



**WR2 Wind GP Corp. and Wild Rose 2 Wind Inc.**

**Wild Rose 2 Wind Power Project Amendment**

**July 5, 2024**

**Alberta Utilities Commission**

Decision 27729-D01-2024

WR2 Wind GP Corp. and Wild Rose 2 Wind Inc.

Wild Rose 2 Wind Power Project Amendment

Proceeding 27729

Application 27729-A001

July 5, 2024

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## Contents

<b>1</b>	<b>Decision summary</b> .....	<b>1</b>
<b>2</b>	<b>Introduction</b> .....	<b>3</b>
2.1	WR2’s application .....	3
2.2	Interveners.....	6
2.3	Additional process for Commission interim requirements and government policy statements.....	6
2.4	Oral hearing dates .....	8
<b>3</b>	<b>Legal framework</b> .....	<b>8</b>
3.1	The role of the Commission.....	8
3.2	The Commission’s public interest assessment in this proceeding.....	9
3.3	Is Approval 27412-D02-2022 valid? .....	10
<b>4</b>	<b>Discussion and findings</b> .....	<b>12</b>
4.1	What are the project’s impacts to the environment?.....	12
4.1.1	What environment-related conditions from Approval 27412-D02-2022 still apply?.....	12
4.1.2	What are the project’s environmental impacts, excluding impacts to bats and pronghorn? .....	12
4.1.3	How does the project affect bats? .....	13
4.1.4	How does the project affect pronghorn?.....	19
4.2	What are the project’s visual impacts? .....	22
4.2.1	What are the visual impacts on area stakeholders?.....	23
4.2.2	What are the visual impacts of the project to drivers on roads leading in and out of Cypress Hills Provincial Park? .....	26
4.2.3	What are the visual impacts of the project from within Cypress Hills Provincial Park? .....	27
4.2.4	How does the project affect the visual enjoyment of Cypress Hills Provincial Park? .....	29
4.3	What are the end-of-life management commitments? .....	29
4.4	What are the project’s noise impacts? .....	32
4.5	What are the shadow flicker impacts? .....	33
4.6	What are the health impacts? .....	34
<b>5</b>	<b>Approval holder transfer</b> .....	<b>34</b>
<b>6</b>	<b>Conclusion</b> .....	<b>35</b>
<b>7</b>	<b>Decision</b> .....	<b>36</b>
	<b>Appendix A – Proceeding participants</b> .....	<b>37</b>
	<b>Appendix B – Oral hearing – registered appearances</b> .....	<b>38</b>
	<b>Appendix C – Summary of Commission conditions of approval in the decision</b> .....	<b>39</b>
	<b>Appendix D – Power Plant Approval 27412-D02-2022</b> .....	<b>41</b>

## List of figures

Figure 1. Proposed location of the amended project.....	5
Figure 2. Pronghorn migration routes relative to the project area .....	21

## **1 Decision summary**

1. In this decision, the Alberta Utilities Commission approves the application from WR2 Wind GP Corp. and Wild Rose 2 Wind Inc. (collectively, WR2) to amend, construct and operate a power plant project, designated as the Wild Rose 2 Wind Power Project or the project, with certain conditions, but does not approve turbines T10 and T11 in their requested locations.

2. The Eagle Butte Landowners Group (EBLG) objected to the project. The Commission has weighed those concerns against the benefits of the project, various mitigative measures proposed by WR2 and conditions imposed by the Commission. The Commission's findings on whether approval of the project is in the public interest are set out in detail in the decision.

3. A summary of key concerns, conditions and findings is as follows.

4. WR2's application shows a general reduction in environmental impacts from the initially approved project, especially in relation to impacts on native grasslands. However, the Commission is concerned with the project's potential to impact bats and pronghorn, particularly with the abundance of wind and solar projects in the general area. The Commission is concerned that bat population declines are too dire and bat mortalities too great in southern Alberta. The evidence that wind turbines attract bats was also concerning. The Commission is also concerned the project is located in a funneled pronghorn migratory route, which could impact pronghorn. Further study of the impact of wind power plants on pronghorn migration would be extremely helpful for better understanding the significance of potential impacts of wind power plants on pronghorn in migratory routes and effective mitigation strategies.

5. To address these concerns, the Commission will impose the following environmental conditions:

- Should Alberta Environment and Protected Areas publish studies and regulatory updates on the impacts of wind projects to bats, the Commission directs Wild Rose 2 Wind Inc. to abide by any environmental requirements, recommendations and directions provided.
- Curtailment will be initiated from the onset of operation as opposed to after the preliminary year of post-construction monitoring.
- As part of the Wild Rose 2 Wind Power Project's post-construction monitoring program, Wild Rose 2 Wind Inc. shall install, monitor, and report on the best available and effective technology (e.g., acoustic deterrents, acoustically informed curtailment, etc.) that further addresses the project's risk to bats.

- Wild Rose 2 Wind Inc. shall abide by any requirements, recommendations and directions provided by Alberta Environment and Protected Areas to address adverse impacts to pronghorn migration patterns or avoidance behaviour in the project area.

6. The Commission is concerned with the visual impact of the project on area stakeholders, especially given the proliferation of wind projects in the immediate area. The Commission acknowledges that visual impact is subjective and varies by distance. One specific area of visual impact concerns is the blinking red lights on some wind turbines required by Transport Canada. This concern extends to views from Cypress Hills Provincial Park, which is a designated Dark-Sky Preserve. As a condition of approval, the Commission will require WR2, in consultation with Transport Canada, to install technology that reduces or disables lights unless an aircraft is in the area.

7. With respect to visual impacts of the project on Cypress Hills Provincial Park, the Commission finds that this project's visual impacts are similar to that of the approved Cypress Wind Power Project, and would not result in a material increase in negative viewscape impacts. As the view from the park to the north is already disturbed, the Commission accepts that the project would not disturb a truly "pristine" viewscape. Both projects are in a similar direction and distance from the park and have a similar visual impact from different areas of the park, including the Horseshoe Canyon lookout. Aside from this lookout, the project is generally hidden from view due to the topography and vegetation.

8. In contrast, the Head of the Mountain Viewpoint, looking to the south, is not disturbed by any wind power development, and offers a "pristine" viewscape, where there is currently an unimpeded view of the Sweet Grass Hills in Montana. The Commission considers this type of viewscape to be an example of one where an initial industrial development at heights similar to wind turbines would be significant for a provincially and regionally valued viewscape, and of high magnitude and sensitivity.

9. The Commission finds that turbines T10 and T11 are in too close of a proximity to the Little Plume Evangelical Missionary Church, from a visual impact, community and spiritual use perspective. These turbine locations are not approved.

10. The Commission is concerned that the reclamation security scheme proposed by WR2 does not adequately protect landowners and the community from the residual risks of commercial impairment of the operator during the entire life of the project or insufficiency of funds to reclaim the project at end of life. The Commission finds that calculating and posting security within the last five to 10 years of the project's life is not sufficiently protective and that these steps should be taken much sooner. The Commission's understanding is that the Government of Alberta will put a scheme in place to require security to a government agency, or there could be a negotiated security regime with the hosting landowners to the AUC's satisfaction. As a condition of approval, should the Government of Alberta scheme not be applicable to the Wild Rose 2 Wind Power Project, WR2 shall submit an updated reclamation security plan to the Commission.

11. The Commission is aware of other concerns raised by the local stakeholders. In relation to noise concerns, the Commission finds that that the noise impact assessment for the project meets the requirements of Rule 012: *Noise Control*, and accepts the conclusion of the noise impact assessment that the project is expected to comply with applicable permissible sound

levels set out in Rule 012. WR2 must conduct a post-construction comprehensive sound survey to confirm compliance with Rule 012.

12. With respect to health concerns raised by interveners (such as wind pressure changes from the turbines causing health issues), the Commission finds there is insufficient evidence on the record to find that the project will cause or exacerbate adverse health impacts. However, should these concerns materialize during operation of the project, a complaint process to the Commission is available to affected parties.

13. The Commission considers that WR2's amendments to the original approval generally displayed a reasonable level of sensitivity to some of the project's negative environmental impacts, such as reductions to impacts on native grasslands, but failed to adequately address other material, negative impacts to the community. The Commission's conditions in particular respecting the removal of turbines 10 and 11 and the required installation of aircraft detection equipment to reduce the red blinking lights at night should provide some level of redress for the community in this regard.

14. Overall, the Commission finds that on balance, the project as conditioned is in the public interest having regard for its social, economic, and other effects, including its effects on the environment.

15. In the following sections of this decision, the Commission provides its findings on the application. The Commission begins with an overview of WR2's application and the interveners that participated in the proceeding. Then, the Commission discusses the legislative and public interest frameworks that guide its decision-making. Following this, the Commission discusses specific concerns and factors that it has considered, including impacts to the environment and on local landowners. Finally, the Commission provides its overall public interest assessment.

## **2 Introduction**

### **2.1 WR2's application**

16. On August 2, 2011,<sup>1</sup> the Commission approved an application from NaturEner Energy Canada Inc. for approval to construct and operate a 162-megawatt wind generation project to be known as the Wild Rose 2 Wind Power Plant and the associated Eagle Butte substation, within Cypress County.

17. NaturEner Energy Canada Inc. filed numerous requests for amendments and time extensions for the project.<sup>2</sup> In 2021, Capstone Infrastructure Corporation acquired the project; after this, the Commission granted two additional time extensions to facilitate the transfer, corporate restructuring and preparation of this application.<sup>3</sup> The most recent power plant

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<sup>1</sup> Decision 2011-329: NaturEner Energy Canada Inc. – 162-MW Wild Rose 2 Wind Power Plant and Associated Eagle Butte Substation, Proceeding 625, Application 1606143, August 2, 2011.

<sup>2</sup> Proceedings 2801, 3004, 21968, 24912, 26021 and 26937.

<sup>3</sup> Proceedings 26937 and 27412.

approval extended the construction completion date to December 1, 2023.<sup>4</sup> WR2's authority to construct and operate the Wild Rose 2 Wind Power Plant is held in Approval 27412-D02-2022.<sup>5</sup>

18. On October 21, 2022, WR2 filed an application with the Commission for approval to amend the Wild Rose 2 Wind Power Project, under Section 11 of the *Hydro and Electric Energy Act*, and sections 11 and 12 of the *Hydro and Electric Energy Regulation*.<sup>6</sup> WR2 filed an additional amendment on January 6, 2023, advising that it changed the project layout to take into account its consultation with area stakeholders and field geotechnical studies.

19. The Commission approved the associated alterations to the project substation in Permit and Licence 27697-D01-2022.<sup>7</sup> Construction of substation was completed and energized on November 28, 2023.

20. The approved project consisted of 60 turbines, each rated at 3.2 megawatts, for a total capability of 192 megawatts. The project had a total project area of 7,262.0 hectares, which included a total construction footprint of 151.8 hectares and a total operational footprint of 21.3 hectares. WR2 emphasized that the applied-for amendments result in the Wild Rose 2 Wind Power Project consisting of only 38 turbines, each rated at 5.2 megawatts, for a total capability of 197 megawatts. In addition, the total project area would be reduced to 4,668.8 hectares, with a total construction footprint of 91.4 hectares and a total operational footprint of 14.6 hectares.

21. The approved wind turbines had a hub height of 92.5 metres and a rotor diameter of 113 metres. WR2 applied to use the Siemens-Gamesa Renewable Energy SGRE-5.2 145, with a hub height of 95.5 metres and a rotor diameter of 145 metres. WR2 also proposed a new turbine layout.

22. The map below shows the proposed location of the amended project:

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<sup>4</sup> Condition 5 of Approval 26937-D01-2021 states: "Unless otherwise authorized by the Commission, construction of the power plant shall be completed by December 1, 2023."

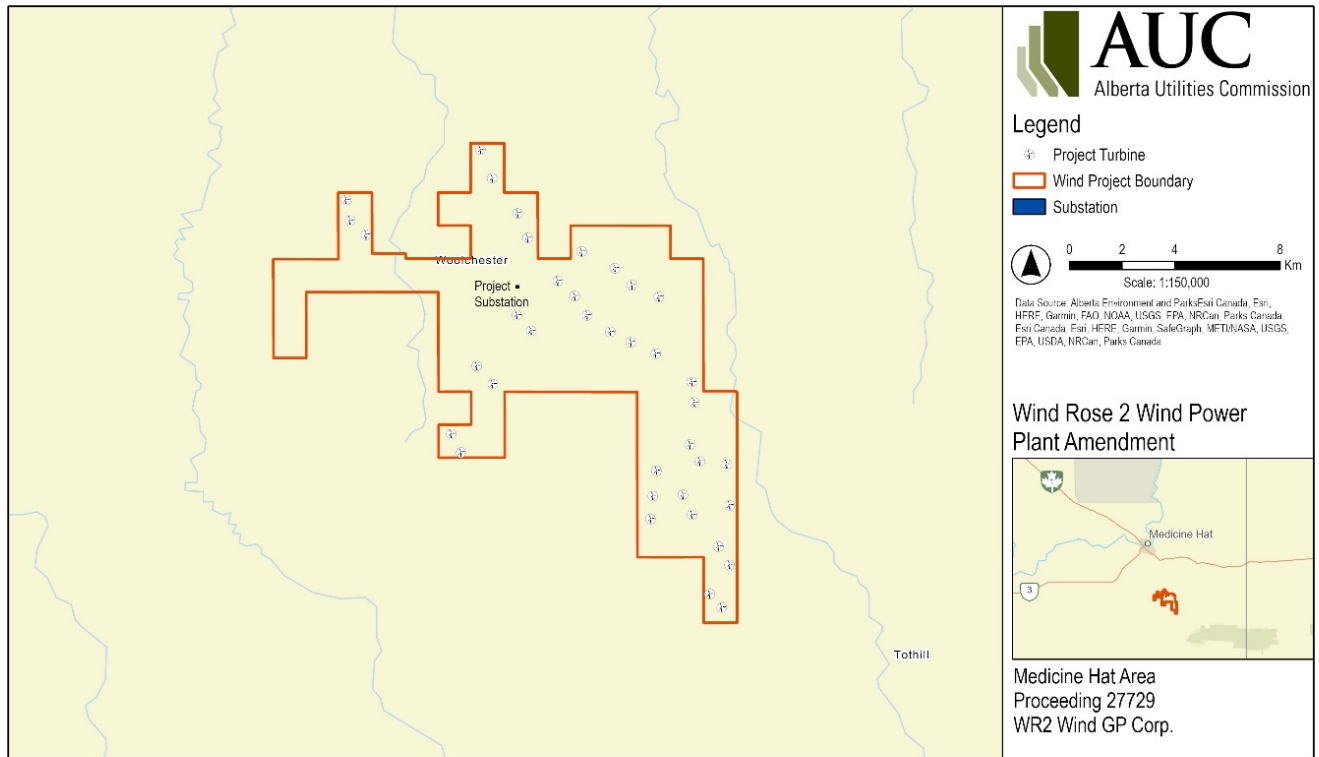
<sup>5</sup> Power Plant Approval 27412-D02-2022, Proceeding 27412, Application 27412-A001, June 7, 2022.

