



## Neyaskweyahk Sundancer GP Ltd.

Neyaskweyahk Sundancer Solar Project Phase 2 Expansion

July 6, 2021

**Alberta Utilities Commission**

Decision 26372-D01-2021

Neyaskweyahk Sundancer GP Ltd.

Neyaskweyahk Sundancer Solar Project Phase 2 Expansion

Proceeding 26372

Application 26372-A001

July 6, 2021

Published by the:

Alberta Utilities Commission

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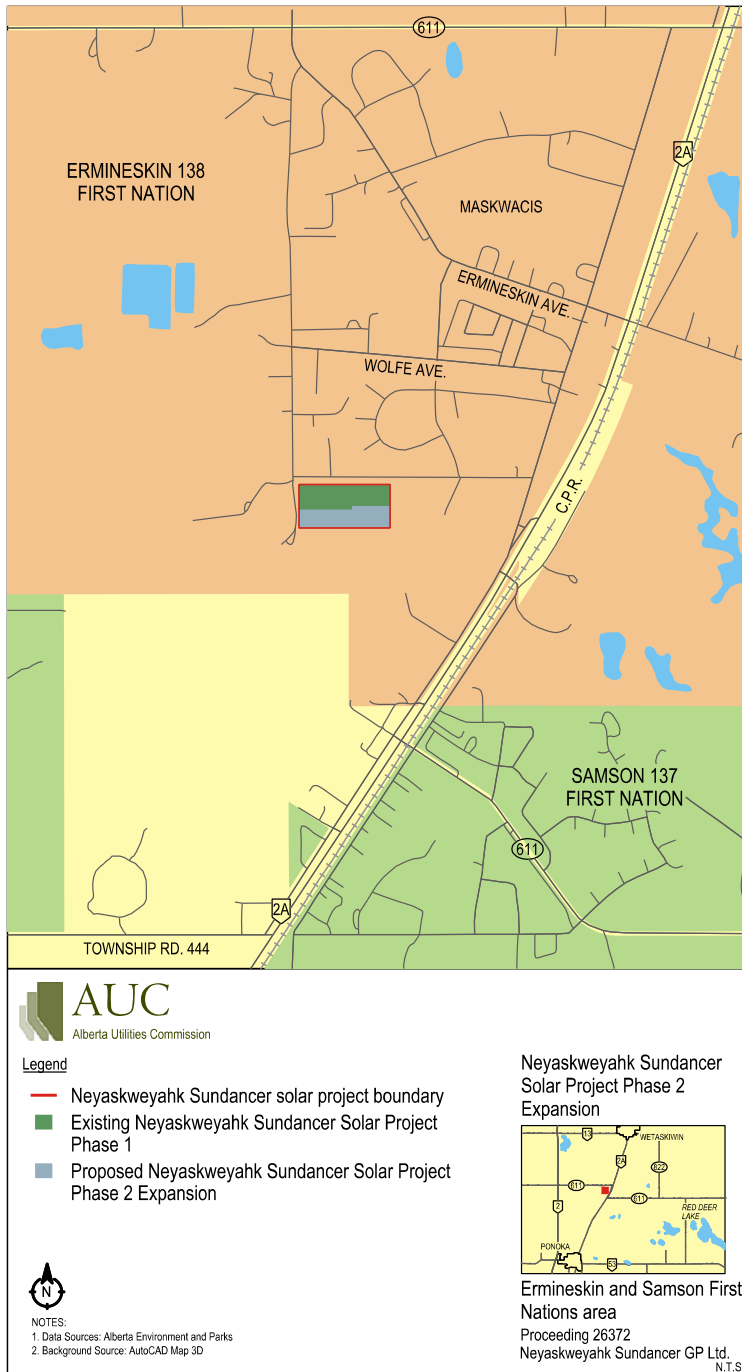
## **1 Decision summary**

1. In this decision, the Alberta Utilities Commission approves an application from Neyaskweyahk Sundancer GP Ltd. to construct an expansion of the existing Neyaskweyahk Sundancer Solar Project, operate the expanded project, and connect the expanded project to the FortisAlberta Inc. distribution system.

