



July 8, 2010

Adam Leus
Project Manager, Program Planning and Implementation Branch
Ministry of the Environment
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5

**RE: Amendment to Conservation Ontario comments re. Renewable Energy Approval
Technical Guidance Bulletins (EBR #010-9235)**

Dear Mr. Leus,

On May 28, 2010 Conservation Ontario submitted comments in response to the Renewable Energy Approval Technical Guidance Bulletins (EBR #010-9235). This submission is attached below for your reference (Attachment 2). Included in those comments was a request that contact information for Conservation Authorities (CAs) be included in the Agency Contact List (Appendix 2) of Technical Bulletin #1 (Guidance for preparing the Project Description Report). Conservation Ontario's website includes a list of contact information for all CAs; it was suggested that the URL for this particular webpage be added to the appendix, as well as Conservation Ontario's telephone number for those without internet access.

Since that time Conservation Ontario Council has discussed the value of including contact information for each CA in the Bulletin. This discussion has resulted in the position that renewable energy proponents would be best served by having a complete list of CA contact information readily available in the Bulletin. This level of detail would be consistent with that provided for the Ministries of the Environment and Natural Resources, which includes contact information for all regional and district offices. Therefore, Conservation Ontario is now requesting that Appendix 2 of Technical Bulletin #1 include the contact information for each Conservation Authority, which is provided in Attachment 1.

Recognizing the lateness of this requested amendment, your consideration would be greatly appreciated. If you have any questions or concerns please contact me at (905) 895-0716 ext. 223 or Natasha Leahy at ext. 228.

Sincerely,

Bonnie Fox
Manager, Policy and Planning

c.c. All Conservation Authority GMs/CAOs
CA Section 28 Regulations Contacts
Liz Mikel, Ministry of Natural Resources

Attch.

P.O. Box 11, 120 Bayview Parkway Newmarket Ontario L3Y 4W3
Tel: (905) 895-0716 Fax: (905) 895-0751 Email: info@conservationontario.ca

www.conservationontario.ca

ATTACHMENT 1 – REQUESTED ADDITION TO TECHNICAL BULLETIN #1, APPENDIX 2

Conservation Authorities

- **Ausable Bayfield Conservation Authority**
71108 Morrison Line
RR # 3
Exeter, ON, NOM 1S5
Telephone: (519) 235-2610
Toll free: 1-888-286-2610
E-mail: info@abca.on.ca
- **Cataraqui Region Conservation Authority**
Box 160
1641 Perth Road
Glenburnie, ON K0H 1S0
Telephone: (613) 546-4228
Toll free (in the 613 area only): 1-877-956-CRCA (2722)
E-mail: crca@cataraquiregion.on.ca
- **Catfish Creek Conservation Authority**
R. R. #5
8079 Springwater Road
Aylmer, ON N5H 2R4
Telephone: (519) 773-9037
E-mail : admin@catfishcreek.ca
- **Central Lake Ontario Conservation Authority**
100 Whiting Avenue
Oshawa, ON L1H 3T3
Telephone: (905) 579-0411
E-mail: mail@cloca.com
- **Conservation Halton**
2596 Britannia Road West
Burlington, ON L7P 0G3
Telephone: (905) 336-1158
E-mail: admin@hrca.on.ca
- **Credit Valley Conservation**
1255 Old Derry Road
Mississauga, ON L5N 6R4
Telephone: (905) 670-1615
Toll free: 1-800-668-5557
E-mail: cvc@creditvalleyca.ca
- **Crowe Valley Conservation Authority**
70 Hughes Lane
Box 416
Marmora, ON K0K 2M0
Telephone: (613) 472-3137
E-mail: info@crowevalley.com
- **Essex Region Conservation Authority**
360 Fairview Avenue West
Suite 311

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Tel: (905) 895-0716 Fax: (905) 895-0751 Email: info@conservationontario.ca

