



18 January 2026

Ministry of Environment, Conservation & Parks  
Permissions Modernization Team  
Client Services and Permissions Branch  
135 St. Clair Avenue West, Floor 1  
Toronto, ON  
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By Email: [Permissions.Modernization@Ontario.ca](mailto:Permissions.Modernization@Ontario.ca)

**Re: ERO-025-1367: Amending the Renewable Energy Approval regulation to remove certain project types from the process and streamline the review of Natural Heritage Assessments**

Dear Permissions Modernization Team:

The Ontario Rivers Alliance (ORA) is a province-wide, not-for-profit grassroots organization committed to protecting, conserving, and restoring Ontario's riverine ecosystems. ORA advances science-based advocacy to strengthen policies and legislation affecting Ontario rivers, ensuring development is environmentally sustainable, socially responsible, and aligned with the public interest. ORA works with watershed partners and Indigenous communities to protect freshwater resilience for present and future generations.

**1. It Must First be Said:**

ORA recognizes the Ministry of Natural Resources' (MNR) professional expertise and the important role of public servants in protecting Ontario's natural heritage and freshwater systems. ORA's concerns are not directed at professional staff tasked with implementing these changes, but at the policy direction now being imposed through the Natural Resources Regulatory and Permit Reform Initiative, which prioritizes speed and procurement outcomes over independent oversight, verification, and public accountability.

**2. Posting Must be Assessed as an Integrated Deregulation Package:**

ORA submits that this posting cannot be assessed in isolation. It is part of a coordinated deregulatory package advanced through multiple ERO postings under the Natural Resources Regulatory and Permit Reform Initiative, designed to accelerate renewable energy approvals while dismantling independent Crown oversight. In particular, ERO-025-1367 proposes to amend Ontario Regulation 359/09 to remove Ministry of Natural Resources review/confirmation of Natural Heritage Assessments and Bird/Bat monitoring plans and replace it with proponent attestation by "qualified persons." This model, combined with the related technical guidance changes proposed under ERO-025-1146, represents a structural shift in environmental governance: Ontario is replacing independent verification with proponent-paid assurances.



ORA notes that this posting is framed as an amendment to the Renewable Energy Approval (REA) regulation under the *Environmental Protection Act*, and the related links and supporting framework appear to apply to REA-regulated technologies (e.g., wind, solar, anaerobic digestion/biogas and thermal), with no explicit reference to waterpower. However, the oversight model established here is precedent-setting and will normalize the same professional-reliance and fast-tracking model now being advanced across Ontario's broader permissions reform agenda, including approvals affecting Crown lands, wetlands, and river corridors.

ORA is concerned that the posting is drafted with insufficient clarity and detail to assist the public in understanding the practical scope and implications of the proposed regulatory amendments. Key concepts such as “ancillary generation”, “qualified person” requirements, monitoring expectations, and the relationship to other statutory approvals are described in broad terms without the specificity required for meaningful public review. This is not a minor drafting flaw. Vague ERO postings undermine the Environmental Bill of Rights process by forcing the public to speculate while leaving the government free to “fill in the blanks”. ORA submits that this approach defeats the purpose of the Environmental Bill of Rights by preventing informed public participation before decisions are functionally made.

If Ontario cannot clearly explain what it is changing, who it applies to, and what safeguards will be retained, then Ontario has not met the minimum standard for transparent and accountable rulemaking.

ORA's concerns extend beyond individual project impacts to the predictable cumulative effects of weakening oversight, narrowing consultation, and normalizing a self-certification approvals framework—that obscures scope, invites loopholes, and establishes a precedent that will inevitably be applied to higher-risk development streams, including projects affecting rivers, wetlands, and Crown lands.

### **3. Fast-tracking REA Projects by Removing Independent Natural Heritage Oversight:**

The Province proposes to replace MNR confirmation of Natural Heritage Assessments and Bird/Bat Environmental Effects Monitoring Plans with a requirement for the proponent to submit an attestation that the necessary studies were completed by qualified persons in accordance with the Natural Heritage Assessment Guide.<sup>1</sup>

This is not an administrative adjustment. It is a deliberate reduction in independent Crown review at the exact stage when project siting decisions are made and when irreversible ecological harm can be prevented. In practice, this converts a public-interest oversight function into a consultant-driven deliverable controlled by the project proponent.

