



Axio Power Canada Inc./
SunEdison Canada

Draft Water Body Records Review
Report

For

Welland Ridge Road
Solar Energy Project

H335467
Rev. E
October 13, 2011

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Project Report

October 13, 2011

**Axio Power Canada Inc./SunEdison Canada
Welland Ridge Road - Solar Energy Project****Draft Water Body Records Review Report
Table of Contents****Report Disclaimer**

1. Introduction	1
1.1 Project Description	1
1.2 Renewable Energy Approval Legislative Requirements	1
1.3 Purpose of Report	1
2. Methodology and Results	2
2.1 Ministry of Natural Resources Records	2
2.1.1 Methodology.....	2
2.1.2 Results.....	3
2.2 Ministry of the Environment.....	3
2.2.1 Methodology.....	3
2.2.2 Results.....	3
2.3 Ontario Ministry of Agriculture, Food and Rural Affairs Records.....	4
2.3.1 Methodology.....	4
2.3.2 Results.....	4
2.4 Federal Government Records.....	4
2.4.1 Methodology.....	4
2.4.2 Results.....	4
2.5 Conservation Authority Records.....	5
2.5.1 Methodology.....	5
2.5.2 Results.....	5
2.6 Municipal Records	5
2.6.1 Methodology.....	5
2.6.2 Results.....	5
3. Summary of Results and Next Steps	7
3.1 Summary of Results.....	7
3.2 Next Steps.....	7
4. References.....	9
Appendix A Ministry of Natural Resources, Guelph District Information	
Appendix B NPCA/Welland Information Request	

List of Tables

Number	Title
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Table 3.1	Summary of Records Review Determinations for the Welland Ridge solar Energy Project
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List of Figures

Number	Title
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Figure 3.1	Welland Ridge Road Solar Energy Project Water Body Features
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1. Introduction

1.1 Project Description

Axio Power Canada Inc./SunEdison Canada (hereinafter referred to as “Axio/SunEdison”) is proposing to develop a 10 megawatt (MW) solar photovoltaic project titled Welland Ridge Road Solar Energy Project (hereinafter referred to as the “Project”). The Project Location¹ is situated on approximately 38 hectares (ha) of land on Part of Lots 14 and 15, Concession 7, City of Welland (lower tier municipality), Regional Municipality of Niagara (upper tier municipality).

1.2 Renewable Energy Approval Legislative Requirements

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

As per the REA Regulation (Part II, Section 4), ground-mounted solar facilities with a nameplate capacity greater than (>) 10 kilowatts (kW) are classified as Class 3 solar facilities and require an REA.

1.3 Purpose of Report

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

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

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

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

2. Methodology and Results

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

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

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

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

Records related to water body features that are within a minimum distance of 1 km from the Project Location were reviewed. This included records from the Ministry of Natural Resources, Ministry of Environment, Ontario Ministry of Agriculture, Food and Rural Affairs, Federal Government, Niagara Peninsula Conservation Authority and the City of Welland. The results are discussed below in relation to the distances specified between the Project and water body features, as identified in Section 30 of the REA Regulation (Section 1.3).

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

2.1 Ministry of Natural Resources Records

2.1.1 Methodology

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

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

- MNR Guelph District Local Records

2.1.2 Results

OBM mapping did not identify any watercourses within 120 m of the Project Location. However, the mapping did identify three ponds on the Project Location and three ponds within 120 m of the Project Location. A site investigation will be required to verify the presence of these water body features and determine if they meet the definition of a water body according to the REA Regulation.

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

- Three presumably manmade ponds located along the north and west boundaries of the Project Location
- Three presumably manmade ponds located within the 120 m setback, approximately 115 m northwest, 20 m north and 50 m southeast of the Project Location
- A rectangular shaped pond or small lake feature southeast of the Project Location, beyond the 120 m setback
- A watercourse tributary of Lyons Creek about 170 m southwest of the Project Location
- Several watercourse tributaries of Lyons Creek north of the Project, the closest of which is about 380 m north of the Project Location
- An oval shaped pond about 570 m southwest of the Project Location
- Lyons Creek about 650 m northwest of the Project Location
- Lyons Creek Drain about 930 m southwest of the Project Location

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

A request for information on water body features within 1 km of the Project Location was sent by way of email to the MNR Guelph District, dated April 11, 2011. The MNR provided a response (dated April 14, 2011) which only included a discussion on Lake Trout Lakes; no comments were provided for other water body features. The MNR did not identify any Lake Trout Lakes within 300 m of the Project Location (Appendix A).

