Submission for Rule 007 Draft Blackline and AUC Bulletin 2025-02

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A. Comments on the Appendix of Bulletin 2025-02

1. Municipal Feedback and the Municipal Referral Letter/Engagement Form
    a. As a resident of Foothills County, seeing the AUC provide recommended opportunities for municipal feedback seems promising. During the Foothills Solar Project proceeding, our county was only able to participate because they owned a parcel of land within the notification radius. Their participation on that proceeding was pivotal and their continued engagement on the Laramide BSF (Proceeding 28906) and Big Rock Solar (Proceeding 29895) Projects is both necessary and expected by local interveners. Engagement with our county to date, has been less-than-stellar by both developers (Enfinite and Enerfin) and implementation of an effective Municipal Engagement Form cannot come soon enough.

    b. While this first attempt is significant, the form leaves a lot of room for interpretation and it does not seem that municipalities needs are accurately captured according to the submissions received from the RMA and individual municipalities on this form to date. When this part of the consultation was announced, a Municipal Referral Letter draft was posted that is quite different from this current version now named Municipal Engagement Form. The most significant change is to whom this form is submitted: the AUC in the referral letter draft versus the applicant in the engagement form draft. This information should be submitted to both parties for adequate transparency -- not solely the AUC or applicant.

    c. Can the AUC clarify the first line of instructions on this form? It states: “The Alberta Utilities Commission wishes to provide a forum for municipalities potentially affected by power plant and/or energy storage applications to provide feedback to the Commission.” Is this true? A FORUM is being provided? The definition of forum from the Oxford dictionary is : “a place, meeting, or medium where ideas and views on a particular issue can be exchanged”. Utilizing this form does not provide a means of exchange for ideas and views. It only collects initial feedback prior to the application being submitted and it is very evident that ongoing engagement and an exchange of ideas needs to take place as complete project information becomes

available, usually through the process of a hearing, and not prior to it if past proceedings are any indication.

d. The third sentence seems to be overly long, grammatically incorrect and should be revised as follows:

    i. “This form will be provided to affected municipalities by the project applicant” instead of “will have been provided”;
    ii. “at least 30 days in advance of formally filing the project application on Efiling” instead of “for a minimum of 30 days as part of the application process”;
    iii. “the process to complete this form and the required timeline” should not be provided by the applicant – it should be explicitly stated on the form itself. The process should be clearly written with the intended audience being municipal government and the timeline stipulation can be stated as follows: Please note that your feedback is requested within 30 days of receipt of this form and accompanying project documentation.” A field for date of receipt can be added to the form to assist with this function.

e. The first sentence of the second paragraph is very concerning. Stating that it is optional for affected municipalities to complete and submit this form only serves to decrease the perceived value of feedback they can and, more often than not, are very eager to provide. It also encourages regulatory inefficiency if the bulk of communications about a project come at the application stage through various parts of the proceeding and potential hearing. While the AUC and developers are not accustomed to receiving direct feedback from municipalities during past proceedings, this is only because their ability and right to participate were not being appropriately recognized – not because they didn’t have anything valuable or significant to contribute or lacked the desire to express their views and concerns.

    i. Remove the part of the sentence “In the absence of this form being completed” and change the sentence to read: “Completion of this form does not remove the onus of the project applicant to share documentation of its communications with the municipality as part of the Participant Involvement Program (PIP) (or MIP if that is undertaken as another important AUC task). Items included on this form are

included as part of the facility application information requirements for applicants." (This additional sentence removes the need for a third paragraph)

f. It is critical that **adequate and relevant** amounts of project information be provided to municipal authorities yet historically, developers do not have this information available during the pre-application consultation period. Conducting any form of consultation without complete project documentation should be seen as irrelevant, inappropriate, and quite frankly, suspicious.

g. A better solution to the problem of municipal engagement would be as the RMA recommends: a participant involvement program designed for communicating and negotiating with municipalities on municipal issues. An MIP (Municipal Involvement Program) that "reflects municipalities' status as a level of government" is extremely justified and would address issues proactively instead of how they are currently being handled—as reactions to poor project planning and poor engagement guidelines and accepted practices.

h. An entire overhaul of the Participant Involvement Program needs to be done, beginning with a consultation that is strictly focused on that topic. It needs to be done much more meaningfully than how it has been allowed to be addressed during this Rule 007 consultation.

