



Axio Power Canada Inc./  
SunEdison Canada

Water Body Records Review Report

For

Norfolk Bloomsburg TS  
Solar Energy Project

H335467  
Rev. 0  
November 25, 2011

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Project Report

November 25, 2011

**Axio Power Canada Inc./SunEdison Canada  
Norfolk Bloomsburg TS - Solar Energy Project**

**Water Body Records Review Report  
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## 1. Introduction

### 1.1 Project Description

Axio Power Canada Inc./SunEdison Canada (“Axio/SunEdison”) is proposing to develop a 10 megawatt (MW) solar photovoltaic project titled Norfolk Bloomsburg TS Solar Energy Project (the “Project”). The Project Location<sup>1</sup> is situated on an approximately 29 hectare (ha) parcel of land on Part of Lots 3 and 4, Concession 12, Norfolk County (single tier municipality).

### 1.2 Renewable Energy Approval Legislative Requirements

Ontario Regulation (O. Reg.) 359/09 – *Renewable Energy Approvals Under Part V.0.1 of the Act*, (herein referred to as the Renewable Energy Approval (REA) Regulation), came into force on September 24, 2009 and identifies the Renewable Energy Approval (REA) requirements for renewable energy generation facilities in Ontario. The REA Regulation has since been amended by O. Reg. 521/10, which came in effect as of January 1, 2011.

As per the REA Regulation (Part II, Section 4), ground-mounted solar facilities with a nameplate capacity greater than (>) 12 kilowatts (kW) are classified as Class 3 solar facilities and require an REA.

### 1.3 Purpose of Report

Subsection 30 (1) of the REA Regulation requires proponents of Class 3 solar projects to undertake a Water Body Records Review to identify “*whether the Project Location is*

- i. in a water body*
- ii. within 120 m of the average annual high water mark of a lake, other than a lake trout lake that is at or above development capacity*
- iii. within 300 m of the average annual high water mark of a lake trout lake that is at or above development capacity*
- iv. within 120 m of the average annual high water mark of a permanent or intermittent stream, or*
- v. within 120 m of a seepage area” (O. Reg. 359/09, s. 30, Table).*

Subsection 30 (2) of the REA Regulation requires the proponent to prepare a report “*setting out a summary of the records searched and the results of the analysis*” (O. Reg. 359/09). This Water Body Records Review Report has been prepared to meet these requirements.

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<sup>1</sup> “Project Location means, when used in relation to a renewable energy project, a part of land and all or part of any building or structure in, on or over which a person is engaging in or proposes to engage in the project and any air space in which a person is engaging in or proposed to engage in the project” (O. Reg. 359/09, s. 1 (1)).

## 2. Methodology and Results

The following sections document the records that were reviewed and assessed. The focus of the assessment was identifying whether or not the Project Location is within or adjacent to any water body features. The definition of a water body is stated in Section 1 (1) of the REA regulation:

*“water body’ includes a lake, a permanent stream, an intermittent stream and a seepage area but does not include,*

- (a) grassed waterways,*
- (b) temporary channels for surface drainage, such as furrows or shallow channels that can be tilled and driven through,*
- (c) rock chutes and spillways,*
- (d) roadside ditches that do not contain a permanent or intermittent stream,*
- (e) temporarily ponded areas that are normally farmed,*
- (f) dugout ponds, or*
- (g) artificial bodies of water intended for the storage, treatment or recirculation of runoff from farm animal yards, manure storage facilities and sites and outdoor confinement areas.”*

The following sections of this report were organized with respect to the governing bodies identified in Column 1 of the Table in Section 30 of the REA Regulation.

Records for areas within a minimum distance of 1 km from the Project Location were searched. This included records from the Ministry of Natural Resources, Ministry of Environment, Ontario Ministry of Food, Agriculture and Rural Affairs, Federal Government, Long Point Region Conservation Authority and Norfolk County. The results are discussed below in relation to the distances specified between the Project Location and water body features as defined in Section 30 of the REA Regulation (see Section 1.3).

