AUC
Alberta Utilities Commission

Togo Lake Solar Inc.

Togo Lake Solar & BESS Project

June 25, 2026

Alberta Utilities Commission
Decision 30291-D01-2026
Togo Lake Solar Inc.
Togo Lake Solar & BESS Project
Proceeding 30291
Applications 30291-A001 to 30291-A003

June 25, 2026

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1 Decision summary

1. In this decision, subject to certain conditions, the Alberta Utilities Commission approves applications from Togo Lake Solar Inc. (TLSI) to construct and operate a 400-megawatt (MW) solar power plant, a 200-MW/400 megawatt-hour (MWh) battery energy storage system (BESS) and an associated substation, designated as the Togo Lake Solar & BESS Project (the project).

2. The Chinook Landowners for Agriculture and Wildlife Group (CLAW) intervened in this proceeding and expressed concerns about the project. The CLAW requested that the Commission deny TLSI's applications or, if approved, include specific conditions as outlined in their submissions.

3. The Commission has weighed the CLAW's concerns against the project's benefits and the mitigation measures proposed by TLSI. The Commission's reasons for finding the project to be in the public interest are set out in detail in this decision and summarized below:

- The Alberta Environment and Protected Areas renewable energy referral report for the project determined that the project poses an overall moderate risk to wildlife and wildlife habitat. The project siting, in addition to TLSI's commitments to mitigation measures and the Commission's conditions, limit environmental impacts of the project.

- The fire risks associated with the BESS will be mitigated to an acceptable level by TLSI's emergency response plan and monitoring system. The Commission requires TLSI to continually review and update the site-specific emergency response plan in consultation with local fire departments and provide on-site training and on-site water supply if required by local fire departments.

- TLSI has sited the project to avoid high-quality agricultural lands.

- The project is predicted to comply with the permissible sound levels as defined in Rule 012: *Noise Control*. The Commission requires TLSI to submit an updated noise impact assessment (NIA) based on the final project design when submitting the final project update, as well as an updated NIA within one year of the project commencing operations based on post-construction near-field noise measurements.

- The project is not likely to create disruptive solar glare conditions for nearby residents or roads, and the Commission requires TLSI to promptly address complaints or concerns from residents regarding glare impacts during the project operations and implement mitigation measures where necessary.

- The project is not located within a visual impact assessment zone, as defined by the *Electric Energy Land Use and Visual Assessment Regulation*.

- TLSI's participant involvement program generally achieved the purposes of consultation and notification set out in Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines*.[1] The Commission acknowledges TLSI's commitment to continue to work with stakeholders throughout the life cycle of the project to address any concerns as they arise.

- TLSI's approach to reclamation is reasonable. TLSI shall provide reclamation security directly to the Government of Alberta and must fully reclaim the project at its own cost.

4. Overall, the Commission finds that approval of the applications, as conditioned and with the commitments made by TLSI, is in the public interest having regard to the social, economic, environmental and other effects of the project.

2 Introduction

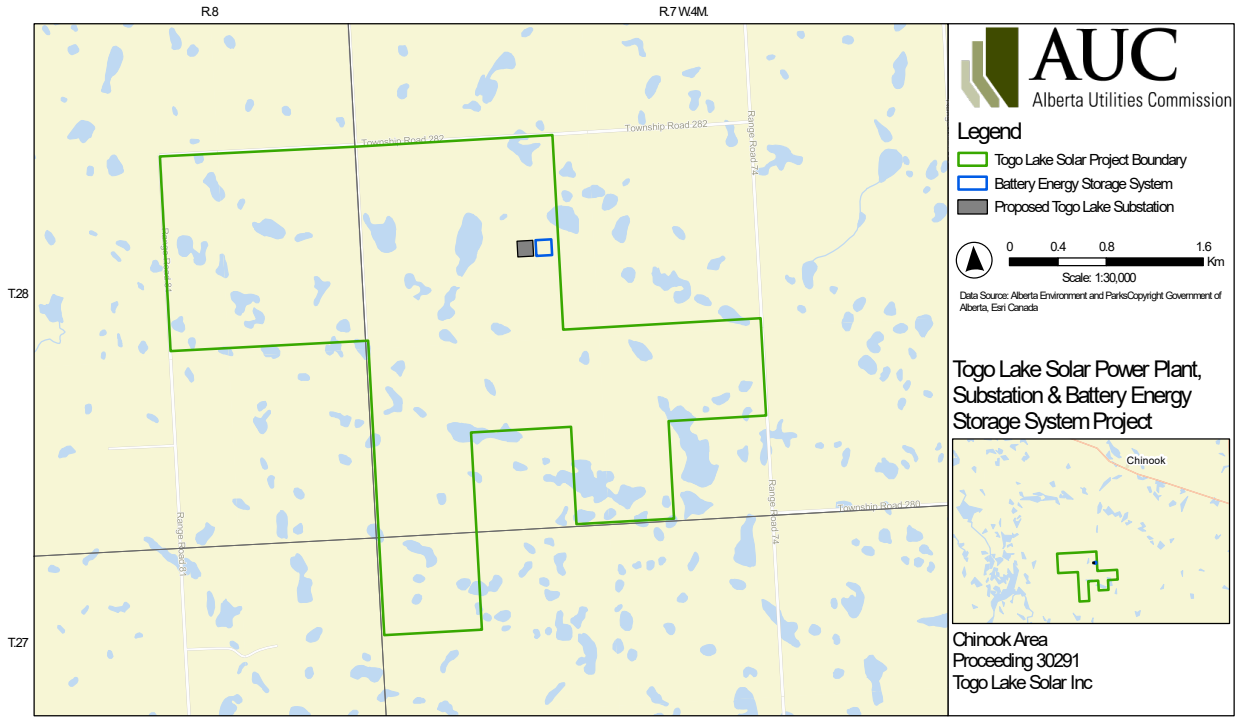
2.1 Summary of Togo Lake Solar Inc.'s applications

5. TLSI applied to construct and operate a 400-MW solar power plant, a 200-MW/400-MWh BESS and an associated 240-kilovolt (kV) substation, located on approximately 1,970 acres of private cultivated land in Special Area No. 3, approximately 7.2 kilometres (km) southwest of the hamlet of Chinook. The project's location is shown in Figure 1.

6. The solar power plant will consist of approximately 698,500 solar photovoltaic modules installed on a single-axis tracking system. The BESS facility will consist of 104 Tesla Megapack 2XL units. The substation will include two 240/34.5-kV 133/177/222-megavolt ampere transformers, two 240-kV circuit breakers and two 240-kV motorized disconnect switches.

[1] On November 6, 2025, a new version of Rule 007 came into effect. Among other changes, the name of the rule was revised to Rule 007: *Facility Applications*. The new version of Rule 007 does not apply to the applications, as the applications were filed before the new rule came into effect.

Figure 1. Togo Lake Solar & BESS Project



7. TLSI submitted that the project would deliver significant benefits to the local community and to Albertans more broadly, including:[2]

- Local economic boost: Local businesses would experience increased activity due to the spin-off opportunities during development, construction and operation of the project.
- Substantial municipal tax revenue:[3] Support local services (public infrastructure, schools, hospitals and emergency response services) for decades while requiring minimal municipal resources such as water or waste services.
- Local employment: Up to 300 full-time jobs during construction of the project, creating opportunities for both local individuals and businesses; also, a dedicated Alberta team to support the facility during operations for approximately 40 years.
- Clean electricity generation: The project would generate emission-free electricity to power approximately 100,000 homes in Alberta, offsetting approximately 200,000 tonnes of greenhouse gas emissions annually.

[2] Exhibit 30291-X0005, Appendix D - 2025-09-04 Togo Lake Solar - PIP Report_FINAL, PDF page 35; Exhibit 30291-X0141, TLSI Opening Statement - March 23, 2026, PDF pages 4 and 5; Transcript, Volume 3, page 237, lines 9 to 15.

[3] Transcripts, Volume 3, page 246, lines 18 and 19.

- Strengthening of grid reliability: The BESS could provide real-time balancing of supply and demand, offering rapid support to prevent outages and improve overall system stability.

- Community benefits: A certain amount of funds are typically set aside for community benefits and there is continuing consultation with landowners and community to learn from the community what is valued and what is required.[4]

8. TLSI indicated that if approved, construction of the project is expected to start in mid-2028, with an in-service date no earlier than summer of 2029.[5]

2.2 Interveners

9. The Commission issued a notice of applications in accordance with Rule 001: *Rules of Practice*. In response, the Commission received statements of intent to participate from members of the CLAW.

10. The Commission granted standing to the CLAW, a group of landowners who own and/or occupy lands in close proximity to the project.[6] The CLAW raised concerns regarding environmental, fire safety and emergency response, noise, glare, residential, agricultural land, property value, and visual impacts, as well as decommissioning and reclamation, adequacy of reclamation security, consultation, and cumulative effects. The CLAW requested that the Commission deny TLSI's applications or, if approved, include specific conditions as outlined in its submissions.

11. The Commission held a virtual oral hearing for this proceeding from March 24, 2026, to March 26, 2026.

3 The approval process for the project

12. In this section of the decision, the Commission describes the legal framework in which its decisions are made. First, the Commission explains its mandate and powers when considering facility applications. Then, the Commission describes how it assesses the public interest. Finally, the Commission addresses how it considers municipal planning instruments in its public interest assessment.

3.1 What is the role of the Commission?

13. The Commission is an independent regulator responsible for considering applications for power plants, energy storage facilities and substations in accordance with the legislative framework.[7] The Commission must consider whether the proposed project is in the public interest, having regard to its social, economic, environmental and other effects.[8]

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4 Transcript, Volume 3, page 237, lines 9 to 23.
5 Transcript, Volume 1, pages 88 and 89.
6 Exhibit 30291-X0052, AUC letter - Ruling on standing and initial process schedule; Exhibit 30291-X0073, AUC letter - Ruling on Chinook Landowners for Agriculture and Wildlife Group's standing request.
7 *Hydro and Electric Energy Act*, sections 11, 13.01, 14, 15 and 19.
8 *Alberta Utilities Commission Act*, Section 17.