ORA is deeply concerned that this posting enables faster approvals without ensuring decision-quality. Streamlining is being achieved by narrowing the evidence required, reducing verification, and lowering transparency, while leaving Ontarians to absorb the long-term ecological and financial costs of predictable cumulative effects.

### **4. “Qualified Person” Model is a Structural Conflict of Interest:**

The proposal embeds an expanded reliance on “qualified persons” and defines qualifications by



reference to the Natural Heritage Assessment Guide “as amended from time to time”, effectively allowing substantive requirements to shift outside transparent legislative scrutiny.<sup>2</sup>

ORA has direct experience from Ontario’s first Green Energy rush: proponent-retained consultants are not independent. Their professional loyalty follows the client and payment structure. In numerous cases, it was Ministry staff who identified deficiencies, demanded additional studies, and forced proponents back toward compliance. This posting proposes to remove that check.

Evidence from other Canadian jurisdictions shows that “professional reliance” models create persistent conflict-of-interest and accountability risks unless paired with robust independent auditing, disclosure, and enforcement capacity.<sup>3</sup>

Ontario has not provided any enforcement design, audit regime, conflict-of-interest safeguards, or penalties commensurate with this governance shift. Without those components, the qualified person model is not environmental protection—it is regulatory offloading.

## **5. Streamlining Must Not Mean Bypassing Public and Indigenous Consultation:**

The broader Reform Initiative frames its intent to “streamline efforts related to public and Indigenous consultation,” signalling that consultation is being treated as a procedural barrier rather than a constitutional and public-interest safeguard.<sup>4</sup>

Removing independent review while compressing consultation creates the exact conditions where rights holders and the public are asked to react after decisions have effectively been made.

ORA submits that this approach is unacceptable. Consultation is not a box-checking exercise. It is the mechanism that allows Indigenous communities, rights holders, municipalities, conservation authorities, and the public to identify site-specific risks, cumulative effects, traditional use impacts, and gaps in proponent studies.

Shifting to proponent attestation while simultaneously compressing consultation amplifies information asymmetry and increases the likelihood that environmentally inappropriate sites will be approved before risks are understood. That is the opposite of reconciliation and the opposite of evidence-based environmental governance.

## **6. No Exemptions for REA-Level Natural Heritage Scrutiny:**

The posting proposes to remove REA requirements for certain facilities where electricity generation is described as “ancillary,” primarily for onsite use, with impacts asserted to be adequately addressed through other approvals such as Environmental Compliance Approvals (ECA) and Permits to Take Water (PTTW).<sup>1</sup>

ORA submits that this justification is flawed. ECA and PTTW instruments are operational approvals; they do not substitute for comprehensive assessment of construction-phase ecosystem disruption, siting impacts on significant natural heritage features, or the effectiveness of avoidance and mitigation measures. Using them as a rationale for exemption is a false equivalency that weakens environmental protection while increasing risk of cumulative harm.

## **7. Climate-Resilience & Freshwater Science Demand Stronger, Not Weaker, Oversight:**

Ontario’s Provincial Climate Change Impact Assessment (2023) confirms that Ontario’s freshwater systems face escalating climate-driven risk, including changes to water availability and



water quality, with heightened risk in northern and Central regions—particularly for wetlands and peatlands of global carbon significance.<sup>5</sup>

Environment and Climate Change Canada’s freshwater science synthesis emphasizes that freshwater ecosystems are foundational infrastructure for climate resilience and require science-based decision-making to protect hydrology, water quality, biodiversity and ecosystem services.<sup>6</sup>

In this context, deregulating natural heritage review is reckless. Ontario should be strengthening independent oversight, improving baseline data requirements, and requiring watershed-scale cumulative effects analysis—not removing Crown confirmation and treating consultation as an inconvenience.

