

No.	Question	Answer
APAI Letter to Loyalist Township August 21st, 2017 Regarding Pre-Construction Study		
1.	<p>No engineering analysis of the load bearing capability of South Shore Road has been conducted in relation to the eroded bank and shore of Lake Ontario. Indeed no mention is made of the fact that the bank is undercut in many places and holes are visible through the road surface. The Geotechnical Investigation was limited to borehole drilling and analysis of the depth of the clay and gravel. No mention is made of erosion or indeed proximity to Lake Ontario. No reference is made to Ministry of Transportation Geometric Design Standards for Ontario Highways or indeed any design standards. Bore-hole analysis alone is not a comprehensive assessment of the condition of existing roads and an insufficient basis for the design and reconstruction of Island roads. Severe erosion and deterioration has occurred since the 2004 Amherst Island Shore Roads study.</p>	<p>Windlectric is aware of the shoreline erosion on South Shore Road and it and its engineers, in conjunction with the preparation of the Operations Plan and Pre-Construction Study have been physically present to review the current state of the road. The Operations Plan and Pre-Construction study were prepared taking into account the erosion referenced and the Township and its consultants have, by virtue of recommending approval of Operations Plan v9, accepted that the ‘road strengthening’ and reconstruction technique outlined in such Operations Plan will be sufficient for project heavy haul activity.</p> <p>Despite the foregoing, should conditions in the field encountered during the Pre-Construction Preparatory Work be found to differ materially from those found to date during the preparation of the Operations Plan and the Pre-Construction Study, the protocol established in Section 5 of the approved Operations Plan v9, (“Operations Plan Approval, Evaluation, and Revision”) will be followed.</p>
2.	<p>No confirmation is provided that the proposed road design and reconstruction is acceptable to the Cataraqui Region Conservation Authority.</p>	<p>Windlectric has received a permit from the CRCA for the planned road platform strengthening and maintenance activities.</p>
3.	<p>No confirmation and certification is provided by a qualified engineer that reconstructed roads and in particular South Shore Road will be safe for public use. Laying some plastic and 9 inches of gravel over an unstable base is a recipe for disaster. The use of a roller passing over gravel six times is not an accepted engineering method of confirming load bearing capability.</p>	<p>Road strengthening design has been prepared by qualified professional subject-matter engineers. The Project’s engineers have signed/stamped the geotechnical report and the municipal road drawings relating to such work.</p> <p>In addition, we also confirm that Windlectric is providing a warranty and financial security to the Township as a performance back-stop on the Pre-Construction Preparatory Work (and all other phases of Work on public roadways).</p>

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4.	<p>No confirmation is provided in the entire set of drawings and reports that the reconstructed roads will support the proposed Equivalent Single Axle Loads related to the turbine project as set out in the Municipal Roads Investigation Report. The additional heavy loads related to hydro collector installation and road reconstruction are not considered.</p>	<p>As with the previous comment, road strengthening design has been prepared by qualified professional subject-matter engineers. The Project’s engineers have signed/stamped the geotechnical report and municipal road drawings.</p> <p>In addition, as also noted above, we confirm that Windlectric is providing a warranty and financial security to the Township as a performance back-stop on the Pre-Construction Preparatory Work (and all other phases of Work on public roadways).</p>
5.	<p>No engineering stamp is shown on any Plan and Profile Drawings and on any of what can only be called sketches (not to scale) of the proposed road works. The Geotechnical study and assessment of municipal roads has a disclaimer about its use</p>	<p>Windlectric confirms that the municipal road drawings have been sealed by a P. Eng. licensed to practice in the Province of Ontario and delivered to the Township.</p> <p>The municipal road drawings are drawn to scale (except where specifically noted).</p> <p>The language found in the paragraph titled “Sign-Off Sheet” on page 2 of the Geotechnical Report (PCS Section B.01) is typical disclaimer language found in reports of this nature. Such language is meant to limit the usage of the content of the report to ensure it is only used for its intended purpose.</p>
6.	<p>No compliance is presented with the commitment in the Operations Plan that roads will be restored to existing or better condition. The "updated" Municipal Roads Geotechnical Borehole Investigation report dated July 20, 2017 (posted on the Township web site on August 9, 2017) says that asphalt on Stella 40 Foot may be removed and two options are presented</p> <p>a. No consultation with the community and in particular with St. Paul's has occurred with respect to the two options posted for the first time on August 9, 2017. Council may recall that changes to the hill on Stella 40 foot by the Church were of significant concern to the community. As very little paved road exists on the Island, the loss of any paved surface</p>	<p>Current Municipal Road Geotechnical report Maintenance of the strengthened road during the execution of the Work is the responsibility of Windlectric – specifically cited in in the Operations Plan (see Section 2.6).</p> <p>We note that the suggestions for Stella Forty Foot Road (and other previously paved surfaces) were specifically discussed with Loyalist Township staff in conjunction with the finalization and approval of the Operations Plan by Council.</p>

