

White Pines Wind Farm – common issues/concerns

* denotes new or updated information since last publication (October, 2017)

Issue: *Legal challenges of the White Pines project.*

- 1) *Alliance to Protect Prince Edward County
 - a. vs The Independent Electricity System Operator – On October 11, 2017, APPEC announced it was challenging the validity of the Feed-in Tariff (FIT) contract between the Independent Electricity System Operator (IESO) and wpd, and seeking to prevent any further work on the project. Final arguments were made on Monday, January 29, 2018 and Justice Kershman has reserved judgement.
 - b. vs Ontario (MOECC) – APPEC appealed the proposed amendments to the White Pines Renewable Energy Approval (REA) to the Environmental Review Tribunal (ERT). On January 26, 2018 the ERT dismissed the appeal.

- 2) *CCSAGE Naturally Green vs The Director – CCSAGE has initiated an application for a Judicial Review of the process by which the White Pines project was approved. CCSAGE brought forward motions, including a protective cost order (an order capping CCSAGE’s potential liability to pay their opponents’ costs in the event they are unsuccessful) and an order directing the defendants to produce further and better records. On January 9, the judge dismissed all the motions brought forward by CCSAGE. In the case of protective costs, the judge noted that CCSAGE chose to proceed by way of judicial review (rather than a constitutional challenge of the legislation against only the Province of Ontario), thus forcing wpd to defend its interests. The judge concluded:
 - a) I am not satisfied that the Applicant has made significant attempts to raise funds for this litigation from its membership or from the community as a whole. Furthermore, the community seems to have chosen to focus its resources on other challenges to the REA. The membership and the community seem to have chosen not to fund this litigation;
 - b) the Applicants chose to not fully participate in the proceedings which led to the impugned decisions, participation which may have allowed for a simplification of the issues. As the process played itself out, the impact of the project has been dramatically changed as a result of the reduction to the permitted wind turbines from 27 to 9. This confirms that the process before the ERT had addressed some of the issues raised by the Applicant. I am left with doubt on the public interest, on the public importance of this Application and on the *prima facie* merit in the Application; and
 - c) the Applicants have chosen to involve wpd White Pines in its constitutional challenge to the legislative scheme in the *GEA*. This was a choice which could have been avoided. In these proceedings, the Respondent wpd White Pines has a right to seek costs if it is successful.

As to the motion for additional information, the judge noted CCSAGE’s request for records “amounts to a fishing expedition”, and also noted CCSAGE has the option to “request a particular record or type of record which is particularly relevant the subject application”. At this point, not all materials have been provided by CCSAGE in support of their position.

- 3) *Driver vs. wpd -- Ms. Driver and Mr. Rowse commenced an application for Judicial Review of the project’s approval, arguing that the project would impact cultural heritage buildings and landscapes in the County. On June 29, 2017 the Ontario Superior Court of Justice, Divisional Court ruled against the application. Ms. Driver and Mr. Rowse sought leave to appeal the decision to the Court of

Appeal for Ontario; however, on October 20th, the Court denied the leave to appeal. Costs were awarded to wpd for both the Divisional Court and the Court of Appeal proceedings. Ms. Driver and Mr. Rowse have sought leave to appeal the costs award of the Divisional Court

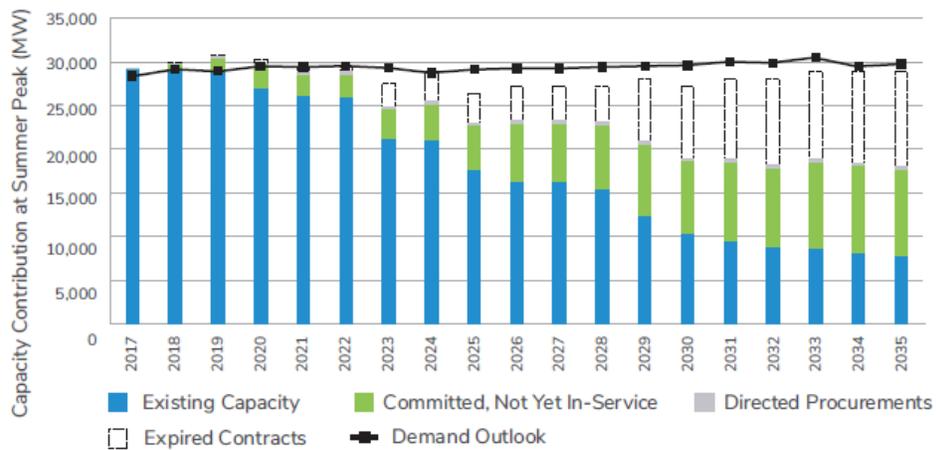
- 4) Ivak vs. wpd -- Twenty-seven Prince Edward County property owners filed a lawsuit against wpd Canada and forty-six participating landowners, claiming that the White Pines project was either reducing the value of their properties or making them unsellable. The lawsuit was withdrawn by the plaintiffs after a nearly-identical claim in a lawsuit involving another wind project was dismissed by the court and costs were awarded against the plaintiffs in that case.

