

Consultation Report

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

For the
**Penn Energy – Edwardsburgh_Morrisburg-1
SOLAR ENERGY FACILITY**

FIT Contract No. F-000628-SPV-130-505
Commercial Operation Deadline: April 27, 2012
FIT Application No. FIT-F46NQGB



In the
**Township of Edwardsburgh/Cardinal
County of Leeds and Grenville
ONTARIO, CANADA**

July 6, 2011

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 has executed a FIT contract with the OPA for the construction of a 9.33 MW, ground-mounted, Class 3 solar energy facility near the town of Prescott, in the County of Leeds and Grenville, Ontario. The subject lands are located in part of Lots 34 Concession 1 of the Township of Edwardsburgh/Cardinal (former Township of Edwardsburgh). 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 in dimension) that are grouped into arrays tilted and facing south. These stationary arrays are strung together forming a series of rows oriented from east to west. The Environmental Protection Act ("EPA") (administered by the MOE) governs REAs under Part V.0.1 of the act, pursuant to Ontario Regulation 359/09 ("O.Reg. 359/09"). A sponsor of a renewable energy

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project is required to submit numerous reports as part of a REA application, one of which is this Consultation Report.

According to the MOE's publication "Technical Bulletin #5: Guidance for preparing the Consultation Report as part of an application under O.Reg. 359/09,"

The Consultation Report provides the MOE with information on consultation conducted in respect of a renewable energy project. The Consultation Report is a tool applicants will produce to document how they consulted with interested and affected stakeholders in the area, and what changes were made to the project design as a result of consultation.

This report begins with a summary of the consultation process and further outlines Penn's consultation process with the public, the Aboriginal communities, and the Township of Edwardsburgh/Cardinal, the United Counties of Leeds and Grenville and other 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 Township Edwardsburgh/Cardinal.

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 Township of Edwardsburgh/Cardinal on a number of occasions as outlined in the Municipal Consultation section of the report. Notably, Penn engaged the Economic and Development Office and Planning Office to determine the applicable zoning and to obtain the zoning verification letter required for Penn's application to the OPA. Early in the consultation process, Penn spoke with Township officials about the project in order to obtain a better understanding of the environmental attributes at the property, including the presence of woodlands or wetlands, potential species at risk, tree cover policies, drainage, and required setbacks of features. Penn coordinated and participated in face-to-face meetings with Township 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: August 20, 2010
Time: 6:00 PM
Location: Johnstown Community Centre
24 Sutton Drive
Johnstown, ON K0E 1T0
Attendees: 27

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 as follows 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, (iii) Ms. Debra McKinstry, Clerk and Planning Administrator of the Township of Edwardsburgh/Cardinal (the local municipality) and Ms. Lesley Todd, Clerk of the United Counties of Leeds & Grenville (the upper-tier municipality), (iv) the Local Roads Board (if existing), (v) the Local Services Board, (vi) the REA Director, and (vii) the MOE's District Manager (Kingston 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 Township of Edwardsburgh/Cardinal, Penn obtained a list of the stakeholders identified in (i) through (vii) above from the Township Clerk and Planning Administrator. The list provided also contained a map of those properties which fall within 120 metres of the project location. The property owner mailing list along with the map provided from the Township are attached in Exhibit 3. Penn also obtained the MOE's Aboriginal communities list (as described in the Aboriginal section of this report), and notified the representatives of these communities accordingly. The Township of Edwardsburgh/Cardinal informed Penn that it does not have a Local Roads Board or Local Services Board; however, Penn distributed the appropriate notices to the Ministry of Transportation, and both upper and lower tier municipalities. Hydro One, the MOE's District Manager, and the REA Director were also sent the Notice of a Proposal to Engage in a Renewable Energy Project and the Notice of Public Meeting. It should be noted that the notices were mailed together in the same envelope.

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 Brockville Recorder & Times and the Brockville Extra, which are in general circulation within the Township of Edwardsburgh/Cardinal, for three consecutive weeks: July 15th, 22nd, and 29th of 2010. A copy of the combined Notice of Proposal to Engage in a Project / Notice of Public Meeting that was sent to the Brockville Recorder & Times and the Brockville Extra for publication along with the Notices as they appeared within the publications are attached hereto as

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Exhibit 4. Also, attached is the receipt for said publications. In addition, pursuant to O.Reg.359/09, s. 15(6), Penn posted the Notices of Proposal to Engage in a Project / Public Meeting as well as the Draft Project Description Report (PDR) on its website at <http://www.pennenergyrenewables.com/solar-ontario/edwardsburghmorrisburg1.html> (Exhibit 5).

3.1(c) Summary of First Public Meeting

Representatives from Penn presented its project via a formal presentation. Two representatives of Penn, Mr. Sean McCloskey, the managing member 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. A total of 27 members of the public attended the presentation. The attendees consisted of community members (both neighbors and non-neighbors), municipal 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 they were 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 April 21, 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 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 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 the 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 Township of Edwardsburgh/Cardinal. 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. 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 PDR, the Design and Operations Report, the Construction Plan Report, the Decommissioning Report, the Acoustic Assessment, the Archeological 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. 48 questions were raised and Penn addressed each question as it was brought up. During this exchange of ideas, Penn was able to obtain valuable feedback regarding its design and layout of the solar project. Attendees of the meeting asked questions related to the physical characteristics of the land as well as the design of the project. In addition, some other topics that were raised included: local and regional job creation, buffering of the solar project boundary, interconnection to the electrical grid, acoustic requirements, community benefits from local solar projects, fencing requirements, the FIT Program, the MOE's approval process, the potential impact of the project on property values 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 exchange of ideas has allowed Penn to make clear, significant modifications to its plan. These changes are outlined under the section titled "Modifications of Project Plan".

3.1(d) Press and Newspaper Articles

Shortly after Penn's first public meeting, a newspaper article emerged as a result of Penn's consultation and notification activities regarding its proposed solar project. The article was posted in the Prescott Journal, which is local to the Edwardsburgh/Cardinal area. Mr. Ruhnke's article in *The Prescott Journal* (Exhibit 12) is available as an attached document.