2. Visual Impact Assessments
    a. It is interesting to note that under *Description of the issue,* it says that the AUC "committed to enhancing the existing visual impact assessment requirements within Rule 007" yet I am unable to find any visual impact assessment requirements that were part of the previous version of Rule 007 amended and approved on March 20, 2024 and effective on March 28, 2024. So, it can only be assumed that there are not currently any visual impact requirements in Rule 007 and that all requirements have only been formally introduced in December 2024 through Bulletin 2024-25 (Changes to interim information requirements for power plant applications).

    b. I bring this up because the **new** visual impact assessment requirements are not adequately detailed and allow for easy manipulation by project

proponents, as demonstrated in the hearing for Rising Sun Solar (Proceeding 29312) where the applicant vehemently opposed viewing visual representations in a zoomed-in fashion showing details not immediately apparent yet worthy of deeper examination and review.

c. Further to this, under **Next steps** on page 3 of Bulletin 2024-08 it says: "The AUC intends to hire an external expert to propose a **methodology for visual impact assessment** with the work to be completed in summer 2024." It is very concerning that if this external expert was hired and a report was prepared, the results are only **105 words of provincial legislation** (Section 8(2) EELUVAR) and **less than 300 words** per information requirement section copied and pasted for each facility type (except for Substations and Energy Storage facilities for some odd reason??).

d. Additionally, if this expert was retained and a report was created, when will that be released for public review? All the reports commissioned as part of Modules A & B of the "Inquiry" were posted publicly and so if this report was completed, its results should also be made available to the public.

e. While the Department of Planning, Housing and Infrastructure in New South Wales, Australia has published the *Large-Scale Solar Energy Guideline: Technical Supplement for Landscape Character and Visual Impact Assessment* in August of 2022 (last updated in November of 2024) at a length of just under 50 pages of text (not including several pages of images), the Commission and EELUVAR have provided virtually nothing meaningful as a solution to the problem of known and acknowledged visual impacts from facility applications when compared to this very recent comprehensive and detailed document.

f. It seems that a combination of less than 500 words is what is being proposed as adequate for addressing this interim issue in Alberta. At the very least, could it not have been stated that referencing the above document is highly recommended and that the Commission would consider using it as a temporary guideline while developing its own assessment guidelines? There seems to be a significant lack of transparency or a completely apathetic stance being taken towards Visual Impact Assessments.

g. Additionally, since the AUC does not have much experience using these new requirements, it should be expected that further modifications should take place as the EELUVAR is tested on active and future proceedings. It should be stated that further requirements will be forthcoming, especially in the absence of a sincere attempt to resolve the lack of regulations or specific guidance on this topic to date.

3. Agricultural land use and assessments
    a. The introduction of the term "high quality agricultural land" without adequate definition and with discriminatory application is very problematic. To say that some LSRS Class 3 land is considered worthy of an agricultural impact assessment based on its geographical location and proportion of other land classes in that county, while equally highly productive Class 3 land in another county is not worthy of an agricultural impact assessment or agrivoltaics plan implementation, is not a consistent way to evaluate the suitability of agricultural land for renewables projects.

    b. This problem is further exacerbated by the revisions to the soil classification polygons in AGRASID. When a polygon changes from Class 3 to Class 2, this should be accounted for by developers in their project plans and accounted for by the AUC when it considers approval of a project on Class 3 lands that can be shown to produce the same or better than Class 2 lands. Production capability, not only soil class, needs to be taken into much greater consideration. Additionally, there should be distinctions made between cropland and pastureland as the availability and quantities of each vary considerably and are used for entirely different purposes.

    c. There is now a significant risk of developers choosing to develop on Class 3 lands that are highly productive but that do not require an agricultural impact assessment nor co-location of agrivoltaics since the enactment of the EELUVAR. While the land can be shown to be highly productive agricultural land that is also in very high demand by other local producers, there is no requirement for a developer to formally assess the lands for agricultural capability never mind implement anything related to continued agricultural production prior to AUC approval.

    d. The MD of Pincher Creek has taken the most intelligent and comprehensive approach to identifying land that is suitable for wind and solar projects.

