



Myrna Wood receives the Queen's Jubilee Medal from Todd Smith



the
President's
*m*essage

NEWSLETTER

FEBRUARY 2014

Editor: Sandra Dowds

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If you have read our reports from the Divisional Court hearing in Toronto you will know how glad we were to get home! Walking crowded streets to Court in those cold temperatures was difficult - dodging hooded creatures with faces covered – or reporters seeking Rob Ford outside City Hall. However I felt at home seeing the room filled with faces from the County. We were a well-mannered lot, rising with the entry of the robed judges. It was gratifying to have Agneta join us after skiing out to her car to make the long drive to Toronto.

Gilead, the MOE, and Canadian Wind Energy Association had phalanxes of lawyers on their side. But they could not counter our argument that their motion for New Evidence was not valid. The first day the court agreed with us that they had several years to decide to close off the access roads, but that the turtle could not be protected anyway. We insisted that the Tribunal was concerned about destruction of the whole habitat. From that first day, our opponents were grasping for Tribunal statements that could be made to appear as legal errors.

Judges have said that when a hearing opens, having read the materials submitted by both sides, their minds are almost made up and that only surprises and new information can change their view. So if our arguments are accepted it will be thanks to the work that Natalie Smith did over December on our written submission. We do not know when we might get a decision on Gilead's counter appeal. The Court can be quite backed up with work or the lead judge might write it immediately.

While we wait (and shovel snow) we can go out and look for owls which seem to be everywhere this winter. A trip to Presqu'ile might be just the ticket.

Myrna Wood



Ice Vent at Presqu'ile Prov. Pk.
PECFN outing Mon Feb 24/14

INDOOR PROGRAMS Winter 2013/14

Feb. 25 Kari Gunson – Road Ecology

March 25 Terry Sprague - Natural Areas West of the Trent

April 29 Kawartha Turtle Trauma Centre

May 27 Tyler Wheeldon Coyotes

Speaker for 7pm Bloomfield Town Hall

February 25 Kari Gunson

Kari Gunson is a road ecologist and principal for Eco-Kare International, a company initiated in Ontario in 2009, in response to a need to combine road ecology with road mitigation solutions for wildlife. Kari received a B.Sc. in Zoology and Ecology from the University of Calgary, an M.Sc. in Conservation Biology from the University of Cape Town, South Africa and another M.Sc. in Geospatial Technologies from the State University of New York, in Syracuse, New York. In the past 12 years she has worked with many faunal species including frogs in Eastern North America, and Grizzly Bears in Montana and Alberta. Since arriving back to Ontario in 2008, Kari has co-founded the Ontario Road Ecology Group, and has been instrumental in designing, monitoring and placing road mitigation structures on roads in Ontario e.g. Long Point Causeway. And of course Kari was recently a key expert witness for PECFN in the Ostrander Point Environmental Review Hearings in Demorestville.

Kari will share with you her experiences in road ecology throughout North America. She will then talk specifically about her current research projects that look at road impacts and solutions for Blanding's Turtles in Ontario.

WHO IS IN CHARGE OF CROWN LANDS “ONTARIO’S GREATEST NATURAL ASSETS” NOW? MYRNA WOOD

A meeting was held in Napanee on Feb 4 by Ontario Power on the new Large Renewable Energy Procurement Process being developed by Ministry of Energy. The purposes of the new process include:

- Site due diligence evidence required
- Greater municipal control over land use and siting
- Community and Council engagement during the Proposal phase
- Minimum community acceptance criteria should be considered

A key question being asked was: “Are there any specific criteria or requirements that should be considered ...to inform the identification of project locations and siting requirements?”

I asked, “Will turbine construction be excluded from Important Bird Areas and other significant wildlife habitats?” I got no answer since the OPA presenters said “We don’t make policy, we are just here for feedback.”