3.2 Final Public Meeting

Date: June 21, 2011
Time: 12:00 PM to 8:00 PM
Location: Johnstown Community Centre
24 Sutton Drive
Johnstown, ON K0E 1T0
Attendees: 14

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3.2(a) Notices

Pursuant to O.Reg.359/09, a Notice of Final Public Meeting (Exhibit 13) was distributed by registered letter as follows 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 the Township, (iii) Ms. Debra McKinstry, Clerk and Planning Administrator of the Township of Edwardsburgh/Cardinal (lower-tier municipality) and Ms. Lesley Todd, Clerk of the United Counties of Leeds & Grenville (upper-tier municipality), (iv) the Local Roads Board (if any), (v) the Local Services Board, (vi) the REA Director, and (vii) the Ministry of the Environment's District Manager (Kingston Office). Copies of the registered letter receipts are attached hereto (Exhibit 14). As stated previously, the project is not located within the Niagara Escarpment Plan. Penn obtained a list of the stakeholders identified in (i) through (vii) above from the Township Clerk and Planning Administrator. The list provided also contained a map of the properties that fall within 120 metres of the project location as previously outlined in Exhibit 3. Penn also notified the Aboriginal communities noted on the MOE's list as described in the Aboriginal section of this report. Since the Township of Edwardsburgh/Cardinal does not have a Local Roads Board or a Local Services Board, Penn distributed notices to the Ministry of Transportation. As with the first public meeting, Penn sent a final Notice of Public Meeting to each of the following: Hydro One, the Ministry of the Environment's District Manager, and the REA Director.

In addition, pursuant to O.Reg.359/09, s. 16(5), prior to 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/edwardsburghmorrisburg1.htm>. Two sets of all the reports were also hand delivered to the Township of Edwardsburgh/Cardinal and the County of Leeds & Grenville on April 6, 2010. One set of paper copies was to be made available to the public, and the second set was for their review and comments. A copy of all the reports was also sent via Federal Express to the respective Aboriginal communities (see relevant exhibit 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 Prescott Journal on April 13th, 2011 and April 20th, 2011. In addition, Penn advertised the final Notice of Public Meeting in the St. Lawrence EMC on April 14th, 2011 and April 21st, 2011. Copies of the Notices that were sent to the Prescott Journal and St. Lawrence EMC for publication along with the Notices as they appeared within each newspaper on the aforementioned dates are attached hereto as (Exhibit 15).

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 June 21, 2011 in order to accommodate peoples' varying work schedules and to allow for focused, personalized discussion with each attendee. As guests entered the venue, they were asked to sign in. Five representatives of Penn were in attendance to provide information to attendees. These representatives were Mr. Sean McCloskey, Mr. Gregg Meister, Mr. Max Frable, Mr. Cyrus Tingley and Mr. Naren Pattani, a resident of Ontario and Penn's local engineer. These five 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 hereto ([Exhibit 16](#)).

Penn made 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 Report, the Water Assessment, the Archeological Assessment Report, the Natural Heritage Assessment, the Cultural Heritage report, and the PDR. 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. 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 an attendee on an individual, personalized level. An image of each board is shown in the attached document ([Exhibit 17](#)). There were a number of questions and comments that were raised at the final public meeting by the individual attendees. A document summarizing the questions raised and Penn's corresponding responses is attached hereto ([Exhibit 18](#)).

3.3 Individual Consultation

Throughout the time period extending from the first public meeting to the present, Penn has sustained numerous dialogues with various parties, ranging from abutting neighbors to reporters. Below are summarized transcripts of the communications we have been involved in with members of the public with regard to this project. Please note that unlike Township 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

Neighbor 1 is a neighbor who lives across the street from the proposed solar project. Two members of Penn met with him on September 18, 2010 (approximately a month following the first public meeting.) He is of the opinion that a solar farm would be a very nice use for the property, particularly in comparison to the heavy industrial uses that surround the property. There was a significant amount of correspondence between Penn and this neighbor during the period of 2010-2011. Said correspondence was related to possible work for Penn, other potential employees down the road for Penn, and potential creation of a "solar video" for Penn.

Some examples of this correspondence include an email received on 8/21/2010 by Mr. Sean McCloskey of Penn thanking Penn for the excellent presentation. Neighbor 1 was encouraged by the promise Penn made to "earn the support and trust of the stakeholders involved". He reiterated that he

supports the project, and provided some references that he believed would be helpful for Penn to contact.

On 8/26/2010, Mr. McCloskey of Penn had a discussion with Neighbor 1 again. Mr. He mentioned that he had interest in aiding Penn with its project, perhaps by liaising with the local community or working on press releases at certain stages of the project.

He also introduced Penn to his son-in-law in case we needed help with project management.

Town Resident 1

Town Resident 1 attended the first public meeting. On 11/2/2010, she had a telephone conversation with Mr. Gregg Meister of Penn regarding land that she owns in the vicinity of the proposed project. It was thought that some of her lands could provide access to other Penn controlled land abutting the project.

Neighbor 2

This neighbor attended the final public meeting. At the meeting, he informed Mr. Cyrus Tingley of Penn that he was aware of conversations Penn was engaged in with the Mayor regarding potential water impacts (See Exhibit 18). However, he relayed that he was not concerned about that issue on a personal level.

Town Resident 2

Town Resident 2 attended the first public meeting as well as the final public meeting. At the second public meeting, he stated that although he was not a member of the council at the time, he was running and therefore interested in the project (see Municipal consultation section of this report).

Town Resident 3

On 10/25/2010, Mr. Max Frable of Penn received an email from this individual with a specific question related to the level of noise that the project would theoretically produce.

On 10/27/2010, Mr. Frable of Penn responded to his emails, indicating that most of the components of the project produce no sound, with the exception of the inverters, which produce a very low level of noise. He also mentioned that the proposed project would be required to comply with regulations that limit sound emission levels at residences.

Town Resident 3

Representatives of Penn met with this resident at the final public meeting (Exhibit 18). He expressed his support of the project and emphasized its compatible use with the existing surrounding commercial/industrial uses apparent in the area of the project.

Outside Resident 1

Members of Penn have had extensive contact with this individual regarding this project as well as another potential solar project in the area in which they have a direct interest. Mr. Sean McCloskey and Mr. Gregg Meister of Penn have met with her on several occasions, including one instance on 8/19/2010 when they discussed the overall sentiment of the public towards the project.

Outside Resident 1 and a relative attended the final public meeting in the Township of

Edwardsburgh/Cardinal (Exhibit 18). Among other things, they were surprised at the number of reports and studies that had been prepared regarding the project.

