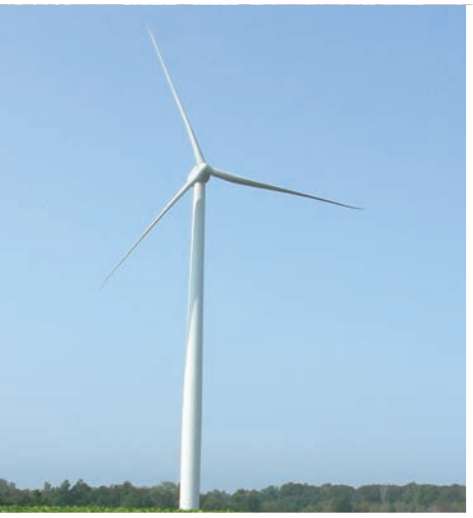
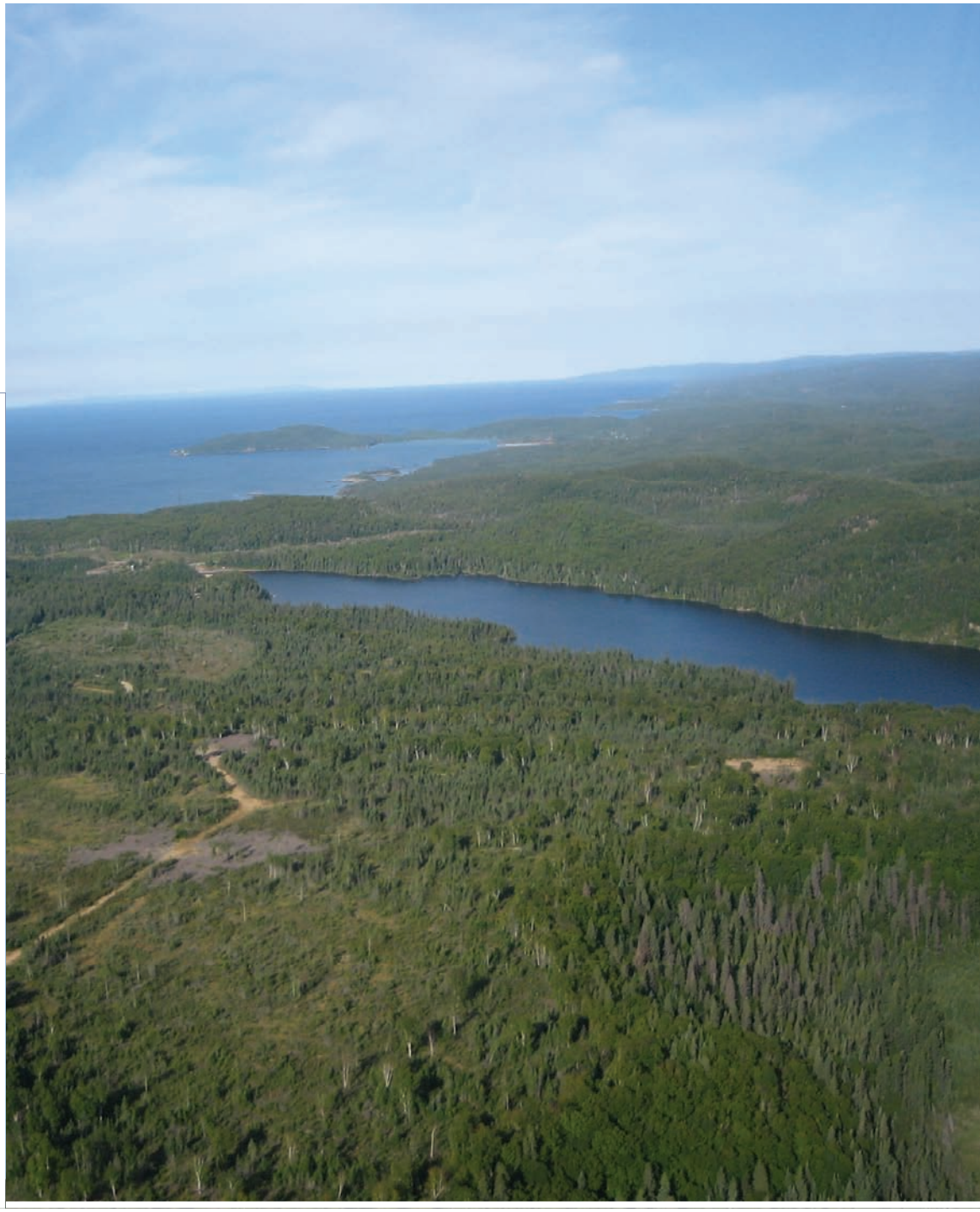
Approval and Permitting Requirements Document for Renewable Energy Projects





Ministry of Natural Resources
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Approval and Permitting Requirements Document for Renewable Energy Projects

Ontario Ministry of Natural Resources

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1 Introduction

With the Green Energy and Green Economy Act, 2009, the Province of Ontario has placed a priority on expanding Ontario's use of clean and renewable sources of energy such as wind, water, solar, biomass, biogas and biofuels. Developing these substantial resources is a cornerstone of this province's future prosperity and its commitment to protecting the environment.

Renewable energy projects (see definitions in Appendix A) provide environmental and economic benefits at the local, provincial and global level. They reduce threats to our biodiversity from the impacts of climate change. They also create new opportunities for manufacturing and resource development activities. Finally, renewable energy generation boosts the long-term reliability and adequacy of Ontario's electricity system by putting in place sustainable sources of energy.

A key element of the Green Energy and Green Economy Act is a new streamlined provincial approval process for renewable energy projects, based on the concept of a complete submission. The complete submission integrates into a coordinated process all provincial Ministry requirements for the review and decision making on proposed renewable energy facilities. While this approach provides a single process, it addresses the legislative requirements set out by various Ministries.

This requirements document outlines the Ministry of Natural Resources' (hereafter referred to as the MNR) requirements for the application, review and decisions regarding the approval of a renewable energy project where MNR has a legislative responsibility. The Ministry of the Environment's requirements for the review and approval of renewable energy projects are outlined in the Renewable Energy Approval Regulation under the Environmental Protection Act (hereafter referred to as the Renewable Energy Approval Regulation). Some information requirements are common between the MNR and the Ministry of the Environment, where there are common requirements they are outlined in the Renewable Energy Approval Regulation. This document identifies where information requested through the Renewable Energy Approval Regulation is also required by MNR for decision making on approvals or permits under MNR-administered statutes.

In addition, a renewable energy project may require approval from other agencies or level of government, for example, a conservation authority, municipality or federal agency. It is the responsibility of the applicant to ensure that those other requirements are met.

2 The role of the Ministry of Natural Resources

The MNR's mandated activities include the management of forests, fisheries, wildlife, petroleum and mineral aggregate resources, Ontario's provincial parks, and the Crown lands and waters that together make up approximately 87 per cent of the province.

2.1 Relevant statutes

The MNR manages Ontario's natural resources under the authority of a number of statutes. The statutes listed in this section or others as applicable, and related regulations and policies may apply to renewable energy projects on provincial Crown land or elsewhere.

The issuance of any approvals, authorizations, permits or licences under this requirements document does not relieve the applicant from meeting the requirements of other agencies and applicable provincial or federal legislation. Renewable energy projects may also require additional information or approvals under other legislation, both during the complete submission stage and throughout the life of the operation.

MNR statutes most relevant to renewable energy projects include the:

Ministry of Natural Resources Act. This Act authorizes the Minister to among other things, establish programs to stimulate the development and management of Ontario's natural resources. The Act establishes that the Minister may require that the applicant of a renewable energy project provide to the Minister the information or studies considered necessary before issuing a permit or approval under an Act for which the Minister is responsible.

Public Lands Act. This Act gives the Minister specific powers over the management, use and disposition of provincial public lands in Ontario (referred to as 'Crown land' in this document). It provides for the issuance of licences, permits, leases and sale and patents for the use of these lands, including most lands under navigable rivers and lakes.

Lakes and Rivers Improvement Act. This Act provides for the management, protection, preservation and use of Ontario's lakes and rivers, the protection of private and public rights, and the protection of persons, property, natural resources and natural amenities. It provides for the issuance of location and plans and specification approval to ensure that dams are suitably located, constructed, operated and maintained with respect to new dams and alterations, repairs or improvements of existing dams.

Fish and Wildlife Conservation Act. This Act provides the MNR with authority to protect and manage wildlife including furbearing mammals, game wildlife, and specially protected wildlife species. Species at risk may be designated as "specially protected" and listed in the appropriate

FWCA Schedule (6 to 11). This Act also implements the delegation by the federal government to the provincial minister to issue fishing licences. The licences are established by a regulation under the FWCA, but they are required by the federal Fisheries Act if a person proposes to catch fish by any method.

Endangered Species Act, 2007. The purposes of this Act are to identify species at risk based on the best available scientific information, to protect species that are at risk and their habitats, to promote the recovery of species that are at risk, and to promote stewardship activities to assist in the protection and recovery of species that are at risk. The Act allows for some flexibility in balancing social, economic, and cultural considerations with the protection and recovery of Ontario's species at risk and their habitats. This enables the MNR, using various tools, to authorize activities that would otherwise be prohibited by sections 9 (species protection) or 10 (habitat protection) of the Act (Appendix B).

Crown Forest Sustainability Act. The purposes of this Act are to provide for the sustainability of Crown forests and, in accordance with that objective, to manage Crown forests to meet social, economic and environmental needs of present and future generations.

Forest Fires Prevention Act. This Act provides the basis for preventing forest fires and ensuring public safety. It sets the "fire season" and provides for the issuance of permits, safety standards and measures governing the use of fire in the forests and establishes penalties to deter violators and careless users. It also provides powers to fire officers and allows the MNR to restrict the use of fire when the fire danger is extreme, and implement Emergency Areas to restrict access to areas where public safety may be threatened by wildfires.

Aggregate Resources Act. The purposes of this Act are to: (a) to provide for the management of the aggregate resources of Ontario; (b) to control and regulate aggregate operations on Crown and private lands; (c) to require the rehabilitation of land from which aggregate has been excavated; and (d) to minimize negative effects on the environment in respect of aggregate operations.

Oil, Gas and Salt Resources Act. The purpose of this Act is to regulate the exploration, drilling and production of oil and gas; the storage of hydrocarbons in underground formations; and salt solution mining in Ontario. It provides for the issuance of licences and permits; industry regulations and technical standards for operations; oil, gas and salt resource conservation and stewardship; and also provides compliance and enforcement powers to ensure the protection of the public and environment from industry activities and works.

Provincial Parks and Conservation Reserves Act. The purpose of this Act is to protect a system of provincial parks and conservation reserves that includes ecosystems that are representative of all of Ontario's natural regions, protects provincially significant elements of

Ontario's natural and cultural heritage, maintains biodiversity and provides opportunities for compatible, ecologically sustainable recreation.

Conservation Authorities Act. This Act, administered by the MNR, provides for two or more municipalities within a common watershed to enter into partnership with the Province to establish a conservation authority for local resource management work. Under the Act, the objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals. The Minister of Natural Resources has delegated regulatory authority to the boards of conservation authorities to issue permits related to natural hazards in conservation authority regulated areas (Appendix C).

Niagara Escarpment Planning and Development Act. The purpose of this Act is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment. The Act applies to renewable energy projects and a development permit may be required from the Niagara Escarpment Commission.

In addition to the statutes listed above, the MNR may need to consider cumulative effects of development. Where there are changes or expected changes to the environment resulting from other projects, whether past, current or future, the MNR must consider these effects in relation to the proposed renewable energy testing project or renewable energy project. Where the MNR identifies that cumulative effects may be large, the study area for a project evaluation may be required to reflect this. Where possible, the MNR will raise these concerns with the applicant early in the review process.

3 The Approval and Permitting Requirements Document for Renewable Energy Projects

In order for the MNR to review and make decisions on a proposed renewable energy project, the applicant is required to undertake activities and submit information related to relevant permits, licences, authorizations and approvals. This document provides direction on those activities and information requirements for renewable energy projects on Crown land and where MNR permits or approvals are required on private land under the various Acts administered by MNR. This requirements document does not apply to projects on federal lands.

The requirements outlined in this document are based in legislation, regulations, policies, guidelines, and government and Ministry strategic directions. These source documents, as amended from time to time, provide additional information and direction to assist in fulfilling requirements (see Appendix D).

3.1 Projects subject to this document

Based on the definitions in Appendix A, this requirements document applies to:

- renewable energy testing facilities, including:
    - testing devices, structures or works
    - related infrastructure; and
    - the construction, installation, use, operation, changing or retiring of the testing facility.

The requirements for a testing project are outlined in Section 5.

- renewable energy generation facilities, including:
    - a facility that generates electricity from a renewable energy source;
    - associated or ancillary equipment, systems and technologies (as set out in Ontario Regulation 160/99 (Definitions and Exemptions) under the Electricity Act); and
    - the construction, installation, use, operation, changing or retiring of the renewable energy facility.

The requirements for a renewable energy project are outlined in Section 6.

Where the applicant intends to undertake an amendment to project plans prior to construction or commissioning the applicant will be required to follow the process outlined in Section 10.2.

An expansion, modification or redevelopment of a commissioned renewable energy project is also subject to this requirements document. The requirements for these undertakings are outlined in Section 10.3.

This requirements document does not apply to a renewable energy generation facility that uses water power as its primary source of power. These projects are subject to the Class Environmental Assessment for Waterpower Projects and MNR permits and approvals.

