

**PROVINCE OF SASKATCHEWAN
MINISTRY OF ENVIRONMENT
NOTICE OF MINISTERIAL DECISION
PURSUANT TO SECTION 15
THE ENVIRONMENTAL ASSESSMENT ACT**

**WINDLECTRIC INC.
CHAPLIN WIND ENERGY PROJECT**

WHEREAS Windlectric (hereinafter called "the Proponent"), applied for ministerial approval as required by subsection 8(1) of *The Environmental Assessment Act* (hereinafter called the Act) to construct and operate a 177 megawatt wind energy project that consists of a maximum of 79 wind turbine generators (WTGs), as well as supporting infrastructure including access roads, an underground fibre-optic communications network, an operations and maintenance building, an electrical collection system, and a new 34.5-kilovolt (kV) to 138-kV substation (hereinafter called the development);

AND WHEREAS the Minister of Environment (hereinafter called "the Minister"), gave notice of the assessment to be conducted as required by section 10 of the Act;

AND WHEREAS an environmental impact statement, consisting of a document entitled "Chaplin Wind Energy Project Environmental Impact Statement" dated September 2015 (hereinafter called "the Statement") as required by clause 9(1)(b) of the Act, was submitted to the Minister;

AND WHEREAS the Minister has reviewed the Statement and has made the Statement and review available for public inspection as required by section 11 of the Act;

AND WHEREAS the Minister is satisfied that all the requirements of the Act have been met, including those required of the Proponent;

AND WHEREAS the Minister has concluded the development should not be approved;

NOW THEREFORE TAKE NOTICE THAT, PURSUANT to clause 15(1)(b) of the Act, the Minister has made the decision to refuse to approve the development, as more fully outlined in the attached Reasons for Decision.

Dated at Regina, Saskatchewan this ____13____ day of _September_____, 2016

ORIGINAL SIGNED BY:

Scott Moe
Minister of Environment

**REASONS FOR DECISION
MINISTERIAL DECISION
PURSUANT TO SECTION 15
*THE ENVIRONMENTAL ASSESSMENT ACT***

**WINDLECTRIC INC.
CHAPLIN WIND ENERGY PROJECT**

Introduction

The Environmental Assessment Act (hereinafter called the Act) states that a person shall not proceed with a development (as defined in the Act), until ministerial approval has been received. It further sets requirements for a process of Environmental Impact Assessment (EIA) intended to inform the Minister of Environment of the potential impacts of a development prior to making a decision.

In July 2013, Windlectric Inc. (Windlectric, the Proponent) submitted a project proposal to the Environmental Assessment Branch (EAB) to develop a 177 megawatt (MW) wind energy project north of the Village of Chaplin, Saskatchewan (the project). The project proposal was sent to the Saskatchewan Environmental Assessment Review Panel (SEARP) for technical review. SEARP reviewers are a group of technical and regulatory experts from across the Government of Saskatchewan that review project information to ensure a full understanding of potential project impacts. Following SEARP review, the project was determined to be a “development” under the Act. Windlectric was therefore required to conduct an EIA and submit findings in an Environmental Impact Statement (EIS).

Public notice of the EIA was given in April 2014 pursuant to Section 10 of the Act. In September 2015, the Proponent submitted the final EIS to the EAB seeking approval under clause 15(1)(a) of the Act. The EIS underwent both technical review by SEARP and a 30-day public review. The review process will be discussed in more detail in subsequent sections of this document.

Background

The proposed project includes construction and operation of a wind power facility with an estimated footprint of 144 hectares (ha) over 19,000 ha north of the Village of Chaplin and approximately 155 km west of Regina. The project area is located primarily in the Rural Municipality (RM) of Chaplin No. 164 on agricultural land and native prairie. Chaplin Lake, which is part of a system designated as a Western Hemisphere Shorebird Reserve Network (WHSRN) site, is located 4.5 km south of the nearest proposed wind turbine generator (WTG). Paysen, Williams and Kettlehut lakes, which are designated as Important Bird Areas (IBAs), are located approximately 6 km north of the nearest proposed WTG.

As proposed the project would include a maximum of 79 WTGs, permanent access roads, temporary laydown work spaces, an electrical collection system for the generated power (including overhead collector lines along RM road allowances and an underground electrical collector system) a fiber-optic communications network, an operations and maintenance building, meteorological towers, and a new 34.5-kilovolt (kV):138-kV substation.

