

# KINGSTON GARDINER TS ODESSA SOLAR

SunEdison Canada

Kingston Gardiner TS Odessa – Solar Energy Project

## Consultation Report

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# 1. Overview

SunEdison is proposing a single Class 3 Solar Facility with a nameplate capacity of 10 MW (AC) in the area of Odessa, Ontario. If approved, this facility will convert solar energy into electricity to be fed into the Hydro One distribution grid. The defined project location covers approximately 45 hectares (ha) of privately-owned land located on Part of Lot 4, Concession 3, Loyalist Township, County of Lennox and Addington. The project has received a 20-year Feed-in-Tariff contract from the Ontario Power Authority to sell the generated electricity to the Ontario electricity grid. As such, the project is anticipated to operate until at least 2033, at which time it may continue to generate electricity or the site may be decommissioned and the land returned to its former vacant use.

## 1.1 Renewable Energy Approvals Legislative Requirements

Ontario Regulation (O.Reg.) 359/09—*Renewable Energy Approvals under Part V.0.1 of the Act*, (herein referred to as the REA Regulation) made under the *Environmental Protection Act* identifies the Renewable Energy Approval (REA) requirements for renewable energy projects in Ontario. The REA Regulation has since been amended by O.Reg. 521/10, which came into effect as of January 1, 2011. Per Section 4 of the amended REA Regulation, ground mounted solar facilities with a name plate capacity greater than 12 kilowatts (kW) are classified as Class 3 solar facilities and require a REA.

Consultation is a requirement of the REA process as stipulated by Sections 14, 15, 16, 17, and 18 of the REA Regulation. In addition, the Ministry of Environment (MOE) has prepared draft guidelines called “*Technical Bulletin Five-Guidance for Preparing the Consultation Report*” (MOE, 2010) outlining the Ministry’s expectations and guidelines for appropriate consultation, including the development of a Consultation Report as part of the REA application package. This Consultation Report has been prepared in accordance with the requirements of the REA Regulations and the MOE technical bulletin.

The MOE released in the spring of 2011 draft guidelines for Aboriginal Consultation called “*Draft Aboriginal Consultation Guide for Preparing a Renewable Energy Approval (REA) Application*”. These draft guidelines were used as a reference for meeting Aboriginal consultation requirements.

## 1.2 The Consultation Process

Pursuant to O.Reg. 359/09 (as amended O.Reg. 521/10), consultation conducted for the Project has included adjacent landowners, government agencies (e.g. MOE, Ontario Ministry of Natural Resources (MNR), Cataraqui Region Conservation Authority (CRCA), etc.), local municipalities (upper and lower tier), Aboriginal communities, and the public. The objectives of the consultation process have been to identify issues and potential concerns, obtain information about the Project Location, and to identify potential impacts associated with the Project. As well, the consultation process has been used to identify specific stakeholders as a means to establish open and meaningful dialogue between the Proponent and the stakeholders.

Local Road Boards, Local Service Boards, and Local Planning boards are not present in the Project area. Therefore, no consultation is possible with these bodies for the Project.

The following report sections provide:

- An outline and description of all consultation activities held for this Project for the public, government agencies (including municipalities), and Aboriginal communities;
- A summary of comments from public, government agencies, and Aboriginal communities; and
- A summary of how these comments were incorporated into the REA process.

## 2. Public Notices

Under O.Reg. 359/09, Part 4, Section 15, “A person who proposes to engage in a renewable energy project shall distribute:

- (a) notice of the proposal to engage in the project; and
- (b) notices of the location and time of at least two public meetings to be held for the purpose of conducting consultation in respect of the project. “

Two public meetings were held, in accordance with O.Reg. 359/09, Part 4, Section 15, in the Town of Odessa, Ontario. Notices were initially published at least thirty (30) days in advance of each respective meeting in local newspaper distributed to neighbouring communities of the Project. The notification process and publications are detailed in the rest of this section of the report, Section 2.

### 2.1 Notice of Project Commencement and First Public Meeting

The Kingston Gardiner TS Odessa - Solar Energy Project Renewable Energy Approval process began in 2010 with A Notice of Project and First Public Meeting published in the Kingston Whig Standard and Kingston This Week, on July 31, 2010 and August 7, 2010 and on August 5, 2010 and August 12, 2010, respectively, as detailed in Table 1-1, below. The Initial Public Meeting was held on September 7, 2010 at the Odessa Fairgrounds, 231 Main Street, Odessa, ON.

Notices were made available on the Proponent’s website ([www.axiopower.ca](http://www.axiopower.ca)) and a total of 15 letters were mailed on July 19, 2010 to the identified landowners within 120 metres (m) of the Project Location (note that a full list of landowners has not been provided to respect privacy). Additional mailings were completed to agencies (for Stakeholder’s List see Appendix F-A). Copies of the notice were sent to the clerks of the Corporation of Loyalist Township (the local municipality) and the County of Lennox and Addington (the upper-tier municipality), the MOE District Manager (Kingston District) and the Director of Approvals (MOE). The notice contained information on the Project Location, the proposed size of the project, the Proponent, the process and a key map of the original Project Area. A copy of the Draft Project Description Report (Revision 1, incorporating MOE’s initial comments) was made available at this meeting and a copy was posted on the Proponent’s website ([www.axiopower.ca](http://www.axiopower.ca)).

A copy of the First Public Meeting notice, list of attendees and the display boards presented at the open house are included in Appendix F-B. Further details of the open house are included in Section 5 of this report.

### 2.2 Notice of Final Public Meeting

The Notice of Final Public Meeting was published in the local newspapers, as detailed in Table 2-1, below, and a total of 15 letters were mailed on September 18, 2011 to the identified landowners within 120 metres (m) of the Project Location (note that a full list of landowners has not been provided to respect privacy). Additional mailings were completed to agencies (for Stakeholder’s List see Appendix F-A). Copies of the notice were sent to the clerks of the Corporation of Loyalist Township and the County of Lennox and Addington, the MOE District Manager (Kingston District) and the Director of Approvals (MOE). Notices were also made available on the proponent’s website ([www.sunedison.ca/odessa](http://www.sunedison.ca/odessa)).

