

Consultation Report

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

For the

Penn Energy – S. Glengarry_St. Lawrence-1 SOLAR ENERGY FACILITY

FIT Contract No. F-000627-SPV-130-505
Commercial Operation Deadline: April 27, 2012
FIT Application No. FIT-F3AP3XM



In the
Township of South Glengarry
United Counties of Stormont, Dundas and Glengarry
ONTARIO, CANADA

July 6, 2011

A note regarding REA application requirements and additional Project Information:

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

Notice:

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

July 6, 2011

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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 north of Cornwall, near the village of Martintown, Ontario. The subject lands are located in part of Lots 1-3 Concession 5IL (or part of Lots 40, 41 & 41a of Plan 107), in the Township of South Glengarry, geographic Township of Charlottenburgh. 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

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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 South Glengarry, the United Counties of Stormont, Dundas and Glengarry, 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 South Glengarry.

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 South Glengarry on a number of occasions as outlined in the Municipal Consultation section of the report. Notably, Penn engaged the Planning Office to determine the applicable zoning and to obtain the zoning verification letter required for Penn's application to the OPA. Early in the consultation process, Penn spoke with Township officials about the project in order to obtain a better understanding of the environmental attributes at the property, including the presence of 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 provided Penn with guidelines on typical setbacks to various features (such as the "Woods Drain") 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 17, 2010
Time: 6:00 PM
Location: Heritage Golf Club
20015 County Road 2
Lancaster, ON K0C 1N0
Attendees: 28

3.1(a) Notices

Pursuant to O.Reg. 359/09, a Notice of a Proposal to Engage in a Renewable Energy Project and a Notice of Public Meeting (Exhibit 1) were distributed by registered mail together to the following stakeholders: (i). Every assessed owner of land within 120 metres of the project location, (ii) the respective Aboriginal communities on the list provided by the MOE and as recommended by the Township, (iii) Ms. Marilyn Lebrun, Clerk of the Township of South Glengarry (the local municipality) and Ms. Helen Thomson, Clerk of the United Counties of Stormont, Dundas, and Glengarry (the upper-tier municipality), (iv) the Local Roads Board (if existing), (v) the Local Services Board, (vi) Mr. Dwayne Crawford, the Director of Development and Chief Building Official overseeing the Planning office of the Township of South Glengarry, (vii) the REA Director, and (viii) the MOE's District Manager – Cornwall 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 South Glengarry, Penn obtained a list of the stakeholders identified in (i) through (viii) above from the Township's Planning and Building Information Office. The Planning and Building Information Office also provided a map of those properties which fall within 120 metres of the project location. The mailing list and the map obtained from the Township are attached hereto as Exhibit 3. Penn also obtained the MOE's list of Aboriginal communities list (as described in the Aboriginal section of this report), and notified the representatives of these communities accordingly. The Township of South Glengarry informed Penn that it does not have a Local Roads Board or a Local Services Board; however, Penn distributed the appropriate notices to Ms. Ewen McDonald, the General Manager of Infrastructure Services at the Township of South Glengarry, who oversees the Township roads. In addition, Penn sent notices to Mr. Benjamin De Haan, P. Eng. (County Engineer with the United Counties of Stormont, Dundas and Glengarry.) Hydro One, the MOE's District Manager, and the REA Director were sent the Notice of a Proposal to Engage in a Renewable Energy Project and the Notice of Public Meeting.

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 the Draft Project Description Report (PDR) on its website at <http://www.pennenergyrenewables.com/solar-ontario/sglengarry.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 Glengarry News, which is in general circulation within the Township of South Glengarry, for three consecutive weeks: July 14th, 21st, and 28th of 2010. A copy of the combined Notice of Proposal to Engage in a Project / Notice of Public Meeting that was sent to the Glengarry News for publication along with the Notices as they appeared within the Glengarry News are 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 28 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 21, 2010 on Penn's website - prior to any public meetings being held. Two colored aerials, one depicting the project location and the other depicting the preliminary solar array layout (Exhibit 8) were available for attendees to review more closely and 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 South Glengarry. 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. 43 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 encroachment into the northern portion of the property above the Woods Municipal Drain area. Penn emphasized its commitment to not develop the project north of the ditch where it could potentially damage significant woodlands. Penn's commitment to avoiding the northern areas of the property is shown in [Exhibit 11](#). This Exhibit shows Penn extending the project boundary to the west so it can avoid developing the project north of the Woods Drain. Other issues raised included: the potential impact of the project on property values, 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 12](#). This continuous exchange of ideas has allowed Penn to make significant modifications to its original plan. These changes are outlined under the section below entitled "Modifications of Project Plan".

3.1(d) Press and Newspaper Articles

Shortly before and after Penn's first Public Meeting, several newspaper articles and online blogs emerged as a result of Penn's consultation and notification activities regarding its proposed solar project. The articles were posted in *The Glengarry News* and the *Standard Freeholder*, both of which are local to the South Glengarry and Cornwall area. In one instance, the reporter from the *Standard Freeholder* was not able to attend the first public meeting held by Penn and reached out to Penn directly. Penn subsequently provided the necessary information pertaining to the solar project to the reporter, which was used in an article published shortly thereafter. A separate blog was also posted following Penn's first Public Meeting. Mr. Carmichael's article in *The Glengarry News* ([Exhibit 13](#)), Ms.

Brink's article in *Standard Freeholder* (Exhibit 14), and Mr. Hallett's entry in *Ontario Solar News* (Exhibit 15) are all available as attached documents.

3.2 Final Public Meeting

Date: June 20, 2011
Time: 12:00 PM to 8:00 PM
Location: Heritage Golf Club
20015 County Road 2
Lancaster, ON K0C 1N0
Attendees: 14