2.2 Ministry of the Environment

2.2.1 Methodology

A request for information related to water body features within a minimum distance of 1 km was sent to the Ministry of the Environment (MOE) by way of email dated April 15, 2011.

2.2.2 Results

The MOE has not yet provided a response to the information request sent on April 15, 2011 (as of the date shown on this report). This section will be updated once this information is received.

2.3 Ontario Ministry of Agriculture, Food and Rural Affairs Records

2.3.1 Methodology

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

- rural drainage mapping (http://www.lio.ontario.ca/imf-ows/imf.jsp?site=ads_en)

2.3.2 Results

The OMAFRA rural drainage mapping did not identify any constructed drains or agricultural tile drainage features on or within 120 m of the Project Location.

The OMAFRA mapping identified the following municipal drains within 1 km of the Project:

- Lyons Creek Drain, which is situated about 930 m southwest of the Project Location

The drain is classified as type F on the basis that it is intermittent and typically dry for more than two consecutive months. Other nearby water features illustrated on the rural drainage mapping (e.g. Lyons Creek and its tributaries) appeared the same as those depicted on the OBM maps.

2.4 Federal Government Records

2.4.1 Methodology

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

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

2.4.2 Results

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

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

The NRCAN topographic mapping did not identify any watercourses on the Project Location, nor any of the small (manmade) ponds on the Project Location. The NRCAN mapping did identify the rectangular pond situated southeast and within 120 m of the Project Location as identified by the OBM mapping (Section 2.1.2). Other nearby water features illustrated on the NRCAN mapping (e.g. Lyons Creek) appeared similar to those depicted on the OBM maps.

2.5 Conservation Authority Records

2.5.1 Methodology

Information provided on the Niagara Peninsula Conservation Authority (NPCA) website (<http://www.npca.ca/>) was reviewed for any records regarding water features on or adjacent to the Project Location. In addition, NPCA's GIS mapping which is hosted on-line in co-operation with the Region of Niagara was reviewed at: <http://navigator.yourniagara.ca/navigator/#http://navigator.yourniagara.ca/navigator/>.

A copy of the draft Project Description Report (PDR) was provided to the NPCA for review as part of the initial Notice of the Project. Follow-up contacts were made with NPCA to obtain any relevant studies, information and/or GIS mapping data identifying their Regulated Areas as well as any specific mapping of flood and erosion hazards associated with water features on or adjacent to the Project.

2.5.2 Results

No additional or different information regarding specific water body features as depicted on the OBM maps was found on NPCA's website.

The GIS mapping data provided by NPCA did not identify any Regulated Areas within 120 m of the Project Location.

2.6 Municipal Records

2.6.1 Methodology

Information provided on the City of Welland's website and the Region of Niagara's website was reviewed to determine if any records regarding water body features on or adjacent to the Project were available.

A copy of the draft Project Description Report was provided to the City of Welland for review in advance of a Project start-up meeting that was held on June 18, 2010. Staff members from the municipality attended the meeting and provided general information comments on the relevant water body features as well as natural heritage features.

Where required, follow-up contacts were made with the municipalities to obtain any relevant studies, information and/or GIS mapping data related to water body features and natural heritage features on or adjacent to the Project Location.

2.6.2 Results

City of Welland

Review of the City of Welland Official Plan (2010) (<http://www.welland.ca/Development/OPA.asp>) Schedule B (Land Use) and Schedule C1 (Natural Heritage Components) did not identify any watercourses on or within 120 m of the Project Location. Other nearby water features illustrated on the Schedules (e.g. Lyons Creek) appeared similar to those depicted on the OBM maps. Review of Schedule C2 (Flood Hazards) identified Flood Hazard mapping along Lyons Creek, but nothing within 120 m of the Project Location.

