

# Save Picton Bay: Mission & Momentum

May 27<sup>th</sup>, 2017

The original motivation for the incorporation of Save Picton Bay (SPB) as a not for profit corporate entity was regulatory concern about the expanded Picton Terminals (PT); but our mission statement addresses a safe clean environment; advocacy for Picton Bay water quality; elimination and prevention of negative environmental impacts AND a safe and responsible operating port.

Whilst recognizing there are many things that SPB is yet to accomplish, we thought a brief review of what has been accomplished to date might be useful:

- countless volunteer hours have been given by the members of the SPB Board & Steering Committee and their various sub committees:
- from a standing start, over the past 8 months, SPB has become the brand associated with the above mission statement
- SPB has met numerous times with the PEC Mayor, members of Council as well as local MP Neil Ellis and MPP Todd Smith
- SPB is in regular communication with the appropriate Provincial regulators; conservation authorities and Federal agencies
- SPB retained experienced environmental legal counsel who are providing their services at a discounted rate and have produced a legal opinion that PT is operating in contravention of the land use by laws
- SPB has made 4 Deputations to Council and subcommittees
- it's most recent of April 11th (copy attached) requested that Council seek binding arbitration via section 97 of the Courts of Justice Act between the diametrically opposed Legal Opinion of the County Solicitor and that of SPB.

- SPB was encouraged by Councillor Epstein's March 30th, 2017 motion in the Committee of the Whole to withdraw Council's May 10th, 2016 support of the revitalization of PT
- SPB was disappointed that Council subsequently split the motion in two at its meeting of April 11th and voted first to withdraw what was essentially Councillor Epstein's motion
- SPB was encouraged however that Council did vote unanimously to have staff and counsel produce a report within 30 days to ensure: "the intent of municipal land use regulations and municipal and public interest, including obligations to our drinking water system being protected to the full extent of the law" (at time of preparing this handout for the May 27th, 2017 Public Meeting at the Regent, Council has not yet received this staff/ solicitor report).
- also that Council voted unanimously to withdraw its support of \$10 million of provincial & federal funding for PT cranes
- whilst the latter point might have been moot because PT withdrew their funding application, this vote fully reflected the concerns of SPB's mission statement
- more importantly in the Court of Public Opinion, to paraphrase Rick Conroy of the Wellington Times, he wrote to the effect that the day the troubled barge sailed into Picton Harbour, the confidence of many County residents in municipal government & regulatory water quality & protection issues was shaken
- a number of people have opined that the Staff report to Council might be a substantiation of the status quo, but SPB agreed to give the democratic process it's due. In the event Council does not seek binding arbitration, SPB is prepared to seek it out via Section 97 independently
- the Board of SPB met again with MP Neil Ellis on April 20th, whose office agreed to seek the assistance of Transport Canada and Fisheries & Oceans to ensure that all federal regulatory procedures are in place re PT. Mr. Ellis also advised SPB to separate the people from the policies and always to mount its arguments in a respectful manner.
- during the water advisory SPB Facebook membership tripled to over 1,200; a sign that our efforts were regarded as impactful

- PT has confirmed it will not ship garbage or seek anything close to 100 ships a year
- the MOECC has charged PT and issued a set of regulatory requirements
- our Public Meeting in the Fall of 2016 has raised to date approximately \$28,000. A full and transparent accounting of those funds accompanies this report.
- This meeting will address not only Picton Terminals but the larger water quality issues impacting Prince Edward County - the documentary theme addresses the health and history of the Great Lakes
- a SPB subcommittee under the leadership of Wendy Murphy and Bob Bird has been working hard towards the successful production of the May 27th Public Meeting
- a SPB subcommittee has produced a logo; advertising & media campaign
- a SPB subcommittee is relaunching the SPB website which will require Board approval for its future content and which will include a library of all pertinent reports/ developments
- the SPB Fundraising Committee will finalize its strategy once the full extent of the financial requirements are known
- a SPB subcommittee has established channels and communication with the Mohawks of Tyendennaga
- the SPB Board is discussing the concept of a scientific study(ies) reference Picton Bay pollution
- There have been some excellent supports and ideas emanating from SPB followers on Facebook. SPB responses have at times been deferred; but hopefully explained by the above litany of voluntary actions
- one suggestion has been the consideration of SPB memberships. The SPB Board has asked its counsel to advise in this regard and is examining its by-laws at an upcoming Board meeting. Aside from the legal ramifications of such a decision, more importantly is an understanding of the duration of this citizen's campaign

and a great deal of thought will be required by the current SPB Board & Steering Committee towards this end

- one less than helpful outcome of SPB's facebook presence is the violation of MP Ellis's above noted very valid operating principles when attempting to interface with any level of public officials. Social media can move mountains - or cause unnecessary obstruction. It can attract wide ranging informed opinion as well as impolite, personal negativity which is counterproductive to the larger SPB mission & vision.
- recently a Councillor advised SPB about 3 sunken fishing boats that have been leaking oil by Big Island for 12 years. The Proctor - Silex; Delhi Creek and mercury in Picton Harbour from historic coal days issues are also long standing and substantive. That SPB has made its above noted footprint in such a relatively short period of time should be encouraging to us all.

SPB may be moving too slowly for some; but we feel we are moving forward in a purposeful manner to address the pollution in Picton Bay and attempting to work in a respectful and collegial manner with elected officials at all levels of government and the appropriate regulatory agencies.

Respectfully submitted,

Save Picton Bay Board of Directors

Brian Etherington, Bob Bird, Wendy Murphy, Victor Lind, Dave Sutherland

Save Picton Bay Steering Committee

David McKay, Anne Taylor, Jack Vanderhost, David MacKinnon, Angus Scott, Libby Crombie