



ABO Energy Canada Ltd.

#300-999 8 Street SW · Calgary · AB T2R 1J5 Canada

Subject: Submission of Feedback – ERO Notice 025-1145, ERO Notice 025-1078, and ERO Notice 025-1141

To Whom It May Concern,

Thank you for the opportunity to provide feedback on ERO Notice 025-1145, ERO Notice 025-1078, and ERO Notice 025-1141.

We appreciate the Province's engagement on this proposal and the opportunity for stakeholders to comment on potential policy and regulatory implications. As a proponent involved in the development of renewable energy projects in Ontario, we welcome efforts to provide clarity, consistency, and predictability in the regulatory framework governing project development.

Our interest in this proposal is informed by experience developing and advancing projects through early site screening, permitting, and stakeholder engagement. In particular, we are focused on how policy direction at this stage may influence project feasibility, timelines, investment certainty, and alignment with broader provincial objectives related to energy reliability, affordability, and emissions reduction.

The comments provided with this submission align with those of CanREA and are intended to be constructive and solutions-oriented, with the goal of supporting an effective framework that balances environmental protection, community interests, and the practical realities of project development. We believe early clarity and proportional requirements are critical to ensuring that responsible projects can be advanced efficiently while maintaining strong environmental and social outcomes.

We appreciate the opportunity to participate in this consultation and would welcome continued engagement as the proposal is refined.

Sincerely,

Beth Boyce, PM, P.Biol

ABO Energy Canada

ERO Notice 025-1145 Specific Recommendations

1.1 Definitions

ABO notes that the technologies proposed to be in scope of the Policy are overly limited and largely reflect the technologies that were prevalent in Ontario when the Policy was originally developed in 2014.

Accordingly, ABO recommends that the Policy scope be expanded to explicitly include energy storage, recognizing the increasingly critical role that energy storage technologies play in Ontario's energy mix, system capacity, and reliability.

In addition, it is essential that the Ministry provide clear policy and procedural support for the "site release" of Crown land for energy storage projects, either through inclusion within this Policy or through the issuance of comparable standalone policy and procedural guidance.

2.1 Occupational Authority

While the draft Policy identifies land use permits, licences of occupation, leases, and easements as standard forms of Crown land occupational authority for renewable energy projects and associated infrastructure, ABO recommends that the Policy be amended to explicitly recognize that outright purchase of Crown land is also an available option and may, in certain circumstances, be the preferred approach depending on the technology and location.

In support of this recommendation, ABO notes that the Ministry recently amended its PLA PL 6.01.02 Crown Land Rental Policy (Table A) to introduce a "lease-to-purchase" option for various energy project types and related infrastructure.

3.1 Land Use Planning

ABO notes that the proposed Policy amendments appear to significantly reduce references to, and reliance on, Crown land use planning under Section 12 of the Public Lands Act, despite its importance as a tool for considering the role renewable energy development can play in meeting Ontario's energy needs.

At the same time, through the Ministry's concurrent ERO proposal 025-1141, the Ministry is committing to reinvest in Crown land use planning and ensure plans remain current and robust. In this context, ABO recommends following CanREAs guidance on language in the final Policy.

4.1 Provincial Energy Needs

ABO is pleased that the Ministry is proposing to expand access to Crown land for a broader range of energy development and procurement pathways beyond IESO-led programs, and we support this proposed Policy amendment.

However, there are a few existing renewable energy projects currently operating on Crown land that are strong stewards of those lands and continue to make meaningful contributions to Ontario's energy system.

As such, while much of the Policy focuses on access to Crown land for new development, ABO agrees that this section be amended to explicitly recognize the important role of repowering in meeting provincial energy needs. The Policy should include a commitment to enabling existing projects to retain access to Crown land, redevelop or expand as needed, and obtain renewed occupational authority - like the long-standing approach applied to the waterpower sector through lease renewals.