Regional Municipality of Niagara

A review of the Regional Niagara Policy Plan (Regional Municipality of Niagara, 2007) Core Natural Heritage Map did not identify any water body features on or within 120 m of the Project Location. However, there are tributaries of Lyons Creek within 1 km of the Project Location. These tributaries are also identified as fish habitat on the Core Natural Heritage Map.

3. Summary of Results and Next Steps

3.1 Summary of Results

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

Table 3.1 Summary of Records Review Determinations for the Welland Ridge solar Energy Project

Determination to be Made	Yes/No	Description
Is the Project Location in a water body?	Yes	The OBM mapping shows three ponds on the Project Location. The presence of these ponds will be confirmed during the site investigation and a determination will be made on whether they meet the definition of a water body according to the REA Regulation.
Is the Project Location within 120 m of the average annual high water mark of a lake, other than a lake trout lake that is at or above development capacity?	Yes	The OBM mapping shows three ponds/small lake features approximately 115 m northwest, 20 m north and 50 m southeast of the Project Location. The presence of these ponds will be confirmed during the site investigation, and a determination will be made on whether they meet the definition of a water body according to the REA Regulation.
Is the Project Location within 300 m of the average annual high water mark of a lake trout lake that is at or above development capacity?	No	No lake trout lakes were identified within the vicinity of the Project Location.
Is the Project Location within 120 m of the average annual high water mark of a permanent or intermittent stream?	No	No permanent or intermittent streams were identified on or within 120 m of the Project Location.
Is the Project Location within 120 m of a seepage area?	No	No seepage areas were identified on or within 120 m of the Project Location.

Therefore, based on the information sources reviewed in this report, a site investigation is required to verify the water body features identified on and within 120 m of the Project Location.

