

Enbridge Feedback on The Proposed Interim Changes to the Endangered Species Act, 2007 and a Proposal for the Species Conservation Act, 2025

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About Enbridge Inc.

At Enbridge, we safely connect millions of people to the energy they rely on every day, fueling quality of life through our North American natural gas, oil or renewable power networks and our growing European offshore wind portfolio. Enbridge Gas, a subsidiary of Enbridge Inc., is Canada's largest natural gas storage, transmission and distribution company based in Ontario, with more than 175 years of service to customers. The distribution business provides safe, affordable, reliable energy to about 3.9 million homes, businesses and industries and is leading the transition to a clean energy future through net zero emissions targets and investments in innovative low-carbon energy solutions. With the recent acquisition of three gas utilities serving customers in five US states, Enbridge Gas has become the largest gas utility franchise in North America. We're investing in modern energy delivery infrastructure to sustain access to secure, affordable energy and building on two decades of experience in renewable energy to advance new technologies including wind and solar power, hydrogen, renewable natural gas and carbon capture and storage. We're committed to reducing the carbon footprint of the energy we deliver, and to achieving net zero greenhouse gas emissions by 2050.

Headquartered in Calgary, Alberta, Enbridge's common shares trade under the symbol ENB on the Toronto (TSX) and New York (NYSE) stock exchanges.

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Introduction

Enbridge Inc. (Enbridge) appreciates the opportunity to provide feedback on the Government of Ontario's proposed interim changes to the *Endangered Species Act, 2007* (ESA) and the introduction of the *Species Conservation Act, 2025* (SCA). Enbridge commends the government for its leadership in advancing a modernized, pragmatic approach to species protection. The proposed reforms reflect a forward-looking vision that seeks to safeguard biodiversity while enabling timely investment in critical infrastructure that underpins Ontario's economic development.

The shift toward a registration-first compliance model under the SCA aligns with best practices in environmental permitting and mirrors approaches used by other leading jurisdictions to balance conservation outcomes with project certainty. Moreover, Enbridge supports the removal of duplicative authorizations where federal protections under the *Species at Risk Act* (SARA) already apply, especially for aquatic species and migratory birds. This targeted streamlining will reduce administrative burden, improve interjurisdictional coordination, and expedite permitting timelines without weakening core environmental safeguards.

To ensure successful implementation, Enbridge emphasizes the need for detailed transition guidance, including clear timelines, process maps, and criteria for switching between the ESA and SCA. Early and ongoing engagement with project proponents, particularly those with in-progress or near-term applications, will be critical to ensuring consistent interpretation across agencies and a smooth, coordinated rollout of the new permitting framework.

The following section outlines specific actions to support effective implementation of the proposed legislative changes.

Recommendations:

- Develop collaborative transition plans and practitioner guidance (e.g., virtual info sessions) to ensure consistent application of new regulations, especially for multi-year projects.
- Provide clear regulatory guidance and tools to distinguish between registration and permitting under the SCA, including early industry engagement on thresholds and criteria.
- Release and clarify codes of practice early, allowing flexibility for site-specific needs and prioritizing outcome-based rather than prescriptive compliance approaches.
- Define habitat with clear, illustrative examples to reduce ambiguity and support consistent, efficient decision-making by qualified professionals.
- Offer regulatory transition flexibility by allowing projects under review to be given the option of completing under ESA or opting in the new SCA framework.
- Establish standardized review timelines to improve predictability and reduce permitting delays under the new regime.

Feedback

1. Transition Planning and Implementation Support

The proposed legislative changes represent a significant departure from the current permitting framework under the ESA. As with any major regulatory shift, clear implementation guidance is essential to avoid inconsistent interpretation, particularly during the interim period.

Recommendation:

Enbridge recommends developing detailed transition plans, training resources, and guidance documents in collaboration with practitioners, Indigenous communities, and other stakeholders. A model approach is the Department of Fisheries and Oceans (DFO)' Fish and Fish Habitat

Protection Program, which included supports such as virtual information sessions. Similar measures will be critical to ensure consistent interpretation and application of the new regulations, particularly for multi-year projects that may span the legislative transition.

