

The Shoreline Journal Tid-Bits

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Forestry Trust Announces Funding for New Program

The Nova Scotia Forestry Innovation Transition Trust is investing \$9.85 million in a new program to support businesses facing increased costs from adopting more sustainable forestry practices.

Under the Ecologically Sustainable Forestry Equipment Program, businesses will be able to apply for a grant to help with the cost of buying or retrofitting equipment for sustainable harvesting operations. An eligible business could receive up to \$500,000 in total from the program.

Available grants include: Up to 35 per cent of the purchase price for new equipment (maximum grant of \$250,000); up to 30 per cent for used equipment (maximum grant of \$125,000) and up to 30 per cent for retrofits (maximum grant of \$100,000).

The trust is developing criteria and application requirements for the program, which will be administered through Nova Scotia Community College (NSCC).

More Support for Income Assistance Recipients with Disabilities

The Province is creating a new funding stream to support income assistance clients with a disability or serious medical condition while taking action on the human rights remedy. Beginning in April, the Income Assistance Disability Supplement will provide an additional \$300 per month to people on income assistance who are not currently in the Disability Support Program.

This approach aligns with other provinces and recognizes the higher cost of living with a disability and barriers to participating in the workforce. The disability supplement will benefit more than 60 per cent of recipients of the Employment Support and Income Assistance program - about 15,000 people. Eligibility will be recognized through existing medical documentation, and clients will begin receiving the increase automatically.

The Province is also taking action to address the Human Rights Review and Remedy for the Finding of Systemic Discrimination Against Nova Scotians with Disabilities, including: Creating new positions in the Disability Support Program to help people living with disabilities navigate the community resources available; expanding and modernizing the technology used in the Disability Support Program and analyzing current addictions and mental health programs to determine how to better support people with intellectual and mental health disabilities living in community.

This work is part of a larger series of initiatives planned for the next several years to transform the Disability Support Program and improve the lives of people living with disabilities in Nova Scotia. The new funding stream represents an annual investment of \$53.3 million. The Nova Scotia Human Rights Commission issued a decision and interim settlement agreement on the remedy recommendations on June 29, 2023.

New Acting Director of Public Prosecution Service Appointed

Attorney General and Justice Minister Brad Johns has accepted the resignation of Karen Hudson, KC (King's counsel), as acting director of the Nova Scotia Public Prosecution Service (PPS). Ms. Hudson is stepping down for health reasons. Ms. Hudson served for many years as executive director of Nova Scotia Legal Aid before being appointed deputy attorney general and deputy minister of justice in 2016. She came out of retirement to be appointed acting director of the PPS in July.

Eric Ralph (Rick) Woodburn, KC, a senior Crown attorney with the PPS, has been appointed acting Director of the PPS for a term of six months effective November 23.

Funding for Flood-Damaged Trails

Trails in Nova Scotia that were damaged in the July floods play an important role in the daily lives of Nova Scotians. The Province is investing \$5 million to fix them. Non-profit organization, NS Trails, will be helping groups access the funding, which will be used to pay contractors to repair trails and reimburse community groups for work they have already completed.

More than 45 trails, all located on provincial government land in Annapolis,

Colchester, Guysborough, Pictou, Queens and other counties, will be repaired. More trails could be added if additional damage is identified.

Locally, the following trails being repaired and trail organizations include: Colchester Five Islands ATV Club, Colchester County; Hants Snow-Dusters, Hants County; Cumberland Snowmobile Club and Sutherlands Lake Trail Groomers, Cumberland County

News from our Provincial Council - Dave Ritcey

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ground search and rescue teams will soon have access to new mental health supports.

On November 11 I was honoured to lay wreaths of Remembrance on behalf of the residents of Truro- Bible Hill-Millbrook-Salmon River and the Province of Nova Scotia.

After the cenotaph, I visited the Millbrook Community Hall for a beautiful dinner and speeches honouring past and present members that served.

Later in the afternoon, I stopped at both the Royal Canadian Legion Branch 26 Truro and the Royal Canadian Air Force Association Truro and Colchester Wing for good conversation, entertainment and food. It is always so great to have the opportunity to speak with our veterans and community members. Lest We Forget.

On November 13 we had a fun afternoon decorating cookies for Day 1 of the Holiday Smile Cookies at Tim Hortons. Purchasing a #HolidaySmileCookie between November 13-19th at one of our local Tim Hortons will support two amazing groups- the Colchester Community Support Society/Colchester Food Bank and the Tim Hortons Foundation Camps.