14. The applicant bears the onus of demonstrating that approval of its project is in the public interest. Interveners may attempt to show that the applicant has not met its onus by demonstrating the effects of the project on their interests and explaining what a better balancing of the public interest might be. The Commission's role is to test and assess the evidence before it and engage in a multifaceted analysis established by the regulatory regime, to determine if the project should be approved, and if so, whether any conditions should apply.

3.2 How does the Commission assess the public interest?

15. 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 its social, economic, environmental and other effects. The Commission must also take into consideration the purposes of the *Hydro and Electric Energy Act* and the *Electric Utilities Act*.

16. As a starting point, power plant, substation and energy storage facility applications filed with the Commission must comply with Rule 007 and Rule 012: *Noise Control*. These rules set out a comprehensive set of requirements for a facility application.

17. 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 the applicant has addressed these impacts. Balanced against this is an assessment of the project's potential public benefits. The assessment includes the positive and adverse impacts of the project on those nearby, such as landowners, and on those more distant, such as the general population of Alberta.

18. 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.

3.3 How does the Commission consider municipal planning instruments?

19. The Commission considers municipal requirements, including land use bylaws, planning bylaws and setbacks in assessing if a project is in the public interest. While the Commission is not bound by these municipal instruments (whether proposed or in force), it endeavors to achieve consistency with municipal planning instruments. The project is to be sited in Special Area No. 3. TLSI submitted that the project complies with the existing setback requirements under the Special Areas Land Use Order.[9, 10]

20. Special Area No. 3 did not intervene or file comments in the proceeding and, other than the evidence of its fire chief discussed in Section 4.2, there is no indication that the Special Area supports or opposes the project.

[9] Special Areas Land Use Order - Ministerial Order No. MSD: 064/24, Section 3.21.1.
[10] Exhibit 30291-X0001- 2025-09-05 Togo Lake - AUC Application FINAL, PDF page 36.

4 Discussion and findings

21. The Commission has reviewed the applications and has determined that the information requirements specified in Rule 007 and Rule 012 have been met.

22. In the following subsections, the Commission provides its findings regarding environmental impacts, fire risks and emergency response plan, agricultural impacts, noise, glare, impacts from construction and operation, visual impacts, property value impacts, cumulative effects, decommissioning and reclamation, and consultation.

23. The Commission ultimately finds the proposed power plant, BESS and substation to be in the public interest in accordance with Section 17 of the *Alberta Utilities Commission Act* and other applicable enactments, subject to the conditions described below.

4.1 Environment

24. In this section, the Commission discusses the project's impacts to the environment, specifically impacts to wildlife, wetlands and groundwater. Overall, considering TLSI's commitments to mitigation measures, and the conditions below, the Commission is satisfied that the project is unlikely to cause significant adverse impacts to the environment.

25. TLSI retained environmental experts Strum Consulting (Strum) to provide expert evidence on the potential environmental impacts of the project. TLSI submitted an environmental evaluation,[11] an environmental protection plan,[12] and a conservation and reclamation plan.[13] Additionally, TLSI submitted a renewable energy referral report completed by Alberta Environment and Protected Areas (AEPA).[14]

26. The CLAW retained Cottonwood Consultants Ltd. (Cottonwood) to offer expert evidence on its members' environmental concerns.[15] Cottonwood raised concerns about the project's potential impacts to wetland, birds and ungulates (e.g., pronghorn, moose, deer).

4.1.1 What risk does the project pose to wildlife and wildlife habitat?

27. The Commission and AEPA have defined roles and responsibilities in managing wildlife-related matters during the approval and monitoring of solar power plants in Alberta.[16] Before applying to the Commission, applicants must provide wildlife information to AEPA; AEPA then assesses the information and provides a referral report to the applicants. The applicants submit the referral report to the Commission as an objective assessment of project-related risks to wildlife and wildlife habitat.

28. In determining the referral report risk ranking, AEPA relies on a series of guidance documents, including the *Wildlife Directive for Alberta Solar Energy Projects* (Wildlife

[11] Exhibit 30291-X0007, Appendix F - 24-10098 Environmental Evaluation - Togo Lake Solar and BESS Project.
[12] Exhibit 30291-X0010, Appendix I - EPP.
[13] Exhibit 30291-X0011, Appendix J - C&R Plan.
[14] Exhibit 30291-X0013, Appendix L - 2025-03-25 EPA-FWS Referral Report_Togo Lake Solar and Storage_Enerfin.
[15] Exhibit 30291-X0106, Appendix C_Cliff Wallis Expert Report.
[16] Alberta Environment and Parks and Alberta Utilities Commissions, "Roles and Responsibilities of Alberta Environment and Parks (AEP) and the Alberta Utilities Commission (https://media.auc.ab.ca/prd-wp-uploads/2022/01/AEP-AUC-rolesReponsibilities-windSolar.pdf).

Directive).[17] The Wildlife Directive outlines required wildlife surveys, references preferred wildlife survey methods, and impact mitigation preferences. Based on adherence to these guidance documents and wildlife survey results, AEPA assesses project-related risks to specific wildlife and wildlife habitat (e.g., birds, wetlands) to determine an overall risk ranking for a project. The Commission considers this risk ranking in its public interest assessment.

29. For this project, AEPA determined a moderate overall risk ranking, based on:

- A high risk to wetlands, sharp-tailed grouse and birds.
- A moderate risk for fencing, and native and critical habitats.
- A low or unapplicable risk to all other specific considerations.[18]

30. After the referral report was issued, TLSI altered the project to avoid a sharp-tailed grouse lek and for greater avoidance of wetlands (discussed further in Section 4.1.2 below).[19] However, TLSI was unable to obtain an updated risk ranking from AEPA as the project did not meet the requirements for an amendment review under AEPA's *Renewable Energy Project Amendment* guidance.[20] While the Commission accepts that the project alterations have likely reduced potential environmental impacts, it does not assume that AEPA's project risk ranking would be lowered. Therefore, the Commission has made its findings below based on the risk ranking in the referral report while recognizing that TLSI's project alterations have likely resulted in environmental siting improvements.

Are the risks from the project to ungulates acceptable?

31. The CLAW raised concerns that the chain-link fencing proposed for the project will likely restrict the movement of ungulates (e.g., deer, moose, pronghorn). Cottonwood raised particular concern for pronghorn, due to population concerns in Alberta and their characteristics as a species.[21]

32. TLSI included discussions of pronghorn in its initial environmental evaluation and environmental protection plan. In these documents, it acknowledged that pronghorn are present and stated that the fencing could cause migration disruption or mortality, then proposed mitigations accordingly. However, TLSI submitted that its ability to mitigate these issues is constrained by fencing safety requirements imposed by the Electrical Safety Authority. TLSI

[17] *Wildlife Directive for Alberta Solar Energy Projects*, Alberta Environmental and Parks, effective October 4, 2017, PDF page 27.
[18] Exhibit 30291-X0013, Appendix L - 2025-03-25 EPA-FWS Referral Report_Togo Lake Solar and Storage_Enerfin.
[19] Exhibit 30291-X0007, Appendix F - 24-10098 Environmental Evaluation - Togo Lake Solar and BESS Project, PDF page 13.
[20] Government of Alberta, Renewable Energy Project Amendments How the Renewable Energy Application Amendment Process Works, 2021, PDF pages 1 and 2.
[21] Exhibit 30291-X0106, Appendix C_Cliff Wallis Expert Report, PDF pages 92 to 100.

informed AEPA of these details in the Renewable Energy Project Submission Report[22] and AEPA subsequently determined a moderate risk ranking for fencing in the referral report.[23]

33. The Commission found the landowners' firsthand observations of ungulates on or near the project site to be helpful. However, it found Cottonwood's submissions on ungulates to be less helpful, considering that TLSI had objectively identified the project's potential to impact ungulate movement, including pronghorn, and this was captured by AEPA in the referral report's moderate risk ranking for fencing. While evidence showed the project was in the pronghorn migration range, the Commission did not find the project location to be in a migratory bottleneck, where ungulates are concentrated or under extreme pressure.

34. The Commission accepts AEPA's risk ranking as an objective assessment that this impact is likely and of moderate concern. The Commission finds that this project's chain-link fencing is unlikely to cause significant adverse effects on ungulates as it is not a direct mortality risk.

How does the project impact grassland bird conservation?

35. The CLAW raised concerns for grassland birds stating that grasslands are a declining habitat, the region in which the project is proposed is significant, and the project infrastructure could cause mortality risk or habitat avoidance for species already in decline.

36. Regarding habitat decline, the Commission notes that approximately 96 per cent of the project lands are currently cultivated.[24] This context is important as cultivation is considered to be a primary concern to grassland habitats and the birds that rely on them. As discussed during the hearing, foraging opportunities are available in both habitats, but nesting density and diversity are usually majorly reduced in cultivation because of these factors.[25] This is because more naturalized grasslands are typically made up of multiple plant species with little ongoing human disturbance, whereas cultivation is often a single plant species with ongoing agricultural practices (e.g., tilling, pesticide application, harvest). The acknowledgment that cultivation offers lesser wildlife habitat is reflected in the Wildlife Directive's siting preferences, AEPA's risk rankings for cultivated lands and references in Cottonwood's evidence.[26]

37. Additionally, TLSI committed to reseeding project lands (apart from the BESS area) with a perennial seed mix.[27] This would likely alter the lands from cultivation towards more of a modified grassland habitat or a tame pasture habitat, which typically offers more nesting opportunity for birds. Experts for TLSI and the CLAW were questioned on the effects of transitioning cultivated land to modified grassland on bird species. TLSI opined that modified grasslands were a more positive habitat for species and the CLAW opined that the topic was nuanced depending on species present and considerations for the presence of a solar project.[28] The Commission accepts both parties' opinions on this topic but finds the existing cultivation

22 Exhibit 30291-X0007, Appendix F - 24-10098 Environmental Evaluation - Togo Lake Solar and BESS Project, PDF pages 123 and 252.
23 Exhibit 30291-X0007, Appendix F - 24-10098 Environmental Evaluation - Togo Lake Solar and BESS Project, PDF pages 47 to 51; and Exhibit 30291-X0010, Appendix I – EPP, PDF pages 12 to 13.
24 Exhibit 30291-X0007, Appendix F - 24-10098 Environmental Evaluation - Togo Lake Solar and BESS Project, PDF page 94.
25 Transcript, Volume 1, page 75, line 13 to page 77, line 5.
26 Exhibit 30291-X0106, Appendix C_Cliff Wallis Expert Report, PDF page 11.
27 Exhibit 30291-X0152, Appendix G - Updated TLSI Commitment List, PDF page 1.
28 Transcript, Volume 2, page 150, line 1 to page 154, line 15.

poses pre-existing impacts to nesting birds that likely are more impactful or equally impactful as the proposed solar project with modified grasslands. Therefore, the Commission is not convinced that a significant deviation from the referral report's low risk ranking to breeding birds is merited.