There are no Planning Boards, Municipal Planning Authorities, Local Roads Boards or Local Services Boards with jurisdiction over the Project study area. Also, the Project Location is not within the Niagara Escarpment Commission Plan Area. Therefore, a records review for these governing bodies was not conducted.

### 2.1 Ministry of Natural Resources Records

#### 2.1.1 Methodology

The following Ministry of Natural Resources (MNR) on-line records were reviewed:

- Ontario Base Maps (OBM) and natural feature layers from Land Information Ontario (LIO) (<http://www.mnr.gov.on.ca/en/Business/LIO/index.html>), supplemented with OBM maps from the Geographic Network of Canada (GNC) (<http://www.geographynetwork.ca/>)
- Natural Heritage Information Centre (NHIC) on-line mapping (<https://www.biodiversityexplorer.mnr.gov.on.ca/nhicWEB/main.jsp>).

- MNR Aylmer District records

### **2.1.2 Results**

OBM mapping identified a small, presumably manmade pond adjacent to the western boundary of the Project Location, within the 120 m setback. According to the definition of a “water body” in the REA Regulation, dugout ponds or artificial bodies of water are not waterbodies. This feature will be verified during the site investigation. Otherwise, no other water body features were identified within 120 m of the Project Location.

The mapping identified the following water body features within 1 km of the Project Location:

- Davis Creek about 620 m northwest of the Project Location.
- A tributary of Davis Creek about 920 m south of the Project Location.

No additional water body features were identified on the mapping available on the NHIC website.

Information regarding natural features and species of conservation concern within the vicinity of the Project Location was provided by the MNR Aylmer District in an e-mail dated January 24, 2010 (Appendix A). The MNR did not provide any comments related to water features.

## **2.2 Ministry of the Environment**

### **2.2.1 Methodology**

A request for information related to water body features within a minimum distance of 1 km was sent to the Ministry of the Environment (MOE) by way of email dated April 18, 2011.

### **2.2.2 Results**

The MOE responded to the information request on May 25, 2011 (Appendix B). The MOE did not identify any new or different water body features than those identified and discussed in this report, but did note that the dugout pond west of the Project Location currently has a valid permit to take water.

## **2.3 Ontario Ministry of Agriculture, Food and Rural Affairs Records**

### **2.3.1 Methodology**

The following Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) on-line records were reviewed:

- Rural Drainage Mapping ([http://www.lio.ontario.ca/imf-ows/imf.jsp?site=ads\\_en](http://www.lio.ontario.ca/imf-ows/imf.jsp?site=ads_en)).

### **2.3.2 Results**

The OMAFRA rural drainage mapping did not identify any constructed drains or agricultural tile drainage within 120 m of the Project Location. Other nearby water body features illustrated on the rural drainage mapping (e.g. Davis Creek) appeared the same as those depicted on the OBM maps.

## 2.4 Federal Government Records

### 2.4.1 Methodology

The following federal government websites were reviewed to determine if any records regarding water body features on or adjacent to the Project Location were available:

- Fisheries and Oceans Canada (DFO) website (<http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/index-eng.htm>)
- DFO Aquatic Species at Risk Distribution Mapping available from Conservation Ontario website (<http://www.conservation-ontario.on.ca/projects/DFO.html>)
- Natural Resource Canada (NRCAN) National Topographic System (NTS) topographic maps (<http://atlas.nrcan.gc.ca/site/english/maps/topo/map>)

### 2.4.2 Results

No reference to water bodies on or adjacent to the Project Location was found on the DFO website.

The DFO Aquatic Species at Risk Distribution Mapping did not identify any aquatic Species at Risk within 120 m of the Project Location. Nearby water body features illustrated on the DFO mapping (e.g. Davis Creek) appeared the same as those depicted on the OBM maps.

