

RECEIVED
February 13, 2013
TMC

VIA E-MAIL ONLY

February 8, 2013

File: E.11.05.13.EN-11-040

Mr. J.A. (Al) Leggett, BA, MCIP, RPP
Project Manager
Stantec Consulting Ltd.
300-675 Cochrane Drive, West Tower
Markham, ON L3R 0B8

Dear Mr. Leggett:

**Re: Municipal Consultation Package
Niagara Region Wind Farm Project
Niagara Region**

Thank you for providing a copy of the draft Municipal Consultation Package for the Niagara Region Wind Farm Project (NRWF). Niagara Region staff has reviewed the proposal and completed the Municipal Consultation Form. A copy is attached. In January 2013 Niagara Region staff provided more detailed comments specific to the Niagara Escarpment Commission (NEC) Development Permit application for the underground transmission line in Lincoln. NRWF should address those comments as well, which are set out in the attached letter to the NEC.

Appendix I to the present letter summarizes the recommendations from Regional staff respecting the Renewable Energy Act Application as well as the NEC Development Permit Application. These recommendations address, among other matters:

- Modifications to the transmission line route around Smithville to avoid visual impacts on the Urban Area;
- Potential impacts on Regional infrastructure and services (roads, water and wastewater systems, waste collection);
- The proximity of project components to natural heritage features and the need for additional setbacks for some components;
- Completion of Stage 3AA archaeological assessments and Stage 4 mitigation prior to construction; and

- Decommissioning standards and requirements for Financial Assurances.

Additional background information related to these recommendations can be found in the attached Municipal Consultation Form and in the Region's letter to the NEC.

If you have any questions, or wish to discuss the comments provided with this letter, please contact me.

Yours truly,



Don Campbell, MCIP, RPP
Coordinator, Development Initiatives

Attachments

- c: Anne Louise Heron, Chief Administrative Officer, Town of Lincoln
Grant Munday, Manager of Planning, Township of Wainfleet
Brian Treble, Director of Planning and Building Services, Township of West Lincoln
Suzanne McInnes, Manager, Watershed Development Services, NPCA
Peter Colosimo, Director, Development Services
Marilyn Radman, Manager, Development Planning
Phill Lambert, Manager Development Engineering
Mary Lou Tanner, Associate Director, Regional Policy Planning
Kumar Ranjan, Associate Director, Transportation Planning
Kyle Moate, Manager of Infrastructure Planning and Asset Management
Jim Beal, Renewable Energy Program Coordinator, Ministry of Natural Resources

Appendix I
Recommendatlons
Niagara Region Wind Farm
Niagara Region Wind Corporation

1. Recommended Modifications to the Application

Niagara Region staff recommends that the proponents modify the application as set out below. If the proponents do not make these modifications, Niagara Region staff recommends that, if the Director issues a Renewable Energy Act approval for this application, the Director require the following:

- i. That either the sections of the transmission line located adjacent to the Smithville Urban Area Boundary be relocated to a route where the transmission line is not visible from the Urban Area or that these sections of the transmission line be placed underground.
- ii. That all project components, other than those within road right-of-ways, be set back a minimum 15 meters from significant natural heritage features.

2. Recommended Conditions of Approval under Section 47.5 of the Environmental Protection Act

Niagara Region staff recommends that, if the Director issues a Renewable Energy Act approval for this application, the Director require that Niagara Region Wind Farm (NRWF) comply with the following conditions prior to the commencement of any site preparation or construction work:

- i. That NRWF complete a Traffic Management Plan to the satisfaction of Niagara Region, the Township of Wainfleet, and the Township of West Lincoln.
- ii. That the NRWF enter into an agreement with Niagara Region with respect to NRWF works within Regional road rights-of-way dealing with, among other things, the design, construction and maintenance of NRWF works within Regional road rights-of-way, and the implementation of NRWF's Traffic Management Plan.
- iii. That NRWF secure Niagara Region's agreement respecting the crossing by NRWF's proposed Mountainview Road transmission line of the lands occupied by the Regional water main paralleling the CN Rail line in the Town of Lincoln.
- iv. That, within six months after the completion of construction, NRWF rehabilitate lands outside road rights-of-way that have been disturbed during construction:
 - a. To agricultural value the same as or greater than predevelopment conditions if the lands are agricultural.

- b. To a state of equal or greater ecological value to predevelopment conditions if the lands are of natural heritage significance.
 - c. To the pre-development surface water drainage conditions that existed on the site and adjacent lands.
- v. That NRWF be required to complete a Stage 3 AA archaeological impact assessment to the satisfaction of the Ministry of Tourism, Culture and Sport and that all Stage 4 mitigation measures required by the Ministry be completed to the Ministry's satisfaction.
 - vi. That if the Ministry of Tourism, Culture and Sport determines that an archaeological site or sites can not be satisfactorily mitigated through excavation and removal of cultural features and artifacts, NRWF be required to relocate the project component(s) impacting that site.
 - vii. That the continuity of the Bruce Trail across Mountainview Road in the Town of Lincoln be maintained during construction of the transmission line and that the safety of the Bruce Trail along this section of the Road be improved, if feasible.
 - viii. That NRWF ensure that, throughout the construction period, road access to all properties within the study area is maintained.
 - ix. That NRWF be required to restore the lands on which project components to be decommissioned are located to the following standards:
 - a. To agricultural value the same as or greater than predevelopment conditions if the lands are agricultural.
 - b. To a state of equal or greater ecological value to predevelopment conditions, if the lands are of natural heritage significance.
 - c. To pre-development surface water drainage conditions that existed on the site and adjacent land.
 - x. That NWRf be required to provide the Minister with a Financial Assurance sufficient to cover the cost of decommissioning and rehabilitation.

