

CanREA Submission in Response to MNR ERO Policy Proposal 025-1145

Submission in Response to MNR ERO Policy Proposal 025-1145 Natural Resources Regulatory and Permit Reform Initiative: Proposing Changes to the Renewable Energy on Crown Land Policy

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.

Crown lands in Ontario administered under the *Public Lands Act* (PLA) are of tremendous importance and value to CanREA members, given the significant opportunity to develop additional clean energy projects and associated infrastructure on these lands. In doing so, CanREA members work with local municipalities, stakeholders and Indigenous communities and partners to address Ontario's needs for a reliable and growing electricity supply.

CanREA members have of late been very active in considering projects on Crown lands as part of the Long Term 2 RFP procurement program of Ontario's Independent Electricity System Operator (IESO), with the first round of procurement contracts anticipated to be awarded in April 2026.

As referenced in the Policy,

Renewable energy plays an important role in Ontario's energy supply mix. It provides benefits at the local and provincial levels by creating economic opportunities for investment, manufacturing and resource development. It also supplements fossil fuel-based forms of energy production that contribute to climate change and poor air quality.

Ontario's public lands have long played an important role in helping to support the province's energy needs.

For this reason, CanREA is pleased to enjoy a close working relationship with the Ministry of Natural Resources (MNR) and that so many CanREA members regularly engage and collaborate with MNR's field offices through existing and proposed clean energy projects that are important to Ontario's growing electricity demands.

General Comments

CanREA is in general support of the proposed Policy that continues to contain the following key direction since its inception in 2014:

- Recognition that Crown lands will be made available to support the Province's energy needs and support provincial energy plans.
- Access to Crown lands needs to consider existing uses and occupations of the lands, First Nation land claims, regulatory permitting, as well as Duty to Consult obligations associated with Indigenous and treaty rights.

CanREA Submission in Response to MNR ERO Policy Proposal 025-1145

- Processes will be put in place to enable the disposition of Crown land and issuance of occupational authority.
- The Ministry encourages Indigenous community economic benefits from renewable energy development.

CanREA believes that it is important for the Ministry to have such a policy that articulates key policy, program and permitting direction to the energy sector, as well as the general public, stakeholders and Indigenous communities.

Clarity of policy and procedural direction on access to Crown land is of critical importance to investment confidence, given the scale of the clean energy projects needed to support Ontario's growing electricity demands.

CanREA is in favour of the Ministry proposal to rescind and replace the outdated MNR *Renewable Energy Project Approval and Permitting Document (APRD)* with procedural guidance, subject to direct pre-engagement with CanREA on matters associated with this procedural guidance prior to its approval. We also recommend that the procedural guidance:

- Make use of best management practices and lessons learned with previous renewable energy permitting;
- Look to increased reliance on attestation and registry models versus permitting for low-risk activities and occupations of public lands;
- Seek to streamline unnecessary regulatory permitting and avoid duplication between government ministries and agencies for matters associated with information needs, consultation and monitoring; and
- Recognize that existing renewable energy projects on Crown land have been positive tenants of Crown land, playing both important roles in local communities, fostering Indigenous community benefits and paying significant rents and royalties to the Province.

Specific Recommendations

1.1 Definitions

- CanREA suggests that the technologies proposed to be in scope of the Policy are too limited and are still tied to the technologies that were common in Ontario when the Policy was first developed in 2014.
- As such, CanREA recommends that the Policy scope be expanded to explicitly include "energy storage" in recognition of the increasingly important role that energy storage technologies play in Ontario's energy mix, capacity and reliability.
- It is of critical importance that the Ministry provide policy and procedural support to the "site release" of Crown land for energy storage, either by incorporation in this Policy or through the release of comparable separate policy and procedural direction.

CanREA Submission in Response to MNR ERO Policy Proposal 025-1145

2.1 Occupational Authority

- While the draft Policy proposal lists land use permits, licences of occupation, leases and easements as standard forms of Crown land occupational authority for renewable energy projects and their infrastructure, CanREA recommends that the Policy be amended to identify that outright purchase of Crown lands is also an option and may in some cases be a preferred option for some technologies and locations.
- In support of this recommendation, CanREA notes that the Ministry recently amended its PLA PL 6.01.02 *Crown Land Rental Policy* (Table A) <https://www.ontario.ca/page/crown-land-rental-policy> to specifically provide for a “lease to purchase” option for various energy project types and associated infrastructure.