3.2(a) Notices

Pursuant to O.Reg. 359/09, a final Notice of Public Meeting (Exhibit 16) was distributed by registered mail following stakeholders of the project: (i). Every assessed owner of land within 120 metres of the project location, (ii) the respective Aboriginal communities on the list provided by the MOE and the Township, (iii) Ms. Marilyn Lebrun, Clerk of the Township of South Glengarry (lower-tier municipality) and Ms. Helen Thomson, Clerk of the United Counties of Stormont, Dundas, and Glengarry (upper-tier municipality), (iv) the Local Roads Board (if any), (v) the Local Services Board, (vi) Mr. Dwayne Crawford, the Director of Development and Chief Building Official overseeing the Planning office of the Township of South Glengarry, (vii) the REA Director, and (iix) the Ministry of the Environment's District Manager (Cornwall Office). Copies of the registered letter receipts are attached hereto (Exhibit 17). As stated previously, the project is not located within the Niagara Escarpment Plan. Penn obtained a list of the stakeholders identified in (i) through (iix) above from the Township's Planning and Building Information Office. The Planning and Building Information Office also provided a map of the properties that fall within 120 metre of the project location. The mail list and the map obtained from the Township are attached hereto (Exhibit 18). 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 South Glengarry does not have a Local Roads Board or a Local Services Board, Penn distributed notices to Ms. Ewen McDonald, General Manager of Infrastructure Services at the Township of South Glengarry 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: Mr. Benjamin De Haan, P. Eng. (the County Engineer with the United Counties of Stormont, Dundas and Glengarry), 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/sglengarry.html> (Exhibit 4). Two sets of all the reports were also delivered by hand to representatives of the Township of South Glengarry and the United Counties of Stormont, Dundas and Glengarry at the April 6, 2010 meeting. One set of paper copies was to be made available to the public, and the second set was for their review and comments.

A copy of all the reports was also sent via Federal Express to the respective Aboriginal communities (see relevant 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 Glengarry News, which is in general circulation within the Township of South Glengarry, on April 13th, 2011 and April 20th, 2011. Copies of the Notices that were sent to the Glengarry News for publication and the Notices as they appeared within the Glengarry News on the aforementioned dates are attached hereto ([Exhibit 19](#)).

3.2(c) Summary of Final Public Meeting

Representatives of Penn presented the project through an open house format from 12:00 PM to 8:00 PM on June 20, 2011 in order to accommodate peoples' varying work schedules and to allow for focused, personalized discussion with each attendee. As guests entered the venue, they were asked to sign in. Five representatives of Penn were in attendance to provide information to attendees. These representatives were Mr. Sean McCloskey, Mr. Cyrus Tingley, Mr. Gregg Meister, Mr. Max Frable and Mr. Naren Pattani, a resident of Ontario and Penn's local engineer. These five representatives were available for the duration of the meeting to introduce Penn's solar project, answer questions related to the project or the FIT program, address other project related issues or concerns, and explain the changes that have been made to the project since the first public meeting. A total of 14 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 20](#)).

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

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.

Western Property Owner

On 1/3/2011 Mr. Meister of Penn spoke with an individual, who mentioned that s/he owns acreage near the project location further to the west. This individual stated that s/he would have interest in exploring the sale of the property, in addition to performing some site work for Penn. Penn also took the opportunity during this conversation to discuss its particular project. This individual also requested more information about Penn and Penn's project, along with our contact information, which was provided. Another solar photovoltaic project abuts this individual's land.

Ms. Cheryl Brink (Standard Freeholder)

On August 18th, 2010, Mr. Sean McCloskey and Mr. Kirt Mayland of Penn received an email from Ms. Brink (a reporter from the Standard Freeholder newspaper in Cornwall). She indicated that she was unable to attend the recently-held public meeting and wanted to further discuss Penn's project. Mr. McCloskey subsequently followed up with Ms. Brink and provided the information necessary to write an article covering the project (Exhibit 14).

Town Resident 1

On November 17th, 2010, Town Resident 1 sent an email to Mr. Sean McCloskey of Penn inquiring if Penn would have any interest in developing a solar project on his property. Penn reviewed the land and determined that the property would not qualify for such a project due to zoning and soil classification issues. Mr. Cyrus Tingley of Penn emailed this individual and indicated that the property would not qualify for a solar project due to the soil type and zoning of Agriculture.

Mr. Jean Gagne and Mrs. Sharon Gagne

Mr. and Mrs. Jean and Sharon Gagne are immediate neighbors to the south side of the project. Mr. Jean Gagne's parents (Mr. Vianney and Mrs. Jeannine Gagne) are the current property owners. The property is being purchased from Mr. Vianney Gagne and Mrs. Jeannine Gagne; however, all of the Gagnes are going to remain in occupancy in their current houses (either on or adjacent to the property). Mr. and Mrs. Jean and Sharon Gagne have been closely monitoring the development of the project proposal since its inception. The Gagnes are supportive of the project and are satisfied with the use and the proposed design. Mr. Jean Gagne is experienced in construction, timber, and farming/grazing operations, and he has expressed an interest in maintaining the grounds of the proposed solar farm after it is developed. This could be an attractive option to Penn as it would enable Penn to have on-site personnel for security and maintenance purposes.

Neighbor 1

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These abutting neighbors attended the final public meeting and were pleased to see the amount by which the project had been moved back from their property line (see [Exhibit 23](#)). They were also enthusiastic about the hedge proposal that Penn had presented. These particular neighbors also have a significant stand of trees in the rear of the property which limits the view of the project from their home.

Neighbor 2

This particular neighbor attended the first public meeting held by Penn. At the meeting, she expressed some concern regarding how Penn's project would affect the values of properties located in close proximity to the project. Mr. Sean McCloskey of Penn informed her that Penn would be willing to assist in identifying studies or other data that would provide more concrete examples of any changes in market value that could be associated with the construction of a solar farm.

On August 25, 2010, Mr. McCloskey sent her an email indicating that Penn is still looking for information pertaining to the impact of solar farms on nearby property values.

On October 27th, 2010, Mr. David Savoia of Penn left a voicemail with Neighbor 2 at her home regarding a seminar presented by the Ontario Sustainable Energy Association. The seminar provided an evidence-supported discussion of the direct and indirect effects of renewable energy projects on real estate.

On November 30th, 2010 Mr. Cyrus Tingley of Penn sent Neighbor 2 a follow-up email to the webinar. Additionally, Mr. Savoia attempted to contact her regarding the seminar in order to ascertain if her concerns had been fully addressed.

On December 1, 2010, Mr. Tingley received an email from Neighbor 2 thanking Penn for the follow-up. She indicated that she was unable to participate in the seminar, but asked if we could provide her with information from the seminar if we had said information available. Mr. Tingley subsequently sent an email to her letting her know that Penn was unable to obtain repeat access to the seminar from the sponsor. However, Mr. Tingley provided her with the contact information of the organization responsible for the seminar so that she could reach out to them directly.

On February 11, 2011 Mr. McCloskey of Penn sent Neighbor 2 a link to an article and a blog reporting on the relationship between solar farms and nearby property values. On February 13, 2011 She sent an email to Mr. McCloskey thanking him for the information that he had provided. She also asked for the status of Penn's project, which we provided.

