

Consultation Report

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

For the
**Penn Energy – Hamilton_Port Hope-4
SOLAR ENERGY FACILITY**

FIT Contract No. F-000687-SPV-130-505

FIT Application No. FIT-FQWKQZF



In the
**Township of Hamilton
Northumberland County
ONTARIO, CANADA**

July 15, 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 10 MW, ground-mounted, Class 3 solar energy facility near the town of Baltimore, northeast of Cobourg, in Northumberland County, Ontario. The subject lands are located in Lots 3 Concession 2 in the Township of Hamilton.

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 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 project is required to submit numerous reports as part of an REA application, one of which is a 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, the Township of Hamilton, Northumberland County, 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 Township of Hamilton.

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 Hamilton on a number of occasions as outlined in the Municipal Consultation section of the report. Notably, Penn engaged the Planning Office to open a dialogue with its findings related to the OMAFRA Map and to talk about its relation to applicable zoning of the property. Early in the consultation process, Penn met with Township officials (Planning Office and Building Office) and the Ganaraska Region Conservation Authority 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. 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. The Township

along with the Conservation Authority provided Penn with guidelines on typical setbacks to various features that we were able to incorporate into the project plan. 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 19, 2010
Time: 6:00 PM
Location: Baltimore Recreation Centre
23 Community Centre Road
Baltimore, ON K0K 1C0
Attendees: 51

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, (iii) Ms. Kate Sureus, Clerk of the Township of Hamilton (the local municipality) and Ms. Diane Cane, Clerk of Northumberland County (the upper-tier municipality), (iv-v) the Local Roads and Services Board (Director of Public Works), (vi) Ms. Sandra Stothart, Planning Office of the Township of Hamilton, (vii) the REA Director, and (iix) the MOE's District Manager – Peterborough 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 Hamilton, Penn obtained a list of the stakeholders identified in (i) through (iix) above from the Township's Planning and Building Office. The mailing list obtained from the Township is 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 Township of Hamilton does not have a Local Roads Board or a Local Services Board; however, Penn distributed the appropriate notices to Mr. Doug Murray, the Director of Public Works with the Roads Department at the Township of Hamilton, who oversees the Township roads. In addition, Penn sent notices to Hydro One, the MOE's District Manager, and the REA Director.

In addition, 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 as well as well as the Draft Project Description Report (PDR) on its website at <http://www.pennenergyrenewables.com/solar-ontario/hamiltonph4.html> (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 *Northumberland Today*, which is in general circulation within the Township of Hamilton, on July 15th and 22nd of 2010. A proof of the combined Notice of Proposal to Engage in a Project/Notice of Public Meeting that was published in the *Northumberland Today* is attached hereto as [Exhibit 5](#).

3.1(c) Summary of First Public Meeting

Representatives of 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 51 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 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 23, 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 Township of Hamilton. 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. 52 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 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 possible retention of farmland on certain areas of the property, namely the northern portion of the property abutting Community Centre Rd and the field located in the southeast area of the property abutting Payne Road. Penn emphasized its commitment to attempt to avoid these areas subject to the completion and review of its many ongoing studies. Penn's commitment to avoiding the northern area of the property is shown in [Exhibit 8](#). This Exhibit shows Penn establishing the project's northern boundary well south of the property's northern border (Community Centre Road). Other issues 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 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 significant modifications to its original plan. These changes are outlined in the section below entitled "Modifications of Project Plan".

3.1(d) Press and Newspaper Articles

Shortly before and after Penn's First Public Meeting, several newspaper articles and blog posts emerged as a result of Penn's consultation and notification activities. The articles were posted in the *Northumberland Today* and the *Northumberland News*, both of which are local to the Township of Hamilton. Penn provided the necessary information pertaining to the solar project to the reporters who reached out directly to Penn. Prior to Penn's First Public Meeting, two articles were published providing additional information about Penn's projects. Ms. Valerie McDonald's articles titled "Solar Farm Meeting Aug. 19" and "Third 10K Solar Farm Proposed for Area" were published in the *Northumberland Today* on August 18, 2010 and August 19, 2010 respectively ([Exhibits 12 & 13](#)). Additional articles were published shortly after Penn's first Public Meeting in the *Northumberland News* with the titles:

“Solar Project Planned for Baltimore” (Exhibit 14), “The Cost of Electricity Production in Ontario Unplugged” (Exhibit 15), and “Tough Crowd at Baltimore Solar Meeting” (Exhibit 16).

3.2 Final Public Meeting

Date: July 7, 2011
Time: 12:00 PM to 8:00 PM
Location: Baltimore Recreation Centre
23 Community Centre Road
Baltimore, ON K0K 1C0
Attendees: 18

3.2(a) Notices

Pursuant to O.Reg. 359/09, a final Notice of Public Meeting (Exhibit 17) 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, (iii) Ms. Kate Sureus, Clerk of the Township of Hamilton (lower-tier municipality) and Ms. Diane Cane, Clerk of Northumberland County (upper-tier municipality), (iv-v) the Local Roads and Services Board (Director of Public Works), (vi) Ms. Sandra Stothart, Planning Office of the Township of Hamilton, (vii) the REA Director, and (viii) the Ministry of the Environment’s District Manager (Peterborough Office). Copies of the registered letter receipts are attached hereto (Exhibit 18). As stated previously, the project is not located within the Niagara Escarpment Plan. Penn obtained a list of the stakeholders identified in (i) through (viii) above from the Township’s Planning and Building Office. The mail list obtained from the Township is attached hereto as (Exhibit 19). Penn also notified the Aboriginal Communities noted on the Director’s list as described in the Aboriginal section of this report. Since the Township of Hamilton does not have a Local Roads Board or a Local Services Board, Penn distributed notices to Mr. Doug Murray, the Director of Public Works with the Roads Department at the Township of Hamilton who oversees the Township roads as a courtesy. As with the first public meeting, Penn sent a final Notice of Public Meeting to each of the following: Hydro One, the MOE’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/hamiltonph4.html> (Exhibit 4). Two sets of the reports were delivered by hand to representatives of the Township of Hamilton on April 18, 2011 and to Northumberland County on April 14, 2011. One set of paper copies was to be made available to the public, and the second set was for their review and comments. Copies of the reports were 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 *Northumberland Today*, which is in general circulation within the Township of Hamilton, on May 5, 2011 and May 6, 2011. Copies of the Notices that were sent to the *Northumberland Today* for publication and the Notices as they appeared within the *Northumberland Today* on the aforementioned dates are attached hereto as (Exhibit 20).

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 July 7, 2011 in order to accommodate individuals' varying work schedules and to allow for focused, personalized discussion with each attendee. As guests entered the venue, they were asked to sign in. Three representatives of Penn were in attendance to provide information to attendees. The representatives were Mr. Sean McCloskey, Mr. Cyrus Tingley, and Mr. Gregg Meister. These 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 18 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 21).

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. Furthermore, 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. An image of each board is shown in the attached document (Exhibit 22). There were a number of questions and comments that were raised at the final public meeting by the individual attendees. Summaries of the interactions between Penn and members of the public are shown in Section 3.3 (Individual Consultation).

3.2(d) Additional Press and Newspaper Articles

On the day of Penn's final Public Meeting, an article titled, "Solar Farm Meeting Today" appeared on the front page of the *Northumberland Today* (Exhibit 24). In addition, several news agencies attended the final Public Meeting and Penn was able to provide responses to questions they had prepared, as well as explain each presentation board thoroughly. Shortly after the final meeting, the article titled, "Input Leads to Changes to Solar Proposal" was published in the *Northumberland Today* (Exhibit 25).

Penn provided the necessary information pertaining to the solar project in an attempt to ensure accurate reporting to the local community.

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 attended the first public meeting held in August of 2010. Neighbor 1 indicated to Mr. Gregg Meister of Penn that he thought the presentation was helpful and informative, and that he is supportive of the project. He was interviewed by CHEX TV Peterborough after the meeting, and reaffirmed this view to the press.

As of the date of the Final Public Meeting, Neighbor 1 had installed a solar rooftop microFIT project on his property.

Neighbor 1 asked if there were any provisions in the design of the project to allow wildlife that could potentially get caught inside the required perimeter fence to then escape (ie, deer). Although it would be possible for the site caretaker to open one or more of the project gates to let out any animals that enter the site, we expect that the project fence is likely to keep out any animals in the first place.

Neighbor 1 mentioned that corn (on Hamilton North currently) is a soil-intensive crop and the land could benefit from not being worked for 20 years of solar use. Penn is considering the use of a nitrogen-fixing ground cover which will improve the quality of the soil over the 20-year duration of the project.

As part of a discussion of the planned maintenance within the proposed project area, Neighbor 1 mentioned that he has seen an abundance of Dog-Strangling Vine in the South/Southwest corner of the property. Mr. Cyrus Tingley of Penn informed Neighbor 1 that regular maintenance of the project area was anticipated.

Neighbor 2

Neighbor 2 is a neighbor of the Hamilton project. He attended the First Public Meeting to learn more about solar power on open fields. He was interested in learning about the annual solar yield from a solar installation in this part of Ontario, and about the spacing of modules from row to row. He has one or more properties in the Cobourg area that he believes would make good (although small) solar farm sites. We indicated that we would be happy to continue to share information with him about solar design and technologies.

