

Consultation Report

In support of an application for a
Renewable Energy Approval (REA)
Pursuant to Ontario Regulation 359/09

For the
Penn Energy – Brantgate
SOLAR ENERGY FACILITY
FIT Contract No. F-001576-SPV-130-505
FIT Application No. FIT-FCELIHJ



In the
County of Brant
ONTARIO, CANADA

October 23, 2012

A note regarding REA application requirements and additional Project Information:

This document is one component of a series of reports and other related documents that, collectively, constitute a complete Renewable Energy Approval (“REA”) application package which will be submitted to the Ministry of the Environment (“MOE”) for review and approval. As such, this report is intended to compliment the other documents and may reference and/or rely upon information contained in them; therefore, the contents herein should not be considered independently.

Notice:

This document has been prepared solely for the use of Penn Energy Renewables, Ltd. (“Penn”) as part of the REA process in accordance with Ontario Regulation 359/09. It is in DRAFT form and subject to further revision. The content of this document is not intended for the use of – nor is it intended to be relied upon by – any other person, firm or corporation. Penn denies any liability whatsoever to other parties for damages or injury suffered by such third party arising from use of this document by them. Neither Penn nor any of its directors, officers or employees, shall have any liability (for negligence or otherwise) to any third party for any use of this document for any reason whatsoever.

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1.0 Introduction

Penn Energy Renewables, Ltd. (“Penn”) has executed a FIT contract with the Ontario Power Authority (“OPA”) for the construction of an 8 MW, ground-mounted, Class 3 solar energy facility approximately 14 kilometres southwest of the City of Brantford, in the County of Brant, Ontario. The subject lands are located in part of Lots 1 and 2 Concession 11, in the County of Brant, geographic rural community of Burford. The proposed Renewable Energy Generation Facility (“REGF”) will consist of a collection of solar photovoltaic (“PV”) modules (each approximately 1.00 metres x 1.67 metres or 1.00 metres x 2.00 metres in dimension) that are grouped into arrays tilted and facing south. These stationary arrays are strung together forming a series of rows oriented east to west. The Environmental Protection Act (“EPA”) administered by the Ministry of Environment (“MOE”) regulates Renewable Energy Approvals (“REA’s”) under Part V.0.1 of the Act, pursuant to Ontario Regulation 359/09 (“O.Reg 359/09”). A proponent of a renewable energy project is required to submit numerous reports as part of an REA application; one of which is this Consultation Report (“CR”).

According to the MOE's publication "Technical Guide to Renewable Energy Approvals: Chapter 2 (2012): Guidance for preparing the Consultation Report" as part of an application under O.Reg.359/09:

Consultation is a critical component of the Renewable Energy Approval process allowing for a two-way exchange of information between the REA applicant and interested or potentially affected local groups, Aboriginal communities, members of the public as well as municipalities and local boards. Consultation helps ensure that concerns are identified early and addressed where possible, in a transparent manner. Consultation also enables applications to obtain and use local knowledge in their project designs and in the assessment of any potential negative environmental effects.

This report begins with a summary of the consultation process and further outlines Penn's consultation process with the public, the Aboriginal communities, the County of Brant and other related boards and agencies. The report addresses the consultation requirements under O.Reg 359/09 and the expectations of the MOE as they relate to Penn's proposed solar facility located within the County of Brant.

2.0 Overview of the Consultation Process

In all of its projects, Penn has placed significant emphasis on understanding various stakeholder concerns and incorporating such feedback into the planning process. One of Penn's core principles is that communication, with an emphasis on understanding stakeholder concerns helps ensure success for even the most complex projects. The consultation process has allowed Penn to perform community outreach, engage with stakeholders, invite political participation, and accurately present its project. Penn's understanding of various concerns among stakeholders has allowed us to create a viable plan which Penn and the community can be proud of for years to come. Penn has outlined its engagement with the public, Aboriginal communities, and municipal boards and agencies on the following pages.

Prior to Penn's first public meeting, Penn engaged with the County of Brant on a number of occasions as outlined in the Municipal Consultation section of this report. Notably, Penn engaged the Development Services Office to determine the applicable zoning and to obtain the zoning verification letter required for Penn's application to the OPA FIT Program. Early in the consultation process, Penn spoke with County of Brant officials about the project in order to obtain a better understanding of the environmental attributes at the property, including the presence of significant woodlands or wetlands, potential species at risk, tree cover policies, drainage, and required setbacks of features. During the ongoing consultation process, Penn coordinated and participated in correspondence and face-to-face meetings with County officials in order to introduce our company and provide an overview of our project, the nature of which are further described in the Municipal Consultation herein. These early discussions and meetings aided Penn in providing an initial solar project layout to the public and various stakeholders at our first public meeting. These types of interactions, among others, are detailed in the following pages.

3.0 Public Consultation Process

3.1 First Public Meeting

Date: September 17, 2010
Time: 6:00 PM
Location: Syl Apps Community Centre
51 William Street
Paris, ON N3L 2E1
Attendees: 24 (Note, not all attendees signed in)

3.1(a) Notices

Pursuant to O.Reg. 359/09, a Notice of a Proposal to Engage in a Renewable Energy Project and a Notice of Public Meeting (Exhibit 1) were distributed by registered mail together to the following stakeholders: (i) Every assessed owner of land within 120 metres of the project location, (ii) the respective Aboriginal communities on the list provided by the MOE and by the County of Brant, (iii) Ms. Jayne Carman, Clerk of the County of Brant, (iv) Mr. Mike Tout, Roads Operations Manager and Ms. Cynthia Compeau, General Manager of Public Works, (v) Lee Robinson, Manager of Infrastructure Services, (vi) Mr. Mark Pomponi, Chief Planning Official at the time and now General Manager Development Services of the County of Brant, (vii) the REA Director, and (iix) the Ministry of the Environment's District Manager – Guelph District Office. Copies of the registered letter receipts are attached hereto as Exhibit 2. It should be clarified that the project is not located within the Niagara Escarpment Plan.

During the aforementioned early engagement with the County of Brant, Penn obtained a list of the stakeholders identified in (i) through (iix) above from the County of Brant's Development Services Department. This Department also provided a map of those properties which fall within 120 metres of the project location. The mailing list and the map obtained from the County are attached hereto as Exhibit 3. Penn also obtained the MOE's list of Aboriginal communities list (as described in the Aboriginal section of this report), and notified the representatives of these communities accordingly. The County of Brant is a single Upper Tier Municipality and does not have a Local Roads Board or a Local Services Board; however, Penn distributed the appropriate notices, as noted above, to those respective individuals overseeing the County roads and County services. In addition, Hydro One, the MOE's District Manager, and the REA Director were sent the Notice of a Proposal to Engage in a Renewable Energy Project and the Notice of Public Meeting.

Prior to 30 days before its first public meeting, Penn posted the combined Notice of Proposal to Engage in a Project / Notice of Public Meeting and the Draft Project Description Report (PDR) on its website at <http://www.pennenergyrenewables.com/solar-ontario/brantgate.html>. Please refer to Exhibit 4.

3.1(b) Advertisement

Pursuant to O.Reg. 359/09, s. 15(1), Penn advertised the combined Notice of Proposal to Engage in a Project / Notice of Public Meeting in The Expositor, which is in general circulation within the County of Brant, for two days being August 18th and August 23rd of 2010. A copy of the combined Notice of Proposal to Engage in a Project / Notice of Public Meeting that was sent to The Expositor for publication along with the Notices as they appeared within this publication are attached hereto as Exhibit 5.

3.1(c) Summary of First Public Meeting

Representatives of Penn delivered information to the public via a formal presentation. Two representatives of Penn, Mr. Sean McCloskey, the President of Penn, and Mr. Gregg Meister were in attendance to welcome guests as they arrived, provide information to attendees, introduce Penn's project, answer questions related to the project, and address any other project-related issues or concerns. Approximately 24 members of the public attended the presentation. The attendees consisted of community members (both neighbors and non-neighbors), County staff, representatives of special interest groups, and other interested parties. Attendees of the public presentation were asked to sign in at the main entrance. The meeting sign-in sheet is attached hereto as Exhibit 6. It should be noted that, although encouraged to do so, not all attendees of the public meeting signed in as they entered the meeting location.

A series of presentations were utilized during the meeting to aid attendees in understanding how a solar farm generates power, as well as outlining the development scope of the project. Pursuant to O.Reg. 359/09, s. 16(4), copies of the draft Project Description Report (PDR) were available for attendees to view at the first public meeting (Exhibit 7). This draft PDR was also published on September 9, 2010 on Penn's website - prior to any public meetings being held. Two colored aerials, one depicting the project location and the other depicting the preliminary solar array layout (Exhibit 8) were available for attendees to review more closely and to reference during the presentation. A solar module was also on display for the attendees to examine and so they could further familiarize themselves with the primary technology to be used in the project. Penn also showed a 7-minute video, put together by Penn itself, describing a typical solar farm, along with the constituent components that make up these facilities. In addition, Penn presented a PowerPoint slideshow that allowed for attendees to obtain a clear understanding of the process through which the project will be designed and constructed (Exhibit 9). The PowerPoint presentation described how a solar farm is developed from a vacant parcel of land to a fully functioning power plant. During this part of the presentation, Penn described the foundation post system, array racking structure, module installation, inverters, access road, spacing requirements between rows of modules, fencing requirements, landscape buffering, and the setback area. A general layout and design was presented and then was applied to the Penn project location in the County of Brant. Finally, a question and answer / discussion session took place regarding the project along with elements of the FIT program. Penn's outline showing the topics covered at the first public meeting is also attached for reference (Exhibit 10).

Penn's presentation also explained the FIT program that was established as part of the Green Energy Act of 2009. Penn highlighted the many benefits of the program, such as the ongoing job creation throughout the Province as a result of the influx of renewable energy manufacturers to the area along with the private sector investment into the clean energy sector. Penn explained the level of investment from global companies in the Province of Ontario directly resulting from the Green Energy Act of 2009 and the FIT program. Penn also discussed the domestic content requirements that are associated with the FIT program, under which proponents (developers) of each renewable project throughout the Province must meet a minimum of 60% domestic content.

Penn also discussed the many reports and studies that are required in order to obtain approval from the Ministry, including but not limited to the following: the Project Description Report (PDR), the Design and Operations Report, the Construction Plan Report, the Decommissioning Report, the Acoustic Assessment, the Archaeological Assessment, the Cultural Heritage Assessment, the Natural Heritage Assessment, the Water Bodies Assessment and this Consultation Report. Other related documents mentioned include the Geotechnical Investigation, the Topographical Survey, and the various electrical system interconnection studies.

After Penn's presentation, the floor was opened for questions from the attendees of the meeting. 28 questions were raised and Penn addressed each question as it was brought up by an attendee. During this exchange of ideas, Penn was able to obtain valuable feedback regarding its proposed design and layout of the solar project. Attendees of the meeting asked questions relating to the physical characteristics of the land as well as the design of the project. For instance, there was discussion between Penn and attendees regarding the visibility and potential noise related to the interconnection point and project substation. Penn emphasized its commitment in taking a closer look at design features and determine if there is a better location for such components. It was noted that Penn's Acoustic Assessment will take into consideration all nearby receptors. Penn's commitment in modifying the initial layout is shown later in this report where Penn modified its initial plan. Other topics raised included: maintenance of the project, local and regional job creation, buffering of the solar project boundary, interconnection to the electrical grid, acoustic requirements, community benefits from local solar projects, taxation of solar projects, fencing requirements, the FIT Program, the Ministry's approval process, and many others. A summary of the questions that were asked by the attendees along with Penn's response to each is shown in Exhibit 11. This continuous exchange of ideas has allowed Penn to make modifications to its original plan. These changes are outlined under the section below entitled "Modifications of Project Plan".

3.1(d) Press and Newspaper Articles

Following Penn's first Public Meeting, several newspaper articles and online blogs emerged as a result of Penn's consultation and notification activities regarding its proposed solar project. Such articles were posted in *The Expositor* and the *Paris Star*, both of which are local to the geographic rural community of Burford, County of Brant area. Penn provided the necessary information pertaining to the solar project to the reporters. The article titled "Solar Farm Coming to Burford" was published in *The Expositor* and the *Paris Star* and are available as attached documents being (Exhibit 12) and

(Exhibit 13) respectively. Also, published in the *Expositor* in June 2011 was an article titled “Solar Farm Planned for Brant County” (Exhibit 14).

3.2 Final Public Meeting

Date: October 11, 2012
Time: 12:00 PM to 8:00 PM
Location: Oakland Community Centre
3 King Street North
Oakland, ON N0E 1L0
Attendees: 12

3.2(a) Notices

Pursuant to O.Reg. 359/09, a Final Notice of Public Meeting (Exhibit 15) was distributed by registered mail to the following stakeholders of the project: (i). Every assessed owner of land within 120 metres of the project location, (ii) the respective Aboriginal communities on the list provided by the MOE and by the County of Brant, (iii) Ms. Jayne Carman, Clerk of the County of Brant, (iv) Mr. Mike Tout, Roads Operations Manager and Ms. Cynthia Compeau, General Manager of Public Works, (v) Lee Robinson, Manager of Infrastructure Services, (vi) Mr. Mark Pomponi, General Manager of Development Services overseeing the Development Services Department, (vii) the REA Director, and (ix) the Ministry of the Environment’s District Manager - Guelph District Office. Copies of the registered letter receipts are attached hereto (Exhibit 16). As stated previously, the project is not located within the Niagara Escarpment Plan. Penn obtained a list of the stakeholders identified in (i) through (ix) above from the County of Brant’s Development Services Department. This Department also provided a map of those properties, along with the property owners, which fall within 120 metres of the project location. The list and map are attached hereto as Exhibit 17. Penn also notified the representatives of the Aboriginal Communities, as described in the Aboriginal section of this report. Since the County of Brant does not have a Local Roads Board or a Local Services Board, Penn distributed notices, as noted above, to those respective individuals overseeing the County roads and County services. Additionally, , Hydro One, the MOE’s District Manager, and the REA Director were also sent the Final Notice of Public Meeting.

