
An Update on the Foothills Solar Hearing

From January 9 to 20, 2023, a public hearing was held by the Alberta Utilities Commission (AUC) to discuss Elemental Energy's proposed Foothills Solar Project. The hearing provided a limited opportunity for concerned parties to express their opposition to the project, and members of the Frank Lake Concerned Citizens (FLCC), Foothills County and Frank Lake volunteer caretaker Greg Wagner participated, hoping to have their concerns heard.

As an Important Bird Area (IBA), Frank Lake is internationally acknowledged as an area significant to nesting and migrating birds. Foothills Solar GP Inc., a subsidiary of Elemental Energy

Renewables Inc., is proposing to build a 150 megawatt (MW) solar farm to the northeast of Frank Lake, with most of the project slated for construction either inside the boundaries of the IBA or within 1000 metres of the boundaries. As a member of concerned citizens group, AWA submitted concerns that the siting of the project will likely have a negative impact on Frank Lake's bird and wildlife populations.

Foothills Solar, the applicant of the proposed solar project, continues to argue for the benefits of the project, including the reduction of Alberta's greenhouse gas emissions that a transition to renewables will bring, and the opportunity for local employment and community benefits

arising from this project. They have formed a partnership with Cold Lake First Nations, providing economic opportunities to the Indigenous Nation. In response to concerns about the project impact on wildlife, they have indicated that the project is sited on cultivated land, which does not provide habitat for species of concern, and that there is no evidence for the Lake Effect Hypothesis — a hypothesis suggesting waterfowl may be attracted to solar panels for their similarity in appearance to water — occurring in Alberta. They have also suggested IBA boundaries to be arbitrary and have no legal protection.

While it is true that IBA boundaries offer no legal protection, IBAs are determined following internationally



The site of the proposed Foothills Solar Project, barely 1000 metres from Frank Lake and inside the boundaries of the Frank Lake IBA. Photo © R. Luo.

agreed-upon standards that are “standardized, quantitative, and scientifically defensible,” as stated by IBA Canada. Frank Lake has also recently been recognized as a Key Biodiversity Area (KBA), and despite the lack of legal protection, it clearly provides significant habitat for birds and wildlife. Expert testimony provided by AWA board member Cliff Wallis for FLCC during the hearing suggested that Foothills Solar has underestimated the value of cultivated land as habitat, and Mr. Wagner gave a thorough overview of the value of Frank Lake, questioning the appropriateness of building a facility known to cause bird mortality within the boundaries of this vital habitat. The construction of a solar

farm in Frank Lake IBA could jeopardize the future protection of other IBAs.

FLCC, represented by Richard Secord and Ifeoma Okoye of Ackroyd LLP, also raised concerns about dust, glare, land valuation and the infeasibility of growing trees in the dry southern Alberta climate, which had previously been suggested by Foothills Solar to screen the project. Foothills county additionally protested the use of prime agricultural land for industrial development. They suggested another plot of land to the west of the current project, although the suggested area is still within in IBA, and appears to be on native prairie, which could have higher impacts for the wildlife of Frank Lake.

Some concessions have already been

made by Foothills Solar. For instance, they have agreed to set up camera monitoring on the solar panels after construction, which will help to better understand bird behaviour near solar panels, and they have improved their mitigation strategy by using panels with white edges and partitions. Whether these new panels will significantly lower bird mortality is uncertain at this time.

The Alberta Utilities Commission has until April 19 to reach a decision on whether the Foothills Solar Project can proceed as planned, and whether there will be any conditions should the project proceed.

- By Ruiping Luo