## **2 Application**

2. Neyaskweyahk Sundancer LP, by its general partner Neyaskweyahk Sundancer GP Ltd. (Neyaskweyahk), filed an application with the Commission for approval to expand the Neyaskweyahk Sundancer Solar Project from 0.99 megawatts (MW) to 2 MW (Phase 2 Expansion). The Neyaskweyahk Sundancer Solar Project was initially constructed in 2020, and is located in Maskwacis, on federal reserve lands within the Ermineskin Cree Nation, as shown on the map in Figure 1.

Figure 1. Neyaskweyahk Sundancer Solar Project location



3. The existing Neyaskweyahk Sundancer Solar Project (Phase 1) is 0.99 MW. The Phase 2 Expansion would add 2,990 fixed-tilt solar photovoltaic modules, for a maximum combined output capability of 1.01 MW alternating current. Neyaskweyahk stated that the combined total generating capability of Phase 1 and Phase 2 Expansion would be 2 MW (collectively, the project).

4. Phase 1 of the project was previously designated as a community generating unit in Decision 25626-D01-2020.<sup>1</sup>

5. In that decision, as Phase 1 qualified as a small power plant within the meaning of Subsection 18.1(1) of the *Hydro and Electric Energy Regulation*, the Commission accepted its exclusion from the application of sections 11 and 18 of the *Hydro and Electric Energy Act*, which would otherwise have required Neyaskweyahk to obtain a power plant approval and connection order. With the Phase 2 Expansion, the project would no longer qualify as a small power plant within the meaning of Subsection 18.1(1) of the *Hydro and Electric Energy Regulation*. The project consequently requires a power plant approval and connection order.

6. Neyaskweyahk's application is comprised of:

- A participant involvement program, carried out by Peters Energy Solutions Inc.<sup>2</sup>
- A noise impact assessment summary form, completed by Green Cat Renewables Canada Corporation.<sup>3</sup>
- A wildlife field reconnaissance memo from Western EcoSystems Technology, ULC (WEST) in respect of the existing Phase 1.<sup>4</sup>
- An environmental review report, prepared by Dillon Consulting in respect of the Phase 2 Expansion.<sup>5</sup>
- A solar glare hazard analysis report, prepared by Green Cat.<sup>6</sup>

7. Each of the application materials considered the combined impacts of both phases of the project, with two exceptions: in its wildlife field reconnaissance memo, WEST considered Phase 1 of the project, while Dillon Consulting assessed the incremental impacts of the Phase 2 Expansion in its environmental review report.

8. In response to information requests by the Commission, Neyaskweyahk confirmed that: (i) it consulted with FortisAlberta and that no changes proposed in the application would make the power plant cease to be a community generating unit;<sup>7</sup> and (ii) the existing site-specific emergency response plan would be updated prior to commissioning of the Phase 2 Expansion.<sup>8</sup>

9. Neyaskweyahk expects the Phase 2 Expansion to be in service by December 7, 2021, with construction starting in the summer of 2021.

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<sup>1</sup> Decision 25626-D01-2020: Neyaskweyahk Sundancer LP - Neyaskweyahk Sundancer Solar Project, Proceeding 25626, Application 25626-A001, August 6, 2020.

<sup>2</sup> Exhibit 26372-X0003, PIP Report.

<sup>3</sup> Exhibit 26372-X0010, Noise Assessment Summary.

<sup>4</sup> Exhibit 26372-X0007, Environmental Review.

<sup>5</sup> Exhibit 26372-X0005, Environmental Review.

<sup>6</sup> Exhibit 26372-X0009, Solar Glare Report.

<sup>7</sup> Exhibit 26372-X0024, Response to Information Request No. 1.

<sup>8</sup> Exhibit 26372-X0025, Further Response to Information Request No. 1.

10. The Commission issued a notice of application and no submissions were received in response to the notice.

### 3 Findings

11. For the reasons outlined below, the Commission finds that in accordance with Section 17 of the *Alberta Utilities Commission Act*, the approval of the project is in the public interest having regard to the social, economic, and other effects of the project, including its effect on the environment.

12. The Commission has reviewed the application and has determined that the information requirements specified in Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations and Hydro Developments* have been met.

13. The Commission finds that Neyaskweyahk's participant involvement program satisfied the requirements of Rule 007. As part of the program, Peters Energy Solutions notified stakeholders located within 1,500 metres of the project boundary and hosted a meeting with two Elders from the community to discuss the historical use of the land and any special considerations for the project. Neither of the Elders expressed any concerns about the use of the land and both shared their support for the project, indicating that it will benefit the community through development of human and environmental resources. Neyaskweyahk submitted that, to date, it had not received any concerns from stakeholders. Further, no submissions were received in response to the Commission's notice of application.