MOE Official – (Member of the Public)

An MOE official attended the first public meeting held on August 17th, 2010 as a member of the public. At the meeting, he raised a question pertaining to the noise level requirement for the project, and the associated acoustical audit, which is a requirement of the approval process.

On August 18th, 2010, Mr. McCloskey of Penn received a follow-up email from him. The email contained information from the MOE regarding noise levels, specifically that noise levels are measured from the nearest receptors (in this case, homes). Mr. McCloskey sent a follow-up email thanking him for the additional information and included this information in its acoustical reports.

Neighbor 3

On August 25th, 2010, Mr. Gregg Meister of Penn spoke with this abutting neighbor to the west of the project location. He was interested in discussing the possible purchase of his property.

On December 20th, 2010, Mr. Meister again spoke with Neighbor 3 regarding the proposed purchase of his property. Penn agreed to investigate the sale prices of the two parcels to the west of his property that were recently sold to EffiSolar Energy Corporation.

One January 11th, 2011 Mr. Meister of Penn spoke with Neighbor 3 again and provided him of the recorded sales information of the abutting properties to the west of his property.

Neighbor 3 attended the second public meeting that was held on 6/20/2011. Penn showed him the various project revisions that had been made in response to the input that we had received from the public, the various ministries, and the municipality. He expressed concern that a ditch on his property was not draining properly, and stated that he believed the cause could be associated with ditches to the East (some of which are located on the properties which Penn will own) that are not properly cleared. A member of Penn visited the site and met with the owner the day of the final public meeting. The ditch was nearly dry at the time due to a recent period of dry weather. The neighbor indicated that he would check and see if his contractor had the capacity to read Computer-Aided Design files and, if so, we agreed to provide a copy of the survey for the Penn project properties to allow his contractor to determine if re-ditching is a possibility.

Mr. McCloskey of Penn has concurrently had conversations with Mayor Jim McDonnell in regards to this situation, who referred him to Mr. Gary MacDonnell at the Township for review of the drainage plans and possible maintenance. A review of the Township records could assist in determining the source of the drainage problem on Neighbor 3's property. Penn continues to work on this issue.

Town Resident 2

On August 23rd, 2010, Penn received an email from this resident. He was interested in Penn analyzing his land in South Glengarry for the purpose of developing a solar farm. He learned of Penn's project from newspaper articles that were in circulation in the township. Penn reviewed his site, but determined that the land was predominately Class II soils as per the OMAFRA Map. Additionally, the Township indicated that the property was zoned Agricultural. Both of these factors prevent a solar farm from being developed under FIT regulations.

On October 12, 2010, Mr. Gregg Meister of Penn sent this resident an email regarding his land located in the southeast area of the Township. Mr. Meister then called him to reveal the aforementioned findings.

Neighbor 4

These neighbors attended the first public meeting and the final public meeting. Penn discussed the changes that were made to Penn's plan since the first public meeting with these neighbors. Mr. Gregg Meister of Penn described the increased setback from CR 19, as well as the addition of the privacy hedge.

Neighbor 5

These neighbors attended the first public meeting on August 17th, 2010. At the first meeting, they requested that we set the modules as far back from their residence as possible. Penn's response was that we would attempt to set back the panels as much as possible within the constraints of the project.

On January 20th, 2011, Mr. Kirt Mayland of Penn called Neighbor 5 to ascertain whether they would be ok with Penn applying to Hydro One Networks, Inc. ("HONI") for removal of an unused easement across their property. These neighbors responded that they did not have a problem with the easement removal and also reiterated the above-mentioned issue regarding the setback of the panels.

Neighbor 5 also attended the second public meeting, and indicated that they were satisfied with the changes made to the project plan. They were pleased of the increased setback and the addition of an evergreen hedge along portions of the project boundary. Penn continues to work on removing the easement for these neighbors.

As indicated briefly in the discussion regarding Neighbor 5, Penn applied to HONI for removal of unused easements that generally run diagonally across the southern portion of the properties it will own along with one other abutting property (see attached [Exhibit 24](#)) that could otherwise have interfered with its project plans. Penn received the requisite permission from all current landowners. Penn continues to work on processing the removal applications along with working on those of Neighbor 5.

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 17, 2010, as opposed to Penn's existing project layout recently presented at the final public meeting on June 20, 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 23](#)) based in large part on concerns and suggestions from various stakeholders. The modifications that were made as a result of various consultation activities prior to the final public meeting are generally as follows:

1. **Reduced Size of Project Location.** The size of Penn's project location has been re-designed since its inception to take into account the sensitive nature of each natural feature (i.e. Significant Woodlands, wetlands, etc.) on the property. Adequate buffering was created to avoid these features. In addition, prior to Penn's first public meeting, a fair amount of the project area extended fairly close to County Road 19. Following the first public meeting, this area was removed from the project area, thereby increasing the setback from CR 19. This action was taken to specifically address concerns from neighbors regarding the setback.
2. **Moved project away from existing residences.** During the first public meeting, some questions arose concerning the proximity of the project area to the existing residences. A summary of these questions is noted in [Exhibit 11](#). The project boundary was shifted where possible to allow for a greater setback from existing residences.
3. **Moved project's northern limit in order to avoid impact on wetlands, woodlands, and water bodies.** As Penn's project design evolved, considerable modifications have been made. Significant natural features on the property comprise approximately 36.4 hectares. Penn was able to avoid these features such as Significant Woodlands,

Wetlands, a municipal drain, Water Bodies, and a wildlife corridor to put forth the best possible plan.

4. **Created a buffer (minimum 30 metres) to further protect the natural features identified to the north of the project.** Penn increased the buffer area around the natural features above the project's northern boundary. This increased setback provides enhanced protection of the existing natural resources. The protection of these features is in accord with Penn's ultimate goal of environmental protection and sustainable design principles. Each time significant natural features were identified, setbacks/buffers were established and the project footprint was pulled back from those features.
5. **Moved project's southern limit to increase setback from CR-19.** With a small number of residential dwellings abutting the south side of the project area, Penn increased the setback along its southern limit to allow more distance between the project area and these residences.
6. **Added an evergreen hedge along the southern side of the project area.** During the final public meeting, Penn showed examples of certain hedges (White Cedar, Norway Spruce, Canadian Hemlock or Black Cedar) that are being considered for use in privacy hedging along certain areas of the project boundary. Attendees of the meeting were generally pleased that Penn is taking this extra measure to improve the view from County Road 19.

