

# NORTHWATCH

August 24, 2009

Agatha Garcia-Wright  
Acting Director, Environmental Assessment  
Environmental Assessment And Approvals Branch  
12A Floor, 2 St Clair Avenue West  
Toronto ON M4V 1L5  
Sent by email <agatha.garciawright@ontario.ca>

Dear Ms. Garcia Wright:

## **Re. Elevation Request - McLean's Mountain Wind "Farm" - Northland Power Inc.**

We are writing to request that Northland Power Incorporated's proposed 77 MW wind power project south of the Town of Little Current on Manitoulin Island be elevated to an individual environmental assessment under the Environmental Assessment Act.

### Northwatch's Interest

Northwatch was founded in 1988 and is a regional coalition of community and district based environmental groups, naturalist clubs, social justice and development organizations, local peace groups, and Aboriginal support groups, as well as many individuals. Its membership base covers the land mass north of the French River, comprised of the districts of Nipissing, Sudbury, Algoma, Manitoulin, and Cochrane, Temiskaming, including the Hudson's Bay lowlands.

Northwatch's main objective is to represent the public interest with respect to environmental protection, social justice, and resource management matters in northeastern Ontario. Its members are committed to promoting the health, well being and sustainability of the human and natural communities throughout the region. Northwatch is a supporter of renewable energy - including wind power - and an advocate of distributed generation. Northwatch is currently an intervenor in the Integrated Power Supply Plan ("IPSP") hearing before the Ontario Energy Board, and participates regularly in electricity planning and policy exercises at the provincial level. Our interest in these matters is well known.

### Communication with Northland Power Inc.

On July 15<sup>th</sup> 2009, we contacted Northland Power Inc. (NPI) via the link on their web page about the McLean's Mountain wind project, identifying our interest in the project and asking that we be added to NPI's contact list as interested party and be provided with notice of any public meeting, public comment opportunities or release of project information related to the McLean Mountain Wind Power Project, including the environmental screening report. We also requested that NPI provide us with a timeline for the project assessment.

On August 17<sup>th</sup>, we visited the NPI web page again, and discovered that the screening report had been posted to the web site. We again contacted Northland Power Inc, this time using two email contacts that we had found in the Environmental Screening Report. We noted that we had not received a response to our communication of July 15<sup>th</sup>, that the web site did not provide an indication of the commencement or close of the public comment period on the ESR or who comments should be forwarded to. Later the same day we received a one line response from Mr. Rick Martin, of Northland Power Inc., apologizing for NPI not having responded earlier and indicating that a formal response would be provided the next day.

On August 19<sup>th</sup>, having received no further communication from Northland Power, we again wrote to Northland Power Inc, asking that they take the following steps as remedy to Northland Power's failure to provide us and any others who may be similarly affected with the requested notice, and related opportunity to participate in this review process:

- ? post the Notice of Completion on the web site
- ? re-start the 30 day public comment period, commencing at the time of posting the Notice of Completion
- ? provide notice to all those who have identified an interest in the project of the extension to the public comment period

No response has been received to date.

### Environmental Concerns

Our ability to participate in the review of the Environmental Screening Report has been adversely affected by Northland Power's failure to provide us with fair notice, despite our specific request that notice be provided. However, we have undertaken an initial review of the Environmental Screening Report and some key sections of the supporting appendices. Based on this initial review, we make the following observations:

- ? the Project changed considerably between each of the Public Information Centres; the changes were to such a significant degree that, in our view, the early information centres were not effectively consulting on the same project as the one described in the July 2009 Environmental Screening Report
- ? the public consultation summary (Appendix B) is extremely long, at 449 pages, but is largely superficial; in several instances it contains multiple copies of the same letter sent by Northland Power; it appears to contain no narrative or analysis of the public consultation process and the concerns that emerged and were responded to during that process
- ? the ESR's treatment of environmental and social concerns related to noise is inadequate; for example, it does not address issues around land which is currently without a residence, for example, land which is currently deemed to be vacant; such vacant land should be considered to have a receptor, given that at some point in the future the current or future landowner may wish to establish a residence; but that is not the approach taken by NPI
- ? the one and a half page discussion of groundwater quality<sup>1</sup> serves as a useful example of why an individual environmental assessment is required; the treatment is extremely superficial, and