Town Resident 4

Town Resident 4 attended the final public meeting (See Exhibit 18). He expressed interest in providing property maintenance and landscaping services to the Penn project.

Outside Resident 2

This individual is a retired military officer. He is very interested in renewable energy technologies in general, and solar in particular. He has a rural land property in a Township to the west that he asked Penn to investigate as a potential site for a solar farm. Penn determined the property would not qualify under the FIT rules for a solar project. Penn has had extensive conversations with this individual since the initial public meeting. He attended numerous meetings regarding renewable energy projects and became more and more knowledgeable about renewable energy. He is considering a second career in the renewable energy field.

Neighbor 3

This neighbor was referred by an abutting neighbor (living across the street) for a potential employment position at Penn. He has expressed interest in managing the construction activities of Penn's project. Penn has his qualifications on file, and has thanked him for providing this information.

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 August 20, 2010, as opposed to Penn's existing project layout recently presented at the final public meeting on June 21, 2011. 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 19). The modifications that were made as a result of various consultation activities prior to the final public meeting are as follows:

1. **Reduced Size of Project Location.** The size of Penn's project location was modified to avoid natural features of the property such as woodland areas and a few small, non-significant wetland areas.
2. **Moved project's southern boundary to increase setback from CR – 2 (Ontario King's Hwy.).** During the first public meeting, a discussion regarding the visibility of the project took place. Some community members were concerned about the aesthetics of the project when viewed from CR 2 (from the south of the project). Penn recognized that

this part of the project is the only section visible to passersby traveling on CR-2. Penn significantly increased the buffer area between the project and the road. Furthermore, the nearest residential homes are across CR-2. Penn pulled its modules further northward from the road to also provide a greater setback for the homes along CR-2.

3. **Moved project's northern and western boundaries in order to minimize impact on woodlands and wildlife movement corridor.** Penn's initial plan included the removal of the entire woodland area between the north end of the proposed project area and the CN railway. As a direct result of Penn's due diligence and early consultation with the OMNR, South Nation Conservation, and the Township of Edwardsburgh/Cardinal, the proposed plan was modified. The entire project area was shifted to the south, allowing Penn to significantly reduce the amount of woodland clearing, and avoid severing the connection between forest areas to the east and west of the project location.
4. **Carved-out the NW corner from the project to avoid the closed wayside pit (as per OMNR's request).**
5. **Added an evergreen hedge along the southern side of the project area.**
During the final public meeting, Penn showed examples of certain hedges (White Cedar, Norway Spruce, Canadian Hemlock, or Black Cedar) that are being considered for use in privacy hedging along the southern edge of the project boundary. Attendees of the meeting were generally pleased that Penn is taking this extra measure to improve the view from County Road 2.

3.5 Modifications made to documents after the Final Public Meeting

The only comment received from the Public during the Final Public Meeting that warranted a change to our documents was related to well water baseline testing prior to construction.

See section 3.0 (Facility Design) of the Design and Operations Report located in Binder A.

In Table 1 of this report, Penn added the following statement:

“Prior to the construction of the foundations for the solar arrays, Penn will request permission from the owners of properties within 120 meters of the Project Location to conduct testing of the existing water wells located within 120 meters of the Project Location (the “Well Testing Zone”). Provided that the owners grant this permission prior to foundation installation, Penn will conduct testing of the water quality of the existing wells in the Well Testing Zone. Penn will maintain the testing results as a baseline for use in evaluating any future claims of impacts to the wells caused by the project (including particularly the installation of the foundations.)”

4.0 Aboriginal Consultation

This section 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. Penn carried out extensive consultations with the Mohawks of Akwesasne and the Mohawks of the Bay of Quite, the two communities identified by the Ministry of the Environment (“MOE”) as potentially having constitutionally protected aboriginal or treaty rights that may be adversely impacted by the project or otherwise may be interested in any negative environmental aspects of the project. In addition, Penn took an extra step and contacted Indian and Northern Affairs Canada (“INAC”) to request information on potential Aboriginal interest in this project, to ensure that the list of communities received from the MOE was complete. INAC responded and noted that the Algonquins of Pikwakanagan were geographically nearest to the project and that the Algonquin Anishinabeg Nation Tribal Council had asserted (but not submitted) a comprehensive claim in the area. INAC also indicated that the Métis Nation of Ontario had asserted rights generally in southern Ontario. Penn initiated additional consultation with these communities upon this notice from INAC.

Penn did not receive any criticisms, complaints or suggestions with respect to this project from any Aboriginal community. It did receive certain requests for additional information. For instance, Penn received requests from the Mohawks of Akwesasne for descriptions of its archaeological work, and the Algonquins of Pikwakanagan requested that Penn send certain information to its outside consultants. Penn responded to such requests immediately, as outlined in the attached consultation chart along with the accompany attachments. In addition, Penn has engaged extensively with the Métis Nation of Ontario with respect to this project, and continues to do so with respect to its southern Ontario projects.

Penn's consultation activities with the various Aboriginal communities are summarized chronologically in the chart below. Attached are the various letters, communications and other documents evidencing Penn's activities.

4.1 Mohawks of the Bay of Quinte

Date	Consultation Activity
1. April 22, 2010 – June 22, 2010	Sent e-mail with electronic PDR to MOE along with documentation of follow-up e-mails and telephone calls checking on status. See <u>Exhibit 29</u> .
2. August 20, 2010	Received list of Aboriginal Communities to contact from MOE. See attached <u>Exhibit 30</u> .
3. October 1, 2010	Faxed and e-mailed notice of proposal and Project Description Report (“PDR”) attached to Mr. Brian Hamilton. Asked about adverse impacts to protected aboriginal or treaty rights. See attached <u>Exhibit 31</u> .
4. October 4, 2010	Sent via registered mail notice of proposal and PDR attached. See attached <u>Exhibit 32</u> for registered mail receipt.
5. October 7, 2010	Followed up with phone call. Left voice mail message with assistant letting them know that we were available to answer questions and to meet at their convenience to discuss the project.
6. October 13, 2010	Received a phone call from the Mohawks of the Bay of Quinte. Was informed to send the material to Mrs. Kristin Maracle at 613-396-3424 x125 and kristinm@mbq-tmt.org . Sent e-mail with notice and PDR to Mrs. Maracle this morning. See attached <u>Exhibit 33</u> for e-mail.
7. January 31, 2011	Sent letter to Mrs. Maracle via e-mail notifying the First Nation of the various reports we would be posting (with summaries), asking for information on adverse impacts to constitutionally protected aboriginal rights, and advising them of the next public meeting to be carried out in several months, and letting them know we would be amenable to meeting with them separately. See attached <u>Exhibit 34</u> .
8. January 31, 2011	Sent an e-mail to the Indian and Northern Affairs Canada (“INAC”) requesting information on specific and comprehensive claims for this project. See attached <u>Exhibit 35</u> .
9. February 3, 2011	Left a voice mail message for Mrs. Maracle asking for confirmation of receipt of e-mail.
10. March 1, 2011	Received a response from INAC that according to their database the Mohawks of