Neighbor 3

Neighbor 3's house is immediately adjacent to the project at the NW corner. He received the notification letter and contacted Penn in August of 2010 regarding some basic questions about Penn's proposed project. Mr. Max Frable of Penn corresponded with him extensively via email in an attempt to fully address his questions.

Neighbor 3 indicated that he is aware of growing opposition to using farmland for solar projects, but that he is personally not concerned about that issue. He mentioned that the company he works for is looking for ways to become involved with solar and wind projects. He suggested in an email that Penn take time to meet with the neighbors of the project on an individual basis. Penn subsequently arranged a number of individual meetings with the most involved neighbors (in addition to the two required public meetings) in order to most effectively address any concerns.

On 4/26/2011 Neighbor 3 spoke with Mr. Gregg Meister of Penn regarding the revised project layout. Mr. Meister informed Neighbor 3 that the interconnection point was being moved to Payne Rd. and that the overall project location was moved further south away from Community Center Rd. Neighbor 3 mentioned that he was not concerned about looking at panels, but he was apprehensive about having a view of a fence.

On 5/10/2011 Mr. Sean McCloskey of Penn met with Neighbor 3 at his home. They viewed the project site from the second floor of his house, and also walked around the property so Mr. McCloskey could describe the changes made to the point of interconnection as well as the northern boundary of the project. Mr. McCloskey also showed the proposed plan for a hedge that would be constructed on the northern and eastern edges of the project. Neighbor 3 acknowledged that both of these actions were improvements over the original project plan. He recommended extending the hedge down the west side of the property in order to further improve the aesthetics, which Penn is incorporating into the final project design.

Subsequent to the meeting at Neighbor 3's house, he made inquiries as to whether we would be interested in selling the northern portion of the property (adjacent to his house) after the solar farm is developed. We indicated that it was our goal that this area remains in agricultural production. We subsequently confirmed that the current farmer is interested in continuing to farm this portion of the property. Neighbor 3 indicated that he will continue to evaluate this idea and let us know his thoughts. Although Neighbor 3 could not make it to the Final Public Meeting, we did confirm to him after the meeting that we had agreed to extend the hedge in the northwest corner of the property to further screen the view of the project. We also informed him of the possibility that Hydro One would probably require a teleprotection pole and identified the nearest location on our property where such a pole might be located.

Neighbor 4

Neighbor(s) 4 attended the first public meeting, after which they sent an email to Penn expressing some concerns regarding the "North" project. They also discussed potential modifications to the proposed project, such as a potential increase in setbacks.

In a phone conversation with Neighbor 4 on 2/25/2011, Mr. Sean McCloskey mentioned that Penn had refined the drawings for the proposed project, which would allow the project to be moved further to the south. They also discussed the possibility of constructing an evergreen hedge along the north and sides of the project in order to shield the fence from view.

On 5/11/2011, Mr. McCloskey met with Neighbor 4 at their home in Hamilton. Mr. McCloskey demonstrated the relocated point of interconnection substation and the newly-developed hedge proposal, as well as the revised plan which moves the project boundary 60 meters south. Neighbor 4 indicated that they are interested in maintaining the trees along Payne Road to the west side of the

project. They also suggested that white clover may be useful as a groundcover in lieu of native grass species.

Neighbor 4 attended the Final Public Meeting. Neighbor 4 reviewed our presentation regarding hedges and indicated that of the hedges shown it would be her preference for us to plant white cedars.

She mentioned that she would like us to reduce the distance between the hedge and the fence so that the hedge would screen more of the fence. We agreed to reduce this distance from the as-shown separation of 20 feet to a smaller figure. As a consequence of Neighbor 4's request Penn is now planning to reduce the separation between the hedge and the fence to about 12 feet.

Neighbor 4 will try to reach Ed Lawrence (the gardening guru at CBC in Ottawa) about using white clover for ground cover. He may have some other ideas as well. He is very knowledgeable about gardening matters and may be able to recommend a good ground cover. Mr. McCloskey shared with Neighbor 4 what Penn had learned about white clover so far – i.e. that it fixes nitrogen in the soil, but that we would need to ensure that there we have removed the competitive species (grasses, for example) if the White Clover is to become dominant enough to not require mowing.

Neighbor 4 indicated that we have a large amount of dog-strangling vine on our property, and that it is pervasive and tenacious. They pull it out when they see it on their own property.

Neighbor 4 mentioned she'd be happy if the balance of the site remained in farming. At the same meeting another neighbor indicated that he would be happy to keep farming the field on the north and south side of the site as he currently farms other land in the area, so Penn should be able to keep these parts of the property in agricultural production.

We also discussed Neighbor 4's request that we seek to protect the trees on the south side of Payne Road between Community Centre Road and the north side of the Project Location (a distance of about 180 meters). Mr. McCloskey indicated to Neighbor 4 that we had evaluated the existing trees and determined that they are located within the road allowance. Typically, this is where Hydro One would put any required distribution circuits - which could potentially require the trimming or removal of some of the trees. In an effort to accommodate Neighbor 4's request to protect these trees, Mr. McCloskey confirmed that Penn is willing to offer an easement over Penn's property to Hydro One to bring the required distribution line behind the trees (instead of through or in front of the trees). Mr. McCloskey also indicated that it is not clear if Hydro One would be willing to accept this easement and agree to run the distribution line behind the trees. However, we will raise this issue and express our willingness to offer such an easement at our on-site field meeting with Hydro One.

Neighbor 5

Although Neighbor 5 received notice of and attended the First Public Meeting, the registered letter which Penn sent to Neighbor 5's residence providing notice of the Final Public Meeting was returned. Mr. Gregg Meister of Penn called the post office in Baltimore to inquire why the registered letter was returned to Penn. Mr. Meister was informed that the mail is no longer delivered to Neighbor 5's residence but instead is delivered to a P.O. Box. Mr. Meister called the number on the sign in sheet from the First Public Meeting for Neighbor 5. Neighbor 5 gave Mr. Meister the correct P.O. Box number and he re-mailed the registered letter. In the telephone conversation, Mr. Meister also informed Neighbor 5 of the Final Public Meeting date, time and location and welcomed her to attend.

Neighbor 6

Neighbor 6 attended the first public meeting, where they expressed a number of concerns (see PM 1 Summary of questions). On 5/10/2011, Mr. Sean McCloskey of Penn met with Neighbor 6 at their home in Baltimore in order to personally discuss any concerns that they had about the project.

July 15, 2011

Penn has made a number of changes to the project in order to accommodate issues raised by Neighbor 6. In particular, Penn eliminated the portion of the solar farm that was originally slated for the south-east corner of the property. This change was made, in part, because the Neighbor 6 indicated that they owned land directly across the street for which they may at some point seek severances to create residential building lots. In addition, Penn has proposed a hedge on the outside of the project fence on the eastern side of the property where such hedge would be located between the project and Neighbor 6's (main) property in order to minimize views of the project.

Neighbor 6 indicated that they have planted trees on their side of Payne Road to provide additional screening of the view of the project. They have requested that we reduce the distance between the hedge such that the hedge will provide more visual screening of the fence. This is agreeable to Penn and Penn is planning to reduce the distance between the hedge and the fence from the most recently proposed 20 feet to approximately 12 feet. Neighbor 6 indicated that it would be their preference for us to flatten the topography of the site.

Neighbor 6 also questioned whether the project would increase the temperature of the surrounding area. Penn has subsequently researched this issue and found no information that would indicate that the proposed solar project would have any localized effects upon the ambient temperature.

Neighbor 6 also attended the Final Public Meeting held on 7/7/2011. At this meeting, Mr. McCloskey of Penn discussed with them some concerns that they had regarding a nearby, recently-constructed solar project (Lily Lake Solar Farm).

Mr. McCloskey of Penn discussed with Neighbor 6 the ways in which Penn's proposal would be different from the Lily Lake Solar Farm. In particular, they discussed the fact that we will be using crystalline (not thin film) modules and as a consequence, we would require only about half as much surface area of modules. In addition, the crystalline modules are a more subdued dark blue (instead of reddish/purple). Other differences include the fact that we will be proposing an evergreen hedge to obscure the views of the project and we will not be utilizing above-grade concrete ballast block foundations.

Neighbor 7

Neighbor 7 owns two properties in the immediate vicinity. One of the properties is adjacent to the proposed (Penn Energy-Port Hope-5) project, and the other property is across Payne Road from the Project (on the east side).

Neighbor 7's concerns about the project were reduced when he learned that the project has no moving parts. Subsequent to his initial discussion with Penn, Neighbor 7 spoke with the landowner of the project site about the project and indicated that he is not opposed to the project.

According to the landowner of the proposed project, Neighbor 7 indicated that it is his preference that the property not be developed for a residential housing tract. He noted that if the property were developed for a solar farm then it would likely not be subdivided for houses.

Neighbor 8

Neighbor 8 attended the first Public Meeting. He is an electrician. He came to learn more about how solar panels are integrated into a solar farm. At the time of the First Public Meeting, he had identified land upon which he was considering building a micro-FIT project. Mr. Meister showed Neighbor 8 the solar panel that Penn had brought to the Public Meeting and during the presentation portion of the meeting, Sean McCloskey detailed the design process for a ground-mount solar farm.