Several days later I received the new “Renewable Energy on Crown Land Policy”. It sets out a ‘new way of doing business’ with respect to renewable energy on Crown land. The key change appears to be:

- Before applying to MNR for Crown land access, applicants must be successful in obtaining an energy procurement contract from the Ontario Power Authority.

This statement quite clearly shifts responsibility for siting decisions from Ministry of Natural Resources (in charge of our Crown lands) to the Ontario Power Authority, a crown corporation with secret industrial considerations.

When Gilead Power applied to build a turbine project at Ostrander Point Crown land the MNR required the company to first of all investigate the natural environment of the site. Even though we eventually showed that this was the wrong site for development it seems that in the future that step will disappear.

The OPA criteria for site applications is proximity to the transmission grid and the financial pockets of the proponent.

REPORT TO PECFN MEMBERSHIP MEETING FEB 25, 2014

The Divisional Court decision written by Judge Nordheimer has overturned the Tribunal decision that revoked the Ostrander Point wind project.

We are very disappointed. Especially since Nordheimer's finding went beyond his mandate to rule only on legal errors. In his ruling he gives his own opinions on the Tribunal decision. He gives his opinion on scientific issues without having heard the experts' evidence.

For instance he ignores the threat to most of the habitat of the Blanding's turtle because he thinks the only concern is mortality on the road. He also makes it clear that he believes the Endangered Species permit 'to kill and harm' will benefit the turtle and the Tribunal should have accepted it as adequate mitigation of harm. And he says, even if Gilead does not follow the conditions of the Permit, the MNR can always revoke it – after the turbines and roads have been built and the habitat destroyed.

To back up his opinions he quotes Gilead's experts. He never mentions Fred Beaudry or Kari Gunson, the acknowledged experts on the Blanding's turtle.

He agreed with Gilead and the MOE that it was PECFN's responsibility to determine the population of the turtle on the site. If we and the MOE don't know how many turtles live there then no one can say what harm will be serious and irreversible. So the destruction of the site can go ahead.

This is a flawed decision that if it is allowed to stand as provincial law it will make any appeals to the Environmental Review Tribunal or Divisional Court obsolete. And it will kill any possibility of Ontario citizens being able to protect wildlife habitats or endangered species.

The PECFN executive has talked with our lawyers Eric Gillespie and Natalie Smith. We will be conferring with other environmental and conservationist organizations for their opinions on how to respond to this ruling - organizations such as the Ontario Environmental Commissioner, Nature Canada and the Suzuki Foundation. We will also talk to EcoJustice who, with Ontario Nature and the Wildlife League, have a lawsuit against the Province's change to regulations that gut protection of endangered species.

Together we will decide whether and how to request leave to appeal this decision at the Court of Appeal.

We have 15 days to serve notice for a leave to appeal which must be filed March 12. 3 judges will consider our submissions and decide if we will be allowed to appeal this flawed decision. The process can take weeks.

Meanwhile, we will need to continue to fund raise to pay our legal bills. We are not concerned about Gilead's demands to pay costs since we fall under the definition of 'public interest litigants' who have no financial gains at stake. Previous court rulings have made that distinction. The Ostrander Point case should also qualify as a 'novel question of law' that society requires to be adjudicated. The implications of this decision have already raised questions about the continuation of a similar appeal at Ernestown. It can be expected to affect decisions about projects at White Pines and Amherst Island.

The Executive believes that Judge Nordheimer's decision should not be allowed to stand. We believe that Environmental Review Tribunal oversight of industrial development within wildlife habitat and IBAs should be strengthened not undermined. We believe that Ontario citizens should defend Endangered Species.

We will keep you informed.