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	the Bay of Quinte, the Mohawks of Akwesasne, the Algonquins of Pikwakanagan, the Metis Nation and the Algonquin Anishinabeg Nation could be interested in this project at different levels. See attached <u>Exhibit 36</u> .
11. April 21, 2011	Sent via Federal Express cover letter, public final meeting notice, and binder of all reports. See attached <u>Exhibit 37</u> .
12. July 6, 2011	Sent e-mail indicating that we were submitting our REA application in the coming days but were open to meeting with this First Nation at any time moving forward. See <u>Exhibit 38</u> .

4.2 Mohawks of Akwesasne

Date	Consultation Activity
13. April 22, 2010 – June 22, 2010	Sent e-mail with electronic PDR to MOE along with documentation of follow-up e-mails and telephone calls checking on status. See <u>Exhibit 29</u> .
14. August 20, 2010	Received list of Aboriginal Communities to contact from MOE. See attached <u>Exhibit 30</u>
15. October 1, 2010	Faxed proposal and PDR. Asked about adverse impacts to protected aboriginal or treaty rights. See attached <u>Exhibit 39</u> .
16. October 4, 2010	Sent via registered mail proposal and PDR. See attached <u>Exhibit 40</u> for receipt.
17. October 7, 2010	Followed up with phone call. Left voice mail message with assistant letting them know that we were available to answer questions and to meet at their convenience to discuss the project.
18. November 22, 2010	Received letter from Mrs. Leona Delormier (Manager of Lands) letting us know, among other things, that she would like to be informed of the uncovering of artifacts, etc. See attached <u>Exhibit 41</u> .
19. January 11, 2011	Responded to Mrs. Delormier with a description of our archaeological assessments to date. Also asked about opportunities to advertise in local newspaper. Could not get through via fax, so sent the letter via e-mail. See attached <u>Exhibit 42</u> .
20. January 12, 2011	Received e-mail response from Mrs. Delormier thanking me for our response and stating they are looking forward to copies of our reports. See attached <u>Exhibit 43</u> .

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21. January 28, 2011	Sent letter to Mrs. Delormier via e-mail notifying Mohawks of Akwesasne of the various reports we would be posting (with summaries), asking for information on adverse impacts to constitutionally protected aboriginal rights, and advising them of the next public meeting to be carried out in several months, and letting them know we would be amenable to meeting with them separately. See attached <u>Exhibit 44</u> .
22. January 28, 2011	Received confirmation e-mail from Mrs. Delormier with a thank you note. See attached <u>Exhibit 45</u> .
23. January 31, 2011	Sent an e-mail to INAC requesting information on specific and comprehensive claims for this project. See attached <u>Exhibit 35</u> .
24. March 1, 2011	Received a response from INAC that according to their database the Mohawks of the Bay of Quinte, the Mohawks of Akwesasne, the Algonquins of Pikwakanagan, and the Algonquin Anishinabeg Nation could be interested in this project at different levels. See attached <u>Exhibit 36</u> .
25. March 22, 2011	Sent via e-mail to Mrs. Delormier Stage 1 and Stage 2 archaeological report. See attached <u>Exhibit 46</u> .
26. April 21, 2011	Sent via federal express cover letter, public meeting notice, and binder of all reports to Mrs. Delormier. See attached <u>Exhibit 47</u> .
27. July 6, 2011	Sent e-mail indicating that we were submitting our REA application in the coming days but were open to meeting with this First Nation at any time moving forward. See <u>Exhibit 48</u> .

4.3 Algonquins of Pikwakanagan

28. August 20, 2010	Received list of Aboriginal Communities to contact from MOE. The Algonquins of Pikwakanagan were not on the list. See attached <u>Exhibit 30</u> .
29. January 31, 2011	Sent an e-mail to INAC requesting information on specific and comprehensive claims for this project. See attached <u>Exhibit 35</u> .
30. March 1, 2011	Received a response from INAC that according to their database the Mohawks of the Bay of Quinte, the Mohawks of Akwesasne, the Algonquins of Pikwakanagan, the Métis Nation and the Algonquin

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	Anishinabeg Nation may be interested in this project. See attached <u>Exhibit 36</u> .
31. March 10, 2011	Left a voice mail message for Chief Whiteduck about our solar PV farms in both Edwardsburgh and S. Glengarry.
32. March 10, 2011	Sent fax to Chief Whiteduck with information about projects, PDRs, weblinks, etc. Informed of the various reports we would be posting (with summaries), asking for information on adverse impacts to constitutionally protected aboriginal rights, and advising them of the next public meeting to be carried out in several months, and letting them know we would be amenable to meeting with them separately. Also asked about advertising in a local newspaper or newsletter. See attached <u>Exhibit 49</u> .
33. March 14, 2011	Received call from Chief Whiteduck informing me that Mr. Jim Hunton from Jp2g Consultants should be contacted on matters such as these.
34. March 14, 2011	Called Mr. Hunton and left a voice mail message.
35. March 15, 2011	Called and retrieved Mr. Hunton's e-mail address. Sent Mr. Hunton the package previously sent to Chief Whiteduck. See attached <u>Exhibit 50</u> for copy of e-mail.
36. March 21, 2011	Mr. Max Frable of Penn took a call from Mr. Hunton this AM requesting more information on S. Glengarry and Edwardsburgh-Morrisburg-1. Sent Mr. Hunton an e-mail with addresses of these projects, maps of the projects, and PDRs for these projects. I also relayed that, to this point, no aboriginal artifacts have been uncovered during our studies on these sites. See attached <u>Exhibit 51</u> for copy of this e-mail.
37. April 20, 2011	Called Stephanie who edits the newsletter and asked her if she would like us to advertise our project. She referred me to the assistant to the Chief with whom I left a detailed voice mail message.
38. April 21, 2011	Sent via Federal Express cover letter, public meeting notice, and binder of all reports. See attached <u>Exhibit 52</u> .
39. July 6, 2011	Sent e-mail indicating that we were submitting our REA application in the coming days but were open to meeting with this First Nation at any time moving forward. See <u>Exhibit 53</u> .

