

November 10, 2025

Public Input Coordinator – Species at Risk Protection
Species at Risk Branch
Ministry of the Environment, Conservation and Parks
40 St. Clair Ave. West
Toronto, ON
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Subject: Request for Retroactive Registration Mechanism and Comments on Proposed Guidance under the Species Conservation Act, 2025

Potentia Renewables Inc. (Potentia) is a 100% Canadian-owned developer, operator and asset manager of renewable energy and storage assets. Potentia is wholly owned by Power Sustainable Capital Inc., an affiliate of Power Corporation of Canada. Potentia manages over 1.5 GW of operating projects across Canada and the U.S., with a 2 GW development pipeline driving future growth.

Potentia appreciates the opportunity to provide comments on ERO posting #025-0908- Developing Guidance on section 16 activities under the *Species Conservation Act (SCA), 2025* and its proposed regulations and guidance materials. We support the government's intent to improve efficiency, transparency, and clarity while maintaining strong environmental safeguards.

This new framework provides a valuable opportunity to clarify expectations and streamline compliance. To be effective, however, the guidance materials accompanying the SCA must clearly define how the new approach applies to specific sectors, including renewable energy.

Importance of Clear and Practical Guidance for Wind Projects

Potentia develops, constructs, and operates renewable energy facilities across Ontario and Canada. The renewable energy sector interacts with species and habitats in ways that are well understood and highly manageable, provided that the regulatory framework is clear and proportionate.

We emphasize that guidance under the SCA will be crucial to define how the Act applies to wind energy projects. Specifically, we request that MECP:

1. Provide plain-language guidance that defines key terms such as adverse effect, habitat, activity, and registerable.
2. Include examples relevant to wind projects, such as turbine maintenance, repowering, access road construction and maintenance, and decommissioning activities.
3. Ensure that the guidance reflects the narrower and more focused definition of habitat introduced under the SCA.

Such clarity will support early project planning, consistent interpretation, and efficient mitigation.

Flexibility, Proportionality, and Adaptive Management

The guidance should strike the right balance between providing clarity and avoiding an overly prescriptive approach. A principle-based, outcome-focused framework is essential for ensuring proportionality across different project types and ecological contexts.



We recommend that the Ministry of Environment and Parks (MECP) maintain flexibility by allowing site-specific mitigation and monitoring measures. Outcome-based, data-driven strategies—such as bird and bat monitoring, adaptive management, and evidence-based curtailment—should be explicitly recognized as compliant and effective mitigation under the SCA. This approach encourages continuous improvement and supports both species protection and operational efficiency.

Transition and Timing

Clear transition provisions are essential to ensure compliance and maintain investor confidence. We request that MECP provide details on how existing ESA permits and registrations will be treated once the SCA comes into force. The Ministry should establish transparent timelines and transitional compliance provisions, including a grace period to allow proponents to align with new requirements.

Additionally, we encourage MECP to release a draft version of the proposed guidance for public and sector-specific review before finalization and to host technical workshops with industry representatives. Ongoing engagement will be vital to successful implementation.

In early 2025, MECP hosted information sessions on how wind farms may be expected to comply with requirements under the ESA for the newly listed migratory bats. A date of January 31, 2026, was set by MECP for compliance. This date is rapidly nearing and requirements under the SCA are not fully known. Clear information is required on compliance dates.

Request for Retroactive Registration Mechanism under the SCA Regulations

Potentia Renewables also wishes to raise a specific issue of concern related to compliance for existing wind facilities. Under the ESA, section 23.20 of O. Reg. 242/08 wind facilities was required to register for a conditional exemption prior to operation if there was a risk of harm to species at risk (SAR) bats. However, section 23.20(4) prevented registration after operations commenced, even where proponents were willing to implement mitigation measures. This created an unintended compliance barrier for facilities that became operational before fully understanding the registration requirement.

With the recent listing of three additional bat species (Eastern Red Bat, Hoary Bat, and Silver-haired Bat), our understand is that existing facilities will now be able to register for these newly listed species. Without a retroactive mechanism, however, existing facilities remain unable to register for previously listed species, leaving them exposed to compliance risk despite their willingness to mitigate.

We therefore recommend that the SCA regulations include a retroactive registration pathway for existing wind facilities, subject to appropriate conditions:

1. Allow registration for all relevant bat species, including those previously listed, even if a facility is already operational and has recorded incidental take.
2. Require proponents to submit and implement a mitigation plan equivalent to or exceeding current standards, including curtailment, monitoring, and adaptive management.
3. Establish a compliance grace period or transitional provision for facilities that voluntarily register and adopt mitigation measures under the new framework.

This approach aligns with the SCA's registration-first model, reduces administrative burden, and supports proactive mitigation. It enables Ontario's existing wind fleet to comply with evolving species protection requirements without unnecessary enforcement risk, while continuing to deliver energy essential to Ontario's economy. Without this



mechanism, facilities face an impossible compliance scenario—unable to register for species they may encounter despite their willingness to mitigate. For example, if mortality monitoring is conducted as part of a mitigation plan for newly listed migratory bats, and the monitoring identifies a previously listed species for which the Project was unable to register, the facility will automatically be considered out of compliance.

Potentia Renewables appreciates the Ministry's continued collaboration with the renewable energy sector as Ontario transitions to the new SCA framework. Incorporating the recommendations outlined above—particularly a retroactive registration pathway and clear, adaptive guidance—will help close regulatory gaps, support species protection, and maintain investor confidence in Ontario's energy sector.

We would welcome the opportunity to discuss these recommendations further and to participate in future consultations or technical sessions as the SCA regulations and guidance are developed.

Sincerely,



Jennifer Tuck
Vice President, Government Affairs and Communications