1.3 - Renewable Energy Generation Facility

Type of Facility / Operation (select all that apply & complete all appropriate sections)

<input type="checkbox"/> Wind Facility (Land Based)	<input type="checkbox"/> Biofuel Facility
<input type="checkbox"/> Wind Facility (Off-Shore)	<input type="checkbox"/> Solar Photo Voltaic Facility
<input type="checkbox"/> Biogas Facility (Anaerobic Digesters)	<input type="checkbox"/> Other Describe :
<input type="checkbox"/> Biomass Facility (Thermal Treatment)	<input type="checkbox"/> Class (if applicable) :

Name Plate Capacity	Expected Generation	Service Area	Total Area of Site (hectares)

Provide a description of the facilities equipment or technology that will be used to convert the renewable energy source or any other energy source to electricity.

1.4 – Renewable Energy Generation Activities

Describe the activities that will be engaged in as part of the renewable energy project

Section 2 – Supporting Documents

2.1 – Requirement	Name of Draft documents distributed for consultation	Date available to Municipal or Local Authority Contact
DRAFT Project Description Report		
DRAFT Design and Operations Report		
DRAFT Construction Plan Report		
DRAFT Decommissioning Plan Report		
List of other Documents		

Location where written draft reports can be obtained for public inspection (physical location for viewing and the applicants project website if one is available):

Section 3 – Applicant Address and Contact Information

3.1 - Applicant Information (Owner of project/facility)		Business Identification Number
Applicant Name <i>(legal name of individual or organization as evidenced by legal documents)</i>		
Business Name <i>(the name under which the entity is operating or trading - also referred to as trade name)</i>		<input type="checkbox"/> same as Applicant Name
Civic Address- Street information <i>(includes street number, name, type and direction)</i>		Unit Identifier <i>(i.e. apartment number)</i>
Survey Address <i>(Not required if Street Information is provided)</i>		
Lot and Conc.: used to indicate location within a subdivided township and consists of a lot number and a concession number.	Part and Reference: used to indicate location within an unsubdivided township or unsurveyed territory, and consists of a part and a reference plan number indicating the location within that plan. Attach copy of the plan.	
Lot	Conc.	Part Reference Plan
Municipality	County/District	Province/State
		Country
		Postal Code

PART B: TO BE COMPLETED BY THE MUNICIPALITY OR LOCAL AUTHORITY

Section 4 - Municipal or Local Authority Contact Information (check the one that applies)

Local Municipality (include each local municipality in which project location is situated) <input type="checkbox"/> Yes <input type="checkbox"/> No					
Name of Municipality	Address	Phone	Clerk's Name	Clerk's Phone/Fax	E-Mail Address
Upper Tier Municipality (include each upper tier municipality in which project location is situated) <input type="checkbox"/> Yes <input type="checkbox"/> No					
Name of Municipality	Address	Phone	Clerk's name	Clerk's Phone/Fax	E-Mail Address
Regional Municipality of Niagara	P.O. Box 1042 Thorold, ON L2V 4T7	905-685-1751	Janet Pilon	905-685-1751, ext. 3220	Janet.pilon@niagararegion.c.
Local roads area (include each local roads area in which project location is situated) <input type="checkbox"/> Yes <input type="checkbox"/> No					
Name of local roads board	Address	Phone	Secretary-treasurer's Name	Secretary-treasurer's Phone/Fax	E-Mail Address
Board Area (include each board area in which project location is situated) <input type="checkbox"/> Yes <input type="checkbox"/> No					
Name of Local Service Board	Address	Phone	Secretary's name	Secretary's Phone/Fax	E-Mail Address

Section 5: Consultation Requirement

5.1 - Project Location

Provide comment on the project location with respect to infrastructure and servicing.

Regional Roads

A number of Niagara Region roads are located within the project area. The site plans indicate that a number of project components are proposed to be located within the Region's road rights-of-way, namely:

- Sections of the transmission line;
- Sections of the collector lines;
- Fibre optic cables; and
- Junction boxes.

In addition, a number of the access roads to individual turbines would require entrances onto Niagara Region roads.

The Project Description Report indicates that the junction boxes are to be 2m high, 3m long and 2m wide. Careful consideration will have to be given to determining whether these boxes can be fit in the road right-of-way without negatively impacting on drainage; road safety; or Regional road widening requirements. NRWF should contact Niagara Region Public Works staff early in the detailed design stage. NRWF should contact Jim Zeoli, Manager, Development Engineering, (Phone 905-685-4225, x. 3627 or Email Phill.Lambert@niagararegion.ca).

