

# Forestry Commission

My name is Don Humphrey.

I am resident, retired dairy farmer and councilor of the Rural Municipality of Eastern Kings (RMEK).

This evening, I speak for myself.

I would like to talk about provincial policy and provincial legislation that pertains to rural municipalities, and what that means for forestry in our municipality.

First the Planning Act.

I quote from the Housing, Land and Communities website:

## Who has responsibility for planning and development?

Under the *Planning Act*, thirty-two municipalities accepted responsibility for planning and created official plans and land-use bylaws, thereby covering 10 per cent of PEI's land mass. The *Planning Act* guides the development of these documents.

The municipality develops their plan by talking with the residents, who help ensure that future development will meet the community's needs while making sure that present uses are protected. The plan deals with issues such as:

- 1)protecting resource land and natural areas;
- 2)locating new housing, industry, and commercial offices; and
- 3)identifying essential services such as roads, sewers, and parks.
- 
- Note no. 1) — protecting resource land and natural areas;

So far, so good.

If we look into the Planning Act we get further details.

Section 2.1 is titled

Provincial Interests

Section 2.1.1 states

The Minister in carrying out the Minister's responsibilities in relation to planning matters and the effects of proposed development under this Act shall have regard but not be limited to matters of provincial interest, such as

- (a) the protection, conservation and management of resource lands;
- (b) the protection, conservation and management of coastal areas;
- (c) the protection, conservation and management of ecological systems;

(d) the prevention of fragmentation of land and of loss of habitat connectivity and biodiversity;

and

(q) the mitigation of greenhouse gas emissions.

So far, even better

Moving to section 8 of the Planning Act:

#### 8. Provincial planning regulations

(1) The Lieutenant Governor in Council may make planning regulations applicable to any area except a municipality with an official plan and bylaws.

Great! It appears that municipalities have control over development.

But things can go sideways. When the RMEK refused a development permit for the expansion of the Eastern Kings Wind Farm the decision was appealed to IRAC. After 2 1/2 years IRAC sent Council's decision back to the municipality for re-consideration on April 28 of last year. Patience being in short supply, three months later Executive Council changed legislation revoking Regulation 5 of the Renewable Energy Act. In doing so there was no longer for the a requirement for the Government of PEI to abide by municipal bylaws when developing wind farms.

Enough of legislation. Let me speak about the location of the planned wind farm.



THE AREA ENCLOSED IN BLUE IS ABOUT 1000 ACRES.

There has been limited human activity, except for cutting of pulp, sawlogs and firewood. The area has been described in the 1950 Soil Survey of PEI, G.B Whiteside-Armadale series, poorly drained, spruce, larch, alder, swamp (red) maple. Drainage is the fundamental problem

And the 1978 Organic Soils of PEI Armadale soil association, plateau bog landform, fibrisol composed largely of relatively undecomposed fibric organic material.

Agriculture is not feasible.

I thought - Forestry - to get to the root of the matter one must get to the soil. I interrupt with a question: Do we have a working soil scientist, federal or provincial, in PEI?

If you drive towards East Point from here, a glance out your car window would indicate what could be anticipated if you tried to traverse the Island through those woods. If you attempted to explore this area, you would understand why historically people appreciated rivers for traveling. That area is wild. It is our hinterland. The area is so wild, so unknown that three substantial wetlands were 'discovered' ~~subsequent~~ ~~to~~ after the choosing of this area for a wind farm. During the environmental

assessment the site of one turbine was found to be surrounded on three sides by a wetland while the site of another turbine was found to be partly in a wetland.

Now to policy.

In 2021 PEI adopted a federally initiated policy called the Forested Landscape Priority Places for Species at Risk, known as FLPP. Eleven places in Canada were chosen. The forested landscape of PEI, distributed over the entire province was one of the eleven.

Quoting from the EECA website-

“the FLPP core team identified four forest habitat targets to focus conservation efforts, which encompass species at risk and other important biodiversity. The four forest habitat targets are upland forest, forested wetlands, coastal forest and krummholz, and riparian forests.”