In accordance with O.Reg. 359/09, s. 16(5), more than 60 days before its final public meeting, Penn posted the Notice of Final Public Meeting along with the required supporting documents on its website at <http://www.pennenergyrenewables.com/solar-ontario/brantgate.html> (Exhibit 4). A set of all required reports was also delivered by hand to representatives of the County of Brant during a meeting Penn held with County officials on July 6, 2012. At the meeting, the County representatives indicated the set of reports provided by Penn will be made available at the front desk for public access and review at the

Paris office location. A copy of all required reports was also sent via Federal Express to the respective Aboriginal communities (see relevant exhibits in the Aboriginal consultation report).

3.2(b) Advertisement

Pursuant to O.Reg. 359/09, s. 15(1), Penn advertised the Final Notice of Public Meeting in The Expositor, which is in general circulation within the geographic rural community of Burford, County of Brant, on June 26th and June 27th, 2012. Also as a courtesy, Penn ran the Notice of Public Meeting a third time on September 20th, 2012. Copies of the Notices that were sent to The Expositor for publication and the notices as they appeared within The Expositor on the aforementioned dates are attached hereto as Exhibit 18.

3.2(c) Summary of Final Public Meeting

Representatives of Penn presented the project through an open house format from 12:00 PM to 8:00 PM on October 11th, 2012 in order to accommodate interested parties' varying schedules and to allow for focused, personalized discussion with each attendee. As guests entered the venue, they were asked to sign in. Four representatives from Penn were in attendance to provide information to attendees. These representatives were Mr. Sean McCloskey, Mr. Cyrus Tingley, Mr. Gregg Meister, and Mr. Naren Pattani, P. Eng., a resident of Ontario and Penn's local engineer. Penn representatives were available for the duration of the meeting to introduce Penn's solar project, answer questions related to the project or the FIT program, address other project related issues or concerns, and explain the changes that have been made to the project since the first public meeting. A total of 12 members of the public attended the presentation (predominantly neighbors or other members of the surrounding community.) The meeting sign-in sheet is attached as Exhibit 19. The Final Public Meeting was also posted on the County of Brant's October Calendar to be viewed by the employees and community members and attached hereto as Exhibit 20.

Penn had paper copies of the following reports available at the meeting: the Acoustic Assessment Report, the Construction Plan Report, the Design and Operations Report, the Decommissioning Plan Report, the Water Assessment Report, the Archaeological Assessment Report, the Natural Heritage Assessment, the Cultural Heritage Screening Letter, and the Project Description Report. A number of display boards were arranged sequentially throughout the room to share with the public the findings from all of the completed studies and reports. An image of each board is shown in the attached document (Exhibit 21). Due to the amount of content contained in Penn's completed reports and studies, Penn believed that the open house format was the most effective way to answer questions pertaining specifically to items outlined in each report. Further, this format allowed for the meeting to take place over an 8-hour period, therefore giving the public more of an opportunity to attend and ask questions. Under this format, Penn's representatives could clearly explain each study and findings to attendees on a personalized level. There were a number of questions and comments that were raised at the final public meeting by the individual attendees. A document summarizing each interaction the respective Penn representative had with the individual attendees of the final public meeting is attached hereto as Exhibit 22.

3.3 Individual Consultation

Throughout the time period extending from the first public meeting to the present, Penn has sustained dialogues with various parties such as community members, abutting neighbors, business owners, and reporters. Summarized below are summarized transcripts of such consultation which Penn has had with members of the public with regard to this project. Please note that unlike County or other officials involved in the project in an official capacity, Penn believes that members of the public had a certain expectation of privacy, in some instances, with respect to their communications with Penn. In this respect, Penn is therefore withholding certain names of individuals who may not have anticipated their correspondence to be made public. Penn however can supply the MOE with actual names upon request.

Neighbor 1

At Penn's first public meeting held September 17, 2010, Mr. Meister spoke with an individual, who mentioned he owns acreage near the project location as well as other parcels in the region. This individual stated that he would have interest in exploring the possible development of solar for his property in the region. Penn, during this exchange, took the opportunity to discuss its particular project with Neighbor 1 and explain how the project qualified under the FIT program. Neighbor 1 provided relevant information to Penn on his land holdings for review. Mr. Meister, of Penn, subsequently reviewed the parcels of land and determined there were limiting conditions of the land as it related to interconnection of a potential solar project. This constraint prevented Penn from pursuing a ground mounted solar project on the property.

County of Brant, Council Member, Ms. Joan Gatward

At Penn's first public meeting, held September 17, 2010, Mr. Meister spoke with Councilwoman Gatward who had recommended another location for future public meetings. Ms. Gatward recommended the Oakland Community Centre for Penn's final public meeting. Penn indicated that the recommended venue location was not available at time of scheduling its first public meeting. Councilwoman Gatward also expressed her interest in solar as Brant Power Inc. is in the early stages of exploring solar for its own generation mix.

The Expositor, Reporter Mr. Vincent Ball

On February 24, 2011 Mr. Ball, a reporter with The Expositor, serving the Burford area and the County of Brant, had called directly to Penn's office. Mr. Sean McCloskey, of Penn, and Mr. Ball conducted a phone interview regarding Penn's Brantgate solar project. The purpose of the interview was to present the project in an upcoming news article he planned to publish in The Expositor (refer to Exhibit 12). Details related to the size and scope of Penn's project were provided, along with a discussion on job creation and domestic content requirements for such a project. Mr. McCloskey outlined the many steps and completion of studies that will be required in achieving its Renewable Energy Approval (REA).

The Burford Times, Reporter Mr. Bill Johnston

On March 1, 2011, Mr. Johnston, a reporter from The Burford Times, called requesting an interview with Mr. McCloskey, of Penn, regarding its proposed Brantgate solar project. Again, similar to the previous newspaper related interview, Mr. McCloskey outlined the details related to the size and scope of the project along with the benefits from such a project. In addition, various remaining steps to

achieve the REA were outlined to Mr. Johnston.

Brant News, Reporter Mr. Jason Teakle

On March 14, 2011, Mr. Teakle, a reporter from The Brant News, called requesting an interview with Mr. McCloskey, of Penn, regarding its second round projects throughout the Province. Mr. McCloskey outlined the locations of Penn's next round of projects being in the Burford area, Kawartha Lakes area, Uxbridge area, and the Port Hope area. Mr. McCloskey provided a description of the projects along with status of approvals and required studies and reports to be undertaken.

County Resident 1

On March 22, 2011, Mr. Sean McCloskey received email correspondence from a business owner within the County of Brant. County Resident 1 expressed interest in providing services and materials such as concrete, pump trucks, and conveyors during the construction of the project. On April 25, 2011, Mr. McCloskey, of Penn, explained to County Resident 1 its likely start date of construction being a minimum of a year out or so. It was explained that Penn will engage with an EPC firm with a general contractor for the construction of the project. Penn agreed to provide the general contractor information, once selected, to County Resident 1.

Neighbor 2

On July 6, 2012, Neighbor 2 called Penn regarding the proposed Brantgate solar project. Upon returning from travel, Mr. David Savoia, of Penn, returned Neighbor 2's phone call on July 10, 2012. Neighbor 2 was interested in learning where the inverters and other equipment were going to be placed within the project. Neighbor 2's property is relatively close and also was concerned about impact on property values in the area. After Mr. Savoia's explanation of the project design the, proposed interconnection point at the intersection of Maple Grove Road and provision of the current concept site plan, Neighbor 2 indicated he does not believe the project will have any impact on his property value. Mr. Savoia also informed Neighbor 2 that a copy of all the studies and site plan were available at the County of Brant's Development Services Office located at 66 Grand River Street North, in Paris, Ontario. Neighbor 2 mentioned to Mr. Savoia that he may have some storage space available should it be required during the construction phase of the project. Penn will explore this option as the project draws closer towards construction.

Neighbor 3

On August 1, 2012, Neighbor 3 indicated he will not be able to attend the final public meeting and wanted to learn more about how the project may affect his property. He had some concerns regarding the proximity of the project and the required fencing to be utilized around the project area. On August 13, 2012, Mr. Max Frable, of Penn, explained to Neighbor 3 that the project location boundary has been pulled back a significant distance relative to Neighbor 3's property due to field surveys by Penn's archaeologist. Penn's archaeologist identified "historic scatter" on the property and recommended the project be located 70 meters away from this area. This setback created a larger buffer area to Neighbor 3's property. Mr. Max Frable also sent, via email, two drawings (Exhibit 23) to Neighbor 3 that clearly illustrates the removal of this project area. In addition it was further indicated to Neighbor 3 that the fencing of the project area will be a chain link fence which will include barbed wired abiding by the Ontario

Electrical Safety Code. On August 18, 2012, Neighbor 3 corresponded with Penn and thanked Penn for sharing the plans as the topographical map and the aerial map cleared up any concerns Neighbor 3 had regarding the project.

Outside Resident 1

On October 12, 2012, one day following Penn's final public meeting, Outside Resident 1 provided Mr. Tingley, of Penn, an email thanking Penn for its project presentation and reporting the results of its studies. Representatives of Penn met with this resident at the final public meeting (Exhibit 22) and expressed his support of the project. Outside Resident provided Penn a copy of the CanSIA Land Use Working Group's recommendation related to "Vegetative Visual Buffer" (Exhibit 24) which was a topic discussed during the final public meeting

County Resident 2

On October 15, 2012, shortly following Penn's final public meeting, Mr. Meister of Penn received a phone call from County Resident 2 operating in the County of Brant. He had indicated he was not able to attend Penn's final meeting, however, reviewed a recent news article, titled "Solar Farm Proposal Reworked to Answer Concerns", published in The Expositor (Exhibit 25). Mr. Meister provided a summary of the proposed Brantgate solar project and outlined the status of approvals along with the next steps to be taken to achieve its approvals. County Resident 2 currently operates a security company and would like to review the possibility of providing security related services to Penn's project.

On October 16, 2012, County Resident 2 and Mr. Meister exchanged emails related to security services and product that can be offered. It was described to County Resident 2 that Penn will most likely engage an EPC firm to handle the construction of Penn's solar project. Once this determination has been made, Penn can provide the Project Manager's contact information to County Resident 2.

Neighbor 4

Representatives of Penn met with Neighbor 4 at the final public meeting (refer to Exhibit 22). He expressed his support of the project but also expressed concern of property values relative to solar projects. On October 18, 2012 shortly after the final public meeting, Penn forwarded an article (Exhibit 26) titled "Do Solar Systems Increase Property Values?", by Robert Mitchell. Penn will continue to search additional information on this topic and be in a position to provide stakeholders with further insight.

3.4 Modification of Project Plan

Throughout the consultation process with landowners, Township officials, and other interested entities, Penn has listened carefully to various stakeholders' concerns. This is evidenced by the modifications to the original project layout, presented September 17, 2010, as opposed to Penn's existing project layout recently presented at the final public meeting on October 11, 2012. During the final public meeting, Penn utilized a display board with aerial photography comparing the two project layouts that clearly depicted the modifications that were made to the original plan (Exhibit 27) based in large part on

concerns and suggestions from various stakeholders. The modifications that were made as a result of various consultation activities prior to the final public meeting are generally as follows:

1. **Reduced Size of Project Location.** The size of Penn's project location has been re-designed since its inception to enhance the aesthetics of the project. The initial project layout presented at the first public meeting included a large portion of land located in the southwest portion of the property. This area has been removed from the project location to create a more efficient project while preserving additional land. This excess land could eventually be utilized as future agricultural use.
2. **Relocation of Project Substation.** During the first public meeting, some questions arose concerning the proximity of the project substation to the existing residences and roadway. A summary of these questions is noted in Exhibit 11. Penn subsequently modified the plan in such a way where the project substation was pulled further away from existing residences off the easterly road (Bishopsgate Road).
3. **Increased Module Setback from Roads.** As Penn's project design evolved, considerable modifications have been made. After the first public meeting, Penn decided to pull the location of the modules further from the southerly and easterly roads as this topic was raised during Penn's first public meeting. By doing so, Penn created a larger buffer area between the edge of the modules and the property boundary.
4. **Excluded Large Area at Northeast Corner.** Penn removed a large area of land in the northeast area of the project in response to Penn's consultant Archaeologist's recommendation. This area, along with a 70 meter setback, was excluded from the project due to evidence of historic scatter in the area.
5. **Excluded Large Area in Southwest Corner.** Penn removed a large area of land from the southwest area of the project in response to Penn's consultant Biologist's recommendations. In order to avoid any impact whatsoever, the project location is now over 140 metres from the Fairfield Plain Wetland, a locally significant wetland.

4.0

Aboriginal Consultation

Introduction & Summary

This document summarizes certain representative Aboriginal consultations carried out by Penn Energy Renewables, Ltd. ("Penn") to date in accordance with Ontario Regulation 359/09 of the Environmental Protection Act and establishes the current state of said consultations.

Penn first sent a Project Description Report ("PDR") pertaining to this project to the Ministry of the

Environment (“MOE”) on March 7, 2011 (See attached [Exhibit 28](#)). Following an exchange of e-mails and phone calls over the following five (5) months (See the chart Section 4.1, below, as well as [Exhibit 29](#), attached), Penn received the “Director’s Aboriginal Communities List – Brantgate Solar Farm” via an e-mail from Robyn Budd on July 19, 2011. A hard copy was received by mail shortly thereafter.

