



Farmers' Advocate Office

# Renewable Energy

## Landowner Considerations

**Darcy Allen**

**Energy Utilities & Policy Specialist  
Farmers & Property Rights Advocate Office**

# Mission

To create value for rural Albertans and our stakeholders by:

- ✓ empowering rural Albertans through awareness on key issues
- ✓ representing the rural Alberta perspective on matters of concern
- ✓ facilitating interaction on strategic matters among key stakeholders
- ✓ providing objective, unbiased ideas and advice for resolving disputes

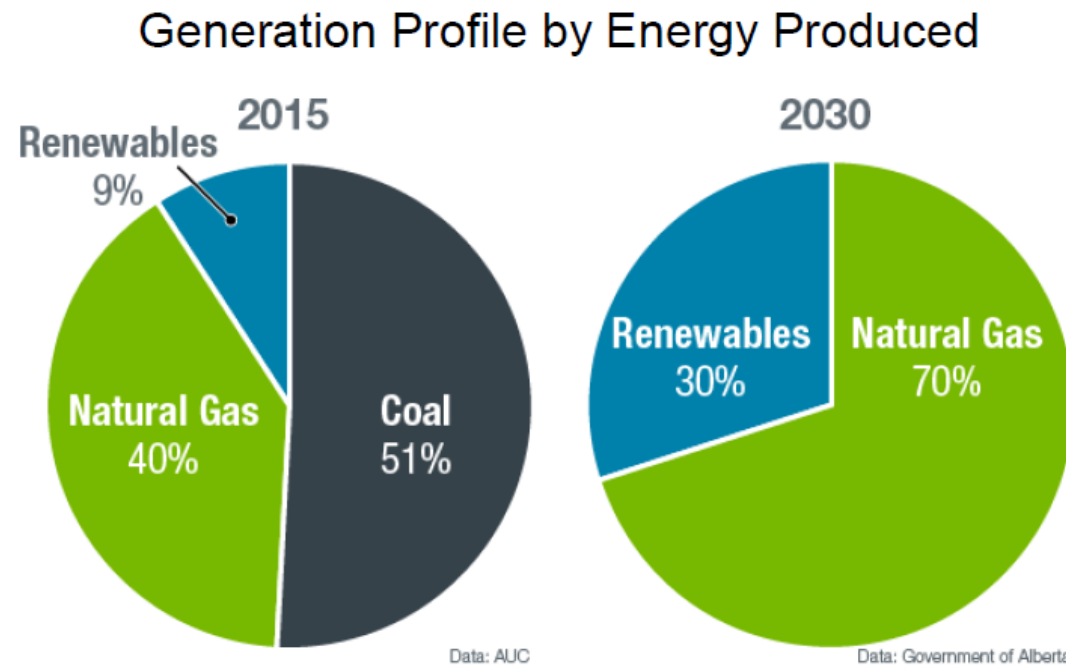


# Backgrounder

- **2015 - the Government of Alberta introduced the Climate Leadership Plan (CLP)**
  - Phase out coal-generated electricity and generate 30% of electricity from renewable sources by 2030

- **“renewable energy resource”**

- Moving water
- Wind
- Heat from the earth
- Sunlight, and
- Sustainable biomass



