

## Power Plant Approval 26910-D02-2021

Appendix 1 to Decision 26910-D01-2021	November 3, 2021
RES Forty Mile Wind GP Corp. Forty Mile Wind Power Project Ownership Transfer and Time Extension	Proceeding 26910 Application 26910-A001

BHEC-RES AB Renewables GP Corp. (BHEC-RES), pursuant to Approval 25915-D02-2020,<sup>1</sup> has approval to construct and operate a wind power plant, designated as the Forty Mile Wind Power Project, located within the County of Forty Mile No. 8, approximately five kilometres east of Bow Island, Alberta. Construction of the power plant was stipulated to be completed on or before December 1, 2021. As part of a corporate reorganization, BHEC-RES changed its name to RES Forty Mile Wind GP Corp. (RES).

RES, by Application 26910-A001, registered on October 14, 2021, applied to the Alberta Utilities Commission for approval to transfer ownership of the power plant, and to extend the construction completion date of the power plant to December 31, 2023.

Pursuant to sections 11 and 19 of the *Hydro and Electric Energy Act*, the Commission approved the application in Decision 26910-D01-2021,<sup>2</sup> and granted to RES an approval to construct 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 as follows and as further described in the application and Application 22966-A001:

Section	Township	Range	Meridian
1 (NW), 4 (NE, SE, SW), 9 (NE, NW, SE), 11 (SE, SW), 12 (NW, SW), 14 (NE, NW, SE), 15 (NE, NW, SE), 22 (NE, NW, SE, SW), 23 (NE, NW, SE, SW), 26 (NW, SE, SW), 27 (NE, NW, SE, SW), 28 (NE, SE), 32 (NE, NW, SE), 33 (NE, NW, SE, SW), 34 (NE, NW, SE, SW), 35 (NE, NW)	9	10	W4M

<sup>1</sup> Power Plant Approval 25915-D02-2020, Proceeding 25915, Application 25915-A001, October 26, 2020.

<sup>2</sup> Decision 26910-D01-2021: RES Forty Mile Wind GP Corp. – Forty Mile Wind Power Project Ownership Transfer and Time Extension, Proceeding 26910, Applications 26910-A001 and 26910-A002, November 3, 2021.

Section	Township	Range	Meridian
5 (NE, NW), 7 (NE, NW, SW), 8 (NE, NW, SE), 15 (NW), 16 (NW, SW), 17 (NE, NW, SE), 18 (NW, SE, SW), 19 (NE, NW, SE, SW), 20 (NE, NW, SE, SW), 21 (NE, NW, SE, SW), 22 (SW), 26 (NE, NW, SW), 28 (NW, SW), 30 (SW), 32 (NE, SE), 33 (SE, SW), 34 (SE, SW), 35 (SE, SW)	10	9	W4M
1 (NE, NW, SE, SW), 2 (NE, NW, SE), 3 (NE, NW, SE), 4 (NE, NW, SE, SW), 5 (NE, NW, SW), 8 (SW), 11 (SE), 12 (SE, SW), 13 (NE, NW, SE), 14 (NE, NW, SW), 15 (NE, SE), 22 (NE, NW, SE, SW), 23 (NE, NW, SE), 24 (NW, SE, SW), 25 (NW, SE, SW), 26 (NE, SE), 27 (NE, SE), 34 (SE), 35 (SE, SW), 36 (NW, SW)	10	10	W4M
5 (NE, SE, SW), 6 (NE, SE), 8 (SE), 9 (SE, SW)	11	9	W4M
1 (NW, SE, SW), 2 (NE), 12 (SW)	11	10	W4M

