

# Building and Land Use Policy

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**CORRIDOR MANAGEMENT AND PROPERTY SECTION  
PROVINCIAL HIGHWAYS MANAGEMENT DIVISION  
MINISTRY OF TRANSPORTATION**



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# **1 INTRODUCTION**

## **1.1 Preamble**

1. A building and land use permit must be obtained to carry out any works within the controlled area.
2. Imperial to metric: 1ft. = 0.30 metre
3. In Central Region only:
  - Field Services Engineer also refers to the Section Head of Corridor Management Office;
  - Planning and Design Section refers to the Highway Engineering Office;
  - Corridor Management Officer refers to the Permits Officer;
  - Regional Corridor Control Office refers to the Corridor Management Office
4. All access requirements associated with this Chapter may be found in Chapter 4 (Access Policy).

## **1.2 Purpose**

The placement of buildings, structures, fences and the development of lands adjacent to Provincial Highways are controlled under the authority of The Public Transportation and Highway Improvement Act.

This control is designed to reduce the likelihood that future changes in the right-of-way of a highway will make it necessary to relocate buildings or other structures. The elimination of expense and the inconvenience to the property owners and to the public are important considerations.

Applicants are encouraged to locate buildings in a manner that will reduce the possibility of creating highway maintenance problems. They are also advised of the advantages of locating buildings and structures away from the sources of noise and vibrations of traffic.

### **1.3 Legislation**

The legal basis for building and land use control is established in Sections 34 (King's Highway) and 38 (Controlled Access Highway) of the Public Transportation and Highway Improvement Act.

- 34 (2) Despite any general or special Act, regulation, by-law or other authority, no person shall, except under a permit therefor from the Minister,
- (a) place, erect or alter any building, fence, gasoline pump or other structure or any road upon or within 45 metres of any limit of the King's Highway or upon or within 180 metres of the centre point of an intersection;
  - (b) place any tree, shrub or hedge within 45 metres of any limit of the King's Highway or within 180 metres of the centre point of an intersection;
  - (d) use any land, any part of which lies within 800 metres of any limit of the King's Highway, for the purposes of a shopping centre, stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers;
  - (e) sell, offer for sale or display produce, goods or merchandise upon the King's Highway.
- 38(2) Despite any general or special Act, regulation, by-law or other authority, no person shall, except under a permit therefor from the Minister,
- (a) place, erect or alter any building, fence, gasoline pump or other structure or any road upon or within 45 metre of any limit of the Controlled-Access Highway or upon or within 395 metres of the centre point of an intersection;
  - (b) place any tree, shrub or hedge within 45 metres of any limit of the Controlled -Access Highway or within 395 metres of the centre point of an intersection;

- (c) sell, offer or expose for sale any vegetable, fruit or other produce or any goods or merchandise upon or within 45 metres of any limit of a Controlled- Access Highway or within 395 metres of the centre point of an intersection;
- (d) place, erect or alter any power line, pole line or other transmission line within 400 metres of any limit of a Controlled-Access Highway;
- (f) use any land, any part of which lies within 800 metres of any limit of the Controlled-Access Highway, for the purposes of a shopping centre, stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers.

## **2 CLASSIFICATIONS**

### **2.1 Classifications of Buildings, Land Use, Plantings, Structures, Fences**

Each development proposal shall be classified as Commercial or Residential/Farm in accordance with the definitions set out in "Classifications Defined" below.

### **2.2 Classifications Defined**

The classifications shall be defined as follows:

- a) Commercial - a building, structure, including one operated by and for the good and welfare of the public other than a building, structure used solely for a personal residence or for personal recreational use or for farming operations.
- b) Residential/ Farm - a building, structure used solely for a personal residence, for personal recreation or for farm operations.

### **2.3 Classification of Development**

The various types of development in this chapter are listed according to type, classification and setback distance in table form. This table shall be used as a guide.

Each permit must state the classification of the development authorized by the permit. A proposed change in classification shall be subject to the approval of this Ministry.

### **3 SETBACK INFORMATION**

#### **3.1 Basic Setback Distances**

The distances shown on the "Types, Classification and Setback Distance Table" (Appendix "A" page 30 to 33) shall be the basic setback distances at which buildings shall be placed from the highway property line.

In built up urban areas where the right-of-way is less than 30 m in width, the basic setback distance is the building line established by local by-law and/or the Field Services Engineer, based upon the location of the existing buildings. In the case of an unlisted type of building, the setback is 14m.

Certain minor types of developments such as private bus passenger shelters, temporary contractor buildings, parking lots and equipment storage yards that are readily movable may be located at less than the basic distance.

Development proposed along highways that are scheduled for construction on the Ministry's Multi-Year Capital Construction Program may warrant referral to the Regional Director.

In all instances, the Ministry may permit development to proceed with certain conditions being applied regarding setbacks.

The basic setback distances, which shall apply to buildings/structures, are outlined in Appendix "A". The controlled-access criteria for each highway, where applicable, must be consulted and may supercede the setbacks established in Appendix "A".

The minimum setback for all buildings and structures adjacent to a Class 1 or 2 highway or a 400 series highway is 14m.

Setbacks for Class 1 & 2 highways - "Development classified as minor land use or municipal/private road may be located at less than the basic setback of 14m for class 1 or 2 highways provided the developer can prove to the satisfaction of the ministry that the land use/ road is not essential to the overall viability of the development and can therefore be removed or relocated in the future."



### **3.2 Building Line in City, Town or Village Established by Municipal By-Law**

Within the limits of a city, town, village, or within a built-up or urban area as defined in Chapter 1, the building line shall be the line established by municipal bylaw. Where no municipal by-law exists, the Field Services Engineer may establish the building line based on the location of existing buildings.

In areas within the limits of a city or town where the density of the buildings is less than the density of an urban area as defined in Chapter 1 and where no municipal by-law exists, the basic setback distances shall apply.

In those cases, where the existing buildings are closer to the highway property line than the basic setback distance and are less than 152 m apart, the building line may be established by the Field Services Engineer based on the location of the existing buildings.

### **3.3 Intersecting Street, Building Setback Distance for Unorganized Areas**

Where a road or street intersects a provincial highway, the basic setback distance for a development adjacent to the road or street and within the controlled area shall be the same as the setback for a similar development adjacent to the highway. The Field Services Engineer, in those cases in which the building line is established at a lesser distance, can make exceptions.

### **3.4 Measuring Setback Distance from Nearest Extremity**

The setback distance for buildings and fences shall be measured from the nearest extremity (wall of building including the wall or support, but not the eave, of any deck, veranda, porch, outside stairway, deck, canopy) to the property line. These setback distances must not be less than recommended in these instructions for the particular type of building/development being considered. Where an eave or overhang is greater than 1 m, the setback will be measured from that extremity.

### **3.5 Service Roads**

In areas where a service road exists, the minimum setback for buildings/structures shall coincide with Ministry requirements. In unorganized areas, an 8 metre setback should be used. In areas where a service road is planned (route planning study, municipal) , the setback distance for buildings/structures must be increased to reflect these future requirements.

In the case of existing, privately owned service roads, the basic building setback distance must be increased accordingly. A field review may be necessary to determine the appropriate setback distance.

### **3.6 Municipal Roads**

The setback distance between a Ministry property limit and the edge of pavement of an abutting municipal street or private road shall not be less than 8m. This setback may be increased or decreased by the Field Services Engineer based on future requirements, grades and other site-specific considerations.

Setbacks on any highway - "On any provincial highway, if any part of a development is integral to the operation of the business (i.e. compliance with zoning by-laws standards, conditions of site plan approval including minimum parking requirement by-laws, fire lanes, drive-through lanes, delivery areas and loading dock areas) those parts of the development must be set back a minimum of 14m from our existing/future right-of-way."

It is in the best interest of the ministry to promote the normal sideroad spacing and/or the sideroad spacing set out in the highway CAH criteria when a new road access is proposed to the existing municipal road. This will ensure the new municipal road intersection and the highway will continue to operate safely and efficiently. While sideroad access requires the approval of the appropriate road authority, the ministry may exercise its control through the permit system when the location of a new road adversely impacts on the highway intersection.

## **4 BUILDING AND LAND USE POLICY**

### **4.1 Additions and Alterations**

When an addition or alteration that changes the footprint size to existing buildings, structures, fences is proposed, the owner shall submit an application for a building and land use permit to the Ministry for approval. The application must indicate the extent of the proposed changes. Work must not start until after the Ministry has issued a permit.

#### **Restrictions**

An application to add a building or make alterations to a building must not be approved when the:

- a) proposed alterations or additions contravene the current requirements of the Ministry,
- b) existing development contravened the requirements of the Ministry at the time it was placed or erected,
- c) proposed changes will reduce the parking area for the building below the minimum requirements as set out in Chapter 1 of these instructions, or
- d) proposed changes affect the entrance to the extent that it fails to meet the minimum requirements.

When an existing building is located closer than the basic setback distance, but is not likely to become a traffic hazard and future development of the highway is not affected by the proposed alteration, a permit to build an addition or to make alterations to the building may be issued by the Field Services Engineer.

The nearest extremity of the addition must not be nearer to the centre line of the highway than the nearest extremity of the existing building. Additions to a building not meeting current standards may be permitted provided consideration is given to future highway development plans.

### **4.2 Permit Required**

A building and land use permit must be obtained from the Ministry to carry any work within the controlled area and including:

- 1) the construction or alteration of a building, structure or road/entrance,
- 2) changing the use of a property, building or structure, temporarily or permanently,
- 3) the construction and/or paving of a parking lot,
- 4) the installation of a well, septic system, retaining walls, landscaping (including a placement of tree, shrub and hedge), or illumination,
- 5) erection of a fence or wall except a standard farm fence,
- 6) placement, erection or alteration of any power line, pole line or other transmission line within 400m of controlled-access highway,
- 7) grading of a property,
- 8) moving a building or structure,
- 9) development of a golf course or cemetery,
- 10) construction of a fruit or produce stand,
- 11) placement of stockpiled materials,
- 12) installation of telecommunication towers or facilities,
- 13) seasonal / temporary structures including mobile chip trucks or similar vending stands,
- 14) construction of utilities.

A separate permit must be issued for each individual lot under development.

### **Permit not Required**

A permit is not required for an addition to a legally existing residential building (5 units or less) or agricultural building where the addition is not closer to the highway than the existing building and where there are no changes to the grading access or parking associated with the construction.

## **Other Jurisdictions**

A permit will not be issued for the erection of a building or any other development that is known to contravene a municipal by-law, local zoning regulation, the requirements of the Planning Act or any requirement of a local, regional or provincial agency.

### **A Ministry building and land use permit must be obtained before a municipal building permit can be issued.**

Where a development permit is required from the Niagara Escarpment Commission, development permit must be issued by the Commission before a building and land permit will be issued.

## **4.3 Cemeteries**

The Ministry's control over the location of cemeteries adjacent to provincial highways is limited to the control of buildings, graves, fences, plantings, and objects which inconvenience or endanger the safety of the travelling public or which may cause drifting or accumulation of snow.

### **Cemeteries Act is administered by Ministry of Consumer and Consumer Relations**

Each applicant must be advised to contact the local municipality and the Ministry of Consumer and Commercial Relations to ensure that the proposed cemetery complies with the Regulations under the Cemeteries Act (Revised).

## **4.4 Change of Design and/or Classification**

If it is proposed to change the design or use of a building in a manner that will change the classification after a permit has been issued, the owner must apply for a new permit. Any change of design, classification or location after a permit has been issued shall be subject to the current requirements of the Ministry. Applications for such changes shall be considered in the same manner as the original application and may be approved or refused by the Ministry.

### **Change of Design Application Approved - New Permit is Issued**

When, after a permit has been issued, the applicant proposes to change the design, classification or location of a building, the original permit shall be cancelled and a new permit shall be issued.

## **Change of Design Application Refused - Permit Remains in Force**

When the applicant proposes to change the design, classification or location of a building and is refused after a permit has been issued, the applicant may proceed according to the conditions of the original permit. In these cases, the original permit shall remain in force.

### **4.5 Chip Trucks**

Chip truck stands or other similar vending stands must be located on commercially zoned property with sufficient off highway parking for customers. Such stands are approved by permit and signing is to be in accordance with the Commercial Signing Policy, Chapter 6. Setback distance is to be as set out in Appendix "A". In unorganized areas, these stands may be considered provided that there is compliance with the ministry's home occupation signing policy.

Sufficient on site parking must be available and a commercial entrance is required.

### **4.6 Daylighting Area**

Obstructions or access across a daylighting triangle or parking within a daylighting area is not permitted.

### **4.7 Detention/Retention Ponds**

A detention or retention pond is considered a structure for the purpose of these instructions and requires a building and land use permit. If the pond has an overflow outlet, the applicant will be required to submit a detailed drainage report for ministry review/approval. Further assistance may be obtained from the Regional Office of the MTO. The setback distance shall be measured from closest edge of the facility. Where a berm forms part of facility, the setback shall be taken from the toe of slope of the pond in fill areas or from the top of berm in cut areas.

### **4.8 Fences**

Under the authority of The Public Transportation and Highway Improvement Act, the Ministry exercises general control over the placing and erection of fences, other than standard farm fences, within the controlled area.

The object of this control is to maintain clear vision on curves, at intersections and entrances to prevent maintenance problems and to minimize damage to the highway.

Security fencing is required at all residential and commercial uses adjacent to all series 400 highways. (Refer to ministry Property Directive B-3).

### **Restrictions**

A fence must not be placed where it will:

- 1) reduce the clear vision or sight distance at an intersection or an entrance to a highway below the minimum clear vision requirements of the Ministry,
- 2) reduce the clear vision or sight distance on a sharp turn, hill or curve below the minimum clear vision requirements of the Ministry, or
- 3) cause drifting or accumulation of snow on a highway or cause damage to a highway.

A permit must not be issued for a fence that interferes with the view of a business establishment or of a sign located on an adjacent property. The Field Services Engineer shall make the decisions in these cases.

When a service road adjoins a highway, the Ministry shall enforce the restrictions regarding fences in the area between the highway and the road. These restrictions will not apply to those fences in the area behind the service road unless the Ministry maintains the service road.

When it becomes necessary to move, remove, rebuild or replace a fence because of a change in the right-of-way of a highway or any other reason which is the responsibility of the Ministry, the compensation to be paid, if any, shall be determined by the Regional Property Office.

### **4.9 Fruit and Produce/Vending Stands**

The owner of a property, or the operator of a fruit, produce or vending stand, must obtain a building and land use permit before any fruit or produce is displayed or offered for sale. These fruit/produce stands are intended for fruit/produce grown only on the site. Seasonal operations up to a maximum of 4 months shall require a letter of approval only.

The applicant must provide and maintain sufficient parking area, entirely off the highway right-of-way, to accommodate vehicles stopping at the stand, as well as meeting clear vision requirements in accordance with Ministry standards.

## **Restrictions**

A fruit or produce stand must not be placed:

- 1) where it may reduce the clear vision or sight distance at an intersection, and
- 2) prior to obtaining any permits/approval required by the Ministry or the municipality.

### **4.10 Greenbelt Areas**

#### **Niagara Escarpment Planning Area**

Any development within lands designated as an area of development control under The Niagara Escarpment Planning Area requires a development permit from the Niagara Escarpment Commission.

Applicants should be referred to the Niagara Escarpment Commission and provide proof of compliance prior to Ministry approval.

#### **Parkway Belt Planning Area**

Any development within lands designated as a restricted area under The Parkway Belt Planning and Development Act must meet the principles governing the Parkway Belt prior to Ministry approval. See GREENBELT, Chapter 1,

### **4.11 Home Industries**

Some municipalities permit small industrial or commercial uses to be established on residential or farm properties without rezoning. Examples of such activities include wood working shops, welding or fabricating shops, chip trucks, craft sales, etc. These uses usually employ only one or two people including the owner and are relatively modest in scale and impact. The potential exists however for these businesses to expand which increases the impact on the highway.

Municipalities should be discouraged from permitting home industries on properties that front onto a Class 3 controlled-access highway and the Ministry will not support any rezoning where the criteria specify that no commercial rezoning is permitted nor will permits be issued. Home industries should clearly be a secondary use on the property and should not change the character of the property.



A location sign identifying the business may be permitted in accordance with the commercial sign policies. The use must meet the setback requirements.

A home industrial use must have a safe entrance and sufficient parking on site to accommodate the use. Where necessary, modification to the residential / farm entrance may be required to ensure safety. The owner may be required to submit a traffic study identifying the modifications required to ensure that access safety is maintained. The entrance improvements should be removed if the business ceases.

As the establishment of home type industrial uses may not require municipal approval, the Ministry may not be notified when a home industry commences on a property. When staff become aware that a home industry has been established without a building and land use or entrance permit from the Ministry, staff should approach the owner of the property to discuss the matter in order to determine how best to bring the situation into conformity and ensure that no safety concerns remain.

#### **4.12 Illumination Facilities**

Flood lights, spot lights, search lights or illumination facilities of any kind that cause a direct or indirect glare on the highway or that may interfere with traffic safety or create a hazard are not permitted in the controlled area.

When the Field Services Engineer considers that a light(s) or illumination of any kind whether within or outside the controlled area is creating a hazard, the property owner shall be contacted to resolve the matter. Assistance may be obtained from the Regional Traffic Office, the municipality or the local police authority.

#### **Red or Green Illumination**

Red or green illumination is not permitted when located within 100 m of a signalized highway intersection unless approved by the Field Services Engineer.

#### **4.13 Large Traffic Generators**

The Ministry has authority under The Public Transportation and Highway Improvement Act to control the development of land within 800 metres of any limit of a Provincial Highway, for the purpose of a (i.e. shopping centre, stadium, fair ground, race track, drive-in theatre, commercial development) or any other purpose that causes persons to congregate in large numbers.

When an application for building and land use permit is submitted for this type of development, the Field Services Engineer must refer each application to the Regional Director.

### **Amusement Parks/Recreational Attraction Sites**

Any event or development, including but not limited to those listed below, that may cause persons to congregate in large numbers, cause traffic congestion, or create a traffic hazard and located within 800 m of a provincial highway, shall be subject to the control of the Ministry. Example: - circus, carnival, ride(s), trampoline.

### **Temporary Attractions**

The conditions for permanent sites generally apply to temporary installations.

The owner / operator of the attraction shall be responsible for all costs associated with any conditions of approval, eg. traffic control, parking facilities.

Large traffic generators frequently require improvements to the highway. Refer to Ministry Directive B-55.

Buildings may not be moved along or across a highway without approval from the appropriate agencies, ministries.

#### **4.14 Parking Area to be Provided and Maintained**

It shall be a condition of the building and land use permit that a parking area shall be provided and maintained sufficient to accommodate the maximum number of vehicles per peak hour that visit the premises. The parking area must be entirely off the highway right-of-way. For detail of space requirements for parking see PARKING AND STOPPING REQUIREMENTS, Chapter 1.

Each building and land use permit shall require that all parking, stopping, waiting, loading and unloading of vehicles shall be off the highway right-of-way. Clear vision must not be restricted at the entrance to the property or an adjacent property.

#### **4.15 Permit Applications for Building at Intersections**

When future plans for an intersection are not known, the Field Services Engineer may forward the application for building and land use permit to the Regional Director. Any impact from the development proposal will be identified and returned to the Field Services Engineer.

#### **4.16 Pits and Quarries**

The control of clay, sand and gravel pits, quarries and mining operations is vested in the Minister of Natural Resources under authority of the Aggregate Resources Act, R.S.O. 1990. To stake a mining claim for exploration, the control is vested in the Minister of Northern Development and Mines under authority of the Mining Act R.S.O. 1990.

Applicants must be referred to the appropriate authority and must provide proof of compliance prior to Ministry approval. Each application together with a copy of the site plan and proof of compliance shall be referred to the Regional Director. If direct access to the highway is required, such application for an entrance permit shall be considered simultaneously. The location of the entrance shall meet Ministry commercial standards.

The Aggregates Resources Act requires that normally no excavation of aggregates may occur within a 30m setback bordering a road or road right-of-way.

Where a mining claim adjoins or is adjacent to a highway or road maintained by the Ministry of Transportation, no surface mining operations shall be carried on within 45m of the limits of the highway or road except with the consent in writing of the Minister. R.S.O. 1990, Chapter, M.14, Section 34.

#### **4.17 Plantings**

The Ministry exercises control over the planting of hedges, shrubs, and trees or landscaping.

A hedge, shrub, tree, landscaping or other planting must not be placed where it may:

- 1) reduce the clear vision or sight distance at an intersection, or
- 2) cause the drifting or accumulation of snow on a highway or cause damage to a highway.

A permit must not be issued for a hedge, shrub, tree or other planting that interferes with the view of a business establishment or of a sign located on an adjacent highway. The Field Services Engineer shall make the decision in these cases.

When a service road adjoins a highway, these restrictions regarding hedges, shrubs and trees in the area between the highway and the service road shall be applied by the Ministry. Restrictions shall not apply to those plantings in the area behind the service road unless the service road is maintained by the Ministry.

When it becomes necessary to move or remove a hedge, shrub, tree or other planting because of a change in the right-of-way of a highway or any other reason which is the responsibility of the Ministry, the compensation to be paid, if any, shall be determined by the Regional Property Office.

#### **4.18 Pole and Transmission Lines**

An applicant proposing to place, erect or alter a power line must apply for a building and land use permit. Each application will be considered with due regard to the future plans for the development of the highway.

Chapter 3, Encroachments, sets out the requirements of the Ministry respecting the placement and maintenance of public utilities within the limits of the right-of-way of a highway and within 400 metres of a controlled-access highway.

#### **4.19 Recreational Facilities/Golf Courses/Driving Ranges/Ball Diamonds**

The Ministry controls the layouts associated with the construction of recreational facilities (ie. tees, greens, and baselines).

The Ministry will require that the following items be explicitly addressed to the satisfaction of the Field Services Engineer:

- 1) errant balls reaching the right-of-way
- 2) height of baseball backstop
- 3) illumination (ie. prevention of glare, distraction)
- 4) access
- 5) drainage
- 6) parking

#### **4.20 Retaining Walls**

All retaining walls along Provincial Highways are subject to approval of the Ministry.

The Ministry may require the submission of detailed construction drawings. In some instances, this Ministry may require the drawings to be stamped by professional engineer licences to practice in Ontario.

Where the Field Services Engineer deems it necessary, the drawings may be referred to the Regional Director.

#### **4.21 Service Stations**

An applicant proposing to construct or remodel a service station within the controlled area adjacent to a provincial highway requires a building and land use permit.

##### **Pump Island/Attendant Booth**

An attendant booth located within the pump island limits is permitted.

##### **Pump Area Weather Shelter/Canopy**

If the applicant wishes to construct new pumps with a weather shelter/canopy, a setback distance for the weather shelter of 3m behind of property line shall be maintained. If an applicant wishes to erect a weather shelter/canopy over existing pumps this 3m setback shall also apply.

#### **4.22 Site Plan Requirements**

Each building and land use application must be accompanied by a site plan in triplicate and must include the following detail:

- 1) the plan title,
- 2) the name of the applicant,
- 3) the scale,
- 4) the north point,

- 5) highway number,
- 6) the lot and concession numbers and the limits of the property,
- 7) the location of existing and proposed buildings, structures
- 8) the proposed parking area layout with the maximum number of vehicles to be accommodated at one time,
- 9) the elevation of the area adjoining the highway and the proposed drainage system for the development,
- 10) the location of existing and proposed entrances,
- 11) the location and names of adjacent roads, and

Other information that may be useful in arriving at a decision on the application may include:

#### **Traffic**

- 1) the expected peak hour number of vehicles entering and leaving the property,
- 2) the estimated percentage of vehicles expected to enter or leave the property from each direction,
- 3) the time(s) of the peak hour(s),
- 4) the number of days per week and the specific days of the week the development is expected to be open to the public,
- 5) the number of weeks per year and the specific weeks of the year the development is expected to be open to the public,
- 6) development is expected to be open to the public,
- 7) a complete Traffic Impact Study may be requested if deemed necessary by the Ministry.

#### **Drainage**

- 1) a preliminary stormwater drainage report / plan shall be submitted,
- 2) a complete stormwater management plan may be required if deemed necessary by the Ministry.

**Note:** The applicant shall be fully responsible for all costs associated with the preparation of the necessary reports / studies.

For additional information regarding the requirements for drainage reports, see the Ministry's web site ([www.mto.gov.on.ca/english/engineering/drainage/index.html](http://www.mto.gov.on.ca/english/engineering/drainage/index.html)).

#### **4.23 Stockpiling of Earth, Slag, Ore, Stone or Lumber**

The Ministry exercises certain controls over the stockpiling of material adjacent to a provincial highway. The owner of any stockpile may be required to remove or relocate if it adversely affects the provincial highway corridor.

#### **Permit Requirements for Stockpiles**

An applicant proposing to establish a stockpile storage area must apply for a building and land use permit. Approval of all other affected agencies must be obtained prior to the issuance of the Ministry permit, and a copy of such approval should be retained on file.

#### **4.24 Storage Tanks**

The Ministry exercises control over the location of storage tanks on sites adjacent to provincial highways. Tanks, whether above or below ground, are classified as "structures" for the purposes of these instructions.

#### **4.25 Subdivisions**

All lands in Ontario are now under "subdivision control". All subdivision proposals must be submitted to the appropriate municipal authority for approval. The development of land, which may interfere with the future construction plans of a highway, is also controlled under this process.

MTO submits its requirements in the form of conditions of draft approval to the appropriate approval authority. When these conditions have been met to the satisfaction of the Ministry, the plan may be registered.

Before any construction or grading commences, the applicant(s) must obtain all necessary permits from this Ministry. Municipal permits and approvals must also be obtained.

Access to plans of subdivision must be carefully considered (refer to Access to Provincial Highways Policy).

When a plan of subdivision is submitted to an approval authority, they will forward copies of the draft plan to the Regional Corridor Control Office. The Corridor Control Office will forward copies of the proposal to the appropriate Area and Ministry offices for comments.

The Regional and Area Office shall review the plan giving consideration to:

- 1) the location and design of the entrance(s) from the subdivision to the highway and the location and design of any pipes, culverts and drainage ditches related thereto,
- 2) the location of building lots, roadways, drainage systems adjacent to the right-of-way of the highway,
- 3) future highway plans and highway widening requirements,
- 4) traffic/drainage impacts.

In cases where a problem arises in regard to an access location, the Area Office should determine a suitable location. The recommended location should be forwarded to the Regional Corridor Control Office.

#### **4.26 Wells**

The required setback of a well may be reduced provided that the property owner acknowledges in writing that they have accepted the conditions as noted on the Permit and that the ministry will not be responsible for any reduction in the quality or quantity of the water supply. A condition to this effect will be included on the permit as outlined:-

Purpose:- To construct or install a well within 30m setback from the property line which defines the highway.

- 1) The property owner acknowledges that under Ministry policy the normal setback required for wells is 30 metres.



- 2) The property owner acknowledges that there may be a risk that wells located less than 30m from the highway property line may be affected by road salt which is applied to the highway for de-icing purposes or by other highway related substances that may impact water quality.
- 3) The property owner acknowledges that there may be a risk that wells located less than 30m from the highway property line may also be affected by highway construction or re-construction activities such as blasting or movement of heavy equipment and such activities may affect either water quality or quantity or both.
- 4) The property owner acknowledges that his/her request is exceptional and the property owner agrees that the Ministry has granted this exception on the basis that locating a well within the 30m setback shall be at the property owner's own risk.
- 5) In the event that the property owner sells his/her property or otherwise transfers an interest in the property to a third party, the property owner agrees to ensure that the existence of this permit and the nature of the permit conditions shall be made known to the third party.

Copies of the permit and acknowledge letter from the property owner should be forwarded to the Regional Property Office and Claims Office for their information and possible registration on title.

A sample of the acknowledge letter will be:-

I \_\_\_\_\_, acknowledge receipt of Building and Land Use Permit # \_\_\_\_\_. I have read the permit and I accept and agree to the conditions set out therein.

Dated \_\_\_\_\_ Signed \_\_\_\_\_

#### **4.27 Wireless Telecommunication Facilities**

Approval from the ministry for all types of installations adjacent to the provincial highway right-of-way is required. An application for building and land use permit shall be accompanied by a relevant site plan showing the location and dimensions of the proposed installation.

The typical Micro-Cell site, consisting of a concrete pad approximately 3.0 metres X 3.0 metres, may be permitted at a minimum setback of 3.0 metres from property line.

The typical cell site, consisting of a self-support tower, facilities shed, and compound area of approximately 12 metres X 20 metres, may be permitted at a minimum setback of 8.0 metres from property line to the limit of the compound area.

The same relocation requirements in the Telecommunications Industry Master Agreement must apply to any of these installations proposed to be placed at the reduced setbacks noted above.

All other types, including both guyed and self-supporting towers, shall be set back a minimum of 14.0 metres. This setback shall be to the nearest part of the installation, whether above or below ground (i.e. guy wire concrete anchors). Where there is any concern for the safety and operational integrity of the provincial highway due to the size or height of the installation proposed, the Ministry may request a report prepared by a Professional Engineer certified by the Province of Ontario.

All telecommunication towers must be designed to collapse within themselves so it will not fall onto the highway right-of-way.

#### **4.28 Wrecking Yards**

Under the authority of The Public Transportation and Highway Improvement Act and The Highway Traffic Act, the Ministry exercises control over wrecking yards located within the controlled area adjacent to Provincial Highways.

Building and land use, entrance and sign permits are required and the applicant must comply with all requirements of the Ministry's Vehicle Licensing Office.

#### **Applicant Subject to Conditions**

The Ministry will require the following:

- 1) the wrecking operations and equipment shall be screened from the highway by natural means or by a fence at least 2m in height and shall be maintained in a manner satisfactory to the Ministry. Wrecking yards must not be located in low spots, valleys or adjacent to a fill where they are not screened from view,
- 2) the location and operation of the wrecking yard shall be carried out in accordance with all municipal by-laws and restrictions,

- 3) no drains from the wrecking yard or buildings shall be directed to a highway drainage system.

## **5 ADMINISTRATION**

### **5.1 Applications and Permits**

The Public Transportation and Highway Improvement Act places the onus on the individual to secure a permit from the Minister. This must be done before any of the activities described in the "Permit Required" Section.

### **5.2 Applications Adjacent to Controlled Access Highways**

The Field Services Engineer may refer all applications adjacent to controlled-access highways to the Regional Director. The Field Services Engineer may also refer complex/controversial applications to the Regional Director for consideration.

### **5.3 Applicant to be Advised of Restrictions**

Applicants must be fully advised of the restrictions regarding buildings and land use at sites adjacent to a provincial highway. Work must not start before a permit is obtained.

### **5.4 Change of Ownership**

When a permit is issued and the building or property to which it applies changes ownership before the works authorized by the permit commences, the permit shall be void. The new owner or other person concerned must apply for a new permit before work commences. If work has started, the permit remains in force.

The Field Services Engineer will consider each application as recommended by the Corridor Management Officer.

When an application for building and land permit has been recommended for approval, the Corridor Management Officer shall forward the application to the Field Services Engineer for signature.

## **5.5 Field Inspection**

When the works under a permit commence, it is the responsibility of the Corridor Management Officer to ensure that the construction of any buildings/structures is in the location approved by the Ministry. It is essential that MTO Staff including Maintenance Co-ordinators and Superintendents report to the Corridor Management Officer any variation from the conditions of the permit. When a variation has been identified, the Field Services Engineer shall refer to Procedure Regarding Infractions, Chapter 1.

## **5.6 Application For Building And Land Use Permit**

Number: PH-A-20 95-01

Name: Application for Building and Land Use Permit/Entrance Permit

Number of Copies: Three

## **5.7 Building and Land Use Permit**

Number: PH-A-41 95-04

Number of Copies: Three

Destination of Copies:

- 1) Original – Applicant
- 2) Photo copy – Maintenance staff or Co-ordinator
- 3) Photo copy – Area Office copy

## **5.8 Permit Fee**

Refer to Ministry Directive B-7.

## APPENDICES

### TABLE OF TYPE, CLASSIFICATION AND SETBACK DISTANCE

**Note:** - \* to be referred to the Regional Director.

<u>TYPE OF USE</u>	<u>CLASSIFICATION</u>	<u>SETBACK</u>	<u>Class 1 and 2</u>	
			<u>P/L</u>	<u>P/L</u>
*Amusement Park	Land Use - Commercial	14m		14m
Arena	Building - Commercial	14m		14m
Ball Park	Land Use - Commercial	14m		14m
Band Stand	Building - Commercial	14m		14m
Barn - Private	Building - Residential	14m		14m
Barn - Public Sale	Building - Commercial	14m		14m
Booster Station				
- telephone, gas, oil, etc	Structure - Commercial	14m		14m
Bleachers	Building - Commercial	14m		14m
Bowling Alley	Building - Commercial	14m		14m
Bowling Green	Land Use - Commercial	14m		14m
Bus Passenger Shelter	Structure - Commercial/ Residential		1m	1m
Bus Terminal	Building - Commercial	20m		14m
Car Sales	Building - Commercial	14m		14m
Cemetery (including pets)	Building - Commercial	14m		14m
(Graves)	Land Use - Commercial	27m		27m
Church	Building - Commercial	14m		14m
Chip Truck Stand	Building - Commercial	14m		14m
Community Building	Building - Commercial	14m		14m
Dog Kennel	Building - Commercial	14m		14m
*Drive-In Theatre	Structure - Commercial	14m		14m

<u>TYPE OF USE</u>	<u>CLASSIFICATION</u>	<u>SETBACK</u>	<u>Class 1 and 2</u>
		P/L	P/L
Driving Range Tee	Structure - Commercial	14m	14m
Earth Berm (toe of slope)	Land Use - Commercial/ Residential	0.3m	0.3m
Explosive, storage	Building – Commercial	As required by Legislation	
Factory	Building - Commercial	14m	14m
*Fair Ground - Building, rides	Land Use - Commercial	14m	14m
Fence	Structure	0.3m	0.3m
Fire Hall	Building - Commercial	14m	14m
Foundation	Building - Residential	8m	14m
	Building - Commercial	14m	14m
Fruit/Produce Stand	Building - Commercial	14m	14m
Funeral Home	Building - Commercial	14m	14m
Garage	Building - Residential	8m	14m
	Building- Commercial	14m	14m
Gasoline Pump Island and Attendant Booth	Structure - Commercial	6m	14m
Gasoline Canopy / Shelter	Structure - Commercial	3m	14m
Gates	Structure	0.3m	14m
Golf Course Green	Land Use - Commercial	20m	14m
Golf Course Tee	Land Use - Commercial	8m	14m
Grand Stand	Building - Commercial	14m	14m
Greenhouse	Building - Commercial	14m	14m
Hedge/Planting	Land Use	0.3m	0.3m
Heliport	Land Use - Commercial	14m	14m
Hospital	Building - Commercial	14m	14m
Hotel	Building - Commercial	14m	14m
Hydro Sub Station	Structure - Commercial	14m	14m

<u>TYPE OF USE</u>	<u>CLASSIFICATION</u>	<u>SETBACK</u>	<u>Class 1 and 2</u>
		P/L	P/L
Illumination-Light Standard	Structure - Commercial	0.3m	0.3m
Implement Sales / Service	Building - Commercial	14m	14m
Junk Yard	Land Use - Commercial	45m	45m
Landfill Site	Land Use - Commercial	45m	45m
Library	Building - Commercial	14m	14m
Lumber Yard	Building - Commercial	14m	14m
Mail Box (Super / Group)	Structure	0.3m	0.3m
Manure Pit	Land Use	14m	14m
Marquee	Structure - Commercial	14m	14m
Mausoleum	Structure - Commercial	14m	14m
Meter Station			
- pipe line, gas, oil	Structure - Commercial	14m	14m
Monument	Structure - Commercial/	14m	14m
Motel	Building - Commercial	14m	14m
Newspaper Dispenser	Structure - Commercial	0.3m	0.3m
Noise Attenuation Structure	Structure	0.3m	0.3m
Parking Lot	Land Use - Commercial	3m	3m
Pipe Line	Structure - Commercial	3m	14m
*Pit and Quarries	Land Use	30m	30m
Pond			
-Detention/Retention	Land Use	14m	14m
-Other	Land Use - Residential	8m	14m
	Land Use - Commercial	14m	14m
Power / Transmission Line	Structure - Commercial	0.3m	14m
Pumping Station	Building - Commercial	14m	14m
*Race Track	Land Use - Commercial	14m	14m
Radio/Television Station/ Tower	Structure - Commercial	14m	14m

<u>TYPE OF USE</u>	<u>CLASSIFICATION</u>	<u>SETBACK</u>	<u>Class 1 and 2</u>	
		P/L	P/L	P/L
Residential Dwelling	Building - Residential	8m		14m
- more than 5 units	Building - Commercial	14m		14m
- Class 1 and 2 highways	Building - Commercial	14m		14m
Restaurant	Building - Commercial	14m		14m
Retaining wall	Structure – Residential/ Commercial	0.3m		14m
Roads	Private	8m		14m
- not essential to future viability of development				
Road	Private	8m		14m
- essential to future viability of development				
Road	Municipal	8m		8m
- ROW wide enough to permit relocation road outside 14 m setback in future				
Road	Municipal	8m		14m
- ROW not wide enough to permit relocation road outside 14m setback in future				
Satellite Dish	Structure - Residential/ Commercial	8m 14m		8m 14m
School	Building - Commercial	14m		14m
Septic Tank	Structure - Residential/ Commercial	8m		14m
Septic Bed	Structure - Residential/ Commercial	3m		14m
Service Station	Building - Commercial	14m		14m
Sewage Plant	Structure - Commercial	14m		14m



<u>TYPE OF USE</u>	<u>CLASSIFICATION</u>	<u>SETBACK</u>	<u>Class 1 and 2</u>	
		P/L	P/L	P/L
*Shopping Centre	Building - Commercial	14m		14m
*Stadium	Building - Commercial	14m		14m
Stockpile	Land Use - Commercial	8m		8m
Stockyard	Building - Commercial	14m		14m
Storage Tank (Bulk)	Structure - Commercial	27m		27m
Storage Tank Above or Below Ground	Structure - Commercial	14m		14m
Store	Building - Commercial	14m		14m
Swimming Pool	Structure - Residential	8m		14m
	Commercial	14m		14m
Telephone Booth	Structure - Commercial	0.3m		0.3m
Tennis Court	Land Use - Residential	0.3m		0.3m
	Commercial	3m		14m
Theatre	Building - Commercial	14m		14m
Trees	Land Use	0.3m		0.3m
Wall, Masonry	Structure - Residential	0.3m		0.3m
Warehouse	Building - Commercial	14m		14m
Water Tower	Structure - Commercial	14m		14m
Well	Structure - Residential/ Commercial	30m		30m
Wireless Telecommunication Facility	Structure - Commercial	14m		14m
Winery	Building - Commercial	14m		14m
Wrecking Yard	Land Use - Commercial	45m		45m

## **Definitions**

**Agency:** Refers to other ministries, municipalities or other approving authorities.

**Applicant:** Includes the registered property owner or his authorized agent and may include developers and proponents.

**Building:** Shall include any barn, factory, residence, store, warehouse or any part thereof.

**Centre Line of Highway:** For the purposes of these instructions, the centre line of a highway shall normally be the centre line of construction as shown on the plan of the highway. However, in some cases such as "staged" construction of a four-lane highway or when extra widening is purchased on one side of a highway only, the plan of the highway must be consulted to determine the "centre line".

