

APPENDIX B:

Confirmation Letters (MNR & MTCS)

December 13, 2013

Mr. A. Jose De Amas
Samsung Renewable Energy Inc.
55 Standish Court
Mississauga, ON L5R4B2

RE: Modifications to Sol-Luce Kingston Solar PV Energy Project Location

Dear Mr. Amas,

The Ministry of Natural Resources (MNR) has received the Sol-Luce Kingston Solar PV Energy Project NHA Modifications memo dated November 25, 2013 and the Sol-Luce Kingston Solar PV Energy Project Natural Heritage Assessment addendum dated December 13, 2013, that describes modifications to the Sol-Luce Kingston Solar PV Energy Project made subsequent to MNR's letter confirming the Natural Heritage Assessment in respect of the project.

In accordance with Appendix D of MNR's Natural Heritage Assessment Guide, a commitment has been made to complete pre-construction assessments of habitat use for candidate significant wildlife habitats. This is in addition to pre-construction assessments already committed to in the June 11, 2012 confirmation letter. MNR has reviewed and confirmed the assessment methods and the range of mitigation options. The results of these surveys will be submitted to MNR upon completion of the surveys. Pending completion of the pre-construction assessments and determination of significance, the appropriate mitigation is expected to be implemented, as committed to in the environmental impact study for the following candidate significant wildlife habitats:

- Reptile Hibernaculum (SH D1, and SH D2)
- Waterfowl Stopover and Staging Areas (Aquatic) (WSSA D1; WSSA D2 and WSSA D3)
- Bat Maternity Colonies (BMC D1)
- Waterfowl Nesting Area (WNA D1 and WNA D2)
- Amphibian Breeding Habitat (Woodland) (ABF D1)
- Marsh Breeding Bird Habitat (MBB D2)
- Habitat for Common Nighthawk (CN D1)

Upon review of the modifications, MNR is satisfied that the Natural Heritage Assessment requirements of Ontario Regulation 359/09 have been met. Please

add this letter as an addendum to the confirmation letter issued June 11, 2012 for the Sol-Luce Kingston Solar PV Energy Project.

If you wish to discuss this matter further, please contact Heather Zurbrigg at heather.zurbrigg@ontario.ca or 613-258-8417.

Sincerely,



Joe Halloran
Renewable Energy Program Coordinator *for*

Kathy Woeller
Southern Region Land Use Planning Supervisor
Southern Region MNR

cc Sarah Raetsen, Environmental Approvals Access & Service Integration Branch, MOE
Narren Santos, Environmental Approvals Access & Service Integration Branch, MOE
Zeljko Romic, Environmental Approvals Access & Service Integration Branch, MOE
Karen Bellamy, District Manager, Peterborough District, MNR
Jennifer Petruniak, Associate, Dillon Consulting

----- Forwarded message -----

From: "Kulpa, Paula (MTCS)" <Paula.Kulpa@ontario.ca>

To: "Rivard, Meaghan" <Meaghan.Rivard@stantec.com>

Cc: "Muir, Jeff" <Jeff.Muir@stantec.com>, "Schiller, Chris (MTCS)" <Chris.Schiller@ontario.ca>

Date: Tue, 5 Nov 2013 12:24:12 -0700

Subject: RE: Sol-luce Kingston Solar PV Energy Project (MTC DPR file no.: PLAN -00EA071)

Subject: Heritage Assessment Report and Project Layout Modifications

Project: Sol-luce Kingston Solar PV Energy Project

Applicant: Kingston Solar LP Inc.

Location: Multiple Lots in City of Kingston and Loyalist Township

MTCS File No.: PLAN-00EA071

Meaghan,

Thank you for providing us with the letter dated October 29, 2013, regarding the proposed refinements for the above noted project. The ministry has reviewed the submitted documentation. These changes do not affect the recommendations of the June 8, 2012 version of the report. As a result these changes do not affect the comments provided by the ministry in the letter dated June 11, 2012. Therefore, a new MTCS written comments letter is not required.

If further changes to the project layout take place, please continue to keep our office informed.

Regards,

Paula

Paula Kulpa

Team Lead – Heritage Land Use Planning

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**Ministry of Tourism,
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June 11, 2012

Mr. Simon Kim
Kingston Solar LP
55 Standish Court, 9th Floor
Mississauga, ON
L5R 4B2

RE: Sol-luce Kingston Solar PV Energy Project

Location: Multiple lots, City of Kingston and Loyalist Township

MTC DPR file no.: PLAN-00EA071

Dear Mr. Kim:

This letter constitutes the Ministry of Tourism, Culture and Sport's written comments as required by s. 23(3)(a) of O. Reg. 359/09 under the *Environmental Protection Act* regarding heritage assessments undertaken for the above project.