Regional Water and Wastewater Systems

Three sections of the proposed transmission line run along roads where Regional water and wastewater infrastructure is located:

1. The underground transmission line on Mountainview Road in Lincoln would cross a Regional water main located on the south side of the CN rail line.

2. A Niagara Region trunk water main and a Regional wastewater force main connect the Smithville Urban Area to Niagara Region treatment plants in Grimsby. North of Smithville the proposed transmission line would run along a section of Young Street between South Grimsby Road 5 and Thirty Road on which these mains are located. The Region plans to install an additional wastewater force main in 2013-14. Please contact Sunil Sharma, Manager, Design and Construction at Niagara Region at 905-685-1571, x 3645 regarding this Regional project.
3. A Regional wastewater forcemain is located on a section of West Street (Regional Road 20) in Smithville, running west from South Grimsby Road 5 for approximately 300 meters.

Niagara Region Public Works should be consulted early in the detailed design stage regarding the construction of transmission lines in these locations. NRWF should contact Phil Lambert, Manager, Development Engineering, (Phone 905-685-4225, x. 3627 or Email Phill.Lambert@niagararegion.ca) to discuss its plans with Niagara Region staff. In addition, Niagara Region Water and Wastewater's Central Maintenance Facility in Welland (905-734-4777) should be contacted at least 48 hours before work begins at each location so that Niagara Region staff can be on-site.

Waste Management

The Region's Niagara Road Landfill is located southeast of the intersection of Mountain Road and Mud Street in Grimsby. It is approximately 1000 m north of the route of the proposed transmission line route along Young Street. The landfill serves Grimsby, Lincoln, Pelham and West Lincoln businesses and residents.

Niagara Region would request that NRWF contact staff in Niagara Region's Waste Management Division to discuss:

1. The development of NRWC's Traffic Management Plan as it might impact on Niagara Region waste collection services and routes. The Traffic Management Plan should address impacts both on the Region's waste collection service and on members of the public visiting the Niagara Road 12 site to dispose of waste materials; and
2. Disposal of waste materials at Niagara Region facilities.

Niagara Region Waste Management staff should be notified at least one month before movement of construction materials and equipment on each road is to occur.

5.2 – Project Roads

Provide comment on the proposed project's plans respecting proposed road access.

Plans for all proposed works within Regional road rights-of-way should be submitted to Niagara Region Public Works for approval. The Region has advised Niagara Region Wind Farm that NRWF will be required to enter into an agreement with the Region with respect to the design, construction and maintenance of works within Regional road rights-of-way and with respect to its Traffic Management Plan. This agreement will provide the framework for permits required by the Region, which may include:

- Entrance Permits will be required for access roads with entrances to Regional Roads
- Oversized/Overweight Load Permits.
- Road Occupancy Permits
- Construction Encroachment Permits.

The Construction Report indicates that temporary road widenings may be required at some intersections to accommodate the transportation of turbine components to the locations where they are to be installed, NRWF will be required to cover the cost of constructing such widenings and of restoring the intersections to a condition satisfactory to Niagara Region after construction is completed.

Identify any issues and provide recommendations with respect to road access

Provide comment on any proposed Traffic Management Plans

A Traffic Management Plan was not provided with the Application. Niagara Region will require submission of a Traffic Management Plan, prepared to its satisfaction, prior to entering into the agreement respecting Regional roads indicated above.

Identify any issues and provide recommendations with respect to the proposed Traffic Management Plans

5.3 – Municipal or Local authority Service Connections

Provide comment on the proposed project plans related to the location of and type of municipal service connections, other than roads.

The REA does not propose connections to Niagara Region water and wastewater services.

Identify any issues and provide recommendations with respect to the type of municipal service connections, other than roads.

5.4 – Facility Other

Identify any issues and recommendations with respect to the proposed landscaping design for the facility

No landscaping should be located within Regional road allowances.

Provide comment on the proposed project plans for emergency management procedures / safety protocols.

Identify any issues and recommendations with respect to the proposed emergency management procedures / safety protocols.

Identify any issues and recommendations with respect to any Easements or Restrictive Covenants associated with the Project Location

5.5 Project Construction

Identify any issues and recommendations with respect to the proposed rehabilitation of any temporary disturbance areas and any municipal or local authority infrastructure that could be damaged during construction.

Any areas that are disturbed within municipal road allowances are to be restored to the satisfaction of the Region.

Other lands that are temporarily disturbed during construction, such as lands used for access roads and entrances and laydown areas, should be rehabilitated:

- To the same or greater agricultural value, if the lands are agricultural.
- To a state of equal or greater ecological value if the lands are of natural heritage significance.
- To maintain or restore surface water drainage on the site.

Identify any issues and recommendations with respect to the proposed location of fire hydrants and connections to existing drainage, water works and sanitary sewers

Identify any issues and recommendations with respect to the proposed location of buried kiosks and above-grade utility vaults

Identify any issues and recommendations with respect to the proposed location of existing and proposed gas and electricity lines and connections

Provide comment on the proposed project plans with respect to Building Code permits and licenses.

Identify any issues and recommendations related to the identification of any significant natural features and water bodies within the municipality or territory.

