

PROVINCE OF BRITISH COLUMBIA
REGULATION OF THE BOARD OF THE BRITISH COLUMBIA
ENERGY REGULATOR

Energy Resource Activities Act

The board of the British Columbia Energy Regulator orders that the attached Renewable Energy Projects Regulation is made.

DEPOSITED March 10, 2026 B.C. REG. <u>28/2026</u>
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March 5, 2026
Date



Chair, Board of Directors

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Energy Resource Activities Act, S.B.C. 2008, c. 36, ss. 106 to 109, 111, and 112

Other: Renewable Energy Projects (Streamlined Permitting) Act, S.B.C. 2025, c. 12, ss. 6 and 9

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RENEWABLE ENERGY PROJECTS REGULATION

Contents

PART 1 – INTERPRETATION AND APPLICATION

- 1 Interpretation
- 2 Application of this regulation
- 3 Application of board regulations

PART 2 – PUBLIC CONSULTATION

- 4 Definitions
- 5 Who must consult
- 6 Invitation to consult
- 7 Replying to respondents
- 8 Reports on consultation

PART 3 – PERMIT APPLICATIONS

- 9 Required records
- 10 Pre-engagement with first nations
- 11 Engineering and technical records
- 12 Adverse impacts report
- 13 Social and economic impacts report

PART 4 – SECURITY

- 14 Security

PART 5 – PROGRAMS AND PLANS

- 15 Programs and plans
- 16 First nations' cultural heritage plan
- 17 Access management plan
- 18 Construction programs and plans
- 19 Environmental management program
- 20 Management and maintenance program
- 21 Wildfire mitigation and management plan
- 22 Management of change

PART 6 – RENEWABLE ENERGY FACILITIES

Division 1 – Standards

- 23 Wind energy projects – design
- 24 Wind energy projects – setbacks
- 25 Wind energy projects – shadow flicker
- 26 Solar energy projects – solar panel glare
- 27 Noise

Division 2 – Site Management

- 28 Signs
- 29 Security management
- 30 Underground power lines and other infrastructure
- 31 Hazards and debris

PART 7 – EMERGENCY MANAGEMENT

- 32 Definitions
- 33 Emergency response plan
- 34 Liaisons
- 35 Training

- 36 Incident classification
- 37 Emergency response and notification

PART 8 – RESTORATION AND SHUTDOWN

- 38 Decommissioning and restoration plan
- 39 Progressive restoration
- 40 Suspensions
- 41 Decommissioning

PART 9 – GENERAL

Division 1 – Notices

- 42 Construction
- 43 Operations
- 44 Wildlife incidents

Division 2 – Other Matters

- 45 Records
- 46 Exemptions
- 47 Transition – existing wind and solar energy projects

SCHEDULE

PART 1 – INTERPRETATION AND APPLICATION

Interpretation

- 1** (1) In this regulation:
- “**Act**” means the *Energy Resource Activities Act*;
 - “**local first nation**”, in relation to a renewable energy project, means a first nation identified for the project in a manner specified by the regulator;
 - “**major component**”, in relation to a renewable energy facility, means
 - (a) a wind turbine, or
 - (b) a battery or other energy storage system;
 - “**non-exempt reviewable project**” means a reviewable project within the meaning of the *Environmental Assessment Act* that is not specified under section 14 (a) to (d) of the *Renewable Energy Projects (Streamlined Permitting) Act*;
 - “**notice of construction start**” means a notice under section 42 (1) (b);
 - “**notice of operation start**” means a notice under section 43 (1);
 - “**project area**”, in relation to a renewable energy project, means any of the following areas:
 - (a) an area in which a renewable energy activity is to be carried out, if the project is a level 3 streamlined project;
 - (b) an area in which another activity that is required for or facilitates a renewable energy activity is to be carried out;
 - “**qualified professional**”, in relation to a matter, means an individual who
 - (a) is registered with a regulatory body as defined in section 1 (1) [*definitions and interpretation*] of the *Professional Governance Act*, and

- (b) through suitable education, experience, accreditation and knowledge, may reasonably be relied on to provide advice within the individual's area of expertise as it relates to the matter;
- (2) Unless a contrary intention appears, words and expressions used in this regulation have the same meaning as in the *Renewable Energy Projects (Streamlined Permitting) Act*.