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4.4 Algonquin Anishinabeg Nation

40. August 20, 2010	Received list of Aboriginal Communities to contact from MOE. The Algonquin Anishinabeg Nation was not on the list. See attached <u>Exhibit 30</u> .
41. January 31, 2011	Sent an e-mail to INAC requesting information on specific and comprehensive claims for this project. See attached <u>Exhibit 35</u> .
42. March 1, 2011	Received a response from INAC that according to their database the Mohawks of the Bay of Quinte, the Mohawks of Akwesasne, the Algonquins of Pikwakanagan, the Metís Nation and the Algonquin Anishinabeg Nation may be interested in this project. See attached <u>Exhibit 36</u> .
43. March 10, 2011	Called and received word that Mr. Norm Odjick, Director, was the appropriate contact.
44. March 10, 2011	Sent e-mail to Mr. Norm Odjick, Director General, with information about projects, PDRs, weblinks, etc. Informed of the various reports we would be posting (with summaries), asking for information on adverse impacts to constitutionally protected aboriginal rights, and advising them of the next public meeting to be carried out in several months, and letting them know we would be amenable to meeting with them separately. Also asked about advertising in a local newspaper or newsletter. See attached <u>Exhibit 54</u> .
45. March 15, 2011	Called Mr. Odjick to confirm receipt. Left a voice mail message with assistant.
46. April 21, 2011	Sent via Federal Express cover letter, public meeting notice, and binder of all reports. See attached <u>Exhibit 55</u> .
47. July 6, 2011	Sent e-mail indicating that we were submitting our REA application in the coming days but were open to meeting with this First Nation at any time moving forward. See <u>Exhibit 56</u> .

4.5 Algonquin Nation Secretariat

48. August 20, 2010	Received list of Aboriginal Communities to contact from MOE. The Algonquin Nation Secretariat was not on the list. See attached <u>Exhibit 30</u> .
49. January 31, 2011	Sent an e-mail to INAC requesting information

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	on specific and comprehensive claims for this project. See attached Exhibit 35 .
50. March 1, 2011	Received a response from INAC that according to their database the Mohawks of the Bay of Quinte, the Mohawks of Akwesasne, the Algonquins of Pikwakanagan, the Metís Nation and the Algonquin Anishinabeg Nation could all be interested in this project. See attached Exhibit 36 .
51. March 10, 2011	Called to introduce ourselves and received word that Mrs. Lorri Hamelin was the appropriate contact.
52. March 10, 2011	Sent e-mail to Mrs. Lorri Hamelin with information about projects, PDRs, weblinks, etc. Informed of the various reports we would be posting (with summaries), asking for information on adverse impacts to constitutionally protected aboriginal rights, and advising them of the next public meeting to be carried out in several months, and letting them know we would be amenable to meeting with them separately. Also asked about advertising in a local newspaper or newsletter. See attached Exhibit 57 .
53. March 15, 2011	Called and left a voice mail message with Mrs. Lorri Hamelin to confirm receipt of last week's e-mail.
54. April 21, 2011	Sent via Federal Express cover letter, public meeting notice, and binder of all reports. See attached Exhibit 58 .
55. July 6, 2011	Sent e-mail indicating that we were submitting our REA application in the coming days but were open to meeting with this First Nation at any time moving forward. See Exhibit 59 .

4.6 Metís Nation

Date	Consultation Activity
56. August 20, 2010	Received list of Aboriginal Communities to contact from MOE. The Metís Nation was not on the list. See attached Exhibit 30 .
57. January 31, 2011	Sent an e-mail to INAC requesting information on specific and comprehensive claims for this project. See attached Exhibit 35 .
58. March 1, 2011	Received a response from INAC that according to their database the Mohawks of the Bay of Quinte, the Mohawks of Akwesasne, the Algonquins of Pikwakanagan,

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	the Algonquin Anishinabeg Nation and the Metís Nation (generally) could all be interested in southern Ontario projects. See attached <u>Exhibit 36</u> .
59. October 7, 2010	Called and received information that Mrs. Melanie Paradis was the person to contact. I was advised that Penn Energy Hamilton_Port Hope -4 project could be of interest. [Penn Energy Hamilton_Port Hope -4 was on the official MOE aboriginal consultation list for Penn and formal consultation was undertaken by Penn upon notification for that project. See such consultation report for detailed information on that project. The remainder of this consultation summary only reflects limited conversations with the Metís Nation that mentioned South Glengarry_St. Lawrence 1 or Edwardsburgh_Morrisbury-1.]
60. October 13, 2010	Called and left a voice mail message for Mrs. Melanie Paradis to call me back.
61. January 13, 2011	Called main office to track down Mrs. Paradis' e-mail address.
62. January 17, 2011	Received e-mail from Mr. James Wagar indicating among other things, to contact Melanie and giving me Mrs. Paradis' contact information. See attached <u>Exhibit 60</u> .
63. May 12, 2011	Spoke with Mr. Wagar today about sending information and told him to focus on the various studies included. I offered to meet with the Metís Nation if necessary on any of our projects. He told me to continue to send them the various studies regarding the Penn Energy projects Brantgate and Hamilton_Port Hope-4.
64. May 20, 2011	Received e-mail from Mr. Wagar today following up our phone conversation and formally informing us of the Metís Nation interest in Brantgate and Southern Ontario projects (Hamilton_Port Hope-4). See attached <u>Exhibit 61</u> .
65. May 23, 2011	Sent e-mail to Mr. Wagar indicating an interest in learning more about the Metís Nation and approving of meeting budget/rates. See attached <u>Exhibit 62</u> .
66. May 25, 2011	Sent e-mail to Mr. Wagar today reminding him that our public meetings for our first three projects were upcoming in case he wanted to

