightlines.

At the time of our site visit, no eagle nests were observed within the vicinity of the Dump Road, however due to the observed eagle activity, it is possible that eagles could eventually decide to nest in the immediate area. The Algoma Forest 2010-2020 Forest Management Plan Operational Prescriptions for Areas of Concern (AOC) recommends that harvesting, renewal, and tending of trees not occur in potential eagle nesting areas during their critical breeding periods (01 March – 31 July), which also coincides with the breeding period for other migratory birds (09 May – 08 August).

Accordingly, and to the extent possible based on the timing of permits and approvals for construction, the recommended clearing window for the Dump Road is September to February. In the event that clearing is required within this period, a qualified biologist will complete a nest survey of the road right-of-way prior to clearing activities to ensure that eagle nests or migratory bird nests are not present.

During the construction phase of the Bow Lake Wind Farm, the Dump Road will be the primary Highway 17 access point to the site. There will be increased traffic in the area for the duration of the construction phase (approximately 18 months). During this phase the eagles feeding habits may be temporarily and intermittently affected by variable levels of Dump Road traffic, but it is expected that they will eventually habituate to the increased Dump Road traffic, as they have similarly become used to the Highway 17 traffic. Since the Dump Road is the main access point for the Bow Lake site, and given the construction schedule required to meet the contractual in-service dates for the Bow Lake Wind Farm, traffic will be required to continue to use the Dump Road during November and December. The proponent will be enforcing a site speed limit during the course of construction which will help to minimize the disturbance to the feeding eagles.

Upon completion of the construction phase, the Dump Road traffic will become less frequent and traffic levels will be only slightly higher than present. Thus any effects to eagles feeding at the waste disposal site are expected to be temporary and short term.

Report Update: None.

Comment:

*There is no mention of salamanders in either the M.K Ince or the GLES documents, yet it is well known that there are 4 species which inhabit the area, Eastern Newt *Notophthalmus viridescens*, Eastern Redback Salamander *Plethodon cinereus*, Blue-spotted Salamander *Ambystoma laterale*, and the Spotted Salamander *Ambystoma maculatum*. While these species are not necessarily rare or endangered in Ontario, they are at, or nearing, the extent of their range and are thus significant populations. The assumption that anything not rooted will relocate to equally suitable habitat in the area may or may not be correct and would need to be substantiated with field studies. Salamanders in particular are vulnerable to habitat disruption and introduced chemicals. That Salamanders are not considered seems to imply further deficiencies in this EA.*

Response:

Amphibians and amphibian habitat, including that of salamanders, was considered during field investigations. No significant amphibian habitat, as outlined in the *Significant Wildlife Habitat: Technical Guide* (SWHTG) (OMNR 2000) was noted within 120 m of the proposed Class EA works.

Report Update: Added, "While not observed during field surveys, there is potential for wet areas to support amphibian habitat. However, these wet areas were small in size, ephemeral and would not be significant breeding habitat for amphibians based on criteria in Appendix Q of the SWHTG."

Comment:

The procedure with respect to nesting Eagles and Raptors appears, at first glance, reasonable. However it also appears to be in violation of the Endangered Species Act Clause 10(1)(a) of the ESA states that "No person shall damage or destroy the habitat of a species that is listed on the Species at Risk in Ontario list as an endangered or threatened species" and Clause 17 which requires a Ministerial permit to kill, harm or harass for activities where adverse effects to endangered or threatened species at risk or their protected habitat cannot be avoided.

Nesting sites are defined as habitat and thus the proponent needs to apply to the Minister for a permit under the ESA before submitting its application for permission to carry out this work.

While the Northern Goshawk is not on the OSAR list and thus not protected under the ESA, it and its nests are protected under the Migratory Bird Treaty Act and it is also illegal under this Act to disturb the nest of any native bird without a permit.

Given the experience with the rock scaling work performed by an MTO subcontractor last summer, which resulted in the destruction of a Peregrine nest on Mica Bay, the procedure outlined by GLES to protect nests is inadequate.

The proponent must be required contract with a qualified biologist to perform a careful survey of the proposed road works, prior to workmen or equipment mobilizing on to the site, in order to ensure that no migratory bird nests are present in the area or within 200 meters of the area.

This is the only way to ensure that nesting sites are protected, especially if clearing activities are undertaken during the nesting season when the alarm of the parents will attract crows, ravens and other predators to the migratory bird nest. Should migratory bird nests be found the MNR must be contacted to ensure that adequate mitigation procedures are implemented.