Application of this regulation

- 2 (1) Subject to this section, this regulation applies in relation to level 2 and level 3 streamlined projects.
- (2) The following provisions of this regulation do not apply in relation to a non-exempt reviewable project:
 - (a) Part 2 [*Public Consultation*];
 - (b) section 9 (a) [*permit applications – pre-engagement report*];
 - (c) section 9 (c) [*permit applications – adverse impacts report*];
 - (d) section 9 (d) [*permit applications – social and economic impacts report*].

Application of board regulations

- 3 (1) A regulation of the board does not apply in relation to a level 2 or level 3 streamlined project, other than as provided by this regulation.
- (2) The following regulations of the board continue to apply in relation to level 2 and level 3 streamlined projects:
 - (a) the Energy Resource Road Regulation, B.C. Reg. 56/2013, other than section 16 [*right of access*];
 - (b) the Service Regulation, B.C. Reg. 199/2011.

PART 2 – PUBLIC CONSULTATION

Definitions

- 4 In this Part:
 - “**applicant**” means a person who
 - (a) intends to submit an application under section 24 [*application for permit*] of the Act, or
 - (b) applies under any of the following sections of the Act:
 - (i) section 31 (4) [*amendment of permit*];
 - (ii) section 32 (2) [*extension of permit*];
 - “**federal entity**” includes the following:
 - (a) the government of Canada;
 - (b) an agent of the government of Canada;
 - (c) a Crown corporation within the meaning of section 2 of the *Financial Administration Act* (Canada);
 - (d) the Canadian Armed Forces;

(e) NAV CANADA;

“invitation to consult” means an invitation under section 6;

“local authority” means

- (a) a municipality, including the City of Vancouver,
- (b) a regional district, and
- (c) the trust council, a local trust committee and the Islands Trust Conservancy within the meaning of the *Islands Trust Act*;

“NAV CANADA” has the same meaning as “Corporation” in section 2 (1) of the *Civil Air Navigation Services Commercialization Act* (Canada).

Who must consult

- 5** (1) Persons who intend to submit an application under section 24 [*application for permit*] of the Act are prescribed for the purposes of section 22 (1) [*consultation and notification*].
- (2) The notifications and consultations required by this Part are prescribed for the purposes of the following sections of the Act:
- (a) section 22 (3) [*application for permit*];
 - (b) section 31 (5) [*amendment of permit*];
 - (c) section 32 (3) [*extension of permit*].

Invitation to consult

- 6** (1) An applicant in relation to a renewable energy project must, if required under section 22 (3), 31 (5) or 32 (3) of the Act, provide an invitation to consult to the following persons:
- (a) the owner in fee simple of land within 1.5 km of a project area;
 - (b) a local authority, if a project area is within the geographic area of the local authority;
 - (c) a specified federal entity, if required by the regulator;
 - (d) a rights holder within the meaning of the Requirements for Consultation and Notification Regulation, B.C. Reg. 50/2021, if the criteria set out in section 7 (a) and (b) of that regulation are met.
- (2) An invitation to consult must include the following information:
- (a) a description of the project;
 - (b) if the invitation relates to an application under section 31 (5) of the Act for amendments, a description of the proposed amendments;
 - (c) the location of the project;
 - (d) the name and contact information of the person providing the invitation;
 - (e) a summary of the nature, geographic area and timing of the impacts on quality of life that would reasonably be expected to occur within 1.5 km of a project area;

- (f) if the recipient is a local authority, a summary of the anticipated social and economic impacts of the project within the geographic area of the local authority.
- (3) An invitation to consult must include the following statements:
- (a) a statement advising that the recipient may, within 30 days after the date the recipient is deemed under section 79 (2) of the Act to have received the invitation, provide one or both of the following to the applicant:
 - (i) a written response stating whether the recipient has any concerns with the project, and, if so, the reasons for those concerns;
 - (ii) a written request for a meeting to discuss the project;
 - (b) if applicable, a statement advising that the recipient may make a submission to the regulator under section 22 (5) of the Act.