While each municipality governs itself, if each had the incentive to complete the same type of study inside their jurisdictions, the province would essentially have a county-by-county inventory of lands most suitable for renewable energy development.

e. Leaving these decisions to be made by rural landowners who are underinformed, lack resources, and in the absence of laws to protect them, is highly irresponsible on a provincial level. In the majority of hearings prior to the "Inquiry", the reason applicants claimed their project should be approved was that no laws existed to prevent them from doing what they were proposing to do – namely being there is no law to prevent an individual landowner from leasing his land for whatever activities he chooses. Just because there isn't a law to prevent something from happening, doesn't mean it should be automatically justified to happen.

f. Remarkably, no project hosting landowners are ever any part of the application approval process and there is no accountability for developers to show that their hosts have been properly and fully informed about the project prior to signing lease agreements. When project documentation is usually ready only days or weeks prior to application submission, it is inconceivable to conclude that any project host is informed enough to be making decisions that will affect the productivity and success of their land, their county and this province for decades to come.

g. In addition to wind and solar facilities, energy storage facilities and substations being placed on highly productive agricultural land should be included in the EELUVAR and Rule 007. While energy storage facilities may start out with a smaller footprint, they have the capability to expand operations and their footprints in future development phases. While Phase 1 may affect 10 acres of land, by the time Phase 4 is finished construction, over 100 acres could be removed from agricultural production with very little chance of adequate reclamation due to the foundations and soil compaction issues these facilities bring with them. This needs to be accounted for in the Rule for both stand-alone energy storage and co-located facilities with wind and/or solar generation.

4. Reclamation security

a. The incorporation of the interim requirements into the rule is a very positive step. Many of the requirements seem to have come from recent proceedings through Information Requests/Responses and through virtual hearings in 2024/25.

b. A very prominent issue, from a landowner's perspective, is how the salvage value of equipment decades into the future, can be and is being calculated today. Do the consultants retained by project developers have data to support claims such as 75% salvage value on solar panels that are 30 years old? It is very hard to believe that any legitimate accuracy can be expected from these salvage value calculations given the number of global factors which will undoubtedly affect them over time. At best, these numbers are the best possible outcome for the developer, rather than an appropriate reflection of remaining material value at the project's end of life.

c. The description of this issue is not very clear. It says that AEPA can implement mandatory reclamation security for wind and solar power plants. What about the other facility types, especially energy storage and substations given their considerable risks and growing prevalence? It is inconsistent to say that TP, OP, HE, and ES reclamation issues have been addressed fully by including them in the Rule 007 blackline when they haven't been included in the recent amendments to the *Conservation and Reclamation Regulation*. How will anything be enforced for these facility types? Are future amendments expected in the near future? If so, why haven't they been incorporated proactively?

5. Timelines to construct
    a. A fixed 5-year construction period seems very reasonable even when considering current market conditions and regulatory uncertainty. Every applicant is required to submit a construction timeline prior to approval. If these construction timelines are calculated with high levels of accuracy, they will take into consideration all the factors developers are complaining about in their submissions on this topic to ensure that a project remains economically viable.

    b. Applicants have the responsibility to construct a project within a reasonable period of time given the projected urgency for renewables development and deployment in Alberta. While significant financial investments are made to

acquire project approvals, these facilities cannot sit in an unbuilt state for undetermined periods of time.

c. Furthermore, applicants should not be permitted to project construction start dates several years into the future – especially given the uncertainties faced globally today. As more time passes, circumstances can become more uncertain and unstable risking initial investments and wasting AUC resources to approve applications that may never be built.

d. With all the knowledge these industry professionals have, one would think that they would be able to figure out a way to streamline all their applications and processes with the various agencies they are required to work with. If developers were interested in saving time and building quickly and if the AESO and other related regulatory divisions wanted to see these developments progress more efficiently, applicants would be encouraged to do a more complete analysis of the time needed for the entire project – from conception to commissioning – before submitting any paperwork and getting the process clock started.

6. Solar glare
    a. This new section, clarifying and further refining the parameters for solar glare assessments, appears to be a good first attempt to more accurately predict glare using critical and conservative fields of view.

    b. Establishing the limits set out in Table 4.4 seem to be prudent in that the limits are not to extremes of being too low or too high.

    c. As with all changes to this Rule, this section should also include mention that these requirements may be subject to change according to the discretion of the Commission and on a case-by-case basis as they are tested in actual proceedings.

    d. The text box under SP16 on page 34 is especially appreciated by project-adjacent landowners. Previous solar glare reports were impossible to interpret without guidance. Any moves that can be made to more fully and meaningfully provide project-specific information to landowners should have been made voluntarily; they have not been in the past and so the contents of

this text box are a critical revision affecting both consultation and awareness of potential glare impacts.

7. Shadow flicker requirements
    a. Please note that the text boxes under WP15 on page 13 are overlapping and text is obscured and unreadable. Please correct to reveal what is hidden on the larger text box by the small text box. This text box has the potential to affect landowner consultation efforts and should therefore be corrected as quickly as possible.

    b. You may want to correct the page layout for the bullet point that is currently separated by the text boxes as well.