# Wind & Solar Resource

Wind<sup>1</sup> 



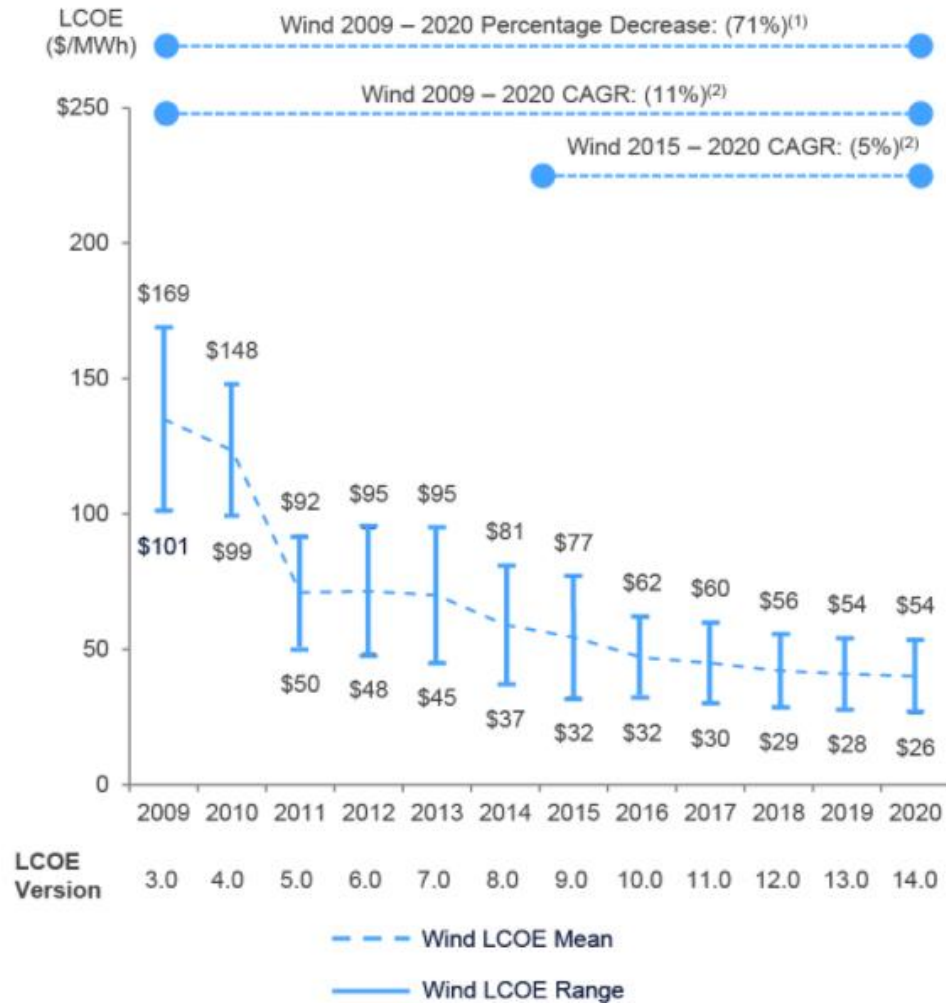
Solar<sup>2</sup> 



