



Rural Municipality of Eastern Kings

COUNCIL MEETING MINUTES

Tuesday, December 12, 2023 6:15 p.m.

In Attendance: Mayor Larry Fitzpatrick, Deputy Mayor Danelle Elliott, Councillor's Bernadette McInnis, Don Humphrey, Arthur Baker and Donna Campbell Dixon, Nathan Paton and Chief Administrative Officer (CAO) Sonya Martin. Guests: Tyson Bradley, Heather MacLeod & Spencer Long – PEI Energy Corporation, Members of the Public: 6

1. Call to Order

The meeting was called to order at 6:15 p.m.

2. Conflicts of Interest Declaration – Individual Councillors – MGA 96.(1-8)

None were heard.

3. Agenda Approval

Addition to Agenda - 6.(a) Fly Program.

A motion to strike the following *note*; ["Residents are encouraged to generate questions or submissions on the Eastern Kings Wind Turbine Project for a future "Public Meeting" which will be hosted by the PEI Energy Corporation"] from the agenda was made by Councillor Don Humphrey who indicated that it is vague and ambiguous. It should be removed from this Agenda until Council has discussed it. There are too many questions about it."

Mayor Larry Fitzpatrick spoke to all of Councillor Don Humphrey's concerns. The Premier's Office did receive a letter from the RMEK written Sept 12, 2023 in regards to the sweeping legislation changes which allows provincial authorities to issue development permits for renewable energy projects, effectively taking all the choice away from municipalities. The community deserves to get an explanation, and we have not received any acknowledgement from the Premier's Office to date, so there has to be a public meeting from the provincial government to explain energy use, climate goals and why legislation was needed to expand the wind farm.

He also noted that he had made a presentation to the Standing Committee on Natural Resources and Environmental Sustainability October 19, 2023 at the Legislation Assembly of PEI. In the Standing Committee's Report to the Legislature, it was recommended that the government take a step back. The Committee recommended that government does not impose a development on an incorporated municipality without the support and consent of that municipality, and its residents. The



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Committee urged the government to respect municipal governments and the democratic process.

Vote for striking the *note*: 2 | Vote not to strike the *note*: 4 | Result: Motion failed.

It was moved by Councillor Nathan Paton and seconded by Councillor Arthur Baker to approve the agenda with the addition. All were in favour and the motion was carried.

4. Minutes Approval

a) November 14, 2023 Council Meeting Minutes

It was moved by Councillor Donna Campbell Dixon and seconded by Councillor Bernadette McInnis to approve the minutes as presented. All were in favour and the motion was carried.

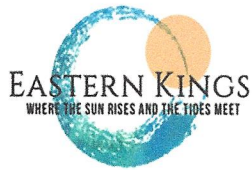
5. Presentations to Council: PEI Energy Corporation (PEIEC)

The CEO of the PEI Energy Corporation Tyson Bradley introduced himself, the Project Manager Spencer Long and Heather MacLeod, Director of Energy Assets to Council. There was a power point presentation with questions from Council afterwards. The current timeline of events was reviewed. Concerns about the placement of Turbine4 and Turbine5 were raised in regards to the wetlands and wet courses that have been previously identified in those areas and when could Council expect some delineation reports specifically for that issue. PEIEC's response to this was obtaining "wetland/alterations permit's" for the sites, then redeveloping those wetland sites in another area.

Spencer Long will provide the RMEK with three documents, which are available on the RMEK website www.easternkingspei.ca under the "Development Tab".

1. PEIEC PowerPoint Presentation to RMEK Council Dec. 12, 2023.
2. Approval Letter from the Department of Environment issued Sept. 2, 2020 with the "17 Conditions" that need to be met.
3. Approved Environmental Management Plan (EMP) – Contains 17 conditions that the PEIEC must meet. One of the conditions mentioned is: #12 (Land Protection) As compensation for the 14hectares of forested land lost to the actual construction footprint of the project, the proponent shall purchase a property (minimum size 42 hectares) within Kings County PEI, and have the property protected from development under the *Natural Areas Protection Act* legislation by December 31, 2025.