The MOE’s list identified three (3) Aboriginal communities as potentially having constitutionally protected aboriginal or treaty rights that may be adversely impacted by the project: the Mississaugas of the Credit First Nation, New Credit (Part) 40A (“New Credit First Nation”); the Six Nations of the Grand River, Six Nations (Part) 40 (“Six Nations”); and the Six Nations of the Grand River, Haudenosaunee Confederacy Council (“HCC”).

As evidenced by the following narrative(s) as well as the attached exhibits, Penn has carried out extensive consultations with these parties. These consultation activities include, but were not limited to, letters, electronic mail, in-person individual meetings, Public Meetings, newspaper advertisements, “capacity allocation funding,” phone calls, and supplemental application submission.

Penn consulted extensively with the New Credit First Nation, including a private, in-person meeting in January 2012 that included an extensive tour of the New Credit reserve and publication of Public Meeting Notices in the two newspapers (the Tekawennake and the Turtle Island News, see attached [Exhibit 54](#)) suggested by Ms. Carolyn King of the New Credit First Nation, through whom Penn had the majority of its contact with the community (see below for more details). Ms. King also attended Penn’s Final Public Meeting on October 11, 2012. Penn representatives also presented the project to, and answered questions from, the community’s Elected Council in January 2012. No outstanding questions or concerns about the project, nor assertions of potential adverse impacts to community treaty rights, apply to Penn’s consultation with the New Credit.

Penn’s consultations with the Six Nations of the Grand River began months prior to the MOE’s release of the listed Aboriginal communities for the Brantgate project, as evidenced by the chronology detailed in the following pages, with the community’s receiving the original Notice of Proposal in September 2010. Penn’s advertisement of its Final Public Meeting Notices occurred in newspapers confirmed as appropriate by Six Nations. Penn arranged for (and financially supported) Six Nations’ monitor to oversee both archaeological surveys of the Brantgate project site, and that monitor’s report was additionally shared with the New Credit First Nation (See attached [Exhibit 55](#)). Mr. Cyrus Tingley of Penn has conducted two (2) in-person, private meetings with Ms. Joanne Thomas and other consultation officers of the Six Nations. Penn also complied with Six Nations’ request for \$12,500 in capacity allocation funding to support the review of Penn’s project reports (See attached [Exhibit 72](#)); this review, commissioned by Six Nations from a third party, asserted that Penn’s proposed project would be a “low impact, non intrusive” development. There are no outstanding questions or concerns stemming from this review and Six Nations has indicated that they have no outstanding archaeological or environmental concerns. This is reflected in Penn’s formal response to the peer review (see attached [Exhibit 75](#)). Penn remains in communication with Six Nations regarding their assertion of harvesting rights on the subject property (made during the in-person meeting of October 11, 2012) and anticipates, if necessary, engaging in further, more specific discussion of the nature and extent of potential impacts the project would have on whatever treated rights the Six Nations have on the subject property in the near future.

In addition to the three communities identified by the MOE (See attached [Exhibit 29](#)), the Haudenosaunee Development Institute (“HDI”) was consulted with both individually as well as through

the HCC. The HDI was not identified on the list provided by the MOE, which has not at any point supplemented or revised said list. However, following Penn's query and the MOE's confirmation to Penn that the HDI is in fact the official representative of the HCC (a confirmation solicited by Penn), Penn has from that point forward immediately sought to fully engage the HDI in consultation regarding the Brantgate project. (That engagement has included, notably, completion of the HDI's requested "Application for Consideration" and submission of the requested \$7,000 fee for reports review.)

Penn had been informed that the proper party to consult with was the Haudenosaunee Confederacy Council and therefore did not know the actual relationship between the HCC and the HDI. Penn continued to consider the HCC to be the primary party to be consulted with as per the MOE-supplied list, as it was over the following 14 months, while the HDI was copied via email on all communications as an additional party with interest in the project.

Given a consistently low level of response by the HCC to Penn's recurring consultation efforts, as well as no confirmation from the HCC of their official representation by the HDI, Penn followed the guidance of the official MOE-supplied list of communities.

Prior to Penn's initial in-person meeting with Six Nations, Mr. Cyrus Tingley of Penn inquired of the Six Nations if they would like the HDI to be included in said meeting given that party's apparent proximity and shared interest in the project. Ms. Joanne Thomas of Six Nations asserted that they would prefer to individually consult and stated that whether or not the HDI was consulted with was Penn's decision to make, rather than a requirement as per the MOE and the REA process (See attached [Exhibit 66](#)).

Penn's relaying of the Brantgate project's Final Public Meeting Notice on June 28, 2012 was met with no response from either the HCC or the HDI (See attached [Exhibit 81](#)). This communication also included offers of both discussion as well as in-person consultation, neither of which were responded to. Several weeks before the Final Public Meeting's scheduled date, which had been shared with both the HCC and the HDI as well as advertised twice in two separate Aboriginal publications, Penn once again contacted the phone number of the HCC in hopes of confirming receipt of the aforementioned Meeting Notice as well as accurately determining with whom consultation should continue. The party that answered this phone call, who insisted on remained largely anonymous and provided Penn with only his first name (see Consultation Activity #83, below), directed Penn to call the HDI at a different phone number. This individual refused to elaborate, to any extent, on the relationship between the HCC and the HDI. Penn believes this was the first instance of the HCC offering any direct response to Penn's repeated communications and prompted Penn to communicate with Ms. Narren Santos at the MOE in hopes of her confirming the relationship between the HDI and the HCC, which she did, prompting Penn to immediately proceed in consulting fully with the HDI (See attached [Exhibit 35](#)).

Penn is pleased to have since fully engaged with the HDI as per their prescribed consultation process which, notably, is above and beyond the requirements of the MOE and requires an additional "Application for Consideration" to be completed and returned along with a fee of \$7,000. Penn has responded amenably to both of these requests by the HDI (See attached [Exhibit 89](#)).

As per Penn's most recent correspondence to the HDI, Penn encouraged the HDI to contact them once their review of the Brantgate project reports (which Penn was happy to support financially) is complete to discuss next steps in the consultation process (See attached [Exhibit 89](#)). Penn anticipates said next step, if necessary and applicable pending the HDI's completed project review, to be a more specific discussion of the nature and extent of potential impacts the project would have on whatever treated rights the Haudenosaunee have on the subject property. This review may have already been

completed; Penn has not received any reply from the HDI to date.

In addition to the four communities mentioned above, Penn consulted with the Métis Nation of Ontario (“MNO”) with respect to this project, even though the MNO was not present on the list sent by the MOE to Penn on July 19, 2011 pertaining to Brantgate. Penn is continuing to consult with the MNO with respect to its “Penn Energy – Ridgefield” project (FIT Contract #F-001549-SPV-130-505), located near Lindsay, ON (on which the MNO is listed by the MOE). Penn representatives attended an in-person meeting with MNO consultation representatives on July 21, 2011. While the Brantgate project was not the principle reason for this meeting request, and the MNO was not on the MOE-supplied Brantgate list, Penn shared information about and discussed the Brantgate project at this meeting. There are, to date, no outstanding questions or concerns about the Brantgate project with the MNO. Though not required, Mr. Tingley recently contacted the MNO in early October 2012 in preparation for the project’s Final Public Meeting; no response was received to date. Penn would be happy to provide additional information on this meeting if the MOE so desires.

Penn did make inquiries to the Six Nations of the Grand River, the Haudenosaunee Confederacy Council, and the New Credit First Nation about the possibility of publishing the Brantgate project’s Final Public Meeting notices in Aboriginal newspapers or other such publications, should they exist and it be permitted. These inquiries were by e-mail, in letters, and also in person, in some cases. Two (2) publications, the Tekawennake and the Turtle Island News, were identified as appropriate publications by the communities consulted. Penn worked with Mr. Marshall Lank at the Tekawennake, which is a weekly print newspaper also published online, to secure advertisement of the Meeting Notice for two (2) weeks starting on publication dates August 29 and September 5. Penn worked with Ms. Amy Catherwood at the Turtle Island News, another weekly print newspaper also published online, to secure advertisement of the Meeting Notice for two (2) weeks starting on publication dates August 29 and September 5. (see attached Exhibit 54 for applicable records of communication, tearsheets, invoices and receipts).

For further information, questions or concerns pertaining to Penn’s activities with respect to Aboriginal consultation for this project, both past and ongoing, please contact Cyrus Tingley at cyrus@pennenergyrenewables.com or (610) 668-0300. Mr. Tingley currently leads the Aboriginal consultation activities on behalf of Penn. Kirt Mayland and Max Frable, both of Penn, were also involved in these activities, Mr. Mayland extensively.

Penn’s consultation activities with the various Aboriginal communities as well as relevant communication with the MOE are summarized chronologically in the chart(s) below. Attached are the various Exhibits evidencing Penn’s consultation activities.

4.1 Communication with Ministry of the Environment (“MOE”)

Date	Communication Activity
1. March 7, 2011	Sent e-mail with electronic PDR to Sandra Guido requesting the Ministry’s list of Aboriginal Communities to be contacted about the Brantgate project. See attached <u>Exhibit 28</u> .
2. March 25, 2011	Penn left phone message for Sandra Guido to ascertain status of said list.
3. June 28, 2011	Penn left phone message for Kristina Rudzki at the MOE inquiring about same.

4. July 5-6, 2011	Penn exchanged emails with multiple parties at the MOE about the formulation and release of the list. See attached <u>Exhibit 29</u> .
5. July 19, 2011	Received "Director's Aboriginal Communities List – Brantgate Solar Farm" by e-mail from Robyn Budd at the MOE. See attached <u>Exhibit 30</u> .
6. September 28, 2011	Sean McCloskey of Penn and Jim MacDougal, a consultant to Penn, met with Doris Dumais and Sue Edwards of the MOE to discuss, among other topics, the potential need for another round of public meetings offered specifically to Aboriginal groups (in addition to the individual, in-person meetings that have been, and still are, continually offered to all Aboriginal groups that Penn is consulting with). Ms. Dumais requested that Penn provide her and the MOE with a variety of information about its Round 2 FIT projects (including Brantgate), their Initial Public Meetings, and Penn's Aboriginal consultation activities.
7. January 20, 2012	Penn sent a letter and information package to Ms. Dumais and Ms. Edwards pertaining to the MOE's request made at their meeting of September 28, 2011. See attached <u>Exhibit 31</u> (including FedEx delivery confirmation).
8. May 23, 2012	Penn sent a letter to Ms. Dumais and Ms. Edwards following up on its letter and information package of January 20, 2012. See attached <u>Exhibit 32</u> (including FedEx delivery confirmation).
9. July 16, 2012	Penn received a letter from Ms. Dumais in response to Penn's letter of May 23, 2012. This letter advised that Penn continue to consult with all communities on the MOE-provided list of July 19, 2011, and continue documenting all of said consultation. See attached <u>Exhibit 33</u> .
10. October 3-5, 2012	Penn requested (by e-mail to Ms. Edwards) a discussion with the MOE regarding its Aboriginal consultation activities. Ms. Edwards indicated that Penn should contact Ms. Narren Santos of the MOE. See attached <u>Exhibit 34</u> .
11. October 5, 2012	Glen Tomkinson and Cyrus Tingley of Penn spoke with Ms. Santos by phone to discuss Penn's consultation with the Haudenosaunee Development Institute ("HDI"). Ms. Santos confirmed that though the HDI was not on the MOE-provided list, they should be considered official representatives of the Haudenosaunee Confederacy Council, a listed party, and consulted with accordingly. Penn assured Ms. Santos that henceforth, given said clarifying confirmation by the Ministry, full and complete consultation efforts would be continue to be undertaken with the HDI. Ms. Santos encouraged Penn to continue its consultation efforts and fully document said consultation. She did not offer any specific guidance regarding the HDI's request for a completed "application" and accompanying \$7,000 fee. Ms. Santos requested that Mr. Tingley send her, by e-mail, a more formal description of the matter and his question for guidance along with a copy of the "application" sent to Penn. Mr. Tingley did so later that day. See attached <u>Exhibit 35</u> .