4.2 Environmental Considerations

This section should be amended to explicitly reference the applicable regulatory regimes for energy storage projects, including, where applicable, the Environmental Assessment Act, Environmental Activity and Sector Registry, and relevant environmental screening requirements.

5.2 Indigenous Community Economic Benefits

As noted throughout this submission, ABO supports the Policy's objectives related to encouraging Indigenous community economic benefits and the use of provincial energy programs and procurement processes to deliver these outcomes.

While ABO appreciates the Policy clarification that Duty to Consult obligations are separate from the objective of encouraging Indigenous community economic benefits, additional policy or procedural guidance is needed to provide investor confidence that the Ministry will rely on IESO procurement decision-making to advance this objective, rather than applying separate or subsequent Ministry-led criteria regarding which communities should benefit or how benefits should be achieved.

6.1 Application Submission

While ABO supports the Policy's encouragement for clean energy proponents to use available information when assessing the suitability of Crown lands, we recommend following guidance on Policy language from CanREA.

6.2 Priority of Applications

ABO generally supports the Ministry's proposal to not accept competing energy development proposals on Crown land where an energy procurement contract has been sought or awarded, until regulatory and disposition decisions have been made. However, ABO requests that MNR engage with CanREA and its members in the development and implementation of operational guidance to support this policy direction.

ABO is also encouraged that MNR and the Ministry of Energy and Mines will recognize formal applications under provincial energy procurements as "pending public lands dispositions" for surface rights under the Public Lands Act and Mining Act, and that potentially conflicting dispositions will not be permitted.

While this commitment is supported, ABO recommends extending the same policy protection to the surface rights required for associated transmission lines and infrastructure, which are critical to the siting, development, and viability of energy projects.

ERO Notice 025-1078 Specific Recommendations

Mobile Wind Testing Equipment

ABO supports the inclusion of mobile wind testing equipment within the proposed PLA registration regulatory regime and is generally aligned with the proposed conditions.

ABO notes, however, that the proposed maximum area of occupation of 100 m² may be insufficient in certain circumstances. While most mobile LiDAR installations can typically be accommodated within this footprint, additional space may be required where on-site solar panels and battery backups are necessary to power the equipment. In harsher weather conditions, or in areas experiencing significant snowfall—such as much of northern Ontario—a backup generator and battery system may need to be housed in a second enclosed trailer, resulting in a total footprint closer to 200 m².

As an alternative approach, ABO recommends that the Ministry reconsider whether a legally prescriptive area limitation is required at all, rather than relying on a practical, common-sense understanding of industry norms for mobile wind testing equipment. ABO notes that many activities listed under PLA O. Reg. 161/17 (including recreational trailers) are not subject to defined area limitations, and questions why such a limitation would be necessary for mobile wind testing equipment.

If MNR is considering additional conditions related to the placement or occupation of public lands for this equipment, or amendments to the proposed conditions, ABO requests engagement with CanREA and its members prior to finalization of the regulatory amendments.

Geotechnical and Hydrogeological Investigations

ABO supports the inclusion of geotechnical and hydrogeological investigations within the proposed PLA registration regulatory regime and is generally supportive of the proposed conditions.

With respect to borehole testing in bedrock, ABO understands that the proposed maximum borehole diameter of 122.6 mm (equivalent to a PQ drill bit size) is appropriate. However, where auger boreholes are used in non-bedrock conditions to collect soil data, this diameter would be insufficient. ABO therefore recommends that the proposed conditions be amended to accommodate this distinction and that clarity be provided confirming that multiple boreholes are permitted for a single project.

Alternatively, and to avoid situations where marginally larger boreholes trigger permitting requirements such as a Land Use Permit, ABO recommends that the Ministry avoid prescribing borehole dimensions in regulation altogether. Instead, reliance on industry norms, best practices, or a functional definition of borehole testing would be more appropriate. Defining borehole size in regulation is overly prescriptive and unnecessary.

With respect to test pits and trenching, ABO finds the proposed area limitations and remediation requirements acceptable, provided that multiple test pits or trenches are permitted for a single project.