In order to conform to the requirements of O.Reg. 359/09, the notice contained information on the Project Location, the proposed size of the Project, the Proponents, the process and a key map of the Project Area. Also included in this notice was the location, time and date of the Final Public Meeting and where the Draft Project Reports were available for public review (both hard copy and electronic versions), dates of the review period and to whom and where comments could be forwarded. A copy of the notice, list of attendees and the display boards presented at the open house are included in Appendix F-C.

**Table 2-1 Publication of Public Notices**

Notice	Date Published	Location of Notice	Days Prior to Public Meeting
First Public Meeting (Held September 7, 2010 at the Odessa Fairgrounds)	July 31, 2010 & August 7, 2010	The Kingston Whig Standard	38; 31
	August 5, 2010 & August 12, 2010	Kingston This Week	33; 26
Final Public Meeting (Held November 10, 2011 at South Stormont Community Hall, 2 Mille Roches Road)	September 9, 2011	the Kingston Whig Standard	62
	October 8, 2011	The Kingston Whig Standard	32

## 2.3 Distribution of Documents for Review

Prior to the final public meeting (held November 10, 2011) the Draft Renewable Energy Approval documents for consultation were made available for public review for at least 60 days, as required by O.Reg. 359/09. These reports were made available on the proponent's website ([www.sunedison.ca/odessa](http://www.sunedison.ca/odessa)) on September 10, 2011, and were also made available for review at the Corporation of Loyalist Township and the County of Lennox and Addington municipal offices on that same date, 60 days prior to Final Public Meeting.

All project components are proposed to be located within the Corporation of Loyalist Township.

## 3. Agency Consultation

### 3.1 MNR Review

On August 3, 2011 the following documents were submitted to the MNR for review by Hatch to ensure compliance with the Natural Heritage requirements of O.Reg. 359/09:

- *Natural Heritage Assessment Records Review, Kingston Gardiner TS Odessa Solar Energy Project (August 2011)*
- *Natural Heritage Assessment Site Investigation, Kingston Gardiner TS Odessa Solar Energy Project (July 2011)*
- *Natural Heritage Assessment Evaluation of Significance, Kingston Gardiner TS Odessa Solar Energy Project (July 2011)*
- *Natural Heritage Assessment Environmental Impact Study, Kingston Gardiner TS Odessa Solar Energy Project (July 2011)*

Confirmation from the MNR was received on August 16, 2011. Copies of the correspondence and the letter of confirmation can be found in Appendix F-E.

### 3.2 MTC Review

The "Stage 1 & 2 Archaeological Assessment of Kingston Gardiner TS Odessa, Part of Lots 21 and 22, Concession 4, Township of Loyalist, Regional Municipality of Lennox and Addington, Ontario" report was submitted to the Ministry of Tourism and Culture (MTC) for review on August 25, 2011. The MTC issued a Letter of Acceptance on October 4, 2011 agreeing with the findings of the report and that the report complied with the Ontario Heritage Act's licensing requirements. A copy of the Letter of Acceptance is included in Appendix F-E.

### 3.3 Cataraqui Region Conservation Authority (CRCA)

CRCA staff were consulted throughout the REA process to keep them apprised of the project activities and seek feedback on any CRCA concerns with the proposed project. An initial consultation meeting with CRCA staff was held on June 15, 2010 to introduce the Proponent and the Project. Further meetings were held with CRCA staff on December 9, 2010 and March 3, 2011. On March 14, 2011, the CRCA provided the Proponent with permitting approval conditions to undertake the proposed ditch realignment required by the Project. The CRCA was informed of both Public Meetings, with notices sent on July 27, 2010 and September 7, 2010. A summary of the comments received and SunEdison responses are provided in Section 5.1.1. A copy of all correspondence with the CRCA is included in Appendix F-E.

### 3.4 Ontario Ministry of Environment (MOE)

The MOE was provided with a draft of the PDR and a list of Aboriginal communities to consult with was requested, on June 16, 2010. The list was provided by the MOE to Hatch on October 15, 2010. On July 27, 2010 and September 9, 2011, the MOE was informed of the two respective Public Meetings. A summary of the comments received and SunEdison responses are provided in Section 5.1.1. A copy of all correspondence with the MOE is included in Appendix F-E.

## 4. Aboriginal Consultation

Aboriginal consultation has been undertaken by Hatch on behalf of SunEdison in order to meet the requirements of the REA process. These activities are detailed in the proceeding sections.

### 4.1 Director's List

On June 16, 2010, a copy of the Draft Project Description Report was submitted to the Director of Approvals in order to receive the List of Aboriginal Communities to Consult. A response was received from the MOE on October 15, 2010 and identified the following First Nations and Métis groups to consult:

1. Alderville First Nation – may have constitutionally protected treaty or aboriginal rights which may be impacted by the project;
2. Hiawatha First Nation – may have constitutionally protected treaty or aboriginal rights which may be impacted by the project;
3. Curve Lake First Nation – may have constitutionally protected treaty or aboriginal rights which may be impacted by the project;
4. Mississaugas of Scugog Island First Nation – may have constitutionally protected treaty or aboriginal rights which may be impacted by the project;
5. Kawartha Nishawbe First Nation – may have constitutionally protected treaty or aboriginal rights which may be impacted by the project;
6. Mohawks of the Bay of Quinte – may be interested in any negative effects of the project;
7. Northumberland Métis Council – may be interested in any negative effects of the project;
8. Seven Rivers Métis Council – may be interested in any negative effects of the project; and
9. Métis Nation of Ontario – may be interested in any negative effects of the project.

