

October 17, 2003

Mr. Larry Strachan
Director
Environmental Approvals Branch
Manitoba Conservation

Dear Mr. Larry Strachan:

**Re: St. Leon Wind Energy Project Environmental Impact Statement (EIS)
Public Registry File No. 4976.00**

Manitoba Wildlands, CNF is pleased to provide our comments on the environmental impact statement (EIS) for the very first proposed wind generation project in Manitoba.

Wind energy has an important role to play in the future energy supply of Manitoba as well as throughout the country. We strongly support investment in alternative and new renewable sources of energy.

The proposed St. Leon Wind Energy Project might very well be such a project. However, our review of the Environmental Impact Statement (EIS) has uncovered a number of areas that are of significant concern. Without further clarification in a number of key areas, as well as the need for more in-depth information in certain places, it will be impossible for our office to determine if the proposed project is as efficient and environmentally friendly as the EIS describes.

In addition to EIS content deficiency concerns, our office has specific concerns with regulatory process, with particular emphasis on the limited time (i.e. two weeks) that was made available for public review and comments. This already short review period was further challenging given the October 17, 2003 deadline for interrogatories in the proposed Wuskwatim projects review process as well as the three specific October 17, 2003 deadlines in relation to the proposed Floodway Expansion Project. Some North American jurisdictions have specific regulatory barriers to having public environmental license reviews jam up on the same day.

It terms of regulatory process issues, it would be helpful if your department could provide sufficient detail as to why this project was not subjected to a 'Cooperative Assessment' as per the Canada-Manitoba Agreement on Environmental Assessment Cooperation. We note that the Canadian Environmental Assessment Act (CEAA) is triggered as a result of the program eligibility guidelines under the federal Wind Power Production Incentive

(WPPI) program: a program that, according to the EIS, the proponent will be applying under.

Despite the short two-week public comment and review process, our office looks forward to the opportunity to comment on a supplementary EIS filing. A supplementary EIS filing will be required in response to a number of EIS-deficiency areas –as outlined in this letter.

SPECIFIC COMMENTS & RECOMMENDATIONS ON EIS

1.0 Ambiguous Project Design

A major concern of the EIS is its ambiguous description of the proposed project design and generation capacity. The EIS states that the proposed wind generation project will be ‘approximately’ 99 MW. Every EIS requires a clear description of the proposed projects’ design. This is a basic requirement of any EIS.

The ambiguous nature of the EIS has significant implications. The EIS indicates that the proposed project will have between 55-75 wind turbine generators (WTG) with a per WTG capacity of 1,500 kW to 1,650 kW. These numbers suggest a range of generation capacities between a low of 82.5 megawatts (MW) to a high of 123.75 MW.

WTGs	MW/WTG	Total MWs
55	1.5 MW	82.5 MW
66	1.5 MW	99 MW
67	1.5 MW	100.5 MW
60	1.65 MW	99 MW
61	1.65 MW	100.65 MW
75	1.65 MW	123.75 MW

The ambiguous nature of the EIS on this issue is problematic given the regulatory requirements under the Environment Act. For instance, under the Classes of Development Regulation (MR 64/88) pursuant to the Environmental Act, a Class 2 Development includes all projects that have 100 MW or less generation.

The issue is significant. There is no way that the proposed project can commission more than 66 WTGs and remain below the 100 MW Class 2 threshold (this is supported by the information contained in the EIS). The EIS does not provide the required level of clarification capable of supporting the Class 2 distinction. This represents a significant EIS deficiency. We may in fact have a Class 3 proposal. There are two solutions for dealing with this and both should be undertaken:

- 1) A declaration that the EIS is deficient and an order for the proponent to provide the required information (i.e. state exact number of WTGs and MW/WTG) within an EIS supplementary filing
- 2) Once the information requirement is met via a supplementary EIS filing, it is highly recommended that Manitoba Conservation include in any forthcoming license (should one be in fact forthcoming) explicit language that states a ‘Maximum’ of 99 MW.

2.0 Project Component Excluded from EIS

The proposed project intends to connect to an existing Manitoba Hydro station. The EIS states that this station will require certain upgrades in order to accommodate the new wind power. The EIS goes on to state that environmental considerations of these station upgrades will be addressed in a separate environmental screening process by Manitoba Hydro.

