

2025 – 03 – 24 – Rule 007 – Blackline

To: Alberta Utilities Commission – engage@auc.ab.ca

Preamble – The Alberta Utilities Commission (AUC), is in the process of clarifying, reorganizing, and improving Rule 007 - consideration of the Electric Energy Land Use and Visual Assessment Regulation, referred to in this document as EELUVAR. As a landowner in Rural Alberta, I have been involved in Proceeding #28847 and have concerns and/or suggestions with respect to the new regulation changes as set forth below.

Section 1. PARTICIPANT INVOLVEMENT PROGRAM (PIP)

Issue - Many landowners adjacent to proposed Renewable Energy Projects (REPs), profess concern and seek legal assistance well after the hosting landowners have signed on to the 'Lease Agreements'. As noted below from pdf. Page 167 Appendix A.1

“Participant Involvement program guidelines 1.2 Purpose of the participant involvement program It is paramount that effective communications take place between the applicant and all potentially affected persons including Indigenous groups, the public, local authorities, agencies, industry and government so that concerns may be raised, properly addressed, and if possible, resolved. All persons whose rights may be directly and adversely affected by a proposed development must be informed of the application, have an opportunity to voice their concerns and have an opportunity to be heard.”

Solution – A suggestion that would assist all parties would be to mandate that any preliminary discussions with hosting landowners and adjacent landowners occur with the prospective developer in the same location, at the same time. Any financial remunerations would be confidential between the host landowner and developer, as a must. The good-faith transparency of having these meetings with all affected parties together provides opportunity for healthy discussion, possible mitigation strategies and curtails the perception about the 'secret-deals' and 'back-door' agreements that many individuals on adjacent lands take issue with. Additionally, for quality of communications and understanding, the potential negative perceptions by adjacent landowners towards hosting landowners could be limited by confirming the proximity of hosting landowner's principal residence in relation to the Renewable Energy Project (REP), area, as compared to the proximity of the adjacent landowners in opposition.

Section 2. AGRICULTURE INFORMATION.

Issue - With the repeated message from various AB Government ministries, "Agriculture First" and a structural adherence to best practices and what is the best agricultural use, it is imperative that improvements must be well informed, evidenced, and of course implemented.

As noted below from pdf. Page 38,

“Current and proposed agricultural activities,

d) Describe the current agricultural activity within the project lands (e.g., crop rotation, grazing regime) and typical yield, revenue, or other applicable measure of productivity for the agricultural

activities on the project lands. Comment on any constraints to co-locating the current agricultural activities within the project lands and any project alterations, upgrades, or specialized equipment necessary to maintain the current agricultural activities. Describe how the performance of the proposed agricultural activities will be reported and monitored.”

And from pdf. Page 39,

“e) If the current agricultural activities are not feasible, explain why. Provide a proposal for co-locating alternative agricultural activities (e.g., crops and/or livestock) with the proposed project, including: ☐ The specifics of the co-located alternative agricultural activities including sufficient details to demonstrate the feasibility of such an agricultural system (e.g., cropping proposal, availability of forage, stocking rates, specialized equipment, animal welfare needs, water requirements and sources). ☐ The forecasted timing expected production (yield, revenue, or other applicable measure of productivity) and marketability of the agricultural products of the co-located alternative agricultural system. ☐ If other practices are being considered that support agriculture (e.g., cover crops for soil health). ☐ Compare the expected productivity of the co-located alternative agricultural system to the productivity of the current agricultural activity within the project lands (i.e., response to request SP25[d]) and express it as a percentage of the current productivity. f) Describe how the performance of the co-located agricultural activities will be evaluated over the course of the project life and the potential for changes to the agricultural activities in the event of poor productivity performance.”

Solution – Language here needs to be more precise in order to fully respect “Agriculture First.” For example, lines 6 through 8 which state, “The forecasted timing expected production (yield, revenue or other applicable measure of productivity) and marketability of the agricultural products of the co-located alternative agricultural system.”

A helpful and more detailed wording would be, “The forecasted timing expected production.....of the agricultural products of the co-located alternative agricultural system must be proven by corroborated data and or pertinent studies that prove the co-location of agricultural products, on similar lands and renewable energy production do in fact support the Agriculture First principle.”

Additional note – Having AUC panel members that have agriculture experience or related degrees would further be helpful to maintain and improve fair adjudications for REP applications for Class 1 – 3 (LSRS or AGRASID) lands.

Section 3. NOTIFICATION PARAMETERS.

Issue - Over the last several years, there has been increased public push-back on REP’s and their proximity to residences, Village, Hamlet or Town Municipal boundaries and other abodes.

As noted below from pdf. Page 43, Table 4.35: “Notification radius for solar power plants

Size	Location	Notification radius
≥150 kW but < 1 MW	urban	first row of occupied properties
1 - <10 MW	rural	400 metres
	urban	first row of occupied properties
	rural	800 meters

≥ 10 MW

urban
rural

800 metres
800 metres”

With a larger distance for minimum setbacks for facilities between 1 MW and less than 10 MW, and for facilities over 10 MW it would be helpful to have the minimum setback enforced to, at a minimum, 1600 m.

Solution – Have a consistent, province wide setback minimum limit. This limit would align with many Municipalities that have or are in the process of amending Land Use Bylaws to the following distances.

Minimum Setback for Solar Energy Systems (SES)	1600 m
Minimum Setback for Battery Energy Storage Systems (BESS)	1600 m
Minimum Setback for Wind Energy Systems (WES)	3200 m

Sincerely,

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