**Controlled-Access Highway (CAH):** Refers to that part of the King's Highway which has been designated as a controlled-access highway under The Public Transportation and Highway Improvement Act and to which direct access is limited. The restrictions that the Ministry applies to controlled-access highways are more numerous and stringent than the restrictions the Act applies to other highways.

**Controlled Area:** For the purposes of these instructions, "controlled area," means all of the area upon or within,

- a) 45 metres of any limit of a controlled-access highway or upon or within 395 metres of the centre point of an intersection.
- b) 45 metres of any limit of the King's Highway or upon or within 180 metres of the centre point of an intersection.
- c) 800 metres of any limit of a King's Highway and controlled-access highway, for the purpose of a shopping centre, stadium, fair ground, race track, drive-in theatre or any other purpose that cause persons to congregate in large numbers.
- d) 400 metres of any limit of controlled-access highway for the purpose of placing, erecting, or altering a power line, pole line or other transmission line.

**Daylighting Area:** The area owned by the Ministry and maintained free of obstruction or means of access to permit a clear view at an intersection, railway crossing, curve or sharp turn.

**Fence:** Shall include any board, masonry, ornamental, or wire fence, excluding wire farm fence.

**King's Highway:** The system of highways designated by the Lieutenant-Governor in Council as the King's Highway under Section 7 of The Public Transportation and Highway Improvement Act.

**Land Use:** Means the purpose for which the property is used and also refers to the development or change in use of land for any purpose other than a use defined by an existing building or structure. Roads, pipelines, public utilities, earth berms, stormwater management facilities adjacent to a provincial highway are subject to land use restrictions.

**Large Traffic Generators:** Any activity/land use causing persons to congregate in large numbers.

**Ministry:** Refers to the Ministry of Transportation.

**Planting:** Shall include any hedge, shrub, tree or landscaping.

**Provincial Highway:** Any highway under the jurisdiction of the Ministry of Transportation includes King's Highway and any part of these designated as controlled-access highway and includes any roadway under the jurisdiction of the Ministry.

**Service Road:** A road parallel to but not necessarily adjoining a highway, which carries local traffic.

**Structure:** Includes any above or below ground installation not defined as a building.

Examples: - parking garages, detention ponds, swimming pools, illumination fixtures, wells, septic systems, satellite dishes, storage tanks.

# THE CORPORATION OF LOYALIST TOWNSHIP

## BY-LAW 2010-130

### BEING A BY-LAW TO PROHIBIT AND REGULATE THE DESTRUCTION OR INJURING OF TREES IN LOYALIST TOWNSHIP (The Tree By-law).

**WHEREAS** Section 135(1) of the *Municipal Act*, R.S.O. 2001, S.O. 2001, c. 25, as amended, permits the enactment of a By-Law by the Council of The Corporation of Loyalist Township to prohibit and regulate the destruction or injuring of trees;

**AND WHEREAS** Council may also require that a permit be obtained to injure or destroy trees within Loyalist Township, and may prescribe the fees for the permit, the circumstances under which a permit may be issued, and the conditions to such a permit;

**AND WHEREAS** the maintenance of mature tree cover is recognized as contributing to human health and quality of life;

**AND WHEREAS** trees were identified as an important element of the Township's natural and cultural landscape for the following reasons:

- (a) The aesthetic value of woodlands and trees;
- (b) Providing recreational opportunities;
- (c) Reducing airborne pollution;
- (d) Protecting natural heritage features and areas;
- (e) Maintaining and enhancing water quality;
- (f) Preventing soil erosion and water run-off;
- (g) Providing habitat for wildlife;
- (h) Providing cooler air temperatures in the summer; and,
- (i) Reducing the effects of global warming.

**AND WHEREAS Council deems** it to be desirable to prepare a Tree By-Law for the purposes of:

- (a) Regulating and controlling the removal, maintenance, and protection of trees;
- (b) Supporting the goal of maintaining the Township's urban and rural forests; and,
- (c) Promoting Good Forestry Practices and Good Arboricultural Practices that sustain healthy woodlands and the urban forest.

**NOW THEREFORE** the Council of The Corporation of Loyalist Township hereby enacts as follows:

#### DEFINITIONS

1. In this By-Law, the following definitions apply:

- (1) "Agricultural Operation" means the conduct of Agriculture as a business activity that is carried out with the expectation of gain or reward, and includes the production of

maple syrup, honey, eggs, milk or cream, and the operation of machinery and equipment, and may include a hobby farm.

(2) "Agriculture" means the science, art, or practice of preparing and cultivating the soil; growing field crops, greenhouse crops, mushrooms, nursery stock, and turf grass; and growing, producing or raising livestock, poultry, ratites, fur-bearing animals, cultured fish, deer and elk, game animals and birds, and honey bees.

(3) "Applicant" means the person who submits an application to The Corporation of Loyalist Township for a Tree Permit pursuant to the provisions of this By-Law.

(4) "Building Permit" means a building permit issued pursuant to the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended.

(5) "Certified Arborist" means an arborist certified by the Certification Board of the International Society of Arboriculture.

(6) "Certified Tree Marker" means an individual who has full certification, and is in good standing, under the Ontario Ministry of Natural Resources program for marking trees.

(7) "Commercial Harvesting" means the business of felling trees and transporting logs to a market, with the expectation of gain or reward.

(8) "DBH" (Diameter at Breast Height) means the diameter of the stem of a tree measured in centimetres outside the bark at a point that is 1.37 metres above the ground.

(9) "Designate" means a person who is an employee or agent of The Corporation of Loyalist Township and who has been appointed by the Director to administer all or part of this By-Law on behalf of the Director.

(10) "Destroy" means any act that renders, or which is likely to render, the tree(s) unviable or compromise its life processes in such a way that it cannot survive, and "destruction" has a corresponding meaning.

(11) "Director" means the Director of Planning & Development Services for Loyalist Township, and includes their designate.

(12) "Distinctive Tree" means a healthy tree that is considered by the Director to be an uncommon species to the Loyalist Township region and environment or of an uncommon size, maturity, or age, and includes, without limitation, those tree species listed in Schedule 'A' to this By-Law.

(13) "Drip Line" means an imaginary line running along the ground directly beneath the outermost branches of the tree(s).

(14) "Farm" means a tract of land devoted to an Agricultural Operation.

(15) "Forest Management Plan" means a document, including prescriptions for Silviculture and ecological conservation, prepared by a Registered Professional Forester

on behalf of the Owner for the purpose of managing the natural and forestry resources in accordance with Good Forestry Practices and environmental objectives.

(16) "Good Arboricultural Practice" means the proper planting and care of trees in accordance with the standards set by the International Society of Arboriculture.

(17) "Good Forestry Practice" means the proper harvesting, renewing, and maintaining of trees within the context of their specific forest and environmental conditions, which minimize detriments to Natural Forest Values.

(18) "Highway" means a common and public road and includes the road allowance, any bridge, trestle, viaduct or other structure forming part of the road, and, except as otherwise provided, includes a portion of a roadway.

(19) "Injure" means any action that causes physical, biological, or chemical harm or damage to a tree, and "injuring" and "injury" have a corresponding meaning.

(20) "Municipal Property" means any land owned, held, and/or used by the Township, and includes, but is not limited to, road allowances, easements, boulevards, parks, natural areas, highways, or rights-of-way.

(21) "Municipal Tree" means a tree, the trunk of which is located entirely or substantially on Municipal Property.

(22) "Natural Forest Values" mean significant tree based ecosystems, the natural productivity and health of the trees, important fish and wildlife habitat, soil and water quantity and quality, and the aesthetics of the treed landscape.

(23) "Normal Farm Practice" means any activity undertaken in accordance with the *Farming and Food Production Protection Act* that is part of an Agricultural Operation, and is conducted in a manner consistent with proper and accepted customs and standards as established and followed by similar Agricultural Operations under similar circumstances, and may make use of innovative technology in a manner consistent with proper advanced farm management techniques.

(24) "Officer" means an individual appointed by The Corporation of Loyalist Township to enforce the provisions of this By-Law, and includes a municipal by-law enforcement officer.

(25) "Owner" means the person(s) or corporation(s) registered on the title of the land in the Registry Office or Land Titles Office.

(26) "Park" means a playground, playing field, ball diamond, sports field, beach, recreation centre, community building, facility, square, garden, water, pedestrian walkway, or any other area owned, leased or used by the Township and devoted to active or passive recreation, and includes any lane or walkway or public parking area associated with the Park.

(27) "Personal Use" means the utilization of a tree(s) or tree sections destroyed or injured by an Owner on their own land and collected solely for their own purpose and use without the sale, exchange, or other disposition of the tree(s) or tree sections to other parties.

(28) "Plant Nursery" means the use of lands, buildings or structures, or portions thereof, where trees, shrubs or other plants are grown for the purpose of retail or wholesale trade. A plant nursery may include the accessory sale of soil, planting materials, fertilizers, garden equipment, ornaments and similar material.

(29) "Qualified Forestry Consultant" means a Certified Arborist, a Certified Tree Marker, or a Registered Professional Forester.

(30) "Registered Professional Forester" means a member of the Ontario Professional Foresters Association as defined in the *Professional Foresters Act*, 2000, S.O. 2000, c. 18.

(31) "Rural Area" means the area that is designated on Schedule A of the Township's Official Plan.

(32) "Silviculture" means the theory and practice of controlling forest establishment, composition, growth, and quality of forests to achieve the objectives of forest management.

(33) "Township" means The Corporation of Loyalist Township.

(34) "Tree" means any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 metres at physiological maturity.

(35) "Tree Permit" means the written authorization from the Director to destroy or injure trees, with or without conditions.

(36) "Tree Preservation and Protection Plan" means a plan prepared by a Qualified Forestry Consultant, which includes measures required for the protection of trees that eliminate or mitigate the potential risk of tree damage.

(37) "Tree Protection Zone" means an area surrounding a tree that is marked and fenced off, where storage of materials of any kind, parking or moving of vehicles, and disturbance of the soil or grade is prohibited.

(38) "Urban Area" means the areas designated on Schedules C, D or E of the Township's Official Plan.

## APPLICATION OF THE BY-LAW

2. No person shall injure or destroy or cause or permit the injuring or destruction of the following trees within the limits of Loyalist Township, except where the injuring or destruction is done under the authority of a Tree Permit, or as otherwise exempted in Sections 3 and 4 of this By-Law:

- (a) All trees classified as an endangered, threatened, or at risk tree species, as defined in the provincial *Endangered Species Act*, R.S.O. 1990, c. E. 15, or successor legislation;
- (b) All trees classified as an endangered or threatened tree species, or a tree species of special concern, as defined in the federal *Species at Risk Act*, or successor legislation;
- (c) All trees classified as a Distinctive Tree as defined in Section 1 of this By-Law and in accordance with Schedule 'A' of this By-Law;
- (d) All trees that are fifteen centimetres (15 cm), or greater, in diameter at breast height (DBH);
- (e) All trees located on Municipal Property;
- (f) All trees located in areas designated as Environmental Protection Areas, Environmentally Sensitive or as Open Space in the Township's Official Plan;
- (g) All trees that have been identified for protection in a Tree Preservation and Protection Plan approved by the Director; and,
- (h) All trees that are subject to commercial harvesting on lands greater than one (1) hectare in area.

## SPECIFIC EXEMPTIONS

3. Trees may be injured or destroyed, without applying for a Tree Permit, where:

- (a) Pruning is necessary to maintain the health and condition of the tree, provided the injury is in accordance with Good Arboricultural Practice;
- (b) It is necessary to remove a hazardous, dead, diseased, or severely injured tree(s), or a portion of such a tree(s), provided a letter confirming the need for the removal has been prepared by a Certified Arborist and approved by the Director, and any such injury or destruction is conducted in accordance with Good Arboricultural Practices.
- (c) It is necessary to remove trees that are causing, or are likely to cause, structural damage to load-bearing or other structures;
- (d) The tree(s) are located within the limits of any residential lot that existed and was developed with a residential structure prior to the date of the passage of this by-law;



- (e) The tree(s) are within the limits of any residential lot that is created by way of a registered plan of subdivision, consent or registered plan of condominium on or after the date of the passage of this by-law unless any tree(s) in the Rural Area have been required to be retained as a result of requirements in a site plan control agreement or by-law;
- (f) The tree(s) are located within a building or structure, a solarium, a rooftop garden, or an interior courtyard;
- (g) The injuring or destruction is imposed as a condition of the approval of a site plan, a plan of subdivision, or a consent under Section 41, 51, or 53 respectively of the *Planning Act* or as a requirement of a Site Plan Control Agreement or Subdivision Agreement entered into under those Sections;
- (h) The injuring or destruction is imposed as a condition of a development permit authorized by a regulation made under Section 70.2 of the *Planning Act*, or as a requirement of an agreement entered into under that regulation;
- (i) The injuring or destruction is required to permit the establishment or extension of a building or structure, including driveways and access routes, and provided:
- (i) the proposed use is permitted by the Zoning By-Law;
  - (ii) there is no reasonable alternative to the injury or destruction;
  - (iii) a building permit has been issued for the proposed use; and
  - (iv) no tree is destroyed or injured that is located more than fifteen (15) metres from the outer edge of the building or structure.
- (j) The injuring or destruction is necessary to install, provide or maintain utilities or public or private water and sanitary sewer infrastructure required for the construction or use of a building or structure for which a building permit has been issued;
- (k) The destruction is in accordance with Good Arboricultural Practices and Good Forestry Practices and only where the trees are for a landowner's Personal Use;
- (l) The trees that are destroyed are located within a cultivated orchard, tree farm, or plant nursery that are being actively managed and harvested for the purposes for which the trees were planted;
- (m) The injuring or destruction occurs on land covered by a Forest Management Plan, approved by a Registered Professional Forester, a copy of which has been submitted to the Director, and provided any injury or destruction is undertaken in accordance with Good Forestry Practices and the Forest Management Plan;
- (n) The injuring or destruction is necessary to clear land in accordance with a Normal Farm Practice conducted by an Agricultural Operation for its own Agricultural purposes, provided that the trees are situated outside of areas designated as Environmental Protection Areas or Environmentally Sensitive in the Township's Official Plan, and outside of the area identified on Schedule 'D' of this By-Law.
- (o) The injuring or destruction is required as part of the operation of an existing cemetery or golf course;

- (p) The injuring or destruction occurs on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
- (q) The injuring or destruction is required in order to lawfully establish and operate or enlarge any pit or quarry on land:
  - (i) That has not been designated under the *Aggregate Resources Act* or a predecessor of that *Act*; and
  - (ii) On which a pit or quarry is a permitted land use under a By-Law passed under Section 34 of the *Planning Act*.

### **STATUTORY LIMITATIONS & EXEMPTIONS**

4. Trees may be injured or destroyed, without applying for a Tree Permit, pursuant to the following legislative provisions:

- (a) Activities undertaken with any rights or powers under Provincial or Federal legislation;
- (b) Activities or matters undertaken by a municipality, a local board of a municipality, or a Conservation Authority;
- (c) Activities or matters undertaken under a license issued under the *Crown Forestry Sustainability Act*, 1994;
- (d) Trees that are injured or destroyed by a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or their agent, while making a survey; and,
- (e) Trees that are injured or destroyed by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act*, 1998, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that Section.

### **PLANNING & DEVELOPMENT PROCESS**

5. (1) The provisions of this Tree By-Law, as amended from time to time, shall form part of the development approval process governed by the *Planning Act*.

(2) An application for a Tree Permit may be processed concurrently with an application submitted pursuant to the *Planning Act* and may form part of the technical information requested in order to consider the Planning Application complete.

(3) Where there is a development application involving a Planning Approval in the Urban Area, trees shall be protected from injury or destruction resulting from any site preparation, until the issuance of a Tree Permit and/or the receipt of the final approval of the applicable Planning Applications.

(4) Where there is a development application involving a Planning Approval in the Rural Area for rural estate residential subdivisions, rural commercial developments, rural industrial developments, or rural institutional developments only, trees shall be protected from injury or destruction resulting from any site preparation, until the issuance of a Tree Permit and/or the receipt of the final approval of the applicable Planning Applications.

### **APPLICATION FOR A TREE PERMIT**

6. (1) Subject to Section 2, any person may injure or destroy a tree, provided that a Tree Permit has been issued by the Director to permit the injury or destruction and provided that the injury or destruction is conducted in accordance with the terms and conditions of the Tree Permit.

(2) Every person that intends to injure or destroy a tree(s) specified in Section 2 above, either personally or through another person or corporation, is required by this By-Law to complete and file a Tree Permit Application in the form prescribed by the Township.

(3) The Tree Permit Application shall be filed with the Director, and shall include all information prescribed by the application, including, but not limited to:

(a) The names and addresses of the Owner of the land upon which the tree(s) is to be injured or destroyed, the Applicant or Agent (if different), Qualified Forestry Consultant, and contractor (if applicable);

(b) The municipal address and legal description of the land upon which the tree(s) is to be injured or destroyed;

(c) A schedule for the proposed works, including the start and end dates and the construction period;

(d) A description of the proposed works, including the number of trees to be removed, the reasons for the removal, the number of trees to be retained, the protection measures to be used for any retained trees, and the number of trees to be replanted;

(e) A description of any known cultural or natural heritage features on or adjacent to the subject site and if there are any known cultural or natural features, that the respective cultural heritage or environmental impact statement shall be provided by a qualified person;

(f) Confirmation of existing Official Plan designations, zoning, and the status of any planning applications on the property as determined by pre-consultation with the Director;

(g) Confirmation of any other applications affecting the subject property; and,

(h) All required signatures as per Subsection (a) above.

(4) Every Tree Permit Application shall be accompanied by the prescribed fee, payable in accordance with Schedule 'B' of this by-law.

(5) Where, in the opinion of the Director, additional information is necessary, the Director may require the Applicant to submit a report to be prepared by a Qualified Forestry Consultant that will form part of the Tree Permit Application, and which will address the reasons for the proposed destruction of the tree(s) and the preservation of any trees to be retained.

(6) A Tree Permit Application shall only be considered complete when accompanied by the information required pursuant to Section 6 herein and the fee required in accordance with Schedule 'B' of this by-law.

### **REVIEW AND DISPOSITION OF A TREE PERMIT APPLICATION**

7. (1) The Director shall review the complete Tree Permit Application and may:

- (a) issue a Tree Permit;
- (b) issue a Tree Permit with conditions; or,
- (c) refuse to issue a Tree Permit.

(2) Following the receipt of a complete Tree Permit Application, the Director may confer with such persons, staff, qualified professionals, and agencies as they consider necessary for the proper review of the application. If the area subject to the tree permit application is in or near a natural heritage feature, the Director shall consult with the applicable Conservation Authority. For the purposes of defining "near a natural heritage feature", the following criteria shall be used:

- (a) All lands within 120 metres of a provincially significant wetland;
- (b) All lands within 30 metres of a watercourse or waterbody.
- (c) All lands within 50 metres of a natural heritage feature shown on Schedules A, B, C, C1, D, D1, E and E1 of the Township's Official Plan.

### **TERM OF A TREE PERMIT**

8. (1) A Tree Permit issued by the Director shall remain in effect for twelve (12) months after the date of issuance, except for a Tree Permit authorizing a Forest Management Plan prepared for commercial harvesting.

(2) A Tree Permit for the commercial harvesting of trees, in accordance with a Forest Management Plan, shall specify a maximum time period as a condition of the Tree Permit.

(3) The Applicant may request, in writing, an extension to the Tree Permit for a period of up to two additional years, provided that the request is filed at least 30 days prior to its expiry.

(4) The Director may extend the expiration date of a permit.

(5) In considering whether or not to grant a request to extend a permit, the Director shall take into account to what extent the work authorized by the permit has been completed, and to what extent the conditions of the permit have been adhered to, and in no case shall the Director extend a permit so that the permit remains in effect for more than three (3) years from the original date of its issuance.

(6) No permit shall be renewed where the Owner or Applicant is in breach of any of the terms of this By-Law or a Tree Permit.

### **TERMS AND CONDITIONS OF A TREE PERMIT**

9. (1) The Director may impose conditions on a Tree Permit that in his or her sole discretion are reasonable. Without limiting the generality of the foregoing, the following conditions may be imposed by the Director:

- (a) Any conditions in accordance with Good Arboricultural Practice, established Silviculture, and/or Good Forestry Practice;
- (b) Any conditions recommended by a Qualified Forestry Consultant;
- (c) The measures to be implemented to protect the retained trees during construction, if applicable;
- (d) The requirement to prepare a Tree Preservation and Protection Plan, which must be approved by the Director and implemented as a condition of a Tree Permit;
- (e) The creation of Tree Protection Zones and conditions associated with those zones;
- (f) The manner and timing of the destruction or injury to the tree(s);
- (g) A requirement to plant replacement trees in accordance with Section 9(2) of this By-Law; and,
- (h) A requirement to provide compensation, in accordance with Section 10 of this By-Law for Municipal Trees injured or destroyed.

(2) Where a Tree Permit requires the planting of replacement trees, the Director may impose the following provisions related to the replacement trees:

- (a) The species, size, number, and location of the replacement tree(s) shall be determined by the Director, in consultation with a Qualified Forestry Consultant;
- (b) Where the removal involves a Distinctive Tree, the replacement tree(s) shall include the same species, where they are commercially available;
- (c) The number of replacement trees to be planted shall be the greater of the number of trees specified by the conditions of the Tree Permit, or the number of trees to be planted in accordance with the Subdivision Agreement, Condominium Agreement, or Site Plan Agreement, whichever number is greater;

(d) The date by which any replacement tree(s) is to be planted shall be determined by the Director, in consultation with a Qualified Forestry Consultant;

(e) The maintenance and care of any replacement tree(s) shall be determined by the Director, in consultation with a Qualified Forestry Consultant;

(f) Replacement trees are to be maintained and protected in accordance with Good Arboricultural Practices by the Owner or person responsible for the injury or destruction, for a minimum period of two (2) years after planting;

(g) Cash or a letter of credit shall be deposited with the Township, to be held in trust, for a minimum period of up to two (2) years after planting, to cover the costs of maintaining the replacement trees or for replacing any replacement trees that die; and,

(h) Replacement trees shall be subject to the following locational priorities:

(i) The first and highest priority shall be to plant the replacement tree(s) on the property where the tree(s) was destroyed; and,

(ii) The next highest priority shall be to plant the replacement tree(s) on another site(s) in the Municipality for the purpose of general reforestation, at the discretion of the Director.

(3) Where the destruction or injury of a tree(s) is not conducted as part of, and in accordance with, a Site Plan Agreement, a Subdivision Agreement, or a Condominium Agreement, the Owner may be required:

(a) To enter into an agreement regarding the conditions set out in Section 9 of this By-Law which form part of the Tree Permit, including any conditions imposed in accordance with Section 10 of this By-Law; and,

(b) To register the agreement on the title to the lands affected by the Tree Permit.

### **COMPENSATION**

10. (1) The Director shall calculate the compensation for the injuring or destruction of a tree(s) required as a condition of a Tree Permit for a Municipal Tree, or required as a condition of an Order issued under this By-Law as follows:

(a) The value of any tree that is injured or destroyed shall be determined using the International Society of Arboriculture Trunk Formula Method, as illustrated in Schedule 'C' of this By-Law, as it may be amended from time to time.

(b) The value of the tree(s) injured or destroyed, as calculated by the Director pursuant to Section 10(1)(a), shall be used to determine the number, species and size of the replacement tree(s) that shall be planted by the permit holder or the person responsible for the injury or destruction, as the case may be. The Director shall make this determination in consultation with a Qualified Forestry Consultant and his or her decision as to the number, species and size of replacement tree(s) shall be final.

(c) The provisions of Section 9(2)(c) to (g), with necessary modifications, shall apply to replacement trees planted in accordance with this section.

### **TREE MARKING & PRESERVATION**

11. (1) All trees identified under Section 2 of this By-Law that are to be destroyed in accordance with an approved Tree Permit shall be marked by a Qualified Forestry Consultant with clearly visible marks of orange paint both at breast height and ground level, at least five (5) days prior to destroying any tree, but not prior to the issuance of a Tree Permit.

(2) Each stump remaining after cutting shall show the paint marking applied by the Qualified Forestry Consultant.

(3) The Applicant shall cause the installation of all tree preservation measures required pursuant to a Tree Permit to be completed under the supervision of a Qualified Forestry Consultant, to the satisfaction of the Director.

(4) The tree preservation measures and Tree Protection Zone(s) shall be inspected on a regular basis by a Qualified Forestry Consultant and a bi-monthly report made to the Director for the duration of the active period of construction.

### **TREE PERMIT POSTING**

12. (1) A copy of the Tree Permit shall be posted on the property prior to the commencement of any injury or destruction of any tree allowed by the Tree Permit, in a conspicuous place on the subject property that is adjacent to a public road and visible to all persons, or at such other location designated by the Director.

### **REVOCAION OF A PERMIT**

13. (1) A Tree Permit may be revoked by the Director under any of the following circumstances:

- (a) If it was issued on mistaken, misleading, false, or incorrect information;
- (b) If it was issued in error;
- (c) If the Owner or Applicant requests, in writing, that it be revoked;
- (d) If the terms of an Agreement under this By-Law are not complied with; or,
- (e) If an Owner fails to comply with any provision of the Tree Permit or this By-Law.

(2) When a Tree Permit is revoked, the Owner and/or Applicant shall immediately cease all operations being conducted under the authority of the revoked Permit.

### **APPEALS TO COUNCIL**

14. (1) An Applicant for a Tree Permit pursuant to this By-Law may appeal in writing to the Council of Loyalist Township where:

- (a) The Township refuses to issue a Tree Permit, within thirty (30) days after the refusal; or,
- (b) The Applicant objects to a condition in the Tree Permit, within thirty (30) days after the issuance of the Permit.

(2) On appeal, the Council has the same powers as the Director under this By-Law, and may:

- (a) Confirm the refusal to issue the Tree Permit;
- (b) Issue a Tree Permit, with or without conditions; or,
- (c) Affirm, vary, or add any conditions to the Tree Permit.

### **ENFORCEMENT**

15. (1) This By-Law shall be enforced by an Officer appointed by Council for the purposes of enforcing by-laws within Loyalist Township.

(2) An Officer may, at any reasonable time, enter and inspect any land to determine whether this By-Law, an Order, or a condition of a Tree Permit is being complied with, provided that the power of entry does not allow the Officer to enter any building.

(3) An Officer may, in carrying out an inspection, be accompanied by the Director, and any other person necessary to assist the Officer with their enforcement activities.

(4) No person shall obstruct or interfere with the Director, or an Officer, in the discharge of their duties under this By-Law, and any person who so obstructs the Director or an Officer is guilty of an offence pursuant to this By-Law.

### **ORDERS**

16. (1) Where the Director is satisfied that a contravention of this By-Law has occurred, the Director may issue a Stop Work Order requiring the person that contravened the By-Law, or that caused or permitted the contravention of the By-Law, to stop any injuring or destruction of the tree(s).

(2) The Stop Work Order shall set out reasonable particulars of the contravention adequate to identify the contravention, the location of the contravention and the date by which there must be compliance with the Order.



17. (1) Where the Director is satisfied that a contravention of this By-Law has occurred, the Director may issue an Order requiring the person who contravened the By-Law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to do the work specified in the Order that is necessary in the opinion of the Director to correct the contravention, including without limitation the planting of replacement tree(s) in accordance with Section 10 of this By-Law.

(2) The Order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the contravention, and the date by which there must be compliance with the Order.

(3) The Order may provide that if the person named in the Order fails to comply with the Order by a date specified in the Order, that the Township shall have the right to enter upon the land affected by the Order at any time, and to complete the work specified in the Order at the expense of the person named in the Order.

18. (1) A Stop Work Order issued under Section 16, or an Order issued under Section 17, may be served personally by an Officer, may be posted in a conspicuous place on the property where the contravention occurred, or may be sent by registered mail to the person contravening this By-Law.

(2) Where an Order issued under this By-Law is served personally by an Officer, it shall be deemed to have been served on the date of delivery to the person(s) named.

(3) The placing of the Order on the affected lands shall be deemed to be sufficient service of the Order on the person or corporation to whom the Order is directed on the date it is posted.

(4) Where an Order issued under this By-Law is sent by registered mail, it shall be sent to the last known address of:

- (a) The Applicant;
- (b) The Owner; or,
- (c) The person or company retained to work on the trees on the land.

(5) Where service of an Order is made by registered mail, service shall be deemed to have been served on the fifth day after the Order is mailed.

19. (1) Where a person fails to comply with an Order issued pursuant to Section 17 of this By-Law and the Township enters on the lands and completes the work, the Township shall be entitled to recover its costs to complete the work from the person named in the Order by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

(a) The costs include interest calculated at a rate of 15 percent, calculated for the period commencing on the day the Township incurs the costs and ending on the day the costs, including interest, are paid in full.

(b) The amount of costs, including interest, constitutes a lien on the land upon the registration in the land registry office of a notice of lien.

(c) The lien shall be in respect of all costs that are payable at the time the notice is registered plus interest accrued at the rate of 15 percent to the date the payment is made in full.

### OFFENCE

20. (1) Any person who breaches any provision of this By-Law, contravenes the terms or conditions of any Tree Permit, or contravenes an Order issued by the Director, is guilty of an offence.

(2) Any officer or director of a corporation who knowingly concurs in the contravention of any provision of this By-Law, contravention of any terms or conditions of any Tree Permit, or contravention of an Order issued by the Director, is guilty of an offence.

### PENALTIES

21. (1) If any person or corporation is convicted of an offence for contravening this By-Law, the conditions of a Tree Permit, or an Order issued under this By-Law, the Court in which the conviction has been entered, and any Court of competent jurisdiction thereafter, may, in addition to any fine imposed, make an order:

(a) Prohibiting the continuation or repetition of the offence;

(b) To rehabilitate the land, including planting replacement trees, applying accepted silvicultural treatments necessary to re-establish the trees, and governing the timing of the rehabilitation, planting, or replanting, within such a period as the Court considers appropriate; and,

(c) To provide compensation to the Township, in accordance with Section 10 of this By-Law;

(2) In addition to Section 21(1):

(a) Any person who contravenes any provision of this By-Law, contravenes the terms or conditions of a Tree Permit, or an Order issued under this By-Law, is guilty of an offence and is liable:

(i) On first conviction, to a fine of not more than \$10,000 or \$1,000 per tree, whichever is greater; and

(ii) On any subsequent conviction, to a fine of not more than \$25,000 or \$2,500 per tree, whichever is greater.

(b) Any corporation that contravenes any provision of this By-Law, contravenes the terms or conditions of a Tree Permit, or an Order issued under this By-Law is guilty of an offence and is liable:

(i) On first conviction, to a fine of not more than \$50,000 or \$5,000 per tree, whichever is greater; and,

(ii) On any subsequent conviction, to a fine of not more than \$100,000 or \$10,000 per tree, whichever is greater.

**ADMINISTRATION**

22. (1) The short title of this By-Law is the "Tree By-Law".

(2) Schedules 'A', 'B', and 'C' shall form part of this By-Law.

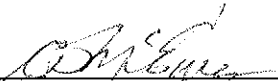
(3) If any Section or Sections of this By-Law or parts thereof are found by any Court to be illegal or beyond the power of the Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this By-Law shall be deemed to be separate and independent there from and continue in full force and effect unless and until similarly found illegal.

(4) If there is a conflict between this By-Law and a By-Law passed under the *Forestry Act* or the *Municipal Act*, the provision that is the most restrictive regarding the injury or destruction of trees shall prevail.

(5) Nothing in this By-Law shall exempt any person or corporation from complying with the requirements of any other by-law in force, or from obtaining any license, permission, permit, authority or approval required under any other by-law or legislation.

23. (1) THAT this By-Law shall come into force and effect upon the day of passing thereof.

Enacted and passed this 22<sup>nd</sup> day of October 2010.

  
\_\_\_\_\_  
REEVE

  
\_\_\_\_\_  
TOWNSHIP CLERK (detmg)

**SCHEDULE 'A' TO BY-LAW 2010-130****LIST OF DISTINCTIVE TREE SPECIES**

The following is a list of Distinctive Tree Species that are considered to be uncommon to the Loyalist Township region and environment:

**Common English Name**

Black Maple  
Ginkgo  
Kentucky Coffeetree  
Blue Ash  
Black Walnut  
Sycamore  
London Planetree  
Tulip-tree  
Ohio Buckeye  
Douglas-Fir

**Latin Name**

*Acer nigrum*  
*Ginkgo biloba*  
*Gymnocladus dioica*  
*Fraxinus quadrangulata*  
*Juglans nigra*  
*Platanus occidentalis*  
*Platanus x acerifolia*  
*Liriodendron tulipifera*  
*Aesculus glabra*  
*Pseudotsuga menziesii*

**SCHEDULE 'B' TO BY-LAW 2010-130**

**Permit Fees**

Permit Fees shall be paid to the Loyalist Township at the time of application for a Tree Permit in accordance with the fees set out in as below:

Tree Permit Fees

- |   |                           |
|---|---------------------------|
| 1. 1-5 trees                              | \$75.00                   |
| 2. 6-15 trees                             | \$150.00                  |
| 3. More than 15 trees                     | \$300.00                  |
| 4. Review/inspection in excess of 3 hours | \$50/hour or part thereof |

Tree Permit Renewal Fees

(valid only if a Tree Permit is renewed 30 days before the original expiry date)

- |                       |          |
|-----------------------|----------|
| 1. 1-5 trees          | \$25.00  |
| 2. 6-15 trees         | \$50.00  |
| 3. More than 15 trees | \$100.00 |

SCHEDULE 'C' TO BY-LAW 2010-130  
INTERNATIONAL SOCIETY OF ARBORICULTURE – TRUNK FORMULA METHOD

File # \_\_\_\_\_ Property \_\_\_\_\_ Date \_\_\_\_\_  
Qualified Forestry Consultant \_\_\_\_\_  
*Field Observations*

1. **Species** \_\_\_\_\_

2. **Condition** \_\_\_\_\_%

3. **Trunk Circumference** \_\_\_\_\_ in./cm **Diameter** \_\_\_\_\_ in./cm

4. **Location %** = [**Site** \_\_\_\_\_% + **Contribution** \_\_\_\_\_% + **Placement** \_\_\_\_\_%] ÷ 3 = \_\_\_\_\_%

*Technical Assessment*

5. **Species rating** \_\_\_\_\_%

6. **Replacement Tree Size** (diameter) \_\_\_\_\_ in./cm  
(Trunk Area) \_\_\_\_\_ in<sup>2</sup>/cm<sup>2</sup>/TA<sub>R</sub>

7. **Replacement Tree Cost** \$ \_\_\_\_\_  
(see Standard Subdivision Agreement Provisions)

8. **Installation Cost** \$ \_\_\_\_\_

9. **Installed Tree Cost** (#7 + #8) \$ \_\_\_\_\_

10. **Unit Tree Cost** \$ \_\_\_\_\_ per in<sup>2</sup>/cm<sup>2</sup>  
(see Standard Subdivision Agreement Provisions)

*Calculations using Field and Standard Subdivision Agreement Information*

11. **Appraised Trunk Area:**

TA<sub>A</sub> or ATA<sub>A</sub>; use Tables 4.4-4.7)

or c<sup>2</sup> (#3) \_\_\_\_\_ x 0.08 = \_\_\_\_\_ in<sup>2</sup>/cm<sup>2</sup>

or d<sup>2</sup> (#3) \_\_\_\_\_ x 0.785

12. **Appraised Tree Trunk Increase** (TA<sub>INCR</sub>) =

TA<sub>A</sub> or ATA<sub>A</sub> \_\_\_\_\_ in<sup>2</sup>/cm<sup>2</sup> (#11) – TA<sub>R</sub> \_\_\_\_\_ in<sup>2</sup>/cm<sup>2</sup> (#6) = \_\_\_\_\_ in<sup>2</sup>/cm<sup>2</sup>

13. **Basic Tree Cost** = TA<sub>INCR</sub> (#12) \_\_\_\_\_ in<sup>2</sup>/cm<sup>2</sup> x **Unit Tree Cost** (#10) \$ \_\_\_\_\_  
per in<sup>2</sup>/cm<sup>2</sup> = **Installed Tree Cost** (#9) \$ \_\_\_\_\_ = \$ \_\_\_\_\_

14. **Appraised Value** = **Basic Tree Cost** (#13) \$ \_\_\_\_\_ x **Species rating** (#5) \_\_\_\_\_% x **Condition** (#2) \_\_\_\_\_% x **Location** (#4) \_\_\_\_\_% = \$ \_\_\_\_\_

15. If the **Appraised Value** is \$5,000 or more, round it to the nearest \$100; if it is less, round to the nearest \$10.