Neighbor 9

Neighbor 9 has property located just to the west of the Project Site. They have 48 acres. Their property is to the west and south of Travis Doyle's property, but shares a common property line with the Project Site. Neighbor 9 called to learn more about the proposed project. We had a discussion in which Mr. McCloskey of Penn described the overall proposal and project design. Neighbor 9 thanked him for the description of the project and indicated that he was planning on attending our public meeting.

Neighbor 10

Neighbor 10 attended the Final Public Meeting. She and her family own property that directly abuts the solar farm project site. Their property is large (approximately 140 acres) and mostly wooded. They use the property as a second home. Their primary residence is in the Toronto area. Neighbor 10 raised the following concerns about the project:

1. **Visibility.** Although her property is large and mostly wooded, she is concerned about whether she will be able to see the project. Mr. Gregg Meister of Penn has offered to visit the property with Neighbor 10 to determine what the potential view of the project would be. At this time it is anticipated that Mr. Meister would stake the project fence line in the areas most likely to be visible from the residence on Neighbor 10's property so that it can be determined what the view of the project would be.

2. **Noise.** Mr. Meister showed her the summary information from the Acoustic study which indicated that the noise level (from the project) at her house was calculated to be approximately 32 dB. At the time that they were discussing this topic, the background noise level in the room that they were in was approximately 50 dB. Neighbor 10 is still concerned about sound traveling to her property. Mr. Meister pointed out that Penn will be retaining significant valleylands and trees on the side of the project closest to her house.

Neighbor 11

Neighbor 11 owns the property across from our project site at the NW corner of Community Center and Payne Roads. He attended the first Public Meeting and was interested in learning more about how the project was progressing.

We discussed changes that were made to the project site plan between the first meeting and the final meeting. Neighbor 11 was also shown the display of the project boundary in cross-section/profile as well as the several species options Penn is considering for the proposed hedge.

Neighbor 11 asked if we would be continuing to farm the northern-sloped portion of the Stewart "North" property; he was informed that it was likely that farming would continue on that portion of the property. Neighbor 11 indicated that he is satisfied with our project and has, in fact, entered into an agreement with a solar developer to put a small (5-10 acre) solar project on his property.

Neighbor 12

Neighbor 12 is the farmer that currently farms the property. Together with his brother, they have a large-scale farming operation and in total they farm approximately 8500 acres of farmland in the region. They would be interested in continuing to farm the portions of the property that we are retaining as farmland - i.e. the north field and the south-east field.

Neighbor 12 reviewed the presentation materials at the open house and was keenly interested in how a solar project is designed and constructed. He seemed satisfied with the proposal.

Neighbor 13

Neighbor 13 is keenly interested in solar power and the government's Green initiatives including, in particular, the FIT program. Neighbor 13 is a retired Canadian military officer and believes that renewable power generation should be a priority. He has attended several of our public presentations and has had dialogue with multiple parties at Penn about various topics. He has also begun attending the meetings of a group called SWITCH which (according to the SWITCH website) is a network of businesses, research and educational institutions, public sector participants, and community-minded volunteers working together with a common mission: to position the southeastern Ontario region as a leading centre for sustainable energy.

Neighbor 13 reviewed our project materials and indicated that he was impressed with the materials and the amount of work that goes into the studies of the project prior to construction. Neighbor 13's brother-in-law owns the property across the street and is now in the process of putting a small solar facility on his property. It was through our original notice to him regarding the first Public Meeting that Neighbor 13 learned of our projects. Neighbor 13 mentioned that it was his understanding that the white cedars would grow together nicely to form a hedge, but indicated that we should also consider the use of hemlocks for the hedge as it is his understanding that they are a beneficial species and that there is a move afoot to increase the hemlock population.

Neighbor 14

Neighbor 14 lives in the residential area between Baltimore and the project site. His house is approximately 1.2 kilometers west of the project site.

Neighbor 14 was interested in learning about the appearance and sound output of the project from his property. He noted that there is no hedge proposed on the west side of the project.

Mr. McCloskey and Mr. Tingley of Penn reviewed the sound issue with Neighbor 14, in part by looking at data from the acoustic assessment report. It was noted that at a distance of one-half mile west of the project site the calculated sound level was 30 dB. Neighbor 14's property is located approximately 3/4 of a kilometer further west of the studied receptor. Neighbor 14 had seen the story about the open house on the front page of the *Northumberland Times*, which is how he had learned about the meeting. He apparently missed Penn's advertisements in the same paper because he was out of town at the time that the ads ran. He is interested in seeing a completed solar farm so that he can get a better understanding of their appearance and impact.

Neighbor 15

Neighbor 15 attended the Final Public Meeting. He lives locally in Cobourg, but is employed by Peterborough Utilities. He was involved in the development of the Lily Lake Solar Farm. He did an extensive tour of the study materials for the Hamilton project and seemed very interested in the details of each study. He noted that the Lily Lake project has 120 acres of modules (substantially more than we are proposing) because they used thin film modules.

Neighbor 16

Neighbor 16 and her husband attended the First Public Meeting about the Hamilton project. Neighbor 16 also attended the First Public Meeting for our Port Hope project. Neighbor 16 indicated that she wanted her husband to have the opportunity to see one of our presentations. Neighbor 16 is the Economic Development Officer for the Municipality of Port Hope and is the party that originally gave us the contact information for the owner of the Port Hope property.

Neighbor 17

Neighbor 17 attended the first Township of Hamilton Public Meeting after having attended the first Port Hope Public Meeting. We had conversations with Neighbor 17 at the Port Hope Public Meeting (which will be detailed in the Consultation Report for that project). Apparently, Neighbor 17 has no objection to the Township of Hamilton project, but are not supportive of the Port Hope project. They seemed surprised that our firm was involved in both projects - although this had previously been clearly stated at the first Port Hope Public Meeting.

Neighbor 18

Neighbor 18 is a landowner in the Township of Alnwick Haldimand. He learned about Penn as a consequence of Penn's advertisements (and subsequent newspaper coverage) of the first Public Meeting for Hamilton. Neighbor 18 asked Penn to review his property to determine if was suitable for a solar farm. Penn evaluated the parcel and concluded that the property had limited interconnection potential and also contained some Class 1 and Class 3 agricultural lands as per the OMAFRA map. Accordingly, Penn advised Neighbor 18 that the parcel appeared to have limited potential for the development of a large-scale solar project.

Neighbor 19

After the Final Public Meeting for the Township of Hamilton project, Penn received an e-mail message from Neighbor 19 which contained at least 15 detailed questions about the proposed project. Even though Neighbor 19 did not have an opportunity to attend either the first or Final Public Meeting, she has extensive questions about the project. Although Neighbor 19's submission of questions was made just as Penn was finalizing its Consultation Report for inclusion as part of the REA submission, Penn intends to respond to Neighbor 19 with respect to the various questions that she has posed.

Moya Dillon (*Northumberland News*)

Ms. Dillon is a reporter for the *Northumberland News*. Mr. Sean McCloskey of Penn gave an interview to Ms. Dillon prior to the First Public Meeting. Ms. Dillon published an article entitled "Solar Project Planned for Baltimore" in the *Northumberland News* on August 19, 2010. This article served to increase awareness of the project and the public consultation process. A copy of this article is included in the Consultation Report (Exhibit 14).

Graham Brown (*Northumberland News*)

Mr. Brown attended the First Public Meeting and subsequently wrote an opinion piece entitled "The Cost of Electricity Production in Ontario Unplugged" that appeared in *Northumberlandnews.com*. A copy of this opinion piece is included as Exhibit 15.

Valerie MacDonald (*Northumberland Today*)

Ms. MacDonald is a reporter for *Northumberland Today*. Mr. Sean McCloskey of Penn has given interviews to her before and also at each public meeting. Ms. MacDonald has written numerous articles about the project including. "Solar Farm Meeting August 19"; "Third 10K Solar Farm Proposed for

Area"; Tempers Flare at Solar Farm Public Meeting"; "Solar Farm Meeting Today"; and most recently "Input Leads to Changes to Solar Project." Copies of each of these articles are included in the Consultation Report (Exhibits 12, 13, 16, 24, 25).

Greg McCullough (The Breeze 107.9 FM)

Mr. McCullough is a local radio reporter. He is on the air at 107.9 FM "The Breeze" in Cobourg. Mr. McCullough attended both Public Meetings regarding the project. The Breeze made repeated announcements about the first Public Meeting and Mr. Sean McCloskey of Penn gave Mr. McCullough an extensive interview about the proposed project at the Final Public Meeting.

Jeanne Beneteau (Northumberland News)

Ms. Beneteau is a reporter for the Northumberland News. She attended the Final Public Meeting and did a complete tour of the study materials at the open house. She conducted an extensive interview with Mr. Sean McCloskey of Penn and had discussions with other attendees about the project. Penn anticipates that she will be writing an article in the Northumberland News about the project.

