



NOTICE OF APPEAL

(Pursuant to Section 13 of the *Environmental Protection Act*
Watercourse and Wetland Protection Regulations)

Note: Appeal process is a public process

TO: The Island Regulatory and Appeals Commission
National Bank Tower, Suite 501, 134 Kent Street
P.O. Box 577, Charlottetown PE C1A 7L1
Telephone (902)892-3501 Toll free: 1-800-501-6268
Fax (902)566-4076 Website: www.irac.pe.ca

TAKE NOTICE that I/we hereby appeal the decision made by the Minister responsible for the administration of the Act and Regulations on 4th day of October, 20 23, wherein the Minister made a decision relating to:
[check appropriate box]

☐ the refusal, revocation or amendment of a permit, grass headland variance, grass headland exemption, or authorization;

☒ the refusal of approval of a management plan; or

☐ the issuance of an emergency field order

(attach a copy of the decision).

AND FURTHER TAKE NOTICE that in accordance with the provisions of Section 13 of the *Environmental Protection Act Watercourse and Wetland Protection Regulations* I/we seek the following relief (use separate page(s) if necessary):

We want the Minister to allow us to proceed with repair of our shore front protection at 3 Colonel Gray Drive

Name(s) of Appellant(s) Matt MacDonald Signature(s) of Appellant(s) [Signature]

Mailing Address 6 Stewart St. City/Town Ch. town

Province PEI Postal Code C1A 2B6

Email Address matt-macdonald@hotma.i.com Telephone 902-388-1495

Dated the 4th day of Oct., 20 23

- Your appeal MUST be received by the Commission within 21 days following the date of the decision.
- A notice of appeal under subsection (1) may be filed only by a person who
 - (a) is the holder of, or an applicant for, a permit, grass headland variance, grass headland exemption or authorization;
 - (b) is the applicant for or is subject to a management plan; or
 - (c) is subject to an emergency field order, or by anyone else determined by the Commission to be personally or adversely affected by the matter so as to have standing.
- Subject to adherence to the rules of natural justice, the Commission shall determine its own procedure.
- The Commission may vary, confirm, or rescind the decision being appealed.
- The initiation of an appeal does not abrogate the requirement to comply with the decision being appealed.

IMPORTANT

Information on this Form is collected pursuant to the *Environment Protection Act* and will be used by the Commission in processing this appeal.
For additional information, contact the Commission at 902-892-3501 or by email at info@irac.pe.ca.



Environment,
Energy and
Climate Action

Environnement,
Énergie et
Action climatique



PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

September 28, 2023

Matthew MacDonald
3 Colonel Gray Drive
Charlottetown, PE
C1A 2P5

Attention:

RE: Application for Watercourse, Wetland and Buffer Zone Activity # QA23-108 for Shoreline Protection, on PID # 366526, Queens County, Prince Edward Island.

Please be advised that the above-noted application for shoreline protection has been **DENIED**. The application has been denied because the moratorium was put in place to address concerns related to development in the coastal zone and the portion of your property on 3 Colonel Gray Drive falls under its guidance.

A Coastal Hazard Assessment was completed by the Department of Environment, Energy and Climate Action for PID #366526, which has been attached to this Letter. This parcel has experienced accretion (i.e. accumulation of sediment) along some of its coastline. The average erosion rate for this property is classified as low because it falls within the 0 cm/year - 30 cm/year classification. Therefore, until either the moratorium is lifted, or a new coastal zone policy is adopted, the restriction on armouring this property remains in effect.

Pursuant to Section 13 of the Watercourse and Wetland Protection Regulations, *Environmental Protection Act*, R.S.P.E.I. 1988, Cap. E-9 this decision of the Minister may be appealed to the Island Regulatory and Appeals Commission within 21 days of the receipt of this letter.

Please feel free to contact me at (902)368-5059 or hljenkins@gov.pe.ca if you have any questions or wish to discuss this matter.

Sincerely,

Hannah Jenkins, E.I.T
Acting Manager
Environmental Land Management

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From: Greg Wilson <GBWILSON@gov.pe.ca>

Sent: Thursday, April 27, 2023 1:54:53 PM

To: Matt MacDonald <matt_macdonald@hotmail.com>; Thompson, Laurel <lthompson@charlottetown.ca>

Cc: Forbes, Alex <aforbes@charlottetown.ca>; Todd Dupuis <tdupuis@gov.pe.ca>; Brad Colwill <bccolwill@gov.pe.ca>; Shawn E Schofield <seschofield@gov.pe.ca>; Shawn Banks <sabanks@gov.pe.ca>; Shawn Hill <SJHILL@gov.pe.ca>; Dale Thompson <DETHOMPSON@gov.pe.ca>; David Dowling <djdowling@gov.pe.ca>; Randy Monaghan <rwmonaghan@gov.pe.ca>; Anthony D.L. Atkinson <adlatkinson@gov.pe.ca>