### 4.2 Distribution of Notices and Reports

The Proponent/Hatch initiated consultations prior to receiving the list from the MOE. The aboriginal communities initially consulted included the groups identified in the MOE's list. Table 4-1 and 4-2 below identify the notices and documents sent to each First Nation's and Métis group. Responses were received from the Alderville First Nation, Curve Lake First Nation, Hiawatha First Nation, Métis Nation of Ontario, and Mississaugas of Scugog Island First Nation.

**Table 4-1 Distribution of First Public Meeting Notices**

<b>Group</b>	<b>First Public Meeting Notice</b>	<b># Days Prior to First Public Meeting</b>
Alderville First Nation	July 27, 2010	42
Hiawatha First Nation	July 27, 2010	42
Curve Lake First Nation	July 27, 2010	42
Mississaugas of Scugog Island First Nation	July 27, 2010	42
Kawartha Nishnawbe First Nation	July 27, 2010	42
Mohawks of the Bay of Quinte	July 27, 2010	42
Northumberland Métis Council	July 27, 2010	42
Seven Rivers Métis Council	July 27, 2010	42
Métis Nation of Ontario	July 27, 2010	42
Wapiti Métis Council	July 27, 2010	42
Ottawa Region Métis Council	July 27, 2010	42
Mohawk Council of Akwesasne	July 27, 2010	42
Algonquins of Pikwakanagan	July 27, 2010	42
Algonquins of Ontario Consultation Office	July 27, 2010	42
Nation Métis de Québec	July 27, 2010	42
Oshawa and Durham Region Métis Council	July 27, 2010	42
Moon River Métis Council	July 27, 2010	42
Chippewas of Georgina Island First Nation	July 27, 2010	42
Conseil de la Nation Anishnabe du Lac Simon	July 27, 2010	42
Mohawks de Kahnawake	July 27, 2010	42

**Table 4-2 Distribution of Final Public Meeting Notices and Reports**

<b>Group</b>	<b>Final Public Meeting Notice</b>	<b># Days Prior to Final Public Meeting</b>	<b>Draft REA Documents</b>	<b># Days Prior to Final Public Meeting</b>
Alderville First Nation	September 7, 2011	64	September 7, 2011	64
Hiawatha First Nation	September 7, 2011	64	September 7, 2011	64
Curve Lake First Nation	September 7, 2011	64	September 7, 2011	64
Mississaugas of Scugog Island First Nation	September 7, 2011	64	September 7, 2011	64
Kawartha Nishnawbe First Nation	September 7, 2011	64	September 7, 2011	64
Mohawks of the Bay of Quinte	September 7, 2011	64	September 7, 2011	64
Northumberland Métis Council	September 7, 2011	64	September 7, 2011	64
Seven Rivers Métis Council	September 7, 2011	64	September 7, 2011	64
Métis Nation of Ontario	September 7, 2011	64	September 7, 2011	64

### 4.3 Additional Consultation Activities

Additional consultation (which included emails, letters, calls and meetings) with Aboriginal groups took place throughout the REA process and is detailed below.

**Table 4-3 Summary of Additional Consultation Activities with Aboriginal Communities**

<b>Aboriginal Community/Group</b>	<b>Details of Additional Consultation</b>
Alderville First Nation	<ul style="list-style-type: none"> <li>• August 5, 2010: Letter sent to Hatch from Alderville First Nation</li> <li>• May 24, June 28, and June 29, 2011: Phone and email communication between the Proponent and Alderville First Nation</li> <li>• September 13, 2011: Letter sent to Hatch from Alderville First Nation</li> </ul>
Curve Lake First Nation	<ul style="list-style-type: none"> <li>• April 12, 2011: Letter sent to the Proponent to acknowledge the receipt by Curve Lake First Nation of the first Public Meeting Notice</li> <li>• June 30, 2011: Phone and email communication between the Proponent and Curve Lake First Nation</li> <li>• November 7, 2011: Letter sent to Hatch by Curve Lake First Nation</li> <li>• November 21 &amp; 30, 2011: The Proponent contacted by phone and by email, Karry Sandy-Mackenzie, Williams Treaty First Nation Claims Coordinator</li> </ul>

Aboriginal Community/Group	Details of Additional Consultation
Hiawatha First Nation	<ul style="list-style-type: none"> <li>• June 29, 2011: The Proponent and Hiawatha First Nation communicated by phone and by email</li> <li>• September 12, 2011: Letter sent to Hatch by Hiawatha First Nation</li> </ul>
Métis Nation of Ontario	<ul style="list-style-type: none"> <li>• March 11, 2011: Email sent to Hatch by the Métis Nation of Ontario requesting an in-person meeting to discuss their possible involvement and learn more about the project</li> <li>• March 18, 2011: Email reply sent to the Métis Nation of Ontario by the Proponent indicating that they welcome the opportunity to meet and discuss the current Projects</li> <li>• June 5, 2011: Meeting held between the Proponent and the Métis Nation of Ontario in Ottawa, Ontario, to discuss the project and how the Proponent and the Métis Nation of Ontario could work together</li> </ul>
Mississaugas of Scugog Island First Nation	<ul style="list-style-type: none"> <li>• June 30, 2011: the Proponent and the Mississaugas of Scugog Island First Nation communicated by phone and by email</li> </ul>

### 4.3.1 Aboriginal Comments and Concerns

The Proponent supports the use of traditional Aboriginal knowledge and through this consultation process aims to provide a method to incorporate this knowledge and to address any comments or concerns about the Project from the Aboriginal perspective. Comments and concerns are contained below for each community or organization, along with any responses that were required to effectively address the concern and/or incorporate this knowledge into the project design.

The comments and concerns received, along with the responses, are provided in Table 4-4. This additional correspondence with Aboriginal communities is included in Appendix F - J.

