Appendix O

EIA Determination Letter from ESRD
September 19, 2013

Lori Nickifor
Senior Manager, Environmental Services
Health, Safety, and Environment
Capital Power Corporation

Dear Ms. Nickifor:

Further to your e-mail of September 13, 2013, I wish to advise you that pursuant to Section 44 of the Environmental Protection and Enhancement Act (EPEA), I have considered the application of the environmental assessment process to your proposed Genesee Generating Station Units 4&5 Project. This activity is not a mandatory activity for the purposes of environmental assessment. Having regard to the consideration set out in Section 44(3) of EPEA, I have decided that further assessment of the activity is not required. Therefore, a screening report will not be prepared and an environmental impact assessment report is not required.

Please note that this decision is based on the current information about the project and that I reserve the ability to review this decision should different and/or new information come to light. Capital Power Corporation should also note that Section 47 of EPEA gives the Minister of Environment and Sustainable Resources Development the authority to order the preparation of an environmental impact assessment report under appropriate circumstances, notwithstanding a director’s decision to not require an environmental impact assessment report.

Capital Power Corporation should be advised that although an environmental impact assessment report is not required for this project, Alberta Environment and Sustainable Resource Development may have other regulatory requirements under EPEA and/or the Water Act. For more information about regulatory requirements under EPEA and/or the Water Act, please contact Steve Cook (steve.cook@gov.ab.ca).

Capital Power Corporation should also note that Alberta Environment and Sustainable Resource Development’s section (Part III) of the Government of Alberta’s First Nations Consultation Guidelines on Land Management and Resource Development may apply to this project and accordingly, Capital Power Corporation may be required to submit a First Nations Consultation Plan to the department. For more information about the First Nations consultation process, please contact Darcy Evanochko (darcy.evanochko@gov.ab.ca).

Capital Power Corporation should also contact Shauna Sigurdson (780-495-2236) with the Canadian Environmental Assessment Agency to discuss the potential submission of a federal project description and any federal environmental assessment requirements under the Canadian Environmental Assessment Act, 2012.
If you have any questions or need further information please contact me at 780-427-9116.

Sincerely,

[Signature]

Corinne Kristensen
Acting Environmental Assessment Team Leader
Provincial Programs
(Designated Director under the Act)

cc:    S. Sigurdson (CEAA)
       Steve Cook (ESRD)
       Darcy Evanochko (ESRD)
       M. Daneluk (ESRD)