Essex, ON N8M 1Y6
Telephone: (519) 776-5209
E-mail: admin@erca.org

- **Ganaraska Region Conservation Authority**
2216 Country Road 28
P.O. Box 328
Port Hope, ON L1A 3W4
Telephone: (905) 885-8173
Toll free: 1-866-900-4722
E-mail: info@grca.on.ca
- **Grand River Conservation Authority**
400 Clyde Road
Box 729
Cambridge, ON N1R 5W6
Telephone: (519) 621-2761
Toll free: 1-866-900-4722
E-mail: grca@grandriver.ca
- **Grey Sauble Conservation**
R. R. 4
237897 Inglis Falls Road
Owen Sound, ON N4K 5N6
Telephone: (519) 376-3076
E-mail: k.mckee@greysauble.on.ca
- **Hamilton Conservation Authority**
838 Mineral Springs Rd.
Box 81067
Ancaster, ON L9G 4X1
Telephone: (905) 525-2181
Toll free: 1-888-319-4722
E-mail: nature@conservationhamilton.ca
- **Kawartha Conservation**
277 Kenrei Park Road
Lindsay, ON K9V 4R1
Telephone: 705-328-2271
E-mail: geninfo@kawarthaconservation.com
- **Kettle Creek Conservation Authority**
44015 Ferguson Line
R. R. 8
St. Thomas, ON N5P 3T3
Telephone: (519) 631-1270
E-mail: elizabeth@kettlecreekconservation.on.ca
- **Lakehead Region Conservation Authority**
Box 10427
130 Conservation Rd.
Thunder Bay, ON P7B 6T8
Telephone: (807) 344-5857
E-mail: info@lakeheadca.com
- **Lake Simcoe Region Conservation Authority**
Box 282
120 Bayview Parkway
P.O. Box 11, 120 Bayview Parkway Newmarket Ontario L3Y 4W3
Tel: (905) 895-0716 Fax: (905) 895-0751 Email: info@conservationontario.ca

Newmarket, ON L3Y 4X1
Telephone: (905) 895-1281
E-mail: info@lsrca.on.ca

- **Long Point Region Conservation Authority**
4 Elm Street
Tillsonburg, ON, N4G 0C4
Telephone: (519) 842-4242
Toll free: 1-888-231-5408
E-mail: conservation@lprca.on.ca
- **Lower Thames Valley Conservation Authority**
100 Thames Street
Chatham, ON N7L 2Y8
Telephone: (519) 354-7310
E-mail: ltvca@MNSi.net
- **Lower Trent Conservation**
714 Murray Street
R.R.#1
Trenton, ON K8V 5P4
Telephone: (613) 394-4829
E-mail: information@ltc.on.ca
- **Maitland Valley Conservation Authority**
Box 127
1093 Marietta Street
Wroxeter, ON N0G 2X0
Telephone: (519) 335-3557
E-mail: maitland@mvca.on
- **Mattagami Region Conservation Authority**
100 Lakeshore Road
Timmins, ON P4N 8R5
Telephone: (705) 360-2660
E-mail: mrca@timmins.ca
- **Mississippi Valley Conservation Authority**
4175 Hwy #511
R.R. #2
Lanark, ON K0G 1K0
Telephone: (613) 259-2421
E-mail: info@mvc.on.ca
- **Niagara Peninsula Conservation Authority**
250 Thorold Road West
3rd Floor
Welland, ON L3C 3W2
Telephone: (905) 788-3135
E-mail: npca@npca.ca
- **Nickel District Conservation Authority**
Tom Davies Square
200 Brady Street
Sudbury, ON P3E 5K3
Telephone: (705) 674-5249
E-mail: ndca@city.greatersudbury.on.ca

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Tel: (905) 895-0716 Fax: (905) 895-0751 Email: info@conservationontario.ca