38. Regarding the significance of the region where the project is proposed, the Commission generally prioritizes site-specific conditions over broader regional environmental considerations, except in unique situations where significant environmental features are present (e.g., Important Bird Areas, Named Lakes).The Commission recognizes the value and uniqueness of the region to local landowners, and has considered the AEPA standards and guidelines applicable to the various environmental features in the project area and to the area more broadly.

39. With respect to habitat avoidance, the Commission recognizes this is a nuanced subject where individual species will be impacted differently. However, the Commission does not assign the same level of concern for habitat avoidance for birds as for ungulates, since fencing does not present the same barriers for birds, which can fly, and overall, the Commission sees cultivated lands as already presenting negative impacts to birds.

40. Regarding the direct mortality risk to bird species, the Commission notes that post-construction mortality monitoring is required for each project. Recently, AEPA has found that bird mortality at solar projects is less of a concern based on years of rigorous study and has subsequently reduced the required years of monitoring from three to one. This is outlined in the AUC's Bulletin 2025-17.[29]

41. In alignment with the above detailed requirements for the study of bird mortality, 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. Therefore, the Commission imposes the following condition of approval for the project:

a. Togo Lake Solar Inc. shall submit an annual post-construction monitoring survey report to Alberta Environment and Protected Areas no later than January 15 of the year following the mortality monitoring period and submit the annual post-construction monitoring survey report and the Alberta Environment and Protected Areas' post-construction monitoring response letter to the Commission within one month of its issuance to Togo Lake Solar Inc. These reports and response letters shall be subsequently filed with the same time constraints every year for which Alberta Environment and Protected Areas requires surveys pursuant to Section 3(3) of Rule 033: *Post-approval Monitoring Requirements for Wind and Solar Power Plants.*

42. The Commission notes that the CLAW raised concerns about potential "CLAW wildlife features" (e.g., burrowing owl dens, sharp-tailed grouse leks) which were not detected in wildlife surveys. In the initial referral report, the project was given a high risk to sharp-tailed grouse; however, as stated above, TLSI redesigned the project after the receipt of the referral report for adherence to a sharp-tailed grouse setback. Based on the details landowners provided during the hearing, the CLAW wildlife features do not appear to be the same features where avoidance has occurred. The Commission finds it reasonable that TLSI may not have captured these CLAW

[29] Bulletin 2025-17: End of suspension and changes to post-construction mortality monitoring requirements at solar power plants, Alberta Utilities Commission, December 18, 2025.

wildlife features in pre-construction wildlife surveys due to land access restrictions. Therefore, the Commission imposes the following conditions of approval:

b. Togo Lake Solar Inc. shall consult with members of the Chinook Landowners for Agriculture and Wildlife Group (CLAW) to identify the approximate locations of potential CLAW wildlife features which may be located adjacent to the project. In consultation with a qualified wildlife biologist, Togo Lake Solar Inc. shall determine whether (1) the CLAW wildlife features have setbacks recommended under the *Wildlife Directive for Alberta Solar Energy Projects* which overlap the project area; (2) the CLAW wildlife features are present, and, if present, are active or inactive; (3) an update to the project layout and additional mitigations are appropriate; and (4) Alberta Environment and Protected Areas need to be informed of these features in accordance with the *Renewable Energy Project Amendment* guidance.

c. At least three months prior to the start of construction, Togo Lake Solar Inc., in collaboration with a qualified wildlife biologist, must file a detailed memo with the Commission which details the landowner consultation undertaken for this condition, and the outcomes of the (1) setback determination; (2) status of the wildlife features (i.e., active, inactive); (3) applicable project updates or additional mitigations; and (4) details of consultation with Alberta Environment and Protected Areas if applicable.

43. Overall, the Commission finds that the proposed project siting and mitigations limit potential impacts to avoid wildlife and wildlife habitat.

4.1.2 Were wetland surveys and delineation appropriately conducted and are the proposed wetland setbacks reasonable?

44. Cottonwood raised concerns about wetland setbacks, opining that the Wildlife Directive's 100-metre wetland setback should be adhered to regardless of upland classification (e.g., cultivation, tame pasture). Additionally, Cottonwood raised concerns with TLSI's wetland surveys, stating that TLSI did not delineate wetlands outside of the project fenceline, delineations and classifications of wetlands may be inaccurate, and wetland methods used may have been inappropriate.[30]

45. Wetland issues were thoroughly discussed during the hearing and in evidence provided. TLSI provided updates to wetland mapping for inclusion of off-project wetlands and provided new wetland setback commitments (detailed in Appendix C),[31] including an updated map which showed the newly proposed setbacks.[32] TLSI's new wetland setback commitments avoid direct impacts to all waterbodies, and propose varying setback distances depending on the state of upland habitat. Notably, TLSI committed to avoiding all direct impacts to Class I waterbodies and applying setbacks to Class II and higher wetlands. The Commission considers this approach more conservative than similar applications, where mitigation typically focuses on buffering and avoiding Class III and higher wetlands.

[30] Exhibit 30291-X0106, Appendix C_Cliff Wallis Expert Report, PDF pages 2 to 3 and 28 to 80; and Exhibit 30291-X0143, X0143_CLAW ATC #1_blowup from Mr. Wallis Figure 13, Exhibit 106, PDF page 44.

[31] Exhibit 30291-X0153, Appendix H - Redline of Updated TLSI Commitment List, PDF pages 2 and 3; Exhibit 30291-X0151, Appendix F - Updated Wetland Impact Table; and Exhibit 30291-X0149, Appendix D - TLSI Wetland Setback List.

[32] Exhibit 30291-X0150, Appendix E - Updated Project Layout.

Were wetland surveys appropriately conducted?

46. Cottonwood raised concerns that wetlands adjacent to the project area were not appropriately assessed. In response, TLSI committed to have a qualified environmental professional assess applicable unmapped wetlands and apply setbacks in accordance with TLSI's setback commitments, detailed in Appendix C.

47. Additionally, Cottonwood raised concerns surrounding the methods utilized by Strum during wetland assessments. In assessing any conflict between experts on specialized topics, the Commission always first considers whether experts are suitably qualified on the subject matter in question, as all further assessments are dependent on this consideration. In this case, both parties utilized experts recognized as Wetland Authenticating Professionals by the Alberta Society of Professional Biologists.[33] The Commission finds both parties to have used suitably accredited wetland experts.

48. In reviewing the evidence presented by Cottonwood against the evidence presented by Strum, and with consideration of the updated commitments TLSI raised in the hearing, the Commission ultimately finds the differences are not substantive enough to warrant the resurveying of wetlands but emphasizes an expectation that TLSI adhere to these commitments made.

Is wetland setback relaxation appropriate on cultivated lands?

49. It is important to note that wetland impacts can be considered for both (1) the protection of the wetland itself and (2) the protection of the wildlife habitat a wetland specifically offers. However, there is crossover in these two considerations and their methods of assessment.

50. In assessing the wetland habitat impacts from a project, the Commission primarily considers the Wildlife Directive and its associated documents. The Wildlife Directive focuses on higher class wetlands (Class III+), applying a 100-metre setback from these wetlands, while encouraging avoidance of Class II wetlands. TLSI initially proposed a relaxation of the Wildlife Directive's 100-metre setback, suggesting a 15-metre setback from all Class III+ wetlands located in cultivation, and a 30-metre setback for wetlands located in tame pasture based on existing disturbances from agricultural activities (Appendix C).

51. Regarding relaxation of the 100-metre wetland setback, Cottonwood stated that:[34]

> There have been several AUC proceedings where project developers have justified relaxation of setbacks because the wetlands are in cultivation and not in native grassland. It's a nonsensical argument.
>
> The lack of ability to develop native grassland for solar projects implies that the **100-metre setback for Class III and higher wetlands** of the Wildlife Directive for Alberta Solar Energy Projects (Alberta Environment and Parks 2017a) must, for all intents and purposes, apply **only or primarily to tame pasture and cultivated lands.**

[33] Exhibit 30291-X0148, Appendix C - CV of Lee Pominville; Exhibit 30291-X0147, Appendix B - CV of Robert McCallum; and Exhibit 30291-X0107, Appendix D_Cliff Wallis CV February 1 2026.

[34] Exhibit 30291-X0106, Appendix C_Cliff Wallis Expert Report, PDF page 31.

52. The Commission disagrees with Cottonwood's statement. An applicant may propose a project that does not adhere to the Wildlife Directive, but in doing so the project may pose an increased risk to wildlife, which would then generally result in increased scrutiny by the Commission.

53. The Wildlife Directive is a guidance document, not an act or a regulation. This directive recognizes that projects may face constraints that limit the ability to fully avoid wildlife impacts. Therefore, the Wildlife Directive is written to provide guidance and then AEPA assesses how closely projects adhere to this guidance to determine risk rankings for projects. This risk ranking is then directly weighed in the Commission's public interest test. This is specifically detailed in AEPA's *Renewable Energy Risk Framework*,[35] which states:

> The Risk Framework quantifies risk of a project to wildlife and wildlife habitat based on how closely a project aligns with the standards contained in the [Wildlife] Directives. Each aspect of a renewable energy project reviewed by an AEPA-FWS [Alberta Environment and Protected Areas – Wildlife Management, within the Fish and Wildlife Stewardship branch] biologist forms an evaluation criterion with definitions of risk corresponding to numeric scores. Risk is evaluated through review of the project information provided by the proponent so the definition of risk that best fits the project characteristics is selected, and the corresponding numeric score is assigned.

