



September 30, 2020

Wayne MacKenzie  
Director, Technical Assessment  
Alberta Utilities Commission

Sent via: [wayne.mackenzie@auc.ab.ca](mailto:wayne.mackenzie@auc.ab.ca)

**Re: AUC Bulletin 2020-30: Revised draft version of AUC Rule 007 and interim changes to AUC participant involvement program**

Dear Mr. MacKenzie,

On behalf of our members, the Canadian Renewable Energy Association (CanREA) wishes to provide feedback on Bulletin 2020-30 and the associated draft version of AUC Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations and Hydro Developments*.

We commend the AUC and its staff for the time and diligence with which they have approached this process. Throughout the consultation process over the past several months, the staff has made an obvious and concerted effort to engage with the renewable energy industry. This is evident, in particular, in the development of the approach to projects where changes are anticipated. As a result, Rule 007 is a better reflection of the development cycles for projects that deal with such rapidly changing solar and wind generation technologies. These efforts are much appreciated.

In the spirit of continuing engagement, the attached Appendix ("Comments on Revised Draft Version of Rule 007") outlines further commentary from our members on various issues, including:

- Time Extension Applications for Power Plants,
- Shadow Flicker and Solar Glare,
- Applications Where Changes are Anticipated,
- Aerodromes, and
- Environmental Management Plans.

We wish to call particular attention to the comments on aerodromes. While CanREA responded to comments made on the Rule 007 Engage page in relation to aerodromes, the extent of the proposed changes still came as a surprise to many of our members. Given the significant potential impact associated with these changes, as well as the lack of consultation that took place, it is requested that the AUC hold an aerodrome-specific consultation session, prior to the finalization of this draft.

Thank you for the opportunity to provide comment on the ongoing development of the updated AUC Rule 007. We look forward to further conversations prior to finalization of this rule. If you have any questions or comment, please reach out at [ewilson@renewablesassociation.ca](mailto:ewilson@renewablesassociation.ca) or (403) 891 8640.

Regards,

Evan Wilson  
Senior Director, Western Canada

## Appendix: Comments on Revised Draft Version of Rule 007, dated August 7, 2020

### Time Extension Application for Power Plants

Overall, members of the Canadian Renewable Energy Association are supportive of the changes, as outlined in Section 5 of the updated text.

However, the time extension process would be improved by additional clarity in TEP3. As currently written, the phrase “the most affected dwelling” is vague. **A more precise and detailed definition of “most affected dwelling” would provide significant additional clarity.**

### Shadow Flicker and Solar Glare

Throughout the draft update to Rule 007, there are several references to “receptors”. This includes reference to the potential impacts of shadow flicker, solar glare and noise. Despite repeated references to receptors throughout the document, no formal definition is provided. While one could infer that the definition of receptor would be the same as the one included in Rule 012, **it is requested that the draft be updated to include a definition “receptor” that aligns with that Rule.**

### Applications Where Changes are Anticipated

The changes made to Rule 007 throughout Sections 4.3.1, 4.3.3, 4.4.1 and 4.4.3 will provide CanREA members with additional confidence that they will be able to deploy the most technologically advanced turbine available when it is time to enter the construction phase of the project. We appreciate the AUC’s outreach and consultation to date on this change. In several instances, however, there are issues that we wish to address, which are listed below.

#### *Project Boundaries*

Sections 4.3.2 and 4.4.1 both state that “[t]he initial application must specify the project boundary and it cannot be subject to change.” However, due to the ability for applicants to move turbine footprints by 100 m, it may be possible to reduce the project footprint, if the turbine pads are moved appropriately. **It is recommended that this statement be edited to read “[t]he initial application must specify the project boundary, which cannot be subject to increases.”**