OPEN LETTER TO MINISTER BRADLEY

Dear Minister Bradley

Below you will find a suggested letter to send to Minister Bradley. Feel free to embellish the letter with your own thoughts. I also suggest you copy it to Premier Wynne. Our goal is to exert some political pressure on the government so that they will take another look at Ostrander Point and realize with the rest of us that it is the worst place for wind turbines. Thanks for doing this. *Cheryl Anderson, PECFN*

Minister Bradley: minister.moe@ontario.ca

Premier Wynne: premier@ontario.ca

Open letter to Minister Bradley:

The Prince Edward County Field Naturalists strongly believe that the Ostrander Point Crown Land Block should not be developed. Environment Canada, Nature Canada, Ontario Nature, the Suzuki Foundation, the Sierra Club, the Audubon Society, Bird Life International and the Royal Society for the Protection of Birds all agree. Putting wind turbines in the middle of an Important Bird Area, the identified home of several species at risk and imperilled global alvar habitat is not environmentally responsible.

Minister, it is time to put a stop to this ill conceived idea. The people of Ontario expect their government to protect important wild places and endangered species. Demonstrate your respect for environmental sustainability and show that your government is really “green” by cancelling the wind turbine project at Ostrander Point.

Save Ostrander Point



Sat. April 12

Gala Dinner & Art Auction



Tickets \$65

includes wine donated by the wineries
of Prince Edward County



**PEC Curling Club lounge
Picton Fair Grounds 6pm**



For tickets call Sandra 613-393-5577

or go to www.SaveOstranderPoint.org

LAKE ERIE MIGRATION AREA SAVED

An area of Ohio shoreline where birds stage on their way to Point Pelee is one step closer to being kept free of turbines. Two projects were planned close to the Black Swamp Bird Observatory until it and the American Bird Conservancy threatened to sue. The National Guard, one of the proponents, suspended their project.

The bird organizations intend to use the legal research from this case to lobby for statewide laws to better regulate wind-turbine site selection. Mark Shieldcastle, a retired wildlife biologist who for years led Ohio's bald-eagle recovery efforts for the state Department of Natural Resources, said the shoreline projects have been a "black eye" for the wind industry and made a "mockery of the federal government's guidelines" to protect birds.



Biodiversity Research Institute recently published a study for the US Fish and Wildlife Service confirming the importance of Great Lake shorelines for migrating birds and bats and the harm that turbine siting threatened. <http://www.briloon.org/research/research-programs/wildlife-renewable-energy-program>.

Like the Tribunal appeal of Ostrander Point this victory should encourage groups around the Great Lakes to continue to inform the governments of Canada and the US that they must live up to their responsibilities to the Migratory Bird Act.

WHO OWNS GILEAD?

2 weeks after the Tribunal decision was announced against Gilead, its owner Jovian Capital was bought by Industrial Alliance Insurance. Mike Lord had a busy summer. Was it worrisome or not?

I have learned three new bits:

1. Gary Litwack, Jovian Board member, is a Partner with McCarthy Tetrault! So he is their direct connection to the legal firm.
2. John Ross Moses, Board member, previously served as an Executive Officer with both the Ontario Ministry of Industry and Tourism and the Ontario Ministry of Municipal Affairs and Housing; and is the Chairman and Past President of The Nicholson's Island Club (off PEC)
3. Murray Edwards, 30% owner of Jovian Capital, has a long time relationship with Industrial Alliance so the ownership change is not a big issue.

The previous board members of Jovian made shareholders angry in 2012 by giving themselves a big payout after they sold pieces of the company to Koreans.

So this move may have been Edwards' and others' assurance to shareholders that the company was under control.

How much the Tribunal decision would have upset these big money boys is hard for us to know.

I have also attached a history of the environmental destruction of Edwards' tarsands operation, including the one ongoing at Cold Lake.

The Northern Journal is by local people in the Wood Buffalo region where Alberta is leasing to tarsands operations hand over fist. The breeding grounds of the Whooping Crane. And the larder of First Nations.



MONARCH BUTTERFLIES' NEW POPULATION LOW RAMPS UP FEARS OF MIGRATION'S COLLAPSE

IVAN SEMENIUK - SCIENCE REPORTER
The Globe and Mail Jan. 29 2014,

The latest count of monarch butterflies overwintering in Mexico suggests the insect's North American migratory population has hit a new low

and may be at risk of disappearing altogether.



