

Enbridge Feedback on the Proposed legislative and regulatory amendments to enable the Species Conservation Act

ERO: 025-0908 and 025-0909

November 10, 2025

Submitted online

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.

To learn more, visit us at [Enbridge.com](https://www.enbridge.com).

Learn more at www.enbridgegas.com.

Introduction

Enbridge Inc. (Enbridge) appreciates the opportunity to provide consolidated feedback on the Ministry of the Environment, Conservation and Parks' (MECP) ongoing consultations related to the implementation of the *Species Conservation Act, 2025* (SCA), including the development of guidance materials under section 16 and the proposed legislative and regulatory amendments necessary to bring the SCA into force.

As Ontario's largest natural gas distribution utility, Enbridge delivers safe, reliable, and affordable energy to over 3.9 million residential, commercial, and industrial customers. Our network spans over 150,000 kilometres of pipelines and associated infrastructure, intersecting diverse ecosystems and species habitats across the province. We recognize the importance of species at risk protection and are committed to supporting conservation outcomes while meeting the essential energy needs of Ontario's communities and industries.

Executive Summary

Enbridge has extensive experience operating under the *Endangered Species Act, 2007* (ESA) and supports MECP's efforts to modernize this framework through the SCA and associated regulatory package. We view the proposed "registration-first" model as a timely opportunity to streamline permitting for routine, low-risk infrastructure activities provided it maintains robust accountability and environmental safeguards.

To be effective, a registration-based system must include flexible mechanisms to amend or renew registrations, particularly for ongoing or long-term operations. This is critical to ensuring regulatory certainty while enabling responsible project delivery under evolving field conditions.

Much of Enbridge's operations and maintenance work intersects with habitats of migratory birds such as Eastern Meadowlark and Bobolink. Many of these projects are currently managed under the health and safety exemption in Section 23.18 of Ontario Regulation 242/08. Should responsibility for migratory birds shift exclusively to Environment and Climate Change Canada (ECCC) under federal legislation, Enbridge is concerned this could create unnecessary project delays, introduce duplicative permitting requirements, and disrupt long-standing, provincially approved mitigation practices.

Similarly, many of Enbridge's new construction projects involve potential interactions with endangered species, though often at low risk, as they typically occur within previously disturbed road allowances. Historically, Enbridge has relied on the Information Gathering Form (IGF) process to collaborate with MECP in determining appropriate mitigation and monitoring measures. Replacing the IGF with a formal registration requirement for these types of low-risk projects may increase administrative burden without yielding corresponding environmental benefits.

To ensure the SCA achieves its objectives of both conservation and efficiency, Enbridge recommends that the MECP:

- **Establish clear registration and permitting triggers**, supported by consistent guidance, to reduce uncertainty during early project planning;
- **Develop standardized, activity-based registration pathways** for routine utility work such as cathodic protection maintenance, vegetation management, and integrity repairs;
- **Retain the current health and safety exemptions** for emergency and integrity work under Section 23.18;

- **Clarify federal–provincial roles** regarding migratory birds and aquatic species to avoid jurisdictional overlap;
- **Maintain the current wind facility registration framework**, including flexible mitigation planning without blanket curtailment;
- **Provide species- and group-specific guidance documents** to support compliance and consistent application of the Act; and
- **Ensure a smooth and transparent transition** from the ESA to the SCA, including clarity on key definitions, offsetting criteria, monitoring expectations, and audit processes.

Enbridge remains committed to supporting species at risk protection while delivering safe, reliable, and timely energy infrastructure for Ontario communities and industries. We encourage continued collaboration as the implementation of the SCA moves forward.

Recommendations

To help ensure the SCA achieves its intended objectives of both environmental stewardship and regulatory efficiency, Enbridge offers the following recommendations for consideration.

I. Retain Existing Registration Requirements for Wind Facilities

Enbridge recommends that MECP retain the existing registration framework applicable to operating wind facilities under O. Reg. 242/08 of the ESA. Specifically, the current requirement for the development and implementation of a Species at Risk Mitigation Plan has proven effective in managing the potential impacts of wind facility operations on listed bird and bat populations.

Enbridge further recommends that MECP exclude the possibility of imposing any blanket curtailment requirements on existing wind facilities. Curtailment measures must remain flexible and site-specific to allow operators to balance operational needs with species protection objectives.

Any future amendments to these regulatory requirements should be preceded by targeted consultation with industry operators to ensure that changes are feasible, evidence-based, and do not impose undue operational constraints.