The GLES procedures lack a requirement for independent surveillance & quality control to ensure compliance and correct implementation, without which these procedures are incomplete.

Response:

The mitigation measures for migratory birds and raptors proposed within the report can be summarized as follows:

Clearing of trees and vegetation will not occur during the critical breeding periods for migratory birds and raptors unless a pre-clearing check for birds and active nests is completed by a qualified avian specialist or biologist approved by the MNR. If a species or nest protected under the Endangered Species Act (ESA), Migratory Birds Convention Act (MBCA) or the Fish and Wildlife Conservation Act (FWCA) is identified during the pre-clearing check, the Canadian Wildlife Service or the MNR will be contacted immediately to determine a satisfactory course of action.

We would like to point out that bald eagle is listed as a species of special concern under the ESA. Under the ESA, habitat protection is provided to species listed as endangered or threatened. Other raptors that may occur in the area of investigation including Northern goshawk and broad-winged hawk are not listed as federally or provincially threatened or endangered. Raptors are protected under the FWCA, rather than the MBCA. If a raptor nest is found within the area of proposed work, the MNR would need to be consulted, rather than the Canadian Wildlife Service. The mitigation described within the Class EA and summarized above describes this course of action.

The pre-clearing check will be conducted by an avian specialist or biologist. As a means of quality control, the avian specialist or biologist will be experienced in the identification of birds and their nests and approved by the MNR. Also provided in the mitigation measures are species specific recommended buffer areas; Areas of Concern (AOC) for each species. Nests will be searched for in these buffer areas prior to clearing any trees to ensure that their nests and the critical habitat surrounding the nests are adequately protected. The species specific AOC prescriptions are outlined in the Algoma Forest 2005-2025 Forest Management Plan (Clergue 2005). These AOCs are also explained in the MNR's Forest Management Guide for Conserving the Biodiversity at the Stand and Site Scales (OMNR 2010). In the event that a nest is found, the MNR will be contacted to discuss required protections before work commences.

Report Update: None.

Comment:

Concerns regarding commercial hunting operations (phone call)

Response:

The effects of the proposed works on hunting operations were considered within the Class EA. Specific to the works described in the Class EA, if the proposed construction extends into September, hunting may be temporarily affected in the immediate vicinity of the work areas. These potential effects would be limited to the duration of construction activities and affect the areas immediately surrounding the work areas. The proposed road improvements will not reduce the accessibility of the area for hunting activities.

Additionally, the area of proposed works was evaluated for significant wildlife habitat, consistent with the Ontario Ministry of Natural Resources' (OMNR) Significant Wildlife Habitat Technical Guide (OMNR 2000).

No significant wildlife habitat, including that of bear, moose, deer or waterfowl, was observed within the Great Lakes Environmental Services, a Division of Tulloch Engineering

study area and as such, it is anticipated that the impacts of the proposed works on game species in the area will be negligible.

Report Update: None.

Comment:

In their Bow Lake Wind Farm Phase 1 DRAFT Natural Heritage Environmental Impact Study Report, December 3, 2010, prepared by M. K. Ince, DP Energy state that:

"2 IMPACTS TO RARE PLANTS

The Bow Lake Wind Farm Natural Heritage Evaluation of Significance Report identifies two rare plant species that occur within 120 m of the Project Location. In four locations, Oval-leaved Bilberry was found within the Project Location. At locations H, K, P and R as indicated in the Project Site Plan instances 90 metres, 49 metres, 44 metres and 104 metres from the Project Location were identified. Braun's Holly fern was noted at one location (location S in the Project Site Plan), 120 metres from the Project Location. At this distance neither species would be near enough to be impacted directly by clearing for access roads or turbine laydown areas."

This statement is in direct contradiction to statements made in the document Class Environmental Assessment for Access Road Upgrades and Construction of 3 Spur Roads Bow Lake Phase 1 Wind Farm Draft Project Description Report, provided by Great Lakes Environmental Services, as well as a letter dated March 23, 2012 from Angela Keefe, wherein it is categorically stated that oval-leaved bilberry will be impacted by the proposed roads and that these impacts will require mitigation. Furthermore in their Bow Lake Wind Farm Phase 1 DRAFT Natural Heritage Environmental Impact Study Report, December 3, 2010, prepared by M. K. Ince, DP Energy acknowledges the existence of Braun's Holly Fern, a species not mentioned by Great Lakes Environmental Services, is this because there are none to be found in the areas of proposed road work or because they were missed during the literature review upon which GLES seems to have, in part, based their EA?