#### *Consultation on Noise Impacts*

Section 4.3.2 currently reads “[t]he project update cannot be submitted if new or additional notification is required, including any requirements under Rule 012, and there cannot be any outstanding objections to the project.” As written, this section suggests that if someone builds a new structure, or if land ownership changes within the consultation zone, then a full amendment or LOE would be required. Furthermore, if there are any changes, developers are likely to engage with landowners to provide updates on the layout. **As a result, it is recommended that the section be re-written to say “[t]he project update cannot be submitted if new or additional notification is required, including any requirements under Rule 012, and if any new concerns arise from notifying the stakeholders of the final design.”**

#### *Project Element: “Hub height, rotor swept area of individual turbines”*

The requirement under this project element is that applicants must “[c]onfirm hub height, rotor sweep, blade diameter of individual turbines” cannot increase. It is unclear what is meant by “blade diameter”. Normally the term “diameter” is associated with *rotor* diameter, which is the total diameter of the rotor swept area. **If appropriate, we recommend replacing all instances of “blade diameter” with “rotor diameter.”** If this is meant to mean “blade thickness” **then we recommend that an allowance**

should be provided for changes that would not be significant visually. An allowance for an increased blade thickness of 25 per cent would be reasonable.

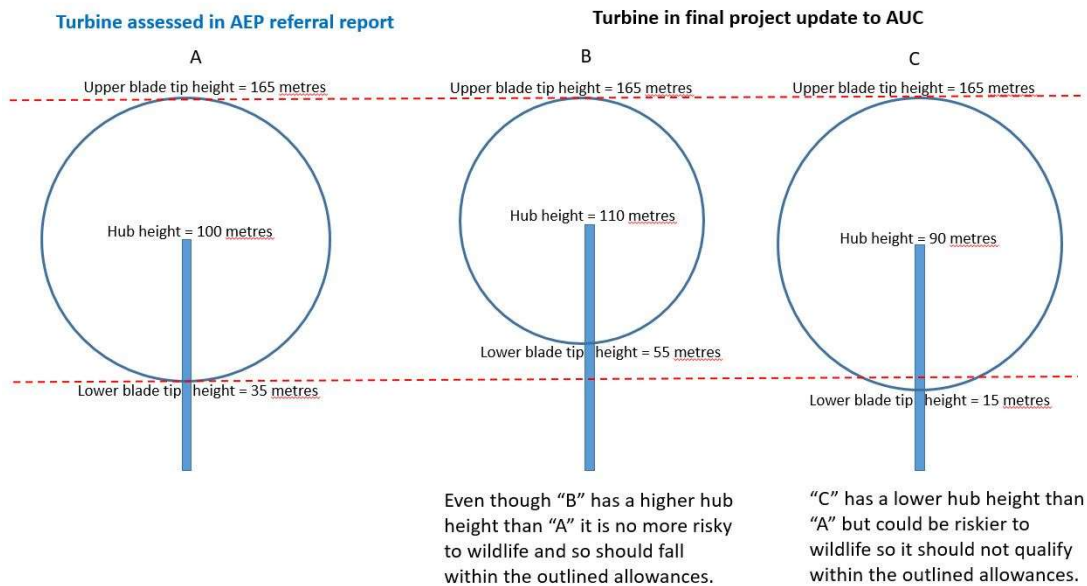
*Project Element: “Environmental effects from height, rotor sweep, blade diameter of turbine”*

The requirement under this project element is that applicants must “[c]onfirm that environmental effects from hub height, rotor sweep, blade diameter of individual turbines have not increased.” However, current AEP requirements result in reporting on hub height and rotor sweep, while blade diameter reporting is not required. **It is recommended that Rule 007 require reporting of hub height and rotor sweep only, in order to align with AEP requirements, which covers the project details that influence impact on species and habitat.**

Additionally, Footnote 3 states that “The maximum hub height and maximum rotor swept area must match what was assessed in the AEP renewable energy referral report”. Members have noted that, when the final turbine model is chosen, there is no longer a “maximum” hub height or rotor swept area. There is only the “actual” hub height and rotor swept area.

Furthermore, the hub height may not be relevant to impact on wildlife. As illustrated in figure 1, below, upper and lower blade tip heights are more relevant to wildlife impacts.

