

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Greenwing Energy Development L.P.
PROPOSAL NAME: Reston Wind Energy Project
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Energy Production
CLIENT FILE NO.: 5244.00

OVERVIEW:

The Proposal was dated December 19, 2006 and was received on December 20, 2006. The advertisement of the Proposal read as follows:

“A Proposal for the Reston Wind Energy Project has been filed by Greenwing Energy Development L.P. for the construction and operation of a 99 megawatt (MW) net electrical generation capacity commercial wind energy facility located within the Rural Municipalities of Pipestone and Albert. Between 40 and 70 wind turbine generators are proposed within a 7300 hectare project area, situated west of Provincial Road 83 and mainly south of Provincial Trunk Highway 2, between the communities of Pipestone and Reston. An Environmental Impact Assessment (EIA) Report has been filed in support of the Environment Act Proposal. Construction is tentatively targeted to begin in 2008 subject to regulatory approvals and a Power Purchase Agreement with Manitoba Hydro.”

The Proposal was advertised in Reston Recorder and in the Virden Empier Advance on Saturday, January 13, 2007, and was made available for public review at the following locations:

Main Registry/Winnipeg Public Library/Manitoba Eco-Network (Wpg);
Border Regional Library (Virden)

It was also distributed to the "Energy Production" TAC members for comment. All comments were requested by February 14, 2007.

PUBLIC RESPONSE

No comments were filed in response to the advertisement of the proposal.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Historic Resources The proposed avoidance and mitigation prescription regarding potential impacts to archaeological resources identified in the proposal satisfies the concerns of the Historic Resources Branch.

Intergovernmental Affairs (Community Planning Services Offices) Community Planning Services has no concerns or objections to the proposal at this point.

R.M. of Pipestone Zoning By-law - Note that the project would be considered as a conditional use under the provisions of the R.M. of Pipestone Zoning By-Law. An application for conditional use will have to be submitted for the review of the municipal council, in accordance with The Planning Act, prior to commencement of construction. The application should be accompanied by a detailed plan showing locations of towers, access roads and underground electrical connections. The provisions of the municipality's zoning by-law include a required separation distance of 1000 ft. between towers and residences and a separation distance of 2500 ft. to any community or wildlife management area.

R.M. of Albert Zoning By-law – Zoning By-law is in draft form at this point. The requirements of this By-law treat wind energy projects as conditional uses, much like the RM of Pipestone. Once the By-law is enacted the new Albert zoning requirements (including an application for conditional use) will apply in a similar manner to the RM of Pipestone requirements.

Installations within road allowances – Any installations within most of the municipal government road allowances in the area (such as privately owned power lines) will be subject to municipal approval. Councils will consider setback distances between towers, homes and infrastructure, roadway improvements, routing of electrical connections, etc. once more detailed information becomes available.

Disposition: Greenway has informed the EA&L Branch that they will be applying for conditional use and are aware of required setbacks. Detailed information will be provided by Greenway to the Councils once it becomes available.

Agriculture Comment as follows:

- Note that landowners have been made aware of crop dusting restrictions in proximity to turbines prior to signing agreements. This has allowed landowners to make an informed decision as to whether it would be in their economic interest to enter into agreements for WTGs on lands where aerial crop spraying was an important feature of their crop management.
- Note that the Manitoba Aerial Applicators Association has concerns about restrictions on aerial spraying within and near windfarms.
- Agriculture is concerned that this may have implications for producers who have not signed an agreement to have a WTG on their property.

Disposition: The concern expressed about restrictions imposed on Manitoba aerial applicators within and near wind farms are beyond the mandate of the Environment Act review. The Canadian Aerial Applicators Association is in process of developing safety guidelines which are expected to address this issue on a broader basis. The concerns expressed by some Manitoba aerial applicators have been referred to the Canadian Wind Energy Association (CanWEA). CanWEA is addressing the expressed concerns.

