



ITEM FOR: *Mayor & Members of Council*

DEPARTMENT: *Planning, Development and Information Services*

ITEM NO. 13.a.1.g

MEETING DATE: *June 27, 2011*

SUBJECT: *Proposed Correspondence to Ontario Power Authority and Minister of Energy Regarding Proposed WPD Fairview Windfarm Project*

RECOMMENDATION:

That Council authorize the Mayor to send correspondence (as presented to Council at its meeting of June 27, 2011) to the Ontario Power Authority and Minister of Energy expressing concerns with respect to the status of the WPD Fairview Windfarm Project Proposal.

BACKGROUND:

WPD issued an initial Notice of a Proposal to Engage in a Renewable Energy project on June 23, 2010 (copy appended). WPD issued a Notice of Draft Site Plan and Notice of Public meeting on June 8th, 2011. This Notice (copy appended) indicates that the project has changed since the initial Notice of Proposal to Engage in a Renewable Energy Project and indicates that a revised Draft Project Description report has been issued. The Notice of Draft Site Plan and Notice of Public Meeting also erroneously indicates that the original Notice of Proposal to Engage was issued in July 2010.

The new WPD proposal substantially alters the location of the proposed windfarm project increasing and shifting the study area significantly and altering the potential impacts of the proposal. The proposal is not a minor amendment within the original study area. This submission is essentially an announcement of an entirely new project affecting a different and larger area and should accordingly be processed as a new project rather than an amended project.

WPD has been awarded a FIT contract by the Power Authority for its Fairview Windfarm project based on its original Notice of Intention to Engage. The current proposal is being referred to as an adjusted layout. The current proposal is not an adjusted layout within the original study area. Instead it is a very different layout in a significantly relocated and expanded area.

This substantially revised project should be processed by the relevant agencies as a new project rather than as an existing project with a revised layout. The project should be subject to a new review and consideration process and should be the subject of a new Notice of Proposal to Engage rather than having the proponent

advance the original application with a revised layout.

An initial components of the initiation of renewable energy projects are the awarding of a FIT contract and the proper notification of a Proposal to Engage in a Renewable Energy project.

Section 15(1)a requires that proponents of renewable energy projects of this type and scale issue a Notice of Proposal to Engage. This notice must be issued to a variety of potentially impacted parties and this includes landowners within specified distances of the project location. The project location is also specifically defined.

In this instance the project location has altered substantially and merits a new Notice of Proposal to Engage. The proponent may combine the Notice of Draft Site Plan and Notice of Public Meeting with the Notice of Proposal to Engage. In this instance however, it appears that WPD is relying on an old Notice to Engage which is significantly different that the project area now described in the Notice of Draft Site Plan and Notice of Public Meeting. Furthermore, the Notice of Draft Site Plan and Notice of Public Meeting contains inaccurate information concerning the original Notice of a Proposal to Engage.

The FIT application form and review and approvals process also require specific details of the project including the projects legal description and GPS coordinates. Again, the location of the proposed project has altered significantly and the project should therefore be subject to a new submission and evaluation.

Since the municipality is not the approval authority for renewable energy projects, but has a commenting role, it is appropriate to notify the relevant approval authorities of the municipality's concerns with respect to the inadequacies of notification and process with respect to this project.

CLEARVIEW STRATEGIC PLAN:

Furthers Goal 4 – preserving and sustaining Clearview Township's natural, cultural and built heritage.

FINANCIAL ANALYSIS:

There are no financial implications to the municipality in regard to the recommended action.

SCHEDULES: Original Notice of a Proposal to Engage in a Renewable Energy project received by the municipality.
Notice of Draft Site Plan and Notice of Public Meeting

PREPARED BY: *Michael Wynia, MCIP, RPP*

APPROVALS: *Susan McKenzie, CAO*

Draft Correspondence to Ontario Power Authority and Minister of Energy

Addressed to:

Mr. Colin Andersen, CEO
Ontario Power Authority
FIT Program

The Honourable Brad Duguid
Minister of Energy

Copied to:

Ms Doris Dumais, Director
Environmental Assessment and Approvals Branch
Ministry of Environment

Andrew Mitchell
Senior Policy Advisor
Ministry of Energy

Subject: Proposed WPD Fairview Windfarm Project, Clearview Township

In early 2010, our community learned that WPD had been awarded a FIT contract by the power Authority for its proposed Fairview Windfarm Project located in our municipality. The proponent subsequently issued the attached Notice of a Proposal to Engage in a Renewable Energy project.

