



December 19, 2025

SUBJECT: ERO Posting - 025-1145 - Natural Resources Regulatory and Permit Reform Initiative: Proposing changes to the Renewable Energy on Crown Land policy

As a company with direct experience in the development and operation of renewable energy projects, including solar, wind, and waterpower, Kruger Energy LP is pleased to have the opportunity to provide input and advice on the proposed changes to the Renewable Energy on Crown Land policy. Kruger Energy supports the proposal's intent to align Crown land access with provincial energy planning and procurement processes, as this clarity is essential for investment confidence and timely project development given the scale of the clean energy projects needed to support Ontario's growing electricity demands.

As members of the Ontario Waterpower Association and the Canadian Renewable Energy Association, Kruger Energy supports and echoes the comments submitted by those organizations in response to this ERO posting. In particular we would like to highlight the following recommended improvements:

1. Explicitly recognize Indigenous equity partnerships as satisfying the policy objective

Section 5.2 of the draft indicates that "Where the Ministry deems that the decision-making criteria in a provincial energy procurement process meets the Indigenous community economic development objectives of this policy, the Ministry may rely on that provincial energy procurement process to implement this policy objective." This suggests that there could be another decision-making process beyond that which has already satisfied broader provincial objectives. It does not account for procurement mechanisms beyond "*provincial energy procurements*".

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.

Explicit recognition of Indigenous equity partnerships will ensure that projects developed in collaboration with Indigenous communities are not subject to duplicative or uncertain approval processes. For clear and consistent application across the province,

technologies and proponents, it is recommended that this section be amended as follows:

“Where a renewable energy project on Crown land is proposed by or in equity partnership with an Indigenous Community in whose traditional territory the project is located, the project is deemed to have satisfied the Indigenous Community economic benefit objectives of this policy”

2. Recognize procurement mechanisms beyond the IESO

While the draft does recognize that there may be mechanisms other than a provincial energy procurement agency (IESO), including rate-regulated development and bilateral contracts, there appears to be no explicit process equivalent to that detailed in Section 6.2 regarding the “priority of applications” process (e.g. The Ministry will not accept any other application for another renewable energy development on the same public lands).

Recognizing that rate regulated and bilaterally contracted development project proposals in particular are extremely likely in the immediate to near term, then policy must include an equivalent process for recognizing such developments.


3. Identify that outright purchase of Crown lands is also an option for 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, we recommend 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.

4. Protect surface rights for transmission lines and associated works.

While this commitment to protect areas subject to energy development proposals is supported, we recommend 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.

Thank you for the opportunity to provide comments.



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