Infrastructure and Transportation (MIT) Comments are as follows:

- A permit is required from the Highway Traffic Board (under the Highways Protection Act) for access driveways onto Provincial Trunk Highways (e.g. PTH 2 and PTH 83) and any structures(including signs) within control areas adjacent to them (i.e. within 125 ft. of edge of highway right-of-way and within a 500 ft. radius control circle at the junction of PTH 2 and 83.)
- Agreements will be required for overhead and buried power lines within PR right-of-way.
- WTG's should be setback sufficiently to avoid falling on PTH right-of-way as a result of an extreme weather event and to avoid ice being thrown from blades onto highway right-of-way.
- existing drainage patterns along Provincial highway right-of-way should be maintained.
- detailed design drawings should be forwarded to Departmental staff for review and approval.
- Permits would be required for oversized and overloaded trucks on Provincial Roadways(during the construction phase). Spring load restrictions may apply.
- provide MIT staff to be contacted with regard to requirements.

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

Health Note that the Environmental Monitoring Plan described in the Proposal should prevent or mitigate potential impacts.

Disposition: No follow-up by EA&LB required.

Science, Technology, Energy and Mines

Mines Branch: Comments as follows:

- Lands containing economically valuable mineral deposit that is designated within a Municipal Development Plan should be avoided.
- Lands containing a valid quarry mineral lease that is in good standing under The Mines and Minerals Act should be avoided as a candidate site.

Disposition: Comments can be accommodated as a condition of the Licence.

Petroleum Branch: Comment as from the petroleum industry perspective as follows:

- There are existing Crown Leases with companies allowing them to extract oil from parts of the project area. These parties should be made aware of how the wind project may affect their operations.

- Formal consultation with the Petroleum Branch, the oil industry and Greenwing should occur to ensure that impacts on the petroleum industry (Crown and freehold leases) are minimized.
- Setback distances between WTGs and petroleum infrastructure has not been specified by Greenwing.
- The Surface Rights Board has authority to hear and decide on surface rights issues.
- New Midland Petroleum and Tundra Oil and Gas Partnership have existing petroleum infrastructure within the project area and have plans for expansion.
- Greenwing will not be permitted to locate WTGs within 120 meters of existing wells.
- A list of companies with mineral rights leased by the Crown and legal descriptions of the leased area is provided.

Disposition: EA&L Branch forwarded the comments provided by the Petroleum Branch to Greenwing Energy. On February 23, 2007, Greenwing Energy provided the following response:

- The existing Crown Leases with companies and the right of those companies to access their minerals is acknowledged and will be respected. Greenwing will ensure that the proposed wind project will not impact their investment.
- Once Greenwing has confirmation that the proposed Reston project is a successful respondent to the upcoming Manitoba Hydro request for proposals they will formally meet with the Petroleum Branch and the oil industry.
- Greenwing recommends that the setback requirements be increased from 75 to 120 meters.
- Greenwing concurs that companies with freehold mineral leases will have to be consulted and final design coordinated with them.
- Greenwing will review and coordinate final design with the Surface Rights Board and with New Midland Petroleum and Tundra Oil and Gas.
- Greenwing reports that the company understands the Oil and Gas Act and Drilling and Production Regulations and do not anticipate any problems respecting the 120 meter setback. Greenwing also notes that they have had experience working successfully with the oil and gas industry in other jurisdictions. Greenwing is currently developing projects in the US where the oil and wind industry coordinate and cohabit harmoniously.

EA&L Branch subsequently forwarded the response from Greenwing to the Petroleum Branch for their information and consideration. Greenwing's commitment to work directly with the Petroleum Branch and the petroleum industry in the further planning of the Reston project, can be accommodated with a licence condition.

