

# Renewable Energy on Crown Land Considerations and Predevelopment Roadmap

IESO Stakeholder Session | October 22, 2024

# Crown Land Considerations: Purpose

- Outline key considerations for Crown land sites that may affect proposed renewable energy projects

## Outline

- Resources for Navigating Ministry of Natural Resources Approvals
- Crown lands not available for renewable energy
- Aboriginal Land Claims
- Waterpower Projects
- Other Crown Land Considerations

# Navigating Ministry of Natural Resources Approvals

- Renewable Energy on Crown Land Policy (complete)
- Overarching process figure (updates pending)
- Predevelopment Roadmap Document (complete)
- Crown Land Site Report (updates pending)
- Waterpower Declaration (updates pending)
- Approval and Permit Requirements Document (imminent)
- Procurement-specific guidance (updates pending)
- MNR District staff
- [MNRRenewableEnergySupport@ontario.ca](mailto:MNRRenewableEnergySupport@ontario.ca)

# Crown lands not available for renewable energy

- Areas identified by the Ministry through Crown land use planning as being unsuitable for renewable energy development.
- An area regulated or recommended as a provincial park or conservation reserve, where the project would not qualify as an exception under the Provincial Parks and Conservation Reserves Act.
- Proposed project sites located in the Far North of Ontario in an area where the activities associated with the proposed project are not permitted (Far North Act).
- Greenfield waterpower development (including any reservoirs, impoundments and water control structures or weirs) on a naturally reproducing lake trout lake.
- An area where existing authorizations or dispositions under the Public Lands Act, Aggregate Resources Act, Oil Gas and Salt Resources Act, or Mining Act would prohibit development.
- Pre-existing or pending Crown land tenure at or near the proposed renewable energy project site that is disposed of or that is incompatible with the project.

# Indigenous Land Claims

- Consultation with Indigenous communities on proposed projects may be required in relation to land claims.

## Specific to Algonquin Land Claim:

- The governments of Ontario and Canada are in negotiations with the ten (10) Algonquins of Ontario communities relating to the potential resolution of their Aboriginal rights and title claim.
- The use or occupation of Crown land for a proposed project on provincial Crown land identified as proposed settlement lands will require the consent of the Algonquins of Ontario.
- The governments of Ontario and Canada are required to consult with the ten (10) Algonquin of Ontario communities on proposed authorizations for the use or occupation of Crown land within the consultation area that may adversely affect any Aboriginal rights or title that the Algonquins may have, and such consultation may result in a requirement that Algonquin interests in Crown land be accommodated.

# Waterpower Projects

- Greenfield waterpower on Crown land south of the Far North and >1 MW in capacity: final Ministry approvals will be contingent on meeting the Aboriginal community economic benefit objectives of the RECL policy for Aboriginal communities located within or adjacent to the tertiary watershed.
- Advice from a professional Water Resources Engineer that includes a review of the energy potential estimate relating to the waterpower site that comprises the Crown land site and confirmation that the proposed project will optimize the estimated waterpower potential at the site.
- MNR has the discretion to determine if a site is being appropriately utilized and waterpower optimization will be determined through environmental assessment and regulatory approval processes, including consideration of minimum flows, in discussion with MNR.
- Certain watersheds may be subject to water management plans approved under the Lakes and Rivers Improvement Act.

# Other Crown Land Considerations

- Consultation: Duty to consult Aboriginal communities – constitutional obligation.
- Resource license holders: (e.g., Forest Resource Licence, Sustainable Forest Licence holders, baitfish licenses, trapping licenses, bear management area licenses). It will be necessary to work cooperatively with the holder(s) of licenses to carry out proposed projects.
- Provide shapefile for total project boundaries.
- A land availability review is required to consider the availability of Crown land for road and transmission access purposes. Decisions will be made at the MNR's discretion, in accordance with applicable laws, regulations and policies.
- May receive advice from a solicitor licensed to practice law in Ontario, as it relates to the provincial Crown land site.

# Next Steps

- Updated process figure forthcoming
- Approval and Permit Requirements Document - administrative updates imminent
- Crown Land Site Report under review and will be posted to Ontario.ca in advance of final RFP rules
- Applicant of Record - October 25, 2024, deadline for AOR holders to respond
  - If AORs unsuccessful in receiving an LT2 contract, more Crown land would be open for other renewable energy proposals
- Fees and rents – were in largely outdated procedures on the ministry’s website – included in procedural guidance