4 The complete submission process overview

4.1 Renewable Energy Facilitation Office

The Renewable Energy Facilitation Office at the Ministry of Energy and Infrastructure will assist project applicants at any stage of the approvals cycle in navigating the various processes and requirements associated with the development of renewable energy projects. The Renewable Energy Facilitation Office will provide information and liaison with or connection to appropriate staff and subject experts in other ministries as well as inform applicants of potential requirements

imposed by the Government of Canada. The Renewable Energy Facilitation Office will also develop and provide various tools and resources for renewable energy project applicants. While not a mandatory step, applicants are encouraged to work with the Renewable Energy Facilitation Office.

4.2 Prior to commencing work on a complete submission

Before commencing the application process the applicant shall ensure that any necessary pre-submission steps are complete, including the Site Release process for projects proposed on Crown land.

As part of the Site Release process for projects proposed on Crown land, the MNR will identify known values and interests (e.g., natural features such as wetlands) associated with the proposed project location . This may not be a complete inventory. It is the applicant's responsibility to ensure that values and interests that may be impacted by the proposed project are identified and addressed through the complete submission process before the MNR will make a decision on granting approvals for the project.

4.3 Preparing a complete submission

A complete submission for a renewable energy project will include all information required by relevant provincial ministries to issue approvals and permits required for the project. The MNR's requirements are outlined in this requirements document and all activities and information must be conducted and prepared in accordance with this requirements document. Some requirements are common between the MNR and the Ministry of the Environment. These requirements are outlined in the Renewable Energy Approval Regulation. This document identifies where information requested through the Renewable Energy Approval Regulation is also required by MNR for decision making on approvals or permits under MNR-administered statutes.

The MNR has policies, procedures, guidelines, best practices, and other sources of relevant information that may direct or assist the applicant on how requirements must or should be fulfilled. These are provided in Appendix D, and where appropriate, are specifically referenced in the relevant sections of the requirements document.

Applicants are encouraged to engage frequently with the MNR throughout the process to ensure that there are no delays in assessing and determining the completeness of a submission based on the information submitted by the applicant to fulfil requirements. In addition, to support greater coordination applicants are encouraged to seek input from all relevant regulatory bodies, including conservation authorities, municipalities or federal agencies early in the process to identify any requirements they may have.

4.4 Submitting a complete submission, ministry and agency review and Environmental Registry posting

Once the applicant has completed all necessary requirements outlined in this requirements document and/or the Ministry of Environment's Renewable Energy Approval Regulation, they may submit a complete submission to the Government for review.

The initial review of the complete submission will be to assess whether it addresses all requirements outlined in this document and in the Renewable Energy Approval Regulation and was prepared in accordance with guidance materials provided.

Where it is determined that a complete submission does not address the requirements, the Government will deem it incomplete and will notify the applicant and identify the requirements that will need to be addressed by the applicant.

Where it is determined that a complete submission addresses all requirements, it will be deemed complete. Once deemed complete, the MNR and the Ministry of the Environment will post information notices about the proposed renewable energy project on the Environmental Registry for public review and comment, as set out in the Environmental Bill of Rights.

4.5 Ministry and agency review and issuance of approvals

Following the Environmental Registry posting period, the MNR will review the complete submission and any comments received through the Registry posting and make a decision on the issuance of all applicable permits, licences, and authorizations with any associated conditions. Likewise, the Ministry of the Environment will make a decision on the issuance of their Renewable Energy Approval with any associated conditions.

The review of the complete submission and the issuance of most approvals and permits will be completed within the established service guarantee. Applicants should note that while a decision to grant a disposition and tenure for a proposal on Crown land is part of project approval, the related legal tenure documents may be issued after the established service guarantee.

The established service guarantee for approvals may not apply where the applicant is seeking a permit under clause 17(2)(d) of the Endangered Species Act, 2007 to authorize an activity that has a significant social or economic benefit to Ontario, as Lieutenant Governor in Council approval is required prior to the issuance of this type of permit.

Decisions made by the MNR on some types of approvals may be appealed by the applicant or the applicant may initiate an inquiry. Refer to Section 9 for details.

For successful applicants once the appeal or inquiry period has passed or any appeal or inquiry has been resolved, the applicant may apply for any necessary building permits or once interim tenure is granted, may begin construction in advance of receiving final tenure documents.

4.5.1 Post-construction compliance with conditions of MNR's approvals

Inspections by MNR staff to assess compliance with conditions contained within Ministry instruments are a normal and on-going function. Applicants of renewable energy projects, who receive approvals under the MNR's existing legislation which provide inspection authority, should expect these post-construction inspections to occur.

4.6 Disposition of Crown land

The MNR authorizes the use or occupation of Crown land for a renewable energy project through a variety of instruments issued under the Public Lands Act for a fixed term. The decision as to whether to authorize the use or occupation of Crown land is part of the complete submission process however, the related issuance of legal documents may occur after the established service guarantee. The MNR may grant interim authority to authorise the construction of works before commissioning the project and issuing tenure documents. Before issuance of final tenure documents, the applicant must arrange and pay for a Crown Land Plan and the subsequent plan registration, subject to instructions issued by the MNR.

Typically, renewable energy testing projects do not involve long-term tenure. Access to Crown land and authorization to carry out testing are normally granted through a:

- Letter of Authorization;
- Land Use Permit; or
- Work permit for roads and trail construction, including water crossings.

For renewable energy projects the use/occupation of Crown land is authorised by one or a combination of documents including, but not limited to a:

- Work permit for roads and trail construction, including water crossings;
- Crown Lease;
- Land Use Permit;
- Easement;
- Crown patent; or
- Licence of Occupation.

Most instruments contain terms and conditions that bind the project applicant and the Crown, including the requirement to pay annual rent and royalties and provide for periodic review of the rents and royalties.

5 Requirements for renewable energy testing projects proposed on Crown land

Renewable energy testing projects (as defined in Appendix A) proposed on Crown land will fall into one of two categories:

- Testing projects where no construction is required to gain access to the testing project location ;
- Testing projects where construction of a new or modifications to an existing transportation system is required.

While testing equipment and associated structures typically are expected to have minimal environmental effects, projects that do involve the construction of a new transportation system or a modification to an existing transportation system have additional information requirements due to the potentially greater effects to the natural environment associated with access.

5.1 Testing projects on Crown land where no construction of a transportation system is required

The applicant of a proposed renewable energy testing project (including testing for a waterpower project) on Crown land that do not require the construction of a new transportation system or modification to an existing transportation system is required to provide the following:

1. Consultation Report
2. Testing project description
3. Assessment of the presence of species and habitat protected under the Endangered Species Act, 2007.
4. Consideration of protected properties, archaeological and heritage resources
5. Site plan
6. Decommissioning plan

5.1.1 Consultation report

Documentation requirements are those described in Section 5.2.1.

5.1.1.1 Consultation with the public, municipalities and local authorities

Applicants of proposed renewable energy testing projects that don't involve the construction of transportation systems may be required to undertake public consultation where the MNR deems it necessary. The scope of any necessary public consultation will be determined through discussions with the MNR, but will not exceed the public consultation requirements outlined in Section 5.2.1.1.

5.1.1.2 Consultation with Aboriginal communities

Requirements are those described in Section 5.2.1.2.

5.1.2 Testing project description

A testing project description must include a description of the:

1. Renewable energy testing project, including devices or structures to be used and all related infrastructure;
2. Proposed existing access to be used for the project;
3. Installation, duration and operation of the devices or structures and all related infrastructure, including the proposed:
    - Method of installation;
    - Timing of installation;
    - Duration of operation; and
    - Operation of the device.

5.1.3 Assessment of the presence of species and habitat protected under the Endangered Species Act, 2007

An assessment of the potential presence of any species or habitat protected under the Endangered Species Act, 2007 is required. Where protected species or protected habitat is present, applicants must submit an analysis of negative effects and any potential complete submission requirements for an Endangered Species Act, 2007 authorization where negative effects cannot be avoided. See Section 6.3.5.1 and Appendix B.

5.1.4 Consideration of protected properties, archaeological and heritage resources

Requirements are those described in Section 5.2.4.

5.1.5 Site plan

Showing the location of the renewable energy testing project, related infrastructure and proposed existing access to the testing project location to be used, in relation to known natural features.

5.1.6 Decommissioning plan

A decommissioning plan is required to ensure that the project location is restored to a clean and safe condition as determined by the MNR on a project basis. This includes the retiring, abandoning, dismantling, or removing from active service, working order, or operation all components of the renewable energy testing project.

5.2 Renewable energy testing projects on Crown land where construction or modification of a transportation system is required

The applicant of a proposed renewable energy testing project (including testing for a waterpower project) on Crown land that requires the construction of a new transportation system or modification to an existing transportation system is required to complete the following:

1. Consultation report
2. Testing project description report
3. Natural heritage and water body assessment
4. Consideration of protected properties, archaeological and heritage resources
5. Design and operations report
6. Construction plan report
7. Decommissioning plan report
8. Crown land interests report

5.2.1 Consultation report

The following documentation of consultation conducted must be included in the applicant's testing project submission:

- A summary of communication with any members of the public, aboriginal communities, municipalities, local roads boards and Local Services Boards regarding the testing project;
- Evidence that the information required to be distributed to aboriginal communities under section 5.2.1.2 of this document was distributed;
- Any information provided by an aboriginal community in response to a request made under paragraph 4 of section 5.2.1.2 of this document;

- A description of whether and how:
    - comments from members of the public, aboriginal communities, municipalities, local roads boards and Local Services Boards were considered by the applicant;
    - the testing project or project documentation was altered in response to these comments.

5.2.1.1 Consultation with the public, municipalities and local authorities

The applicant of a proposed renewable energy testing project may be required to undertake consultation with the public, municipalities and local authorities where the MNR deems it necessary. The scope of any necessary consultation will be determined through discussions with the MNR, but consultation requirements will not exceed those outlined below. The applicant must:

- Prepare a notice of the proposal to engage in the testing project, including:
    - the name of the applicant;
    - a brief description of the testing project including the design details and its potential local impact and benefits;
    - a map showing the testing project location;
    - the applicant's name and contact information;
    - the location and time of at least one public meeting to be held for the purpose of conducting consultations in respect of the project (if the details are not known at the time of the notice, a second notice may be issued with the location and time of the public meeting);
    - the location where the public may access any studies and project documentation (the project studies and documentation must be made available for a 30-day period immediately prior to the date of the public meeting; if these details are not known at the time of the notice, they may be included in a second notice).
- Publish the notice in the following ways:
    - on at least two separate days in a newspaper with general circulation in each local municipality in which the project location is situated;
    - if the project location is in unorganized territory, the notice must be published on two separate days in a newspaper with general circulation within 25 kilometres of the project location, or if no newspaper exists, the notice must be posted in at least six conspicuous locations within 25 kilometres of the project location.
    - if the applicant has a website, the notice must be posted on the website.

- A copy of the notice must be given to:
    - every assessed land owner within 120 metres of the project location,
    - the clerk of each local municipality and upper-tier municipality in which the project location is situated,
    - the secretary-treasurer of each local roads board of a local roads area in which the project location is situated,
    - the secretary of each Local Services Board of a board area in which the project location is situated,
    - the secretary-treasurer of a planning board that has jurisdiction in an area in which the project location is situated,
    - the chair of the Niagara Escarpment Commission, if the project location is in the area of the Niagara Escarpment Plan,
    - the MNR district manager in each district in which the project location is situated.
- Hold a minimum of one public meeting prior to submitting the testing project submission for Ministry review.

5.2.1.2 Consultation with aboriginal communities

Procedural aspects of consultation carried out by the applicant and all documentation of the consultation will support procedural aspects of the Crown's legal duty to consult and will be assessed by the Crown to ensure that obligations in relation to consultation and, if appropriate, accommodation have been adequately fulfilled.

Before drafts of documents are made available or distributed to the public as per the consultation requirements under section 5.2.1 of this document the applicant shall distribute the following to each aboriginal community identified by the Government that:

- has or may have constitutionally protected aboriginal or treaty rights that may be adversely impacted by the project, or
- otherwise may be interested in any negative environmental effects of the project.

1. A draft of the project description report prepared in accordance with section 5.2.2 of this document.
2. Any information the applicant has regarding any adverse impacts that the project may have on constitutionally protected aboriginal or treaty rights that the community may have identified as being adversely impacted by the project.

3. A summary of all documents prepared as part of the testing project submission, except for the consultation report.
4. A written request that the aboriginal community provide in writing any information available to the community that, in its opinion, should be considered in preparing a document summarized under paragraph 3, and in particular, any information the community may have about any adverse impacts that the project may have on constitutionally protected aboriginal or treaty rights and any measures for mitigating those adverse impacts.

The applicant shall communicate with each aboriginal community regarding,

1. any information the applicant has regarding any adverse impacts that the project may have on any constitutionally protected aboriginal or treaty rights that the community has identified as being adversely impacted by the renewable energy project; and
2. measures for mitigating any adverse impacts referred to in paragraph 1, including any measures identified by the community.

5.2.2 Testing project description report

A testing project description report must include a description of the:

- Renewable energy testing project, including devices or structures to be used and all related infrastructure;
- The activities that will be engaged in as part of the renewable energy testing facility; and
- A well marked, legible and reproducible map showing the project and the land within 300 metres of the project location.

5.2.3 Natural heritage and water body assessment

The requirements outlined in this section for a renewable energy testing project with construction of a new or modified transportation system are similar to the requirements outlined in the Renewable Energy Approval regulation for a renewable energy generation project.

As such, this section sets out prohibitions on renewable energy testing projects in specific areas, subject to mitigation of environmental effects, and a process to determine if natural features or water bodies are present on a project location and whether prohibitions apply. This section also outlines the reports that make up the natural heritage and water body assessment, including the records review report, site investigation report, evaluation report for natural features, Environmental Impact Study report and possibly information for Endangered Species Act permits, Fish and Wildlife Conservation Act authorisations and other natural resources and features.

