

To Whom It May Concern,

Please find attached my Application to Intervene in the matter Re: The PEI Energy Corporation v. Rural Municipality of Eastern Kings.

A confirmation of receipt would be appreciated. Thank You

Yours Sincerely,

Fred Cheverie

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March 1, 2021

The Island Regulatory and Appeals Commission
National Bank Tower, Suite 501
134 Kent Street, P. O. Box 577
Charlottetown, PE
C1A 7L1

Dear Sirs/Madams:

Re: The PEI Energy Corporation v. Rural Municipality of Eastern Kings - Docket
LA20014 - Notice Of Application To Intervene

Please consider this letter as my application to intervene in this matter as an Added Party Intervener or, in the alternative, as a Friend of the Commission Intervener. This application is made pursuant to ss. 14-20 of the Commission's Rules of Practice and Procedure in respect of an appeal pursuant to the *Planning Act*, R.S.P.E.I. 1988, Cap. P - 8.

My interest in the subject matter of this appeal is as a landowner in the Rural Municipality of Eastern Kings ("RMEK") who would be adversely affected by a decision granting the appeal under consideration by the Commission. While RMEK is the decision maker responsible for governance of the community, it will not be affected in the same way as I, as an individual landowner, will be. In my submission, I have a distinct and separate interest in the matter and a distinct and separate perspective from that of RMEK.

I will be one of the many landowners in RMEK who would be adversely affected by the development proposed by the Appellant. I was involved in the revisions of the Official Plan of RMEK in 2012, as an ex-officio member at the request of RMEK. This document is the underlying basis for the decision of the Council of RMEK now under appeal. Upon review of the record, I believe that many facts have been mischaracterized by the Appellant and by the Appellant's expert witness. I believe that in fairness I should have an opportunity to respond.

There is also a broader public interest aspect to this matter that I wish to address. I am very familiar with the area proposed for development by the Appellant as it is in the immediate vicinity of land that I own in RMEK. I grew up in the area and I have personal knowledge of the environmental sensitivity of the proposed development land through my years of service as the Souris & Area Watershed Coordinator. The

land in question contains old growth forest and many wetlands that are important habitat for wildlife and the sequestration of carbon. The area involved in this proposal is included in the largest corridor for migratory birds on PEI. I am very concerned about the negative effects that the Appellant's proposal would have on this environment. The most recent filing of the Appellant is troubling, as it argues that the RMEK Council was not entitled to consider environmental impacts that were addressed in the Province's Environmental Impact Assessment ("EIA") even though these are clearly part of the Council's remit in reference to the Official Plan and Bylaws, and despite the fact that the EIA purported to address many factors beyond any particular expertise of the EIA review panel. I believe I should have a right to be heard on these issues.

My primary goal is to be in a position to make written submissions at the conclusion of the hearing based on the evidence tendered and submissions made by the Parties. I do not propose to duplicate the submissions of RMEK, but rather to make submissions from the point of view of an affected landowner. However, depending upon the evidence tendered at the hearing, additional evidence from myself might be useful to the Commission. Similarly, I do not anticipate the need to conduct cross-examination of witnesses, but depending on the evidence that comes forward, I should have the right to do so, subject to reasonable limitations by the Commission.

I would not anticipate that my intervention would add significantly to the cost and complexity of the proceeding. While it might become necessary to introduce evidence or conduct cross-examination, that is not anticipated and will, of course, be subject to such limitations as the Commission sees fit to impose.

It is my intent to demonstrate the significant adverse consequences to myself, as a landowner in RMEK, that a decision of the Commission allowing the appeal of the Appellant would have. I intend to clarify the information in the record in regard to those aspects of the matter of which I have personal knowledge. I also intend to show that the reasons put forward by the Appellant for overturning the RMEK Council's decision are based on a mischaracterization of the facts. As the hearing progresses, other factual issues may also arise.

Yours very truly,



Fred Cheverie

cc: J. Gordon MacKay, Q.C.
Geoffrey D. Connolly, Q.C.
Hilary A. Newman