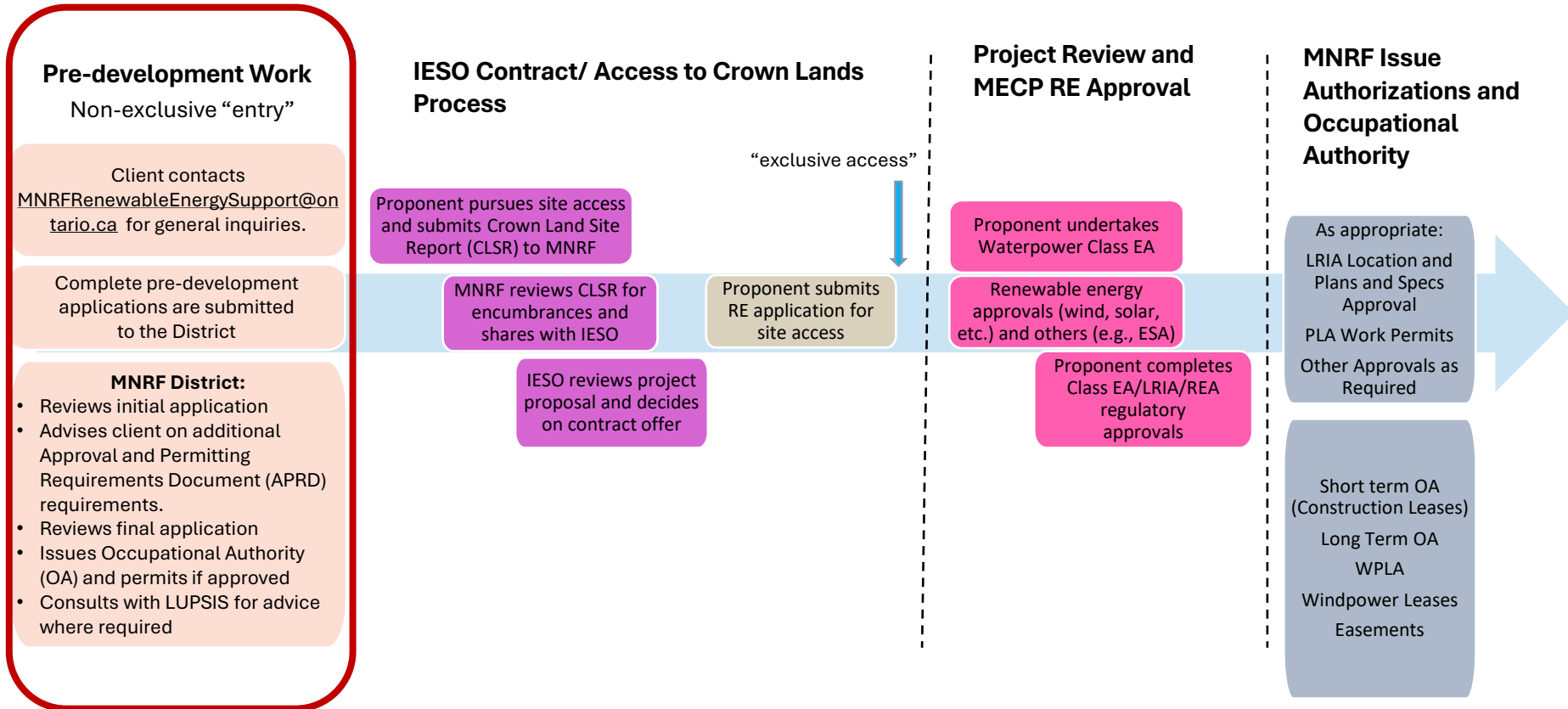
# Predevelopment Roadmap: Purpose

- Outline key aspects of the Pre-development Document for projects on Crown Land

## Outline

- Predevelopment Work in the Process for Renewables on Crown Land
- The APRD (Approval and Permit Requirements Document)
- How to use the Predevelopment Document
- Key Resources