Replying to respondents

- 7
- (1) An applicant who receives a response requesting a meeting with respect to an invitation to consult must make reasonable efforts to meet with the respondent.
 - (2) An applicant must provide to each respondent, as soon as practicable, a written reply that includes all of the following:
 - (a) if applicable, a summary of the meetings with the respondent;
 - (b) a description of the revisions, if any, that will be made to the project based on the concerns, if any, raised by the respondent;
 - (c) a statement advising that the respondent's response and the applicant's reply under this subsection will be included in the report referred to in section 24 (1) (c), 31 (6) or 32 (4) of the Act, as applicable.
 - (3) Subsections (1) and (2) do not apply to a response received more than 30 days after the respondent is deemed under section 79 (2) of the Act to have received the invitation to consult.

Reports on consultation

- 8
- A report referred to in section 24 (1) (c), 31 (6) or 32 (4) of the Act must include the following information:
- (a) a list of the recipients of invitations to consult;
 - (b) a copy of the invitations to consult that were provided;
 - (c) the concerns, if any, raised by the respondents and a description of the revisions, if any, that will be made to the project based on those concerns.

PART 3 – PERMIT APPLICATIONS

Required records

- 9
- A record required under the following sections of this regulation is prescribed for the purposes of section 24 (1) (e) [*application for permit*] of the Act:
- (a) section 10 [*pre-engagement with first nations*];
 - (b) section 11 [*engineering and technical records*];

- (c) section 12 [*adverse impacts report*];
- (d) section 13 [*social and economic impacts report*];
- (e) section 16 [*first nations' cultural heritage plan*].

Pre-engagement with first nations

- 10** An applicant for a permit for a renewable energy project must, before submitting an application for the project, engage local first nations about the project and prepare a report that includes the following:
- (a) a description of the process used to engage local first nations;
 - (b) the concerns, if any, raised by the local first nations and a description of the revisions, if any, that will be made to the project based on those concerns;
 - (c) whether Indigenous knowledge was sought during engagement and, if so, whether
 - (i) that knowledge was provided, and
 - (ii) any knowledge that was provided was used in preparing the reports and plans required by the following sections:
 - (A) section 12 [*adverse impacts report*];
 - (B) section 13 [*social and economic impacts report*];
 - (C) section 16 [*first nations' cultural heritage plan*];
 - (D) section 17 [*access management plan*].

Engineering and technical records

- 11** An applicant for a permit for a renewable energy project must prepare the following records in relation to the project:
- (a) a description of the project;
 - (b) plot plans;
 - (c) design documents;
 - (d) if battery or other energy storage systems are included in the design, a hazard analysis and siting study for those systems;
 - (e) a construction schedule;
 - (f) a noise impact assessment, if required by regulator;
 - (g) an assessment of shadow flicker, if required by regulator;
 - (h) an assessment of solar panel glare, if required by regulator.

Adverse impacts report

- 12** (1) An applicant for a permit for a renewable energy project must prepare an adverse impacts report that includes the following:
- (a) an assessment of the adverse effects on land, water or wildlife that could occur over the life cycle of the project and a description of how those effects will be monitored and addressed;
 - (b) an assessment of the cumulative impacts of the project in the context of the impacts of other industrial and commercial activities and a description of

how those cumulative impacts are to be minimized, including through the design of access routes and the use of land that has already been disturbed.

- (2) An assessment under subsection (1) (a) must
 - (a) address the government's environmental objectives,
 - (b) include a description of the current environmental conditions in and adjacent to the project areas, and
 - (c) in the case of a wind energy project, include the results of at least one year of monitoring bats and birds.
- (3) An assessment under subsection (1) (b) must be carried out with regard to rights recognized and affirmed by section 35 of the *Constitution Act, 1982* of first nations.
- (4) A report under subsection (1) must be
 - (a) prepared by a qualified professional, and
 - (b) informed by the best available science and Indigenous knowledge.