## **8. ORA Recommendations:**

1. Withdraw and re-post ERO-025-1367 with draft regulatory language and clear definitions (including “ancillary generation,” “qualified person,” and consultation requirements), so the public can meaningfully assess what Ontario is changing before it is finalized.
2. Reject substitution of MNR review with proponent attestation. Retain independent Crown confirmation/review of Natural Heritage Assessments and Bird/Bat environmental effects monitoring requirements as a minimum safeguard.
3. Legally define “qualified person” requirements in regulation (not by reference to guidance “as amended from time to time”), including mandatory conflict-of-interest safeguards, ethics obligations, and penalties for misrepresentation.
4. Establish mandatory independent audit capacity and public reporting: random field audits, third-party verification, and publication of compliance outcomes and enforcement actions.
5. Maintain strong and enforceable monitoring requirements (including bird/bat monitoring) with adaptive management triggers. Do not permit “no monitoring” pathways based solely on proponent claims of avoidance/mitigation.
6. Prohibit any streamlining that compresses or weakens public and Indigenous consultation. Consultation must remain early, meaningful, and rights-based, with full disclosure of studies, raw data, assumptions, and mapping.
7. Reject exemption logic based on ECA/PTTW as substitutes for siting and natural heritage scrutiny. Require REA-level assessment where construction and siting impacts can cause irreversible ecological harm.
8. Require watershed-scale cumulative effects assessment for REA projects in sensitive watersheds, northern regions, wetlands/peatlands, and areas of known species at risk—consistent with cumulative effects science.
9. Align REA decision-making with Ontario’s 2023 Climate Change Impact Assessment and federal freshwater science. Treat wetlands and freshwater systems as climate-resilience infrastructure, not as development obstacles.
10. Explicitly prohibit expansion of this REA deregulation model (attestation-based approvals / professional reliance / streamlined consultation) to any project class affecting rivers, wetlands, fish habitat, or Crown-land watercourses, including waterpower and dam-related approvals.



## In Closing:

ERO-025-1367 is not a technical update. It is a governance shift that replaces independent Crown verification with proponent-paid assurances, while signalling consultation “streamlining” and accelerating approvals.

Ontario cannot credibly claim environmental protection while dismantling the very oversight mechanisms designed to prevent irreversible harm. If the Province proceeds as proposed, it will increase cumulative ecological damage, degrade public trust, and place long-term liability on Ontarians. ORA urges Ontario to withdraw these changes and rebuild a credible approvals system grounded in independent verification, transparent science, and meaningful public and Indigenous participation.

Respectfully,

Linda Heron  
Chair, Ontario Rivers Alliance  
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<sup>1</sup> Government of Ontario, Environmental Registry of Ontario, “Amending the Renewable Energy Approval regulation to reduce and streamline permissions” (ERO-025-1367, posted December 5, 2025). <https://ero.ontario.ca/notice/025-1367>

<sup>2</sup> Government of Ontario, Proposal details describing definition of qualified person by reference to the Natural Heritage Assessment Guide “as amended from time to time” (ERO-025-1367). <https://ero.ontario.ca/notice/025-1367>

<sup>3</sup> Mark Haddock, *Professional Reliance and Environmental Regulation in British Columbia* (University of Victoria Environmental Law Centre, 2015). [https://1000clearcuts.ca/wp-content/uploads/2019/07/Professional-Reliance-and-Environmental-Regulation-in-BC\\_2015Feb9.pdf](https://1000clearcuts.ca/wp-content/uploads/2019/07/Professional-Reliance-and-Environmental-Regulation-in-BC_2015Feb9.pdf)

<sup>4</sup> Government of Ontario, *Natural Resources Regulatory and Permit Reform Initiative: Reduce and Streamline Permissions* (Nov 6, 2025) (policy intent includes streamlining public and Indigenous consultation).

<sup>5</sup> Ontario Ministry of the Environment, Conservation and Parks, *Ontario Provincial Climate Change Impact Assessment* (2023). <https://www.ontario.ca/files/2023-11/mecp-ontario-provincial-climate-change-impact-assessment-en-2023-11-21.pdf>

<sup>6</sup> Environment and Climate Change Canada, *Synthesis of Freshwater Science in Canada*. <https://www.canada.ca/en/environment-climate-change/services/water-overview/protecting-freshwater/national-freshwater-science-agenda/synthesis-freshwater-science-overview/synthesis.html>