<sup>6</sup> Alta Reg 409/1983. The Commission notes that Alta Reg 409/1983 was repealed on March 4, 2024, by Commission Order 2024-01, and replaced by Alta Reg 32/2024.

<sup>7</sup> Substation Permit and Licence 27697-D01-2022, Proceeding 27697, Application 27697-A001, October 17, 2022.



Figure 1. Proposed location of the amended project



23. WR2 submitted the amendment will result in no adverse effects, beyond those that were previously considered and accepted by the Commission. In some cases, WR2 argued, the amendment will reduce the adverse effects of the project. For example, WR2 highlighted that the reduction in the total number of wind turbines results in a general increase in separation distance between residences and wind turbines, and that it proposed removing wind turbines from sensitive environmental areas such as native grassland.

24. In response to Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines* and Rule 012: *Noise Control* requirements, WR2's application contained a participant involvement program summary, environmental evaluation, a renewable energy amendment letter from Alberta Environment and Protected Areas – Fish and Wildlife Stewardship (AEPA), a noise impact assessment, a shadow flicker assessment update, and a *Historical Resources Act* approval. WR2 also provided reclamation security evidence (including covenants) and a visual impact assessment in support of its application.

25. WR2 initially requested a construction completion date of August 1, 2024, but later revised the date to June 30, 2025.<sup>8</sup>

<sup>8</sup> Transcript, Volume 2, PDF page 191, page 383, line 16 to page 384, line 10.

## 2.2 Interveners

26. The Commission received several responses to its notices of application from interested parties,<sup>9</sup> and granted standing to a number of interveners in the proceeding.<sup>10</sup> Several interveners joined together to form the Eagle Butte Landowners Group (EBLG).<sup>11</sup>

27. The EBLG requested that the Commission deny WR2's amendment application as not being in the public interest under Section 17 of the *Hydro and Electric Energy Act*. In the alternative, if the amendment application were approved, then the EBLG asked that the Commission impose conditions of approval to address the EBLG's concerns.<sup>12</sup>

## 2.3 Additional process for Commission interim requirements and government policy statements

28. On August 3, 2023, the Alberta government enacted the *Generation Approvals Pause Regulation* that required the AUC to pause approvals of new renewable electricity generation projects over one megawatt effective the same day. The AUC was prohibited from issuing an approval in relation to a new power plant application until March 1, 2024.

29. While the pause was in effect, the AUC conducted an inquiry (the Module A inquiry) into several land use impact issues in accordance with Order-in-Council 171/2023. The issues considered in the Module A inquiry included: reclamation security for power plants, the impact of the development of power plants on specific types or classes of agricultural or environmental land, provincial Crown land and Alberta's pristine viewsapes. The Commission provided its report on the Module A inquiry to the Minister of Affordability and Utilities on January 31, 2024, and the Module A report was publicly released on March 13, 2024.

30. On August 9, 2023, the Commission confirmed that the *Generation Approvals Pause Regulation* did not apply to amendment applications, and that the application in this proceeding was not affected by the pause.<sup>13</sup> The meaning of "not affected" in this context was in relation to the Commission's ability to issue an approval for the application, while the pause was in effect.<sup>14</sup>

31. On September 6, 2023, the AUC issued new, interim information requirements in Bulletin 2023-05 relating to agricultural land, municipal land use, viewsapes, reclamation security and land use planning as part of the regulatory review process of new power plant applications, including wind power plants.<sup>15</sup> The AUC communicated that correspondence would be issued on the record of each existing proceeding confirming whether applicants for existing power plant applications were required to respond to these interim information requirements and the next steps in the proceeding.

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<sup>9</sup> Exhibit 27729-X0016, Notice of application - Wild Rose 2 Wind Power Plant Amendment; Exhibit 27729-X0044, Updated notice of application - Wild Rose 2 Wind Power Plant Amendment Update.

<sup>10</sup> Exhibit 27729-X0104, Ruling on standing.

<sup>11</sup> This EBLG was represented by Ackroyd LLP and consisted of the following members: T. Clark, Sylvia Hollstein, Paul von Huene, C. Kurpjuweit, Little Plume Evangelical Missionary Church, A. Moch, Marcel Nadeau, L. and B. Rath, A. Reid, and Matt Sterkenburg.

<sup>12</sup> Transcript, Volume 4, PDF pages 52-53, pages 736-737.

<sup>13</sup> Exhibit 27729-X0204, Application not affected by approvals pause.

<sup>14</sup> Exhibit 27729-X0256, Ruling on WR2 Wind GP Corp. motion regarding Government of Alberta policy statements.

<sup>15</sup> Bulletin 2023-05: Interim Rule 007 information requirements, September 6, 2023.

32. On November 3, 2023, the Commission asked WR2 additional information requests recognizing that the AUC inquiry touched on potential issues applicable to the application.<sup>16</sup> The Commission asked WR2 to provide additional information on viewscales and reclamation security. WR2 provided this information without objection.

33. On February 28, 2024, the Minister of Affordability and Utilities advised in a letter, in accordance with Section 10 of the *Alberta Public Agencies Governance Act*, of the Government of Alberta's intention to advance various policy, legislative and regulatory changes before the end of 2024. On March 14, 2024, the Minister released a map to clarify its recent policy announcement. (collectively, the policy statements). The Wild Rose 2 Wind Power Project is within the "visual impact assessment zone" of Cypress Hills Provincial Park.

34. The AUC then issued a bulletin<sup>17</sup> confirming that each power plant application affected by the pause would be considered on its individual merits, and the Commission would assess each application to determine whether further process was required. This determination would be based on the circumstances of each application and the sufficiency of the existing evidentiary record.

35. As a result, in this proceeding the Commission established additional process for parties to provide evidence and argument on aspects of the policy statements, advised that it was specifically interested in the issue of valued viewscales, and provided WR2 an opportunity to file a visual impact assessment.<sup>18</sup>

36. WR2 submitted that the policy statements do not apply to amendment applications in general or to this proceeding in particular.<sup>19</sup> The EBLG disagreed.

37. In a ruling, the Commission explained it must consider the policy statements, including in this amendment application, and weigh them amongst the various factors it considers in the application before it:

7. Section 10 [of the *Alberta Public Agencies Governance Act*] provides that "a Minister who is responsible for a public agency may set policies that must be followed by the public agency in carrying out its powers, duties and functions." However, Section 10(2)(a) makes it clear that such a policy must not be set in respect of an agency's adjudicative functions.

8. The Commission interprets Section 10 as prohibiting the Minister from setting any policy that directly interferes with its decision-making authority. In other words, a policy set by the Minister cannot fetter the AUC's discretion when deciding an application. However, the Commission does not read this section as prohibiting it from taking into account policies set by the Minister under Section 10 when deciding whether approval of an application, including an amendment to an application, is in the public interest.

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<sup>16</sup> Exhibit 27729-X0217, Information request round 3; Bulletin 2023-05, September 6, 2023: Interim Rule 007 information requirements.

<sup>17</sup> Bulletin 2024-03: Updates to AUC application review process following generation approvals pause, February 28, 2024.

<sup>18</sup> Exhibit 27729-X0249, Policy guidance from the Government of Alberta.

<sup>19</sup> Exhibit 27729-X0250, Process regarding policy guidance from the Government of Alberta.

9. To the contrary, it is the Commission's position that it must consider stated government policy on a matter directly before it on an application, including an application amendment, when making its overall public interest determination. While such policy is not binding, it can play a role in the Commission's ultimate public interest determination. In the Commission's view, such consideration is consistent with the Courts' repeated characterization of the Commission's public interest assessment as having a fundamentally discretionary nature. The Commission will weigh applicable policy amongst the variety of factors it considers in each application before it.

10. WR2 highlighted instances where the policy statement referred to future or new projects, in support of its position that the policy statement does not apply to amendment applications. For clarity, the Commission will consider these type of submissions in relation to the weight it affords the policy statement.<sup>20</sup>

38. WR2 filed a visual impact assessment on April 26, 2024.

39. In this decision, the Commission has considered the Minister's stated intention in the policy statements, including in respect of viewsapes and reclamation security, in determining the overall public interest.

## **2.4 Oral hearing dates**

40. The Commission held a virtual oral hearing from January 22, 2024, to January 26, 2024, to consider the application and concerns raised. The registered proceeding participants and the registered appearances for the oral hearing can be found in appendixes A and B, respectively, of this decision.

41. Following this, the Commission established an additional process to consider supplemental information primarily related to WR2's visual impact assessment (see Section 2.3 of the decision for additional information).

42. This proceeding concluded with oral argument from parties on May 14, 2024.

## **3 Legal framework**

43. In this section of the decision, the Commission describes the legal landscape in which its decisions are made. First, the Commission explains its mandate and powers when considering a power plant application. Second, the Commission describes how it assesses the public interest, including how this assessment is performed in the context of this particular application.

### **3.1 The role of the Commission**

44. The Commission is an independent, quasi-judicial agency of the province of Alberta. The Commission's powers are conferred on it by the provincial legislature and set out in legislation. As a quasi-judicial agency, the Commission is similar in many ways to a court when it holds hearings and makes decisions. Like a court, the Commission bases its decisions on the evidence before it and allows interested parties to give evidence and cross-examine each other's witnesses to test the evidence as well as providing argument. Unlike a court proceeding, the Commission's

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<sup>20</sup> Exhibit 27729-X0256, Ruling on WR2 Wind GP Corp. motion regarding Government of Alberta policy Statements.

proceedings are not matters between two or more competing parties to determine who wins and who loses. Instead, the Commission deals with specialized subject matters requiring it to assess and balance a variety of public interest considerations.

45. The applicant has the onus to demonstrate that approval of its application is in the public interest. Parties who may be directly and adversely affected by the Commission's approval of the application may attempt to show how the applicant has not met its onus. These parties may do so by bringing evidence of the effects of the project on their own private interests and explaining how the public interest may be better served by accommodating their private interests, and they may use the evidence filed by all parties to the proceeding to argue what a better balancing of the public interest might be. It is the Commission's role to test the application through its process, including the concerns raised about the project by interveners, to determine whether approval is in the public interest.

### **3.2 The Commission's public interest assessment in this proceeding**

46. The Commission's proceedings are conducted to determine an outcome that meets the public interest mandate set out in its enabling legislation. When the Commission receives an application to construct and operate a power plant, Section 17(1) of the *Alberta Utilities Commission Act* is engaged. This provision states that, in addition to any other matters it may or must consider, the Commission must give consideration to whether the proposed project is in the public interest, having regard to the social and economic effects of the project and its effects on the environment. The Commission must also take into consideration the purposes of the *Hydro and Electric Energy Act* and the *Electric Utilities Act*.

47. Conducting a public interest assessment requires the Commission to assess and balance the competing elements of the public interest in the context of each specific application before it. Part of this exercise is an analysis of the nature of the impacts associated with a particular project, and the degree to which a project proponent has addressed these impacts. Balanced against this is an assessment of the project's potential public benefits.

48. The Commission has previously affirmed that the public interest will be largely met if an application complies with existing regulatory standards and the project's public benefits outweigh its negative impacts.<sup>21</sup> As a starting point, a power plant application filed with the Commission must comply with Rule 007 and Rule 012.

49. WR2 filed the application as an amendment application, and the Commission adopted this characterization at the outset of the proceeding.<sup>22</sup>

50. Throughout the proceeding, WR2 continued to stress the fact that the scope of the proceeding was limited to incremental impacts of the proposed amendments to the project.

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<sup>21</sup> Alberta Energy and Utilities Board Decision 2001-111: EPCOR Generation Inc. and EPCOR Power Development Corporation - 490-MW Coal-Fired Power Plant, Application 2001173, December 21, 2001, PDF page 11.

<sup>22</sup> Exhibit 27729-X0104, Ruling on standing.

51. The scope of amendment applications is not a reopening of consideration of the project as a whole, or an opportunity to re-litigate issues already decided.<sup>23</sup> However, an amendment proceeding is ordinarily premised on the understanding that the applicant is free to build the previously approved project, if it wishes, even if the proposed amendments are denied. WR2 acknowledged that it cannot practically build the Wild Rose 2 Wind Power Project under the terms of the current approval, which has a lapsed construction completion date, due to advances in wind turbine technology and the unavailability of the previously approved equipment. Accordingly, amendments to the approval are required for WR2 to act on the approval.<sup>24</sup> This issue is discussed in more detail in Section 3.3 of this decision.

