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**Daniel Levitan**

Vice President, Stakeholder Relations

November 10, 2020

Sharifa Wyndham-Nguyen  
Client Services and Permissions Branch  
Ministry of the Environment, Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, ON, M4V 1P5

**Re: ERO Posting 019-2377**

Dear Ms. Wyndham-Nguyen:

Thank you for the opportunity to provide comments on ERO Posting 019-2377, Proposed Project List for Comprehensive Environmental Assessments under the *Environmental Assessment Act* (EAA).

Hydro One Networks Inc. ("Hydro One") is Ontario's largest electricity transmission provider, serving almost the entire Province. In 2019, Hydro One invested more than \$1 billion in its transmission network, providing a safe and reliable electricity system, which is essential to supporting a strong and successful Ontario.

Overall, Hydro One is supportive of Environmental Assessment (EA) modernization and any changes to the current process that will result in it being targeted at new infrastructure projects of a larger scale, while limiting its use for existing infrastructure involving repairs, maintenance, modifications, replacements, refurbishments or upgrades, where evaluation of alternatives are less viable.

With respect to the current ERO Posting regarding a Proposed Project List for Comprehensive EA, Hydro One is also supportive and herein provides recommendations focused on alignment with the federal thresholds for projects which will trigger a Comprehensive EA.

For background, Hydro One utilizes the Class EA for Minor Transmission Facilities (Class EA for MTF) for routine projects with predictable environmental effects which can be mitigated. Within the Class EA for MTF there are two tiers of assessment designed to be commensurate with project scale and associated potential for environmental effects. These are the Screening process and the Full Class EA process. The Screening process is used for smaller scale projects with insignificant environmental effects (confirmed upon satisfying 16 screening criteria). The Full Class EA process is used for larger scale projects with the potential for more significant environmental effects.

Comprehensive EAs are reserved for large-scale, complex projects that have the potential for significant environmental effects and where mitigation measures may not be effectively understood or applied. This includes the preparation of a Terms of Reference and an Environmental Assessment Report. Comprehensive EAs can take upward of five years to complete.

Provincially and federally, transmission line EA thresholds are based on voltage and length, where it is assumed that the potential for environmental effects are proportionate to the voltage or length of a transmission line. In Ontario, the threshold to trigger a Comprehensive EA for a transmission line project is either:

- > 115 kV and < 500 kV and ≥ 50 km; or
- ≥ 500 kV and >2 km

Whereas, the federal threshold is:

- 345 kV or more and ≥ 75 km

Hydro One recommends that the threshold for a Comprehensive EA for transmission line projects in Ontario align with the federal threshold for the following reasons:

### **Class EA Effectiveness and Scalability**

The Full Class EA process has proven to be an effective and scalable framework for planning larger projects. Full Class EAs are triggered when the proponent deems that “significant effects” apply and hence the Screening process cannot be followed. The word “significant” is normally reserved for Comprehensive EAs, however the Class EA for MTF has continued to be a robust and flexible process used for planning the vast majority of transmission infrastructure projects in Ontario for more than 40 years.

Planning and constructing transmission lines is routine for Hydro One and should be for any proponent selected by the IESO to develop transmission infrastructure in Ontario. It is the environmental features and their sensitivities, as opposed to only voltage or length, that may challenge proponents in how they avoid, mitigate, or compensate environmental effects of a project. The same alternatives evaluation process and factors for avoidance applies to both the Class and Comprehensive EA processes. Hydro One can broaden and/or increase the rigour of associated field studies within the Class EA framework as required and typical timelines can be extended to accommodate such study, consultation and partnerships proportionate to the scale of a project and its potential effects. Further, the ability to voluntarily conduct a Comprehensive EA remains and once a project list regulation is made, the government will continue to have the authority to designate specific projects and make them subject to EAA requirements.

Rigorous engagement has proven to be achievable within the Full Class EA process which does not limit timelines or the number of consultation events. As such, proponents can design and execute events to address community and project needs as required. These events can be on par with the level of engagement within a Comprehensive EA. A culminating Environmental Study Report complete with a detailed record of consultation documenting the process, events, concerns and how they were addressed is prepared and shared for public and ministerial review.

### **Duty to Consult**

The potential application of the Crown’s legal Duty to Consult Indigenous communities on transmission line projects remains if the provincial threshold triggering a Comprehensive EA is aligned with the federal threshold. It is also recognized that the potential application of the Crown’s legal Duty to Consult Indigenous communities remains for projects irrespective of an EA process or whether it is required at all.

## **Part II Order Request**

The Part II Order Request process remains for matters involving Indigenous and Treaty rights.

### **Provincial Freeways and Municipal Expressways**

It is logical for the Comprehensive EA project list to be consistent and proportionate with respect to EA thresholds and varying types of linear infrastructure. The current proposal for provincial freeways and municipal expressways is aligned with federal threshold of 75 km, which is the same distance as the federal threshold for transmission line projects. Both involve linear infrastructure, however from a ground disturbance/impact to land perspective, constructing a highway is far more impactful than a transmission line, as transmission structures can span hundreds of metres. In addition, Secondary Land Use potential and biodiversity options remain within transmission corridors, which can be designed to introduce habitat (net positive potential) and trails with compatible vegetation.

### **One Project/One Assessment**

Alignment with the federal threshold would allow for “One Project/One Assessment” harmonizing efforts for work that could trigger both provincial and federal EA processes.

For these reasons, Hydro One recommends alignment with the federal threshold for transmission line projects to modernize Ontario’s EA program, thus streamlining processes, shortening timelines, maintaining rigour of the EA process and still ensuring strong environmental protection.

Please do not hesitate to contact me if you have any questions or would like to discuss our recommendations in greater detail.

Best Regards,

A handwritten signature in black ink, appearing to read 'Dan' followed by a stylized surname.

Daniel Levitan