54. In prior decisions, the Commission has determined that agricultural activities within wetland setback boundaries reduce the wetland habitat value for wildlife, and therefore, strict adherence to the Wildlife Directive in such cases is not necessary.[36] The Togo Lake Solar & BESS Project has proposed varying setback distances ranging from zero metres to 100 metres, which the Commission considers to be reflective of the degree of agricultural impact surrounding each wetland.

55. In consideration of the protection of wetlands themselves, the Commission primarily considers adherence to the *Water Act* and its associated documents. The *Water Act* and its associated documents prioritize the avoidance of wetlands, and where avoidance is not possible, provide mitigation and potential compensation for these impacts. In updating the project layout, TLSI committed to avoiding all waterbodies and adhering to the *Water Act*. The Commission finds that these commitments are acceptable.

56. With the revisions made during the proceeding, the Commission finds TLSI's proposed wetland setbacks have suitably nuanced considerations for upland habitat and reflect an increased level of wetland avoidance. Accordingly, the Commission finds TLSI has proposed reasonable wetland setbacks for the project.

4.1.3 How does the project impact groundwater?

57. The CLAW raised groundwater concerns; however, no subject matter expert was retained. The Commission has historically heard numerous experts discuss the potential for groundwater to be impacted by solar projects and has not determined that any significant risks exist to groundwater, except from machinery on site during construction, maintenance or

[35] Government of Alberta. 2023. Renewable Energy Risk Framework. Alberta Environment and Protected Areas. PDF page 4.

[36] Decision 29307-D01-2026: UK Solar East Ltd. and UK Solar West Ltd. – Oyen 1 and Oyen 2 Solar Projects, PDF page 16, paragraph 53.

decommissioning. The Commission is satisfied that these risks are discussed in TLSI's environmental submissions and that appropriate mitigation measures are proposed.[37] Therefore, the Commission finds that the project is unlikely to pose significant risk to groundwater.

4.2 How does the Commission consider fire risks and emergency response planning?

58. In this section, the Commission considers fire and safety risks, emergency response planning, and TLSI's proposed mitigation measures.

59. The CLAW raised concerns about public, landowner, cattle and wildlife safety in the event of a fire at the project site. These concerns are elevated due to the dry conditions, high winds, long emergency response time/remoteness of the area, and local firefighters being volunteer firefighters. The CLAW stated that a BESS failure could release heavy metals and chemicals that may leach into soil and the water supply, impacting the cattle and surrounding wildlife as well as the vegetation that the cattle and wildlife depend on for sustenance.

60. Rob Palmer, the regional fire chief of the Special Areas Board stated:

> I recommend that the project be broken up to no larger than one mile by one-mile blocks with road access built on the one mile by one mile or smaller to provide access to emergency responders and that the road access would also act as fire breaks.[38]

61. R. Palmer also advised that zero vegetation or a groomed vegetation maintained at the project site should help in keeping fires small and on the project site.

62. TLSI submitted a draft emergency response plan (ERP) for the project, which will be finalized prior to construction of the project in consultation with the Special Areas Board, first responders and a third-party emergency response expert. TLSI committed to include livestock protection and evacuation procedures in the finalized ERP. It also committed to install on-site water supply if the fire department determines that it does not have sufficient shuttling capacity or if it prefers an on-site supply.[39] In addition, TLSI stated that it will endeavor to restrict the use of certain equipment to periods outside of the official fire season.[40]

63. TLSI stated that the BESS will be permitted and designed under applicable codes and standards including fire detection and suppression as specified by the equipment manufacturer. It explained that the BESS will be equipped with a remote monitoring and fire detection system so that it will notify the local emergency responders/agencies immediately in the event of a fire, support them with real-time information (for example, location, status, system layouts, safety data sheets), assist them in deciding if any public alerts, shelter-in-place or evacuation notices are required and how they will be communicated to nearby residents.

64. TLSI committed to install thermal imaging cameras at the BESS if they are not already installed by the manufacturer and integrate the cameras into its emergency response planning to the extent possible.[41] TLSI added that it will provide emergency equipment to respond to a BESS

[37] Exhibit 30291-X0007, Appendix F - 24-10098 Environmental Evaluation - Togo Lake Solar and BESS Project, PDF pages 24 and 25.
[38] Exhibit 30291-X0110, Appendix G_Witness Statement of Rob Palmer, Special Areas Regional Fire Chief, PDF page 1.
[39] Exhibit 30291-X0153, Appendix H - Redline of Updated TLSI Commitment List, PDF page 8.
[40] Exhibit 30291-X0008, Appendix G - 2025-08-28 Togo Lake Solar & BESS - ERP_DRAFT, PDF page 21.
[41] Exhibit 30291-X0128, TLSI Reply Evidence - Written Submissions - March 11, 2026, PDF page 18.

fire if deemed necessary by the local fire department, TLSI and a third-party emergency response expert. Further, in response to the CLAW's request, TLSI committed to maintaining a 10-foot separation between BESS units to limit fire spread in the area.

65. TLSI committed that the BESS area will be gravelled and maintained free of vegetation. It committed to implement recommendations from R. Palmer, i.e., road allowance setbacks of approximately 30 metres as fire breaks, property line setbacks where there is no road allowance, and internal access roads.[42]

66. Additionally, TLSI committed to developing a vegetation and weed management plan prior to construction to manage the vegetation effectively to prevent any potential fires or spreading of fires, with the direct guidance of landowners, the Special Areas Board and a professional agrologist. The vegetation and weed management plan will outline the plan for vegetation establishment and weed control. TLSI explained that vegetation control will be performed routinely to improve the performance of the photovoltaic arrays and minimize the risk of fire propagation. TLSI confirmed that the vegetation and weed management plan will be aligned with the *Conservation and Reclamation Directive for Renewable Energy Operations* and the *Weed Control Act* and reviewed by a professional agrologist.[43]

67. The Commission finds that the fire and safety risks associated with the project are mitigated by TLSI's ERP to an acceptable level. The preliminary site-specific ERP identified potential risks of the project, including fire hazards, construction and operational risks, hazardous material emergencies, medical emergencies, severe weather and catastrophic emergencies, and emergency preparedness and communication. The ERP also developed mitigation measures and procedures for those risks.

68. The Commission acknowledges that TLSI consulted with the Special Areas Board fire chief, who reviewed the preliminary ERP and provided initial feedback that TLSI implemented in its drawings (i.e., road allowances for fire breaks that are to be maintained vegetation free for the full 66-foot width)[44] in keeping with the fire chief's requests. TLSI also committed to continue working with an emergency response professional and the local authorities in developing the ERP if the project is approved. It is the expectation of the Commission that vegetation-free areas will have appropriate erosion and sediment control mitigations to prevent losses of soil quality and quantity, in accordance with the environmental protection plan.

69. The Commission recognizes that ERPs are living documents which require updating through the planning, construction and operation phrases of projects and finds emergency response planning to be an integral part of mitigating fire risks. While TLSI has taken reasonable steps and made commitments to address the CLAW's fire safety concerns, the Commission finds it necessary to impose the following conditions of approval to further mitigate fire and safety-related risks:

d. Togo Lake Solar Inc. shall continually, before and during construction and during operation, review and update the project-specific emergency response plan including livestock protection and evacuation procedures, and incorporate reasonable changes necessary to address concerns received from local fire departments and other interested

[42] Exhibit 30291-X0153, Appendix H - Redline of Updated TLSI Commitment List, PDF page 7.
[43] Exhibit 30291-X0153, Appendix H - Redline of Updated TLSI Commitment List, PDF page 6.
[44] Exhibit 30291-X0114, CLAW responses to AUC IR Nos. 001-003, PDF page 13.

stakeholders such as local landowners. The updated plans are to be provided to the Special Areas Board and its local fire department.

e. Togo Lake Solar Inc. shall provide on-site training to local fire departments and first responders prior to the start of construction of the project and subsequently upon request.

f. If the local fire departments determine that they do not have sufficient shuttling capacity or if they prefer an on-site supply, Togo Lake Solar Inc. shall provide on-site water supply to the project.

70. The Commission notes that the BESS will be sited on a gravel pad, which limits the risk that grass or wildfire will reach the BESS. The nearest residence to the BESS is approximately four kilometres away. With the separation distance between BESS units committed to by TLSI, the Commission finds that the possibility of fire spreading from one BESS unit to another is further mitigated. The Commission acknowledges TLSI's commitment to provide emergency equipment to respond to a BESS fire if deemed necessary by the local fire department, TLSI and a third-party emergency response expert. The Commission imposes the following conditions of approval for the project:

g. Togo Lake Solar Inc. shall install a remote monitoring and fire detection system that can be programmed to automatically notify the monitoring operations centre, whose personnel will in turn immediately notify local emergency responders.

h. Togo Lake Solar Inc. shall install thermal imaging cameras at the battery energy storage system if they are not already installed by the manufacturer for continuous monitoring.

i. Togo Lake Solar Inc. shall implement ongoing upgrades to improve the safety of the battery energy storage system, including but not limited to firmware and software enhancements, monitoring capability enhancement, process changes and safety standards as they are developed.

71. CLAW members expressed concerns about their potential inability to insure their farms and farm operations beside an industrialized area. The CLAW requested that TLSI maintain sufficient insurance coverage to protect against any reasonably foreseeable liabilities including the lands and livestock of adjacent landowners. TLSI indicated that it will consult with its insurer on whether it recommends or it is industry standard to have coverage for damage to third-party lands, crops, livestock or water sources caused by an incident (such as fire) originating on the project land. The Commission considers it reasonable to require TLSI to maintain suitable insurance coverage throughout the life of the project and in line with good industry practice. Consequently, the Commission imposes the following condition of approval:

j. Togo Lake Solar Inc. shall at all times during the construction and operation of the project, maintain insurance coverage that is sufficient to protect against any reasonably foreseeable liabilities.