**Table 4-4 Comments/Concerns from Aboriginal Groups/Communities and Responses**

Aboriginal Community/Group	Comment/Concern	Response: Mitigation, Resolution and/or Amendment to Project
Alderville First Nation	<p>On August 05, 2010, the Alderville First Nation indicated that the project falls within their Traditional and Treaty Territory. The Project is deemed by their consultation protocol to have a minimal impact, but they would like to be kept apprised of archaeological findings, burial sites or any environmental impacts, should any occur. On September 13, 2011, Alderville First Nation sent a thank you letter to Hatch to request that the project keep Alderville First Nation apprised of any archaeological or other findings and to inform that the Project may be of economic benefits to the Alderville First Nation community members.</p>	<p>The Proponent sent a letter, on September 8, 2011, to the Alderville First Nation containing a website link to technical reports including the Project Stage 1 and 2 Archaeological Assessment Report. This letter is included in Appendix F - J.</p>

<b>Aboriginal Community/Group</b>	<b>Comment/Concern</b>	<b>Response: Mitigation, Resolution and/or Amendment to Project</b>
Curve Lake First Nation	<p>On April 12, 2011, Curve Lake First Nation sent a letter to the Proponent indicating that Project area is situated within the Traditional territory of Curve Lake Nations, which is incorporated within the Williams Treaty Territory and they strongly suggested that other First Nation communities under the Williams Treaty also be consulted with through the Williams Treaty First Nation Claims Coordinator, Karry Sandy-Mackenzie. They requested that they be contacted regarding any Archaeological findings, or if any unforeseen potential negative environmental or Treaty and Aboriginal rights impacts occur.</p> <p>On November 7, 2011, Curve Lake First Nation sent a letter to the Proponent requesting notification of any native archaeological findings. They also suggested that the Williams Treaty First Nation Claims Coordinator receive a copy of the Project proposal.</p>	<p>The Proponent sent a letter, on September 8, 2011, to the Curve Lake First Nation containing a website link to technical reports including the Project Stage 1 and 2 Archaeological Assessment Report. This letter is included in Appendix F - I.</p> <p>The Proponent communicated with the Williams Treaty First Nation Claims coordinator (a Curve Lake First Nation representative) over a phone message on November 21, 2011 and via an email on November 30, 2011. The Proponent restated that no significant archaeological findings were discovered during the Stage 1 or 2 Archaeological Assessment. The First Nation representative was also assured that there were no unforeseen negative environmental or treaty/Aboriginal rights impacts that are expected to occur as a result of the proposed solar development.</p>
Hiawatha First Nation	<p>On September 12, 2011, Hiawatha First Nation indicated that while the project information sent to the Hiawatha First Nation does not constitute meaningful consultation, the proposed project is deemed to have minimal potential to impact Hiawatha First Nations' rights, and the Hiawatha First Nation would like to receive updates on archaeological and environmental impact assessment findings.</p>	<p>The Proponent sent a letter, on September 8, 2011, to the Hiawatha First Nation containing a website link to technical reports including the Project Stage 1 and 2 Archaeological Assessment Report. This letter is included in Appendix F-I.</p>

<b>Aboriginal Community/Group</b>	<b>Comment/Concern</b>	<b>Response: Mitigation, Resolution and/or Amendment to Project</b>
Métis Nation of Ontario	On March 11, 2011, Métis Nation of Ontario sent an email to Hatch requesting face to face meetings to discuss their possible involvement and to learn more about the Project.	On March 18, 2011, the Proponent sent a reply to the Métis Nation of Ontario indicating that they welcome the opportunity to meet and discuss the current Projects.  On June 5, 2011, the Proponent and the Métis Nation of Ontario had a meeting in Ottawa, Ontario, to discuss the project, and how the Proponent and the Métis Nation of Ontario can work together. The Métis Nation of Ontario did not present any concerns over the Odessa project.
Mississaugas of Scugog Island First Nation	On June 30, 2011, the Mississaugas of Scugog First Nation requested more information on the Project.	An update on the Project was provided the same day.

Note that no response, comments or concerns were received from any other Aboriginal communities or groups listed in Table 3-4.

## 5. Municipal Consultation

SunEdison Canada is actively engaging in consultation with the local municipalities of the Corporation of Loyalist Township and the County of Lennox and Addington. As the Project will be entirely located in the Corporation of Loyalist Township, the majority of discussions have been with the Corporation of Loyalist Township. A "Renewable Energy Approval Consultation Form: municipalities, local authorities" (MOE) form was distributed (details provided in Table 5-1 below) to the clerks of the Corporation of Loyalist Township and the County of Lennox and Addington more than 90 days prior to the final public meeting.

**Table 5-1 Municipal Consultation Form Distribution**

<b>Recipient of Consultation Form</b>	<b>Date of receipt of Form</b>	<b>Documents</b>	<b>Date of Receipt of Documents</b>	<b># Days Prior to Final Public Meeting</b>
Murray Beckel <i>Clerk</i> Corporation of Loyalist Township	November 12, 2010	Draft REA Documents, September 9, 2011	September 9, 2011	93
Larry Keech <i>Clerk</i> County of Lennox and Addington	November 12, 2010	Draft REA Documents, September 7, 2011	September 7, 2011	93

A completed Municipal Consultation Form was received from the Corporation of Loyalist Township on November 24, 2011, and a completed Municipal Consultation Form was received from the County of Lennox and Addington on November 9, 2011. Copies of the Municipal Consultation Forms and all

correspondence are included in Appendix F-F. A summary of issues raised and how they were addressed is summarized below:

**Table 5-2 Municipal Feedback**

Comments Received	Response
<b>Corporation of Loyalist Township Municipal Consultation Form</b>	
<ul style="list-style-type: none"> <li>▪ The Proponent must demonstrate, as part of the detailed stormwater design report, that the receiving properties, downstream outlets, culverts and houses will not be negatively affected by increased run off from the proposed development, and should include the replacing of any undersized culverts and securing property rights for drainage outlets as required</li> <li>▪ The stormwater design engineer should be advised that infiltration capacity on the site may be somewhat limited due to minimal overburden, and limestone rock and clay soils</li> <li>▪ The Township requests that the Proponent be required to adjust the boundary fence 60 m north of County Road 2, and that the fence at the time of planting be buffered by an unpierced hedge row 1.5 m tall above finished grade at planting with the evergreens</li> <li>▪ The Township requested that the historic Highway 2 milestone marker be protected during construction.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>A conceptual stormwater management plan was prepared by McIntosh Perry demonstrating that no existing structures or natural features will be significantly affected by project construction. The findings of this report will be confirmed during detailed engineering, and the results will be provided to Loyalist Township.</i></li> <li>▪ <i>A distance of at least 60m north of County Road 2 has been maintained for the location of the boundary fence.</i></li> <li>▪ <i>Landscaping plans are currently being developed, and landscaping will be put in place where required to mitigate visual effects or concerns. Landscaping plans will be developed prior to construction, along with the detailed design documents for the Project, and submitted to the Township for review and comment.</i></li> <li>▪ <i>The Highway 2 milestone marker will be protected and remain undamaged by construction activities.</i></li> </ul>
<b>County of Lennox &amp; Addington Municipal Consultation Form</b>	
<ul style="list-style-type: none"> <li>▪ The tracking of mud/debris onto County Road 2 ROW could be an issue</li> <li>▪ Some county roads are subject to a reduced load period which typically occurs from March 1 to April 30 of each year. County roads could be subject to damage by construction traffic. It is recommended that a road condition survey of county road haul routes be conducted by the Proponent prior to the commencement of construction</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>A Traffic Impact Study was completed by McIntosh Perry</i></li> <li>▪ <i>It was determined that construction traffic would minimally affect the condition of the existing asphalt paved roads along the suggested construction route however it may still be possible that the roads will experience some distortion or cracking due to the heavy machinery being transported</i></li> <li>▪ <i>A meeting was held Novemebr 17<sup>th</sup> with Lennox and Addington to discuss their comments.</i></li> <li>▪ <i>A pre-construction road condition survey has been completed by McIntosh-Perry Consulting Engineers, and will be shared with Lennox and Addington.</i></li> </ul>

## 5.1 Consultation Summary

**Table 5-3 Summary of Municipal Consultations**

Municipality & Consultation Date	Discussion Summary
<i>Corporation of Loyalist Township</i>	
June 15, 2010	<ul style="list-style-type: none"> <li>• Project initiation meeting held with the Township (as well as the County and the CRCA) to discuss the consultation</li> </ul>

Municipality & Consultation Date	Discussion Summary
	requirements of this project
June 17, 2010	<ul style="list-style-type: none"> <li>• Township made an internal inquiry as to whether the man-made drains on the Project site were municipal drains</li> </ul>
June 18, 2010	<ul style="list-style-type: none"> <li>• Township confirmed internally that there are no municipal drains on the Project site</li> </ul>
June 24, 2010	<ul style="list-style-type: none"> <li>• Township sent an email to Hatch confirming that there are no municipal drains on the Project site</li> </ul>
July 27, 2010	<ul style="list-style-type: none"> <li>• Hatch sent the Notice of Project and Public Meeting 1 to the Township</li> </ul>
November 12, 2010	<ul style="list-style-type: none"> <li>• Hatch sent the municipal consultation form to the Township, with Section A completed by Hatch</li> <li>• Hatch requested that Section B of the form be completed by the Township once further Project reports were submitted to them</li> </ul>
December 9, 2010	<ul style="list-style-type: none"> <li>• Meeting with the Township and CRCA took place to discuss the implications of the new tree-cutting by-law on the Project</li> </ul>
March 3, 2011	<ul style="list-style-type: none"> <li>• Second meeting with the Township and CRCA took place to discuss the implications of the new tree-cutting by-law on the Project</li> </ul>
April 18, 2011	<ul style="list-style-type: none"> <li>• A letter summarizing a meeting held on April 13, 2011 between the Township, CRCA, and MNR representatives was sent to the Proponent</li> <li>• The Township agreed to allow a streamlined natural heritage review process for the Proponent, contingent upon all existing ecological documentation being provided to all parties at least two weeks in advance, including any proposed alternatives and the rationale supporting these different approaches</li> </ul>
September 9, 2011	<ul style="list-style-type: none"> <li>• Hatch sent the Notice of the Final Public Meeting and the Draft Project Reports to the Township</li> <li>• Hatch requested the reports be made available for public review</li> </ul>
September 21, 2011	<ul style="list-style-type: none"> <li>• Hatch sent, via email, an updated Municipal Consultation Form to the Township listing all the draft REA Reports that had been submitted to the municipality</li> <li>• Hatch requested the Township complete Section B of the Form</li> </ul>
October 12, 2011	<ul style="list-style-type: none"> <li>• Hatch sent the Township a copy of the MTC's Letter of Confirmation and requested that the letter be included with the draft REA Reports already sent through for public review</li> </ul>
November 24, 2011	<ul style="list-style-type: none"> <li>• The Township provided Hatch with the completed Municipal Consultation Form</li> </ul>
<b>County of Lennox and Addington</b>	
June 15, 2010	<ul style="list-style-type: none"> <li>• Project initiation meeting held with the County (as well as the Township and the CRCA) to discuss the consultation requirements of this project</li> </ul>
November 12, 2010	<ul style="list-style-type: none"> <li>• Hatch sent the municipal consultation form to the County, with Section A completed by Hatch</li> <li>• Hatch requested that Section B of the form be completed by</li> </ul>