14. The evidence before the Commission shows that in 2018 Ermineskin Cree Nation applied to Indigenous Services Canada for a land use permit to develop the project. The Commission therefore expects that Neyaskweyahk will obtain the necessary Indigenous Services Canada authorization and Band Council Resolution before proceeding with construction of the project.

15. The Commission is satisfied that the noise contributions from the project will be minimal. The noise impact assessment summary form predicted that the cumulative sound level from the project would be in compliance with the permitted sound levels set out in Rule 012: *Noise Control*.

16. The Commission is satisfied that both phases of the project are unlikely to cause adverse environmental impacts. In its wildlife field reconnaissance memo, WEST concluded that as Phase 1 of the project would be sited on entirely cultivated land, it would have low overall potential environmental risk to wildlife and wildlife habitat. Similarly, in its environmental review report, Dillon Consulting concluded that as Phase 2 Expansion would be sited on frequently disturbed cultivated agricultural land, the risk to native vegetation communities posed by the expansion is limited because native vegetation communities are not present within the project location. No observations of raptor nests, sharp-tailed grouse or sharp-tailed grouse leks were recorded during environmental surveys. Dillon Consulting also concluded that the risk to wildlife species posed by the Phase 2 Expansion is limited because the location of the project is not comprised of high quality habitat.

17. The Commission understands that the project is owned by Neyaskweyahk Sundancer LP, a wholly-owned subsidiary of the Ermineskin Cree Nation and is subject to a federal environmental assessment process. It is satisfied that, because the project is located within a

reserve and Neyaskweyahk submitted an environmental review through Indigenous Services Canada, a renewable energy referral report is not required to assess the environmental impacts of the project. Neyaskweyahk indicated that the environmental aspects of the project were developed to meet the intent of Alberta Environment and Parks' (AEP) *Wildlife Directive for Solar Energy Projects*. Moreover, AEP and Indigenous Services Canada confirmed that an environmental impact assessment was not required for the project. Finally, for the project's decommissioning and final reclamation monitoring, Neyaskweyahk committed to following the requirements of Indigenous Services Canada, or any updated standards in place at the relevant time.

18. The Commission accepts Green Cat's submission that the glare from the project will not create hazardous conditions. In its solar glare hazard analysis report, Green Cat concluded that the project would not have the potential to create hazardous glare conditions at the identified receptors. The receptors assessed included four local dwellings, one commercial establishment, Highway 2A and the railway parallel to the east of Highway 2A. In its glare assessment, Green Cat indicated that there was potential for glare at three dwellings and at the commercial establishment. It predicted glare from April to early September between 6:45 and 7:30 a.m. for up to 22 minutes per day, and the potential for yellow glare for up to 2,652 minutes per year. Green Cat maintained that a significant portion of the glare may be mitigated by existing screening in the form of trees and foliage.

19. The Commission is satisfied with the steps that Neyaskweyahk has taken to consult with affected stakeholders on potential solar glare impacts. In January 2021, Neyaskweyahk had a telephone discussion with the most affected stakeholder during which the potential glare impact was explained to the stakeholder, including time of day, duration in months of glare expected, and level of intensity of glare. Neyaskweyahk submitted that the stakeholder had no concerns about the project's anticipated glare impacts. The Commission expects that any glare issues associated with the project will be addressed by Neyaskweyahk in a timely manner, and imposes the following conditions of approval:

- a. Neyaskweyahk shall use anti-reflective coating on the solar panels for the Phase 2 Expansion.
- b. Neyaskweyahk shall file a report describing any complaints or concerns it receives or is made aware of regarding solar glare from the project during the Phase 2 Expansion's first year of operation, as well as its response to the complaints or concerns. Neyaskweyahk shall file this report no later than 13 months after the Phase 2 Expansion becomes operational.

20. Because final equipment specifications may change as detailed engineering progresses, the Commission also imposes the following condition of approval:

- c. Once Neyaskweyahk has made its final selection of equipment for the Phase 2 Expansion, it must file a letter with the Commission that identifies the make, model, and quantity of the equipment and, if the equipment layout has changed, provide an updated site plan. This letter must also confirm that the finalized design of the power plant will not increase the land, noise, glare or environmental impacts beyond the levels approved in this decision. This letter is to be filed no later than one month before construction is scheduled to begin.