Natural Heritage

The Region's "Core Natural Heritage Map" identifies the natural heritage features in the area that are designated for conservation and enhancement in the Niagara Region Policy Plan. A copy of the Core Map and the relevant natural resource and environmental policies are found in Section 7 of the Plan, which can be accessed at <http://www.niagararegion.ca/living/icp/policy-plan.aspx>.

Components of the Core Natural Heritage System are located throughout the area in which the project is proposed. These include:

- **Environmental Protection Areas (EPAs)** include provincially significant wetlands (PSWs); provincially significant Life Science Areas of Natural and Scientific Interest (ANSIs); and significant habitat of threatened and endangered species. In addition, within the Greenbelt Natural Heritage System, Environmental Protection Areas also include other evaluated wetlands; significant valleylands; significant woodlands; significant wildlife habitat; habitat of species of concern; publicly owned conservation lands; savannahs and tallgrass prairies; and alvars. Mapping of the significant habitat of threatened and endangered species is not included in the Core Natural Heritage Map.

Development and site alteration are not permitted in EPAs but may be permitted on adjacent lands if it has been demonstrated that, over the long term, there will be no significant negative impact on the EPA or adjacent lands.

The Ministry of Natural Resources (MNR) has made extensive changes to wetland mapping and

evaluations in the area since the Region's Core Natural Heritage Map was adopted in 2005. These changes are taken into account in applying the Region's EPA policies.

- **Environmental Conservation Areas (ECAs)** include the following features where located outside the Greenbelt Natural Heritage System: significant woodlands; significant wildlife habitat; significant habitat of species of concern; regionally significant Life Science ANSIs; other evaluated wetlands; significant valleylands; savannahs and tallgrass prairies; and alvars; and publicly owned conservation lands.

Development and site alteration may be permitted in ECAs and adjacent lands if it has been demonstrated that, over the long term, there will be no significant negative impact on the EPA or adjacent lands.

- **Fish Habitat.** Within Fish Habitat or adjacent lands development and site alteration may be permitted if it will result in no net loss of the productive capacity of fish habitat. A naturally vegetated buffer zone generally is required.
- **Potential Natural Heritage Corridors** represent natural and open space linkages between Core Natural Areas. . Development should be located, designed and constructed to maintain and, where possible, enhance the ecological functions of the Corridor in linking Core Natural Areas or an alternative corridor should be developed.
- **Greenbelt Natural Heritage System.** Development and site alteration may be permitted within the Greenbelt Natural Heritage System provided that the conditions set out in Niagara Region Policy 7.B.1.20 are met.

Water Resources

Niagara Region Policy 7.A.2.1 indicates that development shall only be permitted if it has no negative impacts on surface and ground water, natural drainage systems and flooding and erosion. The Policy lists the impacts of concern. The Region's agricultural policies also are concerned with ensuring that public works and public utilities are located so as to minimize impacts on surface drainage (Policy 6.A.13).

Some turbine locations appear to have the potential to impact on watercourses. For example, Turbine T.53, Figure 4.21, appears to be located on a watercourse and the temporary laydown area encompasses the watercourse. Similarly, Turbine T.83, Figure 4.9 is located very close to a watercourse. The temporary laydown area encompasses a section of the watercourse and a turnaround on the access road abuts the watercourse. NPCA and MNR should be consulted to determine whether these project components should be set back from watercourses.

Issues and Recommendations

1. The environmental policies in the Niagara Region Policy Plan embody a natural heritage system approach, in which the linkages and interrelationships among natural heritage features and water resources are of fundamental importance. This is reflected in the Region's Core Natural Heritage System Map, which identifies Core Natural Heritage Features linked by Potential Natural Heritage Corridors. This approach is consistent with Policy 2.1.2 in the Provincial Policy Statement and with the Ministry of Natural Resources Natural Heritage Reference Manual. The Potential Natural Heritage Corridors identified on the Region's Core Natural Heritage Map are meant to address not only the movement of animals but also other ecological functions, such as the dispersal of plants and seeds. Regional staff note that Carolinian Canada's Big Picture project identified a network of potential habitat corridors in the study area (http://www.carolinian.org/BigPictureMap_Niagara.htm).

The Draft Natural Heritage Assessment and Environmental Impact Study submitted with this application only partially addresses the natural heritage system approach embodied in the Region's Plan. The Natural Heritage Assessment only investigates the presence of animal movement and amphibian corridors. It also employs very high standards for identification of animal movement corridors and does not find any, although it does indicate the potential for some amphibian corridors. The Corridors identified in the Niagara Region Policy Plan were intended to serve a broader range of ecological functions.

2. A number of project components are located in close proximity to significant natural features.

- a. Several turbines are located where the sweep of the rotor blades will extend to close to the edge of a natural feature. For example, at T8, T27 and T94 the rotor blades would extend to within 5 meters of the edge of a wetland. The EIS should more fully address how the close proximity of these turbine rotor blades could impact on these natural areas and their wildlife populations.
 - b. Some laydown areas and access roads are located within 5 m of a significant natural feature. Some touch the boundary of a natural area. It is recommended that these project components be relocated to provide a 15 m buffer from significant natural areas. This recommendation would not apply to collector and transmission lines within road rights-of-way.
3. The Draft Natural Heritage Assessment identifies only one significant valleyland within the project study area, namely the Welland River. Niagara Region has identified a number of other significant valleylands, which are designated as Environmental Conservation Areas in Regional Policy Plan. These are shown on the attached map. These valleylands should be addressed in the report.