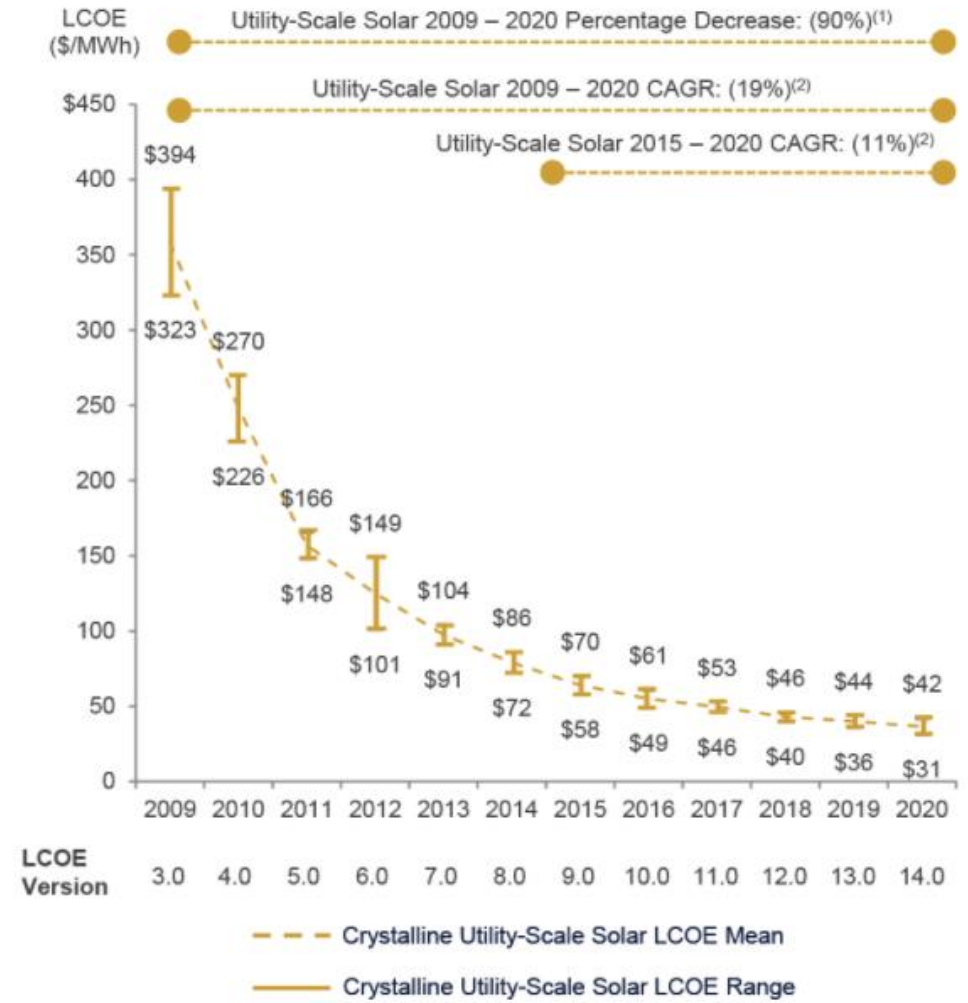
Source: Pembina Institute

# Wind & Solar Costs

## Unsubsidized Wind LCOE



## Unsubsidized