- **North Bay-Mattawa Conservation Authority**
 15 Janey Avenue
 North Bay, ON P1C 1N1
 Telephone: (705) 474-5420
 E-mail: nbmca@nbmca.on.ca
- **Nottawasaga Valley Conservation Authority**
 8195 Line 8 ESSA Twp.
 Utopia, ON L0M 1T0
 Telephone: (705) 424-1479
 E-mail: admin@nvca.on.ca
- **Otonabee Conservation**
 250 Milroy Drive
 Peterborough, ON K9H 7M9
 Telephone: (705) 745-5791
 E-mail: otonabee@otonabee.com
- **Quinte Conservation**
 RR#2
 2061 Old Highway #2
 Belleville, Ontario K8N 4Z2
 Telephone: (613) 968-3434
 E-mail: quinteca@quinteconservation.ca
- **Raisin Region Conservation Authority**
 P.O. Box 429
 18045 County Road 2
 Cornwall, ON K6H 5T2
 Telephone: (613) 938-3611
 E-mail: info@rrca.on.ca
- **Rideau Valley Conservation Authority**
 PO Box 599
 3889 Rideau Valley Drive
 Manotick, Ontario K4M 1A5
 Telephone: (613) 692-3571
 E-mail: postmaster@rvca.ca
- **Saugeen Conservation**
 261123 Grey Rd. 28
 R. R. #1
 Hanover, ON N4N 3B8
 Telephone: (519) 364-1255
 E-mail: publicinfo@svca.on.ca
- **Sault Ste Marie Region Conservation Authority**
 1100 Fifth Line East
 Sault Ste Marie, ON P6A 5K7
 Telephone: (705) 946-8530
 E-mail: nature@ssmrca.ca
- **South Nation Conservation Authority**
 P.O. Box 29
 38 Victoria Street
 Finch, ON K0C 1K0
 Telephone: (613) 984-2948
 E-mail: info@nation.on.ca
 P.O. Box 11, 120 Bayview Parkway Newmarket Ontario L3Y 4W3
 Tel: (905) 895-0716 Fax: (905) 895-0751 Email: info@conservationontario.ca

- **St. Clair Region Conservation Authority**
205 Mill Pond Crescent
Strathroy, ON N7G 3P9
Telephone: (519) 245-3710
E-mail: stclair@scrca.on.ca
- **Toronto and Region Conservation**
5 Shoreham Drive
Downsview, ON M3N 1S4
Telephone: (416) 661-6600
E-mail: info@trca.on.ca
- **Upper Thames River Conservation Authority**
1424 Clarke Road
London, ON N5V 5B9
Telephone: (519) 451-2800
E-mail: infoline@thamesriver.on.ca

ATTACHMENT 2 – ORIGINAL SUBMISSION



May 28, 2010

Adam Leus
Project Manager
Program Planning and Implementation Branch
Ministry of the Environment
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5

RE: Renewable Energy Approval Technical Guidance Bulletins (EBR #010-9235)

Dear Mr. Leus,

Thank you for the opportunity to provide comments to inform the development of technical guidance bulletins that will provide more detailed guidance around O.Reg 359/09 (Renewable Energy Approvals under Part V.0.1) under the *Environmental Protection Act* to support the implementation of the *Green Energy Act*. The following comments are submitted on behalf of Conservation Ontario, which is the network of Ontario's 36 Conservation Authorities (CAs).

General Comments

- Currently Conservation Ontario is working with the Ministry of Natural Resources (MNR) and the Ministry of the Environment (MOE) to develop a Memorandum of Understanding (MOU) for coordinating service delivery for renewable energy project approvals. It is recommended that the technical bulletins be revised to align with the final direction provided within the MOU, and the MOU be referenced in the bulletins where appropriate. Although the MOU is currently only draft for discussion, the following is an example of where the direction within the technical bulletins differs from that proposed in the MOU: In Technical Bulletin #1, Section 4.7.3 (Natural Heritage Resources) states that a Natural Heritage Assessment study should be submitted to MNR for comment, and MNR will submit their comments to MOE. In the May 14/10 draft MOU, MNR would circulate their comments to the local CA as well.
- To ensure that proponents are fully aware of all the requirements they will have to meet prior to commencing work, and to facilitate timely permits, it is strongly recommended that proponents be directed to consult with CAs as early in their planning process as possible. In Technical Bulletin #5, page 1, paragraph 3, the document includes a statement that "strongly encourages" applicants to consult with other agencies that may have an interest in their project, including CAs. It is strongly recommended that this message be repeated in all of the Technical Bulletins.