On November 15, I was pleased to join MLA Larry Harrison of Colchester-Musquodoboit Valley and the Honorable Tory Rushton, MLA for Cumberland South and Minister of Natural Resources and Renewables for the Tree for Boston Cutting Ceremony on the Gourley family property in Stewiacke.

On November 16 I dropped off my family's donation to the food bank and was joined by Deputy Mayor of Colchester County Geoff Stewart and Shelly DeViller, Executive Director for the Colchester Community Support Society - Colchester Food Bank.

The food bank collected a total of 17,742lbs of food as part of the 1st Annual Foodbank Fight Challenge.

Protect Wentworth Valley Launches Judicial Review

By Maurice Rees

Protect Wentworth Valley's Community Group Questions Critical Government Decision by launching Judicial Review. Protect Wentworth Valley is a committee of the Folly Lake Wentworth Valley Environmental Preservation Society (Society). The Society's mandate is to protect the special ecology and biodiversity of the Wentworth Valley area and support the sustainable human enjoyment of it.

On Wednesday, October 18, 2023 Juniper Law, Counsel representing Folly Lake Wentworth Environmental Preservation Society submitted on the Society's behalf a brief to the Supreme Court of Nova Scotia supporting their request for a Judicial review of the Nova Scotia Minister of Environment and Climate Change (The Minister) conditional environmental approval decision concerning the Higgins Mountain Wind Farm Project issued May 4, 2023.

It is the position of the Society as outlined in the brief that the Minister's decision is unreasonable. The Society is requesting of the court to remit the Decision back to the Minister to be remade in consideration of the court's decision.

The Society spokesperson Nancy Frame notes the society was very concerned after a review of the documents required to be provided by the province to find that the decision-making process followed by the Minister and his Department resulted in a decision not to approve the project (and to request additional information from the proponent) as of May 3, 2023 and that the Minister changed his mind in the 24 hours before the final decision released.

As explained in the brief this fact makes it extremely difficult to see a rational chain of analysis leading to the final decision. Indeed, the rational chain of analysis resulted in a decision not to approve the project. The last-minute flip flop suggests arbitrary decision making on the part of the Minister. The Society and Protect Wentworth Valley wonders what factors in that 24 hours period caused the Minister to change his decision after approximately 50 days of review and analysis by him and his department.

In the submission to the Court the Society states that the Minister's decision to approve the project was unreasonable on the following grounds:

The Minister unreasonably concluded that the terms and condition attached to the decision to approve the project would adequately mitigate the Project's adverse effects on the endangered Mainland Moose and their habitat.

The Minister failed to adequately consider the factors he was required to consider on the s 12 of the regulations when deciding to approve the project including:

The concerns expressed by the public in formal comments submitted during the 30-day public review period of the Projects EA document. The briefing states that a total of 187 (122 unique) comments were received including 88 letters of opposition, 21 comments that did not express opinion and 13 letters of support. Primary concerns received from the public included potential impacts on Wildlife, wetlands and water quality, tourism, electromagnetic interference, and visual impacts. The number of public comments on this project is significant as compared to other sim-

ilar projects as is outlined in the brief. Evidence provided as a result of the judicial review process indicates a lack of review and response to public concerns.

The Project's adverse effects on the endangered Mainland moose a species at risk listed under the Endangered Species Act, with a Recovery Plan identifying core habitat for potential designation within the Project area, as required by s12 (c) of the EA regulations and

The cumulative effects of all wind farm projects in the area, as required by s 12(h) of the EA regulations.

The brief filed on October 18, 2023 on behalf of FLWEP concludes that:

The lack of explanation in the Minister's decision concerning the public concerns, the impacts on the mainland moose, the impacts on the current land use of the area for recreation and tourism, and the deficiencies in the EA Registration Document regarding cumulative effects demonstrates a fundamental failure in the requisite rational chain of analysis. There is no rational connection between the Minister's decision and the claim that the decision (with conditions) mitigates adverse environmental impacts identified in the Record and in the EA Registration document.

Granting the EA approval without including the advice from the DNRR regarding Mainland Moose, without adequate consideration of the concerns expressed by the public and the current uses of the area, and without the necessary information on cumulative impacts is contrary to the Environment Act's purpose.

In light of these purposes, the statutory requirements and the context expressed above, the decision lacks the "internally coherent and rational chain of analysis" and justification "in relation to the facts and law that constrain the decision maker" and is thus unreasonable.

The judicial review is scheduled for a one-day hearing on January 2, 2024. For additional information related to this release please refer to our website www.protectwentworthvalley.com, email info@protectwentworthvalley.com or call Nancy Frame 1-902-899-0843 or Leslie Dykeman 1-506-866-6393.

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