52. At the commencement of the oral hearing, the Commission Chair described the public interest assessment in this context of this amendment application. She highlighted that the Commission's public interest consideration focuses on the incremental effects associated with the amendment in the context of circumstances as they exist today, and that it is not always possible to isolate incremental impacts; in these cases, impacts may need to be reconsidered in a fresh light:

In applications such as this one, where the applicant seeks to amend the previously approved project, the Commission's public interest consideration focuses on the incremental effects associated with the amendment in the context of circumstances as they exist today.

As examples, amendments to project infrastructure and layouts as well as changes occurring in the broader environment and our understanding of the impacts of these changes on the entire area in which the project is located can result in effects of a different nature and scale than were previously considered, and it is not always possible to isolate the incremental effects. In these cases, certain impacts may need to be reconsidered.<sup>25</sup>

### **3.3 Is Approval 27412-D02-2022 valid?**

53. Condition 5 of Approval 27412-D02-2022<sup>26</sup> states: "Unless otherwise authorized by the Commission, construction of the power plant shall be completed by December 1, 2023." The construction completion date lapsed during the course of the proceeding, prior to intervenor reply evidence. WR2 did not request an extension of the construction completion date for the existing approval separate from the requested amendments.<sup>27</sup> Despite this, WR2's draft approval stipulated a construction completion date of August 1, 2024,<sup>28</sup> and towards the end of the proceeding WR2 advised that it was contemplating a construction completion date of June 30, 2025.<sup>29</sup>

54. The Commission asked parties to provide argument on the status of Approval 27412-D02-2022, should the amendment application be denied.<sup>30</sup>

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<sup>23</sup> Exhibit 27729-X0104, Ruling on standing.

<sup>24</sup> Transcript, Volume 3, PDF page 194, page 386; Exhibit 27729-X0239, Undertaking Response 4.

<sup>25</sup> Transcript, Volume 1, PDF page 4. See also Exhibit 27729-X0104, Ruling on standing, paragraph 18.

<sup>26</sup> Power Plant Approval 27412-D02-2022, Proceeding 27412, Application 27412-A001, June 7, 2022.

<sup>27</sup> Transcript, Volume 4, PDF page 17, page 701.

<sup>28</sup> Exhibit 27729-X0006, Draft Approval.

<sup>29</sup> Transcript, Volume 2, PDF page 191, page 383.

<sup>30</sup> Transcript, Volume 3, PDF pages 256-7, 678-679.

55. At a high level, WR2 submitted that Approval 27412-D02-2022 remains in existence until or unless WR2 asks for it to be cancelled or the Commission does so on its own initiative under Section 41(2) of the *Hydro and Electric Energy Act*.<sup>31</sup> The EBLG argued that Approval 27412-D02-2022 has expired and is now defunct,<sup>32</sup> and that the Commission lacks the authority to consider an amendment application for a project that does not exist.

56. The Commission finds that WR2 is not in compliance with the construction completion deadline of December 1, 2023. While the wording “unless otherwise authorized by the Commission” gives the Commission discretion to extend the construction completion date, the onus is on WR2 to file a timely and prospective request for a time extension. As noted in Section 5 of Rule 007, time extension applications should be filed well in advance of the currently approved construction date in order to give the Commission sufficient time to consider the application. WR2 has failed to do so.

57. WR2 submitted in argument that it was neither efficient nor effective to file a time extension request in the circumstances prior to the expiry of the construction completion date, because it would have needed to complete the information requirements in Section 5.1 of Rule 007.<sup>33</sup> In the Commission’s view, these minimum filing requirements do not detract from the fact that WR2 was expected to and could have made a time extension request, as well as requested a variance from Rule 007 requirements prior to the expiry of the construction completion date.

58. Despite this, the Commission has given itself discretion in the language used in Condition 5 to authorize a time extension. While Rule 007 advises parties that time extension applications should be filed well in advance of the expiry of the construction completion date, it is not a mandatory requirement and the language used in Condition 5 does not limit the timing of the exercise of the Commission’s discretion. Accordingly, the Commission may extend the construction completion date after the date has lapsed.

59. Given that WR2 filed its application prior to December 1, 2023, and that WR2 requested from the outset of the proceeding an amended construction completion date of August 1, 2024, and given WR2’s submissions regarding the need, nature and duration of the time to complete construction (if the amendment application is granted) by June 30, 2025, the Commission is prepared to find it acceptable in this case to approve a time extension to the construction completion date.

60. On January 23, 2024, WR2 requested a construction completion date of June 30, 2025.<sup>34</sup> WR2 advised that construction commencement would depend on when the Commission approved the project, as well as when Cypress County approved its development permits, which it anticipated obtaining by June 2024.<sup>35</sup> Since that time, the Commission added additional process to consider the government policy statements, including receiving additional evidence regarding the visual impacts on Cypress Hills Provincial Park. On May 14, 2024, WR2 advised there was urgency for it to start project construction, noting that it had already constructed the substation

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<sup>31</sup> Transcript, Volume 4, PDF page 16, page 700.

<sup>32</sup> Transcript, Volume 4, PDF page 55, page 739.

<sup>33</sup> Transcript, Volume 4, PDF pages 103-104, pages 787-788.

<sup>34</sup> Transcript, Volume 2, page 383, line 16 to page 384, line 10.

<sup>35</sup> Transcript, Volume 2, pages 383-384.

and that the turbines were on site.<sup>36</sup> WR2 requested a decision to be issued within two weeks of that date. As the Commission is approving the application, in the circumstances, and given the timing of this decision, the Commission considers that a brief extension to the requested construction date is reasonable. The new construction completion date will be December 31, 2025.

61. The project was initially approved in 2011, which was many years ago. If the Wild Rose 2 Wind Power Project is not fully constructed by December 31, 2025, then in the Commission's view it is more efficient for WR2 to submit a new application if and when it is able to move forward with a project in this area. Accordingly, no further time extensions will be granted absent extraordinary circumstances. Extraordinary circumstances should be construed narrowly. An example of extraordinary circumstances would be that construction is substantially complete, but adverse weather conditions necessitate a short time extension.

## **4 Discussion and findings**

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

63. Additionally, the Commission finds that WR2's participant involvement program generally achieved the purposes of consultation and notification set out in Rule 007. In the following sections, the Commission considers the impacts of the project on the environment, and then addresses visual impacts and end-of-life management. Finally, the Commission addresses the remaining issues, being noise impacts, shadow flicker, and health concerns.

### **4.1 What are the project's impacts to the environment?**

#### **4.1.1 What environment-related conditions from Approval 27412-D02-2022 still apply?**

64. The previous power plant approval, Approval 27412-D02-2022, contains five conditions that apply to the environment. This approval has been attached as [Appendix D](#) of this decision. Due to the passage of time, and project updates, conditions 4b and 4e are no longer required due to the removal of major project infrastructure from native grassland habitats. Conditions 4c, 4d and 4g are carried forward into the current power plant approval.

#### **4.1.2 What are the project's environmental impacts, excluding impacts to bats and pronghorn?**

65. Overall, WR2's application shows a general reduction in environmental impacts from the initially approved project. As examples, turbines previously located in native grassland were removed, and mitigations were proposed for collector line installation in wetlands and native grassland, including the use of horizontal directional drilling and avoidance of the native grassland breeding bird season (April 1 to July 15).

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<sup>36</sup> Transcript, Volume 5, page 830.



66. The AEPA referral report reflected this reduction of environmental impacts with an overall downgraded risk from high to moderate. Specifics on risks for individual wildlife considerations included:<sup>37</sup>

- Low risks to valley breaks, snake hibernacula, breeding raptors, sharp-tailed grouse, and burrowing owl;
- Moderate risks to breeding birds, overall bird mortality, bats, and native grasslands; and
- An upgraded high risk to wetlands due to a 50 per cent increase of impacts in comparison to initial design.

67. The Commission issued information requests examining the upgraded risks to wetlands and is satisfied by WR2's responses that increases in impacts were not actual in nature, but instead reflected a change in survey methodology between the historical 2013 wetland surveys and the more current 2021 wetland surveys. This change aligns with survey methods put forth by AEPA between 2015 and 2016 to standardize the classification and delineation of wetlands.<sup>38</sup> As further support, WR2 further refined the updated project layout to increase avoidance of wetlands.<sup>39</sup>

68. The Commission finds that WR2 has shown reasonable efforts to reduce the environmental impacts of the project as it relates to environmental considerations, other than to bats and pronghorn, and that these impacts are acceptable.

69. The EBLG submitted evidence that scientific knowledge on pronghorn and bats has evolved enough since the initial project approval to show risks exist that were previously unknown. Therefore, the rest of the discussions on environmental impacts in this section of the decision will focus on the Commission's assessment of these impacts.

#### **4.1.3 How does the project affect bats?**

70. For the reasons that follow, the Commission finds the trends for declining bat populations to be very concerning, and that mitigations at wind projects, including the Wild Rose 2 Wind Power Project, offer a means of addressing these trends. Based on these findings, the Commission has imposed a number of conditions.

71. Both WR2 and the EBLG retained their own independent witnesses on bats, with Dr. Hale of Western EcoSystems Technology, ULC (WEST) representing WR2 and Dr. Barclay of the University of Calgary representing the EBLG. In 2011, Dr. Barclay submitted a report in the proceeding for the original project discussing the project's potential impacts to bats. For this proceeding, Dr. Barclay provided updated evidence discussing new scientific understandings of

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<sup>37</sup> Exhibit 27729-X0004, AEP Amendment Letter, PDF page 2.

<sup>38</sup> *Alberta Wetland Identification and Delineation Directive*, Government of Alberta, 2015; the *Alberta Wetland Classification System*, Alberta Environment and Sustainable Resource Development, 2015; and the *Guide for Assessing Permanence of Wetland Basins*, Alberta Environment and Parks 2016.

<sup>39</sup> Exhibit 27729-X0024, Information Request Response, PDF pages 4 and 5 and Exhibit 27729-X0209, Attachment C - AEPA Submissions and Correspondence PDF page 6.

relations between bats and wind projects.<sup>40</sup> In response, Dr. Hale discussed key areas where she agreed, disagreed, or wished to provide extra context, regarding Dr. Barclay's evidence.<sup>41</sup>

72. Below is a summary of each expert's submissions as it relates to population trends for bats, bat detection methodologies, wind turbines as a source of bat mortality, the risks to bats from project siting, and the mitigations available for reducing bat mortality.

*What are the population trends for bats and are wind turbines a source of mortality?*

73. Concerns over decreasing bat populations due to disease, decreased insect populations, habitat loss, climate change, and wind turbines were acknowledged by both experts. In determining whether a concern for a population is reasonable, the Commission finds it logical to understand the current number of individuals, the number of mortalities occurring, the sources of mortalities and their potential for mitigation, and the reproductive rates and lifespan of a species.

74. Bats are generally long-lived species with low reproductive rates and, due to these attributes, population sustainability and recovery are critical concerns. While multiple sources of bat mortality were acknowledged, experts have identified wind turbines as being a focus area because it is easier to quantify the mortalities associated to wind turbines and because mitigations are available to reduce bat mortalities.

75. The majority of bat mortalities at wind projects are comprised of three species of bats: hoary bat (*Lasiurus cinereus*), silver-haired bat (*Lasionycteris noctivagans*), and eastern red bat (*Lasiurus borealis*). These three species are known as migratory bats and make up approximately 75 per cent of fatalities at wind facilities in the United States and Canada. In addition to the migratory bats, mortalities of little brown bat (*Myotis lucifugus*) have been detected at wind facilities in Alberta.<sup>42</sup>

76. When parties discussed the current populations of the migratory bat species, they agreed that it is difficult to accurately ascertain population numbers, and therefore, the best information currently available is shown by studies and estimates from experts. Best estimates from experts suggest each of the migratory bat species has an approximate population of 2.25 million individuals.

77. Dr. Barclay cited studies that attempted to model the population declines of hoary bats in North America and forecasted a 50 per cent decline in populations by 2028.<sup>43</sup> However, Dr. Hale challenged the methods of these studies, citing a lack of peer-reviewed studies and empirical data. The Commission accepts that the methods used for ascertaining bat populations create a great degree of uncertainty, but based on best available information the Commission does find these population forecasts alarming.

78. In addition, Dr. Barclay submitted that the increase in the size of turbines and modern abilities of turbines to operate in lower wind speeds has increased the number of mortalities a turbine is likely to cause. In addition, Dr. Barclay described a newly understood phenomenon

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<sup>40</sup> Exhibit 27729-X0170.01, Appendix G - Evidence of Robert Barclay.

<sup>41</sup> Exhibit 27729-X0195, Appendix E - WEST Bats Report.

<sup>42</sup> Exhibit 27729-X0170.01, Appendix G - Evidence of Robert Barclay, PDF page 2; and Exhibit 27729-X0206, Wild Rose 2 - AUC Project Update, PDF pages 3 and 4.

<sup>43</sup> Exhibit 27729-X0170.01, Appendix G - Evidence of Robert Barclay, PDF page 3.

where bats appear to be attracted to turbines for unknown reasons, which increases the chances of bat mortalities.<sup>44</sup> Dr. Hale agreed that modern larger turbines create more mortalities per turbine and that recent studies include evidence that wind turbines attract bats. However, Dr. Hale submitted that these facts cannot be interpreted alone as they don't account for the updated project proposing less turbines, or Alberta's *Bat Mitigation Framework for Wind Power Development*<sup>45</sup> which requires mitigation if a project's corrected mortalities<sup>46</sup> exceed eight fatalities per turbine per year.<sup>47</sup>

79. For clarity, while the project now proposes 38 larger turbines, the initially approved project had 60 smaller turbines. Since AEPA restricts the amount of mortalities allowed on a per turbine basis, this reduction in the total number of turbines will create fewer total mortalities than the initially approved project.