Subject: RE: 3 Colonel Gray Drive, Charlottetown

Hi, Matt and Laurel:

Just to confirm how this property will be handled from regards to the existing moratorium:

1. Due to the fact that there was existing infrastructure on the property (old cottage) the Department will allow, under the conditions of the moratorium, for erosion control work to proceed to protect it.
2. This work is to be done by a licensed contractor under the Provincial Contractor Licensing Program in late spring to early summer (the Department will dictate the time period of work) once the proper approvals are in place. No work is to take place until the Department notifies a local contact in the vicinity so that neighbors are aware of the work, and the Enforcement Branch of Justice and Public Safety is also advised.
3. At this time, the Department will NOT be approving any application for new residential construction on this property which is proposed within or that infringes upon any portion of the existing legislated 15m buffer zone.

Regards,

Greg Wilson
Manager

From: Matt MacDonald matt_macdonald@hotmail.com
Subject: Fwd: 3 Colonel Gray Drive, Charlottetown
Date: May 5, 2023 at 7:16:11 AM

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From: Matt MacDonald <matt_macdonald@hotmail.com>
Sent: Wednesday, May 3, 2023 5:32:51 PM
To: Greg Wilson <GBWILSON@gov.pe.ca>
Cc: Brad Colwill <bccolwill@gov.pe.ca>; Todd Dupuis <tdupuis@gov.pe.ca>
Subject: Re: 3 Colonel Gray Drive, Charlottetown

Greg,

Our contractor was told last week he could proceed in June, your last email indicated we could proceed under circumstances you've yet to explain.

The last correspondence is quite frankly unacceptable. Unless I hear from the Minister. I have a reasonable expectation for this issue to be clarified. I will be by the department tomorrow.

Matt

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From: Greg Wilson <GBWILSON@gov.pe.ca>
Sent: Wednesday, May 3, 2023 5:21:12 PM
To: Matt MacDonald <matt_macdonald@hotmail.com>
Cc: Brad Colwill <bccolwill@gov.pe.ca>; Todd Dupuis <tdupuis@gov.pe.ca>
Subject: RE: 3 Colonel Gray Drive, Charlottetown

Hi, Matt:

Property Identification Number (PID):	366526		
Civic Address/Lot Number:	3 Colonel Gray Dr.		
Community/Municipality:	Charlottetown		
Shoreline Classification Type:	Bluff, Estuary exposure		
Watershed Name:	North River	Watershed ID:	WS_79

Prince Edward Island's coastline is ever-changing, shaped by the forces of wind, waves, tides, and changes in sea level. Residents, businesses and visitors value coastal properties. However, coastal hazards, like erosion and flooding, are common and they are growing.

A Coastal Hazard Assessment (CHA) provides information on a property's potential erosion and flood hazards. This information can help you make decisions before you purchase or develop a property. Actual or potential damage to all property assets are beyond the scope of this assessment. This includes, but is not limited to, building structures and on-site services. The CHA should not be considered a definitive statement as to where and when future damage may occur.

This CHA is not based on a site visit. Instead, it is based on the interpretation of remotely sensed data and climate modeling.

Recovering from erosion and flood damage can be expensive. Disaster financial assistance programs are available, but not everyone is eligible. New development in flood prone areas are not eligible for disaster financial assistance provided through Public Safety Canada's Disaster Financial Assistance Arrangements, unless steps have been taken during design and construction to protect against a 100-year-flood. Information on a 100-year-flood, sometimes called a floodplan, is available for coastal areas of Prince Edward Island.

Please consider the following steps before you purchase, develop or subdivide a coastal property:

- * talk to a qualified professional to get advice on the design and location of any coastal development,
- * think about how long you want your development to last, how much you want to invest, and how comfortable you are with risk,
- * learn about previous erosion and flood damage to the property, and
- * talk to your insurance agency about potential coverage.

For more information on coastal hazards, please visit: www.princeedwardisland.ca/coastalhazards

Limitation of Liability: Government, its agents, representatives, and employees shall not be liable for any claims, demands, losses, costs, damages, actions, suits or proceedings of every nature and kind, whatsoever, arising out of or resulting from any reliance on the Coastal Hazard Assessment.

How will PEI's coastline erode in the future?