**NEWS FROM THE  
PEI FORESTED LANDSCAPE  
PRIORITY PLACE FOR  
SPECIES AT RISK**



Canadian  
Species

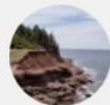
**The PEI Forested Landscape Priority Place at a Glance**

- Forested areas make up ~44% of PEI and are distributed throughout the province
- 13 COSEWIC-assessed species at risk are dependent on PEI forests as well as 335+ additional rare or significant species
- A core team for the PEI Forested Landscape Priority Place (FLPP) was established in June 2020, which includes 19 representatives from Indigenous organizations and communities, federal and provincial governments, institutions, and NGOs
- The team identified 4 forest habitat targets to focus conservation efforts, which encompass species at risk and other important biodiversity
- The team identified key pressures on forest habitat targets and are implementing priority actions to reduce pressures and restore and conserve habitats and associated species
- The highest rated pressures are: Invasive Species, Incompatible Wood Harvesting, Agricultural Expansion, Residential Development, Transportation Corridors, and Climate Change



PEI forested landscape highlighted in orange, based on 2010 land use data

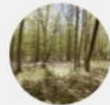
**Forest Habitat  
Conservation Targets:**



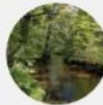
COASTAL FOREST & KRUMMHOLZ



FORESTED WETLANDS



UPLAND FOREST



RIPARIAN FOREST

**What is a Priority Place for Species at Risk?**

The federal government, in collaboration with provinces and territories, has implemented a new approach to conservation through the Canadian Approach to Transforming Species Conservation in Priority Places. This new approach focuses on multiple ecosystems.

Priority Places for Species at Risk have significant concentrations of species at risk and opportunities for conservation. Priority Places are identified across federal, provincial and territorial governments using criteria, including threats and opportunities.



*Species at risk are thriving in diverse and connected forest ecosystems that are cared for and conserved by Islanders.*

- Vision statement for the PEI Forested Landscape Priority Place



## **In the storyline for FLPP**

### **[3.1] PEI Forested Landscape, it says**

‘The two largest remaining forest corridors occur in the area surrounding the Percival River and the Eastern Kings Forest.’

In preparation for this evening, I googled ‘forestry’ to get a definition.

“Forestry is the art and science of protecting, conserving and managing forests, tree plantations and natural resources.”

The definition is furthered with

“Since forest ecosystems are incredibly important to the planet, the field of Forestry is just as crucial for the environment as it is for our communities and economy.”

I now have a greater idea of what we are talking about.

I am now at the crux of the matter. My purpose this evening is to bring to the attention of the Forestry Commission and to the public the distorted representation of policy and legislation that is on display in the forest in Eastern Kings.

There is a difference between what is said and what is done, what is put into words and what is put into action.

# Forest Habitat Conservation Targets:



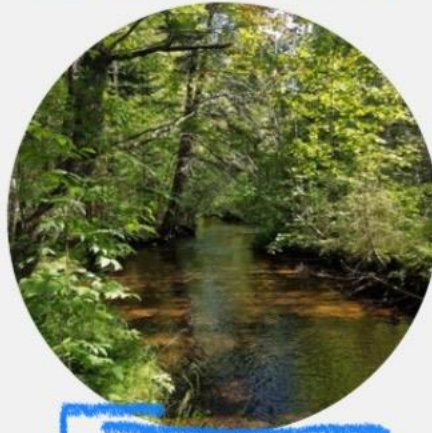
COASTAL FOREST  
& KRUMMHOLZ



FORESTED  
WETLANDS



UPLAND  
FOREST



RIPARIAN  
FOREST

This is from the PEI version of FLPP. What is said.

This what we get.