Municipality & Consultation Date	Discussion Summary
	the County once further Project reports were submitted to them
May 20, 2011	<ul style="list-style-type: none"> <li>• The County had not been advised of the First Public Meeting</li> <li>• Letter sent to the County along with attached notices that were sent out for the First Public Meeting held on September 7, 8, and 9, 2010 (for the four solar projects: Odessa, Taylor Kidd, and a combined meeting for Highway 2 North and Highway 2 South) and the notices that were sent in to the newspaper</li> <li>• A letter indicating that the Proponent, Hatch, and IBI team would be pleased to meet with County representatives to go over the proposed Project and information presented at the First Public Meeting, were also sent</li> </ul>
September 7, 2011	<ul style="list-style-type: none"> <li>• Hatch sent the Notice of the Final Public Meeting and the draft Project reports to the County</li> <li>• Hatch requested the reports be made available for public review</li> </ul>
September 21, 2011	<ul style="list-style-type: none"> <li>• Hatch sent, via email, an updated Municipal Consultation Form to the Township listing all the draft REA Reports that had been submitted to the municipality</li> <li>• Hatch requested the County complete Section B of the Form</li> </ul>
October 12, 2011	<ul style="list-style-type: none"> <li>• Hatch sent the County a copy of the MTC's Letter of Confirmation and requested that the letter be included with the draft REA Reports already sent through for public review</li> </ul>
November 9, 2011	<ul style="list-style-type: none"> <li>• The County sent Hatch the updated Municipal Consultation Form</li> </ul>
November 17, 2011	<ul style="list-style-type: none"> <li>• The Proponent met with the County to discuss the construction traffic routing and anticipated road impacts</li> <li>• A sample road survey prepared by McIntosh-Perry was provided to the County for review</li> </ul>
November 21, 2011	<ul style="list-style-type: none"> <li>• The County reviewed the sample road survey and deemed the content acceptable</li> </ul>

### 5.1.1 Agency Comments and Concerns

Agency comments and concerns are included in Table 5-4, which also indicates how the Project and/or supporting documents were modified to meet the agency comments/concerns. All correspondence with the following Agencies is included in Appendix F - E.

**Table 5-4 Comment/Concerns from Agencies and Responses**

Agency	Comment/Concern	Response: Mitigation, Resolution and/or Amendment to Project
Ontario Ministry of the Environment	On November 4, 2011, the MOE sent a letter to the Proponent identifying their information requirements that are to be included in all noise assessment reports for solar facilities submitted to the MOE for a Renewable Energy Approval. This letter is included in Appendix F-E.	On November 11, 2011, Hatch sent a letter to the MOE (in response to their letter of November 4, 2011) that provided an explanation of how Hatch's Noise Study Reports, prepared on behalf of the Proponent, have addressed the MOE's information requirements. This letter is included in Appendix F-E.
Ontario Ministry of Natural Resources	On August 16, 2011, the MNR sent Hatch a Letter of Confirmation to confirm that the submitted Natural Heritage Assessment and Environmental Impact Study for the Odessa Solar Park met the criteria established or accepted by the MNR.	None required.
Ontario Ministry of Tourism and Culture	None received. On October 4, 2011, the MTC sent a letter to the Proponent stating that the Archaeological Assessment for the Project complies with the Ontario Heritage Act's licensing requirements.	None required.
Cataraqui Region Conservation Authority	<p>A permit from the CRCA (under O.Reg.148/06) will be required for development or site alteration within 30 m of the drainage channels or for any channel crossings.</p> <p>CRCA outlined additional mitigation measures in the Permit Approval Letter (sent to the Proponent on August 11, 2011) to further reduce any potential impacts to fish/fish habitat (Appendix F-E).</p> <p>No in-water works should take place between March 15 and July 1 to protect fish during critical life process periods.</p> <p>All materials/equipment used for site preparation and project completion should be operated and stored that prevents the release of any deleterious substance (i.e., petroleum products, silt, cement, etc.) from entering the water.</p>	<p>The necessary permit for the proposed drainage works was obtained from CRCA. The confirmation letter from CRCA is included in Appendix F-E.</p> <p>The Proponent will not engage in any in- water works between the dates of March 15 and July 1 in order to prevent any potential effects to fish and/or fish habitat, as per the CRCA request.</p> <p>Both the Construction Plan Report, prepared by Hatch, (Hatch, 2011) and the Water Body Environmental Impact Study Report, prepared by Ecological Services (Ecological Services, 2011a and 2011b), outline the protocols and procedures for safe use/storage of materials and equipment onsite. Mitigation measures (e.g., silt fencing) to prevent the release of deleterious substances into watercourses have been detailed, therein, along with</p>

Agency	Comment/Concern	Response: Mitigation, Resolution and/or Amendment to Project
	A CRCA permit and MNR approval will be required for any water crossings.	<p>necessary emergency response protocols.</p> <p>At the time of detailed construction planning, a CRCA permit and MNR approval will be obtained by the Proponent for the proposed water crossings.</p>
Loyalist Township	<p>The tributaries on the Odessa site are not municipal drains.</p> <p>Most lands to the North of the site are Crown Lands. Heritage-related designations are not likely to be an issue.</p>	None required.
Comments received in Section 5 (Consultation Requirement) of the Municipal Consultation Form, addressed to Hatch on November 24, 2011 (Appendix F-F) Loyalist Township:		
	Project Location	
	<p>Requested that the detailed design information concerning the perimeter access route be provided to the Township for review and comment upon its development, to confirm that the proposed access route does not negatively impact the drainage of the Township's road allowance.</p> <p>The Proposed development, fencing and access route shall be located a minimum of 13 feet south of the northern property boundary, with the land being reserved to accommodate potential road widening in the future.</p> <p>The Proponent must demonstrate, as part of the detailed stormwater design report, that the receiving properties, downstream outlets, culverts and houses will not be negatively affected by increased run off from the proposed development, and should include the replacing of any undersized culverts and securing property rights for drainage outlets as required. The stormwater design engineer should be advised that infiltration capacity on the site may be somewhat limited due to minimal overburden, limestone rock and clay soils, which can potentially result in higher than average runoff.</p>	<p>At the time of detailed construction planning, the Proponent will provide the Township with detailed design information concerning the perimeter access route to ensure that any and all potential negative impacts will be mitigated accordingly.</p> <p>Opportunities to relocate the Project fencing will be reviewed by the Proponent during the detailed design and construction planning, in consultation with the Township.</p> <p>A conceptual stormwater management report has been carried out by the Proponent as part of the REA process. Downstream outlets and properties will not be negatively affected by increased run off from the proposed development, as the expected increase in runoff potential was determined to be only slightly greater than what is exhibited by the existing land conditions. Additional planning commitments with regards to stormwater management shall be determined during detailed construction planning, in consultation with the Township and stormwater design engineer(s).</p>