TransCanada Pipelines

Penn received a letter from a representative of TransCanada dated May 30, 2011 in response to Penn's Final Public Meeting notification letter. In this letter, TransCanada indicated that it has two high-pressure natural gas pipelines within the right-of-way that crosses the property. Penn was already aware of these pipelines and has excluded the right-of-way area from the Project Location. TransCanada has specified certain criteria related to construction in the vicinity of the pipelines and Penn anticipates that it will conduct a construction coordination meeting with TransCanada to review these criteria and the project design (in the vicinity of the pipelines) before commencing construction in the vicinity of the pipelines.

Trans-Northern Pipelines

Trans-Northern Pipelines Inc. was notified of the first Hamilton Public Meeting and a representative responded on behalf of Trans-Northern that the Trans-Northern petroleum products transmission pipeline lies north of Community Centre Road, roughly 200 meters north of the study area for the proposed project.

Trans-Northern thanked Penn for its inclusion in the public consultation process, and indicated that Trans-Northern has no objection and that Trans-Northern does not need to participate further in the environmental assessment for the proposed project.

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 19, 2010, as opposed to Penn's existing project layout which was recently presented at the final public meeting on July 7, 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 26). These changes were largely based 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 as follows:

1. **Reduced overall Project area.** The size of Penn's Project Location has been redesigned to take into account the sensitive nature of each natural feature (i.e. woodlands, wetlands, valleylands, streams/tributaries, and seeps) on the property. Adequate buffering was created to avoid these features. Each time significant natural features were identified, setbacks/buffers were established and the project footprint was pulled back from those features in an effort to minimize or avoid any potential negative effects on said feature(s).
2. **Eliminated southeast corner of property.** During the first public meeting, some questions arose from attendees concerning the solar array located in the southeast section of the property (south of the stream). This section of the property is visible from the road and Penn acknowledged the requests of the community by eliminating this entire area from the Project Location. This area will most likely continue to be farmed.
3. **Provided 30-metre buffers from Woodlands and Valleylands.** As Penn's project design evolved, considerable modifications have been made. Because almost all of the buffer area that will be established around the woodlands and valleylands is currently part of the row-crops portion of the property, this project will actually provide more protection to these natural features than currently exists. According to Bowfin Environmental Consulting of Cornwall, ON, "The creation of the buffer areas will provide a local, long term, positive impact".
4. **Moved project's southern boundary to the north side of the permanent stream (headwater tributary to Brook Creek).** As a result of the completion of a Water Assessment by Bowfin Environmental Consulting of Cornwall, ON, Penn shifted the entire project layout to the north of the permanent stream to avoid any potential negative effects on this natural feature.
5. **Reduced Project Area on east side to avoid the area where evidence of a Euro-Canadian residence was identified.** Upon completion of the Archaeological Assessment, it was revealed that an area within the project location contained evidence of an early Euro-Canadian residence site. Penn subsequently decided that it would be best to remove this portion of the property (along with a minimum 20 metre setback) from the project area.
6. **Moved northern project boundary approximately 60 metres south to create a larger setback from Community Centre Road and two nearby residences.** Prior to

the First Public Meeting, Penn engaged with the nearby property owners closest to the project area on the north side of the property. Both property owners requested that the project area be moved farther away from Community Centre Road, as this road is more heavily traveled than Payne Road. Penn subsequently reduced the project area to accommodate these stakeholders' wishes.

7. **Added an evergreen hedge along the eastern & northern sides of the project.** At the request of nearby property owners and attendees of the first public meeting, Penn added an evergreen hedge to aid in the visual buffering of the facility. Penn provided four possible species at its final Public Meeting for consideration (Exhibit 27).
8. **Modified the fence location at the request of community members.** Early in the design process, members of the Penn team met one-on-one with adjacent neighbours of the project. During these meetings, Penn agreed to relocate the fence and hedge along the north boundary of the Project Location farther south to provide more buffering.
9. **Agreed to retain the tree line along the farthest northeast section of Payne Road.** Members of the Penn team met with the property owner nearest the northeast section of Penn's project. They asked Penn to preserve the stand of trees along the west side of Payne Road, north of the limits of the Project Location. Penn agreed to avoid removing the trees in this area.
10. **The location of the transformer station was modified to accommodate a nearby neighbor.** Penn's original plan indicated the point of interconnection to the Hydro grid to be in the vicinity of a northwestern corner of the property, very near an adjacent residence. Members of Penn personally met with this neighbour, walked his property and Penn's project area in that vicinity, and made a determination to move said transformer station approximately one kilometer off of Payne Road, away from all nearby residences.
11. **Added three possible locations for tele-protection equipment and pole as may be required by HydroOne.** Just prior to Penn's final Public Meeting, it was learned from HydroOne that HONI will likely require emergency communication between the Port Hope TS and Penn's solar generation facility. In anticipation of this probable future request from HONI, and in an effort to make all best efforts to keep the public informed, Penn modified the site plan to reflect three possible locations of this communication equipment. Fortunately, Penn learned of this before the final Public Meeting and was able to post this change on our website prior to the meeting as well as have it on display for the meeting attendees.

4.0 **Aboriginal Consultation**

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. Penn carried out extensive consultations with the Alderville First Nation, the Hiawatha First Nation 36, the Métis Nation of Ontario, and Northumberland Métis Council (before they were de-certified), the Curve Lake First Nation, the Kawartha Nishnawbe First Nation, and the Mississaugas First Nation – all 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 note that there were no other specific or comprehensive claims with respect to the property in question. 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 Mississaugas of Scugog Island First Nation for descriptions of its archaeological work, and interacted extensively with the Métis Nation of Ontario, and will continue to do so, including an upcoming meeting at the end of July. Penn responded to all requests immediately, as outlined in the attached consultation chart along with the accompany attachments.

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 **Alderville First Nation (Mississaugas of Alderville)**

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 Exhibit 28 .
2. September 3, 2010	Received list of Aboriginal communities from MOE. See Exhibit 29 .
3. October 1, 2010	Sent e-mail with notice of proposal and Project Description Report (“PDR”) via fax. In the notice inquired about information on adverse impacts to constitutionally protected aboriginal rights. See Exhibit 30 .
4. October 4, 2010	Sent proposal and PDR via registered mail. See Exhibit 31 .
5. October 7, 2010	Followed up with phone call. Left message with assistant letting them know that we were

	available to answer questions and to meet at their convenience to discuss the project.
6. November 8, 2010	Sent an e-mail to the Indian and Northern Affairs Canada I (“INAC”) requesting information on specific and comprehensive claims. See <u>Exhibit 32</u> .
7. December 1, 2010	Received response from INAC that there are no comprehensive or special claims on the property. See <u>Exhibit 33</u> .
8. January 28, 2011	Sent letter to Ms. Gillies 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. Also asked about advertising in First Nation newspaper, if any. See <u>Exhibit 34</u> .
9. February 3, 2011	Spoke with Ms. Gillies. She confirmed receipt of e-mail and forwarded it to the consultation committee.
10. May 9, 2011	Sent binder of REA information with cover letter and public notice. See <u>Exhibit 35</u> .
11. July 10, 2011	Sent e-mail letting them know that we will be submitting the REA application the following week but regardless we would be pleased to meet with the First Nation moving forward if they so desired. See <u>Exhibit 36</u> .

4.2 Hiawatha First Nation (Mississaugas of Rice Lake)

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 28</u> .
2. August 20, 2010	Received list of Aboriginal communities from MOE. See <u>Exhibit 29</u> .
3. October 1, 2010	Faxed and sent e-mail with notice of proposal and PDR attached. In the notice inquired about information on adverse impacts to constitutionally protected aboriginal rights. See <u>Exhibit 37</u> .
4. October 4, 2010	Sent proposal via registered mail. See <u>Exhibit 38</u> .
5. October 7, 2010	Followed up with phone call. Discovered Chief

	Carr is no longer in that position and that a new Chief will not be elected until approximately January. E-mailed Darla Blodgett, the council secretary, the letter, notice and PDRs. See Exhibit 39 .
6. November 8, 2010	Sent an e-mail to INAC requesting information on specific and comprehensive claims. See Exhibit 32 .
7. December 1, 2010	Received response from INAC that there are no comprehensive or special claims on the property. See Exhibit 33 .
8. January 31, 2011	Sent letter notifying them 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 First Nation newspaper, if any. See Exhibit 40 .
9. February 3, 2011	Spoke with Ms. Blodgett, council secretary, to confirm she received e-mail. She had not. I re-sent. She said she would send confirmation e-mail and make sure it did not go into her junk e-mail file.
10. February 3, 2011	Received e-mail from Ms. Blodgett confirming she received my e-mail, that it had originally went into the junk e-mail folder but she recovered it. See Exhibit 41 .
11. May 9, 2011	Sent binder of REA information with cover letter and public notice. See Exhibit 42 .
12. July 10, 2011	Sent e-mail letting them know that we will be submitting the REA application the following week but regardless we would be pleased to meet with the First Nation moving forward if they so desired. See Exhibit 43 .