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<sup>1</sup>ESR, Section 6.4, pages 58-60

completely disregards key areas, such as the potential impacts of blasting and extremely high levels of surface disturbance on groundwater quality, including drinking water; in the era of provincial commitments and investments in source water protection, this section is shocking in its lack of substance; other problems with this section include its overly general descriptions (such as “the glacial overburden is thin (<1 m..” or “the water table is likely lies within 2 m depth”) which create a strong impression that the description of the existing environment was taken from textbooks describing the Niagara Escarpment rather than developed from an actual examination of the local environment in which the Project would be taking place

- ? the consultation with Aboriginal Communities also appears to have been of a largely superficial nature; we also note that most of the communication happened in 2008 or earlier, all of which is prior to the June 2009 “restart” of the project, and the first presentation of the current and expanded version of the project; in our view, writing to a number of Aboriginal communities on July 15<sup>th</sup> to advise them that they can download documents for the corporate web site and comment within 30 days of the documents becoming available does not constitute adequate consultation, and in no way represents an accommodation of the Aboriginal interest
- ? the four page discussion of public health and safety is inadequate, and serves as another example of why an individual environmental assessment is required to appropriately evaluate the project and its acceptability; this section provides no discussion of growing public concerns about the health effects related to the vibrations emanating from industrial scale wind turbines, and gives only very brief and superficial discussion of other key areas of concern -and areas of increasing scientific investigation - such as those related to sound, vibration, shadow flicker, and electro magnetic fields; discussions on physical hazards, such as turbine collapse and ice fall and throw are also over-simplified and are inconsistent with the physical realities of the project and its location
- ? we found no discussion of the “echo” effect on the local economy following the construction period, during which local supply may have been redirected to meet the short-term needs of project construction, with resulting longer term adverse effects

## Conclusion

In addition to the above noted environmental concerns, the project should be subject to an individual environmental assessment due to the failure of this proponent to adequately consult the public.

As outlined in the “Guide to Environmental Assessment Requirements for Electricity Projects”<sup>2</sup> (Ministry of the Environment, March 2001):

“The purpose of public consultation in the Environmental Screening Process is to allow the proponent to identify and address public concerns and issues and to provide the public with an opportunity to receive information about and make meaningful input into the project review and development.”.(emphasis added)

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<sup>2</sup> Section A.6.2.1, Public Consultation Guide to Environmental Assessment Requirements for Electricity Projects, Ministry of the Environment, March 2001

Further, the Guideline states that:

“It is the proponent’s responsibility to design and implement an appropriate consultation program for the project. The consultation program must provide appropriate opportunities and forums for the public to participate in the screening process. Failure to carry out adequate public consultation or to address public issues or concerns may result in requests to elevate the project.”

Clearly, the Northland Power Inc. has not met these public consultation responsibilities, which are central the self-assessment approach upon which the Environmental Screening Process relies. The only reasonable remedy to such a failure on the part of the proponent is to elevate the review process to that of an individual environmental assessment.

The benefits of requiring the proponent to undertake an individual environmental assessment will include the following:

- ? those with an interest in the project, including Northwatch, will be provide with an opportunity to participate in its review
- ? the very limited description and discussion provided in the screening report on key areas of concern, as outlined above, will be expanded and the proponent will be required to undertake a more detailed and project-specific investigation of the environment to be affected and the related potential effects of the project and possible mitigating measures
- ? a project which has the potential to have net benefit on the environment and for the people of Ontario will have the opportunity to be improved through the assessment process to the point where it may gain local acceptance and may avoid or mitigate its potential for harm to the local environment
- ? the purposes of the Environmental Assessment Act will be served

Thank you for your consideration. Please do not hesitate to contact us for any clarification or additional details related to our concerns and interests.

Sincerely,



Brennain Lloyd  
Northwatch

- cc. Mr. Rick Martin, Northland Power Inc.  
Mr. Don McKinnon, Dillon Consulting Ltd.  
Mr. Gord Miller, Environmental Commissioner of Ontario