Environmental Assessment Process

In seeking approval for the development, Windlectric conducted an EIA in accordance with the Act. Windlectric prepared and submitted the initial EIS entitled “Chaplin Wind-Energy Project Environmental Impact Statement” to the Ministry of Environment (the ministry) in March 2015.

The EIS underwent technical review by SEARP reviewers and was found to be deficient in the information provided in various sections, which led to additional information being requested from Windlectric prior to the EIA proceeding to the public review phase.

Windlectric subsequently submitted a revised EIS in September 2015 that satisfied the requests for additional information. The final EIS (hereinafter called "the Statement") and the technical review comments document prepared by the EAB were then made available for public review from October 17 to November 17, 2015 pursuant to Sections 11 and 12 of the Act.

Comments received during the technical and public review of the Statement allow for an informed decision regarding the technical merits and potential environmental impacts of the development. The ministry received an above-average number of responses (137 comments) during the public review period which included comments from: Saskatchewan Wildlife Federation; Ducks Unlimited Canada; Nature Saskatchewan; Saskatchewan Environmental Society; American Bird Conservancy; Nature Canada; Saskatoon Nature Society; University of Regina; University of Saskatchewan; and Environment Canada.

Following public review the ministry requested additional information from Windlectric specifically related to project siting and consideration that had been given to avoiding sensitive landscape features such as: those that attract or funnel birds and bats; native grassland; habitat for prairie grouse; and habitat for federally or provincially listed species at risk. In response, Windlectric provided additional information in December 2015 outlining how important landscape features and sensitive habitat had been considered during project design.

The ministry conducted detailed analysis of all information collected during the EIA for the project, including that received during public review and additional information provided by the proponent. I have carefully considered this analysis and information in the course of reaching my decision on the project.

Engagement Activities

Windlectric carried out extensive engagement activities with the local communities in the project area continuously since 2010. Windlectric also initiated communications with First Nations and Métis communities in the region to provide information about the project. Windlectric worked to address concerns from the local communities to the extent feasible. The RM of Chaplin has indicated their strong support for the project.

Windlectric also engaged with non-governmental organizations (NGOs) including Nature Saskatchewan, Nature Conservancy of Canada (NCC), the Chaplin Nature Centre and Ducks Unlimited Canada since 2012 to provide information about the project and solicit input as well as discuss results of field studies that were completed as part of the EIA. NGOs expressed concerns including the potential for a reduction in waterfowl nesting density as a result of the project; potential conflicts with NCC land easements; potential wildlife mortality during shorebird migration as well as risks to passerines, bats and raptors during operation; and loss and fragmentation of native prairie. Windlectric has resolved all conflicts with NCC easements and sought to address and respond to all project-specific concerns through the various studies conducted for the EIA.

The public review period for the EIA provided an additional opportunity for the public to review development details and provide comments. During the public review period of the EIA, 137 comments were received. Themes identified in the comments included concerns regarding: the proposed location and proximity to the Chaplin Lake WHSRN site; the risk to migratory birds and bats; impacts to native prairie and wildlife habitat; and concerns about impacts to Species at Risk.

To better understand comments received during the public review and to ensure a common understanding of the project and proposed mitigation measures, the ministry undertook additional consultation with stakeholders in May 2016. Organizations engaged included Saskatchewan Wildlife Federation, Ducks Unlimited Canada, Saskatchewan Environmental Society, Nature Saskatchewan and the RM of Chaplin. Additional input and comment from these stakeholders on the project and proposed mitigation was collected during this engagement. Following the meeting, the outcomes of this consultation were communicated to Windlectric.

Public engagement and consultation activities conducted as a part of the EIA process identified a key concern specifically related to project siting north of Chaplin Lake, in proximity to other IBAs, and along a known migratory corridor. I have carefully considered the comments received, and the proponent's responses to them, in the course of reaching my decision on the project.

Decision and Reasons

I am satisfied that the proponent has met all the requirements of the Act, thereby requiring a decision to be made pursuant to section 15 of the Act. My decision is to refuse to approve the development, for the following reasons.