Identify any issues and recommendations related to the identification any archaeological resource or heritage resource.

The Stage 2 Archaeological Assessment submitted with the application identifies 48 sites requiring Stage 3AA Archaeological Assessment. Several large sites have been identified. The report indicates that it anticipates that several sites will require Stage 4 mitigation. It appears that at this point the significance of these sites has not yet been determined.

It is recommended that the Director require, as a condition of approval, that before any site preparation or construction work begins:

1. NRWF be required to complete Stage 3AA assessments of the sites identified in Section 5.1 of the Interim Stage 2 Archaeological Assessment be completed to the satisfaction of the Ministry of Tourism, Culture and Sport and any Stage 4 mitigation measures required be completed to the Ministry's satisfaction.
2. If the Ministry of Tourism, Culture and Sport determines that a site or sites can not be satisfactorily mitigated through excavation and removal of cultural features and artifacts, NRWF be required to relocate the project component(s) impacting that site or sites.

Other issues, recommendations or concerns

Transmission Line Around Smithville

The poles used in the proposed transmission line appear to be significantly taller than those used to carry existing local power lines and thus will have a greater visual impact. A portion of the transmission line route will be located on the boundary of the Smithville Urban Area, adjacent to a residential neighbourhood, a planned school and a municipal recreation area. Given the visual impact, it is recommended that NRWF either relocate this section of the transmission line to a route in less proximity to the Urban Area or place the transmission line underground.

Decommissioning

With respect to decommissioning of the project the Renewable Energy Approval should be subject to the following conditions:

That the proponent be required to restore the lands on which the project components to be decommissioned are located to the following standards:

Agricultural lands – rehabilitation to agricultural value that is the same or superior to predevelopment conditions.

Significant natural heritage features and adjacent lands – rehabilitation to a state of ecological value equal to or greater than predevelopment conditions.

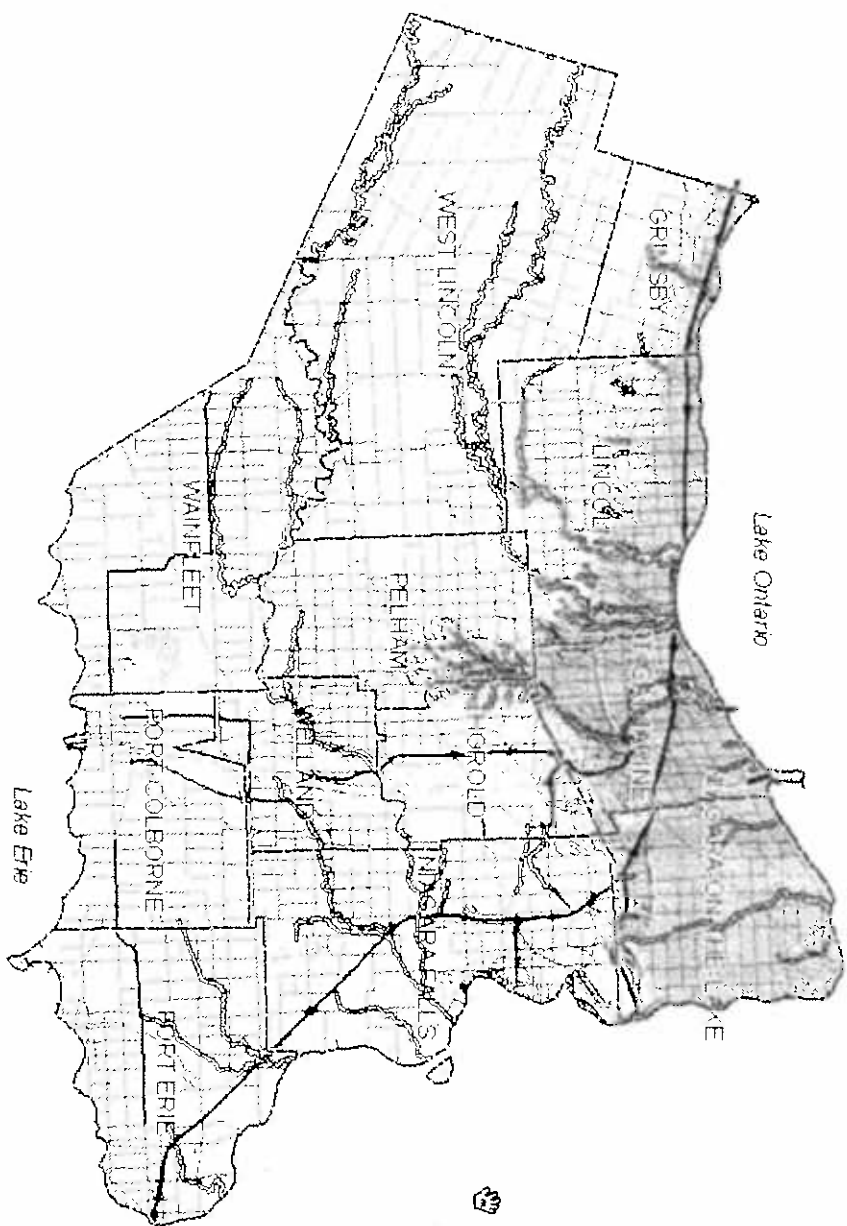
Surface water drainage – rehabilitation to maintain or restore surface water drainage on the site and surrounding area.