The CNF has concerns that this environmental assessment process, and the resulting EIS, excludes an important project component. This amounts to a staged licensing approach and therefore contravenes the governing New Democratic Party (NDP’s) election commitment to end staged licensing as well as contravenes Section 4(I) of the Consultation on Sustainable Development Implementation (COSDI) report. We note that the COSDI report has been adopted as Manitoba government policy.

Our office recommends that the two stages of the project be joined in a single environmental assessment process and that the proponent be required to file the relevant information for this project component as part of an EIS supplementary filing. See below for other project components not included in the EIS.

3.0 Basic EIS Information Censored (i.e. public version)

The public registry version of the EIS excludes three figures (Figure 2-4, 2-5, 2-7) and has modified Figure 1-2 on the basis of confidentiality–proprietary concerns (the EIS sites Section 47 of the Environment Act). According to the EIS, uncensored copies are provided to certain staff at Manitoba Conservation. The censored figures represent the location of the proposed 3.3-kilometer transmission line, the proposed location of the collector station, and the location of the proposed 30-kilometer access road.

The information excluded from the EIS (i.e. location of key project facilities) is generally considered to be standard information normally included in EIS-type documents. It is not clear why the location of the access roads, the transmission line, the WTGs and other project related facilities are deemed to be business-proprietary information.

It is recommended that the proponent and Manitoba Conservation provide sufficient justification to support their decision to exclude such information from the EIS. The

failure to provide such justification should result in an order by Manitoba Conservation to the proponent to provide this information as part of a supplementary EIS filing. See comment above about staged licensing.

Note: We also find there is no information provided in the EIS regarding use of public lands.

4.0 Missing Data: Wind Capacity Factor

According to the EIS, the proponent set up two wind-monitoring towers (anemometers) in November 2002 in order to collect wind data and subsequently followed up the results with field studies. However, the EIS does not disclose the wind capacity factor other than to indicate that all proposed WTG sites have a rating of '3' or better (i.e. range of 1-7 with '3' being identified as the critical feasibility threshold).

The provision of information related to the wind capacity factor of the St. Leon region would enable the public to ascertain the feasibility of the proposed project and the sustainability as per the Sustainable Development Act. It is recommended that the proponent provide further details as part of a supplementary EIS filing.

5.0 Limited Data: Effects on Birds

The EIS does not provide sufficient information to support their conclusions with respect to the project-related effects to birds, especially migratory birds. It is recommended that the proponent provide details on project-related effects on each relevant bird species. It is also recommended that the EIS clearly identify the source of the data that underlines its conclusions with a clear indication of whether the data is based from project-site related field studies or from the general literature.

The acknowledgement of site location in a migratory fly way points to specific and additional information being needed in the EIS.

6.0 Limited Data: Effects on Species at Risk

The EIS does not provide sufficient information to support their conclusions with respect to the project-related effects to wildlife, especially species listed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). The EIS also does not at all reference the Manitoba Endangered Species Act (MESA) or whether any species listed is found in and around the project region.

It is recommended that the proponent provide details on project-related effects on each relevant listed species for both COSEWIC and MESA. It is also recommended that the EIS clearly identify the source of the data that underlines its conclusions with a clear indication of whether the data is based from project-site related field studies or from the

general literature. (To do this the location of all components of the project must be included, in a supplemental filing.)

The project elements that have been suppressed, and are missing from the EIS must be assessed in respect to SARA, MESA, and COSEWIC – as part of a complete project EIS review.

7.0 Lack of standards for guiding Wind Energy development in Manitoba and Canada

There is currently a general lack of environmental standards in Manitoba and in Canada to guide the development of wind generation projects. It is highly recommended that the proponent provide, preferably through a voluntary act, a description of environmental standards and/or best practices in various jurisdictions in the United States, Europe regarding wind energy projects, and environmental licensing for these.

Thank you in advance for considering our comments in this review process. Feel free to contact our office should you have any questions on any aspect of this letter.

We look forward to the prospect of commenting on a supplementary filing by the proponent. Certainly clarity as to whether this is a Class 2 or Class 3 development, a supplementary filing, and/or a decision regarding the need for environmental hearings are outstanding.

Sincerely,

Gaile Whelan Enns

c.c. Hon S. Ashton
S. Loney