

SUBMISSION TO IRAC – FRED CHEVERIE

INTRODUCTION

The Rural Municipality of Eastern Kings (RMEK) is located on the most eastern section of PEI. It is triangular shaped and has the Gulf of St. Lawrence on the north and Northumberland Strait on the south. It is home to approximately 700 permanent residents and its coastline is lined with many cottages/homes that are filled during cottage season. Local retailers suggest that the cottage population quadruples during the summer season (pre COVID times). This extensive coastline makes this territory very picturesque with much of it viewable from East Point and Northside roads. Visitors are awed by this spectacular view of the pristine natural beauty. Residents are easy to get along with and it has become a very tight community with everyone helping neighbours out when difficult times fall upon one.

The economy of Eastern Kings is doing very well. The farming industry has been doing well with good crops and decent pricing over the last number of years. Fishing, especially the lobster industry has been sensational over the last few years. The tourism sector had been doing superbly well prior to the pandemic and the real estate market is exceptionally strong. Basin Head, the only Marine Protected site on PEI, has been an anchor attracting tourists with its nationally recognized beaches. The construction industry has been strong with many non-residents from USA and other parts of Canada building dream homes. Small businesses are doing well. So, the economy is strong and vibrant.

Residents from this economy put forward their names during municipal elections, to ensure that this area is well governed. These people know the pulse of the community and want to ensure that this area maintains its vibrance and charts its future in the direction that they feel is most suitable.

OFFICIAL PLAN

In 2012, RMEK conducted a revision of their Official Plan. A committee was formed which included councillors, former councillors and a representative (Fred Cheverie) with expertise in watershed management and watershed planning from the Souris and Area Branch of the PEI Wildlife Federation (SAB) and a professional urban planner (Janice Harper) from the Dept. of Municipal Affairs. Within the early meetings, an assessment of what the municipality had to offer to make the economy strong and vibrant was done. It was acknowledged that the farming and fishing sectors were doing well, and the tourism sector was on the rise. It was determined that the reasons for the increase in tourist traffic was causally related to the natural landscape and pristine beauty of the area. It was felt that these natural features should be reflected, protected and incorporated into the Official Plan.

It is evident in RMEK's Official Plan that this committee reflected their desire to enhance and protect the natural environmental qualities of Eastern Kings. It also is quite evident that there was **intent** in their Official Plan to limit and control future windmill expansion.

Councillors decided that there was a need to address the windmill issue because they were already stuck with 10 in their municipality and at some point, they had to be decommissioned. Contrary to the evidence of the PEIEC at the hearing, the existing windfarm has negatively affected the quality of life in the community. People have moved from Elmira due to the transmission lines, others can't sell their waterfront properties because of proximity to turbines and sales have also been lost because of the threat of more turbines in the future. The Councillors decided to institute changes within their Official Plan to control future windmill development within the Community.

Windmills that are approximately 40% higher than the existing windfarm at North Lake do not conform with the Official Plan. The windmills at the Hermanville Windmill farm have many turbines

spewing hydraulic fluid down the top sections of the pillars (for the past two years) which is evidence that large scale windmills have a significant aesthetic threat to the viewscapes.

RMEK was clear with PEIEC on many occasions that their appetite for windmills in their area was low, they said no to PEIEC in 2012, they refused the request to change the variances in 2019, they said no the last proposal in 2020.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

In this case the proponent is PEIEC (in essence, the Government of PEI) and the regulator is the PEI Dept. of Environment which in relation to fairness is at least optically flawed. Where can one find the fairness in this exercise especially when Stephen Myers, the then Minister of Transportation, Infrastructure and Energy stated in a news release with CBC on September 30, 2019. "I don't want to leave it in the air, that there is a possibility that we are not going there. We think the whole project is in order and as we move through the steps, we will be able to pass them. Our homework is done and the plan is set." This puts RMEK in a David verses Goliath position, with RMEK being David.

PEIEC appears to be arguing that the approval by the Province of its Environmental Impact Statement ("EIS") is binding on RMEK. However, this was a separate and distinct process that does not remove the jurisdiction of the Council to come to its own conclusion on environmental concerns, and to be significantly more risk-averse in its conclusion.

The process used by the Province for the environmental review was, in fact, seriously flawed. The EIS of the Energy Corporation was reviewed in accordance with the Environmental Impact Assessment Guidelines (the "Guidelines") by a Technical Review Committee ("TRC") comprised of representatives of various government departments, including DTIE, being Minister Myers' own department which, as noted, is responsible for the Energy Corporation (Guidelines, s. 7).