5.2.3.1 Prohibitions on Development

No person shall construct a renewable energy testing facility in a:

- Provincially significant southern wetland;
- Provincially significant coastal wetland; or
- Provincial park or a conservation reserve, unless the construction, installation or expansion of the facility is not prohibited by or under the *Provincial Parks and Conservation Reserves Act, 2006* or the testing is approved by the Minister.

No person shall construct a renewable energy testing facility at any of the following locations unless an environmental impact study report demonstrating mitigation measures to ensure no negative environmental effect has been prepared:

- A provincially significant northern wetland or within 120 metres of a provincially significant northern wetland;
- Within 120 metres of a provincially significant southern wetland;
- Within 120 metres of a provincially significant coastal wetland;
- A provincially significant area of natural and scientific interest (earth science) or within 50 metres of a provincially significant area of natural and scientific interest (earth science);
- A provincially significant area of natural and scientific interest (life science) or within 120 metres of a provincially significant area of natural and scientific interest (life science);
- A significant valleyland or within 120 metres of a significant valleyland;
- A significant woodland or within 120 metres of a significant woodland;
- A significant wildlife habitat or within 120 metres of a significant wildlife habitat;
- Within 120 metres of a provincial park;
- Within 120 metres of a conservation reserve;
- Within 120 metres of the average annual high water mark of a lake, other than a lake trout lake that is at or above development capacity;
- Within 300 metres of the average annual high water mark of a lake trout lake that is at or above development capacity;
- Within 120 metres of the high water mark of a permanent or intermittent stream; or
- Within 120 metres of a seepage area.

For the purposes of this section, a natural feature is significant if it is a woodland, a valleyland or a wildlife habitat that:

- The MNR has identified as significant; or
- is considered to be significant when evaluated using evaluation criteria or procedures established or accepted by the MNR, as amended from time to time, for significant natural features.

For the purposes of this section a natural feature is provincially significant if it is a southern wetland, a northern wetland, a coastal wetland, an area of natural and scientific interest (earth science) or an area of natural and scientific interest (life science) that:

- The MNR has identified as significant;
- is considered to be provincially significant when evaluated using evaluation criteria or procedures established or accepted by the MNR, as amended from time to time, for provincially significant natural features.

5.2.3.2 Records review report

The applicant must prepare a records review report to identify any known natural features or water bodies associated with a testing project. Records maintained by at a minimum the following sources must be identified in the records review report:

- The MNR;
- The Crown in right of Canada;
- A conservation authority, if the project location is in the area of jurisdiction of the conservation authority;
- The Niagara Escarpment Commission, if the project location is in the Niagara Escarpment Plan.

5.2.3.3 Site investigation report

In addition to the records review report the applicant must undertake a physical investigation of the project location to identify and provide information about the following natural features and resources:

- Wetlands;
- Coastal Wetlands;
- Wildlife habitat;
- Woodlands;

- Valleylands;
- Areas of Natural and Scientific Interest (earth and life);
- Fish and fish habitat (if the testing project will affect watercourses, Appendix E);
- Water bodies;
- Rare vegetation communities as defined by the MNR's Natural Heritage Information Centre;
- Species and habitat protected under the Endangered Species Act, 2007 (see Appendix B for more information on undertaking an evaluation);
- Wildlife and their habitat including the nests and eggs of birds, beaver dams, and the dens of black bears and some furbearing mammals;
- Mineral aggregate resources;
- Petroleum resources, wells, and works
- Crown forest resources; and
- Hazard lands.

The site investigation report must set out the following:

- A summary of any corrections to the records review report and the determinations made as a result of conducting the site investigation including any corrections to the boundaries of or new natural features or water bodies identified through the site investigation;
- Information relating to each natural feature identified in the records review and in the site investigation, including the type, attributes, composition and function of the feature;
- A map showing,
    - the boundaries of the natural features or water bodies;
    - the location and type of each natural feature and water body identified in relation to the site, and
    - the distance between the testing project location and the natural feature or water body;
- The dates and times of the beginning and completion of the site investigation;
- The duration of the site investigation;
- The weather conditions during the site investigation;
- A summary of methods used to make observations for the purposes of the site investigation;

- The name and qualifications of any person conducting the site investigation; and
- Field notes kept by the person conducting the site investigation.

5.2.3.4 Evaluation report for natural features

Where the applicant proposes a renewable energy testing facility in an area that may be subject to a prohibition described in section 5.2.3.1 identified during:

- the records review;
- the site investigation; and
- consultations under section 5.2.1.2,

the applicant shall prepare a report that includes:

1. A determination of whether the natural feature is provincially significant, significant, not significant or not provincially significant.
2. A summary of the evaluation criteria or procedures used to make the determinations mentioned in paragraph 1.
3. The name and qualifications of any person who applied the evaluation criteria or procedures mentioned in paragraph 2.
4. The dates of the beginning and completion of the evaluation.

5.2.3.5 Environmental Impact Study report

Where a testing project is planned in an area that is subject to a prohibition described in section 5.2.3.1, an environmental impact study report must be prepared to ensure no negative environmental effect to the significant natural feature or water body.

The environmental impacts study report must be prepared in accordance with any procedures established by the MNR, as amended from time to time, and will:

- identify and assess any negative environmental effects of the project on a natural feature, provincial park or conservation reserve, or water body
- identify mitigation measures in respect of any negative environmental effects;
- identify environmental effects monitoring requirements to be included in the monitoring plan report under section 5.2.5.2 and
- describes how the construction plan report under section 5.2.6 addresses any negative environmental effects

5.2.3.6 Additional MNR requirements

As described in section 6.3.5.

5.2.4 Consideration of protected properties, archaeological and heritage resources

Applicants of proposed renewable energy testing projects are required to consider whether engaging in the project may have an impact on cultural heritage resources.

These requirements are similar to those outlined in the Renewable Energy Approval regulation for a renewable energy project. These protections are there to ensure that impacts on cultural heritage resources may be identified, assessed and mitigated, as appropriate.

Cultural heritage requirements are summarized below.

5.2.4.1 Protected Properties

Anyone constructing a renewable energy testing facility shall determine if it is on a property that is subject to a protection under the Ontario Heritage Act. If so, the applicant must request authorization from the appropriate body and submit a copy of that authorization as part of its application to MNR. For a complete list of protected properties refer to section 19 of the Renewable Energy Approval regulation.

5.2.4.2 Protected Properties on an abutting property

Anyone constructing a renewable energy testing facility shall determine whether a property that is subject to a protection under the Ontario Heritage Act abuts the parcel on which the project location is situated.

If there is no impact on the abutting protected property, a written summary of the factors leading to this determination must be included in the application to MNR.

If there may be an impact, the applicant must conduct a heritage assessment consisting of an evaluation of any impact of the renewable energy testing project on the abutting protected property and proposed measures to avoid, eliminate or mitigate the impact, which may include a heritage conservation plan.

The heritage assessment report containing the evaluation of the impact on the abutting protected property must be sent to the Ministry of Culture for comment. The applicant must include this report and the Ministry of Culture's written comments as part of its application to MNR.

5.2.4.3 Consideration of archaeological and heritage resources

All applicants must consider whether the testing facility may have an impact on an archaeological resource at the project location or a heritage resource at the project location (other

than a Protected Property on part of the project location or a Protected Property on an abutting property).

For archaeological resources:

- if there is no impact, a written summary of the factors leading to this determination must be included in the application to MNR.
- if there may be an impact on an archaeological resource, the applicant must complete the process for an archaeological assessment described in 5.2.4.4

For heritage resources:

- if there is no impact, a written summary of the factors leading to this determination must be included in the application to MNR.
- If there may be an impact on a heritage resource, the applicant must complete the process for a heritage assessment described in 5.2.4.5.

5.2.4.4 Archaeological Assessment

Where applicable, a person shall ensure that an archaeological assessment is conducted by a licensed consultant archaeologist. The archaeological assessment report must be sent to the Ministry of Culture for comment. The applicant must include the archaeological assessment report and The Ministry of Culture's written comments as part of its application to MNR.

Also, if the project location is on property described designated as an archaeological site under Regulation 875 of the Revised Regulations of Ontario, 1990 (Archaeological Sites) made under the Ontario Heritage Act, the applicant must include a copy of the permit issued by the Minister of Culture to excavate or alter the property or to remove an artifact, as the case may be.

5.2.4.5 Heritage Assessment

Where applicable, a person shall ensure that a heritage assessment is conducted and includes an evaluation of whether there are any heritage resources at the project location, applying the criteria set out in Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest) made under the Ontario Heritage Act.

If any heritage resources are identified, there must be an evaluation of any impact of the renewable energy project on the heritage resources and proposed measures to avoid, eliminate or mitigate the impact, which may include a heritage conservation plan.

The heritage assessment report must be sent to the Ministry of Culture for comment. The applicant must include the archaeological assessment report and the Ministry of Culture's written comments as part of its application to MNR.

5.2.5 Design and operations report

5.2.5.1 Site plan

The site plan for the project must include:

- One or more maps or diagrams of:
    - the location of the renewable energy testing facility; and
    - land contours, surface water drainage and any water bodies, natural features, provincial parks, or conservation reserves.

5.2.5.2 Environmental effects monitoring plan

Where the applicant is undertaking mitigation measures to address environmental effects, an environmental effects monitoring plan is required that will include the:

- reason for monitoring;
- environmental component or mitigation measures being monitored and the scope of the program;
- methods and procedures that are to be used for monitoring extent of effects and the effectiveness of mitigation strategies;
- timing and duration of monitoring activities including extension of monitoring activities if unanticipated effects occur;
- monitoring results reporting provision, including when interim and final reports will be prepared for the MNR; reports should describe monitoring actions that were undertaken, a description of the study and sampling areas, the data that was collected and the results and interpretation of these results; and
- provision for additional actions that may be required to address an effect, including operational mitigation and any related monitoring.

5.2.6 Construction plan report

The construction plan report for a renewable energy testing facility shall include:

- Details of any construction or installation activities;
- The location and timing of any construction or installation activities for the duration of the construction or installation;
- Any negative environmental effects that may result from construction or installation activities within a 300 metre radius of the activities;

- mitigation measures in respect of any negative environmental effects;
- a diagram showing the location(s) of any related temporary infrastructure; and
- where a water crossing, bridge, culvert and/or causeway is part of the project, a completed Work Permit Application.

5.2.7 Decommissioning plan report

For a renewable energy testing project proposed on Crown land, the decommissioning plan is required to ensure that the project location is restored to a clean and safe condition as determined by the MNR on a project basis. This includes the retiring, abandoning, dismantling, or removing from active service, working order, or operation all components of the renewable energy testing project, including new or modified transportation systems.

5.2.8 Crown land interests report

As described in section 6.9.

5.2.9 Assessment of the presence of species and habitat protected under the Endangered Species Act, 2007.

An assessment of the potential presence of any species or habitat protected under the Endangered Species Act, 2007 is required. Where protected species or protected habitat is present, applicants must submit an analysis of negative effects and any potential complete submission requirements for an Endangered Species Act, 2007 authorization where negative effects cannot be avoided. See Section 6.3.5.1 and Appendix B.

5.2.10 Additional location or project-specific approvals

The applicant may also need to fulfil additional requirements if the testing project:

1. requires approval from a Federal Agency;
2. will involve the extraction and removal of aggregate material;
3. will involve the harvesting Crown-owned forest resources;
4. is proposed in a Provincial Park or Conservation Reserve;
5. is proposed in natural hazard lands (in an area without a Conservation Authority);
6. is proposed in an area under a Forest Resource License or a Sustainable Forest License; or
7. is located in the Far North of Ontario.

The requirements for these location or project-specific approvals are described in section 7.

6 Requirements for renewable energy projects

This section identifies requirements for renewable energy projects on Crown land and where MNR permits or approvals are required on private land with respect to a wind, solar, biomass or biogas generation project including associated and ancillary infrastructure constructed solely for the renewable energy generation facility. Some information requirements are common between the MNR and the Ministry of the Environment, these requirements are outlined in the Renewable Energy Approval Regulation.

Applicants must provide the following as part of the complete submission for the MNR's review:

1. Consultation report
2. Project description report
3. Natural heritage assessment
4. Water report
5. Consideration of protected properties, archaeological and heritage resources
6. Design and operations report
7. Construction plan report
8. Decommissioning plan report
9. Crown land interests report

Section 7 outlines additional location and project-specific requirements that may need to be addressed by the applicant.

6.1 Consultation report

6.1.1 Notices of project and meetings

Requirements for notices of projects and meetings are outlined in section 15 of the Renewable Energy Approvals Regulation. These requirements apply to proposed renewable energy projects on Crown land and where MNR permits or approvals are required on private land. Information submitted will be reviewed by the MNR and will inform decisions on approvals and permits.

6.1.2 Consultation with public

Public consultation requirements are outlined in section 16 and item 2 of Table 1 of the Renewable Energy Approvals Regulation. These requirements apply to proposed renewable energy projects on Crown land and where MNR permits or approvals are required on private land. Information submitted will be reviewed by the MNR and will inform decisions on approvals and permits.

6.1.3 Consultation with aboriginal communities

Procedural aspects of consultation carried out by the applicant and all documentation of the consultation will support procedural aspects of the Crown's legal duty to consult and will be assessed by the Crown to ensure that obligations in relation to consultation and, if appropriate, accommodation have been adequately fulfilled.

Before drafts of documents are made available or distributed to the public as per the consultation requirements under subsection 16(5) of the Renewable Energy Approval regulation a person who proposes to engage in a renewable energy project shall distribute the following to each aboriginal community identified by the Government that:

- have or may have constitutionally protected aboriginal or treaty rights that may be adversely impacted by the project, or
- otherwise may be interested in any negative environmental effects of the project.

