

AUC INQUIRY INTO HYDROELECTRIC POWER GENERATION

FINAL LIST OF TOPICS

1. Identify all applicable legislation, agreements and policy relating to hydroelectric development including the source and authority.

The current list includes, but is not limited to, the following legislation, agreements and policy including any applicable regulations:

Alberta:

- *Administrative Procedures and Jurisdiction Act*, R.S.A. 2000, c. A-3
- *Alberta Land Stewardship Act*, S.A. 2009, c. A-26.8
- *Alberta Utilities Commission Act*, S.A. 2007, c. A-37.2
- *Dunvegan Hydro Development Act*, S.A. 2009, c. D-18
- *Electric Utilities Act*, S.A. 2003, c. E-5.1
- *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12
- *Fisheries Act*, R.S.A. 2000, c. F-16
- *Historical Resources Act*, R.S.A. 2000, c. H-9
- *Hydro and Electric Energy Act*, R.S.A. 2000, c. H-16
- *Municipal Government Act*, R.S.A. 2000, c. M-26
- *Natural Resources Conservation Board Act*, R.S.A. 2000, c. N-3
- *Water Act*, R.S.A. 2000, c. W-3
- *Public Lands Act*
- *Wildlife Act*

Federal:

- *Canadian Environmental Assessment Act*, S.C. 1992, c. 37
- *Fisheries Act*, R.S.C. 1985, c. F-14
- *Navigable Waters Protection Act*, R.S.C. 1985, c. N-22
- *Migratory Bird Convention Act, 2004*
- *Species at Risk Act*
- *International Rivers Improvement Act*
- *Canada Wildlife Act (Wildlife Area Regulations)*
- *Fisheries Act (section 36(3))*
- *Canadian Environmental Protection Act (CEPA), 1999*
- *The Canada Water Act*
- *Explosives Act*
- *Transportation of Dangerous Goods Act*
- *Indian Act*
- *Alberta Natural Resources Act 1930, c. 3*
- *Constitution Act 1930, R.S.C. 1985, App. II, No. 26*

- *Constitution Act, 1982, R.S.C. 1985, APP. II, No. 44*

Other

- Reference applicable government strategy and policy (e.g. Energy Strategy, Climate Change Strategy, etc.)
 - Consider standards, practices, codes of practice, guidelines, objectives, methods to identified legislation such as supplements to EPEA section 14
 - Multi-jurisdictional agreements
 - *Canada-Alberta Agreement on Environmental Assessment Cooperation*
 - *Mackenzie River Basin Transboundary Waters Master Agreement*
 - Documentation for *British Columbia – Alberta Bilateral Water Management Agreement* and *Alberta-Northwest Territories Bilateral Water Management Agreement*
 - South Saskatchewan River Basin Plan and other approved water management plans
 - Where reserve lands may be impacted by flooding or development the *Indian Act* R.S. c. I-5 and the *Dominion Water Power Act*, S.C., c. W-4 may also apply
2. Identify potential stakeholders who may be impacted by hydroelectric power generation projects.

The current list includes, but is not limited to, the following¹:

- Public:
 - Towns, cities, municipalities, counties, improvement districts and communities potentially impacted by hydro development.
 - First Nations and Metis.
 - Fisheries, fishermen, trappers, hunters, boaters, irrigators, water licence holders, bridge and trestle owners, ferry owners and consumer groups.
 - Special interest groups such as:
 - The Alberta Wilderness Association, the Canadian Parks and Wilderness Society Northern Alberta, Ducks Unlimited, and other non-government agencies.
- Generators:
 - Existing and potential Alberta hydro developers.
 - Upstream or downstream of Alberta hydro developers (e.g. BC Hydro).
 - Other generators.
- Dam operators without hydro developments, if applicable.
- Transmission facility owners.
- Agencies such as:
 - The Alberta Utilities Commission
 - The Natural Resources Conservation Board
 - Alberta Environment
 - The Alberta Electric System Operator
 - Alberta Sustainable Resource Development
 - Alberta Transportation
 - The Alberta Department of Culture and Community Spirit regarding historic resources, archaeological and paleontological sites
 - Other Alberta Government ministries including those responsible for energy and industry-related matters