Response:

As detailed in the Project Description section of the Bow Lake Wind Farm Phase 1 DRAFT Natural Heritage Records Review Report (MKI 2010)(available at www.dpenergy.com), existing multi-use roads will be evaluated under a Class EA submitted to the MNR. Therefore the REA and MNR Class EA processes are complimentary in their assessment of potential effects to oval-leaved bilberry as they reference two distinct project locations and two distinct scopes of proposed work.

Report Update: None.

Comment:

The mitigation and transplant procedures detailed for the oval-leaved bilberry do not cite any peer-reviewed studies supporting the assumption that these procedures are adequate and sufficient to preserve the plants endangered by the proposed roadwork. The MNR apparently required similar mitigation and monitoring procedures of Brookfield Energy in 2007 after it built the Prince Wind Farm. To what extent was this transplant procedure successful and what percentage of the transplanted plants still live today? Transplantation of wild oval-leaved bilberry to achieve long-term survival is difficult. The maximum two year monitoring is insufficient to determine whether the MNR-sanctioned procedures result in long term survivability of the plants.

The mitigation procedures triggered by a survival rate of less than 85% of the transplanted v. ovalifolium is also problematic in that it introduces cultivated strains of v. ovalifolium to the area. While it could be argued that this

Great Lakes Environmental Services, a Division of Tulloch Engineering

increases the genetic diversity of the plant in the area, in reality it decreases the overall depth of the genetic pool. Furthermore the cultivar, not having evolved in the area is likely to be less well adapted to the habitat and thus less likely to survive.

Response:

Your comments regarding the oval-leaved bilberry relocation procedure, in terms of long term monitoring, contingency plan and potential introduction of cultivated strains of oval-leaved bilberry have been noted. This procedure is currently in the draft stages and we will ensure that your comments are considered as we finalize this procedure with the MNR. Ideally, if the contingency plan is implemented, plants will be cultivated from seeds harvested from oval-leaved bilberry plants located near the original site. Monitoring the success of the transplants, and reporting the results to the MNR, will help to determine if the procedure is adequate and sufficient, and will contribute to increased understanding of oval-leaved bilberry transplant techniques.

Report Update: Added ... "plants will be cultivated from seeds harvested from oval-leaved bilberry plants located near the original site," to the Bilberry Relocation Procedure.

Comment:

The proposed work is only required in order to facilitate the construction of a Industrial Wind Generating Station and which, given that it would take place within the boundaries of the managed Algoma Crown Forest, seems in direct violation of the requirements of the Crown Forest Sustainability Act, 1994, S.O. 1994, c. 25.

...In what way does the fragmenting of a healthy forest eco-system by roads and industrialization promote and respect the principles of the Crown Forest Sustainability Act? It should be well known to the MNR that one of the biggest threats to eco-systems is fragmentation and Islanding. Furthermore Industrial Wind Turbines have other negative impacts on the environment and ecosystems where they are constructed^{1,2,3,4}.

Response:

The majority of the works proposed within the Class EA are limited to upgrades of existing roads and trails. Existing roads in the area already provide access for other stakeholders including Great Lakes Power Transmission, Brookfield Renewable Power, Clergue Forest Management Inc., Radon Resources and members of the public.

Clergue currently holds a Sustainable Forest Licence under the Crown Forest Sustainability Act for the area. The road upgrades and three spur roads proposed in this Class EA do not fall within Clergue's current 20 year management plan and as such upgrades to these roads need to be approved under the Class EA for MNR Resource Stewardship and Facility Development Projects. This Class EA process involves field investigations to identify Species at Risk and significant wildlife habitat within close proximity (120 m) of the proposed works. It also involves working with MNR to identify and integrate mitigation measures to minimize the potential effects of the proposed works on the natural environment. When making these decisions the overall health and diversity of the forest is considered, as well as potential long term effects of the works on flora and fauna, water, soil, air, social and economic values, including recreational and heritage values. The potential for habitat fragmentation caused by the road works was taken into account within the Class EA.

Report Update: None.

Specific Comments Regarding Process

Comment:

How can work be allowed before REA approval has been granted?