The municipality and members of our community received the attached Notice of Draft Site Plan and Notice of Public meeting issued on June 8th, 2011.

The more recent Notice indicates that the project has changed since the initial Notice of Proposal to Engage in a Renewable Energy Project and indicates that a revised Draft Project Description report has been issued. The Notice of Draft Site Plan and Notice of Public Meeting also erroneously indicates that the original Notice of Proposal to Engage was issued in July 2010.

The new WPD proposal substantially alters the location of the proposed windfarm project increasing and shifting the study area significantly and altering the potential impacts of the proposal. The proposal is not a minor amendment within the original study area. This submission is essentially an announcement of an entirely new project affecting a different and larger area and should accordingly be processed as a new project rather than an amended project.

The current project is not consistent with the project location described in the original Notice of a Proposal to Engage in a Renewable Energy project and therefore

does not satisfy the regulatory requirements with respect to proper notice of the project description and potentially impacted lands. The current project location is also inconsistent with the contents of the original FIT application which require that the application provide legal and GPS descriptions of the projects location.

The project has not been amended to relocate proposed turbines within the original study area. Instead new turbine locations are proposed in an entirely new and substantially expanded study area. This substantial shift in location and extent of study area do not qualify the current proposal as a simple amended application.

We request that this proposal be appropriately considered as a new project with new submission, review and notification requirements.

For Signature of the Mayor



Stantec Consulting Ltd.
Suite 1 - 70 Southgate Drive
Guelph ON N1G 4P5
Tel: (519) 836-6050
Fax: (519) 836-2493

Stantec

June 23, 2010
File: 160960604

Clearview Township
bcampbell@clearview.ca

Attention: Mr. Bob Campbell, Township Clerk
Reference: Fairview Wind Farm
Notice of a Proposal to Engage in a Project

Please find attached the Notice of Proposal to Engage in a Project for the above-mentioned project. As described in the notice, wpd Canada Corporation (wpd) is proposing to develop the Fairview Wind Farm in Simcoe County, Ontario. Turbine coordinates for the Project are as follows:

Fairview Turbine Coordinates					
Turbine #	Latitude	Longitude	Turbine #	Latitude	Longitude
1	44.406107°	-80.110744°	5	44.388128°	-80.133435°
2	44.393180°	-80.108662°	6	44.383808°	-80.133835°
3	44.386089°	-80.107517°	7	44.400356°	-80.146990°
4	44.398336°	-80.143481°	8	44.390199°	-80.103558°

Your agency or group has been included on the project's consultation distribution list. If a Stantec representative has not already been in contact with you, we may contact you in the near future regarding the project and potential environmental information your agency may possess to assist in the permitting process. If our contact information should be amended please contact the undersigned at your earliest convenience.

We look forward to working with you, and obtaining your valuable input, as this project progresses through the regulatory approvals process. To provide the project team with your comments or for further information, please email us at FairviewProject@wpd-canada.ca or call **Stantec at (519) 836-6050**. Written comments can also be mailed or faxed to the undersigned.

For more information about the project, please visit us at our website: <http://canada.wpd.de/ca/projects/in-canada/fairview.html>.

Sincerely,

STANTEC CONSULTING LTD.