3.1 Land Use Planning

- CanREA notes that the proposed Policy amendments apparently serve to significantly reduce the Policy’s reference and commitment to Crown land use planning per Section 12 of the PLA as a valuable tool for considering the important role that renewable energy development can play in serving Ontario.
- We note that via the Ministry’s concurrent ERO policy proposal 025-1141 <https://ero.ontario.ca/notice/025-1141> , MNR is committing to reinvest in its Crown land use planning efforts and to ensure that land use plans are kept current and robust. Accordingly, CanREA recommends that the below existing Crown land use planning reference be retained in the final Policy:

When the Ministry is undertaking Crown land use planning, consideration will be given to the province’s energy plans, programs and goals, and to the suitability of Crown lands for renewable energy development to support provincial energy plans and priorities.

Crown land use planning activities and documents represent an important opportunity to establish landscape and site level land use considerations and decisions about the suitability of Crown land for potential renewable energy development, as well as considerations of the impacts of renewable energy development upon the broader provincial land and water base.

4.1 Provincial Energy Needs

- CanREA is pleased to note that the Ministry is proposing to expand the range and types of energy development and procurement to which access to Crown land may be granted, beyond just IESO-led provincial energy procurement programs. We support this proposed Policy amendment.
- There are however a number of existing renewable energy projects on Crown land that are both excellent tenants of those lands and contributing to Ontario’s energy needs.

CanREA Submission in Response to MNR ERO Policy Proposal 025-1145

- Therefore, while most of this Policy is focused on access to Crown land for new energy development, CanREA recommends that this Section be amended to formally recognize the important role that “repowering” can play in helping to meet Ontario’s energy needs and a commitment to enable existing projects to retain access to their lands, redevelop or expand as required and obtain renewed occupational authority, much like the waterpower sector has enjoyed for many years through waterpower lease renewals.

4.2 Environmental Considerations

- Consistent with CanREA’s recommendations for Section 1.1 regarding the need to expand the scope of the Policy, this section should be amended to make reference to the regulatory regimes associated with energy storage projects (e.g. *Environmental Assessment Act*, *Environmental Activity and Sector Registry*, environmental screening, etc.).

5.2 Indigenous Community Economic Benefits

- As noted in this submission, CanREA supports the Policy objectives associated with encouraging Indigenous community economic benefits and relying on provincial energy programs and decision making to deliver this important objective.
- While we appreciate the Policy clarity that Duty to Consult obligations are “*separate from the policy objective to encourage Indigenous community economic benefits*”, additional Policy or procedural guidance is required to provide sector investment confidence that the Ministry will rely on IESO procurement decision making to enable this policy objective, versus the Ministry employing a separate and/or subsequent decision-making criteria as to which communities should benefit and how the benefit would be achieved.

6.1 Application Submission

- While CanREA supports the Policy reference that encourages clean energy development proponents to make use of all available information regarding the suitability of Crown lands for development, CanREA recommends that the Policy be further amended to include a statement to the effect of: “*the Ministry will make all information not otherwise confidential available to potential project proponents in a timely manner, and will meet with and support project proponents...*”.

6.2 Priority of Applications

- CanREA is in general support of the Ministry’s proposal to not accept competing energy development project proposals on the same Crown lands for which an energy procurement contract has been sought or awarded until a regulatory and disposition decision has been made for that project, but requests that MNR engage CanREA and its members in the development and implementation of operational guidance to effect this policy direction.
- CanREA is pleased that MNR and the Ministry of Energy and Mines will recognize formal applications for provincial energy procurement as “pending public lands dispositions” for

CanREA Submission in Response to MNR ERO Policy Proposal 025-1145

surface rights assigned through the PLA and Mining Act and that potentially conflicting additional dispositions will not be permitted.

- While this commitment to protect areas subject to energy development proposals is supported, CanREA recommends that that the same policy commitment be made to protect the surface rights for the required transmission lines and associated works, as this infrastructure is critically important to the siting and development of energy projects.