

Halkirk 2 Wind | Project Update



Halkirk 2 Wind Project
Specific Information
Package #3

Hello!

Thank you for your ongoing engagement in our Halkirk 2 Wind (“Project”) project. We have some updates since our last communication distributed in May and follow up to the resident feedback provided at our June Information Sharing Sessions.

Alberta Environment & Parks Renewable Energy Project Amendment Received

We submitted our Renewable Energy Project Amendment Submission to Alberta Environment and Parks (AEP) in May and requested an amendment to our previous AEP Referral Report (2017). The submission provided details of the various surveys completed since 2018, a construction and mitigation plan and a post construction mortality monitoring plan. The submission also showed the changes in the proposed layout and how it would impact the various environmental features in the project area, in comparison to the previous project layout. For example, the revised project has:

- Reduced the permanent footprint (e.g., roads, turbine pads) by 20.02 hectares (ha) or 44%
- Reduced the temporary (e.g., collector lines) and permanent footprint by 14 ha or 5%
- Reduced the number of turbines by 53%, due to a change in turbine technology which allows for larger and fewer turbines as well as roads and other infrastructure

- Reduced encroachment on raptor nests to zero
- No change in sharp-tail grouse encroachments
- Shown an increase in bat passes through the acoustic bat surveys but this may be due to change in detector technology
- Reduced impacted wetlands areas by 81% including both permanent and temporary impacts
- Eliminated minor impact to native grassland, reduced area of tame pasture and aspen forest



We received our AEP Fish and Wildlife Service Amendment letter on June 16. In the letter, AEP confirmed that the revised layout and proposed mitigation measures have reduced some of the predicted impacts from the previous project and that the overall risk to wildlife continues to be moderate.

This summer, we will be doing the following environmental surveys:

- Wetland surveys to inform our *Water Act* applications for areas where we anticipate impacting certain types of wetlands (Class 2 and higher)
- Preconstruction site disturbance assessment, which is a soils assessment to inform construction planning and reclamation planning (both provincial requirements as well as the Development Permit application)

Updated Timing of Alberta Utilities Commission Amendment Application

The Renewable Energy Project Amendment from AEP is required for our amendment application to the Alberta Utilities Commission (AUC). **With this now received, we plan to submit our AUC amendment application in late Q3 or early Q4 2022** (ahead of our original schedule of late Q4 2022). Our AUC application will propose the refinements to the Project we've shared with the community as well as a time extension for the construction completion date from December 1, 2022 to Q4 2024. Based on current timelines and pending the receipt of all regulatory and permitting approvals, construction of Halkirk 2 Wind could tentatively begin in summer 2023 with commercial operation of the Project in Q4 2024.

Community Information Sharing Sessions

Thank you to all those who took the time to join us at our Information Sharing Sessions on June 8 and 9, at the Halkirk Community Hall where we shared Project updates, including changes to the site layout, study results (environment, shadow flicker and noise) and anticipated Project timelines with the community.

More than 35 people attended the Information Sharing Sessions over the two days with a combination of support and concerns shared about the Project. Participants were able to browse information boards highlighting the proposed refinements to the Project and ask questions directly to our subject-matter experts. A summary of the feedback and questions received at the sessions along with project information/responses is included in this mailout and can be found on our website: <https://www.capitalpower.com/operations/halkirk-2-wind/>

The information boards are also available on our website or contact us to request a copy.

Thank you for your continued participation and input in the development of the revised Halkirk 2 Wind Project. Your



comments, feedback and concerns are documented and will be submitted to the AUC as part of our amendment application. To learn more about the AUC's application review process, please refer to the enclosed brochure or visit www.auc.ab.ca.

We will share additional progress updates with the community throughout the regulatory process through newsletters and our website. **If you have any questions or want more information about the project, please contact us anytime or visit www.capitalpower.com.**

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Participating in the AUC's independent review process to consider facility applications

The AUC regulatory review process to consider facility applications for utility projects



The AUC uses an established process to review social, economic and environmental impacts of facility projects to decide if approval of a project is in the public interest.

The AUC considers applications requesting approval of the need for transmission development and facilities applications seeking approval to construct, operate, alter and decommission electric and natural gas facilities. Applications, as specified in AUC Rule 007, are required for:

- The need for transmission upgrades.
- The route and location of transmission facilities.
- The siting of power plants.
- The construction of a battery storage system.
- The designation of an industrial system.
- The need for and siting of natural gas utility pipelines.

Sometimes the Alberta Electric System Operator's needs identification document application is considered together with a facility application in a single proceeding; sometimes separate proceedings are held to consider each application.

Application review process



- Step 1: Public consultation prior to applying to the AUC
- Step 2: Application filed to the AUC
- Step 3: Public notice
- Step 4: Public submissions to the AUC
- Step 5: Consultation and negotiation
- Step 6: The public hearing process
- Step 7: The decision
- Step 8: Opportunity to appeal
- Step 9: Construction, operation and compliance

Application review process

Step 1: Public consultation prior to applying to the AUC



An applicant seeking approval of a proposed utility development project is required to engage in a participant involvement program prior to filing an application with the AUC. The public involvement program involves consultation with persons whose rights may be directly and adversely affected by the proposed project so that concerns may be raised, addressed and, if possible, resolved.

The application guidelines and requirements for facility applications can be found in AUC Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines*.

Potentially affected parties are strongly encouraged to participate in the public consultation, also called a participant involvement program. Early, active and ongoing discussions with an applicant may lead to greater influence on project planning and what is submitted to the AUC for approval.