For Shawna Peddle
Senior Project Manager
Tel: (519) 836-6050
Fax: (519) 836-2493
Shawna.Peddle@stantec.com

Attachment: Notice of Proposal to Engage in a Project

CC. Michael Wynia, Director of Planning, Clearview Township
Jim Uram, Plan Review Manager, Clearview Township
Khlaire Parré, wpd Canada Corporation

NOTICE OF PROPOSAL TO ENGAGE IN A RENEWABLE ENERGY PROJECT S. 15(1)(a) ONTARIO REGULATION 359/09

NOTICE OF A PROPOSAL

By wpd Canada Corporation to Engage in a Renewable Energy Project

Project Name: FAIRVIEW WIND FARM

Project Location: The Project will be located entirely within Clearview Township, Simcoe County in central Ontario.

Dated At: Clearview Township this the 23rd of June, 2010.

wpd is planning to engage in this renewable energy project in respect of which the issuance of a Renewable Energy Approval (REA) is required. The distribution of this notice of a proposal to engage in this renewable energy project and the project itself are subject to the provisions of the *Environmental Protection Act of Ontario (Act) Part V.0.1* and Ontario Regulation 359/09 (Regulation). This notice is being distributed in accordance with section 15 of the Regulation prior to an application being submitted and assessed by the Ministry of the Environment.

Project Description:

Pursuant to the Act and Regulation, the facility, in respect of which the project is to be engaged in, is considered to be a Class 4 wind facility. If approved, this facility would have a total maximum contract name plate capacity of 18.4 MW and consists of 8 wind turbines. The project location is described in the map below.

The project is being proposed in accordance with the requirements of the Act and Regulation. The Draft Project Description Report titled *Fairview Wind Farm-Draft Project Description Report* describes the facility as a Class 4 wind facility with a contract name plate capacity of 18.4 MW and consists of 8 wind turbines. The project would also include electrical collection lines, an inter-connection line, a sub-station, and other ancillary facilities such as access roads. A written copy of the Draft Project Description Report is being made available for public inspection on the project website under the Project Section at www.wpd-canada.ca

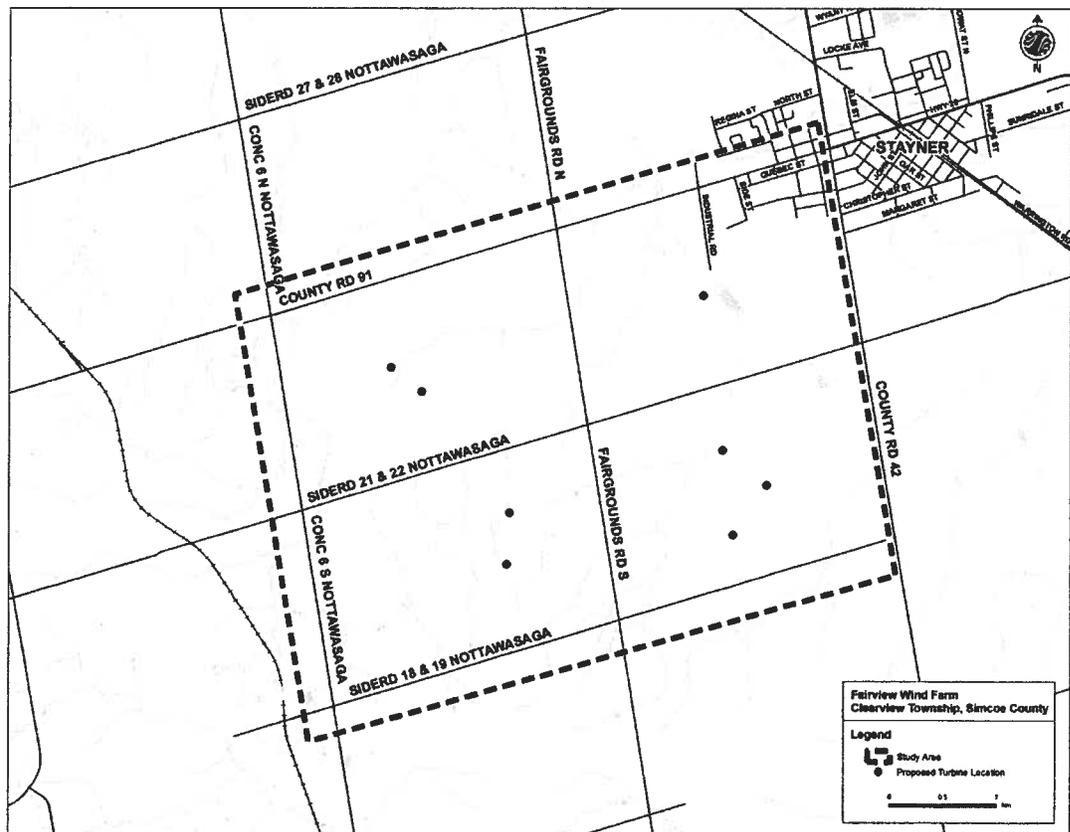
Project Contacts and Information:

To learn more about the project proposal or to communicate concerns please contact:

wpd website: www.wpd-canada.ca
Project Email: FairviewProject@wpd-canada.ca
Fairview Project: <http://canada.wpd.de/ca/projects/in-canada/fairview.html>
Project Telephone: 1-888-712-2401
Mail:

Khlaire Parré
Director of Permits and Environmental Studies
wpd Canada Corporation
405 Britannia Road East, Suite 214
Mississauga, ON L4Z 3E6

Shawna Peddle
Senior Project Manager
Stantec Consulting Ltd.
70 Southgate Drive, Suite 1
Guelph, ON N1G 4P5





Stantec

Stantec Consulting Ltd.
Suite 1 - 70 Southgate Drive
Guelph ON N1G 4P5
Tel: (519) 836-6050
Fax: (519) 836-2493

June 6, 2011
Stantec File: 160960604

Clearview Township
217 Gideon Street
Stayner, Ontario L0M 1S0

Attention: Bob Campbell, Township Clerk

**Reference: Fairview Wind Project
Draft Project Description Report; Notice of Draft Site Plan and Notice of Public Meeting**

wpd Canada Corporation (wpd) will post a Notice of Draft Site Plan and Notice of Public Meeting regarding a Proposal to Engage in a Renewable Energy Project in the Stayner Sun on June 8, 2011.

Under the requirements of O. Reg. 359/09, we must make the Draft Site Plan available for public review.

We request that you make a copy of the Draft Project Description Report (which contains the Draft Site Plan) available in a public place in your office for public review. The newspaper advertisement states that the report will be available at that location. There is no timeline for review, and you can leave the copy out for the duration of the renewable energy approval process, if you'd like.

This document is also available on the project website, and members of the community can be directed there for review: <http://canada.wpd.de/ca/projects/in-canada/fairview.html>

Should you have any questions please contact me directly.

Sincerely,

STANTEC CONSULTING LTD.

Shawna Peddle
Senior Project Manager
Tel: (519) 836-6050
Fax: (519) 836-2493
Shawna.peddle@stantec.com

Enclosure: Draft Project Description Report
Notice of Draft Site Plan and Notice of Public Meeting regarding a Proposal to Engage in a Renewable Energy Project

CC. Khlaire Parré, wpd Canada Corporation

NOTICE OF DRAFT SITE PLAN and NOTICE OF PUBLIC MEETING s. 15(1)(b) and s. 54(1) ONTARIO REGULATION 359/09

by wpd Canada Corporation regarding a Proposal to Engage in a Renewable Energy Project

Project Name: FAIRVIEW WIND FARM

Project Location: The Project will be located entirely within Clearview Township, Simcoe County in central Ontario.

Dated At: Clearview Township, on this, the 8th of June, 2011.

wpd Canada is planning to engage in this renewable energy project in respect of which the issuance of a Renewable Energy Approval (REA) is required. The distribution of this Notice of Draft Site Plan and Notice of Public Meeting, and the Project itself, are subject to the provisions of the *Environmental Protection Act of Ontario (Act)* Part V.0.1 and Ontario Regulation 359/09 (Regulation). This Notice is being distributed in accordance with Sections 15 and 54 of the Regulation prior to an application being submitted and assessed for completeness by the Ministry of the Environment.