**Figure 1.**



**It is recommended that this footnote is edited to read “The upper blade tip height must be equal to or lower than what was assessed in the AEP renewable energy referral report and the lower blade tip height must equal to or higher than what was assessed in the AEP renewable energy report. If either is untrue, confirmation must be provided by AEP that environmental effects have not increased significantly due to the new turbine dimensions.”**

*Project Element: “Location of turbines and major components”*

In the table of project elements for both wind (page 20) and solar (page 31) projects, it is stated that “major components” may only be moved by up to 100 m, while changes to roads and collector lines can be made throughout the project boundary, provided they are located on cultivated lands or that they do not infringe on wildlife or habitat. However, in footnotes 2 and 7, relating to WP6) and HE6),

respectively, major components are defined as “generators, collector substations, collector powerlines and access roads”. **It is recommended that the footnotes be edited to classify only “generators and collector substations” as major components, for the purposes of these applications. One alternate suggestion would be to state that “generators and collectors substations” may only be moved by up to 100 m.**

## **Aerodromes**

We acknowledge the decision to include language regarding the notification of aerodromes throughout the updated Rule 007. Our membership agrees that preserving the safe and viable operations of aerodromes and the safety of aircraft and passengers in Canada is a top priority of our sector. We are surprised, however, to see such extensive changes to the treatment of aerodromes in this draft, as it was not part of the extensive consultation performed by AUC staff over the past 18 months.

As reflected in CanREA’s industry best practice guidance documents<sup>1</sup> wind energy and solar PV developers prioritize consulting with key stakeholders, including aerodrome operators both prior to and throughout any development process. Additionally, Rule 007 already requires, developers must obtain letters of no objection from both Transport Canada and NAV CANADA on the final project layout, via the filing of an “Aeronautical Assessment Form for Obstruction Marking and Lighting” and a “Land Use Submission Proposal” form, respectively.

These federal agencies possess the appropriate expertise, authority and resourcing to rule on any aviation-related impacts of project siting. If any concerns are identified by either Transport Canada and NAV CANADA in their reviews of these submissions, wind and solar proponents must address these issues in their layout configuration and/or turbine technology prior to receiving the letters of no objection.

Furthermore, the Section 15 glossary definition of “aerodromes” includes “unregistered airstrips”, which may significantly and unproductively broaden the definition. If included in the final Rule 007, it will create an onerous requirement to find and identify this unregistered infrastructure. Furthermore, these airstrips increase the complexity of the regulatory process, as it has been our members experience that such unregistered facilities have popped up temporarily to deter development. One other option is for the AUC to identify the aerodromes that would require consultation by project applicants.

Members have also raised concerns regarding the 4,000 m distance. This detail was not part of the consultation with industry, and members would like to understand how this distance was chosen.

**In order to provide continuing clarity and predictability for all stakeholders, it is recommended that the updated version of Rule 007 refer more explicitly to the authority of these federal agencies. Additionally, it is requested that Rule 007 state more clearly that the notification criteria is not intended to prohibit the operation of generation facilities within the notification radius. For the sake of predictability, we also request that the definition of “aerodromes” refer only to registered facilities.**

**Due to the extent of these recommendations and lack of previous consultation, CanREA requests a consultation session to discuss this issue.**

## **Environmental Management Plans**

Under WP18), there is a new requirement for proponents to submit a project-specific environmental protection plan or environmental management plan. As it is already a requirement that both a

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<sup>1</sup> See “Best Practices in Indigenous and Community Engagement”, Canadian Wind Energy Association (2019). Available at: <https://canwea.ca/wp-content/uploads/2019/06/canwea-bestpractices-engagement-May2019.pdf>.

construction and operation mitigation plan and a post-construction monitoring and mitigation plan be submitted to the AEP as part of the referral letter process, this is an overlapping requirement. **It is requested that WP18 be updated to more specifically refer to the plan that has been submitted to the AEP.**