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

Penn did not receive any criticisms, complaints or suggestions with respect to this project from any Aboriginal community. It did receive certain requests for additional information. For instance, Penn received requests from the Mohawks of Akwesasne for descriptions of its archaeological work, and the

Algonquins of Pikwakanagan requested that Penn send certain information to its outside consultants. Penn responded to such requests immediately, as outlined in the attached consultation chart along with the accompany attachments. In addition, Penn has engaged extensively with the Métis Nation of Ontario with respect to this project, and continues to do so with respect to its southern Ontario projects.

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

4.1 Mohawks of the Bay of Quinte

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

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| | know we would be amenable to meeting with them separately. Also asked if there was a newspaper or newsletter we could advertise in. See attached <u>Exhibit 34</u> . |
| 8. January 31, 2011 | Sent an e-mail to the Indian and Northern Affairs Canada (“INAC”) requesting information on specific and comprehensive claims for this project. See attached <u>Exhibit 35</u> . |
| 9. February 3, 2011 | Left a voice mail message for Mrs. Maracle asking for confirmation of receipt of e-mail. |
| 10. March 1, 2011 | Received a response from INAC that according to their database the Mohawks of the Bay of Quinte, the Mohawks of Akwesasne, the Algonquins of Pikwakanagan, the Metis Nation and the Algonquin Anishinabeg Nation could be interested in this project at different levels. See attached <u>Exhibit 36</u> . |
| 11. April 21, 2011 | Sent via Federal Express cover letter, public final meeting notice, and binder of all reports. See attached <u>Exhibit 37</u> . |
| 12. July 6, 2011 | Sent e-mail indicating that we were submitting our REA application in the coming days but were open to meeting with this First Nation at any time moving forward. See <u>Exhibit 38</u> . |

4.2 Mohawks of Akwesasne

| Date | Consultation Activity |
|------------------------------------|---|
| 13. April 22, 2010 – June 22, 2010 | Sent e-mail with electronic PDR to MOE along with documentation of follow-up e-mails and telephone calls checking on status. See attached <u>Exhibit 29</u> |
| 14. August 20, 2010 | Received list of Aboriginal Communities to contact from MOE. See attached <u>Exhibit 30</u> . |
| 15. October 1, 2010 | Faxed proposal and PDR to Chief Mike Mitchell. Asked about adverse impacts to protected aboriginal or treaty rights. See attached <u>Exhibit 39</u> . |
| 16. October 4, 2010 | Sent via registered mail proposal and PDR. See attached <u>Exhibit 40</u> for receipt. |
| 17. October 7, 2010 | Followed up with phone call. Left voice mail message with assistant letting them know that we were available to answer questions and to meet at their convenience to discuss the project. |
| 18. November 22, 2010 | Received letter from Mrs. Leona Delormier |

July 6, 2011

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| | (Manager of Lands) letting us know, among other things, that she would like to be informed of the uncovering of artifacts, etc. See attached <u>Exhibit 41</u> . |
| 19. January 11, 2011 | Responded to Mrs. Delormier with a description of our archaeological assessments to date. Also asked about opportunities to advertise in local newspaper. Could not get through via fax, so sent the letter via e-mail. See attached <u>Exhibit 42</u> . |
| 20. January 12, 2011 | Received e-mail response from Mrs. Delormier thanking me for our response and stating they are looking forward to copies of our reports. See attached <u>Exhibit 43</u> . |
| 21. January 28, 2011 | Sent letter to Mrs. Delormier via e-mail notifying Mohawks of Akwesasne of the various reports we would be posting (with summaries), asking for information on adverse impacts to constitutionally protected aboriginal rights, and advising them of the next public meeting to be carried out in several months, and letting them know we would be amenable to meeting with them separately. Also asked about advertising in a local newspaper or newsletter. See attached <u>Exhibit 44</u> . |
| 22. January 28, 2011 | Received confirmation e-mail from Mrs. Delormier with a thank you note. See attached <u>Exhibit 45</u> . |
| 23. January 31, 2011 | Sent an e-mail to INAC requesting information on specific and comprehensive claims for this project. See attached <u>Exhibit 35</u> . |
| 24. March 1, 2011 | Received a response from INAC that according to their database the Mohawks of the Bay of Quinte, the Mohawks of Akwesasne, the Algonquins of Pikwakanagan, and the Algonquin Anishinabeg Nation could be interested in this project at different levels. See attached <u>Exhibit 36</u> . |
| 25. April 21, 2011 | Sent via federal express cover letter, public meeting notice, and binder of all reports to Mrs. Delormier. See attached <u>Exhibit 46</u> . |
| 26. July 6, 2011 | Sent e-mail indicating that we were submitting our REA application in the coming days but were open to meeting with this First Nation at any time moving forward. See <u>Exhibit 47</u> . |

4.3 Algonquins of Pikwakanagan

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| 27. August 20, 2010 | Received list of Aboriginal Communities to contact from MOE. The Algonquins of Pikwakanagan were not on the list. See attached <u>Exhibit 30</u> . |
| 28. January 31, 2011 | Sent an e-mail to INAC requesting information on specific and comprehensive claims for this project. See attached <u>Exhibit 35</u> . |
| 29. March 1, 2011 | Received a response from INAC that according to their database the Mohawks of the Bay of Quinte, the Mohawks of Akwesasne, the Algonquins of Pikwakanagan, the Metis Nation and the Algonquin Anishinabeg Nation may be interested in this project. See attached <u>Exhibit 36</u> . |
| 30. March 10, 2011 | Left a voice mail message for Chief Whiteduck about our solar PV farms in both Edwardsburgh and S. Glengarry. |
| 31. March 10, 2011 | Sent fax to Chief Whiteduck with information about projects, PDRs, weblinks, etc. Informed of the various reports we would be posting (with summaries), asking for information on adverse impacts to constitutionally protected aboriginal rights, and advising them of the next public meeting to be carried out in several months, and letting them know we would be amenable to meeting with them separately. Also asked about advertising in a local newspaper or newsletter. See attached <u>Exhibit 48</u> . |
| 32. March 14, 2011 | Received call from Chief Whiteduck informing me that Mr. Jim Hunton from Jp2g Consultants should be contacted on matters such as these. |
| 33. March 14, 2011 | Called Mr. Hunton and left a voice mail message. |
| 34. March 15, 2011 | Called and retrieved Mr. Hunton's e-mail address. Sent Mr. Hunton the package previously sent to Chief Whiteduck. See attached <u>Exhibit 49</u> for copy of e-mail. |
| 35. March 21, 2011 | Mr. Max Frable of Penn took a call from Mr. Hunton this AM requesting more information on S. Glengarry and Edwardsburgh-Morrisburg-1. Sent Mr. Hunton an e-mail with addresses of these projects, maps of the projects, and PDRs for these projects. I also relayed that, to this point, no aboriginal artifacts have been uncovered during our studies on these sites. See attached <u>Exhibit 50</u> for copy of this e-mail. |

