

SUMMARY OF TECHNICAL ADVISORY COMMITTEE COMMENTS

PROPONENT: St. Leon II Wind Energy LP
PROPOSAL NAME: St. Leon II Wind Energy Project
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Energy Production
CLIENT FILE NO.: 5445.00

OVERVIEW:

The Proposal was dated February 1, 2010 and was received on February 2, 2010. The advertisement of the Proposal read as follows:

“A Proposal for the St. Leon II Wind Energy Project has been filed by the St. Leon II Wind Energy LP for the construction and operation of a 66 to 99 megawatt (MW of net electrical generation capacity) commercial wind energy facility. Algonquin Power is acting on behalf of the St. Leon II Wind Energy LP as the primary developer for the St. Leon II Wind Energy Project and is also responsible for the operation of the existing St. Leon Wind Farm. The St. Leon II Wind Energy Project area overlaps the Rural Municipalities of Lorne and Pembina and will be located in three main areas; northeast of Hubbell, MB; south of St. Leon, MB and in the vicinity of Kingsley, MB. Between 30 to 70 wind turbine generators would be installed with some turbines interspersed among the existing St. Leon Wind Farm, while others would be placed outside the existing St. Leon project area. An Environmental Assessment Report has been filed in support of the Environment Act Proposal. Construction of the project is dependent upon regulatory approvals and a Power Purchase Agreement with Manitoba Hydro.”

The Proposal was advertised in the following newspapers:

Carman Valley Leader, Fri., Feb. 12, 2010
Morden Times, Fri., Feb. 12, 2010
Manitou Western Canadian, Tues., Feb. 16, 2010

The Proposal was made available for public review at the following locations:

Main Registry (Union Station) /Millennium Public Library/Manitoba Eco-
Network/ South Central Regional Library/ R.M. of Pembina /R.M. of Lorne

The proposal was also distributed to the "Energy Production" Technical Advisory Committee (TAC) members for comment. All comments were requested by March 16, 2010.

PUBLIC RESPONSE

No public response was received as a result of the newspaper advertisements of the proposal.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Historic Resources Branch No concerns

Mines Branch No concerns.

Sustainable Resource & Policy Management Branch No concerns.

Parks and Natural Areas Branch No concerns.

Pollution Prevention Branch

Comments:

- Limited noise assessment was included in the proposal which cites a previous assessment and subsequent noise level monitoring (pre and post construction of the Phase St. Leon Wind Farm). Based on the previous assessment, the potential for noise impact from the proposed development is stated to be insignificant to baseline (current) noise levels.
- The noise levels mentioned in the proposal were compared with the Ontario Ministry of the Environment Noise Guidelines for Wind Farms (PIBS 4709e) and Sound Level Limits for Stationary Sources in Class 3 Areas, Rural (NPC-232) and may be beyond compliance of those criteria. Therefore, it is suggested that a more detailed noise assessment report be submitted. The report should include isocontour maps indicating the location of the proposed WTGs, point of receptions (residential dwellings) and participating receptors (dwelling of project participants). PIBS 4709e may be used as reference in the assessment.

Disposition: Manitoba has adopted the Canadian Wind Energy Association (CanWEA) Best Practice Guidelines for Sound which is based on the Ontario MOE Noise Guidelines for Wind Farms. The recommendation to undertake a more detailed noise assessment report with isocontour maps to ensure compliance with the CanWEA Best Practices Guidelines for Sound can be accommodated as a condition of licensing.

Environmental Services No concerns.

Manitoba Infrastructure and Transportation (MIT)

Comments:

- new, modified or relocated access connection onto any Provincial Road (PR) right-of-ways may require a permit from MIT. A permit may also be required for any construction (above or below ground) within 38.1m (125 ft) or for any plantings within 15.2m (50ft) from the edge of the right of way of any PR.
- new, modified or relocated access onto Provincial Trunk Highways (PTH) may require a permit from the Highway Traffic Board (HTB). A permit may also be required from HTB for any change in land use, construction of structures and objects (i.e. including placing signage within 76.2 m from the edge of the ROW. Also, a permit may be required from MIT for any planting within 15.5 m from the edge of the PTH right-of-way.