***Issue:** *power from the project is not needed*

Response: Output from the White Pines project falls into the “Committed, Not Yet In-Service” category in the figure below, taken from the Ontario Government’s 2017 Long-Term Energy Plan. The figure shows that, even with current commitments, a shortfall in capacity is expected beginning in the early-to-mid 2020s as the Pickering Nuclear Generating Station reaches its end of life, and nuclear units at Darlington and Bruce are temporarily removed from service for refurbishment. Increasing capacity doesn’t happen overnight, and the Independent Electricity System Operator must have enough generating capacity in place to deal with this shortage of supply.

FIGURE 8.

Supply and Demand Outlook (2017-2035)



Source: IESO

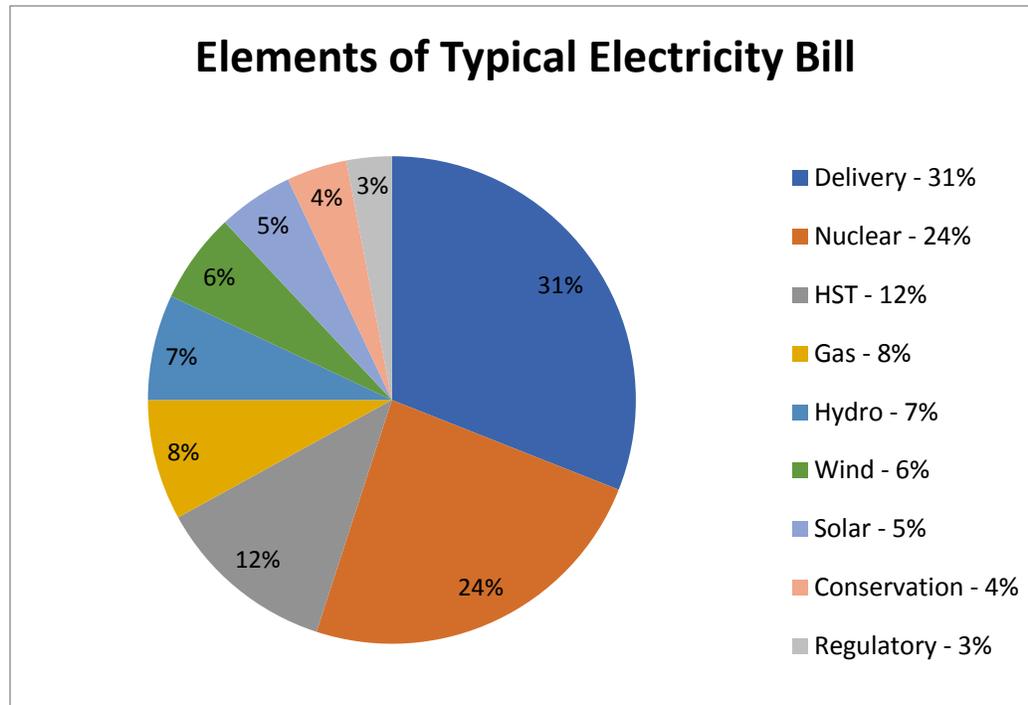
***Issue:** *windfarms are paid NOT to produce electricity*

Response: wpd will only be paid for electricity that is generated by the White Pines windfarm and fed to the grid.

***Issue:** *wind is driving up the cost of electricity*

Response: Wind is responsible for 6% of the cost of a typical electricity bill. The biggest charge on electricity bills is delivery cost, at 31%: this covers the cost for the badly needed upgrades to the transmission and distribution systems (the poles and wires), the cost the province incurred in the early

2000's to bring the Bruce nuclear units online, and the high cost to deliver electricity to rural and remote communities. The province's main source of electricity generation is nuclear – it supplies 53.5% of our power – and because of the sheer volume of nuclear power we use, it makes up the largest electricity expense (24%).



