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December 12, 2003

Honourable Minister Stan Struthers  
Manitoba Conservation  
Room 234, Legislative Building  
450 Broadway, Winnipeg Manitoba R3C 0V8

Dear Minister Struthers:

**Re: Appeal – Proposed St. Leon Wind Energy Project  
(Environment Act License No. 2629; Public Registry File No. 4976.00)**

Pursuant to Section 27 of the Environment Act, we hereby appeal the decision by your department to grant the St. Leon Wind Energy Limited Partnership an environmental license for the proposed St. Leon Wind Energy Project.

Our appeal of the decision to grant St. Leon Wind Energy Limited Partnership License No. 2629 is grounded on the following facts:

- 1) That the St. Leon Wind Energy Project's Environmental Impact Statement (EIS) was insufficient in critical areas and these areas were brought to your department's attention in our October 17, 2003 letter.
- 2) That the province inappropriately fast-tracked this project, providing only a two-week period for review, even though it is the first project of its kind in Manitoba.
- 3) That Manitoba does not have defined wind energy environmental assessment standards.
- 4) That the integrity of the *Environment Act* and the Classes of Development Regulation (MR 64/88) have been compromised by administering the proposed St. Leon Wind Energy Project as if it were a Class 2 project even though the proponent's own EIS states that the proponent will exceed the Class 2 100-megawatt maximum threshold.

## **Insufficient EIS**

Our October 17, 2003 letter indicated that the proposed St. Leon Wind Energy Project EIS had a number of areas that were of significant concern. We asked the department to require a supplementary EIS filing to provide information on clear gaps as well as to clarify important but ambiguous areas. We stated that without further information in these key areas, it would be impossible for our office to determine if the proposed project is as efficient and environmentally friendly as the EIS concludes. Since the writing of this letter, there has been no further information provided by the proponent, or the province.

Insufficient areas include:

- *Ambiguous project design.* According to the EIS, the proponent will construct up to 75 individual 1.65-megawatt wind generation turbines for a total capacity of 123.75 megawatts or as little as 55 individual 1.5-megawatt wind generation turbines for a total capacity of 82.5 megawatts. Environmental assessment processes begin with a clear description of the project not with ambiguity and speculation on such basic and standard information requirements.
- *Project components excluded.* The proposed project excludes the environment assessment of the links to and modifications to the existing hydro station. This practice amounts to a staged environmental licensing process, and is therefore contrary to the Consultation on Sustainable Development Implementation (COSDI) and your government's stated commitment to end such practices. The 32 km road was also not included in the EIS. Location and impacts of this road should be public, and part of the review.
- Location-specific information was absent. The EIS excluded basic information including mapping on actual site locations of where these wind turbine generators will be located within its general project region.
- Lack of information on impacts to birds and other wildlife (Section 5.2.1.4 on page 5-36). The EIS states that the proposed project will be located within certain major flyways (page 4-8 in Section 4.4.2) but does not provide sufficient details to describe the overall impacts to birds (both local birds as well as migratory birds). Insufficient details are provided for species listed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), (Section 4.4.3 on page 4-9) the federal Species at Risk Act (SARA), and the Manitoba Endangered Species Act (MESA).

## **Lack of Environmental Standards regarding wind energy projects**

Manitoba Wildlands, CNF has concerns about the lack of environmental standards for wind energy development in Manitoba. The government's fast tracking of the environmental approval process for this proposed project far increases our concerns.

Given that the proposed project represents Manitoba's first ever wind energy project, it would seem appropriate to first have in place clear environmental impact study standards prior to what is likely to be the first of a series of wind energy projects in the province.

In our October 17, 2003 letter we asked that a description of environmental standards and/or best practices in various jurisdictions in the United States, Europe on issues such as affecting bird flyways, noise, etc. be made part of this public review. No such information has been provided. We are not reassured by Mr. Strachan's letter indicating staff have access to this information. The purpose and usual practice of public reviews is for the public to have access to the environmental basis for a potential license.

### **Integrity of Environment Act and MR 64/88**

Manitoba Wildlands, CNF is very concerned that the proposed project is actually, in all intents and purposes, a Class 3 project. This is based on the fact that both the EIS and License 2629 refuse to explicitly state that a maximum of 99 megawatts will be generated. In contrast, based on the contents of the EIS, there is reason to believe the project will at some early stage surpass the 100-megawatt MR 64/88 threshold. It is respectfully submitted that altering the project after the fact through the Environment Act, with no public review, license alteration process, offends the spirit and intent of the *Environment Act* Sections 14(1) and 14(2) and MR 64/88 class 2.

Manitoba Wildlands, CNF is seeking the following:

- That you accept this appeal;
- That you set-aside License No. 2629 until such time that the proponent provides the required supplementary information to enable a thorough and complete review;
- That there be a clear explicit statement on whether the proposed project is either a Class 2 project or essentially the first stage of a Class 3 project which requires more thorough environmental review;
- That you initiate a process to ensure that Manitoba has appropriate environmental standards for wind energy projects.

As stated in our October 17, 2003 letter to Mr. Larry Strachan, the CNF is strongly supportive of the development of alternative and new renewable sources of energy in Manitoba and elsewhere. We believe that wind power will play an important role in attaining genuinely cleaner, greener and more renewable energy sources.

In submitting this appeal, Manitoba Wildlands, CNF does not suggest that the proposed project should be denied an environmental license. Rather, we are suggesting that there is insufficient information to validate the EIS final conclusions, and the license issued.

Please ensure that this letter is placed in the public registry file.

We have attached here a memo outlining sources for and examples of environmental license / permitting standards for wind energy projects. We look forward to the day when Manitoba has a clear environmental framework for wind energy projects.

Thank you in advance for your consideration. Feel free to contact our office should you have any questions on any aspect of this appeal.

Sincerely,

Gaile Whelan Enns  
Director  
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cc. Mr. Larry Strachan, Director of Environmental Approvals