

CanREA Submission in Response to MNR ERO Policy Proposal 025-1078

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Natural Resources Regulatory and Permit Reform Initiative:

Proposing Changes to Streamline Certain Approvals under the Public Lands Act

The Canadian Renewable Energy Association (CanREA) is the leading national industry association advocating for wind energy, solar energy, energy storage and behind-the-meter solar & storage solutions in support of a reliable, affordable, and non-emitting electricity system.

CanREA's network of about 350 companies represent all parts of the value chain to develop and operate wind, solar and energy storage technologies across Canada.

General Comments

CanREA is in general support of the proposal for MNR to establish and implement a registry model for certain low risk activities and occupations of land administered under the *Public Lands Act* (PLA).

Such initiatives associated with pre-development assessment and development of renewable energy projects will help the sector deliver on much needed energy supply for Ontario, while ensuring that potential environmental and social impacts and effects are minimized, monitored and addressed.

CanREA is in agreement that subject to certain reasonable conditions and their interpretation by ministry field staff during implementation, that the four activities proposed for the new registration approach (e.g. mobile wind testing equipment, equipment for geotechnical and hydrogeological investigations, environmental monitoring equipment and short-term bridges) are suitable and appropriate, but that additional activities could benefit from this new regulatory regime.

CanREA does not have a specific perspective on the proposal to clarify the definition of “*shore lands*” for purposes of administration of the PLA, other than to support all government efforts to better clarify and define regulatory requirements, as regulatory ambiguity and uncertainty do not benefit any sector or user group.

Regarding this and related government proposals to streamline and improve regulatory approval for renewable energy projects, time is of the essence given concurrent energy procurement programs underway by Ontario’s Independent Electricity System Operator (IESO), as well as considerations associated with repowering existing renewable energy assets and the opportunity for direct clean energy supply arrangements with industrial users.

For example, it is anticipated that the IESO will award numerous energy procurement contracts in April 2026 via the first round of its Long Term 2 RFP, and that many of these projects may be located on public lands.

Specific Recommendations

Mobile Wind Testing Equipment

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- CanREA supports inclusion of mobile wind testing equipment in the new PLA registration regulatory regime and we are generally in agreement with the proposed conditions.
- We caution that the proposed 100 m² maximum area of occupation may be too small for some situations due to the need for on-site solar panels and battery back ups to power the equipment. While most mobile LiDAR installations may be situated within the proposed 100 square metre envelope, if the testing site is located in harsher weather conditions and/or experiences large amounts of snow such as most of northern Ontario, a back up generator and battery may need to be located inside a second enclosed trailer, requiring a total footprint closer to 200 square metres.
- As an alternative, it is worthwhile for the Ministry to reconsider whether a legally prescriptive approach to area definition is even required, versus relying on a common sense definition of what constitutes industry norms associated with mobile wind testing equipment. CanREA notes that many of the occupations detailed in PLA O.Reg 161/17 (including recreational trailers), do not have an area limitation defined in regulation, so we question why such a limitation would be considered necessary for mobile wind testing equipment.
- If additional conditions on the placement and occupation of public lands for this equipment are contemplated by MNR, or if changes to the proposed conditions are being considered, CanREA requests that MNR engage with CanREA prior to finalization of the proposed regulatory amendments.

Geotechnical and Hydrogeological Investigations

- CanREA supports inclusion of geotechnical and hydrogeological investigations in the new PLA registration regulatory regime and we are generally in agreement with the proposed conditions.
- Specific to borehole testing in bedrock, it would appear that the proposed limitation for the borehole diameter to not exceed 122.6 millimetres (equivalent to PQ drill bit size) is satisfactory to our sector. But if an auger borehole is being used in non bedrock conditions to collect soils data, then the proposed diameter is too small. As such, the proposed conditions should be amended to reflect this need. Additional clarity should be provided that multiple boreholes are permitted.
- As an alternative and at the risk of any borehole being slightly larger and therefore requiring a permit and possible Land Use Permit, we submit it would be better for the Ministry to simply not legally prescribe the size of a borehole and instead rely on either the common sense norm definition of what is borehole testing and/or simply refer to industry best practices. Defining in law the size of a borehole seems overly prescriptive and unnecessary.

