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**Amar Seafoods [IWOV-Active.FID4489528]**

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**Scales, Gary** <gary.scales@mcinnescooper.com>

Tue, Aug 29, 2023 at 4:55 PM

To: Municipality Victoria &lt;victoriamunicipalitypei@gmail.com&gt;

Cc: "Jason Cleaversmith (jason@peibioalliance.com)" &lt;jason@peibioalliance.com&gt;

Hi Anna,

Please find attached a preliminary survey plan mapping out the location of the land in red, as well as the 20' municipal building setback along the road, and the 15m provincial environmental buffer from the top of the bank along the water. The location of the building provides approximately 62,000 sq ft., which is satisfactory for Amar's preliminary grow-out operation.

The land surveyor also attempted to locate any bank swallow burrows that were noticed during the site visit. One was possibly identified along the bank adjacent to the building (to be verified), and others were potentially located further along the bank. It seems that bank swallows are migratory and nest in PEI from around May-Aug. An environmental impact assessment will be required for the project, and we understand that there may be mitigation strategies that can be used both during and after construction. These would all need to be identified and considered as part of the EIA that will be required for the project.

I have also sent this along to Jamie and Stefanie, and requested another meeting to discuss next steps, particularly options around the lease or transfer of the lands to the Community, with a long-term ground lease to Amar (with conditions around appropriate regulatory approvals). It seems that Tuesday may be an option, and I will let you know. Bjorn plans on travelling to PEI on Sep 12<sup>th</sup>, and it would be helpful to have a meeting in advance.

Thanks,

Gary

**Gary Scales**

Partner

McInnes Cooper

tel +1 (902) 629 6271 | fax +1 (902) 368 8346 | mobile +1 (902) 626 8904

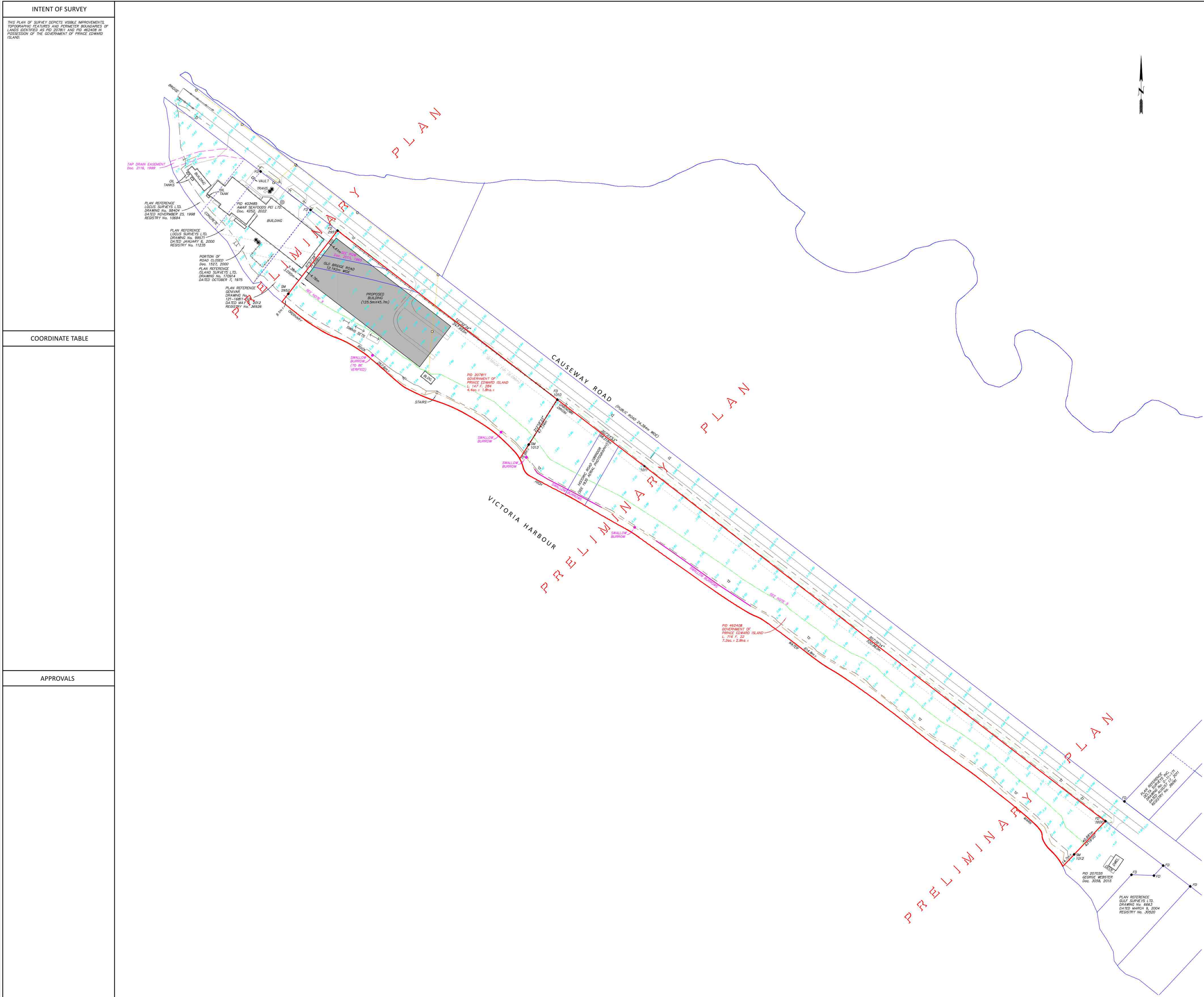
141 Kent Street, Suite 300 Charlottetown, PE, C1A 1N3