Social and economic impacts report

- 13** (1) An applicant for a permit for a renewable energy project must prepare a social and economic impact report that describes the following:
 - (a) adverse impacts of the project to
 - (i) local housing, and
 - (ii) local infrastructure or services, including landfills, hospitals and emergency services;
 - (b) differential adverse impacts of the project to distinct human populations;
 - (c) the measures, if any, that will be taken to mitigate adverse impacts described in paragraph (a) or (b).
- (2) A report under subsection (1) must be informed by the best available science and Indigenous knowledge.

PART 4 – SECURITY

Security

- 14** Section 25 (1), (3), (4) (b) and (5) [*security*] of the Fee, Levy and Security Regulation, B.C. Reg. 8/2014, applies in relation to renewable energy projects.

PART 5 – PROGRAMS AND PLANS

Programs and plans

- 15** (1) A permit holder for a renewable energy project must develop, implement and maintain the programs and plans required by the following sections:
 - (a) section 16 [*first nations' cultural heritage plan*];
 - (b) section 17 [*access management plan*];
 - (c) section 18 [*construction programs and plans*];

- (d) section 19 *[environmental management program]*;
 - (e) section 20 *[management and maintenance program]*;
 - (f) section 21 *[wildfire mitigation and management plan]*;
 - (g) section 22 *[management of change program]*.
- (2) A program or plan under section 17, 18, 19 or 22 is not required before the permit holder gives a notice of construction start.
 - (3) A program or plan under section 20 or 21 is not required before the permit holder gives a notice of operation start.

First nations' cultural heritage plan

- 16** (1) In this section, “**cultural heritage resource**” has the same meaning as in the Environmental Protection and Management Regulation, B.C. Reg. 200/2010.
- (2) An applicant for a permit for a renewable energy project must have a first nations' cultural heritage plan that
 - (a) lists cultural heritage resources identified by local first nations, and
 - (b) describes the measures, if any, that will be taken to conserve or, if necessary, protect those resources.
- (3) A plan under subsection (2) must be informed by the best available science and Indigenous knowledge.

Access management plan

- 17** (1) A permit holder for a renewable energy project must have an access management plan that describes
 - (a) how access will be managed within the project areas, having regard to
 - (i) public safety,
 - (ii) rights and interests of first nations, and
 - (iii) government's environmental objectives, and
 - (b) any agreements with or expectations respecting other users of land within the project areas.
- (2) A plan under subsection (1) must
 - (a) be informed by the best available Indigenous knowledge, and
 - (b) prioritize physical security of the project during construction and operation.

Construction programs and plans

- 18** A permit holder for a renewable energy project must have
 - (a) a quality management program for the construction of the project, and
 - (b) a management plan for the safe storage and spill prevention of hazardous materials during construction.

Environmental management program

- 19** (1) A permit holder for a renewable energy project must have an environmental management program that

- (a) identifies the adverse effects on land, water or wildlife that could occur over the life cycle of the project and, for each of those effects, specifies
 - (i) the measures to be taken to address the effect, and
 - (ii) how the effectiveness of those measures will be monitored and the thresholds for taking further action, and
 - (b) identifies the cumulative impacts of the project in the context of the impacts of other industrial and commercial activities and, for each of those cumulative impacts, specifies
 - (i) the measures to be taken to address the cumulative impact, and
 - (ii) how the effectiveness of those measures will be monitored and the thresholds for taking further action.
- (2) A program under subsection (1) must be prepared by a qualified professional.
- (3) A permit holder for a renewable energy project must, before giving a notice of construction start, submit to the regulator a statement, in the form and manner required by the regulator, of a qualified professional that the program under subsection (1) has been prepared in accordance with this section.
- (4) Without limiting the duty under section 15 [*programs and plans*] to maintain a program under subsection (1) of this section, a permit holder for a renewable energy project must, before making a change in relation to the project that could adversely affect the environment,
- (a) ensure that a qualified professional assesses the adverse effects and cumulative impacts described in subsection (1) that could arise from the change and recommends measures to address those effects and impacts, and
 - (b) review and, if necessary, update the program in accordance with those recommendations.