As part of the conditions, an "Environmental Management Committee" will be set up which will include (4) Local Residents from the Rural Municipality of Eastern Kings and (1) Representative from the RMEK Council. PEIEC will be setting up an office locally where anyone can drop in to ask questions or discuss the project.



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6. Business Arising out of the Minutes

- a) Fly Program – Mayor Larry Fitzpatrick mentioned that as there was not enough time at the last council meeting to review all the details on this large project, that the Fly Program would be part of the January 9th 2024 Prep-Budget Meeting.

7. Reports

a) Mayor Fitzpatrick

- i) Housing – Mayor Larry Fitzpatrick noted that he and Deputy Mayor Danelle Elliott are still sourcing and pulling information together;

The Standing Committee Report - was in the council package;

The January 1st RMEK New Years Levee - will be held at the Community Centre, tentatively from 11:00 a.m. to 1:00 p.m.;

He also reminded Council that the “Code of Conduct Training” takes about twenty minutes to complete, as the deadline of March 31, 2024 is just around the corner.

b) RMEK Development Officer Report

Permit Data for the month of November 2023 was included in the council package. (See Appendix A)

- i) Appointment of RMEK Development Officer, John Ployer, by *Resolution*. Whereas the RMEK Council shall appoint a Development Officer, whom shall have the authority to administer the RMEK Development, Zoning & Subdivision Control Bylaws #2013 and #2023-01; Be it resolved that the RMEK Council appoint candidate John Ployer as the RMEK Development Officer. The resolution was moved by Councillor Nathan Paton and seconded by Councillor Bernadette McInnis, all were in favour and the resolution was approved.

c) Chief Administrative Officer (CAO)

- i) Income/Bank Statement as at November 30, 2023 (See Appendix B)

8. New Business

- a) RMEK Tax Rate Groups bylaw #2024-01 *Resolution* – First Reading/Approval.

Whereas Section 8.(1) of the *Real Property Tax Act*, RSPEI 1988 cR-5, provides the authority for Council to establish tax rates; and Whereas Subsection 160.(1) of the *Municipal Government Act* (MGA) enables Council to set and approve a rate or rates, by resolution, for all real property within the jurisdiction and boundaries of the municipality; and,
160.(2) enables Council to establish, by bylaw separate tax rate groups in the municipality for purposes of raising revenue sufficient to defray projected municipal expenditures;



Rural Municipality of Eastern Kings

Be it resolved that this Tax Rate Groups Bylaw # 2024-01, was read a first time at this Council meeting held on the 12th day of December, 2023.

This Tax Rate Groups Bylaw # 2024-01, was approved by a majority of Council members present at this Council meeting held on the 12th day of December, 2023.

Votes for: 6 | Votes against: 0 | Result: Resolution was approved.

- b) Pond Hockey Sponsorship Request – this item was deferred to the January meeting in order to acquire more details on the program.

9. Adjournment

The meeting was adjourned at 7:40 p.m. It was moved by Councillor Arthur Baker and seconded by Councillor Nathan Paton. All were in favour and the motion was carried.

Signed in accordance,

Municipal Government Act S.116(4)

Larry Fitzpatrick, Mayor

16 Jan 2024

Date

Sonya Martin, Chief Administrative Officer

January 16, 2024

Date



Rural Municipality of Eastern Kings

APPENDIX A



Rural Municipality of Eastern Kings

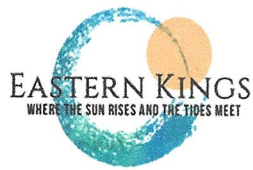
Address: 85 Munns Road, Rte. 301 Kingsboro PE C0A 2B0

Telephone: (902) 357 – 2894 | Email: developmentofficer.rmek@gmail.com |

Website: www.easternkings.ca

DEVELOPMENT PERMITS | SUBDIVISION APPROVALS REZONING AND BYLAW AMENDMENTS FOR 2023 DEVELOPMENT PERMITS [EKDP]