80. Dr. Hale provided the following example to clarify the nuances of these details:

With the [updated project] of 38 turbines, annual bat mortality cannot exceed 152–304 bats (i.e., four to eight bat mortalities per turbine per year with 38 turbines) [...]. Under the Approved Layout of 60 turbines, annual bat mortality at WR2 could not have exceeded 240–480 bats (i.e., four to eight bat mortalities per turbine per year with 60 turbines). With the bat mortality threshold in mind, the [updated project] will have lower overall bat mortality regardless of the effect, if any, of tower height.<sup>48</sup>

81. The Commission accepts Dr. Hale's reasoning that the reduction in the number of turbines, and the way in which AEPA calculates allowable mortalities (i.e., mortalities per turbine per year) will result in fewer overall mortalities compared to the initially approved project.

82. Nonetheless, the emerging evidence that bats are attracted to turbines greatly concerns the Commission.

83. Provincially, all three migratory bats have a wildlife status listing of Sensitive.<sup>49</sup> Little brown bat has a provincial wildlife status listing of May Be At Risk<sup>50</sup> and a federal wildlife status listing of Endangered.<sup>51</sup> An Endangered species is defined as a wildlife species that is facing imminent extirpation or extinction.<sup>52</sup> While hoary bat, silver-haired bat, and eastern red bat are not listed federally, declines in their populations have recently caused the Committee on the

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<sup>44</sup> Exhibit 27729-X0170.01, Appendix G - Evidence of Robert Barclay, PDF page 8.

<sup>45</sup> Bat Mitigation Framework for Wind Power Development, ESRD, June 2013.

<sup>46</sup> Post-construction monitoring surveys in Alberta must follow protocols outlined in the *Post-construction Survey Protocols for Wind and Solar Energy Projects*. These guidelines have means of correcting mortality numbers at projects to account for mortalities which may be missed (e.g., difficult to detect carcasses, predated or scavenged carcasses). The number used after corrections is referred to as corrected mortalities.

<sup>47</sup> Exhibit 27729-X0195, Appendix E - WEST Bats Report, PDF pages 4 to 8; and Transcript Volume 1, page 183 lines 8 to 25 and page 184 lines 1 to 9.

<sup>48</sup> Exhibit 27729-X0195, Appendix E - WEST Bats Report, PDF page 8.

<sup>49</sup> Any species that is not at risk of extinction or extirpation but may require special attention or protection to prevent it from becoming at risk.

<sup>50</sup> Any species that may be at risk of extinction or extirpation and is therefore a candidate for detailed risk assessment.

<sup>51</sup> Exhibit 27729-X0118, NaturEner Wild Rose 2 Renewable Energy Project Submission to Alberta Envir, PDF page 73.

<sup>52</sup> The *Species at Risk Act*, Government of Canada, 2002.

Status of Endangered Wildlife in Canada (COSEWIC) to upgrade their status to Endangered.<sup>53</sup> It is important to note that COSEWIC designations signal concerns about a species population, but do not require that protections occur.<sup>54</sup> As part of the upgraded statuses for migratory bats, COSEWIC released a report. This COSEWIC report, which was discussed in this proceeding, directly points to wind turbine mitigations as a means of slowing migratory bat population declines.<sup>55</sup>

84. While the specifics of bat populations and bat mortality forecasting may have been debated, the concern for declining bat populations was agreed upon by both experts. Based on best current evidence, the Commission finds it is sufficient to establish that migratory bat populations are decreasing at a very concerning rate, which merits action.

*Is the project sited in an area of exceptional risk to bats?*

85. In considering the project's potential impacts to environment, the Commission considers siting, including if the project is sited in an area that may contain significant or unique habitats. In this case, the project is located in proximity to four other wind projects: the Cypress Wind Power Project, Buffalo Trail Wind Power Project, Bull Trail Wind Power Project and Peace Butte Wind Power Project; as well as the Cypress Hills Provincial Park; and in relative proximity to five other wind projects in the County of Forty Mile: RES Forty Mile Wind Power Project, ATCO Forty Mile Wind Power Project, Whitla Wind Project, Rattlesnake Ridge Wind Power Project, and Winnifred Wind Power Project.<sup>56</sup>

86. Dr. Hale submitted evidence showing that populations of silver-haired bats and hoary bats in Cypress Hills Provincial Park have not declined in recent years. This counters existing best evidence of general population declines for migratory bats; however, the study Dr. Hale referenced stated that the results may be explained by increased migration of bats through the area.<sup>57</sup>

87. When both experts were questioned as to cumulative effects and the genetics of bats, both Dr. Hale and Dr. Barclay stated that there is currently minimal to no genetic evidence that migratory bats have defined subpopulations or spatial breeding preferences.<sup>58</sup> The Commission interprets this as meaning there is not necessarily a concern for where bat mortalities occur as a unique genetic code may not occur in populations in a given area. Instead, the concern should be with the number of mortalities that occur. Therefore, the Commission does not find sufficient evidence to show that the project location would impact bats more than if the project was located elsewhere.

88. The Commission wished to better understand the potential increases in cumulative impacts to bat mortalities which could occur if the project were approved in this area. When questioned on the viability of a cumulative impacts study, Dr. Hale and Dr. Barclay both agreed

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<sup>53</sup> COSEWIC is an independent, arms-length advisory panel to the Minister of Environment and Climate Change Canada (ECCC). While COSEWIC designations are not legally established under the Species at Risk Act (SARA), SARA does name COSEWIC as an advisory body that requires the Government of Canada take COSEWIC designations into consideration when establishing the official list of wildlife species at risk.

<sup>54</sup> COSEWIC – About Us page: <https://cosewic.ca/index.php/en/about-us.html>, 2024.

<sup>55</sup> Exhibit 27729-X0170.01, Appendix G - Evidence of Robert Barclay, PDF page 2.

<sup>56</sup> Exhibit 27729-X0224, AUC letter - Aid to question - Interactive map.

<sup>57</sup> Exhibit 27729-X0195, Appendix E - WEST Bats Report, PDF pages 5 and 6.

<sup>58</sup> Transcript, Volume 2, page 319 line 25 to page 321 line 11.

multiple factors of bat mortality existed and cumulative studies should focus on an area that is larger than just the project. When these experts were questioned on who would best conduct this study, Dr. Hale and Dr. Barclay agreed the study would occur on a continental scale (i.e., North America), and would best involve academia, industry, and regulators working together.<sup>59</sup>

89. The Commission is aware of a current working group of this type, led by AEPA. Given the role of AEPA, to ensure that wind projects include appropriate consideration of mitigation of potential effects on Alberta's wildlife populations, the Commission considers that the resulting conclusions and recommendations could have important implications for the Alberta wind industry and all stakeholders in ensuring that every party does their part to conserve bat populations today and in the future. Given this, the Commission imposes the following condition:

- Should Alberta Environment and Protected Areas publish studies and regulatory updates on the impacts of wind projects to bats, the Commission directs Wild Rose 2 Wind Inc. to abide by any environmental requirements, recommendations and directions provided. This includes an expectation that Wild Rose 2 Wind Inc. would actively participate in working groups as an operator, undertake additional monitoring, and take steps to curtail production in mitigation of bat mortalities that Alberta Environment and Protected Areas considers necessary to address impacts occurring from the Wild Rose 2 Wind Power Project.

*What are the risks to bats, as determined by AEPA?*

90. The information in the AEPA referral report provides an independent review conducted by a wildlife professional, with experience assessing the environmental impacts of wind projects in Alberta.

91. Pre-construction bat surveys for the project were conducted in 2009 and 2019, and AEPA determined a moderate risk to bats. AEPA stated in the updated referral report that there was "no requirement to update [bat surveys, therefore] the risk to bats remains moderate."<sup>60</sup> Dr. Barclay had concerns that the risk ranking may not be representative of the actual risk to bats, based on the way in which the pre-construction surveys were conducted. However, both Dr. Barclay and Dr. Hale agreed that emerging studies are showing that pre-construction surveys are not necessarily accurate indicators of post-construction mortality.

92. The Commission understands that parties are working with the best predictive methods they have but, overall, finds that the current technology and science in this discipline create limitations on accurately forecasting the potential bat mortalities caused by a project. Therefore, the Commission finds it appropriate to apply the precautionary principle and that a conservative approach to operations potentially contributing to bat mortality must be adhered to.

93. AEPA addresses excessive mortalities by implementing mitigations after wind project construction, during subsequent years of operation, as determined during post-construction monitoring.

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<sup>59</sup> Transcript, Volume 2, page 321, line 12 to page 322, line 17; and Transcript, Volume 3, page 650, line 10 to page 652, line 11.

<sup>60</sup> Exhibit 27729-X0004, AEP Amendment Letter, PDF page 6.

94. Commission Rule 033: *Post-approval Monitoring Requirements for Wind and Solar Power Plants* requires approval holders to submit to AEPA and the Commission annual post-construction monitoring survey reports, typically for a minimum of three years after construction. The rule includes reporting on bat mortality rates. Rule 033 also requires approval holders to submit to the Commission all related correspondence from AEPA. Therefore, the Commission imposes the following condition of approval for the power plant:

- Wild Rose 2 Wind Inc. shall submit an annual post-construction monitoring survey report to Alberta Environment and Protected Areas no later than January 31 of the year following the mortality monitoring period and submit the annual post-construction monitoring survey report and Alberta Environment and Protected Areas' post-construction monitoring response letter to the Commission within one month of its issuance to Wild Rose 2 Wind Inc. These reports and response letters shall be subsequently filed with the same time constraints every subsequent year for which Alberta Environment and Protected Areas requires surveys pursuant to subsection 3(3) of Rule 033: *Post-approval Monitoring Requirements for Wind and Solar Power Plants*.

*Are mitigations available that sufficiently reduce bat mortality risks?*

95. Dr. Barclay and Dr. Hale provided evidence on the potential forms of mitigation known to them for reducing bat mortalities at wind projects. These mitigations included acoustic deterrents, visual deterrents, turbine alterations, and multiple forms of curtailment (e.g., blanket curtailment, acoustically informed curtailment, and smart curtailment).<sup>61</sup> Ultimately, both experts recommended smart curtailment be used as the primary mitigation in the context of reducing bat mortalities at the project while limiting losses in renewable power generation. This recommendation is generally echoed in the COSEWIC report.

96. Dr. Barclay raised concerns that data gathered on blanket curtailment at some Alberta wind power projects did not show decreasing trends in bat mortality or did not bring bat mortality below the AEPA's eight bat per turbine per year threshold in a timely enough manner.<sup>62</sup> Dr. Hale provided a comparison table for a selection of Alberta wind projects with corrected bat fatalities.<sup>63</sup> A review by the Commission of the post-construction monitoring on public records for the wind power projects referenced in the table revealed that concerning findings about bat mortality for most projects could be partially explained (i.e., small datasets, incorrect turbine programming, mitigations applied upon detection of high mortalities in the first year of monitoring); however, some operators greatly exceeded AEPA's approved mortality rate in the first year of operation or took an extended period to come into compliance.

97. In the Commission's original decision for the project, it took comfort from the fact that post-construction monitoring would assess bat mortality with greater clarity and that the project proponent would promptly implement mitigation should Alberta Sustainable Resource Development (as AEPA was formerly called) determine that an unacceptable rate of bat deaths was occurring.<sup>64</sup> The Commission also found that, given the variability in sites and the

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<sup>61</sup> The implementation of curtailment during times and weather conditions when bats are more likely to be active or present.

<sup>62</sup> Transcript, Volume 3, page 574, line 6 to 19 and page 577, line 7 to page 580, line 2.

<sup>63</sup> See "Estimated Bat Fatalities per turbine" in Exhibit 27729-X0241, Comparison Table Dr. Hale.

<sup>64</sup> Decision 2011-329, paragraph 96.

Commission's understanding of bat populations, imposing mitigations in the first year was unnecessary.<sup>65</sup> This is no longer the case.

98. The Commission is concerned by the evidence in this proceeding that some of the wind power projects showed very high numbers of mortalities in the first year of unmitigated operation, while other projects showed bat mortalities were not meeting the eight bat per turbine per year threshold rapidly enough. While curtailment is a reasonable strategy in Alberta for lowering bat mortalities, the evidence is that many bats are killed each year before even the base mortality rate that AEPA considers acceptable is achieved. This supports a finding that curtailment should occur from the outset.

99. Considering the above, the Commission imposes the following condition:

- Curtailment shall occur from the outset of operation at the Wild Rose 2 Wind Power Project. Wild Rose 2 Wind Inc. shall submit an operational mitigation plan to the AUC and Alberta Environment and Protected Areas ahead of the construction completion date detailing the type of curtailment that will be utilized, how appropriate cut-in speeds were determined so as to not cross the 8 bat per turbine per year thresholds in the first year of operation, and the means by which Wild Rose 2 Wind Inc. will ensure turbines are appropriately programmed to not have accidental operation during planned times of curtailment.

100. In addition, the Commission is very concerned about the evidence submitted that wind turbines attract bats and considers that research into the deterrence of this phenomenon is paramount given the risks and current population trends for bats. Therefore, the Commission imposes the following condition:

- As part of the Wild Rose 2 Wind Power Project's post-construction monitoring program, Wild Rose 2 Wind Inc. shall install, monitor, and report on a technology designed to deter bats from the turbines or mitigate mortality, and further address the project's risk to bat mortality (e.g., acoustic deterrents, acoustically informed curtailment, etc.). Wild Rose 2 Wind Inc. shall provide a report identifying the deterrence technology chosen and the rationale for the choice, include monitoring results with reports to Alberta Environment and Protected Areas in accordance with Rule 033: *Post-approval Monitoring Requirements for Wind and Solar Power Plants*.

101. As a result of the above findings and conditions in Section 4.1.3 of this decision, the Commission considers that the project's potential impacts on bats may be mitigated to an acceptable level.

