

## Environmental Review continues

The Environmental Review Board (ERB) hearing into the appeal of Dufferin Wind Power's (DWP) Renewable Energy Approval (REA) began Tuesday with scheduling and arguments over whether the Ministry of Environment (MOE) should be prepared now to debate a Constitutional issue.

It is continuing until at least Sept. 24, but not sitting in Shelburne on Sept. 2, 5, 6, 16, 17, 19 and 23, according to published dates. The specific itinerary, listing who would be appearing when, could not be obtained in time for this week's press.

The Constitutional issue appears to be of pivotal consequence. Davis LLP lawyer David Crocker, representing Conserve our Rural Environment (CORE), said in a brief interview it deals with life, liberty and enjoyment of property under the Charter of Rights. The ERB technically is mandated to rule on health of humans and animals, plant life and irreversible damage to the environment.

On Tuesday, Frederika Rotter, counsel for the MOE, said the ministry was four weeks into the hearing when learned of the Charter issue. She said the ministry has to respond to the health issue and also to the charter one, and cannot schedule at this time.

But lawyer Eric Gillespie, representing appellant Dennis Sanford, alleged that the position being taken by the ministry is fundamentally flawed as there should have been adequate time, but also indicated disagreement about what disclosures should be made by whom.

Tribunal Chair Heather Gibbs warned the parties that there are specific deadlines; that the final report must be issued within 6 months of the filing of the appeals.

If not completed within that time, she said, the REA stands.

**By Wes Keller**