Conservation (Sustainable Resource and Policy Management Branch) Comment as follows:

- Note that the project area is very diverse habitat and habitat values. Recommend that WTGs not be located on agricultural soil class 4 and 5 lands in the eastern part of the study area because of high wildlife habitat values.
- Recommend that WTGs be located a minimum distance of 200m from Class 3 wetlands and 500m from Class 4 and 5 wetlands measured from the outermost point of uncultivated vegetation surrounding the wetland.
- Below ground infrastructure should be located 100m from wetlands.
- Requests an opportunity to review and comment on the final layout of WTGs and related infrastructure prior to construction.
- Recommend that the Wildlife and Ecosystem Protection Branch be consulted with respect to bat and bird monitoring to be undertaken as part of the environmental protection plan.
- Recommend that the proponent inspect the site for the presence of any rare and endangered species of concern prior to and during construction in accordance with the Manitoba *Endangered Species Act* and the federal *Species at Risk Act*. If species of concern are present, the proponent is required to contact the Biodiversity Conservation Section of the Wildlife and Ecosystem Protection Branch to discuss possible mitigation options.
- The Wildlife & Ecosystems Protection Branch requests that turbines be selected for bird and bat mortality monitoring on the basis of important habitat, using low, medium and high impact criteria for both wetland and upland habitats. Recommend that mortality surveys be conducted weekly during the spring and fall migration and cover periods pertinent to various species that are known to traverse the project area. Surveys should be staggered and randomized with additional surveys conducted after weather events. Mortality searches should be conducted within a minimum 80 meter radius of turbines. The survey results should be submitted annually to the Director of Environmental Assessment & Licensing Branch.
- Sharp-tailed grouse are in the area and pre-construction surveys should be conducted in the vicinity of the turbine sites to determine the presence of leks. If leks are present, turbines must be located a minimum of 500 meters away. Lek sites should be monitored for a minimum of 6 years. Manitoba Conservation must be notified of the location of leks so that the methodology for long term monitoring can be arranged. Recommend that a minimum of two annual pre-construction counts occur before a turbine is placed nearby.
- Note that land tenure for Crown land requires a Crown Land Act permit/lease which is subject to the standard Crown land & Property Agency review process.
- Any Crown land in the areas designated for the project will require First Nation consultation.

Disposition: On February 28, 2007, the proponent provided the following additional information to clarify questions and issues on the proposal filed by the Sustainable Resource and Policy Management Branch:

- Greenwing recognizes that the Project Area represents an area of high habitat diversity. They suggest that it is more appropriate to focus attention on protecting

species using this area rather than excluding the entire area located on agricultural soil class 4 & 5 lands. Also, from an agricultural perspective siting WTGs on uncultivated lower value agricultural land is preferred.

- A confidential preliminary plan indicating the proposed (subject to review with landowners and certain stakeholders) location of the turbines with the coordinates of the turbines has been made available to the EA&LB.
- Greenwing intends to have a biologist conduct a field investigation once location data for the infrastructure is confirmed to determine whether any valued vegetation complexes may be impacted. More detailed vegetation and land use mapping will be provided at that time to the Wildlife Ecosystems and Protection Branch. Similarly, field inspections will also occur to identify potential impact on other high valued resources including heritage resources and leks. Native habitats will be avoided to the extent reasonably possible. The Wildlife Ecosystems and Protection Branch will be consulted on how to proceed for any native habitat that must be disturbed.
- Greenwing will adhere to the minimum 200 m setback from the riparian or functional edge of the wetland for Class 3 -5 wetlands and 100 m for other wetlands. Requirements for setbacks in excess of 200 m for specific Class 4 and 5 wetlands will be discussed with the Wildlife Ecosystems and Protection Branch to determine the utility from a scientific perspective.
- Final location of the WTGs and related infrastructure along with detailed vegetation and land use mapping will be provided to Wildlife and Ecosystem Protection in advance of final design confirmation and construction. Once the final WTG design and layout has been confirmed, the locations will be inspected on the ground by accredited individuals to determine if there are any impacts to natural or heritage resources. Similar inspections will also occur to identify the potential impact on other identified high value resources such as heritage resources and leks. If deemed necessary, modification to the infrastructure location or other mitigation can be made to protect identified high value resources.
- The Environmental Protection Plan will provide greater detail with respect to wildlife monitoring. The selection of monitoring sites for birds and bats will be based on sound research design according to accepted protocols and will be consistent with the monitoring and mitigation requirements imposed on other wind energy projects in Manitoba. Greenwing will consult with MB Conservation in the design of the monitoring programs. The monitoring program will be overseen by an experienced environmental scientist and can be expanded to include a modified amphibian survey.
- Greenwing will avoid habitats of endangered species and the obligations and responsibilities of both the provincial and federal governments will be met. The limitations of the Conservation Data Centre's information are recognized. All sightings of species of concern relative to the Endangered Species Act and Species at Risk Act will be reported to the Biodiversity Conservation Section.
- The requested 80 meter search area represents a significant expansion to the monitoring program in terms of land rental fees, maintenance costs, and search times (labor/hours). Greenwing will discuss the search area size and other

