

**From:** Fraser, Jim (MNR)  
**Sent:** May 30, 2013 12:07 PM  
**To:** Cameron, Anne (ENE)  
**Subject:** RE: Enerdu Generating Station Expansion project

MNR has encouraged the proponent from the earliest stages of this project to determine all possibilities of land tenure (ownership) and to identify the extent of Crown Land that would be required for this project. **To date MNR has not received an application for Quit Claim or a request for disposition of Crown land.** Given the information available, the only logical waterpower producer at this site would be Enerdu so site release wasn't deemed to be required.

It would be the hope that the public and native community consultation required for the disposition of Crown land was "harmonized" during this Class EA – without clearly understanding the extent of the requirement for Crown land, this may not be the case. Subject to the extent of land that could be Quit Claimable and the final construction plans – little to no Crown land may be required. Temporary use of Crown land during construction could be approved through permitting and other types of temporary tenure. For your information, the historic footprint of the existing structures; powerhouse and cement weirs would with documentation probably meet the criteria for Quit Claim.

**Land tenure throughout this area is challenging – there is differing opinions on who owns what.** MNR has indicated a willingness to work with the proponent to clarify ownership.

Please don't hesitate to call me if you have further questions at 613-258-8548.

Sincerely,  
Jim Fraser

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**From:** Cameron, Anne (ENE)  
**Sent:** May 30, 2013 11:24 AM  
**To:** Fraser, Jim (MNR)  
**Subject:** RE: Enerdu Generating Station Expansion project

Hi Jim,

I have another question for you. It's regarding the land ownership around the project. Enerdu has stated that the new powerhouse **construction will be occurring partially on privately owned land (owned by Enerdu) and land with "Quite Claim" eligibility; a portion of the footprint of the powerhouse may also extend onto Crown land** on the river bed, and if so, will require a site release.

I was wondering if MNR has been involved in land ownership talks with Enerdu? Is it correct that if some of the land required by Enerdu is owned by the Crown then a disposition of crown land would need to occur thus prompting a Class EA under MNR's Resource Stewardship and Facility Development?

Thanks,

**Anne Cameron**

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**From:** Fraser, Jim (MNR)  
**Sent:** May-27-13 1:14 PM  
**To:** Cameron, Anne (ENE)  
**Subject:** RE: Enerdu Generating Station Expansion project

Hi Anne,

As the proponent has indicated during the Class EA that *no changes to the operating regime are proposed in the undertaking*, MNR accepts this information at face value. Further technical information required during a Lakes and Rivers Improvement Act (LRIA) application would be reviewed to ascertain if final design is consistent with the current operating regime.

The current operating regime for Enerdu is being reviewed independent of the Class EA. MNR has provided a caution to the proponent re: flows and levels.

At this time, it has not been determined if any amendment to the existing operating regime will be required.

I'm not sure how MOE would view information provided after the fact (Class EA) that resulted in the need for an amendment.

Fyi,  
Jim Fraser

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**From:** Cameron, Anne (ENE)  
**Sent:** May 24, 2013 10:05 AM  
**To:** Fraser, Jim (MNR)  
**Subject:** RE: Enerdu Generating Station Expansion project

Hi Jim,

Thank you very much for the response. I have a question for you regarding the Mississippi River Water Management Plan (MRWMP). There has been a lot of talk about amendments to the MRWMP. If amendments do occur, how will this affect Enerdu's Class EA? And should the amendments be determined before the Class EA goes forward? I.e. is this something that should be dealt with during the Class EA process or can this be assessed after since Enerdu will have to abide by the MRWMP, with or without amendments.

Thanks,

**Anne Cameron**

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**From:** Fraser, Jim (MNR)  
**Sent:** May-15-13 4:42 PM  
**To:** Cameron, Anne (ENE)  
**Subject:** RE: Enerdu Generating Station Expansion project  
**Importance:** High

Hi Anne,

Sorry for the delay – I have provided MNR responses in black – if you have further questions, please feel free to contact me directly @ 613-258-8548. I will remain the point of contact until the project is completed.

With thanks,  
Jim Fraser  
Area Supervisor

Questions regarding MNR's response to Enerdu Power Systems Inc. dated February 1, 2013.

1. MNR stated that the hydrologic and hydraulic analysis completed in the Final Report may not be sufficient for LRIA approval purposes (comment #3). Is this something that should be assessed as part of the Class EA or can this be done later during MNR's approval process?
  - **Our Engineering staff believe it is something that can (and must) be addressed at the time of MNR's LRIA review and approval process. Within the Class EA process the proponent has acknowledged the requirement of an LRIA approval as well as the requirements of approval including this modelling.**
2. Comment #10 regarding the height of the Obermeyer gate. Has the proponent indicated that they will change this to a proper height? **The response from the proponent is acceptable, the final elevation of the gate will be considered during LRIA process.**
3. Regarding an amendment to the WMP, MNR recommended that a sensitivity analysis be done (page 6 half way down). What would this analysis tell us and when should it be done?
  - The thought behind this is; that I believe the Class EA may have assumed that they must follow the flows and levels described in the existing MRWMP. **If they have done this, then their energy and financial estimates may be based upon complying with the existing MRWMP. If there is an amendment to the flows and water levels described in the existing MRWMP, then that amendment (change) may result in a change to their energy and financial estimates. The proponent could undertake additional energy and financial calculations now to estimate the possible effects should an amendment be necessary. These additional scenarios/estimates are sometimes considered 'sensitivity analyses', since they provide a tool for estimating how sensitive the energy and financial estimates are to changes in water flows and levels. I would view this comment as a 'recommendation' (as it is described in our comments) rather than a requirement of the Class EA. I believe we are recommending this to them as a precautionary measure. In a sense we are cautioning them that we may not be able to guarantee that the existing MRWMP flows and levels will be available to them.**
4. MNR had a few questions (page 7) that they wanted answered. **The proponent response indicates an awareness of the issues – they will have to be resolved before LRIA approval is given. Has Enerdu gotten back to you on this? No - We have spoken to landowners who believe they own the control structure at Thorburn Mills. (Please note: Land Tenure is complicated throughout this area)**

MOE has been made aware of the Appleton Wetland, a provincially significant wetland, and that Enerdu project may impact it. Does MNR have any comments/concerns regarding this?

**The proponent has indicated in the Class EA that *no changes to the operating regime are proposed in the undertaking* (Enerdu Project). Independent to the Class EA for the Enerdu Project, the Ministry of Natural Resources received a request in February from our Mississippi River Standing Advisory Committee to consider an amendment to the MRWMP based on the premise that the current operating regime has caused the dieback in the Appleton Wetland. MNR will seek and review of all applicable information, visit the site when conditions permit and determine whether there is merit in considering changes to the operating regime of Enerdu Power Systems Limited.**

In general, are there any outstanding concerns that MNR has? **Clear understanding by the proponent that, the Public Lands Act and appropriate permits/approvals may be required – as the scope and footprint of the expansion has changed – permitting and land disposition may still have to be dealt with. Based on the final project footprint, MNR has committed to work with client when applications for Crown land disposition and/or Quit Claim are received.**

Any concerns regarding the endangered species information – **We continue to work proactively with the proponent to address ESA – as the legislation changes and additional habitat protection comes into force, further mitigation, if required, will be a work in progress.**

The water management plan? ***no changes to the operating regime are proposed in the undertaking* – still to be**

**determined if Amendment required.**

Have a great weekend,

**Anne Cameron**

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