The NRCAN topographic mapping did identify a tributary to Davis Creek within 120 m of the Project Location, encroaching near the southern boundary of the Project Location as depicted on Figure 3.1. In addition, the NRCAN mapping identified several other tributaries to Davis Creek situated north of the Project Location (Figure 3.1), beyond the 120 m setback. These drainage features were not illustrated on the OBM maps. NRCAN mapping did not identify any water body features on the Project Location itself. Other, nearby water body features illustrated on the NRCAN mapping (e.g. Davis Creek) appeared similar to those depicted on the OBM maps.

## 2.5 Conservation Authority Records

### 2.5.1 Methodology

Information provided on the Long Point Region Conservation Authority (LPRCA)'s website (<http://www.lprca.on.ca/index.htm>) was reviewed for any records regarding water features on or adjacent to the Project Location. In addition, on-line copies of the Conservation Authority's Regulation maps made under Ontario Regulation 97/04 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses in Ontario Regulation were reviewed.

LPRCA was contacted to obtain any relevant studies, information and/or GIS mapping data identifying their Regulated Areas as well as any specific mapping of flood and erosion hazards associated with water features on or adjacent to the Project Location.

### 2.5.2 Results

LPRCA's Regulation mapping (Sheet no. 101) as viewed on-line did not identify any water body features on the Project Location itself nor were any Regulated Areas identified within 120 m of the site.

GIS data of the LPRCA's Regulation Areas were obtained from LPRCA and are depicted on Figure 3.1. Based on review of this data, there are no identified Regulation Areas within 120 m of the Project Location.

## **2.6 Municipal Records**

### **2.6.1 Methodology**

Information provided on the Norfolk County website was reviewed to determine if any records regarding water body features on or adjacent to the Project Location were available.

A copy of the draft Project Description Report (PDR) was provided to Norfolk County for review in advance of a Project start-up meeting that was held on June 18, 2010. A staff member from Norfolk County attended the meeting and provided general information comments on the information contained in the PDR.

### **2.6.2 Results**

The Norfolk County Official Plan (2006) Schedule B-6 (Land Use) (<http://www.norfolkofficialplan.ca>) identified Davis Creek west of the Project Location and a tributary south of the Project Location similar to that depicted on the OBM maps. Schedule B-6 mapping did not identify any water body features within 120 m of the Project Location.

### 3. Summary of Results and Next Steps

#### 3.1 Summary of Results

Table 3.1 summarizes the results of the Records Review according to the water body features identified in Section 1.3. A map depicting the identified water features on and in proximity to the Project Location is provided in Figure 3.1.

