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# Off Shore Wind: Canada-Ontario Approvals, Permits and Authorizations



Great Lakes Wind Collaborative Presentation

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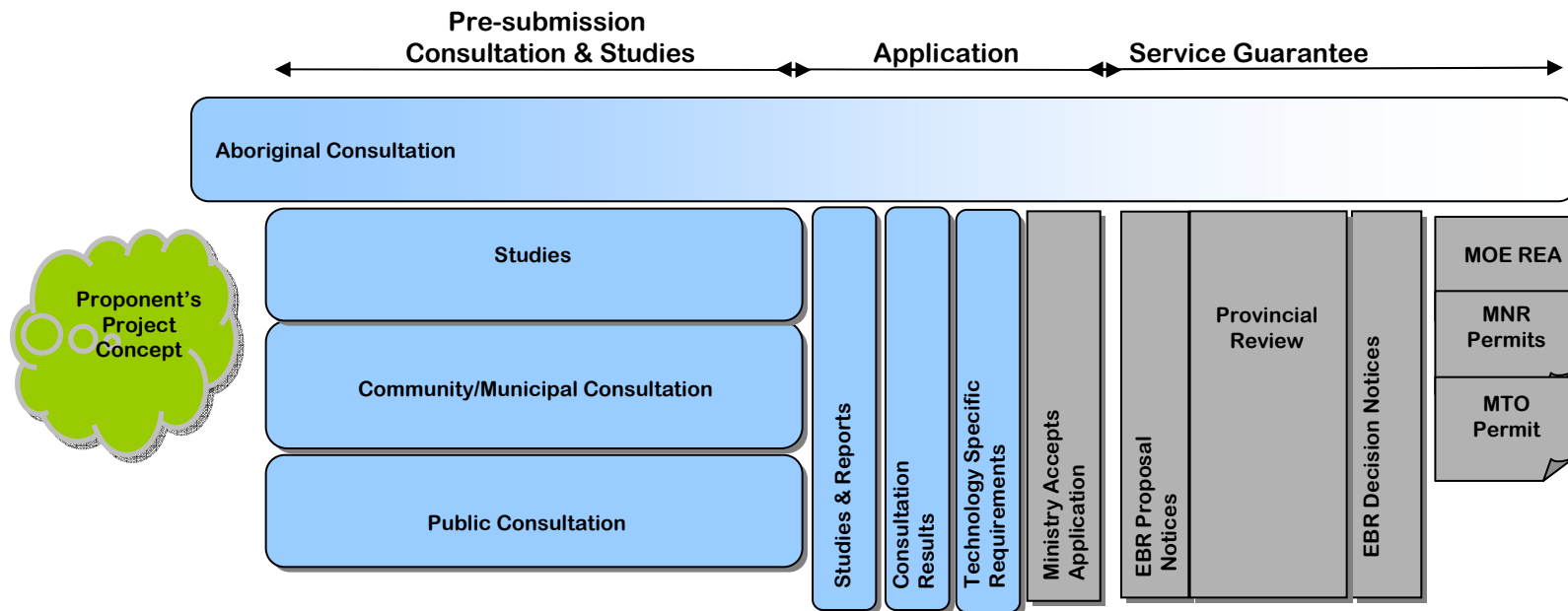
## Context – Green Energy and Green Economy Act

- The Province of Ontario's Green Energy and Green Economy Act passed on May 14, 2009
- The primary objectives of the GEGEA are to:
  - Facilitate the development of new renewable energy projects in Ontario;
  - Foster a culture of conservation; and
  - Support a stronger, greener economy, including 50,000 jobs in 3 years
- In support of these objectives 15 statutes were amended, including 5 administered by the Ontario Ministry of Natural Resources
- The objectives of the GEGEA are inter-twined with broader government initiatives, including:
  - Reducing the impact of climate change
  - Developing new economic opportunities to reduce impacts from the downturn in manufacturing and other resources based industries
  - Providing a sustainable energy supply that replaces aging infrastructure and fossil-fuel based generators

## Facilitating Renewable Energy - A New Process

- New provincial model would establish an integrated approval process that includes:
  - A single set of provincial Ministry requirements- complete submission
  - Flexibility to address different technologies, land management, resource use and geographic requirements
  - A broad definition of project to cover the facility, associated and ancillary infrastructure, and development activities (e.g., testing and approvals to undertake studies)
  - Enhanced timeframes, including a service guarantee when a submission is complete
- Proposed approval process would replace existing environmental assessment and local level planning processes
- Provincial Legislation amendments:
  - Policy document sets out information requirements for provincially administered legislation
  - New Renewable Energy Approval requirements established through regulation

# Ontario's Proposed Approval Process



## Key Proposals

- Natural Heritage setbacks
  - To be applied through regulation to all projects except for waterpower and off-shore wind
  - 120 metre setback for most significant natural features
  - Proponents can build within the setback, and within certain features, with an Environmental Impact Study demonstrating the ability to mitigate negative impacts
- Additional Setbacks
  - Additional setbacks from roads and property lines
  - increasing based on number and volume rating of the turbines
- Renewable Energy Requirements (Complete Submission) Document
  - to provide clarity and certainty to proponents and stakeholders on requirements needed to obtain provincial approvals and permits
  - Draft proposal posted on the Environmental Registry along with policy intent of regulation- comments being received until July 24<sup>th</sup>
    - [www.ebr.gov.on.ca](http://www.ebr.gov.on.ca) (search 010-6708)

# Ontario's Complete Submission Approach

- Ontario's Renewable Energy Requirements Document outlines relevant Ministry requirements that a proponent must meet for an RE project, including associated and ancillary infrastructure
- Proponents must provide the following RE Project requirements as part of the complete submission for the Ministry's review:
  - Documentation of public consultation
  - Documentation of Aboriginal consultation
  - Project description
  - Site plan\*
  - Documentation of natural resource assessment and actions taken\*
  - Documentation that other interests on Crown land have been addressed
  - Construction plan
  - Post-construction monitoring plan
  - Public safety plan
  - Decommissioning plan
- 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

## Federal Government Approvals

- Approvals, authorizations and/or permits may need to be obtained from federal agencies that have a regulatory responsibility for reviewing projects
  - Fisheries and Oceans Canada
  - Transport Canada
  - Environment Canada
- Works in or near water will not be authorized by the Province until relevant approvals/authorizations have been granted by federal agencies.

## Fisheries and Oceans Canada

- Responsible for seacoast and inland fisheries, including the management and protection of fish, fish habitat and promotion of fish passage (Fisheries Act)
- Ensure that potential fish habitat effects are identified, mitigated or compensated for during the pre-construction, construction, operational and decommissioning phases of renewable energy facilities
- Where fish habitat has been identified and may be harmfully altered, disrupted or destroyed, where fish passage may be obstructed or where there may be deposition of deleterious substances, Fisheries and Oceans Canada will need to provide letters of advice or an authorization in accordance with the Federal Fisheries Act before approval can be issued by the Province



## Transport Canada

- Responsible for safeguarding the navigability of all waters including coastal and inland waterways 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 Province 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 (Species at Risk Act) and against the damage or destruction of their residences (e.g., nest or den) on Federal Lands
- These prohibitions apply to:
  - species listed in the Federal Species at Risk Act found on federal lands
  - all aquatic species listed in the Federal Species at Risk Act, anywhere they occur;
  - all migratory birds listed in the Migratory Birds Convention Act, 1994 and listed in the Species at Risk Act, anywhere they occur
- Prohibitions may apply on provincial or private land where the Act provides for greater protection of the species and its residence than the provincial legislation

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Thank You

