

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Aim PowerGen Corporation
PROPOSAL NAME: Dominion City Wind Energy Project
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Energy Production
CLIENT FILE NO.: 5276.00

OVERVIEW:

The Proposal was dated July 9, 2007 and was received on July 12, 2007. The advertisement of the Proposal read as follows:

“A Proposal for the Dominion City Wind Energy Project has been filed by AIM PowerGen Corporation for the construction and operation of a 99 megawatt (MW of net electrical generation capacity) commercial wind energy facility located within the Rural Municipality of Franklin, approximately 70 km south of Winnipeg, Manitoba. Sixty–six (66) wind turbine generators rated at 1.5 MW each are proposed to be installed within a 4,000 hectare project construction area. An Environmental Impact Assessment (EIA) Report has been filed in support of the Environment Act Proposal. The EIA included information regarding the environmental assessment, public consultation and Aboriginal involvement program. Construction is tentatively targeted to begin in March 2009, subject to regulatory approvals and a Power Purchase Agreement with Manitoba Hydro, and be completed November 2009.”

The Proposal was advertised in the following newspapers:

Emerson Southeast Journal – July 28, 2007;
Altona Red River Valley Echo – July 28, 2007

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

Main Registry/Winnipeg Public Library/Manitoba Eco-Network/
Jake Epp Public Library / South Central Regional Library/ RM of
Franklin (as registry)

It was also distributed to the "Energy Production" TAC members for comment. All comments were initially requested by September 5, 2007 and extended to September 24, 2007.

PUBLIC RESPONSE

The following letter in support of the proposal was received in response to the advertisement:

Gabriel D. Sabourin
P.O. Box 126
Morris, MB R0G 1K0

- letter undated.

- Endorses and encourages the proposal because it would be a positive venture for the area and it supports educational and employment opportunities associated with the wind power industry within the local area.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Historic Resources Section 6.4.2.7 of the proposal outlines the proposed avoidance and mitigation regarding potential impacts to archaeological resources which satisfies Historic Resources concerns.

Mines Branch Comments as follows:

- Mineral access rights must be decided prior to concluding surface leases
- Lands containing high mineral potential as noted in the local Municipal Development Plan are generally not available for wind farm development.
- Mines Branch can mediate potential land use conflicts associated with mineral extraction and tenure.

Disposition: This information will be forwarded to the proponent for consideration in developing surface lease agreements with landowners.

Infrastructure and Transportation (MIT) Comments are as follows:

- Permits are required from MIT under The Highways and Transportation Act to construct or modify access driveways onto Provincial roadways and for the placement of any structures within the control area adjacent to Provincial Road 200 and 201 (125 feet from the edge of the highway right-of-way).
- Permits are required from the Highway Traffic Board (under The Highways Protection Act) for any proposed transmission line crossing or adjacent to PTH 75 within 250 feet from the edge of the right-of-way.
- Agreements will be required from MIT the proposed transmission lines crossing and/or adjacent to a Provincial Highway/Road.
- Provide MIT staff contacts with regard to MIT requirements.

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

Conservation (Policy Coordination Branch)

The following comments are provided by Manitoba Conservation for consideration regarding the above mentioned proposal:

- Approval is subject to necessary Crown Lands Act allocation where applicable. In respect of Crown Land, no land tenure is granted by way of an environmental approval. Applicant must apply for applicable Crown Lands Act Permit/Lease which will be subject to the standard Crown Land & Property Agency review process.
- The proponent refers in Section 6.1.6 of the proposal to “hazardous materials” and in Section 9.1.2 to “dangerous goods or hazardous wastes” but does not specifically identify these materials. The proponent’s Environmental Protection Plan should clearly identify and address these materials.
- A map, similar to the FRI map (Fig. A1-5), should be included in Section 3.4 to show the terrestrial environment. This map should separate the cultivated fields from the meadows and identify each type of habitat that is not cultivated. Areas of native vegetation, including those that occur in remnant patches in farmyards, along right-of-ways and drains, and in riparian areas, are critical in this area and must be better identified.
- This proposed wind energy project is in an area of intensive annual crop production where very little wildlife habitat remains. The setback distance of 1000 meters from the Red River should be from the eastern edge of the riparian area as that is the only habitat of significance in the area. The Red River riparian corridor supplies significant habitat to cavity nesting waterfowl, mainly wood ducks, and to ground nesting waterfowl such as mallards. The rest of the area contributes only a small amount to waterfowl production in Manitoba.
- The project should not impact upland game birds because there is a lack of suitable habitat for them.
- The minimum setback distance of 200 m proposed for wetlands or riparian areas should also apply to forested habitats, native grasslands and shrub dominated land.
- In Section 3.4.2.1, the report indicates that the Red River may function as a migration route for bats. Monitoring the bat migration through the area is required and the information used to prescribe mitigation measures.
- In Section 3.4.2.2, most of the productive bird habitats (wooded riparian areas, ditches, shelterbelts, field margins, and farmyards) are identified but these areas were not specifically targeted during the bird/wildlife surveys nor were they identified for protection.
- For the bird surveys reported in Appendix A3, it should not have been assumed that only the riparian areas associated with the Red River are productive bird habitat. Because there is so little habitat left in the area, surveys should have specifically assessed wooded riparian areas, ditches, shelterbelts, field margins, and farmyards to determine suitability and to assess biodiversity.