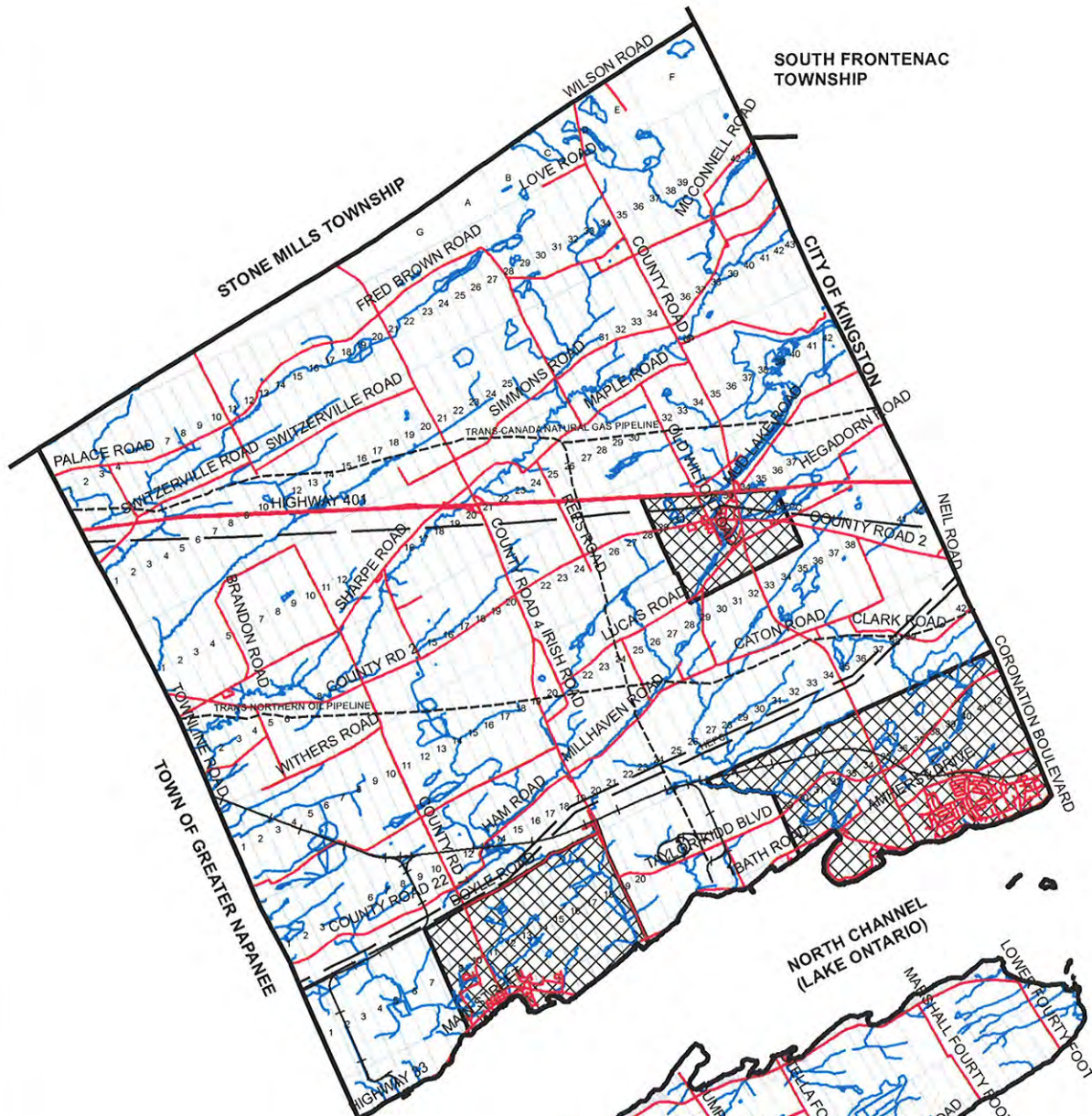
16. **Appraised Value** = (#14) \$ \_\_\_\_\_

Items 5 through 10 are determined by the Technical Assessment of a Qualified Forestry Consultant. The **Wholesale Replacement Tree Cost**, the **Retail Replacement Tree Cost**, or the **Installed Tree Cost** (#9) divided by the **Replacement Tree Size** (#6) can be used for the **Unit Tree Cost** (#10), or it can be set by the Qualified Forestry Consultant in consultation with the Director.




**SCHEDULE "D" TO BY-LAW 2010-130**

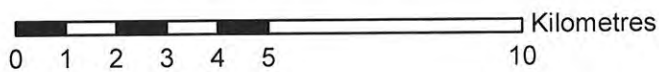


# LOYALIST TOWNSHIP TREE BY-LAW - SCHEDULE D



## LEGEND

-  Road Network
-  Watercourse
-  Tree Permit Required for Agricultural Activities Involving Tree Removal



**THE CORPORATION OF LOYALIST TOWNSHIP**  
**2003-22**

A by-law to prohibit or regulate the placing or dumping of fill  
or the alteration of the grade of land in Loyalist Township

WHEREAS Sections 142 to 144 inclusive of the Municipal Act, 2001, S.O. 2001, c.25, as amended authorizes the Council of The Corporation of Loyalist Township to pass by-laws for prohibiting or regulating the placing or dumping of fill and for regulating the alteration of the grade of land in any area or areas in Loyalist Township;

NOW THEREFORE The Council of the Corporation of Loyalist Township enacts as follows:

**DEFINITIONS**

1. For the purposes of this by-law:

- a) "Township" means The Corporation of Loyalist Township;
- b) "Applicant" means the owner, where such owner is an individual, or means any individual authorized in writing by the owner to apply for a permit on the owner's behalf;
- c) "Clerk" means the Clerk of The Corporation of Loyalist Township;
- d) "Director" means the Director of Engineering Services of Loyalist Township or his designate;
- e) "Drainage" means the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by an artificial method;
- f) "Dumping" means the depositing of fill in a location other than where the fill was obtained and includes the movement and depositing of fill from one location on a property to another location on the same property;
- g) "Fill" means any type of material deposited or placed on lands and includes, but is not limited to soil, stone, concrete, asphalt, rubbish, garbage, sod or turf either singly or in combination whether originating on the site or elsewhere, used or capable of being used to raise, lower, or in any way affect or alter the contours of the ground;
- h) "Floodplain" means the area, usually low lands adjoining a watercourse, which has been or may be subject to the 1:100 year flood hazard;
- i) "Grade" shall be defined as follows:
  - i) "existing grade" means the elevation of the existing ground surface of the lands upon which dumping and/or placing of fill or altering the grade of land is proposed and of abutting ground surface up to three (3) metres wide surrounding such lands, except that where placing or dumping of fill or altering the grade of land has occurred in contravention of this by-law existing grade shall mean the ground surface of the lands as it existed prior to the placing or dumping of fill or altering the grade of land;
  - ii) "finished grade" means the approved elevation of ground surface of lands upon which fill has been placed or grade of land has been altered in accordance with this by-law;

- iii) “proposed grade” means the proposed elevation of ground surface of lands upon which fill is proposed to be placed or altering the grade of land is proposed;
- j) “Inspector” means a person designated by the Township to inspect the placing or dumping of fill, or the alteration of the grade of land for compliance with a permit;
- k) “Owner” means the registered owner of the land for which a permit is sought or obtained;
- l) “Permit” means permission or authorization given in writing by the Director to perform work regulated by this by-law or part thereof;
- m) “Permit Holder” means the owner as defined in this by-law or the person in possession of the property and includes a lessee, a mortgagee in possession or a person in charge of the property;
- n) “Placing” means the distribution of fill on lands to establish a finished grade higher or lower than the existing grade;
- o) “Ponding” means the accumulation of surface water in an area not having drainage therefrom where the lack of drainage is caused by the placing or dumping of fill or altering of the grade of land;
- p) “Removal” means excavation or extraction of any fill which lowers the existing grade, which includes soil stripping;
- q) “Retaining Wall” means a concrete or concrete product wall or other material approved by the Director designed to contain and support fill which has a finished grade higher than that of adjacent lands;
- r) “Soil” means any material commonly know as earth, top soil, loam, subsoil, clay, sand or gravel; and
- s) “Swale” means a depression in the ground sloping to a place of disposal of surface water for the purpose of providing a method of drainage.
- t) “Altering” or “Alter” means changing the grade of land either through the depositing of fill on or the excavation of land or a combination thereof.

#### SCOPE

This by-law applies to all lands within the geographic limits of Loyalist Township.

#### PROHIBITIONS

- 2. a) No person shall remove, place or dump fill on land, or cause fill to be removed, placed or dumped on land, or alter the grade of land in Loyalist Township without having first obtained a permit issued by the Director.
- b) i) No person shall remove, place or dump fill on land, or cause fill to be removed, placed or dumped on land or alter the grade of land within any flood plain, except those works that, in the opinion of the Director, serve to protect buildings or structures from flooding or provide conservation benefits such as, but not limited to, shoreline protection, bank stabilization, improvement of wildlife habitat or improvement of flood control.
- ii) No person shall remove, place or dump fill or cause fill to be removed, placed or dumped or alter the grade of the portion of the property within a

provincially significant wetland, except for those exceptions noted in Section 2(c) (xii) and (xiii) of this by-law.

- c) The provisions of subsection (a) of this section do not apply in those areas of the Township where:
- i) a regulation made under Section 28 of the Conservation Authorities Act, R.S.O. 1990, respecting the placing or dumping of fill is in force and applies to lands in question;
  - ii) the placing or dumping of fill or alteration of the grade of land by a transmitter or distributor, as those terms are defined in Section 2 of the Electricity Act 1998 for the purpose of constructing and maintaining a transmission system, as those terms are defined in that Section;
  - iii) activities or matters prescribed by regulation;
  - iv) fill is being placed or the grade of land is being altered in conformity with a grading and drainage plan approved by Loyalist Township in conjunction with subdivision, pre-development, consent or site plan approvals under Sections 41, 51 or 53 respectively of the Planning Act and the requisite agreement that has been entered into;
  - v) a building permit has been issued by the Township for the erection of a building or structure, and the site plan accompanying the building permit application provides sufficient information to determine that the placing or dumping of fill or altering the grade of land conforms with provisions of this by-law;
  - vi) soil no greater than 300 mm in depth is placed on lands for the purpose of lawn dressing, landscaping, adding to flower beds or vegetable gardens, provided that:
    - the elevation of the land within 600 mm of any property line is not changed; and
    - there is no change in the location, direction or elevation of any natural or artificial watercourse, open channel, swale or ditch used to drain land;
  - vii) fill is placed or dumped in an excavation to the elevation of existing grade following the demolition or removal of a building or structure; or
  - viii) fill is dumped or placed on lands zoned “Prime Agricultural or Rural” where there is a alteration to the grade of land as an incidental part of a commonly accepted agricultural practice;
  - ix) the use, operation, establishment, alteration, enlargement or extension of a waste management system or waste disposal site within the meaning of Part V of the Environmental Protection Act, R.S.O. 1990, c.E19, as amended, or a waste private disposal site or waste management system that is exempted by regulation from said Part V;
  - x) the construction, extension, alteration, maintenance or operation of works under Section 26 of the Public Transportation and Highway Improvement Act, R.S.O. 1990 c.P.50, as amended;
  - xi) emergency measures taken by the Township, County of Lennox and Addington, Quinte Conservation Authority, or the Cataraqui Region Conservation Authority to prevent erosion, slipping of soil, damage of trees or damage to property;

- xii) the activities of the Township, a Ministry of the Provincial Government, the County of Lennox and Addington, the Quinte Conservation Authority, or the Cataraqui Region Conservation Authority, related in the establishment or maintenance of utilities and services, roads, bridges, flood and erosion control facilities, walkways, bicycle paths, fences, retaining walls, steps and lighting;
  - xiii) the activities of the Township, a Ministry of the Provincial Government, the County of Lennox and Addington, the Cataraqui Region Conservation Authority, the Quinte Conservation Authority, or other conservation groups recognized by the Township that serves to enhance, restore or protect natural habitat;
  - xiv) any activities of the Township or County of Lennox and Addington not described in Section 2(c)(xi),(xii) and (xiii) of this by-law;
  - xv) the placing or dumping of fill, removal of topsoil or alteration of grade of land undertaken of land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the Aggregate Resources Act;
  - xvi) the placing or dumping of fill or alteration of grade of land undertaken as an incidental part of drain construction and maintenance under the Drainage Act or the Tile Drainage Act.
- d) Where a permit has been issued pursuant to this by-law authorizing the placing or dumping of fill or altering the grade of land, no person shall remove, place or dump fill or cause fill to be removed, place or dumped or alter the grade of land except in accordance with the plans, documents and any other information on the basis of which such permit was issued.
  - e) Where a person has removed, dumped or placed fill or altered the grade of land or caused fill to be removed, dumped or placed, or the grade of land to be altered contrary to this by-law or not in conformity with an issued permit, that person, the owner and the permit holder will each be responsible for the reinstatement of the land to existing grade including the removal of fill.
  - f) No person shall place or dump, or cause to be placed or dumped, fill on any land for storage purposes, unless the outside storage of such fill on the land is permitted by the applicable zoning by-law of the Township or is a site approved by the Director in relation to a subdivision, predevelopment, consent or site plan approval under Sections 41, 51 or 53 respectively of the Planning Act.
  - g) Subject to Section 2 (c), no person shall remove, place or dump fill or cause to be removed, place or dumped, fill on any land which results in the alteration of any grade established by a grading and drainage plan which has been approved by the Township as part of a subdivision, consent, rezoning or site plan approval, without a permit.
  - h) Subject to Section 2 (c), no person shall remove, place or dump, or cause to be removed, placed or dumped, fill or alter the grades of any land unless:
    - i) it is done at the request of or with the consent of the owner of lands where the fill is to be placed, dumped or removed;
    - ii) all fill to be dumped or placed is clean and free of asphalt, trash, rubbish, glass, liquid or toxic chemicals, hazardous waste or garbage materials;
    - iii) the drainage system for the lands is provided in accordance with the Township's by-laws and the Director is satisfied that provision has

been made for surface, storm water drainage where such drainage is not provided by natural gradients or a swale; and

- iv) the fill is placed or dumped or removed in such a manner, or the retaining wall containing such fill is erected in such a manner such that no ponding or alteration of existing flow is caused on abutting lands.

#### REQUIREMENTS FOR ISSUANCE OF A PERMIT

3. An applicant for a permit to dump, place or remove fill on the lands shall submit the following to the Director:
  - a) a completed application in a form prescribed by the Director;
  - b) the applicable permit fee in accordance with Schedule A to this by- law;
  - c) a security deposit in the form of cash, certified cheque or irrevocable bank letter of credit in an amount approved by the Director which may be drawn upon by the Township at its sole discretion to remedy any deficiency in any work or to correct any works completed under a permit issued under this By-law. Upon written application by the applicant/owner and upon the satisfaction of the Director that all conditions and requirements of the permit have been fulfilled, which may at the discretion of the Director include a requirement for the signed seal of a Professional Engineer certifying that all conditions and requirements of the permit have been fulfilled, the Township will return said security deposit or the remaining amount of any reduced security deposit.
  - d) a fill plan including drawings and a supporting report containing any information the Director deems necessary. At a minimum the following information shall be provided on a drawing to a scale acceptable to the Director:
    - property boundaries and easements
    - drainage routes and slopes
    - areas to be filled, with existing and proposed grades
    - existing buildings, utilities and vegetation
    - proposed erosion and sediment control measures
  - e) a completed Environmental Impact Statement (EIS) prepared by a professional qualified in the relevant environmental field of study and acceptable to the Township and other authorities having jurisdiction for any property designated as Environmentally Sensitive on Schedules 'B', 'C', 'D' and 'E' in the Township's Official Plan or any other area that has been identified as being a sensitive environmental feature by best available information supplied by a recognized environmental authority. The study, among other matters, shall:
    - i) outline the location, size and amount of grade to be altered, fill to be placed, dumped or removed;
    - ii) describe the type and degree of sensitivity of the area;
    - iii) discuss and evaluate the compatibility of the proposed alteration of grade, filling or fill removal within the sensitive area with the pertinent features and ecological functions for which the area has been identified;
    - iv) identify any portion of the sensitive area where development and filling should be precluded; and
    - v) outline the need for and type of action required to resolve any incompatibility found;



vi) evaluate the extent of flooding, erosion and dynamic beach hazards on the property where applicable, and discuss whether or not the proposed filling or alteration of grades will aggravate such hazards.

Any approved filling project shall comply with the recommendations of the study and by the directions of the Township and any other authority having jurisdiction.

The requirement for an EIS may be waived where the Township has consulted with the appropriate environmental authorities and it has been determined an EIS is not necessary. In the review of an EIS, the Township's Official Plan, relevant environmental authorities and the Provincial Policy Statement, including implementation guidelines, shall be consulted.

If the Environmentally Sensitive area is a provincially significant wetland or floodplain, this section is superceded by Section 2 (b) of this by-law.

4.
  - a) The Director may, prior to the issuance of a permit, require the owner and/or proposed permit holder to enter into an agreement or similar arrangement which may be registered on title to the subject lands containing such requirements as the Director considers necessary to ensure that the placing, dumping or removal of fill or altering the grade of land is in accordance with prevailing Township design standards and proper engineering principles.
  - b) Requirements contained in an agreement may include the owner and/or proposed permit holder posting with the Township, the security, in accordance with Section 3(c), certifications by a Professional Engineer or other similarly qualified person prior to the issuance of a permit and upon completion of the work. Such certifications shall state that the owner and proposed permit holder can and has complied with all of the obligations and conditions contained in the applied for and issued permit.
5. Every person who removes, places or dumps fill or alters the grade of land, or causes fill to be removed, placed or dumped or the grade of land to be altered shall:
  - a) when required by the Director, provide a retaining wall, which does not encroach upon abutting lands, unless authorized in writing by the owner of the abutting lands, either above or below existing grade, such retaining wall to be constructed to satisfaction of the Director. The Director may require that a retaining wall be constructed where:
    - i) erosion of fill onto abutting lands may occur; or
    - ii) the finished grade of the lands at the property line is higher than that of the existing grade of the abutting lands;
  - b) ensure that the finished grade surface be protected by sod, turf, seeding for grass, greenery, asphalt, concrete or other means, either singly or in combination within an expedient time frame, or as specified by the Director;
  - c) ensure that fill shall not be placed around the perimeter of any existing building to an elevation higher than 150 mm below the top of foundation wall of such building, and in conformity with Sentence 9.15.4.3 (1) of the Ontario Building Code, unless such building and its foundation walls are raised in a manner satisfactory to the Director;
  - d) ensure that no trench in which piping is laid forming part of the drainage system shall be covered until the work has been inspected by the inspector, and authorization is given to back fill the installation; and

- e) provide erosion and sedimentation control measures around all disturbed areas, in a manner satisfactory to the Director, prior to the commencement of the placing, dumping or removal of fill or altering the grades of land, and shall maintain such measures in good working order until the site has stabilized in accordance with Section 5 (b);
- f) provide any other measures that are deemed appropriate by the Director to protect the environment or fully implement the recommendations of an EIS;
- g) ensure that fill is properly compacted using accepted engineering practices and in a manner satisfactory to the Director, with special considerations where the fill is to be used to support buildings, structures, paving, piping or other similar features;
- h) ensure that the fill stockpiled or placed and any excavations or alteration of the grade of land or property has at a minimum the legal angle of repose as specified by the Occupational Health and Safety Act, R.S.O. 1990, Chapter 0.1, as amended, and corresponding regulations for construction;
- i) ensure that natural drainage or any natural or man-made watercourse is not altered in such a manner that will negatively affect other property or the environment.

#### ISSUANCE OF A PERMIT

##### 6. The Director may issue a permit where:

- a) the owner and the applicant and the proposed permit holder have fulfilled all requirements pursuant to this by-law;
- b) the owner and proposed permit holder have entered into the agreement referred to in Section 4(a) of this by-law, if required, and have performed all obligations which the agreement requires to be performed prior to the issuance of a permit;
- c) the Director is satisfied that the proposed final elevations and resulting drainage pattern, the design of any retaining wall, the type of fill to be used and the method of placing or dumping of fill, are all in accordance with prevailing Township design standards and proper engineering practice;
- d) the Director is satisfied that the height of any retaining wall to be constructed either shall not exceed one metre from the low side of the finished grade or that the design and installation of any retaining wall which exceeds one metre in height has been certified by a qualified consulting engineer and is in compliance with any applicable legislation or by-law;
- e) the Director is satisfied after consultation with the appropriate environmental authority where applicable that the placing, dumping or removal of fill or the altering of the grade of land will not result in:
  - i) soil erosion or negative impact on drainage;
  - ii) blockage of a watercourse;
  - iii) sedimentation in a watercourse;
  - iv) pollution of a watercourse;
  - v) flooding or ponding caused by a watercourse overflowing its banks; or



- vi) a detrimental effect on any environmentally sensitive area or areas as defined in the Township's Official Plan or other area that has been identified as a sensitive environmental area or feature by a recognized environmental authority;
  - vii) violation of other applicable law.
- f) the proposed dumping of fill complies with all provisions of the applicable zoning by-law and is clearly accessory or secondary to the uses permitted on a property by such zoning by-law such that the proposed dumping of fill will not become or constitute the primary use of the subject property.
7. a) The permit issued pursuant to this by-law shall be valid for a period not to exceed two years from the date the permit was issued by the Director.
- b) A permit which is no longer valid, or which has expired pursuant to this by-law and the terms and conditions of such have not been fulfilled, must be renewed upon the making of written application to the Director accompanied by payment of the original permit fee, failing which the Township shall remedy any deficiencies pursuant to the provisions of this by-law.
- c) The issuance of a permit by the Director does not relieve the owner or the permit holder from any responsibility to obtain all other approvals, which may be required by any level of government and agencies thereof.
- d) If the lands for which a permit has been issued are transferred while the permit remains in effect, the permit holder shall advise the Director and the new owner in writing prior to property transfer and the new owner of the lands shall forthwith advise the Director that such transfer has been completed and either:
- i) provide the Township with an undertaking to comply with all the conditions under which the existing permit was issued; or
  - ii) apply for and obtain a new permit in accordance with the provisions of this by-law.

#### REVOCAATION OF PERMIT

8. A permit may be revoked by the Director under any of the following circumstances:
- a) if it was issued on mistaken, false or incorrect information;
  - b) if it was issued in error;
  - c) if the owner or permit holder requests, in writing, that it be revoked;
  - d) if the terms of an agreement under this by-law have not been complied with;
  - e) if work authorized under the permit has not been commenced prior to its expiry date; or
  - f) if an owner fails to comply with Section 7(d) of this by-law.

#### APPEALS

9. Any applicant for a permit pursuant to this by-law may appeal to the Ontario Municipal Board by filing a letter of appeal with both the Clerk and the Ontario Municipal Board:

- a) where the applicant objects to a condition in the permit within thirty (30) days after the issuance of a permit; or
- b) where the Township fails to make a decision on the application within forty-five (45) days after the application is received by the Clerk;
- c) where the Township refuses to issue a permit, within 30 days after the refusal.

#### ADMINISTRATION AND ENFORCEMENT

10. The administration and enforcement of this by-law shall be performed by the Director, by such persons authorized by the Director, and by the Provincial Offences Officers of the Township, as may be appointed by by-law.
11. Upon completion of the works pursuant to a permit, the owner or permit holder shall so advise the Director. If the Director is satisfied, based on the information provided by the owner or permit holder and or any information the Director deems relevant, that the works have been completed in conformity with the permit and this by-law, the Director shall issue a Certificate of Completion to the owner.
12. An inspector may, during daylight hours, and upon producing the appropriate identification, enter and inspect any land to which the by-law applies.
13. No person shall obstruct an inspector who is carrying out an inspection pursuant to this by-law, and any person who so obstructs an inspector is guilty of an offence pursuant to this by-law.
14. If, after inspection, the inspector is satisfied that there is a contravention of this by-law, the owner or permit holder shall be notified of the particulars of the contravention by personal service or prepaid registered mail and may, at the same time, provide all occupants with a copy of the notice.
15. After giving any persons served with a notice pursuant to section 14 this by-law an opportunity to appear before the inspector and make representations in connection with it, the inspector may make an order setting out:
  - a) the municipal address or the legal description of the land;
  - b) reasonable particulars of the work to be done to correct the contravention and the period in which there must be compliance with the order;
  - c) notice that if the work is not done in compliance with the order within the specified period, the Township may have the work done at the expense of owner.
16. An order pursuant to section 15 of this by-law shall be served personally or by prepaid registered mail.
17. A notice or order pursuant to this by-law when sent by prepaid registered mail shall be sent to the last known address of the owner of the land and permit holder.
18. An inspector who is unable to effect service pursuant to this by-law shall place a placard containing the terms of the notice or order in a conspicuous place on the property and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner and permit holder.
19. If the owner or permit holder fails to do the work required by the order within the period it specifies, the Township, in addition to all other remedies it may have, may do the work and for this purpose may enter on the land with its employees and agent and assess costs.

- 20. a) Costs incurred by the Township pursuant to this by-law may be recovered by the Township, including interest accrued to the date of payment at the rate of 15 percent, from the owner of the land by action or in a like manner as taxes and are a lien on the land upon the registration in the proper land registry office of a notice of lien.
  - b) The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date of payment.
  - c) Upon payment of all costs payable plus interest accrued to the date of payment by the owner of the land, the discharge of the lien shall be registered by the Township at the Lennox and Addington Land Registry Office
21. No person, after receiving proper notice, shall disobey an order made pursuant to this by-law.

**PENALTY**

22. Pursuant to Section 144 (16) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, any person who contravenes any provision of, or order issued under, this by-law is guilty of an offence and is liable:
- a) on a first conviction, to a fine of not more than \$10,000, and
  - b) on any subsequent conviction, to a fine of not more than \$25,000.
23. Pursuant to Section 144 (17) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, despite Section 22 where the person convicted is a corporation the maximum fines in Clauses 22 (a) and (b) are \$50,000 and \$100,000 respectively.

**CONFLICT**

24. If there is conflict between this by-law passed and a by-law passed by The Corporation of the County of Lennox & Addington, the by-law of The Corporation of the County of Lennox & Addington prevails.
25. Should a court of competent jurisdiction declare any section of this by-law invalid, such section shall be construed, as being severed herefrom, and the remainder of the by-law shall continue in full force and effect.
26. This by-law hereby repeals by-laws 99-2 and 2002-61.
27. This by-law shall come into force and take effect on the date of its passing.

**ENACTED AND PASSED THIS 10<sup>th</sup> DAY OF MARCH 2003.**

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**REEVE**

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**CLERK**

SCHEDULE 'A'

The following fees shall be paid to the Township at the time of application for a fill permit:

- |  |   |
|--|---|
| (a) Fill/alteration of grade on property | \$300 plus \$250 per hectare or part hectare<br>(Overall maximum fee of \$1000) |
| (b) Renewal                              | Same as (a)   |

## Kelly, Mary K

---

**From:** Katherine Park [kathy.park@samsung.com]  
**Sent:** July-18-12 5:35 PM  
**To:** Kelly, Mary K; Young, Rob  
**Cc:** 'SIMON KIM(김준성)'; 'Daniel Choi'; jose.dearmas@samsung.com; Johnston, David  
**Subject:** FW: Letter from Loyalist Township- Renewable Energy Project Fee  
**Attachments:** image001.jpg; Letter from Loyalist Township-20120711.pdf

Hello Mary,

Please see the letter received from Loyalist Township in regards to the fee for completing the municipal consultation form for your consultation record.

I also would like to note you that we have returned mails with incomplete address for the news letter.

- Edwin John & Marilyn Marie Kelly
- Edward William & Linda Marie Milsap

Please kindly update the address, if these are incomplete in your data.

Thanks.



Katherine Park, M.P.L.  
Project Development Associate

Solar Division, Samsung Renewable Energy  
55 Standish Court, Mississauga  
ON. L5R-4B2

O): 905-501-5661  
C): 416-414-1653

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**From:** Katherine Park [<mailto:kathy.park@samsung.com>]  
**Sent:** July-16-12 5:15 PM  
**To:** 'SIMON KIM(김준성)'; 'Choi, Daniel'; 'jose.dearmas@samsung.com'  
**Cc:** 'b.ashby@samsung.com'  
**Subject:** Letter from Loyalist Township- Renewable Energy Project Fee

Hello team,

We have received the letter from Loyalist Township for recent by-law  
(<https://loyalist.civicweb.net/Documents/DocumentList.aspx?ID=41675>)

: For technical reason, I'm not able to open this doc in my computer)  
passed in regards to the renewable energy project fee- review of background studies and completion of municipal  
completion form.

Jose, can you calculate the fee for the size of MW in which area only applicable to loyalist township and send it to Murray  
so that we can get the invoice from them to process the internal approval?

Cheers..

KP.



Katherine Park, M.P.L  
Project Development Associate

Solar Division,Samsung Renewable Energy  
55 Standish Court, Mississauga  
ON. L5R-4B2

O): 905-501-5661

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July 11, 2012

File: D03 – Samsung Kingston Solar LP

A. José De Armas, Project Development Manager  
Samsung Renewable Energy Inc.  
55 Standish Court, 9<sup>th</sup> Floor  
Mississauga, Ontario  
L5R 4B2

Dear Sir:

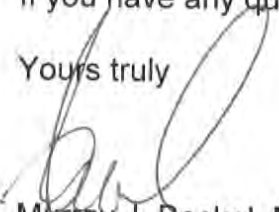
**Re: Renewable Energy Project Fee – Review of Background Studies and  
Completion of Municipal Consultation Form**

Please be aware that at its meeting of June 11, 2012, Council enacted by-law 2012-055, which such by-law implements miscellaneous fees under the authority of the Municipal Act, S.O.2001.

One fee included in the by-law relates to renewable energy projects and cost recovery for reviewing background studies and preparing a municipal consultation form. Specifically it states that projects greater than 1 MW shall pay a flat fee of \$5,000 plus \$100 per MW over 10MW. Since you have submitted background studies with a municipal consultation form, will you please remit payment as soon as possible and please indicate how many MW are anticipated to be installed in Loyalist Township. Any portion of the installation occurring in the City of Kingston is not applicable.

If you have any questions, please do not hesitate in contacting me.

Yours truly

  
Murray J. Beckel, M.C.I.P., R.P.P.  
Director of Planning and Development Services  
MJB:fl

cc – Alida Moffat, Director of Finance

## Kelly, Mary K

---

**From:** A. José De Armas [jose.dearmas@samsung.com]  
**Sent:** August-14-12 7:29 PM  
**To:** 'J Hegadorn'  
**Cc:** simon76.kim@samsung.com; 'Katherine Park'; Kelly, Mary K; 'Murray Beckel'; 'Ashburn Richard'  
**Subject:** RE: Questions  
**Attachments:** image001.png; image003.png; image002.png; Consultation Summary Rpt Apr2012 \_DRAFT\_FINAL\_rev1 (2).pdf

Good afternoon Councillor Hegadorn,

Please excuse my tardy response. I will address them in the same order as they were presented.

1. Drainage Patterns, please refer to:

- a) Our Draft Construction Plan Report <http://goo.gl/5orPA>. Specifically section 3.2.2
- b) Our Draft Stormwater Management Plan <http://goo.gl/ja527>. Specifically section 2.3.2.

2. Access to land owners land:

Once we reach the detail engineering stages we will have the refined details regarding the fenced and gated areas. As I mentioned to you in my previous response the design (or agreement) will be such that the land owner will have free access to the sections of land that will not be occupied by our installation.

3. Setbacks

- a) Mr. Richard DeWolfe: I will like to cordially remind you as I stated on my previous e-mail "Under the Renewable Energy Approval (REA) regulation (O. Reg. 359/09) solar installations do not require any setbacks, but we have taking the initiative to establish setbacks on strategic locations, through stakeholder consultations". The setback distance was measured from the residential property not the barns or riding stables. I kindly will like to refer you to the attachment written by Mr. De Wolfe (specifically on item number 6). This was the feedback form which was made available on our Interim Community Meeting.
- b) Mr. Leonard Babcock: We will consider vegetative buffering in order to mitigate any visual impact.

4. Access Road on William and Christina Laird 's property.

On the afternoon hours of Wednesday March 14 2012 both Mr. and Mrs. Laird, Richard Ashburn (our land manager), and I personally had a conversation with the lady that owns the property located on 180 Mud Lake Road (If I remember correctly her name is Margaret Jane Billow), we consulted with her and asked her whether she had any issues if we placed an access road on the eastern side of the Lairds property, she clearly indicated that she had no problems with it.

We are fully aware of the culvert in that area, in fact we had to slightly shift the angle (to the West) of the access road to avoid the cross culvert under CR19, this was accomplished based on the feedback provided (on Tuesday April 17th at 9:51 am) by Jim Klaver (Operations & Development Technologist Roads & Bridges County of Lennox & Addington). In my communications with Mr. Klaver we also discussed and considered the changes on speed from 60 Km/hr to 80 Km/hr.

We truly appreciate your flexibility in trying to coordinate with the County, but we have consulted with the county regarding the location of this access road.

Thank you for your attention,



Sincerely,

José

**A. José De Armas**  
Manager, Project Development

 **Samsung Renewable Energy Inc.**  
55 Standish Court, 9th Floor  
Mississauga, ON L5R 4B2  
Tel: 905-501-5658  
Mobile: 647-838-5774

[Jose.DeArmas@samsung.com](mailto:Jose.DeArmas@samsung.com)  
<http://www.samsungrenewableenergy.ca/>

---

**From:** J Hegadorn [mailto:hegadornj@gmail.com]  
**Sent:** Monday, July 23, 2012 10:44 AM  
**To:** jose.dearmas@samsung.com  
**Cc:** simon76.kim@samsung.com; Katherine Park; Mary Kelly; Murray Beckel  
**Subject:** Re: Questions

Jose,

Thanks for the response. I apologize for taking any additional time as I'm sure you are very busy. However, a project of this magnitude in a small community does warrant discussion and the responses did not fully address/answer my concerns. I am providing some commentary with my questions to provide background information.

There are several drainage patterns flowing westerly across my property and onto Lairds and Boyce's property, which will be under Samsung's control for upto 40 years. This drainage is vital to the continued productivity of active farm land. Some of these meander northerly to Mud Lake and some southerly under Hwy 401. My question is, what will be done before and during construction to ensure this drainage is not compromised, and what will be done during the life of the solar project to ensure these drainage patterns will be maintained?

According to the drawings submitted a minimum 1.8m chainlink fence with barbwire on top will be erected around all installations. These installations will be gated and secured at all access points. How will the property owners access lands? Will they have a key to the gates or is a buffer area being maintained open around the fenced area which will provide their access?

You mention a minimum 30 m setback at the De Wolfe residential property. Does this include the barn and riding stable they have laboured for years to develop into a successful business and local attraction, and is this setback measured from the property line? Also, the Babcock property was not mentioned. Is this setback with visual barrier being utilized along their property line?

One other item I noticed when reviewing the documents was the access from Mud Lake Road to the Laird property is being moved easterly beside house # 180 encompassing their property and running adjacent to my land. This appears to place an industrial entrance adjacent to two properties unnecessarily. It also has the potential to adversely impact the drainage referred to in my first question as it will be constructed very close to the Mud Lake Road centre line culvert and potentially could dam all drainage from my property. Lairds have

had a problem with drainage in this area since developing their property and this has potential to magnify the issues upstream.

