

**CanREA Submission in Response to MECP ERO Policy Proposal 025-1367
*Amending the Renewable Energy Approval Regulation to Remove Certain Project Types from the Process and Streamline the Review of Natural Heritage Assessments***

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 and 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.

General Comments

CanREA members have been very active over the past year in developing project proposals in support of various procurement programs of Ontario's Independent Electricity System Operator (IESO).

Many of these proposed projects will require approval under the *Renewable Energy Approval (REA) Regulation* and for this reason, CanREA welcomes this Ministry proposal to amend the *Ontario Regulation 359/09* to remove certain project types from the process and to streamline the review of natural heritage assessments.

Specific to natural heritage assessments, CanREA has been engaging with and has prepared a separate submission for MNR for its consideration per its concurrent ERO policy proposal posting 025-1146 *Natural Resources Regulatory and Permit Reform Initiative: Updates to Natural Heritage Technical Guidance for Renewable Energy Projects*.

Specific Recommendations

1. Removal of REA Requirements for Certain Project Types:

The ministry is proposing to remove certain types of projects from the REA process where:

- projects are located at facilities where electricity generation is ancillary to the facility's main function
- electricity is primarily generated for on-site use and
- these facilities are already subject to other existing environmental approvals and the environmental impacts of the electricity generation component can be adequately addressed through these existing approvals.

CanREA is in support of this proposed amendment and in agreement with the Ministry assessment that exempting these facilities from requiring a REA may reduce regulatory duplication while maintaining environmental oversight through the remaining ministry approval processes.

2. Streamlining of Natural Heritage Assessment and Bird/Bat Environmental Effects Monitoring Plan Reviews

The preparation and consideration of natural heritage assessments and bird and bat environmental effects monitoring plans represents a significant part of the renewable energy approval process and as such, CanREA strongly supports the Ministry proposal to streamline and modify how such reports are reviewed and approved.

As a sector committed to supporting responsible environmental stewardship and working with local communities, CanREA welcomes the opportunity for its members to take greater accountability for the consideration of natural heritage values and the consideration of wind power related environmental effects monitoring plans (EEMP) for bird and bats.

Specific to the proposed amendments to the *REA* regulation, CanREA provides the following initial feedback to the Ministry and welcomes the opportunity to discuss each of these matters further with Ministry staff before *Ontario Regulation 359/09* is amended.

Qualified Person

CanREA supports the development of and reliance on a definition for a “qualified person” who possesses the expertise, knowledge, or experience to conduct studies, evaluations or prepare reports associated with natural heritage guidance.

CanREA is pleased to note that the definition of a “qualified person” will apparently be defined in the amended *MNR Natural Heritage Guide* versus defining such qualifications in O.Regulation 359/09. By incorporating the definition in the *Guide*, there is an opportunity to more readily revise the definition in the future as required without needing to amend O.Reg 359/09.

We note that the range of studies and EEMPs referenced in the current *REA Natural Heritage Guide* (MNR 2009) are broad and often multi disciplinary (e.g. flora and fauna, water quality assessment, hydrogeology, habitat assessment, etc.). As such, it is likely that multiple qualified persons will be needed to complete the required studies and reviews, so the definition of the “qualified person” will need to accommodate this reality either through a broad approach or use of multiple qualifications

Given the significance of this definition(s) to the proposed new regulatory regime for natural heritage assessments and EEMPs, CanREA requests that it be pre-engaged by both MECP and MNR before:

- these definitions are finalized and established in the amended *REA Natural Heritage Guide* and
- prior to O.Reg 359/09 being amended to add a general provision requiring that any individual conducting or preparing natural heritage related assessments or reports meet the qualifications outlined in the amended *REA Natural Heritage Assessment Guide*.

Attestation

CanREA is most supportive of the proposal to replace the current O.Reg 359/09 requirement that MNR review and provide a confirmation letter to MECP approving the natural heritage studies prepared by the project proponent.

The proposal for a new regulatory regime whereby the project proponent submits an attestation indicating that the necessary studies were completed by qualified persons per the amended *REA Natural Heritage Assessment Guide* represents a key potential improvement to O.Reg 359/09, reflects a reasonable expectation of accountability on the project proponent and offers the opportunity for energy projects to more readily be delivered on time to help address Ontario's growing electricity needs.

Given the importance of this new attestation model, CanREA requests additional engagement with the Ministry prior to O.Reg 359/09 being amended to better understand and to offer informed advice regarding the proposed attestation mechanism (e.g. who provides the attestation, when and how the attestation should be provided, how possible project development revisions will be handled following the attestation, etc.).

CanREA is further supportive of the proposal that the name and qualifications of the individuals preparing any natural heritage related environmental impact studies be included in the report. This continued requirement will ensure transparency and accountability in the attestation model being proposed

Bird and Bat Guidance References

CanREA is in support of the proposal to remove specific references to bird and bat guidelines (wind power) from O.Reg 359/09 in favour of providing related guidance in the *REA Natural Heritage Assessment Guide* to be amended by MNR consistent with ERO Policy Proposal 025-1146.

CanREA would be pleased to meet with the Ministry to better understand which specific references to bird and bat guidance and EEMPs are being removed from O.Reg 359/09, prior to the Regulation being amended.

O.Reg 359/09 References to MNR

CanREA supports the proposal to update and remove outdated content in O.Reg 359/09 to better reflect MNR's current role in identifying significant natural heritage features and presumably its future role in no longer reviewing natural heritage studies and providing associated REA confirmation letters to MECP in support of specific projects.

We understand that the Ministry will also be amending O.Reg 359/09 to update other outdated references such as ministry names and similar considerations.

Given the significance of O.Reg 359/09 to the timely approval, completion and delivery of clean energy projects need to support Ontario's growing electricity needs, CanREA would be pleased to meet with the Ministry to review these specific proposed changes to O.Reg 359/09, prior to the Regulation being amended.

Summary

In summary, CanREA is in general agreement with the Ministry position that these proposed changes can be expected to reduce regulatory duplication and administrative delays, improve efficiency by leveraging attestations from qualified persons, and enable proponents to submit REA applications sooner - supporting faster project delivery, while maintaining strong environmental protection standards.

That said and while the Ministry's ERO policy proposal is well written and relatively clear, there remain many details of the proposed amendments that CanREA requests further engagement with the Ministry prior to O.Reg 359/09 being amended.

While CanREA is supportive of the Ministry moving to amend the *Regulation* at the earliest opportunity consistent with the ERO 025-1367 policy proposal, especially in light of the expected April 2026 IESO approval of a substantial number of projects through its LT2 RFP procurement, it is equally important the *Regulation* be amended in an informed manner that reflects the best information and advice that the sector can provide the Ministry.

We look forward to direct engagement soon with the Ministry in support of these proposals and we suggest with respect that it would be ideal to have MNR staff involved in this engagement as well, given their continued role in directing how natural heritage studies are undertaken.