Source: Power Advisory LLC

***Issue:** *wpd proceeded with construction prior to October 15, even though construction was not permitted*

Response: The Renewable Energy Approval (REA) allows for construction prior to October 15th. Construction within Blanding's Turtle habitat is permissible between May 15 and October 15, provided certain conditions are met to ensure the protection of the turtles. The majority of the White Pines project site does not contain Blanding's Turtle habitat, and is therefore not subject to the restrictions outlined in the REA.

***Issue:** *municipalities have to pay to dismantle windmills at the end of their useful life*

Response: A developer is required to decommission (dismantle) the wind turbine at their own expense at the end of a Feed-In Tariff (FIT) contract with the Independent Electricity System Operator (IESO). To ensure this obligation is honored, wpd provides, in its standard leasing agreement, a letter of credit or blocked account to cover the cost of dismantling the facility. Funds are controlled by a third party.

***Issue:** *property values decreasing because of turbines*

Response: In a lawsuit involving Prince Edward County property owners (*Ivak vs wpd*), the plaintiffs claimed that simply announcing the project resulted in a reduction in their property values; however, historical data from the Quinte Region Association of Realtors shows that the average sale price of

dwellings in Prince Edward County rose from \$286,489 in 2010 (the year that the White Pines project was announced) to \$360,571 at the end of 2016. The *Ivak vs wpd* lawsuit was withdrawn by the plaintiffs after a nearly-identical claim in a lawsuit involving another wind project was dismissed by the court. Property values studies conducted globally over the past 8 years looked at a combined total of over 233,000 home sales transactions near wind farm developments. These studies were conducted using widely-accepted statistical methods to measure the effect of wind projects on property values. The reports looked at past housing sales within three different timeframes (pre-announcement; post-announcement / pre-construction; and post-construction) and concluded that, within the study areas, there was no evidence to suggest the presence of a wind facility negatively affected property values or home sales.

Issue: *adverse effects on animals, including horses with deformed feet, cattle with deformed heads, premature births, chickens born without eyes*

Response: There is no scientific evidence linking those effects to wind turbines. There are over 300,000 onshore wind turbines installed worldwide, with a majority of them hosted by farmers.

Issue: *lack of communication from wpd; no conversations, no phone calls*

Response: There is regular back-and-forth communication between wpd staff and Prince Edward County staff. Some County technical staff have been trained recently in turtle awareness by wpd's Species at Risk Training Program developed by a Stantec Consultant. The local councillor has stopped by the project site to speak with the wpd site manager. We are also providing periodic updates to the Ministry of Environment and Climate Change, the Ministry of Natural Resources and Forestry and the Independent Electricity System Operator.

Issue: *wpd not meeting obligations under FIT program or REA; REA amendments not submitted to MOECC; lacking Notice to Proceed from IESO*

Response: All obligations are being met. There have been instances where selected parts of conditions have been quoted, which gives the impression that we are not meeting our obligations, but when the conditions are read in total it is clear we are meeting our obligations. The Renewable Energy Approval (REA) amendment was submitted to the Ministry of Environment and Climate Change (MOECC) on October 10, 2017. As indicated by the Independent Electricity System Operator (IESO) on August 31, we do not need Notice to Proceed to begin construction.

Issue: *Lack of regulations; regulations set by industry.*

Response: If that were true, we would be constructing 29 turbines instead of 9. In reality, the project underwent a thorough review by the Ministry of the Environment and Climate Change, to ensure all regulations were met. Two turbines were removed due to protections put in place for historical features. Further, the project was extensively challenged through the Environmental Review Tribunal, and as a result, eighteen additional turbines were removed to protect species at risk.

Issue: *The project is in Blanding's Turtle habitat; construction occurring in Blanding's Turtle habitat*

Response: The majority of the project site does not contain Blanding's Turtle habitat; only a small portion of the site contains Blanding's Turtle habitat, and the Renewable Energy Approval contains strict requirements to ensure its protection.

Issue: *Damage to endangered wildlife*

Response: The Ministry of the Environment and Climate Change included a number of conditions in the project's Renewable Energy Approval to protect endangered species and other wildlife. wpd proposed additional measures, through the Environmental Review Tribunal (ERT) remedy process, which the ERT determined to be sufficient to ensure the protection of endangered species at the remaining nine turbine locations. In addition, a number of conditions are imposed on the project through the Ministry of Natural Resources and Forestry's Species at Risk permit.