Management and maintenance program

- 20** A permit holder for a renewable energy project must have a management and maintenance program that includes the following:
- (a) operational procedures;
 - (b) maintenance procedures;
 - (c) an inspection and maintenance program;
 - (d) a quality management program for the operation of the project;
 - (e) a management plan for the following, if applicable:
 - (i) the safe storage and spill prevention of hazardous materials;
 - (ii) hazards associated with ice accumulation on wind turbines.

Wildfire mitigation and management plan

- 21** A permit holder for a renewable energy project must have a wildfire mitigation and management plan.

Management of change

- 22** A permit holder for a renewable energy project must have a management of change program.

PART 6 – RENEWABLE ENERGY FACILITIES

Division 1 – Standards

Wind energy projects – design

- 23** A permit holder for a wind energy project must, unless the permit specifies other design requirements, design the facility in accordance with CSA C61400-1, Wind energy generation systems – Part 1: Design requirements, as amended from time to time.

Wind energy projects – setbacks

- 24**
- (1) In this section, “**total height**”, in relation to a wind turbine, means the sum of the hub height and the blade length.
 - (2) A permit holder for a wind energy project must, unless the permit specifies other setback requirements, ensure that wind turbines are located as follows:
 - (a) from a resource road, at least the sum of the blade length and 10 m;
 - (b) from a road regularly travelled by the public, at least the product of 1.1 and the total height of the turbine;
 - (c) from a property not associated with the project, at least the product of 1.1 and the total height of the turbine;
 - (d) from a regularly occupied building, other than a building associated with the project, the product of 2 and total height of the turbine.
 - (3) Subsection (2) (a) does not apply in relation to a resource road that is solely associated with the project.
 - (4) A distance specified in subsection (2) is to be measured from the centre of the base of a wind turbine.

Wind energy projects – shadow flicker

- 25** A permit holder for a wind energy project must ensure that shadow flicker from wind turbines does not exceed, in a regularly occupied building, either of the following limits:
- (a) 30 minutes a day;
 - (b) 30 hours a year.

Solar energy projects – solar panel glare

- 26** A permit holder for a solar energy project must ensure that solar panels do not cause
- (a) excessive glare in a regularly occupied building, or
 - (b) glare that would impact the safe operation of air, rail or road traffic.

Noise

- 27 A permit holder for a renewable energy project must ensure that the construction and operation of the project do not cause excessive noise.

Division 2 – Site Management

Signs

- 28 A permit holder for a renewable energy project must conspicuously post, at the primary access points for the project, signs clearly setting out the following information:
- (a) the name of the permit holder;
 - (b) emergency notification information, including a telephone number;
 - (c) the legal description of the project site;
 - (d) warnings related to hazards present at the site.

Security management

- 29 A permit holder for a renewable energy project must
- (a) assess risks to
 - (i) the physical security of the project, including risks of unauthorized access to the operating area of the permit or to buildings, equipment and utilities or records, and
 - (ii) the security of facility control and monitoring systems, and
 - (b) implement security measures to protect the physical security of the project and the security of facility control and monitoring systems.

Underground power lines and other infrastructure

- 30 A permit holder for a renewable energy project must ensure that all underground power lines and other infrastructure are registered with BC 1 Call.

Hazards and debris

- 31 A permit holder for a renewable energy project must ensure that the operating area of the permit is
- (a) clean and free of garbage, debris and derelict equipment, and
 - (b) maintained in a condition that minimizes hazards, including hazards associated with pits, holes, equipment and storage of materials.

