# OESA Comments

Thank you for providing the opportunity to comment on Ontario’s Endangered Species Act. Hydro One is Canada’s largest electricity transmission and distribution service provider; we transmit and distribute electricity across Ontario, home to 38 per cent of Canada’s population. Our values guide us to work relentlessly with our employees and those who work for us to achieve world-class environmental performance. We will strive for continual improvement of our health, safety and environment management system and will deliver electricity to our customers and manage our operations in an environmentally responsible and sustainable manner. Please find our recommendations below for your consideration.

**Project Registration Timing**

The requirement to register maintenance projects under section 23.18 of O. Reg. 242/ 08 (Threats to health and safety, not imminent) in advance of undertaking work results in an inefficient process that leads to over registration. The scale of Hydro One’smaintenance work is province wide and year round; Species at Risk are one of many considerations and requirements that have to be satisfied when scheduling and carrying out our work program. Often, the most effective way of minimizing /eliminating impacts to Species at Risk and their habitats is by modifying our work schedule to avoid sensitive times of year (e.g. breeding, hibernating, etc…). We are not always able to guarantee project timelines due to the nature of our scheduling. As a result, we are often forced to register projects that may have an impact to Species at Risk or their habitats to ensure legislative compliance. We propose the option to register projects after maintenance work has been carried out. This will ensure that only appropriate registrations are provided to the Ministry of Environment, Conservation and Parks, reduce administrative burden, and give more accurate information on actual impacts to Species at Risk and their habitat.

**Regional level approach and a new conservation agreement**

Consideration should be given to larger scale agreements or registrations. This would allow for a more coordinated approach to Species at Risk habitat restoration and protections. The current framework results in fragmented restorationstrategies based on individual project impacts. Further, overlapping and sometimes conflicting Species at Risk mitigation and recovery actions necessitate a higher level regional agreement that incorporates all known conditions to achieve positive outcomes for Species at Risk.

Stewardship/safe harbour agreement regulations are not suitable for our industry as they are currently written. The requirement for a defined conservation period precludes participating in many conservation actions. Hydro One’s requirement for unimpeded access to infrastructure assets for planned and unplanned maintenance is not compatible with habitat protection measures that have a defined term. A solution could be to include a provision allowing proponents to undertake necessary maintenance operations in areas covered under a stewardship/safe harbour agreement.

Species at Risk habitat protections limiting the ability to undertake required asset maintenance is currently a disincentive to engage in conservation activities. A more comprehensive solution could be to create a new type of voluntary conservation agreement that incorporates the need for required maintenance work into a regional level framework that encourages creation of Species at Risk habitat. This agreement could include a vetting process whereby the regulating body would determine if an individual or an organization qualifies based on a relationship of trust and historical compliance. Allowing for necessary industry activities with approved partners, following a defined conservation agreement would give the regulatory certainty for proponents to carry out voluntary Species at Risk conservation activities. These activities would occur on land that would otherwise not be considered for Species at Risk conservation due to the requirement for access and other work activities. This type of agreement would ultimately promote beneficial actions for Species at Risk by providing a new framework that industry can use to participate in voluntary conservation actions while not compromising necessary operational or maintenance requirements.

**Habitat Banking**

Habitat banking is a market-based environmental solution to ensure that impacts to the environment caused by development are offset by compensation and/or mitigation measures. The Government of Ontario could explore the creation of a fund in lieu of existing requirements to ensure a coordinated response and protections to benefit Species at Risk. Currently, proponent-led and project-based permitting results in fragmented efforts across the province. Habitat banking has the potential to focus on locations and/or Species at Risk where the most benefit could be gained through conservation activities, particularly where site specific recovery/mitigations are difficult or not practical.

We welcome the opportunity to discuss our comments and look forward to continuing to work with the Government of Ontario to find a balance between industry needs and species habitat protections that facilitates positive outcomes for Species at Risk in Ontario.