4.3 Curve Lake First Nation (Mississaugas of Mud Lake)

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 Exhibit 28 .
2. August 20, 2010	Received list of Aboriginal communities from MOE. See Exhibit 29 .
3. October 1, 2010	Sent e-mail with notice of proposal and PDR

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	attached. In the notice inquired about information on adverse impacts to constitutionally protected aboriginal rights. See <u>Exhibit 44.</u>
4. October 4, 2010	Faxed notice of proposal and PDR. Confirmation of fax received. See <u>Exhibit 45.</u>
5. October 4, 2010	Sent proposal via registered mail. See <u>Exhibit 46.</u>
6. October 7, 2010	Followed up with phone call. Left message with Chief Knott letting them know that we were available to answer questions and to meet at their convenience to discuss the project.
7. November 8, 2010	Sent an e-mail to INCA requesting information on specific and comprehensive claims. See <u>Exhibit 32.</u>
8. December 1, 2010	Received response from INAC that there are no comprehensive or special claims on the property. See <u>Exhibit 33.</u>
9. January 31, 2011	Sent letter notifying them 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 First Nation newspaper, if any. See <u>Exhibit 47.</u>
10. February 3, 2011	Left message with Ms. Kathy McCue as to whether she received the e-mail. Was told by another representative that she will be back Monday.
11. February 8, 2011	Spoke with Ms. McCue today. She informed me that she did receive the e-mail and that her new mail had a .ca at the end and not a .com. She said that I would be receiving an e-mail from them with “duty to consult” in the subject line shortly if they wanted to discuss the project further with us. Otherwise, we were ok with respect to consultations.
12. May 9, 2011	Sent binder of REA information with cover letter and public notice. See <u>Exhibit 48.</u>
13. July 10, 2011	Sent e-mail letting them know that we will be submitting the REA application the following week but regardless we would be pleased to meet with the First Nation moving forward if they so desired. See <u>Exhibit 49.</u>

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14. July 11, 2011	Received e-mail from Mr. Brian Hamilton letting us know that he was now the General Manager for the Curve Lake First Nation and would be receptive to speaking with us about the project. See <u>Exhibit 50</u> .
15. July 11, 2011	Called Mr. Hamilton and left a message stating that we would be happy to speak with them about the project and to call me at any time.

4.4 Mississaugas of Scugog Island First Nation

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 28</u> .
2. August 20, 2010	Received list of Aboriginal communities from MOE. See <u>Exhibit 29</u> .
3. October 1, 2010	Sent e-mail with notice of proposal and PDR attached. In the notice inquired about information on adverse impacts to constitutionally protected aboriginal rights. See <u>Exhibit 51</u> .
4. October 4, 2010	Faxed notice of proposal and PDR. Received confirmation of receipt via e-mail from receptionist. See <u>Exhibit 52</u> .
5. October 4, 2010	Sent proposal via registered mail. See <u>Exhibit 53</u> .
6. October 7, 2010	Followed up with phone call. Left message with Chief letting them know that we were available to answer questions and to meet at their convenience to discuss the project.
7. October 22, 2010	Received the e-mail from Ms. Sophie Sliwa: Confirming receipt of the October 14, 2010 e-mail sent to the Mississaugas of Scugog Island First Nation (MSIFN) and confirming receipt of fax. She did not have the registered mail copy that was to be sent out on October 4 th 2010. She indicated she we would appreciate a copy of the documentation by e-mail – the Google maps and parts of the project description that were difficult to read by fax. She also advised that the MSIFN has an interest in the project and wishes to be kept informed of its progress. She advised that the MSIFN also has an interest in any archaeological study and /or work with respect to the projects and would appreciate being

	<p>advised of any activity in this respect at the earliest possible stages. Finally, she stated that if the MSIFN has any questions about the project as it progresses, it will be sure to contact us. See <u>Exhibit 54</u>.</p>
8. October 25, 2010	<p>Responded to Ms. Sliwa today via e-mail with the PDR of our project summaries today and the following e-mail. I also advised her that Penn's archaeological work on the 2 properties recently began. I asked her if there was anything in particular that the MSIFN would like brought to her attention as the process is underway? See <u>Exhibit 55</u>.</p>
9. October 28, 2010	<p>Received e-mail from Ms. Sliwa thanking me for the quick response and asking me what stage the archaeology work is at, which company/archaeologist we are using, and stating that the MSIFN would appreciate knowing as soon as possible if / when artifacts are discovered. See <u>Exhibit 56</u>.</p>
10. November 3, 2010	<p>Sent Ms. Sliwa an e-mail apologizing for the slight delay in getting back to her, advising her that we are working with Northeastern Archaeological Associates, Ltd. on this project, that my colleague, Mr. Glen Tomkinson, is in charge of that particular area of work, and that Mr. Tomkinson informs me that we are currently in the Stage 2 process – meaning the archaeologist is walking and observing the farm fields that may be part of the project area that have been plowed and disked to see if there are any artifacts, present.</p> <p>I further advised her that we will let her know promptly if any aboriginal artifacts are uncovered in the project area.</p> <p>I then asked her if she would like to meet in person or if you would like us to carry out a presentation about the project for the MSIFN.</p> <p>I finally asked her if the MSIFN has a newsletter or periodical that we could advertise the project in, and, if so, with whom should I correspond about this. See <u>Exhibit 57</u>.</p>
11. November 8, 2010	<p>Sent an e-mail to requesting information on</p>

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	INCA specific and comprehensive claims. See Exhibit 32.
12. December 1, 2010	Received response from INAC that there are no comprehensive or special claims on the property. See Exhibit 33.
13. January 31, 2011	Sent letter notifying them 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 First Nation newspaper, if any. See Exhibit 57.
14. February 3, 2011	Called to confirm receipt of e-mail. Was informed that Jamie Kozlinsky would be the right person to confirm. Ms. Kozlinsky was not in the office. Told to call back after lunch.
15. February 3, 2011	Called back after lunch. Spoke with Ms. Kozlinsky who confirmed receipt and was going to send it around to the right people there.
16. May 9, 2011	Sent binder of REA information with cover letter and public notice. See Exhibit 58.
17. July 10, 2011	Sent e-mail letting them know that we will be submitting the REA application the following week but regardless we would be pleased to meet with the First Nation moving forward if they so desired. See Exhibit 59.

4.5 Kawartha Nishnawbe First Nation

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 Exhibit 28.
2. August 20, 2010	Received list of Aboriginal communities from MOE. See Exhibit 29.
3. October 4, 2010	Sent proposal and PDR via registered mail. In the notice inquired about information on adverse impacts to constitutionally protected aboriginal rights. See Exhibit 61. There does not appear to be a website, fax number or an e-mail address with respect to this First Nation.

4. October 7, 2010	Followed up with phone call to the number provided. Left message with Chief Kris Nahrgang letting him know that we were available to answer questions and to meet at their convenience to discuss the project. It was not clear that the number I was calling was the right one as it was a generic message. I double-checked pieces of correspondence on the internet and it is the only number listed for this First Nation.
5. November 8, 2010	Sent an e-mail to INAC requesting information on specific and comprehensive claims. See Exhibit 32 .
6. December 1, 2010	Received response from INAC that there are no comprehensive or special claims on the property (letter attached). See Exhibit 33 .
7. January 31, 2011	Sent letter notifying them 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 (letter attached). Also asked about advertising in the First Nation newspaper, if any. See Exhibit 62 .
8. February 3, 2011	Left message with Chief Nahrgang. Seems to be a home number. Asked him to call back and discuss projects and consultations thus far.
9. May 9, 2011	Sent binder of REA information with cover letter and public notice. See Exhibit 63 .
10. July 10, 2011	Sent e-mail letting them know that we will be submitting the REA application the following week but regardless we would be pleased to meet with the First Nation moving forward if they so desired. See Exhibit 64 .

4.6 Northumberland Métis Council

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 Exhibit 28 .
2. August 20, 2010	Received list of Aboriginal communities from MOE. See Exhibit 29 .
3. October 1, 2010	Sent e-mail with notice of proposal and PDR

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	attached. In the notice inquired about information on adverse impacts to constitutionally protected aboriginal rights. Received rejection notice. See <u>Exhibit 65</u> .
4. October 4, 2010	Sent proposal via registered mail. See <u>Exhibit 66</u> .
5. October 7, 2010	Followed up with phone call. Left message with President letting them know that we were available to answer questions and to meet at their convenience to discuss the project.
6. November 8, 2010	Sent letter notifying them 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 First Nation newspaper, if any. See <u>Exhibit 67</u> .
7. November 8, 2010	Sent an e-mail to INAC requesting information on specific and comprehensive claims. See <u>Exhibit 32</u> .
8. December 1, 2010	Received response from Indian and Northern Affairs Canada that there are no comprehensive or special claims on the property. See <u>Exhibit 33</u> .
9. January 31, 2011	Sent letter notifying them 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 <u>Exhibit 68</u> .
10. February 3, 2011	Spoke with President Trudeau. He is not sure what to do. His charter is in suspension. Hoes not think the Council can do consultations anymore. He referred me to Mr. James Wagar at the Métis Nation.
11. February 3, 2011	Called Mr. Wagar at Métis Nation. Left him a message about the suspension issue. Asked him to return call to discuss moving forward with consultations with Métis Northumberland Council.
12. February 3, 2011	Called Melanie to confirm receipt of e-mail. She confirmed receipt. Said we are in Region 9 so she forwarded it to Mr. Wagar who is

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	going to distribute it to the Region. She said the no news is good news approach. Also spoke with her about Northumberland. She confirmed that there is no Northumberland Council at the moment. Their consultations should go through James.
13. February 8, 2011	Sent Mr. Wagar the consultation previously sent to the Northumberland Métis Council. See <u>Exhibit 69</u> .
Please see the consultation below with the Métis Nation of Ontario for the remainder of the consultation process.	