The dire forecast, announced Wednesday, is based on the the amount of Mexican woodland occupied by the orange-and-black butterfly during its annual hibernation. In December, that space shrank to a mere two-thirds of a hectare, an area not much larger than a football field and 44 per cent smaller than that inhabited by monarchs during the previous winter.

The result is the lowest since conservationists began tracking monarch winter populations and it has sparked a renewed call for pro-active measures.

“We’re gambling with this,” said Omar Vidal, director of the World Wildlife Fund Mexico, which gathered the monarch data. “If we don’t take immediate action, we are very close to losing this migratory phenomenon.”

While monarchs as a species are widespread around the globe, it’s the astonishing migration of the eastern North American population – the most highly evolved in the insect world – that experts fear is at risk.

Each spring, waves of butterflies move northward from a region of high-altitude forest in Mexico’s Sierra Madre and fan out across the U.S. and Canada from the Rockies to the eastern seaboard. Since the butterflies normally live no longer than six weeks, it typically takes three generations for them to reach the northern limits of their range. At that point, regulated by as-yet unknown genetic signals, a fourth “super generation” emerges with the ability to survive up to eight months, during which individual butterflies endure a 4,000-kilometre flight back to Mexico.

The areas where they congregate to spend the winter are so densely packed with butterflies that conservationists do not attempt to count their numbers but instead use GPS to make an accurate estimate of the total area covered by the insects. In past years, that area has topped more than 18 hectares in as many as 17 discrete clusters. This winter, Mr. Vidal said, only seven clusters were found.

The overwintering phenomenon was first documented in 1976 by University of Toronto zoologist Fred Urquhart, whose startling find was popularized in the Imax film *Flight of the Butterflies*. Conservationists have been measuring the butterflies’ total overwintering area since 1993, and have observed a steady decline in its size over the past 10 years. This has mirrored a lower number of monarchs returning north each year, with the insects seeming to have all but disappeared from Canadian meadows and gardens last summer.

“It was a very quick and shallow migration last fall,” said Don Davis, who chairs the Monarch Butterfly Fund, a conservation charity, and who has participated in butterfly counts in Ontario since 1967 when he began working with the late Dr. Urquhart.

Experts cite multiple reasons for the downward trend. Efforts by the Mexican government to curtail illegal logging in the monarch region is having a positive effect, conservation groups say, but that has been outweighed by the negative effects of intensified agriculture and the use of herbicides in the U.S. Midwest. This has eliminated areas where milkweed, a plant that is crucial to the monarch life cycle, can grow.

Land-use changes in Canada could also be threatening monarch survival. Phil Schappert, a Halifax-based insect biologist and author, noted that the Canadian government’s reworking of the Navigable Waters Protection Act in 2012 “removes all protection of the lands bordering waterways” including monarch breeding areas.

Mr. Vidal said that the low winter number was a wake-up call that should put butterflies on the agenda when the leaders of all three countries meet in Mexico next month. “I think it’s time now for [them] to sit and agree on an immediate plan of action to conserve the monarch,” he said.

Myrna Wood



by Amy Bodman

BELLEVILLE DOWNTOWN DOCFEST 2014 GOES GREEN!

Along with teaming up with the Quinte Field Naturalists and the CORE café to help “reduce consumption, waste and pollution, reuse what we have, and recycle everything we can” during the festival itself, the **Belleville Downtown Docfest, which runs Feb. 28- March 2** at various venues in Belleville, is showing a plethora of interesting documentaries that deal with the environment. Among them are five award winning features: ***People of a Feather***, a film about the Inuit of Belcher Islands and their relationship with the imperiled Eider Duck, ***Revolution***, a film that seeks to inspire change in response to the dire state of our planet and in particular, its oceans, ***Trashed***, a film featuring Jeremy Irons that examines our global waste problem, ***Gold Fever***, a film that offers “a hard-hitting look at the destructive and exploitative impacts of transnational mining” and ***Watermark***, a film that is “part wonder, part lament, a poetic and thought-provoking reflection on this most precious resource (water).”