4.3 What are the impacts of siting the projects on agricultural lands?

72. In this section, the Commission addresses the applicability of the *Electric Energy Land Use and Visual Assessment Regulation*.

73. On December 6, 2024, the *Electric Energy Land Use and Visual Assessment Regulation* was enacted. The regulation was established to protect high-quality agricultural land, irrigable land and valued viewscapes from the impacts of electric energy generation development. As a result, the Commission issued Bulletin 2024-25[45] on December 18, 2024, to update its interim information requirements for power plant applications depending on their nature and location. Both the *Electric Energy Land Use and Visual Assessment Regulation* and Bulletin 2024-25 apply to the project because they came into effect before TLSI filed its applications on September 5, 2025.

74. The *Electric Energy Land Use and Visual Assessment Regulation* defines high-quality agricultural land under the Land Suitability Rating System (LSRS) as land classified as Class 1 or Class 2, as well as Class 3 land located within municipalities listed in Schedule 1 of the regulation.[46] Lands that are defined as high-quality agricultural land require an agricultural impact assessment.[47]

75. The LSRS for the project's lands range from Class 4 to Class 6.[48] Accordingly, the Commission finds that an agricultural impact assessment is not required and that TLSI has sited the project to appropriately avoid impacts on high-quality agricultural land.

4.4 Is noise from the project expected to comply with Rule 012?

76. In this section, the Commission considers the evidence and submissions regarding project noise, including the adequacy of the NIA, compliance with Rule 012, the treatment of uncertainties in the modelling, and post-construction verification.

77. The CLAW raised concerns that construction and operational noise could adversely affect nearby residences and retained H. de Haan of dBA Noise Consultants Ltd. to provide evidence on noise. H. de Haan identified uncertainties related to the exclusion of tracker motors and concrete pads, the treatment of local meteorological conditions, potential tonal noise, uncertainty regarding final equipment selection and orientation, and the reliability of manufacturer-provided sound power data used in the modelling.[49]

78. TLSI retained Green Cat Renewables Canada Corporation (GCR) to conduct an NIA in accordance with Rule 012.[50] The NIA predicted that cumulative sound levels at all receptors are below applicable permissible sound levels, with a minimum compliance margin of approximately 2.5 A-weighted decibels (dBA), and that low-frequency noise effects are not expected.

79. TLSI retained Justin Lee of GCR to respond to the CLAW's noise concerns. J. Lee replied that the project NIA, prepared using conservative worst-case assumptions under Rule 012, demonstrates compliance at all receptors. J. Lee stated that potential effects from

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45 Bulletin 2024-25: Changes to interim information requirements for power plant applications, December 18, 2024.

46 Province of Alberta, Order in Council – *Electric Energy Land Use and Visual Assessment Regulation*, December 2024.

47 An "agricultural impact assessment" is defined under the *Electric Energy Land Use and Visual Assessment Regulation* as "an assessment that evaluates the anticipated effects of a wind power plant or solar power plant on agricultural productivity, including measures to achieve coexistence with agricultural operations."

48 Exhibit 30291-X0011, Appendix J - C&R Plan, PDF page 7.

49 Exhibit 30291-X0108, Appendix E_Henk de Haan Expert Report - non-confidential.

50 Exhibit 30291-X0012, Appendix K - Togo Lake - NIA - v1.0 (2025.07.02) OSD SEALED.

concrete pads, tracker motors, equipment directivity and meteorological assumptions would be negligible at receptor distances and that, due to the conservative assumptions applied, actual operational noise is expected to be lower than predicted. J. Lee agreed that a pre-construction update to the NIA reflecting final equipment selection and layout would be reasonable.[51]

80. The Commission notes that reliance on manufacturer-provided sound power data was a focus of the parties' discussion at the hearing. TLSI's NIA relied on manufacturer-provided sound power data for major equipment, which J. Lee stated is standard practice, acceptable at the application stage, and sufficient to demonstrate compliance with Rule 012.[52] The CLAW's noise expert, H. de Haan, did not oppose the use of manufacturer data in principle but raised concerns regarding the variable quality and level of detail in some reports (for example, operating conditions, applicable standards, and calibration). H. de Haan recommended that higher-quality, standardized measurements be used to screen or validate manufacturer data before it is relied upon directly.[53] The Commission considers it reasonable to rely on manufacturer data for a predictive NIA at the application stage and expects that appropriate modelling conservatism will address inherent uncertainties. However, as inverters are relatively new, Alberta practitioners have limited field-measured sound data for this equipment. The Commission therefore finds it appropriate to verify project sound emissions once operations commence, as discussed later in this section.

81. With respect to compliance, H. de Haan acknowledged that while equipment directivity and other unmodelled factors could increase predicted noise levels, he nonetheless concluded that the project would still be capable of operating within the applicable permissible sound levels, given the margin of compliance identified in the NIA.[54]

82. The Commission finds that the NIA meets the requirements of Rule 012 and accepts the conclusion that noise from the project is expected to comply with applicable permissible sound levels set out in Rule 012 and that there are no low-frequency noise conditions associated with the project.

83. The Commission notes that TLSI committed to always operate the project in compliance with Rule 012, including by verifying continued compliance based on the final engineering and project layout. TLSI further committed to implement construction noise mitigation measures and to promptly respond to noise complaints.[55] The Commission expects TLSI to uphold these commitments.

84. The Commission acknowledges that both parties agreed that incorporating equipment directivity into the noise model is not expected to alter the predicted compliance outcome. Nevertheless, the Commission considers it best practice for the final project-specific NIA to reflect the final equipment selection, layout and orientation. Incorporating equipment directivity in the final NIA provides greater transparency regarding how project design choices support continued compliance with Rule 012. Accordingly, the Commission requires TLSI to submit an

[51] Exhibit 30291-X0124, Appendix A - Noise Reply Evidence.
[52] Exhibit 30291-X0124, Appendix A - Noise Reply Evidence, PDF pages 14 to 15.
[53] Exhibit 30291-X0108, Appendix E_Henk de Haan Expert Report - non-confidential, PDF pages 39 to 40; Transcript, Volume 2, pages 156-158.
[54] Exhibit 30291-X0108, Appendix E_Henk de Haan Expert Report - non-confidential, PDF page 41.
[55] Exhibit 30291-X0153; Exhibit 30291-X0075; Exhibit 30291-X0124.

updated NIA as part of the final project update and imposes the following conditions of approval:

k. Once Togo Lake Solar Inc. has finalized its equipment selection for the power plant and energy storage facility, it must file a final project update with the Commission to confirm that the project has stayed within the final project update allowances for solar power plants and energy storage facilities specified in Rule 007: *Facility Applications*. The final project update must be filed at least 90 days prior to the start of construction.

l. Togo Lake Solar Inc. shall, at the time it submits the final project update, submit an updated noise impact assessment based on the final project design. The updated noise impact assessment shall identify which major project sound sources have been oriented with their quieter sides facing nearby receptor(s). Where such orientation is not practical for specific equipment, Togo Lake Solar Inc. shall provide an explanation.

85. The Commission notes that the nearest receptor is located approximately 800 metres from the project boundary and that, according to the NIA, predicted cumulative sound levels at all receptors maintain a minimum compliance margin of approximately 2.5 dBA. Considering this margin and the conservative assumptions used in the NIA, the Commission does not consider it necessary to require a receptor-based post-construction comprehensive sound level survey to verify compliance.

86. However, the Commission recognizes the CLAW's concerns regarding uncertainty in predicted noise levels and H. de Haan's evidence regarding the reliability and variability of manufacturer-provided noise data. While a receptor-based survey is not warranted, the Commission finds it appropriate to require targeted post-construction noise verification through near-field measurements of major project sound sources. The Commission further considers such measurements beneficial in supporting the development of Alberta-specific evidence based on noise emissions from solar and battery energy storage facilities. Accordingly, the Commission imposes the following condition of approval:

m. Togo Lake Solar Inc. shall conduct post-construction near-field noise measurements to determine the sound power levels of major project sound sources and shall prepare an updated noise impact assessment based on those measurements demonstrating continued compliance with Rule 012: *Noise Control* at all receptors. The updated noise impact assessment, together with the near-field measurements, shall be filed within one year of the project commencing operations.

87. Based on the NIA, the evidence on the record, the commitments made by TLSI, and the conditions imposed, the Commission finds that noise from the project can be acceptably mitigated and is expected to comply with Rule 012 requirements.

4.5 What are potential glare impacts from the project and how will they be mitigated?

88. In this section, the Commission considers the glare impacts from the project and finds the glare impacts are limited and will be mitigated to an acceptable level.

89. The CLAW raised concerns regarding potential glare effects from the project on nearby residences, roads including school bus routes, agricultural activities and livestock operations, and helicopter air ambulance services.[56]

90. TLSI filed a solar glare assessment for the project, prepared by GCR in accordance with Rule 007,[57] and retained Jason Mah of GCR to respond to the CLAW's glare concerns. The glare assessment evaluated glare impacts at one dwelling and nearby local roadways within approximately 800 metres of the project boundary, including Township Road 282 and range roads 74, 80 and 81. During the hearing, J. Mah undertook to provide updated modelling results for additional road allowances, including Range Road 75 and additional portions of Range Road 80.[58] No aerodromes were identified within 4,000 metres of the project and therefore none were assessed.

91. For the assessed dwelling, only green glare was predicted, occurring for limited durations near sunrise.[59] J. Mah explained that green glare is not generally considered hazardous or materially disruptive.[60]

92. With respect to transportation safety, no glare was predicted for range roads 74, 75, 80 or 81, and limited green and yellow glare was predicted for Township Road 282 under worst-case assumptions. The school bus route travels along Township Road 282 and range roads 74 and 81. Evidence indicated that any predicted glare on Township Road 282 would be limited to short durations near sunrise on a small number of days per year, with no glare predicted during afternoon drop-off times. J. Mah explained that predicted glare impacts on Township Road 282 would be further reduced by sun-masking effects not captured in the modelling and could be eliminated through feasible design mitigation.