1. A draft of the project description report prepared in accordance with section 6.2 of this document.
2. Any information the applicant has regarding any adverse impacts that the project may have on constitutionally protected aboriginal or treaty rights that the community may have identified as being adversely impacted by the project.
3. A summary of all documents prepared as part of the testing project submission, except for the consultation report.
4. A written request that the aboriginal community provide in writing any information available to the community that, in its opinion, should be considered in preparing a document summarized under paragraph 3, and in particular, any information the community may have about any adverse impacts that the project may have on constitutionally protected aboriginal or treaty rights and any measures for mitigating those adverse impacts.

The applicant shall communicate with each aboriginal community regarding,

1. any information the applicant has regarding any adverse impacts that the project may have on any constitutionally protected aboriginal or treaty rights that the community has identified as being adversely impacted by the renewable energy project; and
2. measures for mitigating any adverse impacts referred to in paragraph 1, including any measures identified by the community.

6.1.4 Consultation with municipalities and local authorities

Consultation with municipalities and local boards requirements are outlined in section 18 and item 2 of Table 1 of the Renewable Energy Approvals Regulation. These requirements apply to proposed renewable energy projects on Crown land and where MNR permits or approvals are required on private land. Information submitted will be reviewed by the MNR and will inform decisions on approvals and permits.

6.2 Project description report

The project description report requirements are outlined in item 10 of Table 1of the Renewable Energy Approvals Regulation. These requirements apply to proposed renewable energy projects on Crown land and where MNR permits or approvals are required on private land. Information submitted will be reviewed by the MNR and will inform decisions on approvals and permits.

6.3 Natural heritage assessment

6.3.1 Records review report

The records review report requirements are outlined in section 25 of the Renewable Energy Approvals Regulation. These requirements apply to proposed renewable energy projects on Crown land and where MNR permits or approvals are required on private land. Information submitted will be reviewed by the MNR and will inform decisions on approvals and permits.

6.3.2 Site investigation report

The site investigation report requirements are outlined in section 26 of the Renewable Energy Approvals Regulation. These requirements apply to proposed renewable energy projects on Crown land and where MNR permits or approvals are required on private land. Information submitted will be reviewed by the MNR and will inform decisions on approvals and permits.

In order to assess whether MNR permits or approvals are needed applicants will also be required to provide information about the following natural features and resources:

- Fish and fish habitat (if structures, roads or transmission affect watercourses, Appendix E);
- Rare vegetation communities as defined by the MNR' Natural Heritage Information Centre;
- Species and habitat protected under the Endangered Species Act, 2007 (see Appendix B for more information on undertaking an evaluation);
- Wildlife and their habitat including the nests and eggs of birds, beaver dams, and the dens of black bears and some furbearing mammals;

- Mineral aggregate resources;
- Petroleum resources, wells, and works;
- Crown forest resources; and
- Hazard lands.

6.3.3 Evaluation report

The evaluation report requirements are outlined in section 27 of the Renewable Energy Approvals Regulation. These requirements apply to proposed renewable energy projects on Crown land and where MNR permits or approvals are required on private land. Information submitted will be reviewed by the MNR and will inform decisions on approvals and permits.

6.3.4 Environmental Impact Study report

The environmental impact study report requirements are outlined in section 38 of the Renewable Energy Approvals Regulation. These requirements apply to proposed renewable energy projects on Crown land and where MNR permits or approvals are required on private land. Information submitted will be reviewed by the MNR and will inform decisions on approvals and permits.

6.3.5 Additional MNR requirements

6.3.5.1 Endangered Species Act, 2007

Where protected species or habitat are present, the applicant must assess the potential effects of all aspects of the project (e.g. construction, operation, retiring, etc.) on the species and/or habitat. This analysis must include the assessment of any potential off-site effects resulting from the proposed activity. This analysis should be conducted in consultation with the MNR's District office.

See Appendix B for additional information on determining the presence of species at risk and when the species and habitat protection provisions of the Endangered Species Act, 2007 apply.

In the event that one or more components of the project has the potential to effect any protected species or protected habitat in a way that would be prohibited by section 9 or 10 of the Endangered Species Act, 2007, the applicant must determine if the project can be modified to avoid those effects (e.g. project and design alternatives). All reasonable alternatives to the proposed activity must be considered, including alternatives that would not negatively affect the species, and documented in the complete submission.

Where it has been determined that the project cannot be modified to avoid negative effects to one or more protected species or protected habitat, the project will require an authorization under the Endangered Species Act, 2007 as a part of the project approvals in order to proceed. Further

details of complete submission requirements for projects requiring Endangered Species Act, 2007 authorization are included in Appendix B.

For complete submissions where the presence of a protected species or protected habitat has been identified, but the applicant has determined that the project will not have an negative effect on protected species or protected habitats (i.e., the project will not involve any activities that would be prohibited by section 9 or 10 of the Endangered Species Act, 2007), the complete submission must include adequate information satisfactory to the MNR to support that determination.

Applicant Responsibilities with Respect to Species at Risk Include:

- Researching existing information, conducting any necessary surveys and assessments at the project location and analyzing the potential negative effects that the project may have on species at risk or their habitats in consultation with the MNR.
- Obtaining and providing any information regarding endangered or threatened species on the SARO List that is required to design the proposal or to inform the MNR's review of the proposal.
- Determining if the project can be modified (e.g. timing of work) to avoid predicted negative effects on a species or habitat.
- Where the potential need for an Endangered Species Act, 2007 authorization is identified, initiating discussion with the local the MNR District office to discuss options for authorizations under the Endangered Species Act, 2007 and associated information requirements.
- Development and design any supporting documents for the proposal, including any mitigation or overall benefit plans to the satisfaction of the MNR.

6.3.5.2 Fish and Wildlife Conservation Act authorisation requirements

The Fish and Wildlife Conservation Act (1997), prohibits:

- the destruction, taking or possession of nests or eggs of birds (except for those species of birds listed in Subsection 7(2) of the Act or those that are protected under the Migratory Birds Convention Act, 1994); and
- the destruction of beaver dams and the dens of black bear and furbearing mammals (except dens of foxes or skunks) and prohibits the interference with a black bear in its den.

The applicant of a proposed renewable energy project that, for the purpose of constructing or operating the project, will destroy the nests or eggs of birds, a beaver dam or the den of a black bear or some furbearing mammals, or interfere with a black bear in its den, must obtain an authorization from the MNR. The applicant should submit as part of the complete submission a

written request for authorization. The MNR will review the request and evaluate the potential affect of approval on the natural resource, and make a decision on whether to issue the authorization and establish any conditions as required.

6.3.5.3 Other natural resources and features

For other natural features that are found not to be significant using the provincial evaluation standards, there are no specific restrictions on the construction, installation, use, operation or changing of a renewable energy facility. However, the applicant should provide the MNR with information on:

- The potential effects of the project, including loss of connectivity between and among natural features;
- Mitigation measures, where proposed by the applicant; and
- Consideration of existing wildlife management plans and/or fisheries management plans.

The MNR will review this information and use it in evaluating plans and making decisions on related permits or approvals including decisions related to cumulative effects.

6.4 Water report

The water report requirements are outlined in sections 30 and 31 of the Renewable Energy Approvals Regulation. These requirements apply to proposed renewable energy projects on Crown land and where MNR permits or approvals are required on private land. Information submitted will be reviewed by the MNR and will inform decisions on approvals and permits.

6.5 Consideration of protected properties, archaeological and heritage resources

The requirements for protected properties, archaeological and heritage resources are outlined in sections 19 through 23 of the Renewable Energy Approvals Regulation. Information submitted will be considered by the MNR and will inform decisions on approvals and permits.

6.6 Design and operations report

6.6.1 Site plan

The site plan requirements are outlined in paragraph 1 of item 4 of Table 1 of the Renewable Energy Approvals Regulation. These requirements apply to proposed renewable energy projects on Crown land and where MNR permits or approvals are required on private land. Information submitted will be reviewed by the MNR and will inform decisions on approvals and permits.

In addition to the requirements outlined in Renewable Energy Approvals Regulation, the applicant of a renewable energy project proposed on Crown land will be required to submit a detailed map showing the project in relation to all adjacent land uses, land tenure, and existing and proposed access and trails within a 300 metre radius of the renewable energy project activities.

6.6.2 Environmental effects monitoring plan

The environmental effects monitoring plan requirements are outlined in paragraph 4 of item 4 of Table 1 of the Renewable Energy Approvals Regulation. These requirements apply to proposed renewable energy projects on Crown land and where MNR permits or approvals are required on private land. Information submitted will be reviewed by the MNR and will inform decisions on approvals and permits.

The environmental effects monitoring plan for a project proposed on Crown land will include:

- reason for monitoring;
- environmental component or mitigation measures being monitored and the scope of the program;
- methods and procedures that are to be used for monitoring extent of effects and the effectiveness of mitigation strategies;
- timing and duration of monitoring activities including extension of monitoring activities if unanticipated effects occur;
- monitoring results reporting provision, including when interim and final reports will be prepared for the MNR; reports should describe monitoring actions that were undertaken, a description of the study and sampling areas, the data that was collected and the results and interpretation of these results;
- provision for additional actions that may be required to address an effect, including operational mitigation and any related monitoring.

6.6.3 Public safety plan

To minimize potential risks to public safety, including Crown land resource users, the applicant must provide a public safety plan that addresses applicable municipal, provincial and federal safety requirements which may include:

- Operational safety;
- Access for emergency vehicles;
- Forest fire prevention and preparedness plan;

- Emergency management plans;
- Signage and proposed access restrictions; and
- Lighting.

6.7 Construction plan report

The construction plan report requirements are outlined in item 1 of Table 1 of the Renewable Energy Approvals Regulation. These requirements apply to proposed renewable energy projects on Crown land and where MNR permits or approvals are required on private land. Information submitted will be reviewed by the MNR and will inform decisions on approvals and permits.

In addition to the requirements outlined in Renewable Energy Approvals Regulation, the applicant of a renewable energy project proposed on Crown land will be required to submit:

- a diagram showing the location(s) of any ancillary or associated temporary infrastructure, including staging and lay-down areas in relation to the project location;
- where a water crossing, bridge, culvert and/or causeway is part of the project, a completed work permit application, which includes information about:
    - the specifications of the structure, including the materials to be used and the size;
    - watershed calculation for flow/flood estimation; and
    - proposed erosion and sedimentation control.

6.8 Decommissioning plan report

The decommissioning plan report requirements are outlined in item 3 of Table 1 of the Renewable Energy Approvals Regulation. These requirements apply to proposed renewable energy projects on Crown land and where MNR permits or approvals are required on private land. Information submitted will be reviewed by the MNR and will inform decisions on approvals and permits.

For a renewable energy project proposed on Crown land, the decommissioning plan is required to ensure that the project location is restored to a clean and safe condition as determined by the MNR on a project basis. This includes the retiring, abandoning, dismantling, or removing from active service, working order, or operation all components of the renewable energy project, including access roads.

6.9 Crown land interests report

Through the complete submission, the applicant may be required to provide information related, but not limited, to:

- title searches and legal agreements from affected landowners;
- consents from unpatented mining claim holders or agreement from mining lease holders (where surface rights are held) to surrender all or part of leases where required;
- legal agreements with Petroleum lease holders regarding infrastructure;
- mitigation of effects to existing users, including those with licenses, permits or tenure (may require consent/agreement);
- site access controls to mitigate the effects to other resource users or management activities; and
- measures to address compatibility with or effects to existing land use direction.

7 Additional location or project-specific requirements

The applicant of a renewable energy project will need to fulfil additional requirements if the project:

1. will require approval from the Federal Government;
2. is an off-shore wind project;
3. will require aggregate material for the construction of the facility or associated infrastructure that is not being obtained from an existing approved source;
4. will involve the harvesting Crown-owned forest resources;
5. is proposed in a Provincial Park or Conservation Reserve;
6. is proposed in natural hazard lands;
7. is proposed in an area under a Forest Resource License or a Sustainable Forest License;
8. is proposed within 75 metres of a petroleum resources operation;
9. is located in the Far North of Ontario;
10. will use 1000 cubic metres of forest fibre per year; or
11. has wildfire prevention and preparedness requirements.

7.1 Evidence of Federal Government engagement

Applicants should note that there are instances where the MNR is unable to issue some approvals and permits until the Federal Government has made a decision on related approvals. Therefore, MNR will not deem a submission to be complete until the applicant provides evidence of the

relevant Federal Agency's approval or intent to approve. The Federal approvals that are required by MNR are listed in Appendix E.

7.2 Off-shore wind facility report

The off-shore wind facility report requirements are outlined in item 12 of Table 1 of the Renewable Energy Approvals Regulation. These requirements apply to proposed renewable energy projects on Crown land and where MNR permits or approvals are required on private land. Information submitted will be reviewed by the MNR and will inform decisions on approvals and permits.

In addition to the requirements outlined in Renewable Energy Approvals Regulation, the applicant of an off-shore wind facility will be required to submit:

- A site plan as described in paragraph 1 of item 4 of Table 1 of the Renewable Energy Approvals Regulation with the following additional information:
    - Location of shipping channels;
    - Location of commercial fisheries zones;
    - Proposed location of submarine cables, including land/water interface, and connection to on-shore transmission
    - Location of existing dispositions of the lake bed (e.g., petroleum leases, mining leases, water lots)
    - Location of offshore oil and gas licences, leases, wells and works (pipelines)
- A records review as described in section 25 of the Renewable Energy Approvals Regulation with the following additional information:
    - Fish and fish habitat
    - Fish populations and fisheries
    - Rare vegetation communities as defined by the MNR's Natural Heritage Information Centre
    - Species and habitat protected under the Endangered Species Act (see Appendix B for more information on undertaking an evaluation)
    - Wildlife species and their habitat
    - Hazard lands
- In support of the compilation of baseline information, applicants must also undertake a coastal engineering study which addresses the potential effect of the proposed project on natural erosion and accretion.