Response:

The construction and operation of the wind turbines and electrical infrastructure associated with Phase 1 and Phase 2 of the proposed Bow Lake Wind Farm is being evaluated under the Ministry of the Environment's ("MOE") Renewable Energy Approval ("REA") process. Within the studies completed as part of the REA, the potential effects of the Bow Lake Wind Farm on tourism, landscape visibility and the use of the general area by the Group of Seven artists are evaluated and discussed in detail. In the coming months, these technical reports will be made available for public comment and additional opportunity for public comment will be provided. These public comment opportunities will be publicly advertised. Your contact information has been added to the stakeholder contact lists for Phase 1 and Phase 2 of the Bow Lake Wind Farm to ensure that you receive all future notices under the REA process.

The works proposed under the Class EA Bow Lake Phase 1 Wind Farm Access Road upgrades will not be undertaken until the REA analysis is complete and the decision on issuance of a Renewable Energy Approval is rendered by the MOE.

Report Update: Added the following to the Introduction, "The Works described in this Class EA will not be approved until approval under the REA process has been granted by the MOE."

Comment:

Specifically, where in the REA process are the two separate (Phase 1 and Phase 2) Bow Lake Projects?

Response:

Both Phase 1 and Phase 2 of the Bow Lake Wind Farm are currently completing the necessary studies and associated reporting required to satisfy the requirements of the REA process. As per the REA process, both Phases of the Bow Lake Wind Farm will require an additional public open house following a public 60-day posting of the required REA documents. Following completion of the open house, we will submit the REA application to the Ministry of the Environment. Once the MOE has determined that the application is complete, the MOE will complete its review of the application (duration of the review is approximately 6 months) and decides whether or not to grant a Renewable Energy Approval.

Report Update: None.

Comment:

Are the two projects, formerly identified as Phase 1 and Phase 2 now consolidated into one project? If so, is this allowed under the Renewable Energy Approval Regulation and who approved the change?

Response:

Phase 1 and Phase 2 of the Bow Lake Wind Farm are separate projects submitting separate REA applications. An approval will be required each project prior to that particular project (phase) proceeding to construction.

Report Update: None.

Comment:

At this point in time the Ministry of Energy's Renewable Energy Act website http://www.ene.gov.on.ca/environment/en/subject/renewable_energy/projects/index.htm makes no reference to Bow Lake Wind Farm Phase 1 or Bow Lake Wind Farm Phase 2. The site was last updated on February 27, 2012. Why is the MNR allowing these two companies (DP Energy/BluEarth) to do major project work to when they haven't submitted REA applications?

Response:

The MOE Renewable Energy Project listing displays all projects that have submitted an REA application to the MOE following completion of the various studies and public consultation activities required. As discussed above, both the Phase 1 and Phase 2 projects are currently finalizing these assessments and an additional public consultation session is required prior to submitting the REA application to the MOE. Once the REA application is submitted for Phase 1 or Phase 2, they will be included in this listing. As discussed in greater detail below (Question #4) certain investigations are required as part of the project design and engineering process in advance of REA approval. These activities do not include any construction of the infrastructure (e.g. wind turbines) requiring approval under the REA process.

Report Update: Clarified reference to REA process on page 1.

Comment:

How can any work on the Bow Lake sites go forward when neither the Bow Lake Wind Farm Project Phase 1 Ltd. or Bow Lake Wind Farm Phase 2 Ltd. has completed the REA process?

Response:

As noted above, the project infrastructure requiring approval under the Ministry of the Environment's ("MOE") Renewable Energy Approval ("REA") process cannot be constructed until REA approval is obtained. However, as part of the project development process, certain investigative activities are required to evaluate, design, and confirm the Project layout that is being proposed under the REA process and the other permitting processes (e.g. the MNR Class EA) applicable to the projects. These investigative activities include such things as field surveys and assessments, installation and operation of a meteorological tower to confirm wind resource, surveying to allow for design and ensure constructability, and geotechnical investigations to permit design of foundations and understand local geological conditions. Prior to conducting these activities, appropriate permits and approvals must be obtained from the MNR and other relevant federal and provincial agencies. As part of that permitting process, environmental effects, monitoring requirements, and mitigation measures are considered and approved. Accordingly, the geotechnical studies being evaluated under the Public Land Act will be reviewed to consider environmental effects, monitoring and potential mitigations measures prior to issuance of the required permits to proceed with the work.

