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Grand Valley wind hearing goes to mediation

By WES KELLER Freelance Reporter

In a potentially complicated and protracted hearing into the proposed East Luther Grand Valley wind farms, the parties have agreed to Ontario Municipal Board vicechair Jan de P. Seaborn's "suggestion" of a Board-sponsored mediation in an effort to get things sorted out.

The hearing of a George Pullen appeal opened at the Amaranth council chambers Tuesday morning. It will go to mediation on a date to be determined early next week, and then to a pre-hearing conference for possibly two days in mid-to-late March.

Complicating the issues, while Amaranth resident Pullen is appealing the ELGV zoning for turbines to the west of his property, wind-farm proponent Wind Rush Energy is appealing Mr. Pullen's two severances (in Amaranth) for home construction.

In the meantime, Amaranth Township is seeking to have the wind project's Environmental Screening Report elevated to a full Environmental Assessment.

Tuesday's session was intended to be a pre-hearing into Mr. Pullen's appeal. It didn't sound that way, as Wind Rush lawyer John Dawson generally outlined arguments in favour of alternative energy, conformance with the Provincial Policy Statement, and the need for municipalities to work together.

He said the Wind Rush and Pullen proposals are both for "new uses within the same geographic area," and suggested the greater public interest should be paramount.

Ms. Seaborn said at one point she was frustrated, and at another "having a problem (with some of Mr. Dawson's requests, such as to consolidate all the issues)." She said the purpose of pre-hearing conferences is usually "to identify the parties, (establish the issues), and determine (timelines)."

Mr. Dawson wasn't prepared to estimate the time required.

As a further complication at this early stage, the ELGV ESR is to be released on or about Jan. 25. As well, ELGV council has yet to approve its bylaws with

respect to the wind farm. As well, the ELGV Official Plan has yet to win ministerial approval.

Additionally, negotiations with the First Nations (as the turbines would all be within the Haldimand Tract) have not apparently concluded. "Aboriginal negotiations are not done quickly," said Amaranth lawyer Jeff Wilker, who added that there is "no evidence that the ministry of municipal affairs and housing would make an (early) decision on the OP in ELGV."

Representing Mr. Pullen, lawyer Herbert Arnold indicated his major concerns are for the precise location of at least one turbine, and for copies of any acoustical reports. "I ask that those be disclosed within three weeks," he said.

Amaranth resident Paul Thompson, who is not a party to the hearing, said outside the hearing that he is concerned about the type of transformer to be used by Wind Rush, as he would be directly to the east of where the transformers are proposed.

Although the proposed transformers are 44 kilovolts (as opposed to the Canadian Hydro Developers 230 kV ones), Mr. Thompson said his information is that they are noisier. This is likely to be one of the issues to be settled between the acoustical experts.

On the "noise footprint" of the turbines themselves, Mr. Wilker pointed out that the turbines to be used by Wind Rush are not the same as the General Electric version used by Canadian Hydro.

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