

Renewable Energy Development on Private Land Regulatory Framework

Purpose

The purpose of this fact sheet is to inform Albertans on the current regulatory framework on private lands for renewable energy developments, mainly wind and solar, with a focus on how this applies to conservation of native grasslands.

Respect of Private Property Rights

The Government of Alberta respects the laws of property ownership. Private landowners have full control in negotiations with renewable energy development on siting of improvements and construction impacts.

Industry and landowners play an important role in environmental stewardship across the Province by voluntarily undertaking best management practices and complying with regulatory requirements. Their actions to minimize land disturbances, manage at-risk landscapes and invasive species are critical to achieve desired outcomes.

Within the current development and approval processes, an adjacent landowner(s) may raise concerns about the protection of native grasslands through:

- the consultation process with the company;
- the municipal land approval process;
- the Alberta Utilities Commission (AUC) approval process.

One person with standing – where an individual can demonstrate that his or her rights may be directly and adversely affected – is enough to trigger a hearing. The AUC determines standing on a case-by-case basis. An individual or group that wants to participate but does not have standing may ask to make a submission to the hearing, if one is being held.

Authorities for Renewable Energy Development on Private Land

Alberta Utilities Commission (AUC)

The AUC approves all electricity generation projects, including renewable energy development, with consideration of social, economic and environmental interests of Alberta.

Under AUC *Rule 007: Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations and Hydro Developments*, a developer's application to the AUC must demonstrate that environmental concerns have been addressed. As outlined in AUC Rule 007, the AUC will ask Developers to review any wildlife survey information and wildlife mitigation plans with Alberta Environment and Parks biologists prior to application. AEP emphasizes the importance of avoiding native prairie areas and the difficulties with supporting projects that result in a permanent loss of habitat.

AEPs Wildlife Directives and project specific Wildlife Referral Reports may be used by the AUC to inform their decision.

Alberta Environment and Parks' Role

AEP manages the use of Alberta's public land, fish and wildlife resources, the environmental review process, as well as coordinates Alberta's environmental legislation and regulations to this end.

Wildlife Directives

AEP has established wildlife directives for both wind and solar energy projects.

- [Wildlife Land Use Guidelines](#)

These Directives provide a framework for avoiding and mitigating wildlife concerns related to the project and its associated facilities using standards and best management practices. The standards provide siting, timing, and site-related wildlife requirements, while the best management practices provide information and considerations for planning wind energy facilities. The Directives

were designed to recognize the uniqueness of each project and the need for adaptive solutions.

One of the goals of the Wildlife Directives is to assist renewable energy companies to ensure proper surveys are completed. Surveys can ensure due diligence in the case of a violation under the *Wildlife Act*. Under the *Wildlife Act*, no person can knowingly disturb an active house/nest/den anywhere in the province, regardless of land ownership. It is scientifically known that a higher density of bird nests and houses/nests/dens of species at risk occur on native prairie grasslands; therefore, it is in the interest of a landowner and developer to ensure the Wildlife Directives are followed to avoid a violation of the *Wildlife Act*.

Environmental Protection and Enhancement Act

Wind and solar power projects that will produce more than one megawatt of electrical output are under the *Environmental Protection and Enhancement Act*, for which AEP **may** require an environmental assessment in circumstances where the project:

- includes unproven technologies that may pose a risk to the environment or human health;
- is located in an area with high environmental sensitivity; or
- is met with significant public concerns related to environment aspects of the development.

Local Municipal Planning Authority

The local municipal planning authority enacts planning and zoning restrictions and individual project conditions, such as compliance to the *Weed Control Act*.

Native Grasslands & Best Management Practices

Currently, only 26% of Alberta's native grasslands remain due to historic land uses and development, with over half of what is left located on public land. This remaining native grassland is at continued risk of further loss and/or degradation from multiple uses and cumulative effects. Cumulative effects

management incorporating all land uses, including renewables, is critical to conserving the remaining intact prairie.

AEP has developed principles and guidelines to assist industry and private landowners in implementing best management practices to conserve native grasslands.

- [Native Grasslands and Minimizing Surface Disturbance](#)

Land Use Framework

The Land Use Framework describes the policy intent for maintaining native grasslands and habitat on public lands through its Regional Plans. The South Saskatchewan Regional Plan states:

“Maintaining intact native grasslands and habitat will be a high priority and the overarching intent is to create an interconnected network of conservation areas on Crown land and conservation efforts on private land to sustain and improve overall habitat connectivity for grassland species.”

The Land Use Framework also enables conservation and stewardship tools for private landowners, such as Conservation Easements, Conservation Directives, and Conservation Offsets.

- [Land-use Framework Conservation and Stewardship Tools](#)

Private Landowner

Private landowners can allow a company to develop on native grasslands through voluntary negotiations for proposed development land sharing agreements. After a landowner agreement is completed, the developer still requires an approval from the Alberta Utilities Commission. The AUC considers the AEP Wildlife Referral report in its public interest determination before an approval is issued. The Wildlife Referral report is guided by the AEP Wildlife Directives and best management practice frameworks.