PART 7 – EMERGENCY MANAGEMENT

Definitions

- 32 (1) In this Part:
- “**emergency**” means an incident classified in accordance with section 36 [*incident classification*] as a level 1, 2 or 3 incident that requires action to protect persons, property or the environment;
- “**emergency response plan**” means a plan under section 33;

“hazard planning distance” means a hazard planning distance within the meaning of subsection (2);

“hazard planning zone” means a geographical area

- (a) determined by using the hazard planning distance as a radius, and
- (b) within which persons, property or the environment may be affected by an emergency;

“hazardous product” has the same meaning as in section 1.1 [definitions] of the Occupational Health and Safety Regulation, B.C. Reg. 296/97;

“incident” means an incident described in column 1 of the table in the Schedule.

- (2) For the purposes of this regulation, a hazard planning distance, in relation to a hazard at a renewable energy project, is the greater of the following horizontal distances measured from the hazard:
 - (a) a distance recommended for the hazard in an assessment conducted by a qualified professional;
 - (b) a distance determined for the hazard using a table, software application or other resource evaluated and approved by a qualified professional.

Emergency response plan

- 33** (1) A permit holder for a renewable energy project must develop, implement and maintain an emergency response plan that includes the following:
 - (a) a description of the project and the operational activities that are the subject of the emergency response plan;
 - (b) a description of the hazards to life, health, property or the environment within each hazard planning zone arising from operational activities;
 - (c) emergency response procedures;
 - (d) emergency response roles and responsibilities;
 - (e) description of the hazardous products stored at project areas;
 - (f) emergency notification information, including a telephone number.
- (2) A permit holder for a renewable energy project must review and, if necessary, update a plan under subsection (1)
 - (a) at least once a year, and
 - (b) in any of the following occur:
 - (i) the hazards referred to in subsection (1) (b) change significantly;
 - (ii) the permit holder becomes aware of a deficiency in the plan that poses a risk to the safety of emergency response staff, the permit holder’s employees or the public.
- (3) A permit holder for a renewable energy project must, before giving a notice of construction start, submit to the regulator a copy of a plan under subsection (1).

Liaisons

- 34** A permit holder for a renewable energy project must
 - (a) establish and maintain a liaison with

- (i) the local authority responsible for emergency response to the project, and
 - (ii) local first nations, and
- (b) consult with the local authority and local first nations in developing and updating the emergency response plan required by section 33.

Training

- 35** A permit holder for a renewable energy project must
- (a) develop, implement and maintain a training plan that takes into account the matters referred to in section 33, and
 - (b) before assigning emergency response responsibilities to a person under the plan, ensure that the person has appropriate training in relation to the person's roles and responsibilities.

Incident classification

- 36** Immediately after a permit holder for a renewable energy project becomes aware of an incident, the permit holder must classify the incident in accordance with the Schedule.

Emergency response and notification

- 37** (1) If an emergency occurs, a permit holder for a renewable energy project must
- (a) immediately respond to the emergency in accordance with the emergency response plan for the project,
 - (b) notify the regulator within one hour after becoming aware of the emergency, and
 - (c) notify the local first nations, if any, for the hazard planning zones affected by an emergency as soon as possible after the permit holder has taken any immediate actions necessary
 - (i) for public safety, or
 - (ii) to minimize immediate environmental impacts.
- (2) A permit holder for a renewable energy project must notify the regulator within 24 hours after becoming aware of
- (a) an incident classified under section 36 as a minor incident, or
 - (b) an unplanned shutdown of the facility.

PART 8 – RESTORATION AND SHUTDOWN

Decommissioning and restoration plan

- 38** (1) A permit holder for a renewable energy project must develop, implement and maintain a decommissioning and restoration plan that includes the following:
- (a) a description of the activities required to decommission the project and restore the project areas;
 - (b) a schedule for the activities referred to in paragraph (a), which identifies
 - (i) activities required under section 39 [*progressive restoration*], and