3.2 Next Steps

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

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

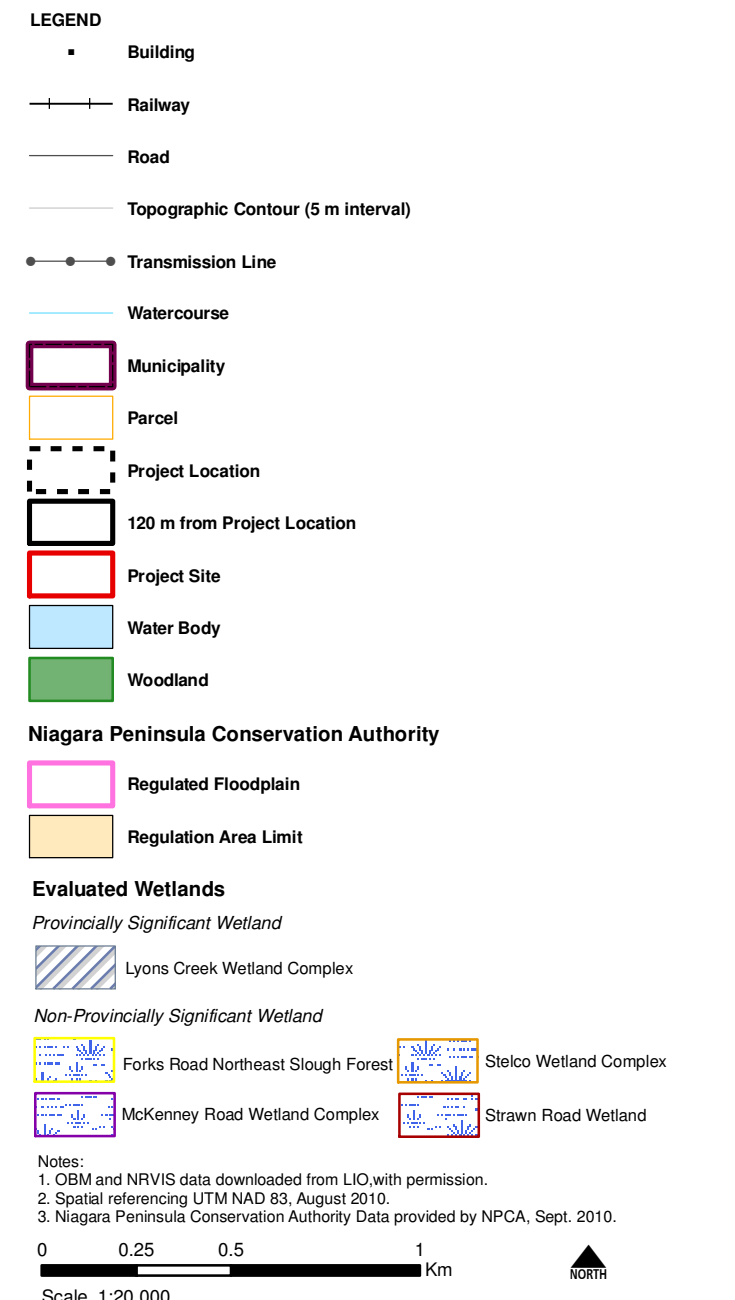
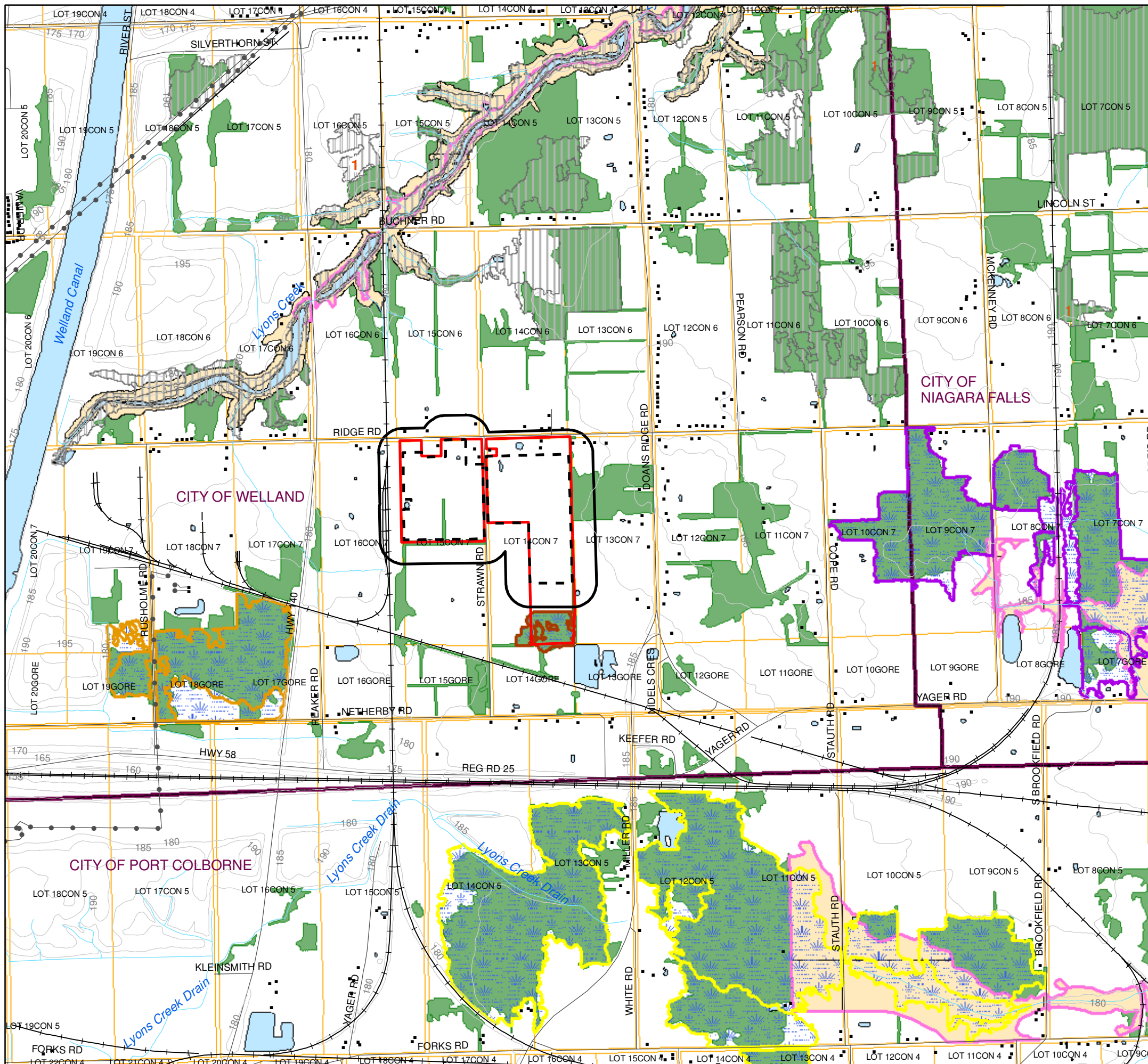