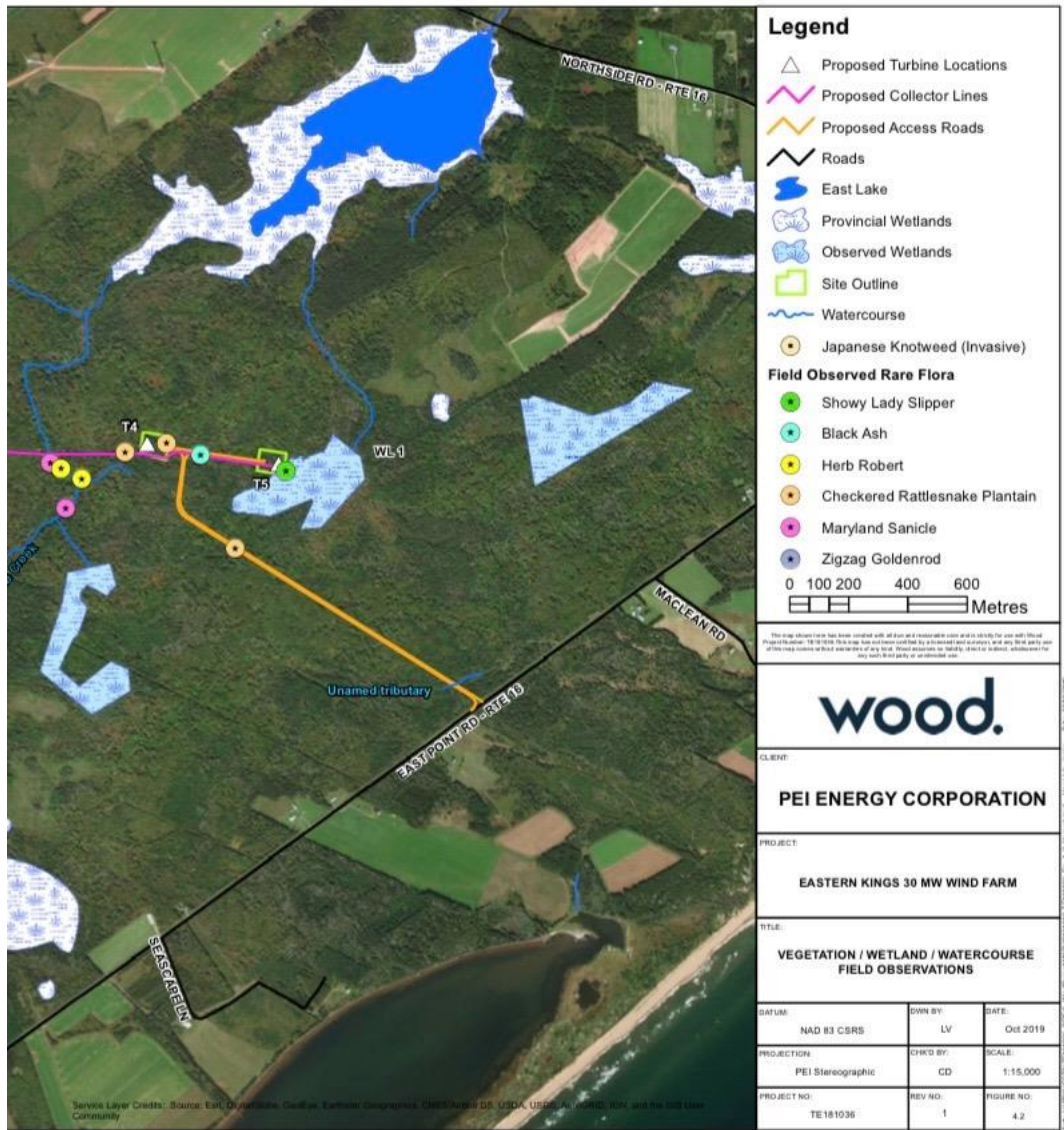




THIS IS A MAP THAT SHOWS ALL WIND TURBINES FOR THE PROJECT. EAST LAKE CREEK IS DEFINED IN BLUE. THE THREE NEWLY DISCOVERED WETLANDS ARE SHADED IN LIGHT BLUE.

What about the forested wetlands and upland forest immediately east and west of East Lake Creek and the riparian forest of East Lake Creek?

Kilometres of newly cleared access roads have fragmented a large area, virtually unaltered for over two hundred years, an area of upland forest, wetlands, and forested wetlands, an area unexploited for economic purpose. It is probably the most natural of 'natural areas', an area without humans.



THIS MAP SHOWS THE ROUTE OF THE ACCESS ROAD FROM THE EAST POINT RD. TO TURBINES T5 AND T4.

Note the presence of black ash, checkered rattlesnake plantain, showy ladyslipper, herb robert, and Maryland sanicle. The highest concentrations of Rare Species for the wind farm project are near T4 and T5.

Can the Forestry Commission speak to the dichotomy between what is put in words in policy and legislation and what is put in action.

That dichotomy is the ‘Travesty in the Forest’ that is occurring right here in Eastern Kings, right now, in real time.



ENTRANCE TO ACCESS ROAD FROM EAST POINT RD.

A 66 ft. swath of trees have been cleared because East Point was the cheapest option.



ABOUT 100 m. FROM EAST POINT RD. A SMALL CREEK IS ENCOUNTERED.



FURTHER DOWN THE ROAD IS A DUBIOUS WET SPOT.



THE ROAD GETS ROUGH AND WET AS IT TURNS TOWARD THE SITES OF T4 AND T5.

THE ROAD/TREE CLEARING WAS LEFT UNFINISHED.



THE ROAD WYES TO T4 AND T5.



ANOTHER SHOT OF THE WYE. THOSE RUTS ARE MORE LIKE TRENCHES 2-3 FT. DEEP.