As a result of climate change the sea level is rising, intense storms are occurring more frequently, and during the winter months there is less sea ice coverage. All of these factors are expected to lead to increased erosion in coastal areas in the future.

What is the Erosion Hazard Classification for a single property?

By using the average historical (1968-2010) rate of erosion, the level of hazard can be attributed to an individual property. Hazard classifications are as follows:

High Erosion Hazard:	more than 90 cm per year
Moderate Erosion Hazard:	30-90 cm per year
Low Erosion Hazard:	less than 30 cm per year

This hazard classification is based on historical coastal change and is likely to be an underrepresentation of the future erosion rate (i.e., as the climate continues to change, the erosion rate is likely to increase). Furthermore, if the coastline of your property has been altered (e.g., shoreline armouring) the historic rate of erosion may not accurately reflect current conditions.

Please note that the historical rate of erosion is currently not available for coastlines adjacent to saltmarshes. Saltmarshes can provide a natural barrier between coastal properties and the impacts of storm surge flooding. Without interference from coastal development, saltmarshes are expected to expand (inland) as sea level continues to rise.

Coastal Erosion Hazard Assessment

Average Coastal Erosion Rate (cm/year):	0
Maximum Coastal Erosion Rate (cm/year):	0
Coastal Erosion Hazard Classification:	Low
Comments: This assessment is based on historical coastal change (1968-2010) and is likely to be an underrepresentation of the future erosion rate (as the climate changes, the erosion rate is likely to increase). When the average historical rate of coastal change is between 0-30cm/yr it is considered low risk; between 30-90cm/yr it is considered moderate risk; and greater than 90cm/yr is high risk. This parcel has experienced accretion (i.e. accumulation of sediment) along some of its coastline. The average erosion rate for this property is classified as low because it falls within the 0 cm/year - 30 cm/year classification. Questions regarding the potential for future development opportunities on this property should be forwarded to the relevant municipal or provincial planning department.	

Is my property in a flood hazard zone?

PEI is fortunate to have access to detailed information on the elevation of all coastal properties. By using climate models of projected sea level rise, this information can be used to assess the coastal flood hazard of a single property.

High Flood Hazard:

This area of the property falls within the current (2020) coastal floodplain. This low lying coastal land may experience flooding now during extreme storm events, and will be impacted more often as sea level rises and storm water levels reach higher elevations more frequently. As mean sea level continues to rise, a portion of this area will be permanently inundated by sea water during regular high tides.

Moderate-High Flood Hazard:

This area of the property falls within the 2050 coastal floodplain. It is less likely that this area will experience flooding now, but the likelihood of flooding during an extreme storm event will increase over time.

Moderate-Low Hazard:

This area of the property falls within the 2100 coastal floodplain. It is unlikely that this area will experience coastal flooding now, but the likelihood of flooding during an extreme storm event will increase over time.

Minimal Flood Hazard:

This area of the property is elevated above the 2100 coastal floodplain.

A worst-case-scenario designated flood elevation, indicating an additional 0.65m of sea level rise, is also provided on the CHA map of the property. All land above this elevation is considered outside the coastal flood hazard zone.

Coastal Flood Hazard Assessment

	Approximate area of the property within the hazard area
High flood Hazard:	10
Moderate-High Flood Hazard:	5
Moderate-Low Flood Hazard:	15
Minimal Flood Hazard:	70

Comments:

Approximately 10% of this property falls within the High Flood Hazard Zone, 5% falls within the Moderate- High Flood Hazard Zone, 15% falls within the Moderate- Low Flood Hazard Zone, and 70% of this property falls within the Minimal Flood Hazard Zone. If available, local knowledge of previous occurrences of flooding will also help to inform the property owner regarding current and future flood risk.



Staples Canada / Bureau En Gros
115 - Charlottetown
655 University Ave.
Charlottetown, PE C1E 1E5
902-894-5011

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10-4-2023 11:07:43

Receipt #: 114507

Qty	Description	Amount
1	417631 - Letter Colour Print	0.56
1	417631 - Letter Colour Print	0.56
2	417631 - Letter Colour Print	1.12
3	417631 - Letter Colour Print	1.68

SubTotal	3.92
HST No. 126152586	0.59
Total	4.51



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10-4-2023 11:07:43

Receipt #: 114507

----- TRANSACTION RECORD -----

Completion

Oct 04,2023 11:07:38
MASTERCARD *****2704
INVOICE # 114507
TID: 66247516 Entry: Tap EMV (H)
Sequence: 222 Batch: 001
Auth#: 05287Z Response: 01-027
UID: 0S20CKQAGEWR66F

Amount \$4.51
Total \$4.51

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