Featured as well are a number of environmentally inspired shorter films. ***From Earth to Table***, a film that tracks the journey of produce grown in PEC to the tables of Belleville, ***Old Growth, and Just Passing Through*** are made by local filmmakers Michael Brethour and Tess Girard. ***The Price of Gold*** examines the history, the industrial significance and the environmental repercussions of the Deloro Mine in Madoc. ***Northwords*** follows Shelagh Rogers and five Canadian writers as they explore the Torngat Mountains National Park in Labrador and contemplate the state and significance of the North.

Two other films worth mentioning are ***Pina and Reclaimed***. Both deal with our connection to the environment through the arts. Wim Wenders’ ***Pina*** is an homage to the great German dancer and choreographer Pina Bausch who was one of the first to stage dances outside and in response to the living environment around us. The short film ***Reclaimed*** is a “poetic portrait of Toronto artist Matt Durant who uses salvaged and reclaimed materials as a canvas to create beautiful pieces of art.”

However, the most environmentally friendly screening at the festival – the screening that most employs the use of the three R’s - is ***Quinte at Home: Vintage Home Movies from the Quinte Region***. At this screening, home movies shot between the 1930’s and 1970’s will be shown in their original formats on vintage projectors – saving it all from an anonymous demise in the landfill sites.

To find out more about the documentaries at The Belleville Downtown Docfest and when and where they are playing, please go to their website at <http://downtowndocfest.ca/festival-2012/2013-film-schedule/>

September was the time to renew your membership. If you renewed or paid your membership after April 2013 your membership is good until September 2014. Please print and complete the form and submit it with your annual dues. You may also complete and email the form; however, we still need the money! *Check with our Membership secretary, Agneta, at our next meeting to see if you are 'paid-up'*

Membership Application Form

Annual membership fee is \$15 single, \$30 family. Membership year begins in September.

Name:

Address:

Phone Number:

E-Mail:

What other environmental organizations do you belong to? Please check:

Ontario Nature

Prince Edward Point Bird Observatory

Quinte Field Naturalists

Kingston Field Naturalists

Other – please specify

Please indicate your specific natural environment interests:

Birds

Insects

Reptiles and Amphibians

Plants and trees

Fish

Geography

Environmental issues

Other

ONTARIO NATURE'S CONSERVATION AWARDS



Conservation Award winners (left to right) Tom Cosburn, Philip Gosling, Chris Earley, Sheena Kennedy (for Myrna Wood, Prince Edward County Field Naturalists) Jarva Jalava, Don McLean Kati Bruch

Community involvement defines the character and approach of Ontario Nature. With its member groups and individual members, Ontario Nature has made a significant impact on conservation issues in communities across Ontario and continues to build a natural legacy for future generations.

ON NATURE - ONTARIO NATURE'S BEAUTIFUL MAGAZINE

Ontario Nature is the province-wide organization that works to protect "wild species and wild spaces". Founded in 1931 as the Federation of Ontario Naturalists, it now has over 140 member groups and 30,000 individual members. PECFN is one of the member groups, of course, but there's nothing stopping PECFN members from helping Ontario Nature with its projects and activities (which are impressive, as you can see if you go to its website, <http://www.ontarionature.org/>) by becoming individual members of it as well. And one of the benefits of joining is getting the quarterly magazine *ON Nature*.

ON Nature combines vivid photographs and really interesting subject matter. The fall 2013 issue, for example, contains an editorial explaining how the Ontario government has undermined the *Endangered Species Act*; maps showing increases in annual mean temperature in the province over the past 40 years, which you can show to people who say, "But the earth can't be getting warmer, it was so cold this winter!"; an article on declining bumble bee numbers, in case you thought honey bees were the only ones we had to worry about; and not merely a three-quarter page story on the Ostrander Point struggle but also a short piece on the award Ontario Nature gave PECFN for its many other achievements (with a picture of our own Sheena). And that's just a selection of the contents.