| Permit No. | Date - D/M/Y | Name & Civic Address | PID # | Details |
|-------------|--------------|--|-------------------|---|
| EKDP01-2023 | 03/02/2023 | Jamie Bruce 708 Baltic Rd., East Baltic | 896613 | Install Power Service Pole for Electricity to Boat Pad |
| EKDP02-2023 | 03/02/2023 | Polaron/Worden/Woodworth 7092 Northside Rd., Lakeville | 1084532 | Install Rooftop Solar Panels |
| EKDP03-2023 | 10/02/2023 | Jason Tompkins 2641 East Pt. Rd., Kingsboro | 808483 | Construct 2-Story Detached Garage |
| EKDP04-2023 | 28/03/2023 | Boyd Rose 6811 Northside Rd., Lakeside | 680298 | Construct 36x26 Detached Garage |
| EKDP05-2023 | 28/03/2023 | Erik Sondergaard Bull Creek Rd., Priest Pond, PE | 693408 &710806 | Clear & Install Driveway, Septic, Well, Pad |
| EKDP06-2023 | 14/04/2023 | Myles Rose 402 North Lake Harbour Rd., Lakeville, PE | 833673 | Construct 50-80 Pole Barn (4000 sq. ft.) |
| EKDP07-2023 | 21/04/2023 | Marvyn's Garden Kingsboro, PE | 108852 | Construct 90'x160' (14,400) sq. ft. Potato Storage Building |
| EKDP08-2023 | 25/05/2023 | Michael LaPierre 1953 East Pt. Rd., Red Point | 108290 | Install temporary power service to for trailer. Home to follow in future. |
| EKDP09-2023 | 25/05/2023 | Polaron/Jennifer Robertson 1117 Baltic Rd., East Baltic, PE | 916726 | Install Rooftop Solar Panels |
| EKDP10-2023 | 25/05/2023 | Simon and Karen Hopkins East Point Rd., South Lake, PE | 881797 | Install Temporary Power to service future building of pole barn |
| EKDP11-2023 | 25/05/2023 | Meaghan Hughes Route 16, Lakeville, PE | 103550 | Install Water/Sewer/Temporary Power for future cottage (1200 sq. ft to be confirmed at future date) |
| EKDP12-2023 | 26/05/2023 | Rusty Elliott/JP Cheverie Construction 3212 East Pt. Rd., Bothwell, PE | 109314 | Move Building across the Road |
| EKDP13-2023 | 26/05/2023 | Ernest MacPhee 148 Basin Head Rd., Kingsboro, PE | 1043942 | Build Storage Building for Fishing Gear (1344 Sq. Ft) |
| EKDP14-2023 | 26/05/2023 | Kees Morsink & Margaret VanHelvoort Basin Head Rd., Kingsboro, PE | 1155258 | Level Land for Future Development |
| EKDP15-2023 | 02/06/2023 | Brittany Roberts 5833 Northside Rd., North Lake, PE | 1021872 | Pour Foundation beneath existing home. |
| EKDP16-2023 | 09/06/2023 | Kris Fournier 75 Cape Rd., North Lake, PE | 111302 | Demolition of Building |