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| 36. April 20, 2011 | Called Stephanie who edits the newsletter and asked her if she would like us to advertise our project. She referred me to the assistant to the Chief with whom I left a detailed voice mail message. |
| 37. April 21, 2011 | Sent via Federal Express cover letter, public meeting notice, and binder of all reports. See attached <u>Exhibit 51</u> . |
| 38. July 6, 2011 | Sent e-mail indicating that we were submitting our REA application in the coming days but were open to meeting with this First Nation at any time moving forward. <u>See Exhibit 52</u> . |

4.4 Algonquin Anishinabeg Nation

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| 39. August 20, 2010 | Received list of Aboriginal Communities to contact from MOE. The Algonquin Anishinabeg Nation was not on the list. See attached <u>Exhibit 30</u> . |
| 40. January 31, 2011 | Sent an e-mail to INAC requesting information on specific and comprehensive claims for this project. See attached <u>Exhibit 35</u> . |
| 41. March 1, 2011 | Received a response from INAC that according to their database the Mohawks of the Bay of Quinte, the Mohawks of Akwesasne, the Algonquins of Pikwakanagan, the Metis Nation and the Algonquin Anishinabeg Nation may be interested in this project. See attached <u>Exhibit 36</u> . |
| 42. March 10, 2011 | Called and received word that Mr. Norm Odjick, Director, was the appropriate contact. |
| 43. March 10, 2011 | Sent e-mail to Norm Odjick, Director General, with information about projects, PDRs, weblinks, etc. Informed of the various reports we would be posting (with summaries), asking for information on adverse impacts to constitutionally protected aboriginal rights, and advising them of the next public meeting to be carried out in several months, and letting them know we would be amenable to meeting with them separately. Also asked about advertising in a local newspaper or newsletter. See attached <u>Exhibit 53</u> . |
| 44. March 15, 2011 | Called Mr. Odjick to confirm receipt. Left a voice mail message with assistant. |
| 45. April 21, 2011 | Sent via Federal Express cover letter, public meeting notice, and binder of all reports. See attached <u>Exhibit 54</u> . |

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| 46. July 6, 2011 | Sent e-mail indicating that we were submitting our REA application in the coming days but were open to meeting with this First Nation at any time moving forward. See <u>Exhibit 55</u> . |
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4.5 Algonquin Nation Secretariat

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| 47. August 20, 2010 | Received list of Aboriginal Communities to contact from MOE. The Algonquin Nation Secretariat was not on the list. See attached <u>Exhibit 30</u> . |
| 48. January 31, 2011 | Sent an e-mail to INAC requesting information on specific and comprehensive claims for this project. See attached <u>Exhibit 35</u> . |
| 49. March 1, 2011 | Received a response from INAC that according to their database the Mohawks of the Bay of Quinte, the Mohawks of Akwesasne, the Algonquins of Pikwakanagan, the Metis Nation and the Algonquin Anishinabeg Nation could all be interested in this project. See attached <u>Exhibit 36</u> . |
| 50. March 10, 2011 | Called to introduce ourselves and received word that Mrs. Lorri Hamelin was the appropriate contact. |
| 51. March 10, 2011 | Sent e-mail to Mrs. Lorri Hamelin with information about projects, PDRs, weblinks, etc. Informed of the various reports we would be posting (with summaries), asking for information on adverse impacts to constitutionally protected aboriginal rights, and advising them of the next public meeting to be carried out in several months, and letting them know we would be amenable to meeting with them separately. Also asked about advertising in a local newspaper or newsletter. See attached <u>Exhibit 56</u> . |
| 52. March 15, 2011 | Called and left a voice mail message with Mrs. Lorri Hamelin to confirm receipt of last week's e-mail. |
| 53. April 21, 2011 | Sent via Federal Express cover letter, public meeting notice, and binder of all reports. See attached <u>Exhibit 57</u> . |
| 54. July 6, 2011 | Sent e-mail indicating that we were submitting our REA application in the coming days but were open to meeting with this First Nation at any time moving forward. See <u>Exhibit 58</u> . |

4.6 Metis Nation

| Date | Consultation Activity |
|----------------------|---|
| 55. August 20, 2010 | Received list of Aboriginal Communities to contact from MOE. The Metis Nation was not on the list. See attached <u>Exhibit 30</u> . |
| 56. January 31, 2011 | Sent an e-mail to INAC requesting information on specific and comprehensive claims for this project. See attached <u>Exhibit 35</u> . |
| 57. March 1, 2011 | Received a response from INAC that according to their database the Mohawks of the Bay of Quinte, the Mohawks of Akwesasne, the Algonquins of Pikwakanagan, the Algonquin Anishinabeg Nation and the Metis Nation (generally) could all be interested in southern Ontario projects. See attached <u>Exhibit 36</u> . |
| 58. October 7, 2010 | <p>Called and received information that Mrs. Melanie Paradis was the person to contact. I was advised that Penn Energy Hamilton_Port Hope -4 project could be of interest.</p> <p>[Penn Energy Hamilton_Port Hope -4 was on the official MOE aboriginal consultation list for Penn and formal consultation was undertaken by Penn upon notification for that project. See such consultation report for detailed information on that project. The remainder of this consultation summary only reflects conversations with the Metis Nation that included South Glengarry_St. Lawrence 1 or Edwardsburgh_Morrisbury-1.]</p> |
| 59. October 13, 2010 | Called and left a voice mail message for Mrs. Melanie Paradis to call me back. |
| 60. January 13, 2011 | Called main office to track down Mrs. Paradis' e-mail address. |
| 61. January 17, 2011 | Received e-mail from Mr. James Wagar indicating among other things, to contact Melanie and giving me Mrs. Paradis' contact information. See attached <u>Exhibit 59</u> . |
| 62. May 12, 2011 | Spoke with Mr. Wagar today about sending the binder and told him to focus on the various studies included. I offered to meet with the Metis Nation if necessary on any of our projects. He told me to continue to send them the various studies regarding the Penn Energy projects Brantgate and Hamilton_Port Hope-4. |
| 63. May 20, 2011 | Received e-mail from Mr. Wagar today |

