MANITOBA WILDLANDS

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April 12, 2006

Honourable Stan Struthers
Minister of Conservation
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Honourable David Chomiak
Minister of Energy, Science and Technology
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Ms. Tracey Braun
Director, Environmental Assessment & Licensing Branch
Manitoba Conservation
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Dear Minister Struthers, Minister Chomiak and Ms. Braun;

Re: Dacotah Wind Energy Project – Public Registry File #5176.00

Manitoba Wildlands has reviewed the proposal concerning the Dacotah Wind Energy Project and we wish to have our comments noted and placed in the Public Registry file.

Similar to our comments regarding the Killarney Wind Energy Project, most of our concerns regarding this proposal for a 99MW wind farm relate to the overarching issue of the lack of environmental review and assessment standards for wind projects in Manitoba. We are also providing preliminary comments on the proposed changes to the Classes of Development Regulation 164/88. Comments specific to the proposed Dacotah Wind Energy Project follow after comments on the first two issues.

Standards for Wind Energy Projects in Manitoba

As we noted in our previous comments, the fact that no public EIS standards have been developed or are available for wind projects in the province has resulted in a situation where public review of these projects is occurring in a vacuum, without a standard to work from. Similarly, environmental licensing

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decisions are being made for these projects without standards to refer to, making the entire process ad hoc. This increases risks of inconsistency in decision-making, as well as risks that environmental protection may not be maximized. Without a process to publicly review best practices, scientific studies, and receive input from independent experts, no one knows if the current review and decision-making process is making use of the best available information and advice. We suggest that given the provincial commitment to the addition of 1,000MW of wind power generation capacity in Manitoba, it is imperative that guidelines and standards be developed for the environmental review and assessment of wind projects and that the public be provided the opportunity to provide input for these guidelines and standards.

We have already articulated some of the problems associated with the absence of environmental standards for wind projects in our comments regarding the Killarney wind energy project. To summarize, we are recommending that Manitoba immediately initiate a public process to develop standards and environmental impact statement (EIS) guidelines for wind projects. This process would need to address the following issues:

- Projects for which the initial proposal is only the first step and where it has already been stated that expansion will occur must be assessed in one process as a single project. The government of Manitoba made a clear and unequivocal commitment to end staged licensing[1] and it is intended to continue to assess wind project in piecemeal fashion. The full size, including future capacity, of a wind project should be the basis for decisions about both provincial environmental assessment and licensing (EA) and potential federal responsibility and EA.
- The need to for clear direction on licensing expansions of existing wind energy generation projects. This should include an environmental review to verify the original EIS and license conditions. It is imperative for Manitoba Conservation & EST Manitoba to arrive at a transparent solution. We would note that no steps regarding cumulative impacts of these projects have been taken.
- Standards for wind projects must be explicit about the process for public review of all elements that comprise a wind project, with clear indication which entity is responsible for each element. Wind projects not only involve the construction of wind turbines, but also infrastructure to deliver power to the grid, which may be the responsibility of other proponents (Manitoba Hydro, Manitoba government).
- The need to clarify the role and responsibility of Manitoba Hydro, as power from wind projects will be added to the existing Manitoba Hydro transmission grid. In particular, as noted above, clarity regarding licensing of transmission infrastructure is needed.

[1] "We are also committed to an environmental licensing process that follows the recommendations of the Sustainable development Implementation Committee. This commitment includes . . . [a]n end to licensing developments in stages" (Please see '1999 Manitoba Election Promises' Page 2, September 4, 1999 located at: http://manitobawildlands.org/govern_elections.htm#mbelection)

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- Development of standards should include a search for and review of other processes that have been initiated and/or completed in other jurisdictions regarding standards for wind projects. Bird Studies Canada and the Canadian Wildlife Service (Environment Canada) have partnered to develop *Wind Turbines and Birds - A Guidance Document for Environmental Assessment,* with a background review document. Also the Canadian Wind Energy Association is working with the federal government on wind energy project standards. Other documents and studies of this nature exists – such as *CanWEA's Recommendations re: Lighting Guidelines for Wind Turbine Generators* (http://www.canwea.ca/downloads/en/PDFS/CanWEA_lighting_final_ver..pdf). These are just a few examples; a thorough search to identify and review existing guidance documents must occur as part of the development of Manitoba public standards for wind energy projects.
- We would note that noise levels and noise pollution risks, climate change benefits and impacts, Aboriginal rights are examples of other obvious elements needed for Manitoba's environmental standards for wind projects.
- Standards for wind projects are an opportunity for the Manitoba government to demonstrate its commitment to transparency and public involvement. We are particularly concerned about seeming contradictions to your government's adoption of the COSDI report. Standards for wind projects must include requirements for timely and adequate access to information, as well as notice for open houses, public meetings, hearings, etc. We also reiterate our recommendation for an electronic notice and registry system for all projects proposed under the Environment Act The electronic registry that could be established as part of activating EA standards for wind energy projects.