Step 2: Application filed to the AUC



When the applicant has concluded its consultation with potentially affected parties and the participant involvement requirements have been completed, the applicant files its application through the AUC online public filing system, called the eFiling System.

AUC staff members review each application submitted to verify that all of the application requirements in Rule 007 have been met before an application is deemed complete. If all of the required information is not provided, the application may be closed or missing information will be requested of the applicant. Rule 007 specifies, among other requirements, that applicants must submit the results of a public involvement program in its application that includes information about how applicants consulted and notified stakeholders and Indigenous groups and identifies any unresolved objections and concerns about the project.

Step 3: Public notice



When the AUC receives an application it is assigned a proceeding number and the AUC generally mails a notice of application directly to those who live, operate a business or occupy land in the project area who may be directly and adversely affected if the AUC approves the application. The notice initiates the opportunity for formal intervention in the proceeding to consider an application or applications. The notice of application will also set out important dates and information about where to find the application and other items being considered. The five-digit eFiling System proceeding number in the notice is the most efficient way to find information about a proposed project through the AUC website.

Step 4: Public submissions to the AUC



Prior to the submission deadline provided in the notice, formal submissions of outstanding concerns and unresolved objections about a project may be submitted to the AUC. To submit a concern, participants will need to register to participate in the proceeding, which involves providing a brief written statement called a statement of intent to participate. Submissions are filed electronically through the eFiling System. The information filed becomes part of the public record and is an important part of the process to ensure that outstanding concerns are heard, understood and considered.

The AUC uses the information gathered through statement of intent to participate submissions to decide whether to hold a hearing on the application(s). The AUC must hold a hearing if a concerned person can demonstrate that they have rights that may be directly or adversely affected by the AUC's decision on the application. Such a person is said to have standing before the AUC. If the AUC decides to hold a hearing, the AUC will provide further opportunities for participants with standing to ask the applicant questions on the public record and present their position on the application either in writing or in person. Hearings may

be held in writing, in person or virtually through web-conference software.

AUC eFiling System

The eFiling System is the online tool that the AUC uses to manage applications and submissions in its proceeding-based review. The eFiling System gives access to all public documents associated with an application. The system is also used to submit your concerns and provide input to the AUC and can be used to monitor related proceeding filings. Those who do not have access to the internet can send submissions, evidence and other material by mail and the AUC will upload the submission on their behalf.

Step 5: Consultation and negotiation (if applicable)



The AUC supports efforts to reach a mutually agreeable outcome among the applicant and affected parties. The AUC encourages the applicant and those who have filed a statement of intent to participate to continue to attempt to resolve any outstanding issues. If all concerns can be satisfactorily resolved this may eliminate the need for a formal hearing. However, if there continues to be unresolved issues, those matters will typically be addressed in an AUC hearing.

Step 6: The public hearing process



The AUC will issue a notice of hearing if a person with standing continues to have legitimate unresolved concerns with the application. The notice of hearing will provide a hearing date and location, or specify if the hearing will be held in writing or virtually. When the AUC holds a public hearing, registered parties are given the opportunity to express their views directly to a panel of Commission members. Any member of the public can listen to an in-person or virtual oral hearing. An oral public hearing operates similar to a court proceeding.

Participants in a hearing can either represent themselves or be represented by a lawyer. In addition, participants may hire experts to assist in preparing and presenting evidence to support their position.

Cost assistance



A person determined by the AUC to have standing or a local intervener can apply for reimbursement of reasonable costs. Those who hire a lawyer or technical experts must be aware that while reimbursement for the costs of legal and technical assistance is available under AUC Rule 009: *Rules on Local Intervener Costs*, recovery of costs is subject to the AUC's assessment of the value of the contribution provided by the lawyer and technical experts in assisting the AUC to understand the specifics of the case. It is also subject to the AUC's published scale of costs.

People with similar interests and positions are expected and encouraged to work together to ensure that expenditures for legal or technical assistance are minimized and costs are not duplicated.

Step 7: The decision



The AUC's goal is to issue its written decision no more than 90 days after the close of record. The AUC can approve, or deny an application and can also make its approval conditional upon terms or conditions. AUC decisions are publicly available through the AUC website at www.auc.ab.ca.

Step 8: Opportunity to appeal



An applicant or participant in a proceeding may formally ask the Court of Appeal of Alberta for permission to appeal an AUC decision. An application for permission to appeal must be filed within 30 days from the date the decision is issued.

An applicant or participant in a proceeding can also ask the AUC to review its decision. An application to review a decision must be filed within 60 days from the date the decision is issued and satisfy the limited grounds described in AUC Rule 016: *Review of Commission Decisions*.

Step 9: Construction, operation and compliance



An applicant that receives approval to build and operate a facility from the AUC is expected to follow through on any commitments it has made to parties and must adhere to any conditions that were set out in that approval. If concerns about compliance with approval conditions and post-construction operations cannot be resolved with the applicant, they can be brought to the AUC's attention for consideration. The AUC has significant compliance and enforcement powers for all approved applications. Additional information is available on the AUC website.



The Alberta Utilities Commission is an independent, quasi-judicial agency of the government of Alberta that ensures the delivery of Alberta's utility services take place in a manner that is fair, responsible and in the public interest.

We are committed to ensuring that Albertans whose rights may be directly and adversely affected by a utility development project are informed of the application and have the opportunity to have their concerns heard, understood and considered.

Contact us

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