#### **4.1.4 How does the project affect pronghorn?**

102. For the reasons that follow, the Commission finds that while the project's potential impact on pronghorn was not an issue in the original approval issued 13 years ago, new scientific evidence has subsequently emerged which requires that risks to pronghorn populations be addressed.

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<sup>65</sup> Decision 2011-329, paragraph 101.

103. The EBLG retained Cliff Wallis of Cottonwood Consultants Ltd. to discuss the project's interactions with environmental features and comment on WR2's environmental submissions. In response, WR2 retained Michael Sveen of WEST to reply to evidence submitted by C. Wallis.<sup>66</sup>

*Were pronghorn surveys required under the Wildlife Directive for Alberta Solar Energy Projects?*

104. C. Wallis stated that the project's environmental surveys did not meet the requirements of the *Wildlife Directive for Alberta Solar Energy Projects* (Wildlife Directive), which requires surveys be conducted to detect species at risk/sensitive species in and surrounding the project (with pronghorn being listed as a sensitive species in Alberta),<sup>67</sup> and which requires projects be sited to avoid or minimize their occurrence in important wildlife habitats.

105. M. Sveen disagreed with C. Wallis's submission that the Wildlife Directive requires pronghorn surveys, saying the Wildlife Directive only requires non-typical surveys (e.g., pronghorn surveys) when the project falls within specific spatial areas identified by AEPA. Additionally, M. Sveen argued that AEPA had opportunity to comment on pronghorn risks and studies during their referral report and referral report amendment and did not.<sup>68</sup>

106. The Commission accepts that WR2 was not required to conduct specific pronghorn surveys prior to filing this application. This is because AEPA does not directly require pronghorn surveys, and AEPA did not directly comment on the risks to pronghorn during its referral report review and update.

*Does new scientific evidence show the project could affect pronghorn populations?*

107. C. Wallis raised concerns that scientific research conducted since the initial project approval showed the project is located in a pronghorn migration route (see Figure 2) and that wind power projects may cause pronghorn to avoid project infrastructure creating harm to populations from increased energy expenditure. C. Wallis therefore recommended that project construction be deferred until after more pronghorn studies and policy development could occur.<sup>69</sup>

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<sup>66</sup> Exhibit 27729-X0165.02, Appendix B - Evidence of Cliff Wallis (with APPENDIX 1), PDF pages 54 to 79; and Exhibit 27729-X0194.01, Appendix D - WEST Wildlife Report.

<sup>67</sup> Exhibit 27729-X0165.01, Appendix B - Evidence of Cliff Wallis (with APPENDIX 1), PDF page 4.

<sup>68</sup> Exhibit 27729-X0194.01, pages 4-6.

<sup>69</sup> Exhibit 27729-X0165.02, Appendix B - Evidence of Cliff Wallis (with APPENDIX 1), PDF pages 4 and 54 to 79.



Figure 2. Pronghorn migration routes relative to the project area



108. M. Sveen responded that the studies provided by C. Wallis on pronghorn avoidance of wind power plant infrastructure were non-conclusive, that the project had appropriate mitigations to reduce pronghorn mortality risks (e.g., vehicle collisions), and that the project naturally and intentionally avoided infrastructure that would directly harm or disrupt pronghorn and their migration (e.g., security fencing, roads). Additionally, M. Sveen noted that pronghorn populations are understood and managed by AEPA, and submitted evidence that wind power projects did not present the most significant or direct sources of mortality for pronghorn, and that pronghorn preferred native grasslands and the project avoided native grassland habitat.<sup>70</sup>

109. The Commission accepts that the nature of wind power projects (e.g., lack of fencing around the turbines) and the updated layout has limited the potential risks of direct mortality for pronghorn. However, the project is located in a well-documented funnelled migratory route for this species, and the Commission accepts that this could impact pronghorn.

<sup>70</sup> Exhibit 27729-X0194.01, Appendix D - WEST Wildlife Report, PDF pages 4 to 6.

110. More generally, the Commission recognizes that several wind power plants have been built in the pronghorn migration route and that more wind and solar projects are either planned or approved in the area. The Commission has concerns over the extent that these projects may result in additional energy expenditure for pronghorn in combination with other stresses that may be affecting pronghorn migration and population vigor (e.g., urbanization, roads, and fencing).

111. The Commission notes that it recently approved a solar power project in the pronghorn migration route on the condition that it retain a qualified wildlife biologist to design and conduct an ongoing camera monitoring program involving installation of wildlife cameras at the project to advance research on pronghorn avoidance behaviour. The Commission held that the wildlife camera assessment will help advance the collective knowledge on pronghorn movement and avoidance behaviours. The Commission required the project applicant to seek and incorporate feedback from AEPA into the development of the research program, including the appropriate number and locations of cameras and length of the study.<sup>71</sup> However, in this case, the Commission believes that a camera monitoring program would not be appropriate due to the comparative scales of the projects, the lack of fencing for wind power projects, and the fact that fencing around solar power facilities creates direct blockages to migration.

112. The Commission acknowledges C. Wallis's recommendations that further study of the impact of wind power plants on pronghorn migration is warranted. In response, the Commission will initiate discussions with AEPA about the potential for creating a pronghorn working group in this area to monitor migration patterns and potential avoidance behaviour. If such a working group is created, the Commission expects WR2 to be an active participant with other area wind and solar project developers. The Commission imposes the following related condition:

- Wild Rose 2 Wind Inc. shall abide by any requirements, recommendations and directions provided by Alberta Environment and Protected Areas, whether in the context of a working group or otherwise, including any additional monitoring and mitigation that Alberta Environment and Protected Areas considers necessary to address adverse impacts to pronghorn migration patterns or avoidance behavior in the project area.

#### **4.2 What are the project's visual impacts?**

113. In this section of the decision, the Commission first discusses the visual impacts of the project to area stakeholders. The Commission then assesses how the project affects visual enjoyment of visitors to Cypress Hills Provincial Park.

114. The EBLG submitted written statements, photos and videos to support their views that visual impact from the project is significant. WR2 retained Green Cat Renewables Canada Corporation (GCR) to create visual simulations of the project. GCR also prepared a visual impact assessment, in which it developed a zone of theoretical visibility that identified 11 key viewpoints and five routes where the project could be visible. GCR then analyzed the potential impacts at these locations, including by creating visual simulations. The EBLG raised concerns that the visual simulations were not accurate and the photos were taken during cloudy days, which obscured wind turbine towers.

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<sup>71</sup> Decision 27842-D01-2024: Aira Solar Project and Moose Trail 1049S Substation, Proceeding 27842, March 21, 2024, pages 14-15.

115. The Commission conducted site visits to the project area and within Cypress Hills Provincial Park to assess the potential visual impacts of the project.

116. As discussed in Section 2.3 of this decision, the Commission must consider the Government of Alberta policy statements and the related evidence filed in this proceeding, including the visual impact assessment, and weigh it amongst the various factors it considers in the amendment application before it. Further, the Commission notes that it has always had the discretion to require visual impact assessments for facilities projects and the policy statements created no new ambit of regulatory powers in this regard.

#### **4.2.1 What are the visual impacts on area stakeholders?**

117. The EBLG underscored the importance of considering visual impacts from their properties and the Little Plume Evangelical Missionary Church (Little Plume Church). The EBLG raised concerns about the alteration of what they consider “pristine viewsapes.” They argued that the introduction of wind turbines into the existing landscape will be a visual intrusion, diminishing the aesthetic appeal of the area. Their concerns extended beyond the immediate vicinity of the wind turbines, stating that the turbines can be seen from as far as 30 kilometres away. The EBLG acknowledged that the proposed amendments to the project resulted in fewer turbines; however, the remaining turbines are larger and would be visually intrusive.

118. WR2 acknowledged that the proposed turbines were marginally larger (three per cent increase in turbine hub height) than those previously approved.<sup>72</sup> However, WR2 submitted that the visual impacts associated with the increase in turbine size are outweighed by the reduction in the number of turbines. WR2 emphasized the reduction in the total number of turbines from 60 to 38 (approximately a 37 per cent reduction) is a significant reduction to the overall visual impact of the project.

119. The EBLG also raised concerns with cumulative visual impacts, as four other wind power plant projects (Peace Butte Wind Power Plant, Cypress Wind Power Project, Buffalo Trail Wind Power Project, and Bull Trail Wind Power Project) are approved or already constructed in the area. This, in their view, exacerbates the degradation of the area’s natural beauty and viewsapes. While WR2 acknowledged the presence of these wind power projects, it argued that the amended project, with a reduced number of turbines (from 60 to 38), represents a reduction in visual impact compared to the originally approved layout.

120. The Little Plume Church expressed significant apprehension regarding the visual impact of the proposed Wild Rose 2 Wind Power Project on its surrounding viewsapes, specifically with the locations of turbines T10 and T11, which are approximately 750 and 550 metres away, respectively, from the Little Plume Church.<sup>73</sup> Turbine T11 in particular is in immediate view from the doorway of the Little Plume Church. The EBLG submitted that this proximity would directly infringe upon the uninterrupted vista of the prairies currently enjoyed from the church. The Little Plume Church hosts a Sunday morning worship service and a Monday night bible study. While these are the most frequent gatherings, the Little Plume Church also accommodates occasional events on other days. The Little Plume Church also raised concerns that the noise

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<sup>72</sup> The new turbine has hub height that is three metres large than the previous turbine. The blade diameter has increased by 16 metres.

<sup>73</sup> Exhibit 27729-X0121, WR2 Wind GP Corp. - Responses to EBLG Information Requests, PDF page 41.

created by these turbines would impact the congregation's experience and the functionality of church equipment. The Little Plume Church stated that one of the main reasons people come to church is for their mental well-being and it expressed concern that the visual impact and noise from the turbines could deter people from attending services, thereby negatively impacting their mental health.

121. WR2 acknowledged that turbines T10 and T11 would be visible from the Little Plume Church but argued these visual impacts were acceptable because the reduction in the number of project turbines results in an overall reduction in visual impact. WR2 added that the proposed layout moved the turbines farther away from the church compared to a proposed layout filed earlier in the proceeding. WR2 presented visual simulations of turbines T10 and T11 from the Little Plume Church;<sup>74</sup> however, the EBLG submitted these visualizations did not accurately depict the visual impacts on the Little Plume Church.

122. Another visual impact raised by the EBLG is the blinking red lights at night. These lights are placed on turbines as required by Transport Canada. It argued that this visual impact is exacerbated by the lights at the existing Cypress Wind Power Project and will be further compounded due to the presence of lights at the four other wind power projects in the area. The EBLG submitted that these blinking red lights would diminish their ability to enjoy the natural beauty of their surroundings, and negatively impact their mental health, property values and the Dark-Sky Preserve in the Cypress Hills Provincial Park.

123. WR2 stated that project lighting will be determined in accordance with regulatory requirements set by Transport Canada, suggesting it is obligated to have a certain level of lighting on the turbines for safety reasons. WR2 confirmed that it would install the minimum number of lights required and added that the applied-for layout would have fewer lights since the total number of wind turbines decreased from 60 to 38. WR2 also stated that an aircraft detection system for lighting is not financially feasible to add as an additional capital expenditure because it had already formulated its return assumptions.<sup>75</sup>

124. The assessment of visual impact is ultimately subjective in nature. The Commission acknowledges that the turbines in this amended project will be taller, but notes that the number of turbines has decreased since the initial approval in 2011. In general, the Commission finds that the applied-for turbines and proposed turbine placement would result in the project having an overall similar visual impact on area residents compared to the original layout.

125. The Commission does not reach the same conclusion with respect to the Little Plume Church. While the church is not a dwelling, as defined in Rule 012, this does not mean that negative impacts to it can be ignored. To the contrary, the Commission is persuaded that the church is an integral part of the local community. The church, which has been at that location for 104 years, currently has a congregation that varies between 15 and 30 attendees.<sup>76</sup> The Commission finds that turbines T10 and T11 are too close to the church, from a visual impact, community and spiritual use perspective. The Commission is persuaded that it is likely that the proximity of these turbines would negatively impact the congregation's enjoyment of the church,

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<sup>74</sup> Exhibit 27729-X0145, WR2 Wind GP Corp. – Fig7-2\_ViewPoint-06-Steps-Updated, Exhibit 27729-X0147, WR2 Wind GP Corp. – Fig8-2\_ViewPoint -06-Updated, Exhibit 27729-X0150, WR2 Wind GP Corp. – Fig10\_Visual-Simulations-Viewpoints.

<sup>75</sup> Transcript, Volume 1, pages 39-40.

<sup>76</sup> Exhibit 27729-X0164, Submissions of Arvid Kurpjuweit, Little Plume Church, PDF pages 10-11.

and the church's ability to meet the spiritual and mental balance needs of the community. The Commission finds that that this visual impact cannot be mitigated to an acceptable degree.

126. Turbine T11 in particular is of concern. It is significantly closer to the church than any other turbine is from a residence. In addition, the nearest turbine has moved closer to the church, from 3,449 metres away in the previously approved layout to 552 metres away in the current layout.<sup>77</sup> The Commission finds that the church's request for WR2 to relocate turbines T10 and T11 farther away from the church is reasonable, and it does not appear that WR2 considered this request seriously.

127. The Commission therefore finds it is in the public interest to deny turbines T10 and T11.

128. In relation to cumulative visual impacts, the Commission acknowledges that the area is not visually pristine, as illustrated by the presence of other wind projects, namely the Cypress Wind Power Project, in the immediate area. However, the Commission also recognizes that there is a point at which the visual impacts of a concentration of power plant developments may be too much for area stakeholders to reasonably bear. There has been no consideration of carrying capacity for communities to absorb multiple negative impacts on an area-wide basis, particularly in areas of clustered or intensive development, in any planning process undertaken to date for electric facilities. The lack of a regional or integrated planning approach becomes a more glaring deficiency as time goes by and project developments proliferate in an area.