Figure 3.1
Axiom Power Canada Inc./SunEdison Canada
**Welland Ridge Road
Water Body Features**



4. References

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Regional Municipality of Niagara. 2007. Regional Niagara Policy Plan. Available online at <http://www.niagararegion.ca/living/icp/policy-plan.aspx>. Accessed August 3, 2010.

Appendix A

Ministry of Natural Resources, Guelph District Information

Esraelian, Martine

Subject: FW: Information Request Welland Ridge Road Solar - Axcio
Attachments: Strawn Rd_Wetland09_final_ay.pdf; Inland Ontario Lakes Designated for Lake Trout Management.pdf

From: Nix, April (MNR) [mailto:April.Nix@ontario.ca]
Sent: Thursday, April 14, 2011 3:23 PM
To: Esraelian, Martine
Cc: Harkins, Erin (MNR); Beriault, Karine (MNR); Yagi, Anne (MNR)
Subject: RE: Information Request Welland Ridge Road Solar - Axcio

Martine,

Information relating to the NHA and requirements under O. Reg 359/09

With respect to wetlands, I have attached a copy of the evaluation for the non-provincially significant (regionally significant) Strawn Road Wetland complex. This may assist in characterizing the wetland feature within the records review and site investigation, as based on your e-mail, it sounds like the project location is within this feature. However, the NHA submission that the Ministry reviewed previously indicated that the project was not proposed within this wetland. This must be clarified in the revised NHA.

Further if wetland boundary revisions are proposed, or additional features identified through the site investigation should be added to the existing complex, this should be provided to the MNR within the NHA for review. If Hatch staff have questions regarding the attached wetland evaluation or any proposed wetland boundary modifications please contact Anne Yagi, Management Biologist for the Niagara Area. Anne can be reached at: anne.yagi@ontario.ca, (905) 562-1196.

There are also a number of woodland features associated with the project; these appear to range from small hedgerow features to larger woodland communities up to roughly 10 hectares in size. At least one of the woodland communities has also been identified as a candidate deer congregation (winter) area, as noted/identified in the NHA Ministry staff commented on. If you have questions regarding information and/or criteria that should be used to evaluate this habitat please contact Anne for more information.

Ministry staff also recommend using other sources of information to enhance the records review and information available about natural features within 120m of the project location. The NPCA has completed a Natural Areas Inventory (<http://www.npca.ca/water-management/water-planning/natural-areas-inventory.htm>) which may assist in providing additional information relating to wildlife habitats, including information regarding species of conservation concern such as rare and declining species and vegetation types within Niagara. You may also want to consult with other local naturalist groups/clubs or review other studies for the area (i.e. Christmas Bird Counts) to obtain more information to assist with identifying candidate significant wildlife habitats.

Information relating to the Water Assessment/ Water Bodies Report (Section 29 - 31 of O. Reg 359/09)

Please note that this information is provided solely for the purposes of MOE's Water Assessment/ Water Bodies Report as required under O. Reg 359/09 and is not to be included within the NHA.

There are no Lake Trout Lakes within 300m of the project location. Only those lakes listed in the *Inland Ontario Lakes Designated for Lake Trout Management, May 2006* (as amended and revised from time to time) are considered Lake Trout Lakes for the purpose of the regulation (see document attached).