Based on the location of off-shore wind projects and related infrastructure, some federal government approvals have to be met before the Province can provide its approval (as outlined in Appendix E).

7.3 Aggregate extraction requirements

The Aggregate Resources Act regulates the operation of a pit or quarry to extract aggregate on all Crown land and also on private land in areas of the province that are designated (identified) in the regulations. The term 'aggregate' includes sand, gravel, stone, rock, clay, earth, etc. On Crown land, the extraction of topsoil is also regulated under the Aggregate Resources Act.

In situations where the primary purpose of the excavation is not to obtain aggregate (e.g., excavating an area for the foundation of a building or tower), a licence or permit under the ARA is not required and the excavated material can be used for the project if desired. Applicants must discuss this determination with MNR's local Aggregate Inspector to ensure that correct interpretation of 'primary purpose' is being applied.

If a renewable energy project requires aggregate, it is recommended that the applicant contact the local District office of the MNR to assist with identifying commercial sources of aggregate (licensed or permitted) that are nearby, in order to determine the availability of material for the project.

In the event that it is not feasible to obtain the required aggregate material from an existing source, the approval of a new pit or quarry would not be considered as a component of the renewable energy project; however, the applicant may wish to discuss opportunities for streamlining requirements under the ARA and renewable energy project requirements with the MNR.

The Aggregate Resources of Ontario Provincial Standards identifies the application requirements and the application process to obtain a licence (on private land) or an aggregate permit (on Crown land). It is a requirement of the regulations under the Aggregate Resources Act that all applications must be carried out in accordance with this process.

7.4 Harvesting Crown-owned forest resources requirements

Where a renewable energy project involves the harvest (clearing) of Crown timber, the applicant must be granted authorization to do so by the MNR. The process for authorization depends on whether the project location is within an area already licensed.

7.4.1 On Crown Land with no active licence

Where a renewable energy project is proposed on Crown land that is not under an active licence, and requires the harvest of any Crown timber, the applicant must obtain a Forest Resource

Licence from the MNR (issued under Section 27 of the Crown Forest Sustainability Act) and undertake harvest in accordance with the Forest Resource Licence. In addition, an exemption under Section 47 of the Crown Forest Sustainability Act must be obtained since the harvest will not be in accordance with various sections of Part IV of the Crown Forest Sustainability Act.

Applicants should discuss requirements with the MNR's District office. Requirements for a Forest Resource Licence and exemption will typically include:

- a map of the area to be cleared;
- the name of the project applicant;
- the name of the individual or company that the Forest Resource Licence will be issued to (either the applicant or the individual or company that will undertake the harvest activity, if not the applicant); and
- a description of the harvest activities.

This information should be submitted with the complete submission documentation. Applicants should note that Crown charges appropriate to the species, grade and destination apply and that all attempts should be made to utilize the harvested material. However, where the proposed renewable energy project location is in an area where the Crown timber is committed to a forest resource processing facility, a condition can be included on the Forest Resource Licence directing the licensee to dispose of the wood in accordance with the terms of the commitment document.

7.4.2 On land under an Forest Resource Licence

Where the proposed renewable energy project location is in an area under an active forest resource licence, the MNR must formally amend the licence to allow disposition or "withdrawal" of the land from the licensed area (as described in Section 7.7.1). Once the existing licence has been amended, a new Forest Resource Licence must be issued to authorize the clearing of trees as outlined in Section 7.4.1.

7.4.3 On land under an Sustainable Forest Licence

Where the proposed renewable energy project location is in an area under an active sustainable forest licence, the MNR must formally amend the licence and, if necessary, the related forest management plan to allow disposition or "withdrawal" of land (as outlined in Section 7.6.2). Once the existing licence has been amended, a new Forest Resource Licence must be issued to authorize the clearing of any trees as outlined in Section 7.4.1)

7.5 Projects proposed in Provincial Parks or Conservation Reserves

Ontario's system of protected areas includes more than 620 provincial parks and conservation reserves with an area of 9.5 million hectares, or about 9% of Ontario's land area.

The Provincial Parks and Conservation Reserves Act, which came into effect in 2007, provides a legislative basis for planning and managing these areas. Permits and approvals for facilities for the generation of electricity in protected areas are issued under this Act. The Act allows utility corridors in protected areas but prohibits facilities for the generation of electricity, with the following exceptions:

1. An existing facility for the generation of electricity located in a provincial park or conservation reserve may continue to operate and be maintained and, with the approval of the Minister, may be improved, rebuilt or altered.
2. A facility for the generation of electricity may be developed in a provincial park or conservation reserve for use within a community that is not connected to the IESO-controlled grid.
3. A facility for the generation of electricity may be developed in a provincial park or conservation reserve if it was identified in a Ministry land use plan for a specific site before the site was regulated as part of a provincial park or conservation reserve.
4. A facility for the generation of electricity may be developed in a provincial park or conservation reserve if the electricity generated is to be used for provincial park or conservation reserve purposes.

Other considerations for projects in protected areas include:

- Renewable energy testing projects must be associated with a proposal for a facility for the generation of electricity that is consistent with the Provincial Parks and Conservation Reserves Act or be approved by the Minister.
- New access roads are not permitted unless they are part of a facility for the generation of electricity consistent with the Act.
- The extraction of aggregate is prohibited unless it is undertaken as an incidental activity related to a facility for the generation of electricity.
- The Provincial Parks and Conservation Reserves Act includes requirements around the preparation or amendment of management direction.

Before approving a facility for the generation of electricity proposed under exceptions 2 through 4 or a utility corridor in a protected area, the MNR must be satisfied that three conditions are met: there are no reasonable alternatives; lowest cost is not the sole or overriding justification;

and all reasonable measures will be undertaken to minimize negative environmental effects and protect ecological integrity.

7.5.1.1 No reasonable alternatives

The applicant must consider alternatives to the project including the null (do nothing) alternative, and alternative methods to carry out the project. If there are no reasonable alternatives, an explanation is required. The applicant must provide a rationale for selecting the preferred alternative. In addition:

- When comparing alternative projects (e.g., locations, routes, etc.), the comparison should show the potential net environmental effects in a logical and systematic way.
- The level of sophistication of the comparison should respond to the complexity of the project, its potential environmental effects, and how the alternatives differ. There should be some assignment of priorities or weighting to the evaluation criteria or groups of criteria to be applied in the comparison.
- An evaluation matrix describing environmental effects under each criterion for each alternative, supported by a narrative description of the comparison, should be used. Low, moderate and high positive and negative effects may be assigned to each criterion. The ranges of values for indicators used to assess effects in low, moderate and high categories should be specified and explained.
- The advantages and disadvantages of the preferred alternative should be reviewed against the purpose the project is intended to serve.

7.5.1.2 Lowest cost is not the sole or overriding justification

Project cost is an important consideration in selecting the preferred alternative, but cannot be the sole or overriding reason for the preferred alternative. The evaluation criteria established for considering alternatives must demonstrate that cost consideration was not the primary factor for determining the preferred alternative.

7.5.1.3 Environmental effects and mitigation

Environment effects must be considered, including the values that represent why the protected area was created, and all reasonable measures must be taken to minimize negative environmental effects and protect ecological integrity.

Ecological integrity refers to a condition in which living and non-living components of ecosystems and the kinds of native species and biological communities and their abundance reflect their natural regions, and rates of change and ecosystem processes are unimpeded. There is not a single, comprehensive indicator of ecological integrity. Therefore effects to ecological

integrity will require the consideration of a variety of features and processes that could be affected by development.

Ecological integrity can be broken down into consideration of composition, structure, and function. Consideration should also be given to:

- Scale: does the proposed project have the potential to affect ecological integrity on a local scale, a regional scale, or a broader scale?
- Time frame: what are the potential long term effects of the proposed project and do they differ from the short term effects?
- Biological indicators and/or ecological indices: consider the selection of indicator species to monitor risk to ecological integrity, or tracking and measurement of combined indicators within an ecological index.

The applicant must provide information which clearly identifies the anticipated effect that the project may have on values and ecological integrity of the protected area, the mitigation measures proposed, and the net effects remaining after mitigation. Monitoring of project effects will be required to verify the effectiveness of the mitigation measures, or to verify the predicted effects.

The MNR will review this information and evaluate the plans as it relates to:

- Potential effects
- Mitigation measures
- Net effects
- Significance of net effects
- Relationship with the management direction of the protected area
- Impact to the protected area system

7.6 Projects proposed in natural hazard lands

Renewable energy projects shall generally be directed to areas outside of:

- hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are effected by flooding hazards, erosion hazards and/or dynamic beach hazards;
- hazardous lands adjacent to river, stream and small inland lake systems which are effected by flooding hazards and/or erosion hazards; and
- hazardous sites.

Renewable energy projects shall not be permitted within:

- a dynamic beach hazard;
- defined portions of the one hundred year flood level along connecting channels (the St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
- a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

Despite the above direction, renewable energy projects may be permitted in these areas where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

Through Section 28 regulations under the *Conservation Authorities Act*, Conservation Authorities regulate development and activities in river or stream valleys, Great Lakes and large inland lakes shorelines, hazardous lands, wetlands and watercourses. Renewable energy projects proposed for these lands requires permission (i.e. permit) from the Conservation Authority. In areas of the Province with a local Conservation Authority (Appendix C), the applicant should contact the Conservation Authority as early as possible in the process to determine if the project location is within a natural hazard land.

Where there is no local Conservation Authority the applicant should work with the MNR to determine if a project will be permitted in a hazard land. Information required by MNR to make this determination includes:

- Erosion and sediment effects assessments, and mitigation measures;
- Hydrologic and hydraulic effect assessments;
- Geotechnical/slope stability information;
- Letter of Opinion that structure can withstand flood depth and velocity, certified by a professional engineer;
- Proposed site alteration, including grading, topsoil stripping and natural channel modification; and
- Federal Government approvals (see Appendix E).

7.7 Projects proposed in an area currently under a Forest Resource License or a Sustainable Forest License

This Section applies to a renewable energy testing project or renewable energy project proposed on lands under a forest resource licence or a sustainable forest licence and requiring the lands to be withdrawn from the licence area and a Crown land disposition. For further details, refer to the MNR's Application Review and Land Disposition Policy and Process (PL 4.02.01) and the Forest Management Procedures dealing with disposition of land and amendments.

7.7.1 On land currently under a Forest Resource Licence

Where there is an active forest resource licence, the MNR must formally amend the licence to allow disposition or "withdrawal" of land. The MNR will work with the applicant and the existing licence holder to facilitate the disposition. The existing licence holder has specific rights that the MNR must address.

7.7.2 On land currently under a Sustainable Forest Licence

Where there is an active sustainable forest licence, the licence must be formally amended to allow for disposition or "withdrawal" of land. The MNR will work with the applicant and the existing licence holder to facilitate the disposition. The existing licence holder has specific rights that must be addressed. As well, the MNR must consider the related forest management plan and, if necessary, amend it before or at the same time as the licence is amended. The rights of the licence holder to the forest resources do not end until Ministerial approval for the licence amendment has been obtained.

7.8 Petroleum resources operation setback

Development is not permitted within 75 metres of a petroleum resources operation, unless the applicant submits an engineers report demonstrating that there are no effects to the development. Well location information can be obtained from the Ontario Oil, Gas and Salt Resources Library.

7.9 Projects proposed in the Far North of Ontario

In July 2008, the Ontario government announced the Far North Land Use Planning Initiative and an Act with respect to land use planning and protection (Bill 191) was introduced in Ontario's Legislature in June 2009. Projects proposed in the Far North of Ontario will need to take Bill 191 into consideration.

The Far North of Ontario is several hundred kilometres north of Red Lake, Sioux Lookout and Cochrane, generally north of the 51° latitude in the west and north of the 50° latitude in the east. The goal of this initiative is to permanently protect at least 225,000 square kilometres of the Far

North of Ontario while allowing for sustainable development of the region's natural resources. It would give First Nations a leadership role in community based land use planning. Community based land use planning would allow for the identification of areas that should be protected and areas where sustainable development could occur.

7.10 Application for a forest resource processing facility licence

This requirements document addresses only the approval and permitting requirements for the construction, installation, use, operation, changing or retiring of a renewable energy generation facility. The approvals associated with the wood supply for the facility, including harvesting and forest management continue to be authorized separately through the Crown Forest Sustainability Act.

Applicants of all proposed biomass, biogas, and biofuels facilities that will generate electricity and use more than 1,000 cubic meters of forest resources per year (or equivalent measure) regardless of the fibre source, must submit an application for a forest resource processing facility licence.

The application for a forest resource processing facility licence should be submitted as early as possible in the complete submission process. A business plan for the facility must be submitted as part of the applicant's complete submission and show the applicant's ability to finance, operate, and manage the facility and an analysis of the source, species, and volume of the forest resources that will supply the facility. The exact requirements for a business plan will depend on the nature of the proposal and should be discussed with the MNR.

7.11 Wildfire prevention and preparedness requirements

Any project on Crown land or land within a fire region must follow the MNR's standards for forest fire prevention and preparedness. Projects on any other land are subject to the relevant provincial/municipal framework for fire safety and prevention. Applicants should note that a burn plan and burn permit may be required if burning (e.g., of debris) at the project location will occur. The applicant should discuss their proposed project with the MNR district office, fire managers and local municipal fire officials.