21. The Commission finds that Neyaskweyahk has met the requirements for a connection order. There are no outstanding technical aspects for the connection, nor are there any outstanding public or industry objections or concerns.

22. In Decision 25626-D01-2020, the Commission described the benefits that Phase 1 of the project would confer on the Ermineskin Cree Nation, including employment, environmental and social benefits, and qualified Phase 1 as a community generating unit under the *Small Scale Generation Regulation*. In the current proceeding, Neyaskweyahk explained that it had consulted with FortisAlberta, confirmed that the project would continue to qualify as a small-scale generating unit following the Phase 2 Expansion, and that there were no changes to the project that would derogate from the benefits it provides to the community, or make the project cease to be a community generating unit as described in Subsection 10(1) of the *Small Scale Generation Regulation*.

23. The Commission is therefore satisfied that the Phase 2 Expansion will not result in any changes to the community generating unit status of the power plant.

24. Lastly, the Commission understands that Neyaskweyahk Sundancer LP is not eligible to hold approvals under Section 23 of the *Hydro and Electric Energy Act*. In Proceeding 25626, Neyaskweyahk Sundancer LP confirmed that Neyaskweyahk Sundancer LP is comprised of Neyaskweyahk Sundancer GP Ltd. and Neyaskweyahk Holdings LP, each of which is wholly owned by the Ermineskin Cree Nation.<sup>9</sup> The approvals will therefore be issued to Neyaskweyahk Sundancer GP Ltd. in its capacity as general partner of Neyaskweyahk Sundancer LP.

#### **4 Decision**

25. Pursuant to Section 11 of the *Hydro and Electric Energy Act*, the Commission approves Application 26372-A001 and grants Neyaskweyahk Sundancer GP Ltd. the approval set out in Appendix 1 – Power Plant Approval 26372-D02-2021 – July 6, 2021, to construct and operate the Neyaskweyahk Sundancer Solar Project.

26. Pursuant to Section 18 of the *Hydro and Electric Energy Act*, the Commission approves Application 26372-A001 and grants Neyaskweyahk Sundancer GP Ltd. the order set out in Appendix 2 – Connection Order 26372-D03-2021 – July 6, 2021, to connect the Neyaskweyahk Sundancer Solar Power Plant to the FortisAlberta Inc. distribution system.

27. The appendices will be distributed separately.

Dated on July 6, 2021.

#### **Alberta Utilities Commission**

*(original signed by)*

Anne Michaud  
Vice-Chair

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<sup>9</sup> Exhibit 25626-X0020, NSSP Responses to AUC 25626 IRs Round 1 001-003, PDF pages 3 and 4.

## **Appendix A – Summary of Commission conditions of approval in the decision**

This section is intended to provide a summary of all conditions of approval specified in the decision for the convenience of readers. Conditions that require subsequent filings with the Commission will be tracked as directions in the AUC's eFiling System. In the event of any difference between the conditions in this section and those in the main body of the decision, the wording in the main body of the decision shall prevail.

The following are conditions of Decision 26372-D01-2021 that require subsequent filings with the Commission and will be included as conditions of Power Plant Approval 26372-D02-2021:

- b. Neyaskweyahk shall file a report describing any complaints or concerns it receives or is made aware of regarding solar glare from the project during the Phase 2 Expansion's first year of operation, as well as its response to the complaints or concerns. Neyaskweyahk shall file this report no later than 13 months after the Phase 2 Expansion becomes operational.
- c. Once Neyaskweyahk has made its final selection of equipment for the Phase 2 Expansion, it must file a letter with the Commission that identifies the make, model, and quantity of the equipment and, if the equipment layout has changed, provide an updated site plan. This letter must also confirm that the finalized design of the power plant will not increase the land, noise, glare or environmental impacts beyond the levels approved in this decision. This letter is to be filed no later than one month before construction is scheduled to begin.

The following is a condition of Decision 26372-D01-2021 that does not require a subsequent filing with the Commission:

- a. Neyaskweyahk shall use anti-reflective coating on the solar panels for the Phase 2 Expansion.