Information Relating to MNR APRD Requirements

Please note that information pertaining to species listed as threatened or endangered under Ontario's Endangered Species Act are not to be included within an NHA. This information should be included within the report(s) developed to address APRD requirement that are provided separately to MNR. As Hatch has just submitted an APRD report on April 12, 2011, Ministry staff have not yet had an opportunity to review this report and will provide separate comments/ feedback at a later date.

If you have any questions or wish to discuss please let me know.

April

April Nix
Renewable Energy Planning Ecologist
Ministry of Natural Resources, Guelph District
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email: april.nix@ontario.ca

Appendix B

NPCA/Welland Information Request

From: Holmes, Paul
Sent: Thursday, October 07, 2010 3:14 PM
To: Earl, Lindsay; Miller, Steve
Cc: Bennett, Bruce; Ashley, Paul
Subject: RE: Axio Power Canada Inc - Welland Ridge Road Solar Project - REA Start-up Consultation - REA Project Description Report & Meeting Minutes

Hi Lindsay

Thanks for providing the information, we are currently in the process of preparing our records review, site investigation and evaluation of significance reports for the Project site and will call you if we have any questions.

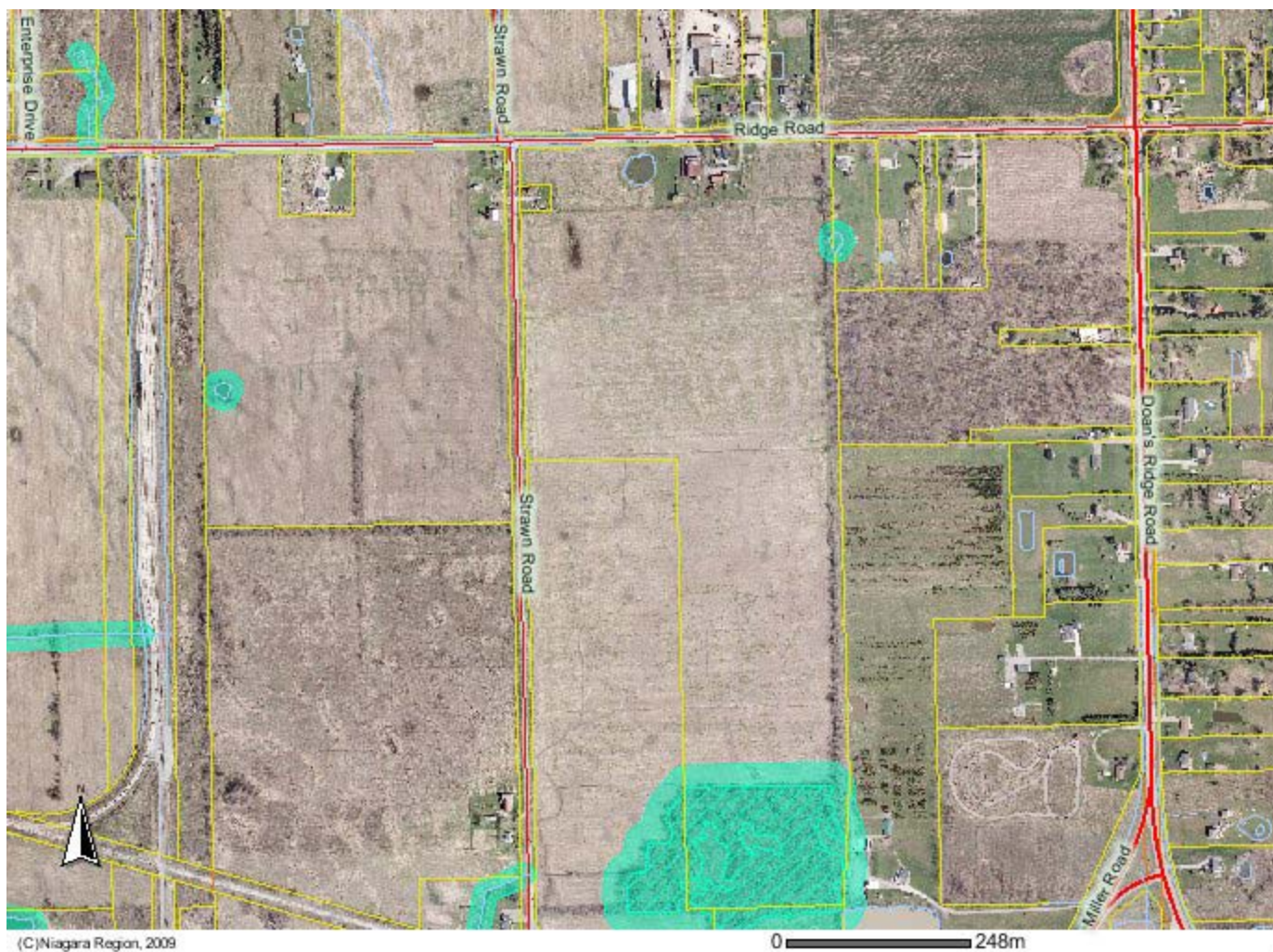
Paul D. Holmes, P. Eng.
Environmental Coordinator
Hatch Ltd.
1235 North Service Road West
Oakville, Ontario, L6M 2W2
Tel: Direct: 905-465-4906
Fax: 905-469-3404
Email: pholmes@hatch.ca