The applicant must address fire risks through all phases of a project, including land clearing and disposal of debris. The complete submission should include information on:

- Fire hazard assessment (e.g., identification of fuel sources and values at the project location);
- Risk assessment of ignition;
- Ignition prevention measures, and if necessary (depending on the risk of ignition), mitigation of potential for ignitions when operational;

- Fire preparedness plan, including a suppression plan (identifying the fire response agency, training of staff to suppress fires, suppression equipment on site, etc.) and an emergency plan (identifying evacuation plans, etc.); and
- Fire protection of the facility from wildfire threats (including FireSmart construction and landscaping, fuels maintenance, etc.).

8 Projects not subject to all requirements

This requirements document establishes the scope of requirements that could apply to a renewable energy project requiring approvals or permits from MNR. All requirements may not need to be fulfilled for all projects based on the specific approvals required.

These renewable energy projects may also require approval from other agencies or level of government, for example, a conservation authority, municipality or federal agency. It is the responsibility of the applicant to ensure that those other requirements are met.

8.1 Projects that do not require a disposition of Crown land and do not require a renewable energy approval Ministry of the Environment

For a renewable energy project that does not require a renewable energy approval (outlined in section 8 of the Renewable Energy Approval Regulation) and does not require a disposition of Crown land, the requirements outlined in this document do not apply, except in situations where the project has the potential to negatively affect species or habitat protected under the Endangered Species Act, 2007; in which case the project would be subject to the requirements outlined in Section 6.3.5.1 and Appendix B.

8.2 Projects that require a disposition of Crown land but do not require a renewable energy approval from the Ministry of the Environment

For a renewable energy project that does not require a renewable energy approval (Section 8 of the Renewable Energy Approval Regulation) but does require a disposition of Crown land, the requirements are:

1. Project description
2. Site plan
3. Decommissioning plan

4. Aboriginal consultation
5. Assessment of the presence of species and habitat protected under the Endangered Species Act, 2007

8.2.1 Project description

A project description must include a description of the:

- Renewable energy project, including all infrastructure;
- Proposed existing access to be used for the project;
- Installation and operation of the facility and all infrastructure, including the proposed:
    - Method of installation;
    - Timing of installation; and
    - Operation of the device.

8.2.2 Site plan

Showing the location of the renewable energy project, all infrastructure and existing access in relation to known site features.

8.2.3 Decommissioning plan

A decommissioning plan is required to ensure that the site is restored to a clean and safe condition as determined by the MNR on a project basis. This includes the retiring, abandoning, dismantling, or removing from active service, working order, or operation all components of the renewable energy facility.

8.2.4 Aboriginal consultation

As described in Section 6.1.3.

8.2.5 Assessment of the presence of species and habitat protected under the Endangered Species Act, 2007

An assessment of the potential presence of any species or habitat protected under the Endangered Species Act, 2007, as discussed in Appendix B, is required. Where protected species or protected habitat is present, applicants must submit an analysis of negative effects and any potential complete submission requirements for an Endangered Species Act, 2007 authorization where negative effects cannot be avoided. See Section 6.3.5.1 and Appendix B.

8.3 Class II wind facilities under the Renewable Energy Approval Regulation

For wind projects that involve a Class II wind facility (as described in section 6 of the Renewable Energy Approval Regulation) and that require disposition of Crown land, the MNR's requirements are:

1. Site plan (as described in Section 6.6.1 of this document);
2. Decommissioning plan report (as described in section 6.8 of this document);
3. Consultation with aboriginal communities (as described in section 6.1.3 of this document); and
4. Assessment of the presence of species and habitat protected under the Endangered Species Act, 2007(as described in section 6.3.5.1)

9 Appeals and inquiries

9.1 Public Lands Act work permit appeal process

Regulation 975 under the Public Lands Act requires that an officer issue a work permit to any person who applies for one, unless the officer is of the opinion that the work will be inconsistent with one of the criteria listed in subsection 2(1) of Regulation 975, as amended from time to time. If an officer proposes to refuse or cancel a work permit the applicant/permittee has a right to appeal the decision. Refer to Policy 3.03.04 (Work Permits – Section 14 Public Lands Act) for complete details of the appeal process.

9.2 Lakes and Rivers Improvement Act inquiries

The Mining and Lands Commissioner has been designated under the Lakes and Rivers Improvement Act, which provides for an inquiry upon the request of the applicant who has received notice from the MNR of the intention to refuse approval or make an order. The inquiry would result in a report with recommendations to the Minister.

10 Additional approvals, amendments and redevelopments

10.1 Additional approvals required prior to commissioning

Where an additional approval from the MNR is required as a result of activities associated with the construction or installation of a renewable energy project that were not anticipated during the complete submission process, the applicant should contact MNR to determine what, if any, requirements identified in this document need to be completed.

10.2 Amendments to plans prior to commissioning

Where the applicant wishes to amend plans for a renewable energy generation facility prior to commissioning the applicant must submit to the government in writing, the details of the proposed amendment. This may include amendments proposed:

- after the complete submission has been accepted by the MNR but before approvals have been granted; or
- after the project has received approvals from the MNR but prior to commissioning of the project.

Based on the information submitted, the specific requirements related to the proposed amendment will be identified. Applicants may be required to complete some or all of the requirements outlined in Sections 6 and 7, as applicable to the amendment proposed, in order for the MNR to accept the revised complete submission and consider approvals or amendments to approvals.

10.3 Expansions, modifications and redevelopments of commissioned sites

This section of the requirements document applies to expansions, modifications or redevelopments of existing, commissioned renewable energy generation facility.

Where the applicant wishes to undertake an expansion, modification or redevelopment of a commissioned renewable energy generation facility, they must discuss with government the details of the proposed project. Once the applicant has identified the details of the project the specific requirements related to the proposed project will be identified. Applicants may be required to complete some or all of the requirements outlined in Sections 6 and 7, as applicable to the expansion, modification or redevelopment proposed.

11 Transition provisions

11.1 Class Environment Assessment for Resource Stewardship and Facilities Development

Where a project was going through an assessment under the Class Environment Assessment for Resource Stewardship and Facilities Development to support the development of a renewable energy testing project or a renewable energy project but had not yet been authorised to proceed under the Environmental Assessment Act on the day that these requirements come into force, the project applicant will need to satisfy the requirements outlined in this requirements document.

11.2 Projects requiring a Renewable Energy Approval

Where a project has not been exempted from the requirement for a Renewable Energy Approval under Section 9 of the Renewable Energy Approval Regulation, the applicant will need to complete all requirements outlined in this document before a complete submission can be accepted by the Government.

11.3 Projects Not Requiring a Renewable Energy Approval

Where a project has been exempted from the requirement for a Renewable Energy Approval under Section 9 of the Renewable Energy Approval Regulation, the applicant will need to work with MNR to determine what, if any, approvals and permits are needed for a project.

11.4 Credit for work completed

Any work completed prior to the date of this requirements document being approved will be considered in relation to the requirements outlined in this requirements document.

Appendix A Definitions

In this requirements document:

Aggregate means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, and rock.

Anaerobic digestion has the same meaning as in Ontario Regulation 160/99 made under the *Electricity Act, 1998.*

Applicant means a person who carries out or proposes to carry out a renewable energy testing project or a renewable energy generation project, or is the owner or person having charge, management or control of a renewable energy testing project or a renewable energy generation project.

Area of natural and scientific interest (earth science) means an area that has earth science values related to protection, scientific study or education.

Area of natural and scientific interest (life science) means an area that has life science values related to protection, scientific study or education.

Biofuel has the same meaning as in Ontario Regulation 160/99 made under the *Electricity Act, 1998.*

Biofuel facility means a renewable energy generation facility at which biofuel is used to generate electricity.

Biogas has the same meaning as in Ontario Regulation 160/99 made under the *Electricity Act, 1998.*

Biogas facility means a renewable energy generation facility at which biogas is used to generate electricity but does not include an anaerobic digestion facility.

Biomass has the same meaning as in Ontario Regulation 160/99 made under the *Electricity Act, 1998.*

Board area means, when used in relation to a Local Services Board, the geographical area within which the Local Services Board may exercise its jurisdiction.

Coastal wetland means a wetland that is located,

(a) on Lake Ontario, Lake Erie, Lake Huron, Lake Superior or Lake St. Clair,

(b) on the St. Mary's, St. Clair, Detroit, Niagara or St. Lawrence River, or

(c) on a tributary to any water body mentioned in (a) or (b) and, either in whole or in part, downstream of a line located two kilometres upstream of the 1:100 year floodline of the water body including wave run-up.

Conservation reserve means a conservation reserve within the meaning of the *Provincial Parks and Conservation Reserves Act, 2006.*

Development capacity means, in reference to a lake trout lake, a lake determined to be at capacity for shoreline development if the mean volume weighted hypolimnetic dissolved oxygen is at or below 7 mg/L or if modelling indicates that development of existing lots of

record will put oxygen below the criterion as set out in records maintained by and available from MNR.

Dynamic beach hazard means areas of inherently unstable accumulations of shoreline sediments along the Great Lakes - St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance.

Earth science values means values that relate to the geological, soil and landform features of the environment.

Erosion hazard means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Fish means fish, which as defined in S.2 of the Fisheries Act, c F-14, as amended, includes fish shellfish, crustaceans and marine animals, at all stages of their life cycles.

Fish Habitat has the same meaning as in the Fisheries Act, c. F-14, means spawning grounds and nursery, rearing, food supply, and migration areas on which *fish* depend directly or indirectly in order to carry out their life processes.

Flooding hazard means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

(a) Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water-related hazards;

(b) Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:

1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
2. the one hundred year flood; and
3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;

except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Forest resources means trees in a forest ecosystem, any other type of plant life prescribed by the regulations under the *Crown Forest Sustainability Act* that is in a forest ecosystem, and parts of or residue from trees in a forest ecosystem.

Generation of electricity, when used in relation to a provincial park or conservation reserve, has the same meaning as in the Provincial Parks and Conservation Reserves Act, 2006.

Hazard lands means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundaries, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Intermittent stream means a natural or artificial channel, other than a dam, that carries water intermittently and does not have established vegetation within the bed of the channel, except vegetation dominated by plant communities that require or prefer the continuous presence of water or continuously saturated soil for their survival.

Kettle lake means a depression formed by glacial action and permanently filled with water.

Lake trout lake means a lake that has been designated by the Ministry of Natural Resources for lake trout management, as set out in records maintained by and available from that Ministry.

Life science values means values that relate to the living component of the environment.

Local roads area means a local roads area established under the *Local Roads Boards Act.*

Local roads board means a board of a local roads area under the *Local Roads Boards Act.*

Local Services Board means a Local Services Board within the meaning of the *Northern Services Boards Act.*

Natural feature means, all or part of,

(a) an area of natural and scientific interest (earth science),
(b) an area of natural and scientific interest (life science),
(c) a coastal wetland,
(d) a northern wetland,
(e) a southern wetland,
(f) a valleyland,
(g) a wildlife habitat, or
(h) a woodland.

Negative environmental effects mean a negative effect that will be caused or that might reasonably be expected to be caused to the environment.

Niagara Escarpment Commission means the Niagara Escarpment Commission continued under subsection 5 (1) of the *Niagara Escarpment Planning and Development Act*.

Niagara Escarpment Plan means the Plan approved under the *Niagara Escarpment Planning and Development Act*, as amended and revised in accordance with that Act.

Northern wetland means a wetland located north of the northern limit of Ecoregions 5E, 6E and 7E as shown in Figure 1 in the Provincial Policy Statement issued under section 3 of the *Planning Act* and approved by the Lieutenant Governor in Council by Order in Council No. 140/2005.

Permanent stream means a stream that continually flows in an average year.

Petroleum resources operation means a "well" or "work" as defined by the Oil, Gas and Salt Resources Act.

Planning board means a planning board established under section 9 or 10 of the *Planning Act.*

Project location means, when used in relation to a renewable energy testing project or a renewable energy project, a part of land and all or part of any building or structure in, on or over which a person is engaging in or proposes to engage in the project and any air space in which a person is engaging in or proposes to engage in the project.

Provincial park means a provincial park within the meaning of the *Provincial Parks and Conservation Reserves Act, 2006*.

Renewable energy project has the same meaning as in the *Green Energy Act, 2009*.

Renewable energy generation facility has the same meaning as in the *Electricity Act, 1998*.

Renewable energy source has the same meaning as in the *Green Energy Act, 2009*.

Renewable energy testing facility has the same meaning as in the *Green Energy Act, 2009*.

Renewable energy testing project has the same meaning as in the *Green Energy Act, 2009*.

Seepage area means a site of emergence of ground water where the water table is present at the ground surface, including a spring.

Solar facility means a renewable energy generation facility at which one or more solar photovoltaic collector panels or devices use light to generate electricity.

Southern wetland means a wetland located south of the northern limit of Ecoregions 5E, 6E and 7E as shown in Figure 1 in the Provincial Policy Statement issued under section 3 of the *Planning Act* and approved by the Lieutenant Governor in Council by Order in Council No. 140/2005.

Unorganized territory has the same meaning as in the *Municipal Act, 2001*.

Valleyland means a natural area,

(a) that is south and east of the Canadian Shield as shown in Figure 1 in the Provincial Policy Statement issued under section 3 of the *Planning Act* and approved by the Lieutenant Governor in Council by Order in Council No. 140/2005, and

(b) that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year;

Water body includes a lake (including a kettle lake), a permanent stream, an intermittent stream and a seepage area but does not include,

(a) grassed waterways,

(b) temporary channels for surface drainage, such as furrows or shallow channels that can be tilled and driven through,

(c) rock chutes and spillways,

(d) roadside ditches that do not contain a permanent or intermittent stream,

(e) temporarily ponded areas that are normally farmed,

(f) dugout ponds, or

(g) artificial bodies of water intended for the storage, treatment or recirculation of runoff from farm animal yards, manure storage facilities and sites and outdoor confinement areas.