Preliminary Comments – Proposed Changes to Classes of Development Regulation 164/88

We are taking this opportunity to make some preliminary comments on the proposed changes to the Classes of Development Regulation 164/88 (Public Registry File #5182.00) with respect to wind energy projects. First, we are pleased that this regulation is being reviewed; we agree that changes are needed in order to consider new forms of energy generation. However, we disagree with the notion that under the proposed changes, no provision or threshold would exist to assess wind energy projects as Class 3 Developments. Although we support the development of new renewables such as wind power, all energy development results in environmental impacts. As projects become larger, their environmental footprint increases and the impacts of larger projects tend to be magnified in ways that are exponential or non-linear relative to the size of the project. In short, bigger projects, regardless of their nature, require more detailed and careful scrutiny and consideration.

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Under Manitoba's *Environment Act*,

> *"class 3 development" means any development that is consistent with the examples or the criteria or both set out in the regulations for class 3 developments and the effects of which are of such a magnitude or which generate such a number of environment issues that it is as an exceptional project;*

A key element of this definition is the concept of magnitude of effects, which is unrelated to the nature of a project, but in many cases, including wind energy projects, can be argued to be closely related to size. The existing Classes of Development Regulation reflects this in distinguishing the various classes largely on the basis of size, amount of affected land area, or capacity. In this context, it does not seem reasonable to eliminate any threshold that would enable the assessment of wind projects as Class 3 Developments. Combined with risks and now staged licensing, we must also realize that economic impacts and benefits of as much as a $1 Billion wind project could be licensed with no public review.

Also troubling are the implications these changes have in terms of environmental impact statement (EIS) guidelines and public hearings. Under Manitoba's *Environment Act*, the decisions to issue EIS guidelines and to hold public hearings are discretionary, regardless of the Class of Development of the project. However, reality and past practice indicate that decisions to issue EIS guidelines or hold public hearings occur rarely with respect to Class 2 Developments. The definition of wind projects, regardless of size, as Class 2 Developments, would essentially mean that EIS guidelines would not be applied to wind projects and public hearings would not take place – even if a proposed wind project would involve hundreds of turbines, huge generation capacity and a significant land base. We find this to be a disturbing prospect, despite our support for the development of wind power.

Comments – the Proposed Dacotah Wind Energy Project

Noted above in the section on environmental standards for wind energy projects in Manitoba are two examples of guidance documents regarding wind energy projects. Even in the absence of a standard in Manitoba for wind projects, under the *Environment Act*, there are provisions under section 11(9) that allow the Director of Environmental Assessment and Licensing to require proponents of Class 2 Developments to provide "additional information" and to include specific studies as part of the assessment report. We wish to know if wind energy project proponents are being required to demonstrate adherence to existing guidance documents such as these. Specifically, has Sequoia Energy been required to consider and adhere to these guidance documents with respect to the Dacotah Wind Energy Project? If this is not the case, we strongly recommend that such requirements be communicated to Sequoia Energy and to future wind energy project proponents and that a thorough search to identify existing guidance documents on wind be undertaken in the interim while comprehensive standards for wind projects are inpreparation. Proponents of wind projects should be required to review and demonstrate adherence to existing standards and justify instances in which their project doesn't and shouldn't be required to adhere to these guidance documents and studies.

If this is in fact happening, then our concern about transparency and public review is confirmed.

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Why secrecy? It is essential for environmental decision making and business decisions making thatall parties know the standards, and requirements – and that these are public, applied to all wind projects evenly.

Thank you for the opportunity to comment on this proposed project and on future assessments of wind energy in Manitoba – we look forward to further participation in the development of EIS guidelines and standards for the environmental assessment and review of wind projects in Manitoba.

Please make sure that this letter is placed in the public registry file for both the Dacotah wind project and the Environment Act proposed amendment.

Yours truly,

Gaile Whelan Enns
Director, Manitoba Wildlands