- (ii) decommissioning and restoration activities to be completed after operations cease;
 - (c) a description of how materials and equipment will be managed safely on site or disposed of responsibly;
 - (d) an inventory of all substances that could cause pollution or contaminate the site and how any contamination will be avoided or remediated;
 - (e) a cost-estimate of the activities referred to in paragraph (a).
- (2) A plan under subsection (1) must be prepared by a qualified professional.
 - (3) A permit holder for a renewable energy facility must review and, if necessary, update a plan under subsection (1) at least once every 5 years.
 - (4) A permit holder must submit to the regulator a copy of a plan under subsection (1)
 - (a) before giving a notice of construction start, and
 - (b) within 30 days after the plan is updated under subsection (3).
 - (5) If requested by the regulator, a permit holder must revise the schedule referred to in subsection (1) (b) in accordance with the request.

Progressive restoration

- 39**
- (1) A permit holder for a renewable energy project must restore the surface of land in project areas that is disturbed during construction of the project by
 - (a) removing all structures not required for the operation of the facility,
 - (b) restoring the surface to a state that eliminates hazards, enables weed and precipitation run-off control and prevents erosion, and
 - (c) re-vegetating any exposed soil in accordance with section 19 (1) (d) of the Environmental Protection and Management Regulation, B.C. Reg. 200/2010.
 - (2) Work required by subsection (1) must be
 - (a) carried out during construction of the project, to the extent practicable given weather, ground and other conditions, and
 - (b) completed as soon as practicable after construction of the project, if the work could not practicably be completed during construction.

Suspensions

- 40**
- (1) A permit holder for a renewable project who suspends operation of the facility or a major component of the facility must do so in accordance with a plan that is prepared by a qualified professional.
 - (2) Subsection (1) does not apply to suspensions of less than 12 months.

Decommissioning

- 41**
- (1) A permit holder for a renewable energy project must decommission the facility if the permit holder
 - (a) ceases operation of the facility, or
 - (b) suspends operation of the facility for 24 months.

- (2) A renewable energy facility is decommissioned for the purposes of this section if the permit holder removes from the operating area of the permit all structures and equipment associated with the facility.
- (3) A permit holder for a renewable energy project must ensure that the decommissioning of the facility is carried out safely.

PART 9 – GENERAL

Division 1 – Notices

Construction

- 42**
- (1) A permit holder for a renewable energy project must notify the regulator
 - (a) at least 14 days before beginning site preparation, and
 - (b) at least 14 days before beginning construction.
 - (2) A permit holder for a renewable energy project must, before giving a notice of construction start, submit to the regulator a record referred to in section 11 (b) and (c) [*engineering and technical records – plot plans and design documents*], if the record has been revised.

Operations

- 43**
- (1) A permit holder for a renewable energy project must notify the regulator at least 14 days before beginning operations.
 - (2) A permit holder for a renewable energy project must, before giving a notice of operation start, submit to the regulator
 - (a) a record referred to in section 11 (b) and (c) [*engineering and technical records – plot plans and design documents*], if the record has been revised, and
 - (b) a statement from an engineer that the facility
 - (i) was designed and constructed in accordance with this regulation and the permit, and
 - (ii) is safe for operation.
 - (3) A statement required under subsection (2) (b) must be submitted in the form and manner required by the regulator.
 - (4) A permit holder for a renewable energy project must notify the regulator as follows:
 - (a) at least 24 hours before putting new or modified equipment into service;
 - (b) at least 24 hours before beginning a planned shutdown of the facility or a major component of the facility;
 - (d) at least 5 days before operations resume after a suspension to which section 40 [*suspensions*] applies;
 - (e) at least 60 days before beginning the decommissioning process and on completing the decommissioning process.

Wildlife incidents

- 44** A permit holder for a renewable energy project must notify the regulator immediately after the permit holder becomes aware that any of the following has occurred:
- (a) the death or injury of a member of a species of mammal or bird that is listed in Part 1 or 2 of Schedule 1 of the *Species at Risk Act* (Canada);
 - (b) the death or injury of a member of a species that is identified in the permit as a locally significant species.