ABO does raise concern regarding potential misinterpretation of the proposed condition requiring investigations to be “overseen by a qualified person,” defined as a professional geoscientist, hydrogeologist, or engineer. While these professionals typically undertake project design and review of results, they are not always present on site during field work. In practice, on-site supervision is often conducted by technicians, construction forepersons, or engineers-in-training, which should be considered sufficient to satisfy this requirement. Without clarification, this condition could result in unnecessary financial, scheduling, and logistical burdens.

ABO also recommends that MNR provide greater clarity regarding the definition of “cultural artifacts.” ABO believes that geotechnical and hydrogeological investigations present a very low risk of encountering cultural heritage resources and that on-site oversight by a licensed archaeologist is not warranted. Such a requirement would impose disproportionate financial and logistical burdens. ABO requests engagement with relevant sectors prior to finalizing any related regulatory provisions.

If additional conditions related to these investigations are being contemplated, or if changes to the proposed conditions are under consideration, ABO requests engagement with CanREA and its members prior to finalization of the amendments.

Environmental Monitoring Equipment

ABO supports the inclusion of environmental monitoring equipment within the proposed PLA registration regulatory regime and is generally supportive of the proposed conditions.

ABO recommends that MNR follow CanREAs guidance and engage with the environmental consulting community to confirm that the range of equipment identified in the proposal is sufficiently comprehensive and appropriately described, and that the proposed conditions are proportionate to the minimal environmental and social risks associated with this equipment.

If additional conditions related to the placement or occupation of public lands for environmental monitoring equipment are being considered, ABO requests engagement prior to finalization of the regulatory amendments.

Short-Term Bridges

ABO supports the inclusion of short-term bridges within the proposed PLA registration regulatory regime and generally agrees with the proposed conditions.

ABO recommends that MNR follow CanREAs guidance and engage with engineering and environmental consulting professionals to ensure that the types of bridges contemplated in the proposal are sufficiently broad and clearly described to enable cost-effective, environmentally responsible access to public lands. This engagement would also help confirm that the proposed conditions are appropriate given the relatively low environmental and social risks associated with this infrastructure.

If additional conditions or changes to the proposed requirements are being considered, ABO requests engagement prior to finalization of the amendments.

General Conditions

ABO has reviewed the proposed general conditions of approval and has no significant concerns.

However, ABO notes 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 the intent of this condition is understood, there is potential for ambiguity in its application. ABO respectfully requests clarification on the following points:

- Will proponents holding an IESO contract be eligible to utilize the proposed PLA registration regime?
- What geographic area will this restriction apply to (e.g., Crown Land Site Report boundaries, lands treated as pending public land dispositions, or another defined area)?



- How will third parties be made aware of the boundaries of these restricted areas?
- How will situations be addressed where the IESO contract holder does not object to another party seeking a registration within a broader project area?

If additional general conditions are being contemplated, or if revisions to the proposed conditions are under consideration, ABO requests engagement with CanREA and its members prior to finalization.

Other

ABO recommends expanding the list of activities eligible for the proposed registration model to include meteorological towers used for wind resource assessment. These towers are temporary, have minimal environmental impact, and pose no risk to other public land users when appropriately conditioned.

As the Ministry develops the proposed online registry system, ABO encourages MNR to undertake user testing prior to implementation.

MNR ERO Policy Proposal 025-1141

Given the detailed feedback provided on ERO Notice 025-1145 and ERO Notice 025-1078, ABO echoes CanREAs general feedback on ERO Policy Proposal 025-1141.

ABO supports the overall objective of modernizing Crown land use policies, including streamlining processes for updating land use plans, ensuring policies reflect current priorities and emerging opportunities, and better enabling emerging industries - such as renewable energy and energy storage - that contribute to job creation and economic diversification.

As the Ministry considers enhancements to its Crown land use planning framework, ABO requests early and proactive engagement by MNR with CanREA and its members on any proposed changes to policy, practices, or Crown land use plans, given the potential implications for renewable energy and energy storage development.