From: Earl, Lindsay [<mailto:learl@npca.ca>]
Sent: Thursday, October 07, 2010 3:09 PM
To: Holmes, Paul
Cc: Miller, Steve
Subject: RE: Axio Power Canada Inc - Welland Ridge Road Solar Project - REA Start-up Consultation - REA Project Description Report & Meeting Minutes

Hi Paul,

Steve has forwarded your inquiry to me as I am the planner responsible for the City of Welland. I took a look at the preliminary information that was sent with the e-mail and note that the only lands that are regulated by the Authority are the Non-Provincially Significant Wetlands (Strawn Road Wetland) located at the southerly portion of the subject property, which was already identified in your report.

I've attached a copy of the Authority's mapping for your convenience. Our Regulations do not permit any new development or site alteration (including the placement of fill, grading or vegetation removal) within a wetland or within 30 metres measured from the edge of the wetland.



The Authority also notes that the Region's Core Natural Heritage Mapping identifies the treed area in the north-east corner (adjacent lands) as a Significant Woodland (Environmental Conservation Area) based on its size and therefore its interior habitat.

Trusting this information is satisfactory (as this is all the natural heritage information available for the subject lands). Feel free to contact our office if you have any further questions in this matter.

Lindsay Earl BA, MES
Watershed Planner
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Website: www.npca.ca



Please consider the environment before printing this email note

From: Holmes, Paul [mailto:PHolmes@hatch.ca]
Sent: Thursday, August 26, 2010 5:22 PM
To: Miller, Steve
Cc: Robert Miller; Nicola Doss; Bennett, Bruce; 335467-Axio; jkiwala@axiopower.com
Subject: Axio Power Canada Inc - Welland Ridge Road Solar Project - REA Start-up Consultation - REA Project Description Report & Meeting Minutes

Hi Steve

As per our phone discussion today, Hatch Ltd. has been retained to provide Renewable Energy Approval (REA) assistance to Axio Power for their proposed Welland Ridge Road Solar Project located in the City of Welland. I have provided Rob Miller's (Axio) contact info below.

Attached is a copy of the draft Project Description Report that provides some background information regarding the project. In addition, I have included a copy of the meeting minutes that were prepared following our June 18 meeting with Don Thorpe at the City. Currently, we are expecting the first formal Notice of the project to be issued in the next two weeks, with a public meeting (open house) planned in early October.

We would appreciate receiving any initial comments and advice NPCA may have regarding possible regulatory requirements and/or concerns regarding the project, including any background studies and GIS information relevant to any natural heritage features (Woodland, wetlands, ANSIs, etc.), watercourses, flood plain mapping, natural hazard and Regulated Area mapping on or in proximity to the site. Please let me know what arrangements are necessary to obtain this data.

Following your review of the PDR, please give me a call to discuss the project further. If you like, we would be more than happy to arrange a teleconference with yourselves and Axio Power to discuss the project in detail with you.

Paul D. Holmes, P. Eng.
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