4.2 Mississaugas of the Credit First Nation, New Credit (Part) 40A

Date	Consultation Activity
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October 23, 2012

12. March 7, 2011	Sent e-mail with electronic PDR to Sandra Guido requesting the Ministry's list of Aboriginal Communities to be contacted about the Brantgate project. See attached <u>Exhibit 28</u> .
13. July 19, 2011	Received "Director's Aboriginal Communities List – Brantgate Solar Farm" by e-mail from Robyn Budd at the MOE. See attached <u>Exhibit 30</u> .
14. August 10, 2011	Sent via e-mail and Federal Express the Brantgate PDR and an introductory letter regarding Penn and the Project, also requesting information regarding constitutionally-protected aboriginal or treaty rights associated with the parcels upon which we are proposing the projects and any measures for mitigating such impacts, any potential negative environmental effects of the project, and any other issues of importance. See attached <u>Exhibit 36</u> including FedEx delivery receipt.
15. August 15, 2011	Sent e-mail requesting confirmation of receipt of materials sent on August 10. See attached <u>Exhibit 37</u> .
16. August 22, 2011	Kirt Mayland of Penn called Ms. Carolyn King at MCFN and left message asking her to call back to discuss project.
17. August 23, 2011	Received phone call from Ms. King confirming receipt of project materials sent August 10.
18. November 14, 2011	Sent second notice letter via Federal Express and e-mail (See attached <u>Exhibit 38</u> with delivery confirmation) offering information and reiterating offer to meet in person. This letter also introduced Mr. Cyrus Tingley of Penn as replacing Mr. Mayland as principal company contact for Aboriginal communities.
19. November 14, 2011	Received e-mail reply from Ms. King confirming receipt of November 14 e-mail as well as previously sent materials. See attached <u>Exhibit 39</u> .
20. November 15, 2011	Penn communicated with Northeastern Archaeological Associates in conjunction with Six Nations of the Grand River to ensure an Aboriginal community monitor was engaged for the project's survey; Six Nations of the Grand River confirmed they would be willing to supply said monitor's report to the New Credit First Nation. See attached <u>Exhibit 40</u> .
21. November 16 & 30, 2011	Mr. Tingley sent emails to Ms. King following up on discussions of an in-person meeting as requested by Ms. King. See attached <u>Exhibit 41</u> .
22. December 8, 2011	Penn followed up on previous email communications about an in-person meeting with a phone call/message to the New Credit Consultation Office at 905-768-7632.
23. January 3-5, 2012	Left phone message at Consultation Office to check in and again offering to meet in person. Sent e-mail to follow up. Ms. King replied via e-mail on January 5. Mr. Tingley replied on January 5 with regard to setting up a meeting. See attached <u>Exhibit 42</u> .
24. January 6, 2012 (e-mail sent January 19)	Sent a third project notice letter via Federal Express and e-mail including discussion of plans for an upcoming in-person meeting. See attached <u>Exhibit 43</u> including FedEx delivery confirmation and copy of e-mail.
25. January 11-13, 2012	Series of phone conversations to discuss plans for a meeting in person.
26. January 19, 2012	Mr. Tingley exchanged e-mails with Ms. King to obtain contact information for Ms. Margaret Sault at the New Credit First Nation

October 23, 2012

	and establish a scheduled meeting date of January 30, 2012 in Hagersville. See attached <u>Exhibit 44</u> .
27. January 23, 2012	Mr. Tingley sent Ms. King and Ms. Sault the archaeology assessment report for this project along with the report produced by Six Nations' on-site monitor, Aiyyana Maracle. The meeting date of Monday, January 30 was confirmed, as well. See attached <u>Exhibit 45</u> .
28. January 25, 2012	Mr. Tingley communicated with the Bears Inn, a lodging location within the New Credit territory recommended by Ms. King, to secure lodging for Penn's consultation team for January 29, 2012. See attached <u>Exhibit 46</u> . (Mr. Frable and Mr. Tingley of Penn did indeed stay at the Bears Inn).
29. January 30, 2012	Max Frable of Penn and Mr. Tingley met with the New Credit First Nation in Hagersville, ON. Penn spoke to a gathering of the Elected Council (including current chief) for 10-15 minutes, giving an overview of the company and project, before meeting separately with Ms. King and Ms. Sault (as well as Ms. Faith Rivers). Penn was shown a video about the history of the New Credit, which was then discussed by the group along with other topics. Contact information for the local newspapers was given to Penn for publication of Public Meeting notices. The New Credit confirmed that Six Nations had shared their archaeology monitor's report with them. The site and design of the Brantgate project was discussed. Lunch was served and Penn offered to send a cheque to cover the cost of the meal. Ms. King expressed a desire to ensure Penn was aware/knowledgeable of the New Credit. Following the meeting, Mr. Frable and Mr. Tingley took a tour of the New Credit reserve with Ms. King.
30. February 20- March 1, 2012	Mr. Tingley exchanged e-mails with Ms. King and Ms. Sault thanking them for their willingness to meet in person and confirming that there are no outstanding issues or questions. Ms. King confirmed receipt of a \$50.00 cheque sent by Penn to pay for the group's lunch. Ms. King suggested that Penn advertise its Final Public Meeting in the local Aboriginal newspapers (see note/exhibit, below). Ms. King requested information about Penn's "Roseplain" solar project in Uxbridge; Mr. Tingley sent Ms. King the PDR for that project as well as a Web link. See attached <u>Exhibit 47</u> .
31. June 28, 2012	E-mailed Ms. King about the project's Final Public Meeting scheduled for October 11, 2012, including the Notice as an attachment. See attached <u>Exhibit 48</u> including copy of Notice.
32. June 29, 2012	Phone conversation with Ms. King about Final Public Meeting. Ms. King provided details for Aboriginal newspaper contacts where Notice could be published, whom Mr. Tingley would contact directly. The New Credit has a monthly newsletter which Ms. King might put the Notice in. Mr. Tingley stressed that Ms. King should feel comfortable replicating and sharing our Notice however and wherever she sees fit. Ms. King indicated that the New Credit's questions or concerns about solar projects like Penn's were likely with the Ontario Power Authority, not with Penn.
33. August 14, 2012	Sent Ms. King a data CD (instead of hard copies as per request) of the Brantgate project reports for the New Credit's review. See attached <u>Exhibit 49</u> .

October 23, 2012

34. August 21, 2012	Ms. King confirmed receipt of the project reports package by e-mail. See attached Exhibit 50 .
35. September 20-21, 2012	Exchanged e-mails with Ms. King about Penn's upcoming Final Public Meeting, the project reports, and the scheduling of another in-person meeting. Mr. Tingley offered to make himself available for an individual meeting with Ms. King on or around the day of Penn's Final Public Meeting. Mr. Tingley also offered to send an additional CD or hard copies of the project reports to Ms. King. See attached Exhibit 51 .
36. October 4, 2012	In advance of the October 11 Final Public Meeting, e-mailed Ms. King to check in about any remaining questions or comments; detailed location and timing information for the Meeting. See attached Exhibit 52 .
37. October 11, 2012	Ms. King attended Penn's Final Public Meeting for the Brantgate project at the Oakland Community Centre in Oakland, ON. Ms. King spoke with both Sean McCloskey of Penn and Mr. Tingley. Ms. King told Mr. McCloskey about an industrial park on the New Credit reserve, where a ladder company recently moved in. She emphasized that the New Credit had qualified contractors and suppliers, relative to the Brantgate project, and Penn offered to send a list of those parties to its main contractor (EPC) partner once selected, provided an REA permit was achieved. Ms. King told Mr. Tingley that they had a new economic development director and would let Penn know when she is available for and wants another meeting. They made plans to stay in touch. See attached Exhibit 19 (Final Public Meeting sign-in sheet) .
38. October 18, 2012	Mr. Tingley sent Ms. King an e-mail thanking her for attending Penn's Final Public Meeting and reiterating Penn's willingness to share a list of New Credit contractors and suppliers with the EPC partner for Brantgate, if an REA is achieved. See attached Exhibit 53 .

4.3 Six Nations of the Grand River, Six Nations (Part) 40

Date	Consultation Activity
39. September 1, 2010	Sent initial project Notice via registered mail (including cover letter, site location map, and Notice of Initial Public Meeting) to the Six Nations Eco-Centre (Mr. Paul General is the manager, with whom Penn would eventually meet in person on several occasions, see below). The Eco-Centre was contacted based on its proximity to the proposed Brantgate project site. See attached Exhibit 56 .
40. September 16, 2010	Penn received an e-mail from Ms. Joanne Thomas, Land Use Officer at Six Nations, in response to the September 1 mailing (received by Six Nations on September 13, see above). Mr. Max Frable of Penn responded, expressing a willingness to meet in person and plans to stay in touch about a convenient date. See attached Exhibit 57 .
41. October 8, 2010	Mr. Mayland spoke with Ms. Thomas by phone, reiterating a willingness to meet in person. The status of the Brantgate project was discussed. It was confirmed that the project site is outside of the Haldimand Tract. Ms. Thomas indicated that they were not available for a meeting until November at the earliest. Ms. Thomas

October 23, 2012

	<p>indicated that Six Nations' interest in the Brantgate project stemmed from the '1701 Treaty Territory.'</p> <p>Mr. Mayland followed up the phone message with an email containing his contact information and discussing possible dates for meeting; Ms. Thomas replied, indicating she would investigate her team's availability to meet. See attached Exhibit 58.</p>
<p>42. October 25 – November 4, 2010</p>	<p>Mr. Mayland exchanged e-mails with Ms. Thomas, seeking to find a feasible date to meet in person. On November 4, 2010, Mr. Mayland set Ms. Thomas the following:</p> <p>"Hi Joanne,</p> <p>I think it might make more sense for all of us if we just coordinate a good date after the holidays? Sean it turns out is out of the office for part of December and our new Ontario staff person who we would like to be present at this meeting is pretty much unavailable on vacation until December 20th.</p> <p>Also, and more importantly, if we wait until after the holidays, we will all know at that point if we have power contract with OPA and therefore whether the project is going to proceed at all. If we are not offered a contract, something we should know in the next month or two, then we will almost certainly not proceed with this project. We are in the very preliminary stages of this project at this point and therefore have done very little investigation on the property and have very little information on file about it.</p> <p>Even the case that we receive a contract offer from OPA, most of the work on the property would not being until at the very least until after the winter season is over.</p> <p>As long as this is all OK with you, I will put it on my calendar to communicate with you in early January?</p> <p>Thanks again."</p> <p>See attached Exhibit 58.</p>
<p>43. February 28, 2011</p>	<p>Mr. Mayland emailed Ms. Thomas to inform her that Penn had indeed been offered a contract on the Brantgate project site by the OPA. See attached Exhibit 59.</p>
<p>44. April 1 – June 13, 2011</p>	<p>Mr. Mayland and Mr. Glen Tomkinson of Penn (Penn's contact with Northeastern Archaeological Associates) communicated via e-mail with Ms. Thomas about ensuring a Six Nations monitor was present during Penn's Stage 1 and 2 archaeological surveys of the Brantgate site. The Six Nations monitor, Aiyvana Maracle, was present for this work on May 11-12, 2011 (See attached Exhibit 55). Additional Stage 2 surveys, as opposed to Stage 3 surveys, were conducted on November 17-18, 2011. The monitor was present for these surveys, as well (see attached Exhibit 55).</p> <p>In addition to the e-mails exchanged, Mr. Mayland left Ms. Thomas a phone message on April 21, 2011 about the organization of a monitor for the upcoming archaeology work as well as the</p>

	<p>possibility of getting together for an in-person meeting.</p> <p>See attached <u>Exhibit 59</u> for records of e-mail communication.</p>
45. July 19, 2011	<p>Received "Director's Aboriginal Communities List – Brantgate Solar Farm" by e-mail from Robyn Budd at the MOE. See attached <u>Exhibit 30</u>.</p>
46. August 10, 2011	<p>Mr. Mayland sent Six Nations the Project Description Report and an introductory letter via e-mail and Federal Express, also requesting information regarding constitutionally-protected aboriginal or treaty rights associated with the parcels upon which we are proposing the projects and any measures for mitigating such impacts, any potential negative environmental effects of the project, and any other issues of importance</p> <p>See attached <u>Exhibit 60</u> including Federal Express delivery confirmation.</p>
47. August 15, 2011	<p>Mr. Mayland sent an e-mail to Ms. Thomas requesting confirmation of receipt of the project materials sent August 10. An "out-of-office" auto-reply was received. See attached <u>Exhibit 61</u>.</p>
48. November 14, 2011	<p>Sent another letter via Federal Express and e-mail to Six Nations (multiple individuals) reiterating Penn's interest in sharing information, answering questions and concerns, and holding in-person meetings about the Brantgate project. This letter of November 14 was a follow-up to Mr. Mayland's letter of August 10. This letter introduced Mr. Cyrus Tingley of Penn as the principal contact for Aboriginal communities regarding this project. See attached <u>Exhibit 62</u>.</p>
49. November 10-14, 2011	<p>Mr. Tomkinson communicated via e-mail with Ms. Thomas and Dr. Lawrence Jackson of Northeastern Archaeological Associates to successfully ensure the presence of Six Nations' monitor during additional Stage 2 surveys that ultimately took place November 17-18, 2011. See attached <u>Exhibit 55</u> as well as Penn's REA-submitted Final Archaeological Assessment Report for confirmation of the monitor's presence November 17-18 onsite.</p>
50. January 11, 2012	<p>Mr. Tomkinson sent Ms. Thomas, by e-mail, Northeastern Archaeological Associate's completed report and survey of the Brantgate site. In the same message, Penn requested the Six Nations' monitor report of said survey. See attached <u>Exhibit 63</u>.</p>
51. January 19, 2012	<p>Mr. Tingley sent a third notice letter with the Project Description Report to Six Nations via Federal Express (to Chief Montour) and by e-mail (to Ms. Thomas). This letter reiterated a willingness to meet in-person about the Brantgate project. See attached <u>Exhibit 64</u>.</p>
52. January 23, 2012	<p>Ms. Thomas provided Penn with their archaeological monitor's report for the Brantgate survey. See attached <u>Exhibit 55</u>.</p>
53. January 30 – February 21, 2012	<p>Mr. Tingley and Ms. Thomas exchanged e-mails to schedule an in-person meeting about the Brantgate project. This meeting was scheduled for March 5, 2012 at the Six Nations' Tourism boardroom in Ohsweken, ON.</p> <p>See attached <u>Exhibit 65</u>.</p>
54. February 29- January 1, 2012	<p>Mr. Tingley inquired, by e-mail, if Ms. Thomas would like the HDI to be included at the upcoming Penn-Six Nations meeting:</p> <p>Hi Joanne,</p>