¹ See Participant List in EPS Proceeding ID 561 for the list of registered participants

- Agencies from the governments of British Columbia, Saskatchewan and the Northwest Territories
 - The Canadian Environmental Assessment Agency
 - Government of Canada Department of Fisheries and Oceans
 - Transport Canada
 - Parks Canada
3. Identify and chart current regulatory process and associated functional requirements including required minimum consultation and studies.
- Identify any differences between hydroelectric generation and other forms of generation and assess if any differences are appropriate
 - Recommendations respecting effective consultation processes for future hydroelectric applications
4. Regulatory approval process differences for traditional large-scale reservoir projects, run-of-river projects, or for upgrading existing hydroelectric power generation development.
- Clarify definitions and approaches for projects of differing magnitude (e.g. new reservoir storage, hydro at locations using existing dams and reservoirs, run-of-river with no water storage, high or low head, hydro at locations for stabilizing river flow, etc)
5. Identify overlaps, barriers, conflicts, or other impediments of regulatory approval requirements.
- Rights to water
 - Rights to develop hydroelectric projects
 - Responsibility for abandonment and reclamation of hydroelectric dams and facilities
 - Criteria for assessing hydroelectric projects
 - Technical, economic, social, environment, baseline information, cumulative effects
 - Consideration of interconnecting transmission in conjunction with hydroelectric assessments
 - Bounds of regulatory approvals in Alberta respecting approval of competing alternatives
 - Comparison of hydro approval process to other generation alternatives and appropriateness of any differences
 - Clarify interrelationships with other statutory schemes
 - regional watershed management plans under the *Water Act*
 - regional land use plans under the *Alberta Land Stewardship Act*
 - protected water provisions and water licence reviews related to Alberta Environment
6. Identify additional regulatory issues that may be encountered when considering projects that have the potential to impact neighbours such as Saskatchewan, British Columbia and the Northwest Territories.
- Best practices or results of similar studies in other provinces or territories

7. Opportunities for improvement.
 - a. More streamlined regulatory processes for expansions at existing hydro sites or new run-of-river installations while ensuring adequate consideration of technical, socioeconomic and environment perspectives.
 - b. Creation of an approving regulatory agency which provides overall coordination, like the Government of Canada's Major Projects Management Office.
 - c. Clarification of the sequence of approval processes and to clarify how the individual provincial and federal legislated processes merge.
 - d. Other opportunities for provincial, interprovincial and federal agencies to effectively coordinate or delegate activities.
 - e. Processes whereby the federal authorities could recognize the provincial process, or *vice versa* to avoid duplication.
 - f. Adoption of processes where members of the public or organizations may more effectively express their views and recommendations respecting projects. This could include consideration of processes outside the traditional contested hearing approach where parties might express their views in a more collaborative or workshop environment.
 - g. Provisions for practical opportunities for proponents with hydroelectric generation facility applications to streamline or simplify their application processes.
 - h. Provisions for practical opportunities for regulatory organizations which review hydroelectric generation facility applications to streamline or simplify their application processes.
 - i. Adoption of innovative approaches to meet obligations for consultation with First Nations and other aboriginal peoples where federal, provincial and territorial jurisdictions may be involved.
 - j. Preparation of guideline documents for applicants describing the sequences of processes, steps and approvals.
 - k. Preparation of guideline documents for interveners and the public describing the sequences of processes, steps and approvals.
 - l. Clarification of the criteria and responsibilities of varying agencies to be applied in assessing public interest.
 - m. Any other approaches that might be used to establish a more effective and efficient regulatory approval process.