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| | following up our phone conversation and formally informing us of the Metís Nation interesting in Brantgate and Southern Ontario projects (Hamilton_Port Hope-4). See attached <u>Exhibit 60</u> . |
| 64. May 23, 2011 | Sent e-mail to Mr. Wagar indicating an interest in learning more about the Metís Nation and approving of meeting budget/rates. See attached <u>Exhibit 61</u> . |
| 65. May 25, 2011 | Sent e-mail to Mr. Wagar today reminding him that our public meetings for our first three projects were upcoming in case he wanted to attend or if anyone else from the Council would like to do so. See attached <u>Exhibit 62</u> . |
| 66. May 26, 2011 | Received e-mail from Mr. Wagar today. He indicated a desire to meet with respect to Penn Energy projects-Brantgate and Hamilton_Port Hope-4. See attached <u>Exhibit 63</u> . |
| 67. May 26, 2011 | Called Mr. Wagar this AM to discuss timing of the final Hamilton_Port Hope-4 meeting and receiving comments beforehand from the Metís Nation. Discussed the final public meeting date for Hamilton. He stated that they would make sure they would get final comments in for Hamilton_Port Hope-4 by the public meeting and that they did not have jurisdiction in for the other two but it was probably best to send them notices anyway. |
| 68. May 26, 2011 | E-mailed Final Notices for Hamilton_Port Hope-4, South Glengarry_St. Lawrence 1 or Edwardsburgh_Morrisbury-1. Indicated last opportunity to comment if they wanted. Also sent links to project reports, etc. See attached <u>Exhibit 64</u> . |

5.0

Municipal Consultation

5.1 Initial Consultations

Prior to identifying suitable land for ground-mounted solar photovoltaic Feed-in-Tariff (“FIT”) projects in specific municipalities, Penn Energy Renewables, Ltd. (“Penn”) contacted various officials at the different municipalities. Penn would initiate such contact early on to ensure that the municipalities not only understood the nature of Penn’s proposed use of the land but would be welcome such a use in their town. Penn initiated contact with the Township of South Glengarry 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 South Glengarry planning office for the following purposes:

- (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.

Following preliminary discussions with the Township, Penn concluded that a large scale solar photovoltaic project would likely be seen favorably in the Township of South Glengarry 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-F3AP3XM on November 30, 2009 by Penn.

On January 7, 2010, representatives from Penn met with staff members from the Township of South Glengarry for an initial meeting. The meeting can be summarized as follows:

Ms. Joanne McDonald-Haley- Office of the General Manager, Community Services, and Ms. Patricia Trainor of the Township Planning Office attended the meeting along with Mr. Max Frable and Mr. Glen Tomkinson of Penn. The nature of the meeting was mostly one of introduction. Further, using the Township's extensive GIS database, it was determined that Penn should investigate and determine the existence of any provincially significant features, in particular the woods in the northern part of the proposed site and the status of the municipal drain running horizontally across the site. It was recommended that consultation with the Raisin Region Conservation District and Ministry of Natural Resources ("MNR") Kemptville District would be the next important steps to investigate these issues.

Summary of Discussion/Comments:

- (i) Determine significant site features.

Action/Alterations to proposal to engage in the project:

- (i) Contact Raisin Region Conservation District and MNR Kemptville District (see Section 4.6)

On January 15 and January 18, 2010, representatives from Penn held teleconferences with staff members from the Township of South Glengarry. The teleconferences can be summarized as follows:

Ms. Joanne McDonald-Haley - Office of the General Manager, Community Services and Mr. Dwayne Crawford, Director of Development & Chief Building Official attended the calls for the Township. The primary purpose of the teleconferences was to further the discussion from the January 7, 2010 meeting. It was indicated to Penn at this meeting, among other things, that the municipal drain will probably require some setback to prevent erosion; that the Green Energy Act of 2009 should govern the setback, and that, the Township typically would expect a setback of 15 metres. It was also indicated that for any removal of trees, the Township does not have official rules on such and defers to the governing authority which is the Conservation District. Ms. McDonald-Haley mentioned that she does not expect the Township to object to the clearing of trees. It was also indicated that Penn should contact Ms. Kim MacDonald of the Conservation District to determine the existence of any endangered species

Summary of Discussion/Comments:

- (i) Determine significant site features

Action/Alterations to proposal to engage in the project:

- (i) Contact Raisin Region Conservation District and MNR Kemptville (see Section 4.6)

On January 21, 2010, a representative from Penn, Mr. Bob Gray, held a telephone conversation with a staff member from the Township of South Glengarry. The conversation can be summarized as follows:

Mr. Dwayne Crawford, Director of Development & Chief Building Official attended the call for the Township. The primary purpose of the conversation was to discuss the potential existence of other stakeholders that may be interested in the project. It was indicated that no Aboriginal interests should be triggered by the project. Mr. Crawford relayed that the local First Nation to potentially consider was the Mohawks of Akwesasne, for whom the Township could provide contact information. Mr. Crawford also mentioned that there are no known heritages features or ANSI features known to the Township on or near the project property. Further discussion was had regarding the municipal drain known as "Woods Drain" and the applicable project setback of 15 metres. Finally, it was mentioned that no community groups in the vicinity of the project were known by the Township.

Summary of Discussion/Comments:

- (i) Determine significant site features; and
- (ii) Identification of Mohawks of Akwesasne Aboriginal group (see Aboriginal Consultation Report for description of consultation with this First Nation).

Action/Alterations to proposal to engage in the project:

- (i) Upon consultation with Conservation Region (see Section 4.6) the Project Area was altered to remove Woods Drain from study area i.e. Project Area is setback >120m from feature (see Exhibit 23 in the Public Consultation Report); and
- (ii) The Mohawks of Akwesasne First Nation were included in the Aboriginal consultation (see Aboriginal Consultation Report), as they have been from the start of the Aboriginal consultation process

On January 21, February 2, February 9 and February 15, 2010, representatives from Penn sent various emails and held a telephone conversation with a staff member from the Township of South Glengarry. The correspondence can be summarized as follows:

Mr. Dwayne Crawford, Director of Development & Chief Building Official attended the phone conference and was the principal correspondent over e-mail. The primary purpose of the conversation was to set up a meeting with the Township in February and ensure that other interested Township staff were invited.

