



Capital Power Generation Services Inc.

Enchant Solar Project Amphibian Mitigation Measures

August 12, 2022

Alberta Utilities Commission

Decision 27505-D01-2022

Capital Power Generation Services Inc.

Enchant Solar Project Amphibian Mitigation Measures

Proceeding 27505

Application 27505-A001

August 12, 2022

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The Commission may, no later than 60 days of the date of this decision and without notice, correct typographical, spelling and calculation errors and other similar types of errors and post the corrected decision on its website.

1 Decision summary and background

1. Capital Power Generation Services Inc. (CPGSI) filed two letters of enquiry with the Alberta Utilities Commission relating to facilities under construction in accordance with Approval 27025-D02-2021,¹ where CPGSI has approval to construct and operate a 74.9-megawatt solar power plant, designated as the Enchant Solar Project, located in the Municipal District of Taber, approximately 12 kilometres north of the hamlet of Enchant.

2. The two letters of enquiry were submitted on July 5, 2022, as one application and assigned proceeding number 27505. The letters of enquiry:

- a. Explained that work had occurred on June 17, 2022, in contravention of one of CPGSI's approval commitments. The incident was reported to Alberta Environment and Parks Fish and Wildlife Stewardship (AEP), and AEP recommended that CPGSI file a report with the Commission, and
- b. Outlined additional mitigation measures proposed by Maskwa Environmental as a result of the emergence of plains spadefoot toads at five wetlands during the construction of the Enchant Solar Project after heavy precipitation that occurred on June 7, 2022.

3. For the reasons outlined below, the Commission acknowledges CPGSI's submissions regarding the work that occurred on June 17, 2022, and approves the implementation of the proposed additional mitigation measures.

2 Findings and decision

4. Decision 27025-D01-2021 outlined CPGSI's previous commitments related to amphibians:²

To mitigate the potential project impacts to amphibians, CPGSI committed to the following:

- Prior to any construction work taking place within the 100 metre setback for the Class III (seasonal) wetlands between mid-April to mid-September, area specific pre-disturbance surveys will be conducted by a qualified biologist. These surveys will be in the form of wildlife (amphibian) sweeps and potential habitat assessments.

¹ Power Plant Approval 27025-D02-2021, Proceeding 27025, Application 27205-A001, December 20, 2021.

² Decision 27025-D01-2021: Capital Power Generation Services Inc. – Amendments to the Enchant Solar Project, Proceeding 27025, Application 27025-A001, December 20, 2021, paragraph 6.

- For any construction work taking place mid-April to mid-September within the 100 metre setback for the Class III (seasonal) wetlands, an environmental monitor (qualified biologist) will be on-site for the duration of the activity. As outlined in the original and revised environmental protection plan, the on-site environmental monitor has the ability to stop work if conditions for amphibian emergence (increased precipitation) develop. Work would also be stopped under wet conditions.

5. CPGSI stated that on June 17, 2022, site grading was undertaken within the 100-metre setback of a wetland. The grading was done outside of the Class III wetland itself and in an area that had previously been stripped during work done in 2021. CPGSI explained that prior to the work, the on-site biologist completed a wildlife sweep of the area and was present for the duration of the work. Upon discovery that the work was within the setback, all work was stopped, an investigation was initiated and CPGSI implemented additional improvements with the contractor on site.

6. The Commission considers that appropriate steps were taken once CPGSI became aware of the contravention that occurred on June 17, 2022, including reporting the incident to Alberta Environment and Parks (AEP).

7. The Commission approves the additional mitigation measures proposed by Maskwa Environmental and acknowledges CPGSI's intent to implement all of the mitigation measures prior to recommencing work within the 100-metre setbacks of any wetland where amphibians have been identified. The additional mitigation measures include having a qualified wildlife biologist (amphibian monitor) present on site when construction activities are within 100 metres of the breeding wetlands, and installation of amphibian fencing. The Commission considers that the incremental mitigation measures CPGSI has committed to on top of the mitigations previously approved by AEP and set out in Decision 27025-D01-2021 will be sufficient to minimize potential effects on amphibians while allowing construction to proceed. The Commission finds that the proposed mitigation measures outlined in the Maskwa Environmental report are acceptable and approves the implementation of the mitigation measures. Consequently, the Commission imposes the following condition of approval:

- a. CPGSI is directed to update its environmental protection plan to incorporate the additional improvements it has made with its contractor on site and to include the incremental mitigations outlined in the Maskwa Environmental report. The updated environmental protection plan must be submitted to the Commission by September 30, 2022.

8. CPGSI has provided information respecting the need, nature, extent, land affected, land ownership and the timing of the work, in accordance with the requirements of Section 12 of the *Hydro and Electric Energy Regulation*. CPGSI has also stated that it will continue to follow all previously established mitigation measures.

9. Based upon the information provided, the Commission is satisfied that the additional mitigation measures are of a minor nature, no person is directly and adversely affected by the additional mitigation measures and no significant adverse environmental impact will be caused by the proposed additional mitigation measures, thereby meeting the requirements of Section 11 of the *Hydro and Electric Energy Regulation*.

10. The Commission considers the application to be in the public interest in accordance with Section 17 of the *Alberta Utilities Commission Act*.

11. The Commission grants Capital Power Generation Services Inc. the approval set out in Appendix 1 – Power Plant Approval 27505-D02-2022 (the appendix will be distributed separately).

Dated on August 12, 2022.

Alberta Utilities Commission

(original signed by)

Vera Slawinski
Commission Member

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 condition 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 is a condition of Decision 27505-D01-2022 that requires a subsequent filing with the Commission and will be included as a condition of Power Plant Approval 27505-D02-2022:

- CPGSI is directed to update its environmental protection plan to incorporate the additional improvements it has made with its contractor on site and to include the incremental mitigations outlined in the Maskwa Environmental report. The updated environmental protection plan must be submitted to the Commission by September 30, 2022.