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	<p>is concerning particularly on a hill. Any decision should be brought forward for consideration by Council.</p>	
7.	<p>No compliance exists with respect to the Director of Infrastructure's statement in the July 27, 2017 report to Council that "The Township has always mandated that the roads should be improved before turbine and turbine access road-related construction commences; which in staff's opinion is consistent with the RUA." Line 19 in the current version of the Schedule shows concurrent access road construction so that roads in their current condition will be subject to heavy traffic. It is not clear how it would be physically possible to achieve the objective without using roads not shown as haul routes. No provision has been made for 10,000 trucks to reverse direction prior to the construction of access roads. NO consistency of terminology exists throughout - Pre Construction preparatory work, road restoration, road reconstruction.</p> <p>The overall project schedule also shows turbine foundation construction concurrently with public road restoration which also suggests use of some Island roads in their existing condition and perhaps use of some roads not identified as haul routes.</p>	<p>Windlectric confirms that the Pre-Construction Preparatory Work consisting of strengthening of a road segment will be completed prior to Project 'heavy-haul' traffic use of such road segment except as noted in the approved Operations Plan.</p> <p>Road strengthening will be performed in a staged fashion such that strengthening on a particular road segment will be completed before transport of equipment and delivery of material related to downstream infrastructure is performed.</p> <p>As previously discussed with Township staff, one-time, conventional float transport of off-road, and tracked construction equipment (loaders, bulldozer, excavators) may occur in some locations in advance of road strengthening work. This will allow the entrance(s) of downstream access roads to be constructed for use as turn-around features that will be used to avoid the need to reverse trucks on the public roads.</p>
8.	<p>No compliance with the Wildlife Mitigation Measures set out in Appendix C of the Traffic Management Plan: "In areas adjacent to water features (including water crossings, ponds and seasonally flooded areas), road construction and site preparation will occur between October 31st and May 1st to avoid sensitive periods for amphibians, fish and reptiles; " All of South Shore Road and many locations on Lower Forty Foot are seasonally flooded. Culverts are by definition at a "water crossing". Consequently no construction of any</p>	<ul style="list-style-type: none"> - The concept of limiting construction from May 1- Oct 31 in the Traffic Management Plan and Wildlife Management Plan was specifically for 3rd Concession Road and four turbines being, S03, S09, S11, & S36. The intent of the Wildlife Management Plan was not to restrict construction for the entire island during May 1- Oct 31 but was only related to these four turbines. For this reason the schedule does not need to be amended as noted. - Furthermore, the culverts to address periodic flow are not the kind of water crossing element the commitment was intended to cover because that is not where one would reasonably expect to find turtles.

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	<p>type including installation of hydro collectors, vegetative stripping, excavation, widening and reconstruction should occur from May 1 to October 31 on South Shore Road and Lower Forty Foot. The schedule should also be amended to show the replacement of one box culvert on South Shore (pictured below and which will require extensive road closures not identified in the Operations Plan) and eleven corrugated culverts on South Shore, Front Road, Stella 40 Foot, and Concession Road 2 only between October 31 and May 1. Replacement of the box culvert on South Shore requires trespass on private property adjacent to Lake Ontario and may be inextricably linked to the forced road issue.</p> <p>The updated Culvert Conditions report concludes "Based on the existing condition and size of the CSP and box concrete crossing culverts, it is our recommendation that 11 of the CSP, and (Corrugated Steel Pipes), and 1 of the 2 box concrete crossing culverts are recommended to be replaced. Another 10 of the CSP's require an owner decision for replacement based on type of weight/loading that will be placed on them. The remaining concrete culverts are recommended to remain." It is not clear who is identified as the "owner" and how the decision concerning replacement will be made. In any event all work on culverts and water crossings shall be completed between October 31 and May 1.</p>	<ul style="list-style-type: none"> - Windlectric notes that the box culvert on South Shore will not be replaced by the Project. This culvert will be protected by steel plating buried in the roadway above the culvert. (see further detail below) - The Project will respect landowner property rights at all times during the course of the Project. - Instead of replacing the 1 box concrete crossing culvert recommended by the Project Engineer as needing to be replaced, it is one of the culverts which will be protected via internal shoring. This work will be done in accordance with the terms and conditions outlined in the "Culvert Analysis and Treatment Plan" section of PCS Study, Section B.02. This methodology of culvert protection has been discussed with Township staff on several occasions. - In the context of this Culvert Conditions report, the "owner" of the culverts is the Township. Given specific comments received from Township staff Windlectric has prepared a Culvert Analysis and Treatment Plan that sets forth regarding the process for assessing culverts as well as culvert protection with plating or shoring, or culvert replacement. Permitting of the culverts owned by Loyalist Township may fall under the authority of other jurisdictions, such as the Cataraqui Region Conservation Authority or the Ontario Ministry of Natural Resources. The 'owner decision' reference here primarily refers to those culverts listed in the Culvert Conditions report as needing <i>monitoring</i> during the work to ensure continued integrity. While not initially deemed to be unable to withstand construction loading, there was some indication to the Project Engineer that monitoring would be prudent. In this case, not the 'owner', but rather Windlectric and its constructor will 'monitor' those culverts during the construction work to ensure their integrity is maintained, and repair or replace if needed.