2. The power plant shall consist of 115 Gamesa G132 wind turbines, each rated at 3.465 megawatts (MW), with a total generating capability of 398.475 MW, and as further described in Application 22966-A001.
3. Each wind turbine structure shall be installed with its centres at the longitude and latitude coordinates specified in Application 22966-A001. If the structure has to be located more than 100 metres from the specified coordinates, RES must apply to the Commission for an amendment to this approval prior to construction.
4. The power plant shall also consist of a 34.5-kilovolt gathering system as described in Application 22966-A001. The gathering system is to be used solely for collecting the electrical energy generated by each turbine and transmitting that electric energy to the Forty Mile 516S Substation.
5. The approval is subject to the following conditions which have been described in Decision 25915-D01-2020<sup>3</sup> and Decision 22966-D01-2018:<sup>4</sup>
  - a. The siting, construction and operation of the project's infrastructure will meet all of Alberta Environment and Parks – Fish and Wildlife Stewardship's (AEP) recommended minimum setbacks from wetlands and watercourses for the project, unless AEP has agreed to one or more of the following: a reduced setback; alternative mitigation in the project's renewable energy referral report; or approval under the *Water Act* for the project.
  - b. The siting, construction and operation of the project's infrastructure will meet all of AEP's recommended minimum setbacks for high disturbance level activities from wildlife species at risk habitat features, unless AEP has agreed to one or more of the following: (i) a reduced setback; or alternative mitigation in AEP's Renewable Energy Referral Report for the project.

<sup>3</sup> Decision 25915-D01-2020: BHEC-RES AB Renewables GP Corp. – Forty Mile Wind Power Project Ownership Transfer and Time Extension, Proceeding 25915, Applications 25915-A001 and 25915-A002, October 26, 2020.

<sup>4</sup> Decision 22966-D01-2018: BHEC-RES Alberta G.P. Inc. – Forty Mile Wind Power Project, Proceeding 22966, Application 22966-A001, August 30, 2018.

- c. If any changes are made to any infrastructure associated with the project, the construction schedule, or the proposed wildlife mitigation measures, RES will submit these changes to AEP for its further review to ensure wildlife and wildlife habitat are protected.
- d. RES shall abide by any requirements and commitments outlined in its final version of the environmental protection plan (EPP) developed for the project. RES shall implement all mitigation measures identified in the EPP and monitor the effectiveness of its mitigation measures. If mitigation measures are unsuccessful, RES, in consultation with AEP, must develop and implement additional mitigation to minimize adverse effects on the environment.
- e. RES 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*.
- f. RES will complete amphibian surveys following AEP survey methodology prior to construction in situations where ground disturbance may occur within 100 metres of potential amphibian breeding pond habitat, including the northern leopard frog and western tiger salamander. This will include spring acoustic surveys, summer visual search shoreline surveys, and, where practicable, will include shoreline and netting surveys following major summer rainfall events for intermittent breeders such as the northern leopard frog and western tiger salamanders. RES will communicate the results of these amphibian surveys to AEP and implement any mitigation measures recommended by AEP.
- g. RES will monitor (for potential breeding impacts, such as nest abandonment or disturbance, nesting success, reduction in nest productivity, and raptor mortality) all eight ferruginous hawk nests within the project area during construction and for at least the first three years of operation.
- h. In addition to any representative turbines in the project area chosen for its post-construction bat carcass surveys in consultation with AEP in accordance with the stratified random sample method, RES shall include any turbines that are located near potential roost sites, reservoirs and areas of foraging habitat which would have a higher risk of bat mortality. Turbines monitored under this requirement would not be counted towards the one third selected using the stratified random sample method.
- i. RES will abide by any requirements, recommendations and directions provided by AEP, whether in the context of a working group or otherwise, including any additional monitoring and mitigation that AEP considers necessary to address cumulative effects occurring from two or more projects within the local area, as defined by AEP.

- j. RES shall conduct post-construction comprehensive noise studies and an evaluation of low frequency noise at receptors 53, 73, and 32 under representative operating conditions, and in accordance with Rule 012: *Noise Control*. RES shall file all studies and reports relating to the post-construction noise survey and low frequency noise evaluation with the Commission within one year of connecting the project to the Alberta Interconnected Electric System. RES shall simultaneously provide Ms. Jenkins with the results of its post-construction noise survey and low frequency noise evaluation for her residence and provide written confirmation to the Commission when it has done so.
6. Unless otherwise authorized by the Commission, construction of the power plant shall be completed by January 31, 2024.
7. RES shall notify the Commission within 30 days of completing the power plant.
8. RES shall obtain Commission approval prior to making any substantive changes to the power plant or substantially varying the design or specifications of the power plant from what was stated in the application or what the Commission has approved.
9. This approval is not transferable unless approved by the Commission.

Approval 25915-D02-2020 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