Well means, in relation to a petroleum resources operation, a hole in the ground, whether completely drilled or in the process of being drilled, for the purpose of,

(a) the production of oil, gas or formation water, including the production of coal bed methane but excluding the production of fresh water,

(b) the injection, storage and withdrawal of oil, gas, other hydrocarbons or other approved substances in an underground geological formation,

(c) the disposal of oil field fluid in an underground geological formation,

(d) solution mining, or

(e) geological evaluation or testing rocks of Cambrian or more recent age.

Wetland means land such as a swamp, marsh, bog or fen, other than land that is being used for agricultural purposes and no longer exhibits wetland characteristics, that,

(a) is seasonally or permanently covered by shallow water or has the water table close to or at the surface, and

(b) has hydric soils and vegetation dominated by hydrophytic or water-tolerant plants.

Wildlife habitat means an area where plants, animals and other organisms live or have the potential to live and find adequate amounts of food, water, shelter and space to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species.

Wind facility means a renewable energy generation facility at which wind is used to generate electricity through the use of one or more wind turbines.

Woodland means land,

(a) that is south and east of the Canadian Shield as shown in Figure 1 in the Provincial Policy Statement issued under section 3 of the *Planning Act* and approved by the Lieutenant Governor in Council by Order in Council No. 140/2005,

(b) that has, per hectare, at least,

(i) 1,000 trees of any size,

(ii) 750 trees measuring over five centimetres in diameter at 1.37 metres from the ground,

(iii) 500 trees measuring over 12 centimetres in diameter at 1.37 metres from the ground, or

(iv) 250 trees measuring over 20 centimetres in diameter at 1.37 metres from the ground, and

(c) that does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.

Work means, in relation to a petroleum resources operation, a well or any pipeline or other structure or equipment that is used in association with a well.

Appendix B Requirements of the Endangered Species Act, 2007

General

The Endangered Species Act, 2007, which came into force in 2008, provides a strong framework for the protection and recovery of Ontario's species at risk and their habitats. The act is binding on everyone in Ontario – including individuals, businesses, conservation authorities, and provincial and municipal governments.

The Species at Risk in Ontario List (SARO List) is a regulation (O.Reg. 230/08) made under the Endangered Species Act, 2007 that identifies which species are at risk in Ontario. If a species is classified "at risk" by the Committee on the Status of Species at Risk in Ontario (COSSARO), they are added to the SARO List in one of four categories, depending on the degree of risk.

The four categories, or classes, of "at risk" are:

- Extirpated: A species is classified as extirpated if it lives somewhere in the world, and it at one time lived in the wild in Ontario, but no longer lives in the wild in Ontario.
- Endangered: A species is classified as endangered if it lives in the wild in Ontario but is facing imminent extinction or extirpation.
- Threatened: A species is classified as threatened if it lives in the wild in Ontario, is not endangered, but is likely to become endangered if steps are not taken to address factors threatening it.
- Special Concern: A species is classified as special concern if it lives in the wild in Ontario, is not endangered or threatened, but may become threatened or endangered due to a combination of biological characteristics and identified threats.

There are two key protection provisions in the Endangered Species Act, 2007:

- Subsection 9(1) prohibits the killing, harming, harassment, capture, taking, possession, transport, collection, buying, selling, leasing, trading or offering to buy, sell, lease or trade species listed as extirpated, endangered or threatened on the SARO List
- Section 10 prohibits the damage or destruction of the habitat of an endangered or threatened species on the SARO list, and may also apply to the habitat of extirpated species through a specific regulation. Habitat protection for some endangered or threatened species is being phased in over five years, beginning in 2008.

The act allows for some flexibility in balancing social, economic, and cultural considerations with the protection and recovery of Ontario's species at risk and their habitats. This enables the MNR, using various tools, to permit activities that would otherwise be prohibited by sections 9

or 10 of the act. The flexibility tools that may be available for renewable energy projects are discussed in more detail in the Endangered Species Act, 2007 Authorizations (Permits and Agreements) section of this Appendix.

Determining whether a species is protected under the Endangered Species Act, 2007

The SARO List identifies the status of species at risk in Ontario as extirpated, endangered, threatened, or of special concern.
http://ww.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/246809.html

Any species that is classified as extirpated, endangered or threatened is protected under section 9 of the Endangered Species Act, 2007 and therefore any potential negative effects to these species must either be avoided or an authorization under the Endangered Species Act, 2007 (e.g., permit) will be required as a part of the project approvals.

Determining whether the habitat of a species is protected under the Endangered Species Act, 2007

Under the Endangered Species Act, 2007, habitat of threatened and endangered species may be protected based on the general definition in the Act (an area on which a species depends directly or indirectly to carry on its life processes) or based on the habitat prescribed for that species in regulation. Only one definition will apply to a species at any given time, therefore once a habitat regulation is in place, the habitat for that species is as described in the regulation. The habitat of extirpated species may only be protected through a specific regulation.

Habitat protection for some endangered or threatened species is being phased in over a 5 year period (2008-2013). During the phase-in period (i.e. until June 30, 2013), if there is no specific habitat regulation prepared for these endangered or threatened species, the applicant should contact the MNR to determine whether the general habitat protection provisions currently apply to that species.

Subsection 10(1) prohibits the damage or destruction of the habitat of an endangered or threatened species on the SARO list. Therefore, an authorization under the Endangered Species Act, 2007 (i.e. permit or agreement) will be required as a part of the project approval when protected habitat may be damaged or destroyed as a result of the project.

Habitat protection will apply to all endangered and threatened species on or before June 30, 2013 and will apply to projects that have received previous approvals. Therefore, most renewable energy projects will need to be designed/developed in a manner that either avoids the damage or destruction of all endangered and threatened species habitat, or mitigates negative effects in a manner that will enable the applicant to obtain an Endangered Species Act, 2007 authorization at the time habitat protection comes into force.

The following guidance discusses habitat protection in more detail:

- Species at Risk Policy 4.1: Habitat protection for endangered, threatened and extirpated species under the Endangered Species Act, 2007
- Species at Risk Bulletin 4.2: Explanation of key terms relating to habitat identification, description and protection under the Endangered Species Act, 2007

Addressing Potential Changes to the SARO List

Applicants must also take into consideration that the SARO List is not static. COSSARO meets regularly to assess the status of species and submits reports to the Minister of Natural Resources classifying species as "at risk" and may also submit reports indicating a species is not at risk, or that there is not enough information available to classify a species. Within 3 months of receiving a report from COSSARO, the MNR must file a regulation to amend the SARO list accordingly. Any species protection or habitat protection associated with the new classification applies as soon as the SARO list is amended and any potential negative effects to these species and habitat must either be avoided or an authorization under the Endangered Species Act, 2007 (e.g., permit) will be required before the activity may proceed, even if the project has previously been approved.

Determining the Presence of Species at Risk and Their Habitats

In order to assess whether or not a renewable energy project has the potential to negatively affect species or habitat protected under the Endangered Species Act, 2007, applicants will first need to determine whether protected species and/or habitat are present on, or in the vicinity of, the site of the proposed project.

The Natural Heritage Information Centre (NHIC) website (http://nhic.mnr.gov.on.ca/nhic_.cfm) is the province's central database for reported sightings of species at risk. Applicants should use this resource as a first step toward determining where species at risk have been documented, with the understanding that the database does not represent a complete record of all species at risk occurrences in Ontario. Applicants should also work closely with the MNR's District office to confirm information regarding documented occurrences of protected species and protected habitat.

As there is no comprehensive data source documenting all occurrences and locations of species at risk and their habitats, the NHIC database and the MNR's District office are only preliminary information sources. Where there is a reasonable expectation that protected species or protected habitat are present, applicants may be required to carry out site assessments to confirm the presence of one or more protected species and/or protected habitat. The requirements for site assessments should be discussed with the MNR's District office prior to submission to ensure that these requirements are fulfilled.

Note: Some research and site assessment activities involving protected species and/or habitat require a permit under the Endangered Species Act, 2007 prior to carrying out the work. This would include any assessment that involves an activity that is prohibited under section 9 or 10 (e.g., capture, collection, possession, etc of a protected species; damage or destruction of protected habitat). Generally, these activities may be authorized through a Protection or Recovery Permit issued under clause 17(2)(b) of the Endangered Species Act, 2007. As this work would be carried out prior to submitting the renewable energy complete submission package, the application for a Protection or Recovery Permit would be submitted separately. Complete submission requirements for a Protection or Recovery Permit should be discussed with the MNR's District office.

Endangered Species Act, 2007 Authorizations

For renewable energy projects, there are two types of permits that may be applicable:

- An Overall Benefit Permit issued under clause 17(2)(c) permit, where the applicant can demonstrate, to the satisfaction of the MNR, that:
    - they can offset the negative effects of the project by taking additional actions that will result in an overall benefit to each individual species negatively affected by the project within a reasonable time,
    - reasonable alternatives have been considered, including alternatives that would not negatively affect the species, and the best alternative has been adopted, and
    - they are taking reasonable steps to minimize negative effects on individual members of the species.
- A Significant Social or Economic Benefit Permit issued under clause 17(2)(d) permit, where the applicant can demonstrate, to the satisfaction of the MNR, that:
    - the project will result in a significant social or economic benefit to Ontario,
    - the negative effects of the project will not jeopardize the survival or recovery the species in Ontario,
    - reasonable alternatives have been considered, including alternatives that would not negatively affect the species, and the best alternative has been adopted, and
    - they are taking reasonable steps to minimize negative effects on individual members of the species.

Note that the established service guarantee for renewable energy approvals does not apply where the applicant is seeking a 'significant social or economic benefit permit', as Lieutenant Governor in Council approval is required prior to the issuance of this type of permit.

Requirements for an Endangered Species Act, 2007 Permit/Agreement

Applicants must work directly with the MNR's District office to discuss and review the content prior to finalizing the complete submission.

General requirements for all complete submissions involving an Endangered Species Act, 2007 authorization include:

- Applicant/Landowner Details
- Description of Lands and Facilities
- Description of Activity:
    - Broad description of the activity(s) (e.g. site preparation, road construction) requiring authorization under the Endangered Species Act, 2007. Where multiple activities require authorization, identify each activity. Include all activities that have a reasonable expectation of negatively affecting a protected species or protected habitat throughout the project's entire life cycle.
- Details of activities for which authorization is required
- For each activity requiring authorization:
    - Detailed description of the activity including purpose, timing, duration, how it fits into the overall project, etc;
    - Identification of each species at risk protected by the Endangered Species Act, 2007 that will be negatively affected by the activity, its current classification (e.g. extirpated, endangered, threatened), whether authorization is required under section 9 (species protection), 10 (habitat protection), or both for that specific species;
    - Details regarding the species occurrences such as date, location and frequency of occurrences. Each occurrence should be identified on a map, in a way that it is easily identifiable;
    - Detailed description of methodology (survey description, timing, etc), specific to each species, utilized to identify and confirm the presence, abundance and distribution of any species at risk and/or habitat that occur in the immediate geographic area. This description must include the qualifications of individuals carrying out this assessment and any surveys; and
    - Clear description of the timing, duration, intensity, and extent of the negative effects on each individual species and/or habitat.
- Assessment of the relationship between the proposed activity and any statement(s) published under subsection 11(8) of the Endangered Species Act, 2007 with respect to a recovery strategy for the species specified in the permit.\

(http://www.mnr.gov.on.ca/en/Business/Species/index.html)

Requirements specific to overall benefit permits [clause 17(2)(c)], include:

- For each species affected by the activity(s), detailed proposal of how an overall benefit to the species will be achieved within a reasonable time, including:
  - Detailed description of actions that will be taken to achieve overall benefit to the species;
  - Description of the methodology used in the preparation of the proposal to determine that the actions will provide an overall benefit to the species, including references for information sources;
  - For longer term projects, a description of timelines and phasing of the overall benefit actions and how they will be conducted in relation to the activities causing negative effects to the species;
  - Measurable indicators and milestones that will be used to demonstrate overall benefit has been or will be achieved;
  - Proposed monitoring and reporting programs;
  - Qualifications of the person(s) who prepared the proposal;
- Describe any mitigation, avoidance, or other actions that will be employed to minimize negative effects on individual members of the species; and
- Describe reasonable alternatives to the proposed activities, including alternatives that would not negatively affect the species, and present an analysis that explains the rationale for why the alternative adopted is the best alternative.

Requirements specific to significant social or economic benefit permits [clause 17(2)(d)], include:

- Detailed analysis of the social and/or economic benefits of the project/activity, describing the timing, duration, intensity, and extent of the benefits, including;
  - Description of the methodologies or modeling techniques used in generating estimates or projections, including references for information sources;
  - Explanation of how the identified social and/or economic benefits are significant to Ontario;
  - The qualifications of the person(s) who prepared the analysis;

For each species identified as requiring an authorization under the Endangered Species Act, 2007 an analysis of whether the predicted negative effects of the proposed activity will jeopardize the survival or recovery of the species in Ontario. The analysis should include:

- a description of the current condition of the species in Ontario (e.g., current conservation status, geographic distribution, population demographics, etc.);
- consideration of any recovery goals, objectives, and recovery actions established through a formal recovery planning process;
- an assessment of how the proposed activity(ies) will affect the species' future survival and recovery in Ontario, given the assessment of the effects of the proposed activity and associated mitigation measures on the viability of the affected population(s) or habitats;
- description and citation of any scientific methodologies used in the analysis;
- the technical/professional qualifications of the person(s) conducting the analysis;
- description of any mitigation, avoidance, or other actions that will be employed to minimize negative effects on individual members of the species; and
- description of reasonable alternatives to the proposed activities, including alternatives that would not negatively affect the species, and present an analysis that explains the rationale for why the alternative adopted is the best alternative.