Based on the information contained in the report you have submitted for this project, the Ministry is satisfied with the heritage assessment. Please note that the Ministry makes no representation or warranty as to the completeness, accuracy or quality of the heritage assessment report.*

The report recommends the following:

4.0 CONCLUSIONS

Protected properties

As a result of consultation with designating authorities under the Ontario Heritage Act, none of the identified properties constitute protected properties under Ontario Regulation 359/09.

Cultural heritage value

It is concluded that while all the properties exhibit varying degrees of association with the historical theme of land settlement and related agricultural activity, (namely they are remnant agricultural fields in a larger contextual rural landscape) and possess some contextual value due to historical linkages with their surroundings, none are of sufficient cultural heritage value or interest that would warrant not-developing these lands for solar energy facility.

Mitigation of effects in interior properties

Impacts to heritage resources may be short or long in duration and experienced during construction only or during the post construction phase. Where interior properties (i.e., those without direct road frontage) are proposed to be developed for solar energy purposes these properties are considered to have less visual exposure within the rural landscape, such as the eastern side of Quabbin Road. Existing vegetation and screening for the most part will provide visual buffering or filtering of extended views to these properties from the public road right-of way and should be protected and retained.

Although not required for interior properties with some degree of visual buffering or filtering, additional visual buffering will be considered for interior properties as detailed design proceeds.

Mitigation of effects in properties adjacent to road rights-of way

At those locations adjacent to a road right of way, (Unity Road, the south side of Mud Lake Road, the west side of Howes Road, the north side of Rock Road, and the west side of Highway 38) the solar facility may be open to view. Mitigation of views may be provided by the installation of screening devices. The locations of screening devices will be determined during detail design with consideration given to the findings of this report; public and municipal consultation; and, engineering and property constraints.

These should be derived from traditional fencing and vegetative plantings in keeping with those examples found in the general area. The following list of species may be used for mitigation applications as a mixed vegetated fencerow in areas where resulting tree height will not result in shading of the solar panels.

Recommended Trees:

Red Maple	<i>Acer rubrum</i>
Serviceberry	<i>Amelanchier canadensis</i> *
Sugar Maple	<i>Acer saccharum</i>
Silver Maple	<i>Acer saccharinum</i>
Japanese Dogwood	<i>Cornus kousu</i> *
Pagoda Dogwood	<i>Cornus alternifolia</i> *
Black Walnut	<i>Juglans nigra</i>
Tamarack	<i>Larix laricina</i>
Norway Spruce	<i>Picea abies</i> (Historically planted in rural areas)
White Spruce	<i>Picea glauca</i>
Jack Pine	<i>Pinus banksiana</i>
Red Pine	<i>Pinus resinosa</i>
White Pine	<i>Pinus strobus</i>
Scots Pine	<i>Pinus sylvestris</i>
Red Oak	<i>Quercus rubra</i>
White Oak	<i>Quercus alba</i>
White Cedar	<i>Thuja occidentalis</i>

*Tree Varieties 4.5 m to 9 m in height

Recommended Shrubs:

Silky Dogwood	<i>Cornus amomum</i>
Red Osier Dogwood	<i>Cornus sericea</i>
Scarlet Hawthorn	<i>Crataegus coccinea</i>
Highbush Cranberry	<i>Viburnum trilobum</i>
Nannyberry	<i>Viburnum lentago</i>

Mitigation of potential visual effects on built heritage resources

Although several built heritage resources have been identified through field survey such features will not be demolished or removed as a result of property development for the solar facility. Screening devices may be appropriate at certain locations, such as the area between Properties 14B and 14C, as backdrops to identified features to prevent silhouetting of the built heritage resources against solar facility. As each property is unique, specific site mitigation measures, where required, will be determined during detailed design through consultation with the landowner and with consideration to engineering and property constraints.

3578 Unity Road, adjacent to Property 3

The log structure recorded at this site was moved to this location from elsewhere (Personal communication with owner, September 27, 2011). It does not form part of a property to be developed. No mitigation is required or recommended.

Westbrook Road, Property 12

In the case of Property 12 where the remnants of log structure were identified this should be noted for potential archaeological mitigation. The remnant structure is rightly described as a “ruin” and falls under the purview of archaeology as defined in Subsection 1(2) of Ontario Regulation 359/09.

4017 Unity Road, Land located between Property 14B and 14C

The stone farmhouse and frame barn are located between two properties identified as solar energy project sites and are not anticipated to be demolished or removed as part of this project. If the adjacent properties are to be developed attention should be given to addressing edge treatments or buffer and screening devices around the periphery of these features to filter or break up views to any solar energy facility beyond. The locations and type of treatment, if required, will be determined in consultation with the landowner and with consideration of engineering and property constraints. The following list of species would be recommended for any future mitigation applications and to be installed as a mixed vegetated fencerow with the inclusion of cedar rail fencing where required by landowner agreements.