4.6 Métis Nation of Ontario

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 28</u> .
2. August 20, 2010	Received list of Aboriginal communities from MOE. See <u>Exhibit 29</u> .
3. October 1, 2010	Faxed notice of proposal and PDR. In the notice inquired about information on adverse impacts to constitutionally protected aboriginal rights. Confirmation received. See <u>Exhibit 70</u> .
4. October 4, 2010	Sent proposal via registered mail. See <u>Exhibit 71</u> .
5. October 7, 2010	Called and received information that Ms. Melanie Parody was the person to contact. She is the Director of Lands, Resources and Consultations. I called Ms. Parody and she is out of the office until October 13 th and she has asked that voice mails not be left for her.
6. October 13, 2010	Called and left a message for Melanie Parody to call me back.
7. November 8, 2010	Sent an e-mail to the INAC requesting information on specific and comprehensive claims. See <u>Exhibit 32</u> .
8. December 1, 2010	Received response from INAC that there are no comprehensive or special claims on the property. See <u>Exhibit 33</u> .
9. January 13, 2011	Called main office to track down Ms. Parody's and President Lipinski's e-mail addresses.
10. January 17, 2011	Received e-mail from Mr. Wagar indicating among other things, to contact Ms. Parody and providing me with her contact information. See <u>Exhibit 72</u> .

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11. January 31, 2011	Sent letter to Ms. Parody notifying them 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 First Nation newspaper, if any. See <u>Exhibit 73</u> .
12. February 3, 2011	Called Melanie to confirm receipt of e-mail. She confirmed receipt. Said we are in Region 9 so she forwarded it to Mr. Wagar who is going to distribute it to the Region and James. She said the no news is good news approach. Also spoke with her about Northumberland. She confirmed that there is no Northumberland Council at the moment. Consultations should go through Mr. Wagar.
13. May 9, 2011	Sent binder of REA information with cover letter and public notice to Mr. Wagar. See <u>Exhibit 74</u> .
14. May 12, 2011	Spoke with Mr. Wagar today about sending the binder and told him to focus on the various studies. Offered to meet with them if necessary. He told me to continue to send them the various studies. He also confirmed that the Métis Nation has an interest in our Round 2 project in Brantgate.
15. May 12, 2011	Called Mr. Wagar to let him know that archaeology was going on at the moment. He said to let him know if our archaeologist found anything dated from 1600 to the 1900s. I also sent e-mail to archaeologist with same message. See <u>Exhibit 75</u> .
16. May 20, 2011	Received e-mail from Mr. Wagar confirming their interest in Brantgate and other Southern Ontario projects. Sent draft budget along for a potential upcoming meeting with them along with a general description of the Métis Nation. See <u>Exhibit 76</u>
17. May 23, 2011	Sent e-mail to Mr. Wagar thanking him for the attached budget and information along with indicating that I would be interested in learning more about the Métis history and culture and agreeing to the proposed meeting budget and rates. See <u>Exhibit 77</u> .
18. May 25, 2011	Sent e-mail to Mr. Wagar reminding him that

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	<p>we have our final public meetings for our first three projects on the listed dates. Indicated that it would be ideal if we could wrap up the formal consultation process shortly thereafter so we could submit our REA application. Also let him know that we are only just beginning the consultation process for Brantgate. Also offered to meet before the final public meeting in Hamilton if he would like.</p> <p>Public Meetings.</p> <p>Edwardsburgh_Morrisburg-1 - June 21, 2011 (Edwardsburgh/Cardinal) South Glengarry_St. Lawrence-1 - June 20, 2011 (South Glengarry) Hamilton_Port Hope-4 - July 7, 2011 (Township of Hamilton) See Exhibit 78.</p>
<p>19. May 26, 2011</p>	<p>Received e-mail from Mr. Wagar today. He said that when we meet in Niagara we can discuss the Hamilton_Port Hope 4 project and the Brantgate project. He indicated that with respect to our deadlines coming up, it generally takes around two weeks for a committee to formally respond in writing identifying its concerns and/or support of a project. See Exhibit 79.</p>
<p>20. May 26, 2011</p>	<p>Called James this AM to discuss timing of the final Hamilton meeting and receiving comments beforehand from the MNO. Discussed the final public meeting date for Hamilton. He stated that they would make sure they would get final comments in for Hamilton by the public meeting and that they did not have jurisdiction in for the other two but it was probably best to send them anyway.</p>
<p>21. May 26, 2011</p>	<p>Sent Mr. Wagar an e-mail after our correspondence this AM attaching the public notices for the final public meetings for Hamilton_Port Hope-4, S. Glengarry) St. Lawrence-1, and Edwardsburgh_Morrisburg-1. Noted that the times and locations are in each notice and e-mailed links to the project-related documents (archaeological studies, etc.).</p>

	See <u>Exhibit 80.</u>
22. June 8, 2011 – June 19, 2011	Sent and received numerous e-mails from Mr. Wagar setting the July 21 meeting date in Niagara. See <u>Exhibit 81.</u>
23. June 20, 2011	Sent Mr. Wagar an e-mail today. Discussed meeting dates. Also reiterated that our final public meeting for Hamilton_Port Hope-4 will have taken place before our meeting in Niagara and we will more than likely have submitted our REA application by the meeting in Niagara. Indicated that regardless, we are more than happy to continue consultations regarding this project. Also sent link to our Round 2 Southern Ontario projects. See <u>Exhibit 82.</u>
24. June 23, 2011	Spoke with Mr. Wagar this AM. We discussed dates of the 20 th and 21 st to meet in the Niagara area. I reminded him about the Hamilton project final meeting coming up in early July. He said he would get final word on their concerns, if any, prior to then.
25. June 23, 2011	Received e-mail from Mr. Wagar today confirming our earlier conversation and finalizing either the 20 th or 21 st as meeting dates. We also confirmed that I would call him on July 7 th to remind him to send a letter from MNO confirming their stance on Hamilton_Port Hope-4. He also attached a generic list of concerns that the MNO likes to see addressed in meetings. See <u>Exhibit 83.</u>
26. June 30, 2011	Received E-mail confirming date of meeting. See <u>Exhibit 84.</u>
27. July 5, 2011	E-mailed Mr. Wagar reminder about final letter from MNO. See <u>Exhibit 85.</u>
28. July 8, 2011	Received letter and consultation guidelines via e-mail from Mr. Wagar. See <u>Exhibit 86.</u>

5.0 Municipal Consultation

5.1 Initial Municipal Consultations

Prior to identifying suitable land for ground-mounted solar photovoltaic Feed-in-Tariff (“FIT”) projects in specific municipalities, 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 Hamilton 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 discussions with the Township of Hamilton and its planning office for the following purposes, among others:

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

In particular, Mr. Sean McCloskey had several conversations with Ms. Sandra Stothart, Planning Coordinator for the Township of Hamilton. In these several conversations, Penn discussed land options in the Township with Ms. Stothart for a potential solar PV farm along discussions of Township zoning and soil classifications. Penn also reached out to Ms. Marjorie Sinclair on similar subject matters.

Following preliminary discussions with the Township, Penn concluded that a large scale solar photovoltaic project would likely be seen favorably in the Township of Hamilton 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 determination led to the submission of FIT Application FIT-FQWKQZF on November 30, 2009 by Penn.

On December 3, 2009, Mr. McCloskey followed up from his discussions with Ms. Stothart with a letter to her identifying 3 parcels of land in the Township of Hamilton that Penn had entered into agreements to purchase, including the current project site, with a brief description of a proposed solar project.

On February 22, 2010, representatives from Penn met with staff members from the Township of Hamilton and the Ganaraska Region Conservation Authority (“GRCA”) for an initial meeting. The meeting as it relates to the various REA issues can be summarized as follows:

Mr. Scott Jibb, the Chief Building Official & By-Law Enforcement Officer for the Township, Ms. Sandra Stothart, Planning Coordinator for the Township, and Mr. Greg Wells, Manager of Planning and Regulations for the GRCA attended the meeting along with Mr. Robert Gray and Mr. Max Frable of Penn. The purpose of the meeting was mostly one of introduction and to discuss, in particular, REA-related issues. The property upon which Hamilton_Port Hope-4 is now proposed was discussed along with several others.