**Table 3.1 Summary of Records Review Determinations**

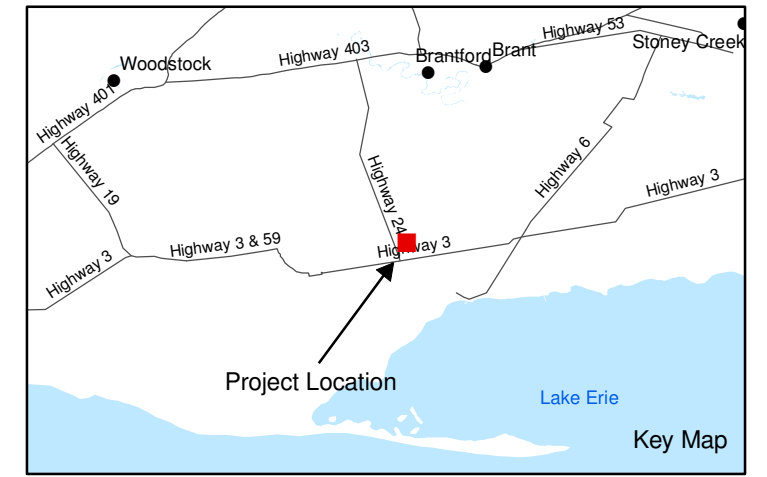
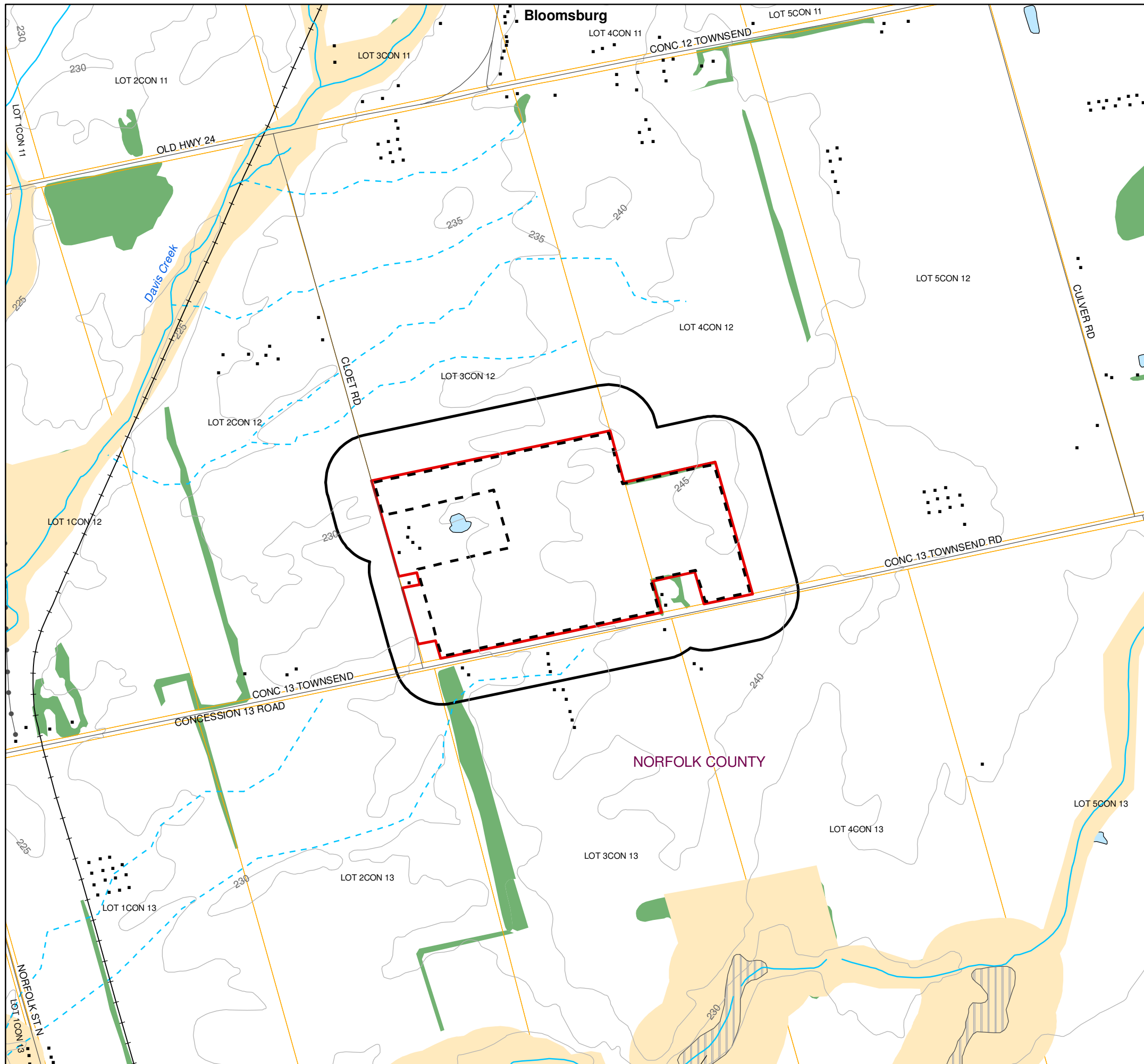
Determination to be Made	Yes/No	Description
Is the Project Location in a water body?	No	No part of the Project will be constructed within a water body.
Is the Project Location within 120 m of the average annual high water mark of a lake, other than a lake trout lake that is at or above development capacity?	Yes	The OBM mapping identified a pond approximately 70 m west of the Project Location. The presence of this pond will be confirmed during the site investigation and assessed to determine if it meets the definition of a water body as defined in the REA Regulation. No other lakes are present in the study area.
Is the Project Location within 300 m of the average annual high water mark of a lake trout lake that is at or above development capacity?	No	No lake trout lakes are present in the study area.
Is the Project Location within 120 m of the average annual high water mark of a permanent or intermittent stream?	Yes	The NRCAN topographic mapping shows a tributary of Davis Creek south of the Project Location, within the 120 m setback. This drainage feature appears to be an intermittent stream, however, this is not identified on the OBM mapping.
Is the Project Location within 120 m of a seepage area?	No	No seepage areas were identified during the Records Review.

