



South Shore Watershed Association

PO Box 123, Crapaud, PEI, C0A 1J0

www.sswa.ca / sswa@sswa.ca / www.facebook.com/SSWAPEI

charitable reg. # 810189407-RR0001

The Mayor and Councillors
Rural Municipality of Victoria
730 Victoria Road
Victoria-by-the-Sea, PEI
C0A 2J0

September 15, 2023

Dear Mayor Rubin and Councillors:

The South Shore Watershed Association (SSWA) board of directors is writing to express concerns regarding a proposal that the Victoria Beach Park, formerly the Victoria Provincial Park, be sold to Amar Seafood for expansion of their halibut facility.

As you know, SSWA has worked for a number of years in consultation with the Municipality of Victoria to engage and educate the community through signage, special events, mitigation of cliff erosion with salt-tolerant native shrubs and fencing, and other environmental enhancements, to improve the quality of the ecosystem for both humans and wildlife.

Especially, over the years SSWA has been monitoring the use of the cliffs by bank swallows for nesting. The bank swallow has been classified as a Threatened Species, protected under the federal Migratory Birds Convention Act. This population has been steadily re-establishing itself along the shoreline in Victoria. Please see enclosed article by Birds Canada.

The Migratory Birds Convention Act states that all habitat disruption, including noise and vibrations, must be kept to a minimum during breeding season. We are naturally concerned that the construction and ongoing operations of an industrial facility planned to be adjacent to the stretch of cliffs used by the bank swallows would contravene this condition.

Another concern, based on the published expansion plans, is the use of armour rock to reinforce the cliffs against erosion. This kind of reinforcement is known to have potential negative

consequences as the force of the waves hitting the armour rock gouges out the sand beneath, causing the rocks to scatter on the beach, resulting in the very erosion they was intended to prevent and causing a potential safety hazard on the public beach. Due to this force, adjacent shoreline areas can also be negatively affected by the resulting wave action. A classic example of this can be seen a little further east of Victoria Beach Park where cottages are located. We are concerned that this kind of treatment will contribute to endangering the bank swallow habitat. Photographs taken by SSWA over the past few years show significant cliff destruction from wave action that could be exacerbated by the addition of armour rock.

Moreover, the board is concerned that any such development in the Victoria Beach Park area will undo the work that SSWA and community members have achieved together over the years.

In February 2023, SSWA board member Alison Jenkins contacted Mayor Martin Ruben to discuss the status and future of the Victoria Beach Park property. He stated that the park was operated by the Municipality under a lease agreement with the Province. Ms. Jenkins then attended a municipal council meeting on June 24, 2023, where she learned that Amar had already met with the mayor and councillors in December 2022 to present development plans for this property. She also learned that the lease agreement was set to expire on August 3, 2023, at which time the Province had not renewed the agreement in writing. In other words, the park's status was not as secure as she had understood from Mayor Ruben.

SSWA respectfully reminds the Municipality that the Lands Protections Act 5. (1) states that "a corporation shall not have an aggregate land holding (a) in excess of five acres; or (b) having a shore frontage in excess of 165 feet, measured in a line following the general trend of the shore frontage." It would seem that the proposed development as published contravenes the shore frontage limits, as well as several other pieces of legislation. Additionally, the Province is under its own moratorium issued in December 2022 to halt further shoreline development.

Therefore, SSWA urges the Municipality, as well as the general public, not to be swayed in the event the Province issues a permit during the moratorium by citing the clause, "This order shall not apply to projects which receive a Provincial Environmental Impact Assessment approval." Not only does the spirit of the clause seem to circumvent the need for a development permit, but Environmental Impact Assessments (EIAs) are not available to the public for scrutiny.

Further, the Province's use of EIAs seems to be inconsistent. To cite two developments that received widespread media attention, the development of a property on the shore in DeRoches Point "did not trigger the need for an EIA," according to government communications staff. Conversely, the "Plan B" highway (Bonshaw to New Haven), with its habitat fragmentation, destruction of old-growth forest, and extensive alterations to the landscape, received a favourable EIA!

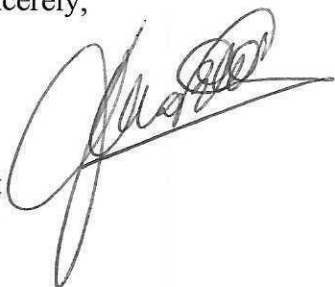
With the Province's recent history of ceding the Island's precious waterfront to developments outside the scope of both the Lands Protection Act and the Environmental Protection Act, there will doubtless be negative attention focused on this proposal in Victoria.

As the Victoria Beach Park property falls within Victoria's municipal boundaries, according to the boundaries map published in December 2022, SSWA urges the Municipality to exercise all of its powers to ensure that any activity, agreement, MOU or sale of this property follows all municipal bylaws, as well as the provincial legislation regarding shoreline development.

Our SSWA representatives would be happy to meet with Council on these issues, given our proven commitment to coastal erosion mitigation, wildlife protection, and public education in Victoria, and our concern to continue carrying out our charitable mandate into the future.

Yours sincerely,

Dina Blot
President

A handwritten signature in dark ink, appearing to read 'Dina Blot', with a long, sweeping horizontal line extending to the right.

Encl.