

VIA EMAIL

February 12, 2025

Jennifer Morton
Species at Risk Protection Policy Section Manager
Ministry of Environment, Conservation and Parks
300 Water Street
5th Floor, North Tower
Peterborough ON K9J 3C7

**Subject: Environmental Registry of Ontario Proposal Posting 019-9411
Endangered Species Act General Regulation O.Reg 242/08**

Dear Ms. Morton:

Please be in receipt of this submission from Cordelio Power LP (collectively with its subsidiaries, "Cordelio") in response to the Ministry of Environment, Conservation and Parks' ("Ministry") January 13, 2025 ERO regulatory proposal to amend the General Regulation under the *Endangered Species Act* to:

- Extend the application of the conditional exemptions to species newly classified as threatened or endangered, and
- Amend the conditions in the conditional exemption for wind facilities to reduce impacts to endangered bat species.

Background

Cordelio is an independent renewable power producer that develops, owns and manages renewable power facilities across Canada and the United States. Cordelio strives to work with all of our stakeholders in an efficient, safe, and environmentally responsible manner. With over 1,400 MW of operating assets under management, Cordelio also oversees a growth pipeline of over 22,000 MW of wind, solar and energy storage projects.

Specific to Ontario, Cordelio owns an interest in and manages four operating wind farms including:

- Jericho Wind located in Lambton and Middlesex counties, commissioned in 2014 and consisting of 92 wind turbines with total capacity of 149 MW
- Bluewater Wind located in Huron County, commissioned in 2014 and consisting of 37 wind turbines with total capacity of 60 MW
- Conestogo Wind located in Wellington County, commissioned in 2012 and consisting of 10 wind turbines with a total capacity of 23 MW, and
- Summerhaven Wind located in Haldimand County, commissioned in 2013 and consisting of 56 wind turbines with a total capacity of 124 MW.

Consistent with the Ministry's *Renewable Energy Approvals* (REA) regulatory process, each of these wind farms has been subject to extensive study of natural heritage values and wildlife habitat, as well as pre- and post-construction monitoring and studies to document, understand and minimize the impacts these facilities have upon bird and bat populations.

These four projects have been operated in full compliance with all REA and associated regulatory and permitting obligations including *Endangered Species Act* Ontario Regulation 242/08 Section 23.20 (13) project approvals and associated reporting to Ministry of Natural Resources (MNR), where triggered. As such, each project is subject to site specific protocols for managing its impacts to wildlife, inclusive of nighttime curtailment regimes based on historical site data recorded.

Impacts of Regulatory Proposal

Cordelio is concerned about the significant energy and financial implications of this regulatory proposal and the limited engagement by the Ministry with the wind energy sector.

Based on our historical operating data, implementation of the proposed 7.0 m/sec cut-in from May 15 to October 15 at all wind farms regardless of historical study results will cause a significant decrease of greater than 5% of annual average energy production at each of these four wind farms, which equates to more than 50 GWh per year.

This loss of energy is equivalent to the annual consumption of >5,500 residential consumers, based on the Ontario Energy Board's standard definition of a typical residential customer's monthly consumption being 750 kWh.

The loss of revenue associated with this reduced energy production could impair the long term financial viability of these projects, increasing the likelihood of not being able to satisfy all existing project financing obligations and expenses during years where winds are below the long term average.

We note also that this proposed curtailment of wind generation is during the summer months when Ontario electricity demand peaks. For reference, Cordelio's wind farms during the period of May 15 to October 15 see wind speeds of less than 7.0 m/sec most days and nights, and 80% of the time.

This loss of energy production should be very concerning to the Province, in light of the Independent Electricity System Operator's (IESO) October 2024 revised Demand Forecast that anticipates Ontario's electricity demand will grow by approximately 75% by 2050 and the Minister of Energy's November 2024 Directive to the IESO to procure 14 TWh of new energy generation to satisfy this growing demand.

Recommendations

The Ministry should delay further consideration of this proposed regulation to allow more fulsome discussion with the wind energy sector on how current best management practices and cut-in speed regimes can limit and mitigate impacts to these migratory bat species without the need for a "one-size-fits-all" additional curtailment regime. The wind power sector in Ontario had long been a champion of responsible environmental practices and with appropriate engagement with the sector, we are confident that government and industry can collaborate on the

development of a regulatory regime that limits impacts to migratory bats, while avoiding undue burden on the wind energy sector and threatening the Province's electricity supply.

We trust that the Ministry will give careful consideration to these comments. If additional information or engagement with Cordelio is required in support of this submission, please do not hesitate to reach out to the undersigned.

Yours truly,



Paul Rapp
Chief Operating Officer
Cordelio Power