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	attend or if anyone else from the Council would like to do so. See attached <u>Exhibit 63.</u>
67. May 26, 2011	Received e-mail from Mr. Wagar today. He indicated a desire to meet with respect to Penn Energy projects-Brantgate and Hamilton_Port Hope-4. See attached <u>Exhibit 64.</u>
68. May 26, 2011	Called Mr. Wagar this AM to discuss timing of the final Hamilton_Port Hope-4 meeting and receiving comments beforehand from the Metis Nation. Discussed the final public meeting date for Hamilton. He stated that they would make sure they would get final comments in for Hamilton_Port Hope-4 by the public meeting and reiterated that they did not have jurisdiction in for the other two but it was probably best to send them notices anyway.
69. May 26, 2011	E-mailed Final Notices for Hamilton_Port Hope-4 South Glengarry_St. Lawrence 1 or Edwardsburgh_Morrisbury-1 just to make sure they knew this was an opportunity to meet members of the team. Indicated last opportunity to comment if they wanted. Also sent links to project reports, etc. See attached <u>Exhibit 65.</u>

5.0

Municipal Consultation

5.1 Initial Consultations

Prior to identifying suitable land for ground-mounted solar photovoltaic Feed-in-Tariff ("FIT") projects in specific municipalities, Penn Energy Renewables, Ltd. ("Penn") contacted various officials at the different municipalities. Penn would initiate such contact early on to ensure that the municipalities not only understood the nature of Penn's proposed use of the land but would be welcome such a use in their town. Penn initiated contact with the Township of Edwardsburgh/Cardinal prior to submitting its FIT application and has continued discussions with the Township through its Final Public Meeting and will continue to do so after.

In November 2009, Penn initiated discussion with the Township of Edwardsburgh/Cardinal planning office for the following purposes:

- (i) to determine Township opinion of the proposed solar project;

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(ii) to verify with the Township that Penn's understanding of zoning at the site was correct and to receive a zoning verification letter from the Township in accordance with FIT regulations; and

(iii) 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 Township's understanding of OMAFRA's soil classification on the property. Following preliminary discussions with the Township, Penn concluded that a large scale solar photovoltaic project would likely be seen favorably in the Township of Edwardsburgh/Cardinal and that the particular site identified by Penn at that time did meet the various regulatory requirements of a FIT project with respect to zoning, soils, etc.. This led to the submission of FIT Application FIT-F46NQGB on November 30, 2009.

On January 4, 2010, a representative from Penn, Mr. Gregg Meister, held a telephone conversation with the then CAO/Treasurer/Economic Development Officer, Mr. Russell Trivett, regarding other solar development activity in the Township.

On January 14, 2010, a representative from Penn held a telephone conversation with the then Chief Administrative Officer/Treasurer/Economic Development Officer to inquire as to the existence of previous environmental studies on or near the subject property.

On February 25, 2010, representatives from Penn met with staff members at the Township office. The primary objective of the meeting was to introduce both parties and establish contacts moving forward. Staff members present were:

Township of South Glengarry

Ms. Debra McKinstry - Clerk & Planning Administrator

Mr. Russell Trivett – Chief Administrative Officer ("CAO")O/Treasurer/Economic Development\Officer*

Mr. Frank Noccey - Councillor

Mr. Larry Dishaw -Mayor*

Mr. High Cameron – Councillor*

*former - held position at time of meeting

The meeting can be summarized as follows:

Summary of Discussion/Comments:

- (i) Township officials asked if we would sell power directly to a nearby industrial plant. Penn indicated that such an arrangement is outside of the FIT program;
- (ii) Officials expressed some concern about access from County Road 2;

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- (iii) Township provided a contact at what they referred to as “the Algonquin” First Nation;
- (iv) Township would like to know the specifics of the fence being used;
- (v) Township would like to know how stormwater is handled;
- (vi) Township asked about site lighting; and
- (vii) Township indicated one of their employees sits on the South Nation Conservation Authority board and could introduce Penn.

Action/Alterations to proposal to engage in the project:

- (i) Not applicable
- (ii) Penn explained that the post-construction traffic to the site will be minimal, consisting primarily of infrequent maintenance vehicles for activities such as periodic washing of modules, etc.
- (iii) Penn has carried out extensive Aboriginal consultations including with the Algonquins of Pikwakanagan, the Algonquin Anishinabeg Nation and Algonquin Nation Secretariat.
- (iv) Penn provided a copy of the Design and Operations Report to Township which details the specifics of the fence as required by OEB;
- (v) Penn does not anticipate an increase in stormwater from construction of the Project;
- (vi) Penn indicated there would be very little lighting, except for security; and
- (vii) South Nation Conservation Authority was consulted as shown in Section 4.6.

On March 29, 2010 Penn requested exerts from the Official Plan to confirm the zoning classification of the proposed site as the materials were not available on the Township website. Information was provided by the Township on March 30, 2010.

On March 30, 2010, Penn requested from the Township a list of any local names of service providers/consultants.

On April 22, 2010, the then CAO/Treasurer/Economic Development Officer, Mr. Mr. Russell Trivett, contacted the South Nation Conservation Authority requesting their assistance with identifying any potential site issues.

On April 23, 2010, a representative from Penn contacted the Township Clerk & Planning Administrator, Ms. Debra McKinstry, regarding Township designation of cultural heritage and historical/archaeological resources on or abutting the project site. A response was received on April 26, 2010 stating that no such resources were present.

5.2 First Public Meeting Municipal Participation

Prior to the First Public Meeting at 6pm on August 20, 2010, Penn requested and received from the Township of Edwardsburgh/Cardinal's Clerk & Planning Administrator, Ms. Debra McKinstry, a list of property owners within 120m of the project area. Additionally, notice of the First Public Meeting was posted on the Township's website (www.twpec.com) and physically at the Township offices and was published in the local newspapers according to regulation.

The First Public Meeting was attended by the following officials:

Township of Edwardsburgh/Cardinal

Ms. Debra McKinstry - Clerk & Planning Administrator

Mr. Russell Trivett - CAO/Treasurer/Economic Development Officer*

Mr. Pat Sayeau - Councillor

Mr. Larry Dishaw - Mayor*

Mr. Bill Sloan (future Mayor)

Mr. Gerry Morrell - Councillor

*former - held position at time of meeting

Summary of Discussion/Comments:

- (i) A Councillor was unhappy about the scheduled time of the meeting expressing concern that it was occurring during family time after work;
- (ii) Mayor Dishaw asked about securing the modules given varying underground conditions; and
- (iii) Mayor Dishaw asked about the taxable treatment of the projects.

