

From: Kingsburg Coastal Conservancy

To: John MacDonell, NS Minister of Natural Resources

Re: **Lack of Clarity in Beaches Act causes upheaval in communities.**

Dear Minister MacDonnell,

I'm writing to you on behalf of the Kingsburg Coastal Conservancy in regard to the Beaches Act. Even though we continue to be concerned about The Beaches Act as a whole, this letter was prompted by recent events at Kingsburg Beach. As you know, Kingsburg Beach has been the test case for previous policy decisions in regard to NS beaches. Every time this has happened, the Kingsburg community has been torn apart and volunteers have been forced to abandon their normal lives and devote themselves to addressing the issue. The trigger this year was the unexpected appearance of an elevated boardwalk on the protected portion of a private lot.

**Lack of Information causes problems.**

In response to the construction, several people contacted DNR and were told that the structure was approved, but that confidentiality rules prevented DNR from revealing the details. This lack of information made people fear that the Beaches Act is being reinterpreted in a way that is inconsistent with their expectations of protection. With no explanations from DNR about the reasoning behind their plan, or how it fits in with the management of the beach as a whole, people in the community have no reason to feel secure.

**Lack of Transparency causes distrust & anger.**

Unfortunately, the issues go beyond the boardwalk. Shortly after the boardwalk was built, rumours began circulating that the owners of a different lot, entirely within the protected zone, were about to apply to build a house. DNR's approval of the elevated boardwalk heightened suspicions and made it seem believable that DNR would also approve house construction in the protected zone. This fear was exacerbated by construction at nearby Sand Dollar Beach, on what many experts and local people believe to be a wetland. People are beginning to conclude that the Beaches Act and the Environment Act don't mean much. Because DNR is under no obligation to inform the community when new applications are being considered, or even when best practices for beach protection are being modified, and because there is no overall plan for management of the beach, the community has been left to imagine what might come next. The tension and dread are palpable. Only transparency can restore public trust. We need laws that do what they were intended to do, and are applied in an open, consistent, and equitable manner.

**Change is Needed.**

Many Kingsburg residents have contacted us in distress about the unexplained construction, the exceptions that might come next, and the unintended impact of the boardwalk. In response, we have talked with scientists, a lawyer, and the Ecology Action Centre, and arrived at the recommendations listed in Appendix A & Appendix B. Many local people have told us how much faith they have that the NDP government is different and will fix environmental problems. Please fulfill their expectations by considering our recommendations.

Marion Homer, Chair, Kingsburg Coastal Conservancy

cc: Harold Carroll, Art Lynds, Department of Natural Resources  
Don Downe, Don Zwicker, Municipality of the District of Lunenburg  
Pat Crittendon, representing the Kingsburg Beach Action Committee

## Appendix A

### KCC Recommendations for Protected Beaches

#### Short-term Actions

- a. share information with the public,
- b. acknowledge problems in the current system,
- c. commit to change,
- d. institute an immediate moratorium on all construction (including access points) on protected beaches, pending development of new legislation.

#### Long-term Recommendations for policy & legislative changes for protected beaches:

1. Create new legislation that requires planning decisions for environmentally sensitive areas to be based on the good of the whole area, rather than looking at each lot as an isolated unit. Develop Beach Management Plans that clearly describe what is environmentally best for each protected beach, both in terms of redressing existing problems and also preventing new ones. If such an approach were applied to the current situation at Kingsburg Beach, it would be possible to address two significant concerns:
  - a. the visual pollution & environmental damage that would be created if every house on the beach were to have an elevated boardwalk.
  - b. the damage to dune grass and dune that has already resulted from people who park at the public access point, see the boardwalk, and walk over the dunes to use the boardwalk to cross the rocks leading to the beach.

A broad-based solution is needed. Such a solution might include the prohibition of building of any kind in some environmentally sensitive areas, while allowing a limited number of clearly marked and environmentally sound access points in other areas. Environmentally sensitive areas are a special case that requires compromises and comprehensive and creative planning.

2. As new legislation is being created, seek community input and feedback.
3. Turn operating policies into written guidelines that are readily available to everyone. When best practice guidelines are changed, revise & redistribute the revised rules.
4. When drawing boundaries for protected areas, take into account the fact that our beaches are migrating landward; include a buffer area the current beaches can migrate into.
5. Publish maps that use GPS coordinates to clearly identify the boundaries of areas affected by the new legislation
6. Create an open and transparent application process for exceptions to the standards set in the new legislation and each beach management plan. Before any decisions are made, notify neighbors and advertise meetings that will allow questions from the public and input from outside experts.
7. Provide written criteria to be used in evaluating applications for exceptions to the new legislation and the beach management plans. Even if each case is somewhat individual, there must be general considerations that apply across the board.
8. Work with municipalities to coordinate protection of environmentally sensitive areas. If municipal zoning will enhance the protection provided by provincial legislation, then collaborate with the municipalities to provide that extra layer of security.

## **Appendix B**

### **KCC Recommendations Specific to Kingsburg Beach**

We recommend that a coalition of concerned parties, including the Municipality of the District of Lunenburg, hire a respected environmental consultant to prepare a beach management plan that will use the existing scientific reports and local knowledge as a basis for answering practical questions about the Kingsburg Beach eco-system. Some of these questions would be:

1. Are there any areas of the beach that are so fragile that they should be restricted from human use? If so, what is the best way to identify and protect them?
2. How many visitors can the beach tolerate in a day? (carrying capacity)
3. If the carrying capacity can support visitors, how many access points (public and private) would be ideal, and where should they be located to minimize environmental damage and community disruption?
4. How should the access points be set up? Parking spots? Boardwalks?
5. Are any seasonal or annual adjustments beneficial?
6. Are there any environmental concerns related to existing homes, roads, driveways, or access points, and how could they be addressed?
7. How is this beach likely to be affected by sea level rise and increased storm surge? How should this prediction influence future plans?

The Kingsburg Community should be invited to review and have input to the draft report before it is published. The final report should then be made available to the public, so everyone has a clear idea of what is best for the beach. Once that information is available, it will be easier for individuals and government to work together toward common goals such as municipal zoning that coordinates with the management plan.