That the NRWF be required to provide the Minister with a Financial Assurance sufficient to cover the cost of

decommissioning and rehabilitation.

Cycling Network

A map of the Niagara Region Bicycle Network, as designated in the Niagara Region Policy Plan, is enclosed. Components of the Niagara Region Wind Farm Project are to be located on the Network. This should be taken into account in planning construction activities and developing the Traffic Management Plan.

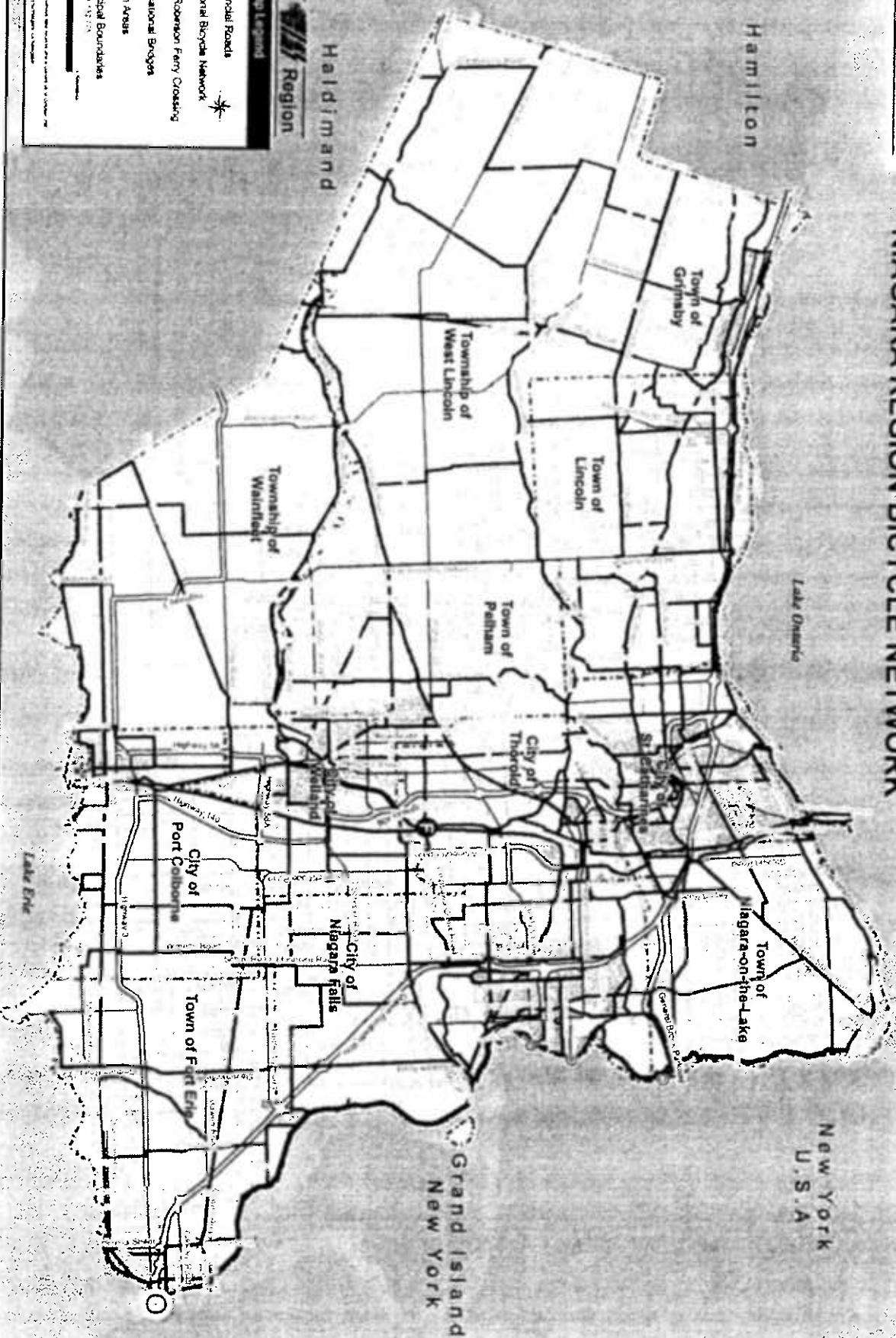


Environmental Conservation
 Area – Significant
 Valleylands

NIAGARA REGION BICYCLE NETWORK

Legend

- Provincial Roads
- Regional Bicycle Network
- Port Robinson Ferry Crossing
- International Bridges
- Urban Areas
- Municipal Boundaries