On February 24, 2010, representatives from Penn met with staff members from the Township of South Glengarry. The meeting can be summarized as follows:

Ms. Joanne McDonald-Haley - Office of the General Manager, Community Services, and Mr. Dwayne Crawford, Director of Development & Chief Building Official attended for the Township. The primary purpose of this meeting was to obtain guidance on the expected nature of the public consultation process and to continue discussions from previous conversations held with the Township. It was indicated in this meeting that another large ground-mounted solar project had not conducted their first public meeting within the Township limits and had not consulted South Glengarry outside of this public meeting. A number of potential public meeting sites within the Township were suggested for Penn's meeting. A contact for the Mohawks of Akwesasne First Nation was also obtained. The Township reiterated that they had never had any issues with First Nation interests. Tree removal was again discussed regarding the area north of Woods Drain. The Township would want Penn to negotiate on the number of trees removed and provide compensatory planting elsewhere. For the roadway, County Road 19, it was indicated that Penn should consult with the County Engineer. It was also indicated that the Township has not generally encountered the Loggerhead Shrike, an endangered species.

Summary of Discussion/Comments:

- (i) Provide mitigation for tree removal north of Woods Drain;
- (ii) Identification of the Mohawks of Akwesasne First Nation (see Aboriginal Consultation Report); and
- (iii) Consult with the County Engineer.

Action/Alterations to proposal to engage in the project:

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- (i) Upon consultation with Conservation Region (see Section 4.6) the Project Area was altered to remove the area north of the Woods Drain from the study area i.e. the Project Area setback is >120m from this feature (See Exhibit 23 in the Public Consultation Report);
- (ii) The Mohawks of Akwesasne First Nation were included in the Aboriginal consultation (see Aboriginal Consultation Report), as they have been from the start of the Aboriginal consultation process
- (iii) The County Engineer, Mr. Benjamin De Haan was included in the consultation process.

5.2 First Public Meeting Municipal Participation

Prior to the First Public Meeting that was to be held on August 17, 2010 Penn requested and received from the Township of South Glengarry Planning Department a list of all property owners within 120 metres of the Project Area. Additionally, notice of the First Public Meeting was posted on the Township's website (www.southglengarry.com/municipality.htm) and physically at the Township offices. Penn also advertised this meeting in The Glengarry News, which is in general circulation within the Township of South Glengarry, for three consecutive weeks: July 14th, 21st, and 28th of 2010 (see Exhibit 4 in the Public Consultation Report).

The First Public Meeting was attended by the following official:

Ms. Joanne McDonald-Haley - Office of the General Manager, Community Services Summary of Discussion/Comments:

- (i) Ms. McDonald-Haley expressed interest in having the project set back further from County Road 19.

Action/Alterations to proposal to engage in the project:

- (i) The Project Area was moved approximately 100 additional metres back from County Route 19 as a result of discussions with the Township and the public and this particular suggestion by Ms. McDonald-Haley (see Exhibit 23 in the Public Consultation Report).

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 March 22, 2011 as evidenced by the attached emails (see Exhibits 65 and 66):

- i. Ms. Joanne McDonald-Haley - Office of the General Manager, Community. In a telephone conversation Ms. McDonald-Haley indicated to Mr. Kirt Mayland of Penn that she would be the primary point of contact and would distribute the relevant materials to other officials in the Township for, among other things, review of impacts, if any, of this

project with respect to roads, etc. Penn also sent the form to the Township clerk, per regulatory requirements (see Exhibit 65). .

- ii. Mr. Michael Otis - United Counties of Stormont, Dundas & Glengarry –County Planner. Mr. Otis indicated to Mr. Kirt Mayland of Penn that he would be the primary contact for distribution purposes for this consultation process and would ensure that individuals such as Mr. Benjamin De Haan, County Engineer, who would review impact on County Roads, would receive the information. Per the regulatory requirements, Penn also sent the form to the County clerk (see Exhibit 66).

Please note that the Township of South Glengarry does not have a local roads board or local service board.

On April 6, 2011, representatives from Penn met with staff members of the Township of South Glengarry and the United Counties of Stormont, Dundas & Glengarry at the County Office to discuss the reports and the consultation forms. The participants were:

- Participants: Ms. Joanne McDonald-Haley - Office of the General Manager, Community
- Mr. Michael Otis - United Counties of Stormont, Dundas & Glengarry – County Planner
- Mr. Jack Sullivan - United Counties of Stormont, Dundas & Glengarry – County Planner/GIS Technician
- Mr. Benjamin De Haan, P.E. - United Counties of Stormont, Dundas & Glengarry - County Engineer/Roads Department
- Mr. Max Frable and Mr. Kirt Mayland of Penn.

The meeting can be summarized as follows:

Mr. De Haan, Country Engineer, indicated that they would like confirmation of no significant change in stormwater volumes from the proposed project in particular with respect to any impact on County Road 19. He suggested that a full stormwater management study would not be necessary and a memorandum would suffice. It was also indicated that the driveway would need to be reclassified from residential to commercial and municipal consent may be required for the interconnection at the pole on County Road 19.

The Township indicated that they have a 2 metre fence maximum height in their by-laws. Upon discussion it was decided that the Ontario Electrical Safety Code requirement for fencing superseded this by-law. The Township also indicated that a building permit would be required for the electrical houses (inverters/transformers) and the building permit process is a simple one with the Township having 30 days to issue a permit. Ms. McDonald-Haley indicated several incorrect attachments on the submitted Biological reports and a general concern for the aesthetic appearance of the project from County Road 19.

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

Summary of Discussion/Comments:

- (i) Provide stormwater management memorandum;
- (ii) Complete the driveway reclassification;
- (iii) Coordinate interconnection on County Road 19 with Municipality;
- (iv) Correct incorrect exhibits in Natural Heritage Assessment; and
- (v) Address aesthetic view from County Road 19.

Action/Alterations to proposal to engage in the project:

- (i) Added county drainage to list of engineering requirements;
- (ii) Corrected exhibits in Natural Heritage Assessment at the time of the meeting and via Federal Express;
- (iii) In order to mitigate the visibility of the project from County Road 19, landscape screening by way of hedges have been added to the site plan (see Exhibit 23 of the Public Consultation Report); and
- (iv) Penn will coordinate with the Township with respect to interconnection at the appropriate time.

5.4 Completion of the Municipal Consultation Form

On June 29, 2011 United Counties of Stormont, Dundas & Glengarry's County Roads Department Engineer returned completed Part B of the Consultation Form, enclosed as Exhibit 67.

