



December 17, 2025

SUBJECT: ERO Posting - 025-1078 - Natural Resources Regulatory and Permit Reform Initiative: Proposing changes to streamline certain approvals under the Public Lands Act

The Ontario Waterpower Association is pleased to have the opportunity to provide input and advice on the proposed changes to streamline certain approvals under the Public Lands Act. Our organization is supportive of the general intent of the proposed amendments to regulations under the Public Lands Act, including O. Reg. 161/17, to enable certain low-risk occupations of public lands without requiring written, site-specific authorizations provided that all conditions set out in regulation are met, including mandatory registration.

Our recommended improvements are as follows:

1. Reduce the specificity of proposed requirements in regulation (Equipment for geotechnical and hydrogeological investigations)

While we understand and appreciate the link between a proponent's ability to register an eligible activity without review (i.e. Permit by Rule) and the articulation of associated requirements in regulation, we are concerned with respect to the proposed specificity, in some instances, of regulatory provisions (e.g. borehole diameter, immediate removal of drill casings, cap and seal boreholes, discovery of cultural artifacts, etc). A more reasonable and adaptable approach would be to prescribe in regulation the requirement for a proponent to have a mitigation plan in place, developed by a Qualified Person.

The OWA would be pleased to work with the Ministry to further explore this approach.

2. Explicitly include "hydroelectricity" in reference to "predevelopment monitoring equipment" (Environmental Monitoring Equipment)

The OWA strongly recommends that, to the extent that Crown land is involved, environmental monitoring equipment typically associated with hydroelectric predevelopment be included. Examples such as Hydrometric Monitoring (measuring water flow, levels, and discharge) and Aquatic Environment & Fish Monitoring (assessing the existing fish community) are of particular relevance. Consistent with our previous recommendation to limit specificity, the Regulation should simply reference (as outlined in the Discussion Paper)

"Environmental monitoring equipment includes equipment and devices used for the purposes of monitoring, research, or testing of soil, air, water (quantity and quality), flora or fauna."

3. Do not limit the practical application of the Regulation based on procurement (General Conditions)

The posting suggests that “the ministry is proposing to exclude public lands that are subject to an energy proponent’s contract with the IESO” from those public lands available for new occupations under O. Reg. 161/17. As noted in our submission to ERO Posting - 025-1145 - Natural Resources Regulatory and Permit Reform Initiative, there are a number of mechanisms by which new waterpower projects may be brought forward. Rate regulated and bilaterally contracted development project proposals in particular are extremely likely in the immediate to near term, and the proposed PLA regulatory and policy framework must also include an equivalent process for recognizing/excluding public lands for such developments.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'PN', with a long horizontal flourish extending to the right.

Paul Norris
President
Ontario Waterpower Association