Relocating this entrance does not improve visibility and placing it closer to or in the curve could reduce the safety of this entrance. It also takes the access from being spaced evenly in a 60km/hr zone and places it very close to existing residential entrances on both sides of the road in an 80 km/hr zone which may cause confusion to drivers. This confusion could result in serious collisions which places the lives of local travelers at risk.

Why is this being relocated?

Possibly my concerns regarding this should be directed at the road authority. If so please indicate this and I will forward it to the County.

Thanks again,  
Jim

On Fri, Jul 6, 2012 at 2:38 PM, A. José De Armas <[jose.dearmas@samsung.com](mailto:jose.dearmas@samsung.com)> wrote:

Good afternoon Mr. Hegadorn,

I hope this email finds you well.

As follows are the answers to your questions, I will address them in the same order as they were presented.

## **1. Drainage:**

- a. Riparian Buffers: No riparian buffer areas will be removed. Only one riparian corridor falls within 120 meters of the project, a 30 meter buffer has been proposed for this area.
- b. We are fully aware of the drainage issues in property 24. Our Design and Operations report located in the following link <http://goo.gl/OSxya> will provide you with further information regarding this matter. I have met with Mr Boyce before and apparently he has been able to drain a substantial amount of the property. Evidently our operations and maintenance (O&M) team will be onsite (project area) throughout the life of the project, to maintain and monitor the drainage systems on a regular basis.

## **2. Property Access:**

- a. We will fence the installation in a way that will allow the land owner to access the sections of land that will not be occupied by our installation.
- b. We will not be using Hegadorn road during construction or decommissioning. As shown on our draft layout, Mr. Boyce's property will be accessed through access roads build from Mud Lake Road / Unity Road.

### 3. Setbacks:

Under the Renewable Energy Approval (REA) regulation (O. Reg. 359/09) solar installations do not require any setbacks, but we have taking the initiative to establish setbacks on strategic locations, through stakeholder consultations. Regarding Mr. DeWolfe, yes the panels will be placed next to the property line but we have establish a setback beyond 30 meters from his residential property, just as he suggested on the feedback consultation provided during the Interim Community Meeting.

Thank you for your attention,

Have a great weekend

Sincerely,

José



**A. José De Armas**

Manager, Project Development

**Samsung Renewable Energy Inc.**

55 Standish Court, 9th Floor

Mississauga, ON L5R 4B2

Tel: [905-501-5658](tel:905-501-5658)

Mobile: [647-838-5774](tel:647-838-5774)

[Jose.DeArmas@samsung.com](mailto:Jose.DeArmas@samsung.com)

<http://www.samsungrenewableenergy.ca/>

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**From:** J Hegadorn [mailto:[hegadornj@gmail.com](mailto:hegadornj@gmail.com)]

**Sent:** Tuesday, June 26, 2012 12:10 PM

**To:** [jose.dearmas@samsung.com](mailto:jose.dearmas@samsung.com)

**Subject:** Questions

Jose,

I am writing this as an adjacent landowner to the proposed project for clarification.

After reviewing the layout and documentation regarding the solar project in Loyalist Township I have some initial questions.

They are:

1. Drainage - I did not see any commitments to ensure riparian rights are maintained. The fields west and south of my property have been neglected for some time and the historical drainage has been compromised. I had mentioned this previously to the property owners but they have not maintained their ditches. In some cases ponds were dug and undersized culverts placed in ditches at incorrect elevations which made the situation worse. This has impeded drainage of our farms and has become a constant maintenance issue. My property is active farmland and drainage is imperative to allow the entire area to be utilized and maintained.

What is Samsung's plan to maintain drainage of my property ,and in turn, the property east of mine?

2. Property access -

a)The areas with solar panels will be encompassed by a fence with locked gates. How is the drainage and unused portions of land to be maintained if the property owner cannot access the areas?

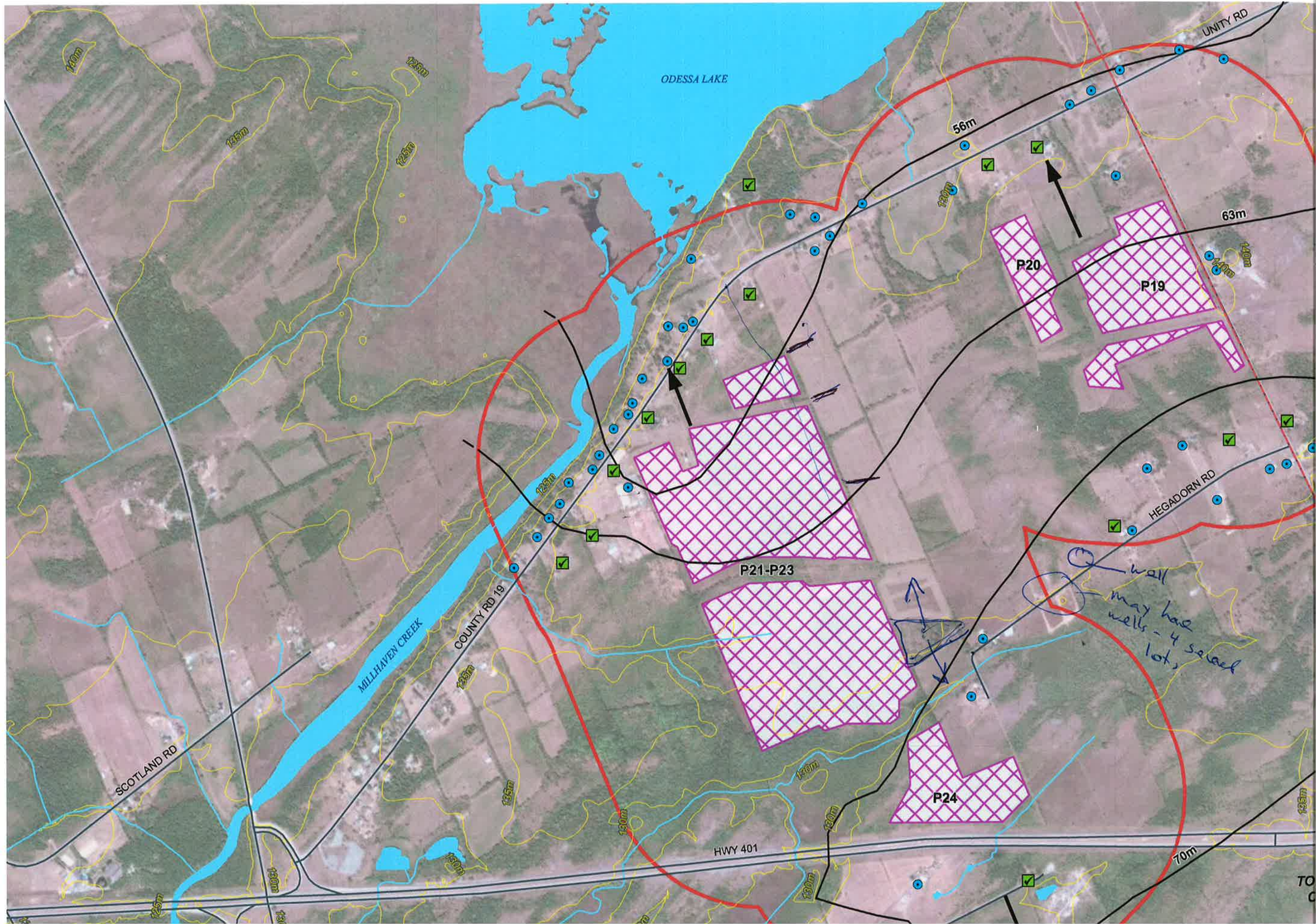
b)It appears there is no gate accessing Hegadorn Road from the Boyce property. Could you confirm this? Also, will Hegadorn Road be utilized for access during construction and decommissioning?

3. Setbacks - There are no real commitments to setbacks and visual barriers. Since the conception of this project there were concerns raised regarding setbacks. The De Wolfe and Babcock properties appear to have panels being placed right next to the property line. I know this issue was raised in writing and verbally in the past and was a concern documented on the comment cards at the open house. Despite constant and consistent objections to this it appears to have fallen on deaf ears. Could you provide the setbacks for this area?

Thanks,

Jim Hegadorn









## FEEDBACK FORM

### Sol-luce Kingston Solar PV Energy Project

Interim Community Session – April 2012

**1. How did you learn about the Sol-luce Kingston Solar PV Energy Project?**

- Newspaper Advertisement       Word of Mouth       Other (please specify) \_\_\_\_\_  
 Delivered Letter       Project Website

**2. Are you a resident or business in:**

- Loyalist Township       Kingston       Other (please specify) \_\_\_\_\_

**3. Why did you decide to attend? (to learn more, with a group, etc.)**

CONCERNED ABOUT DESTRUCTION OF RESIDENTIAL  
NEIGHBOURHOOD  
HOPE TO CURTAIL OR STOP THIS MISUSE OF OUR AGRICULTURAL  
LAND

**4. What issues would you most like to see addressed for this proposed Project? Do you have any specific concerns in regards to the Kingston Solar PV Energy Project?**

THE PROJECT ABUSES OUR PROPERTY - LOSS OF VALUE WHICH IS  
OUR RETIREMENT SAVINGS (OUR FARM)  
THIS PROJECT WILL SERIOUSLY AFFECT OUR BUSINESS AT OUR  
HOME.

**5. Do you have any local information that might be relevant to the proposed development?**

THERE ARE ENDANGERED SPECIES ON OUR LAND, INCLUDING  
BLUE SPOTTED SALAMANDERS.  
THE WATER TABLE IN OUR AREA IS STRICTLY SURFACE WATER &  
VERY VULNERABLE.

**6. Do you have any comments, concerns or suggestions related to the design and operation of the proposed facility?**

THE SETBACKS TO ROADS & NEIGHBOURING PROPERTIES SHOULD BE  
GREATER THAN 30 METERS & BERRMS SHOULD BE WELL  
FORESTED AS A SCREEN. TRANSFORMERS SHOULD BE FAR  
ENOUGH AWAY FROM RESIDENCES & OUTBUILDINGS TO NOT BE  
HEARD.

LOCAL WELLS SHOULD BE TESTED BEFORE & AFTER THE  
PROJECT IS COMPLETED.

COMPENSATION SHOULD BE AWARDED FOR LOSS OF LAND  
VALUES TO RESIDENTS & PROPERTY TAXES REFUNDED.

WILL SAMSUNG SUPPLY ALL OF OUR WATER NEEDS SHOULD THE  
WATER TABLE BE AFFECTED?





**7. How would you like to receive future information about the proposed Project?**

- Open houses
- Direct Mail
- E-mail
- Samsung Renewable Energy Website
- News media
- In-person discussions with Samsung representatives

**8. Did the Open House meet your information needs?**

- Yes
- No

**9. Additional Questions/Comments (if you would like a reply make sure to leave your contact information):**

THE QUALITY OF LIFE IN OUR NEIGHBOURHOOD IS GOING TO BE SEVERELY AFFECTED BY THIS PROJECT.  
A RESIDENTIAL RURAL AREA SHOULD NOT BE TURNED INTO AN INDUSTRIAL DEVELOPMENT AFTER THE FACT.  
LOCAL RESIDENTS & GOVERNMENT SHOULD BE THE ONES WHO DECIDE WHAT THEY WANT IN THEIR NEIGHBOURHOODS RATHER THAN THE PROVINCIAL GOVERNMENT.

**Optional Contact Information (please print clearly)**

<b>Name</b>	
<b>Street Address</b>	
<b>Town/City</b>	
<b>Postal Code</b>	
<b>E-mail</b>	
<b>Phone</b>	
<b>Organization (if applicable)</b>	

Information will be collected and used in accordance with the Renewable Energy Approvals under the Environmental Protection Act, and solely for the purpose of assisting Samsung Renewable Energy Inc. in meeting environmental assessment and local planning requirements. This material will be maintained on file for use during the study and may be included in project documentation. All comments will become part of the public record. Personal information is protected under authority of the Freedom of Information and Protection of Privacy Act, Section 32, and is used solely for the purpose of completing this environmental assessment. Individuals will not be identified in any public documents or used for any purpose other than this project.

**THANK YOU FOR YOUR FEEDBACK**

**Kingston Solar LP**  
**Solu-luce Kingston Solar PV Energy Project**  
 55 Standish Court, 9<sup>th</sup> Floor  
 Mississauga, ON L5R 4B2  
[solu-lucekingston@samsungrenewableenergy.ca](mailto:solu-lucekingston@samsungrenewableenergy.ca)  
[www.samsungrenewableenergy.ca/kingston](http://www.samsungrenewableenergy.ca/kingston)

**Kelly, Mary K**

---

**From:** Murray Beckel [MBeckel@loyalist.ca]  
**Sent:** July-23-12 2:21 PM  
**To:** jose.dearmas@samsung.com  
**Subject:** REA Consultation Form and Noise Study Question  
**Attachments:** image001.gif; Vacant Lots - Hegadorn Road.pdf

Hi José,

Further to our conversation today, the Township fee that was introduced for energy projects was done so in order to recover municipal costs to review project studies related to larger renewable energy projects and to prepare and submit the REA consultation forms. The fee was only one of a number of other fees being considered (these others not REA related) and the by-law passage was delayed due to the need for other departments to include their fees and to have the by-law vetted. Originally the target date for by-law passage was at the end of April.

As we discussed today, our Engineering Department has reviewed the stormwater analysis in the construction report and it feels the study lacks the level of detail needed to effectively ascertain the potential impact on drainage flows and volumes. Some of the area affected drains into two watercourses which have substantial floodplains in Odessa and any increase in flow due to the change in the runoff co-efficient or concentration through channelization such as swales can be significant.

As well, I have reviewed the revised noise study and I noted that the consultant has included a 5 dB penalty for tonality consistent with MOE guidelines. My question is, has this penalty been included for the potential sound levels shown in Table 4 because the parameters in Appendix I do not list this factor. This comment also pertains to the sound contour map of Figure 13 . Also Figures 2 and 13 did not identify some existing vacant lots. These lots seem to be farther away from the inverters than other lots or houses, but out of an abundance of caution, can your consultant review and comment? For your assistance I have attached an airphoto showing the location of these five vacant lots (see red dots) on Hegadorn Road.

Thanks,

Murray

Murray Beckel, M.C.I.P., R.P.P.  
Director of Planning and Development Services  
Loyalist Township  
P.O.Box 70, 263 Main Street  
Odessa, ON, K0H 2H0  
Tel: 613-386-7351 x 130  
Fax: 613-386-3833



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Loyalist Township GIS  
 P.O. Box 70  
 263 Main Street  
 Odessa, Ontario  
 K0H 2H0

# LOYALIST TOWNSHIP MAPS



**Legend**

- Loyalist.DBO.Survey\_Poly
- Concession
- Lot
- Road Network
- Parkland
- Parcels
- Township Boundary
- Aerial Photography (2008)
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

1: 10,137

515.0 0 257.48 515.0 Meters

NAD\_1983\_UTM\_Zone\_18N

Loyalist Township makes no representation or warranty as to the accuracy of this map and its information nor to its fitness for use. Any user of this map product accepts this same AS IS, WITH FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold Loyalist Township harmless from any and all damage, loss or liability arising from any use of this map.



## Kelly, Mary K

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**From:** Young, Rob  
**Sent:** July-23-12 3:30 PM  
**To:** Kelly, Mary K  
**Subject:** FW: Kingston Solar LP Sol-luce Vacant Lots Discussion

For SIIMS

**Rob Young, P.Geo., MCIP, RPP**  
**Associate Environmental Scientist, Power Sector Co-Lead**  
**AMEC**

Environment & Infrastructure  
160 Traders Blvd. E., Unit 110, Mississauga, Ontario, L4Z 3K7, Canada  
Tel +1 (905) 568-2929 x 4325, Fax +1 (905) 568-1686  
Mobile/cell +1 (647) 923-7659  
[rob.young@amec.com](mailto:rob.young@amec.com)  
[amec.com](http://amec.com)

---

**From:** Miller, Denton (ENE) [<mailto:Denton.Miller@ontario.ca>]  
**Sent:** Wednesday, July 11, 2012 2:10 PM  
**To:** Young, Rob  
**Subject:** RE: Kingston Solar LP Sol-luce Vacant Lots Discussion

Thank you for summary

*Regards*  
*Denton Miller*  
*416-314-8310*

---

**From:** Young, Rob [<mailto:rob.young@amec.com>]  
**Sent:** July 11, 2012 12:22 PM  
**To:** Miller, Denton (ENE)  
**Cc:** 'Simon Kim'; Katherine Park; [jose.dearmas@samsung.com](mailto:jose.dearmas@samsung.com); 'Beatrice Ashby'; 'Daniel Choi'; Johnston, David; Marangi, Karen; Laming, Steve; Salim, Mohammed  
**Subject:** Kingston Solar LP Sol-luce Vacant Lots Discussion

Denton:

Thanks again for the discussion. To recap we understand the following:

1. We will obtain the mapping layers from our GIS database which show the vacant lots in the immediate area of the proposed project.
2. The area of concern will be defined as anywhere within the 35 dBA contour.
3. The noise contours will then be presented as an overlay on the lot mapping.

Regards,  
Rob.

**Rob Young, P.Geo., MCIP, RPP**  
**Associate Environmental Scientist, Power Sector Co-Lead**  
**AMEC**

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**Ministry of  
Natural Resources**  
Peterborough District Office  
300 Water Street  
1<sup>st</sup> Floor, South Tower  
Peterborough, ON K9J 8M5  
Telephone: (705) 755-2001  
Facsimile: (705) 755-3125

**Ministère des  
Richesses naturelles**  
Le bureau du district de Peterborough  
C.P. 7000, 300 rue Water  
Peterborough, ON K9J 8M5  
Telephone: (705) 755-2001  
Facsimile: (705) 755-3125



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August 4, 2011

Samsung Renewable Energy Inc.  
55 Standish Court, 9<sup>th</sup> Floor  
Mississauga, ON L5R 4B2  
Attention: Mr. Simon Kim, Deputy General Manager

Dear Mr. Kim:

**Re: MNR's Comments Request for Records for Sol-Luce Kingston Solar PV Energy Project**

This letter is in response to the request for information regarding natural heritage features for the proposed Sol-Luce Kingston Solar PV Energy Project in accordance with the Records Review phase of the Natural Heritage Assessment as outlined in the Renewable Energy Approvals (REA) process (Ontario Regulation 359/09).

According to MNR's known and available records, we offer the following comments with respect to the presence of natural heritage features in and around the property boundary as displayed in Sol-Luce Kingston Phase 2 – Project Boundary Figure 2 dated July 2011 prepared by AMEC. Please note that any changes to the project location should be promptly brought to our attention.

MNR suggests that you review the Natural Heritage Assessment Guide for Renewable Energy Projects (NHAG), and the Significant Wildlife Habitat Technical Guide, early in your planning process to ensure that project related field work and data collection meets the appropriate standards and requirements. Additionally, please review the MNR's Approval Permitting and Requirements Document (APRD) to assess if additional permitting or authorizations under other MNR administered legislation, including the Endangered Species Act, are required to facilitate the construction and operation of the proposed solar facility.

Wetlands

The Millhaven Creek Provincially Significant Wetland, associated with Odessa Lake, may overlap the 120 metre buffer from the project boundary. Additionally there are several unevaluated wetland features associated with Odessa Lake and Glenvale Creek and its tributaries throughout the project boundary.

The REA Regulation defines wetlands as lands that are seasonally or permanently covered by shallow water and display the presence of particular soils and vegetation, other than land that is being used for agricultural purposes and no longer exhibits wetland characteristics. When conducting site investigations for wetlands, applicants must verify the boundaries of any wetlands identified through the records review, and establish the presence of any additional wetlands and their boundaries.

Areas of Natural and Scientific Interest (ANSI)

There are no known Areas of Natural and Scientific Interest, either Life or Earth Science within the project boundary or 120 metres thereof.

Please note that MNR assesses ANSIs as being provincially, regionally or locally significant. To date, more than 500 have been confirmed across the province. When conducting site investigations for ANSIs, applicants must verify the boundaries of all ANSIs identified through the records review. With the exception of specified provincial plan areas only ANSIs confirmed by MNR as provincially significant are afforded protection through the REA Regulation. Applicants are not required to identify additional ANSIs during the site investigation.

### Woodland

Woodlands are scattered throughout the project boundary and the 120 metre buffer. Site investigation for woodlands involves confirming that woodlands identified through the records review meet the criteria in the definition of woodland as outlined in the REA Regulation and verifying their boundaries. Any previously un-assessed treed areas which meet the criteria for a woodland must be identified and their boundaries established. MNR recommends referring to the Natural Heritage Reference Manual for procedures and criteria to determine whether the woodland is significant. Additionally, the woodland features within the project location and 120 metres thereof should be considered for wildlife habitat.

### Wildlife Habitat

Two large alvars are present within the project boundary. Please note that alvars are considered a rare vegetation community and or specialised habitat for wildlife through the Significant Habitat Technical Guide (SWHTG). We have additionally included a map outlining the locations of the aforementioned Alvars for your reference. Please contact our office directly should you require the digital shapefiles.

The Renewable Energy Approval Regulation defines “natural feature” as among other features, wildlife habitat MNR recommends that you review the Significant Wildlife Habitat Technical Guide (SWHTG) and the NHAG early in the site investigation planning process to ensure that the wildlife habitats identified and described within the guide are appropriately captured through the NHA process. Additionally, those wildlife habitats may be considered as candidate significant wildlife habitat and may require further evaluation through evaluation of significance if required.

### Fish and Fish Habitat

Glenvale Creek and its tributaries traverse the project boundary and 120 meter thereof. MNR recommends that fish, fish habitat, thermal regimes and stream locations should be verified through the site investigation process where required to support addition permitting and authorizations required as part of your project development and operation activities. While this is may not be a requirement of the Ontario Regulation 359/09, a permit under other legislation may be required to proceed with the development of the proposed facility.

### Provincial Parks and Conservation Reserves

There are no Provincial Parks or Conservation Reserves within proximity to the project boundary.

Where a project location is proposed within the setback of a natural feature which is inside a provincial park or conservation reserve, the park superintendent or conservation reserve manager should be contacted prior to undertaking site investigations, as a permit may be required. Applicants proposing projects within the setback of a provincial park or conservation reserve will also have to address the potential negative environmental effects to the Provincial Park or conservation reserve itself, through an Environmental Impact Study. Applicants should consider discussing the features, functions and values of the protected area, as well as any field work required to complete an EIS during the site investigation stage.

### Natural features in Specified Provincial Plan Areas – Oak Ridges Moraine & Greenbelt Plan



The project boundary is not located within the Oak Ridges Moraine Plan Area or the Greenbelt Plan's Protected Countryside Area.

Project locations which are proposed in the Oak Ridges Moraine Plan Area or the Greenbelt Plan's Protected Countryside Area require the identification of additional natural features during the records review, including sand barrens, savannahs, tallgrass prairies, and alvars. When conducting site investigations for natural features in the Oak Ridges Moraine Plan Area or the Greenbelt Plan's Protected Countryside Area, applicants must also verify the boundaries of any sand barrens, savannahs, tallgrass prairies, and alvars identified through the records review and establish any additional instances of these natural features and their boundaries. Applicants should note that although the site investigation must consider these additional natural features throughout the Greenbelt Plan's Protected Countryside Area, their development prohibitions and setbacks apply only to the Natural Heritage System of the Protected Countryside Area.

#### Oil, Gas and Salt Resources

There are no known petroleum wells within the project boundary or 120 metres thereof. However, we suggest you consult the Oil, Gas and Salt Library to confirm there are none of these resources within the general area and the project boundary. Please visit the online library at the following link: <http://www.ogsrlibrary.com/>

#### Species at Risk

A review of our available data records and our best available information indicates that Loggerhead Shrike (Endangered), Least Bittern (Threatened), Eastern Musk Turtle (Stinkpot) (Threatened), Bobolink (Threatened) and Black Tern (Special Concern) are known to occur in the immediate area of the study site. In addition, Eastern Hog-nosed Snake (Threatened), Northern Map Turtle (Special Concern), King Rail (Endangered), Whip-poor-will (Threatened), Short-eared Owl (Special Concern) and Snapping Turtle (Special Concern) are known to occur in the general area. Although no other threatened or endangered species or their habitat have been documented in the area of the proposed project, these features may be present and this list should not be considered complete.

Please note that Species listed as extirpated, endangered or threatened on the Species at Risk in Ontario (SARO) List are protected under the Endangered Species Act, 2007 (ESA). Section 9(1) of the ESA prohibits a person from killing, harming, harassing, capturing or taking a member of a species listed as endangered, threatened or extirpated on the SARO list. Section 10(1) of the ESA prohibits the damage or destruction of habitat of a species listed as endangered or threatened on the SARO list. Considerations for Species at Risk and any associated permits which may be required through the Endangered Species Act are administered through a separate process from the Renewable Energy Approval process.

MNR recommends conducting a preliminary site assessment to determine if species at risk or their habitat are likely to occur on the subject property or in the general surrounding area. This assessment is primarily a review of currently available information (e.g. from MNR, municipalities, conservation authorities) including species distributions and habitat requirements at all life stages. However, preliminary field work may be necessary at this stage to confirm some of the available information. If a preliminary site assessment determines that no species at risk or their habitat are present on the subject property, then no further assessment may be necessary. If a preliminary site assessment determines that species at risk or their habitat may be present on the subject property, then we recommend completing a detailed site assessment that includes additional field investigations at the appropriate time of year by a qualified individual. MNR also recommends you fully evaluate your proposed project/activities for potential impacts to species at risk or their habitat to ensure that your proposed project activities will not contravene the ESA, 2007.

As noted above, Loggerhead Shrikes are known to occur in the immediate area of the subject location. Please see attached map for known Loggerhead Shrike habitat. This habitat is protected under the Endangered Species Act, 2007, section 10 (1) states, '*no person shall damage or destroy the habitat of, a species that is listed on the Species at Risk in Ontario List as an endangered or threatened species*'. Please refer to the



enclosed Electronic Intellectual Property and User Licence Agreement regarding the proper use of the sensitive data included in the attached map (including Alvar locations), as this information is intended for your reference only and should be treated as confidential and not released.

MNR should be contacted immediately if the assessment described above determines that species at risk or their habitat is present and may be impacted by on site activities. Activities should be modified to avoid any negative impacts to species at risk or their habitat until further discussions with MNR can occur regarding opportunities for avoidance or permitting requirements. Should you have any questions please contact the Peterborough District Species at Risk Biologist at 705-755-2001.

If any species at risk are found please contact Kate Pitt Species at Risk Biologist, Peterborough District at 705-755-3104. Requirements of the ESA, 2007 with respect to renewable energy projects can be found in MNR's Approvals and Permitting Requirements (APRD) document. MNR also recommends that planning for site investigation should take place well in advance of the appropriate season and draft monitoring protocols or procedures should be submitted to MNR for review to ensure that work is completed in accordance with MNR guidelines or procedures or requirements.

Please note, that in Ontario, species that may be at risk are reviewed by a team of experts known as the Committee on the Status of Species at Risk in Ontario (COSSARO). One of COSSARO's responsibilities is to maintain a list of species to be assessed in the *future*. We recommend that you consult the following link to ensure that you are aware of any species on the list for future assessment which may be present within your project boundary or the general area.

[http://www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/STDPROD\\_068707.html](http://www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/STDPROD_068707.html)

#### Proposed Site Investigation Work Plan

MNR has additionally completed a review of the proposed site investigation work program, "Amec Workplan for Samsung Solar – July 2001f", as submitted via email on July 25, 2011.

In addition to those records listed within the propose work program, we highly recommend consulting with the Canadian Wildlife Services and Environment Canada to review any available records on bird migration, stopover or nesting in relation to Amherst Island and the proposed project location

Please review the MNR's Approval Permitting and Requirements Document (APRD) to assess if additional permitting or authorizations under other MNR administered legislation, including the Endangered Species Act are required to facilitate the construction and operation of the proposed solar power facility. This document is available online at

<http://www.mnr.gov.on.ca/en/Business/Renewable/2ColumnSubPage/276843.html>.

In order to appropriately assess the need for wildlife specific surveys, detailed mapping of land based habitat features should be completed and assessed as soon as possible. While MNR is in general agreement with the surveys presented in the proposed site investigation program, those field level surveys should be completed in habitat types appropriate to the given survey methodologies. For example, grassland bird surveys should be conducted in areas of suitable grassland habitat. Site specific mapping of survey routes or points, overlaid on a preliminary assessments of habitat types, would provide a better representation of the proposed survey methodologies and assist in our review. Additionally, survey methodologies should be presented in terms of their effort (i.e. number of point counts, survey spacing). Please consult with MNR's current technical guidelines with respect to survey methodologies for surveys focused on birds, bats and potential species at risk.

MNR suggests that you review the Natural Heritage Assessment Guide for Renewable Energy Projects (NHAG), and the Significant Wildlife Habitat Technical Guide, early in your planning process for the site



investigation methodology, to ensure that the field work and data collection meets the appropriate standards and requirements.

Field methodologies to assess the presence and density of bird species, should also include the identification and calculation of the density of breeding pairs, both by species and associated habitat types. In addition, while road side surveys may be a good indicator for some species or birds and raptors, we recommend that surveys within woodland areas also be completed to ensure that species associated with dense and interior habitats, such as some small owl species, be captured in your survey methodologies.

Please note that seasonal site investigations for reptile surveys should be conducted, and focused, to appropriate seasons and not be generalized to the entire spring, summer and fall survey periods. Surveys should be focused to emergence and pre hibernation periods and additionally with consideration to species ecology and life history requirements. We also recommend that survey periods commence before June as earlier and warmer springs may result in emergence of certain species during mid to late may.

These comments are submitted for your reference in the development of upcoming field surveys and are in addition to those comments and recommendation shared during our meeting on July 26, 2011 at our office in Peterborough.

Sincerely,



Eric R. Prevost  
Renewable Energy Planning Ecologist  
Peterborough District MNR

Cc: Matthew Evans, Senior Biologist, Environmental Assessment Earth & Environmental, AMEC

Enclosed: Natural Heritage Features Map, Sol-Luce Kingston Solar Project  
MNR's Bobolink Survey Methodology Protocol



## Bobolink Survey Methodology

**Conditions:** Surveys need to be done under field conditions with no precipitation, no or low wind speed and good visibility. In the course of the surveys if a nest or probable nest is encountered, the surveyor is advised not to disturb it or search an area for nests. Surveys rely on observations of birds while walking along transects through the fields.

**Qualifications:** Observers should be familiar with Bobolink identification by sight and sound. This includes being able to separate males from females and knowledge of Bobolink and their behaviours during breeding to allow it to be categorized (e.g. singing male, pair in suitable habitat, carrying food or nesting material, foraging, territorial displays, recently fledged young). See the Ontario Breeding Bird Atlas for additional behaviour categories.

**Pre-Survey:** Set up parallel transects crossing the fields lengthwise at approximately 250 m intervals and locate point counts along the transects at 250 m intervals. The locations of point count along the transects may be staggered by up to 125 m to give the best surveying opportunities. Point counts should be located to give a good view of the surrounding fields. Create GPS locations for each point count. Materials needed for the survey include binoculars, notebook, GPS, compass, watch and camera.

**Survey:** Surveys should start at dawn and continue until no later than 9 am. The observer will walk the transect stopping at each point count. Undertake ten minutes of observations and listening at each point count. Record information on all Bobolink observed or heard, their sex, general location, direction, distance, behaviour and interactions with other Bobolink or other species. On transit between point counts, record any Bobolink observed or heard if not also seen on the point counts. Nest searches should be avoided.

**Repeat visits:** Complete at least three sets of point count surveys. These should take place between the last week of May and the first week of July with each survey separated by a week or more from previous surveys.

**Habitat:** Make notes on the general conditions of the fields at the locations where Bobolink are noted. These would include broad habitat descriptors (e.g. field, hedgerow, fence line), estimated height of the vegetation, general vegetation type (including predominate species if known), estimated percentage of grass versus broad-leaved plants, and presence of litter (i.e. thatch). It is best if the surveyor evaluates the locations from the transect or close to the transect rather than walking directly into the area where the Bobolink were found. Photos should be taken.

Ontario Ministry of Natural Resources, Draft, August 4, 2011



August 25, 2011

Mr. Eric R. Prevost  
Ministry of Natural Resources  
300 Water Street  
1<sup>st</sup> Floor, South Tower  
Peterborough, ON, K9J 8M5

Dear Mr. Prevost,

Thank you for responding to our "Comments Request for Records" dated from July 28, 2011. We apologize for our delay in responding.

The information you have provided will assist us as we move through the Renewable Energy Approval (REA) process for the "Sol-luce Kingston PV Solar Energy Project". We are paying close attention to your comments, specifically as we work through the Natural Heritage Assessment portion of the REA. If we find anything that may be of interest to the Ministry, we will certainly contact you immediately.

Thank you again for taking the time to respond to our request. If you have any questions or concerns in regards to our project, feel free to contact us at any time. We look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Simon Kim", written over a horizontal line.

Name: Simon Kim

Title: Senior Manager – Solar Development Team

**Ministry of  
Natural Resources**

Peterborough District  
P.O. Box 7000, 300 Water Street  
1<sup>st</sup> Floor, South Tower  
Peterborough, ON K9J 8M5  
Telephone: (705) 755-2001  
Facsimile: (705) 755-3125

**Ministère des  
Richesses naturelles**

Le bureau du district de Peterborough  
C.P. 7000, 300 rue Water  
Peterborough, ON K9J 8M5  
Telephone: (705) 755- 2001  
Facsimile: (705) 755-3125



September 6, 2011

AMEC Earth and Environmental  
160 Traders Blvd. East, Suite 110  
Mississauga, ON, L4Z 3K7

*Attention: Mr. Matthew Evans*

**Re: Bobolink occurrences at Sol-Luce Kingston Solar PV Energy Project and proposed archaeological surveys**

Dear Mr. Evans:

Peterborough District MNR has completed a review of the potential impacts of the proposed archaeological surveys on Bobolink and its habitat. MNR has determined that carrying out archaeological surveys by ploughing the hayfields, pasturelands and Sod/Soy fields on the site associated with the above noted proposed solar energy project may contravene sections 9 (species protection) and/or 10 (habitat protection) of the *Endangered Species Act, 2007* (ESA). MNR recommends a less intrusive method of archaeological survey to minimize the negative impacts on Bobolink and its habitat. However, we recognize this option may depend on the requirements set out by the Ministry of Tourism and Culture. If ploughing must be undertaken for these sites, the archaeological surveys should be undertaken under the following conditions in order to reduce the likelihood of contravening the ESA:

1. Ploughed fields shall be reseeded with hay as soon as possible upon completion of the archaeological survey, and subsequently monitored to ensure hayfield habitat is re-established.
2. Since the birds have already been nesting the ploughing and reseeded shall take place after the breeding season, starting on September 15, 2011.

Bobolink habitat typically consists of mixed grass prairies, meadows, natural grasslands, and hayfields. These are non-forested, open grassland habitats, with a mixture of relatively tall grasses, some broad-leaved plants and a moderate amount of plant litter. Bobolink also nests in lightly grazed pastures, fallow and abandoned fields, shallow grassy marshes, beaver meadows and peat-lands. Most commonly, Bobolink are found in hayfields with a substantially higher proportion of cool season grasses, such as Timothy, Kentucky Bluegrass, Orchard Grass, and Smooth Brome, compared to forbs (i.e. broad-leaved flowering plants, such as clover or alfalfa). These hayfields provide grasses used for nesting, feeding, and seeking cover to escape from predators and poor weather conditions (i.e., excess cold, wind, rain, and sun).

Habitat patches >3ha are preferred, and Bobolink are most likely to nest in fields surrounded by other open habitats, as opposed to forested areas. Population densities are higher in larger, interconnected fields, which is considered higher quality habitat. Smaller fields have a greater edge to area ratio and lower probability of occupancy. However, the species will use smaller areas of habitat if they are part of a local system with other suitable patches nearby. Territory

size ranges from approximately 0.5-2.0ha, with higher densities (smaller territories) in higher quality habitat, and larger territories in lower quality habitat.

Any potential habitats located in areas where Bobolink densities have been recorded to be high (two highest density categories) according to the Ontario Breeding Bird Atlas will be considered occupied unless appropriate comprehensive surveys are conducted to support that Bobolink are not using the habitat. Where lower densities (four lower density categories) have recorded Bobolink, suitable habitat patches will be considered occupied if evidence suggests that Bobolink have used the patch in the past 10 years, unless appropriate comprehensive surveys are conducted to support that Bobolink are not using that habitat patch.

Please note that this assessment relates only to the potential impacts of the proposed archaeological surveys on Bobolink and its habitat. Should other species at risk be found on site, MNR should be contacted immediately for further direction.

Should you proceed with constructing/installing and operating solar panels on this site there is likelihood that constructing/installing and operating solar panels on this site will contravene section 9 and/or 10 of the ESA. The project will likely therefore require a permit issued by the Minister of Natural Resources in order to proceed.

In order to facilitate the commencement of archaeological assessment activities, we have provided the aforementioned advise and direction with specific reference to Bobolink. Please note, only the fields/properties identified in Appendix A, should be ploughed. The remaining fields are Loggerhead Shrike habitat, and as per my letter dated August 25, 2011, MNR requires additional information prior to assessing impact of archaeological studies on known Loggerhead Shrike nesting sites.