At the meeting several different solar sites were discussed. For instance, the parcels that an identified seller owned that Penn was investigating were brought up. We were told to look into the zoning on the parcels and also the soils on the properties and the OMAFRA soils maps were mentioned. Several smaller 10 kw projects in town were also discussed which the Township indicated it generally supported. The Township further indicated that it is generally in support of solar. The Township also wondered if reflection would be an issue for the 401 and brought up the idea about trees as a buffer. The Township also raised generally Aboriginal and cultural issues that Penn could have to address. For instance, it mentioned that Mr. Stewart's house (the property owner) may be locally significant from a heritage standpoint. It thought we were beyond 1km from First Nations land – the distance it believed was the threshold for notice. With respect to transportation and roads, the Township mentioned that it was in charge of all roads except the 401 and County Roads (such as Route 2). Finally, Mr. Jibb mentioned that the Ministry of Municipal Affairs and Housing had made a ruling on building permits for inverter buildings, etc. - he indicated we would need a building permit for these houses but to check on this. Mr. Wells indicated he would not require a 120 metre setback from the water-bodies. He thought 30 metres might be fine but it depends on the site analysis. He does not know of any threatened species on the property off the top of his head but will need to study the data. He indicated he is not aware of any wetlands on the property off the top of his head but needs to study more. He recommended we look at the conservation authority maps in the meantime also.

Summary of Discussion/Comments:

- (i) Penn was told to look into the zoning and soils on the various properties.
- (ii) The Township also wondered if reflection would be an issue for the 401 and brought up the idea about trees as a buffer.
- (iii) The Township also brought up Aboriginal and Cultural issues.
- (iv) The Township mentioned that Mr. Stewart's house may be locally significant from a heritage standpoint.
- (v) The Township thought the properties were beyond 1km from any First Nations land – the distance the Township believed was the threshold for notice.
- (vi) With respect to transportation and roads, the Township mentioned that it was in charge of all roads except the 401 and County Roads (such as Route 2).

- (vii) Mr. Jibb also mentioned that he thought that we would need a building permit for our inverter/transformer houses – that he believed the Ministry of Municipal Affairs and Housing had made a ruling on this issue.
- (viii) Mr. Wells indicated he would not require a 120 metre setback from the water-bodies. He thought 30 metres might be fine but it depends on the site analysis.

Action/Alterations to proposal to engage in the project:

- (i) Penn did not pursue many of the specific parcels mentioned to purchase, and with respect to the project site the OMAFRA maps confirmed suitable soils.
- (ii) This question was raised with respect to the southern portion of the property upon which Penn was not awarded a contract to generate power. Solar modules on the current project site will not reflect onto the 401 given the higher grade of the site as compared to the 401 and the distance of the project from the road.
- (iii) Penn has carried out extensive cultural studies and Aboriginal consultations with respect to this site.
- (iv) Mr. Stewart's house is not part of the current project location.
- (v) As indicated in the Aboriginal Consultation Report, Penn has carried out extensive consultations with First Nations' communities.
- (vi) Penn will work with the Township as needed with respect to town roads.
- (vii) Penn contacted the Ministry (see Section 5.6 of this Report) and was informed that with respect to this issue, it was generally leaving this issue to the various townships in the Province. As required, Penn will obtain building permits for this project.
- (viii) Penn carried out extensive environmental investigations of this property and has maintained significant setbacks from environmental features in response to recommendations from the GRCA and its own consultants. See Exhibit 26 of the Public Consultation Report.

On March 2, 2010 a representative from Penn, Mr. Max Frable, spoke with Ms. Stothart again regarding zoning and whether any parcels had been zoned differently than the March 2007 map. She responded that no parcels of significance had been rezoned in this section of the Township. She recommended we deal with the local conservation authority issue with respect to such things as provincial wetlands, etc.

Summary of Discussion/Comments:

- (i) Township recommended we deal with the local conservation authority issue with respect to such things as provincial wetlands, etc.

Action/Alterations to proposal to engage in the project:

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- (i) Penn has consulted with the GRCA extensively with respect to this project.

On July 25 and 26, 2010, Mr. Max Frable of Penn and Ms. Stothart exchanged e-mails regarding, among other things, Mr. Frable's request for information on property owners within 120 metres of the property as part of Pen's required notifications for the First Public Meeting. Mr. Frable also requested information with respect to various other municipal, Aboriginal and other groups with potential interest in the project. Ms. Stothart provided helpful information to Mr. Frable.

Summary of Discussion/Comments:

- (i) The Township provided Mr. Frable with lists is had with property owners within 120 metres.

Action/Alterations to proposal to engage in the project:

- (i) Penn sent out all required notices to neighbors, interested parties, etc. See Exhibit 3 of Public Consultation Report.

5.2 First Public Meeting Municipal Participation

Prior to the First Public Meeting that was to be held on August 19, 2010. Penn requested and received from the Township of Hamilton, as indicated above, a list of property owners within 120 metres of the Project Area (see Exhibit 3 of the Public Consultation Report). Additionally, notice of the First Public Meeting was posted physically at the Township offices. Penn also advertised this meeting in Northumberland Today which is in general circulation within the Township of Hamilton as indicated in the Public Consultation Report.

The First Public Meeting was attended by Mr. Jibb, Chief Building Official & By-Law Enforcement Officer for the Township. Mr. Jibb did not ask questions about the project or comment about it at this particular meeting.

Discussion/Comments/Action/Alterations to proposal to engage in the project: Not applicable.

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. This form was in turn forwarded to the following individuals on as evidenced by the attached emails (see Exhibits 87 and 88).

- i. Ms. Sandra Stothart. Penn also sent the form to the Township clerk, per regulatory requirements (see Exhibit 87).
- ii. Mr. Bill Pyatt, Chief Administrative Officer of Northumberland County. Per regulatory requirements, Penn also sent the form to the County clerk (see Exhibit 88).

Please note that the Township of Hamilton does not have a local roads board or local service board and, as Penn was informed, Northumberland County has no planning role.

On April 14, 2011, Mr. Mayland of Penn met with Mr. Bill Pyatt Chief Administrative Officer of Northumberland County and left two binders of the various reports Penn had prepared as part of the REA. Mr. Mayland asked Mr. Pyatt if he could leave a copy at the front desk for the public and he indicated he would do so. At this meeting, Mr. Pyatt indicated to Mr. Mayland that only Township roads were present around the project location and therefore the County had no role here with respect to roads. He had no other comments for Mr. Mayland on the proposed project other than that he thought it was the most efficient layout he had seen from a solar developer in terms of protecting a property's ecological assets.

Summary of Discussion/Comments/ Action/Alterations to proposal to engage in the project:

(i) Neither Mr. Pyatt nor Ms. Stothart had any comments related to the REA reports or issues or the consultation form for Mr. Mayland.

5.4 Completion of the Municipal Consultation Form

On April 27, 2011, Northumberland County completed Part B of the Consultation Form, with an accompanying letter, enclosed as Exhibit 89

Summary of Discussion/Comments/Action/Alterations to proposal to engage in the project:

(i) The only comment to the project that was on the letter accompanying the Consultation Form was the satisfaction by the County to the layout of Penn with respect to protection of natural resources on the site.

On April 21, 2011 Ms. Sandra Stothart submitted a letter in lieu of the Consultation Form, enclosed as Exhibit 90. She explained to Mr. Mayland in a telephone conversation and in e-mail correspondence that this letter represented Township comments.

Summary of Discussion/Comments on Consultation Forms – Township of Hamilton

(i) Ms. Stothart had no REA-related comments in her letter, only a verification of OMAFRA soils designation on the site as mostly Classes 4-7 and the Township zoning designations. Mr. Pyatt's only comment was praise for the project layout in terms of protecting environmental assets.

5.5 Final Public Meeting Municipal Participation

The Final Public Meeting of July 7, 2011 was not attended by any municipal officials.

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 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.

5.6.1 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 mostly general issues surrounding process and timelines moving forward.

5.6.2 Ganaraska Region Conservation Authority

On February 19, 2010, Mr. Robert Gray spoke with Mr. Mark Peacock of the Ganaraska Region Conservation Authority (“GRCA”). Mr. Peacock mentioned that Mr. Greg Wells is the planner responsible for Township of Hamilton. He indicated that the GRCA acts as a sort of environmental consultant to municipalities – that they review natural heritage and hazard issues for development applications. He mentioned he works with Ms. Stothart at the Township of Hamilton. He mentioned that the GRCA installed a solar demonstration project at their facility. He will try to attend the meeting with the Township on Monday and, if not, will see if Greg can attend.

On February 22, 2010, representatives from Penn met with staff members from the Township of Hamilton and the GRCA for an initial meeting. The meeting as it relates to the various REA issues can be summarized as follows:

Mr. Scott Jibb, the Chief Building Official & By-Law Enforcement Officer for the Township, Ms. Sandra Stothart, Planning Coordinator for the Township, and Mr. Greg Wells, Manager of Planning and Regulations for the GRCA attended the meeting along with Mr. Robert Gray and Mr. Max Frable of Penn. The purpose of the meeting was mostly one of introduction and to discuss, in particular, REA-related issues. The property upon which Hamilton_Port Hope-4 is now proposed was discussed along with several others.