asst Jennifer Lidstone | +1 (902) 629 8606

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KEY PLAN

LEGEND

- FD ..... LANDS DEALT WITH BY THIS PLAN
- SM ..... SURVEY MARKER FOUND
- MT ..... SURVEY MARKER SET
- W ..... WITNESS SURVEY MARKER SET
- ..... FENCE
- ..... CALCULATED POINT
- MON ..... MONUMENT
- ..... CULVERT/PIPE
- ..... UTILITY POLE
- ..... MANHOLE
- ..... WELL
- ..... WATER VALVE
- ..... SERVICE
- ..... SNOW POST
- ..... TOP OF BANK
- ..... BOTTOM OF BANK
- ..... DITCH
- ..... GAUGE RAIL

NOTES

- PROPERTY REGISTRY INFORMATION SHOWN HEREON OBTAINED FROM THE GEOMATICS INFORMATION CENTRE, TAXATION AND PROPERTY RECORDS, A DIVISION OF THE PEI DEPARTMENT OF PROVINCIAL TREASURY.
- THIS PLAN IS METRIC AND ALL DISTANCES ARE IN METRES UNLESS OTHERWISE SPECIFIED.
- DIRECTIONS ARE AZIMUTHS REFERENCED TO GRID NORTH.
- AZIMUTHS AND COORDINATES SHOWN ON THIS PLAN ARE REALIZED FROM A DOUBLE STEREOGRAPHIC PROJECTION REFERENCED TO NAD83 (CPRS) EPOCH 2010. ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD2013). AS ACCESSED FROM THE PRINCE EDWARD ISLAND ACTIVE CONTROL NETWORK. LOCAL PRINCE EDWARD ISLAND CONTROL MONUMENTS WERE ALSO OBSERVED AND THE VALUES SHOWN ON THIS PLAN ARE THE VALUES AS OBSERVED DURING THIS FIELD CAMPAIGN USING THIS NETWORK.
- THIS AREA MAY BE SUBJECT TO A 15m WIDE BUFFER FROM EDGE OF STREAM, TOP OF BANK OR WETLAND AS THE CASE MAY BE. PURSUANT TO PART II OF THE WATERCOURSE AND WETLAND PROTECTION REGULATIONS MADE PURSUANT TO THE ENVIRONMENTAL PROTECTION ACT. CONSULT WITH PROVINCIAL ENVIRONMENT OFFICIALS PRIOR TO UNDERTAKING ANY ACTIVITY IN OR NEAR THIS AREA.
- THE DRAWING IS THE PROPERTY OF BERNARD LAND SURVEYS AND SHALL NOT BE USED, REUSED OR REPRODUCED WITHOUT THE CONSENT OF BERNARD LAND SURVEYS. BERNARD LAND SURVEYS WILL NOT BE HELD RESPONSIBLE FOR THE IMPROPER OR UNAUTHORIZED USE OF THE DRAWING.
- THIS DRAWING HAS BEEN PREPARED FOR THE CLIENT IDENTIFIED. BERNARD LAND SURVEYS, ITS EMPLOYEES, SUB CONSULTANTS AND AGENTS WILL NOT BE LIABLE FOR ANY LOSSES OR OTHER CONSEQUENCES RESULTING FROM THE USE OF RELIANCE UPON OR ANY CHANGES MADE TO THIS DRAWING BY ANY THIRD PARTY INCLUDING CONTRACTORS, SUPPLIERS, CONSULTANTS AND STAKEHOLDERS OR THEIR EMPLOYEES OR AGENTS WITHOUT PRIOR WRITTEN CONSENT.
- INFORMATION ON EXISTING UNDERGROUND FACILITIES MAY NOT BE COMPLETE OR ACCURATE. BERNARD LAND SURVEYS IS NOT RESPONSIBLE FOR THE LOCATION OF ANY UNDERGROUND CONDUITS, PIPES, CABLES OR OTHER FACILITIES WHETHER SHOWN OR OMITTED FROM THIS PLAN. PRIOR TO CONSTRUCTION A CONTRACTOR SHALL EXPOSE LOCATIONS OF ALL EXISTING FACILITIES AND ADVISE THE ENGINEER OF POTENTIAL CONFLICTS.