elements of the monitoring program with CWS and MB Conservation in more detail to confirm the correct application of monitoring criteria to the project.

- Table 1 Migrant Raptors observed in the Reston Area during the spring of 2006 has been provided.
- Further discussions between Greenwing and MB Conservation are required to ensure that requested setbacks between turbines and sharp-tailed grouse leks identified during further field studies are necessary and purposeful from a scientific perspective and consistent with the mitigation requirements imposed on other wind energy development projects in Manitoba.
- Greenwing will report annually to Manitoba Conservation on the results of the monitoring programs.
- Greenwing understands that any requirements for Crown Land tenure will proceed through the provisions of the Crown Land Act.
- The Oak Lake and Sioux Valley First Nations were sent invitations to the Open House held in the community of Pipestone. No response was received nor did members identify themselves at the open house. Greenwing will continue to attempt to engage the Oak Lake and Sioux Valley Nations in the project planning.

The additional information and clarification by Greenwing in their February 28, 2007 response demonstrates that they are amenable to discussing the specific details of follow-up monitoring surveys with MB Conservation with a view to accommodation wherever feasible and practical. The Proposal EIA states that the proponent intends to work with MB Conservation in the development and implementation an Environmental Protection Plan (EPP) for the project. The requirement to provide an EPP will be included as a condition of the Licence. A copy of the detailed comments have been provided to the consultant for consideration in developing appropriate survey methodology and mitigation in the EPP.

With respect to sound the Licence will require that siting of WTG's be carried out in accordance with the Provincial Guidelines for Sound Pollution. It is also recommended that the Licence contain a separate clause to address noise nuisance issues during operation of the Development.

Water Stewardship Recommend the following:

- Any construction dewatering will require authorization under The Water Rights Act.
- The proposed activities should not degrade the surface and groundwater quality on adjacent properties.
- The regional fisheries manager should be consulted in the final determination of crossing locations, timing and types of crossings for temporary vehicle access and for any trenched crossings required for the electrical collector system as indicated in the EAP. Note that the preferred method of crossing waterbodies is by boring. 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. Crossing first and second order drains by trenching should be delayed until mid summer. Recommend that the Manitoba Stream Crossing Guidelines be followed including no instream work between April 1 and June 15th. Any work

required outside this timeframe should be done, if possible, when the stream is dry to prevent erosion.

- Provincial fisheries management interests will be met through application of DFO's no net loss policy.

Disposition: Comments can be accommodated as conditions of licencing.

Canadian Environmental Assessment Agency (CEAA)

- Based on responses to the federal survey, CEAA was not able to determine whether the application of the Canadian Environmental Assessment Act will be required for the project.

Disposition: Federal comments submitted by Fisheries and Oceans Canada, Environment Canada and Health Canada 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.

PUBLIC HEARING

A public hearing is not recommended for this project on the basis that no response 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 licencing. It is recommended that the project be licenced pursuant to the Environment Act in accordance with the terms and conditions described in the attached draft Environment Act Licence. It is further recommended that enforcement of the Licence be assigned to the Western Region

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