Division 2 – Other Matters

Records

- 45** (1) The records and plans required under the following provisions of this regulation are prescribed for the purposes of section 38 of the Act:
- (a) Part 5 [*Programs and Plans*];
 - (b) section 33 [*emergency response plan*];
 - (c) section 38 [*decommissioning and restoration plan*];
 - (d) section 40 [*suspensions*].
- (2) Subsection (1) does not apply in relation to a record required under section 18 [*construction programs and plan*] after the date that is 3 years after the permit holder gives a notice of operation start.

Exemptions

- 46** (1) This section applies in relation to
- (a) Parts 5 to 8, and
 - (b) Division 1 of Part 9.
- (2) An official may exempt, with or without conditions, a person from a provision of this regulation if the official is satisfied that, in the circumstances,
- (a) compliance with the provision is not reasonably practicable, or
 - (b) the exemption is in the public interest.

Transition – existing wind and solar energy projects

- 47** (1) In this section, “**specified existing project**” means a wind or solar energy project that is a level 3 streamlined project and in operation on January 1, 2026.
- (2) The following provisions do not apply in relation to a specified existing project:
- (a) Part 2 [*Public Consultation*];
 - (b) Part 3 [*Permit Applications*];
 - (c) sections 15 (1) (a) and 16 [*first nations’ cultural heritage plan*];
 - (d) section 18 [*construction programs and plan*];
 - (e) section 23 [*wind energy projects – design*];
 - (f) section 24 [*wind energy projects – setbacks*];
 - (g) section 43 (2) (b) [*operations*].

- (3) A person is not required to comply with this regulation, other than section 49, before October 1, 2026 in relation to a specified existing project.
- (4) A reference in the following provisions to the date a notice of construction start or notice of operation start is given is to be read in relation to a specified existing project as a reference to October 1, 2026:
 - (a) section 15 (2) and (3) [*programs and plans*];
 - (b) section 19 (3) [*environmental management program*];
 - (c) section 33 (3) [*emergency response plan*];
 - (d) section 38 (4) (a) [*decommissioning and restoration plan*];
 - (e) section 42 (2) [*construction – revised records*];
 - (f) section 43 (2) (a) [*operations – revised records*].

**SCHEDULE
INCIDENT CLASSIFICATION MATRIX**

Item	Column 1 Incident (event or consequence)	Column 2 Probability of escalation or control				
		Uncontrolled	Escalation possible	Escalation unlikely	Escalation highly unlikely	Will not escalate (no hazard; no monitoring required)
1	<ul style="list-style-type: none"> • Major on-site equipment or infrastructure loss • Persistent and malicious equipment damage or tampering • Liquid spill or gas release beyond site, affecting persons, property or the environment 	Level 3 incident	Level 3 incident	Level 2 incident	Level 2 incident	Level 1 incident

Item	Column 1 Incident (event or consequence)	Column 2 Probability of escalation or control				
		Uncontrolled	Escalation possible	Escalation unlikely	Escalation highly unlikely	Will not escalate (no hazard; no monitoring required)
2	<ul style="list-style-type: none"> Major on-site equipment failure Malicious equipment damage or tampering Liquid spill or gas release beyond site, potentially affecting persons, property or the environment 	Level 3 incident	Level 2 incident	Level 2 incident	Level 1 incident	Level 1 incident
3	<ul style="list-style-type: none"> Major on-site equipment damage Persistent / multiple minor vandalism or security incidents Liquid spill or gas release on site or potentially beyond site, not affecting persons, property or the environment 	Level 2 incident	Level 2 incident	Level 1 incident	Level 1 incident	Minor incident

Item	Column 1 Incident (event or consequence)	Column 2 Probability of escalation or control				
		Uncontrolled	Escalation possible	Escalation unlikely	Escalation highly unlikely	Will not escalate (no hazard; no monitoring required)
4	<ul style="list-style-type: none"> • Moderate on-site equipment damage • Minor vandalism or facility security incident • Liquid spill or gas release confined to site 	Level 2 incident	Level 1 incident	Level 1 incident	Minor incident	Minor incident