THIS IS WHAT THE AREA LOOKED LIKE IN OCTOBER 2021





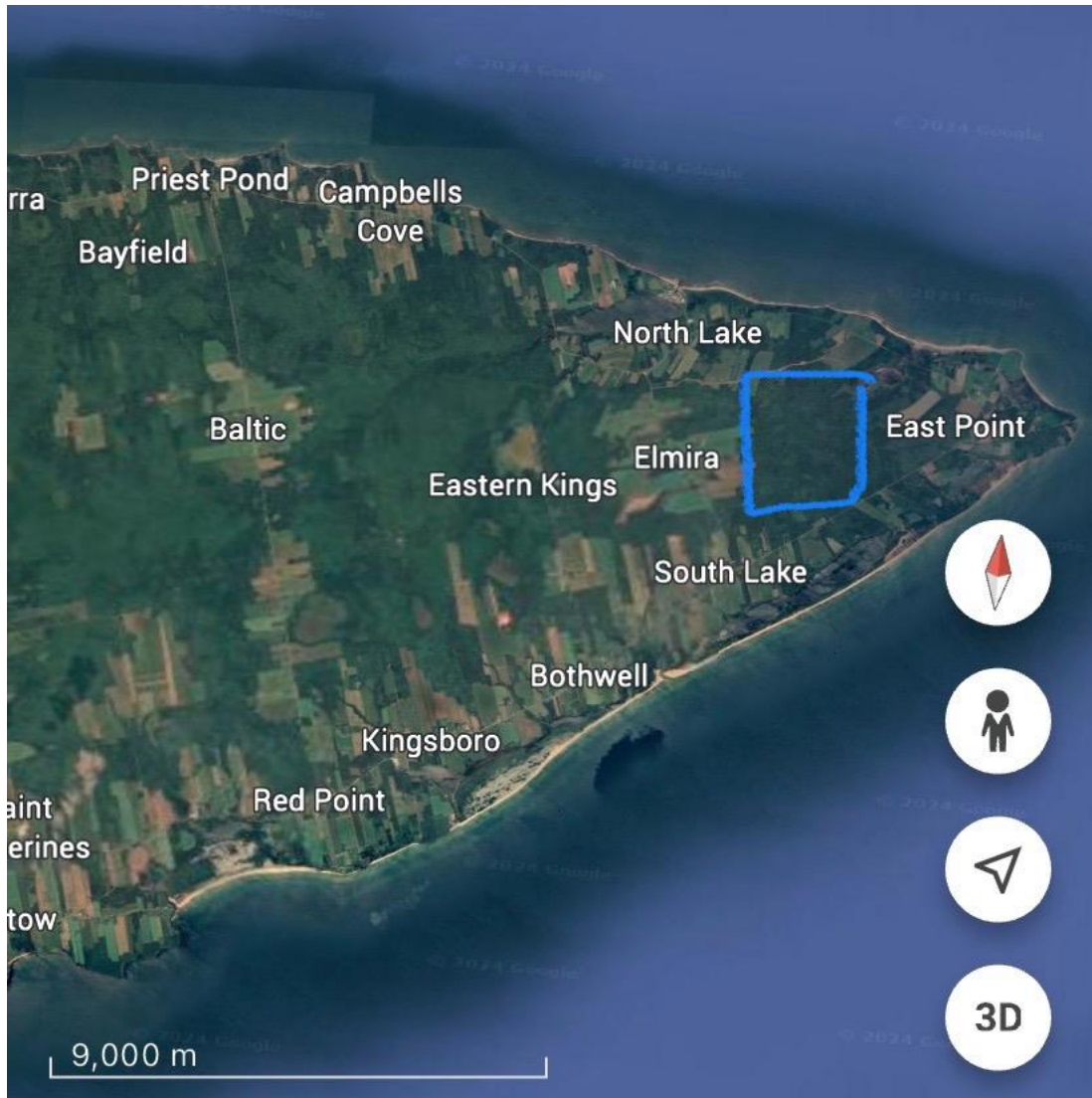
T4 IS ON THE RIGHT, T5 ON THE LEFT.



RETURNING TO EAST POINT RD.

In summary,

Provincial policy as in Forested Landscape Priority Places for Species at Risk must be applied throughout the province, on the basis of principle, not expedience.



## OUR FOREST-RICH COMMUNITY.

A huge change of policy was made toward rural municipalities, the places where the forests are. What is stated in the Planning Act was wiped out by a change in the regulations of another enactment, avoiding the need to bring the changes before the Legislative Assembly. The consequences of the choices of the government has made have, and will continue to have, a negative effect on the people and the forest in our community. What has been done once, without reproach, may be repeated.

I leave these thoughts and questions with you, the Forestry Commission, in the hope of your finding a holistic pathway for future of forestry in PEI.  
Thank you.