The legal effect of this Notice is such that pursuant to Section 54 (1.2) of the Regulation, wpd does not have to take into account a noise receptor as defined by the Act that did not exist as of the day before wpd published this Notice of Draft Site Plan in accordance with Section 54.1(c)(i) or (ii) of the Regulation.

Meeting Location:

DATE: Wednesday July 13th, 2011

TIME: 5:30 P.M. to 8:00 P.M.

PLACE: Stayner Community Centre

269 Regina Street, Stayner, ON

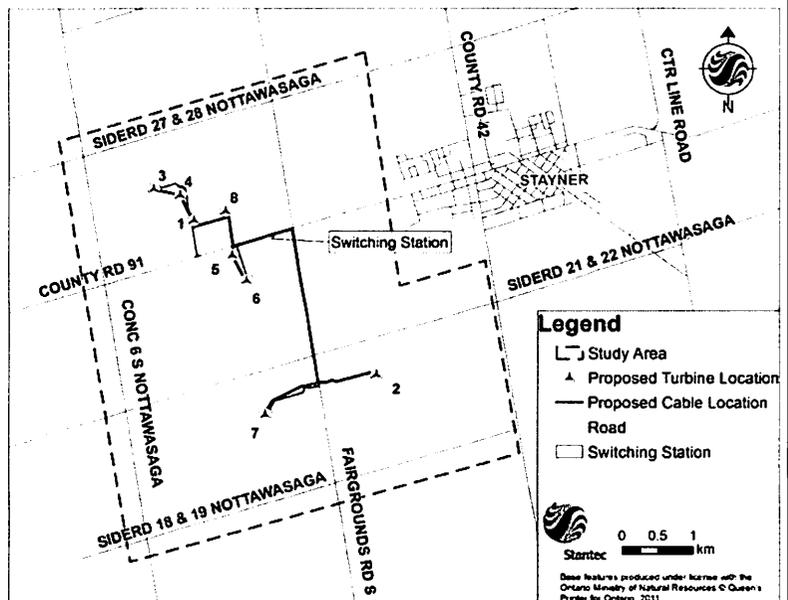
Project Description and Documents for Public Inspection:

Pursuant to the Act and Regulation, the facility, in respect of which the Project is to be engaged, is a Class 4 wind facility and is being proposed in accordance with the Act and Regulation. If approved, this facility would have a total maximum contract nameplate capacity of 18.4 MW and consist of 8 wind turbines. The Project location is provided in the map adjacent.

The Draft Project Description Report titled *Fairview Wind Project - Draft Project Description Report* describes the Project as a Class 4 wind facility, consisting of 8 wind turbines, with a total maximum name plate capacity of 18.4 MW. The Project also includes electrical collection lines, an interconnection line and other ancillary facilities such as access roads.

Further, wpd Canada will obtain or prepare, as the case may be, additional supporting documents in order to comply with the requirements of the Act and Regulation. Written copies of the draft supporting documents will be made available for public inspection on the Project website at least 60 days before the final Project Open House.

The Project layout has changed since the initial Notice of Proposal to Engage in a Renewable Energy Project, published in July, 2010. A revised copy of the Draft Project Description Report, including the draft site plan and coordinates for the turbines, is available for public review on the Project website and at the following locations: Stayner Public Library, 201 Huron Street, Stayner, ON and the Clearview Township Administration Centre, 217 Gideon Street, Stayner, ON.



Project Contacts and Information:

To learn more about the project proposal, public meetings, or to communicate concerns please contact:

wpd website: www.wpd-canada.ca
Fairview Project: <http://canada.wpd.de/ca/projects/in-canada/fairview.html>
Project Email: FairviewProject@wpd-canada.ca
Project Telephone: 1-888-712-2401

Mail:
Khlaire Parré
Director of Renewable Energy Approvals
wpd Canada Corporation
2233 Argentia Road, Suite 102
Mississauga, ON, L5N 2X7

Shawna Peddle
Senior Project Manager
Stantec Consulting Ltd.,
70 Southgate Drive, Suite 1
Guelph, ON, N1G 4P5