93. J. Mah confirmed through modelling that a minimum resting angle of three degrees, or another angle determined through final design, would eliminate all predicted glare at the dwelling and along Township Road 282, including for school bus routes.[61] With the resting angle mitigation in place, the Commission finds that glare from the project is not expected to adversely affect the use and enjoyment of nearby residences, pose a hazard to motorists, or affect school bus operations.

94. The CLAW also raised concerns regarding potential glare impacts on agricultural activities and livestock operations. J. Mah explained that agricultural activities and livestock are not glare receptors identified under Rule 007, and that there is no credible industry or scientific evidence demonstrating that solar glare causes adverse effects on agricultural operations or livestock.[62] The Commission notes that there is no evidence on the record addressing or substantiating the alleged impacts of solar glare on agricultural activities or livestock.

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56 Exhibit 30291-X0103, a_CLAW Group Submissions, PDF pages 18 to 19.
57 Exhibit 30291-X0009, Appendix H - Togo Lake - SGHAR - v1.0 (2025.06.26) OSD SEALED.
58 Exhibit 30291-X0154, Appendix I - Road Allowance Glare Results.
59 The glare assessment used colour codes to categorize effects of glare to a person's eyes.
- Green glare: glare with low potential for temporary after-image.
- Yellow glare: glare with potential for temporary after-image.
- Red glare: glare with potential for permanent eye damage.

60 Exhibit 30291-X0126, Appendix C - Glare Reply Evidence, PDF page 5.
61 Exhibit 30291-X0126, Appendix C - Glare Reply Evidence, PDF page 5.
62 Exhibit 30291-X0126, Appendix C - Glare Reply Evidence, PDF page 6.

95. In the absence of any evidence on the record, the Commission is not satisfied that a credible link has been established between solar glare and adverse effects on agricultural activities or livestock. The Commission finds that TLSI's commitments regarding resting angles would be expected to mitigate any glare that may be observed in nearby fields. Additionally, it recognizes that the variable and intermittent nature of agricultural operations further reduces the likelihood of prolonged impacts.

96. Finally, the CLAW expressed concerns that glare could interfere with helicopter air ambulance operations. J. Mah explained that there are no registered aerodromes or known, regularly used helicopter landing zones within 4,000 metres of the project, and therefore no aviation receptors requiring assessment under Rule 007. He further explained that no site-specific or industry evidence was filed demonstrating that glare from the project would interfere with helicopter air ambulance operations, and accordingly no glare modelling for helicopter operations was warranted.[63] In the absence of an identified aviation receptor requiring assessment under Rule 007 or supporting evidence on air operations,the Commission finds that specific glare modelling for helicopter operations is not required.

97. The Commission finds that adjusting the resting angle is an effective mitigation measure to reduce or eliminate glare from the project. As the project design has not yet been finalized, and in light of the CLAW's concerns and TLSI's commitments, the Commission imposes the following condition of approval for the project:

n. Togo Lake Solar Inc. shall, at the time it submits the final project update, submit an updated solar glare assessment based on the final project design. The updated solar glare assessment shall determine a resting angle limit to eliminate, or reduce as much as possible, glare from the project on the dwelling, and eliminate, or reduce as much as possible, yellow glare from the project within the critical 15-degree field of view on nearby roads. Togo Lake Solar Inc. shall configure the project solar panels with this resting angle limit during the backtracking operation.

98. Further, the Commission requires TLSI to promptly respond to any complaints or concerns regarding glare during project operations and implement mitigation measures if glare is determined to be an issue. The Commission imposes the following condition of approval for the project:

o. Togo Lake Solar Inc., as applicable, shall promptly respond to any complaints or concerns regarding glare from the project. Togo Lake Solar Inc. shall file an annual report with the Commission which details any glare complaints or concerns during the first two years of project operation, and its response to the complaints or concerns. The reports shall specify if mitigation measures have been implemented in response to the complaints or concerns. Togo Lake Solar Inc. shall file the first report no later than 13 months after the project becomes operational.

99. The Commission also notes that the project's solar panels incorporate anti-reflective coating designed to maximize light absorption and minimize reflected light. Therefore, the Commission imposes the following condition of approval:

p. Togo Lake Solar Inc. shall use anti-reflective coating on the project solar panels.

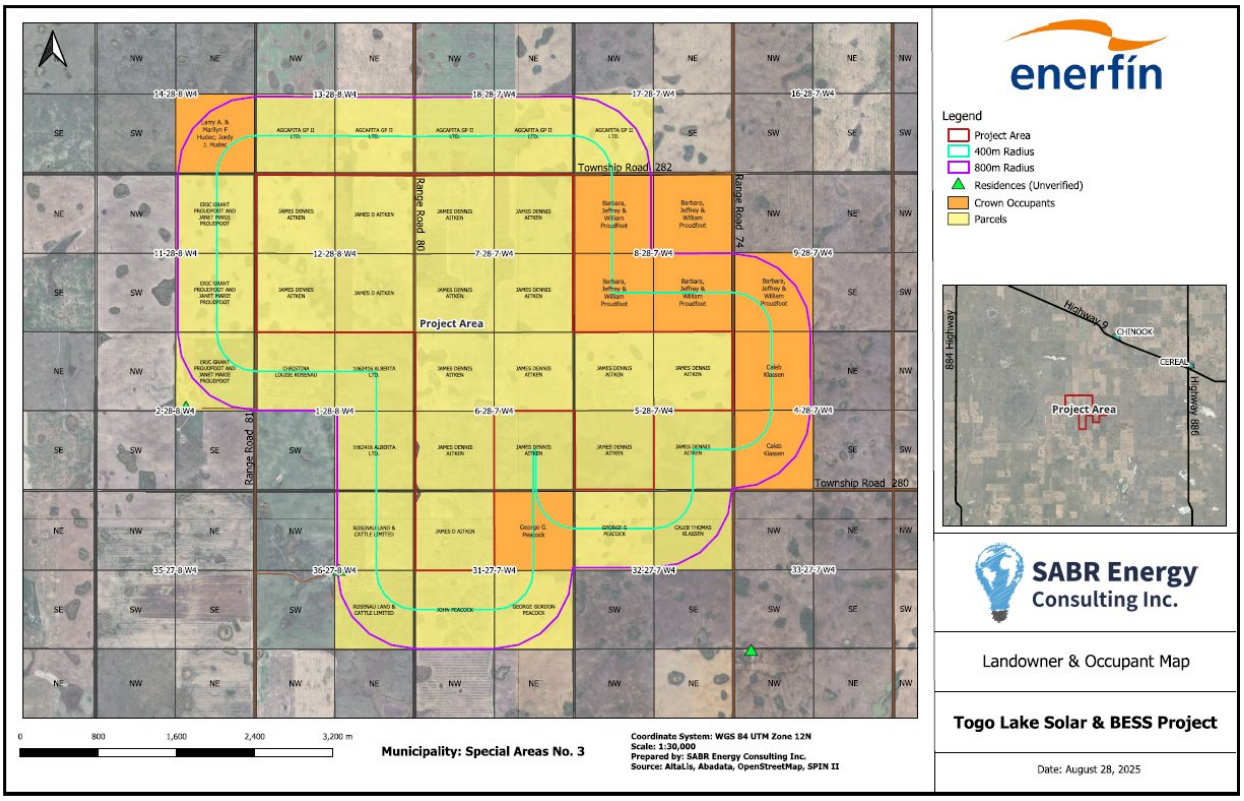
[63] Exhibit 30291-X0126, Appendix C - Glare Reply Evidence, PDF page 6.

100. Based on the glare assessment, the evidence on the record, and the conditions imposed, the Commission finds that glare from the project can be acceptably mitigated and complies with Rule 007 glare assessment requirements.

4.6 How does the Commission consider the project's residential impacts?

101. In this section, the Commission assesses the residential impacts from the project, such as the impact from the construction and operation of the project, visual impacts, and property value. The Commission considers the negative residential impacts of the project, including visual and property value impacts, along with other potential impacts associated with the project when it balances all negative impacts of the project against the public benefits of the project. The map below depicts the locations of landowners and occupants in the project area.[64]

Figure 2. Landowner and occupant map



4.6.1 Impacts from construction and operation of the project

102. The CLAW raised concerns about increased dust and traffic, road safety, trespassing incidents and theft as a result of the project. It explained that Township Road 282 would not be safe for heavy traffic and project construction due to the sharp hills in the coulee, lack of visibility on the road and the width of the road. Blake Proudfoot was particularly concerned about the safety of their children riding the school bus every day on roads adjacent to the project during construction.

[64] Exhibit 30291-X0005, Appendix D - 2025-09-04 Togo Lake Solar - PIP Report_FINAL, PDF page 28.

103. TLSI stated that it will implement the dust mitigation measures recommended by Strum. TLSI committed to work collaboratively with the Special Areas Board to ensure dust mitigation is in place and to minimize the impact during construction.[65] In its municipal development permit process, TLSI submitted that it will enter a road use agreement and development agreement with the Special Areas Board and determine appropriate traffic mitigations where necessary through a traffic impact assessment. To address the CLAW's concerns about potential criminal activities, TLSI confirmed that a code of conduct addressing ethics and standard construction best practices will be in place for its employees and subcontractors.

104. The Commission accepts TLSI's approach to mitigate potential impacts from construction and operation of the project. The Commission expects that TLSI will uphold its commitment to promptly addressing reasonable complaints or concerns of adjoining landowners regarding the activities of workers engaged in the construction or operation of the project.

4.6.2 Visual impacts

105. CLAW members submitted that they do not want the rural character of the area disturbed. They explained that they spend much of their time on their lands engaging in activities such as farming, haying, feeding cattle and recreation. Glen and Christina Rosenau stated that the project will greatly affect their view as they work all over their land and not just from the house. Blake and Bailey Proudfoot indicated that, due to the elevated position of their residence, the project would be widely visible from their property and their views impacted.[66] The CLAW requested that TLSI prepare a visual screening plan and install and maintain vegetation cover along the entire perimeter of the project.