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		<p>- As noted above, the work on culverts is not restricted to the period between October 31 and May 1.</p>
9.	<p>No mention of compliance with the Road Use Agreement and the Operations Plan as the governing documents for all aspects of municipal works on Amherst Island. No mention is made of compliance with MOECC requirements with respect to the testing and use of contaminated soil from road works to be re-used for access roads.</p>	<p>Compliance with the Road Use Agreement, the Operations Plan and applicable law in respect of all Work is required by the Road Use Agreement and therefore a specific reference to this fact in the Pre-Construction Study is not required and was not duplicated. Disposal of excess soils will be done in compliance with all applicable laws and regulations.</p>
10.	<p>No printed versions of the recent versions of the drawings have been provided to enable the public to understand the impact on their properties.</p> <p>No resolution to the issue of forced roads has been attempted so that the onus will be on residents to steward their properties from trespass.</p> <p>NO explicit prohibition on over-sailing private property has been set out and plans revised on August 17 still show obstruction free zone outside of the road allowance. It is impossible to deliver turbines on South Shore without over-sailing the road allowance else why would signs on the boundary have to be removed. The blades are 50 m.</p>	<p>Two (2) sets of full-sized drawings of the Pre-construction Study Version 4 were provided to Loyalist Township offices in Odessa, ON August 23rd, 2017. Another eight (8) sets of the PCS Study Version 5 drawings were provided to the Township offices on August 31st. These latter drawings were made available for public review at the special Town Hall Public Meeting hosted by Loyalist Township at the Amherst Island Public School on September 6th, 2017. Finally, another (2) two Professional Engineer stamped and sealed drawing sets were provided for public review at the above-reference meeting.</p> <p>The "forced road issue" has been raised by some landowners. One landowner applied to the Ontario Superior Court of Justice to challenge the Township's rights in relation to forced roads and to challenge the Township's ability to authorize Windlectric to use forced roads. Both the Township and Windlectric opposed the court application. The landowner agreed to abandon his court application after he reviewed filings made by the Township and Windlectric and concluded that the court would validate the forced roads and their use by the Township and Windlectric.</p> <p>The Township and Windlectric have agreed upon a legal Reference Plan of Survey protocol (Operations Plan Schedule 21) to ensure that the municipal boundaries of the Loyalist Township road allowances are verified by qualified Ontario Land Surveyors.</p> <p>Windlectric has entered into agreements with certain landowners. Windlectric will not trespass on the property of non-participating landowners. Over-sailing will occur only where affected landowners have provided Windlectric with their consent.</p>