Should you have any questions about this information you can contact me at [eric.prevost@ontario.ca](mailto:eric.prevost@ontario.ca) or at (705) 755-3134.

Sincerely,

Eric Prevost

Renewable Energy Planning Ecologist  
Ministry of Natural Resources, Peterborough District

Cc. Andrea Fleischhauer, A\Southern Region Renewable Energy Coordinator

Appendix A: Agricultural Fields to be Ploughed

Property #	Field #
23	F1
23	F2
23	F3
23	F4
23	F5
22	F6
21	F7
21	F8
21	F9
21	F10
21/22	F11
19	F12
19	F13
19	F14
19	F15
19	F16
20	F17
20	F18
20	F19
20	F20
20	F21
20	F22
20	F23
20	F24
19	F25
19	F26
19	F27
14b	F30
14b	F31
12	F36
12	F37
12	F38
12	F39
12	F40
12	F41
13	F42
14b	F46
14b	F47
14b	F48
14b	F50
14b	F51
3	F62
3	F63
3	F64
3	F65
4	F67
11b	F68
11a/11b	F69

11a	F70
11a/11b	F71
11b	F72
11a	F73
11a/11b	F74
10	F75
7	F76
7	F77
7	F78
7	F79
10	F80
9	F81
8	F82
8	F83
8	F84
8	F85
8	F86
6a	F87
6a	F88
6a	F89
6a	F90
6a	F91
6a	F92
6a	F93
8	F94
8	F95
6a	F99
6a	F100
13	F101

## Kelly, Mary K

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**From:** Simon, Gail  
**Sent:** September-24-11 11:07 PM  
**To:** Kelly, Mary K; Bertrand, Sophie  
**Subject:** FW: Question about two fields unavailable for ploughing

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Samsung

Please input into the dbase.

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**From:** Rostern, Peter  
**Sent:** Saturday, September 24, 2011 8:06 AM  
**To:** Slim, Barbara; Andrew Moores; Creber, Susan; Daniel Choi; Simon, Gail; Kathy Park; Rostern, Peter; Simon Kim; Young, Rob  
**Subject:** FW: Question about two fields unavailable for ploughing

Regards,  
**Peter Rostern P.Eng.**  
**Principal, Environmental Engineer**  
**AMEC**  
Earth & Environmental  
160 Traders Blvd, Suite 110  
Mississauga, Ontario, Canada  
L4Z 3K7  
Tel: 905 568 2929  
Cell: 416 986 4588  
Fax: 905 568 1686  
[peter.rostern@amec.com](mailto:peter.rostern@amec.com)  
[www.amec.com](http://www.amec.com)

Be more sustainable - think before you print.

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**From:** Evans, Matt R  
**Sent:** Friday, September 23, 2011 3:38 PM  
**To:** Young, Rob; Rostern, Peter  
**Cc:** Balsdon, Jeff; Pleizier, Jon; Kalkowski, Izabela  
**Subject:** Fw: Question about two fields unavailable for ploughing

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Sent using BlackBerry

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**From:** Prevost, Eric (MNR) [<mailto:eric.prevost@ontario.ca>]  
**Sent:** Friday, September 23, 2011 03:12 PM  
**To:** Evans, Matt R  
**Subject:** RE: Question about two fields unavailable for ploughing

Hello Matt,

We have reviewed the data layers reflecting Loggerhead Shrike habitat in your project area provided to you on September 15<sup>th</sup>, and to the best of our knowledge that data reflects the currently known Loggerhead Shrike habitat areas.

After reviewing maps 3C and 3D that you provided to us in August 2011, along with known Loggerhead Shrike nesting locations we can provide the following information. Field 45 located in property 14a and field 56 located in property 17 **can be ploughed**. Fields 34, 35, 43 and 44 on property 14a, and field 55 part of property 17/6b, **cannot be ploughed**.

We apologize about the confusion; in the future, we ask that you supply any mapping in digital (layer) form so we can properly and promptly assess the information. If you have any questions please do not hesitate to contact me directly.

Best wishes,

Eric R. Prevost  
Renewable Energy  
Planning Ecologist  
Ontario Ministry of Natural Resources  
Peterborough District

(705) 755-3134

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**From:** Evans, Matt R [<mailto:Matt.Evans@amec.com>]  
**Sent:** September 20, 2011 12:20 PM  
**To:** Prevost, Eric (MNR)  
**Cc:** Young, Rob; Evans, Matt R  
**Subject:** Question about two fields unavailable for ploughing

Hi Eric,

Our archaeologists have pointed out that a few of the fields that we were not granted permission to plough don't appear to be in shrike habitat (using shrike habitat data layers that Shaun Walsh provided to us on September 15<sup>th</sup>, AMEC figure attached). These fields are:

- 1) F34, F35, F43, F44, F45 on Map 3D in the August 24<sup>th</sup> Letter from AMEC
- 2) F55 and F56 on Map 3C.

Is it possible that an error was made and these fields could actually be ploughed, or should we assume that shrike habitat extends into these fields?

Thanks very much,

Matt

**Matthew R. Evans, Ph.D.**  
**Senior Biologist**  
**AMEC**  
Environment & Infrastructure  
160 Traders Blvd. East, Suite 110,  
Mississauga, ON, Canada, L4Z 3K7,  
Tel (905) 568-2929 Ext. 4261  
Cell (416) 574-7399  
[matt.evans@amec.com](mailto:matt.evans@amec.com)  
[amec.com](http://amec.com)



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**Ministry of  
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**Ministère des  
Richesses naturelles**  
Le bureau du district de Peterborough  
C.P. 7000, 300 rue Water  
Peterborough, ON K9J 8M5  
Telephone: (705) 755-2001  
Facsimile: (705) 755-3125



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September 26, 2011

Samsung Renewable Energy Inc  
55 Standish Court, 9<sup>th</sup> Floor  
Mississauga, ON L5R 4B2  
Attention: Mr. Simon Kim, Deputy General Manager

Dear Mr. Kim:

**Re: Request for Records for Osaca – Port Hope Solar Site**

This letter is in response to your request for information regarding natural heritage features for the proposed Osaca – Port Hope Solar Site in accordance with the Records Review phase of the Natural Heritage Assessment as outlined in the Renewable Energy Approvals (REA) process (Ontario Regulation 359/09).

Based on the map and information provided, MNR has completed an internal search of available natural heritage information for Lots 17 – 28, Concession 6 and Lots 17 – 28, Concession 5 in the former geographic Township of Hope. According to MNR's known and available records, we offer the following comments with respect to the presence of natural heritage features in and around the general study area boundary as displayed in Figure 2: Osaca Port Hope Site provided to this office via email on September 20, 2011. Please note that any changes to the project location should be promptly brought to our attention.

MNR suggests that you review the Natural Heritage Assessment Guide for Renewable Energy Projects (NHAG), and the Significant Wildlife Habitat Technical Guide, early in your planning process to ensure that project related field work and data collection meets the appropriate standards and requirements. Additionally, please review the MNR's Approval Permitting and Requirements Document (APRD) to assess if additional permitting or authorizations under other MNR administered legislation, including the Endangered Species Act, are required to facilitate the construction and operation of the proposed solar facility.

Wetlands

There are several wetland features located within the general study area and the 120 metre buffer. First, the Osaca Provincially Significant Wetland (PSW) is located within the centre of the general study area. The locally significant Elizabethville South Wetland is located within the 120 metre buffer near the northwest corner of the general study area. Lastly there is a small pocket of unevaluated wetland associated with the Osaca PSW within the southern half of Lots 26 and 27, Concession 6.

Please note that the REA Regulation (O. Reg. 359/09) defines wetlands as lands that are seasonally or permanently covered by shallow water and display the presence of particular soils and vegetation, other than land that is being used for agricultural purposes and no longer exhibits wetland characteristics. When conducting site investigations for wetlands, applicants must verify the boundaries of any wetlands identified through the records review, and establish the presence of any additional wetlands and their boundaries.

### Areas of Natural and Scientific Interest (ANSI)

The Osaca – Ganaraska River Life Science Regional Significant ANSI is located within the centre of the General Study Area and is associated with the Osaca PSW. Additionally, the Elizabeth Swamp Regional Life Science ANSI is located within the 120 metre buffer near the northwest corner of the general study area and likely associated with the locally significant wetland noted above.

Please note that MNR assesses ANSIs as being provincially, regionally or locally significant. To date, more than 500 have been confirmed across the province. When conducting site investigations for ANSIs, applicants must verify the boundaries of all ANSIs identified through the records review. With the exception of specified provincial plan areas only ANSIs confirmed by MNR as provincially significant are afforded protection through the REA Regulation. Applicants are not required to identify additional ANSIs during the site investigation.

### Woodland

There are large continuous woodlands within the majority of the General Study Area as well as the 120 metre buffer thereof. Site investigations for woodlands involves confirming that woodlands identified through the records review meet the criteria in the definition of woodland as outlined in the REA Regulation and verifying their boundaries. Any previously un-assessed treed areas which meet the criteria for a woodland must be identified and their boundaries established. MNR recommends referring to the Natural Heritage Reference Manual for procedures and criteria to determine whether the woodland is significant. Additionally, the woodland features within the project location and 120 metres thereof should be considered for wildlife habitat.

### Wildlife Habitat

There are no known significant wildlife habitats within the general study area and the 120 meter buffer. However, please note that the Renewable Energy Approval Regulation defines “natural feature” as among other features, wildlife habitat MNR recommends that you review the Significant Wildlife Habitat Technical Guide (SWHTG) and the NHAG early in the site investigation planning process to ensure that the wildlife habitats identified and described within the guide are appropriately captured through the NHA process. Additionally, those wildlife habitats may be considered as candidate significant wildlife habitat and may require further evaluation through evaluation of significance if required.

### Fish and Fish Habitat

Several tributaries of the Ganaraska River traverse the general study area and the 120 metre buffer. This river system is considered to be cold water. MNR recommends that fish, fish habitat, thermal regimes and stream locations should be verified through the site investigation process. A permit under other legislation may be required to proceed with the development of the proposed facility.

### Provincial Parks and Conservation Reserves

There are no Provincial Parks or Conservation Reserves within the general study area or the 120 metre buffer. Where a project location is proposed within the setback of a natural feature which is inside a provincial park or conservation reserve, the park superintendent or conservation reserve manager should be contacted prior to undertaking site investigations, as a permit may be required. Applicants proposing projects within the setback of a provincial park or

conservation reserve will also have to address the potential negative environmental effects to the Provincial Park or conservation reserve itself, through an Environmental Impact Study. Applicants should consider discussing the features, functions and values of the protected area, as well as any field work required to complete an EIS during the site investigation stage.

#### Natural features in Specified Provincial Plan Areas – Oak Ridges Moraine & Greenbelt Plan

The general study area is not within the Oak Ridges Moraine or the Greenbelt Plan areas. Project locations which are proposed in the Oak Ridges Moraine Plan Area or the Greenbelt Plan's Protected Countryside Area require the identification of additional natural features during the records review, including sand barrens, savannahs, tallgrass prairies, and alvars. When conducting site investigations for natural features in the Oak Ridges Moraine Plan Area or the Greenbelt Plan's Protected Countryside Area, applicants must also verify the boundaries of any sand barrens, savannahs, tallgrass prairies, and alvars identified through the records review and establish any additional instances of these natural features and their boundaries. Applicants should note that although the site investigation must consider these additional natural features throughout the Greenbelt Plan's Protected Countryside Area, their development prohibitions and setbacks apply only to the Natural Heritage System of the Protected Countryside Area.

#### Oil, Gas and Salt Resources

There are no abandoned petroleum wells located within the general study area or the 120 metre buffer. However, we suggest you consult the Oil, Gas and Salt Library to confirm there are none of these resources within the general area and the project boundary. Please visit the online library at the following link: <http://www.ogsrlibrary.com/>

#### Species at Risk

A review of our available data records and our best available information indicates that Eastern Hog-nosed Snake (Threatened), Milksnake (Special Concern), Butternut (Endangered), Snapping Turtle (Special Concern), Red-headed Woodpecker (Special Concern), Eastern Ribbonsnake (Special Concern) and Bobolink (Threatened) are known to occur in the immediate area of the study site. In addition, Whip-poor-will (Threatened) is known to occur in the general area. Although no other threatened or endangered species or their habitat have been documented in the area of the proposed project, these features may be present and this list should not be considered complete.

Since site alterations are planned (i.e. site grading, grubbing/clearing, building) then we recommend completing a detailed site assessment that includes field investigations at the appropriate time of year and conducting a Butternut Health Assessment by a qualified butternut health assessor if butternut will be impacted by the proposed works. Should any species at risk or their habitat be potentially impacted by on site activities, MNR should be contacted immediately and operations should be modified to avoid any negative impacts to species at risk or their habitat until further discussions with MNR can occur regarding opportunities for mitigation. MNR also recommends you fully evaluate your proposed project/activities for potential impacts to species at risk or their habitat to ensure that your proposed project activities will not contravene the ESA, 2007.

Please note that Species listed as extirpated, endangered or threatened on the Species at Risk in Ontario (SARO) List are protected under the Endangered Species Act, 2007 (ESA). Section 9(1) of the ESA prohibits a person from killing, harming, harassing, capturing or taking a member of a species listed as endangered, threatened or extirpated on the SARO list. Section 10(1) of the ESA prohibits the damage or destruction of habitat of a species listed as



endangered or threatened on the SARO list. Considerations for Species at Risk and any associated permits which may be required through the Endangered Species Act are administered through a separate process from the Renewable Energy Approval process.

MNR should be contacted immediately if the assessment described above determines that species at risk or their habitat is present and may be impacted by on site activities. Activities should be modified to avoid any negative impacts to species at risk or their habitat until further discussions with MNR can occur regarding opportunities for avoidance or permitting requirements.

If any species at risk are found please contact Kate Pitt, Species at Risk Biologist, Peterborough District at 705-755-3104. Requirements of the ESA, 2007 with respect to renewable energy projects can be found in MNR's Approvals and Permitting Requirements (APRD) document. MNR also recommends that planning for site investigation should take place well in advance of the appropriate season and draft monitoring protocols or procedures should be submitted to MNR for review to ensure that work is completed in accordance with MNR guidelines or procedures or requirements.

Sincerely,



Eric R. Prevost  
Renewable Energy Planning Ecologist  
Peterborough District MNR

Cc: Matthew Evans, Senior Biologist, AMEC

MINUTES OF MEETING

DATE/TIME: May 18, 2012 (10:00 – 3:30 PM) FILE NO.:

LOCATION: MNR, 300 Water St., Peterborough

SUBJECT: *Natural Heritage Assessment*  
Review Workshop

PROJECT TITLE: Sol-luce Kingston Solar PV Energy Project DATE ISSUED: May 28, 2012

PRESENT: Simon Kim, Katherine Park, Beatrice Ashby (Samsung),  
Matt Evans, Jon Pleizier (AMEC),  
Eric Prevost, Kate Pitt, Karen Bellamy (MNR).

PHONED IN: Monique Sharet, Todd Norris (MNR, Kingston).

OTHER

DISTRIBUTION: Rob Young.

	Items Discussed/Actions	Action By	Due Date
1.	The purpose of this meeting was to discuss the MNR's comments on the <i>Natural Heritage Assessment and Environmental Impacts Study</i> for the Sol-luce Kingston Solar PV Energy Project.	Note to File	---
<b>Records Review</b>			
2.	MNR had no comments regarding the Records Review section.	Note to File	---
<b>Site Investigation</b>			
3.	MNR inquired about Post-Construction Monitoring and suggested that it will be necessary for a few species. This will be discussed further when we discuss the EIS later in the meeting, but MNR stated that all REA projects require a certain level of Post-Construction Monitoring and due to the size of this project it will definitely be required for some species.	AMEC	---
4.	MNR stated that there is no Significant Waterfowl Stop-over Habitat within the Project Location. AMEC agreed and pointed out that this is stated in the Records Review.	Note to File	---
5.	MNR comment: (pg. 4) Take out reference of submitting REA to the MNR.	AMEC	June 1st
6.	MNR comment: (pg. 29) Remove "ESA" and "ES" from the entire report.	AMEC	June 1st

Items/Actions	Action By	Due Date
<p>7. MNR comment: (pg. 34) MNR stated that the flowering period for alvar vegetation communities (April/May) was missed during vegetation surveys conducted in 2011. AMEC stated that they were awarded the project in late May and field work started immediately after that (although there were still many landowner access problems), thus the April/May survey window was missed. However, AMEC also stated that no 'true' rare alvar areas were located within the Project Location as they are all cultural alvars (no indicator species for rare alvars were located) and MNR gave Samsung permission to plough all of these areas for archaeology work.</p> <p>MNR accepted this response and stated that the Howes Road Alvar, incorporate the following reference into the report: Brownell and Rylie (2000) <i>The Alvars of Ontario</i>. Federation of Ontario Naturalist.</p>	AMEC	June 1st
<p>8. MNR comment: (pg. 34) MNR stated that the April/May amphibian calling period was missed during Significant Wildlife Habitat (SWH) surveys. AMEC stated that they were awarded the project in late May and field work started immediately after that, thus the April/May survey window was missed. Stantec conducted amphibian surveys in April/May 2011 but MNR stated that these were not sufficient and did not target the actual Project footprint.</p> <p>As such, the MNR would like to see pre-construction amphibian surveys in April/May 2013 to address these gaps. Confirmation of the NHA can still be obtained by June 8, 2012 if Samsung commits to conducting these surveys in 2013. AMEC will add these pre-construction amphibian surveys to the NHA.</p>	AMEC	June 1st
<p>9. MNR comment: (pg. 41) Clarification is required on the number of wetlands which occur in the Project Location. The Records Review indicates that there are 24 wetlands, however, the Site Investigation reports 15 wetlands. AMEC stated that those numbers are correct as the Records Review found 24 but the field work for the Site Investigation confirmed that only 15 were actual existing wetlands.</p> <p>The explanations for this difference ("corrections" section on pg. 42) is confusing, and MNR asked for it to be clarified or deleted.</p>	AMEC	June 1st
<p>10. MNR comment: (pg. 45) Insert the word "active" into the last sentence of the first paragraph.</p>	AMEC	June 1st
<p>11. MNR comment: (pg. 54) The report reads "Two cattail dominated shallow marshes (MAS2-1) exist within 120 m..." MAS2-1 is candidate SWH for Marsh Breeding Birds. This needs to be clarified in the <i>Significant Wildlife Habitat EcoRegion Criteria Schedules (Criteria Schedules)</i> (MNR, 2012) and referred to in the Site Investigation. A clear explanation must be presented to rule out Marsh Breeding Bird SWH. See also Figure 3-2d.</p>	AMEC	June 1st
<p>12. MNR comment: (pg. 59) According to the new (2012) <i>Criteria Schedules</i>, the new minimum size criterion for "Declining Guilds – Shrub/Successional Breeding Birds" is 10 ha (as opposed to the former size criterion of 30 ha). This means that there are now more than four candidate SWH features for this category. Check through the entire report when applying related changes (i.e. Table 3-10, Figure 3-7, etc).</p>	AMEC	June 1st

Items/Actions	Action By	Due Date
<p>13. MNR comment: (pg. 60) Golden-winger Warbler Habitat (forest/thicket/meadow) polygons are separate from Shrubland/Successional Breeding Bird Habitat polygons though the Golden-winged Warbler is an indicator species for this SWH category. Extend Golden-winged Warbler Habitat to the ELC polygons for thickets and meadows and complete an Evaluation of Significance for these areas.</p>	AMEC	June 1st
<p>14. Comment: put Table numbers on all pages on which the table occurs</p>	AMEC	June 1st
<p>15. MNR comment: The amphibian surveys were conducted late in the season (AMEC was awarded the project in late May) and not in all the necessary areas (this was due to some landowner access problems). According to Figures 4-2 and 3-6, the survey stations do not cover all of the amphibian areas/habitat. In this case, an "Appendix D" approach (see <i>Natural Heritage Assessment Guide</i>) should be taken. This is also discussed in the Environmental Impact Study (EIS) section of the report.</p>	AMEC	June 1st
<p>16. MNR comment: The amphibian surveys were conducted late in the season (this was due to landowner access problems). According to Figures 4-2 and 3-6, the survey stations do not cover all of the amphibian areas/habitat. In this case, an "Appendix D" approach (see <i>Natural Heritage Assessment Guide</i>) should be taken. This is also discussed in the Environmental Impact Study (EIS) section of the report.</p> <p>As such, the MNR would like to see pre-construction amphibian surveys in April/May 2013 to address these gaps. Confirmation of the NHA can still be obtained by June 8, 2012 if Samsung commits to conducting these surveys in 2013. AMEC will add these pre-construction amphibian surveys to the NHA.</p>	AMEC	June 1st
<b>Evaluation of Significance</b>		
<p>17. MNR comment: (pg. 71) Wetland 26 (Property 11) and Wetland 13 (Property 14) are 0.3 ha and 0.05 ha, respectively, and therefore do not require OWES (as they are smaller than 0.5 ha).</p>	AMEC	June 1st
<p>18. MNR comment: (pg. 71) Delete sentence regarding "habitat evaluations must be scored by OMNR..."</p>	AMEC	June 1st
<p>19. Comment: (pg. 74) Clarify raptor habitat: there are five common raptors species but there is no significant raptor habitat within the Project Location. State more clearly that there is no no significant raptor habitat within the Project Location.</p>	AMEC	June 1st



Items/Actions	Action By	Due Date
<p><b>20.</b> Discussion regarding the Short-eared Owl (a species of special concern). Habitat is illustrated on Figure 3-7 and survey stations are shown on Figure 4-2. Three extensive surveys were conducted by AMEC in February 2012 (protocol and results approved by MNR after each survey). Stantec conducted surveys in 2011 (illustrated in Figure 2-1a). Only one Short-eared Owl was observed during these surveys by Stantec in March of 2011. AMEC consulted with Stantec regarding this sighting.</p> <p>MNR stated that the <i>Birds of Kingston</i> by Rob Weir (2008) states that Short-eared Owls are thought to breed in the general area of the Project Location and forage during the months of January through March. Though these birds have been seen in the general area they are not <i>known</i> to be there for certain (i.e. they are not common).</p>	Note to File	---
<p><b>21.</b> MNR comment: Figure 3-7, which illustrated Short-eared Owl habitat should be modified as follows: "SO3" should be increased to the west along Unity Road to encompass Stantec's sighting in 2011. Bobolink/Species at Risk mitigation measures can be used for any Short-eared Owl considerations. "SO1" should remain as candidate SWH but it is not significant as the Short-eared Owl was not observed here.</p>	AMEC	June 1st
<p><b>22.</b> MNR comment: (pg. 75) Regarding Reptile Overwintering Habitat – text within the report describes the habitat as significant, however, Table 4-5 describes it as not significant. According to Figure 4-3, there are five Reptile Overwintering Habitat areas in the Project Location. These should be described as significant in Table 4-5.</p> <p>Pre-construction sweeps for reptiles will be required. Construction cannot take place in Significant Reptile Overwintering Habitat during the winter months and during the reptile emergent periods in spring.</p>	AMEC	June 1st
<p><b>23.</b> MNR comment: (pg. 76) Turtle Overwintering Habitat should be classified as "not" significant.</p>	AMEC	June 1st
<p><b>24.</b> MNR comment: (pg. 78) <i>Birds and Bird Habitat Guidelines</i> by MNR should be used as a reference in the text.</p>	AMEC	June 1st
<p><b>25.</b> MNR comment: (pg. 78) Remove reference to Figure 4-5. This is not significant habitat. Rephrase to say "that <i>no</i> candidate Area-sensitive Bird Habitat..." is present. Habitat polygons should be bigger and should cover the entire feature (even those areas extending outside of the 120 m setbacks).</p>	AMEC	June 1st
<p><b>26.</b> MNR comment: (pg. 79) Change figure reference to Figure 4-2.</p>	AMEC	June 1st
<p><b>27.</b> MNR comment: (pg. 80) The amphibian surveys do not have enough coverage. An Appendix D approach can be taken and a commitment to pre-construction surveys must be made.</p>	AMEC	June 1st
<p><b>28.</b> MNR comment: (pg. 80) Regarding Figure 3-6: Amphibian Breeding Forest Habitat is not within the Project Location. Amphibian Breeding Wetland Habitats is within the Project Location and amphibian call counts are required in these areas in April/May 2013 (pre-construction surveys). If these Amphibian Breeding Wetland Habitats turn out to be significant then mitigation must be provided for these areas in the EIS.</p>	AMEC	June 1st

Items/Actions	Action By	Due Date
<p>29. MNR comment: (pg. 85, Figure 4-5, Table 4-8) Inconsistencies: pg. 85 says that there are nine candidate significant habitat features; Figure 4-5 says that there are three features (Features 5, 9 and 14); Table 4-8 says that there are four features (9, 17, 6 and 1). Additionally, Features 5 and 14 are significant for salamanders. Please clarify.</p>	AMEC	June 1st
<p>30. MNR comment: (pg. 86) Change the reference following Figure 3-6 to Appendix A (from Appendix B)</p>	AMEC	June 1st
<p>31. MNR comment: (pg. 84) In the second paragraph, "woodlands" should say "wetlands" as per Appendix Q. Be sure to use the new <i>Criteria Schedules</i> (2012).</p>	AMEC	June 1st
<p>32. MNR comment: (pg. 85) Change the number of candidate significant woodlands from nine to five in order to match the statement on pg. 86.</p>	AMEC	June 1st
<p>33. MNR comment: (pg. 88) Change the number of candidate Amphibian Movement Corridor SWH from six to five.</p>	AMEC	June 1st
<p>34. MNR comment: (pg. 90) The new 2012 size criterion for Shrub/Successional Breeding Bird Habitat is only 10 ha (no longer 30 ha). Overlay the shrubland indicator bird species with the shrubland habitat to ensure that all candidate SWH was identified. Check also if any areas where we have all five indicator species but were not identified as shrubland were missed.</p>	AMEC	June 1st
<p>35. MNR comment: (pg. 92, Section 4.4.3.2) Remove "ESA".</p>	AMEC	June 1st
<p>36. MNR comment: (pg. 95, Section 4.4.4) Hedgerows are to be removed from the NHA as they were not found to be SWH in any way.</p>	AMEC	June 1st
<p>37. MNR comment: (pg. 96, Section 4.5) Within the bullet list, "eight" Amphibian Breeding Forest SWH requires revision as per Item 26 above. Additionally, add the following brackets "(one Short-eared Owl SWH, two Golden-winger Warbler SWH, and one Giant Swallowtail SWH)" to the "3 Special Concern Species Habitat areas" to identify the relevant species.</p>	AMEC	June 1st
<p>38. MNR comment: (pg. 96) Remove the last paragraph on this page which refers to hedgerows (as per above).</p>	AMEC	June 1st
<b>Environmental Impact Study</b>		
<p>39. MNR comment: The EIS should be separated into three sections: Construction (C), Operation (O) and Decommissioning (D). Mitigate each of these phases for each significant natural feature.</p>	AMEC	June 1st

Items/Actions	Action By	Due Date
<p>40. MNR comment: The EIS should refer to the seasonality of Construction (C), Operation (O) and Decommissioning (D) on impacted features (i.e. how long each phase will affect each significant natural feature and in which seasons). If a prediction is being made it needs to be backed-up with post-construction surveys. AMEC stated that we cannot do post-construction surveys for everything, and if we concluded that “no net negative effect would occur” then in many cases post-construction surveys are not necessary. AMCE further stated that post-construction surveys are expensive and therefore cannot be done for every prediction. MNR agreed and stated that post-construction surveys for Species at Risk (Shrikes, Bobolinks, Meadowlarks) would likely cover most of the other species as well. MNR stated that they may want to see some post-construction surveys on amphibians (to be determined).</p>	AMEC	June 1st
<p>41. MNR comment: (pg. 98) Do not use the word “eliminate” when referring to “minimize or eliminate effects”.</p>	AMEC	June 1st
<p>42. MNR comment: (pg. 98) Change typo from 5-1 to 5-3.</p>	AMEC	June 1st
<p>43. MNR comment: (pg. 99) In the third paragraph, the laydown areas which are referred to need to be shown. This requires the creation of a new Figure (probably would be Figure 1-2) and this would result in changes to existing Figure numbers for 1-2, 1-3, 1-4 and 1-5.</p>	AMEC	June 1st
<p>44. MNR comment: (pg. 102) Do not use the phrase “no net effects”.</p>	AMEC	June 1st
<p>45. MNR comment: (pg. 103) Decommissioning plans for re-vegetation and rehabilitation need to be made clear. Simon (Samsung) response: The plans are to return the communities to their original state. AMEC will clarify this in the text.</p>	AMEC	June 1st
<p>46. MNR comment: (pg. 103) Do not use the phrase “whenever possible, we will avoid...”, instead, describe exactly when construction will occur within sensitive seasonal windows (i.e. describe precisely when it <i>cannot</i> be avoided) and describe the associated mitigation measures.</p>	AMEC	June 1st
<p>47. MNR comment: (pg. 106) Give the actual amounts (size) of lands lost and lands available for disturbed animals to move to.</p>	AMEC	June 1st
<p>48. MNR has committed to provide further comments on the report on Friday May 25<sup>th</sup> and will have ALL comments submitted by Tuesday May 29<sup>th</sup>. AMEC will submit a revised report to the MNR on Friday June 1<sup>st</sup>. MNR stated that these dates would allow sign-off/confirmation to be provided to Samsung by Friday June 8<sup>th</sup>.</p>	Note to File	---
<b>Endangered Species Act Permits</b>		
<p>49. The ESA Information Gathering Forms and the Avoidance Alternative Forms and the Species at Risk Report were handed to the MNR. Kate Pitt will begin her review ASAP and provide comments.</p>	Note to File	---

Peterborough District Office  
P.O. Box 7000, 300 Water Street  
1<sup>st</sup> Floor, South Tower  
Peterborough, Ontario K9J 8M5  
Telephone: (705) 755-2001  
Facsimile: (705) 755-3125

Le bureau du district de Peterborough  
C.P. 7000, 300 rue Water  
Peterborough, Ontario K9J 8M5  
Telephone: (705) 755-2001  
Facsimile: (705) 755-3125

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June 11, 2012

Samsung Renewable Energy Inc.

Kingston Solar LP  
55 Standish Court, 9<sup>th</sup> Floor  
Mississauga, ON  
L5R 4B2

Attention: Mr. A. Jose De Armas

Dear Mr. Armas,

In accordance with the Ministry of the Environment's (MOE's) Renewable Energy Approvals regulation (O.Reg.359/09), applicants are required to prepare a natural heritage assessment and environmental impact study using evaluation criteria or procedures established or accepted by the Ministry of Natural Resources (MNR). The regulation requires MNR to confirm that the natural heritage assessment and environmental impact study, including mitigation measures, were prepared using established procedures acceptable to MNR. The MNR's confirmation letter, along with other required project documentation, must be submitted to MOE as part of an application for a Renewable Energy Approval for consideration by MOE in making their Renewable Energy Approval decision.

The Ministry of Natural Resources (MNR) has reviewed the natural heritage assessment and environmental impact study for Samsung Renewable Energy Inc., Kingston Solar LP, Sol-Luce Kingston Solar PV Energy Project, submitted June 7, 2012. Based on our review and understanding the aforementioned project is generally located to the North and South of Unity Road and South of Mud Lake Road within the City of Kingston and Loyalist Township.

In accordance with sections 28(2) and 38(2)(b) of the Renewable Energy Approvals regulation, MNR provides the following confirmations following review of the natural heritage assessment reports:

1. The MNR confirms that the determination of the existence of natural features and the boundaries of natural features was made using applicable evaluation criteria or procedures established or accepted by MNR.
2. The MNR confirms that the site investigation and records review were conducted using applicable evaluation criteria or procedures established or accepted by MNR.
3. The MNR confirms that the evaluation of the significance or provincial significance of the natural features was conducted using applicable evaluation criteria or procedures established or accepted by MNR.
4. The MNR confirms that the project location is not in a provincial park or conservation reserve.
5. The MNR confirms that the environmental impact study report has been prepared in accordance with procedures established by the MNR.

In accordance with Section 28(3)(c) and 38(2)(c) of the Renewable Energy Approvals regulation, MNR offers the following comments in respect of the project:

1) The potential for ongoing risk of negative environmental effects has been identified in the natural heritage assessment (NHA). The project and potential effects will be monitored as outlined with the Environmental Impact Study Report to ensure that proposed mitigation strategies are effective and contingency measures have been included for instances where performance objectives are not met.

MNR is providing this confirmation letter based on the review of the information provided in your natural heritage assessment reports. Applicants should be aware of the transition provisions under section 62 of the amended Renewable Energy Approvals regulation and fulfill natural heritage assessment requirements accordingly.

Where specific commitments have been made by the applicant in the natural heritage assessment with respect to project design, construction, rehabilitation, operation, mitigation, or monitoring, MNR expects that these commitments will be considered in MOE's Renewable Energy Approval decision and, if approved, be implemented by the applicant.

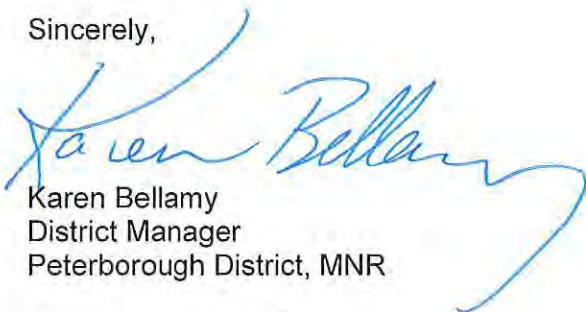
In accordance with Appendix D of MNR's NHA Guide, a commitment has been made to complete pre-construction assessment of habitat use for significant wildlife habitats assumed to be present within the project location. MNR has reviewed and confirmed the assessment methods and the range of mitigative options. Pending completion of the assessments and determination of significance, the appropriate mitigation is expected to be implemented, as committed to in the environmental impact study.

This confirmation letter is valid for the project as proposed in the natural heritage assessment and environmental impact study, including those sections describing the environmental effects monitoring plan and construction plan report. Should any changes be made to the proposed project that would alter the natural heritage assessment, MNR may need to undertake additional review of the natural heritage assessment.

In accordance with section 12(1) of the Renewable Energy Approvals Regulation, this letter must be included as part of your application submitted to the MOE for a Renewable Energy Approval.

If you wish to discuss any part of the confirmation or additional comments provided, please contact Eric R. Prevost, Renewable Energy Planning Ecologist, at (705) 755-3134.

Sincerely,



Karen Bellamy  
District Manager  
Peterborough District, MNR

cc. Sandra Guido, Environmental Assessment and Approvals Branch, MOE

## Kelly, Mary K

---

**From:** Prevost, Eric (MNR) [eric.prevost@ontario.ca]  
**Sent:** August-21-12 9:49 AM  
**To:** jose.dearmas@samsung.com  
**Cc:** 김준성; 박경애; Evans, Matt R; Kelly, Mary K  
**Subject:** RE:  
**Attachments:** image001.png; image002.gif

Hello Jose;

Thank you for your email. Should you wish to discuss any concerns you have with the content of the correspondence, please feel free to contact me directly.

Best wishes,

Eric R. Prevost  
Renewable Energy  
Planning Ecologist  
Ontario Ministry of Natural Resources  
Peterborough District  
300 Water Street  
Peterborough, ON K9J 8M5

[Eric.Prevost@Ontario.ca](mailto:Eric.Prevost@Ontario.ca)

Phone: (705) 755-3134

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**From:** A. José De Armas [<mailto:jose.dearmas@samsung.com>]  
**Sent:** August 21, 2012 9:25 AM  
**To:** Prevost, Eric (MNR)  
**Cc:** '김준성'; '박경애'; 'Evans, Matt R'; 'Mary Kelly'  
**Subject:**

Good morning Eric,

I hope this e-mail finds you well.

The Cataraqui Region Conservation Authority (CRCA) has reviewed the draft reports for our Kingston Sol-Luce project, consequently they have provided the City of Kingston with their input. I have attached their comments for your review.

If you have any questions please do not hesitate to contact us.

Have a great week.  
Regards,

José



**Samsung Renewable Energy Inc.**

55 Standish Court, 9th Floor

Mississauga, ON L5R 4B2

Tel: 905-501-5658

Mobile: 647-838-5774

[Jose.DeArmas@samsung.com](mailto:Jose.DeArmas@samsung.com)

<http://www.samsungrenewableenergy.ca/>

## Kelly, Mary K

---

**From:** Kelly, Mary K  
**Sent:** July-26-11 10:04 PM  
**To:** doris.dumais@ontario.ca  
**Subject:** REA Application - Samsung - Eastern Ontario: Project Description (Draft), Notice of Proposal, Request for list of Aboriginal communities  
**Attachments:** Notice of Proposal\_final.pdf; Samsung Project Description Report - July 25 2011 draft (document control).pdf; 20110726\_RequestforListofAboriginalCommunities\_MOEDirectorDumais.pdf

Good afternoon Ms. Dumais,

AMEC Americas Limited (AMEC) has been retained by Samsung Renewable Energy Inc. (Samsung) to support them in the Renewable Energy Approvals application for the Sol-luce Kingston Solar PV Energy Project, a 100 MWac (megawatts of alternating current) solar power development in Eastern Ontario located in the City of Kingston and Loyalist Township.