106. TLSI produced a theoretical visual line of sight analysis and a computer-generated geospatial visualization to illustrate the potential visibility of the project from the residences of the CLAW.[67] The theoretical analyses did not account for any vegetation, equipment, buildings, fences, window direction or potential visual blocking of portions of the project by the first row of panels. Based on the maps and its experience with the distance from residences to the project infrastructure, TLSI concluded that no individual panel or piece of project infrastructure would be discernible and where visible, the project would appear as a thin black line along the horizon.

107. The Commission acknowledges that there would be some visual impacts on the nearby residence as a result of the project. Despite this, the Commission finds that, given the distances from the nearest panels to the CLAW residences at 815 metres,[68] 1,110 metres[69] and 1,315 metres[70] respectively, visual impacts are expected to be limited, and vegetation screening would not meaningfully mitigate those effects.

108. The Commission recognizes that the *Electric Energy Land Use and Visual Assessment Regulation* requires applicants proposing power plants within a visual impact assessment zone to submit a visual impact assessment with their application. The project is not located within a

[65] Exhibit 30291-X0153, Appendix H - Redline of Updated TLSI Commitment List, PDF page 11.
[66] Exhibit 30291-X0103, a_CLAW Group Submissions, PDF page 19.
[67] Exhibit 30291-X0128, TLSI Reply Evidence - Written Submissions - March 11, 2026, PDF pages 20 to 23.
[68] Glen and Christina Rosenau's residence.
[69] Eric and Janet Proudfoot's residence.
[70] Blake and Bailey Proudfoot's residence.

visual impact assessment zone under the *Electric Energy Land Use and Visual Assessment Regulation* and therefore a visual impact assessment is not required.

4.6.3 Property value impacts

109. The CLAW expressed concerns that the project would ruin the rural character of the area, diminish the property value of their lands and increase the potential for weed infestation. No expert report on property value was provided by the CLAW.

110. With respect to property value impacts, the Commission accepts that change to viewscapes is one factor that may influence an individual's perception of the area as a place to reside. The Commission finds that there can be a negative public perception of the project's effects on viewscapes, and this may translate into a negative effect on property value for some properties. However, the Commission has no evidence on the record to assess any quantitative property value impacts.

4.7 How does the Commission consider cumulative effects from the project?

111. TLSI stated that it is not aware of any other existing developments in the project area that could cumulatively affect the rural setting/landscape due to their proximity and/or number.

112. At the time of this decision, there are three renewable projects approved in the area. These projects are the Oyen 1 Solar Project, Oyen 2 Solar Project and Oyen Wind Power Project. The distance from these projects to TLSI's project is 27.7 km, 23.3 km and 27.1 km, respectively. Given these distances, the Commission finds that TLSI's project does not raise cumulative effects concerns considering the three prior renewable projects approved in the area.

4.8 Will the project be adequately reclaimed at its end of life?

113. The Commission expects applicants to fully reclaim projects and to bear the costs of doing so. Applicants are required to explain how they will ensure sufficient funds are available at a project's end of life to cover the cost of decommissioning and reclamation. Effective May 31, 2025, applicants for wind and solar energy projects in Alberta, including TLSI, must obtain a registration under the *Environmental Protection and Enhancement Act.*[71] One of the requirements to obtain registration, set out in the *Code of Practice for Solar and Wind Renewable Energy Operations*, is to provide reclamation security either to: (i) the Government of Alberta; or (ii) landowners as part of a negotiated agreement, as long as the Commission considers that security adequate; or (iii) a combination of these two options.

114. TLSI submitted a conceptual conservation and reclamation plan for the project. TLSI submitted that site reclamation will adhere to the requirements outlined in the *Code of Practice for Solar and Wind Renewable Energy Operations.*

115. The CLAW expressed concerns about the adequacy of the reclamation security to be provided by TLSI to the government and whether it would include costs related to the decommissioning and reclamation of the BESS.

[71] *Code of Practice for Solar and Wind Renewable Energy Operations*, Government of Alberta, Effective May 31, 2025.

116. TLSI has decided to provide reclamation security for the entire project, including the BESS, to the Government of Alberta.[72] The *Code of Practice for Solar and Wind Renewable Energy Operations* provides reclamation cost requirements for renewable energy operations and specifies that a security estimate must include the cost for decommissioning and dismantling of the surface infrastructure, including but not limited to associated infrastructure, among other examples.[73] The Commission considers that the BESS is by its nature an associated infrastructure.[74]

117. Regarding adequacy, the Commission considers that the Code of Practice is intended to ensure sufficient reclamation security to reclaim a project at its end of life. As TLSI has chosen to provide reclamation security directly to the government for the project, the Commission will not assess the adequacy of TLSI's proposed reclamation security under the *Code of Practice for Solar and Wind Renewable Energy Operations*, and the Commission can be reasonably assured that funds will be available to reclaim the project, including the BESS, at its end of life.

118. The Commission accordingly imposes the following condition of approval:

q. Togo Lake Solar Inc. must provide security to the Government of Alberta in accordance with the *Code of Practice for Solar and Wind Renewable Energy Operations* and otherwise comply with all conditions and terms of Togo Lake Solar Inc.'s registration under the *Environmental Protection and Enhancement Act* with respect to the Togo Lake Solar & BESS Project.

119. The Commission finds that TLSI's approach to reclamation is sufficient to ensure the public interest is met.

4.9 Is the participation involvement program adequate?

120. The CLAW expressed concerns about the adequacy of TLSI's consultation efforts. The CLAW submitted that TLSI did not really listen and address their concerns about siting the project in this area. TLSI submitted that it carried out comprehensive engagement with stakeholders including the members of the CLAW, government agencies, Special Area No. 3, industrial interest holders, Indigenous communities, persons that own lands within the Rule 007 notification boundary, and the general public. TLSI added that it had incorporated feedback from stakeholders and made numerous project changes and commitments to minimize potential impacts on local stakeholders and the community. TLSI committed to continuous dialogue with stakeholders and to explore mitigations wherever feasible.

121. The Commission acknowledges that consultation will not always address every individual's concern to their satisfaction. The Commission finds that TLSI provided adequate evidence to demonstrate that it made an effort to engage stakeholders, including revisions to the project to address stakeholder concerns. For example, TLSI amended the layout of the project to incorporate fire breaks as recommended by the fire chief. TLSI also committed to provide

[72] Exhibit 30291-X0001, 2025-09-05 Togo Lake - AUC Application_FINAL_signed, PDF pages 18 and 25; Exhibit 30291-X 00153 Appendix H - Redline of Updated TLSI Commitment List, PDF page 11.

[73] *Code of Practice for Solar and Wind Renewable Energy Operations*, Government of Alberta, Effective May 31, 202 at Schedule 1– Security, Section (2)(c)(i).

[74] *Environmental Protection and Enhancement Act*, Conservation and Reclamation Regulation, s.1(h.1) and (q.2).

G. and C. Rosenau with the stormwater management plan to address their concerns about flooding, erosion and the interruption of natural drainage.

122. The Commission encourages active consultation and emphasizes that TLSI's consultation responsibilities to stakeholders do not end when the applications are submitted or approved. The Commission acknowledges and is satisfied with TLSI's commitments to ongoing engagement with stakeholders throughout the project development, construction, operation and end of life. The Commission expects TLSI to uphold its commitments and continue consulting stakeholders proactively and in good faith as it constructs and operates the project.

123. In summary, although TLSI was unable to resolve all outstanding concerns raised by stakeholders, the Commission is satisfied, based on review of the consultation records and the evidence in this proceeding, that TLSI's participant involvement program generally achieved the objectives of consultation and notification set out in Rule 007.

5 Conclusion

124. In accordance with Section 17 of the *Alberta Utilities Commission Act*, and in addition to any other matters that the Commission may or must consider, the Commission must consider whether approval of the project is in the public interest having regard to its social, economic, environmental and other effects. The Commission considers an application to be in the public interest if it complies with existing regulatory standards, and the public benefits of the project outweigh its negative impacts.

125. Given that the project will result in some negative impacts, the Commission must balance these impacts against the project's public benefits, in order to determine whether the project is in the public interest. The benefits of the project include its ability to generate emissions-free electricity, enhance grid reliability, create employment opportunities, and provide municipal tax revenue and community benefits. In this regard, the Commission expects TLSI to follow through on its statements regarding further consultation and finalization of a community benefits arrangement.

126. The Commission finds that TLSI has satisfied the requirements of Rule 007 and Rule 012 and that overall, for the reasons outlined in this decision, the negative impacts associated with the project are, with the conditions and mitigations required, outweighed by the expected public benefits of the project. Accordingly, the Commission finds that the applications are in the public interest having regard to the purposes of the *Electric Utilities Act*, the *Hydro and Electric Energy Act*, and all other relevant considerations.

6 Decision

127. For reasons outlined in the decision, and subject to the conditions in this decision, the Commission finds that, in accordance with Section 17 of the *Alberta Utilities Commission Act*, approval of TLSI's applications is in the public interest having regard to the social, economic, environmental and other effects of the project.

128. Under sections 11, 13.01(1) and 19 of the *Hydro and Electric Energy Act*, the Commission approves applications 30291-A001 and 30291-A003 and grants Togo Lake Solar Inc. the approval set out in Appendix 1 – Power Plant and Energy Storage Facility Approval 30291-D02-2026, to construct and operate the Togo Lake Solar & BESS Project.

129. Under sections 14, 15 and 19 of the *Hydro and Electric Energy Act*, the Commission approves Application 30291-A002 and grants Togo Lake Solar Inc. the permit and license set out in Appendix 2 – Substation Permit and Licence 30291-D03-2026, to construct and operate the project substation.

130. The appendixes will be distributed separately.

Dated on June 25, 2026.