At the meeting several different solar sites were discussed. For instance, the parcels that an identified seller owned that Penn was investigating were brought up. We were told to look into the zoning on the parcels and also the soils on the properties and the OMAFRA soils maps were mentioned. Several smaller 10 kw projects in town were also discussed which the Township indicated it generally supported. The Township further indicated that it is generally in support of solar. The Township also wondered if reflection would be an issue for the 401 and brought up the idea about trees as a buffer. The Township also raised generally Aboriginal and cultural issues that Penn could have to address. For instance, it mentioned that Mr. Stewart's house (the property owner) may be locally significant from a heritage standpoint. It thought we were beyond 1km from First Nations land – the distance it believed was the threshold for notice. With respect to transportation and roads, the Township mentioned that it was in charge of all roads except the 401 and County Roads (such as Route 2). Finally, Mr. Jibb mentioned that the Ministry of Municipal Affairs and Housing had made a ruling on building permits for inverter buildings, etc. - he indicated we would need a building permit for these houses but to check on this. Mr. Wells indicated he would not require a 120 metre setback from the water-bodies. He thought 30 metres might be fine but it depends on the site analysis. He does not know of any threatened species on the property off the top of his head but will need to study the data. He indicated he is not aware of any wetlands on the property off the top of his head but needs to study more. He recommended we look at the conservation authority maps in the meantime also.

Summary of Discussion/Comments:

- (i) Penn was told to look into the zoning and soils on the various properties.
- (ii) The Township also wondered if reflection would be an issue for the 401 and brought up the idea about trees as a buffer.
- (iii) The Township also brought up Aboriginal and Cultural issues.
- (iv) The Township mentioned that Mr. Stewart's house may be locally significant from a heritage standpoint.
- (v) The Township thought the properties were beyond 1km from any First Nations land – the distance the Township believed was the threshold for notice.
- (vi) With respect to transportation and roads, the Township mentioned that it was in charge of all roads except the 401 and County Roads (such as Route 2).
- (vii) Mr. Jibb also mentioned that he thought that we would need a building permit for our inverter/transformer houses – that he believed the Ministry of Municipal Affairs and Housing had made a ruling on this issue.
- (viii) Mr. Wells indicated he would not require a 120 metre setback from the water-bodies. He thought 30 metres might be fine but it depends on the site analysis.

Action/Alterations to proposal to engage in the project:

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- (i) Penn did not pursue many of the specific parcels mentioned to purchase, and with respect to the project site the OMAFRA maps confirmed suitable soils.
- (ii) This question was raised with respect to the southern portion of the property upon which Penn was not awarded a contract to generate power. Solar modules on the current project site will not reflect onto the 401 given the higher grade of the site as compared to the 401 and the distance of the project from the road.
- (iii) Penn has carried out extensive cultural studies and Aboriginal consultations with respect to this site.
- (iv) Mr. Stewart's house is not part of the current project location.
- (v) As indicated in the Aboriginal Consultation Report, Penn has carried out extensive consultations with First Nations' communities.
- (vi) Penn will work with the Township as needed with respect to town roads.
- (vii) Penn contacted the Ministry (see Section 5.6 of this Report) and was informed that with respect to this issue, it was generally leaving this issue to the various townships in the Province. As required, Penn will obtain building permits for this project.
- (viii) Penn carried out extensive environmental investigations of this property and has maintained significant setbacks from environmental features in response to recommendations from the GRCA and its own consultants. See Exhibit 26 of the Public Consultation Report.

Between March 8, 2010 and March 23, 2010, Mr. Robert Gray and Mr. Gregg Wells of the GRCA exchanged several e-mails ultimately resulting in a letter to Mr. Gray from Mr. Wells identifying certain water courses, steep slopes, etc. generally falling within the jurisdiction of the GRCA. Mr. Gray initiated this conversation with an e-mail on March 8 to Mr. Wells attaching a Google map place mark for the project location along with the pre-consultation request for information form.

Summary of Discussions/Comments:

- (i) The GRCA would require a permit prior to alteration of the 3 headwater tributaries to Brook Creek,
- (ii) The GRCA would require a permit to alter wetlands and watercourses within its regulatory jurisdiction on the property,
- (iii) The GRCA indicated that development is generally directed away from the steep slopes and unstable slopes associated with the valley containing the watercourses.

Action/Alterations to proposal to engage in the project

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- (i) Penn will not alter these headwaters and instead incorporated a 30 metre setback (more than the 15 metre setback indicated). It moved its project area northside of the permanent stream (a headwater tributary to Brook Creek). See Exhibit 26 of the Public Consultation Report.
- (ii) Penn will not alter the wetlands and watercourses within the GRCA jurisdiction and instead will incorporate a 30 metre setback. See Exhibit 26 of the Public Consultation Report.
- (iii) Penn incorporated a 30 metre setback from the valleylands. See Exhibit 26 of the Public Consultation Report.

On July 23, 2010, Mr. Max Frable sent an e-mail to Mr. Wells attaching some of Penn's biologist's findings on the site and confirming the upcoming meetings.

July 28, 2010 Mr. Max Frable and Penn's biologist met with Mr. Wells and other MNR staff. The meeting was brief with MNR staff only indicating that they were pleased Penn was utilizing a 30 metre setback from the identified waterbodies and not the 15 metres identified in the March 23, 2010 letter.

5.6.3 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.

5.6.4 Ministry of Transportation ("MTO")

On August 3, 2010, Penn submitted a number of their FIT Application sites to Ms. Cheryl Tolles, Corridor Management Planner Eastern Region for determination of MTO permit control. On August 9, 2010, MTO responded that this project site falls outside their permit control. Ms. Tolles further confirmed this on May 11, 2011 upon receipt of the notice for the Final Public Meeting in stating that the site lies beyond MTO permit control.

Summary of Comments:

- (i) No MTO jurisdiction.

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

5.6.5 Ministry of Natural Resources (“MNR”) - Peterborough

On June 25, 2010, Mr. Max Frable of Penn contacted Mr. Eric Prevost of MNR introducing Penn as the proponent for the solar project in the Township of Hamilton. Mr. Prevost responded the same day with a list of links to various information sources to help Penn in its natural heritage assessment.

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 regarding the procedural intricacies of the Renewable Energy Approval process.

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

On June 30, 2010, Mr. Frable of Penn and Mr. Eric Prevost and Ms. Sarah Lewis of MNR met. Most of the discussion was general and pertained to process moving forward with some discussion of the specific project. Mr. Prevost indicated there is a possibility of Butternut Trees, Loggerhead Shrike and Whippoorwill. He indicated there was nothing in the NHIC database. He stated if we find an endangered species there is a long delay. We should get our information in early for preliminary review. The different types of habitat protection were discussed.

On July 28, 2010, Mr. Max Frable sent Mr. Prevost the biologist draft reports for the site. This was sent in preparation for the meeting on July 30, 2010.

Mr. Max Frable of Penn met with Mr. Eric Prevost and Ms. Sarah Lewis of MNR on July 28, 2010. Mr. Prevost indicated he would like to see the reports in the same form as the regulations so it's easy for MNR to verify. He indicated that we should request a letter from MNR District office. He also recommended we determine if woodlands are significant (if Butternuts are present, etc.). He further stated that if we stay 120 metres away we can just say it's significant but there would be no need to supply data. He also mentioned that we should not include the Species at Risk section in the REA application as it is a completely separate issue. The Red-Tailed Hawk was also discussed. It is not a Species at Risk but he mentioned forest management practices/guidelines and to avoid construction during nesting season if a nest is found on site. He also mentioned we could remove the fish habitat portion, that he needs more detail about birding observations (where & when), that we needed to include field notes, and finally to double check and make sure all required attachments/backup is included with our report.

April 20, 2011 MNR sent final confirmation letter to Penn.

Summary of Discussions/Comments:

- (i) MNR confirmed the applicable criteria and procedures were used by Penn with respect to determination of natural features, the site investigation and records review, the evaluation of significance of natural features, that the project location is not in a park or conservation reserve

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and that the environmental impact study report was prepared in accordance with procedures established by MNR.

Action/Alterations to proposal to engage in the project:

- (i) To the extent that Penn has made specific commitments in the natural heritage assessment and these commitments are considered and approved in the REA decision, Penn will follow such commitments.

5.6.6 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 the Ministry of Tourism and Culture for preliminary screening purposes. The results of the discussions were 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 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.

Following the initial inquiry, an Archaeological Assessment Stage 1-3 was carried out by Northeastern Archaeological Associates, Ltd. with the resulting report issued February 4, 2011. This report was submitted to MTC who responded by letter on February 28, 2011 which stated that the Ministry concurs with the recommendation for full site clearance.

Summary of Discussions/Comments:

- (i) Stage 3 revealed an early Euro-Canadian residence that Penn agreed to exclude from the project area; and
- (ii) Complete clearance recommended.

Action/Alterations to proposal to engage in the project:

- (i) Setback of 20 metres from Euro-Canadian residence and exclusion from the project area.

5.6.7 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 that there were no Ontario Heritage 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.

5.6.8 Pipeline Companies

Penn contacted TransCanada and Trans-Northern Pipelines, Inc. (now owned by Enbridge Pipelines, Inc. (“Enbridge”)) with respect to both its First Public Meeting and Final Public Meeting. Penn received letters from these companies on May 30, 2011 and August 3, 2010, respectively.

Summary of Comments:

- (i) Both companies did not object to the project and passed along specific and general guidelines with respect to work near their pipelines.

Alterations to proposal to engage in the project

- (i) Penn will work and consult with these companies prior to construction of its project as necessary to ensure it complies with the various guidelines necessary for safe construction, etc.