Appendix C Conservation Authorities

The *Conservation Authorities Act* is administered by the MNR. There are 36 Conservation Authorities across Ontario.

Under the *Conservation Authorities Act* Section 28, the "Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation", Conservation Authorities regulate development and other activities within their areas of jurisdiction (river and stream valleys, Great Lakes and large inland lake shorelines, hazardous lands, watercourses and wetlands).

Permission of the local Conservation Authority is required for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland. Permission may be granted, with or without conditions, for development or other activities if in the opinion of the Conservation Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land is not affected by the development or activity.

In addition, Fisheries and Oceans Canada has partnering arrangements with Conservation Authorities and the MNR. Where there are agreements with Conservation Authorities in place, initial requests for the review of projects in or around water that may affect fish and fish habitat are referred to the local Conservation Authority (Appendix E).

It is recommended that renewable energy applicants contact the local Conservation Authority office of the proposed project site for specific application requirements for permissions. For more information on Conservation Authorities, including maps identifying where Conservation Authorities are located see Conservation Ontario's website at: http://www.conservation-ontario.on.ca.

Appendix D Reference sources

Reference: Lakes and Rivers Improvement Technical Guidelines **Type:** Provincial Guideline **Description:** Sets out review and approvals for activities that occur on or around lakes and rivers. **Project Type:** Any project involving a water crossing **Link:** http://www.ontla.on.ca/library/repository/mon/9000/246477.pdf
Reference: Crown Land Use Policy Atlas (CLUPA) **Type:** Provincial Information Resource **Description:** Provides information on area specific land use policies. **Project Type:** All renewable energy projects. **Link:** http://crownlanduseatlas.mnr.gov.on.ca/
Reference: Natural Heritage Reference Manual **Type:** Provincial Guideline **Description:** Provides guidance related to the evaluation of natural heritage values. **Project Type:** All renewable energy projects. **Link:** http://www.mnr.gov.on.ca/249080.pdf
Reference: Significant Wildlife Habitat Technical Guide **Type:** Provincial Guideline **Description:** Provides detailed information to help define significant wildlife habitat. **Project Type:** All renewable energy projects. **Link:** http://www.mnr.gov.on.ca/MNR_E001285.pdf
Reference: Application Review and Land Disposition Policy – Appendix A – Lake Trout Lakes **Type:** Provincial Policy **Description:** Provides direction for the disposition of Crown land that could impact lake trout lakes. **Project Type:** All renewable energy projects. **Link:** http://www.mnr.gov.on.ca/255939.pdf
Reference: Great Lakes Conservation Blueprint for Terrestrial Biodiversity **Type:** Provincial Information Resource **Description:** Ecoregion assessment of the terrestrial biodiversity of the Great Lakes Ecoregion. **Project Type:** All renewable energy projects. **Link:** http://nhic.mnr.gov.on.ca/MNR/nhic/projects/conservation_blueprint/blueprint_main.cfm
Reference: Great Lakes Conservation Blueprint for Aquatic Biodiversity **Type:** Provincial Information Resource **Description:** Ecoregion assessment of the aquatic biodiversity of the Great Lakes Ecoregion. **Project Type:** All renewable energy projects. **Link:** http://nhic.mnr.gov.on.ca/MNR/nhic/projects/conservation_blueprint/blueprint_main.cfm
Reference: Aggregate Resource Inventory Paper **Type:** Provincial Information Resource **Description:** Report detailing aggregate resources from Ontario Geological Survey. **Project Type:** All renewable energy projects. **Link:** http://www.mndm.gov.on.ca/mines/ogs/ims/pub/digcat/arims_e.asp
Reference: Understanding Natural Hazards **Type:** Provincial Guideline **Description:** Assists the public and planning authorities with natural hazards policies. **Project Type:** All renewable energy projects. **Link:** http://www.mnr.gov.on.ca/MNR_E002317.pdf
Reference: Recovery Strategy Plans

Type: Information Resource **Description:** Provides advice regarding the steps to recover species at risk. **Project Type:** All renewable energy projects. **Link:** http://www.mnr.gov.on.ca/en/Business/Species/index.html
Reference: Wildlife Policies, Procedures and Management Plans **Type:** Provincial Information Resource **Description:** Provides advice in management of wildlife species and their habitats. **Project Type:** All renewable energy projects. **Link:** http://www.mnr.gov.on.ca/en/Business/FW/index.html
Reference: Fisheries Management Zone **Type:** Information Resource **Description:** Administrative area used for fishery management to monitor and assess fish populations. **Project Type:** All renewable energy projects. **Link:** http://www.mnr.gov.on.ca/en/Business/LetsFish/2ColumnSubPage/198481.html
Reference: Environmental Guidelines for Access Roads and Water Crossings **Type:** Provincial Guideline **Description:** Provides guidance for those involved with access roads and water crossings on Crown land. **Project Type:** All renewable energy projects. **Link:** http://www.web2.mnr.gov.on.ca/mnr/forests/public/guide/roads%20&%20water%20crossings/toc.pdf
Reference: Modifying Industrial Operations Protocol **Type:** Provincial Protocol **Description:** Provide direction to industrial operators for the prevention and suppression of wildfires. **Project Type:** All renewable energy projects. **Link:** http://www.mnr.gov.on.ca/MNR_E000014.pdf
Reference: Guidelines to Assist in the Review of Windpower Proposals (Birds and Bats) **Type:** Provincial Guideline **Description:** Provides best practices to help ensure birds, bats and their habitats are adequately considered. **Project Type:** Windpower **Link:** http://www.mnr.gov.on.ca/en/Business/Renewable/2ColumnSubPage/199436.html
Reference: Fish Habitat Referral Protocol for Ontario **Type:** Federal and Provincial Protocol **Description:** Provides guidance to agencies that have responsibility for the impacts to fish or fish habitat. **Project Type:** All renewable energy projects. **Link:** http://www.mnr.gov.on.ca/264110.pdf
Reference: Wind Turbines and Birds: A Guidance Document for Environmental Assessment **Type:** Federal Guideline **Description:** Defines Environment Canada's expectations to address the potential effects on birds. **Project Type:** Windpower **Link:** http://www.bape.gouv.qc.ca/sections/mandats/eole_matane/documents/DB15.pdf
Reference: Earth and Life Science Check Sheets **Type:** Provincial Information Resource **Description:** Assists with the collection of physical data for the ANSI assessment. **Project Type:** All renewable energy projects. **Link:** http://www.ontarioparks.com/english/planning_pdf/ansi/ansi_procedure.pdf
Reference: Ministry of Northern Development and Mines (MNDM) Claim Maps **Type:** Provincial Information Resource **Description:** Provides information on mining claims in Ontario. **Project Type:** All renewable energy projects.

Link: http://www.mndm.gov.on.ca/mines/lands/claimap3/default_e.asp
Reference: Ontario Wind Resource Atlas **Type:** Provincial Information Resource **Description:** Web base tool highlighting the wind resource for the province. **Project Type:** All renewable energy projects. **Link:** http://www.ontariowindatlas.ca
Reference: Guideline for Renewable Energy Projects In or Near Water **Type:** Provincial Guideline **Description:** Provides guidance and best practices to ensure sustainable development of projects. **Project Type:** All renewable energy projects. **Link:** http://publicdocs.mnr.gov.on.ca/View.asp?Document_ID=12213&Attachment_ID=24363
Reference: Strategic Plan for Ontario's Fisheries II **Type:** Provincial Policy **Description:** Provides a long-term plan for managing Ontario's fisheries resources. **Project Type:** All renewable energy projects. **Link:** http://www.mnr.gov.on.ca/en/Business/LetsFish/2ColumnSubPage/STEL02_165902.html
Reference: Navigational charts **Type:** Federal Information Resource **Description:** Provides information about water depth, obstructions and other dangers to navigation. **Project Type:** All water-based renewable energy projects. **Link:** http://www.fedpubs.com/charts.htm
Reference: Recommended Protocols for Monitoring Impacts of Wind Turbines on Birds **Type:** Federal Guideline **Description:** Provides guidance on protocols for studies and follow-up monitoring to evaluate impacts on birds. **Project Type:** Windpower **Link:** http://www.cws-scf.ec.gc.ca/publications/eval/prot/index_e.cfm
Reference: Species at Risk Policy 4.1: Habitat protection for endangered, threatened and extirpated species under the Endangered Species Act, 2007 **Type:** Provincial Policy **Description:** Provides direction relating to habitat protection for endangered, threatened and extirpated species **Project Type:** All **Link:** http://www.mnr.gov.on.ca/249941.pdf
Reference: Species at Risk Bulletin 4.2: Explanation of key terms relating to habitat identification, description and protection under the Endangered Species Act, 2007 **Type:** Provincial Policy **Description:** Provides explanation of key terms relating to habitat identification, description and protection **Project Type:** All **Link:** http://www.mnr.gov.on.ca/249942.pdf
Reference: Species at Risk Act, Schedule 1(List of Wildlife Species at Risk) **Type:** Federal Legislation **Description:** List of extirpated, endangered, threatened and special concern species under the Federal Species at Risk Act **Project Type:** All **Link:** http://www.sararegistry.gc.ca/species/schedules_e.cfm?id=1
Reference: Wildlife Policy 6.2.4 Authorization of destruction of a beaver dam, black bear or furbearer den **Type:** Provincial Policy **Description:** Provides direction on the application for and authorization of the destruction of a beaver dam, black bear or furbearer den

Project Type: All **Link:** http://documents.mnr.gov.on.ca/Document/View.asp?Document_ID=7632
Reference: Wildlife Policy 6.2.5 Authorization of destruction/possession of nests and eggs **Type:** Provincial Policy **Description:** Provides direction on the application for and authorization of destruction/possession of nests and eggs **Project Type:** All **Link:** http://documents.mnr.gov.on.ca/Document/View.asp?Document_ID=7618
Reference: Ontario oil, gas and salt resources library **Type:** Provincial Policy **Description:** An information center on Ontario's subsurface geology and oil, gas, salt and underground hydrocarbon storage resources. **Project Type:** All **Link:** http://www.ogsrlibrary.com/

Appendix E Federal approvals

Approvals, authorizations and/or permits may need to be obtained from federal agencies that have a regulatory responsibility for reviewing renewable energy projects. There are instances where the MNR is unable to issue approvals prior to federal agencies issuing some approvals (or providing evidence of intent to approve). Early consultation and involvement of these agencies is paramount for the applicant to fulfill requirements efficiently. Federal agencies and the permitting/approvals processes for which they are responsible are outlined below.

Fisheries and Oceans Canada: The federal government, through Fisheries and Oceans Canada has a constitutional responsibility for seacoast and inland fisheries. Specific responsibilities for the management and protection of fish, fish habitat and promotion of fish passage appear in sections 20 to 22, 30, 32, 35 and 37 of the Fisheries Act. Fish habitat includes spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes (Section 34(1) of the Fisheries Act).

Under the Fisheries Act, no one may carry out any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat, unless this has been authorized by the Minister of Fisheries and Oceans Canada. Where adverse effects to fish habitat cannot be avoided through project relocation, redesign or mitigation, habitat compensation may be required, and a subsection 35(2) Fisheries Act authorization issued. Where the harmful alteration, disruption or destruction of fish habitat is not acceptable, the authorization may be refused.

An authorization under section 32 and subsection 35(2) of the Fisheries Act is usually a regulatory trigger for an environmental assessment under the Canadian Environmental Assessment Act. The Canadian Environmental Assessment Act requirements must be completed prior to making a decision on whether to issue an authorization.

Fisheries and Oceans Canada has partnering arrangements with Conservation Authorities and the MNR. Where there are agreements with Conservation Authorities in place, initial requests for the review of projects in or around water that may affect fish and fish habitat are referred to the local Conservation Authority. Therefore, Conservation Authorities are the first point of contact for the majority of projects in and around water in Ontario. Depending on the level of agreement, Conservation Authorities will undertake an initial review of the project, provide mitigation advice and/or review habitat compensation plans. Projects requiring review, Fisheries Act authorization and/or assessment under the Canadian Environmental Assessment Act are forwarded to Fisheries and Oceans Canada.

In areas of the Province where there is no Conservation Authority, the local Ministry office is the first point of contact for the review of projects in and around water that may affect fish and fish habitat.

Transport Canada: The Navigable Waters Protection Program (administered by Transport Canada) is responsible for safeguarding the navigability of all waters including coastal and inland waterways throughout the province, and ensuring the safety of marine navigation with due consideration to the environment. Under the provisions of the Navigable Waters Protection Act, it is unlawful to construct or place a work in a navigable waterway without the approval of Transport Canada. A Letter of Approval may be required by Transport Canada depending on the class of waterway or works involved. The MNR will not issue authorizations until this approval is granted.

Environment Canada: Under the Federal Species at Risk Act, there are prohibitions against the killing, harming, harassing or taking of endangered, threatened and extirpated species listed in Schedule 1 of Species at Risk Act and against the damage or destruction of their residences (e.g., nest or den). These prohibitions apply to:

- species listed in Schedule 1 of the Species at Risk Act found on federal lands such as national parks, national wildlife areas, Prairie Farm Rehabilitation Administration pastures, Aboriginal reserve lands and military training areas;
- all aquatic species listed in Schedule 1 of Species at Risk Act, anywhere they occur; and
- all migratory birds listed in the Migratory Birds Convention Act, 1994 and listed in Schedule 1 of Species at Risk Act, anywhere they occur.

It is particularly important for any applicant of a renewable energy project to consider the impact of its construction and operation on any species that may be designated as a species at risk under that Act and to work with Environment Canada should any possible impact be identified.