8. Indigenous consultation
    a. The **duty to consult** needs to be taken seriously. From past proceedings, developers have fulfilled a duty to notify but not a duty to consult. Many PIP reports state that Indigenous groups were notified of the project but no questions or concerns were received. The onus is being put upon the individual Indigenous groups to respond to mailed or emailed material when the onus should be upon applicants to reach out beyond sending a package in the mail or electronically.

    b. Similarly to municipal engagement, project documentation beyond marketing pamphlets and newsletters should be provided or in some cases, specific Indigenous groups have created consultation forms and documents that suit their needs and so should be followed.

    c. One important recommendation would be to adopt an Indigenous Engagement form where groups could express their agreement, disagreement, or lack of concerns about a project transparently and formally. Indigenous groups should not be expected to be motivated to participate in the application approval process when their literacy about renewables and specific projects has not been adequately raised to sufficiently inform decision makers and cultural considerations.

    d. The Benefits to Indigenous groups section 4 on page 185 needs to be balanced with the potential detriments to Indigenous groups. By explicitly requiring applicants to describe the benefits to Indigenous communities

without a corresponding requirement to disclose or assess the risks, compromises, or negative impacts, the AUC creates a structural bias in the application process. This biases the record in favor of approval by encouraging applicants to highlight benefits and failing to systematically collect data on costs, harms, or trade-offs unless raised by potential interveners.

9. Energy storage safety requirements
    a. ES26 asks that the systems used to monitor the site be explained. At no place in Rule 007 are an assessment of potential cybersecurity issues being put forward. With the recent news reports of spyware and other malicious technology being implanted and discovered in Chinese inverters, transformers, and batteries, the AUC needs to add an information requirement for applicants to identify and explain all cybersecurity risks associated with the infrastructure components they have selected. ES28 is not written to consider cybersecurity concerns but could be modified appropriately to address this vital missing information requirement.

    b. ES27 requires the submission of an air dispersion modelling and risk assessment report and this requirement should stay in this Rule despite the fact that experts have recently testified on the Sweetgrass Solar + Storage project, that air dispersion modelling is irrelevant because it is merely a good estimate of what could happen. Developers seem to be working to remove this requirement in Alberta as it is the only jurisdiction requiring this reporting at this time.

    c. In the absence of having its own Wildlife Directive, this section of Rule 007 should at a minimum suggest that the Wildlife Directive for Solar Projects be considered as a guide so that the same wildlife surveys are being conducted and the same field studies are being performed. Having the applicant list the key environmental regulations and guidelines applicable to the project rather than having a prescribed set of regulations and guideline specific to energy storage facilities, as stated in the second last point under ES33, is not recommended.

B. Additional Considerations

1. Cybersecurity risks are not currently adequately addressed by Rule 007. A special consultation needs to be conducted in order to have this section added to the Rule once developed, reviewed, and approved.

2. The Participant Involvement Program and consultation in general, requires a deeper evaluation and revamping for today's evolving stakeholder environment. Recently, consultation between landowners and project developers have devolved to such a state that local RCMP are being called in, venues hosting public engagement events are requiring additional security deposits, and people are being threatened "to be taken to the train station".

    a. The Australian government undertook a consultation on consultation in 2023 with the results and recommendations released in 2024. This has been referenced in a previous submission and is being emphasized yet again – especially in light of the changes made through this draft version, to both municipal stakeholders and Indigenous rights-holders.
        i. The plethora of documents available for developers, project-hosting landowners and other stakeholders regarding consultation from various jurisdictions in Australia alone are staggering in comparison to what has been created and made available to rural stakeholders in Alberta.

    b. The only group not receiving any special attention during this consultation are the project-adjacent landowners who are the closest to the action and who stand to suffer the greatest number of impacts. At a bare minimum, project applicants should have to confirm whether an adjacent landowner is in favor of the project or opposed to it, potentially implementing a Stakeholder Engagement form similar to the one under consideration for adoption for municipalities. If they are unsure of a stakeholder's position prior to application, they should at least attempt to obtain confirmation prior to submitting their application.

    c. When notification and consultation radii were slashed in half in 2019, the number of potential interveners should have been significantly reduced. Since the end of the moratorium on approvals in early 2024, more large intervener groups have registered on application proceedings than I have

witnessed since late 2022. More hearings than before the moratorium are being held and the AUC is hiring more and more staff to handle the rapid influx of applications. More attention needs to be paid to the needs of adjacent landowners since attention has been placed on all other involved parties excluding their singular, unrepresented voices.

d. Consultation on Rule 009 should have been held concurrently with a consultation on the PIP since they are interconnected. The AUC-directed objective to remove agents as non-legal representatives only underscores the need to perform a complete revision of the PIP so that it allows for more meaningful participation by local stakeholders in the entire process.

e. Landowners and previously registered interveners should be specifically invited to participate in this consultation on consultation. It may be labor-intensive to involve participants who are not industry-funded workers in full-time jobs who are paid salaries to participate, but procedural fairness and justice demand significant steps being taken to include all relevant parties in consultation rather that just "letting the chips fall where they may" and seeing who has the courage, extra time, and heightened motivation to participate, like I do and have done since April of 2023.