NEW YORK
U.S.A

Grand Island
NEW YORK

Niagara Region

HAMILTON

HALDIMAND

Lake Ontario

Lake Erie

VIA E-MAIL ONLY

January 11, 2012

File: D.09.03.NEC-12-065

Ms. Nancy Mott-Allen
Senior Strategic Advisor
Niagara Escarpment Commission
232 Guelph Street, 3rd Floor
Georgetown, ON L7G 4B1

Dear Ms. Mott-Allen:

Re: Development Permit Application
File No. N/S/2012-2013/191
Applicant: Robert Daniels – Niagara Region Wind Corporation
Mountainview Road
Town of Lincoln

Development Services staff has reviewed the above application and the accompanying Application Report submitted by the applicant. The purpose of the application is to permit construction of an underground 115kV transmission line within the Mountainview Road right-of-way through the Niagara Escarpment Plan Area in the Town of Lincoln. Regional staff offers the following comments for the Commission's consideration.

The Proposed Transmission Line

The transmission line would carry electricity from the Niagara Region Wind Farm (NRWF) being proposed south of the Escarpment. It would follow Mountainview Road down the Escarpment and then north to connect to the Hydro One transmission corridor parallel to the CN Rail line which runs through Lincoln. The transmission line would be in a concrete conduit buried within a trench 2 metres deep located within the road right-of-way. Mountainview is a local (Town of Lincoln) road. The underground transmission line would be located, in part, within the Niagara Escarpment Plan Area of the Greenbelt Plan, where the policies of the Escarpment Plan apply. However, it also would extend north through the Greenbelt Plan Protected Countryside to the Hydro One corridor.

Niagara Region Comments

Agriculture

The proposed transmission line would run through lands within the Niagara Escarpment Plan that are designated Unique Agricultural Area – Good Tender Fruit and Good Grape Lands in the Niagara Region Policy Plan. The lands below the Escarpment are part of the Beamsville Bench, a particularly significant area for the growing of wine grapes. Four wineries are located along this section of Mountainview Road while three others are located a short distance away.

The Niagara Region Policy Plan states that the predominant use of land within the Unique Agricultural Area will be for agriculture as well as associated value retention uses. The Plan gives the highest priority to protecting the Unique Agricultural Areas. Policy 6.A.13 provides that:

“...essential public uses such as utility, communication, and transportation facilities which are of a linear nature and cannot reasonably locate outside agricultural areas may be permitted within them and should be located so as to minimize the effects on surrounding unique and good general agricultural lands, farm operations, surface drainage, and natural environmental resources.”

A transmission line to convey electric power from a renewable energy project would be classified as a utility facility. This policy also sets out certain tests, which are considered as follows:

a. Are There Reasonable Alternative Locations Which Avoid Agricultural Areas?

The proposed wind turbines are to be located in a Good General Agricultural Area south of the Escarpment. Thus it is not possible for the transmission line to be located outside of agricultural areas. NRWF evaluated three alternative corridors for the transmission line. The alternative that was chosen is the shortest and passes through the least amount of agricultural land.

b. Agricultural Impacts

Once the underground transmission line has been installed the impacts of potential significance to agriculture are likely to relate to surface drainage and groundwater. These are addressed later in this letter in the section on water resources. There could also be significant impacts during the construction period as Mountainview Road is part of Niagara's Wine Route. The wineries along this section of the Road offer wine tastings and sales, vineyard tours, lunches, and events. The attractive setting and public road access are of critical importance to their financial success.

Section 4.C of the Regional Policy Plan "Niagara Wine Country" aims to support a high quality wine, culinary and hospitality tourism sector. It also encourages the growth of agri-tourism while promoting a strong grape growing sector. The policies set out in this section of the Policy Plan are designed to complement these objectives. Niagara Region is committed to the success of the area identified as Niagara Wine Country, and has been consistent in its implementation of related policies.

Given this impact, it is recommended that the development permit address this issue by requiring consultation with the business owners to determine when construction would have less impact, and by requiring measures to control noise and dust. In addition, the development permit should require that road access to all properties be maintained throughout the construction period.

c. Natural Environment

The Policy Plan designates a Core Natural Heritage System, which is to be maintained, restored and, where possible, enhanced. The proposed transmission line route passes through or adjacent to several of these features as shown on the attached map.

- *Environmental Conservation Areas (ECAs)*

Mountainview Road passes between natural areas designated as ECAs in the Regional Policy Plan. These ECAs include the large woodland area and Life Science ANSI on the west side of Mountainview, and adjacent significant woodlands and valleylands on the opposite side of the road. NRWF has addressed impacts on natural heritage through its Application Report and through the reports prepared for its Renewable Energy Act application.

The transmission line should not have significant negative impacts on ECAs provided that it is constructed entirely within the road right-of-way and the Commission requires implementation of the mitigation measures recommended in Table 5.2 of the Application Report.

- *Fish Habitat*

Three watercourses crossing Mountainview Road are designated as Fish Habitat in the Regional Policy Plan. In addition two other watercourses crossing or adjacent to Mountainview Road have been classified as Fish Habitat by the Ministry of Natural Resources. The Regional Policy Plan states that within Fish Habitat and adjacent lands, development and site alteration may be permitted if it will result in no net loss of the productive capacity of fish habitat as determined by the Department of Fisheries and Oceans or its designate. The Niagara Peninsula Conservation Authority

(NPCA) should be consulted with respect to impacts on fish habitat and any necessary design or mitigation measures.