REVISIONS

Professional Land Surveying Services

**Land Surveyors**  
**Consultants**

5 Eden Way  
Stratford, PEI C1B 017

Tel: (822) 314-9510 Email: info@bernardsurveys.com Website: www.bernardsurveys.com

PLAN OF SURVEY

SHOWING VISIBLE IMPROVEMENTS, TOPOGRAPHIC FEATURES AND PERIMETER BOUNDARIES OF LANDS DIVIDED AS PID 207811 AND PID 462408 IN POSSESSION OF

**GOVERNMENT OF PRINCE EDWARD ISLAND**

VICTORIA, TOWNSHIP 29  
QUEEN'S COUNTY, PRINCE EDWARD ISLAND

PLAN NO: 23-087	FIELDWORK BY: S. ARSENAULT
DATE OF PLAN: JULY 25, 2023	SCALE: 1:1000

CERTIFICATION

I, SAM M.F. ARSENAULT, PRINCE EDWARD ISLAND LAND SURVEYOR DO HEREBY CERTIFY THAT THIS SURVEY WAS CONDUCTED UNDER MY DIRECT SUPERVISION, AND THAT THIS PLAN IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

**PRELIMINARY PLAN**



**See the attached correspondence which was received on Tuesday Aug 29.**

Further to the email and preliminary survey sketch received, the CAO attended a half-hour meeting on Thursday Sep 7, initiated by Amar's legal representative Gary Scales

**Meeting purpose:** "to discuss next steps"

**Attending the meeting:**

- Anna Keenan, CAO at the RMV.
- Brad Colwill, CEO of Innovation PEI (formerly Deputy Minister Environment, Energy & Climate Action)
- Stephanie Corbett, Deputy Minister, Economic Development, Innovation & Trade (formerly CEO of Innovation PEI)
- Gary Scales, Legal Representative for Amar.

**Key points emerging from discussion at the meeting:**

(Much of this re-iterated the points that have been discussed at previous meetings.)

1. **Amar will need to secure various approvals for this project overall:**
  - IRAC
  - EIA (federal) RE bank swallows
  - Municipal development approval
  - Provincial permits, Dept of Environment
2. **Municipality has asked for either ownership of the land, or a renewed long-term lease to the municipality** with conditions that allow for a sub-lease. The Department of Transportation & Infrastructure (T&I) is the decision-maker here, and they need to be in the room: there is little point in this group meeting without T&I's participation.
3. The current lease remains in an 'overhold' position. T&I has 3 options:
  - **Transfer ownership of the land to the municipality.** As CAO I would recommend a negotiation so that the municipality has the financial resources required to protect the shoreline and upgrade the washroom facilities.
  - **Long-term lease of the land to the municipality** with more open conditions than the current lease, to again allow the municipality to initiate land-use changes.
  - **Sign off on a development application by Amar to the municipality**, while retaining provincial ownership of the property.
4. **Shoreline protection** is a key question likely to come from the municipality during consideration of any development application. Shoreline protection is also a question coming from the provincial departments, and a shoreline protection plan is also in Amar's interest, as they won't want to invest in a building that will crumble into the ocean in 20 years. Questions to be answered:
  - What will the costs be, for what type of shoreline protection? And who will cover these costs?
  - Is this even a viable property to build on given the rate of erosion?
  - Will the type of shoreline protection chosen protect not only the cliff from erosion, but also retain the recreational/public amenity/natural values of the beach?

- The recommendation that municipal staff have received from climate adaptation experts at UPEI is that a coastal engineer needs to be engaged to assess whether [an intertidal reef, similar to what was successfully installed in Souris](#), is feasible at this location in Victoria:
    - This should be something that Transportation & Infrastructure is engaged in - they paid for the erosion protection work in Souris, and even if Amar's development doesn't go ahead, protection of the park land that they own, and the road infrastructure that they manage, is their responsibility.
    - However, the cliff at Victoria is different to the beach in Souris. An intertidal reef might not be a practical solution for our location. A coastal engineer needs to be engaged, to assess whether this will work, and to propose alternatives if needed.
5. **Municipal process expectations:** It can already be expected that if a Development Application is received by the municipality, that if it is approved, a Development Agreement would need to be entered into that includes provisions on, at least:
- Coastal protection against erosion
  - Preservation/expansion of recreational space
  - Washroom upgrades
  - Boardwalk/coastal access for the public

### What are the next steps?

- Dept of T&I need to be involved and engaged. Stephanie and Gary will work to engage them in discussions.
  - *[CAO comments:*
    - *The municipality could also reach out to T&I to encourage them to reach a decision on ownership/leasing/development application support.*
    - *T&I's decision-making may be clearer now that Amar has presented a preliminary survey of the site.*
    - *Additionally, staff changes and leadership changes have occurred in the department. There is a new Deputy Minister, Brian Matheson (formerly of the Department of Agriculture). Ernie Hudson is the Minister.]*
- Municipality still waiting on a development application - supported by both the developer (Amar) and the land-owner (currently the province) - before our consideration can begin.