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- Specific to test pits/trenching, the size of the area and proposed remedial measures are satisfactory on the assumption that multiple test pits/trenches can be utilized for the same project.
- CanREA is however concerned about how MNR field staff may misinterpret the proposed condition that geotechnical and hydrogeological investigations “*Must be overseen by a qualified person, which could be defined as a professional geoscientist as described in the Professional Geoscientists Act, a hydrogeologist or an engineer.*” Based on feedback from our members, while the actual project design and review of results may be undertaken by these professionals, said professionals will not necessarily be on site during the actual work. The work may be supervised by a technician, construction foreman or engineer-in-training, which should be satisfactory for satisfying this proposed condition. Otherwise this proposed condition becomes an unnecessary financial, scheduling and logistical burden.
- CanREA recommends that MNR provides greater clarity regarding the definition of “*cultural artifacts*” and to engage CanREA and other sectors in advance prior to the finalization of this matter in the proposed regulation. CanREA is of the mind that such activities represent a very low risk of encountering cultural heritage resources and that on site oversight by a licenced archaeologist is not required and would be an unnecessary financial, scheduling and logistical burden.
- If additional conditions on the use and occupation of public lands for these investigations are contemplated by MNR, or if changes to the proposed conditions are being considered, CanREA requests that MNR engage with CanREA prior to finalization of the proposed regulatory amendments.

Environmental Monitoring Equipment

- CanREA supports inclusion of environmental monitoring equipment in the new PLA registration regulatory regime and we are generally in agreement with the proposed conditions.
- We recommend that MNR engage with the environmental consulting community to assess whether the range of equipment listed in the policy proposal is extensive and descriptive enough and whether the proposed conditions are appropriate, relative to the minor environmental and social risks and impacts associated with this equipment.
- If additional conditions on the placement and occupation of public lands for this equipment are contemplated by MNR, or if changes to the proposed conditions are being considered, CanREA requests that MNR engage with CanREA prior to finalization of the proposed regulatory amendments.

Short-term Bridges

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- CanREA supports inclusion of short-term bridges in the new PLA registration regulatory regime and we are generally in agreement with the proposed conditions.
- We recommend that MNR engage with the engineering and environmental consulting community to assess whether the type of bridge listed in the policy proposal is sufficient and descriptive enough to support ready access to public lands in a cost effective and environmentally friendly manner and whether the proposed conditions are appropriate, relative to the minor environmental and social risks and impacts associated with this infrastructure.
- If additional conditions on the placement and occupation of public lands for these types of bridges are contemplated by MNR, or if changes to the proposed conditions are being considered, CanREA requests that MNR engage with CanREA prior to finalization of the proposed regulatory amendments.

General Conditions

- CanREA has reviewed and generally has no concerns with the proposed general conditions of approvals for the noted activities, equipment and occupation of public lands.
- We note however that one proposed condition states that *“No new occupations under O. Reg. 161/17 would be allowed on public lands subject to a contract between the proponent and the Independent Electricity System Operator”*. While this proposed condition may be well intended by MNR, there is some opportunity for misinterpretation as to its implementation. Example questions and considerations for MNR:
 - Can we assume that the IESO contract proponent will be able to make use of the proposed PLA registration regime?
 - What will be the geographic extent of this condition – will it be the shape file associated with the *Crown Land Site Report*, the mapping of lands being treated by MNR and the Ministry of Energy and Mines as a *“pending public lands disposition”* or other?
 - How will other parties know where these areas are located?
 - What if the IESO contract proponent is not opposed to another party seeking a registration within a broad project area?
- If additional general conditions on the placement and occupation of public lands for these activities and equipment are contemplated by MNR, or if changes to the proposed conditions are being considered, CanREA requests that MNR engage with CanREA prior to finalization of the proposed regulatory amendments.

Other

- CanREA recommends that the list of activities suitable for this proposed registration model be expanded to include meteorological towers critical for wind resource assessment, subject to conditions to minimize their environmental and social impacts. These towers are

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temporary, can be built and maintained with minimal environmental impact and pose no risk or harm to other users of public lands.

- As the Ministry develops the proposed online registry technology, we encourage MNR to test the technology before implementation. CanREA would be pleased to nominate members to work with MNR on a beta version of the technology to ensure that the registry technology meets the needs of the sector and is of benefit to all prior to implementation.

In closing, thank you for the opportunity to provide comments and recommendations on this promising opportunity for regulatory reform that will benefit many sectors of the economy, including the renewable energy sector. We appreciate the initiative of the Ministry in bringing forth this proposal and we encourage MNR to complete consultation as soon as possible, so that the new regulatory regime can be implemented as soon as possible to help Ontario achieve its growing energy needs.

Finally, CanREA and its members remain available to meet with the Ministry to either speak further to the above comments or to provide advice on any additional changes to this proposal that the Ministry may be contemplating as a result of the current consultation and Indigenous engagement.