As part of the application process, we are submitting the letter requesting the listed of potentially impacted Aboriginal communities (please send the attached PDF). Also attached are the Project Description (Draft) and the Notice of Proposal. Our schedule aims to get the notice out the required parties.

We understand that it takes 4-5 weeks to receive the list of potentially impacted Aboriginal communities. Given our schedule we have conducted a gap analysis with respect to Aboriginal communities that we believe may be impacted by the project, including:

- Algonquins of Pikwàkanagàn (formerly known as Golden Lake First Nation)
- Ardoch Algonquin First Nation
- Mohawk Council of Akwesasne
- Mohawks of the Bay of Quinte (Tyendinaga Mohawk Council)
- Shabot Obaadjiwan First Nation
- Wendat (Hurons) of Wendake
- Métis Nation of Ontario

If possible, we would like to request that if the MOE's list of the potentially impacted Aboriginal communities can be received any earlier it would be greatly appreciated.

If you should have any, please do not hesitate to contact me.

Thanks, Mary

**Mary Kathryn Kelly, B.Sc.**

Consultant, Human Environment

**AMEC Earth & Environmental**

160 Traders Blvd East, Suite 110

Mississauga, Ontario L4Z 3K7

Tel: 905.568.2929 x. 4127

Cell: 289.937.6279

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[www.amec.com](http://www.amec.com)

[ca.linkedin.com/in/marykathrynkelly](http://ca.linkedin.com/in/marykathrynkelly)



[mary.k.kelly@amec.com](mailto:mary.k.kelly@amec.com)

July 26, 2011

Doris Dumais  
Director, Approvals  
Environmental Assessment and Approvals Branch  
Ministry of the Environment  
2 St. Clair Avenue West, 12A Floor  
Toronto, Ontario M4V1L5

Dear Ms. Dumais

**Re: Samsung Sol-Luce Kingston Solar PV Energy Project  
Renewable Energy Act Application – List of Aboriginal Communities**

Samsung Renewable Energy Inc. (Samsung) is proposing to design and construct a 100 MWac (megawatts of alternating current) solar power development in Eastern Ontario located in the City of Kingston and Loyalist Township (see attached map). The output of the solar PV project will be collected and connected to an electrical substation capable of transforming the power from distribution voltage to a transmission voltage of 230 kV. The proposed facility is to be known as the “Sol-luce Kingston Solar PV Energy Project” (Project). AMEC Americas Limited (AMEC) has been retained by Samsung to conduct the study as part of the Renewable Energy Approvals (REA) application.

This study will consider the environmental effects of the development and operation of the proposed facility. The study is being complete in accordance with the Renewable Energy Approvals under Part V.0.1 of the Ontario *Environmental Protection Act*.

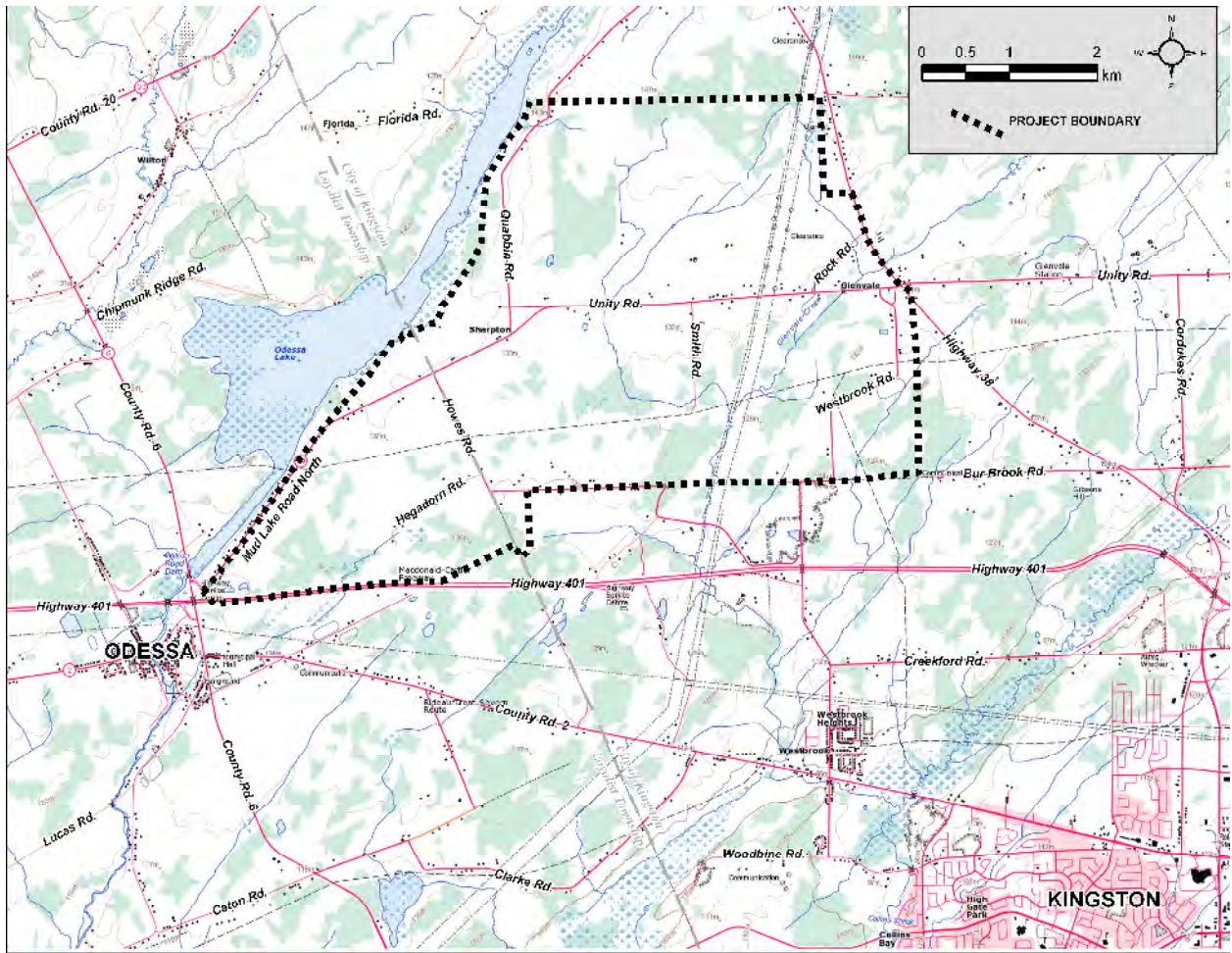
AMEC is seeking from the Director a list of aboriginal communities who have or may have constitutionally protected Aboriginal or Treaty Rights that may be adversely impacted by the project, or otherwise may be interested in any negative effects of the Project (O. Reg. 359/09, s. 14 (1)).

Should you have any questions, please feel free to contact the undersigned at your convenience.

Yours sincerely,  
**AMEC Earth & Environmental**  
**a Division of AMEC Americas Limited**



Mary Kathryn Kelly, B.Sc  
Consultant, Human Environment  
Direct Tel.: 905-568-2929 x. 4127  
Direct Fax: 905-568-1686  
E-mail: mary.k.kelly@amec.com



Ministry of the Environment

Environmental Assessment and Approvals Branch

2 St. Clair Avenue West  
Floor 12A  
Toronto ON M4V 1L5  
Tel.: 416 314-8001  
Fax: 416 314-8452

Ministère de l'Environnement

Direction des évaluations et des autorisations environnementales

2, avenue St. Clair Ouest  
Étage 12A  
Toronto ON M4V 1L5  
Tél. : 416 314-8001  
Télééc. : 416 314-8452



August 26, 2011

MOE File #: ER-11-SF-0033

Simon Kim  
Deputy General Manager  
Samsung Renewable Energy Corp.  
55 Standish Court  
9<sup>th</sup> Floor  
Mississauga, ON L5R 4B2

Dear Ms. Kim:

**RE: Director's Aboriginal Communities List - Sol-Luce Kingston Solar Energy Project**

The Ontario Ministry of the Environment (Ministry) has reviewed the information provided in the Draft of the Project Description Report (PDR) received for the *Sol-Luce Kingston Solar Energy Project*. The Ministry has reviewed the anticipated environmental effects of the project (as described in the PDR) relative to its current understanding of the interests of aboriginal communities in the area.

In accordance with section 14 of Ontario Regulation 359/09 "Renewable Energy Approvals under Part V.0.1 of the Act" (O. Reg. 359/09) made under the *Environmental Protection Act*, please find below the list of aboriginal communities who, in the opinion of the Director:

- i) have or may have constitutionally protected aboriginal or treaty rights that may be adversely impacted by the project (s.14(b)(i)):

<b>Aboriginal Community</b>
<b>Common Name:</b>
<b>Reserve Name:</b>
<b>Contact Information:</b>
Alderville First Nation Mississaugas of Alderville Alderville First Nation PO Box 46 Roseneath, ON K0K 2X0 Phone (905) 352-2011 Fax (905) 352-3242
Hiawatha First Nation Mississaugas of Rice Lake Hiawatha First Nation 36 RR 2 Keene, ON K0L 2G0

Phone (705) 295-4421 Fax (705) 295-4424
Curve Lake First Nation Mississaugas of Mud Lake Curve Lake First Nation 35 and 35A GENERAL DELIVERY Curve Lake, ON K0L 1R0 Phone (705) 657-8045 Fax (705) 657-8708
Mississaugas of Scugog Island First Nation Mississaugas of Scugog Island 22521 Island Road Port Perry, ON L9L 1B6 Phone (905) 985-3337 Fax (905) 985-8828
Kawartha Nishnawbe Kawartha Nishnawbe First Nation P.O. Box 1432 Lakefield, ON K0L 2H0

OR

ii) otherwise may be interested in any negative environmental effects of the project (s.14(b)(ii)):

Mohawks of the Bay of Quinte Tyendinaga Mohawks Tyendinaga Mohawk Territory RR 1 Deseronto, ON K0K 1X0 Phone (613) 396-3424 Fax (613) 396-3627
--

**NOTE:** None of the foregoing should be taken to imply approval of this project or the contents of the PDR. This letter only addresses the requirement of the Director to provide a list of aboriginal communities to you as required pursuant to section 14 of O. Reg. 359/09. You should also be aware that information upon which the above list of aboriginal communities is based is subject to change. Aboriginal communities can make assertions at any time, and other developments, for example the discovery of Aboriginal archaeological resources, can occur that



may require additional aboriginal communities to be notified. Should this happen, the Ministry will contact you. Similarly, if you receive any feedback from any aboriginal communities not included in this list, as part of your consultation, the Ministry would appreciate being notified.

Please contact Narren Santos at (416) 314-8442 should you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Doris Dumais". The signature is written in a cursive style with large, rounded loops for the first and last names.

Doris Dumais  
Director – Approvals Program  
Environmental Assessment and Approvals Branch

cc: Mansoor Mahmood, Renewable Energy Team, Ministry of the Environment  
Joe de Laronde, Aboriginal Affairs Branch, Ministry of the Environment



September 7th, 2011

Ministry of the Environment  
Environmental Assessment and Approvals Branch  
2 St. Clair Avenue West  
Floor 12A  
Toronto, ON, M4V 1L5

**RE: MOE File #: ER-11-SF-0033**

Dear Ms. Dumais,

Thank you for providing us with the "Directors Aboriginal Communities List" (List), dated August 26, 2011, for the "Sol-Luce Kingston PV Solar Energy Project". We apologize for our delay in responding.

The List will assist us with our consultation requirements, in determining if the Aboriginal Communities noted:

- i. have or may have constitutionally protected aboriginal or treaty rights that may be adversely impacted by the project (s. 14(b)(i));
- ii. otherwise may be interested in any negative environmental effects of the project (s. 14(b)(ii)).

Should we receive any feedback from any aboriginal communities not included in the List, we will certainly contact the Ministry.

Thank you again for providing us with the "Directors Aboriginal Communities List". If you have any questions or concerns in regards to our project, feel free to contact us at any time. We look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Simon Kim", written over a horizontal line.

Name: Simon Kim  
Title: Senior Manager – Solar Development Team



## Kelly, Mary K

---

**From:** A. José De Armas [jose.dearmas@samsung.com]  
**Sent:** April-24-12 2:43 PM  
**To:** 'Guido, Sandra (ENE)'  
**Cc:** 'Kim, Simon'; 'Katherine Park'; Kelly, Mary K  
**Subject:** RE: CLI Class 1-3 (soil testing)  
**Attachments:** image001.png; image003.png; image002.png; 20120417  
\_InterimCommunitySession\_Posters\_FINAL\_opt.pdf

Good afternoon Sandra,

Yes, we did have two meetings on Monday March 26 2012 at 263 Main Street, Odessa, Ontario, K0H 2H0:

- At 2:00 pm Samsung (Simon Kim and A. José De Armas) and a team of consultants from AMEC, had a technical meeting with officials and representatives from Loyalist Township, City of Kingston, County of Lennox and Addington, Cataraqui Region Conservation Authority and Ministry of Transportation.
- At 7:00 pm Samsung (Simon Kim and A. José De Armas) and a team of consultants from AMEC, presented at the Council meeting at Loyalist Township.

Additionally last week we held an Interim Community Session between 3:00pm and 8:00pm on Tuesday April 17 2012 at the Invista Centre at 1350 Gardiners Road (at Fortune Crescent) Kingston, Ontario.

Attached is a document that contains the posters that were displayed at the event last week.

If you have any additional questions please do not hesitate to contact me as I will gladly address them for you.

Thank you,



**A. José De Armas**  
Manager, Project Development

**Samsung Renewable Energy Inc.**  
55 Standish Court, 9th Floor  
Mississauga, ON L5R 4B2  
Tel: 905-501-5658  
Mobile: 647-838-5774

[Jose.DeArmas@samsung.com](mailto:Jose.DeArmas@samsung.com)  
<http://www.samsungrenewableenergy.ca/>

---

**From:** Guido, Sandra (ENE) [<mailto:Sandra.Guido@ontario.ca>]  
**Sent:** Tuesday, April 24, 2012 2:09 PM  
**To:** [jose.dearmas@samsung.com](mailto:jose.dearmas@samsung.com)  
**Subject:** RE: CLI Class 1-3 (soil testing)

Hi Jose,

I will look into this and get back to you shortly.

Have a quick question – did Samsung meet with the local municipality in March to discuss this Project?

Thank you,  
Sandra

Sandra Guido  
Senior Program Support Coordinator  
Service Integration Unit  
Environmental Approvals Access and Service Integration Branch  
Ministry of the Environment  
2 St. Clair Avenue West, Floor 12A Toronto ON M4V 1L5  
Tel: 416.327.4692 Fax: 416.314.8452  
[sandra.guido@ontario.ca](mailto:sandra.guido@ontario.ca)

---

**From:** A. José De Armas [<mailto:jose.dearmas@samsung.com>]  
**Sent:** April 23, 2012 8:04 PM  
**To:** Guido, Sandra (ENE)  
**Cc:** [simon76.kim@samsung.com](mailto:simon76.kim@samsung.com); [kathy.park@samsung.com](mailto:kathy.park@samsung.com); [rob.young@amec.com](mailto:rob.young@amec.com); Brennan, Phil (ENE); Dumais, Doris (ENE)  
**Subject:** CLI Class 1-3 (soil testing)

Good evening Sandra,

I hope this email finds you well.

Attach is the document generated by AMEC regarding CLI Class 1-3.

If possible please provide some guidance on this issue as to which will be the protocol to follow and which entity is in charge of reviewing the soil testing results.

Thank you for your attention,  
Have a great week

**A. José De Armas**  
Manager, Project Development

  
**Samsung Renewable Energy Inc.**  
55 Standish Court, 9th Floor  
Mississauga, ON L5R 4B2  
Tel: 905-501-5658  
Mobile: 647-838-5774

[Jose.DeArmas@samsung.com](mailto:Jose.DeArmas@samsung.com)  
<http://www.samsungrenewableenergy.ca/>

## Kelly, Mary K

---

**From:** Young, Rob  
**Sent:** July-23-12 3:30 PM  
**To:** Kelly, Mary K  
**Subject:** FW: Kingston Solar LP Sol-luce Vacant Lots Discussion

For SIIMS

**Rob Young, P.Ge., MCIP, RPP**  
**Associate Environmental Scientist, Power Sector Co-Lead**  
**AMEC**

Environment & Infrastructure  
160 Traders Blvd. E., Unit 110, Mississauga, Ontario, L4Z 3K7, Canada  
Tel +1 (905) 568-2929 x 4325, Fax +1 (905) 568-1686  
Mobile/cell +1 (647) 923-7659  
[rob.young@amec.com](mailto:rob.young@amec.com)  
[amec.com](http://amec.com)

---

**From:** Miller, Denton (ENE) [<mailto:Denton.Miller@ontario.ca>]  
**Sent:** Wednesday, July 11, 2012 2:10 PM  
**To:** Young, Rob  
**Subject:** RE: Kingston Solar LP Sol-luce Vacant Lots Discussion

Thank you for summary

*Regards*  
*Denton Miller*  
*416-314-8310*

---

**From:** Young, Rob [<mailto:rob.young@amec.com>]  
**Sent:** July 11, 2012 12:22 PM  
**To:** Miller, Denton (ENE)  
**Cc:** 'Simon Kim'; Katherine Park; [jose.dearmas@samsung.com](mailto:jose.dearmas@samsung.com); 'Beatrice Ashby'; 'Daniel Choi'; Johnston, David; Marangi, Karen; Laming, Steve; Salim, Mohammed  
**Subject:** Kingston Solar LP Sol-luce Vacant Lots Discussion

Denton:

Thanks again for the discussion. To recap we understand the following:

1. We will obtain the mapping layers from our GIS database which show the vacant lots in the immediate area of the proposed project.
2. The area of concern will be defined as anywhere within the 35 dBA contour.
3. The noise contours will then be presented as an overlay on the lot mapping.

Regards,  
Rob.

**Rob Young, P.Ge., MCIP, RPP**  
**Associate Environmental Scientist, Power Sector Co-Lead**  
**AMEC**

Environment & Infrastructure  
160 Traders Blvd. E., Unit 110, Mississauga, Ontario, L4Z 3K7, Canada

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[rob.young@amec.com](mailto:rob.young@amec.com)  
[amec.com](http://amec.com)

---

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**Ministry of the Environment**

Environmental Approvals Access and  
Service Integration Branch

2 St. Clair Avenue West  
Floor 12A  
Toronto ON M4V 1L5  
Tel.: 416 314-8001  
Fax: 416 314-8452

**Ministère de l'Environnement**

Direction de l'accès aux autorisations  
environnementales et de l'intégration des  
services

2, avenue St. Clair Ouest  
Étage 12A  
Toronto ON M4V 1L5  
Tél. : 416 314-8001  
Télé. : 416 314-8452



ENV1283MC-2012-1834

July 4, 2012

Mr. Lee Jeong Tack  
Kingston Solar LP President  
55 Standish Court 9<sup>th</sup> Floor  
Mississauga ON L5R 4B2

Dear Mr. Tack:

Thank you for your June 13, 2012 letter to the former Minister of the Environment, John Gerretsen, regarding the Notice of Draft REA Document Release and the First Notice of Final Open House for the Sol-Luce Kingston Solar PV Energy Project. I am pleased to respond on behalf of the current Minister of the Environment, Jim Bradley.

I appreciate you notifying the Ministry of the Environment regarding the status of the proposed project and the Notice of Draft REA Document Release. I encourage Kingston Solar LP to continue to engage directly with the public and to consider public comments and concerns in the Renewable Energy Approval (REA) application, so that the Ministry can assess how they were addressed once the application is submitted.

Should you have any questions regarding the REA process, please contact Narren Santos, Senior Program Support Coordinator, at 416-314-8442 or by e-mail at [MOE.ServiceIntegration@ontario.ca](mailto:MOE.ServiceIntegration@ontario.ca).

Thank you again for informing the Ministry regarding the status of the Sol-Luce Kingston Solar PV Energy Project.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Doris Dumais". The signature is fluid and cursive, with a large initial "D" and "Dumais" written in a similar style.

Doris Dumais  
Director

Environmental Approvals Access and Service Integration Branch





August 5, 2011

Katherine Cappella  
Archaeology Review Officer  
Culture Programs Unit  
Suite 1700, 401 Bay St  
Toronto, ON M7A 0A7

Dear Katherine Cappella,

**Re: Notice of Proposal to Engage in a Renewable Energy Project and Notice of Public Open House for the Sol-Luce Kingston Solar PV Energy Project**

Samsung Renewable Energy Inc. proposes to design and construct a 100 MW solar power development in Eastern Ontario located in the City of Kingston and Loyalist Township. If approved, this facility will convert solar energy into electricity to be fed into the Hydro One electricity grid. The output from each of the solar sites will be collected and routed to an electrical substation, in the vicinity of Unity Road, which will interconnect to the Hydro One transmission lines. The proposed facility is to be known as the "Sol-Luce Kingston Solar PV Energy Project". The lands involved will be a series of leased sites covering a total of 325 hectares. Discussions are currently underway with landowners for lease of adequate parcels of land. Preliminary engineering and the studies required for the Renewable Energy Approval have only recently commenced. As part of the application for a Renewable Energy Approval, Samsung will complete environmental studies for regulatory approval and consult with the public, First Nations and interested agencies. The invitation and details of the open house are in the attached Notice of Proposal.

If you have an interest in this project, please contact Mr. Simon Kim of Samsung Renewable Energy Inc. as indicated on the Notice of Proposal.

Sincerely,

**Samsung Renewable Energy Inc.**

By: \_\_\_\_\_

Name: JT Lee  
Title: President

A handwritten signature in black ink, appearing to read "JT Lee", written over a horizontal line.

## Record of Contact – Samsung Sol-Luce

Save the completed Record of Contact using the following naming convention:

ROC <YY-MM-DD> <Type of Event>- <Organization>.doc

EXAMPLE: ROC 07-02-14 Meeting – Alberta Environment.doc

If you are sending a revised version, please change the date and # to the next number.

EXAMPLE: ROC 07-02-14 Meeting – Alberta Environment2.doc

Send as attachment to:

Contact/Event Information			
<b>Contact method</b>	Phone	<b>Date [YY-MM-DD]</b>	11-09-15
<b>Location</b> [if applicable]	N/A	<b>Project team participants</b> [list all]	Barbara Slim
<b>Names &amp; organizations of participants</b> [list all] <i>** For any new contacts, provide contact information at the bottom of this form **</i>		Ms. Shari Prowse, Archaeology Review Officer, Ministry of Tourism and Culture	
<b>Purpose of contact/event</b>	Requiring advice on how to deal with lands that we need to conduct pedestrian survey as per MTC 2011 Standards but we cannot plough based on MNR restrictions		
<b>Attachments</b> [list; e.g., agenda, minutes, email, etc ]: N/A			
<b>Summary of discussion, with responses if applicable</b> [use a separate number for each topic of discussion and be as thorough as possible]:			
<ol style="list-style-type: none"> <li>1. Any Samsung projects will be treated as a priority;</li> <li>2. MTC will only allow TP to occur instead of pedestrian survey in the following scenarios (i.e., where ploughing is not possible): 1) areas where permanent restrictions are in place; 2) areas where we have very dense overgrown pasture with many small trees and sumach where plough cannot get through; and, 3) areas where we have very shallow bedrock.</li> <li>3. If the lands shown in the email provided (the day before) are to be permanently restricted for ploughing due to species at risk. MTC wanted to know how would Samsung be able to put in the solar panels required.</li> <li>4. MTC reminded AMEC that exceptions to the 2011 Standards are not provided just based on schedule requirements.</li> <li>5. MTC requested to see a copy of the paperwork sent to/received from MNR wrt species at risk and this project.</li> </ol>			
<b>“Heads up”</b> [observations, cautions, etc.]		1. MTC will not provide approval to test pit (instead of pedestrian survey) unless MNR restrictions are permanent.	

Action / Follow-Up Required			
<b>Action(s) required</b>	Provide MTC with formal correspondence between AMEC and MNR with respect to species at risk and ploughing restrictions.		
<b>Action assigned to</b>	Barbara Slim	<b>Due date</b>	ASAP
<b>Commitment made by</b> [team member]	Barbara Slim	<b>Date completed</b>	16 September 2011

Action / Follow-Up Required			
<b>Action(s) required</b>	Set up conference call between MTC, AMEC and Samsung		
<b>Action assigned to</b>	Barbara Slim	<b>Due date</b>	ASAP
<b>Commitment made by</b> [team member]	Barbara Slim	<b>Date completed</b>	Working on it.

Send Completed Form (and attachments) to:

Sarah Burger, AMEC Earth & Environmental (613-727-0658 x 222)

E-mail: [sarah.burger@amec.com](mailto:sarah.burger@amec.com) (please put **Samsung Solar ROC** in subject line)



## Record of Contact – Samsung Sol-Luce

Project Commitments			
[Actions that will be fulfilled after Project approval]			
<b>Commitment proposed</b>			
<b>Commitment made to</b>		<b>Commitment accepted [Y/N]</b>	
<b>Committed by</b> [team member]		<b>Date commitment made</b> [YY-MM-DD]	
<b>EA Document Reference:</b> [For internal use only]			

\*\* Copy above section if there is more than 1 project commitment \*\*

Record Management			
<b>Form completed by</b>	Barbara Slim	<b>Date form completed</b> [11-09-19]	

New Contact					
[only needs to be completed for new contacts]					
<b>First name</b>	Shari	<b>Title</b>	Archaeology Review Officer		
<b>Last name</b>	Prowse	<b>E-mail</b>	Shari.Prowse@ontario.ca		
<b>Phone no.</b>	(519) 675-6898	<b>Fax no.</b>	(519) 675-7777	<b>Cell no.</b>	
<b>Name of organization</b>	Ministry of Tourism and Culture				
<b>Department/field office</b>	Southwest Region				
<b>Street address</b>	900 Highbury Avenue				
<b>City</b>	London	<b>Province</b>	Ontario	<b>Postal code</b>	M5Y 1A4
<b>Mailing address</b> [if different than street address]	Ministry of Culture Culture Programs Unit Programs and Services Branch Ontario Ministry of Culture 401 Bay Street., Suite 1700 Toronto, ON M7A 0A7				
<b>Add to mailing list?</b> [Y/N - choose all appropriate]	<b>Postal Mail:</b>		<b>E-Mail:</b>		<b>Phone:</b>
					<b>Inactive:</b>
<b>Replacing someone else in same position?</b> [Y/N]		<b>Who?</b>			
<b>Also affiliated with</b> [list other project-related affiliations]					

\*\* Copy above section if there is more than 1 new contact\*\*

Send Completed Form (and attachments) to:

Sarah Burger, AMEC Earth & Environmental (613-727-0658 x 222)

E-mail: [sarah.burger@amec.com](mailto:sarah.burger@amec.com) (please put **Samsung Solar ROC** in subject line)

## Seniuk, Natalie

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**From:** Austin, Shaun  
**Sent:** November-03-11 1:29 PM  
**To:** 'Hinshelwood, Andrew (MTC)'  
**Subject:** RE: Samsung Solar project near Kingston

Thank you, Andrew

---

**From:** Hinshelwood, Andrew (MTC) [<mailto:Andrew.Hinshelwood@ontario.ca>]  
**Sent:** Thursday, November 03, 2011 1:28 PM  
**To:** Austin, Shaun  
**Subject:** RE: Samsung Solar project near Kingston

Dear Shaun,

I recall the conversation and the file. You are correct in your memory of the direction of our conversation, that test pitting is an acceptable strategy for areas that cannot be ploughed. It is appropriate to defer to farmers in matters concerning the performance of their equipment in relation to soil conditions.

I trust that the weather is holding and that field conditions are pleasant.

Regards,

Andrew

Andrew Hinshelwood  
Archaeology Review Officer  
Ministry of Tourism and Culture  
Thunder Bay

(807) 475-1632 (phone)

---

**From:** Austin, Shaun [<mailto:shaun.austin@amec.com>]  
**Sent:** November 3, 2011 1:10 PM  
**To:** Hinshelwood, Andrew (MTC)  
**Subject:** Samsung Solar project near Kingston

Hi Andrew

As you may remember, during a conference call on October 4, 2011, Barbara Slim and I discussed with you the assessment of the proposed Samsung solar project near Kingston. You emphasized that pedestrian survey is always the preferred strategy, but that fields could be test pitted if the bedrock is so shallow that ploughing equipment would be damaged.

The assessment is currently underway and we are conducting pedestrian survey wherever possible. As anticipated, however, there are a number of fields that the farmer could not plough without damaging his equipment because the bedrock is less than 15 cm below the surface throughout. In the interests of due diligence for our client, I wanted to confirm with you that test pitting is considered an acceptable strategy under such conditions.

Thanks for your time,  
Shaun

**Shaun Austin, Ph.D.**

Senior Archaeologist

**AMEC Earth & Environmental**  
**A division of AMEC Americas Limited**

505 Woodward Avenue, Unit 1

Hamilton, Ontario, L8H 6N6

phn: 905-312-0700

fax: 905-312-0771

cell: 905-730-6864

email: [shaun.austin@amec.com](mailto:shaun.austin@amec.com)

visit us at: [www.amec.com](http://www.amec.com)

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Ministry of Tourism,  
Culture and Sport

Ministère du Tourisme,  
de la Culture et du Sport

Culture Programs Unit  
Programs and Services Branch  
Culture Division  
435 S. James St., Suite 334  
Thunder Bay, ON, P7E 6S7  
Telephone: 807-475-1632  
Facsimile: 807-475-1291

Unité des programmes culturels  
Direction des programmes et des services  
Division de culture  
435 rue James sud, Bureau 334  
Thunder Bay, ON, P7E 6S7  
Téléphone: 807-475-1632  
Télécopieur: 807-4751291



Email: andrew.hinshelwood@Ontario.ca

January 18, 2012

Shaun Austin / Barbara Slim  
AMEC Environment and Infrastructure  
505 Woodward Ave., Unit 1  
Hamilton, ON L6H 6N6

**RE: Review of Archaeological Assessment Report Entitled, *Final Report Stage 1 Archaeological Background Study and Stage 2 Property Assessment Sol-Luce Kingston Solar PV Energy Project Ernestown and Kingston Townships, Frontenac, Lennox and Addington Counties, Ontario.* Dated November 30, 2011, received MTCS Toronto Office, December 01, 2011**

**MTC Project Information Forms P348-001-2011 (Stage 1) & P141-160-2011 (Stage 2)  
MTC RIMS Number HD00674**

Dear Shaun,

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. This review is to ensure that the licensed professional consultant archaeologist has met the terms and conditions of their archaeological licence, that archaeological sites have been identified and documented according to the 2011 Standards and Guidelines for Consulting Archaeologists set by the Ministry, and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario.\*

As a result of the Stage 1 and Stage 2 archaeological assessment a number of archaeological sites and findspots have been identified. The report has made recommendations regarding these locations as follows:

- Archaeological Site BdGd-48 should be subjected to a Stage 3 site-specific testing if it cannot be avoided within the development plan;
- Archaeological Site BdGd-49 should be subjected to a Stage 3 site-specific testing if it cannot be avoided within the development plan;
- Archaeological Site BdGd-50 should be subjected to a Stage 3 site-specific testing if it cannot be avoided within the development plan;
- Archaeological Site BdGd-51 should be subjected to a Stage 3 site-specific testing if it cannot be avoided within the development plan;
- Archaeological Site BdGd-52 should be subjected to a Stage 3 site-specific testing if it cannot be avoided within the development plan;
- Archaeological Site BdGd-53 is an isolated findspot that may be considered free of any further archaeological concern;
- Findspots H1 and H2 may be considered free of any further archaeological concern;
- The balance of the Parcels subjected to Stage 2 assessment may be considered free of any further archaeological concern;
- Additional Stage 2 assessment must be conducted if the development is to occur within un-assessed portions of the Primary Study Area that have been identified as having archaeological potential (Figure 21).

In our review of the report issues have been identified, and these issues are primarily centred on the recommendations made.

The issues (two) are as follows:

1. The recommendations concerning archaeological sites identified during Stage 2 assessment are recommended for Stage 3 site specific assessment with the qualification that this would not be required if the site were avoided within the development plan. Unfortunately, the Standards and Guidelines do not allow for site avoidance after Stage 2, except in cases where a partial clearance to allow construction to proceed on one part of a development property while mitigation of the archaeological site is conducted. Rather, avoidance is a Stage 4 mitigation strategy that must follow from Stage 3 assessment during which the boundaries of the site are established. The relevant sections of the S&Gs are Section 4.1, standard 1; §7.8.5, s. 1(d); §7.8.5, s. 1(e), and; §7.9.5, s. 1.
2. The final recommendation, concerning areas of archaeological potential within the study area makes reference to Figure 21. The maps in the final report are only labelled to Figure 13 (multiple sub-maps), while Figure 21 appears in the supplementary documentation. This map is an important element in the recommendation for future archaeological work should the configuration of the development project change. In a revised report, please include either a reference to the more general map of archaeological potential, specifically Figure 11, and/or specify that Figure 21 is located in the supplementary documentation. This latter statement is important as the supplementary documentation will not be a widely available as the main report.

The concerns identified above need to be addressed prior to our Ministry being able to concur with recommendations made in the report. Once report revisions have been completed, the revised report will be reviewed and response provided.

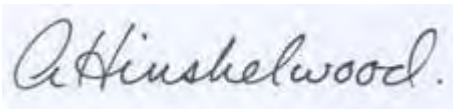
The report submitted is attributed to PIFs P348-001-2011 (Sims - Stage 1) & P141-160-2011 (Austin - Stage 2). As described in the bulletin issued by this Ministry entitled *Project Information Forms (PIFs) and the Report Review Process* separate reports must be submitted for each licensee to satisfy the terms and conditions of each individual license (Section 4.8.2). In the present case, no change is required, but please note that the direction in the bulleting takes effect from January 1, 2012.

Three copies (*or* one copy plus one digital copy on CD) of your revised report must be received by the Ministry on or prior to April 17, 2012. Please note that licensees who fail to file reports by the specified report filing deadline will be in violation of the terms and conditions of their licence.

This letter does not constitute the Ministry's written comments for the purposes of O. Reg. 359/09.

Please feel free to contact me with any concerns or questions regarding this letter.

Yours,

A handwritten signature in cursive script that reads "A Hinshelwood." The signature is written in dark ink on a light-colored background.

Andrew Hinshelwood  
Archaeology Review Officer

cc. Archaeological Licensing Office

\* 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 archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.

## Kelly, Mary K

---

**From:** Slim, Barbara  
**Sent:** February-28-12 11:04 AM  
**To:** Young, Rob; Johnston, David; Marangi, Karen  
**Cc:** Austin, Shaun; Carson, Jeff; Seniuk, Natalie  
**Subject:** Communications with MTCS - Report Preference

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI

Barbara Slim, M.A.  
Archaeologist / Environmental Scientist  
Site Assessment & Remediation

AMEC Earth & Environmental  
A division of AMEC Americas Limited  
505 Woodward Avenue, Unit 1  
Hamilton, Ontario, L8H 6N6  
phn: 905-312-0700  
fax: 905-312-0771  
cell: 905-807-8600  
email: [barbara.slim@amec.com](mailto:barbara.slim@amec.com)  
visit us at: [www.amec.com](http://www.amec.com)

-----Original Message-----

From: Hinshelwood, Andrew (MTC) [<mailto:Andrew.Hinshelwood@ontario.ca>]  
Sent: Tuesday, February 28, 2012 10:40 AM  
To: Slim, Barbara  
Cc: Prowse, Shari (MTC)  
Subject: RE: Samsung: Report Preference

Dear Barbara,

My preference would be to receive a single report for all work conducted under the PIF. If there is a reason why your client would require clearance for the portion of the property test pitted before the pedestrian survey is completed (an arbitrary distinction, to my mind) then we would be open to receiving two reports.

Good luck with that Spring weather: we just had two feet (60cm) of snow.

Regards,

Andrew

Archaeology Review Officer, MTCS  
807 475-1632

---

From: Slim, Barbara [<mailto:barbara.slim@amec.com>]  
Sent: Tue 28/02/2012 10:16 a.m.  
To: Hinshelwood, Andrew (MTC)  
Subject: Samsung: Report Preference



Dear Andrew,

I hope this email finds you well.

We are currently preparing the scope of work for the remaining areas where Stage 2 Archaeological Assessments need to be conducted for the Sol-Luce Kingston Project. If the development plan stays as it is, we have to conduct test-pitting in some areas and pedestrian survey of 3 fields. Based on this, we were hoping to conduct the test-pit survey in the next week or so (weather permitting) and wait to conduct the pedestrian survey in May (plough fields in April) - if the weather continues to feel like Spring.

I was wondering if it would be ok with you to submit two reports: one for the test-pitting (submitting end of March) and one for the pedestrian survey (submitting end of May) or if you'd prefer one report submitted at the end of May that encompasses all of the fieldwork.

Thank you.

Regards,

Barbara Slim, M.A.