Issue: *Damage to wells and water supply*

Response: The Renewable Energy Approval for the project contains conditions to protect water supplies in the area. Excavation for turbine bases is the same as that for a foundation for a typical home (3-4 metres), and the collector and distribution lines will be installed at a depth of 1 metre, using trenching and/or directional drilling; local water tables should not be affected.

Issue: *Destruction of natural habitat in a pristine landscape; fields levelled and torn up*

Response: The land upon which the project will be located is a combination of agricultural fields, treed lots and lots containing scrub brush. The agricultural fields are plowed and planted every year, so are not considered pristine. Each turbine will occupy approx. 3.7 acres, for a total project footprint of approx. 33.3 acres, which represents 0.167% of the 19,947 acres within South Marysburgh.

Issue: *Distribution/collector lines will be above ground on poles*

Response: Barring any unforeseen circumstances, the lines will remain underground as originally planned.

Issue: *The project will destroy the County's historic landscapes.*

Response: The County's historical properties and landscapes was assessed and re-assessed for the Renewable Energy Approval submission to the Ministry of Environment and Climate Change (MOECC). The Ministries (MOECC and Ministry of Tourism, Culture and Sport) then completed their evaluation and approved a majority of the project, but denied approval for 2 turbines that abutted protected properties.

Issue: *South Shore IBA; harm project will cause to migrating birds*

Response: The reconfigured project is not located within the South Shore IBA. The Environmental Review Tribunal did not identify migrating birds as a factor in their decisions.

Issue: *The County is an unwilling host. Why are you proceeding with the project when you're not wanted here?*

Response: We understand that there is opposition to the project. But we also know that the Government of Ontario sets energy and environmental policy for the entire province, and they have made it a priority to integrate renewable energies into the supply mix to help fight climate change...something that affects everyone. The White Pines project was proposed in response to that priority. Regulations have been put in place to protect the public and the environment; and processes exist to challenge the decision of government to approve a wind project. As a result of a lengthy 34-month review by the Ministry of Environment and Climate Change, the Environmental Review Tribunal appeal process and a subsequent remedy hearing, nine turbines were ultimately cleared for construction.

Issue: *adverse health effects on people, particularly due to low frequency pulsating infrasound*

Response: On November 6, 2014 Health Canada released a summary of results for its wind turbine and health study (*Wind Turbine Noise and Health Study*). Health Canada found no evidence to support a link between wind turbine noise and self-reported illness and chronic disease, as well as sleep quality and stress. In addition, arguments concerning adverse human health effects were presented to the Environmental Review Tribunal. Expert testimony was presented, as well as evidence from individuals who assert that existing wind projects near their homes are affecting their health, and the Tribunal concluded that there was no evidence which linked those health issues to the wind turbines. In relation to low frequency noise and infrasound, a 2011 study collected data at 305 metres and 457 metres from a turbine, and concluded that there should be no adverse public health effects at distances greater than 305 metres. The minimum setback from dwellings for the project's turbines is 550 metres.

Issue: *Impact turbines have on agri-tourism sector*

Response: We don't believe, and we haven't seen evidence to suggest, that our project will negatively impact tourism in the County. Wind turbines have been in operation for many years, including parts of France, Spain, Germany, California and other locations throughout the world where agri-tourism plays an important role in the economy. Many wine growing regions in other countries are promoting their link to wind energy, such as the Napa Valley Wine Tours website promoting wine tours in nearby Livermore Valley, or wineries in southern France using wind energy to produce their wines, and include wind turbines on their labels.

Issue: *White Pines is just the tip of the iceberg in the County; soon there will be hundreds of turbines*

Response: The Department of National Defence (DND) in Trenton has told wpd and other developers that the area in which White Pines is located is the only area in the County where turbines could be installed and would not produce shadowing on their RADAR systems. The presence of DND facilities restricts wind energy development to South Marysburgh, and logically the reconfigured White Pines project.

Issue: *Wind energy is being exported to the US, at a loss.*

Response: Once electricity is produced and fed into the grid, you can't determine how it was generated. It's impossible to distinguish a wind electron, from a nuclear electron, from a natural gas electron. It all blends together. In 2015, Ontario produced 153.7 Terawatt hours (TWh), the majority of which was from nuclear sources (60%), and exported approx. 14.7%