129. The Commission finds that the proposed blinking red lights on the turbines, which will be visible at night, are a significant visual impact concern. When the Wild Rose 2 Wind Power Project was first approved by the Commission, it was the only wind power project in the area. There are now five wind power projects approved in this area, also presumably with multiple blinking red lights at night. Technology exists where these lights are reduced or disabled by radar and smart controls, unless an aircraft is detected within the detection zone around a wind power project. Several wind power projects in Alberta have or plan to incorporate this system to mitigate this concern, including the Buffalo Trail Wind Power Project, which is one of the five wind projects in the immediate area.<sup>78</sup>

130. WR2 submitted that it did not consider an aircraft detection system for turbine lights because it was not included within its financial assumptions for this project, the original approval of the project did not require it, and the reduction in the total number of turbines was enough to mitigate this concern.

131. Despite WR2's objections, the Commission finds that this technology would significantly mitigate this nighttime visual impact concern to area stakeholders. Interveners raised concerns that continuously flashing lights at night create an annoyance to residents and the surrounding community and would negatively impact the views of the night sky. The Commission considers it more sensible to mitigate this adverse impact to the greatest degree possible in first instance, rather than receive complaints about it throughout the life of the project and undertake processes to address it. Additionally, given that other wind projects in the area are installing such

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<sup>77</sup> Exhibit 27729-X0121, WR2 Wind GP Corp. - Responses to EBLG Information Requests, PDF page 41.

<sup>78</sup> Halkirk 2 Wind Power Project, Riverview Wind Power Project, Castle Rock Ridge Phase II Wind Power Project, Buffalo Trail Wind Power Project, and Whitla Wind Project.

technology, the Commission is of the view that this condition is financially attainable, while recognizing that it may result in additional cost to WR2.

132. Considering the above, the Commission finds that the impact to viewscales at night must be mitigated to an acceptable degree, which requires lighting that uses an aircraft detection system. The Commission therefore directs WR2 to incorporate an aircraft detection system as a condition of approval of this project:

- Wild Rose 2 Wind Inc. must incorporate an aircraft detection system, in consultation with Transport Canada, prior to completion of construction.

#### **4.2.2 What are the visual impacts of the project to drivers on roads leading in and out of Cypress Hills Provincial Park?**

133. The Commission considered visual impacts that may occur while persons are visiting the provincial park and travelling to and from the park.<sup>79</sup>

134. One of the primary access roads to Cypress Hills Provincial Park is Highway 41, which is east of the Wild Rose 2 Wind Power Project and adjacent to the Cypress Wind Power Project. The EBLG submitted that the addition of the Wild Rose 2 Wind Power Project would detract from the natural beauty of the drive to Cypress Hills Provincial Park. GCR, which conducted the visual impact assessment, concluded that travellers on Highway 41 would have no visibility of the project. GCR observed that the topography and existing vegetation along Highway 41 would effectively screen the wind turbines from view. GCR added that the project would theoretically be visible from Highway 514 for 185 metres. When driving north on Eagle Butte Road, drivers would have intermittent visibility of the project over a 1.8-kilometre stretch of the road.

135. The Commission agrees with GCR that Highway 41 is the primary access road into Cypress Hills Provincial Park. While the drive passes adjacent to the Cypress Wind Power Project, the Wild Rose 2 Wind Power Project would be located farther west and is unlikely to be seen from this road.

136. However, the Commission finds that WR2 and GCR did not adequately consider access to the west side of Cypress Hills Provincial Park travelling south on Eagle Butte Road. This route travels directly through the project area for the Wild Rose 2 Wind Power Project. The project will have a direct visual impact to drivers along this route. However, the Commission considers this impact to visitors travelling to the park to be moderate on an overall basis, since Eagle Butte Road is not the primary access road to the Cypress Hills Provincial Park from the north and west.

137. The project is approximately 12 kilometres from the park boundary, essentially the same distance from the park as the existing Cypress Wind Power Project.

138. Given the above considerations, the Commission finds that the project causes an acceptable cumulative visual impact to persons driving to and from Cypress Hills Provincial Park at this time, considering the combined impact of the Cypress Wind Power Project and the addition of the Wild Rose 2 Wind Power Project wind project in the area, as well as land cover and topography. If the area had not already been visually disturbed by the Cypress Wind Power

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<sup>79</sup> Exhibit 27729-X0249, Policy guidance from the Government of Alberta.

Project, this finding may not have been made. The scale of impacts noted by GCR contains subjective analyses, and if there is industrial disturbance this can be an indicator of an obtrusive or severe impact.<sup>80</sup>

#### **4.2.3 What are the visual impacts of the project from within Cypress Hills Provincial Park?**

139. The Commission also considered visual impacts caused by the project, along with existing and approved wind projects, at lookout points and popular sites within the provincial park.<sup>81</sup>

140. Both the EBLG and WR2 identified the Horseshoe Canyon lookout as a significant viewpoint within Cypress Hills Provincial Park. This viewpoint is to the north and both the Wild Rose 2 Wind Power Project and the operational Cypress Wind Power Project would be visible from this location.

141. GCR submitted that this location is considered to be of high sensitivity as it is enjoyed by recreational users of the park looking to appreciate the surrounding landscape. GCR submitted that the project would result in a low magnitude of change as the project is approximately 16 kilometres away from the viewpoint, the turbines appear below the horizon line and the project is partially shielded by vegetation and topography. GCR created a visual representation of the view from this viewpoint with the inclusion of the Wild Rose 2 Wind Power Project. GCR added that the reduction in the number of turbines, as proposed in the application, reduced the visual impact. GCR submitted that although the new wind turbines are larger than those originally approved, this increase in size would not be apparent from the viewpoint within the park due to distance.

142. With respect to the sensitivity and magnitude of the visual impacts, the Commission notes GCR's classification that landscapes with prominent man-made features, such as industrial developments, would have a low sensitivity to additional visual impacts. Similarly, an inclusion of a major change to the baseline condition, such as a wind project, would have a high magnitude of change. The Commission recognizes that the impact on the viewscape of the Cypress Wind Power Project is subjective to viewers but could have been considered as a high magnitude change to what was an unobstructed view to the north from the Horseshoe Canyon lookout prior to its construction. However, the viewscape is now already disturbed and this has fundamentally affected how the Commission can fairly assess the viewscape impact of the Wild Rose 2 Wind Power Project.

143. The EBLG argued the visualization was not representative of the actual view and that GCR's visualizations downplayed their visibility. The EBLG state that the photos were taken on a cloudy and hazy day, obscuring the wind turbines. The EBLG stated that on clear days Medicine Hat can be seen from the viewpoint and the turbines would be much clearer than evident in the photos. GCR stated that from a cumulative impact perspective the Wild Rose 2 Wind Power Project would present a similar visual impact as Cypress Wind Power Project. The

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<sup>80</sup> Exhibit 27729-X0261, Attachment A - Green Cat Renewables Canada Corporation Visual Impact Assessment, Section 2.2.

<sup>81</sup> Exhibit 27729-X0249, Policy guidance from the Government of Alberta.

Peace Butte Wind Power Project and Buffalo Trail Wind Power Project are theoretically visible from this location as well and these turbines would have a similar size and scale as the project.

144. The Commission finds that the Wild Rose 2 Wind Power Project would have the most significant visual impact on Cypress Hills Provincial Park at the Horseshoe Canyon lookout. The project's closest turbine to this viewpoint is approximately 1.5 kilometres closer than the closest Cypress Wind Power Project turbine. However, the Commission finds that, at these distances between the viewpoint and the turbines, the project's closer siting to the viewpoint does not result in a material difference in visual impact compared to the operational Cypress Wind Power Project. Further, the distance of the WR2 project from the park boundary is roughly equivalent to the distance of the existing Cypress Wind Power Project from the park boundary (approximately 12 kilometres).

145. The Commission visited the Horseshoe Canyon lookout for an in-person perspective. The weather conditions during the Commission's site visit were clear, resulting in the Cypress Wind Power Project's turbines being more visible than those depicted in GCR's visualization, as was to be expected. The Commission accepts the EBLG's comment that the GCR's visual simulations were taken with a cloudy or hazy background. However, the Commission considers that GCR's visualizations were reliable enough to be a reasonably acceptable depiction. Although the Commission does not agree with GCR that the Cypress Wind Power Project turbines "appear below the horizon line," in general GCR's visualizations of the Cypress Wind Power Project turbines were in the proximate location and scale to what was personally observed. The Commission therefore extrapolates that the location and scale of the Wild Rose 2 Wind Power Project were reasonably depicted by GCR as well. In general, the Commission finds GCR's methodology to create these visualizations to be adequate, although they could be more reliable if a clear background is shown. The Commission agrees that, consistent with GCR's visualizations, the project's turbines can be more or less visible from the viewpoint, depending on the weather conditions.

146. From a cumulative impact perspective, the Commission finds that the project will result in additional turbines being visible from the lookout. However, the visual impact of these turbines would be similar to those of the other wind project in the area. Given the distance and scale of these projects from the viewpoint, the Commission finds the additional visual impact caused by the project to be a continuation of the visual impact of the Cypress Wind Power Project, and that it would not result a material increase in negative viewscape impacts. The Commission therefore finds the visual impact of the project on the Horseshoe Canyon lookout to be an acceptable impact on the views currently experienced from that location. As a caution, the Commission notes that the evidence on this particular record is inadequate to address the compounding effects of proliferation of large industrial developments on regional viewscales or valued landscapes from an ecosystem, regional communities, recreational or tourism perspective. The finding here that an additional viewscape impact from regional or proximate industrial development is acceptable is limited to this particular proceeding.

147. GCR also identified the Head of the Mountain Viewpoint as a significant viewpoint within Cypress Hills Provincial Park. GCR submitted that this lookout was of high sensitivity, similar to Horseshoe Canyon, but reported that the project would not be visible from this position.

148. The Commission agrees with GCR regarding the importance of the Head of the Mountain Viewpoint in the park and its views of Montana's Sweet Grass Hills. However, as the views from



this location are towards the southwest, none of the wind projects (including the Wild Rose 2 Wind Power Project) are visible and the view will remain pristine. The Commission finds this type of viewscape to be an example of a provincially and regionally valued viewscape of high sensitivity, where industrial development would be significant and entail a high magnitude of change.

#### **4.2.4 How does the project affect the visual enjoyment of Cypress Hills Provincial Park?**

149. GCR's zone of theoretical visibility also identified the Medicine Lodge Lookout Tower, Elkwater Lake, Ressor Lake Viewpoint, Reesor Lake Dock and Day Use, Survival Tree, Police Point Stump, Battle Creek, and Graburn Cairn as areas of interest within Cypress Hills Provincial Park that could have visual impacts from the project. These locations were all assessed a high-sensitivity rating due to their potential use by visitors. GCR submitted that the project was not visible from these locations. While the project is theoretically visible from the peak of the Hidden Valley Ski Resort, GCR submitted that existing vegetation is likely to block views of the project from this location. GCR added that visitors here are likely more focused on the recreational activities than the views and assessed the project to have an overall minor level of effect on views from this location. GCR submitted that the other wind power projects are likely to be masked in a similar fashion.

150. The Commission agrees with GCR that the project is unlikely to directly impact the views from Medicine Lodge Lookout Tower, Elkwater Lake, Reesor Lake Viewpoint, Reesor Lake Dock and Day Use, Survival Tree, Police Point Stump, Battle Creek, and Graburn Cairn. While the Commission did not visit all of these locations during its site visit, GCR's conclusions that the vegetation and topography of these areas, as well as the separation distance from the project, blocks the views of the project are consistent with the Commission's experience in Cypress Hills Provincial Park. One potential area of concern is the project's impact on the Dark-Sky Preserve designation of the park. The Commission is concerned that the blinking red lights on the wind turbines may cast light into the sky and clouds. While there is insufficient evidence on the record to fully consider this issue, the Commission's condition to implement an aircraft detection system for the WR2 project should mitigate this potential concern.

#### **4.3 What are the end-of-life management commitments?**

151. With respect to decommissioning and reclamation security, WR2 highlighted that hosting landowners voluntarily entered into lease agreements with WR2, and that reclamation security would act as a performance backstop in the event that decommissioning and reclamation work did not meet the standards set out in the participating landowner lease agreements.

152. WR2 submitted that, under its lease contracts with hosting landowners, it would post security as follows:

- The Wild Rose 2 Wind Power Project is expected to have a 30–35-year lifespan. No later than 25 years after commercial operation of the project has commenced, WR2 will obtain a third-party assessment of the net funds required for decommissioning and reclamation

(being the net cost accounting for the residual value of the equipment being removed from site for resale in secondary markets as well as salvage), and then post security.<sup>82</sup>

- WR2 must take down, dismantle, and remove all project works, except for materials one metre or more below surface, and restore the surface to substantially the same conditions as they were before, at WR2's sole expense.<sup>83</sup>
- The form of security will be "a performance bond, a letter of credit, a guarantee, or such other form as the Developer [WR2] and the Owner [the landowner] may agree, each acting reasonably."<sup>84</sup>
- The beneficiaries of the reclamation security are the landowners (and their successors) and any future potential purchaser of the project lands will automatically be a beneficiary of the reclamation security.<sup>85</sup>

153. WR2 was not willing to commit to having its reclamation security reassessed and updated every five years, nor was it willing to commit to having reclamation security in place no later than 15 days after WR2 is issued the full notice to proceed for the Wild Rose 2 Wind Power Project.<sup>86</sup> WR2 submitted that assessing reclamation security no later than Year 25 of operations is appropriate and in the public interest because reclamation costs and salvage value are more likely to be fixed at that point in time.<sup>87</sup>

154. The EBLG requested that reclamation security be provided upfront, prior to construction commencing.<sup>88</sup>

155. On February 28, 2024, the Ministry of Affordability and Utilities provided a letter to the Commission<sup>89</sup> indicating that the "Government of Alberta will develop and implement the necessary policy and legislative tools to ensure developers are responsible for reclamation costs via bond or security" and the "new requirements will apply [to] all approvals issued on or after March 1, 2024." While the Commission considers that WR2 may be responsible for posting security in accordance with the reclamation security regime referenced above given the date of this decision, the Commission must nonetheless satisfy itself that approval of the project is in the public interest, including whether an applicant's security program indicates that sufficient funds will be available to reclaim the project at its end of life.