Rural Municipality of Eastern Kings

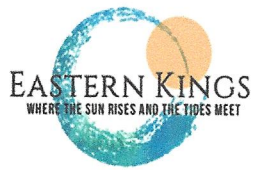
| | | | | |
|--------------|-------------|---|----------------------------|---|
| EKDP17-2023 | 30/06/2023 | Wade MacAulay 2601 East Pt. Rd., Kingsboro, PE | 7328278 | Build Storage/Utility Accessory Building 20x30 (600 sq. ft) |
| EKDP18-2023 | 30/06/2023 | Polaron/Henry Chapin 2570 East Pt. Rd., Kingsboro | 109132 | Install Rooftop Solar Panels |
| EKDP19-2023 | 30/06/2023 | John A Flynn Near 331 Elmira Rd., Elmira | 111591 | Build Garage 30x50 (1500 sq. ft) |
| EKDP20-2023 | 28/07/2023 | David Walker 5142 Northside Rd, East Point | 1076330 | Erect 6' Wood Fence Surrounding Horse Arena 100x200 |
| EKDP21-2023 | 28/07/2023 | Jeremy & Kristen Harris Near 33 Sutherland Rd., Little Harbour | TBD (formerly 525148) | Construct new single family dwelling |
| EKDP22-2023 | 28/07/2023 | Kurt & Alana Harris/Trent & Kirsten Mallard Campbell's Cove, Lakeville, | 1160233 | 12 x 18 storage shed to be hauled in. |
| EKDP23-2023 | 28/07/2023 | Rosalind Humphrey 367 Munns Rd., Kingsboro | 108837 | Construct new single family dwelling |
| EKDP24-2023 | 28/07/2023 | Linda & David Underhill 8590 Northside Rd., Priest Pond | 113258 | 14x14 Addition |
| EKDP25-2023 | 11/08/2023 | Rhonda Dowling 456 North Lake Harbr. Rd. Lakeville | 1049329 | 12x15 Addition |
| EKDP26-2023 | 11/08/2023 | Francis MacDonald 4695 East Point Rd., East Pt. | 795203 | Construct 1000 Sq. Ft. Boat Barn |
| EKDP27-2023 | 11/08/2023 | Francis MacDonald Subdivision of PID 110502 East Point Road, South Lake | Lot 23-01 Sub of 110502 | Install 16x75 Mini Home and Prepare lot with well, septic and driveway. |
| EKDP28-2023 | 01/09/2023 | Brittany Roberts 5833 Northside Rd North Lake | 1021872 | 16' extension to east end of house |
| EKDP29-2023 | 01/09/2023 | Helen McPhee 8418 Northside Rd Priest Pond | 550913 | 16x24 addition to home |
| EKDP 30-2023 | '15/09/2023 | Paul Henry Campbell's Lane, Red Point PE | 435453 | Summer residence |
| EKDP31-2023 | '15/09/2023 | Jennifer Ferguson 22 Cranberry Lane, Red Point PE | 108183 | New addition to existing cottage |
| EKDP32-2023 | '15/09/2023 | Scott McBurney/Kim Hender 7 Robertson Rd., Red Point PE | 426569 | New cottage with existing well and septic |
| EKDP33-2023 | '23/11/2023 | Cody Weeks – 2617 East Point Road, Kingsboro PE C0A2B0 | 109199 | Solar Panel Installation 10.8kw ground mount array |



Rural Municipality of Eastern Kings

2023 SUBDIVISION APPROVALS

| Permit No. | Date D/M/Y | Name & Civic Address | PID # | Details |
|---------------|------------|---|---|---|
| S01F-2023 | 20/04/2023 | Curtis Sorrey and Charlene Sorrey 2983 East Pt. Rd., Kingsboro, PE | 108738 | Subdivide residential property from farmland remainder |
| S02F-2023 | 05/05/2023 | Laura and Glen Robertson 109 Snake Road, Kingsboro | 803064 | Subdivide existing lot into three lots. |
| S03F-2023 | 26/05/2023 | Curtis Sorrey and Charlene Sorrey 2983 East Pt. Rd., Kingsboro | 708738 | Subdivide 50acre Woodlot from Farmland Remainder |
| S04F-2023 | 23/06/2023 | South Lake Christian Church 3815 Rte 16, South Lake, | 110403 795070 | Subdivide 1 parcel each from 2 remainder PIDs for highway improvements at the corner of Elmira Rd., and East Point Rd. |
| S05-2023 | 30/06/2023 | Velvet Carpenter Haven at Bothwell | 992511 | Final Approval for lots 23-02, 23-03 & 23-13 in Haven at Bothwell. |
| S06-2023 | 14/07/2023 | Jeremy Steward Harris and Mary Kristen Harris 1627 East Point Rd., Little Harbour, PE, | 525048 | Subdivide 5.2 acres from existing lot for residential use. |
| S07-2023 | 28/7/2023 | Richard Ching Basin Head Road Kingsboro, PEI | 108399 & 377267 | Subdivide 108399 to create 3 lots plus remnant. Adjust 377267 to match land survey with actual property dimensions. |
| S08-2023 | 01/09/2023 | Karen Creighan Subdivision of PID 858308 Lighthouse Road, East Point | Lots 23-1 and 23-2 and Parcel A | Subdivide PID 858308 to two lots and remaining parcel. |
| S09-2023 | 04/09/2023 | James Cheverie/Francis MacDonald East Pt. Rd. South Lake | Lot 23-01. Subdivision of PID 110502 | Subdivide Lot 23-01 from PID 110502. 1 acre building lot. |
| S09-2023(R) | 12/10/2023 | James Cheverie/Francis MacDonald East Pt. Rd. South Lake | Lot 23-01. Subdivision of PID 110502 | Replacement Survey S09-2023 (R) Shows the inclusion of the 30 foot right away as per the land owner/seller. |
| S10F-2023 | 30/11/2023 | Gary MacDonald 3487 East Point Road, South Lake. | PID 110148 & Parcel A of 110148 appended to 487728 | Subdivision PID 110148 to create Lots 2023-1, 2023-2, and 2023-3 and to consolidate/append parcel "A" with PID 487728, the homestead. |