# Pre-development Work in the Process for Renewables on Crown Land

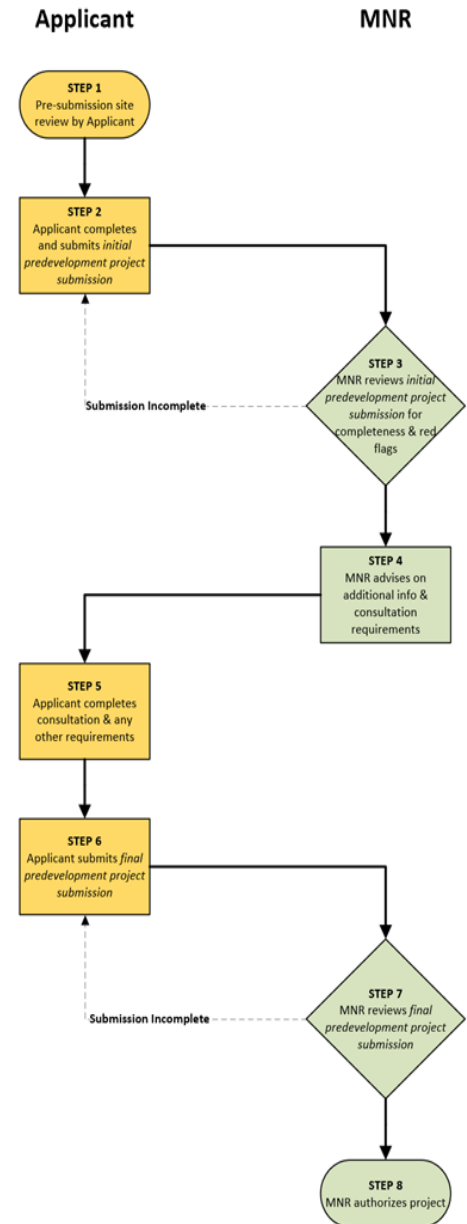


# The APRD (Approval and Permit Requirements Document)

- Renewable Energy predevelopment projects on Crown land are authorized by MNR using typical approval mechanisms. *However...*
- “Renewable energy testing facility” (including for wind, solar, and waterpower) is exempt from the *Environmental Assessment Act (O. Reg. 51/24)*
- Therefore, the RSFD Class EA is not used to review Renewable Energy predevelopment submissions.
- Instead, MNR uses the Renewable Energy Project Approval and Permit Requirements document (“the APRD”). See Section 5\*
- The APRD outlines information requirements and provides a planning process for Renewable Energy projects on Crown land that are exempt from EA.
- Additionally, the Renewable Energy on Crown Land (RECL) policy establishes how MNR manages access to Crown Land for Renewable Energy projects.

# How to use the Predevelopment Document

- **The *Predevelopment Document* does not replace the APRD...** but it will help navigate the APRD and other approval requirements for RE predevelopment.
- **Steps 1 & 2:** Applicant works to determine site suitability and submits a complete “initial predevelopment project submission”
- **Steps 3 & 4:** MNR reviews the “initial predevelopment project submission.” If complete and no immediate red flags, MNR advises on any additional info/consultation requirements.
- **Steps 5 & 6:** Applicant completes these requirements and submits “final predevelopment project submission”
- **Steps 7 & 8:** MNR reviews the final predevelopment project submission. If complete and satisfactory, MNR authorizes using typical approval mechanisms (e.g., LUP, work permits, CFSA authorizations, etc.)



# Questions?

For general inquiries please contact [MNRRenewableenergysupport@ontario.ca](mailto:MNRRenewableenergysupport@ontario.ca)

# Crown Land Site Resources

**Ministry of Indigenous Affairs' Algonquin Land Claim home page:**

<https://www.ontario.ca/page/algonquin-land-claim>

**Ministry of Indigenous Affairs and First Nations Economic Reconciliation home page:**

<http://www.ontario.ca/ministry-aboriginal-affairs>

**Ministry of Mines' Mining Lands Administration System (MLAS) website:**

<https://www.ontario.ca/page/mining-lands-administration-system>

**Ministry of Natural Resources' Renewable Energy on Crown Land webpage:**

<https://www.ontario.ca/page/renewable-energy-crown-land>

**Ministry of Natural Resources' Crown Land Use Policy Atlas (CLUPA) home page:**

<https://www.ontario.ca/page/crown-land-use-policy-atlas>

# Crown Land Site Resources (cont'd)

**Ministry of Natural Resources' Far North of Ontario home page:**

<http://www.ontario.ca/environment-and-energy/far-north-ontario>

**Ministry of Natural Resources' Find Pits and Quarries:**

<https://www.ontario.ca/page/find-pits-and-quarries>

**Ministry of Natural Resources' Forest Management Planning home page:**

<https://www.ontario.ca/page/forest-management-planning>

**Ministry of Natural Resources' Inland Ontario Lakes Designated for Lake Trout Management:**

<https://www.ontario.ca/page/inland-lakes-designated-lake-trout-management>

**Ministry of Natural Resources' Land use amendments in Southern Ontario:**

<https://www.ontario.ca/document/find-land-use-amendments-southern-ontario>

# Crown Land Site Resources (cont'd)

**Ministry of Natural Resources' Lakes and Rivers Improvement Act:**

<https://www.ontario.ca/page/dam-management>

**Ministry of Natural Resources' Land Use Planning Process in the Far North:**

<https://www.ontario.ca/page/land-use-planning-process-far-north#section-3>

**Oil, Gas and Salt Resources Library:**

<https://www.ogsrlibrary.com/>

**Ontario's Freedom of Information and Protection of Privacy Act (FIPPA):**

<https://www.ontario.ca/document/freedom-information-and-protection-privacy-manual/chapter-1-legislation>

**Ontario's Land Registry Office Locations:**

[http://www.ontario.ca/en/information\\_bundle/land\\_registration/content/STEL02\\_165696](http://www.ontario.ca/en/information_bundle/land_registration/content/STEL02_165696)



# Predevelopment Key Resources

- [Renewable Energy on Crown Land policy \(PL 4.10.06\) | Ontario.ca](#)
- [Renewable Energy Project Approval and Permitting Requirements Document \(APRD\) | Ontario.ca](#)
- [Ontario GeoHub \(Land Information Ontario\)](#)
- [Crown Land Use Policy Atlas \(CLUPA\) | Ontario.ca](#)
- [Pits and Quarries Online | Ontario.ca](#)
- [Oil, Gas and Salt Resources Library](#)
- [Mining Lands Administration System \(MLAS\) | Ontario.ca](#)
- [Make a Map: Natural Heritage Areas | Ontario.ca](#)
- [Inland lakes designated for lake trout management | Ontario.ca](#)
- [Buy or rent Crown land | Ontario.ca](#)
- [Crown land work permits | Ontario.ca](#)
- [Crown land management policies | Ontario.ca](#)