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11.	<p>No compliance with the decision to not use Marshall 40 Foot because of the impact on habitat. Unlike every other access road intersection with a municipal road, the approximately 50 m intersection widening is within the public road allowance for Front Road/Marshall 40 Foot and should not be permitted. Drawings for the adjacent road on the Osborne property also show access road construction within one metre of the Marshall 40 Foot road allowance and the need for silt fencing on the road allowance. The use of heavy equipment for road reconstruction will almost certainly affect adjacent habitat unless the road is hand constructed. Installation of gates and fences should respect the public road allowance.</p>	<p>Marshall 40 Foot Road will not be used by the Project. There is no intersection widening considered for the Project at the current intersection of Marshall Forty Foot Road and Front Road. Such a turning radius <i>is</i> planned for the intersection of Front Road and a new private land access road immediately west of Marshall Forty Foot Road. Please refer to PCS Study Section D, “Pre-Construction Preparatory Work”, specifically entrance drawing C-213, Revision A. There were no special restrictions required by the Project’s REA approval for this work.</p> <p>Turbine deliveries to this private land access road will be coming from the west to the east, and will use the above mentioned turning radius to turn southwards – this widened intersection does not overlap the Marshall Forty Foot Road allowance. Aggregate and concrete trucks coming to this intersection from the east will have enough mobility to completely avoid Marshal Forty Foot Road.</p>
12.	<p>No changes have been made to address the unsafe intersection of Front Road and the Island dock access road identified as an issue by residents and brought to the attention of Council in 2016. About 15,000 trucks and heavy equipment will cross Front Road at this location. Sight lines are not adequate and the intersection is simply in the wrong location. This intersection is an accident waiting to happen.</p>	<p>Windlectric and the Township have agreed upon a Traffic Management Plan (Schedule 2 of Operations Plan v9) that will be used in all locations and work in the public roadways, including this intersection.</p> <p>Flaggers with radios will be deployed east and west of the intersection as an added measure for traffic management.</p>
13.	<p>No acceptable Environmental Monitor has been appointed. Stantec has a clear conflict of interest.</p>	<p>Windlectric has retained a functional group within Stantec (environmental consultants) as ‘Environmental Monitor’ – the named individuals have extensive experience in the Ontario wind industry, the REA process, the ESA, and all related environmental permits and regulations.</p> <p>Stantec is an independent professional services company that maintains the highest standards of professional conduct and has no interest in the Project and therefore no conflict of interest exists.</p>
14.	<p>No Coherence, no Change Process, and no Enforceability - The collection of documents called the Pre Construction Study is a disjointed assembly including a proposal from a consultant, project</p>	<p>The presentation of the various versions of the PCS submitted thus far follow the strict outline/requirements in the Road Use Agreement and is structured in such a manner to address each of the required topics.</p>

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	<p>schedules, and technical information with no coherence or description of objectives and link to the Road Use Agreement and Operations Plan. No change and approval process is described. No enforcement provisions are set out.</p> <ul style="list-style-type: none"> a. Some documents make reference to Windlectric Inc. as a "wholly owned subsidiary of Algonquin Power" which is no longer the case. b. All Plan and Profile Drawings continue to show Turbine S12 c. The southerly boundaries of the road allowance on South Shore is missing from at least all three drawings d. The width of the unopened municipal road allowance from Lower 40 Foot appears to be incorrect 	<ul style="list-style-type: none"> a. Pre-Construction Study Version 5 contains no references to Windlectric Inc. as being a wholly owned subsidiary of Algonquin Power. b. Pre-Construction Study Version 5 contains no further known references to Turbine S12. c. The thick red dashed line, shown as the southerly boundary of the road allowance, does appear to be missing in some of the Rev. F series of MR-200 drawings showing South Shore Road. Pursuant to the Survey Protocol, Section 21 of approved Operations Plan, v9, the OLS legal Reference Plan of Survey work being verified with the Loyalist Township Ontario Land Surveyor will prevail. Furthermore, future/final MR-200 drawings will show the final agreed upon boundary. d. The road allowance shown on drawing no PCS-MR218-LOWER-40FT-RD_IFMC_RG at its intersection with Lower Forty Foot was taken from the Ontario Land Surveyor engineered survey field work lines. Per Survey Protocol, Section 21 of the approved Operations Plan, v9, the Ontario Land Surveyor legal Reference Plan of Survey work being verified with the Loyalist Township Ontario Land Surveyor will prevail and no work will be completed on this area of the road until the width of the road allowance has been agreed upon with the Township in accordance with the Council-approved expert Survey Protocol.
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15.	<p>APAI requests Council to require that the Pre Construction Study and all Plan and Profile Drawings be based on the fundamental requirement without exception “to stay within the road allowance with their activities”. The future staff report concerning the Pre Construction Study encompassing Plan and Profile drawings should explicitly state that no oversailing shall be permitted and all reference to “obstructions free zones” outside of the municipal road allowance shall be deleted. The Township cannot approve a Study and drawings based on the use of private property not under lease to Windlectric and contrary to commitments set out in the staff report.</p>	<p>A principal of Windlectric Inc. has provided written confirmation to Loyalist Township that it has the right to encroach on the properties owned by participating landowners and that it has the consent of all non-participating landowners where encroachment will occur.</p>

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