



October 11, 2012

Carrie Hoskins
Program Officer
Ministry of Natural Resources
Policy Division
Renewable Energy Program
300 Water Street
Floor 5, Robinson Place South Tower
Peterborough Ontario
K9J 8M5

Dear Ms. Hoskins:

Re: Conservation Ontario's Comments on the "Renewable Energy on Crown Land Policy" (EBR # 011-6005)

Thank you for the opportunity to comment on the Ministry of Natural Resources' draft "Renewable Energy on Crown Land Policy". Conservation Ontario appreciates the Ministry of Natural Resources' invitation and subsequent availability of Ken Cain for a meeting to discuss the draft policy and its relationship to previous submissions made by Conservation Ontario regarding Crown land disposition and its relationship to Conservation Authority permits. The following comments are submitted for your consideration:

- 1) Although not specified, this high level policy document is designed to facilitate the implementation of the *Green Energy Act*. Concern is raised, however, that it does not seem to acknowledge the obligation of third parties undertaking renewable energy projects on Crown Land to obtain approvals from other regulatory agencies such as Conservation Authorities. Sections 6.6.1 and 6.6.2 simply state that the knowledge or interests of other ministries or agencies will be *considered* and the 'Introduction' (last sentence) indicates that the "Minister of Natural Resources has the authority to approve or deny any use of Crown land for renewable energy". For clarity, it is recommended that the policy acknowledge that proponents of activities on Crown land are still obligated to obtain all other applicable approvals under provincial and/or federal legislation.
- 2) The policy objective 6.6, "coordinate Crown land renewable energy decision making" is fully supported. For clarity, it is recommended that Section 6.6.1 and 6.6.2 specifically reference Conservation Authorities since they address provincial interests in natural hazards via the Ontario Regulations under Section 28 (s.28) of the *Conservation Authorities Act* administered by the Ministry

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of Natural Resources. Such engagement and consideration will trigger important dialogue between the proponent and the Conservation Authority(ies) and enable early identification of potential natural hazard constraints that may have design, cost and/or timing implications for the project. As well, it would trigger early dialogue between Conservation Authority staff and MNR staff with regard to the relationship between a 'Crown land disposition' and a Conservation Authority permission issued to a third party (see more details under #3).

- 3) The commitment in Section 6.6.3 to coordination with other regulatory review processes is supported. As MNR moves forward in the process of modernizing their Crown land disposition procedures, the relationship between the Crown land disposition and other approvals should be recognized. For example, Conservation Authorities issue s.28 permits to landowners (or their assigned agent) for development or alteration in regulated areas, so appropriate steps must be taken to ensure that a permission is not being granted for an activity on land in which the proponent has no rights. Clarification is required from the MNR as to what constitutes acceptable proof of a "Crown land disposition" for purposes of granting a Conservation Authority permit to a third party. To ensure a streamlined and coordinated process for all development proposals, including renewable energy projects, it is recommended that the approach be confirmed by the Land Management Section, in collaboration with Great Lakes and Water Policy Section and Conservation Ontario, and then clarified for Conservation Authorities and MNR District Offices.
- 4) Section 6.7.1 states that "Crown land management decisions for renewable energy development will be supported by best available natural resource, ecological and socio-economic information. Where this information is incomplete, the Ministry *may* require information to be collected by an applicant to support decision making." The use of the word *may* is of concern given that, if existing natural heritage information is incomplete and no new studies are undertaken, sensitive species and/or habitats may be lost. Without new studies, it would also be difficult to ensure that any proposed development meets the goals of policy 6.2.4. Policy 6.2.4 indicates "When making Crown land available for renewable energy, consideration will also be given to: species at risk and their habitats; natural heritage protection and restoration objectives in southern Ontario; and ...". It is recommended that this potential policy conflict be clarified.

Thank you again for the opportunity to provide comments on the draft "Renewable Energy on Crown Land Policy". If you have any questions regarding these comments please feel free to contact me at 905-895-0716 ext 223.

Sincerely,



Bonnie Fox
Manager, Policy and Planning

c.c.: Ken Cain, Manager, Renewable Energy Program, Ministry of Natural Resources (MNR)
Pauline Desroches, Manager, Lands and Non-renewable Resources Section, MNR
Jennifer Keyes, Manager, Great Lakes and Water Policy, MNR
Liz Mikel, Senior Policy Advisor, Great Lakes and Water Policy, MNR

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