The winter 2013/14 issue discusses Ontario Nature's court challenge to the provincial government on the *Endangered Species Act*; describes the adventure of winter camping; reports on owl prowls around the province (wonderfully illustrated); debunks some common beliefs about the Massassauga rattler (pictures not for the ophidiophobic); and points the finger at house cats as the killers of more than twice as many birds as all other causes combined. And that's just a selection, too. There's always news about other naturalist and environmental groups, so we don't have to feel alone in the fight to protect the only world we've been given, and there are always mouth-watering ads for vacations, books, edibles, gear and neat nature-related stuff generally ...Join Ontario Nature and get *ON Nature* thrown in; or at least borrow the copies on display at every PECFN meeting!

Elizabeth Cowan

Minutes Jan 6, 2014

Executive Meeting, Picton Library

Present: Sandra Dowds, Myrna Wood, Sheena Kennedy, Sheila Kuja.

Absent: Elizabeth Cowan, Cheryl Anderson, Agneta Sand.

1. Approval of the Agenda
2. Minutes of Dec 2 approved.
3. Status Reports:
 - A. Membership. No report
 - B. Treasurer's report – Sheena reported:
 - OPAF account \$8344.89
 - PECFN account \$4107.11
 - Winter arrangements \$2350
 - Book & crafts sales and donations \$757

Transferring funds from Pecfn to OPAF will allow us to pay Eric another \$10,000.

MOTION: Transfer \$3107 to OPAF account and pay Gillespie Legal firm \$10,000 Moved by Myrna, Seconded by Sheila. Passed unanimously.

C. Fund raising Committee

Watermark Film Jan 13 - Rick Conroy will be MC, and Suzanne Pasternak will perform.

Last minute discussions about the introduction to the film. There will be no displays or collection jar.

We discussed several ideas including:

Wellington Legion dinner – Sheila will discuss ideas with John. (Story tellers, Mystery games)

Gala dinner in March or April at the Curling Club – Sandra will find possible dates and then we will approach chefs.

Garden tour – Sat May 10 tentative date, Sandra will approach possible lunch venues. Bus tour of gardens afterwards.

Myrna will submit these ideas to the fundraising committee for work up.

D. PEPtBO - NA

E. Ostrander Point and Tribunal

Myrna reported on Natalie's preparation of our response to the counter appeal and Gilead's Motion of New evidence, as well as the Intervenors CanWea and SS Conservancy.

Plans for Toronto Court- We will send a message to our members asking for car pools to and from Toronto Court. Another message should be sent to the donor's list to reach people

in Toronto who might want to attend the Court hearing. Deadline for these messages: Jan 13-14.

Council update Jan 14, 7pm Shire Hall. We are on the Council agenda to give an update on Ostrander. Attached.

Ccsage report – Sheena reported that members of CCsage are continuing to do research. She will update them on the Court proceedings.

South Shore Coalition update – Myrna reported that an initial draft of the Official Plan has been circulated, however the environmental section has not been included.

F. Newsletter – Sandra will plan for Feb 15 deadline. However, depending on the Court’s decision, we may change the date.

G. Ontario Nature – Sheila reported that Caroline will get information on tax receipts and report back.

4. OUTINGS

Feb 24 Presqu’ile

5. INDOOR PROGRAMS

Jan. 28 Members night – Sandra will send out a request for members’ plans on presentations.

Feb. 25 Kari Gunson – Sheila will contact her

March 25 Terry Sprague – Sandra will contact

Matt Ellerbeck Save our Salamanders – QFN – John Blaney - Myrna

April 29 Kawartha turtle Trauma Centre

May 27 AGM James Kamstra has cancelled so we need to find a replacement. We will ask Terry for ideas.

6. New Business

Next meeting: Feb 3 Confirmed at the Picton Library