Technical Bulletin #1: Guidance for preparing the Project Description Report

1.0 (Purpose of this Technical Bulletin)

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- Page 1, paragraph 2: The document states that a Project Description Report (PDR) is part of an application for a Renewable Energy Approval from MOE, but may also be reviewed in relation to other permits and approvals required from MNR, Ministry of Tourism and Culture and Ministry of Transportation. It is recommended that CAs should also be included in this list as they would be issuing permits for the proposed works within areas regulated under their individual Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation (made under Section 28 of the *Conservation Authorities Act*). As noted above, currently Conservation Ontario is working with MNR and MOE to develop an MOU for coordinating service delivery for renewable energy project approvals, and the final direction provided in this MOU should be reflected in this and the other technical bulletins.
- Page 2, paragraph 1: As the *Conservation Authorities Act* is administered by MNR, it is recommended that the local CA be referenced in the list of agencies proponents are encouraged to contact. The following edit is proposed: *“It is highly recommended that at the early stages of the process, applicants contact MOE, Ministry of Energy and Infrastructure – Renewable Energy Facilitation Office, MNR, MTO and/or MTC and the local Conservation Authority, where one exists, for information and guidance on the requirements...”*. This recommendation would be consistent with the guidance provided in Section 3.3 of this document.
- Contact List (Appendix 2): Given the comments above, it is recommended that contact information for Conservation Authorities be included in the agency contact list found in Appendix 2. Conservation Ontario has added a direct link from its homepage for green energy proponents, that will provide them with the relevant information about CA permits and direct them to maps that will assist them in identifying the CA with jurisdiction over their proposed project location. The link to information for green energy proponents is http://www.conservationontario.ca/planning_regulations/green_energy_proponents.html. For users of the bulletin located in areas without internet access, Conservation Ontario’s office can be contacted for assistance. Therefore, the following addition is proposed to Appendix 2:

Conservation Authorities

To identify the local Conservation Authority and for contact information go to:

http://www.conservationontario.ca/planning_regulations/green_energy_proponents.html

Those without internet access who require assistance may contact:

**Conservation Ontario
P.O. Box 11, 120 Bayview Parkway
Newmarket, ON L3Y 4W3
Telephone: (905) 895-0716
Fax: (905) 895-0751
Email: info@conservationontario.ca**

4.7 (Description of Environmental Effects)

- Page 5, paragraph 5: Because CA permits may be required, and recognizing that CAs are not considered “municipal authorities”, the following edit is requested: *“Applicants are encouraged to consult with relevant federal and provincial agencies, ~~and~~ municipal authorities, and other approval agencies (e.g. conservation authorities), qualified persons...”*.

4.7.2 (Natural Heritage Resources)

- It is recommended that proponents be made aware in this section that some natural heritage features (e.g. wetlands, valleylands) are also regulated under the *Conservation Authorities Act* due to the association with possible natural hazards (e.g. unstable soils and slopes), and therefore the local CA (where one exists) should be contacted to determine if more restrictive requirements than those of MOE or MNR have to be met.

4.7.3 (Water Bodies)

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- This section sets out requirements of the proponent with regard to “setbacks” from water bodies. It is strongly recommended that proponents be made aware in this section that water bodies and adjacent lands are also regulated under the *Conservation Authorities Act*, and therefore more restrictive setbacks from water bodies may apply to their project. It is recommended that proponents be directed to contact the local CA (where one exists) for advice as early in their planning process as possible.

4.7.9 (Areas Protected under Provincial Plans and Policies)

- Page 8: For correct referencing the following edit is recommended: “*Lake Simcoe Watershed Protection Plan Area*”.