It is difficult to see how the process contemplated by s.7 of the Guidelines with the TRC as constituted gave any assurance to the RMEK Council that there is no environmental risk to the project. In effect, a Minister of the Crown put forward an EIS to be reviewed by various subordinate officers of the Crown, including a representative of that Minister's own department.

This EIS prepared by WOODS was done as a "rush job" to attempt to meet PEIEC needs. Sections of it were submitted prior to all bird and bat data from the fall of 2020 being analyzed and submitted. Because of time restraints this EIS was weak. Approximately 30% of the 285 references were from data that was 20-50 years old which is obsolete in a scientist's world.

Water quality data that is 20 years old was used in this document at a time of climate change and on an Island that has water quality issues. This is irresponsible.

The consultation section indicated that they only interviewed two people, Danielle Elliot (Deputy Mayor) of RMEK and Tammy MacDonald (Mi'kmaq Confederacy) **3.5.2 Consultations and Stakeholders**. This is totally inadequate. SAB with a 65 + year history in watershed management was never consulted by the WOODS group.

There were many blunders pointed out within this EIS as many sections appeared to be simply a "copy and paste" from the Hermanville EIS in 2012. For example, incorrect Fire Departments were listed for response that only correlated with the Hermanville site. It was obvious that author had never visited the area and this EIS was described by a wildlife biologist from PEI Fish and Wildlife Division as a "desktop activity."

SAB collects reams of data on many of our watersheds. **Section 4.2 Fish and Fish Habitat** is very incomplete. They list two species brook trout and minnow species and potentially rainbow trout that frequent this watershed. SAB has installed nets with permits in 2018 and 2020 to collect fish species that frequent this watershed. We have data to suggest that the species of Gasperaux, Silver Perch, American Eel also frequent this watershed and Striped Bass have been caught at the mouth of the estuary. This once again indicates the inadequacy of this report.

Avifauna and Bats 4.5 Only 1 year migratory data was collected. Scientists would suggest it takes 2-3 years of data collection to make sound conclusions regarding numbers and species identified. Once again everything appeared to be rushed and incomplete.

Approximately 100 -110 submissions were sent to the regulator (Dept. of Environment) regarding the EIS. Only 2-3 % of these submissions were in favour of this project. The regulator posted 147 concerns of which many were not met. The regulator failed to ensure the proponent addressed all concerns and ensured quality answers to concerns proposed by stakeholders. SAB requested:

“We request PEIEC attain an expert (Health Canada) with sophisticated equipment to do a test of the Electro Magnetic Field (EMF’s) when all existing 10 windmills are functioning in the presence of a councillor from RMEK and a staff member from SAB for verification. If they exceed the Canadian standards then an immediate plan, including compensation, must be created. If less, a press release should be issued to stakeholders to put their fears at ease.”

This was never addressed.

RMEK was clearly informed by more complete information than that provided within the EIS, which purported to be conclusive, but which was in fact woefully inadequate, if not misleading. Further, the more complete and accurate information was available to PEIEC and the government departments, but they urged then, and continue to ask, that this crucial information which properly must be, and was, factored into the RMEK decision be disregarded.

CONCLUSION


PEIEC proposes to construct a gigantic wind farm at East Point for two reasons which are both economic, there is a substation with the capacity to carry the electrical load and the transmission lines were in place. They chose an area that is extremely environmentally sensitive. An area consisting of old growth forest, wetlands, streams amongst an area of woods difficult to traverse. They attained an EIS that was heavily flawed in process and weak in recent data and had the appearance of been rushed. PEIEC made a serious administrative blunder in purchasing the turbines prior to receiving a Special Permit from RMEK. PEIEC has appealed the decision of RMEK to IRAC because they are now sitting with millions of dollars in debt with no place to install their turbines.

It should be noted that the proposed turbines are much larger than any of the turbines now existing in the Province. The proposed site is immediately adjacent to the “red triangle” that even PEIEC recognizes as environmentally sensitive. The site proposed is much different than the site of the existing windfarm. This project should not be foisted on the residents of East Point against their wishes as expressed by their elected representatives. This proposal is of a different scope than anything previously constructed in this Province or anywhere else in Eastern Canada. This extremely environmentally sensitive area of East Point should not be used as a testing ground for the vague and unsupported theories of PEIEC. Despite the flawed environmental review, the Council had its own distinct jurisdiction to come to exactly that conclusion.

Respectfully, for this panel to substitute its decision for that of a duly elected council, which carefully considered all of the evidence put to it by both residents and experts in the context of its Official Plan, and decided what is in the public interest of the residents of RMEK, would be contrary to our democratic process.

Thank you for the opportunity to make this submission.

Dated: April 16, 2021.



Fred Cheverie