Therefore, a site investigation is required to confirm the presence of the water body features on or within 120 m of the Project Location.

#### 3.2 Next Steps

A site investigation, as required in Section 31 of the REA Regulation will be completed to:

- i. confirm the water body features identified during this records review;
- ii. identify if any corrections to the information presented herein are required;
- iii. determine whether any additional water bodies exist in the Project area;
- iv. confirm the boundaries of any water body feature within 120 m of the Project Location; and
- v. determine the distance from the Project Location to any identified water body boundaries (i.e., the average annual high water mark).



**LEGEND**

- Building
- - - Drainage Feature (From NRCAN NTS Mapping)
- +—+— Railway
- Road
- Topographic Contour (5 m interval)
- Transmission Line
- Watercourse
- LPRCA Regulated Area
- Parcel
- - - Project Location
- 120 m from Project Location
- Project Site
- ▨ Provincially Significant Wetland (PSW)
- Water Body (OBM Mapping)
- Woodland

Notes:  
 1. OBM and NRVIS data downloaded from LIO, with permission.  
 2. Spatial Referencing UTM NAD 83, August 2010  
 3. Long Point Region Conservation Authority data provided by LPRCA, August 17, 2010.



Figure 3.1  
 Axio Power Canada Inc./SunEdison Canada  
 Norfolk Bloomsburg TS  
 Water Body Features



## 4. References

Norfolk County 2006. Norfolk County Official Plan. May 9, 2006. On-line at <http://www.norfolkofficialplan.ca>. Accessed August 3, 2010.

Long Point Region Conservation Authority (LPRCA) 2009. Long Point Region Source Protection Area Draft Assessment Report. Draft July 9, 2010. Prepared on behalf of: Lake Erie Region Source Protection Committee Under the Clean Water Act, 2006 (Ontario Regulation 287/07). On-line at <http://www.sourcewater.ca/index/document.cfm?Sec=8&Sub1=6&Sub2=1>. Accessed August 3, 2010.

Long Point Region Conservation Authority (LPRCA) 2006. Long Point Region Conservation Authority Regulation Maps No. 101 and 81 under Ontario Regulation 97/04 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Ontario Regulation 178/06. On-line at <http://www.lprca>.

Ministry of Natural Resources (MNR). 2011. Email correspondence between Mr. Paul Holmes of Hatch. Information Request – Norfolk Bloomsburg TS Solar Energy Project. Dated January 24, 2011.

Ministry of Environment (MOE). 2011. Email correspondence between Mr. Paul Holmes of Hatch. Information Request – Norfolk Bloomsburg TS Solar Energy Project. Dated May 25, 2011.

## Appendix A

# Ministry of Natural Resources Aylmer District Information

**From:** Tait, Maryjo (MNR) [mailto:Maryjo.Tait@ontario.ca]  
**Sent:** Monday, January 24, 2011 9:12 AM  
**To:** Holmes, Paul  
**Cc:** rmiller@axiopower.com; Tait, Maryjo (MNR)  
**Subject:** Information Request: Axio Power Canada Inc. Norfolk to Bloomsburg TS

Good morning,

As per section 25 of the REA Regulation, the MNR should be contacted during the Records Review process to provide records that relate to natural features that are maintained by MNR. Therefore, please find the following information for Axio Power Canada Inc.'s Norfolk to Bloomsburg TS project, located in Part of Lot 3 and Part of Lot 4, Concession 12 in the geographic Township of Townsend, County of Norfolk.