3. Assessment of potential health impacts to human health, wildlife, and local livestock
    a. Given the most recent research and evidence provided by Dr. Ursula Bellut-Staeck on the severity of infrasound-related health impacts to all living beings (on the Fox Meadows and Oyen Wind proceedings), Rule 007 should have a dedicated section where applicants must show they have adequately assessed all potential physical and behavioral adverse impacts to humans, livestock, and wildlife in proximity to any renewable energy projects that employ infrasound-generating infrastructure.

    b. Equally important will be to explain the qualifications of the person(s) preparing such an assessment and an evaluation of the relevance of their qualifications and/or publications. Where health impacts are concerned, only active medical professionals who have a duty to protect human life and provide care, are qualified to report on the potential health impacts.

c. Infrasound is not adequately addressed by Rule 012 for Noise Control because it is most often, not an audible sound emission. As an inaudible emission from wind turbines, inverters, and utility-scale batteries, infrasound assessments to the lowest frequencies should be part of the application requirements and Rule 012 should be amended to reflect more adequate protocols for the modelling/measurement of infrasound emissions.

d. Furthermore, since the complaint process is based on audible noise and complaints are to be directed to the industry rather than to an impartial provincial body, the process needs to be completely revised to account for inaudible noise and imperceptible particles in the air. It should also change who perceived health impacts are reported to and how they are followed-up on. It does not make sense that someone who is experiencing abuse must first go to the party who is abusing them for resolution.

e. With the varying numbers of livestock in and surrounding project areas, the effects of blade shedding and microplastics contamination of the land, air, and water need to be addressed by the AUC and developers alike. Now that the DTU's Project Premise is well underway, there are more reasons to pay attention to this issue in all environments and in all jurisdictions where wind turbines are being deployed.

4. It needs to be noted that all AUC consultations are essentially industry-funded since the majority of participants come from within the industry and comparatively few municipalities or members of the general public know how to or choose to participate due to external factors.

5. WP8, SP8, ES13 and all other mentions of describing public benefits generated by proposed projects in Rule 007 need to be addressed. This single, seemingly innocuous information requirement is not as benign as it may first appear. On the Dolcy and Eastervale proceedings, the applicant tried numerous times to have their perceived project benefits inappropriately added as evidence to each proceeding. The Commission rightly disallowed the introduction of new evidence at the latest stage of the proceeding. To see a "statement of project benefits" requirement appear for every type of facility application in this draft version of Rule 007 is borderline offensive to anyone in opposition to an application.
    a. The AUC claims that they are conducting a public interest test which should be weighing potential benefits against negative impacts. If only one side of

this equation is formally required, the AUC will be seen as making decisions based upon insufficient or biased information, especially when rural stakeholders lack the expertise and resources to intervene effectively.

b. A failure to equally require negative impact disclosure could be interpreted as a regulatory capture issue favoring developers and/or a breach of procedural fairness when decisions are rendered on that incomplete basis.

c. Rule 007 should include a symmetrical requirement for a section on all potential adverse impacts and mitigation plans to match the benefits disclosure.

d. If a proposed project cannot withstand rigorous public scrutiny or generate demonstrable, easily recognizable benefits *without a dedicated promotional section* in the application, it should not be allowed to proceed. Soliciting benefits from applicants impacts the Commission's integrity, credibility, and duty to protect the public interest, particularly the interests of affected landowners and Indigenous communities

e. The AUC must ensure that its procedures and forms are balanced, fair, and not reflective of industry preference or influence. It must maintain both actual and perceived objectivity and independence.

f. The onus to demonstrate a project's negative impacts should not be put upon interveners especially when project documentation only becomes available after an application is filed online. The proponent is the best party to summarize all of its potential impacts and align them with appropriate mitigations, if available.

In conclusion, on behalf of myself and the hundreds of interveners on past and present proceedings who are unable to participate in this Rule 007 consultation, I implore the Commission to review my comments and those submissions of other non-industry stakeholders, and implement the appropriate recommendations for further revision and improvement of the "rule that rules all rules".