With regard to the Class EA for Access Road Upgrades and Construction of 3 Spur Roads for Phase 1, the approval schedule for the Phase 1 Class EA for the proposed road upgrades is aligned with that of the REA process. Specifically, the final step in the Class EA process (the Statement of Completion) cannot be completed by the proponent until such time as they have received their REA approval. Accordingly, the road upgrade works described in the Phase 1 Class EA will not be undertaken in advance of the REA approval for Phase 1.

Report update: Clarified reference to REA process on page 1.

Comment:

Why has there been no architectural or cultural impact assessment, other than a literature review?

Response:

For the area of proposed Class EA works, AMICK Consultants Limited completed Archeological Assessments consistent with the Ontario Ministry of Tourism and Culture's Standards and Guidelines for Consultant Archeologists (OMTC 2009), the *Ontario Heritage Act* and the *Ontario Heritage Amendment Act*. A site investigation and Stage 1 assessment was conducted for Areas 1-7 and the Dump Road between October 5 and 14. Site investigations and Stage 1 and 2 archaeological assessments were conducted for the spur road areas leading up to the meteorological tower and turbine 7 and 8 during October 2008 and July 2010, respectively. From these assessments it was determined that the areas were either steep slope, disturbed, or too far from water and therefore have no archaeological potential. An assessment of the potential archaeological or heritage features at each of the proposed works sites is available in the Class EA Project Description Report.

Report Update: None.

Comment:

In the summer of 2011, local citizens were told by Bow Lake consultants that the Bow Lake Wind Farm Phase 1 Ltd. Heritage and Archaeological Assessment Report referred to in the recent Class EA submission to the MNR was rejected as inadequate by the Ministry. The promoters were ordered to redo the work. Why is Bow Lake Phase Wind Farm Phase 2 Ltd. trying to use this previously rejected inadequate Phase 1 report?

Response:

On 06 October 2010 the Ministry of Tourism and Culture ("MTC") provided their comments Bow Lake Wind Farm Phase 1 as required under section 23(3)(a) of O. Reg 359/09 under the Environmental Protection Act ("EPA") and confirmed that the Ministry believes the archaeological assessment complies with the Ontario Heritage Act's licensing requirements and the Ministry's 1993 Archaeological Assessment Technical Guidelines. The draft report was subsequently released for its mandatory 60 day posting. The MTC provided their comments as required under section 23(3)(a) of O. Reg 359/09 under the EPA and confirmation of compliance with the Ontario Heritage Act and Archaeological Assessment Technical Guidelines for Bow Lake Phase 2 on 07 April 2011.

Subsequent to providing these comments, the MTC required Bow Lake Wind Farm to complete some additional studies and related to cultural heritage, including consideration of the Group of Seven artists' use of the Algoma region. That additional work was completed by the proponent and final comment from MTC under section 23(3) (a) of the EPA was received for Bow Lake Wind Farm Phase 1 and Phase 2 on 24 Feb. 2012. The Cultural Heritage Report will be posted in the coming weeks for the required 60d public comment period in advance of the final public open house for Phase 1 and Phase 2.

Report Update: None.

Comment:

The Heritage and Archaeological Assessment Report posted on BluEarth DP Energy website and recent Class EA submission to the MNR makes no mention of the Group of Seven. The Group of Seven Painting sites are serious components of Algoma's cultural heritage. Why was this very important consideration not addressed in the Heritage and Archaeological Report?

Response:

As discussed above, the project proponent has completed additional cultural heritage studies, including consideration of the use of the Algoma Region by the Group of Seven artists.

Report Update: None.

Comment:

When will the geotechnical reports for this project be made available for public comment?

Response:

The detailed geotechnical data is used for internal design purposes to inform the design of the foundations specific engineering requirements. This data is comprised simply of laboratory results of physical tests on sampled rock materials and accordingly is not a document that is released for public comment under the REA process. However, as you have seen in the newspaper notices, the proponent is required to consult the public on the timing, extent, and work involved in undertaking the in-field geotechnical activities.

Report Update: None.

Comment:

I note that the Legend of the map on page 3 of the GLESS Class EA document shows all the Industrial Wind Turbine access roads as approved, except those leading to IWT #7 & #8. Please provide a copy of the notice as well as the Class EA document for this work and when it was completed

Response:

The site map included on page 3 of the Class EA Project Description Report displays a network of roads leading to proposed turbine sites, which were identified within the legend as "Approved Public FMP Road". These road developments are already approved under Clergue's Forest Management Plan and were therefore not subject to the MNR's Class EA or the REA process.

Report Update: None.