Rural Municipality of Eastern Kings

APPENDIX B

Chief Administrative Officer (CAO) Report – December 12, 2023

Bank Statement for the month of November 2023

Souris Credit Union

Business Operational Account

| | |
|---------------------------------|-------------|
| Opening Balance on Nov 01, 2023 | \$87,900.71 |
| Closing Balance at Nov 30, 2023 | \$97,794.12 |

Shares & Patronage

| | |
|---|--------|
| Business Shares at Nov 30, 2023 | \$5.05 |
| Patronage account at Nov 30, 2023 | \$0.00 |
| <i>Patronage Transferred to Savings 17 April 2023 (-279.05)</i> | |

Gas Tax (Restricted Funds) Account

| | |
|---------------------------------|-------------|
| Opening Balance on Nov 01, 2023 | \$70,142.38 |
| Interest | \$276.73 |
| Closing Balance Nov 30, 2023 | \$70,419.11 |

RMEK Reserve Savings Account

| | |
|---|-------------|
| GIC to Savings, opening balance at Nov 01, 2023 | \$67,367.37 |
| Interest | \$265.78 |
| Closing Balance at Nov 30, 2023 | \$67,633.15 |



Environment,
Water and
Climate Change

Environnement,
Eau et
Changement climatique



Office of the Minister
PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

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

September 2, 2020

Ms. Heather MacLeod
Director of Energy Policy and Assets
Prince Edward Island Energy Corporation
PO Box 2000, Charlottetown PE
C1A 7N8

Dear Ms. MacLeod:

Pursuant to subsection 9(1) of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, I hereby grant approval to the Prince Edward Island Energy Corporation (herein “the proponent”) to proceed with the proposed undertaking, specifically the construction and operation of a 30 megawatt wind farm located between Elmira and East Point, Kings County, PEI.

Pursuant to clause 28(d) of the *Environmental Protection Act*, I consider it necessary in the public interest to impose terms and conditions to this approval. I therefore order that your approval is subject to the following terms and conditions:

CONDITION #1: (Compliance with EIS)

The proponent shall ensure that this undertaking is to be constructed in accordance with information provided in their Environmental Impact Statement (EIS) dated October 23, 2019, along with any subsequent revisions and addendums to the foregoing document, as well as all those identified in subsequent correspondence during the Environmental Impact Assessment (EIA) review.

Additionally, on a monthly basis, the proponent shall submit a summary table detailing the status of each condition listed in this approval to the Environmental Land Management (ELM) Section of the Department of Environment, Water and Climate Change (EWCC). The submission of the table shall start 30 days following from the issuance of this approval, and continue until such time that all the conditions have been met.

CONDITION #2: (Environmental Management Plan)

The proponent shall prepare and submit for approval an Environmental Management Plan (EMP) to address possible environmental issues pertaining to each phase of the EKWF's facility development including the construction, operation, and decommissioning phases. As part of this EMP, specific commitments to mitigation must be made based on site-specific environmental constraints. The EMP must be approved by the ELM Section of EWCC prior to the commencement of the construction phase of the project.

CONDITION #3: (Bird Nest Protection)

The proponent must ensure that if a nest or chick of a migratory bird is detected during project construction, work in the area shall be halted and Forest Fish and Wildlife (FFW) Division of EWCC or the Canadian Wildlife Service (CWS) shall be consulted for advice at 1-800-565-1633. The proponent must ensure that all project-related activities comply with the *Migratory Birds Convention Act*, 1994 (S.C. 1994, c. 22)

CONDITION #4: (Indigenous Monitor)

The proponent shall invite L'nuey to supply an environmental monitor for the construction phase of the project. The proponent shall invite L'nuey's monitor to visit the site prior to the construction phase of the project to assist in identifying any culturally significant species of flora, including black ash, within the easement controlled by the proponent.