	<p>A quick question – would you like to invite representatives of the Haudenosaunee Development Institute to sit in on our meeting? They have contacted me, showing an interest in our Brantgate solar project. I was not sure how closely they worked with your office, or what their jurisdiction is. If they are a party you'd prefer to pass information from our meeting on to indirectly, that is fine by me, and they do not need to be invited to our meeting.</p> <p>Please let me know.</p> <p>Cheers, Cyrus</p> <p>Ms. Thomas answered no. See attached <u>Exhibit 66</u> for full communication records on this matter.</p>
<p>55. March 5, 2012</p>	<p>Mr. Tingley met with Ms. Thomas, Paul General, Phil Monture, Lonny Bomberry, and Karen in the Six Nations Tourism boardroom in Ohsweken, ON, on March 5, 2012, to discuss the Brantgate project and introduce Penn as a company. Ms. Thomas confirmed they'd be happy to receive the project reports on a data CD as opposed to hard copies in binders. Mr. Tingley discussed the site selection and facility design processes that had been undertaken for the Brantgate project. Mr. Tingley answered the group's several general questions about the proposed infrastructure. Mr. Tingley emphasized that the project site is outside of the Haldimand Tract. Six Nations expressed a concern that Penn would be posting its Archaeological Assessment Report to the public domain and thus the "finds" (which were minor) would be made known and thus potentially endangered by the public. Six Nations mentioned that they would be meeting with the Province at the end of March about this requirement of the REA process and would let Penn know what developed. It was understood that Penn is required to post said report regardless of its contents. Penn offered to ask its archaeologist if it could be edited prior to posting (*Penn did inquire about this with Northeastern Archaeological Associates; it was confirmed that the report did not give specific location information about the finds, however minor they in fact were). Six Nations indicated that Penn would be receiving a request for "capacity allocation funding" that would support their consultant's review of Penn's project reports; Penn confirmed they would certainly be open to receiving and considering such a request. Mr. Tingley made note of several questions that were not answered during the meeting and pledged to follow-up with answers if possible (see below).</p>
<p>56. March 9, 2012</p>	<p>Mr. Tingley sent an e-mail to Ms. Thomas and several other members of the Six Nations consultation team as a follow-up to the March 5 meeting, thanking them for their time, offering site plans for the projects (these were attached), and listing answers to the aforementioned questions stemming from the in-person discussion on March 5. See attached <u>Exhibit 67</u>.</p>
<p>57. June 29, 2012</p>	<p>Mr. Tingley e-mailed Ms. Thomas to inform her of Penn's scheduling of the Brantgate project's Final Public Meeting. Mr. Tingley included a copy of the Meeting Notice and inquired about</p>

	<p>Aboriginal newspapers where Six Nations may desire and permit the publication of said Notice to occur (*please see Section 4.0 "Introduction & Summary," above, in which Penn has detailed the publication of this Notice in both the Tekawennake and Turtle Island News). Mr. Tingley also offered another in-person meeting. Ms. Thomas replied that Six Nations would indeed be interested in another in-person meeting and directed Mr. Tingley to the two aforementioned publications. Ms. Thomas indicated that Ms. Caron Smith of Six Nations would be in touch about setting up another meeting. (*Please note that Ms. Thomas' assertion in the attached e-mail regarding the Brantgate project location within the Haldimand Tract is in fact erroneous, the project is <i>outside</i> the Tract, and this confusion has been mutually recognized.) See attached <u>Exhibit 68</u>.</p>
58. July 4-18, 2012	<p>Ms. Smith, Ms. Thomas and Mr. Tingley exchanged e-mails discussing various dates for another in-person meeting. Six Nations expressed an interest in discussing the aforementioned capacity allocation funding. Penn stressed it was willing to both meet in person as well as provide funding for Six Nations' review of the Brantgate project reports as previously discussed. See attached <u>Exhibit 69</u>.</p>
59. July 19, 2012	<p>Phone conversation with Ms. Thomas about Penn potentially mailing an agreed-upon sum for capacity allocation funding as well as a data CD of reports in lieu of a meeting to discuss said sum. Ms. Thomas expressed agreeability with regard to this alternative and said she would check with her team. It was established again during this phone call that Penn's project site is in fact not located within the Haldimand Tract.</p>
60. July 20, 2012	<p>Phone conversation with Ms. Thomas in which the sum of \$12,500 was provided to Penn as a request for capacity allocation funding. Six Nations asserted that this payment would be the next necessary step in Penn's consultation with the community. Penn pledged to undertake internal review of the named amount and remain in touch. It was agreed that there would not be another in-person meeting in the immediate future as the mailing of a cheque and the reports was mutually acceptable.</p>
61. August 14, 2012	<p>Mr. Tingley called Six Nations to follow-up on the request for capacity allocation funding and spoke with Ms. Smith as Ms. Thomas was on vacation; Penn's interest in getting Six Nations project reports as soon as possible was impressed and Mr. Tingley endeavored to confirm with Ms. Smith the necessary details of the requested cheque but this could not be provided at the time. Mr. Tingley followed-up with an e-mail to Ms. Thomas and mailed a data CD of the Brantgate project reports to her on August 14. See attached <u>Exhibit 70</u> including Federal Express delivery confirmation.</p>
62. August 29, 2012	<p>Mr. Tingley e-mailed Ms. Smith and Ms. Thomas seeking to confirm their receipt of the project reports shipped to Six Nations on August 14. A PDR and another copy of the Final Public Meeting Notice were attached to the e-mail. Mr. Tingley also mentioned in his e-mail the contemporary publication of said notice in both the Tekawennake and the Turtle Island News newspapers. Mr. Tingley again offered to reimburse Six Nations' consultants for their review of Penn's project reports up to the amount of \$12,500 as requested</p>

	by Six Nations and further offered to receive the invoices for this work directly, for Six Nations' convenience. Mr. Tingley also made it known that he would be in Ontario the following week (September 6-7) and would be happy to meet with Six Nations if that was of interest. See attached <u>Exhibit 71</u> .
63. September 6, 2012	Ms. Thomas called the Penn office in Bala Cynwyd, PA, seeking to confirm that Mr. Tingley would be attending a meeting with Six Nations at 10 AM. Mr. Gregg Meister spoke with Ms. Thomas as Mr. Tingley was traveling at the time. Ms. Thomas apologized to Mr. Meister, admitting she had never confirmed a meeting with Mr. Tingley. Mr. Tingley connected with Ms. Thomas later that day via phone to resolve any misunderstanding and it was agreed that they would reconvene in the near future.
64. September 11, 2012	Mr. Tingley called Ms. Thomas and left a phone message to check in, and he also emailed Ms. Thomas and Ms. Smith seeking to proceed with consultation activities as previously discussed.
65. September 14, 2012	Mr. Tingley spoke via phone with Ms. Thomas, who confirmed receipt of his earlier e-mails (see above) and also receipt of the data CD containing the Brantgate project reports. Ms. Thomas asserted that Six Nations would require the capacity allocation funding in advance of any review work commencing as opposed to an invoice. Mr. Tingley confirmed that sending a cheque in advance was agreeable. Via e-mail, he confirmed the address where it should be sent and to whom it should be made out to. Mr. Tingley sent a cheque for \$12,500, a cover letter, hard copies of Penn's Brantgate Final Public Meeting Notice, and a number of his business cards to Ms. Thomas via Federal Express. See attached <u>Exhibit 72</u> .
66. September 19, 2012	Mr. Tingley had a conference call with Ms. Thomas and other members of the Six Nations consultation team today. Six Nations confirmed receipt of the cheque for \$12,500. They said they will send an invoice to Penn as well as formulate a budget for the review work. They need to get their consultant's review in front of their community. A meeting with Penn to negotiate an accommodation agreement was requested; it was asserted that this "agreement" was the next step in their preferred process of consultation. Six Nation confirmed that this step, in their opinion, involves sums of money, based on project size, employment opportunities, etc. Mr. Tingley explained that there would be a large number of jobs created by the project's construction and potentially one long-term job for a facility caretaker. It was explained that this caretaker job can often be in place of the job of a farmer that formerly worked the project site lands. Mr. Tingley indicated to Six Nations that any guidance that could be offered on what constituted an accommodation agreement in Six Nations' opinion would be appreciated as Penn has not been involved in such an agreement in the past. Six Nations said they had recently an advanced point of negotiation with another developer of a project similar in size to Penn's project, denying it was Samsung. Six Nations offered to share the sum amount that was being discussed with said developer. Mr. Tingley said that this information would be much appreciated. Six Nations inquired if Penn was a public or private company; Mr. Tingley confirmed the latter. It was asked if Penn

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	would be leasing or purchasing the project site lands, hypothetically; Mr. Tingley confirmed that Penn would, hypothetically, purchase the property. Mr. Tingley confirmed that there had been no significant changes to the project's design, size, or situation, and also confirmed that Penn is not developing any wind projects in the Province. Mr. Tingley described Penn's past and ongoing consultations with the County of Brant. Penn offered to meet in person again. Six Nations indicated they would remain in touch.
67. September 20, 2012	Mr. Tingley sent an e-mail to Ms. Thomas today following-up on their recent conference call, offering to meet in-person and expressing a willingness on Penn's part to discuss Six Nations' suggestion of an accommodation agreement. See attached <u>Exhibit 73</u> .
68. September 27, 2012	Ms. Thomas requested, by e-mail, that Mr. Tingley come to an in-person meeting with Six Nations as they "have questions regarding [Penn's] Driftway Farms solar farm." Mr. Tingley confirmed he would be happy to meet with them on October 11, 2012, as per Ms. Thomas' specific request.
69. October 10, 2012	Ms. Thomas sent to Mr. Tingley, via e-mail attachment, a copy of their consultant's peer review of the Brantgate project reports. The review found no significant environmental issue with the project, seeking only clarification on several points. Notably, the review did not assert any potential for the project to impact any hunting, fishing or harvesting resources located on the subject property. It was agreed, via e-mail, that this review would be discussed as a group in the next day's meeting. See attached <u>Exhibit 74</u> .
70. October 11, 2012	Mr. Tingley met with Ms. Thomas; Matt Jamieson, Six Nations Economic Development Director; and other members of Six Nations' consultation team in the Six Nations Tourism boardroom in Ohsweken, ON. The few minor questions (see attached review and response, <u>Exhibits 74-75</u>) raised by Professor Charles Hostovsky in his peer review of Penn's project reports were discussed and answered by Mr. Tingley to the satisfaction of Six Nations. Mr. Tingley pledged to send a formal review response to Professor Hostovsky in the near future. Six Nations asserted that Penn's Brantgate project was located on lands governed by the Treaty of 1701 which provide Six Nations with harvesting rights. They provided Mr. Tingley with an information package detailing the rights asserted and land claims undertaken by Six Nations. Mr. Jamieson described the Aboriginal Loan Guarantee Program. It was discussed how Penn and Six Nations could potentially partner, hypothetically, on a future project. Six Nations described a FIT project they have applied for on a site near Caledonia. Penn's Driftway Farms FIT project, which has not received a contract yet either, was also discussed as per the request of Six Nations. Mr. Tingley shared 11x17" maps and photos of that project site with the group to help facilitate the discussion. Mr. Jamieson described the economic elements that are most desirable to Six Nations in a given accommodation agreement. The arrangement made by Six Nations with Samsung was discussed. Mr. Tingley pledged to review the Aboriginal Loan Guarantee Program. Six Nations described the arrangement made with First

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	<p>Solar on a RESOP project. It was inquired of Mr. Tingley “how he felt about royalties” with respect to development projects. Six Nations expressed an interest in establishing a revenue stream based on Penn’s solar project(s). Six Nations asserted that if there was no opportunity for partnership based on equity ownership of projects, they would be interested in investigating partnerships of other sorts. Six Nations expressed an interest in securing jobs based on Penn’s project(s) as well as royalties.</p> <p>Mr. Tingley pledged to relay the meeting’s topics to the Penn team for discussion and internal review and to consider ideas of how Six Nations and Penn might hypothetically partner on a project. Six Nations requested that Penn formulate suggestions of how such a partnership might be organized prior to another in-person meeting, which was requested.</p> <p>Ms. Thomas later attending Penn’s Final Public Meeting in Oakland on the evening of October 11, 2012. She did not express any concerns with the project as presented at said meeting. See attached <u>Exhibit 19</u> (Final Public Meeting sign-in sheet).</p>
<p>71. October 15, 2012</p>	<p>Mr. Tingley forwarded to Professor Charles Hostovsky, Six Nations’ peer reviewer, a formal response to his review report on the Brantgate project reports. This response was prepared by Mr. Glen Tomkinson of Penn and sent directly to Professor Hostovsky as per Six Nations’ request. Mr. Tomkinson’s response spoke fully to all points made by Professor Hostovsky. See attached <u>Exhibit 75</u>.</p>
<p>72. October 18, 2012</p>	<p>Mr. Tingley sent the following e-mail to Ms. Thomas and Mr. Jamieson following-up on their meeting of October 11:</p> <p>Good morning, Matt & Joanne:</p> <p>Thank you for your time last Thursday and it was a pleasure to meet you, Matt. I'd appreciate your passing my thanks on to the rest of the CAP team.</p> <p>I'm glad we are able to go through your reviewer's report on Penn Energy's Brantgate together, in person, and properly address the few questions that came up. Should any other questions or concerns come up, don't hesitate to get in touch - I'm happy to talk to Prof. Hostovsky directly, too, though he should have our formal response in hand by now (which I sent by email this past Monday).</p> <p>Matt, it was great to get some insight on the ways Six Nations is approaching renewable energy projects. I am currently reviewing the Aboriginal Loan Guarantee Program as per our conversation. Our office is also looking at the lands you mentioned on Highway 6 near the rail line, a site that I think - along with Penn's Driftway Farms project - constitutes a good future opportunity if the ECT situation develops favorably. Please feel free to call me directly anytime.</p> <p>Thank you, Joanne, for stopping by our Final Public Meeting at the community center in Oakland later that day. It was appreciated to</p>

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	<p>hear that Six Nations is comfortable with the project's location, design and construction as we work hard to complete comprehensive processes of environmental and archaeological study, preliminary engineering, and site selection, while keeping the planned facility as small and low-impact as possible.</p> <p>I look forward to continuing our conversations in the near future.</p> <p>Sincerely,</p> <p>Cyrus M Tingley</p>
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4.4 Haudenosaunee Confederacy Council (HCC), Haudenosaunee Development Institute (HDI)