156. Among other parameters, key components of a reclamation security program are the amount of security (and how it is calculated), the timing of when the security needs to be in place, and the acceptable type of security. In the Inquiry into the ongoing economic, orderly and

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<sup>82</sup> Exhibit 27729-X0220, WR2-AUC-2023NOV03-002, PDF page 4; According to the portions of the lease agreement filed on the record (May 14, 2024, WR2 Letter to AUC re Undertaking), "the amount of the Decommissioning Security is expected to be adequate to cover the net cost of Developer's Decommissioning Obligations after taking into account any scrap or other sale value of the Works being decommissioned."

<sup>83</sup> Exhibit 27729-X0024, PDF page 11.

<sup>84</sup> Transcript, Volume 5, PDF pages 80-81, pages 872-983; May 14, 2024, WR2 Letter to AUC re Undertaking.

<sup>85</sup> Exhibit 27729-X0220, WR2-AUC-2023NOV03-002(e), PDF page 5.

<sup>86</sup> Exhibit 27729-X220, R2-AUC-2023NOV03-002(c) and (d), PDF page 5.

<sup>87</sup> Transcript Volume 5, page 828, lines 6 to 12.

<sup>88</sup> Transcript Volume 4, PDF page 100, page 784.

<sup>89</sup> Letter re Policy Guidance to the Alberta Utilities Commission (28 February 2024) from Nathan Neudorf, Minister Affordability and Utilities.

efficient development of electricity generation in Alberta Module A, the Commission-retained expert Dr. Colin Mackie recommended against reliance on any financial instrument based on the financial strength of a proponent, such as self-bonding and parental company guarantee, that the net salvage value of retired equipment be used as a “security discount” when calculating the estimated reclamation cost for a project, and that up to 50 per cent of the estimated salvage value could be applied to reduce the amount of security required.<sup>90</sup>

157. The Commission considers that WR2’s end-of-life management plan does not adequately protect landowners and the community from the residual risks of commercial impairment of the operator during the entire life of the project or insufficiency of funds to reclaim the project at end of life. Specifically, the Commission does not find WR2’s plan to calculate and post security within the last five to 10 years of the project’s life to be sufficiently certain or protective. The calculation and posting of security should occur much sooner.

158. The Commission’s understanding is that the Government of Alberta will put a scheme in place to require security be provided directly to a government agency, or there could be a negotiated security regime with hosting landowners if sufficient evidence is provided to the AUC. WR2 confirmed that it would be subject to any rules promulgated by AEPA.<sup>91</sup> The Commission’s preference in this case is the adoption by WR2 of the Government of Alberta scheme due to preferential legal rights of government agencies within legislated decommissioning and reclamation systems.

159. Should the Wild Rose 2 Wind Power Project not be subject to the Government of Alberta’s reclamation security regime, the Commission requires an updated reclamation security plan for the project as a condition of approval. The Commission expects such a plan to include a report prepared by a third party estimating the costs of reclaiming the proposed project and the estimated salvage value of project components. The plan should also contemplate the form of security, such as an irrevocable letter of credit or a surety bond and not be in the form of a cash deposit or parental guarantee. The plan should also consider when the security would be posted and the frequency of periodic reviews of the value of the security with conservative salvage assumptions. The plan should also consider adding a government entity, such as Cypress County, or a government agency as a beneficiary of the security to oversee decommissioning and reclamation activities. Further, realization on the security should be provided for on commercial terms, i.e. upon demonstration by the beneficiaries of the security of an event of default by the operator. Therefore, the Commission imposes the following condition of approval:

- Within three months of the implementation of the Government of Alberta’s reclamation security regime, Wild Rose 2 Wind Inc. shall provide confirmation that it is subject to the Government of Alberta reclamation security regime or submit an updated reclamation security plan with the Commission for review and approval. The updated reclamation security plan shall include a report prepared by a third party estimating the costs of reclaiming the project and the estimated salvage value of project components, elaborate on the form of security, time frame of the posting of the security, and how the secured party would be able to realize on the reclamation security should the project owner and

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<sup>90</sup> AUC inquiry into the ongoing economic, orderly and efficient development of electricity generation in Alberta Module A Report January 31, 2024, pdf page 71.

<sup>91</sup> Transcript, Volume 5, page 833, line 16 to page 834, line 3.

operator be in default. The Commission will determine at that time whether further process is necessary to consider the reclamation security plan.

160. In the final analysis, the Commission approves the project on the understanding that WR2 will be responsible for posting security, either to a government agency as required by AEPA, or if the project is not subject to the Government of Alberta's reclamation security regime, then to the landowners and an additional government beneficiary, subject to the Commission's approval.

#### 4.4 What are the project's noise impacts?

161. WSP Golder completed a noise impact assessment (NIA) for the amended project. WSP Golder identified 21 dwellings within 1.5 kilometres of the project turbines and substation as receptors and assessed cumulative sound levels from the project and baseline case facilities (i.e., existing facilities that have potential to influence cumulative sound levels at receptors). WSP Golder updated its NIA two additional times to reflect updated turbine locations. WR2 submitted that the project is predicted to comply with Rule 012 for all layouts. Under the final project layout, WSP Golder submitted that the highest predicted cumulative nighttime sound level of 39.8 dBA is at Receptor R23. WSP Golder stated that this receptor is leased by WR2 and will cease being a dwelling should the project be constructed. The next highest cumulative nighttime sound level is 39.4 dBA at receptors R05 and R33.<sup>92</sup>

162. Members of the EBLG raised noise concerns with the project, including Lorne and Betty Rath. The Commission notes that L. and B. Rath's residence, Receptor R05, is predicted to have the highest cumulative sound level during the nighttime and the most recent layout update resulted in an increase of the cumulative nighttime sound level from 39.2 to 39.4 dBA at this receptor. The other EBLG members have a cumulative nighttime compliance margin<sup>93</sup> of at least 1.8 dBA.

163. Condition 4a of Approval 27412-D02-2022 states:

- WR2 Wind GP Corp. shall conduct a post-construction comprehensive noise study for the most impacted receptor under "representative conditions" to verify and ensure that the facility complies with Rule 012: *Noise Control*.

164. The NIA identified Receptor R05 as the most impacted dwelling under "representative conditions," and the residents are members of EBLG who expressed concerns with noise level. The Commission specifies the selection of this receptor for the post-construction comprehensive sound level survey and revises Condition 4a as follows:

- Wild Rose 2 Wind Inc. shall conduct a post-construction comprehensive sound level survey, including an evaluation of low frequency noise, at Receptor R05. The post-construction comprehensive sound level survey must be conducted under representative conditions and in accordance with Rule 012: *Noise Control*. Within one year after the project commences operations, Wild Rose 2 Wind Inc. shall file a report with the Commission presenting measurements and summarizing results of the post construction comprehensive sound level survey.

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<sup>92</sup> Exhibit 27729-X0211, Attachment E - Wild Rose 2 Noise and Shadow Flicker Technical Memo Sep 2023, PDF page 17.

<sup>93</sup> Compliance margin is permissible sound level set out in Rule 012 minus predicted cumulative sound level.

165. Further, the EBLG retained James Farquharson of FDI Acoustics Inc. to review the NIA and provide expert evidence on noise. WR2 retained Andrew Faszer of WSP Golder to provide reply evidence. J. Farquharson expressed concerns about the necessity for the technical team that prepared the NIA to conduct a field visit, which he understood did not occur, and the appropriate ground attention factor in the noise model. A. Faszer replied that WSP Golder visited the project area in June 2023 and confirmed that the NIA did not omit any dwellings or baseline case facilities, and that the NIA used a ground attention factor of 0.7 because the NIA for the approved project and the NIAs for the nearby Cypress Wind Power Project and Buffalo Trail Wind Power Project all used the same ground attention factor. At the hearing, A. Faszer explained the 0.5 is a more conservative value than 0.7 for the ground factor parameter; however, if a ground factor of 0.5 were used in the NIA, the predicted compliance would remain unchanged.<sup>94</sup> The Commission finds A. Faszer's explanation reasonably addressed J. Farquharson's concerns.

166. The Little Plume Church also raised concerns that the noise from turbines T10 and T11 would disrupt their services. As previously stated in this decision, turbines T10 and T11 are not approved and there is no need to address these concerns further.

167. Overall, the Commission finds that the NIA for the project meets the requirements of Rule 012, and accepts the conclusion of the NIA that the project is expected to comply with applicable permissible sound levels set out in Rule 012.

#### **4.5 What are the shadow flicker impacts?**

168. Several landowners raised concerns about the potential impact of shadow flicker from the project. Shadow flicker is the flashing of light in a room caused by the spinning turbine blades rhythmically blocking the sunlight. WR2 retained WSP Golder to conduct a shadow flicker assessment for the amended project. It updated its shadow assessment two additional times to reflect updated turbine locations. A shadow flicker assessment was not prepared for the previously approved project because it was approved prior to the Commission requiring shadow flicker assessments for wind power projects.

169. WSP Golder identified 21 dwellings within approximately 1.5 kilometres of the project turbines as receptors. WSP Golder predicted shadow flicker for two cases. Among them, Assessment Case A assumed the sun is always shining during daylight hours, and that all wind turbines are always active and always oriented with the rotors perpendicular to the sun; while Assessment Case B was a more realistic but still conservative scenario, which used statistical weather data to account for times when the sun is not shining, and/or the orientation of the turbines (due to the direction of the wind) is not perpendicular to the sun. WSP Golder found that, for Assessment Case B, no receptors are predicted to experience more than 30 hours of shadow flicker per year. Receptor R33 is predicted to be the most impacted receptor and is predicted to experience 21.07 hours of shadow flicker per year.<sup>95</sup> WSP Golder added that potential shadow flicker effects from the project will likely be reduced by vegetation and/or outbuildings in close proximity to receptors.

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<sup>94</sup> Transcript, Volume 2, page 105, lines 4 to 25.

<sup>95</sup> Exhibit 27729-X0211, Attachment E - Wild Rose 2 Noise and Shadow Flicker Technical Memo Sep 2023, PDF page 10.

170. The Commission is satisfied that WR2 has assessed the shadow flicker impacts of the amended project in accordance with Rule 007. There are currently no federal or provincial guidelines or regulations for shadow flicker effects from wind power project in Alberta. A commonly used guideline from other jurisdictions, which was referenced by WSP Golder in its shadow flicker assessment, recommends that exposure to shadow flicker be limited to a maximum of 30 hours per year and a maximum of 30 minutes per day. The Commission finds that the project is predicted to comply with that guideline.

#### **4.6 What are the health impacts?**

171. The EBLG expressed general health concerns with the project. One landowner submitted that they had been to the doctor due to health issues caused by wind pressure changes. They were concerned that the wake from the wind turbines would cause erratic pressures resulting in more health issues.<sup>96</sup> WR2 responded that this concern is not attributed to wind projects.<sup>97</sup> At the hearing WR2's independent witness A. Fraszter testified that the prevailing winds in the area are to the west-southwest and the south-southwest and that the landowner in question is not downwind of the wind turbine.<sup>98</sup> WR2 added that the EBLG did not present additional information on health effects or retain an expert to support their position. At the hearing, WR2's witness did not know the extent of any impact of the vortices from the turbines on area residents.<sup>99</sup>

172. The Commission finds that there is inadequate information on the record of the proceeding to make a finding that the project will cause or exacerbate adverse health effects, to persons or animals. Should health concerns caused by wind pressure changes arise in the presence of the wind turbines, parties are encouraged to contact WR2. Parties may also initiate a complaint process in relation to health concerns caused by wind pressure changes with the Commission.

### **5 Approval holder transfer**

173. On April 19, 2024, WR2 advised that its parent organization is undergoing an internal corporate reorganization and, as a result, WR2 Wind GP Corp. and Wild Rose Wind LP will be dissolved, and the project will be transferred to Wild Rose 2 Wind Inc.

174. The Commission added Wild Rose 2 Wind Inc. as an applicant on April 25, 2024.<sup>100</sup>

175. WR2 requested that:

- Any power plant approval that may be issued as part of this proceeding be issued in the name of Wild Rose 2 Wind Inc.; and
- The currently issued authorizations,<sup>101</sup> or authorizations as required, for the project be transferred to the name of Wild Rose 2 Wind Inc.

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<sup>96</sup> Exhibit 27729-X0164, Appendix A - Landowner Submissions, PDF page 22.

<sup>97</sup> Transcript, Volume 1, page 69, lines 3 to 19.

<sup>98</sup> Transcript, Volume 2, page 417, lines 1 to 19.

<sup>99</sup> Transcript, Volume 2, page 357, line 3 to page 358, line 23.

<sup>100</sup> Exhibit 27729-X0258, Commission correspondence – change of ownership.

<sup>101</sup> WR2 described the currently issued project authorizations as both: (i) Power Plant Approval 27412-D02-2022 for the project; and (ii) Substation Permit and Licence 27697-D01-2022 for the Wild Rose 2 Wind LP-owned portion of AltaLink Management Ltd.'s Elkwater 264S Substation.