- Appendix A3 indicates that the consultants were attempting to gain a better understanding on how various habitats were used as migration corridors for raptors, waterfowl, waterbirds, etc. (summarized in tables A3-2, 3-3 & 3-4). The results need to be integrated into a strategy to protect areas where abundant migrants occur.
- The Wildlife and Ecosystem Protection Branch supports the need for reconnaissance studies in grassland or pastureland areas for grouse leks and for bird surveys that will identify sensitive habitats.
- There is no discussion regarding raptors that nest or winter in the area. There will be great horned owls, red-tailed hawks, northern harrier, American kestrel, Cooper's hawk, and other raptorial species nesting in the study area, and other raptor species that regularly winter in the area. Since raptors are very susceptible to collisions with wind turbines a concerted effort must be made to address which species nest, migrate and winter in the area, what habitats they occupy, and identify the minimum set-back distances from areas regularly utilized by raptors. There is also no discussion of the potential impacts to raptors.
- Section 3.4.3.2 indicates there are no records of species at risk in the study area based on Manitoba Conservation Data Center (MB CDC) data. Since many areas of the province have never been thoroughly surveyed, the absence of data in the MB CDC database in any particular geographic area does not provide assurance that species or ecological communities of concern are not present. The information should therefore not be regarded as a final statement on the occurrence of any species of concern nor can it substitute for on-site surveys for species that will be affected by this wind energy project. It is the responsibility of the proponent to inspect the project area prior to and during construction to determine if any rare or endangered species may be impacted. The proponent needs to be aware that if rare or endangered species are present, removal or destruction of individuals or their habitat may be in contravention of Subsection 10(1) "Prohibition" of *The Endangered Species Act* (Manitoba). In addition, the federal Species at Risk Act prohibits any activities that kill or otherwise harm COSEWIC-listed plant or animal species and prohibits destruction of habitat for these species. If species of concern are present, the proponent must contact the Biodiversity Conservation Section of the Wildlife and Ecosystem Protection Branch (Ronald Hempel at 945-6998) to discuss possible mitigation options well in advance of any disturbance.
- The proponent should also be aware that killing or harming migratory birds and disturbance, destruction or taking of their nests or eggs is prohibited under the Migratory Birds Convention Act. The proponent is responsible for ensuring that no migratory birds will be harmed and no active nests of migratory birds will be destroyed as a result of the development. If migratory birds or their nests may be harmed by this development, the proponent must contact the Canadian Wildlife Service for further direction.
- The Wildlife & Ecosystem Protection Branch must have the opportunity to review and approve the Environmental Protection Plan prior to start of any

construction. The purpose is to ensure that concerns about impacts to wildlife and habitat are mitigated.

Disposition: The Proposal EIA states that an Environmental Protection Plan (EPP) which uses an adaptive survey and impact management approach will be implemented during the pre-construction, construction and operation phases of the development. The requirement to provide an EPP will be included as a condition of the Licence. The request for additional information including detailed mapping and the recommendation to provide additional information specific to pre-construction bat survey and avian surveys on the species identified including identification of migratory routes and post construction mortality surveys can be accommodated as requirements of the EPP. A copy of the detailed comments has been provided to the consultant for consideration in developing appropriate survey methodology and mitigation in the EPP. The Wildlife & Ecosystem Protection Branch and the Canadian Wildlife Service will have an opportunity to input and review the EPP.

The remaining requirements can be accommodated as separate conditions in the Licence.

Water Stewardship Recommend the following:

- Overall, the measures described in the proposal are adequate to mitigate potential concerns with respect to WSD.
- Removal of vegetation and soil should be kept to a minimum during construction
- Recommend that crossings with a defined channel and water throughout the year or sufficient spring runoff to provide spawning and nursery habitat be directional drilled.
- Any construction dewatering will require authorization under The Water Rights Act.
- Recommend that the Manitoba Stream Crossing Guidelines be followed including no instream occur between April 1 and June 15th and if outside this timeframe it is preferable to work when the stream is dry to prevent erosion.
- WSD comments do not take precedent over DFO's review.

Disposition: Comments can be accommodated as conditions of licencing.

Canadian Environmental Assessment Agency (CEAA)

Based on responses to the federal survey, the application of the Canadian Environmental Assessment Act will be required for this project. Indian and Northern Affairs Canada (INAC) has indicated that they will require an EA for this project. Fisheries and Oceans requires additional information before it can determine whether an EA under the CEAA is required. Transport Canada requires an application for "Aeronautical Obstruction Clearance." The Canadian Broadcasting Corporation wishes to review implications on their broadcasting facilities in accordance with their guideline document developed for that purpose. Health Canada and Environment Canada are willing to provide specialist advice as required. Environment Canada recommends that bird and bat monitoring

programs associated with an EPP be developed in consultation with the Canadian Wildlife Service. Natural Resources Canada has confirmed that Notice of Project Applications has been approved and therefore the project will be subject to environmental assessment under CEAA.

Disposition: Federal comments have been forwarded to the project proponent for follow-up, as appropriate, and in accordance with the requirements of the Canada – Manitoba Agreement on Environmental Assessment Cooperation. The Canadian Wildlife Service will have an opportunity to input and review the EPP.

PUBLIC HEARING

A public hearing is not recommended for this project on the basis that only one letter in support of the proposal was received in response to the Environment Act advertisement of the Proposal.

CONCLUSION AND RECOMMENDATION:

The comments received from the technical review of the Proposal can be accommodated as conditions of licensing. It is recommended that the project be licensed pursuant to the Environment Act in accordance with the terms and conditions described in the attached draft Environment Act License.

PREPARED BY:

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