CONDITION #5: (Environmental Management Committee)

The proponent shall organize, develop any pertinent documents, and fund an Environmental Management Committee for the project. The purpose of the committee is to offer identified stakeholders a mechanism to bring forward significant environmental concerns associated with the operational phase of the wind farm. The committee must be in place prior to commissioning, have an identified Terms of Reference to operate by, will be chaired by EWCC, and should have representation as follows:

- EWCC (1)
- PEI Energy Corporation (2)
- Local community residents (4)
- Souris and Area Wildlife Branch (1)
- L'nuey (1)
- Rural Municipality of Eastern Kings (1)

The committee will meet 4 times per year and exist for a minimum of 2 years after the project is commissioned at which time EWCC will decide if its existence is warranted into the future.

CONDITION #6: (Bird and Bat Monitoring)

The proponent, in order to ensure the protection of avifauna and bats, shall carry out a two-year, post-construction monitoring study in the project area. This monitoring program must be developed and approved in consultation with CWS and the FFW Division of EWCC. The monitoring program should be prepared in accordance with the April 2007 Environment Canada document, *Recommended Protocols for Monitoring Impacts of Wind Turbines on Birds*. The monitoring program must also reflect the most current guidance on post-construction monitoring at wind farms, and “Best Management Practices”, as determined by the two above noted parties, and include provisions for the mitigation of any unanticipated environmental effects revealed through the follow-up monitoring. A specific part of the two-year study must include a post-construction follow-up bird and bat usage and mortality monitoring. The proposed monitoring protocols shall be submitted for review and receive approval from CWS and FFW and be submitted to ELM before any surveys take place and before the start of the operational phase of the project. The proponent shall be responsible for implementing any EWCC recommendations after the Departmental review of the study is complete. A copy of all accumulated operational bird and bat usage and mortality monitoring study data must be provided to L’nuoy once completed.

CONDITION #7: (Bird and Bat Protection)

The mortality of an individual migratory bird species at risk, or 10 or more migratory birds in one 24 hour period, or 3 or more bats in one night is considered a mortality event for which CWS must be contacted within 24 hours (Environmental Emergencies 1-800-565-1633). Such notification is expected to occur even after the formal post-construction bird/bat monitoring program has ended, and must include specific details about the event (e.g. name and location of the wind farm, number of mortalities, species, map showing turbines, associated infrastructure, and location of collisions, meteorological conditions during previous night(s), details of lighting at the site and any other factor that might have influenced the event). Staff and contractors must be instructed that if a mortality event as described above occurs, the area around each wind turbine must be carefully checked to better evaluate the extent of the event, even if this is not described in the regular post-construction bird/bat monitoring protocol, or if the formal post-construction bird/bat monitoring program has ended. Any bird or bat carcasses recovered from mortality monitoring should be examined by staff from the Atlantic Veterinary College (AVC) in Charlottetown, with special emphasis on Barotrauma as a cause of death.

CONDITION #8: (Adaptive Management Plan)

An adaptive management plan outlining mitigation measures (including turbine pausing) that will be implemented should the project be shown to have a significant impact on birds or bats shall also be submitted by the proponent for review and must receive approval from CWS, and the FFW and ELM Section of EWCC prior to the start of the operational phase of the project.

CONDITION #9: (Noise Monitoring)

The proponent shall develop a minimum two-year post operation noise monitoring program which must be reviewed and approved by the ELM Section of EWCC. The noise monitoring program must be approved and in place prior to the commissioning of the wind farm.

CONDITION #10: (Archeological Detection and Notice)

The proponent, if it is suspected that remains of archaeological significance are discovered during construction, operation, or maintenance of the proposed development, shall stop all work and immediately notify the office of the Director of Indigenous Relations Secretariat (by calling 902-368-5378) for further direction. In addition, the proponent shall provide prompt notice to L'nuey to advise them of the discovery. If any further archeology field surveys are required, L'nuey shall be contacted and invited to participate. L'nuey must also be provided with the survey data once completed.