II. Clarify Registration Triggers for Project Activities

Enbridge requests that MECP establish clear, consistent guidance on the specific conditions that would trigger a requirement to register a project under the SCA. Clear decision-making criteria will support proponents in early planning, reduce uncertainty, and ensure appropriate alignment with regulatory requirements.

III. Establish Standardized Registration Pathways for Routine Utility Activities

Enbridge recommends that MECP develop standardized, activity-based registration pathways for common and low-risk utility activities. This should include routine work such as:

- cathodic protection maintenance,
- vegetation management along rights-of-way, and
- pipeline integrity verification and repair projects.

Establishing pre-defined registration rules and conservation plan templates for these recurring activities would streamline compliance, reduce administrative burden, and enable timely

delivery of essential infrastructure maintenance while maintaining species and habitat protections.

IV. Clarify Activities Requiring Permitting Under the SCA

Enbridge recommends that MECP provide clear direction on the types of activities that will require a permit under the proposed SCA.

V. Establish Permitting Service Standards

Enbridge recommends that MECP establish clear service standards for the permitting process under the proposed SCA. Defined timelines for permit review and issuance will support proponents in making informed decisions during project development and planning, while also enabling greater predictability for project scheduling and regulatory compliance.

VI. Maintain Health and Safety Exemptions for Emergency and Integrity Work

Enbridge recommends that the existing health and safety exemption under Section 23.18 of Ontario Regulation 242/08 be retained under the proposed SCA. Specifically, this exemption should continue to apply to emergency repairs and integrity-related activities that are necessary to ensure the safe and reliable operation of existing natural gas infrastructure.

VII. Develop Species- and Group-Specific Guidance Materials

Enbridge encourages MECP to develop comprehensive species- or group-specific guidance documents to support implementation of the SCA. These materials should include:

- clear direction on habitat delineation methodologies,
- applicable timing windows for construction or maintenance activities, and
- approved mitigation measures to avoid or minimize impacts.

Such guidance would be particularly valuable for species frequently encountered during infrastructure development, including grassland birds, turtles, snakes, and bats. Providing this level of clarity will help ensure consistent application of the Act while supporting effective project planning and environmental protection.

VIII. Clarify Federal–Provincial Roles and Regulatory Overlap

Enbridge requests clear guidance from the MECP on the respective roles and responsibilities of provincial and federal agencies, including ECCC and Fisheries and Oceans Canada (DFO), with respect to migratory birds and aquatic species at risk. Specifically, clarity is needed on:

- when federal legislation such as the *Species at Risk Act*, *Fisheries Act*, or *Migratory Birds Convention Act* applies;
- how federal and provincial review processes will be coordinated; and
- how overlapping regulatory requirements will be administered in practice for projects subject to both regimes.

Enbridge supports aligning the proposed SCA with the federal *Species at Risk Act* to promote consistency, reduce duplication, and enable predictable project timelines. However, to ensure regulatory efficiency and compliance, further direction is needed on how integration and coordination across jurisdictions will be achieved.

IX. Clarify Key Implementation Details of the SCA, 2025

Enbridge requests further clarity from MECP on several aspects of the proposed SCA to support consistent interpretation, compliance planning, and regulatory certainty. Specifically, we seek additional guidance on:

- enforcement processes, including audit mechanisms, timelines, and documentation expectations
- criteria for acceptable offsetting or restoration actions
- monitoring requirements during an activity, as well as post-construction monitoring for registered projects
- transition provisions for projects currently permitted or conditionally exempt under the ESA
- key definitions critical to implementation, including the terms “*dwelling*,” “*interference*,” “*activity*,” and “*monitoring*”

Providing this level of regulatory clarity will help ensure a smooth transition from the ESA to the SCA, while enabling project proponents to meet their environmental responsibilities with confidence.

Conclusion

The transition to the SCA marks a welcome shift in how Ontario manages species at risk, and its success will depend on thoughtful implementation that reflects the realities of infrastructure development.

Enbridge encourages the MECP to prioritize clarity, predictability, and coordination across jurisdictions as the regulatory framework is finalized. With the right tools in place, from targeted guidance to streamlined registration pathways, the SCA can support both ecological integrity and the efficient delivery of critical energy services. We look forward to continued collaboration with the MECP to ensure the legislation achieves its full potential in practice.

For any further inquiries or additional information, please contact Islam Elsayed, Senior Advisor, Government Affairs (islam.elsayed@enbridge.com).