

Update to the Government of Alberta pause on new renewable energy project approvals

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As discussed in our [recent Update](#), the Government of Alberta enacted the *Generation Approvals Pause Regulation* on August 3, 2023, requiring the Alberta Utilities Commission (AUC) to immediately pause approvals of new renewable electricity generation projects over one megawatt until February 29, 2024 (the Approvals Pause). During the Approvals Pause, the AUC has also been directed to conduct an inquiry regarding policies and procedures for the development of renewable electricity generation (the Inquiry).

Update to the Approvals Pause Period

On August 22, 2023, the AUC [announced an update](#) [PDF] to the Approvals Pause. After receiving nearly 600 stakeholder submissions, the AUC determined that it will continue to process applications for new hydro developments and renewable electricity power plants up until the approvals stage.

Applications will continue to be considered under the existing [Rule 007: Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines](#). However, the AUC has supplemented Rule 007 with new, interim information requirements relating to issues including agricultural land, soils and earthworks management, viewsapes and reclamation security for both new and existing applications (the Interim Information Requirements).

The AUC outlined the Interim Information Requirements in [Bulletin 2023-05: Interim Rule 007 Information Requirements](#) [PDF], which was released on September 6, 2023. The Interim Information Requirements will apply to any applications filed *after* August 3, 2023. Any applications filed *before* that date may be required to respond to these interim information requirements, which will be communicated by the AUC in those existing proceedings. Applicants who prefer not to continue developing the record of their existing application during the Approvals Pause may request that the AUC place their application in abeyance until the Approvals Pause expires.

Interim Information Requirements

The Interim Information Requirements include the following:

Agricultural land

1. Applicants are required to provide additional information regarding agricultural capability of soils intersecting the project footprint, based on the Agricultural Regions of Alberta Soil Inventory Database; the proposed projects potential material impacts to soil quality; soil quantity and hydrology; and how such impacts will be mitigated over the life of the project.
2. Applicants must describe all earthworks planned for the project, which includes information related to anchoring structures, stripping and grading and steps taken to mitigate any impact.
3. Applicants must describe the potential for co-locating agricultural activities into the project design, or explain why this may not be feasible.
4. Applicants must list the qualifications of the agrologist(s) who prepared or reviewed the responses regarding agricultural land.

Municipal land use

1. Applicants must confirm whether the proposed power plant complies with the applicable municipal planning documents.
2. Applicants must identify any instances where the proposed power plant does not comply with applicable municipal planning documents, and provide a justification for any non-compliance.
3. Prior to filing an application, applicants must describe how they engaged with potentially affected municipalities to modify the proposed power plant or to mitigate any of its potential adverse impacts.

Viewscapes

1. Applicants must list and describe pristine viewscapes (including national parks, provincial parks, culturally significant areas and areas used for recreation and tourism) on which the project will be imposed. These descriptions must include details regarding mitigation measures available to minimize impacts from the project on these viewscapes.

Reclamation security

1. Applicants must describe the reclamation security program for the proposed power plant, including details on
 - the standard of reclamation upon decommissioning
 - how the reclamation security will be calculated
 - the frequency that the reclamation security will be updated/reassessed
 - when the reclamation security will be in place to be drawn upon
 - the form the reclamation security will take
 - the beneficiaries to whom the reclamation security will be committed
 - how the beneficiary can access the reclamation security including any constraints

We will continue to monitor these developments closely. Osler has extensive experience

providing advice on renewable energy developments and regulation by the AUC. If you have any questions regarding the implications of the Approvals Pause and the Inquiry, please contact a member of the Osler Regulatory or Power and Utilities groups, or the authors of this Update.