Date	Consultation Activity
73. July 19, 2011	Received "Director's Aboriginal Communities List – Brantgate Solar Farm" by e-mail from Robyn Budd at the MOE. See attached <u>Exhibit 30</u> .
74. August 10, 2011	Mr. Mayland called the Six Nations main line to find a contact person for the HCC. He received a phone number for the HCC. Upon calling said number, Penn was given contact information for the HDI.
75. August 10, 2011	Sent via e-mail (HDI) and Federal Express (HCC) the Project Description Report ("PDR") and an introductory letter regarding Penn and the project – also requesting information regarding constitutionally-protected aboriginal or treaty rights associated with the parcels upon which we are proposing the projects and any measures for mitigating such impacts, any potential negative environmental effects of the project, and any other issues of importance. See attached <u>Exhibit 76</u> including Federal Express delivery confirmation.
76. August 15, 2011	Sent e-mail requesting confirmation of receipt of materials sent of August 10. Received auto-reply that said e-mail was received and read. See attached <u>Exhibit 77</u> .
77. November 14, 2011	Sent via Federal Express and e-mail a second notice letter reiterating Penn's interest in sharing information, answering questions, and holding in-person meetings (if desired) regarding Penn's Brantgate project. This letter of November 11, 2011 (sent November 14, 2011) was a follow-up to Penn's August 10 th , 2011 introductory letter, which included the applicable project(s)' PDR(s). The letter also introduced Mr. Cyrus Tingley of Penn Energy Renewables as the principal company contact for Aboriginal groups See attached <u>Exhibit 78</u> including Federal Express delivery confirmation.
78. January 6, 2012	Sent via Federal Express and e-mail a third notice letter following up on Penn's letters of August 10 and November 14. This letter offered information about the Brantgate project as well as reiterated Penn's willingness to meet in person. See attached <u>Exhibit 79</u> .
79. January 19, 2012	Received an e-mail from Hazel Hill of the HDI confirming receipt of Penn's correspondence of January 6. Ms. Hill advised Penn that the Haudenosaunee Confederacy Council has an engagement

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	<p>process through the Haudenosaunee Development Institute. Ms. Hill attached to her e-mail an “Application for Consideration and Engagement for Development.” This document was circulated by Mr. Tingley to Mr. Tomkinson for internal review. See attached <u>Exhibit 80</u>.</p>
80. March 17, 2012	<p>Penn received at its Pennsylvania headquarters, by way of forwarded mail from its Toronto office, a letter from Ms. Hill as well as a copy of the HDI’s “Application for Consideration and Engagement for Development.” Ms. Hill identifies her letter as in response to Penn’s correspondence of November 11, 2011, and confirms asserted treaty rights “in the area contemplated by [Penn’s] project, including but not limited to, the right to free and undisturbed harvesting.” Ms. Hill’s letter describes a regulatory framework established and administered by the HDI for the purpose of considering development like Penn’s Brantgate project, and Ms. Hill identifies the submission of the Application as a necessary step in this process and a prerequisite for meeting in person. See attached <u>Exhibit 88</u>.</p>
81. June 28, 2012	<p>Mr. Tingley e-mailed the Brantgate project’s Final Public Meeting notice, notifying the HCC/HDI of the meeting scheduled for October and offering it for publication in Aboriginal newspapers and/or elsewhere if that was other interest. Mr. Tingley encouraged the HCC to not hesitate to contact Penn to discuss the Brantgate project. See attached <u>Exhibit 81</u>.</p>
82. September 21, 2012	<p>Mr. Tingley called the phone number listed for the HCC on the MOE-supplied list (519 755 2769) in an effort to re-commence consultation. A gentleman who identified himself only as “Alan” said that the wrong number was being called and that Penn needed to speak with the HDI. “Alan” supplied a different phone number (519 445 4222) for what he identified as the HDI. Mr. Tingley called the number provided by “Alan” and spoke with Ms. Hazel Hill. Ms. Hill identified Alan as one of their chiefs. She said they had a very specific process for development consideration. She said she would email Penn an application that required a fee and added that the HDI would be interested in seeing an environmental review as well as archaeological monitoring (*this was completed previously with a Six Nations monitor). Mr. Tingley offered an in-person meeting but this was refused, being told the application and fee was a prerequisite for a meeting.</p> <p>Mr. Tingley sent a follow-up email to Ms. Hill with the Final Public Meeting attached. He offered to re-submit the HDI’s application for internal review if it could be sent to Penn. Mr. Tingley again offered an in-person meeting to discuss the application, fee and the project in general. Mr. Tingley explained the upcoming Public Meeting in detail and inquired about Aboriginal news publications where Ms. Hill might desire and permit the Notice to be advertised. Mr. Tingley provided Ms. Hill with a Web link to Penn’s web site where all of the Brantgate project reports are publicly available. See attached <u>Exhibit 82</u>.</p> <p>Ms. Hill replied via e-mail and attached the HDI’s application for</p>

	<p>Penn's ease of reference. Ms. Hill indicated that she would be amenable to arranging a meeting with the HDI's board and Penn only after receiving Penn's application and the associated fee. Additionally, Ms. Hill referenced correspondence sent by the HDI to Penn in March 2012. In a second e-mail, Ms. Hill stated a correction to the contact information she was utilizing for Mr. Tingley. See attached <u>Exhibit 83</u>.</p> <p>Mr. Tingley confirmed, by e-mail and as per Ms. Hill's request, Ms. Hill's e-mail containing the HDI's application sent earlier in the day. Mr. Tingley pledged to check his records for any correspondence matching the description Ms. Hill provided. Mr. Tingley also mentioned that he would be sending Ms. Hill a Federal Express package that day, containing hard copies of the Final Public Meeting notice for dissemination as Ms. Hill saw fit as well as a data CD containing all of the Brantgate project reports for the HDI's review. Mr. Tingley reiterated that the HDI's application was under internal review by Penn and again offered to meet in-person. See attached <u>Exhibit 84</u>.</p> <p>Mr. Tingley send a Federal Express package with a cover letter, data CD containing the Brantgate project reports including archaeological and environmental reports as requested by the HDI, and a number of his business cards to Ms. Hill. See attached <u>Exhibit 85</u>.</p>
<p>83. September 25, 2012</p>	<p>Mr. Tingley called the phone number supplied by the MOE for the Haudenosaunee Confederacy Council (HCC) again to confirm the information provided to Penn by the individual named "Alan" at that number on September 21 with regard to the proper contact for the HCC. There was no answer and no option to leave a message.</p>
<p>84. September 26, 2012</p>	<p>Mr. Tingley called the phone number supplied by the MOE for the Haudenosaunee Confederacy Council (HCC) again to confirm the information provided to Penn by the individual named "Alan" at that number on September 21 with regard to the proper contact for the HCC. There was no answer and no option to leave a message.</p>
<p>85. October 3, 2012</p>	<p>Mr. Tingley e-mailed Ms. Hill to confirm receipt of the FedEx package sent September 21 (which was tracked to delivery in Ohsweken, ON, on September 24) and offering to send another information package if necessary. An offer to meet in person was reiterated. Mr. Tingley again attached the Final Public Meeting Notice to his e-mail as well as Northeastern Archaeology Associates' final survey report on the Brantgate site with the MTC's concurrence letter.</p> <p>See attached <u>Exhibit 86</u> (*a copy of the full Archaeological Assessment Report can be found in Binder A of this REA submission).</p>
<p>86. October 4, 2012</p>	<p>Mr. Tingley called the phone number supplied by the MOE for the Haudenosaunee Confederacy Council (HCC) again to confirm the information provided to Penn by the individual named "Alan" at that number on September 21 with regard to the proper contact for the HCC. There was no answer and no option to leave a message.</p>
<p>87. October 9, 2012</p>	<p>Mr. Tingley again e-mailed Ms. Hill to confirm her receipt of the Federal Express package sent September 21 containing the</p>

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	<p>Brantgate project reports. Mr. Tingley again attached the Final Public Meeting Notice as well as the Archaeology Report materials detailed above. Mr. Tingley offered Penn’s support up to the amount of \$8,500 to fund the HDI’s consultant costs in reviewing the Brantgate project reports. Mr. Tingley again offered to meet in person and also described the details of the upcoming Final Public Meeting. See attached Exhibit 87.</p>
88. October 10, 2012	<p>Mr. Tingley called Ms. Hill to follow-up on his e-mail of October 9. Ms. Hill confirmed receipt of Penn’s Federal Express mailing(s) and past e-mail(s). Ms. Hill declined Penn’s offer of \$8,500 to cover their project report review costs and asserted that the \$7,000 fee required with the requested Application form is to cover report review costs. She asserted that the project reports and Final Public Meeting notices, as well as offers to meet in-person, sent by Penn to the HDI did not construe consultation from her perspective. She declined to hear any more details of the Brantgate project’s size, nature, and situation.</p>
89. October 18, 2012	<p>As requested, Mr. Tingley sent Ms. Hill a Federal Express package containing a completed “Application for Consideration and Engagement for Development” (in quadruplicate, as specified by the Application) as well as the requested sum of \$7,000 in the form of a cheque. A cover letter accompanied these items, in which Mr. Tingley encouraged Ms. Hill to contact him to continue their previous discussions once the HDI’s review of the Brantgate project reports was complete.</p> <p>Mr. Tingley also sent an e-mail with electronic copies of the cover letter and Application. See attached Exhibit 89.</p> <p>*Both an e-mail “read” receipt and FedEx delivery confirmation have been received.</p>
90. October 23, 2012	<p>Penn received, by way of its Toronto office, a letter from the HDI dated October 9, 2012, a response to Penn’s mailing of project reports and other materials on September 21 (see attached Exhibit 85.) This letter reflects the content of Mr. Tingley’s phone call with Ms. Hill on October 10 (see above), specifically the assertion that Penn has not complied with the HDI’s requested process. (See attached Exhibit 90). *Please note the above activity of October 18, 2012, in which Penn complied with said process, prior to receipt of the HDI’s letter of October 9 (See attached Exhibit 89).</p>

5.0 Municipal Consultation

5.1 Initial Consultations

Early in the process of identifying suitable land for ground-mounted solar photovoltaic Feed-in-Tariff (“FIT”) projects within a given municipality, Penn Energy Renewables, Ltd. (“Penn”) initiated contact with said municipality to ensure the municipality’s understanding of, and amenability to, the nature of Penn’s intended land use. Penn initiated contact with the County of Brant prior to submitting its FIT

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application for this project and has continued discussions with the County throughout the development process.

During the months of September and October of 2009, Mr. Charlie Howland, formerly of Penn, engaged with Brantford Power, Inc., a local distribution company serving parts of Brant County. The conversation can be summarized as follows:

Mr. Steve Faulkner, of Brantford Power, Inc., attended the call with Mr. Howland of Penn. The primary purpose of the conversations was to obtain a better understanding of the service territory Brantford Power, Inc. serves. Available capacity at certain substations and along certain feeder lines was also discussed. Penn has found that engagement of local distribution companies to achieve a better understanding of possible project constraints often leads to a higher probability of a viable project being pulled together.

In April 2010, Penn initiated discussions with the County of Brant planning office for the following purposes:

- (i) to determine the County's opinion of the proposed solar project;
- (ii) to verify with the County of Brant that Penn's understanding of zoning at the site was correct and to seek a zoning verification letter from the County in accordance with FIT regulations; and
- (iii) to receive a confirmation that Penn's understanding of the soils report as maintained by the Ontario Ministry of Agriculture, Food and Rural Affairs ("OMAFRA") was in line with the County's understanding of OMAFRA's soil classification on the property.

Following preliminary discussions with the County, Penn concluded that a large scale solar photovoltaic project would likely be considered favorably by the County of Brant and that the particular site identified by Penn at that time did meet the various zoning requirements mandated by FIT regulations. This determination led to Penn's submission of FIT Application FIT-FCELIHJ on May 27, 2010.

On April 16, 2010, Mr. David Savoia of Penn spoke with Mr. Mark Pomponi of the County of Brant by phone. The telephone call can be summarized as follows:

Mr. Mark Pomponi, who was Chief Planning Official at the time and is now General Manager Development Services, spoke via phone with Mr. Savoia. The primary purpose of the conversation was to introduce Penn as well as better understand the County of Brant's view on renewable energy projects. In addition, Penn was seeking to ascertain any potential concerns the County might have as a stakeholder in such projects. During the call, Mr. Savoia explained some of the criteria required to participate in the Feed In Tariff Program such as the required land characteristics related to soils and/or zoning. Mr. Pomponi provided Penn information on

the applicable Official Plan and Zoning Bylaw, indicating that private planning consultants from the area would likely be able to offer some locally-appropriate expertise should Penn require such services. Mr. Pomponi also relayed to Penn that the County of Brant and the Six Nations Aboriginal community have a green accord and are supportive of green projects throughout the County. He offered to set up informal meetings as necessary to discuss possible project locations that Penn would like to pursue. It was also revealed that other renewable developers have been interested in the area though they had yet to come forward with any specific project.

Summary of Discussion/Comments:

- (i) Determine the County of Brant's support of a solar project.

Action/Alterations to proposal to engage in the project:

- (i) Penn to contact County of Brant once a viable property has been identified to review site characteristics with the Planning Office.

On April 16, 2010, Mr. David Savoia of Penn received an email notification from a County of Brant staff member. The correspondence can be summarized as follows:

Mr. Mark Pomponi, Chief Planning Official at the time and now General Manager Development Services with the County of Brant, was the principal correspondent over email. The primary purpose of the email was to provide the County of Brant's Official Plan and Zoning Bylaw to Penn for review as Penn searches for viable project locations for its intended solar use.

On April 30, 2010, Mr. David Savoia of Penn received another email from Mr. Pomponi. The correspondence can be summarized as follows:

Mr. Pomponi was confirming Penn's receipt of the Official Plan and Zoning Bylaw along with following up on the selection of sites. Mr. Savoia confirmed that it had identified possible properties and it will be approximately 3 to 4 weeks before Penn can formally discuss a project location with the County of Brant.