Archaeologist / Environmental Scientist

Site Assessment & Remediation

AMEC Earth & Environmental

A division of AMEC Americas Limited

505 Woodward Avenue, Unit 1

Hamilton, Ontario, L8H 6N6

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email: [barbara.slim@amec.com](mailto:barbara.slim@amec.com) <<mailto:barbara.slim@amec.com>>

visit us at: [www.amec.com](http://www.amec.com) <<http://www.amec.com/>>

## Kelly, Mary K

---

**From:** Slim, Barbara  
**Sent:** March-12-12 12:26 PM  
**To:** Young, Rob; Johnston, David; Marangi, Karen  
**Cc:** Carson, Jeff; Austin, Shaun; Seniuk, Natalie; Severinsky, Ivan  
**Subject:** FW: eports for PIFs P141-160-2011 & P141-166-2011  
**Attachments:** HD00674 P141-166-2011 Kingston Solar Sol-Luce Stage 2 additional parcels.pdf; HD00674 P348-001-2011 & P141-160-2011 Kingston Solar Sol-Luce Stage 1-2 revised.pdf; HD00674 Sol-Luce Kingston Solar FIT F-002455-SPV-KC1-506 Stage 1-2 REA Letter.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Team,

Great news!

Both reports have been approved by MTCS ☺ Please find enclosed the associated letters from MTCS.

I hope this helps with the upcoming fieldwork and acceptance of scope – I think I would like to try and keep the team to 8 people for 4 days (their Parcels) & 1 day (conduits) – instead of the 20 1 day request form Client - in order to keep quality control of the work and continue having successful submissions to MTCS.

Thanks,

**Barbara Slim, M.A.**  
Staff Archaeologist / Environmental Scientist

**AMEC Environment & Infrastructure**  
**A division of AMEC Americas Limited**  
505 Woodward Avenue, Unit 1  
Hamilton, Ontario, L8H 6N6  
phn: 905-312-0700  
fax: 905-312-0771  
cell: 905-807-8600  
email: [barbara.slim@amec.com](mailto:barbara.slim@amec.com)  
visit us at: [www.amec.com](http://www.amec.com)

---

**From:** Austin, Shaun  
**Sent:** Monday, March 12, 2012 12:02 PM  
**To:** Slim, Barbara  
**Subject:** FW: eports for PIFs P141-160-2011 & P141-166-2011

FYI

---

**From:** Hinshelwood, Andrew (MTC) [<mailto:Andrew.Hinshelwood@ontario.ca>]  
**Sent:** Monday, March 12, 2012 11:58 AM  
**To:** Austin, Shaun  
**Subject:** eports for PIFs P141-160-2011 & P141-166-2011

Dear Shaun,

Please find attached letters concerning the above noted PIFs. Please note that this email has been copied to the proponent contact provided by you in the cover letter to the reports submitted.

Regards,

Andrew

Andrew Hinshelwood  
Archaeology Review Officer  
Programs and Services Branch  
Ministry of Tourism, Culture and Sport  
435 South James St., Suite 334  
Thunder Bay, ON P7E 6S7

[andrew.hinshelwood@Ontario.ca](mailto:andrew.hinshelwood@Ontario.ca)

(807) 475-1632 (phone)  
(807) 475-1297 (fax)

**Ministry of Tourism,  
Culture and Sport**

**Ministère du Tourisme,  
de la Culture et du Sport**

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Programs and Services Branch  
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Télécopieur: 807-4751291



Email: andrew.hinshelwood@Ontario .ca

January 19, 2012

Kingston Solar LP  
55 Standish Court  
Mississauga, ON L5R 4B2

Attn.: Simon Kim  
Simon76.kim@samsung.com

**RE: Sol-Luce Kingston Solar PV Energy Project**

**Comprising 22 parcels within the primary study area defined as comprising: Part of Lot 1, Concession VI, Kingston Township; Part of Lots 2 to 14, Concession VI Western Division, Kingston Township; Part of Lots 1 and 2, Concession V, Kingston Township; Part of Lots 2 to 14, Concession V Western Division, Kingston Township; Part of Lots 40 to 42, Concession V, Ernestown Township, and; Part of Lots 34 to 42, Concession IV, Ernestown Township, Counties of Frontenac, and Lennox and Addington.**

**Additional Parcels: specifically 14A, 21, 22, 23, & 24.**

FIT # F-002455-SPV-KC1-506

MTC File HD000674

MTC PIF P348-001-2011 (Stage 1) & P141-160-2011 (Stage 2)

P141-166-2011 (Additional Parcels)

Dear Proponent:

This letter constitutes the Ministry of Tourism and Culture's written comments as required by s. 22(3)(a) of O. Reg. 359/09 under the *Environmental Protection Act* regarding archaeological assessments undertaken for the above project.

Based on the information contained in the report(s) you have submitted for this project, the Ministry believes the archaeological assessment complies with the *Ontario Heritage Act's* licensing requirements, including the licence terms and conditions and the Ministry's 1993 Archaeological Assessment Technical Guidelines or the 2011 Standards and Guidelines for Consultant Archaeologists (whichever apply). Please note that the Ministry makes no representation or warranty as to the completeness, accuracy or quality of the report(s).\*

The Archaeological Assessment Report Entitled, ***Revised Final Report Stage 1 Archaeological Background Study and Stage 2 Property Assessment Sol-Luce Kingston Solar PV Energy Project Ernestown and Kingston Townships, Frontenac, Lennox and Addington Counties, Ontario***, dated February 10, 2012, received MTCS Toronto Office, February 13, 2012, recommends the following:

- Archaeological Site BdGd-48 should be subjected to Stage 3 site-specific testing;
- Archaeological Site BdGd-49 should be subjected to Stage 3 site-specific testing;
- Archaeological Site BdGd-50 should be subjected to Stage 3 site-specific testing;
- Archaeological Site BdGd-51 should be subjected to Stage 3 site-specific testing;
- Archaeological Site BdGd-52 should be subjected to Stage 3 site-specific testing;
- Archaeological Site BdGd-53 is an isolated findspot that may be considered free of any further archaeological concern;
- Findspots H1 and H2 may be considered free of any further archaeological concern;
- The balance of the Parcels subjected to Stage 2 assessment may be considered free of any further archaeological concern;
- Additional Stage 2 assessment must be conducted if the development is to occur within un-assessed portions of the Primary Study Area that have been identified as having archaeological potential (Figure 21 presented in the Supplementary Package).

The Archaeological Assessment Report Entitled, ***Final Report Stage 2 Property Assessment, Parcel 14A, 21, 22, 23 & 24, Sol-Luce Kingston Solar PV Energy Project, Ernestown and Kingston Townships, Frontenac, Lennox and Addington Counties, Ontario***, dated February 03, 2012, received MTCS Toronto Office, February 08, 2012, recommends the following:

- Findspot A1 consists of an isolated non-diagnostic artifact and may be considered free of any further archaeological concern, and;

- The balance of Parcels 14A, 22, 23, and 24, and the assessed portion of Parcel 21 may be considered free of any further archaeological concern.

The legal description of these Parcels is contained in the report at Table 1.

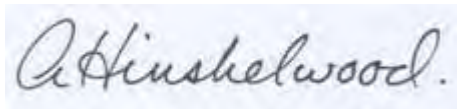
The Ministry is satisfied with these recommendations.

This letter does not waive any requirements which you may have under the Ontario *Heritage Act*. A separate letter addressing archaeological licensing obligations under the Act will be sent to the archaeologist who completed the assessment and will be copied to you.

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,

A handwritten signature in blue ink that reads "A Hinshelwood." The signature is written in a cursive style and is placed on a light blue rectangular background.

Andrew Hinshelwood  
Archaeology Review Officer

cc. Shaun Austin / Barbara Slim  
AMEC Environment and Infrastructure  
505 Woodward Ave., Unit 1  
Hamilton, ON L6H 6N6

\* 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 archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.



Email: andrew.hinshelwood@Ontario.ca

March 12, 2012

Shaun Austin  
AMEC Environment and Infrastructure  
505 Woodward Ave., Unit 1  
Hamilton, ON L6H 6N6

**RE: Review of Archaeological Assessment Report Entitled, *Revised Final Report Stage 1 Archaeological Background Study and Stage 2 Property Assessment Sol-Luce Kingston Solar PV Energy Project Ernestown and Kingston Townships, Frontenac, Lennox and Addington Counties, Ontario*. Dated February 10, 2012, received MTCS Toronto Office, February 13, 2012**

**MTC Project Information Forms P348-001-2011 (Stage 1) & P141-160-2011 (Stage 2)  
MTC RIMS Number HD00674**

Dear Shaun,

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. This review is to ensure that the licensed professional consultant archaeologist has met the terms and conditions of their archaeological licence, that archaeological sites have been identified and documented according to the 2011 Standards and Guidelines for Consulting Archaeologists set by the Ministry, and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario.\*

As a result of the Stage 1 and Stage 2 archaeological assessment a number of archaeological sites and findspots have been identified. The report has made recommendations regarding these locations as follows:

- Archaeological Site BdGd-48 should be subjected to Stage 3 site-specific testing;
- Archaeological Site BdGd-49 should be subjected to Stage 3 site-specific testing;



- Archaeological Site BdGd-50 should be subjected to Stage 3 site-specific testing;
- Archaeological Site BdGd-51 should be subjected to Stage 3 site-specific testing;
- Archaeological Site BdGd-52 should be subjected to Stage 3 site-specific testing;
- Archaeological Site BdGd-53 is an isolated findspot that may be considered free of any further archaeological concern;
- Findspots H1 and H2 may be considered free of any further archaeological concern;
- The balance of the Parcels subjected to Stage 2 assessment may be considered free of any further archaeological concern;
- Additional Stage 2 assessment must be conducted if the development is to occur within un-assessed portions of the Primary Study Area that have been identified as having archaeological potential (Figure 21 presented in the Supplementary Package).

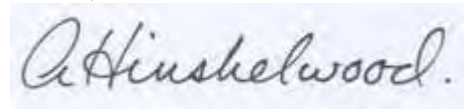
Given the above, this Ministry concurs with the recommendations of the report that additional archaeological assessment will be required for five of the archaeological sites identified in Stage 2, that there are no further concerns for one archaeological site and two findspots identified, that there remains a concern for areas of archaeological not subject to Stage 2 assessment, and that there are no further archaeological concerns for the balance of the subject property as described in the map, Figures 1 – 4, Figure 11 and in the supplementary documentation, of the above titled report.

The report will be accepted into the Ontario Provincial Register of Archaeological Reports.

This letter does not constitute the Ministry's written comments for the purposes of O. Reg. 359/09.

Please feel free to contact me with any concerns or questions regarding this letter.

Yours,

A handwritten signature in cursive script that reads "A. Hinshelwood." The signature is written in black ink on a light blue background.

Andrew Hinshelwood  
Archaeology Review Officer

cc. Archaeological Licensing Office

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Email: andrew.hinshelwood@Ontario.ca

March 12, 2012

Shaun Austin  
AMEC Environment and Infrastructure  
505 Woodward Ave., Unit 1  
Hamilton, ON L6H 6N6

**RE: Review of Archaeological Assessment Report Entitled, *Final Report Stage 2 Property Assessment, Parcel 14A, 21, 22, 23 & 24, Sol-Luce Kingston Solar PV Energy Project, Ernestown and Kingston Townships, Frotenac, Lennox and Addington Counties, Ontario.* Dated February 03, 2012, received MTCS Toronto Office, February 08, 2012**

**MTC Project Information Forms P141-166-2011  
MTC RIMS Number HD00674**

Dear Shaun,

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. 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.

The report recommends the following:

- Findspot A1 consists of an isolated non-diagnostic artifact and may be considered free of any further archaeological concern, and;
- The balance of Parcels 14A, 22, 23, and 24, and the assessed portion of Parcel 21 may be considered free of any further archaeological concern.

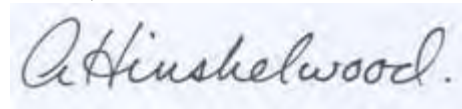
The legal description of these Parcels is contained in the report at Table 1.

Based on the information contained in the report, the ministry is satisfied that the fieldwork and reporting for the archaeological assessment is consistent with the ministry's 2011 *Standards and Guidelines for Consultant Archaeologists* and the terms and conditions for archaeological licences. This report will be 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.

This letter does not constitute the Ministry's written comments for the purposes of O. Reg. 359/09.

Please feel free to contact me with any concerns or questions regarding this letter.

Yours,

A handwritten signature in cursive script that reads "A Hinshelwood." The signature is written in black ink on a light blue background.

Andrew Hinshelwood  
Archaeology Review Officer

cc. Archaeological Licensing Office

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Ministry of Tourism,  
Culture and Sport

Ministère du Tourisme,  
de la Culture et du Sport

Culture Programs Unit  
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435 S. James St., Suite 334  
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Thunder Bay, ON, P7E 6S7  
Téléphone: 807-475-1632  
Télécopieur: 807-4751291



Email: andrew.hinshelwood@Ontario.ca

June 8, 2012

Kingston Solar LP  
55 Standish Court, 9<sup>th</sup> Floor  
Mississauga, ON L5R 4B2

Attn.: Simon Kim  
Simon76.kim@samsung.com

**RE: Sol-Luce Kingston Solar PV Energy Project**

**Comprising 7 parcels within the primary study area defined as:  
Part of Lots 2-3, Concession 6 (western division), Kingston Township, Frontenac  
County (Parcel 1-2); Part of Lot 3, Concession 6 (western division), Kingston  
Township, Frontenac County (Parcel 3); Part of Lot 5, Concession 6 (western division),  
Kingston Township, Frontenac County (Parcel 4); Part of Lot 39, Concession 4,  
Ernestown Township, Lennox and Addington County (Parcel 21); Part of Lot 38,  
Concession 4, Ernestown Township, Lennox and Addington County (Parcel 22).**

FIT # F-002455-SPV-KC1-506

MTC File HD000674

MTC PIF P141-169-2012

Dear Proponent:

This letter constitutes the Ministry of Tourism and Culture's written comments as required by s. 22(3)(a) of O. Reg. 359/09 under the *Environmental Protection Act* regarding archaeological assessments undertaken for the above project.

Based on the information contained in the report(s) you have submitted for this project, the Ministry believes the archaeological assessment complies with the *Ontario Heritage Act's* licensing requirements, including the licence terms and conditions and the Ministry's 1993 Archaeological Assessment Technical Guidelines or the 2011 Standards and Guidelines for Consultant Archaeologists (whichever apply). Please note that the Ministry makes no representation or warranty as to the completeness, accuracy or quality of the report(s).\*

The Archaeological Assessment Report Entitled, *Stage 2 Property Assessment, Access Roads/Collector Lines: Parcel 1-2, 3, 4, 21 & 22, Sol-Luce Kingston Solar PV Energy Project, Ernestown and Kingston Townships, Frontenac, Lennox and Addington Counties, Ontario*, dated May 07, 2012, received by MTCS Toronto office May 08, 2012, recommends the following:

- *The areas corresponding to Access Roads / Collector Lines within Parcels 1-2, 3, 4, 21 and 22 may be considered free of any further archaeological concern.*

The legal description of the parcels assessed under this report are listed in Table 1 of the report.

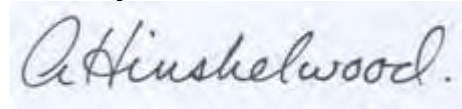
The Ministry is satisfied with these recommendations.

This letter does not waive any requirements which you may have under the Ontario *Heritage Act*. A separate letter addressing archaeological licensing obligations under the Act will be sent to the archaeologist who completed the assessment and will be copied to you.

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,



Andrew Hinshelwood  
Archaeology Review Officer

cc. Shaun Austin, AMEC AMEC Environment and Infrastructure  
Doris Dumais, MOE, [doris.dumais@ontario.ca](mailto:doris.dumais@ontario.ca)

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**Ministry of Tourism,  
Culture and Sport**

Culture Services Unit  
Programs and Services Branch  
Culture Division  
401 Bay Street, Suite 1700  
Toronto ON M7A 0A7  
Tel.: 416 314-3108  
Fax: 416 314-7175

**Ministère du Tourisme,  
de la Culture et du Sport**

Unité des services culturels  
Direction des programmes et des services  
Division de culture  
401, rue Bay, bureau 1700  
Toronto ON M7A 0A7  
Tél. : 416 314-3108  
Télééc. : 416 212-7175



June 1, 2012

MHBC Planning, Urban Design and Landscape Architecture  
c/o Mr. Rob Young  
Associate Environmental Scientist, Power Sector Co-Lead  
AMEC Environment and Infrastructure  
160 Traders Blvd. East, Suite 110  
Mississauga, Ontario  
L4Z 3K7

**Subject: Heritage Assessment Report**  
**Project: Sol-luce Kingston Solar PV Energy Project**  
**Applicant: Kingston Solar LP Inc.**  
**Location: Multiple Lots in City of Kingston and Loyalist Township**  
**MTC File No.: PLAN-00EA071**

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We hereby acknowledge receipt of the heritage assessment report for the above-referenced project, as part of the Renewal Energy Approvals (REA) process under Ontario Regulation 359/09.

The Ministry of Tourism, Culture and Sport's (MTCS) interest in this proposed project relates to our mandate of conserving, protecting and preserving Ontario's heritage, including cultural heritage landscapes, built heritage resources and archaeological sites.

We have reviewed the report and have the following comments on the document:

### **1.2 Scope of Work**

As the scope of this report also included research into whether any of the properties were subject to an easement agreement with the Ontario Heritage Trust or municipality (as indicated in section 2.2 of the report), it is requested that a statement to this effect is added to the scope of work.

This scope of work may need to be further adjusted in order to respond to the comments in the next two sections, below.

### **2.2 Consideration of Protected Properties/2.3 Consideration of Heritage Resources**

Since O.Reg 359/09 requires proponents to consider whether there is a property described in Column 1 of the Table to section 19 that *abuts* the parcel of land on which the project location is situated, it is suggested that the report include some mention of whether there are any protected properties abutting the project location. While this consideration can appear in a separate written summary elsewhere in the REA application, providing this information in this report

(similar to what was done for protected properties *at* the project location) provides helpful context to the reader.

## **2.4 Heritage Resources**

This section states that in order to ascertain the potential for heritage resources (built and landscape) that a desktop survey of relevant physiographic and historical information was surveyed for key themes of Euro-Canadian settlement. This section goes on to discuss the historical context in relation to Euro-Canadian settlement only.

It is requested that the report include discussion of what consideration was given to the pre-Euro-Canadian history of the project location lands, and any known aboriginal associations with the lands, as this may inform discussion of cultural heritage landscapes. Any relevant information that may have come to light during public consultation, or in the archaeological assessments conducted for the project, could be synthesized in this section.

## **4.0 Conclusions**

### **Mitigation**

The recommendations related to screening devices are considered appropriate mitigation strategies for this project. However, considering the large scale of the project which spans over a number of parcels, it is requested that some additional detail is provided related to the placement of the vegetative screens. In order to provide additional instruction to future construction management strategies, it is suggested that the report provide a map which shows the approximate location of the vegetative screens, or the report list the properties where screening will be necessary.

On page 44, the heading “Mitigation of effects on properties adjacent to roads rights-of-way” appears twice on this page. Should the second title relate to mitigation of effects on built heritage resources instead?

### **MTC Recommendations:**

The heritage assessment report is not considered complete until the above mentioned comments are addressed.

The above are comments from the Ministry of Tourism, Culture and Sport on the submitted report. These recommendations should be incorporated into a report, to be resubmitted to MTCS. If the consultant prefers, the revised report may be submitted electronically as a pdf. Once the report is finalized and MTCS has issued a letter of acceptance, hard copies of the report may follow.

Please contact me if you have any questions or wish to discuss these comments further.

Sincerely,

Laura Hatcher  
Heritage Planner



**Ministry of Tourism,  
Culture and Sport**

Culture Services Unit  
Programs and Services Branch  
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401 Bay Street, Suite 1700  
Toronto ON M7A 0A7  
Tel.: 416 314-3108  
Fax: 416 314-7175

**Ministère du Tourisme,  
de la Culture et du Sport**

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Tél. : 416 314-3108  
Télééc. : 416 212-7175



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

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>

## 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

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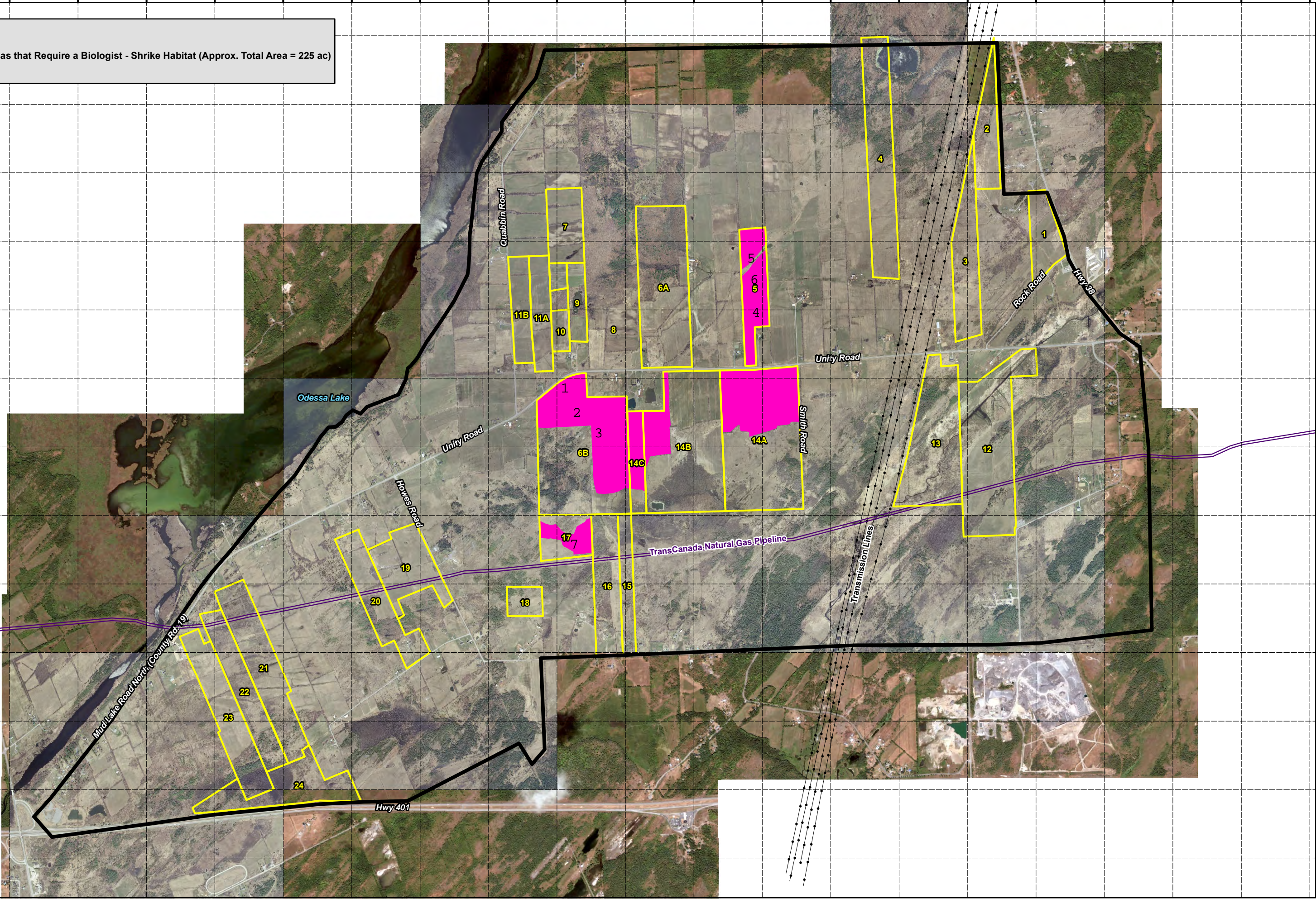
\* In no way will the Ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may 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.



362500 363000 363500 364000 364500 365000 365500 366000 366500 367000 367500 368000 368500 369000 369500 370000 370500 371000 371500 372000 372500

**LEGEND**

Test Pit Areas that Require a Biologist - Shrike Habitat (Approx. Total Area = 225 ac)



# Arch. Work Summary

Approximate Study Property Boundary



Datum: NAD83  
Projection: UTM Zone 18N

P:\EM\Projects\2011\11406\_Samsung Solar REA\GIS\Archaeology\New\_Analysis\_Oct3\_2011\MXD\_Maps\Arch\_Work\_Summary\_Oct4\_2011\_ShrikeTestPitAreas.mxd



# APPENDIX B - PHOTOGRAPHIC RECORD

**PROJECT NO.** TC111406.4004

**PROJECT** Stage 1 & 2 Archaeological Assessment

**LOCATION** Sol-Luce Kingston Phase 2

**ENCLOSURE** 1

	<b>PHOTOGRAPH</b>	<b>1</b>
	<b>Description</b>	
	View of Parcel 6B facing south.	

	<b>PHOTOGRAPH</b>	<b>2</b>
	<b>Description</b>	
	View of Parcel 6B facing southwest.	

# APPENDIX B - PHOTOGRAPHIC RECORD


**PROJECT NO.** TC111406.4004

**PROJECT** Stage 1 & 2 Archaeological Assessment

**LOCATION** Sol-Luce Kingston Phase 2

**ENCLOSURE** 2

	<table border="1"> <tr> <td><b>PHOTOGRAPH</b></td> <td><b>3</b></td> </tr> </table>	<b>PHOTOGRAPH</b>	<b>3</b>
<b>PHOTOGRAPH</b>	<b>3</b>		
	<table border="1"> <tr> <td><b>Description</b></td> </tr> <tr> <td>View of Parcel 6B facing west.</td> </tr> </table>	<b>Description</b>	View of Parcel 6B facing west.
<b>Description</b>			
View of Parcel 6B facing west.			

	<table border="1"> <tr> <td><b>PHOTOGRAPH</b></td> <td><b>4</b></td> </tr> </table>	<b>PHOTOGRAPH</b>	<b>4</b>
<b>PHOTOGRAPH</b>	<b>4</b>		
	<table border="1"> <tr> <td><b>Description</b></td> </tr> <tr> <td>View of Parcel 5 facing north.</td> </tr> </table>	<b>Description</b>	View of Parcel 5 facing north.
<b>Description</b>			
View of Parcel 5 facing north.			



# APPENDIX B - PHOTOGRAPHIC RECORD


**PROJECT NO.** TC111406.4004

**PROJECT** Stage 1 & 2 Archaeological Assessment

**LOCATION** Sol-Luce Kingston Phase 2

**ENCLOSURE** 3

	<table border="1"> <tr> <td style="padding: 5px;"><b>PHOTOGRAPH</b></td> <td style="text-align: center; padding: 5px;"><b>5</b></td> </tr> </table>	<b>PHOTOGRAPH</b>	<b>5</b>
	<b>PHOTOGRAPH</b>	<b>5</b>	
<table border="1"> <tr> <td style="text-align: center; padding: 5px;"><b>Description</b></td> </tr> <tr> <td style="padding: 5px;">View of Parcel 5 (exposed bedrock) facing northwest.</td> </tr> </table>	<b>Description</b>	View of Parcel 5 (exposed bedrock) facing northwest.	
<b>Description</b>			
View of Parcel 5 (exposed bedrock) facing northwest.			

	<table border="1"> <tr> <td style="padding: 5px;"><b>PHOTOGRAPH</b></td> <td style="text-align: center; padding: 5px;"><b>6</b></td> </tr> </table>	<b>PHOTOGRAPH</b>	<b>6</b>
	<b>PHOTOGRAPH</b>	<b>6</b>	
<table border="1"> <tr> <td style="text-align: center; padding: 5px;"><b>Description</b></td> </tr> <tr> <td style="padding: 5px;">View of Parcel 5 facing north.</td> </tr> </table>	<b>Description</b>	View of Parcel 5 facing north.	
<b>Description</b>			
View of Parcel 5 facing north.			

# APPENDIX B - PHOTOGRAPHIC RECORD

**PROJECT NO.** TC111406.4004

**PROJECT** Stage 1 & 2 Archaeological Assessment

**LOCATION** Sol-Luce Kingston Phase 2

**ENCLOSURE** 4

	<b>PHOTOGRAPH</b>		<b>7</b>
	<b>Description</b>		
	View of Parcel 17 facing north.		

**KINGSTON SOLAR LP**

9<sup>th</sup> Fl. 55 Standish Court, Mississauga, ON L5R 4B2 Canada TEL: 905-501-5658 FAX: 905-285-1852

July 27, 2012

Bill Jones,  
Ontario Ministry of Transportation  
Planning and Environmental Office  
1201 Wilson Avenue, Building D, 3rd Floor  
Toronto, Ontario, M3M 1J8

Dear Bill Jones,

**Re: Second Notice of Final Open House for the Sol-Luce Kingston Solar PV Energy Project**

Kingston Solar LP is planning to engage in a renewable energy project. The proposed facility is to be known as the "Sol-luce Kingston Solar PV Energy Project" (Project). The proposed Project is subject to the provisions of the *Environmental Protection Act* (the "Act") Part V.0.1 and Ontario Regulation 359/09 ("Regulation"). If approved, the proposed Class 3 Solar Facility (Project) would have a total maximum name plate capacity of 100 MW. It is proposed that this facility will convert solar energy into electricity to be fed into the Hydro One electricity grid. The output from each of the solar sites will be collected and routed to an electrical substation, in the vicinity of Unity Road, which will interconnect to the Hydro One transmission lines. The Project lands will be a series of leased sites located to the north and south of Unity Road as well as south of Mud Lake Road in the City of Kingston and Loyalist Township. The Project will cover an area of approximately 261 hectares.

As part of the application for a Renewable Energy Approval, the environmental studies and draft reports have been completed for regulatory approval and Kingston Solar LP is consulting with the public, Aboriginal communities and interested agencies for comments and feedback on these reports. The invitation and details of the final open house and where to review the Draft REA documents detailing the various studies conducted are provided in the attached Second Notice of Final Open House (Notice).

If you have an interest in this Project, please contact us as per information provided in the Notice.

Sincerely,

**KINGSTON SOLAR LP**

By: \_\_\_\_\_

Name: Lee Jeong Tack  
Title: President

RECEIVED

JUL 31 2012

MTO-CENTRAL REGION  
PLANNING & ENVIRONMENTAL OFFICE



## NOTICE OF DRAFT REA DOCUMENT RELEASE

By Kingston Solar LP

### SECOND NOTICE OF FINAL OPEN HOUSE

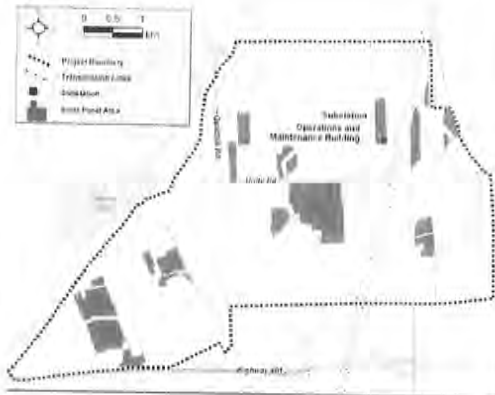
To be held by Kingston Solar LP for the Sol-luce  
Kingston Solar PV Energy Project

**Project Name(s):** Sol-luce Kingston Solar PV Energy Project

**Project Location:** The proposed Project is located in the City of Kingston and Loyalist Township, Ontario. The general Project area would be bounded by Unity Road to the north and south and by Mud Lake Road to the south.

**Dated at:** The City of Kingston this 27th day of July, 2012.

Kingston Solar LP is planning to engage in a renewable energy project, which will require the issuance of a Renewable Energy Approval (REA). The proposal to engage in this Project and the Project itself are subject to the provisions of the *Environmental Protection Act* (Act) Part V.O.1 and Ontario Regulation 359/09 (Regulation). This Notice is being distributed in accordance with sections 15 and 16 of the Regulation prior to an application being submitted and assessed for completeness by the Ministry of the Environment.



#### Project Description:

Pursuant to the Act and Regulation, the facility, in respect of which this Project is to be engaged in, is a Class 3 Solar Facility. If approved, the facility would have a total maximum name plate capacity of 100 MW. The general location of the Project is shown on the map above. The Project is being proposed in accordance with the requirements of the Act and Regulation.

#### Documents for Public Review:

Draft copies of the REA documents have been prepared. These documents were made available for public review on June 15, 2012 at the following locations:

- Proponent's website ([www.samsungrenewableenergy.ca/kingston](http://www.samsungrenewableenergy.ca/kingston))
- City of Kingston, City Hall, Clerk's Office, 216 Ontario Street, Ontario
- Kingston Frontenac Public Library – Isabel Turner Branch, 935 Gardiners Road, Kingston, Ontario
- Loyalist Township, 263 Main Street, Odessa, Ontario
- Odessa Branch Library, 102 Main Street, Odessa, Ontario
- County of Lennox-Addington, 97 Thomas Street East, Napanee, Ontario

The following draft reports, making up the REA package, are available for viewing:

- Project Description Report
- Construction Plan Report
- Design and Operations Report
- Decommissioning Plan Report
- Noise Study Report
- Natural Heritage Assessment and Environmental Impact Statement
- Water Assessment & Water Body Report
- Stage 1 and 2 Archaeological Assessments
- Cultural Heritage Assessment Report

#### Open House Information:

Stakeholder participation is an important part of Kingston Solar LP's consultation process. One of Kingston Solar LP's goals is to understand what is important to local community members and to incorporate their priorities into the Project design, to the greatest extent possible. The first open houses were held on August 30 and 31, 2011 in order to provide information to and consult with community members, stakeholder groups, aboriginal communities and government agencies. An Interim Community Session was also held on April 17, 2012 which provided the opportunity for the community and stakeholders to meet with project experts and discuss issues in a roundtable format. Kingston Solar LP will host the final open house subsequent to releasing the draft REA package for public review. This meeting is being held at least 60 days from the release of the draft REA documents as required by the Regulation. Copies of the draft documents will be made available at the open house for viewing. Details of the final open house are as follows:

##### City of Kingston

Wednesday, August 15, 2012  
From 4:00 to 8:00 pm  
INVISTA Centre  
1350 Gardiners Road, Kingston

##### Loyalist Township

Thursday, August 16, 2012  
From 4:00 to 8:00 pm  
Odessa Fairgrounds  
231 Main Street, Odessa

Kingston Solar LP would appreciate your input and welcomes your attendance at our drop-in style public open house for the Project.

#### Project Contacts and Information:

To learn more about the project proposal, public meetings, or to communicate concerns please contact:

A. José De Armas  
Manager, Project Development  
Kingston Solar LP  
55 Standish Court, 9th Floor  
Mississauga, ON L5R 4B2  
Tel: 905-501-5658  
Email: [Jose.DeArmas@samsung.com](mailto:Jose.DeArmas@samsung.com)

Rob Young, P.Geo., MCIP, RPP  
Associate Environmental Scientist  
AMEC Environment & Infrastructure  
160 Traders Blvd. East, Unit 110  
Mississauga, Ontario L4Z 3K7  
Tel: 905-568-2929  
Email: [rob.young@amec.com](mailto:rob.young@amec.com)

## Kelly, Mary K

---

**From:** Young, Rob  
**Sent:** August-01-12 7:49 AM  
**To:** Kelly, Mary K  
**Subject:** FW: Kingston Solar LP / Sol-Luce Kingston Solar PV Energy Project  
**Attachments:** 20120731 Kingston Solar LP.pdf

Mary:

Please update the contact list for MTO.

Thanks,  
Rob.

**Rob Young, P.Geo., MCIP, RPP**  
**Associate Environmental Scientist, Power Sector Co-Lead**  
**AMEC**

Environment & Infrastructure  
160 Traders Blvd. E., Unit 110, Mississauga, Ontario, L4Z 3K7, Canada  
Tel +1 (905) 568-2929 x 4325, Fax +1 (905) 568-1686  
Mobile/cell +1 (647) 923-7659  
[rob.young@amec.com](mailto:rob.young@amec.com)  
[amec.com](http://amec.com)

---

**From:** Duffey, Barry (MTO) [<mailto:Barry.Duffey@ontario.ca>]  
**Sent:** Tuesday, July 31, 2012 4:34 PM  
**To:** [Jose.DeArmas@samsung.com](mailto:Jose.DeArmas@samsung.com); Young, Rob  
**Cc:** McRae, Gord (MTO)  
**Subject:** Kingston Solar LP / Sol-Luce Kingston Solar PV Energy Project

Good Day Messrs De Armas and Young:

Since taking over for Bill Jones in March of this year I have regularly been in receipt of correspondence from you in respect of the above-captioned project. Please be aware that the eastern extent of my administrative jurisdiction within MTO extends only as far as approximately 15 km west of Port Hope. Should you wish to continue notifying this ministry about your project, you may contact my counterpart in Kingston, whom I have copied on this email. Thank you.