Appendix 5 (Definitions and Setback Distances for Natural Features and Water Bodies under O.Reg 359/09)

- Page 26, re. “Setbacks from Water Bodies”: As stated in the comment regarding Section 4.7.3 (Water Bodies), it is recommended that proponents be made aware that water bodies and adjacent lands are also regulated under the *Conservation Authorities Act*, and therefore more restrictive requirements may have to be met. It is recommended that proponents be directed to contact the local CA (where one exists) for advice as early in their planning process as possible.

Technical Bulletin #2: Guidance for preparing the Design and Operations Reports

General

- There is no direction in the document about designing for flood or erosion hazards that may be in or around the site. Although it is understood that the Renewable Energy Approval regulation does not address natural hazards, it is suggested that reference to the Ministry of Natural Resources Technical Guides for Natural Hazards be included in this bulletin and applicants be referred to the local CA for site specific information.

10.2 (Lake Simcoe Watershed)

- Page 20: It is recommended that this section note that permits issued under the Lake Simcoe Region Conservation Authority’s Development, Interference with Wetlands and Alteration to Shorelines and Watercourse Regulation (O.Reg 179/06) are prescribed instruments under the *Lake Simcoe Protection Act* and Plan. This further emphasizes the importance of pre-consultation with the LSRCA.

11.4 (Hydrogeological Assessment Report)

- Page 24: It is recommended that applicants be directed to contact the local CA for any watershed plans or studies that may have a bearing on impacts to natural water supplies (surface or groundwater).

11.8 (Surface Water Assessment)

- Page 27: It is recommended that applicants be directed to contact the local CA for any watershed plans or studies that may relate to potential impacts to surface water.
- Page 27: This section states that the Surface Water Assessment Report must be completed by a licensed professional engineer or geoscientist (or by someone under the supervision of such professionals) and that the report should include a description of the aquatic habitat and aquatic community in the nearest viable habitat upstream and downstream. It is recommended that it would be more appropriate for this information to be gathered by a qualified biologist or ecologist.

Technical Bulletin #3: Guidance for preparing the Construction Plan Report

General

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- It is recommended that the scope of the document be broadened to address risks that could affect mitigation measures (for example, storm events that affect the function of sediment and erosion controls).

2.1 (Description of Construction and Installation Activities)

- Page 2: It is recommended that this section state that proposed construction activities and mitigation techniques need to reflect the local site soil and drainage conditions.
- Pages 2-3: It is recommended that the applicant pre-consult with Conservation Authorities for their input into timing and operational plans, temporary uses of land, negative environmental effects, mitigation measures and environmental monitoring as these aspects may be impacted by permit conditions for the proposed works within areas regulated under the Conservation Authorities' individual Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation (made under Section 28 of the *Conservation Authorities Act*).

Technical Bulletin #4: Guidance for preparing the Decommissioning Plan Report

General

- It is recommended that the applicant pre-consult with the local CA to determine if permits are required for the rehabilitation measures associated with the decommissioning of a site.
- It is recommended that a requirement be included for the applicant to identify measures and monitoring plans post-decommissioning to evaluate the success of the restoration.

Technical Bulletin #5: Guidance for preparing the Consultation Report

1.0 (Purpose of this Technical Bulletin)

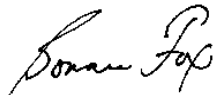
- Page 1, paragraph 3: While the messaging of the following comment is strongly endorsed, for accuracy the following minor edit is suggested: "...*applicants are strongly encouraged to consult with other regulatory agencies that may have an interest in their projects, including... (MTC), local Conservation Authorities (CAs) and the federal government agencies.*"

Technical Bulletin #6: Required Setbacks for Wind Turbines

No comments.

Thank you again for the opportunity to provide input to inform the development of the Renewable Energy Approval Technical Guidance Bulletins. If you have any questions regarding these comments please contact me at (905) 895-0716 ext. 223 or Natasha Leahy at ext. 228.

Sincerely,



Bonnie Fox
Manager, Policy and Planning

c.c. All Conservation Authority GMs/CAOs
CA Section 28 Regulations Contacts
Liz Mikel, Ministry of Natural Resources