Action/Alterations to proposal to engage in the project:

- (i) Penn scheduled its second and final public meeting from noon until 8:00 PM so that the public could attend during or after work hours.
- (ii) Penn responded that different systems can be used onsite to deal with such variations in subsurface conditions. These will be determined by ongoing geotechnical study.
- (iii) Penn, as is the Township, currently awaits guidance from the Municipal Property Assessment Corporation on guidance on this particular issue.

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 which is enclosed. This form was in turn forwarded to the following individuals on March 22, 2011 as evidenced by the attached emails:

- i. Mr. Michael Wildman - Chief Administrative Officer, Township of Edwardsburgh/Cardinal. Mr. Wildman indicated to Mr. Kirt Mayland of Penn that he would receive the reports for the Township and distribute them to other officials for, among other things, review of impacts, if any, of this project with respect to roads, etc. Penn also sent the form to the Township clerk per regulation (see [Exhibit 66](#)).
- ii. Mr. Steve Silver - United Counties of Leeds and Grenville, Chief Administrative Officer. Mr. Silver indicated to Mr. Kirt Mayland that he would receive the reports for the County and would distribute them to the correct officers such as Mr. Les Shepherd, Director of Works, Planning Services and Asset Management, for, among other things, a review of impact to roads. Penn also sent the form to the County clerk per regulation (see [Exhibit 67](#)).

Please note that the Township of Edwardsburgh/Cardinal does not have a local roads board or local service board. The above two individuals requested to be the primary points of contact.

On April 13, 2011, representatives from Penn, met with staff members of the Township of Edwardsburgh/Cardinal and the United Counties of Leeds and Grenville at the Township office to discuss the reports and the consultation forms. The participants were:

Participants: Ms. Debra McKinstry , Township of Edwardsburgh/Cardinal- Clerk & Planning Administrator

Mr. William Sloan , Township of Edwardsburgh/Cardinal- Mayor

Mr. Michael Wildman, Township of Edwardsburgh/Cardinal- Chief Administrative Officer

Mr. Les Shepherd - United Counties of Leeds and Grenville, Director of Works, Planning Services and Asset Management.

Mr. Max Frable and Mr. Kirt Mayland of Penn.

The meeting can be summarized as follows:

Summary of Discussion/Comments:

- (i) Mayor Sloan asked about possible damage to Newport Road;
- (ii) The Township generally indicated the site entrance should be from Newport Road;

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(iii) Mr. Wildman indicated that a township road entrance permit may be required;

(iv) It was indicated by both Township officials that building Permits would be required by the Township for transformer/inverter houses; and

(v) Well water testing of adjacent properties prior to construction would be a good idea.

Action/Alterations to proposal to engage in the project:

(i) Preconstruction inspection of Newport Road was added to the Construction Plan Report;

(ii) The site entrance shall be from Newport Road;

(iii) Penn shall apply for building permits when required; and

(iv) Baseline well water testing of adjacent properties, where permitted by the property owner, was added to Design and Operations.

At this joint meeting of County and Township officials, Penn distributed two binders to each of the County and Township of its various REA reports. Penn requested that one copy be placed at the front desk of each of the Township and County offices to be made available to the public and this was agreed to by the County and Township officials

On May 20, 2011, Penn sent an updated REA package to the following individuals

i. Ms. Debra McKinstry - Township of Edwardsburgh/Cardinal; and

ii. Mr. Les Shepherd - United Counties of Leeds and Grenville, Director of Works, Planning Services and Asset Management.

5.4 Completion of the Municipal Consultation Form

On March 29, 2010 United Counties of Leeds and Grenville returned completed two (2) separate Part B sections of the Consultation Form, enclosed as Exhibit 68.

Summary of Discussion/Comments on Consultation Forms - United Counties of Leeds and Grenville:

(i) Access is preferred from Newport Road rather than County Road;

(ii) Commercial Entrance Permit will be required for direct County Road 2 access if required;

(iii) Damage to County Road will need to be monitored/repared at Penn's expense;

(iv) Pavement damage due to turning movements or excessive loadings;

(v) Stormwater drainage volume reaching County Road 2 culverts must not increase.

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Action/Alterations to proposal to engage in the project:

- (i) Access will be from Newport Drive;
- (ii) Penn shall apply, as necessary, for a Commercial Entrance Permit;
- (iii) Penn revised Construction Plan Report to add visual survey of County Roads; and Penn will monitor/repair any damage caused by its activities, as necessary, to County Road 2.
- (iv) Penn will monitor/repair any damage caused by its activities, as necessary, to County Road 2.
- (v) Penn does not anticipate an increase in stormwater from construction of the Project;

On June 14, 2011, the Township of Edwardsburgh/Cardinal returned completed Part B of the Consultation Form, enclosed as Exhibit 69.

Summary of Discussion/Comments on Consultation Form - Township of Edwardsburgh/Cardinal:

- (i) Landscaping Plan to be submitted to Township for review, screening of facility from adjacent dwelling is recommended;
- (ii) Baseline water well testing of wells within 300 metres of property is to be performed prior to construction;
- (iii) Entrance permit to be obtained;
- (iv) Internal roads shall meet Fire Chief's standards;
- (v) Restore temporary parking areas after construction; and
- (vi) Obtain building permits for construction trailers, collection houses and transformers/foundations.

Action/Alterations to proposal to engage in the project:

- (i) Screening hedges have been added to the site plan;
- (ii) Baseline water well testing has been added to the Construction Plan Report;
- (iii) Penn shall obtain, as necessary, an Entrance Permit;
- (iv) Penn shall consult with the Township Fire Chief;
- (v) Restoration of temporary parking areas added to Construction Plan Report; and
- (iv) Penn shall obtain all required building permits.

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5.5 Final Public Meeting Municipal Participation

The Final Public Meeting of June 20, 2011 was attended by the following officials:

Township of Edwardsburgh/Cardinal

Ms. Brenda Ball - Councillor

Mr. William Sloan - Mayor

Summary of Discussions/Comments:

- (i) Mayor Sloan and Councillor Ball asked about how far the project was along in the process. Penn responded with an explanation of the REA process and OPA requirements; and
- (ii) Mayor Sloan and Councillor Ball discussed the presentation boards with a representative from Penn. Mayor requested a list of attendees for the meeting which Penn agreed to provide. Both Township officials seemed supportive of the project.

Action/Alterations to proposal to engage in the project:

- (i) List of attendees sent to Mayor.