Agency	Comment/Concern	Response: Mitigation, Resolution and/or Amendment to Project
	Municipal or Local Authority Service Connections	
	The site is not serviced by municipal water and sewer infrastructure. If washrooms are to be provided, they will have to be constructed on the basis of private services, and any private sewage disposal system will require a permit from the Kingston, Frontenac, and Lennox and Addington Public Health Office.	At the time of detailed construction planning, any and all necessary approvals and/or permits from the Township shall be obtained by the Proponent, including those necessary for onsite washroom facilities.
	Landscaping	
	<p>The Township requests that the Proponent be required to adjust the perimeter fence location 60 m north of County Road 2 to reduce visual impacts, and that the fence at the time of planting be buffered by an unpierced hedge row 1.5 m tall above finished grade, planted with evergreens. Particular attention is requested for mitigation on houses on adjacent properties, which are 42 m from the boundary fence. Where fencing has to be situated in proximity to County Road 2 in order to enclose the substation, such fence shall be screened by an unpierced hedgerow 1.5 m tall (measured from finished grade) at the time of planting.</p> <p>Lighting at the site entrance or at any other location shall have fixtures that are full cut off to respect the rural environment and to prevent light pollution on neighbouring properties and the night sky.</p>	Opportunities to relocate the Project fencing, adjust vegetative planting/landscaping and select specific lighting options will be reviewed by the Proponent during the detailed design and construction planning, in consultation with the Township.
	Project Construction	
	<p><i>The following structures will require a building permit:</i></p> <ul style="list-style-type: none"> <li>•Ten (10) 25.6 m square buildings enclosing inverters and transformers;</li> <li>•One (1) 45 m square substation electrical building;</li> <li>•One (1) 49 m square substation electrical transformer building;</li> <li>•Any other building or structure that exceeds an area of 10 m square.</li> </ul>	At the time of detailed construction planning, any and all necessary approvals and/or building permits from the Township shall be obtained by the Proponent.

Agency	Comment/Concern	Response: Mitigation, Resolution and/or Amendment to Project
County of Lennox and Addington	No formal comments received.	None required.
Comments received in Section 5 (Consultation Requirement) of the Municipal Consultation Form, addressed to Hatch on November 9, 2011 (Appendix F-G):		
	<ul style="list-style-type: none"> <li>•Any new transmission lines proposed for the Project along County Road 2 will require County approval via municipal consent to Hydro Ontario Networks, Inc (HONI).</li> <li>•An entry permit must be obtained from the County to authorize the construction of an entrance to the site, and also to remove two existing entrances.</li> <li>•The tracking of mud/debris onto County Road 2 may be an issue. Mitigation measures, such as ensuring that there is adequate gravel on-site and/or the construction of a mud mat on-site near the entrance. Any debris tracked onto County Rd 2 should be removed promptly by the contractor.</li> <li>•Traffic management issues are not anticipated, however, traffic control must be carried out in accordance with the latest edition of the Ontario Traffic Manual – book 7 (Temporary Condition)</li> <li>•Any loads that exceed the Highway Traffic Act loading regulations will require excess load permits from the County of Lennox and Addington.</li> <li>•County roads used for construction hauling should be surveyed by the Proponent both before and after construction to determine if any damage has occurred from construction traffic. The proponent shall be responsible for the necessary repairs of any road damage caused by construction activities.</li> </ul>	<p>At the time of detailed construction planning, any and all necessary approvals and/or permits from the County shall be obtained by the Proponent. Such permits/approvals may involve transmission line construction, construction of entranceways and excessive load allowances on roadways, among others.</p> <p>During detailed construction planning, the Proponent shall ensure that the traffic control measures set in place for construction follow all applicable rules and guidelines set forth by the responsible governing bodies.</p> <p>At such a time that detailed construction planning is carried out, necessary measures will be established to prevent the tracking of excessive mud/debris onto County Road 2. Furthermore, the Proponent will arrange to have hauling routes surveyed both before and after construction activities to ensure that any potential damages to the road may be accounted for, and the Municipality compensated accordingly, if necessary</p> <p>A pre-construction road survey has been completed by McIntosh-Perry Consulting Engineers. This report will be delivered to the County. The survey will be repeated following construction, and also delivered to the county.</p>

## 6. Public Consultation

### 6.1 Summary of Comments

The summary presents all types of comments received but does not contain each instance where there were multiple comments. Refer to the comment sheets in Appendices B and C to see the original comments. Responses and references are included to demonstrate whether and how the comments were considered and/or addressed in the final REA submission.

#### 6.1.1 First Public Meeting, September 7, 2010

Four (4) people attended and signed the sign-in sheet of the First Public Meeting. Generally, comments were positive with people enquiring about how solar PV works and extent of site visibility after construction completion. Some questions were raised regarding construction traffic and project noise and reflection.

