

Roles and Responsibilities of Alberta Environment and Parks (AEP) and the Alberta Utilities Commission (AUC)

Re: Applications to construct and operate wind and solar power plants

Date: (agreed to on February 1, 2018)

Until recently, the vast majority of electricity in Alberta was produced through the burning of coal or natural gas. Alberta's Climate Leadership Plan will see the retirement of Alberta's coal power plants and the introduction of a significant number of renewable power plants to replace some of the reduction in electricity production capacity. These recent changes in electrical power production policy are expected to add up to 5,000 megawatts of renewable power production to Alberta's electricity supply.

As both AEP and the AUC have regulatory authority over various aspects of approving, constructing and operating wind and solar power plants, they wish to mutually confirm their respective environmental and regulatory responsibilities for wind and solar power plants in Alberta. In particular, this document discusses their mutual understanding of regulating impacts on wildlife and wildlife habitat that may potentially result from wind and solar power plants. Therefore, AEP and the AUC jointly confirm their respective roles and responsibilities for wildlife management matters in the approval and monitoring of wind and solar power plants in Alberta, as follows:

1. AEP is responsible for the overall management and regulation of wildlife in Alberta, including establishing policies, directives, guidelines and similar administrative procedures (collectively, wildlife policies) under the *Wildlife Act* and the *Environmental Protection and Enhancement Act*. The legislation and wildlife policies include responsibilities for the designation, protection and recovery of wildlife, including endangered animals¹ and other sensitive species, and wildlife habitat. The legislation and wildlife policies apply to the potential impacts caused by the construction and operation of wind and solar power plants.
2. The AUC is responsible for approving the construction and operation of wind and solar power plants under the *Hydro and Electric Energy Act* and the *Alberta Utilities Commission Act*. Its approval process includes considering the potential impacts on wildlife and wildlife habitat. The approvals, permits and licences issued by the AUC may prescribe conditions relating to wildlife protection consistent with the environmental legislation and wildlife policies, and the responsibility for surveillance and enforcement of those conditions rests with the AUC. The conditions contained in the AUC's approvals, including

¹ "Endangered animal" is defined in the *Wildlife Act* and they are listed in Schedule 6 of the *Wildlife Regulation*.

any related to wildlife protection, are established by the AUC during its consideration of the application for the wind and solar power plant, which includes reviewing any advice provided by AEP.

3. The AUC receives applications for approval of wind and solar power plants, which include all necessary electrical resource and environmental information. Requirements for applications are set out in Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations and Hydro Developments*, which also references the requirement to ensure alignment with AEP's policies.
4. Prior to filing an application with the AUC, the applicant must provide project details as they pertain to wildlife environmental matters to AEP for compliance with the wildlife policies. AEP assesses the completeness and sufficiency of information and, if necessary, identifies any additional information that may be required.
5. Following AEP's receipt and review of the project details, including all additional information required by AEP from the applicant, AEP will prepare a referral report, which the applicant must file as part of its application to the AUC.
6. The AUC considers AEP's referral report as part of its overall consideration of the application, and if satisfied that the wind and solar power plant is in the public interest, prepares an approval with any conditions it determines appropriate, including conditions associated with wildlife.
7. If the AUC determines during the application review process that a public hearing should be held, it will advise AEP. AEP may, as it determines, fully participate in the public hearing, including by leading direct evidence, conducting cross-examinations and providing argument. The AUC may also question the applicant on the environmental (including wildlife) concerns contained in the referral report.
8. While AEP does not issue permits specifically related to wind and solar power plant projects, AEP retains regulatory responsibility and authority under the *Wildlife Act* for specific situations (for example, the destruction of a wildlife nest or animal den) that may require an applicant to obtain a separate approval from AEP.
9. The AUC is responsible for the monitoring and surveillance of all non-environmental and environmental matters of power plant operations, including periodic on-site inspections.
10. The AUC will provide AEP with all reports of on-site wildlife environmental monitoring submitted by the wind and solar power plant operator. AEP will then review these reports, advise the AUC of its conclusions, and indicate if corrective actions are required.

11. The AUC is usually the point of contact for external complaints regarding wind and solar power plants, although they may also be received by AEP. The AUC may ask AEP to respond to wildlife-related complaints, including by conducting on-site inspections with AUC enforcement staff. If AEP recommends that corrective or enforcement action be taken, it will advise the AUC.
12. In a situation where AEP advises the AUC that wildlife conditions have been violated, the AUC is to take such corrective or enforcement action as the AUC determines.
13. Action taken as a result of approval condition contraventions is the sole responsibility of the AUC. AEP may assist the AUC in such investigations as they mutually determine on a case-by-case basis, including having AEP subject-matter experts appear as witnesses in AUC enforcement proceedings.
14. In situations in which the AUC has taken corrective or enforcement action relating to a wildlife matter, it will notify AEP.