**Species at Risk:**

The *Endangered Species Act, 2007* (ESA 2007) came into force on June 30, 2008 and provides both individual protection (section 9) and habitat protection (section 10) to species listed as endangered or threatened on the Species at Risk in Ontario (SARO) List. The current version of the SARO List (Ontario Regulation 230/08), issued under the ESA 2007, can be found on e-laws (<http://www.e-laws.gov.on.ca/navigation?file=home&lang=en>).

The MNR has known occurrences of American Badger (Endangered) in the area of the project location. Burrow surveys are strongly suggested, particularly along the hedgerows, borders between fields, and in what appears to be a sand pile located adjacent to the project location (by the residence). Badger burrows are protected under section 10 of the ESA 2007 and are described by a habitat regulation.

Please note that this is an initial project screening for species at risk (SAR) and the absence of an element occurrence does not indicate the absence of species. The province has not been surveyed comprehensively for the presence or absence of SAR, and MNR data relies on observers to report sightings of SAR. Consequently, the presence of element occurrences is useful to flag the presence of SAR within the project location and surrounding area, but is not an appropriate tool to determine whether a species or habitat is present at the local (property-scale) level. Site-specific investigation within and adjacent to the study area may find additional species and/or habitat located on or adjacent to the site. Please note that SAR surveys and discussion is not required as per the REA Regulation but under MNR's Approval and Permitting Requirements Document (APRD). As such, SAR are outside the requirements for receiving MNR confirmation on the NHA.

**Species of Conservation Concern**

The MNR has known occurrences of Milksnake (Special Concern under the ESA 2007) in the area of the project location. This species uses a variety of habitats, including disturbed areas, so Milksnake species and habitat may be present on or within 120 m of the project location.

**Significant wildlife habitats**

Significant wildlife habitat (SWH) may be present on and within 120 metres of the project location. For example, there is potential for Milksnake habitat and it appears there are hedgerows within the project location that may be used as animal movement corridors. Please note that SWH is to be considered separately from SAR habitat. The Significant Wildlife Habitat Technical Guide (SWHTG) is a good document to consult, which is found at [http://www.mnr.gov.on.ca/en/Business/FW/Publications/MNR\\_E001285P.html](http://www.mnr.gov.on.ca/en/Business/FW/Publications/MNR_E001285P.html). The Natural Heritage Reference Manual (NHRM) also provides guidance regarding significant wildlife habitat, and is found at <http://www.mnr.gov.on.ca/en/Business/LUEPS/Publications/249081.html>.

**Significant woodlands:**

It appears there are woodlands within 120 metres of the project location. The Natural Heritage

Assessment (NHA) Guide (attached) and the NHRM contains information and criteria for determining significant woodlands.

**Significant wetlands:**

The MNR currently has no evaluated wetlands on or within 120 metres of the project location. Site-specific investigation within the study areas may find existing wetlands that have not yet been evaluated or designated.

**Significant valleylands:**

The MNR does not possess significant valleylands mapping. We would normally recommend you contact the local Conservation Authority to find out if they have information pertaining to significant valleylands, however we note that the Records Review indicates the Long Point Region Conservation Authority has already been contacted. The NHA Guide (attached) and the Natural Heritage Reference Manual (link above) also provides guidance on evaluation criteria for determining significant valleylands.

**Additional Information:**

Please note that petroleum resources should also be considered as per Section 5.2.3.3 of the APRD. Please visit the Oil, Gas and Salt Resources (OGSR) Library ([www.ogsrlibrary.com](http://www.ogsrlibrary.com)) for information about known petroleum well and pool locations. The information in the library reflects only known wells. There is potential that wells may exist for which no records are held by the Petroleum Resources Centre or the information may be historically, inaccurate or incomplete. As per Section 7.8 of the APRD, development is not permitted within 75 m of a petroleum resources operation (all wells, including capped, dry, abandoned, etc.), unless the applicant submits an engineers report demonstrating there are no effects to the development. Discussion and mapping of petroleum resources is required within an APRD report, which is separate from the NHA.

