

Peterborough District Office
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Le bureau du district de Peterborough
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February 16, 2012

SunEdison LLC
945 Princess Street, Suite 252
Kingston, ON
K7L 3N6

Attention: Mr. Robert Miller

Dear Mr. Miller,

**Re: Approval and Permits Requirements Document Submission – RE SunEdison Kingston
Gardiner TS Unity Road Solar Energy Project**

MNR Peterborough District staff has reviewed the Kingston Gardiner TS Unity Road Solar Energy Project Approval and Permits Requirements Document (APRD), submitted April 18, 2011 in relation to authorities issued by our Ministry. The requirements outlined in MNR's APRD are separate from the requirements of the Natural Heritage Assessment (O. Reg. 359/09). It is the proponents' responsibility to refer to the APRD and determine if they are subject to any other requirements.

Endangered Species Act, 2007.

In accordance with the Ontario Ministry of Natural Resources' APRD for Renewable Energy Projects, an assessment of the potential presence of any species or habitat protected under the *Endangered Species Act (ESA)* is required under section 6.3.5.1. Where protected species or protected habitat is present, applicants must submit an analysis of negative effects and any potential complete submission requirements for an *Endangered Species Act* authorization where negative effects cannot be avoided.

The *Endangered Species Act, 2007 (ESA)* came into force in Ontario on June 30, 2008. Species listed as endangered or threatened on the Species at Risk in Ontario List (SARO) are protected under the ESA. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

At this time we have no additional concerns with respect to species at risk, and believe that you have met the APRD requirements in this regard. That being said, it does not mean that species at risk are not present on the site. It is recommended that a thorough sweep of the site area is done each day prior to work to avoid any possible impact to species at risk. If any other protected species and/or habitat are encountered on the site, the Peterborough District Species at Risk biologist must be contacted immediately.

It is important to be aware that changes may occur in both species and habitat protection. The ESA 2007 applies to species listed on the Species at Risk in Ontario List (www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/246809.html). Because the list is updated from time to time, it is recommended that you visit this web page regularly and/or check with the

Peterborough District about species status changes as well as information on protected habitats that may occur in your area.

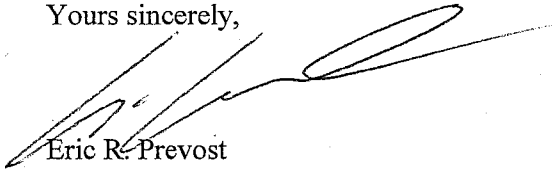
Should any of the project parameters change, please notify the District office immediately to obtain advice on whether the changes require authorization under the ESA 2007. Please be advised that applying for a permit/agreement does not guarantee approval and processes can take several months.

Other authorization requirements:

Based on our current understanding of the project, and information contained within your APRD submission, we don't foresee any additional permitting or approval requirements from the MNR at this time. Please be advised that it is also your responsibility to be aware of and comply with all other relevant provincial or federal legislation, municipal by-laws, other MNR approvals or required approvals from other agencies.

If you have any questions about the APRD requirements for this project please contact Eric R. Prevost at 705-755-3134 or at Eric.Prevost@Ontario.ca

Yours sincerely,



Eric R. Prevost
Renewable Energy
Planning Ecologist
Peterborough District MNR

- c. Narren Santos, Environmental Assessment and Approvals Branch, MOE
Edith Bouchard, HATCH
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