***Barry Duffey***

**Manager, Planning and Environmental Office**

**Ministry of Transportation**

**Provincial Highways Management, Central Region**

**1201 Wilson Ave., Bldg. D, 3rd Floor**

**Toronto, ON M3M 1J8**

**Tel: 416-235-5544**

**Cell: 416-819-7394**

**APPENDIX K: EA-RELATED AGENCY AND MUNICIPAL COMMENT SUMMARY TABLE**

Organization	Date	Contact Type	Name	Comment	Response	Response Date
Aboriginal Affairs and Northern Development Canada	4-Aug-11	E-mail	Don Boswell	Senior Claims Analyst of the Aboriginal Affairs and Northern Development responded to letter dated July 28th, 2011 inquiring about claims in the area. He indicated links to websites that can be used to identify First Nations in the area of interest and a link to the existing claims in the area.	Project team used First Nations websites to identify existing claims	N/A
Aboriginal Affairs and Northern Development Canada	4-Jul-12	E-mail	Allison Berman	Aboriginal Affairs and Northern Development Canada indicated they received the Notice of Draft REA Document Release and Final Open House letter dated June 13, 2012. Indicated that future requests for Aboriginal consultation information from AANDC, can be submitted directly to the following mailbox: UCA-CAU@aadnc-aandc.gc.ca.	Comment noted.	N/A
Canadian Environmental Assessment Agency	3-Aug-11	Letter	Stephanie Davis	Letter from CEAA responding to a letter dated July 28. This letter is requesting Kingston Solar LP to provide a Project Description in order to proceed with the Environmental Impact Assessment under the Canadian Environmental Assessment Act.	Acknowledgement of letter indicating Kingston Solar LP does not anticipate any triggers of the Canadian Environmental Assessment Act.	25-Aug-11
Canadian Environmental Assessment Agency	5-Sep-12	Letter	Stephanie Davis	CEAA indicated Kingston Solar LP should check to see if the Sol-luce project applies for CEAA 2012.	Reviewed by Project team and CEAA 2012 will not apply to the project.	N/A
Cataraqui Region Conservation Authority	8-Aug-11	Letter	Andrew Schmidt	Provided information on CRCA's authority under Regulation 148/06 and mapping.	Acknowledgement of receipt of information.	25-Aug-11
Cataraqui Region Conservation Authority	17-Aug-12	Letter	Christine Woods	CRCA comments on draft REA reports.	Phone call conversation was made acknowledging receipt of the comment letter from CRCA	17-Aug-12
Cataraqui Region Conservation Authority	6-Sep-12	E-mail	Rob Macrae	Confirmation of June 1, 2012 meeting minutes dealing with the proposed well survey.	No response required.	N/A
City of Kingston	25-Aug-11	E-mail	Sonya Bolton	A Senior Policy Planner of the City of Kingston requested further information about the format of the Open House.	City of Kingston was advised it would be a drop-in style open house with posters and Project representatives to answer questions.	25-Aug-11
City of Kingston	16-Sep-11	E-mail	Mayor Mark Gerretsen	Mayor Gerresten asked for a project update on September 29th from Kingston Solar LP and invited other stakeholders.	Meeting held with City of Kingston and invited stakeholders (see below)	29-Sep-11
City of Kingston	19-Sep-11	E-mail	Jeff Scott	Confirms that the list of issues is complete based on email to Councillor Scott providing a list of questions and concerns raised during the first Open House for confirmation as well as for any additional comments and questions the City of Kingston may be aware of. Indicates that the Mayor will also take a look at the questions.	Comment noted.	N/A
City of Kingston	29-Sep-11	Meeting	Councillor Jeff Scott, Mayor Mark Gerretsen (City of Kingston), Bill Lowry (City of Kingston), Gerard Hunt (CAO, City of Kingston), Diane Pearce (CAO, Loyalist Township), George Wallace (City of Kingston), Kingston Solar LP staff, AMEC staff	Presented a series of questions and answers: 1) Asked how Kingston Solar LP will comply with the Official Plan. 2) Inquired if there would be power lines, roads, transformers built. 3) What the tax revenue to the City would be. 4) What the benefit to leaseholders would be. 5) Who had signed leases, how long the leases last and whether there will be future expansions. 6) How Kingston Solar LP plans to protect small rural lots. 7) Would there be wind turbines. 8) How the Project boundary was chosen.	1) The Project can only be approved on agricultural lands with class 4 soils or higher. The environmental work being done recognizes the environmentally sensitive areas and contact has been made with CRCA and MNR. A report of findings and recommendations will be provided to MNR for approval. 2) There will be a substation and collector lines for the power. The power will connect to the main transmission lines and not to the distribution system. The power lines will likely be routed along sections of the road allowance and could either be above or below ground depending on design constraints. 3) Unable to answer question at this time as it will depend on reassessment of property values. 4) Each leaseholder has a different contract depending on useable acreage. 5) Options for leases have been signed with landowners. Kingston Solar LP has confidentiality agreements in place with landowners and is not able to disclose the properties. A site layout will be prepared as part of the REA report. The leases would be for 22 years based on a 20 year power agreement with the Province. At the end of the lease there is provision to decommission the Project. There are no plans for expansion. 6) A visual assessment for different locations will be provided. The public were asked at the Open House to provide comments about the Project and these will be	29-Sep-11



APPENDIX K: EA-RELATED AGENCY AND MUNICIPAL COMMENT SUMMARY TABLE

Organization	Date	Contact Type	Name	Comment	Response	Response Date
					considered as part of the development. 7) No wind turbines are planned. 8) The boundary in the Project Description is the overall study area for the Project and various sites have been selected within that area. Approximately 700 acres are required for the Project, or ~8-10% of the land in the study area.	
City of Kingston	15-Nov-11	Phone Call	Councillor Jeff Scott	City representative advised team member of 1) Adjacent landowner's concerns and recommended that a call be made to the landowner. 2) Advised team member of "anti-solar" signs on Quabbin Road. 3) Suggested that Kingston Solar LP "get into the community".	Kingston Solar LP acted on the recommendations of the Councillor throughout the process and will continue to engage the community.	N/A
City of Kingston	22-Nov-11	Meeting	Councillor Jeff Scott, members of General Public, Kingston Solar LP staff	Meeting with landowners to discuss concerns of adjacent landowners. a) Water Issues – groundwater, surface water, drilled wells of residents. What happens if drinking water is affected from panel installations and/or blasting? b) Herbicides/pesticides – will Kingston Solar LP use these? Will there be a horticulturist and/or Arborist used to determine what growth (if any) will be used? c) Will solar panels be harmful to me and my family (concerns about his young daughter). d) Is Kingston Solar LP willing to draft a letter stating that we are committed to working with everyone? e) What is the definition of "Adjacent Landowner"? f) Is Kingston Solar LP willing to do "personalized reports" for each landowner in the project area? g) Is Kingston Solar LP willing to have a group breakfast/lunch meeting with all adjacent landowners? h) What are the limits of the panels (i.e. setback from roads?) i) Can Kingston Solar LP release a preliminary layout/design of the panels? j) Can Kingston Solar LP provide newsletters to the community in layman's terms on a monthly basis? k) Is Kingston Solar LP willing to do a reforestation program? (this was highly recommended). l) How will property values be affected? m) Will there be any visual impacts?	Kingston Solar LP prepared FAQs that were posted to the Project website.	April, 12
City of Kingston	31-Jan-12	Meeting	Mayor Mark Gerretsen, Councillor Jeff Scott, Councillor Sandy Berg, Kingston Solar LP staff, AMEC staff	Meeting with project team and City of Kingston to discuss the project status and respond to questions from the communities. 1) AMEC/Kingston Solar LP presented details of consultation plans for local residents. 2) City had concerns about noise impacts from construction and operation including but not limited to impacts from transformers. 3) Project team presented details of follow-up environmental monitoring and audit programmes. 4) Discussed ecological concerns including cumulative impacts and in particular. 5) Concerned about microclimatological effects due to removal of tree cover and the natural cooling it provides and including but not limited to the potential creation of local heat sinks together with any wider regional implications 6) Concerned about air quality impacts during construction and operation including but not limited to plans for construction and operational dust control. 7) Project team presented details of decommissioning plans to rehabilitate the land when the project is abandoned. 8) An Arborist's report including detailed tree inventories listing species and numbers for consideration of compensatory plantings by the City of Kingston arborist in accordance with the requirements of the Tree Bylaw. 9) Ecological concerns including cumulative impacts and in particular: a. Assessment of existing habitats within the project footprint including a minimum four season ecological assessment of significant woodlands, effects on nesting and grazing, potential disruption of wildlife movements including but not limited to impacts on threatened, endangered and species at risk b. Potential habitat destruction to adjacent lands during the construction period c. Potential loss of habitat for the endangered Loggerhead Shrike which is known to breed in the area, including consideration of adequate acreage required for breeding habitat d. Potential impacts on Alvar habitat.	Comments were noted and incorporated as applicable into FAQs and REA documents.	April and May 2012

APPENDIX K: EA-RELATED AGENCY AND MUNICIPAL COMMENT SUMMARY TABLE

Organization	Date	Contact Type	Name	Comment	Response	Response Date
				<p>e. Impacts due to potential loss of hedgerows including lilac or honeysuckle, and potential loss of field oaks and maple woodlots</p> <p>f. Potential impacts on migratory bird species including but not limited to impacts on water fowl who land on panels mistaking them for water.</p> <p>10) The City expressed concerns about the effect of construction and operation of the project on storm water runoff and including but not limited to the impacts thereof on surface water resources.</p> <p>11) Concerned about the effect of construction and operation of the project on the quality and quantity of groundwater resources and including but not limited to impacts from post hole drilling on groundwater aquifers and on well water in the surrounding properties.</p> <p>12) Concerned about construction and operational impacts related to any use of chemicals or herbicides including but not limited to detergents and cleaning chemicals and any herbicides used to prevent vegetation shading of panels.</p> <p>13) Concerned about traffic impacts during construction and operation including but not limited to impacts from construction trucks and damage to roads.</p> <p>14) Concerned about air quality impacts during construction and operation including but not limited to plans for construction and operational dust control.</p> <p>15) City of Kingston raised concerns regarding emergency management, the requirement of fire retardants and access information.</p> <p>16) City was interested in plans for permanent ground cover within the project footprint (gravel/grass/wildflowers).</p> <p>17) Concerned about loss of amenity for neighbouring properties including landscape impacts and destruction of views.</p> <p>18) City inquired about details of setback distances and adequate buffering between neighbouring property lines and panel installations.</p> <p>19) City was interested in an Arborist's report including detailed tree inventories listing species and numbers for consideration of compensatory plantings by the City of Kingston arborist in accordance with the requirements of the Tree Bylaw.</p>		
City of Kingston	03-Apr-12	E-mail	Cheri Mills, Kimberley Brown	<p>City responded to Kingston Solar LP's inquiry about the permits that will be required from the City of Kingston for the Project.</p> <p>City of Kingston indicated that different departments are responsible for different permits. Kingston Solar LP sent a spreadsheet to be filled out by the City of Kingston with permits.</p>		N/A
City of Kingston	5-Apr-12	Meeting	Kimberley Brown	<p>Discussion regarding the location of access roads throughout project for those areas that fall under the City of Kingston's jurisdiction. There were no particular issues found regarding the access road locations, as the access being requested is similar to what is defined in the former County of Frontenac policy as a field entrance which can be a secondary access to a property. Mark Van Buren (Director of Planning City of Kingston) has no current issues with the proposed AR/CL.</p>	City provided feedback and guidance on the location of access roads.	5-Apr-12
City of Kingston	12-Apr-12	E-mail	Kimberley Brown	<p>City of Kingston provided feedback on road access options. Indicated that the site on Rock Road had been reviewed and from a site line perspective is acceptable. There may be requirements to make improvements to Rock Road to facilitate turning of transport trucks off of Highway 38. The City will require drawings to illustrate turning movements at intersections and proposed driveways.</p>	Kingston Solar LP provided maps of road access	20-Apr-12
City of Kingston	19-Jun-12	E-mail	Cheri Mills, Kimberley Brown	<p>City responded to Kingston Solar LP's inquiry about the permits that will be required from the City of Kingston for the Project.</p> <p>City of Kingston identified that it would be part of their review of the reports to ensure all departments can respond.</p>		N/A
City of Kingston	23-Aug-12	Meeting	Grant Bain, Calvin Chan	<p>Discussed rationale behind the residential, public right-of-way and property setbacks of 100 m and 20m respectively.</p> <p>Discussed City zoned agricultural lands North of Unity Road.</p>	City Guidelines are meant as a mitigation measure for visual impact.	23-Aug-12

**APPENDIX K: EA-RELATED AGENCY AND MUNICIPAL COMMENT SUMMARY TABLE**

Organization	Date	Contact Type	Name	Comment	Response	Response Date
County of Lennox & Addington	12-Aug-11	Letter	Larry Keech	County responded to Notice of Proposal by identifying items of interest as well as the permits that would typically be required from the County. These include: <ul style="list-style-type: none"> <li>Proposed works within the County Road 19 road allowance and traffic management.</li> <li>Any potential transmission lines or other infrastructure to be constructed in the right-of-way of County Road 19.</li> </ul>	Comments noted.	N/A
County of Lennox & Addington	10-Apr-12	Phone Call/Email	Jim Klaver	Discussion regarding access roads and collector lines in county road 19.	Kingston Solar LP provided information to assist the County in identifying where access roads and collector lines will be located.	13-Apr-12
Loyalist Township	22-Dec-11	E-mail	Councillor Jim Hegadorn	Email from landowner regarding contractor and consultant vehicles parked along Hegadown Rd. Location of parked vehicles potentially prohibited larger vehicles from being able to turnaround at the "T" turnaround.	Kingston Solar LP met with stakeholder at their residence to apologize for the disturbance and to answer questions and concerns.	22-Dec-12
Loyalist Township	17-Feb-12	E-mail	Murray Beckel	<p>There is significant concern being expressed by the public and Council regarding your project. What is exacerbating this concern is lack of communication by Kingston Solar LP. Members of the public attended a Council meeting on February 13th and voiced their concerns. There is a need for a pre-consultation session. To date this has not occurred but in speaking with you there is a strong desire by Kingston Solar LP to have a session held in the near future. Such a session is a technical meeting where Township staff and staff from affected agencies are present to identify their objective concerns and to give Kingston Solar LP the opportunity for feedback and questions. Neither the public nor Council would be present. The Township is willing to host the meeting and invite officials from the County of Lennox and Addington, Ministry of Transportation and the Cataraqui Region Conservation Authority. I am also willing to contact City staff, but I cannot confirm if they will attend at this point. I will be seeing City staff Tuesday and I can ask if they are interested in attending a joint meeting. In the meantime you are going to canvas your staff for possible meeting dates and you will give me several dates and times over the next 2-3 weeks.</p> <p>We also discussed the need to eliminate the perceived "public void" Kingston Solar LP currently has in this area. I strongly urge company representatives to attend an upcoming Council meeting and introduce themselves and highlight the intended Sol Luce Solar Farm project. Note that such a meeting is a public affair and residents from the affected area will likely be in attendance. Possible dates include March 12th and 26th @ 7:00 pm. Please advise if one these dates is acceptable.</p> <p>Issues raised to date by the public include:</p> <ol style="list-style-type: none"> <li>1. Electromagnetic fields;</li> <li>2. Groundwater interruption or contamination;</li> <li>3. Use of cleaning materials/detergents on the panels;</li> <li>4. Disruption of habitat;</li> <li>5. Aesthetics/dominance of fencing and transformation of the landscape;</li> <li>6. Scale of the project;</li> <li>7. Noise;</li> <li>8. Decommissioning after the life of the project.</li> </ol> <p>Some staff concerns include:</p> <ol style="list-style-type: none"> <li>1. Groundwater interruption and contamination;</li> <li>2. Construction traffic and impact on municipal infrastructure;</li> <li>3. Utility corridors;</li> <li>4. Visual screening of fencing and panels from roads and homes;</li> <li>5. Drainage;</li> <li>6. Natural heritage;</li> <li>7. Emergency response;</li> <li>8. Archaeological assessment;</li> <li>9. Noise from transformers/substations;</li> <li>10. Decommissioning after the life of the project.</li> </ol> <p>You indicated you would confirm if the natural heritage/environmental impact assessments had</p>	<p>Our biologist at AMEC will contact the Cataraqui Conservation Authority to clarify the items discussed today.</p> <p>Kingston Solar LP will get back to you regarding the dates as we will have to coordinate with our consultant (AMEC). We will try to accommodate and accomplish two items in one day:</p> <ul style="list-style-type: none"> <li>• Meeting with you and all the technical individuals from Loyalist Township and Kingston.</li> <li>• And meeting with council.</li> </ul> <p>You mentioned that council meets on March 26th at 7:00pm, we will keep that date in mind.</p>	29-Feb-12

**APPENDIX K: EA-RELATED AGENCY AND MUNICIPAL COMMENT SUMMARY TABLE**

Organization	Date	Contact Type	Name	Comment	Response	Response Date
				been completed prior to ploughing for archaeological assessments. The concern is that habitat loss could occur if archaeological work was undertaken first.		
Loyalist Township	13-Mar-12	Phone Call	Murray Beckel	Discussion with Loyalist Township representatives on Tuesday March 13 2012 @ 11:30 am regarding specific date for the Technical meeting at Loyalist Township.	Kingston Solar LP representative indicated that the specifics regarding the dates for this meeting will be discussed with Kingston Solar LP upper management prior to the meeting taking place.	13-Mar-12
Loyalist Township	26-Mar-12	Meeting	Murray Beckel (Loyalist Township), Ed Adams (Loyalist Township), Alex Scott (Loyalist Township), Tom Beaubiah (CRCA), Cherie Mills (City of Kingston), Steve Roberts (County of Lennox & Addington, Stacy Sweezey (MTO)	1) Expressed concern that property insurance will rise for those living near solar panels. 2) Expressed concerns about visual effects with fencing and construction and setback from other projects. 3) Concerned that property insurance will rise for those living near solar panels. 4) concerns regarding quality and quantity of groundwater and potential impacts on the wells during construction, operation and if something should happen and contamination gets into the groundwater system. A number of studies have been completed (Source Water, Western Cataraqui, and Loyalist) 5) Drainage in the area is predominantly sheet flow and the Township would like to see this remain as the intercepted and collected to one point outlet has caused them issues in the past. The concentrated flow provides a source of concern as there is minimum overburden a little opportunity for infiltration. Any receiving property should not be negatively impacted by drainage. There are already existing issues near County Roads 2 and 6. 6) Loyalist asked for an update on archaeology studies. 7) Loyalist asked where the access points would be.	4) These studies are being considered. 6) Archaeology study not completed yet. 7) Access would be off Unity Road.	26-Mar-12
Loyalist Township	9-May-12	E-mail	Murray Beckel	Kingston Solar LP provided drawings to Loyalist Township that outline the location of the access roads and requested any feedback on their location from a planning and engineering perspective. Loyalist Township indicated that the planning and engineering departments do not have any objection to the proposed access locations, however the engineering department wanted to be assured that any culvert installation be designed to appropriately accommodate surface drainage	Kingston Solar LP responded indicating that Loyalist Township would be receiving a number of reports they could review.	9-May-12
Loyalist Township	26-Jun-12	E-mail	Councillor Jim Hegadorn	Inquired what the setbacks would be for solar panels.	Under the REA regulation (O. Reg. 359/09) solar installations do not require any setbacks, but Kingston Solar LP has taken the initiative to establish setbacks on strategic locations, through stakeholder consultations. Regarding ██████████, yes the panels will be placed next to the property line but a setback beyond 30 meters from his residential property has been established as suggested on the feedback consultation provided during the Interim Community Meeting.	06-Jul-12
Loyalist Township	26-Jun-12	E-mail	Councillor Jim Hegadorn	The areas with solar panels will be encompassed by a fence with locked gates. How is the drainage and unused portions of land to be maintained if the property owner cannot access the areas? It appears there is no gate accessing Hegadorn Road from the Boyce property. Could you confirm this? Also, will Hegadorn Road be utilized for access during construction and decommissioning?	Kingston Solar LP will fence the installation in a way that will allow the land owner to access the sections of land that will not be occupied by the installation. Kingston Solar LP will not be using Hegadorn road during construction or decommissioning. As shown on our draft layout, the property will be accessed through access roads build from Mud Lake Road / Unity Road.	6-Jul-12
Loyalist Township	26-Jun-12	E-mail	Councillor Jim Hegadorn	What are Kingston Solar LP's commitments to ensure riparian rights are maintained. The fields west and south of individuals' property have been neglected for some time and the historical drainage has been compromised. What is Kingston Solar LP's plan to maintain drainage of my property, and in turn, the property east of individuals?	No riparian buffer areas will be removed. Only one riparian corridor falls within 120 meters of the project, a 30 meter buffer has been proposed for this area.  Kingston Solar LP is fully aware of the drainage issues in property 24. Our Design and Operations report located in the following link <a href="http://goo.gl/OSxya">http://goo.gl/OSxya</a> provides further information regarding this matter. The operations and maintenance (O&M) team will be onsite (project area) throughout the life of the project, to maintain and monitor the drainage systems on a regular basis.	6-Jul-12
Loyalist Township	11-Jul-12	Letter	Murray Beckel	Letter indicating the Township had passed a by-law requiring energy projects to pay a fee to the Township for cost recovery of document reviews.	Kingston Solar LP paid the required fee. In addition, Kingston Solar LP has paid the fee for reviewing the REA technical documents by CRCA.	2-Aug-12

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Loyalist Township	17-Jul-12	E-mail	Murray Beckel	Loyalist councillor emailed the permits that Kingston Solar LP may need.	No response required.	N/A
Loyalist Township	23-Jul-12	E-mail	Murray Beckel	<p>Engineering Department has reviewed the stormwater analysis in the construction report and it feels the study lacks the level of detail needed to effectively ascertain the potential impact on drainage flows and volumes. Some of the area affected drains into two watercourses which have substantial floodplains in Odessa and any increase in flow due to the change in the runoff co-efficient or concentration through channelization such as swales can be significant. The Township fee that was introduced for energy projects was done so in order to recover municipal costs to review project studies related to larger renewable energy projects and to prepare and submit the REA consultation forms. The fee was only one of a number of other fees being considered (these others not REA related) and the by-law passage was delayed due to the need for other departments to include their fees and to have the by-law vetted. Originally the target date for by-law passage was at the end of April.</p> <p>Township has reviewed the revised noise study and noted that the consultant has included a 5 dB penalty for tonality consistent with MOE guidelines. Has this penalty been included for the potential sound levels shown in Table 4 because the parameters in Appendix I do not list this factor. This comment also pertains to the sound contour map of Figure 13 . Also Figures 2 and 13 did not identify some existing vacant lots. These lots seem to be farther away from the inverters that other lots or houses, but out of an abundance of caution.</p>	A 5 dB penalty for the tonality has been included for predicted sound levels at all receptors. The potential sound levels shown in Table 4 and the impact assessment provided in Appendix I include these penalties applied to the noise sources. The noise contours shown in Figures 13-18 include the penalty applied for the noise sources. We have modeled sound levels at five additional vacant lots identified by the Township of Loyalist. The predicted sound levels at those five vacant lots are not expected to exceed the sound level criteria of 40 dBA.	26-July-12?
Loyalist Township	23-Jul-12	E-mail	Councillor Jim Hegadorn	Stakeholder asked about drainage control in an area where drainage is essential to active farm land.	Kingston Solar LP referred stakeholder to the drainage patterns sections in the construction plan and in the stormwater management plan.	14-Aug-12
Loyalist Township	23-Jul-12	E-mail	Councillor Jim Hegadorn	Asked for clarification on access.	<p>Once Kingston Solar LP reaches the detail engineering stages refined details regarding the fenced and gated areas will be available. As mentioned the design (or agreement) will be such that the land owner will have free access to the sections of land that will not be occupied by our installation.</p> <p>Access Road on [REDACTED] property. The owner was consulted and clearly indicated that there was no problems with the proposed access. Kingston Solar LP is aware of the culvert in that area, in fact we had to slightly shift the angle (to the West) of the access road to avoid the cross culvert under CR19, this was accomplished based on the feedback provided by County of Lennox &amp; Addington). Kingston Solar LP</p> <p>Kingston Solar LP and Lennox &amp; Addington also discussed and considered the changes on speed from 60 Km/hr to 80 Km/hr.</p>	14-Aug-12
Ministry of Culture, Tourism and Sport	21-Sep-11	E-mail	Shari Prowse	Andrew Hinshelwood was identified as the MTC contact that will do the review of the methodology for archaeology studies.	No response required.	N/A
Ministry of Culture, Tourism and Sport	4-Oct-11	Phone Call	Andrew Hinshelwood	<p>Confirmed field techniques in areas of Loggerhead Shrike. Test pitting has been confirmed as the preferable method based on the following conditions:</p> <ul style="list-style-type: none"> <li>Habitat considerations (i.e., Loggerhead Shrike);</li> <li>Shrub growth constitutes an important part of the endangered species;</li> <li>Advanced shrub-growth in areas;</li> <li>Presence of Alvar soils (&lt;15 cm from limestone bedrock) which are unlikely to have been ploughed in the past due to shallow soils; and, as such, potential damage to equipment.</li> </ul> <p>Conduct ploughing where possible (i.e., where MNR has provided allowance to plough) as this is the preferred method.</p>	AMEC will provide MTC with a copy of the proposed field methods for this project. This will ensure that AMEC is conducting the work as per MTC's expectations and will help speed up the review process.	4-Oct-11

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Ministry of Culture, Tourism and Sport	3-Nov-11	E-mail	Andrew Hinshelwood	Inquired from MTCS whether test pitting is an acceptable strategy for areas that cannot be ploughed and farmer's equipment can potentially be damaged.	MTCS confirmed that it is appropriate to defer to farmers in matters concerning the performance of their equipment in relation to soil conditions.	3-Nov-11
Ministry of Culture, Tourism and Sport	18-Jan-12	Letter	Andrew Hinshelwood	AMEC received review letter from MTCS with results of Stage 1 & 2 Assessment	No response required.	?
Ministry of Culture, Tourism and Sport	3-Feb-12	Phone Call	Andrew Hinshelwood	New (2012) Standards require that a development plan be included with the package submitted to the MTCS. Project team asked if there would be a problem that the preliminary development plan (as of 03 February 2012) shows that more land will be developed than what was subjected to the Stage 2 assessment and if this would have an effect on the review process of the Stage 2 work conducted during December 2011? MTCS requested that the project team provide a figure showing the preliminary development plan and the areas that were subjected to a Stage 2 assessment in the Fall of 2011 and December 2011.	MTCS indicated that this would not be a problem. It was agreed that since the Stage 1 recommendations indicated that all lands of Primary Study Area required a Stage 2 assessment, with exception of roadways and waterways, this would not be a problem, as these areas are covered by the Stage 1 recommendations.	
Ministry of Culture, Tourism and Sport	29-Feb-12	E-mail	Abbey Flowers	Email from MTCS confirming arrival of Project Report Package, P141-166-2011, Stage 2, Sol-Luce Kingston Solar PV Energy Project (FIT – 002455-SPV-KC1-506). The package was complete and the report filed with the Ministry. A request to expedite the review of the report was granted with an anticipated completion date of March 28, 2012.	No response required.	N/A
Ministry of Culture, Tourism and Sport	12-Mar-12	Letter	Andrew Hinshelwood	Approval letter from MCTS indicating the ministry is satisfied that the fieldwork and reporting for the archaeological assessment (Final Report – Stage 2 Property Assessment; Revised Final Report – Stage 1 Archaeological Background Study and Stage 2 Property Assessment) are consistent with the ministry's 2011 Standards and Guidelines for Consultant Archaeologists and the terms and conditions for archaeological licences and that reports will be entered into the Ontario Public Register of Archaeological Reports.	No response required.	N/A
Ministry of Culture, Tourism and Sport	30-Apr-12	Phone Call	Andrew Hinshelwood	AMEC Contacted MTCS to ask about fieldwork strategies, use of water truck (in event that it didn't rain within our required timeframe) and about review timeline.	MTCS indicated that in the past they approved someone to use a water truck to "weather" the field. However, upon review of this work (photographs of the watering of these fields) MTCS did not feel that the watering of fields via water truck was quite the same as rain and that it was more likely to create muddy conditions instead of helping with visibility and exposing of artifacts. So MTCS does not approve this method.	30-Apr-12
Ministry of Culture, Tourism and Sport	1-Jun-12	E-mail	Andrew Hinshelwood	MTCS sent comments on the Cultural Heritage Assessment Report. It was suggested that the report provides a map showing the approximate location of the vegetative screens, or the report lists the properties where vegetation screening will be necessary.	Kingston Solar LP provided revised text for the report.	N/A
Ministry of Culture, Tourism and Sport	8-Jun-12	Letter	Andrew Hinshelwood	MTCS sent a letter indicating satisfaction of areas corresponding to access roads/collector lines within parcels 1-4, 21 and 22 and these can be considered free of any further archaeological concern.	No response required.	N/A
Ministry of Culture, Tourism and Sport	8-Jun-12	Letter	Andrew Hinshelwood	Letter from MTCS confirming entry into the Ontario public register of archaeology reports for the Project.	No response required.	N/A
Ministry of Culture, Tourism and Sport	11-Jun-12	Letter	Laura Hatcher	Letter from MTCS confirming none of the identified properties constitute protected properties under the Ontario Regulation 359/09. Installations on interior properties should still consider visual buffering or filtering. Installations adjacent to road right of ways should have visual buffers such as trees.	No response required.	N/A
Ministry of Energy and Infrastructure	9-Mar-12	Phone Call	Sunita Chander	Phone call to discuss soil reclassification and Official Plan classification as they relate to FIT rules. MEI reviewed issue regarding 'Prime Agricultural Land' compared to CLI land classification. Also discussed process to reclassify CLI Class 1 lands that have been initially assessed as Class 4 or 5. MEI requested mapping of the project area.	Mapping provided.	Apr-12
Ministry of Natural Resources	4-Aug-11	Letter	Eric R. Prevost	Letter from MNR regarding the request for information regarding natural heritage features for the project.	No response required.	N/A
Ministry of Natural Resources	4-Aug-11	Letter	Eric R. Prevost	Letter in response to request for information regarding natural heritage features on the study area including wetlands, areas of specific interest, woodlands, wildlife habitat, fish and fish habitat and species at risk.	No response required.	N/A



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Ministry of Natural Resources	6-Sep-11	Letter	Eric R. Prevost	MNR sent letter to AMEC regarding the impact of archaeological surveys on the Bobolink.	No response required.	N/A
Ministry of Natural Resources	20-Sep-11	E-mail	Eric R. Prevost	AMEC indicated that a few of the fields that were not granted permission to plough don't appear to be in shrike habitat and asked MNR if they can be ploughed.	MNR clarified that Field 45 located in property 14a and field 56 located in property 17 can be ploughed.	23-Sep-11
Ministry of Natural Resources	27-Sep-11	Phone Call	Eric R. Prevost	MNR agreed to allow test pitting in the fields that Kingston Solar LP cannot plough.  MNR also reiterated that Kingston Solar LP does not have to apply for an ESA permit to test pit in shrike habitat but the MNR must still provide a 'Letter of Advice' that will outline any required conditions. They can issue this Letter quickly (within a week) once they receive a written request that outlines the following: 1) a map showing the proposed locations of the pits, 2) a detailed description of the methodology used for test pits (i.e. how deep and wide are the pits, how many will there be, how far apart are they, etc.), 3) a mitigation plan that outlines the impacts of test pits on shrikes and on shrike habitat and how this can be minimized.	No response required.	27-Sep-11
Ministry of Natural Resources	1-Mar-12	Phone Call	Eric R. Prevost	MNR reviewed the data AMEC collected during three winter raptor surveys in February 2012 to determine whether further surveys were required based on the number and location of raptors observed. MNR determined that raptor abundance recorded in the Sol-luce study area was insufficient to be deemed "significant." As a result, no further winter raptor surveys are required for the completion of the NHA.	No response required.	1-Mar-12
Ministry of Natural Resources	19-Apr-12	Meeting	Eric R. Prevost, Kingston Solar LP staff, AMEC staff	Meeting with MNR was held to discuss significant natural features and significant wildlife habitat.	No response required.	19-Apr-12
Ministry of Natural Resources	18-May-12	Meeting	Monique Sharet (MNR), Todd Norris (MNR, Kingston), Kingston Solar LP staff, AMEC staff	Discussed the MNR's comments on the Natural Heritage Assessment and Environmental Impacts Study for the Sol-luce Kingston Solar PV Energy Project.  Site Investigation: MNR asked for pre-construction amphibian surveys in April/May 2013 to address gaps. Confirmation of the NHA can still be obtained by June 8, 2012 if Kingston Solar LP commits to conducting these surveys in 2013.  MNR asked for clarification on the number of wetlands which occur in the Project Location. The Records Review indicates that there are 24 wetlands, however, the Site Investigation reports 15 wetlands.  Evaluation of Significance: MNR commented that there are five common raptors species but there is no significant raptor habitat within the Project Location. State more clearly that there is no significant raptor habitat within the Project Location.  Discussed the Short-eared Owl (a species of special concern). MNR stated that though these birds have been seen in the general area they are not known to be there for certain. (i.e. they are not common).  MNR confirmed that Turtle Overwintering Habitat should be classified as "not" significant.  MNR stated that Amphibian Breeding Wetland Habitats is within the Project Location and amphibian call counts are required in these areas in April/May 2013 (pre-construction surveys). If these Amphibian Breeding Wetland Habitats turn out to be significant then mitigation must be provided for these areas in the EIS.  Environmental Impact Study: MNR stated that the EIS should refer to the seasonality of Construction (C), Operation (O) and Decommissioning (D) on impacted features (i.e. how long each phase will affect each significant natural feature and in which seasons). If a prediction is being made it needs to be backed-up with post-construction surveys.	Site Investigation: AMEC will add these pre-construction amphibian surveys to the NHA.  AMEC stated that those numbers are correct as the Records Review found 24 but the field work for the Site Investigation confirmed that only 15 were actual existing wetlands.  Evaluation of Significance: Comment noted.  Comment noted.  Comment noted.  Comment noted.  Environmental Impact Study: AMEC stated that we cannot do post-construction surveys for everything, and if we concluded that "no net negative effect would occur" then in many cases post-construction surveys are not necessary. Post-	18-May-12

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				Decommissioning plans for re-vegetation and rehabilitation need to be made clear.	construction surveys are expensive and therefore cannot be done for every predication. MNR agreed and stated that post-construction surveys for Species at Risk would likely cover most of the other species as well.  Kingston Solar LP stated that the plans are to return the communities to their original state. AMEC will clarify this in the text.	
Ministry of Natural Resources	11-Jun-12	Letter	Karen Bellamy	MNR confirms that the natural heritage assessment and environmental impact study report has been prepared in accordance with procedures established by the MNR.	No response required.	N/A
Ministry of the Environment	26-Aug-11	Letter	Doris Dumais	Letter providing aboriginal communities list to use for the Kingston Solar LP Sol-Luce project.	Thank-you letter provided.	7-Sep-12
Ministry of the Environment	22-Feb-12	Phone Call	Narren Santos	1) Kingston Solar LP asked if a comment letter from MTCS is required for additional properties that will be completed prior to construction but possibly after 2nd open house notification? 2) Municipality has identified some areas of the project as 'Prime Agricultural Land' yet some of this designation is on CLI Class 4 land which according to the FIT rules is acceptable for solar development. Does FIT override Official Plan? 3) There is concern that projects will require to have their ESA permits in hand prior to submission of the REA application	1) REA guide expects all Stage 2 work to be completed and comment letter received prior to 2nd open house notification unless an exception is granted by MTCS/or Energy. 2) Legally FIT overrules the OP however; the client is encouraged to consult with the municipality. This issue may be better addressed by the Ministry of Energy advisor assigned to the Kingston Solar LP file (Sanita Chander). 3) This is not accurate. The ESA permit needs to be in hand prior to MOE granting approval but will not hold up the submission process. Developers are encouraged to get the ESA process started early so it can rule in parallel with the project.	22-Feb-12
Ministry of the Environment	12-Apr-12	Meeting	Phil Brennan (Ministry of Environment); Sunita Chander (Ministry of Energy and Infrastructure); Doris Dumais (Ontario Ministry of Environment); Sandra Guido (Ministry of Environment)	MOE and Kingston Solar LP discussed regulation requirements for the REA process. The importance of public consultation and engagement in the REA process was emphasized in the meeting. MOE expressed satisfaction with the extra efforts put forward by Kingston Solar LP to hold an additional Interim Community Session.  MOE suggested conducting pre-and-post-construction groundwater monitoring and to communicate results with the public.	Kingston Solar LP to hold additional Interim Community Session in order to provide further opportunities for public to comment and proactively address any community concerns.  Kingston Solar LP agreed to conduct well water study as a precautionary measure for the Project in order to proactively address any potential community concerns about groundwater contamination resulting from the Project.	12-Apr-12
Ministry of the Environment	24-Apr-12	E-mail	Sandra Guido	MOE asked if Kingston Solar LP had met with the local municipality in March to discuss Project and whether the community session was held.	Kingston Solar LP confirmed that two Technical Meetings with officials and representatives from Loyalist Township, City of Kingston, County of Lennox and Addington, Cataraqui Region Conservation Area, and MTO were held on Monday March 26, 2012 at 263 Main Street, Odessa, Ontario, K0H 2H0 at 2:00 and 7:00pm.  The Interim Community Sessions was held on April 17, 2012 at the Invista Centre in Kingston – poster boards presented at the session were attached.	24-Apr-12
Ministry of the Environment	4-Jul-12	Letter	Doris Dumais	MOE sent a letter acknowledging receipt of the Notice of Draft REA document release and the first Notice of the Final Open House.	No response required.	N/A