176. The Commission approves WR2's requests. Capstone Investment Corporation will continue to own the Wild Rose 2 wind project,<sup>102</sup> and Wild Rose 2 Wind Inc. is registered under the *Business Corporations Act* (Alberta), therefore satisfying Section 23(b) of the *Hydro and Electric Energy Act*.<sup>103</sup>

## 6 Conclusion

177. In accordance with Section 17 of the *Alberta Utilities Commission Act*, in addition to any other matters it may or must consider, the Commission must give consideration to whether approval of the Wild Rose 2 Wind Power Project is in the public interest having regard to the social and economic effects and the effects on the environment. In general, the Commission considers that the public interest will be largely met if an application complies with existing regulatory standards, and the project's public benefits outweigh its negative impacts, including effective mitigation of impacts experienced by more discrete members of the public. The Commission finds that the application, as conditioned in this decision, is in the public interest and complies with existing regulatory standards, including the information requirements prescribed in Rule 007.

178. Having determined that the project will result in some negative impacts, the Commission must weigh these impacts against the project's public benefits, in order to determine whether the project is in the public interest. The Commission has required a number of conditions of approval in order to mitigate certain negative impacts. Further, the benefits of the project include its ability to generate emissions-free electricity and to contribute to the diversification of Alberta's energy resources. WR2 advised that the project is expected to generate tens of millions in tax revenues over the project's life.<sup>104</sup> In addition, the project will create approximately 300 jobs during construction, as well as nine permanent jobs, based in the project's on-site operations and maintenance building.<sup>105</sup> Overall, the Commission finds that the negative impacts associated with the project are outweighed by the conditions and mitigations required and the expected benefits of the project.

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<sup>102</sup> Exhibit 27729-X0257, Change of Ownership.

<sup>103</sup> Exhibit 27729-X0257, Change of Ownership, PDF page 4.

<sup>104</sup> Transcript, Volume 4, page 732, line 19 to page 733, line 24.

<sup>105</sup> Exhibit 27729-X0190, WR2 Wind GP Corp - WR2 Reply Evidence, PDF page 9.

## 7 Decision

179. Pursuant to sections 11 and 19 of the *Hydro and Electric Energy Act*, the Commission approves Application 27729-A001 and grants Wild Rose 2 Wind Inc. the approval set out in Appendix 1 – Power Plant Approval 27727-D02-2024 to construct and operate the Wild Rose 2 Wind Power Project.

180. Pursuant to sections 14, 15 and 19 of the *Hydro and Electric Energy Act*, the Commission approves Application 27729-A001 and grants Wild Rose 2 Wind Inc. the approval set out in Appendix 2 – Substation Licence 27727-D03-2024 for the approval transfer of the permit and licence.

181. The appendixes will be distributed separately.

Dated on July 5, 2024.

### **Alberta Utilities Commission**

*(original signed by)*

Carolyn Dahl Rees  
Chair



**Appendix A – Proceeding participants**

<b>Name of organization (abbreviation) Company name of counsel or representative</b>
<b>WR2 Wind GP Corp.</b> Terri-Lee Oleniuk Scott Birse
<b>Hutterian Brethren of Murray Lake</b> Richard Hofer
<b>Eagle Butte Landowners Group (EBLG)</b> Heather Beyko Anya Manukyan
<b>Corwin Seitz</b>
<b>Dawn Straub</b>
<b>Tim Clark</b>

<b>Alberta Utilities Commission</b>
<b>Commission panel</b> Carolyn Dahl Rees, Chair
<b>Commission staff</b> Jaimie Graham (Commission counsel) Victor Choy Glenn Harasym Joan Yu

**Appendix B – Oral hearing – registered appearances**

Name of organization (abbreviation) Name of counsel or representative	Witnesses
<b>WR2 Wind GP Corp.</b> Terri-Lee Oleniuk, Blake, Cassels & Graydon LLP, counsel Scott Birse, Blake, Cassels & Graydon LLP, counsel	Andrea Kausel Patrick Audet Sandra Babiuk Andrew Faszler Michael Sveen Amanda Hale
<b>Eagle Butte Landowners Group (PPA)</b> Heather Beyko, Ackroyd LLP, counsel Anya Manukyan, Ackroyd LLP, counsel	Andrew Moch Lorne Rath Trevor Clark Arvid Kurpjuweit Matt and Cheryl Sterkenburg Paul Von Huene Marcel Nadeau Clark Kurpjuweit Cliff Wallis Robert Barclay James Farquharson

## Appendix C – 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 27729-D01-2024 that require subsequent filings with the Commission and will be included as conditions of Power Plant Approval 27729-D02-2024:

- Wild Rose 2 Wind Inc. shall submit an annual post-construction monitoring survey report to Alberta Environment and Protected Areas no later than January 31 of the year following the mortality monitoring period and submit the annual post-construction monitoring survey report and Alberta Environment and Protected Areas' post-construction monitoring response letter to the Commission within one month of its issuance to Wild Rose 2 Wind Inc. These reports and response letters shall be subsequently filed with the same time constraints every subsequent year for which Alberta Environment and Protected Areas requires surveys pursuant to subsection 3(3) of Rule 033: *Post-approval Monitoring Requirements for Wind and Solar Power Plants*.
- Within three months of the implementation of the Government of Alberta's reclamation security regime, Wild Rose 2 Wind Inc. shall provide confirmation that it is subject to the Government of Alberta reclamation security regime or submit an updated reclamation security plan with the Commission for review and approval. The updated reclamation security plan shall include a report prepared by a third party estimating the costs of reclaiming the project and the estimated salvage value of project components, elaborate on the form of security, time frame of the posting of the security, and how the secured party would be able to realize on the reclamation security should the project owner and operator be in default. The Commission will determine at that time whether further process is necessary to consider the reclamation security plan.
- Wild Rose 2 Wind Inc. shall conduct a post-construction comprehensive sound level survey, including an evaluation of low frequency noise, at Receptor R05. The post-construction comprehensive sound level survey must be conducted under representative conditions and in accordance with Rule 012: *Noise Control*. Within one year after the project commences operations, Wild Rose 2 Wind Inc. shall file a report with the Commission presenting measurements and summarizing results of the post construction comprehensive sound level survey.

The following are conditions of Decision 27729-D01-2024 that do not require subsequent filings with the Commission:

- Should Alberta Environment and Protected Areas publish studies and regulatory updates on the impacts of wind projects to bats, the Commission directs Wild Rose 2 Wind Inc. to abide by any environmental requirements, recommendations and directions provided. This includes an expectation that Wild Rose 2 Wind Inc. would actively participate in working groups as an operator, undertake additional monitoring, and take steps to curtail production in mitigation of bat mortalities that Alberta Environment and Protected Areas

considers necessary to address impacts occurring from the Wild Rose 2 Wind Power Project.

- Curtailment shall occur from the outset of operation at the Wild Rose 2 Wind Power Project. Wild Rose 2 Wind Inc. shall submit an operational mitigation plan to the AUC and Alberta Environment and Protected Areas ahead of the construction completion date detailing the type of curtailment that will be utilized, how appropriate cut-in speeds were determined so as to not cross the 8 bat per turbine per year thresholds in the first year of operation, and the means by which Wild Rose 2 Wind Inc. will ensure turbines are appropriately programmed to not have accidental operation during planned times of curtailment.
- As part of the Wild Rose 2 Wind Power Project's post-construction monitoring program, Wild Rose 2 Wind Inc. shall install, monitor, and report on a technology designed to deter bats from the turbines or mitigate mortality, and further address the project's risk to bat mortality (e.g., acoustic deterrents, acoustically informed curtailment, etc.). Wild Rose 2 Wind Inc. shall provide a report identifying the deterrence technology chosen and the rationale for the choice, include monitoring results with reports to Alberta Environment and Protected Areas in accordance with Rule 033: *Post-approval Monitoring Requirements for Wind and Solar Power Plants*.
- Wild Rose 2 Wind Inc. shall abide by any requirements, recommendations and directions provided by Alberta Environment and Protected Areas, whether in the context of a working group or otherwise, including any additional monitoring and mitigation that Alberta Environment and Protected Areas considers necessary to address adverse impacts to pronghorn migration patterns or avoidance behavior in the project area.
- Wild Rose 2 Wind Inc. must incorporate an aircraft detection system, in consultation with Transport Canada, prior to completion of construction.

## Appendix D – Power Plant Approval 27412-D02-2022

[\(return to text\)](#)



Appendix D\_Approval  
27412-D02-2022.pdf

(consists of 3 pages)

## Power Plant Approval 27412-D02-2022

Appendix 1 to Decision 27412-D01-2022	June 7, 2022
WR2 Wind GP Corp. Ownership Transfer of Wild Rose 2 Wind Power Plant	Proceeding 27412 Application 27412-A001

NaturEner Wild Rose 2 Energy Inc., pursuant to Approval 26937-D02-2021,<sup>1</sup> has approval to construct and operate a 192-megawatt (MW) wind power plant, designated as the Wild Rose 2 Wind Power Plant, near Medicine Hat.

WR2 Wind GP Corp., by Application 27412-A001, registered on May 31, 2022, applied to the Alberta Utilities Commission to transfer the power plant approval from NaturEner Wild Rose 2 Energy Inc. to WR2 Wind GP Corp., effective January 5, 2022.

The Commission, pursuant to sections 11, 19 and 23 of the *Hydro and Electric Energy Act*, approved the application in Decision 27412-D01-2022<sup>2</sup> and granted to WR2 Wind GP Corp. an approval to own and operate the power plant, subject to the provisions of the *Hydro and Electric Energy Act* and the *Alberta Utilities Commission Act*, any regulations made under the acts, any orders made under the acts, the Commission rules made pursuant to the *Alberta Utilities Commission Act*, and the following terms and conditions:

1. The power plant shall be located on the following lands and as further described in Application 21968-A001:
  - sections 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 15 and 24, Township 10, Range 5, west of the Fourth Meridian
  - sections 4, 5, 6, 7, 8 and 9, Township 10, Range 4, west of the Fourth Meridian
  - sections 12, 13, 24, 25, 35 and 36, Township 9, Range 5, west of the Fourth Meridian
  - sections 6, 7, 8, 16, 17, 18, 19, 20, 21, 28, 29, 30, 32 and 33, Township 9, Range 4, west of the Fourth Meridian
2. The power plant shall consist of 60 wind turbines, each rated 3.2 MW, with a total generating capability of 192 MW. Each wind turbine supporting structure shall be installed with its centre at the longitude and latitude coordinates specified in Application 21968-A001.

<sup>1</sup> Power Plant Approval 26937-D02-2021, Proceeding 26937, Application 26937-A001, November 19, 2021.

<sup>2</sup> Decision 27412-D01-2022: WR2 Wind GP Corp – Wild Rose 2 Wind Power Project Ownership Transfer, Proceeding 27412, Applications 27412-A001 and 27412-A002, June 7, 2022.

3. The power plant shall also consist of a 34.5-kilovolt gathering system as described in Application 21968-A001. The gathering system is to be used solely for collecting the electric energy generated by each turbine and transmitting that electric energy to the Eagle Butte Substation.
4. The approval is subject to the following conditions which have been described in Decision 21968-D01-2017:<sup>3</sup>
  - a. WR2 Wind GP Corp. shall conduct a post-construction comprehensive noise study for the most impacted receptor under “representative conditions” to verify and ensure that the facility complies with Rule 012: *Noise Control*.
  - b. WR2 Wind GP Corp. shall conduct a pre-construction survey of the turbine site and associated infrastructure in the spring preceding construction to ensure that no new wildlife or land conflicts have appeared, as recommended in the Alberta Environment and Sustainable Resource Development, now Alberta Environment and Parks (AEP), sign-off letter.
  - c. WR2 Wind GP Corp. shall submit an annual post-construction monitoring survey report to AEP and the Commission within 13 months of the project becoming operational, and on or before the same date every subsequent year for which AEP requires surveys pursuant to subsection 3(3) of Rule 033: *Post-approval Monitoring Requirements for Wind and Solar Power Plants*.
  - d. In consultation with AEP, WR2 Wind GP Corp. shall keep the project’s wildlife data current (e.g., less than two years old) until the project is completed with the updated wildlife field surveys. WR2 Wind GP Corp. shall implement any additional mitigation measures recommended by AEP should any new wildlife features or issues be identified during completion of the updated wildlife surveys.
  - e. WR2 Wind GP Corp. shall implement the mitigation plan entitled “Wildrose 2 Wind Power Project Revised Native Pasture Mitigation Proposal.”
  - f. WR2 Wind GP Corp. shall file the agreement with FortisAlberta Inc. on the Commission’s eFiling System subject to confidentiality procedures set out in Section 28 of Rule 001: *Rules of Practice*, if required.
  - g. WR2 Wind GP Corp. shall file all resulting studies and reports with the Commission.
5. Unless otherwise authorized by the Commission, construction of the power plant shall be completed by December 1, 2023.
6. WR2 Wind GP Corp. shall notify the Commission within 30 days of completing the power plant.

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<sup>3</sup> Decision 21968-D01-2017: NaturEner Wild Rose 2 Energy Inc. – Wild Rose 2 Wind Power Project Amendment and Time Extension, Proceeding 21968, Applications 21968-A001 and 21968-A002, April 12, 2017.

7. WR2 Wind GP Corp. shall obtain Commission approval prior to making any material changes to the power plant or substantially varying the design and/or specifications of the power plant from what was stated in the application or from what the Commission has approved.
8. This approval is not transferable unless approved by the Commission.

Approval 26937-D02-2021 is rescinded.

The Commission may cancel or suspend this approval, in whole or in part, in accordance with Section 41 of the *Hydro and Electric Energy Act* or may review this approval, in whole or in part, upon its own motion or upon an application by an interested party, in accordance with Section 10 of the *Alberta Utilities Commission Act*.

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

**Alberta Utilities Commission**

*(original signed by)*

Wayne MacKenzie  
Executive Director, Facilities Division  
On behalf of the Alberta Utilities Commission