Recommended Trees:

Red Maple	<i>Acer rubrum</i>
Sugar Maple	<i>Acer saccharum</i>
Serviceberry	<i>Amelanchier canadensis*</i>
Japanese Dogwood	<i>Cornus kousu*</i>
Pagoda Dogwood	<i>Cornus alternifolia*</i>
Tamarack	<i>Larix laricina</i>

Norway Spruce	<i>Picea abies</i>
White Spruce	<i>Picea glauca</i>
White Pine	<i>Pinus strobus</i>
Scots Pine	<i>Pinus sylvestris</i>
Red Oak	<i>Quercus rubra</i>
White Cedar	<i>Thuja occidentalis</i>

*Tree Varieties 4.5 m to 9 m in height

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Highbush Cranberry	<i>Viburnum trilobum</i>
Nannyberry	<i>Viburnum lentago</i>

5.0 RECOMMENDATIONS

It is recommended that in any development or construction management plan developed for the subject properties that appropriate mitigation strategies be adopted to address the potential impacts or effects of solar facility as noted in Section 4.

The Ministry is satisfied with these recommendations.

This letter does not waive any requirements which you may have under the *Ontario Heritage Act*. Also, this letter does not constitute approval of the renewable energy project. Approvals of the project may be required under other statutes and regulations. It is your responsibility to obtain any necessary approvals or licences.

Please feel free to contact me if you have questions or require additional information.

Sincerely,

Laura Hatcher
Heritage Planner

cc. Rob Young, Associate Environmental Scientist, Power Sector Co-Lead
AMEC

David Cuming, Managing Co-ordinator, Cultural Heritage Planning
MHBC

Chris Schiller, Manager, Culture Services Unit
Ministry of Tourism and Culture

* In no way will the Ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or heritage resources are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.

Ministry of Tourism, Culture and Sport

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Oct 25, 2013

Walter Frank McCall (P389)
Stantec Consulting

RE: Review and Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "Sol-luce Kingston Solar PV Energy Project, Additional Stage 2 Archaeological Assessment, Various Lots, Concessions 5 and 6 Western Addition, Geographic Township of Kingston, now City of Kingston, Frontenac County; Various Lots, Concession 4, Geographic Township of Ernestown, now Loyalist Township, Lennox and Addington County, Ontario", Dated Oct 25, 2013, Filed with MTCS Toronto Office on Oct 24, 2013, MTCS Project Information Form Number P389-0016-2013, OPA Reference Number FIT-FXXXXXX

Dear Doctor, McCall:

This office has reviewed the above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the Ontario Heritage Act, R.S.O. 1990, c 0.18. ¹ This review has been carried out in order to determine whether the licensed professional consultant archaeologist has met the terms and conditions of their licence, that the licensee assessed the property and documented archaeological resources using a process that accords with the 2011 Standards and Guidelines for Consultant Archaeologists set by the ministry, and that the archaeological fieldwork and report recommendations are consistent with the conservation, protection and preservation of the cultural heritage of Ontario.²

The report documents the assessment of the study area as depicted in Figures 4-1 through 4-6 of the above titled report and recommends the following:

"The Stage 2 archaeological assessment of the Sol-luce Kingston Solar PV Energy Project identified one archaeological site, Stantec Location 1 (BbGd-58). The cultural heritage value or interest of the site is considered to be sufficiently documented. Therefore, no further archaeological assessment of Stantec Location 1 (BbGd-58) is recommended and no further archaeological assessment of the properties discussed in this report is required.

The Ministry of Tourism, Culture and Sport is asked to review and accept this report into the Ontario Public Register of Archaeological Reports."

Based on the information contained in the report, the ministry is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the ministry's 2011 Standards and Guidelines for Consultant Archaeologists and the terms and conditions for archaeological licences. This report has been entered into the Ontario Public Register of Archaeological Reports. Please note that the ministry makes no representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require any further information regarding this matter, please feel free to contact me.

Sincerely,

Andrea, Williams
Archaeology Review Officer

cc. Archaeology Licensing Officer
A. Jose DeArmas, Samsung Renewable Energy Inc.
Mansoor Mahmood, Ministry of Environment

¹This letter constitutes the Ministry of Tourism, Culture and Sports written comments where required pursuant to section 22 of O. Reg. 359/09, as amended (Renewable Energy Approvals under the Environmental Protection Act), regarding the archaeological assessment undertaken for the above-captioned project. Depending on the study area and scope of work of the archaeological assessment as detailed in the report, further archaeological assessment reports may be required to complete the archaeological assessment for the project under O. Reg. 359/09. In that event Ministry comments pursuant to section 22 of O. Reg. 359/09 will be required for any such additional reports.

²In no way will the ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.