The project area is located directly north of Chaplin Lake and covers approximately 19,000 hectares (ha) of private and Crown land. Landscapes in the region include agricultural fields, small waterbodies or lakes, scattered pastureland and native prairie. Surface disturbance totaling approximately 144 ha (including temporary and permanent disturbance) would be required. The project site is located between several nationally and globally recognized IBAs. As proposed, the nearest turbine would be located approximately 4.5 km north of Chaplin Lake, which together with Old Wives and Reed Lakes make up a WHSRN site of hemispheric significance. These sites provide staging and nesting grounds for hundreds of thousands of migratory shorebirds and waterfowl annually, including the Species at Risk listed shorebirds: piping plover (*Charadrius melodus circumcinctus*) and red knot (*Caladris canutus rufa*), as well as a significant portion (estimated up to 50%) of the global population of sanderlings (*Calidris alba*). They also provide a connection to other important nesting and congregation sites to the north including Lake Diefenbaker. The unique nature of the area and importance to the sustainability of populations of migratory shorebirds and waterfowl in Saskatchewan and the Western Hemisphere makes the protection of these sites and the associated migratory corridors critical to the ongoing management and protection of species utilizing these features.

Throughout the EIA for the project, concerns were raised regarding the project location and the potential for mortality of migratory birds including Species at Risk and disruption to migratory flyways. Windlectric conducted various studies including radar-based surveys and a bird and bat mortality risk assessment in order to provide an understanding of the overall risks associated with the project. Radar-based assessments indicated an average (spring and fall migration) of 26% of birds moving through the project area passed through what would be the rotor-swept area for a large turbine design. Although a mortality risk assessment presented in the EIS included factors such as behavioral avoidance in order to predict the overall mortality risk, I remain concerned that due to the large number of birds moving through the area, presence of multiple species at risk and the inherent uncertainty in the largely qualitative model presented in the mortality risk assessment, the potential for significant mortality of migratory birds may have been underestimated by the proponent.

Windlectric proposed various mitigations to address the mortality risk and potential impacts to the migratory corridor. Proposed measures included proactive mitigation (e.g. burying collector lines, reclaiming disturbed areas, avoiding linear arrangement of turbines, etc.) and reactive mitigations (e.g. feathering blades, increasing cut-in speeds, etc.). Reactive measures would be implemented if a mortality event actually occurred which would still allow the potential for a significant mortality event before operational changes could be implemented. Avoidance, which is the key component of mitigation that would have most

effectively addressed bird mortality risk and the potential disruption to migratory flyways, was not integrated on a project-wide scale, but rather focused on ensuring individual project components were sited or installed to avoid more localized sensitivities within the project footprint. None of the proposed mitigations to individual components, including the proposed setback distances, could satisfactorily address the larger issue that the project would be sited within a known migratory corridor and in proximity to bird congregation areas including Chaplin Lake and the other IBAs in the area.

Chaplin Lake is an important ecotourism destination which is highly accessible due to its location along the TransCanada Highway. Every year, visitors tour the site to experience the significance of the annual shorebird migration. The EIA process for the project has provided a clear understanding of public expectations regarding the protection of the project area. Project siting directly north of Chaplin Lake, would result in a perceived conflict between the development and the integrity of Chaplin Lake and associated migratory corridors. This impact, which is different from direct mortality or disruption of migratory corridors, cannot be mitigated through the measures proposed by the proponent for this project.

Conclusion

The natural environment has intrinsic value and the quality and integrity of the environment directly influences the quality of life for residents of Saskatchewan. While supporting economic development is an important objective, development cannot proceed at the expense of the sustainability of the environment. The unique nature of the project area including its proximity to Chaplin Lake, other Important Bird Areas, and the associated migratory corridor make its protection of utmost importance to ensure the ongoing sustainability of bird populations utilizing this area. Construction and operation of a large scale wind power facility in conflict with these environmental features would be an inappropriate use of the landscape and inconsistent with the public's expectation that such unique environmental features will be effectively protected.

Therefore after considering information from the environmental impact statement, technical review and public review, I refuse to approve the development of the Chaplin Wind Energy project pursuant to clause 15(1)(b) of *The Environmental Assessment Act*.

Dated at Regina, Saskatchewan this ____13____ day of _September_____, 2016

ORIGINAL SIGNED BY:

Scott Moe
Minister of Environment