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YOUR COMMUNITY NEWSPAPER SINCE 1974

September 6, 2007

Amaranth OMB hearing set to begin Tuesday

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The Amaranth Township portion of the Ontario Municipal Board hearing into the Melancthon II wind farm project gets under way at 10 a.m. Tuesday, and remains scheduled for six or seven weeks at Laurel.

Perhaps ironically, Tuesday is Sept. 11 - 9/11 - the fifth anniversary of the terrorist attack on the World Trade Centre, which precipitated the Iraq war to unseat Saddam Hussein.

Unlike Melancthon Township, where the bulk of the turbines would be erected, Amaranth is going into the hearing as an apparent opponent of the wind farm - although township council has not formally stated whether it is for or against the development, although it is represented by Jeff Wilker of large Toronto law firm Thomson Rogers.

In fact, it was proponent Canadian Hydro Developers Inc. who referred the issue to the OMB based on the council's delay in making a decision. CHD is represented by Tim Bermingham of Blake Cassels Graydon (Blakes) - a huge Toronto-based firm specializing in business and corporate law.

Although most of the issues in the upcoming hearing are identical to those mulled at the Melancthon hearing - where the Board ruled in favour of the development - almost every area covered in the earlier hearing must be rehashed over the next six weeks for Amaranth.

The duration and number of issues could change between now and next week. Yesterday, Mr. Wilker was scheduled to meet with township council behind closed doors.

Of unusual interest in both of these hearings, a Mohawk native and resident of Shelburne is saying there's an aboriginal claim to the wind farm development because most of it has been, or would be, erected on what is generally described as "the Haldimand Tract," a strip of land extending six miles (10 kilometres) on both sides of the Grand River from Lake Erie to the headwaters.

The tract was established centuries ago by Captain General Frederick Haldimand, commander of the British armies throughout North America, as an area in which the displaced U.S. native tribes who had sided with the British could resettle.

Thahoketoteh, aka Doug Fisher, says the land was given in perpetuity, and anything erected upon the land becomes a part of the land (in much the same way as tenant's improvement to premises cannot be removed when a tenant vacates).

At the Melancthon session, Hearing Officer Norm Jackson accepted information concerning Haldimand, but ruled that Mr. Fisher was presenting his case to the wrong forum.

Among other issues for the Amaranth hearing, noise levels is expected to be prominent.

Among parties to the hearing, Paul Thompson is opposing a site plan for a second transformer at the substation near his home, based on his claim that noise from the existing transformer exceeds permitted levels.

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