Solar PV LCOE



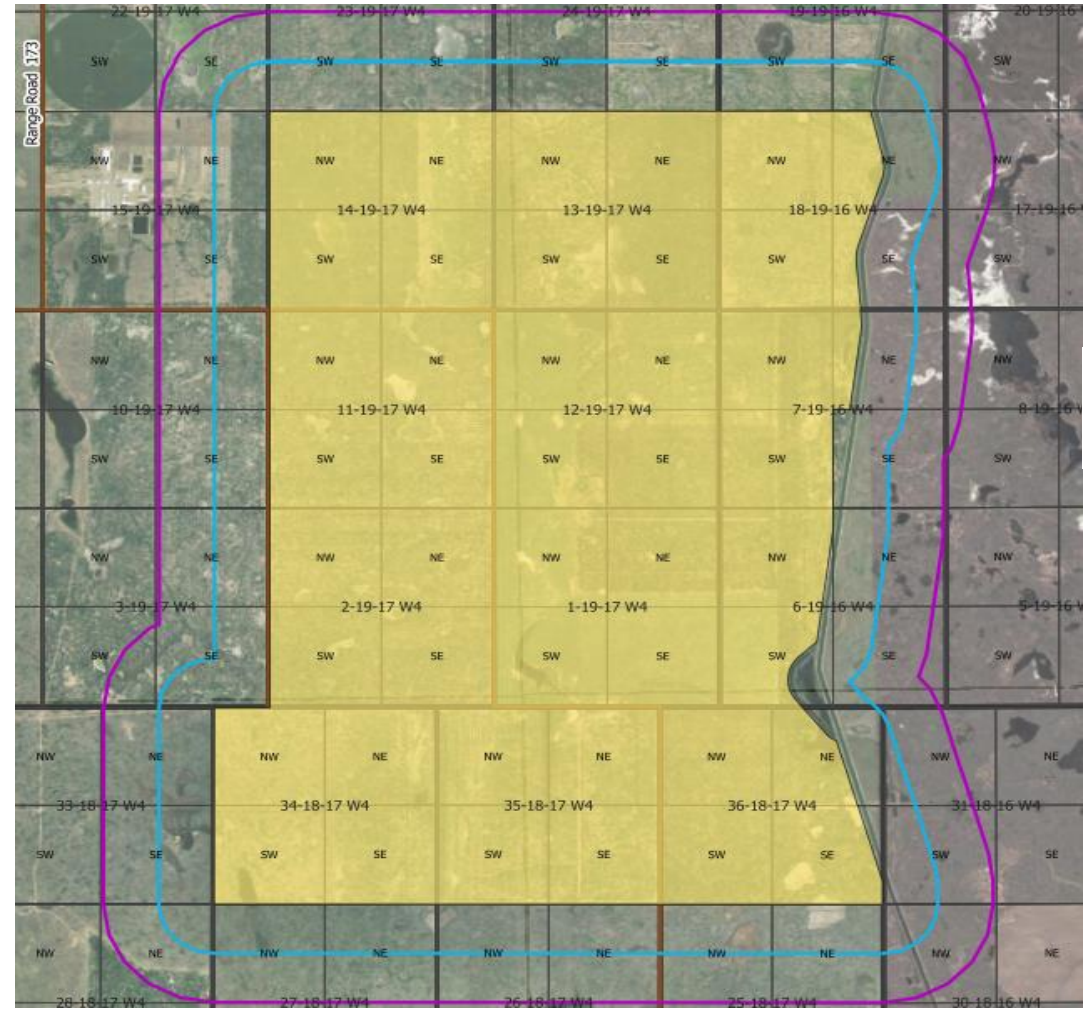
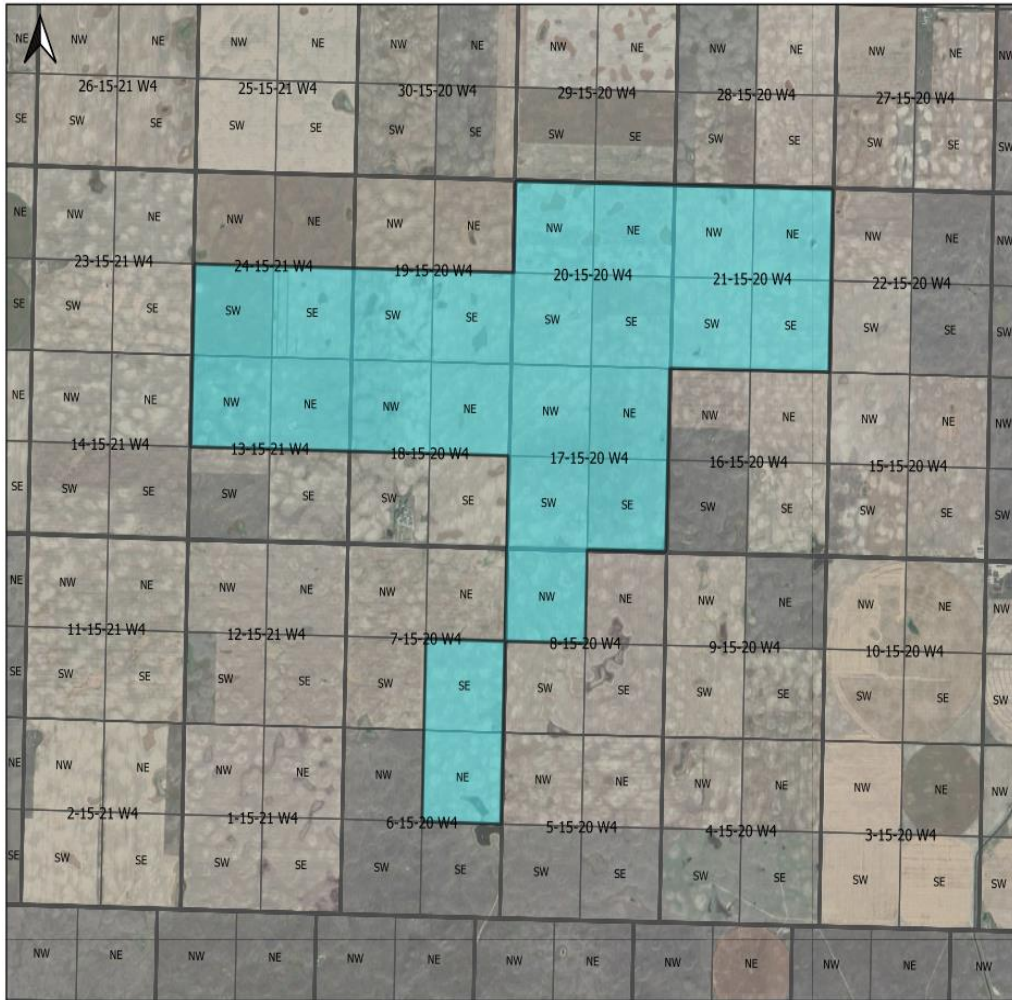
Source: Lazard