Summary of Discussion/Comments on Consultation Forms - United Counties of Stormont, Dundas & Glengarry:

- (i) The County Road fronting the site has been designed for commercial traffic;
- (ii) A Permit will be required for direct County Road 19 access and the entrance must be built to County standards;
- (iii) Damage to County Roads, if any, will need to be monitored/repared;
- (iv) Weight restrictions on trucks must be respected during half-load season; and

- (v) Storm runoff volume reaching County Road 19 culverts must not increase in the 5 and 100 year rainfall events and must be cleaned if construction activities cause a build-up of sediment.

Action/Alterations to proposal to engage in the project:

- (i) County Permit requirements documented;
- (ii) Revise Construction Plan Report to add visual survey of County Roads/rut study;
- (iii) Half load restriction added to Construction Plan Report; and
- (iv) Stormwater to be addressed in engineering and design.

On July 7, 2011, Ms. Joanne McDonald-Haley- Office of the General Manager, Community Services the Township of South Glengarry returned completed Part B of the Consultation Form, enclosed as Exhibit 68.

Summary of Discussion/Comments on Consultation Forms – Township of South Glengarry

- (i) Township commented that it was pleased that a 12 metre wide apron was proposed with both a grassed and treed area. It also commented that it was pleased with proposed buffers between neighbors.
- (ii) Township commented that the site had adequate access routes for emergency vehicles.
- (iii) Township commented that a dry fire hydrant was available nearby for emergency usage.
- (iv) Township commented that building permits would be needed for substations. Penn will apply for building permits as needed.

5.5 Final Public Meeting Municipal Participation

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

The Honorable Jim McDonnell, Mayor of the Township of South Glengarry attended the meeting. Mayor McDonnell indicated he was happy that the project had been pushed back from County Road 19. Mayor McDonnell also indicated that as a member of the Municipal Property Assessment Corporation (“MPAC”), he had been involved in discussions regarding the property tax treatment of ground-mount solar photovoltaic projects. He further indicated that this matter was still under discussion and no final decisions had yet been made. Mayor McDonnell also offered a contact at the Township regarding issues surrounding the maintenance, engineering and improvement of municipal drains. The latter was in response to Penn’s inquiry as to the maintenance of the drain on neighboring properties.

Summary of Discussions/Comments:

July 6, 2011

- (i) Open question on property tax treatment of property.
- (ii) Maintenance of drainage ditch on neighboring properties.

Action/Alterations to proposal to engage in the project:

- (i) Penn awaits the decision by the MPAC on tax treatment.
- (ii) Penn is working with the up-drainage and down-drainage neighbors and the Township on resolving various issues with drain maintenance.

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.

Ministry of the Environment (“MOE”)

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

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

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

On August 18, 2010, Penn received an email from Mr. Douglas Kehoe of MOE who attended the first public meeting. MOE provided additional data regarding the correct measurement methodology of noise levels.

Summary of Discussion/Comments:

- (i) Change Noise Measurement Methodology.

Action/Alterations to proposal to engage in the project:

July 6, 2011

- (i) Relayed information and incorporated into Acoustic Assessment.

Raisin Region Conservation Authority

Between January 19, 2010 and February 19, 2010, Penn discussed the project site with Ms. Kimberly MacDonald of the Raisin Region Conservation Authority. Records show the existence of Significant Woodlands on the northern portion of the site, the existence of the Woods Drain - which acts as a municipal drain but is technically a watercourse, and the possible existence of fish habitat. Recommendations were made by the Conservation Authority to preserve the trees to the north of the Woods Drain, to maintain a project setback of 15-30 metres from the Woods Drain, to undertake a fishery review, and to ensure butternut trees are protected.

Summary of Discussions/Comments:

- (i) Preserve the trees to the north of Woods Drain;
- (ii) 15-30 metre project setback from Woods Drain;
- (iii) undertake a fishery review; and
- (iv) protect Butternut trees.

Action/Alterations to proposal to engage in the project

- (i) Project Area altered to eliminate any clearing north of Woods Drain;
- (ii) Project Area altered to remove Woods Drain from study area i.e. Project Area is setback >120m from feature
- (iii) Findings related to Fish and Fish Habitat was conducted by Bowfin Environmental and delivered to Conservation Authority Fish Habitat reviewer, Mr. Matthew Levac, on May 28, 2011. Report states that no fish habitat were observed, there will be no alteration to watercourses and no potential to impact fish or fish habitat associated with this project; and
- (iv) A Butternut Assessment was ordered from and completed by Bowfin Environmental.

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.

July 6, 2011

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.

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.

Summary of Comments:

- (i) No MTO jurisdiction.

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

Ministry of Natural Resources (“MNR”) - Kemptville

On April 23, 2010 an information request was submitted to MNR with a response by MNR on May 27, 2010. Records review shows similar results to those of the Conservation Authority with potential for the existence of Significant Woodlands, an unevaluated wetland, potential for Butternut trees and potential for the Loggerhead Shrike.

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

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

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

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

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

On September 8, 2010, representatives from Penn and Bowfin Environmental met with MNR Kemptville. The meeting was documented in an email from MNR on September 13, 2010 covering the need for a desktop wetland evaluation and screening for Species at Risk. In response to the meeting, Bowfin Environmental performed these two tasks.

On April 11, 2011, MNR District Manager sent a letter to Penn with the subject "Species at Risk and APRD requirements". The letter stated "...there was no potential need for authorization under the Endangered Species Act for the project" and deferred jurisdiction on Wood Drain to the Conservation Authority.

Summary of Discussions/Comments:

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

Action/Alterations to proposal to engage in the project

- (i) The desktop analysis by Bowfin Environmental determined the existence of a wetland area in the northern part of the property. A full wetland assessment was conducted and included in the Natural Heritage Assessment. The Project Area was altered as a result to provide a 30 metre buffer to the wetland (see [Exhibit 23](#) of the Public Consultation Report); and
- (ii) The only species of risk habitat found was that of the Butternut Tree. A Butternut Assessment was carried out by Bowfin Environmental and then submitted to MNR with the finding that no retainable Butternuts were found on the project site. MNR concluded that there was no potential need for authorization under the Endangered Species Act for the project.

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 1-2 was carried out by Northeastern Archaeological Associates, Ltd. with the resulting report issued January 27, 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) No historic sites on or abutting the project site; and
- (ii) Complete clearance recommended.

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

Ontario Heritage Trust

Between April 16, 2010 and May 13, 2010, Penn discussed the project site with Ms. Kiki Aravopoulos of Ontario Heritage Trust for preliminary screening purposes. The result of the discussions were 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.