Alberta Utilities Commission

Michael Arthur
Panel Chair

Vera Slawinski
Commission Member

Appendix A – Proceeding participants

Name of organization (abbreviation) Company name of counsel or representative
Blake, Cassels & Graydon LLP Terri-Lee Oleniuk Jordan Prestie **Togo Lake Solar Inc.** Morgan Grab Samantha Brown, SABR Energy Consulting Inc. Bryce Dawson, RWDI
Ackroyd LLP Richard Secord Chinedu Kema **Greenview Concerned Citizen Group (CLAW)** Participants with standing Glen Rosenau Christina Louise Rosenau Rosenau Land & Cattle Limited & 1062416 Alberta Ltd Blake and Bailey Proudfoot Eric and Janet Proudfoot William Proudfoot Jeff Proudfoot Jordy and Amber Hudec Larry and Marilyn Hudec Goerge Peacock John Peacock dBA Noise Consultants Ltd.
Alberta Utilities Commission **Commission panel** Michael Arthur, Panel Chair Vera Slawinski, Commission Member **Commission staff** Peju Anozie (Commission counsel) Jasleen Dhanoa (Commission counsel) Sophie Jiang Joan Yu Glenn Harasym Joel Turpin-Quaye

Appendix B – Oral hearing – registered appearances

Name of organization (abbreviation) Name of counsel or representative	Witnesses
Togo Lake Solar Inc. Terri-Lee Oleniuk, Blake, Cassels & Graydon LLP, counsel Jordan Prestie, Blake, Cassels & Graydon LLP, counsel	Morgan Grab Jorge Villena Nicholas Doane Jason Mah
Chinook Landowners for Agriculture and Wildlife Group (CLAW) Richard Secord, Ackroyd LLP, counsel Chinedu Kema, Ackroyd LLP, counsel	Glen Rosenau Christina Rosenau Blake Proudfoot William Proudfoot Jeff Proudfoot Cliff Wallis Henk De Haan Rob Palmer

Appendix C – Togo Lake Solar Inc. wetland setback list[75]

Category of Wetland	Upland Type	Proposed Setback	Description
Ephemeral (Class I)	All	0 m	Ephemeral (Class I) waterbodies will be avoided, including the uncultivated areas surrounding these wetlands (trees, shrubs, grasses, etc.).
Temporary (Class II)	Cultivated	15 m	Temporary (Class II) wetlands within cultivated lands will be avoided by a minimum of 15 metres. In addition, the uncultivated areas surrounding these wetlands (trees, shrubs, grasses, etc.), if extending beyond 15 metres, will also be avoided.
Temporary (Class II)	Modified grasslands	30 m	Temporary wetlands within modified grasslands will be avoided by a minimum of 30 metres.
Temporary (Class II)	Cultivation on some borders and native prairie on others	0 m [footnote omitted]	Temporary wetlands sited partially within native prairie and partially within cultivation will be avoided. If the Commission determines that it is necessary, TLSI will implement a 50 meter setback for temporary wetlands that are sited partially within native prairie and partially within cultivation, with the impacts to occur on the cultivated side of the wetland only. In addition, the uncultivated areas surrounding these wetlands (trees, shrubs, grasses, etc.), if extending beyond 50 metres, will also be avoided.
Temporary (Class II)	Fully within native prairie	100 m	Temporary wetlands fully within native prairie will be avoided by a minimum of 100 metres.
Seasonal and above (Classes III, IV, and V)	Cultivated	15 m	Seasonal and above wetlands within cultivated lands will be avoided by a minimum of 15 metres. In addition, the uncultivated areas surrounding these wetlands (trees, shrubs, grasses, etc.), if extending beyond 15 metres, will also be avoided.
Seasonal and above (Classes III, IV, and V)	Modified grasslands	15 to 30 m	Modified grasslands surrounding Class III+ wetlands will be maintained for 30 m or until the land use changes to cultivation, which in some areas will be less than 30 m but greater than 15 m
Seasonal and above (Classes III, IV, and V)	Cultivation on some borders and native prairie on others	15 m [footnote omitted]	Seasonal and above wetlands partially within cultivation and partially within native prairie will be avoided by a minimum of 15 metres, with the impacts to occur on the cultivated side of the wetland to occur only. In addition, the uncultivated areas surrounding these wetlands (trees, shrubs, grasses, etc.), if extending beyond 15 metres, will also be avoided. If the Commission determines that it is necessary, TLSI will implement a 50 meter setback for seasonal and above wetlands that are sited partially within native prairie and partially within cultivation, with the impacts to occur on the cultivated side of the wetland only. In addition, the uncultivated areas surrounding these wetlands (trees, shrubs, grasses, etc.), if extending beyond 50 metres, will also be avoided.
Seasonal and above (Classes III, IV, and V)	Fully within native prairie	100 m	Seasonal and above wetlands within native prairie will be avoided by a minimum of 100 metres.

[75] Exhibit 30291-X0149, Appendix D - TLSI Wetland Setback List.

Appendix D – 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 30291-D01-2026 that require subsequent filings with the Commission and will be included as conditions of Approval 30291-D02-2026:

a. Togo Lake Solar Inc. shall submit an annual post-construction monitoring survey report to Alberta Environment and Protected Areas no later than January 15 of the year following the mortality monitoring period and submit the annual post-construction monitoring survey report and the Alberta Environment and Protected Areas' post-construction monitoring response letter to the Commission within one month of its issuance to Togo Lake Solar Inc. These reports and response letters shall be subsequently filed with the same time constraints every year for which Alberta Environment and Protected Areas requires surveys pursuant to Section 3(3) of Rule 033: *Post-approval Monitoring Requirements for Wind and Solar Power Plants.*

c. At least three months prior to the start of construction, Togo Lake Solar Inc., in collaboration with a qualified wildlife biologist, must file a detailed memo with the Commission which details the landowner consultation undertaken for this condition, and the outcomes of the (1) setback determination; (2) status of the wildlife features (i.e., active, inactive); (3) applicable project updates or additional mitigations; and (4) details of consultation with Alberta Environment and Protected Areas if applicable.

k. Once Togo lake Solar Inc. has finalized its equipment selection for the power plant and energy storage facility, it must file a final project update with the Commission to confirm that the project has stayed within the final project update allowances for solar power plants and energy storage facilities specified in Rule 007: *Facility Applications*. The final project update must be filed at least 90 days prior to the start of construction.

l. Togo Lake Solar Inc. shall, at the time it submits the final project update, submit an updated noise impact assessment based on the final project design. The updated noise impact assessment shall identify which major project sound sources have been oriented with their quieter sides facing nearby receptor(s). Where such orientation is not practical for specific equipment, Togo Lake Solar Inc. shall provide an explanation.

m. Togo Lake Solar Inc. shall conduct post-construction near-field noise measurements to determine the sound power levels of major project sound sources and shall prepare an updated noise impact assessment based on those measurements demonstrating continued compliance with Rule 012: *Noise Control* at all receptors. The updated noise impact assessment, together with the near-field measurements, shall be filed within one year of the project commencing operations.

n. Togo Lake Solar Inc. shall, at the time it submits the final project update, submit an updated solar glare assessment based on the final project design. The updated solar glare assessment shall determine a resting angle limit to eliminate, or reduce as much as

possible, glare from the project on the dwelling, and eliminate, or reduce as much as possible, yellow glare from the project within the critical 15-degree field of view on nearby roads. Togo Lake Solar Inc. shall configure the project solar panels with this resting angle limit during the backtracking operation.

o. Togo Lake Solar Inc., as applicable, shall promptly respond to any complaints or concerns regarding glare from the project. Togo Lake Solar Inc. shall file an annual report with the Commission which details any glare complaints or concerns during the first two years of project operation, and its response to the complaints or concerns. The reports shall specify if mitigation measures have been implemented in response to the complaints or concerns. Togo Lake Solar Inc. shall file the first report no later than 13 months after the project becomes operational.

The following are conditions of Decision 30291-D01-2026 that do not or may require subsequent filings with the Commission:

b. Togo Lake Solar Inc. shall consult with members of the Chinook Landowners for Agriculture and Wildlife Group (CLAW) to identify the approximate locations of potential CLAW wildlife features which may be located adjacent to the project. In consultation with a qualified wildlife biologist, Togo Lake Solar Inc. shall determine whether (1) the CLAW wildlife features have setbacks recommended under the *Wildlife Directive for Alberta Solar Energy Projects* which overlap the project area; (2) the CLAW wildlife features are present, and, if present, are active or inactive; (3) an update to the project layout and additional mitigations are appropriate; and (4) Alberta Environment and Protected Areas need to be informed of these features in accordance with the *Renewable Energy Project Amendment* guidance.

d. Togo Lake Solar Inc. shall continually, before and during construction and during operation, review and update the project-specific emergency response plan including livestock protection and evacuation procedures, and incorporate reasonable changes necessary to address concerns received from local fire departments and other interested stakeholders such as local landowners. The updated plans are to be provided to the Special Areas Board and its local fire department.

e. Togo Lake Solar Inc. shall provide on-site training to local fire departments and first responders prior to the start of construction of the project and subsequently upon request.

f. If the local fire departments determine that they do not have sufficient shuttling capacity or if they prefer an on-site supply, Togo Lake Solar Inc. shall provide on-site water supply to the project.

g. Togo Lake Solar Inc. shall install a remote monitoring and fire detection system that can be programmed to automatically notify the monitoring operations centre, whose personnel will in turn immediately notify local emergency responders.

h. Togo Lake Solar Inc. shall install thermal imaging cameras at the battery energy storage system if they are not already installed by the manufacturer for continuous monitoring.

i. Togo Lake Solar Inc. shall implement ongoing upgrades to improve the safety of the battery energy storage system, including but not limited to firmware and software enhancements, monitoring capability enhancement, process changes and safety standards as they are developed.

j. Togo Lake Solar Inc. shall at all times during the construction and operation of the project, maintain insurance coverage that is sufficient to protect against any reasonably foreseeable liabilities.

p. Togo Lake Solar Inc. shall use anti-reflective coating on the project solar panels.

q. Togo Lake Solar Inc. must provide security to the Government of Alberta in accordance with the *Code of Practice for Solar and Wind Renewable Energy Operations* and otherwise comply with all conditions and terms of Togo Lake Solar Inc.'s registration under the *Environmental Protection and Enhancement Act* with respect to the Togo Lake Solar & BESS Project.