In May 2010, Mr. Savoia continued to communicate with Mr. Pomponi via phone and email. The correspondence can be summarized as follows:

The primary purpose of the dialogue was for Penn to review with the County a parcel of land it had placed under contract. Mr. Pomponi confirmed that the property in question was in fact zoned Extractive Industrial (EX), permitting a number of non-agricultural uses such as aggregate storage, crushing plant, office, public use, resource extraction, or use as a quarry. At this time, Mr. Savoia requested a zoning verification letter from the County of Brant as said verification letter would be a requirement of Penn's future application to the Ontario Power Authority (OPA).

On May 21, 2010, Mr. Savoia received another email from Mr. Pomponi, which can be summarized as follows:

Mr. Savoia received the zoning verification letter (Exhibit 92) from Mr. Pomponi as requested previously by Penn. This zoning verification letter was integrated into Penn's FIT project application to the OPA.

Summary of Discussion/Comments:

- (i) Verification of respective zoning on given property and receipt of a zoning verification letter from the County of Brant.

Action/Alterations to proposal to engage in the project:

- (i) Penn to include the zoning verification letter in its application package to the OPA.

On October 4, 2010, Mr. Savoia of Penn received additional email correspondence from Mr. Pomponi. The correspondence can be summarized as follows:

Mr. Pomponi forwarded an article titled "Solar Funnel" (Exhibit 93) that references chemical engineers finding a way to concentrate solar energy 100 times more than a regular photovoltaic cell. The article proceeds to point out that solar cells incorporating carbon nanotubes could potentially become a lower cost alternative to traditional silicon solar cells, with the next step being to determine if this can be converted into electricity.

On October 4, 2010, Mr. Sean McCloskey of Penn spoke with Mr. Pomponi via phone. The telephone call can be summarized as follows:

The primary purpose of the conversation was mostly one to discuss any County requirements or concerns that Penn will need to consider in its planning of the project. Mr. Pomponi stated that while the County's review is minimal, the project must consider the necessary setback requirements. Mr. Pomponi suggested Penn engage with a local planner knowledgeable of Brant County's regulations and mentioned there were a number of good planners to choose from. Mr. Pomponi also mentioned the County's land at the Rt 403 and Rest Acres location as well as the County's plan to create a Green Energy Hub to attract green energy to this location. In addition to this topic, Mr. Pomponi mentioned the Penn project location is not located within the Haldimand tract and touched on the Six Nations community as referenced in the Aboriginal Consultation section of this report.

On March 23, 2012, Mr. Savoia of Penn communicated with Mr. Pomponi via email. The correspondence can be summarized as follows:

Mr. Pomponi had become recently aware of recent Feed-in Tariff Program rule modifications and wanted to inform Penn of such rules. This was the primary purpose of the correspondence. Mr. Savoia, acknowledged that Penn is pleased the Province is still strongly committed to renewables and agreed that it makes sense, from time to time, to tweak the rules to solidify a program and address ongoing stakeholder concerns. Some of the modifications in the FIT program that were addressed are as follows: (i) Clean Energy Generation, (ii) Streamline Processes and Create Jobs, (iii) Encouragement of Greater Community and Aboriginal Participation, (iv) Improve Municipal Engagement, and (v) Reduction in Price to Reflect Lower Costs and Technology Advancements.

On March 23, 2012, Mr. David Savoia of Penn spoke with Mr. Pomponi via phone. The telephone call can be summarized as follows:

On this call, Mr. Savoia provided Mr. Pomponi an update on its project and indicated Penn is completing its studies and working through the approval process. Mr. Pomponi suggested Penn contact the County of Brant's Clerk, Ms. Jayne Carman, and arrange a meeting with the Mayor and other interested officials of the County. Mr. Pomponi indicated he believes everyone will be supportive of the project. Mr. Savoia indicated a meeting will be scheduled accordingly as Penn progresses through the studies and has findings to share.

On May 30, 2012, Mr. Gregg Meister of Penn communicated via email with Ms. Joan Gatward, County of Brant Council Member. The correspondence can be summarized as follows:

Ms. Joan Gatward, Council Member Ward 5, County of Brant, was the principal correspondent with Mr. Meister over email. The main purpose Penn reached out to Councilwoman Gatward was to obtain her opinion on a venue location for its Final Public Meeting. Councilwoman Gatward acknowledged that the Oakland Community Centre would be an ideal location for such a meeting and confirmed it was closest to the project location. Mr. Meister then set up the final meeting venue location accordingly.

On June 1st, June 28th, June 29th, July 3rd, and July 5th, 2012, representatives from Penn, Mr. Cyrus Tingley and Mr. David Savoia, sent various emails and held a telephone conversation with staff members from the County of Brant. The correspondence can be summarized as follows:

Ms. Jayne Carman, Clerk of the County of Brant, attended the telephone calls and was the principal correspondent over e-mail. The primary purpose of the conversation was to set up a

meeting with the County of Brant in July and ensure that any interested County staff, such as the Mayor as well as Council members, were also invited to attend. Ms. Carman confirmed with Mr. Tingley that a meeting date of July 6th is set for Penn to meet with County of Brant representatives Mayor Eddy, Mr. Pomponi, and Mr. Andre Gravelle, Deputy Chief Building Official. Ms. Carman also confirmed that no Council Members will be in attendance.

In early June, 2012, Mr. Meister held a telephone conversation with Ms. Crystal Sager, Planning Technician for the County of Brant. The correspondence can be summarized as follows:

The primary purpose of the conversation was to obtain an updated property owner list and map that identified said property owners within 120 meters of Penn's proposed solar project. Shortly thereafter, on June 8, 2012, Ms. Sager provided this list of property owners, the 120 meter map, and the roll map. These property owners were then notified of the Final Public Meeting's date and location, via registered mail, by Penn.

On July 6, 2012, Mr. Glen Tomkinson and Mr. Savoia of Penn met in-person with staff members from the County of Brant. The meeting can be summarized as follows:

Mr. Pomponi and Mr. Gravelle, Deputy Chief Building Official, attended the meeting on behalf of the County of Brant. The primary purpose of the meeting was for Penn to provide County staff with a project update along a draft set of project studies and reports. Mr. Pomponi indicated he would make the binder containing the reports available at the front desk of the Development Services office in Paris so that interested members of the public could access it. In addition, Penn provided a Municipal Consultation Form for the County of Brant's review and completion. The County indicated this form will be reviewed by its Site Plan Coordinator and Roads Department. Mr. Pomponi referenced the fact that the region currently had more trees now than it did 200 years ago when the area was prairie land. He suggested that Penn consider using prairie species for any plantings that might be involved in the proposed project. It was noted that the property already does contain extensive hedgerows from a previous extraction operation and may not need additional plantings. In his review of the project layout, Mr. Pomponi also recommended a severance of the house lot and any additional farm fields (ie, the area near the pond in southwest) that are not part of the project area. Penn pointed out that the cell tower on the property will be remaining as a new lease was recently executed. Mr. Pomponi asked about the aesthetics of the modules and Penn provided a plan showing a side-view of typical modules and some photos. Mr. Pomponi indicated the smaller fixed tilt arrays are more appealing than the large tracking modules which can be seen traveling the roadways. A discussion on building permits took place and Mr. Gravelle stated that building permits will be necessary for the inverter houses as they will exceed 108SF and be considered a structure. A permit will be required for each inverter house but this can be processed at the same time. The permit fee is \$14 per \$1,000 of construction value excluding components/equipment within the inverter houses but including the pad. Fire access to the structures will not be required as per Mr. Gravelle. Penn indicated it will be utilizing existing curb cuts to access the property and was

thus not certain if road access permits will be required. Mr. Pomponi will need to consult with another office who handles access permitting to provide confirmation of this. In closing, it was discussed that the Planning Commission will have to be brought up to speed on the project and will put the topic on the agenda. Penn will be notified as to when a meeting date is set.

Summary of Discussion/Comments:

- (i) Distribution of Penn's completed studies, reports, and Municipal Consultation Form to County of Brant officials.
- (ii) If plantings required, Penn to consider prairie species.
- (iii) Possible severance of excess land or dwelling outside the project area.
- (iv) Building permits required for the inverter houses and road access permits are under consideration/verification by County of Brant officials.
- (v) Planning Commission to receive update on project which may be placed on the agenda in the future.

Action/Alterations to proposal to engage in the project:

- (i) An updated Municipal Consultation Form, originally provided at the meeting July 6, 2012, was provided to County of Brant Officials for review and completion by Mr. Tomkinson via email on July 17, 2012 (Exhibit 95, 97).
- (ii) Updated studies were hand delivered by Mr. Gregg Meister of Penn to Mr. Pomponi at the County of Brant on October 11, 2012. The cover letter associated with such delivery is attached hereto as (Exhibit 94).
- (iii) It is anticipated that building permits will be required for the inverter houses and awaiting comment from County officials if road access permits will be required.

On July 9, 2012, Mr. Glen Tomkinson of Penn emailed Mr. Pomponi and Mr. Gravelle of the County of Brant. The correspondence can be summarized as follows:

The primary purpose of the correspondence was to thank the County of Brant for their hospitality during a recent meeting held the week before. In addition, Penn confirmed in this correspondence that it will be submitting a revised Municipal Consultation Form for their completion shortly. Penn also reiterated its expectation that building permits will be required for the inverter houses, along with associated pads, and road access permit requirements are still under review by County officials. Penn remains available to meet should there be any further questions.

On July 17 and August 21, 2012, Mr. Glen Tomkinson communicated via email with Mr. Pomponi of the County of Brant. The correspondence can be summarized as follows:

The primary purpose of the correspondence was for Penn to provide an updated Municipal Consultation Form (Exhibit 95, 97) that the Ministry of the Environment requires a proponent to have submitted in achieving its Renewable Energy Approval. This form is a replacement form to the form provided on July 6th, 2012. Mr. Tomkinson suggested that the form is a very good tool for the County's Site Plan Coordinator and Road Department to use when reviewing the project. Mr. Pomponi responded accordingly and indicated that a member of his staff, Ruchika Angrish – Planner, will complete the form and send to Penn.

On August 28, 2012, Mr. Tomkinson received the Completed Municipal Consultation Form from Ruchika Angrish, Planner in the County of Brant's Development Services Division, by email (see attached Exhibit 96).

5.2 First Public Meeting Municipal Participation

Prior to the First Public Meeting that was held on September 17, 2010, Penn requested and received from the County of Brant's Development Services Department a list of all property owners within 120 meters of the Project Area along with a parcel map identifying said nearby property owners. Penn also advertised this meeting's date and location in *The Expositor*, a newspaper in general circulation within the geographic rural community of Burford and the County of Brant, for two consecutive weeks: August 18th and 23rd of 2010, as outlined previously in the Public Consultation section of this report.

The First Public Meeting was attended by the following County of Brant officials: Ms. Joan Gatward – Council Member, Mr. Cliff Atfield - Council Member, and Mr. Steve Schmitt - Council Member. At the First Public Meeting, the three County representatives who had attended were able to obtain a much better understanding of Penn's project. Councilwoman Gatward expressed strong interest in the project and appeared quite supportive of such a project within Brant County. She had indicated that she is also an employee of Brant County Power, Inc. that is currently in the planning stages of a solar project to serve customers within its service territory.

5.3 Submission of Municipal Consultation Form

In accordance with "Technical Bulletin Five - Guidance for preparing the Consultation Report as part of an application under O.Reg.359/09," Penn completed Part A of the prescribed Consultation Form before this form was in turn hand-delivered on July 6, 2012 to the County of Brant. As detailed above, a revised form was emailed on July 17, 2012 to the following individual as evidenced by the confirmed meeting with the County of Brant officials and the attached follow up emails (see Exhibit 97):

- i. In a personal meeting at the County of Brant's office, Mr. Pomponi indicated to Mr. Glen Tomkinson and Mr. David Savoia of Penn that he would be the primary point of contact and would distribute the relevant materials to other officials in the County of Brant, including the Clerk. Mr. Pomponi did indicate that the County of Brant's Site Plan Coordinator and the Road Department will have interest in reviewing the Consultation Form.

Please note that there are no local roads boards or local service boards applicable to the proposed project's development.

On July 6, 2012, representatives from Penn met with staff members of the County of Brant Development Services Office in Paris to discuss the reports and provide the consultation form. The participants were:

Participants: Mr. Mark Pomponi – General Manager Development Services, County of Brant
Mr. Andre Gravelle, Deputy Chief Building Official, County of Brant
Mr. Glen Tomkinson and Mr. David Savoia of Penn.

The meeting can be summarized as follows:

- (i) Mr. Pomponi inquired as to the status of consultation with Six Nations. Mr. Tomkinson stated that Penn has had extensive discussion with Six Nations and met in-person with Six Nations in Ohsweken. Additionally, Penn arranged for one of Six Nations' monitors to be on site during the Archaeological Assessment (see the Aboriginal Consultation Report in Section 4.0 of this document).
- (ii) If plantings are required, the County of Brant asked Penn to consider prairie species as many years ago the surrounding area was prairie land. It was noted that the property does contain extensive hedgerows from a previous extraction operation and may not need additional plantings.
- (iii) Mr. Pomponi questioned the use of excess land at the project location as well as noted the dwelling that is also located outside the project area. It was suggested by the County that a severance of these areas might want to be considered. This might be considered by Penn at some point in the future.
- (iv) It was revealed by Mr. Gravelle that building permits will be required for the inverter houses, including the pad. The proposed cost of said permit will be \$14 per \$1,000 of construction value of each inverter, excluding the value of the equipment/components. Permitting can be processed at the same time for all the inverters.
- (v) The topic of road access permitting came up. Mr. Pomponi stated another office within the County of Brant will review this topic.