CONDITION #11: (Conflict Resolution/Mitigation Protocol)

The proponent, as a specific part of the EMP, shall develop a Conflict Resolution/Mitigation Protocol to address potential issues such as noise, shadow flicker, etc. This protocol must be reviewed and approved by EWCC prior to the commissioning of the wind farm. As part of the protocol, the proponent must provide an annual written report to the ELM Section of EWCC regarding any complaints received during the year and how they were addressed. In the event that noise or shadow flicker becomes problematic for any receptors, the proponent must consult with affected residents to discuss the potential impacts and develop a receptor specific mitigation plan for them. EWCC will determine if it believes the issue was properly and adequately addressed.

CONDITION #12: (Land Protection)

As compensation for the 14 hectares of forested land lost to the actual construction footprint of the project, the proponent shall purchase a property (minimum size 42 hectares) within Kings County PEI, and have the property protected from development under the *Natural Areas Protection Act* legislation by December 31, 2023.

CONDITION #13: (Permission of Property Owners)

The proponent shall obtain the written permission of property owners to utilize any land for the intended purpose of the project where project activities will occur on land not owned by the Province.

CONDITION #14: (Disposal of Slash and Woody Material)

The proponent shall not be permitted to burn any slash and woody material generated from tree cutting and clearing operations, nor can such material be stored adjacent to individual work sites (access roads, turbine footprints). The proponent must find an alternate means of disposing of the cut material such as chipping and spreading.

CONDITION #15: (Decommissioning)

The decommissioning of the wind turbine site by the proponent shall be undertaken within one year of the cessation of operations. A decommissioning plan, including site reclamation, shall be developed in consultation with EWCC and its Forests, Fish and Wildlife Division. Any decommissioning plan which involves privately owned land should be developed in consultation with the current landowner.

CONDITION #16: (Subcontractors and Agents)

The proponent shall be responsible to ensure that any subcontractors, agents and assigns are aware of and comply with the terms and conditions of this approval.

CONDITION #17: (Sale of Project)

In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof:

- a) The proponent shall provide written notice of this EIA approval and conditions to the lessee, controller, or purchaser, and said lessee, controller or purchaser shall be subject to and must comply with the EIA approval and conditions.
- b) The proponent shall provide written notice of such lease, change of control, or conveyance to the Minister.

Please be advised that this approval addresses requirements pursuant to the Department of Environment, Water and Climate Change's environmental assessment process. The proponent shall obtain all other necessary permits, licenses and/or approvals required by any other municipal, provincial and/or federal regulatory agencies to commence this project.

Sincerely,



Natalie Jameson
Minister



Environment,
Energy and
Climate Action

Environnement,
Énergie et
Action climatique



Office of the Minister
PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

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C.P. 2000, Charlottetown
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December 19, 2023

Ms. Heather MacLeod
Director of Energy Policy and Assets
Prince Edward Island Energy Corporation
Charlottetown PE C1A 7N8

Dear Ms. MacLeod:

Pursuant to subsection 9(1) and clause 28(d) of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, I consider it necessary and in the public interest to alter the terms and conditions of the September 2, 2020 Environmental Impact Assessment (EIA) Approval issued to the Prince Edward Island Energy Corporation (herein "the proponent") to proceed with the proposed undertaking, specifically the construction and operation of a 30 megawatt wind farm located between Elmira and East Point, Kings County, PEI.

I therefore order that Condition 12 be deleted from the EIA Approval dated September 2, 2020 and replaced with the revised condition below:

CONDITION #12: (Land Protection)

As compensation for the 14 hectares of forested land lost to the actual construction footprint of the project, the proponent shall purchase a property (minimum size 42 hectares) within Kings County PEI, and have the property protected from development under the *Natural Areas Protection Act* legislation by December 31, 2025.

Please be advised that this altered approval addresses requirements pursuant to the Department of Environment, Energy and Climate Action's environmental assessment process. The proponent shall obtain all other necessary permits, licenses and/or approvals required by any other municipal, provincial and/or federal regulatory agencies to commence this project.

Sincerely,

Hon. Steven Myers
Minister