#### 6.1.2 Final Public Meeting, November 10, 2011

Approximately 6 people attended the second public meeting, with 6 signing the sign-in sheet. Generally, comments were positive with no significant concerns. No written comments were submitted.

#### 6.1.3 Public Comments and Concerns

The comments and/or concerns that were obtained from the public (e.g. comment sheets and/or emails) during the Project consultation process, along with the Project response and/or resulting actions taken to address each concern are provided in Table 6-1. Where applicable, the Proponent response also provides reference to where more detail could be found in the Project documents prepared under the REA Process. Additionally, any changes to the Project documents and/or to the Project made in response to public comments/concerns are included in Table 6-1. All additional correspondence with the public is included in Appendix F-D.

**Table 6-1 Comments/Concerns from Public and Responses**

<b>Category of Comment or Concern</b>	<b>Comment/Concern</b>	<b>Response: Mitigation, Resolution and/or Amendment to Project</b>
Noise	Verbal comments made at the Final Public Meeting with regards to a new house that was recently built on a lot opposite the southeast part of the Project Location, which may not have been taken into account during noise studies.	Hatch representative at the Final Public Meeting took note of where these residences are situated, and will review the Noise Study Report to ensure that all noise receptors are accounted for. If it is determined that any noise receptors/dwellings were previously unaccounted for, additional studies will be carried out to make the necessary adjustments, and the report will be updated accordingly.
Safety and Security	None received	None required
Water: Surface, Ground, Storm	Concern about well water volume	The Proponent phoned the neighbours around December 1, 2011 and committed to perform a volume test as part of the well testing scope. The summary of this communication is included in Appendix F - D.

Terrestrial, Soil	Would like the Project to consider vegetation under the solar panels, to improve soil (recommended blossoms for bees; want to fixate nitrogen). Concern regarding uncontrolled growth of weeds or invasive species.	The Proponent sent a letter response on November 11, 2010 indicating that further communication would follow.  On April 21, 2011 the Proponent responded with a letter stating that vegetative clearing will be kept to an absolute minimum and that there will be an effort to ensure that the ground cover re-planted would be native and soil enhancing. These letters are included in Appendix F-D.
	Want to ensure that soil conditions are improved so that land can be used for agriculture after decommissioning.	The Proponent sent a letter response on November 11, 2010 indicating that further communication would follow.  On April 21, 2011 the Proponent responded with a letter stating that as part of the REA Environmental Approval process, a decommissioning plan has been developed to outline how the site can be fully rehabilitated to its original state.  These letters are included in Appendix F-D.
Wetland	None received.	None required.
Wildlife	None received.	None required.
Restoration/ Re-vegetation	None received.	None required.
Agricultural	None received.	None required.
Socio- economic	None received.	None required.
Site Selection	None received.	None required.

## 7. Consideration of Public, Municipal and Aboriginal Input

### 7.1 Alterations to the Proposal to Engage in the Project

After consultation with the public, landowners and the municipalities, there were no significant concerns with the Project Proposal which could not be resolved. Some minor details will be modified and these are detailed in Table 7-1.

**Table 7-1 Alterations to the Proposal to Engage in the Project**

Comment / Concern	Alteration to the Project
<ul style="list-style-type: none"> <li>Comments were made concerning a new house that had been constructed on a lot opposite the southeast part of the Project Location, and whether it had been taken into account in the noise studies.</li> </ul>	<i>Review of the Noise Study Report has been conducted. The new dwelling under construction has been taken into account and noise levels at that receptor point found to be within acceptable limits.</i>
<ul style="list-style-type: none"> <li>Concerns about well water volume</li> </ul>	<i>SunEdison committed to perform a volume test as part of the well testing scope for those residents who chose to participate in the study.</i>
<ul style="list-style-type: none"> <li>Concerns about soil conditions returning to its original state after decommissioning</li> </ul>	<i>A decommissioning plan has been developed to outline how the site can be fully rehabilitated to its original state.</i>

Comment / Concern	Alteration to the Project
<ul style="list-style-type: none"> <li>▪ Consider native planting around the solar arrays</li> </ul>	<p><i>SunEdison will direct the general contractor to try to source native low-lying plant species if possible.</i></p>
<ul style="list-style-type: none"> <li>▪ Concerns were expressed from First Nations groups over the findings of any artifacts on the solar site</li> </ul>	<p><i>A copy of Stage 1 and Stage 2 of the Archaeological Assessment Reports were forwarded to all concerned groups.</i></p>

## 7.2 Alterations to the Required REA Reports

After consultation with the public, landowners and the municipalities, several changes were also made to the draft documents released for public review. The public input and the resulting changes are detailed in Table 7-2.

**Table 7-2 Alterations to the Required REA Reports**

Comment / Concern	Alteration to the Reports
<ul style="list-style-type: none"> <li>▪ Alteration to an existing watercourse was required for Project construction and approval was sought from the CRCA, in accordance with O.Reg. 148/06, naming the CRCA as the governing body regulating all development and site alteration activities</li> </ul>	<ul style="list-style-type: none"> <li>▪ Adjustments in the REA reports were made to reflect the realignment of the watercourse on the eastern portion of the site approved by the CRCA</li> </ul>
<ul style="list-style-type: none"> <li>▪ Barn swallows were found to be present on site, residing in the barns or small drive sheds located on the Project Site</li> </ul>	<ul style="list-style-type: none"> <li>▪ The barns located on the Project Site will be preserved in order to maintain Barn Swallow habitat</li> </ul>
<ul style="list-style-type: none"> <li>▪ The Ministry of Tourism and Culture recommended that the entrance to the Project Location may disturb some potentially significant archaeological findings (Stone Mile Markers).</li> </ul>	<ul style="list-style-type: none"> <li>▪ The entrance to the Project Location was moved in order to accommodate recommendations from the Ministry of Tourism and Culture</li> </ul>