Please also find attached a copy of the draft December 2010 Natural Heritage Assessment Guide.

Thank you,  
Maryjo

**Maryjo Tait**  
*Renewable Energy Assistant Planner*  
MNR Aylmer District

## Appendix B

# Ministry of the Environment Information

## Holmes, Paul

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**To:** Holmes, Paul  
**Subject:** FW: Axio Power - Norfolk Bloomsberg TS Solar Energy Project - Water Body Records Review Reports - Request to Obtain MOE Water Body Information

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**From:** Odom, Paul (ENE) [<mailto:Paul.Odom@ontario.ca>]

**Sent:** Wednesday, May 25, 2011 3:05 PM

**To:** Holmes, Paul

**Subject:** RE: Axio Power - Norfolk Bloomsberg TS Solar Energy Project - Water Body Records Review Reports - Request to Obtain MOE Water Body Information

Mr. Holmes,

I have looked at the Ministry surface water information in this region regarding the property in question. Within the Davis Creek watershed, the surface water issues that the Ministry has dealt with are within the boundaries of the Town of Simcoe. In terms of activities, there is an established water taking in the northwest corner of lot 3 Concession 12 and others in lot 1; however, these are not within your 120m. buffer. There is a dugout pond on the property in the middle of your activity area which currently has a valid permit to take water (03-P-2018) which may be impacted by site modifications in the area.

Hope the foregoing is useful to you.

### Paul Odom

Surface Water Team Leader  
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West Central Region  
119 King St. W. 12th Fl.  
Hamilton, Ontario L8P 4Y7  
Ph:(905)521-7674  
Fax:(905) 521-7820

---

**From:** Holmes, Paul

**Sent:** Friday, April 15, 2011 1:57 PM

**To:** [Paul.odom@Ontario.ca](mailto:Paul.odom@Ontario.ca)

**Cc:** Robert Barkley; Bennett, Bruce; 335467-Axio; Esraelian, Martine; Gill, Eleanor; Tsai, Julia; Potter, Shelley; Leavell, Linda

**Subject:** RE: Axio Power - Norfolk Bloomsberg TS Solar Energy Project - Water Body Records Review Reports - Request to Obtain MOE Water Body Information

Paul Odom  
Surface Water Advisor  
Hamilton District Office  
[Paul.odom@Ontario.ca](mailto:Paul.odom@Ontario.ca)

Hatch Ltd. is assisting Axio Power Canada Inc. (contact info below) with their Renewable Energy Approval (REA) for a 10 MW solar energy facility pursuant to O. Reg. 359/09. As part of the Water Body Assessment Records Review that Hatch is conducting and as recommended by the Ministry's, *Technical Bulletin: Guidance for Preparing the Water Assessment and Water Body Reports*, we hereby request the Ministry provide us with any MOE information on water body features and/or surface water quality on and/or within 120 m of the Project Location as shown on the attached figure. Hatch has previously ascertained that there are no Lake Trout lakes within 300 m of the Project Location and therefore is requesting water body information only on and within 120 m of the Project Location.

The pertinent project information is:

Project Name: Norfolk Bloomsberg TS Solar Energy Project  
Project Location: Part of Lots 3 and 4, Concession 12, Norfolk County

The attached map shows the various water body features that have currently been identified to date from a variety of records that include, but not limited to: the local Conservation Authority, the Municipality, MNR's LIO database, Federal government websites, Ministry of Agriculture, Food and Rural Affairs. If the Ministry's records are such that there is no different or additional water body information than that depicted on the map, we request the Ministry provide a statement to this effect.

Thanks

Paul D. Holmes, P. Eng.  
Environmental Coordinator  
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