Disposition: This information was forwarded to the proponent for direct follow up with MIT.

Manitoba Water Stewardship

- *The Water Rights Act* indicates that no person shall control water or construct, establish or maintain any “water control works” unless he or she holds a valid licence to do so. “Water control works” are defined as any dyke, dam, surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert borehole or contrivance for carrying or conducting water, that temporarily or permanently alters or may alter the flow or level of water, including but not limited to water in a water body, by any means, including drainage, OR changes or may change the location or direction of flow of water, including but not limited to water in a water body, by any means, including drainage. If the proposal in question advocates any of these activities, application for a Water Rights Licence to Construct Water Control Works is required.
- Erosion and sediment control measures should be implemented until all of the sites have stabilized.
- The Department recommends an *Environment Act* Licence to include the following requirements:
 - The proponent shall follow the “1996 Federal-Provincial Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat,” Internet address: <http://www.gov.mb.ca/waterstewardship/fisheries/habitat/sguide.pdf>
 - Instream work shall not occur between April 1st - June 15th and outside of this timeframe it is preferable that work is done when it is dry, particularly in those areas with existing eroded slopes or that are prone to erosion.

- In order to protect riparian areas, establish and maintain an undisturbed native vegetation area located upslope from the ordinary high water mark and adjacent to all waterbodies and waterways connected to the provincial surface water network:
 - A 15-metre undisturbed native vegetation area is recommended for lands located adjacent to first and/or second order drains;
 - A 30-metre undisturbed native vegetation area is recommended for lands located adjacent to third and/or higher order drains and/or waterbodies, such as lakes;
 - The combined alteration—including new and existing structures—within this undisturbed native vegetation area is limited to a maximum of 25 % of the shoreline length (for example: 25 metres per 100 metres of shoreline length) of each lot for a boat house, path, dock, etc.; and,
 - Alteration within this undisturbed native vegetation area—including a dock and/or the removal of near shore or stream aquatic habitat—shall not occur unless an activity conforms to a Department of Fisheries and Oceans Canada Operational Statement or an activity is reviewed by the Department of Fisheries and Oceans Canada.

Disposition: The comments can be accommodated as conditions of licensing with the following exceptions:

- The requirement to limit the undisturbed vegetation to maximum of 25% of shoreline length is primarily related to cottage lot development and therefore is not applicable to the development of wind farms.
- The Environment Act does not have the legal authority to enforce federal legislative requirements.

Canadian Environmental Assessment and Review Agency (CCEA)

Note that based on responses to the survey the application of the Canadian Environmental Assessment Act by a federal authority may be required for the project.

Federal survey summary:

- DFO has requested more detailed project information to determine their interest in the project.
- Transport Canada reviewed the project description and determined they may have regulatory requirements under the *Aeronautics Act* and the *Navigable Waters Protection Act*.
- Environment Canada is not a Federal Authority for the project. However, they would like to participate in the provincial review and provide comments on the project.
- Health Canada and Natural Resources Canada have provided letters stating areas of expertise their respective departments could contribute to the provincial review.

Disposition: Federal comments have been forwarded to the project proponent for consideration and follow-up, as appropriate.

CONCLUSION AND RECOMMENDATION:

A public hearing is not recommended. The comments received from the technical review of the Proposal can be accommodated as conditions of licensing, as noted above. It is recommended that the Development be licensed under The Environment Act subject to the limits terms and conditions as described in the attached Environment Act Licence.

PREPARED BY:

Bryan Blunt
Environmental Assessment & Licensing
April 8, 2010
Telephone: (204) 945-8173
Fax: (204) 945-5229