- (vi) Planning Commission was updated; they may place project on their agenda in the future.

Action/Alterations to proposal to engage in the project:

- (i) Penn will consider hedging options if necessary; an existing, well-established hedge exists already along portions of the property boundaries.
- (ii) Penn shall apply for building permits when required.
- (iii) Penn will seek road access permits should it be required. Penn's current plan is to utilize existing curb cuts to access the property.
- (iv) Penn agreed to meet with Planning Commission officials directly should it be required.

At this meeting with the County of Brant officials, Penn distributed one set of draft REA project reports to the County. Penn requested that the copy be placed at the front desk of the County office to be made available to the public and this was agreed to by Mr. Pomponi. Subsequently, on October 11, 2012, the day of the Final Public Meeting, Mr. Meister of Penn, hand-delivered an updated set of reports to Mr. Pomponi at the Development Services Office (refer to Exhibit 94).

5.4 Completion of the Municipal Consultation Form

On August 28, 2012, the County of Brant's Planner, Ruchika Angrish, of the Development Services Division, returned the completed Part B of the Consultation Form, enclosed as Exhibit 96, to Penn.

Summary of Discussion/Comments on the Consultation Form - County of Brant:

- (i) The project is located at the intersection of Twelfth Concession Road and Bishopsgate Road. Bishopsgate Road is an arterial road. The infrastructure available from the County is road access and no other Municipal services are available to the site;
- (ii) Access to property is utilizing existing roads abutting the property. The proposed development will use existing field entrances and, based on the extent of modifications to these entrances, a Public Works Permit may be required. Only "freshening" of the gravel entrances is proposed at this time;
- (iii) A condition assessment of the road(s) should be performed prior to the commencement of work. The Proponent should be responsible for cost and repair of any damages sustained to the roadway and this work, if necessary, must be completed to the satisfaction of the County, within reason;
- (iv) It is understood that there will be an increase in traffic during the construction phase and the road will be able to accommodate this traffic. Appropriate signage will be required

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- during construction, with a construction route to be provided and roadways to be kept free and clear of construction materials;
- (v) Building permits will be required for each of the inverter houses and its associated pad foundations as they exceed 108 SF in floor area;
 - (vi) Appropriate sediment controls are required to protect surrounding lands and ditches.

Action/Alterations to proposal to engage in the project:

- (i) Penn agrees that in the event a Public Works Permit is required, then Penn shall obtain;
- (ii) Penn agrees a condition assessment of the roads will be completed prior to construction;
- (iii) Adequate construction signage shall be put in place to accommodate construction traffic to the property;
- (iv) Penn will obtain said required permits for the inverter houses, including the pads, but excluding the equipment internal to the inverter houses;
- (v) Sediment and erosion control measures will be installed and an erosion and sediment plan will be prepared for the construction phase of the development. Measures which may be deployed include, but are not limited to, silt fencing, mud mats, and straw bale flow check dams to be utilized in temporary swales.

5.5 Final Public Meeting Municipal Participation

The Final Public Meeting of October 11, 2012 was attended by the following officials:

Council Member, Mr. Murray Powell and Council Member, Ms. Joan Gatward.

Both Council Members were satisfied with the modifications made to the plan since the project was introduced in September 2010. Both Council Members were impressed with the following changes: (i) Reduction in the overall project area, (ii) The movement of project area further away from existing residences, (iii) Relocation of the project substation further away from the road and existing residences, and (iv) The exclusion of a large area, including a 70 metre setback, in the northeast corner of the project in response to Penn's archaeological consultant's recommendations. Overall, the project was well received by Brant County officials attending the meeting.

5.6 Additional Governmental Consultation

As part of the overall consultation process, Penn undertook several additional steps outside of the REA permitting process with various federal and provincial authorities to ensure it received the most

comprehensive guidance possible. The below is a sampling of some of the activities that Penn undertook with various agencies. Please note that this is not intended to be a comprehensive list of the agencies with which Penn consulted nor of all of the communications with those listed. Similar activities are detailed in the other consultation reports along with other application materials. Further, Penn has had extensive, weekly interaction with both Hydro One Networks, Inc. and the Ontario Power Authority, including dozens of in-person meetings, to ensure its compliance with the Ontario Energy Board Distribution System Code, the Ontario Electrical Safety Code and, generally, the Green Energy Act of 2009 and its regulations, among other federal and provincial acts and regulations.

Ministry of the Environment (“MOE”)

On February 16, 2010 Penn submitted a Renewable Energy Approval Proponent Pre Submission Consultation Meeting form.

On February 22, 2010, representatives from Penn met with Ministry of the Environment staff and a representative from the Ontario Ministry of Energy & Infrastructure (“MEI”) for a Pre-Submission consultation meeting. The Ministry provided guidance for the consultation process and an overview of the requirements of the Renewable Energy Approvals process.

On June 29, 2010, Penn attended the Solar PV Information Session in Peterborough sponsored by the Renewable Energy Facilitation Office (“REFO”) of MEI. Penn interacted with staff from MOE regarding the procedural intricacies of the Renewable Energy Approval process.

Penn’s representatives also met with MOE representatives, including Ms. Doris Dumais, to discuss Penn’s Aboriginal consultation activities. This meeting is detailed in Section 4.1 of this document.

Grand River Conservation Authority (GRCA)

The southeastern corner of the Project Location is within the Grand River watershed. On September 1, 2010, Mr. Andrew Herreman, Resource Planning Technician with GRCA, was contacted by phone and email by Penn’s consultant, Savanta Inc. The purpose of contact was to obtain any natural features information for the Records Review pertaining to the Project Location. Mr. Herreman provided an email response to Penn’s consultant that there are no natural features of interest to the GRCA within the Records Review area.

Summary of Discussions/Comments:

- (i) There are no natural features of interest to the GRCA.

Action/Alterations to proposal to engage in the project

- (i) NONE

Long Point Region Conservation Authority (LPRCA)

Between September 8, 2010 and September 15, 2010, Penn's consultant, Savanta Inc., completed phone and email discussions with Jeff Shaughnessy, Planning Assistant, and Bonnie Bravner, Resources Technician, with LPRCA. It was noted that the majority of the Project Location is within the Big Creek above Kelvin sub-watershed within the Lake Erie watershed and managed by the LPRCA. On September 15, 2010 LPRCA provided an assessment letter and map noting that within the Subject Lands (Project Location is a subset) are within the eastern edge of the Fairfield Plain Wetland, and LPRCA regulation area.

Summary of Discussions/Comments:

- (i) The Fairfield Plain Wetland is 140 metres away from the Project Location;
- (ii) Woodlands are 1 km away from the Project Location;
- (iii) Project Location is not within 50 metres of ANSI (Earth Science); and
- (iv) Project Location is not within 120 metres of any natural features.

Action/Alterations to proposal to engage in the project:

- (i) The Project Location is located outside the Fairfield Plain Wetland.
- (ii) There are no natural features within the Project Location nor the Adjacent Lands.

Ministry of Municipal Affairs and Housing, Building and Development Branch

On March 17, 2011, Penn contacted Mr. Andrew Steen at the Ministry of Municipal Affairs and Housing regarding, among other things, the potential need for a building permit for the various project components, including but not limited to the racking systems for the modules and the inverter/transformer houses. During this conversation Mr. Steen indicated that final authority rested with the municipal building official's interpretation of the Ontario Building Code Act, 1992, and he also indicated that most likely the "houses" containing the inverters/transformers would require a building permit. Mr. Shane Gallagher confirmed this belief in a follow-up e-mail that day.

Summary of Comments:

- (i) Building permit most likely required for inverter/transformer houses.

Action/Alterations to proposal to engage in the project:

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- (i) Penn will work with the Municipal or County building official to obtain building permits as necessary.

Ministry of Transportation (“MTO”)

On August 3, 2010 Penn submitted a number of their FIT Application sites to Ms. Cheryl Tolles, Corridor Management Planner, for determination of MTO permit control. Also, Penn submitted the project location to Mr. David Secord, Corridor Management Planner, West Region with the MTO who had responded that the site resides beyond the MTO’s Permit Control Area, he does not foresee any impacts on MTO’s highway system, and MTO permits are not warranted.

Summary of Comments:

- (i) No MTO jurisdiction.

Action/Alterations to proposal to engage in the project: NONE

Ministry of Natural Resources (“MNR”) - Guelph

On June 2 and June 23, 2010, Mr. Bob Gray, formerly with Penn, engaged with Ms. April Nix of the MNR-Guelph District Office. MNR indicated that the responsibility is on the proponent to determine if any significant features could be impacted by the Project. Proponent of a project must also consult with any Conservation Authorities (CAs) with jurisdiction and MNR will look for this consultation accordingly. The CAs have no official role in the MOE approval process; however, they do have the ability to comment through the public process. MNR indicated that any natural feature information from the CAs, if applicable, should be sent along to the MNR, as well, for its review.

On June 29, 2010, Penn attended the Solar PV Information Session in Peterborough sponsored by the Renewable Energy Facilitation Office of MEI. Penn interacted with staff from MNR Kemptville regarding the procedural intricacies of the Renewable Energy Approval process.

On July 14, 2010, Mr. Bob Gray of Penn communicated via email with Ms. April Nix, Renewable Energy Planning Ecologist, from the MNR-Guelph District Office. The correspondence can be summarized as follows:

The primary purpose of the correspondence was for Penn to provide specific locational data for its proposed solar project location. In addition, a description of the activities at the property was provided, pertaining to the installation of the racking support posts as well as the spacing of the modules.

On July 28 and 29, 2011, Mr. Max Frable of Penn communicated with Ms. Nix via email. The correspondence is summarized below.

MNR was seeking to determine when Penn's NHA submission will be made for the project. Also, it was recommended a meeting be set to review the requirements for submission and also identify potential concerns. Mr. Frable provided an update and indicated that Penn's biologist have been conducting site visits throughout the Spring/Summer observation windows and processing a fair amount of data into an NHA/EIS report. Mr. Frable agreed that a meeting would be good prior to an NHA submission and will coordinate with its biologist.

From the time period of August 2, 2011 to August 17, 2011, Penn representatives worked to coordinate a meeting with MNR's Guelph District Office. A meeting was finally set with MNR – Guelph District involving a Penn representative and Penn's consultant.

On August 18, 2011, representatives from Penn and its consultant met with Ms. Nix at MNR's Guelph District office. This meeting with the MNR was very informative and beneficial to both MNR and Penn. Topics of the meeting were as follows:

- (i) An REA overview was given along with a description of MNR Agency roles.
- (ii) Site location and details along with NHA data collected to date were discussed.
- (iii) NHA overview as it relates to application, scope, purpose, records review, site investigation, evaluation of significance, environmental impact study, and MNR confirmation.
- (iv) MNR permitting and authorizations, Endangered Species Act, and petroleum.
- (v) Project summary and next steps as well as Project timeline.

On September 12, 2011, Mr. Max Frable received an email notification from MNR –Guelph Office. MNR provided Penn a completed Records Review Request form and a Species at Risk Information Request, both of which are attached hereto as Exhibit 98.

During the ongoing correspondence activities with MNR, a Natural Heritage Assessment Part 1-2 was carried out by Savanta Inc., with the resulting report issued May 2012. This report was submitted to MNR who responded by letter on June 1, 2012 which is summarized below:

Summary of Discussions/Comments:

- (i) The MNR confirms that the determination of the existence of natural features and the boundaries of natural features was made using applicable criteria.
- (ii) MNR confirms that the site investigation and records review were conducted using applicable evaluation criteria, if no natural features were identified.
- (iii) MNR confirms that the project did not require evaluation of significance or provincial significance of natural features.

- (iv) MNR confirms that the project location is not in a provincial park or conservation reserve.
- (v) MNR confirms that the project did not require an environmental impact assessment report to be prepared.

Action/Alterations to proposal to engage in the project:

- (i) No natural features located with the exception of the Fairfield Plain Wetland located approximately 140 metres from the Project Location and off the property.

Ministry of Tourism and Culture (MTC)

On June 29, 2010, Penn attended the Solar PV Information Session in Peterborough sponsored by the Renewable Energy Facilitation Office of MEI. Penn interacted with staff from MTC regarding the procedural intricacies of the Renewable Energy Approval process.

On August 10 and August 13, 2012, Mr. Glen Tomkinson, of Penn and a staff member from MTC corresponded via email. During this exchange, Penn provided revised reports and supplemental documentation as provided by its consultant. A modification was made to include requirements for further studies and supervision for work in and around the buffer area.

Following the initial inquiry, an Archaeological Assessment Stage 1-2 was carried out by Northeastern Archaeological Associates, Ltd. with the resulting report issued September 20, 2012. This report was submitted to MTC who responded by MTC Satisfaction Letter issued on September 25, 2012.

Summary of Discussions/Comments:

- (i) At the discretion of Penn, the area where historic matter was found, along with an appropriate sized buffer, was removed from the development area. Considering this, it is not necessary to proceed with any further archaeological work in this area. Any work with a risk of soil disturbance to the buffer zone should be monitored.
- (ii) Any consideration of development in the site area containing the historical archaeological resources identified would necessitate additional investigation to determine if Stage 3 assessment would be required.

Action/Alterations to proposal to engage in the project:

- (i) Penn has modified the project area, with adequate buffer, far away from the historic scatter area.

Ontario Heritage Trust

Between late 2011 and January 29, 2012, Penn's consultant, Unterman McPhail Associates, reviewed the project for built heritage and cultural heritage landscape screening purposes. The result of the completed screening activities indicate that the project property is in compliance and there are no Ontario Heritage Trust easement sites located at or adjacent to the project site. The Results of Screening for Protected Properties checklist by Unterman McPhail Associates is attached hereto as Exhibit 99.

Summary of Comments: No Trust easements on or abutting the project site.

Alterations to proposal to engage in the project: NONE.