# Choice of Energy



Source: Lise Rajewicz

# Scale of Development



Source: Greengate Power Corp

# Size of Equipment



Pile Foundations



Panel Racking



Module Installation



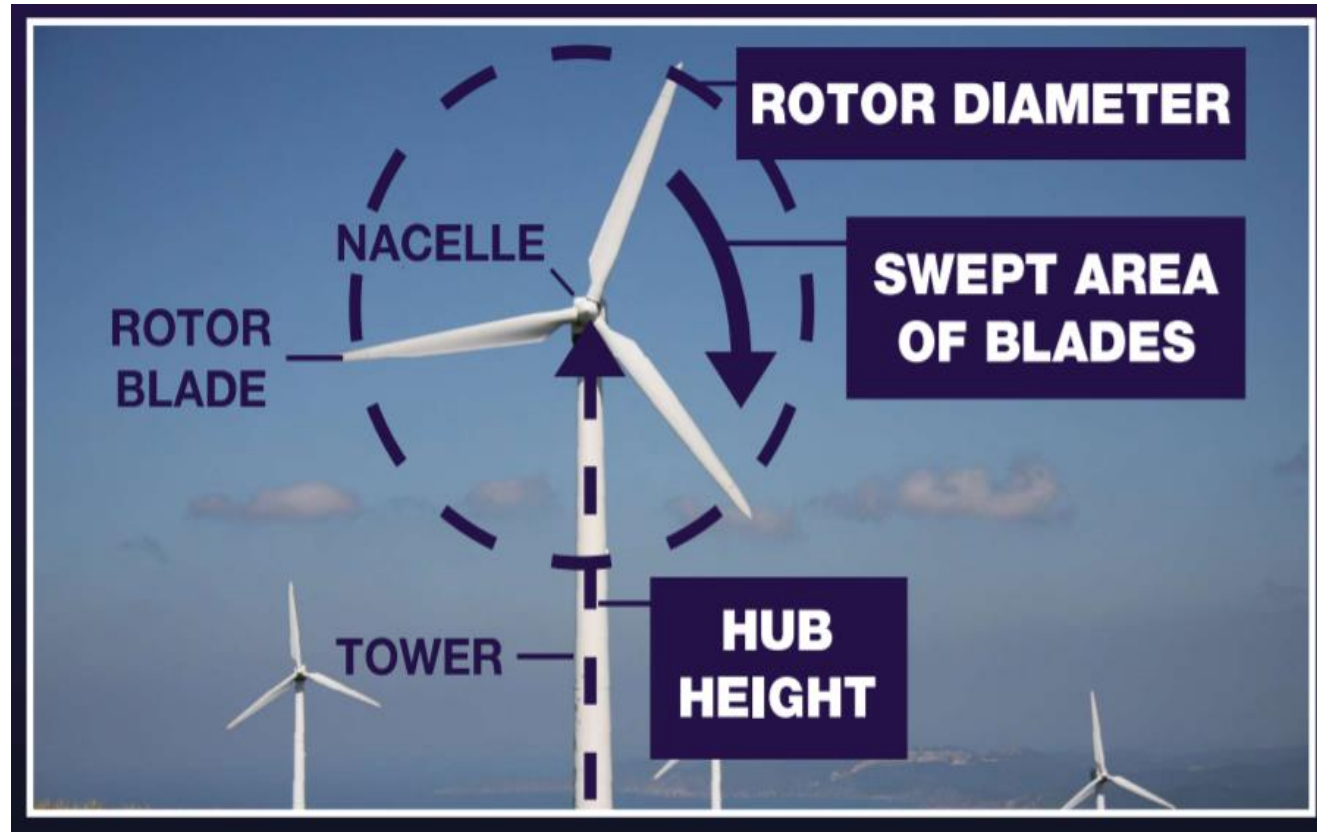
Electrical Components



Source: BlueEarth Renewables



# Size of Equipment



Source: Greengate Power Corp

# Organizational Roles

The **Alberta Utilities Commission (AUC)** regulates the utilities sector, natural gas and electricity markets to protect the social, economic and environmental interests of Alberta where competitive market forces do not. The AUC does not create legislation.

**Alberta Electric System Operator (AESO)** is a non-profit entity that manages supply and demand of electricity in Alberta, including dispatching electricity, planning the system for the future, and operating the provincial power grid.

**Environment and Protected Areas (EPA)** is a department of the Government of Alberta that manages the *Wildlife Guidelines for Wind Energy Projects* and the *Wildlife Guidelines for Solar Energy Projects*. EPA is also oversees reclamation requirements for wind and solar projects.

The **Farmers' & Property Rights Advocate Office (FPRAO)** is resource for rural Albertans that works to ensure landowner rights are recognized, understood, and protected.

# Land Acquisition

## Voluntary Participation

- The Surface Right Act does not apply to wind or solar developments
- No Right of Entry or Expropriation Process (S.12)
- No defined 'heads of compensation' (S.25)
- No Review of Rate of Compensation (S. 27)
- No Damages claim remedy (S.30)
- No Recovery of Compensation (S.36)



## Right to Refuse Entry

- If you say “No” – developer will need to find an alternate location.  
However.....