- *Potential Natural Corridors*

The Regional Policy Plan identifies two Potential Natural Heritage Corridors crossing Mountainview Road in the vicinity of Mountainview Conservation Area. The underground transmission line, once in place, should not cause further disruption to the ecological functions of these corridors.

- *Water Resources*

In addition to Policy 6.A.13, Policy 7.A.2.1 indicates that development shall only be permitted if it has no negative impact on surface and ground water, natural drainage systems and flooding and erosion.

Several watercourses cross this section of Mountainview Road. Two of these watercourses have well defined valleys 3 metres or more in depth immediately to the east of Mountainview Road. It will be very important to control runoff during construction.

NPCA water resource mapping indicates that much of the transmission line route is in a Groundwater Recharge Zone and that the route south of McLeod Street is in a Highly Vulnerable Aquifer area. Policy 7.A.2.9 states that development and site alteration shall not have significant negative impacts on ground water resources. In areas where development and site alteration could significantly affect ground water quality or quantity the Region shall require further review of potential impacts. The Commission should consider the comments of the NPCA regarding potential impacts on surface and ground water resources.

Cycling and Trails

Regional Policy Plan Amendment 2-2009, which has been adopted by Regional Council, emphasizes the importance of active transportation such as walking and cycling.

a. Cycling

The Policy Plan designates Mountainview Road between Walkers Road and Locust Lane as part of the Niagara Region Bicycle Network. The Network continues east on Locust Lane and down Lincoln Avenue. Policy 9.F.12 states that the Region will require all proposed infrastructure undertakings at the environmental assessment and planning approval stages, to provide facilities for cycling, including extensions and improvements to the bikeway network in keeping with the provisions of the Policy Plan and the Regional Niagara

Bikeways Master Plan, where feasible. In particular, public sector projects will be expected to show leadership by incorporating facilities and infrastructure for bicycling in their planning and design decisions.

The Application Report indicates that NWRC would like to coordinate and finance the installation of bicycle lanes along both sides of Mountainview Road within the NEP area. Niagara Region staff supports this initiative provided that bike lanes can be installed without significant negative impacts on the natural environment, or on agricultural or other properties. This should be included as a condition of a development permit, and subject to the agreement of the Town of Lincoln. The Regional Niagara Bicycling Committee should be consulted regarding plans for this section of the route.

b. The Bruce Trail

The Bruce Trail crosses Mountainview Road, following the Road for approximately 450 metres between Locust Lane and the Mountainview Conservation Area. Niagara Region Policy 7.E.8 states that a continuous pedestrian route generally following the Bruce Trail should be protected along the Niagara Escarpment, recognizing and protecting the rights of the property owners involved. NWRC has stated in the Application Report that it would like to coordinate and finance the paving of Mountainview Road. This could provide an opportunity to improve safety of the Bruce Trail along this section of the Road. Niagara Region staff recommends that the Commission consider requiring through the development permit:

- The continuity of the Bruce Trail across Mountainview Road be maintained during construction; and
- The safety of the Bruce Trail along this section of the Road be improved, if feasible.

Archaeology

The report submitted with the Development Permit Application does not address archaeology. Draft Stage 1 and 2 Archaeology Reports have been prepared for the overall Renewable Energy Act application, however. The Commission should ensure that the Ministry of Tourism, Culture and Sport is satisfied with these reports and that recommended implementation measures are implemented.

Niagara Region Infrastructure

The proposed transmission line would cross Regional Road 81 at the northern edge of the Escarpment Plan Area. Niagara Region has advised the proponent that it will require NRWF to enter into an agreement with the Region respecting the location, construction and maintenance of all NRWF facilities on Regional

road rights-of-way. A condition of Development Permit for this agreement is requested.

Niagara Escarpment Crossing Study

In 2012 Niagara Region reopened this Class Environmental Assessment, which had been held in abeyance for several years. The Class EA is to identify a road crossing that will accommodate safe, efficient and appropriate movement of truck traffic across the Escarpment. Previous work had shortlisted Mountainview Road as a potential corridor. Mountainview Road is still under consideration as a route that could be improved or altered to make it better suited to heavy truck traffic moving up and down the escarpment. It is expected that the Environmental Study Report will not be ready for filing before autumn 2014.

Conclusion

Niagara Region staff is not opposed to the development permit as submitted, subject to the conditions of Development Permit approval recommended in this letter and any comments from the NPCA and the Town of Lincoln.

Yours truly,



Don Campbell, MCIP, RPP
Coordinator, Development Initiatives

Enclosure

C: Anne Louise Heron, CAO, Town of Lincoln
Suzanne McInnes, NPCA
Mary Lou Tanner, Integrated Community Planning
Peter Colosimo, Director, Development Services
Marilyn Radman, Manager, Development Planning
Phil Lambert, Development Engineering
Jillian Stephen, Transportation Services
Kyle Moate, Water and Wastewater Services