2. Distinctions Between Registration and Permitting

The proposed shift to a registration-based compliance model under the SCA presents an opportunity to streamline approvals for infrastructure projects. However, without clear criteria distinguishing which activities are eligible for registration versus those that require a permit, proponents face regulatory uncertainty. This is particularly relevant for linear infrastructure projects, which frequently involve activities such as pipeline installation, vegetation maintenance, or ground disturbance. Ambiguity in the compliance pathway, especially in the absence of standardized mitigation measures, thresholds, or guidance, may lead to delays, project risks, or inadvertent non-compliance. Early engagement on the development of these criteria is essential to ensure the framework is practical and predictable.

Recommendation:

To support clarity, consistency, and effective implementation, Enbridge recommends:

- Providing clear, detailed guidance to distinguish between activities eligible for registration and those requiring permits under the SCA.
- Confirming whether government-developed mitigation measures will be sufficient to support registration for common infrastructure activities.
- Developing a standardized screening tool or decision tree to help proponents assess and determine the appropriate regulatory pathway.
- Engaging early with industry, including Enbridge, on the development of thresholds and criteria that may affect registration eligibility for linear infrastructure projects.

3. Codes of Practice, Standards, and Guidelines

The success of the proposed registration-first approach will depend heavily on the clarity, timing, and adaptability of supporting documents such as codes of practice, standards, and guidelines. Without early access to these materials, proponents may face uncertainty in preparing for compliance. Moreover, rigid or one-size-fits-all documents may limit the ability of proponents to tailor their approaches to specific project or site conditions, even where alternative methods may deliver equal or superior environmental outcomes. Flexibility and clarity in these documents will be key to achieving both conservation objectives and efficient project delivery.

Recommendation:

To support the effective implementation of the SCA, Enbridge recommends:

- **Providing early access** to proposed codes of practice, standards, and guidelines prior to implementation, allowing proponents adequate time to incorporate requirements into internal processes.
- **Clarifying whether these documents will be static or flexible**, and provide mechanisms to accommodate project- or site-specific adaptations where justified.
- **Establishing a clear and efficient process** for requesting minor, beneficial site-specific modifications to practices while maintaining compliance.
- **Prioritizing outcome-based guidance** that focuses on achieving habitat and species protection goals, rather than prescribing rigid methods that may not suit all contexts.

4. Interpretation of Habitat Definitions

The proposed definition of habitat under the SCA aims to focus on core elements essential to species protection. However, without clear interpretive guidance, the revised definition may still lead to inconsistent application across regulators, proponents, and Indigenous communities.

Recommendation:

Enbridge recommends that the SCA include clear, illustrative examples to support the proposed definition of habitat and minimize interpretation discrepancies. For instance, areas such as municipal rights-of-way and energy transportation corridors could be explicitly recognized as unsuitable or low-risk habitat for species at risk, where appropriate. Providing this clarity would enable qualified professionals to make consistent determinations, thereby enhancing regulatory certainty and improving efficiency in project planning and permitting processes.

5. Treatment of In-Progress and Near-Term Projects

The legislative shift from the ESA to SCA introduces a new compliance framework that could impact projects already in progress. Without a clear transition pathway, proponents may face administrative uncertainty or be required to restart permitting efforts, even if significant work has already been completed under the ESA.

Recommendation:

Enbridge recommends that projects currently under review, or preparing to begin review, under the ESA be given the option to either complete the process under the existing ESA framework or opt in to the new SCA. This flexibility would help avoid unnecessary delays and ensure a smooth transition for proponents navigating the regulatory change.

6. Permitting Timelines and Process Transparency

While the proposed registration-first approach is expected to streamline numerous authorizations, certain activities will still require permits. Under the current ESA, the permitting process, particularly for section 17 permits, has been marked by unclear requirements and long delays, with timelines extending up to 18 months from initial submission to decision. This unpredictability has created substantial planning challenges, delayed critical infrastructure projects, and increased costs for proponents. Clear permitting requirements and predictable review timelines are essential to support effective project scheduling and regulatory compliance.

Recommendation:

To ensure predictability and reduce delays, Enbridge recommends that standardized timelines be established for agency review and decision-making. Early publication of these requirements and timelines will allow proponents to prepare accordingly and support a smoother implementation of the new permitting regime.

Conclusion

Enbridge appreciates the opportunity to provide input on this important regulatory initiative and remains committed to constructive collaboration as Ontario advances its species protection framework. We support a balanced, outcomes-focused approach that maintains strong environmental safeguards while improving clarity, predictability, and efficiency for project proponents.

By streamlining duplicative requirements and reducing administrative uncertainty, the proposed reforms offer a meaningful opportunity to modernize permitting processes in a way that benefits both regulators and the broader public interest.



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