# Negotiations

**Negotiators are not required to be licensed land agents under the Land Agents Licensing Act.**

- Many developers do use established land brokers & licensed Land Agents

**No standard of Lease or Agreement**

- Some similarity in terms, clauses, articles & schedules

**Lease Agreement is heavily weighted in favor the Developed**

- Drafted to meet the needs of the company – not the landowner

**Get a Legal Review**

- 'most' developers will cover the cost

# Lease Agreement Considerations

## Liability and Indemnity

- Variable clauses and requirements

## Tax implications

- Municipal, Provincial and Federal

## Dispute Resolution

- Arbitration & Civil processes

## End of Life Obligations

- Clarity and certainty of decommissioning, reclamation & remediation

## Get It in Writing

- 'They Said.....'



# Lease Agreement Considerations

## Access Roads - Maintenance & Use

- Planning is essential

## Fencing, Weed Control & Bio Security

- Clear commitments required

## Set back restrictions

- Potential sterilization of additional land

## Opt-Out & Termination clause

- When & How

## Confidentiality

- By Design



# Compensation

## Options on Development Period

- Fee or Rent to conduct studies and gather data

## Best Case Scenario

- Projection of success

## Compensation Structure

- Fixed
- Variable
- Fixed + Variable

## Activity Timelines

- Option, Construction, Operation, Decommissioning, Reclamation





**Rule 007**  
Participant Involvement  
Program

Notification  
and  
Personal Consultation

Type	Size	Location	Notification radius	Personal Consultation
solar and battery	< 1MW	urban	1st row of occupied properties	N/A
		rural	400 metres	N/A
	1 - < 10 MW	urban	1st row of occupied properties	1st row of occupied properties
		rural	800 metres	N/A
	≥ 10MW	urban or rural	800 metres	400 metres
wind	< 1 MW	urban	1st row of occupied properties	N/A
		rural	1,500 metres	N/A
	1 - < 10 MW	urban	1st row of occupied properties	1st row of occupied properties
		rural	1,500 metres	N/A
	≥ 10 MW	urban or rural	1,500 metres	800 metres
thermal and other	< 1 MW	urban	1st row of occupied properties	N/A
		rural	1,500 metres	N/A
	1 - < 10 MW	urban	1st row of occupied properties	1st row of occupied properties
		rural	1,500 metres	N/A
	≥ 10 MW	urban or rural	2,000 metres	800 metres



# Trending: Battery Energy Storage Systems



# Decommissioning



- Initial developments have a finite life span
- Potential to re-power the site
- Surface structures are removed
- Sub-surface infrastructure is 'typically' left in place



# Reclamation



- **Considered “Specified Land”**
- **Must meet “Equivalent Land Capability”**
- **2010 Reclamation Criteria for Wellsites & Associated Facilities**
- **Requires “Reclamation Certification”**
- **Stay Engaged**

# Legislation & Requirements

- **Hydro and Electric Energy Act**
- **Alberta Utilities Commission Act**
- **Electric Utilities Act**
- **Renewable Electricity Act**
- **Water Act**
- **Historical Resources Act**
- **Environmental Protection and Enhancement Act (EPEA)**
- **Renewable Energy Referral Report (AEP)**

This is not a complete list – there are others

# Legislation & Requirements

- **Conservation & Reclamation (C&R) Regulation**
- **Conservation & Reclamation Directive for REO's**
- **AUC Rule 007 - Rule 012 – Rule 033 – Rule 24**
- **Wildlife Directive for Alberta Wind & Solar Projects (2)**
- **Bird Migration Survey Protocol**
- **Aboriginal Consultation Office – Adequacy Assessment**
- **Transport Canada + Nav Canada**
- **AESO Needs Identification Document (NID)**

**This is not a complete list – there are others**

# What Can I Do ?

Inform yourself and others



# Contact Us

Phone: 310-FARM (3276)

Web: [www.alberta.ca/farmers-advocate-office.aspx](http://www.alberta.ca/farmers-advocate-office.aspx)

Email: [farmers.advocate@gov.ab.ca](mailto:farmers.advocate@gov.ab.ca)



@fao\_alberta



Farmers' Advocate of Alberta

「WE ARE  
HERE  
TO HELP」



Thank You