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 contacted nor of all of the communications of 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

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 Info Session in Peterborough sponsored by the Renewable Energy Facilitation Office of MEI. Penn interacted with staff from MOE regarding the procedural intricacies of the Renewable Energy Approval process.

Conservation Authority (South Nation Conservation Authority)

On March 8, 2010, Penn completed and submitted a Property Inquiry form to the Conservation Authority with a response received on March 22, 2010. The Conservation Authority determined that a wetland area was located on the northern parcel which is part of a separate project (Edwardsburgh_Brockville1 FIT-FGNIAIU) that is currently in the Ontario Power Authority's Economic Connection Test. This area is not part of this project and therefore not applicable.

On April 22, 2010, the then CAO/Treasurer/Economic Development Officer of Township of South Glengarry contacted South Nation Conservation Authority requesting their assistance with identifying any potential site issues.

On July 21, 2010, Penn sent a draft report from the Biologist, Bowfin Environmental, in preparation for a meeting on July 26, 2010.

On July 26, 2010, representatives from Penn and Bowfin Environmental met with staff members from South Nation Conservation Authority. The meeting can be summarized as follows:

Nathan Farrell - Watershed Planner and Mathieu Leblanc - Planning Assistant: In terms of wetlands, the Conservation Authority would only be involved if permits were required for watercourse crossings (none), water bodies within 120m (none), natural hazard lands (none) and unstable soils/slopes (none). There are two isolated ponds on the property, a permit is not required by the Conservation Authority to fill them as they are low resource unless they are a currently a viable fish habitat.

For tree removal, consult with the Township to see if they have a tree cutting by-law. In addition, tree removal must respect applicable wetlands setbacks and Species at Risk (e.g. Butternut trees) which are under MNR Jurisdiction.

On May 28, 2011, Bowfin Environmental presented their findings of Fish and Fish Habitat to the Conservation Authority. The findings stated that no fish were captured in the ponds and as such "no fish habitat will be impacted by this project. In addition, no water bodies were located with or within 120m of the project area.

Summary of Discussions/Comments:

- (i) Assess the isolated ponds for fish habitat;
- (ii) Identify any water bodies within 120m of project area; and
- (iii) Consult with MNR regarding Species at Risk.

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Action/Alterations to proposal to engage in the project

- (i) Fish habitat was assessed with no fish habitat found;
- (ii) Water bodies were not found within 120m of project area; and
- (iii) Species at Risk coordinated with MNR (see below).

Ministry of Transportation (MTO) -

On August 3, 2010 Penn submitted a number of their FIT Application sites to Cheryl Tolles, Corridor Management Planner Eastern Region for determination of MTO permit control. On August 9, 2010, MTO responded that correct jurisdiction is MTO Kingston.

On June 27, 2011, a the Corridor Management Planner with MTO responded that the subject site is outside of the MTO permit control area and as such the Ministry has no concerns with this project.

Summary of Comments:

- (i) No MTO jurisdiction.

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

Ministry of Natural Resources (MNR) - Kemptville

On April 23, 2010 an information request was submitted to MNR with a response by MNR on May 10, 2010. Records review shows similar results to those of the Conservation Authority with potential for the existence of Significant Woodlands, an unevaluated wetland, potential for Butternut trees and potential for American Ginseng.

On June 29, 2010, Penn attended the Solar PV Info 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.

In June, 2010, representatives from Penn met with MNR Kemptville

From July 8, 2010 to July 15 representatives from Penn attempted to schedule a pre-assessment meeting with MNR which was ultimately declined.

On August 19, 2010 a representative from MNR called Penn to introduce themselves as a new REA contact.

On September 3, 2010, Penn forwarded a draft copy of the Natural Health Assessment to MNR in preparation for a meeting on September 8, 2010.

On September 8, 2010, representatives from Penn and Bowfin Environmental met with MNR Kemptville. The meeting was documented in an email from MNR on September 13, 2010 covering the

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need for a desktop wetland evaluation and screening for Species at Risk. In response to the meeting, Bowfin Environmental performed these two tasks.

On April 4, 2011, MNR District Manager sent a letter to Penn with the subject "Species at Risk and APRD requirements". The letter stated "...there is currently no potential need for authorization under the Endangered Species Act. We do not anticipate any additional permitting or approval requirements from MNR".

Summary of Discussions/Comments:

- (i) Perform a desktop analysis for a wetlands evaluation
- (ii) Evaluate Species at Risk;

Action/Alterations to proposal to engage in the project

- (i) The desktop analysis by Bowfin Environmental determined the existence of a wetland area in the northern part of the property. A full wetland assessment was conducted and included in the Natural Heritage Assessment. The project area was altered to provide a 30 metre buffer to the wetland (see Exhibit 19 of the Public Consultation Report);
- (ii) The only species of risk habitat found was that of the Butternut Tree. A Butternut Assessment was submitted to MNR. To avoid disturbance of the existing Butternut trees, Penn revised the project area (see Exhibit 19 of the Public Consultation Report). MNR ultimately concluded that there was no potential need for authorization under the Endangered Species Act for the project.

Ministry of 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:

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

July 6, 2011

Ministry of Tourism and Culture (MTC)

Between April 20, 2010 and May 5, 2010, Penn discussed the project site with Robert von Bitter Archaeological Data Coordinator of Ministry of Tourism and Culture for preliminary screening purposes. The result of the discussions was that none of the subject lands are or abut a historic site designated under Ontario Heritage Act, R.R.O Regulation 880.

On June 29, 2010, Penn attended the Solar PV Info 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.

Following the initial inquiry, an Archaeological Assessment Stage 1-2 was carried out by Northeastern Archaeological Associates, Ltd. with report dated March 21, 2011. This report was submitted to MTC who responded by letter on April 21, 2011 which stated that the Ministry concurs with the recommendations in the Archaeological Assessment.

Summary of Discussions/Comments:

- (i) No historic sites on or abutting the project site; and
- (ii) Complete clearance recommended.

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

Ontario Heritage Trust

Between April 16, 2010 and May 13, 2010, Penn discussed the project site with Ms. Kiki Aravopoulos of Ontario Heritage Trust for preliminary screening purposes. The result of the discussions were the there we no Trust easement sites located at or adjacent to the project sites. The Cultural Heritage Assessment checklist by Unterman McPhail Associates was completed separately, subsequent to this initial inquiry with the same conclusion.

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

Alterations to proposal to engage in the project: NONE.